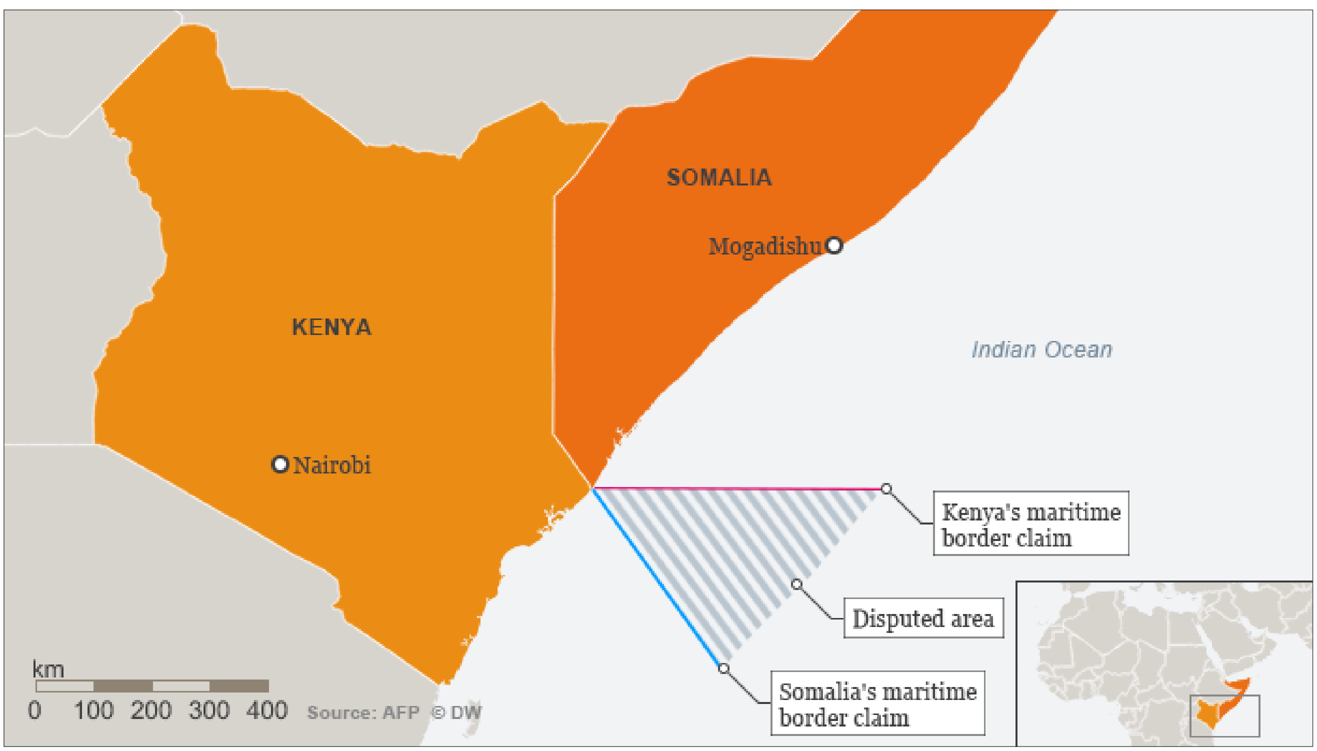
Special EDITION

The Kenya-Somalia Maritime Boundary Dispute Threatens Kenya's Regional Transport and Logistics Hub Ambitions

Edmond J. Pamba

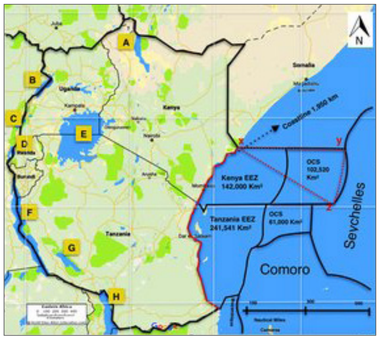
The ongoing maritime boundary dispute between Kenya and Somalia over 62,000 square miles of maritime territory is awaiting determination by the International Court of Justice (ICJ). Overlapping positions by the two countries on their common maritime border are as a result of Kenya's application of straight line delimitation principle clashing with Somalia's equidistance delimitation principle.



The dispute has largely been examined through the political-legal and security-defence lenses, and to an extent, its implications on regional stability. However, Kenya's geo-strategic interests, especially her regional transport and logistics hub ambitions, are imperilled by this maritime dispute with Somalia. The possibility of losing its case at the International Court of Justice (ICJ), means Kenya's access to the sea could become limited by Tanzania's maritime border with Kenya (running along a parallel of latitude) being adjoined, even tangentially, to Somalia's diagonal maritime one.

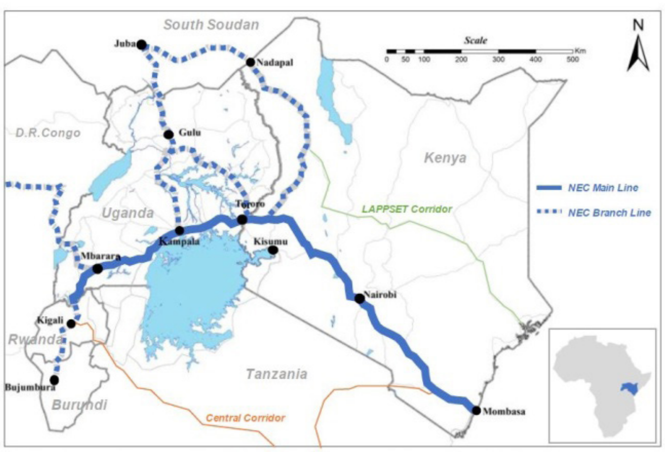
50, Riverside Drive
P. O. Box 27687-00100,
Nairobi – Kenya
+254 720 323 896
+254 720 323 896
info@horninstitute.org
www.horninstitute.org
@HISS2017
@HornInstitute

That be the case, Kenya will still enjoy access to the sea by virtue of international law, which grants the right of (innocent) passage for ships and other naval vessels. The same however, cannot be comfortably said about Kenya's naval vessels, since any navigation beyond the country's farthest waters, will need proper communication between Kenya and her neighbours (Tanzania, Somalia), making it difficult to conduct maritime security and defence routines in peace time. Furthermore, the situation might make Kenya vulnerable to the changing nature of international relations.



Regional Transport and Logistics Risks

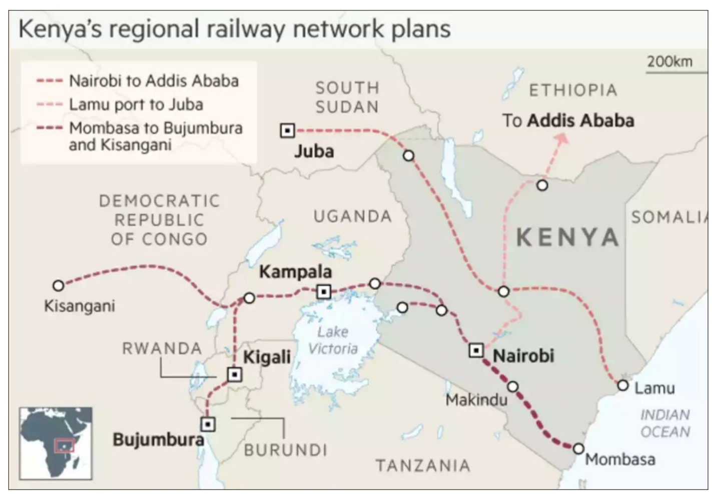
Other geo-strategic risks aside, another significant risk posed by Kenya's probable loss of maritime territory is the loss of the country's traditional role as, and ambitious designs for, regional transport and logistics hub. Kenya's port at Mombasa, connected to the Northern Economic Corridor (NEC) railway network, has historically served landlocked countries in east and central Africa (Uganda, Rwanda, Burundi, Democratic Republic of Congo, and to an extent, Zambia, and Malawi) as shown below.



The Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) Corridor

In 2009, to leverage its geo-strategic position further in regional transport and logistics, Kenya revived the 1975-conceived Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) Corridor project, to unlock Kenya's Lamu Port, and connect Kenya (Lamu), Ethiopia (Addis Ababa) and South Sudan (Juba) through a railway network to the Lamu Port. The Kenyan part of the LAPSSET Corridor project is under construction.

Jointly, the two transport and logistics infrastructural networks link up, with Kenya serving as a synovial joint for the region.



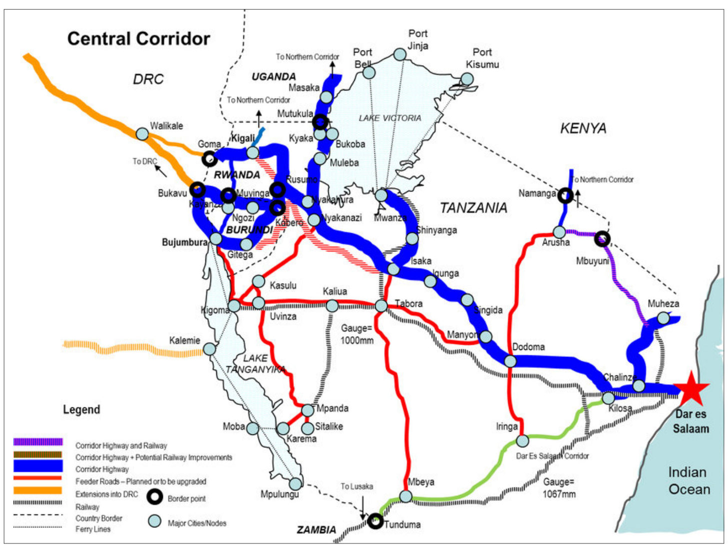
FT graphic, Source: China-Africa Research Initiative

However, prospects for Kenya's regional transport and logistics infrastructure are at being threatened by the low pace at which the LAPSSET project is progressing, regional 'ports competition' spiking between Kenya, Tanzania, Somalia, Eritrea, and Djibouti, and the unresolved maritime dispute between Kenya and Somalia.

Tanzania's Central Corridor

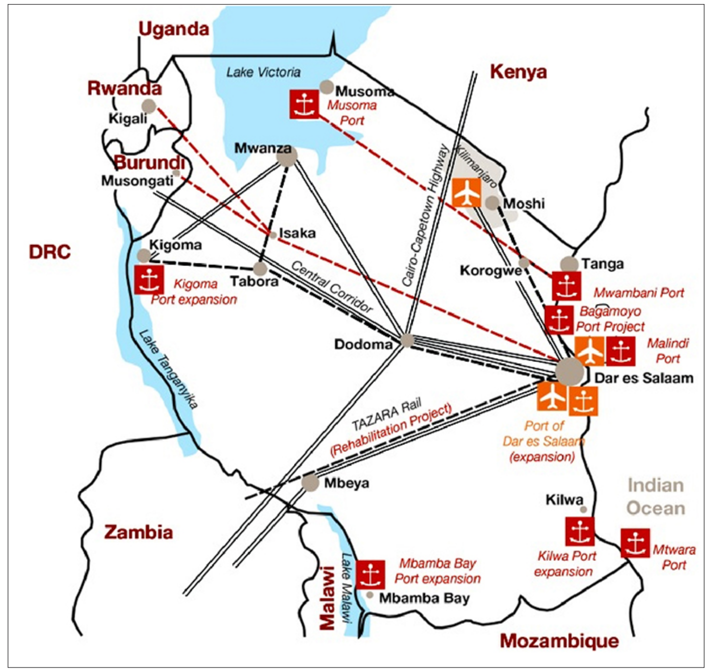
Tanzania provides the Central transport and logistics corridor to landlocked in east and central Africa such as Uganda, Burundi, Democratic Republic of Congo, Zambia, and Malawi, through its Central Line (Railway network), which connects its hinterlands and the region to its ports.

In recent years, Tanzania has increased its investments in its sea port, road, and railway infrastructure. Its ambitious Tanzania's Ports Master Plan (2008-2028) lays out the road map to transforming Tanzania's ports for world class performance. The Tanzania Ports Authority (TPA) is in plans to improve the performance of Dar es Salaam Port, to increase the annual cargo traffic by 30 per cent from 13.5 million tonnes in 2013 to 18 million tonnes by 2015. Dar es Salaam Port is the country's largest sea port, handling over 13 million tons of cargo per year, and accounting for 90 per cent of the total country's import and export volumes, of which 14 per cent is national imports and exports. The rest is cargo for neighbouring lack- countries of Malawi, Zambia, Democratic Republic of Congo, Burundi, Rwanda, and Uganda.



Source: Global Construction Review

Further, Tanzania is in the process of expanding and modernizing another sea port, the Bagamoyo Port, 75km north of Dar es Salaam, into the region's largest sea port to handle about 20 million tonnes per year. The Tanzania-Zambia Railway (TAZARA) built in the 1970s by the Chinese, helps Tanzania link its ports to Zambia and Malawi, competing with South Africa and Mozambique as well, in the Southern Africa Development Community (SADC) region in transport and logistics. Alongside the expansion of the Dar Port, Tanzania is expanding the Tanga Port at a joint cost of USD 1.4 billion, and constructing a dry port at Kisarawe. Part of the Tanzanian transport and logistics infrastructure *vis a vis* Kenya's (existing and planned), connecting with regional land-locked countries appears as shown below.



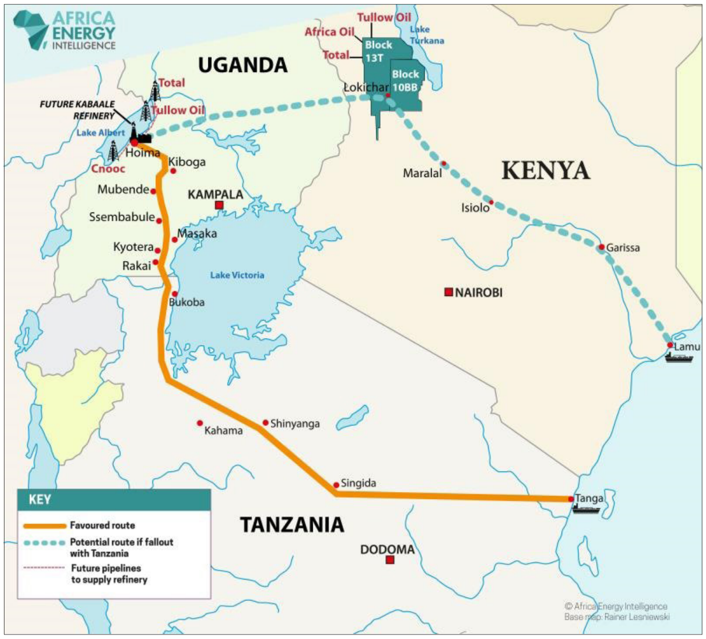
Source: Global Construction Review

With completion of Tanzania's Ports Master Plan (2008-2028), Tanzania might effectively take care of Cross-Atlantic-Indian Ocean trade, and together with South Africa, diminish Kenya's leverage in regional transport and logistics.

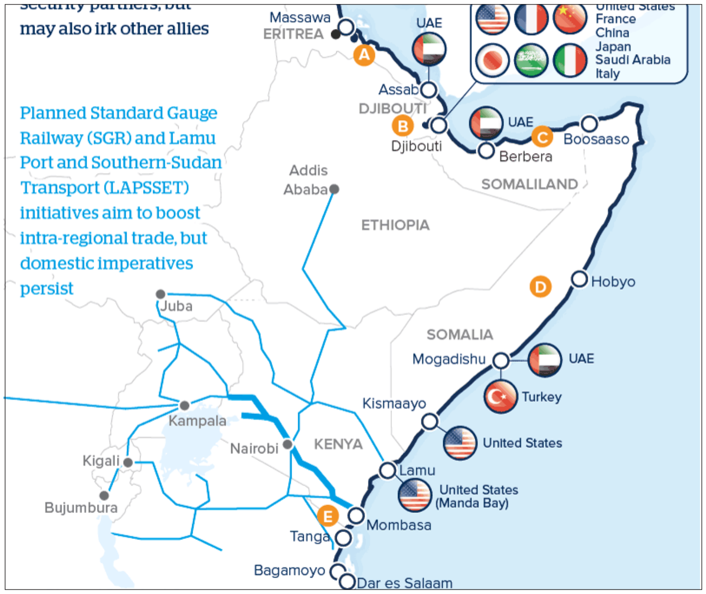
The East African Crude Oil Pipeline

In 2017, Tanzania managed to win Uganda, and the two states are involved in the construction of the 1,445 km East African Crude Oil Pipeline (now also known as the Uganda–Tanzania Crude Oil Pipeline, UTCOP) from Hoima in Uganda to Tanga in Tanzania. This project was initially negotiated between Kenya and Uganda, to be routed from Hoima to Lamu in Kenya. Tanzania is thus proving to compete Kenya's regional transport and logistics ambitions to the hilt.

With tough transport and logistics competition piling to its south-east, Kenya faces yet more competition in the same respects from Somalia, Eritrea, and Djibouti to its north-east. Ethiopia has access to the Red Sea via the Port of Djibouti, connected through a railway line running from Addis Ababa to Djibouti. Further, Ethiopia has share-holding arrangements with the



Source: Africa Energy Intelligence



Source: Tana Forum

United Arab Emirates (UAE) in the development of the Berbera Port in Somaliland in Somalia. South Sudan on the other hand, has last year, expressed the possibility of developing transport and logistics framework with Eritrea, with interest in Eritrea's Massawa Port. However, both countries are partners in the LAPSSET project with Kenya, and are yet to completely commit to the project, especially financially.

Somalia, besides the Berbera Port under development by UAE, offers other ports currently under foreign development such as Kismayu in Jubaland (US), Mogadishu (Turkey), and Bosasso in Puntland (UAE). The ports in Somalia, Djibouti and Eritrea, if developed and modernized to handle heavy cargo, which is possible through foreign capital as seen, might play a significant role in the Arabian Sea-Indian Ocean-Red Sea trade, which accounts for over 10 per cent of global sea-borne trade.

Thus, Kenya still faces tough competition from Djibouti, Eritrea, and Somalia in terms of regional transport and logistics targeted at serving regional land-locked countries such as Ethiopia and South Sudan.

In the event Somalia's claims are granted by the ICJ, Kenya's 'land-lockedness' will be more logistical than physical, and risks eroding her regional and national economic ambitions. However, the next stage of competition, be that as it may, will be that of port and rail modernization for increased efficiency and cost-effectiveness for dependent neighbours. Dry port mechanism is another efficient and effective strategy of edging away from the building competition and Kenya has this year, opened Naivasha for development of dry ports, to Uganda and South Sudan. Is Kenya taking care of all these eventualities and securing its leverage through its new drive towards dry ports? If not, its current maritime border dispute with Somalia is likely to cause geo-strategic seismic shift and advantage to Somalia, Tanzania, Djibouti and Eritrea, should Kenya's defence at ICJ prove unavailing.

About the Writer

Edmond J. Pamba

Pamba is a Research Assistant at the HORN Institute. He holds a Bachelor of Arts in International Relations and Diplomacy from Maseno University (Kenya). His areas of interest include international Security, Terrorism And Counter-Terrorism, International Law, International Political Economy, Global Governance and Globalization, Diplomacy and Foreign Policy, Regional Integration, International Trade and Migration Development.

He can be reached at edmond@horninstitute.org