

The Nature of Lake Victoria Transboundary Disputes and Economic Security Management between Kenya and Uganda

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Abstract

Transboundary disputes extend to maritime zones that neighboring countries share. A majority of these disputes are in existence as a result of failure to manage economic value of resources found on shared maritime zones. Lake Victoria transboundary disputes between Kenya-Uganda are about resources within this maritime zone. The management of economic security has been negatively affected by this transboundary dispute since resolutions on the same do not focus on the economic security aspect. This paper examines the nature of Lake Victoria transboundary dispute and economic security management between Kenya and Uganda. The study was buttressed by structural-functionalist, social conflict and power theories. The study employed a descriptive research design. Purposive and simple random sampling techniques were used to determine samples. The study area was Lake Victoria transboundary between Kenya and Uganda. Philosophically, the study was critical since it contributed to a better understanding of the transboundary disputes and their management as well as forming a basis for future research. Findings indicated that the nature of L.V transboundary disputes and security management is territorial 45.35%, which rose due to contested state sovereignty with 55.49% of the total respondents affirming so. The study further found out that the economic value of the borderline was significantly high with 56.62% respondents declaring so. The study, therefore, concludes that, despite sustained efforts put to militate against the incessant L.V transboundary dispute, the dispute has continued unabated and economic security management jeopardized. The study recommends that Kenya and Uganda should come up with a trans-boundary resource policy that harmonizes policies, legislative acts, management and development of the shared water resource.

Keywords

Transboundary Disputes, Economic Values, Maritime Zones

1. Introduction

Border areas are largely referred to the spatial heterogeneities in terms of political and economic structures. Lakes are also border areas with natural resources of significant economic value to countries involved in transboundary disputes. Many Lake Transboundary disputes with regard to management of economic security that come with natural resources are not new developments. Countries of Northeast Asia continue to be locked in intractable maritime and transboundary disputes that have thus far defied resolution. While not always active or violent these latent disputes continue to persist and serve to undermine peaceful resolution (Lee & Forss, 2011). Mark (2000) on the contrary, argues that Lake Transboundary disputes over several Northeast Asia countries may hold considerable value for contending claims to Exclusive Economic Zones (EEZ) containing fish, oil, and gas. Further, these disputes are not merely significant in economic terms, however: they are powerful symbols for nationalist pride and politics to affected countries. Such transboundary disputes, therefore, not only undermine cross-border cooperation, but there is general deterioration of interstate relations in the region.

David (2009), on the other hand, argues that maritime delimitation remains an important topic in boundary-making which involves sensitive questions of State sovereignty, sovereign rights, jurisdiction and title to valuable natural resources. He further argues that the potential political and security risks of boundary disputes are high, and unresolved maritime boundaries between states over certain areas of jurisdiction between states abound. David's (2009) study explores how border delimitations have undertones of state sovereignty and therefore, national security. In this case, national security is considered in terms of a country's loss of geographical areas and failure to defend its borders. This study does not highlight how transboundary disputes affect management of natural resources.

Border delimitations issues are rampant in Eastern Africa where heightened tensions and potential discoveries of natural resources on Lakes are common. Lake Victoria transboundary disputes have been manifested before (Emmanuel, 2015). For instance, the 2009 standoff between Kenya and Uganda over the access rights to fish resources in Lake Victoria is a case in point. Others include the 2008 border incident between Eritrea and Djibouti, and border skirmishes between Uganda and the Democratic Republic of the Congo (DRC) over the oil-rich Lake Albert region. These examples indicate that border disputes are on the rise. In addition to the potential for armed conflict, demarcated, indefinite, porous, and unmanaged boundaries are being used for illegal cross-border activ-

ities that threaten national sovereignties and destabilize regional politics. In these transboundary disputes, local communities are denied the opportunities to benefit from exploitation of the natural resources in their locality which increases the intensity of conflict (Connolly-Boutin & Smit, 2016). This means that economic value of Lake resources are at risk when access rights are denied to less influential groups who may be ignored in management of these resources by involved countries (Okumu, 2010).

The territorial disputes in Lake Victoria are an illustration of the lack of regional arrangements over the sharing of trans-boundary natural resources (water and fish) (Fiorella et al., 2015). Beginning in 2003, the exploitation of lake resources has become increasingly contentious, with several incidents resulting in the harassment and arrest of fishers accused of trespassing in the transboundary waters of their neighbours (Government of Kenya, 2016). Moreover, the lake is a chief source of livelihood for many communities in Kenya, Uganda and Tanzania; hence there is a recognised need to find a jointly managed solution for the lake's resources.

To resolve the dispute, the respective representatives from ministries of the three countries; namely Kenya, Uganda and Tanzania held a meeting in November 2008 in which they agreed to demarcate the boundaries in Lake Victoria using bright beacons, but little progress was made until the eruption of hostilities over Migingo Island which almost brought the two neighbours on the brink of war in 2009. Measuring a half an acre of land, filled with barren rocks, Migingo is neither the largest nor the most resourceful of Lake Victoria's many islands. However, it is located in a part of the lake that is rich in fish and provides a major source of livelihood for several thousand fishermen from Kenya especially in western Kenya bordering Lake Victoria. Owino (2019), however, highlights the economic value that drives the dispute. For instance, between 2000 and 2012, the number of fishers in Uganda almost doubled from 34,000 to 63,921. In Kenya, with 6% of the surface area of the lake, in the same period, the aggregate change ranged from 38,431 to 40,078. The increase in fishers is accompanied by an increase in the number of fish vessels and fishnets. His study argues that of the three countries, Uganda's Nile perch exports have been increasing while those of Kenya and Tanzania have been declining. This can be attributed to Uganda's stringent measures on fishing in the region.

Despite these economic security risks, Uganda and Kenya have yet to agree on demarcating Lake Victoria to establish the territorial extents of each state on the lake. This strikes at the crux of both countries' foreign relations as well as policy. Okoth (1999) argues that the foreign policy of Kenya has attracted differing definitions, but they are nevertheless significant in the sense that foreign policy is characterized by a lot of dynamism. Generally, Okoth (2010) views foreign policy as strategies that governments and states employ to guide their actions outside their territories and how territorial integrity can be realized between and among states. However, Okoth's assertion does not necessarily address economic security in foreign relations of the two countries. Further, Okoth et al. (2018), in

their book “*Peace Security and Development in the 21st Century Africa*” do underscore the essentiality of peace in the East African Economic integration. Kenya and Uganda are not an exemption in economic security discourse. Therefore, the gap here is that most studies are focused on territorial integrity and transboundary natural resource management and not the economic security risks that the transboundary dispute poses to the very economic value of these transboundary resources. The study highlights the economic element in transboundary disputes since it focuses on natural resources found on contested spaces such as Lake Victoria.

2. Statement of the Problem

Equitable utilization of Lake Victoria water resources has for a long time not been a matter of concern until several factors connived to make it a problem. The problem burgeoned after the introduction of fish processing factories on the lake shores of Kenya and Uganda. Despite stringent application of containment measures especially from the Ugandan side, there exists greater fishing pressure and decreased catches in Kenya and Uganda which have resulted to economic risks catalyzed by intense competition over shared resources such that access rights to fishing are denied to some stakeholders. The disputes have exacerbated the economic security of the stakeholders on both sides of the common marine border (Glaser et al., 2019). Dispute resolution mechanisms instituted are yet to bear much fruit, for instance, the co-management of Lake Victoria by Kenya and Uganda.

Investments in fisheries industry on the Kenyan side has also consequently declined or translocated to Uganda in pursuit of the lucrative fisheries market (MAAIF, 2000). This has further translated into unreliable incomes for several Kenya fisher households who are sometimes forced to venture into the risky Ugandan waters of the lake (Government of Kenya, 2016).

3. Objective of the Study

To examine the nature of Lake Victoria transboundary disputes and economic security management between Kenya and Uganda.

Research Question

How does the nature of Lake Victoria Transboundary disputes affect economic security management between Kenya and Uganda?

4. Academic Justification of the Study

A number of studies on transboundary dispute around Lake Victoria between Kenya and Uganda exist. Were (2016) study locates the dispute around transboundary natural resource management in a political and international relations perspective. His study delves into the principles of transboundary natural resource management with regard to the state, ideology and power asymmetry in

the control and exploitation of the resources of Lake Victoria.

On the other hand, [Wekesa \(2010\)](#) argues that the Lake Victoria dispute represents not only a tussle over sovereignty by Kenya and Uganda, but also illustrates the importance of dwindling economic fortunes in shaping political responses in the region. The Migingo confrontation is all about fisheries and specifically about the cause of the lake's declining fish stocks. The fisheries industry in Kenya and Uganda is currently suffering because of fish scarcity. This scarcity comes at the time when demand for Lake Victoria's Nile Perch has never been higher, both in local and export markets.

[Okumu \(2010\)](#) concurs that the greatest threat to the resources of the lake has come partly from unscrupulous fishing with technically superior nets and trawling gear that depletes a wide variety of marine species, and partly from the dumping in the lake of industrial and urban effluent from the cities of Kisumu, Kampala and Mwanza. Therefore, the current study focused on management of economic security in relation to transboundary dispute unlike previous studies that focus on transboundary natural resource management and politics around disputes in border areas.

4.1. Philosophical Justification of the Study

This study was underpinned by philosophy of natural resources. Natural resources are one of the major concerns of modern societies and it seems as if it is a new trendy concept, as such is the case with Lake Victoria. The reality of the situation is that exploitation and utilization of resources has occurred along Kenya-Uganda history with exploiters taking cornucopian approach, the credence that resources are infinite and therefore the contention to own. The difference between present and past exploitations is that the current exploitation is global, while centuries ago it was local. For instance, there are claims that there is overfishing of certain fish species thus altering the entire ecosystem of Lake Victoria. Therefore, the importance of this study cannot be overemphasized. The study is critical since it contributed towards a better understanding of the transboundary disputes and their management as well as forming a basis for future research.

4.2. Policy Justification of the Study

There are a number of studies on transboundary dispute around Lake Victoria between Kenya and Uganda. [Were \(2016\)](#) locates the dispute around transboundary natural resource management in a political and international relations perspective and therefore suggest policy guidelines on how to manage transboundary resources. [Okumu \(2010\)](#) and [Wekesa \(2010\)](#) studies, on the other hand, explored political security element of this transboundary dispute and thus focused on interstate relations in EAC region. The mentioned studies focus on dispute resolution approaches championed by regional bodies such as the East African Legislative Assembly (EALA) that declared that there was a bilateral issue between Kenya and Uganda ([Warui, 2013](#)). These leave out local communi-

ties who are directly involved in the management of border issues rather than leaving this to political elites and central government alone. This study explored broader dispute management mechanisms or policy guidelines with focus on economic security management between Kenya and Uganda, and not issues of transboundary natural resource management or political security aspects highlighted in previous studies reviewed.

5. Nature of Transboundary Disputes and Economic Security Management

Semple (1911) argumentation that nature abhors fixed boundary lines and that consequently boundaries rarely attained an established equilibrium, but were subject to constant fluctuations is total truism. Her study indicates that uninhabitable areas formed the most “scientific” boundaries because they both partitioned and protected; while the many areas were created to form “artificial border wastes”. Her study is concerned with the nature of boundaries in terms of them being ‘good’ or ‘bad’ from the military point of view. Holdich (1916) viewed boundaries as barriers and maintained that the ‘best’ boundaries (that is, those least likely to be causes of war) must be mountains, lakes, or deserts (suggested as analogous to sea boundaries), while lines of longitude and latitude made for inherently ‘bad’ boundaries. Lyde (1915), however, argued that boundaries should act positively, encouraging peaceful international intercourse, and consequently thought that rivers, as regional bonds, would make good boundaries. For instance, frequent skirmishes around the Northern Limit Line (NLL) between the two Koreas. The main problem is the validity of the maritime boundary of the NLL. Five coastal islets in the Yellow Sea along the North Korean coast belong to South Korea according to the NLL division. However, North Korean fishers often cross the line to exploit the abundant fishing resources, particularly the valuable blue crabs.

Issa-Salwe (2016), on the other hand, argues that borders with few functions were more serviceable to mankind than those with many important functions; that is, the weaker the border the better. At the end of World War II, the emphasis had been completely shifted from the criteria by which a boundary is drawn, to the functions which it performs. After the Second World War, Fischer’s (1967) article included consideration of the War’s results in Europe, as well as a call for more attention to ‘historical’ borders. He observed that the criteria on which borders have been defined have varied over time. In 1919, language, as an indication of self-determination by cultural distinction, replaced the previous physical emphasis, and after the Second World War the emphasis shifted to economics coupled with the secondary consideration of population movement. During the 1990s, drawing of borders with the spatial structures and operational mechanisms of transnational and sub-national border areas came into operation (Guo, 2005).

On the flip side, border-related barriers exist when the intensity of interaction

in space suddenly drops at places where a border is crossed. Guo (2005) distinguished various reasons for the existence of the barrier effects of international borders: weak or expensive infrastructure services in transport and communication for international links; preferences of consumers for domestic rather than foreign products and destinations; government interventions of various types; and lack of information on foreign countries.

Therefore, the economic security management element in border areas cannot be ignored. Economic value of border areas is associated with cross-border resource which is defined here as one that is associated with the management of natural resources and the maintenance of environmental quality under two or more geographically adjacent regimes (Sweke et al., 2016). All such resources must exhibit the following distinctive characteristics. First, they must constitute natural systems or meaningful units from the perspective of efforts to manage resources and maintain environmental quality. Second, the cross-border resources must be affected by multiple jurisdictions or fully or partially lie outside the jurisdiction of any given regime. That is, any resource of this type must not be subject to effective management of a single regime (Guo, 2005).

All this suggests that there are often substantial gains to be achieved by transcending international borders in efforts to economically manage natural resources and to maintain environmental quality. Furthermore, it seems reasonable to suppose that there will be cases in which transaction costs will not be prohibitive when coordinated management arrangements are limited to a relatively small number of stakeholders. At the same time, transaction costs ordinarily rise steeply as the number of stakeholders participating in a cross-border resource management increase.

Nature of Lake Victoria Transboundary Disputes and Economic Security Management between Kenya and Uganda

Kenya-Uganda transboundary disputes are the most complex, most encompassing and historically charged of all border disputes. Traditionally, they broach issues of sovereignty, but also ethnicity, language, religion, culture and sense of belonging, as well as natural resources, including access to water, rivers, and transportation network (Warui, 2013).

Also, physical and topographical issues contribute to Kenya-Uganda transboundary disputes because often they are linked to questions concerning the nature of the landscape or the resources available in the land and sea, all which add to the complexity of the dispute. Also, histories of colonization, conquest, and displacement interfere with the resolution of those disputes. The transboundary disputes are closely related to the specific problems of settled-lands and the people who live in the dispute areas. This transboundary disputes are justified by many reasons, which often have a complex history, including a history of being unresolved (Warui, 2013).

Fiorella et al. (2015) argued that the Kenya-Uganda border was one of those that divided peoples who had previously shared a common cultural history Luyha,

Iteso, Sabaot, Pokot, and Luo groups were all divided by the border. By the time Uganda and Kenya attained their political independence in 1962 and 1963 respectively, both the international and local dimensions of border management presented difficult challenges. [Ochwada \(2004\)](#) argues that OAU charter emphasized the principle of territorial integrity and non-interference in the internal affairs of member states. There was a need, therefore, to use inherited borders in creating nation sovereignties and imagined national political communities. This study is focused on border management and not economic security management that is the crust of the present study.

In Kenya and Uganda, commitment to the Pan-African ideals only mattered in contexts where they did not dispute with national interests. Like the UN, its mother organization, the OAU stressed in Article III (3) and (4) of its Charter. This is in respect to the sovereignty and integrity of each state and the peaceful settlement of disputes through negotiation, mediation, conciliation and arbitration. Thus, by sanctioning the continuity of the colonial boundaries, the OAU became an important institution in the transformation of these borders and in the independent states' role in institutionalizing policy frameworks that favored strict adherence to the sanctity of the nation-state borders ([Aseka, 2005](#)).

Kenya and Uganda have not only subscribed to the 1964 Organization of African Unity resolution to maintain the status quo of the boundaries they inherited at independence but have also abided by the survey and demarcation made after the 1926 Colonial Order. However, the two countries do not have an international boundary agreement. [Aseka \(2005\)](#) argues that most of the time territorial change is a painful process; it has a great economic impact upon not only the individuals and communities that inhabit the areas involved but upon the international community, and the states concerned.

The dispute over Lake Victoria resources is a classic example of lack of definition, demarcation and maintenance. According to the history of Kenya and Uganda, the British colonial administration, this gave the boundary between Kenya and Uganda less attention than the boundaries with Belgian Congo, German Tanganyika, Italian Somalia and Ethiopia. Because Kenya and Uganda had been ruled as British East Africa colony and Protectorate, the door had been left open for them to merge. Between 1902 and 1970, there were territorial transfers between the two countries for reasons ranging from maintaining tribal unity to administrative convenience. The border dispute, therefore, is occasioned by lack of economic security management that is of concern to a majority of the stakeholders ([Okumu, 2010](#)).

6. Conceptual Framework

[Wasike and Odhiambo \(2016\)](#) discuss the role of theories in guiding the thrust of academic studies. They emphasise the importance of theories in offering compelling and incisive causal explanations with calculated precision. They buttress quoting [Smith \(1996\)](#) who asserts that their argument by theories play the

role of predicting, prescribing and evaluating socio-political phenomena hence they cannot be ignored.

6.1. Social Conflict Theory

Marx (1983) is the advocate for the theory of social conflict. This theory examines social conflict through the lens of divisions between social classes, with an eye toward the competition among various social groups for limited resources. According to the thesis, group dominance is crucial to maintaining social order. Indeed, conflicts, both actual and potential, are ever-present in human societies.

The notion helps to clarify how the powerful in society abuse the weak and gain access to the lake's resources. Concepts such as conflict, complementarity, struggle, power, inequality, and exploitation are refined through this lens.

According to the renowned social philosopher Karl Marx, conflicts of interest are inevitable when there is such a wide gap between rich and poor. He elaborates on the contradiction inherent in capitalist modes of economic production and how it would spark dispute processes that would ultimately usher in communism through the revolutionary movement of the proletariats (the ruled).

Karl Marx argued that the underlying conflict of interest between a society's dominant and subordinate parts grew in proportion to the degree of inequality in the distribution of comparatively available or scarce resources. When the underclass (the proletariat) becomes more cognizant of its genuine collective interests, it is more inclined to challenge the justness of the system through which those resources are currently distributed.

Marx argues that subordinate parts of a system are more prone to engage in open conflict with dominant parts of a system when they become aware of their collective interests and dispute the legality of the distribution of limited resources. The degree to which members of the subordinate segment of a system are ideologically united and as their political leadership structure grows, the more likely it is that interests and connections between the dominant and subordinate portions of a society will become polarised and irreconcilable. The greater the disparity between the dominating and subservient parties, the bloodier the conflict is likely to become. More structural change within a community and transfer of limited resources occurs when disputes are more violent.

This theory has been challenged for a number of reasons, including an excessive focus on inequality and separation, a failure to account for the fact that people's shared values and interdependence help to bring people together, and the theory's overtly political motivations. Yet another charge levelled against structural functionalism is that it treats society as a whole while ignoring particulars at the individual level (**Macionis, 1997**).

6.2. The Structural-Functionalist Theory

Parsons (1957) is a proponent of this direction in theory. The theory seeks to explain the origins of both healthy (having positive effects on both individuals and

society) and unhealthy (having bad effects on either) social interactions (meaning having negative consequences). The importance of social consensus, social order, and institutional frameworks are emphasised.

The structural-functionalist hypothesis predicted that people will conform to existing social and organisational norms. Disputes emerge whenever there is a shift in the organization's structure, which can be very unsettling. If we want people and institutions to be stable, we need to reduce the amount of conflict between them. The notion is reflective of a systemic approach, wherein each component serves a specific purpose. According to this notion, disagreement is pathological; it's like a cancer that can spread from one culture to another. It centres on elements that will keep the organisation functioning smoothly and cohesively (Macionis, 1997).

According to the structural-functionalist theory, our social lives are dominated by social structure, which consists of fairly stable patterns of social behaviour. This theory views society as a complex system whose parts work together to achieve cohesion and stability (Macionis, 1997). The workings of society are reflected in social structure, which is best understood in terms of social function.

All of a society's institutions are vital to its overall health. Major concepts and phrases created in this theory by anthropologists and sociologists include order, structure, function (both overt or direct functions and covert or hidden, indirect functions), and equilibrium. The structural perspective proposes an image of society in which individuals are restricted by social forces, social backgrounds, and group affiliations, whereas the functional perspective emphasises the role played by each component part in the social system. However, this theory's biggest flaw is that it doesn't take into account people's unique perspectives and experiences. Therefore, the researcher turned to power theory to shed light on how to overcome these inequities within the context of an optimistic view of society.

6.3. John Burton's Conflict Resolution Theory

Burton (1966) the found of the University of London's Centre for the Analysis of Conflict, after holding problem-solving workshops in Cyprus and Sri Lanka, Burton helped spread conflict mediation approaches to the global stage. Burton, in his synthesis of the basic principles underlying "human needs theory", a framework for understanding and resolving conflicts.

This paper is based on the idea that satisfying basic human needs is a necessary condition for ending violent conflict. Based on the research of American sociologist Paul Sites, Burton identified eight universal wants and added a ninth. Control, safety, fairness, stimulation, a sense of purpose, acceptance, and logic were all included to the list of adopted requirements. The necessity to protect one's position in society was an additional requirement for Burton. Burton labelled these desires as "ontological needs" because, in his view, they were intrinsic to the human condition, were applicable to everyone, and would be pursued no matter the cost.

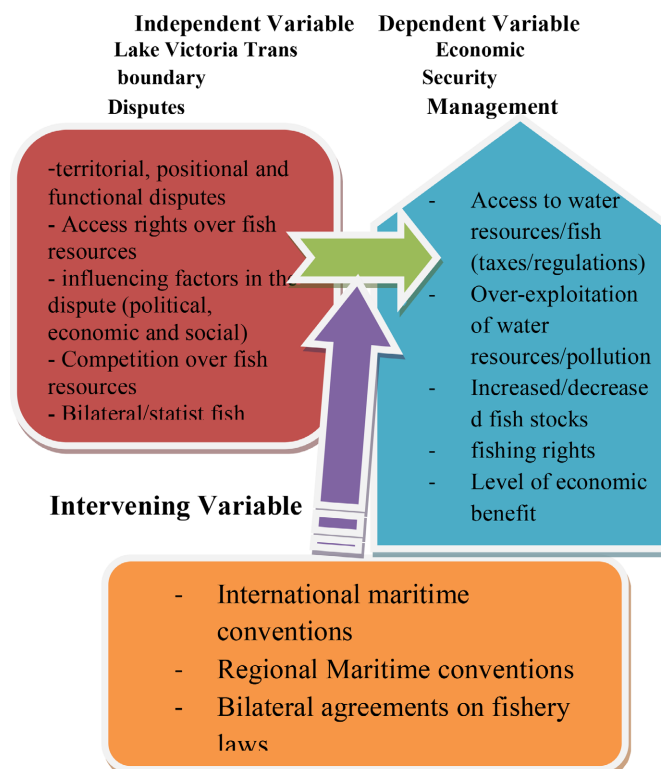
In contrast to a “dispute” which he characterized as a disagreement over values that might be compromised on, a “conflict” involved an action involving one or more of these basic human needs. For Burton, there is a clear difference between conflict resolution and the very similar concepts of conflict management and conflict settlement. According to Burton, settlement simply addresses the surface causes of conflict, but conflict resolution solves deep, seemingly intractable difficulties.

Scholarship on conflict resolution provides a concise overview of the many approaches to resolving conflicts, such as negotiation, mediation, and arbitration. Coercion, avoidance, arbitration, adjudication, negotiation, mediation, and reconciliation are all methods of resolving dispute. Coercion is the least cooperative and mutually participative method, whereas reconciliation is the most cooperative and mutually participative. In light of this, which method of regulating economic security between Kenya and Uganda, coercion or reconciliation, was most effective? According to the outcome of the research, Kenya and Uganda would benefit most from pursuing reconciliation, as demonstrated by the wide range of approaches taken (Figure 1).

7. Research Methodology

7.1. Research Design

The research used descriptive research design to examine the nature of Lake



Source: Researcher, 2020.

Figure 1. Showing interaction of variables.

Victoria transboundary disputes and economic security management between Kenya and Uganda. A descriptive survey gathers data at a particular point in time with an intention of describing the nature of existing condition or determines the relationship that exists between specific events. According [Mugenda and Mugenda \(2003\)](#), descriptive survey data is collected through questionnaires and interview schedule. The purpose of descriptive study is to give accurate account of particular phenomenon such as transboundary dispute and economic security management. It also explains the frequency or events on the proportion of people within a certain population sharing certain views or characteristics through use of questionnaires which included both closed and open-ended questions. Use of Interview guide aids in obtaining detailed information in descriptive study. The interview is selected basing on its adaptability and flexibility, giving researcher some measure of control over the study environment and the ability to adjust questions and probe responses ([Prewitt, 1975](#)). Interviews provide opportunities for interviewers to ask probing questions about the respondents' experience, the dispute over fishing in Lake Victoria. It also provided opportunities for respondents to ask questions about the system and clarify issues concerning the phenomena.

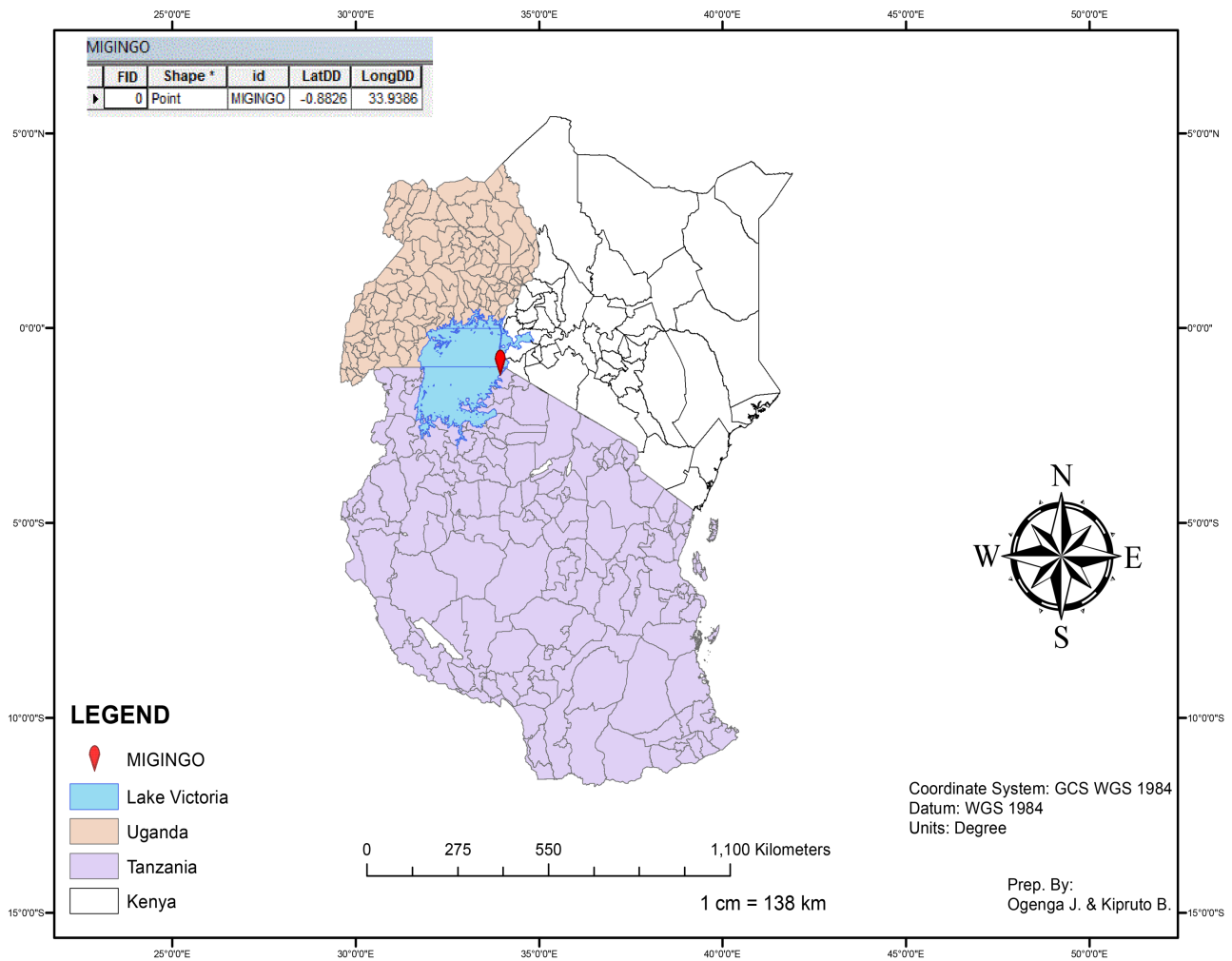
7.2. Study Area

Lake Victoria, with a surface area of 68,800 km², is the second-largest freshwater body in the world and the largest in Africa. The largest part of the lake, 35,088 km² (51%) is in Tanzania, followed by the Ugandan part 29,584 km² (43%) and the Kenyan part 4128 km² (6%). The lake has a shoreline length of 3450 km: 1150 km (33%) in Tanzania, 1750 km (51%) in Uganda and 550 km (16%) in Kenya. The lake's fishery is dominated by three species: Nile perch (*Lates Niloticus*), Nile Tilapia (*Oreochromis Niloticus*) and Mukene/Dagaa/Omena (*Rastrineobola argentea*) but there is also an upcoming haplochromine fishery especially in the Tanzanian part of the lake. The utilization of the catches is as follows: about 50 percent of Nile Perch is exported, Nile Tilapia is mainly for domestic consumption and regional exports while about 70 percent of Dagaa catches are used for the production of animal feeds ([Kolding et al., 2019](#)).

Fishing takes place in the coastal areas, but the Nile Perch fishers are extending to the deeper waters with reduced catches. The lake has got 1535 landing sites, and 76,929 fishing canoes operated by 219,919 fishers. The fishery is open to fishers within the fishing communities but also to those within the country so long as they meet the required conditions, such as being registered with Beach Management Units, having legal fishing gears and seaworthy canoes. Kenya and Tanzania do not allow persons outside the country to own fishing canoes, but in Uganda, non-citizens can pay a special fee to acquire a fishing license ([Kolding et al., 2019](#)) ([Figure 2](#)).

7.3. Sampling Strategy and Sample Size Determination

In determination of sample size, the researcher used the formula provided by



Source: GIS Expert, 2020.

Figure 2. MAP of Lake Victoria.

(Mugenda & Mugenda, 2003). While in determination of sample size of sub-groups Borg and Gall formula was used (Gall et al., 2007).

Government officers (security personnel and directors of inter-governmental organizations) were allocated 188 informants. The sample size was obtained, through simple random sampling method; lottery method. This is the most popular method and simplest method. In this method the researcher numbered all the items on separate sheet of paper of same size, shape and colour. They were folded and mixed up in a box. A blindfold selection will be made. This was done until the 98 humanitarian officers and 98 government officers were obtained which was the desired sample. After obtaining 196 from fishers and fish traders the researcher used purposive sampling to distribute them in Lake Victoria. Simple random sampling technique is an appropriate technique because it ensured that all fishers, fish traders, security personnel and intergovernmental organization directors sampled have an equal chance of being included in the samples that yielded the data generalized within margin of error that was determined statistically (Mugenda & Mugenda, 2003).

7.4. Data Collection Methods

Primary data was collected from the field through structured questionnaires, interview guides, observation checklist, focus group discussion and document analysis. The use of several data collection methods enabled the researcher to avoid the deficiency that springs from using one method of data collection method (Denzin, 1989). To get information on the relationship between quality management systems, the researcher collected both primary and secondary data types (numerical and string data). The researcher visited the sampled population and gave a brief oral explanation of purpose of the study. Finally, the researcher sourced secondary data by analysis of publications such as relevant books, conflict journals, and international maritime laws on water resources in EAC and internationally related legislations and government documents. The researcher sought to specifically determine if the nature and purpose of the said documents would shed more light on the effects of transboundary disputes on economic management of economic security.

7.5. Data Analysis and Presentation

The researcher cleaned data by listing, expunging errors and checking extreme values and edit to ensure conformity. The group survey data was analyzed using SPSS Version 27. The variables were subjected to descriptive statistics. The qualitative data was analyzed by consolidating emerging themes from the key informant interviews, topic analysis, and cut and paste methods on the focus group discussion transcripts. Quantitative data was analyzed using descriptive statistics such as frequencies and percentages. The researcher presented data findings in form of frequency tables, pie charts, bar graphs and narratives.

8. Results

The Results describe what we found when we analyzed the data. Our primary purpose was to use the data collected to answer the research question which was to examine the nature of Lake Victoria transboundary disputes and economic security management between Kenya and Uganda. The Results describe the pertinent insight revealed by analysis of the raw data.

8.1. Frequency of Transboundary Diputes in Lake Victoria

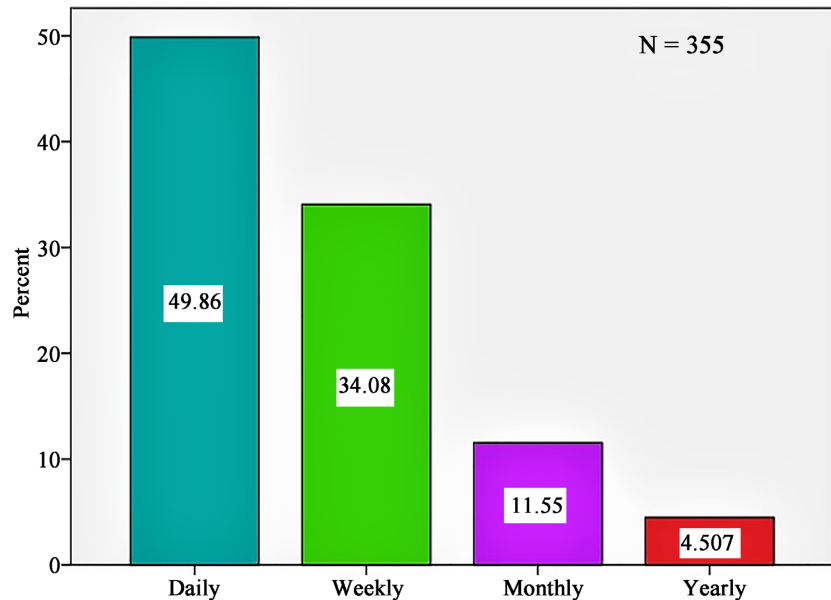
The study sought to examine the frequency of transboundary diputes in Lake Victoria. Out of the total respondents, 177 (49.86%) stated that disputes occurred daily, 120 (34.08%) reasoned that disputes occurred weekly, 41 (11.55%) stated that disputes occurred monthly and 14 (4.507%) stated that disputes occurred yearly. The results are illustrated in **Figure 3**.

8.2. Nature of Lake Victoria Transboundary Disputes and Security Management between Kenya and Uganda

The study sought to examine the nature of Lake Victoria Transboundary Dis-

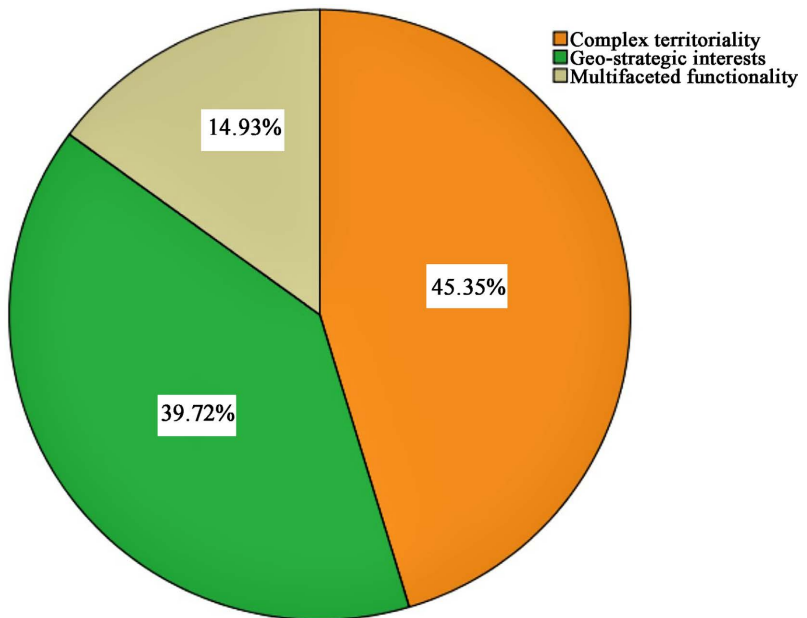
putes and Security Management between Kenya and Uganda. Out of 355,161 (45.35%) stated that the nature of transboundary disputes and security management between Kenya and Uganda is territorial, 141 (39.72%) stated that it is geostrategic and 53 (14.93%) reasoned that the nature of transboundary dispute is due to multifaceted functionality. The results are illustrated in **Figure 4**.

To underpin the study findings, one of the key informants averred that:



Source: Field Data, 2021.

Figure 3. Frequency of transboundary disputes in Lake Victoria.



Source: Filed Data, 2021.

Figure 4. Nature of Lake Victoria Transboundary Disputes and Security Management between Kenya and Uganda.

The nature of disputes between Kenya and Uganda is primarily a matter of territory. Since the demarcations are not clear the Migingo Island has been contested to be Kenya; s while Uganda has stated that the waters belong to her. This tussle has been going on for long. Kenya hoisted the flag when Uganda had attempted to hoist theirs, but they pleaded with us not to do so (Interview with Key informant at Muhuru Bay, August 2021).

Complex Territoriality

The findings are in tandem with Okumu (2010) who in his article '*Resources and border disputes in Eastern Africa*' avers that, the current dispute over the ownership of the Migingo Island can also be traced to the limitations of colonial boundary-making using natural features as markers. The Kenya-Uganda boundary was established by the 1926 "Kenya Colony and Protectorate (Boundaries) Order in Council" that states in schedule 1 that the border should run from 1° south latitude, through Lake Victoria to the mouth of the Sio River. The full text of the schedule reads:

Commencing in the waters of Lake Victoria on a parallel 1° south latitude, at the point due south of the westernmost point of Pyramid Island; thence the boundary follows a straight line due north to that point; thence continuing by a straight line, still northerly to the most westerly point of Ilemba Island; thence by a straight line, still northerly, to the most westerly point of Kiringiti Island; thence by a straight line, still northerly, to the most westerly point of Mageta Island; thence by a straight line north-westerly to the most southerly point of Sumba Island; thence by the south-western and western shores of that island to its most northerly point; thence by a straight line north-easterly to the centre of the mouth of the Sio River.

Like other parts of the Kenya-Uganda-Tanzania border, that used natural features and latitude 1° south, this part of the Kenya-Uganda border used pillars on land and islands in the Lake Victoria as markers. Other features, including other islands, lying between those points named in the schedule, were not clearly delineated in this agreement, and do not even feature on the colonial maps produced during the inter-war period. This somewhat incomplete boundary-making between the two countries might be explained by the fact that both colonies were British ruled, and thus there was little prospect of any serious dispute arising. Indeed, between 1902 and 1970 a number of territorial transfers were made between Kenya and Uganda. In 1902, all of eastern Uganda, between the present border and approximately 36°E longitude, was transferred to Kenya (then the British East Africa Protectorate). The reasons for these boundary re-alignments ranged from maintaining tribal unity to administrative convenience—officials thought it desirable to keep the Kavirondo ethnic group (the present Luhya) under a single administration, and were also keen to bring the Turkana and Pokot under effective control. Colonial border adjustments were also sometimes made to accommodate local interests, as in 1924 when residents of Kissaka district petitioned the Permanent Mandates Commission of the

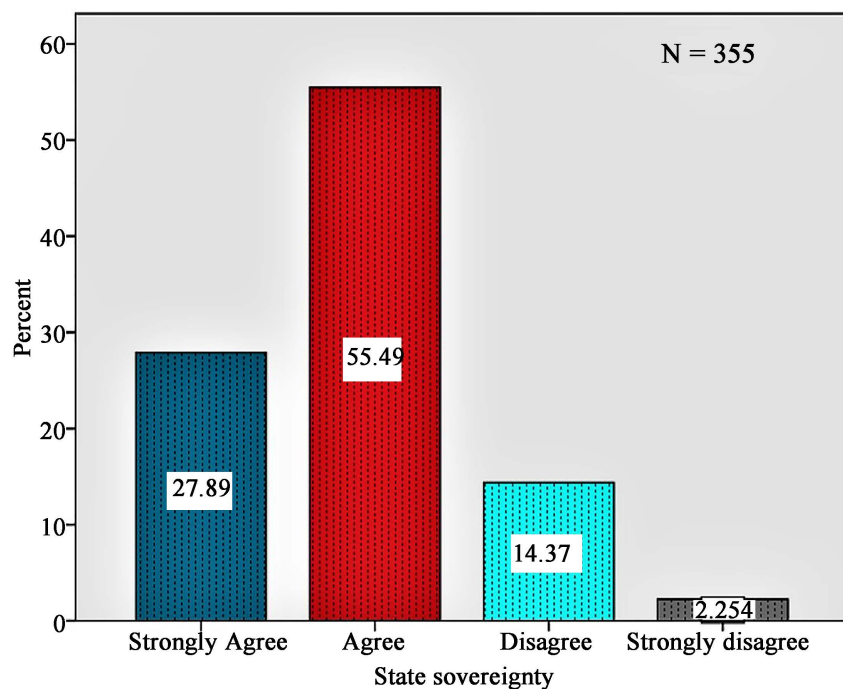
League of Nations to correct the mistakes of the previous Milner-Orts Agreement and to be reintegrated into Rwanda in 1924. Through these many adjustments, large and small, the colonial powers in Eastern Africa continued to trade in boundary politics well into the 1930s.

8.3. Driving Factors for Disputes in Lake Victoria

Contested State Sovereignty

The study sought to establish whether state sovereignty contributed to disputes in Lake Victoria and consequently affecting economic security. Out of 355 respondents, 97 (27.89%) strongly agreed that state sovereignty had contributed to disputes, 197 (55.49%) agreed that state sovereignty led to disputes, 51 (14.37%) disagreed to this inquiry while 8 (2.254%) strongly disagreed that contested state sovereignty contributed to disputes. The results are shown in **Figure 5**.

Despite its central role in the international system, some academics and policymakers question the absolute nature of sovereignty. Coleman cites that even the Western conception of sovereignty at its beginning was limited, with monarchs seeing themselves as answerable to God. As states became secular, theorists continued to perceive sovereignty as limited by developing international norms. These international norms have continued and in some cases have been codified in international law. One example of this is transboundary resources, these are resources that are shared by two or more nations and can include rivers, fishing grounds and oil. The distribution of these resources was originally handled when nations would strike a deal, sometimes referred to as a “sovereignty



Field Data, 2021.

Figure 5. State sovereignty.

bargain”. This norm however, did not require states to share these resources (Chambers & Carothers, 2017). As a result, the United Nations worked to codify this norm by creating its “equitable and reasonable use” policy. Another growing trend that has sought to limit sovereignty’s absolute nature is humanitarianism. Some have sought to limit sovereignty by defining the rights that a sovereign nation has to its citizens. By doing this, they hope to limit the absolute nature of a government’s control over its people in the sense that they would be required to protect their people from harm and could not subject them to it. One of the most outspoken defenders of this idea is Boutros Boutros-Ghali, who stated “*Sovereignty is no longer absolute... Sovereignty must be kept in its place*”. This norm, too, has received a codification by the United Nations in the concept of Responsibility to Protect. This concept provides the United Nations Security Council with the ability to take action in a country, regardless of their consent, to ensure the protection of the rights of its citizens. These international norms and laws have sought to limit two of the sovereignty’s major principles. They remove some of the absolute power that is granted to the internal affairs of a sovereign nation, as well as define how they are to behave in regards to other nations. In addition, many of these laws are overseen by International Organizations, most notably the United Nations, which have no standing under traditional sovereignty. Because of this threat to sovereignty, some countries have worked to mitigate the power of these new laws or prevent their usage.

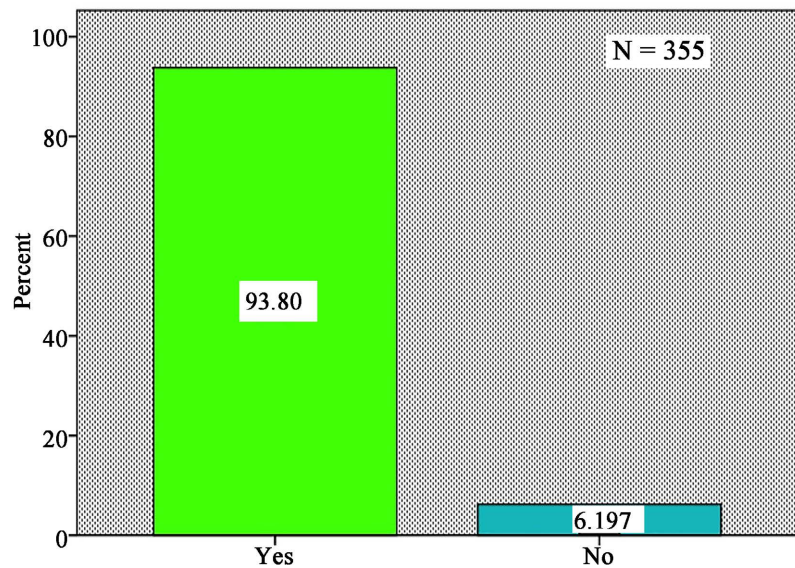
This captured by Juma & Odhiambo (2021) in their article “Geo-Political factors Influencing Kenya and Tanzania Foreign Policy Behaviour Since 1967” when they wrote that:

“The fundamental geopolitical factors that have been central in shaping Kenya’s foreign policy posture since independence are: the Indian Ocean and the struggle of the big powers; Kenya’s location near the volatile and strategic Horn of Africa; the Nile River basin and Egypt’s ambitions; great powers struggle for resources and influence in Africa; war on terror; instability in the Great Lakes region; and discovery of fossil fuels in East Africa”.

8.4. Whether Migingo Dispute Affect Management of Economic Value of Fish as a Resource

The study sought to examine whether Migingo dispute affect management of economic value of fish as a resource. Out of 355 respondents, 333 (93.80%) reasoned that, Migingo dispute affect management of economic value of fish as a resource, while 22 (6.197%) were of the contrary opinion. The results are illustrated in **Figure 6**.

In view of the foregoing findings, Owino (2019) argued that, the Migingo island dispute represents not only a tussle over sovereignty by Kenya and Uganda, but also illustrates the importance of dwindling economic fortunes in shaping political responses in the region. The formative Kenya-Uganda border demarcations were made by the British way back in 1926, and had not raised any particular issues with regard to Migingo until 2008 a fact that suggests current issues



Source: Field Data, 2021.

Figure 6. Whether Migingo dispute affect management of economic value of fish as a resource.

may be more important than are historical questions. The available sources on the history of the island indicate that Migingo was first inhabited only in 1991. Contestation over the ownership of the island only came to the fore in June 2004, when the Ugandan marine police landed on Migingo, pitching a tent and hoisting the Ugandan flag. By then, Migingo had become a central base for the burgeoning fishing industry in this north-east sector of Lake Victoria (Sumaila et al., 2016). Shared between the three members of the original East African community Kenya, Uganda and Tanzania the fisheries resources of Lake Victoria have been economically important to the local populations for decades. Yet, the growing mismanagement of the lake in more recent years has had far reaching consequences in terms of depletion of fish stocks, threats to livelihoods through job losses, interference in power supplies, and food insecurity. The Migingo confrontation is all about fisheries and specifically about the cause of the lake's declining fish stocks. The fisheries industry in Kenya and Uganda is currently suffering because of fish scarcity. This scarcity comes at the time when demand for Lake Victoria's Nile Perch has never been higher, both in local and export markets. According to Okumu, the greatest threat to the resources of the lake has come partly from unscrupulous fishing with technically superior nets and trawling gear that depletes a wide variety of marine species, and partly from the dumping in the lake of industrial and urban effluent from the cities of Kisumu, Kampala and Mwanza.

Obonyo et al. (2010) in their published proceedings "Cartography as a tool for Conflict Analysis & Resolution for Migingo Island Ownership Dispute", they recommended that: "Cartography should always be use to sole territorial dispute between countries instead of going to war".

The three governments with direct access to the lake have each adopted different responses to the perceived threats to the ecology and management of the lake, failing to find a coherent and unified strategy. Migingo's location has fuelled the contestation over its ownership. While the island is located only 10 kilometres off the Sori-Bay in Karungu division, part of Kenya's Migori district, it is over 100 kilometres from the nearest land point in Uganda. However, the Ugandan authorities claim that Migingo falls within the boundaries of its eastern district of Bugiri. The proximity to the Kenyan shore has enhanced the utility of the island to Kenya's fishermen who wish to exploit the resources of Nile perch found in the lake. For them, Migingo represents an important base for fishing further out into the lake into waters that have previously been dominated by fishermen from the Ugandan shores. While it is easier for Kenyans to cross over to Migingo, it is fairly difficult for the Ugandans to do the same. This has compounded a major debate over the fishing rights on the lake between the nationalities of Kenya, Uganda and Tanzania. Kenya owns only 6% of the Lake Victoria waters, compared to Uganda's 45% and Tanzania's 49%. In recent years, Kenyan fishermen have been arrested with increasing regularity by both Tanzania and Ugandan authorities for illegally fishing in foreign waters. Once arrested, the fishermen are required to pay a fine and their fishing gear is confiscated. In an effort to check illegal fishing, the three countries did initiate a fishing revenue tax, but the poor administration of this initiative appears to have only worsened tensions. Indeed, the flare up over Migingo in April 2009 arose when the Ugandan authorities sought to remove several Kenyan fishermen from the island for failure to pay fishing fees. The contest over fishing rights around Migingo has raised diverse debates (Glaser et al., 2019).

On the one hand there is feeling among Kenyan fishermen who are in a clear majority that they should not pay fishing fees to the Ugandans since Migingo is Kenyan. These Kenyan fishermen view the acts by Ugandan authorities as harassment and a clear assault on Kenya's sovereignty. The nationality issue came to the fore when Uganda's fisheries minister, Fred Mukisa, ordered the inhabitants of the island to elect a local council leadership and a Migingo Beach Management Unit to be in charge of the affairs of the island. Although the Ugandan authorities required fishermen to pay the fishing fees of 50,000 Uganda shillings (about \$ 26), and an annual boat licensing fees of 150,000 Uganda shillings (about \$ 78), the Kenyan fishermen refused to pay these charges. This prompted the Ugandan authorities to seek to remove them from the island. For their part, Kenya's fishermen argue that the Nile perch that bring prosperity to everyone around the lake shore actually breed on the Kenyan side of the lake, swimming over to the Ugandan and Tanzanian waters after hatching. This is a view that seems to be supported by marine studies, thus raising the stakes of the Kenyan fishermen in the economic productivity of the fisheries in Tanzanian and Ugandan waters (Wekesa, 2010).

9. Summary and Conclusion

The study sought to examine the frequency of transboundary disputes in Lake Victoria. Out of the total respondents, 49.86% stated that disputes occurred daily, 34.08% reasoned that disputes occurred weekly, 11.55% stated that disputes occurred monthly and 4.507% stated that disputes occurred yearly. The study sought to examine the duration of occupation of the respondents in Migingo and Mageta islands and whether this influenced disputes. Out of the total respondents, 6.479% indicated that they had been fishermen between 0 - 5 years, 17.18% indicated that they had been fishermen between 5 - 10 years, 42.54% indicated that they had been fishermen between 10 - 15 years and 28.17% indicated that they had been fishermen between 15 - 20 years and 5.634% indicated that they had been fishermen above 20 years.

The study sought to examine the nature of Lake Victoria Transboundary Disputes and Security Management between Kenya and Uganda. Out of 355, 45.35% stated that the nature of transboundary disputes and security management between Kenya and Uganda is territorial, 39.72% stated that it is geostrategic and 14.93% reasoned that the nature of transboundary dispute is due to multifaceted functionality. The study sought to establish whether delimitation of boundaries contributed to disputes in Lake Victoria and consequently affecting economic security. Out of 355 respondents, 14.37% strongly agreed that state sovereignty had contributed to disputes, 53.80% agreed that state sovereignty led to disputes, 28.45% disagreed to this inquiry while 3.380% strongly disagreed that contested state sovereignty contributed to disputes.

The study sought to establish whether economic value of borderline contributed to disputes in Lake Victoria and consequently affecting economic security. Out of 355 respondents, 56.62% strongly agreed that economic value of borderline had contributed to disputes, 113 (31.83%) agreed that economic value of borderline led to disputes, 10.14% disagreed to this inquiry while 1.408% strongly disagreed that economic value of borderline contributed to disputes.

The study sought to examine whether Migingo dispute affect management of economic value of fish as a resource. Out of 355 respondents, 333 93.80% reasoned that, Migingo dispute affect management of economic value of fish as a resource, while 6.197% were of the contrary opinion. The study sought to examine for what purpose fish is exploited in Lake Victoria. Out of 355 respondents, 9.58% reasoned that, fish is exploited for industrial purposes, 43.37% stated that fish is exploited for semi-industrial purposes and 47.04% reasoned that fish is exploited for small scale trade.

The study concludes that despite Kenya-Uganda putting efforts to manage transboundary dispute, the nature of these disputes are largely territorial. If and when both governments can conduct proper border delimitation exercise the disputes will reduce and effective economic security management would be realized.

10. Recommendations

The study recommends that both Kenya and Uganda adopt a joint demarcation survey of the legitimate owner of Migingo Island and that a neutral international umpire oversee the exercise. This will provide a long last solution and fishers will have a conducive and peaceful fishing environment.

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Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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