

KENYA-UGANDA TRANSBOUNDARY DISPUTE RESOLUTION MECHANISMS WITH REGARD TO PROMOTION OF BILATERAL ECONOMIC SECURITY MANAGEMENT

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Transboundary disputes over Lake Victoria between Kenya and Uganda concern resources in the marine zone. This transboundary conflict has had a negative impact on managing economic security since it has not been adequately addressed in resolutions. This study evaluates the strategies for resolving transboundary disputes between Kenya and Uganda in light of strengthening bilateral economic security management. The study was influenced by the structural-functionalist philosophy, social conflict, and John Burton's theory of conflict resolution. The research design used in the study was descriptive. The samples were chosen using simple random sampling methods and purposive sampling techniques. Philosophically, the work provided a foundation for future research and helped us comprehend transboundary issues and how to manage them. Findings indicated that mediation and conciliation were the most used mechanism in resolving disputes in Lake Victoria. However, this approach has not reach zenith as far as managing dispute between Kenya and Uganda is concerned. The study recommends that, sensitization programs tailored towards effective dispute management be put into place and awareness programs disseminated along contested boundaries. In this regard, economic security management will be bolstered well.

Key words: *Bilateral economic security, dispute resolution mechanisms*

1. INTRODUCTION

Lake Transboundary disputes with regard to It is not a recent development to manage the economic security that comes with natural resources. Northeast Asian nations are nevertheless embroiled in enduring maritime and transboundary conflicts that have so far resisted resolution. These latent conflicts persist even if they are not necessarily aggressive or violent and contribute to obstruct peaceful resolution [1].

In Eastern Africa, where tensions are high and possible natural resource finds on lakes are frequent, border delimitation disputes are widespread. Transboundary disputes over Lake Victoria have already appeared. A good example of this is the dispute that erupted in 2009 between Kenya and Uganda over the latter's right of access to Lake Victoria's fishermen. Others include border clashes between Uganda and the Democratic Republic of the Congo (DRC) over the oil-rich Lake Albert region, which occurred in 2008, and the border incident between Eritrea and Djibouti in 2007. These instances show that border disputes are becoming more common. Along with the possibility of armed conflict, undelineated, porous, and uncontrolled borders are being used for nefarious cross-border activities that put national sovereignty at risk and disturb regional politics.

Local communities are excluded from possibilities to profit from the exploitation of the natural resources in their area in these transboundary conflicts, which heightens the level of hostility. By denying access rights to less powerful people who might be disregarded in the administration of these resources by interested countries, the economic worth of Lake resources is put at risk [2]. Okumu's [3] paper summarizes how Lake Transboundary disputes effect economic security management. While the author's study examines the issue of improved management of transboundary resources, it disregards discussing the management of stakeholders' economic security.

Economic security is jeopardized as some parties' access rights to the resource decline. To settle the disagreement, officials from the various ministries of the three countries; Specifically, Kenya, Uganda, and Tanzania met in November 2008 and decided to mark Lake Victoria's borders with light beacons. However, little progress was made until fighting broke out over Migingo Island in 2009, which nearly led the two neighbors to war. Migingo, one of the several islands in Lake Victoria, is just about half an acre in size and is made up mostly of bare rocks. However, it is situated in a fish-rich area of the lake and is a significant source of livelihood for thousands of Kenyan

fishermen, particularly in western Kenya along Lake Victoria. This indicates that those who depend on fishing in Lake Victoria have had their economic well-being affected by the transboundary issue. Were (4) contends that:

“The utilization of the natural resources of Lake Victoria as regional commons is, however, pursued at the behest of vested local and national interests including those of external actors based in the Eastern Africa region, Americas, Europe and Asia. The combined actions of local and external actors have impacted negatively on the size and quality of the stock of the natural resources of the Lake. National interests thus tend to have an overbearing influence on the magnitude of resource exploitation and to a great extent are largely driven by the ever-growing global and regional forces of demand for the resources of the lake. Lake Victoria thus suffers not only from a conspiracy of convergence and divergence but also conflicting national interests and regional demand for its resources.”

Despite dangers to their economic stability, Uganda and Kenya have unable to reach a consensus on how to demarcate Lake Victoria in order to establish the territorial limits of each state there. This goes to the heart of both nations’ foreign policies and ties. Okoth [5] argues that despite the fact that there are various

definitions of Kenyan foreign policy, they are all significant since Kenyan foreign policy is dynamic. Okoth [6] defines foreign policy as the set of tools at a nation’s disposal to shape its behavior beyond its borders and promote territorial integrity inside and between nations. Okoth’s claim, however, does not fundamentally address economic security in the international relations between the two countries.

Obonyo et al. [7] advised that: “Cartography should always be used to settle territorial disputes between countries instead of going to war” in their proceedings article : “Cartography as a tool for Conflict Analysis & Resolution for Mgingo Island Ownership Dispute.”

Further, Okoth *et al* [8], in their book “*Peace Security and Development in the 21st Century Africa*,” reaffirms the importance of peace for East African Economic Integration. Both Kenya and Uganda are included in discussions about economic security. Thus, there is a lack of research on the potential threats to economic security posed by transboundary disputes over the very economic value of transboundary resources. Mechanisms for resolving cross-border disputes between Kenya and Uganda are analyzed in terms of their potential to strengthen bilateral economic security management.

1.1. Statement of the Problem

Disputes over Lake Victoria's resources are a classic example of resource utilization over the long term, involving not just private parties but also state institutions and local populations as the issue has expanded to include fishing access [9]. Were [10] explains that the fair distribution of Lake Victoria's water supplies was never an issue before a confluence of forces turned it into one. The proliferation of the issue followed the establishment of fish processing plants along the beaches of the lakes in Kenya and Uganda. Despite the adoption of severe containment measures, particularly from the Ugandan side of the lake, there is an increase in fishing pressure and a drop in catches in Kenya and Uganda, resulting in economic risks exacerbated by intense competition over shared resources, such that some stakeholders are refused access to fishing. As a corollary, unsettled maritime boundaries can easily disrupt bilateral relations and even global stability. Local economies that rely on the Lake's fisheries could be harmed if disputes over ownership or use of fishing spots escalate. As a result, the recurring violence, the murder of fishers, and the falling catches of Nile perch are all signs of ineffective management of the economic security of these shared lake resources [11]. For instance, the Kenyan and Ugandan governments'

co-management of Lake Victoria is only one example of a dispute settlement process that has yet to produce significant results. This research evaluates the effectiveness of transboundary conflict settlement processes between Kenya and Uganda in fostering mutually assured economic security.

1.2. Objective of the Study

To assess Kenya-Uganda transboundary dispute resolution mechanisms with regard to promotion of bilateral economic security management

1.3. Research Question

What are the transboundary dispute resolution mechanisms between Kenya and Uganda with regard to promotions of bilateral economic security management?

1.4. Justification of the study

1.4.1 Academic Justification

A number of scholarly works have examined the transboundary conflict between Kenya and Uganda over Lake Victoria. Were [12] study situates the controversy over transboundary natural resource management within a political and international affairs framework. His research examines how the state, ideology, and power imbalance surrounding Lake Victoria's resource management and exploitation affect the concepts of transboundary natural resource management.

Wekesa [13] criticizes that view by stating that the Lake Victoria conflict is more than just a fight over Kenyan and Ugandan sovereignty; it also shows how declining economic fortunes have a significant impact on political responses in the region. The Migingo conflict revolves around fishing and, more specifically, the decline of fish populations in Migingo Lake. As a result of the present fish shortage, the fishing sector in Kenya and Uganda is struggling. The Nile Perch of Lake Victoria is in high demand, both domestically and abroad, but there are currently not enough to meet the demand. Okumu [14] agrees that the dumping of industrial and urban effluent from Kisumu, Kampala, and Mwanza into the lake poses the greatest threat to the lake's resources. This type of fishing is responsible for the depletion of a wide diversity of marine species. In contrast to prior research that has concentrated on transboundary natural resource management and the politics surrounding disputes in border areas, the present investigation has instead centered on the management of economic security in connection to transboundary conflict.

1.4.2. Policy Justification

Several studies have examined the transboundary conflict between Kenya and Uganda over Lake Victoria. Were [15] suggests

policy guidelines for managing transboundary resources by situating the conflict around such management in a political and international affairs framework. On the other hand, Okumu [16] and Wekesa [17] research investigated the political security component of this transboundary disagreement, hence centering their attention on interstate relations in the EAC region. The cited works center on dispute resolution strategies backed by regional bodies like the East African Legislative Assembly (EALA), which recognized a bilateral issue between Kenya and Uganda [18]. Instead of delegating border management to political elites and the central government, these policies exclude the communities that are on the front lines of border control. While earlier research has focused on transboundary natural resource management and political security concerns, this study instead examined broader dispute management procedures or policy guidelines between Kenya and Uganda, with a focus on economic security management.

1.4.3. Philosophical justification

Natural resource existentialism provides the theoretical foundation for this research. As a matter of fact, resource exploitation and consumption have occurred throughout Kenya and Uganda's history, with exploiters adopting a

cornucopian perspective, the belief that resources are inexhaustible, and hence, the contention to own. In contrast to ages past, when exploitation was limited to a certain region, today's exploitation is a worldwide phenomenon. There are suggestions, for instance, that overfishing has altered the Lake Victoria environment by wiping off some fish populations.

As a result, the significance of this study cannot be stressed enough. The study is important because it laid the groundwork for further investigation and contributed to our knowledge of transboundary disputes and their management.

2. LAKE VICTORIA TRANSBOUNDARY DISPUTES AND ECONOMIC SECURITY MANAGEMENT BETWEEN KENYA AND UGANDA

Land disputes can be broken down into two distinct types: territorial functional disputes and positional issues. When one country lays claim to territory that legally belongs to another, a territorial conflict arises. This form of disagreement can be further subdivided into irredentist and non-irredentist conflicts [19].

The African states that accepted the preexisting colonial boundaries in principle and hence desired the maintenance of the status quo were regarded as having a non-irredentist policy. This unfortunately did not

preempt boundary issues, as some disputes occurred due to interpretation of papers delimiting the borders and their specific physical position. On the other hand, positional border conflicts occur when the borders of two states are ambiguous. The Lake Victoria controversy fits in this category. The cite boundary classification on boundary conflicts is however flexible as the various categories can also be turned into any of the other boundary types. This research classifies transboundary disputes as positional conflicts. While this conflict may be a contributing factor to the aforesaid issue 20, it is not investigated in this study how the dispute has affected economic security management of the Island. Transboundary disputes between Kenya and Uganda are thus mostly territorial in nature. Kenya-Uganda transboundary disputes are the most intricate, most extensive and historically charged of all border disputes. Natural resources, such as water, rivers, and the transportation network, as well as ethnicity, language, religion, culture, and a sense of belonging, have traditionally been brought up [21].

Ojo [22] contended that the border between Kenya and Uganda was one that severed ties between peoples who had previously shared a common cultural background. Luyha, Iteso, Sabaot, Pokot, and Luo communities were all divided by the

border. When Uganda and Kenya gained their independence in 1962 and 1963, respectively, they faced substantial difficulties in managing their borders on both a global and domestic scale. Ochwada [23] asserts that the OAU charter put a lot of emphasis on the idea of territorial integrity and not getting involved in the internal affairs of member states. Sovereignties of nations and made-up national political communities had to be established, and inherited borders provided the perfect framework for doing so. In contrast to other studies that have concentrated on economic security management, this one is narrowly focused on border control.

Kenya and Uganda have not only complied with the 1964 Organization of African Unity resolution to retain the status quo of the borders they received upon independence, but they have also adhered to the survey and demarcation made following the 1926 Colonial Order. However, there is no international boundary agreement between the two nations. Aseka [24] believes that territorial transformation is typically a difficult process, with significant economic consequences for all parties involved, including local residents, regional economies, the global economy, and the particular governments involved.

The resources of Lake Victoria are contested territory because of a failure to properly define, demarcate, and maintain the border between the

two countries. The British colonial authority paid less attention to the line between Kenya and Uganda than it did to the borders with Belgian Congo, German Tanganyika, Italian Somalia, and Ethiopia, according to the history of Kenya and Uganda. It was possible for Kenya and Uganda to unite since both countries had previously been administered by the British as part of the East Africa colony and Protectorate. Territorial transfers occurred between the two countries between 1902 and 1970 for a variety of reasons, including tribal unity and administrative ease. Therefore, the lack of economic security management is of concern to the vast majority of stakeholders, and it is this factor that has led to the conflict at the border [25].

Therefore, autonomous regimes avoided making any policy choices that could deal with cross-border issues and people by maintaining the legality of these borders as territorial markers and separators, citing the sovereignty argument as their rationale. However, the statist policy decision was unrealistic because of the porous character of borders, which is visible in the normal economic, cultural, and political activity of border communities. Culture clashes along the border sparked a variety of informal (and sometimes clandestine) activities that undermined the authority of the state and cut off its ability to collect taxes [26].

As a result of these concerns, both Kenya and Uganda are eager to establish their respective claims to the lake's resources, which are used by roughly 200 persons (mostly fishers) and include a docking station for the profitable fishing point that stretches well into Uganda's territory. The ongoing conflict over the tiny one acre piece of island is symptomatic of the deeper ramifications generated by the contentious legacy left behind by the British colonialists who drew the boundaries between Uganda and Kenya. Although colonial administrative boundary lines served their purpose at the time, they are now obsolete [27]. While it is true that globalization has altered the role of borders, the findings of this research do not suggest that this has jeopardized the security of our economic resources.

Therefore, the transboundary conflict between Kenya and Uganda over Lake Victoria's resources has an impact on the ineffective management of economic security to some level. However, competition over dwindling fish stocks in Lake Victoria is a major source of contention over the lake's resources because of the negative impact on economic security that this trend has. The situation has escalated since the state plays such a vital role in allocating resources. The abundance of Nile perch fish and the strategic

location of the islands on Lake Victoria are two of the main factors that have caused the lake to become a source of conflict. This poses a threat to the more over 35 million residents of the region's riparian villages whose economic well-being is directly dependent on the lake [28].

2.1. Transboundary Dispute Resolution Mechanisms and Bilateral Economic Security

According to Ikome [29], a major contributor to political instability and dispute between African nations is the sloppy drawing of boundaries between them. The original colonial borders have been debated for a while, but no one in power can seem to come to an agreement. To avoid the potential anarchy and instability that could result from boundary contests, it was decided to maintain the status quo [30]. Nonetheless, border disputes have persisted across the continent over the course of the previous century due to the porous nature of borders and the absence of appropriate delimitation and demarcation. According to Karen and Hooge [31], cross-border disputes in Africa are difficult to resolve because of the region's unequal distribution of resources. The Horn of Africa, the Great Lakes region, and West Africa have all seen national disputes due to poor governance. According to Karen and Hooge [32], one of the

key reasons why regional integration in Africa is progressing so slowly is that countries there tend to overlook border areas while providing infrastructure and core state services.

Therefore, there is a growing connection between regionalism and dispute settlement since regions are developing their own dispute settlement mechanisms to compete with international organizations. In terms of regional courts, this trend could not be clearer. Common legal issues may find resolution in regional courts. Countries and peoples all over the world have voiced concerns about the disproportionate power of European and American actors in international organizations. Countries might develop their own independent legal system with the help of regional courts. To many, the establishment or expansion of a regional court's jurisdiction is a necessary component of any credible regional institution, a sign of political will, and an assurance that the current dedication to regional organization is distinct from past attempts at regional organization that ultimately failed. Indeed, the rise of a new type of international organization (IO) – the general-purpose organization – is a necessary condition for judicialization. IOs are general-purpose jurisdictions since they deal with a wide variety of issues for a limited number of

transnational communities of states [33]. They cover a wide range of issues and have far-reaching policy implications, from culture and the environment to human rights and migration. They may even address issues of trade and security. General purpose IOs are characterized by open-ended obligations, which can be made more clear with the assistance of supranational courts [34].

Article 33(1) of the United Nations Charter does not prioritize the many means of peacefully resolving international conflicts. However, negotiation is the primary method for resolving any international conflict. Practically speaking, discussions between the parties involved in a disagreement are called “negotiation,” and it is by far the most common method of conflict settlement. This method of diplomatic conflict resolution stands out from others since it does not involve a neutral third party. Typically, negotiations are handled through established diplomatic channels (foreign ministers, ambassadors, etc.) Negotiation is used to try to avoid disagreements from occurring in the first place, and it is also commonly employed as a first step in other forms of dispute settlement.

In the Free Zones of Upper Savoy Case, the French government invoked the principle of *rebus sic*

stantibus (things as they are) and emphasized that the principle does not permit unilateral repudiation of a treaty on the grounds that it is no longer in effect. Switzerland, on the other hand, contended that there was disagreement over this theory and denied the existence of a legal right to the termination of a treaty due to altered circumstances that could be enforced by decisions of a qualified tribunal. The Permanent Court of Arbitration (PCIJ) noted that diplomatic conversations should have clarified the nature of a dispute before it could be the basis for legal action.

Moreover, if there is a will and negotiating is flexible, it can be completed quickly. However, negotiations are not always the best strategy to resolve international conflicts. Since impartial third parties rarely participate in talks, there is no fair mechanism for settling contentious matters of truth. This also means that there are few brakes on a disputed state's ability to make outrageous assertions, especially in situations when it has substantial bargaining strength. In addition, states have the option of denying the existence of a dispute and often attach conditions to any negotiations. If parties to a disagreement refuse to engage in any form of communication, it is manifestly impossible to negotiate. When states have serious disagreements, they

often break diplomatic connections. This is especially prevalent after resorting to violence. Some well-known instances are the breach in ties between the United States and Iran after the 1979¹⁸ seizure of the embassy in Tehran and the split in ties between Britain and Argentina following the invasion of the Falkland Islands in 1982. If there is a large difference between the parties' viewpoints in negotiations and no shared interests to bring them closer together, progress will be slow. When there is a disagreement over territory, for instance, the party in control may feel there is no need to negotiate. This may be the reason why Uganda prefers not to negotiate a resolution to the issue over Migingo Island. There can be no substantive compromise in a disagreement where one side insists on its legal rights while the other side, realizing the weakness of its legal position, seeks settlement on some other ground. It may be challenging to negotiate a procedure, such as an agreement to refer the disagreement to arbitration, without appearing to favor one party over the other. The dispute between Kenya and Uganda over Migingo Island could be heard and decided by the East African Court of Justice (EACJ), but the court lacks the expanded jurisdiction necessary to do so at this time.

3. CONCEPTUAL FRAMEWORK

Wasike and Odhiambo [35] state in their paper A critique of the efficacy of theories in understanding sociopolitical phenomena that everyone employs theories, whether or not they realize it. The use of causal explanations is essential while conducting data analysis. Nonetheless, theories frequently lack the clarity required to formulate and implement judgments. Therefore, policymakers tend to disregard the significance of theories. The intricacy of modern international politics defies reduction to any one theory.

Theories of international relations attempt to shed light on the aims and timing of governments' foreign activities. There are several parts to a theory. They diagnose, forecast, prescribe, and assess. But Smith [36] maintains that not all theories can be used to make predictions or provide simple explanations. They reveal the range of options open to us as agents of change. Our ethical and practical horizons, as well as our capacity to explain the world, are defined by these frameworks. For instance, according to international relations theory, politicians who had lost control of events were partly to blame for the outbreak of war because of their misinterpretations, miscalculations, and recklessness.

3.1. Social Conflict Theory

Social conflict theory has its origins in the writings of Karl Marx [37]. This theory examines social conflicts through the lens of class differences, highlighting the competition between social groupings for limited resources. Dominance by one group over another is seen as the most crucial factor in maintaining social order in this idea. Conflicts, both actual and potential, exist in every community.

The hypothesis helps shed light on how the wealthy in society exploit the weak and gain access to Lake Victoria's resources. Dispute, complement, conflict, power, inequality, and exploitation are essential ideas refined by this viewpoint. According to Karl Marx, the fundamental conflict of interest between a society's dominant and subordinate sectors grows in proportion to the pace or degree of inequality in the allocation of comparatively available or scarce resources. When the underclass (the proletariat) learns more about how the system really works, they may begin to doubt the fairness of how resources are now divided up.

This theory has been challenged for a number of reasons, including its clear political intentions and the fact that it places too much focus on inequality and separation while ignoring the fact that individuals of a society can become united through

shared values and interdependence. Another criticism is that, like structural functionalism, it has a very macro perspective on society and ignores the micro-level realities of social life [38].

3.2. The Structural-Functionalist Theory

Parsons [39] is a strong advocate for this line of thought. The theory seeks to clarify the origins of both healthy (resulting in positive outcomes for both individuals and society as a whole) and unhealthy (contributing to the opposite) social interactions amongst various social components (meaning having negative consequences). The importance of social consensus, social order, structure, and function are emphasized.

According to the structural-functionalist idea, people will conform to the established order of things in any given society or organization. Disagreement and instability are brought about by any organizational restructuring. Then, to keep things steady for everyone involved, conflicts should be kept to a minimum. The theoretical framework is reflective of a systemic approach in which all components have a specific purpose. According to this theory, disagreement is pathological; it spreads like a disease through a society and undermines its ability to function normally. This method focuses on elements that will keep the organization functioning smoothly and harmoniously [40].

According to structural-functionalist theory, our social lives are directed by social structure, which are relatively stable patterns of social behavior [41]. This theory views society as a complex system whose pieces work together to produce solidarity and stability. The workings of a society can be deduced from its social structure, which is best described in terms of social function.

3.3. John Burton's conflict resolution theory

Burton [42], the founder of the University of London's Centre for the Analysis of Conflict, after organizing problem-solving workshops in Cyprus and Sri Lanka, contributed to the global dissemination of conflict mediation techniques. Based on a synthesis of the fundamental ideas that make up "human needs theory," Burton developed a framework for analyzing and resolving disagreements.

The premise of this study is that the termination of violent conflict is contingent upon the satisfaction of fundamental human needs. Burton recognized eight universal wants and added a ninth based on the work of American sociologist Paul Sites. The standards that were ultimately embraced included things like control, justice, stimulation, sense of purpose, general acceptability, and logic. Additional requirements for Burton were the need to guard one's social standing. Burton called these wants "ontological needs" because he believed they were universal to

all humans and would be pursued no matter what the cost.

Instead of a disagreement about principles that may be negotiated on, as he defined a “dispute,” a “conflict” is an action involving one or more of these basic human needs. Burton distinguishes conflict resolution from conflict management and conflict settlement, two related but distinct concepts. Burton argues that while settlement might help alleviate some of the symptoms of conflict, resolution can address the root causes of the underlying tensions.

The literature on conflict resolution provides a synopsis of the various methods available for dealing

with disagreements. Conflicts can be settled in a number of ways, including through force, avoiding conflict altogether, arbitration, adjudication, negotiation, mediation, compromise, and reconciliation. Reconciliation is the most cooperative and mutually participatory approach, whereas coercion is the least. Which of these two approaches – coercion or reconciliation – was more successful in ensuring the economic security of Kenya and Uganda? The research showed that there was a wide variety of methods to reconciliation, and that Kenya and Uganda would profit the most from pursuing it.

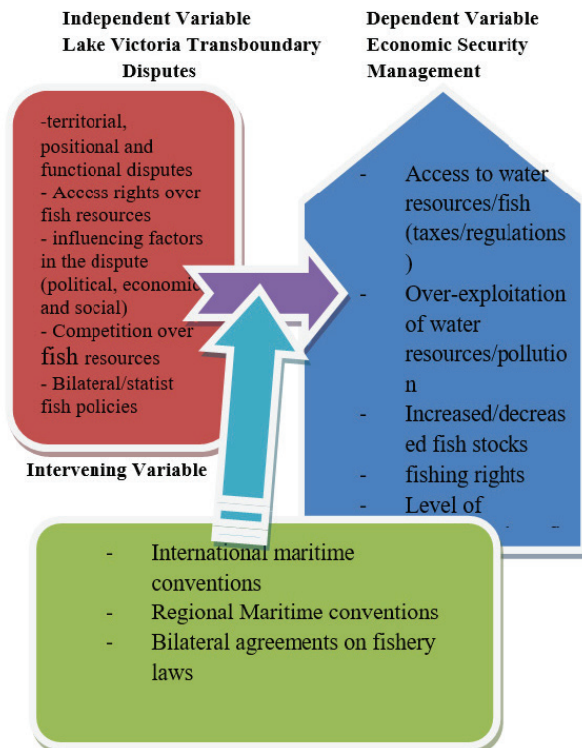


Fig.1 Showing Interaction of Variables
Source: Researcher, 2022

4. RESEACH METHODOLOGY

4.1. Research Design

The nature of Lake Victoria transboundary disputes and the management of economic security between Kenya and Uganda were examined using a descriptive study design. A descriptive survey collects data at a certain point in time to describe the nature of an existing condition or to discover the relationship between specific events. According to Mugenda and Mugenda [43], descriptive survey data are gathered via questionnaires and an interview schedule. The objective of descriptive research is to provide an accurate description of certain phenomena, such as transboundary disputes and economic security management. It also describes the impact of frequency or occurrences on the proportion of a population's members who share particular beliefs or characteristics.

4.2. Research Area

Lake Victoria is the second-biggest freshwater body in the world and the largest in Africa, with a surface area of 68 800 km². The majority of the lake, 35 088 km² (51%), is located in Tanzania, followed by 29 580 km² (43%), and 4128 km² (6%), respectively, in Uganda and Kenya. The length of the lake's shoreline is 3,450 kilometers: 1,150 kilometers (33 percent)

are in Tanzania, 1,750 kilometers (51 percent) are in Uganda, and 550 kilometers (16 percent) are in Kenya. The lake's fishery is dominated by three species: Nile perch (*Lates Niloticus*), Nile Tilapia (*Oreochromins Niloticus*), and Mukene/ Dagaa/ Omena (*Ratrineobola argentea*), however there is an emerging haplochromine fishery, particularly in the Tanzanian portion of the lake. As follows is how the captures are utilized: Nile Perch is exported at a rate of almost 50%, Nile Tilapia is utilized mostly for domestic consumption and regional exports, and Dagaa is used predominantly in the manufacturing of animal feeds at a rate of roughly 70% [44].

Fishing occurs in coastal locations, however Nile Perch fishermen are venturing into deeper waters with diminished catches. The lake has 1,535 landing locations, 76,929 fishing canoes, and 219,919 fishermen. The fishery is open to fishermen from the fishing towns, as well as those from the rest of the country, so long as they meet the necessary requirements, such as registering with Beach Management Units, possessing authorized fishing equipment, and paddling seaworthy canoes. Kenya and Tanzania prohibit non-citizens from possessing fishing canoes, however in Uganda, non-citizens can pay a specific charge to obtain a fishing license [45].

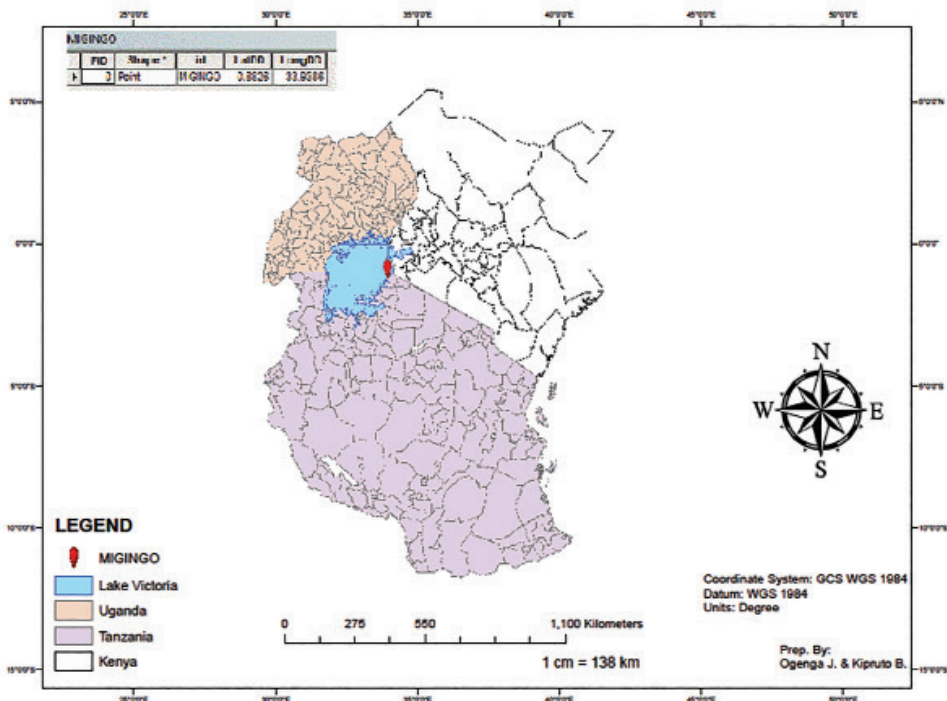


Fig. 2 Map of Study Area
Source: Researcher, 2022

4.3. Sampling Strategy and Sample size Determination

The researcher utilized the formula provided by (Mugenda and Mugenda [46] to determine the sample size. While determining the sample size of subgroups, the Borg and Gall formula [47] was utilized.

188 informants were assigned to government officials (security personnel and directors of intergovernmental organizations). The sample size was determined using a simple random sampling technique; the lottery method. This is the most popular and straightforward

way. In this method, each object was numbered on a separate sheet of paper of the same size, shape, and color. In a box, they were folded and mingled. A selection will be made blindfolded. This was done until the target sample of 98 humanitarian officers and 98 government officers was collected. After acquiring 196 from fishermen and fish merchants, the researcher distributed them in Lake Victoria using purposive sampling. Simple random sampling is a suitable technique since it assured that all sampled fishers, fish sellers, security officers, and directors of

intergovernmental organizations had an equal chance of being included in the samples that generated data with a statistically established margin of error [48].

4.4. Data Collection Methods

Primary data was collected from the field through structured questionnaires, interview guides, observation checklists, focus group discussions, and document analysis. The researcher was able to circumvent the weakness that arises from employing a single data gathering approach by utilizing multiple data collection methods [49]. The researcher collected both primary and secondary data types to provide insight into the interaction between quality management systems (numerical and string data). The researcher visited the sampled community and provided a concise explanation of the study's purpose. The researcher gathered secondary data by analyzing relevant books, conflict journals, international marine laws on water resources in EAC, and internationally linked legislations and government papers. The researcher attempted to investigate whether the nature and intent of the aforementioned documents would provide further insight on the effects of transboundary disputes on economic security management.

4.5. Data analysis and presentation

The researcher purified the data by listing, removing errors, examining extreme results, and editing to ensure consistency. The results from the group survey were analyzed using SPSS Version 27. A descriptive statistical analysis was conducted on the variables. The qualitative data was examined by combining emerging themes from interviews with key informants, topic analysis, and cut-and-paste techniques on the transcripts of focus group discussions. Utilizing descriptive statistics such as frequencies and percentages, quantitative data was evaluated. The study's findings were presented in the form of frequency tables, pie charts, bar graphs, and narratives.

5. DATA ANALYSIS AND PRESENTATION

5.1. Management mechanisms used in managing disputes in Lake Victoria (Migingo and Mageta Islands)

The study sought to evaluate the management mechanisms employed in managing disputes in Lake Victoria. Out of 355 respondents, 171 (48.17%) stated that mediation and conciliation were the most used mechanism in resolving disputes in Lake Vvictoria. Besides, 111 (31.27%)

respondents reasoned that negotiation and consultation were the mechanism employed in resolving dispute in Lake Victoria while 73 (28.2%) averred that arbitration and adjudication were the mechanisms employed. The results are illustrated in figure 3.

from both countries have played a significant role in reducing the tensions however they have failed to invite non-partisan parties to mediate over this matter. We have had International arbitration bodies giving advisory on how to handle

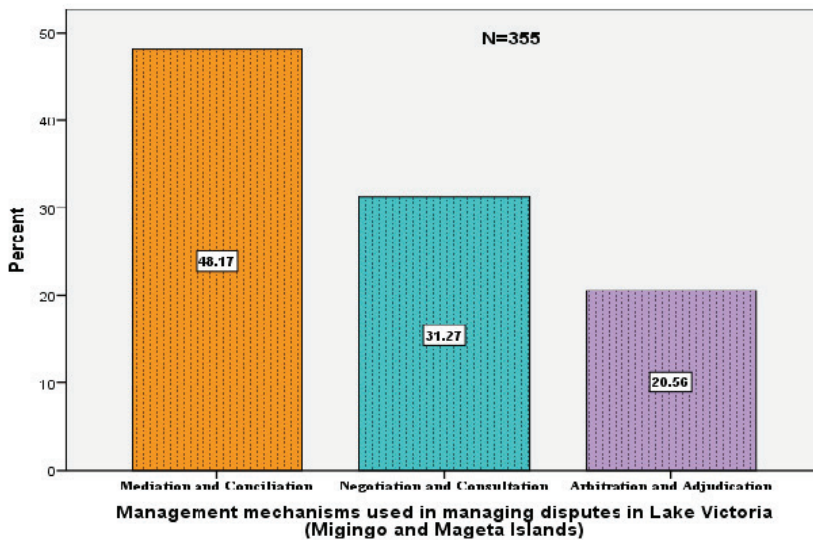


Fig. 3 Management mechanisms used in managing disputes in Lake Victoria (Misingo and Mageta Islands)
Source:Field Data, 2022

These findings were supported by one of the key informants who averred that:

‘We want a neutral party to mediate over Misingo dispute, Kenyan Government, Ugandan government all have vested interest, even Tanzanian government has also been involved in this dispute. In the past ministerial delegation

this dispute. Besides, negotiation and consultative meetings have been conducted. What is lacking, despite numerous efforts in the past, is political good will between Kenyan and Ugandan government. As a corollary, “cooperation through joint mechanism in the form of commission is a critical necessity if the aims are to accomplish equal, rational, and

non-harmful exploitation of the international watercourse.” (Key Interview with Inspekta based at Migingo Island on 6/8/2022).

To underpin these views, Olivia [50] argued that diplomatic options available for peaceful conflict resolution according to the findings include mediation, negotiation, dialogue, arbitration, among others. Some of the respondents might have interchanged the two concepts namely dialogue and negotiation to mean one. Because diplomatic options like Negotiation, Mediation, Arbitration and Dialogue they have almost the same meanings, this could explain the high percentages of the two.

5.2. Effectiveness of management mechanisms of dispute in Lake Victoria

The study sought to assess whether management mechanisms of dispute resolution in Lake Victoria are effective. Out of 355 respondents, the study found out that 31 (8.7%) stated that management mechanisms were very effective, while 51 (14.37%) reasoned that management mechanisms were effective. Besides, 252(70.99%) stated that management mechanisms were less effective and 21 (5.92%) were not sure whether management mechanisms are effective or not. The results are illustrated in figure 4.

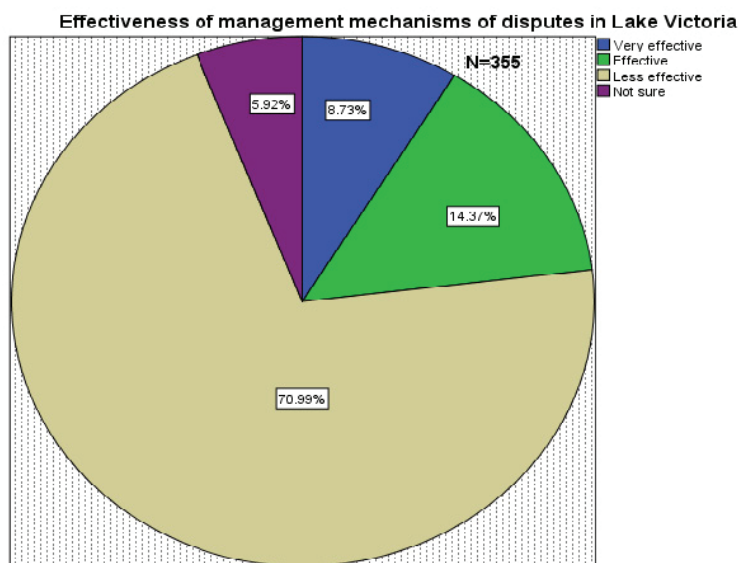


Fig. 4 Effectiveness of management mechanisms in dispute resolution in Lake Victoria
Source: Field Data, 2021

In support of the foregoing results, one of the key informants averred that:

Our counterparts have superior boats for patrol which they use to arrest Kenyan fishermen when they trespass in their waters. We need the Kenyan government to bring superior boats to aid our officers in patrol and arresting Ugandan and Tanzanian fishermen. These fishermen steal our fishing nets, baits and fish. The measures put so far to resolve these disputes have not borne fruit and therefore there is need for better mechanisms adopted resolve this dispute.(Interview with one of the BMU officials at Mugabo Beach,Muhuru Bay,7/8/2022.)

Stakeholders in Kenya's fisheries have linked the lack of effective management by formal and informal organizations and the significant dependence on these resources to the widespread poverty felt by the country's coastal communities. Key management challenges include the widespread use of harmful fishing gear, such as small meshed nets, and the increasing number of fishermen [51].

The Department of Fisheries is responsible for overseeing Kenya's marine fisheries. However, the bureau's capacity for monitoring is inadequate. It was discovered, for instance, that despite a prohibition on beach seines and other forms of harmful fishing gear, the department lacks the necessary resources, such

as patrol boats, to effectively enforce the ban. It was determined that there is just one boat in Shimoni, and its purpose is to travel the entire southern shore. There are too many fishing hotspots for just one boat to reach them all. Also, the department lacks sufficient funds to pay for things like boat fuel. As a result, given the constraints of the available funds, the ship remains permanently moored. The officers stationed at the several locations can't enforce the law without the cooperation of the fishermen, so they have to rely on their goodwill. Therefore, the department needs to be equipped with sufficient patrol boats and funding to enable them to patrol at least the inshore seas, where the majority of damaging fishing devices are utilized. In addition, more fish scouts and fisheries officials are required to supervise the incoming catch from all of the landing sites.

5.3. Whether dispute resolution mechanism focus on historical roots to Migingo and Mageta Island's fishers' plight

The study sought to assess whether dispute resolution mechanism focused on historical roots to Migingo and Mageta Island's fishers' plight. Out of 355,231 (65.07%) stated that dispute resolution mechanism focused on historical roots while 124 (34.93%) stated otherwise. The results are illustrated in figure 5.

Whether dispute resolution mechanisms focus on historical roots to Migingo and Mageta Islands fisher's plight

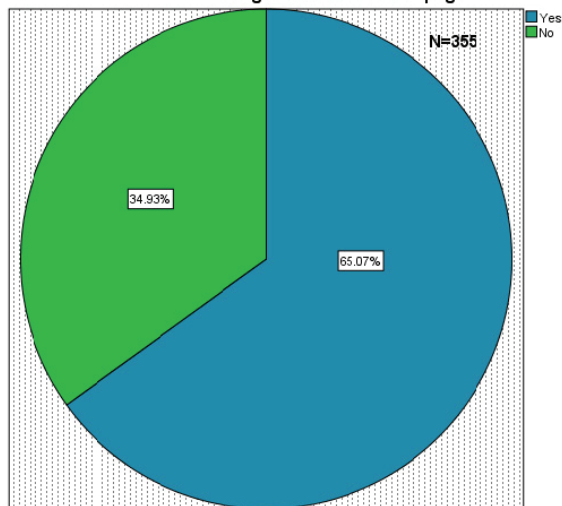


Fig. 5 Whether dispute resolution mechanism focus on historical roots to Migingo and Mageta Island's fishers' plight

Source: Field Data, 2021

Migingo Island has been the source of contention between Kenya and Uganda since 2004. To rephrase, ever since its colonization in 1926, Kenya has occupied and exercised full sovereignty over the little island. If you skim over some of the writings on the topic, you might get the impression that the conflict between the two States has only arisen in the last decade, perhaps as a result of competition for fish and water resources between citizens of the two countries. This disagreement, however, has deeper roots than just competition over fish supplies. It has political and historical undertones. To date, Ugandan authorities have formally claimed eight Lake Victoria

islands that were formally a part of Kenya. Idi Amin Dada, the president of Uganda, took control of Sigulu Island in the early 1970s [52]. Sigulu is the largest and most important of the islands, home to a population of around 10,000 people, most of whom are of Banyala (Luyha) descent.

Those from the Luo ethnic group hailed primarily from Sakwa, Bondo, Uyoma, and Yimbo, while those from the Suba region hailed primarily from the twin islands of Rusinga and Mfangano. Since the early 1970s, Kenyan inhabitants of Sigulu have been able to become naturalized Ugandan citizens, allowing them to vote and hold office in the Ugandan government and in

the Samia Bugwe and Bugiri districts of Eastern Uganda. As Mzee Jomo Kenyatta's administration in Kenya did not issue any diplomatic protests against the annexation, the Kenyan government effectively consented to it. James Osogo, a former member of Parliament for Budalangi and a long-time cabinet minister, was the only person to publicly object to Uganda's annexation of Sigulu Island. Lolwe, Wayami, and Remba are only a few of the other islands that were annexed in a similar fashion [53]. In 1976, President Idi Amin attempted to redefine the borders between Kenya and Uganda, which is instructive to remember. Before the colonial redrawing of borders, Amin claimed all of Kenyan districts that are now part of Kenya to be part of Uganda. Amin claimed that the boundaries of these areas included Naivasha. In his opinion, these regions were the most fertile in all of Kenya and were responsible for creating the vast majority of the country's wealth. However, President Jomo Kenyatta's threat to cut off Uganda's supplies through the port of Mombasa finally got him to back down.

In a subsequent speech, President Amin remarked that Uganda has no designs on annexing any part of the land of her neighbors. He said he had faith in the Organization of African Unity (now the African Union) and that, as its Chairman, he was aware of the OAU July Resolution of 1964,

which solemnly affirmed that all member States promised themselves to maintain the borders existing on their achievement of independence. Amin claimed that he possessed a legal agreement signed by the British Colonial Secretary of State Herbert Asquith, transferring some parts of Uganda to Sudan in 1914 and to Kenya in 1926. He emphasized that he was merely informing his people of the pre-colonial boundaries and was not campaigning for war or advocating for changes. 5 Given this context, it is important to understand the political and historical context of the ongoing dispute between Kenya and Uganda over the possession of Migingo Island.

6. SUMMARY AND CONCLUSIONS

The study sought to assess the management mechanisms employed in managing disputes in Lake Victoria. Out of 355 respondents, 48.17% stated that mediation and conciliation were the most used mechanism in resolving disputes in Lake Victoria. Besides, 31.27% respondents reasoned that negotiation and consultation were the mechanism employed in resolving dispute in Lake Victoria while 28.2% averred that arbitration and adjudication were the mechanisms employed. The study concludes that, dispute management mechanisms have been in existence and that mediation and conciliation

are the best mechanism employed by the disputants. However, this approach has not reach zenith as far as managing dispute between Kenya and Uganda is concerned.

7. RECOMMENDATIONS

The study recommends that, sensitization programs tailored towards effective dispute management be put into place and awareness programs disseminated along contested boundaries. In this regard, economic security management will be bolstered well.

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REFERENCES

- [1] Lee, S & Forss, A., (2011). *Dispute Resolution and Cross-border Cooperation in Northeast Asia: Reflections on the Nordic Experience*, Institute for Security and Development Policy. Stockholm Nacka, Sweden.
- [2] Okumu, W. (2010). *Resources an Border Conflicts in Eastern Africa*", *4 Journal of Eastern African Studies*; 279-297.
- [3] idem
- [4] Were, E. M. (2016). Conflict of Interest in Exploitation and Utilisation of Transboundary Natural Resources on Lake Victoria, *Journal of African Conflicts and Peace Studies* Volume 3 Issue 1: Conflict Prevention & Management Article 1 EME Publishers.
- [5] Okoth, P. G., (1999). Historiography of Kenya's Foreign Policy. *African Review of Foreign Policy*, 1 (1), pp. 65-88.
- [6] Okoth, P. G. (2010). *Kenya and the Contemporary World Order*.
- [7] Obonyo, S., Odhiambo, E.O.S & Ogallo, S.N. (2010) in their published proceedings "Cartography as a tool for Conflict Analysis & Resolution for Migingo Island Ownership Dispute". Centre for Disaster Management and Humanitarian Assistance. Masinde Muliro University of Science & Technology. May 13th -14th, 2010. (ISBN: 9966-779-10-8). *Pp.310-319* Kakamega: Masinde Muliro University of Science and Technology Press.
- [8] Okoth, P.G., Matanga, F.K, & Onkware, K. (201).East African Economic Integration in the Context of post-Modern Pan-Africanism.In: *Peace Security and Development in the21st Century Africa: Theory and Practice*. P G Okoth, FK Matanga, Kennedy, Onkware (2018) (Eds). Nairobi: Finesse Publishing Ltd.
- [9] Owino, O. (2019). The Implication of Conflict over Fishing in Lake Victoria on Uganda- Kenya Relationship (2003-2018).Unpublished Master's thesis, United States International University Africa.
- [10] Were, E. M. (2016). Conflict of Interest in Exploitation and Utilisation of Transboundary Natural Resources on Lake Victoria, *Journal of African Conflicts and Peace*

- Studies* Volume 3 Issue 1: Conflict Prevention & Management Article 1 EME Publishers.
- [11] Warui, D.N. (2013). East African Community and Conflict Settlement: A Case of Migingo Island, University of Nairobi Press
- [12] Were, E. M. (2016). Conflict of Interest in Exploitation and Utilisation of Transboundary Natural Resources on Lake Victoria, *Journal of African Conflicts and Peace Studies* Volume 3 Issue 1: Conflict Prevention & Management Article 1 EME Publishers.
- [13] Wekesa, P. W. (2010). "Old Issues and New Challenges: The Lake Victoria Controversy and the Kenya_Uganda Borderland." *Journal of Eastern African Studies* 4, no. 2 (2010): 331-40.
- [14] Okumu, W. (2010). *Resources an Border Conflicts in Eastern Africa*", 4 *Journal of Eastern African Studies*; 279-297.
- [15] Were, E. M. (2016). Conflict of Interest in Exploitation and Utilisation of Transboundary Natural Resources on Lake Victoria, *Journal of African Conflicts and Peace Studies* Volume 3 Issue 1: Conflict Prevention & Management Article 1 EME Publishers.
- [16] Okumu, W. (2010). *Resources an Border Conflicts in Eastern Africa*", 4 *Journal of Eastern African Studies*; 279-297.
- [17] Wekesa, P. W. (2010). "Old Issues and New Challenges: The Lake Victoria Controversy and the Kenya_Uganda Borderland." *Journal of Eastern African Studies* 4, no. 2 (2010): 331-40.
- [18] Warui, D.N. (2013). East African Community and Conflict Settlement: A Case of Migingo Island, University of Nairobi Press
- [19] Saadia, T. (1969). The sources of Status Quo and Irredentism Policies, Widstrand C.G.' African boundary problems' (Uppsala: Almqvist & Wiksell's Boktryckeri Atiebolag, 1969) p.101 -102 .
- [20] Kornprobst, M. (2002). The management of Border Conflicts In African Regional – Sub Systems: Comparing West African and the Horn of Africa 'The journal of Modern African Studies, Vol.30, No.3. (Sept., 2002) pp.383
- [21] Warui, D.N. (2013). East African Community and Conflict Settlement: A Case of Migingo Island, University of Nairobi Press
- [22] Ojo, O.J.C. (1985). International Actors. In African International Relations, ed. J.C.
- [23] Ochwada, H. (2004). "Rethinking East African Integration: From Economic to Political and from State to Civil Society." Africa Development 29, no. 2.
- [24] Aseka, M. (2005). Pitfalls of Ideology, Social Policy and Leadership in Africa. Nairobi: New EME Research Initiatives & Publishers.
- [25] Aseka, M. (2005). Pitfalls of Ideology, Social Policy and Leadership in Africa. Nairobi: New EME Research Initiatives & Publishers.
- [26] Ochwada, H. (2004). "Rethinking East African Integration: From Economic to Political and from

- State to Civil Society.” *Africa Development* 29, no. 2.
- [27] Owino, O. (2019). *The Implication of Conflict over Fishing in Lake Victoria on Uganda-Kenya Relationship (2003-2018)*. Unpublished Master’s thesis, United States International University Africa.
- [28] Ibidem
- [29] Ikome, F.N., (2012). “Africa’s International borders as potential sources of conflict and future threats to peace and security”, Paper No.233, Institute of Security Studies.
- [30] Ibidem
- [31] Karen J. A and Hooghe, L. (2016). “Regional Dispute Settlement Systems” in Tanja A. Börzel/Thomas Risse (eds.), *Oxford Handbook of Comparative Regionalism* (Oxford: Oxford University Press, 2016:538-558).
- [32] Ibidem
- [33] Goertz, G. and Powers, K. (2012). “Regional Governance: The Evolution of a New Institutional Form”. Paper presented at a Workshop on an International Organization Database, Wissenschaftszentrum für Sozialforschung, Berlin, February 23–24.
- [34] Hooghe, L., Bezuijen, J., Derderyan, S., and Coman, E. (2014). *The Rise of Supranational Courts in International Organizations*. Unpublished manuscript.
- [35] Wasike, S. & Odhiambo, E. O. S. (2016). A critique of the usefulness of theories in explaining socio-political phenomenon. Published by *Asian Journal of Basic and Applied Sciences*, 3 (1), 29-33. Vol. 3, No. 1, 2016 ISSN 2313-7797 <http://www.multidisciplinaryjournals.com/ajbas-vol-3-no-1-2016/>
- [36] Smith, S. (1996) *Positivism and Beyond*. In: Smith, S., Booth, K. and Zalewski, M., Eds., *International Theory: Positivism and Beyond*, Cambridge University Press, Cambridge, 11-44. <https://doi.org/10.1017/CBO9780511660054>
- [37] Marx, K (1983). *The Communist Manifesto*. Penguin Harmondsworth, London.
- [38] Macionis, J. (1997). *Sociology. Sixth Edition*. Upper Saddle River, New Jersey: Prentice Hall.
- [39] Parsons, T. (1957). ‘The Distribution of Power in American Society’, *World Politics* 10: 123–143.
- [40] Macionis, J. (1997). *Sociology. Sixth Edition*. Upper Saddle River, New Jersey: Prentice Hall.
- [41] Ibidem
- [42] Burton, J. (1966). *Conflict and Communication: The Use of Controlled Communication in International Relations*, 1966, p. 15.
- [43] Mugenda, O.M., Mugenda, G.A (2003). *Research Methods: Quantitative and Qualitative Approaches*. African Center for Technology Studies (ACTS)-Press.
- [44] Kolding, J., van Zwieten, P., Marttin, F., Funge-Smith, S., & Poulain, F.

- (2019). Freshwater small pelagic fish and fisheries in major African lakes and reservoirs in relation to food security and nutrition. FAO Fisheries and Aquaculture Technical Paper No. 642. Rome, FAO. 124 pp. FAO. Licence: CC BY-NC-SA 3.0 IGO.
- [45] idem
- [46] Mugenda, O.M., Mugenda, G.A (2003). Research Methods: Quantitative and Qualitative Approaches. African Center for Technology Studies (ACTS)-Press.
- [47] Gall, M. D., Gall, J. P., & Borg, W. R. (2007). Educational Research, 8th Edition. Boston: Pearson Education, Inc.
- [48] Mugenda, O.M., Mugenda, G.A (2003). Research Methods: Quantitative and Qualitative Approaches. African Center for Technology Studies (ACTS)-Press.
- [49] Denzin, N. (1989).The Research Act, Chicago: Aldine.
- [50] Olivia, O. (2019).Unpublished Thesis “The Implication of Conflict over Fishing in Lake Victoria on Uganda-Kenya Relationship (2003-2018). United States International University Africa
- [51] United Nations Institute of Peace (2007). Natural Resources, conflict and conflict resolution. A publication of United Nations Institute of Peace, Washington, DC, (September).
- [52] Musinguzi, B. (2011).The Day Idi Amin Wanted to Annex Western Kenya“ The East African (Nairobi, 10 September 2011 www.theeastafrican.co.ke/news (accessed 26th May, 2021).
- [53] Ibidem

