

## The Influence of National Sovereignty on Kenya-Uganda Economic and Political Relations

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### Abstract

National sovereignty, as a concept, is a riddle given that it has problems in the context of reality and its facade generally evinced by its incongruous features. It is constricted by national self-determination, international law, and international organizations. As a theory, it was espoused by Jean Bodin (1530–1596) in an attempt to theorize on the center of power in society. Bodin provides a basis for justification of totalitarianism and expansionist attitudes of the state. National sovereignty led to the emergence of the state as supreme power that was later concretized by the Peace of Westphalia in 1648. As a concept, national sovereignty espouses the state as a distinct political entity. States are mandated to formulate policies that enable them to relate with each other based on specific protocols. International protocols are recognized by states to perform specific functions on behalf of its members. They serve as neutral arbiters to harmonize divergent policies that emerge from partner states. Kenya-Uganda relations have been under great influence of complex issues of national sovereignty that this article seeks to unpack and explore with a view to examining their impact on the economic and political relations between the two countries.

**Keywords:** national sovereignty, Lake Victoria, political conflict, Kenya, Uganda

### INTRODUCTION

The doctrine of sovereignty evolved and authoritatively took shape following the Peace of Westphalia in 1648. It retained from its history two essential characteristics: internal supremacy and external independence. A sovereign state is one which exercises undivided authority over all persons and property within its borders and is independent of direct control of another power. Sovereignty is the supreme power by which any state is governed. In its sphere of operation, there is no power within the state which might compete with it. This was concretized by the Peace of Westphalia in 1648. The United Nations (UN) has upheld the concept of sovereignty on the basis that no state or group of states has the right to intervene, directly or indirectly, in the internal or external affairs of any other state. Consequently, armed intervention and all forms of interference are violations of national sovereignty under international law. Every state has an inalienable right to choose its political, economic, social, and cultural systems without interference in any form by another state (United Nations General Assembly, 1970).

Going by the above provisions of the UN, sovereignty is the inherent supremacy of the State in its territory and independence in international relations. It is the property and the State's ability to independently, without external interference, determine its internal and external policies provided that it upholds the respect for civil and human rights, protection of minority rights, and respect for international law (Gevorgyan, 2014). Nevertheless, a sovereign state is unlikely to

remain the main focus of political authority and community in future. It is challenged by constellations of authority, which transcend the divide between the domestic and international spheres. Despite the fact that there exists a number of challenges, the State is still a source of reference in most of the issues pertaining to the formulation of most of the domestic and foreign policies (Bartelson, 2006).

There is a general consensus among scholars of international politics that this sovereignty, as vested in the state in the 17<sup>th</sup> century, makes it to be a central power whose authority was unchallengeable within the territory and from without (Morgenthau & Thompson, 2004). Although other players have emerged in international politics, the state still remains the major player. States, therefore, shape global policy in line with their national interests. According to Morgenthau and Thompson, a state that attempts to assert its authority over another is considered an imperial power. An example where imperialism was demonstrated in Europe was in 1850s when the kingdom of Piedmont under Cavour attempted to dominate the Italian peninsular. Similarly, the intervention of several European powers in the Balkans between 1912 and 1923 was that each power aspired to entrench its hegemony in the region. There exist two types of imperialism in the world, military and economic (Morgenthau & Thompson, 2004).

In exploring the principle of national sovereignty and its impact on Kenya-Uganda relations, this article utilizes data from fieldwork that was conducted between 2015 and 2019 on the border region of Lake Victoria. A review of related literature was done and corroborated with primary data. Data was collected from knowledgeable respondents in the fields of diplomacy and international relations, political science, and history. The original pool of respondents was 16 of which 8 were targeted from each country. Eleven respondents were interviewed of which 7 were Kenyans and 4 Ugandans. The sampling of respondents was both by purposive and snowball techniques. Purposive sampling technique was intentional and justified for its application, given the objective of the study to establish empirical knowledge and to elucidate specific concepts on the subject under investigation. Snowballing was more convenient as the researchers obtained referrals or nominations of other respondents from the initial group. The study used interview guides and research questionnaires for collection of data that was analyzed and corroborated with the body of existing literature. The following three interview questions were utilized:

- a) How does national sovereignty determine Kenya-Uganda volume of trade?
- b) In which way does national sovereignty influence Kenya-Uganda political relations?
- c) How does national sovereignty contribute to dispute settlement between Kenya and Uganda?

The study also used the following research questionnaire:

- i) Does national sovereignty affect Kenya-Uganda volume of trade?  
 yes \_\_\_\_\_ no \_\_\_\_\_ don't know \_\_\_\_\_
- ii) Does national sovereignty influence Kenya-Uganda marine border surveillance?  
 yes \_\_\_\_\_ no \_\_\_\_\_ don't know \_\_\_\_\_
- iii) Does national sovereignty influence the process of Kenya-Uganda cross-border movement?  
 yes \_\_\_\_\_ no \_\_\_\_\_ don't know \_\_\_\_\_

The study utilized descriptive data analysis in an attempt to answer questions on how and why national sovereignty influences inter-state economic and political relations. The suitability of descriptive data analysis is that it is flexible and facilitates the evaluation of data from various sources, turning it into viable and valuable insights when dealing with complex concepts of the modern polity.

## **The influence of national sovereignty on Kenya-Uganda trade ties**

The concept of sovereignty revolves around the country's right to determine how to conduct its affairs without external influence. Each country decides how to relate with others based on its national interests. National interests are well understood and quantified in terms of economic expansion, security, and political alignment of the state in the community of nations. Both Kenya and Uganda are economic and political partners in the East African Community (EAC) and, as sovereign independent states, each decides how to conduct its international affairs without external interference.

Cross-border issues between Kenya and Uganda are well understood under the analysis of the colonial rule and its influence on the African continent. However, cross-border trade activities between Kenya and Uganda through Lake Victoria have always been in existence. Apart from fishing, trade activities take place between the people of the two countries and even beyond. Exports from Kenya, through Lake Victoria, include petroleum products and construction materials (such as cement, steel, iron sheets, steel structures, and poles). The destinations of these products from Kenya pass through the Kisumu port to Uganda, Tanzania, Democratic Republic of Congo (DRC), and Rwanda. This makes Kisumu a very important linkage town to the landlocked neighboring countries. Kenya imports commodities (such as maize, millet, sorghum, beans, cotton seed cake, green grams, sesame, peanuts, bananas, and fruits) from Uganda through Lake Victoria (Labu, 2012).

Even though there are strong bilateral economic ties between Kenya and Uganda, national sovereignty addresses itself to geopolitical issues that raise the concerns of who takes ownership of the territories in Lake Victoria. This problem has strained the countries' diplomatic relations. The territorial disputes can cause war that can be disastrous to the economies of the two countries. This calls for a neutral arbiter, especially the EAC, the African Union (AU), or UN, to assist the countries resolve such disputes (Labu, 2012).

The idea of globalization in the international arena emphasizes interdependence of states and as such no one country can operate in isolation. In view of this, globalization enables states to solve socio-economic and political problems through collective efforts to a greater point of restricting national sovereignty. Therefore, globalization articulates the need to increase mutual cooperation amongst states. Arising from the complex issues of globalization, on the basis that no state can stand on its own, the fish trade has evolved into several channels between Kenya and Uganda. The fish export industry in Kenya is complex and has evolved over the years, extending its tentacles beyond its borders to Uganda and Tanzania. For example, a fish factory in Kenya can own and control other enterprises that relate to fish supply, transport, distribution, and export. Thus, a strategic consideration of factories, like the aforementioned, operating in other countries in the East African region (such as Uganda and Tanzania) was to overcome the problem of fish shortage or supply through outsourcing (Abila, 2003).

Bilateral trade between Kenya and Uganda has, in most cases, favored Kenya for many years. In March 2004, the EAC member states signed the Customs Union. The protocol came into existence in 2005 after ratification by member states. The objectives of the Customs Union include furthering liberalization of intra-regional trade in goods, enhancing domestic, cross-border and foreign investment, and promoting economic development and industrial diversification. The establishment of the EAC protocols clearly outlines benefits for economic cooperation between member states. Protocols were meant to put in place the best practices for partner states. National

interests have, however, scuttled efforts to fully operationalize the customs protocol as the states move to protect local industries where national sovereignty overrides regionalism. It is essential to note that sovereignty issues over the ownership of territories and control of fishing grounds in Lake Victoria has, to a large extent, adversely affected small scale fish trade in Kenya. The artisanal or informal fish trade sector that deals with traditional fish processing subsector has been weakened by the dispute. In this sector, fish is smoked or deep fried before it goes to the local market and is dominated by women, but has declined because of fish shortage (Abila, 2003). Most female traders have either left the trade or idle around processing the little fish they can get.

### **Influence of national sovereignty on Kenya-Uganda political relations**

The territorial dispute between Kenya and Uganda in Lake Victoria raises sovereignty issues. The Migingo Island dispute came to the fore in 2009, although Kenya has also occupied and exercised sovereignty over the island since 1926. Historically, Uganda annexed eight islands in Lake Victoria, which were previously part of Kenya. For example, in the early 1970's, President Idi Amin of Uganda seized Sigulu Island, which is the largest and most important of the islands with a population of over 10,000 people mainly of Bunyala, Suba, and Luo origin. These residents from Sigulu Island have been naturalized to become Ugandans. They have their representatives in the Ugandan government as well as other local authorities in Samia, Bugwe, and Bugiri districts of Eastern Uganda. The government of Kenya did not launch any diplomatic protest following the annexation (Muchege, 2017).

Kenya's foreign policy is based on benign diplomacy, cleverly calculated towards economic dominance of the entire Eastern Africa region. Its diplomacy is strategic for the country's economic advancement. For this reason, the Kenyan government does not want to destabilize the region because it could be the greatest loser. Kenya benefits immensely from the Ugandan market, which is its greatest consumer of the country's manufactured goods. The contemporary world economic system has influenced states to embark on developing cordial relations in order to facilitate trade or their economic advancement. Their main focus is usually to open up new opportunities for trade, growth and investment in the world market. States use diplomatic networks to provide commercial intelligence, tourism, marketing, business links and assistance. Expansion of international trade influences cross-border movement of people (Lee & Hocking, 2010).

Kenya's reaction to Uganda military activities in Lake Victoria has been exercised with a lot of restraint to avert war. Kenya has borrowed heavily from the 1947 United States (U.S.) policy of containment towards the Soviet Union. Containment policy was designed as a long term, patient, but firm and vigilant containment of Russian expansive tendencies. The U.S. worked on strategies that would eventually lead to the breakup or gradual mellowing of the Soviet power (Lee & Hocking, 2010). Kenya's strategic importance to the world and her role as a regional economic hub has made the country to restrain its action against Uganda to avert war. Kenya is a focus point regionally and globally, thus the country's stability is of paramount importance. As a regional economic hub, Kenya is a major transport, financial center, and a host of headquarters for numerous international organizations that have vested interests in the Greater Horn of Africa region. The country cannot afford to go to war based on the adverse results that such an act could generate.

Conflicts in the Great Lakes region have always been the result of a multiplicity of actors and complexity of their interests. In this region, there exists visible and real actors to the dispute

that are relatively easy to identify. On the other hand, there are also a number of actors that lurk in the background, but actively work in the foreground. These types of actors have a deliberate strategy of deception with the intention to intensify conflicts for the purpose of promoting their interests (Baregu, 2011). Powerful economic and political actors with hidden vested interests in the Great Lakes region work to subvert peace. Some of these actors are intelligence and security service organizations, secret service organizations, arms merchants, money launderers, smugglers, drug dealers, private military, security companies, warlords, and lords of poverty who in this context are perpetrators of violence. One cannot rule out the possibility that one or even more of these actors have a hand in the current Migingo Island dispute between Kenya and Uganda in Lake Victoria. Their aim is to protect their short-term economic interests, as well as geopolitical interests at the expense of regional stability (Baregu, 2011).

Uganda's military deployment in the Lake region is a display of the classical realist school of thought, which implies that the military can be deployed by the state to prove its preponderance, symbolize its independence and legitimize its sovereignty in the eyes of its competitors (Morgenthau & Thompson, 2004). To that effect, Uganda has demonstrated its readiness to go to war over disputed territories or it is a strategy to serve as a deterrent measure to scare off Kenyan fishers in order to protect its territorial waters from external interference.

On its part, Kenya has responded towards Uganda with a lot of restraint based on the country's national, regional, and global mutual interests. There are longstanding global mutual interests in the region and wide-ranging cooperation on economic and security issues that guide Kenya's foreign policy in relation to its neighbors. Kenya is a fastest growing business, financial, and transportation hub for the Eastern Africa region. Nairobi, the capital city of Kenya, is also a host to several international agencies. The U.S. investments and bilateral trade in Kenya are important elements in its strategic interests in Kenya's security and stability. This commitment is reflected in the countries' partnership in regional and security issues. The U.S. has four security objectives in Kenya: to professionalize the Kenyan military forces, to enhance its counterterrorism and border security capabilities, to increase maritime security awareness, and to improve peace keeping capabilities (Bureau of African Affairs, 2020).

As a regional economic hub, Kenya's gross domestic product (GDP) is approximately 43% of the East Africa region and the country is always cautious of its stability. To help enhance its regional economic preeminence, Kenya is committed to developing infrastructure to link the countries in the region. Most of the massive infrastructure terminates at the borders with Kenya's neighbors and the economic outlook not only signals a regional power, but also a renaissance. Kenya has developed an advanced financial system with open and robust markets, but Uganda still remains its largest export partner. Political economists argue that although Kenya's economy is powerful, its military power is weak. A robust economy requires an equally powerful defense and deterrence capability. Since Kenya has positioned itself to become a regional economic hub, its military power becomes an aspect of both geopolitical and geostrategic relevance (Goldman, 2016).

Kenya's foreign policy has been that of peaceful coexistence with her neighbors. The country still emphasizes the Organization of African Union's (OAU) principle of non-interference with internal affairs of other states (Chemiat, 2013). The country has never engaged in subversive activities to destabilize its neighbors. Kenya has served as a mediator in regional conflicts and has always strongly believed in peaceful settlement of disputes by means of mediation, negotiation, conciliation, and arbitration. This is also in line with the OAU principle that emphasizes respect

for sovereignty and territorial integrity of other states and inalienable right to independent existence (Alwanga & Nyanchoga, 2010).

Practical demonstrations that project Kenya as a leading model in the search for peace in Africa are the country's peace initiatives in the following countries: Mozambique in the 1990s reconciled the government and the rebel group under the umbrella of Mozambique National Resistance (RENAMO), the border conflict between Ethiopia and Eritrea in 1998, and the diplomatic row between Uganda and Sudan on counter-accusations that each of the states sponsored subversive elements that operated from their respective territories to topple the government of the concerned country. Under the leadership of President Moi, Kenya made several attempts to reconcile different Somalia factions after the overthrow of President Mohammed Siad Barre. Kenya also helped to broker a ceasefire between President Tito Okello of Uganda and the then rebel leader Yoweri Museveni of the National Resistance Movement (NRM) in the 1980s. History has presented Kenya as a regional peace broker, and that is why the country prefers a peaceful and amicable settlement to the Migingo Island dispute with Uganda (Chemiat, 2013).

At the time of independence, Uganda borrowed heavily from Mwalimu Julius Nyerere of Tanzania's *Ujamaa* type of economic and political ideology that drew heavily from the Marxist-Leninist ideology. *Ujamaa* was a form of African socialism that blended socialist principles with a distinctly communitarian understanding of African societies, a strong commitment to egalitarian societies. It was to form a bedrock of instituting a profound social change directed and shaped by the state. At the heart of *Ujamaa*, emphasis was placed on self-reliance, total participation of all in developing the nation, communal labor, communal ownership of land, nationalization in the private sector and provision of public services (Jennings, 2017).

When Dr. Milton Obote seized power and became president by means of a civilian coup in 1966 and used the military to depose Sir Edward Mutesa, he introduced a new economic and political blueprint through *The Common Man's Charter*. The policy document was meant to transform Uganda into a socialist state. The document was released in 1969 and placed emphasis on nationalism and socialism, revealing that the socio-economic problems Uganda faced then resulted from capitalism, entrenched interests of the rich, the educated, foreign influence, and feudalism (Aseka, 2005). Even when Yoweri Museveni became president in 1986, he and most of the NRM loyalists soon began to talk about launching a Ugandan 'revolution'. The ensuing radical populism more or less convinced Washington that NRM was a Marxist regime. Uganda was viewed to be in alliance with the then Eastern bloc and other global south radical leaders such as Thomas Sankara of Burkina Faso, and Colonel Muammar Gaddafi of Libya (Okoth, 1995).

### **National sovereignty and its influence on Kenya-Uganda marine border surveillance**

Borders are perceived to be vulnerable and prone to terrorist attacks, illegal cross-border movements and immigration. In Europe, effective border control and surveillance are a matter of uttermost importance to concerned countries. In the same vein, the U.S. has maintained a high-level border surveillance along its border with Mexico by the deployment of its military. The U.S. has considered this strategy necessary and a valuable deterrent against incoming illegal migrants. The military has assisted the U.S. government to deter unlawful cross-border movement and entry, but require immigrants to use designated border crossings (Essendorfer et al., 2009; Shinkman, 2018).

National sovereignty issues have contributed to territorial claims and disputes being

witnessed in various parts of the world. Most of the disputes are unresolved and have been there for quite a long period. Unresolved territorial disputes can substantially increase corruption risks in the region. Examples are the unresolved territorial disputes over secession of the territory of the former Soviet Union (e.g., Nagorno-Karabakh claimed by Azerbaijan and Armenia, Abkhazia and South Ossetia in Georgia). The Nagorno-Karabakh conflict erupted in 1994 over control of oil resources. Azerbaijan produces about 800,000 barrels of oil per day, and it is a significant exporter of oil and gas to Central Asia and Europe (Global Conflict Tracker, 2021).

Similarly, the territorial dispute between India and Pakistan over Kashmir is a notable example of corruption in the defense circles. Principal factors that increase corruption risks for defense and security establishments in regions with unresolved territorial disputes include increased military expenditure, reduced transparency, creation of legal grey zones, and unregulated paramilitary formations. Accordingly, an ideology of national survival emerges that generates a high level of public support for the military, leading to tolerance of corrupt activities as the price to pay for national security (Tagarev et al., 2010). Unresolved territorial disputes are characterized by competitiveness, mistrust, and militarization, which make arms race the usual practice for each of the conflicting sides. The conflict over the disputed territory of Kashmir helped to drive India to be the second largest importer of arms in the world. Pakistan on the other hand allocates the largest portion of its state budget to defense, and both countries have developed nuclear arsenals (Tagarev et al., 2010).

The foregoing cases from around the world illustrate the fact that the Kenya-Uganda dispute over Migingo is not a unique case. The same kinds of dynamics are at play in the latter dispute as well. For instance, in 2001, the Uganda government strengthened monitoring, surveillance, and control on Lake Victoria. This made it more difficult for Kenyan fishers to fish in Ugandan waters, and also made it difficult for Ugandan fishers to smuggle and sell fish in Kenyan landing sites. Kenyan fishers have complained that measures imposed by Ugandan authorities were impromptu and implemented without prior notice to prepare and adjust their operations. Uganda uses Special Revenue Protection Service (SRPS), which in most cases extort money from fishers and involve the use of excessive force (Heck et al., 2004).

The Kenya-Uganda border dispute in Lake Victoria is mirrored in a different perspective, focusing on resource struggle, but cannot escape the assertion raised by Tagarev et al. (2010). The Migingo Island dispute came to limelight in 2008 through media highlights when Uganda authorities started to harass Kenyan fishers. These fishers invited the Uganda military, who are known to use high speed boats to enforce the law on tax compliance, to provide security and deal with piracy that had become rampant on the Lake.

### **National sovereignty and its influence on cross-border movement**

The colonial interlude in Africa led to the creation of artificial borders for the benefit of European powers. Colonialism has been referred to as the highest stage of capitalism. Capitalism, imperialism, and colonialism are terms that share concepts such as political and cultural domination, and economic exploitation. The starting point was the Berlin Conference of 1884-1885, which set the rules for colonial occupation. The 1886 Anglo-German Agreement and other inter-European arrangements were instrumental in erecting artificial boundaries around Kenya. In 1894 and 1895, Britain declared protectorate status over Uganda and Kenya respectively (Ndege, 2009).

The Kenya-Uganda boundaries were demarcated without consulting the local people. The demarcation process, which brought together numerous independent communities into one territorial entity that has now espoused the concept of sovereignty, has caused multiple challenges as far as state building is concerned on the African continent. Both the colonial and post-colonial states found it a daunting task to weld these communities into one nation-state (Ndege, 2009). Conventionally, most of the cross-border movements are motivated by enhanced economic opportunities, although there are other factors such as social and cultural forces involving cross-border communities. Kenya has a considerable proportion of skilled professionals who migrate to other countries for better opportunities. East African countries have a long history of cross-border movement of people because of their geographical proximity (Odipo et al., 2015).

The territorial dispute between Kenya and Uganda in Lake Victoria affects cross-border movement of people between the two states, especially the fishing fraternity. Both countries subscribe to the EAC protocol that provides for free movement of people in the region, but that does not avert the responsibility to comply with relevant state policies or tax measures. National sovereignty supersedes regional integration, making Uganda's activities in Lake Victoria, to a large extent, about state interests that override the spirit of EAC.

Historically, national sovereignty issues were complicated by the transfer of territories from eastern Uganda to Kenya in 1902 by the Foreign Office Superintendent of African protectorates, Sir Clement Hill. This territorial transfer between Kenya and Uganda had unclear boundaries from eastern Uganda. Sir Hill's decision to transfer territories to Kenya was to create a region that was administratively manageable because Uganda's infrastructure was inadequate and could not provide a smooth link to coordinate with the East Africa Protectorate (Ogalo & Ndeda, 2016).

The boundary around Lake Victoria was arbitrary, given that its description was based on its natural features according to the records from the British Order in Council (1926):

[C]ommencing in the waters of Lake Victoria on the parallel 1<sup>0</sup> south latitude, at a point due south of the westernmost point of Pyramid Island; thence the boundary follows a straight line due north to that point; thence continuing by a straight line northerly to the most westerly point of Illemba Island; thence by a straight line, still northerly, to the most westerly point of Kiringiti Island; thence by a straight line, still northerly, to the most westerly point of Mageta Island; thence by straight line north-westerly to the most southerly point of Sumba Island; thence by the south-western and western shores of that island to its most northerly point; thence by a straight line north-easterly to the center of the mouth of the Sio River.

This description illustrates that colonialists relied heavily on lakes in the region and the 30<sup>0</sup> E Meridian to define boundaries in East Africa. The Kenya-Uganda border used natural features and latitude 1<sup>0</sup> south. They used pillars on land and islands in Lake Victoria as markers. Features of this nature cannot provide precise boundary delimitation between states in the Lake (Okumu, 2010). Hence, the Lake Victoria boundary between Kenya and Uganda is not clearly demarcated and, therefore, difficult for one to realize which side of the country one is traversing when in the Lake. This is one factor that causes Kenyan fishers to trespass to the Uganda side of the Lake without notice, leading to the violation of immigration regulations. It is clear that the colonial partition of East Africa substantively contributed to the evolution of the territorial dispute in Lake Victoria between Kenya and Uganda (Okumu, 2010).



The Migingo fishers from Kenya do not put much importance on international boundaries in Lake Victoria because they do not know their location and do not care to find out. Kenyan fishers strongly believe that Migingo Island is in Kenya and, therefore, they do not cross any international boundary for fishing or to buy fish (Heck et al., 2004). The current dispute between Kenya and Uganda in Lake Victoria is thus about shared resources, revolving around the struggle for control of fishing grounds (Le Billon & Duffy, 2018).

Kenya and Uganda have been compelled to accept the 1926 British Order in Council, the 1995 Uganda Constitution, and the 1963 Kenya Constitution as primary documents of reference when dealing with the Lake Victoria disputed territories. Both countries dispute facts pertaining to the exact location of the ‘westernmost’ point of any given island as described by the 1926 British Order in Council. As suggested earlier, the boundary descriptions and locations are quite arbitrary and complex to comprehend. The use of rivers and thalwegs to describe an international boundary has caused the emergence of disputes because rivers are prone to change course. For example, the use of River Sio, as one of the features in the demarcation of the Kenya-Uganda southern border, was not reliable. Again, there have been arguments that the British used the word ‘Migingo’ as a generic name to describe an undifferentiated chain of islands, which until recently were specifically differentiated as Migingo, Ugingo, Usingo, and Pyramid (Rossi, 2016).

It is out of these technical flaws committed by the colonial border demarcation that Ugandan surveyors have disputed Kenya’s territorial claims over Migingo Island. Because of its pyramid shape, Ugandans claim that Usingo Island, which lies east of Migingo, is Pyramid Island as referenced in the 1926 British Order in Council. This claim has led to disagreements between Kenya and Uganda surveyors as to which of the three islands referenced in the colonial boundary documents is Pyramid Island (Rossi, 2016).

### **National sovereignty and its influence on Kenya-Uganda dispute settlement**

Uganda’s military activities in Lake Victoria between 2008 and 2009 almost led Kenya and Uganda into war. High level diplomatic discussions between the presidents of these states produced a fragile arrangement, allowing routine fishing activities to continue under joint police supervision. Consequently, a Joint Technical Committee (JTC) of experts was mandated to evaluate the disputed border. Unfortunately, surveying work stalled when the joint verification team disagreed on methodology. Ugandan experts withdrew from the exercise, leading to the collapse of the initiative (Rossi, 2016). The establishment of the committee of experts to resolve this dispute was an initiative by the competing parties themselves, which was an acceptable practice in international conflict management. An attempt by both parties to resolve the dispute in Lake Victoria did not hold because of sovereignty concerns, especially of competing national interests. These two nations’ vested interests contributed to the collapse of the JTC initiative for peaceful settlement of the dispute. Although State interests override the quest for regional integration, they tend to disregard international cooperation. As long as there is no violation of any citizen’s rights, the international community cannot intervene in the Lake Victoria dispute, unless the parties themselves refer the matter to an international agency for settlement.

A number of countries have referred territorial disputes to the International Court of Justice (ICJ) or other international agencies for settlement. For example, one notable dispute is the conflict between Nigeria and Cameroon over the Bakassi peninsula. This border issue has been a bone of contention dating back to 1913 during the colonial period. The discovery that Bakassi Peninsula harbors important deposits of oil and gas reserves triggered hostilities and military confrontations

between these two countries (Baye, 2010). In the case of Kenya and Uganda, the EAC would have served as an alternative to resolve their dispute, but it has no institutional capacity. Compared to the Economic Community of West African States (ECOWAS), which has resolved many conflicts that emerged among West African states, EAC has no military wing to enforce decisions that require military action.

There is still a strong wave of nationalism in each of the countries of East Africa. Nationalism is still strong against regionalism in East Africa. Pertinent issues have emerged with reference to the extent by which people from East Africa have been involved in the integration process. Operations of the EAC make it a club of ruling political elites, who at most are concerned with the preservation of their political power. A critical examination of the selection process of representatives to the East African Legislative Assembly (EALA) is flawed and alienates citizens. The selection of the EALA members is undertaken by leadership of political parties or leaders of the respective East African Countries (Adar et al., 2020). The lack of a strong agency or weak institutional capacity is part of the problem facing Africa. In 2011, the Council of Ministers directed the secretariat to commission an institutional review based on its increased mandate since the Permanent Tripartite Commission was formed in 1993. Several years on, the review is yet to be completed due to changing policy positions and lack of member state agreements on recommended institutional arrangements (Vanheukelom et al., 2016).

Since attaining political independence, most African states have focused on political consolidation and state building, which has evolved into the centralization of state authority, codified national identity, and unity. Porous and peripheral borders that were created by colonialists have posed a great challenge to the spirit of Pan-Africanism. The commitment to Pan-African ideals by African states only matter in contexts where they do not conflict with national interests (Rossi, 2016). Uganda, for instance, has a history of military intervention in some states of the Great Lakes region and the Horn of Africa. Uganda's intervention in DRC, Rwanda, Central Africa Republic, South Sudan, and Somalia has been considered on a number of factors. President Yoweri Museveni's personal political interests have driven him to influence and manipulate regional politics, including overstaying in office. Therefore, he is under pressure from the west to relinquish his power. He is a shrewd leader who manipulates regional politics for his survival, and tactfully uses regional instability as a bargaining chip when negotiating with western powers (Bauer, 2013).

Soldiers benefit from these military deployments because they are paid handsomely in form of Euros or U.S. dollars. Most soldiers have built good permanent houses from the proceeds of war. The soldiers have been accused of engaging in illegal activities while on such missions. For instance, they smuggle minerals and timber from DRC. Since 1990s, Uganda has been accused of robbing DRC of its minerals, and in 2005 the ICJ ordered Kampala to compensate Kinshasa. The ICJ found the Ugandan state guilty of plundering natural resources during its five-year occupation of northern DRC (Rossi, 2016).

Conflicts are waged in disguise to protect national interests, when in real sense the process is manipulated by individuals in the military or strategic political positions to gain access to valuable resources for self-enrichment (Le Billon & Duffy, 2018). In the New World Order, the struggle for natural resources among states has increased their vulnerability to armed conflict by weakening the ability of political institutions to peacefully resolve disputes. Contrary to the belief that abundant resources aid economic growth, Le Billon and Duffy argue, empirical evidence suggests that countries that depend on the export of primary commodities are at a higher risk of

going to war over the extraction of such resources along the common border. The notion of resource curse that underpins both armed conflict and political instability in many oil producing countries of the Middle East, or even those in the scarce cropland regions of the Great Lakes is a clear indicator that there is a serious problem confronting Kenya and Uganda (Le Billon & Duffy, 2018).

## CONCLUSION

National sovereignty is a key factor that largely dictates a State's choice on the way to relate with others in the community of nations. It addresses itself to geopolitical issues, regional power dynamics, and domestic affairs of the State. The competition for territories by States has led to strained relations that eventually affect their economic and political ties. Contemporary diplomacy focuses on the advancement of the economic interests of the State. Kenya's diplomatic considerations over Uganda are strategic on economic advancement. Kenya benefits immensely from Uganda's market, which is the largest consumer of Kenya's manufactured goods. Moreover, Kenya's geostrategic importance has made the country to downplay the Lake Victoria dispute and adopted an appeasement policy towards Uganda's aggression. Kenya is a regional economic hub with immense western vested interests while Uganda's policy is largely driven by the country's internal political dynamics.

Economic ties between Kenya and Uganda have greatly shaped the countries' economic and political relations, despite the push and pull factors that exist in their relations. Both countries have a symbiotic relationship and cannot exist without the other. Kenya provides access route to Uganda's export and import traffic. Similarly, Uganda provides a large regional market for Kenya's manufactured goods. Territorial disputes between the two countries are deeply rooted in the colonial legacy stemming from the Berlin Conference of 1884-1885. The partition of Africa, which split many communities, was done with total disregard of the existing socio-economic and cultural ties amongst African societies. After independence, many African countries have and continue to grapple with the problem of political consolidation. Poorly or unclearly demarcated borders between African countries have caused numerous territorial disputes in the continent. The disputed border between Kenya and Uganda around Lake Victoria has led to claims and counterclaims over territorial sovereignty.

The aspect of national sovereignty explicitly emerges in relation to how each State attempts to protect its national interests at the expense of regional cooperation. Both Kenya and Uganda are members of the EAC whose protocols provide for free movement of people and goods across the region. However, most of the policies of the EAC have not been fully harmonized by member states. The slow pace that has caused non-implementation of some EAC protocols is as a result of national interest invoked by sovereignty issues as discussed in this article.

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