



**UNIVERSITY OF NAIROBI**

**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

**EXPLORING ENVIRONMENTAL DIPLOMACY FOR INTERSTATE CONFLICT**

**MANAGEMENT IN EAST AFRICA: A POSSIBILITY FOR KENYA'S AND**

**UGANDA'S COLLABORATION OVER MIGINGO ISLAND**

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**International Studies**

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**DECLARATION**

**I, Ngahu Mercy hereby declare that this research project is my original work and has not been presented for a degree in any other University.**

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**This project has been submitted for examination with my approval as University Supervisor;**

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

BMUs:	Beach Management Units
KIPPRA:	Kenya Institute for Public Policy Research and Analysis
LVEMP:	Lake Victoria Environment Management Project
MEAS:	Multilateral Environmental Agreements
MENR:	Ministry of Environment and Natural Resources
NEMA:	National Environment Management Authority
PF&I:	Policy Formulation & Implementation



## **CHAPTER ONE: INTRODUCTION**

### **1.1 Background of the Study**

Regionalism helps in reducing the chances of conflict with neighbors and facilitates the negotiation of agreements to share natural resources. It is believed that trading partners are least likely to get into conflict and if that happens they have the mechanisms to manage the conflicts. This is so because trade fosters peace and increases interdependence. Integration between the two brings the people and governments together and increases access to the security of strategic raw materials and reduces the likelihood of any threats to trade embargo. The shared resources particularly those that cut across boundaries like water masses and eco systems can be exploited and managed for the benefit of the members.

However, nature's hostility towards man has resulted to an ecological crisis witnessed in phenomena that continue to ravage the earth's state of health such as global warming, droughts, flooding, acid rains, desertification and the drying up of water sources (Kim & Ali, 2016). The degradation of the environment is a growing concern for nations in the world and some environment analysts argue that there is a causal link between environmental degradation and violence, others say that collaboration would be the most likely outcome. Since the second half of the 20th century, various nations of the world have joined hands in order to solve this ecological imbalance and loss, resulting to a new kind of international cooperation specific to traits and to the universal nature of ecological problems. Environmental Diplomacy also referred to as Ecological or Green Diplomacy is this new kind of diplomacy which ultimately targets the harmonization of the interests of relating states with the interests of all living things, as far as the protection, conservation and sustainable development of natural living conditions are concerned.

### **1.1.1 Environmental Diplomacy**

In 1992 during the Rio summit also known as, Rio de Janeiro Earth Summit held in June, there was recognition that the nations around the world needed to work together to get a way forward on the trans-boundary environmental issues such as protecting common resources including fisheries, endangered species, rivers, oceans, forests and other trans-boundary resources which were increasingly emerging. In 1998, an “Environmental Diplomacy” conference was held by the Heinrich Böll Foundation and the American Institute for Contemporary German Studies organized; just after the 4th Conference of the Parties of the UN Climate Convention in Argentina. The conference was charged with three main objectives as follows: to define the importance of international environmental cooperation in the post-Cold War era; to discuss the relationship between environmental policy and the international trade and financial regimes and institutions; and to draw conclusions for the future of the transatlantic relations and specifically for the prospects of an environmental dialogue as part of the New Transatlantic Agenda.

Thereafter, the United Nations Climate Change Conference held in Durban, South Africa 2011 sought to agree on a new Protocol to replace the Kyoto Protocol that was to expire in the year 2012 (Mbaya, 2011). The main concern of the 2011 Durban Conference was to save the world from further environmental disaster as the debate on climate change took Centre stage in international relations. Compared to arms control, peacekeeping and even energy security, this area of diplomacy based on environmental protection is considered a softer field of international relations. The practice is based on building international relations for the purposes of preventing environmental deterioration; an aspect of diplomacy which helps nations to rethink the world of public international law, thus allowing them to become better environmental stewards in their respective jurisdictions around the world. Mbaya (2011) asserts that industrialized countries

should take a fair share of responsibility for global warming coming from their industrial and chemical complexes which emit toxic gases into the atmosphere. This responsibility must include technical and financial support for developing countries determined to deal with environmental degradation, but lack sufficient resources for the task to correct the damage already done to environment, through no fault of theirs.

The significance of environmental diplomacy is becoming more elaborate by the day since environmental issues ranging from climate change, hazardous chemicals to biodiversity loss are affecting almost every aspect of policy making in the world. Environmental protection and sustainability remain paramount due to the complex and highly important reality of current environmental challenges that threaten human survival (Kaei, 2011). Environmental diplomacy takes on two forms: proactive environmental diplomacy here two or more nations create a relationship and they exchange ideas on environmental protection, they also embrace culture and technology with the purpose of bettering the environment of one or all of the countries involved; on reactive environmental diplomacy the states involved conduct international relations to resolve a specific environmental issue (Mavazing, 2012).

### **1.1.2 Environmental Diplomacy in Africa**

On the 13th of January 2016, a three-day Workshop on Environmental Diplomacy, co-organized by the Center for Governance and Sustainability at the University of Massachusetts, Boston and the Horn of Africa Regional Environment Centre and Network (HoAREC&N) of Addis Ababa University was held at the Gulele Botanic Gardens in Addis Ababa. The workshop, Regional Environmental Diplomacy Institute (REDI)-Africa, was the first of what was planned to be an annual series of workshops bringing together government officials, experts, practitioners and

civil society advocates from Addis Ababa and from Boston with the aim of equipping diplomats with the necessary skill-sets for environmental diplomacy, enhance interdisciplinary understanding and dialogue, and promote sustainable learning and future collaboration among participants.

There is no doubt that Africa nations are in need of such workshops; not only at the national level such as the one held in Ethiopia, but also at the intercontinental level. According to Mbembe (2000), the great hydrographic basins of Africa tend to become new areas of trans-boundary conflict basically due to their central role in the economic activities of these nations as well as the serious contradictions that have emerged on boundary disputes. The non-coincidence of the borders of states and natural borders has opened the way to disputes over sovereignty. Walker (2015) argues that the territory of a state is determined by lines that divide the territory of that state from others. It is much easier to identify such lines and demarcate, delineate or delimit them on land by use of such physical features as a fence or markers that will give a physical indication of a boundary. However such demarcation is hardly possible on shared water bodies. The use of physical objects such as buoys cannot be a guarantee since these could be removed or damaged, and the numbers required would be huge. Delineation is thus only possible by means of a set of coordinates that determines the territorial extent of a state. Walker (2015) also observes that African maritime boundary disputes, unless resolved in a concerted and timely manner, will imperil both the short and long-term implementation of maritime policies and strategies. He therefore urges African states and stakeholders make boundary dispute resolution a priority if vital maritime economic development is to occur.

### **1.1.3 The Case of Migingo Island in East Africa**

Lake Victoria was a perfect example for those who criticized the link between environmental degradation and violence, though it suffered from severe environmental degradation there were minimal cases of violence reported. However, this notion of calm calmness changed around 2004 when the government of Uganda sent its officials on the small Island of Migingo, where they hoisted the Ugandan flag; resulting to one of the most noted cases of a maritime trans-boundary environmental issue in Africa pitting Kenya against Uganda; its neighbor on the western border. For most of its history, Migingo remained an uninhabited outcropping, a dot on the second largest fresh water lake in the world. Climate changes to the hydrological cycle of the Lake Victoria Basin, a basin long regarded as susceptible to significant water table fluctuations, resulted in alarming diminutions to the water table of Africa's largest lake, beginning in 2000. Despite dire long-term implications, the receding water presented an economic opportunity for a small number of enterprising fishermen, who in 2001 began using Migingo's newly-exposed craggy shore as a port. Reports soon circulated that its surroundings earned fishermen three to four times in a day what shore-based counterparts earned in a month. Migingo's reputation as a rich fishing ground swelled its population to more than one thousand inhabitants, quickly turning the islet into a micro-slum. But its position in the lake makes its half-acreage a strategic off-shore weigh station and encampment for commercial export of Nile perch (mbuta), attracting as epiphenomena pirates, smugglers, and contested claims of sovereignty between Kenya and Uganda (Rossi, 2014).

The Island, with about 1000 inhabitants has been the cause of souring diplomatic relations between Kenya and Uganda with both claiming ownership. In 2004 there was a huge diplomatic spat when Uganda deployed its forces and, in 2009, imposed a special tax on the Kenyan

fishermen. The Kenyan parliament on May 2009 voted in favour of a military intervention to secure Migingo Island. In 2013, a meeting held by government officials from the two countries did not yield much in terms of results but rather fueled the tension. Other attempts by both parties to reach an amicable solution have failed, with both sides taking firm stand on the ownership of the island and its rich fish resources.

The media in attempt to tell the story of Migingo Island instead became as a catalyst in escalation of conflict especially when the reporting tended to favor either side. Sometimes the style used while reporting magnified the issue making it sensational, depicting Kenya and Uganda as being on the verge of war. Report on national media of deployment of the military troops and specialized forces by the two countries continue to escalate the tension on the island. Media reports of frequent arrest of the Kenyan fishermen by the Ugandan authority have also heightened the tension on the island. The role of environmental diplomacy as a conflict management strategy seems not to have been appreciated by both parties. This study argues that environmental diplomacy presents Kenya and Uganda with a chance to resolve that Migingo issue without breaking the strong ties that have existed between these two countries for centuries.

## **1.2 Statement of the Problem**

The poor demarcation of boundaries in Africa has become a compelling source of conflict, particularly as far as the spilling over of intra-state conflicts to neighboring countries is concerned. Despite the artificial and unviable character of the borders of many African states, the continent's governing elite has over the years stuck to a policy of maintaining the status quo of the continent's internationally recognized borders. However, a number of persistent pressures have recently forced a rethink on the approach to be taken to the management of Africa's

boundary problems, with the focus being on the proper delineation and demarcation of borders (Ikome, 2012).

Wafula (2010) states that “there are heightened tensions and increasing potential for inter-state conflicts in Eastern Africa due to growing discoveries, or rumors of existence, of natural resources on borders or in borderlands”. The very essence of human existence cannot happen without resources and how well they are distributed, thus the fundamental survival of all species hinges on collaboration. This elevates it to a core concern that pre-occupies all individuals and states in regard to natural resources found in their possession.

The deteriorating environment is obviously of importance but there are many ways to respond to a situation of environmental scarcity and the question is why the riparian countries first meet the challenge with extensive collaboration to later end up in a conflict involving the military. According to Thomas Homer-Dixon, a causal link between severe environmental scarcities on the one hand and violence on the other (Floyd – Richard, 2013, p.178) leads to three major emerging issues: economic resources and interstate conflict; demarcation and interstate conflicts; and conflict management and conflict escalation. This study, with special reference to Migingo Island, seeks to critically analyze, describe and make deductions on conflicts emanating from environmental resources existing in international boundaries of African countries. It mainly seeks to explore the inter-state conflict on Migingo Island and how the two countries involved can find a middle ground through environmental diplomacy to resolve the escalating problem of natural resource scarcity.

### **1.3 Objectives**

The main objective of this study was to explore possibility for Kenya's and Uganda's collaboration over Migingo Island through an environmental diplomacy strategy. Specifically, this research intends:

1. To study human activities on Migingo island and how they impact on care of the lake environment.
2. To explore the state of environmental diplomacy in the conflict between Kenya and Uganda over Migingo island
3. To suggest alternative ways to resolve the stalemate of the island and how they can enable the communities to co-exist.

#### **1.4 Research Questions**

1. What human activities take place on Migingo Island and how do they affect the lake environment?
2. What is the state of environment diplomacy between Kenya and Uganda over Migingo Island?
3. Which alternative ways can be used to aid a peaceful co-existence by both countries?

#### **1.5 Justification and Significance**

This research is of great significance in helping Kenya and Uganda to develop greater awareness of their role in guarding and preserving their environment and natural resources for their future generations. Other stakeholders such as the non-governmental organizations (NGOs), research organizations and institutions of higher learning will also benefit by means of identifying and



recognize gaps in areas in which they could participate in through supporting the two countries to achieve this mandate.

## **1.6 Scope and Limitations**

This study was conducted within the East Africa region and targeted Kenya and Uganda; the two countries are contesting the ownership of Migingo Island. It only considered environmental aspect as an avenue for diplomatic relations among two countries.

This study was limited by several factors. First, obtaining clearance not only to visit Migingo Island but also to conduct research was a difficult task due to the ongoing ownership tussle and presence of security personnel from both Kenya and Uganda. The presence of agencies from governments on the island posed as security threat and also hinder ample collection of required data. The researcher also expects access Migingo Island to become another challenge due to limited means of transport to Migingo. Financial constraints was another challenge since the study needed a lot of financial support to achieve the desired results. There was constraint of time and space while working on the project due to the limited deadline to submit the project.

## **CHAPTER TWO: LITERATURE REVIEW**

### **2.1 Introduction**

This chapter reviews literature on international relations with a focus on environmental diplomacy and its role in interstate conflict management. The review covers the global perspective of environmental diplomacy and then narrows down to East Africa; specifically on the conflict over Migingo Island by Kenya and Uganda. The review is guided by the specific objectives of the study which cover human activities and how they impact on care of the lake environment; the state of environmental diplomacy in the conflict between Kenya and Uganda; and lastly the alternative ways that can be exploited to resolve the stalemate of Migingo Island and how they can enable the communities to co –exist. This chapter also lays the theoretical and the conceptual frameworks of the study thus giving a base for its methodology.

### **2.2 Theoretical framework: Liberalism**

There are several theoretical approaches to the study of international relations. The theories are paradigms which explain the field of study and the agenda for research and also policy making. The theoretical approaches have many versions and interpretations. Some of the theories are more relevant to the study of dispute settlement in the context of environmental diplomacy while others are not adept to analysis due to their general focus(John, 2008 p.110). This study adopted the Liberalism theory of international relations.

The basic insight of the Liberalism theory is that the national characteristics of individual states matter for their international relations (Walt, 1998). This view contrasts sharply with both Realist and Institutionalism accounts, in which all States are assumed to have the same goals and

behaviors internationally; self-interested actors pursuing wealth or survival. Liberal theorists have often emphasized the unique behavior of liberal States, though more recent work has sought to extend the theory to a general domestic characteristics-based explanation of international relations (Walt, 1998). New paradigm shifts in the international system, like liberalism and others have come up emphasizing the role of cooperation and non- state actors. With the proper framework in our institutions and diplomacy, Liberals believe that countries can work together to maximize prosperity and minimize conflict (Pevenhouse, 2010)

Liberalism is segmented into four are as one fall into the definition which states that all the citizens are juridical equal and are at liberty to enjoy their basic rights, in such the people have the democracy to choice those to get in power. They also have the right to own property as individual in states, the most effective economic system is one that promotes and facilitates free trade domestically and internationally. Taken together these prepositions place a higher premium on order and authority for the community and they are willing to sacrifice the liberty of the individual for the stability of the community.

The theory on liberalism is premised on the prediction that hope, reason and universal ethics in the international system will lead to a peaceful and cooperative world with an international institutional framework capable of policing and instituting reforms that empower the international system. The existence of agreed upon rules and regulations enhances opportunities for cooperation. The development of institutionalized cooperation between states creates greater opportunities and possibilities to achieve greater international security.

There are four types of liberalism that influence international relations, commercial, republican, sociological and liberal institutionalism. Commercial liberalism fights for capitalist economy and

it is promoted by the world's financial institutions. Major trading states and multinational corporations. It argues for free trade, private property rights, free markets and a more tolerant world. The republican liberalism promotes free trade and recognizes the value and importance of democratic states and their contributions to peaceful coexistence. Democratic states are much more inclined to respect citizen rights and as stated elsewhere in this paper they are least likely to go to war. Commercial and Republican liberalism have been adopted in forming the core foreign policies and goals of major powers. Sociological liberalism focuses on community and interdependence and globalization. As transnational activities increase, citizens in the global system gets more inter linked and governments increasingly become interdependent. As a result states become increasingly aware of the need to cooperate with their neighbors.

Liberalism has been found adequate in the international political system as it has the capacity to deal with problems relating to environmental degradation and global warming. Liberal institutionalism operate from three different assumptions, firstly in the examination of the structure of the global system, second, on the examination of the parts that make the global system, and thirdly, it focuses on the role of IO's. The three assumptions however all agree in the probing of the conditions under which the convergent and common interests between different states and political actors may result in mutual agreements. Liberalism thinking led to the creation of the UN, whose membership is near universal and the great powers have been able to prevent and enforce actions contrary to their interests. The UN and other international institutions were created to undertake functions of states which the states had been unable to perform. Liberalism recognizes the role and importance of non-state actors like transnational corporations and NGO's and new patterns of interaction geared towards interdependence and

integration. In their view, institutions exert new influences in international relations and encourage cooperation.

Despite being competitive States do experience periods of peace and tranquility but when the need arises they will arm themselves or join alliances to retain or ensure that the power balance is favorable to them. A State's overall purpose however is survival in a hostile environment. To survive a State must rely on itself and must acquire power. States are sovereign and must do whatever is necessary to survive and advance their interests. Liberalists focus more on the principles of reciprocity and identity as opposed to realist who place emphasis on dominance.

### **2.3 Human activities and how they impact on care of the lake environment around Migingo**

Lugo (2010) underscores how critical water is for survival of living organisms, supporting social and economic development as well as in the socio-ecological well-being of the universe. However, establishing mechanisms to ensure that water is conserved and its use governed has remained a recurrent challenge in almost all parts of the world. The United Nations (1992) declared "the protection and use of trans boundary watercourses and international lakes" as an "important and urgent task that demands enhanced cooperation" (Preamble UN Water Convention 1992, paragraph 1). Such collaboration must be geared towards "strengthening national and international measures to prevent, control and/or reduce the release of hazardous substances into the aquatic environment, to abate eutrophication and acidification, and encourage sustainable catchment management for freshwater ecosystems". Unfortunately, Castro (2007) is of the opinion that observes that the struggle to stop negative bearings of water-related hazards and deficiencies is being lost in many countries despite significant efforts in recent decades. Esty and Ivanova (2001) observed that the current water resources degradation, especially in relation

to water bodies crossing to other countries, has spurred interest in rethinking and possibly improving problem-solving capacities, chiefly by restructuring institutional ‘architecture’: that is ‘the clusters of norms, principles, institutions and regimes’ that constitute governance in the absence of world government (Biermann et al. 2009).

### **2.3.1 Economic Activities**

Milingo Island teems up with economic activities occasioned by the more than 100 boats that dock to offload their catch every morning for weighing and selling to local and external buyers. The buyers who small scale fish mongers as well as large scale fish processing firms transport the fish to the mainland on the Kenyan side and thereafter either sell locally or export the fish to the European Union and beyond. The Nile Perch species that makes up for most of the catch is central to a multi-million dollar fishing industry that drives the economy of three East African countries of Uganda, Kenya and Tanzania. The waters around Milingo Island have been found to have an exceedingly rich stock of Nile Perch which has led to territorial dispute between Uganda and Kenya. According to the international border the island belongs to Kenya, the official documents also outline the tiny island belongs to Kenya. The thriving business did not come without challenges, trouble started when pirates first heard that fishermen were making \$300 a day, which was approximately three or four times what many people in East Africa earn in an entire month on dry land, they flocked to the island and stole fish, cash and engines. The major fish species in this area is Nile perch. This is mainly because the waters are deep favoring their survival. Nile perch is able to fetch international markets and thus a huge market is created. However, large companies have posed great competition to the local people. They have the financial power and resources to package, market, and transport their fish better than the locals. This dries off the locals market.

### **2.3.2 Social Activities**

Just like any other residential areas, people are attracted to a place because of a couple of reasons. Some is work, culture, living standards, reputation of a place, weather, and the people living there among other factors. Some of the social activities the island prides in could be the improvement of social facilities such as the restaurants and one club that is found in the area. Lack of schools on the island has led to minimal activities, most of the people are uneducated and so they hardly think of saving or having other businesses to earn income. They live each day as it comes. A large number of men here spend their money on drugs and sex. This has become a way of moneymaking for some of the people, with several brothels being set up in the area to serve the purpose. Most of the people living in this island are not educated. This means that they earn a living by doing casual jobs or any activity that gives them the means to survive. There is only one pharmacy on the island making the people in the area to be in great danger in case of an emergency. The presence of a church acts as a lifter of their faith and also encourages fellowship a social aspect on the island. Due to the high population on the island there has been a report of crime rate going high. Lack of constant job is leading the young people get involved in crime. The environment surrounding the area is very un-conducive because of pollution. The water in the area is not treated and there is sewage right outside the houses. This goes without saying that they eat unclean and unhealthy food. The main food dish in the area is fish and no vegetables are grown here, making most people suffer from malnutrition.

As indicated prostitution in this area is like an economic activity for most locals. The bad thing is that they engage in sexual activities without using any protection. The major reason for this being that engaging in sex using protection fetches less money compared to when one avoids protection. This leads to transmission of AIDS as well as other sexually transmitted diseases through modes



such as sharing drug injection needles. It is very disappointing how an island with a very high population can lack medical facilities or schools. It is a very bad place for children to grow in since they cannot access healthcare or education. Over the years, trained people from NGO's have been deployed to the area to bring awareness to the people on HIV& Aids as well as proper sanitation.

### **2.3.3 Political Activities**

Kisiangani (2014) argues that Kenya has for longest time been considered as a reluctant regional actor on the political area. Many view it as strong economic powerhouse within the East African region, but lacking political muscle to leverage its surrounding influence. Critics argue that Kenya takes its cue from its neighbors and adopts regional engagement strategies that are a passive object of the geo-strategic interests of others. The question is on most scholars mind is why Kenya has not consistently converted its economic strengths into political influence and acted as a pivotal state in the region. Kenya's performance in regional politics cannot be ignored based on its concomitant cause in the conflict for Migingo Island and around the border. According to Njoka (2013), this cause attributed the dispute to political posturing and lack of dispute settlement strategies between the two countries. The island provides ideal fish landing point unlike Ugingo and Pyramid Island which are inaccessible due to their steep gradients. He continues to argue that the Migingo Island dispute is in conformity to Wanyama's definition of dispute 'the contentions or disagreements that arise between interested parties in a given issue or activity. The dispute is about fisheries on the international maritime boundary of the two states.

## **2.4 State of environmental diplomacy in East Africa**

Kisiangani (2014) tracks the long history of Kenya's regional co-operation with its two East African neighbors and key trading partners, Uganda and Tanzania. This co-operation was initiated at the formation of the East African High Commission that provided for an inter-territorial co-operation in 1948. This later gave birth to the East African Community (EAC) in 1967 aimed at strengthening ties between its member states. The EAC collapsed in 1977 due to a divergence in the national interests of its members. However, it was re-establishment in the 1990s and its 2000 expansion to accommodate more member states of Burundi and Rwanda not only widened opportunities for Kenyan businesses; but also opened up doors for the need for greater diplomatic ties. Respect for sovereignty and territorial integrity of other states, and preservation of national security; good neighborliness and peaceful coexistence; Peaceful settlement of disputes; non-interference in the internal affairs of other states; non-alignment and national self-interest; and adherence to the Charters of the United Nations and the Organization of African (OAU) Unity/African Union (AU) were agreed on as some of the basic principles guiding the relationships of these states.

The Migingo Island dispute has remained a major test to the first three principles of respect for sovereignty and territorial integrity of other states, and preservation of national security; good neighborliness and peaceful coexistence; peaceful settlement of disputes. According to Gleick (1993), fresh water is considered as one of the most essential resources, critical for all ecological and societal activities, including food and energy production, transportation, waste disposal, industrial development and human health. Unfortunately, fresh water resources are unevenly and irregularly distributed, and some regions of the world are extremely water short. Leb (2012) views the scarcity of water and resultant competition for limited supplies as a potential catalyst for local and international conflict. It has been rightly asserted that water

scarcity will not only affect people's livelihoods but may also necessitate states to treat access to water as an issue of national security. The Water Act, (2002) was passed in Kenya to regulate the use and control of water resources. It includes laws on how water resources are managed and the rights to acquire and use it. In addition, the Act also regulates the supply of water and sewerage services; it repealed some laws in the Local Government Act and the Water Act (Cap. 372). This Act vests every water resource in the State subject to any rights of user granted by under this Act or any other written law. This law makes the matter of settling the Migingo island dispute a critical matter of national importance for the Kenyan government. The government therefore has to exploit all possibilities in attempt to resolve this dispute with great care not to hurt the balance of regional peace amongst the member states of EAC.

## **2.5 Alternative ways to Migingo Conflict Resolution**

### **2.5.1 Diplomatic Options Employed in Resolving the Migingo conflict**

The diplomatic options available for conflict resolution are majorly negotiations and mediation. Negotiation aims at resolving disputes among parties involved in the conflict, bargaining for individual or collective advantage and crafting some outcomes to satisfy specific interests. And this is true no negotiation is done for one to lose. Effective negotiation occurs when substance issues are resolved and working relationships are maintained or improved (McCuddy, 2003).

Some of the strategies that are involved while engaging in negotiations focus on the position declared out by the conflicting parties. In such situations the parties claim a section of the disputed island. Integrative negotiation, sometimes called principled negotiation, aims at the merits of the issues and the parties trying to enlarge the available pie. Head of the Kenya delegation and Western Kenya Regional coordinator James ole Serian, and his counterpart from

Uganda delegation Mohamed Sadique and Nyanza Regional coordinator Francis Mutie during the Ninth Kenya-Uganda border technical meeting in Kisumu, which outlines the number of meetings that have been held to try and resolve the dispute. Dennis Onyango November, (2013)

Mediation is an informal process where an impartial third party, the mediator, assists disputing parties in reaching a mutually acceptable agreement regarding their dispute (Alabama Centre for Dispute Resolution, 2007). In this case the mediator does not take side nor does he impose a solution or suggest the way to go for both parties to avoid being partisan. Thereby, allowing them to resolve dispute themselves. Very Keen not to go against its role as the big brother in East Africa, President Kibaki talked to President Kikwete secretly on the Migingo issue. Kibaki told Kikwete that Kenya does not see it worthy confronting Uganda using its Military as this will cause untold misery to EAC spirit.

It is a form of alternative dispute resolution (ADR). Mediators use appropriate techniques such as evaluative, facilitative or Transformative mediation to start and improve dialogue between disputants aiming at keeping the parties reach an agreement. Facilitative mediation popularly known as problem solving mediation is widely practiced and its key focus is on the problem itself. Mediators' call on both parties to explore data and experiences related to the problem Felicity (2008).

In the Migingo dispute, several talks and negotiations have been used to some extent. Although the involvement of police forces from both sides has escalated the rift in terms of the conflict management. There have been calls for ease and diplomacy between the two parties in December 2012 and February 2013( *ibid*) which did not bear much fruits but only intensified the fight between the two communities on the island. Before then, there have been several government

ministries including foreign affairs ministers drawn from both sides meeting in Kampala. This was way back in 2009 and could be touted as the first ever kind of negotiation between the two states.

A team that comprised several delegates from Kenya led by Migori DC was among the number of people who led the talks together with District Fisheries Officer Tom Jienda and members of the security personnel. At hand to receive the Kenyan team was the Ugandan District Commissioner for Bugiri, Ms. Mwanamaiza Chikomoko, who welcomed and led the Kenyan delegation to a makeshift camp, heavily guarded by Ugandan security personnel. The Bugiri DC was accompanied by the district police commander Dan Bryaruhunya, the District Fisheries Officer Fred Igoma and several military Intelligence officers.

The group settled down for consultative meeting before going out to address the public gathering of anglers and fish traders who were eagerly waiting to hear something about their fate. The meeting was meant for the officials from the two countries to take a joint position on issues that had caused tension on the Island, leading to mass exodus of anglers to other beaches. The delegation agreed that the anglers from both nations be allowed to continue conducting business as usual until the demarcation was determined by experts. In March 2009, Ugandan and Kenyan ministers travelled to the island where they held negotiations. However, this did not end well with the first deputy prime minister of Uganda Eriya Kategaya taking issue with the then Kenyan minister for lands James Orengo for calling the Ugandan delegation 'hyenas' during the meeting (Standard Media,2013).

Nyanza police provincial officer Joseph Ole Tito at one time led a delegation of Kenyan security contingent on a visit to the island in 2013 and attempted to minimize the magnitude of the

incident terming it ‘minor misunderstanding’ (Sabahi, 2013).All their attempts to defuse the situation over Migingo did little to ease the mounting pressure from the public and parliamentarians on Kenyan President Uhuru Kenyatta (Citizen News, 2013). Migingo island ownership was supposed to take International Law perspective, where by the Island was to be determined by a joint survey based on colonial maps since all African states respect colonial borders which the organization of African Unity had imbedded in its charter (Kipkoech, 2010).The location of disputed island could be determined in relation to Iembe and Pyramid islands as described in the 1926 Order in Council. The Kenyan team in the survey places it five hundred and ten (510) meters inside Kenya from the Kenya-Uganda boundary (ibid).

### **2.5.2Other Possible Diplomatic Options in Addressing the Conflict**

Evaluating the results after the negotiations seems to have not borne much fruits, the search to resolve the island conflict thereby failing their mandate. The level of the rife is escalating day by day between the nations over Migingo. We have various forms of diplomacy or methods that can be used to resolve conflict which include; arbitration, mediation and adjudication. One common method that has yielded lots of results is arbitration; it’s a well-known process of settling disputes. It the use of the third party to bring the two conflicting groups. They hear the evidence from both parties, and thereafter render a decision usually called an award; the signed agreement is binding to both parties (Barston, 2006).

Israel and Egypt is a good example of a dispute that was solved through arbitration over the location of the border between the two nations in the Gulf of the Red Sea that was settled in favor of Egypt by an international panel in 1988.The use of legal offices is termed as adjudication, a method that can be used as an alternative in the international arena and local

national system. A court of law has the powers to end a conflict by enforcing the law if the two groups or parties are willing to abide to the ruling. In most cases the court is used when mediation and negotiations have failed. It's of essence that we get better ways of handling conflict especially those that involved the government because the common citizen is the one who bears the most cost of conflict. They need to leave at peace and enjoy liberty in doing business.

According to Were (2013), so as to reduce conflict between the two states that is primarily arising out of overdue reliance on Nile Perch, Tilapia and *R. argentea*, the communities through the national governments and NGOs should engage in developing and expanding traditional fisheries and non-fish products. The call for diplomacy in addressing the conflict has also been supported by renowned scholars of International Relations. For example, Professor Okoth states that diplomacy is the best method Kenya can take because it benefits a lot from Uganda in terms of trade and commerce. He also goes on to argue that Kenya and Uganda also engage on both regional security and global political issues. The professor challenged East African Community to mediate and resolve the conflict peacefully since international law cherishes peaceful means of conflict resolution (Kipkoech, 2010). In light of the above, Inter-governmental Authority on Development (IGAD) would be required to intervene on the Kenyan-Ugandan case before relations escalate to a *charge d'affaires* level.

Diplomatic forays and previous discussions show that the island might be in Kenya. What is perceived as left is the joint border survey to be completed then the matter being peacefully addressed. This could be achieved in employing alternatives like mediation that will leave both sides feeling satisfied. At some point, constitutional lawyer Anderson Mwiti urged Kenyans advocating for aggressive response to stop beating the war drum and embrace a spirit of co-existence with Uganda. According to the Standard Media (2013), the longtime territorial fight

over the island in Lake Victoria was to be solved in a diplomatic way by the two states. The earlier team sent by the government had stalled due to what the Serian team termed failure to have all the stakeholders on board.

Many regional institutions are banking on some more proactive approaches to this conflict. According to Institute for Security Studies (2011), there is urgent need on the side of regional bodies, of the East African community, The Inter-Governmental Authority on Development (IGAD) and African Union (AU) to fast track the completion of the survey process of the border and establishment of ways to address border disputes on the continent.

Whose territory Migingo Island is, will be determined through peaceful diplomatic option. Any states among the two may be found to have transgressed some aspects of international law. The dispute over Migingo Trans-boundary presents some unique questions of international law citizenship, regional integration and incomplete decolonization project in Africa (Pambazuka, 2009). And to this far, mediation and options though proposed by many thinkers of IR, are yet to be given a chance. The intensity of the problem is deepening each day than it may appear on the face of it and must be dealt with conclusively and with caution. The cost of resolving the conflict needs to be considered seriously. The Transgressing party should ultimately bear this cost. Involving the East African Community (EAC) in the whole process may provide space for real talks between the two states.

## **2.6 Gaps in Literature Review**

Despite diplomacy being in existence for a while now, literature on environmental diplomacy, mediation, adjudication and arbitration as tools used to solve the conflict are limited or nonexistent. This study identified the gaps in the existent literature on addressing the impasse as



not having objectively discussed on the application and adoption of other diplomatic options like mediation, adjudication and arbitration in resolving the conflict. There is little literature that has outlined the effectiveness of the various methods of conflict resolutions. The present state of peace in Migingo is not talked about. Prevailing of peace may dictate that at least a problem has been addressed to a level that the residents can bear. From the previous searches, we are yet to be told how the dispute has affected the diplomatic ties between Kenya and Uganda and the cooperation on matters of trade, commerce and even politics.

## **CHAPTER THREE: RESEARCH METHODOLOGY**

### **3.1 Introduction**

The methodological technique employed to explore the possibility of exploiting environmental diplomacy for interstate conflict management in East Africa; particularly in the case of Kenya and Uganda for collaboration over Migingo Island is presented in this chapter. The chapter included the research design utilized in the study, a description of the study location, the target population of the study, the sample size used and the sampling methods, the data collection instruments, data analysis procedures, and finally, ethical considerations made throughout the study.

### **3.2 Study location**

This study was based in Migingo Island. Migingo is described as one of three closely situated islands in the eastern waters of Lake Victoria; which measures approximately one half acre in size, or two thousand square meters (Rossi, 2014). The island is believed to about 1000 habitants, mostly of the Luo tribe from Kenya. Migingo's location has fueled the contestation over its ownership; while it is located only 10 kilometers off the Sori-Bay in Karungu division, part of Kenya's Migori district, it is over 100 kilometers from the nearest land point in Uganda. The Kenyan government has been in charge since the demarcation by the British in 1926, but in 2004 Ugandan officials arrived at the Island and hoisted the Ugandan flag (Wekesha, 2010). However, the Ugandan authorities claim that Migingo falls within the boundaries of its eastern district of Bugiri.

### **3.3 Study Design**

Mugenda and Mugenda, (2012)

Defined a research design as the general plan that shows the key processes and procedures that must be followed throughout the study. Research state that this plan should be useful in accomplishing the study aims and objectives through empirical evidence in the most reasonable cost possible (Chandran, 2004). The research design used in this study was descriptive in nature; it's appropriate to understand the nature of the problem and therefore helped to acquire information regarding respondent's perceptions, ideas and feelings concerning the study of environmental diplomacy for interstate conflict management in East Africa; particularly in the case of Kenya and Uganda for collaboration over Migingo Island. The descriptive study design used enabled the researcher to carry out the survey and collect the relevant information needed for the study. It is an ideal design because the study was geographically limited to the Migingo area and the researcher only sought to gather and report data on the state of environmental diplomacy as it is between Kenya and Uganda on the ground with no findings' manipulation.

### **3.4 Target Population of the Study**

The target population according to Nachmias (2005) is defined as an aggregate of all elements/units/cases that conform to some selected set of requirements or specifications being examined. All the inhabitants of Migingo Island were the target population of this study. However, the researcher anticipates that it may be difficult for the inhabitants of the Island to know the status of environmental diplomacy in the island thus key informant's form the Ministry

of Environment and Natural Resources (MENR) Kenya were more appropriate respondents. Despite residents of Migingo being the major subjects of the study, persons deemed to have critical information to answer the research questions are from MENR thus were selected as key informants (McKenna & Main, 2013).

### **3.5 Sample Size and the Sampling Technique**

A sample refers to a small group that is a derivative of the accessible population. This smaller group should be enough and representative of the study population (Mugenda and Mugenda, 1999). Research shows that in the case of descriptive studies a sample size that is at least 10% of the population that is accessible is sufficient to be representative for the study population (Gay, 1992). A sample size of 21 respondents was used to collect the data. Studies have shown that a sample of 15-30 respondents is considered acceptable for key informant interviews (Innes, Jackson, Plummer, & Elliott, 2017). The sampling technique that was applied is purposive sampling; this is the recommended technique in the case of selecting key informants (Tongco, 2007). Hence key informants were purposively selected from the Ministry of Environment and Natural Resources (MENR) of Kenya specifically from the State department of fisheries and blue economy.

### **3.6 Data Collection**

The study used primary and secondary data on environmental diplomacy for interstate conflict management in East Africa; particularly in the case of Kenya and Uganda for collaboration over Migingo Island. Primary data is defined as the actual raw information observed or collected directly from first-hand experience by the researcher from the field; while secondary data is the

information which have already been prepared and used by other people that is obtained from existing documents such as publications (Mugenda and Mugenda 2003).

The researcher used interview schedules to collect the primary data (Appendix A). The interview schedule was semi-structured; it included both close and open-ended questions. This use of combined methods ensured collection of quality and sufficient information from the selected informants. Interview method was used in gathering data; the respondents were asked orally by the researcher. A study by Kothari, (2004) shows that collecting data using face-to-face interviews is useful in collecting data from study participants who may not have the ability to read and write, thus answering the questions on their own becomes challenging. The interview, included a list of questions and key themes from the interview schedule.

The secondary data was retrieved from some published and unpublished information resources that relate environmental diplomacy for interstate conflict management in East Africa; particularly in the case of Kenya and Uganda for collaboration over Migingo Island. The University of Nairobi Library was the main source of this data. Periodicals, journal articles, electronic books and the internet were also utilized to acquire the required data.

### **3.7 Data Analysis Techniques**

The data was analyzed using Statistical Package for Social Sciences (SPSS) software. Descriptive statistics namely frequencies and percentages for categorical data and means and standard deviation for non-categorical data were done to understand the data distribution and to summarize the data. A study by Watson (2000) describes qualitative data analysis as a systematic procedure aimed at identifying themes, features, essentials and categories. Therefore, the

qualitative data was analyzed by making a summary thematically. The data was then presented in tables, figures and charts.

### **3.8 Data Reliability**

Studies define reliability as the degree to which the research tools used in the study are dependable, predictable stable and honest (Cataldo et al., 1970; Kumar, 2005; Punch 2005). The interview schedules were tailored to answer the research questions. Additionally, pretesting of the data collection instruments was done to ensure reliability of the data. The focus of the pretest was to check the understandability of the questions by the study participants, the accuracy, relevance, wording and content of the questions asked. The questions were then edited accordingly to be able to collect relevant, accurate data.

### **3.9 Data Validity**

Data validity can be defined as the ability of an instrument used for data collection to assess the specific thing that it was designed to assess (Kumar 2005, Punch 2005). Other studies by Babbie, (1992) further explain that data is considered to be valid when the concept a researcher wishes to measure is actually being measured by a certain index or scale. The validity of data collection instruments was ensured review by experts such as university supervisors and by presenting the gathered data in sample tables to ensure a representation of views from all participants. The primary data collected data was also compared to prior research findings to establish consistencies and increase validity.

### **3.10 Ethical Considerations**

The research ethical rules and regulations were considered throughout this study. The research was conducted in a way that adheres to all the ethics of research; through ensuring proper citation and referencing of other authors to avoid plagiarism. Professional ethics that govern the

researcher-respondent relationships were followed during data collection; the respondents were explained to the research objectives and informed that participating in the study is free and voluntary and the information collected will be used for academic purposes only. Confidentiality was therefore ensured. The researcher also sought for permission from the relevant authorities such as the University of Nairobi, Institute of Diplomacy and International Studies before commencing the data collection.

### **3.11 Conclusion**

This chapter describes the study location. It also explains and justifies the appropriate research methodology used in the study and explains the sampling procedures and techniques used. The chapter goes further to describe the research instruments that were utilized in the whole data collection process. The procedures undertaken during data analysis were also given, as well as presentation and interpretation of the data and the ethical considerations made throughout the research process.



## CHAPTER FOUR: RESULTS

### 4.1 Introduction

This chapter presents the results of the study done among 21 key informants from the Ministry of Environment and Natural Resources (MENR) of Kenya. The chapter covers the socio-demographic characteristics of the study participants, human activities in Migingo Island and how they impact on care of the lake environment, the state of environmental diplomacy in the conflict between Kenya and Uganda over Migingo island and suggests alternative ways to resolve the stalemate of the island and how they can enable the communities to co-exist.

### 4.2 Socio-demographic characteristics

The socio-demographic characteristics of the respondents was assessed by asking questions on gender of respondent, age, education and occupation. More male (57%) than female (43%) respondents participated in this study (Figure 4.1).

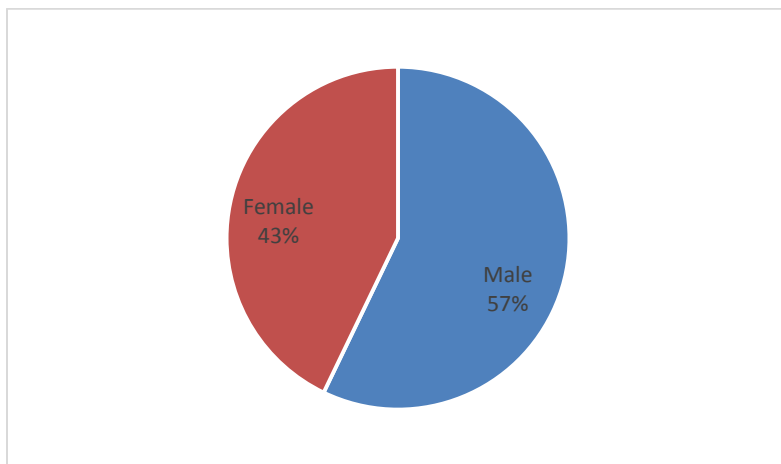


Figure 4.1: Gender of respondents

The study revealed that majority of the respondents were young; 55% were aged between 31-35 years, a fifth of them were between 26 and 35 years of age (Table 4.1).

Table 4.1: Distribution of study participants by age

<b>Age bracket (years)</b>	<b>Frequency</b>	<b>Percent</b>
18-25	1	5
26-30	4	20
31-35	11	55
36-40	3	15
41-45	1	5
<b>Total</b>	<b>20</b>	<b>100</b>

All the respondents had achieved tertiary level education; a high proportion (47%) were university graduates while a quarter had post graduate level of education (Table 4.2). More female than male respondents had reached postgraduate level of education however this was not significant as determined by Chi-square test ( $X^2$  (2 n=19) =0.460 p=0.795).

Table 4.2: Level of education of respondents

<b>Highest Education level</b>	<b>Gender</b>				<b>Total</b>	
	<b>Male</b>		<b>Female</b>		<b>N</b>	<b>%</b>
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>		
College	3	30.0	2	22.2	5	26.3
University graduate	5	50.0	4	44.4	9	47.4
Post graduate	2	20.0	3	33.3	5	26.3

All the respondents were from the State department of fisheries and blue economy in the Ministry of Environment and Natural Resources Kenya. The median duration that they worked in that department was five years while the mean was  $6.0 \pm 4.6$  years (ranging from 1-20 years) (Table 4.3).

Table 4.3: Duration respondent worked in the department

<b>Duration worked in the department (N=15)</b>	
Statistic	Number of years
Minimum	1.0
Maximum	20.0
Median	5.0
Mean	6.0
Std. Deviation	4.6

### **4.3 Human activities in Migingo Island and how they impact on care of the lake environment**

The study revealed that the main economic activity for inhabitants of Migingo Island to be fishing. The respondents stated that other economic activity that takes place in the Island is trading which is mostly small scale businesses that are retail in nature.

The person's in-charge of ensuring a good lake environment were stated to be Beach Management Units (BMUs), the government and environment officers (Table 4.4).

Table 4.4: Persons in-charge of ensuring a good lake environment

	<b>Frequency</b>	<b>Percent (%)</b>
Beach Management Units (BMU's)	9	42.9
Environment officers	3	14.3
Both environment officers and BMU's	3	14.3
Government	6	28.6
<b>Total</b>	<b>21</b>	<b>100</b>

Majority (81%) of the respondents affirmed that the services provided by the persons in-charge of ensuring a good lake environment is efficient and effective because of the regulations put in place (Figure 4.2). However, 19% reported that the standard and rules put in-place are normally not adhered to thus rendering the services ineffective.

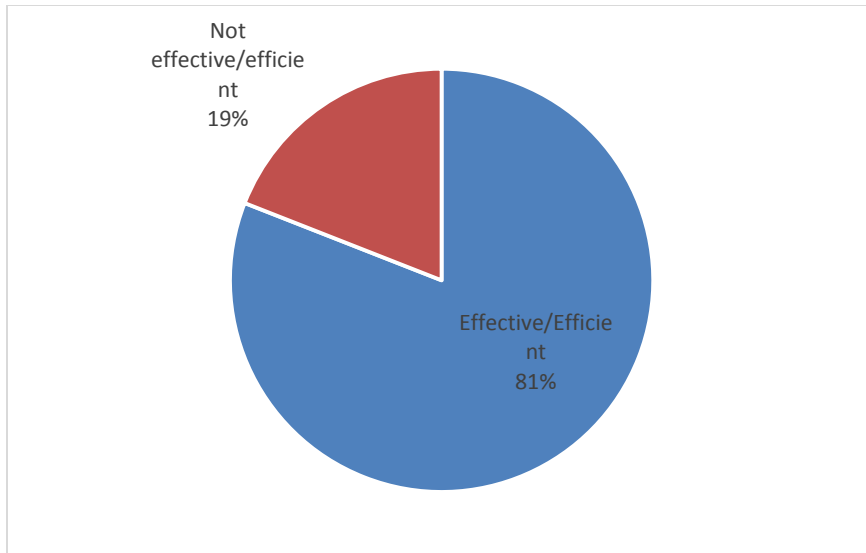


Figure 4.2: Efficiency/effectiveness of the services rendered to ensure a good lake environment

Slightly more than half (53%) of the respondents stated that fishing in Migingo Island led to the depletion of aquatic resources in the lake, some (37%) of them also highlighted that it increased pollution in the lake environment (Table 4.5). Uncontrolled fishing in the area has also allowed illegal fishing activities

Table 4.5: Impact of fishing on the lake environment

Impact	Frequency	Percent (%)
Depletion of aquatic resources in the lake	10	52.6
Increased pollution on the lake environment	8	42.1
Illegal fishing activities	1	5.3

When asked to describe a good lake environment, the respondents stated that it should be clean and safe for humans and aquatic resources, free from pollution and waste dumping, free from hyacinth and having a good drainage with good disposal systems. The respondents were further asked whether this is the state of the lake environment around Migongo Island at the moment, most (70%) of them disagreed (Figure 4.3).

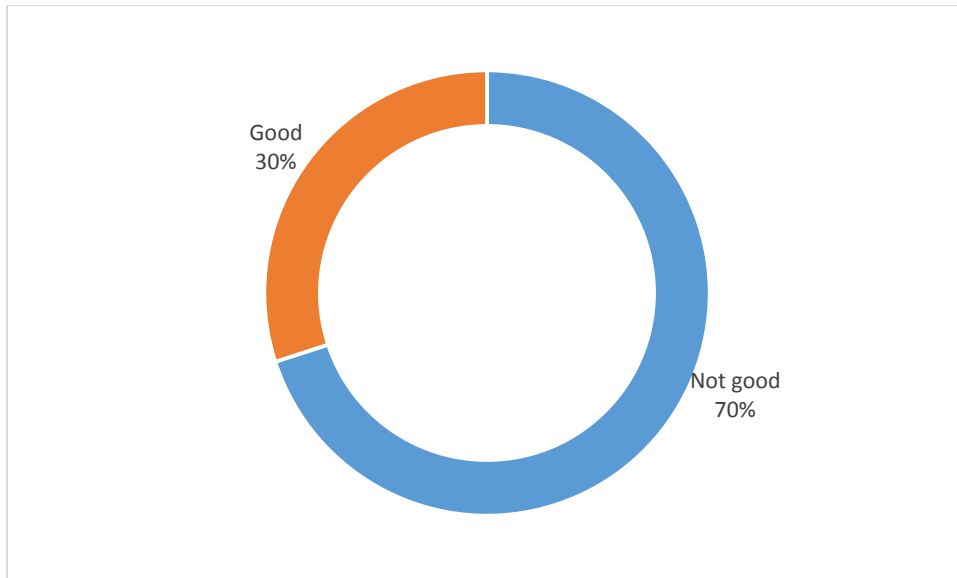


Figure 4.3: State of the lake environment around Migingo Island

The respondents described the lake environment to be congested, heavily polluted, without sewerage systems in place and not conducive for human and aquatic life. The major cause of the poor lake environment was found to be pollution by human beings; the respondents reported that dumping of wastes such as plastic/polythene bags, old nets from fishermen among others contributed highly to the poor state. Existence of slum settlements in the island, poor drainage systems and overfishing were also highlighted as major contributors to the poor lake environment.

#### **4.4 The state of environmental diplomacy in the conflict between Kenya and Uganda over Migingo Island**

The respondents were asked the current state of environmental diplomacy in the conflict between Kenya and Uganda over Migingo Island; they stated that current state was conducive for the continuing of the human activities in the Island, however, it needs improvement. They further explained that there were on-going diplomatic talks by the ministry of foreign affairs and

department of fisheries and blue economy with the Ugandan Government. One respondent described the progress to be “*slow but on-going*”, however another affirmed that “*the matter is being addressed*”.

To describe the state of environmental diplomacy in the island, majority (95%) of the respondents agreed that there is still conflict over the governance of Migingo Island (Table 4.6). Conflict over taxation, fishing and fish trading was also still a problem of contention as confirmed by  $\geq 70\%$  of the study participants. Regarding maintenance of a good lake environment, slightly more than half (55%) of the participants stated that there was no conflict over this aspect however 80% affirmed that there was still conflict with regard to the maintenance of law and order in the Island.

Table 4.6: Presence of conflict between Kenya and Uganda over several aspects in Migingo Island

<b>Aspect</b>		<b>Frequency (N)</b>	<b>Percent(%)</b>
<b>Governance</b>	No	1	5.0
	Yes	19	95.0
	Don't know	0	0.0
<b>Taxation</b>	No	0	0.0
	Yes	14	70.0
	Don't know	6	30.0
<b>Fish Trading</b>	No	4	20.0
	Yes	15	75.0
	Don't know	1	5.0
<b>Fishing</b>	No	0	0.0
	Yes	14	70.0
	Don't know	6	30.0
<b>Maintenance of good lake environment</b>	No	11	55.0
	Yes	9	45.0
	Don't know	0	0.0
<b>Maintenance of law and order</b>	No	1	5.0
	Yes	16	80.0
	Don't know	3	15.0



The major causes of these conflicts in the Island were outlined to be the following

- Fishing controls; there are no specific fishing boundary lines in the lake
- Jurisdiction over the Island; there is conflict over the ownership of the island by the Kenyan and Ugandan governments
- Conflicts between fishermen and the Ugandan police
- Fishing rights competition between the two Countries
- Illegal fishing by un-authorized people
- Human pollution of the Island and the lake
- Lack of proper boundaries of the island

The ways currently used by the Kenya and Uganda governments to maintain a peaceful co-existence in the island are diplomatic talks, collaboration and joint governance. The respondents stated that there are diplomatic channels put in place to maintain a peaceful co-existence in the Island. There is joint governance of the island; these two governments collaborate in governing Migingo Island and maintaining law and order.

Using a scale of 1 to 5 (with 1 being very poor and 5 very good), the respondents ranked the effectiveness of the strategies put in place to mitigate the conflict between Kenya and Uganda over several aspects in Migingo Island. Majority (84%) of the respondents agreed that the strategies put in place aided in having good governance in the region (Table 4.7). In aspects such as taxation, fishing and maintenance of law and order, a high proportion of the respondents were neutral about the effectiveness of the strategies in place, however about 37% thought the strategies put in place to enhance fish trading was good. Regarding the strategies put in place to maintain a good lake environment, 32% of the respondents perceived them as poor while 21% ranked them to be very poor.



Table 4.7: Effectiveness of the strategies put in place to mitigate conflict between Kenya and Uganda over Migingo Island

Aspect	Effectiveness of the strategies put in place									
	Very poor		Poor		Neutral		Good		Very good	
	N	%	N	%	N	%	N	%	N	%
Governance	0	0.0	1	5.3	1	5.3	16	84.2	1	5.3
Taxation	1	5.3	6	31.6	8	42.1	3	15.8	1	5.3
Fish Trading	0	0.0	4	21.1	5	26.3	7	36.8	3	15.8
Fishing	0	0.0	5	26.3	8	42.1	5	26.3	1	5.3
Maintenance of good lake environment	4	21.1	6	31.6	4	21.1	4	21.1	1	5.3
Maintenance of law and order	0	0.0	2	10.5	10	52.6	4	21.1	3	15.8

#### 4.5 Alternative ways that can be used to aid a peaceful co-existence by both countries

The alternative ways that can be used to aid a peaceful co-existence by both countries regarding Migingo Island were indicated to be:

- Agreement on boundary demarcation of the island by the two Countries
- The two governments should use recognized third parties i.e. international bodies, to resolve the conflict.
- Make a conclusion on the talks that have been on-going for some years
- Diplomatic negotiations should be conducted to ensure the issues are worked on and working relationships are maintained or improved by Kenyan and Ugandan people and governments.
- Finalization of the boundary survey and demarcation and create proper demarcation of the countries' borders
- The governments should jointly maintain law and order within the island and its environs
- Intervention by diplomats

## CHAPTER FIVE: DISCUSSIONS

### 5.1 Socio-demographic characteristics

Wage indicator survey conducted in Kenya in 2012 found that there were more male (68%) than female (32%) workers (Tijdens & Wambugu, 2012). This results concur with our study findings whereby 57% of the public servants were male as compared to 43% female. The proportion of female workers has greatly increased and the gap between male and female workers is closing; this could be due to increased education and job opportunities, and campaigns made in the country to empower the girl child.

Kenyan working population is characterized by young individuals (Tijdens & Wambugu, 2012). Similar to this research, the study findings showed that most of the interviewed workers were aged between 25-40 years. Additionally, a comparative study conducted in 2013 on wage differentials between the public and private sector in Kenya revealed that employees in the private sector are relatively younger than those working in the public sector and the mean age for individuals working in the public sector who are educated above secondary level to be between 40 and 44 years (Kenya Institute for Public Policy Research and Analysis [KIPPRA], 2013). The study participants in this study were all public servants and all had achieved tertiary level education but were relatively younger than the former study. This illustrates the transition taking place in the public sector in Kenya.

Evidence shows that employees in the public sector registered more experience, on average, than those in the private sector (KIPPRA, 2013). Wage indicator survey showed that workers had an average of 11.5 years of experience. This study found a lesser working duration of 6 years. This could be attributed to the young age and high level of education of the respondents because

research shows that individuals with lower educational qualifications stay on longer to gain more years of experience than those with higher levels of education (KIPPRA, 2013).

## **5.2 Human activities in Migingo Island and how they impact on care of the lake environment**

Fishing and fish trading are the main economic activity for populations living around Lake Victoria (Heck, Ikwaput, & Lwenya, 2004). In Migingo Island, fishing was also mentioned to be the main economic activity practiced by the residents in combination with small scale trading. Although these human activities in the island are beneficial in providing a source income to the locals, if not properly regulated it could have negative impacts on the lake environment. Research shows there has been an introduction of Beach Management Units (BMUs) to manage the lake environment however fishermen are not quite aware of their role (Heck et al., 2004). Similarly, this study revealed that currently, the person's in-charge of ensuring a good lake environment around the Island are mainly the BMUs, the government and other environment officers.

Empirical evidence shows that Lake Victoria and its immediate surrounding is under immense environmental stress, and thus needs urgent management intervention for the benefit of those depending on it for their livelihoods and for future generations (Lake Victoria Environment Management Project [LVEMP], 2005). The informants in this study described a good lake environment to be clean and safe for humans and aquatic resources, free from hyacinth and pollution, and having good drainage systems. It was further highlighted that this is not the current state of the lake environment around Migongo Island. Although there are regulations put in place help to ensure maintenance of a healthy lake environment, the standards and rules put

in-place are always not adhered to by the people. Studies by Odada, Olago, Kulindwa, Ntiba, & Wandiga, (2004) establish the lack of adherence to regulations and weak enforcement of laws governing the industry. This they attribute to cases of corruption, as well as weak regional integration of legal, institutional, and implementation mechanisms.

Research also shows that that the lake is facing many more problems including overfishing, soil erosion that causes siltation from deforested watersheds, introduction of new varieties of species in the lake, the flow of industrial effluence channeled into the lake each day, eutrophication and climate change (Odada et al., 2004). Studies show that overfishing, pollution, noxious water weeds, and predatory introduced fish species have all threatened the sustainability of Lake Victoria resources ( Ntiba et al., 2000; Oguttu, Bugenyi, Leuenberger, Wolf, & Bachofen, 2008).The decline of fish in Lake Victoria since 1991 is attributable to overfishing and un appropriated fishing methods (Abila, 2003). These studies are in agreement with our findings whereby the respondents reported problems like infestation by a fast growing weed in the water mass called water hyacinth and illegal fishing activities and overfishing around the Island leading to the depletion of aquatic resources. Additionally the situation worsens with the rapid population growth leading to development of slums with poor waste disposal mechanisms thus causing increased pollution in the lake environment(Odada et al., 2004). This poor lake environment could pose a health threat to humans residing in the island. Therefore human activities in the island need to be controlled to maintain the ecosystem.

### **5.3 The state of environmental diplomacy in the conflict between Kenya and Uganda over Migingo Island**

The current state of environmental diplomacy in the conflict between Kenya and Uganda over Migingo Island still needs improvement. There are on-going diplomatic talks by the ministry of foreign affairs and department of fisheries and blue economy with the Ugandan Government but the progress was described as slow. Conflict still exists over aspects such as the governance of Migingo Island, taxation, fishing and fish trading and maintenance of law and order. Although it was reported that there was no conflict over maintenance of a good lake environment the state was poor.

As confirmed by other studies, the major causes of these conflicts in the Island are poor fishing controls, jurisdiction over the Island by the Kenyan and Ugandan governments, conflicts between fishermen and the police, conflict over fishing rights between the two countries, illegal fishing by non-authorized people and human pollution of the Island and the lake (Heck et al., 2004).

The ways currently used by the Kenya and Uganda governments to maintain a peaceful co-existence in the island are diplomatic talks, collaboration and joint governance. Various studies indicate the conflict between Kenya and Uganda over Migingo Island is still on-going despite the strategies put in place (Heck et al., 2004; Odada et al., 2004; Wekesa, 2016). In this study, majority of the respondents agreed that the strategies put in place such as joint governance has aided in having better governance in the region. However, the respondents were skeptical about the strategies put in place to oversee aspects such as taxation, fishing, maintenance of a good lake environment and maintenance of law and order. A study in Lake Victoria basin, cited that fishermen are willing to pay official fees and taxes for cross-border fishing and fish trade, but they find it very difficult to obtain licenses in neighbouring countries(Heck et al., 2004).

#### **5.4 Alternative ways that can be used to aid a peaceful co-existence by both countries**

Studies have recommended regular cross-border meetings however, the representation of fishing communities and fisheries staff at these meetings has been poor, and resolutions have not been disseminated effectively (Heck et al., 2004). Additionally, the compliance to fishing regulations put in place by fishermen is poor because there are no customs and immigration posts on border islands in Lake Victoria and monitoring, surveillance and control is complicated by night-fishing, among other factors (Heck et al., 2004). Therefore this study found out that the alternative ways that can be used to aid a peaceful co-existence by both countries regarding Migingo Island were finalization of the boundary survey and demarcation and creation proper demarcation of the countries' borders, use of recognized third parties i.e. international bodies, to resolve the conflict and maintenance of good law and order within the island and its environs. Research shows that use of third parties who are impartial can be beneficial in resolving conflicts between two parties (Lugo, Jordan, & Benson, 2014; Odada et al., 2004). Clear cut boundaries could help solve conflict over taxation since a study by Heck et al., (2004) showed that fishers believe that levies on fish should be paid to the country owning the fishing grounds where the fish has been caught. Additionally the former study revealed that patrolling units cross borders either because they are not conversant with the location of boundaries on the lake, or in some cases they may cross borders deliberately.

## **CHAPTER SIX: CONCLUSIONS AND RECOMMENDATIONS**

The chapter outlines a summary of the key findings and conclusion made according to the findings. It also gives recommendations for implementation based on the findings.

### **6.1 Conclusions**

Fishing and fish trading are the main economic activity for residents of Migingo Island. Beach Management Units (BMUs) and other environmental officers are tasked with the management of this lake environment. There are rules and regulations put in place to ensure the lake environment is safe and conducive for human and aquatic life, however these rules are not often followed by the parties involved consequently leading to a poor environment. The island and the lake region surrounding the island is facing a vast array of problems such as poor waste disposal systems, congestion due to the slums, overfishing, illegal fishing activities, noxious water weeds i.e. hyacinth, among others. This has led to depletion of aquatic resources and pollution that threatens the ecosystem function and overall diversity.

There are more complex social, economic, political and technical challenges facing Migingo Island and its surroundings. Although there are on-going diplomatic talks by the ministry of foreign affairs, fishery department and blue economy with the Ugandan Government, the progress was reported to be slow. There is still conflict over the governance of Migingo Island, taxation of fishermen and fish traders, fishing rights and maintenance of law and order in the island. The major causes of these conflicts in the Island are, jurisdiction over the Island by the Kenyan and Ugandan governments, conflicts between fishermen and the police of either country, conflict over fishing rights between the two countries and illegal fishing by non-authorized people .

The ways currently used by the Kenya and Uganda governments to maintain a peaceful co-existence in the island are diplomatic talks, collaboration and joint governance. However, these strategies were reported by most respondents to be ineffective/inefficient. They therefore suggested alternative ways that can be used to aid a peaceful co-existence by both countries regarding Migingo Island to be; agreement on geographical boundary demarcation of the island by the two countries, use of recognized third parties i.e. international bodies, to resolve the conflict, make a conclusion on the talks that have been on-going for some years, conduct diplomatic negotiations and maintenance of good law and order within the island and its environs.

## **6.2 Recommendations**

Based on these findings, this study recommends that the conflict resolution strategies employed should take a holistic approach to avoid enmity between Kenya and Uganda. The transboundary diplomatic talks that have been on-going for a while should be concluded and a clear boundary established between Kenya and Uganda waters in Lake Victoria.

The Kenyan and Ugandan governments should ensure proper monitoring and enforcing the existing regulations and legislation to mitigate the environmental problems facing Migingo Island and its environs. This could be done using the Beach Management Units put in place to ensure a good lake environment.

Since there is joint governance of the island currently, harmonization of policies, regulations and laws is vital in order to have a smooth flow of policy implementation for the management of the lake. Fisheries regulations in the two countries should also be harmonized by the enforcement authorities.



An impartial institution could be put up to solve the conflicts between fishermen, between fishermen and police, among other conflicts.

The two governments should jointly agree on clearly defined goals and policy commitments on waste disposal mechanisms to reduce pollution in the lake.

To curb the overfishing problem and maintain ecological diversity, the governments should provide and promote alternative sources of livelihoods for the residents of Migingo Island.

We should create customs and immigration posts on border islands of Lake Victoria such as Migingo Island to avoid cross-border fishing activities.

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**Appendix A: Interview Schedule**

My name is Mercy Ngahu, pursuing a Masters of Arts degree in International Studies at the University of Nairobi. I am conducting a study for the partial fulfillment of the requirement of the degree. This study seeks to explore the possibility for Kenya’s and Uganda’s collaboration over Migingo Island through an environmental diplomacy strategy. Please provide answers to the following questions against the most suitable alternative or by giving narrative responses in the spaces provided. Responses were treated with utmost confidentiality.

**SECTION I: BACKGROUND INFORMATION**

1.	Gender 1=Male 2=Female	2.	Age of respondent 1= 18 – 25 2= 26 – 30 3= 31 – 35 3= 36 – 40 4= 41 – 45 5= 46 – 50 6= 51 – 60 7= Above 60 years
3.	Highest level of education attained 1= Primary 2= Secondary 3= College 4= University graduate 5= Higher level	4.	Department ..... ..... ..... .....
5.	Duration worked in the department .....		

**SECTION II: Human Activities in Migingo Island and their impact on the care of the lake environment**

6. What is the main economic activity of people in Migingo Island?

1= Fishing 2= Trading 3= other (specify).....

7. What are the other activities that take place in the island?

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8. Who is in charge of ensuring a good lake environment?

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9. How efficient/effective are these services in ensuring a good lake environment?

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10. How does fishing impact on the lake environment?

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11. a) How would you describe a good lake environment?

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b) Is this how the lake environment around Migingo Island is?

1=Yes, 0=No

c) If no, could you please explain the lake environment around Migingo Island?

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d) What could be the major causes of the poor lake environment?

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**SECTION III: The state of environment diplomacy between Kenya and Uganda over Migingo Island**

12. What is the state of environmental diplomacy between Kenya and Uganda over Migingo Island?

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13. Is there still conflict between Kenya and Uganda over the following aspects in Migingo Island? (Please indicate, 1 or 0 or where appropriate)

	Responses
	1=Yes, 0=No, 88=Don't know
Governance	
Taxation	
Fish Trading	
Fishing	
Maintenance of good lake environment	
Maintenance of law and order	
Other (specify)	

14. What are the major causes of these conflicts in the Island?

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15. Currently, what are the ways used by Kenya and Uganda governments use to maintain a peaceful co-existence in the island?

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16. Using a scale of 1 to 5 (with 1 being very poor and 5 very good), please rank the effectiveness of the strategies put in place to mitigate the conflict between Kenya and Uganda over the following aspects in Migingo Island (Please tick (√) where appropriate).

	How effective are these strategies put in place?				
	Very good	Good	Neutral	Poor	Very poor
Governance					
Taxation					
Fish Trading					
Fishing					
Maintenance of good lake environment					
Maintenance of law and order					

**SECTION IV: Alternative ways that can be used to aid a peaceful co-existence by both countries**

17. Please explain any alternative ways that can be used to aid a peaceful co-existence by both countries regarding Migingo Island.

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Thank you for participating in the survey