Kenya’s Military Intervention in Somalia: Was it justified?

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Abstract: Towards the end of 2011, after a number of events which included the kidnapping of two foreigners and the killing of another in the resorts on the Kenyan east coast, the abduction of two Spanish aid workers from the Dadaab refugee camp, near the Kenya-Somalia border, and the attack against Kenyan soldiers in cross-border raids there was a lot of concern by the Kenyan government over the issue of terrorism. The Kenyan government decided that the national security had to be upheld and this consequently led to the decision to intervene in the state of Somalia, to flush out the Al Shabaab terrorist group largely blamed for the terror attacks in Kenya. In this article we shall try to analyze if Kenya was justified in its decision, if the reasons linked to the insecurity caused by Al Shabaab in the Horn of Africa region, were sufficient to warrant the military intervention in Somalia, the International law perspective and United Nations Charter with respect to the intervention in the unstable state of Somalia.

Keywords: Terrorism, Intervention, Al Shabaab.

1. INTRODUCTION

On 14th October 2011 Kenya entered Somalia to launch a military offensive against al-Shabaab terrorist group called Operation ‘Linda Nchi’ which is Swahili for ‘Protect the country’. This marked Kenya’s largest military operation since its independence in 1963. It is the biggest security gamble Kenya has taken since independence, and for a country that has never sent its soldiers abroad to fight, a radical departure (Crisis Group Africa Report N°184, 2012). The Kenyan government cited the threat posed by the Al Shabaab terrorist group as the main reason for the military intervention in Somalia. Al Shabaab had performed a number of kidnappings and cross border incursions which the government of Kenya viewed as a threat to security and to the trade and tourism industry which are both crucial sectors to the economy of the county.

On 1st October 2011, suspected Al-Shabaab gunmen kidnapped a 66-year-old disabled French woman named Marie Dedieu from her home near Kenya’s Manda Island. The French woman later died while in the custody of her kidnappers. Twelve days later suspected Al-Shabaab militants kidnapped two female Spanish aid workers working for Médecins sans Frontières – an international humanitarian non-governmental organization, from the Dadaab refugee camp in Kenya, and allegedly took them to Somalia. These cross-border attacks and kidnapping incidents prompted Kenya to pursue a military operation into Somalia. There was also reliable intelligence that Al Shabaab would continue to attack Kenya. Therefore, Kenya took the decision to attack Somalia to prevent further terrorist attacks from happening.

2. METHODOLOGY

Qualitative Research method was used in this study. We were able to collect secondary data on the subject drawn from books, journals, government reports, theses and dissertations, and the internet. Then, we were able to critically analyze all these data about the intervention by Kenya into Somalia, the views of the people and the perspective of international law.
Terror groups in Somalia:

For almost twenty years terror groups such as Al Qaeda and Al Shabaab have been operating in the East African region. This can be widely attributed to the porous borders, the closeness to the Arabian Peninsula, widespread corruption and weak enforcement of the law and judicial institutions mandated to enforce the law. In addition to the above, Somalia has been unstable for almost twenty years and has made it easy for terror groups to have a presence in the region. Al-Shabaab is a terrorist group based in Somalia and has links to Al Qaeda militant Islamist organization. The group rose to prominence in the mid-2000s for fighting against Ethiopia’s perceived occupation of Somalia from 2006 to 2009. The group was a popular Islamist guerilla movement at that time. The word Al Shabaab literally means ‘youth’ or ‘youngsters’ in Arabic language. When the Ethiopian military finally withdrew from Somalia, the group took control of most of the Southern and Central regions of Somalia, and they controlled these regions until 2011. Al Shabaab is interested in promoting Somali nationalism and advancing their commitment to jihadism in the region.

William Rosenau (2005) makes an argument that terrorist recruitment requires at least three elements. The first element is that there has to be lack of state capacity, especially in the areas of law enforcement, intelligence and the police. Secondly there has to be a ‘mobilizing belief,’ from an extremist group for instance the Salafist/jihadist extremism and lastly there have to be ‘appropriate agitators’ who can promote these extremist ideas and create a terrorist force that is effective. All the elements mentioned above exist in Somalia and make it easier for the recruitment of terrorists in that country and for the terror groups to survive inside the borders of that state.

Somalia, being an unstable country proves to be a perfect breeding ground for extremist groups like Al Qaeda and Al Shabaab. Since the collapse of the authoritarian ruler Siad Barre’s regime in 1991, the country has been constantly affected by inter clan wars, and problems such as terrorism, piracy, and refugees from Somalia are a result of the collapse of the system in the country.

The conflict in Somalia:

Although the conflict in Somalia started before 1991, it was the overthrowing of authoritarian leader Siad Barre in 1991 that plunged the state into disorder and civil unrest that has lasted for over two decades. Thousands of lives have been lost during this conflict, property destroyed and people forced to flee their homes and seek refuge in other neighboring countries. Also at the same time there are other Somalis who have become internally displaced persons in Somalia. The conflict in Somalia has persisted for a long period of time and is brought about by a number of factors. Some of these factors include; inter clan wars and rivals fighting for power, warlords from various factions trying to gain control of the various areas, border conflicts with the neighboring countries especially Kenya and Ethiopia, piracy off the coast of Somalia and finally acts of terrorism mostly supported by Al Shabaab.

History of interventions in Somalia by other States:

The oxford dictionary defines intervention as Interference by a state in another's affairs. The Kenyan military with authority from the government of Kenya entered Somalia using force with the aim of taking control of the country and flushing out the Al Shabaab terrorist group. By entering Somalia without permission of Somalis, with the mandate of getting rid of Al Shabaab in Somalia, Kenya was interfering in the affairs of another state and thus an intervention.

There have been a variety of actors that have intervened in Somalia to try and help to restore stability in the troubled state. These actors have been both regional and international actors. The following are some of the most notable interventions in Somalia.

A number of United Nations operations were launched from the period of 1992 to 1995. The first United Nations Operation in Somalia (UNOSOM I), was launched in August 1992, and had a total of 500 Pakistani peacekeepers. The main purpose of the intervention was to monitor a ceasefire between the hostile warlords in Mogadishu, the capital of Somalia. The peacekeeping operation had a mandate of also protecting the relief workers that were operating within Somalia following a humanitarian crisis caused by famine in the country. But this operation failed on its mandate and this necessitated the formation of the Unified Task Force (UNITAF), a combination of UNOSOM I and the United States of America in December 1992.

The UNITAF mission which was also referred to as ‘Operation Restore Hope’ had a mandate to establish and maintain a safe environment for humanitarian assistance to be delivered to civilians in Somalia and to make sure food was delivered safely and protected from attacks by warlords. This operation ran until 1993 and it has been suggested that it is what
formed the basis of Somalis resenting the United States. The US was viewed as having favored a faction of the warring groups. UNOSOM II took over from UNITAF and operated in Somalia until 1995 when it was withdrawn.

In 2006, Ethiopia intervened in Somalia, by sending its military into the country. The President of Ethiopia at that time Abdullahi Yusuf Ahmed, who was also the leader of the Transitional Federal Government (TFG) called upon his eastern neighbors to help fight the Union of Islamic Courts (UIC) that was in Somalia. The Union of Islamic Courts (UIC) was seen as challenging the main government of Somalia.

**Reasons for Kenya’s intervention in Somalia:**

A number of reasons, mostly linked to the insecurity caused by al-Shabaab in the Horn of Africa region were put forward by Kenya to justify its military intervention in Somalia. As well as having concerns over border security, Kenya maintains that, as well as having major concerns over the security at the border, Al-Shabaab’s frequent kidnappings and killings of tourists in its coastal and north-eastern provinces had become a threat to trade and tourism, both of which are vital sectors to the economy of Kenya.

**Protection of economic interests:**

According to Branch (2011), Kenya has built itself into a regional economic powerhouse in Easter Africa region. Amongst its major economic earners over the years has been the blossoming tourism industry that has been its biggest foreign exchange earner. As observed by the then Minister of Internal Security the terror group of Al shabaab provided a direct threat to the prosperity of Kenya.

It is therefore one of the major reasons for Kenya’s invasion of Somalia as the Al Shabaab kidnapped tourists along the coastal region that is known globally to attract tourists from all over Europe. The attack would lead to the governments in Europe and America issuing travel advisories against their citizens traveling to Kenya. The decline in tourist numbers would hence lead to a decline in revenue from one of the largest foreign exchange earners in Kenya and eventually to the decline in the Kenyan economic prosperity.

**Terrorism:**

Kenya Defence Forces (KDF) were deployed to Somalia’s Territory on a number of reasons, one being the fact that there was a threat of terrorism that had been on the rise. In addition, there had been an influx on the Somali refugees and some of the Somali refugees had allegiance to Al-Shabaab, a terror group based in Somalia but carrying out its attacks into Kenya (Menkhaus 2012).

The primary reason for the existence of a state structure and by extension the creation of government is to ensure security of their citizens against both internal and external threats that may harm them. The terrorist attacks by Al Shaabab had a direct impact on the security of Kenyan citizens since many lost their lives or underwent physical injury that caused fear among the population. Therefore the invasion of Somalia in the hope that it would lead to the dismantling of the terror group was a justified action based on the fact that it was meant to ensure and assure the Kenyan population that the state is responsible and capable of providing security as its primary purpose.

**Refugee crisis:**

The refugee crisis in Kenya had hit its worst levels raising the possibility of illegal immigrants entering the country. Somalia’s increasingly growing conflicts had (and still is) contributing to the undesirable influx of Somali refugees that led to a domino effect, the most notable one being the draining of Kenya’s financial resources so as to cater for their needs. Kenya also witnessed a number of terrorists entering the country with fake refugee documents. This triggered the armed intervention in the region (Carson, 2010).

One of the largest refugee camps in the world, Dadaab has been home to more than 300,000 people on the Kenya-Somalia border. The reason for the formation of the refugee camp was the collapse of government in Somalia in 1991 under the Siad Barre regime. With the civil war in progress many families fled into Kenya seeking safety and protection from the horrors of war.

**International law perspective:**

International law perspective in relation to self-defense provides a more related view to the UN charter. The international court of justice (ICJ) in the case of Nicaragua vs USA, stated with regards to a retaliatory attack that, “the exercise of this right is subject to the State concerned having been the victim of an armed attack”, Jennings (1996). Whilst it is true that
there have been a number of armed attacks by Somali terrorists in Kenya, they have been sporadic and localized in their nature. Was Kenya’s military response proportionate to the military threat, or was Kenya acting upon more selfish motivations (for example, to help fix their dwindling tourism sector), all be they, understandable and morally defensible? The former is most likely true.

**United Nations Charter:**

According to the UN Charter on international security under Article 51, the Security Council stated that a retaliatory invasion can only be made when an attack has been made, and it can only be done as a unilateral self-defense. In other words, it states that no state can attack another state without being confronted.

Article 51 professes that “nothing in the present Charter shall impair the inherent right”, the implication being that the customary rules continue “to exist unimpaired after ratification”.

Al Shabaab group had performed a number of kidnappings and cross border incursions which the government of Kenya viewed as a threat to security and an attack on Kenya Thus Kenya was justified in using self defense as the reason for the intervention in Somalia.

**Just War Theory:**

This article shall use the Just War Theory to attempt to explain the moral and ethical grounds upon which states in regard to conflicts intervene and in effect explain the intervention by the Kenyan Defense Forces in Somalia.

This theory critically analyzes the various morality issues in war in three valuable perspectives; jus ad bellum (prior to engaging in war), jus in bello (whilst in war) and jus post bellum (after the conclusion of the war). These components are critical in identifying the morality of military intervention.

According to Calhoun (2001), Kenya was obliged to give a proper warning before executing a military intervention in Somalia. He also states that Kenya was morally obliged to assess whether there was any reasonable prospect for the success of the military intervention in Somalia.

During the jus post bellum stage, the intervening state is required to provide a “restoration of a just order”. Amstutz (2008), given the situation on the ground and the difference in opinion on whether KDF intervention has been a positive one, looking back at the region, one can however agree on the affirmative that the number of attacks have reduced drastically.

Further to that, the post bellum stage as observed in the just war theory by Calhoun (2001) is supposed to have been the last resort and should be fought with reasonable proportionality. Therefore, it is quite understandable that given the fact that Al Shabaab made repeated attacks in Kenya and since they are a non-state actor, the possibility of negotiating with the group was not available. It therefore made the invasion of Somalia a last resort since no other alternative for negotiation was there.

**Elite interests:**

There had also been public debate in Kenya where the opposition argued that the military intervention in Somalia was meant for economic gains among government officials and their business cronies. According to Lieberfeld (2005), the analysis of sub-state interests can be helpful in explaining how governments make decisions regarding warfare in the international system.

In the Marxist view, some external wars can be encouraged by the ruling elite (bourgeoisie) class in efforts to seek control of new markets while reducing the pressure created domestically by the proletariat. In this case, there has been argument and even a UN report that the Kenyan army is engaging in the sale of charcoal through the port of Kismayu. This would mean that the war was encouraged and even sustained for long so as the elite bourgeoisie can continue to control the new charcoal market in Kismayu for their own benefit.

It is further explained by Lieberfeld (2005) that state interests can be disaggregated and viewed as factions which may be competing or opposing each other. Therefore, one or more factions can promote a military intervention or war against another country for gains that are exclusive to them alone. In this case, the gains of political leaders or even military
leaders can be useful in justifying why the invasion of Somalia was necessary by Kenyan army. It is however difficult to estimate how these gains would further be extended to the rest of the state.

It is also supported by Mesquita (2002) who explains that in most cases, the own political survival of leaders is taken to be more important that national interests of a state. Hence when there is a perceived weakness by a state leadership in handling crises such as terrorism, then the pursuit of an external threat is deemed as a way of reinstating confidence from the citizens since the intervention tends to galvanize dissenting citizens and opposing leaders against one common external enemy.

The theory of elite interests can be used in explaining how political decision-making in a given government or state is affected. The elite interests can be divided into two. One is the personal and mostly economic gain that goes to the political leaders themselves or their cronies. The second elite interest is in how the leaders will maintain their power and confidence among the population.

The two types of interests can however still be very applicable in explaining why Kenya intervened in Somalia in 2010. This is because both interests can be seen at play and also that Kenyan army was engaged in the highly lucrative sale of charcoal and other goods from the port of Kismayu. (UN Report 2013) In addition to that, at the time of the intervention there were several terror related attacks in Kenya that left citizens worried about the capabilities of the government to handle terror threats effectively.

The relevance of the law of armed conflict in Kenya’s intervention in Somalia:

The decision for Kenya to intervene in Somalia on some accounts was a very lengthy and strategic decision and the government had coordinated the preparation for the intervention for months prior to the actual intervention in October 2011 (Gentleman 2011). The major question at hand when approaching the jus ad bellum aspect of the Kenyan intervention begs the question of whether the intentions of the Kenyan government were proper, whether there was just cause for the intervention and if the military action was proportionate in regard to the conflict or issue itself and whether Kenya’s interests were truly altruistic or more self-concerned in nature. Within the jus ad bellum philosophy lies several subcomponents that comprise the overall theory.

Simon (2001) on the other hand argues that the right to intervene in defence of democracy is not legally accurate or politically desirable because it is prone to abuse by some states for example in cases like Iraq, Yugoslavia, Somalia, Rwanda, Haiti, and Kosovo, among others. Also crucial in the jus ad bellum stage is the acknowledgement that the intervention is truly a “last resort” and is fought with appropriate “proportionality” (Calhoun 2001, 48). In the case of Somalia, it is without question that the intervention was indeed necessary and very much the most viable option for Kenya to make. In addition, given the magnitude of the issues such as terrorism and piracy which have great risks and implications, it was absolutely necessary to intervene with the military of Kenya.

Pros and cons of Kenya’s intervention in Somalia:

According to a report done by Center for American Progress, the report notes that for a decade about $13 billion was spent on humanitarian and development aid, yet up to 1.5 million lives have been lost (Norris 2011). This indicates that the humanitarian aid has done little to assist the people of Somalia.

Another challenge that came up with the military intervention is piracy. Piracy has threatened the wellbeing of the people of Somalia, in that ships meant to distribute food have been unable to deliver the much needed commodity due to piracy concerns in the region. This has put Somalis at risk of starvation (Middleton, 2010). With the increased conflict in Somalia, the number of refugees entering Kenya has increased considerably. This has led to the straining of Kenya’s tax payers. According to Carson (2010) Kenya has faced direct implications from the war in Somalia. The money spent in Somalia is significant and imposes a burden on Kenya’s tax payers.

3. RECOMMENDATIONS

Given the string of failed invasion attempts throughout history to flush out terrorists from Somalia, one must strongly argue that military force was not an adequate strategy in combating the problem. If the United Nations and the United States of America had failed in their attempts, it would be arrogant to believe that Kenya’s chances of success would be any better. As noted before, it is also true that these interventions can cause an even greater sense of discontentment within Somalia, contributing to more and more radicalized individuals coming to the fore.
It is our recommendation, that whilst a certain level of military presence is probably required to maintain at least some semblance of stability, especially around the border region, other measures must be explored when combating this problem. Rosenau (2005) pointed out that Somalia has three critical elements present within the country, to make it a perfect breeding ground for terrorism. These are lack of state capacity, a ‘mobilized belief’ and appropriate agitators. Each of these must be looked at in turn to critically assess how to reduce their impact on the rise of terrorists within Somalia. To do this will require a great deal of time and understanding of the real issues on the ground.

Multilateral agreements should be put in place to help strengthen the Somali state’s capacity, with real tangible support and advice, given on the ground. Similarly, Somalia’s economy should be critically assessed to determine why there is so much instability within the country. Would there be so much piracy and terrorism if the Somali people directly benefitted from their country’s rich resources? These are the questions that must be asked and answered, so that the real underlying causes for terrorism can be addressed at their root sources.

4. CONCLUSION

The arguments for the intervention were those of enforcing border security and to prevent Al Shabaab from damaging Kenya’s trade and tourism industry. It has also been argued that the influx of Somali refugees into Kenya had created a great financial drain on Kenyan resources. Logically, then, one can see why Kenya would want to address this problem and to use military force to flush out the Somali terrorists.

It can be argued using Rosenau (2005) three critical elements present within a country, for terrorist recruitment that the Kenyan Government did indeed make the right decision to send military forces into Somalia, as it is surely better to deal with a problem at the source, rather than on the fringes. Also in justifying the Kenyan invasion of Somalia, the discussion given by the just war theory and the elite interest theory can be very helpful.

In conclusion, it is clear that globally, conflicts have dire consequences either financially, geo-politically, socially and economically. But there was need for the government to undertake an operation that would demonstrate its willingness and military might in tackling terrorism domestically and at the regional level. It is based on the above that the article concludes that Kenyan Army was justified in invading Somalia in 2010 in order to tackle Al-Shabab as a terrorist threat to Kenya.

REFERENCES


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