



GA3: Special Political and Decolonization
Committee

Student Officer: Selen Arslan

Issue: Managing post-colonial border disputes and
facilitating peace in the Somali-Kenyan Border Region

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I. Introduction

Determining borders is not necessarily a straightforward decision, and to some extent, this is the case in East Africa between Somalia and Kenya. Over the past several years, the two states have had a rocky relationship concerning border disputes. Somalia has, at times, cut off diplomatic ties with Kenya, accusing it of violating its sovereignty and interfering in its internal affairs. These disputes are rooted in deeper historical tensions, amplified by competing political and economic interests, and have significantly strained relations between the two nations.

A major point of contention has been a maritime boundary dispute, which led Somalia to institute proceedings against Kenya at the International Court of Justice (ICJ) in August 2014. The disagreement stems from conflicting interpretations of how their shared border should extend into the Indian Ocean. Somalia argues that its southern boundary should continue southeast in a straight line as an extension of the land border. In contrast, Kenya believes the maritime boundary should take a 45-degree turn at the shoreline and run parallel to the line of latitude. This disputed area is believed to contain valuable oil and gas reserves, making the stakes even higher for both countries.

Tensions have not been limited to the courtroom. In late 2019, Somalia accused Kenyan forces of destroying mobile network towers on its territory as part of Kenya's counter-insurgency operations. Then, in January 2020, Somalia claimed that Kenya was arming guerrilla forces and sending them across the border into the Jubaland region, leading to clashes around a border village. Just a few months later, in March 2020, Kenya accused Somalia of launching an unprovoked attack on a Kenyan town during heavy fighting between Somali government forces and regional militias, an accusation that Somalia has denied.

Despite their increasingly strained relationship, at the heart of this East African divide remains a long-standing dispute over borders—both maritime and land-based—rooted in the colonial legacy of artificial boundaries. Kenya and Somalia, once ruled by British and Italian colonial powers respectively, are still grappling with the consequences of borders drawn without regard to ethnic, political, or geographic realities.



II. Key Vocabulary

Al-Shabaab: A violent extremist group based in Somalia and affiliated with Al-Qaeda. The group conducts attacks in both Somali and Kenyan soil and is a major threat to peace in the border region. It further complicates border management and peace efforts.

Artificial borders: Artificial borders, also known as colonial borders, are borders drawn by previous colonial powers without considering the realities and living conditions of the people residing there. These borders still exist today and are a major cause of conflict between states, such as the situation between Kenya and Somalia.

Buffer Zone: A neutral area intended to separate two armies that are fighting, hostile forces, or nations. Kenya has pushed for buffer zones with Somalia to limit group activities along its corresponding border and protect local communities.

Continental Shelf: A continental shelf is the edge of a continent that lies under the ocean. A continental shelf extends from the coastline of a continent to a drop-off point called the shelf break.

Cross-border Clans: Cross-border clans or ethnic groups are communities that span internationally recognized borders due to historical migration patterns, colonial-era border divisions, or shared cultural and linguistic identities. In the context of the Somali-Kenyan border, many ethnic Somalis reside in both northeastern Kenya and southern Somalia.

Delimitation: The action or process of fixing the boundary or limits of something.

Ethnic Zones: Usually urban areas, within which culturally distinct minority communities maintain ways of life largely separate from those of the generally larger communities that surround them.

Exclusive Economic Zone (EEZ): An “exclusive economic zone”, or “EEZ”, is an area of the ocean, generally extending 200 nautical miles (230 miles) beyond a nation's territorial sea, within which a coastal nation has jurisdiction over both living and nonliving resources.

Greater Somalia: This concept also known as Pan-Somalism seeks to unite all Somali inhabited areas into one country including parts of Somalia, Kenya, Ethiopia and Djibouti. This ideology has historically led to tensions between Somalia and Kenya, particularly over the Somali population living in Kenya's region.

Insurgency: An occasion when a group of people attempts to take control of their country by force, while a counter-insurgency is military or political action taken against the activities of revolutionaries or guerrillas.



Jubaland: Jubaland is one of the five States of Somalia. It is situated in the extreme south of the country. It is bordered on the west and southwest by Kenya, on the east and southeast by the Indian Ocean, on the northwest by Ethiopia and on the northeast by the South West State of Somalia.

Maritime Boundary: Maritime boundaries are defined as the delineation of a nation's exclusive rights and control over maritime territory off its coast.

Northern Frontier District (NFD): The Northern Frontier District was created by British colonial administration in 1925, and it covered a large part of what is now present-day Kenya.

Ogaden Region: In the late 19th century the Ogaden was claimed by both Ethiopia and the Italian protectorate of Somaliland.

Peacekeeping: The activity of preventing war and violence, especially using armed forces not involved in a disagreement to prevent fighting. Although similar, peacekeeping and peacebuilding may be divided contextually. Peacekeeping involves deploying international forces to prevent conflict, often under the United Nations or another organization, whereas peacebuilding focuses on long-term solutions like rebuilding institutions and encouraging dialogue.

Post-colonialism: The period after a country gains independence from colonial rule. Kenya and Somalia were previously colonially ruled by Italy and Britain.

Repatriation: The act of sending or bringing someone, or sometimes money or other property, back to the country that he, she, or it came from.

Secessionist: Secessionists are people who want their region or group to become separate from the country or larger group to which it belongs.

Territorial integrity: Territorial integrity is a principle of international law that states that countries should respect the already existing borders and should not try to change them by force. Kenya recognizes this concept to defend its claim on its current borders.

The Horn of Africa: The Horn of Africa (HoA) is the African continent's easternmost peninsula. The English name for the region derives from the horn-shaped land formation of the easternmost point of the African continent.



III. Involved Countries and Organizations

Somalia

The dispute is tied to Somalia's history with colonial-era borders, as the division of the Somali-inhabited regions among neighbouring states has left long-lasting problems. Somalia also experiences major stability issues and accommodates areas exploited by Al-Shabaab. The lack of cooperation with Kenya weakens both nations' joint security operations. This situation leaves Somalia, specifically the borders, more vulnerable to militant activity and hardens the ongoing state-building efforts it holds. As expected, the economic stakes are also high and are a huge determinant in the issue. Somalia is considered by many in the oil and gas industry as a promising frontier territory, as it is expected to secure control over the territory in the Indian Ocean, containing valuable oil and gas reserves. Nonetheless, the prolonged conflict has delayed investment and created uncertainty for investors. Especially since the ICJ ruled in Somalia's favour, Somalia is now more reliant on international support. The country's wish for international interference further complicates its relationship with Kenya.

Kenya

As one of the key components in the ongoing dispute, Kenya continues to experience security concerns as well as economic interests, and social instability. Kenya's northeastern regions are home to large Somali communities where Al-Shabaab has carried out numerous attacks. The dispute with Somalia makes cross-border cooperation against the extremist group even more difficult. This results in Kenya's security forces being left at risk and border communities being in a vulnerable position. Exploring the economic aspect, Kenya's strong opinions about the significant oil and gas reserves are believed to be tied to the contested maritime area in the Indian Ocean, which is a vital source for its economic growth.

The ICJ's ruling in Somalia's favor was therefore a major setback for Kenya, as it had already granted exploration rights to certain companies, though full control was not granted. Meanwhile, the disagreement over the maritime border has led to repeated breaks in diplomatic relations on Kenya's part and has damaged its role in international forums such as IGAD (Intergovernmental Authority on Development). The unresolved dispute threatens more than Kenya's national interests, but it also carries significant importance for Kenya's stance as a mediator and economic hub in East Africa.

Ethiopia

Ethiopia is gravely affected by the Somali-Kenya border dispute mainly because of its geographical position, but also because of its shared interest in the Indian Ocean. First and foremost, as it is a neighbour to both Kenya and Somalia, Ethiopia is concerned that any instability may spill over, which would worsen its



internal challenges with separatist movements. Secondly, Ethiopia has strategic interests in regional trade and access to the Indian Ocean. The long-standing disputes between Somalia and Kenya make it harder for Ethiopia to maintain good relations with both. Lastly, Ethiopia's role as a regional mediator to balance diplomacy, security commitments, and its domestic concerns means that instability between Somalia and Kenya puts additional pressure on Ethiopia. If tensions continue to rise, Ethiopia risks being pulled deeper into conflict management while also dealing with potential security and economic setbacks.

Commission on the Limits of the Continental Shelf (CLCS)

The purpose of the Commission is to facilitate the implementation of the United Nations Convention on the Law of the Sea in respect of the establishment of the outer limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial waters is measured. Under the convention, the coastal state shall establish the outer limits of its continental shelf where it extends beyond the 200 nautical miles based on the recommendations. The Commission shall make recommendations to coastal authorities on matters related to the establishment of those limits; its recommendations and actions shall not prejudice matters relating to the delimitation of boundaries between states with opposite or adjacent coasts. The Memorandum of Understanding between Somalia and Kenya stated that the issue could be settled by the CLCS. Later, Somalia's parliament rejected it, saying that it compromised sovereignty.

African Union

The African Union has strongly called on Somalia and Kenya to intensify their engagement in order to find an amicable and sustainable solution to their maritime boundary dispute. It plays a central role in the resolution of border disputes and upholding peace through its continental peace and security frameworks. The AU has urged Kenya and Somalia to negotiate and to rely on legal and diplomatic recourse rather than unilateral action. With AMISOM (2007–2022) and its successor ATMIS (from 2022), the AU provides security stabilization in Somalia and assists the Somali government in establishing control over insurgent threats destabilizing border regions. The AU strategy emphasizes regional coordination, compliance with international law, and domestic peacebuilding supplemented with broader diplomatic and military support to contain long-standing border tensions.

IV. Focused Overview of the Issue

1. The Geography and Differing Claims of the Maritime Borders



Image 1: The map of Kenya and Somalia's maritime border claims and the ICJ's border ruling on the Indian Ocean

2. The Shifta Insurgency

In the 1960s, in northern Kenya, the individuals who became shifta combined militant Secessionists with a nationalist agenda and more narrowly-based groups that sought personal or communal aggrandizement, through access to firearms that being shifta provided. Conflict in northern Kenya between 1963 and 1968 was therefore characterized by an interweaving of nationalist insurgency activity and local-level conflicts over water, land, and other resources.



Through the work of historians such as Nene Mburu and John Markakis, we already have an understanding of the first strand of the violence. Shifta insurgents carried out limited attacks on government installations, assassinated hostile officials, and conducted acts of sabotage. This reconstruction of the conflict builds upon these works by incorporating a discussion of some of the local dimensions of the conflict, which were intimately connected but distinct from the shifta campaign to liberate the Northern Frontier District (NFD).

Understanding the socioeconomic dynamics of violence during the shifta conflict is important because it feeds into debates about the relationship between violence and Somali society, especially the role of the Somali clan structure in explaining political disintegration and civil war. For example, following the collapse of the Said Barre regime in Somalia in 1991, Lewis described Somalia's descent into civil war as Somalis "doing what they have always done – only with greater access to more lethal weapons". The implication being that modern-day violence in Somali society is a consequence of 'traditional hatreds' rooted within the clan structure.

To a certain extent, there can be no denying the importance of lineage and clan as part of everyday action and identity for the Somali. For example, in relation to clan cleansing in southern Somalia during 1991 and 1992, Lidwien Kapteijns argues that politico-military leaders "not only made civilians the target of violence on the basis of their clan background, but also rallied them in the name of clan to become perpetrators of such violence.

3. The Current Social and Economic Situation of the Region

Thirty years of conflict brought about by civil war and insurgency in Somalia have left people in border communities at risk of being targeted by armed forces or being caught in the crossfire. The dangers along the Somalia–Kenya border come not only from Al-Shabaab insurgents but also from counterinsurgency measures that treat people as terrorist collaborators, or shell local settlements in the hope of hitting an Al-Shabaab target.

Formal administration is barely present in these contested lands, and state services are compromised or absent. The main towns are the only places where government and international agencies operate, working with a heavy security presence. Rural people are critical of aid efforts for drawing people from the countryside to towns. They argue that it is possible to provide aid to contested rural areas by working with the informal order.



Many local people feel that government and aid agencies are at best distant, at worst dangerous. So rural communities get most of what they need, when they need it, from each other. Citizens also experience government and aid programmes as distrusting them and the informal order. They see both governments failing to act for the public good and perceive aid as frequently supporting corruption. This is one of the reasons why Al-Shabaab's claim that it does more for ordinary people than either the state or the international community has led people to tolerate the insurgents, at least to a degree. If programmes could build real trust between the formal and informal orders, one could see new points of leverage on broader goals of security and state-building.

V. Important Events & Chronology

Date (Day/Month/Year)	Event
1890s	Colonial Britain administers the Northern Frontier District (NFD) in current-day Kenya, heavily populated by ethnic Somalis.
1925	Britain transfers the NFD to Kenya against the wishes of the ethnic Somalis
June 1960	Somalia gains independence
December 1963	Kenya gains independence, and the Shifta War begins
1967	The Shifta War ended with a ceasefire
April 2009	Somalia and Kenya sign a Memorandum of Understanding (MoU) agreeing to resolve maritime border issues; however, the Somali parliament later rejects it.
2011	Kenya militarily intervenes in Somalia, later integrating into AMISOM
August 2014	Somalia files a case against Kenya at the International Court of Justice over the maritime boundary in the Indian Ocean.
December 2019	Somalia accuses Kenya of destroying mobile network towers on its territory during anti-insurgency operations.
January 2020	Somali claims Kenya is arming militias in Jubaland, leading to border clashes.
March 2020	Kenya accuses Somalia of an attack on Kenyan soil, but Somalia denies responsibility.



October 12th, 2021	The ICJ rules mostly in Somalia's favour, drawing a new maritime boundary and granting most of the disputed areas to Somalia; however, Kenya rejects the ruling, saying it will not recognize the decision.
2020	Somalia cuts diplomatic ties with Kenya over political interference.

VI. Past Resolutions and Treaties.

- [1963 Arusha Memorandum of Understanding on the Northern Frontier District \(NFD\):](#)

In 1963 the Arusha Memorandum of Understanding was signed by Kenya and Somalia to end the Shifta insurgency, an armed rebellion in the Somali-inhabited Northern Frontier District of Kenya calling for union with Somalia at independence. Though the treaty successfully ended armed conflict and restored diplomatic and economic relations, it failed to address the underlying political issue of Somali self-determination within Kenya. It succeeded in the short term because of strong mediation by the Organization of African Unity (OAU) and pressure for regional stabilization, but it did not resolve the grievances of the Somali people in the NFD, who continued to be marginalized.

- [2009 Memorandum of Understanding \(MoU\) on Continental Shelf Submissions](#)

Kenya and Somalia, in April 2009, entered into a Memorandum of Understanding on their submissions to the UN Commission on the Limits of the Continental Shelf, where Kenya and Somalia did not object to each other's claims, subject to negotiations about their maritime boundary. The understanding was eventually found to be insufficient as it failed to provide binding solutions or enforceable obligations. It failed due to Somalia's Transitional Federal Parliament opposing the MoU, citing that it was not adequately ratified and eroded Somali sovereignty. The opposition made the agreement legally unimplementable, demonstrating that although the document managed to initiate talks, it failed through weak legal foundations as well as political mistrust. The MoU was initially initialed by Kenya's Ministry of Foreign Affairs and Somalia's Transitional Federal Government, but never went through complete ratification following Somalia's rejection by parliament.

- [2021 ICJ Judgment in Somalia v. Kenya - Maritime Delimitation in the Indian Ocean](#)

The International Court of Justice (ICJ) gave its ruling in October 2021, largely in Somalia's favor by demarcating a maritime boundary that rejected Kenya's entitlement to a straight parallel line. The ruling was



partly sufficient since it was a clear, legally enforceable maritime boundary under international law, but it did not provide enforcement mechanisms. The judgment managed to establish legal certainty as the ICJ overruled Kenya's jurisdictional objections and proceeded with a technical argument to decide the case. It failed in fact, however, since Kenya refused to accept or enforce the judgment, which is the distinction between legal power and political will. The ruling had effectively been ratified by the ICJ—Somalia had consented to the Court's jurisdiction, while Kenya, although protesting it, was under international law as a UN Member State that accepts the ICJ's jurisdiction.

VII. Failed Solution Attempts

There have been several attempts to manage post-colonial border disputes and facilitate peace in the Somali-Kenyan border region by both the countries themselves and international actors, and although these solutions consisted of diplomacy and military action, there were differing reasons as to why they failed to resolve the dispute.

Firstly, there have been numerous bilateral talks between Somalia and Kenya over the years where they tried to negotiate directly, but failed because both sides insisted on their own interpretation of the boundary. They tried to play the situation to their advantage rather than reach a compromise. Kenya wanted the dispute to be resolved through direct political negotiations, not involving the International Court of Justice, whereas Somalia wanted the case to be settled by a legal body, which is the ICJ. Kenya wanted to reach a compromise through possible trade-offs or sharing resources, which would provide flexibility. It is also feared that a legal ruling might strip it of access to the oil and gas reserves. On the contrary, Somalia saw this as the fairest option since it accepted a binding judgment based on international law - the United Nations Convention on the Law of the Sea - and believed the law was on its side.

Secondly, there was a Memorandum of Understanding signed between the states, agreeing that the issue could be settled by the United Nations Commission on the Limits of the Continental Shelf (CLCS). They signed the MoU, saying they had no objection to each submitting their claims to the CLCS; nevertheless, this did not settle the border dispute. Somalia's parliament soon after rejected the Memorandum, stating it undermined Somalia's sovereignty and gave Kenya leverage over Somali water. Kenya, on the other hand, saw this as a great opportunity to proceed with oil exploration.

Finally, the disagreement caused by the Memorandum of Understanding later led to the involvement of the ICJ, with both sides frustrated, not to reach an agreement. Because of Kenya's unwillingness to negotiate on political terms rather than one-on-one, Somalia formally filed the case with the ICJ. This was the turning point when Somalia decided the only way to move forward was international legal action.



In conclusion, one could say that conflicting approaches, national sovereignty concerns, opposite interests surrounding potential oil and gas reserves, and the ongoing distrust were the reasons these solution attempts failed. Be that as it may, a solution that benefits both parties is possible, and delegates should work together to reach a mutually beneficial compromise.

VIII. Possible Solutions

Post-colonial border conflicts, such as the one between Somalia's and Kenya's maritime boundaries dispute, highlight the difficulties of colonial boundary-making and the need for legal and political resolutions. One possible approach is to rely on established legal frameworks like the International Court of Justice (ICJ) ruling in 2021 and the United Nations Convention on the Law of the Sea (UNCLOS), which provide legal clarity on maritime boundaries. Respecting these frameworks can prevent one-sided action and reinforce international legitimacy.

In accordance with this is a need for regional and bilateral mechanisms. Somalia and Kenya could establish a mutual boundary commission and enter into cooperative agreements for joint use of resources, particularly oil and gas receipts, so that economic benefits are made a peacemaker rather than a conflict creator. Regional organizations such as IGAD, with members on whom both sides could depend, can serve as a platform for negotiation and breaking their dependence on external mediation.

Furthermore, economic and security cooperation would further reinforce stability. Commonly patrolled waters could discourage piracy, illegal fishing, and terrorism, while cross-border trade and joint infrastructure initiatives could make the disputed waters a zone of mutually beneficial opportunity. Interacting with local communities is equally important in this procedure. The interaction can come from involving traditional leaders, local councils, and leaders who would lend legitimacy to state-level initiatives and make affected communities feel part of the process. Education and campaigns of awareness can also place the conflict into context as a result of colonial pasts rather than ethnic rivalry, reducing popular tensions. The UN and AU, among other international actors, can provide unbiased observers and sustained stabilization through initiatives.

From a humanitarian and safety aspect, a possible solution to help those suffering because of the violent groups, most particularly Al-Shabaab, would be to strengthen humanitarian access corridors in the Somali-Kenyan border region. This could be done by negotiating with both governments and local leaders, as well as with armed groups where necessary, to establish neutral, demilitarized zones where humanitarian agencies can deliver food, water, and medical supplies without interference. The UN, African Union, and NGOs could deploy third-party monitoring mechanisms to ensure aid isn't stolen or stopped by armed actors. Mobile clinics, water trucking, and community-based distribution points could reach displaced



populations in remote areas. At the same time, investing in resilient local systems like drought-resistant crops or community water wells would reduce dependency on external aid in the long run. Partnering with local elders and religious leaders to guarantee the safety of aid workers and recipients could also build additional trust and protect civilians.

IX. Useful Links

<https://www.youtube.com/watch?v=yAXH3Bwqtpk> - TalkAfrica: Kenya-Somalia Maritime Border Dispute

<https://www.youtube.com/watch?v=yAXH3Bwqtpk> - ICJ Rules in Somalia's Favour in Maritime Border Dispute with Kenya

<https://www.youtube.com/watch?v=yAXH3Bwqtpk> - The Kenya-Somalia Maritime Boundary Dispute Explained

<https://wardheernews.com/how-to-end-kenya-somalia-maritime-boundary-dispute> - How to End Kenya-Somalia Maritime Boundary Dispute

<https://horninstitute.org/kenya-needs-diplomatic-and-defence-re-posturing-for-territorial-integrity> - Kenya Needs Diplomatic and Defense Re-Posturing for Territorial Integrity

<https://research-repository.st-andrews.ac.uk/bitstream/handle/10023/25135> - The Kenya-Somalia Maritime Dispute: Joint Management vs. Delimitation

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