

**GEO-POLITICAL DYNAMICS INFLUENCING MARITIME DIPLOMACY
BETWEEN KENYA AND SOMALIA**

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**A Thesis Submitted in Partial Fulfillment of the Requirements for the Conferment of
Degree of Master of Diplomacy and International Relations of Masinde Muliro
University of Science and Technology**

June, 2025

DECLARATION

This thesis is my original work prepared with no other than the indicated sources as supported and has not been presented elsewhere for a degree or any other award.

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CERTIFICATION

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DEDICATION

I dedicate this work to my beloved guardian mother Salina Jelagat Kiplagat.

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ABSTRACT

Globally, there has been an often emergence of maritime border disputes. For example, maritime disputes between China and Vietnam, China and Philippines, United Kingdom and Argentina over Antarctica just to mention a few cases. The Horn of Africa region, one of the clusters of conflict in Africa, is unique in that it is triangularly hemmed by large bodies of water; the Nile River in the West; the Red Sea in the North, and the Indian Ocean in the East. The Somalia- Kenya relation is imminent and existed before 2008. Since 1963, the Kenyan-Somali irredentism factor has been a constant threat on Kenya's sovereignty, political stability and foreign policy. The general objective of this study was to investigate Geo-political dynamics influencing maritime diplomacy between Kenya and Somalia. The objectives of this study were to: evaluate the geopolitical factors that occasion maritime border dispute pertaining to diplomatic relations between Kenya and Somalia, assess the nature of maritime diplomacy between Kenya and Somalia, and examine the challenges and opportunities of maritime diplomacy in regard to territorial cooperation between Kenya and Somalia. The study was anchored on a conceptual framework guided by three theories; Theory of Geo-politics, Power theory, and nascent diplomatic theory. This study used descriptive design. The target the population of Mombasa and Lamu in Kenya and Ras Kamboni in Somalia. The categories of the study population included Household heads Diplomats, Officials from the Ministry of interior and National Government coordination, Security Personnel, Kenya Coast Guard, Opinion Leaders, Legal Experts, Law Makers, local administration Officials, and Officials from Ras-Kamboni Brigade. The sample size for household heads was 384 based on fisher's formula. The study utilised multi-stage, purposive convenience and simple random sampling techniques. Primary data was collected using Questionnaires, Focus Group Discussions, Key Informant interviews. Study also utilized secondary data. Quantitative data was analyzed using SPSS version 25 and presented inform of frequencies and percentages through tables and graphs. Qualitative data was analyzed using thematic techniques and presented as narrative reports and verbatim quotations. The main findings of the study: The Indian Ocean contested area provides a source of income and livelihood for fishermen and is believed to have vast oil and gas deposits, which explains the global attention it has attracted. Additionally, international boundaries are the sharp edge of the territories within which states exercise their jurisdictions, the lines that mark the legal termination of the territory of one state or political unit and the start of another. Border synonyms include frontiers, borderline, boundaries, and borderlands. The study findings inform policies on the need for states to strike a balance between efficient border control and the need to strengthen cooperation hence a proficient border management system is vital for the economic advancement of both the state and the wider region. The overall conclusion of the study is that a myriad of geo-political factors influence the maritime diplomacy between Kenya and Somalia. These intersections of factors have been at the center of the maritime border dispute between Kenya and Somalia which is deeply embedded in a broader geopolitical context. The study made the following recommendations. First it is crucial to conduct comprehensive and unbiased assessments of the historical, cultural, and economic factors that contribute to the dispute. Secondly, both countries should prioritize creating dedicated diplomatic channels for maritime issues and finally enhancing maritime diplomacy and fostering territorial cooperation between Kenya and Somalia requires addressing complex challenges and utilizing available opportunities.

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ABBREVIATIONS AND ACRONYMS

AIMS :	Africa’s Integrated Maritime Security Strategy
DCoC:	Djibouti Code of Conduct
DPS:	Directorate of Postgraduate Studies
ECS:	Extended Continental Shelf
FGDs :	Focus Group Discussion
GDP:	Gross Domestic Product
HANGOC:	Horn of Africa NGO Consortium
IOR:	Indian Ocean Region
IOs:	International Organizations
IUU:	Illegal, unreported, and unregulated.
KII:	Key Informant Interview
LAPSSET:	Lamu Port South Sudan – Ethiopia Transport
MASE:	Maritime Security Programme
MMUST:	Masinde Muliro University of Science and Technology
NACOSTI:	National Commission of Science Technology and Innovation
NISA:	National Intelligence and Security Agency
NDT:	Nascent Diplomatic Theory
OAU:	Organization of African Unity
PB:	Permanent Boundary
UN:	United Nations
UNCLOS:	United Nations Convention on the Law of Seas
UNDP:	United Nation Development Program

OPERATIONALIZATION OF KEY CONCEPTS

Diplomacy: is the practice through which governments, groups, or individuals manage and conduct their affairs, combining elements of art and science. This paper examines the strategies employed by Kenya and Somalia to protect their interests and advance their political, economic, cultural, and scientific ties, all while maintaining cordial relations.

Disputes: These interactions involve interdependent individuals who have conflicting aims and experience obstacles from each other in accomplishing their goals. This study examines disputes between Kenya and Somalia, characterized by incompatible differences that lead to interference or antagonism.

Geopolitical factors: Geopolitical considerations pertain to the influence of political authority in relation to geographic space. This study focuses on the territorial seas of the West Indian Ocean and its connection to the diplomatic history of Kenya and Somalia.

Indian Ocean: alludes to the vast body of water situated in the southeastern region of Kenya and the southern region of Somalia, where the contentious maritime boundary is in the western region of the Indian Ocean.

Kenya- Somalia relations: pertains to the official ties that link Somalia and Kenya.

Lamu Port South Sudan–Ethiopia Transport (LAPSSET): An infrastructural initiative aimed at establishing connectivity between the East African nations of Kenya, Ethiopia, and South Sudan. Kenya is leading the implementation of the LAPSSET Corridor Project.

Maritime boundary: In this study, it refers to the maritime boundary in the West of Indian Ocean.

Maritime Diplomacy: In this study, it is the use of various maritime policy instruments to promote peace and maintain good relations between Kenya and Somalia.

State relations: In this study, it refers to the interconnectedness of politics, economics, and law in Kenya-Somalia border.

States: This refers to countries bordering each other. In this study, it refers to Kenya and Somalia.

CHAPTER ONE

INTRODUCTION

The chapter covers the background of the study, statement of the problem, objectives of the study, research questions, justification of the study covering academic justification and policy justification, scope of the study and chapter summary.

1.1 Background to the study

Interstate relations, a fundamental aspect of international relations, encompass the examination of the interconnections between politics, economy, and law at a worldwide scale. Depending on the specific academic institution, international studies can be considered a subfield of political science, an interdisciplinary field similar to global studies, or a distinct academic discipline in its own right. In international studies, students typically take a range of courses that focus on various aspects of global affairs, drawing from social science and humanities disciplines (Thio, 2008). The United Nations Convention on the Law of the Sea (UNCLOS) is a significant legal advancement for settling disputes. However, it does not offer explicit guidelines for resolving conflicting claims. Although UNCLOS mandates cooperation in cases where a deposit extends across a boundary, it does not prescribe a particular resolution, so allowing the involved parties to determine the outcome. The treaty simply states that the allocation of the seabed shall be "fair and just." States frequently employ the median line strategy in practice, which involves drawing a line equidistant from the two disputing countries. This method is preferred because it offers a direct and uncomplicated means of resolving conflicts. The strategy is likewise preferred by international courts (James, 2010).

In the 21st century, China has resolved most of its land border issues, but it still has numerous unresolved territorial and boundary disputes in its maritime frontier, which includes the Yellow Sea, East China Sea, and the South China Sea (Taylor, 2008). These conflicts pertain to crucially important areas of the sea and airspace, and involve countries that have signed treaties with the United States, such as Japan, the Philippines, and South Korea. China's increasing naval power and desire to exert more control over its nearby sea region raises concerns about how China will manage local incidents and foreign challenges related to these disputes. This raises the crucial question of whether China's rise will bring peace or instability to the region (Taylor, 2015). Although China has shown a willingness to make concessions in land border disputes and has reduced its use of force in maritime conflicts during the Cold War, it is still possible that miscalculations and unintentional escalation could occur during maritime events. Maritime disputes are high-risk conflicts with a zero-sum nature that are especially susceptible to escalating instability, as stated by Taylor Fravel. This is due to the fact that claimants are highly sensitive to any perceived challenges to their claims, given the public nature of these disputes. Additionally, international law mandates that states must actively assert and defend their claims, further contributing to the potential for negative spirals of instability (Taylor, 2015).

The Horn of Africa region, which is one of the areas of conflict in Africa, is distinctive because it is surrounded by three enormous bodies of water in a triangular shape: the Nile River to the west, the Red Sea to the north, and the Indian Ocean to the east. The geopolitical fortunes of the cluster are determined by two forces: external and internal. The

Red Sea and the Indian Ocean serve as the maritime boundaries (Munene, 2015, p. 124). Due to its strategic significance, the cluster attracts the attention of extra-continental powers, primarily because it has a potential combined market population of over 280 million people. Partly due to its landward orientation, the entity appeared unprepared for the attention it received, as it failed to consider potential dangers from the water. As a result, it did not invest in effective naval forces, leaving it vulnerable to attacks by enemies with formidable warships (Ferguson, 2011, p. 37). Portugal's superior maritime technology allowed them to systematically conquer local rulers throughout the African coast (Strandes, 1971, p. 1). This region has historically drawn ambitious imperial plans. The geopolitical significance of the region increased after the inauguration of the Suez Canal in 1869, which connected the Mediterranean Sea to the Red Sea. European countries, driven by competition, sought to gain strategically important territory along the Red Sea. Britain annexed Egypt and Sudan, France obtained Djibouti, and Italy seized Eritrea. In addition, they jointly possessed the extensive Somali coastline, resulting in the establishment of colonial territories known as British Somaliland, Italian Somaliland, and French Somaliland. Britain established dominance in the Horn region by exerting control over the Nile River and its tributaries, such as the Blue Nile in Ethiopia, Atbara or Black Nile in Eritrea, and the Great Lakes region. This was done to prevent other powers from accessing the waters. (Fellin, 2013; Tekuya, 2020; Okoth-Owiro, 2004; Ferede and Abebe, 2014, p. 55). Consequently, it exercised dominion over regions extending from Egypt in the north to Sudan, Uganda, and further east to Kenya and certain areas of Somalia. Throughout and following World War II, there were numerous aspirations to transform the Horn into a territorial expansion of an empire. Benito Mussolini, the leader of Italy, aspired to establish a vast Italian empire

encompassing the entire Horn of Africa after successfully conquering Ethiopia during World War II.

In addition, the relationships between African countries have occasionally deteriorated, particularly due to disputes over territorial claims made by neighboring countries. Interstate contacts in Africa, particularly in West Africa and sub-Saharan Africa, have been frequent (Okumu, 2014). African governments that emerged under colonial rule have encountered several obstacles in their efforts to establish and strengthen their independence. The members of the Organization of African Unity (OAU) reached a consensus that African governments would maintain their colonial boundaries upon gaining independence (Ikome, 2012). This solidified the numerous boundaries in their current positions. The procedure mainly overlooked the issues related to both the delineation and administration of maritime boundaries. The Brent Hurst Foundation (2011) argues that these issues were neglected or disregarded during a period when there were other more pressing concerns regarding land borders. The recognition of the marine domain as a significant entity, also known as sea blindness, was a gradual process that took a considerable amount of time. Maritime boundary disputes, some of which have been inactive for a long time, are being worsened by a rising interest in the exploration and use of natural resources. Currently, there are significant border disputes between Cote d'Ivoire and Ghana, as well as between Kenya and Somalia.

In 1991, the government of Somalia experienced a collapse, leading to the outbreak of the Somali civil war. As a result of the absence of an effective central authority, the people of

Somalia turned to local methods of resolving conflicts, such as civil laws, religious laws, and customary laws (Ikome, 2012). The diplomatic relations between Somalia and Kenya have been ongoing and established prior to 2008. In 2009, both countries attempted to formalize their boundary by signing a memorandum of understanding, which stated that the boundary would follow an eastward line of latitude. However, Somalia, which has been without a functional government since 1991, later rejected this agreement in parliament. Somalia has indicated its intention to raise the issue with the United Nations, as it has deemed four of the blocks given in the deep waters to be invalid. The party expressed apprehension regarding the leasing of these blocks and planned to file grievances at the maritime boundary between Kenya and Somalia in the western region of the Indian Ocean. The diplomatic ties between Kenya and Somalia are deteriorating; Somalia shares a border with Kenya to the Northeast and possesses the longest coastline in Africa.

Since 1963, the issue of Kenyan-Somali irredentism has been a persistent challenge to Kenya's sovereignty, political stability, and foreign policy (Matthies, 1974; Mbaya, 2019). Indeed, the maritime dispute might be interpreted as a deliberate tactic employed by Somalia to consolidate and construct 'The Greater Somalia'. Irredentism highlights Kenya's susceptibility to internal and external meddling, as discussed by Buzan in 1983. This battle has deep historical roots and spans across multiple generations. Some Kenyan-Somalis continue to endorse the Somali irredentism movement because they believe it addresses past grievances. The factors contributing to the marginalization of the North Eastern region include: the perception of alienation and marginalization, the implementation of the Shifta counter-insurgency strategy in the 1960s, the use of collective punishment and policing to establish Kenyan lineage for Kenyan-Somalis in the 1980s and 90s, the support of patronage

networks and clan supremacy of the Ogadens during the Moi era, counterterrorism extra-judicial killings, and the crackdown on refugees (Lind et al..., 2017).

As a result, Kenyan-Somalis have experienced a persistent conflict of allegiance between Kenya and Somalia throughout the years. Fahad Ahmed, the current Director of National Intelligence and Security Agency (NISA) of Somalia, is a Kenyan citizen hailing from Mandera. He possesses extensive business holdings and influential connections in Kenya. The clandestine visits of Kenyan Members of Parliament to Mogadishu to meet President Farmaajo have raised concerns regarding the allegiance of elected representatives from North Eastern, Kenya. In addition, the Federal Government of Somalia and the global Somali community seem to be in agreement over the maritime dispute, which makes it difficult for Kenya to unite the entire country in support of its position. The persistent unease among coastal people regarding perceived past injustices and marginalization has significant ramifications for the maritime issue.

The indigenous Bajuni population in Lamu is concerned about the potential loss of their fishing grounds due to the ongoing disagreement. Curiously, from their perspective, it is mostly a problem specific to Kenya and they believe that Kenya should suffer the consequences. Many inhabitants and local leaders in Kenya feel disconnected from the country's national identity. They believe that it is necessary for Kenya to learn a lesson because the needs and concerns of the Lamu people have been consistently overlooked for a long time (Lewis, 2000). The split loyalty arises from the robust religious and trade connections, as well as ancestral heritage, that the people of Lamu share with the inhabitants of the Ras Kamboni region in Somalia. The coastal region has proven to be a highly

conducive environment for the process of radicalization and the recruitment of individuals into terrorist activities.

If Somalia strategically exploits religion to garner support from the inhabitants of the North Eastern and Coastal regions, there is a strong probability that they would align themselves with the Somalian cause, so benefiting Al-Shabaab (Lewis, 2000). Given the circumstances, it is plausible that there could be an increase in terrorist actions in the regions. It is noteworthy that the ongoing large-scale development initiatives in Lamu County, such as LAPSSET and the Lamu Coal Plant, supported by the Kenyan Government, have not received positive support from the local population of Lamu. The projects are seen as more advantageous to individuals who do not live in the area but have obtained jobs. The elected political leaders have a sense of exclusion in matters concerning the nation and their roles, resulting in tensions between the indigenous population and the non-indigenous individuals who were resettled in the area during the 1970s (Rotich, 2020). The unease among coastal populations, combined with the irredentism component in northeastern Kenya, poses a threat to Kenya's attempts to establish robust diplomatic relations with Somalia in the maritime conflict (Rotich, 2020). In light of the foregoing context, the purpose of this study was to investigate the geopolitical elements influencing Kenyan-Somalian maritime diplomacy.

1.2 Statement of the Problem

The relationship between states is a significant symbol of international relations, as it represents the high level of responsibility that is intended to enhance the cooperation

between states (Griffiths, O'callaghan & Roach, 2008). Maritime border disputes have frequently arisen on a global scale. Maritime disputes between China and Vietnam, China and the Philippines, and the United Kingdom and Argentina over Antarctica are just a few examples.

Kenya and Somalia have maintained a long-standing partnership in the fields of diplomacy, politics, and commerce (Osthagen, 2020). Nevertheless, their maritime diplomacy has become more contentious as a result of a multifaceted combination of geopolitical factors. The two neighboring countries in East Africa are currently involved in a dispute over a maritime border in the Indian Ocean, an area that is rumored to contain substantial oil and gas reserves (Anderson, 2019). This disagreement has escalated into a significant diplomatic and legal conflict, with both nations presenting their respective cases to the International Court of Justice (ICJ). It is essential to comprehend the geopolitical forces that are at play in order to comprehend the more extensive implications of this conflict.

Idyllically, maritime diplomacy between nations such as Kenya and Somalia should be founded on international law, territorial sovereignty, and cooperation. According to Powell and Wiegand (2023), these principles have historically been instrumental in the resolution of disputes and the promotion of regional stability when countries share maritime boundaries. Nevertheless, this has not been the case in Kenya and Somalia in recent times. Their relationship has been plagued by the escalating tensions surrounding their maritime boundary in the Indian Ocean. The International Crisis Group (2015) has reported a 30% increase in maritime security incidents in the disputed areas over the past five years.

Competing territorial claims, historical grievances, economic interests, and regional power dynamics further complicate the maritime dispute, resulting in heightened security concerns and strained diplomatic relations. Efforts at territorial cooperation are impeded and the overall situation is exacerbated as both nations assert their sovereignty over the contested maritime areas (Gilblom, 2012).

The present research examines the geo-political factors that influence maritime diplomacy between Kenya and Somalia, with a particular emphasis on the degree to which these dynamics influence the strategies and policies of each nation in their pursuit of maritime sovereignty and resource control. This study endeavors to elucidate the broader geopolitical struggles in the Horn of Africa and the underlying factors that have contributed to the ongoing maritime boundary dispute, despite attempts at diplomatic and mediation.

1.3 Objectives of the Study

The study was guided by both the general and specific objectives. This confirms that the study scope has broadly been executed.

1.3.1 The general objective of the study

The general objective of this study was to investigate the Geo-political Dynamics influencing maritime diplomacy between Kenya and Somalia.

1.3.2 Specific objectives of the study

The specific objectives of the study were to:

- i. Examine the Geo-political factors that occasion maritime border disputes between Kenya and Somalia.
- ii. Assess the nature of maritime diplomacy between Kenya and Somalia.

- iii. Evaluate the challenges and opportunities of maritime diplomacy in regard to territorial cooperation between Kenya and Somalia.

1.4 Research Questions

The following questions emerge from the research topic:

- i. What are the geopolitical factors that occasion maritime border dispute between Kenya and Somalia?
- ii. What is the nature of maritime diplomacy between Kenya and Somalia?
- iii. What are the challenges and opportunities of maritime diplomacy pertaining to territorial cooperation between Kenya and Somalia?

1.5 Justification of the Study

The study was justified in two ways. These are academic and policy justification.

1.5.1 Academic Justification

Scholars have extensively examined geopolitical and marine border disputes from an academic perspective. Alesina, Easterly, and Matuszeski (2011) contend that maritime border disputes impact trade relations due to the fact that the borders of numerous African nations were established through colonial processes that disregarded the preferences of the borderland people. Gilblom (2012) argues that the Kenyan government perceives the maritime border as a potential entry point for terrorists into Kenya. Additionally, the presence of refugee camps within Kenya is seen as providing a safe haven for terrorists to plan and carry out attacks within the country's territory. Meanwhile, the border has enabled the Somali community to interact with the ethnic group residing in the borders. In a study conducted by Kizito (2012) on maritime disputes and state relations, the primary aim was to examine the impact of maritime boundary disputes on cooperation in territorial areas. The

findings indicated that Kenya has permeable borders with politically volatile nations in Africa, including Somalia and South Sudan.

In addition, Aguibou (2014) did a study on Maritime boundary disputes and their impact on territorial cooperation. The purpose of the study was to evaluate the extent to which conflicts affect territorial cooperation. The conflicts in these borderlands are primarily motivated by the identity politics of the Somali ethnic group. Norris and Bronwyn (2011) conducted a study to examine the impact of maritime border disputes on diplomatic relations. The primary objectives during the early part of the interwar period were to evaluate the extent of relationships and the impact on diplomacy. This focus on international relations scholarship emerged as a result of the peace movement and aimed to comprehend the origins and consequences of war, as well as its political, sociological, economic, and psychological aspect.

Finally, Aslaug & Martin (2017) aimed to examine the impact of border conflicts on diplomatic relations. Globalization has led to a world without borders, but state borders still have a significant impact on the structure of human existence and identity. Prior research have mostly focused on factors that promote cooperation among nations. Nevertheless, none of these studies have examined the geopolitical issues that influence maritime border conflicts between Kenya and Somalia. This study aims to address this deficiency by analyzing the distinct geopolitical factors that shape the marine diplomacy between these two countries. The report provides a distinctive viewpoint on the security situation in the horn of Africa, offering valuable insights into potential diplomatic resolutions for inter-state tensions in the sub-region.

1.5.2 Policy Justification

In policy justification, states must strike a balance between efficient border control and the need to strengthen cooperation with like-minded states. Hence, a proficient border management system is vital for the economic advancement of both the state and the wider region. Occasionally, borders can pose security risks to the integrity of the nation. States have strengthened their border control procedures in response to concerns such as terrorism and the illicit trafficking of goods and individuals.

In Kenya, the multi-agency approach involves the collaboration of experts from several agencies to tackle border issues. The efficacy of these measures relies on a state's capacity to establish legitimate borders that are acknowledged not only by neighboring countries but also by international organizations such as the United Nations, African Union, and Intergovernmental Authority on Development

The increase in recorded acts of piracy in the western region of the Indian Ocean has generated a desire for situational overviews that provide information on the position of all ships as well as the likely whereabouts of suspected pirates. The establishment of cooperative security frameworks including several state and non-state actors has become imperative in addressing the problem of piracy (Charo, 2021).

The 2050 Africa's Integrated Maritime Security Strategy (2050 AIMS), the Djibouti Code of Conduct (DCoC), and the Maritime Security Programme (MASE) have emerged as crucial tools for implementing large-scale security initiatives in the region. Currently, African nations are strategically positioning themselves to take advantage of the utilization of marine

resources by formulating and executing plans at the continental, regional, and national levels (Matunhu, 2011). The African Integrated Maritime Strategy (AIMS 2050) and African Charter on Maritime Security, Safety and Development in Africa, also known as the Lome Charter of 2016, were created to establish explicit maritime strategies. These strategies aim to promote a blue economy mindset among African countries and enhance cooperation in maritime security. Kenya's formulation of two important policies, namely the Kenya Foreign Policy 2014 and the Kenya Defense Policy of 2017, has positioned the country strategically in its efforts to ensure national security (Charo, 2021).

The Defense Policy recognized the significant opportunities presented by the Indian Ocean and the crucial importance of maritime security to Kenya's aspirations for economic growth in the oceanic sector. marine interest encompasses three main areas: Maritime Trade and Shipping, Ports, and offshore marine economic resources (Cordner, 2010). Nevertheless, due to the lack of comprehensive maritime policies and a specific maritime security policy, Kenya's involvement in maritime security is characterized by an improvised and responsive approach. Kenya relies on international and regional maritime security plans and projects to address the current lack of maritime security response. However, Kenya currently lacks a comprehensive and long-term maritime security policy and strategy (Mitchell, 1991). The administration has dealt with the majority of problems that have emerged in the maritime sector by addressing them individually and on an ad hoc basis.

The establishment of the Presidential Blue Economy Task Force in 2017 enhanced Kenya's interests and opportunities in the maritime sector. The committee has significantly improved interventions at the international, regional, national, and local levels to address the inadequate infrastructure, capacity to provide marine security, and

the need to prioritize the sustainable utilization of ocean resources (Baker, 2018).

The strategic dimension of marine security is an undeniable fact for Kenya's socio-economic progress and human safety. Human security refers to the whole safety and well-being of individuals, communities, and societies. It includes physical security, as well as social, cultural, economic, and psychological well-being. Human security focuses on non-military dangers and aims to enhance safety. The actualization of this concept involves adopting a development viewpoint that focuses on enhancing the sustainable utilization of maritime resources. This, in turn, has a significant influence on the state's economy (Croxall & Nicol, 2004). The primary obstacle in marine governance, in order to accomplish the purpose of maritime security, is the synchronization of various governmental agencies in implementing policies at sea, as well as coordinating with societal actors who utilize the sea.

The establishment of the Kenya Coast Guard Service in 2018 aimed to enhance the capabilities of existing maritime security agencies. However, this has also introduced new challenges in the maritime environment, as these agencies operate independently and plan their operations and tactics separately. This has resulted in conflicts and duplication of roles among the agencies (Mohamed, 2022). The security of Kenya is contingent upon the secure utilization of the Indian Ocean. The lack of a national maritime security plan in Kenya has resulted in ongoing disorganized and fragmented reactive measures to address maritime security, which have increased vulnerabilities and led to the inefficient use of resources (Bassiouni, 2001). This has led to inefficient utilization of marine resources and

other activities related to ocean use, hence exacerbating the dire situation on land. The issues faced by Kenya in enforcing law and order in the Indian Ocean Region (IOR) will have ongoing impacts that will persist.

Although multiple policies have been implemented, numerous constraints may impede the effectiveness of these policies in reducing conflicts and promoting Maritime diplomacy in the region. Striking a balance between stringent border control and promoting international cooperation can be difficult due to the fact that certain states may put national security above regional collaboration, resulting in tensions or a lack of coordination. In addition, the allocation of limited resources might provide a barrier, particularly in governments that have limited resources available for international cooperation joint ventures. The absence of a cohesive and enduring maritime security policy in Kenya, as observed, results in fragmented and reactive reactions. This affects the efficacy of marine security initiatives and can lead to the squandering of resources. Another limitation arises from the duplication of roles caused by the creation of multiple agencies, such as the Kenya Coast Guard Service. This can lead to conflicts with the Kenya Navy and maritime police, resulting in overlapping responsibilities, conflicts, and inefficiencies in operations if there is no clear coordination.

1.6 Scope of the Study

The study focused on the geographical area encompassing the border points between Kenya and Somalia, specifically included Mombasa County, Lamu County, and Ras Kamboni in Somalia. The study's periodization spans from 2014, when Somalia initially filed an Application to initiate proceedings against Kenya about a dispute over the delimitation of

marine regions claimed by both countries in the Indian Ocean, until 2023, when data gathering commenced. The researcher conducted fieldwork from December 2023 to April 2024.

1.7 Chapter Summary

This chapter aimed to discuss the key elements that make up the introduction section of a research proposal. The study commenced by examining the context of the research, which revealed that interstate ties are a fundamental aspect of international relations. It focuses on the interconnections between politics, economics, and law at a global scale. Kenya Maritime Institute, like other academic institutions, offers a program in political science. This program is an interdisciplinary field of study that is similar to global studies. Alternatively, it can be considered as a distinct academic discipline where students take a range of courses focused on international topics in social science and humanities. The study also acknowledged the problem statement, which highlighted the frequent occurrence of disputes deriving from the natural resources located in the disputed maritime border of the West Indian Ocean between Kenya and Somalia.

The study examined both the general and specific aims, and utilized research questions to gather data. The study has been defended through both scholarly and policy justifications. Moreover, the study was focused on the Indian Ocean area located on the boundary between Kenya and Somalia. The study primarily examined Mombasa and Lamu Counties in the coastal region of Kenya, as well as Ras Kamboni in the Badhadhe district, located in the southern section of the Jubaland state in Somalia. The upcoming chapter will explore

different literary works that further elaborate on the topics covered in the background of this study. It will also examine numerous theories that are relevant and applicable to this study.

CHAPTER TWO

LITERATURE REVIEW

This chapter examines different literary works based on the specific goals of the research. The objectives are as follows: analyze the geopolitical causes that cause maritime boundary disputes in connection to diplomatic relations, evaluate the nature and scope of maritime diplomacy, and assess the problems and prospects of maritime diplomacy in terms of territorial cooperation. Additionally, the portion addressed the theoretical background of the investigation. Ultimately, the deficiencies that arose from the analysis of existing material are condensed and presented.

2.1 The Geo-Political Factors that Occasion Maritime Border Disputes

Chien-peng Chung conducted a previous study that specifically examines the involvement of domestic pressure organizations in territorial disputes involving China and Taiwan, China and the Soviet Union, and China and India (Chien-peng Chung, 2004). Chung argues that the result of a negotiation can be greatly influenced by the alignment between the parties involved in the dispute and their respective home audiences in terms of resolving the problem. Chien-peng Chung (2004) argues that when there is a significant divergence in preferences and priorities between state governments and influential sectors of society, it becomes exceedingly difficult for government leaders or negotiators to achieve a compromise. Furthermore, the management of maritime incidents and difficulties in China has become significantly more complex due to the increasing diversification and decentralization of the Chinese political system, which has involved several domestic

stakeholders in the Chinese foreign policy process. In the 20th century, territorial and border disputes were managed differently compared to the current approach. During that time, the centralized foreign policy and security establishment had a significant influence on the process (Chien-peng Chung, 2004). Michael Swaine succinctly captures the difficulty presented by a more fragmented Chinese political system in effectively handling crises: "In the Maoist era, a powerful centralized authority typically ensured a unified message." According to Chien-peng Chung (2004), the current procedure is more intricate and shapeless, involving extensive internal discussions and the potential for conflicting signals, which can delay response time and distort communication.

According to Chien-Peng Chung, China and other claimants are trying to strengthen their claims in disputed waters through increased policing, allowing energy companies to search for hydrocarbon resources in claimed areas, incorporating disputed areas into nearby coastal regions, and permitting grassroots activists to sail to contested land features. These nonmilitary actors, who were previously limited to land and coastal waters, have now become prominent in these disputes and are directly engaging with other disputants (Chien-Peng Chung, 2004). Consequently, these players are assuming a more significant and influential role in the prevention and management of crises compared to the conventional norm. What has been overlooked in his writings is the resolution of disputes that arise among the parties involved.

To comprehend the U.S. desire to develop connections with India, it is necessary to grasp the emergence of the perception of the Indo-Pacific region as a unified entity. This perspective was recently reinforced by the official renaming of the U.S. Pacific Command to the U.S. Indo-Pacific Command (Timothy, 2014). The notion of the Indo-Pacific region as a unified and interconnected entity has only emerged in the post-Cold War era, specifically in the early 2000s, as described by Timothy Hoyt in his essay "Emerging Regional Geopolitics" (Timothy, 2014). This emergence can be attributed primarily to the remarkable expansion of Asian economic production, coupled with extensive reserves of untapped resources and labor force. Sureesh Mehta characterizes this region as "the most economically dynamic in the world... and the focal point of global economic and strategic concerns" (Timothy, 2014).

The Cold War-era understanding of the Indian and Pacific oceans as distinct entities has been replaced by the concept of the Indo-Pacific region as a unified entity. This shift in thinking helps to explain why the United States considers India to be a crucial player in its strategic position in the Indo-Pacific region (Timothy, 2014). The economic prosperity of the Indo-Pacific region depends on sea lines of communication (SLOC) that cross large expanses of Open Ocean and several maritime chokepoints. The importance of these trade routes is well understood by the many countries in the Indo-Pacific region (Timothy, 2014).

India and China, being the two most populous nations globally, possess fast expanding economies. Their trade concerns extend throughout the whole area, leading both countries to shift their military attention away from the continent and towards a rising dependence on Sea Lines of Communication (SLOCs). Probal Ghosh argues that China previously

overlooked the importance of naval power because of its focus on land-based strategies. However, there is now a shift towards prioritizing the development of a strong navy, driven by the recognition that maritime power is crucial for gaining international influence and achieving national goals. K. Raja Menon also agrees with the idea that China's continental perspective is diminishing because of its growing dependence on Sea Lines of Communication (SLOCs). He states that, following the traditional Mahanian principle that flags follow trade, China's navy would soon have a role in ensuring maritime security in the region (Timothy, 2014). An aspect that Timothy's work has overlooked is the role of the continent in resolving maritime conflicts among its member states. This paper examines the role of the African Union in the maritime disputes between Kenya and Somalia.

The deteriorating security situation in the Cabo Delgado Province of northern Mozambique in Africa exemplifies the interconnectedness of maritime security and conflicts occurring on land. The Islamic State affiliate in Mozambique, known locally as al Shabaab, has been operational since 2017. It has its origins in deep-rooted political and economic grievances, particularly among the Mweni people who have significant influence in the coastal section of the province (do Silva, 2017). Initially, Al Shabaab directed its efforts towards targeting isolated civilians engaged in agricultural activities and establishing dominance over the main paved route that connects the northern and southern areas of the province. As the gang gained more power, it redirected its attention towards the coastline, engaging in assaults on fisherman and carrying out limited invasions on coastal communities.

In 2020, the organization conducted a series of experimental attacks, which eventually led to their capture of Mocimboa da Praia in August 2021. This port town is crucial for local trade and for supplying government forces in Cabo Delgado (do Silva, 2017). The gang utilized its position in Mocimboa da Praia to extend its naval influence, carrying out assaults on a series of islands along the coastline as a demonstration of might and a means to acquire resources and new members. Mocimboa da Praia also functioned as a strategic hub for importing additional combatants by maritime means from the adjacent Nampula Province, so bolstering the group's capabilities (de Silva, 2017).

In March 2021, Al Shabaab reached its highest level of marine activity by launching an attack on Palma, a coastal town located farther north. Palma had served as a hub for foreign workers and enterprises involved in gas development in the region (da Silva, 2017). The attack, which directly affected foreign nationals, was ultimately a strategic mistake, as the increasing international pressure on Maputo to permit foreign soldiers to intervene against this armed group reached its peak. The subsequent deployment of Rwandan Defense Forces (RDF) and the Southern African Development Community Mission to Mozambique (SAMIM) in July and August 2021 has effectively diminished al Shabaab's influence in the coastal regions. However, the group has shown determination to persist in their conflict, thereby leaving this maritime area exposed and susceptible to their activities (da Silva, 2017). The extent of Alshabaab's contribution to the current contested situations in the marine region west of the Indian Ocean has not been determined. This analysis uncovered the details of this will.

The prevalence of criminal networks engaged in trafficking illicit substances, lumber, jewels, animal goods, and individuals further exacerbates the threat to human security in the Mozambique Channel. Academic studies of Al Shabaab's operations suggest that the group is unlikely to directly engage in the illicit economy. However, the outbreak of violence in Cabo Delgado has likely compelled traffickers to relocate their operations to safer areas further south (da Silva, 2017).

Nevertheless, the change in geographical location has not reduced the speed or worth of these transactions. Experts approximate that Mozambique annually transports between 10 and 20 tons of heroin, with each ton valued at USD 20 million. This lucrative trade positions heroin as one of Mozambique's major exports. According to a Mozambican official (de Silva, 2017), the annual cost to the country from illegal forestry exports, most of which are carried to China, is at least USD 500 million. Da Silva has failed to provide his audience with information regarding the significant positive impact that the disputed Kenya-Somalia border has had on trade in both states and the wider East Africa area. The current study specifically addressed this issue.

Mozambique serves as a clear example of how inadequate governance and corruption can hinder the ability to effectively address maritime security concerns and, in some cases, exacerbate the issue. Mozambique, although having a coastline spanning more than 4,000 kilometers, possesses a mere 12 patrol and attack boats to oversee this extensive region. Consequently, it is considered one of the least equipped African nations in terms of coastal

defense and safeguarding its exclusive economic zone (da Silva, 2017). Nevertheless, it has made few investments in rectifying its direction. One of the most infamous corruption scandals in Mozambican history revolved around a loan program that was supposedly intended to enable the Mozambican government to acquire marine enforcement boats, fund shipyard enhancements, and expand its tuna fleet (da Silva, 2017). Nevertheless, the majority of the loan that was distributed primarily ended up in the hands of government officials, and the few patrol boats that were bought have been abandoned and left to corrode in a port in Mozambique (da Silva, 2017). This study utilized the insights from da Silva to examine the extent to which the governments of Kenya and Somalia had allocated resources to enhance security in the disputed maritime region of the Ocean.

The government's strategy towards the conflict in northern Mozambique has also impacted the capacity of partner nations to assist in addressing the marine aspect of this conflict (de Silva, 2017). Mozambican officials commonly assert that this insurgency has been instigated by unidentified groups and individuals from outside the country who aim to disrupt the liquefied natural gas project. However, they pay little attention to the underlying economic and political grievances that are the root cause of this conflict (da Silva, 2017). Undoubtedly, the dearth of economic prospects in Mozambique not only facilitates al Shabaab's recruitment of young individuals searching for lucrative jobs, but also contributes to the underground economy in this region. In recent times, the government has prioritized enhancing security in Palma and Mocimboa da Praia to demonstrate to the international community and foreign investors that the region is now sufficiently safe for activity to recommence. If the government maintains its focus on security inside this specific region

and the international community acknowledges its claim that the region is secure, there will be less motivation to allocate further resources towards the navy and coast guard.

The U.S. and Portuguese military trainers have primarily concentrated their aid on the Mozambican marines due to the importance of the maritime aspect of the conflict. However, without additional investment in the necessary equipment and integration into a more comprehensive strategy, this training is expected to have minimal effectiveness. Moreover, Rwanda's military strategy in the region has included minimal maritime deployments that have had little influence on the progression of the conflict (da Silva, 2017).

The issue of climate change has been neglected in both Mozambique's global relations and internal policies. The country's geographical position makes it very susceptible to regular occurrences of droughts, floods, and cyclones. These natural disasters have a growing impact on human security and contribute to the grievances of the population. One must not overlook this pivotal factor, which is certain to intensify the battle. Da Silva's publications do not provide a detailed analysis of the use of the military to improve security and expedite maritime diplomacy. The significance of establishing comprehensive security mechanisms on both sides of the Kenya-Somalia maritime borders to avert conflicts and sustain peace has not been adequately acknowledged. This study aimed to do so comprehensively.

Norris and Bronwyn (2011) conducted a study to examine the impact of maritime border

disputes on diplomatic relations. The aims were to evaluate the extent of the connections and the impact on diplomacy, which is the third main aspect of international relations. Scholarship in the early interwar period emerged from the peace movement and focused mainly on comprehending the origins and consequences of war, including its political, sociological, economic, and psychological aspects. The intellectual movement known as behaviorism sparked the interest of mathematicians, who were pioneers in the field. This led to their active participation in international studies for the first time. The strained relationship between Kenya and Somalia had a social impact on the disputed area. The long-term objectives of Zuma, (2018) contend that maritime boundary disputes have a significant impact on diplomatic relations and offer an opportunity to achieve efficient leadership management for the purposeful and concentrated investigation.

The geopolitical disputes along the Kenya-Somalia border took a new turn when the 1991 collapse of Siad Barre's administration in Somalia sparked a civil war. Terrorism is distinct from the resource-driven, irredentism, and secession conflicts that have been discussed thus far because it involves individuals and groups that use Somali ethnic group identity as a rallying cry to enlist terrorists. The research found that Somalis living abroad are having a growing impact on the political and business spheres, as well as on the maritime dispute and Somalia's overall development.

Disagreements have affected diplomatic efforts between the two countries, necessitating a new diplomatic strategy to advance each nation's progress. Inadequate resolution of maritime disputes emanating from the western part of the Indian Ocean has been a

consequence of weak policies and the porous character of arms regulation, which this paper seeks to investigate.

Aslaug and Martin (2017) sought to investigate the influence of border conflicts on diplomatic relations. Even though we live in a borderless world thanks to globalization, national boundaries continue to shape how we live and who we are. As a result of security concerns, numerous nations have changed the function of borders around the globe, turning them into walls instead of bridges. To accomplish this, border infrastructure has been militarized with the goal of limiting encounters between citizens of the two countries. As part of their strategy to combat terrorism, such actions are put into motion. Many believe that security concerns are driving this change because they want to make things easier and give states more power to exclude people according to their own sovereignty. There is a vast array of topics covered by these concerns, including as terrorism, drug and human trafficking, illegal immigration, and gun smuggling.

Elferink (2017) sought to evaluate the effect of state relations on social cohesiveness by investigating the connection between border conflicts and state diplomacy. As a result of growing expenses, financial concerns, and persistent problems, the Kenyan government initiated a military involvement in Somalia in October 2011. Someone must ask, "Is this action morally defensible?" in light of Kenya's invasion of Somalia. Accurately assessing the morality and justification of intervening in a war needs a comprehensive study of several phases and difficulties according to just war theory. Three major perspectives are considered by the just war theory when analyzing the moral dimensions of war: Jus ad Bellum (before

the war begins), Jus in Bello (during the war itself), and Jus post-Bellum (after the war ends). When considering the ethics of intervention and just war, it is essential to recognize and comprehend these factors. Kenya and Somalia's continuous dispute has severely damaged their diplomatic relations, leading to the expulsion of ambassadors from both nations. The purpose of this research was to look into how the two countries were able to put their differences aside and work together to resolve the problems that had arisen because of an act that Kenya had started.

German (2016) contends that the partitioning of the Kenya-Somalia borderlands by European colonial powers resulted in the emergence of irredentist claims by the Somali Republic. Irredentism, as described by German Kim, refers to the endeavor of a sovereign state to annex regions inhabited by an ethnically-related people in adjacent countries. According to Kromm, irredentist disputes tend to arise when boundaries are established without considering the prevailing ethnic, economic, and political structure.

Irredentism conflicts refer to situations where an ethnic group residing within a sovereign state seeks to join forces with a fellow ethnic group, who are living as a minority in a neighboring country or countries. This is done by asserting territorial claims to the adjacent areas where these same people are concentrated. She asserts that conflicts rooted in irredentism are more prevalent on boundaries characterized by homogeneous identities compared to borders characterized by varied identities. Secession is the act of a constituent unit withdrawing from an established and internationally recognized state in order to form a new sovereign state. The conflicts among communities have a significant impact on the state

of diplomatic relations. Is it possible that there is a dispute between Kenya and Somalia on nautical matters? This study aimed to comprehensively investigate and demonstrate the validity of this statement.

2.2 Nature and extent of maritime diplomacy

The third-largest ocean in the world, the Indian Ocean, has a significant impact on the geographically maritime nation of India (Das, 2019). The marine strategies and ambitions of the Indian Ocean have been primarily influenced by its advantageous geographical position. The region's ambitions in the marine sector have been greatly influenced by its important nautical nature and crucial geostrategic position. Due to its strategically advantageous position on the world map, India can only expect to see substantial gains in influence in the marine sector if its policymakers prioritize this area (Das, 2019). Thus, some members of India's ruling class drew a direct line between the country's goals in maritime affairs and its ambitions to become a world power. The goal of India's maritime ambitions in the Indian Ocean is to establish Indian Ocean domination and leadership.

The Indian government's focus on the army and air force over the navy hampered India's maritime diplomacy and ambitions (Das, 2019). Indian strategists have long held the view that land threats, especially those approaching from the northwest, pose the greatest threat to India's security. The economic liberalization of the 1990s allowed India to attain an impressive 7-8 percent growth rate during the previous twenty years (Das, 2019). Because of its continuous growth, India is now a major political and economic player on the

international scene. This has led to a dramatic growth in India's global influence. India needs to protect its energy supply, investments, and international trade if it wants its economy to keep growing unchecked (Das, 2019). For this reason, protecting its sea lanes is a top priority for India, since they are essential for the export of energy resources (Das, 2019).

Das (2019) states that India's maritime diplomacy aims to promote connectivity, security, and trade as three of its primary objectives. In an effort to reduce the frequency of disputes in the region, this research will examine India's maritime policies in the Western Indian Ocean and will try to determine how diplomatic goals may be better prioritized.

Lisa Otto asserts in her writings that Mauritius must prioritize environmental protection and climate change mitigation in its international and bilateral partnerships if it is to remain an integral part of the African continent. The Norwegian Embassy is a prime example of how the government has used maritime diplomacy to ensure that it is given top attention by foreign missions (Lisa Otto, 2022). Additional instances of similar diplomatic efforts include a recent workshop aimed at improving the negotiating abilities of Mauritian officials and Mauritius's involvement in the EU-funded Global Climate Change Alliance Plus Initiative. The United Kingdom, Australia, and the United Nations Resident Coordinator's Office for the Seychelles and Mauritius provided financial assistance for this training (Lisa Otto, 2022). In the early 2010s, it attempted to tackle Somali piracy as part of its marine diplomacy, which included climate change advocacy.

This effort has relied heavily on the European Union's financial support to facilitate legal proceedings aimed at prosecuting pirates. When it comes to coordinated measures to reduce marine crime, this has been very lacking. To facilitate the extradition of suspects to stand prosecution under universal jurisdiction, Mauritius and Somalia (including the semi-autonomous regions of Puntland and Somaliland) struck an agreement in 2012. The Somali government's weak judicial system was the intended target of this accord (Lisa Otto, 2022). According to the IUU Fishing Index (2021), Mauritius is particularly vulnerable to IUU fishing, which stands for illegal, unreported, and unregulated fishing. On the other hand, the government is taking the initiative to resolve this matter.

Domestic fisheries management in Mauritius has been hindered by a lack of digital infrastructure and clear regulatory frameworks. On a worldwide scale, though, Mauritius has been a powerful voice in support of this cause, and it has been instrumental in shaping IMO Maritime Conventions and Standards (Lisa Otto, 2022). On a bilateral basis, Mauritius and the EU have been working closely together. Through the implementation of the IUU Regulation and several regional programs and initiatives, the European Union has been striving to create a more controlled and protected environment. Specifically, it has taken a major step in combating IUU fishing by establishing a bilateral cooperation project with the EU (Lisa Otto, 2022). Has the resource-related dispute between Somalia and Kenya affected

global warming in either country or the East African area as a whole? The purpose of this research was to clarify Otto's view on Somalia and Kenya.

From a nautical perspective, Mauritius's relationship with India stands out among bilateral connections. Cultural and long-standing links bind the two countries together; many Mauritians can trace their family trees back to India (Lisa Otto, 2022), giving India some non-coercive sway over the country. Maritime security, defense collaboration, and the Comprehensive Economic and Partnership Agreement are all products of the close economic ties and security cooperation between the two nations. India has thrown in a \$500 million line of credit as an extra perk. Furthermore, the prime minister and coast guard commander of Mauritius have been extended an opportunity by India to hire a national security advisor (Lisa Otto, 2022). When it comes to maritime security in the region, Mauritius is portrayed by Lisa Otto as submitting to India and even enjoying its domination.

However, Mauritius has wisely used this circumstance to its benefit, especially in regard to maritime security accords and the intricate diplomatic matter involving the Chagos Islands. In the first place, the presence of Indian Navy patrols in Mauritius's Exclusive Economic Zone and the provision of equipment and training by India are both beneficial to the island nation. India has extended an offer of support to Mauritius in international forums over the issue with the UK on the Chagos Islands. To seek an advisory opinion from the International Court of Justice (ICJ), India backed the referral of the matter in June 2017. This view was

the basis for India's 2019 referendum demanding the UK's immediate withdrawal from the islands (Lisa Otto, 2022).

The ongoing presence of foreign governments in the Chagos Islands contradicts the demilitarization of the Indian Ocean, a goal long advocated by Mauritius and India (Lisa Otto, 2022). Mauritius is strengthening its relationship with China through sea diplomacy, in addition to its alliance with India. The objective is to maximize potential growth in investment and trade, hence fostering development, particularly in maritime infrastructure. Lisa Otto (2022) asserts that China is a significant supplier of goods to the island nation, and the influx of Chinese tourists is increasing.

Lisa Otto asserts that Mauritius aims to enhance its negotiation stance and accomplish its objectives through cooperation, rather than intentionally inciting conflict between the two governments. Consequently, Lisa Otto's writings lack an examination of the role of diplomacy in establishing the maritime boundary. This research aimed to investigate the role of diplomacy in maritime boundaries and to propose measures to enhance the security of the Indian Ocean borders between Kenya and Somalia.

Alesina, Easterly, and Matuszeski (2011) assert that maritime border disputes influence economic relations, as the borders of numerous African countries were established through colonial tactics that disregarded the aspirations of local populations. Numerous ethnic

groups that have unified into a single nation aspire to collaborate with their southern neighbors, whilst other groups are divided by national boundaries. A primary catalyst for contemporary border disputes is the aspiration for the reunification of ethnic groups across borders. Although the authors may dispute the exact locations of numerous African conflicts, they concur that boundaries have influenced these disputes. The correlation between borders and conflicts is substantiated by this.

Watson (2010) analyzed the impact of border conflicts on international economic connections; Alesina, Easterly, and Matuszeski (2011) reached analogous conclusions. Examining colonial borders in the context of warfare in African states aims to demonstrate that borders incite conflict, particularly since many of these borders do not align with the aspirations of the indigenous populations. The recognition that borders in Africa perpetuate conflict underscores the importance of exploring alternative processes.

According to Gilblom's (2012) research on naval border disputes and their effects on commercial ties, the Kenyan government views the border as a possible point of entry for terrorists into Kenya. Terrorists may use Kenyan refugee camps as a base of operations to plot and execute strikes inside Kenya, according to the report. At the same time, the border has opened up communication between the Somali community and the ethnic minority living there. The main concern is the effect of the border fence on the Somali ethnic group. In order to keep the Somali ethnic group apart from one another, the Kenyan government built a fence along the border with Somalia. The economic values of the maritime zone would be hit the worst by these policies, which aim to isolate the Somali ethnic minority in order to stop the violence from spreading across the country.

Boucek (2010) set out to evaluate border conditions, look at how porous borders affect state stability, and find what makes it hard to put up border gates in his research on the effects of porous borders on international trade links. Communities living in borderlands, especially in the Horn of Africa region, do not face considerable barriers due to the study's finding that many African borders are permeable. These boundaries have been a source of contention and strife due to the high symbolic value they hold.

The Horn of Africa's borders are a common flashpoint for wars, even though only 20% of African countries have peaceful borders. Although neither the Ethiopian nor the Somali borders are openly contested, James notes that they are fairly precarious. The two nations' recent suggestion to create a buffer zone within Somalia to reduce the possibility of terrorist organizations like Al-Shabaab and Al Qaeda crossing the border is indicative of the high degree of instability in the area. According to Woodward, the dynamics of instability in the Arabian Peninsula and Horn of Africa are shifting as a result of the fast-paced processes of globalization and the cross-border flow of data, communications, militants, capital, and resources.

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Terrorist attacks, such as those carried out by Al-Shabaab, have had a devastating effect on Kenya's tourist sector. Dispute resolution status affects the availability of resources needed to give development opportunities through efficient channels. As a result, interstate disputes make it harder for countries to facilitate commerce. The contexts of Somalia and Kenya were considered here.

Roelf (2017) argues that the inadequacy of the governance of Africa's marine area and the consequent lack of focus on maritime security by African countries make it an urgent matter to improve maritime security. When these things come together, they threaten progress, safety, and peace. Among the many criminal activities that have recently been reported is an increase in pirate attacks, theft and illicit trade of crude oil, human trafficking, narcotics, weapons, pharmaceuticals, IUU fishing, waste dumping, cross-border movement of hazardous wastes, and pollution. For persistent conflicts, especially those involving maritime disputes, to be effectively addressed, more security measures are required.

2.3 Challenges and opportunities of maritime diplomacy pertaining to territorial cooperation

The strategic importance of the Indian Ocean and the best way for the United States to handle the area is a topic of ongoing debate among American lawmakers. The Indian Ocean region (IOR), according to Walter Ladwig and Christopher Preble, is not crucial to American strategic goals. They go on to say that "imperial overstretch" is weighing down on America right now (Christopher A. Preble, 2014). A larger share of security responsibilities should be transferred to the states bordering the Indian Ocean Region (IOR), according to both writers. Their position is that nations having more important and immediate interests in the area ought to shoulder the duty of protecting those interests. At the same time, America needs to pay attention to East Asia and other regions that are more pressing (Christopher A. Preble, 2014).

According to Ladwig, the region of the Indian Ocean is very important to the United States because it is home to some of the country's most important allies and partners. His position is that strong democracies should spearhead the formation of a multipolar regional structure, which the United States should proactively back. Christopher A. Preble (2014) agrees with Ladwig that the IOR is not very important and should not be given top focus. When compared to other locations throughout the world, the USA has a very small number of core security concerns in the area.

Instead of the concept of multiple democratic republics that Ladwig had in mind, Preble thinks that India should become the dominating force in the region (Preble, 2014).

Toshi Yoshihara and James Holmes categorized Preble and Ladwig's proposals as being analogous to an offshore balancing plan, which entails shifting the onus of security on the surrounding governments of the Indian Ocean area (IOR). They worry that if the US takes an offshore stance, it would give the impression that it is pulling out of the conflict, which might sow seeds of mistrust and animosity. Not only that, but Yoshihara and Holmes stress the dangers that would develop if the US were to pull out of the region entirely. They contend that a growing superpower that isn't used to America's closeness would exaggerate the risks of American involvement in Eurasian geopolitics (Christopher A. Preble, 2014). A powerful entity with an exceptional sensitivity to outside influences could act in ways it would never consider if it weren't so afraid of the consequences. U.S. withdrawal from the Indian Ocean is a remote possibility, supported by few credible sources (including 2014's Christopher A. Preble's research), and very unlikely. This study expanded upon the aforementioned literature by offering a comprehensive analysis of the recommended techniques' applicability to the situations in Somalia and Kenya.

According to Taylor Fravel's research, China's propensity to employ force in territorial conflicts stems from its dwindling negotiating power, although the country's internal pressures are the primary motivators (Taylor, 2015). According to Fravel's research, China has shown a stronger willingness to negotiate and has given ground in every land boundary dispute. Nevertheless, China has solely compromised on one offshore island dispute and has

refused to budge on any domestic matters. Fravel argues that China would prefer to delay rather than cooperate in disputes involving offshore islands.

North Vietnam received White Dragon Tail (Bailongwei) Island from China in the 1950s; since then, China has refrained from discussing sovereignty over the disputed areas (Taylor, 2015). According to Fravel, the view that China's claim to the Paracels from South Vietnam in 1974 and the Spratlys from 1988 and 1994 were both caused by Beijing's perception that its claim to these areas was eroding (Taylor, 2015). The present ability to resolve the recurrent maritime disputes between Somalia and Kenya in the Western Indian Ocean over the past few years is the focus of this study.

A proactive approach must be taken by Africa to address the challenges associated with maritime security at various levels, including continental, regional, and bilateral. Africa must engage with powerful nations that influence the dynamics at work in its maritime domain if it wants to secure its future. As Walker (2018) points out, there are two main components to maritime security that Africa must take on: first, working together with other regions and countries, and second, developing strategies to deal with the difficulty of maritime security in regard to territorial links between nations.

Kizito (2012) conducted a study to investigate the impact of maritime border disputes on state relations, with the primary aim of understanding how these disputes influence cooperation in territorial areas. Kenya's borders with nations such as Somalia and South Sudan are found to be permeable, allowing for the movement of people and goods. These

countries are known for their political instability. Kenya's extensive and remote borders with Tanzania, Uganda, Sudan, Somalia, and Ethiopia, as well as its 536 km coastline, present challenges in terms of patrolling due to limited resources and inadequate training. Inadequate and corrupt border policing between Kenya and its neighboring countries has enabled a significant influx of substantial quantities of small firearms into Kenya. People have been able to obtain guns for explicit criminal intentions.

The lack of appropriate and efficient border control facilitates the infiltration of arms dealers and outlaws through the permeable borders. Agreeing with Kizito, maritime disputes have a detrimental impact on the improvement and administration of resources for territorial control. This study examined the provisions made in the examination of maritime disputes between Kenya and Somalia, focusing on their impact on territorial cooperation. This study utilized Kizito's expertise to uncover the catalysts of maritime conflicts in the Western Indian Ocean, which have consistently caused friction between Kenya and Somalia.

Aguibou (2014) studied the impact of maritime border disputes on territorial cooperation with the aim of evaluating the influence of disputes on territorial cooperation. The conflicts in these borderlands are primarily motivated by the identity politics of the Somali ethnic group. The ethnic group residing in the borderlands between Kenya and Somalia exhibits a diverse range of identities, including citizenship, territory, clan, religion, and sub-clan affiliations, among others. The determining factor for whether a Somali individual belongs to Kenya or Somalia is their citizenship.

The significance of this situation on the border is due to the political rights and advantages that accompany the citizenship of a state's territorial identity. This identity is closely linked to clan identity, which is determined by the regions inhabited by the clans. It serves as a means to exclude certain ethnic groups and grants land access exclusively to clan members. The findings demonstrated that border conflicts have an impact on the collaboration regarding areas due to security concerns. Aguibou has failed to address the significance of dual citizenship in enhancing diplomatic relations between Kenya and Somalia in his thesis. This study aimed to investigate this issue in regard to inter-state interactions.

In Yves' (2013) research on border conflicts and territorial cooperation, the study aimed to evaluate the extent of maritime disputes, the impact of these disputes on state cooperation, and the promotion of political stability. The paper argues that geopolitics establishes a connection between geographical knowledge and historical facts, synthesizing these two forms of data to gain a comprehensive understanding of the general backdrop and the interconnected concerns. Geopolitical conflicts refer to disputes or tensions between nations or states that arise due to their geographical location, resources, or political interests. Geopolitical conflicts, as defined by Eva Poluha, refer to conflicts that revolve around disagreements and rivalries pertaining to the geography, economics, demography, and foreign policy of a state, country, or region. There was a geopolitical war along the Kenya-Somalia border after independence. The conflict drivers and their impact on Kenya were interconnected. Thus, this study elucidated the emergence of the interlink and examined its current endurance or potential decline, as well as its restoration during times of adversity.

Ikome (2012) conducted a study on the impact of disputes on territorial cooperation between countries. The study focused on the political administration boundaries of two sub-clans, which did not align with the sub-clan boundaries. This misalignment resulted in political tension during election years, similar to the Wajir conflict. The escalating political strife between the two clans led to the refusal of the resource to the Aulihan sub-clan. According to Menkhaus (2015), the Aulihan sub-clan's demographics have been affected by a significant influx of refugees from Somalia. The Garissa dispute, similar to the Wajir conflict, was driven by competition over access to grazing lands and water in the Tana River, as well as fragmented political-administrative divisions. The influx of voters from the neighboring Somali Republic exacerbated the conflict and exemplified the influence of identity politics within the Somali ethnic minority. The correlation between politics and resource scarcity plays a crucial role in the conflicts occurring in the borderlands between Kenya and Somalia. Furthermore, the political factors driving these conflicts existed before the recurring sub-clan disputes in Garissa. In Mandera, located north of the Kenya-Somalia border, a new geopolitical war emerged years after the conclusion of the Garissa conflict. According to the authors, maritime disputes have a significant impact on territorial cooperation between countries, resulting in detrimental consequences on resource development and hindering further collaboration. This study aims to investigate the impact of maritime conflicts on the relationship and collaboration between Kenya and Somalia.

According to Donovan (2010), the Somali leaders' emotions demonstrate how their identity at many levels united them. The independence of Kenya and Somalia brought about a

political consciousness among the Somali population living in the borderlands. This was followed by a persistent effort by the Somali population in the Northern Frontier District and Somalia to establish a unified society within a single nation. Somalia, after gaining independence, was resolute in its goal to create a 'Greater Somalia' by actively seeking to incorporate all the regions inhabited by the Somali ethnic group. In order to strengthen their dedication to solidarity, the sovereign nation of Somalia incorporated a provision into Article VI, Section 4, of their constitution. The study findings revealed that border disputes significantly impact territorial relations by causing extensive damage to the relationships between nations. The debates in Donovan 2010 indicated that leadership in maritime border conflicts has a significant impact on territorial cooperation between countries, creating opportunities to strengthen cooperation among them. State collaboration has a restricted impact in the context of organizational collaboration. Donovan failed to address the means by which interstate relations concerns can be perpetuated indefinitely, fostering a sense of shared regional identity and promoting cooperation for a more promising future. This study aimed to discuss this subject.

2.4 Gaps in Literature

China, along with other claimants, endeavors to strengthen its territorial claims by intensifying maritime law enforcement in disputed waters and granting energy corporations permission to explore hydrocarbon resources in the regions it claims. What has been overlooked in his writings is the resolution of issues that arise amongst the parties involved.

To comprehend the U.S. desire to develop connections with India, it is important to acknowledge the growing perception of the Indo-Pacific region as a unified entity. This viewpoint was reinforced by the official renaming of the U.S. Pacific Command to the U.S. Indo-Pacific Command (Timothy, 2014). One aspect that Timothy's study has not addressed is the role of the continent in resolving maritime conflicts among its member nations. This paper examines the role of the African Union in the maritime disputes between Kenya and Somalia.

In March 2021, Al Shabaab reached its highest level of marine activity by launching an attack on Palma, a coastal town located farther north. Palma had served as a hub for foreign workers and enterprises involved in gas development in that region (da Silva, 2017). The extent of Alshabaab's contribution to the current contested situations in the marine region west of the Indian Ocean has not been determined. This was elucidated by this study.

Da Silva has failed to communicate to his audience the significant impact of the disputed Kenya-Somalia border on trade acceleration in both states and the wider East Africa area. The current study specifically addressed this issue.

Mozambique serves as a clear example of how inadequate governance and corruption may hinder the ability to effectively address marine security concerns, and in certain cases, exacerbate the issue. This study utilized the insights from da Silva to examine the extent to which the governments of Kenya and Somalia had allocated resources to enhance security in the disputed maritime region in the Ocean.

Da Silva's publications do not provide a detailed explanation of the use of the military to improve security and expedite maritime diplomacy. The significance of establishing robust security mechanisms on both sides of the Kenya-Somalia maritime borders to effectively avert conflicts and sustain peace has not been adequately acknowledged. This study intended to do so comprehensively.

Seventh, this study attempted to tackle the issue of porosity in weapons legislation and weak policies that have resulted in insufficient resolution of maritime conflicts arising from the Western Indian Ocean.

The dispute between Kenya and Somalia is currently ongoing and has significantly impacted their diplomatic ties, resulting in the expulsion of ambassadors from both countries. This study aims to investigate how the concerns that arose from an act initiated by Kenya were resolved peacefully, with the ultimate goal of restoring positive relations between the two states.

India has implemented a proactive marine strategy that prioritizes trade, security, and connectivity as key objectives in its maritime diplomacy (Das, 2019). This paper examines the maritime policies that India has potentially implemented in the western Indian Ocean and explores how diplomatic objectives should be prioritized in order to prevent frequent disagreements in this region.

Does the conflict between Kenya and Somalia regarding the natural resource have any influence on climate change in both countries and the East Africa region? This study aims to elucidate the perspective put forth by Otto on Kenya and Somalia.

Furthermore, Lisa Otto's work has failed to elucidate the mechanisms through which diplomacy contributes to the establishment of security on the maritime boundary. This proposed study aims to investigate the role of diplomacy in the maritime border and explore ways to enhance the security of the Kenya-Somalia borders in the Indian Ocean.

The proliferation of terrorist incidents, such as the abduction of tourists by Al-Shabaab, has significantly affected the tourism industry in Kenya. The status of disputes impacts the availability of resources required to provide effective channels for offering development possibilities. Consequently, conflicts hinder the facilitation of trade operations in countries. This was examined in relation to Kenya and Somalia.

This study determined the current efficacy in resolving the frequent maritime conflicts in the Western Indian Ocean between Kenya and Somalia in recent times. Hence, enhancing the capabilities of indigenous maritime security forces in Somalia can effectively deter pirate incidents coming from the nation's coastal regions. This encompasses the provision of training and resources to navy and coast guard units, enabling them to efficiently conduct surveillance and safeguard their territorial waterways. This study aimed to uncover.

In his argument, Aguibou (2014) has neglected to address the role of dual citizenship in enhancing diplomatic relations between Kenya and Somalia. This study aimed to address this issue by examining the inter-state connections.

According to the authors, maritime disputes have a significant impact on territorial cooperation between countries, resulting in negative consequences for the development of resources that could facilitate future collaboration. This study aimed to investigate how maritime disputes have hindered the relationship and collaboration between Kenya and Somalia.

2.5 Conceptual Framework

This study utilized the principles of realism, geopolitics, and emerging diplomatic theory. Colin Gray introduced the notion of geopolitics in 1977. The concept of Nascent Diplomatic Theory was introduced by Peter Heinrich and Gerhard Schwabe in 2006. Additionally, the study also considered the relevance of the power theory, which was formulated by Hans Morgenthau in 1946. Thus, these hypotheses were easily acceptable in the following manner:

2.5.1 The theory of Geopolitics

Colin Gray introduced this theory in 1977. Geopolitics is an academic discipline that analyzes the impact of geography, resources, and power dynamics on global relations and wars. Geopolitics is the study of how countries view and defend their territorial rights, taking into account factors such as history, economics, and strategic concerns (Emmers,

2009). The maritime border dispute between Kenya and Somalia centers around competing claims over areas that are potentially abundant in natural resources. This issue has significant implications for the diplomatic relations between the two nations.

Geopolitics frequently centers on the acquisition and management of important natural resources, such as oil, gas, fisheries, and minerals, which are plentiful in marine regions. These resources can have substantial economic consequences, impacting a nation's energy security and economic progress (Sabala, 2021). Geopolitical theories analyze the impact of a region's geographic location on its strategic significance. The exercise of authority over marine regions can have significant implications for sea trade routes, naval activities, and regional security, thus influencing the distribution of power. Geopolitical concerns encompass the analysis of how conflicts over maritime borders can impact a nation's security and defense strategy. The ability of a country to safeguard its interests and uphold its sovereignty might be impacted by its access to particular marine regions (Cohen, 2003).

Geo-politics examines the impact of international players and alliances on maritime border conflicts. Foreign nations, global institutions, or local groups could potentially contribute to resolving or intensifying the conflict (Alagappa, 1995). The theory also examines the ways in which economic interdependence between states can influence their diplomatic engagements. Countries may be motivated to seek peaceful resolutions to disputes due to their shared economic interests and trading links. Geopolitics frequently considers historical context, as previous conflicts and accords can influence the present geopolitical situation (Lee & Mitchell, 2012).

The diplomatic method to resolving conflicts might be influenced by historical grievances or agreements pertaining to maritime borders. Geopolitics acknowledges that the public's emotions and the sense of national belonging can impact a country's position on territorial conflicts. Political leaders may adopt stances that are in line with popular opinion in order to preserve domestic backing (Kelman, 2011). Geopolitical theory can be applied to analyze the intricate dynamics and understand the motives and strategies of Kenya and Somalia in their maritime border conflict.

Nevertheless, in the analysis of geopolitical factors that impact maritime diplomacy between Kenya and Somalia, the theory of geopolitics, while providing valuable insights into state and territorial interactions, exhibits certain limitations that necessitate the incorporation of a developing diplomatic theory. Geopolitics often exhibits a strong focus on nation-states, prioritizing their activities and interests. Nevertheless, within the framework of maritime diplomacy between Kenya and Somalia, non-state players, such as pirate gangs and local militias, exert substantial influence. Their impact is substantial due to their non-state actor status. Given that these actors transcend the conventional territorial limits of nations, a more inclusive diplomatic framework is necessary to fully grasp their influence on marine matters.

Furthermore, geo-political analyses often depend on fixed evaluations of geographical characteristics and national interests, failing to consider the ever-changing nature of maritime diplomacy. The formulation of a novel diplomatic theory has the potential to offer increased adaptability in examining the changing dynamics of power, alliances, and emerging matters. This will provide a more sophisticated comprehension of the inherent difficulties in the maritime relations between Kenya and Somalia. Moreover, geopolitics

often disregards the cultural and historical elements that influence the establishment of diplomatic relations between nations. To ensure the development of efficient diplomatic measures, it is crucial to consider the historical grievances, ethnic connections, and cultural disparities between Kenya and Somalia. This concept could be integrated within the context of an evolving theory of diplomacy.

In addition, geopolitical theories often overlook the influence of soft power in shaping diplomatic relationships, focusing exclusively on the dynamics of the military and the economy. Maritime diplomacy prioritizes nonviolent means of influence, such as public diplomacy and cultural diplomacy, rather than relying on force. The emergence of new diplomatic theories has the potential to offer valuable insights into these elements, therefore enhancing the analysis of maritime ties between Kenya and Somalia.

Geopolitical assessments often overlook the importance of multilateralism in maritime diplomacy and instead focus on bilateral interactions between governments. Regional organizations like the African Union and international frameworks such as the United Nations Convention on the Law of the Sea (UNCLOS) have important responsibilities in promoting marine cooperation and resolving problems. Therefore, by integrating insights from an emerging diplomatic theory, it is possible to gain a more thorough comprehension of the geopolitical elements that impact maritime diplomacy between Kenya and Somalia. This theory only addresses the aspect of the Independent variable about geo-politics and leave out other aspects of the study such as diplomacy and role of the state in international politics. Therefore to address the gap of diplomacy, The nascent diplomatic theory has been

used to bring into perspective the diplomatic paly between Kenya and Somalia as emerging as developing states.

2.5.2 Nascent Diplomatic Theory

The nascent diplomatic theory, formulated by Joseph Nye (2017), offers a fresh perspective on comprehending international interactions, especially in areas characterized by intricate geopolitical dynamics (Olsen, 2020). The theory suggests that newly formed or developing governments, which are typically not given much attention in traditional diplomatic discussions, have a substantial impact on influencing global politics by employing creative diplomatic tactics and forming alliances. Nascent diplomatic theory focuses on the capacity of smaller or less influential governments to exert influence in global events. The statement challenges the belief that diplomatic influence is only determined by military power or economic strength. Instead, it argues that emerging countries can use their distinct advantages, such as cultural heritage, strategic geographical location, and diplomatic flexibility, to promote their interests globally (Gvosdev, Blankshain, & Cooper, 2019)

Strategic relationships and multilateral cooperation are considered crucial principles in Nascent diplomatic theory. To enhance their diplomatic influence and achieve their goals, nascent governments are advised to form alliances with developing players, regional blocs, and international organizations, instead of only depending on bilateral connections with major powers (Clarke, 2020).

The strengths of Nascent diplomatic theory reside in its acknowledgment of the autonomy of smaller nations and its focus on inventive diplomatic approaches. The theory emphasizes the

diplomatic possibilities of emerging states, providing a comprehensive and dynamic framework for comprehending global politics (Olsen, 2020). In addition, emerging diplomatic theory emphasizes the significance of cultural diplomacy and soft power in affecting international relations, enabling smaller nations to exert influence beyond their tangible capacities.

Nevertheless, the idea also possesses its limitations. Critics contend that Nascent diplomatic theory may fail to consider the inherent limitations encountered by smaller powers, such as restricted resources and capacity limits (Clarke, 2020). Furthermore, the efficacy of diplomatic measures proposed by the theory may differ based on the particular circumstances and geopolitical dynamics of each location.

Nascent diplomatic theory provides useful insights into the geopolitical dynamics influencing maritime diplomacy between Kenya and Somalia. Both nations, regardless of their comparative size and influence, have significant roles in the geopolitical dynamics of the Horn of Africa region (Olsen, 2020). Kenya and Somalia can utilize their advantageous geographical position and longstanding connections to implement inventive diplomatic strategies in order to resolve maritime conflicts and foster stability in the region.

In addition, nascent diplomatic theory highlights the significance of forming alliances with other emerging states and regional institutions in order to enhance diplomatic leverage and tackle shared obstacles. By forming strategic alliances and engaging in multilateral collaboration, Kenya and Somalia may effectively address the intricacies of maritime diplomacy and work towards achieving mutually advantageous results for the promotion of peace and prosperity in the region.

Nascent Diplomatic Theory, provides a useful approach to the issue of the Kenya-Somalia maritime dispute. This theory focuses on the informal, adaptive and frequently hybrid varieties of diplomacy which appear when mainstream statecraft is either in its infancy or is being altered. Somalia may make a case study by the manner in which it has dealt with the maritime boundary dispute, specifically its move to take the dispute to the International Court of Justice (ICJ). Instead of depending on bilateral negotiation which might give more advanced powers such as Kenya, the use of multilateral institutions gave Somalia an advantage since it diluted powers, and asserted its diplomatic agency by the use of legal diplomacy.

The theory also encompasses the wider identity politics which was in force. Besides fighting over the ownership of territorial waters with oil and gas, Kenya and Somalia are also taking advantage to compete internationally. Kenya is viewed as a regional power with commitment to stability and rule-based order whereas Somalia is a state that is trying to find its voice in the international arena. In addition to that, regular diplomatic crises and the withdrawal of ambassadors, as well as tensions along the borders, also testify to the instability and weakness of early diplomatic relations. Other third parties like the African Union and the United Nations have also in a greater sense shaped the course of the dispute proving the theory that emerging diplomacy is prone to larger ecosystems of stakeholders.

This theory looks at Kenya and Somalia through the lenses of diplomatic engagement but does not look at the state centric power play in international politics which a key component of how states could relate. Therefore to fill this gap power theory has been used in this Study.

2.5.3 Power Theory

This study will focus on the third objective, which involves examining power theory as formulated by Hans Morgenthau in 1946 and originally published in 1948. The book titled "Politics Among Nations: The Struggle for Power and Peace" was initially released in 1948. Power theory is a core principle in the study of international relations (IR) that aims to elucidate the dynamics of interaction between states and other entities in the global political arena (Morgenthau, 2004). The primary premise is that the allocation of power among states is a pivotal factor in shaping their conduct, tactics, and relationships.

The components of power theory encompass several tangible and intangible elements. The tangible elements consist of geography, raw materials, natural resources, population, and technology. On the other hand, the intangible elements include ideology, morale, leadership, personality, organizational efficiency, and quality of diplomacy (Kumarasingha, 2018). The fundamental principles of power theory encompass the notion that power plays a pivotal role in influencing the actions of states within the international system. States strive to augment their authority in order to bolster their security and exert greater influence. Furthermore, power theory functions amid a state of anarchy in the international system, devoid of any central governing body to implement regulations.

States are regarded as self-interested entities that must depend on their own skills to ensure their security and survival. Furthermore, power theory exhibits a strong correlation with the realism perspective in the field of international relations (Sheehan, 1996). Realists prioritize state security and perceive the pursuit of power as a strategic approach to guarantee survival

in a competitive setting. Furthermore, power theory commonly associates power with military capacity, as a robust military can serve as a deterrent to potential opponents and safeguard a nation's interests (Schmidt, 2005).

The study utilized Power theory as a useful framework to analyze the geopolitical elements that impact maritime diplomacy between Kenya and Somalia. The concept of power theory has facilitated the analysis of how states exert influence on each other using several methods, including military might, economic assets, and diplomatic influence (Duanmu, 2014). Power theory encompasses the examination of military capability as one of its key components. In the context of Kenya-Somalia relations, the level of military might can have an impact on the effectiveness of maritime diplomacy. By examining the naval capacities of each nation and their strategic placement along crucial sea routes, one may ascertain the impact of their military strength on their negotiation stances and their capacity to safeguard maritime interests. The influence of economic resources on maritime diplomacy is significant. An examination of the economic prowess of Kenya and Somalia, encompassing their maritime commerce and capacity for resource extraction, might provide valuable insights into the impact of these economic elements on their diplomatic relations. The possession of important maritime resources can provide a country with influence in negotiations and impact their inclination to collaborate or contend (Busiega & Busiega, 2016).

Diplomatic power is a distinct facet of power theory. An analysis of the diplomatic contacts and alliances between Kenya and Somalia with other regional and global players might

provide insights into the influence of these interactions on their maritime diplomacy. Robust alliances can offer assistance in maritime conflicts and discussions, but fragile diplomatic connections may result in a country being more secluded in such affairs. Geography plays a vital role in maritime diplomacy (Sorensen, Moller & Jackson, 2022). Examining the geographical characteristics, such as coastlines, Exclusive Economic Zones (EEZs), and marine boundaries, aids in comprehending the territorial assertions and intersections that could potentially lead to conflicts or collaboration between Kenya and Somalia. The availability of knowledge and the capacity to manipulate narratives are other crucial factors. An examination of how each nation presents its maritime interests to both domestic and international audiences can provide valuable insights into their diplomatic strategies and intents (O'Rourke, 2014).

Maritime diplomacy can also be influenced by soft power, which encompasses cultural, educational, and ideological influence. An analysis of Kenya and Somalia's utilization of soft power in the area and globally might offer valuable insights into their endeavors to influence opinions and establish diplomatic ties. The study of power theory promotes the examination of past relations between states. An examination of the historical connection between Kenya and Somalia, encompassing previous hostilities, treaties, and collaboration, can offer a framework for comprehending the present dynamics of maritime diplomacy (Tella, 2021). Maritime diplomacy is also influenced by internal political and economic considerations. An analysis of the domestic politics and public mood in both countries can provide insights into how these elements influence their negotiation techniques and decisions (Putnam, 1988).

This idea was useful in emphasizing the third purpose of the investigation. The utilization of power theory, particularly in the realm of international relations, can offer valuable insights when analyzing the obstacles and prospects of maritime diplomacy between Kenya and Somalia with regards to territorial cooperation. Power theory comprises a range of concepts and frameworks that aid in comprehending the dynamics of international relations, including matters pertaining to territorial conflicts and cooperation (Acharya, 2014). Moreover, the security dilemma refers to the notion that when a state takes measures to bolster its security, it can inadvertently create a situation where other governments feel less secure. Within the realm of maritime diplomacy, this notion can be employed to examine how endeavors undertaken by Kenya or Somalia to safeguard their maritime interests could be interpreted as menacing by the opposing party, thus resulting in a cycle of suspicion and rivalry (Putra & Cangara, 2022).

The concept of balance of power in this context facilitated the examination of how states strategically position themselves to prevent the emergence of a single dominant state. Power theory can be utilized to assess the impact of adjacent countries or world powers on the negotiations between Kenya and Somalia, when studying territorial cooperation (Flemes, 2016). The study utilizes power theory to assess whether Kenya or Somalia has attained regional hegemony or leadership in maritime affairs. This type of leadership has the potential to create chances for resolving issues, enabling talks, and promoting cooperation among adjacent governments. Lastly, maritime conflicts frequently revolve around the issue of gaining access to important resources, such as oil, gas, and fisheries. The application of power theory can facilitate the examination of how the allocation of resources influences

negotiations, as well as how the abundance of resources in each country affects its ability to negotiate.

Ultimately, an analysis of the obstacles and possibilities of maritime diplomacy between Kenya and Somalia in terms of territorial cooperation reveals that power-related concepts and frameworks can offer a thorough comprehension of the fundamental dynamics at play. Nevertheless, it is crucial to acknowledge that power theory is but one perspective, and integrating it with other theories and methodologies can provide a more comprehensive understanding of the issue.

2.5.4 Conceptual Framework

Independent Variable

Geo-political Factors

- Territorial Claims
- Resource

Dependent Variable

Maritime diplomacy

- Economic interest
- Treaties between nations
- Regional power



Intervening Variable

Figure 2.1: Conceptual model showing interaction of variables

Source: Researcher, 2023

The framework illustrates the connection between maritime issues and the relations between Kenya and Somalia. The independent variable is a maritime dispute that quantifies the conflicts occurring at the maritime border between Somalia and Kenya. The dependent variable is the correlation between Kenya and Somalia, which is assessed based on their trade relations, territorial cooperation, and diplomatic contacts. The framework demonstrates the correlation between the Maritime border dispute and the relationship between Kenya and Somalia. The intervening variables are external elements that influence the relationship between countries and the incidence of conflicts. These factors go beyond the main variables of international law and international institutions. The resolution of maritime conflicts

between Kenya and Somalia could be facilitated through the application of international laws and the involvement of international organizations.

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2.6 Chapter Summary

The second portion involved doing a comprehensive literature review for the topic. This was done to confirm that the planned research aligns with the academic standards and expectations of the scholarly field worldwide, and to verify its credibility in the research community. The literature review was conducted in an objective manner, following the precise objectives of the study. The first purpose was assessed in accordance with geopolitical variables and the impact of a maritime border dispute on diplomatic ties. The second objective is to evaluate the characteristics and scope of maritime diplomacy, while the third objective focuses on analyzing the problems and potential of maritime diplomacy in relation to territorial cooperation. Upon analyzing many literary sources, the suggested research identified and summarized the gaps that were found in the evaluated literature. The chapter has provided a comprehensive conceptual framework for this suggested study. In this instance, the suggestion is to focus on and embrace the philosophy of realism. Furthermore, a conceptual model has been included to bolster the application of the theory. This conceptual model incorporates both the independent and dependent variables, which are interconnected by an intervening variable, thereby comprehensively addressing the research topic. The upcoming chapter will elucidate the research technique.

CHAPTER THREE

RESEARCH METHODOLOGY

The chapter outlines the research methods used to study the targeted group, as well as the sample size used for the study. The report also included an explanation of the research design that was used. This portion also addressed different sampling methodologies employed during data collecting, the data sources utilized for the study, research instruments, and the overall process of data collection. In addition, this chapter explores the process of data analysis and emphasizes the ethical considerations that researchers must adhere to. The chapter subsequently presented a comprehensive synopsis of its content.

3.1 Research Design

This study utilized a descriptive design to investigate phenomena by specifically examining subjective experiences and comprehending the organization of those lived experiences. The descriptive design, which emerged in the early 20th century, was developed by Edmund Husserl and Martin Heidegger in the field of philosophy. This methodology enables a comprehensive delineation of the shared attributes of observed occurrences. The study employed a descriptive strategy to ascertain and comprehend the experiences of individuals involved in the examined matter, in line with the qualitative nature of the study. The study design functions as a structural framework for gathering and examining data, representing choices made on important aspects of the research procedure. The considerations mentioned involve the significance of establishing causal relationships between variables, extrapolating findings to larger populations, comprehending behavior within its particular social context, and building a temporal comprehension of social events and their interrelationships (Bryman 2008).

The results of this study were primarily provided in a qualitative manner, while part of the data was presented in a quantitative format. Qualitative data possesses an inherent capacity to encompass and integrate with other academic disciplines. This is crucial in a time when there is a rapid increase in scholarly ideas - when an entirely new understanding of the human mind is emerging. Within the realm of diplomacy and international affairs, the discernment of a qualitative researcher is essential for effectively navigating the ever more intricate intricacies of the human psyche. Qualitative research has facilitated preparation for the future by enabling academics to employ a range of approaches to examine the consequences of future events and comprehend future actions, particularly in the context of diplomacy.

3.2 Study Area

The study was carried out in Lamu and Mombasa from Kenya and Ras Kamboni (Badhaadhe) in Somalia. Additionally, Key Informants were derived from Nairobi County. Moreover, most offices of the diplomats and government officials are based in Nairobi County and also the Somali in the diaspora who are in-Nairobi Kenya. Mombasa is preferred because it accommodates the coastal communities that interact with the activities of the West Indian Ocean. It has fishermen, traders, oil companies, the military especially the Kenya Navy, Kenya coast guards, Kenya maritime school, institute of security studies, peace and development network trust are all found in Mombasa hence anticipated to enrich this study with adequate information regarding the disputed maritime border in the West Indian Ocean. The study concentrated in the maritime borders of Kenya and Somalia in the West of India Ocean. The boundary between Somalia and Kenya begins at the intersection of a straight line extending from the final permanent boundary marker (PB 29) at a right

angle to the general direction of the coast, meeting the low water line at the coordinates $1^{\circ} 39' 44.0''$ S and $41^{\circ} 33' 34.4''$ E (WGS 84). From this starting point, the maritime boundary in the territorial sea follows the median line described in paragraph 117, continuing until it reaches the 12 nautical mile limit at the coordinates $1^{\circ} 47' 39.1''$ S and $41^{\circ} 43' 46.8''$ E.

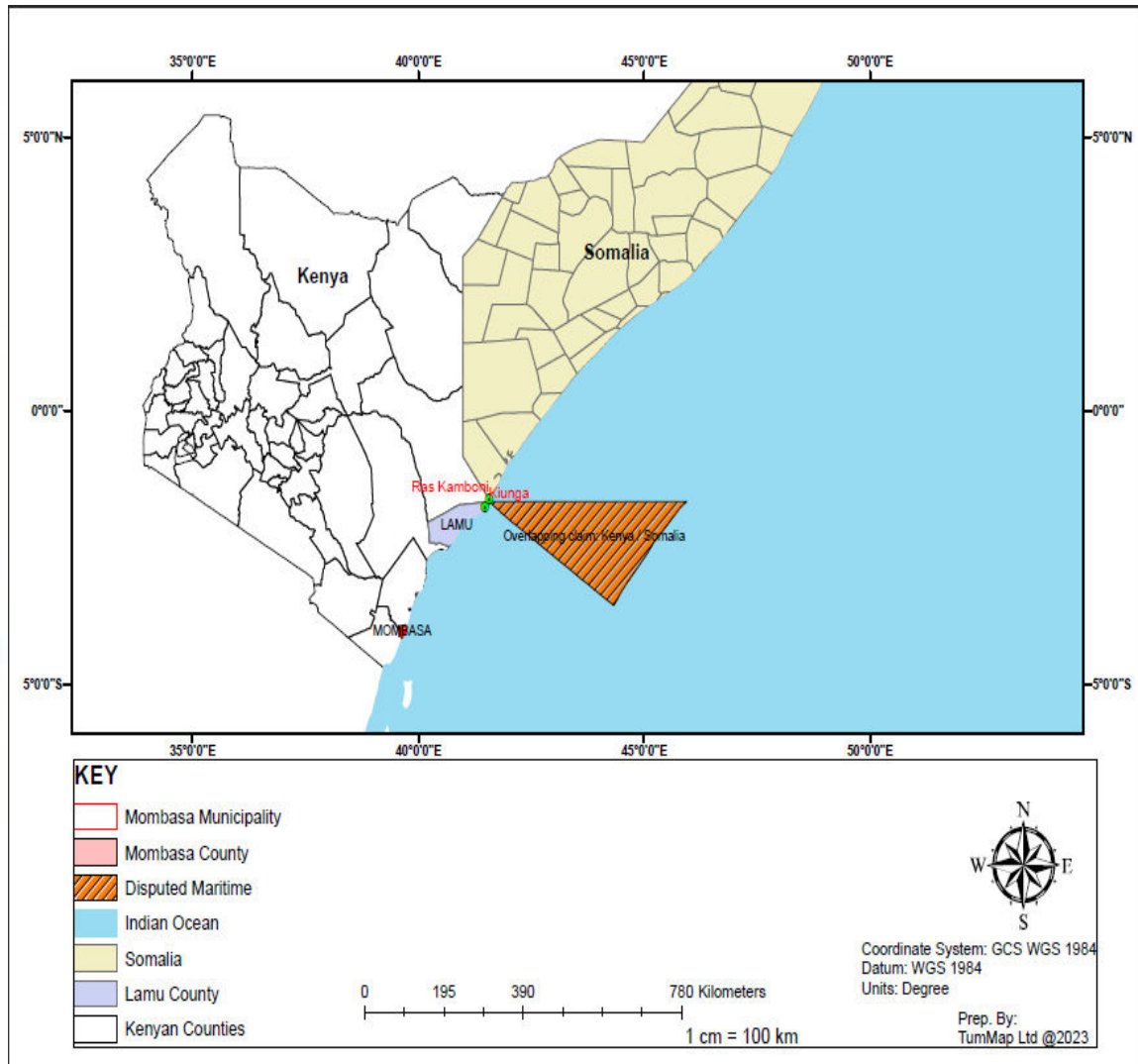


Figure 2.2: A map showing the maritime borders of Kenya-Somalia in the Indian Ocean

Source: GIS Masinde Muliro University of Science and Technology, 2023

The research region encompasses the territory that has been the subject of contention between Kenya and Somalia. The study location is located in the coastal strip of a hot

tropical zone, where the climate is affected by monsoon winds. The rainfall pattern exhibits two distinct seasons, one long and one short, which correspond to variations in the monsoon winds. The long rains, which typically take place from April to June, have an average precipitation of 1,040 mm and are associated with the South Eastern Monsoon winds. The onset of the short rains occurs in late October and continues until December. These rains are associated with the relatively arid North Eastern Monsoons, with an average rainfall of 240mm. The county experiences an annual average rainfall of 640mm. The county experiences an average yearly temperature of 27.90C, with the lowest recorded temperature being 22.70C and the highest recorded temperature being 33.10C. February experiences the highest average temperature of 33.10C, and July has the lowest average temperature of 22.70C. The average humidity at noon is approximately 65 percent.

Coastal areas are expected to experience exacerbated water supply and salinization issues due to sea level rise, which will result in the contamination of freshwater aquifers. Climate projections indicate that water scarcity will be exacerbated, especially in arid and semi-arid regions of the country. Increasing temperatures are expected to worsen the drought conditions and could have a substantial effect on the availability of water and overall human welfare. The people of the five coastal counties (Kwale, Mombasa, Kilifi, Tana River, and Lamu) are at risk due to sea level rise. The combination of rising sea levels and extreme weather events is expected to increase the severity of floods, particularly in areas with low-lying coastlines. Mombasa, a city located on the coast, is highly vulnerable to the effects of rising sea levels. It is projected that an area of approximately 4-6 km² in Mombasa will likely be inundated with a sea level increase of just 0.3 meters. Sea level rise in further

coastal areas is expected to exacerbate existing issues with water supply and salinization, as freshwater aquifers become contaminated with saltwater water. Excessive accumulation of water in the soil, known as water logging, can lead to salt stress, which in turn can decrease crop yield. Moreover, the well-being of coastal communities is in jeopardy due to the impact of saltwater intrusion on coastal aquifers, and the permanent flooding of low-lying regions makes them unsuitable for human habitation.

3.3 Target Population

The study was conducted in Lamu County, Mombasa County and Ras Kamboni in Somalia. According to the Kenya Population and Housing Census (KPHC) OF 2019, Mombasa County has a population of 1,208,333; Lamu County had a population of 143,920 (KNBS, 2019) and Badhaadhe District (Ras Kamboni) had an estimated Population of 71,363 (UNFPA & OCHA, 2023). Based on the fact that the unit of analysis for this study was household heads, the number of households in the three regions that the study covered were as follows: Mombasa County had 378, 422 distributed across six sub-counties, Lamu County had a total of 37,963 household spread across two sub-counties and Badhaadhe District of Somalia (Ras Kamboni) had a total of 13, 752 households. The summary of Distribution of Household Heads in the Study Area was as shown in Table 3.1

Table 3.1: Distribution of Household Heads in the Study Area

County/ Region	Sub-County/District	Household heads
Mombasa County	Changamwe	46,614
	Jomvu	53,472
	Kisauni	88, 202
	Likoni	81,191
	Mvita	38,995
	Nyali	69,948

Lamu County	Lamu East		5,090
	Lamu West		32,873
Lower Juba Region (Somalia)	Badhaadhe Kamboni)	District	(Ras 13, 752
Total			328,183

Source: Researcher, 2023

The households were targeted as the Unit of analysis because the communities living across the border areas within these coastal towns have the know how with regards to how geopolitical factors can influence the day-to-day lives along these coastal towns. Majority of these household heads are involved in economic activities that have a direct relationship with factors associated with maritime diplomacy. These populations live along the coast and are engaged in activities like fishing, trading and working for Multinational companies such as oil companies. Additionally, household heads have close interaction with military personnel in the region thus making their knowledge of all these issues valuable in this study.

The study also targeted key informants from the following categories in Kenya and Somalia: Diplomats, Officials from the Ministry of interior and National Government coordination, Security Personnel, Kenya Coast Guard, Opinion Leaders, Legal Experts, Law Makers, local administration Officials, and Officials from Ras-Kamboni Brigade.

3.4 Sample Size and Sample Techniques

Sampling is the method employed by a researcher to collect individuals, locations, or objects for study purposes. Tesch (1990) provides a definition of sampling as the act of choosing a subset of individuals or things from a population in a way that ensures the selected group accurately reflects the characteristics of the complete group. Creswell (2004) argues that

sampling involves the systematic selection of a defined number of elements from a given population of components. Conversely, a sample size refers to a limited portion of the target population that is analyzed to gather insights about the entire population. A sample refers to a group of individuals chosen from a broader population to participate in a survey (Tesch, 1990). This study was carried out in three regions encompassing Kenya and Somalia. The three regions were intentionally selected because of their strategic importance to the study.

3.4.1 Sampling of household heads

The study employed a four-stage multi-stage sampling procedure. Initially, the sample frame was established by employing cluster sampling to categorize the study area into three distinct regions: Mombasa, Lamu, and Badhaadhe (Ras Kamboni). Given the large size of Mombasa County, 30% of the sampling units were chosen for this study. This means that out of the 6 sub-counties in Mombasa County, 2 were selected. This decision was based on the recommendation by Mugenda and Mugenda (2003) that a sample size between 10% and 30% provides a representative sample of the target population. The researcher employed the method of simple random sampling to choose these two sub-counties, resulting in the selection of Nyali and Kisauni sub-counties. Census sampling was employed to choose two specific sub-counties in Lamu County, namely Lamu East and Lamu West Sub-counties. In addition, the researchers employed purposive sampling to specifically choose Badhaadhe (Ras Kamboni).

The sample size for household leaders was determined in the second stage as follows: The total population of household heads was 328,183. Nevertheless, the total number of

household leaders in Mombasa was 151,139, as only two sub-counties were sampled. Furthermore, the sample consisted of 37,963 household leaders in Lamu County and 13,752 household heads in the Lower Juba region of Somalia (Badhaadhe). Consequently, this investigation sampled a total of 202,852 household leaders. The sample size for the sample frame was subsequently determined by the researcher using Fisher et al., (1983), as cited in Mugenda & Mugenda, (1999). Fisher's formula for sample size determination indicates that the desired sample size can be determined for a target population greater than 10,000 as follows:

$$n = \frac{z^2 pq}{d^2}$$

Where n=desired sample size (the target population is greater than 10,000).

z=the standard normal deviate at the confidence level of 95% is 1.96.

p=the proportion of the target population estimated to have characteristics being measured is set at 50%

q=1-p (probability of non-success)

d=level of statistical significance set at 0.05

$$n = \frac{(1.96)^2 * 0.5 * (1-0.5)}{(0.05)^2}$$

$$n=384$$

During the third stage, the sample size in each of the three zones where the study was conducted was determined using stratified proportionate sampling. This method took into account the sample frame and the predetermined sample size of 384. Table 3.2 demonstrates the distribution of sample units within the study region.

Table 3.2: Proportionate Sample for Household Heads in the Study Area

County/ Region	Sub- County/District	Household heads	Sample Size
Mombasa County	Likoni	81,191	154
	Nyali	69,948	132
Lamu County	Lamu East	5,090	10
	Lamu West	32,873	62
Lower Juba Region (Somalia)	Badhaadhe District	13, 752	26
Total		202,852	384

Source: Researcher, 2023

Lastly, in the fourth stage, simple random sampling techniques was used to select the respondents to participate in the study. The researcher picked a random starting point within the study area and used convenience sampling to pick the respondents until he reached the desired sample size based on each strata. The process was repeated in each of the study locations until the desired sample size was reached.

3.4.2 Sampling of Key Informants and Focus Group Discussions

The study utilized purposive sampling and convenience sampling to select various key informants both in Kenya and Somalia. Purposive sampling was used to select 3 officials from the Ministry of Interior both in Kenya and Somalia as follows; The county commissioner of Mombasa County, the County Commissioner for Lamu County and the District Commissioner Badhaadhe District in Somalia. Purposive sampling was used to sample three experts on maritime diplomacy from both Kenya and Somalia. One expert from the Kenyan Ministry of foreign affairs and another official from the Somalia Embassy in Kenya. Purposive sampling was important in this study because it allowed the researchers

to deliberately choose participants based on their specific characteristics and knowledge that was relevant to this study.

Convenience sampling and purposive sampling were used to select various security personnel interviewed in this study. The study sampled Police officers from the Maritime Police Unit. The study sampled two senior officers, one from the Kilindini detachment in Mombasa County and one from Lamu Detachment in Lamu County. The study also purposively sampled a senior police officer from Badhaadhe District. Purposive sampling was used to select ranking officer of the Kenyan Coast guard and ranking from the Kenya Navy Mombasa; purposive sampling was also used in sampling Ranking officer of the Ras Kamboni security Brigade. Convenience sampling was used 5 religious leaders from the three study locations. 2 religious leaders from Mombasa county (1 Christian and 1 Muslim), 2 religious leaders from Lamu county (1 Christian and 1 Muslim) and 1 religious leader Badhaadhe District. Purposive sampling was further used to sample 3 experts (one expert each) from Peace and Development Network Trust, Institute for Security Studies and Mercy Cops. The study further conducted three focused group discussions 30 opinion leaders 10 from each of the study locations were sampled using simple random sampling and convenience sampling. These opinion leaders included fishermen leaders as well as Oil and Gas Traders leaders.

3.5 Data collection methods and Instruments

The following methods were used to gather data from primary and secondary sources:

3.5.1 Primary Sources

This study utilized many primary sources, including questionnaires, oral and key informant interviews, focus group discussions, and observations. The main way used to acquire data was through conducting comprehensive interviews. The following issues are discussed:

3.5.1.1 Focus Group discussion (FGD)

Johnson and Christensen (2004) cite Collins *et al.* (2007) as saying that the researcher conducted three focus group discussions. The focus group talks were done in both English and Kiswahili, with the researcher and research assistants effectively moderating the conversations. The FGDs consisted of 30 participants, primarily consisting of leaders in the fishing industry and traders in the Oil and Gas sector across the three study locations. Each study location was represented by 10 participants, in line with the recommendation by Stewart and Shamdasani (2014) that the ideal size for focus groups in research is between 10 and 12 individuals. The focus group conversations examined individuals' perspectives, situations, and expectations.

3.5.1.2 Key informant interviews (KIIs)

This study encompassed a series of key informant interviews conducted with specialists. It is believed that these KII will provide a wealth of information about the maritime disputes and Kenya's relationship with Somalia. The selected interviewees offered an interactive platform for the study, facilitating the acquisition of comprehensive information on the factors under investigation.

3.5.1.3 Questionnaires

The study utilized semi-structured questionnaires to get data from household heads. The reason for this is that semi-structured questions allow respondents to answer with as much

depth as they like (Adams & Cox, 2008). Therefore, providing additional details is crucial for researchers as it helps to qualify and explain their comments, resulting in more precise information and practical insights, as seen in appendix III.

Table 3. 3: The summary of the study population, sampling techniques and Data Collection

Population Category	Population size	Sampling Techniques	Sample Size	Method of Data Collection
Household heads	202,852	Multi-stage Sampling	384	Questionnaires
Officials in Charge from the Ministry of Interior	3	Purposive	3	KII
Experts on maritime diplomacy (Lamu, Mombasa, Badhaadhe)	3	Purposive	3	KII
Kenyan Ministry of foreign affairs-Nairobi	1	Purposive	1	KII
Somalia Embassy in Nairobi	1	Purposive	1	KII
Police officer In charge the Kilindini detachment	1	Purposive	1	KII
Police officer In Lamu Detachment	1	Purposive	1	KII
senior police officer from Badhaadhe District	1	Purposive	1	KII
Ranking officer of the Kenyan Coast guard	1	Purposive	1	KII
ranking from the Kenya Navy Mombasa	1	Purposive	1	KII
Ranking officer of the Ras Kamboni security Brigade	1	Purposive	1	KII
Religious leaders	50	Convenience(10%)	5	KII
Civil Society Organizations(Peace and Development Network Trust, Institute for Security Studies and Mercy Cops)	3	Purposive	3	KII
Opinion Leaders	30	Simple random and convenience	30	FGDs
Total	202, 949		436	

Source: Researcher, 2023

3.5.2 Secondary Sources

The study used secondary data from journals, articles, published and unpublished theses, books, print media and social networks such as you tube (Creswell and Creswell, 2018). This is because, the purpose of secondary sources is to interpret, or explain the meaning of the information in primary sources. Also, it helps the researcher to understand more why a particular event happened.

3.6 Data Analysis and Presentation

The data was processed following the recommended approach of editing, coding, classification, and tabulation of raw data, as proposed by Kothari (2004). The analysis of quantitative data encompassed various interconnected procedures, such as the development of categories, coding, tabulation, and drawing statistical inferences. The coded data imported into SPSS version 25.0 was analyzed using descriptive statistics. The researcher displayed the data through descriptive statistics, utilizing frequencies and percentages in the format of graphs and charts.

The qualitative data, gathered from interviews and focus group discussions (FGDs), was analyzed using narrative reports and theme approaches. The data was transcribed and systematically classified into several topics and groups. The themes and categories were analyzed, categorized, organized, and synthesized to provide meaning relevant to the study's objectives and research questions. This procedure facilitated the researcher in examining, confirming, and deducing the significance linked to the study goals and research inquiries, as well as formulating generalizations. The data was conveyed through narrative reporting and direct quotations.

The study employed the triangulation approach to analyze the data. This is due to the fact that it had two distinct sets of data, one derived from primary sources and the other obtained from secondary sources. Both datasets were important and pertinent for the study. Within the realm of secondary sources, this study examined existing material that was previously collected by other academics that have conducted studies on comparable or closely related subjects. This data facilitated a more comprehensive comprehension of the study and produced novel and significant insights by identifying the existing trends, patterns, and correlations. In addition, primary data obtained from questionnaires and interviews were cross-validated. According to Bryman (2004), this strategy involves combining data from many sources to determine the effectiveness and accuracy of the acquired data.

In the results section, both textual and structural descriptions were utilized to present the topic findings. Textural descriptions are important comments that were utilized to document the participants' experiences. Structural descriptions refer to the analysis of the environment or circumstances that impact the experiences of individuals involved (Bryman, 2004).

3.7 Pilot Study

The researcher performed a preliminary analysis utilizing established data collection tools. The study was undertaken by the pilot in the border regions of Kenya and Uganda, namely on Migingo Island. This is due to the frequent occurrence of boundary disputes in the Swamp, which necessitates the establishment of diplomatic relations. This prompted the researcher to verify whether the intended research could be accomplished or not. Subsequently, the data obtained during the pilot study was examined and provided to the supervisors, facilitating modifications to the questionnaires and providing additional direction to the supervisors as needed. After receiving approval from the supervisors, the

researcher proceeded to conduct the research according to the scheduled timeline for the actual implementation of the study.

In determining statistical proof, the Content Validity Index (CVI) was calculated for all the three instruments. The CVI is commonly used because it is easy to compute, understand and focuses on agreement of relevance rather than just agreement. CVI also focuses on consensus rather than consistency and provides both item and Scale information (Polit, Tatano & Owen, 2007). The following recommended CVI formula was used to calculate contents validity for questionnaires and interview guides.

$$\text{CVI} = \frac{\text{Number of Items declared Valid}}{\text{Total Number of Items}}$$

The formula was applied was applied for each of the research instruments under the various sections for each item as indicated in Table 3.4.

Table 3.4: Determination of the CVI of Instruments of Data Collection

Instrument	Section	Valid Item	Invalid Item	Total
Household Questionnaire (HHQ)	A	12	3	9
	B	36	10	46
	C	12	4	16
	Total	60	17	71
Interview	A	5	1	6

Guides (IG)	B	6	2	8
	C	6	1	7
Total		17	4	21

Source: Pilot Survey Results, 2023

$$\text{CVI (HHQ)} = \frac{60}{71} = 0.82$$

$$\text{CVI (IG)} = \frac{17}{21} = 0.81$$

According to Polit *et al.* (2007) data collection instruments are deemed to be valid if the CVI is above 0.70. In this regard, the household Questionnaire was valid by 0.82 while Interview guides were valid at 0.81. The CVI for the FGD was not done as most of the items were similar. Therefore, all the three data collection instruments were valid since they surpassed the recommended 0.70 range.

3.8 Reliability and Validity

Reliability, as defined by Heale & Twycross (2015), refers to the capacity of research instruments to consistently yield similar results when used to assess the same variables repeatedly. This study employed a purposive sample methodology, utilizing questionnaires and interviews as the primary methods for data collection. In essence, the data gathering equipment should consistently produce similar conclusions when used on a comparable sample multiple times. Tongco (2007) defines dependability in a study as the extent to which the conclusions drawn by the main sources of information in the study show consistency across different aspects. Moreover, the presence of bias in the respondents, whether due to intentional or unintentional provision of misleading information by the informants, has the potential to undermine the credibility of the data obtained from the questionnaires and interviews. To ensure the study's objectivity, it was essential to utilize

questionnaires and interviews that align with the study's aims in order to improve reliability. According to Tongco (2007), it is essential for the researcher to create questions that yield the specific information they are seeking. To evaluate the reliability of the data collection instruments, the research conducted a pre-test survey. This survey involved assessing the usefulness of the tools by gathering feedback from random respondents before the actual test. Furthermore, the researcher acquired the necessary data and attempted to determine if another researcher might utilize these tools and achieve comparable results. Subsequently, the researchers obtained the necessary tools for data collection and distributed them to the participants in order to get the specific information required for the study.

In order to verify the accuracy of the data gathered, the researcher reviewed the data collecting instruments with the designated supervisors to receive their consent regarding the validity of the instruments. Validity, as defined by Heale and Twycross (2015), refers to the extent to which the hypothesis of a study is accurately assessed. In essence, the research instruments utilized in the study were employed to accurately assess the intended concept. The study's validity was assured by consultation with supervisors, who assisted in finding deficiencies in the research instruments. The instruments were then changed collaboratively by the supervisors and the researcher.

In addition, knowledgeable individuals or specialists in seminar presentations and workshops were consulted to determine the degree to which the research instruments, such as questionnaires and interview guides, adequately address the idea under investigation. Professionals typically utilize content validity, which may be further categorized as face validity, to ensure the accuracy and relevance of their assessments. In addition, it was crucial

for this study to incorporate purposefully selected experts to complement the purposive sampling technique. Primarily, this contributed to the improvement of the reliability of the data as purposeful sampling is constrained by data bias. Trochim & Donnelly (2001) state that purposive sampling involves selecting respondents who have knowledge and competence in the relevant study field. This is done to improve the quality of the inferences generated from the questionnaires and interviews. Furthermore, executing the research accurately guarantees the internal validity of the study by enhancing the credibility of the conclusions made from the sampling devices. Consequently, in order to improve the reliability of the data collecting tools and the information obtained from the participants, it was beneficial to conduct measurements on multiple occasions. Furthermore, it was crucial to perform a pre-test on the sample instruments in order to minimize limits and bias that could affect the accuracy of the data.

3.9 Study Limitations

Language barriers may result in a lack of more accurate replies, as interviewed people's ability to speak English may be limited due to a narrow vocabulary. This phenomenon was observed within the community of fishermen and dealers. This also impeded their full comprehension of the intricacies of the questions being posed. The research assistants provided interpretation services for individuals who did not have a strong command of the English language.

Geopolitical difficulties and diplomatic matters sometimes entail the handling of sensitive information, which might result in restricted availability of trustworthy data. The researcher synthesized government comments, news sources, and publicly available papers to acquire a

comprehensive perspective. The subject matter encompassed controversial matters and security considerations, resulting in challenges in obtaining specific information. The researcher conducted interviews with experts or individuals possessing expertise in the subject issue to obtain insights that surpass publicly accessible data. Gaining a comprehensive and accurate understanding of historical events can be a complex task that is open to several interpretations. The researcher consulted with historians or experts well-versed in the region's history to accurately situate the study within its right perspective. Finally, it is important to note that geopolitical issues are subject to change over time, and a research undertaken at a particular moment may not fully encompass ongoing changes. The researcher consistently revised the study to accommodate ever-changing geopolitical shifts.

3.10 Ethical Considerations

The researcher acquired an introductory letter from Masinde Muliro University of Science and Technology in order to seek clearance from the initial respondents to perform the study. Upon receiving approval, the researcher diligently obtained a list of eligible respondents from the relevant authorities and employed purposive sampling to pick respondents from this list in order to achieve the required minimum sample size. Subsequently, the respondents were asked to sign the Informed Consent Form. More precisely, the researcher and the assistants instructed the respondents to perform the following tasks: In order to mitigate biases and ensure an objective response during the interview, certain respondents were provided with information about the purpose of the data collection by the interviewers. Upon their return, the researcher edited, processed, and analyzed the obtained data. In

addition, a report was compiled and, upon receiving clearance from the supervisor, the ultimate version was sent to the school of postgraduate studies for the final test.

Furthermore, the research study places great emphasis on the utmost importance of secrecy and informed permission. As a researcher, it was my responsibility to ensure that participants provided voluntary consent to participate in the research and to protect their privacy. I also had to inform participants about the potential hazards associated with participating in the research and obtain formal consent before starting the study. Throughout this investigation, the researcher actively took a role in which they were fully aware of the potential consequences that could arise if any privacy was hidden. During the research process, it is crucial for the researcher to ensure that respondents comprehend that their participation is optional. Participants should be informed that they have the freedom to decline answering any question and can withdraw from the study at any time of their choosing.

Another crucial factor to consider is obtaining the informed consent of the respondents who are anticipated to participate in the research process, which includes conducting interviews and observations on potentially sensitive topics. The researcher committed to consider this matter seriously.

Precision and integrity are crucial for the progression of academic research. The researcher handled the research with great caution, ensuring that there was no inclination to engage in fraudulent behavior or manipulate research findings, as doing so would compromise the integrity of the study.

3.11 Chapter Summary

The third chapter focuses on the research approach. This chapter has aimed to present the research methodology utilized in the study. This study was determined to be only a qualitative research approach due to its inherent capacity to incorporate different disciplines. This study employed a descriptive design to identify phenomena and specifically focused on subjective experiences and comprehending the structure of those experiences. The research population comprised political leaders, diplomats, international organizations, academic geographical experts, and legal experts from Juba land in Somalia and Mombasa County in Kenya. Furthermore, the research was carried out in the cities of Lamu and Mombasa, located in Kenya. The study employed convenience and purposive sampling, which are non-statistical methods for selecting the sample. The study employed Focus Group Discussions (FGDs) and Key Informant Interviews (KIIs) as data collection methodologies. The data gathering instruments were validated and their dependability was assessed. Subsequently, the researcher adhered to the research technique to ensure its genuineness and comprehensibility. The report also provides an explanation of a data analysis methodology. The research completely embraced a qualitative approach, incorporating themes and content analysis. Finally, ethical concerns were followed to guarantee that the research was acceptable within the academic community. The upcoming chapter will focus on the findings of the initial objectives, which involve assessing the geopolitical variables that give rise to maritime border disputes and their impact on the diplomatic ties between Kenya and Somalia.

CHAPTER FOUR

GEO-POLITICAL FACTORS THAT OCCASION MARITIME BORDER DISPUTE PERTAINING TO DIPLOMATIC RELATIONS BETWEEN KENYA AND SOMALIA

4.1 Introduction

The previous chapter dealt with research methodology. This chapter embarks on a comprehensive exploration of the intricate dynamics shaping the current crisis in Kenya-Somalia relations. By delving into various contextual dimensions, including historical legacies, geopolitical complexities, and economic imperatives, this chapter seeks to unravel the manifold layers underlying the discord between these neighboring nations. From the exploitation of maritime resources to the application of international law, from regional power dynamics to global geopolitical interests, each aspect contributes to the broader narrative of the maritime dispute. This chapter aims to provide readers with a refinement understanding of the root causes, strategic calculations, and diplomatic efforts entwined within the Kenya-Somalia crisis. Through a systematic examination of the outlined subsections - ranging from the geopolitical intricacies to the socio-economic ramifications - readers will gain insights into the complexities at play, laying the groundwork for a comprehensive analysis of the crisis and potential pathways towards resolution. Additionally, it used the theory of geopolitics by Colin Gray.

4.2 Questionnaire Response Rate

Based on the sample size of the study, the questionnaire return rate in this study was as indicated in Table 4.1

Item	Respondents	Responded	Not Responded
Questionnaires	384	310	74
Percentage	100%	81	19%

The demographic data of the respondents in this study was gathered by administering questionnaires. A total of 384 questionnaires were distributed to the participants, out of which 310 were returned, resulting in a response rate of 81%. The remaining 19% of the questionnaires were not returned. Nevertheless, it is crucial to acknowledge that the 81% return rate was both informative and ample, as suggested by Saldivar (2012).

4.2.1 Distribution by Gender

The study aimed to ascertain the gender distribution of the respondents. The study included individuals of both genders from both state and non-state actors. The study revealed that among the 310 respondents, the majority were male, accounting for 52% (162), while the remaining 48% (148) were female. As depicted in the Figure below, there was an equilibrium in gender representation due to the negligible disparity between the two. Creswell (2014) suggests that having a gender balance in the study sample is important for minimizing gender bias and ensuring the validity and generalizability of the findings. Mugenda and Mugenda (2009) support this claim by stating that including an equal number of males and females in the sample size enhances the reliability of the research. The conclusions drawn in the present study were thus derived from equitable perspectives, emotions, and responses.

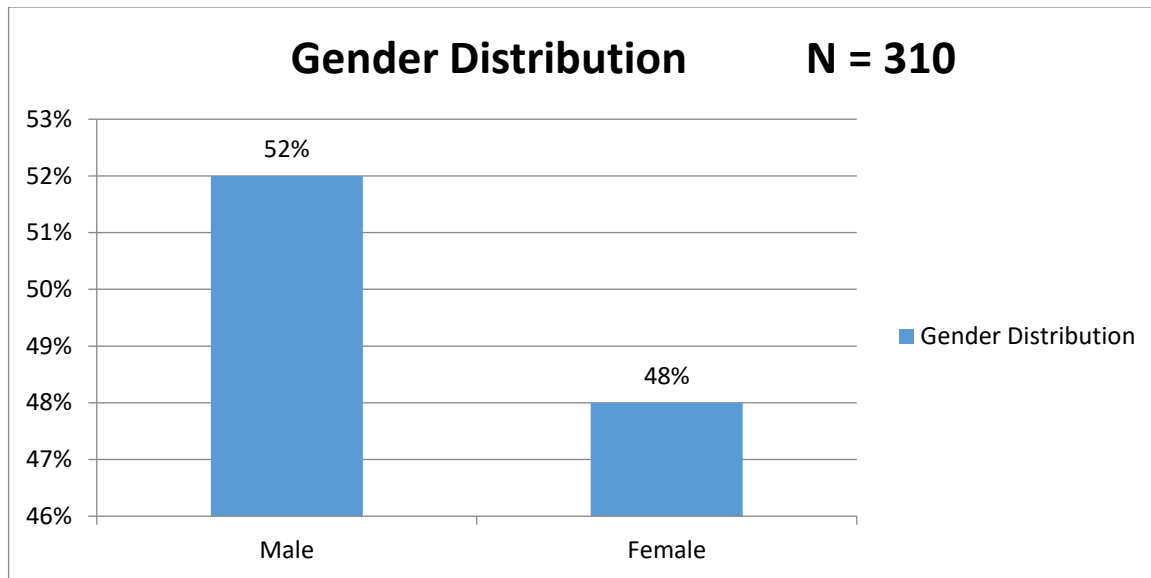


Figure 4.1: Gender distribution

Source, Field data, 2024

4.2.2 Distribution by level of education

The study aimed to determine the educational attainment of the participants. The measurement was conducted utilizing four constructs: primary, secondary, tertiary/college, and university levels. According to the figure provided, the study revealed that a large proportion of the participants had completed higher education. Among the 310 respondents, none had primary level education. However, 40 of them (13%) had completed secondary level education, 183 (59%) had achieved tertiary/college education, and 87 (28%) had obtained a university level of education. The preceding information suggests that the study achieved a fair distribution of education levels, with all categories of education being adequately represented.

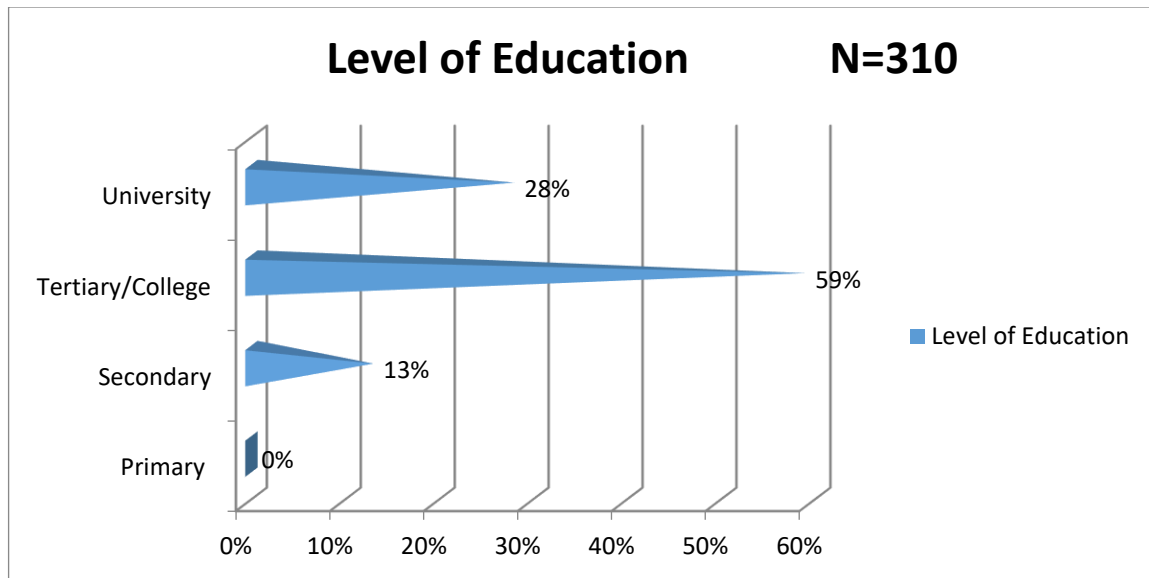


Figure 4.2: Level of education

Source, Field Data, 2023

The significance of this discovery is supported by Carol (2004), who asserts that obtaining varied viewpoints, emotions, and sentiments from a large range of individuals aids in accurately depicting the reality of a situation. Creswell (2014) suggests that including individuals from diverse educational and socio-economic backgrounds in a study sample can provide insights into the underlying elements contributing to a phenomenon. The fact that the majority of them had obtained tertiary/college education indicates that most of them were literate and possessed a logical understanding of many subjects. Hence, it may be asserted that the results obtained in the present investigation are indicative of the whole population. This finding is supported by the research conducted by Adan and Pkalya (2006), which also shown that a sample that is diverse in terms of both academic and socio-economic backgrounds can lead to reliable and accurate results (Adan and Pkalya, 2006). Considering the previous conversation, a participant from Somalia expressed:

The deteriorating relationship between Kenya and Somalia, exacerbated by the worldwide pandemic and internal and regional political dynamics, has become a cause for concern. There are apprehensions that the debate could lead to an armed conflict if it continues on its current path. (Interview with key informant on 20/11/2023, Nairobi).

The aforementioned evidence suggests that training and skill development contribute to professionalism, a crucial factor in fostering positive diplomatic and international relations between Kenya and Somalia. The degree of education, whether it is low, high, or optimal, directly affects productivity due to the fact that training improves the acquisition of skills, the construction of knowledge, and the growth of capacity. Furthermore, it elucidates the significance of formal education in enhancing abilities and acquiring knowledge. Professional training that specifically targets the improvement of abilities related to establishing diplomatic relations is also a crucial factor. This primarily pertains to individuals who are elderly, as it allows them to impart valuable diplomatic skills and information to the younger generation in both countries. It gradually enhances both diplomatic and international relations by providing citizens, especially those in neighboring countries like Kenya and Somalia, with the opportunity to gain valuable experience. This results in all personnel acquiring elevated levels of expertise and understanding, and operating at equivalent levels of proficiency (Kavanagh, 2005).

4.3 An Overview of Geopolitical Factors between Kenya and Somalia

The study aimed to obtain a comprehensive understanding of the geopolitical dynamics between Kenya and Somalia. Hence, throughout the process of gathering data from the inhabitants of Lamu county, particularly in the town of Lamu, a focus group discussion provided valuable insights for the study, revealing that:

Kenya has consistently asserted that a maritime border agreement has been in place since 1979 and has been advocating for a diplomatic resolution to the conflict. Nevertheless, in 2014, Somalia initiated legal proceedings against Kenya at the International Court of Justice (ICJ) following unsuccessful attempts to resolve the dispute through out-of-court settlements. Both nations have ratified the United Nations Convention on the Law of the Sea. (FGD in Lamu, 18/12/2023).

According to the FGD discussion, the study concluded that if the parties involved in the disagreement cannot come to an agreement, a third party like the ICJ is required to establish the boundaries and decide where the water borders are located. Furthermore, although the court's decisions are obligatory, it lacks the authority to implement them. The Indian Ocean contested area serves as a lucrative source of revenue and sustenance for fishermen, and is known to possess extensive reserves of oil and gas, which accounts for the significant international interest it has garnered.

According to the poll, the majority of the 310 respondents strongly agree that both countries should come to a settlement on the disputed stretch. The study revealed that in order to establish effective diplomatic relations, it is necessary for Kenya and Somalia to resolve the issue and finalize it for peaceful coexistence. The results were depicted in the picture below:

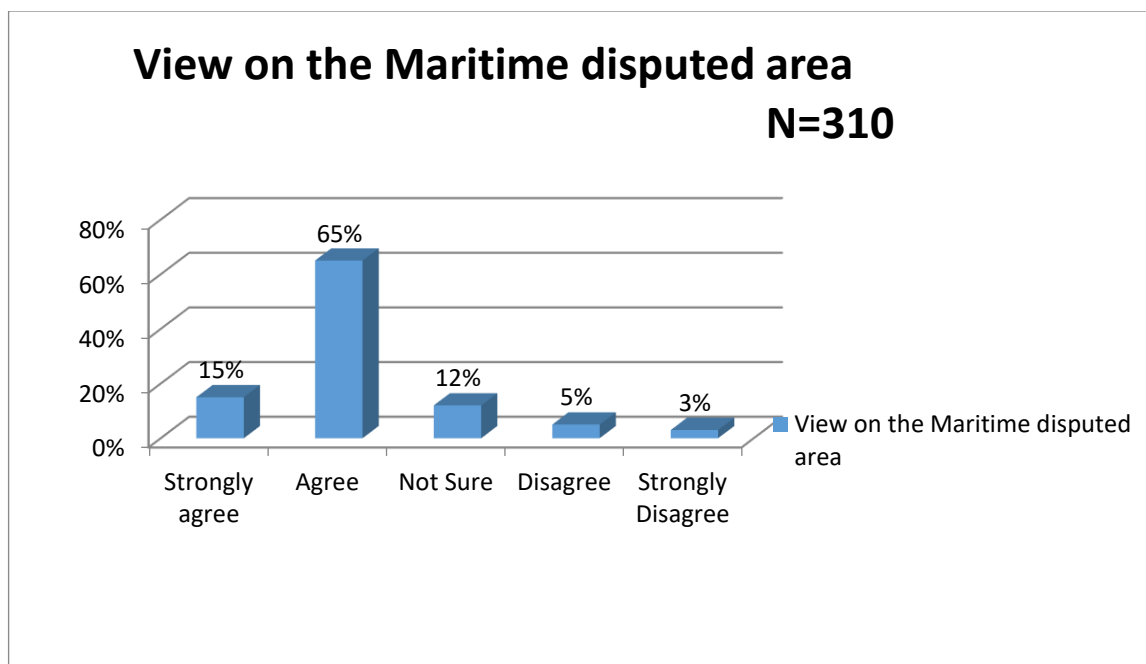


Figure 4.3: View on the maritime disputed area

Source: Field data, 2024

The survey results reflecting the views of respondents from both Kenya and Somalia indicate a shared desire for a consensus diplomatic solution to the maritime disputed area. With a combined 80% expressing agreement (15% strongly agree, 65% agree), it's evident that a significant majority from both countries advocate for a diplomatic resolution that fosters good international relations. This consensus suggests recognition among respondents of the importance of amicable relations between Kenya and Somalia, despite the dispute over maritime boundaries. The 12% of respondents who are unsure signify a need for more information or clarity on potential diplomatic solutions, while the 8% who disagree (5% disagree, 3% strongly disagree) might represent dissenting opinions or alternative approaches to resolving the issue. Overall, the survey results underscore a widespread sentiment among respondents from both nations favoring diplomatic dialogue and cooperation as the preferred path towards resolving the maritime dispute in a manner that

promotes mutual understanding and strengthens international relations between Kenya and Somalia.

The report additionally documents that the legal case between Kenya and Somalia in the International legal of Justice (ICJ) has endured for nearly 7 years. Nairobi has accused the court of exhibiting prejudice after it declined Kenya's plea to postpone the proceedings. Kenya's recent plea to expedite the proceedings in light of the COVID-19 pandemic was rejected, and the submissions are scheduled to occur in March 2021. Kenya abstained from participating in the sessions.

While interrogating one of the respondents, from the ministry of foreign affairs in Nairobi, the study was informed that:

Kenya has decided not to participate at the Maritime Delimitation Case (Somalia v Kenya) which is currently ongoing at the International Court of Justice," (Oral Interview with a key informant from ministry of foreign affairs in Nairobi, on 18/12/2023).

This investigation discovered that the decision was made due to procedural injustice at the Court. Furthermore, the respondent emphasized that this decision was made after careful consideration and thorough discussions on the most effective measures to safeguard the sovereignty and territorial integrity of the Republic of Kenya. According to the previous findings, the study observed that Kenya's problem with the ICJ arises from 'third party business interests' that it feels are interfering with the case. It argues that these interests could have significant consequences for the peace and security of East Africa. The court, after receiving verbal arguments from Somalia, declared that it will issue a verdict on October 12, 2021. The investigation also revealed that Kenya had alerted the

Court about the involvement of influential third-party business interests in the case, which poses a threat to the peace and security of an already vulnerable region.

Moreover, another respondent from the ministry of foreign affairs retorted that:

The expeditious manner in which the subject was presented to the Court and the individuals involved in this conflict indicated a carefully planned tactic of inciting conflict between the nations, without considering the unstable security conditions in the area. Prominent external actors are determined to use the instability in Somalia in order to further exploitative economic interests, without considering the importance of peace and security in the area.

(Oral Interview with a key informant from Ras Kamboni, 19/12/2023).

According to the data, the study concluded that the conflict between the two nations has unfolded outside of the court system. This has resulted in the cutting of diplomatic ties between the two countries. Each country has accused the other of involvement in areas such as territorial integrity, trade, domestic affairs, and security. In 2019, Somalia criticized Kenya for expelling its minister and two MPs following their refusal of admission at the airport. In March 2020, Somalia imposed a ban on the importation of Khat, a widely used stimulant plant in Somalia, claiming it was in line with COVID-19 precautions. Nevertheless, Somalia permitted the entry of Khat from Ethiopia. In December, the diplomatic dispute escalated when Somalia accused Kenya of meddling in its internal matters, an accusation that Kenya refuted. Consequently, the government of Somalia instructed Kenyan diplomats to depart from the nation within a period of seven days and summoned back its own ambassadors. The conflict has intensified in the Horn of Africa. The Intergovernmental Authority on Development (IGAD), a regional organization comprising governments from the African Great Lakes, Horn of Africa, and Nile Valley regions, has selected Djibouti to lead a fact-

finding mission to investigate the dispute between Kenya and Somalia. Both Kenya and Somalia are members of IGAD. The mission did not discover any significant evidence supporting Somalia's assertions. Somalia rejected the conclusions of the expedition, claiming that Kenya had interfered, leading to a fresh dispute between Djibouti and Somalia. Somalia had also issued a warning to withdraw from IGAD if the results were not overturned.

A sequence of talks has taken place in order to alleviate the diplomatic tensions, resulting in the resumption of flights between Kenya and Somalia. This occurred following discussions between the two Presidents at the inauguration ceremony of President Ismail Omar Gelle in Djibouti and subsequently in London. In August, the President of Kenya and a group of high-ranking government officials convened with Somali Prime Minister Mohamed Hussein Roble in the Kenyan coastal city of Mombasa. During the meeting, they reached an agreement to strengthen their relationship and cooperate on matters related to trade and international affairs. However, as the two states, the region, and the globe anticipate the opinion of the International Court of Justice (ICJ), experts argue that the court's decision, regardless of the outcome, will have substantial consequences for the area. "These tensions have recently been suppressed." "The interpretation of the ruling by both countries has the potential to worsen an already unstable situation in the Horn of Africa," stated Dr. Lameck Kiptoo, a specialist in international relations. "The African Union and regional bodies such as IGAD should be proactive in addressing the situation before it intensifies and jeopardizes regional peace and stability."

4.4 The Current Crisis in Kenya-Somalia Relations

As the study interrogated respondents on the current crisis witnessed in Kenya-Somalia

Relations, one of the respondents pointed out that:

The ongoing impasse has already had a significant impact on the trade between the two countries and there is a risk of further deteriorating the situation. The escalating tensions between Kenya and Somalia, exacerbated by the worldwide pandemic and internal and regional political factors, have become a cause for concern. There are worries that the disagreement could lead to a violent conflict if it continues on its current path. The ongoing impasse has already had a significant impact on the trade between the two countries and poses a potential threat to regional security. (Oral interview with a police officer in Lamu, on 19/12/2023).

The difficult relations between the two neighboring countries escalated further when Somalia expelled Kenya's envoy from Mogadishu and recalled its own ambassador from Nairobi, as indicated by the previous findings and arguments presented in the study records. Moreover, the termination of diplomatic relations between the two nations is merely the surface manifestation of a much larger issue. The key matter at hand pertains to the ownership of the oil, gas, and tuna abundant maritime region in the Indian Ocean, which is currently under consideration by the International Court of Justice (ICJ). In addition, the research noted that Kenya recently chose not to participate in the oral hearings due to concerns about impartiality and alleged prejudices by the ICJ. Nevertheless, the main inquiry arising from this study is: Can Kenya and Somalia financially sustain a military conflict regarding their maritime boundary in the Indian Ocean? From this question, a respondent from Lamu argued that:

Both Kenya and Somalia are unable to financially sustain a military conflict due to their interconnected and shared future, much like conjoined twins. The avoidance of any confrontation is crucial due to the potential severe repercussions it would have on their diplomatic, economic, political, security, and socio-cultural relations. Furthermore, such ramifications would also adversely affect their

neighboring countries in the Horn of Africa region. (Oral Interview with a fisherman from Ras Kamboni, on 20/12/2023).

4.5 Contextualizing the Dispute

During the investigation into the disputes, a respondent from Jubaland revealed that the tense relationship between the two states originated in 1963. At that time, Somalia made territorial claims on a portion of Kenya's Northern Frontier District (Oral Interview with a security personnel in Ras Kamboni, on 21/12/2023). The respondent further informed this study that:

Despite the restoration of normalcy with the signing of the Arusha Agreement, ties deteriorated once more as Kenya backed Ethiopia in the Ogaden War. President Daniel Arap Moi's visit to Somalia in 1984 contributed to the reduction of tensions. (Oral Interview with a security person from Ras Kamboni, 21/12/2023).

The survey revealed that respondents have held divergent perspectives on the nature of the conflict between Kenya and Somalia since its beginning. The responses are as stated:

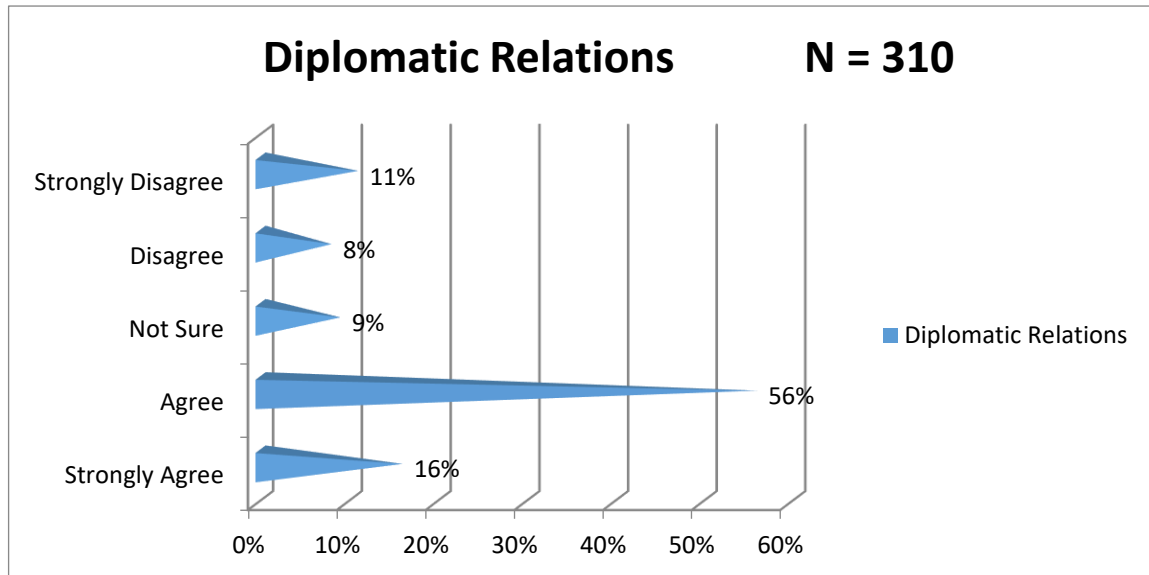


Figure 4.4: **Diplomatic relations**

Source: **Field data, 2024**

The survey findings on the view of strained diplomatic relations between Kenya and Somalia reveal a substantial degree of unanimity among participants. A total of 72% (16% strongly agree, 56% agree) of respondents show agreement on this issue. This indicates a prevailing sentiment among persons from both countries regarding the presence of tense diplomatic relations. Nevertheless, it is worth mentioning that a significant proportion of participants, up to 19% (9% unsure, 8% in disagreement), either exhibit uncertainty or maintain contrasting opinions. The presence of different viewpoints highlights the intricate nature of the matter and the wide array of opinions among the participants. The 11% who strongly disagree consist of persons who hold divergent perceptions regarding the diplomatic relations between Kenya and Somalia, or who maintain that the relations are not as tense as implied. According to this study, there is a significant consensus among respondents about the presence of poor diplomatic relations. However, the survey results also emphasize the importance of delving deeper into and comprehending the contrasting perspectives within both nations to tackle the root causes that contribute to the tense relations.

Through an oral interview with another responder, it was revealed that the protracted civil war in Somalia had consequential impacts on Kenya. She asserted that Nairobi provided support to Mogadishu by housing a large number of its refugees. However, the respondent also suggested that in 2011, Kenya initiated a military intervention in Somalia against al-Shabaab, claiming self-defense due to escalating cross-border attacks. Additionally, the respondent stated that;

Despite the controversy surrounding the operation, which involved allegations of Kenyan troops participating in illicit trade of charcoal and sugar, it is

widely accepted that the operation played a significant role in weakening al-Shabaab and retaking key cities, including Kismayo. (Key Informant Interview with legal expert from Somalia embassy in Nairobi, on 22/12/2023).

According to the above argument, this study found that in 2014, Somalia filed a case against Kenya at the International Court of Justice (ICJ) for trespassing on its maritime property, even though there was a Memorandum of Understanding (MOU) in place to regulate their activities in the disputed area. Kenya expressed its objection to the International Court of Justice (ICJ) resolving the case, while Somalia categorically rejected the option of reaching a settlement outside of court. Somalia has requested the Court to provide it with damages from Kenya, arguing that Kenya's actions in the region have infringed upon Somalia's sovereignty and territorial integrity. In February 2019, Kenya announced the expulsion of Somalia's ambassador to Kenya and the recall of its envoy from Mogadishu. This action was taken in response to Somalia's alleged auctioning of oil blocs in the disputed region. Additionally, it implemented a compulsory layover in Wajir for aircrafts originating from Mogadishu. Furthermore, it consolidated its military forces from the interior of Somalia towards the border they share, thereby exposing the region to potential attacks from al-Shabaab. In May 2019, it was discovered that Kenya had arrested a group from the Somali government at Jomo Kenyatta International Airport. The delegation had come to Kenya to participate in a workshop organized by the European Union, but they were detained because they did not have the necessary visas. In June 2020, Somalia sided with Djibouti rather than Kenya for the non-permanent member seat of the United Nations Security Council, further intensifying the competition between the two countries. The paper additionally documents that in March 2020, Somalia implemented a restriction on

the importation of Miraa/khat from Kenya in response to Nairobi's decision to cease giving visas on arrival to Somalis. In response to Kenya's apparent support for the re-election of Jubaland's president, Ahmed Madobe, who is said to have had a falling out with the central government, Somalia removed Kenya's ambassador from its territory. As a result, there was conflict between Somali federal soldiers and those who supported Madobe, which also spread to Mandera town in Kenya. In December 2020, when Somaliland's President visited Nairobi, Kenya made a commitment to establish a consulate and initiate direct flights to Hargeisa. Somalia strongly objected to this, as it maintains territorial claims on the region despite declaring independence in 1991.

Kenya refused to participate in the oral hearings at the ICJ on March 16, 2021, citing the Court's perceived bias, insufficient time to prepare because to the Covid-19 outbreak, and unsuitability of the virtual format of the hearing. An FGD in Mombasa informed this study that:

Somalia gained an advantage as it had ample time to present its arguments. However, some argue that Kenya's decision is motivated by a lack of trust in the Court, which is attributed to the inclusion of Judge Ahmed Yusuf, a Somali citizen, on the panel of judges. (FGD in Ras Kamboni, on 23/12/2023).

According to the FGD, it was emphasized that Kenya shares the belief that Somalia is being used as a proxy by influential foreign actors who aim to isolate it in order to gain complete control over the East African Coast.

4.6 Factors that emerged as the contributors of the disputes between Kenya and Somalia

This study revealed that, despite apprehensions regarding the ongoing stalemate between Kenya and Somalia escalating into an armed clash, both countries are unable to bear the costs and consequences of engaging in military combat due to the high stakes involved. Violent escalation presents a significant risk to regional development initiatives, including the LAPSSET (Lamu Port-South Sudan-Ethiopia-Transport Corridor). Furthermore, should Kenya follow through with its threat and remove its forces from Somalia before the agreed-upon time, it is quite probable that al-Shabaab will exploit these vulnerabilities in security to launch additional attacks on both Nairobi and Mogadishu. Furthermore, the Kenyan economy may endure negative consequences as Somalia serves as a significant market for Kenya's exports, especially miraa. Ultimately, the stability of Somalia will be jeopardized if Kenya forcibly returns Somali refugees in response to its request to the United Nations to shut down two refugee camps (Dadaab and Kakuma) due to its insufficient capabilities to relocate them. This would worsen the already critical humanitarian and security situation in the Horn of Africa.

To justify the discovery made by this study, some respondents were interrogated by the researchers. One of the respondents, from Ras Kamboni cited that;

While it is important to adhere to international maritime laws principles in resolving the marine territorial dispute between the two countries, which are legally enforceable only with the permission of the parties involved, it is advisable for the parties to first consider alternate methods of resolving the dispute before turning to the International Court of Justice (ICJ). (Oral Interview with security officer in Lamu, on 28/12/2023).

Moreover, the analysis found that the zero-sum results linked to the International Court of Justice (ICJ) are not favorable in this situation. Therefore, it is necessary for Kenya and

Somalia to pursue a mutually beneficial resolution through diplomatic discussions. An FGD in Lamu confirmed this observation, saying that

We firmly hold the belief that effective borders are not merely defined by geographical boundaries, but rather by the presence of sincere political cooperation and mutual understanding. The African Union's Panel of the Wise have the ability to effectively guide the parties involved towards the bargaining table, since it maintains a neutral stance towards all parties involved. (FGD of security personnel in Lamu, on 28/12/2023).

Based on the FGD argument, this study found that negotiations can be facilitated to reach an agreement on a joint exploration arrangement for mutual interest. This can be guided by a treaty, such as the Nigeria-Sao Tome and Principe Joint Development Authority. This authority was established after the states signed a treaty to regulate their joint exploration projects in the Bight of Bonny. Hence, Colin Gray's theory of geopolitics offers a perspective to comprehend the intricacies of the maritime conflict between Kenya and Somalia. This statement underscores the crucial significance of marine regions and the possibility for hostilities to intensify, so impacting regional stability and economic interests. Gray's theory supports the study's findings by emphasizing the dangers of armed confrontation and promoting the use of diplomatic dialogue. It underscores the importance of using alternative dispute resolution methods and win-win solutions to protect shared interests and prevent destabilization in the Horn of Africa.

4.6.1 Resource Riches

The study was interested in recording what causes disputes between the two countries. The study interrogated various respondents on the issues and responses were recorded. A respondent from Kenya Coast guards informed this study that:

The disputed area contains potentially significant oil and natural gas reserves. He added that, access to these resources can be a major driver of territorial disputes as both countries seek to secure their economic interests (Oral Interview with a local administrator from Ras Kamboni, on 29/12/2023).

Based on his argument, the study recorded that, resource riches can indeed play a significant role as a geopolitical factor in maritime border disputes and can have a substantial impact on diplomatic relations between countries. Therefore, it is forthright to note that, in the case of Kenya and Somalia, the dispute over maritime borders in the Indian Ocean is closely linked to potential resource wealth, particularly oil and natural gas reserves.

Another respondent who is a fisherman posited that, the disputed area in the Indian Ocean is believed to contain significant hydrocarbon resources. According to this respondent:

...both Kenya and Somalia have explored and potentially lucrative offshore oil and gas reserves, which are highly coveted due to their economic value (Oral Interview with a Mercy Cops personnel, on 29/12/2023).

This argument was reinforced by another respondent, who is a legal expert on the law of the sea from Kenya, which the root of the maritime border dispute lies in conflicting territorial claims. According to this respondent;

Somalia argues that the maritime boundary should extend along the same line as its land border, while Kenya insists on a parallel line, which would give it a larger share of the disputed area (Oral Interview with a gas and oil trader in Mombasa, on 18/12/2023).

Therefore, this study came to a conclusion based on the preceding argument that, the outcome of this dispute would directly affect each country's access to and control over these valuable resources.

The study further observed that, resource-rich areas can provide significant economic benefits to the countries that control them. These resources can contribute to economic growth, job creation, and increased revenue through taxes and royalties. Thus, both Kenya and Somalia have strong economic incentives to assert their claims over the disputed waters. Sovereignty and control over natural resources are matters of national pride and security. Countries often see control over resource-rich areas as vital to their sovereignty and economic stability. Disputes over these resources can become deeply ingrained in a nation's identity and foreign policy. Both Kenya and Somalia have taken the dispute to the International Court of Justice (ICJ) for resolution. This reflects their willingness to engage in diplomatic processes to address the issue, but it also underscores the high stakes involved. The ICJ's decision will have far-reaching consequences for both nations and could set a precedent for future maritime border disputes.

To affirm the observation made by the study, some respondents were interrogated by the study. A respondent from Institute for Security Studies informed this study that:

The dispute has strained diplomatic relations between Kenya and Somalia. Accusations and counter-accusations have been exchanged, and the issue has become a sensitive and divisive topic. Diplomatic relations have been affected as a result, with both countries taking strong positions in defense of their claims. The dispute also has broader regional implications (Oral interview with ISS person in Mombasa, on 3/1/2024).

From this study, this could potentially impact the stability of the Horn of Africa region, as it involves neighboring countries like Ethiopia, which have interests in the outcome. Regional tensions and conflicts can further complicate the diplomatic resolution process.

In conclusion, the study found that, resource riches, particularly in the form of oil and natural gas reserves have occasioned the maritime border dispute between Kenya and Somalia. It further records that, the economic and strategic importance of these resources has heightened the significance of the dispute, making it a central issue in their diplomatic relations. The resolution of this dispute through international arbitration will have long-lasting implications for both countries and the broader region.

This discussion is in line with geopolitical theory by Colin Gray, which emphasizes the significance of geographical factors, including access to natural resources, in shaping geopolitical dynamics. In the case of Kenya-Somalia relations, the presence of potentially lucrative oil and gas reserves in the disputed maritime territories amplifies the stakes of the dispute, with both nations seeking to assert control over these valuable resources.

Therefore, Colin Gray's geopolitical theory elucidates how access to natural resources, like oil and gas reserves, influences geopolitical dynamics. The maritime border dispute between Kenya and Somalia underscores this, as the contested area is believed to hold significant hydrocarbon wealth. Control over these resources affects economic growth and national security, fueling diplomatic tensions and legal battles. Gray's theory aligns with the study's findings, highlighting the pivotal role of resource competition in shaping geopolitical relations and the high stakes involved in maritime disputes.

4.6.2 International Law and UNCLOS

The United Nations Convention on the Law of the Sea (UNCLOS) is a crucial international legal framework that governs maritime boundaries. Both Kenya and Somalia are parties to UNCLOS, and the interpretation and application of its provisions are central to their dispute. This includes the 200 nautical mile exclusive economic zone (EEZ) and continental shelf claims. International law, particularly the United Nations Convention on the Law of the Sea (UNCLOS), has played a significant role as a geopolitical factor in the maritime border dispute between Kenya and Somalia. UNCLOS is the primary international legal framework that governs maritime boundaries and the use of the world's oceans. It establishes rules and principles for delimiting maritime zones, including Exclusive Economic Zones (EEZs) and continental shelves. Both Kenya and Somalia are parties to UNCLOS, which means they are bound by its provisions.

This study discovered that, the dispute between Kenya and Somalia arises from competing interpretations of UNCLOS regarding the delimitation of their maritime boundaries. UNCLOS provides a framework for coastal states to determine their EEZs and continental shelves based on principles such as equidistance and relevant circumstances. However, according to the findings of this study, differing interpretations of these principles have led to conflicting claims. This is because; UNCLOS defines the rights and responsibilities of states in their respective maritime zones, including the exploitation of natural resources.

The potential presence of valuable oil and gas reserves in the disputed area has amplified the significance of UNCLOS in this dispute. Both countries seek to secure access to these resources based on their interpretations of the convention.

Based on the preceding argument, the study interrogated an FGD of traders from Mombasa.

In the FGD, one of the traders alluded that;

...International law, provides a mechanism for resolving maritime boundary disputes through peaceful means (FGD of traders in Mombasa, on 3/1/2024).

In this case, this study found that, Somalia initiated proceedings at the International Court of Justice (ICJ) to seek a legal resolution to the dispute, invoking UNCLOS as the basis for its claims. Kenya, while initially objecting to the ICJ's jurisdiction, eventually participated in the proceedings. As per the FGD of traders, it emerged that, the pursuit of legal remedies through UNCLOS mechanisms has had mixed effects on diplomatic relations between Kenya and Somalia. Furthermore, the FGD posited that:

On one hand, it demonstrates their willingness to engage in a peaceful and legal process to resolve the dispute, which could be seen as a positive diplomatic gesture. On the other hand, the dispute itself has strained bilateral relations, with both sides vigorously defending their positions (FGD of traders in Lamu, on 3/1/2024).

Based on the aforementioned discussion, this study records the ICJ's involvement in the dispute has put the interpretation of UNCLOS at the forefront of the legal proceedings. Furthermore, it emerged to the study that, the court's decision will have far-reaching implications for not only Kenya and Somalia but also for the broader application of UNCLOS in similar maritime boundary disputes worldwide. It emerged to the study that, the dispute has garnered the attention of the international community, which closely monitors its developments. Various countries and organizations have expressed their support for a peaceful resolution based on international law, emphasizing the importance of adhering to UNCLOS principles.

Based on the responders views and the study discovery, it is worthwhile to record that international law, especially UNCLOS, has played a central role in the maritime border dispute between Kenya and Somalia. It has provided the legal framework for the dispute, influenced the strategies of both countries, and led to the involvement of the ICJ. While UNCLOS offers a peaceful means of resolving such disputes, it has also strained diplomatic relations due to differing interpretations and the high stakes involved in resource-rich areas. The eventual ICJ decision will be a critical factor in shaping the outcome and future relations between these two countries.

This is in tandem with geopolitics by Gray's which underscores the importance of international legal frameworks, such as the United Nations Convention on the Law of the Sea (UNCLOS), in regulating maritime disputes. The discussions surrounding the Kenya-Somalia dispute often center on interpretations of UNCLOS and adherence to international law, highlighting the role of legal principles in shaping diplomatic efforts and dispute resolution mechanisms.

Moreover, Colin Gray's geopolitical theory highlights the significance of international legal frameworks, like UNCLOS, in regulating maritime disputes. UNCLOS shapes the Kenya-Somalia dispute, governing interpretations of maritime boundaries and resource exploitation rights. The involvement of the ICJ underscores UNCLOS's pivotal role, though differing interpretations strain diplomatic relations. Gray's theory aligns with the study's findings, emphasizing the influence of legal principles in shaping diplomatic efforts and resolving disputes, particularly in resource-rich areas governed by UNCLOS.

4.6.3 Regional Dynamics

The Horn of Africa region has seen its fair share of conflicts and geopolitical rivalries. Other neighboring countries, such as Ethiopia and Eritrea, may have their interests or allegiances that influence the Kenya-Somalia dispute. Regional dynamics have played a significant role as a geopolitical factor in the maritime border dispute between Kenya and Somalia, influencing diplomatic relations between the two countries. This study was interested to know how regional dynamics between Kenya and Somalia share borders with other countries, and these neighboring states have their own interests and concerns related to the dispute. This is because, the study discovered that, for instance, Ethiopia has strong ties with Kenya and is wary of any potential instability in the region. According to this study, this concern has led Ethiopia to support Kenya's position in the dispute. Conversely, Somalia's regional ally, Qatar, has provided political and financial support to Somalia. These external actors influence the dynamics of the dispute and add complexity to diplomatic relations.

One of the respondents from Horn of Africa NGO Consortium informed this study that, both Kenya and Somalia are members of regional organizations such as the Intergovernmental Authority on Development (IGAD) and the African Union (AU) (Key Informant Interview with a legal expert, on 4/1/2024). According to this respondent;

These organizations have a vested interest in regional stability and conflict resolution. The dispute has put pressure on these organizations to mediate and facilitate a peaceful resolution. The respondent further posited that the involvement of regional bodies can both assist and complicate diplomatic efforts (Oral Interview with a diplomat from Ras Kamboni, on 4/1/2024).

Another responded posited that the maritime border dispute has security implications for the Horn of Africa region. It adds an element of tension and uncertainty that can potentially spill over into other regional conflicts. Stability in the Horn of Africa is of concern to

neighboring countries, especially Ethiopia, which relies on access to the sea through Djibouti. Therefore, this study discovered that, any escalation of the dispute could impact regional security and stability. It emerged to this study that, Kenya hosts a significant population of Somali refugees and has been a key player in the regional response to the Somali conflict. Moreover, the maritime dispute has the potential to strain Kenya's relationship with Somalia, which could affect the management of refugee populations and regional stability. This dynamic adds a humanitarian dimension to the dispute.

The study was further informed by one of the respondents, a trader, that, the economies of Kenya and Somalia are interconnected in various ways, including trade and remittances from the Somali diaspora in Kenya. According to her;

a protracted dispute and strained diplomatic relations can disrupt these economic ties, impacting both countries' economies and potentially leading to economic grievances. Historical tensions and conflicts in the region have contributed to the complexity of the maritime dispute (Oral Interview with a Law maker in Lamu, on 5/1/2024).

This was in tandem with the observations made by the study that, Kenya and Somalia have had historical disputes over land borders, which have left lasting scars. According to the researcher, these historical grievances can spill over into the maritime dispute, making it more challenging to find common ground. Regional actors, including neighboring countries and organizations, have attempted to mediate the dispute. These mediation efforts can either facilitate or hinder diplomatic relations, depending on their success and the willingness of the parties involved to engage constructively. The study further found out that, out of 260 respondents, a different percentage had the following divergent views;

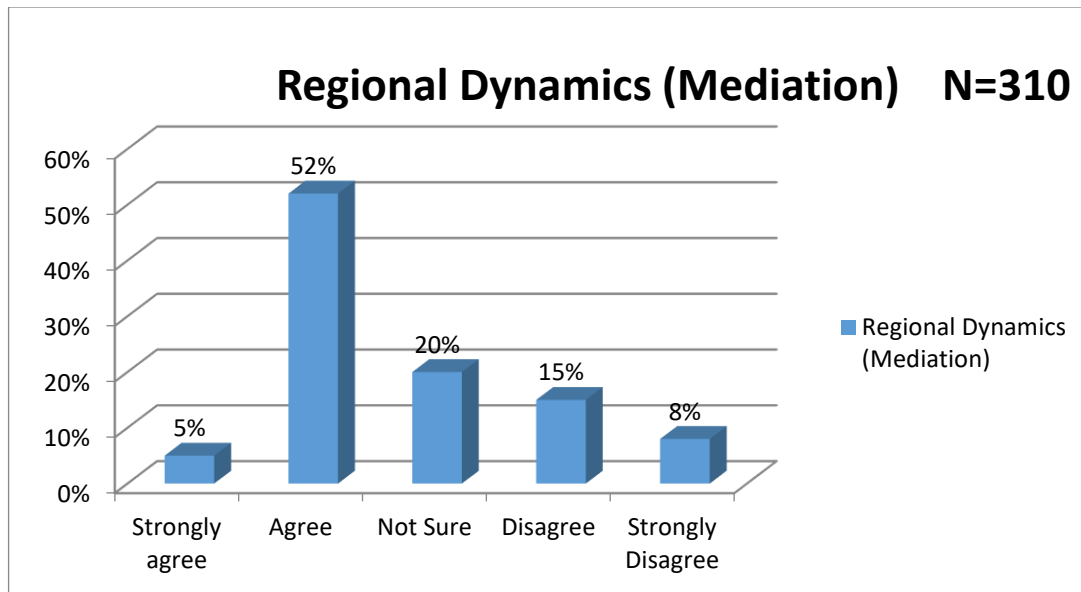


Figure 4.5: **Regional dynamics (mediation)**

Source: Field data, 2024

The discussion among respondents regarding the role of mediation in addressing the regional dynamics between Kenya and Somalia over the disputed maritime border in the Indian Ocean reflects a spectrum of opinions. While a majority, comprising 57% (Strongly agree: 5%, Agree: 52%), see mediation as a potentially constructive path towards resolution, there exists a notable proportion, amounting to 28% (Not sure: 20%, Disagree: 15%, Strongly disagree: 8%), who express uncertainty or outright disagreement with this approach. This diversity of perspectives underscores the complexity of the issue and highlights the need for careful consideration of diplomatic strategies to navigate towards a mutually beneficial resolution that ensures regional stability and respects the interests of both nations.

Based on the above findings, the study concludes that, regional dynamics, including the interests of neighboring states, the role of regional organizations, security implications, migration issues, economic interdependence, historical tensions, and mediation efforts, have

significantly influenced the maritime border dispute between Kenya and Somalia. These factors have added complexity to diplomatic relations and made the resolution of the dispute a multifaceted challenge. It highlights the interconnectedness of regional geopolitics and the need for regional cooperation in addressing such disputes.

The preceding discussion of findings aligns with Gray theory of geopolitics, which acknowledges the significance of regional power dynamics and alliances in shaping geopolitical outcomes. In the context of Kenya-Somalia relations, regional dynamics, including the interests of neighboring states and the role of regional organizations, play a crucial role in influencing diplomatic efforts and mediating the dispute.

Additionally, Colin Gray's geopolitical theory underscores the role of regional dynamics in shaping geopolitical outcomes, as seen in the maritime border dispute between Kenya and Somalia. Neighboring countries like Ethiopia and Qatar, alongside regional organizations such as IGAD and the AU, influence diplomatic relations and mediation efforts. This study's findings reveal the interconnectedness of regional geopolitics, highlighting the multifaceted challenges and the importance of regional cooperation in resolving disputes.

4.6.4 International Mediation and Arbitration

The involvement of international bodies like the International Court of Justice (ICJ) in resolving the dispute can have geopolitical implications. The choice of forum for dispute resolution and the willingness of both parties to abide by the outcome can impact their relations with the international community. According to respondents from Lamu, one of them informed the study that,

International mediation and arbitration have played a critical role as geopolitical factors in the maritime border dispute between Kenya and Somalia, significantly influencing diplomatic relations between the two countries. According to this respondent, International

mediation efforts have been made to resolve the dispute (Key Informant Interview with a diplomat in Lamu, on 6/1/2024).

Based on this responder's response, it emerged to the study that, various countries and organizations, including the United Nations, the African Union, and the United States, have attempted to mediate between Kenya and Somalia. These mediation attempts have demonstrated the international community's interest in preventing further escalation of the dispute and the potential for regional instability.

Furthermore, the study discovered that, the maritime border dispute was ultimately brought before the International Court of Justice (ICJ) for arbitration. This legal process was initiated by Somalia and accepted by Kenya. The study further discovered that, the decision to seek arbitration at the ICJ underscores the importance of international law and the willingness of both countries to pursue a peaceful resolution through a recognized legal framework. Therefore, it was clear to the study that, the decision to use international arbitration as a means of dispute resolution sets a significant precedent in international relations. It further highlights the importance of adhering to international law and peaceful mechanisms for resolving disputes. Moreover, the outcome of the ICJ arbitration will set a legal precedent that may influence how other countries approach similar disputes in the future.

While the study interrogated respondents whether the decision to involve the ICJ and engage in arbitration has had both positive and negative impacts on diplomatic relations between Kenya and Somalia, various views were recorded by the study from the respondents. One of the respondents from Jubaland informed the study that,

On the positive side, it demonstrates a commitment to peaceful conflict resolution, which can be viewed favorably by the international community. The respondent further reiterated that, it has also led to heightened tensions and exchanges of accusations during the arbitration process. Furthermore, according to this respondent, the involvement of international mediation and

arbitration has garnered support from various countries and organizations. He added that, indeed, the international community generally supports peaceful resolution mechanisms and adherence to international law. This support can provide diplomatic leverage to the countries involved and influence their positions (Oral Interview with a Kenya Coast Guard officer in Mombasa, on 2/1/2024).

With regards to the preceding response, the study concealed that, arbitration process has highlighted the high stakes involved in the dispute, particularly the potential access to valuable oil and gas resources. It was revealed that the resolution of the dispute through international arbitration has increased the visibility of these stakes, making it a focal point of diplomatic discussions and negotiations. International mediation and arbitration processes are generally seen as impartial and credible mechanisms for resolving disputes. This can help build trust between the parties involved and ensure that the outcome is perceived as fair and just. However, perceptions of bias can also arise, impacting diplomatic relations.

In conclusion to the above responses and discoveries, the study unleashes that, international mediation and arbitration have played a significant role in the maritime border dispute between Kenya and Somalia. These mechanisms have highlighted the importance of adhering to international law, set a precedent for future dispute resolution processes, and garnered international support. While they offer a peaceful means of resolving the dispute, they have also added complexity to diplomatic relations due to the high stakes involved and the legal arguments presented during the arbitration process. The outcome of the ICJ arbitration will have lasting implications for the diplomatic relations between these two countries and may serve as a model for similar disputes in the future.

This is in tandem with the theory of geopolitics, which recognizes the role of third-party mediation and arbitration mechanisms in resolving geopolitical disputes. Discussions surrounding the Kenya-Somalia dispute often involve considerations of international

mediation efforts, highlighting the importance of neutral actors in facilitating dialogue and negotiation between the two nations. Colin Gray's geopolitical theory acknowledges the significance of international mediation and arbitration in resolving disputes, as seen in the Kenya-Somalia maritime border dispute. These mechanisms demonstrate adherence to international law, set precedents, and garner international support, but also complicate diplomatic relations due to high stakes and legal arguments.

4.6.5 Great Power Interests

The involvement of external actors, particularly regional and global powers, can exacerbate or mitigate the dispute. This study was interested to know how this works out. As it interrogated respondents from county political leaders in Chagamwe, one of the respondents informed this study that;

External actors may support one side over the other for various strategic, economic, or political reasons. However, she added that, great power interests can be a significant geopolitical factor in maritime border disputes, influencing diplomatic relations between countries involved (Oral Interview with a church leader in Lamu, on 17/12/2023).

Furthermore, according to this respondent, she maintained that, While Kenya and Somalia are not typically considered great powers; their maritime border dispute has attracted the attention of larger and more influential nations. Based on this discussion, the study found out that, indeed, great powers often have vested interests in resource-rich regions, such as those with potential oil and gas reserves. It therefore emerged that, indeed, the disputed area between Kenya and Somalia is believed to have significant hydrocarbon resources. In this perspective, this study found out that, Great powers, including the United States, China, and European countries, have energy interests and multinational corporations operating in the

region. Therefore, based on this discovery, these interests can create economic and geopolitical incentives for these countries to support one side or the other in the dispute.

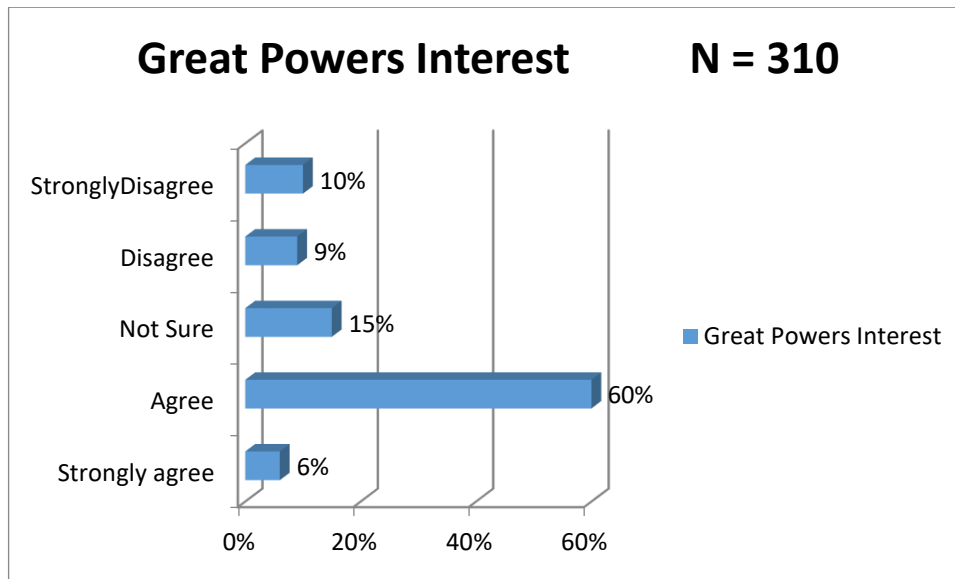


Figure 4.6: **Great powers interest**

Source: Field data, 2024

The discussion among respondents regarding the influence of great power nations in escalating disputes between Kenya and Somalia over the disputed maritime border in the Indian Ocean reflects a range of opinions. While a minority, comprising 16% (Strongly agree: 6%, Agree: 10%), strongly assert that great power nations play a significant role in exacerbating tensions due to their interests, a larger proportion, totaling 34% (Not sure: 15%, Disagree: 9%, Strongly disagree: 10%), express varying levels of uncertainty or disagreement with this notion. Despite the lack of consensus, the consideration of great power interests in regional disputes underscores the intricate geopolitical dynamics at play and highlights the need for careful examination of external influences in conflict resolution efforts between Kenya and Somalia.

The study was also interested to know the effect of the location of the disputed area. While interrogating a security officer, from Lamu, he retorted that:

The location of the dispute in the Horn of Africa makes it of strategic importance to great powers. This region is situated along key maritime routes, such as the Red Sea and the Gulf of Aden, which are critical for global trade and security. According to him, the control over maritime territories in this region can impact great powers' military and economic interests. He further asserted that Great powers often have influence over smaller countries through alliances, financial aid, and diplomatic support. The respondent further came out clear that, in the case of Kenya and Somalia, they have received varying degrees of support from different great powers (Key Informant Interview with a KDF leader in Ras Kamboni, on 6/1/2023).

Therefore, political and financial backing of great powers can impact the strategies and diplomatic positions of the disputing parties.

Based on the preceding discussion, it emerged to the study that, Great powers may play a role in conflict resolution efforts. They can use their diplomatic leverage to encourage a peaceful resolution to the dispute or, conversely, contribute to the prolongation of the conflict if it aligns with their interests. Their involvement can influence the willingness of the disputing parties to engage in negotiations. The involvement of great powers can affect international legal processes, such as arbitration at the International Court of Justice (ICJ). The study further records that; these countries may submit *amicus curiae* (friend of the court) briefs or provide legal and diplomatic support to one of the disputing parties, potentially impacting the outcome of the arbitration process. Additionally, Great powers often have a vested interest in regional stability. The Kenya-Somalia maritime border dispute if left unresolved or if it escalates could have broader regional implications, including the potential for instability in the Horn of Africa. Great powers may seek to prevent such instability to protect their own interests and regional allies.

In line with the aforementioned findings, the study concludes observed that, Great powers can also influence discussions and negotiations in multilateral forums. For example, they may exert pressure or provide incentives within organizations like the United Nations or the African Union to encourage a peaceful resolution to the dispute. Additionally, the study unleashes that great power interests have occasioned the maritime border dispute between Kenya and Somalia by virtue of the economic, strategic, and geopolitical significance of the region. These interests can impact diplomatic relations between the disputing parties, shape the strategies they pursue, and influence the outcome of the dispute resolution process. The involvement of great powers underscores the complex and multifaceted nature of such disputes and highlights the interconnectedness of global geopolitics.

Therefore, the discussion has been based on Gray theory of geopolitics, which highlights the influence of great powers on global geopolitics and regional affairs. In the case of Kenya-Somalia relations, the involvement of external actors with strategic interests in the region, such as the United States, China, and European countries, can shape diplomatic efforts and influence the trajectory of the dispute.

4.6.6 Domestic Politics

The domestic political landscape in both Kenya and Somalia plays a role in how leaders approach the dispute. From this study, it was observed that, the Public opinion, political dynamics, and electoral considerations can influence a government's stance on territorial issues. While the study interrogated various respondents on the aforementioned matter, one of the respondents affirmed that:

Domestic politics can indeed be a significant geopolitical factor in maritime border disputes and can have a substantial impact on diplomatic relations between countries. Furthermore, the same respondent alluded that, in the case of the maritime border dispute

between Kenya and Somalia, domestic politics have played a pivotal role. For instances, he added that, domestic politics often reflect the nationalism and public opinion of a country's citizens (Oral Interview with a Muslim leader in Lamu, on 7/1/2024).

Another respondent, based in the same discussion reiterated that that,

In both Kenya and Somalia, the dispute over the maritime boundary has been framed in nationalist terms, with leaders and politicians using it to bolster their popularity and legitimacy. Public sentiment can put pressure on leaders to take a hardline stance and resist compromise, which can hinder diplomatic efforts (Key Informant Interview with a legal expert in Nairobi, on 8/1/2024).

Another respondent maintained that:

The leadership of a country can have a significant impact on its foreign policy decisions. In Kenya and Somalia, political leaders have faced pressure to assert their country's claims in the dispute as a means of demonstrating strength and resolve, especially during election cycles. This can lead to heightened tensions and affect diplomatic relations (Key Informant Interview with a Law maker in Ras Kamboni, on 10/1/2024).

He further informed this study that, the potential presence of valuable natural resources, such as oil and gas, in the disputed area can trigger resource nationalism. According to him, leaders may feel compelled to assert territorial claims to ensure that these resources benefit their country, leading to disputes and affecting diplomatic relations. Domestic legal systems can become arenas for the resolution of maritime border disputes. For instance, the respondent added that:

In the case of Kenya, a domestic legal challenge was brought before its courts, leading to conflicting rulings on the dispute's jurisdiction. This domestic legal wrangling can complicate diplomatic relations and international arbitration efforts (Oral Interview with a church leader in Ras Kamboni, on 10/1/2024).

Based on the respondents' response as interrogated by the study, it clearly emerged that, domestic bureaucratic interests, including those within foreign ministries and maritime agencies, can influence a country's stance in a maritime dispute. Additionally, bureaucrats may have their own perspectives and interests, which can shape the government's approach

to negotiations and arbitration. Countries with strong domestic political lobbies or diaspora populations from Kenya and Somalia may influence their governments' positions. For example, the study discovered that, Somali diaspora communities may advocate for their home country's interests in the dispute, affecting the stance of the Somali government. However, within both Kenya and Somalia, there may be regional or local interests at play. Leaders and politicians from certain regions or localities may have particular views on the dispute, which can be influenced by local factors, including economic considerations.

It was also concealed by this study that, political rivalries and power struggles within a country can also impact its approach to the dispute. Competing political factions may use the dispute to criticize the government's handling of foreign affairs, leading to divisions and uncertainty in diplomatic relations. Therefore this study concludes that, domestic politics is a crucial geopolitical factor that has occasioned the maritime border dispute between Kenya and Somalia. It has shaped the countries' diplomatic postures, influenced their willingness to negotiate or seek legal remedies, and contributed to the complexity of the dispute. Understanding the domestic political dynamics in both countries is essential for assessing the prospects for a peaceful resolution and for comprehending the broader geopolitical implications of such disputes.

The above discussion has been accelerated by Gray's theory which acknowledges the interplay between domestic political factors and geopolitical dynamics. Discussions surrounding the Kenya-Somalia dispute often consider how internal political dynamics within each country, including leadership changes, public opinion, and electoral cycles, impact diplomatic efforts and decision-making processes.

4.6.7 Economic and Security Ties

The study also found that economic and security relationships with other nations can also influence the dispute. It was noted that, Kenya and Somalia have diverse international partnerships, and these relationships can affect their diplomatic maneuvering. Therefore, this study interrogated various respondents based on the finding above. One of the respondents alluded that;

economic and security ties can indeed be significant geopolitical factors that occasion maritime border disputes and influence diplomatic relations between countries, as is the case with the maritime border dispute between Kenya and Somalia (Oral Interview with traders in Mombasa, on 11/1/2024).

Based on this respondent's feedback, it was discovered by the study that, the disputed area in the Indian Ocean is believed to contain substantial oil and gas reserves. Therefore, it emerged to the study that, economic interests in accessing and exploiting these resources have been a driving force behind the dispute. Both Kenya and Somalia are eager to secure a larger share of these valuable resources, as they could greatly boost their economies.

Another factor that the study identified was the Revenue from natural resource exploitation, which was deemed to be of a significant impact on a country's budget and development plans. A respondent informed this study that:

Both Kenya and Somalia see the potential revenue from the disputed area as vital for their economic growth and development. This economic stake intensifies their determination to assert their claims. Economic ties extend beyond natural resources. Kenya and Somalia have trade relationships and economic partnerships that could be affected by the dispute. The disruption of these economic ties could have negative consequences for both countries; further complicating diplomatic relations (Key Informant Interview with a diplomat, on 12/1/2024 from Nairobi).

Therefore, as per the above respondent, the maritime border dispute has security implications, particularly in the context of piracy and illegal fishing in the region. This study therefore agrees with him that, maintaining control over the disputed waters is seen as

crucial for addressing these security challenges. Both countries want to secure their maritime borders to protect against illegal activities.

Additionally, it was unleashed by the study that, the Horn of Africa is a region with a history of conflict and instability. Therefore, it was possible that, a maritime border dispute that escalates could have wider regional implications, affecting security and stability in the Horn of Africa. It was thus right to record that this concern is shared by neighboring countries and international actors as well. As per the observation made by this study, it was clear that both Kenya and Somalia have established security alliances and partnerships with various countries and international organizations. Moreover, these alliances can influence their diplomatic positions and the support they receive in the dispute. Security partners may align their interests with one of the disputing parties, further complicating diplomatic relations.

As the study interrogated a respondent based on the discovery made, it was informed that:

Economic and security ties can impact the effectiveness of international mediation efforts. The respondent further added that, countries with strong economic interests in the region may seek to mediate or influence the mediation process. The respondent further added that, security concerns may also motivate regional and international actors to engage in diplomatic efforts to resolve the dispute. From this view, this study presents that, indeed, economic and security considerations can shape the positions taken by Kenya and Somalia during negotiations. These considerations may lead to greater flexibility or, conversely, intransigence in diplomatic talks. They can also affect the willingness of the parties to compromise on disputed areas (Oral Interview with a fisherman on 13/1/2024 in Lamu).

Based on the above findings, this study acknowledges that, the economic and security ties of regional actors, such as Ethiopia and Djibouti, can further complicate the dispute. According to the findings of the study, it emerges that these countries have their own economic and security interests in the region, and their involvement can influence the diplomatic dynamics between Kenya and Somalia. In a nutshell, the study found out that, economic and security

ties have played a pivotal role in occasioning the maritime border dispute between Kenya and Somalia and have had a significant impact on their diplomatic relations. According to the findings of the study, it emerged that these ties have driven their determination to assert their claims over the disputed waters, affected their economic interests, and influenced their security concerns. The dispute has also attracted the attention of regional actors and international partners who have their own economic and security stakes in the region, further complicating the diplomatic resolution process.

The forgoing discussion is in tandem with Colin Gray theory, which emphasizes the importance of economic and security considerations in shaping geopolitical relations. The discussions surrounding Kenya-Somalia relations often focus on economic ties, security cooperation, and the broader implications of the dispute on regional stability and development.

4.6.8 Security Concerns

Another pertinent finding made by the study is that, maritime disputes can have security implications, including potential conflicts over fishing rights and the enforcement of maritime boundaries. It was discovered by this study that these issues can impact the stability of the region. According to one of the respondents from International crisis group, this study was informed that:

Security concerns have been a significant geopolitical factor that has occasioned the maritime border dispute between Kenya and Somalia. He further added that, this has had a substantial impact on diplomatic relations between the two countries. The respondent further informed this study that, the waters off the coast of Somalia have been notorious for piracy. Maritime piracy has posed a severe security threat to vessels passing through the region, including those carrying vital goods and resources. According to him, Kenya has been actively involved in anti-piracy operations in the Indian Ocean, particularly through its participation in international naval missions.

Security concerns related to piracy have heightened the importance of maintaining control over maritime territories to combat piracy effectively (Oral Interview with a Police officer in Lamu, on 14/1/2024).

Based on the above discussion, the study discovered that, both Kenya and Somalia have sought to secure their maritime borders to deter piracy and other illegal activities, including illegal fishing. The study observed that, the dispute over the exact boundaries of their maritime territories is, in part, driven by the desire to establish clear legal frameworks for patrolling and securing these waters. Furthermore, the disputed area is believed to contain valuable oil and gas reserves. Protecting these resources and ensuring their exploitation for revenue generation are vital security concerns for both countries. Control over maritime borders is seen as a means to safeguard these resources and prevent unauthorized extraction. Revenue from resource exploitation can have significant economic security implications. Income generated from oil and gas reserves can contribute to a country's economic stability, reduce dependence on foreign aid, and fund critical infrastructure and social programs. Ensuring access to these resources is viewed as a matter of economic security.

Furthermore, the study observed that, neighboring countries in the Horn of Africa, such as Ethiopia and Djibouti, have their own security interests. It emerged that; they may be concerned about the implications of the dispute for regional stability and may seek to influence the resolution process to safeguard their own security. However, security concerns related to piracy, resource protection, and regional stability have contributed to strained diplomatic relations between Kenya and Somalia. Accusations and counter-accusations have been exchanged, and the dispute has at times overshadowed other diplomatic issues between the two countries.

While holding an FGD of local community from Mombasa, the study was informed by the discussants that;

The involvement of international mediators and organizations in the dispute, including the United Nations and the African Union, reflects the recognition of security concerns. According to this FGD, it emerged that, these organizations have sought to mediate and encourage a peaceful resolution to prevent further security risks in the region (FGD of local community in Mombasa, 12/1/2024).

Based on the aforementioned discussion, the study acknowledges that, security concerns have been a significant driver of the maritime border dispute between Kenya and Somalia. As per the findings of this study, it emerged that, these concerns encompass maritime security, resource protection, economic security, regional stability, and diplomatic relations. Moreover, the dispute is not solely about the demarcation of borders but also about addressing broader security challenges in the Indian Ocean and the Horn of Africa. The researcher is convinced that, addressing these identified security concerns is essential for both countries and for the broader regional and international community to ensure stability and prosperity in the region.

Therefore, based on the above discussion, Gray's theory recognizes the centrality of security concerns in shaping geopolitical strategies and alliances. In the context of Kenya-Somalia relations, security concerns, including the threat of terrorism, piracy, and transnational crime, influence diplomatic efforts and drive collaboration on maritime security initiatives.

4.6.9 Diplomatic Efforts

The study was interested on diplomatic efforts as a geopolitical factor. This is because, it was about the willingness of both countries to engage in diplomatic negotiations and find a peaceful resolution is a crucial factor. Various respondents who were diplomats were interrogated by the study. One of the respondents affirmed to this study that,

the effectiveness of diplomatic efforts can be influenced by the broader geopolitical context. According to him, diplomatic efforts, or the lack thereof, have played a crucial role as a geopolitical factor in the maritime border dispute between Kenya and Somalia, significantly influencing diplomatic relations between the two countries. According to him, diplomatic relations between Kenya and Somalia initially centered on negotiations and bilateral discussions to address the maritime border issue (Oral Interview with a church leader in Lamu, on 14/1/2024).

Another respondent further informed this study that, diplomatic channels in the past were used to express concerns and attempt to find a mutually acceptable solution, which was actually a good idea that needed to be emulated in the contemporary ties between Kenya and Somalia (Oral Interview with a local administration, 14/1/2024).

This study is in tandem with the respondents view by acknowledging that, when bilateral negotiations failed to yield a resolution, international mediators and organizations, such as the United Nations, the African Union, and the Intergovernmental Authority on Development (IGAD), became involved in mediating the dispute. These efforts reflected the recognition of the dispute's potential for destabilizing the region and its international implications. In relation to the respondents' feedback, the study made the following analysis on the role of diplomatic efforts in trying to solve the issue. The respondents' views were discussed and displayed as follows:

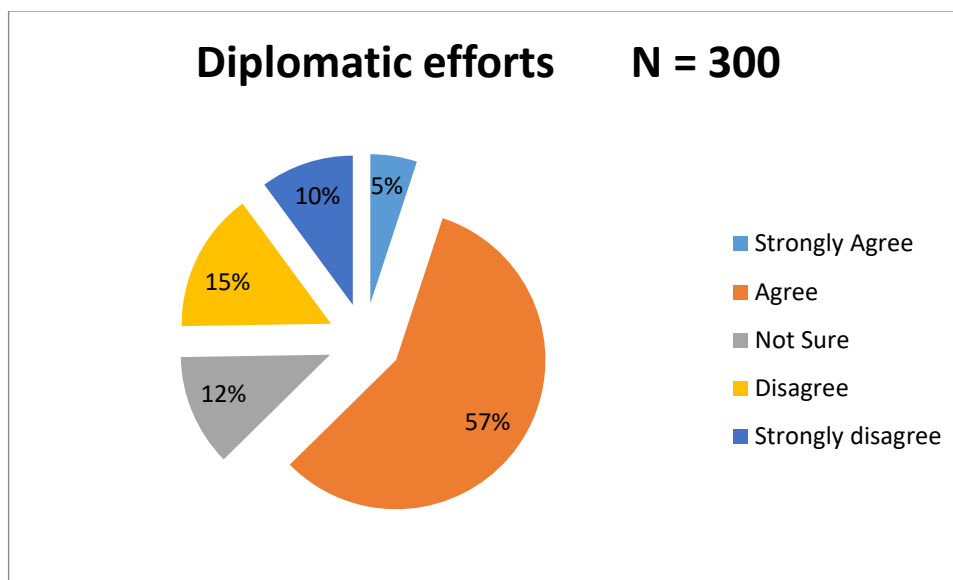


Figure 4.7: Diplomatic efforts

Source: Field data, 2024

The dialogue among respondents underscores the pivotal role of diplomatic efforts in resolving the dispute and fostering positive relations between Kenya and Somalia concerning the disputed maritime border in the Indian Ocean. A significant majority, representing 62% (Strongly agree: 5%, Agree: 57%), emphasize the importance of diplomatic channels in finding mutually acceptable solutions and promoting goodwill between the two nations. While there exists a minority, comprising 37% (Not sure: 12%, Disagree: 15%, Strongly disagree: 10%), who express varying degrees of uncertainty or disagreement with this perspective, the overwhelming consensus highlights the potential for diplomatic engagement to mitigate tensions and pave the way for constructive dialogue. Recognizing the shared interests of Kenya and Somalia in regional stability and economic development, diplomatic efforts serve as a crucial pathway towards achieving a lasting resolution and nurturing a cooperative relationship beneficial to both countries.

Based on the above discussion, the study unleashed that, indeed, Somalia's decision to initiate arbitration at the ICJ marked a significant diplomatic shift in the dispute. It transformed the issue into a legal and international diplomatic matter. It was exposed by the researcher that Kenya initially resisted the ICJ's jurisdiction but later participated in the proceedings, highlighting the importance of diplomatic channels within the context of international law. It is anticipated by the study that, the court's decisions and judgments will ultimately shape the outcome of the dispute and influence future diplomatic relations between the two countries. The willingness of both Kenya and Somalia to abide by the ICJ's ruling demonstrates a commitment to diplomatic processes and international law. The dispute attracted the attention of the international community, which played a role in diplomatic efforts. Moreover, the study anticipates that, the involvement of third-party mediators and international organizations reflected recognition of the dispute's significance and potential for regional instability.

The FGD of fishermen also informed the researcher that,

various countries and international organizations have expressed their support for a peaceful resolution based on international law and diplomatic negotiations. Some responders in the FGD maintained that, these statements and positions have exerted diplomatic pressure on Kenya and Somalia to engage in constructive dialogue (FGD of fishermen in Lamu, 18/1/2024).

Based on this discussion, the researcher found out that, the dispute has strained diplomatic relations between Kenya and Somalia at times. Thus, accusations, counter-accusations, and legal arguments have created a contentious atmosphere, making it challenging to maintain constructive diplomatic engagement. However, the researcher came into terms that, despite the tensions, diplomatic efforts, including international mediation and ICJ arbitration, reflect a commitment to finding a peaceful solution to the dispute. The eventual resolution of the

dispute through these diplomatic channels will have long-term implications for bilateral relations and regional stability. Additionally, the researcher discovered that public diplomacy, including statements made by leaders and officials from both countries, has shaped public perceptions of the dispute. According to one of the respondents in the FGD, it emerged that;

....public opinion can influence the diplomatic positions taken by governments and impact the overall climate of negotiations (FGD of fishermen in Lamu, 18/1/2024).

Therefore, these sentiments informed this study to conclude that; diplomatic efforts have been a central geopolitical factor in the maritime border dispute between Kenya and Somalia. These efforts encompassed bilateral negotiations, international mediation, legal arbitration, and diplomatic support from the international community. While the dispute has at times strained diplomatic relations, it has also demonstrated a commitment to finding a peaceful resolution through diplomatic means and adherence to international law. Additionally, as per this study, the outcome of these diplomatic efforts will significantly shape future relations between the two countries and set a precedent for addressing similar disputes on the international stage. In conclusion, the maritime border dispute between Kenya and Somalia is a multifaceted issue shaped by historical, legal, economic, and geopolitical factors. Therefore, successfully resolving this dispute will require careful consideration of these factors and a commitment to peaceful negotiation and adherence to international law. Moreover, the involvement of regional and global actors can further complicate or facilitate a resolution, making it a matter of international concern.

While generalizing on the responses provided by questionnaires, focus group discussions and oral interviews conducted, the data reveals a notable similarity, with above 57% of questionnaire responses aligning with the responses from FGDs and oral interviews. This

congruence suggests a shared understanding among respondents regarding the geopolitical factors affecting maritime border disputes. Common themes include historical grievances, resource riches, security concerns, and geopolitical alliances that contribute to the complex nature of the diplomatic relations between Kenya and Somalia.

However, below 17% of questionnaire responses differed from FGDs and oral interviews, indicating some disparities in perspectives. These differences could stem from the limitations of the questionnaire format, which might not capture the depth and nuances of qualitative discussions. Additionally, the nature of oral interviews and FGDs allows for more elaboration and clarification, leading to a richer understanding of the intricate geopolitical dynamics influencing maritime border disputes.

The high level of correspondence suggests that the findings are robust and reliable, as they are supported by multiple data sources. The discrepancies, on the other hand, may highlight unique insights and alternative viewpoints obtained through qualitative methods (Fanelli, 2009). It is essential to recognize that the complexity of geopolitical factors requires a multifaceted approach, where quantitative and qualitative data complement each other to provide a comprehensive understanding.

Quantitative and qualitative analyses both provide valuable insights into the complexity of the issue when it comes to evaluating the geopolitical factors that are at the root of the maritime border dispute between Kenya and Somalia and their implications for diplomatic relations (Mohamud, 2023). This indicates that there is a consensus on certain aspects of the geopolitical factors that are influencing the dispute, as measured by quantitative analysis, which reveals a significant proportion of respondents who strongly agree and agree with the statement. This statistical approach provides numerical data that can assist in identifying

trends and patterns in the perceptions of respondents, thereby highlighting the degree of agreement on particular issues that are associated with diplomatic relations (Amaratunga *et. al.*, 2002).

When compared to quantitative analysis, qualitative analysis delves more deeply into the nuanced perspectives and underlying reasons behind the agreements of respondents, providing a more comprehensive understanding of the geopolitical dynamics that are at play (Ifekwunigwe *et. al.*, 2017). When it comes to qualitative responses, the prevalence of positive agreement indicates that respondents have a common understanding of the multifaceted nature of the maritime border dispute and the wider geopolitical implications that it has (Imboywa, 2022). Through the elucidation of the underlying factors that are driving respondents' perspectives, qualitative data makes it possible to investigate a variety of perspectives, thereby adding context and depth to the findings obtained through quantitative research (Imboywa, 2022).

In addition, the combination of quantitative and qualitative methods makes it possible to conduct an all-encompassing analysis of the geopolitical factors that are influencing the maritime border dispute and the impact that it has on the diplomatic relations between Kenya and Somalia (Abdi, 2015). Qualitative analysis provides a deeper understanding of the underlying drivers and contextual factors that influence certain viewpoints, in contrast to quantitative analysis, which provides statistical evidence of the prevalence of certain viewpoints (Njagi, 2019). Researchers are able to acquire a more comprehensive understanding of the intricate relationship that exists between geopolitical factors and

diplomatic relations in the context of the maritime border dispute if they supplement their quantitative responses with qualitative insights (Kombo, 2018).

In conclusion, the comparison of quantitative and qualitative analyses highlights the significance of employing both methods in the process of evaluating the geopolitical factors that are at the root of the maritime border dispute that exists between Kenya and Somalia (Kasura, 2021). Qualitative analysis provides depth and context, which enriches our understanding of the underlying dynamics, in contrast to quantitative analysis, which provides numerical data on the prevalence of certain perspectives. These complementary approaches, when taken together, contribute to a more comprehensive assessment of the diplomatic implications of the maritime border dispute (Achieng, 2019). Additionally, they provide information regarding potential avenues for resolution and cooperation between the two countries.

The above discussion of findings agrees with Gray's theory of geopolitics, which underscores the role of diplomacy as a tool for managing geopolitical tensions and resolving disputes. Discussions surrounding Kenya-Somalia relations often highlight diplomatic efforts, including bilateral negotiations, multilateral initiatives, and diplomatic outreach, aimed at addressing the maritime dispute and fostering cooperation between the two nations.

4.7 Chapter Summary

The chapter has explored the multidimensional dynamics surrounding resource-rich regions, with a particular focus on the role of international law, regional dynamics, great power interests, domestic politics, economic and security ties, security concerns, and

diplomatic efforts. Resource riches, often a source of contention, are subject to international legal frameworks like UNCLOS. This convention delineates rights and responsibilities regarding maritime boundaries, resource exploitation, and environmental protection. However, its implementation is influenced by regional dynamics, shaped by historical, cultural, and geopolitical factors. In navigating disputes, international mediation and arbitration serve as mechanisms for conflict resolution, crucial in addressing conflicting claims over resources. Great power interests further complicate matters, with major players seeking to assert influence and secure access to resources. This dynamic interplay between global powers can exacerbate tensions and hinder diplomatic efforts aimed at cooperation. Domestic politics also play a pivotal role, as governments balance economic imperatives with security concerns and public opinion. Economic ties, particularly in resource-dependent economies, influence decision-making and can either foster cooperation or exacerbate competition and conflict. Security considerations, ranging from traditional military threats to non-traditional challenges like piracy and terrorism, further underscore the complexities of resource management. Amidst these challenges, diplomatic efforts are essential for fostering dialogue, building trust, and finding mutually beneficial solutions. Diplomacy serves as a tool for conflict prevention and resolution, facilitating negotiations and agreements aimed at managing resources sustainably and peacefully. Effective diplomacy requires engagement at multiple levels, from bilateral talks to multilateral forums, to address the diverse interests and concerns of stakeholders. The next chapter will underscore the nature and extent of maritime diplomacy between Kenya and Somalia

CHAPTER FIVE

NATURE OF MARITIME DIPLOMACY BETWEEN KENYA AND SOMALIA

5.1 Introduction

The previous chapter underscored, evaluating the geopolitical factors that occasion maritime border dispute pertaining to diplomatic relations between Kenya and Somalia. In this chapter, the study delved into the intricate realm of maritime diplomacy between Kenya and Somalia, analyzing its nature, complexities, and implications within the broader context of the Kenya-Somalia maritime dispute. By systematically assessing the roles played by both governments, the study aimed to shed light on the factors contributing to or mitigating the tensions surrounding maritime boundaries and resource exploitation. Furthermore, it scrutinized the involvement of the International Court of Justice (ICJ) in the case of Somalia v. Kenya, exploring its significance and the implications of its judgment for the Law of the Sea. The chapter endeavored to provide readers with a comprehensive understanding of the intricacies surrounding the Kenya-Somalia maritime dispute and its implications for international law and diplomatic relations. Through this exploration, the chapter aimed to uncover potential pathways towards resolution and the promotion of maritime cooperation between these neighboring nations. The chapter was unraveled by nascent diplomatic theory.

5.2 Assessing the Nature of Maritime Diplomacy between Kenya and Somalia

The study interrogated respondents who were the security personnel from Lamu. During the discussion, it emerged that;

There is there is a broad understanding of border perceptions and dynamics of the concept borders, state sovereignty, and conflict. They showed how the complexity of borders appears in the shifting nature of the functions performed by borders; and lastly it gives

opinion, if-defined borders a key element of a state (FGD of Security personnel in Lamu, on 12/1/2024).

From the questionnaires administered, the study analysed the data and the following perspectives on understanding the nature of maritime diplomacy emerged, that:

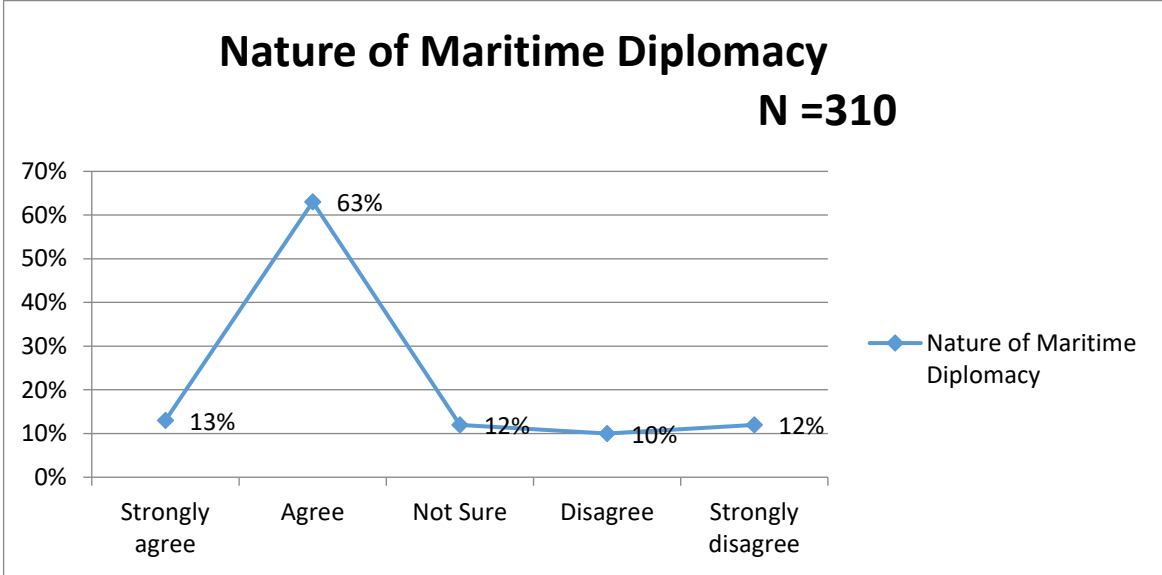


Figure 5.1: Nature of maritime diplomacy

Source: Field Data, 2024

The respondents' viewpoints on the nature of maritime diplomacy and its role in fostering positive relations between Kenya and Somalia, particularly concerning the disputed maritime border in the Indian Ocean, reflect a predominant agreement among the majority. With 63% expressing agreement and 13% strongly agreeing, there's a clear recognition of the significance of maritime diplomacy in resolving disputes and promoting cooperation. However, a notable proportion remains uncertain or in disagreement, comprising 12% not sure, 10% disagreeing, and 12% strongly disagreeing. This diversity of perspectives underscores the complexity of the issue and suggests varying interpretations of maritime diplomacy's effectiveness in addressing bilateral interests. Despite differing opinions, the

discussion highlights the importance of dialogue and negotiation in managing maritime disputes and advancing mutual understanding between nations.

While being in a discussion with the FGD, it clearly emerged that the notion of border has historically shifted. Despite this, all definitions generally projects a sense of imaginary or real lines that divide two pieces of land from one another (FGD of security personnel in Lamu, on 12/1/2024).

Based on this discussion, this study found that when these lines exist between two sovereign states, they are referred to be international boundaries. Furthermore, it has been revealed that, from a legal standpoint, international boundaries serve as the precise boundaries within which governments exert their authority, delineating the legal end of one state or political entity's territory and the beginning of another. Some synonyms for border are frontiers, bordering, borders, and borderlands. However, in actuality, these concepts vary in their application, as boundaries typically denote the outer boundary of an area.

Kratochwil, (1986) notes that the shifting nature of the functions performed by borders throughout history is also a defining characteristic of borders. This changing nature of boarder functions has been a useful tool in illuminating the nature and pattern of relations between different domestic and international systems this shows how complexity borders appears in the definitions. Nevertheless, as per the respondents interrogated by this study, one of them posited that:

According to Kratochwil (1986), clearly defined borders are not only an important aspect of statehood, but their strengthening is also recognized as one of three critical factors in establishing stable states and societies. The other two factors are the development of state institutions and the fostering of a national consciousness. (Oral Interview with a fisherman in Mombasa, on 13/1/2024).

Therefore, this study unleashes that, unless there is a well-defined state borders, legitimate governmental objectives cannot be exercised. This explains why in their quest to enhance their authority and functions of government over a specific territory, states are concerned with borders.

According to Laremont (2006), unstable borders, along with ineffective political institutions and incomplete nationalist projects, have been causes of instability and conflict not only in Eastern Africa but worldwide. However, in order to establish stable governments and states, it is necessary to consolidate relatively stable borders.

While affirming Laremont (2006) works, a respondent reiterated to the study that;

Laremont argument shows that a well-defined border is a key element of a state, Kenya protects its territory like any other sovereign state same as Somalia (Oral Interview with a Kenya Coast Guard personnel in Mombasa, on 18/12/2023).

From the previous discussion, it becomes clear that the importance of clearly defined and stable borders for the survival of a state and its relations with other states is emphasized in SE Finer's statement: "If you tell someone today to create a state, they will attempt to establish a specific and defensible territorial boundary and enforce obedience from those who reside within it" (Finer, 1974). This is further emphasized by Max Weber's well-known statement that "for a state to be considered a true state, it must assert its exclusive right to use legitimate physical force within a specific territory" (Gerth et al., 1958).

The boundary delineates the territorial jurisdiction of a state (Okumu, 2011). The Eastern African republics' boundaries have consistently had a low reputation. The modern boundaries in Eastern Africa, as proposed by Khadiagala (2010), originated from two distinct precolonial traditions before their formal colonial division: "centralized states

characterized by the Ethiopian Empire and African kingdoms around the Great Lakes on one hand, and the numerous stateless communities on the other hand." The majority of these boundaries, however, were designed to be adaptable and responsive to changes in political identities and allegiances, and were constructed along loose and fluid communal lines. The borders, similar to the states, are commonly described as 'arbitrary' and 'artificial' colonial creations, imposed on resistant Africans. Consequently, African populations have either suffered from the consequences of these impacts or have been disregarded altogether. This reason explains why the respondents perceived the conflict as being strongly linked to border disputes, as they sought to establish control over colonial maps. This study reveals that the arbitrary colonial origins of both Eastern African borders and African borders in general have made them porous and undefended, which poses a significant threat. This situation often leads to the merging of diverse social groups into single political entities that are highly unstable and fluid. In addition, Laremont backed this perspective by suggesting that a decrease in the ability of the state to function effectively has led to societal unrest and, in certain cases, has even fostered irredentism (Laremont, 2006).

A respondent in an FGD supported this view by stating that:

For instance, in Somalia, this has been a factor in the inadequacy of the state in institutionalizing governmental efficiency and to engender meaningful national consolidation (FGD with Peace and Development Network Trust group in Lamu, on 20/12/2023).

According to Griffiths, only a small number of the boundary disputes in post-colonial Africa are a result of cultural divisions. Griffiths states that irredentism, which is a powerful force, is rarely seen as a cause of conflict in Africa, except for the well-known case of Somalia. (Griffiths, 2010). The permeable and nonviable condition of the borders has led to the localization of instability, leading in wars, disorder, and even a state of lawlessness as

observed in the Horn of Africa. Conflicts, particularly those concerning borders, are a significant barrier to the region's aspirations for achieving economic, social, and political prosperity. However, the lack of attention given to border areas, particularly in terms of providing services, has played a role in hindering the development of these regions. Regarding the knowledge of boundaries, state sovereignty, and conflict, this study found that most respondents think that the different definitions of borders make it difficult to comprehend. The complexity of borders arises from the dynamic and changing nature of the services they serve.

Furthermore, the study's findings revealed that a significant number of participants acknowledge the correlation between the intricate character of boundaries and the dynamic changes in the roles fulfilled by borders. A minority disagreed, but the overwhelming majority of respondents expressed the opinion that well-defined borders are a crucial aspect in defining statehood. No one expressed disagreement, while only a minority were unsure.

This aligns with emerging concepts in diplomatic theory. The reason for this is that fledgling diplomatic theory highlights the dynamic nature of diplomacy in modern international relations. This study emphasizes the ever-changing connections between the two countries as they deal with matters including maritime borders, the utilization of resources, and collaboration within the region. This approach emphasizes the significance of being flexible, adaptable, and creative in diplomatic interactions, especially when dealing with intricate and delicate matters like maritime disputes.

5.3 Understanding the roles played by both governments in either contributing to or mitigating the Kenya-Somalia maritime dispute

One of the focuses of this study was to gain a better understanding of the roles played by both governments in either contributing to or mitigating the Kenya-Somalia maritime dispute. According to the findings presented by residents in Lamu, while conducting an FGD, it emerged to the study that:

The diplomatic conflict between Kenya and Somalia is mostly focused on the maritime boundary disagreement between the two East African nations. Both parties asserted ownership of geographical enclaves that extend beyond their agreed-upon border, citing treaties and their effective control as evidence. Based on the feedback from the participants, a maritime border establishes the exclusive rights of countries over energy resources located beneath the sea. Any disagreements regarding the defined boundaries typically result in the matter being brought before the International Court of Justice (ICJ). (FGD with Peace and Development Network Trust group in Lamu, on 20/12/2023).

According to the previous debate, the analysis found that Somalia claims that its marine boundary should align with the southeast direction of the country's land border. On the other hand, Kenya asserts that the border should make an approximate 45-degree angle at the beach and follow a line of latitude. This would grant Kenya greater access to a larger portion of the maritime territory. From my perspective as a researcher, Kenya's claim is both rooted in history and has practical implications. Historically, it is based on two presidential proclamations (from 1979 and 2005) that used the straight-line method for marking boundaries. According to this approach, the border between Kenya and Somalia is defined by a parallel latitude that extends eastward, located to the south of Lamu. Furthermore, the study aimed to determine the respondents' perspectives on the roles of the Kenyan and

Somali governments in resolving the conflicts surrounding the contested maritime border in the Indian Ocean.

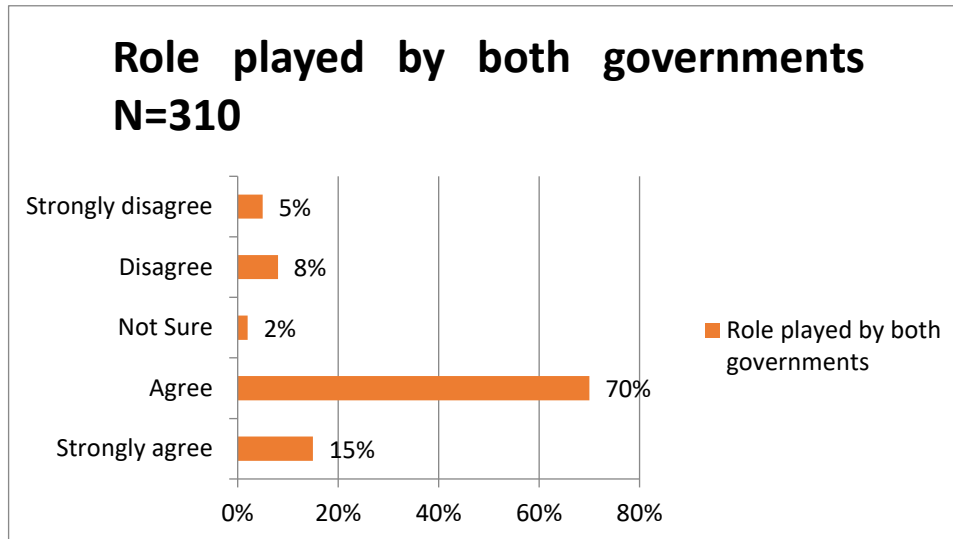


Figure 5.2: Role played by both governments

Source: Field data, 2024

The respondents' perspectives on the efforts made by the Kenyan and Somali governments to address maritime disputes and promote a healthy relationship in the context of the disputed maritime border in the Indian Ocean indicate a significant agreement. Seventy percent of respondents agree, with an additional 15% strongly agreeing, demonstrating widespread recognition of the efforts done by both governments. The relatively small proportions of criticism, with 8% expressing disagreement and 5% strongly disagreeing, indicate a widespread acknowledgment of the dedication exhibited by the authorities in dealing with the maritime matters. The presence of a minimal 2% expressing uncertainty also indicates a specific degree of trust in the measures undertaken by both nations. In summary, the conversation highlights the significance of working together to resolve maritime conflicts and build a friendly relationship. Most participants acknowledge the

beneficial contributions of both the Kenyan and Somali governments in pursuing common goals.

Furthermore, this analysis has discovered that Kenya has officially designated this region as an Exclusive Economic Zone (EEZ) for several decades. Kenya has maintained a significant military presence in this area for a substantial duration of the dispute. However, Somalia's assertion is grounded in the equidistance concept. According to this idea, the border between Somalia and Kenya extends in a southeast direction.

5.3.1 Kenya's Role

It emerged to this study that, the insistence by Somalia that Kenya should embrace the '90-degree maritime rule' in determining the maritime boundary is to miss the issue. This would to a large extent make Kenya a landlocked country. From a focus group discussion with fishermen, the study was informed that:

Kenya would not be able to freely access the sea which would greatly impede its ability to govern its economic future. For instance, Kenya would not be able to access the port of Mombasa without the permission of Somalia. One of the respondent informed this study that, "this would be a dire situation given the fact that the central government of Somalia only controls a small part of the country" (FGD of fisherman in Mombasa, on 28/12/2023).

From the foregoing discussion, this study asserts that it is due to these uncertainties that Kenya is insistent on an out-of-court settlement. To Kenya, an out-of-court settlement would represent a bilateral positive outcome and would promote Pan-Africanism ideas and ideals voiced by founding fathers of Pan Africanism such as Julius Nyerere and Kwame Nkrumah. The study further discloses that African solution towards Africa's problems should be

pegged on the guiding principle that addresses the individuals of African descents to share common interest which should be a factor that unites them which implies that the best place to find solutions to African problems is within the continent.

Therefore, according to one of the respondent interrogated by the study, she posited that;

the solution to bringing an end to territorial conflict can be found in the initiation of mediation, conciliation, and arbitration process in the regional institutions such as the African Union (AU) (Key Informant Interview with a Legal expert in, on 2/2/2024)

Another respondent from Jubaland brought the attention to this study that, Kenyan troops are based in Jubaland and their conduct in the region was one of the major reasons leading to the diplomatic crisis (Oral Interview with a diplomat in Mombasa, on 3/2/2024). According to this respondent, he asserts that:

A significant number of Somalis seem to be eagerly awaiting the evacuation of Kenya's military from Jubaland, despite the imminent security threats posed by rebels. The ongoing diplomatic dispute may have an adverse effect on the planned departure of Kenyan troops from southern Somalia. (Key Informant Interview with a Legal expert in Ras Kamboni, on 2/2/2024).

The study revealed that Kenya perceives Somalia as an ungrateful neighboring country that fails to acknowledge and appreciate Kenya's consistent efforts in maintaining stability in Somalia. Kenya not only deploys its military to protect Somalia from al Shabaab terrorists, but also provides institutional support to enhance Somalia's capacity building endeavors.

Several justifications have been put forth for the participation of the Kenyan Defense Forces (KDF) in Operation Linda Nchi in October 2011 in Somalia. These include combating terrorist threats, economic factors, safeguarding Kenyan citizens from the prevailing insecurity in Somalia, and the pursuit of self-serving interests by the military and political elite (Migue et al., 2014; Olsen, 2018). The analysis revealed that the military intervention

had a substantial impact on escalating friction between Kenya and certain parts of the Somali community. According to several sources inside the Somali population, Kenya's engagement is motivated by foreign objectives that are not beneficial to the people of Somalia.

Kenya is clearly adopting the geopolitical principles of the Heartland Theory, as proposed by Mackinder in 1904. This theory emphasizes the significance of both maritime and terrestrial strength for a nation's security. According to the Theory, the British gained fame, visibility, and military strength mostly due to their exceptional abilities and achievements at sea. The British were a dominant naval force that exercised control over the seas for an extended period of time. Britain's utilization of maritime power resulted in its transformation into a formidable force both economically and militarily. It was unsurprising that Britain ultimately gained control over extensive territories worldwide through the practices of imperialism and colonialism.

In affirming the preceding discussion, the study was informed by a respondent that:

The defensive strategy has strained relations on the one hand between Kenya and Somalia, and on the other, between Somalia and AMISOM. AMISOM recognizes the difficult task of stabilizing Somalia without sufficient resources and support, especially in the fight against al Shabab, and has been considering an exit strategy from Somalia since the very beginning (Oral Interview with a police officer in Lamu, on 5/2/2024).

AMISOM's exit strategy is based on specific objectives that have not been achieved since the operation began in 2007. The security situation in Somalia is severely inadequate. The Somalia Security Forces are ill-prepared to fully assume the responsibility of ensuring

security and stability. Additionally, the internal political situation is highly unstable and hinders efforts to secure and stabilize the country. Furthermore, there is no identified successor mission in place (Swinkels, 2019: 1). In June 2019, The International Court of Arbitration initiated proceedings over the claims. The public hearings were initially scheduled to occur from September 9th to September 14th, 2019, but were then rescheduled to early November of the same year. Kenya lodged an appeal, contending that it required a maximum of one year to assemble a fresh legal team (Swinkels, 2019: 3). This analysis revealed that the International Court of Justice (ICJ) subsequently rescheduled the proceedings from 50 to June 2020. However, Kenya subsequently requested another delay, attributing it to the ongoing pandemic. The United Nations postponed the hearing until March 2021. In January 2019, Kenya formally communicated with the International Court of Justice (ICJ) to request a fourth postponement of the hearing. The reason for this request was the alleged disappearance of a map containing vital information that was intended to be submitted as evidence in the ongoing case. Somalia expressed its opposition to such an action. According to Somali sources, the Kenyan government's actions were seen as a deliberate strategy to delay the court process and prevent a legally binding verdict, which was the only chance for a conclusive outcome. In 2013, the UNHCR successfully negotiated a tripartite agreement with the authorities of Somalia and Kenya. The objective of this agreement was to facilitate the repatriation of Somali refugees who were residing in the Dadaab refugee camp. Kenya has been hosting approximately 250,000 Somali refugees for many years. However, these refugees have, in many ways, undermined and made Kenya's security situation more complex.

While interrogating the discussants, an FGD posited to the study that Dadaab refugee camp has become a breeding ground for suspected Al Shabaab sympathizers. The FGD further reiterated that:

Tens of thousands of refugees, who were part of the repatriation package, faced severe living conditions including drought, famine, and a country devastated by decades of violence. This country, where war is ongoing, has a population of five million people who do not have sufficient access to food. Kenyans perceive the Somali government as either directly or indirectly facilitating the organization of terrorist acts by al Shabab against Kenya. The level of support for the Kenyan Defense Forces (KDF) from the Somalia government and its people has been inconsistent. Kenya believes that Somalia has the necessary political determination and has continually failed to offer the crucial intelligence required to control AlShabab. However, the Somali government has actively participated in a diplomatic disagreement regarding the maritime boundary, the alleged sale of oil blocks in the contested region, and has depicted Kenya and the Kenyan Defense Forces (KDF) in an unfavorable manner. As an illustration, the government of Somalia has levied explicit allegations against the Kenyan Defense Forces (KDF), asserting that they have deliberately attacked innocent civilians under the pretext of combating the terrorist group Al-Shabaab. (FGD of local community from Ras Kamboni, 5/2/2024).

The survey revealed a deteriorating connection between the two neighboring countries over the past decade. In March 2020, Somalia prohibited the importation of khat from Kenya. Khat is a widely used herb known for its mild stimulant properties. Somalia asserted that the imposition of the restriction was intended to curtail the transmission of the coronavirus, while imports of khat from Ethiopia were not suspended. The relocation resulted in significant diplomatic tension, as the facility plays a crucial role in the bilateral commercial relationship between the two nations. In July 2019, the Somali government formally objected to the actions of the Kenyan authorities in recognizing the self-determination process of Somaliland as an independent country. This protest was reported by Arab News on 1 July 2019.

5.3.2 Somalia's Contribution

According to this study, in 2009, Somalia, dissatisfied with the existing situation, pursued the procedural approach of resolving the dispute by engaging with the Commission on the Limits of the Continental Shelf (CLCS). Kenya reacted to Somalia's action by commencing negotiations that resulted in the establishment of a Memorandum of Understanding with Somalia. Under this agreement, both countries agreed to give each other permission to explore and exploit the continental shelf beyond 200 nautical miles, in accordance with Article 76(8) of the United Nations Convention on the Law of the Sea (UNCLOS). On August 28, 2014, Somalia initiated legal action against Kenya at the International Court of Justice (ICJ) due to a lack of progress. Somalia requested the ICJ to peacefully determine, based on international law, the exact path of the maritime border that separates the two countries (HORN Institute Policy Brief, 2019). According to Somalia, Kenya's mention of the maritime problem is deemed inappropriate, as Somalia has consistently asserted its ownership of the area since 1978. This study validated Somalia's belief that Kenya is not reliable in resolving the maritime border conflict in a friendly and cooperative manner. Somalia asserts its inherent authority to protect the geographical boundaries of its territory and argues that Kenya had ample opportunity to address the dispute prior to its referral to the International Court of Justice (ICJ). Somalia made multiple efforts to achieve a peaceful resolution, while Kenya demonstrated a lack of dedication. Referring the case to the International Court of Justice (ICJ) was the final recourse. Kenya should exercise patience and await the planned September 2019 verdict by the International Court of Justice (ICJ) regarding Somalia. Somalia has repeatedly

emphasized to Kenya that the ruling of the International Court of Justice (ICJ) will be legally obligatory, regardless of the outcome. Kenya perceives this stance as patronizing and driven by negative intentions.

The survey also observed that Somalia has a lower abundance of natural resources compared to Kenya. According to an FGD of security personnel in Ras Kamboni, the study noted that:

The contested blocks serve as a crucial source of economic sustenance for Somalia and are thus of significant value, warranting their defense. In addition, the FGD emphasized that if the Somalia leadership were to relinquish control of the blocks, it would weaken the territorial integrity of the Somalia State and harm its citizens. (FGD of security personnel in Ras Kamboni, 28/12/2023).

Contrary to the arguments of the discussants, this study has noticed that Somalia believes that Kenya is exploiting Somalia's civil unrest to further its own national goals. The study revealed that Somalia accuses Kenya of violating the ideal of good neighborliness, therefore compromising the spirit of African Socialism. During his visit to South Africa for President Cyril Ramaphosa's inauguration in May 2017, President Farmajo addressed the Somali community residing in South Africa, encouraging them to maintain their confidence and resilience by saying, "Hold your heads high, we are strong." No one has the ability to infringe upon the territorial boundaries of Somalia...Our land is inviolable for as long as we exist. "We are willing to sacrifice our lives for it" (Mutambo, 2019, para. 4).

The patriotic statements made by Farmajo can also be understood within the framework of Somalia's internal political dynamics. Farmajo is now campaigning for a second term as president. The Somalia-Kenya border dispute is being utilized as a political instrument by him to capitalize on for his re-election campaign. He appears to be optimistic that the International Court of Justice (ICJ) would make a decision in favor of Somalia. If this happens, he will be regarded as a hero by his fellow countrymen. Due to the current

structure of Somalia's domestic politics, Farmajo is not inclined to engage in negotiations with Kenya in order to reach a diplomatic resolution to the dispute. The survey also revealed that Somalia has expressed discomfort with the amicable working relationship between Kenya and Jubaland on one hand, and Kenya and Somaliland on the other. Jubaland, located in the southern region of Somalia, considers itself an autonomous state that has seceded from the rest of Somalia. Jubaland has not been recognized as an independent entity separate from Somalia by the US, the United Nations, the AU, the EU, and other countries. This is because acknowledging Jubaland's independence might potentially fuel secessionist movements in other parts of the world. The study discovered that the contention has been that the relative tranquility and stability experienced in Jubaland is insufficient grounds for it to attain an autonomous status. The same principle applies to Somaliland, which is a self-proclaimed independent region that has had strained relations with Somalia.

The researcher also documented that Kenyan government officials have either visited or advocated for deeper trade relations between the two 'independent regions' and Kenya. The Somalia government strongly opposes this action, viewing it as a direct challenge to Somalia's territorial integrity. On November 15, 2018, the Somaliland envoy to Kenya, Mr. Bashe Awil Omar, and the former Kenyan Minister for Trade, Peter Munya, engaged in official trade negotiations in Nairobi, Kenya (Daily Nation, 2018). Furthermore, the ex-Prime Minister of Kenya, Raila Odinga, has expressed support for the autonomy of Somaliland, much to the dismay of Somalia (Daily Nation, 2018). Although there is a disagreement over maritime boundaries, it is mutually beneficial for both states to foster positive relations as neighbors (Abdisamad, 2019, para. 24).

For either state to choose temporary political gain over peaceful cooperation would be detrimental to their overall productivity. He advises Kenya, acting as a protective figure to Somalia, to refrain from taking any actions that may intensify the maritime dispute. It would be detrimental for either of the states to jeopardize peaceful cohabitation for short-term political gain. He advises Kenya, acting as a mentor to Somalia, to refrain from taking any actions that could worsen the maritime issue. Somalia's ostensible alignment with Ethiopia on the Jubaland region seems to be a strategic move aimed at diminishing Kenya's power, due to the perceived backing that Kenya provides to the leadership in Jubaland. Mogadishu harbors strong animosity towards Kenya's alliance with Akiba territory, posing a significant threat to Kenya's national interests in Somalia. It also undermines the regional objective of stabilizing Somalia.

The previous findings were consistent with emerging diplomatic theory, which acknowledges the influence of state actors in creating diplomatic outcomes. Both the Kenyan and Somali administrations have significant roles in either exacerbating or alleviating tensions in the maritime conflict between the two countries. Emerging diplomatic theory emphasizes the significance of engaging in productive discussions, implementing steps to develop trust, and utilizing systems for resolving conflicts that are adopted by governments to effectively handle disputes. Moreover, this approach highlights the importance of establishing trust and cultivating collaboration in order to tackle common obstacles and advance shared goals.

5.4 The ICJ's role in Somalia v. Kenya

5.4.1 ICJ's role in the Kenya v. Somalia maritime dispute

The analysis revealed that on February 2nd, 2017, the International Court of Justice made a decision to settle the contested matters about the extension of the Exclusive Economic Zone border, which included an area of around 42,000 square kilometers. The researcher observed that Somalia relied on the optional clause declarations, which signify the two states' agreement to the Court's obligatory jurisdiction, while presenting the case to the court. Nevertheless, Kenya emphasized its reservation expressed under article 36(2) which prohibits the ICJ from addressing the matter due to two separate objections:

The memorandum of understanding (MOU) is being agreed upon by the two disputing parties, who have advocated for the use of certain approaches to resolve the dispute. Additionally, the Kenyan government has highlighted that both parties are members of the United Nations Convention on the Law of the Sea (UNCLOS), which also provides a conflict resolution guideline that can serve as a platform for agreement, instead of resorting to other forms of agreement. (Chan, 2018).

This argument supports the viewpoint of respondents who believe that borders are a crucial aspect of a state and can result in a state taking measures to safeguard its borders if it feels wronged. Kenya relies on UNCLOS as a reference for its members to follow, but it does not have the ability to prevent the ICJ from pursuing the case. This text discusses the contrasting methods employed to resolve a disagreement between Somalia and Kenya. Somalia chose to refer the issue to the International Court of Justice (ICJ), whereas Kenya wanted to pursue a compromise or settlement outside of court. Within this particular context, it is evident that individuals who possess advanced education and hold top managerial positions in organizations focused on resolving conflicts are more likely to have a greater understanding

of the ideas of border and state sovereignty. This understanding is identified as a significant element that contributes to conflicts between states.

In the same lane, a respondent interrogated by the study reiterated the same by saying that:

Regarding the Memorandum of Understanding (MOU), the initial decision of the International Court of Justice (ICJ) was to confirm its significance before examining its admissibility in the case in order to determine its legal standing prior to assessing its substance. Upon meticulous and comprehensive examination, the Court classified the MOU as a legally enforceable treaty. The Court then proceeded to determine whether the MOU reflects an agreement to alternative methods of resolving disputes. (Oral interview with a diplomat in Somalia Embassy in Kenya, on 12/1/2024).

The study revealed that the Court made a significant observation regarding the intention of the MOU. It highlighted that the MOU allows the parties to give consent to the CLCS to review the case submission, but without including dispute delimitation. This observation contradicts the notion of the MOU serving as an alternative dispute resolution method (Chan, 2018).

In addition, the study found that the Memorandum of Understanding (MOU) was considered unimportant for three reasons. Firstly, it did not include any commitments or requirements regarding how the dispute should be resolved. Secondly, the 6th paragraph of the MOU did not mention the role of dispute resolution, as claimed by Kenya. Lastly, according to the MOU, the parties intended to keep the processes of delineation and delimitation separate. Therefore, if Kenya truly believed that delimitation should only occur after delineation, it would not have initiated those discussions (Mumma-Martinon, 2014). The Court's ruling was contingent upon its examination of the variables of the study, including its assessment of the structure of UNCLOS and its interpretation of the 'travaux preparatory' of UNCLOS. In order to ascertain the preceding argument, a key informant informed this study that:

The Court determined that if there is a valid reason to exclude its legal decisions, then there would have been a challenge brought about its role. Consequently, it determined that it does have authority over the disagreement. The outcome of the dispute is presently uncertain, as Kenya has recently decided to withdraw from the court's proceedings. Kenya argues that participating in the court undermines its right to a fair trial and maintains its firm stance that the case should be withdrawn from the court and resolved through direct negotiations between the parties involved. According to the respondents, the state has a responsibility to safeguard its borders and inhabitants by all means necessary. If a solution cannot be achieved, then the ICJ should be invited by the aggrieved state to conduct an impartial evaluation and provide a ruling. (Oral interview with a legal expert in Lamu, on 11/2/2024).

The study revealed that in recent years, international legal doctrine, as well as the case law of the International Court of Justice and international arbitrations, have provided clear guidelines on the principles for maritime delimitations. The primary objective of these guidelines is to ensure fairness for all parties involved (Okonkwo, 2017). The legal ideas mentioned have been included into the cases of the International Court of Justice (Degan, 2007). The principles that are included are: the Equidistance principle, Equity and the equitable principle, Single marine boundary, Proportionality principle, pertinent conditions, Geographical circumstances, Non-geographical circumstances, and Socioeconomic circumstances (Lazare, 2009). In previous decades, the jurisprudence of the International Court of Justice (ICJ) has developed a three-part method for delimitation. The first stage involves applying the equidistance principle, which entails drawing a temporary equidistant line from specific places on the coastlines of the two states involved in the dispute.

Furthermore, the study revealed that the inclusion of geographical elements is crucial. These factors involve making modifications based on specific geographical features, such as a slight elevation on the coastline of a state, which can significantly affect the provisional

equidistant line. Furthermore, the tribunal performs a proportionality study in which it examines the boundaries of the sea areas, evaluates the ratio, and considers the coastlines to determine if there is a substantial imbalance in the maritime territories allocated to each State (Aceris Law, 2015).

Therefore, our study revealed that emerging diplomatic theory recognizes the significance of international institutions, such as the International Court of Justice (ICJ), in aiding diplomatic resolution of disputes. The International Court of Justice (ICJ) functions as a forum for judicial determination and resolution of the Kenya-Somalia maritime conflict. Emerging diplomatic theory underscores the need of honoring international legal systems and adhering to their decisions in order to maintain the rule of law and foster peaceful conflict resolution.

5.5 Significance of the ICJ

The findings suggest that the reputation of the International Court of Justice (ICJ) relies not only on its fairness, but also on the expertise and credibility of its members. Consequently, the court is anticipated to meticulously and comprehensively evaluate the matters presented to it in order to devise the most optimal resolutions. The study also revealed that the principle of consent of parties, which grants the court jurisdiction over foreign conflicts, was highly regarded as a benefit of the court. While affirming this stand, a respondent informed the study that:

This consent is provided through three methods: The replies acknowledge that the role of the ICJ is restricted to cases where the parties explicitly want the institution to exercise its jurisdiction, following an assessment of the situation. Thus, if the disputing parties do not request the institution's assistance in settling the

conflict, the International Court of Justice's activities are restricted to waiting for referrals from either a state or the United Nations. Thus, consent is the paramount factor in the implementation of dispute resolution methods like mediation or compromise. The involvement of the International Court of Justice (ICJ) in the process is typically based on invitations and is governed by rules and regulations. These guidelines help the institution reach a conclusion that is guided by the principle of impartiality. (Oral interview with a legal expert in Mombasa, on 17/1/2024).

From the preceding oral discussion, the study established that, indeed, this leads to: A declaration recognizing the fact that the Court has jurisdiction, with or without limitation, under the "optional clause" of Article 36 of the Statute, recognition by the parties as compulsory that the Court has jurisdiction over any future disputes and an agreement by the parties to submit a particular dispute to the Court.

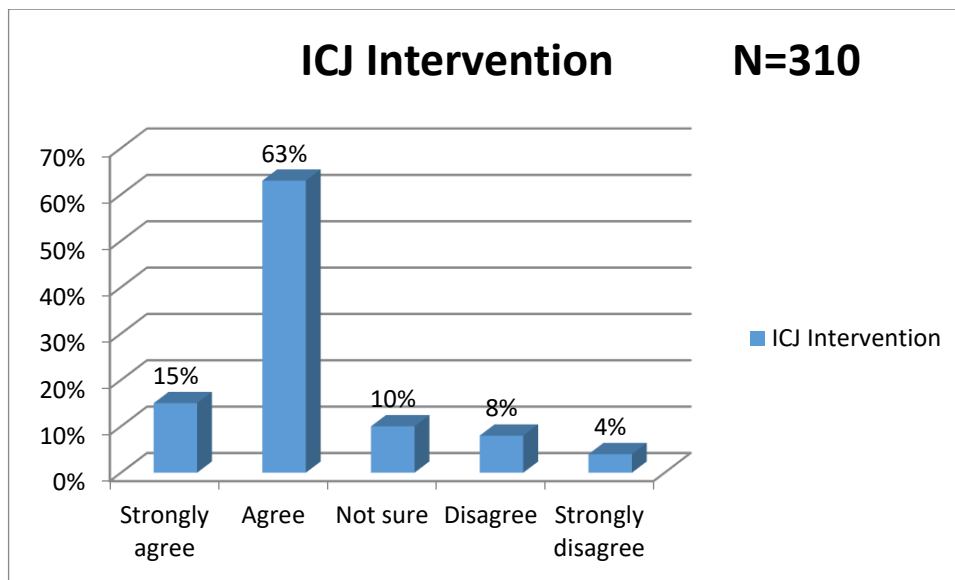


Figure 5.38: ICJ intervention

Source: Field data, 2024

The respondents' debate about the involvement of the International Court of Justice (ICJ) in resolving the maritime border dispute between Kenya and Somalia in the Indian Ocean demonstrates a significant level of agreement and endorsement for its participation. The ICJ's efforts in resolving the matter are well recognized, with 63% in agreement and 15%

strongly agreeing. In addition, the relatively small proportions of those expressing disagreement, with 8% indicating disagreement and 4% strongly indicating disagreement, suggest a widespread recognition of the court's responsibility in upholding diplomatic and international relations. The indication of 10% uncertainty implies a significant degree of hesitation or ambiguity regarding the efficacy of the ICJ in this particular situation. However, the dominant opinion among those surveyed emphasizes the significance of depending on international legal processes such as the ICJ to fairly settle conflicts and enforce diplomatic standards. This, in turn, helps to maintain stable international relations among nations.

The study identifies several fundamental limitations of the ICJ. These include the court's inability to enforce compliance, the negative consequences of legal choices for both countries involved, dissatisfaction among certain states with the prescribed standards (1.79), and the undermining of the court's authority by United Nations organs or states. A respondent supported the above researchers' discoveries by informing the study that:

The International Court of Justice (ICJ) does not have its own means of enforcing its judgments. In the event that governments refuse to comply with its rulings, the United Nations Security Council has the authority to "make recommendations or decide upon measures" to ensure that the judgment is implemented. It is important to highlight that the members of the United Nations Security Council (UNSC) are not obligated to intervene. Indeed, individuals may own personal interests that could potentially impact their choice to intervene. (Oral interview with a law maker in Ras Kamboni, on 8/2/2024).

Based on the research findings, it became evident that Somalia's decision to bring a maritime boundary dispute to the ICJ in 2014 created a division between the two countries. This decision had a significant impact on their previously strong relationship, particularly in terms of collaborating on security matters in Somalia. The research also highlighted that the negative consequences of legal options are a major drawback of the ICJ. The disagreement

was intensified due to Kenya's insistence on resolving the boundary problem extrajudicially, whereas Somalia seeks to have the case adjudicated by the International Court of Justice (ICJ). The dissatisfaction of certain states with the prescribed standards stems from the realization that not all maritime conflicts can be effectively addressed through the rulings of judicial tribunals. A significant inhibitory factor is the erosion of the authority of the Courts by the United Nations or States. Kenya has abruptly pulled out of the International Court of Justice (ICJ) hearings, which were scheduled to be conducted virtually in response to the COVID-19 epidemic.

Additionally, the investigation revealed that Kenya had requested a postponement of the case in order to provide instructions to a newly appointed legal team. However, the International Court of Justice (ICJ) rejected this request. The respondents thought that the ICJ's failure to enforce laws and the detrimental impact of legal alternatives on the two states are significant factors that states use to defy the institution's determination. These are circumstances that could lead a state like Kenya, which may feel disadvantaged in the inspection of the institution, to oppose its verdict. As a significant contributor to regional integration and security, Kenya's potential withdrawal could undermine the progress made in combating terrorism and undermine the African Union's goal of a unified African state.

Nevertheless, the respondents also recognized additional issues that could impede the effectiveness of the courts. These factors may be linked to certain states' dissatisfaction with the courts' established criteria, which could exclude historical aspects that encroach upon a state's ability to utilize its current privileges. Consequently, states formulate their own conclusions based on their individual interests. According to the respondents, states with

veto power in the UN are not obligated to follow the International Court of Justice's ruling on border conflicts. As a result, developing states perceive the institution as having a biased stance towards them. This enhances the probability that the disputing governments will disregard the ruling of the International Court of Justice (ICJ). Although the respondents have limited effect on the operation of the courts, powerful states are likely to manipulate the court's operations, particularly when a member of the UN with veto power is involved in boundary disputes. As a result, the court's power will be mostly directed towards developing states.

Thus, based on the preceding discourse, emerging diplomatic theory highlights the wider consequences of legal rulings on international law and norms. The ICJ's ruling in the Kenya-Somalia maritime dispute has important ramifications for the understanding and enforcement of maritime law, specifically the United Nations Convention on the Law of the Sea (UNCLOS). Emerging diplomatic theory emphasizes the significance of upholding established legal principles and practices to guarantee stability, predictability, and collaboration in maritime matters.

5.6 Implications of ICJ's judgement for the Law of the Sea

This study found that the International Court of Justice's ruling on the Preliminary Objections in the Kenya against Somalia case could have a significant impact on the legitimacy of distributing disputes related to the law of the sea. Consequently, the study's findings indicate that a significant majority of the participants concur with the notion that the courts' dismissal of Kenya's argument that a State must establish the outer continental

shelf prior to delimitation does indeed affect the Law of the Sea. Chan (2018) contends that the court's decision on the delimitation of the continental shelf gives significant importance to the methodology taken by ITLOS. In the case of the Bay of Bengal, which was the initial maritime delimitation case brought before the International Tribunal for the Law of the Sea (ITLOS), ITLOS stated that the delimitation of the continental shelf, as described in Article 83, and the determination of the outer limits of the continental shelf, as outlined in Article 76, offer a distinct framework for resolving disputes.

According to Dixon et al. (2016, p. 32), the Commission is responsible for providing recommendations to coastal States regarding the determination of the outer bounds of the continental shelf. However, these recommendations do not affect the demarcation of maritime boundaries. Thus, based on the rulings of the International Court of Justice (ICJ) and the International Tribunal for the Law of the Sea (ITLOS), it is currently established that governments possess the liberty to opt for either negotiating the demarcation of the continental shelf with their neighboring states or adhering to the process outlined by the Commission on the Limits of the Continental Shelf (CLCS). The ICJ ruling will have a transformative impact on future cases involving territorial and maritime border conflicts, as it will serve as a precedent for similar cases. The study proceeded to distribute questionnaires regarding the implications of ICJ on the aforementioned topic. The research then assessed the feedback and presented it in the form of a pie chart, as shown here:

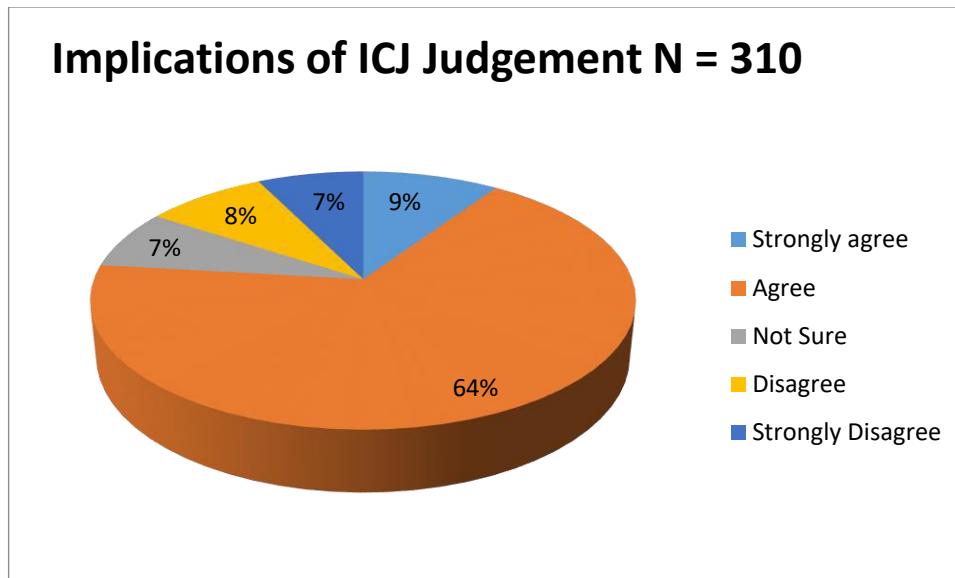


Figure 5.4: Implications of ICJ judgement

Source: Field data, 2024

The aforementioned presentation clearly demonstrated that the conversation among participants regarding the enforcement of International Court of Justice (ICJ) decisions on the contested maritime boundary between Kenya and Somalia in the Indian Ocean indicates a substantial level of endorsement for this legal approach. The data shows that 64% of respondents agree and 9% strongly agree, indicating a widespread acknowledgement of the significance of following ICJ rulings to maintain diplomatic and international ties. Although there is a little amount of ambiguity, with 7% of respondents unsure, the rates of disagreement (8%) and extreme disagreement (7%) are fairly equal. This suggests that there is a dispersion of ideas but not a prevailing rejection of the ICJ procedure. In general, the discussion highlights the importance given to international legal systems in settling conflicts between countries and upholding stability in diplomatic relations. The statement implies that both Kenya and Somalia must comply with the decisions made by the International Court of Justice (ICJ) in order to promote trust and respect in their discussions about the maritime border dispute.

Regarding the jurisdiction of dispute resolution mechanisms, most of the respondents interviewed in Lamu expressed the view that the judgment of the International Court of Justice (ICJ) on this matter might potentially affect the Law of the Sea (LOS). Prof. Treves noted that most of the states that have agreed to UNCLOS have not yet chosen a specific forum for resolving disputes under Article 287 (Treves, 2008). According to this study, Professor Alan Boyle argues that disputes between two nations that have agreed to the terms provided in Article 36(2) of the ICJ Statute are still under the jurisdiction of the ICJ, even if the cases are submitted in the LOS Convention (Boyle, 1999). In the *Somalia v. Kenya* case, Prof. Boyle states that he deliberately omitted the consideration of the reservation context in his work, specifically in relation to parties utilizing the alternative declaration provision. Therefore, if a party to the agreement wants to challenge the authority of the court, they must demonstrate the presence of an alternative method of resolving disputes that has been agreed upon by all parties involved. Thus, the court, acting as a mediator in the dispute between Kenya and Somalia, asserts its authority to safeguard its jurisdiction with precision.

Based on the analysis of questionnaires, focus group discussions, and oral interviews, the study found that there is a noteworthy correlation of about 55% between the replies obtained from questionnaires and the discussions/interviews. This indicates a substantial agreement in perspectives. This indicates a general agreement on different facets of maritime diplomacy, including bilateral agreements, cooperative patrols, and diplomatic interactions between Kenya and Somalia. Key observations emphasized the significance of collaborative frameworks in dealing with mutual maritime issues and improving stability in the region.

Nevertheless, the existence of discrepancies, where less than 13% of questionnaire responses deviate from FGDs and oral interviews, emphasizes the presence of nuanced viewpoints or varied interpretations. These discrepancies may arise due to factors such as the respondents' origins, cultural nuances, or the level of depth in the talks. When evaluating maritime diplomacy, discrepancies may occur in the assessment of how effective diplomatic efforts are, the amount of trust between parties, or the influence of external players on the relationship between two countries. The convergence of questionnaire responses and qualitative data sources highlights the strength and accuracy of the found trends in maritime diplomacy. It implies that the results are not just a coincidence, but are based on common understandings and experiences among the participants. On the other hand, variations in perspectives enhance the analysis by providing different viewpoints and revealing ignored aspects of maritime diplomacy.

Both qualitative and quantitative analyses offer unique yet complementary viewpoints that enhance our comprehension of this complex diplomatic interaction. The purpose of these analysis is to assess the characteristics and scope of maritime diplomacy between Kenya and Somalia (Busiega & Busiega, 2016). This suggests that there is a consensus on certain areas of maritime diplomacy, as the quantitative analysis shows that a substantial number of respondents agree or strongly agree with the statement. This statistical analysis method yields quantitative data that measures the extent of consensus among participants. Additionally, it offers valuable information about the frequency of favorable perceptions concerning the nature and scope of diplomatic interactions between the two nations in relation to the nature of these interactions (Omondi, 2021).

Qualitative analysis, in contrast, explores the intricate viewpoints and fundamental dynamics of maritime diplomacy between Kenya and Somalia. Qualitative replies offer a more comprehensive examination of the aspects that impact respondents' perspectives, while quantitative data can show the overall extent of agreement (Musoma, 2018). Both countries seem to have a shared understanding and appreciation of the diplomatic efforts made in the maritime domain. This is evident from the consistent positive agreement expressed by respondents in qualitative assessments (Vusha, 2022). In the context of the quantitative data, this qualitative perspective offers additional context and depth, revealing the intricacies of maritime diplomacy and emphasizing the elements that influence its efficacy or limitations.

Furthermore, incorporating qualitative observations alongside quantitative replies enables a more comprehensive understanding of the nature and extent of maritime diplomacy between Kenya and Somalia (Waweru, 2019). Qualitative analysis offers a more profound comprehension of the underlying motivations, problems, and possibilities in diplomatic interactions, as opposed to quantitative analysis, which provides quantifiable evidence of prevailing perspectives. By integrating the two studies, researchers can gain a more thorough picture of the evolving relationship between the two countries and the intricacies of maritime diplomacy (Nyamao, 2021).

The study revealed that the understanding of the nature and extent of maritime diplomacy between Kenya and Somalia is enhanced by the comparison of quantitative and qualitative studies, as mentioned in the conclusion (Njoroge, 2018). Qualitative research offers a comprehensive understanding and insight into the intricacies of diplomatic relations,

whereas quantitative analysis measures the degree of agreement among interviewees. A complete examination of maritime diplomacy can be done by combining these complimentary methodologies (Siebels, 2017). The assessment can then be utilized to guide approaches for promoting positive relationships and tackling obstacles in the maritime sector.

5.7. Chapter Summary

The chapter has explored the intricacies of maritime diplomacy between Kenya and Somalia, providing insight into the respective responsibilities of both countries in either worsening or alleviating the maritime dispute. The text evaluates the type of diplomatic involvement and examines the fundamental elements that contribute to the dispute. The analysis focuses on Kenya's involvement in the conflict, emphasizing its endeavors to establish control over maritime territory and safeguard its economic concerns. The chapter explores Kenya's diplomatic tactics and initiatives to protect its maritime boundaries while simultaneously maintaining amicable relations with Somalia. Similarly, the examination of Somalia's involvement in the dispute focuses on its maritime claims and the underlying legal and political arguments. The chapter explores Somalia's concerns and goals related to maritime resources and territorial integrity, providing a detailed explanation of the complexity of its diplomatic position in relation to Kenya. The International Court of Justice (ICJ) plays a crucial part in the Somalia v. Kenya conflict, as examined in the chapter that analyzes its involvement in resolving the matter. The text analyzes the legal arguments put up by both sides and assesses the impact of the ICJ's involvement in resolving the issue using legal methods. The ICJ's opinion holds great

importance for the Law of the Sea, particularly in relation to marine delimitation and the interpretation of international legal principles. Ultimately, the chapter explains how the verdict by the International Court of Justice establishes a standard for upcoming conflicts over marine territories, influencing the framework of global maritime legislation and administration. The upcoming chapter will focus on the problems and prospects of maritime diplomacy in relation to territorial cooperation between Kenya and Somalia.

CHAPTER SIX

CHALLENGES AND OPPORTUNITIES OF MARITIME DIPLOMACY IN REGARD TO TERRITORIAL COOPERATION BETWEEN KENYA AND SOMALIA

6.1 Introduction

This chapter examines the constraints and potential of maritime diplomacy in relation to territorial cooperation between Kenya and Somalia. The chapter commences by exploring the multifaceted difficulties encountered in this field, encompassing territorial conflicts and the intricate nature of oil and gas extraction in disputed waters. In addition, we examine the geopolitical concerns and elements that form the basis of the maritime dispute, as well as the repercussions of these conflicts on Kenya and the strategies it has implemented in response. In this chapter, the researcher aims to offer a thorough knowledge of the obstacles that hinder territorial cooperation between Kenya and Somalia. The focus is on illuminating the dynamics at play in this complex situation. In contrast, the chapter analyzes the potential for marine diplomacy to promote territorial cooperation between the two nations. The researcher specifically examined how Somalia's population dynamics were manipulated for political gain and the interests of local stakeholders involved in the conflict. The study emphasized possible strategies to achieve peace and cooperation. The study aimed to enhance comprehension of the intricate nature of maritime diplomacy in the Kenya-Somalia environment by examining both difficulties and opportunities. Additionally, it aimed to provide valuable ideas on how to establish sustainable territorial cooperation. The study employed Hans Morgenthau's power theory.

6.2 Challenges of Maritime Diplomacy in Regard to territorial cooperation between Kenya and Somalia

The maritime diplomacy between Kenya and Somalia has encountered various challenges, primarily focused on territorial disputes and resource management in the Indian Ocean.

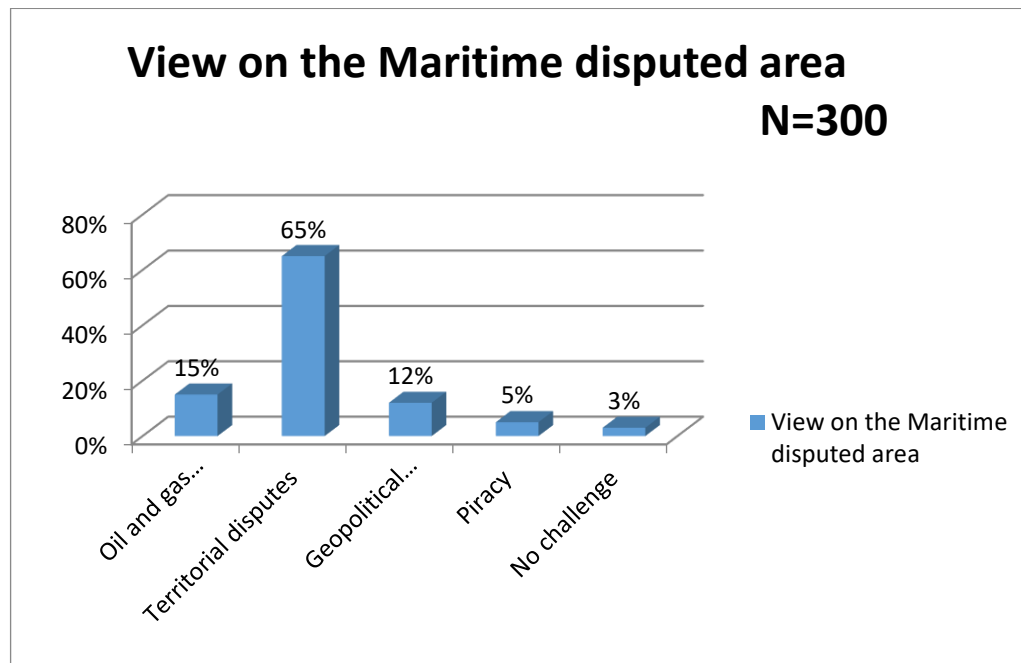


Figure 6.1: View on the maritime disputed area

Source: Field data, 2024

The researcher's objective was to assess the extent of awareness of the maritime border disputes between Kenya and Somalia. The conversation was presented in the following manner:

The discussion among the respondents regarding the issues arising from the border disputes between Kenya and Somalia in the Indian Ocean highlights a widespread recognition of the obstacles these disputes provide for diplomacy and international relations. The data reveals that 65% of respondents acknowledge the existence of territorial disputes, while 15% firmly believe that oil and gas exploration is a serious difficulty. This indicates that the respondents are aware of the enormous barriers posed by the continuous maritime border disagreements.

A small proportion of individuals (12%) believe that geopolitical issues are responsible for disagreements, while another group (5%) agrees that there is a general agreement on the existence of piracy challenges, however there may be varying opinions on their severity or specific characteristics. In addition, the low proportion of respondents expressing confusion (3%) suggests a lack of awareness regarding the complexity present in the contested maritime area. In general, the conversation demonstrates a mutual agreement among participants regarding the disruptive influence of border conflicts on diplomatic endeavors and global connections. This emphasizes the necessity of productive discussions and effective methods of resolving these difficulties.

6.2.1 Territorial Disputes

The analysis revealed that territorial disputes have emerged as a significant obstacle in the maritime boundaries between Kenya and Somalia. The study so examined many responders. A security officer who participated in the investigation reported that Kenya and Somalia have been engaged in a maritime dispute since the colonial era. However, in 2014, Somalia lodged a complaint with the International Criminal Court, alleging that Kenya was encroaching against its maritime territory, which spans an offshore region of 100,000 square kilometers. According to the respondent, both countries acknowledged the Court's mandatory jurisdiction under Article 36 (2) of the ICJ Statute, sometimes referred to as the "optional clause declarations" (Oral Interview with a KDF officer in Ras Kamboni, on 12/2/2024). This study, while elaborating on the arguments of the respondents, found that according to this Article, all states that are parties to the current Statute have the option to declare at any point that they acknowledge the Court's jurisdiction in all legal disputes as

obligatory and without the need for a specific agreement, in relation to any other state that also accepts this obligation (United Nations, 1945).

The report also documented that Somalia advocates for the boundary to be determined by the International Court of Justice (ICJ), as mandated by the United Nations Convention on the Law of the Sea (UNCLOS), and other international rules. On the other hand, Kenya remains steadfast in its position, insisting on its preferred border demarcation based on the 1979 decree. The contested area is a territory in the Indian Ocean spanning over 100,000 square kilometers (about 62,000 square miles), resulting from the extension of the Kenya-Somalia border towards the east (Wasike, 2021). Moreover, the researcher revealed that Somalia approached the ICJ with a dual purpose: to expand its continental shelf and to establish a boundary that divides its territorial sea from Kenya's and the Economic Exclusive Zone (EEZ). Somalia asserts that Kenya has breached its international duties and disregarded Somalia's territorial authority, and hence should be compelled to provide complete compensation to Somalia (International Court of Justice, 2018).

In contrast, Kenya asserts that the border should follow a parallel latitude starting from a certain location in the southeast of Kyunga. According to her assertion, the boundary aligns with the eastward line of latitude. Somalia supports a diagonal path down the coast of Kenya and argues that the boundary should follow the same southeast direction as an extension of the shoreline into the ocean (Wetang'ula and Warsame, 2009). In October 2015, Kenya raised two objections to question the Court's authority to handle the matter and its suitability for consideration. Kenya contended that a Memorandum of Understanding (MoU) was

signed between the two nations in 1979. This MoU established a framework that allowed for various methods of resolving disputes and granted Kenya control over the disputed region (Wetang'ula and Warsame, 2009).

She asserts that Somalia's decision to bring her case to the International Court of Justice (ICJ) is a violation of the principles of recognition and mutual respect regarding the maritime border at the parallel latitude. In February 2019, the Kenyan authorities stated that the conflict was intensified when Somalia proceeded to sell oil exploration rights in the center of the disputed area. As a result, Kenya insisted that Somalia remove a map displayed at an economic summit in London, which showed the disputed triangle as part of Somalia's territory. Kenya has requested that Somalia inform potential investors that it does not possess the disputed oil blocks in the contested area and so lacks the power to make any agreements with them. As a result of this incident, Kenya's ambassador to the Federal Republic of Somalia, Ambassador Lt. General (Rtd) Lucas Tumbo, was called back by the Kenyan government (Ministry of Foreign Affairs, 2019). Kenya has directed the Somali ambassador to leave Kenya and return to Somalia for discussions. In February 2021, Kenya rescheduled the hearing before the International Court of Justice (ICJ) for the fourth time, and Somalia rejected Kenya's position (Dhaysane, 2021).

Kenya has expressed its support for an in-person hearing, citing the impact of the epidemic on its preparations and the belief that such a hearing would ensure fairness (Gwakeli, 2021). The major purpose of the United Nations is to uphold global peace and security on an international scale. Conversely, the primary function of the ICJ is to adjudicate conflicts that are justified, meaning they can be brought before a court and resolved according to

principles of justice as defined by legal standards (Scott, 1921). The International Court of Justice (ICJ) conducted its inaugural hearing of Kenya's petition on September 19th to 20th, 2016. In response to Kenya's initial protest, the Court opted to first assess the validity of the Memorandum of Understanding (MoU) signed by the two nations, before to examining its contents. The Court's ruling on the Preliminary Objections made by Kenya on 2nd February 2017 found the MoU to be insignificant for three reasons. Firstly, the MoU did not contain any commitments or requirements regarding how the conflict should be resolved. Secondly, if Kenya truly believed that delimitation should only occur after delineation, it would not have initiated discussions on the matter. Lastly, Kenya's claim that the 6th paragraph of the MoU had a role in dispute determination was not supported by the Court. Kenya expressed misgivings regarding the jurisdiction and authority of the Court in relation to this case, citing Article 282 of the UNCLOS (1982).

The analysis found that the Court determined that if there was any intention to exclude its jurisdiction, there would have been a disagreement about it. The Court determined that it had jurisdiction over the dispute, confirming its power to hear the case and dismissing Kenya's plea. The Court's decision was that reaffirming its jurisdiction has the benefit of avoiding any future arguments over jurisdiction. Currently, there is a strong likelihood that the Court will determine the ownership of the disputed marine territory, resulting in a decision that is likely to favor just one of the two countries. The arguments presented are corroborated by Morgenthau's power theory, which underscores the fundamental role of power dynamics in the realm of international relations. Morgenthau contends that the debate between Kenya and Somalia over territorial limits is primarily driven by a desire for power and dominance. The theory examines the ways in

which nations press their territorial claims in order to gain strategic benefits and safeguard their national interests. This process influences the character and severity of diplomatic discussions and confrontations.

6.2.2 Oil and Gas Exploration

According to the results of this study, the second territorial issue between Kenya and Somalia concerns the maritime boundary in the Indian Ocean. A respondent from Lamu indicated that the dispute became prominent in 2014 when the Somali Government, led by President Mohamed Farmajo, sold oil blocks in the Indian Ocean. Kenya claims this territory as part of its maritime territory. (Key Interview with a diplomat from Ras Kamboni, on 13/2/2024) According to this report, Kenya attempted to engage Somalia in diplomatic discussions, but Mogadishu chose to refer the matter to the International Court of Justice (ICJ) in The Hague for resolution in 2014. The disputed territory is situated in the Indian Ocean's offshore region, covering an area of approximately 62,000 square miles. It holds potential reserves of natural gas and oil. Kenya asserts that the border aligns with the latitude line directly east of its common land boundary with Somalia, while its neighbor desires the sea border to extend the land border in a southeast direction. Somalia bases its claim on the equidistance principle, which is drawn from the United Nations Convention on the Law of the Sea. The assertions intersect disputed legal frameworks pertaining to the continental shelf, the Exclusive Economic Zone, and extended continental shelf claims exceeding 200 nautical miles from the coastline.

As per Kelly Gilblom, the dispute between Kenya and Somalia on their maritime boundary would discourage international oil companies from conducting oil and gas exploration in the

eastern African offshore region. Additionally, a Somali official cautioned that the disagreement has the potential to grow. There is a disagreement between the two nations that are located on the coast regarding the precise placement of their boundary line in the Indian Ocean. Their legal claims to sell exploration rights and receive revenue from any discovery are at risk. Kenya has just discovered eight fresh offshore exploration blocks that can be licensed. Almost all of these blocks are situated in the disputed area.

"The conflict between Somalia and Kenya is not a mere disagreement; it is a territorial dispute that arose as a result of the interest shown by oil and gas companies in the region," stated Abdullahi Haji, Somalia's Minister of Foreign Affairs in 2018, during an interview with Reuters in Mogadishu. "If the argument remains unresolved, it will escalate into a dispute that could potentially strain the profound relationship between our two nations and ultimately lead to armed conflict," he stated. Haji stated that East Africa has emerged as a prominent location for oil and gas development, driven by recent discoveries in the waters surrounding nations such as Uganda, Tanzania, and Mozambique. Puntland and Somaliland, two semi-autonomous countries in the Horn of Africa, have granted licenses for exploration blocks.

In March, Kenya had its inaugural oil discovery on land, as revealed by the British oil company Tullow Plc. The ongoing dispute between Kenya and Somalia poses a significant risk to the exploration rights that Kenya has awarded to oil and gas corporations, who have already commenced exploration activities in the region. The French company Total and the

Texas-based Anadarko are now the only two businesses that have been granted licenses by Kenya for blocks in the disputed area. They currently do not have any imminent intentions to conduct drilling activities in that location. Both corporations refrained from providing any comments regarding the border issue.

Martin Heya, the petroleum commissioner of Kenya in 2019, expressed his assurance that the United Nations, if approached for assistance in demarcating the border, would align with Kenya's perspective. He also anticipated the continuation of exploration endeavors by businesses. "Do you cease your work simply because the parameters have not been established?" "No," he stated to Reuters.

Heya reports that consultants engaged in border delineation have stated that the two nations will not possess a valid boundary unless they ratify a treaty that clearly defines the border. However, this is unlikely to occur until Somalia establishes a permanent government. The maritime border between the two countries should extend horizontally eastward from the point where the two countries meet on land, according to Heya. According to Heya, the customary practice in East Africa is to establish boundaries that align with the latitude line.

"For the time being, we believe that this is the location of the border," he stated, alluding to the horizontal east-west maritime border. According to Somali officials, the land border extends into the water in a southeast diagonal direction, and they argue that a horizontal border would be unjust (Heya, 2019). According to one of the respondents interviewed in

the study, if the Somalia-Kenya border extended from land into the ocean in a diagonal manner from the northwest to the southeast, Kenya would have a small triangular area in the Indian Ocean. This area would give Kenya the ability to claim mineral rights. This information was obtained through an oral interview with oil and gas traders in Mombasa on 10/2/2024. According to this respondent, Kenya has maintained stable diplomatic relations with its war-torn neighbor. However, the powerful east African economy deployed troops to Somalia in October of last year to pursue al Qaeda-linked al Shabaab rebels. Kenya accused these militants of launching attacks on its territory from across the border.

According to Joshua Brien, a legal expert with the Commonwealth Secretariat who has provided consultation to Kenya on maritime border issues, the study has identified another secondary finding. Brien states that the two countries will not establish a valid boundary until they draft and sign a treaty. Joshua Brien stated that the lack of a stable administration in Somalia could impede this approach. According to Brien (2019), Somalia's government has been engaged in a long-standing conflict with al Qaeda-affiliated insurgents, struggling to maintain control over the capital city. Despite receiving assistance from an African peacekeeping force mandated by the United Nations, the government's authority remains tenuous. The prospect of it being able to engage in military conflict with Kenya is highly improbable. Brien further stated that the border dispute between the two countries is not exceptional. Unresolved maritime boundaries exist worldwide. "Maritime boundary disputes often escalate, particularly when it involves petroleum exploration and development," he stated. "In Somalia, the situation is made worse by the governance and offshore security conditions in the country, which are widely recognized."

Kenya is continuing its efforts in oil and gas exploration, however, the former petroleum commissioner, Heya, acknowledged that the ongoing border conflict could potentially lead to complications in the future. According to the statement, firms will not be able to conduct drilling activities in their designated areas until the boundary dispute is resolved. This is because there will be uncertainty regarding the allocation of revenue generated from any potential resource finding. "The destination of the revenue is not evident," Heya stated.

Somalia has declined to engage in diplomatic negotiations with Kenya about their lengthy maritime dispute, asserting that the International Court of Justice (ICJ) will ultimately determine the outcome. In spite of Kenya's efforts to win favor, Somalia insists that the International Court of Justice (ICJ) must issue the ultimate decision regarding the long-standing disagreement between the two neighboring countries. This dispute revolves around their competing claims over significant portions of the Indian Ocean, which are believed to include substantial reserves of oil and gas.

In 2021, Kenya's Foreign Affairs Minister, Raychelle Omamo, made her first visit to Mogadishu, the capital of Somalia. During her visit, she engaged in discussions with Somali Prime Minister Mohamed Hussein Roble and advocated for an out-of-court settlement, facilitated by the African Union. Nevertheless, the researcher found that Somalia firmly maintained its position, asserting that the maritime conflict between the two nations will be resolved by the court situated in The Hague. The court's verdict, keenly anticipated, will be

delivered following formal hearings in March of this year. Kenya abstained from participating in the hearings due to its allegations of the ICJ's bias and refusal to postpone the proceedings in light of the COVID-19 outbreak. The researcher discovered that Somalia has emphasized that the ongoing maritime dispute between the two nations will be resolved by the International Court of Justice (ICJ) in The Hague. Despite Kenya's multiple requests to settle the matter outside of court, the ICJ will make the final decision, as stated by the prime minister's office.

The previous analysis revealed that the two neighboring countries in East Africa are in conflict over an area of 38,000 square miles in the Indian Ocean, which is believed to contain significant oil and gas reserves. Somalia is seeking arbitration from the International Court of Justice (ICJ) to resolve this matter (Njoka & Kiamba, 2013). The disagreement has resulted in strained diplomatic relations due to allegations and counter-allegations of meddling in internal affairs, territorial sovereignty, trade, and security. Additionally, the statement highlighted that the two ministers stressed the significance of implementing tangible actions to demonstrate reverence for sovereignty, territorial integrity, and political independence, which serve as the fundamental basis of the bilateral relationship. In 2014, Somalia initiated legal proceedings at the International Court of Justice (ICJ) claiming that Kenya was trespassing into its maritime boundaries. Despite repeated requests to dismiss the action and seek a diplomatic settlement, Somalia has consistently refused (Evans & Ioannides, 2023). Both nations are asserting their control of the territory and have proceeded to solicit multinational corporations to conduct exploration for gas and oil.

This study highlights the importance of natural resources in influencing geopolitical relations, as emphasized by Morgenthau's power theory. The Morgenthau theory emphasizes how the struggle between Kenya and Somalia is intensified by their pursuit of energy resources in disputed maritime territories within the context of oil and gas exploration. The idea facilitates the analysis of how the possession of oil and gas reserves can augment a nation's strength and influence, leading to both collaboration and conflict in maritime diplomacy.

6.2.3 Geo-Political considerations

This study has found that the ongoing disagreement on the maritime boundary between Kenya and Somalia has already had a significant impact on the geopolitical situation of both countries. This issue poses a major threat to the stability of the region. The stability of Somalia is of utmost importance for the security of the whole area and for facilitating international trade, including shipping routes (Healy, 2010; Ikome, 2012). Nevertheless, despite the significant stakes for both parties, the utilization of reciprocal diplomatic strategies has dominated the course of this conflict, impeding the attainment of a resolution. In February 2019, Kenya took the action of temporarily expelling the Somali ambassador to Kenya and recalling its own envoy to Somalia, resulting in the effective termination of diplomatic relations between the two countries (The East African, 2019). In May 2019, Kenya halted direct flights from Mogadishu to Nairobi due to security concerns. However, Somali leaders argued that the move was driven by political motives (Mutambo, 2019). Ali and Tsamenyi (2013) argue that maritime disputes hinder security cooperation and have

the potential to cause regional instability. Their assertion remains valid in the ongoing disagreement between Kenya and Somalia: new reports indicate that Kenya is inclined to remove its military forces from crucial conflict zones. If that is the case, al-Shabab might potentially establish a stronger presence in the region (Felter et al., 2019; Wabuke, 2019; Farmer, 2019). The African Union's Mission in Somalia (AMISOM) relies heavily on the estimated 3000 Kenyan Defense Forces (KDF) troops to combat the insurgent group al-Shabab, which operates in Somalia. However, starting from early 2019, the KDF has been strategically relocating their bases in Somalia nearer to the Kenyan border.

Therefore, acknowledging Kenya's significant contributions and remarkable sacrifices for Somalia, any escalation of this conflict has the potential to impede the efforts against al-Shabab and give rise to new challenges in the region. In addition, Kenya accommodates about 300,000 Somali refugees in the Kakuma and Dadaab refugee camps, as well as a substantial population of Somali residents across the nation (Sabala, 2019). Nairobi has long served as the focal point for coordinating humanitarian assistance in Somalia, a country ravaged by instability. A respondent informed this study that:

The continued conflict between the two states may have negative consequences on refugees in Kenya, the majority of whom originate from Somalia, regardless of whether they have been relocated to the Daadab refugee camp or other regions. (Oral Interview, 25/1/2024).

Schlein supported this discussion by suggesting that Kenya's decision in 2017 to shut down the Dadaab refugee camp could be interpreted as a political reaction to deteriorating diplomatic relations. This action could worsen the humanitarian crisis, considering the existing economic and food security difficulties in Somalia (Schlein, 2019).

An FGD in Mombasa, while responding to the researcher on the above discussion, reiterated to the researcher that:

In the end, it is mutually beneficial for both countries to come to a resolution that does not weaken their diplomatic ties, as this might potentially have broader consequences for security and the economy. The study revealed that the Gulf of Aden is highly vulnerable to maritime security threats such as piracy, armed robbery at sea, illegal, unreported and unregulated fishing, and toxic waste dumping. Consequently, both countries must find a solution that enables them to collaborate on maritime security matters. (FGD of traders in Mombasa, on 19/1/2024).

During the height of piracy and armed robbery in the Gulf of Aden, countries in the area experienced financial losses in their shipping and tourism industries. According to Otto (2012), Kenya's shipping sector incurred an annual loss of between US\$300 to \$400 million, while its tourism sector suffered a loss of US\$15 million each year. Both Kenya and Somalia are eager to exploit the hydrocarbon resources in the disputed territories (Mutambo and Ongiri, 2016) and protect their progress against piracy in the region. Therefore, it is in their best interest to negotiate a resolution that satisfies their requirements.

While also conducting another group discussion in Ras Kamboni, the discussants informed the study that:

The interconnection of the Somali ethnic group along the Kenya-Somalia border has consistently shaped the geopolitical dynamics in the region over time. Geopolitical conflicts, as defined by them, are conflicts that revolve around differences and rivalries related to the geography, economics, and demography of a state, country, or region, specifically in terms of policy and foreign policy. The artificial boundaries established by colonial empires are a significant cause of border disputes in Africa. (FGD of security personnel in Ras Kamboni, on 15/1/2024).

According to this report, the Kenya-Somalia border is also a conflict zone, just as other frontiers between Kenya and Somalia, ever since both countries were independent. The conflicts in these borderlands are mostly fueled by the identity politics of the Somali ethnic group. According to the study, the ethnic group residing in the Kenya-Somalia borderlands has various identities, including citizenship, territorial, clan, religion, and sub-clan, among others. Citizenship determines the national affiliation of a Somali individual, either to Kenya or Somalia. This distinction has particular importance near the border because to the political privileges and advantages associated with being a citizen of a specific country.

Based on the above researcher observation, the one of the respondents interrogated by the study posited that:

The territorial identity, which is intrinsically linked to the clan identity, is delineated by the geographical locations associated with the clans and serves as a means to grant exclusive ethnic rights and land access to clan members. According to one participant in the study, the expansion of urban areas in border regions has given rise to a new type of identity known as "urban place identity." (Oral Interview with a local leader in Lamu, on 17/1/2024).

The respondent's observation aligns with Ken Menkhaus' description that a "strong urban-place identity consistently emerges in towns with multiple clans." The conflicts in the Kenya-Somalia borderlands have been mostly driven by the confrontation between different identities within a single ethnic group.

In writing about the conflicts, the researcher divided the conflicts into three primary categories according to the three conflict drivers. It has been shown that disputes with closely similar causes are being discussed under a single category. Within each category, there may be numerous conflicts, but the discussion will only focus on a select few conflicts

within each group, providing minimal depth. The conflict types include irredentism- and secession-based conflicts, resource and political conflicts, and terrorism.

6.2.3.1 Irredentism-Based Conflict

According to the study, one of the outcomes of the division of the Kenya-Somalia borders by European colonial powers was the emergence of irredentist claims by the Somali Republic. According to German Kim, irredentism refers to the efforts made by a ruling state to annex the lands inhabited by populations that share the same ethnic background and are located in adjacent countries. According to Kromm, irredentist disputes tend to arise when boundaries are established without considering the current ethnic, economic, and political situation.

Gigi Gokcek defines irredentism disputes as situations in which an ethnic group residing within a sovereign state seeks to join forces with their kin, who are living as a minority in a neighboring country or countries, by asserting territorial claims on the nearby areas where these same people are concentrated. She asserts that conflicts based on irredentism are more prevalent on borders where there is a homogenous identity compared to borders with a heterogeneous identity. Secession, as defined by Viva Ona Bartkus, refers to the legal withdrawal of a constituent unit from an internationally recognized state in order to establish a new sovereign state. Secessionism is rooted in territorial assertions that are substantiated by the secessionists' contentions of past injustices.

One of the respondents from ministry of foreign affairs argued to the study on the above discussion that:

Secession claims arise when minority groups assert their autonomy. This is accomplished by establishing a clear distinction between themselves and the land they inhabit, so asserting independence from the governing power of a state controlled by a different ethnic majority. (Oral interview with a staff in the ministry of foreign affairs in Nairobi, on 10/2/2024).

In offering a difference between the two terms, the respondent further depicted that:

Irredentist conflicts are launched by independent nations, while secessionist conflicts are instigated by a minority ethnic faction. Both irredentism and secessionism occur transnationally, hence posing a threat to the geographical integrity of a nation-state. (Oral interview with a staff in the ministry of foreign affairs in Nairobi, on 10/2/2024).

The reply emphasizes that in ethno-territorial cross-border conflicts, there is typically a convergence of irredentist and secessionist groups. The study revealed that colonialism resulted in the fragmentation of the Somali ethnic group over many regions, namely Somalia, Ethiopia (specifically the Ogaden region), Kenya (specifically the North Eastern Province), and Djibouti. Following its independence, Somalia's primary focus was the consolidation of the Somali ethnic community within the territory. Somalia's aspiration to unite all the regions inhabited by Somalis was evident from the inclusion of the irredentist policy article in their constitution upon gaining independence. This sentiment was further symbolized by their national flag. The dispute in question pertains to the North Eastern Province of Kenya, which is characterized by its unique ethnic composition. The situation that the post-independent Somalia state was faced with is best described by the Somali prime minister's own words, as Lewis writes:

Unfortunately, our geographical disadvantage lies in the fact that the neighboring countries we aim to establish positive and cooperative relationships with, like the majority of Africa, are not actually our neighbors. Our neighbors are Somali individuals who have a common ancestry with us, but their citizenship has been fraudulently altered due to arbitrary boundary agreements. They must traverse man-made borders in order to reach their grazing lands. They inhabit the identical geographical area and engage in the same agricultural economy as us. We communicate using the same linguistic system. We possess a common belief system, a shared cultural heritage, and same customs. How can we perceive our brothers as individuals from another country? (Lewis, 2018).

The prime minister of Somalia's description highlights the significant influence of identity politics among the Somali ethnic group on geopolitical crises. Lewis, a respondent and important source who was questioned for the study in order to verify the previous hypothesis, proposed that:

"The Government of Somalia... naturally supported its Somali kinsmen in the N.F.D (Northern Frontier District) in their struggle for secession from Kenya and for union with the Republic" in order to realize its goals. Somalia has different ambitions after gaining independence compared to its neighboring countries that also include a Somali ethnic group. This difference in goals led to geopolitical tensions along the Kenya-Somalia border. In the aftermath of gaining independence in 1963, Kenya had the challenge of effectively governing its diverse ethnic groups within its national boundaries, while aiming to form a cohesive nation. The primary concern that required immediate attention was the segregation of ethnic groups along the borders, with particular emphasis on the Kenya-Somalia border. Due to the historical influence of colonization, the North Eastern Province of Kenya, which is predominantly inhabited by Somalis, has remained the most secluded and underdeveloped region in the country. The Somali tribesmen in this region have expressed their desire for self-determination, separate from the rest of Kenya, in order to unite with their fellow Somalis in Somalia. The pre-independence referendum played a significant role in fueling the secession demands made by the Somali population in the North Eastern Province. (Oral interview with a diplomat in Nairobi-Somalia embassy, on 13/1/2024).

The study found that the British colony's rejection of the pre-independence vote, which aimed to ascertain whether the North Eastern Province Somalis desired to join their relatives, remained a recent and prominent concept among the North Easterners. The referendum's result precipitated the emergence of militants in the district, who promptly initiated assaults on Kenyan government installations following independence. The acts of rebellion prompted the authorities to declare a state of emergency in the region upon achieving independence. The statement initiated the commencement of the first warfare in the borderlands, called the Shifta War, denoting a war against robbers.

The report also observed that the Shifta War commenced upon Kenya's attainment of independence in 1963 and concluded in 1967. The war originated as a consequence of the colonial era, when Britain refused to let the Somali population in the Northern Frontier District to join their relatives in the Somali Republic at the 1962 referendum. The belligerents in the conflict were the Kenyan Somali insurgents, known as Shifta by the Kenyan government, who received informal backing from the Somali Republic, in opposition to the Kenyan government. While interrogating another respondent on the above, it emerged from oral sources that:

The insurgents in the North Eastern Province sought to achieve secession from Kenya and merge with the Somali Republic. Somalia aligned itself with the militants due to shared ethnic identity and the war's endorsement of their irredentist aspirations for a 'greater Somalia'. The battle escalated from a minor confrontation to significant assaults carried out by rebels, who obtained their strategic direction, military education, and weaponry from the Somali Republic. (Oral interview with opinion leaders in Lamu, on 23/2/2024).

The analysis revealed that the sparsely staffed 682-kilometer border between Kenya and Somalia allowed the insurgents to swiftly evade the Kenyan security forces and find refuge in secure areas on the Somali side. The insurgents were aware that if the Kenyan military crossed the border, it would result in a state of war with Somalia. Even if the Shifta insurgents stayed in Kenya, their fellow tribesmen would protect them faithfully. In November 1963, Somali insurgents launched an attack on a military camp in the province. This incident caught the attention of the Kenyan government, which promptly responded by deploying hundreds of Kenyan soldiers both air and road to counter the Shifta threat. Based on the preceding finding, a respondent interrogated by the researcher reiterated that:

The operational strategies employed by the Shifta were constrained and only focused on attaining a political goal of secession, rather than

a military purpose, as seen by their selection of targets. The primary objective of the Shifta was to achieve the reunification with their relatives in Somalia. The clan structure proved advantageous for the Somalis as it facilitated efficient organization. (Oral interview with security person in Ras Kamboni, on 10/1/2024).

According to John Ringquist, operational security was established by arranging forces into small clan-based, semi-independent cells that received instructions from higher levels of authority and employed codes to safeguard the identities of clans and individuals.

From the preceding discussion, the study was further informed by another key informant in Lamu that:

The insurgents adeptly utilized their surroundings (including the inclement weather and the inhabitants of the North Eastern District) to thwart the efforts of the Kenyan government forces. As a result of the rapidly increasing expenses, the government implemented various strategies to combat insurgency. The Kenyan government forcibly relocated the Somali community in the North Eastern Province to designated communities, where they were placed under the supervision of police guards. The action taken by the Kenyan government not only impacted the rebels, but also imposed limitations on the entire nomadic community, whose way of life relied on mobility, so disturbing their social structure. The division of the Somali people in the North Eastern Province into communities strengthened their sense of identity. (Oral interview with a local leader in Lamu, on 15/1/2024).

According to the aforementioned findings, the study also observed that the war persisted until 1967, at which point Somalia and Kenya reestablished their diplomatic relations, hence ceasing Somalia's backing of the insurgents. The Shifta War was a conflict that was distinctively centered around the ethnic identity of the Somali community. The British colonial administration's deliberate isolation of the Somali ethnic minority, along with the underdevelopment of the North Eastern Province of Kenya, served as the catalyst for the succession claims. The independent Somali Republic's irredentism also supported the war and offered external assistance to the Somali population in Kenya in their fight to unite with

their relatives. This viewpoint provides a historical and social framework for understanding the Shifita War. The shared identity at several levels, such as tribe, religion, clan, and sub-clan, offered the Somali community in the North Eastern Province valuable external assistance during the war. The borderlands on the Somali side served as a refuge for the insurgents.

These findings align with Morgenthau's power theory, which recognizes the influence of historical grievances and nationalist ideology in exacerbating conflicts. In instances of irredentism-driven conflict, such as Somalia's assertion of territorial claims over traditionally Somali-inhabited areas in Kenya, the Morgenthau theory is employed to underscore how these claims are motivated by desires for territorial expansion and national cohesion. He would examine the impact of these historical narratives on diplomatic relations and the challenges they provide to achieving territorial cooperation.

6.2.3.2 Resource and Political Conflicts

Resource and political conflicts frequently overlap, particularly in areas where maritime borders are contested and important resources are at risk. The issue of maritime diplomacy in achieving territorial cooperation between Kenya and Somalia exemplifies this intricate dynamic. The study questioned some respondents and documented their responses.

One of the respondents from Lamu, retorted and emphasized that:

Kenya and Somalia share a strong interest in resource extraction and sovereignty. Each country claims to have legitimate rights to specific marine areas, citing historical, geographical, and legal considerations. According to this position, any agreement regarding territorial cooperation should emphasize maintaining each nation's sovereignty

and resource exploitation rights. (Oral interview with a local administrator in Lamu, on 15/1/2024).

The survey found that the respondent supports diplomatic involvement based on international law and standards for determining maritime boundaries. However, the survey revealed that the respondent recognizes the possibility of political intricacies and power relations that can complicate talks.

In contrast, another respondent from Ras Kamboni, after an indepth interrogation by the study pointed to historical grievances and diplomatic impasse as significant barriers to territorial cooperation. She informed the study that:

She contended that the disagreement on marine boundaries is firmly established in historical animosities and unresolved matters originating from the colonial era. The enduring suspicion and hatred between Kenya and Somalia, fueled by the legacy of past battles and rival territorial claims, has impeded the possibility of constructive discussion and collaboration. (Oral interview with a security person in Ras Kamboni, on 15/1/2024).

The researcher noted that the respondent emphasized the need of addressing underlying grievances and creating trust as necessary conditions for achieving territorial cooperation. However, they also acknowledged the difficulty of overcoming deeply ingrained narratives and political obstacles.

Another participant interviewed in the study expressed a viewpoint that takes into account the regional aspect, emphasizing the significance of territorial collaboration in fostering peace and security in the wider East African region. He argued that:

The unresolved maritime conflict presents a substantial threat to regional stability, creating openings for external players to manipulate differences for their own geopolitical objectives. He emphasized the importance of prioritizing a collaborative approach that involves regional organizations and multilateral

projects. This approach aims to develop conversation, establish confidence, and promote shared interests among neighboring states. (Oral interview with a police officer in Lamu , on 15/1/2024).

The study indicates that attaining territorial cooperation between Kenya and Somalia necessitates a multifaceted approach, based on the arguments offered by the respondents. The study highlights the crucial role of continuous diplomatic involvement, conversation, and efforts to establish confidence, while taking into account sovereignty, historical grievances, and regional stability. The statement implies that it is crucial to prioritize the interests of collective security and stability over narrow nationalist goals in order to resolve the maritime conflict and fully utilize the marine resources for the mutual benefit of both countries and the wider East African region. The findings align with Morgenthau's power theory, which posits that disputes over resources are reflections of larger power struggles between nations. Morgenthau's analysis aids in understanding the intersection of rivalry for maritime resources with political rivalries and regional dynamics in the context of resource and political conflicts between Kenya and Somalia. The idea facilitates the analysis of how the pursuit of resources can intensify pre-existing tensions and impede diplomatic endeavors to promote collaboration.

6.2.3.3 Terrorism

At the time of this study, it was found that terrorism continues to be a significant obstacle to maritime diplomacy, especially in the context of territorial cooperation between governments. The difficulty is clearly apparent in the relationship between Kenya and Somalia, two East African countries dealing with both maritime disputes and the widespread menace of terrorism. During the investigation, the researcher interviewed multiple participants. One respondent from Lamu highlighted the security consequences of terrorism,

particularly its disruptive impact on the collaboration between Kenya and Somalia in marine affairs. He added that:

From this standpoint, terrorism is perceived as a serious menace that not only jeopardizes the security of maritime commerce routes but also hinders the establishment of mutual trust and collaboration between the two nations. In addition, to effectively combat terrorism, it is important to support and implement stronger measures to ensure maritime security, such as conducting joint patrols, establishing systems for sharing intelligence, and coordinating counter-terrorist operations. (Oral interview with a household head in Lamu, on 17/2/2024).

Thus, the study clearly demonstrated that these actions emphasize the significance of collaborative relationships between countries and regions in effectively addressing terrorism, underscoring the necessity of a unified approach to counter this shared menace. Conversely, a separate participant interviewed in the study held a contrasting perspective regarding the findings. He extensively explored the fundamental reasons behind terrorism, highlighting socio-economic variables and historical grievances as the primary catalysts for extremist operations in the Kenya-Somalia maritime region. The respondent further asserted that:

This viewpoint posits that terrorism is not solely a matter of security, but rather a manifestation of wider socio-political difficulties, such as poverty, marginalization, and unresolved disputes. Furthermore, it is crucial to tackle these underlying factors in order to reduce the threat of terrorism and promote lasting stability in the region. (Oral interview with a fisheries leader in Lamu, on 20/2/2024).

The study revealed the necessity of promoting a comprehensive approach that integrates security measures with socio-economic development initiatives, good governance practices, and conflict resolution activities in order to tackle the root causes of extremism. During an emphasis Group Discussion (FGD) held in Mombasa, the participants expressed their opinions regarding the study's specific research emphasis. The FGD emphasized the cross-border aspect of terrorism and the necessity for synchronized efforts with adjacent nations. One of the discussants in the FGD informed this study that:

From this perspective, terrorism is perceived as a threat that transcends borders and necessitates a collaborative response from all parties involved. Furthermore, regional collaboration and information-sharing procedures play a crucial role in effectively countering terrorism. (FGD of oil traders in Mombasa, on 23/1/2024).

The study revealed that the FGD emphasized the importance of mutual trust and coordination between adjacent countries in order to disrupt terrorist networks, limit the movement of illegal commodities, and tackle other maritime security concerns that are often connected to terrorism.

From the points put out by the responders, it is clear that effectively dealing with terrorism in the context of maritime diplomacy necessitates a comprehensive and diverse strategy.

Although it is important to have effective security measures to combat immediate threats, permanent solutions must also tackle the underlying causes of terrorism, such as socio-economic inequalities, historical grudges, and transnational networks. Furthermore, it is of utmost importance to cultivate trust, collaboration, and the exchange of information among all parties involved in order to effectively combat terrorism and enhance stability in the maritime zone between Kenya and Somalia.

Ultimately, the study emphasizes the significance of incorporating counter-terrorism measures within wider maritime diplomacy programs that seek to foster territorial collaboration between Kenya and Somalia. It highlights the necessity for a well-rounded strategy that tackles both security issues and fundamental socio-economic difficulties.

Furthermore, the report emphasizes the importance of regional collaboration and joint efforts in addressing the cross-border menace of terrorism. By adopting these principles and working together to achieve common security goals, Kenya and Somalia may successfully address the issue of terrorism and provide a foundation for sustainable territorial cooperation and prosperity in the region.

Thus, Morgenthau's power theory acknowledges the involvement of non-state actors, such as terrorist organizations, in undermining geopolitical equilibrium. The Morgenthau theory highlights the impact of terrorist operations on state authority and diplomatic efforts to resolve maritime security risks in the Kenya-Somalia region. This analysis examines the intersection of counter-terrorism measures with broader power dynamics and their impact on maritime diplomacy between Kenya and Somalia.

6.3 Opportunities of Maritime Diplomacy in Regard to Territorial Cooperation Between Kenya and Somalia

The Kenya-Somalia maritime dispute is around the jurisdiction over maritime resources that are considered crucial for the progress of both Kenya and Somalia. Both nations assert ownership of a disputed maritime region spanning over 100,000 square kilometers, encompassing the Exclusive Economic Zone (EEZ). The abundant hydrocarbon and fish resources in the region have attracted geopolitical entities whose conflicting interests and power struggles hinder the peaceful resolution of the dispute (Mohamed, 2021). The significant economic opportunities in the disputed maritime region continue to be crucial for the development goals of both Kenya and Somalia. The Somalia's National Development Plan (SNDP) for the period of 2020-2024, together with the Petroleum Act of 2020, establishes a connection between the hydrocarbon resources and the attainment of the Sustainable Development Goals (SDGs) (Saeed & Saeed, 2020). These goals encompass addressing the pervasive poverty and hunger, enhancing health and well-being, promoting decent jobs, fostering economic growth, and providing education for the youthful population. The development elements projected in Somalia's strategic interests not only

hinder its development, but also serve as the primary obstacles to resolving maritime disputes.

By questioning participants about the possibilities of maritime diplomacy for Kenya and Somalia, we can gain a thorough comprehension of the potential benefits and advantages that can result from diplomatic initiatives in the maritime sector. This study distributed questionnaires to collect the opinions of the respondents. Upon collection of the 260 responses, the researcher presented the results in a pie – chart as shown below:

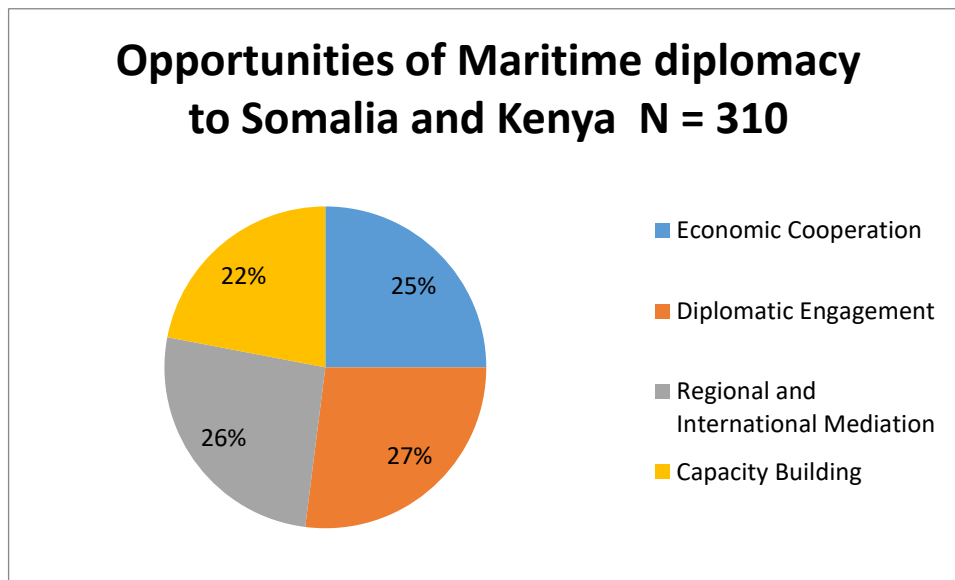


Figure 6.2: Opportunities of maritime diplomacy to Somalia and Kenya

Source: Field data, 2024

The analysis of the data revealed that the respondents' prioritizing emphasizes the need for a comprehensive approach to dealing with the intricate aspects of maritime diplomacy between Kenya and Somalia. Economic cooperation, accounting for 25% of the overall effort, highlights the significance of utilizing economic incentives to promote shared goals and establish trust. Partnerships in fisheries management, maritime trade, and infrastructure

development might act as triggers for discussion and collaboration. The data clearly indicates that diplomatic involvement, which was slightly higher at 27%, highlights the need of using communication and negotiation to navigate conflicts. Bilateral negotiations, multilateral conferences, and track-two diplomacy serve as crucial vehicles for reaching consensus on sensitive matters.

The significance of external intervention in fostering compromise and finding mutually acceptable solutions is underscored by regional and international mediation, which accounts for 26% of such interventions. Mediators have a vital role in connecting disparities and enhancing the probability of achieving effective results. Capacity building, now at a level of 22%, continues to be crucial for improving marine governance and institutional skills. Enhancing legal frameworks and technical competence is crucial for the efficient management of resources and the resolution of conflicts. In general, the study found that the allocation of priority demonstrates a well-rounded approach, highlighting the importance of collaboration, communication, and outside assistance in resolving maritime conflicts between Kenya and Somalia.

6.3.1 Economic Cooperation

This study reveals that the maritime diplomacy between Kenya and Somalia is marked by an intricate interaction of historical conflicts, economic concerns, and geopolitical influences. This interaction is defined by the fact that. However, despite these challenges, there is a good chance for economic cooperation that might serve as a catalyst for territorial partnership between the two countries. The insights obtained from individual oral interviews

and focus group discussions conducted in Mombasa, Lamu, and Ras Kamboni offer useful viewpoints on the possibility for economic collaboration in maritime diplomacy to bring about significant changes.

During the FGD (Focus Group Discussion) with gas oil traders/participants in Mombasa, the participants underlined their unwavering enthusiasm for the untapped economic opportunities that could be achieved through maritime cooperation with Somalia. Based on the findings of the Focus Group Discussion (FGD), it was shown that;

The Indian Ocean is rich in natural resources, such as oil and gas deposits, fisheries, and other valuable resources. Despite ongoing historical conflicts, they voiced optimism about the potential for establishing joint ventures and economic collaborations with Somalia. The panelists unanimously agreed that economic cooperation had the ability to achieve shared prosperity and overcome longstanding disputes through mutually beneficial projects. (FGD of gas and oil traders in Mombasa, on 13/01/2024).

Thus, to ensure the long-term sustainability and fair allocation of advantages in economic collaborations, it was highlighted that openness and equitable benefit-sharing systems are crucial elements.

Similarly, the discussions focused on the strategic importance of economic cooperation in promoting territorial engagement with Somalia in Lamu. During the interview, the responder highlighted Lamu's significant position as a vital access point to the Indian Ocean. They also emphasized the immense opportunities for collaborative efforts in commerce, tourism, and infrastructure development. In addition, the responder said that;

The significance of fostering an all-encompassing conversation and creating enduring economic structures that prioritize shared advantages and actively strive towards fostering regional integration. The discussant commonly held the view that economic cooperation might reconcile historical conflicts and establish enduring peace and stability in the region. (Oral interview with a trader in Lamu, on 15/1/2024).

A focus group discussion (FGD) shared comparable views on the influential impact of economic cooperation in Ras Kamboni, a seaside town situated on the Kenya-Somalia border in Somalia. The FGD noted that, apart from stressing the economic interests that Kenya and Somalia have in the marine domain, there are other important factors to consider.

Collaboration is crucial in addressing common challenges faced by both nations, such as piracy and illegal fishing. Consequently, it became evident that there is a significant inclination towards economic interdependence between the two nations in order to foster confidence and establish connections between them. The individuals conveyed their optimism that by engaging in economic partnership, they may establish the foundation for territorial cooperation and long-lasting progress, ultimately benefiting communities on both sides of the border. (FGD of security personnel in Ras Kamboni, on 10/1/2024).

Overall, the data collected from oral interviews and focus group discussions in Mombasa, Lamu, and Ras Kamboni provide valuable insights into the potential for economic cooperation in the maritime diplomacy between Kenya and Somalia. Moreover, this study acknowledges that in the maritime domain, both countries has the capacity to resolve past conflicts and security obstacles by utilizing their mutual economic interests and resources. Consequently, the study indicates that this would facilitate territorial cooperation and shared economic success in the maritime sector. The study suggests that adopting economic cooperation as a catalyst for territorial cooperation has the potential to promote peace, stability, and sustainable development in the region. This would signify the commencement of a fresh phase in the bilateral relations that now exist between Kenya and Somalia.

The aforementioned findings align with Morgenthau's power theory, which underscores the significance of power dynamics in influencing the economic interactions among nations. Within the framework of maritime diplomacy between Kenya and Somalia, economic collaboration offers a chance for both countries to utilize their resources and strengthen their economic might. The Morgenthau hypothesis provides a framework for examining how economic cooperation, such as partnering in oil and gas exploration or jointly developing infrastructure, can enhance the relationship between two countries and increase their combined power and influence.

6.3.2 Diplomatic Engagement

The maritime diplomacy between Kenya and Somalia is influenced by an intricate network of historical disputes, economic interests, and security considerations. The intricate nature of the problem, meanwhile, offers a noteworthy chance for diplomatic involvement that has the potential to result in enhanced territorial collaboration between the two countries being discussed. Insights into the possibilities for transformation through diplomatic engagement in maritime diplomacy have been obtained from individual interviews and group discussions conducted in Mombasa, Lamu, and Ras Kamboni. During the FGD in Mombasa, the participants highlighted the crucial significance of diplomatic engagement in promoting territorial cooperation with Somalia in Mombasa, a vibrant coastal city in Kenya. The FGD posited that:

Although the historical conflicts and maritime issues between the two countries have been highlighted, there is a sense of optimism over the potential for communication and resolution. Diplomatic channels have a crucial role in dealing with shared issues including piracy, illegal fishing,

and threats to marine security. (FGD of fishermen in Mombasa, on 14/1/2024)

At the same time, they emphasised the importance of maintaining diplomatic efforts in order to establish trust, encourage measures that build confidence, and pave the way for territorial cooperation in the region surrounding the Indian Ocean.

Another responder from Lamu, emphasized the significance of diplomatic engagement as an opportunity for maritime diplomacy with Somalia. According to her;

Lamu benefits from its strategic location and has the ability to function as a central point for commercial and economic activities in the nearby region. She reiterated the significance of diplomatic channels in facilitating communication, fostering partnerships, and exploring collaborative efforts that advance shared interests and regional stability. (Oral interview with a resident of Lamu in Lamu, on 27/12/2023).

The study through participants in Ras Kamboni, who expressed similar sentiments regarding the transformative potential of diplomatic engagement, was also informed of similar opinions. The FGD emphasised the significance of diplomatic dialogue in overcoming historical grievances and establishing trust between Kenya and Somalia. According to the FGD:

Diplomatic channels play a big role in resolving territorial Facilitating the resolution of disputes, advocating for the implementation of conflict resolution processes, and encouraging collaboration on issues related to maritime security. The significance of upholding diplomatic endeavors to create a favorable atmosphere for territorial collaboration and shared prosperity in the marine sector has been revealed. (FGD with household in Ras Kamboni, on 29/12/2023).

In conclusion, research on the significant opportunity that diplomatic engagement presents in the context of maritime diplomacy between Kenya and Somalia was informed by the conclusions drawn from oral interviews and focus group discussions that were held in Mombasa, Lamu, and Ras Kamboni. This study discovered that by utilizing diplomatic channels, both nations possess the capacity to surmount past difficulties, foster confidence, and explore possible opportunities for territorial collaboration in the Indian Ocean region. Moreover, it is possible to achieve peace, security, and sustainable development in Kenya,

Somalia, and the broader East African region by utilizing diplomatic engagement as a means of maritime diplomacy.

Regarding the previous discussion, it became apparent that Morgenthau's power theory emphasizes the significance of diplomatic engagement as a means of promoting national interests and exerting influence in international relations. In the framework of maritime diplomacy between Kenya and Somalia, diplomatic engagement offers a chance for both governments to assert their interests while also striving to find areas of agreement. The Morgenthau theory provides a framework for examining how diplomatic endeavors, such as bilateral negotiations and multilateral dialogues, can act as forums for resolving territorial conflicts, fostering trust, and encouraging collaboration. This, in turn, strengthens the diplomatic influence and reputation of both countries involved.

6.3.3 Regional and International Mediation

The maritime diplomacy between Kenya and Somalia is a complex terrain influenced by historical disputes, economic stakes, and geopolitical intricacies. This study revealed the capacity of mediation to facilitate the resolution of maritime disputes and promote cooperation. The findings were derived from individual interviews and group discussions conducted in the research region.

When the researcher was interrogating the FGD participants in Mombasa, over the pivotal role that regional and international mediation can play in mitigating historical grievances between Kenya and Somalia, the FGD informed the study that:

The importance of having an impartial mediator and the belief that mediation can provide a favorable environment for productive discussions. In addition, the FGD

agreed that using the knowledge and neutrality of regional and international organizations might be beneficial for both countries in identifying areas of consensus, resolving conflicts, and establishing the foundation for territorial collaboration. (FGD of households in Mombasa, on 4/1/2024).

Similar sentiments with regard to the possibility of mediation on both the regional and international levels were postulated by the responders in Lamu. One of the respondents informed this study that:

It is imperative to adopt a cooperative strategy that involves organizations like the African Union (AU) and the Intergovernmental Authority on Development (IGAD). Moreover, the involvement of regional organizations might establish a structure for discussion, leading to the creation of agreements that would enhance stability and collaboration in the maritime sector. (Oral interview with a fisherman in Lamu, on 16/1/2024).

Additionally, on the Somali side, the coastal town of Ras Kamboni, demonstrated a similar recognition of the significance of regional and international mediation. One of the respondents interrogated by the study posted that:

To promote communication and reduce the divide between nations, the participants stressed the significance of engaging other entities through their active involvement. The key to addressing maritime disputes and promoting territorial cooperation lies in the presence of impartial international bodies that provide a suitable forum. (Oral interview with a fisherman in Ras Kamboni, on 16/1/2024)

The findings from oral interviews and focus group discussions indicate a widespread consensus that regional and international mediation has the ability to significantly impact maritime diplomacy. The survey revealed that participants from Mombasa and Lamu in Kenya, as well as Ras Kamboni in Somalia, shared the belief that external mediation may act as a bridge, promoting confidence and enabling a cooperative approach to maritime issues. Participants from both countries expressed this comprehension. Furthermore, the participants stressed the need of inclusivity in the mediation process, advocating for the integration of local viewpoints and interests. The involvement of communities and stakeholders in the decision-making process was considered crucial to

ensure the sustainable and effective implementation of territorial cooperation agreements resulting from diplomatic engagements facilitated by regional and international entities. Based on this study, the results emphasize the potential of regional and international mediation as a significant opportunity for maritime diplomacy between Kenya and Somalia. It is evident that there is a basis for optimism that external intervention can facilitate the resolution of maritime conflicts and the formation of territorial cooperation between the two nations. This optimism is rooted in the recognition that both countries understand the importance of unbiased intervention and prioritize inclusivity. The analysis revealed that Morgenthau's power theory acknowledges the influence of other actors, such as regional organizations and international mediators, in determining geopolitical outcomes. In the context of maritime diplomacy between Kenya and Somalia, the involvement of regional and international mediators offers a chance for unbiased intervention to help encourage conversation and settle issues. Morgenthau's concepts propose that mediation efforts, driven by power calculations and strategic objectives, can effectively reconcile divergences, foster agreement, and foster stability, thereby bolstering the authority and credibility of the mediators engaged.

6.3.4 Capacity Building

While interrogating respondents from the two countries, this study discovered the significance of capacity building as an opportunity. While interrogating a respondent from Mombasa, a respondent brought attention to the significant role that capacity building plays in fostering territorial cooperation and improving maritime governance. According to this respondent, the study was informed that:

Investing in the development of institutional capabilities, technological infrastructure, and human resources is crucial. Furthermore, it is crucial to provide local communities and marine authorities with the necessary information and abilities to efficiently oversee and control nautical activities. (Oral interview with a local leader in Ras Kamboni, on 19/1/2024)

A respondent from Lamu provided similar insights into the potential of capacity building as an opportunity for maritime diplomacy. In the discussion, the respondent asserted that:

The importance of personalized training programs, efforts to transfer technology, and ways to share information. In addition, she emphasized the significance of collaborating with foreign partners and organizations to enhance the capacities of local institutions. (Oral interview with a member of ministry of interior from Lamu, on 19/1/2024).

Based on the above findings, this study discovered that, this would ensure that these institutions are well-equipped to deal with maritime challenges and contribute to efforts to cooperate with territorial authorities.

While conducting an FGD in Ras Kamboni, the discussants offered a point of view on the significance of capacity building in the process of fostering territorial cooperation. The FGD posted that:

They were aware of the constraints that existed in terms of resources and expertise, and they emphasised the importance of receiving support from outside sources in order to improve the capabilities of local maritime authorities. There is significance of training programmes and technical assistance in the process of acquiring the knowledge and abilities necessary for the efficient management of maritime resources (FGD with households in Ras Kamboni, on 28/12/2023).

The study's findings revealed the widely held notion that enhancing capacity in maritime diplomacy has the ability to bring about significant changes. Participants from Mombasa and Lamu in Kenya, as well as Ras Kamboni in Somalia, emphasized that developing the skills and capabilities of individuals and institutions is essential for promoting collaboration, resolving conflicts, and effectively managing shared maritime resources. This was

acknowledged by participants from all three locations. Furthermore, the research also found that the participants highlighted the importance of inclusive capacity building. This refers to ensuring that local communities, especially those dependent on maritime activities, are actively engaged in these initiatives and derive benefits from them (Storey, 1999). The study concluded that the focus on inclusivity aligns with the main goal of establishing maritime governance structures that are sustainable and resilient, capable of overcoming the challenges presented by historical disputes and regional complexities.

To summarize, the research findings highlight the potential for capacity building in maritime diplomacy between Kenya and Somalia. The recognition of the need for enhanced capabilities, knowledge, and technical infrastructure by responders creates opportunities for collaborative initiatives to increase the capacity of both individuals and institutions working together (Day, 1994). The study revealed that both nations possess the capability to address difficulties, promote territorial cooperation, and ensure the sustainable and fair administration of their shared maritime resources by implementing targeted capacity building activities.

Consequently, the utilization of questionnaires, focus group talks, and oral interviews resulted in definitive similarities and variations. The study revealed that when there is a correspondence of over 50% between questionnaire replies and FGDs/oral interviews, it indicates a considerable level of agreement. This signifies an agreement on specific aspects of difficulties and possibilities in maritime diplomacy between the two countries. Typical discoveries involved problems like unlawful fishing, conflicts over territories, and the requirement for methods of bilateral collaboration.

Nevertheless, the existence of disparities, with less than 20% of questionnaire responses deviating from FGDs and oral interviews, underscores areas of disagreement or variation in viewpoints. The disparities in responses may arise due to factors such as the characteristics of the respondents, the way questions are understood, or the level of depth in the conversations (Brod, Tesler & Christensen, 2009). When analyzing obstacles and possibilities, variations may occur in the ranking of problems, perceived efficacy of diplomatic tactics, or evaluation of possible partnerships (Islam & Repella, 2015).

Correlations between questionnaire responses and qualitative data sources may indicate strength and reliability in the identified difficulties and possibilities. It implies that the results are not superficial, but rather are based on the common experiences and views of the participants (Krueger, 1998). On the other hand, variations may suggest subtle and detailed understandings obtained from focus group discussions (FGDs) and oral interviews that may not have been sufficiently covered in the standardized framework of questionnaires. In the study of maritime diplomacy and territorial cooperation between Kenya and Somalia, an analysis of both quantitative and qualitative data helps to understand the intricate dynamics involved (Chumba, 2016). A significant portion of the respondents have indicated agreement, with a substantial number strongly agreeing and agreeing with the statement, as revealed by quantitative analysis. The statistical method employed quantifies the prevalent feelings of the participants, revealing a consensus on the challenges and possibilities linked to maritime diplomacy within the framework of territorial cooperation (Barry & Proops, 1999).

Conversely, qualitative analysis explores the insights, stories, and complex aspects of

respondents' opinions, uncovering a trend where most participants share a positive consensus with one another (Clark, 2011). This qualitative alignment offers a deeper understanding of the elements that shape their collective worldview. It implies that there is a shared appreciation of both the obstacles and opportunities afforded by maritime diplomacy (Bouris & Fernandez-Molina, 2018). The qualitative insights serve as an additional component to the quantitative data as they provide illumination on the context, motivations, and intricacies that underlie the perceptions of the respondents (Bouris & Fernandez-Molina, 2018). Consequently, the overall assessment of maritime diplomacy is improved. Furthermore, the utilization of both qualitative and quantitative methodologies facilitates a comprehensive examination of the challenges and opportunities linked to maritime diplomacy for territorial cooperation (Vanderjagt, 2010). Unlike quantitative research, which offers numerical evidence of prevailing opinions, qualitative analysis enhances knowledge by offering depth and context, resulting in a more nuanced comprehension of the issues at hand. By combining multiple methodologies, the researchers can get a thorough and all-encompassing understanding that can be utilized to shape policy decisions and diplomatic strategies (Tracy, 2019).

Ultimately, the examination of qualitative and quantitative assessments enhances the comprehension of the potential advantages and obstacles that marine diplomacy poses for territorial collaboration between Kenya and Somalia. Unlike quantitative statistics, which measures the level of agreement among respondents, qualitative insights provide a deeper understanding of the perspectives that are shared among respondents. The integration of these diverse analytical methods enhances the overall assessment, offering policymakers

valuable perspectives that can be applied to navigate the intricate challenges of maritime diplomacy and promote territorial collaboration between the two nations. The research concluded that Morgenthau's power theory highlights the significance of state capabilities in exerting power and attaining strategic goals. In the maritime diplomacy between Kenya and Somalia, capacity building offers a chance for both countries to bolster their institutional capacities, improve governance structures, and cultivate human capital to efficiently oversee maritime resources and tackle security concerns. The Morgenthau theory also examined how investments in capacity development efforts, with the backing of international partners, might strengthen the capabilities of states, hence increasing their ability to project power and influence in the region.

6.4 Chapter Summary

The chapter has examined the complexities of maritime diplomacy in regard to territorial cooperation between Kenya and Somalia, analyzing the difficulties and potential advantages that arise in this ever-changing relationship. The conversation primarily focused on the complex interplay between territory conflicts, oil and gas exploration, geopolitical factors, and the possibility of economic collaboration and diplomatic involvement. Territorial conflicts are a prominent and significant challenge in the field of marine diplomacy between Kenya and Somalia. The disputed marine boundaries and overlapping territory claims cause tensions and impede collaboration efforts. The resolution of these issues is made more complex by historical grievances and differing interpretations of international law, which present substantial hurdles to maritime diplomacy.

The presence of oil and gas extraction in the contested territory further complicates the diplomatic situation. Both Kenya and Somalia are eager to harness the potential resources in their respective maritime zones, resulting in increased competition and clashing interests. The presence of abundant natural resources intensifies pre-existing conflicts and is a significant barrier to territorial collaboration. Geopolitical factors also influence the maritime diplomacy between Kenya and Somalia. The behavior of both nations and external stakeholders is influenced by regional power dynamics, alliances, and strategic objectives. The participation of adjacent nations, regional entities, and international powers introduces intricacy to the diplomatic scenario, influencing the possibilities for collaboration and the resolution of conflicts.

However, there are also possibilities for marine diplomacy to foster territorial cooperation between Kenya and Somalia, notwithstanding the difficulties faced. The possibility of economic cooperation arises as a potential means of promoting shared interests and establishing trust between the two countries. Partnerships in the management of fisheries, maritime trade, and infrastructure development provide opportunities for discussion and collaboration. Diplomatic engagement is essential for effectively managing the intricacies of marine diplomacy. Bilateral discussions, multilateral forums, and track-two diplomacy serve as platforms for dialogue and negotiation, enabling the resolution of conflicts and the fostering of collaboration. Regional and international mediation endeavors provide further prospects for settling maritime conflicts and promoting territorial collaboration. Mediators have the ability to promote communication, connect divergent perspectives, and assist in discovering mutually

agreeable resolutions to controversial matters.

Capacity building efforts that focus on improving marine governance, legal frameworks, and institutional skills offer potential to enhance territorial cooperation between Kenya and Somalia. The subsequent and ultimate chapter will emphasize the summary, conclusion, and recommendations that arise as the concluding chapter of the study.

CHAPTER SEVEN

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

7.1 Introduction

The study aimed to examine the geopolitical determinants that impact maritime diplomacy between Kenya and Somalia. This will ensure that the study scope has been conducted comprehensively. In order to accomplish this goal, the study was directed by three distinct aims. The investigation was facilitated by the adoption of theories that supported these objectives. Subsequently, the study examined these objectives by examining several literature sources, which enabled the researcher to discover gaps that were addressed through data collection and analysis. This chapter provides a concise overview of the main discoveries, conclusions, and recommendations of the study based on the specified objectives. Ultimately, the study has strived to provide recommendations for future investigation.

7.2 Summary of Key Findings

This section provides summary of each objective by highlighting key findings that emerged from data collected by the study. They are presented as follows according to the order of the objectives of the study, which were:

7.2.1 Examine the geopolitical factors that occasion maritime border dispute pertaining to diplomatic relations between Kenya and Somalia

In the event that the parties to the conflict are unable to reach an agreement in this scenario, a third party, such as the ICJ, is required to implement boundary delimitation in order to determine the location of the aquatic borders. Additionally, the court lacks enforcement authority, despite the fact that its decisions are legally obligatory. The Indian Ocean contested area is believed to contain immense oil and gas deposits, which explains the global attention it has garnered. Additionally, it provides a source of income and livelihood for fishermen.

The strained relations between the two neighbors were further exacerbated when Somalia expelled Kenya's ambassador from Mogadishu and recalled its ambassador from Nairobi. Additionally, the diplomatic relations between the two nations have been severed, and this is only the beginning. The root of the matter is the ownership of the maritime territory in the Indian Ocean that is abundant in oil, gas, and tuna. This matter is currently under the jurisdiction of the International Court of Justice (ICJ). Additionally, the investigation noted that Kenya has recently declined to participate in the oral hearings, citing perceived biases and injustice by the ICJ. In February 2019, Kenya announced the expulsion of Somalia's ambassador to Kenya and the recall of its ambassador from Mogadishu. The reason for the action was allegations that Somalia had auctioned hydrocarbon blocs in the disputed territory. Additionally, it mandated that aircraft departing from Mogadishu make a mandatory transit in Wajir. Furthermore, it concentrated its forces from the interior of Somalia toward their shared border, rendering the region susceptible to attacks by al-Shabaab.

This research revealed that, despite the apprehension that the present impasse between the two nations may escalate into an armed conflict, neither Kenya nor Somalia can afford to engage in an armed conflict given the significant stakes involved. Initially, the LAPSSET (Lamu Port-South Sudan-Ethiopia-Transport Corridor) is at significant risk due to violent escalation. Secondly, al-Shabaab is likely to exploit these security lapses to launch additional attacks on Nairobi and Mogadishu if Kenya fulfills its threat and prematurely withdraws its troops from Somalia. Third, the Kenyan economy will be adversely affected, as Somalia is a significant market for Kenya's exports, which include miraa. Finally, Somalia's stability will be jeopardized if Kenya forcibly repatriates Somali refugees in response to its request to the United Nations to close two refugee centers (Dadaab and Kakuma), as it currently lacks the capacity to resettle them.

The study also noted that countries that possess resource-rich regions can derive substantial economic advantages from them. These resources have the potential to generate economic growth, employment creation, and increased revenue through taxes and royalties. Consequently, Kenya and Somalia are both motivated by substantial economic incentives to assert their claims to the disputed waters. The study determined that the maritime border dispute between Kenya and Somalia has been precipitated by resource riches, particularly in the form of hydrocarbon and natural gas reserves. Furthermore, it is documented that the dispute has become a central issue in their diplomatic relations due to the economic and strategic significance of these resources. The resolution of this dispute through international arbitration will have long-term implications for both countries and the broader region.

7.2.2 Assess the nature and extent of maritime diplomacy between Kenya and Somalia.

This study revealed that, from a legal standpoint, international boundaries serve as the precise demarcation of territories where nations assert their authority, delineating the legal conclusion of one state's territory and the commencement of another. Some synonyms for border are frontiers, bordering, borders, and borderlands. This study reveals that the arbitrary colonial establishment of Eastern African borders, as well as African borders in general, has led to porous and undefendable boundaries. This poses a significant threat as it often leads to the merging of diverse social groups into unstable and fluid political entities. According to this report, Kenya has designated this territory as an Exclusive Economic Zone (EEZ) for a significant period of time. Kenya has maintained a significant military presence in this area throughout the duration of this issue. However, Somalia's assertion is grounded in the equidistance concept. According to this idea, the border between Somalia and Kenya extends in a southeast direction. This analysis argues that Kenya's insistence on an out-of-court settlement is a result of these uncertainty. An out-of-court settlement in Kenya would signify a mutually beneficial resolution and would advance the principles of Pan-Africanism advocated by key figures in the movement, including as Julius Nyerere and Kwame Nkrumah. The study reveals that the most effective approach to solving Africa's problems is for individuals of African descent to prioritize their shared interests. This principle should serve as a unifying factor, emphasizing that the continent itself is the most suitable source for finding solutions to African issues.

Additionally, Somalia has expressed unease at the amicable working relationship between Kenya and Jubaland, as well as between Kenya and Somaliland. Jubaland, located in the southern region of Somalia, considers itself an independent state that has seceded from the rest of Somalia. As of now, Jubaland has not been acknowledged as an independent entity separate from Somalia by the United States, the United Nations, the African Union, the European Union, and other countries. This is because recognizing Jubaland's independence might potentially fuel secessionist movements in other parts of the world. The study's findings indicate that a significant majority of the participants think that the courts' dismissal of Kenya's argument that a State must first define the outer continental shelf before delimitation does indeed affect the Law of the Sea. The investigation also found that Chan (2018) argues that the ITLOS approach is prioritized in the court's ruling regarding the continental shelf's delimitation.

This analysis revealed that when these lines traverse two sovereign states, they are referred to as international frontiers. Furthermore, it has been revealed that, from a legal standpoint, international boundaries serve as the precise bounds within which governments exert their authority. These boundaries delineate the legal end of one state's territory and the beginning of another. Some synonyms for "border" are "frontiers," "borderline," "boundaries," and "borderlands." However, in actuality, these concepts vary in their application, as boundaries often pertain to the outer boundary of a territory. The arbitrary colonial origins of both Eastern African borders and African borders in general, combined with their porous and undefended nature, present a significant threat. This situation often leads to the merging of diverse social groups into unified political entities

that tend to be highly unstable and fluid. The study's findings revealed that a significant number of respondents concur that the intricate character of borders is indeed evident in the changing roles carried out by borders. A minority disagreed, but the overwhelming majority of respondents expressed the opinion that well-defined borders are a crucial aspect in defining statehood. The investigation revealed that Somalia contends that its maritime boundary should align with the southeasterly trajectory of the country's land border. According to the study, Kenya views Somalia as an ungrateful neighbor that fails to appreciate the consistent efforts made by Kenya to maintain stability in Somalia. Kenya not only uses its military to protect Somalia from al Shabaab terrorists, but also provides institutional support to help build Somalia's capacity. This investigation revealed that the International Court of Justice (ICJ) subsequently rescheduled the proceedings from an earlier date to June 2020. However, Kenya subsequently requested a further delay, attributing it to the ongoing pandemic. The United Nations postponed the hearing until March 2021. In January 2019, Kenya formally communicated to the International Court of Justice (ICJ) expressing their want to postpone the hearing for the fourth time. Kenya stated that a map containing vital information, which was intended to be offered as evidence in the case, had gone missing. Somalia expressed its objection to such an action. According to Somali sources, the Kenyan government's actions were seen as a deliberate strategy to delay the court process and prevent a legally binding verdict, which was the only chance for a conclusive outcome.

7.2.3 Evaluate the challenges and opportunities of maritime diplomacy in regard to territorial cooperation between Kenya and Somalia

The maritime borders of Kenya and Somalia have been greatly affected by a significant territorial dispute, which has presented a major obstacle. The report also documented that Somalia advocates for the boundary to be determined by the International Court of Justice (ICJ), as mandated by the United Nations Convention on the Law of the Sea (UNCLOS) and other international laws. On the other hand, Kenya remains steadfast in its insistence on the border demarcation outlined in the 1979 decree. The analysis also found that Kenya argues that the border should follow a parallel latitude starting at a certain location in the southeast of Kyunga. According to her assertion, the boundary aligns with the eastward line of latitude. Somalia supports a diagonal path down the coast of Kenya and argues that the border should continue in the same southeast direction as an extension of the coastal border into the ocean (Wetang'ula and Warsame, 2009).

In 2021, Kenya's Foreign Affairs Minister Raychelle Omamo visited Mogadishu, the capital of Somalia, for the first time. During her visit, she engaged in discussions with Somali Prime Minister Mohamed Hussein Roble and advocated for an amicable resolution through an African Union-mediated agreement, without involving the court. Nevertheless, the researcher found that Somalia firmly maintained its position, asserting that the maritime conflict between the two nations will be resolved by the court situated in The Hague. The court's verdict, which is much anticipated, will be delivered after the formal hearings that took place in March of this year. The study also revealed that the two neighboring countries in East Africa are in conflict over

an area of 38,000 square miles in the Indian Ocean, which is believed to have significant reserves of oil and gas. Somalia is seeking arbitration from the International Court of Justice (ICJ) to resolve this subject. The disagreement has resulted in strained diplomatic relations due to allegations and counter-allegations over meddling in domestic affairs, territorial integrity, trade, and security. The ongoing disagreement on the maritime boundary between Kenya and Somalia has already had a significant impact on the geopolitical situation of both countries, posing a substantial threat to the regional peace. The stability of Somalia is of utmost importance for the security of the entire area and for facilitating international trade, particularly in terms of maritime routes.

The overthrow of Siad Barre's rule in Somalia in 1991 resulted in the eruption of a civil war, which altered the geopolitical landscape of the Kenya-Somalia border. The conflicts previously discussed, such as resource-driven disputes, irredentism, and secession, are centered around the Somali ethnic group identity. In contrast, terrorism involves individuals and groups who exploit identity as a means to recruit fighters and carry out acts of terror. The study found that diaspora Somalis are gaining more influence in Somalia's growth, political and corporate leadership, and the maritime dispute.

7.3 Conclusions of the Study

Based on the first specific objective the study concludes that the maritime border dispute between Kenya and Somalia is deeply influenced by a complex web of regional dynamics, international mediation, and great power interests. The interplay of these factors underscores the intricate nature of the dispute, highlighting the need for comprehensive regional cooperation and adherence to international law in resolving such conflicts. The involvement

of regional and global actors not only adds layers of complexity to diplomatic relations but also emphasizes the interconnectedness of regional and global geopolitics in shaping the strategies and outcomes of dispute resolution processes.

Based on the second specific objective, the study concludes, the maritime dispute between Kenya and Somalia has significantly strained relations between the two countries, exacerbated by Somalia's alignment with Ethiopia over the Jubaland region and its decision to pursue legal action at the ICJ. These actions have heightened tensions and threatened Kenya's national interests, while also undermining regional stability efforts in Somalia. The limitations of the ICJ, including its inability to enforce adherence and the dissatisfaction of some states with its prescribed standards, have further complicated the situation. The study highlights the broader regional implications, emphasizing that conflicts and instability in the Horn of Africa remain significant obstacles to achieving economic, social, and political well-being. Ultimately, the study advocates for African solutions to African problems, emphasizing the importance of unity and cooperation within the continent to address such challenges effectively.

Based on the third specific objective, the study concludes that the maritime dispute between Kenya and Somalia poses significant challenges to maritime diplomacy and territorial cooperation, particularly in the context of offshore oil and gas exploration. The disagreement over the maritime boundary has created an uncertain environment that may deter multinational oil companies from investing in the region. Historical grievances, such as the rejection of the pre-independence referendum, continue to influence regional tensions, exacerbating the conflict. Furthermore, the involvement of geopolitical actors, driven by their interests in the petroleum sector, often at the expense of local populations and

development, complicates the prospects for a peaceful resolution. This underscores the need for a balanced approach that considers both national interests and the well-being of the local population in addressing the dispute.

The overall conclusion of the study is that a myriad of geo-political factors influence the maritime diplomacy between Kenya and Somalia. These intersections of factors have been at the center of the maritime border dispute between Kenya and Somalia which is deeply embedded in a broader geopolitical context. The interplay of regional security dynamics, the role of international mediators, the interests of global powers, and the implications of legal frameworks create a complex environment that challenges straightforward diplomatic resolutions to the maritime dispute. Understanding these factors is essential for developing effective strategies to manage and potentially resolve the dispute, highlighting the need for a multifaceted approach that considers both regional and global geopolitical realities.

7.4 Recommendations of the Study

based on the findings and conclusions the study makes the following recommendations: first, it is crucial to conduct comprehensive and unbiased assessments of the historical, cultural, and economic factors that contribute to the dispute. This requires involving specialists in maritime law, international relations, and regional geopolitics to offer detailed insights. Diplomacy and constructive dialogue should be the primary methods used to resolve the dispute. This involves arranging face-to-face discussions between the two countries and utilising the assistance of unbiased mediators or international bodies to build trust and encourage reaching agreements. Furthermore, enacting confidence-building measures like collaborative resource management efforts or joint development projects can

enhance mutual comprehension and facilitate the establishment of lasting solutions. Furthermore, compliance with international law and standards, specifically the United Nations Convention on the Law of the Sea (UNCLOS), should direct the implementation process to guarantee legitimacy and equity. Successful implementation of recommendations necessitates a collaborative endeavour among all pertinent stakeholders, such as government officials, civil society actors, and regional partners, to achieve a lasting resolution and enhance positive diplomatic relations between Kenya and Somalia.

Secondly, the study suggests that both countries should prioritize creating dedicated diplomatic channels for maritime issues. This may entail establishing joint committees or task forces comprising representatives from pertinent government ministries, along with maritime law and diplomacy experts. The committees will enable continuous discussion and bargaining, leading to prompt resolution of conflicts and the creation of collaborative approaches for utilising maritime resources together. Both countries should also focus on capacity-building programmes to improve their maritime capabilities, such as maritime law enforcement, search and rescue operations, and marine environmental protection. This may include training programmes, technology transfers, and collaborative projects with international partners. Kenya and Somalia should consider establishing bilateral agreements or treaties to regulate maritime cooperation and resource management. These agreements should be based on principles of fairness, mutual advantage, and adherence to international law, specifically the United Nations Convention on the Law of the Sea (UNCLOS). Implementing these recommendations necessitates a continuous dedication from both

nations, along with the assistance of regional and global allies, to enhance stability, security, and prosperity in the maritime sector.

Finally, the study recommends, enhancing maritime diplomacy and fostering territorial cooperation between Kenya and Somalia requires addressing complex challenges and utilising available opportunities. It is important to create a well-organized diplomatic framework that encourages ongoing discussions, focusing on shared interests and cooperative solutions. Both nations should contemplate participating in confidence-building actions, like joint patrols, information-sharing systems, and cooperative marine environmental protection projects, to tackle security worries and foster trust gradually. Furthermore, engaging unbiased local and global organisations in mediation endeavours can offer an impartial forum for discussions and expert support. It is crucial to establish capacity-building programmes in maritime governance, law enforcement, and resource management to address internal challenges and improve the ability of both countries to govern their maritime areas effectively. Furthermore, exploring economic collaboration through joint development projects or shared utilisation of maritime resources can lead to mutual advantages and enhance the basis for territorial cooperation. To achieve long-term success in maritime diplomacy, Kenya and Somalia must demonstrate commitment, flexibility, and sustained effort, while receiving continuous support from the international community to address challenges and seize opportunities.

7.5 Suggestions for Further Research

- i. A comparative analysis of historical documents, treaties, and agreements on maritime boundaries provides essential context and legal basis for examining geopolitical factors, diplomacy, challenges, and opportunities between Kenya and

Somalia. It uncovers precedents and nuances shaping current boundaries, crucial for accurate assessments, effective diplomacy, and conflict resolution strategies.

- ii. Evaluating the effectiveness of existing maritime cooperation mechanisms is essential for gauging their impact on diplomatic relations and dispute resolution. This aspect ensures a comprehensive understanding beyond geopolitical factors, assessing the practical outcomes of maritime diplomacy and the potential for enhancing territorial cooperation between Kenya and Somalia.
- iii. Assessing the socio-economic implications of maritime disputes and cooperation efforts is crucial for understanding their direct impact on coastal communities and national development agendas. This aspect delves deeper beyond geopolitical analysis, highlighting the tangible effects on livelihoods, economic activities, and broader developmental trajectories, guiding informed policymaking.

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APPENDICES

APPENDIX I: LETTER OF INTRODUCTION

Dear Respondent,

My name is Kiplagat Jemwetich, a student at Masinde Muliro University of Science and Technology, pursuing Master of diplomacy and international relations. I am expected to undertake research on ‘**GEOPOLITICAL FACTORS AFFECTING MARITIME**

DIPLOMACY BETWEEN KENYA AND SOMALIA.’ Your cooperation and assistance are required to enable me complete the exercise. This information will be strictly used for the intended academic purpose and will be treated with utmost confidentiality.

Thanking you in advance.

APPENDIX II: CONSENT FORM FOR THE RESPONDENT

Consent form to allow the use photographs and verbatim from the respondents

I am requesting for your permission to use your photographs and verbatim in this study.

If accepted

I..... (Respondents name) allow the use of my photographs and verbatim in this research on this day (Date-Day-Year).

If not accepted

I..... (Respondents name) do not allow the use of my photographs and verbatim in this study on this day (Date- Day-Year).

Signature of the Respondent.....

Yours faithfully

**Kindly fill the questionnaire by writing as per the instructions.
Thank you in advance**

APPENDIX III: QUESTIONNAIRES FOR HOUSEHOLD HEADS

Socio-Demographic Characteristics

- i. Age of respondents
- ii. Education Level

OJECTIVE 1:

Assess the geopolitical factors that occasion maritime border dispute on diplomatic relations between Kenya and Somalia

- i. Maritime border disputes affects diplomatic relations between Kenya and Somalia?
Strongly agree [] Agree [] Not sure [] disagree [] Strongly disagree []
- ii. If (i) above is yes/agree, please specify how the diplomatic relations been affected.....
.....
.....

- iii. Is the resolution of maritime border issues a crucial factor in improving diplomatic ties between Kenya and Somalia? YES [] NO []
- iv. Do geopolitical factors play a significant role in the ongoing maritime border dispute between Kenya and Somalia? YES [] NO []
- v. If (iv) is yes, please explain and if no, give a reason.....
.....
.....
- vi. Maritime dispute negatively impacted diplomatic cooperation between Kenya and Somalia
Strongly agree [] Agree [] Not sure [] disagree [] Strongly disagree []
- vii. There are resolution of the maritime border dispute essential for fostering better diplomatic relations between Kenya and Somalia?
Strongly agree [] Agree [] Not sure [] disagree [] Strongly disagree []
- viii. If (vii) is yes, give reasons.....
.....
.....

OBJECTIVE 2

Examining the nature and extent of maritime diplomacy between Kenya and Somalia

- ix. Maritime diplomacy has been actively pursued between Kenya and Somalia
Strongly agree [] Agree [] Not sure [] disagree [] Strongly disagree []
- x. Do you agree that maritime diplomacy a significant focus in the interactions between Kenya and Somalia?
Strongly agree [] Agree [] Not sure [] disagree [] Strongly disagree []
There are bilateral discussions on maritime issues been a priority in Kenya-Somalia relations? Strongly agree [] Agree [] Not sure [] disagree [] Strongly disagree []
- xi. If (xi) is yes, how have they been done.....
.....
.....
- xii. There is a formal framework for maritime diplomacy between Kenya and Somalia?
Strongly agree [] Agree [] Not sure [] disagree [] Strongly disagree []
- xiii. Have specific agreements or treaties on maritime matters been established between Kenya and Somalia? YES [] NO []
- xiv. If (xiv) is yes, name some of this treaties.....
.....
.....
- xv. There are joint initiatives for maritime security or resource management between Kenya and Somalia?
Strongly agree [] Agree [] Not sure [] disagree [] Strongly disagree []

- xvi. Have maritime incidents affected the nature of diplomacy between Kenya and Somalia?
YES [] NO []
- xvii. If (xvii) is yes, kindly explain.....
.....
.....
- xviii. Have joint patrols or cooperative maritime efforts been undertaken by Kenya and Somalia? YES [] NO []
- xix. If (xix) is yes, kindly explain.....
.....
.....

Objective 3

Interrogating the challenges and Opportunities of Maritime diplomacy on territorial cooperation between Kenya and Somalia.

- xx. Maritime diplomacy challenges impacts territorial cooperation between Kenya and Somalia?
Strongly agree [] Agree [] Not sure [] disagree [] Strongly disagree []
- xxi. Do maritime diplomacy opportunities enhance territorial collaboration between Kenya and Somalia?
Strongly agree [] Agree [] Not sure [] disagree [] Strongly disagree []
- xxii. Have diplomatic hurdles affected the prospects of territorial understanding between Kenya and Somalia? YES [] NO []
- xxiii. If (xxiii) is yes, give reasons.....
.....
.....
- xxiv. Are there specific challenges hindering territorial cooperation due to maritime diplomacy issues? YES [] NO []
- xxv. If (xxv) is yes, please highlight some of these challenges.....
.....
.....
- xxvi. Opportunities in maritime diplomacy has improved collaborative efforts on territorial matters between Kenya and Somalia
Strongly agree [] Agree [] Not sure [] disagree [] Strongly disagree []
- xxvii. If (xxvii) is yes, explain how it has been improved.....
.....
.....
.....

THANKYOU VERY MUCH FOR YOUR TIME

APPENDIX IV: KEY INFORMANT INTERVIEW GUIDE

- i. Maritime border disputes affects diplomatic relations between Kenya and Somalia?
- ii. Is the resolution of maritime border issues a crucial factor in improving diplomatic ties between Kenya and Somalia?
- iii. Do geopolitical factors play a significant role in the ongoing maritime border dispute between Kenya and Somalia?
- iv. There are resolution of the maritime border dispute essential for fostering better diplomatic relations between Kenya and Somalia?
- v. Do you agree that maritime diplomacy a significant focus in the interactions between Kenya and Somalia?
- vi. There are bilateral discussions on maritime issues been a priority in Kenya-Somalia relations?
- vii. There is a formal framework for maritime diplomacy between Kenya and Somalia?
- viii. Have specific agreements or treaties on maritime matters been established between Kenya and Somalia?
- ix. There are joint initiatives for maritime security or resource management between Kenya and Somalia?
- x. Have maritime incidents affected the nature of diplomacy between Kenya and Somalia?

- xi. Have joint patrols or cooperative maritime efforts been undertaken by Kenya and Somalia?
- xii. Maritime diplomacy challenges impacts territorial cooperation between Kenya and Somalia?
- xiii. Do maritime diplomacy opportunities enhance territorial collaboration between Kenya and Somalia?
- xiv. Have diplomatic hurdles affected the prospects of territorial understanding between Kenya and Somalia?
- xv. Are there specific challenges hindering territorial cooperation due to maritime diplomacy?
- xvi. Opportunities in maritime diplomacy has improved collaborative efforts on territorial matters between Kenya and Somalia?

APPENDIX V: FGD GUIDE

- i. Maritime border disputes affects diplomatic relations between Kenya and Somalia?
- ii. Is the resolution of maritime border issues a crucial factor in improving diplomatic ties between Kenya and Somalia?
- iii. Does maritime dispute negatively impact diplomatic cooperation between Kenya and Somalia?
- iv. Do you agree that maritime diplomacy a significant focus in the interactions between Kenya and Somalia?
- v. Do you think discussions on maritime issues between a priorities in Kenya-Somalia relations?
- vi. Are there frameworks for maritime diplomacy between Kenya and Somalia?
- vii. There are joint initiatives for maritime security or resource management between Kenya and Somalia?
- viii. Have maritime incidents affected the nature of diplomacy between Kenya and Somalia?
- ix. Have joint patrols or cooperative maritime efforts been undertaken by Kenya and Somalia?



MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY (MMUST)

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P.O Box 190
Kakamega – 50100
Kenya

Directorate of Postgraduate Studies

Ref: MMU/COR: 509099

26th October 2023

Kiplagat Jemwetich
CDR/G/14-70570/2021
P.O. Box 190-50100
KAKAMEGA

Dear Ms. Kiplagat,

RE: APPROVAL OF PROPOSAL

I am pleased to inform you that the Directorate of Postgraduate Studies has considered and approved your Master’s proposal entitled: *“Geopolitical Factors Affecting Maritime Diplomacy Between Kenya and Somali”* and appointed the following as supervisors:

- 1. Prof. Pontian G Okoth - SDMHA - MMUST

APPENDIX VI: APPROVAL LETTER FROM MMUST DPS

You are required to submit through your supervisor(s) progress reports every three months to the Director of Postgraduate Studies. Such reports should be copied to the following: Chairman, School of Disaster Management and Humanitarian Assistance Graduate Studies Committee and Chairman, Department of Disaster Mitigation and Sustainable Development. Kindly adhere to research ethics consideration in conducting research.


It is the policy and regulations of the University that you observe a deadline of two years from the date of registration to complete your Master’s thesis. Do not hesitate to consult this office in case of any problem encountered in the course of your work.

We wish you the best in your research and hope the study will make original contribution to knowledge.

Yours Sincerely,

Prof. Stephen O. Odebero, PhD, FIEEP
DIRECTOR, DIRECTORATE OF POSTGRADUATE STUDIES

APPENDIX VII: NACOSTI LICENSE

 REPUBLIC OF KENYA	 NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION
Ref No: 993769	Date of Issue: 12/December/2023
RESEARCH LICENSE	
	
<p>This is to Certify that Miss.. JEMWETICH KIPLAGAT of Masinde Muliro University of Science and Technology, has been licensed to conduct research as per the provision of the Science, Technology and Innovation Act, 2013 (Rev.2014) in Lamu, Mombasa, Nairobi on the topic: GEOPOLITICAL FACTORS AFFECTING MARITIME DIPLOMACY BETWEEN KENYA AND SOMALIA for the period ending : 12/December/2024.</p>	
License No: NACOSTI/P/23/31714	
993769 Applicant Identification Number	 Director General NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION
	Verification QR Code 
<p>NOTE: This is a computer generated License. To verify the authenticity of this document, Scan the QR Code using QR scanner application.</p>	
See overleaf for conditions	

APPENDIX VIII: LETTER FROM JUBALAND STATE OF SOMALIA

DOWLAD GOBOLEEDKA
JUBBALAND EE SOOMAALIYA



JUBBALAND STATE OF SOMALIA

Degmada Badhadhe

Badhadhe District

Email: braskamboni@gmail.com

DC,
BAADADHE DISTRICT,
P.O Box Private bag
Raskiamboni.

When replying please quote;
REF:NO: ADM.15/3 VOLVI/23

Date: 13th Mar 2024

DO
BAADADHE DISTRICT

RE: RESEARCH AUTHORIZATION – JEMWETICH KIPLAGAT – ID.NO.25946877

This is to confirm that the person mentioned above is a Masters' student at Masinde Muliro University of Science and Technology. She has been authorized to carry out research on 'Geopolitical Factors Affecting Maritime Diplomacy Between Kenya and Somalia' in Baadadhe District Somalia for the period ending 12th December 2024. NACOSTI License Number is NACOSTI/P/23/31714.

Please accord her all the necessary support to facilitate the success of her research.

Thank you.

MAHAMED FARAH IBRAHIM
DC,
BAADADHE DISTRICT.

Copy to: -

District Police Commander,
BAADADHE.



Jemwetich Kiplagat,
Masinde Muliro University,
KAKAMEGA.

APPENDIX IX: LETTER FROM MOMBASA



**THE OFFICE OF THE PRESIDENT
MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION
State Department for Internal Security and National Administration**

COUNTY COMMISSIONER'S OFFICE
P.O. BOX 90424-80100
MOMBASA

Tel. 0715 040444/0780 040445
Email: ccmombasa@yahoo.com
When Replying please quote:

Ref. No. MCC/ADM.25 VOL.IV/186

9th January, 2024

Deputy County Commissioners,
MOMBASA COUNTY

**RE: RESEARCH AUTHORIZATION – JEMWETICH KIPLAGAT NACOSTI LICENSE NO.
NACOSTI/P/23/31714**

This is to authorize the above named student of Masinde Muliro University to carry out research on *“Geopolitical factors affecting Maritime Diplomacy between Kenya and Somalia”*, in Mombasa County, Kenya for the period ending 12th December, 2024.

Any assistance accorded to her will be highly appreciated.

Thank you.


NANCY A. NDEGWA
FOR: COUNTY COMMISSIONER
MOMBASA COUNTY

Cc

County Director of Education
MOMBASA

APPENDIX X: LETTER FROM LAMU



OFFICE OF THE PRESIDENT

MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION

COUNTY COMMISSIONER,
LAMU COUNTY,
P.O. BOX 41 – 80500,
LAMU.

Email: lamucounty12@yahoo.com
When replying please quote:

Ref. No.ADM.15/3/ VOL. VI/46

DATE: 13th March, 2024

**ALL DEPUTY COUNTY COMMISSIONERS,
LAMU COUNTY.**

**RE: RESEARCH AUTHORIZATION- MS. JEMWETICH KIPLAGAT, ID
No. 25946877.**

This is to confirm that the person named above is a Masters' degree student at Masinde Muliro University of Science and Technology. She has been authorized to conduct a research on "*Geopolitical Factors Affecting Maritime Diplomacy Between Kenya and Somalia*" in Lamu County for the period ending 12th December, 2024 through NACOSTI License Number NACOSTI/P/23/31714.

Please accord her the necessary support to facilitate the success of her research.

Thank you.



(B. AKOLO)
**FOR COUNTY COMMISSIONER,
LAMU COUNTY.**

Copy to:
All CSIC Members, (Please assist and support where necessary)
LAMU COUNTY.

JEMWETICH KIPLAGAT- (Kindly liaise with the DCCs and Security Agencies)