ABSTRACT

Military intervention has attracted a lot of scholarly attention in the recent past, with many scholars interested in interrogating the motives and justifications for the practice. Many of these studies have mainly focused on military intervention externally rather than the involvement of the military in internal security operations. By examining the rationale and dynamics of Kenya Defence Forces' (KDF) interventions, this study sought to put forward a prism for internal military intervention based on normative principles of military intervention short of war and justified under existing legal frameworks. The study analysed, the Shifta campaigns (1964-1967), Operation Okoa Maisha (2008) and the ongoing Operation Linda Nchi, in which the KDF interceded to explain how and why it was necessary for it to intervene in these internal disputes which should have been within civil police jurisdiction. The study was guided by the military centrality theory, the theory of securitization and the just war tradition. The military centrality and securitization theories explained circumstances warranting military intervention while the just war theory addressed issues relating to the right to intervene, the right conduct in operation and concerns of justice after the intervention. The conduct of the interventions were assessed against international norms and rules of military engagement. The study utilized both exploratory research and historical research design. The target population was subject to stratified and purposive sampling. Primary data was collected through oral interviews and Focused Group Discussions from a sample size of 210 informants. Collected data was grouped, and corroborated with archival and secondary data and presented using the qualitative research techniques in themes corresponding with the objectives of the study. From the analysis, this study found that there are many normative principles guiding internal military operations. However, operational challenges faced by the military may result in violation of human rights and other constitutional contravention which are often condemned by civil society organizations. Amidst these criticisms, the KDF was legally justified to intervene under the provisions of the UN Charter and the Constitution of Kenya. The major proposition of the study was that, although military interventions may not enlist local support, they are more decisive in ending disputes. As such, the state should not hesitate to deploy her military when such crises occur. However, caution must be taken to ensure that military interventions are conducted strictly in line with the existing normative principles of conduct of hostilities to mitigate excessive use of force.