

# **Influence of Eastern Africa Territorial Integrity Issues on Kenya-Uganda Economic and Political Relations**

Chemiat Juma Wamalwa<sup>1</sup>, Wanjala S. Nasong'o<sup>2</sup>, Edmond Maloba Were<sup>3</sup>,  
Evans Nyamwaka<sup>4</sup>

<sup>1</sup>Phd Candidate, Kisii University

<sup>2</sup>Professor Of International Studies; Rhodes College, USA

<sup>3</sup>Department Of Political Science History And Peace Studies, Kisii University

<sup>4</sup>Department of Political Science History And Peace Studies, Kisii University

**Abstract:** *This Article Analyzes Territorial Integrity Issues In The Context Of Violations Caused By Military Interventions And Illegal Cross-Border Movements By State Or Non-State Actors. The United Nations (UN) Charter Requires States To Refrain In Their International Relations From Threat Or Use Of Force Against Territorial Integrity Of Any State. The Contextualization Of Territorial Integrity Issues In The Study Of Interstate Relations Is Based On Preservation Of National Security And Political Autonomy Of A Given State. National Security Is Prerequisite For Almost Anything Else That Nations Want To Achieve In World Politics. State Security Architecture Is One Key Stake In The Preservation Of Territorial Integrity. Governments Strive To Achieve Law And Order To Guarantee Stability. In Eastern Africa Territoriality Remains A Fragile Factor To Comprehend Given Regional Dynamics At Play. History Of Modern Polity Informs That States Have Strong Attachment To Geographical Space, Resources, And Populations That Occupy It. Vulnerability To Violation Of Territorial Integrity Between Kenya And Uganda Has Been Posed By Unclearly Demarcated Or Porous Borders, Trans-Boundary Resource Conflicts, And Weak State Institutions. Violation Of Territorial Integrity Of States Leads To Regional And Local Insecurity, Collapse Of Diplomatic Channels, Border Closures, And Decline Of Bilateral Trade Ties, Smuggling, And Terrorism.*

**Key Words:** *Eastern Africa, Territorial Integrity, Regional Integration, Military Intervention.*

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## **I. Introduction**

Triggers To Violation Of The Principle Of Territorial Integrity Are Complex And Dynamic. These Variables Are Motivated By National Desires To Expand And Retain Geographical Space, The Problem Of Porous Boundaries Or Unclearly Demarcated Borders, And Struggle For Resource Control. Transboundary Movement Of Populations, Military Interventions, Weak Institutional Capacity, And External Interference Are Also Causal Factors. As Illustrated In This Article, These Triggers Have Adverse Influence On Interstate Economic And Political Relations. Violation Of Territorial Integrity Principle Among States Relapses Into Transboundary Resource Conflicts, Insecurity And The Emergence Of Subversive Elements, Collapse Of Diplomatic Channels, Border Closures, Declining Trade Ties, And Smuggling.

Territorial Integrity Itself Is Fragile In Trying To Concretize The Dynamic Nature Of Eastern Africa Politics. The Nature Of African States Is Subject To Harsh Or Extreme Poverty That Has Served To Undermine National Unity. The Problem Of State Formation As Shrouded In Political Elite Interests Has Strangled And Limited State Capacity To Serve Interests Of The Citizenry. Political Elites Have Strategic Interests To Attain Within State Power Relations. Kenya-Uganda Relations Hang On The Above Dictums That Serve As Triggers To Violation Of Territorial Integrity Principle Leading To The Countries' Delicate Bilateral Relations.

As Provide For In The UN Conventions, The Principle Of Territorial Integrity Stipulates The Avoidance Of Use Of Force Or Threat By The State On The Territory Of Another State. Acts Of Intrusion By Subversive Elements Threaten National Security Of A State Thus Amounting To Violation Of Territorial Integrity Principle. International Conventions Require Nation-States To Promote Regional And International Cooperation. Through Established Channels Of Diplomacy States Share Security Intelligence In Order To

Maintain Stability Locally, Regionally And Globally. Secessionist Movements Or The Desire By States To Promote Border Changes Of Other States Or Imposition Of Border Changes Through The Use Of Force Contravenes The Principle Of Territorial Integrity.

### **Statement Of The Problem**

Kenya And Uganda Have A Long Historical And Cultural Bond, Although The Countries' Relations Have Been Discussed By Some Scholars As Being 'Warm And Cold.' The Complex Nature And Fragility Of The State Compounded In The Delicate Issues Of Territorial Integrity Influence Kenya-Uganda Economic And Political Relations. Various Studies On Kenya-Uganda Relations Have Focused More On The Economic Aspect As A Defining Component Of Their Relations. This Paper Examines Complex Econo-Political Issues Infused In Security Dynamics, Regional Pressures, And External Actors As Factors That Serve To Trigger Violation Of The Principle Of Territorial Integrity, Thus Impacting On Kenya-Uganda Relations.

### **Methodology And Theory**

The Study Used Both Primary And Secondary Data Drawn From Various Research Sites. Field Data Was Collected From Fishers Around The Kenya-Uganda Borderland Of Lake Victoria, Kenya Marine And Fisheries Research Institute (KMFRI), Experts Of Conflict Management, Political Scientists And Historians Of Boundary Issues From Both Kenya And Uganda. The Study Was Complemented By Both Secondary And Tertiary Data To Concretize Research Findings. The Paper Utilized Descriptive Research Design To Analyze Data. Resource Capture Paradigm Was Employed To Link Study Variables To Contextualize Territorial Integrity Violations In Africa. Resource Capture Paradigm Is Anchored In Political Realism To Comprehend Interstate Power Struggles Over Control Of Resources To Retain, Expand, And Sustain Economic Power In Global Politics. The Paradigm Was First Propagated By Homer-Dixon (1994) Who Argued That Population Bulge In Society Translates To Depletion Of Valuable Resources, Incredibly Referred To As Environmental Scarcity. The Response To Environmental Scarcity By Powerful Groups In Society Is To Shift Resource Distribution In Their Favor. Powerful Groups In Society Are The Ruling Elites Or Wealthy Entrepreneurs Who Formulate Or Influence Policy To Regulate The Utilization Of State Resources.

The Relevance Of Resource Capture Paradigm Is Its Manipulative Process And Application That Leads To Marginalization Of Vulnerable Groups By Political Elites To Satisfaction Of Their Interests In Order To Continue The Monopoly Of Power. Policy Decisions And Regulations That The State Establishes Are Political Elite Driven. Primary Data Collection From Various Research Sites Around Lake Victoria Affirmed That Resource Control Dispute Revolves Around Elite Based Interests. Most Of The Fishing Companies And Fish Processing Factories Linked To Lake Victoria Are Owned By Powerful Politicians And Senior Military Officers. Fisheries Extraction Especially The Nile Perch Is A Major Economic Resource In Focus. The State Has Devised High Taxation Measures And Other Restrictive Licensing Procedure To Lock Out Artisanal Fishers From Lucrative Fish Market. Artisan Fishers Have Been Marginalized Through Prohibitive Regulations. The Fish Species That They Can Easily Access Is Sardine (*Omena/Mukene*) Which Has Limited International Market But Marketable In The Local Market.

### **Conceptual Framework of the Principle of Territorial Integrity**

Article 2(4) Of The United Nations (UN) Charter Stipulates That All Member States Shall Refrain In Their International Relations From The Threat Or Use Of Force Against The Territorial Integrity Or Political Independence Of Any State, Or In Any Other Manner Inconsistent With The Purposes Of The UN (Libarona, 1999). Whereas The UN Contemplates Measures To Safeguard Territorial Integrity Of States, The Concept Has Been Overrun By National Interests In Their Relations. The Analysis Of Regional Security Dynamics In Eastern Africa, Political History Of States, And External Actors' Interests Generate Intricate Information That Determines Territorial Integrity Issues. Most Of The Available Literature On Kenya-Uganda Relations Overlook Or Ignore Micro Economic And Political Parameters That Influence Interstate Relations. Micro Level Economic And Political Parameters Have Influence On Local, Regional, And Global Affairs.

The Conceptualization Of Territorial Integrity Issues In The Study Of Global Polity Is Based On The Notion Of The Preservation Of National Security And Political Autonomy Of The State (Marxsen, 2015). The Concept Of Territorial Integrity Was Developed As A General Principle Of International Law During The 19<sup>th</sup> Century. It Was Developed By A.W. Heffer In 1844 In His Treatise On European Public International Law When The Author Focused On The Territorial Principle That Grants A Right To Integrity On Inviolability Of States. The Principle Was Entered Into The Practice Of States In 1856 When The General Treaty For Re-Establishment Of Peace Between Austria, France, Great Britain, Prussia, Sardina, Turkey, And Russia Was Ratified.

### **Global Perspectives On Violation Of Territorial Integrity Principle**

The Initiation Of War By Political Actors Is Largely Due To A Combination Of Domestic And Strategic Problems That Confront Leaders To Make That Such Orthodox Means Would Enable Them Succeed In Their Objectives Of Politics Of Brinkmanship And War (Lebow, 2022). Leaders Of That Nature Harbor Aggressive Designs, And Have The Desire To Expand Territory. There Exist Various Perspectives By Which States Partake To Violate The Principle Of Territorial Integrity. States Explore Various Ways And Justifications To Their Acts Of Aggression Usually Driven By Political Elites' Interests Justified As National Interests. Russia's Violation Of Territorial Integrity By Invasion Of Ukraine Has Been Justified By Its Leadership Based On Historical And Cultural Ties That Exists Between The Two States.

Russia's Invasion Of Ukraine Was Based On Justifications For Individual Self-Defense That The Expansion Of NATO Forces Eastwards And Acceleration Of Its Military Infrastructure Closer To Russian Borders Posed Security Threat (Gavendova, 2022). Also, There Grounds On The Need To Protect Russian Ethnicities In The Donbas From Genocide And Other Human Rights Violations From The Kyiv Regime As Considered Views For The War. USA And Its Allies: Canada, United Kingdom, And Japan Declared Economic Sanctions As Punishment For Russia's Violation Of Territorial Integrity Of Ukrainian Sovereign Territory (Xiaochen, 2022). Under Contemporary Public International Law, The Use Force Is Prohibited As Enshrined In Article 2(4) Of The UN Charter. Russia's Deployment Of Land, Sea, And Air Troops To Ukraine Is A Violation Of The Principle Of Territorial Integrity. The Russian Incursions Over Ukraine Have Caused Enormous Losses To Lives And Property.

Historically, The State Has Tendencies To Maintain A Strong Attachment To Geographical Space, Resources, And Populations As Its Attributes Of Existence. Territorial Integrity Principle Under International Law Affirms That States Should Not Attempt To Promote Secessionist Movements Or Promote Border Changes In Other States, Nor Impose A Border Change Through The Use Of Force (Tiersky, 2022). Territorial Fragility Has Been Spiked By Violent Conflicts (The World Bank, 2022). The Outcome Of Fragility Of The State Is Conflict In Various Parts Of The World That Leads To Food Insecurity, Extreme Poverty, And Disruption Of Livelihoods. This Analogy Is Further Reinforced In The Discourse Presented By Raza (2020), Who Observes That The Concept Is Debatable And Varied Interpretations Are Applied To It Depending On The Region Where The Particular State Exists. Territorial Fragility Can Diminish The Existence Of The State Thus Leading To Breakdown Of Its Political Equilibrium. Political Breakdown Of Any State Would Lead To A Failed State Whose Main Characteristic Is Anarchy.

### **Regional Perspectives On Violations Of The Principle Of Territorial Integrity In Africa**

Some Controversial Discourses On State Formation In Africa Tend To Justify The Need For More Wars Or Conflict In Order To Establish Stronger States In The Long Run (Marina, 1999). This Argument Is Based On Justifications That War Can Become An End In Itself In The Evolution And Sustenance Of Effective State Structures Enshrined In Democratic Practices. The Problem Of Civil Wars And Its Consequences Are Derived From Economic Causes (Keen, 2000). The Considered Point Of View On African Perspectives Of Violations Of Territorial Integrity In The Continent Is Focused On Resource Struggle By Political Elite Groups To Satisfy Their Interests. Anyanwu (2002) Illustrates That The Desire For Insurgency Or Upsurge Of Armed Conflict In Africa Is Relative To Incentives Gained By Accessing And Controlling National Resources For Private Gain. Political Elite Interests Are Packaged Within State Structures And Fashioned As National Interest.

Past Experiences On The Application Of Territorial Integrity As A Universal Value Has Been Selective Based On National Interests (Xiaochen, 2022). International Support For South Sudan's Independence From Sudan Had 59 Countries That Recognized It As A Sovereign State On 9<sup>th</sup> July 2011 And The UN Admitted The New Country As A Member. This Action Of The UN Has Been Attributed To Sudan Being Declared As A State Sponsor Of Terrorism In 1993 And Sheltering Of Islamic Terrorism Elements. Sudan Also Suffered Under National Sanctions For State Incited Violence In Western Darfur Region. The Rise Of Subversive Elements In The Region Has Made The International Community To Adopt Various Measures With Regard To Recognition Of Self-Determination Of States. The UN Has Not Responded With The Same Speed To Recognize Self-Determination By Somaliland From Somalia, Despite That Country Declaring Its Independence In 1991. In 2021 The UN Declared Its Support For Territorial Integrity Of Somalia As A Federal Republic. This Was Based On Consideration That A Strong Somali Federal Government Was Essential To Weakening Islamic Militancy Or Insurgent Al-Shabaab And Maritime Piracy.

### **Subversive Elements In Eastern Africa Region And Its Violation To Territorial Integrity**

Terrorism Has Caused Major Concerns Of National Security Worldwide (Atwan, 2006). The Expansion Of Al-Qaeda Terrorist Cells In The World Was Aided By The Development Of Digital Technology.

Osama Bin Laden, Influenced The *Mujahedin* (Muslim Youth Warriors) With Rising Political Islam To Form A Large Anti-West Combat. Al-Qaeda Terrorist Cells Had Safe Haven In Parts Of Africa And The Middle East Where They Planned Their Heinous Activities To Destabilize International Security. Increasing Terrorist Activities Across The Globe Puts To Test The Validity Of International Security System.

Terror Attacks Make Their Targets Achievable By Gaining Adequate Public Attention And Intimidation Beyond Their Immediate Victims (Nussio, 2021). This Has Been The Case In Various Terrorist Attacks Experienced In Kenya And Other Neighboring States Of East Africa. The 2010 Terror Attack On A Kampala Club During The World Cup Finals Caused Damage To Both Human Life And Destruction Of Economic Resources. Terrorist Activities Have Been Linked To Transboundary Border Movements Of People And Goods Across The Region. The Dynamic Nature Of Human Populations In The Eastern Africa Region Which Has Close Culturally Integrated Communities Require Advanced System Of Monitoring To Secure The Region From The Brunt Of Terror Attacks.

The Upsurge Of Subversive Elements In The Horn Of Africa Region Has Become A Source Of Threat To Territorial Integrity (Abdelhamid, 2012). Some Of The Subversive Elements Demand For Self-Determination Leading To Drastic Increase To Civil Wars. The Tigray War With The Government Of Ethiopia Is Based On The Advancement Of Secessionist Sentiments. Tigray Conflict Serves As An Indicator Of The Problems Of State Formation In Africa Which Is Associated To Various Challenges.

The Congo Crisis Has Been A Major Concern Of Territorial Integrity Violation In The African Continent (Schmidt, 2013). After The Country's Attainment Of Independence In 1960, The Political Elites Differed Sharply On Form Of Government. Lack Of Political Consensus In Democratic Republic Of Congo (DRC) Was Linked To External Actors' Interest To Manipulate Domestic Affairs For Continued Access And Extraction Of The Country's Natural Resources. Devastating Intra-Armed Conflicts In Africa Are Considered Phenomenon Of Colonialism And Irregular Decolonization Process (Chiatoh, 2023). Motivated By External Dynamics, DRC Has Been Of Fundamental Economic And Political Concern To The World Powers, Asian Emerging Economies, And Some African States Elites And Entrepreneurs.

Carayannis (2003) Reinforces The Above Arguments That For Years DRC Has Been The Battle Ground For Wars Within Wars. These Wars Are Expressions Of Global Economic Networks Where Conflict Interacts To Generate Different Patterns Of Local Resource Extraction That Ends Up In Regional And Global Markets To Benefit Some Political Elites And Connected Entrepreneurs Globally. Unilateral Military Interventions From Rwanda And Uganda Have Not Helped To Stop Nor Neutralize Conflict In Eastern DRC. Both Countries Made Justifications Of Their Security Involvement In DRC Based On Their Security Concerns, Especially Rwanda's Pursuit Of The *Interahamwe*.

### **Unclearly Demarcated Borderland Of Kenya-Uganda's Lake Victoria**

Emergence Of Disputes In Eastern Africa Is A As Result Of The Discovery Of Natural Resources Along Common Borders Of The Region (Okumu, 2010). Unclearly Demarcated Borderlands Between States Of Eastern Africa, And In Particular Kenya-Uganda Border Of Lake Victoria Are Unclearly Marked Marginal Fringe Lands That Gained Credence In The Recent Past Based On The Underlying Economic Value They Host. This Has Been The Major Contributor To Territorial Claims Of Strategic Areas Perceived To Poses Huge Natural Resources. The Territorial Disputes Has Led To Military Intervention In Lake Victoria, Illegal Transboundary Exploitation And Smuggling Of Fish, Piracy, Terrorism, Loss Of Livelihood, And Diplomatic Initiatives For Dispute Settlement.

Mingogo Island Is A Strategic Location In The Lake's Most Fertile Fishing Grounds (Rossi, 2018). The Island Has Been Used As A Launch-Pad For Fishers To Access Rich Fishing Grounds Of Lake Victoria. The Island's Proximity To Kenya Gives Fishers An Upper Hand To Access The Nile Perch As Compared To Their Counterparts In Uganda. Given That Kenya Possesses A Small Portion Of Lake Victoria Compared To Uganda, Fishers From Kenya Crossover To Uganda Territorial Water In Pursuit Of The Nile Perch. Unlicensed Fishers Are Arrested And Harassed By Uganda Authorities. Acts Of Arrests And Detention Of Kenya Fishers By Uganda Authorities Raise Tensions And Suspicion In The Kenya-Uganda Bilateral Relations. Transboundary Resource Conflict Triggers Have Caused Territorial Claims And Disputes That Exist Between Fishers Against Fishers, Fishers Against The State, And State Against The State. The Kenya-Uganda Territorial Dispute In Lake Victoria Is Linked To The Struggle For Control Of Fish Resources. Economic Interests Of States Motivate Them To Raise Territorial Claims Of Ownership Of Strategic Islands In The Lake As A Means To Access Rich Fishing Grounds. Territorial Integrity Issues Have Remained Fragile And Delicate Factor To Comprehend In International System Given That National Interests Have Been Used As Key Driver For Its Enforcement.

Raiding Of Livestock And Competition For Water Or Pasture Lead To Cycles Of Reciprocal Violence On The Kenya-Uganda Cross Borderlands (Powell, 2010). The Border Area Between Kenya And Uganda Known As 'Karamoja Cluster' Is Home To Several Pastoralists Groups. Erratic Rainfall And Harsh Climatic Conditions Lead To Frequent Violent Conflicts Over Livestock, Water And Grazing Resources. Cattle Rustling Among Pastoral Communities Of Kenya And Uganda Have Been A Long Time Traditional Practice On The Common Border But It Is A Recipe Of Anarchy That Cost Lives And Distracts Economic Progress. The Communities Involved Across The Common Border Are Turkana, Pokot Of Kenya, And Karamajong' Communities Of Uganda.

With The Porous Nature Of Artificial Boundaries, Groups Such As Pokot And Turkana From Kenya, Dodoth, Jie, Sabiny, And Several Karamajong Groups From Uganda Cross To Whichever Jurisdiction In Search For Water And Pasture (Powell, 2022). The State-Centric Approach To Conflict Resolution By Kenya-Uganda Governments Adopted Heavy Handed Military Disarmament Strategies In The Cross-Border Regions Leading To Excessive Brutality. Cross Border Conflicts Have Been Exacerbated By Increased Availability Of Modern Weapons From War-Torn Countries. Eastern Africa Countries Of Somalia, Sudan, South Sudan, And Ethiopia Have Experienced Long Protracted Civil Wars. The Wars Have Weighed Down State Capacity's Efficiency On Enforcement Of Law And Order. The Spillover Effect Of Intractable Conflicts Was The Proliferation Of Small And Light Weapons In The Region. Illegal Arms Ended Up In The Hands Of Criminal Gangs That Destabilize The Region. Within These Criminal Groups There Exist Networks That Engage In Cattle Rustling Between Kenya And Uganda.

Arguments Have Been Raised That The Involvement In War By States Can Increase Population Support And Identification With The State (Stein, 2006). Warfare Can Strengthen State Legitimacy By Improving Nationalism. The Arguments As Illustrated Here Are Based On The Maxim That Evolution Of State Structures And Reforms Take Shape By Way Of Revolutions. The Theoretical Assumption Of This Nature May Not Provide Favorable Political And Economic Returns To The Ordinary Citizenry. As Already Argued In This Paper, All Forms Of War Or Conflict Are A Recipe For Anarchy. In View Of This Article Violation Of Territorial Integrity Of States Possess No Logical Gain.

### **Weak Institutional Capacity**

Regime Interests And The Struggle For Political Survival Determine Political Developments In Weak States (Stein, 2006). It Is Argued That The Prospect Of State Formation Depends On The Nature Of Domestic Power Relations. What Makes State Building So Difficult Is That Regimes In Weak States May Not Have Interest In Creating A Strong State. The Combination Of Internal Power Relations And External Constraints Faced By Weak States Make The Task Extremely Difficult. Class Structure Of Most Weak States Comprises Of Weak Bourgeoisie, Poor Working Class, Informal Economy, And Peasant Societies. These Sections Of Society That Regimes May Align With To Build Stronger State Have Nothing To Gain From The State.

The Weakening Of State In Africa Has Been The By-Product Of Rampant Corruption (Stein, 2006). This Has Made It Hard For Proper Policy Enforcement Through Laid Down Procedures. Corruption Deals With Manipulation Of Processes To Benefit A Few At The Expense Of The Society (Jackson & Rosberg, 2011) Manipulation Of The State Especially In The Security Sector May Cause Its Total Collapse Leading To Insecurity. Cross Border Illegal Trade Has Been Facilitated By Corruption Or Weak Structures Of Enforcement. The Criminalization Of The State In Africa Is A Political Strategy Exploited By Ruling Elites Who Make It Weak And Vulnerable For Their Political Survival (Reno, 1998). African Political Elites Have A Deliberate Interest Not To Promote Growth Of The Countries, For Lack Of Growth Ensures That They Are Considered For Foreign Aid.

### **Collapse Of Diplomatic Channels**

Africa's Diplomatic Channels Hang On Former Colonial Masters' Influence And Regional Dynamics As Major Determinants (Miller, 2012). Some Colonial Masters Still Hold Sway On African Affairs Through Provisions Of Diplomatic Cover Expressed In Form Of Economic Diplomacy. This Has Been Expressed In Various Forms By Way Of Trade Partnerships And Foreign Aid To Spur Africa's Economic Growth. Through Partnerships Former Colonial Masters Are Able To Call Shots In The Domestic Affairs Of African States.

The Violation Of Territorial Integrity Issues In The Horn Of Africa Led To Outbreak Of Conflicts Between Ethiopia And Somalia, Eritrea And Ethiopia, And Kenya And Somalia. Kenya-Uganda Transboundary Resource Dispute In Lake Victoria Is A Subject Of Territorial Integrity Issue. Critical Analysis Drawn On Violations Of Territorial Integrity Principle Is Based On Illegal Cross-Border Movements Dealing With Fish Resource Extraction In Lake Victoria. Fishers' Activities Such As Illegal Fishing And Non-Compliant To Tax

Payments Prompt Uganda's Deployment Of UPDF And Uganda Marine Police For Security Surveillance. Kenya Fishers Have Been Accused By Uganda Authorities For Poaching And Smuggling Of Fish From Lake Victoria. Uganda Authorities Arrest And Harass Fishers Who Violate Its Territorial Waters, Thus Raising Political Tensions Between The Two Countries.

The Dispute Over Ownership Of Migingo Island Can Be Traced To Around 2004 (Kisiangani, 2011). Uganda Posted Its Military Personnel Consisting Of Uganda Peoples Defense Force (UPDF) And Uganda Marine Police. Later, Kenya Responded By Deploying A Precarious Force Of Kenya Marine Police In 2009 Following Complaints Of Kenya Fishers On Arbitrary Arrests And Harassment By Uganda Security Forces In Lake Victoria. Uganda Instituted Exorbitant Tax Measures And Fishing Permits To Restrain Kenya Fishers That Inhabit Migingo Island From Accessing Rich Fishing Grounds In Its Territorial Waters Around The Island. Territorial Claims And Counter Claims On Strategic Migingo Island In Lake Victoria Are Based On The Rich Fishing Grounds In The Lake. High Demand For The Nile Perch Has Been Focused On Lucrative Local And International Market.

Cross-Border Resource Extraction In Lake Victoria Has Declined Sharply Leading To Smuggling Of Goods (Heck, 2004). Increased Fishing Efforts By The Local Communities Have Been Exacerbated By Shrinking Land Resources Thus Putting A Lot Of Focus On Fish Resources In The Lake. Uganda's Intensified Surveillance And Monitoring By UPDF In The Lake Leads To Temporary Border Closures Against Fishers' Economic Pursuits For A Livelihood. This Has Economically Affected Households Of Communities Living Around The Lake And Whose Economic Mainstay Relies On Fishing.

### **Insecurity In Lake Victoria**

Pirates Invaded The Lake And Have Been Involved In Episodes Of Stealing Fish Catches, Nets, Outboard Engines, And Killing Fishers (Rwambali, 2000). Illegal Fishing Is Also Considered As A Transnational Crime That Involves Organized Criminals, Smuggling Drugs, Weapons And People (Britta, 2021). Pirates Use Crude Weapons Such As Pangas, Arrows, And Guns Of All Types I.E. AK47 And Rifles. They Have Become A Source Of Threat To National Security And Stability Of The People Out Of Their Heinous Acts. Stability Of The Country Depends On The Enforcement Of Law And Order Of The Populations. The International Organization Of Migration (IOM) Coordinates A Sub-Regional Project On Detecting And Detering Transnational Organized Crime On Lake Victoria In The Three East African States (Vuga, 2022). The Expectations Of This Project Are To Bolster National Border Authorities In The Three Countries Through Specialized Border Security Trainings.

Illegal, Unreported And Unregulated (IUU) Fishing Activities In Lake Victoria Are Also A Threat To Sustainable Fishing (Kurac, 2022; Sindhura, 2022). IUU Fishing Threatens Food Security And Economy Of The Local Communities Who Rely On Such Resources. Food And Agricultural Organization (FAO) (2022) In Their Publications Indicated That Illegal, Unreported And Unregulated Fishing Threatens Livelihoods, Exacerbates Poverty, And Augments Food Insecurity. According To Were (2016), Global Demand For Fresh Water Fish Resources From Lake Victoria Has Occasioned Conflict Of Interest Among Various State And Non-State Actors That Seek To Gain Access To Control Of Fish. Prevailing National Interests In The Fishing Sector Has Also Been Motivated By A Fast Growing Population Of Local Fishers Whose Economic Mainstay Is Lake Victoria Resources. Therefore Conflict Of Interest In The Transboundary Natural Resources Extraction Leads To Unsustainable Means Of Resource Utilization. Kenya's Small Portion Of Jurisdiction Of The Lake Has Been Overwhelmed By Its Fast Growing Fishing Effort.

The Territorial Dispute In Lake Victoria Is Unique As Constituted. Most Of The Islands In Lake Victoria Are Predominantly Occupied By Kenyans (Muchege, 2017). The Populations Of Migingo, Siro, Wayasi, Hama, Lolwe, And Sigulu Islands Are Mostly Kenyan At 90%. Most Of The Residents Of The Islands Have Registered As Voters In Uganda And Have Representatives In Government As Well As Other Local Councils. Resident Fishers In Uganda Who Trace Their Ancestry In Kenya Opt To Be Registered As Ugandan Citizens To Secure Their Fishing Rights.

The Quest For More Territory By States In Anticipation To Access Natural Resources, Unification Of Ethnicities, And Acquisition Of Strategic Areas Is A Common Phenomenon In International Relations (Fabry, 2014). The Problem Of Territorial Expansion Leads To Annexation Of Territories From States. Territorial Disputes Have Been A Major Contributor To The Outbreak Of Wars Between Different Countries. When A State Deploys Its Forces To The Frontiers Of Its Neighbor To Safeguard Its National Interests Or For Security Concerns, It Raises Territorial Integrity Issues. Perpetration Of Violence By External Forces Threatens Real

Existence Of The State And Its Territorial Integrity. Territorial Integrity Therefore Is The Preservation Of The State Against Annexation, Split, And Destabilization By Foreign Forces

### **Informal Trade Activities and Smuggling**

Existence Of Informal Cross-Border Trade Activities Along Lake Victoria Ports Is Common And It Deals In Local Items Such As Cassava, Millet, Fruits, Sweet Potatoes, Maize And Vegetables Which Largely Originate From The Ugandan Market. There Is Also Export Of Manufactured Goods From Kenya To Uganda. Such Goods Are Iron Sheets, Timber, And Other Household Items. Most Of These Items Are Transported Across The Lake Through Motorboats. Field Data Pointed To The Problem Of Smuggling By Fishers As One Of The Contributing Factor To The Territorial Dispute Between Kenya And Uganda. Respondents Confirmed That Kenya Fishers Engage In Illegal Fishing In Uganda Territorial Waters. They Cross Into Uganda Territorial Waters With Required Licenses And Also Use Illegal Fishing Gear. Some Kenya Fishers Also Collude With Uganda Fishers To Hire Uganda Registered Boats For Fishing At Night In Order To Evade Payment Of License Fees. Fishers Also Transport Fish Directly From Uganda To Kenya's Bmus Instead Of Going Through The Mandatory Busia Border Point As Spelt Out By Uganda Regulations For Fish Stock Valuation And Documentation.

Fishing Sector In Lake Victoria Is A Complex Economic Activity That Requires A Multisectoral Approach To Its Management And Sustainable Exploitation (Abila, 2012). Fish Resource Is A Shared Economic Opportunity For Kenya And Uganda, Thus The Need For Both Countries To Have A Common Approach. Uganda's Unilateral Approach To Illegal Fishing And Security Related Issues On Its Own, Contributed To The Territorial Dispute Between The Two Countries. Border Protection Should Be Balanced To Again Free Flow Of Commerce. States Recognizes The Benefits Of International Trade And The Need For Border Protection. That Is Why In The Case Of USA, Congress Tasked The Security Department To Protect Its Borders But At The Same Time To Ensure Speedy, Orderly, Efficient Flow Of Lawful Traffic And Commerce.

Observations Indicate That Kenya-Uganda Border Dispute Revolves Around Fish Resource Control By The Two States (Kisiangani, 2012). Uganda Has Cited The Problem Of Smuggling Or Poaching Of Fish To Kenya As A Major Security Factor That Led To Her Deployment Of The Military Into Lake Victoria To Deal With The Problem. Fishers' Engagements Are Micro Level Economic Activity That Has Huge Influence On The Countries' Macro Level Economic And Political Relations. Fish Is A Mobile Natural Resource Which Does Not Know Manmade Boundaries And Migrate Between Different Jurisdictions Depending On Seasons. The Exponential Growth Of Economic Value Of The Nile Perch And Its High Demand In The Local And Export Market Has Contributed To The Concept Of Resource Ownership In Lake Victoria, Thus Leading To The Territorial Dispute. Commercialization Of The Nile Perch Has Pushed Local Consumers To The Economic Marginalization. Locals Have Eventually Turned To The Purchase Of Carcasses, Popularly Known As *Mgongo Wazi* From Fish Processing Plants After Filleting (Karanja, 2018).

According To Karanja (2018), Violation Of Territorial Integrity Issues That Emerged Affect Cross Border Interactions Between Kenya And Uganda. First, Is The Problem Of Local Fishers Fishing In The Territorial Waters Of Another State Without License. Secondly, Is The Problem Of Local Fishers Fishing Legally In Their Waters But Landing Fish In The Jurisdiction Of Another State. This Is Common Among Uganda Fishers Who Prefer To Sale Their Catch In Kenya Because Of Good Market Returns. Lastly, Is When Fish Purchasers Cross International Borders To Buy Fish Directly Or Through Agents And Transport It To Processing Plants In Their Home Country.

The Deployment Of UPDF Led To A Serious Crackdown On Kenya Fishers As Manifested By Arrests, Harassment And Impounding Of Their Fishing Gear (Kisiangani, 2012). Kenya Responded By Deploying Its Marine Police On Lake Victoria, A Development That Caused Tensions Among The Two States. It Was Feared That Military Deployments By The Two States Could Easily Trigger War. There Was Also A Diplomatic Initiative For A Peaceful Settlement Through Joint Technical Committee Which Was Tasked The Responsibility To Demarcate Kenya-Uganda Border Of Lake Victoria. The Activities Of Joint Technical Committee Stalled When Uganda Recalled Its Team Of Experts.

### **International Terrorism**

International Terrorism Is A Contributing Factor To Uganda's Close Surveillance Of Lake Victoria. Terrorism Is A World Problem That Prompted USA To Create A Separate African Command For Security Analysis (Worcester, 2018). USA Views Sub-Saharan Africa As Growing Islamic Terrorist Threat. There Is An Expanding Islamic Group In East And Southern Africa Regions. Examples Of Fragile States In These Regions That Are Confronted By Terrorist Cells In Africa Are: Central Africa Republic (CAR), Chad, DRC,

Somalia, And Sudan, The Strong Presence Of Radical Islamic Groups In Somalia Serves As A Haven For Terrorist Network.

Islamic Terrorism As An Ideology Has Been Disseminated And Absorbed Among Many Youths (Roell, 2018). The Fight Against Terrorism Is An Enormous Task Which Cannot Be Undertaken By One Single Agency. It Requires Concerted Efforts From A Wide Range Of National And International Organizations Such As: The Military, Intelligence Service, Financial Sector, Diplomatic Sector, And Health Organizations. According To Roell (2018), Territorial Integrity Analysis Is Comprehended On The Basic Assessment Of National, Regional, And International Dynamics In Order To Enable Formulation Of Effective Policy To Counter Terrorism. Countering Terrorism Will Depend On Good Governance Or Effective Administration, The Rule Of Law, Functioning Private Sector, And Development Of Strong Civil Society. Terror Attack On Kampala In 2010 Caused Stress To National Security Leading To Intensive Surveillance By UPDF In Lake Victoria And Other Parts Of The Country As Part Of The Measures To Address The Problem Of Insecurity.

Eastern Africa Countries Have Suffered From Protracted Political Strife Arising From Local And National Grievances, Identity Politics, And Regional Interstate Rivalries (Gatuiku, 2016). Somalia, Ethiopia, Eritrea, Djibouti, Kenya, Uganda, Sudan, And South Sudan Are Under Siege Of The Union Of Islamic Courts In Somalia. The Existence Of Al-Qaeda Network, The Emergence Of Al-Shabaab, Kenya's Post Election Violence, Sudan-South Sudan War, The Somalia War, And Ethiopia-Eritrea War Are Highlights That Display The Extreme Form Of Violence In The Greater Horn Of Africa Region.

The 1980 Terrorist Attack On Norfolk Hotel In Kenya, The August 1998 Simultaneous Attacks On USA Embassies In Nairobi And Dar Es Salaam, The November 2002 Simultaneous Attacks In Mombasa On Paradise Hotel And On An Israel Aircraft At Takeoff From Moi International Airport In Mombasa, The July 2010 Bombing Of A Kampala-Bound Bus In Nairobi (Kimunguyi, 2011). Terrorist Activities Have Been Closely Linked To The Civil War In Somalia Since 1991 Because The Country Was Left Without A Fully Functioning Government. The Collapse Of Government In Somalia Created Safe Haven For Subversive Elements Whose Spillover Effect Has Infiltrated The Entire Region. Infiltration By Terrorist Networks Expanded Rapidly In The Region And Has Become A Major Threat To Regional And Domestic Security In Eastern Africa. Eastern Africa Region Is Vulnerable To Terrorist Attacks Because Of Conflicts, Weak Governance, And Collapsed State Institutions, Porous Borders That Allow Extensive And Uncontrolled Migrations, Illegal Weapons, Increased Extremism, And Radicalization Of Vulnerable Groups.

Uganda's Security Concerns Made It To Intensify Security Surveillance On Its Border Point Patrols Thus Affecting Cross-Border Movement Of Fishers On The Kenya-Uganda Intersection. Regional Security Concerns Caused Both Countries To Deploy Their Military In Somalia To Fight Al-Shabaab Terrorists. Kenya And Uganda Forces Are A Part Of African Military Intervention In Somalia That Operates Under The Banner Of African Union Mission To Somalia (AMISOM). AMISOM Forces Were Deployed In Somalia In 2007 To Degrade Al-Shabaab And Build The Capacity Of Somali Security Forces (Meressa, 2022).

### **Dispute Settlement between Kenya And Uganda: Prospects And Challenges**

Institutional Frameworks To Resolve Disputes On Kenya-Uganda Border Of Lake Victoria Have Been Attempted By Establishment Of The Joint Technical Commission. Upon Commencement Of The Demarcation Process In Lake Victoria, Uganda Recalled Its Team Of Experts Thus Stalling The Process. Field Data Indicated That There Arise Situations When Ad Hoc Committees Are Established By Local Administrators From Both Kenya And Uganda To Address Cross-Border Security Concerns. Kenya's County Administrators Around The Lake Hold Joint Security Strategy Meetings With Their Counterparts From Namayingo District Of Uganda.

The Attempt By Both Countries To Resolve The Dispute Was Hampered By Vested National Interests Entrenched In National Sovereignty Issues. The Ultimate Goal Of The State Is To Secure National Interests And Power. The Struggle For Control Of Fertile Fishing Grounds In Lake Victoria Is About Access To National Economic And Political Power. This Explains Territorial Claims And Counter Claims Over Ownership Of Migingo Island By Both Kenya And Uganda. Migingo Island Is Strategically Located Since It Serves As A Launch-Pad For Fishers To Access Rich Fishing Grounds In Lake Victoria. The Dispute Revolves Around Territory And Fish Resources.

### **Conclusion and Recommendations**

The Problem Of Violation Of The Principle Of Territorial Integrity By States And Non-State Actors Is The Trigger Of Conflicts Between States. These Triggers Are Linked To Desirability Of The State To Expand Its Geographical Space For Control Of Resources, The Porous Nature Or Unclearly Demarcated Border As For



The Case In Lake Victoria, Transboundary Resource Extraction In The Lake, Population Bulge In The Counties Or Districts Around The Lake And Weak Institutional Capacity For Enforcement Of Law And Order. These Triggers Have Led To Strained Relations Between Kenya And Uganda With Regard To Utilization Of Lake Victoria Fish Resources Leading To Tensions And Weakening Of Bilateral Relations. Lake Victoria Territorial Dispute Should Be Resolved Amicably By Both Parties By Urgently Demarcating The Boundary. The Process Should Be All Inclusive And The Local Communities Be Fully Engaged In Sustainable Management And Exploitation Of The Lake Resources.

### References

- [1]. Abila, R. O. (2003). Fish Trade And Food Security: Are They Reconcilable In Lake Victoria? Kenya Marine And Fisheries Research Institute, Kisumu. <https://www.fao.org/3/Y4961e/> (Accessed On 14/2/2020).
- [2]. Britta, D. H., Wilcox, C., Ford, J. & Mackay, M. (2021). Strengthening Responses To Cross-Border Conflict And Complexity. <https://www.theconversation.com/> (Accessed On 17/12/2022).
- [3]. Carayannis, T. (2003). The Complex Wars Of Congo: Towards A New Analytic Approach. *Journal Of Asian And African Studies*. Vol.38, Issue 2-3 <https://doi.org/10.1177/002190960303800206> (Accessed On 11/2/2023).
- [4]. Chiatoh, V. M. (2023). Self-Determination And Territorial Integrity. *Journal Of International And Comparative Law: Vol. 27, Issue 4*. [www.eupublishing.com](http://www.eupublishing.com) (Accessed On 9/2/2023).
- [5]. Ukraine. Germany Law Journal 16(3):416-433 Doi:10.1017/S2071832200020927 (Accessed On 18/7/2019).
- [6]. FAO (2022). Illegal, Unreported And Unregulated Fishing. <https://www.fao.org> (17/12/2022).
- [7]. Fabry, M. (2014). How To Uphold Territorial Integrity Of Ukraine. Cambridge University Press. <https://www.cambridge.org/> (Accessed On 12/2/2023).
- [8]. Gatuika, G. (2016). *Countering Terrorism In The Horn Of Africa: A Case Study Of Kenya*. M. A. Thesis; University Of Nairobi, Kenya.
- [9]. Heck, S., Ikwapat, J., Kirema, M.C.T., Lwenya, C., Muraka, D. N., Odongkara, K., Onyango, P., Owino, J. P., & Sobo, F. (2004). Cross-Border Fishing And Fish Trade On Lake Victoria. International Union For Conservation Of Nature And Natural Resources (IUCN). <https://www.iucn.org/> (Accessed On 11/2/2023).
- [10]. Henneber, I. & Stapel, S. (2020). Cooperation And Conflict At The Horn Of Africa: A New Regional Bloc Between Ethiopia, Eritrea, And Somalia And Its Consequences For Eastern Africa. <https://doi.org/10.1177/0002039720936689> (Accessed 11/2/2023).
- [11]. Jackson, R.H. & Rosberg, C. G. (2011). Why Africa's Weak States Persist: The Empirical And Juridical In Statehood. <https://doi.org/10.2307/2010277> (Accessed 11/2/2023)
- [12]. Karanja, M. (2018). Health, Diseases, And Nutrition In Lake Victoria Basin. Kenya Medical Research Institute, Kisumu.
- [13]. Keen, D. (2000). The Political Economy Of War. *War And Underdevelopment: Economic And Social Consequences Of Conflict, Vol.1* <https://doi.org/10.1093/acprof:oso/9780199241866.003.0003> (Accessed On 11/2/2023).
- [14]. Kimunguyi, P. (2011). Terrorism And Counter Terrorism In East Africa. Global Terrorism Research Centre And Monash.
- [15]. Kisiangani, E. (2011). Dispute Over Misingo Escalates. Institute Of Security Studies. <https://issafrica.org/> (Accessed On 11/2/2023).
- [16]. Kurac, M. (2022). Preventing Illegally Caught Seafood From Entering Our Food Chain. <https://www.worldlife.org> (Accessed On 17/12/2022).
- [17]. Lebow, R. N. (2022). International Relations Theory And The Ukrainian War. <https://doi.org/10.1515/Auk-2022-2021> (Accessed On 10/2/2023).
- [18]. Libarona, I. U. (1999). Territorial Integrity And Self-Determination: The Approach Of The International Court Of Justice In Advisory Opinion On Kosovo. <https://www.google.com/search?> (Accessed On 16/3/2020).
- [19]. Marie, G. (2022). Is The Russian Invasion Of Ukraine Justifiable From The View Of Public International Law? Czech Centre For Human Rights And Democracy. [www.humanrightscentre.org](http://www.humanrightscentre.org) (Accessed On 14/12/2022).
- [20]. Marxsen, C. (2015). Territorial Integrity In International Law: Its Concept And Implications For Crimea. <https://www.zaoerv.de> (Accessed On 14/3/2019).
- [21]. Meressa, K. D. (2022). Is The AU Mission In Somalia Changing In Nature Only?: The Mandate Capacity Of A New Operation Should Allow Robust Engagement To Deal With Underlying Political Conflicts. <https://issafrica.org/> (Accessed On 12/2/2023).

- [22]. Miller, J. (2012). Things Fall Apart: South Africa And The Collapse Of The Portuguese Empire. <https://doi.org/10.1080/14682745.2011.649946> (Accessed On 9/2/2023).
- [23]. Muchege, G. G. (2017). *Resolving The Migingo Island Dispute Between Kenya And Uganda Under The International Law: Prospects And Challenges*. (Master's Thesis, University Of Nairobi). <https://erepository.uonbi.ac.ke/11295/103297> (Accessed On 4/6/2021)
- [24]. Nussio, E., Bohmelt, T. & Bove, V (2021). Do Terrorists Get The Attention Of What They Want? Comparing Effects Of Terrorism Across Europe Public Opinion Quarterly, Vol. 85, Issue 3, Fall 2021, Pp900-912 <https://doi.org/10.1093/poq/nfab046> (Accessed On 9/2/2023).
- [25]. Okumu, W. (2010). Resources And Border Disputes In Eastern Africa. <https://www.researchgate.net> (Accessed On 8/2/2022).
- [26]. Powell, J. (2010). Communal Conflicts Across The Kenya-Uganda Border. <https://climate-diplomacy.org> (Accessed On 14/12/2022).
- [27]. Raza, S. (2020). The Ubiquity Of State Fragility: Fault Lines In The Categorization And Conceptualization Of Failed And Fragile State. *Sage Journal Of Social And Legal Studies, Vol.29, Issue 6* <https://doi.org/10.1177/0964663920906453> (Accessed On 11/2/2023).
- [28]. Reno, W. (1998). Warlord Politics And African States. <https://doi.org/10.1515/9781685853822> (Accessed On 2023).
- [29]. Roell, P. (2018). Combating Terrorism In East Africa. Institut Fur Strategie-Politik- Und Wirtschaftsberatung, Berlin.
- [30]. Rossi, R. C. (2018). The Migingo Island Dispute Between Kenya And Uganda. *Brooklyn Journal Of International Law*. <https://brooklynworks.brooklaw.edu/bjil/vol42/iss2/2> (Accessed On 9/2/2023).
- [31]. Rwambali, F. (2000). Nationalism, Globalization, And Africa. <https://tudarco.ac.tz/> (Accessed On 12/2/2023).
- [32]. Sandner, I. P. (2018). The Great Lakes: Africa's Contested Waters. <https://www.google.com> (Accessed On 16/12/2022).
- [33]. Schmidt, E. (2013). The Congo Crisis, 1960-1965. Cambridge University Press. <https://www.cambridge.org/> (Accessed On 11/2/2023).
- [34]. Sindhura, N. P. (2022). Labour Rights Of Seafarers On Piracy, Armed Robbery Against Ships And War Zones. [www.marineinsight.com](http://www.marineinsight.com) (Accessed On 17/12/2022).
- [35]. Stein, E. S. (2006). The Politics Of State Formation: Contradictions And Conditions Of Possibility. *European Journal Of Development Research, Vol. 17, 2005-Issue 3* [www.tandfonline.com](http://www.tandfonline.com) (Accessed On 9/2/2023).
- [36]. Tiersky, A. (2022). Territorial Integrity. [www.csce.gov/](http://www.csce.gov/) (Accessed On 14/12/2022).
- [37]. Vuga, I. (2022). IOM Launches Project To Tackle Organised Crime On Lake Victoria. <https://www.eastandhornofafrica-iom.int/> (Accessed 11/2/2023).
- [38]. Were, M. E. (2016). Conflict Of Interest In Exploitation And Utilization Of Transboundary Natural Resources On Lake Victoria. *Journal Of African Conflicts And Peace Studies: Vol. 3: Iss.1*. DOI:<https://dx.doi.org/10.5038/2325-484X.3.1.1078> (Accessed On 11/2/2023).
- [39]. Worcester, M. (2018). Combating Terrorism In Africa. Institut Fur Strategie-Politik- Und Wirtschaftsberatung, Berlin.
- [40]. Wood, M. (2022). Territorial Integrity. <https://pesd.princeton.edu/> (Accessed On 14/12/2022).
- [41]. World Bank (2023). Fragility, Conflict And Violence. <https://www.worldbank.org/> (Accessed On 9/2/2023).
- [42]. Xiaochen, S. (2022). Nation-Building: African Experience Show That International Interest In Territorial Integrity Is Selective. <https://www.africaportal.org> (Accessed On 14/12/2022).