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Kenya's military intervention in Somalia: An intricate process

By Luckystar Miyandazi¹

In the midst of Somalia's decades of conflict, al-Shabaab, a Somalia-based terrorist group with al-Qaeda links, has become particularly noticeable not only nationally but also regionally. Foreign intervention, therefore, is no new phenomenon in Somalia. Yet, when on 16 October 2011, Kenyan troops entered Somalia to launch a military offensive against al-Shabaab, called Operation *Linda Nchi* (Protect the Country), the reality of the al-shabaab menace in the region was highlighted. The Kenyan intervention in the Somalia conflict is, however, fraught with its own challenges for Kenya, Somalia and the entire region a year into the operation.

UN Photo/Stuart Price



Kenyan soldiers of the African Union Mission in Somalia (AMISOM) move along a street in the city centre of Kismayo, southern Somalia.

Introduction

Kenya puts forward a variety of reasons, linked to the insecurity caused by al-Shabaab in the Horn of Africa region, to justify its military intervention in Somalia. As well as having concerns over border security, Kenya maintains that 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 of Kenya's economy. Al-Shabaab, which means 'youth' in Arabic, is an insurgent terrorist group that rose to regional prominence in the mid-2000s.

Al-Shabaab gained prominence fighting against Ethiopia's 'occupation' of Somalia from 2006 to 2009. At that time the group was a popular Islamist guerrilla movement.² When the Ethiopian forces withdrew from Somalia, al-Shabaab seized most of southern and central Somalia, areas which they maintained in their control until 2011. Members of al-Shabaab are interested in advancing their commitment to regional *jihadism*,³ while promoting Somali nationalism.

Although the scale of the operation launched by Kenya indicates that plans for such an offensive had

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been underway long before the actual invasion, questions have been raised over the overall preparedness and coordination of the Kenya Defence Force (KDF) for the operation, given the domestic vulnerabilities evident in the consequent counter attacks launched by al-Shabaab militia on Kenyan civilians. Now that the KDF and units of the Somalia National Army (SNA) have claimed victory over al-Shabaab, having liberated their last stronghold, the port city of Kismayo, on 29 September 2012,⁴ many questions still linger on the forces' plans following this success.

While various actors, both on the Kenyan and Somali side, have debated on the pros and cons of the decision to intervene, this Policy & Practice Brief aims to explore the justification for and consequent implications of the invasion of Somalia by the KDF, especially in light of an existing African Union (AU) mission in Somalia. It also examines the challenges that Kenya experienced as a result of its decision to invade Somalia and provides an assessment of the sustainability of Kenya maintaining its presence in the country.

Background

The conflict in Somalia is a long-standing one, which has had a profound regional impact. The main conflicts in Somalia include inter-clan clashes and rivalry for power, warlords trying to assert their control over various regions in the country, piracy off the Somali coast, acts of terrorism perpetuated mostly by al-Shabaab and border conflicts with neighbouring states, particularly Ethiopia and Kenya. Although conflict in Somalia started prior to 1991, the toppling of military dictator Mohamed Siad Barre in 1991 and the subsequent collapse of central order accelerated civil unrest, resulting in the country experiencing over two decades of conflict. During the lengthy conflict, thousands of lives were lost, property was destroyed and people were forced to flee their homes and seek refuge in other countries, while others became internally displaced persons (IDPs) living in Somalia. In 2012, a reported 1,017,649 Somali refugees were being hosted in other countries, mainly in Djibouti, Eritrea, Ethiopia, Kenya, Tanzania, Uganda and Yemen, while approximately 1.4 million people were internally displaced and settled in Somaliland and the south-central regions of the country.⁵ It is also worth noting that Somalia has come to the end of its transitional process and has ushered in a new government and parliament with a new constitution. This progress has raised hope in many regional actors that a stable post-transition government will bring an end to insecurity in the country.

Early interventions

The crisis in Somalia has received significant regional and international attention over the years, with a variety of actors intervening in a bid to help restore stability. Amongst the

most notable interventions are the various United Nations (UN) operations which were launched periodically from 1992 to 1995. The first United Nations Operation in Somalia (UNOSOM I), launched in August 1992, was comprised of 500 Pakistani peacekeepers. Its main mandate was to monitor a ceasefire between belligerent warlords in the capital, Mogadishu and protect relief workers operating within Somalia following a humanitarian crisis caused by famine in the country.⁶ This UN operation, however, failed to meet its mandate. This failure necessitated the formation of the Unified Task Force (UNITAF), the result of collaboration between UNOSOM I and the United States (US), in December 1992.

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UNITAF was mandated to establish a safe environment for the delivery of humanitarian assistance to civilians and to protect food deliveries from warlord attacks. This operation, which ran until 1993, was also referred to as 'Operation Restore Hope'. The operation formed the basis for Somali resentment of the US as the country was viewed as having sided with one faction of the warring parties over the other during the operation.⁷ In 1993, UNITAF was replaced by UNOSOM II, which operated until 1995 when it was withdrawn from Somalia.⁸ In 2006, neighbouring Ethiopia invaded Somalia, sending in its troops at the behest of then president of the Transitional Federal Government (TFG) Abdullahi Yusuf Ahmed, who called upon his eastern neighbours to help fight the Union of Islamic Courts (UIC)⁹ that was considered a challenge to the government's operations in the capital.¹⁰ This intervention was widely viewed as one aimed at achieving regime change and the imposition of a Somali government which would be friendly to Ethiopia.

Somalia/Kenya relations

Unlike the tense relations between Somalia and Ethiopia following Ethiopia's intervention in 2006, Kenya's bilateral relations with Somalia have been guided for the most part by its core foreign policy principles, including the quest to be a good neighbour. This approach, until recently, has worked for the two countries as Kenya played a significant role in the Somali peace process. Kenya hosted the Somali peace talks (2002–2004) and provided a base from which the TFG operated until it moved to Mogadishu in 2005. This is not to say that relations between the two states have always been smooth. Kenya and Somalia were involved in a cross-border dispute known as the Shifta

Wars between 1963 and 1967. In this dispute, ethnic Somalis in Kenya's North Eastern Province attempted to secede.¹¹ In this recent military intervention in Somalia, however, Kenya has demonstrated that international relations aside, state interests will always be pursued first.

Kenya's intervention in Somalia

At the onset of the entry into Somalia, Kenya advanced the argument of the country's right to self-defence as embodied in Article 51 of the UN Charter,¹² which clearly recognises the inherent right of individual or collective self-defence in the wake of an armed attack against a member of the UN. The use of this particular article as the legal justification for Kenya's invasion raised a lot of questions regarding what constituted an armed attack against the state and whether such actions necessitated an invasion of this magnitude. Furthermore, some have argued that Kenya did not follow the right procedure required in pursuit of the right to self-defence as the country did not report its intended actions to the UN Security Council (UNSC).¹³ However, even after news of the invasion surfaced, the UNSC remained silent, despite the fact that it was not informed of Kenya's intentions to intervene in Somalia. Utterances by UN Secretary-General Ban Ki-moon came nearly two months into the invasion; he commended Kenya on its role and efforts in stabilising Somalia.¹⁴ Many analysts have drawn comparisons between the intervention in Somalia and the 2003 invasion of Iraq by the US.¹⁵

Kenya's intervention was launched 'to protect its territorial integrity from foreign aggression'¹⁶ as explained by the country's late minister for internal security a day before the launch of the intervention in 2011. This statement implied that the KDF would move in and advance as far into Somalia as possible in pursuit of al-Shabaab militia. The move marked Kenya's largest military operation since its independence in 1963. At the onset, around 2,400 KDF personnel were deployed.¹⁷ The intervention was done in haste and more importantly, reports indicate that it was launched in the absence of consultations with the then TFG of Somalia.¹⁸

Kenya's goals in intervening in Somalia

There are some indications that Kenya's assertion, that frequent kidnappings and killings by al-Shabaab were the main reason for its intervention in Somalia, might have provided a convenient excuse to explore deeper national interests. Kenya's professed reasons aside, there are other key issues that arise from an analysis of Kenya's potential gains from launching the intervention.

Paving the way for oil exploration

Oil is emerging as a key resource of interest in East Africa. Kenya is one of a number of countries in the region that have discovered oil deposits in their territory. Oil explorations are on-going along the country's coast. Reportedly, some of the areas where exploration is continuing lie in Somalia's waters, implying that the advance into Somalia might have been aimed at securing these sites to ensure Kenya's smooth and uninterrupted exploration.¹⁹

Garnering voter support

The intervention could also be linked to the upcoming elections in Kenya next year. The move could have been aimed at rallying up support for the government and politicians who have shown their ability to defend the country and its citizens.²⁰ Moreover, at regional level, Kenya might have wanted to demonstrate its military capability and ability to effectively address a major regional security threat.²¹ The AU Mission in Somalia (AMISOM), deployed in the country in March 2007, is dominated by Uganda which contributes the highest number of troops to the mission.²² Ethiopia has influence in Galgaduud, Hiraaan, Bakool and Gedo areas next to its border with Somalia. By mounting an invasion, Kenya might have sought to gain influence in Lower and Middle Juba as well as parts of the Gedo regions of Somalia.²³ These are some of the reasons which may be driving Kenya's intervention in Somalia.

Counter-terrorism through military intervention

The lack of stability in Somalia has made it a safe haven for terrorist groups to operate their networks both regionally and internationally. Al-Shabaab are blamed by the Ethiopian, TFG and AMISOM forces for the deterioration of security, the spillover of conflict to neighbouring countries, including Kenya, and the grave humanitarian situation which persists in large parts of Somalia. Kenya, however, had emerged as a target for terrorist attacks well before the emergence of al-Shabaab. The 7 August 1998 bombing of the American Embassy in Kenya, which killed 213 people and left 4,000 others wounded²⁴, played a major role in raising the government's and citizens' awareness on the issue of terrorism as a clear threat to the country. Since then, Kenya has been making renewed strides to curtail terrorism and its networks in the country, including the recent publishing of the Prevention of Terrorism Bill.²⁵ It is against this backdrop that Kenya was convinced that the spread of al-Shabaab militias into Kenya necessitated a strong response, due to fears of repeat major terrorist attacks like the al-Qaeda-claimed bombing of 1998.

Necessity of creating a buffer zone

Reportedly, Kenya, with international support, had planned to move into the Somalia conflict years prior to October 2011. This planned intervention was aimed at creating a buffer zone in the Juba area in southern Somalia, which is close to the border with Kenya.²⁶ What is now widely believed to be the core aim of Kenya's intervention is the creation of this buffer zone. The border between Kenya and Somalia stretches approximately 682km, with the Juba and Gedo regions in southern Somalia being closest to Kenya. Kenya's early plans, however, were never pushed through due to external influences and concerns that influential Somali political actors from the Juba and Gedo regions had not been properly briefed and included in discussions to take over the interim administration of the region once it was out of al-Shabaab control. Through the stabilisation of the Juba region, the Government of Kenya hopes to be able to counter the direct threat of al-Shabaab militias who have long controlled this area and derived financial profit from the collection of customs revenue from charcoal exports and commercial imports through the port of Kismayo. On 28 September 2012, KDF spokesman Colonel Cyrus Oguna claimed that after a combined offensive involving air, ground and naval operations, the KDF had achieved a major victory in its capture of Kismayo from al-Shabaab militias.²⁷

Kenya's assertion, that kidnappings and killings by al-Shabaab were the main reason for its intervention, might have provided a convenient excuse to explore deeper national interests

The refugee question

Kenya hosts 500,000 Somali refugees, the largest number of Somali refugees on the continent, in Dadaab refugee camp²⁸ in North Eastern Province. Although the large influx of refugees in itself poses a great social and economic crisis for Kenya, the bigger issue has been the reported infiltration of al-Shabaab militias, disguised as refugees, into the camps. Al-Shabaab members have allegedly been entering Kenya as refugees, using the camps as bases to plan and launch attacks on Kenyan territory. There are further claims that they also use the camps as recruiting grounds for new members.²⁹ As the conflict in Somalia continues, it has become increasingly difficult for Kenya's government to control the flow of refugees and to adequately screen them so as to separate members of al-Shabaab from *bona fide* refugees.³⁰ Further, by helping to stabilise Somalia, Kenya would be able to support the resettlement of refugees from the camps to Somalia, thus relieving the government of the social, political and economic costs of hosting the refugees.

Lessons learnt from the invasion

More than a year into the invasion and despite the liberation of Kismayo from al-Shabaab control, there are some lessons from the intervention process.

Timing is important

The timing of the invasion was sub-optimal as the operation was launched at the beginning of the rainy season in Somalia's Juba and Gedo regions.³¹ Kenya's military planners demonstrated a flawed strategic approach as the first hurdle that the KDF had to face was flooding of the roads, which slowed down the operation for weeks on end and presented logistical challenges which added to the cost of the operation. Additionally, the fact that this was Kenya's largest military operation since its independence in 1963³² meant that KDF personnel had limited prior experience in carrying out an act of this magnitude. Whilst these were big challenges for the KDF, the force managed to overcome them and advance further into Somalia.

There are local consequences of foreign intervention

The invasion of Somalia may have made Kenya more vulnerable on the domestic front as the country risked its national security as a result of the offensive in Somalia. By intervening in Somalia, Kenya provided ample justification for al-Shabaab to finally make good on its threats to attack Kenya. The group subsequently announced that it would carry out reprisal attacks on Kenya's home soil.³³ It is clear that al-Shabaab militias are against any foreign intervention in Somalia, including by Kenya. Small-scale attacks and violence, mainly through grenade attacks launched in Nairobi, Kenya's capital, the coastal region and the North Eastern border regions have escalated since the beginning of the intervention, providing evidence that threats of al-Shabaab counter attacks are real. Many of the attacks have not been carried out directly by al-Shabaab, some have been perpetrated by people inspired by or affiliated to the group. Now that al-Shabaab has reportedly lost its main operating base, Kismayo, the 'lone wolf style terror'³⁴ attacks on Kenya are likely to become more pronounced.

Intervention risks alienating Kenyan Somalis

The intervention risks adding insult to injury in already existing tensions with Kenya's ethnic Somali community. Days into the invasion, the Kenyan government announced a parallel operation to root out al-Shabaab sympathisers in the country, asserting that al-Shabaab was 'like a big animal with a tail in Somalia and a head in Eastleigh' (a suburb of Nairobi that is home to many Somali-owned businesses and a large refugee community).³⁵ Furthermore, reports document serious human rights violations, including cases of ethnic Somalis being profiled and discriminated against due to their ethnicity and in the

worst cases being beaten and mistreated. Somalis are also reportedly arbitrarily detained and even deported unless they have documentation to prove their legal right to be in Kenya, or if they cannot afford to bribe local security forces.³⁶ This kind of profiling of local ethnic Somalis and Somali refugees clearly risks alienating them, with the potential that al-Shabaab would consider Kenya an even more attractive recruitment pool and thus concentrate more efforts there.³⁷

Civilian casualties stir up resentment towards governments

Civilian casualties of the intervention are being reported, both in Somalia and in Kenya. As the KDF launched its attacks in the al-Shabaab-controlled areas of Somalia using fighter jets, many civilians, including children, were reported to be among those who were killed and seriously injured in the process.³⁸ In Kenya, grenade attacks did not only cost lives, they also fuelled feelings of resentment from locals who blamed the government for focusing more on the KDF invasion of Somalia while neglecting the internal security of the country. Seemingly, the KDF might have been successful in rallying up citizen opinion in support of the invasion during the early stages. However, if civilian casualties continue, the forces will receive more condemnation from citizens in both Kenya and Somalia.

The defeat of al-Shabaab was damaging, but maybe not fatal

Al-Shabaab fighters have abandoned Kismayo. This, in many regards, is a victory for KDF and SNA forces as al-Shabaab fighters have lost ground, the port city having been their main stronghold. Nevertheless, al-Shabaab might only be retreating in order to regroup and re-emerge stronger in tactics similar to those of other radical groups like the Taliban in Afghanistan. The capture of Kismayo also raises a number of questions, including: who will take charge of the port now, will the KDF exit Somalia, and does Somalia's newly-elected administration have adequate means to administer Kismayo after it was governed by al-Shabaab for so long?³⁹ These questions point to Kenya's deeper interest in Kismayo, leading to further doubts that the KDF was only planning to eliminate al-Shabaab and then withdraw. The question relating to the governance of Kismayo is one that needs to be addressed urgently as the history of Somalia shows that creating and leaving a power vacuum will increase the likelihood of civil unrest.

Kenya's financial stability dilemma

War will always come at a great cost. For Kenya the invasion into Somalia has been very expensive. Estimates put the cost of the invasion at Ksh.210 million (US\$2.8 million) per month in personnel costs alone – this during a year where Kenya has recorded a Ksh.236 billion (US\$3.1 billion) total budget deficit.⁴⁰ The cost of supporting personnel, maintenance and procuring

military equipment and hardware became too much for Kenya to bear alone. Therefore, the country turned to the international community, particularly the UNSC and regional organisations like the Intergovernmental Authority on Development (IGAD) and the AU to support its invasion of Somalia in the hope that this support would ease the financial and legal burden of the invasion. The response was positive when, on 22 February 2012, the UNSC authorised an increase in the AMISOM force to 17,731 troops. An increase in funding from US\$300 million per annum to around US\$500 million was also awarded.⁴¹ The now 4,000-strong KDF detachment in southern Somalia was also formally incorporated into the AU mission, making it the AU's largest single military intervention to date. Nonetheless, the KDF allocation still accounted for the largest increase in the 2012/2013 Kenya budget at Ksh.70 billion.⁴² This huge spending on the war continues to put pressure on the country's budget as funds to the military are partly responsible for the diversion of spending from urgent social needs, including education, health and food security.

The mandate dilemma

The Djibouti Peace Agreement signed between the TFG and the opposition Alliance for the Re-Liberation of Somalia (ARS) in August 2008⁴³ expressly prohibited countries neighbouring Somalia from contributing troops to any peacekeeping force. Thus, peacekeepers in Somalia have mainly come from Burundi and Uganda, whilst Ghana, Malawi and Nigeria have all promised to contribute forces to join AMISOM.⁴⁴ Although the KDF now forms part of AMISOM, there is a dilemma as to the mandate terms under which the forces are operating within AMISOM. AMISOM's current mandate is to conduct peace support operations to stabilise the situation in Somalia in order to create conducive conditions for the implementation of humanitarian activities and an immediate takeover by the UN.⁴⁵ This mandate does not cover what KDF sought to achieve through the invasion.

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Kenya is hoping to have the mandate reviewed in order to allow KDF troops to continue operations in the middle and lower Juba regions, especially after the army liberated Kismayo from al-Shabaab and was looking to eliminate the militia entirely from these regions. Additionally, KDF troops have often been accused

of operating in South Somalia independently of AMISOM's central command which is based in Mogadishu. AMISOM's mandate is set to be reviewed in January 2013 by the African Union Peace and Security Council (AUPSC). The dilemma, then, is whether the AUPSC will allow for the expansion of AMISOM's mandate to allow KDF presence in Somalia to continue, or whether it will call for the forces to withdraw from Somalia given the current status of the new Somali government.

Recommendations for the Government of Kenya

Recognise the importance of inclusivity in trying to achieve a stable Somalia:

The conflict in Somalia has political, social and humanitarian dimensions to it that the Government of Kenya needs to recognise and take into consideration. Greater inclusion of the Somali government as well as regional and international stakeholders is important for efforts to stabilise Somalia. A military approach alone will not provide a long-term solution. Efforts should be made to hold consultations with several neighbouring countries which are directly affected by the spillover of the Somalia conflict across their own borders. Additionally, Kenya should work with international organisations that have been operating within Somalia for many years as the long-term goal is to achieve lasting peace and security solutions in Somalia. International players, especially countries involved in counter-terrorism activities, can also be counted on to help fight the links that al-Shabaab has with greater terrorist movements like al-Qaeda.

Develop a post-Kismayo plan:

The general impression conveyed by the KDF is that al-Shabaab has been defeated as a result of the capture of Kismayo and the mounting military pressure by the joint intervention between KDF, AMISOM and SNA troops. Nevertheless, al-Shabaab militia have proved to be resilient in the past and might recruit more members and re-group. Therefore, the Government of Kenya needs to develop a post-Kismayo scenario where ideally they have the go-ahead from the Somali government to support a new administration that will take control of the region as part of the government in Mogadishu. This new administration should be one that political actors from the Juba and Gedo regions have endorsed. This will ensure that the KDF hands over Kismayo quickly to the Somali people and that Kenya avoids further conflict in the country. Additionally, al-Shabaab has less chances of regaining control of the southern regions in Somalia if a proper administrative structure is in place.

Endorse clear terms of engagement within AMISOM's mandate:

Since the KDF has been incorporated into AMISOM and the wait is on for the mandate of AMISOM to be revised, for now the Government of Kenya should encourage its forces to work well within AMISOM as it seeks to broaden its mandate to ensure that the terms of engagement are clear in the joint pursuit of al-Shabaab. This will help avoid situations whereby the two groups are seen as separate and pursuing different goals. In coordinating their efforts, the KDF, AMISOM and SNA will be able to contribute to efforts to stabilise Somalia and eliminate al-Shabaab and other militia groups from all parts of the country.

Develop effective policies to combat transnational terrorism:

Whilst it has been made clear that the protection of the border region is at the heart of the Government of Kenya's decision to invade Somalia, more consideration needs to be placed on security efforts within Kenya. The government needs to refine current policies and explore alternative ways and means to combat transnational terrorism, especially given that al-Shabaab has resorted to launching counter-attacks on Kenyan soil. Kenya cannot ignore the retaliatory terrorist attacks that are now more prevalent within the country while fighting the enemy outside. It is important for the government to implement long-term measures to guard against threats to the country, rather than only focusing on the battlefield. A good example is the passing of the anti-terror bill on 27 September 2012. Further building the capacity of security personnel in strategic approaches to transnational terrorism at Kenya's National Counter-Terrorism Centre will provide a larger pool of professionals in the area of counter-terrorism. At the same time, more concerted efforts must be made to avoid collateral damage and deaths of civilians as a result of pursuing al-Shabaab and other terrorist groups.

Involve key stakeholders, especially the new Somali administration, in decision-making:

Somalia has undergone a national peace and reconciliation process, which culminated in the seating of a new post-transition administration and election of Hassan Sheikh Mohamud as president of the country by members of parliament on 10 August 2012. The post-transition period, however, is a critical time for Somalia as the new president and his government step up efforts to stabilise the country. The progress in Somalia has important implications on what Kenya's next move will be. In response to the changing dynamics within Somalia, the Government of Kenya should note that this new government needs to be consulted prior to any military action being taken within its territory. It is imperative for Kenya to offer its support to the new government in dealing with al-Shabaab while Somalia is in the process of reconstructing its social fabric

and physical infrastructure and resettling thousands of Somali refugees and IDPs. The involvement of the Somali government in the intervention is necessary if Kenya is to claim complete victory over al-Shabaab.

Conclusion

In examining Kenya's decision to intervene in Somalia, heated debate, both scholarly and popular, is stimulated. Intervention in a country like Somalia has proved to be a daunting task, even for international organisations and countries with more military might and experience. A logical conclusion is that a military approach alone to counter a complex conflict cannot work. A more comprehensive and integrated approach involving political and social actors, relevant national stakeholders, as well as regional and international players is a better strategy to adopt. Kenya needs to understand that the elimination of al-Shabaab from Somalia is not going to mean the end of the threat of terrorism within its own borders. However, at this point it is important for Somalia to focus on national rebuilding and restructuring and for Kenya and other neighbours in the region to support the new administrative government in achieving this. The stability and development of Somalia will help create an environment where both Kenya and Somalia can co-exist peacefully as neighbours, resulting in more peaceful relations in the region.

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The Author Luckystar Miyandazi is a Junior Research Fellow of the African Centre for the Constructive Resolution of Disputes (ACCORD). She holds a BA (Magna Cum Laude) degree in International Relations from the United States International University (USIU) and obtained an MA (Distinction) degree in the same from the Università Cattolica del Sacro Cuore ASERI – Postgraduate School of Economics and International Relations in Milan, Italy. Her research interests include multidisciplinary subject areas such as peace and security in the Horn of Africa, international law and gender.

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Private Bag X018 Umhlanga Rocks 4320 South Africa, Tel: +27 (0)31 502 3908, Fax: +27 (0)31 502 4160
Email: info@accord.org.za
www.accord.org.za