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INTERNATIONAL RELATIONS

THE TRANSBOUNDARY MARITIME DISPUTE BETWEEN KENYA AND SOMALIA IN THE WESTERN INDIAN OCEAN

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ABSTRACT

Purpose of the Study: The study examined the dynamics of the transboundary maritime dispute between Kenya and Somalia in portions of the Western Indian Ocean.

Problem Statement: Kenya and Somalia hold overlapping claims over an estimated 100,000 km² of contested maritime space believed to contain significant fisheries and offshore hydrocarbon deposits. Although the International Court of Justice issued a delimitation judgment in October 2021, it resolved only the legal boundary and left the broader political and diplomatic dimensions of the dispute unresolved. No cooperative framework for joint resource management exists between the two states, creating regulatory uncertainty and heightened vulnerability of shared marine ecosystems to illegal exploitation.

Method/Methodology: The study adopted a mixed-methods research design integrating descriptive and longitudinal approaches. Primary data were collected from 151 respondents (75.5% response rate from a target of 200) through structured questionnaires and key informant interviews. Respondents were drawn from security agencies, government institutions, civil society organizations, maritime authorities, and academic institutions in both Kenya and Somalia, selected through purposive and snowball sampling.

Results of the Study: The findings established that the dispute is multidimensional. The strongest consensus was recorded on the contribution of historical and colonial boundary interpretations to the dispute's persistence (70.20%). Competing maritime boundary claims were recognized as a primary driver by 66.22% of respondents, while offshore natural resource competition was identified by 65.57%. The dispute was also found to affect economic cooperation and maritime resource utilization (60.26%) and to undermine maritime security and regional stability (57.61%).

Conclusion and Policy Recommendation: The study concludes that the Kenya–Somalia maritime dispute is shaped by the interaction of competing boundary claims, historical interpretations, resource interests, and maritime security concerns. Managing the dispute sustainably requires an integrated framework combining legal adherence, permanent bilateral maritime dialogue, confidence-building, regional cooperation, and joint maritime resource governance.

Keywords: *Dynamics, Transboundary Maritime, Dispute, Kenya And Somalia, Western Indian Ocean*

INTRODUCTION

Oceans and seas have become central arenas of contemporary geopolitics, economic competition, and environmental governance. The emergence of the blue economy as a development paradigm has heightened the strategic importance of maritime spaces, particularly in regions where boundaries remain contested and natural resources extend across national jurisdictions. Coastal states increasingly assert and defend maritime zones rich in hydrocarbons, fisheries, and other marine resources, generating a persistent duality of conflict and cooperation across the world's oceans (Bueger, 2015; Voyer et al., 2018). At the continental level, the African Union's Africa Integrated Maritime Strategy 2050 positions the blue economy as a catalyst for sustainable development, regional integration, and peace, while simultaneously recognizing that boundary disputes, illegal fishing, piracy, and offshore resource competition threaten regional stability (African Union, 2014). Africa's maritime challenges are inherently transboundary, requiring cooperative governance frameworks to reduce inter-state competition and build trust among neighboring states (Akinola, 2018). It is within this regional context that the Kenya–Somalia maritime boundary dispute has emerged as one of the most consequential contested maritime cases in the Western Indian Ocean.

The disputed maritime zone, estimated at over 100,000 km², holds significant potential for offshore hydrocarbons and commercially valuable fisheries, making it central to the economic and strategic calculations of both states (Kamau, 2019). Somalia filed suit at the International Court of Justice (ICJ) in 2014, culminating in the 2021 judgment on Maritime Delimitation in the Indian Ocean (Somalia v. Kenya), which drew a new boundary largely favoring Somalia and rejected Kenya's claim to a pre-existing latitude-based boundary (International Court of Justice, 2021). Kenya publicly rejected the ruling, and diplomatic relations remained cautious and periodically strained thereafter. Despite both states remaining parties to UNCLOS and members of regional frameworks encouraging cooperative maritime governance, no joint institutional mechanism for managing the shared maritime zone has been established.

Although the dispute has attracted considerable scholarly attention, existing literature has focused predominantly on its legal dimensions and geopolitical implications, leaving a conceptual gap around the examination of the dispute's multidimensional dynamics — that is, how competing boundary claims, historical interpretations, resource interests, security consequences, and economic impacts interact to shape the nature of the contestation. This article addresses that gap by presenting empirical findings on the dynamics of the transboundary maritime dispute between Kenya and Somalia in portions of the Western Indian Ocean.

STATEMENT OF THE PROBLEM

Maritime zones characterized by overlapping jurisdictional claims frequently become sites of diplomatic contestation, particularly where valuable natural resources are believed to exist (Schofield, 2009). The Kenya–Somalia case represents one of the most significant contested maritime spaces in the Western Indian Ocean. The two states hold overlapping claims over an area estimated at approximately 100,000 square kilometres believed to contain commercially valuable fisheries and potential offshore oil and gas reserves (International Court of Justice, 2021). The dispute culminated in Somalia's 2014 ICJ filing and the Court's October 2021 judgment, which delimited the boundary largely in Somalia's favor; however, the ruling clarified only the legal boundary and left the broader diplomatic and political dimensions unresolved.

Kenya rejected the judgment, and diplomatic relations between the two states remained cautious and occasionally strained, with significant consequences: the absence of formal cooperative mechanisms created regulatory uncertainty for offshore exploration, weakened fisheries management, and increased the vulnerability of shared marine ecosystems to illegal exploitation. International maritime governance frameworks encourage states with adjacent maritime zones to pursue cooperative arrangements for managing shared marine resources; yet in the Kenya–Somalia case, no such institutional framework exists through which the two states jointly regulate resource exploitation or coordinate maritime governance, despite the economic significance of the resources at stake.

Existing scholarship has focused predominantly on the legal dimensions of the boundary delimitation and the geopolitical implications of the ICJ ruling, leaving limited empirical examination of the dispute's multidimensional dynamics and their interaction. The present article addresses this gap by empirically examining how competing boundary claims, historical interpretations, resource competition, diplomatic, economic, security, and legal dimensions interact to constitute the dynamics of the Kenya–Somalia transboundary maritime dispute.

RESEARCH OBJECTIVES

The objective addressed in this article is to examine the dynamics of the transboundary maritime dispute between Kenya and Somalia in portions of the Western Indian Ocean.

RESEARCH QUESTION

What are the dynamics of the transboundary maritime dispute between Kenya and Somalia in portions of the Western Indian Ocean?

THEORETICAL FRAMEWORK

The study was anchored on two complementary theoretical frameworks: Regional Security Complex Theory (RSCT) and Two-Level Game Theory.

Regional Security Complex Theory (RSCT), developed by Buzan and Wæver (2003), posits that security interactions cluster regionally, with proximate states exhibiting high degrees of security interdependence analytically distinct from global security dynamics. The theory holds that physical adjacency tends to generate more intense security interactions among neighbors, creating patterns of amity, enmity, and rivalry that shape state behavior within geographically bounded security complexes. Applied to the Kenya–Somalia maritime dispute, RSCT helps explain how the dispute is embedded within a broader regional security environment in the Horn of Africa, where security challenges are interconnected, and instability or unilateral action by one state generates spillover effects affecting neighboring states. The Kenya–Somalia maritime triangle lacks clear jurisdictional fixity, meaning that securitization and desecuritization occur simultaneously and competitively as both states construct overlapping territorial and resource-based claims.

Two-Level Game Theory, proposed by Putnam (1988), posits that international negotiators simultaneously navigate international bargaining (Level I) and domestic ratification constraints (Level II). No international agreement is viable unless it achieves a win-set — domestic political support — at both levels. This framework is directly applicable to the Kenya–Somalia dispute, where Kenya's rejection of the 2021 ICJ ruling was driven in part by anticipated domestic political costs, including nationalist sensitivities among coastal constituencies and strategic actors. Somalia's negotiating position has similarly been constrained by federal-state political tensions and competing external patron interests. Together, these frameworks provide complementary perspectives on how the dispute operates simultaneously as a regional security phenomenon and as a contest shaped by domestic political considerations.

EMPIRICAL REVIEW

The empirical literature relevant to the dynamics of transboundary maritime disputes has grown considerably, driven by the increasing strategic importance of ocean spaces. In the African context, scholars have examined how maritime disputes intersect with regional security, resource governance, and diplomatic relations, though African-centered empirical analyses remain relatively limited compared to global scholarship.

Khadiagala (2013) observes that diplomacy has historically been central to how African states address territorial disputes, emphasizing that diplomatic engagement allows states to pursue pragmatic solutions balancing sovereignty concerns with regional cooperation needs. While much of his analysis focuses on land-based conflicts, the insights are applicable to maritime disputes where diplomatic negotiations remain essential for preventing escalation. Murunga (2019) specifically analyzes the diplomatic tensions surrounding the Kenya–Somalia maritime dispute, emphasizing that the disagreement over maritime delimitation was closely tied to broader political and economic considerations involving international law, national economic interests, and regional diplomatic relations. Samatar (2018) highlights the geopolitical implications of emerging offshore hydrocarbon exploration in the Western Indian Ocean, arguing that the prospect of oil and gas deposits intensified competition among coastal states seeking to assert control over maritime territories. Odhiambo (2017) further observes that unresolved maritime boundary disputes in East Africa discourage investment in offshore resource exploration while undermining regional cooperation efforts.

The ICJ's 2021 ruling in Maritime Delimitation in the Indian Ocean (Somalia v. Kenya) is extensively discussed in the legal literature as a landmark judgment determining the maritime boundary largely in Somalia's favor. Scholars such as Kamau (2019) and Mwakio (2022) note that Kenya's rejection of the ruling and the persistent absence of cooperative management mechanisms represent a critical gap between legal resolution and practical dispute management. Nyinguro (2015) highlights the growing importance of maritime diplomacy in East Africa as states increasingly recognize the economic potential of maritime resources, arguing that diplomatic engagement among coastal states is necessary for coordinating fisheries management, maritime security, and offshore resource exploration policies. Mureithi (2021) demonstrates that Kenya has adopted maritime diplomacy as part of its blue economy strategy, while also noting that Somalia's maritime capacity is rebuilding with external support from partners including Turkey and the European Union.

RESEARCH METHODOLOGY

The study adopted a mixed methods design combining descriptive and longitudinal approaches to examine the Kenya–Somalia maritime dispute from 2005 to 2024. The target population comprised actors involved in maritime governance, diplomacy, natural resource management, regional security, academia, civil society, and related institutions. Purposive and snowball sampling were used to select 200 respondents, of whom 151 participated, drawn from security agencies, government institutions, civil society organizations, maritime offices, academic institutions, and other relevant bodies in Kenya and Somalia. Primary data were collected using structured questionnaires and semi structured key informant interviews, while secondary documents supplemented the analysis. Questionnaire items were measured on a five point Likert scale. Quantitative data were analysed using frequencies and percentages in SPSS, while qualitative interview and documentary data were analysed thematically using Braun and Clarke's (2006) six phase approach. Ethical approval was obtained from Kenya Methodist University and a NACOSTI research permit secured, with informed consent and confidentiality observed throughout the study.

RESULTS AND DISCUSSION

This section presents findings on the dynamics of the transboundary maritime dispute between Kenya and Somalia in portions of the Western Indian Ocean, drawn from structured questionnaire responses of 151 respondents and complemented by key informant interviews and document analysis. The findings, presented in Table 1, capture seven principal dimensions of the dispute: competing maritime boundary claims, offshore resource competition, historical and colonial boundary interpretations, diplomatic relations, maritime security and regional stability, international legal processes, and economic cooperation.

Table 1: Dynamics of the Transboundary Maritime Dispute between Kenya and Somalia

Statement	1	2	3	4	5
The maritime boundary dispute between Kenya and Somalia is primarily driven by competing claims over maritime boundaries.	49 (32.45%)	51 (33.77%)	31 (20.53%)	13 (8.61%)	7 (4.64%)
Competition over offshore natural resources has intensified the maritime dispute between Kenya and Somalia.	56 (37.09%)	43 (28.48%)	26 (17.22%)	21 (13.91%)	5 (3.31%)
Historical and colonial boundary interpretations have significantly contributed to the persistence of the maritime dispute.	60 (39.74%)	46 (30.46%)	25 (16.56%)	17 (11.26%)	3 (1.99%)
The maritime dispute has negatively affected diplomatic relations between Kenya and Somalia.	31 (20.53%)	21 (13.91%)	57 (37.75%)	23 (15.23%)	19 (12.58%)
The dispute has undermined maritime security and regional stability in the Western Indian Ocean.	54 (35.76%)	33 (21.85%)	25 (16.56%)	27 (17.88%)	12 (7.95%)
International legal processes have significantly influenced the evolution of the maritime dispute.	28 (18.54%)	43 (28.48%)	47 (31.13%)	29 (19.21%)	4 (2.65%)
The maritime dispute has affected economic cooperation and maritime resource utilization between Kenya and Somalia.	55 (36.42%)	36 (23.84%)	31 (20.53%)	27 (17.88%)	2 (1.32%)

The findings in Table 1 reveal that the Kenya–Somalia transboundary maritime dispute is fundamentally rooted in competing territorial and jurisdictional claims, compounded by historical legacy and economic interests. The strongest consensus was recorded on the contribution of historical and colonial boundary interpretations to the persistence of the dispute, with 70.20% of respondents strongly agreeing or agreeing with the statement. This was closely followed by competing maritime boundary claims, acknowledged by 66.22% of respondents as a primary driver, and offshore natural resource competition, identified by 65.57% as having intensified the dispute. These three dimensions are deeply interconnected: Kenya's claim to a latitude-based boundary and Somalia's advocacy for an equidistance boundary under UNCLOS are themselves products of competing colonial-era agreements and post-independence legal interpretations, while the prospect of commercially valuable fisheries and potential hydrocarbon deposits in the contested zone gives each state strong economic incentives to defend its jurisdictional position. The finding that 60.26% of respondents agreed the dispute has affected economic cooperation and maritime resource utilization further confirms that the consequences of these unresolved claims extend beyond legal disagreement into the practical sphere of blue economy governance.

The remaining dimensions of the dispute produced comparatively more divided responses, pointing to the complexity of the dispute's downstream effects. A combined 57.61% of respondents agreed that the dispute has undermined maritime security and regional stability in the Western Indian Ocean, reflecting majority concern that unresolved boundary contestation complicates coordinated approaches to shared maritime threats such as piracy, illegal fishing, and trafficking. By contrast, the dispute's effect on diplomatic relations generated the highest neutral response of all seven dimensions at 37.75%, with only 34.44% agreeing it had negatively affected bilateral relations, suggesting that respondents do not view the maritime dispute as the singular determinant of Kenya–Somalia relations, which are shaped by a broader set of political and security considerations. The role of international legal processes was similarly contested, with 47.02% agreeing they had significantly influenced the dispute's evolution against a neutral response of 31.13%, indicating that respondents distinguish between the ICJ's capacity to formally delimit a boundary and its ability to produce a mutually accepted political settlement a distinction borne out by Kenya's rejection of the 2021 ruling. Taken together, the findings establish that the dispute is multidimensional and cannot be managed through legal mechanisms alone; effective governance requires approaches that simultaneously address boundary claims, resource interests, security cooperation, and the broader diplomatic relationship between the two states.

CONCLUSIONS

The study concludes that the Kenya–Somalia maritime dispute in the Western Indian Ocean is a multidimensional conflict shaped by overlapping maritime claims, historical and colonial boundary interpretations, competition over offshore resources, economic interests, maritime security concerns, and international legal processes. Respondents most strongly linked the persistence of the dispute to historical and colonial interpretations of the boundary (70.20%), competing maritime claims (66.22%), and offshore resource competition (65.57%), while notable effects were also identified on economic cooperation and marine resource utilization (60.26%) and on maritime security and regional stability (57.61%). The mixed responses concerning diplomatic relations and international legal mechanisms indicate that these dimensions remain contested and context specific. Overall, the dispute extends beyond a territorial or legal disagreement and reflects interconnected political, historical, economic, and security considerations. Kenya’s rejection of the 2021 ICJ judgment further illustrates the Two Level Game dynamic, whereby domestic political pressures can constrain acceptance of international legal outcomes, while Regional Security Complex Theory shows that the dispute has implications beyond bilateral relations for the wider security environment of the Western Indian Ocean.

RECOMMENDATIONS

The governments of Kenya and Somalia should adopt an integrated dispute management approach that addresses the legal, economic, security, and historical dimensions of the contestation rather than relying solely on legal processes, which have proven insufficient given Kenya's rejection of the ICJ ruling. Regional organizations, particularly IGAD and the African Union, should support structured bilateral engagement that builds domestic constituencies recognizing the mutual benefits of cooperative maritime governance. Both states should further prioritize confidence-building measures and joint maritime resource management, especially in fisheries and marine environmental governance, leveraging shared economic interests to gradually reduce political tensions and create the trust necessary for durable dispute resolution.

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