

**CONFLICT IN COOPERATION AND ITS IMPACT ON REGIONAL
PEACE AND SECURITY FOR THE EAST AFRICAN
COMMUNITY: A CASE STUDY OF THE FISHING INDUSTRY ON
LAKE VICTORIA, 1964- 2004.**

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EAST AFRICANA COLLECTION**

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STUDIES TO THE INSTITUTE OF DIPLOMACY AND
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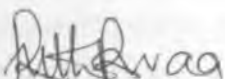


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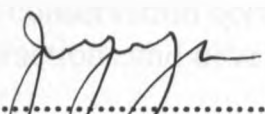
DECLARATION.

This dissertation is my original work and has not been submitted for a degree to any other university.


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This dissertation has been submitted for examination with my approval as a university supervisor.


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ABSTRACT.

Quite a number of studies have been carried out in regard to Lake Victoria. They range from the ecological aspects – fishing, fish population distribution, and water hyacinth menace – to other aspects such as the uses (and perceived misuses) of the resources thereof. A number of these studies have also explored the conflict in the lake, in relation to the riparian states. However, since the re- integration of the East African countries to form the East African Community (EAC), it becomes necessary to assess the conflict afresh.

The objectives of this study are to: show how various background factors in each member state contribute to conflict or co-operation in inter-state relations in regard to Lake Victoria fishing industry; access the history and the role of the EAC and its efforts in addressing the peace and security issues with regard to Lake Victoria fisheries; and offer recommendations to the EAC on the same.

What clearly emerges in this study is that there are a combination of factors (read intervening variables) that explain the experiences and challenges affecting maintenance of peace and security in the East African region. Needless to emphasize, efficient and effective environmental management and conservation occupy a central place in social, political and economic interactions and development of the Lake Victoria basin.

To maximize the policy utilitarian value of this study, we have captured important dynamics and explanations of peace and security, clearly distinguishing them into three categories, so as to enable better understanding of aspects and gaps towards achieving peace and security. An analysis giving a variety of possible interventions by the EAC has been offered. The study explores the gaps in the Community's efforts in nurturing peace while proposing possible stopgaps.

Against these initiatives, the study acknowledges the efforts of the Community and its interests and offers possible recommendations and conclusions based along the study hypotheses. It also points out to other emerging threats to peace and security in the Lake Victoria basin.

ACKNOWLEDGEMENT.

It is impossible to name, in this space, all those who in one way or another contributed to the successful completion of my course work and dissertation. Some however, merit special mention and they are:

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Njagi Karati for enabling me access and use the USIU library, Purity Kagwiria and Rugano's family for the company and machinery to process this work and Dr. Steve Njoka of KARI – Kisumu for introducing me to the LVEMP and LVFO staff. Also, to the said staff for their time and information.

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Above all- to God be the glory

DEDICATION.

This is dedicated to my late cousin Patrick Njiru Karati. (PN)

Rest in Peace.

ACRONYMS.

AU- African Union
AIDS- Acquired Immune Deficiency Syndrome
BMU- Beach Management Unit
CAP- Common Agricultural Policy
COMESA- Common Market for East and South Africa
CPMR – Conflict Prevention Management and Resolutions.
CSO – Community Based Organizations.
DC- District Commissioner
DRC- Democratic Republic of Congo
EA- East Africa
EAC- East African Community
ECOWAS- Economic Organization of West Africa States
EU- European Union
FAO- Food and Agricultural Organization
HIV – Human Immunodeficiency Syndrome
LVEMP- Lake Victoria Environmental Management Programme
LVFO- Lake Victoria Fisheries Organization
LVFRI- Lake Victoria Fisheries Research Institution
MP- Member of Parliament
SADC- South Africa Development Co-operation
UNDP – United Nations Development Programme.
UNEP - United Nations Environment Programme.

EXTRACTS OF ARTICLES 114&124 OF THE TREATY ESTABLISHING EAST AFRICA COMMUNITY- 2000.

(NB: These extracts are the guidelines around which this study rotates)

ARTICLE 114.

1(c). Adopt common regulations for the protection of shared aquatic and terrestrial resources.

2(b)ii The adoption of common policies and regulations for the conservation, management and development of fisheries resources.

iii The establishment of common fisheries management and investment guidelines for inland and marine waters.

iv Strengthening of regional natural resources management bodies.

vi The establishment of a body for the management of Lake Victoria.

ARTICLE 124

5. The partner states agree to enhance co-operation in the handling of cross borderline, provision of mutual assistance in criminal matters including the arrest and repatriation of fugitive offenders and exchange of information on national mechanisms for combating criminal activities. To this end, the partner states undertake to adopt the following measures for maintaining and promoting security in their territories;

(b) Enhance joint operations such as hot pursuits of criminals and joint patrols to promote border security.

(c) Establish common communication facilities for border security.

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CHAPTER ONE.

INTRODUCTION TO CONFLICT IN COOPERATION IN EAST AFRICA.

1.0 INTRODUCTION

The United Republic of Tanzania, the Republic of Kenya and the Republic of Uganda have enjoyed close historical, commercial, industrial, cultural and other ties for many years. Formal economic and social integration in the East African region commenced with, among other things, the construction of Kenya – Uganda railway, 1879- 1901, the establishment of the customs collection centre, 1900, East African governors' conference, 1926, the joint economic council, 1940, and many others.

In an effort to keep the East African states closer, Provisions were made for the establishment of the East Africa High Commission orders in council, 1947- 1961, the East African Common Services Organisation agreements, 1961-1966, and the treaty for East Africa Co-operation 1967 for the establishment respectively. The East African Community was mandated with among other responsibilities; to control and administer certain matters of common interest, regulate the commercial and industrial relations, exercise central legislation to enact on behalf of the member states laws relevant to the purposes of the said joint organisations and so on

In 1977, the treaty for East Africa Co-operation establishing the East Africa Community (EAC) was officially dissolved. The main reasons for dissolution, as observed by a number of scholars, were; lack of political will, lack of strong participation of private sector and civil society in the co-operation activities, the continued disproportionate sharing of benefits in the Community among partner states due to differences in their levels of development and lack of adequate policies to address this situation. Upon dissolution of the East Africa Community (1977) the member states signed in May 1984 (in Arusha) for division of assets and liabilities in

the Mediation Agreement. A clause in it provided for more exploration space to identify for future co-operation and make arrangements for such co-operation. In 1993, a permanent tripartite commission for co-operation between the three member states was formed. It was responsible for co-ordination of economic, social, cultural, security and political issues among the three countries, and heads of state for closer co-operation also made a declaration.

In April 1997, the heads of states and government of the three countries after reviewing the progress of tripartite commission directed the commission to embark on the negotiations for up-grading the agreement establishing the tripartite commission into a treaty. The treaty for the establishment of the East Africa Community was signed in 1999. It was the culmination of nearly three years of thorough negotiations and consultative process. It entered into force in July 2000 after ratification. Its bold vision includes: unification of member states in trade; investments; industrial development; monetary and fiscal policy; human resources; free movements of factors of production; agriculture; natural resources management; environment; tourism; defence; security; and foreign policy co-ordination, amongst other functions.

Lake Victoria is the second largest fresh water body (after Lake Superior in North America) with a surface area of 68, 800 square kilometres and adjoining area of 284, 000 square kilometres. It is shared by Kenya, (6%), Uganda (43%) and Tanzania (51%) but other sources indicate that the share is 6%, 45%, and 49% respectively. The shoreline is approximately 3450 kilometres in Tanzania, 1150 kilometres and 550 kilometres in Uganda and Kenya, respectively. On the other hand, the catchment area is unevenly distributed among the bordering states with Kenya having 23%, Tanzania 43%, Uganda 16%, Burundi 8%, Rwanda 9% and DRC 1%. A number of rivers drain in Lake Victoria; these include Kagera, Nzoia, Mara, Nyashishi, Kalonga and many others. The shoreline is convoluted due to the effect of back pounding during the tectonic formation of the Great Rift Valley in East Africa. Over 200

islands are scattered in the lake. It has an average depth of 40 metres, the deepest point being 80 metres.¹ “ Its rich endowment has enabled the inhabitation of about 30 million people who use it for fisheries, transportation, communication, trade, tourism and water for domestic hydro-electric power, irrigation and sports purposes”².

Over the years, man has been fishing for subsistence living in the Lake Victoria. Prior to the Nile Perch fishery the lake had about 12,000³ fishing craft, which were mainly manually propelled with the commonest fishing gear being the long line. The fishing industry began to flourish with the introduction of synthetic gear. This was even aggravated when the Nile Perch population grew larger dominating the waters; it supplemented the already existing Tilapia. This attracted more investment in boats, engines, and gears and increased fishing mal-practice.

The increasing local and international demands for the Nile Perch has brought dramatic changes in the fishing industry and especially now with the Lake Victoria having been recognised as an economic development zone under the EAC. The fact that Lake Victoria is an international lake causes special problems in the environmental as well as the social economic spheres and poses special needs for international political co-operation

1.1 STATEMENT OF THE PROBLEM

Concurrence of national interests between states often leads to co-operation while discordance of the same culminates to conflict. According to Holsti,⁴ interaction between states in the contemporary system are numerous and diverse.... here it should be pointed out that virtually all relationships contain characteristics of conflict and co-operation.

¹ LVEMP : “The report of the regional task force for the harmonisation of fishery legislation “– October 2002 pg 2

² *Ibid*..... pp 3

³ *Ibid*.....pp 3

⁴ Holsti K.J : Introduction to International Relations: Power and Justice : (New Delhi, Prentice Hall, 1986) pp 27

The diverse interactions in inter – state relations engender conflict and co-operation depending on the immediate national interest(s) perceived. To this end, this triad interaction extricates, *inter alia*, the economic and political factors that underpin states relations. Actors (in this case state) normally seek to achieve specific trade surpluses, access to markets, prestige and such others in their relations. Conflict is likely to occur when one actor occupies a position that is incompatible with the wishes or interests of other actors. Therefore, conflict is different from competition. Competition attains the level of conflict when interacting actors attempt to augment or expand their economic and political positions at the expense of other actors. The manner in which states apply their power capability is thus determined by their external goals and to another level, these objectives are determined by their internal political conditions.

The achievement of peace by integrating smaller political units into larger ones has long been a goal of integration theorists and policy makers. According to one hypotheses, peace is a consequence of construction of governmental institutions, especially the supra- national institutions binding together several countries, that culminates into integration. The important aspect of institutions is that they forcibly keep “peace”. They are wielders of legitimate instruments of violence - the army and the police – and as a result can impose order and compel obedience for the common good.

Unfortunately, the problems and needs of lakes as international water systems have hardly been addressed in the realm of international relations so far. There is growing awareness regarding conflict and co-operation in international river basins and a lot of expertise and effort is put into the regulation of upstream – downstream relationships and in integrated international river system management. On the other hand, however, far fewer researchers, politicians and institutions are aware of, and address the implications of lakes as international water bodies. This is all the more

problematic as empirical evidence shows that international lakes are often subject to unsustainable use of water, environment degradation and over - exploitation of resources - all of which detrimentally affects the social well being, the economic development and the political stability of riparian states and their citizens.

Trans- boundary co-operation is obviously a must in order to facilitate the identification and implementation of solution to this kind of lake problems. However in the international arena, there is no consensus regarding a code of conduct for managing international lakes as shared water resources.

In the United Nations Convention on the laws of Non- navigational uses of International Water Courses (1977) only the international rivers are addressed.. Water treaties and conventions regarding international lakes are rare, they do exist only on a regional level, and they differ in a range of successful implementation to a large extent. The best example so far, being the one on the fisheries policy of the North Sea (1983).

The East African Community has in its treaty for co-operation adopted relevant articles for joint peace and security efforts, and especially in connection to issues relevant to Lake Victoria. Regional strategy recognises that conflict severely constrains development initiatives and they compound economic, social, humanitarian and environmental problems in the region.

However, despite the efforts towards well co-ordinated strategies and processes of harmonisation of these policies, the EAC still faces challenges in its efforts to implement the sustenance of peace and security.

Diversified aspects of fishing in Lake Victoria have threatened efforts on peace and security in the region. The problem this study seeks to investigate is that Lake Victoria is a shared resource and there is potential conflict as each state pursues her own national interest in regard to the fishing industry in Lake Victoria.

Therefore what deliberate efforts can the three member states pursue to co-operatively manage the lake and its abundant resources? What can the EAC do, in this regard, to sustain peace and security in the region?

This study assumes that conflict and co-operation are independent albeit related dimensions, in the study of inter – state relations.

1.2 OBJECTIVES OF THE STUDY

Broadly stated, the study investigates the key factors underlying the Kenya, Uganda and Tanzania's relations in connection to the use of Lake Victoria. Patterns of conflict and co-operation have characterized the member states relations over the years in the use of Lake Victoria. The specific objectives are as follows:

- To shows how various internal factors in each country contribute to conflict or co-operation in inter- state relations with regard to Lake Victoria fishing industry.
- To access the history of the EAC and its efforts in addressing the peace and security issues with regard to Lake Victoria fishing industry.
- To offering recommendations to the EAC as regards peace and security agenda for the region on issues of Lake Victoria fishing industry.

1.3 JUSTIFICATION OF THE STUDY

In heuristic terms, this study intends to fill the gaps in inter-state studies in East Africa. In particular, no study has explored the relevance of conflict in co-operation on issues of peace and security for the new EAC in relation to the fishing industry on Lake Victoria.

In the past, research has dealt with descriptive and comparative analysis in a vertical relationship: that is Kenya vs Uganda; Uganda vs Tanzania; or Tanzania vs Kenya. Mostly the issues of peace and security are addressed on a foreign policy perspective.

Nzomo⁵ and Makinda⁶ have studied Kenya – Tanzania security relationship based on their foreign policies. Ngunyi and Adar⁷ accord an analysis of the chronological events that occurred in the former EAC and its subsequent break –up in 1977. To this end, they give salience to economic, political and foreign policy determinants and in effect the variety of such intervening variables that explained the nature of the inter – state relations in the EAC in the period 1967 – 1977.

Africa Peace Forum (APFO), a non-governmental organisation dealing with conflict management and peace building, has published reports in the field of peace and security agenda for the EAC. The research was broad based, and focused on almost all aspects of threat to peace and security. It ranged from the recent HIV and AIDS, terrorism, cross- border issues, pastoral land disputes and other natural resources management. Its emphasis was mainly on Article 124, of the Constitution Act of the new EAC- July 2000. This report was published in the year 2002.

Other Civil Society Organizations (CSO) are currently taking up and conducting research on the conflict in Lake Victoria. They have investigated the causes of the conflict and the possible management and resolution to these conflicts. However, most of these studies are neither three states’ comparative study nor linked to the issue of regional security. Those studies therefore do not offer a wholesome solution for the region since the studies do not link – up all states involved.

Other studies done linking up the three riparian states, mostly address the issues of legislative harmonisation. For instance, Lake Victoria Environmental Management Project (LVEMP) and Lake Victoria Fisheries Organisation (LVFO) have carried out independent studies on legislative harmonization. However, the conflict of fishing

⁵ Nzomo, M: “Africa socialism as a determinant of Tanzania’s Foreign Policy “ (PHD Thesis Dalhousie University 1981) pp 21

⁶ Makinda, S: “ From quite diplomacy to cold war politics; Kenya Foreign Policy” Third Quarterly Vol. 5 (2) April 1983 pp 36.

⁷ See *Politics and Administration in East Africa* (ed). By Oyugi Walter.

Mutahi Ngunyi’s and Korwa G. Adar Article

“ The politics of integration in East Africa since Independence pp 395

Industry in Lake Victoria is not just merely a handicap of legislative laws governing each riparian state.

Given this general situation, it is worthwhile to address the conflict (and co-operative) aspects of the Lake Victoria fishing industry. The aim is to fill in the gaps that aid in developing avenues for institutionalised cross-border co-operation. Such co-operation not only can contribute to the solutions of the problems of Lake Victoria and the riparian states, but also to the progress of know-how and expertise regarding the management of international lakes in general.

Riparian states should aim at developing best practises in co-operative sustainable management of Lake Victoria so that sometimes in the future, success stories of international lakes management can spread from the great lakes region of Africa to other parts of the world.

It is obviously clear that Lake Victoria needs inter-state co-operative management. This management is of utmost economic and social importance for the region is riparian states since its plagued by a host of problems. Lake Victoria is a vital water resource for domestic, agricultural, industrial use, food, energy, transport and communication, tourism *et al*, on which about 30 million people (approximately a third of East Africa population) in the region are dependent upon. The lake basin is one of the most densely populated areas of East and Central Africa and the population grows on a high rate. People use Lake Victoria as a source of livelihood directly and indirectly through a multitude of economic and social activities that are based on the lakes' resources. It is estimated for example that, about three million people alone, earn their living directly from fisheries in the riparian countries. On the other hand, those activities have led and are still leading to several serious environmental problems. These include:-

- Introduction of exotic (invasive) fish species into the lake, especially the Nile Perch, which nearly destroyed the lakes 350 native species of fish,

reducing the number of less than 50 today; nowadays the Nile Perch already constitutes 80% of the fish stocks in the lake which has led to a substantial loss of locally favoured fish.

- Nutrients inflow (phosphorus and Nitrogen) has given rise to a dramatic inflow of algae growth causing de – oxygenation of the water and this threatening the survival of deep water fish species.
- Pollution is caused by human waste, urban run off, affluent discharges from industries such as tanning paper and fish processing, agro-processing and abattoirs.
- Raw waste from settlements, market centres and towns.
- Water hyacinth proliferation / infestation and massive blooms of algae – the plant grows in thick mats - inhabiting navigation and making parts of the lake inaccessible to ordinary boats, thereby threatening artisanal fisheries.

Thus Lake Victoria is in danger of becoming the world largest body of dead water. The environmental degradation negatively affects economic and social activities. Most obvious is the over- exploitation of fish resources, combined with conflict between large-scale industrial fishing and small-scale artisanal fishing. This and other causes of environmental degradation threaten the peaceful co-existence of the population that directly or indirectly derive livelihood from the lake.

The gap this study intends to fill in regard to the impact of peace and security within a regional integration, is to put such assertions to test. This study is therefore taken with a view that it will identify sources of conflict in co-operation in the Lake Victoria fishing industry. In turn, by over hauling the plausible conflict management for the East Africa Co-operation, advance close working relations and therefore greater sustainable co-operation for the EAC. Due to geographical and historical facts, conflicts in co-operation are possible to manage and development can be

enhanced. Various Scholars have noted that development and economic advancement register highest with secured peace and security.

Focus has been chosen for the period since 1964 – 2004. This period covers the entire independent lifespan of the three riparian states. Such an extensive period is considered appropriate in as far as it depicts and substantively allows for a correlation of the economic and political factors that underlay the riparian states relations. We are of the opinion that due to the intermitted and fairly continued co-operation and incisive analysis of the states' relations this is the appropriate period. Tanzania gained independence in 1961, Kenya in 1963, and Uganda in 1962. Therefore, 1964 mark the commencement of meaningful external interactions without undue influence of colonial powers.

1.4 THEORETICAL FRAMEWORK

The essence of a theory is to describe, explain and predict relationships between variables. The sustainability of theoretical model in a study of inter-state relations will depend on the extent to which it guides us in analysing conflict in co-operation between states. Specifically, the theory should guide us in explaining, describing and predicting political behaviour of the member states over Lake Victoria conflict.

In conflict and co-operation relationship, numerous theories abound to explain the occurrence and/or their perpetration. For a meaningful study of conflict in co-operation in the EAC's member states, a theoretical model capturing all aspects of investigation is imperative.

In this context we adopt the nation – interest approach of power theory. Before justifying it, it's useful to examine probable theories alluded to it. Decision making

theory for example, is an important contribution to the study of inter-state relations.⁸ The rational actor model of decision making for instance examines the elites who make the decision with particular concern to their social backgrounds, biases, peer-group and so on. The organisational process theory (pluralist approach) lay emphasis on decisions as they are formulated based on various divergent and competing interests occurring from various unit values and interests of nation-state.

Even though the interdependence theory elucidates the reasons for such inter – states' relations, it does not explain why certain dependencies should continue in event of a conflict. If we take the realist interdependence perspective, then EAC member states relation should be characterized by war. To argue that interdependence theory does not adequately accommodate the antecedents of inter-states relation under study is to say that it does not answer the question of this kind of inconsistent relations. Inherently, therefore, assumed in interdependence theory is continued co-operation irrespective of divergent nation- interests.

Nation-interest of the power theory is the best approach. This study proposes to develop a theoretical framework based on this concept. It is adopted as Morgenthau⁹ has expounded. It is assumed that the nation-interest of each of these riparian states has bred erratic relations which exist between them. The realists argue that there is no harmony of interest among nations; instead, there are often conflicting national objectives some of which may often lead to war.

Different Scholars have given different definitions of the concept nation- interest. It is a consensus arrived at after multiplicities of divergent interests have been considered. For the purposes of this study, Morgenthau, perhaps accords the most inclusive definition. To Morgenthau, national interest is a “compromise of conflicting interests; it is not an idea that is arrived at abstractly and scientifically,

⁸ Morton H, Bureaucratic Politics and Foreign Policy. pp..... 23

but a product of constant internal political competition...the government through its various agencies is therefore responsible in determining its national interests give”¹⁰.

Scholars such as Magdoff¹¹ and Kolko¹² and Pareto¹³ subscribe to Morgenthau’s view. Columbus and Wolfe¹⁴ both agree that the primary justification of states action is nation– interest. Kenan¹⁵ contends that national –interest stand above and absorbs the united and parochial claims of sub-regional groups even though such groups seek to interpret the national interest in their own terms.

It may be therefore argued that conflict of interest(s) becomes the basic factor in inter– state relations. After all, self–preservation is the first duty of a nation state and the ends of policy are determined by available power¹⁶

It must be stressed that conflict and co-operation should be seen as dynamics of international politics. Conflicts of interests therefore become basic factor in inter-state relations. In reconciling the Lake Victoria conflict among the riparian states the EAC must recognise this fact. That is, the point in time when conflict occurs is explained in terms of clash of national interests. When co-operation thrives there is congruence in their national interests.

To this end therefore, the riparian states relations in regard to Lake Victoria –fishing industry greatly oscillate around the perpetuation of power. In this case therefore, what is power? Though variously defined, we shall use it to refer to the ability of either state to enforce its interests *vis a vis* the others.

The variables under study largely encompass the nation interests of the three member states. For instance, while examining the legislative components governing the use of

¹⁰ *Ibid* pp 72

¹¹ Magdoff see Gabriel Kolko.....pp 90

¹² Kolko Gabriel ; The limits of Power: The World and United States Foreign Policy 1945 – 1954 (New York: Harper and Row, 1972) pp 89

¹³ Pareto, Vilfredo: The rise and fall of Elites: an approach of theoretical sociology (London Pall Mall, 1966) pp 88

¹⁴ Columbus and Wolfe: Introduction to International Relations, power and Justice (New Delhi, Prentice Hall 1986) pp 106

¹⁵ Kenan see Good R. C..... pp 309

¹⁶ Morgenthau.....*Op.cit* pp 227

Lake Victoria for each state, aspects that dictate conflictual or co-operative tendencies emerge. Such factors determine the nature of inter – states relations.

As Good ¹⁷ argues, “Security and survival of nation states are not static points in international system”. The factors that determine the way nation –states relate to each other are divergent, multifarious, and always changing. If the member states are all concerned with their security and survival, then the perpetuation of their power capabilities goes to enhance the same.

Functionalist theory is also useful in explaining the role of regional integration in conflict management. Most theories of integration derive from 19th century when there was a growth of functional international organizations. For one school of theorist, which includes federalist, the goal of integration is to build a supra- national authority in which the importance of nation state is either over – ridden or all together eliminated. For the second school, the end point of integration is to build an international community that is increasingly tied together by virtue of functional interactions but does not necessarily entail the end of nation-state.

In this context, both schools stress a predominance of either economic or political variables which sees successful integration dependent primarily on the will-end determination of the political elites to seek positive outcomes. However, the functional approach “avoids specifying a structural blue print”¹⁸. Also alluded to functionalist is the neo- functionalism, which is a modification of functionalism, but with similar believes on integration. It is essential to assess the results of regional integration and economic co-operation whenever such attempts have been made, “ so that mistakes of the past do not remain the obstacles of the present only to become lost opportunities in future” ¹⁹ As argued by Senghor J.C ²⁰ regional integration in

¹⁷ Good, R. C. “The national Interest and Political Realism: Neighbours Debate with Morgenthau and Kenen “ in the *Journal of Politics* Vol. 22 (4) 1960 pp 307

¹⁸ Gauher, A (ed) *Regional Integration ,The Latin America experience* (London , 3rd world foundation - 1985) pp 2

¹⁹ *Ibid* pp 3

²⁰ Senghor, J. C. See in the Ngunyo P.A (ed) *Regional Integration in Africa: The Unfinished Agenda* (Academy of science publisher, Nairobi 1990) pp 19

Africa has always been influenced by the functional strategy which avoids specifying a structural “blue –print”, but instead prefers incremental structural integration based on a convergence of interests over-time. While this strategy in itself is not faulty, it assumes as its basic premise that interests will tend to converge over – time when certain common functions are performed by supra – national entities. “While this may be the experience of Europe since the treaty of Rome, Africa experience has been different”²¹

1.5 LITERATURE REVIEW

Oliver²² has given evidence to show that as early as 1899; British colonial authorities contemplated a Kenya-Uganda federation. Ingham²³ argues that at the start of twentieth century, a federative endeavour was in the offing. Interestingly however, all these integrative endeavours were administered by a governor from Kenya. After the 1914 –1918 First World War, the Germans lost their East Africa territory and mandate was given to Britain. Britain was instructed by the League of Nations to administer and develop the territory on behalf of the interests of the inhabitants. It re-named it Tanganyika (now Tanzania). Mazzeo²⁴ argued that “it was believed that a common historical experience, cultural affinity, similarity of institutions and the long and close association of these two countries (referring to Kenya and Tanzania) could have generated a search for common solutions to common problems”. However in reference to the riparian states, the development orientation became increasingly different after independence. It may be observed that during colonial days Kenya acted as the headquarters of the British East Africa Protectorate. This phenomenon did not change after independence, where Uganda and Tanzania have felt as satellite states in relation to Kenya.

²¹ *Ibid* pp 7

²² Oliver R. Sir Henry Johnston and the scramble for Africa (London: Chatto and Windus: 1957) pp 334 - 335

²³ Kenneth Ingham : “Uganda’s Old Eastern Province: The transfer to the East Africa Protectorate” *Uganda’s Journal* 21 (1) (March 1957 pp 14

²⁴ Mazzeo, D. (ed) Africa Regional Organisation (London; Cambridge University Press 1984) pp ...150

Armstrong²⁵ argues “the nation with limited economic resources is more vulnerable to pressure from other nations and more likely to comply under stress”. In studies of conflict and co-operation done by Hirschman and Toaggar²⁶ it is observed that dynamic interactions depend on contiguity and capability, that is, the more a nation is dependent on foreign transactions the more conflict and co-operation are brought into play because of clashes in national interest. Most studies have dealt with conflict and co-operation in a generalised manner, mostly covering boundary conflicts, as the case with Day²⁷ Widsstrand²⁸ and Bozeman²⁹.

In this study a review of international treaties and conventions related to fisheries will be of importance. There is a general agreed trend that there should be equitable utilization of international and other trans-boundary natural resources in the sovereign states where these resources are situated. The states thereof have an obligation not to injure the interests and rights of other states sharing the same resource³⁰. Riparian states should co-operate in the case of shared water resources in recognition of the growing economic, environmental and physical interdependence across international frontiers. Recognising these needs and the potential conflict caused, the demand for an integrated inclusion in the management of the shared water should be considered.

It is the duty and the responsibility of the states’ to safeguard natural resources and manage them. This principle is evidenced in the constitutions of the three riparian states.³¹ Internationally, states have entered into international conventions to fulfil

²⁵ Armstrong, A: “Political Consequences of Economic Dependence”

Journal of conflict resolution 25, (3) 1981 pp 670

²⁶ Hirschsmann, and Trager: “International Co-operation, Economic and Security Affairs” World Politics 38 (4) (July 1986) pp 16

²⁷ Day J.A : (ed) Border and Territorial Disputes (London Longman 1987) pp 165

²⁸ Bozeman, A: Conflict in Africa: Concepts and realities (Princeton, Princeton University Press) 1976 pp 78

²⁹ Ibid. pp 80

³⁰ Declaration of Human environment (Stockholm Declaration) 1972

³¹ THE NATIONAL LAWS (KENYA, UGANDA, TANZANIA)

a The Fish Act of 1964 – CAP 228 (Uganda)

b The Fisheries Act (1989) Cap 378 (Kenya)

c The Fisheries Act No. 6 1970 (Tanzania)

this commitment. The Baltic Sea and Belts³² has pertinent objectives, which include recognizing rights of each state over shared water body in Article III. This is referenced in offering to the East Africa region, solutions to the issues pertaining conflict in the Lake Victoria.

There are other convections relevant to the fisheries conflicts in inter –state shared water bodies³³. The riparian states are however party to several international convections on the environment. These convections have bound them to common policies and regulations for the conservation, management and development of fisheries resources.³⁴ Harmonized national measures for the sustainable utilization of the living resources of the lake, adopted conservation and management measures,³⁵ provides for thorough international trade,³⁶ ensure development, protection of certain species of world fauna and flora against over –exploitation. Conservation of the environment and natural resources³⁷ alongside agreements requiring states to conform to the agreed international rules on trade³⁸, enhance relations among them. These amongst other agreed convections have however not managed to check the conflict in co-operation situation in the Lake Victoria region between the three riparian states.

Another factor which is of eminence importance is the boundary tracing. The problem can be traced back to the struggle and partition of Africa – during the colonial era. There has been a continued dispute over the actual location of borders. The border is of great importance, since the constitutions of the riparian states have protection laws over their territory. Establishment of the exact territorial mark in order to effect the fisheries Act in itself has caused conflict. The EAC is faced with

³² Convection on Fishing and Conservation of the Living Resource in the Baltic sea the Belts (13th Sep 1973)

³³ a North – East Atlantic Convection (Jan, 1959)

b The agreement for the establishment of a General Fisheries Council for the Mediterranean (sept., 1947

c The International Convection for the high seas Fisheries of the North Pacific Ocean, (May, 1952)

³⁴ The treaty for the establishment of the East Africa Community (7th July 2000)

³⁵ Convection for the Establishment of Lake Victoria Fisheries Organisation, 1994.

³⁶ The convection on International Trade in endangered species of wild fauna and flora adopted at Washington, 1973. (Amend at Bonn in June 1979)

³⁸ Agreement on Technical Barriers of Trade - 1994

the challenge of diminishing these conflicts for the sake of peace and security in the East Africa region. However, as earlier stated, states are wilders of legitimate security control mechanisms and each is governed by its own laws. After all, self-preservation is the first duty of the nation –state.

Close to this study, was a joint study done by the United Nations Environment Programme (UNEP) and United Nations Development Programme (UNDP) on environmental law and institution in Africa (1998). They assessed the legal and institutional issues in the management of Lake Victoria environment referencing the East Africa sub-region. In recent years there has been great concern in Lake Victoria at local, regional and international level. The concerns of the international community have centred on the lakes ecological status, which amongst others threaten it with depletion of fisheries resources.

The EAC secretariat has anchored on the desire to find ways and means of promoting development of the Lake Victoria basin as a growth zone. Lake Victoria itself provides a confluence for the three riparian states. The EAC secretariat is of the opinion that the lake basin has abundant and exploitable resources which if well utilised will provide tremendous potential for growth and development. Paradoxically, the lake region is of interest considering the contradiction it reflects. There is abject poverty in the midst of extremely rich natural resources endowments. For instance, more than Kenya Shillings 8 billion is earned annually³⁹ from the exports of fish from Kenya alone.

Given that issues of peace and security, both human and state, constitute the core of any states' domestic and international interests, any serious initiatives towards regional integration and eventual political federation ought to address the viability of common security policies on the part of potential partner states. It is in this context

³⁹ Oyugi A and Obiero O; Lake Victoria and Its Environs Resources, opportunities and challenges (OSIENALA, Africa publishing house Kenya 2003 – series 4) pp 48

that this study attempts to illuminate challenges of constructing a common peace and security policy for the riparian states. This study harmonises the co-relation on peace and security with the issues of conflict in the Lake Victoria fisheries.

According to the basics of state formation, one principle aspect is the role of state to promote security to its citizen. States are the sole wielders of instruments of security. According to Halima's report ⁴⁰ on the EAC member states security framework, there exists a diversified security arrangement by the three riparian states.

According to the treaty of establishment of the EAC ⁴¹ the regional body fosters to maintain an atmosphere that is conducive to peace and security through co-operation and consultations on the same. It seeks to prevent improve management and resolve disputes and conflicts between the member states. However, the partner states pursue different security maintenance arrangements as dictated by their laws. Similarly, their Conflict Prevention, Management and Resolution (CPMR) and capacity building aspects differ greatly in approach and implementation. In Uganda for example, there is no structure on the ground that is specifically charged with CPMR. Moreover, the country pledges to general principles of peace and security binding it to the various organisations charged with similar responsibilities. Given the absence of official policy and structures for CPMR in Kenya, the best and closest operatives come from government departments whose mandate remotely relate to conflict management. Usually, it is the provincial administration, but mostly the CSO's acting out of this negligence and connivance in security. In Tanzania, the concept CPMR emerged recently because of her involvement in the activities of South Africa Development Community (SADC). CPMR is mainly for the police and prisons departments.⁴²

⁴⁰ Halima Noor Harmonised report on the security set – up for the Three E. A countries: (Unpublished report for APFO)

⁴¹ *Op. cit* The treaty for the establishment of East Africa Community July 2000.

1.6 HYPOTHESES

Figure 1

KENYA UGANDA TANZANIA	<ul style="list-style-type: none"> • Economic (Fish trade) • Political (Legislation, security apparatus) • Historical (border establishment) • Ecological (fish exploitation) 	PEACE AND SECURITY
EAC		
A	B	C

- A - Independent variables
- B - Intervening variables
- C - Dependent variables

The foregoing figure is meant to serve the purpose of illustrating the hypotheses. The Intervening variables are subdivided into economic, political, historical and ecological factors. These explain the reasons to challenges of peace and security in the region. All or a combination of the intervening

variables is related to aspects of peace and security. This is the guideline matrix of hypothesis explanation.

- (a) All intervening variables are factors jointly responsible for the decline of biodiversity in Lake Victoria.
- (b) The decline in biodiversity in Lake Victoria has led to incidences of conflict among and between the riparian communities/states.
- (c) There exists inadequate effort on the part of the East African Community towards biodiversity conservation in Lake Victoria and implementation of peace and security agenda for the region.

1.7 DEFINITION OF CONCEPTS

Conflict

The condition of conflict empirically obtains when expulsion, rejections, accusations, denials, demands or threat characterize Kenya, Uganda and Tanzania relations.

Co-operation

For our purposes, the condition of co-operation empirically exists when there is no overt conflict between the riparian states. Thus diplomatic visits, establishments of communiqués, high level government meetings, are but some of the indicators of co-operation in this study.

Security

Refers to situation where war and violence are not used to resolve disputes between members within a state and expanding outwards beyond confines of a state to other neighbouring states.

Peace

For our purposes peace is simply the absence of war, the absence of organised violent conflict. Stable peace is the absence of preparation for war or the serious expectation of war.

Partner/ Member/ Riparian States

Refers to the three East African states of Kenya, Uganda and Tanzania

The East African Community (EAC).

Refers to the regional integration establishment by the three East Africa states of Kenya, Uganda and Tanzania. The EAC existed between 1967 – 1977 and re-integrated again in 2000 – to date. For clarity, the former EAC once referred, the year is indicated against it in order to be specific.

Landing

Refers to the weight of fish and fish products brought ashore. That is the actual weight of the quantities landed. Note that, this weight represents the net weight of gutted, escalated, filleted, frozen, cured, canned fish and fish products at the time of landing.

Fisherfolk

Refers to both fishermen and women.

1.8 METHODOLOGY

Library research will constitute the dominant source of investigation. Consequently this study is essentially documentary, hinging majorly on secondary sources of information. The secondary sources of information will include journals, articles, magazines, newspapers, books, statistical abstracts, annual trade year books, public

documents, periodicals, and any other such literature that shall be deemed adequate in giving appropriate information.

Some issues will require clarity from the ground. Therefore, funds allowing a trip to the East African Community offices, fisheries departments of Kenya, Uganda, and Tanzania and a visit to the bays in the three countries will be necessary.

The relevant data shall be collected, recorded and analysed. Particular emphasis will be laid on independent and intervening variables; with the aim of illuminating on the patterns that impact on peace and security in the East African region. Thus comparisons will be drawn to depict causal relationships between variables. Such findings are used for descriptive, tabular and explanative analysis.

1.9 CHAPTER LAY OUT

Chapter one – Introduction to conflict in co-operation in East Africa.

This constitutes the research proposal. It comprises the skeleton of the whole study. It explains the over-all outline of the study, the justification, the hypotheses and methodology adopted.

Chapter two – Background factors and dynamics.

Examines how the various intervening factors have affected the relationship of the riparian states. It also examines the relations in the fisheries trade, exploitation, the legislative relations, the security apparatus, and the border issues. These are assessed independent of each state and interactively as applied in inter –state relations.

Chapter three – Dynamics of Peace and Security.

Addresses the issue of peace and security at large. It examines the role of these dependent variables both at the national and regional level. Separately, each state's way of application of each is examined in relation to the Lake Victoria. The apparatus available for the EAC are also examined.

Chapter four – The role of the East African Community in sustaining peace and security in the region: An analysis.

Attempts to demonstrate the role of the EAC in maintaining regional peace and security. The significance of its participation in upholding regional security is cardinal. Some of the pertinent factors responsible for peace and security situation and conflict in co-operation at the inter-state level, incapacitate to a great extent, the efforts by the EAC to uphold this. What are the main inadequacies facing the regional body in dispensing the same?

Chapter five – Conclusion and Recommendations

Eventually dissects and demonstrates the data collected. It mainly covers all the hypotheses basic to this study in as far as they are proved or disapproved. Thus, the validity of the hypotheses proposed is tested in this chapter. This chapter also offers general recommendations, policy recommendations, besides raising issues for further research.

CHAPTER TWO

BACKGROUND FACTORS AND DYNAMICS.

2.0 An Overview.

Over the centuries, Lake Victoria has provided a rich variety of resources to the communities living in the riparian districts. Apart from providing a rich source of protein through fisheries, the lake offers employment opportunities and generates incomes to thousands of people. The fish industry provides for individuals who supply the various fishing gears and related complimentary goods and services for those who utilize fish products and by-products.

In this chapter, emphasis is put on the intervening variables as identified in the study hypotheses in the previous chapter. Regional peace and security is arguably dependent on those variables. Peace in this sense is “absolute security through international trust, understanding, common identification and harmonious interactions in a global system. It’s a socio-psychological rather than military political or institutional affair.”¹ Thus the character of intervening variables is discussed in its various dimensions.

Before exploring into Lake Victoria experience, other experiences perhaps offer as models for the East Africa region. For instance, the treaties that created the European Economic Community (now EU) - a regional economic integration-provided for common policies including agriculture and fishing. Rules were set to access fishing grounds, markets and structures. In essence it was agreed that fisherfolk from community members should have equal access to member states’ waters. A common fishery

¹ See Donald James article in George L. & Nancy M. (ed) Peace and Security The Next Generation --pp45

policy was adopted in 1983.

The provision of Common Agricultural Policy (CAP) of the European Union (EU) treaty required that a fisheries policy be established within the broader framework of the CAP. Consequently, the North Sea has been divided among the European member states. It was necessary however, to formulate a fisheries policy that allowed fisherfolk to fish within their traditional grounds. Under the policy, a community licensing system was established and a mechanism adopted for controlled exploitation of fisheries resources by restricting authorized catches through quotas to member states.

However, besides such best examples, the East African states continue to experience conflicts over the use of Lake Victoria. It is important to note that conflict is given such indicators as accusations, denials, rejections, demands, warnings, or threat. This awards the concept of conflict 'reality' in inter-state interactions. This chapter therefore embarks on the various intervening variables that have resulted to conflict, thus challenging the regional efforts of peace and security sustenance.

The intervening variables are classified into four broad categories. These are;

- 1 Ecological factors and human activities.
- 2 Historical background (border issues).
- 3 Political inclinations (fisheries legislative Acts of the riparian states).
- 4 Economic dynamics of the fish trade.

It's worthwhile to note that the variables are, to a great extent, interdependent. It is therefore not possible to exclusively discuss each

independently, without mentioning another.

The importance of fishing in the national economies of the three riparian states has grown rapidly as reflected in the growth in foreign exchange earnings from Nile Perch (*Lates niloticus*) fillet exports to EU in recent years.

For instance, “fish exports from Kenya alone were 5149 tonnes in 1989 and increased to 7279 tonnes of Nile Perch fillets alone in 1998”² Commercial fishing though somewhat artisanal picked up in the 1950s and was well underway at independence. It increased in all other waters bodies in the riparian states.

Fish production has now reached between 400,000 and 500,000 metric tonnes with Tanzania accounted for 40%, Uganda 35%, and Kenya 25%.³ The following table shows the volume of fish caught in metric tonnes from the three riparian states in different years as shown.

² Obiero, O. *et al* – *Op Cit.* pp 70.

³ FAO—‘Fishery statistics vol.86/1’ (summary book) capture productionpp 575-580

Table I

Year/Quantity in metric tons	TANZANIA	UGANDA	KENYA
1970 1974	7900 3,200	600 100	3000 4,300
1980	-	-	30,598
1993	331,267	219,814	182,052
1999	348,000	220,628	172,598
2002	-	-	114,812

Source: FAO.....Fisheries statistics vol. 86/1⁴

The variation on the table can be explained from various dimensions of the intervening variables. Ecologically, it is evident that in the late 1960s and into 1970s, fishery resources in East Africa from Lake Victoria resources were under-exploited. Emphasis was thus placed on improved methods of fishing in all riparian state to enhance the potential for greater exploitation of fish in Lake Victoria, as discussed by the FAO.

In a Swedish fund-in-trust report⁵ the main fishing method in Kenya and Tanzania in 1970 was gill nets. Subsidiary fishing methods included shore seining and long line. Export trade was not developed, but Tanzania usually exported to Uganda. The main species was Tilapia [*Oreochromis niloticus*]. In 1966, there were only two fish freezing plants in Kisumu-Kenya and

⁴ FAO.. *Ibid*pp 580 - 581

⁵ FAO/SWE/FF: Sweden funds in trust report; (REPORT 134,ROME)

Tilapia was the commonest species available for freezing. International fish distributors bought fish locally when it was available.

Historically, the cross border fishing conflict was not pronounced until the late 1990s onwards. At this time (prior to the cross-border issue) all the three riparian states were unconcerned with geographical demarcation of Lake Victoria. The states were geared more to trade amongst themselves and for their political stability. Resources were plenty in Lake Victoria and the population was not as largely expounded. Uganda was hardest hit by political instability in this period 1964-1985. Coups and counter coups, deteriorating economy and rivalry with the leaders of the other two states was characteristic of Uganda. Gradually, due to benefits derived from the Nile perch trade, there has been a political conflict prevalent in Lake Victoria fisheries industry. It is therefore important to relate trade conflict to political conflict within a regional integration. Assume that there are benefits commensurate to trade, forming a reward structure in the scheme, and that this structure has certain positions attached to it. In this case, different members of the scheme will occupy different positions in this structure (in our case EAC). Others will occupy the position of "preponderance" and domination while others will be lowly placed.

It is common knowledge that states want power, and those who feel insignificantly placed will seek to ascertain their positions for better. Those in 'preponderance' position will want to remain thus. The struggle for scarce positions in the scheme's rewarded structure is what is called political conflict. It has its root in trade but it is a conflict/struggle over 'position'. It

becomes economic conflict when it's a struggle over 'scarce resource'⁶

This explains the major issue in control of Lake Victoria borderlines, which has resulted from expanded benefits from trade.

Kenya and Tanzania were also engaged in state building from the colonial regimes. However, as more stability was gained, paramount and particular issue such as benefits of the fisheries in Lake Victoria was addressed. This is enhanced by the re-visitation and amendments on fisheries Acts of all the riparian states in the early 1990. Let us address the variables in their own categories.

2.1. Ecological factors and human Activities

The deterioration in environmental quality both in the land and lake, and the associated social economic consequences are linked to rapid population growth and land degradation. There is little doubt that sedimentation and nutrients run off, urban and industrial point source pollution while deforestation in the uplands has induced eutrophication of Lake Victoria over the years. Until the early 1980s, Lake Victoria had more than 350 species of fish found nowhere else. About 80% of them were small algae-eating fishes known as cichlids, each with a slightly different ecological niche. These fishes were the main source of protein for the more than 30 million people living in the area surrounding the lake and provided a fishing livelihood for many local people.⁷

Currently only one native species "Omena" (*Rastrineobola argentea*) and two introduced fish species Tilapia and Nile perch are largely available in the lake. Several factors however played a great role in the loss of Lake

⁶ See Mutahi Ngunyi *et al* in Oyugi W. *Op Cit*..... pp 403

⁷ Miller, T.G (ed) LIVING IN THE ENVIRONMENT. PP617

Victoria aquatic biodiversity.

A large increase in the population of the Nile perch, which was deliberately introduced into the lake in 1960s to stimulate local economies, is to blame despite the protest by some biologist. The population of these large prolific and voracious fish exploded by preying on the cichlids and by 1985 had wiped out most of these species. With the cichlids gone, the Nile perch now feed on tiny native species and its own young. There is concern that there may be a collapse of the Nile perch population, which supports the largest fishing population, that processes and exports large amount of fish to several European countries.

The native people who depend on the cichlids for protein cannot afford the perch, and the mechanical fishing industry has put most small-scale fishers and fish mongers/vendors out of business. This has increased poverty and protein malnutrition to the riparian population.

In 1980 the lake began experiencing frequent algae blooms and cultural eutrophication because of nutrient run off from surrounding farms, deforested land, untreated sewage and declines in the populations of the algae eating cichlids. This greatly decreased oxygen levels in the lower depth of the lake and drove remaining native cichlids and other fish species to the shallower waters where they were vulnerable to the Nile perch and fishing nets.

Since 1987, the nutrient rich lake has been invaded by the water hyacinth. This rapidly growing plant now carpets large area of the lake and blocks out sunlight, deprives fish and plankton of oxygen, reduces the diversity of important aquatic plant species, hinders the movement of small fishing boats

and creates stagnant water that is the breeding ground for malaria - spreading mosquitoes and snails that host bilharzias. (A human parasite that attacks the liver, lungs and eyes). However, man has been fishing since time immemorial using rudimentary technology for substance living.

Before the Nile perch fishery regime, the lake was plied by a minimal number of fishing craft, which were mostly manually propelled. The commonest fishing gear was long lines. The flourishing industry of the introduced Tilapia and the introduction of the synthetic gear boosted the fishing industry. This increased radically, when the Nile perch colonized the lake, in the long run. This attracted more investments in boat, engines, gears and an increase in fishing mal-practice. The increasing demand for Nile perch both locally and internationally since 1980 has brought dramatic changes in the fishing industry and especially now with lake Victoria having been recognized as an economic development zone under the EAC.

TABLE II Statistics on fisher folk and fishing crafts

Year	2000-2002 KENYA		2000 - 2002 TANZANIA		200-2002 UGANDA	
	Fish folk. No. Of fishers (000)	38.4	54.2	56.0	80.1	34.8
Fishing crafts: no. Of fishing vessels (000)	11.5	12.2	15.5	21.7	15.5	18.7

Source: Status Report on frame surveys LVFO secretariat⁸

⁸ Status report on frame surveys LVFO secretariat.... pp20

Recent changes in harvesting technology of the Nile perch fishery have increased the components for the raw material (fish). A major concern has been to obtain more fish and therefore technology that is more efficient has been adopted. In the 1980s fisherfolk acquired trawlers which could deliver large quantities of fresh and undamaged fish. Over the years however, the three-riparian states have banned trawling due to its adverse effects on the ecological habitat of the lake. Sadly however, trawling still continues, and Mbuya *et al*⁹ estimates that for each work place created in trawler, 7-8 work places in traditional harvesting sector of the fishery has been destroyed. Trawlers have also driven gill nets out of business. Therefore as a security challenge, the operation of trawlers in a very real way undermined the opportunities for employment and participation in the harvesting sector of the fishery. However, a much greater threat to security in regard to loss of employment possibilities for people in the riparian districts is the recent change of technology - the *tembea* boats.

The first outboard engines were introduced in Lake Victoria fisheries in the 1950s. Although some well-to-do fishermen fitted the engines to their canoes, motorized fishing never really took off in Lake Victoria. The main reason was the additional expenses need for fuel, sails and oars continued to be the only means of propulsion for the small-scale fishermen even to-date. Until mid 1990s the harvesting sector retained many of its characteristic - non-motorized and labour intensive. A new technique of fishing has now developed fast. The local fisherfolk named it *tembea* (Kiswahili word for moving/drifted). It is done with a large canoe on whose an outboard engine is fitted.

⁹ Mbuya *et al* "Trawling in L. Victoria; its history status and effects," Report No...3 pp 12

It operates up to about 100 double gill-nets; spreading well over one kilometre. The *tembea* boats effect on fish caught is about five times greater above traditional catch. It is expensive to acquire one (approximately US\$ 10,000). The *tembea* fishing technique has contributed to a revolution in Lake Victoria fisheries and has already had important socio - economic impacts.

It was first used on the Uganda side of Lake Victoria in the mid 90s. It has rapidly spread to Kenya and Tanzania. In terms of employment, each *tembea* boat employs 3-5 people on average one more person than the traditional boat. There is real displacement of labour due to *tembea* magnitude in area coverage. Many traditional fisherfolk were displaced; few tried to obtain employment on the *tembea* boats.

With the introduction of *tembea* fishing, ownership of the fleet was rapidly altered. Ownership was confided to a few wealthy people for all the *tembeas* available. These owners are affluent, with other fisheries related businesses such as transport. hotels and broker-agents for the export factories.

The *tembea* fishing, as a characteristic, move around in fleets from one place to another. They completely undermine the operations of the local traditional boats, destroying their work places and the gears of the local traditional fisherfolk.

So how have the *tembeas* affected the local fisheries industry? There are

Beach Management Units, (BMUs) who have established local co-operatives at the landing beaches. This has made the *tembea* owners popular with the management of the local cooperatives. *Tembea* owners have cultivated their relationship with the government representatives in the fisheries and co-operatives departments. They have effectively aligned themselves with the local elites and government representatives and gained protection for themselves. This has caused animosity from the local traditional Fisherfolk. Theft of outboard engines is rampant. Armed gangs attack the *tembea* boats and rob the engines and the nets. The robberies have been attributed to cross-border jealousies and frustrations. For instance, it is believed that most robberies, say in Kenya, are according to Kenyans carried out by people crossing the boarder from Uganda and vice visa. The insecurity at the lake is partly caused by *tembea* (and trawlers) and has resulted to negative participation through stealing and piracy.

2.2 POLITICAL ORIENTATION (LEGISLATIVE ACTS OF KENYA, UGANDA AND TANZANIA.)

As an intervening variable, emphasis on the three riparian states fisheries legislative acts, form the bulk of the political variable. Since each riparian state is governed by its own acts, we shall assess each state's acts before drawing comparisons. Legislative acts are formulated by the elected representatives of the people and therefore form the best example of political variable. However, other political variables include presidential decrees and ministerial directives on contentious issues at hand.

UGANDA

The major source of the law as far as fisheries are concerned in Uganda is the fisheries Act cap 228 of 1964 as amended. The fish act provides for control of fishing and conservation of fish, the purchase, and sale, marketing and processing of fish.

Trout protection Act, cap 229 renders unlawful the fishing, capture, killing, being in possession of, or introduction of trout except with prior concept of commissioner of fishery. Since its enactment, the act number 3 of 1967 has been amended in the following areas;

- 1 Chief fisheries officer replaced the chief game warden
- 2 New definitions like authorized licensing officer, chief fisheries officer, authorized office were adopted.

Separate attempts have been made to make recommendations and amendments to the fisheries Acts. That was in May 1995, August 1999 and September 1999. A draft bill is now in the offing.

Despite its existing provisions, the legislative policies of this act have a number of shortcomings. It is in light of this that the security issues (in conjunction with Kenya and Tanzania) arise. These short comings include:

1. The fisheries legislatives had until recently remained just an out look that portrays fish as a resource which must be exploited as a source of food, employment, income and earning foreign exchange through export of surplus fish and other fishing products.
2. The minimum number of manageable landing stations and their sizes are not provided for, to make the establishment of Beach Management

Units (BMUs) meaningful.

3. The law is silent on fish cage culture, fish farming system, disease control and regulation on movement of raw fish.
4. The law does not address environmental issues of the fish habitat.
5. Although authorized officer may inspect and weigh fish for statistical data, it has not been made mandatory to all dealers/processors/farmers in fish trade.
6. The demarcation, mapping and gazetting of landing stations has not been done for Lake Victoria as it has for other inland waters such as Lake George/Kazinga channel /Lake Edward.
7. Trout is fish yet it is removed from the operation of the fish act.
8. Certain definitions of terminologies of common application are missing or are not clear - for example; fishing vessel, fish, closed fishing areas and seasons, aquatic weeds, fish habitat. Also local fishing should be defined so as to demystify the control of local authority in fishing.
9. The licensing system is not exhaustive enough to have mastery on the fishery. There should be provision for licenses for crew, ornamental fish collector/dealer/ exporter/culturist, and fish movement permit, among others.
10. Certification of sea worthiness of fishing vessel, security of the crew, painting patterns of serial fishing vessels to districts are not provided.
11. Cancellation of a license of a convicted person for a period of time needs to be addressed.
12. Restriction on fish stocks, size weight, quantities of fish to be harvested and withdrawal of such permits/licenses should be imposed.
13. Habitual offenders are not covered and should when netted again be

made to forfeit their assets suspected to be wrongfully obtained.

14. Wasteful fishing or damaging sub-surface formation should also be addressed and made an offence.

TANZANIA

Fishing industry in Tanzania is governed and regulated by the fisheries Act number 6 of 1970 as amended and regulations made there under. The Act repealed and replaced the trait protection ordinances cap 368, and the fisheries ordinance cap 295. According to its preamble, the act was enacted mainly to protect, conserve, develop, regulate and control the fishing industry, fish and aquatic flora and fauna.

Fishing in Lake Victoria has assumed a paramount importance and fishing business in the lake has one of the most important businesses. Fishing has prompted many people to engage in fishing related trade whereby vessels and nets of different types have been deployed in the industry. In addition, this has led to the construction of fish processing industries. There are about ten fish-processing establishments in Mwanza and Mora regions offering employment to over 5000 people and more than 500,000 engaged in fisheries related activities.¹⁰

These developments have led to increased events of illegal fishing. The above called for proper legal management and control. The law was amended in 1994 in order to enhance the penalties for various offences,

¹⁰ Fisheries Act of Tanzania

maximum and minimum penalties were set in order to address the increase of illegal fishing. In order to achieve the objectives of the fisheries act, protect fish habitats, the lake water and its tributaries, various regulations have been made.

Besides this however, there are shortcomings under the fisheries Act, 1970. The Act falls short in the following areas.

1. Largely, inefficiency is occasioned by lack of capacity in enforcing the law.
2. No provision on responsibilities of communities on resource management.
3. No provision for establishment of fisheries development fund.
4. No provision for the control of the number of investors and particularly in fish processing.
5. Law is silent on aquaculture development.
6. No provision requiring the director of fisheries to bring to attention of stakeholders, regional and international agreement on fisheries resources development.
7. No provision for the establishment of surveillances unit.
8. There is no provision for the director of fisheries and other authorized officers to compose certain offences.

KENYA

Fisheries Act cap 378 of the laws of Kenya govern fishing industry. It has acts, such as administration act, registration of vessels act, foreign fishery act, and law enforcement act. It has undergone various amendments since its inception.

The Kenya fishery Act may be said to have adequate provisions for proper management of the fishery and others concerns to effectively discharge their functions or exercise powers conferred upon their functions. There are areas that need attention however.

1. The act does not recognize fisheries assistants and fish scouts as authorized officers yet they can effectively act as grassroots' law enforcers.
2. The provisions relating to the registration of boats and the licensing of fisherfolk and fish traders leave room for ambiguity and need streamlining.

DRAWN COMPARISONS

There are other legislations in the three-riparian states that are co-related to the use of Lake Victoria. For instance, legislation on environment, public health, water and local government, forest mining and so on.

There are several gaps and weaknesses on the legislations governing the use of Lake Victoria fisheries by the three-riparian states. These have resulted to the conflict arising from the riparian communities across the borders. They are also a source of insecurity both for the population and the states at large.

The Kenyan law provides that no one shall fish in inland waters unless he is a citizen of Kenya who holds a valid fishing license. Under the fisheries Act of Kenya, entry into Kenya fishery waters of any foreign fishing craft is controlled through licensing, the Act also provides for licensing of fish trade

including import and export permit. The fisheries act of Tanzania also provides for the licensing of fish trade and restricts the import and export of fish. Fishing by non-Tanzanian is also controlled. However the Ugandan law does not make specific provisions regarding trans-boundary fishing but controls trade through licensing.

There is no provision for a standard size of fish allowed to be landed from Lake Victoria applicable in all the three countries uniformly. The fish exploit practices also vary; for example licensing for fisherfolk and fish processors, charging of export royalties, provision of closed areas and seasons are inadequate in Kenya and absent all together in Uganda legislation.

Offences are not set-out by specific types, which lead to more serious offences being lumped together with minor ones, hence lack of deterrence in the penalties for the serious offences. The fisheries laws in Uganda and Kenya {but not Tanzania} empower fisheries officers to conduct prosecutions for fisheries related offences. There is also no provision for community participation in the management of the fisheries resources.

2.3 HISTORICAL BACKGROUND - THE BORDER ISSUES.

The function of territorial borders is the single most important indicator of the cohesiveness of a nation. In Africa today, these borders are mostly instruments of bad governance and oppression to Africans.

Border operations and structures in Africa are a product of the Berlin West

African Conference of 1885. More over the impact that they have had in Africa self-determination and freedom has been extremely negative.

Any boundary functions as an administrative aid and must be designed to make life easier for people within it. Boundary making generally militated against reference to ethnological considerations. Colonial policy equated administrative convenience with group unity. Thus the rules of the colonial occupation were divorced from ethnological considerations. These arrangements between European military forces to-date dictate the shape of boundaries that now define African states. These borders are generally based upon geographical features and astronomical or geometrical lines.

In the old days, fish was presumed to be an unlimited gift of nature. Fishing was mainly for subsistence. The inexhaustible resource was therefore, hardly a cause of struggle. However, over the years things have changed. The reality of cash economy has threatened the olden days' harmony. Today, the use of Lake Victoria has become a source of great conflict especially over the waters, the fish and even the catchment area¹¹

The present day conflict is fuelled by commercial motives backed by technological advancement. In addition declining economic returns and diminishing natural fish resource contribute to conflict in fishery management. The conflict involve all the stakeholders from leaders to fisherfolk, and nations against nations

¹¹ See Caroline Adhiambo's " Lake Victoria the queen of duels" in Ecovic news issue no. 4 quarter 3rd Nov, 2001

The share of the waters of the Lake Victoria is Kenya 6 %, Tanzania 51% and Uganda 43%. However other sources as earlier indicated give the share as 6%, 49% and 45% respectively. Thus the major difference occurring in the share distribution arises from Tanzania and Uganda. The Kenyan share seems to be well designated¹². The lakeshore line is 3440 kilometres long. It is highly irregular and indented. There are many isles in the lake some which especially the Ssesse, group are known for the beautiful and shape, resorts and sight seeing places. Abundant pre-historic remains found around the lake indicate the early development of agriculture. A number of bay towns such as Kisumu and Homa Bay (in Kenya) Entebbe and Jinja (in Uganda) and Bukoba, Mwanza and Musoma (in Tanzania) connect with each other by ship/boat routes. The passenger steamer, which was operational in the late 1960s through the 1980s, is no longer functional due to the collapse of the lake transport system.

The division of the lake is not egalitarian; Kenya has the least percentage in spite of having the largest number of fisherfolk. To be able to obtain their livelihood, Kenyan fisherfolk have over the years been fishing in both Tanzanian and Ugandan side of the lake. This practice has peacefully co-existed until the governments of Uganda and Tanzania recently (in the mid 1990s) embarked on getting rid of the Kenyan fisherfolk from their territories. This has led to great conflict in the fishing rights.

There have been occasional conflicts on Lake Victoria boundaries and disputes over fishing rights by the fisherfork from the three riparian states.

¹² See C.O. Okidi (1980) "Legal policy regime of Lake Victoria and Nile Basin." *Indian Journal of International law* (Vol.20 No.3) pp395-447

Kenyan fisherfolk have had constant conflicts with their Uganda and Tanzania counterparts over the fishing space on the Lake Victoria. This has been caused by lack of clearly marked boundaries in the waters. Kenyan fisherfolk mostly find themselves in a dilemma over how far they should venture into the lake.

At the same time the Tanzanian authorities argue that the Kenyan fisherfolk trespass into their territory. On numerous occasions Kenyan fisherfolk have complained that their fishing boats were seized and heavy penalty fee paid to secure their release.

A dramatic example of the boundary problem occurred in 2003 when Tanzanian authorities arrested 87 Kenyan fisherfolk for violating the fishing boundaries. They were rounded up by the Tanzanian armed patrol officers and taken to Sota in Tarime district in Tanzania. They were jailed for three years each after failing to pay the hefty fine imposed on them. The Tanzanian government also seized their fishing equipments.¹³ The Kenyan fisherfolk were charged with collaborating with foreigners to “plunder” Tanzania’s natural resources. They were convicted and jailed for illegal fishing and criminal trespass into Tanzania’s side of the lake.. This was an out right threat to security both to the fisherfolk and Kenya as a state.

Commenting on the incident, the then Kenyan foreign affairs and international co-operation minister Kalonzo Musyoka, termed it as a matter of great concern and added that Kenya was moving fast to secure their

¹³ Daily Nation, January 22, 2003 pp13

(fisherfolk) release”¹⁴ He said that an independent investigation had been instituted to establish the circumstances that had led to the arrest of the fisherfolk. Meanwhile an official at the Tanzanian high commission in Kenya described as scandalous the arrest and subsequent jailing of the fishermen. He said ‘it does not only sound scandalous but is also against the spirit of the East Africa Community ideals.’¹⁵

As a result fishing activities came to a halt and there was a demonstration by the Kenyans towards Tanzania’s authorities. This is an indicator of threat to state security, demonstrated as such causing strained relationship between the riparian communities of Kenya and Tanzania.

Boundaries on the lake have been controversial for quite a number of years. It began to take effect from the early 1990s. Uganda authorities for example, have also frequently accused Kenyan fisherfolk of trespass. They have occasionally arrested fisherfolk and confiscated their equipment. In 1995, the Ugandan government enacted a law, which defined its lake boundaries with Kenya, but the Kenyan authorities have not done so. As a result, there has been serious misunderstanding between the Kenyan fisherfolk and the Uganda authorities.

Uganda reviewed its boundaries in 1995 in the constitution. The boundaries were changed and some of the waters previously assumed to be on the Kenyan side reverted to Uganda. The present Kenya constitution is silent on the issue and the draft constitution of Kenya is still not clear on the issue.

¹⁴ The East African January 27-February 3rd, 2003 pp8

¹⁵ *Ibid*

The greatest inter boundaries crisis resolution efforts made by Kenya and Tanzania government has been at the local levels. In year 2002, District Commissioners (D.Cs), who are chairpersons of security committee in the district in Kenya, from Bondo, Migori, Suba and Homabay met with Tanzania authorities to discuss ways of resolving the boundaries crisis.

In order to resolve the Lake Victoria boundary dispute and its associated problems, there is need for Kenya, Uganda and Tanzania to hold deliberate negotiations over the matter. The issue of boundary points is purely historic and there before, fisheries were not limited by borderlines. This however, may require a mediator, to over see such negotiations. In the deliberations, it is certainly important to explore the possibilities of abolishing the borders. The ecological studies conducted on the lake have some useful tips.

Scientists claim that the Nile perch breed in shallow waters. The young perches remain in the shallow waters until towards maturity when they swim to the deep waters. The Lake Victoria basin is in such a way that the shallow side of the lake is in Kenya, while Uganda and Tanzania share the deep ends. A Nile perch fishery policy common to the three riparian states is that fishing should be done only to the mature fish.

The EAC should therefore, as a regional body, mediate and facilitate towards getting possible reasons for all the border problems and finding some lasting solutions for the same.

2.4 NILE PERCH TRADE.

Lake Victoria's Nile perch trade is a classic test of Haberman's economic theory of communication action, where there is a problem of identifying the circumstances under which networks replace markets as the primary governance mechanisms for economic activities. The theory suggests that markets govern economic activities tied to material phenomena, whereas network controls such activities when they are tied to social relationship.

The export - oriented fishing industry has in a profound way affected the traditional fisheries and the different groups of the people who depend on it. The effects can be found at different levels; individual, household, community, national and international. The effects are of different character; economic, political or social.¹⁶

In the pre- Nile perch regime, most canoes were owner operator, which meant the owner of the canoes worked in the boat and were in charge of the fishing operation. This pattern has been completely reversed during the last 10-15 years. Asowa Okewe¹⁷ reports that among the fisherfolk in Ugandan side of Lake Victoria, as many as about 80% of men (only men) who participated in fishing were only crew ,owning neither the vessel nor the fishing gear. Nile perch fisheries have required stronger gill nets. Many of the traditional fishermen cannot afford to buy this type of equipment. Due to longer catches of fish, many investors from outside the fishing industry have invested from modern and expensive gear.

¹⁶ Harriss C. *et al* (ed) Social Economics Impacts of Introduced Species in Lake Victoria Fisheries; The impact of Fisherv on African lakes. Pp47

¹⁷ Asowa Okewe was a resource person I interviewed.

They employ skilled managers from the fishing communities who in turn hire experienced operators who handle and are in charge of fishing operations in the lake. A fairly recent trend concerning ownership and management of fishing operations is connected to increased competition among the processing factories to secure sufficient supplies of fish.

Presently, the purchasing agents of the factories are said to be “chasing” the fisherfolk in order to be able to acquire fish. The agents make all sorts of arrangements with the fisherfolk such as credit relationships, supply of gear, and purchase of fish in the lake from special transport vessels. This enables them to obtain regular supplies from their “own” fisherfolk. These efforts have mixed success. A few factories have during the last years purchased or rented their own vessels including trawlers and hired their own crew in order to get enough fish. In this way, the owners of the factories try to undermine the fisherfolk’s opportunity to exploit the situation of the “sellers market”. The extent of this vertical integration is worrying.

Although the level of income may be low for many of the labourers, there is no doubt that ordinary fisherfolk have obtained increased earnings from the rich. A clear evidence of increased power among the men participating in the various tasks connected with the fisheries can be witnessed by the dramatic transformation of the landing site for fish. In the past, the landing sites were very modest with open small hotels serving traditional food to the fisherfolk after a day’s work. Today, there is “boom-town” atmosphere, hotels and restaurants, catering for the need of fisherfolk after they return from the lake. Due to this, a lot of concern has been expressed for the deteriorated moral behaviour observed in these landing sites.

A good share of fisherfolk earnings are spent in these new recreational facilities. Most of the fisherfolk are men, and in an article on food security by Holmbure-Ottenser *et al*,¹⁸ as its title suggests, men indulge into recreation rather hopelessly. A woman's bargaining which empowers the households is reduced and the glaring pandemic of AIDS has taken root. Gradually, this is becoming one of the greatest security threat in the region.

In the past, thousand of women were engaged in fish processing. The fish that was not sold fresh was smoked or sun-dried. Most of the processing was carried out on the landing site or in appropriate places close to the landing sites. It was usually women who alone in small groups processed the fish. Many of the fish processors were the wives of the fishermen and many of them were also traders, selling the fish they had processed in the local markets.

There is no doubt that thousands of traditional, small-scale fishmongers have lost their jobs as the processing factories have expanded their operations. However, the processing factories have created two employment opportunities. First, inside the factories, both men and women are employed in the filtering of fish. Secondly, in relation to waste products, the remains of some pieces of meat on the skeleton of the fish have found market. This is due to lack of fish. Traders purchase skeleton and take them to sites where they are smoked and oil -dried.

¹⁸ Halmboe, O. *et al* "wife today I only had money for pombe" in house hold food security and agricultural change –(institute or nutrition research Centre for development and environment –Oslo)

However, there is no doubt that the two opportunities created by the processing factories do not make up for the thousands of jobs which have been lost in traditional fish processing industry. The women fish processors are clearly losing out in relation to the export -oriented fishing industry. Not only are the women losing out but also their children and other dependants suffer when the women's income are reduced or lost completely.

It is particularly among the consumers that the effect of export-oriented industry can be felt. It is not possible to give precise estimates on how the level of consumption of fish has changed over the years, but many institutions have expressed concern for food security situation of the people in the riparian districts. The food security of a population can be defined in a number of ways and depending on the way the concepts is defined, the method of documenting will vary. However, it is possible to say something about the food security situation on the basis of some simple but strong indicators.

Interviews carried out on the beaches in Kenya and Uganda, review that the fish no longer formed a part of food for the wage earning crew in the canoes. In the pre-Nile perch regime, it was common for the fisherfolk in addition to their wages, to bring home some fish for consumption by the family. It is not the case anymore today.

Consumers interviewed in the market expressed the concern that they could not afford to purchase fish as they did in the past. The remains of the skeletons of the Nile perch have always been considered "poor mans' food" and many people will not consider eating it. Even though fish has increased

in quantity, many poor people often cannot afford to purchase it.

2.5 NILE PERCH REGIME.

In the assessment, the intervening variables can be classified into the pre-Nile perch fisheries regime and Nile perch fisheries regime. The pre-Nile perch regime lasted up to about 1979 and the Nile perch regime started in the 1980.

(a) Pre-Nile perch regime (1964-1979)

The total catch from Lake Victoria during the 1960s and 1970s was quite stable. About 100,000 tons of fish was caught annually. Until mid 1970s, the fisheries of Lake Victoria were exploited solely by a small group of fisherfolk. During the early 1970s it was estimated that some 50,000 fisherfolk operated from some 12,000 fishing vessels.¹⁹

The fisherfolk had varying degree of involvement in the fisheries; some fished overly on a part-time or seasonal basis while others were full time.. Most of the fisherfolk derived their primary income from fishing and were also engaged in complementary agriculture activities. The tendency during the 1960s and 1970s was however curtailed due to increased scarcity of land and lack of employment opportunities. A larger number of people left the original subsistence and part time fishing and became full time fisherfolk.

In the pre-Nile perch regime there were clear barriers to investment in the amount of equipment in the production sector. Very few owners of canoes

¹⁹ Butcher D & Calarius, A; A sociological survey of fishermen population around Lake. Victoria pp24

possessed more than one canoe or owned more gill nets than they were unable to control themselves. The ownership pattern was thus very decentralized and the income from the lake was distributed fairly evenly among fisherfolk.²⁰

There was very little investment in the technological improvements. The canoes were sailed and mainly operated in the same way as they had been for decades. Although out-based engines had been available only a few percent of the canoes were fitted with them. Almost all of those fitted with outboard regime were used for transport purposes only.

In the pre-Nile perch regime also, the processing and trading of the traditional fisheries was almost totally dominated by small operators, being based in the local community around the lake. The majority of the people involved both in processing and trading were women living in the local communities around the lake. The part of the fish that was not sold fresh was processed (smoked) on the beach and carried to the local markets inland. Most of the animal protein that the local population ate came from the lake's fish. There were few wholesalers in the fish trader and the traders never acquired control over the fisherfolk as they have now managed to do, in so many other traditional fisheries through the establishment of credit relationships. Most fisherfolk sold their fish to a limited number of fishmongers with whom they had developed long-standing relationships.

In the pre-Nile perch regime the fisheries to a large extent existed independent of outside interference. Except for a small trawled fish meal

²⁰ Jasen, E.G, "The development of Lake Victoria fisheries and possibility of Norwegian participation" E.A journal of rural development vol.10. no 1 & 2 pp 235

complex set-up in the mid 1970s there was little penetration of capital from outside. Also, the three governments' interventions were limited. The fisheries departments of the three riparian states collected statistics on the catch and adopted different types of regulations in order to control the fishing efforts. The governments had however, very limited possibilities to enforce them. Although in principle there has been an open access to fish in the lake, the local fishing commodities around the lake have all through the decades developed rules, which regulate the fisheries.²¹

The rules stipulated who may fish, in what season, in what types of fishing gear, and what size of fish could be caught. Institutions have been developed in the local communities to enroll these regulations. The rules and nature of 'enforcement institutions' varied from one area to another and have changed over time. In some places (bays) these rules were detailed, explicitly expressed and well known in the community. In other areas, the rules were vague, and issues relating to fishing efforts were generally not recognized in these communities. This system of local management has gradually been threatened by the introduction of large-scale commercial fishing. However, the operators of the trawlers fishing in the lake had little knowledge of the rule in the pre-Nile perch era and felt all right to disregard them.

(b) Nile perch regime (1980 - 2004)

The rapid proliferation of the Nile perch started on the Kenyan side of Lake Victoria 15-20 years after the fish was introduced in the lake. In 1978, one

²¹ Ogotu, G.E.M, (ed) Artisanal fisheries of Lake Victoria, 1992 pp 34

thousand tones of Nile perch were caught, in 1987, twenty three thousand tones and in 1985 the production had increased to fifty thousand tones.²²

An even faster increase took place in Uganda and Tanzania. In both of these countries, less than one thousand tones of Nile perch landed in 1981. In 1986 forty one thousand tones of Nile perch was caught in Uganda and one hundred tones in Tanzania in the same year. In 1989, the total production of the Nile perch in the three countries was three hundred and twenty five thousand tones.²³

The total catch of fish increased from about 10,000 tonnes in 1979 to about 500,000 in 1989. Since then, the annual production has remained at a level four to five times higher than what was achieved during the late 1960s and 1970s. In the years 1989-1995 Lake Victoria presented about 25% of all the annual total catch from Africa's inland fisheries.²⁴

Along with the rapid increase in the catch for Nile perch, the comparison of the fish biomass in the lake changed dramatically. Nile perch feeds on most of the species of fish in the lake, and from a multi-species fishery, Lake Victoria is today basically a three-species fishery. Nile perch is the dominant species but about a third of the lakes' catch consist of *Omena* while various species of *Tilapia* constitute about 10%of the total catch. These three species alone have over the years made up about 98% of the total catch from the lake.

²² Greboval, D "Management of new fisheries of Lake Victoria major social, economic issues" RAF/87/099/TD/04/89 FAO, ROME 1989 pp235

²³ FAO- "Management of Africa inland fisheries for sustainable production." Paper presented at the 1st pan Africa fisheries exhibition UNEP,NBI AUG.95

²⁴ Abila-R.O "The socio – economics of Nile perch frames marketing in Kisumu" paper presented at FAO/KMFRI international Seminar –June 1994

Most amazing is the rapid increase in production and speed at which all parts of the fishery system adapted to this situation. Although there is little statistics to support this trend, it is clear that many more fisherfolk were recruited to work in the lake, and that part-time fisherfolk turned to full time. More canoes were built; fisherfolk purchased gill nets with large mesh size in order to catch the large Nile perch. The number of women engaged in the processing and marketing of fish increased.

Initially total local markets could not absorb the increase of Nile perch. In Kenya, many consumers initially resented the “fat fish” as it was commonly referred to. It took few years before it gained popularity in Kenya. In Tanzania and Uganda it was better known due to its presence in other inland lakes found in the two countries. During the mid 1980s the market was able to absorb a supply of two to three tones higher than was previously, without much effect on prices.²⁵

Linked to the rapid growth of the Nile perch, another revolutionary took place in Lake Victoria fisheries. This change was related to the huge demands for the Nile perch, which soon expanded beyond three countries sharing the lake. A market for the Nile perch developed quickly in the industrialized countries. In order to satisfy this market, processing factories were established along the shores of the lake. These factories filleted the Nile perch and exported the fillets to Europe, Middle East Japan and USA. In the early 1980s the first plants were put-up in Kenya. They were so profitable that over the years, over fifty factories have spread all along the shoreline in all the sites.

²⁵ Greboval...*Ibid*

Many of the factories have been financed by international development banks and received support from government and agencies of the industrialized countries. The activities of these factories during the last ten years have been dominating and giving shape to the new fisheries regime of Lake Victoria²⁶ from being fisheries oriented towards the local and regional markets. Lake Victoria's fisheries have opened up to the global economy since there seems to be an unlimited demand for the Nile perch abroad, especially to countries of European Union. There are dangers of over-exploitation to meet these demands. The day-to-day indicators are strong on unsustainability of fish-stocks in Lake Victoria in the long run. This is a security threat to the populations dependent on the fisheries and the riparian states at large.

²⁶ Osienala: "Planning for the implementation of lake Victoria environmental management programme. A community based approach." (Workshop presented at regional community mobilization workshop-Tanzania Sept. 2002)

CHAPTER THREE

DYNAMICS OF PEACE AND SECURITY

3.0 An Overview.

The problem of peace and security is bound up with human nature, under the conditions of scarcity and choice. The prospects for peace and security are necessarily constrained by the competing antinomies of conflict and co-operation, harmony and discord, unity and diversity, within the constraining context of hegemonic rivalry for locative and distributive rules and principals in any given society or community.¹

Peace and security is still elusive because of the continued concentration of wealth in a few hands and the existence of a huge number of the poor and exploited, structurally induced factors, institutional inequalities, prejudices and existence of historically marginalized groups, which continue to be features of national and international society. In this sense, the Hobbesian state of nature, characterized by a state of war constitutes human lived experience.

Given the imperfectability of human kind and the continued co-existence of wealth and poverty, the social political scenarios which such co-existence necessarily constitutes (as it is evidence by historical events) what then needs to be done to create a less imperfect society?

The modern state, in spite of various reformulations of its constitutive principle and institutional processes, in reaction to the problematigue of

¹ See Adele Jinadu (ed) The political economy of peace and security in Africa pp 3

peace and security, continue to be pre-eminently contested terrain of hegemonic groups in national and international societies. In serving predatory group interests and itself becoming part of the problem, the core avenue of contention and conflict is a major impediment to structural reform and therefore a major obstacle to peace and security. This requires in many cases reconstitution and reconstruction as a necessary condition to the durability of peace and security.

This is the reason why the nature and character of the state, as an actor in national and international society is important. In other words, this chapter seeks to address the problem of peace and security in East Africa from a nation interest point of view in relation to the fishery industry of Lake Victoria.

Dynamics of peace and security are not merely the absence of internal and external armed war or conflict. This chapter views it in a more positive and more embracing sense of the creation of the enabling environment, for self-realization and for enjoyment and sustenance of self-development. In understanding the dialects of peace and security, we view them as a relative not absolute twin –related state of affairs. They are conditioned by broad spectrum of inter-related and historically rooted, cultural, economic, political and social obstacles among others. In search for peace and security, this chapter will endeavour to explore into policy questions such as; how can the state be reformed in relation to integration and regional peace and security? How can we make individual and collective behaviour more congruent or consonant with peace and security as a national and regional imperative? What institutions and structures are required and how can they be

established to make the prospects of peace and security more promising, to ensure the emergence of less imperfect East Africa regional society?

The policy prescriptions for the East African states (and elsewhere) lie in the structural transformation. Included are large measures of cultural re-orientation and participatory, power sharing democracy, informed social democratic principle on the bases of; justice and equity, income re-distribution in relations between persons, nationalities and nation states.

In the functionalist approach, emphasis is stressed on the central and leadership role played by each riparian state is forging ahead with regional co-operation and mechanisms for peace and security in the region. It links the imperative of regional co-operation to the wider issues of regional peace and security (as oppose to mere state and human security). It points out that regional co-operation must be viewed in terms of potential contribution to peace and security as well as democracy and development in the rest of Africa.

Mxolisi Notshulwana ²argues that sustainable regional integration [not only in South Africa region] creates a platform for social and economic growth

² See Mxolisi, N. In Adele's *Op Cit.* pp167

that enlarges the range of freedom and opportunity. However, he points out to a number of challenges facing functional co-operation in the region, notably, the need “to find ways to address sovereignty to a large regional authority”³. He concludes that the advantages of regional co-operation will materialize if there is genuine and constructive co-operation among the countries of the region. Therefore, peace and security must be understood as a never-ending process, bound up with the search for human imperfectability while “building peace in parts”⁴ and with the progressive removal of obstacles to collective self-development and collective self actualization.

Peace and security thus becomes related to the concepts of freedom, justice and equality. Therefore; peace and security becomes a process which institutionalises social harmony which justice defines as the underlying principle of social organization, resource allocation and distribution in society.

3.1 Peace and security in Lake Victoria fisheries: An environmental conflict.

For the purposes of this study, environmental conflict is rooted in its linkage with security and casual factors - the nexus between environmental (resources) scarcities - and conflict.

The post-realists have sought to establish a new perception of global security which captured changes “occurring within, above and across the jurisdiction

³ *Ibid* pp 169

⁴ Quoted in the article by Roger Molander, Adrew Ruddi and Peter Wilson (1996) 'strategic information warfare; Anew face of war' pp6

of state,”⁵ It however, did not go unchallenged by those who sought to either dismiss the environment-security nexus, or absorb it as a variable- state centric analysis. It is clear however that environmental conflict threaten security. The fundamental question being whose security? For the purposes of this study, the security of both human and state is of great importance and thus attention is drawn to both.

The escalation of environmental conflict is bound to upset security at the local, regional and even the global levels depending on the ramifications of the conflict and the involvement or non-involvement of global actors. It can also directly impinge on the very survival of a people. Deepening of ecological stresses will ignite more conflicts and threaten the security of the people.

The casual explanation of environmental conflict views it as an often-complex process that triggers on issues of access, control, equity and sustainability. While in a broad sense these casual factors inhere in the linkage of ecology and politics they are fundamentally tied to the environmental scarcities conflict nexus or the environmental degradation – nexus.

Homer Dixon ⁶ defines environment scarcities as “scarcities of viable renewable resources such as soil, water, forest and fish”. The human induced resource scarcity may combine with bulging population and land –

⁵ Brown's (1994) “words interest and changing dimension of security”. See Klare and Thomus (ed) world society changes for new society pp10

⁶ Environmental scarcities mess violence and the limits of ingenuity” current history vol. 95 Nov. pp45

stress to cause violent conflicts. Furthermore Homer⁷ argues that the interaction between supply-induced scarcities, demand-induced scarcities and structural scarcities provokes conflict.

While supply- induced scarcities are the result of reduced availability of environmental resources as a result of over exploitation or degradation, demand – induced scarcities are attributed to population growth rate out shopping the supply or reproduction of resources, technological changes needing the use of larger raw-materials and placing immense pressure on the renewable resources. Structural - inequalities are basically the outcome of distributional inequalities in which a tiny elite controls resources to the exclusion of the rest of society, who in turn violently seek a just redress and a cue to scarce' resource. Homer⁸ specifically concludes, “ scarcities of renewable resource are already contributing to very violent conflict in many parts of the developing world”. He also draws attention to the dangers posed by the conflicts in developing countries to the security interests of the rest of the world. In his model, Homer does not however offer situations of structural scarcities, in this context, the capitalist and the ecology.

In Lake Victoria's case, poverty and apparition of peace and security in each member state are examples of the structural scarcities. Before discussing each kind of scarcity, let us assess conflict versus peace and security, in relation to nation state.

⁷ Homer Dixon (1994) “ Population and conflict” IUSSP distinguished lecture

⁸ Homer Dixon (1940) “ the ingenuity gap. Can poor countries adopt to resource scarcity?” Occasional paper of peace and conflict studies programme- uneven

Apart from natural and climate process, human intervention with the ecosystem is the major cause of environmental degradation. There is need therefore to seek synergies between conflict prevention and conflict management on one hand and economic reconstruction recovery and development on the other. Conflict is extricable related to poverty, particularly the lack of human capital, which influences the probability of war. Poverty means that able population have no stake in staying where they are. Rebellion therefore becomes an employment choice motivated by the opportunity cost of employment and the prospective gain from capturing the state and its resource base.

Secondly, conflict is related to the equitable sharing of valuable natural resources. The failure has led to a number of conflicts and exacerbated many others. Whenever territories rich in natural resources are involved in war, the resources often get looted. Failure by governments to address national grievances has led to conflict and subsequently war.

These conflicts are thus a threat to peace and security because;

- They destroy, leaving shattered infrastructure in its place.
- It is a negative shock on economic system, reduces savings even when the level of those savings are most fragile.
- Diverts portfolios away from domestic investment and trigger capital flight which is relative to Gross Domestic Product (GDP).
- Conflict massively divert government's services towards military expenditures

This reflections on causes and consequences of conflict should lead us to wider appreciation of the inter linkage between development and peace. Regional integration should therefore invest more in peace processes. Peace building and conflict prevention efforts should be under-girded by more equitable development.

Since environmental degradation could indirectly trigger conflict, it is necessary to examine some of those factors which undermine the eco-system in the East African region.

3.2 FACTORS THREATENING PEACE AND SECURITY IN THE LAKE VICTORIA REGION.

The factors that threaten peace and security in the Lake Victoria region fall in three categories. They can be categorised as supply- induced, demand-induced and, structurally induced factors.

3.2.1 Supply - induced factors: Over exploitation of fisheries resources and security

The respect of resources utilization was addressed in the previous chapter. However, the issue of fish depletion as a result of over exploitation in relation to conflict thereof was not specifically discussed. This is the direct link between conflict and insecurity. It also links to other casual factors; both demand induced and structurally induced.

There is no current data on the precise magnitude of fish stocks in Lake Victoria to guide management decision on sustainable harvest limits. The only comprehensive stock assessment survey of fish in Lake Victoria was conducted by EAFFRO/FAO with UNDP and the EAC (1967-77) in 1969-71.⁹ According to this survey, total ichthyomass in the three riparian states was estimated at about 679,000 metric tones. The haplochromine species flock was the most abundant accounting for 83%, *Bagrus docmac* 5%, *Clarius mossambicus* at 4%, *synodontis* at 3%, and all other species including *Tilapia* and Nile perch was 0.0006% of the estimated total lake ichthyomass.

There has however been a dramatic decline in fish biomass in the lake over the years and a diminishing statistics of many species in the last three decades. It would therefore be wrong for the riparian communities to sit back, yet research shows that the lake's fisheries are threatened. The fish species in the lake have declined from about 300 in the last two decades to three dominants species: Nile perch, *Tilapia* and *Omena*

Before the arrival of the Nile perch, there were over 500 species in a myriad of shapes, and colours.¹⁰ There were insect eaters, algae serappers, mud-biters, leaf choppers, snail crusher, shrimp eaters, fish eaters, scale scrapers and snail shelters all of which lived in Lake Victoria and found different source of food. To the scientist, this was simply astounding. Some species like cichlids, which supported commercial fishing in the 1960s, are now extinct. Between 1973 and 1998, the number of Fisherfolk grew by 300%

⁹ Kudhangania, A. W and cardone (1974) Batho spatial distribution patterns and Bio-Mass estimates of the major Demersal fishes of L. Victoria" Africa journal of Tropical Hydrobiological fish: Vol 3 pp 15-31

¹⁰ Kenneth M. Lake Victoria :Africa Inland Sea [neweng;Aquirium] pp 60

The number of fishing boats increased by 266% over the same period of time. From available data, the biomass of the lake has however decreased over the years¹¹. Most fish processing plants are now operating below expected capacity due to fish shortage and many large boats and gears have been purchased out creating idle capacity and wasted investments.

Most serious, however, are discoveries that close to 60% of fish caught in Lake Victoria are immature and below 70 centimetres in size. Initially the Nile perch caught in the lake measured about 1.5 metres long. This evidence points to the fact that security for both human and state is at stake.

Considering majority of the people in the riparian districts derive livelihood from the lake, the biomass decrease and continued increase in the number of fisherfolk has negatively impacted on the population. This inverse proportionality has resulted to increased fishing activities, causing competition. Competition triggers with scarcity of resources, where there is no alternative choice. Gradually, it escalates into a conflict amongst the competing parties resulting to insecurity. As for the state, the principle expectation of the citizen is that it should provide for their security. As discussed and from the onset trend of the lake's biomass depletion, the state seems to be no longer ensuring the replenishing of the same.

The citizens of each riparian state are engaged in practices, which each state has no complete control over. As noted in chapter two, the fishing legislation is not harmonized and each state blames the other over issues that threaten the security.

¹¹ Website: <http://www.Africanfront.Com3>

In the East Africa Standard¹², a daily paper in Kenya, Kenyan legislatures were reported as urging the state to act over harassment of fisherfolk. The legislators, who are themselves lawmakers, implied that the law is still lacking in policy on the issue of fisherfolk security. “The government was therefore being urged to address the deteriorating security situation in Lake Victoria urgently. The five MPs from the region further accused the government for failing to protect Kenyan fisherfolk from harassment and arbitrary arrests by Uganda ‘s and Tanzania’s security personnel”¹³

It was claimed that Uganda fisherfolk had pitched camp at Got Arua Island within the Kenyan waters, off Muhuru shores in Migori districts. This is a question of state security in relation to the principle of territorial authority. The border issue seems unresolved and where border feuds are unsettled, then a state cannot boast to enjoy peace. A defined territory is one of the major characteristics of a state.

Another measure taken to prevent fish depletion and threat to security is ban on fishing at specific times. Should the three riparian states adopt this proposal as a regional responsibility, then the fisherfolk may cease to find themselves on a collision course with scouts who patrol the lake. Many feel that this perhaps, is the only available way of replenishing the diminishing fish stocks in the lake.

¹² The East Africa Standard; Tuesday August 3rd 2004 pp12

¹³ Ibid.

It has been argued that enforcing a regional ban on fishing would loose clearly to the industry stake holders, fish processors, traders, exporters and transporters. This implies that a ban which is thought to make a lot of ecological sense, spurs an enormous economic problem. Uganda has however expressed opposition to the regional ban with the country's commissioner of fisheries stating that Uganda would not take part before being furnished with evidence to support the move.

Regional ban on fishing ban targets mainly the Nile perch which forms the bulk of the fish export from the region to Europe. There is a fishing ban currently being headed by a Mwanza-based fish processors association in Tanzania. It has volunteered to stop fishing for four months every year (from June) to allow fish to breed. There is a general fear that the lake's fish population has declined to dangerous levels and this seriously threatens the Nile perch fish processing and packing export industry.

Similar demands have been made to the governments of Kenya and Uganda in return. The main arguments of fish traders are that small fish should be left to mature, while the big ones should be left to produce undisturbed. The suspension could also impact drastically on the livelihoods of many small-scale fisherfolk, a number of fish processing plants and the greater population who depend on fish. As the ban is being effected, government also lose millions in taxes and loyalties. It also causes seasonal unemployment to a greater number of employees.

However, the fishing ban has not sunk well within the riparian states. Even though it is thought to be in effect, inter-states' suspicious still continue to

be experienced. According to reports in a regional daily 'the East African'¹⁴ fisheries experts in Uganda had criticized their government for giving into pressure from fish processors and exporters to allow the fishing of immature fish from Lake Victoria. They warned that lifting the ban threatened the sustainability of fish stocks and could lead to closure of the factories; which were great income earners from export to European union countries.

The fish processors and exporters in Uganda reportedly used the highest authority on land to effectively have the ban lifted. President Yoweri Museveni of Uganda directed that the ban be lifted after a meeting with them. They had raised concerns that Kenya and Tanzania had not effected such restrictions. This was not fully supported from situations in Kenya and Tanzania but was based on suspicious. In itself, this 2003 move brought the state and its own fishery experts to a conflict.

Lifting the ban culminated to a damaging process, which created a boom in supply that could not be sustained. The ban lifting was dictated largely by market forces of demand (of the Nile perch). Eventually, this has led to depletion of the species whose stock had started recovering. The security of the people dependant on the same is also gradually getting destroyed. The state is left in an awkward position too, as regards provision of security. The states' inability to adhere to the agreements thereof and the inter-state suspicion has to a great extent fuelled the insecurity instances

¹⁴ 'The East African ' October 27-November 2, 2003 pp5

In the absence of tangible results from states' efforts on security, the livelihood of the people directly or indirectly dependent on the fisheries industry is threatened. There seems to be no immediate reconciling redress to the issue. The government of each member state has been unable to effectively implement their fisheries sustaining policy. This has largely been attributed to the disparities in their legislative Acts, which are unharmonised, yet governing the same water body. Therefore the question of the regional co-operation comes to play. How can the EAC successfully and effectively sustain peace and security in relation to Lake Victoria fishing industry?

3.2.2 Demand- induced factors: Human Population Explosion.

Lake Victoria's basin has a population of approximately 26 million [in 2000]¹⁵ with a higher growth rate of around 3% per annum with considerable higher rate in Kampala and Jinja in Uganda, Karrangwe and Moshi in Tanzania and Kisumu and Migori in Kenya. Population density in the lake basin is above the national average in all countries and the populations of the riparian communities grow at rates that are amongst the highest in the world. Population density in the region ranks among the highest in the world for rural areas where the majority of the people are.¹⁶ Reflecting in the earlier years, the colonial settlement brought with them district cultures into the basin. Through interactions and intermarriages cross border trade was

¹⁵ Obiero *et al ...Op Cit.* pp-34

¹⁶ FAO (UN) CODE of conduct for responsible for fishing.(Rome 2001) [http /www F AO ORG /FI/ agrem /code cond /codecon.asp](http://www.FAO.ORG/FI/agrem/codecond/codecon.asp)

enhanced among neighbouring communities. Trade and market centre were developed and later towns and lake ports were established.

Colonialism brought with it resources management structures that removed the power from traditional leader to central government of Kenya, Uganda, and Tanzania. This meant that people who had no interest in the lake could be given the responsibility to manage resources such as fisheries. This ownership of the resources has gradually shifted with the changes in the population.

Available data on the Kenyan Riparian district gives a near representation of the situation in the entire Lake Victoria region. The table below gives the statistical representation of the situation on the Kenya riparian districts.

Note the use of indicators that are threats to family existence and security. They are malnourishment, unemployment, absolute food poverty, etc

TABLE III

Population density, absolute and food poverty, unemployment, income, malnourished, children and life expectancy in Kenyan riparian districts.

DIST.	POPN (000)	ABPO (1997)	FOPO	MOY(KSHS)	UNRA	MACH(B 5yrs)	LIEX
SIAYA	480.2	58002	43.64	3,041	6.38	24.7	45
BONDO	232.7	-	-	-	-	-	-
KISUMU	504.4	65.44	54.99	6,493	25.7	20.6	46
NYANDO	299.9	-	-	-	-	-	-
RACHUNYO	307.1	-	-	-	-	-	-
HOMABAY	288.6	77.49	62.78	3,852	20.23	27.5	39
MIGORI	514.9	57.63	41.12	3,909	11.36	14.5	41
SUBA	155.6	-	-	-	-	-	-
BUSIA	370.7	65.99	64.1	3,315	13.65	19.7	40

SOURCE: Central Bureau of Statistics – Kenya. (1997)

KEY:

DIST: District

POPN: population

FOPO: Food poverty.

ABPO: Absolute Poverty

MOY: Monthly Income

UNRA: Unemployment rate

MACH: Malnourished Child (below 5 years).

LIEX: Life expectancy

Population explosion has a direct linkage with environmental degradation, resource depletion, poverty and policy. In the Lake Victoria basin, poverty is a major cause and consequence of environmental degradation and resource depletion. This results from having too few and often shrinking choices that the population makes several choices.

There is a strong cultural dimension to environmental degradation in the region. The dictates of cultural practices of sons inheriting their father's land and wives owning land for cultivation are reinforcing the need to subdivide land into small units which are un-economic for meaningful farming. Such practices continue to generate a population of landless youths who must migrate to own a living and the cycle of poverty created continues to cause further environmental degradation. There are no available jobs at the lake and therefore this partly explains the criminal incidences such as robbery amongst fisherfolk.

The magnitude of poverty around Lake Victoria is a matter of grave concern nationally, regionally and even internationally. Kisumu, for instance has been identified as the poorest city in the East African region. Regionally, the EAC has also lent its view that Lake Victoria region is labelled a region of greater poverty in comparison to the other regions. For this reason, the EAC has established a programme intended to alleviate poverty in the region. Some international communities have intervened in the station.

Since conflict is inextricably related to poverty and it influences the probability of war due to lack of human capital, the process of economic development should therefore be seen as a process of expanding the

capabilities of people ¹⁷ (and subsequently building peace). This forms the ultimate focus of economic and human development. That is, the ultimate concerns with what people are capable of doing or being. Can they live long? Can they be well nourished? Can they escape avoidable illness? Can they obtain dignity and self-respect? Are they able to read and write communicate and develop their minds? The enhancement of capabilities often requires changing technologies, instruction and special values to increase the creativity within humans. This in turn results into reduced conflict and increased economic growth. The two are linked and can only be possible with the facilitation provisions by the government. This brings in the question of structural induced factors.

3.2.3 Structurally - induced factors.

Unresolved border issues and the diversity in legislations of the riparian states, are partly reasons for security threat. There has been a long-standing good relationship between communities living in international border areas around Lake Victoria. However, there is conflict among fisherfolk over theft and destruction of fishing gears, mainly between 'long line' fishers and drift net (*tembea*) fishers. The level of insecurity in the fisheries sector has escalated to the point where fisherfolk carry weapons (clubs, catapults and guns) when going for fishing.

There is poor working relationship between fisherfolk and authorities patrolling the lake. There are no customs and immigrations posts on border island in Lake Victoria. The main underlying reason for the increased level

¹⁷ Journal of Development Planning (1989) pp 20

of conflict on Lake Victoria is the high demand for Nile perch in international market. Communities in the three countries noted that Kenyan fisherfolk have very limited fishing grounds within their national borders.

Fisheries regulations and enforcement authority of the three countries have not harmonized. The level of routine lake patrolling in Kenya appears to be lower than in Tanzania and Uganda. Nevertheless, fisherfolk know international boundaries on the lake, yet they cross borders in search for livelihood. Patrolling unit make un-lawful arrests because they are not conversant with the location of boundaries or in some cases they do so deliberately.

Fisherfolk found it difficult to obtain licenses for fishing and fish trading in neighbouring countries. In some cases, legal procedures of arrest and prosecutions are circumvented and punishment is carried out instantaneously, sometime involving excessive use of force. Nevertheless, fisherfolk are willing to pay official fees and taxes for cross-border fishing and fish trade. Fisherfolk believe that levies on fish should be paid to the country owning the fishing grounds where the fish has been caught. There is however, a wide spread of perception among fishing communities that government authority are mainly interested in extracting revenue from landing sites, rather than in enforcing existing rules and regulations to protect and develop the fishery.

Cross border meetings take place, although there is no established mechanism for holding regular cross-border meetings. Representation of fishing communities and fisheries staff at these meetings has been poor and

resolutions have not been disseminated effectively. Despite this, fishing communities are not well informed about the existence of LVFO and the EAC and the roles of these institutions in the Lake Victoria fisheries.

In all these, riparian communities' relation with governments and private sector has had adverse cross border interference. There is a weak relationship between communities and the central/local government. There is inadequate sensitization by governments about involving the communities in fisheries management. The communities expect their respective government to strengthen security on the lake. The main interaction with the private sector is in selling and buying fish. The private sector operates across the board disregarding the borders.

Fisherfolk have a weak bargaining power in their interactions with fish the purchasers. Locally based agents dominate the market, while most purchasers no longer avail credit to fisherfolk.

Several factors influence where fisherfolk sell their fish. These factors include; price, distance to the market, and availability and cost of other commodities at the marketing point. These market forces have gradually disregarded borders and have caused conflict and posed threat to security.

3.3 THE WAY FORWARD.

With its unsavoury status, most Africa states are ecologically ravaged and conflict-ridden. It is therefore important that African intellectuals and policy makers view the task of resolving and transcending the current crisis with urgent seriousness. Having correctly understood regional integration and its global implications, intellectuals and policy makers from Africa states at large should place issues of equity, popular welfare and environmental rights of her people at heart in all their attempts to resolve the on going crisis and conflicts.

Although this chapter has given a general over view of the situation at the Lake Victoria and avoided discussing the EAC position in the matter, it is nonetheless clear that, the states in East Africa, at the behest of global economic forces, mediates global-local relations, repressing local resistance and sharing in the spoils of exploration and devastation of Lake Victoria. While in the external arena the East African Community is no match for the global economic powers, its internal arrangement and integration, remains fragile but powerful in its repressive law and order functions, placing the interests of its member states in the fore front..

For the African states to play a progressive role in the construction of a framework of sustainable role in the construction and democratic peace and security in their regions, the basis of the states themselves would have to be transformed so as to serve the broad interests of the people – in this case the East African people collectively not nationals of each member state.

Indeed, most African states have few options with the current temperament of international civil societies tending towards the promotion of democracy and development of social forces within Africa, which are better organized and ready to take on the state and question its legitimacy. It is clear that transformation is but a question of time, yet its final form would ultimately be determined by the balance of forces within and outside the continent.

On a global scale, the inequities embedded in international political economy need to be redressed. Big-time multinationals – which expropriate and pollute the African ecosystem - must be identified and appropriately “called to order”.¹⁸ Provisions should be made for such erring corporate bodies not only to pay reparations but also to repair damages caused in their reckless pursuit of profit.

In the realm of international regimes guiding global environmental governance, the arrogance and excesses perpetuated by countries of the industrial north have to be checked and stopped, so that a more sustainable and equitable relationship can evolve between them and the countries of the south.

Ultimately, it is the democratization of global environment governance and the dismantling of state authoritarianism and unbridled market development in Africa that will offer overall prospects for resolving the current plethora of environmental conflicts ravaging the African continent. Outside of this, current managerial approaches would only scratch the surface between

¹⁸ Ake, C. (1996) Setting Nigeria Ablaze (tell; Lagos) pp 29

periodic violent options. After all, most conflicts in Africa are borne of scarcity of natural resources.

ROLE OF THE EAST AFRICAN LEADERSHIP IN PROMOTING PEACE AND SECURITY IN THE REGION: AN ANALYSIS

INTRODUCTION

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...essentially but politically, it failed to recognize the need for mutual sovereignty and territorial integrity of the member states.

CHAPTER FOUR

THE ROLE OF THE EAST AFRICAN COMMUNITY IN SUSTAINING PEACE AND SECURITY IN THE REGION: AN ANALYSIS.

4.0 INTRODUCTION.

At the dawn of independence, Kwame Nkrumah of Ghana made a passionate call for African unity. He reckoned the fragile nation state born out of accidents of history that colonialism had bequeathed to Africa, would be too weak, too poor, and too politically vulnerable to serve the needs of her people after the heroic struggle for independence.¹

Mwalimu Julius Nyerere of Tanzania at the creation of OAU believed that while continental unity was politically desirable, it was not practically implementable at once. He perceived unity in stages, regional, economic and other forms of co-operation being the base toward achieving Africa unity. This was therefore very characteristic of the 1960s and 1970 s, while also registering formations of these initiatives, collapse or deliberate destruction of the same was also witnessed. This was mainly due to political conflicts and wrangles.

For instance, the East African Community (1967-1977) made a lot of sense economically but politically, it failed to survive because of the claims of national sovereignty and ideological divergence of the partner states..

¹ Nyong'o, A(ed) Regional Integration in Africa: Unfinished Agenda...pp2

Regional integration in Africa is a subject, which has continued to be characterized by a disturbing gap between aspirations and achievements. The case of integration (especially economic integration) is overwhelming for two reasons.

First, the concept of Africa unity evokes a wide spread enthusiasm for integration from all segments of Africa society. That is, individual African economies are characterized by low levels of incomes and big population size. The problem of small economies is a wide spread phenomenon in the continent. Economic integration would therefore enable these small economies to harness more productively, their domestic resources for development. The Africa markets are dominated by low-income levels and big populations.

Secondly, it is well known that small markets cannot individually support modern investments enterprises. Other benefits derived include increased opportunities for specialization, the stimulus to technological development and enhanced efficiency arising from competition. These factors stimulate production in all-important sectors such as agricultural, transport and services.

Although the benefits of integration are self evident, integration schemes have in practice given rise to problems concerning the equitable distribution of costs and benefits among participating states in Africa (like the EAC 1967-77), which have collapsed because of differing in entrepreneur shares alongside other political factors. It would appear that this is an important factor for sustaining integration scheme.

Africa's experience in integration is highly diversified. It shows that there are many roads to integration as evidenced by existing different integration motives. For instance, there are various schemes such as ECOWAS, SADC, and COMESA, which are concerned with either integrating development activities or sectors among participating countries or foster preferential trade among the participating members.

The various integration models have their advantages and limitations; but the problems and prospects of integration largely depend on the motive at the start. The fact that an arrangement is regional does not necessarily mean that it enhances integrations; it may very easily lead to the deepening of the process of institutions of external dependence in domestic economy.

Before assessing the role of the East African Community and its challenges in marketing peace and security in the region, it's important also to explore its history and performance since 1960s.

Political independence in Africa in the 1960s was followed by a great debate on the strategy from African unity. The initiative to integrate East Africa was however started by the British colonialist prior the 1960s. The British argued that successful development of the region could best be achieved through the process of integration²

² Oyugi, W.O (ed) *Op Cit*pp 102

By the time the East Africa colonies acquired their independence, the bone of contention was whether to accept *in toto* what the British had established or to adjust according to nation and regional needs.

Professor Haas³ defined international integration as the process where political actors in several distinct national settings are persuaded to shift their loyalties, expectations, and political activities towards a new and larger centre whose institutions possess or demand jurisdiction over the pre-existing national states. Integration is mostly economic or political. In the case of East Africa, the efforts have taken both or incorporated all in one.

There is little evidence that the first attempt of East Africa integration put emphasis on the use of Lake Victoria. The EAC (1967-1977) was mainly characterized by post-colonial concerns such as trade diversification and ideological differences. These were exhibited by the states in their efforts to try and achieve stability and stamp their authority in the region. The major conflict arising in this period resulted from imbalanced trade benefits, ideological differences, differences between heads of states and general suspicious on various political matters and intentions between states. To borrow from Mutahi Ngunyi⁴ *et al*, “regional cooperation can only survive within the long run if all partners make net gains from the scheme in question and if such gains are equitably distributed.” Anything short of this results to over-politicization of co-operation effort and this is what bedeviled the EAC [1967-1977]. The main objective of the treaty which created the EAC [1967-1977] was to “strengthen and regulate industrial,

³ Oyugi, W.O(ed) *Ibid*pp104

⁴ Oyugi, W.O (ed) *Ibid*pp107

commercial and other relation of the partner state”⁵. It was to place within one-fold common services and common market. This was emphasized by the concepts such as ‘balanced development’ and ‘equitability’ in the treaty forming the EAC. Over the ten years [1967-77] of its existence, its character was greatly shaped by the relationship of the authority, which composed the three heads of states. This situation somewhat limited the capacity of other administrations in the community. The national interests were protected within the nation- states’ authority framework. There was a major handicap in the operation of the EAC [1967-77] and its subsequent survival. Whenever any two members of the authority failed to get along, decisions could not be adopted.

There was little effort in the Lake Victoria fisheries issues and mostly artisanal fishery is all that existed. There wasn’t any major programme associated to the life and sustainability of Lake Victoria fisheries during this period. However, it must be noted that it was during this period when then Nile perch was introduced into the lake.

4.1 THE RE-INTERGRATION: THE EAST AFRICA COMMUNITY -BEYOND 1977.

Upon the dissolution of the EAC in 1977, member states signed, in 1984 at Arusha in Tanzania, the EAC Mediation Agreement for the division of the assets and liabilities of the dissolved integration. In November 1993 provision was made by the Mediation Agreement for the establishment of a

⁵ Kenya; Treaty for Establishment of The East Africa Community NBI,GP 1967 PP.2

Permanent Tripartite Commission (PTC) for co-operation between the member states.

In April 1997 the heads of state of the member states after reviewing the progress made by the PTC in the development and closer co-operation, in the fiscal, monetary, immigration infrastructure and service fields and after approving the East Africa Co-operation Development Strategy (EACDS) for the period 1997-2000, directed the PTC to embark on negotiations for the upgrading of the agreement into a treaty. In a view to strengthening their co-operation, balanced regional development and prompting regional peace and security amongst others, a treaty for the establishment of the EAC entered into force in July 2000.

Amongst other Articles, two major Articles (114 and 124) are of importance to this study. Article 114 mainly is about management of natural resources and article 124 is about regional peace and security. (Refer to these articles at the beginning of this dissertation).

The major reasons for re-integration included: to take advantage of the economy of scales in the exploitation of development opportunities and to protect and expand market through harmonization of internal tariffs; to conserve cultural heritage; promote common project infrastructure, tourism, energy water and other resources.

The provision of the treaty takes into account the strategic interests of the East African region. It is recognized that small and weak states have no future in this highly competitive world. By providing a larger market, the

community boosts trade as well as attracts more reliable and quality investment (both domestic and foreign) in the region. The big population and the broad spectrum of natural resources that the enlarged market provides, contribute toward the development of a viable and internationally competitive regional economy. Co-operation in the development of science and technology fosters modernization and industrialization of East Africa, thus creating employment opportunities and raising the standards of living for the people.

Overall, the community boost pride, dignity and confidence of the EA people and strengthen and consolidates their relationship with the rest of the world. The treaty is the basic document of the EAC setting out the vision, objective, systems, structures and strategies for regional integration. Clear understanding of the treaty is the starting point of the EA people, all potential investors and development partners in regional integration process. Progress has so far been made towards the development of the Community's part of sector development strategy and in the preparation of various protocols called for, under the treaty, in facilitation of the regional integration process.

On the whole, guided by the vision of the treaty, the EAC is making steady and reliable progress in the continued development and refinement of the policy frame work for regional co-operation as well as implementation of specific projects and programs in the wide range of areas of co-operation towards sustainable East Africa integration and development.

4.2 SECURITY AND THE PLACE OF POLITICS IN INTEGRATION.

Patrick Sewell,⁶ asks how men may achieve international co-operation by circumventing politics among the nations. However, he does not handle international co-operation as achieved during international integration in the very course of international politics. As noted, a clear distinction between power/politics relationship and welfare emerges, arguing that the welfare is most potent area for developing peaceful co-operation.

Politics cannot be separated from economic and power –relations. The technical issues, such as policy on fishing and use of natural resources in Lake Victoria cannot be isolated from political issues, as they often require making of choices, which invariably invites politics. There is rarely a consensus of values and the elimination of interplay between the political and the technical. The predominance of politics in functional integration effort among developing countries has stunted the growth of what has been called the supra-national style.

In developing countries, politics has to a large extent, the greatest influence in integration efforts. Nation interest as argued by Haas and Schmitter⁷ has a continuum between economic and political union and of the gradual politicization of non-controversial areas of cooperation as a means of progress from one to another. There is in these countries, instant politicization of the integration process.

⁶ Patrick, S. Functionalism and World Politics (Princeton university press) 1966 pp43

⁷ Philip Schmitter .The Integration process of central America pp 7

Few fields of joint actor can be regarded as non-controversial and technical. Rather, there is often over-politicization of integration action in most areas. Studies of integration experiences in Latin America are instructive on this point. From this case, Schmitter⁸ concluded that in societies with low levels of specialization, low pluralism and lack of functionally specific groups, spills over between economic, peace and political areas is unlikely to be high in the sense that economic issues are not perceived technical but political. Seligson,⁹ from his quantitative study of relations between transactions and community formulation in the same region concluded that despite the pervasive current of a “we feeling” political nationalism has been a strong impediment to regional integration. Similarly, Haas¹⁰ from his analysis of the Latin American experience emphasized that besides weak preconditions for integration in the area, there was supremacy of politics over economics in decision- making style. Politics dominate peoples’ lives.

Studies of other developing regions have arrived at broadly similar conclusions on the role of political variables in the integration process. Cognitive patterns and popular perspectives were often circumscribed by primordial or sub-national considerations. In such context, functionalism has little scope because in theory, its anti-theoretical to have particularistic objectives. This disruptive role of politics at the transnational level has been recognized by Nye and Rothchild¹¹ in the case of East Africa.

⁸ *Ibid* (7)

⁹ Seligson, M. “Transaction and community formation: Fifteen years of growth and stagnation in Central America” *Journal of common market studies* Vol. 11 No.3 March 1973

¹⁰ Haas *Op. Cit...*pg56

¹¹ Nye J. Pan Africanism and East Africa Integration: Rothchild D. “The limits of federalism: An examination of political institutional transfer in Africa.” Pp..78

Empirical studies on East Africa integration emphasized the relevance and impact of domestic political developments on the changing positions of local approaches to integration arrangements and on the scope for governmental actions in establishment of a strategy.

There are political limits at national level, which condition actions at integration levels. Strong similarities in background variables at the bilateral or sub regional levels may encourage the initiation of co-operation along functionalist lines. However, there is evidence that a highly homogenous area does not precede to the making of integrative decisions when issues viewed as most critical are perceived in terms of national political interests.

Policies and actions on co-operation and integration are reflective of their perceived implications for domestic political fortunes and of the quest for a monopoly of power in society. Even where the latter is achieved the domestic consensus based on which governments can proceed to negotiate any form of surrender of national sovereignty often is, to a great extent lacking. Integration means a greater burden than existing political climates can tolerate.

4.3 EFFORTS IN ARTICLES 114 AND 124.

There is a general agreed trend that there should be equitable utilization of international and other trans-boundary natural resources, in the sovereign states where the resources are situated. It is also widely agreed that the said

states have an obligation not to injure the interests and rights of other states sharing the resources. This is in view of the order of the declaration on the human environment.(Stockholm declaration 1972).

Concerted efforts should not only be in form of declarations, but should be through effective and harmonized legislation as well, in order to promote the efficient utilization of water and water related ecosystem. Riparian states should co-operate in the case of shared water resources in recognition of the growing economic, environmental and physical inter-dependence across international frontiers. Recognizing the multiple and sometimes conflicting uses, a greater demand for the use of an integrated approach to the management and conservation of the lake and its resources.

A nation has a duty and responsibility of safeguarding the environment and natural resources and managing them responsibly for the benefit of its nationals. This principle applies to the three East Africa States.

Internationally, states have entered into international conventions to fulfil this commitment.

The convention on fishing and conversation of the living resources in the Baltic sea and belts (13th Sept, 1973) covers pertained issues, which may be borrowed by the E.A region. The main objective of this convection is to achieve greater and closer co-operation between the parties in order to maintain maximum stable productivity of the living resources of the region. The convection recognizes the right of each state over shared water body in article 114.

Nothing in the harmonized legislation should affect the rights, claims or views of any contracting state in regard to the limits of terminal waters and to the extent of jurisdiction over fisheries according to international law. Even if trans - border fishing is accommodated, the convention provides for establishment of a regional commission, which should be regulated by the national laws.

The convention concerning fishing in the black sea (7th July 1959) provides *inter alia* for the formation of a joint commission of the riparian states to regulate the management and conservation of fisheries in Black sea. The main objective is the rational utilization of the fishery resources and the development of marine fishing. Other conventions of relevance include; convention on fishing and conservation of living resources of the high seas 29th April, 1958 – Geneva, the international convention for the high seas fisheries of the north Pacific and the agreement for establishment of a general fisheries council for the Mediteririan (24th September 1949). The E.A countries should borrow out from such in order to implement them in utilizing Lake Victoria resources.

However, the member states have ratified to several international convention on environment. These binds the riparian states beyond the integration and are suppose to influence the outcome in relation to Lake Victoria. However, these ratifications are on individual countries basis and not for E.A as a block.

Under the treaty for the establishment of the EAC (1999), the partner states have agreed with regard to management of their water and marine resources to co-operate through among others: -

- The adoption of common policies and regulations for the conservation, management and development of fisheries resources, which is Article 14.
- The establishment of a body for the management of Lake Victoria.
- The establishment of common fisheries management and investment guidelines for inland and marine water.

The convention of wetlands of international importance especially as waterfowl, habitat of 1971 and as amended at Paris on December 1982 and 1987. The Ramsar convention provides for co-operation in conservation of wetlands and waterfowl habitats. Wetlands include lake basins and riverbanks. The East African countries are in the process of implementing this convention. Uganda has identified Lake Nabugobo as a Ramsar site, while Tanzania and Kenya has identified Moyowasi along Lake Tanganyika, Lake Natron and Lake Naivasha respectively. None of the state gave cognisance to the utility of Lake Victoria.

The East Africa countries are all signatories to the convention for establishment of Lake Victoria Fisheries Organization (LVFO), 1994. The objective is to foster co-operation among them, harmonize national measures for the lake and adopt conservation and management measures.

The convention on international trade in endangered species of wild fauna and Flora provides for protection of certain species of wild fauna and Flora

against over-exploitation through international trade. Trade in endangered species is strict particularly in regulations not to further their survival.

The convention on biological biodiversity 1992, provides for integrated sustainable utilization of natural resources into national strategies plans and programs (Article 6). It also seeks the promotion of sustainable use of biological diversity, creation of economically and socially sound incentives for conservation and sustainable utilization governing access to generate resources and promoting transfer and access to technology, to promote biodiversity and international co-operation in the protection of biological diversity. The above have been incorporated into various national environmental policies. Importantly too, is the agreement on technical barriers to trade, 1994. The agreement provides for the prevention of trade barriers and obstacles and encourages member states to develop international standards and conformity assessment systems.

Kenya, Tanzania and Uganda are parties to this agreement. The agreement requires states to set such standards in conformity with the agreed international rules. There are advantages to be gained by adopting such rules. For, example, if such standards were in place, then the EA states would have found resources after the EU ban on fish exports from Lake Victoria region. Article 2.1 provides that “products imported from the territory of any member shall be accorded treatment no less favourable than that accorded to like products of national origin and to like products originating in any other country”. Members are also required to ensure that technical regulations, which are developed, do not create trade barriers (Article 2).

The treaty also gives special, preferential and favourable treatment to developing countries. The technical committee established under this agreement is empowered to grant upon request specified or time limited expectations in whole or in part from obligations. Other related agreements subscribes to include, the Lusaka agreement that the EA states in co-operative enforcement operations directed at illegal trade in wild fauna and Fiona, 1994 and the Kagera basin organization agreement.

Under the general international law, there is the special obligation for states to incorporate international treaties, conventions and other agreements under the municipal law. A state ought to honour obligations undertaken in treaties or conventions or agreements under the *Maxim pacta sunt servanda* (pact entered into shall be followed). This principle is the basis for international law and has been codified in the Vienna convention of the law of treaties of which East Africa states are members. The Vienna convention, *inter alia* provides that states that are parties to a treaty are bound by it and it must be performed in good faith and that a party may not invoke the provisions of its internal law as a justification for failure to perform the treaty.

The obligation to honour the said treaties is amoral and equitable one because by entering into negotiations and accepting undertakings, the state raises expectations of compliance on the part of other states or international persons involved. The above position was upheld in the headquarters agreement opinion (1988 ICL REP 11) “it is axiomatic that on the international legal plane, national law cannot derogate from international

law that a state cannot avoid its international responsibility by the enactment of domestic legislation which conflicts with international obligations”

Incorporation of normative demands and national implementation of international and regional treaties, conventions, and protocols on fisheries is necessary for the member states. This is because, the three states are party to union conventions as discussed above, which relate to the conservation of the biological diversity and hence the promotion of fisheries. As such, there is need to specifically modify national legislations so as to implement international and regional treaty obligations.

4.4 CHALLENGES AHEAD FOR THE EAST AFRICAN COMMUNITY.

Regional integration is taking place over and beyond existing political boundaries. But there is very little prospect that the existing nation-states will cede their sovereignty to a large regional authority. While regionalism has begun to condition and limit the ability of national states to exercise political authority, maintain loyalty of their citizens and shape their national culture and political economy, it is unlikely to give birth to regional state and one of the main reason is that “regional globalization” is creating new schism just as fast as it is creating new connections.

For better or worse, regional governance in this age is likely to involve a complex mix of institutions -formal and informal; public and private; international and sub-national. In this equation of peace and security sustenance, national governments will continue to be single most important

factor, but their individual weight will be much less than it was during earlier years into independence. One of the main challenges the EAC is facing is coping with the consequences stemming from the growing connections between conditions, trends, people and organizations from other parts of the region.

Thinking globally is no longer a prescription for the future but a necessity in today's world. Nearly everything-information, communication, market, capital production and human services have become globalized. There is no longer neat division between domestic policy and international policy. Matters termed foreign are intertwined with those termed domestic and vice-versa.

Non-states actors are increasingly at the centre of decisions. Hierarchies are declining in effectiveness. National governments are equipped to be effective in the globalized and interconnected world. One clear result is that the capacity to address regional problems no longer rests solely, or even primarily with the foreign policy establishments of powerful states.

As a result, policy making processes are more complex, messier and time consuming. They break down old hierarchies; models that drew clear lines of authority and accounting. Gone is the model which views the world solely in terms of geopolitical boundaries, in which vertically organized institutions and hierarchies made decisions for the common good. People are no longer defined by their relationship to institutions or government. They are creating and finding new and effective methods to seek their own

security that often work in burden with, but may be in opposition to, the activities and concerns of the state.

The EAC should therefore begin to think about new creative models of policy making in the context of addressing familiar regional security problems. The real challenge is to devise methods that are simultaneously inclusive, strategic and transparent. Ultimately, the prescription for improving the process of regional policy making may be more important than specifics, in issue areas such as peace and security. The issues may change and the player's relevant to those issues may shift rapidly and regularly, but the legitimacy of the process can prove to be consistent and stable.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.0 Fishery conflict and biodiversity sustenance in the Lake Victoria region: A summary.

As already known, Lake Victoria falls under the jurisdiction of the three states of Kenya, Uganda and, Tanzania. The dissimilarity in territorial ownership reflects the shared coastlines and follows international convention on demarcation of water bodies between riparian states. Whereas the fishery for Tilapia and *Omena* species contributes significantly to income generation amongst the rural fisherfolk and to food security in the region, it is evident that it is the Nile perch fishery which is the financial driving force of the Lake economy.

While the political and legal responsibilities at all administrative levels are well understood and adhered to and, whereas cross- border co-operation in many aspects is strong, a mobile natural resource such as fish knows no man made boundaries. Consequently, the fish moves and migrates between differing jurisdictions. Traditionally, this has presented few problems. In recent years however, following the exponential growth of the Nile perch and the corresponding growth in the export industry, concepts of ownership, conservation and community based management of this resource have become key issues.

Although the concept of ownership is a cornerstone of the member states' tripartite commitment to co- management, questions remain unanswered , or only partially answered, on the Community acceptance of this concept and

its constituent parts. Specifically, do riparian communities recognise the possibility of collective ownership of the resources?, do they understand the concept and its implication?, what do they perceive as major threats to the fishing industry?, do they understand the consequences?, if they care, are they willing to make necessary changes?

These questions have a particular relevance at international borders where communities and governments alike have to deal with several types of cross-border interactions including, fisherfolk fishing in territorial waters of another state without licence, fisherfolk fishing in their own waters, but landing the fish in the jurisdiction of another state, fish purchasers crossing international borders to buy fish directly or through agents and transporting it to processing plants in their home, among other issues.

There is the possibility that these cross-border interactions and government efforts to regulate them has led to conflict. What can be done therefore, by the EAC in order to curb these conflicts among the fisherfolk as well as between fisherfolk and government authorities of their own or neighbouring states?

5.1 Conclusions.

Fisherfolk in all riparian communities of the member states of the East African region have reported a decline of fish catches, especially of the Nile perch, over the years. Several factors have contributed to this decline, among them the continued use of destructive fishing gear and an increasing number of fisherfolk. Fishing communities fear that a continued decline of catches

will lead to increased poverty, crime, and AIDS prevalence, which is a threat to human and state security.

Fisherfolk have had to follow Nile perch stocks on its seasonal movements, moving into deeper and cooler waters during the dry season. Some communities at the Kenya- Uganda border as well as fishery officials in Kenya believe that Nile perch breed mainly in Kenyan waters and disperse into open waters towards Uganda and Tanzania at the end of the breeding season. There is growing concern at landing sites about the environmental situation. Increased algal blooms also affect the quality of water for domestic use and health conditions in fishing communities. There are also indications of pollution from factories and urban centres in the Lake Victoria basin.

There has been an increased use of the long lines in most fishery communities. Reason for this change of gears include affordability of lines and hooks compared to nets, increased safety of this gear from theft, greater success of long lines in catching bigger fish and, adjustment of gears to seasonal migration of the Nile perch.

Beach Management Unit (BMU) is a new phenomenon introduced by the riparian governments over the past few years. Their purpose is not yet well internalised by the fishing communities. Several fisherfolk self- help organizations have also been formed but they are not well rooted in the communities, and not well linked to external support structures. Women's participation in fisherfolk co- operative societies and organizations is also very low.

The riparian communities have not fully understood the roles and responsibilities of the different fishery institutions that are an effort of the EAC. Enforcement of Lake Victoria fishery regulations by the EAC in article 114 and the efforts stipulated in maintenance of peace and security in article 124 is weak and needs strengthening. Riparian communities in particular, perceive governments as using licensing for example, as revenue generating activity rather than a management and control tool.

Fisherfolk have experienced weak bargaining power in their interactions with fish purchasers. Locally based agents of processing factories have dominated the market. Most purchasers no longer avail credit to the fisherfolk as was the case there before. Several factors have also influenced where the fisherfolk sell their fish. These factors include price, distance of markets, availability and cost of other commodities, and domestic goods at the marketing point.

While the riparian communities are aware that too many people are joining Lake Victoria fishing industry, they hold divergent views whether or not governments should control access to the fishery. Fisherfolk have expressed interest in accessing fishing grounds through out the lake, however, licensing is in place to limit such operations. The licensing system does not uniformly cater for cross border fishing permission since each state singularly holds its licensing system, hence fuelling conflict. These notwithstanding, over the years and until recently, the riparian communities have enjoyed good relationship across the border. However, more conflict is not only occurring out of border issues but also over destruction of fishing gears. The level of insecurity in the region has escalated to a point where

fisherfolk carry weapons (e.g clubs, catapult, and even guns) when going fishing.

The working relationship between fisherfolk and authorities from member states governments patrolling the lake has degenerated. There are frequent incidences of money extortion by patrolling agents. Unofficial payments have become a routine procedure of resolving cases of arrests and confiscation of property. Patrolling units are also accused of crossing the borders either because they are not conversant with the boundaries location on the lake or in some cases deliberately doing so.

Fisheries regulations of the three countries are not harmonised, and there is no uniformity between the countries in who are the enforcing authorities on the lake. Monitoring, surveillance and control has been complicated by night fishing, hiring of boats by non citizens and using citizens to acquire licences for non- citizen. Fisherfolk also cross the borders in search of their livelihood. Border communities' administrations have mediated in border conflicts with some degree of success. However, cross border meetings take place *ad hoc*, and there is no established mechanism for holding these meetings. Whenever resolutions are reached in these meetings, they are poorly and inefficiently disseminated. There is inadequate awareness among government officials at district and lower levels of fisheries regulations in neighbouring countries.

It is clearly evident that the efforts on the part of the EAC as stipulated in articles 114 and 124 of the EAC Constitutive Act- 2000, still lack in impacting on collective biodiversity conservation and on peace and security

in the Lake Victoria region. The Community's policy makers need to address issues of conflict, authority and implementation of the law at border interface. Also of importance will be the incorporation of the Community priorities into the design of management initiatives and adoption of concepts of ownership, resource management and co- management.

The resurgence of some indigenous species evident in areas of Lake Victoria has given new hope for the maintenance of biodiversity in the region. It has also spawned a renewed interest in careful management option that promotes both the sustainability of the fishery and biodiversity conservation. Resurgence data suggest that heavy fishing on Nile perch may contribute to enhanced biodiversity, although the eutrophic state of much of the lake basin is currently a heavy constraint to resurgence of haplochromine diversity. There is clearly a need to work out the fishing pressures that can optimise both diversity and sustainability of catch time, so as to reduce the conflicts. Intervening variables therefore jointly affect the biodiversity in Lake Victoria which in turn bring the conflicts thereof.

A coherent plan for conservation and rehabilitation of the fish fauna in Lake Victoria basin should be developed without delay. Central tenets of such a plan should include provisions for halting and reversing eutrophication and for setting up reserve that typify the various habitats for the lake and its tributaries rivers, associated wetlands and satellite lakes. It must also consider the human aspects of such reserves through consultation with local groups. The plan should be incorporated into more general policies for the management of the fishery and for the range of other human activities in the lake basin. This will involve negotiations with all interested stakeholders.

To aid in this process and the formulation of strategies to reinforce conservation, efforts should be made to quantify the financial and social value of the resources to be protected. The plan should be supported by education programs, addressed to all levels of society that clarify the benefits of conservation and define the processes needed to achieve it. The efforts existing to check the conflicts thereof and biodiversity on the part of the EAC thus require more efforts to impact on peace and security in the Lake Victoria region.

5.2 Specific recommendations for the East African Community in Biodiversity Conservation and enhancement of Peace and Security in the Lake Victoria region and areas of further research.

The array of approaches needed to maintain a significant proportion of the original biodiversity in Lake Victoria basin may ultimately prove as diverse as the community whose welfare is at stake. Specific recommendations are particularly vital here so as to reduce the conflicts prevalent and aid the Community in mapping out strategies to prevent their recurrence, so as to maintain peace and security.

Protection and restoration of biodiversity in Lake Victoria basin should become part of an integral lake basin plan. This is necessary so that national priorities can be developed at a high political level, leading to relevant legislation and allocation of funds to fulfil the newly legislated mandates. It is only by having priorities set at a high political level that the influence of upstream activities on Lake Victoria can be regulated and that guidelines for

controlling nutrients influx and fishing pressure can be established and implemented through education and enforcement.

Any attempts to conserve habitats and biodiversity in the lake will succeed only if the general environmental quality permits. Efforts to ensure this should include maintenance and restoration of water quality in the lake, its tributaries, and its associated wetlands. Most important, nutrient level (mainly phosphorus) should be reduced to pre-1990 levels to halt and at least partly reverse eutrophication, and toxic contamination should be kept within acceptable limits. To achieve this, we suggest that the lacustrine wetland fringe near densely populated areas and areas of intensive agriculture be restored and that there be adequate investment in modern sewage treatment plants in anticipation of future population levels. We also suggest that biological monitoring system be established, based on elements of the indigenous flora and fauna. Such biological monitoring systems are necessary complements to conventional physical and chemical tests. The latter are snapshots in time; whereas biological monitoring systems average environmental effects over longer time spans and thus have greater power as indicated of environmental change.

Fishing has exerted a major effect on the composition of Lake Victoria fisheries. Stock management strategies linked to rational regulation of fishing efforts are needed to prevent another serial collapse of stocks. Appropriate levels of fishing efforts on selected size classes, such as the slot size described above, and target species will contribute to maintenance and, potentially enhancement of biodiversity. Since the historical precedent for the practical implementation of mesh size limits is a bit shaky, funding

initiatives should concentrate on collaborative development of managerial strategies that benefit the financial and administrative constraints of the riparian countries. One such strategy is the imposition of slot size regulation, which has been proven to be the economically and sustainably best scenario for exploitation of Nile perch

Representative habitats in the lake should be reversed for strict conservation, with special emphasis on high diversity zones such as rocky areas, sandy shores, wetlands and parts of mud-bottomed gulfs within the main lake. The small satellite lakes are also valuable conservation units, because they have only a small number of stakeholders, which facilitates integrated conservation and development. The maintenance of wetlands in the basin is a critical both to ecosystem function and to the conservation of indigenous species. Current strategies for sustainable wetland management include co-management systems for shoreline wetlands resources, protection mediated by economic valuation (*e.g.* Yala swamp), and Ramsar protected status (*e.g.*, Lake George, Lake Nabugabo).

Harmonise the fisheries Acts in the member states in liaison with LVEMP and LVFO. Thorough and intensified consultation should result to an Act that is suitable and adoptable by the member states. The Act should as much as possible adopt all the going concerns of the member states and subsequently be over and above the existing Acts. Since Lake Victoria is unique in the sense that it is shared, then all the laws governing it should be common to the member states.

Alongside other recommendations offered, the Community need to be restrictive in order to be in control of its largest common fresh water resource.

There is however, another emerging aspect that seems to create room for consideration and further research on this subject of biodiversity and conflict management in the Lake Victoria region. REDICON, a South African company, has pioneered in giving a proposal to the Kenyan government to have exclusive rights in Lake Victoria. The company in return plans to build jetties, cold storage facilities, and provide surveillance aircrafts to enforce fishing laws. This has triggered other numerous offers from various international companies. On paper, all these proposals appear attractive and ambitious attempts to invite international companies / entrepreneurs to participate in Lake Victoria fisheries industry is in consideration. This however, is greatly challenging the Community since the perceived entrepreneurs are directly negotiating with individual member states in total disregard of the Community's determination and efforts. This presents in the study of conflict in cooperation, the case of Lake Victoria fishery, the role of international entrepreneur impact on biodiversity sustenance and its impact on conflict prevalence in the region.

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