A HISTORY OF BORDER SECURITY AND ECONO-DIPLOMATIC RELATIONS BETWEEN KENYA AND UGANDA SINCE 1902

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A Thesis Submitted inn Partial Fulfilment of the Requirements for the Conferment of the Degree of Doctor of Philosophy in History of Masinde Muliro University of Science and Technology

August, 2024

DECLARATION

CANDIDATE

This research Thesis is my original work prepared with no other than the indicated sources support and has not been presented elsewhere for a degree or any other award.

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DEDICATION

This work is dedicated to my beloved wife Julita Oyugi and to my children; Lianse Auma, Clarence Paul, Aickey Lukoba and Andrew Oyugi.

ACKNOWLEDGEMENTS

In the journey towards academic achievement, it is essential to acknowledge the invaluable support and guidance received along the way. Firstly, I extend my deepest gratitude to God, whose grace and blessings have been the cornerstone of my endeavors. Without His divine guidance, none of this would have been possible. I am immensely thankful to my supervisors, Prof. P. G Okoth and Dr. Peter Wekesa, for their unwavering encouragement, insightful guidance, and close monitoring throughout my doctoral study. Their expertise, mentorship, and constructive feedback have been instrumental in shaping my research and academic growth.

I am also indebted to Masinde Muliro University of Science and Technology for offering a robust Ph.D program in History, providing a conducive environment for advanced study and research. The resources and opportunities provided by the university have been pivotal in facilitating my success in academic pursuits. A special mention goes to my dedicated lecturer and a mentor Rev. Fr. Dr. Kizito Muchanga Lusambili who has played a pivotal role in my research progress. Also, to my research assistants; Mr Josephat Nairutia Kemei, Nehobe Andrew and Innocent Ochoko whose invaluable assistance in data collection and typesetting has significantly contributed to the completion of my thesis. Their dedication and diligence are deeply appreciated.

I am grateful to my supportive colleagues and classmates whose camaraderie and encouragement have been a source of motivation and inspiration throughout this journey. Their collective support and friendship have made the academic pursuit more fulfilling and enjoyable.

ABSTRACT

Historically, border security and econo-diplomatic relations are inevitable and inseparable themes in states that border each other. Border security can enhance, develop, grow or destroy econo-diplomatic relations. This study interrogated a history of border security and econo-diplomatic relations between Kenya and Uganda since 1902. It was guided by four specific objectives as follows: to trace the history of border security and econo-diplomatic relations between Kenya and Uganda from 1902 to 1962; to assess border security and economic relations between Kenya and Uganda since 1962; to examine diplomatic relations between Kenya and Uganda since 1962; and finally, to evaluate the challenges and opportunities relating to border security and econo-diplomatic relations between Kenya and Uganda since 1962. Philosophically, the study was guided by the ideas of interpretivism ideas. Theoretically, the study was guided by the interdependence theory and bureaucratic theory. Related literature was reviewed and knowledge gaps identified. The research adopted qualitative research method. It employed historical research design. The target population constituted residents of Kenya and Uganda at the border. The study used snowballing and purposive sampling, leading to a sample size of 224 respondents and 4 FGDs which were reached upon saturation. The study was conducted along the border of Kenya and Uganda. The instruments of data collection included; focus group discussion guide, key informant interview schedule, oral interview guide and secondary sources. Data collected was analyzed by use of content analysis. It was then presented thematically. Therefore, the study findings as per specific objectives were as follows: in the first specific objective, the lack of detailed maps for a significant portion of the region prior to the 1940s, contributed to the errors that occurred during the process of establishing colonial boundaries. In the second specific objective, prior to the establishment of borders, the people of Kenya and Uganda moved freely, rearing their animals and exchanging or trading goods in order to fulfil their needs. In the third specific objective, the pursuit of diplomatic relations not only improves the efficiency of bilateral relations but is also essential to the maintenance of development. Finally, in the fourth specific objective, the risk associated with integration is that, despite the fact that it has the potential to boost overall productivity and the total real income of the region, it has unfavourable effects on the distribution of that income and exacerbates existing issues of inequality. The study concludes that; the complex interplay of historical, colonial, geographical, and socio-political factors have profoundly shaped the dynamics of the region between Kenya and Uganda. Therefore, the lack of detailed maps, colonial imposition, and shifting land use patterns have contributed to longstanding tensions and disputes along the border. Based on the on the study findings, the study recommends as follows: in specific objective one, given the historical complexities and enduring challenges surrounding border security and econo-diplomatic relations between Kenya and Uganda, it is recommended that both nations prioritize collaborative efforts for sustainable development and conflict resolution. In specific objective two, acknowledging the historical resilience and adaptability of the border communities, it is recommended that Kenya and Uganda further strengthen their collaborative security measures and economic cooperation. In specific objective three, considering the historical complexities and ongoing diplomatic challenges between Kenya and Uganda since 1962, it is recommended that both nations prioritize the establishment of a bilateral commission or forum dedicated to addressing border disputes and fostering diplomatic dialogue, and finally, diplomatic negotiations should be intensified to resolve political differences, promote trust, and strengthen joint initiatives on security and economic cooperation.

TABLE OF CONTENT

Content **Page**

DECLARATION.....**ii**
PLAGIARISM STATEMENT.....**iii**
COPYRIGHT.....**iv**
DEDICATION.....**v**
ACKNOWLEDGEMENTS.....**vi**
ABSTRACT.....**vii**
TABLE OF CONTENT.....**viii**
LIST OF PLATES.....**xiv**
LIST OF TABLES.....**xv**
ABBREVIATIONS AND ACRONYMS.....**xvi**
OPERATIONALIZATION OF KEY CONCEPTS.....**xix**
CHAPTER ONE: INTRODUCTION.....**1**
1.1 Chapter Overview.....1
1.2 Background to the Study.....1
1.3 Statement of the Problem.....17
1.4 Objective of the Study.....18
1.4.1 General Objective of the Study.....18
1.4.2 Specific Objectives of the Study.....18
1.5 Research Questions.....19
1.6 Scope of the Study.....19
1.7 Limitations of the Study.....20
1.8 Justification of the Study.....21
1.8.1 Academic Justification of the study.....21
1.8.2 Philosophical Justification of the study.....23
1.8.3 Policy Justification.....24
1.9 Significance of the study.....25
1.10 Theoretical Framework.....25
1.10.1 Interdependence Theory.....26
1.10.1.1 The Conceptualization and Measurement of Interdependence and Conflict. 33
1.10.1.2 Conceptualizing Interdependence.....34
1.10.1.3 Observing Interdependence.....35

1.10.1.4 Conceptualizing Conflict....42
1.10.2 Bureaucratic Theory....44
1.10.3 Justification of the theories in this Study....45
1.10.4 Track One and a Half Diplomacy....47
1.10.4.1 Characteristics of Track One and a Half Third Parties....50
1.10.4.2 Strengths of Track One and a Half Diplomacy....53
1.10.4.3 Weaknesses of Track One and a Half Diplomacy....57
1.11 Literature Review....58
1.11.1 History of border security between Kenya and Uganda from 1902 - 1962.....58
1.11.1.1 Changes in Perceptions of Border Security Influence Desired Levels of Immigration....73
1.11.2 Security and Economic Relations....75
1.11.3 Diplomatic Relations in Bilateral Borders....102
1.11.4 Challenges and Opportunities Relating to Border Security and Econo-Diplomatic Relations....120
1.11.5 Summary of the Emerging Gaps from Literature Review....127
1.12 Research Methodology....131
1.12.1. Philosophical Underpinnings....131
1.12.2 Research Design....132
1.12.3 Area of Study....133
1.12.4 Target Population....134
1.12.5 Sampling Technique and Sample Size....134
1.12.6 Data Collection Tools....135
1.12.6.1 Interview Guides....135
1.12.6.2 Key Informant Interview Guides....136
1.12.6.3 Focus Group Discussion Guide....136
1.12.6.4 Archival Sources....137
1.12.6.5 Secondary Data sources....137
1.12.7 Reliability and Validity of Research Instruments....137
1.12.8 Data Collection Method....138
1.12.9 Data Analysis Procedure....139
1.12.10 Ethical Considerations....139
1.13 Chapter Summary....141
CHAPTER TWO: HISTORY OF BORDER SECURITY BETWEEN KENYA AND UGANDA UP TO 1962....142
2.1 Introduction....142

2.2 The Process of Kenya – Uganda Boundary Establishment.....142
2.3 Kenya-Uganda Border.....146
2.4 Historical Legacy and Errors in Eastern Africa Boundary-Making.....150
2.5 Border Security in the Pre-Colonial Period.....161
2.6 Background to the Establishment of the Kenya – Uganda Boundary.....165
2.7 Boundary Transfers 1902 to 1926.....167
2.8 Chapter Summary.....196
CHAPTER THREE: BORDER SECURITY AND ECONOMIC RELATIONS BETWEEN KENYA AND UGANDA SINCE 1962.....198
3.1 Introduction.....198
3.2. Economic Relations.....198
3.2.1 History of Kenya and Uganda Economic Integration/Relations.....199
3.2.2 The Rise of Informal Cross-Border Trade in Uganda: The Kabaka Mutesa II Kingdom 1961-1966.....204
3.2.3 The Rise of Informal Cross-Border Trade in Uganda: The Milton Obote State, 1966-1971.....209
3.2.4 The Rise of Informal Cross-Border Trade in Uganda: Idi Amin State, 1971-1979 218
3.2.5 The Epoch of Auxiliary Ambiguity in Uganda: From Yusuf Lule – Tito Okello 1979-1986.....225
3.2.7 Ethnicity and its Challenge at the Kenya/Uganda border.....237
3.2.8 The Advancement of Unlawful Cross-Border Trade.....249
3.2.9 Classifications of Unlawful Cross Border Trade.....252
3.2.10 Informal Cross-Border Trade between Kenya and Uganda.....257
3.2.10.1 The Rise of Informal Cross-Border Trade in Kenya: The Kenyatta State, 1963 – 1978.....259
3.2.10.2 The Rise of Informal Cross-Border Trade in Kenya: The Moi State, 1978– 2002.....267
3.2.10.3 The Rise of Informal Cross-Border Trade in Kenya: The Kibaki State, 2002– 2005.....276
3.3 Security Relations.....280
3.3.1 Independence and Early Relations (1960s).....280
3.3.2 Idi Amin Era (1970s).....282
3.3.4 Post-Amin Period (1980s-1990s).....285
3.3.5 Security Relations Between Kenya and Uganda during Kenyatta, Moi, Kibaki and Uhuru Eras.....287
3.3.6 Recent Developments (2000 – 2023).....291

3.4 Chapter Summary.....293
CHAPTER FOUR: DIPLOMATIC RELATIONS BETWEEN KENYA AND UGANDA SINCE 1962.....295
4.1 Introduction.....295
4.2 The Kenya- Uganda International Boundary.....295
4.2.1 Emerging Conflicts on Lake Victoria.....302
4.2.2 Diplomatic Options Employed in Resolving the Conflict.....305
4.2.2.1 The International Court of Justice.....311
4.2.2.2 The African Court of Justice and Human Rights.....313
4.2.2.3 The East African Court of Justice.....315
4.3 Economic Diplomacy as a Strategy of Bilateral Relations Between Kenya and Uganda.....319
4.3.1 Impact of Economic Diplomacy.....329
4.3.2 Lake Victoria Transboundary Disputes and Economic Security Management between Kenya and Uganda.....336
4.3.3 Transboundary Dispute Resolution Mechanisms and Bilateral Economic Security 344
4.3.4 Effectiveness of Management Mechanisms of Dispute in Lake Victoria.....351
4.4 Chapter Summary.....356
CHAPTER FIVE: CHALLENGES AND OPPORTUNITIES RELATING TO BORDER SECURITY AND ECONO-DIPLOMATIC RELATIONS BETWEEN KENYA AND UGANDA SINCE 1962.....358
5.1 Introduction.....358
5.2 History of Challenges Between Kenya and Uganda Since 1962.....358
5.2.1 East Africa Cooperation.....360
5.2.2 Breakup of the East Africa Cooperation.....364
5.2.3 Ideological differences.....366
5.2.4 Unequal Development.....369
5.2.5 Trade Imbalance.....372
5.3 Challenges Relating to Border Security and Econo-Diplomatic Relation Between Kenya and Uganda since 1962.....376
5.3.1 Border Disputes/Conflicts.....380
5.3.2 Conflict Resolution.....383
5.3.3 Economic Competition.....388
5.3.4 Political Differences.....391
5.3.5 Security Concerns.....394
5.3.6 Trade Barriers.....397

5.4 Opportunities Relating to Border Security and Econo-Diplomatic Relations Between Kenya and Uganda since 1962.....400
5.4.1 Regional Integration.....400
5.4.2 Infrastructure Development.....405
5.4.3 Resource Sharing.....408
5.4.4 Diplomatic relations.....411
5.4.5 Tourism.....414
5.4.6 Trade and Investment.....417
5.5 Chapter Summary.....421
CHAPTER SIX: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS 423
6.1 Introduction.....423
6.2. Summary of Key Findings.....423
6.3 Conclusions.....438
6.4 Recommendations.....440
6.5 Suggestions for Further Research.....442
BIBLIOGRAPHY.....443
ARCHIVAL MATERIALS/ SOURCES.....443
ORAL SOURCES.....446
FOCUS GROUP DISCUSSION.....453
FGD of Traders in Busia Border-Kenya.....453
FGD of Bakhayo residents in Bukhayo.....454
FGD of Business persons in Busia border – Uganda.....455
FGD of Nyumba Kumi Persons at Chekube – Kenya.....456
GOVERNMENT AND OTHER OFFICIAL REPORTS.....457
BOOKS AND BOOK CHAPTERS.....458
JOURNALS, PAPERS AND INTERNET SOURCES.....468
THESES AND DISSERTATIONS.....483
NEWSPAPER ARTICLES.....489
APPENDICES.....490
Appendix I: Letter of Introduction.....490
Appendix II: Consent Form for the Respondents.....491
Appendix III: Interview Guides.....492
Appendix IV: Letter from Directorate of Postgraduate Studies – MMUST.....498
Appendix V: NACOSTI Permit.....499

Appendix VI: Research Authorization Busia County.....500
Appendix VII: MMUST Introductory Letter.....501
Appendix VIII: Recommendation Letter from Makerere University-Uganda.....502
Appendix IX: Introductory Letter from LC1 Chairperson-Uganda (Malaba Ward). 503
Appendix X: Recommendation Letter from High Comission of the Republic Of Uganda 504
Appendix XI: Letter from Research Uganda Ethics Committee.....505

LIST OF PLATES

Plate 1: Prof. P.G. Okoth, the main supervisor validating the research instruments of Kenneth Kaunda Odulwa's Ph.D Thesis.....138

Plate 2: An FGD of Bakhayo held with the researcher in Bukhayo.....150

Plate 3: The researcher conducting an FGD in Busia Border-Kenya, on 20th/12/2023.256

Plate 4: The researcher carrying out an FGD in Chepkube with Nyumba Kumi persons on 15th/01/2024.....350

LIST OF TABLES

Table 4.1 Diplomatic Options Employed in Resolving the Conflict Diplomatic option…….....306

ABBREVIATIONS AND ACRONYMS

ACJHR	African Court of Justice and Human Rights
AMISOM	African Union Mission in Somalia
APSA	Africa Peace and Security Architecture
AQIM	al Qaeda in the Maghreb
ASF	African Standby Forces
BOP	Balance of Payment
CBI	Cross Border Initiative
CFSP	Common Foreign and Security Policy
CMS	Church Missionary Soiety
CSDP	Common Security and Defence Policy
DOT	Direction of Trade
DPS	Directorate of Post-Graduate Studies
EAAC	East African Airways Corporation
EAC	East Africa Community
EACJ	East Africa Court of Justice
EACSO	East Africa Community Service Organization
EADB	East Africa Development Bank
EAHC	East Africa Harbours Corporation
EAP & TC	East Africa Ports and Telecommunication
EAP	East Africa Protectorate
ECOWAS	Economic Organization of West Africa States
FDI	Foreign Direct Investment
FGD	Focus Group Discussion
FTA	Free Trade Arrangement

FTT	Foreign Trade Turn Over
GDP	Gross Domestic Product
HoA	Horn of Africa
ICAO	International Civil Aviation Organisation
ICBP	International Criminal Border Patrol
ICBT	Infromal Cross Border Trade
ICCR	International Council for Conflict Resolution
ICJ	International Court of Justice
IGAD	Inter-Governmetal Authority on Development
ILO	International Labour Organization
IMF	International Monetary Fund
IO	International Organization
KANU	Kenya Africa National Union
KDF	Kenya Defence Forces
KII	Key Informant Interview
KNA	Kenya National Archives
KNA	Kenya News Agency
KPU	Kenya Peoples Union
LOC	Line of Control
LOC	List of Control
LRA	Lords Resistance Army
MENA	Middle East and North Africa
MMUST	Masinde Muliro University of Science and Technology
MSMEs	Micro, Small and Medium Sized Enterprises
NACOSTI	National Commission of Science, Technology and Innovation

NARC	National Alliance Rainbow Coalition
NBI	The Nile Basin Initiative
NCC	National Consultative Commission
NCC	National Crime Commission
NRM	National Resistance Movement
O.I	Oral Interview
OAU	Organization of African Union
OCP	One China Policy
PCIJ	Permanent Court of Arbitration
PTA	Preferential Trade Arrangement
SGR	Standard Gauge Railway
SOPs	Standard Operating Procedures
TCA	Theory of Comparative Advantage
UN	United Nations
UNLF	Uganda National Liberation Front
UPC	United Peoples Congress
VBVC	Vision Based Value Chains
VCA	Vertical Comparative Advantage
WTO	World Trade Organization

OPERATIONALIZATION OF KEY CONCEPTS

Border: A boundary especially of a country or state: a demarcation separating one area of jurisdiction, in this case Kenya and Uganda.

Border Diplomacy: Is the diplomatic approaches to demarcate, manage and resolve the border disputes in a peaceful manner: an act of finding an agreement between two areas of jurisdiction and also highlights the management of disputes between Kenya and Uganda.

Border Security: The measures taken by one or more governments to enforce their border control policies: act of securing peace in a demarcated area in this case between Kenya and Uganda.

Boundary: A line which marks the limits of an area, a dividing line: demarcation indicating separation of two areas, in this case, between Kenya and Uganda.

Conflicts: An active disagreement between people with opposing opinions or principles: a serious disagreement between two parties/close conflict/struggle, in this case, Kenya and Uganda.

Cyberspace: In the context of border security and econo-diplomatic relations between Kenya and Uganda, it involves examining the role of digital technologies and online platforms in shaping interactions and influencing security dynamics.

Diplomacy: The established method of influencing the decisions and behavior of foreign governments and peoples through dialogue, negotiation and other measures short of war or violence: an act of agreeing peacefully without involving conflicts, in this study, diplomacy between Kenya and Uganda.

Diplomatic Relations: A relationship between two countries in which they send diplomats to work in each other's country: the conduct of relations of one state

to another through peaceful means – diplomatic relations between Kenya and Uganda.

Dispute: To argue or debate about; in disagreement or an argument.Historically, dispute between Kenya and Uganda.

Economic Diplomacy: building international coalitions to help countries recover from financial crisis. It entails convincing host governments' leaders to apply the policies and measures most likely to strengthen their economies and provide jobs for their people even if the reforms have political costs. In this study, it refers to economic diplomacy between Kenya and Uganda.

Econo-diplomatic Relations: In this study it refers to a combination of economic and diplomatic factors that inform the bilateral relations between Kenya and Uganda over the years.

Economic Relations: The economic interactions that occur between nations: involves trade and other commercial activities among nations. In this regard, it is the economic relations between Kenya and Uganda.

Foreign Policy: The general objectives that guide the activities and relationships of one state in its interactions with other states; are activities in relations to the interactions of one state to another whether bilaterally or multilaterally. In this study, it refers to Kenya's foreign policy and Uganda's foreign policy.

Globalization: In this study it refers to the interconnectedness and interdependence of Kenya and Uganda with the rest of the world, particularly in terms of economic, political, and cultural exchanges.

International Community: Is a broad group of people and governments of the world: a group of people living in the world, in this case, different nationalities living together in the Kenya – Uganda border.

Peace: The freedom from public disturbance or war: a period of tranquility. In this study, it refers to peace between Kenya and Uganda.

Preventive diplomacy: All measures aimed at preventing existing disputes from escalating into conflicts and at preventing conflicts, if they occur, from spreading: an act of stopping disputes/to limit occurrence of a dispute/diplomatic action to limit escalation of a dispute into a conflict. In this study, it refers to preventive diplomacy pursued by Kenya and Uganda.

State: A nation or territory considered as an organized political community under one government: it's a country. It's also a body of people who occupy a definite territory and politically organized under one leader, hence the state of Kenya and the state of Uganda.

State sovereignty: The legal authority and responsibility of an independent state to govern and regulate its political affairs without foreign interference: refers to the supreme authority within its boundary

War: A state or period of fighting between states of nations: an act of fighting/a state of war and hostility. In this case, war between Kenya and Uganda which did not occur.

CHAPTER ONE

INTRODUCTION

1.1 Chapter Overview

This chapter focuses on the background of the study, statement of the problem, objectives of the study and outline research questions that guided the study that addressed the objectives. Furthermore, it spelt out the scope of the study, stipulated limitations, justification and provided the significance of the study. Theoretical framework, literature review, and research methodology is also explained.

1.2 Background to the Study

In the global perspective, the history of border security and econo-diplomatic relations between the USA and Mexico is characterized by a dynamic interplay of cooperation and conflict.[1] The Treaty of Guadalupe Hidalgo in 1848 established the current border, setting the stage for future interactions. In the mid-20th century, the Bracero Program (1942-1964) facilitated temporary labor migration, highlighting economic interdependence.[2] The 1994 North American Free Trade Agreement (NAFTA) significantly strengthened economic ties, leading to increased trade and investment. However, challenges like illegal immigration and drug trafficking necessitated stricter border security, culminating in initiatives such as the Secure Fence Act of 2006 and the controversial border wall projects.[3] Diplomatic efforts, including the Mérida Initiative (2008), aimed to combat organized crime and enhance security cooperation.

[1]Nicholas Kron, "Security diplomacy: Beyond defense." PhD Dissertation, Johns Hopkins University, 2015, p.23.
[2]Richmond M. Lloyd, ed. *American Foreign Policy: Regional Perspectives*. Vol. 4. Government Printing Office, 2009, p.87.
[3]Paul Ashby, "Solving the border paradox? Border security, economic integration and the mérida initiative." *Global Society* 28, no. 4 (2014): 483-508, p.489.

The United States-Mexico-Canada Agreement (USMCA) in 2020 further solidified economic relations. Despite enduring challenges, the US-Mexico relationship continues to evolve, balancing security concerns with economic collaboration.

It should be brought to the attention that border diplomacy is an essential element in the national security of the states that share a border with one another.[4] Moreover, because the territorial borders define the territory of the state, which is one of the most important characteristics of the state according to the Westphalia state system from 1648 and the Montevideo Convention from 1933, this is the reason why this comes about.[5] In the past, every state has traditionally been concerned with maintaining its territorial integrity. This is because states at the strategic level are concerned with ensuring their survival within the anarchic international system, which is why territorial integrity is considered to be one of the most important national interests.[6] There is direct correlation between level of importance that states put on territorial integrity and the enormous resources that are allocated to the protection of the territories.[7] In order to achieve this goal, states frequently establish and equip their militaries in order to protect themselves from external aggression.

As a result, immigration officers are typically stationed at a border in order to guarantee that the borders maintain secure environment for both states. During the time of the colonial and cold war eras, the military was also utilised for expansionist agenda, in which states sought new territories, particularly in search of raw materials. The major European powers were able to establish territories in Africa as a result of

[4]Ibid., p.492.
[5]Ibid., p.495.
[6]Joseph Nye, "Redefining the national interest," *Foreign Affairs* 78, no. 4., (1999), p.22
[7]Wilbert Gooneratne, & Elisabeth Mosselman, "Planning across the borders": Border regions in Eastern and Southern Africa, *Regional Development Dialogue* 17, no.2 (1996), pp.136-152., p.138

these expansionist activities, which marked the beginning of the state system and the establishment of territorial boundaries on the African continent.[8]

On the other hand, these borders were drawn arbitrarily in order to serve the interests of the imperialists, with little regard for the predicament of the indigenous people. The colonial legacy of boundary making resulted in the establishment of borders that would later be contested by African states that obtained their independence. Over the course of the 1950s and 1960s, majority of African nations achieved their independence. In an effort to acknowledge colonial borders, the Organisation of African Unity adopted the Cairo Resolution in 1964 which outlined the principle of respecting the borders that were inherited at the time of independence.[9]

In his works, on *Borders and Borderlands as Resources in the Horn of Africa*, James Currey makes a reference to the fact that borders in Africa have traditionally been conceived of as barriers to peaceful trade, diplomacy and security, despite the fact that they also provide what Asiwaju and Nugent refer to as "conduits and opportunities."[10]

The academic discourse on state borders in the Horn of Africa is associated with natural and man-made disasters, especially those that have a cross-border dimension, as well as violent border conflicts. This is similar to the discourse on state borders in other parts of the continent. The arbitrary colonial borders are seen as one of the causes of these conflicts by a significant number of people in the area as well as by observers from outside the region.[11]

The British government pursued a policy of cooperation among the three colonies in East Africa; consequently, the British diplomacy was founded on the principle of

[8]Ibid., p.137.
[9]OAU Res. AHG/Res. 16(1) Cairo
[10]Paul Nugent and Anthony Asiwaju, *African Boundaries: barriers, conduits and opportunities*. London: Pinter, 1996, p.76.
[11]J. Currey, *Borders and Borderlands as Resources in the Horn of Africa,* New York: Boydell and Brewer Inc, (2015), p.1

multilateral cooperation. Beginning in the year 1900 and upto 1947, the very beginnings of regional cooperation in East Africa were spread out over a period of nearly fifty years.[12] These nations participated in activities that involved other states, such as military, political, or economic activities; the activities may also have been of social, technical, or residual public interest. Both Kenya and Uganda were colonised by Britain, which was the colonising power. In order to effectively exploit the resources of these territories in their own interest, the British introduced services that accelerated the rate at which these resources were exploited. In 1902, the Kenya-Uganda railway was constructed from Mombasa to Kisumu, marking the beginning of the organisation of inter-territorial services. This railway was constructed between the two countries. In the year 1905, the two territories were subject to the implementation of an East African currency. An amalgamation process that involved several activities in both territories had already begun specifically defence (1902) and customs (1917).[13]

As part of the British East Africa, Kenya was considered to be a transit territory to Uganda which the white settler community preferred for its climate and fertile land.[14] The naming of the railway line constructed from Mombasa to Kisumu as Uganda Railway, emphasized the white settlers' perception that Uganda was more central to the region, hence their preferred destination. The railway was named after Uganda and underlined the colonialists' preference. When Kenya was established as a state it effectively landlocked Uganda, making it imperative for the latter to agree on transit

[12]Pontian Godfrey Okoth, *Kenya and the Contemporary World order*. Kakamega: MMUST Press, (2010), p.103.
[13]Ibid., p.104.
[14]Boaz Mbaya, *Kenya's Foreign Policy and Diplomacy: Evolution, Challenges and Opportunities,* Nairobi: EAEP, 2019, p.96.

arrangements with Kenya. The colonial bonds translated into strong economic links to both countries.[15]

Uganda's dependence on Kenya for its external trade has made Kenya's largest trading partner. Whereas relations are warm and cordial, territorial claims and disputes have from time to time characterized exchanges between the two countries. It began with Idi Amin's claim of Kenyan territory up to Naivasha on the eastern side of the Rift-Valley in 1976.[16] Kenya's President, Jomo Kenyatta, responded by modernizing Kenya's armed forces, especially buying F5s jet fighters to confront the threat. Amin backed off. The second territorial claim by Uganda on Kenyan territory regards the dispute over the rocky Migingo Island in Lake Victoria. The cause of the dispute is the fight to control economic resources around it such as fish and potential minerals. The dispute should be resolved through diplomatic negotiations for a sustainable solutions based on the Organization of African Union and the United Nations legal instruments on international boundaries.[17]

Kenya maintained the borders that Great Britain had established during its tenure as the East African Protectorate because the country adheres to the idea of respecting borders inherited at independence. Some of Kenya's neighbors were unhappy with the borders and experienced the same fate. Conflicts over territory might break out between Kenya and Somalia and Uganda if they dared to question these borders. Chapter 14, articles 238–247 of the Kenyan Constitution establish the security organs' duty to defend and protect the state's sovereignty and territorial integrity. This duty is entrusted to the Kenya Defense Forces and other agencies like the National Police

[15]Ibid., p.96.
[16]Ibid., p.97.
[17]Ibid., p.97.

Service and the National Intelligence Service.[18] This forms an aspect of border security management in Kenya.

Having this system in place, borders play a crucial role in facilitating economic growth through enhanced trade and commerce. Thus, the state can exert political authority both domestically and internationally by ensuring the security of the state, fostering robust economic growth, and maintaining positive diplomatic ties. Territorial integrity, as a principle in international law, prohibits governments from using force to undermine the political independence or territorial boundaries of another state, particularly in regards to altering its borders.[19] These two concepts strengthen the significance of state borders. Nevertheless, the importance of State borders has been challenged, particularly due to globalization and the rise of cyberspace as the fifth global commons. Additional global commons include the high seas, the deep sea bed, the atmosphere, and the Antarctica/arctic. However, the challenge of territorial borders can be attributed to the period of industrialization in Europe, during which concerns regarding security, economic and diplomatic connections, and boundaries arose as they transcend geographical limits.[20]

The Kenya-Uganda boundary was officially defined by the 1926 "Kenya Colony and Protectorate (Boundaries) Order in Council". According to the schedule, the line is specified to extend from 1° south latitude, passing through Lake Victoria, and ending at the mouth of the Sio River.[21] Similar to other sections of the Kenya–Uganda–Tanzania boundary, this particular portion of the Kenya–Uganda border utilized natural characteristics and a latitude of 1° south. It employed pillars on land and

[18]Constitution of Kenya, 2010

[19]El Ouali Abdelhamid, "Territorial integrity: Rethinking the territorial sovereign right of the existence of the States," *Geopolitics* 11, no. 4 (2006), pp. 630-650, p.641.

[20]Edward Cohen, "Globalization and the boundaries of the State: A Framework for analyzing the changing practice of sovereignty," Governance: *An international Journal of Policy and Administration,* 14, no. 1: (2001), pp. 75-97, p.80.

[21]Wafula Okumu, "Resources and border disputes in Eastern Africa." *Journal of Eastern African Studies* 4, no. 2 (2010): pp.279-297., p.283.

islands in Lake Victoria as markers. Additional characteristics, such as other islands, situated between the specified places mentioned in the schedule, were not explicitly defined in this agreement and were not represented on the colonial maps created during the time between the two world wars.

The partial establishment of a border between the two nations can be attributed to the fact that both territories were under British authority, which greatly reduced the likelihood of any significant conflicts emerging. During the period from 1902 to 1970, several territorial transfers occurred between Kenya and Uganda.[22] In 1902, the territory of eastern Uganda, which extended from the current border to around 36°E longitude, was officially handed over to Kenya, which was known as the British East Africa Protectorate at that time. The motivations behind these boundary re-alignments varied, encompassing the goals of preserving ethnic cohesion and enhancing administrative efficiency. Authorities deemed it advantageous to consolidate the Kavirondo ethnic group (now known as the Luhya) under a unified administration, while also prioritizing the effective governance of the Turkana and Pokot communities. Occasionally, colonial border adjustments were made to address local concerns. For instance, in 1924, the inhabitants of Kissaka district requested the Permanent Mandates Commission of the League of Nations to rectify the errors of the previous Milner-Orts Agreement and to reintegrate them into Rwanda. Despite several modifications, both significant and little, the colonial powers in Eastern Africa persisted in engaging in boundary politics into the 1930s.[23]

Nevertheless, despite numerous assertions, it is important to note that not all the borders of Eastern African nations were established without reason or thought. Precise surveying techniques were employed to establish specific boundaries, and in certain

[22]Ibid., p.280.
[23]Ibid., p.82.

instances, significant measures were taken to prevent the separation of villages or ensure the preservation of water and grazing rights for pastoralist communities. However, it is evident that in situations where colonial political objectives were seen to be of utmost importance, local concerns were completely disregarded. An example of this is the 1912 order to transfer the southern part of the Lado Enclave from Sudan to Uganda. This allowed Uganda to have sovereignty over both sides of the river Nile.[24] The inaccuracies in colonial boundary-making can be attributed to the limited availability of precise maps in the region prior to the 1940s.

By 1914, Europeans had only surveyed approximately 200,000 square miles of area in Africa, leaving around 3.8 million square miles unexplored. Consequently, it was imperative to accurately map the recently obtained colonial lands in order to establish efficient administrative authority. Despite the British having previous experience in delineating their North American colonial territories, they encountered significant logistical challenges in Africa. The teams responsible for marking the boundaries often had to conduct surveys in regions that were mostly unexplored by Europeans and either had very few inhabitants or were completely uninhabited.[25]

The demarcations were further complex due to the lack of true knowledge about the existing conditions on the ground, which made it necessary to delimit several boundaries. Nevertheless, the existence of mineral and other natural resources significantly influenced the speed and accuracy of the delineation process. For example, it is evident that the British focused their attention on the western limits of their East African colonies, particularly in places where they believed there was

[24]Jacob Adipo Ogalo, "A History of Cross-Border Resource Conflict Persistence Between the Pokot and Karamojong Since 1850." PhD Dissertation, Maseno University, 2017, p.88.
[25]Ibid., p.88.

valuable mineral richness and in regions that were strategically important for controlling the Nile waters.[26]

War significantly influenced the colonial powers to create accurate maps of their African territories. The significant British defeats in the Second Anglo-Boer War were largely due to the inadequate and insufficient maps accessible to the British troops, leading to valuable insights and knowledge gained from these experiences. In order to guarantee the availability of accurate maps for the Army in potential future African conflicts, the British established a Colonial Survey Committee with the purpose of creating maps of Africa.[27] The main purpose of this Committee was to further "imperial interests" and create maps for the protection of the colonies. Irrespective of the location in Africa, military operations typically led to an enhancement in the cartographic resources accessible for that region. However, the military's participation in the creation of border area maps may have led to significant inaccuracies and misunderstandings due to a lack of scientific knowledge, technical flaws, and simple negligence.[28]

For the military, a map depicting features may hold greater significance than a precise and accurate delineation of a boundary. This could partially account for the lack of precision in early cartography. An evident example of carelessness in the establishment of boundaries is undoubtedly the border between Malawi and Tanzania. Upon reviewing this example, John Donaldson has expressed that the emphasis on surveying and mapping was significantly greater than the emphasis on strict demarcation.[29] The boundary commission responsible for defining this colonial border

[26]Ibid., p.92.
[27]Ibid., p.90.
[28]Ibid., p.88.
[29]Ibid., p.88.

prioritized the utilization of natural characteristics, with the exception of "six straight lines" spanning 29 miles out of the whole 250-mile boundary.

Due of the prevalence of natural features, the commission was able to utilize a mere 23 pillars as markers along the whole boundary. The commission favored natural features like streams and rivers due to their reduced need for boundary pillars, which facilitated a more efficient and expedited work process. Therefore, the considerations of efficiency and financial implications were crucial in determining these boundaries. Colonial officials may have been hesitant to fully establish boundaries in distant and hard-to-reach regions. They often expressed frustration with the local population's habit of destroying boundary markers. Practically speaking, survey maps that incorporate natural features are more effective tools for administrators who need to resolve boundary disputes on site. As Donaldson adds:

> The rigorous marking of colonial boundaries would have required regular maintenance from local colonial surveyors or administrators who were not often available in these peripheral areas of the Empire, particularly in the early decades of colonial administration. It was far easier and more cost-effective for British colonial administration to simply “know” or “imagine” the extent of colonial territory in Africa through boundary maps than to make those boundaries evident on the ground for local borderland populations. Colonial boundaries on the ground were thus seldom as precise as they appeared on the maps that purported to delineate the extent of territorial sovereignty. These were the same maps inherited and largely accepted by Africa's independent states.[30]

The presence of poor management or disregard for borders can be partially attributed to the enduring strength of traditional African land relations. Boundaries, from the perspective of Europeans, represent the possession of land and the sole utilization of

[30]Thomas Richards, *The imperial archive: knowledge and the fantasy of empire*. Verso, 1993, p.67.

property by the owner and individuals who have been granted permission to utilize it. In numerous traditional African communities, land was not subject to individual ownership or utilization, resulting in a distinct interpretation of an imposed physical border.[31] Communities had a broad comprehension of the extent of the region where they could cultivate crops and/or raise livestock, but this concept was influenced by population characteristics and was always changing.

Europeans introduced a philosophy of private ownership that transformed the flexibility of land use, established permanent boundaries, and restricted claims to property. While many Africans were compelled to adopt the concept of ownership, they typically did not abandon their previous beliefs in the rights of access and use based on cultural traditions of reciprocity. These customs permitted them to use other land as necessary, as long as it was not a permanent occupation. This perspective on borders may explain the inadequate upkeep and administration of national boundaries by Africa's sovereign nations. However, the refusal to acknowledge colonial territorial delineations was most prominently demonstrated at the community level, where groups intentionally took advantage of undefined or poorly defined boundaries.[32]

Despite the recognition of the arbitrary nature of Africa's colonial borders, the Organization of African Unity chose to avoid potential conflicts by accepting the legal validity of these boundaries in July 1964. This decision was made during the Cairo Summit when resolution AHG/Res.16(1) was adopted.[33] This resolution bound African states to “respect the borders existing on their achievement of national independence”.

[31]J. A. Mbembe and Steven Rendall. "At the edge of the world: Boundaries, territoriality, and sovereignty in Africa." *Public culture* 12, no. 1 (2000): pp.259-284., p.262.
[32]Jacob A. Ogalo, (2017). *Op. Cit.*, p.89.
[33]National Archives Entebbe, correspondence from Colonial Secretary to E.A Commissioners, file no. A4/122, 1901.

For more than 45 years, the decision made by the Organization of African Unity (OAU) has upheld a "false peace" regarding border disputes. Despite the widespread acceptance and frequent citation of this resolution, several border disputes have persisted between African states. Examples include conflicts between Kenya and Somalia, Kenya and Sudan, Cameroon and Nigeria, and China and India.[34] In recent times, the African Union has made the decision to uphold the perception of the independence of colonial borders and prevent potential chaos by embracing a policy that urges its member nations to "adhere to the borders inherited upon gaining independence." This statement aims to mitigate disputes, but fails to tackle the ongoing challenge presented by borders that are still uncertain or poorly defined. The resolution of the Organization of African Unity, reaffirmed by the African Union, is founded on an erroneous comprehension of the relationship between peace and borders.

Victor Owhotu argues that the idea of a boundary is a constantly changing and unstable matter, as it is closely connected to essential elements of identity, sovereignty, jurisdiction, and self-preservation.[35] Sovereignty is the determining factor in defining state boundaries. Laremont contends that the absence of state consolidation, ineffective political institutions, and inadequate nationalist projects increase the probability of instability and the outbreak of civil conflicts. According to Laremont, stable governments are typically formed once relatively stable boundaries have been established.[36]

This has significant consequences for the current political landscape of the region. The lack of clear, defined, controlled, and maintained borders in Eastern Africa poses

[34]Ibid
[35]Ibid
[36]Jacob A. Ogalo, (2017). *Op.Cit.,* p.89.

a significant security threat to all governments in the region. Unconsolidated boundaries indicate the presence of weak states that do not have the ability or the determination to rectify mistakes made during the colonial period. The marginalization and absence of effective governance in frontier territories in Eastern Africa has resulted in instability, particularly when combined with irredentist or separatist aspirations.[37] The existence of mineral resources in these border regions exacerbates this volatility. By the conclusion of 2009, it is evident that the majority of governments in the region lack complete authority over their territory or inhabitants. In addition to their incapacity or reluctance to establish stable boundaries, governments in the region also encounter significant challenges in upholding law and order and delivering public services and goods.

Establishing and validating boundaries would undoubtedly enhance the progress of state institutions, but, the absence of efficient state institutions makes it challenging to establish and legitimize boundaries.[38] The Eastern African states' lack of attention towards borderlands has resulted in a reduction of their sovereignty. Hence, it is imperative to reinstate state sovereignty beyond the confines of capital cities and significant urban centers. It is necessary to establish a connection between the state and underprivileged groups in remote border areas. Warlords like Laurent Nkunda have taken advantage of the absence of a functioning government that has been unable to establish control over a region rich in natural resources. Additionally, they use the border to access and exploit these riches in order to carry out their military campaigns.[39]

[37]Ibid., p.89.
[38]Ibid., p.89.
[39]W. Okumu, (2010). *Op. Cit*, p.283.

The primary concern with Lake Victoria, namely between Kenya and Uganda, is how the three neighboring nations can effectively govern it as a shared resource to promote regional development. Over the past five years, Uganda and its neighboring countries have been engaged in a significant disagreement on the reason behind a 1.5-meter decrease in the water level of the lake between 2004 and 2006.[40] Moreover, Tanzania and Kenya have accused Uganda of exacerbating the decrease in the lake's water level by excessive drainage for hydroelectric power generation. Conversely, Uganda has attributed the loss to the effects of climate change.

In July 2008, Uganda was accused of engaging in a clandestine deal with Egypt to augment the flow of water into the Nile in order to satisfy Egypt's growing demands. Uganda's neighbors considered this action to be a breach of the Nile Basin Initiative, which is a series of negotiated agreements from 1902, 1929, and 1957 aimed at promoting collaboration among the nations that share the Nile River: Burundi, the DRC, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Tanzania, and Uganda. Tanzania and Kenya expressed their concerns due to Uganda's construction of a new hydropower station, the Kiira plant, which has a capacity of 200 megawatts. This plant was built beside the existing Narubare facility, which has a capacity of 180 megawatts and was previously known as Owen Falls, in the year 2000.[41]

The conflicts in Lake Victoria serve as a demonstration of the absence of regional agreements about the distribution of cross-border natural resources, such as water and fish.[42] Since 2003, the utilization of lake resources has been more and more controversial, leading to multiple situations where fishermen have been harassed and

[40]Ibid., p.284.
[41]Ogalo, A. J. (2017). *Op.Cit.*, p.91.
[42]National Archives Entebbe, boundaries of East Africa file no. A4/104, 1926.

detained for allegedly encroaching on the territorial waters of neighboring countries.[43] The lake serves as a primary means of sustenance for several populations in all three nations. Therefore, it is acknowledged that there is a need to establish a mutually managed resolution for the lake's resources. However, it is also understood that establishing and demarcating distinct boundaries on the lake has significant challenges. In November 2008, the fisheries ministers of Kenya, Uganda, and Tanzania convened a meeting where they reached an agreement to delineate the boundaries in Lake Victoria using highly visible markers. However, there was limited advancement in this matter until the eruption of conflicts over Migingo Island, which nearly pushed the two neighboring countries to the verge of war in 2009.[44]

Upon the commencement of the ownership dispute concerning Migingo Island, the majority of onlookers promptly recognized it as a fervent competition for control over the Nile Perch. Migingo Island, although small and rocky, is strategically situated in a fish-rich area of Lake Victoria. This makes it a vital source of income for thousands of Kenyan fishermen from the neighboring communities in western Kenya. These fishermen have utilized the island for both the transportation and dehydration of their fish catch, resulting in the establishment of a prosperous industrial fishing town on this small, desolate rock.[45]

Moreover, Kenya and Uganda have yet to agree on demarcating Lake Victoria and establishing on which side of the border this tiny island of Migingo lies, but the quarrel over the location and ownership of Migingo has drawn attention to those questions already highlighted in this literature the history of boundary-making, the poor definition of Eastern African boundaries, the challenges of managing and sharing trans-boundary resources and the lack of mechanisms to address border disputes in the

[43]Pontian Okoth Godfrey, (2010). *Op. Cit.*, p.192.
[44]Ibid., p.192.
[45]Ibid., p.193.

region.[46] Lake Victoria's wider boundary problems and resource disputes also remain to be resolved, and Migingo serves as a timely example of how these issues can so easily erupt into serious conflict.[47]

Several other border areas in this region, including Mulwanda, Lwakhakha, Lokitanyala, Busia, and Malaba, are expected to be sources of political issues in the future.[48] The Elemi triangle is considered to be very volatile and unstable, and there is a potential for a dispute involving four main parties - Kenya, Uganda, Ethiopia, and Southern Sudan. This is particularly true if the reports of oil discoveries in this area, which has been a subject of long-standing disagreement, turn out to be true. Kenya has accused Uganda of meddling with their shared border north of Mt Elgon, namely in relation to mining development and reports of lucrative resources. The border between Kenya and Somalia will remain tense and prone to cross-border insecurity due to the political situation in Juba land. Additionally, the presence of rumors about oil deposits in the Mandera area and ongoing mineral explorations in Kenya's north-eastern region are likely to strengthen Somali territorial claims and increase Kenya's concern for border security in this area.[49]

The discovery of oil also poses a risk of escalating conflict in the Ruvuma basin, where Tullow Oil holds rights to investigate and exploit gas and oil reserves in the Tanzanian area. Tullow considers the Ruvuma Delta Basin, which is shared by Tanzania and Mozambique, to have geological similarities to significant delta systems including the Niger Delta, Mahakam Delta, and the Gulf of Mexico. Tullow asserts that this vast region offers significant opportunities for the discovery of hydrocarbons,

[46]Ibid., p.193.
[47]Ibid., p.194.
[48]Nugent, Paul. "Border towns and cities in comparative perspective." *A companion to border studies* (2012): 557-572., p.562.
[49]Ibid., p.565.

attracting the interest of big oil and gas corporations.[50] The existence of a public agreement between the two countries for collaborative exploration of these natural resources is unknown. The exploration of these resources may be hindered by the dynamic river estuary boundary, which has undergone multiple course changes.[51]

Boundary disputes in Eastern Africa sometimes existed before the discovery of natural resources, but they have been significantly heightened by the current surge in explorations.[52] The literature demonstrates that the discovery or increased utilization of trans-boundary resources in Eastern Africa has a significant likelihood of leading to border disputes. Border events, such as those occurring over the Rukwanzi and Migingo Islands in Lakes Albert and Victoria, serve as indicators of potential confrontations across borders, as underdeveloped nations struggle to meet the fundamental requirements of their growing populations.[53] Currently, there are no defined or operational regional structures in existence to effectively deal with these problems. In addition to the requirement for states to enhance their governance systems and for leaders to judiciously allocate national resources for the welfare of the people, organizations like the African Union, the Inter-governmental Authority on Development, and the East African Co-operation must also develop or reinforce their abilities to manage cross-border conflicts in the region.[54] These institutions, in conjunction with the governments, should proactively undertake the task of defining and marking borders in the region as a preventive precaution against conflicts. These experiences are similarly prevalent along the Kenya-Uganda borders on the mainland,

[50]Ibid., p.569.
[51]Ibid., p.570.
[52]Okumu, Wafula. "Resources and border disputes in Eastern Africa." *Journal of Eastern African Studies* 4, no. 2 (2010): 279-297.
[53]Ibid., p.279.
[54]Ibid., p.279.

encompassing aspects such as border security, commercial ties, and diplomatic connections. This study examined the historical relationship between border security and economic and diplomatic relations between Kenya and Uganda starting from 1902.

1.3 Statement of the Problem

Precolonial Africa had good economic and diplomatic relations between and among neighboring communities. Sometimes they could disagree and could fight but that was not forever. Through negotiations and commercial activities, diplomatic relations have ensued. With the onset of colonialism, Africa was balkanized into spheres of influence or colonies. The drawn boundaries affected the relationship between communities at the border leading to decline of good economic and diplomatic relations that existed earlier. Due to balkanization, the Iteso were divided, some remained in Kenya and others in Uganda. The Turkana and the Karamojong who grazed together each was found on either border. The Samia were also divided, thus today, some are found in Kenya and others in Uganda. Lake Victoria as a resource was also demarcated for Kenya and Uganda. These divisions created room for conflicts.

At independence, the colonial boundaries continued creating restrictions on trade across the borders. However, these restrictions could not stop illicit cross border trade because of the porous borderline. Furthermore, conflicts, especially cattle rustling between communities living on either side, especially Turkana and Karamojong, have been rampant causing security problems. On top of that, the president of the time influenced the economic and diplomatic relations. For example, during the Idi Amin regime, security on the border was affected as well as during the civil wars in Uganda.

More recently, in 2009, there has been the issue of Migingo Island that nearly jeopardized Kenya-Uganda relations. However, despite some researches done between Kenya and Uganda, none of them have not and if any, very minimal have interrogated the historicity of border security and econo-diplomatic relationship. It is on this basis that this study has interrogated a history of border security and econo-diplomatic relations between Kenya and Uganda since 1902.

1.4 Objective of the Study

This section has both the general and specific objectives which are derived from the variables of the study.

1.4.1 General Objective of the Study

The general objective of the study was to interrogate the history of border security and econo-diplomatic relations between Kenya and Uganda since 1902.

1.4.2 Specific Objectives of the Study

The specific objectives of the study were to:

i. Trace the history of border security and econo-diplomatic relations between Kenya and Uganda from 1902 to 1962.
ii. Assess border - security and economic relations between Kenya and Uganda since 1962.
iii. Examine diplomatic relations between Kenya and Uganda since 1962.
iv. Evaluate the challenges and opportunities relating to border security and econo-diplomatic relations between Kenya and Uganda since 1962.

1.5 Research Questions

The study derived research questions from each specific objective as follows:

i. How was the history of border security and econo-diplomatic relations between Kenya and Uganda from 1902 to 1962?
ii. What is the state of border - security and economic relations between Kenya and Uganda since 1962?
iii. How has the state of diplomatic relations between Kenya and Uganda been since 1962?
iv. What are the challenges and opportunities relating to border security and econo-diplomatic relations between Kenya and Uganda since 1962?

1.6 Scope of the Study

The study is about the history of border security and econo-diplomatic relations between Kenya and Uganda since 1902. This is because, in 1902, there was the transfer of a portion of territory from the Uganda Protectorate to the East Africa Protectorate (which later became Kenya). This transfer involved the region known as the Eastern Province of Uganda, including areas around Mount Elgon and what is now the western part of Kenya. Carrying out a study on security and econo-diplomatic relations from a historical perspective is crucial in understanding the growth, impact, and challenges over time in Kenya-Uganda relations. The study was conducted majorly along the Kenya-Uganda border of Busia Kenya and Busia Uganda. The research focused on matters to do with security, econo-diplomatic relations in bilateral terms. The research took a period of up to six months in data collection and making analysis of data, interpretation and discussions, upon the grant

of permission by NACOSTI, MMUST-DPS, Research Ethics Commission-Makerere University and other relevant authorities linked to the area of study.

1.7 Limitations of the Study

Like any other research, the study encountered several constraints during data collection. These constraints ranged from fading memories of informants, poor documentation, uncooperative informants, and access to archival sources and to vastness of the area that comprises the border of the two countries. The researcher helped the informant to remember some information through questioning and cross examination as well as linking them to some aspect that helped them to remember challenges and opportunities of the border security, economic and diplomatic relations between Kenya and Uganda. In some cases, it was necessary to inquire from other people who were able to remember and provide or expande on the same information via snowball sampling strategy.

In areas of poor documentation, the researcher and the research assistant collected and put together any information that helped in reconstructing the history of security, econo-diplomatic relations between Kenya and Uganda. On access to archival sources, the researcher visited the national archives of Kenya and National resource centre and archives in Uganda in order to search for materials that have relevant information that aided in the success of this research. On the vastness of the area of study, the researcher worked with the sampled population that is at the epicenter of the border. This made the researcher collect adequate data.

In Uganda, the researcher experienced several obstacles. The researcher was denied access to the Uganda National Resource Center and archives even after complying with all the research requirements from Uganda National Commission of Science and Technology. Harrassment from the officials of Research ethics Commission

accelerated the obstacles further. Additonally, the commission wanted to control the research tools and prevent the researcher from conducting oral interviews and only be restricted to secondary data. Due to this, the researcher sought help from Makerere University, department of History where the researcher sought archival material from the institution which informed the study.

1.8 Justification of the Study

Research justification refers to the rationale for the research, or the reason why the research is being conducted. It also includes an explanation for the design and methods employed in the research.[55] The rationale should, therefore, answer the need for conducting the said research.[56] The study was justified in three ways, academic, policy and philosophical justifications.

1.8.1 Academic Justification of the study

Studies have been carried out in international relations between Kenya and eastern Uganda. In economic, security and diplomatic terms, Okoth examined international relations between Western Kenya and Eastern Uganda and looking east.[57] The study, therefore, recognized that there exist literature focusing on security, economic and diplomatic relations between Kenya and Uganda since 1902.

Furthermore, Peter Wekesa, in a chapter of the works of James Currey, *Borders and Borderlands as Resources in the Horn of Africa*, discusses how State borders are more than barriers.[58] The author narrates that they structure social, economic and political spaces and as such provide opportunities as well as obstacles for the communities

[55]Given M. Liza, *The SAGE Encyclopedia of Qualitative Research Methods,* California: SAGE Publishers, (2008), p.1205.
[56]Ibid., p.1205.
[57]Pontian Okoth Godfrey, (2008). *Op. Cit*., p.78.
[58]Peter Wekesa Wafula. (2004). Magendo and Survivalism; Bukusu-Bagisu Relations and Economic Ingenuity on the Kenya-Uganda Border 1962-1980, in James Currey, *Borders and Borderlands as Resources in the Horn of Africa*, Woodbridge, Boydell & Brewer Limited, p.151-166., p.154.

straddling both sides of the border. In his works, he dealt with the conduits and opportunities of State borders in the Horn of Africa and investigated how people who were living there exploited them through various strategies.

In Wafula's work, the depth of Kenya and Uganda in issues to do with border security and econo-diplomatic relations has not been fully attended to. Kimokoti in her works writes that, the new, emerging sovereignty regime among "Third World" states after the period of decolonization, have been exacerbated by ethnic divisions and the struggle to capture the benefits of finite resources majorly along the borders. The exploitive and inequitable management of natural resources has been a pervasive feature of the degenerative trends of the eco-system and environment.[59] Within this context the potential for conflict over nonrenewable resources is immense. That is why this study looked forward to use the knowledge of Kimokoti to address the issues to do with border conflicts.

The research addressed gaps and hence contributed knowledge to both countries. The study inspires scholars and researchers to carry out related studies elsewhere. The study was chosen because Kenya and Uganda have co-existed for a long time and security and econo-diplomatic relation, have existed since time in memorial. The study aimed at identifying the challenges and opportunities that exist in security, economic and diplomatic relations, between Kenya and Uganda. Moreover, the study is important as it adds to the existing literature for the academicians in the field of border security in Kenya, Uganda and other countries that experience cross-border challenges in security and econo-diplomatic relations.

[59]Sussy Kimokoti, P. Godfrey Okoth and Edmund Were, Challenges and Opportunities in Managing Inter-Territorial Border Natural Resource Use Conflict Between Kenya And Ethiopia; The *International Journal of Social Sciences and Humanities Invention,* Vol.3. Issue 6, (2016). pp.2330-2341, p.2338.

1.8.2 Philosophical Justification of the study

This study was anchored on interpretivism research philosophy. One of its main proponents is Max Weber, a German sociologist who lived in the late 19th and early 20th centuries. Weber's work emphasized the importance of understanding social action through the subjective meanings individuals attribute to their behavior. In this study therefore, Interpretivism serves as a crucial research philosophy in exploring the intricate history of border security and economic-diplomatic relations between Kenya and Uganda since 1902. This approach is aptly suited to unpacking the subjective interpretations and diverse perspectives that underpin historical events and interactions between the two nations.

Max Weber, a prominent figure in the development of interpretivism, emphasized understanding social phenomena through the subjective meanings individuals attribute to their actions. His work, "*The Protestant Ethic and the Spirit of Capitalism"* published in 1905, laid the groundwork for interpretivist approaches in historical research by advocating for an exploration of human motivations and interpretations. In applying interpretivism to this historical context, researchers utilize qualitative methods to delve into the nuanced narratives and subjective experiences of individuals and communities affected by border security measures and diplomatic relations. Archival research, examining historical documents and official records, provided insights into the motivations and perceptions driving border policies and diplomatic interactions. Oral history interviews further enriched the narrative by capturing firsthand accounts of individuals who have lived through these events, offering diverse perspectives on their experiences.

Interpretivism also allows for an examination of the cultural and contextual factors that have shaped border security and econo-diplomatic relations between Kenya and

Uganda. Scholars can analyze how colonial legacies, ethnic identities, nationalist movements and economic interests have influenced policies and interactions over time. By situating historical events within their socio-cultural milieu, interpretivist approaches offer deeper understanding of the underlying drivers and implications of these dynamics. Moreover, interpretivism promotes reflexivity, encouraging researchers to critically reflect on their own biases and assumptions throughout the research process. By acknowledging the subjective nature of historical inquiry and the influence of the researcher's perspective, scholars can enhance the transparency and validity of their findings.

In conclusion, interpretivism provided a comprehensive framework for investigating the history of border security and econo-diplomatic relations between Kenya and Uganda since 1902. By emphasizing objective interpretations, qualitative methods, and contextual understanding, interpretivist research offers valuable insights into the complex and multifaceted interactions between these two nations over the years.

1.8.3 Policy Justification

The findings of the study are instrumental to government agencies of both countries to adopt best practices in combating cross-border security issues, economic and diplomatic relations in Kenya and Uganda. Such practices can be applied through drafting of various policies to enhance its successes. The recommendations of this study might be instrumental in ending or changing the dynamics of these three key pillars that this research has unravelled. The findings of this study may help policy makers in decision making on security and econo-diplomatic relations between Kenya and Uganda since 1962. It highlights challenges related to the inequality and hence promote policies that are sensitive and critical to security and econo-diplomatic

relation between Kenya and Uganda since 1962 hence enhancing effectiveness and efficiency.

It is also crucial to policy makers as will advance policy adjustment on efforts to manage cross-border security challenges. Policy makers may be able to identify weak points of policies practiced earlier either on a national or regional level and embark on relevant changes that may bring about effective results in solving border security challenges along Kenya-Uganda border thereby improving econo-diplomatic relations between both countries.

1.9 Significance of the study

This study is imperative to different categories of various personnel as follows: it will help policy makers to have a background of improving their current laws that will be guiding the border operations between Kenya and Uganda in order to ensure a viable society that applies the rule of law in their daily activities. Additionally, the study adds to the existing literature to be reviewed by future researchers whose studies are similar to the current research. In this case, it provides a background of the many research works universally in the field of diplomatic history. Lastly, the study underscores the importance of diplomatic history in enhancing peace and security in relations between Kenya and Uganda via the spirit of good neighborliness.

1.10 Theoretical Framework

This study was guided by two theories. These are interdependence theory and bureaucratic theory. The two theories were backed up and supplemented by the explanation of the use of track one and a half as used by Okoth, Were and Kimokoti, in their work; *Challenges and Opportunities in Managing Inter-Territorial Border Natural Resource Use Conflict Between Kenya and Ethiopia.*

1.10.1 Interdependence Theory

Interdependence theory was put forth by Robert Keohane and Joseph Nye in the 1970s. From their works, it is posited that even a casual review of the myriad arguments regarding interdependence and conflicts indicates that a wide variety of causal mechanisms have been stressed.[60] From this welter of plausible hypotheses, the study draws one simple conclusion: as long as scholars focus primarily on establishing whether these factors are systematically related, there are various theories to fit the results of almost any empirical study.[61] Also, Keohane and Nye opined that relations through trade could be pivotal to national development. International organizations such as World Trade Organization and International Monetary Fund facilitate international cooperation.[62]

The researchers reported that these internationally established regimes could enhance the benefits realized by bilateral deals by providing verified information about how different nations honor trade agreements through monitoring and reporting on compliance requirements. This would ensure that no nations are exploited and minimize the occurrence of conflict.[63] Keohane and Nye came up with three characteristics of this theory; to begin, is the being the existence of multiple channels between government and non-government elites.[64] Additionally, the absence of a hierarchy of issues meant a lack of military domination. Lastly was the non-use of military force by the government towards other governments in the region.

Liberalist thinking avers that countries can achieve greater cooperation by increasing ties in certain key fields such as trade and inter-regional collaborations and use these

[60]Robert O. Keohane and Joseph S. Nye. "Power and interdependence revisited." *International organization* 41, no. 4 (1987): 725-753., p.729.
[61]Ibid., p.727.
[62]R. Keohane, and J. Nye. "Power and Interdependence (Glenview, IL: Scott, Foresman & Company)." (1989): 8-15., p.12.
[63]Ibid., p.9.
[64]Ibid., p.9.

links to promote peace and initiate mechanisms for conflict resolution.[65] Greater attention, therefore, needs to be focused on specifying and testing the observable implications of particular causal mechanisms advanced in theories of interdependence. Doing so is likely to facilitate a better understanding of why and how economic exchange influences the outbreak of armed conflicts.[66] Three areas deserve particular attention in further theoretical development: the identification of relevant actors (subnational, national, and supranational), strategic interactions between these actors as they pursue their goals, and the role played by international economic ties in the processes of conflicts generation and conflict escalation. The research considered these areas in turn.

Taking this theory as a whole, the list of relevant actors would seem quite large. Armed conflict between states has been linked in various theories to the interests of consumers, farms, industries, interest groups, national leaders, supranational institutions, and markets. Some arguments are cast at the subnational level of analysis, for example, the widespread claim that farms and consumers have vested interests in commerce that lead them to restrain the state when conflicts is on the horizon lest hostilities rupture important economic ties. Other arguments are cast at the state level, as when it is argued that economic dependence motivates leaders to satisfy material needs via conquest rather than trade. Still another set of claims focuses on the dyadic level of analysis, for example, positing that the extent and asymmetry of interdependence between states influence the likelihood that they will resort to force.[67] Finally, a number of different causal explanations are pitched at the supranational or systemic level of analysis. Among these explanations are those trades' organizations that reduce the likelihood of armed conflicts among members, that heightened global

[65]Ibid., p.10.
[66]Ibid., p.13.
[67]Ibid., p.13.

trade reduces the prospects of war throughout the system, and that the anticipated negative response of capital markets to war gives national leaders pause before they resort to the sword. As purportedly relevant, actors can be found at all levels of analysis, the choices made by different theories correlate with different schools of thought.[68]

Realist explanations tend to view the state as the only relevant actor while liberal explanations tend to focus on subnational and supranational actors. What we lack are more fully articulated models that clearly define the relevant actors and describe how their interests and actions link interdependence to conflict. Especially important in this regard is the need to explain how the subnational actors like consumers, farms, or industries influence security policy. Surely the ability of these actors to do so depends on the domestic political institutions through which their interests are altered, a factor given short shrift in most liberal explanations.[69]

In his work, Beth Simmons argues that liberal claims regarding the pacifying effects of trade pax mercatoria, as she calls it will remain incomplete pending the development of a theory of the state that links private commercial interests to public choices about the resort to arms.[70] In conjunction with Simmons's analysis, Gelpi and Grieco argue that democratic institutions and their associated constraints on national leaders may be a necessary condition for economic interdependence to inhibit conflict. Solingen offers a more complex picture in which the integration of a state into the global economy shapes the interests of varying domestic coalitions. These groups then pursue foreign policies, either passive or aggressive, to attain their goals.

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[68]Ibid., p.14.

[69]Edward D. Mansfield and Brian M. Pollins. "The study of interdependence and conflict: Recent advances, open questions, and directions for future research." *Journal of Conflict Resolution* 45, no. 6 (2001): 834-859., p.840.

[70]Ibid., p.835.

Besides the need to specify the interaction between state actors and societal interests more fully, there is also a need to specify how interdependence influences the process through which wars break out.[71] It is widely recognized that wars occur in at least two stages: the outbreak of a dispute between states and the escalation of this dispute to the point where force is applied.[72]

Existing studies have provided considerable insight into how economic exchange influences the outbreak of conflicts. However, they have furnished little insight into how economic interdependence influences the escalation of disputes.[73] One possibility is to build on the argument that armed conflicts is a consequence of failed interstate bargaining and to link economic ties between nations to the bargaining process. In this vein, interdependence could be viewed as a signal sent in the course of bargaining, the costliness of which is related to the extent of economic exchange between states or the difficulty either state would face in foregoing their economic connections.

It might then be feasible to specify the point where a state's non-commercial interests (for military advantage, say, or defense of the homeland) overcome any effect of trade on hostilities. James D. Morrow's contribution to this volume revisits these points and offers further directions for theoretical development. Erik Gartzke's presents an interesting variation on this theme of interdependence, conflicts, and "signaling" in strategic interactions. According to Gartzke, highly interdependent states rarely engage in full-blown war because the costs of doing so are prohibitive. If, however, these states realize that war is unlikely, each one may be tempted to engage in acts of brinkmanship against the other(s) to meet its foreign policy goals, since it can rest assured that these acts will not provoke a military reprisal.[74]

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[71]Katherine Barbieri and Gerald Schneider. "Globalization and peace: Assessing new directions in the study of trade and conflict." *Journal of Peace Research* 36, no. 4 (1999): 387-404., p.390.
[72]Glenn H. Snyder and Paul Diesing. "Conflict among nations." *Princeton: Prince* (1977)., p.19.
[73]E. D. Mansfield & B. M. Pollins, (2001), *Op. Cit,* p.394.
[74]Ibid., p.394.

This scenario implies that interdependence might foster a great deal of low-intensity conflicts but that such conflict is unlikely to escalate, thereby helping to reconcile the claims of realists and neo-mercantilists, on the one hand, and liberals, on the other these points are only suggestive. But addressing such issues-all of which involve improving the specification of causal processes-would enrich and deepen our understanding of the interdependence-conflicts relationship. To date, neither liberals nor realists have paid much attention to identifying the conditions under which their claims hold.

Instead, arguments about the relationship between interdependence and conflicts typically have an air of universality, applying to all actors in all times and places. Yet the contradictory empirical results generated by recent studies suggest that this relationship is more complex than such arguments imply. Moreover, a growing body of empirical literature indicates that the effects of economic exchange on the outbreak of hostilities depend on various domestic and international factors. Devoting more attention to these interaction effects is another important step in promoting a fuller understanding of the interdependence-conflicts connection.[75]

In their contributions to this study, Arthur A. Stein, Jack S. Levy, Gregory D. Hess, and Mansfield analyzed some of the contingencies in the relationship between economic exchange and hostilities. Stein draws attention to the contradictions embedded within any trading relationship (for example, that it contains both cooperative and coercive dimensions) and uses this as a starting point to argue that trade may lead to either conflict or peace under conditions that still await specification. Levy argues, inter alia, that the "trade breeds peace" proposition must be contingent on conditions not identified by the liberals since we live in a world where security interests may trump economic gains.

[75]Ibid., p.395

While using a standard, liberal economic framework, Hess shows that interdependence may result in varying equilibrium levels of conflict from a "Kantian peace" to "good wars," depending on conditions that are once again absent from standard treatments in the literature. Finally, Mansfield argues that the effects of trade flows on conflict are conditioned by the international institutional setting in which foreign commerce is conducted. As noted earlier, theoretical arguments about the interdependence-conflict connection usually are silent on whether their claims are bounded with respect to space or time. Yet the influence of economic exchange on the use of force seems to have changed over time. Many studies have found that heightened trade has inhibited conflict during the period since World War II, and some observers have arrived at similar conclusions based on analyses of the nineteenth and twentieth centuries. John R. Oneal's provides some additional evidence of this sort.

However, other studies focusing on the seventeenth and eighteenth centuries point out how the expansion of major power trade networks within a discriminatory, mercantilist framework aggravated commercial rivalries and sometimes stimulated armed conflict.[76] Commerce, therefore, has expanded during the past four centuries within two different policy contexts: initially embedded in a more state-directed and imperialist environment during the mercantilist era and later within a more liberal economic regime. Few studies have addressed whether this shift generated a change in either the nature or the strength of the relationship between interdependence and conflict. Instead, large-N studies have focused almost exclusively on the past half century and have largely ignored whether and how the effects of interdependence have changed over time. Taken as a whole, case studies of this relationship have

[76]Kalevi J. Holsti, "War, Peace, and the State of the State." *International political science review* 16, no. 4 (1995): 319-339., p.322.

addressed a much longer period. But even these analyses tend to center on the twentieth century,[77] primarily because much of the historical work on the links between interdependence and hostilities addresses World Wars I and II.

Important as those wars were, however, it is not clear that they are the best testing ground for theories of these links. One reason is that the primary participants in the world wars were major powers, states that generally had large and relatively well-diversified economies and, as such, were less dependent on economic exchange than their smaller counterparts. Interdependence therefore may have a less pronounced influence on conflict between major powers than on disputes between weaker states. Recent research indicates that the effects of interdependence are conditional on more than just the political power of economic partners. As Mansfield's discusses, one set of studies found strong evidence that heightened trade flows inhibit the outbreak of military disputes between members of preferential trade arrangements institutions designed to liberalize commerce among participants.[78] In contrast, these same studies found no evidence that trade influences the resort to force among countries that do not belong to such arrangements.

Further, Levy and Ali conclude that the interaction among commercial rivalry, power relations, domestic politics, and other factors contributed to the friction between England and the Netherlands that bubbled over into war in 1652.[79] In the same vein, Peter Liberman reports that the effects of interdependence on belligerence during the first half of the twentieth century hinged on the offense-defense balance.[80] He further emphasizes that the influence of interdependence on foreign policy is contingent upon

[77]Dale C. Copeland, "Economic interdependence and war: A theory of trade expectations." *International security* 20, no. 4 (1996): 5-41., p.16.
[78]E. D. Mansfield & B. M. Pollins, (2001), *Op. Cit,* p.394.
[79]Jack S. Levy and Salvatore Ali. "From commercial competition to strategic rivalry to war: the evolution of the Anglo-Dutch rivalry, 1609–1652." *The dynamics of enduring rivalries* (1998): 29-63., p.31.
[80]Peter Liberman, "Ties that blind: Will Germany and Japan rely too much on the United States?." *Security Studies* 10, no. 2 (2000): 98-138., p.108.

the nature of economic ties between status quo and revisionist powers and whether political institutions within the status quo power allow median economic interests a prominent voice.

Finally, Havard Hegre has shown that domestic economic conditions mediate the impact of interdependence on the likelihood of bilateral hostilities.[81] Specifically, he ends that the liberal claim holds for nation-pairs comprised of advanced industrial societies, but not for developing countries. In short, these studies indicate that whether interdependence promotes or inhibits conflicts may depend on the interactions among various domestic and international factors. To date, however, the ways these factors mediate the relationship have not been addressed in much depth.

Additional research on this issue is sorely needed and should help identify the boundaries and limits of liberal and realist claims. More generally, too little attention has been devoted to specifying and justifying the appropriate temporal domain for studies of interdependence and hostilities, as well as the set of countries that should be included in empirical analyses.

1.10.1.1 The Conceptualization and Measurement of Interdependence and Conflict

Closely intertwined with the theoretical issues raised in the preceding section is a set of important questions concerning how to define and measure both interdependence and conflict. Various conceptualizations have been used, but the differences among them and the empirical implications of these differences have generated relatively little discussion. In this section, the researcher addressed the operationalization of interdependence and conflict.

[81]Havard Hegre, "Development and the liberal peace: What does it take to be a trading state?" *Journal of Peace Research* 37, no. 1 (2000): 5-30., p.8.

1.10.1.2 Conceptualizing Interdependence

In the field of international relations, “economic interdependence” has two meanings. To begin with, a group of countries is considered interdependent if economic conditions in one are contingent on those found in the others, for example, if inflation in France quickly places upward pressure on German prices.[82] There after, countries are considered interdependent if it would be costly for them to rupture or forego their relationship, as would be the case if relations between the Organization of Petroleum Exporting Countries and the advanced industrial countries (which rely heavily on petroleum imports) were severed. From the onset, this is generally referred to as sensitivity interdependence; then, the next part is typically referred to as vulnerability interdependence.[83] The key difference between sensitivity and vulnerability interdependence hinges on the costs that countries would bear should relations between them be disrupted. Although these forms of interdependence and the differences between them are fairly straightforward, developing adequate indicators of them is not. Ideally, distinct measures are needed for each of them because they often do not move in lockstep.[84]

While there may be extensive and complex economic connections between states (yielding a high level of sensitivity interdependence), they might not end it especially costly to replace these connections, either by expanding economic interactions with third parties or by making domestic economic adjustments (yielding a low level of vulnerability interdependence). Furthermore, the best measures of sensitivity and vulnerability interdependence involve information about a counterfactual situation, namely, what the costs would be to country A if economic conditions changed in or

[82]E. D. Mansfield & B. M. Pollins, (2001)., *Op. Cit,* p.397.
[83]David A. Baldwin, "Interdependence and power: a conceptual analysis." *International Organization* 34, no. 4 (1980): 471-506., p.485.
[84]Ibid., p.473.

relations were interrupted with country B. Difficulties obtaining reliable estimates of that situation complicate efforts to measure interdependence, but it is nonetheless important for studies of its effect on conflict to demonstrate awareness of these costs.[85]

1.10.1.3 Observing Interdependence

Economic interdependence has been measured in various ways, with most indicators being closely linked to the flow of international trade. In part, this reflects the paucity of data available on other forms of economic exchange.[86] Though varied, measures of interdependence usually emphasize one of three themes: openness, vulnerability, or gain. Openness indicators are based in one way or another on the ratio of trade to total economic output. They rely on the idea that the higher the fraction of total output crossing state boundaries, the more costly would be the interruption of such flow. Researchers who emphasize the vulnerability theme do not share the same level of consensus regarding measurement.[87]

However, they frequently rely on indicators of trade asymmetry. Typically, such indicators are constructed using the portion of trade (imports and/or exports) between a given pair of states, A and B, represented in the total trade of A and the total trade of B. The more these two figures differ, the greater the asymmetry between A and B. The gain theme is somewhat different. As Solomon W. Polachek points out, the micro theory underpinning the central liberal claim hinges not on trade flows, per se, but on the gains from trade.[88] At best, these gains can only be measured indirectly since,

[85]Ibid., p.473.
[86]Edward D., Mansfield, and Brian M. Pollins. (2001). *Op. Cit.*, p.848.
[87]Ibid., p.837.
[88]Solomon W. Polachek, John Robst, and Yuan-Ching Chang. "Liberalism and interdependence: Extending the trade-conflict model." *Journal of Peace Research* 36, no. 4 (1999): 405-422., p.409.

strictly speaking, they presume the observation of counterfactual condition (vis-a-vis., what total product would be if there was no cross-border trade).

Economists argue that the gains from trade are correlated with import (or export) price elasticity's, and Polachek has used this indicator in various studies. Unfortunately, the limited availability of price data has severely restricted the range of countries and years over which such elasticity's can be used. Polachek (forthcoming), however, recently reported that considerable progress is being made in the collection of such data, a promising development for researchers interested in the gain-from-trade dimension of interdependence.[89] Of these three main conceptualizations, openness has been the most widely employed by far in the literature on interdependence and conflict.

Mansfield. E. D uses such an indicator and finds that heightened global trade (as a percentage of global output) was inversely related to the frequency of war throughout the international system during the nineteenth and twentieth centuries.[90] Oneal and Russett employ a related measure in a series of studies cast at the dyadic level of analysis and also report results consistent with liberal claims. Similarly, at the unit level, William Domke concludes that nations more closely connected to the global economy are less likely to go to war.[91] Thus, studies based on the openness dimension of interdependence offer considerable support for the liberal view. It is frequently argued that the ratio of trade to output the leading indicator of commercial openness is a valid measure of both sensitivity and vulnerability interdependence.[92]This ratio does provide a useful measure of sensitivity interdependence, since it captures the extent to which trade partners' economies are intertwined.

[89]Ibid., p.407.
[90]E. D. Mansfield, & B. M. Pollins, (2001). *Op. Cit.*, p.397.
[91]William Kinkade Domke, *War and the changing global system*. University of Michigan, 1979, p.131.
[92]John R. Oneal, and Bruce M. Russet. "The classical liberals were right: Democracy, interdependence, and conflict, 1950–1985." *International studies quarterly* 41, no. 2 (1997): 267-293., p.269.

Its validity as an indicator of vulnerability interdependence, however, rests on the claim that as commerce between countries makes up a larger portion of each country's total economic output, it is increasingly costly for either partner to replace the trade conducted with the other. The basis of this claim can be questioned on three grounds. The size of the flow of trade between states (taken either by itself or as a percentage of national income) may not accurately reflect the costs to them if their economic relations were disrupted. Yet, as noted earlier, the magnitude of these costs is central to assessing the extent of vulnerability interdependence.[93] States trading heavily that can easily locate close substitutes for the goods being exchanged clearly are not very dependent on each other.

At the same time, states conducting little trade that would have great difficulty locating substitutes for the goods being exchanged may be highly vulnerable. In this light, it is interesting to note that Norrin M. Ripsman and Jean-Marc F. Blanchard, who focus on vulnerability by tracking trade in "strategic" goods, present results at odds with the liberal position.[94] Similarly, the indicator of interdependence offered by Katherine Barbieri, combines measures of the level of trade and trade "salience" (similar to trade concentration, which could be expected to correlate with a difficulty to find substitutes).[95] She reports a positive association between interdependence and conflict.

Another problem with measuring interdependence based on the ratio of trade flows between states to the national income of each trade partner is that this value tends to be highly correlated with each partner's economic size.[96] Moreover, it is well known

[93]R. O. Keohane, & J. S. Nye, (1987). *Op. Cit.*, p.725.
[94]Norrin M. Ripsman and Jean-Marc F. Blanchard. "Commercial liberalism under fire: Evidence from 1914 and 1936." *Security Studies* 6, no. 2 (1996): 4-50., p.32.
[95]Katherine Barbieri, "International trade and conflict: The debatable relationship." In *39th Annual Convention of the International Studies Association, Minneapolis, MN*, pp. 17-21. 1998., p.19.
[96]E. D. Mansfield, & B. M. Pollins, (2001). *Op. Cit.*, p.398.

that economically large states tend to be politically powerful and that powerful states are disproportionately likely to become involved in military conflicts. As such, it is important to control for the independent effects of national income in studies of conflicts that include the ratio of bilateral trade to national income; otherwise an inverse relationship between this ratio and hostilities might simply reflect the influence of national income alone. Finally, the "cost" conception of vulnerability may be too restrictive since some claims regarding interdependence and conflict center not on the economic consequences of disrupting commerce but rather on the security implications of dependency or highly asymmetric trade relations. Some realists, for example, argue that highly asymmetric interdependence may restrain the weaker partner in a dyad but is unlikely to deter the stronger partner from resorting to force should their strategic interests collide.[97]

Thus, economic ties between states may restrain only one party from resorting to armed force should dispute arise, while having no effect on (or possibly even inflaming the aggressiveness of) the stronger party. Meanwhile, some Marxist and world-systems scholars view asymmetric trade relations as innately exploitive and argue that this situation may heighten the prospect of conflict.[98] Empirical exploration of these possibilities within the interdependence-conflict research community is rare. Equally rare are empirical studies employing the gain conceptualization of interdependence, despite the centrality of the efficiency gains from trade to most liberal arguments, as well as to some criticisms of these arguments.[99] While the aforementioned "counterfactual measurement" problem is one reason for the infrequent use of this theme, economists argue that the gains from trade correlate with

[97]Albert O. Hirschman, *National power and the structure of foreign trade*. Vol. 105. Univ of California Press, 1980., p.19.
[98]Immanuel Wallerstein, *The politics of the world-economy: The states, the movements and the civilizations*. Cambridge University Press, 1984, p.70.
[99]Ibid., p.78.

import (or export) price elasticity's and often use this measure as a surrogate. Still, few scholars have incorporated such a measure in trade-conflict studies.

The nature of the key questions on which such studies focus rightly impels most researchers to include many countries in their analysis or to examine cases reaching back a century or more, but as noted earlier, the limited availability of price data makes this sort of wide-ranging inquiry virtually impossible. Nonetheless, future research needs to confront the implications of the gain dimension of interdependence, given its theoretical importance to debates in this field. Regardless of whether empirical studies stress openness, vulnerability, or gain, they almost always rely on trade data to measure interdependence. In many cases, this strategy seems to stem from an implicit assumption that other forms of economic exchange are highly correlated with trade flows.

The appropriateness of this assumption, however, is open to question, especially in an era when merchandise trade composes a dwindling fraction of all economic exchange. Further, it is not clear that all aspects of economic interdependence (commercial, capital and monetary) should have the same effect on hostilities.[100] A recent study by Gartzke, Quan Li and Charles Boehmer breaks new ground on this question by comparing the effects of international trade flows, monetary relations and the cross-border movement of capital.[101] More studies of this sort should follow.

Similarly, recent work suggests that considering both the international institutions that guide commerce as well as the flow of trade may enrich conventional measures of economic interdependence and add explanatory power to models of conflict.[102] Particularly important among such institutions are Preferential Trade Areas,

[100]Ibid., p.80
[101]Erik Quan Li Gartzke and Charles Boehmer. "Investing in the peace: Economic interdependence and international conflict." *International organization* 55, no. 2 (2001): 391-438., p.396.
[102]Ibid., p.395.

arrangements that can foster interdependence through variety of channels. The works by Mansfield argues that PTAs inhibit conflict among members and that these arrangements influence the relationship between trade flows and military disputes.

A related set of problems bearing on the use of trade flows to measure interdependence is data driven. In the work, both Barbieri and Russett discuss data issues that have affected the operational indicators of interdependence chosen by different researchers; the cases that are (or are not) included in their studies; and, by extension, the conclusions they come to.[103] These problems do not have simple solutions. As one example, the overwhelming number of studies analyzing the period since World War II, rely on the International Monetary Fund's Direction of Trade statistics on commercial flows.

The long period of time during which various socialist and less developed countries did not belong to the IMF generates considerable amount of missing data for Eastern Europe, the Soviet Union, China and many other states that need to be included in any comprehensive analysis of interstate conflict. Furthermore, trade data are quite spotty prior to the IMF's formation in the late 1940s, which has limited the temporal scope of much of the literature on the relationship between trade and conflict. There are also concerns about the IMF's treatment of missing data. Specifically, the Direction of Trade statistics do not distinguish between situations in which two states conduct no trade (or a trivially small amount of trade) in a given year and situations in which trade data is missing (either because the two states do not engage in trade or because no reportable information on the trade they do conduct is available).

Unfortunately, several key cases for conflict research involve dyads made up of states that engaged in trade, but whose commercial activities are not recorded by the IMF. East Germany and West Germany, Israel and its Arab neighbors, and apartheid South

[103] J. R. Oneal, & Russett B. (1999), *Op. Cit.*, p.426.

Africa and the “front-line states” are just some examples. This data limitation presents scholars addressing the relationship between trade and conflict with the dilemma of whether to treat all such observations as those in which no trade was conducted or as missing. Either choice ensures that some observations will be coded incorrectly. Calls for better measures of interdependence are hardly new. Indeed, considerable amount of ink was spilled over this issue few decades ago.[104] But relatively little has been done to heed such calls and the need for better measures of interdependence is pressing if we are to resolve debates over the relationship between interdependence and conflict. It is also noteworthy that scholars’ choice of theme openness, vulnerability, or gain seems to be strongly correlated with their position on the strength and nature of this relationship.

Supporters of liberal claims tend to employ indicators emphasizing the themes of openness and absolute gain, whereas supporters of realist and neo-mercantilist arguments tend to highlight the theme of vulnerability and relative gain. We are not implying that the larger debate reduces to this single dichotomy, but more attention needs to be devoted to assessing why certain indicators of interdependence seem to provide greater support for one set of theories than another set.

The history of border security and econo-diplomatic relations between Kenya and Uganda since 1902 exemplifies Interdependence Theory. Initially marked by colonial borders, their economic and diplomatic ties evolved through shared resources, trade and mutual interests. Interdependence Theory asserts that states' interactions are shaped by their interconnectedness, where actions of one affect the other. In this context, Kenya and Uganda's economic reliance, cross-border trade and diplomatic engagements illustrate how interdependence fosters cooperation while highlighting tensions and conflicts. Their historical narrative reflects the theory's premise of

[104]D. A. Baldwin (1980). *Op. Cit,* p.473.

intertwined interests driving interstate relations, influencing policies and shaping regional dynamics.

1.10.1.4 Conceptualizing Conflict

The influence of interdependence hinges not only on the form and facet of economic intercourse being analyzed but also on the type of international conflict being explained. Taken as a whole, research in this area has addressed an extremely broad spectrum of interstate conflict behavior, from hostile statements to full-scale war, while leaving unclear both theoretically and empirically whether economic interdependence should affect low-intensity conflict, high-intensity conflict, or both. Similarly, the question of how economic relations influence the escalation of political conflict remains open, as we discussed earlier.[105]

The problem is not that studies fail to define the type of conflict being analyzed: indeed, most empirical research is quite clear on that score. Rather, the problem is that the theoretical literature tends to be quite murky about what type of conflict should be analyzed and partly as a result, empirical studies tend to define conflict based on the data at hand. The upshot is that existing research focuses on wide range of different types of conflict and at least some of the disagreement in the empirical literature can be traced to these differences. The most ardent advocates of the liberal position would expect interdependence to inhibit political conflict at all levels of intensity, though much of the off-cited work by Immanuel Kant, the Manchester liberals and others centers on war.[106]

Realists, meanwhile, might readily concede that trade could suppress less salient interstate conflict, while denying any systematic effect as conflict become more

[105]Ibid., p.474.

[106]Sheldon Cohen, William J. Doyle, David P. Skoner, Bruce S. Rabin, and Jack M. Gwaltney. "Social ties and susceptibility to the common cold." *Jama* 277, no. 24 (1997): 1940-1944., p.1943.

serious, placing core national interests at stake.[107] Still other advocates of the liberal proposition might argue just the opposite. States may continue to voice their differences and perhaps even threaten sanctions or the use of armed force but domestic trade interests will restrain them from acting on such threats (thus preventing escalation to the highest levels of conflict) lest commerce be disrupted.[108] Once again, the theoretical literature is composed of so many different claims that almost any empirical result can be to some extent a theory.

Improving the micro foundations of theories linking interdependence to conflict and further specifying the contingencies and boundary conditions of these theories will certainly help matters. But more attention to the different types of interstate conflict is also required to resolve existing debates in this research community. Future work should explicitly consider the likely effects of interdependence on lower-intensity consist (trade disputes, sanctions, and threats of force), higher-intensity consist (mobilization, the use of armed force, and full-blown wars), and the escalatory and de-escalatory processes that move consists from one level to another.[109]

1.10.2 Bureaucratic Theory

Bureaucratic theory of management by Max Weber was used in this study especially on the inter-agency cooperation. Max Weber's management theory contains two essential elements which are structuring an organization or a group into hierarchy and positions with clearly defined roles and rules to govern. This is important because it prevents duplication of roles and calls for maximization of output. Different agencies carry out their own patrols and surveillance missions which can turn out to be uneconomical. Members of different patrol groups must be competent and well

[107]Ibid., p.1941.
[108]Ibid., p.1942.
[109]Ibid., p.1942.

trained because Max Weber calls for specialization and professionalism. Patrols groups must have one leader who the other members are answerable to which is called scalar of command.[110]

Inter-agency cooperation at the border may call for operational re-organization on the way tasks are shared at the border. This may mean that those agencies at the Busia one stop border post come under one authority for ease of operations. Max Weber advocated for comprehensive and detailed standard operating procedures for all routine tasks established to be undertaken.[111]

Max Weber was a German theorist, who believed that an organization or a group based on rational authority would be more efficient, flexible and adaptable to change than a fragmented one, this calls for the border authority to operate as a single unit but not fragmented. Max Weber envisioned organizations that would be managed on an impersonal, rational basis which meant that there were two entities in an organization the person and the organization. His biggest contribution was in the field of bureaucracy and how it made systems more efficient and effective.

Unlike many other people before him, Max Weber believed that the ideal type form of management especially in a government institution was bureaucracy. Max Weber believed that if carefully managed, a bureaucratic administration can lead to effective decision-making, optimum use of resources and successful accomplishment of organizational goals.[112] Basing on Max Weber's view, this study found significant value in addressing border security issues, particularly concerning surveillance and patrols along the Kenya-Uganda border. The theory provided comprehensive

[110]George A. Boyne, "Bureaucratic theory meets reality: Public choice and service contracting in US local government." *Public administration review* (1998): 474-484., p.478.
[111]Paul Gary Wyckoff, "A bureaucratic theory of flypaper effects." *Journal of Urban Economics* 23, no. 1 (1988): 115-129., p.117.
[112]Ibid., p.122.

framework for understanding the intricate dynamics at play, shedding light on the roles of various agencies from both countries.

By utilizing Weber's perspective, the researcher could discern both positive and negative effects on border security. On the positive side, it facilitated discussions and cooperation between agencies, leading to more coordinated efforts in ensuring border security. On the negative side, the study's reliance on bureaucratic structures may have overlooked emergent challenges such as transnational crime and terrorism. Nonetheless, Weber's theory remains instrumental in navigating the complexities of border security, offering acumens that aid in policymaking and collaboration between nations.

1.10.3 Justification of the theories in this Study

This study was supported by two theories for a robust historicization of the research topic. Interdependence theory enabled the researcher to explain how tensions and conflicts arise when resources, status and power are unevenly distributed between groups in society, for instances any society where they share a border. It also provided a room to explain how these conflicts may become the engine for social change in states that share a border. Above all this theory focuses on the competition among groups within society over limited resources. It also views social and economic institutions as tools of the struggle among groups or classes, used to maintain inequality and the dominance of the ruling class. This theory was unable to address matters to do with economic developments in the society as far as commerce is concern. Therefore, the mentioned limitation was mitigated by bureaucratic ideas in commerce which are used to explain why companies, countries, or individuals can benefit from trade. When used to describe international trade, comparative advantage

refers to the products that a country can produce more cheaply or easily than other countries.

On this basis, this theory enabled the study to examine the trading pattern and the mutuality in it between the two countries; Kenya and Uganda partnership. This is because the two countries produce goods which are of different quality and magnitude. It thus opened an avenue to note the economy's ability to produce particular goods or services at lower opportunity cost than its trading partners in the two countries at their border. However interdependence theory was not complete to address this topic if diplomatic relations was not observed. Therefore, this study was fully completed by employing the tenets of bureaucratic theory. It explained the nature of a complex organization that has multilayered systems and processes. It also enabled the researcher to unravel how the systems and processes that are put in place effectively make decision-making slow or faster and how they are designed to maintain uniformity and control within the organization. This clearly made the study to fully evaluate the status of the border society living between Kenya and Uganda.

1.10.4 Track One and a Half Diplomacy

Track One and a Half Diplomacy has been pivotal in this study. By blending formal governmental negotiations with informal, non-governmental dialogues, it has addressed complex issues flexibly and effectively. This approach has resolved border disputes, facilitated trade agreements, and enhanced cooperation on security matters. It allowed for creative, unofficial solutions while keeping official diplomatic efforts on track. Consequently, this hybrid diplomacy has fostered stability and economic collaboration, significantly shaping the bilateral relationship between Kenya and Uganda over the decades.

Therefore, Track One and a Half is a concept that has been used in conversations by many people in conflict resolution. The origins of the term "Track One and a Half Diplomacy" are elusive and its operationalization confusing. However, Susan Allen Nan, in her Ph.D Thesis writes: There is a type of conflict resolution effort that defies categorization with other types above (Track One and Track Two diplomacy), and is commonly called "Track One and a Half." This is the long-term unofficial facilitated joint analysis among negotiators, that Conflict Management Group conducted January 1996, May 1996, June 1997, and July 1998.[113] Inspired by Nan, and in an effort to operationalize Track One and a Half Diplomacy for The Carter Center interventions, Mapendere defined Track One and a Half Diplomacy, Public or private interaction between official representatives of conflicting governments or political entities such as popular armed movements, which is facilitated or mediated by a third party not representing a political organization or institution.

The aim of such interaction is to influence attitudinal changes between the parties with the objective of changing the political power structures that caused the conflict.[114] Nan defined Track One and a Half Diplomacy as "unofficial interactions between official representatives of states".[115] In 2005, Nan redefined Track One and a Half as "diplomatic initiatives that are facilitated by unofficial bodies, but directly involve officials from the conflict in question".[116] Nan's definitions are not dissimilar from Mapendere's definition in that the parties are official representatives, but facilitators are ordinary citizens. Therefore, the main feature that distinguishes Track One and a Half from Track One is that the third party is not a representative of a

[113]Susan Allen Nan, "The roles of conflict resolution scholars in Georgian–Abkhaz and Georgian–South-Ossetian conflict and conflict resolution." *Cambridge Review of International Affairs* 23, no. 2 (2010): 237-258., p.239.

[114]Jeffrey Mapendere, "Consequential Conflict Transformation Model, and the Complementarity of Track One, Track One and a Half, and Track Two Diplomacy." *Atlanta, GA: The Carter Center* (2000), p.16

[115]Ibid., p.9.

[116]Susan Allen Nan, (2010). *Op. Cit*, p. 255.

political institution. Pure Track One conflict resolution efforts are facilitated or mediated by government representatives or representatives of political institutions such as the United Nations and regional groups.

On the other hand the main feature that distinguishes Track One and a Half from Track Two is the parties to the process. In Track Two Diplomacy, the parties involved in the conflict resolution process are not official representatives of the conflicting sides, but influential citizens. This is not the case for Track One and a Half where the parties involved in the conflict resolution process are official representatives of the conflicting groups.

Therefore, Track One and a Half Diplomacy can also be called "hybrid diplomacy" because it is a cross-fertilization of Track One and Track Two that gives the third party diplomatic agility to flip from Track One to Track Two conflict resolution techniques in accordance with the situation. The Carter Center is an example of an organization that practices Track One and a Half Diplomacy. In December 1999, Former President Carter and his staff mediated between President Yoweri Museveni of Uganda and President Omar Hassan Ahmad al-Bashir of Sudan. This is a pure Track One and a Half activity because The Carter Center's involvement was not driven by a political institution's agenda but by its own philosophy.

By operating at a Track One and a Half level, The Carter Center has the advantage of applying an eclectic approach to international and ethnic conflict, such as the use of high-level diplomacy, private problem-solving workshops, direct mediation, interactive conflict resolution and other confidence- building interventions. In 1995 the Carter Center negotiated the "Guinea Worm Ceasefire" between the Government of Sudan and the Sudan People's Liberation Army/Movement in order to allow the

Carter Center to treat communities affected by the guinea-worm disease.[117] Again President Carter helped to neutralize the nuclear tension between North Korea and the United States. In 1994 similarly, President Carter together with Retired General Colin Powell prevented an imminent disastrous military confrontation between the Haitian military government and the U.S. government in 1996.[118] These activities are cited here not because they are the only Track One and Half activities undertaken so far in the field of international and ethno- political conflict, but because they have been widely documented.

Track One and a Half as a hybrid form of diplomacy can be conducted in various ways. It can be carried out privately in the same manner Track Two activities are conducted, or publicly like Track One Diplomacy. President Carter's intervention in Haiti in 1996 was carried out in the full awareness of the public and the media, whilst his go-between role in the North Korean- U.S. conflict in 1994 was private. The Sudan-Uganda mediations that were undertaken by the Carter Center from 1999 to 2003 were mostly private and confidential, except for the agreement signing ceremony in Nairobi. The decision to have a private or public Track One and a Half process cannot be prescribed, but is determined by the situation and the people involved.

1.10.4.1 Characteristics of Track One and a Half Third Parties

The uniqueness of Track One and a Half Diplomacy necessitates close examination of the characteristics of the third parties who practice this type of peacemaking. Track one and a half diplomacy combines elements of both official (Track One) and unofficial (Track Two) diplomacy. It involves semi-official actors like retired

[117]Robert T. Carter, *The influence of race and racial identity in psychotherapy: Toward a racially inclusive model*. Vol. 183. John Wiley & Sons, 1995, p.67.
[118]Ibid., p.67.

diplomats, academics and non-governmental organizations (NGOs) working alongside government officials to address conflicts. This approach allows for greater flexibility, creativity and inclusivity compared to traditional state-centric diplomacy (Track One). Track one and a half diplomacy leverages the expertise and networks of non-state actors while maintaining governmental legitimacy, facilitating dialogue, confidence-building measures and problem-solving. Its hybrid nature bridges the gap between official channels and civil society, fostering innovative approaches to conflict resolution and peacebuilding.

The most notable characteristic of these third parties is their international political visibility. Former Presidents Nelson Mandela and Jimmy Carter are people of great visibility because of the political posts they held. The Carter Center's International Council for Conflict Resolution roster is composed of similar eminent persons who are very suitable for Track One and a Half activities.[119] This characteristic carries with it influence and perceived power that enhances their leverage capabilities during negotiations. However, this characteristic does not automatically translate into effectiveness because of other variables such as personality of the third party, characteristics of the parties and the situation. Another characteristic is academic visibility.[120]

Well known scholar/practitioners such as Bill Ury and others are also members of the ICCR and have been involved in Track One and a Half Diplomacy efforts with The Carter Center. Even though professors employed in the field of conflict resolution have worked extensively at a Track Two level, they have the potential to operate at a Track One and Half level on their own or, if assisted by politically eminent persons,

[119]Ibid., p.68.

[120]Jeffrey Mapendere, "Defining Track One and a Half Diplomacy: Its Complementarity and the Analysis of Factors that Facilitate Its Success." *2001* (2002)., p.75.

to secure access to high level parties.[121] Also indirectly, academic/practitioners have for a very longtime advised the politically eminent peacemakers in their peace efforts.[122]

Another very important characteristic of Track One and a Half third parties is national and international respect. Again, to use President Carter and Nelson Mandela as examples, these former presidents command international respect among both politicians and ordinary citizens.[123] It is this respect that facilitates their access to other world leaders or important players in conflicts around the world. Most people involved in conflict resolution know that trust of the third party is the cornerstone of every conflict resolution intervention.[124]

The continued involvement of the Carter Center in the Sudan conflict is a sign of trust between the Carter Center and the conflicting parties. This trust is not limited to third parties only, but also other stakeholders, who have an interest in the outcome of peace process. These former presidents' well-known record for reliability enables serving presidents and rebel leaders to trust that third party will facilitate the attainment of common interests among parties without bias.[125]

The last characteristic is that Track One and a Half interveners whether they are individuals or organizations have reasonable resources to carry out peace initiatives. It is due to their reputation that third parties are more likely to get funding from private and public organizations than most Track Two practitioners. This is facilitated by the fact that former high-level politicians and leading scholars interact with highly influential and powerful people who have personal or public funds. However, it is

[121]Ibid., p.75.
[122]Ibid., p.73.
[123]Jeong, Young-Yun. "Leadership and Democratisation: The Case of Nelson Mandela in South Africa and Kim Dae-Jung in South Korea." PhD Dissertation, Stellenbosch: University of Stellenbosch, 2004, p.95.
[124]Ibid., p.73.
[125]Gary Klein, Brian Moon, and Robert R. Hoffman. "Making sense of sensemaking 1: Alternative perspectives." *IEEE intelligent systems* 21, no. 4 (2006): 70-73., p.71.

important to mention that these third parties whether they are former presidents, scholars or organizations, can never have unlimited funding or resources because of the numerous conflicts that require their attention. The characteristics of Track One and a Half actors mentioned above are also important to the third parties' entry into the peacemaking process.

There are three ways through which Track One and a Half third parties can gain entry into peacemaking processes. These are invitation by one or both parties, requests for intervention by other concerned outsiders and initiation by third parties themselves. Regardless of the secrecy surrounding the way Track One and a Half actors enter into conflict situations, there are few documented examples that can be cited. Former President Carter's intervention in the North Korean-US standoff was based on President Carter's longstanding invitation to visit the country from Kim Il Sung and their personal relationship.

As a concerned citizen, Carter informed President Clinton of his desire to visit North Korea and talk about the situation. By giving due respect to both President Clinton and the Great Leader Kim Il Sung of North Korea, President Carter gained entry into the peacemaking process and finally defused the situation.[126] Unlike the North Korean-US intervention in which President Carter initiated, his involvement in Haiti was based on an invitation by the Commander in Chief of the Haitian military, General Raoul Cedras.

The United States and large international force were on the verge of invading the island when I was called by the commander in chief of the Haitian military, General Raoul Cedras, who asked for my help…I was willing for the Carter Center to serve as a channel for communication.[127] With these few examples, it is clear that Track One

[126]R. T. Carter, (1995). *Op. Cit.,* p.176.
[127]Ibid., p.177.

and a Half actors are flexible like any other conflict resolution actors in the way they enter into conflict situations. The conduct of Track One and a Half Diplomacy, the characteristics of the Track One and a Half actors, and their flexible entry tactics, all roll into advantages discussed in the next section.

1.10.4.2 Strengths of Track One and a Half Diplomacy

The strength of Track One and a Half Diplomacy is that it complements Track One and Track Two and its actors fill in the gap between the two tracks. “Because of his prominence as a former president, Carter is able to serve as a bridge between Track One and Track Two diplomacy”.[128] Also advantage of Track One and a Half is that it directly influences power structures, yet it is not driven by governmental political agendas. It has been noticed that some Track One and a Half officials get into conflict situations in which their governments may not be interested because of antagonistic relations. A good example is the Carter Center’s 1995 Guinea-Worm Ceasefire negotiations in Sudan.[129] “The United States had branded Sudan a supporter of world terrorism and accusations of religious persecution were a major issue in the civil war”.[130] Regardless of the enmity between the U.S. government and Sudan, the Carter Center never stopped attempts to pursue peace in Sudan.[131]

In its peace interventions the Carter Center engaged President Museveni of Uganda and President Bashir to resolve the bilateral dispute between them. Also, The Carter Center attempted to solve the civil war between the Sudan People’s Liberation Army and the Government of Sudan on one hand and the civil war between the Lord’s Resistance Army and the Government of Uganda on the other hand. Given the current

[128]Louise Diamond and John W. McDonald. "Multi-track diplomacy: A systems approach to peace." *(No Title)* (1996). p.43.
[129]R. T. Carter, (1995). *Op. Cit.*, p.176.
[130]Ibid., p.177.
[131]Ibid., p.185.

violent situation in Sudan, Track One and a Half involvement could complement ongoing traditional diplomacy interventions. For example, former President Jimmy Carter's involvement could be helpful given his long standing relationship with President Bashir of Sudan. Carter's inability to impose solutions through political power makes him less threatening to Bashir and he could thus be viewed as a more trusted facilitator.

Another advantage of Track One and a Half is its diplomacy agility. When direct high-level approach is not possible, Track One and a Half intervener can reach out to lower-level in direct approaches to peacemaking such as the use of humanitarian interventions to gain the trust of the parties. Health programs such the guinea-worm eradication program in Sudan is a good example. Therefore, Track One and a Half interventions can be applied at different stages of a conflict such as prevention during the latent stage, mediations during war and other interactive conflict resolution techniques during the peace building stages.[132]

Theoretically, the ICCR has the capacity to intervene at various levels of a conflict because of the expertise it carries such as Former President Carter, Bishop Desmond Tutu of South Africa, Harold Saunders, Ambassador Bethwel Kiplagat and professors Vamik Volkan, Christopher Mitchell and William Ury, just to mention a few.[133] Very few organizations can match the combined peacemaking talent of these people. Track One and a Half Diplomacy also helps world leaders who are stuck in difficult situations by providing them with an honorable way out of their problems. This face saving ability of Track One and a Half diplomacy is facilitated by the characteristics of the third parties such as nonpartisanship, political prominence, trustworthiness, lack of real political power, respect for and by both parties, and honesty. To

[132]Ibid., p.186.
[133]Ibid., p.186.

summarize this capability President Carter wrote, in Sudan, Bosnia, Haiti and North Korea, the Carter Center persuaded peace by giving people chance to choose an honorable alternative to war. We talked to everyone, including some leaders whom many consider to be in the wrong. We argued simply that everyone had more to gain from resolving their conflicts peacefully than by trying to resolve them through war.[134]

Track One and a Half efforts can facilitate communication between leaders whose communication has been severed by conflict. In international conflicts, countries involved in conflict normally cut diplomatic relations to indicate that formal communication is no longer appreciated between the two nations. Once this has happened, the situation deteriorates between the two nations, possibly leading to war or serious antagonism. The same can be said for intrastate conflicts where the sitting government refuses to talk to the resistance movement as a sign of power and pride. In both cases, Track One Diplomacy is ineffective because the involvement of sitting heads of state or UN officials can be undermined by various political agendas.

In internal conflict, sovereignty clause makes Track One less effective because nations try to respect each other's sovereignty. Track Two as well can be too risky to carry out because citizens are discouraged from talking to each other. If they do, they may risk being killed. It is at this point that Track One and a Half can be used to bridge the communication gap, as what happened during the North Korean-U.S. standoff. As mentioned previously, President Carter visited North Korea in 1994 as a private citizen to help resolve the tension between the US and North Korea.

The North Korean government had withdrawn its membership from the International Atomic Energy Agency raising suspicion by the US that North Korea "had developed

[134]Ibid., p.186.

nuclear weapons in violation of the Nuclear Nonproliferation Treaty".[135] President Carter's visit to North Korea in his unofficial capacity ended the crisis between the U.S. and North Korea. In his own words, President Carter said: "My meeting with Kim II Sung ended the immediate crisis. I did not make any concessions to him. I simply gave the highest leader of the country the opportunity to talk with me and to know that his words would be communicated directly to the president of the United States.

Negotiations resumed on a lower level to work out technical issues. These issues included matters of national pride…." This is another example of how difficult it is for people in a conflict to overcome their hostility. Yet, with good faith and perhaps a trusted mediator, it is the kind of issue that can be overcome.[136] This shows the effectiveness of Track One and a Half in opening channels of communication between conflicting nations and its face saving role for sitting heads of states. Regardless of these strengths, Track One and a Half has its own weaknesses.

1.10.4.3 Weaknesses of Track One and a Half Diplomacy

One of the disadvantages of Track one and a Half mediation or facilitation is that the mediator is sometimes viewed by parties as representing his/her home country's foreign policy.[137] Such an attitude may jeopardize the process if the home country has an aggressive foreign policy towards one of the parties. Another disadvantage is that Track One and a Half mediators have limited ability to use inducements and directive mediation techniques because they do not have the political power to command resources.[138] Track One and a Half actors have no technical, financial and military

[135]R.T. Carter, (1995). *Op. Cit.,* p.172.
[136]Ibid., p.175.
[137]Ibid., p.177.
[138]Ibid., p.178.

resources needed either to encourage an agreement or to support or enforce agreement implementation.

Moral authority is one of the major strengths of Track One and a Half actors such as Jimmy Carter, Nelson Mandela and others and yet it is one of the biggest weaknesses of their organizations. Successes driven by moral integrity of the mediator cannot be duplicated by others in the same organization because such successes depend on a particular individual's personality. Last, Track One and a Half interveners' activities may run contrary to their country's foreign policy. This may undermine their peace efforts. However, one of the most effective ways of reducing the impact of the weaknesses of the three forms of diplomacy on peacemaking is by the complementary application of the various diplomatic activities.

1.11 Literature Review

This section addresses related literature based on the specific objectives of the study on border security and econo-diplomatic relations. It identified lacuna that emerged in each reviewed work and thereafter, summary of the identified gaps is provided.

1.11.1 History of border security between Kenya and Uganda from 1902 - 1962

The current dispute over the ownership of Migingo Island between Kenya and Uganda can be traced to colonial boundary-making limitations. The Kenya–Uganda boundary, established by the 1926 "Kenya Colony and Protectorate (Boundaries) Order in Council," used natural features as markers. The border was set to run from 1° south latitude through Lake Victoria to the mouth of the Sio River. Scholars like Godfrey Mwakikagile in "Kenya: Identity of a Nation" discuss how such colonial-era decisions have led to contemporary disputes, illustrating the lasting impact of colonial boundaries on modern international relations.[139]

The delineation of the Kenya-Uganda boundary, commencing in the waters of Lake Victoria on a parallel 1° south latitude, follows a series of straight lines to various points on Pyramid Island, Ilemba Island, and Kiringiti Island. This method, established by the 1926 "Kenya Colony and Protectorate (Boundaries) Order in Council," underscores a significant gap in the literature: the historical impact of such boundary-making practices on contemporary border security and diplomatic relations.[140] The period from 1902 to 1962, encompassing the early colonial era to the eve of independence, is particularly under-researched in terms of border security between Kenya and Uganda.

[139]Wafula Okumu, "Resources and border disputes in Eastern Africa." *Journal of Eastern African Studies* 4, no. 2 (2010): 279-297., p.286.
[140]Ibid., p.280.

Understanding the historical context of how these borders were drawn using natural features is crucial, as these decisions have long-lasting implications, exemplified by the ongoing Migingo Island dispute. Scholars like Godfrey Mwakikagile in "Kenya: Identity of a Nation" have touched upon these issues, but a comprehensive study focusing specifically on border security during this period is lacking. However, 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.[141]

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 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.[142] 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 ethnic 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.[143] Colonial border adjustments

[141]Ibid., p.281.
[142]Ibid., p.282.
[143]Ibid., p.282.

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, colonial powers in Eastern Africa continued to trade in boundary politics well into the 1930s.

Therefore, borders represent the physical limits where the exercise of a given system of sovereignty terminates, it follows that the borders are intimately bound by state practice.[144] The partition of Africa is considered the turning point and at the same time the arbitrary manner in which Europeans arrived at their colonial boundaries was defined by treaty, curiously mapped and then demarcated without regard to human landscape is sometimes blamed for a fundamental deficit in state legitimacy, the standard reference being the treaty of Westphalia that brought modern state system into being in Europe.[145]

The following groups settled in the west of the Rift valley which is the home of people in Uganda comprises of the Bagisu, Teso, Lango Karamojong, the Northern Luo, Acholi, Alurs, Japadhola and Basoga.[146] In Kenya lives the Abaluyia, the Kalenjin, the southern Luo, the Turkana, Karamajong and the Teso. All these people fall into three main categories, the river and lake Nilotes, Highland and plain Nilotes and Bantus.[147] Arab trader began frequenting the Kenya coast around 1st century Kenya's proximity to Arabian Peninsula invited trade and later colonization. By 1830s Sayyid said sultan of Zanzibar started having commercial contact with people

[144]Peter Wafula Wekesa, "Magendo & Survivalism." *Borders & Borderlands as Resources in the Horn of Africa* 7 (2010): 151., p.142.
[145]Ibid., p.152.
[146]Ibid., p.152.
[147]Robert M. Maxon, "Economic And Social Change Since 1963 Robert M. Maxon." *Historical Studies and Social Change in Western Kenya: Essays in Memory of Professor Gideon S. Were* 293 (2002)., p.293.

in the interior gave introductory letters to missionaries, visitors and provided security.[148]

Muslim traders who were mainly Arabs introduced Islam to the western region of Kenya and Uganda between 1870- 1885. Chief Mumia Nabongo of wanga Kingdom accorded the Swahili traders a warm welcome in 1877, two brave Arabs managed to reach Kabarega capital. They discovered that the country was incredibly well stocked with Elephants and Ivory which was accordingly, very cheap as earlier Zanzibar traders in Buganda were forbidden by Kabaka Mutesa from going to Bunyoro. Significant migration of Indian merchants into Kenya and Uganda following the creation of the British East Africa Protectorate in 1895 which had strong infrastructural links with Bombay in British rule. By 1887 the British East Africa association later imperial British East company in 1895 they employed Indians as guards, Police officers, clerks, accountants and railway workers. The Indians were sub-imperialist agents in civilization in Kenya and Uganda.[149]

During the Victorian expansion three groups of Europeans came to east Africa travelers whose interest was to gather scientific knowledge, the second group was the missionaries who came to extend the benefits of Christian faith, finally the third groups were the colonial administrators whose mission was to establish control over the Africans on behalf of their respective home governments. These groups were complimentary in nature had unity of purpose because they were agents of imperial rule and bringers of western civilization. It’s from these that we are able to understand the coming of Christian missionaries to Buganda and later into Kenya. Christian missionaries came to East Africa as early as 1844 when church missionary society

[148]Ibid., p.293.
[149]Ibid., p.293.

sent J.L Kraft to the East Africa Coast. Kraft had been a missionary in Ethiopia had set out to work among the Galla.[150]

Kraft settled in Mombasa in May 1844. He travelled exclusively around the outskirts of Mombasa with the aim of discovering a suitable site for a mission station. These, he found in the villages of Rabai only few miles inland from Mombasa. On June 10th 1846 Kraft was joined in Mombasa by Reverend J. Rebmann and Jakob Erhardt in 1849. They were determined to extend their influence beyond the coastal belt and set out into the interior.[151] These pioneers suffered considerately from diseases and at first sight achieved little yet they did make themselves familiar with land and people of the intermediate interior. The publication of Erhardts maps in 1856 aroused fresh interest of European geographers in East Africa. The source of the Nile one of the world great Rivers had always been a puzzle.[152]

Speke wasted no time in Britain. He immediately organized an expedition in order to prove the claim, he was joined by his friend Grant on 19th Feb 1862 when he was received by Kabaka Mutesa , ruler of Buganda when subsequently on 7th July 1862 set out to establish the outlet of Nile which he reached after three weeks and named it the rippon falls.[153] Europeans were well treated by Buganda-indeed they found Kabaka hospitality amazing, Kabaka was reluctant to let his interesting guests to leave especially requesting permission to pass through territory of his enemy. The most active foreign businessman interested in East Africa was Scot William Mackinnon. In 1856 he started a steam ship around the Indian coast. In April 1884 a small energetic English man arrived in Zanzibar on his way to lead a scientific mission to Mount Kilimanjaro. Upon meeting Sir John Kirk, they became friends and united for a

[150]Ibid., p.294.
[151]Tsawe-Munga Chidongo, *Exploring Dialogue: reflections on Christianity's mission and African indigenous religion*. LAP LAMBERT Academic Publishing, 2012, p.86.
[152]Ibid., p.86.
[153]Ibid., p.87.

common goal. This made Harry Johnstone a new comer who believed that British rule was the best.[154]

Then end of November 1884, Germany arrived with a secret plan of colonization led by Carl Peters (with support of Otto von Bismarck the Germany chancellor). This was preceded by events like the Egyptian question of 1882 after France lost Egypt and activities of Belgium King Leopold II with King Makoko and the French activities of 1870 when Pierre Savargnon de Brazza signed a treaty with King Makoko of the Teke people in a language he could neither read nor understand.

The infiltration of Europeans in East Africa took place slowly, sporadically over a period of forty years. Without any idea of conquest, annexation or settlement until the last few months of 1884 by 1888 Kenya and Uganda were under company Rule whereas, Germany had been the chief beneficiary of the Anglo-Germany agreement of 1886 in 1887-1888 conflict between the British and Germany over the trading companies in Tana River area. 1889 rivalry in Uganda intensified in 1890 Carl Peters obtained treaties with Kabaka of Buganda and Chief of Wanga Mkulu of western Kenya, Britain got more out of the agreement of 1890.[155]

First, Germany recognized Uganda as with the British sphere of influence. This put an end to the period of Anglo-German rivalry and wrangling in the area. By 1891 Britain and German had successfully completed partition of East Africa. However the burden of administration and effective occupation fell upon commercial companies of Kenya and Uganda, imperial British East Africa Company and German East Africa company–Tanganyika.[156] The two companies were the legal owners of their respective spheres of influence.

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[154]Ibid., p.87.

[155]James Retallack, *Germany's Second Reich: portraits and pathways*. University of Toronto Press, 2015, p.89.

[156]Stephen S. Witte, *Sub-Saharan Africa and Anglo-American relations, 1910-1929*. The University of Nebraska-Lincoln, 1997, p.96.

The companies could go ahead with the exploitation of the commercial resources of their newly acquired territories in 1893 Gerald Portal signed a treaty of protection with Kabaka Mwanga of Buganda on behalf of the British government followed a year later by the publication of his report which favored retention of Uganda by the company and recommendation of construction of railway and 1st June 1894 a protectorate was declared over Uganda. The retention of Uganda was supported by Rosebery who became the prime minster of Britain in 1894 and Fredrick Lugard a missionary. In June 1894 a protectorate declared over Uganda which was originally limited to Buganda.[157]

British consular General in Zanzibar was appointed to administer modern Kenya. Finally, work on Mombasa –Kisumu railway began in 1896. By 1901 the Railway had reached Kisumu, from Kisumu communication with Uganda was by lake transport. The area between Uganda and the coast was first looked on by the British as worthless tract of country not worth administering yet they obviously had to protect the railway and coastal strip and an 1st July 1895 a protectorate was declared over the area (which they only reached as far west of the Rift Valley to be known as the British East Africa protectorate.[158] The area to the west of the Rift valley was given to the British East Africa Protectorate in 1902. This reflected the prevailing view in British government circles that Buganda and its dependences were quite distinct from the entire area to the East. It also had the effect of bringing the entire length of the railway under one administration.

The final adjustments were not done until 1926 when the Turkana district proved impossible to control from Entebbe and was ceded to Kenya.[159] The British government improved facilities that were vital to economic growth and borrowed over

[157]R. M. Maxon, (2002), *Op. Cit*, p.294.
[158]Ibid., p.295.
[159]National Archives Entebbe, Karamoja Annual Report file no. A4/152, 1954.

13 million pounds to extend the railway system. The lengthening of Uganda railway began in 1921 at Tororo it was connected to the Busoga railway built in 1909-1910, reached Jinja 1928 and finally spread in 1931 when it reached Kampala. Successive colonial secretaries between 1919 and 1924 kept the issue of closer union alive. The East Africa high commission came into existence in 1948 a body control communication customs taxes, postal services, machinery, statistics, higher education, research and currency. In 1955 changes took place and became the East Africa common service organization.[160]

Moreover, according to Peter Wafula in his works; *Magendo and Survivalism,Babukusu-Bagisu Relations and Economic Ingenity on the Kenya-Uganda Border 1962-1980,* he alludes that the issue of community relations across the Kenya-Uganda border can only be underscored within the specificity that appreciates both the inter-national and domestic state-society dynamics defining its functionality.[161] In regard to the specific relations between the Babukusu and the Bagisu peoples, it is not possible to restrict our analysis to conflicts. Both the Babukusu and the Bagisu communities who occupy western Kenya and eastern Uganda respectively have enjoyed a corporate past whose history transcends the current common Kenya-Uganda border. This past is manifested in the peoples' common history of origin, migration and settlement in their present areas.[162]

The historical dynamics defining the relations between the Babukusu and the Bagisu have influenced the nature of their social, economic and political interactions between themselves and with other neighboring communities that include the Bantu, Nilotic

[160]Ibid.
[161]Peter Wafula, Magendo and Survivalism,Babukusu-Bagisu Relations and Economic Ingenity on the Kenya-Uganda Border 1962-1980, in James Currey (2015), *Borders and Borderlands as Resources in the Horn of Africa,* New York: Boydell and Brewer Inc., p.150
[162]Ibid., p.150.

and Cushitic groups.[163] Throughout the pre-colonial, colonial and post-independence periods, the Babukusu and the Bagisu peoples have maintained a fluid cultural zone along the common Kenya-Uganda border that is mainly informed by their strong historical ties.[164] This cultural zone has continually been maintained through shared practices like circumcision rituals, common worship traditions and sometimes common political traditions that transcend the common border. Various degrees of cultural and linguistic closeness as well as geographical proximity between the two groups are symbolized by the closeness of putative genealogical links as far as the founding ancestors of the groups are concerned.[165]

The new, emerging sovereignty regime among "Third World" states after the period of decolonization, have been exacerbated by ethnic divisions and the struggle to capture the benefits of finite resources majorly along the borders. The exploitative and inequitable management of natural resources has been a pervasive feature of the degenerative trends of the eco-system and environment.[166] Within this context the potential for conflict over nonrenewable resources is immense.

Thomas Homer-Dixon describes these conflicts in three ways: simple scarcity conflicts which arise over the use of river water, fish and agriculturally productive land; group identity conflicts which can arise from the large-scale movement of populations brought about by environmental change; and relative deprivation conflicts whereby developing societies produce less wealth because of environmental problems and, as a result, their citizens become increasingly discontented by the widening gap between the actual level of economic achievement and the level they feel they

[163]Ibid., p.151.
[164]Ibid., p.150.
[165]Ibid., p.151.
[166]Sussy Kimokoti, Pontian Okoth and Edmund Were, Challenges And Opportunities In Managing Inter-Territorial Border Natural Resource Use Conflict Between Kenya And Ethiopia; The *International Journal of Social Sciences and Humanities Invention, Vol.3. Issue 6,* (2016). pp.2330-2341., p.2338.

deserve.[167] Conflicts are caused by competition for scarce resources (economic, political and social) and it is assumed that these conflicts will produce winners and losers".[168]

In the past, policies based upon this approach have ushered in partial settlements, reflecting compromises between parties - mainly states - over territorial issues. However, when the issues involve "the protection of societal values or cultures and are caused by the underlying deprivation of basic human needs"[169], such traditional approaches fail. The long-term deprivation of basic human needs and the erosion of human security create conditions of protracted social conflict.[170] According to this argument,

> "Traditional conflict management approaches cannot effectively manage these conflicts because they miss the essential causes by focusing on substantive or objective issues. In cases where a settlement may be reached it will not provide a long-term, sustainable resolution to the conflict, which will inevitably boil over again at some point in the future."[171]

It is against this argument, postulated by Kimokoti that this study assessed the challenges experienced in the Kenya-Uganda border and how they can be solved. Furthermore, the study addressed how the challenges emerging can be managed in the border over natural resources in order to stop conflicts from arising and causing havoc.

From the study of Little, it is evident that Africa faces many chronic problems such as: ethnic, religious, social, geographic or imperialist, to name just a few.[172] Although

[167]Ibid., p.2330.
[168]Ibid., p.2330.
[169]Ibid., p.2331.
[170]Ibid., p.2331.
[171]Ibid., p.2334.
[172]Little, Peter D., Waktole Tiki, and Dejene Negassa Debsu. "Formal or informal, legal or illegal: The ambiguous nature of cross-border livestock trade in the Horn of Africa." *Journal of Borderlands Studies* 30, no. 3 (2015): 405-421., p.410.

not necessarily of importance, nearly any suggested cause may be contributory due to Africa's complex and diverse problems. For example, Africa's problems have been attributed to ideologies that solutions only focus on the symptoms. However, cultural diversity in Africa may have positive as well as negative connotations. Certainly, some things like Africa's proneness for diseases is adverse and dangerous– but most of Africa's challenges have already been successfully solved by more advanced countries.[173]

Ahead of his visit to Ghana in July 2009, Barack Obama, highlighted reasons why Africa was lagging behind in development by declaring, "…for many years people of Africa have made excuses about economic crimes or poor governance," he pointed out that he did not believe in the notion of oppression from colonial powers or the west. His speech outlines serious problems Africa is still facing.[174]

Africa's problems can be summarized into two critical challenges. These are: building good foundations for political stability and socio-economic development. Both aspects are well within Africa's ability to control, implement and form the basis for building stable and secure states. When there are internal and regional security and stability, proper governance and economic progress can be achieved. Security and instability formed foundation for solving other problems in a country.[175]

Traditionally, state security is viewed from the perspective of military control of national borders and important accesses and absence of unbecoming foreign incursions in the affairs of sovereign states. For a country to succeed in security and stability there is need for rule of law, order and justice.[176] Historically, it has been proven that nations have been built on strong militaries that ensure state security and

[173]Ibid., p.408.
[174]Ibid., p.409.
[175]Ibid., p.407.
[176]Ibid., p.408.

internal security. Conflicts in Africa South of Sahara have clearly demonstrated that violence, conflicts and war are the major prohibitions of economic development. Successful viable states must be politically stable in order to achieve good governance and econo- development.[177]

Significant portions of the Horn of Africa Region (HoA) remain unable to break free of the lethal cocktail of armed conflict, violent crime, extremism, communal violence, political instability and state failure that have plagued the region for decades. Most armed conflict zones are concentrated near border areas posing major risk of spill-over. However, few states have the capacity to effectively administer their remote, expansive border areas. As a result, most trans- border conflict management and prevention fall on the shoulders of local communities and authorities in partnership with central governments and interstate-organizations. The resilience and adaptability of this collection of local and regional actors are critical factors in determining whether, and to what extent cross-border conflict and instability issues are successfully managed.[178]

Inter-connected civil wars and insecurity complexes can involve whole regions and armed groups can seek sanctuary or anonymity across sympathetic borders or in ungoverned borderlands. Weak, corrupt or militarized borders can interrupt essential cross-border traffic and trade and cause resentment or be a direct source of violence, exploitation and displacement of populations across borders. Criminal networks can exist across porous and badly managed borders. Illicit trade in blood minerals and small arms can sustain regional conflict systems such as in West Africa. Psycho-social and economic cross-border conflict dynamics can cut across ethnic or cultural

[177]Ibid., p.407.
[178]Ibid., p.407.

sources of societal cohesion. Similarly, inequalities of political capital between communities across borders can cause tension and grievance.[179]

However, some critical issues to do with border security have not been tackled. Little has not addressed how essential cross-border traffic and trade can be enhanced in two countries. This study explained how cross-border traffic is controlled in order to improve trade activities along Kenya-Uganda border. The study further unravelled how criminal networks can be dismantled in order to manage the Kenya-Uganda border. Since inequalities of political capital between communities across borders can cause tension and grievance, this proposed study discussed how political capital equity can be strengthened along Kenya-Uganda border. The study unlocked how inter-connected civil wars and insecurity complexes can seek sanctuary or anonymity. It also focused on how to reduce political instability, armed conflict, and communal violence and address how local communities solve border conflicts.

According to Ngeiywa, the diversity of East Africa makes it difficult to generalize about patterns of conflict and instability in the region's borderlands but several factors are of importance across most of the region's conflicts. In Eastern Africa, conflict and instability zones are sites of long running civil wars and insurgencies of many decades.[180] Many armed conflicts especially insurgencies, civil wars and violent extremism are fueled in part by frustration over limited economic opportunities, poverty, unemployment and politics of exclusion along ethnic, religious or class lines.[181] The region's high population growth rates have produced bulging youthful population which exacerbates problems of unemployment while steady urban drift is feeding the growth of large slums where these grievances are concentrated. In

[179]Ibid., p.409.
[180]Benson K. Ngeiywa,. "Deterring cross-border conflict in the Horn of Africa a case study of Kenya-Uganda border." PhD Dissertation, Monterey, California. Naval Postgraduate School, 2008., p.35.
[181]Ibid., p.42.

rural areas, grievances are most pronounced over land alienation and problems of access.

However, Ngeiywa's study leaves some issues un addressed. For instance, he did not explain if the porosity of Kenya-Uganda border has significantly contributed to steady inflow of firearms and infiltration of various armed groups that may result into border conflicts. This study thus endeavored to explain if indeed Kenya-Uganda border is porous and if this indeed has resulted into insecurity matters along the border, for instance accelerating conflicts along the border.

Goodhand asserts that the crucial feature of borderlands in Africa is the difference in how they are perceived by local people and the central government.[182] For locals, the border or borders they live on or near are frequently hypothetical, without physical markers or regulatory presence. People along the border sometimes fight over water and grazing lands for their herds; individuals cross to see family members, buy goods or access services; for business people, borders present economic opportunities in trade routes, goods and markets.[183] For central governments, on the other hand, borderlands are often viewed as a place where their control over citizens is weak, illegal trade occurs and security threats from insurgent groups can enter their territory. Accordingly, national border management policy tends to have a default aim of "hardening" borders: the building of "symbolic, legal, and material walls, fences, and frontiers".[184]

In many cases, however, especially between fragile or conflict-affected states, lack of resources, capacity and/or will causes border management by the government to be weak and intermittent. What limited systems exist tends to concentrate on border

[182]Jonathan Goodhand, "The Centrality of the Margins: the political economy of conflict and development in borderlands." *Batticaloa, Sri Lanka* (2018)., p.5.
[183]Ibid., p.8.
[184]Ibid., p.11.

posts rather than along whole border lines. State border security personnel are frequently under trained and under-equipped for the level of challenges they encounter and, due to the remote nature of many of the locations in which they operate, face low levels of accountability for their actions.

In combination, these factors can lead to the relationship between security providers and the communities they work within being one of resentment and suspicion, adding to, rather than mitigating, insecurity. In sum, borderlands in Africa are typically characterized by low state presence, mistrust between local communities and the state, and high levels of crime, insecurity and poverty.[185] Despite his efforts, Goodhand has not provided measures on how the low state presence, mistrust between local communities and the state, high levels of crime, insecurity and poverty can be overcome in a border. Therefore, this study endeavored to address these issues as far as border security is concerned.

According to P. Wafula, the issue of community relations across the Kenya-Uganda border can only be underscored within the specificity that appreciates both the international and domestic state-society dynamics defining its functionality.[186] In regard to the specific relations between the Babukusu and the Bagisu peoples, Wafula argues that it is not possible to restrict analysis to conflicts. He further alludes that indeed, both the Babukusu and the Bagisu communities who occupy western Kenya and eastern Uganda respectively have enjoyed corporate past whose history transcends the current common Kenya-Uganda border. Moreover, this past is manifested in the peoples' common history of origin, migration and settlement in their present areas.[187]

Besides similarities in language, semblances among these communities are found in such cultural aspects as codes of conduct, marriage customs, circumcision traditions

[185]Ibid., p.14.
[186]Peter W. Wafula, (2014). *Op. Cit*., p.151.
[187]Ibid., p.151.

and even folklore. On top of this, the historical dynamics defining the relations between the Babukusu and the Bagisu have influenced the nature of their social, economic and political interactions between themselves and with other neighboring communities that include the Bantu, Nilotic and Cushitic groups.[188] From these works of Wafula, what has not been well elaborated in details is the experiences encountered by the two States of Kenya and Uganda in matters to do with border security and econo-diplomatic relations that is shared by the two Nations. Therefore, this study looked forward to widely and in depth address this issue.

1.11.1.1 Changes in Perceptions of Border Security Influence Desired Levels of Immigration

Unprecedented numbers of refugees in recent years were met with a growing sense of threat surrounding international borders.[189] Increasingly, destination countries respond to this perceived threat by hardening their borders.[190] They deploy law enforcement personnel along their borders, and build walls, fences, and barriers to further secure them. From the United States to the European Union, from Hungary to France, Germany and Sweden, border controls are implemented not only by right-wing populist or anti-immigrant forces, but rather by a diverse set of political actors across the globe.[191]

However, little empirical work examines the implications of increasing border security on the politics of immigration. Do border controls mitigate or magnify perceived threats from, and public opposition to, immigration? One line of thinking generally assumes that borders facilitate group identities and define group

[188]Ibid., p.151.
[189]Beth A. Simmons and Robert Shaffer. "Globalization and border securitization in international discourse." *Available at SSRN 3480613* (2019)., p.55.
[190]Ibid., p.58.
[191]Michael E. Brown, and Mitchell Marie S. "Ethical and unethical leadership: Exploring new avenues for future research." *Business ethics quarterly* 20, no. 4 (2010): 583-616., p.586.

membership. Thus, when nation states build more along their borders, they strengthen national bonds of belonging, spread fear of "the other," and perpetuate the social exclusion of immigrants.[192] The idiom "build bridges, not walls" draws upon this notion and suggests that the social construction of borders should intensify this sense of "us against them." Instead of building walls that divide natives and immigrants, both literally and figuratively, the slogan demands governments to build symbolic bridges that connect people together. According to this perspective, when governments implement border controls, natives' hostility to immigrants should follow.

This view was also shared by Pope Francis who said, in response to rising concerns about the global refugee crisis, that "...Europe is in difficulty, it's true....We must find solutions. We must encourage dialogue between different nations….Walls are never solutions. But bridges are, always, better." Yet despite its prevalence, the belief that borders spread fear and perpetuate conflict is not unchallenged. Some have pointed out that when borders are perceived to be weakened by immigration, native citizens may experience a sense of external threat, which can prompt an *identity reaction*, where exclusionary identities emerge in other forms to "reclaim the group boundaries previously defined by geographic borders".[193] The political insight of Former Australian Prime Minister John Howard is in line with this prediction:

> My long experience in Australian politics has been that whenever a government is seen to have immigration flows under control, public support for immigration increases. When the reverse occurs, hostility to immigration rises.[194]

Consistent with Howard's observation from Australia, historical changes in border security in the United States were positively associated with Americans' desired

[192]Beth A. Simmons, and Robert Shaffer. (2019). *Op. Cit.*, p.37.
[193]Ibid., p.56.
[194]Ibid

levels of immigration. On this note, border patrol agents and spending on border security skyrocketed over the past three decades. Meanwhile, the share of Americans supporting for increasing immigration levels grew by 460 percent (or 22 percentage points). Other factors could account for the variation in both outcomes, of course. Whether this association reflects a spurious correlation or stems to some extent from the direct, causal effect of border security measures on desired levels of immigration remains an open question.

1.11.2 Security and Economic Relations

Before Obote was overthrown, Uganda was in good economic shape: between 1962 and 1965, it had the highest rate of growth of income per head in East Africa. In the years 1962-1965, its gross investment almost doubled, and by 1970 it was saving at the rate of two hundred euros per week.[195] This healthy economy collapsed during the Amin's rule had two directly related components: the gross mismanagement of Uganda's economy which by 1976 had led to its total dislocation and Kenya's capitalization on this to run stupendous trade balances against Uganda, in addition to using the economic weapon more frequently in order to solve political problems between the two countries. Together, these two accounts for most of the frictions the two countries have encountered.[196]

The collapse of this vibrant economy did not happen overnight. It was the result of extravagance and a series of blunders which Amin executed in spite of advice. To begin with, although Obote left reserves of over 20 million euros, Amin spent all but three million euros in the first year alone, and whereas Obote's last defense budget was 7.3 million euros, Amin's first defense budget was twice as much as 15.2 million euros. But more damaging was the ill-planned and hastily executed mass expulsion in

[195]P. Godfrey Okoth, (2010). *Op. Cit.*, p.187.
[196]Ibid., p.187.

1972 of Asians who controlled the economy and the transfer of commercial enterprises whatsoever, the expulsion was meant to resolve, once and for all, a deep-running grievance against the control the Asians had exercised over commerce and industry for decades and could have achieved its overall objective if it had been handled properly.

However, because the entire exercise was completed in only ninety days and the hand-over was done haphazardly, at best, there was massive capital flight and a concomitant loss of international business confidence. Soon shortages began to set in and this was not helped in anyway by over-expenditure on defense. In 1974, a team of top advisers were brave enough to present Amin with papers warning of the impending danger of economic collapse, unless stringent measures were undertaken to curb expenditure, but Amin ignored their advice.[197] Before long, State Marketing Boards could not pay promptly for cash crops which led farmers to lose enthusiasm, which in turn set in motion a distinct slump in agricultural production on which the state depended on so much.

The premise of security cooperation in regional blocs is the ability to counter the security threats and issues that may arise. Regional security arrangements formed for this purpose vary from one region to another and have different mandates, designed to respond to the security needs challenges and concerns of their members.[198] For instance, the European Union was able to manage the divergent interests of its member states and transform the Common Foreign and Security Policy framework into the Common Security and Defence Policy.[199]

In line with article 3(f) of its Constitutive Act, the African Union aims at promoting peace, security, and stability in Africa through its Africa Peace and Security

[197]Ibid., p.187.
[198]Anjalo, Roselyn, *et. al.*, (2018), p.87.
[199]Ibid., p.61.

Architecture. The APSA facilitates and coordinates efficient and timely responses to crises and conflicts in Africa through sub-regional arrangements dubbed 'African Standby Forces' that are prepared to provide peace support operations in times of conflict.[200] The EAC was initially formed for purposes of economic integration. However, its scope broadened after the 1993 Treaty of East African Cooperation and the establishment of a Tripartite Commission for Cooperation.[201] After the resuscitation of the East African Community in 1999, several initiatives were taken to improve the security situation in the region. For instance, a Protocol on Peace and Security was established in 2013 to identify regional security issues and find avenues to address violent conflict and insecurity challenges.

Bailes and Cottey, identify models of regional security cooperation that can help in understanding the nature, prospects, and their limitations. However, these models are relatively static and do not explain why regional groups such as EAC change their membership or agenda.[202] This study fills the existing gap by evaluating the dynamics that inform member states to adopt changes in security cooperation in regional integration within the jurisdiction of the EAC. In their analysis of security cooperation in African regional blocs, scholars tend to focus on the state as a rational actor in the international system. For example, Tavares emphasizes that national interests inform security cooperation efforts through peacekeeping efforts. This study will use the regional bloc as the rational actor that facilitates or mandates its members to participate in security cooperation, thereby filling a theoretical gap in the existing literature.

According to Mansfield and Pollins, they argue that territorial disputes, militarized conflict, and economic integration span several robust arguments when it comes to

[200]Ibid., p.61.
[201]Ibid., p.61.
[202]Ibid., p.61.

matters to do with border issues. The observation that territorial disputes underlie a significant amount of violence in the world has motivated research into why they arise, why they escalate, and when and how they are resolved. There has also been a great deal of scholarly attention to the relationship between conflict and trade. The "commercial peace" hypothesis that increasing economic integration dampens interstate violence has attracted widespread attention and controversy.[203]

Furthermore, Mansfield and Pollins, argue that it is important to view, territorial disputes as focusing heavily on how territory drives distributional conflict, with considerably less attention to the joint benefits that states can derive from having clearly defined and well-functioning borders.[204] An institutional view sees a border as a set of rules and norms that influence actors' expectations and structure behavior. When well defined and mutually agreed upon, a border not only coordinates beliefs about where one jurisdiction ends and another begins but also reduces uncertainty about the risk of changes to those jurisdictions. Moreover, a border can be a site of cooperation between states and their agents, potentially generating joint gains by regulating the flow of people and goods.[205]

Considerably less has been written on the interaction of all three phenomena, particularly in thinking about whether and how economic integration might propel and reinforce efforts to resolve territorial disputes. As a result, a good deal is known about how border and territorial disputes drive militarized conflict and how militarized conflict, and expectations thereof, affect trade; much less about how territorial disputes end and what role, if any, economic incentives play in bringing about territorial settlements or reinforcing adherence to borders once they are settled.

[203]Edward Deering Mansfield, and Brian M. Pollins, eds. *Economic interdependence and international conflict: New perspectives on an enduring debate*. University of Michigan Press, 2009., p.54.
[204]Ibid., p.54.
[205]Ibid., p.55.

Therefore, this study looked forward to unravel this relationship that must be put in place in order to ensure there is a robust economic growth and development and also good security along the border that settles matters to do with peace and unity.[206]

According to Vasquez, the link from territorial disputes to militarized conflict reflects the fact that territory can be a highly valued good for material and/or symbolic reasons. As Vasquez and others have emphasized, territory is the kind of good for which states and individuals are (or can be) highly motivated to fight.[207] He argues that conflicting interests over the distribution of such a good are not sufficient for militarized conflict to break out, but they do create opportunities and incentives for states to employ violence or threats of violence to influence bargaining and to alter the distribution in their favor.[208]

Moreover, because being neighbors is usually a permanent condition, territorial issues are associated with a long "shadow of the future," which can give rise not only to cooperation but also to hard, prolonged bargaining. Consistent with conflicts of international theory, there is evidence that militarized conflict is most likely when disputed territories owe their value to non-material factors that are hard to divide or to strategic considerations that create commitment problems.[209]

Vasquez show, that territories that are salient due to intangible factors such as historical possession, sacred sites, and identity ties are more likely to trigger violence than are territories that are valuable for tangible reasons, such as the presence of natural resources. Similarly, Vasquez adds that escalation is more likely when

[206]Ibid., p.56.
[207]John Vasquez and T. Henehan Marie "Territorial disputes and the probability of war, 1816-1992." *Journal of Peace Research* 38, no. 2 (2001): 123-138., p.126.
[208]Ibid., p.123
[209]Ibid., p.125

territories have military-strategic or ethnic value than when they are valuable for economic resources, which are more easily divided.[210]

However, despite the addresses made by Vasquez, he has not exhausted imperative issues as far as economics and security is concerned. Vasquez in his argument has not clearly deduced the effect on bilateral states engaging in fights has towards trade and maintenance of peace. In this case, therefore, this study demonstrated the outcome of allowing lower-level conflicts such as interstate disputes between two border countries in matters of trade and diplomatic relations. Additionally, from Vasquez works, this study tried to fill the gap on measures of common interests among states that are positively correlated with trade. It further elaborated on the effect of direct alliance ties and assesses the indicators of conflict expectations, such as the existence of a long-running rivalry and how this reduces bilateral trade, border security and diplomatic relations.

According to Gowa, in his works, he posits that there are a number of mechanisms that plausibly underlie the economics and border security relationship. Gowa says, the militarized conflict creates physical barriers to the movement of goods.[211] In addition to the fact that war makes land and sea routes dangerous to cross, states that fear attack may militarize the border in ways that hamper trade flows. Secondly, states may actively restrict trade with adversaries for strategic or symbolic reasons.[212] He furthers argues that states prefer to trade with allies rather than adversaries because trade has security externalities, either from the direct benefits of access to strategically useful goods or from the indirect effects of trade on economic growth.[213]

[210]Ibid., p.126.
[211]Joanne Gowa, *Allies, adversaries, and international trade*. Princeton University Press, 1995., p.68.
[212]Ibid., p.68.
[213]Ibid., p.69.

Although Gowa's argument is equally paramount, this study casts doubt on some of his arguments. For this study, it is presumed that most trade has significant effects on relative power and that states might nevertheless want to restrict trade in strategic or dual-use items, including raw materials.[214] Moreover, it anticipates that embargoes against adversaries might have a political purpose, such as to eliminate favorable associations with the enemy or to deny recognition for instance, "the Arab embargo against Israel". This issues that have not been addressed by the works of Gowa is going to be attended to by this proposed study. This *lacuna* is going to be so instrumental to fill in order to understand various issues that are tantamount to a robust economic growth across border and how good security measures enhance good trading activities between two nations such as Kenya-Uganda border.

War is the oldest, most prevalent, and most salient issue in international relations. Attention to war and security is warranted. Security comes first in international relations, all other competing values such as human rights, the environment and economic development presuppose security.[215] As stated by Okoth a concept of security based on interstate security tends to minimize the fact that the state itself has historically been a source of insecurity among its citizens. Security can be equated with citizenship for it is a condition that individual enjoy.[216]

The UN General Assembly resolution number 110 (11) of 3rd November 1947, condemns all form the devastation of global conflict aims to save succeeding generations from the scourge of war. Its mission is to maintain international peace and security and to promote friendly relations between countries.[217] The UN Security

[214]Ibid., p.69.
[215]Kjell-Ake Nordquist, (2010). *Op. Cit.*, p.86
[216]Pontian Godfrey Okoth, *Peace and conflict studies in a global context.* (2008), Kakamega: MMUST Press., p.92.
[217]Africa, U. N. D. P. "Africa Human Development Report 2012 Towards a Food Secure Future." (2012)., p.107.

Council is tasked with ensuring global peace and security. It oversees peacekeeping operations. Since 1947, the UN has assisted in negotiating more than 170 peace settlements that have ended regional conflicts.

Aware of these challenges to regional peace and security, state have restored to several means to meet them more effectively over the past few years. Healthy security relations between countries can be achieved through what the UN Security Council refers to as collective security arrangement, political, regional or global, in which each state in the system accept that the security of one is the concern of all and therefore, commits to collective response to threats and breaches of the peace.[218] Therefore, the traditional state- centric notion of security has been challenged by more holistic approaches to security.[219] These include cooperative, comprehensive and collective measures, aimed to ensure security for the states. What Okoth has not addressed is whether the UN has been effective in creating, friendly security relation between sates. That is why this study will focus if this indeed has happened between Kenya and Uganda since 1962 especially on her main border points.

According to Robert Gilpin, “the struggle for power and the desire for economic gain are intimately bound up”. Foreign policy is determined in large part by the stability and cohesion of domestic policy, particularly in fields which generate increased power for the state. The most important field for the development of foreign policy, other than militarism and diplomacy, is the economy which in many cases, as proven, can generate equally positive benefits for the power of the state and for exerting influence in other fields.

[218]David B. Carter, and Goemans Hein E. "The temporal dynamics of new international borders." *Conflict Management and Peace Science* 31, no. 3 (2014): 285-302., p.290.

[219]Alyson J.K. Bailes, and Andrew Cottey. "4. Regional security cooperation in the early 21st century." In *Conference on Interaction and*, p. 17a. 1992., p.76.

Although economic diplomacy does not resolve many foreign policy issues, it is–for major economic powers like the United States of America and its Marshall Plan- a major sector in which foreign policy can be exercised, and is a powerful tool for further advancing diplomacy and military power[220], while economic measures are often used by governments in combination with diplomatic and military measures. Under the Hegemonic Stability theory, after the end of the Cold War, the USA implemented an interventionist policy which managed to impose its economic hegemony within the international system, changing the economic diplomacy agenda relating to organizations such as the World Trade Organization and the International Monetary Fund.

States have at their disposal at great many mechanisms and tools for engaging in economic diplomacy such as commercial and investment agreements or embargoes blockades and financial or monetary sanctions[221] with the aim of exercising the greatest possible influence at either transnational or regional level, so as to dominate in the market and increase their power, initially at an economic level and later in the security sector.

According to Bayne *et al.*, the decision-making procedure goes through six stages: Identifying the department which will shape development, internal and external consultations, Political leadership, Democratic legitimization, International negotiations and Ratification of the agreement. Stage one includes negotiations and the minister who will report back to the legislature and will determine the budget required.

[220]John J. Mearsheimer and Stephen M. Walt, "An unnecessary war." *Foreign Policy* 134 (2003): p.50.
[221]Michael Mastanduno, "Economic Engagement Strategies: theory and practice." *Economic Interdependence and International Conflict: New Perspectives on an Enduring Debate (Ann Arbor, MI: University of Michigan Press, 2003)* (2001): 175-186., p.177.

As the author stated, economic diplomacy rarely involves the Ministry of Foreign Affairs, which is the opposite of what occurs with diplomatic policy.[222] Moreover, there is a direct correlation between the departments involved and the competent ministries, even though in this case there is a difference between developed and developing countries. More specifically, in developed countries, the Ministry of Foreign Affairs undertakes the role of departments, either because the international economic relations of the state are of exceptionally high political importance, such as the sale of the port of Piraeus to a Chinese owned company for example, or because the issue touches upon topics of major international interest.[223]

In developing countries, on the other hand, the competent departments which could engage in economic diplomacy are not as developed whereas the Ministry of Foreign Affairs undertakes a larger role both in engaging in economic diplomacy and in political diplomacy.[224] In the second stage, in external consultations, the competent department contacts players outside the central government, such as businessmen for example, primarily to see the impact that a possible agreement could have on the life of citizens, given possible conflicts of interests, and the reaction and subsequent stance of the markets to it.[225]

Another major challenge is the involvement of the media, so that they can communicate the issue to society in general, with the result that the greatest possible transparency can be achieved. Internal consultations, on the other hand, are carried out within government and what emerge is multilateral negotiation and a focus on factors that facilitate the perspective of each sector, until some compromise can be reached. Ministers are involved in the next stage with senior officials, who forward

[222]Ibid., p.176
[223]Ibid., p.177.
[224]Ibid., p.177.
[225]Ibid., p.177.

their recommendation to the competent minister so that it is approved and acquires political force.

In the case of disagreement, there is a mechanism for settling issues primarily via consultations. After that, the competent minister can take the initiative to promote new policies instead of delegating them to the cabinet.[226] The legitimation process is the next stage. In authoritarian regimes, legitimation occurs automatically since it is sufficient for a decision to be taken by the executive. In democratic regimes, legitimation is given to the executive but does not spring from it, and comes primarily from the legislature, so as to secure the maximum possible consent for a decision being taken and to ameliorate the possibility of factors detrimental to the state's interests (if they exist) being ignored. At the same time, government can obtain legitimation by presenting its key stances and not necessarily all the details leading to its decision, with the overriding aim of ensuring flexibility in negotiations as part of the agreement.[227]

International negotiations can be broken down into 5 stages which are as follows: Setting the agenda, authorization for the negotiations, negotiations about the agreement, adopting the agreement and implementing the agreed terms. Negotiating strategies play an equally important role in promoting the interests of a state. The following strategies can be identified: Negotiations between the negotiators, utilizing any disagreement within the cabinet, intervention by external players and political intervention after negotiations are completed; the agreement is ratified by using the same procedure followed within the state. In particular, the competent department and minister inform government about the decisions and re-confirm the initial stance and

[226]Ibid., p.178.
[227]Ibid., p.178.

then the agreement is laid before parliament to be legitimized and government shows how its objectives match the decisions taken.[228]

The current East African Community is a rebirth of the one that was dissolved in 1977 due to political and managerial disagreements among the partner states.[229] However, since its inception in the late 1890s when the Uganda Railway that linked the three countries was being constructed, the community struggled to survive. We take you back to the struggles of the EAC until its collapse in 1977. The creation of the East African Community in 1967, soon after the three main countries of the community gained independence, had its seeds in the proposed East African Federation of the earlier days of British administration.[230]

Kenya and Tanganyika were for the federation but it was vehemently opposed by Buganda not wanting to be subjected to a wider confluence where the Kabaka's power was not going to be acknowledged. When the community came into existence on December 1, 1967, it was tasked to advance the old establishment of the Customs Union and a series of common services. Before the treaty, there were other forms of economic association treaties.[231] Efforts to modify the services were contained in a report from the Raisman Commission which carried out an extensive study of the relevancy of the common services and common customs to the community between 1960 and 1961. The Raisman Commission was followed by the Kampala Agreement of 1964.[232]

During the 1950s when the three countries were still under the British administration, they cooperated on a number of fronts, including the common market with more or

[228] Ibid., p.178.
[229]Paul Mulindwa, "Interstate border conflicts and their effects on region-building and integration of the east African community." *African Journal of Governance and Development* 9, no. 2 (2020): 599-618., p.602.
[230]Ibid., p.600.
[231]Ibid., p.600.
[232]Ibid., p.601.

less a uniform external tariff. Under this arrangement, there was virtually free trade of goods imported or those manufactured in any of the three countries.[233] Another area of association was the common currency issued by the East Africa Currency Board. The East African Shilling was freely convertible to the British Sterling, which during the 1950s and early 1960s was at per with the East African shilling. Then there was no restriction on the movement of money across the three countries since most, if not all, banks in the region were subsidiaries of British-based banks.[234]

The third common service was the jointly administered services under the East African High Commission which was later reorganized and became the East Africa Common Service Organization. These services included posts, railways and airways. Some of these services were described as self-containing because they were financed from their own revenues.[235] Other common services, also called the general fund services, included the collection of direct taxes and the provision of a number of agricultural, medical and other research services financed by the British government, other overseas foundations and partly by the three East African governments. According to the Uganda Argus newspaper of May 13, 1960, "The expenditure on the services totaled to five per cent of the combined recurrent expenditure of the three countries by 1960."[236]

However, the same newspaper of July 2, 1966, says during the 1950's and 60's the common market and common services came under attack from both Tanganyika as it was known then and Uganda who believed that the common services were more to Kenya's advantage than to other countries, a fact that the Raisman Commission acknowledged. In this regard, it was argued that Kenya's rapid industrial development

[233]Yongzheng Yang and Gupta Sanjeev, "Regional trade arrangements in Africa: Past performance and the way forward." *African Development Review* 19, no. 3 (2007): 399-431., p.407.
[234]Ibid., p.400.
[235]Ibid., p.401.
[236]Uganda Argus newspaper of May 13, 1960.

was not only depriving the others of custom duties, but also that the existence of the common market and foreign businesses seeking a location for manufacturing in East Africa were more attracted to Kenya than Uganda and Tanganyika.[237]

Since the major advantages of new industries seemed to accrue to the country in which they are located, because that employment was created and new taxes were paid, it was felt in both Uganda and Tanganyika that their own development was being hampered by this freedom.[238] The April 14, 1966, issue of the Uganda Argus says: "The common services also favored Kenya because their headquarters and many of the research institutes in Nairobi and elsewhere in Kenya provided most of the employment opportunities to Kenyans."[239]

The paper further argued that this kind of arrangement helped to boost Kenya's revenue from income tax. In connection to the above, it was believed that both officials and research establishments were more responsive to Kenyan needs while Uganda and Tanganyika were expected to pay their share of the cost in running the research centres. Because of the dissatisfaction by the two members of the community, and when the Raisman Commission concluded its period, it advised against the breaking up of the common markets and services.[240]

The Raisman report stated that: "The gains were unevenly distributed among the three countries." It went on to suggest ways through which there can be promotion of the equalisation of the gains. The principle suggestion of the report was for the creation of a distributable pool, where a fixed percentage of receipts of income tax, custom and excise duties were to be paid in the pool. Half of that pool was to be used in the payment of common services and the other half was to be paid out in equal shares to

[237]Yongzheng Yang and Sanjeev Gupta, (2007). *Op. Cit.,* p.405.
[238]Ibid., p.405.
[239]Uganda Argus newspaper of April 14, 1966.
[240]Odd-Helge Fjeldstad and Mick Moore. "Revenue authorities and public authority in sub-Saharan Africa." *The Journal of Modern African Studies* 47, no. 1 (2009): 1-18., p.6.

the three countries. This was aimed at making Kenya, which had a higher revenue purse, pay a larger proportion of the cost of the common services and also to bring about a direct fiscal transfer from Kenya to Uganda and Tanganyika.[241]

By 1963/64, Kenya was paying twice as much into the distribution pool as Uganda and Tanganyika while the half that went directly to these countries into equal shares. The newly independent Uganda and Tanzania (after Tanganyika and Zanzibar united to make one country) were not happy with these arrangements either. Though something was being done to equalise the financial gains, nothing was done to change the industrial development in the other two countries.

Foreign companies coming to the region continued to prefer Nairobi because of its climate and facilities suitable for the European lifestyle. Kenya was also very eager to maintain the common market but at the same time willing to make some concessions on industrial development to its partners states. The Kampala Agreement of 1964 was to complement the Raisman's equalisation of revenue by the equalisation of industrial development. The main clause of the agreement was "to persuade firms already operating in Kenya to set up in Uganda and Tanzania".[242]

An agreement was reached on the number of new industries which would need to produce for the East African market and their locations. For example, Tanzania was to host the radio assembling plant while Uganda would host the bicycle factory. The agreement also put in place qualitative restrictions on trade and some measures to reduce on inter-territorial trade. The Kampala Agreement would have saved the common market but unfortunately it was never implemented, and yet worse was to come along the way.[243]

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[241]Fjeldstad, Odd-Helge, and Mick Moore. (2009), *Op. Cit.*, p.15
[242]Ibid., p.16.
[243]Ibid., p.16.

The 1965 announcement that each country was to create its own central bank and have its own currency was a blow to the community. The Uganda Argus of June 1965 reported Tanzania's decision to restrict the importation of manufactured goods, including those that had been agreed upon in the Kampala Agreement and signed a year earlier. The announcement further strained the economic cooperation within the three countries. The three governments instead reacted by creating a ministerial commission to salvage the community under the chairmanship of a Danish economist, Prof Kjeld Philip. The commission drew up the treaty of East African co-operation which was implemented at the beginning of 1967.[244]

The main points in the 500-page report were three; "instituting a transfer tax, creation of the East Africa Development Bank and the decentralization of the headquarters of the common market while maintaining the essential East Africa character."[245] The transfer tax was only to be imposed by a country which has a deficit in its overall inter- territorial balance of trade in manufacturing. This only applied to partner states with which it was in deficit. Kenya with its surplus balance of inter-territorial trade in manufacturing was barred from imposing any transfer tax on imports from Uganda or Tanzania since this tax was not to correct the imbalance in inter-territorial trade but to protect the infant industries developing in the two countries. However, both Uganda and Tanzania were not to impose transfer tax on all manufactured imports from Kenya, but only those they produced or intended to produce. It was also agreed that the tax transfer system was to end in 15 years' time. By then it was believed that the disparities in industrial developments will have been dealt with.[246]

[244]Ibid., p.16.
[245]Pietro Calice, Victor M. Chando and Sofiane Sekioua. "Bank financing to small and medium enterprises in East Africa: findings of a survey in Kenya, Tanzania, Uganda and Zambia." (2012), p.76.
[246]Ibid., p.76.

The second innovation was the creation of the East Africa Development Bank with an initial deposit of 20 million British Pounds to be subscribed by the three countries. Its emphasis was to promote industrial development with major focus on Uganda and Tanzania. With the two countries as its main target, its constitution stipulated that while the three countries were to subscribe one third of its funds, Kenya was to receive only just one quarter of its investment.[247]

The third component of the Kampala treaty was dealing with the criticism that the EACSO was too much centered in Nairobi and other parts of Kenya. As a result, under the Kampala Agreement, it was decided that the new headquarters of the community be located in Arusha, Tanzania, the East Africa Development Bank head office and the Post and Telecommunications Services be based in Kampala while the new Harbours Corporation was to be in Dar-es-Salaam. This was aimed at giving each country an opportunity to host a head office of at least two of the services.

The treaty, however, warned that the implementation of its proposals was going to be costly and will take time to be completed. The treaty also made changes like each country having a minister for East Africa responsible for all community related activities.[248] It further left room for neighboring countries to apply and join the community; this opened the door for countries like Zambia, Somalia, Burundi and Ethiopia to apply by the late 1968, according to the Uganda Argus.[249]

However, the changing geo-politics in the region, mainly in Uganda from the late 60's into the 70's before the full implementation of the 1964 Kampala treaty, meant there was a set back to the community, leading to its collapse in 1977.[250] The dissolving treaty for East African Cooperation which established the East African Community

[247]Ibid., p.76.
[248]Ibid., p.78.
[249]Ibid., p.78.
[250]Ibid., p.80.

officially came into effect in 1977 citing reasons such as lack of strong political will, lack of strong participation of the private sector and civil society in the co-operation activities, the continued disproportionate sharing of benefits of the community among the partner states due to their differences in their levels of development and lack of adequate policies to address this situation. It was not until November 30, 1999, that another treaty to revive the community was signed by the three countries and it was amended in December 2006, widening the community by embracing Rwanda and Burundi.[251]

At the eve of Uganda's independence in 1962, Milton Apollo Obote came up with an ideology of adopting "The Common Man's Charter".

Among the things that were stated in the Charter are: It is the basic belief of the Uganda People's Congress that political power must be vested in the majority of the people and not the minority. It is also the fundamental belief of the Uganda People's Congress that economic power should be vested in the majority and not in the minority, as is the case at present.[252] It is, therefore, our firm resolution that political and economic power must be vested in the majority. The Charter further stressed the need to diversify the economy, to increase the participation of local people in economic and commercial activities; to decrease dependence on foreign capital for development by increasing and vitalizing facilities for local savings; and to reorganize the banking system with a view to increasing credit facilities for peasants in particular and other local people in general.[253]

On May Day (I May) 1970 President Obote announced the first effective steps to implement the Charter. Hence- forth all import and export business was to be conducted by statutory boards and, therefore, by the government. At the end of 1970

[251]Ibid., p.81.
[252]Nelson Kasfir, "No Party Democracy" in Uganda." *J. Democracy* 9 (1998): p.49.
[253]Ibid., p.49.

the Government was actively negotiating for a 60% interest in oil companies and many other commercial concerns.[254] The Uganda Development Corporation increased its shares in the Kilembe Copper Mines to 60%. Of greater significance was the government's acquisition of the 60% of the Shares of every bank, finance institution and insurance company in the country. But then came the coup d'état of January I971. Many of the takeover schemes were dropped and the new government of President Amin rejected Obote's brand of socialism for Uganda.[255]

Domestic problems, preoccupation with internal development, the issue of leadership, fear of being submerged in a bigger federal state, divergent interests and mutual jealousies among and within the three states seem to have been partly responsible for the failure to federate.[256] On the other hand, practically all the three states have categorically expressed their positive interest in forming a political federation. Each one of them has asserted time and again that she is ready and willing to federate any time the others are prepared to do so. National parliaments have even gone to the extent of passing resolutions urging the formation of a federation. Yet political union remains a subject for mere debate, and is made increasingly unlikely by the different political paths being followed by the three states.[257]

Though political federation has, so far, not been attained three East African state have agreed to preserve and recognize the East African Community (previously the East African Common services Organization) as an economic unit - a Common Market. Soon after Independence it was felt that East African Common services Organization did not go far enough in expressing the essential unity of the East African nations. The concentration of East African Common services Organization headquarters and

[254]Ibid., p.50.
[255]Ibid., p.51.
[256]Ibid., p.51.
[257]Ibid., p.52.

central services in Kenya's capital, Narobi, favoured the economic development of Kenya at the expense of her neighbor's. It also favoured Kenya's employment situation as it was mostly Kenyans who were employed in such services. Furthermore the existing organization did not permit of sufficient economic co-operation between the East African states.[258]

With this in mind, the Phillip Commission was set up to examine existing arrangements in East Africa for co-operation between Kenya, Tanzania and Uganda on matters of mutual interest, and having due regard to the views of the respective governments, to make agreed recommendations. The Commission had also to consider the organization of a common market and the reorganization of common services.[259]

The Phillip Commission submitted its report in May I966 and on 6 June 1967 it was formally accepted by the three states as a treaty for co-operation. On 1 December 1967 the East African Economic Community came into being as a result of the signing of the treaty. The main provisions of the East African Treaty of Co-operation were as follows: There should be a common external tariff for the three countries, 'Surcharges' may be imposed on internal trade in some industrial items for a limited period, Agricultural primary products should, as far as possible, be free of internal tariffs and an East African Development Bank should be established.[260]

Relations with other countries are governed by the doctrine of positive non-alignment. Each of the three states is free to choose its friends and enemies on the understanding that such friends will not interfere in its own domestic affairs. Neither will such friends be allowed to influence their foreign policies.[261] When Daniel arap Moi took

[258]Ibid., p.52.
[259]Walter Odhiambo and Paul Kamau. "Public procurement: lessons from Kenya, Tanzania and Uganda." (2003), p.53.
[260]Ibid., p.53.
[261]Ibid., p.53.

over the presidency in 1978, the task of steadying the Kenyan economy was firmly rested on his shoulders. There was much work to do for president Moi, because he had inherited an economy that was experiencing the side effects of the double oil shocks of 1973 and 1979, coupled with gross mismanagement of the coffee boom between 1976 and 1977. These drawbacks dealt a blow to the average economic growth rate of about six percent that the country had registered within its first decade of independence under Moi's predecessor, Mzee Jomo Kenyatta. The task was therefore well cut-out for Moi to stir the ship and place the economy back on the right trajectory. All did not, however, go well for his administration.[262]

In a case study on Kenya's growth performance, two economics scholars, Francis M. Mwega and Njuguna Ndung'u pointed out that "the economy never fully recovered from these shocks and the redistributive policies of the Moi era, with each recovery from an exogenous shock weaker than the preceding one. This is despite the implementation of substantial donor-driven reforms in the 1980s and 1990s, covering nearly all sectors of the economy".[263] Kenya's poor economic run was aggravated by a number of exogenous shocks in the early 1980s, which included the 1982 attempted coup by Kenya Air Force soldiers and a severe drought in 1983-84. The country also experienced another biting drought in 1991/1992 followed by the extremely destructive El-Nino rains in 1997/1998 and a major drought that led to power rationing in 2000.[264]

The economy also had to deal with the shocks of sharp rises in oil prices due to the 1991 Gulf War, the aid embargoes of 1991 - 93 and 1997 - 2000. The challenges saw inflation hit a historic high of 46 percent in 1993 while the average lending rate was 30 percent, the highest in Kenya's history. The country suffered further economic

[262]Ibid., p.55.
[263]Ibid., p.55.
[264]Ibid., p.56.

knocks following the deadly ethnic clashes that coincided with the 1992 and 1997 General Elections.[265] “President Moi’s lag in ranking has a lot to do with great turbulence that included Structural Adjustment Programmes, aid freeze, the uncertainties of end of cold war, economic and political liberalization and finally and sadly through ethnic clashes that led to capital flight, internal displacements and slowdown in economic growth,” an economic analyst, XN Iraki, says in a performance review of Kenya’s presidents since independence.[266]

The situation was also compounded by divergent policies between the Kenyatta and Moi administrations. Mzee Kenyatta represented allied groups whose interest was to further a market-based economy that had benefited them as cash-crop exporters. His constituency also had a head start in human capital, and this helped to justify that he was not using the State as a redistributive mechanism but as a mechanism for facilitating private capital accumulation by already relatively well-placed indigenous Kenyans. Kenyatta's politics ended up favoring a relatively market-friendly, growth-promoting regime.[267]

Moi on the other hand represented groups that felt “disadvantaged” under the Kenyatta regime and that sought to redistribute resources themselves. “The reversal of 'trickle down' meant greater State intervention in the economy, with subsequent efficiency costs associated with the taxation of productive activity,” Mwega and Ndung’u observed. “It also meant the dismantling of various agencies of restraint with concomitant costs in terms of macroeconomic stability”. These policy shifts centered on redistribution, coupled with climate shocks in 1984 and political upheavals in the 1990s that saw economic growth decline under the Moi administration.[268]

[265]Ibid., p.57.
[266]Ibid., p.60.
[267]Ibid., p.60.
[268]Ibid., p.61.

Official data shows that in the 1980s and 1990s, the country registered persistently low growth and limited economic transformation. This despite the fact that the country was at the time largely enjoying political stability while it adhered to its development strategies as spelt out in its economic framework[269]. From 6.9 percent economic growth in 1978 when he took over from Mzee Kenyatta, growth had slowed down to 0.6 percent when he handed over power to his successor, Mwai Kibaki, in December 2002. A total of 13 banks were put under liquidation between May 1993 and August 2001, locking up billions in customer deposits and adding to the economic mess that had become of the country.

Analysts paint a picture of Kenya's missed economic opportunities in the 1980s and 1990s failing to cash in on an expanding manufacturing export market amid a persistent falling share of manufactured exports in manufacturing output, despite its coastal location, relatively cheap labor and market-friendly orientation.[270] "While the country opened its economy in the 1980s and 1990s, the trade liberalization policies were not credible and were often subject to reversals. Manufactured exports were also subject to serious supply constraints such as the unavailability and/or high cost of credit, infrastructural deficiencies and an adverse regulatory framework, increasing transaction costs and undermining the country's competitiveness" Kipkebut, further said:

> Despite the downsides, Moi's administration is credited with deepening investment in the education sector, especially higher education. Notwithstanding the economic challenges that faced him from the onset, Moi's resolve to improve higher education in Kenya remained steady. This saw the creation of the Ministry of Higher Education in 1978 followed by a directive by

[269]Ibid., p.61.
[270]Ibid., p.62.

> the University of Nairobi to expand enrolment and innovate its programmes.[271]

Moreover, despite Kipkebut, sentiments, it's important to note that; Kenya shares territorial boundaries with her neighbors and by this they become trading partners both formally and informally. Among her neighbors are: Uganda, Tanzania, South Sudan, Ethiopia and Somalia.[272]

In spite of this, the international trade activity of the informal sector known as Informal Trade or Informal Cross-Border Trade between Kenya and her neighbors is not sufficiently captured because it is viewed as 'illegal' and often 'invisible.' It is because of its informal nature that shields it from official scrutiny and taxation.[273] The evolution and transformation of the Kenya-Uganda border into what it is today presents researchers with interesting analytical paradoxes.[274] Since the early 1960's when the two East African countries attained political independence from a single colonial power, Britain, a series of negotiated local, inter-state and regional initiatives have come to converge in defining its nature, shape, meaning and interstate trade.[275]

In the post-independence period analysis, the economic setback and paradoxes facing these two independent states is the legitimacy of the border that divides culturally similar locality occupied by the Babukusu, Bagisu, Basamia, Basebei and Bateso peoples on the two sides of the Kenya/Uganda border. As a homogeneous cultural zone enlightened by strong historical ties, borderland areas have not only been sites of immense inter-state relations as well as an arena of possibilities for the local

[271]D. Kipkebut, "Organisational commitment and job satisfaction in higher educational institutions: the Kenyan case." PhD Dissertation, Middlesex University, 2010., p.57.
[272]Ibid., p.57.
[273]Ibid., p.64.
[274]Ibid., p.64.
[275]Lilian Achieng Mukani, *"The African State and the Informal Cross-Border Trade: An Analysis of The Kenya/Uganda Experience."* (2021)., p.68.

communities.[276] As global trade integration continues to develop, countries are organizing themselves into stronger regional blocs.

Within Africa, there has been increased interest in intra-regional trade for some time. Sub regional initiatives aimed at promoting trade in Eastern and Southern Africa is not new. Among them the East African Community of 1967; the Southern African Customs Union of 1969; the Economic Community of West African Countries of 1975; the Southern Africa Development Community of 1990; the Preferential Trade Area of 1982; the Common Market for Eastern and Southern Africa of 1994 and Cross border Initiative of 1993. Noticeable advancement in reducing tariff and nontariff barriers to trade has been achieved; formal trade among most African countries continues to face some challenges.[277]

For the time being, informal/unrecorded trade is thought to be important. From a purely state-centric perspective, the Kenya-Uganda border needs to define patterns of territory and facilitate control from the center. The border and the informal activities generated across it are domestically seen to challenge the stability of the administrations and the countries' quest for hegemony, control and nation building.[278] Yet from the borderlands perspective the identity of the persons experiencing the restrictions created by the international boundary and their various responses towards the border and the regimes that limit their movement and fruitful cross border transactions and communication need to be appreciated.

Dongala states that; informal trade occurs if there is unchecked and extensive trade whereby many participants are involved. He continues to argue that the magnitude of operation is smaller than in the formal sector; formal sectors demands notably registration are minimal or even absent and, in the circumstance of their existence, are

[276]Ibid., p.68.
[277]Ibid., p.69.
[278]Ibid., p.69.

evaded with much ease.[279] Thus, this shows that people engage in these informal trading and socializing activities because the modern state in Africa (that is, the European state in Africa) appears to have failed to offer desired services to its people. So it's paramount to note that the informal cross border trade is a daring expression of localized Babukusu, Basamia, Bateso, and Basebei nationalism. These communities are eager to violate and dissolve boundaries which endanger their unity. For this reason, the essential component of Informal Cross Border Trade is the informal economy.

In the past, Informal Cross-Border Trade was viewed as a 'survivalist strategy' globally and, consequently, the Informal Cross-Border Trade traders were viewed as uneconomical to follow the laid down procedures.[280] Unlike as it was traditionally perceived, Informal Cross-Border Trade entails both informal and formal firms today OECD goods passed across the borders varies greatly from small items to large consignments.[281] The kind of Informal Cross-Border Trade that takes place involves formal firms normally takes account for big consignments; small volumes that are in most occasions passed across the borders by informal firms and individuals similarly constitute significant quantities when computed; accordingly, it is essential to take note the impact that Informal Cross-Border Trade may have on the economies of East Africa.

From the time East African Community Customs Union was established in January 2005, integration aspects have been occurring, chiefly, through efforts aimed at strengthening of institutions and business environment to enhance formal cross-border trade interactions. However, there is no political good will by the two states to recognize the central role played by the informal cross-border trade and to keep track

[279]Ibid., p.70.
[280]Ibid., p.71.
[281]OECD, Paris, J. C. Dumont, and G. Lemaître. "Trends in migration." (1998)., p.24

of its activities. In fact, various researches carried out show that informal trade reinforces regional integration, networks and relationships.[282] According to Meagher, Informal Cross-Border Trade is a reflection of indigenous forms of trade which are relevant than formal trade channels.[283] Informal Cross-Border Trade is not necessarily incentivized by the setbacks facing formal trading; but, should be viewed as an old practice that is resilient of barter trade that took place before colonialism.

People traded freely in precolonial Africa across borders and majority wish to perpetuate the practice of free trade. Therefore, Informal Cross-Border Traders wish to go on exchanging as it occurred in the past. Largely, just as formal integration received promotion under the evolving Customs Union and Common Market Protocols as an interference and a threat to their livelihoods.[284] Globally, due to challenges of recognition of cross border trade as an informal sector it is difficult to ascertain the economic importance of this sector however, In Africa, the last decade witnessed the growth of the informal sector by an average of one percent. In the developing countries, the informal sector comprises an essential part of their economies.

Holistically, Gross Domestic Products of 43 percent is estimated to take place in Africa hence, competing favorably with the formal sector. In the long run the informal sector brings economic development in the developing countries and in short term empowers the poor households. Therefore the study sought to demonstrate that the informal trade practices across the common border are a reflection of the failure of the two states to meet the overall desires of the people.[285] This informal trade serves to fill economic, social and political gaps that the states have failed to handle. Notably, the

[282]Ibid., p.72.
[283]Kate Meagher, "The strength of weak states? Non-state security forces and hybrid governance in Africa." *Development and Change* 43, no. 5 (2012): 1073-1101., p.1098.
[284]Ibid., p.1075.
[285]Ibid., p.1075.

communities along the Kenya/Uganda border have their own idea of national and international relations; moreover these communities continue exchanging emissaries, settling disputes and working outside under internationally recognized pillars of international relations.

1.11.3 Diplomatic Relations in Bilateral Borders

According to Pontian Okoth, intermittent relations between the two states have a long history.[286] It suffices to note that even before 1962 and 1963 (the years Uganda and Kenya gained their flag independence, respectively), both countries had already clashed over British attempts to merge them. As far as 1899, the British government had instructed Sir Harry Johnston, special Commissioner to Uganda to survey the possibilities of a federation. Again after World War 1, the under-secretary for colonies, L.S. Amery, had pushed hard for the union of the two territories. Because of Uganda's worry of possible Kenyan dominance, both instances of efforts to merge the two countries failed.[287]

To find out the actual problems that hindered the merger proposal and to advice, three commissioners were appointed: the Ormsby-Gore Commission of 1925, the Hilton Young Commission of 1927 and the Samuel Wilson Commission of 1927.[288] The point to note here is that all the three commissions concluded that although the settler community in Kenya and the European Constitutional Association in Tanganyika were in favor of federation, the Uganda was particularly worried that the racial segregation so conspicuous in committee which Whitehall established in 1932 could

[286]Pontian Godfrey Okoth, (2010). *Op. Cit.,* p.173.
[287]Ibid., p.173.
[288]Ibid., p.174.

not resolve the impasse. In fact there emerged fears of Uganda and Tanganyika that Kenya might subsequently dominate them in the proposed merger.[289]

Part of the controversy hinged on the fact that having grown at the expense of Uganda, Kenya has eventually relegated Uganda to a subordinate status. For example, in 1902, the entire Eastern Province of Uganda containing large chunks of the 'white highlands' and extending to include Lakes Naivasha, Elementaita, Nakuru and Baringo, had been transferred to Kenya allegedly to centralize the administration of the Uganda Railway.[290]

Additionally, an amalgamation process involving several activities in both territories had already started: postal services (1909), defense (1902) customs (1917), postal and telegraph services (1932), and a joint air service (1937). All were controlled by Governors' Conference (composed of the three Governors) which had been instituted in 1926, and whose chairman was always the Governor of Kenya. Moreover, Nairobi was also being developed as East Africa's commercial and industrial center. In other words, whereas for territories, for economic reasons it instituted a process which would eventually make such a merger inevitable.[291]

After World War II had demonstrated that the Governors' Conference was ill-suited to coordinating the administration of the three territories, Whitehall proposed in a White Paper the formation of an "East African High Commission" whose purpose was to provide a constitutional framework for administering the services already integrated.[292] Like the Governors' Conference, the High commission would consist of

[289]Ibid., p.174.
[290]Ibid., p.174.
[291]Ibid., p.174.
[292]Ibid., p.174 and Colonial No. 191 of December 1945.

the three Governors, but below it would be a legislative council to pass limited laws and to afford equal representation to Africans, Asians and Europeans.[293] Of course the Africans and Asians (and even Europeans in Uganda were attracted by 'equal representation' whereas the Europeans in Kenya were alarmed that this could 'put ideas of racial equality into the Africans' heads.[294]

Whitehall attempted to solve the matter by putting forward another paper.[295] One particularly controversial aspect of this paper was the shifting of the ratio of official to non-official members in the legislative council from 12:24 to 10:13, a suggestion which implied to most observers that Whitehall was back-pedaling from the earlier offer of equal racial representation in order to allow Europeans to have total control of the legislative council. This immediately solidified the already antagonistic views.[296] To worsen matters, Whitehall forced the issue by installing the High Commission on January 1, 1948. This meant that in future it was going to be 'extremely difficult to build up an East African leadership with an inter-territorial rather than a territorial or racial outlook'.[297]

By 1960 no satisfactory status of the three territories had emerged. At the same time, the federation drive appeared frozen in its tracks as it was 'definitely not politics to support federation openly'. Surprisingly, at this time two prominent East African politicians (Tom Mboya of Kenya and Julius Nyerere of Tanganyika) resurrected the issue.[298] Nyerere even offered to delay Tanganyika's independence by one year if this would enable the three territories to emerge as one. Furthermore, Pontian Okoth

[293]Deborah L. Hughes, "Kenya, India and the British Empire Exhibition of 1924." *Race & class* 47, no. 4 (2006): 66-85., p.68.
[294]Ibid., p.174.
[295]Ibid., p.174
[296]Ibid., p.175.
[297]Ibid., p.175.
[298]Ibid., p.175.

alludes that, this was because Mboya and Nyerere were so far ahead of their colleagues' in the Pan-Africanism that was sweeping the continent, and Donald Rothchild believes that the merger debate re-surfaced because 'the federation issue is of the very essence of the human condition'.[299]

It is contended by the study that these nebulous explanations are beside the point. The primary motivation for resuscitating the issues was because federation was now economically attractive: by a creeping process spread over more than fifty years, Britain had installed a framework for economic cooperation between the three territories which was, according to Nyerere 'the nucleus from which federation is the natural growth'. In the absence of this economic structure, such federalist talk could not have emerged from the same Africans who had opposed federation right from the beginning.[300]

In fact, according to Okoth, if Pan-Africanism had been the crucial factor after independence, the three territories should have merged quickly, because their respective institutions had extensive similarities.[301] Conversely, federation talks quickly collapsed because it soon became clear, to Uganda at least, that the disequilibrium that had been built into the East African Economic system could not be merely glossed over by political idealism. The formation of the East African Community in 1967 clarifies this point.[302]

By 1970, relations between Uganda and Kenya had cooled considerably. Obote had annoyed the Kenyans by scuttling the federation talks in 1963, expelling thousands of

[299]Ibid., p.175.
[300]Ibid., p.175.
[301]Ibid., p.175.
[302]Ibid., p.175.

Kenyan migrant workers in 1966 and 1970, and nationalizing several companies, some of which were Kenyan-based in his socialist drive of 1969-1970. It's hardly surprising, therefore, that Amin's coup of January 25, 1971 was well received in Kenya and that the Kenya government prevented Obote from getting back into Uganda from Singapore, to re-organize his troops for a counter-coup.[303]

However, the security situation in Uganda continued to worsen to the extent that by 1975, thousands of Ugandans had already fled into exile, including Wanume Kibedi himself, and the Minister of Finance, Emmanuel Wakweya.[304] At the same time, the Kenyan press continued its relentless attack on Amin which it had started in 1973. To get out of his difficulties, Amin decided on a confrontation with Kenya. In February 1976 he pointed out in a deliberately provocative radio broadcast that large tracts of land in Kenya were originally Ugandan territory and he loudly wondered whether people in those areas still wanted to remain part of Kenya. And in case the Kenyans missed the point, he said Uganda would fight any neighboring country that interfered with its import-export routes.[305]

Furthermore, Uganda-Kenya relations during Obote II were fairly uneventful. The only problem was rendered by the activities of Ugandan exiles based in Kenya. Orwa neatly sums up these relations thus:

> The return of Milton Obote to power in Uganda in 1980 instead of undermining the re-establishment of the lost equilibrium, contributed towards its achievement. Obote's presence on the East African political scene led to improved relations among the three East African states. He successfully brought the East African leaders together in Kampala, setting the stage for future

[303]Ibid., p.178.
[304]Ibid., p.179.
[305]Ibid., p.179.

> summits aimed at normalization of relations. The process was given momentum by the widening political instability that threatened to engulf all of the Eastern African states following the conflicts of the late 1970s. Obote's government faced a Museveni-led rebellion along with other minor opposition groups. These groups sought to use neigbouring countries as their operational bases against the Obote regime….[306]

Interestingly, Ugandan exiles were also a thorn in Kenya's pawn for a different reason. It suffices to state that apart from the United Kingdom and the United States, Kenya had absorbed the largest number of Ugandan professionals. In addition, accomplished members of the underworld had also been absorbed by Kenya.

In brief, Obote's policy toward Kenya during 1980-85 was to try to get the Kenyan government to curb exile activities so as to reduce the tempo of the guerrilla campaign against his administration and to do nothing that might excite the Kenyans into closing the border.[307] On the other hand, Kenya did not want to antagonize Obote further although surprisingly after Obote's second overthrow, Kenya announced that it would play a direct role in the political developments in Uganda by hosting the peace talks between the new military government of General Tito Okello and Museveni's National Resistance Army. The explanation from Nairobi was that this demonstrated friendly neighborliness, although the real reason was more of self-interest. After years of fence straddling, the Kenyans had eventually realized the importance of having a direct stake in Ugandan affairs.[308]

Despite Kenya's interest in the peace talks, both sides signed a 'Peace Agreement' which neither had the intention to honor. No wonder, fighting soon resumed, and Museveni captured power in January 1986. Museveni's initial policy toward Kenya appears to be reminiscent of Amin's policy toward that country. That is to say, it

[306]Ibid., p.186.
[307]Ibid., p.186.
[308]Ibid., p.186.

seemed to be based on brinksmanship, as is evidenced by the events of December 1987. They started on December 10, with armed shootings in Busia.[309]

What ensued were accusations and counter accusations, and it was not clear to the layperson as to who really started the provocations. The newspapers only carried denials of these provocations by both sides, culminating in Museveni's warning to Kenya. Addressing diplomats and journalists at State House, Entebbe over the Uganda/Kenya border violence, Museveni warned that Uganda would take appropriate 'self-defense' measures if Kenyan security forces did not stop firing at Ugandan troops, civilians and territory.[310]

On Moi's part, he accused Uganda of 'interfering' in Kenya's internal affairs. He also alleged that 200 or so Kenyan children had been taken to Libya for military training through Uganda where they were issued with passports. Moi further claimed that Uganda was engaged in destabilizing Kenya and concluded by calling on the Kenyan people to be ready to fight the 'enemy'.[311] The tense border situation led to fuel rationing in Uganda, to Kenya sealing off its border, and to food shortage on both sides of the border. It was not until the two presidents met on December 28, at Malaba, two kilometres inside Kenya, that two week border conflict was resolved. Since then, with the relaunch of the EAC in early 2001, Kenya and Uganda have had peaceful relations.[312]

According to Schultz, in his works; *Mapping Interstate Territorial dispute,* he observes that borders have several functions.[313] The first is to distribute sovereignty over territory, determining who gets what. Although sovereignty and territorial

[309]Ibid., p.186.
[310]Ibid., p.186.
[311]Ibid., p.186.
[312]Ibid., p.186.
[313]Kenneth A. Schultz, "Mapping interstate territorial conflict: A new data set and applications." *Journal of Conflict Resolution* 61, no. 7 (2017): 1565-1590., p.1572.

integrity can and have been violated, a border creates a presumption that the territory on one side falls under the jurisdiction of one state and the territory on the other side falls under the jurisdiction of its neighbor.[314] As a result, a border determines which state will profit from the resources on a given piece of territory and which state can tax and conscript the people living there. For the inhabitants of the region, the border defines the political community to which they belong. It determines which political institutions, laws, and regulations govern them, which other people share the same polity, and which, on the other side of the line, do not.

All of these features have significant distributional consequences not only for the states involved, but also for individuals and groups within them. It is important to note that, from the works of Schultz note that, of course not every piece of territory is valuable to every state. States might also reasonably prefer to limit their size, if expanding borders increases the heterogeneity of the population hence complicating. Thus, this study explains that it is not correct to assume that states always prefer more territory to less and that distributional conflict is therefore ubiquitous. However, within the context of a territorial dispute in which states articulate overlapping claims to territory the drawing of a border is inevitably a contentious act. It is on this basis that this study will be focused on the diplomatic relations between Kenya and Uganda especially at the Kenya-Uganda border.

Can creation of a *de jure* border strengthen diplomatic relations between two states? According to Hassner, the creation of a de jure border requires both sides to renounce claims to territory that they do not receive and to recognize the rights of the other side

[314]Ibid., p. 1575.

to the territory it obtains.[315] However, if these claims have high symbolic value, then the act of renouncing them imposes costs on both sides. For instance, it should be noted that; negative-sum outcome is particularly likely when disputed territories are tied to the state's national or religious identity or if claims have been advanced in such a way that they are intertwined with principles that would be difficult to renounce.[316] For example, imagine that India and Pakistan were to decide that the line of control that has served as their *de facto* border since 1949 would become their *de jure* border. In terms of the distribution of material goods, nothing would change: People and resources under Indian administration would so remain, as would people and resources under Pakistani administration.[317] If such a move is inconsequential, one wonders why these two countries have been living with a LOC rather than a *de jure* border for six decades.

In the preceding argument by Hassner, a rightful answer to the requirement of having a de jure border has not been put forward.[318] It is prudent to outline that a reasonable answer is that making the LOC their recognized border requires both states to give up something that is highly valued among themselves. Each state would have to renounce its right over the portion it does not receive and to recognize its rival's sovereignty over that portion. Politicians in both countries fear that such an act would put their careers and/or lives in jeopardy.[319] Therefore, from the foregoing discussion, the study focused on how the creation of borders generates costs due to the renunciation of claims and states engaging in conflict over historically, religiously, or symbolically important territory often resort to *de facto* methods of division that

[315]Ron E. Hassner, "To halve and to hold": Conflicts over sacred space and the problem of indivisibility." *Security Studies* 12, no. 4 (2003): 1-33., p.17.
[316]Ibid., p.5.
[317]Ibid., p.10.
[318]Ibid., p.11.
[319]Ibid., p.11.

permit them to manage the conflict while retaining claims to territory that they do not possess. The study also endeavored to make its audience understand the incentive to agree on and live within clearly defined and legally binding borders, that needs their roles being considered as institutional.

Borders have various advantages as far as diplomatic relations is concerned. From the study of Carter, borders are institutions that regulate the interface between political communities.[320] As usually defined, institutions are norms, rules, and mutual expectations that structure behavior in a given setting. Borders as institutions play several roles with important implications for the states that share them, for people who live in their vicinity, and for actors who seek to cross them.[321]

First, borders create common knowledge about where one state's jurisdiction ends and the other's begins. However, the land is divided; there is value to having lines that are recognized at both central and local levels. In the absence of such lines, conflicts can arise; for instance, when states move military or security forces into areas that both sides believe to be their own territory or when individual-level conflicts, such as land disputes or criminal cases, lead to contradictory jurisdictional claims. The benefits of clarity generally create a preference for borders that follow physical features, such as mountains or rivers, or correspond to long-standing administrative divisions.[322]

Second, the commitment to a particular boundary, usually in the form of a legally binding instrument such as a treaty, influences expectations about the likelihood of future conflict or instability. When states agree to a border, not only may they have to

[320]David B. Carter, and Hein E. Goemans. "The temporal dynamics of new international borders." *Conflict Management and Peace Science* 31, no. 3 (2014): 285-302., p.288.
[321]Ibid., p.290.
[322]Ibid., p.292.

give up territory that they possess, but they also are understood to be renouncing any right to territories that they had claimed but did not receive. As already suggested, these acts entail political risks, so the willingness of a government to take them can serve as a costly signal that it foresees benefits from a settlement.

In addition, if a State expects reputational or other costs from violating border agreements, these costs can constrain future behavior, and the willingness to embrace such constraints is a further indicator of the government's preferences. Thus, through some mixture of *ex ante* costs and *ex post* constraints, the adoption of a mutually agreed upon border can serve as an act of reassurance, both to the states involved and to third parties, such as economic actors.

Thirdly, Carter emphasizes two kinds of uncertainty that can bed - evil cross-border economic activity and are reduced by the creation of mutually recognized borders: jurisdictional and policy uncertainty.[323] The former refers to uncertainty about which rules and legal protections apply to a given transaction. If sovereignty over a piece of territory or a waterway is unclear, economic agents may be discouraged from crossing, investing in, or doing business in the area.

The risks and uncertainties associated with unclear property rights lead to higher transaction costs and, consequently, fewer transactions. Policy uncertainty refers to the risk of policy changes that might adversely affect business. Among these are the risk of militarized conflict, whose effects are already noted, as well as trade sanctions or border closures. Thus, the resolution of territorial disputes through the adoption of

[323]Ibid., p.293.

a mutually agreed upon border can both clear up jurisdictional uncertainties and provide an expectation of policy stability.[324]

Finally, borders can be sites of cooperation between states monitoring and regulating the flow of goods and people across them. In some cases, if the potential flows are harmful and undesirable, then states may erect a barrier, foreclosing the need to cooperate with those on the other side. This is particularly true if states face the prospect of people fleeing or, more commonly, undesired people trying to enter. Such barriers are increasingly common and their primary predictor is economic inequality between neighbors, not security concerns. On the other hand, if there are significant joint gains to be acquired from the movement of goods, money, and people across borders, then governments have a stake in cooperating.[325]

This is particularly true if, as is usually the case, they want to permit and tax the flow of certain goods and people (such as legally traded goods and tourists) but not others (such as illegal drugs, smugglers, and rebels). In most cases, this regulation of flows requires some degree of cooperation and coordination at the border itself, what Carter calls a "border regime."[326] As Carter emphasizes, agreement on the location of the border is not sufficient for such a regime to emerge. His work underscores the importance of delegation to local actors and cooperation between agents at the border to solve common problems, hence the crucial role of diplomacy.

Disagreement and conflict over the location of the border challenge the emergence of an effective regime. When borders are fortified and militarized owing to the threat of interstate violence, cooperation at the local level can be impeded both physically and

[324]Ibid., p.293.
[325]Ibid., p.294.
[326]Ibid., p.294.

politically.[327] Although cooperation in the vicinity of the border is important, an effective border regime can also require cooperation "behind" the border. This means not only cooperation at airports and seaports but also, potentially, institutions to settle disputes or to deal with externalities from cross-border interactions. As the experience of the European Union suggests, market integration may reduce the role of agents at the borders themselves but it also creates a need for deeper cooperation to manage the effects.[328]

Despite the fact that the roles of borders have been given, none of this suggests that well-defined and well-regulated borders guarantee cooperation and economic integration. It is on this basis that this study opts to unravel, in detail, what Carter and Goemans has not addressed when it comes to guarantee cooperation and economic integration along the borders of two countries.[329] In this case, the study checked on the factors that promote cooperation in a border and also stipulate how this cooperation will promote economic integration between Kenya-Uganda at the border since 1962.

According to Feenstra, States might have non territorial conflicts that stand in the way or political interests opposed to closer economic ties.[330] Furthermore, he adds that, even when states have friendly relations, there is compelling evidence of border effects in economic transactions. It is also paramount to say that all other things equal, trade flows are reduced when they have to cross an inter-state border. For example, the US - Canada border reduced trade by a factor of five relatives to what would be expected if the international border were equivalent to an internal state or provincial border. In addition to the protectionist barriers that states might erect, the crossing of a

[327]Ibid., p.294.
[328]Ibid., p.295.
[329]Ibid., p.295.
[330]Robert C. Feenstra, "Border effects and the gravity equation: Consistent methods for estimation." *Scottish Journal of Political Economy* 49, no. 5 (2002): 491-506., p.498.

border imposes transaction costs due to differences in currencies, laws, language, and culture.[331]

From this point of view, one might argue that economic exchange would be enhanced not by better definition of borders, but by "erasing" them, as in the European Union or, even more dramatically, in the case of the United States. But even if borders are rendered meaningless from the perspective of economic flows-through free trade agreements, currency union, and harmonization of regulations, they still serve a myriad other functions related to governance and identity: determining to which laws individuals are subject, in which elections they can vote, and to which community they belong.[332]

As long as people care about these issues, uncertainty over the location and stability of the border has political consequences that can impact trade. Thus, although one might hope to render the location of the border moot by eliminating its effect on economic flows, deep economic integration has in practice proceeded only after borders have been settled. As Feenstra notes, the most permeable borders tend to be those whose location is taken for granted.[333]

Although Feenstra suggests that the distributional and institutional functions of borders interact, he has not demonstrated that resolving distributional conflict through the adoption of mutually recognized boundaries reduces uncertainty and makes possible cooperation that can deliver joint gains; in turn, the prospect of these gains may provide incentives to make concessions needed to overcome distributional conflict. He has not pointed out the shortcomings that can befall border security, and

[331]Ibid., p.492.
[332]Ibid., p.494.
[333]Ibid., p.496.

econo-diplomatic relations in an inter-country border. Neither has he shown why and when the territorial disputes are indeed resolved, in case they occur. This study, therefore, looked into these emerging gaps and addresses them accordingly.

Today, as cited by Art, the concept, security, as a political value, at least in western thinking, has no independent meaning and is related to individuals or societal value systems.[334] As a social science concept, security is ambiguous and elastic in its value meaning. Wolfers on the other hand pointed to two sides of the security concept. He states that first, security is an objective sense, and security is absence of fear that such values will be attacked.[335] Security is therefore inter-subjective. In other words, security is what other actors make of it.[336] For Wolfers security means the absence of security threats, challenges, vulnerabilities and risk. Security can be conceptualized as comprehensive and multidimensional, whose core goal is the achievement of wellbeing, whether of the region, the nation state, the society, the community or the individual.[337] It has military, political, economic, socio-psychological, cultural, and ecological dimensions.

The idea of security centered on the state has in much respect given way to an entirely new concept. Security has fundamentally evolved in the international debate, from a concept which focused on the stability of the state to a protective approach related to the individual.[338] From a realist perspective, objective security is achieved when the dangers posed by man fold threats, challenges, vulnerabilities and risks are avoided,

[334]Shalom H. Schwartz, "Are there universal aspects in the structure and contents of human values?." *Journal of social issues* 50, no. 4 (1994): 19-45., p.25.
[335]Wolfers, Arnold. *Discord and collaboration: Essays on international Politics*. John Hopkins Press, 1967, p.72.
[336]Ibid., p.74.
[337]Ibid., p.76.
[338]Ibid., p.76.

prevented, managed, coped with, mitigated and adapted to by individuals, societal groups, the state or regional or global international organizations.[339]

While national security has the state as the major referent, human security has humankind as the referent. Currently, international security contentions are going to through new developments, with security threats turning, diversified and regional conflict erupts one after another.[340] The researcher strongly agrees with the sentiments of Liping since today's security threats recognize no national boundaries, are connected and must be addressed at the global and regional as well as the national levels.

Un addressed by Liping is that; no state, no matter how powerful, can by its own efforts alone make itself invulnerable to today's threats. Besides, it cannot be assumed that every state will always be able, or willing to meet its responsibility to protect its own peoples and not to harm its neighbors. Also, unknown to Liping is that without mutual recognition of threats, there can be no collective security. Countries all share responsibilities for each other's security. It is on this basis that this study will look forward to filling this gap emerging from Liping that has not been addressed at all.

Diplomacy from the perspective of boundaries is the art and practice of conducting international boundary negotiations and agreements between states.[341] It calls for the intercession of professional diplomats and experts versed in the subject of peace-making to reach a common understanding. Moreover, border diplomacy is the use of tact to gain strategic advantage or to find commonly satisfactory answers to a common problem on the foundation of historically authentic documents and materials,

[339]Ibid., p.77.
[340]Ibid., p.78.
[341]B. Shrestha, "Diplomacy in the Perspective of Boundaries." *Journal of Foreign Affairs* 1, no. 1 (2021): 37-57., p.37.

which could be convenient for both sides in a congenial environment. Similarly, border diplomacy is an enterprise which demands a tireless supply of talented individuals with facts, figures and past incidents to convey and convince neighboring boundary and surveying experts, in one of the alternative ways.[342]

Therefore, the diplomatic practice or steps by the states to resolve border disputes in a peaceful manner through demarcation and management is called border diplomacy. It not only deals with territorial dispute settlement but in a broader sense also deals with immigration, refugees and other related matters. Thus, border diplomacy highlights the management of border disputes that are deeply affected by the contradictory interests of various layers of government and 'twilight' entities that project statecraft at the periphery.[343] It deals with the settlement of territorial disputes and maritime delimitation issues and revolves around their characteristics.

Consequently, for international peace and security, border diplomacy deals with the settlement of border disputes, encouraging the practitioners of foreign policy and diplomacy to exercise international law effectively and strategically, and concurrently guide political leaders and the public to deepen their understanding of the practicality and limitations of international law. In the world today, there are several border disputes which are a threat to international peace and security as well as other security threats such as proliferation of nuclear weapons. Sometimes, leaders cross the borders or meet at the disputed areas to negotiate and resolve the disputes or for other negotiations. In 1999, Indian Prime Minister Atal Bihari Bajpayee and a high-profile

[342]Ibid., p.38.
[343]Ibid., p.39.

delegation went to Pakistan across the Wagha border and were received by Pakistani Prime Minister Nawaz Sharif.[344]

On 6th/October/2022, Ugandan President Yoweri Museveni apologized for what he called meddling in the affairs of brother Kenya. The statement reads in part, "I ask our Kenyan brothers and sisters to forgive us for tweets sent by General Muhoozi Kainerugaba a top military official, when he threatened to overrun the capital of Nairobi within two weeks.[345] Regarding the election matters in that great country." Museveni said it is not right for public officers, be they civilian or military, to comment or interfere in any way in the internal affairs of brother countries. He said such discussions should be handled by the peer-review mechanism of the African Union or confidential interaction among us or East African Community and not in public comments.[346]

On Monday, 3rd/October/2022, Kainerugaba claimed that he could lead the country's military in an expansionist invasion of Kenya. He said it would take him less than two weeks to capture the capital, Nairobi, and then treat the country as one of Ugandan districts. "It wouldn't take us, my army and I, two weeks to capture Nairobi," he tweeted on his official account.[347]

The general's utterances sparked uproar and forced the two countries that shared a border into an awkward diplomatic tiff. Reports indicate that diplomats from both countries were held up in a closed door meeting in a bid to resolve the issue. Mr. Museveni made a phone call to Kenyan's president Dr Wiliam Ruto to apologize on the behalf of Uganda.[348]

[344]International Crisis Group, 2012.
[345] Museveni apologizes to Kenya for son's outburst. *The Daily Nation*, Thursday October 6, 2022, p.3.
[346]Ibid., p.3.
[347]Ibid., p.3.
[348]Ibid., p.3.

1.11.4 Challenges and Opportunities Relating to Border Security and Econo-Diplomatic Relations

Traders in Central Asian countries have to comply with cumbersome regulatory requirements in doing business, ranging from challenges obtaining certificates/permits, to going through complicated formalities required by different border control agencies.[349] Different regulatory framework for customs and inspections, poor coordination of border agencies both within a country and between neighboring countries, non-transparency and complexity of administrative procedures, unjustified and extra transit fees also undermine the trade potential of the sub region. For example, it was reported that an amount of US$ 300 for transit travel and 120 Euro for Customs accompaniment should be levied for transit shipments for Kyrgyz carriers forwarding to Iran and Turkey through the territory of Uzbekistan.[350]

Livestock raiding and competition for water and pastures lead to cycles of reciprocal violence between pastoralist groups in the Kenyan-Ugandan border region. More frequent and severe droughts as well as the proliferation of weapons from war-torn neighbour countries are further aggravating this situation. The border area between Kenya and Uganda, also known as ‘Karamoja cluster’ is home to several pastoralist groups. As a way to cope with erratic rainfall and generally harsh environmental conditions, these groups have frequently engaged in violent conflicts over livestock, water and grazing resources.

In recent times, these have been exacerbated by the increased availability of modern weapons from war-torn neighbor countries, as well as a series of particularly serious droughts. Due to the porousness of international boundaries in the Karamoja cluster these conflicts often oppose groups from different countries, such as the Pokot and

[349]ESCAP, UN. "Improving border management to facilitate trade in SPECA: challenges and prospects." (2010)., p.17.
[350]Ibid., p.41.

Turkana from Kenya and the Dodoth, Jie, Sabiny and several Karimojong groups from Uganda. Between 1998 and 2008, cross-border attacks between these groups amounted to more than 800 human deaths, with about 450 fatalities reported for the year 2000 alone.[351]

In the African perspective borders, the fragile security situation in the Sahel region has been aggravated by evolving threats including violent extremism, transnational organized crime and the proliferation of arms. The porous borders, governance deficits and environmental challenges have undermined effective control of the Sahel's frontiers.[352] The Sahel is characterized by a vast stretch of 3,860 kilometers of unfriendly, undeveloped desert regions, a harsh climate and scarce water. Recurrent droughts have forced various Sahelian nomadic groups to migrate to more friendly climates, posing further challenges to human security. Migrants from remote rural areas can be found in the capitals of Mali, Senegal and Burkina Faso, causing new problems with urban sanitation, hunger and crime.[353]

Absent governments in a troubled region; communities throughout the region continue to grapple with disputes over natural resources, armed violence, corruption and trafficking. The migration of mercenaries following fighting in the Libyan crisis has contributed to growing instability in neighboring countries, particularly to, for example, the Tuareg uprising in Mali in 2012. This instability in Libya also contributed to an increase in the trafficking of arms and illegal goods in the region.[354] The difficulty of patrolling the borders has led to terrorist organizations operating

[351]UCDP Conflict Encyclopedia. Kenya (accessed 2023-2-11)
[352]Ibid., p. 76.
[353] Dominic Naish, "Security and conflict management in the African borderlands: A people-centred approach." *Conflict trends* 2017, no. 1 (2017): 20-26., p.14.
[354]Ibid., p.14.

transnationally with relative ease. The activities of al Qaeda in the Maghreb and Boko Haram continue to pose serious threats to state and human security in the Sahel.[355] Consequently, 1.5 million people from Nigeria have become refugees in neighboring countries since May 2013, as reported by Amnesty International. Additionally, a study done of border security and management in the Liptako-Gourma border regions between Mali, Niger and Burkina Faso revealed that, despite the strong trust in the government, security concerns are first addressed using traditional conflict mitigation mechanisms, and the authorities (who may be present, but are largely unresponsive) are approached only as a last resort.[356] This shows that the governments of these countries are unable to effectively control their remote border regions and utilize or prioritize border communities in addressing transnational challenges.

The Economic Community of West African States has formulated policies in a bid to control the security challenges encountered. These include the protocol relating to the prevention, management and resolution of conflict, the Economic Community of West African States Conflict Prevention Framework, the Economic Community of West African States Convention on Small Arms and Light Weapons and the Economic Community of West African States Common Approach on Migration and Counter Terrorism Framework.

All these have sections devoted to cross-border initiatives, the strengthening of border controls, migration and counter-terrorism.[357] In addition, Economic Community of West African States calls for coordination and collaboration by relevant state agencies in the sub-region to reduce threats emanating from the borders. The response by governments to implementing these provisions has been mixed due to a variety of

[355]Ibid., p.15.
[356]Ibid., p.17.
[357]Ibid., p.17.

factors; prominent among them is lack of political will and resources. This has resulted in a gap between policy and implementation.[358] While these laws indicate an awareness of the challenges on the ground, in reality not much critical capacity or resources have been developed or devoted to make them operational.

State agencies at the border points are often ill-trained and unaware of the laws on critical border issues. Additionally, Sahelian states have habitually not prioritized development in border areas. This has created an enabling environment for organized crime networks and other sub-state actors to operate mix with the people and provide the services that the state is unable or unwilling to provide. As a result, communities become tied to these new actors and may not share information with state agencies.[359]

There are many further aspects that make the issue of border management complex. The arbitrarily demarcated borders of the colonial era mean that people from the same ethnic group are often divided by political boundaries.

This has affected mobility and encouraged the use of unapproved border crossings for familial and economic activities. Moreover, the work of border security officials is hampered by logistics and poor government remuneration, creating avenues for corruption. Further, a survey conducted in 2014 revealed that only 32% of security providers in selected border communities in three countries in the Sahel have received training on border management and security.[360]

Finally, the recurring challenges of the region arising from poverty, inequality, disposition to conflict and the complexities of securing the borders have had an effect on the ongoing migration crises of people from Africa and the Middle East to Europe. Nonetheless, despite forces such as globalization and rising transnational violence,

[358]Ibid., p.18.
[359]Ibid., p.18.
[360]Ibid., p.18.

borders remain relevant for the territorial sovereignty of states and play a pivotal role in global peace and security. This is because borders demarcate the responsibility of governments towards their populations in a defined territory. These responsibilities must be regulated through effective governance processes, principally through state and rule-based regional cooperation.[361]

Governments across the region can start addressing the border crisis by developing national border management policies across the Economic Community of West African States sub-region, as has been done in Benin and Senegal; inculcating relevant legislation and ethics, and increasing the border security training programmes of state agencies to boost professionalism; and prioritizing the development of infrastructure in border areas by governments to reduce reliance on, and threats from, sub-state actors. The borders of the Sahel are vast and difficult, but not impossible, to manage effectively, with the right strategies. The right balance of rule of law and development at border areas is critical in addressing many of these challenges.

The Republic of Kenya and Uganda have experienced different types of cross-border conflicts from independence to the present day. These conflicts range from internal disputes between different groups in Kenya to cross-border confrontations with groups from neighboring countries like Uganda, coupled with spillover effects from regional conflicts in the greater Horn of Africa. These conflicts manifest themselves violently and nonviolently.[362]

The causes of the conflicts are many and complex, including poor governance, poverty, drought, famine, competition for scarce resources, and identity-based rivalries. These conflicts have caused extensive local crises, drawn heavily on military

[361]Ibid., p.19.
[362]Ibid., p.20.

resources, and have had an adverse impact on economic development in the region.[363] The impact of violent conflict has manifested itself psychologically, physically, and economically, going beyond the material and affecting the lives of thousands of women, children, and men. Traditional morality has collapsed following a rupture in the structure of social relations on which peoples' lives were hinged.

The Pokot, Turkana, and Karamojong strive to keep some livestock and those fortunate few who have incomes from trade and regular employment continue to invest in livestock. Throughout their history, these pastoral communities have engaged in a multiplicity of economic activities, making use of a wide variety of resources within their reach and often modifying their animal production given the demands of other pursuits. Many now engage in subsistence farming. They also trade and make handicrafts.[364] But some smuggle and engage in raids and make war on their own or for others. Pastoralists raise different types of livestock.

The characteristics of the animals and local environmental conditions determine the number and composition of the herds. Pastoral production systems are, by and large, a product of climatic and environmental factors. The objective of the pastoralist is to accumulate and maintain as much wealth as possible in terms of livestock. Pastoralists have been able to eke out a living from the harsh and unpredictable environment for centuries. In their long history, livestock provided not only a valuable source of food, but also acted as a reserve of wealth, a redeemer from damage, a sacrificial gift, and a means of marriage and other ceremonial pay.[365]

Conflicts have political, economic, social, and cultural implications and contribute to the lowering of economic productivity, weakening of political institutions of governance, incapacity to provide essential services, destruction and depletion of

[363]Ibid., p.20.
[364]Ibid., p.21.
[365]Ibid., p.21.

existing resources, loss of food production, and capital flight.[366] It may be possible to measure the cost of conflict in economic terms by assessing the loss of potential foreign and domestic investment due to fear of crime and insecurity, loss of income from tourism, and losses in government sectors like agriculture.

Other direct consequences of violent conflict are the influx of refugees and internally displaced persons (IDP) from neighboring countries into Kenya. This is further complicated by the prevalence of small arms and light weapons in major towns and in pastoral areas in northern, northeastern, coastal and western Kenya along its international borders.[367]

1.11.5 Summary of the Emerging Gaps from Literature Review

Various gaps emerged as a result of reviewing various literatures from security borders, economic relations and diplomatic relations across the globe. Also, ways of attending to these gaps, to some extent, has also been shown briefly.

Territorial disputes, militarized conflict, and economic integration spans several robust arguments when it comes to matters to do with border issues. Considerably less has been written on the interaction of three phenomena, particularly in thinking about whether and how economic integration might propel and reinforce efforts to resolve territorial disputes. Therefore, this study unraveled this relationship that must be put in place in order to ensure there is a robust economic growth, sustainable development and good security along the border that settles matters to do with peace and unity via diplomacy.

[366]Ibid., p.21.
[367]Ibid., p.22.

Secondly, the link from territorial disputes to militarized conflict reflects the fact that territory can be a highly valued good for material and/or symbolic reasons. Territory is the kind of good for which states and individuals are (or can be) highly motivated to fight. He argues that conflicting interests over the distribution of such a good are not sufficient for militarized conflict to erupt, but they do create opportunities and incentives for states to employ violence or threats of violence to influence bargaining and to alter the distribution in their favor. However, imperative issues as far as economics, security and diplomacy are concerned, have not been adequately addressed neither have the effects of conflicts on trade and maintenance of peace been fully addressed. In this, case therefore, this study investigated the outcome of allowing lower-level conflicts such as interstate disputes between two border countries in matters of trade and diplomatic relations/conflicts.

There are a number of mechanisms that plausibly underlie the economics and border security relationship. The militarized conflict creates physical barriers to the movement of goods. In addition to the fact that war makes land and sea routes dangerous to cross, states that fear attack may militarize the border in ways that hamper trade flows. This study advanced the view that trade has significant effects on relative power and that states might nevertheless want to restrict trade in strategic or dual-use items, including raw materials. Therefore, this lacuna was instrumental in understanding various issues that are tantamount to a robust economic growth in a border and how good security measures enhance good trading activities between two nations such as Kenya-Uganda at their border.

Although borders have several functions; such as distributing sovereignty over territory and determining who gets what, within the context of a territorial dispute in which states overlapping claims to territory, the drawing of a border is inevitably a

contentious act. It is on this basis that this study focused on the diplomatic relations between Kenya and Uganda especially at the Busia border.

The creation of a *de jure* border requires both sides to renounce claims to territory that they do not receive and to recognize the rights of the other side to the territory it obtains. The study endeavored to advance the view that incentive to agree on and live within clearly defined and legally binding borders, is crucial for institutional building.

Borders have various advantages as far as diplomatic relations is concerned. Study of Carter, they are institutions that regulate the interface between and among political communities. Despite the fact that the roles of borders have been addressed in the literature, there is no plausible argument to suggest that well-defined and well-regulated borders guarantee cooperation and economic integration. It is on this basis that this study opts to unravel, in detail, what Carter has not addressed when it comes to ensuring cooperation and economic integration along the borders of two countries. States might have non territorial conflicts that stand in the way or political interests opposed to closer economic ties, the literature has failed to address the shortcomings that can befall border security and econo-diplomatic relations in an inter-country border. Neither have the authors discussed why and when is the territorial disputes are resolved in case they occur. This study looked into these emerging gaps and addresses them intensively.

It is evident from the literature that Africa faces many chronic problems such as: ethnic, religious, social, geographic or imperialist, to name just a few. However, some critical issues to do with border security have not been tackled. Little has not addressed how essential cross-border traffic and trade can be enhanced in two

countries have not been fully addressed. This study explained how cross-border traffic was controlled in order to improve trade activities along Kenya-Uganda border.

The diversity of East Africa makes it difficult to generalize about patterns of conflict and instability in the region's borderlands but several factors are of importance across most of the region's conflicts. The literature has not explained if the porosity of Kenya-Uganda border has significantly contributed to steady inflow of firearms and infiltration of various armed groups that may result into border conflicts. This study attempted to explain if, indeed, Kenya-Uganda border is porous and if this, indeed, has resulted into insecurity matters along the border, for instance accelerating conflicts along the border.

A crucial feature of borderlands in Africa is the difference in how they are perceived by local people and the central government. From this standpoint, however, measures on how the low state presence, mistrust between local communities and the state, high levels of crime, insecurity and poverty can be managed at the border, have not been provided. This study therefore attempted to address these issues.

1.12 Research Methodology

This study section discuss the methods and how research data was collected, analyzed and presented for understanding and reconstruction of the history of border security vis-a-viz econo- diplomatic relations between Kenya and Uganda since 1902. This section further presents the study area, the population of the study, sampling procedures, data collection tools and data analysis procedures, and finally, a discussion of the limitations of the study and ethical considerations.

1.12.1. Philosophical Underpinnings

The philosophical underpinnings of the study are deeply intertwined with interdependence theory, bureaucratic theory, and the interpretivist research paradigm. Interdependence theory underscores how Kenya and Uganda's mutual reliance on economic and diplomatic ties has fostered cooperation and regional stability. This theory highlights the interconnected nature of their economies and political strategies, revealing how shared interests can mitigate conflicts and enhance bilateral relations. Bureaucratic theory examines the role of administrative structures and governmental procedures in managing border security and diplomatic relations. By focusing on the institutional frameworks and bureaucratic processes, this theory elucidates how policy decisions and administrative actions shape and sustain these interstate interactions.

Adopting interpretivism as a philosophical justification allows for a deeper understanding of the objective meanings and experiences of the actors involved. This approach emphasizes that reality is constructed through social interactions, cultural contexts, and personal interpretations, which are crucial for comprehending the complex, context-dependent nature of Kenya-Uganda relations. Ontology in this research is corroborated by recognizing that the reality of border security and econo-diplomatic relations is not objective but socially constructed through these lived

experiences, bureaucratic practices, and interdependent interactions. By integrating interpretivism, the research acknowledges the fluid and dynamic nature of international relations, providing a different understanding of how historical events, policies, and practices are perceived and enacted within the socio-political contexts of both nations.

1.12.2 Research Design

The study adopted historical research design. This is because historical research design is a plan or strategy within which a researcher collects data systematically and evaluates them by relating them to the past occurrences in order to establish the causes, effects or trends of those occurrences with the aim of using the data to understand and explain the past or present and/or future anticipated events.[368] In the historical research design, the writings are basically descriptive. They begin with a narration of events in a time sequence, and the analysis addresses the questions of explanation, relationship, and consequences of events. The main purpose here was to give a complete account of what was reported and observed by participants in response to the research questions. Due to the nature of this study, the researcher also adopted interpretevism research design. This is because; this type of design is associated with cross- sectional survey that triangulates different research designs for purposes of complementarity. The choice of this design was more favorable as it aided in understanding relationships among variables that have to do with border security and econo-diplomatic relations experienced by the inhabitants of the Kenya-Uganda Busia border.

[368]Paul D. Leedy, and Ellis Ormrod Jeanne "Practical research: Planning and designing." *New Jersey: Merritt Prentice Hall* (2001)., p.190.

1.12.3 Area of Study

The area of study is located in the border of Kenya and Uganda in areas around Lake Victoria, the Busia border, Malaba and Mt Elgon, (See Fig. 1: A Map showing the study area).

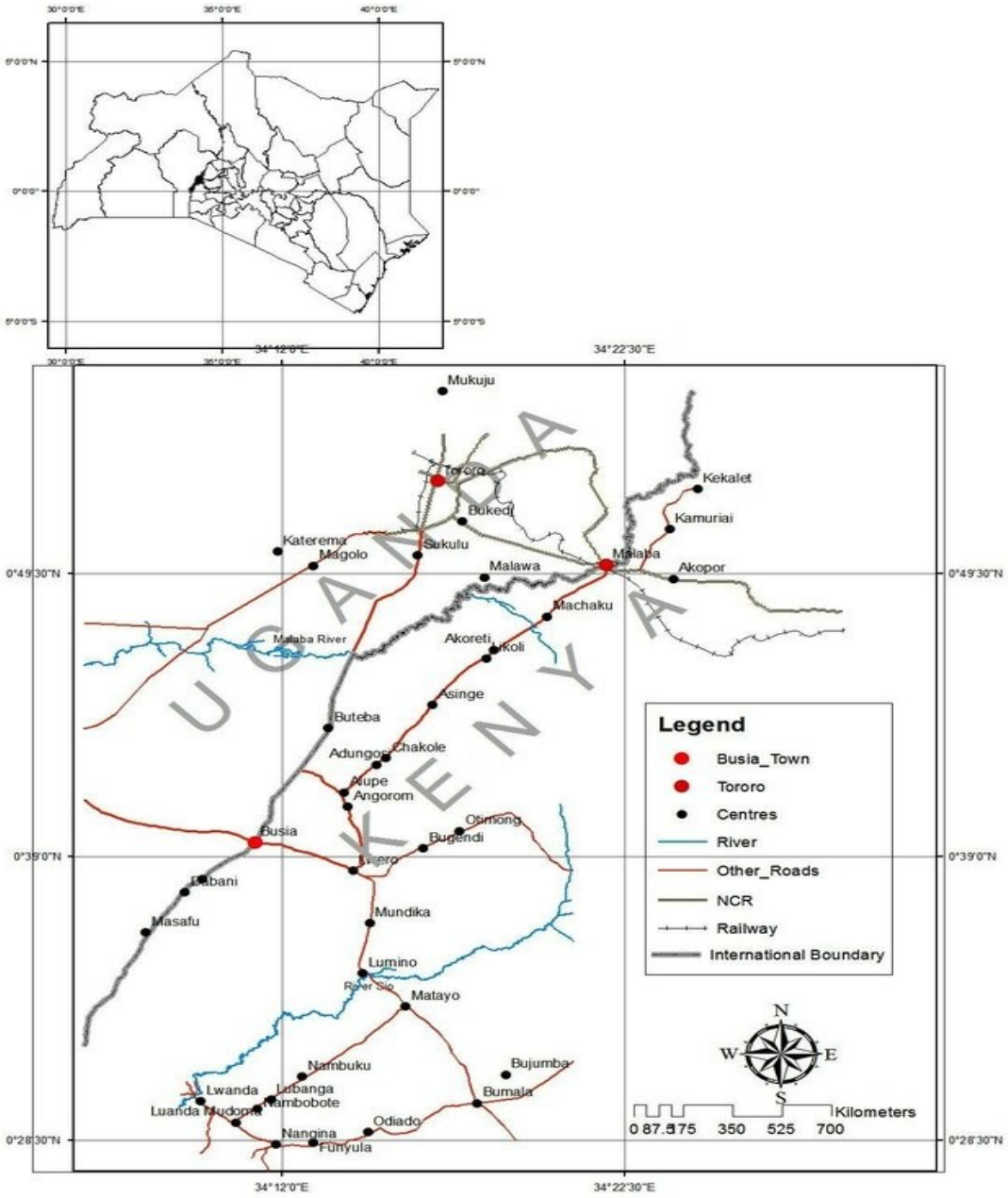

Figure 1: Map of the Study Area

Source: GIS Expert, Moi University, 2024

1.12.4 Target Population

Target population of the research was informed by the residents of Kenya and Uganda at the Border.[369] In a nutshell, it is population from which data for the study was collected.[370] In this study, these are the agents and the beneficiaries of border security and econo-diplomatic relation between Kenya vis-a-viz Uganda since 1902. They included; some administrative leaders, diplomats, immigration officers, security personnel, traders and some households owning land in the border area.

1.12.5 Sampling Technique and Sample Size

The study adopted purposive and snowballing technique to reach its respondents because Purposive sampling allowed the researcher to intentionally select participants who have specific characteristics or experiences relevant to the research question. This was particularly useful because not everyone was a suitable participant in the study along the border. On the other hand, Snowball sampling was found effective when identifying marginalized groups or individuals involved in sensitive activities along the border.

In a nutshell, purposive sampling helped in identifying initial participants with key insights, while snowball sampling helped to expand the participant pool, which allowed for a more comprehensive exploration of the research topic. The two sampling techniques informed the sample size of the study whereby, the population of people along the border in Lake Victoria, Busia border, Malaba and Mt. Elgon were involved in the study sample population. The sample size after saturation was 224 respondents and 4 focus group discussion. It involved; security agents, administrative leaders, some households along the border, traders and diplomats were involved.

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[369] Alan Bryman, *Quantity and quality in social research*. Routledge, 2003, p.34.
[370] Ibid., p.36.

The focus group discussions had between 6 - 8 members. The participants, of the FGD were chosen based on historical knowledge, professional background and age. The study targeted older men, women, government officials, business people/traders, security personnel including immigration officials who provided vital information to research, especially concerning border security and econo-diplomatic relations between Kenya and Uganda since 1902.

1.12.6 Data Collection Tools

This research utilized both primary and secondary data collection methods. For the primary data collection, the main instruments to obtain the data were archival sources, interview guides, oral interviews and focus group discussions. For the secondary data, the researcher obtained data from books, academic journals, internet, reports, and newspapers.

1.12.6.1 Interview Guides

The main research instruments that were used in this study are the questionnaires. These guides were open-ended and were distributed to the respondents, regardless of their status. This allowed the study to be informed by a wide cross-sectional representation of the respondents. The guides sought to determine attributes and beliefs. According to Salant and Dillman, attitudes and beliefs are what people say they want or what they think is true.[371]

Individual guides for residents/natives were structured. Primary data using a structured, pre coded, semi-structured questionnaire were collected from security respondents. Another semi-structured guides was used to collect primary data from the traders and diplomats in the area of the study. The guides had questions according

[371]Priscilla Salant, and A. Dillman Don "How to conduct your own survey." *(No Title)* (1994)., p.78.

to each objective, to help the researcher to interrogate the history of border security and econo-diplomatic relations between Kenya and Uganda.

1.12.6.2 Key Informant Interview Guides

These tools were tailored to obtain the most relevant information from individuals living and working within Kenya-Uganda border that who have specialized knowledge on a number of issues regarding border security, economic and diplomatic relations between Kenya and Uganda. The qualitative information collected from the key informants was used to confirm and enhance that which was gathered from the respondents as shown in appendix III.

1.12.6.3 Focus Group Discussion Guide

Focus Group Discussions were held in each of clusters of the study. The tools had probing questions to address each of the major themes corresponding to the variables under study. The FGD was organized by selecting 6-12 participants with shared characteristics relevant to the study. The researcher/moderator guided the discussion using FGD guides. They were sitted in a semi-circle set-ip. FGDs capture diverse perspectives, facilitating in-depth exploration of topics. According to B. Philip, FGDs capitalize on group dynamics and allow a small group of respondents to be guided by a skilled moderator (researcher) into increasing levels of focus and depth on the key issues of the topic. FGD ensures group interaction between respondent's generally stimulating richer responses and allowing new and valuable thought to emerge. The researcher observed the discussion and obtained first hand insights into the respondent's behavior, attitudes, language, including body language and feeling.[372]

[372]Ibid., p.34.

1.12.6.4 Archival Sources

The study anticipated using archival sources from Kenya National archives and National archives in Entebbe. It focused on accessing archival sources that addressed borders issues in terms of security, commerce and diplomatic relations. Apart from the mentioned archival center, the researcher sourced other archival sources from the Ugandan embassy in Kenya, immigration in the border points, Makerere University Library and the government administrators in the office of the president at the border.[373]

1.12.6.5 Secondary Data sources

Reviews were conducted on historical records about the history of border security and econo-diplomatic relations between Kenya and Uganda since 1902. Secondary data were obtained from Kenya National library in Kakamega, MMUST library and Makerere University Library. Other data for the literature review were obtained from journals, reports, books, published and unpublished thesis and workshop proceedings.

1.12.7 Reliability and Validity of Research Instruments

The study questionnaires were validated by the supervisors who confirmed their capabilities in leading to achieving of accurate data to be used in the study. Furthermore, they confirmed its reliability which is a measure of the degree to which research instruments yield consistent results or data after repeated trials. Systematic application of a line of questions for even unanticipated areas is particularly important for reliability and for possible replication of a study. To ensure reliability for the study, the researcher shared the tools with the supervisors who confirmed and validated the questionnaires that were used.

[373]County Commissioner's office in Busia



Plate 1: Prof. P.G. Okoth, the main supervisor validating the research instruments of Kenneth Kaunda Odulwa's Ph.D Thesis

1.12.8 Data Collection Method

The data was collected through interview guide and focus group discussions. It must be noted that historians greatly rely on the qualitative method to collect and analyze data. Qualitative data provided insights into how people view and are affected by an issue and frequently provided new ideas about how to resolve it.[374] This study relied on the qualitative method as the way to include the experience, perspectives, and thought of participants regarding the border security and econo-diplomatic relations between Kenya and Uganda since 1902.

Central to qualitative inquiry is the accepted view that experience, social differences and circumstance give rise to multiple 'truths' regarding the subject matter, in this case border security and econo-diplomatic relation between Kenya and Uganda since 1902. Interactions between participants and researchers in natural setting with few boundaries are essential to this approach and it provided a wealth of information not

[374]Nancy Burns and Susan K. Grove, "The practice of nursing research: Conduct, critique, and utilization. St. Louis." *Elsevier Saunders. Retrieved February* 12 (2005): 2017., p.23.

available when using qualitative methods. The study explored a variety of sub-topics related to the border security and econo-diplomatic relations between Kenya and Uganda since 1902.[375]

1.12.9 Data Analysis Procedure

Data analysis involved identifying common themes from respondents and description of their experiences. The study majorly used content analysis to analyse the obtained data. This is because, content analysis is a research tool used to determine the presence of certain words, themes, or concepts within some given qualitative data in form of texts. Furthermore, using content analysis, researchers can quantify and analyze the presence, meanings, and relationships of such certain words, themes, or concepts. That's what this study fully adopted because it adequately addressed the information posited by the respondents to this study in relation to the study objectives, hence objectivity of the study was well upheld to. It is prudent to note that the relevant information was broken into sentences which reflected a single specific thought. The data was analyzed thematically along the study objectives as that is how content analyses are presented.

1.12.10 Ethical Considerations

Since ethical consideration is a very crucial concept throughout the entire research process,[376] this study sought to maintain the highest form of ethics during engagements with respondents. The motive of the study was delivered to the participants under the short message for the respondent section in the interview guide and it explained to them that it is only for academic purposes. Respondents

[375]Sherri L. Jackson, "Research methods and statistics: A critical thinking approach." (2009), London: Longman, p.8.
[376]Mildred L. Patten, *Understanding research methods: An overview of the essentials*. Routledge, 2016, p.67.

were given the option to either participate or not to by completing the interview guide. Respondents were also allowed to ask any question related to their participation in this study at any one point during interview and data collection.

In historical research, data or information collected from various individuals should not be confidential. History endeavors to provide evidence via sources of data evidences.[377] This explains why in historical research there is no concept of anonymity whatsoever. Therefore, the names of the respondents and those of the institutions involved in this study were part of the qualitative questionnaire; they did not remain anonymous. This was done to prove that what was collected is factual, objective and true. For the case of historical research like this study, the sources of data must be linked to the data collected for the facts gathered to be considered historical. This thus helped the researcher and the policy makers to be able to trace and situate the specific sources of data, hence ascertaining their accuracy and validity.

The study benefited various groups of individuals.

First, it benefitted the residents from the borders of Kenya and Uganda by making them to understand issues to do with border security in the area, matters to do with economic relations and also issues pertaining to diplomatic relations in the region. In case the respondents inquired about potential harm and benefits during the research, the researcher ensured that the participants that there will be no kind of harm that will come to them in any way due to the information they provided especially on border security. Additionally, the respondents were informed that there will be no direct benefits for participation, for example monetary benefits and scholarships among others. Before embarking on the process of data collection, the researcher obtained approval from the National Commission of Science, Technology and Innovation (NACOSTI), a letter of introduction from Director of Postgraduate Studies of

[377]Ibid., p.68

Masinde Muliro University of Science and Technology, clearance from Uganda's high commission in Nairobi and Review and Ethics Commission from other relevant authorities from the area of study.

1.13 Chapter Summary

This chapter lays the groundwork for the study by covering several essential components. It begins by providing the background, which sets the context and establishes the importance of the research. The chapter then presents the statement of the problem, identifying the specific issue the study aimed to address. Following this, the objectives of the study are outlined, along with the research questions that were formulated to guide the investigation and ensure that the study's goals are met.

The chapter also delves into the scope of the study, defining the boundaries within which the research is conducted. It acknowledges the limitations that may affect the study, offering transparency about potential challenges. The justification for the study is provided, highlighting its relevance and the significance it holds within the broader field.

Additionally, the theoretical framework is introduced, offering a lens through which the research is analyzed. The literature review is included to position the study within the existing body of knowledge, identifying gaps that the research aims to fill. Lastly, the research methodology is explained, detailing the approaches and techniques employed to collect and analyze data, ensuring a robust and systematic exploration of the research topic, which then lays a background to discuss the next chapter on the history of border security between Kenya and Uganda up to 1962.

CHAPTER TWO

HISTORY OF BORDER SECURITY BETWEEN KENYA AND UGANDA UP TO 1962

2.1 Introduction

The previous chapter provided relevant details for an introduction. This chapter, dealt with tracing the history of border security between Kenya and Uganda up to 1962, which unveils rich narrative in complexity and significance. This exploration delves into the historical legacy and errors in boundary-making within Eastern Africa, underscoring the arbitrary nature of colonial interventions. The Kenya-Uganda border emerges as a pivotal point, reflecting geo-political motives and disrupting pre-colonial patterns of cooperation. Examining border security in the pre-colonial period reveals informal arrangements and cultural exchanges that contrast with later colonial impositions. The process of boundary establishment and transfers further elucidates the power dynamics shaping territorial boundaries. The chapter then provides how interdependence theory was used to address the objective together with interpretivism philosophy by Max Weber. Thereafter, chapter summary is provided by the researcher.

2.2 The Process of Kenya – Uganda Boundary Establishment

It was anticipated that the establishment of the boundary between Kenya and Uganda would be less contentious than the establishment of many other unilateral boundaries.[378] It was anticipated by the study that, the fact that officials from a single imperial power were involved in the process of unilaterally creating boundaries is the source of this phenomenon. On the other hand, the procedure responsible for the

[378]Kiganka, Sheila M. "Critical Analysis of Bilateral Relations Between Kenya and Britain From 1963 to 2017." PhD Dissertation, University of Nairobi, 2018, p.89.

establishment of this boundary deviated from this cardinal norm. While finding out how this imagination could be true, the study interrogated a number of respondents who informed the study that:

> Instead, it was marred by confusion and differences between British officials in the two colonies, who operated on two different ideological confines. This allowed for the confusion and differences to occur. One group advocated for the merger of the colonies (Kenya and Uganda), while another group advocated for the creation of boundaries to separate the colonies.[379]

This was due to the ideological differences that existed between the two groups. From the archival materials, the study recorded that: the changes that were to be implemented in East Africa Protectorate (Kenya) and Uganda were the point of departure. These changes were made by British officials at some point in time towards the end of the 19th century. Subsequently, the office of the Colonial Secretary in London was the location where the idea of a possible merger between the protectorates of Kenya and Uganda was brought up.[380]

Consequently, Sir Harry Johnston was given the responsibility of selecting an appropriate administrative capital institution for the merger that was being considered.[381] Furthermore, the archival data, informed the study that:

> In his opinion, Johnston had initially proposed that the new capital be called "King Edward's town" and that it would be located at Entebbe. However, he later changed his mind and decided that the new capital should be located at Kipchoria, which is close to the area that is now known as Londiani Township.[382]

The concept of the merger between the two protectorates, on the other hand, was already being met with vehement opposition by 1901. This opposition came from

[379]Oketcho Damian, O. I in Angurai, 28/12/2023.
[380]National Archives Entebbe, 1901
[381]Geoffrey Kwamusi, "A history of border-relations between the people of Ugnda and Kenya: the case of the Abasamia of the two countries 1902-1980." PhD Dissertation, Makerere University., 1996., p.96.
[382]National Archives Entebbe, 1901.

individuals who advocated for the establishment of a boundary that would separate the two protectorates. Sir Clement Hill, who was serving as the superintendent of African protectorates at the time it was administered by the British Foreign Office, was the person who advocated for this school of thought.

The fact that he had travelled to East Africa prior to the year 1900 in order to investigate the practices of administration in the protectorates served as the foundation for his concept regarding the establishment of boundaries. In his report to the Marquess of Lansdowne in May of 1901, he raised two concerns regarding the idea of merging the two organisations. The first concern was that the merger would result in the creation of a single enormous area that would be impossible for a single individual to manage. Secondly, Uganda's infrastructure was so inadequate that it was not going to be able to provide a smooth link or coordination with the East Africa Protectorate.[383]

Additionally, Hill confirmed that the Uganda Railway was almost finished and that, with a few adjustments to the territory, it would be easier to administer the Kenya protectorate. This would be an improvement. Hugh wrote that "the transfer of the East Africa Protectorate headquarters from Mombasa to Nairobi appeared to imply that Kisumu could be more effectively administered from Nairobi than from across the Lake in Entebbe".[384]

The idea that led to the transfer of Uganda's Eastern Province to the East Africa Protectorate, which now encompasses the former provinces of Nyanza and Western, as well as portions of the Rift Valley, was proposed by Clement Hill.[385] However, it is

[383]Geoffrey Ingham, "'Babylonian madness': on the historical and sociological origins of money." In *What is money?* Routledge, 2002, pp. 26-51., p.20.
[384]Mwaruvie, John Mwaniki. *Political economy of railway extensions in Kenya: The case of the Uasin Gishu Railway, 1901–1930*. West Virginia University, 2005.,p.87.
[385]Ochieng, William Robert. "A pre-colonial history of the Gusii of western Kenya from c. AD 1500 to 1914." *(No Title)* (1974)., p.17.

essential to point out that Hill's concept for the creation of boundaries contained shortcomings. The first problem was that it had the potential of significantly disrupting the social environment of African ethnic groups in the two protectorates. This was the worst possible outcome. The second flaw was that it did not take into account the natural boundaries that the indigenous people already recognised and the fact that they were used by them.

In addition, if Hill's proposal were to be implemented, natural features such as Mount Elgon, River Yala, Lake Rudolf, and Elgeyo Escarpment would be fiercely contested by the African communities that were going to lose them to the territory that was being transferred. Despite the fact that C. W. Hobley, who was serving as the Commissioner of the East African Protectorate at the time, and Sir Charles Elliot were on board with Johnston's proposed merger, the Marquess of Lansdowne was adamantly opposed to the idea. This was in spite of the fact that Harry Johnston and Charles Elliot were the British officials who were present in Kenya and Uganda, respectively, at the time.

Hugh makes the following observation: "The Marquess of Lansdowne preferred to act upon the advice of a foreign Office official named Sir Clement Hill instead of the recommendations of an experienced man named Sir Harry Johnson, who was the special Commissioner in Uganda, and in spite of views exposed by Sir Charles Elliot, who was the Commissioner of the East Africa Protectorate."[386]

It was the rejection of the merger proposal and the acceptance of boundary adjustment that marked the evolutionary milestone in the establishment of the Kenya – Uganda boundary.[387] This was accomplished through the transfer of the Eastern Province of Uganda in 1902, as well as Karasuk and Rudolf Province in 1926.

[386]John Mwaniki Mwaruvie, (2005). *Op. Cit*., p.76.

[387]Kiganka, Sheila M. "Critical Analysis of Bilateral Relations Between Kenya and Britain From 1963 to 2017." PhD Dissertation, University of Nairobi, 2018, p.67.

Interpretivism philosophy and Max Weber's interdependence theory illuminate the process of establishing the Kenya-Uganda boundary. They reveal how ideological differences among British officials influenced boundary decisions. Interpretivism emphasizes understanding subjective perspectives, revealing the clash between those advocating for a merger and those advocating for separate colonies. Weber's theory highlights the interplay of power dynamics, as seen in Sir Clement Hill's opposition to the merger due to administrative concerns.[388] The rejection of the merger proposal and the acceptance of boundary adjustment showcases how colonial agenda shaped territorial divisions. Overall, interpretivism and interdependence theory deepen our understanding of the complex socio-political factors shaping colonial boundary establishment in Africa.

2.3 Kenya-Uganda Border

According to Van Zwanenberg and King, the history of cross-border conflicts, raids, and counter-raids in the northwestern part of Kenya and the eastern part of Uganda can be traced back to the time when people who kept cattle came into contact with long-distance traders. East African pastoralists were the dominant force in the region at this time, which was around the beginning of the 19th century. At the present time, these communities are dominated, underprivileged, and impoverished.[389] For example, in the late 1890s, the Karamojong people of Uganda began trading with ivory traffickers from Egypt and Abyssinia. While affirming Van Zwanenberg and King Sentiments, a respondent revealed that:

> At a later time, they also began trading with traders from Arab and Swahili countries. When these merchants traded guns for ivory, they did so. The Karamojong were able to

[388]Awan, Waqas M. *Power of Sage: An Antidissertation to Machiavellian Prince*. Anthem Press, 2024, p.34.
[389]RMA van Zwanenberg and Anne King. "An economic history of Kenya and Uganda 1800–1970." *Palgrave Macmillan Books* (1975)., p.167.

> poach elephants and introduce a new dimension to the competition for scarce resources as a result of their acquisition of firearms. This ultimately led to the development of a superior social organisation. At the same time, the Turkana were also engaged in the process of purchasing weapons from the bandits of the shifta tribe who were roving through Northern Kenya.[390]

Therefore, the study found out that, the Kenya-Uganda border, stretching over 900 kilometers, traces its origins back to the colonial era when European powers partitioned Africa during the late 19th and early 20th centuries. Prior to colonial rule, the region was inhabited by various ethnic groups with fluid boundaries and interconnections.[391] However, with the arrival of British colonial administrators, the demarcation of borders became necessary for administrative purposes and to delineate spheres of influence.

While interrogating a respondent, Oketch Damian, who was well conversant boundary an issue, the researcher was informed that:

> The Berlin Conference of 1884-1885, which formalized the scramble for Africa among European powers, laid the groundwork for the delineation of colonial borders in East Africa. The boundary between Kenya and Uganda was primarily defined by geographical features such as rivers, mountains, and lakes, as well as artificial lines drawn by colonial administrators.[392]

Furthermore, the respondent went on to inform the researcher that, there were landmarks that were used to draw boundaries. In this case, he informed the researcher that: one of the most significant landmarks along the Kenya-Uganda border is Lake Victoria, the largest lake in Africa and a vital geographical feature that has influenced the border's formation. The lake, shared by Kenya, Uganda, and Tanzania, served as a

[390]RMA van Zwanenberg and Anne King, (1975).*Op. Cit.*, p.86.
[391]Michalopoulos, Stelios, and Elias Papaioannou. "Pre-colonial ethnic institutions and contemporary African development." *Econometrica* 81, no. 1 (2013): 113-152, p.115.
[392]Oketcho Damian, O. I in Angurai, 28/12/2023.

natural boundary and a source of economic and cultural exchange between the communities living along its shores.[393]

Based on the foregoing findings, the researcher observed that, the colonial administrators, primarily the British, sought to consolidate their control over the region by establishing administrative boundaries and implementing policies aimed at dividing and ruling the diverse ethnic groups inhabiting the area. This process often disregarded pre-existing social and cultural ties, leading to tensions and conflicts among local communities.

Another respondent, Denis Guloba, who had worked with National land commission in his youthful age, informed the researcher that:

> The demarcation of the Kenya-Uganda border was further complicated by the presence of various indigenous kingdoms and chieftaincies, such as the Buganda Kingdom in present-day Uganda and the Maasai and Luo communities in Kenya. These entities had their own territorial claims and traditional governance structures, which sometimes clashed with the borders imposed by colonial powers. Furthermore, the delimitation of the Kenya-Uganda border was formalized through a series of agreements and treaties between the British colonial authorities and local leaders. One notable agreement was the 1900 Buganda Agreement, which defined the boundaries of the Buganda Kingdom and established British protectorate rule over the region.[394]

It therefore emerged to the researcher that, despite the efforts to establish clear borders, disputes and tensions persisted along the Kenya-Uganda border, fueled by competing territorial claims, resource competition, and ethnic rivalries.[395] These conflicts often spilled over into violent confrontations, exacerbating tensions between the two territories.

[393]Oketcho Damian, O. I in Angurai, 28/12/2023.
[394]Denis Guloba, O. I in Alupe, 23/12/2023
[395]Appelbaum, Nancy P. *Muddied Waters: race, region, and local history in Colombia, 1846–1948*. Duke University Press, 2003, p.89.

In conclusion, the study observed that, the history of the Kenya-Uganda border up to 1962 is a complex narrative shaped by colonialism, geography, and socio-political dynamics. The delineation of the border was a product of colonial imposition, often disregarding pre-existing social and cultural ties.[396] However, despite the challenges and conflicts, the Kenya-Uganda border serves as a testament to the resilience and adaptability of the communities living along its periphery, forging connections and exchanges that transcend geopolitical boundaries.

Interpretivism philosophy and Max Weber's interdependence theory provide insights into the complexities of the Kenya-Uganda border.[397] They illuminate how colonial powers' interests, influenced by economic factors and geopolitical strategies, shaped the border's formation. The study reveals how colonial administrators utilized geographical features and treaties to demarcate boundaries, often disregarding existing social and cultural ties among indigenous communities.[398] Furthermore, the research underscores the persistent tensions and conflicts arising from competing territorial claims and resource competition, highlighting the enduring impact of colonialism on border dynamics. Plate 2 in the next page shows an FGD of Bakhayo held with the researcher in Bakhayo with reference to the preceding discussion.

[396]Ibid., p.92.
[397]Wahutu, Nicholas James Siguru. "Social, field and regional conditions of knowledge: News on Darfur in African media." PhD Dissertation, University of Minnesota, 2018, p.90.
[398]Ibid., p.92.



Plate 2: ***An FGD of Bakhayo held with the researcher in Bukhayo***

Source[399]

2.4 Historical Legacy and Errors in Eastern Africa Boundary-Making

The establishment of boundaries in Eastern Africa was a process that was both very deliberate and very elaborate. Belgium, Germany, Great Britain, Italy, and Portugal were the colonial powers that were responsible for the creation of the current borders in the region.[400] Their primary objective was to advance their respective imperial interests through the use of cartographic techniques.

While a interrogating a respondent who was knowledgeable about the issues to do with boundaries, it was revealed that:

> A reflection of the way in which these interests were played out between the years 1885 and 1925 can be seen in the borders of the region. A good example of this is the border between Kenya, Tanzania, Uganda, and Rwanda, which reflects the British obsession with controlling the source of the Nile and the colonial intrigues to gain access to the mineral

[399]A photo taken by one of the researcher assistants

[400]Okumu, Wafula. "Resources and border disputes in Eastern Africa." *Journal of Eastern African Studies* 4, no. 2 (2010): 279-297., p.286.

> wealth of what is now the eastern Democratic Republic of the Congo. Examples of borderlands that became sources of profound political intrigue include the Rwenzori, Semliki, and Mahagi regions. These regions were rumoured to have the "biggest gold deposit" in the world, and they were also the locations where the British attempted to outwit the Belgians despite their superior intelligence.[401]

It was in 1894 when the Anglo-Belgian Agreement was signed that the international boundary in the region between Lakes Edward and Albert was established. According to Kibulya, the colonialists' lack of knowledge regarding the geography of Africa was clearly demonstrated by the fact that they drew the boundary on the meridian.[402] When it came to the demarcation and delimitation of the boundary on land, colonial administrators in Congo and Uganda were unable to easily trace the meridian on the ground. This was in contrast to the fact that it was simple to write down the meridian on paper during a conference that took place in Brussels.[403] For a period of six years, the Rwenzori were considered to be the western boundary of the Protectorate in Uganda.[404] On the other hand, the Belgians in Congo were unaware that their territory extended to the east of Beni.

Both the British and the Belgian colonial administrations did not have jurisdiction over the territory and people who lived there until the year 1900. In 1900, an attempt was made by the British administrator and explorer Sir Harry Johnston to address this issue.[405] However, the region that was occupied by the Bwamba people on the Congo side of the border remained outside the jurisdiction of the Belgian colonial administration. This was the case despite the

[401]Omondo George, O. I in Luhalari, 9/12/2023.
[402]Donaldson, John W. "Pillars and perspective: demarcation of the Belgian Congo–Northern Rhodesia boundary." In *Journal of Historical Geography* 34, no. 3 (2008): 471-493., p.479.
[403]Donaldson, John W. "Pillars and perspective: demarcation of the Belgian Congo–Northern Rhodesia boundary." *Journal of Historical Geography* 34, no. 3 (2008): 471-493., p.486.
[404]Okumu, Wafula. "Resources and border disputes in Eastern Africa." *Journal of Eastern African Studies* 4, no. 2 (2010): 279-297.
[405]Ibid

work that was done by the Uganda, Congo Boundary Commission between 1906 and 2008. It wasn't until 1924 that Belgian administrators were able to make sure that their efforts to demarcate the border were clear.

Originally, the boundary was supposed to follow the path of the Lamya River; however, the Belgians did not realise that it was actually the Semliki River. Ten years later, when they realised their error, they decided to establish the border at the Rwamya River, which is approximately sixteen kilometres west of Kamango. It was not until 1920 that this additional error was rectified, and it was not until then that the current border was established. According to Langlands, the boundary between Congo and Uganda demonstrates, in particular, the difficulty of using astronomical lines for boundary definition, particularly in unexplored countries. It also indicates that a later concern for national frontiers was also plagued with problems and had produced results that were unsatisfactory from a variety of perspectives.

Another respondent informed this study that, in order to establish boundaries in Eastern Africa, the colonialists, who included the British, Belgians, and Germans, placed a significant amount of reliance on the lakes in the area as well as the 30E meridian. They used "a line from Kilimanjaro direct to the Eastern side of Lake Victoria Nyanza which is intersected by the 18S latitude" to divide East Africa. This line was used by both the British and the Germans. Using the hinterland doctrine, which stated that there should be no annexation of the other's sphere (especially unoccupied regions by the other without consent), the British and Germans claimed territories between Kilimanjaro and Lake Victoria up to the Emeridian. These territories were claimed by the British and Germans. During the time that these two parties were asserting their

ownership rights to the land in what is now East Africa, the Germans and the Belgians came to an agreement that allowed the Germans to claim the land up to 38 degrees east and Lake Tanganyika.[406]

Despite the fact that King Leopold II of Belgium intended to lay claim to the entirety of the Congo basin up to the 30.8ºE meridian, the British and Belgians were unable to reach a consensus on the boundary that would separate Uganda and Congo.[407] Therefore, in spite of the agreement that was reached between the British and the Germans in 1887, a significant debate arose regarding whether or not it also applied to the delimitation of the border west of Lake Victoria.[408] An agreement was reached between the British and the Germans on July 1, 1890, to define this border as follows: (a) a point on the eastern side of Lake Victoria Nyanza that is intersected by the first parallel; it then follows the parallel to the frontier of the Congo Free State, where it comes to an end.[409] 1920 was the year that the Bwamba region was first administered. The Kibulya and Lang lands are the source.

On the other hand, it is generally accepted that Mount Mfumbiro does not fall within the sphere that encompasses the western side of the lake.[410] In the event that the mountain in question turns out to be located south of the chosen parallel, this line will be redirected in order to exclude it, but it will still return in order to end up at the destination that was mentioned earlier. In this instance, the reference to "Mount Mfumbiro" serves to illustrate the difficulty that arises when attempting to describe boundary points by utilising natural features.[411]

[406]Kirabirwa Barbra, O. I in Lugala, 5/12/2023.
[407]Touval, Saadia. *The boundary politics of independent Africa*. Harvard University Press, 1972, p.17.
[408]Ibid
[409]Ibid
[410]Herbertson, Fanny Dorothea. *Africa*. A. and C. Black, 1914, p.87.
[411]Barrette, Timothy. "Imagination, the Hamitic myth and Rwanda: The foundation of division in Rwanda." Master's dissertation, California State University, Fullerton, 2016, p.83.

It should be noted that Mfumbiro is not a single mountain but rather a range of mountains that extends south of latitude 18S and west of longitude 30E. Both parties to the agreement in 1890 worked under the assumption that the mountain was located east of 30 degrees east, despite having only a rudimentary understanding of the local geography.

Mfumbiro was effectively placed within the British territory as a result of this; however, when the actual geographic position was plotted, it was discovered that this was in violation of the agreements with the Belgians that established their boundaries at 30 degrees east. According to the agreement that was reached in 1890, the precise location of Lake Edward was acknowledged as being "uncertain," but it was "expected to fall between Congo and British spheres of influence." This was not the only geographical ambiguity that existed in the agreement.[412] Since the beginning of the 1900s and continuing up until the present day, the delineation of the borders in this region has been a source of contention. In addition, the border between Kenya and Tanzania, which was established by two agreements between the United Kingdom and Germany, is another region that has a long history of contention and a current potential for natural resource resource conflicts.[413]

The first section of the border between Ras Jimbo (Vanga) and Lake Jipe was delimited in the Anglo-German agreements of 25 July 1893 and 14 February 1900. The second section of the border, which extended from Lake Jipe to Muhuru-Bay, was described in the draft of the Anglo-German agreement that was drawn up in 1914, but it was never signed.

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[412]Ibid

[413]Okoli, Al Chukwuma, and Elias Chukwuemeka Ngwu. "Borderlines, Natural Resources and Conflicts: Towards a Territorial Materialism of Boundary Disputes in East Africa." *Central European Journal of International & Security Studies* 13, no. 2 (2019), p.90.

The Maasai peoples were effectively divided between the two countries as a result of these agreements, and each of the countries subsequently developed different national policies regarding pastoralist communities and natural conservation for their respective populations. There are also significant repercussions that this border has for the annual migrations of wildlife from north to south.

The current disagreement regarding who owns Migingo Island can also be traced back to the limitations of colonial boundary-making, which relied on natural features with the intention of establishing boundaries.[414] A "Kenya Colony and Protectorate (Boundaries) Order in Council" was issued in 1926, and it stipulated in schedule 1 that the boundary between Kenya and Uganda should extend from 18 degrees south latitude, through Lake Victoria, and all the way to the mouth of the Sio River. This order established the boundary between the two countries. [415]

The full text of the schedule reads: Commencing in the waters of Lake Victoria on a parallel 18 degrees south latitude, at the point due south of the westernmost point of Pyramid Island[416]; 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 wester In the same way that other sections of the Kenya-Uganda-Tanzania border utilised natural features and latitude 18 south

[414]Ibid., p.94.
[415]Ibid., p.99.
[416]Ibid

as markers, this section of the Kenya-Uganda border utilised pillars on land and islands in Lake Victoria as markers.[417]

Other features, including other islands that lie between those points named in the schedule were not clearly delineated in this agreement, and they do not even feature on the colonial maps that were produced during the period between the wars.[418] This somewhat incomplete boundary-making between the two countries may be explained by the fact that both colonies were ruled by the British, and as a result, there was little possibility of any serious dispute arising between them.[419] Between the years 1902 and 1970, Kenya and Uganda conducted a number of territorial transfers between their respective countries. Based on this discussion, it emerged to the study through Kirabirwa Barbra that:

> All of eastern Uganda, which was located between the current border and approximately 36.8 degrees east longitude, was handed over to Kenya in 1902. At the time, Kenya was still known as the British East Africa Protectorate. Officials believed that it would be beneficial to keep the Kavirondo ethnic group, which is now known as the Luhya, under a single administration. Additionally, they were eager to bring the Turkana and Pokot under effective control. These boundary re-alignments were carried out for a variety of reasons, including the maintenance of ethnic unity and administrative convenience. In 1924, residents of the 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. This was one example of the manner in which colonial border adjustments were sometimes made in order to accommodate local interests.[420]

As a result of these numerous adjustments, both large and small, the colonial powers in Eastern Africa continued to engage in boundary politics well into the

[417]Ibid
[418]Touval, Saadia. *The boundary politics of independent Africa*. Harvard University Press, 1972, p.45.
[419]Ibid
[420]Kirabirwa Barbra,, O. I in Lugala, 5/12/2023.

1930s. On the other hand, contrary to the assertions of many people, not all of the borders that divide Eastern African countries were drawn completely at random. Additionally, Odeke, an informant said that:

> There are instances in which considerable efforts were made to avoid dividing communities or to guarantee rights to water and grazing land to pastoralist communities. In some cases, detailed surveying was used to define certain boundaries, and there are also instances in which these efforts were made. Nevertheless, it is still undeniable that local interests were completely disregarded in any situation in which colonial political interests were regarded as being of the utmost importance. In the case of Lake Victoria, the Kenya-Uganda boundary was an order that was issued in 1912 to transfer the southern portion of what was then known as the Lado Enclave from Sudan to Uganda.[421]

This gave Uganda the ability to control both banks of the Nile River. It thus emerged to the study that, the lack of detailed maps for a significant portion of the region prior to the 1940s may have contributed to the errors that occurred during the process of establishing colonial boundaries. By 1914, only 200,000 square miles of territory across the entirety of Africa had been surveyed in detail.

At that time, "some 3.8 million square miles remained unexplored by Europeans." The mapping of the newly acquired colonial territories became an essential requirement for efficient administrative control as a result of this.[422] Despite the fact that the British had previous experience in demarcating their colonial possessions in North America, they encountered "severe logistical problems" in Africa.[423] This was due to the fact that "the boundary demarcation parties often had to carry out surveys in areas that were largely unexplored by

[421]Derrick Odeke, O. I in Hadodha, 15/12/2023.
[422]Gautreau, Pierre, and Juan Carlos Garavaglia. "The weak-state cadastre: administrative strategies to build territorial knowledge in post-colonial Argentina (1824 to 1864)." *Cartographica: The International Journal for Geographic Information and Geovisualization* 47, no. 1 (2012): 29-49, p.32.
[423]Ibid, p.39.

Europeans and were... either sparsely inhabited or uninhabited." Further complicating the situation was the fact that many "boundaries had to be delimited in the absence of any real knowledge of what existed on the ground." This made the demarcations even more difficult to determine.[424]

Moreover, in line with the preceding discoveries made by the study, Bwire Patrick, informed the researcher that: the presence of mineral and other natural resources, on the other hand, had a significant impact on the speed and accuracy of the demarcation exercise. For example, it is evident that the British paid more attention to the western boundaries of their East African colonial possessions, which were believed to contain mineral wealth, as well as to areas that were relevant to the control of the Nile waters at the time. The colonial powers were compelled to create accurate maps of their African possessions as a direct result of the war that they were engaged in. Lessons were learned from the significant British reversals that occurred during the Second Anglo-Boer War. These reversals were partially attributed to the poor quality of the maps that were available to the British military, as well as the lack of detailed maps themselves. The British government established a Colonial Survey Committee in order to produce maps of Africa.[425]

This was done because they felt it was necessary to guarantee that "proper mapping was available for the Army" in the event of future conflicts in Africa. The primary responsibility of this Committee was to advance "imperial interests" and to create maps that could be utilised "for the defence of the colonies." It is generally accepted that military activity in Africa, regardless of

[424]Ibid., p.42.
[425]Patrick Bwire, O. I in Bukwala, 18/12/2023.

where it took place, contributed to an improvement in the maps that were available for that region.[426]

However, when the military was involved in the process of drawing up maps of border areas, there was a possibility that serious errors and misunderstandings could have occurred due to a lack of scientific knowledge, technical deficiencies, and simple carelessness.[427] It is possible that a map of features is more important to the military than a detailed and accurate demarcation of a boundary. In part, this could explain the sloppiness that was present in the early map making.

The border between Malawi and Tanzania is unquestionably an example of sloppiness in the process of boundary-making. In his analysis of this particular instance, John Donaldson has made the observation that "rigorous demarcation was much less of a priority than survey and mapping."[428] The boundary commission that was responsible for delineating this colonial border placed a strong emphasis on the utilisation of natural features, with the exception of "six straight lines" that comprised 29 miles of the 250-mile boundary. Because of the preponderance of natural features, the commission was only able to use 23 pillars as markers along the entirety of this boundary.

For no other reason than the fact that they required fewer boundary pillars and made the work of the commission simpler and more expedient, natural features such as streams and rivers were favoured.[429] As a result, the factors of expediency and cost were extremely important in such demarcations. Colonial

[426]Harley, J. Brian. "Maps, knowledge, and power." In *Geographic Thought*, pp. 129-148. Routledge, 2008, p.11.
[427]Ibid., p.13.
[428]Donaldson Lex and James H. Davis, "The need for theoretical coherence and intellectual rigour in corporate governance research: reply to critics of Donaldson and Davis." *Australian Journal of Management* 18, no. 2 (1993): 213-223., p.218.
[429]Ploch, Lauren. "Africa Command: US strategic interests and the role of the US military in Africa." Library of Congress, Congressional Research Service, 2011, p.102.

officials may also be hesitant to undertake complete demarcation in areas that are remote and inaccessible, and they frequently complained about the destruction of boundary pillars by local populations. There is a possibility that this was the case.[430] In a practical sense, survey maps that made use of natural features presented a more effective tool for the busy administrator who was asked to resolve a boundary dispute on the ground. Donaldson adds that:

> The rigorous marking of colonial boundaries would have required regular maintenance from local colonial surveyors or administrators, who were not frequently available in these peripheral areas of the Empire, particularly in the early decades of colonial administration. This was especially true in the early decades of colonial administration. The British colonial administration found it much simpler and more cost-effective to simply "know" or "imagine" the extent of colonial territory in Africa through boundary maps. This was in contrast to the practice of making those boundaries visible on the ground for local borderland populations. Colonial boundaries on the ground were therefore rarely as precise as they appeared on the maps that purported to delineate the extent of territorial sovereignty.[431]

This was the case both in fact and in appearance. These were the same maps that were passed down to Africa's independent states, and they were generally accepted by them.

Interpretivism philosophy and Max Weber's interdependence theory offer valuable lenses for understanding the complexities of boundary-making in Eastern Africa.[432] They highlight how colonial powers' actions were driven not just by geographical factors, but by their own imperial interests and political dynamics. The interpretivist approach emphasizes the subjective nature of knowledge, showing how colonial administrators' perceptions and biases influenced boundary decisions. Meanwhile, Weber's theory illuminates the

[430]Ibid., p.45.
[431]Donaldson Lex and James H. Davis, (1993). *Op. Cit.*, p. 217.
[432]Wimmer, Andreas. "The making and unmaking of ethnic boundaries: A multilevel process theory." *American journal of sociology* 113, no. 4 (2008): 970-1022, p.974.

interconnectedness of political, economic, and social factors in shaping colonial policies.[433] Through interpretivism, we see how colonial powers' interests in resources and strategic control shaped boundary demarcations, often ignoring local realities and communities. Weber's interdependence theory helps us grasp the intricate web of relationships between colonial powers, as they negotiated and competed for territorial gains.[434]

Both perspectives reveal the limitations and errors in boundary-making, exposing how colonial administrations struggled with geographic knowledge and logistical challenges. The historical legacy of these errors continues to impact modern Eastern Africa, shaping political dynamics and resource conflicts. Overall, interpretivism and Weber's theory enrich our understanding of boundary-making processes, shedding light on the complex interplay of interests, perceptions, and power dynamics.

2.5 Border Security in the Pre-Colonial Period

According to the historical basis of cross-border conflicts, it is necessary to investigate the historical relationships that existed between the various ethnic communities in order to gain an understanding of the social, economic, and political realities that exist today. There was a diverse group of pastoralists who lived in the Turkana district prior to the 18th century. According to a respondent, Julias, these pastoralists included the Samburu and the Merille, who were referred to as the Dassenech at the time. Beginning in the latter half of the 18th century and continuing through the middle of the 19th century, the Turkana people eventually made their way into the region. When the Turkana broke away from their brethren, the Jie-Karamojong, who were living in what is now Uganda, they expanded their territory in

[433]Ibid., p.976.
[434]Ibid., p.977.

every direction. They displaced the Toposa, the Dongiro, and the Dassanech in the north, the Dodoth and Karamojong in the west, the Pokot in the south, and the Samburu in the southeast. Over a considerable amount of time, the Turkana were responsible for the displacement. A significant number of the defeated groups were assimilated, but not all of them. Since the Turkana were powerful both economically and militarily due to the fact that they possessed firearms throughout their territory. Throughout history, there have been stable relationships between various groups; however, these relationships have fluctuated depending on the degree of conflict that has arisen over grazing and water resources. This is still the case today.[435]

For example, Ayinabwona noted that, the Ngikamatak clan, which resides in the central Turkana district, developed mutually beneficial relationships with the Karamojong, which enabled them to gain access to grazing during the dry season across the border with Uganda.[436] However, another respondent, Richard Walubengo, an expert in security issues asserted:

> In contrast to this arrangement, the Tarach clan in northwest Turkana not only has wet-season pastures in an area that is prone to drought, but their traditional dry-season grazing lands are also along the border with Uganda, but they are insecure because of raids by the Dodoth sub-clan of Karamojong. However, in order to gain access to "their" dry-season rangelands, they resort to the use of force. It is obvious that these three groups of ethnic communities are required to move temporarily from one location to another in order to exploit key resource patches. This mobility necessitates the resolution of some conflicts between these groups regarding land use and management. Raids and counter-raids, as well as negotiations, were the strategies that were traditionally utilised.[437]

It, therefore, emerged to the study that, the patterns of land use, on the other hand, have been gradually shifting over the course of the last century. Following the

[435]Julius Ayinabwona, O. I in Amairo, 25/12/2023.
[436]Ibid
[437]Richard Walubengo, O. I in Moding, 15/11/2023.

completion of colonisation, borders were established, and access to essential resources was restricted. To make matters even worse, the Turkana ethnic area was divided between multiple political entities, which were in direct opposition to the indigenous people's strategies for resource utilisation. Consequently, this meant that the environment was subjected to an even greater degree of pressure within the newly established ethnic boundaries.

Livestock transactions served to maintain social interactions that cut across ethnic boundaries and linked neighbouring ethnic communities during the pre-colonial period. These interactions were maintained through the exchange of livestock. This phenomenon, which came to be known as "bond friendships," originated from the fact that groups that lived in close proximity to one another shared economic interests.[438] While ascertaining this discussion, Waako an interviewee claimed that:

> The establishment of such relationships proved to be extremely advantageous in terms of ensuring the survival of individuals in the event of calamities such as raids, drought, and diseases. Poverization, on the other hand, occurred whenever this system of reciprocity was unable to function properly. Even wealthy stockowners were forced into poverty in the latter part of the 19th century as a result of a string of epidemics that affected livestock. The most severely impacted communities were compelled to seek assistance from the ethnic communities that were located nearby.[439]

After keen and indepth analysis, the research discovered that, in certain instances, the Karamojong travelled to the Pokot in order to search for food.[440] On the other hand, the Turkana travelled to the Dassenech country, where the Dassenech granted them permission to cultivate food supplies. Not a single person kept all of his animals in a single location; rather, they always had some animals on loan to their friends. Fixed

[438]Gufu Oba, "Pre-Colonial Shifting Resource Borders and Ethnic Relations, 1800–1908." In *Nomads in the Shadows of Empires*, Brill, 2013, pp. 11-31., p.15.
[439]Michael Waako, O. I in Osasamet, 26/11/2023.
[440]Tulel, Irene C. "Women and peace-building in pastoral conflicts: a case study of Pokot women in Sigor region of West Pokot county, 1984-2000." PhD Dissertation, University of Nairobi, 2013, p.88.

borders have caused disruptions to the arrangement that is still in place today, but it is still in place altogether.[441]

Border security along the Kenya-Uganda border during the colonial period was characterized by the establishment of physical barriers and administrative control by colonial powers.[442] In the late 19th and early 20th centuries, British colonial authorities demarcated the border between Kenya and Uganda to regulate movement and control trade routes. Examples include the construction of the Uganda Railway in the 1890s, which facilitated British control over the region. Additionally, administrative measures such as the establishment of customs posts and the recruitment of native police forces in the early 1900s aimed to enforce border regulations and maintain colonial authority. These measures laid the foundation for modern border security practices in the region.[443]

Interpretivism philosophy and Max Weber's interdependence theory offer insights into the historical dynamics of border security in the pre-colonial period. They highlight the social, economic, and political relationships among ethnic communities, shaping land use and resource management. Interpretivism emphasizes understanding these dynamics through historical narratives and indigenous perspectives, revealing how ethnic communities negotiated conflicts over grazing and water resources. Meanwhile, Weber's theory elucidates the interdependent nature of ethnic relationships, wherein livestock transactions and mutual aid fostered resilience and survival. However, the imposition of colonial borders disrupted these traditional arrangements, leading to conflicts and challenges in resource utilization. Overall,

[441]Ibid., p.93.
[442]Wekesa, Peter Wafula. "Colonial Boundaries and Emerging Border Contestations in Post-Independent Kenya." In *The Palgrave Handbook of Contemporary Kenya*, pp. 319-329. Cham: Springer International Publishing, 2023., p.321.
[443]Ibid., p.323.

interpretivism and interdependence theory deepen our understanding of pre-colonial border security dynamics.

2.6 Background to the Establishment of the Kenya – Uganda Boundary

The process of establishing boundaries in Africa resulted in the identification of two primary categories of boundaries.[444] In the first place, there are the boundaries that were established between the various colonial powers' territorial holdings. In his work from 1970, Anene refers to these boundaries as those that are established by international agreements. The second types of boundaries are those that are drawn between the territorial possessions of the same colonial power. These boundaries are also referred to as autonomous boundaries.[445] One example of this latter category is the establishment of the boundary between Kenya and Uganda. Nevertheless, it is essential to take into consideration the fact that territories were carved out in both instances (whether unilaterally or by international agreement), despite the fact that pre-existing social formations and patterns of community interactions were in place.[446] It was the phenomenon of convenient boundaries that made it possible for European colonialism to arrive on the continent. The term "convenient boundaries" is used to describe them for two different reasons.[447] To begin, the establishment of such boundaries was intended to assist the Europeans in maintaining their equilibrium of power and friendship among themselves. They are referred to as "bargain boundaries" by Kabwegyre, and they are established between European imperial powers that had spheres of influence for Africa.[448] With regard to the second point, Mamdani

[444]Thornton, Robert. "The potentials of boundaries: steps toward a theory of the social edge." (1994), p.107.
[445]Ibid., p.111.
[446]Ibid., p.113.
[447]Nuwamanya, Alfred Katabyama. "Seeing and living like a cross-border pastoralist: local struggles over state resources and services on the Uganda-DRC border." PhD Dissertation, Stellenbosch: Stellenbosch University, 2020, p.12.
[448]Jacob Ogalo Adipo "A History of Cross-Border Resource Conflict Persistence Between the Pokot and Karamojong Since 1850." PhD Dissertation, Maseno University, 2017., p.102.

considers the boundaries that were utilised in the colonial strategy of divide and rule.[449] Based on the preceding observation, the researcher interrogated a respondent who asserted that:

> The African communities were arbitrarily divided into two distinct colonial territories by means of this kind of boundary, which meant that they were separated from one another. The Samia, Teso, Pokot, and Bagisu people have all been separated by the boundaries that have been established between Kenya and Uganda. One section of the boundary is located in Kenya, while the other section is located in the Republic of Uganda. This is an example of how the boundaries have been established.[450]

In his article from 1996, Mamdani makes the argument that the primary objective of the divide and rule strategy was to maintain the unity of the colonial rulers while simultaneously maintaining the disunity of the majority African subjects. It has been reported that the convenient boundaries had a significant potential for inter-ethnic conflicts.[451] This is due to the fact that prior to their creation, the boundaries did not take into account the interests of the communities that were affected by them.

Interpretivism philosophy and Max Weber's interdependence theory shed light on the establishment of the Kenya-Uganda boundary. They reveal how colonial powers, driven by imperial interests, imposed boundaries without regard for existing social formations and community interactions. Interpretivism emphasizes understanding the subjective motivations behind boundary decisions, highlighting how colonial strategies like divide and rule shaped territorial divisions.[452] Weber's theory elucidates the interconnectedness of power dynamics and colonial policies, underscoring how boundaries were used to maintain colonial control and exacerbate inter-ethnic

[449]Mahmood Mamdani, "Imperialism and fascism in Uganda." *(No Title)* (1983)., p.121.
[450]Emma Obotolo, O. I in Bunyide, 7/12/2023.
[451]Mahmood Mamdani, (1983). *Op. Cit.*, p.80
[452]Konya, Kaanakia Toge. "Exploring identity processes in the work setting of a developing country through the lenses of social identity and post-colonialism." PhD Dissertation, Brunel University London, 2014, p.90.

conflicts. Thus, interpretivism and interdependence theory deepen our understanding of the complex socio-political factors influencing the creation of colonial boundaries in Africa.

2.7 Boundary Transfers 1902 to 1926

There have always been two concepts that have been depicted in relation to boundary development and function in Africa. These concepts are boundary "delimitation" and boundary "demarcation." In his words, Campell Mc Ewen indicates that delimitation is the process of determining a boundary through the signing of a treaty or verbal agreement, and demarcation is the actual laying down of a boundary on the ground marked by beacons or other similar physical means.[453] Both of these processes fall under the category of boundary determination. According to the definitions presented above, delimitation is comprised of all of the colonial boundaries in Africa that confirmed the sphere of influence of the imperial force. Specifically, this is due to the fact that the treaties that were signed involved the establishment of the territorial limits of either one of the European powers or the other.[454]

When the researcher interrogated a respondent based on the foregoing secondary data, as guided by the researcher, the respondent said:

> To illustrate this point, consider the signing of the Helligoland treaty between the British and the Germans. This treaty further established the protectorates of Uganda and Kenya as belonging to the British sphere of influence, while Tanganyika was considered to be part of the German sphere of influence. The British and Germans signed two treaties, which resulted in the establishment of the very first international boundaries in East Africa. These boundaries were established as a result of the signing of the treaties.[455]

[453]Robert Home, *Essays in African land law*. PULP, 2011, p.16.
[454]Ibid., p.71
[455]Emma Abwangu, O. I in Nangwe, 19/12/2023

The first event was the signing of the Anglo-German agreement in 1886, which recognised the line of demarcation from Vanga to Taita and the Chaga, skirting the northern base of Mount Kilimanjaro and continuing along to Lake Victoria at the points of latitudes 0 south.[456] This agreement was signed by the German spheres.

A ten-mile coastal strip and the proclamation of a British protectorate over Zanzibar were both provisions of the second Anglo-German treaty, which was signed in July of 1890. This treaty led to the withdrawal of the German protectorate over the Sultanate of Witu and the coast up to Kismayu.[457] Additionally from the archival data, it emerged that:

> As a form of compensation, the British were to provide assistance to the Germans in order to get possession of the coast. The Buganda kingdom, Bunyoro, Ankole, and Busoga were all included in the second British protectorate, which was declared in 1894.[458]

The East Africa protectorate was the third protectorate, and it was established in July of 1895 over the territory that was located between Uganda and the East Coast. According to B. A. Ogot, the precise territorial boundaries of the newly established protectorate were not only arbitrary but also ambiguous.[459] In his own words;

> It followed the Anglo-German frontier of 1886 from Vanga in the south to the Uganda border, which at the time was the Guasso Maasai River. Both of these rivers were located in Uganda. The Kedong River and the Laikipia escarpment were the paths that it took from that point onward until it reached the northern shores of Lake Turkana.[460]

In the same way that the border between the British Somalis and the Italian Somalis remained undefined, the border between the East Africa protectorate and Ethiopia remained undefined. This is an important point to acknowledge. For its part, the

[456]National Archives Entebbe, 12/1926.
[457]Kenya National Archives, 05/1908.
[458]National Archives Entebbe, 04/1906
[459]Bethwell A. Ogot and William Robert Ochieng, eds. *Decolonization & independence in Kenya, 1940-93*. Ohio State University Press, 1995., p.44.
[460]Ibid., p.56.

establishment of the boundary between Kenya and Uganda was a matter that fell within the parameters of boundary demarcation. In the moments leading up to the implementation of the boundary creation, the Uganda Protectorate went through a few leadership transitions. The replacement of Harry Johnston with Colonel Hayes Sadler took place in a period of time that was less than one year.

Before Sadler assumed office, Fredrick Jackson was entrusted with the responsibility of Acting Commissioner in Uganda.[461] The Commissioner of the East Africa Protectorate at this point in time was Sir Charles Elliot, according to the Kenya National Army in 1964. In light of the fact that C.W. Hobley had been entrusted with the responsibility of defining the boundary, Sadler and Hobley were immediately tasked with designing and implementing a procedure for the creation of the boundary. As per the archival:

> Following that, the instruction that was given to the acting commissioner reaffirms the earlier position regarding the colonial office's adoption of Clement Hill's proposal. In the instruction that was given to Fredrick Jackson, it was stated that "In the opinion of His Majesty's Government, it is better that the boundary creation process be fast tracked to enable its implementation".[462]

As a follow-up to this instruction, Fredrick Johnson, Charles Elliot, and C. W. Hobley got together at Njoro in December of 1901 and came to the conclusion that the boundary would have to take into account the ethnic divisions that existed in the region. Their concept was influenced by the fact that they took into account the fact that the ethnic population in northern Uganda would continue to reside there while the 'Kavirondo' was being placed in the East Africa Protectorate.[463]

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[461]Harvey Gordon Soff, *A history of sleeping sickness in Uganda: administrative response 1900-1970*. Syracuse University, 1971, p.69.
[462]National Archives Entebbe, 1956.
[463]Jacob Adipo Ogola and Mildred AJ Ndeda. "Boundary establishment and its influence on pastoral resource conflict between the Pokot and Karamojong since 1902." (2016)., p.71.

The Hobley team still had a problem with Hill's "natural boundaries," which interfered with many communities in the two protectorates, despite the fact that this noble idea was intended to sort out ethnic divisions through the boundary line. Additionally, it emerged that:

> Despite the fact that this was not the only issue, C. W. Hobley and F. J. Jackson were unable to reach a consensus regarding which side of the boundary Mt. Elgon should be located on. Jackson was of the opinion that it should continue to be located in Uganda, while Hobley advocated for the idea that it should be placed in the East Africa Protectorate. It was a disagreement between the two individuals.[464]

According to Hobley, the western and southern slopes of the mountain were "full of rather turbulent natives." He believed that these natives "were in very low state of civilization," and for this reason alone, he considered them to be comparable to the Kavirondo of the East Africa Protectorate, which is where he desired for them to be.[465] Jackson, for his part, suggested that the mountain should be located on the Ugandan side in order to facilitate efficient administration.

In order to provide Elliot, who advocated for a merger, with an excuse to temporarily delay the process of boundary creation, the differences that existed between Jackson and Hobley were advantageous. According to Kwamusi, in order to break through this impasse, a two-person commission consisting of Hobley and William Grant was appointed to do the delimitation of the boundary.[466] There were two obstacles that this commission needed to overcome. To begin, it was necessary to take into account the racial and ethnic differences that existed among the people who would be located on either side of the boundary. The second point was the potential benefits that could be obtained from administering a specific region without regard to the ethnic

[464]National Archives Entebbe, 1969.
[465]Paul Kwamusi and Charles K. Kaira. "Institutional Histories." (2004), p.89.
[466]Ibid., p.44.

composition of the population. In substantiating the preceding argument posited by Kwamusi, a respondent claimed that;

> After that, the 'Kavirondo' (Luo and Luyhia) were placed on the side of the East African Protectorate, while the Basoga and Bakedi were placed on the side of Uganda. It is essential to acknowledge the fact that this two-person commission also took into consideration the administrative "position" in addition to other factors. As an illustration, Berkeley Bay, which is located on Lake Victoria and is inhabited by the Kavirondo, was placed in Uganda because they engaged in trade with Busoga and could therefore be administered from that location.[467]

Following a similar pattern, the Babukusu were incorporated into Kenya due to the fact that they paid their taxes at Mumias.[468] The work of the two-man commission was finished around the month of July in 1902. It was characterised by the transfer of the Eastern province of Uganda to the Eastern African Province (EAP).

Beginning in 1919, the process of Karasuk being transferred to EAP was set in motion.[469] Over the course of July of that year, Edward Northey, the governor of Kenya, wrote a letter to the Secretary of State for Colonies in which he expressed grave concerns regarding the section of the Kenya–Uganda border that is occupied by the Suk (Pokot), Turkana, and Karamojong.[470] In his words, the boundary was unsatisfactory because it divides the northern and southern regions of Turkana and does not define the borders of the Turkana, Suk, and Karamoja ethnic communities in a manner that is satisfactory...In the event that it is feasible, the boundary ought to put the entirety of any one of these ethnic communities under the jurisdiction of a single administration.[471]

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[467]Metrine Awinja, O. I in Malaba, 5/12/2023.
[468]Wafula E. M., M. M. Kinyanjui, I. Nyabole, and E. D. Tenambergen. "Effect of improved stoves on prevalence of acute respiration infection and conjuctivitis among children and women in a rral community in Kenya." *East African Medical Journal* 77, no. 1 (2000)., p.33.
[469]Warui, David N. "The East African Community and Dispute Settlement (A Case of Migingo Island)." PhD Dissertation, University of Nairobi,, 2013, p.130.
[470]Oboler, Regina Smith. *Women, Men, Property And Change in Nandi District, Kenya, (Volumes I and II)*. Temple University, 1982, p.124.
[471]Ibid, p.40.

Governor Northey and Robert Coryndon, the Governor of Uganda, came to an agreement that the Turkana and Suk should be placed under the administration of the EAP despite the fact that the entirety of Karamoja stays in Uganda. According to Kwamusi, this decision was made for two different reasons before being completed. Initially, it was argued that the EAP was more convenient in managing issues relating to the Turkana and Suk because it had been closely connected with them for a considerable amount of time that it had been in existence. Secondly, those regions of southern Turkana and Suk territories were located in close proximity to Trans-Nzoia, which was an area that was already inhabited by white people and was under the control of Nairobi.[472]

According to archival sources, the proposed boundary adjustments between the two protectorates were given a formal approval by the Secretary of State for Colonies in September 1919. The two governors were then tasked with organising for the demarcation of the new boundary. As a consequence of this, additional territorial transfers from Uganda to Kenya were carried out in 1926. These transfers included the Rudolf province and the Suk territory within Kenya.

It was discovered that the establishment of the boundary between the East Africa Protectorate (EAP) and Uganda remained difficult, particularly in the region that is located to the north of Elgon, despite the fact that this approval was granted.[473] For the straightforward reason that the Europeans had no prior knowledge of the region, this was taken into consideration. The fact that it is a rugged terrain, which makes it impossible to access, is another factor that contributes to this position.

By way of illustration, the extremely limited number of colonial administrators and explorers who ventured to the region were only able to reach either Lake Rudolf or

[472]Irene C. Tulel, "Women and peace-building in pastoral conflicts: a case study of Pokot women in Sigor region of West Pokot county, 1984-2000." PhD Dissertation, University of Nairobi, 2013., p.172.
[473]National Archives Entebbe 1920.

Turkwel River.[474] These explorers include Von Hohnel, who reached the eastern shores of Lake Rudolf in the year 1888, and Cavendish, who made a rapid march down the western shores of Lake Rudolf in the year 1897.[475] According to archival sources in Entebbe,

> Both of these individuals are examples of successful exploration. For his part, Fredrick Jackson, the Commissioner of Uganda, had travelled to Turkwell River in 1890 for the Imperial British East Africa Company. It is essential to take into account the fact that these individuals only travelled to the outskirts of the region, and their knowledge of the entire territory remained hazy and extremely restricted.[476]

Thus, the British colonial officers in the Eastern African Peninsula and Uganda faced a difficult situation when it came to determining where and how exactly to draw the boundary in the northern region. This was because of the circumstances described above. As recorded in the Kenya National Archives, it emerged that:

> In the year 1902, Major Macdonald extended his expedition in Uganda to include Lake Rudolf, which resulted in an additional round of confusion and complications. Sir Arthur Hardinge, the Commissioner of British East Africa, reacted angrily to this, claiming that it was an infringement of his authority.[477]

Hardinge referred the issue to the Foreign Office in London in order to find a solution to the problem of determining the precise location of the boundary that separated the two colonies in the north. As in the arcival data:

> A response from the Foreign Office indicated that the territory was within the British sphere, and Hardinge was to assume that Lake Rudolf was within his protectorate. This was despite the fact that the upper or northern boundary had not been demarcated very well. The communication that was sent to Hardinge regarding this matter stated, "As time passes and the Uganda Protectorate becomes more clearly defined, it may be extended eastwards so as to incorporate Lake Rudolf within

[474]James Barber, "The moving frontier of British imperialism in the Lake Rudolf Region: 1890-1919." *Ethnohistory* 53, no. 1 (2006): 143-172., p.152.
[475]KNA, 1901.
[476]National Archives Entebbe, 1900.
[477]KNA. FCP, 702/0 1901.

> the administrative sphere; however, for the purpose of the present, the district is within your jurisdiction."[478]

It has been suggested that one moves forward with the administration of the country as soon as the circumstances permit. The fact that the Foreign Office admitted that the upper or northern boundary had not been demarcated well was a clear indication of the uncertainty that surrounded the establishment of the entire boundary. This was a clear indication of the fact that the entire boundary had not been established.

According to Kabwegyere, the decision to transfer parts of Eastern Uganda to EAP, for example, was based on Clement Hill's erroneous assumption that Uganda's primary commercial outlet would be down the Nile, as well as his desire to place the railway under the administration of a single entity.[479] In two different ways, this transfer of territory posed a challenge to Johnston's policy with regard to the union of the colonies. In the first place, Johnstone had failed to recognise that Mombasa was the natural outlet for Uganda, and in the second place, he had left the northern and eastern regions of the country open to potential expansion and development in the future.[480]

A two-man team consisting of C.W. Hobley, the sub-commissioner of EAP, and W. Grant, the sub-commissioner of Busoga, was asked to make recommendations for the northern boundary, just as they were asked to do in the first transfer, which involved transferring the Eastern Province of Uganda to EAP.[481] As was the case at the time, the most significant obstacle was figuring out how to divide the ethnic communities that were already under administration on and around Mount Elgon.[482]

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[478]KNA. FOCP, 7077, 1898.
[479]Tarsis B. Kabwegyere, "The Politics of State Destruction in Uganda Since 1962: Lessons for the Future'." *Beyond Crisis: Development Issues in Uganda* (1987): 17-18., p.17.
[480]Jorgensen, Jan Jelmert. *Uganda: a modern history*. Taylor & Francis, 2023, p.67.
[481]Ingrams, William Harold. *Uganda: a crisis of nationhood*. HM Stationery Office, 1960, p.92.
[482]Tarsis B. Kabwegyere, (1987). *Op. Cit.,* p.18.

Aside from that, Jackson and Elliot were eager to maintain the northern boundary's flexibility and openness for future modifications or changes because they knew so little about the territory and the people who lived north of the mountain before they were established.[483] According to the archival data from Entebbe;

> Before receiving the reports from Hobley and Grant, Commissioners F.J. Jackson of Uganda and C. Eliot of EAP had reached an agreement on a gentleman's arrangement. According to this gentleman's arrangement, an arbitrary line should be drawn north from Elgon, with the people to the west falling to Uganda and those to the east falling to British East Africa.[484]

This arbitrary arrangement was something that they were willing to acknowledge for two different reasons. The two things were, first, they had a limited understanding of the people of the north, and second, in the event that there was a problem, it would still fall under their administrative purview to find a solution. On the other hand, it is essential to point out that this boundary arrangement was never acknowledged because Hobley and Grant came up with a different recommendation. The new recommendation that was made by this technical team was that the boundary should follow the river Suam from its source on Elgon to its junction with the river Turkwel and then follow the Turkwel all the way to the mouth of Lake Rudolf.[485]

The recommendation made by the technical team was accepted by the Foreign Office, despite the fact that Commissioner Eliot expressed some uncertainties regarding this recommendation by pointing out that there was not a great deal of information available regarding the ethnic divisions along the Turkwel.

Therefore, as a result of this new boundary position, a portion of the north-eastern region of Uganda was removed, and the Suk and Turkana were split between the two

[483]Jackson, Jennifer. "Negotiating national identity in Northern Ireland and Quebec: Youth perspectives." In *Nationalism, Ethnicity and Boundaries*, pp. 192-219. Routledge, 2014, p.197.
[484]National Archives Entebbe file no.A/233, June 1930.
[485]National Archives Entebbe, 1901.

protectorates.[486] However, the Karamojong region remained within the borders of Uganda. Because of this kind of arrangement, there has been a persistent source of difficulty regarding the manner in which the natural resources that are located around the current border should be distributed.

On the 14th of March in the year 1927, the office of the Chief Secretary of the government of Uganda presented a comprehensive description of the boundary that is officially recognised as separating Kenya and Uganda. "Boundary from 1° south latitude, through Lake Victoria, and to the north of Sio River," the description stated, outlining the three components in the following manner.[487] At the point where the Sio River meets the peak of Mount Elgon, the boundary is... National Archives Entebbe 1926 describes a boundary that extends from the peak of Mount Elgon to Mount Zulia, which is located on the border between the Anglo-Egyptians and the Sudan.[488] As a result of this description of the boundary, it is essential to emphasise that the second and third proportions were the ones that traversed the ethnic territories of the Karamojong and the Pokot. In relation to Pokot and Karamojong, the Function of the Established Boundary during the Colonial Era, there was conflict.

The indigenous people who lived along the boundary between Kenya and Uganda were profoundly impacted by the establishment and implementation of the boundary between the two countries.[489] A barrier was created for these communities as a result of the fact that it involved the definition of new areas that were to be occupied by each community in terms of geographical demarcation. Since 1926, this has been especially true to the relationship between the Karamojong and the Pokot. The fact

[486]Sana, Olang, and Adams Oloo. "Between the borders and internal control: the evolving character of the nation state in a transnationalist pastoralist zone: A Case Study of the Turkana of Kenya and Karamojong of Uganda." *Open Access Library Journal* 6, no. 7 (2019): 1-22, p.4.
[487]Barton, Juxon. "Notes on the Turkana Tribe of British East Africa. Part I." *Journal of the Royal African Society* 20, no. 78 (1931): 107-115, p.112.
[488]National Archives Entebbe 1926
[489]Leff, Jonah. "Pastoralists at war: Violence and security in the Kenya-Sudan-Uganda border region." *International Journal of Conflict and Violence (IJCV)* 3, no. 2 (2009): 188-203, p.193.

that none of the indigenous people were involved in the process of establishing the boundary was the most significant issue that accompanied the establishment of the boundary. As an additional point of interest, when it first started operating, the people did not receive any civic education.

To the British officials in the two protectorates, the primary objective of the boundary was not only to guarantee efficient British administration of their respective regions, but also to exercise control over what they referred to as "the people's primitive way of life." Barber describes this as follows: "The British officials wanted a clear boundary which could be identified easily both on the map and on the ground, and to keep the ethnic communities and their livestock firmly behind the line."[490] Based on Barber, the study discovered that, the communities that were being referred to, namely Pokot and Karamojong, were unable to comprehend the existence of such a boundary. This was due to the fact that they desired to continue operating within their traditional boundaries, which did not have any diverse effects on the pastoralist way of life that they preferred. While interrogating a respondent at the border over this it was asserted that:

> Due to the fact that the new boundary cut across the grazing lands of the pastoral groups, it had a significant impact not only on the Pokot and Karamojong in terms of the availability of water and pasture for their animals, but also on the freedom of movement for both animals and people. In light of all of this, it is important to note that prior to the establishment of the boundary, the Karamojong and Pokot people cooperatively exploited the resources that were already present in their respective geographical regions.[491]

According to Julius Isogolo, the newly established boundary caused a rift between the nomadic people, whose means of subsistence were highly dependent on the ability to move freely across the vast plains in the region without encountering any obstructions

[490]James Barber, "The moving frontier of British imperialism in the Lake Rudolf Region: 1890-1919." *Ethnohistory* 53, no. 1 (2006): 143-172., p.155.
[491]Laurance Emoit, O. I in Munongo, 7/12/2023.

associated with the boundary. On account of this, a respondent revealed; the Pokot and Karamojong way of life underwent a significant transformation as a result of the establishment and operation of the boundary. For example, they came to terms with the fact that they now belonged to different political entities and were expected to accept this distinction.[492]

Within the context of their movements and the requirements of their trading, the new political order was established. For example, it was already obvious that these pastoralists had strong social and economic ties, which allowed them to move around and conduct their activities with fewer restrictions. From the archival centre in Uganda, it emerged to the study that this was confirmed by a British administrator who made the following observation: "The pastoral ethnic communities of Kenya and Uganda on either side of this boundary are closely related...and often carried their socio-economic activities together.[493] Therefore, the observation that can be made here is that:

> Pastoral groups, which are never able to rely solely on themselves, have always maintained some kind of reciprocal and mutually supportive relationship with members of their surrounding communities. On the other hand, because of the requirements of boundary operations, it was now a requirement that all individuals should remain within the boundaries of the boundary and in the event that they encountered any movement or interaction across the boundary, they were required to seek permission from the authorities that were responsible for them.[494]

It is essential to keep in mind that the restriction on movement across the border was only a paper restriction. This is due to the fact that by 1926, the entire boundary did not have a physical barrier, which indicated that pastoral communities were able to freely cross it. According to the colonial border policy, "Every person, Kenyan or

[492]Julius Isogolo, O. I in Akiriamet, 29/12/2023.
[493]National Archives and Records Administration, Entebbe, 1964.
[494]Ibid

Ugandan, Pokot or Karamojong must have valid permission issued by the appropriate and competent authority of one's respective country," this was a violation of the policy. This means that everyone is required to report their arrival or departure to the same authorities.[495]

When the Pokot and the Karamojong, who were in contact with colonial authorities on either side of the border, were subjected to this kind of restriction, they interpreted it as a denial of their fundamental right to freely relate with their neighbours.[496] Because of this, the majority of them did not agree with the requirements of the newly established boundary. According to an FGD, it emerged that:

> Their perspective was that they only accepted and operated within the boundaries that were traditionally established by the natural and geographical terrains of their territory. This provides an explanation for the frequent and covert manner in which they continued their cultural activities. As a result, the Pokot and the Karamojong relations deteriorated almost immediately after the transfer of Rudolf Province to the British East Africa and the declaration of the boundary functions. During the process of its formation, colonial governments utilised the geographical and natural characteristics of the two rivers, namely Turkwell and Kanyangareng, in order to divide the two communities.[497]

It further emerged that the two rivers brought together the communities rather than separating them. For example, after leaving Elgon, River Turkwell flows through and cuts across two mountains: Chemerongit to the North West and Suk Hills to the south east.

Both of these mountains are located in the same general direction. Just before it cuts through the mountains, Turkwell is joined from the west by a significant tributary known as the Kanyangareng. According to a respondent, this tributary flows around

[495]KNA, 1928.
[496]De Vries, K. "Identity strategies of the Western Pokot: exploring the meaning of livestock raiding." *Spaces of insecurity: Human agency in violent conflicts in Kenya* (2012): 88-119, p.89.
[497]FGD of Business persons in Busia border– Uganda, on 5/1/2024.

the western edges of the Chemerongit Hills as it makes its way through the landscape. At the river valley, the Pokot and the Karamojong conflict became more frequent after 1926. This conflict occurred at the river valley. Due to the fact that the boundary perception was more specific now that it determined which side of the colony the natural resources of rivers and hills fell, the conflicts would primarily arise as a result of this. The conflict in this instance was caused by both disputes over the boundaries of the area and claims to natural resources. In addition to this, this resulted from the fact that the colonial government and the people had different interpretations of the boundary demarcation.[498]

It is contended that, the boundary was supposed to be easily identifiable on the map as well as on the ground, according to the officials of the colonial government.[499] Keeping the pastoralists and their livestock firmly behind the queue was the latter's purpose, with the intention of assisting in the prevention of conflict between different ethnic communities.[500] Not only did the pastoralists fail to comprehend, but they also failed to acknowledge, the functions that the boundary that had been established served.

According to Kiwanuka, it became completely incomprehensible when the boundary was put into operation to prevent them from crossing it and making use of the water and grazing land on either side of it. It was because of this that there were frequent conflicts between the communities and the officials of the government. As an illustration, the British attitude towards the Karamojong was aimed at isolating them from the Pokot and Turkana, in addition to other ethnic groups that were located in the eastern and northern regions of Uganda. Both the transfer of Rudolf Province from

[498]Francis Ariku, O. I in Kamuriai, 24/11/2023.
[499]Akerman, James R., ed. *The imperial map: cartography and the mastery of empire*. Vol. 15. University of Chicago Press, 2009, p.76.
[500]Ibid., p.67.

Uganda to Kenya in 1926 and the establishment of district boundaries in eastern Uganda provided evidence that this was the conclusion.[501]

The former event served as the definitive moment in the establishment of the international boundary between Kenya and Uganda. Because of the location of this boundary, it cut across grazing land and water points, which had a negative impact on the Karamojong and the Pokot. In essence:

> The Karamojong were impacted in two different ways as a result of the transfer of a portion of the territory in eastern Uganda to Kenya. Initially, the regions of Chemerongit and Kanyangareng River, which they had previously utilised for water and pasture, were designated as areas that they were not permitted to enter. A second consequence of the international boundary demarcation was that they were no longer able to hunt animals from their neighbours who were Pokot and Turkana as they had done in the past. However, what annoyed them was the fact that the transferred territory was meant to compensate their bitter rivals, the Pokot, who had themselves lost large tracts of land to the white settlers in Kitale.[502]

On their part, the boundary restriction denied the Pokot a chance to graze on the Pene Plains, which were their alternative grazing lands during droughts.[503] In a similar vein, they were not permitted to undertake raids against their neighbours, the Karamojong, during periods of replenishment or for bride wealth demands.[504] Additionally:

> As a consequence of this, the two ethnic communities initiated territorial claims that were in direct opposition to the colonial boundaries. An example of this can be seen in 1929, when the Karamojong made a second claim that river Turkwell and Kanyangareng belonged to them. They claimed that in the past, they had hunted, watered and grazed their animals on those rivers, however, the boundary at the time placed the rivers on the Pokot side. When it came to the Pokot, they attributed the existence of the boundary to the fact that it prevented them from grazing at Mount Kadam in the

[501]Matia Semakula Mulumba Kiwanuka, "The empire of Bunyoro Kitara: Myth or reality?." *Canadian Journal of African Studies/La Revue canadienne des études africaines* 2, no. 1 (1968): 27-48., p.30.
[502]KNA, 1962.
[503]Heckmann, Matthias Christian. "Soil erosion history and past human land use in the North Pare mountains: A geoarchaeological study of slope deposits in NE Tanzania." PhD Dissertation, University of York, 2011, p.102.
[504]Ibid

> Karamoja region, which had been their drought reserve grazing area in the past.[505]

The inability of these two ethnic communities to comprehend the functions of the boundary, as stated by Markakis, was the root cause of the continued conflicts that they were experiencing.[506] On the other hand, Ocan disagrees with Markakis when he states that it was not their incapacity to comprehend the boundary function that was the source of the constant conflicts, rather, it was their devious actions regarding the boundary that were the most problematic.[507]

In addition to this misunderstanding of the function of the boundary, Orichama said: the fact that both the Pokot and the Karamojong were quick to accuse colonial officers from both sides of the boundary favouring their adversaries was another factor that contributed to the growth of this misconception. This was found to be more pronounced both during and after activities involving cattle rustling. As a matter of fact, the international boundary that separated the Karamojong and the Pokot had a significant impact on these pastoralists. In order to acquire animals, for instance, it was customary for them to engage in raiding and counter-raiding each other. From a practical standpoint, these were not in accordance with the legal requirements of the boundary operations, which mandated that anyone crossing the boundary was required to report their intentions to the authorities on both sides of the intersection.[508]

Therefore, it was expected of every community that they would carry out their activities within the boundary jurisdiction, unless the officials of the colonial

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[505]KNA, 1962

[506]John Markakis, ed. *Conflict and the Decline of Pastoralism in the Horn of Africa*. London: Macmillan, 1993, p.108.

[507]Josiah Osamba, "Peace building and transformation from below: Indigenous approaches to conflict resolution and reconciliation among the pastoral societies in the borderlands of eastern Africa." *African Journal on conflict resolution* 2, no. 1 (2001): 22-28, p.24.

[508]Brilyan Orichama, O. I in Amoni, 28/12/2023.

government gave permission for them to do otherwise. Moreover, sentiments advanced by Dietz informed were that:

> Following that, raids and counter-raids that occurred across the boundary were considered to be an abuse of the regulations that govern the boundary. The raiders who were caught or fell into the trap set by the colonial government officials who kept vigil along the boundary had their animals confiscated and were arraigned in court at either Kacheliba, Kapenguria, or Karamoja.[509]

This is the most important aspect of the situation. This boundary restriction also meant that cultural activities such as; bride wealth payment, ritual activities and the ability for one to replenish their stock especially from across the boundary was on the decline. Additionally:

> The boundary restriction led to an increase in the number of raids and conflicts that occurred within the communities. This occurred because some of the communities and clans turned against each other in order to obtain their animals, which were in high demand.[510]

Onyango, for example, made the observation that in the years following 1930, there was an increase in the number of raids that took place within the community between the Pian, Jie, Tepeth, Matheniko, and Bokora.[511] In a similar vein, Yurco maintained the same argument, but he did so with reference to the Turkana, Pokot, and Samburu.[512] Mkutu further expressed sentiments that are consistent with this line of reasoning.[513] As part of his argument, he is of the opinion that:

> The Pokot were put under pressure by the boundary establishment because larger portion of their land in Kitale was taken away for the purpose of settler farming. Examples of this include the fact that the new boundary demarcation had

[509]Ton Dietz, *Pastoralists in dire straights. Survival strategies and external interventions in a semi-arid region at the Kenya/Uganda border: western Pokot 1900-1986*. No. 49. 1987., p.35.
[510]Patrick Wandera, O. I in Buradi, 25/12/2023.
[511]Rhodah O. Onyango, "Influence of internal controls on performance of county governments in Kenya." PhD Dissertation, University of Nairobi, 2014, p.92.
[512]Kayla Yurco, "Pastoral Movements and Movements in Pastoralism: Shifting Traditions and Institutions of Modern Management Strategies in Laikipia Kenya." PhD Dissertation, 2011, p.82.
[513]Kennedy Mkutu, "Pastoral conflict and small arms." *Small arms and security in the Great Lakes region and the Horn of Africa* 48 (2003), p.62.

> negative impact on the traditional dry season and drought reserve areas of these people. This was due to the fact that these areas fell on either side of the boundary, which resulted in scarcity.[514]

As an illustration, the oral source of an elder suggests that…. The region surrounding Mount Kadam and River Kilim in Karamoja served as their drought reserve point prior to the establishment of the boundary. For their part, the Karamojong have made claims that are comparable to those made regarding the Turkwell and Kanyangareng rivers.[515]

It can, therefore, be argued that, while the boundary was being established and put into operation, it was also implied that the system of resource ownership and utilisation was also being altered. Karasuk, for example, was moved from Uganda to Kenya in 1926 as a result of an order issued by the East Africa Council. The beginning of resource scarcity and claims by pastoral groups can be indicated by the transfer of territory that occurred at this time.

As a result of the transfer, the Karamojong clans of Pian, Matheniko, and Bokora were negatively impacted. They were deprived of their grazing land and water points in the Chemerongit and Kanyangareng rivers, which were transferred to Kenya in order to provide land for the Pokot in Karasuk.[516] This occurred, after the white settlers had driven them out of Trans-Nzoia and Kitale.[517] As a result of this, the two communities had continuously engaged in a fierce competition for the limited resources that were located in the regions surrounding Turkwell and Kanyangareng ever since the boundary was established.

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[514]Kennedy Mkutu, 2003. *Op. Cit.,* p.57

[515]Delmas Kiplimo Korir, O. I in Adungosi, 28/12/2023

[516]Rhodah O. Onyango, 2014. *Op. Cit.*,p.28.

[517]Dorene R. Human Tully, Ecology and Political Process: The Context of Market Incorporation in West Pokot District, Kenya (East Africa, Economic, Agricultural Development). University of Washington, 1985, p.77.

According to Barber, the two ethnic communities, the Pokot and the Karamojong, have different criteria that they use to justify their claims to the territory that is in dispute.[518] In the case of the Karamojong, the region had been under their control for a considerable amount of time, whereas in the case of the Pokot, their argument is based on "what had been rather than what was" in claim. The years that followed the establishment of the boundary saw every group quickly begin to claim not only their demarcated territories but also areas that were not theirs up until that point. This was done as a means of protecting themselves from what Carter refers to as a lack of resources.[519] Accordingly:

> The disagreements between the Karamojong and the Pokot can be traced back to their fierce fights in December 1928, which were fueled by territorial claims of scarcity against one another. During this conflict, the oral account suggests that when the Suk had used up all of their scale grazing land near Mount Kadam, Apolodar, and Erimot, their leader made a request to the Karamojong for grazing land near the river Kilim.[520]

As a result of the refusal of this request, the Pokot were able to force their way into Karamojong territory. This was due to the fact that they were unable to comprehend the reason why their neighbours were marginalising them, despite the fact that they shared these resources with one another prior to the arrival of colonialism. During this process, one Karamojong individual was taken out of life. Furthermore, Barber put it in his works that, fifteen donkeys and herds of cattle were taken without permission.[521]

As a means of retaliation, the Karamojong launched a series of counterattacks, which ultimately resulted in the Pokot retiring to Turkwell. At this point, the tenets of social

[518]Dorene R Tully, (1985). *Op. Cit.,* p.57
[519]Ekiru, Mark N. "Factors influencing cross border conflict resolution between Turkana and Pokot communities of Northern Kenya." PhD Dissertation, University of Nairobi, Kenya, 2011, p.81.
[520]National Archives Entebbe (1928).
[521]Dorene R. Tully, (1985). *Op. Cit.,* p.60.

cubism, which include scarcity and marginalisation, come in handy.[522] This is because, as a result of the colonial activity of boundary operations, resources became evenly distributed between two communities, which resulted in them being scarce. Thus:

> As a result of the communities being confined to their own countries, they were unable to interact with one another and became strangers whenever they crossed over into the territory of another nation. As a result, they were marginalised in their utilisation of other resources. However, the District Commissioner of Karamoja, Ashton Warner, was compelled to write to Commissioner Hayes Sadler, expressing grave concern about what he referred to as the "constant raids going on across the boundary".[523]

This was due to the increasing intensity of cross-border raids that were taking place between the Karamojong and Pokot regions.

Werner, expressing his desperation over a situation that has the potential to spiral out of control, stated, "Altogether, unless we put a police post there or East Africa protectorate can keep their people in from raids, which would certainly be difficult, I don't quite see what we can do".[524] The British colonial circles held the belief that these pastoral groups were primitive and barbaric. As a result, they believed that the raids and counter-raids that occurred across the boundary were activities that would soon come to an end.

On the other hand, the British were having a harder and harder time putting an end to the inter-ethnic conflict that was taking place across the boundary. When Saddler stated that the establishment of law, order, or effective control over; "the people of this wild border was not an easy matter," he was in agreement with his own statement.[525] As a result of the fact that the two ethnic groups did not coexist

[522]Ibid, p. 62.
[523]National Archives Entebbe, 11/1920.
[524]National Archives Entebbe, No. A 32/10.
[525]KNA, 1929.

peacefully, the colonial authority was compelled to make an effort to provide 'protection' to each ethnic group along the entire boundaries. This protection was extended to the Turkana, the Samburu, the Teso, the Samia and the Sabiny (Sebei) people in addition to the Pokot and Karamojong people.[526]

During the 1930s and 1940s, the colonial administration in Kenya and Uganda made several attempts to achieve peace and harmony, but they were not very successful. Due to the fact that colonial authorities were not particularly interested in livestock development, they did not have a viable alternative to cattle raiding, which meant that the possibility of finding a solution that would last remained elusive. On the contrary, they were preoccupied with activities that were carried out by white settlers.[527] As a consequence of this, the Northern Frontier District of Kenya and the Karamojong in Uganda remained "closed districts" throughout the entirety of the boundary operations. The extent to which their ties with other communities could be promoted was hindered as a result of this development, which, in many ways, contributed to the interference.

On the other hand, it is essential to point out that the boundary operations did not prevent the movement of the people, nor did they prevent the cattle raids. In the end, the concept of utilising the boundary as a means of containing the people proved to be self-defeating. While conducting FGD, members observed that;

> It is more important to note that the Pokot side has been affected more by the boundary demarcation than the Karamoja region has been. In light of the fact that pastoralists make use of their natural environment to their advantage and ensure their own survival, this is the case. The Pokot side has, in the past, experienced a great deal of land degradation as a result of the overstretched piece of land that was grazed by a large

[526]Tully, Dorene R. (1985). *Op. Cit.*, p.65.

[527]Kwamusi, G. "A history of border relations between the people of Uganda and Kenya. The case of the Abasamia of the two countries." PhD Dissertation, M. A Dissertation, Makerere University department of History, Kampala, 1996, p.89.

> number of herds. This is something that is emerging as a direct result of the boundary restriction.[528]

Vries confirmed that these regions are now prone to extensive soil erosion, which can be confirmed by the deep gullies that can be observed from the southern highlands.[529] This is a result of the fact that these areas are now prone to soil erosion. Given the high level of soil erosion that occurs during the rainy season, elders also confirmed this position by stating that the region is about to enter it's most difficult ecological times.

Vries further asserted that, when it came to Uganda, particularly after the transfer of some of her territories to EAP, the British administrators were opposed to the European settlers. They cited the fact that their demands were unachievable as the reason for their opposition.[530] According to Vries, They exerted a great deal of pressure on the colonial government to provide social services that were comparable to the demands that were made by their counterparts in Kenya. Attempting to satisfy the demands of the white settlers in Uganda was likely to result in significant increase in the costs associated with administration in the colony.[531]

On the other hand, in contrast to the situation in Kenya, Vries affirmed that, their population was significantly smaller and they were located a considerable distance apart. The fact that they were the export producers, while Africans were relegated to the position of internal or consumer producers, brought their idea to the attention of the colonial officials. Despite this, their idea was still successful in attracting their attention.[532]

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[528]FGD of Bakhayo residents in Bukhayo, on 21/12/2023
[529]Catherine E. De Vries, "Sleeping giant: Fact or fairytale? How European integration affects national elections." *European Union Politics* 8, no. 3 (2007): 363-385, p.368.
[530]Ibid., p.367.
[531]Ibid., p.369.
[532]Ibid., p.371

While confirming the earlier discussion, a respondent Dolphine Nyongesa, after an indepth discussion with the interviewer, revealed that:

> Similar to the colonial policies that were implemented in Kenya, the colonial policies that were implemented in Uganda after the transfer of territories appeared to favour economically productive areas while neglecting economically unproductive areas such as Karamoja and west Pokot. For instance, the boundary between Kenya and Uganda remained largely undefined throughout the entirety of the colonial period.[533] This was in contrast to the situation in which certain areas, particularly the region that had formerly been known as the Eastern Province of Uganda, had been marked, while a significant portion of the area at Karasuk and Rudolf had not been marked at all.[534]

The alignments, on the other hand, were not reliable enough to provide it with a precise demarcation.[535] This is an important point to keep in mind, as it is important to note any instances in which there were signs of demarcation.

Based on the preceding secondary data analysed by the study, it emerged that, in spite of the fact that the boundary was not clearly defined, it continued to be a phenomenon in both the political and legal spaces. As a result, its demarcation and functions were able to fit in well within the political and legal confines of a boundary. According to Melwa, boundaries are considered to be "imaginary lines" that demarcate the limits of a state's or administrative area's legal, political, and administrative power.[536] This is so because boundaries are understood to be imaginary lines. It is precisely these boundary demarcations that encompass not only the boundaries within a territory but also those that exist between countries. Both Kenya and Uganda gained their new status as international states as a direct result of the boundary between the two

[533]McEwen, Alexander C. "International Boundaries of East Africa." PhD Dissertation, 1969., p.89.
[534]Dolphine Nyongesa, O. I in Akitesa, 21/12/2023.
[535]G. Kwamusi, "A history of border relations between the people of Uganda and Kenya. The case of the Abasamia of the two countries." PhD Dissertation, M. A Dissertation, Makerere University department of History, Kampala, 1996, p.72.
[536]C. M. Melwa, "A comparative study of Trans-border Interactions along the US and Mexico and Zambia–Zaire Borders." *A Paper of the Institute of Human Relations, Lifami Series* (1991).

countries.[537] As a result of the Pokot and Karamojong's lack of awareness regarding the boundary, they continued to cross it whenever they pleased.

It should be reiterated that, during the year 1926, the careless movement across the border had attracted the attention of the British officials, who had the intention of putting an end to it. For example, in 1930, the Upe and the Kenyan Pokot lodged a complaint with the colonial authorities regarding the boundary that had divided them into two distinct political units. To ascertain this finding, the researcher interrogated the archival sources and it emerged to the study that:

> This complaint was about the boundary that had split them apart. Their complaint was that they are a single ethnic group that participates in the same cultural and economic activities and that the boundary prevented them from interacting with one another as a people. According to their complaint, their leaders were unable to comprehend reasons behind their division into two groups. More importantly, they were unable to comprehend the reasons behind the fact that they were not permitted to cross over to be with their relatives and cousins who were located on either side. As a result of the boundary, these individuals, including the Karamojong, frequently abused the demands of the boundary in order to satisfy either their social, economic and political interests. This was the impact that the boundary had on these individuals. Despite the fact that the boundary was seen negatively by both the Pokot and the, Karamojong due to the fact that it restricted their operations up until that point, it did have some positive effects on the people who lived in the area. As an illustration, it was observed that between the years 1902 and 1907, a protozoan parasite known as trypanosomes, which is responsible for causing sleeping sickness in humans and nagana in livestock, was flourishing along the shores of Lake Rudolf as well as the river banks of Suam, Turkwel, and Kanganyareng.[538]

In line with these findings, a respondent, Okile, added her voice that, because they were people who lived in these areas, the Pokot, Karamojong, and Turkana were severely impacted by the newly discovered disease that affected both animals and humans. Other infectious diseases that had been reported were dysentery and small

[537]Jackson, Robert H., and Carl G. Rosberg. "Why Africa's weak states persist: The empirical and the juridical in statehood." *World politics* 35, no. 1 (1982): 1-24, p.5.
[538]Entebbe Archives 1908.

pox, with the exception of trypanosomiasis, which was the only disease that had been found.[539]

Nevertheless, it is important to take note of the fact that sleeping sickness and Nagana were documented as being the most lethal and debilitating diseases in this region at the time.[540] As a consequence of this, the immediate response of the colonial governments in Kenya and Uganda was to make an effort to contain the outbreak of sleeping sickness and nagana to the affected areas as much as possible and to make certain that the diseases did not spread across the border. The Uganda customs consolidation ordinance of 1904 was enacted by the colonial officials in Uganda as an immediate measure. This ordinance made it illegal to transport livestock between Uganda and the countries that were located in its immediate vicinity without first obtaining special permission.[541]

As evidenced by the archival source, a livestock quarantine policy was strictly implemented on the Kenyan side and both people and livestock were restricted from crossing the boundary. This was corroborated by a respondent, Nicodemus Etyang, thus:

> The two colonial governments educated people about nagana and preventative measures against sleeping sickness. On two separate occasions, unfortunately, it became impossible to educate the Pokot and the Karamojong about this issue from their point of view. The initial report stated that it was not possible to access the terrain in Karamojong, and more specifically, the side of the mountain that is located in Kenya Pokot. The second argument was based on the fact that these individuals had very little trust, if any trust at all, in the colonial official due to the fact that they considered them to be intruders and brutal.[542]

[539]Milton Ekisa Okile, O. I in Ongariama, 9/12/2023.
[540]Ibid
[541]National Archives Entebbe file No. A10/ 1.
[542]Nicodemus Etyang, O. I in Akitesa, 27/12/2023.

It therefore compelled the colonial officials, together with their officers from the department of livestock and agriculture, to wait for people and their livestock at the water points to educate them on the effects of nagana as well as persuade them to allow for the vaccination of their animals.

Furthermore, oral evidence from Ezra Ongori, states that the local people did not respect the impact of confining them behind lines until they realised that they were losing their animals to the wrath of Nagana.[543] In his own words:

> This realisation forced them to respect the impact of locking them up. It was initially brought to the attention of the Pokot and the Karamojong that the government was always content with the confinement of its citizens and that its policies did not necessarily serve their best interests. As an additional point of interest, they had considered the colonial government's policy of burning and clearing the bushes as a means of destroying their range land rather than as a means of eliminating the tsetse flies.[544]

Some of the Pokot and the Karamojong people continued to disobey the orders and moved their animals across the boundary, but this time they did so under the cover of darkness. The explanation is that, this was done in spite of the fact that the governments had implemented these measures in order to prevent the spread of sleeping sickness and nagana. When an outbreak of rinderpest was reported in Uganda in 1914 and in Kenya in 1923, it added fuel to the fire of the animal restriction movement.[545]

Based on the foregoing discussion, it is therefore in order to argue that, as the arbitrariness of the boundary was already beginning to influence the effectiveness with which anti-epidemic measures were being implemented, it became clear that if it were not for the existence of the boundary and its operations, the toll on both animals and humans would have been overwhelming between the Pokot and the Karamojong

[543]Ezra Nakhayo Ongori, O. I in Amase, 21/12/2023.
[544]Ezra Nakhayo Ongori, O. I in Amase, 21/12/2023.
[545]National Archives Entebbe, file no. A46 269.

during the years of the epidemic. This was the case because the boundary was drawn arbitrarily.

It's prudent to acknowledge that, the procedure that was followed in order to establish the international boundary between Kenya and Uganda was analysed.[546] In order to conduct the historical analysis, it was necessary to take into consideration the various classifications and broad types of boundaries.[547] It was observed that the boundary that was established, despite being unilateral, caused a great deal of confusion and division among the British colonial circles in London.[548] On the one hand, some officials advocated for the merging of the two colonies, while others supported the separation of the boundaries. In the end, it was the latter that succeeded in taking precedence.

An obvious observation that was made during this time period was that the colonial officials were not enthusiastic about the impact that the boundary that had been established would have on the Karamojong and the Pokot.[549] Because of this, the boundary operations paid little to no attention to the relationships that existed between the Pokot and Karamojong of Uganda prior to the arrival of colonial powers. The ignorance of colonial officials regarding the local people, the geographical features that were present, and the manner in which natural resources were distributed among the people was a reflection of this aspect.[550] Not only did the boundary divide the people, but it also allocated their natural resources to either Kenya or Uganda. The way in which the people related to one another and shared their natural resources were exacerbated as a result of this.[551]

[546]Nkoroi, Isaac. "Assessing the informal cross border trade between Kenya and Uganda." PhD Dissertation, University of Nairobi, 2015, p.55.
[547]Ibid., p.57.
[548]Ibid., p.62.
[549]De Vries, K. "Identity strategies of the Western Pokot: exploring the meaning of livestock raiding." *Spaces of insecurity: Human agency in violent conflicts in Kenya* (2012): 88-119, p.97.
[550]Ibid., p.100
[551]Ibid., p.103.

Consequently, this subtheme makes the observation that the relationship between these two communities evolved into one that was characterised by a great deal of tension as well as continuous raids and counter raids. Therefore, from the above findings, the border demarcation, delimitation, and restoration between Kenya and Uganda from 1902 to 1926 yielded both positive and negative outcomes, reflecting the complex dynamics inherent in boundary management.[552]

On the positive side, these processes facilitated administrative efficiency, territorial clarity, and economic integration. Thus, by establishing clear boundaries, the colonial administrations were able to streamline governance and enhance service delivery within their respective territories. Also, the demarcation and restoration efforts provided clarity on territorial jurisdictions, reducing ambiguity and potential sources of conflict between the two protectorates. Additionally, the defined borders promoted cross-border trade and economic cooperation, fostering development and prosperity in the region.[553]

However, these boundary activities also brought about significant challenges and negative consequences. For example, they caused displacement, disruption, and social upheaval among affected communities, leading to resentment and instability. Furthermore, despite attempts to consider ethnic divisions, the boundary decisions still fragmented some ethnic communities, eroding cultural identities and exacerbating tensions. Moreover, administrative complexities and disagreements over boundary demarcation hindered effective governance in border regions, impeding development efforts and exacerbating ethnic conflicts.[554]

[552]Ibid., p.104.
[553]Eaton, David. *Violence, Revenge and the History of Cattle Raiding Along the Kenya-Uganda Border, c. 1830-2008*. Library and Archives Canada= Bibliothèque et Archives Canada, Ottawa, 2009, p.12.
[554]Ibid., p.22.

Moreover, the establishment of the boundary between Kenya and Uganda led to unintended consequences and conflicts among indigenous pastoralist communities, particularly the Pokot and the Karamojong. The boundary, perceived as a barrier by these communities, disrupted their traditional way of life, restricted their movement, and caused tensions over resource access and territorial claims.[555] The rivers, meant to demarcate the boundary, instead became focal points for conflicts, highlighting the disconnect between colonial administrative goals and local realities.

Interpretivism philosophy and Max Weber's interdependence theory provide insight into the boundary transfers between Kenya and Uganda from 1902 to 1926. They reveal how colonial treaties and administrative decisions shaped territorial divisions.[556] Interpretivism emphasizes understanding the subjective perspectives of colonial officials, highlighting the negotiation process and ideological influences. Weber's theory elucidates the interplay of power dynamics, as seen in the disagreements between officials like Jackson and Hobley over boundary placement. The boundary transfers exemplify the colonial imposition of boundaries disregarding pre-existing social formations, leading to administrative challenges and ethnic tensions. Overall, interpretivism and interdependence theory deepen understanding of the complex processes behind colonial boundary establishment in Africa.

2.8 Chapter Summary

The chapter on tracing the history of border security between Kenya and Uganda up to 1962 provides a comprehensive examination of the various factors that have shaped the border dynamics between these two East African nations. The narrative begins by exploring the historical legacy and errors in boundary-making in Eastern Africa,

[555]Ibid., p.24.
[556]Ibid., p.28.

shedding light on the arbitrary nature of colonial border demarcations and their lasting impacts on regional geopolitics.

Central to this historical analysis is the Kenya-Uganda border, which serves as a focal point for understanding the complexities of border security in the region. The border's establishment during the colonial period was driven by geopolitical motives, with colonial powers prioritizing economic and strategic interests over the concerns of local populations. This process resulted in the imposition of artificial boundaries that often disregarded the cultural, ethnic, and historical ties of the indigenous communities residing along the border.

Before colonial intervention, border security in the pre-colonial period was managed through informal arrangements characterized by trade, migration, and cultural exchanges among communities on both sides of the Kenya-Uganda border. These interactions fostered a sense of mutual dependence and cooperation, shaping the perceptions of security among borderland populations. However, colonialism disrupted these pre-existing patterns, introducing new administrative structures and security measures that often exacerbated tensions between neighboring communities.

The process of Kenya-Uganda boundary establishment and boundary transfers between 1902 and 1926 further exemplifies the complexities of border dynamics in Eastern Africa. Colonial powers sought to assert control over valuable resources and trade routes, leading to negotiations and agreements that reshaped the territorial boundaries between Kenya and Uganda. These boundary transfers reflected the economic and strategic interests of the colonial powers, perpetuating patterns of unequal power dynamics and territorial disputes that would persist into the post-colonial era.

Throughout this historical narrative, the chapter highlights the enduring legacy of colonial border legacies and their impact on border security up to 1962. Despite efforts to manage border tensions through diplomatic negotiations and security measures, conflicts and disputes continued to arise, underscoring the need for comprehensive approaches rooted in cooperation and mutual understanding between Kenya and Uganda.

Finally, the chapter offers valuable comprehensions into the complex history of border security between Kenya and Uganda, tracing its evolution from the pre-colonial period to the early years of independence. By examining the historical legacy of boundary-making, the establishment of the Kenya-Uganda border, and the dynamics of border security in the colonial and post-colonial eras, the chapter provides a nuanced understanding of the challenges and opportunities facing these two neighboring nations in managing their shared borders. These lead to an assessment of border security and economic relations between Kenya and Uganda since 1962, the subject of chapter three.

CHAPTER THREE

BORDER SECURITY AND ECONOMIC RELATIONS BETWEEN KENYA AND UGANDA SINCE 1962

3.1 Introduction

The chapter provides an in-depth analysis of the security and economic relations between Kenya and Uganda since 1962. It explores the historical evolution of economic integration and informal cross-border trade in both countries, spanning different political eras and leadership styles. Additionally, the chapter examines the challenges posed by ethnicity at the Kenya/Uganda border and the advancement of unlawful cross-border trade. Security relations, from independence to recent developments, are also scrutinized, shedding light on the complexities of maintaining stability in the region. Generrally, the chapter aims to assess the multifaceted dynamics shaping the bilateral relationship between Kenya and Uganda over the past six decades. Towards the end, a conclusion and a chapter summary has been provided after an indepth discussion on how bureaucratic theory and interpretivism philosophy has been used to underscore the chapter has been shown.

3.2. Economic Relations

This subsection has underscored; history of Kenya and Uganda economic integration/relations, the rise of informal cross-border trade in Uganda, the epoch of auxiliary ambiguity in Uganda, ethnicity and its challenge at Kenya/Uganda border, classification of unlawful crossborder trade, and informal cross-border trade between Kenya and Uganda.

3.2.1 History of Kenya and Uganda Economic Integration/Relations

It emerged that, the colonialists drew borders using their own discretion, disregarding any ethnicity, cultural, or social considerations that may have been present.[557] In this way, casual border exchange gives the impression of the indistinguishable monetary connection that exists between the networks that reside along the borders. The Basamia, the Bateso, the Bagisu, and the Basebei peoples, who occupy both Kenya and Uganda, have enjoyed a corporate past that extends beyond the current common Kenya/Uganda border.[558] This is in reference to the specific relations that exist between these people. As a result of the colonialists' arbitrary drawing of the territorial boundaries of almost all African countries, the national financial, socio-economic, and ethnic connections that existed between communities were apportioned in a manner that was misleading.

Indeed, prior to the establishment of borders, people of Kenya and Uganda moved freely, touching their animals and exchanging or trading goods in order to fulfil their needs. This was done without the obstacles that we are currently experiencing as a result of borders. During that time period, neither the term "casual" nor the term "illicit" exchange was present in any of our vocabularies. As a matter of fact, this is an ongoing marvel that has come about as a result of fringes, and it has become significantly more articulated with the achievement of autonomy.[559] Holding a similar view, Peter Wafula postulates that:

> Despite the fact that the majority of the Babukusu and the Bagisu are located in Western Kenya and Eastern Uganda, respectively, substantial numbers of both groups cross the common border. This not only makes the border more fluid, but it also highlights the fact that it is meaningless in the day-to-day activities of the two people. The Basamia, the Bateso, and the Basebei people who live on both sides of the border

[557]Achiume, E. Tendayi. "Migration as decolonization." *Stan. L. Rev.* 71 (2019): 1509.
[558]Makila (1978)
[559]KNA reference KY/3/6.

> between Kenya and Uganda share this observation, which is representative of their general sentiment.[560]

The Kenya-Uganda border, which serves as an international line that delineates the two communities and nation-states, has been a catalyst for the development of variety of forms of coexistence and interdependence.[561] These forms of coexistence and interdependence have arisen not only from the shared origins of the people, but also from the historical process of encounter and change that has been brought about by the realities surrounding the colonial delineation and the transformation. It is essential to note that the East African Community partner States have a long and illustrious history of engaging in cross-border exchange. Significant portion of this exchange is conducted in casual manner.

The phrase "casual cross-border exchange" is used in this research to refer to the imports and exports of legitimately created trade and businesses (i.e., legitimate products and businesses). These imports and exports are able to circumvent the administrative structure established by the public authority and they are able to avoid certain assessments and administrative measures.[562] As a result, they are either not recorded or are recorded incorrectly into the authentic public insights of the nations that are bringing in or trading. As a result, the International Civil Aviation Organisation is a remarkable subset of the informal economy. The informal economy as a whole accounts for a significant portion of the Gross Domestic Product of EAC economies.[563]

It should be stated that Informal cross-border trade was traditionally regarded as a "survivalist attempt" on a global scale. Consequently, it was consistently regarded as

[560]Peter Wafula W. (2008). *Op. Cit.*, p.74.
[561]Lumallas, Eunice. "Carving The Nation Of East Africa: An In-depth Survey Of The Role Of The East African Legislative Assembly." PhD Dissertation, 2011, p.67.
[562]Straeten, Jonas van der. "Transmitting Development: Global Networks and Local Grids in the Electrification of East Africa, 1906-1970.", p.90.
[563]Ibid., p.13.

economically unfeasible for such traders to adhere to the official documentation conventions established by the government.

According to Ndlela, in East Africa, the physical and financial limitations that are being looked at by customs offices and border control centres do not take into account professional monitoring.[564] This is the case until now.[565] According to Joseph Loroo, the County Commissioner of Busia County:

> It is impossible to ignore the International Criminal Border Patrol entirely due to the fact that it continues to be a significant movement for lease looking for customs authorities as well as police officers. These officials consider themselves fortunate to be posted at border control centres, and some of them even go so far as to 'encourage' their approach to working at border stations.[566]

In contrast, what was commonly believed, the International Criminal Bank of Trade now encompasses both informal and formal businesses, ranging from small to enormous in size.[567] The exchange of these businesses includes both small and large transfers that are carried out across legitimate borders crossing focuses, as stated by Peberdy.

As a result, it is essential to take into consideration the impact that ICBT may have on the economies of East Africa. The type of ICBT that is most commonly practiced by formal firms typically involves enormous transfers small amounts that are frequently passed over the margins by informal firms and individuals also constitute enormous amounts when added together.[568] While conducting an FGD in Busia, it emerged that: diverse Informal Cross-Border Trade activities had been stated to be carried out via border communities best separated by way of nationality but engage with every

[564]Ndlela, Daniel B. "Africa's industrialization: an alternative approach." In *Towards Africa's Renewal*, pp. 85-105. Routledge, 2017, p.98.
[565]Ibid
[566]Joseph Loroo, O. I at County Commissioner office in Busia County, 10/1/2024
[567]Organisation for Economic Co-operation and Development (OECD)
[568]Ibid

different very regularly for activities like exchange. It was said that the most common form of informal cross-border trade was the trading of agricultural and synthetic goods across the border. In the early hours of the morning and late at night, this is a special performance that is carried out. The peak instances, on the other hand, varied between border posts and individual traders.[569]

It has been argued that, the utilisation of informal routes was cited by financial experts as a result of regulations on the border factors concerning specific devices. In particular, this was in reference to beans, milk, eggs and charcoal, all of which accomplished remarkable yields and attracted a large number of customers.

In addition:

> Majority of informal cross-border trade speculators who are concerned with food stock are also engaged in small-scale horticultural production. The bearing and structure of substitute both attest to the fact that it is not surprising to see that Kenya, in comparison to her neighbours, has a relatively high number of things that are engineered and handled. An estimated 84,000 metric tonnes of maize, which is valued at approximately $12.4 million, has been traded between Uganda and Kenya through a casual transaction.[570]

This was affirmed by by Rashid S, who stated that Kenya produces approximately 200,000 metric tonnes of beans annually. However, this quantity is significantly lower than the amount that is required for various applications.[571] It has also been contended that Imports from Uganda and Tanzania are responsible for satisfying a portion of the need for additional interest.[572] Kenya has been trading some 9,300 metric tonnes of beans that had not been enlisted by the traditional officials. This trade has been going on for quite some time. The value of these imports has been estimated to be close to

[569]FGD of Traders in Busia Border-Kenya, on 20/12/2023.
[570]Nevil Khasesi, O. I in Alupe, 7/10/2023.
[571]Shasia Rashid, *Seven seasons of learning and engaging smallholder farmers in the drought-prone areas of sub-Saharan Africa and South Asia through Tropical Legumes, 2007–2014*. International Crops Research Institute for the Semi-Arid Tropics, 2016., p.71.
[572]Mamdani, Mahmood. "Uganda: Contradictions of the IMF programme and perspective." *Development and Change* 21, no. 3 (1990): 427-467, p.432.

$5 million, with a middle charge of $520 being utilised in accordance with the requirements reached.[573]

Additional imports from Uganda included approximately 13,000 metric tonnes of sorghum, simsim, choroko, millet, groundnuts, and rice. The total cost of these imports was approximately five million dollars. In addition, Kenya imported bananas and other products with a value of more than half a million dollars, and the value of roots and tubers was estimated to be close to two million dollars.[574]

Bureaucratic theory and interpretivism philosophy, as conceptualized by Max Weber, elucidate the historical economic integration between Kenya and Uganda.[575] Weber's bureaucratic theory highlights how colonial authorities arbitrarily drew borders, disrupting pre-existing economic ties. Interpretivism underscores the shared past of the Basamia, the Bateso, the Bagisu, and the Basebei communities, spanning both nations. Despite formal borders, informal cross-border trade thrived, reflecting a resilient economic interdependence.[576] The informal economy, encompassing both small and large-scale transactions, significantly contributes to East Africa's GDP. Through informal routes, agricultural and manufactured goods flow freely, meeting market demands.[577] This informal trade sustains cross-border communities and supplements formal imports, underscoring the enduring economic linkages despite bureaucratic boundaries.

[573]Ibid
[574]Uganda Bureau of Statistics, (2009).
[575]Mendy, Sampierre. "Examining the influence and relationship between the Weberian model of bureaucracy and theories of strategic management on decision-making in the Ministry of Basic and Secondary Education of The Gambia." PhD Dissertation, The Open University, 2022, p.80.
[576]Malik, Adeel, and Max Gallien. "Border economies of the Middle East: why do they matter for political economy?." *Review of International Political Economy* 27, no. 3 (2020): 732-762, p.740.
[577]Ibid

3.2.2 The Rise of Informal Cross-Border Trade in Uganda: The Kabaka Mutesa II Kingdom 1961-1966

Before the country gained its independence, Uganda had a long-standing tradition of local patriotism, which was demonstrated by the existence of different realms, domains, and areas.[578] According to Francis Engoroit, the study was informed that, in 1962, Uganda was made up of the following regions: the realms of Buganda, Ankole, Bunyoro and Toro; the domain of Busoga; and the regions of Acholi, Bugisu, Bukedi, Karamoja, Kigezi, Lango, Madi, Sebei, Teso, and West Nile. The fact that political behaviour was generally founded on "semantic, social and monetary personalities of interests" was implied by the fact that faithfulness to such nearby organisations and characters was the norm.[579]

Furthermore, it has been noted by the researcher that Buganda was granted full government status in the Independence Constitution, which was negotiated in London couple of months before the country's independence. Additionally,

> The constitution granted Buganda a semi-administrative relationship with various realms. The authority of the state was undermined as a result of this devolution of power, which resulted in Uganda being placed in a "semi government milieu."[580]

In response to the preceding stand, Gakwandi observes that the realm of Buganda had been a source of hatred throughout Uganda for a considerable amount of time.[581] This was due to the fact that Buganda had enjoyed a position of unparalleled prevalence throughout the colonial period. Lazaro Marango, affirmed Gakwandi's assertion by stating as follows: it is true that large number of Baganda have developed a self-satisfied and arrogant attitude towards the other people of Uganda. Almost all of the

[578]P. Okoth Godfrey, (2010), *Op. Cit.,* p.72.
[579]Francis Engoroit, O. I in Budokomi, 9/10/2023.
[580]Jonathan Etyang Kura, O. I in Sisenye, 11/10/2023.
[581]Gakwandi, Arthur. "Uganda pocket facts: a companion guide to the country, its history, culture, economy, and politics." *(No Title)* (1999)., p.55.

other ethnic groups in Uganda were concerned about Bagandan efforts to rule the post-colonial state of Uganda and the "doubt and antagonism induced by such a disposition was not really a sound reason for public solidarity," as the phrase puts it. At the time of Uganda's independence in 1962, there were significant differences of opinion among the country's numerous ethnic groups, which contributed to the lack of unity that existed within the country.[582]

Therefore, according to Gakwandi, it was on October 9, 1962 that Uganda attained its independence and Sir Edward Mutesa II, the Kabaka of Buganda, was appointed as the country's first president.[583] In spite of this, Gakwandi alludes that the government of Buganda and significant portion of its autonomy were renounced, along with the governments of the other four Ugandan realms.

Within the realm of Ugandan legislative issues, the debate on sovereignty was then most important issue. To emphasize:

> The real question that needed to be answered was, despite the fact that there were four realms, the amount of command that the central government had over Buganda. After the removal of the lord by the government of the protectorate in 1953, it became abundantly clear that the lord was a powerful symbol of collective identity for the Baganda people.[584]

At the time when negotiations for independence put Buganda's status as a self-governing nation in jeopardy, influential people organised an ideological group with the goal of securing the ruler. According to Muga Bwire, on the grounds that the position of the kings had been essential to Buganda's pre-colonial culture, the issue was effectively presented as a problem that would affect the Baganda's ability to continue existing as a separate nation. On the basis of this premise, guard of the

[582]Lazaro Marango, O. I in Chemasiri, 22/10/2023.
[583]Arthur Gakwandi and Justus Mugaju. "Foreign relations." *Uganda's Age of Reform: A Critical Overview. Kampala: Fountain* (1999): 46-59., p.50.
[584]KNA, CO/685/21.

majesty was able to secure overwhelming assistance in decisions made by the government of Buganda, which were held not too long before the country gained its independence. In that time period, imposing restrictions on the ruler of Buganda would have been tantamount to committing political suicide.[585]

Therefore, in the middle of the 1960s, there was still a gap between various communities in Uganda that was both laborious and practically impossible to bridge. During the period leading up to Uganda's independence, government officials failed to establish a nationalist front. Instead, they "figured out how to show up at the limit of independence with almost no to show in the method of political battle." [586]

This contributed to the lack of solidarity that existed within Uganda's political framework and suggested that ideological groups were divided along ethnic lines significantly. This was coupled by curtailment of civil liberties as expressed herein;

> The Ugandan people have been subjected to wide range of violations of fundamental liberties since 1962. These violations include annihilation, brutality supported by the government, demonstrations of the end of elites, constrained outcasts and removals, detention without preliminary and the forsaking of other fundamental liberties.[587]

In response to the aforementioned observation, Brenda Ajiambo said that, over two million people have been killed, injured, detained, or forced into eviction as a result of the violence that has taken place. In order to control and appropriate assets, various political elites have been looking for ways to do so, which has resulted in the restriction of common liberties. The people of Uganda have not yet developed the components necessary to change government pioneers through peaceful means.[588]

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[585]Muga Bwire, O. I in Munongo, 28/10/2023.
[586]Kannyo, Edward. "Change in Uganda: a new opening?." *Journal of Democracy* 15, no. 2 (2004): 125-139, p.128.
[587]KNA, CO/536/153/3.
[588]Brenda Ajiambo, O. I in Obuchuni, 28/10/2023.

It was clear from the responders' argument that through the use of barbarism, political change has been brought about and as a result, various forms of viciousness have been precipitated on a consistent basis. Ajiambo further reiterated that:

> One of the traditions that the British expansionists followed was the practice of transferring assets along racial and ethnic lines. Due to the fact that they controlled both the state and the business sector, Europeans and Asians were able to earn the highest wages during the period of colonial rule. As a result of the fact that they cultivated cash crops such as cotton and coffee, the Baganda people have assumed the role of colonial sub-imperialists. This is because they were the most extravagant of all the African people. In the same way that the supervisors of the cash crop economy in Buganda turned Western Uganda into a store of work for the frontier state, Western Uganda became both.[589]

These findings are in tandem with Mansfield and Pollins, who retort that during the time of colonial rule, majority of the military personnel hailing from the northern district were recruited from the Luo and the Sudanic speaking communities. It was this specialisation along racial and ethnic lines that became the source of insecurity and brutality in Uganda after the colonial era.[590] According to Marx, the state is a system of political dominance that has specific effects on the struggle between members of different classes. Following the country's independence, Uganda was divided along class lines due to the fact that the Baganda were regarded as royal and, as a result, were considered to be superior to the other ethnic communities.[591]

According to respondent Ssemakula Ochieng:

> The Baganda were wealthy and enjoyed a number of privileges, whereas the other communities experience feelings of isolation and, as a result, do not feel a sense of commitment to the government. The taxes that we do not pay are a form of defiance that we show to the government for the fact that it has ignored our region for such a long period of time. It is not possible to find good roads, hospitals, or schools in the Basamia, Bateso, or Basebei regions. Do you know that we

[589]Brenda Ajiambo, O. I in Obuchuni, 28/10/2023.
[590]E.D. Mansfield, and B. M. Pollins (2003). *Op. Cit.*, p.54.
[591]Hay, Colin. "Marxism and the State." *Marxism and social science* (1999): 152-174., p.154.

> send our children to both public and private schools in Kenya at the same time?[592]

He added that, in Mmengo, Uganda, on May 24, 1966, the Ugandan government's armed forces launched an assault on the royal compound, also known as Lubiri. In the midst of their bombardment of the royal residence, Lord Mutesa II was detained inside. The Lord fought his way out of the structure, and with the assistance of the ministers at a theological school in Lubaga, he was able to escape Uganda and travel to London, where he was found to be an outcast. After three years, he passed away in a covert manner, having been accused of causing harm to alcohol.[593]

The study, established that, during the Kabaka Mutesa II time, people from Uganda, especially at the border, in Busia to some extent were ignored and very little attention was paid to them by the Ugandan government.[594] This was even despite the fact that they were fully tax paying citizens who should be enjoying similar considerations as to those who are from the Buganda kingdom.

Max Weber's bureaucratic theory and interpretivism philosophy illuminate the rise of informal cross-border trade in Uganda during the reign of Kabaka Mutesa II. Weber's theory underscores how Uganda's pre-independence political landscape, characterized by ethnic divisions and resentment towards Buganda's dominance, fueled socio-political tensions.[595] Interpretivism reveals the historical context of local patriotism and the struggle for autonomy among various regions, leading to political fragmentation. Amidst this backdrop, the neglect of marginalized communities like those in Busia amplified feelings of alienation.[596] Weber's analysis of bureaucratic

[592]Ssemakula Ochieng, O. I in Okwata, 28/10/2023.
[593]Ssemakula Ochieng, O. I in Okwata, 28/10/2023.
[594]Kasule, Joseph. *Historical Dictionary of Uganda*. Rowman & Littlefield, 2022, p.88.
[595]Ibid., p.93.
[596]Ibid., p.100.

structures helps contextualize the government's failure to address regional disparities, highlighting the socio-economic grievances underlying informal cross-border trade.

3.2.3 The Rise of Informal Cross-Border Trade in Uganda: The Milton Obote State, 1966-1971

According to Oloka – Onyango, the *coup d'etat* that was carried out by Milton Obote was an assault on the ineffectiveness of the federal arrangement, which was founded on compromises that were not feasible and inequalities that were institutionalised. Unitary government was established in Uganda as a result of the Constitution, which also abolished the kingdoms and established the country as a republic.[597] As Oloka-Onyango further explains:

> It was an attempt to cut off a portion of the country, specifically Buganda, from the predominant political discourse of the nation. From this point forward, Obote's political ideology shifted towards a more socialist orientation. In order to achieve the goal of transforming Uganda into a socialist state, the Common Man's Charter was the most important document that was produced during this movement.[598]

According to Gakwandi, it issued a warning about the widening gap between the wealthy and the poor and made a commitment to close the current gap.[599]

As put forward by Mittleman, the malaise that exists in Ugandan society was identified as being caused by capitalism, the entrenched interests of the well-to-do, the educated, foreign influence, feudalism and neo-feudalism.[600] Based on Mittleman thoughts, the study was informed by a respondent, Agola Nancy that:

> After Obote promulgated The Common Man's Charter, his successor accused him of ruling by imposition of an

[597]Joe Oloka-Onyango,"Governance, Democracy and Development in Uganda Today: A Socio-Legal Examination." *African Study Monographs* 13, no. 2 (1992): 91-109, p.95.
[598] Ibid., p.97.
[599]Gaetan Gakwandi, "Cash and food crop production in Semuto Sub-County, Luwero District 1980–2002: A comparative study." PhD Dissertation, Makerere University, 2007, p.89.
[600]Marvin H. Mittleman, "Formal theory of atom–diatomic molecule reactions." *The Journal of Chemical Physics* 62, no. 11 (1975): 4450-4454., p.4452.

> emergency, detention of people without trial, and the prevalence of petty robbery and theft. This accusation was made despite the fact that Obote had taken inspiration from progressive leaders in Africa. There were instances of high-level corruption, the regime was unable to hold elections, there was a significant increase in taxation, and there was a clear absence of planning.[601]

According to Ahluwalia, there were allegations of poor administration within the armed forces, and there was a strong emphasis on the formation of a private army that was dominated by the Lang'o people.[602] In the years following the country's independence in 1962, Uganda has been the target of coordinated massacres directed against specific ethnic and social groups. Between 1966 and 1971, the first Obote system was implemented with the Baganda as its primary target population. Ahluwalia further writes that, it is estimated that between 400 and 1,000 individuals were put to death during this time period.[603]

According to Namenge:

> People with significant influence were driven to kill their political opponents as a result of the vicious battle to control the state. In the period from 1962 to 1971, numerous political rivals of the primary Obote system were either detained (counting Grace Ibingira, George Magezi, Balaki Kirya, Lumu, Ben Kiwanuka and few individuals from the Buganda illustrious family, for example, Prince Badru Kakungulu) or constrained into banish (Sir Edward Mutesa II).[604]

As guided by Engels, is therefore in no way, shape, or form a force that is constrained on society from without.[605] Similarly, as meagre as it is, it is "the truth of the moral thought," "the picture and truth of reason," as Hegel continues to maintain.[606] Or perhaps it is the result of society being in a particular stage of development; the

[601]Nancy Agola, O. I in Malaba, 29/10/2023.
[602]Ahluwalia, Montek S. "India's economic reforms." *India: The Future of Economic Reform, Oxford University Press: Oxford, United Kingdom* (1995), p.67.
[603]Montek S. Ahluwalia, (1995). *Op. Cit*., p.47.
[604]Wilson Namenge, O. I in Buteba, 4/11/2023.
[605]Engel, K-J. "The Laplacian on with generalized Wentzell boundary conditions." *Archiv der Mathematik* 81, no. 5 (2003): 548-558, p.555.
[606]Hegel, Georg Wilhelm Fredrich. *Hegel: Elements of the philosophy of right*. Cambridge University Press, 1991, p.108.

confirmation that this general public has become entangled in an intractable inconsistency with itself, that it has contributed to beyond reconciliation hostilities that it is unable to disperse.[607]

Furthermore, according to Engel, it became necessary to have a force that appeared to be above society, which would reduce the contention and keep it within the limits of'request' this force, which emerged out of society but put itself above it and distancing itself increasingly more from it, is the state.[608] In any case, for the purpose of ensuring that these conflicts, which involve classes with competing financial interests, do not consume both themselves and society in a futile battle, it became essential to have a force that would appear to do so. It is through this that the fundamental idea of Marxism regarding the genuine job and the significance of the state is conveyed in an incredibly clear and concise manner.[609] Additionally, the state is a manifestation of the animosity that exists between different social classes. Whenever, wherever and to the extent that a class threat cannot be accommodated in an impartial manner, the state comes into existence.

Additionally, the presence of the state is evidence that the class threats cannot be reconciled. This is a further point to consider. In spite of this, Gingyera-Pinycwa, posits that Obote had attempted to establish Uganda's contribution to the African revolution and to make an ideology as concrete as possible. In spite of this, he attempted to establish a form of government that was the least hospitable to Uganda's political landscape[610] by outlawing all political parties with the exception of the United People's Congress, thereby establishing a de jure one-party government.

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[607]Richard J. Clifford, "History and Myth in Daniel 10-12." *Bulletin of the American Schools of Oriental Research* 220, no. 1 (1975): 23-26., p.24.
[608]Ibid., p.25.
[609]Lichtheim, George. *Marxism: An historical and critical study*. Columbia University Press, 1964, p.108.
[610]Anthony GG. Gingyera-Pinycwa, *Apolo Milton Obote and his times*. *(No Title)* (1978), p.16.

As a consequence of this, power in the Obote state began to revolve around himself, along with a select group of his supporters and members of the ethnic community. This was similar to the situation that existed during the colonial era and during Kabaka Mutesa's II regime. According to Agola,

> The President possessed absolute powers that were comparable to those that were held by the colonial governors. Furthermore, he made it a point to always use the army to intimidate and harass those who opposed him.[611]

According to Wafula, the aforementioned internal political developments not only undermined efforts towards regionalism, but they also had significant implications for the inter-state regions that are located between Kenya and Uganda.[612] As an example, the political issues that Obote encountered in Uganda not only resulted in a constitutional crisis and the breakdown of relations between his regime and the Buganda kingdom, but they also had other inter-territorial repercussions. Obote, who was under constant attack from his opponents, resorted to a repressive regime through his United People's Congress in order to legitimise his position.

The information provided by Wafula reveals that one of the primary concerns of Obote's regime was the possibility that the opposition was working together with agents from outside the country in order to undermine the stability of his government. In 1967, one of the most significant responses to this crisis was the famous changes that were implemented. These changes included the transformation of parliament into a constituency assembly, which resulted in the elimination of all of the kingdoms.

The decision that Milton Obote made in 1970, to expel thousands of Kenyan migrant workers did not only undermine his Pan Africanist credentials but also cemented his image as a crusader of Northern Nilotic interests. This decision had a significant impact on the interactions between people living on the border and the interstate

[611]Nancy Agola, O. I in Malaba, 29/10/2023.
[612]Peter Wekesa Wafula, (2008). *Op. Cit.*, p.46.

relations that existed between states. Therefore, it is not surprising that his intentions in the Charter, despite being admirable, were met with reservations. Within the Ugandan government, those who held positions of power made a concerted effort to employ ideology as a means of modernization.

According to Berg-Schlosser and Siegler, there were concerns that populations living along the Kenyan border were conspiring with their relatives living in Uganda in order to undermine the stability of Obote's government.[613] It is Nyang'uro's assertion that the African state engages in poor corporatist practice that serves as the basis for this academic study.[614] When it comes to the management of society within the context of underdevelopment, the state is struggling with certain challenges, including the following:

> As a result, politics of corporatist organisations emerge as an appealing alternative for the state to express its authority and make an effort to legitimise its very existence. The socialist experiment of Obote was populist but he did not present a programme of political and economic intervention in the sphere of production that captured the innermost nature of the Ugandan society and that provided sustainable ways of mastering and developing it, thus, the emergence and existence of some of the illegal activities at the border as a form of rebellion against the regimes.[615]

Following their attainment of independence and their incorporation into the international system, the newly formed nations of Kenya and Uganda found themselves in a position where they were the sole agents of change within their respective territorial and legal boundaries.[616] This is according to the theoretical perspective of international relations. In light of the fact that a nation is nothing more

[613]Berg-Schlosser, Dirk, and Rainer Siegler. *Political stability and development: a comparative analysis of Kenya, Tanzania, and Uganda*. Lynne Rienner Publishers, 1990., p.83.
[614]Atozo, Zachariah Onditi, and Joseph W. Ndalilah. "The Impact of Informal Cross-Border Trade on Kenya-Uganda Foreign Relations." *Eastern African Journal of Humanities and Social Sciences* 3, no. 1 (2024): 57-65., p.61.
[615]KNA, CO/685/21
[616]Jackson, Robert H., and Carl G. Rosberg. "Why Africa's weak states persist: The empirical and the juridical in statehood." *World politics* 35, no. 1 (1982): 1-24, p.3.

than a collection of people who share a common history, language, culture, and a sense of shared identity, Ojo asserts that the distinction between one nation and another is contingent upon the nation's occupation of a specific territory and its enjoyment of legal sovereignty.[617]

In the context of the international system, a state is nothing more than a collection of people who are politically organised under a single government and who have sovereign rights that are acknowledged by other sovereign states. This state also has the sole right to transact and shape the social, economic, and political developments that occur within its own distinct territory when it comes to the international system.

Wafula makes the observation that the Organisation of African Unity, which was established in 1963, became an important institution in the new states' efforts to achieve internal ethnic consolidation.[618] This was accomplished by ensuring that the colonial boundaries remained unchanged since their establishment. This, however, did not mean that the cross-border relations between the Basamia, the Bagishu, the Basebei and the Iteso communities, came to an end. According to Barasa Makokha,

> Trans-state interactions cannot be linked to an institutionalised process, despite the fact that they are entirely dependent on the policies of the state. The continuity of the spatial locations in which the peoples of Bukusu, Bagisu, Basamia, Bateso, and Basebei were consigned at the time of independence did not result in the end of a cultural consciousness that was shared across the common border. Their shared identities, which were characterised by similarities in language, customs, values, and symbols, among other things, persisted across the border despite the fact that they lived in different countries.[619]

The processes of trans-state or cross-border interactions between these communities, despite the fact that they contradict the institutional claims of the Organisation of

[617]Ojo, Emmanuel O. "Federalism and the search for national integration in Nigeria." *African Journal of Political Science and International Relations* 3, no. 9 (2009): 384.
[618]Peter Wekesa Wafula, (2008). *Op. Cit.,* p.32.
[619]Barasa Makokha, O. I in Kapoloko, 29/10/2023.

African Unity and the national state with regard to the sanctity of the border, resulted in a wide variety of social, economic, and political permutations.

Nevertheless, it has been affirmed that, over the course of time, these regional plans were either bolstered by periods of stagnation or cursed by inversions, with unassuming accomplishments, at best, occurring on a couple of occasions. Wafula makes the observation that both Jomo Kenyatta and Milton Obote were supporters of the principles of federalism as they were envisioned through EACSO.[620] Furthermore, Wafula adds that they viewed regional integration as a means of liberating their respective states from the aches and pains of financial malaise.

In order to maintain a strategic distance from their ongoing dependence on the North, the two leaders, along with their Tanzanian counterpart, Julius Nyerere, planned to make fundamental business sectors that would allow for the free movement of individuals, capital, administrations, and products within and between their respective nations.[621] This would be accomplished by empowering regional integration. The states' tendency to concentrate their economic and political power, combined with their failure to put into action the policies outlined in the OAU manifesto, has resulted in the proliferation of informal cross-border trade activities that are in direct opposition to the states' ability to exercise control.[622] According to Mary Nyongesa,

> When the heads of state of the three East African states signed the treaty that formalised the operation of the East African Community, both regional and continental initiatives towards regionalism were fully on their way to achieving their goals. The federation structures that were inherited from colonialism were active in the countries that were located in the region from a local perspective. Although the leaders of the East African Community did not abandon the structures that were inherited from colonialism, the stipulations of the 1967 treaty

[620]Peter Wekesa Wafula, (2008). *Op. Cit.,* p.36

[621]Ibid

[622]Hailemeskel, Habtamu, Jemal Mohammed, Ashenafi Negash, and Mulugeta Getu. "Policy research on cross-border trade: challenges and prospects." In *Conference Paper, Proceeding of HU-PRIME Researches*. 2016., p.102.

> laid down new strategies of integration within the community.[623]

Further explanation is provided by Ochwada, who states that the new components that were added were intended to rectify the economic imbalances that existed in the trade between the countries.[624] In addition, they would have liked to have been able to advance a more feasible development process by bringing together various financial motivating forces that are offered by each nation. These included the framework for the exchange tax as well as the establishment of the East African Development Bank. When this occurred, they argued that a more equitable distribution of mechanical advantages would differentiate wealth and bring about a state of financial harmony.[625] Milton Obote, who had sabotaged those who opposed his misuse of power by 1967 was the one who initiated Uganda's political problems, as was already observed in Wafula.[626]

Obote had already banned political parties by the year 1969, and on May Day in 1970, he made what are known as the "*Nakivubo* Pronouncements," which were a set of announcements that nationalised private business organisations. Idi Amin, his army commander, used a disgruntled section of the army to overthrow Obote's government on January 25, 1971. This occurred within the context of a political atmosphere that was also associated with economic problems and the erosion of investor confidence. With the successful execution of this coup, Uganda was effectively placed under the military dictatorship of Amin, which would continue until April 1979.[627] This is a clear indication that the state has failed, a state that is unable to provide its citizens

[623]Mary Nyongesa, O. I in Malakisi, 2/11/2023.
[624]Ochwada, Youanita. "Influence of School Environmental Factors on the Teaching-Learning Process in Public Primary Schools: A Case of Bungoma County, Kenya." PhD Dissertation, University of Eldoret, 2021, p.103.
[625]Joseph E. Stiglitz, "Towards a new paradigm for development: strategies, policies and processes." (2002): 116-122., p.120.
[626]Peter Wekesa Wafula, (2008). *Op. Cit.*, p. 86.
[627]Marvin H. Mittleman, "Formal theory of atom–diatomic molecule reactions." *The Journal of Chemical Physics* 62, no. 11 (1975): 4450-4454, p.4452.

with security and an environment that is conducive to their growth with regard to both their social and economic development.

What must be emphasized is the fact that, the rise of informal cross-border trade is seen as a form of defiance against the Obote regime's poor corporatist practices, which are thought to be the cause of the rebellion. The collapse of the Ugandan economy in the 1970s, among other things, increased the reliance of the Ugandan people on the Kenyan people, particularly the border communities, which include the Basamia, the Bateso, the Basebei and the Bagisu, as well as through the provisions of the Economic Community of Central Africa and other informal economic networks. In 1971, Uganda received imports from Kenya that were valued at a total of 24 million Ugandan Shillings for animal oil and fats, 12.3 million Kenyan Shillings for cotton fabric and 11 million Kenyan Shillings for sugar.[628]

Max Weber's bureaucratic theory and interpretivism philosophy elucidate the rise of informal cross-border trade during Milton Obote's regime in Uganda. Weber's theory highlights how Obote's shift towards socialism and centralized power led to economic mismanagement and political repression, fostering dissent. Interpretivism reveals the socio-political context of Uganda's post-independence struggles, where ethnic tensions and authoritarianism fueled resistance. Amidst Obote's authoritarian rule and economic decline, informal trade thrived as a means of survival and resistance against state control. Weber's analysis of bureaucratic structures underscores the state's failure to address economic disparities, pushing marginalized communities towards informal cross-border trade for sustenance.

[628]Mahomood, Mamdani (1983). *Op. Cit.*, p.13.

3.2.4 The Rise of Informal Cross-Border Trade in Uganda: Idi Amin State, 1971-1979

According to Mittelman, when Amin deposed Obote in 1971, he made a statement on the radio that his administration would be a straightforward caretaker administration.[629] In point of fact, he abolished Parliament in February 1971 and began ruling by decree. The army bestowed upon him the title of President and declared that his government would continue to be in power until the end of the five-year period. He put an end to all political activities and gave the armed forces the authority to arrest or shoot anyone they suspected of being an opponent right there and then. In addition, he issued an order for the assassination of two American citizens, Nicholas Stroh and Robert Siedle, who were conducting an investigation into the massacres that had taken place at the Mbarara barracks in Western Uganda.[630]

In the aftermath of the coup, Amin initiated a period of recruitment for the armed forces, and within a span of three months, approximately 10,000 individuals had joined the military.[631] By the end of 1971, almost 19,742 individuals had been recruited. The pro-Amin forces carried out a wave of massacres, which resulted in the deaths of Acholi and Lang'o armed forces personnel.[632] These recruits played significant role in providing significant support to the pro-Amin forces. The regime of Amin was responsible for the nearly complete militarization of both the executive and judicial branches of government.

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[629]Mittelman, James H., ed. *Globalization: critical reflections*. Lynne Rienner Publishers, 1996, p.78., and Eunice Otuko Apio, "Children born of war in northern Uganda: kinship, marriage, and the politics of post-conflict reintegration in Lango society." PhD Dissertation, University of Birmingham, 2016, p.77.

[630]Lowman, Thomas. "Beyond Idi Amin: Causes and Drivers of Political Violence in Uganda, 1971-1979." PhD Dissertation, Durham University, 2020, p.55.

[631]Japhet, M. "Military coups and military regimes in Africa." *Scientia Militaria: South African Journal of Military Studies* 8, no. 4 (1978): 1-12., p.7.

[632]Lilian Achieng Mukani, "The African State and the Informal Cross-Border Trade: An Analysis of the Kenya/Uganda Experience." (2021), p.12.

The traditional judicial system was left as a force that was nearly exhausted and lacks any power. In the aftermath of the coup, Amin enacted a new constitutional order. The issuance of Legal Notice No. 1 of 1971 was responsible for the suspension of a number of significant sections of the constitution that had been ratified in 1967. By doing so, it was essentially implied that the Constitution was not the preeminent law at this point in time and that it could very well be modified without the necessary reference to Parliament. In addition, it suggested that the Head of State, who was appointed to lead by official proclamation, had an advantage over the Parliament in terms of the production of laws.[633]

According to Engels, "the authorities presently remain, as organs of society, above society by virtue of the fact that they have the power to demand taxes and the power to exercise public power."[634] Regardless of whether or not they were able to pick it up, the free and intentional regard that was agreed upon for the organs of the gentile (faction) constitution does not fulfil them.[635] In order to declare the holiness and invulnerability of the authorities, special laws have been ordered to be introduced. "The shabbiest police worker" has more "authority" than the agent of the ethnic community; however, even the top of the military intensity of a humanised state may well begrudge the senior member of a family the "over the top regard" of society. This is because the authorities are more concerned with the welfare of the community. [636] In this context, the topic of the advantageous position of the authorities as organs of state power is brought up.

[633]Joe Oloka-Onyango, "The question of Buganda in contemporary Ugandan politics." *Journal of Contemporary African Studies* 15, no. 2 (1997): 173-189., p.178.
[634]Engels, Friedrich. "The tactics of social democracy." *The Marx-Engels Reader* (1978): 556-573., p.560.
[635]Ibid., p.560.
[636]Ibid., p.563.

According to Engels, the primary concern that is being demonstrated is: could it be that they are being elevated above society? From the argument that Engels presented, it was seen by the study that Marx's treatment of the state as an institution that is parasitic is supported.[637] When Idi Amin was in power as the military ruler of Uganda, the Ugandan state did not play any significant role in the production or reproduction of the economy. On behalf of specific sectional groups, the state and its officials had a tendency to exploit and oppress civil society. This was in contrast to the common interest, which they were supposed to represent. According to Emmanuel Mulima,

> During the time that Amin was working hard to advance himself, he turned Uganda into another private property. The end result was that the Ugandan people became even more estranged from the state as a result of being exposed to violent circumstances. Having been pushed by the force of militarism that was promoted by his advisers within the ranks of the ruling politico-military elite, who had a profound faith in militarism as a formula for achieving and maintaining power, militarism came to leave an indelible mark on the politics and societies of Uganda.[638]

It was anticipated that the capture of state power and institutions would have significant repercussions for the political processes that were taking place in Uganda.[639]

According to Emmanuel Mulima, in the beginning, Amin's decision to return the body of the late Kabaka Edward Mutesa II, who had passed away while living in exile, as well as his decision to release a number of political prisoners, won over the hearts of the Baganda. Despite the fact that Amin had been the one to lead the assault that the government troops had launched against Kabaka's palace, this did not change the outcome.[640]

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[637]Ibid., p.567.
[638]Emmanuel Mulima, O. I in Adungosi, 7/10/2023.
[639]Amii Omara-Otunnu, "The currency of militarism in Uganda." *The military and militarism in Africa* (1998): 399-428., p.402.
[640]Emmanuel Mulima, O. I in Adungosi, 7/10/2023.

Therefore, according to Ahluwalia, the Baganda people now had high hopes that their kingdom system of rule would ever be fully restored.[641] There were some concerns in the northern region of Uganda, which was where Obote's home and power base were located. In addition, there was some disarray within the army, as pro-Obote forces, primarily from Lang'o and Acholi, refused to accept the new leadership.[642] These findings were affirmed by Peter Oliwa, who retorted that:

> When Amin was in power, ethnicity was at its highest point, and people were afraid to speak out in public about the despotism that was in place because they feared for their lives. In order to ensure their own survival and find solace, people retreated to their ethnic cocoons. The border people continued to maintain relationships with their relatives in Kenya in order to maintain a sense of humanity.[643]

Despite the fact that the Africanization and Nationalisation proposals made by the Obote Government did not pose a significant threat to the Asian-controlled commerce and plantation sector, the Amin coup of 1971 brought about significant changes to the economic landscape of Uganda. A great deal of jubilation was initially expressed by the Baganda and Asians in response to the coup. Asians, who controlled eighty percent of the commercial sector, had been agitated and alienated as a result of Obote's shift to the left, which had slowed the movement of the economy forward.[644]

According to Mathew Naliaya:

> Not only did the Baganda harbour resentment towards Obote because of the manner in which he had humiliated the Kabaka, but they also strongly disapproved of the socialism that he advocated. There was a shared expectation among Asian traders and industrialists that they would be granted more lenient trading policies and that their trading licences would be renewed. It was for this reason that Asian merchants and

[641]Montek S. Ahluwalia, "India's economic reforms." *India: The Future of Economic Reform, Oxford University Press: Oxford, United Kingdom* (1995)., p.22.
[642]Ibid, p.14.
[643]Peter Oliwa, O. I in Munongo, 9/10/2023.
[644]Otunnu, Ogenga, and Ogenga Otunnu. "The Obote Regime and Political Violence, 1962–1971." *Crisis of Legitimacy and Political Violence in Uganda, 1890 to 1979* (2016): 157-235, p.159.

> industrialists automatically extended their support to the Amin regime as the government that was attempting to restore order.[645]

Indeed, in 1971, Amin rewarded merchants and traders with import licences that provided almost unrestricted authorization. However, the Amin regime was forced to reintroduce austerity measures and place all imports under the control of the state Trading Corporations, which were formed by merging the export and import Corporations with the National Trading Corporation.[646]

This was due to the fact that foreign exchange reserves were decreasing and local manufacturers were exerting pressure on the regime. The partial nationalisation of private businesses that had been implemented by Obote was undone by Amin through Decrees 6 and 18. The government made the decision to decrease its stake in the businesses from sixty percent to forty-nine percent.[647] There was a crisis of confidence in both the private sector and the donor world as a result of the nationalisation proposal that was made by the Obote regime.

According to Bachmann, the Association for the Promotion and Protection of Private Foreign Investments came to the conclusion that the situation in Uganda was to be monitored.[648] Some capitalist investors started moving their money around, and a number of foreign banks, insurance companies, and industries were at the forefront of these capital transfers.[649] Amin's assault on the Asian community continued in the months that followed, reaching its zenith in 1972 upon the declaration of an economic

[645]Mathew Naliaya, O. I in Malaba, 7/10/2023.
[646]K. E. Hansen, P. Jorgensen and P. S. Larsen. "Experimental and theoretical study of surge in a small centrifugal compressor." (1981): 391-395, p.393.
[647]Emmanuel Adolf Mbaine, "The Effects of Criminalising Publication Offences on the Freedom of the Press in Uganda, 1986-2000." PhD Dissertation, Rhodes University, 2003, p.81.
[648]Bachmann, Heinz B., ed. *Implementing deregulation and promoting foreign direct investment in Africa: a report on six workshops*. World Bank Publications, 1996.
[649]Emmanuel Adolf Mbaine, (2003). *Op. Cit.*, p.74

war against the influential Asian community, which resulted in the expulsion of fifty thousand Indians and Pakistanis.[650]

The economic logic of the Amin state gradually led to speculation and the growth of the informal sector.[651] This was in addition to the fact that it helped to consolidate the economic entrepreneurship of new African middle class. The military officers who were appointed to the positions of provincial governors made use of their appointments to amass wealth, particularly through their involvement in the smuggling networks that involved the sale of agricultural goods. According to Wekesa Wafula,

> Aside from the economic collapse that occurred in the country, Amin's military dictatorship in Uganda made the security situation even worse and this continued to have an effect on the dynamics of the border between the two countries until the 1980s. Thousands of Ugandans, including the Bagisu, the Basamia, the Bateso and the Basebei, had fled into exile in Kenya by the year 1975.[652]

Wafula further stated that these individuals had used the border as their escape route. As per Ruth Akisa, for majority of these communities, the proximity of the border and the presence of their relatives and relatives-in-law in Kenya made it easier for them to integrate into the Kenyan cultural landscape. In the middle of the 1970s, the Amin administration continued to be concerned about the mass exodus that was taking place.[653]

As Okoth pointed out, Amin was obviously facing challenges and in order to extricate himself from those challenges, he made the decision to engage in a confrontational course of action with Kenya.[654] Okoth further added:

[650]Emmanuel Nabuguzi, "Popular initiatives in service provision in Uganda." *Service provision under stress in East Africa. London: Heinemann* (1995): 192-208., p.196.
[651]Ibid., p.194.
[652]Peter Wekesa Wafula, (2007). *Op. Cit.*, p.84.
[653]Ruth Akisa, O. I in Busia, 9/10/2023.
[654]Pontian Godfrey Okoth, "Intermittent Tensions in Uganda–Relations: Historical Perspectives." *Transafrican Journal of History* (1992): 69-92., p.73.

> In situations like these, the Basamia, the Bateso, the Basebei, and the Bagishu on both sides of the border experienced a significant strain on their relations with one another as a result of deliberate decisions made by the government to control or completely restrict movement across these borders. Despite the fact that these national decisions were obviously made with the intention of satisfying the aspirations of the political leaders, they were in direct opposition to the historical realities of interaction between the two communities across the border.[655]

Additionally, it was this context that served to accelerate the growth of informal trade across international borders. This position is in tandem with what is contained in archival documents, which state that:

> In 1986, when the National Resistance Movement government led by Museveni took control of Uganda, it made a commitment to steer the country away from a history that was characterised by tyranny, which had plagued the country ever since it gained independent independence. Over a significant amount of time, totalitarianisms were able to maintain control of the nation without the assistance of any other designated rulers.[656]

Therefore, with the exception of few Uganda People Congress elites who were sponsored by the military, the Obote system, which existed from 1966 to 1970, was a fascist regime that prohibited individuals from supporting governmental issues.[657] A fundamentalist military government was removed from power under the Amin system, which was in place from 1971 to 1979.

Max Weber's bureaucratic theory and interpretivism philosophy illuminate the rise of informal cross-border trade during Idi Amin's regime in Uganda. Weber's theory elucidates Amin's consolidation of power through military control, eroding state institutions and legal frameworks. Interpretivism unveils the socio-political dynamics of Amin's rule, marked by ethnic tensions and authoritarianism, pushing communities

[655]Ibid., p.74.
[656]KNA GP 363.7. BRI; East Africa Protectorate 1991.
[657]Byaruhanga, Julius. "Democracy in Uganda after 50 years of Independence; Acknowledgement of the Problem and Possible Solutions." (2013)., p.76.

towards informal trade for survival. Amin's economic policies, including the expulsion of Asians and nationalization efforts, led to economic collapse and the growth of the informal sector. The border became a conduit for fleeing Ugandans, intensifying cross-border interactions and informal trade networks despite state efforts to restrict movement.

3.2.5 The Epoch of Auxiliary Ambiguity in Uganda: From Yusuf Lule – Tito Okello 1979-1986

Yusuf Kironde Lule, who had previously served as the Principal of Makerere University College, ultimately became the Director of the Uganda National Liberation Front and, after Idi Amin's overthrow, President of the Republic of Uganda.[658] He was selected at the solidarity meeting of the Ugandan outcasts that took place in the town of Moshi, which is located in the northern region of Tanzania. On April 13, 1979, Lule's administration appeared to be promising, as it had been invited by a large number of Ugandans who were filled with an abundance of hope.[659]

According to a respondent, Nehobe Johnstone, who was well conversant with the story of Lule, he stated that:

> In comparison to other political pioneers at that time, he was the trade-off competitor who had the potential to communicate with a wider cross-section of the population. Lule was the complete antithesis of Idi Amin, who wandered around aimlessly and was indifferent to his surroundings. Lule was successful, well-mannered and friendly. A dental specialist by the name of Dr. Martin Aliker and Lule had collaborated in late 1976 to establish an organisation that would later be known as the Uganda Society. This organisation was headquartered in Nairobi, the capital of Kenya. The Uganda Society argued in their declaration that Uganda had been destroyed by pioneers who were in need of education and

[658]Thomas Dunne, *et. al*., "Exchanges of sediment between the flood plain and channel of the Amazon River in Brazil." *Geological Society of America Bulletin* 110, no. 4 (1998): 450-467., p.458.
[659]Kasule, Joseph. *Historical Dictionary of Uganda*. Rowman & Littlefield, 2022., p.67.

> individual wealth, and as a result, had been enticed to steal from the public depository.[660]

Therefore, the study discovered that, this was the reason why Uganda had been destroyed. In the declaration that they made, Lule and Aliker took a position that was favourable to Israel. They promised that any administration that they shaped in the event that Amin were to fall would embrace "a financial inclination to suit the Israelis".[661] This was in exchange for Henry Kissinger, the former Secretary of State of the United States, assisting them in securing weapons and financial assistance.[662]

The Uganda Society was one of the lesser known about the Ugandan outcast gatherings, so the way that the straightforwardly favourable to Israel, Lule unpracticed in legislative issues, became president after the fall of Amin should bring up the issue of precisely who it was that supported the 1979 Tanzania-Uganda war. Bethwell A. Ogot, asserts that President Julius Nyerere of Tanzania had thrown his full support behind Milton Obote, his travelling companion and the former president, in order to succeed Amin in 1979.[663] A semi-parliament known as the National Consultative Commission was established and a clerical arrangement of organisation was accepted. A wide range of political perspectives were reflected in both the National Crime Commission and the Lule bureau. According to archival sources,

> The fact that Lule had essentially "boarded" the freedom train at its final segment rendered him nothing more than a manikin of different powers. Lule, unfortunately, was unaware that he had extremely limited forces at his disposal. The genuine force was in the possession of Nyerere and Paulo Muwanga, who was coordinating the arrival of Dr. Milton Obote, as well as an accomplice from the United National Liberation Front. When Lule made the attempt to declare his position as president, he

[660]Nehoba A.O Johnstone, O. I in Bunyide, 15/10/2023.
[661]Sabastiano Rwengabo, "The Migration–Interstate Conflict Nexus." *Social Affairs: A Journal for the Social Sciences* 1, no. 1 (2014): 52-82., p.56.
[662]Ibid., p.62.
[663]Bethwell A. Ogot, *Op. Cit*

> was unaware that he was making a significant error in judgement.[664]

As per these revelations, Lule made arrangements to change his enrollment in the military, which was considered to be a form of sabotage against the military. In addition to this, it was considered to be a threat to the dominance of the supposedly traditional destinations for military recruits, such as Acholi and Lango.[665] However, an FGD conducted in Chepkube elucidated that:

> Lule's proposal to disband the National Liberation Army in order to replace it with a newly formed National Army was interpreted as a malicious attempt to marginalise the individuals who were responsible for the majority of the freedom power, including Generals such as David Oyite Ojok. On June 20, 1979, the NCC orchestrated a coup, which resulted in the removal of Lule from his position as president. The NCC claimed that Lule had made extensive arrangements within the government without consulting them. As a consequence of this, Godfrey Binaisa was presented as the candidate to succeed him.[666]

In the history of Uganda, Godfrey Lukongwa Binaisa served as the fifth President. As a result of the circumstances surrounding his rise to power, he had been referred to as the "coincidental President" in a number of different circles.[667] Following the overthrow of Amin, he returned to Uganda and became involved in a variety of groups as a characteristic of the period that followed Amin's rule. As a result of his involvement with these organisations, he was recognised as a possible "figure head," and he was subsequently appointed to the highest office in Uganda, where he formally assumed the role of President in June of 1979.

It was during a period of time when Uganda was experiencing an exceptionally violent period that he made his visit as the head of this nation. The city of Kampala,

[664]KNA, K 363.72, p.13.
[665]Ibid
[666]FGD of Nyumba Kumi Persons at Chekube – Kenya, on 15th/01/2024.
[667]Mukani, Lilian Achieng. "The African State and the Informal Cross-Border Trade: An Analysis of the Kenya/Uganda Experience." (2021), p.104.

which serves as the capital, was engulfed in a wide variety of cannons. The crimes of homicide, robbery and theft were the ones that needed to be committed.[668] As a result of his replacement of Yusuf Lule, who had been their "top choice" for the position of President, a great number of people, particularly those in the central region, were upset.

In addition to this, there was also astuteness within himself that was directed against his administration. According to Bwengye:

> He dispatched the remarkable Major General David Oyite Ojok to Algeria in the capacity of representative in order to make an attempt to declare his own control over the situation. In addition, he made an effort to present his own system of administration, which he referred to as the "Umbrella" (Minvuli). Under this system, individuals who held political office would be able to carry out their duties without being affiliated with any particular ideological group. After 11 months in office, he was unsuccessful in his bid for the presidency and lost it in May of 1980.[669]

As Gakwandi put it, a bloodless uprising resulted in Binaisa's removal from power. In the aftermath of the collapse of his cabinet, he was placed under house arrest and the military commission under Paulo Muwanga, then moved forward with the process of organising general decisions.[670] Having been removed from power in a coup in 1971, Milton Obote made history by winning the 1980 Presidential Elections and becoming the first person to return to the presidency after being removed from power. Beginning in 1980 and continuing until 1985, government troops were frequently cruel and were responsible for a number of deaths that occurred among the general populace.[671] However, according to Henri, it emerged that:

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[668]Ibid., p.107.
[669]Francis Aloysius Wazarwahi Bwengye, *The agony of Uganda: From Idi Amin to Obote: Repressive rule and bloodshed: causes, effects and the cure*. Regency Press (London & New York), 1985., p.67.
[670]Gaetan Gakwandi, "Cash and food crop production in Semuto Sub-County, Luwero District 1980–2002: A comparative study." PhD Dissertation, Makerere University, 2007, p.84.
[671]Ibid., p.86.

> In any event, the general impression that emerged was that of an administration that was unable to cope with the monstrosity of the social, monetary, political, and military challenges that it was confronted with. It was clear that Obote had a genuine desire to assist his nation, as evidenced by his willingness to embrace a thorough reevaluation of Uganda's financial restructuring programme. As a result of this, he was able to secure assistance from the World Bank as well as the International Monetary Fund for a portion of his relatively innovative financial arrangements. These incorporated the unconventional yet intense choice to 'drift' the Ugandan money, which is also known as pushing, in the system's fight against expansion.[672]

Therefore, public authority focused its attention on a wide range of rural occurrences, including, but not limited to, the graceful management of water and the revitalization of the cultivation of money crops. However, the second Obote administration could not effectively contain the instability rocking Uganda as explained herein:

> Given the multifaceted nature of the nation's bunch of issues and Obote's own nine years' non-appearance from the nation, notwithstanding, he was unmistakably unequipped to discover the answers for these troubles. In July of 1985, the military placed his administration in a secure location, which resulted in the conclusion of his political career.[673]

The anti-*magendo* campaign was initiated by the Obote II regime, which initiated what it referred to as the reconstruction programme. This action was taken in conjunction with the anti-magendo campaign. As part of this exercise, individuals were taken into custody and their belongings were confiscated. Officials from the UPC who were overly enthusiastic caused chaos by intimidating producers, salesmen, and individuals who brought food and other necessities to the markets. This was all due to the fact that they had set their own prices for the commodities.[674]

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[672]Médard, Henri. "Old Scandals, New Memories: Mayanja's Transformation in Buganda (18th-21st centuries)." *Les Cahiers d'Afrique de l'Est/The East African Review* 57 (2022), p.86.
[673]KNA, CO/536/148/6.
[674]Bilton, Chris, and Stephen Cummings. *Creative strategy: reconnecting business and innovation*. Vol. 3. John Wiley & Sons, 2010, p.81.

There was an increase in ethnic violence in 1985 as a result of internal conflicts between the Acholi and the Lang'o, which led to the rise to power of General Tito Okello. The Acholi were able to exert their authority over the highest political and military positions in Uganda for the very first time in the country's history. As the new administration was being established, the National Resistance Army continued their fight against it.[675] However, Okello extended an invitation to all political parties and groups that were in opposition to join a new national army. The NRA did not participate in the peace negotiations begun by Okello and sponsored by Kenya, but they did agree to participate in them. Despite the fact that the Nairobi Agreement was signed in December of 1985, it was never put into effect because, two weeks later, the parties accused each other of breaking the agreement. War broke out, and on January 26, 1986, Museveni's National Resistance Army took control of Kampala.[676]

According to Wafula, one of the primary concerns faced by the government of President Obote of Uganda was the possibility that the opposition was working together with agents from outside the country in order to undermine the stability of his administration.[677] In 1967, some of the most significant responses to this crisis were the famous changes that were implemented. Wafula states that:

> These changes included the transformation of parliament into a constituency assembly, which resulted in the elimination of all of the kingdoms. In terms of inter-state relations and, more specifically, the interactions between people living on the border, the decision made by Milton Obote in 1966 and 1970 to expel thousands of Kenyan migrant workers sparked a major diplomatic dispute that had significant repercussions for the relationship between the two countries.[678]

[675]Ibid., p.92.
[676]Kasfir, Nelson. "Guerrillas and civilian participation: the National Resistance Army in Uganda, 1981–86." *The Journal of Modern African Studies* 43, no. 2 (2005): 271-296, p.275.
[677]Peter Wekesa Wafula, (2010). *Op. Cit.*, p.101.
[678]Ibid., p.102

According to Okoth Ogendo, even though the expulsion was justified within the context of Uganda's nationalisation programme, there is no question that the expulsion was primarily directed towards Kenyan border populations such as the Basamia, Iteso, Basebei, and Bagisu for political reasons.[679] There were concerns that the Kenyan border communities were conspiring with their relatives in Uganda to undermine Obote's regime, according to Berg Schlosser and Siegler.[680] They argue that these concerns were based on observations.

When discussing the African boundaries, Nugent and Asiwaju stated that they possessed the following characteristics, they bind with the interior but link with the exterior, and they unite and divide at the same time. These characteristics were mentioned in reference to the African boundaries. Despite the fact that they are not governed by any laws, they consider colonial boundaries to be nothing more than barriers that divide communities. Consequently, this boundary creates a division in the political space, but it also creates connections between the people.

In order to serve the purpose of separating people and forming classes of citizens and subjects, the boundaries that were established were initially established. However, over time, these boundaries evolved into zones of interaction. Following their attainment of independence and their incorporation into the international system, the newly formed nations of Kenya and Uganda became the sole agents of change within their respective juridical and territorial boundaries. This is according to the theoretical perspective of international relations.[681]

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[679]H. W. O. Okoth-Ogendo, "Legislative approaches to customary tenure and tenure reform in East Africa." (2000): 123-134, p.128.

[680]Dirk Berg-Schlosser and Rainer Siegler. *Political stability and development: a comparative analysis of Kenya, Tanzania, and Uganda*. Lynne Rienner Publishers, 1990, p.57.

[681]Paul Nugent, and Anthony Asiwaju. *African Boundaries: barriers, conduits and opportunities*. London: Pinter, 1996, p.81.

As Ojo points out, a nation is nothing more than an ethnic group that shares a common heritage, language, culture, and a sense of common identity. Moreover,

> In order for a nation to be distinguished from other nations, it must be able to occupy a specific territory and have legal sovereignty over that territory. A state of this kind is nothing more than a collection of people who are politically organised under a single government and who have sovereign rights that are acknowledged by other sovereign states as having a legal status. This state has the exclusive right to handle and shape the social, economic, and political developments that occur within its own territory within the context of the international system.[682]

Due to these relations by Ojo, it is possible to state that the single-party systems and state bureaucracies that exist in Kenya and Uganda were designed with the intention of consolidating political power in a capitalist manner. A profoundly prohibitive, protectionist, and overly controlled environment appears to have been intended to ensure the success of state ventures in close proximity to imperialistic business interests of political frameworks.[683]As put forward by Okoth-Ogendo, these frameworks enjoyed moratoria and waivers in their pursuit of "capitalism of the trivial few," and they sparingly extended their hand to global political partners in a phenomenon that is typically referred to as "crony capitalism".[684]

It can therefore be rightly observed that Nugent and Asiwaju are correct in their observation that the economic policies that were implemented by certain states after they gained their independence gave border controls a greater significance. When viewed from the perspective of the central authority, everything depended on the ability to make border surveillance more efficient. Nevertheless, the fact of the matter is that the African regimes, such as Kenya and Uganda, have been even less capable of achieving their goals than their colonial predecessors were.

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[682]M. Adeleye Ojo, "The Maitatsine Revolution in Nigeria." *American Journal of Islam and Society* 2, no. 2 (1985): 297-306., p.301.
[683]Ibid., p.304.
[684]Hastings W.O. Okoth-Ogendo, *Tenants of the Crown*. 1991., p.48.

In light of the fact that the borders of Africa have not undergone significant shifts, the supervision of lengthy frontiers continues to be a challenge. By and large, the financial climate planned to restrict the extension for fissiparous sharing and exchanging of monetary impact innate in industrialist society, while the political cum regulatory climate intended to keep the elements of a free society curbed while compelling its different propensities to contend inside a solitary characterised political field. From the foregoing discussion, Cockcroft, elaborates:

> Throughout the 1960s and 1970s, the majority of African states, particularly Kenya and Uganda, utilised liberal advancements of foreign guide and gains from good fare exchange in order to establish state undertakings that wandered into various private sector activities in the areas of industry, exchange, money, cultivating, and property development. The states made an effort to establish a more straightforward ownership structure, the board, and the course of action rather than arranging encouraging forces to private areas. While state banks repurposed financial assets to put resources into private enterprise, government services became vehicles for the ownership of large businesses.[685]

In his article from 1985, Keller argues that despite the relatively large number of efforts that are being directed towards economic change, the "African Capitalist States" are facing significant difficulties that are associated with the reduction of their level of government.[686] Claude Ake went further to elaborate that:

> Considering that the subsidisation of businesses has come to an end, it is clear that the phenomenon of disguised unemployment is turning into widespread unemployment. Political activists and interest groups viciously contradict a significant number of these actions, which results in the government being confronted with challenges on a consistent basis. If these actions are switched, it would mean that budget deficits would return, and the government would continue to be stuck in the never-ending cycle of trying to stabilise the

[685]Cockcroft, J. D. "The effect of curved boundaries on the distribution of electrical stress round conductors." *Journal of the Institution of Electrical Engineers* 66, no. 376 (1928): 385-409, p.392 and Stephane Laurent, *et. al.*, "Expert consensus document on arterial stiffness: methodological issues and clinical applications." *European heart journal* 27, no. 21 (2006): 2588-2605, p.2592.
[686]Keller, Edmond J. "Decolonization, independence, and the failure of politics." *Africa* 3 (1995): 156-171.

> economy despite the fact that resources for foreign aid are decreasing.[687]

In addition to the foregoing, tax collection systems have failed to materialise as African economies have shifted their focus to the promotion of a particular direction. Due to the fact that the requests of the improvement programme limit the ability of these administrations to reduce spending by comparable amounts, the subsequent financial shortages are a cause for concern. It is because of the inconsistency of the previous tax collection framework with a market-based economy that the income breakdown was created. Already, it was necessary for the state to exclude charges from businesses that they had an extraordinary amount of control over. Despite this, privatisation indicates that the state is now confronted with a large number of individuals and tasks that are exclusive to them.

According to Dongala, the fact that the state is not currently in complete control of the assessment base is a consequence of the fact that the increases in wages and prices that are being implemented to promote predetermined levels.[688] However, across the African continent, Nugent and Asiwaju note that the fiscal crisis of the state has resulted in officials not being paid a living wage and in some cases, they are not paid at all for months at a time.[689] This is a consequence of the fact that the state is experiencing budgetary difficulties. Similarly to teachers, border patrol agents can simply stand to work under the direction of their manager for a portion of the time, and they should fight for themselves during the remaining portion of the time frame. The thing that is important is that the police officer or watchman on the fringes is

[687]Claude Ake, "The future of the state in Africa." *International political science review* 6, no. 1 (1985): 105-114., p.108.
[688]Dongala, Jeremie. "The informal sector trade among Sub-Saharan African Countries: A survey and empirical investigation." *The Developing Economies* 31, no. 2 (1993): 151-170, p.156.
[689]Nugent, Paul, and Anthony Asiwaju. *African Boundaries: barriers, conduits and opportunities*. London: Pinter, 1996, p.60.

significantly better equipped to use his office in order to make up for the inadequate situation.

An educator might be required to work as a trader on the side, but a border patrol agent might simply be able to conspire with people who are involved in smuggling.[690] It is highly unlikely that such an official will be completely deaf to the demands of his superiors. However, it is highly likely that he will promote his own agenda whenever the opportunity presents itself.[691] While responding to the preceding elucidation posted by Sanchez Gabriella, Nugent and Asiwanju are of the view that:

> The frequency with which border guards are reposted is frequently a reflection of the frustration that officials feel regarding the unsatisfactory performance of state personnel. In spite of the fact that we have clearly delineated boundaries and stringent regulations that must be adhered to at the border between Kenya and Uganda, the customs officers and the police officers are aware that transactions, regardless of whether they are legal or illegal, must take place. The value of the goods that are crossing the border is frequently underestimated by us, and we stamp certain documents. There are times when we signify the incorrect goods that we are clearing. We also have "border points," which are simply staffed by law enforcement officers who take "something small" and allow the goods to pass through as long as "the boss" has been "seen." To put it simply, we pay all of the authorities a certain amount of money for a predetermined amount of time in order to allow the entire product to cross the border.[692]

In the same way, the high expansion that comes along with liberalisation undermined the advantages that businesses derived from their taxable income.

The private sector has grown and become more difficult to tax ever since the beginning of the changes that have occurred in the market. As such,

> Alterations to the monetary system also imply that the state was required to sell the control of the financial sector to private interests through an auction. As a result, the process of collecting retention charges without essential data is becoming

[690]Sanchez, Gabriella. *Human smuggling and border crossings*. Routledge, 2014, p.13
[691]Ibid
[692]Nugent, Paul, and Anthony Asiwaju, (1996). *Op. Cit.*, p. 64 and Ruth Akisa, O. I in Busia, 9/10/2023

> increasingly awkward. In Africa, there is a pressing need for a change in charge. There is some of it that is currently being worked on, particularly the new assessment framework, which includes changes to individual personal expenses and worth added duty. Nevertheless, these cannot be simply presented for the time being because the contributor network is not providing assistance with temporary plans to ensure that the consequences of the financial shortfall are kept to a minimum.[693]

Therefore, in reiterating the foregoing observation, it Lemarchand posited that, the state also provided industrial avoidance by making the granting of permits a prerequisite for the establishment of any business. This provided the existing administrators with the option to decline applications from new participants.[694]

As a result of the state's involvement in the business sector, its own organs were awkwardly positioned as the two competitors, at the same time that they were controlling private businesses.[695] Moreover, the public authority of Kenya and Uganda, in a sense, controlled the progression of assets to enterprise. This was due to the fact that they had additional power over banks, advancement banks, and home loan account sources, as well as the ability to endorse unfamiliar trade. These enhancements have resulted in a variety of repercussions, which have led to a specific approach to fiscal and monetary policy.[696] This observation was corroborated by data from Kenya National Archives, thus:

> The manner in which the conditions of the monetary bureaucracy in Kenya and Uganda allowed the administrations to direct credit from banks to state undertakings or preferred ventures were, in a sense, underestimated the amount of unadulterated private sector access to funding. As a result of the fact that the provision of credit by banks to nonperforming enterprises was contingent on the willingness of the state to renegotiate the terms of the loans in the event that the

[693]KNA,CO/685/10

[694]Rene Lemarchand, "The state, the parallel economy, and the changing structure of patronage systems." In *The precarious balance*, Routledge, 2019, pp. 149-170, p.154.

[695]Tung, Frederick. "Before competition: origins of the internal affairs doctrine." *J. Corp. L.* 32 (2006): 33.

[696]Ibid., p.33.

> subsidies developed into terrible advances, it can be inferred that the financial strategy was combined with the money-related approach. To a large extent, the conditions of Kenya and Uganda were characterised by the practice of financial arrangement through the organisations that were related to money. The legislatures were responsible for significant disappointments in the allocative efficiency of the monetary system.[697]

Therefore, this study discovered that, they did this by stifling financing costs in order to reduce the weight of the internal open obligation and credits to state ventures.

This study utilizes Max Weber's bureaucratic theory and interpretivism philosophy to analyze the political dynamics in Uganda from 1979 to 1986. Weber's bureaucratic theory helps understand the consolidation of power and erosion of state institutions during this period, particularly under leaders like Yusuf Lule and Milton Obote.[698] Interpretivism philosophy sheds light on the socio-political complexities and ethnic tensions, driving the rise of informal cross-border trade amidst political turmoil. These theoretical frameworks provide insights into Uganda's turbulent political landscape, characterized by regime changes, coups, and ethnic conflicts, offering a nuanced understanding of the era's historical events and their implications.[699]

3.2.7 Ethnicity and its Challenge at the Kenya/Uganda border

Through the course of history, the African people have been deprived of the dignity of constructing their nations on the basis of their own indigenous characteristics, foundations and legacy.[700] At this late date, attempting to revisit genealogical characters and assets as bases for building the advanced African country would risk

[697]KNA Library, GP 363.7 SIM.
[698]Ssali, Lukwago. *Power Back to the People. The Relevance of Ethnic Federalism in Uganda: The Relevance of Ethnic Federalism in Uganda*. African Books Collective, 2023, p.78.
[699]Ibid., p.79.
[700]Goduka, Ivy N. "African/indigenous philosophies: Legitimizing spiritually centred wisdoms within the academy." *African voices in education* (2000): 63-83, p.67.

the collapse of a number of nations. While interrogating Wasike Wanambuk, it was postulated that:

> The modern African state is the result of Europe, not Africa, and it would be a mistake to attempt to do so. At the same time, ignoring ethnic real factors is like expanding on free sand, which is also a high-risk exercise. The question that one might ask is whether or not it is possible to combine the structure of the advanced African state while simultaneously giving recognition and the greatest possible utility to the component parts of identities, societies, and desired outcomes for self-assurance.[701]

In line with Deng, ethnicity encompasses more than just the colour of one's skin or one's physical characteristics it spans beyond language, song and dance as well. In other words, it is the embodiment of characteristics, associations, and instances of conduct, a composite whole that addresses the chronicled understanding, objectives and world view of a group.[702] Furthermore, Deng added that, "you should prevent a group from acquiring their personality and their way of life, and you should also prevent them from acquiring the ability to differentiate between east and west or reason."[703]

According to Horowitz, the establishment of boundaries is supposed to be significant in situations in which individuals are involved in things that are considered to be serious. Further, he makes the observation that such boundaries will, in general, shift in accordance with the political environment. In concurrence, Hamisi Mustafa submits:

> There is a significant connection between social and physical boundaries. He makes this observation by observing that "regional boundaries help shape the degree of group identity that emerges as the most striking." In other words, the more extensive the viable regional boundaries, the more extensive

[701]Caleb Wasike Wanambuk, O. I in Bumbe, 11/10/2023.
[702]Zhong Deng and Donald J. Treiman. "The impact of the cultural revolution on trends in educational attainment in the People's Republic of China." *American journal of sociology* 103, no. 2 (1997): 391-428, p.398.
[703]Ibid

> the ethnic boundaries are likely to be. Conversely, the smaller the regional boundaries, the smaller the ethnic boundaries are.[704]

In light of the fact that Horowitz was aware of how confusing and fluid boundaries could be, he maintained a fairly cautious stance.[705] This is because, in the space between ethnic relations, there will always be mediating factors that cannot be held constant.

Khapoya makes the observation that the ongoing pattern of Kikuyu dominance in the cabinet was maintained during the elections that took place in 1974. Members of the Kikuyu ethnic community held control over the Kenyan civil service all throughout its history. To give just one example, Kenyatta appointed eight provincial commissioners over the course of his regime, and at least five of them were members of his own Kikuyu community.[706]

It was also the case that the majority of District Commissioners, District Officers, and Permanent Secretaries were of Kikuyu language. Kenyatta's deliberate strategy to exclude Kenya's diverse ethnic groups from participating in public life was to create this imbalance in the services provided by the civil service. The article by Kisiang'ani makes the observation that while Kenyatta was responsible for the displacement of Europeans and the beginning of deliberate efforts to Kikuyunize Kenya's public sector, Moi made a commitment to follow "Kenyatta's footsteps" (which is translated as "*Nyayos"* in Kiswahili).[707] Moi, on the other hand, was not going to be able to keep Kenyatta's Kikuyu supporters if he followed in Kenyatta's footsteps.

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[704]Hamisi Mustafa, O. I in Ongariama, 14/10/2023.
[705]Horowitz, Donald L. *Ethnic groups in conflict, updated edition with a new preface*. Univ of California Press, 2000, p.78.
[706]Ibid., p.79.
[707]Kisiang’ani, Rose Natecho. "An Evaluation of gender mainstreaming practices in Bungoma County in Kenya." PhD Dissertation, Strathmore University, 2020., p.102.

Following in Kenyatta's footsteps meant employing the strategy that Kenyatta had developed in order to strengthen his own hold on power. Moi began the process of de-Kikuyunizing the public sector in a methodical and slow manner, while simultaneously Kalenjinizing the cabinet, the civil service, and the military. When Moi was confident that he would remain in power, he enlisted the assistance of political advisors who were members of his own ethnic community. These advisors included influential figures such as Nicholas Biwott and Henry Kosgei. Therefore,

> Ethnicity, capitalism, unfair land distribution, infrastructural marginalisation based on ethnic considerations, and corruption were all factors that contributed to the formation of a state that was governed by both Kenyatta and Moi government structures. The ethnic communities that were not part of the ruling ones, such as the Basamia, the Iteso, and the Babukusu, experienced a sense of hopelessness and disillusionment with the state's structure, which resulted in the informal cross-border trade that took place across the border with Uganda.[708]

In addition, despite the fact that KANU regimes were overwhelmingly supported throughout the entire process, only one Member of Parliament, the Honourable Philip Masinde from Busia, was appointed to a ministerial position. The leader decides to go ahead and accept an offer to construct The Korinda Prison rather than going to the ground to find out what could be beneficial to communities that are located around the border.[709] This is contrary to an FGD, observation that:

> In order to facilitate convenient business transactions, we require better roads and enhanced services at the customs clearance area. During the time of colonial rule, ethnic regional boundaries were artificially established in the majority of African countries, and these boundaries have been perpetuated or maintained by post-colonial states.[710]

In a number of instances, the group gatherings themselves were aware that discontinuity would put them on the verge of engaging in the ethnic competition that

[708]KNA BY/19/295.
[709]Ibid
[710]FGD of Bakhayo residents in Bukhayo, on 21/12/2023.

was anticipated to follow the formation of independent states.[711] In hurried efforts to rethink both social and regional boundaries, this served as a significant main thrust in the initiatives that were undertaken.

According to Wijeyewardene, there was a consistent presence of the amplification of basic plunge and legends of cause, particularly among groups that were located far beyond national boundaries.[712] Occasionally, the political administrations were quick to divide these gathering-based activities in order to maintain the division of potentially ground-breaking groups. One thing that has been stated over and over again is that identity is, without a doubt, relative, and that it is a social asset that is controlled by entertainers based on who has what capacity to influence the stream or admittance to scarce assets.

Individuals are permitted to alter their ethnic identity "on the off chance that they can benefit thusly".[713] This is a widely held belief. During the period in which states were being formed, groups were divided or merged with a great deal of disregard for the regular characteristics or particular attributes that they possessed. According to Lemarchand, they were established in new authoritative systems, which were administered by new principles, new organisations, and new operational standards and methods.[714] On the other hand, the control systems of the new state, in which a definitive power was an outcast or an outsider, took the place of the self-governing standpoint that was represented by the previous request. In fact,

> The centralization of power, which eventually led to the establishment of the apparatuses of dictatorship, including the police and the military, was the means by which this system functioned. This unrefined power was, in any case, mollified

[711]British East Africa Protectorate 1917, Report, p.18.
[712]Wijeyewardene, Gehan, ed. *Ethnic groups across national boundaries in mainland Southeast Asia*. Institute of Southeast Asian Studies, 1990., p.89.
[713]Eugeen E. Roosens, *Creating ethnicity: The process of ethnogenesis*. Sage Publications, Inc, 1989, p.80.
[714]Lemarchand, Rene. *The dynamics of violence in Central Africa*. University of Pennsylvania Press, 2009, p.12.

> by utilising customary pioneers as broadened arms of state command over the clans or the local communities, giving this remotely forced framework a similarity to authenticity for the general population. The Basamia at the border with Busia, the Bateso at the border with Busia and Malaba, and the Babukusu/Bagishu at the border with Lukhakha have all been divided by such measures; however, this has prevented them from functioning as brothers and sisters.[715]

In line with this statement, Omuse Philip observed that, when Aggrey Awori, a member of Samia Uganda, runs for a seat in the Ugandan parliament, Basamia, a member of Kenya, takes the opportunity to vote for him. An additional factor that contributed to the impression of authenticity was the presentation of a government assistance framework. This framework made it possible for the state to provide disadvantaged regions with limited opportunities for advancement and inadequate forms of social assistance.[716]

Similarly, the majority of the time, public assets were extracted and distributed as raw materials in order to provide for the metropolitan businesses of the colonial masters. This new framework sabotaged the individuals' indigenous framework, which furnished them with the methods for seeking after their unobtrusive yet manageable life targets, and supplanted it with halfway controlled assets that were hard to find and expose to seriously serious requests.[717] In spite of the fact that Uganda's President Milton Obote denied the authenticity of correspondence in the relations between state elites and ethno-regional delegates, he acknowledged the truth of this causal relationship on the other hand.[718]

When it came to matters concerning financial assignments, world-class enlistment, and alliance arrangement in the upper degrees of the party and government, he utilised

[715]KNA CO/685/10.
[716]Philip Omuse, O. I in Asinge, 13/10/2023.
[717]KNA CO/685/10.
[718]Patrick, M. T. "Ethnic conflict in Africa: a case study of the lord’s resistance army (lra) war in northern Uganda." PhD Dissertation, Ph. D. dissertation, University of Witwatersrand, 2011, p.23.

a standard of proportionality. In this manner, Obote pronounced that a 'Public Assembly… as a get together of harmony meeting delegates and ancestral conciliatory and authoritative functionaries' was unsatisfactory, however, he continued participating in political trade associations with these ethno-regional diplomats in any case.[719] The problems were compounded by the fact that,

> At the beginning of 1967, Uganda was experiencing both economic and political difficulties, and President Obote had been sabotaging those who were opposed to his abuse of power. Investors' confidence was damaged as a result of the unfavourable political and economic climate. In addition to other factors, the collapse of the Ugandan economy in the 1970s increased the reliance of the Ugandan people on Kenya, particularly the border communities, which include the Basamia, the Iteso, the Basebei, and the Bagisu. Specifically, the provisions of the EAC and other informal economic networks were of great assistance in this regard.[720]

From the foregoing discussion, Fanon explains that development was considered to be a method for obtaining fundamental services from the state, rather than a pattern of development and total accumulation of plenitude that could place assets into additional developments.[721]

It thus emerged to the researcher that this scenario explains why development was considered to be a technique for obtaining fundamental services from the state. An impasse of characters that dependent on ethnicism or identity is characterised by the limited, wide-based, and self-proceeding which implies practices that offered a way to deal with high-danger situations. These practices characterise competition for state power and limited resources. Self-government resulted in the death of the common enemy, the colonial oppressor, and in any case, it effectively exacerbated the conflict over the shared power and other public resources. Indeed,

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[719]Naomi Chazan, *et. al*., *Politics and society in contemporary Africa*. Bloomsbury Publishing, 1999, p.97.
[720]KNA Library, GP 363.7 SIM.
[721]Hussein Abdilahi Bulhan, "Frantz Fanon: the revolutionary psychiatrist." *Race & Class* 21, no. 3 (1980): 251-271., p.263.

> As a result of the frustrations that border communities encountered in the early to middle 1980s, a large number of educated individuals became involved in the act of smuggling goods across the border between Kenya and Uganda. We were, in point of fact, so underrepresented in the government, and our predicament was completely disregarded.[722]

At this point in time, virtually every conflict that occurs in Africa has some kind of ethno-local component. Even those conflicts that may have every single reserve of being freed from ethnic concerns include communities and associations that are built around ethnic loyalties as this is one thing that is certain.

As a whole, specialists tend to hold one of two perspectives regarding the role that personality plays in these dispute situations.[723] Some people believe that nationality is a source of conflict, while others believe that it is a tool that political class visionaries use to propel their desires when they are trying to achieve their goals. In all honesty, it is both. When combined with regional character, nationality is a reality that exists in the self-governing of political moves. This is especially true when taken into consideration.[724] To argue that ethnic gatherings are merely coincidental devices for political control is to show lack of concern for a fundamental aspect of social reality.

On the other hand, according to Nkwachukwu, nationality is undeniably a resource that can be used for both business and political control.[725] One of the factors that was observed to be a driving force behind casual exchange of the border was:

> The existence of networks that are elevated above communities. This group has a lot in common with one another, both in terms of their culture and their social life. They speak a language that is similar to one another, they marry each other, and they own land on both sides of the border. Through the dissemination of long-standing information on the customs, items, and organisations of one

[722]Francisca Okilipa, O. I in Port-Victoria, 13/10/2023.
[723]Mayer, Bernard S. *Staying with conflict: A strategic approach to ongoing disputes*. John Wiley & Sons, 2009, p.8.
[724]Ibid., p.10.
[725]Orji Nkwachukwu, "Governing “Ethnicized” public sphere: Lessons from the Nigerian case." *12th CODESRIA General Assembly, Yaounde, Cameroun* (2008), p.78.

> another, these particularly robust informal organisations facilitate the exchange of goods and services across international borders. The Basamia, which is located on the Kenyan side of the Ugandan border at Busia; the Basebei, which is located on either side of the Kenyan side of the Ugandan border at Mount Elgon; and the Babukusu/Bagishu, which is located on the Kenyan side of the Ugandan border at Luakhakha. In light of this, it is clear that the people place a higher value on local nationalism than they do on the nationalism that is praised by the state.[726]

Accordingly, it was found that the majority of respondents (50 out of 60) have no plans to relocate to a different town. This is because they have devised methods of surviving through informal cross-border trade.[727] Additionally, our small nations that have been formed at the borders also give us a sense of security. Due to the fact that our relationship is so robust, we are unable to take a back seat and fold our arms in the event that one of us is in trouble with the authorities.[728]

Based on these submissions, it is contended that Africans were on the verge of disavowing ethnicism as problematic after the continent gained its independence. The idea of fortitude was put forward to such an extent that it proposed legendary uniformity in the midst of variety. Ghana's Kwame Nkrumah prohibited the formation of political parties based on ethnic or ethnic affiliations.[729]

According Mwakyembe, the President of Cote d'Ivoire, Houphouet-Boigny, was actively involved in the selection of ethnic gatherings through the strategic distribution of ministerial positions, basic support occupations, social organisations, and development endeavours.[730] Through the empowerment of nationalistic pride in Tanganyika and, later, Tanzania, which came about as a result of the relationship with

[726]Ibid., p.79.
[727]KNA, CO/536/143/6.
[728]FGD of Bakhayo residents in Bukhayo, on 21/12/2023.
[729]Powers, Amanda B. "Kwame Nkrumah and the Making of National Identity in Ghana." (2011), p.90.
[730]Harrison G. Mwakyembe, "Tanzania's Eighths Constitutional Amendment and its Implications on Constitutionalism." *Democracy and the Union Question, Münster* (1995)., p.40.

Zanzibar, Julius Nyerere, a scion of genealogical chieftaincy, was able to eradicate ethnicism.[731] In order to strengthen his Kenyan African National Union get-together, Jomo Kenyatta, the current president of Kenya, fabricated a delicate alliance of ethnic social affairs. According to Charlton, the decision made by the Founding Fathers of the Organisation of African Unity to regard the colonial borders established a regularising rule that has been followed with remarkable success on a consistent basis. There has been a significant amount of opposition from the OAU to the developments of progress.[732]

According to Wolin, the assurance that national unity would be preserved after autonomy served as the impetus for policies such as one-party rule, unreasonable centralization of power, oppressive dictatorships, and the deliberate violation of human rights and major freedoms in the majority of African nations.[733] As a result, these have prompted a reaction, which manifested itself as an increased level of strain and an interest in achieving freedom in the future.

Based on Wolins submission, this study is in tandem with his observation in that, African states are reluctant to confront the challenge of overseeing ethnic conflicts within the solidarity of the colonial borders; however, they absolutely cannot wish away the possibility of doing so. A number of optimistic standards that were developed outside of the continent were incorporated into the constitutions that were used to declare independence. The systems that were based on them required authenticity, and as a result, they were quickly overthrown, and the general population did not express any regret or lamentation about the situation. In any case, these alterations consisted of nothing more than a revolution of similarly invested elites, or,

[731]Harrison G. Mwakyembe, (1995). *Op. Cit.*, p.45.
[732]Samuel G. Charlton, "Driving while conversing: Cell phones that distract and passengers who react." *Accident Analysis & Prevention* 41, no. 1 (2009): 160-173., p.164.
[733]Richard Wolin, *The wind from the east: French intellectuals, the cultural revolution, and the legacy of the 1960s*. Princeton University Press, 2018, p.57.

more regrettably, military despots, with the expectation of involving the seat of power that had been abandoned by the colonisers.

Furthermore, according to Mwakyembe, some of these leaders eventually became their colonial masters. The majority of African nations are currently attempting to find solidarity, which highlights the force of disunity in the continent. No matter how hard Kenya and Uganda try to avoid defying the issue of identity and how much they neglect to create standards and means for overseeing ethnicity within the framework of solidarity, harmony, and solidity, they will continue to evade the pluralistic state.[734] According to Marenin, the majority of African nations are currently addressing the racial and ethnic identity issues through a pacifying system of distribution and allocation type of impromptu down to business the board rather than a key methodology.[735] Additionally, Marenin argues that this approach is more effective than a key methodology. Not only does the issue of identity touch on governmental issues, but it also touches on financial aspects and the hierarchical limit in relation to a self-producing and reasonable advancement from the inside. This is what makes the issue of identity particularly intense for the landmass.[736]

Therefore, based on the preceding discussions, the study established that the state has centralised the social, economic, and political power, with its authorities being a long way from speaking to the regular interest of the common society. This was established based on the discussion of the primary characteristics of the modern state in Africa. As a matter of fact, it subjugates the civil society in order to serve the interests of particular sectional groups.

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[734]Harrison G. Mwakyembe, "The parliament and the electoral process." *The State and the Working People* (1986): 16-51., p.29.
[735]Otwin Marenin, "The Nigerian state as process and manager: A conceptualization." *Comparative Politics* 20, no. 2 (1988): 215-232., p.228.
[736]Ibid., p.229.

Additionally, it would appear that the state plays almost no or no fundamental role in the creation or proliferation of monetary resources. A genuine unity between the state and its citizens would be the embodiment of democratic government, according to the Marxist point of view. Indecencies such as corruption, the unjustifiable appropriation of assets, and the ethnicization of communities are activities that are encouraged by authority figures.[737] As a consequence, the advanced state is a product of the hostile conflicts that were established in the pride of civil society. According to the findings of the study, the concept of the state is considered to be insignificant to the financial strengthening of its residents, particularly at the Kenya/Uganda fringe. Furthermore, the concept is considered to be a factor that shapes and restricts the latent capacity of the residents.

Max Weber's bureaucratic theory, applied to the Kenya/Uganda border challenge, reveals the complex interplay of ethnic identities and state structures.[738] The legacy of colonial borders, influenced by European powers, still shapes African nations, affecting governance and social cohesion. Ethnic divisions persist, impacting political representation and resource distribution. Interpretivism, through scholars like Deng, emphasizes the multifaceted nature of ethnicity, beyond superficial traits. Historical injustices, like Kikuyu dominance in Kenya's civil service, underscore the need to address systemic biases.[739] The struggle for self-determination, fueled by ethnic tensions, intersects with economic disparities and political manipulation. Despite efforts to promote national unity, ethnic identities remain potent forces shaping African societies.

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[737]Gaudissart, Albane. "Passing through Maasailand. Encountering Maasai Youth and the navigation of boundaries and identity politics." PhD Dissertation, Concordia University, 2021, p.30.

[738]Ssali, Vick Lukwago. "Ethnicity and federalism in Uganda: grassroots perceptions." *Doshisha University* (2017), p.47.

[739]Wambua, Muema. "Historical injustices and transitional justice interventions in Kenya: victims' and interveners' experiences and perceptions." *Journal of the British Academy* 9, no. s2 (2021): 75-102, p.77.

3.2.8 The Advancement of Unlawful Cross-Border Trade

It has been argued by Gibb Richard that the proximity of informal exchanges of goods has been ignored.[740] Despite the fact that informal trade is conducted in a variety of ways and is referred to by a variety of names (such as unrecorded trade, illegal trade, underground trade, the activities of the black market, the exchange issue of over- and under-invoicing, sneaking, or storing), it is characterised by the fact that it is not included in the comprehensive records of the nation's domestic and international trade.[741] The duo observations were also in agreement with archival sources that state that:

> The connection between the expansion of the economy and the proliferation of informal trade has consistently been the subject of significant interest at various points in time. It has been taken into consideration that the casual sector is a temporary scenario that has the potential to vanish if the economy experiences a boom. Transactions that take place across international borders are extremely sensitive to the manner in which investors are treated as a result of the conditions that are imposed by national governments. In order for it to be realised, it is necessary for individuals to be able to pass through the border without having to pay a steep unofficial fee or incur prohibitive tariff responsibilities and border costs.[742]

Since the beginning of pre-industrial innovation, African states have been engaging in cross-boreder technology exchange. From the beginning of the pre-trade period until the present day, the most important products in the overall exchange were the flavours, materials, and important stones. According to OECD, around the middle of the sixteenth century, Europeans laboured their way into this industrial nexus.[743]

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[740]Gibb, Richard. "Regional Integration in Post-Apartheid Southern Africa." *Tijdschrift voor economische en sociale geografie* 98, no. 4 (2007): 421-435, p.428.
[741]Ibid., p.429.
[742]KNA CO/536/145/3.
[743]Brigitte Van Beuzekom and Anthony Arundel. *OECD biotechnology statistics 2006*. Paris: OECD, 2006, p.38.

Based on the preceding discussion made, it has been affirmed that, as a result of the general effect of structural adjustment, Kenya and Uganda have experienced a significant increase in the number of trans-border substitutes. This is specifically in response to the large number of unemployed young people, women and other individuals. These individuals include former regional employees' representatives who have been reduced in number as a result of changes in accounting. This scenario tallies with archival data, which maintained that:

> Although informal cross-border trade is considered "illegal" in many countries due to the fact that it is kept at a strategic distance from legitimate strategies and channels, this does not necessarily imply that the items that are being traded are illegal in and of themselves. The majority of cross-border trade is in clean goods, despite the fact that there are reports that it facilitates the trade of illegal containers, weapons, and other products that are illegal and unsafe. Informal Cross-Border Trade additionally creates critical valuable amounts of taxes and permit deals for the formal region, notwithstanding a broad assortment of informal bills or taxes to specialists' staff and work environments.[744]

The manner, in which policies coordinated at formal food market channels can have significant impact on the performance and productivity of informal businesses, as well as the other way around, is a comparative verification of the interconnectedness of the formal and casual sectors.[745] In addition, informal cross-border trade results in significant amounts of local taxes and permit deals for the region, in addition to wide variety of informal bills or duties that are imposed on professionals employed in the region and working environments. Exchange across borders is also an essential phenomenon in Eastern Africa, despite the fact that it continues to be surrounded by a great deal of controversy and a lack of expertise. For some observers it represents an ordinary marketplace reaction to bulky, time-eating export guidelines and nearby rate

[744]KNA, CO/536/143/6.
[745]Mwango, Mutale. "Survival strategies among informal economy businesses: the case of small maize millers in Zambia." (2024), p.47.

distortions, and ought to be recommended as a way to boom intra-nearby change, fulfil neighbourhood need that isn't being met through national manufacturing and markets, and protect regional food security.

According to Rose M. Ndunda, these equivalent allies routinely argue that numerous trans-border markets predate colonial authority and distribute independent nation constraints.[746] As a result, they reproduce indigenous markets that have been around for a long time and cause more significant formal trade channels. Furthermore, Isaac Nkoroi, indicates that it was expected via a couple of strategy creators that market progression (structural adjustment) guidelines of the Nineteen Eighties and Nineties may have diverted greatest informal change into formal market channels, which has not, at this point been the situation in Kenya and Uganda.[747]

People have access to a wealth of opportunities and benefits through the informal trade that occurs across international borders. Moreover, as Kaplan and Norton puts it, the ability to fulfil and other fundamental needs of a significant number of their individuals are made possible by the expansion of cross-border trade from one country to another.[748] There were an average of three children and two dependents that informal cross-border traders supported.

Despite the fact that this transaction has been going on for a considerable amount of time, it is based on very rigid grounds.[749] Max Weber's bureaucratic theory illuminates the structural dynamics of informal cross-border trade, highlighting its role in economic exchanges beyond formal channels. Interpretivism, evident through observations by Chauvin and Gaulier, contextualizes informal trade as a response to

[746]Rose M. Ndunda, "Implementation of one stop border post strategy at the Busia border, Kenya." PhD Dissertation, University of Nairobi, 2013., p.92.
[747]Isaac Nkoroi, "Assessing the informal cross border trade between Kenya and Uganda." PhD Dissertation, University of Nairobi, 2015, p.72.
[748]Robert S. Kaplan, and David P. Norton. *Strategy maps: Converting intangible assets into tangible outcomes*. Harvard Business Press, 2004, p.93.
[749]KNA: CO/685/10.

economic conditions and governmental policies. The interconnectedness of formal and informal sectors underscores the significance of informal trade in generating revenue and supporting livelihoods, as indicated by archival data. Despite its illegality in some contexts, informal trade often involves legitimate goods and contributes to local taxes and permit sales. Policy interventions aiming to formalize trade channels have not fully redirected informal trade, emphasizing its resilience and deep-rooted nature in regional economies.

3.2.9 Classifications of Unlawful Cross Border Trade

It is common practice to compare the informal economies of Kenya and Uganda, along with those of the other East African countries, to the Micro, Small and Medium-Sized Enterprises, which are considered to be semi-coordinated and unregulated. For example, in Kenya, these businesses are responsible for the employment of 7.5 million people, which accounts for 80 percent of the total employment in the country that is not related to small-scale farming.[750]

According to Olarreaga, this insignificant region has the potential to be both beneficial and environmentally friendly.[751] Consequently, analysts have undertaken the endeavour of examining the informal territory, despite the fact that there are a couple of challenges that they still need to overcome. One of these challenges is locating the method of measuring the productivity of this quarter. As an alternative, informality is a property of social exchanges and the standards and norms that

[750]Chris Ackello-Ogutu, *Methodologies for estimating informal crossborder trade in Eastern and Southern Africa: Kenya/Uganda border, Tanzania and its neighbors, Malawi and its neighbors Mozambique and its neighbors*. 1996., p.108.
[751]Marcelo Olarreaga and Manuel de la Rocha. "Multilateralism and regionalism Trade opportunities for sub-Saharan Africa." *Africa Spectrum* 38, no. 1 (2003): 99-109, p.107.

administer those exchanges, according to Duval, who argues that informality is not a property that belongs to individuals, companies, or sports.[752]

Duval further alluded that the International Labour Organisation provided a depiction that included straightforward entry, small scale businesses, circle of family member's possession and utilisation of work time in an effort to gain a better understanding of the principles and standards that govern the casual sector. The casual sector is characterised by the fact that it includes activities and organisations that are different from the structures of formal compensation work and espresso efficiency sports. Clarifying the situation, Odhiambo Shisia avers:

> These activities do not comply with the appropriate standards, which include authorization and tax collection, and they are not included in the gross domestic product of a nation. It is essential to keep in mind what Duval meant when he stated that informality does not imply a lack of structure or consistency. This is of utmost importance in the ongoing effort to design the concept of casual cross-border exchange. Undoubtedly, this suggests that structure and consistency are achieved through the utilisation of a different set of strategies and standards compared to those that are associated with formal establishments.[753]

According to Subramanian and Matthijs, the systems that are responsible for the administration of informal exchanges are constructed through the larger social setting.[754] They emphasise the significance of organisations, connections, origin, and ethnicity for the successful completion of those casual exchanges. In addition,

> The informal economy can also be characterised by the following characteristics: basic work innovation; the possibility of obtaining licences from authorities and not being registered with the registrar of companies; the ease of section; the limited scope of the activities; independent work with a significant number of family workers and students; limited access to organised business sectors; unregulated and serious

[752]David Timothy Duval,. *Tourism and transport: Modes, networks and flows*. Vol. 1. Channel View Publications, 2007, p.72.
[753]Maurice Odhiambo Shisia, O. I in Bunyawudo, 15/10/2023
[754]Uma Subramanian and Matthias Matthijs. *Can Sub-Saharan Africa leap into global network trade?*. Vol. 4112. World Bank Publications, 2007, p.80.

> business sectors; inadequate credit; low levels of education and training; a limited selection of products and services; and, finally, the majority of transactions are conducted primarily on the basis of money, with almost none of them being conducted through banks.[755]

This suggests that the informal economies are reducing the role that the formal state plays in international relations, particularly with regard to trade, political, social and economic relations. In this regard, the countries of Kenya and Uganda appear to be losing their dominant position in terms of controlling trade that occurs across their borders. New communities and nations, such as the Basamia, Bateso, Bagishu, and Basebei, have become more powerful than they were before. In order to establish and maintain their businesses, members of the informal cross-border trade community are dependent on a variety of informal institutions.[756]

It has been estimated by Ackello-Ogutu and Echessah that only four percent of merchants in the border region between Kenya and Uganda have access to formal sources of financing resources.[757] Family members and friends provide 32% of the traders with start-up capital, while individual investment funds provide 53%, and saving societies provide eleven percent of the traders with such capital.[758] This indicates that the state is unable to establish trust with its economically disadvantaged communities and provide them with credit facilities. Due to this anomaly, state has been unable to become the primary player in international relations in terms of trade and the enhancement of the economic status of all of its citizens. Because of this, the trade that takes place within Kenya and Uganda is not only unsatisfactorily low in terms of both the value and the reality of the situation. Furthermore, it is full of self-

[755]KNA CO/685/10.
[756]Ong'ayo Fredrick, O. I in Chebukube, 21/10/2023.
[757]Chris Ackello-Ogutu, and Protase Echessah. Unrecorded cross-border trade between Kenya and Uganda.In *Technical paper* 59 (1997), p.72.
[758]Ibid., p.75.

serving strategies and rules that are followed by methods for the governments that are currently in power.[759]

Oyejide makes note of the fact that the Uganda Petroleum Dealers Association estimates that twenty-five percent of the oil fuel (petroleum, diesel, and paraffin) that is consumed in Uganda is transported from Kenya.[760] This results in the Ugandan government incurring approximately one million dollars in annual expenses. In most extreme case, the wonder of informal trade across the border may be a result of the damaging farming and large-scale financial strategies that are being implemented by the governments of Kenya and Uganda.[761]

From the foregoing discussion, the FGD shown in plate 3 below agreed with the views of the researcher with regards to the strategies that the governments of Kenya and Uganda are putting in place in reference to what they are engaged in along the the border relations.

[759]KNA, CO/536/145/3.
[760]T. Ademola Oyejide, "World trade order and agricultural transformation in Africa." *Journal of African Economies* 19, no. suppl_2 (2010): ii40-ii59.
[761]KNA, CO/536/145/3.



Plate 3: **The researcher conducting an FGD in Busia Border-Kenya, on 20th/12/2023**

Source[762]

Max Weber's bureaucratic theory underscores the complexities of informal economies, notably in cross-border trade, aligning with interpretivism research philosophy focus on social norms. In Kenya and Uganda, informal sectors, akin to MSMEs, provide substantial employment but pose challenges in measurement due to their unregulated nature. Scholars like Duval emphasize informality as a social construct governed by distinct norms rather than a lack of structure. Informal economies, facilitated by social networks and ethnic ties, challenge state control and access to formal financing. Ongoing informal trade, notably in petroleum, highlights gaps in governmental regulation and economic policies, emphasizing the significance of informal cross-border dynamics beyond formal frameworks.

[762]A photo taken by one of the research assistant

3.2.10 Informal Cross-Border Trade between Kenya and Uganda

The informal trade that still takes place along the border between Kenya and Uganda dates back to the pre-colonial the period. According to Ogutu, individuals established barter exchanges without the necessity of obtaining formal registration.[763] Upon gaining their independence, several African states found themselves in possession of artificially fabricated borders, which led to an increase in both tax and non-tax obstacles.[764] Because of this, there has been a disruption in the casual monetary interest. Trade took place not only within Kenya and Uganda but also with the countries that bordered them and the neighbouring countries.

According to the hypothesis put forth by Haji and Semboja, the casual move to the outskirts of the city has become regularly associated with low-benefit working conditions.[765] The level of interest in cross-border trade between Kenya and Uganda has been overwhelming however, lack of comprehension of its significance not only results in misleading figures in national cash owed, but it also hinders the process of establishing appropriate rules and procedures to take advantage of its potential impact.[766]

According to Gichuru, Kenya's exports to the PTA locale structure constitute a significant portion of the country's total exports to different African countries. Whatever the case may be, the offer has been turned down, with the percentage falling from 95% in 1987 to 84% in 1991. Although the stocks decreased from 24% in 1988 to approximately 20% in 1991, the exports continue to constitute a significant portion of Kenya's overall exports. This is despite the fact that the stocks have decreased.[767]

[763]Martin Ogutu, "An investigation into the effect of management factors on performance of micro, small and medium enterprises in Kenya." (2010), p.28.
[764]Martin Ogutu, (2010). *Op. Cit.,* p.45
[765]H. Haji, and J. Semboja. "East African economic integration: Base case economic analysis." *African Integration Review* 3, no. 2 (2009): 185-222., p.193.
[766]Ibid
[767]Carolyne N. Gichuru, "Challenges faced by life insurance companies in implemention of marketing strategies to gain competitive advantage in kenya." PhD Dissertation, University of Nairobi, 2010,

It is therefore, evident that:

> The countries of Uganda, Tanzania, Rwanda, Sudan, Zaire, Somalia, Burundi, and Ethiopia are the most important business sectors for Kenyan exports. In 1991, the percentage of exports to these business sectors increased to 89% from the previous year. Sixty-nine percent of the market was developed by Uganda (34%), Tanzania (17%), Rwanda (9%), and Sudan (9%). This demonstrates that there is a geological grouping of fares within the sub-territory, with Uganda being the destination of the majority of Kenya's exports.[768]

Based on the above, large quantities of agricultural and commercial goods are traded between Kenya and Uganda as part of the informal cross-border exchange activities that take place between the two countries.

Moreover, different classes of transporters and couriers provide their services to smaller organisation of business owners, while certain public officers continue to combine their legitimate obligations with active participation in the informal exchange.[769] Furthermore, it emerged both large and small investors are encouraged to avoid transporting their goods through undesignated routes as a result of rent-seeking practices among public officials regarding the predominant border crossing factors and bulky import/export methods.[770]

Max Weber's bureaucratic theory and interpretivism underscore the historical and socio-economic context of informal cross-border trade between Kenya and Uganda. Dating back to pre-colonial times, this trade has persisted despite artificial borders imposed post-independence, leading to increased obstacles. Scholars like Haji and Semboja highlight the challenging working conditions associated with informal border trade. Understanding its significance is crucial for accurate economic data and

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p.103.

[768]KNA RN/6/21.

[769]Passas, Nikos. "Informal Value Transfer Systems and Criminal Organizations; a study into so-called underground banking networks." *A Study into So-Called Underground Banking Networks (December 14, 1999)* (1999), p.22.

[770]Ibid., p.27.

effective policy formulation. Gichuru's analysis reveals the substantial portion of Kenya's exports directed to neighboring countries, particularly Uganda. Informal trade involves various actors, from small-scale business owners to public officials, navigating complex border dynamics and rent-seeking practices.

3.2.10.1 The Rise of Informal Cross-Border Trade in Kenya: The Kenyatta State, 1963 – 1978

From the works of Ochieng, Kenyatta was appointed Prime Minister upon the country's attainment of independence in 1963. By the end of 1964, he had transitioned into the role of executive president. As soon as Kenyatta took over as leader, he realised that power needed to be reorganised in order to accommodate several actual factors that contribute to advancement.[771] As such,

> His initiative aimed to eliminate disparities that had been acquired as a result of the colonial era, and the state made a commitment to guarantee equal opportunities to all residents, eliminate discrimination, and provide necessities such as education, social services, medical care, and retirement benefits that were backed by the government. However, the fundamental components of the Westminster system of governance were still present in the constitution even after elections were held in 1963. This system begins with the three branches of government, which are the Legislative, Executive, and Judicial branches, and then moves on to emphasise the rule of majority, which is under the majority party; the sanctity of the rule of law; and the acceptance of opposition parties.[772]

According to Kisiang'ani, the state that President Kenyatta is a part of has made the decision to amass its resources in order to achieve a rapid pace of economic development in order to better serve the people.[773] The nascent Kenya African National Union government planned to accomplish this expansive goal by promising

[771]Bethwell A. Ogot and William Robert Ochieng, eds. *Decolonization & independence in Kenya, 1940-93*. Ohio State University Press, 1995, p.64.
[772]KNA reference KY/3/6: June 1969.
[773]Edward N. Kisiang'ani, "Rethinking Frantz Fanon in the context of the Kenyan decolonization Experience, 1895-1992." Kenyatta University: Unpublished Ph. D Dissertation (2003), p.89.

to earnestly address certain essential issues including the sustaining of political vote based system, the advancement of common social and political duty, rearranging different types of property so that no one would have an excessive amount of influence and guaranteeing that residents appreciate independence from need, infection and misuse lastly building up a reformist tax.

In consonance, Kisiangani's views prevail thus:

> It is therefore evident that the promise of democracy, a good life, and freedom was punctuated throughout the pronouncements that marked the formative years of the Kenyatta state. Tom Mboya, who is considered to be one of Kenyatta's trusted allies, made the following statement: "Our African socialist system will guarantee every citizen full and equal political rights." It is imperative that wealth not be allowed to bestow special political concessions upon any individual.[774]

From Berman, the transformation of Kenya into a country that is considered to be developing was partially an unintended conjuncture and partially an intended outcome that emerged from the interaction between structural change and political struggle.[775] Berman's submission was expanded by a respondend, Bwire, in this context: almost immediately after that, Jomo Kenyatta began to target individuals who did not agree with him in an effort to intimidate and frustrate them. Beginning in 1963, he and James Gichuru, along with a number of other leaders, were transformed into black Europeans who represented Western hegemony in the country. When these leaders failed to remember the requirements of the dispossessed people whom they had previously represented, they became irrelevant. In a nutshell, the African leadership in Kenya was ruthless in its defence of Western modernity in Kenya after the country gained its independence.[776] According to him, this was accomplished through the implementation of imperial administrative, social, and economic policies.

[774]Ibid., p.74.
[775]Sheldon Berman, "Educating for social responsibility." *Educational leadership* (1990): p.75.
[776]Muga Bwire, O. I in Munongo, 28/10/2023.

Kisiang'ani makes the observation that the sudden transformation of the new African leadership into instruments of Western hegemonic leadership in Kenya resulted in the creation of significant leadership gap among the ranks of the subalterns who were dispossessed.[777] Kisiangani further opines that, in order to fill this void, a group of leaders who had been involved in the independence movement but whose viewpoints could not be accommodated under the Kenyatta state started organising the oppressed peoples of Kenya into a new form of subaltern resistance against Western hegemony. Along with Oginga Odinga, Bildad Kaggia and J.M. Kariuki, the emerging resistance movement also absorbed the scholars and artists who became the voices of subalternism in the new nation-state. This was in addition to the fact that it embraced these individuals. Kisiangani maintains that, at the middle of 1965, Kenyatta made an effort to put an end to ideological debates by demanding that parliament reach a consensus on a single policy document.

The tenth sessional paper was titled *"African Socialism and its Application to Planning in Kenya,"* and it was presented here. Kisiangani further holds that, the paper was rejected by the Odinga and Kaggia group, which stated that it did not have sufficient socialist elements, and Kenyatta started attacking Odinga for having foreign masters and influence.[778] Odinga's position as Vice President of the party was eliminated at the subsequent Party Conference, and seven Vice Presidents were appointed to take his place according to Atieno Odhiambo's research from 1996.

In Sessional Paper No. 10 of 1965, 79, the government of the KANU presented an outline of its political and economic philosophies, which included a rejection of

[777]Edward N. Kisiang'ani, (2003). *Op. Cit.*, p.81.
[778]Ibid., p.82.

socialism and capitalism.[779] The politics of the 1960 was volatile. In the words of Walter Ochieng:

> During the middle of the 1960s, the politics that took place within the party culminated in the exclusion of Odinga at the Limuru KANU Conference, which ultimately resulted in the establishment of the Kenya Peoples Union (KPU). Not only did the politics of the Kenyatta era, which lasted from 1966 to 1969, flow along cleavages of ideological difference, but they also flowed elsewhere. As the Kenyatta cult expanded, they also became more ethnically diverse. The Kikuyu people of Kiambu made a solemn vow that the presidency would not travel across the Chania River. Odinga received support from the Luo people after Tom Mboya was murdered.[780]

Based on the foregoing observations, Aseka, posits that the politics of identity and ethnicity began to take hold once Europeans were no longer a factor in the situation. As time went on, the Kenyatta state evolved into a state system that was mired in ideological conflict.[781] He went a head and explained:

> His leadership relied on the centralist and corporatist colonial tradition, as well as other authoritarian techniques, in order to maintain control over the state. As a result, the policy logic of the colonial administration was reproduced. The logic simply led to the formation of organisations that dominated their respective fields, with some of them operating independently and others relied on formal control structures. Kenyatta was elevated to a position of authority within this political framework, which resulted in a provision that undermined the accountability of the office of the President.[782]

According to Kimenyi and Mbaku, his competitors were not on an equal footing, and as a result, they were vulnerable. In fact, they were neutralised politically after his election.[783] Kenyatta moved away from the agitation politics of the colonial era and became preoccupied with integrative politics, which was almost a complete reversal

[779]Odhiambo, ES Atieno. "The Usages of the past: African historiographies since independence." *African Research and Documentation* 96 (2004): 3-61, p.51.
[780]Walter Ochieng, O. I in Angurai, 2/11/2023.
[781]Eric Masinde Aseka,. *Transformational leadership in East Africa*. Centre for basic research, 2005., p.67.
[782]Walter Ochieng, O. I in Angurai, 2/11/2023.
[783]Mwangi S. Kimenyi and John Mukum Mbaku. "Rents, military elites, and political democracy." *European Journal of Political Economy* 11, no. 4 (1996): 699-708., p.703.

of his previous political approach. At the same time that he was working to ensure that members of his group were able to amass wealth, he was also working to bring together people of different cultural, ethnic, and economic backgrounds under the banner of nation building. Because of this, the state institutions in Kenya that were established by Kenyatta became fragile, and as a result, they lacked the effectiveness and legitimacy necessary to mediate the conflict between competing groups in an impartial manner.

As a result, the state became detached from society and distanced itself from it. Furthermore, it was unable to structure the relationships between social interests or act as a mediator between these interests and itself.[784] In other words,

> The government of Kenyatta was responsible for the dissemination of a wide variety of policy guidelines that looked extremely ambitious. It was a capitalist strategy that was encased in a socialist package that attempted to summarise the fundamental tenets of the ideology. These tenets included the promotion of political democracy, the cultivation of mutual social and political responsibility, universal freedom from poverty, the elimination of disease and exploitation, the provision of equal opportunities for advancement and the realisation of high growth per capita incomes, and the establishment of a system of progressive taxation needs.[785]

Thus, according to Walter Ochieng the government emphasised the importance of keeping a mixed economy and private enterprise in functioning order. However, this bred repucursion according to Fredrick Ong'ayo that:

> In the meantime, several individuals became millionaires at the border between Kenya and Uganda as a result of coffee smuggling. It was referred to as "black Gold," and during the years 1974 and 1977, trucks that were overloaded with a large number of bags of illegally obtained coffee were transported through the narrow streets of Chepkube market while concealing their presence with a layer of obscurity. The coffee markets would typically open between the hours of twelve

[784]Donald Rothchild, "Ethnic bargaining and state breakdown in Africa." *Nationalism and ethnic Politics* 1, no. 1 (1995): 54-72., p.59.
[785]Walter Ochieng, O. I in Angurai, 2/11/2023.

> o'clock in the afternoon and eighty-one in the morning. Before dawn, it had been completed. An additional category of millionaires emerged in Kenya at the same time that the illegal exchange was exploding. It was a sigh of relief.[786]

According to the archival data, this situation was lent credence by the fact that, Smugglers, who were a group consisting of senior legislators, directors, and brokers, were all drawn together by the excitement of printing money. The government of Kenya decided to pursue a strategy of monetary development that is contingent on an assurance that it will maintain its existing ties with major industrial countries in the West, particularly Britain. Development of the economy was prioritised over reorganisation as the primary focus of attention.[787]

In line with these sentiments, it emerged that, a fundamental political dynamic was brought about by the indigenous bourgeoisie, which exerted a significant amount of influence. Moreover, in July of 1977, after Archbishop Janani Luwum had been put to death and all of the Americans who were living in Uganda had gathered together, Jimmy Carter, the President of the United States, forced an exchange ban on Uganda's annual coffee exchange with the United States, which was worth $250 million. It gave the impression that Kenya was the market for Uganda's coffee goods.

Uganda's difficulties were taken advantage of by Kenya's sophisticated world class and brokers firms. As a result of President Kenyatta's personal refusal to tax the earnings of smallholder coffee makers during the blast time frame, the new coffee millionaires were not subject to taxation. Instead, the bonus was given to the farmers. In his statement, the President of Kenya stated that the country is currently undergoing a period of transition that was initiated by the attainment of independence. From a subsistence economy to a money-based economy, from a monetary

[786]Fredrick Ong'ayo, O. I in Chebukube, 21/10/2023.
[787]KNA, RN/1/88.

dependence on agriculture to a more adjusted development based on the advancement of natural assets to assist the people of Kenya, we are currently in the process of transitioning.[788]In this context therefore,

> It is not possible to easily achieve the necessary advancement, and it is not possible to achieve it by going back to the conditions that existed before colonisation. For the purpose of achieving social equity, human poise, and financial government assistance for all, the best of Kenya's African social legacy and frontier financial heritage needs to be redesigned and assembled for a coordinated, deliberately arranged assault on neediness, sickness, and the absence of education.[789]

From the position of sessional paper No. 10, Aseka writes that; Kenyatta's administration was responsible for a number of constitutional amendments that ultimately resulted in the presidency being strengthened to an alarming degree, which further alienated him from the people. In violation of the provisions of immunity that are in place within the legislature, Jean Marie Seroney and Joseph Martin Shikuku were taken into custody within the premises of the legislature. They were taken into custody because they had made objectionable remarks about KANU while they were in the parliament.[790]

Kenyatta regime, according to Raila Odinga, has maintained or revived draconian colonial laws and has resorted to highly authoritarian measures in order to silence and stifle all democratic dissent and opposition. He resorted to the excessive use of detention without trial and to changing and tampering with the constitution in order to protect his own personal interests rather than the interests of the nation.[791]

Therefore, this study makes a conclusion in line with what Fanon once explained, when a native is confronted with the colonial order of things, he finds himself in a

[788]Kevin Wesonga, O. I in Amairo, 5/11/2023.
[789]Sessional Paper number 10,1965.
[790]Eric Masinde Aseka, (2005). *Op. Cit.,* p.44
[791]Rachel Keen, "Representation of objects and events: Why do infants look so smart and toddlers look so dumb?." *Current Directions in Psychological Science* 12, no. 3 (2003): 79-83., p.81.

state of permanent tension.[792] This is because the colonial order of things continues to exist. In the case of Kenyatta and the Kikuyu society that he leads, the reason for the emergence of such tension is very clear. Colonial enterprise among the Kikuyu and other colonised communities of the country, with its diverse social, political, and economic institutions, was a force that was disruptive rather than one that was positively creative.

The Kenyatta had carved out for himself an image that was far beyond that of an ordinary human being by the time his legacy in the leadership of Kenya came to an end in 1978. This was due to the fact that his character was rich in ambiguity and complexities. In spite of the fact that he was a leader who displayed intriguing patterns of social discourse and a configuration of character, he disregarded the fundamental principles of constitutionalism and left behind a dictatorial state in which ethnic particularism posed the greatest obstacle to the process of national integration.[793]

Max Weber's bureaucratic theory and interpretivism philosophy provide insights into the evolution of informal cross-border trade during the Kenyatta era. As Kenya gained independence in 1963, Kenyatta aimed to reorganize power to address colonial disparities, promising equal opportunities and social services. However, political dynamics emerged, leading to ideological conflicts and the suppression of dissenting voices, such as Oginga Odinga's. Kenyatta's administration emphasized economic development, but wealth disparities and authoritarian measures fueled tensions. The regime's reliance on colonial-era laws and authoritarian tactics stifled democratic opposition. Ultimately, Kenyatta's leadership left a legacy of ambiguity, with ethnic

[792]Frantz, Fanon (1980). *Op. Cit.,* p.87.
[793]Avci, Aylin. "Regionalism as a Failure of National Integration: A Case Study of Italy." PhD Dissertation, Bilkent Universitesi (Turkey), 1998.

divisions hindering national integration, echoing Weber's views on power, authority, and social order.

3.2.10.2 The Rise of Informal Cross-Border Trade in Kenya: The Moi State, 1978– 2002

According to Njiro, Daniel Toroitich arap Moi was given the responsibility of inheriting a political structure that was based on strengthened provincial administrative practices.[794] These practices had been implemented by Kenyatta in an effort to defeat and bury the concept of "Majimbo" which is related to regionalism. Moi was going to make the statement that the challenge of nation-building could be accomplished more easily if every Kenyan understood that they each had specific role to play in solving the problem. He stated that it was impossible everrone to simultaneously hold the position of Member of Parliament. However, this did not imply that individuals who were not participating in the legislative process were unable to make a direct and significant contribution to the growth of the nation.[795]

The construction of Moi's Nyayo state started as soon as Kenyatta was laid to rest, which followed immediately after. By demonstrating his allegiance to the Kenyatta government, Moi attempted to establish the legitimacy of his succession to the position of Kenyatta. This declaration of loyalty was the source of the significance of the word *Nyayo,* which literally translates to "footsteps," and it eventually became the emblematic term for Moi's regime.[796] *Nitawatumikia Kikamilifu,* which translates to "I will serve you without reservation," was Moi's promise to the Kenyan people, and he reassured his anxious fellow Kenyans that he would follow in the footsteps of his predecessor to serve them without reservation.

[794]Njiru, Roseanne. "Outsiders in their own nation: Electoral violence and politics of 'internal'displacement in Kenya." *Current Sociology* 66, no. 2 (2018): 226-240, p.228.
[795]Stephen M. Njiro, "Kenya; Politics and government; 1978-; Presidents; Biography; Moi, Daniel Arap." (1980), p.80.
[796]Ibid., p.82.

When he released Kenyatta's political detainees and pleaded for national reconciliation, he further endeared himself to the people of Kenya. Journalists started discussing new politics in Kenya, and even a new era of relatively free political discussion and political tolerance.[797] Agreeing with Khapoya, Dennis Edukit claimed that:

> It was Moi's intention to transform Nyayo into a philosophical concept and political practice that embodied the virtues of love, peace and unity as fundamental components. In spite of these admirable goals, the populism of this so-called philosophy led its adherents to obstruct the rights of other individuals to freedom of association and assembly, as well as the right to have their opinions freely expressed. Moreover, it led its architects to engage in manipulative behaviour and to demonise those who opposed them.[798]

When Moi was in power in 1990, the rhetoric of the KANU party suggested that African traditions were particularly well-suited to a one-party democracy environment. One of the traditions that were mentioned was the practice of making decisions through consensus rather than through competition.[799]

The fact that Moi was famous did not change the fact that he was not strong enough to even consider consolidating his power. Mwai Kibaki, the Vice President of Kenya, made the following statement for the sake of the new President: "There is no space for socialists in Kenya." Moi's administration had been a significant focus on anticommunism from the very beginning of its tenure.[800] On August 1, 1982, lower-level Air Force personnel, led by Senior Private Grade I Hezekiah Ochuka and supported by college understudies, attempted to overthrow and remove Moi from his position.

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[797]Vincent B. Khapoya, "Kenya under Moi: Continuity or change?." *Africa Today* 27, no. 1 (1980): 17-32., p.21.
[798]Dennis Edukit, O. I in Omeri, 4/11/2023.
[799]Daily Nation, December 4, 1992.
[800]Wurfel, David. "Doi Moi in comparative perspective." In *Reinventing Vietnamese Socialism*, pp. 19-52. Routledge, 2019, p.20.

After receiving instructions from Chief of General Staff Mahamoud Mohamed, the military and police powers immediately put an end to the putsch from the beginning. Since then, until the present day, it appears that the efforts of two independent groups to maintain their power have contributed to the dissatisfaction of both groups, with one group completing its endeavour somewhat earlier than the other two groups.

According to Ndege, the economic hopelessness that people had experienced under the previous regime was now taking a turn for worse and becoming more difficult to deal with. Moi took advantage of the opportunity to strengthen his power and gain political allies by accepting the open door.[801] This was done,

> Through a protracted legal investigation that resulted in the identification of key Kenyatta men as dishonest, he was able to lessen the influence that Kenyatta's men had within the bureau. Not before they had established themselves as con artists in the eyes of the general public, Moi absolved them of any responsibility. The individuals who were responsible for the overthrow, including Ochuka, were found guilty and sentenced to death, which marked the conclusion of the legal executions in Kenya. As part of his efforts to establish a de jure single-party state, he appointed allies to key positions and altered the constitution.[802]

In spite of this, the country had been functioning as a one-party state sufficiently since 1969.

According to Kihoro, the revisions were sufficient in that they provided Moi with complete political power over the nation. This was not acknowledged by Kenya's scholars and other individuals and as a result, the country's colleges and universities became the starting point for movements that attempted to present changes to the majority rule.[803] On the other hand, Kenyan secret police were able to infiltrate these

[801]Peter Odhiambo Ndege, "Struggles for the market: The political economy of commodity production and trade in Western Kenya, 1929-1939." (1995): 1359-1359., p.1359.
[802]Sospeter Barasa, O. I in Alomodoe, 5/11/2023.
[803]Wanyiri Kihoro, *Politics and Parliamentarians in Kenya, 1944-2007*. Centre for Multiparty Democracy--Kenya, 2007., p.62.

gatherings and a large number of individuals removed themselves from the area. Despite the claim that communism was being taught in colleges and universities,

> At this point in time, communism could not possible be taught in Kenyan educational institutions. Mwakenya and Pambana are two examples of underground developments that were conceived of. During the middle of the 1980s, Mwakenya and Pambana were two underground organisations that caused the Nyayo regime to experience significant amount of national headache. Mwakenya was an uncompromisingly heretical movement that was made illegal by the state because it violated the social conventions of civility that were prevalent during that time period.[804]

The social movements were responsible for publishing seditious material regarding the Nyayo state. The regime of Moi was, at this time, dealing with a deteriorating economy as a result of rising oil prices and falling prices for crops and other agricultural products.[805] While this was going on; the West was not managing Kenya in the same way that it had in the past, when it was considered to be an important territorial station to protect itself from socialist influences coming from Ethiopia and Tanzania.

Around that time, Kenya had received a great deal of unfamiliar guidance and the nation was recognised as being represented by Moi as an authentic pioneer and as being firmly in control. Western partners intentionally disregarded the expanding level of political suppression, including the utilisation of torment at the scandalous Nyayo House dungeons. In the long run, it was not until 2003, after Mwai Kibaki had been elected President, that a portion of the evidence of these dungeons was discovered.[806]

In responding and affirming the preceding discussion that the research obtained from the archival materials, a respondent informed this study that:

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[804]KNA: KY/3/6.

[805]Ebashi, Masahiko. "The economic take-off." In *Vietnam joins the world*, pp. 37-65. Routledge, 2016, p.40.

[806]KNA: KY/3/6.

> After the failed coup attempt, we were actually put through a period of hardship known as "*Enjala ya Moi*" (Moi's hunger period) in the early 1980s. I had just given birth, and the only white maize that could be used to make flour consisted of yellow corn that had been brought in as a form of assistance from the West. We, the Basamia, were fortunate enough to be able to trade our cotton for maize that was originated from the Basamia in Uganda. The informal trade across borders was at its height during that time period because we needed to make sure that our children and young people had access to nutritious food in order to survive.[807]

As a matter of fact, another speculation emerged among Western policymakers following the conclusion of the Cold War, and as Moi gradually became perceived as an autocrat. The unfamiliar guide was kept in place in order to maintain consistency with the changes in the political and economic climate.[808] The one-party state was now being challenged and the west put conditions for assisting Kenya financially. Accordingly,

> The reconstruction of a multi-party framework was one of the most important conditions that was imposed on his system. This condition was imposed in particular by the United States of America through the fiery representative Smith Hempstone. At the KANU meeting that took place in Kasarani in December 1991, Moi was able to figure out how to accomplish this despite the fierce opposition that was presented to him. He did this without any assistance from anyone else.[809]

This was a temporary political reprieve for Moi. He went ahead to win elections held in 1992 and 1997, but both of those elections were marred by political brutality on both sides. Moi skilfully abused Kenya's blend of ethnic strains in these challenges, particularly more modest clans' consistently present dread of mastery by the bigger clans. In the absence of a successful and well-coordinated resistance, Moi enjoyed no difficulty in achieving victory.

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[807]Miriam Namuwaya, O. I in Kakinei, 3/12/2023.
[808]Ibid
[809]KNA KY/3/6.

As per Kohoro, it emanated that, a partitioned resistance was the means by which he was able to achieve victory in both of the decisions.[810] This is despite the fact that it is also presumed that 88 constituents may have been subjected to extortion. Through a series of constitutional amendments, Moi transformed the authoritarian Kenyatta state into an autocratic regime that was characterised by detentions and severe press censorship. This resulted in the sowing of seeds of discord and political instability, which was exacerbated by Moi's actions. Kenyatta's ruling elite amassed wealth, particularly land, through state clientelism, in which state resources, government jobs, and contracts were given to a growing Kikuyu bourgeoisie and technocracy. Moi's ruling elite, on the other hand, resorted to outright plundering of state resources.

The 'Nyayo' State's inability to communicate social administrations and its political constraint were the root causes of the dissatisfaction that people felt towards the state. As a result of the union of the Nyayo authority, the space for common activism was reduced, political constraint was expanded, which flanked oppression, well-known cooperation in the political cycle was stifled, and debasement continued to be strengthened.[811] Kanyinga makes the observation that the reshaping and revival of KANU aimed to serve Moi's objectives and recover ground that the party had lost.[812] This was done in order to strengthen the Nyayo hegemony, which was strengthened by a deepening system of authoritarianism and statisization. According to the Sunday Standard on March 11, 2001, politics was responsible for the conflicts that occurred in Kenya in the name of culture at the senior leadership level.[813]

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[810]Wanyiri Kihoro, *Politics and Parliamentarians in Kenya, 1944-2007*. Centre for Multiparty Democracy--Kenya, 2007., p.49.
[811]Karuti Kanyinga, "Contestation over political space: The state and demobilisation of party politics in Kenya." (1998)., p.81.
[812]KNA RN/6/21.
[813]Sunday Standard on March 11, 2001

Based on the foregoing discovery, therefore, it is possible that the ethnic question in Kenya could be resolved if a proper presidential leadership approach that was genuinely integrated endeavoured to do so. Furthermore, Kenyatta, on the other hand, frequently invoked Kikuyu symbolism while addressing the nation in his native Kikuyu language, which was a political mistake. Kenyatta attempted to *Kikuyunize* Kenya, while Moi followed in his footsteps in an effort to *Kalenjinize* the country. Nyerere, on the other hand, was working towards deethnicizing Tanzania. To ensure the success of Moi's *Kalenjinization*, it was necessary for him to first *dekikuyunize* the Kenyan state that he had inherited.

Both Moi and his allies, particularly his ethnic communities men, had acquired thousands of acres of land across the country by the year 1987.[814] Some of this land was designated for public utilities, such as forests, parks, and other social amenities. As a result of their association with the President, certain Kalenjin personalities, such as the late Nicholas Biwott, Henry Kosgey, and Joshua Kulei, who had been living in poverty in 1978, were already extremely wealthy.[815]

According to Ahluwalia, the situation remained critical for the majority of people, including those who were impoverished and those who lived in urban and rural areas.[816] Since things have turned out to be survival for the fittest, an observer makes the observation that a typical man no longer sits down and worries about his misfortunes. According to Nelson, he observed that:

> If you are given the opportunity to steal, you should take advantage of it as long as you are not caught. A man should do everything in his power to ensure that he has enough food to eat. People are able to make ends meet and even develop

[814]E. N. Kisiang'ani, (2003). *Op. Cit.*, p.92.
[815]Ibid.
[816]Ahluwalia, Montek S. "Inequality, poverty and development." *Journal of development economics* 3, no. 4 (1976): 307-342, p.310.

> the border towns as a result of the flouring informal businesses that are located at the border.[817]

The authors Kimenyi and Mbaku make the observation that the obstacles to economic reform in Kenya can be traced back to the presence of statism. Majority of the outcomes that had been produced by the state's control of majority of economic activities had become obstacles to development.[818] It emerged, therefore, to the study from the duo discussion that, the bureaucrats were given the opportunity to manipulate distributional outcomes that benefited themselves, their families, and their supporters, which was a counterproductive practice.

Statism, in which a significant amount of resources were put under the control of bureaucrats, had been counterproductive. The two individuals emphasised that Africa was plagued by political and bureaucratic corruption, as well as economic policies that were averse to the continent's needs and excessive government regulation of economic behaviours. Reform needs to be implemented in order to create an environment that is conducive to both economic and human development within the country.

On the other hand, many of nations are confronted with significant challenges that they must surmount before they can successfully implement the reforms that are necessary to make their political and economic systems accessible to all relevant population groups.[819] Towards the beginning of the 1980s, it had become increasingly apparent that the economy of Kenya required fundamental review and reform. This need was crystallised into the Sessional Paper No. 1 of 1986. This paper served to

[817]Nelson Isabirye, O. I in Manjanji, 5/12/2023.
[818]Mwangi S.,Kimenyi, and John Mukum Mbaku. "Rents, military elites, and political democracy." *European Journal of Political Economy* 11, no. 4 (1996): 699-708., p.703.
[819]KNA: KY/3/6.

establish the perspective of the country with regard to economic management and development.[820]

The reaffirmation of the effectiveness of market forces in the distribution of resources in production and consumption was the central tenet of this policy statement. One of the most important roles that the private sector played in the economic arena was highlighted by this. The role of the government was to be reduced and restricted to the provision of policy guidelines and public services that the private sector was unable to provide in an efficient manner. These services included education, transportation infrastructure, and public administration.

The policy statement that was issued in 1986 outlined the necessity of price decontrols, marketing, liberation, foreign trade liberalisation, reform of the financial and capital markets, reform of the civil service, and the beginning of cost-sharing programmes.[821] Aseka notes that in 1983, Anyang' Nyong'o, who had become a nominated Member of Parliament and is now a governor in Kisumu County, wrote from Mexico that Kenya is a country where resources (both natural and human) are wasted on a massive scale.[822] There are several people who possess a wide variety of skills but are not actively participating in the process of nation building. How come? Ethnicism, nepotism, and political arrogance are all factors that contribute to the inability of those in positions of political power to comprehend that the process of building a nation requires the mobilisation of its citizens. In order to mobilise people, it is necessary to listen to all of their ideas in a democratic manner.[823]

Max Weber's bureaucratic theory and interpretivism philosophy shed light on the Moi era's informal cross-border trade dynamics. Moi inherited a political structure focused

[820]Sessional Paper No. 1 of 1986, *On Economic Management for Renewed Growth*
[821]KNA RN/6/70.
[822]Aseka, Eric Masinde. "Historical roots of underdevelopment and environmental degradation in Africa."In *Transafrican Journal of History* (1993): 193-205, p.196.
[823]Weekly Review, July 8, 1983.

on centralized administration from Kenyatta, emphasizing national unity. His Nyayo regime sought legitimacy through allegiance to Kenyatta's legacy, promising reconciliation and espousing African traditions in governance. However, Moi's rule was marked by political suppression, economic decline, and corruption. The emergence of underground movements like Mwakenya challenged his authority, highlighting dissatisfaction. Economic reform attempts aimed to reduce bureaucratic control and promote market forces. Yet, corruption and political favoritism hindered progress, reflecting Weber's concerns about power, authority, and societal dysfunction.

3.2.10.3 The Rise of Informal Cross-Border Trade in Kenya: The Kibaki State, 2002– 2005

Mwai Kibaki, a financial expert and legislator, was given the green light to assume power in 2002.[824] Accordingly, this marked the beginning of his reign as the third leader of independent Kenya, putting an end to Daniel Arap Moi's rule that lasted for twenty-four years, and breaking the dominant hold that the Kenya African National Union had maintained over public governmental issues ever since Kenya gained its independence from Britain in 1963. In the same way that other countries in Africa South of Sahara have, unexpectedly, recently witnessed a handover of power through the voting station, the elections were hailed as a historic milestone, a "second freedom." This is similar to the situation that has occurred in other countries after independence. In any case, the re-visitation of multiparty majority rule government has not borne the fruits of its guarantee, and this is also the case in a manner that is comparable to that of these nations.[825]

[824]John Ariku, O. I in Mawuko, 7/12/2023.
[825]John Ariku, O. I in Mawuko, 7/12/2023.

As a result of administrative corruption was unmanageable, Macharia and Ekaya posits that, as anyone could possibly imagine, occupations were scarce, and twenty million of the nation's thirty million people continued to live below the poverty line of one dollar per day in East Africa's largest economy and elation became an attitude that offered an approach to dissatisfaction during the administration of President Kibaki.[826] This was in agreement with what Lilian Okiring had said:

> A crackdown on debasement, rapid financial development and the production of 500,000 positions, constitutional change, and free primary education for all were the four central vows that Kibaki vowed to fulfil as part of his mission. By providing these assurances, Kibaki was able to capitalise on the desire for change and, in elections that were, to a large extent, freed from brutality, he was able to triumph on a rush of rapture, gaining 62.2% of the vote.[827]

Due to an accident that occurred on the campaign field, Kibaki was unable to walk or use a wheelchair when he was inaugurated as president on December 30, 2002, three days after the election. *'Yote yawezekana bila Moi'* (Everything is possible without Moi) was the crusading motto of the National Alliance Rainbow Congress.

The atmosphere was joyful, clamorous, and full of confidence. It was only a week after Kibaki began his tenure as president that the new government made its most significant move, which was to initiate the Free Primary Education Policy. Moi had presented a nascent economy that was physically separated from the global network. Due to the pervasive corruption that exists in Kenya, the International Monetary Fund had, with the exception of a few months in the year 2000, ceased providing financial assistance to the country since 1997. Other multilateral and bilateral donors had also taken similar actions. According to the Kenya News Agency,

[826]P. N. Macharia and W. N. Ekaya. "The impact of rangeland condition and trend to the grazing resources of a semi-arid environment in Kenya." *Journal of Human Ecology* 17, no. 2 (2005): 143-147., p.145.
[827]Lilian Okiring, O. I in Lwakhakha, 7/10/2023.

> Kibaki's promise to turn around the economy included reestablishing financial specialist certainty and enabling the resumption of worldwide guide. This promise was personally connected to his vow to take corruption seriously.[828]

Kibaki's extreme stance on corruption and constitutional change was cited as the reason why international donors continued to give and lend money towards the end of the year 2003. The amount that was recovered is comparable to the amount of $198 million that was taken from the public coffers. Examinations led to the suspension of a number of appointed authorities and judges who were accused of receiving bribes and other offences related to the matter.[829]

According to Paul Wakhungu,

> Kibaki, who was selected on the basis of a command to eradicate corruption, bring about changes in the economy, and bring about constitutional reform, miraculously failed to bring about significant change despite the fact that he managed increased rates of economic development and an expansion of the space based on popularity. The failure and dissatisfaction of the Kenyan electorate, who in 2002 had such high expectations and desires of Kibaki, is the driving force behind the current widespread prevalence of corruption in high-ranking positions.[830]

In any case, Charles Onyango-Obbo, a Ugandan writer and editorial manager, argued for Open Democracy that "When the historical backdrop of Kenya is finally written in the years to come, Kibaki would most likely be made a point of reference with regards to the recent developments in the country."[831] A respondent, Wakhungu affirmed this stand by saying that:

> This statement was made in support of the argument that "when the historical backdrop of Kenya is finally written." It is possible that Kibaki would be considered to have played a positive role for Kenya if he were to be evaluated in light of

[828]KNA KY/3/6.
[829]Gray, Cynthia. "A study of state judicial discipline sanctions." (2016), p.90.
[830]Paul Wakhungu , O. I in Akitesa, 19/10/2023.
[831]Charles Onyango-Obbo

> practical desires, as opposed to the assurances of another sunrise that would proclaim a complete break with the past.[832]

In addition, the researcher notes that Kenya, along with the rest of East Africa, has traditions that are lengthy and cumbersome, which result in delays in the clearance of merchandise. According to Ugandan bureau of statistics,

> The majority of the time, these kinds of delays can last anywhere between thirty and forty days, which results in significant losses for the business owners involved. As a result of this, as well as the fact that sophisticated administrative requirements are frequently muddled or even obscure to traders, a great number of traders are compelled to engage in unrecorded exchange. Without a doubt, casual exchange is not completely illegal. On the other hand, the corruption that thrives at the border points focuses has ensured that illegal activities such as under-invoicing or misspecification of ports of starting point continue to take place. Additionally, it seems that there is a certain degree of resilience in the casual exchange exercises that are carried out by the public authority. Individuals with disabilities, for instance, are able to cross the border with a group of wheelchairs that are obviously loaded down with merchandise at the Busia border point.[833]

Leeman and Lesser, advanced that, according to estimates, the typical proportion of casual area exchange in Africa accounts for 43 percent of the country's official GDP.[834] Conclusively, this brings the area to a level that is almost identical to the correct area. As a result, its reality is a source of genuine arrangement problems, and nations are struggling to figure out how to deal with it. Whether the casual area ought to be smoothed out into the proper area or whether it ought to be encouraged to assume a correlative job is another aspect that is taken into consideration during the evaluation process.

Max Weber's bureaucratic theory and interpretivism philosophy offer insights into Kenya's informal cross-border trade during the Kibaki administration. Kibaki's

[832]Paul Wakhungu, O. I in Akitesa, 19/10/2023.
[833]Uganda Bureau of Statistics, 2008.
[834]Caroline Lesser and Evdokia Moisé-Leeman. *"Informal cross-border trade and trade facilitation reform in Sub-Saharan Africa."* (2009)., p.58.

election in 2002 marked a shift from Moi's era, promising anti-corruption measures and economic reforms.[835] However, despite initial optimism, challenges persisted, including administrative corruption and delays in trade clearance. Informal trade thrived due to bureaucratic hurdles and corruption at border points. The extent of informal trade posed significant challenges for economic planning and regulation. Scholars like Leeman and Lesser highlight the complexity of integrating informal sectors into formal economies, raising questions about how best to manage and regulate such activities.

3.3 Security Relations

Security relations between Kenya and Uganda have been characterized by complex interplay of cooperation, competition and occasional tensions since both nations gained independence in early 1960s. The oral interviews conducted an assessment of the security relations between Kenya and Uganda from 1962 to the time in which the study was conducted.

3.3.1 Independence and Early Relations (1960s)

As both nations emerged from the shadows of colonial rule, they embarked on a path of nation-building and sought to navigate the complexities of regional security.[836] A respondent interviewed by the study, Thomas Ouna, who was also a key informant, asserted that: the early 1960s witnessed the dawn of a new era, marked by optimism, solidarity, and a shared commitment to fostering peace and stability in the region. One of the defining features of security relations between Kenya and Uganda during this time was the recognition of their interdependence in safeguarding their sovereignty

[835]Amutabi, Maurice. "Beyond imperial presidency in Kenya: Interrogating the Kenyatta, Moi and Kibaki regimes and implications for democracy and development." *Kenya Studies Review* 1, no. 1 (2009): 55-84, p.57.
[836]Shanguhyia, Martin S. "Insecure borderlands, marginalization, and local perceptions of the state in Turkana, Kenya, circa 1920–2014." *Journal of Eastern African Studies* 15, no. 1 (2021): 85-107, p.91.

and territorial integrity. Mutual cooperation and collaboration were seen as imperative for addressing common security challenges and promoting regional stability.[837]

An illustrative example of this cooperation was the establishment of diplomatic ties between Kenya and Uganda. It thus emerged that, indeed, recognizing the importance of dialogue and engagement, both nations sought to build trust and foster mutual understanding through diplomatic channels. This laid the foundation for a framework of cooperation in matters of security.[838] Furthermore, Keya Erick posited that:

> Joint military exercises and intelligence sharing became hallmarks of Kenya-Uganda relations in the 1960s. These initiatives not only served to enhance the operational capabilities of their respective armed forces but also fostered a sense of camaraderie and solidarity in the face of potential security threats.[839]

Additionally, an interviewee from the border added his voice by positing that; the security relations between Kenya and Uganda during the 1960s were also characterized by a spirit of regional cooperation. Both nations recognized the importance of broader East African unity in promoting peace and stability. Initiatives such as the formation of the East African Community underscored their commitment to fostering economic integration and security cooperation across borders.[840]

However, the path to cooperation was not without its challenges. Ethnic tensions, political rivalries, and border disputes occasionally strained the security relations between Kenya and Uganda.[841] These internal dynamics underscored the complexities of nation-building and the delicate balance between asserting sovereignty and fostering regional cooperation.

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[837]Thomas Ouna, O. I in Osere City, 11/11/2023.
[838]Nolan, Janne, ed. *Global engagement: cooperation and security in the 21st century*. Brookings Institution Press, 2010, p.20.
[839]Erick Keya, O. I in Malaba, 7/11/2023.
[840]Kelvin Wangamati, O. I in Akiriamet, 11/11/2023.
[841]Kelvin Wangamati, O. I in Akiriamet, 11/11/2023.

The independence and early relations between Kenya and Uganda in the 1960s laid a solid foundation for future collaboration and partnership in matters of security. Despite the challenges and uncertainties of the time, both nations demonstrated a willingness to engage in dialogue, cooperate on common security interests, and contribute to the broader goal of promoting peace and stability in East Africa.[842]

Max Weber's bureaucratic theory and interpretivism philosophy shed light on Kenya and Uganda's security relations in the 1960s. Mutual cooperation and collaboration were pivotal for safeguarding sovereignty and addressing common security challenges. Diplomatic ties and dialogue exemplified their commitment to trust-building and understanding. Joint military exercises and intelligence sharing bolstered armed forces' capabilities and fostered solidarity. Despite occasional tensions and disputes, both nations prioritized regional unity through initiatives like the East African Community, emphasizing economic integration and security cooperation. These early efforts laid a robust foundation for future collaboration, reflecting Weber's emphasis on organizational structures and shared understanding in shaping inter-state relations.

3.3.2 Idi Amin Era (1970s)

Security relations between Kenya and Uganda were arguably the worst in the history of the two country's security relations. The security relations were between Idi Amin's military janta and Jomo Kenyatta's government. In a nutshell, the reign of Idi Amin in Uganda, from 1971 to 1979, was marked by series of events that profoundly shaped the security landscape of the region. Amin's regime was characterized by

[842]Powell, Kristina. *African Union's emerging peace and security regime: opportunities and challenges for delivering on the responsibility to protect*. Institute for Security Studies, Pretoria, ZA, 2005, p.11.

authoritarianism, human rights abuses, and aggressive foreign policies that had far-reaching implications for neighboring countries, particularly Kenya.[843]

In this case, one of the defining features of this period was the strain in diplomatic relations between Kenya and Uganda. Amin's unpredictable behavior and bellicose rhetoric created an atmosphere of mistrust and uncertainty, leading to heightened tensions between the two nations. Kenya found itself in a delicate position, balancing the imperative of maintaining regional stability with the need to protect its own interests and citizens.[844]

Moreover, the fallout from Amin's regime extended beyond the realm of diplomacy, manifesting in tangible security threats along the Kenya-Uganda border. According to John Okapel,

> Amin's support for militant groups and his provocative actions, including the annexation of Tanzanian territory, posed significant security challenges for Kenya. The influx of refugees fleeing persecution under Amin's rule further exacerbated the security situation, straining Kenya's resources and testing the resilience of its security apparatus.[845]

One illustrative example of the security implications of the Idi Amin era was the Entebbe hostage crisis of 1976. Focusing on this episode, Okapel remarked that:

> The hijacking of an Air France plane by Palestinian and German terrorists and its subsequent landing at Entebbe Airport in Uganda brought the security vulnerabilities of the region into sharp focus. Kenya played a crucial role in the multinational rescue operation, highlighting the shared security interests and cooperative efforts among East African nations in the face of external threats.[846]

Moreover, it emerged that, Amin's aggressive foreign policies and territorial ambitions raised concerns about broader implications for regional stability. Kenya,

[843]FGD of Business persons in Busia border– Uganda, on 5/1/2024.
[844]Ibid
[845]John Okapel, O. I in Kapesuru, 11/11/2023.
[846]John Okapel, O. I in Kapesuru, 11/11/2023.

along with other neighboring countries, closely monitored Amin's actions and sought to mitigate potential security risks through diplomatic channels and regional alliances.[847]

In conclusion, the Idi Amin era was a period of heightened insecurity and diplomatic tensions between Kenya and Uganda. Amin's authoritarian rule and aggressive foreign policies created significant challenges for regional security, testing the resilience of bilateral relations and highlighting the imperative of cooperation in addressing common threats. Despite the adversities of this period, Kenya and Uganda demonstrated resilience and solidarity in navigating the complexities of the Idi Amin era, laying the groundwork for future collaboration and partnership in the pursuit of peace and stability in East Africa.[848]

Max Weber's bureaucratic theory and interpretivism philosophy illuminate the security dynamics during the Idi Amin era. Amin's authoritarian rule and aggressive foreign policies strained diplomatic relations between Kenya and Uganda, reflecting Weber's emphasis on power dynamics within bureaucratic structures.[849] The influx of refugees and security threats along the border underscored the tangible consequences of Amin's regime, resonating with Weber's focus on institutional behavior and its impact on society. Kenya's role in the Entebbe hostage crisis exemplifies regional cooperation in the face of external threats, aligning with Weber's view of collective action to address security challenges. Despite tensions, the era laid the groundwork for future collaboration, echoing Weber's notion of societal resilience amidst adversity.

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[847]Otieno, Paul. "Developmental Diplomacy and Regional Integration in Africa; a Case Study of the East African Community." PhD Dissertation, University of Nairobi, 2018, p.92.

[848] Prince, Thomas. "Success Stories to re-cast Gulu Uganda: Confronting Narratives of Dependency and Inability through Ethnographic Collaboration in a post-conflict region." PhD Dissertation, Concordia University, 2014.

[849]Omondi, Harrison O. "The role of non-state actors in building democracy in Africa: a case study of kenya 1978-2016." PhD Dissertation, University of Nairobi, 2016, p.76.

3.3.4 Post-Amin Period (1980s-1990s)

As both nations sought to move beyond the tumultuous legacy of Amin's regime, they faced new challenges and opportunities that shaped their security dynamics in the 1980s and 1990s. The demise of the military dictator provided a sigh of relief for both Uganda and Kenya. Indeed, the overthrow of Idi Amin in 1979 marked a turning point in the security landscape of East Africa. With Amin's departure, Uganda embarked on a path of reconstruction and reconciliation under the leadership of President Milton Obote. This transition presented an opportunity for Kenya and Uganda to reevaluate their security relations and explore avenues for cooperation in a post-conflict environment.[850] Accordingly, Justus Mulanya,

> One of the key developments during this period was the reaffirmation of bilateral ties between Kenya and Uganda. Both nations recognized the importance of regional stability and cooperation in addressing common security threats and fostering economic development. As a result, they signed various agreements aimed at enhancing security collaboration, including joint patrols along their shared border and intelligence sharing initiatives.[851]

From the foregoing discussion, it emerged that, economic cooperation also played a significant role in strengthening security relations between Kenya and Uganda. Furthermore, trade agreements and infrastructure development projects promoted cross-border commerce and connectivity, creating economic interdependencies that contributed to greater stability and cooperation between the two nations. Additionally, initiatives such as the East African Community provided a platform for deeper integration and collaboration in security matters.[852]

[850]Justus Mulanya, O. I in Korisishiandet, 18/11/2023.
[851]Justus Mulanya, O. I in Korisishiandet, 18/11/2023.
[852]Pascal Omusa, O. I in Keng'ololo, 15/11/2023.

Moreover, the 1980s and 1990s saw Kenya and Uganda confronting common security challenges, such as the proliferation of armed insurgencies and cross-border crime. According to Boniface Otieno,

> Both nations cooperated closely in counterterrorism efforts, sharing intelligence and coordinating security operations to address emerging threats. For example, the Nairobi Agreement of 1985 facilitated joint efforts to combat the Lord's Resistance Army, a rebel group operating in northern Uganda and neighboring countries.[853]

Therefore despite these positive developments, the security relations between Kenya and Uganda were not without challenges. Border disputes, trade tensions, and occasional diplomatic frictions tested the resilience of their bilateral ties. However, both nations demonstrated a commitment to dialogue and diplomacy in resolving differences and maintaining constructive engagement.

The post-Idi Amin era witnessed a significant evolution in the security relations between Kenya and Uganda. From the ashes of conflict and instability emerged a renewed spirit of cooperation and collaboration, driven by shared interests and aspirations for regional peace and prosperity. While challenges persisted, the 1980s and 1990s laid the groundwork for deeper security integration and partnership between these two neighboring nations.[854]

Max Weber's bureaucratic theory and interpretivism philosophy shed light on the security dynamics in the post-Amin period. The transition from conflict to reconstruction under Milton Obote in Uganda reflects Weber's focus on institutional change and adaptation to new political realities. Bilateral agreements and economic cooperation between Kenya and Uganda illustrate Weber's emphasis on formal

[853]Bonface Otieno, O. I in Kawalun, 18/11/2023.

[854]Sengendo, Ahmad K. "Islamic university in Uganda: Its role in the socioeconomic development of East Africa's Muslim communities." In *Muslim Institutions of Higher Education in Postcolonial Africa*, pp. 121-133. New York: Palgrave Macmillan US, 2016.

structures and rational decision-making in addressing security challenges.[855] Joint efforts to combat insurgencies, such as the Lord's Resistance Army exemplify Weber's notion of collective action and coordination in response to common threats. Despite occasional tensions, the era underscores Weber's view of bureaucratic institutions as key actors in shaping security relations and fostering regional stability.

3.3.5 Security Relations Between Kenya and Uganda during Kenyatta, Moi, Kibaki and Uhuru Eras

During the presidency of Jomo Kenyatta from 1963 to 1978, the security relationship between Kenya and Uganda underwent significant shifts, reflecting a blend of cooperation and tension. Initially, bilateral ties between the two nations were marked by optimism and cooperation as both countries sought to promote regional stability and economic integration. Kenyatta's government prioritized fostering positive relations with neighboring states, including Uganda, in line with the principles of pan-Africanism and regional solidarity.[856]

However, tensions began to surface following the ascent of Ugandan President Idi Amin to power in 1971. Amin's aggressive policies and expansionist ambitions created unease in the region, straining relations between Kenya and Uganda. Kenyatta's administration found itself navigating a delicate diplomatic balance, seeking to maintain stability while responding to Amin's provocative actions. Despite efforts to engage constructively with the Ugandan government, suspicions and mistrust lingered between the two countries.[857]

[855]Kamau, Peter C. "Security or Development? The East African Community (EAC) Regional Integration Dilemma." PhD Dissertation, University of Nairobi, 2013.
[856]Chepkwony, Pauline. "The relevance of pan-africanism in shaping Kenya's foreign policy today." PhD Dissertation, University of Nairobi, 2013, p.102.
[857]Seguya, Neema. "Challenges in conflict resolution: case of the Juba Peace Talks in Uganda (2006–2008)." Master's dissertation, Universitetet i Tromsø, 2010, p.50.

The situation escalated in 1976 when Amin accused Kenya of supporting rebel factions seeking to overthrow his regime. These allegations led to deterioration of diplomatic ties and sporadic border skirmishes between Kenyan and Ugandan forces. Kenyatta faced pressure to respond decisively to Amin's provocations, but he opted for a policy of non-interference, avoiding direct confrontation while quietly supporting opposition groups opposed to Amin's rule.

Throughout Kenyatta's tenure, the security relationship between Kenya and Uganda was characterized by delicate balance between cooperation and cautious diplomacy. While efforts were made to maintain cordial relations and address shared security concerns, underlying tensions persisted, particularly in the face of Amin's destabilizing actions.[858] Kenyatta's pragmatic approach sought to safeguard Kenya's interests while navigating the complexities of regional politics, prioritizing stability and avoiding direct conflict.

Moreover, the security dynamics between Kenya and Uganda during Kenyatta's presidency reflected the broader geopolitical challenges facing East Africa during this period. Despite the challenges posed by Amin's regime, Kenya remained committed to regional cooperation and stability, recognizing the importance of maintaining constructive relations with its neighbors for the prosperity and security of the region as a whole.[859]

During Daniel Arap Moi's presidency from 1978 to 2002, security relations between Kenya and Uganda experienced significant fluctuations, influenced by regional conflicts and domestic instability. In the early years of Moi's rule, spanning from 1978 to the early 1980s, Kenya-Uganda relations remained strained due to lingering

[858]Motwani, Nishank. "Afghanistan and transnational war: Interlocking security dilemmas and strategic challenges." PhD Dissertation, UNSW Sydney, 2015, p.77.

[859] Achieng, Mary Gorrety Diana. "A Critical Re-Examination Of Kenya’s Approaches To Threats To Her Territorial Integrity." PhD Dissertation, University of Nairobi, 2019, p.78.

suspicions over Idi Amin's regime. Memories of Amin's aggressive policies and expansionist ambitions cast a shadow over bilateral ties, inhibiting efforts to foster trust and cooperation between the two nations.

However, the overthrow of Amin's regime in 1979, occurring at the cusp of Moi's presidency, presented a pivotal moment for Kenya-Uganda relations. With Amin's departure, there emerged an opportunity for reconciliation and the rebuilding of diplomatic ties between the two countries. Throughout the early 1980s, Moi's administration sought to engage constructively with Uganda's new leadership, signaling a shift towards a more positive trajectory in bilateral relations.

Efforts to enhance security cooperation between Kenya and Uganda were particularly notable during the late 1980s and early 1990s. Both countries recognized the importance of joint efforts in combating cross-border crime, including smuggling, human trafficking, and illicit arms trade. Cooperative initiatives were launched during this period to strengthen border security and improve intelligence sharing, aimed at addressing common security threats and promoting regional stability.[860]

Despite these efforts, occasional tensions arose between Kenya and Uganda, especially during the mid to late 1990s. Fallout from Uganda's involvement in conflicts in neighboring countries, such as the Democratic Republic of Congo, led to strains in bilateral relations. The late 1990s saw sporadic disagreements and misunderstandings between the two nations, highlighting the complexities of managing security relations in a volatile regional environment characterized by competing interests and geopolitical rivalries.

Nevertheless, the overall trajectory of Kenya-Uganda security relations during Moi's presidency was one of cautious engagement and occasional collaboration. Diplomatic

[860]Dewitt, David. "Common, comprehensive, and cooperative security." *The Pacific Review* 7, no. 1 (1994): 1-15, p.7.

channels remained open throughout the 1980s and 1990s, allowing for dialogue and cooperation on various security issues, even in the face of occasional disagreements.

Moi's pragmatic approach to regional diplomacy prioritized stability and security, seeking to minimize tensions and promote mutual understanding between Kenya and Uganda.[861] While challenges persisted, including the legacy of past conflicts and the complexities of regional geopolitics, Moi's administration remained committed to pursuing constructive engagement with Uganda and other neighboring states to advance shared security objectives.

Therefore, the security relations between Kenya and Uganda during Daniel Arap Moi's presidency were characterized by a mix of challenges and opportunities. Efforts to enhance cooperation in combating cross-border crime and promoting regional stability were tempered by occasional tensions and disagreements.[862] Nevertheless, the overall trajectory of Kenya-Uganda security relations reflected a commitment to pragmatic diplomacy aimed at advancing shared security interests in the East African region.

During the presidency of Mwai Kibaki from 2002 to 2013, security relations between Kenya and Uganda entered a new phase characterized by closer cooperation and shared security concerns. The emergence of terrorist threats from groups like Al-Shabaab in Somalia and the Lord's Resistance Army (LRA) in Uganda necessitated greater collaboration between the two countries.[863] Kibaki's administration worked closely with Ugandan authorities to address common security challenges, including counterterrorism efforts and regional peacekeeping initiatives.

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[861]Nolan, Janne, ed. *Global engagement: cooperation and security in the 21st century*. Brookings Institution Press, 2010, p.65.

[862]Schmitz, Hans Peter. "Transnational activism and political change in Kenya and Uganda." *Cambridge Studies in International Relations* 66 (1999): 39-77., p.42.

[863]Ibid., p.47.

Joint military exercises and intelligence-sharing mechanisms were established to enhance border security and combat transnational crime. Despite occasional differences on regional issues, such as the management of conflicts in Sudan and South Sudan, Kenya and Uganda deepened their security partnership under Kibaki's leadership, recognizing the importance of regional stability for their mutual prosperity.[864]

During the presidency of Uhuru Kenyatta from 2013 to 2022, security relations between Kenya and Uganda continued to evolve in response to changing regional dynamics and emerging threats. The proliferation of extremist groups in East Africa, particularly Al-Shabaab, posed significant security challenges for both countries, leading to intensified efforts to coordinate counterterrorism operations and enhance border security. Joint patrols and intelligence-sharing mechanisms were established to address common threats and disrupt terrorist networks operating in the region. Additionally, Kenya and Uganda collaborated on regional peacekeeping efforts, including deployments to conflict zones such as Somalia and South Sudan. Despite occasional tensions over issues like trade disputes and border security, the overall trajectory of security relations between Kenya and Uganda under Uhuru Kenyatta's presidency has been one of pragmatic cooperation and mutual support in addressing shared security challenges.[865]

3.3.6 Recent Developments (2000 – 2023)

As both nations navigated the challenges and opportunities of the 21st century, their security dynamics evolved in response to shifting geopolitical, economic, and social forces. The 2000s marked a crucial period in the global fight against terrorism, and

[864]Ibid., p.54.

[865]Nzau, Mumo, and Mohammed Guyo. "The Challenge of Securing Kenya: Past Experience, Present Challenges and Future Prospects." *The Journal of Social Encounters* 2, no. 1 (2018): 37-59, p.45.

Kenya and Uganda found themselves at the forefront of regional efforts to combat this common threat.[866] The East African region, including Kenya and Uganda, witnessed an upsurge in terrorist activities, most notably from groups like Al-Shabaab. In response, both nations intensified their cooperation on counterterrorism, sharing intelligence, conducting joint operations, and fortifying their borders to prevent the infiltration of extremist elements.

The most notable security issues that were fresh in the minds of the respondents were the attacks that were initiated by terror groups such as Al – Shabaab groups. Nehobe Andrew was of the opinion that:

> The 2010 Kampala bombings, orchestrated by Al-Shabaab, served as a stark reminder of the shared vulnerability faced by Kenya and Uganda. In the aftermath of this tragic event, the two nations deepened their collaboration, contributing troops to the African Union Mission in Somalia to counter the terrorist threat emanating from the unstable Horn of Africa region.[867]

It also emerged that, indeed, economic collaboration continued to be a pillar of Kenya-Uganda relations in the 2000s and beyond. Accordingly, the Standard Gauge Railway project, connecting the Kenyan port of Mombasa to Uganda's capital, Kampala, exemplifies the commitment to enhancing regional connectivity. This infrastructure initiative not only facilitated the movement of goods but also contributed to border security by streamlining trade processes and reducing logistical challenges.[868]

While the security relations between Kenya and Uganda strengthened in response to external threats, occasional tensions persisted, often rooted in border disputes and trade disagreements. However, both nations demonstrated a commitment to resolving

[866]Ibid., p.49.
[867]Andrew Nehobe, O. I in Kapoloko, 22/11/2023.
[868]Andrew Nehobe, O. I in Kapoloko, 22/11/2023.

these issues through dialogue and diplomatic channels. This was according to Wasike Titus, who posted that, “the Migingo Island dispute in Lake Victoria is a case in point, where the two nations engaged in diplomatic negotiations to address territorial concerns and maintain regional stability”.[869] Wasike Titus further remarked that:

> The recent years have seen Kenya and Uganda confronting not only traditional security challenges but also emerging threats in the realm of cybersecurity. As both nations increasingly rely on digital infrastructure, the need for collaborative efforts to address cyber threats has become evident. Joint initiatives in information-sharing and capacity building underscore recognition of the evolving nature of security in the contemporary era.[870]

In sum, the security relations between Kenya and Uganda in the 2000s and beyond reflect a nuanced interplay of cooperation, resilience, and adaptability. Shared challenges, from terrorism to border disputes, have fostered a spirit of collaboration, while economic integration and technological advancements present new opportunities for joint endeavors. As Kenya and Uganda navigate the complexities of the modern security landscape, their commitment to dialogue and cooperation remains vital for the ongoing stability and prosperity of the East African region.

3.4 Chapter Summary

The chapter offers a comprehensive overview of the intricate dynamics shaping the bilateral relationship between these East African nations. It delves into various aspects, including the history of economic integration, the rise of informal cross-border trade, ethnicity's challenge at the Kenya/Uganda border, classifications of unlawful cross-border trade, and security relations spanning different periods. Economic relations between Kenya and Uganda have evolved through different political regimes and economic eras. From the early years of independence under

[869]Titus Wasike, O. I in Okiporo, 24/11/2023.
[870]Titus Wasike, O. I in Okiporo, 24/11/2023.

leaders like Kabaka Mutesa II and Milton Obote to the tumultuous Idi Amin State and the subsequent periods, the chapter outlines the historical context of economic cooperation and challenges. The rise of informal cross-border trade, particularly during times of political instability, has significantly influenced economic interactions between the two countries.

Ethnicity also emerges as a significant factor affecting economic relations, with ethnic affiliations influencing administrative decisions and trade patterns. The advancement of unlawful cross-border trade further complicates the economic landscape, prompting the need for bureaucratic classifications and regulatory measures. In addition to economic relations, the chapter examines security dynamics between Kenya and Uganda over several decades. From the early years of independence to the Idi Amin era, the post-Amin period, and recent developments, security relations have been shaped by various political, social, and economic factors. Bureaucratic mechanisms and coordination between security agencies play a crucial role in addressing cross-border threats and maintaining stability in the region.

The chapter provides a wider understanding of the complex interplay between security and economic relations between Kenya and Uganda since 1962. By assessing historical trends, bureaucratic challenges, and security dynamics, policymakers can better navigate the challenges and opportunities facing bilateral cooperation and contribute to the long-term stability and prosperity of both nations. The next chapter examines diplomatic relations between Kenya and Uganda since 1962.

CHAPTER FOUR

DIPLOMATIC RELATIONS BETWEEN KENYA AND UGANDA SINCE 1962

4.1 Introduction

The chapter introduces a comprehensive examination of diplomatic relations between Kenya and Uganda since 1962, focusing on key areas such as the Uganda-Kenya international boundary and emerging conflicts on Lake Victoria. It delves into various diplomatic options employed to address these conflicts, including legal mechanisms such as the International Court of Justice, the African Court of Justice and Human Rights, and the East African Court of Justice. Additionally, the chapter explores economic diplomacy as a strategy for enhancing bilateral relations and managing transboundary disputes. It provides valuable insights into the evolving diplomatic relations between Kenya and Uganda. The chapter also discusses how track one and a half diplomacy to unravel the objective in question together with interpretivism philosophy by Max Weber. It then provides the chapter conclusion and finally gives the chapter summary.

4.2 The Kenya- Uganda International Boundary

When compared to the other cases in this study, the international boundary between Uganda and Kenya stands out due to the fact that it has undergone significant modifications ever since it was initially delimited.[871] A significant distance to the east of the current boundary, which runs northwards from the vicinity of Lake Naivasha in the south to cut through Lake Rudolf in the north, was the original eastern boundary of Uganda, which was comprised of what was known as the Buganda Kingdom at the

[871]Ibrahim, Talaat Ahmed. *International boundaries and inter-state relations in the Nile basin*. University of London, School of Oriental and African Studies (United Kingdom), 1984, p.76.

time.[872] This line was established in 1900 as a consequence of the agreement that was reached between the Kabaka of Buganda and the United Kingdom. Due to the fact that it followed the eastern wall of the Rift Valley, it is evident that topographical details played a significant role in determining the alignment of this boundary. According to Ingham and Barber, the United Kingdom was unable to make a decision, was hesitant, and generally hesitant when it came to establishing firm boundaries in this region of Africa.[873]

According to Brownlie, the merger of the Uganda Protectorate and the British East Africa Protectorate was initially considered to be a distinct possibility.[874] This meant that the boundary between the two protectorates, which was referred to as a "1 frontier" in official documents, was considered to be a matter of administrative policy, rather than a matter of truly critical importance. Despite this, according to Ominde,

> The British East Africa Protectorate was expanded westwards in 1902, which resulted in a significant portion of Uganda being lost to its neighbour to the east. The desire, particularly on the part of the British East Africa Company, to access the markets and resources of the populous shores of Lake Victoria as well as the Kingdom of Buganda was reflected in the fact that the East Africa Protectorate now had a substantial frontage on to Lake Victoria and the port facilities of Kisumu. This westward shift also provided Kenya with the fertile highlands of the Nakuru-Naivasha area and the west rift highlands, both of which were to become extremely significant in the agricultural developments that followed.[875]

From Mount Elgon, the new boundary at that time roughly followed the River Turkwell all the way down to Lake Rudolf. However, the boundary that runs southwards from Mount Elgon has not changed since that date (1902).[876] According to Erick Opaye,

[872]Ibid., p.78.
[873]Kenneth Ingham, *The making of modern Uganda*. Routledge, 2023., p.67.
[874]Ian Brownlie, "African boundaries: a legal and diplomatic encyclopaedia." *(No Title)* (1979), p.81.
[875]Simeon Hongo Ominde, "The Population of Kenya, Tanzania & Uganda." *(No Title)* (1975), p.91.
[876]Fuchs, Vivian Ernest. "The geological history of the Lake Rudolf basin, Kenya Colony." *Philosophical Transactions of the Royal Society of London. Series B, Biological Sciences* 229, no. 560 (1939): 219-274, p.220.

> Despite the fact that the primary objective of moving the international boundary in this direction was unquestionably to broaden commercial opportunities in the interior around Lake Victoria, the principle that guided the demarcation process on the ground was primarily to avoid cutting through homogenous ethnic groups and the lands that they inhabited. Consequently, it was decided that the East Africa Protectorate should encompass all of the Kavirondo people.[877]

According to Opaye, this general principle was only rejected in situations where it was determined that such a criterion would be impossible to implement, such as on Mount Elgon and on the islands of Berkley Bay (which are located in Uganda and became home to the Kavirondo people).[878] It emerged that, aside from very minor adjustment that took place in the Mount Elgon region in 1910, there was no further change in the boundary until 1926. At that time, what was left of Uganda's Rudolf Province was transferred to Kenya, despite the fact that the administration had actually been transferred in practice some years earlier, in 1919.

In line with this disclosure, Amos Wasike retorted:

> Administrative convenience was the stated reason for this change, which not only gave Kenya access to the whole western shore of Lake Rudolf, but also give it direct access to Sudan, once again, it is important for our purposes to note that this new 1926 boundary with Uganda was quite explicitly drawn with careful reference to ethnic distributions - according to Brownlie this is a 'ethnic boundary' - leaving the Turkana and Suk (Pokot) within Kenya and leaving the Karamojong in Uganda. The boundary that exists today is, with only a few minor modifications, the boundary that existed in 1926. To provide a more in-depth explanation, it starts in the south at the tripoint in Lake Victoria, which is located at a latitude of one degree south.[879]

The path continues in a northerly direction until it reaches the westernmost areas of the Pyramid and Ilemba islands, as well as Kiringiti Island and Mageta Island.[880] The

[877]Erick Opaye, O. I in Mulwanda, 9/10/2023.
[878]Erick Opaye, O. I in Mulwanda, 9/10/2023.
[879]Amos Wasike, O. I in Chako, 13/10/2023.
[880]Jayewardene, Hiran W. "Islands in International Lakes." In *The Regime of Islands in International Law*, pp. 237-258. Brill Nijhoff, 1990, p.239.

boundary extends in a straight line from this point to Sumba Island, which is located in the northwest, and then continues in a straight line to the north-east until it reaches the centre of the mouth of the River Sio. To the point where it meets the Sango River, the first land section of the boundary follows the centre of the River Sio upstream until it reaches its confluence.[881]

According to Wakhungu Paul, the boundary continues to extend in a north-eastern direction, generally following the centres of this river (Sango) and the River Lwakalca as it makes its way towards the highest point of Mount Elgon. However, there are a few short stretches that involve straight lines and an intersection of a road and a river. From the highest point of Mount Elgon, the boundary extends in a straight line to the north-east until it reaches a point where the more north-westerly of the two streams that combine to form the River Turkwell (River Suam) emerges from the crater of Mount Elgon. This river's trajectory is now followed downstream until it reaches its confluence with the River Bukwa (Kibukwa), which is located further downstream. From there, the boundary swings in a north-northwest direction, being defined successively by streams, rivers, rocky ridges, hills, and the base of the Turkana Escarpment.

It finally reaches the tripoint with Sudan just to the north-east of Mount Zulia. It is common practice to provide a vague description of this entire boundary, and it was not initially accompanied by a map. There is still only a partial demarcation from it. Both of these concerns are brought up by the current boundary. In the same way that Amin in Uganda used the historical question of the Kagera salient as a justification for

[881]Atieno, Constansia M. "The Lake Victoria water hyacinth: its Implications for international environmental Conflicts (IECS) management and regional Relations in East Africa." PhD Dissertation, 1999, p.60.

his attack on Tanzania in 1978, he also complained about the transfers of land from Uganda to Kenya during the time that Kenya was under colonial rule.[882]

As was the case with Kagera, it was never interpreted by either side as a critical or even very significant issue. This is in contrast to the extremely poor relations that existed between Amin in Uganda and the leaders of Kenya and Tanzania for a variety of different reasons.[883] Furthermore, the Karasuk salient, which is the second issue of note, is of particular interest to our research because it once again refers to ethnic distributions and also includes the equally important consideration of water supply for a pastoral people who are nomadic or semi-nomadic. Beginning in 1932 and continuing until 1970, the mountainous Karasuk region of Kenya was governed by the Ugandan government.[884]

Moreover, according to Bonsnett and Dyson-Eudson, the names Suk and Pokot are used to refer to the people who live in this region, which spans approximately 1,800 metres.[885] Other groups, such as the Turkana, who live on the Kenyan side of the boundary, the Karamojong and the Suk are at odds with one another, which is the root cause of the problem. According to Pascal Omuse,

> The Karamojong and the Suk are both pastoral peoples, and the Karamojong felt that they had been pushed westwards out of their traditional dry-season grazing lands with their water holes in Karasuk by the Suk. This was especially true after the international boundary that was established in 1926 prevented them from accessing the Turkwell River. The Turkana have been exerting consistent pressure on the Suk, who have, in turn, responded to this pressure. Traditional territorial limits are considered to be flexible and prone to change according to ecological circumstances.[886]

[882]Paul Wakhungu, O. I in Akitesa, 19/10/2023.
[883]Zirker, Daniel G. "Tanzania and Uganda: Contrasting Similarities." *Forging Military Identity in Culturally Pluralistic Societies: Quasi-Ethnicity* (2015): 53-68., p.57.
[884]Ibid., p.64.
[885]Bonsnett and Dyson-Eudson, *International boundaries and inter-state relations in the Nile basin*. University of London, School of Oriental and African Studies (United Kingdom), 1984., p.77.
[886]Pascal Omuse, (52 Years), O. I in Buradi, 22/10/2023.

This is an excellent example of that common phenomenon that occurs in the states of the Nile Basin, where the concept of a rigid boundary between nomadic groups is known to be completely unknown.

Additionally, may be, it is possible that the theoretical buffer zones between groups of people that are not occupied will vanish in a short amount of time during times of stress, such as drought.[887] The almost forty years of the boundary change which gave administration of Karasuk to Uganda in 1932 (though no *de jure* alteration was made) was designed as a purely ad hoc measure to allow the Suk access to grazing and water in Karamoja, to bring - the border area under one administration, to control inter-ethnic raiding and to avoid the difficulty that had been found in recognising and administering the 1926 boundary.[888] It can be inferred that,

> In this case, it might appear at first glance that the boundary that was established in 1926 had caused and continued to cause conflict between groups whose traditional grazing lands had been cut through by an international boundary. This boundary needed to be changed in order to make an effort to reduce the amount of conflict that they were experiencing. In point of fact, the expedient that was implemented between 1932 and 1970 did not result in any improvement at all: inter-ethnic conflict continued, and the problems that were already present in the region were frequently made worse by drought and erosion caused by overgrazing and stock increases, particularly among the Karamojong.[889]

The Karamojong Security Committee identified three underlying causes of conflict in the region in its report from 1961.[890] None of these causes were primarily related to a boundary dispute: "To begin, there is the high prestige that comes with the ownership of a large number of cattle, as well as the glorification of the homicide that is associated with the acquisition of these cattle."

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[887]Ezra, Markos. "Demographic responses to environmental stress in the drought-and famine-prone areas of northern Ethiopia." *International Journal of Population Geography* 7, no. 4 (2001): 259-279, p.261.
[888]Ibid., p.265.
[889]Catherine Lumbasi, O. I in Busembe, 23/10/2023.
[890]Karamojong Security Committee

Another factor that contributes to the practice of cattle raiding is the fact that a man's social standing is elevated when he has a number of wives, and the bride-price for each of these wives is only paid in cows. Moreover, in the third place, as stated by the Karamoja Security Committee in 1961, "ancient disputes over grazing grounds and watering places demand the continuation of hostilities against traditional enemies and the seizure of their cattle."[891] With the introduction of the de facto boundary in 1932, there was some consideration given to the possibility of making the *de jure* boundary to coincide with the *de facto* boundary.[892]

However, there was no evidence to suggest that this would have resulted in any improvement in relations between the groups that were at odds with one another. Also, it was in 1970 that Karasuk was returned in its entirety to Kenya, thereby reaffirming the boundary that had been established in 1926. Both the Ugandan and Kenyan governments had come to the realisation that the only viable option is to grant permission to the dominant ethnic communities in the region to cross the international boundary in order to find water and pasture for their cattle.[893] At this point in time, it is generally acknowledged that the international boundary itself is not in any way responsible for the local and inter-ethnic rivalries and conflicts that occur in the region.

The study on the Uganda-Kenya international boundary employs a Track One and a Half diplomacy approach, blending official governmental representatives (Track One) with non-governmental experts and local stakeholders (Track Half). Interpretivism philosophy, drawing from Max Weber, delves into the historical, cultural, and topographical factors shaping boundary delineation. Oral testimonies underscore how

[891]Karamoja Security Committee in 1961,
[892]Castellino, Joshua. "Referencing Boundaries: Why the World Needs the World Court." *Wis. Int'l LJ* 33 (2015): 427.
[893]Ibid

ethnic dynamics and resource access influenced boundary shifts. This blend elucidates complexities beyond formal negotiations, revealing how historical grievances and ecological factors drive conflicts. By integrating governmental and grassroots perspectives, the study offers nuanced insights into boundary disputes, emphasizing the need for holistic approaches to resolve inter-ethnic rivalries and foster regional stability.

4.2.1 Emerging Conflicts on Lake Victoria

According to Okumu, the most important problem that pertains to Lake Victoria is the question of how the three countries that border the lake can manage it as a shared resource for the benefit of the region.[894] The dispute on the Lake has been largely over the management of the Nile Basin Initiative (NBI). According to Silvanus Luchera, over the course of the past five years, Uganda and her neighbours have been engaged in a contentious debate regarding the reason behind the 1.5-meter drop in the lake's water level that occurred between the years 2004 and 2006.

The decline has been attributed to climate change by Uganda, despite the fact that Tanzania and Kenya have blamed Uganda for precipitating the decline by excessively draining the lake for the purpose of producing hydroelectricity. Additionally, in July of 2008, Uganda was accused of entering into a covert agreement with Egypt to release additional water into the Nile in order to satisfy Egypt's growing demand for increased water. The Nile Basin Initiative is a negotiated agreement that seeks to forge closer cooperation between the riparian countries of Burundi, the Democratic Republic of the Congo, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Tanzania, and Uganda. This was regarded as a violation of the NBI by Uganda's neighbours.[895]

[894]Wafula Okumu, "Resources and border disputes in Eastern Africa." *Journal of Eastern African Studies* 4, no. 2 (2010): 279-297., p.286.
[895]Silvanus Luchera, O. I in Bulanda, 24/10/2023.

The above the construction of a parallel hydropower station in Uganda, the 200-megawatt Kiira plant, in 2000 coincided with the construction of an older 180-megawatt Nalubale (formerly Owen Falls) plant. This construction prompted Tanzania and Kenya to express their concerns.[896] Oral evidence has it that:

> As an illustration of the absence of regional arrangements regarding the distribution of trans-boundary natural resources (water and fish), the disputes that have arisen in Lake Victoria are a prime example. With several incidents that resulted in the harassment and arrest of fishermen accused of trespassing in the territorial waters of their neighbours, the exploitation of lake resources has become increasingly contentious since the year 2003. A number of these incidents have occurred. There is a recognised need to find a jointly managed solution for the lake's resources because the lake is a primary source of livelihood for many communities in all three countries. However, it is also acknowledged that defining and marking clear boundaries on the lake itself has the potential to present very real challenges.[897]

In November 2008, the ministers of fisheries from Kenya, Uganda, and Tanzania met and reached an agreement to demarcate the boundaries in Lake Victoria by using bright beacons. However, until the outbreak of hostilities over Migingo Island in 2009, there was very little progress made. The two neighbours were almost on the verge of war at that time.

There was an acknowledgement that, with the beginning of the ownership dispute over Migingo Island, the majority of observers immediately interpreted it as a competition for the Nile perch. It is neither the largest nor the most resourceful of the many islands that make up Lake Victoria; however, Migingo Island is situated in a region of the lake that is abundant in fish and serves as a significant source of income for several thousand Kenyan fishermen who come from communities in western Kenya that border Lake Victoria. The island is only half an acre in size and is filled

[896]Ibid

[897]FGD of Nyumba Kumi Persons at Chekube – Kenya, on 15th/1/2024.

with rocks that are devoid of any vegetation. The island has been utilised by these fishermen for the transportation and drying of the fish catch, and as a result, a thriving industrial fishing community has developed on this piece of land that is otherwise devoid of vegetation. Between the years 2003 and 2005, Uganda was able to increase its earnings from these exports by a factor of two.[898]

In addition, the quantity of tonnage that has been exported has increased by a factor of two in the past ten years, which has resulted in the lake being overfished and a significant decrease in the fish stocks.[899] The earnings from Uganda's fish export 60 decreased by $5.2 million (Shs 10,244 billion) to $112.2 million (Shs 221,034 billion) in 2008, compared to $117.4 million (Shs 231,278 billion) in the previous year.[900] The fact that this is significantly lower than the US $150 billion (Shs 300 billion) that the industry's exports reached in 2005 is indicative of a persistent downward trend.

The dispute over the location and ownership of Migingo has drawn attention to those questions that have already been highlighted in this research. These questions include the history of boundary-making, the poor definition of Eastern African boundaries, the challenges of managing and sharing trans-boundary resources, and the lack of mechanisms to address border disputes in the region. Uganda and Kenya have not yet reached an agreement on demarcating Lake Victoria and determining which side of the border this tiny island of Migingo lies on. Migingo is a timely example of how these issues can so easily erupt into serious conflict, and it is also important to note that Lake Victoria's wider boundary problems and resource disputes have not yet been resolved.[901]

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[898]James Opiyo, O. I in Bunandi, 24/10/2023

[899]King, Michael. *Fisheries biology, assessment and management*. John Wiley & Sons, 2013, p.21.

[900]Ibid., p.30.

[901]Otu, Bernard Okoampah. "Contestations and conflicts over land access between smallholder settler farmers and nomadic Fulani cattle herdsmen in the Kwahu Afram Plains South District, Ghana." (2022), p.67.

The Track One and a Half diplomacy approach in the study of emerging conflicts on Lake Victoria integrates governmental insights with local stakeholders' perspectives. Interpretivism, rooted in Max Weber's philosophy, delves into historical and cultural factors shaping regional tensions. Oral testimonies and focus group discussions highlight divergent views on resource management and territorial disputes. The study unveils complexities beyond official narratives, revealing how socioeconomic dynamics drive conflicts. Despite ministerial agreements, disputes persist over resource exploitation and boundary delineation. Migingo Island exemplifies the broader challenges of trans-boundary resource sharing and unresolved border disputes, underscoring the need for holistic regional cooperation and conflict resolution mechanisms.

4.2.2 Diplomatic Options Employed in Resolving the Conflict

In this study, this entails discussions and analysis of diplomatic options that have so far been used in solving the Trans boundary conflict in Migingo. Diplomatic options available for peaceful conflict resolution according to the findings include mediation, negotiation, dialogue, arbitration, among others. The findings of the study were tabulated and analyzed in the table on the next page.

Table 4.1 Diplomatic Options Employed in Resolving the Conflict Diplomatic option

Diplomatic options	Number of responses	Percentage
Mediation	45	26

Negotiation	53	22
Dialogue	60	30
Arbitration	45	22
Total	**203**	**100**

Source[902]

It was discovered that 22% of the individuals who participated in the survey mentioned that negotiation was utilised in the process of conflict resolution, whereas 26% of the sample population mentioned mediation. There were 30% of respondents who mentioned dialogue, also known as talks.[903] On the other hand, arbitration was mentioned by 22% of respondents, making it the option that received the least amount of mentions. The respondents were provided with explanations of the meanings of the diplomatic terms in the language that they were most familiar with, such as Kiswahili and vernacular. As a consequence, the majority of the respondents believed that dialogue has been the norm since the conflict began. In point of fact, one of the respondents once stated, "I only saw James Orengo and those officials from Uganda in a corner seriously conversing."[904]

According to The Free Dictionary, dialogue is defined as "simply talk or conversation between two or more people discussing positions or beliefs, particularly between groups.[905] The goal of dialogue is to resolve a disagreement."The term "negotiation" refers to the process of reaching agreements between two other parties through the exchange of ideas and information. It is possible that some of the respondents have confused the two concepts, namely dialogue and negotiation, and interpreted them as

[902]Field data, 2024
[903]Ibid
[904]Mati, Jacob Mwathi. *Political protest in contemporary Kenya: Change and continuities*. Routledge, 2020, p.87.
[905]The Free Dictionary (2015)

a single concept.[906] There is a possibility that the high percentages of the two could be explained by the fact that diplomatic options such as negotiation, mediation, arbitration, and dialogue have meanings that are almost identical to one another.

According to Njoka, the purpose of his research was to determine the steps that had been taken towards the resolution of the dispute, both on a bilateral and multi-lateral level.[907] There were a number of ministerial and technical meetings that took place between the officials of the two countries as a result of the bilateral diplomatic negotiations that had been carried out. The first meeting between the two countries at the ministerial level took place on March 13, 2009, in Kampala, Uganda. During the meeting, it was decided that the primary reference documents that would be used would be taken from their archives and colonial records. Additionally, it was decided that security forces would be removed from the island, a joint boundary survey would be conducted, harassment of fishermen would be stopped, and the Lake Victoria Fisheries Organisation fishing regulations would be enforced.

The primary reference documents that were agreed upon included the British Order in Council from 1926, as well as the schedules to the Kenyan Constitution from 1963 and the Ugandan Constitution from 1995. The work of the joint boundary survey was scheduled to be carried out and finished within a period of two months, by the month of May in 2009.[908] It was observed that; the process of dispute settlement was to be pursued within the established framework of the EAC cooperation and the desired objective of regional integration. This was the case. In spite of the fact that the meeting was held in Kampala, numerous reports of ongoing harassment of fishermen

[906]Baraldi, Claudio, ed. *Dialogue in intercultural communities: From an educational point of view*. Vol. 4. John Benjamins Publishing, 2009, p.86.
[907]Shields, Njoka. "Meeting or mis-meeting? The dialogical challenge to Verstehen." *British Journal of Sociology* (1996): 275-294, p.277.
[908]Government of Kenya GoK / Government of Uganda GoU, Ministerial Bilateral Meeting of March 2009.

and rising tensions on Migingo Island emerged. As a consequence of this, a joint Ministerial fact finding tour was carried out in March of 2009, during which both delegations reaffirmed their dedication to the Kampala agreements.

During this meeting, Kenya demanded that the Ugandan flag be removed from the island as soon as possible, pending the outcome of the investigation into who owns the island. On the other hand, Uganda pleaded for more time so that they could conduct additional consultations before they could respond to Kenya's demand first. A disagreement that was not resolved as a result of the initial meeting.Within the city of Kisumu, the second meeting took place. A meeting was held for the Kisumu Technical Officers following the discussions that took place in Uganda. Separate technical meetings were held for the surveyors and the police.[909]

The meeting of the Police Chiefs took place in Kampala in April 2009, and they reached a consensus regarding the deployment of security personnel.[910] Kisumu was the location of the surveyors meeting that took place on May 7th and 8th, 2009, and during that meeting, the surveying methodologies and modalities were decided upon.[911] The submission by Chitechi Fatima is that:

> For the time being, Kenya and Uganda are working together to maintain law and order on the island. Ministerial meeting between the two countries to discuss the beginning of the border survey in Migingo Island This was a ministerial meeting between the two countries that took place on May 11th, 2009.[912]

This was a follow-up at the meetings that took place in Kampala, Lusaka, and Arusha. The latter two meetings took place on the fringes of a Southern African Development Community Summit and an East African Community Summit, respectively, and were held between the two heads of state. During the course of the bilateral meeting, the

[909]Jane Nabwire, O. I in Alomodoi, 2/11/2023.
[910]GoK/GoU., Joint Technical Officers Report held in Kisumu on 7th August, 2009.
[911]Ibid.
[912]Fatima Chitechi, O. I in Ngoria, 7/11/2023.

survey of the border between Kenya and Uganda in Lake Victoria was also established. Following the conclusion of the meeting, it was decided that the survey would be guided by the following documents: the Order in Council from 1926, the Constitution of Kenya from 1963, the Constitution of Uganda from 1995, and any other documents that are relevant.[913]

Also the joint survey team was scheduled to begin their work immediately, and it was anticipated that they would complete their work by the end of 2012.[914] Additionally, the survey was supposed to be conducted in accordance with the requirements of the African Union and the United Nations, which stipulate that all nations had to carry out their international boundary protocols and deposit them with the African Union by the year 2012. In addition,

> It may refer to the process of creating a detailed map of a region of land by determining the height and distances between points on the map. A survey that was conducted jointly by experts from Kenya and Uganda The survey work was to begin from the middle of the Sio River southwards, following the description in the Order in Council, after the formal launch of the survey process. This was after the survey process had been officially launched. In addition, it was anticipated that the joint survey team would be able to identify which of the two islands that were adjacent to Migingo Island was Pyramid Island. Alongside the determination of the location of Migingo Island, this was anticipated to be made. It was expected of the survey teams that they would clearly demarcate the boundary between the two islands using straight lines starting from Remba Island, and that they would also report on the two findings brought about by the survey. During the process of determining the boundary at the tri-junction of Kenya, Uganda, and Tanzania, Tanzania would be asked to join the survey team, most likely due to any future intentions that may be in the works. It was required of the survey team that they behave in a manner that was cooperative with the EAC, and in the event that there was a disagreement, an independent expert would be hired to provide assistance.[915]

[913]Kajubi, George W. "The constitutional history of Uganda since independence 1962: a critical analysis." (2013), p.80.
[914]Gok/GoU., Joint Chiefs of Police Report, held in Kampala on 2nd April, 2009.
[915]GoK/GoU., Joint Communique, Bilateral Meeting on Migingo Island 11th May, 2009.

When the process of surveying the maritime boundary was finished, the team was supposed to survey the remaining unmarked boundary points up to the tri-junction with South Sudan.[916] This was to be done to ensure that the maritime boundary was properly surveyed. However, as of this moment, the general public has not been informed of any decision regarding the matter. During the course of the negotiations, the tense situation was brought under control, and a technical survey team was established in order to survey the international boundary between the two countries. However, the commissioning of this team was initially halted.[917]

With the exception of the two side summit meetings that took place during the African Union meeting in Lusaka and the EAC meeting in Arusha, both of which took place in 2009, not much has occurred in terms of multilateral interaction. Thus, in light of this, it is readily apparent that there were hardly any attempts made by multiple parties to resolve the conflict. There were a number of diplomatic initiatives that were carried out on both sides. The EAC places a strong emphasis on the promotion of peace, security, and good neighbourliness between the states that are partnerships.

According to the provisions of the EAC in the treaty, any partner state has the authority to refer issues that are relevant to the treaty to the EAC. Because of these provisions, Kenya and Uganda were given the opportunity to file their dispute with the EAC for a period of sixty-five days. The findings make it abundantly clear that neither of the two states has taken the matter to any other jurisdiction for the purpose of arbitration. On the other hand, secondary data makes it clear that Kenya and Uganda have approached various jurisdictions in an attempt to obtain relief.[918] These jurisdictions are explained in the following manner:

[916]GoK/GoU., Joint Communique, Bilateral Meeting on Migingo Island 11th May, 2009.
[917] Ibid
[918]Judith Naliaka, O. I in Angurai, 7/11/2023

4.2.2.1 The International Court of Justice

To the greatest extent possible, the International Court of Justice is the most significant organ that the international community has at its disposal for the purpose of judicially resolving international disputes.[919] The primary judicial body of the United Nations is the International Court of Justice. Article 93 of the Charter of the United Nations declares that all members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.

This provision highlights the relationship that exists between the Court and the United Nations. Other provisions of the Charter, specifically Articles 94-96, which pertain to the enforcement of the judgements of the Court and its advisory jurisdiction, as well as the conditions under which non-members of the United Nations may become parties to the Statute of the Court (Article 93(2)), provide additional emphasis on the association of the Court with the United Nations.[920] A legal expert further explained that:

> Due to the fact that Kenya and Uganda are both members of the United Nations, they are automatically considered to be parties to the Statute of the International Court of Justice. In point of fact, Kenya and Uganda have both submitted their declarations in accordance with Article 36(2) of the Statute of the International Court of Justice, thereby submitting themselves to the Court's mandatory jurisdiction. Due to the fact that Article 36 (1) of the Statute of the International Court of Justice provides the court with jurisdiction over all cases that the parties refer to it as well as all matters that are specifically provided for in the Charter of the United Nations or in treaties and conventions that are currently in effect, it can be deduced that the Court has the authority to decide the dispute between the two states regarding Migingo Island. In and of itself, this presents a very promising opportunity for the International Court of Justice to find a solution to the conflict.[921]

[919]Hernández, Gleider. *The International Court of Justice and the judicial function*. OUP Oxford, 2014, p.20.
[920]Ibid., p.23.
[921]Brenda Omolo, O.I. in Khayo, 12/11/2023.

However, one of the inherent challenges of the Court's jurisdiction over the Migingo Island is that on April 19, 1965, Kenya filed several reservations in regard to its declaration recognising as compulsory the jurisdiction of the Court.[922] According to Rael Wesonga,

> This is one of the challenges that the Court faces despite having jurisdiction over the island. A dispute between the Court and the government of any state that was a member of the Commonwealth of Nations on the date of the declaration or that became a member of the Commonwealth of Nations afterward was not to be taken for resolution by the Court. This was one of the reservations that was made. Among the countries that make up the Commonwealth of Nations is Uganda.[923]

As a consequence of this, she was unable to take the dispute between Uganda and Kenya over Migingo Island to the International Court of Justice so long as Kenya maintains its reservation.

Therefore, the declaration that Uganda made, in accordance with Article 36(2) of the Statute of the International Court of Justice, that it recognises as obligatory the jurisdiction of the Court does not contain any reservations, in contrast to the declaration that Kenya made. Uganda recognises the jurisdiction of the Court as obligatory *ipso facto* and without special agreement, in relation to any other state that accepts the same obligation, and on the condition that reciprocity is maintained.[924] The principle of reciprocity states that a state is considered to have accepted the jurisdiction of the Court in relation to another state in the same manner that the other state has accepted the jurisdiction of the Court. Furthermore, despite the fact that Uganda has not submitted any reservations that restrict the Court's jurisdiction, it is possible for Uganda to rely on Kenya's reservation that it will not have a dispute

[922]Nathan Gitonga Nyaga. "The Evolution of Kenya's Trade Policy." *Indian Journal of Economics and Development* (2015): 120-126., p.125.
[923]Rael Wesonga, O. I in Kolait, 13/11/2023.
[924]Ibid

between itself and a member of the Commonwealth brought before the Court for resolution as a basis for exempting itself (Uganda) from the Court's jurisdiction.

4.2.2.2 The African Court of Justice and Human Rights

The African Court of Justice and Human Rights is the primary judicial body of the African Union. It is both an international and regional court that operates within the African continent. An expert in diplomacy and international relations explainned that, a merger between the African Court on Human and Peoples Rights and the Court of Justice of the African Union took place in 2004, resulting in the establishment of this institution. The African Union's primary judicial body is the African Union Court of Justice.

Following the provisions of Article 3 of the Statute, the Court is made up of sixteen judges who are citizens of the states that are parties to the agreement. With the exception of the western region, which is to be represented by four judges, each geographical region of the continent is represented by three judges whenever it is possible to do so. The Statute, on the other hand, makes it impossible for the Court to have more than one judge from a single member state. The Court has the primary authority to hear and decide all cases and disputes that are brought before it that pertain to the interpretation and application of the African Charter on Human and People's Rights, the Protocol, and any other pertinent human rights instruments that have been ratified by the states that are in question.[925]

The court, on the other hand, has jurisdiction over all cases and all legal disputes that are submitted to it in accordance with the Statute and that relate to any question of international law, as stated in Article 28 (d) of the Statute.[926] Based on this observation, another respondent, Opio Victor, reiterated that:

[925]Nehobe Andrew, O. I in Kapoloko, 22/11/2023.

[926]Akehurst, Michael. "Jurisdiction in international law." *Brit. YB Int'l L.* 46 (1972): 145.

> The conflict between Kenya and Uganda over Migingo Island falls under the jurisdiction of the African Court of Justice and Human Rights, as stated in the aforementioned article. With regard to international law, this is due to the fact that the dispute raises several issues, including territorial sovereignty and the application of the principle of uti possidetis juris, amongst others. In addition, the African Court of Justice and Human Rights is able to hear cases as long as they are submitted by state parties that have signed the Protocol on the Statute of the African Court of Justice and Human Rights. Following the provisions of Article 33 of the Statute, which states that cases brought before the court by virtue of Article 29 of the present Statute shall be submitted by written application addressed to the Registrar, Kenya, which is a State Party to the aforementioned Protocol, has the ability to initiate proceedings in relation to the dispute over Migingo Island.[927]

Indeed, the nature of the disagreement, the legal framework that governs the situation and the basis for the jurisdiction must all be specified. Furthermore, the procedure that is going to be adopted in front of the General Affairs section of the Court involves the following. In accordance with the Constitutive Act of the African Union and any other applicable law, it is argued that there is a good chance that the dispute over Migingo Island can be resolved at the African Court of Justice and Human Rights. This is in accordance with Article 31 of the Statute.[928]

In conclusion one of the obstacles that must be overcome in order to resolve the Migingo dispute in this forum is the fact that, in contrast to the International Court of Justice, which has experience in resolving border disputes, the American Court of Justice for Human Rights does not have such experience.

Another difficulty that arises when attempting to resolve the dispute through the Court is the fact that states are generally reluctant to willingly submit to the judicial process. This is due to the fact that there is no assurance that the outcome will be favourable to the states. Whether or not this particular forum provides the best opportunities for resolving the dispute is a matter of personal opinion. Therefore, it is still unknown

[927]Victor Opio, O. I in Nangodo, 13/12/2023.
[928]Ibid

whether the parties involved in this dispute would be willing to yield to the authority of the court and also to comply with the decision that it ultimately makes.

4.2.2.3 The East African Court of Justice

On the bone of contention, a treaty-based judicial body of the East African Community, the East African Court of Justice is tasked with the responsibility of ensuring that the East African Community Treaty is interpreted and applied in accordance with the law, as well as to ensure that the East African Community Treaty is followed.[929] A Ugandan legal expert explained, one of its primary responsibilities is to guarantee that the Treaty is interpreted and applied in accordance with the law, as well as to ensure that it is complied with. The European Court of Justice does not have the authority to hear and decide the dispute regarding Migingo Island at this time. The extended jurisdiction of the Court, which is envisioned in Article 27(2) of the treaty, has not been operationalized through a Protocol. This will be implemented in the near future.

The interpretation and application of the EAC Treaty continue to be the only areas of jurisdiction that the Court currently has. Indeed, there has not been a single state party that has initiated legal action against another state party as of yet. Therefore, the European Court of Justice does not provide any opportunities for the resolution of the Migingo Island dispute due to the current circumstances.[930] He furthermore claimed that:

> Ugandans will remember former Kenyan President Daniel arap Moi as an autocratic leader who once closed the border with Kenya, bringing both countries to the brink of war. However, they will also honour his presiding over a period of stability and maintaining the region's economic powerhouse. Moi fought with his Ugandan counterpart, but he was

[929]Charney, Jonathan I. "Compromissory clauses and the jurisdiction of the International Court of Justice."In *American Journal of International Law* 81, no. 4 (1987): 855-887, p.859.
[930]Crispus Oundo, O. I in Bumunji, 15/12/2023.

> ultimately successful in mediating peace between the warring factions in Sudan at the time, which pitted Khartoum against Juba.[931]

Thus, in spite of an earlier disagreement with Yoweri Museveni, who was the leader of the rebels at the time, he eventually made peace with him and allowed trade and diplomatic relations to flourish between Kenya and Uganda. This occurred after Museveni turned down peace talks in Nairobi that were intended to put an end to Uganda's twenty years of political destabilisation.[932] It was explained that….The relationship between him and Museveni was tense from the very beginning. "He saw Museveni as this radical socialist who would change the balance of politics in the region," said a retired Tanzanian diplomat who served in Uganda in the 1990s. "He came to the conclusion that Museveni would bring about this change."[933]

Therefore, Museveni had been educated in the socialist dogma of his mentor, Julius Nyerere, who was the founding president of Tanzania, and he had actions to show for it, which further unnerved Moi.[934] Within a short period of time, Museveni made the announcement that he would replace cash payments with barter trade in certain aspects of the country's external trade.[935] He also endorsed barter deals with Burkina Faso, Cuba, North Korea, and Tanzania. In later years, those failed. An edict was issued by him that all imports that went through the port of Mombasa in Kenya would be transported by train. This would be a significantly more cost-effective option that would save scarce hard currency and protect Ugandan roads from rapid deterioration.[936]

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[931]Crispus Oundo, O. I in Bumunji, 15/12/2023.
[932]Ibid
[933]Lucky Bakaki, O. I in Osere City, 28/12/2023.
[934]Ibid
[935]Ibid
[936]Jackson Nabongo, O. I in Katotoi, 28/12/2023.

This ultimately resulted in the haulage business of a number of prominent Kenyan politicians who were close to Moi being severely restricted. Furthermore, there was a revolt among the packers. Moi made the announcement that he was cutting off diplomatic ties with Uganda, during which he claimed that there were rebels in Uganda who wanted to overthrow the government of Kenya.[937]

Based on the above discussion, another responder, Marystella Anyango, reiterated these sentiments by adding her voice to the study that; in 1987, he ordered the closure of the border with Uganda, which was the route through which more than ninety percent of Uganda's imports passed. This made life intolerable for a nation that was just emerging from war. There was a very close call between the two nations. Kenyatta and Nyerere had a disagreement regarding ideology, which led to the collapse of the original East African Community in 1977. This conflict seemed to bring back overtones of that event.[938]

Museveni's socialist leanings were feared by Kenya, which was primarily a capitalist oriented country. However, Anyango further informed the researcher that:

> There were also concerns that the then-young rebel leader, who was 42 years old at the time, would export his firebrand politics across the border, where peace had prevailed since the fights against colonialists ended in Independence in the early 1960s. Museveni's embrace of capitalism, which began in 1987 with the signing of a number of agreements with the International Monetary Fund that ushered in full capitalism, resulted in a warming of relations with Moi. However, it took years to establish and maintain trust with Moi. Moi was adamant about travelling by road to Uganda, and he insisted on doing so by driving through the shared border town of Malaba. This was three years after Moi had initially refused to visit Uganda. It was in the Ugandan industrial town of Jinja that the leaders got together.[939]

[937]Ibid
[938]Marystella Anyango, O. I in Chako, 15/12/2023.
[939]Marystella Anyango, O. I in Chako, 15/12/2023.

Therefore, the leaders of Uganda had hoped that the two countries would reach a variety of new agreements, but there were significant gaps in the two communiques that were issued. One of the communiques was a draft that depicted areas in which Uganda desired immediate agreement, and the other communique was issued after the talks. Another senior reporter who was present at the location where the meetings were held stated, "It was a communique that was completely watered down."

From the findings above, the study concludes that, not all of the goods could be transported on the ageing, single narrow-gauge railway, so Ugandan imports resumed being delivered by road. This was a political concession from Kampala, but it was also a practical concession because of the situation. Museveni, who had been a firebrand communist in the past, eventually became more likeable to Moi as he settled into leadership and as Western powers exerted pressure on him to alter his political and economic ideology.[940] After some time had passed, the leader of Kenya paid a state visit to Uganda, which resulted in a revival of trade. In 1999, the Economic and Social Council was resurrected with great fanfare as a demonstration of the warm and cordial relations that existed between the regional leaders, Museveni, Moi, and Benjamin Mkapa, who succeeded Ali Hassan Mwinyi. These individuals trusted each other enough to collaborate. [941]

The Track One and a Half diplomacy approach, integrated with interpretivism philosophy, scrutinizes diplomatic options for resolving the Migingo conflict. Findings reveal mediation, negotiation, dialogue, and arbitration as key avenues, with dialogue dominating perceptions due to linguistic nuances. Historical context and archival data unveil bilateral and multilateral efforts, including ministerial meetings

[940]Twagiramungu, Noel. *Two rebel roads to power explaining variation in the transition from genocidal violence to rebel governance in contemporary Rwanda and Burundi*. Fletcher School of Law and Diplomacy (Tufts University), 2014, p.67.
[941]Ibid

and technical surveys. Yet, challenges persist, such as Kenya's reservations at the International Court of Justice. Alternate options like the African Court of Justice and Human Rights and the East African Court of Justice are explored, but complexities in jurisdiction and political dynamics hinder progress. Despite past tensions, diplomatic relations between Kenya and Uganda evolve, emphasizing the importance of trust and collaboration in conflict resolution.

4.3 Economic Diplomacy as a Strategy of Bilateral Relations Between Kenya and Uganda

There had been diplomatic ties between Kenya and Uganda since before the country gained its independence. These ties were strengthened after independence, with both countries signalling towards future cooperation with the incorporation of the East African Community, which involved a triple agreement between the three countries that are immediately adjacent to each other in East Africa.[942] In light of the fact that Uganda is a landlocked country and Kenya is dependent on the Ugandan market for the export of its produce, the diplomatic relations between Kenya and Uganda are of great significance.[943]

In order to manage the relationship between the two countries, Kaminchia expressed the opinion that Kenya had utilised a combination of economic diplomacy and peace diplomacy.[944] It was reported by Kaminchia that cooperative arrangements were utilised in order to enhance the development of infrastructure and reduce the levels of trade costs between the two countries.[945] According to Tubman, Uganda and Kenya have also considered the possibility of utilising cooperative diplomatic units such as;

[942]Martin K.O. Ong'oyi, "The influence of national interest on regional integration: the case of Kenya in the East African community." PhD Dissertation, University of Nairobi, 2021., p.97.
[943]Julia Waweru, "The Role of Kenya's Diplomatic Missions in Economic Development: Case of Uganda." PhD Dissertation, University of Nairobi, 2019, p.96.
[944]Sheila Kaminchia, "Effect of transit road quality on trade costs in East Africa." *African Development Review* 32, no. 3 (2020): 316-326, p.319.
[945]Ibid., p.320.

the Beach Management Unit, in order to manage conflicts that arise at border points regarding sources of income.[946] Concerns regarding the demarcation of borders, terrorist attacks, refugees and piracy are among the most significant threats to the territorial integrity of Kenya, according to Achieng, who conducted an investigation into Kenya's approaches and reported on the findings.[947]

Diplomatic relations had not been successful in managing the maritime dispute with Somalia, as well as the disputes over Migingo Island with Uganda and the Illemi Triangle dispute with South Sudan. Additionally, diplomatic relations had failed to manage each of these disputes. Mwinyi, Okoth, and Maloba observe that the transboundary disputes that exist between Kenya and Uganda are of a territorial nature.[948] They also assert that Kenya and Uganda have the ability to engage in economic diplomacy by formulating and implementing a transboundary resource policy. This policy would harmonise policies, legislative acts, management, and development of shared water resources.

Njeri *et al.,* assert that Kenya and Uganda have employed a variety of strategies, including cultural, military, and economic approaches, in order to combat ethnic conflicts that have occurred across the border between the two countries.[949] In addition to being one of Kenya's most important trading partners, Uganda is also home to a sizeable number of Kenya's expatriates and is responsible for a sizeable portion of the country's trading with other countries.[950] The relationship between

[946]Lucky C. Tubman, "Assessment Of The Influence Of Beach Management Units On Fisheries Governance In Migingo Island, Kenya." PhD Dissertation, University of Nairobi, 2019, p.103.
[947]Sophie Achieng, "The Effect of Bank Specific Factors on Lending by Commercial Banks in Kenya." PhD Dissertation, University of Nairobi, 2021, p.108
[948]Masoud Mwinyi, Pontian Godfrey Okoth, and Edmond Were Maloba. "The Nature of Lake Victoria Transboundary Disputes and Economic Security Management between Kenya and Uganda." *Open Journal of Political Science* 12, no. 4 (2022): 510-533, p.517.
[949]Taylor Benjamin-Britton, Matthew Breay Bolton and Sarah Njeri. "The humanitarian disarmament movement: An assessment and review." *Global activism and humanitarian disarmament* (2020): 1-24, p.16.
[950]Mathieson Iain *et al.* "The genomic history of southeastern Europe." *Nature* 555, no. 7695 (2018): 197-203, p.199.

Kenya and Uganda has been deteriorating in recent years, and this is reflected in the decreased volume of imports and exports between the two states.[951] This is despite the fact that the two countries have a long history of engaging in cultural and commercial exchanges. Multiple unresolved disputes between Kenya and Uganda have been cited as the cause of the deterioration of relations between the two countries. These disputes have had an impact on trade in commodities such as milk, sugar, and poultry products.

As a result, Asiedu asserts that both nations accuse one another of engaging in exploitative business practices in order to advance their own personal interests.[952]

As a form of retaliation, both nations reinstituted excise duties on a variety of different goods.[953] As a result of allegations of price inflation on the Kenyan side, Uganda threatened to abandon the Mombasa Uganda railway project.[954] This is just one example of how the feuds have spread into investment decisions. According to Anami, these feuds have had an impact on trade between the two states.[955] Since then, Tanzania has surpassed Uganda as Kenya's most important export market, with the value of trade exceeding one billion dollars. According to Muutambo, despite the fact that authorities from both countries have attempted to repair this relationship through diplomatic meetings, there has been very little success.[956] In many cases, agreements are not adhered to, and efforts are not centralised.

[951]Eckhard Siggel and Germina Ssemogerere. "Uganda's policy reforms, industry competitiveness and regional integration: a comparison with Kenya." *The Journal of International Trade & Economic Development* 13, no. 3 (2004): 325-357, p.329.
[952]Michael Asiedu, Ebenezer Nana Yeboah, and David Owusu Boakye. "Natural resources and the economic growth of west Africa economies." *Applied Economics and Finance* 8, no. 2 (2021): 20-32, p.26.
[953]Samuel Bowles and Herbert Gintis. "The revenge of homo economicus: contested exchange and the revival of political economy." *Journal of economic perspectives* 7, no. 1 (1993): 83-102, p.89.
[954]Sophie Achieng, "The Effect of Bank Specific Factors on Lending by Commercial Banks in Kenya." PhD Dissertation, University of Nairobi, 2021, p. 71.
[955]Hiroaki Iwase, *et. al*., "Relationship between age-related changes in skeletal muscle mass and physical function: a cross-sectional study of an elderly Japanese population." *Cureus* 14, no. 4 (2022), p.81.
[956]Mary Cherono Kirui. "Economic Diplomacy as a Strategy Of Bilateral Relations Between Kenya And Uganda (2010-2020)." Phd Dissertation, Kenyatta University, 2022., p.86.

According to Business Daily, the efforts have not resulted in an improvement of the economic situation, and the volume of trade that occurs between the two states is still lower than it was in previous years.[957] According to Victor *et al.,* it is of the utmost importance for Kenya to cultivate a robust, constructive, and enduring relationship with Uganda, which is its most important trading partner.[958]

The pursuit of diplomatic relations not only improves the efficiency of bilateral relationships but is also essential to the maintenance of development. Accordingly, Sekika is adamant that diplomatic relations facilitate integration and improve access within a wider region.[959] Therefore, based on the review of the contextual aspects of the research, the primary focus of this study was on the ways in which economic diplomacy affects the bilateral relations between Kenya and Uganda. On the level of bilateral relations between the two countries, the research investigated the role that labour movement, goods and services movement, and foreign direct investments played in the relationship between the two countries.[960]

It is essential to acknowledge that economic diplomacy is the primary factor that determines the state of relations between Uganda and Kenya. In spite of the fact that Uganda offers Kenya a ready market, Uganda's objective has been, for a considerable amount of time, to lessen, if not completely eliminate, its position as Kenya's "economic backyard." The value of goods exported from Kenya to Uganda in 2013 amounted to Ksh. 67 billion, which is equivalent to EUR, 632 million. This made Uganda the second largest export destination after the European Union. On the other hand, Uganda sent goods to Kenya that was valued at Ksh. 15 billion, which is

[957]Business Daily (2021)

[958]Konrad, Victor, and Anne-Laure Amilhat Szary. *Border culture: Theory, imagination, geopolitics*. Routledge, 2022, p.92 and Elisabetta Rossi, "Individual names of the upper classes of Chieri (Turin) in the 16th century." *ONOMA* 54 (2019): p. 9

[959]Never Chirisa, "European Union and Democratization of Africa: The case of Ghana, Uganda, Zimbabwe and Morocco (1990-2010)." PhD Dissertation, University of the Witwatersrand, Faculty of Humanities, School of Social Sciences (International Relations), 2015, p.105.

[960]Ibid

equivalent to EUR 144 million. According to Kangethe, Uganda is Kenya's seventh largest trading partner.[961] The value of bilateral trade was Ksh. 82.3 billion, which is equivalent to an amount of 776 million Euros.

A number of Kenyan businesses, including some of the largest banks in Kenya, such as Equity Bank and Kenya Commercial Bank, have established long-standing business operations in Uganda. These businesses include equity bank and Kenya Commercial Bank. The year 2014 witnessed the construction of an interconnected standard gauge railway that is intended to connect the landlocked country of Uganda to the port of Mombasa. There are also plans to expand the route to include an express highway. In spite of this, Uganda has been looking into other expansion possibilities ever since the diplomatic talks they were having broke down.[962] According to Sekika, the economic significance of the standard gauge railway as a means of connecting Uganda to the rest of the world cannot be overstated.[963] This highlights the significance of having diplomatic relations that are in good working order between the two countries.

It was in 2014 when Kenya's Ministry of Foreign Affairs formulated the country's foreign policy, which was based on the principles of peace, economic development, diaspora diplomacy, environmental conservation, and cultural preservation and exchange.[964] The economic philosophy of Kenya, as articulated in Vision 2030, is incorporated into the practice of economic diplomacy. Even though Kenya has a robust trade base, the country is not performing as well as it should be going forward.

[961]Walter Kangethe, "Effects of Outreach on Loan Default Amongst Micro Finance Institutions in Kenya." PhD Dissertation, University of Nairobi, 2015, p.118.
[962]Paul Mahlatse Maromo Mogale, D. C. Raimondo, and B-E. VanWyk. "The ethnobotany of central sekhukhuneland, South Africa." *South African Journal of Botany* 122 (2019): 90-119, p.105.
[963]Sekika Hubery, "What Are the Impacts of Buddhism on the Japanese Performance Style of Noh Theatre?." PhD Dissertation, University of Huddersfield, 2019, p.102.
[964]Ministry of Finance, 2015 .

As a result, Kenya has acknowledged that the East African Community serves as a primary foundation for economic development.

In addition, Kenya is interested in exploring emerging economies by strategically positioning itself to take advantage of the resources that are already available with investors in those countries. According to a Kenya Sessional paper published in 2012, economic diplomacy has a positive impact on Kenya's Balance of Payments in terms of increased exports, substitutes for imports, and capital investments.[965]

According to the East African Community, countries that are participating in economic diplomacy are required to make a legally binding commitment to revise the customs duty rates that they impose on goods that are imported.[966] When certain conditions are met, these nations that are participating in economic diplomacy are required to have zero tariffs on certain goods. Because of this, developing countries are able to gain access to better and more affordable imports from developed countries. As a result, they are able to export their goods and services at a significant price, which shields them from the possibility of being exploited by larger markets. The purpose of this study was to determine whether or not Kenya has taken advantage of this opportunity to strengthen the economic diplomacy ties that are currently in place with Uganda.[967]

When two countries acknowledge their sovereignty and the potential benefits that could be gained from forming a bilateral relationship, they are able to make progress towards establishing bilateral relationships. It has been reported by Arel-Bundock that once diplomatic relations have been established, the states that are involved in the process exchange diplomatic agents known as ambassadors.[968] The ambassadors'

[965]Kenya Sessional paper, 2012.
[966]East African Community, 2017.
[967]Ibid
[968]Vincent Arel-Bundock, "The unintended consequences of bilateralism: Treaty shopping and international tax policy." *International Organization* 71, no. 2 (2017): 349-371, p.362.

primary responsibility is to facilitate dialogue. The terms "free trade agreements" and "foreign direct investment" are examples of bilateral agreements that are recognised for their international significance.

As a result of the fact that bilateral deals are specifically tailored according to the requirements of the nations that are participating, there is no established principle of how to apply bilateral relations. As a result, it is of the utmost importance that participants understand the differences that relate to the specific circumstances. Through the use of bilateralism, participants are able to investigate different ways to develop individualised agreements that would be to the advantage of the states that are contracting.[969] From the archival data, it emerged that:

> With records dating back to 544 BC, before the birth of Buddha, India and Nepal are among the oldest states to establish bilateral relations. This makes them among the oldest states internationally. Due to the fact that the India-Nepal friendship treaty was officially declared official in July of 1950, these relations are now documented in the historical records of both governments. Both countries experienced significant economic and political developments as a direct consequence of these events. The Bilateral Investment Promotion and Protection Agreement was signed by the two countries in 2011, which brought about a revolutionary change in the manner in which individuals from both countries were able to conduct business. Through the establishment of free border crossing, the treaty made it possible for either nation to engage in free trade, free living, and free investment.[970]

According to Victor, the Gurkhas were included in the Indian Army as a result of the treaty, despite the fact that Nepalis have been living in India for hundreds of years on end.[971] Bayne *et al.* acknowledge that economic diplomacy is a comprehensive process that can be achieved in four main areas: a bilateral level, a regional level, a multilateral level, and a plurilateral level.[972]

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[969]Jeffrey C. Alexander, *Trauma: A social theory*. John Wiley & Sons, 2013, p.20.
[970]KNA/ACW/29/66/:EDD/A, 44/236/01.
[971]Peter Victor, "Questioning economic growth." *Nature* 468, no. 7322 (2010): 370-371, p.371.
[972]Brian Leicester Bayne, *Biology of oysters*. Academic press, 2017, p.7.

These four levels correspond to the four main levels of economic diplomacy. In addition to the utilisation of economic policies as negotiating tools, these multi-level negotiations have the potential to generate a key instrument for the advancement of foreign policy objectives between nations.[973]

This provided an explanation of how economic diplomacy is affected by bilateral relations. In their 2011 study, Yakop and van Bergeijk highlighted the significance of diplomatic relations in the expansion of developing economies. They emphasised the importance of promoting trade between South and South, as opposed to trade between North and North. As opposed to bilateral relations, the focus of this study was on regional trade between states that are at a similar level of development. When conducting their meta-analysis, Moons and van Bergeijk made the observation that the effectiveness of diplomatic relations is directly proportional to the nature and development scores of the trading partners.[974]

It has also been noted that diplomatic representations in developing countries have been used as a strategic policy tool that can be used to drive the integration and movement of citizens and security forces within member states. This is something that the researchers have observed. Neither the study nor its findings provided any indication of how diplomatic missions improve economic relations in the region.[975] Furthermore, the research did not involve any relations between Kenya or Uganda, which leads to the conclusion that its findings are not appropriate for the scope of the current study. According to Woolcock, increased bilateral relations encourage economic diplomacy, which in turn leads to a reduction in the percentage of the

[973]Peter A.G.Van Bergeijk, Mina Yakop, and Henri LF de Groot. "The economic effectiveness of diplomatic representation: An economic analysis of its contribution to bilateral trade." *The Hague Journal of Diplomacy* 6, no. 1-2 (2011): 101-120, p.106.
[974]Moons Kwaku Afesorgbor, "Economic diplomacy in Africa: the impact of regional integration versusbilateral diplomacy on bilateral trade." In *Research Handbook on Economic Diplomacy*, Edward Elgar Publishing, 2018, pp. 326-346. p.63.
[975]Ibid

participating states' attention that is focused on internal diplomacy.[976] Van Bergeijk provides evidence in support of this assertion, stating that an increase in bilateral activities leads to a reduction in the amount of effort put forth to promote trade and investment because the deals facilitate economic diplomacy.[977]

On the other hand, the researchers do not make any acknowledgment of the significance of economic diplomacy in relation to regional integration. According to Tarrosy, the establishment of regional groups on the African continent has been a goal for the politicians in the region even before the region gained its independence.[978] A study conducted by Okute looked into the East African Community in order to determine the non-trade barriers that exist in the region related to trade.[979] In the study, an explanatory research design was utilised and descriptive and correlation analysis were utilised. The findings of the study revealed that excessive bureaucracy, different working hours, and technical differences were all factors that were hindering the effectiveness of trade.

Diplomatic missions are a method that can enhance the harmonisation of standards and lessen the severity of the identified barriers. The purpose of this study was to investigate the obstacles that stand in the way of trade, rather than the methods that are used to overcome these obstacles, as the current study notes.[980] In his investigation of trade disputes between Kenya and Tanzania, Ogutu found that the imposition of non-tariff barriers, a lack of political goodwill, a mismatch in the implementation of

[976]Michael Woolcock, "The rise and routinization of social capital, 1988–2008." *Annual review of political science* 13 (2010): 469-487, p.470.
[977]Peter A.G.Van Bergeijk, Mina Yakop, and Henri LF de Groot. "The economic effectiveness of diplomatic representation: An economic analysis of its contribution to bilateral trade." *The Hague Journal of Diplomacy* 6, no. 1-2 (2011): 101-120, p.108.
[978]István Tarrósy, " Past Fears-Future Hopes". An example for regional co-operation outside Europe." (2005): 161-169, p.167.
[979]Agnes Lawrence Okute, and Iwowo Simeon Enah. "Auditing and Fraud Control in Tertiary Institutions in Cross River State, Nigeria." *International Journal of Research & Review* 6, no. 9 (2019): 142-152, p.146.
[980]Ibid

protocols, and nationalistic ambitions were all factors that were hindering trade.[981] This, in turn, contributed to a slowdown in economic growth and a decline in the strategic value of the East African Community. In the study, it was suggested that economic diplomacy should be implemented by embracing fair play and recognising single customs territories. Additionally, the study recommended making consistent efforts to promote EAC markets to private businesses. Conflicts at the border between Tanzania and Kenya were the subject of this study.

Kenya and Uganda's bilateral relations have long been intertwined, marked by cooperation and conflict. Economic diplomacy, intertwined with peace diplomacy, shapes their interactions. Both countries utilize cooperative arrangements to bolster infrastructure and reduce trade costs, yet disputes persist, including over maritime territories like Migingo Island.[982] Despite efforts to repair relations, trade has declined, impacting commodities like milk and poultry. Accusations of exploitative practices exacerbate tensions, leading to retaliatory measures and stalled projects like the Mombasa-Uganda railway. Amidst these challenges, fostering a robust relationship remains crucial for economic growth and regional integration, emphasizing the pivotal role of effective diplomatic strategies in navigating complex bilateral dynamics.[983]

4.3.1 Impact of Economic Diplomacy

In a number of studies conducted on a global scale, including the one conducted by Afman *et al.*, it was demonstrated that the consolidation of trade missions between states resulted in positive coefficients.[984] When considering the possibility of working

[981]Sylvester Ochieng Ogutu, and Matin Qaim. "Commercialization of the small farm sector and multidimensional poverty." *World Development* 114 (2019): 281-293, p.289.
[982]Ibid
[983]Ibid
[984]E. R. Afman, and M. Maurel. "10 Diplomatic relations and trade reorientation in transition countries." *The gravity model in international trade* (2010): p. 278.

together, it is also important to take into account a well-planned economic strategy. One factor that contributes to the potential partnerships of a country is its visibility in other countries. According to Afman and Maurel, embassies will have a greater impact on trade than consulates due to their greater presence.[985] This is because,

> The understanding that countries seek to engage in economic diplomacy in order to move up from the status of countries that are considered to be less developed is the foundation upon which the principle of economic diplomacy is built. It is necessary for these nations to investigate a variety of alternatives in order to supplement the amount of capital that they receive.[986]

Therefore, engaging in trade partnerships, relying on foreign and development aid, and integrating regional economies are some of the options that are utilised.[987] Accordingly,

> The term "foreign direct investment" refers to the flow of capital into a nation from investors who are citizens of another nation. The term "foreign direct investment" is used to describe the process by which Kenya obtains significant investments from multinational corporations. This process is considered to be on the verge of economic diplomacy.[988]

Furthermore, according to the findings of a global study on export promotion agencies and investment promotion that was carried out by the World Bank, the impact of investment advancement agencies and the contribution of export promotion agencies showed that there was a 7.5% increase in the flow of Foreign Direct Investment for every 10% expansion in the investment promotion financial plan. This finding provides a justification for the reliance of developing countries on.[989]

Creusen and Lejour conducted an investigation into the impact that economic diplomacy has on international trade and how it affects decisions regarding foreign

[985]E. R. Afman, and M. Maurel. (2010). *Op. Cit.,* p.71.
[986]Keren Oliwa, O. I in Kamuria, 13/10/2023
[987]Kenya Sessional paper, 2012
[988]Ibid.
[989]Ibid

direct investment.[990] The presence of government support offices in middle-income and low-income countries, as well as government trade missions, has been shown to increase the likelihood that foreign investors will invest in these markets, according to the findings of an analysis.

This study focused on the decisions that Dutch companies made regarding their entry into middle-income countries. Didier conducted research to determine how the "one-China policy" influences the amounts of trade that occurs between China and Taiwan on a bilateral basis.[991] Regardless of the nature of China's trading partners, the study found that diplomatic relations with China lead to a trade-promoting effect for China. This was discovered through the utilisation of a structural gravity model that was based on worldwide panel data. Furthermore, the study ascertained that the Chinese government employs retaliatory measures in order to compel trading partners to respect the foreign policy doctrine of the Chinese government. In contrast to the current study, which focused on bilateral relations in which neither party seeks to dominate the other and both parties recognise each other's independence, the previous study investigated China-Taiwan relations, which are more concerned with territorial dominance.

Dizaji utilised the standard gravity model in order to investigate the impact that sanctions have had on Iran's economic diplomacy orientation.[992] Iran's total trade, exports, and imports were all significantly reduced as a result of sanctions, according to the findings of your study. In response, the nation had established diplomatic relations with partners in East Asia and the Middle East and North Africa,

[990]Harold Creusen and Arjan Lejour. "Market entry and economic diplomacy." *Applied Economics Letters* 20, no. 5 (2013): 504-507., p.508.
[991]Juan J. Cortina, Didier Tatiana and Sergio L. Schmukler. "Corporate debt maturity in developing countries: Sources of long and short-termism." *The World Economy* 41, no. 12 (2018): 3288-3316, p.3291.
[992]Hamed Sadighi Dizaji, Eric Jing Hu, and Lei Chen. "A comprehensive review of the Maisotsenko-cycle based air conditioning systems." *Energy* 156 (2018): 725-749, p.730.

demonstrating that economic policy has the potential to mitigate the significant effects that multilateral sanctions have on the country's trade flows.

The purpose of this study was to investigate the impact that sanctions have on diplomatic orientation and trade; however, the current study did not investigate sanctions as diplomatic tools. After conducting an analysis of the impact that economic diplomacy has on relations in the contemporary setting, Kukharyk and Nubling came to the conclusion that economic diplomacy has a positive correlation with the growth of Ukraine's gross domestic product and the growth of foreign trade turnover.[993]

Accordingly, the impact of various bilateral arrangements on GDP growth was analysed. The focus of the current was on trade between two states operating bilaterally. A study conducted by Maame Esi identified the protocols and frameworks of integration in order to conduct an analysis of the detrimental effects that regional economic integration has had on the economic development of Ghana.[994] After conducting an analysis, it was determined that Ghana experienced a negative impact as a result of the slow implementation of ECOWAS protocols on free movement and the harmonisation of economic and fiscal policies. The elimination of differentiated regulatory schemes and trade standards, the improvement of regional industrial policy and infrastructure, and the establishment of robust regional institutions were all recommendations. The integration capacity of multiple countries in Ghana's development was evaluated.

Through his research on Turkey-Kenya relations, Cannon came to the conclusion that the primary source of bilateral relations between the two countries was the fact that

[993]Viktoriia V. Kukharyk, and Thomas Nubling. "The role of economic diplomacy in the system of modern international economic relations." *Scientific Bulletin of Mukachevo State University. Series" Economics"* 8, no. 2 (2021), p.72.

[994]Maame Esi A. Coleman, *A qualitative examination of experiences of acculturation, acculturative stress, and coping among black international students*. Southern Illinois University at Carbondale, 2018, p.45.

they shared interests in the areas of diplomacy, trade, and security.[995] It has contended that in order for the relationship to continue to be sustainable, the two states still need to develop a greater understanding of one another and find a way to compromise in areas such as tariffs and export quotas. The economic diplomacy between a state with a middle income and a state with a low income was the primary focus of this study. The same topic was investigated in two states with low incomes.[996]

Regarding the bilateral relations, there was a general agreement among the participants that there were common ethnic communities along both sides of the border that shared similar cultural practices.[997] It is possible to use these factors to strengthen the relationships that exist between the two countries. To add insult to injury, the intense cultural relations that exist between the citizens of both countries allow them to freely move to either country or make investments. The expansion of bilateral relations between the two countries can be accomplished through the following means: "Enhanced trade, cooperation in migration and security sector, the stronger trade relationship between the two countries, and the promotion of joint verification missions and bilateral meetings."[998]

In addition to this, it was of utmost importance for the countries to broaden their relations in other areas, such as "environmental relations, social integration, broadening areas of bilateral cooperation, enhancing opportunities of educational scholarship, and fostering cooperation in the sharing of natural resources."[999]

According to Camilla, who pointed out that Kenya, as the regional hub in East Africa, has experienced robust cultural, social, and trade relations with neighbouring

[995]Steven G. Deeks, Sharon R. Lewin, Anna Laura Ross, Jintanat Ananworanich, Monsef Benkirane, Paula Cannon, Nicolas Chomont et al. "International AIDS Society global scientific strategy: towards an HIV cure 2016." *Nature medicine* 22, no. 8 (2016): 839-850, p.842.
[996]Ibid., p.843.
[997]Ibid., p.845.
[998]Ibid., p.845.
[999]Ibid.

countries, the results are in agreement with her findings.[1000] The nation has been able to cultivate long-term sustainable growth and relations by engaging in interaction within the framework of bilateral arrangements. In line with this, the Kenya Trade Policy acknowledges the necessity for the nation to place a greater emphasis on bilateral relations as a means of establishing and enhancing partnerships.[1001] A similar viewpoint is held by Sekika, who believes that both developing and developed economies have established bilateral engagements as an essential component in the process of fostering security and developing stronger relations.[1002]

In addition, there are increased bilateral interests between the countries, which was further supported by the findings, which showed that there is a strong agreement that there are healthier social relations between the countries. According to the findings, there was a consensus among the participants that there were only a few instances of security incidents between the countries, and that citizens are able to freely move between the countries. Enhanced trade, cooperation in the migration and security sector, the stronger trade relationship between the two countries, and the promotion of joint verification missions and bilateral meetings were all demonstrated by the findings.[1003]

Both nations have been able to maintain better social relations, have experienced minimal security escalations, have witnessed increased bilateral interests, and have witnessed individuals moving freely between the two countries. In terms of the labour movement, the study demonstrated that the labour laws between the two countries have contributed to the development of social cohesion. This is because the labour

[1000]Lars Elenius, Christina Allard, and Camilla Sandström, eds. *Indigenous rights in modern landscapes: Nordic conservation regimes in global context*. Taylor & Francis, 2016, p.71.
[1001]Kenya Trade Policy (2014)
[1002]Hans Ebner Sapochak Jr., "Rising Sun Over Namsan." PhD Dissertation, Duke University, 2015, p.13.
[1003]Ibid., p.14.

movement is subject to only a minimal amount of restrictions. According to the findings of the study, the labour movement has also contributed to an increase in the availability of skilled labour. Based on the findings, it was evident that the labour movement had a significant impact on the improvement of bilateral relations between Kenya and Uganda.[1004]

When it comes to the movement of goods and services, the findings indicated that there was an increase in social welfare between the two countries as a result of the movement of their respective goods. A further benefit of the free movement of goods between the two countries is that it eliminates the fear of dominance and contributes to the development of bilateral engagement. Furthermore, the trade policies that both countries have implemented have been utilised to advance the state of relations in the region.

According to the findings of the study, the bilateral relations between Kenya and Uganda have resulted in significant improvements in the movement of goods and services.[1005] The two countries have been engaging in mutual investments, which have contributed to the expansion of social development. To add insult to injury, the establishment of an atmosphere that is favourable to investment has been an essential tool for the development of bilateral relations. Additionally, it was found that there is a positive correlation between bilateral relations and foreign direct investment.[1006]

Through a track one and a half diplomacy approach, insights from Max Weber's interpretivism philosophy illuminate the complex dynamics of economic diplomacy between Kenya and Uganda. Studies show positive outcomes from consolidated trade missions, highlighting the importance of strategic economic strategies. Economic

[1004]Siggel, Eckhard, and Germina Ssemogerere. "Uganda's policy reforms, industry competitiveness and regional integration: a comparison with Kenya." *The Journal of International Trade & Economic Development* 13, no. 3 (2004): 325-357., p.328.
[1005]Ibid., p.330.
[1006]Ibid.

diplomacy, epitomized by bilateral trade partnerships and foreign direct investment, fosters growth and regional integration. These findings underscore the significance of understanding cultural ties and promoting social cohesion to strengthen bilateral relations. Enhanced trade, labor movement, and investment contribute to mutual development, emphasizing the role of economic policies in shaping diplomatic engagements. Thus, a nuanced approach, blending empirical data with interpretive insights, unveils the intricacies of economic diplomacy in fostering bilateral cooperation.

4.3.2 Lake Victoria Transboundary Disputes and Economic Security Management between Kenya and Uganda

As far as the management of the economic security that comes with natural resources is concerned, this is not a new development. It is therefore, imperative to observe that, despite this, the nations of Northeast Asia are currently engaged in ongoing maritime and transboundary conflicts that have not been resolved to this point. Despite the fact that they are not necessarily aggressive or violent, these dormant conflicts continue to exist and contribute to the presence of obstacles that prevent peaceful resolution. Disagreements regarding the delimitation of borders are common in Eastern Africa, which is characterised by high levels of tension and the frequent discovery of potential natural resources on lakes.

There have already been instances of transboundary disagreements regarding Lake Victoria. The disagreement that occurred between Kenya and Uganda in 2009 regarding the latter's right of access to Lake Victoria's fishermen is a good illustration of this point. Among the others are the border clashes that took place in 2008 between Uganda and the Democratic Republic of the Congo over the oil-rich Lake Albert region, as well as the border incident that took place between Eritrea and Djibouti in

2007. It is clear from these examples that disagreements along borders are becoming more frequent.[1007]

It emerged, undelineated, porous, and uncontrolled borders are being used for nefarious cross-border activities that put national sovereignty at risk and disrupt regional politics. This is occurring concurrently with the possibility of armed conflict. It was as a result of these transboundary conflicts, local communities are not given the opportunity to profit from the extraction of natural resources in their region, which contributes to an increase in the level of hostility.[1008] As a result, it emerged to the study that, by denying access rights to less powerful people, who may be disregarded in the administration of these resources by countries that are interested in them, the economic value of Lake resources is put in jeopardy.

Okumu provides a summary of the ways in which Lake Transboundary disputes impact economic security management. Despite the fact that the author's study investigates the problem of better management of transboundary resources, it does not address the management of economic security for stakeholders. When the access rights of certain parties to the resource decrease, the economic security of the country is put in jeopardy.[1009] Thus,

> With the intention of resolving the disagreement, representatives from the various ministries of the three countries—specifically, Kenya, Uganda, and Tanzania—met in November 2008 and came to the conclusion that light beacons should be used to demarcate the boundaries of Lake Victoria. The two neighbours came dangerously close to going to war in 2009, when fighting broke out over Migingo Island. Prior to that, however, there was very little progress made. Migingo is one of the many islands that can be found in Lake Victoria. It is approximately half an acre in size and is composed of rocks that are bare for the most part.

[1007]KNA/172/80: Movement of Uganda Army, p.4.
[1008]Were, Edmond M. "Conflict of Interest in Exploitation and Utilisation of Transboundary Natural Resources on Lake Victoria." *Journal of African Conflicts and Peace Studies* 3, no. 1 (2016): 1.
[1009]Ibid

> Nevertheless, it is located in a region of the lake that is abundant in fish, and it serves as a significant source of income for thousands of fishermen in Kenya, particularly those who work along the western shore of Lake Victoria. The fact that this is the case suggests that the transboundary issue has had an impact on the economic well-being of those individuals who are dependent on fishing in Lake Victoria.[1010]

Additionally, according to Margaret Narotso, the utilisation of the natural resources of Lake Victoria as regional commons is, however, pursued at the behest of vested local and national interests, including those of external actors based in the Eastern Africa region, Americas, Europe, and Asia. This is the argument that Were makes. Both the quantity and the quality of the natural resources that are present in the Lake have been negatively impacted as a result of the combined actions of local and external actors. As a result, national interests have a tendency to exert an overwhelming influence on the extent to which resources are exploited, and to a large extent, they are largely driven by the ever-increasing global and regional forces of demand for the resources of the lake. As a result, Lake Victoria is not only affected by a conspiracy of convergence and divergence, but it is also affected by competing national interests and regional demand for its resources.[1011]

Both Uganda and Kenya have been unable to come to an agreement on how to demarcate Lake Victoria in order to determine the territorial limits of each state that is located there, despite the fact that this could pose a threat to their economic stability.[1012] The study established that, this goes to the core of both countries' foreign policies and the relationships between them. In spite of the fact that there are numerous definitions of Kenyan foreign policy, Michael Okoth contends that all of these definitions are extremely significant due to the fact that Kenyan foreign policy

[1010]KNA/173/80: Movement of Uganda Army, p.5.
[1011]Margaret Narotso, O. I in Chebukube, 19/11/2023.
[1012]Margaret Narotso, O. I in Chebukube, 19/11/2023.

is constantly evolving.[1013] In his definition of foreign policy, Okoth describes it as the collection of instruments that a nation has at its disposal to mould its behaviour beyond its borders and to promote territorial integrity both within and between nations.

The assertion made by Okoth, on the other hand, does not fundamentally address the issue of economic security in the context of the international relations between the two countries. In their proceedings article titled "Cartography as a tool for Conflict Analysis and Resolution for Migingo Island Ownership Dispute," Obonyo *et al.*, made the following recommendation: "Cartography should always be used to settle territorial disputes between countries instead of going to war."[1014]

In addition, Okoth and colleagues, in their book titled *Peace Security and Development in the 21st Century Africa,* reaffirm the significance of peace for the integration of East African economies. Kenya and Uganda are both included in the conversations that are taking place about economic security.[1015] The lack of research that has been conducted on the potential dangers to economic security that are posed by transboundary disputes over the very economic value of transboundary resources is a result of this shortcoming.

The mechanisms that are used to resolve cross-border disputes between Kenya and Uganda are evaluated in terms of the potential that they have to strengthen the management of economic security on both sides of the border. From Okoths works, the researcher further discovered that, there are two distinct categories of land disputes: territorial functional disputes and positional issues.[1016] Both of these

[1013]Michael N. Okoth, "The effect of interest rate and inflation rate on exchange rates in Kenya." PhD Dissertation, University of Nairobi, 2013, p.72.
[1014]Michael Obonyo, Eria Olowo Onyango, and Robert Kabumbuli. "Positioning migrants in informal cross border trade: the case of Busia, Uganda-Kenya border." *Eastern Africa Social Science Research Review* 37, no. 1 (2021): 123-143, p.132.
[1015]Pontian Okoth. *Peace Security and Development in the 21st Century Africa.* Kakamega: MMUST Press, p.89.
[1016]Ibid., p.90.

categories can be dissected further. In the event that one nation asserts ownership over territory that is legally the property of another nation, a territorial conflict will ensue. This type of disagreement can be further subdivided into irredentist conflicts and non-irredentist conflicts when further examined.

Based on the foregoing analysis, a respondent, Wilber Ochoko who is knowledgeable in diplomacy issues, submitted that:

> The African states that, in principle, accepted the pre-existing colonial boundaries and, as a result, desired the maintenance of the status quo were considered to have a policy that was not irredentist. The unfortunate reality is that this did not prevent boundary issues from occurring, as there were some disagreements that arose as a result of the interpretation of papers that delimited the borders and their particular physical position. Positional border conflicts, on the other hand, are those that arise when the borders of two states are not clear. In this category, the controversy surrounding Lake Victoria can be found. Although the cite boundary classification on boundary conflicts is flexible, the various categories can also be transformed into any of the other boundary types.[1017]

Based on the findings of this research, positional conflicts are classified as transboundary disputes. According to this study, it emerged that, this conflict may be a contributing factor to the aforementioned issue; however, the manner in which the dispute has affected the management of economic security on the Island is not investigated in this study.

Consequently, majority of the transboundary disputes that arise between Kenya and Uganda are of a territorial nature. Among all border disputes, the transboundary disputes between Kenya and Uganda are the most complex, extensive, and historically charged of all border disputes. Finally, the topics of natural resources, such as water, rivers, and the transportation network, as well as ethnicity, language, religion, culture, and a sense of belonging, have traditionally been brought up in discussions.

[1017]Wilber Ochoko, O. I in Okwata, 22/11/2023.

In his submission, Ojo argued that the border that separated Kenya and Uganda was one that severed ties between peoples who had previously shared a cultural background that was similar to one another.[1018] These tallies with Levis Wanjala's position that:

> Communities belonging to the Luyha, Iteso, Sabaot, Pokot, and Luo ethnic groups were all separated by the border. When Uganda and Kenya attained their independence in 1962 and 1963, respectively, they encountered significant challenges in the management of their borders on a global as well as a domestic scale.[1019]

According to Ochwada, the charter of the Organisation of African Unity placed a significant amount of importance on the concept of territorial integrity and refusing to interfere in the internal affairs of member states.[1020] It was necessary to establish the sovereignty of nations as well as the political communities that were made up at the national level, and those borders that were inherited provided the ideal framework for doing so. The study discovered that, although there have been other studies that have focused on the management of economic security; this particular study is narrowly focused on border control. Not only have Kenya and Uganda complied with the resolution passed by the Organisation of African Unity in 1964 to maintain the status quo of the borders they were given upon gaining their independence, but they have also adhered to the survey and demarcation that was made in response to the 1926 Colonial Order.[1021] There is, however, no international boundary agreement between the two countries with regard to the border.

According to Aseka, territorial transformation is typically a challenging process that has significant economic repercussions for all parties involved.[1022] These

[1018]Matthews A. Ojo, "Pentecostal and Charismatic movements in modern Africa." *The Wiley-Blackwell Companion to African Religions* (2012): 295-309, p.298.
[1019]Levis Wanjala Mukhwana, O. I in Amoni, 25/12/2023.
[1020]Ochwada, Hannington. "Historians, nationalism, and pan-Africanism: Myths and realities." *African intellectuals: Rethinking politics, language, gender and development* (2005): 193-208., p.195.
[1021]Ibid.
[1022]Aseka, E. M. "Human Settlement." *An Introduction to Environmental Education* (2008): 135.

repercussions include significant economic consequences for local residents, regional economies, the global economy, and the specific governments and governments that are involved. Contributing to the debate on these repurcussions, Brian Onyango posited that:

> As a result of the failure to properly define, demarcate, and maintain the border between the two countries, the resources of Lake Victoria are considered to be contested territory. According to the history of Kenya and Uganda, the British colonial authority paid less attention to the line that separated Kenya and Uganda than it did to the borders with Belgian Congo, German Tanganyika, Italian Somalia, and Ethiopia. This is because the border between Kenya and Uganda was a border between the two countries. Due to the fact that both Kenya and Uganda had been under British administration in the past as part of the East Africa colony and Protectorate, it was possible for the two countries to come together and form a single nation. In the years between 1902 and 1970, territorial transfers took place between the two countries for a variety of reasons, including the maintenance of ethnic unity and the facilitation of administrative processes. In light of this, the absence of economic security management is a source of concern for the vast majority of stakeholders, and it is precisely this factor that has contributed to the conflict that has arisen at the border.[1023]

Autonomous regimes avoided making any policy choices that could deal with cross-border issues and people by preserving the legality of these borders as territorial markers and separators. They justified their actions by citing the sovereignty argument as their justification. The decision to implement a statist policy, on the other hand, was not feasible due to the porous nature of borders, which is evident in the typical economic, cultural, and political activities of communities that are located on the border.[1024] The state's authority was undermined and its ability to collect taxes was hampered as a result of a variety of informal activities that were sometimes carried out in secret. These activities were sparked by cultural miscommunications along the border.

[1023]Brian Onyango, O. I in Chemasiri, 28/12/2023.
[1024]Ibid

Thus, as a consequence of these worries, both Kenya and Uganda are eager to establish their respective claims to the lake's resources. These resources are utilised by approximately two hundred people, the majority of whom are fishermen, and they include a docking station for the lucrative fishing point that extends well into Uganda's territory.[1025] Additionally, the study acknowledged that, the contentious legacy left behind by the British colonialists who drew the boundaries between Uganda and Kenya is represented by the ongoing conflict over the tiny one-acre piece of island. It became clear to the researcher that, this conflict is symptomatic of the deeper ramifications that have been generated as a result of this legacy. Despite the fact that colonial administrative boundary lines were effective in accomplishing their goals at the time, they are no longer relevant.[1026] Therefore, the researcher concludes that, the findings of this research do not indicate that the security of our economic resources has been compromised as a result of globalisation, despite the fact that it is true that globalisation has reduced the significance of borders.

The transboundary conflict that exists between Kenya and Uganda regarding the resources of Lake Victoria has an effect, to a certain extent, on the ineffective management of economic security. Due to the fact that this trend has a detrimental effect on economic security, competition over diminishing fish stocks in Lake Victoria is a major source of contention over the lake's resources. This is because of the fact that the fish stocks are decreasing.[1027] Due to the fact that the state plays such an important part in the distribution of resources, the situation has become more dire. The abundance of Nile perch fish and the strategic location of the islands on Lake

[1025]Lubovich, Kelley. *Cooperation and competition: managing transboundary water resources in the Lake Victoria Region*. Falls Church, VA: FESS, Foundation for Environmental Security & Sustainability, 2009, p.89.
[1026]Wekesa, Peter Wafula. "Old issues and new challenges: The Migingo Island controversy and the Kenya–Uganda borderland." *Journal of eastern African studies* 4, no. 2 (2010): 331-340., p.334.
[1027]Ibid., p.338.

Victoria are two of the primary factors that have contributed to the lake's transformation into a source of conflict. This poses a risk to the more than 35 million people who live in the riparian villages of the region, the economic well-being of which is directly dependent on the lake.[1028]

Through a track one and a half diplomacy approach, drawing from Max Weber's interpretivism, Lake Victoria's transboundary disputes between Kenya and Uganda are elucidated. Despite historical colonial borders, unresolved conflicts persist over resource management, threatening economic security. Territorial disputes, like the one over Migingo Island, underscore the economic stakes for local communities reliant on fishing. External actors further complicate matters, exacerbating regional tensions. Traditional boundaries, upheld post-independence, fail to address modern challenges, hindering economic cooperation. The porous border fosters cultural ties but also illicit activities, necessitating innovative solutions for economic security management. Ultimately, the study reveals how transboundary conflicts impact economic stability, necessitating diplomatic resolutions for sustainable resource governance.

4.3.3 Transboundary Dispute Resolution Mechanisms and Bilateral Economic Security

According to Ikome, the sloppy drawing of boundaries between African nations is a major contributor to the political instability and dispute that exists between African nations.[1029] For some time now, the original colonial borders have been the subject of discussion; however, no one in positions of authority has been able to reach a consensus on the matter. It was decided to keep things as they are in order to avoid the

[1028]Ibid., p.339.

[1029]Garth Le Pere and Francis Ikome. "The future of Africa's development and global governance." In *Africa Toward 2030: Challenges for Development Policy*, London: Palgrave Macmillan UK, 2012, pp. 224-255, p. 225.

potential for anarchy and instability that could arise as a result of boundary contests.[1030] Precisely,

> Due to the porous nature of borders and the lack of appropriate delimitation and demarcation, border disputes have persisted across the continent over the course of the previous century. This is due to the fact that borders are extremely porous. It is difficult to resolve cross-border disputes in Africa, according to Karen and Hooge, because of the unequal distribution of resources that exists within the region. West Africa, the Great Lakes region, and the Horn of Africa have all experienced national disputes as a result of ineffective governance.[1031]

This is one of the key reasons why regional integration in Africa is progressing so slowly, according to Karen and Hooge.[1032] They state that countries in Africa have a tendency to overlook border areas while providing infrastructure and core state services. Because of this, there is a growing connection between regionalism and the resolution of disputes. This is due to the fact that regions are developing their own mechanisms for conflict resolution in order to compete with international organisations.

When it comes to the courts that are located in the regions, this pattern is crystal clear. It's possible that regional courts will be able to resolve common legal issues. Countries and people from all over the world have expressed their concern regarding the disproportionate power that European and American actors hold within international organisations. With the assistance of regional courts, nations may be able to establish their very own independent legal system.[1033] It, therefore, emerged that:

[1030]Ibid.

[1031]KNA/S/9350/ACW/27/94.

[1032]Michalka Hooge Karen and Mary Ellen Konieczny. "The continuance of gender culture amid change in Mexican–American immigrant Catholic contexts." *Journal of contemporary religion* 34, no. 2 (2019): 291-310, p.300.

[1033]Ibid

> In the eyes of many people, the establishment or expansion of the jurisdiction of a regional court is an essential component of any credible regional institution. It is also a demonstration of political will and a guarantee that the current commitment to regional organisation is distinct from previous attempts at regional organisation that ultimately failed.[1034]

However, in point of fact, the emergence of a new category of international organisation known as the general purpose organisation is an essential prerequisite for the process of judicialization. It further emerged that, International Organisation is considered to be general-purpose jurisdictions due to the fact that they deal with a wide range of issues for a limited number of transnational communities of states. In addition to covering a wide variety of topics, they have far-reaching policy implications, ranging from human rights and migration to culture and the environment.[1035] There is a possibility that they will address concerns regarding trade and security. Open-ended obligations are a defining characteristic of general purpose international organisations, which can be clarified with the assistance of supranational courts. The United Nations Charter, specifically Article 33(1), does not give priority to the numerous methods that can be utilised to resolve international conflicts through peaceful means.[1036]

Negotiation, on the other hand, is the most effective means of resolving any international conflict. To put it another way, discussions that take place between the parties involved in a disagreement are referred to as "negotiation," and it is by far, the most common method of conflict resolution.[1037] As such,

> This method of resolving conflicts through diplomatic means stands out from others because it does not involve the participation of a neutral third party. The majority of the times, negotiations are conducted through pre-existing

[1034]Teresa Akoth Wasike, O. I in Buradi, 28/12/2023
[1035]Awange, Joseph L. *Lake Victoria: ecology, resources, environment*. Springer Science & Business Media, 2006, p.60.
[1036]Ibid
[1037]Ibid

> diplomatic channels (foreign ministers, ambassadors, and so on). The purpose of negotiation is to try to prevent disagreements from occurring in the first place, and it is also frequently used as the initial step in the process of resolving other types of conflicts.[1038]

During the Free Zones of Upper Savoy Case, the French government made use of the principle of *rebus sics stantibus*, which translates to "things as they are," the French government emphasised that this principle does not allow for the unilateral repudiation of a treaty on the grounds that it is no longer in effect. Switzerland, on the other hand, argued that there was a disagreement regarding this theory and denied the existence of a legal right to the termination of a treaty due to altered circumstances that could be enforced by decisions of a qualified tribunal.

Switzerland's position was that there was a disagreement over this theory.[1039] It was pointed out by the Permanent Court of Arbitration that diplomatic conversations ought to have clarified the nature of a dispute before it could have been the basis for legal action. Furthermore, if there is a will and the negotiation process is flexible, it is possible to finish it in a short amount of time. However, when it comes to resolving international conflicts, negotiations are not always the most effective strategy. In light of the fact that impartial third parties are not frequently involved in discussions, there is no mechanism that can be considered fair for settling contentious matters of truth. In addition, this indicates that there are few constraints on the ability of a disputed state to make outrageous assertions, particularly in circumstances in which it possesses significant bargaining power. Furthermore, states have the ability to deny the existence of a dispute and frequently attach conditions to any negotiations that take place.[1040]

[1038]FGD of Traders in Busia Border-Kenya, on 20/12/2023

[1039]Okidi, O. "16 History of The Nile and Lake Victoria Basins through treaties O. OKIDI." *The Nile: Sharing a Scarce Resource: A Historical and Technical Review of Water Management and of Economical and Legal Issues* (1994): 321.

[1040]Ibid

In the event that the parties involved in a disagreement refuse to engage in any form of communication, it is obviously impossible to negotiate their terms. The breaking of diplomatic connections is a common response from states when they have significant disagreements. It is especially common for this to occur after resorting to violent behaviour. The United States and Iran severed their diplomatic ties after the United States seized the Iranian embassy in Tehran in 1979.[1041] Both the United Kingdom and Argentina severed their ties after Argentina invaded the Falkland Islands in 1982. Additionally, as per this study, both of these incidents are well-known examples of the deterioration of relations between the two countries. If there is a significant gap between the perspectives of the parties involved in the negotiations and there are no common interests that could bring them closer together, then the progress that is made will be slow.[1042] When there is a disagreement over territory, for example, the party that is in control may believe that there is no need to negotiate between the two parties. It is possible that this is the reason why Uganda would rather not negotiate a solution to the problem regarding Migingo Island is because of this.

In a disagreement in which one side insists on its legal rights while the other side realising the weakness of its legal position, seeks settlement on some other ground, there is no way that a substantive compromise can be reached. It may be difficult to negotiate a procedure, such as an agreement to refer the disagreement to arbitration, without giving the impression that one party is being given preference over the other. The East African Court of Justice has the potential to hear and decide the dispute between Kenya and Uganda regarding Migingo Island; however, at this time, the court does not have the expanded jurisdiction that is required to do so.[1043]

[1041]Tirman, John. "Diplomacy, terrorism, and national narratives in the United States–Iran relationship." *Critical Studies on Terrorism* 2, no. 3 (2009): 527-539., p.530.
[1042]Morgan, Cody. "US-Iran Relations: A History of Covert Action and a Promising Future."In *The Cohen Journal* 2, no. 1 (2015): 1.
[1043]Ibid

In order to evaluate the management mechanisms that are used in the process of managing disputes in Lake Victoria, the study was conducted. There were 100 people who participated in the survey, and 48 of them (48%) stated that mediation and conciliation were the most common methods used to resolve disputes in Lake Victoria. On top of that, 32 respondents, or 32%, reasoned that negotiation and consultation were the mechanisms that were used in the process of resolving disputes in Lake Victoria, while 20 respondents, or 20%, asserted that arbitration and adjudication were the mechanisms that were used.[1044] These findings were supported by one of the key informants, Duncan Juma, who averred that:

> We want a neutral party to mediate over Migingo dispute, Kenyan Government, Ugandan government all have vested interest, even Tanzanian government has also been involved in this dispute. However, despite the fact that ministerial delegations from both countries have played a significant role in the past in reducing tensions, they have failed to invite non-partisan parties to mediate over this matter. The international arbitration bodies that we have consulted have provided us with advice on how to handle this dispute. In addition, there have been some meetings for the purpose of negotiation and consultation. Political good will between the governments of Kenya and Uganda is something that has been lacking, despite the fact that numerous efforts have been made in the past.[1045]

The corollary to this statement is that "cooperation through joint mechanism in the form of commission is a critical necessity if the goals are to accomplish equal, rational, and non-harmful exploitation of the international watercourse." On December 8, 2023, a key interview was conducted with Inspekta, who was based on Migingo Island. In order to provide support for these viewpoints, Olivia argued that the findings indicate that there are a variety of diplomatic options available for the peaceful resolution of conflicts. These options include mediation, negotiation, dialogue, and arbitration, amongst others. It is possible that some of the respondents

[1044]Ibid

[1045]Duncan Juma Katamu,, O. I in Bunandi, 30/12/2023

have confused the two concepts, namely dialogue and negotiation, and interpreted them as a single concept.[1046]

It is possible that the high percentages of the two could be explained by the fact that diplomatic options such as negotiation, mediation, arbitration, and dialogue have meanings that are almost identical to one another. This was according to the FGD held in Chepkube as shown in plate 4 as shown below:



Plate 4: **The researcher carrying out an FGD in Chepkube with Nyumba Kumi persons on 15th/01/2024**

Source[1047]

Through a track one and a half diplomacy approach, coupled with interpretivism by Max Weber, transboundary dispute resolution mechanisms and bilateral economic security are explored. Colonial-era boundary delineations persist, fueling political instability and resource disputes across Africa. Porous borders exacerbate tensions, hindering regional integration.

[1046]Parsi, Trita. *Treacherous alliance: the secret dealings of Israel, Iran, and the United States*. Yale University Press, 2007, p.90.
[1047]Field Data, 2024

Regional courts emerge as potential arbitrators, enhancing regional cooperation. Negotiation, mediation, and consultation are primary conflict resolution methods, yet challenges persist due to vested interests and diplomatic standoffs. Non-partisan mediation is advocated for complex disputes like Migingo Island, emphasizing the need for cooperative mechanisms to ensure equitable resource utilization. Despite challenges, diplomatic avenues offer hope for peaceful conflict resolution and enhanced economic security.

4.3.4 Effectiveness of Management Mechanisms of Dispute in Lake Victoria

The purpose of the study was to determine whether or not the management mechanisms that are used for conflict resolution in Lake Victoria are effective. The research found that out of 100 respondents, 30 (30%) stated that management mechanisms were very effective, while 24 (24%) reasoned that management mechanisms were effective. The findings of the study were presented in the following manner.[1048] In addition, 25 (25%) of respondents stated that management mechanisms proved to be less effective, while 21 (21%) of respondents were uncertain as to whether or not management mechanisms are effective. One of the key informants, Allan Shivachi stated:

> Our counterparts have superior boats for patrol, which they use to arrest Kenyan fishermen when they trespass in their waters. This assertion was made in support of the results that were presented earlier. In order to assist our officers in patrolling and arresting Ugandan and Tanzanian fishermen, we require the government of Kenya to provide additional boats of a higher quality. The fishing nets, baits, and fish that we have are taken by these fishermen. There is a need for improved mechanisms to be implemented in order to resolve this dispute because the measures that have been taken up until this point to resolve these disputes have not been successful.[1049]

[1048]Mousavian, Seyed Hossein, and Shahir Shahidsaless. *Iran and the United States: an insider's view on the failed past and the road to peace*. Bloomsbury Publishing USA, 2014., p.53.
[1049]Allan Shivachi Okiru, O. I in Chakol, 7/12/2023.

Therefore, it emerged that, stakeholders in Kenya's fisheries have established a connection between the widespread poverty experienced by the coastal communities of the country and the ineffective management of the fisheries by both formal and informal organisations, as well as the significant dependence on these resources. The widespread use of harmful fishing gear, such as small meshed nets, and the overall increase in the number of fishermen are two of the most significant challenges that management faces.

Marine fisheries in Kenya are regulated by the Department of Fisheries, which is responsible for their management. It is important to note that the bureau's capacity for monitoring is insufficient. It was found, for example, that the department does not have the resources, such as patrol boats, which are required to effectively enforce the ban on beach seines and other forms of harmful fishing gear, despite the fact that the ban is in place. There is only one boat in Shimoni, and its mission is to travel the entire southern shore, according to the findings of those who conducted the investigation. A single boat would not be able to reach all of the fishing hotspots because there are too many of them.

Additionally, there is a lack of sufficient funds within the department to pay for things like boat fuel. A consequence of this is that the ship continues to be permanently moored because of the limitations imposed by the available funds. Without the cooperation of the fishermen, the officers who are stationed at the various locations are unable to enforce the law; therefore, they are forced to rely on the goodwill of the fishermen. As a result, the department needs to be provided with sufficient funding and patrol boats in order to enable them to patrol at least the inshore seas, which are the areas where the majority of fishing devices that cause damage are utilised. A

greater number of fish scouts and officials from the fisheries department are required to supervise the catch that is being brought in from each of the landing sites.

The purpose of the study was to determine whether or not the mechanism for conflict resolution focused on the historical roots of the predicament that Migingo and Mageta Island's fishermen were in.In total, 355,231 people (or 65.07%) stated that the mechanism for conflict resolution focused on historical roots, while 124 people (or 34.93%) stated that this was not the case. This figure provides an illustration of the results. Since the year 2004, the island of Migingo has been the subject of contention between the countries of Kenya and Uganda.

To restate, the study discovered that, Kenya has occupied and exercised full sovereignty over the small island ever since it was colonised as a nation in the year 1926. Some of the writings on the subject give the impression that the conflict between the two states has only occurred in the past ten years. This could be due to the fact that citizens of the two countries are competing with one another for fish and water resources. This disagreement, on the other hand, stems from more than just a competition over the availability of seafood supplies. Overtones of politics and history can be found in everything.

At this point in time, during the time of this study, Ugandan authorities have officially asserted their ownership over eight islands in Lake Victoria that were previously a part of Kenya. At the beginning of the 1970s, Idi Amin Dada, who was the President of Uganda at the time, took control of Sigulu Island.[1050] There are approximately 10,000 people living on Sigulu, the majority of whom are of Banyala (Luyha) descent. Sigulu is the largest and most important of the islands. The majority of people who belonged to the Luo ethnic group originated from Sakwa, Bondo, Uyoma, and Yimbo.

[1050]Muchege, Gerhard G. "Resolving The Migingo Island Dispute Between Kenya And Uganda Under International Law." PhD Dissertation, University of Nairobi, 2017, p.54.

On the other hand, the majority of people who were from the Suba region originated from the twin islands of Rusinga and Mfangano. While reiterating these assertions, a respondent averred:

> Kenyans who live in Sigulu have had the opportunity to become naturalised Ugandan citizens since the early 1970s. This has granted them the right to vote and to hold office in the Ugandan government, as well as in the Samia Bugwe and Bugiri districts of Eastern Uganda. The Kenyan government effectively consented to the annexation because the administration of Mzee Jomo Kenyatta in Kenya did not issue any diplomatic protests against the annexation. James Osogo, a former member of Parliament for Budalangi and a cabinet minister for a significant amount of time, was the only individual who voiced their public opposition to Uganda's annexation of Sigulu Island. Only a few of the other islands, such as Lolwe, Wayami, and Remba, were incorporated into the nation in a manner that was analogous to this.[1051]

As per the analysis of this study, it is important to keep in mind that President Idi Amin made an attempt in 1976 to redraw the boundaries that separate Kenya and Uganda. Prior to the redrawing of borders by the colonial government, Amin asserted that all of the Kenyan districts that are now a part of Kenya should have been a part of Uganda. In his assertion, Amin stated that Naivasha was included within the boundaries of these areas. These regions, in his opinion, were the most fertile in all of Kenya and were responsible for the creation of the vast majority of the wealth that the country possessed.[1052]

With that being said, President Jomo Kenyatta's threat to cut off Uganda's supplies through the port of Mombasa was ultimately successful in convincing him to back down. Following that, President Amin made a statement in which he stated that Uganda has no intention of annexing any portion of the land that is owned by her neighbours. As the Chairman of the Organisation of African Unity (now known as the

[1051]Charity Nasimiyu, O. I in Port-Victoria, 7/12/2023.
[1052]Oketch, Patrick Odhiambo. "Kenya-Uganda Dispute Over Migingo Island: A Perspective from the Kenyan Side." PhD Dissertation, Institute of Peace Studies and International Relations, Hekima University College, 2018, p.110.

African Union), he stated that he had faith in the organisation and that he was aware of the July Resolution of 1964 that was passed by the OAU. This resolution solemnly affirmed that all member states had solemnly promised themselves to maintain the borders that existed on the day that they achieved independence.

Finally, it was discovered that, it was claimed by Amin that he was in possession of a legal agreement that had been signed by Herbert Asquith, the Secretary of State for British Colonial Affairs, which had transferred certain regions of Uganda to Sudan in 1914 and to Kenya in 1926 separately. He emphasised that he was not advocating for changes or beginning a campaign for war; rather, he was merely informing his people about the pre-colonial boundaries. Taking all of this into consideration, it is essential to have a solid understanding of the political and historical surroundings surrounding the ongoing conflict between Kenya and Uganda regarding the ownership of Migingo Island.

Using the track one and a half diplomacy approach, informed by interpretivism, the study examines the effectiveness of dispute management mechanisms in Lake Victoria. Surveying 100 respondents, results indicate varying perceptions: 30% find mechanisms very effective, 24% effective, 25% less effective, and 21% uncertain. Stakeholders link widespread poverty among coastal communities to ineffective fisheries management, exacerbated by limited resources and enforcement capacity. Historical roots play a significant role in conflicts over islands like Migingo and Mageta, with historical annexations and border disputes shaping present tensions. Understanding political and historical contexts is crucial for resolving ongoing disputes between Kenya and Uganda in Lake Victoria.

4.4 Chapter Summary

The chapter delved into the complex realm of diplomatic relations between Kenya and Uganda since 1962, with a particular focus on the Uganda-Kenya international boundary and emerging conflicts on Lake Victoria. It examined various diplomatic options employed to address these conflicts, including recourse to legal mechanisms such as the International Court of Justice, the African Court of Justice and Human Rights, and the East African Court of Justice. Economic diplomacy emerged as a significant strategy in bilateral relations, with efforts to promote economic integration and address transboundary economic security challenges.

The discussion highlighted the importance of transboundary dispute resolution mechanisms in managing conflicts in Lake Victoria and ensuring bilateral economic security. These mechanisms, facilitated by diplomatic efforts, provide platforms for dialogue, negotiation, and cooperation between Kenya and Uganda. The chapter underscored the collaborative and inclusive nature of diplomatic relations, emphasizing the role of track one and a half diplomacy in fostering dialogue, trust-building, and cooperation between the two countries.

In a nutshell, the chapter provides a comprehensive overview of the multifaceted dynamics shaping diplomatic relations between Kenya and Uganda since 1962. By examining the Uganda-Kenya international boundary, emerging conflicts on Lake Victoria, diplomatic options employed, economic diplomacy strategies, and transboundary dispute resolution mechanisms, the chapter offers valuable insights into the challenges and opportunities facing bilateral cooperation and mutual development in the region.

Looking ahead, continued diplomatic engagement and cooperation will be essential for maintaining peace, stability, and economic development between Kenya and

Uganda. By building on past successes and addressing remaining challenges, both countries can strengthen their bilateral relations and advance mutual interests. The chapter concludes by emphasizing the importance of proactive and multifaceted approaches to address emerging conflicts, promote cooperation, and foster mutual prosperity in the region. In this regard, the next chapter evaluates the challenges and opportunities emanating from border security and econo-diplomatic relations between the two countries since 1962.

CHAPTER FIVE

CHALLENGES AND OPPORTUNITIES RELATING TO BORDER SECURITY AND ECONO-DIPLOMATIC RELATIONS BETWEEN KENYA AND UGANDA SINCE 1962

5.1 Introduction

The chapter delves into the intricate history of challenges between Kenya and Uganda since 1962, exploring themes of cooperation, breakups, ideological differences, unequal development, and trade imbalance. It examines the spectrum of challenges including border disputes, conflict resolution, economic competition, political differences, security concerns, and trade barriers. Moreover, it identifies opportunities for regional integration, infrastructure development, resource sharing, diplomacy, tourism, and trade and investment. It also examines the use of bueacratic and interdependence theory applied in the entire chapter discussion and intergrates by interpretivism philosophy ideas by Max Weber. The chapter ends with a summary of issues discussed.

5.2 History of Challenges Between Kenya and Uganda Since 1962

In order to evaluate the difficulties and possibilities that have arisen in relation to border security and economic-diplomatic relations between Kenya and Uganda since 1962, it was necessary to investigate the intricate history of interactions that have taken place between the two East African countries that are geographically close to one another.[1053] In the following, we will provide an overview of the significant occurrences, difficulties, and opportunities that have shaped their relationship over the course of their time together. It is essential to take into consideration the fact that

[1053]Naboth Barya, "The Role of Diplomatic Engagement in the Implementation of Regional Integration in Africa: Case Study of Kenya and Tanzania." PhD Dissertation, University of Nairobi, 2021, p.79.

Kenya and Uganda share a border that is approximately 765 kilometres in length, and the interactions between the two countries have been shaped by a variety of historical, political, economic, and social factors.

It is recounted that: Once upon a time, the East African Community, together with its common market, transport and communications corporations, scientific research institutions, and the East African Development Bank, was considered to be a model for the integration of African regions. However, the Community was unable to overcome significant political and economic challenges, and as a result, it disbanded in July of 1977.[1054] Within the scope of this study, the primary challenges of regional integration were investigated with particular attention paid to the elements that contributed to the dissolution of the EAC.

It emerged that, regional economic groupings are now present in every region of the developing world and involve approximately fifty percent of all countries that are considered to be developing. The first reason is economic, and the second reason is political.[1055] These are the two primary reasons that are driving this drive towards integration. In the first place, economic integration has the potential to become a significant resource for the overall economic development of the region. For this reason, There is a correlation between the elimination of obstacles that impede the free movement of goods, labour, and capital between regions and the growth of trade, which in turn leads to an increase in incomes and employment opportunities.

Larger economic units, when combined with their larger markets, ought to make it possible to achieve economies of scale in production and justify the establishment of businesses that were previously regarded as being too expensive. Within these larger markets, resources such as labour and capital have the potential to freely move to the

[1054]Milcah Mutsoli Shiachi, O. I in Obuchini, 13/12/2023.

[1055]Dorcas M. Naitore, "The 21st Century Diplomatic Engagement in Africa: a Case of Kenya." PhD Dissertation, University of Nairobi, 2017, p.94.

most productive areas, which would contribute to the expansion of output if they were allowed to do so.

The result may be transport systems that are both more cost-effective and more efficient, depending on the geography. In conclusion, the expanded markets that are the result of integration ought to be able to attract a greater amount of substantial foreign investment. In order to strengthen collective self-reliance and, as a result, strengthen the political independence of developing countries, enhance their power in comparison to the developed world, and expand their economic and political role in international relations, the establishment of regional economic groupings is the second reason for doing so.[1056]

It is, therefore, in order to submit that, when developing countries attempt to integrate into the global economy, they inevitably face resistance and opposition.[1057] The tendency of benefits to be concentrated in particular areas, which leads to disparities in the development of members, political rivalries, nationalism, difficulties connected with differences in the level of development reached by member countries, and the tendency of benefits to be concentrated in particular areas are all factors that have the potential to thwart efforts towards integration and cooperation of members. The East African Community is the subject of this research, which examines the Kenya – Uganda case. The following issues are historicized:

5.2.1 East Africa Cooperation

From the beginning of the twentieth century, Kenya, Tanzania, and Uganda have been engaged in a significant amount of economic cooperation with one another. Accordingly,

[1056]Irene Amoit, O. I in Bunyide,15/12/2023

[1057]Roselyn Musera, "The role of economic diplomacy in promoting foreign direct investment in Africa: case study of Kenya." PhD Dissertation, University of Nairobi, 2020, p.106.

> The primary impetus for cooperation in the fiscal fields, the provision of common infrastructure services, and a sort of common market arrangement was provided by the common colonial administration that was under the control of Great Britain. Before that, there were differences of opinion among the three nations regarding the manner in which the benefits were to be distributed. In the years following their independence, when each nation began to place a greater emphasis on national development, these differences became even more pronounced.[1058]

It emerged that, there were efforts made to correct the irregularities that were present in the existing arrangements. Through the Kampala Agreement of 1964, quotas on intra-East African trade were established in order to limit trade imbalances that were caused by deficit countries. Additionally, a licencing system was established in order to encourage the establishment of new major industries in partners that were less industrially developed. Uganda and Tanzania imposed quantitative restrictions on intra-East African trade as a result of the failure to implement this Agreement, which led to the sanctions. Furthermore, cooperation started to deteriorate or even come to an end in other significant areas. Unless the arrangements for economic cooperation were restructured, there were indications that the common market would continue to exist in its current form.[1059] As a result, the three nations came to the conclusion that they should establish a new system of economic cooperation.

The study further discovered that, in Kampala, Uganda, on June 6, 1967, the Treaty for East African Cooperation, which established the East African Community, was signed. On the first of December in 1967, it became operational. Indeed,

> At that time, the Treaty for East African Cooperation was one of the most comprehensive and far-reaching efforts that was being made towards regional integration. The objective of the Community was to "strengthen and regulate the industrial, commercial, and other relations of the Partner States in order to achieve the goal of accelerated, harmonious, and balanced

[1058]Alfred Mutachi, in Asinge, O. I, 9/12/2023.
[1059]Njagi A. Munene, "The colonial legacy in Kenya-British military relations: 1963-2005." Unpublished Theses Kenyatta University (2013), p.115.

> development as well as sustained expansion of economic activities, with the benefits of these activities being shared in an equitable manner." The East African Common Market was formally established when the East African Treaty was signed by all of the stakeholders involved. It was agreed upon by the partner states that they would continue to implement a common customs tariff on all goods imported from outside the Community, that they would remove all trade restrictions on trade within the Community, and that they would harmonise their monetary and fiscal policies. Additionally, they reached an agreement to coordinate their efforts in economic planning. The East African Common Market, on the other hand, did not include provisions for the free movement of labour and capital, nor did the provisions of the Treaty extend to agricultural products.[1060]

Therefore, the study found out that, provisions pertaining to the exchange of currency notes and the freedom of current transactions at par value among member countries were incorporated into the formalisation of monetary and exchange control arrangements.[1061] Furthermore, in accordance with the Treaty, member nations agreed to pursue economic policies that would protect the common value of their currencies by ensuring that their balance of payments would remain in a state of equilibrium.

In that regard,

> Two new "measures to promote balanced industrial development" were established as a result of the Treaty. The initial measure was a transfer tax on intra-community trade, which was implemented with the purpose of safeguarding the industries of the less industrially developed members of the Community against those of the more developed members. The East African Development Bank was established on December 1, 1967 in Kampala, with equal contributions from each state. This was the second event that took place.[1062]

Moreover, the East African Railways Corporation, the East African Harbours Corporation, the East African Ports and Telecommunications Corporation, and the East African Airways Corporation were the four independent corporations that were

[1060]Noeline Atieno, O. I in Bunyawudo, 15/12/2023.
[1061]Peter M. Njagi, "International Institutions As Diplomacy Tools For Kenya." PhD Dissertation, University of Nairobi, 2019, p.108.
[1062]KNA/76/1981.

established after the Treaty.[1063] Thus, these corporations were responsible for providing self-contained services that were provided by the East African Common Services Organisation.

Based on the findings above, the study observes that, the treaty established these corporations as commercial institutions within the Community, with each nation in the Community having an equal share in ownership and control of the corporations. It was decided to disperse the headquarters among the member countries in accordance with the principle that benefits should be distributed in an equitable manner. The continuity of the services that were provided by these corporations was a very important component of the economic cooperation that was taking place among the member countries.

In actuality, they were responsible for providing the majority of the communication services utilised by the member nations. In addition, the Community offered a variety of services that fell into four primary categories: services related to the collection of revenue, services related to economics and statistics, services related to research, and other inconsequential services. The funding for their activities came from the Community budget as well as donations from members of other countries.

The discussion on cooperation among Kenya, Tanzania, and Uganda integrates bureaucratic and interdependence theories, elucidating the historical context and mechanisms for regional integration. The formation of the East African Community (EAC) in 1967, driven by bureaucratic structures and economic interdependence, aimed to harmonize industrial, commercial, and economic relations. The Treaty for East African Cooperation established common customs tariffs and coordinated monetary and fiscal policies, fostering balanced development. Additionally, measures like intra-community trade taxes and the establishment of institutions like the East

[1063]KNA/76/1981.

African Development Bank reflected efforts to promote equitable economic growth. This interpretive analysis, informed by Max Weber's philosophy, contextualizes regional cooperation within historical, bureaucratic, and interdependent frameworks.

5.2.2 Breakup of the East Africa Cooperation

The East Africa Community was established in 1967. It was a classic example of cooperation and integration in Africa. However, during the early 1970s, relations between the member countries of the EAC began to deteriorate, despite the fact that cooperation within the EAC was encouraging in the early years of its existence. Due to Tanzanian President Nyerere's refusal to meet with Ugandan President Amin, the East African Authority, which was the highest body of the Community, did not meet after 1971. The East African Authority was comprised of the three presidents.

In 1972, restrictions on imports and exchange controls were imposed on trade that took place within the community. The effectiveness of the Common Market was reduced as a result of their actions, which ultimately led to the dissolution of the Common Monetary Area. 1973 was the year that the four corporations experienced financial crises as a direct result of the restrictions that member states imposed on the transfer of funds between states. As a consequence of this, the operations of the corporations started to become unstable, which resulted in delays in meeting their obligations to the outside world.[1064]

Moreover, an agreement to review the Treaty of 1967 was reached by the three member countries in the year 1975.[1065] After a year of deliberation without reaching a consensus, the commission that was established in November with the purpose of providing recommendations concerning the future of the Community was dissolved.

[1064]Samwel Ochieng Oundo, O. I in Sio-port, 5/12/2023.

[1065]Ninah, Nasimiyu N. "An analysis of China's relations with Sub-Saharan Africa: a case study on Kenya-China bilateral relations (1963-2009)." PhD Dissertation, University of Nairobi, Kenya, 2010, p.105.

The forces that were leading to the disintegration of the Community then became more intense, and the obstacles that were preventing the EAC from being administered effectively at the regional level became even more severe.

It was in February of 1977 when Tanzania closed its border with Kenya, which effectively ended all legal trade between Kenya and Tanzania and brought an end to the East African Common Market.[1066] In June of 1977, member countries were unable to reach a consensus on the budget for the General Fund Services. Kenya, which had previously announced its withdrawal, refused to commit any funds to finance the budget for the 1977–1978 fiscal years.

The EAC ceased operations in July of 1977 as a result of its inability to maintain financial stability for the General Fund Services. The breakdown of the East African Community in the 1970s reflects the application of bureaucratic and interdependence theories within an interpretive framework influenced by Max Weber. Initially, the EAC operated under bureaucratic structures, with the East African Authority overseeing regional cooperation.

However, tensions arose due to political differences, exemplified by President Nyerere's refusal to meet President Amin, leading to the Authority's paralysis. This disruption, coupled with trade restrictions and financial crises within the community's corporations, highlighted the interdependent nature of regional integration. The failure to reach consensus on treaty revision and budgetary issues underscored bureaucratic inefficiencies, culminating in the EAC's dissolution in 1977. Weber's interpretive philosophy contextualizes these events, emphasizing the role of bureaucratic structures and interdependent relationships in shaping regional cooperation and disintegration.

[1066]Joyce Gichuru, "Discussion Paper No. 149 of 2013 on Diplomacy and Exports: The Case of Kenya." (2013), p.92.

5.2.3 Ideological differences

Prior to the establishment of the East African Community, the three states were already experiencing political difficulties that would eventually result in the disintegration of the community. At a time when East Africa still appeared to be a natural unit, a carry-over from the colonial period, and the member countries were concerned that they were pulling apart after independence; the Treaty had been signed in order to maintain and strengthen the existing ties that existed between them. In spite of this, there were significant ideological disagreements, in addition to issues concerning the sovereignty of the state.

The Community's fundamental structure, which consisted of a common market with a laissez-faire approach, was a significant contributor to the problems that it encountered. It was presumed that a significant number of the benefits of integration would be derived from free trade, which a significant portion of the economic activity would be carried out by private enterprises, and that sufficient financial liquidity would be available to pay for the transfer of goods that would be entering interstate trade. However, it turned out that a significant number of these presumptions were not justified, even by the time the Treaty was finalised.

In 1967, Tanzanians reached a consensus on the Arusha Declaration, which was adopted prior to the Treaty's implementation.[1067] The Tanganyika African National Union, which is the ruling party, issued this statement in which it outlined its policy regarding socialism and self-sufficiency policies. The Tanzanian government made an effort to bring the economy under the ownership and control of the state to a greater extent. For example, the extensive public sector was subject to a greater degree of regulation by central planning.

[1067] Ibid., p.93.

The different ideological orientations of the partner states had an effect on trade relations as well as the general scheme of investments and industrial policies.[1068] The situation in Tanzania was extremely different from the situateion in Kenya, which clearly placed an emphasis on private investments that were primarily in foreign countries. Ideological differences are a significant factor that influenced the foreign policies of the countries, which in turn influenced the relationships between the countries.

As Tanzania developed closer relations with Zambia and Mozambique, Uganda developed closer ties with Zaïre, and Kenya looked to Ethiopia for joint initiatives until the coup that occurred in 1974. Tanzania's construction of the railway to Zambia outside of the framework of the East African railways system caused resentment among its partners. This is especially true regarding the financing arrangement, which required the purchase of material inputs from China. This included a significant number of supplies that had previously been provided by Kenyan companies.[1069] One of the most significant elements that led to the disintegration of the Community was the impasse that existed within the East African Authority, which was the highest body within the Community. The Authority, which was comprised of the Presidents of the three member states, was responsible for making all of the important political and economic decisions that were required for the Community to function properly.[1070]

A unanimous decision was required for these matters. During the time that the EAC was being established, Presidents Kenyatta, Obote, and Nyerere were the individuals

[1068]Peter J. Katzenstein, *Small states in world markets: Industrial policy in Europe*. Cornell University Press, 1985, p.101.
[1069]Kenichi Ohno, "Avoiding the middle-income trap: renovating industrial policy formulation in Vietnam." *ASEAN economic bulletin* (2009): 25-43, p.28.
[1070]Linda Weiss, "Global governance, national strategies: how industrialized states make room to move under the WTO."In *Review of International Political Economy* 12, no. 5 (2005): 723-749, p.726.

who participated in its meetings. Whenever the East African Community was experiencing a shortage of resources, the presence of the East African Authority served as a forum for the final appeal and resolution of challenging issues. A number of the disagreements were contingent on the existence of a favourable political climate in order for them to be successfully resolved.[1071] Milton Obote was deposed by Idi Amin in the year 1971 in Uganda. Following this, President Nyerere made the announcement that he would not be seated at the same table as President Amin; consequently, the East African Authority underwent no further meetings.

As a result of the lack of East African Authority meetings, there was a void in the decision-making functions of the East African Community, and the Community became increasingly vulnerable to the centrifugal influence of national interests. The discussion of the East African Community's ideological differences and eventual disintegration demonstrates the application of bureaucratic and interdependence theories, integrated with Max Weber's interpretivism philosophy. Bureaucratic structures, represented by the East African Authority, were crucial for decision-making and conflict resolution.

However, the requirement for unanimous decisions hindered effectiveness, especially amid ideological divergences. Interdependence theory is evident in the interconnectedness of member states' economies and policies. Tanzania's socialist policies contrasted with Kenya's emphasis on private investment, leading to trade imbalances and resentment.[1072] The breakdown of the East African Authority exemplifies bureaucratic inefficiencies exacerbated by political dynamics, aligning with Weber's emphasis on understanding social actions and structures. These insights

[1071]Mariana Mazzucato, *et. al.,* "Which industrial policy does Europe need?." *Intereconomics* 50 (2015): 120-155, p.128.

[1072]Linda Weiss, "Developmental states in transition: adapting, dismantling, innovating, not 'normalizing'." *The Pacific Review* 13, no. 1 (2000): 21-55, p.42.

underscore the intricate interplay between bureaucracy, interdependence, and ideological differences in shaping regional cooperation and dissolution.

5.2.4 Unequal Development

In the realm of economics, the smooth operation of the EAC was adversely affected by issues that arose as a result of differences in the level of development among the partners, trade imbalances, and an inability to reach a consensus on a fair distribution of the costs and benefits.[1073] The process of harmonising economic policies in general was also difficult to accomplish.

The study further found out that, according to the evaluations conducted by a number of different research organisations, including the East African Royal Commission, the Raismann Commission, and the Phillips Commission, the Common Market in East Africa did, in fact, result in a more rapid growth in the region than would have been accomplished if the East African governments had pursued the same economic policies in isolation.[1074]

On the other hand, a respondent informed the researcher that, the risk associated with integration is that, despite the fact that it has the potential to boost overall productivity and the total real income of the region, it may have unfavourable effects on the distribution of that income and may exacerbate existing issues of inequality. The regions that are experiencing the most rapid expansion of economic activity may be able to attract labour and capital from other regions; the regions that are experiencing the most growth would be favoured at the expense of other regions.[1075]

[1073]Mollyne A. Ayoo, "Regional Integration and Economic Rivalry Within the Eac Bloc: the Case of Kenya-tanzania." PhD Dissertation, University of Nairobi, 2021, p.109.

[1074] Brian. Ekutu, "The Prospect of Monetary and Financial Co-operation: a Legal Evaluation of Kenya's Regional Economic Integration Endeavour in the East African Community." PhD Dissertation, University of Nairobi, 2021, p.84.

[1075]Rebecca Susan, O. I in Budokomi, 5/01/2024.

As a matter of fact, the study found out that, this occurred in East Africa: the rate of economic growth in Kenya was significantly higher than that of Tanzania and Uganda. It was therefore noted by the researcher that, from 1967 to 1977, Kenya experienced an average annual growth in real gross domestic product of 7.5%, while Tanzania and Uganda experienced growth of 6.3% and 2.0%, respectively. Kenya's growth was the highest among five countries.[1076] In addition, new businesses established themselves in Kenya because the country possessed an industrial base that was equipped with all of the necessary facilities. While interrogating the respondents on the possibility of the disparity, the study was informed by Diana Nafula that:

> The problem was made worse by the fact that Tanzania and Uganda paid higher prices for the importation of manufactured goods from Kenya than they would have if they had purchased these goods from countries outside the Community. This resulted in Kenya's industries receiving a subsidy. As a consequence of integration, all three nations experienced a decline in their customs revenues. However, the yields from income tax and excise duties increased as a result of rising incomes in Kenya. This was the case across the country.[1077]

The overall results were favourable for Kenya and the widening gap in the levels of income and economic development that existed between Kenya and the other two member countries became cumulative and self-reinforcing. Kenya was the only country that continued to improve its economic development.

The study found out that, conversely, industries in Tanzania and Uganda were plagued by political dissension, high costs, inadequate demand, distribution difficulties, and managerial problems. On the other hand, the Kenyan economy continued to expand as a result of foreign investment. There was a failure on the part of the EAC to compensate for the distribution of benefits to Kenya. The allocations that were initially envisioned for the EADB's disbursement of funds were quite

[1076]Charles Sumanyi, "Role of Regional integration in the Promotion of Human Security: Rwanda in East African Community as a Case Study." PhD Dissertation, University of Rwanda, 2022, p.85.
[1077]Diana Nafula, O. I in Kamuria, 7/12/2023.

different from what actually occurred. Tanzania received 39.2% of the total amount of loan disbursements, Kenya received 34.5%, and Uganda received 26.3%. This is in comparison to the initial required allocations of 38.75 percent each to Tanzania and Uganda, and 22.5% to Kenya. As a consequence of this, tensions were created within the operations of the Community as a result of unequal benefits, which were derived from unequal growth rates in the two countries' respective manufacturing sectors.

The discussion on unequal development within the East African Community illustrates the application of bureaucratic and interdependence theories, integrated with Max Weber's interpretivism philosophy. Bureaucratic inefficiencies hindered consensus on fair cost-benefit distribution, affecting EAC's economic harmonization. Interdependence theory underscores how trade imbalances and unequal growth rates led to Kenya's economic dominance, exacerbating disparities among member states.[1078] Interpretivism philosophy, through qualitative interrogation, reveals complex socio-economic dynamics contributing to Kenya's advantage. Additionally, the study highlights how unequal EADB fund allocations intensified tensions, reflecting bureaucratic hurdles and interdependence challenges. Overall, the integration of theories elucidates the intricate interplay of bureaucratic structures, interdependence, and interpretivism in understanding unequal development within the EAC.

5.2.5 Trade Imbalance

According to the classical theory of trade, the elimination of restrictions on intra-community trade, as well as the establishment of uniform tariffs and other controls over trade with countries that are not members of the Community, result in the substitution of commodities from partner countries for both domestic and foreign

[1078]E. Mutea Iringo, "Regional economic integration: the challenge of dual membership to Kenya-with special reference to eac and comesa." PhD Dissertation, 2005, p.126.

goods. The cumulative effects are; trade will be created as a result of this, and it will also be diverted. When members of the union produce the same range of products but differ in their comparative advantage for these products, trade will be created between the members of the union.

Following the establishment of the union, competition will result in the specialisation of the member economies; these economies will become complementary to one another, with each nation producing and selling to the other members products in which it possesses a comparative advantage. When demand shifts from low-cost producers outside the union to high-cost producers within the union, trade will be redirected from a foreign country to a member country. This will occur because of the shift in demand. When the existing external trade with nonunion members is smaller, the effect of trade diversion will be smaller as well. Whether or not integration is beneficial is contingent upon the equilibrium that exists between the effects of the arrangement on the creation of trade and the effects of trade diversion.[1079]

It would appear that there are few grounds for expecting benefits from a customs union between Tanzania and Uganda, even on a theoretical basis, the assumption being that the political obstacles would be able to be overcome.[1080] The study discovered that trade between the two countries had not been primarily hindered by tariffs but rather by the structure of their economies, which meant that the union was unable to create trade relations between them. Holding a similar view, Londompui observed that:

> With a low level of industrial development, both countries produced the same range of primary products. As a result, they were highly dependent on trade with industrial countries because of their low level of industrial development. Tanzania

[1079]Daniel Polycap, O. I in Adungosi, 3/12/2023.
[1080]Jonathan L. Lodompui, "Tanzania's national interest and the collapse of East African community." PhD Dissertation, University of Nairobi, 2010, p.110.

> and Uganda exported approximately 90% of their goods to countries that are not members of the Community, while Kenya exported more than 70% of its goods to countries outside of the Community. Imports from outside the EAC accounted for approximately 90% of Kenya's imports and 85% of Tanzania's imports respectively. The ratio of Uganda's imports from the Community to its total imports was higher than that of the other two member states, and this ratio reached approximately 45% in 1976. Uganda's imports from the Community were higher than those of the other two member states.[1081]

It was observed that, the three nations were competitive in the sense that they produced the same range of primary products; however, due to the fact that their economies had a low level of industrial development, it was extremely unlikely that they could ever be complementary to one another. It is not possible that the elimination of trade barriers would have resulted in significant shifts in production patterns, and this actually did not happen.[1082] Additionally, according to this study, even if this had been feasible from an economic standpoint, it would not have been feasible from a political standpoint because the member countries' plans for development were completely uncoordinated with one another.

The agricultural sector was one in which there was the potential for coordination; however, it was not included in the Common Market, and the prices of agricultural products were considered to be matters of national political sensitivity.

Additionally,

> The market, on the other hand, had a tendency to create and exacerbate existing inequalities, which was the primary source of the East African customs union's difficulties. The geographical pattern of trade within the community remained the same throughout the union's existence. Tanzania and Uganda received an almost equal share of Kenya's exports, while Kenya was the primary trading partner for both Tanzania and Uganda. Due to the fact that both Tanzania and Uganda's economies were highly reliant on the importation of

[1081]Yvonne Akinyi, O. I in Bumbe, 13/12/2023.

[1082]Esther B. Onduko, "Regional integration and professional labour mobility: a Case Of East African Community (EAC)." PhD Dissertation, University of Nairobi,, 2013, p.90.

> manufactured goods, trade between the two countries was restricted. Kenya's trade with Tanzania and Uganda consistently resulted in large surpluses, whereas Uganda's trade with Tanzania and Uganda consistently resulted in deficits.[1083]

It emerged that, for Tanzania, the deficits in intra-community trade in current prices increased from T Sh 186 million in 1961 to T Sh 414 million in 1976. For Uganda, the deficits increased from U Sh 12 million in 1961 to U Sh 6ll million in 1976. Both of these figures are in current prices. Furthermore, Kenya's surplus rose from KSh 200 million in 1961 to KSh 1,068 million in 1976. This represents a significant increase. Moreover,

> The relative economic development of the member countries has played a significant role in determining the composition of intra-community trade through a significant amount of time. The majority of Kenya's items that were shipped to Uganda and Tanzania were manufactured goods. On the other hand, the majority of Tanzania's and Uganda's exports were comprised of other types of goods that were not manufactured. The growing net importation of manufactured goods from Kenya was almost entirely responsible for the increased deficits that Tanzania and Uganda experienced during the time that the East African Community was in operation. Agricultural exports from Tanzania and Uganda did not grow at the same rate as their imports of manufactured goods.[1084]

As per the study, it emerged that, in addition to being the dominant player in intra-community trade, Kenya's share of the global market has been steadily growing. In 1961, Kenya's exports to Tanzania and Uganda accounted for 64% of the total trade that took place within the Community. By the year 1976, this percentage had increased to 83%. Tanzania's share of intra-Community exports increased from approximately 9% in 1961 to 16% in 1976.[1085] However, it was discovered by the research that, Tanzania's exports to Kenya and Uganda remained relatively relatively

[1083]FGD of Traders in Busia Border – Kenya, on 20/12/2023.
[1084]Stella Atubukha, O. I in Port-Victoria, 13/12/2023.
[1085]Janet N. Arita, "Awareness levels of the integration process in East Africa; a case study of Kenya." PhD Dissertation, University of Nairobi, 2014, p.76.

small throughout this time period. On the other hand, Uganda's relative share of total exports experienced a significant declining trend. As an additional point of interest, the absolute value of its exports continued to decrease after 1970, resulting in its proportion of community exports reaching approximately one percent in the year 1976.

The study concludes that, the advantages that would have been gained from a customs union were not distributed in an equitable manner among these countries because of the economic characteristics that they possessed. Due to the fact that they were at different stages of economic development, market mechanisms had a tendency to exacerbate the inequality that already existed. Kenya was the member state that benefited the most from the union, particularly from the expanded market for its developing manufacturing industries.[1086] The benefits of the Community were not distributed evenly among the member states.

Furthermore, the study concludes that, within the context of Kenya's efforts to foster the growth of its manufacturing sector, Tanzania and Uganda discovered that they were losing revenue from import duties. This polarisation of benefits in favour of Kenya was the most significant obstacle that stood in the way of the customs union's ability to function effectively. Furthermore, the economic challenges that the East African Community is currently facing have been exacerbated by political tensions between Uganda and Tanzania, disparities in social philosophies between Tanzania and Kenya, and the principle of state sovereignty.[1087]

The discussion on trade imbalance within the East African Community demonstrates the application of bureaucratic and interdependence theories, integrated with Max

[1086]Wilson Mwangangi, "An Analysis of Kenya’s Targetted Application of a Blend of International Law and Economic Diplomacy Towards Achievement of National Interests." PhD Dissertation, University of Nairobi, 2019, p.103.

[1087]Cornel Ogutu, "Trade in Services and the Promotion of Regional Integration in East Africa." PhD Dissertation, University of Nairobi, 2015, p.106.

Weber's interpretivism philosophy. Bureaucratic inefficiencies hindered the union's ability to address disparities in economic development and trade. Interdependence theory elucidates how differing economic structures led to unequal trade relationships, favoring Kenya's industrial prowess. Interpretivism philosophy, through qualitative analysis, unveils nuanced socio-economic dynamics, revealing how Kenya's dominance intensified intra-community trade imbalances. Furthermore, the study underscores how unequal distribution of benefits hindered the union's effectiveness, highlighting the complex interplay between bureaucratic challenges, interdependence dynamics, and interpretive understanding in assessing trade imbalances within the EAC.

5.3 Challenges Relating to Border Security and Econo-Diplomatic Relation Between Kenya and Uganda since 1962

Since Idi Amin came to power in 1971, relations between Kenya and Uganda never become smooth. In the following years, these relations reached their lowest point. Amin staked his claim to a portion of western Kenya in the month of February, 1976.[1088] Nairobi's response consisted of inciting a string of vehement anti-Amin demonstrations and a boycott of goods that were destined for Uganda that were being shipped through Kenya's harbours.[1089] In addition to those demonstrations, the Kenyans did impose a number of economic restrictions on Kampala, despite the fact that they eventually eased the boycott.

In addition to requiring cash payment for petroleum products and other goods, they reduced Uganda's fuel allotment from the Nairobi refinery by fifty percent. The sanctions appear to be having a negative impact on the economy of Uganda. It is

[1088]Jean-Marc Trouille, Helen Trouille and Penine Uwimbabazi, eds. *The east African community: Intraregional integration and relations with the EU*. Routledge, 2021, p.113.
[1089]Samuel O. Oloruntoba, *Regionalism and integration in Africa: EU-ACP economic partnership agreements and Euro-Nigeria relations*. Springer, 2015, p.74.

possible that this provoked the mercurial Amin to launch some cross-border forays by Ugandan troops that were carried by helicopters this month. The alleged purpose of these forays was to search for cattle that had been stolen. Amin has followed this up with verbal threats against Kenya, which he has linked to criticism of Secretary Kissinger's trip to Africa and allegations of collusion between Washington and Nairobi. Amin has connected these threats to threats against Kenya.[1090]

External actors also played a role in the escalation of tensions between Kenya and Uganda. In the same vein, newspapers in Nairobi published articles about alleged atrocities committed by Uganda against Kenyans.[1091] As a result of the widely publicised disappearance of a Kenyan student at Makerere University at the hands of Ugandan security forces, such stories gained increased credibility among Kenyans. These newspaper articles constituted worries among Kenyans to the effect that,

> Since a long time ago, the leaders of Kenya have been concerned about Amin's erratic behaviour. The accumulation of Soviet weapons by Amin, the presence of Soviet advisers in Uganda, and Amin's ties to radical Arab states and Somalia have all contributed to an increase in their level of concern. If Mogadiscio were to instigate a renewed insurgency in northeast Kenya—a movement that Kenya supported in the 1960s—or if it were to order the Somali army to take action against Ethiopia or Kenya, Kenya is concerned that Amin might make some kind of military move that would be supportive of the insurgency initiative.[1092]

Amin was most likely planning to maintain the possibility of additional raids across the border in order to keep Nairobi off balance and to emphasise the "threat" to Uganda for the purpose of domestic consumption. Amin was, indeed, unpredictable and, therefore, after hearing reports that Amin has been stirring up his senior officers with threats to "crush Kenyatta," the Kenyans were experiencing a great deal of

[1090]George Hinda, O. I in Kaliwa, 13/11/2023.
[1091]John O. Oucho, and George Odipo. "Prospects for free movement of particular persons in the East African Community: The feasibility and dilemmas of integration1." *Migration, Free Movement and Regional Integration* (2017): p.119.
[1092]Martha Isiakho, O. I in Duka moja, 15/11/2023.

anxiety. Nairobi fears that the likelihood of some erratic move by Amin—a terrorist incident, an assassination attempt against Kenyatta, or the seizure of some Kenyan territory—will increase when Amin ends his term as chairman of the Organisation of African Unity in July. The concerns that were raised in Nairobi are, in our opinion, overblown; however, due to Amin's personality, we are unable to completely rule out the possibility of such actions occurring.[1093]

It thus emerged that, when it comes to public relations, the Kenyans were taking care not to push Amin too far. In spite of the fact that he was privately issued a stern warning to Amin, President Kenyatta has returned the two Ugandan helicopters and several soldiers that were captured during the recent incursions.[1094] When it feels that it has made its point, Nairobi may decide to relax the economic restrictions that are currently in place. Amin already was making a lot of noise about the lack of fuel, and the Kenyans are probably not willing to give him any grounds for justifying some military action by claiming that he is being economically strangled.[1095]

However, the researcher noted that Nairobi had started providing limited covert support for a group of Ugandan exiles in Kenya who had been plotting the overthrow of Amin. These individuals were moving around in Kenya. Despite the fact that the group did not appear to be well organised, the effort were seen to be ending up being counterproductive for Nairobi because it may have provided Amin with a justification to take action against Kenya. There was a possibility that Amin would not have responded to any attempt to unseat him that is supported by Kenya by increasing the amount of force that was displayed on the border. In such a scenario, a significant

[1093]Martha Isiakho, O. I in Duka moja, 15/11/2023.
[1094]Kariuki, Joyce N. "National interests as a constraint to regional integration: a case study of Kenya in the East African community." PhD Dissertation, University of Nairobi, 2008, p.92.
[1095]Ibid., p.93.

border incident may have resulted of a misunderstanding on either side of the border.[1096]

Kenyans were even more concerned about Amin because of his overwhelming superiority in terms of both the number of troops and the weapons he possessed. Kenyan leaders were uneasy about an official assessment that called into question the willingness of the army to defend the nation's borders, despite the fact that Kenyan units were better trained and more disciplined than Ugandan forces.[1097] There was a concern among some officers of the army that the attention that Nairobi was paying to Uganda was to be diverted attention away from what they consider to be a significantly more serious threat posed by Somalia.

Kenya had approached the United States of America and other potential sources for military assistance, particularly aircraft, in light of the fact that it was aware of its military deficiency. Kenya, on the other hand, continued to decline the offers of military assistance that the Soviet Union has made.[1098] Kenya has made efforts to pique the interest of the British government in providing troops or aircraft for a joint exercise or some other show of force, preferably in the vicinity of the border; however, London has reportedly declined to provide these military resources to Nairobi.

The discussion on escalating tensions between Kenya and Uganda illustrates the application of bureaucratic and interdependence theories, merged with interpretivism philosophy by Max Weber. Bureaucratic challenges within the nations hindered

[1096]Simone Raudino, "Development Aid and Sustainable Economic Growth in Africa." *The Limits of Western and Chinese Engagements* (2016), p.16.
[1097]Norman Sempijja, "Inter-organisational cooperation for peace: burgeoning relationship or opportunistic liaison? A study of the cooperation between the European Union and United Nations peace operations in the Democratic Republic of Congo 2003-2008." PhD Dissertation, Kingston University, 2013, p.82.
[1098]Ibid., p.83.

diplomatic resolutions, leading to economic sanctions and military posturing. Interdependence theory elucidates how regional dynamics, such as economic dependencies and security concerns, shape bilateral relations. Interpretivism philosophy, through qualitative analysis, unveils nuanced socio-political factors driving the conflict, including perceptions of leadership and military capabilities. The study highlights how bureaucratic inefficiencies, interdependent relationships, and interpretive understanding inform the analysis of regional challenges, offering insights into the complexities of interstate relations.

5.3.1 Border Disputes/Conflicts

Border disputes have been one of the most persistent challenges that have been encountered. In certain regions, the countries have engaged in disagreements regarding the demarcation of their shared border, which has resulted in sporadic instances of tension and conflict. The Kenya-Uganda border demarcation disagreements have not been the exception. Indeed,

> Since 1962, disagreements over the border between Kenya and Uganda have posed a significant obstacle to both the security of the border and the economic and diplomatic relations between the two countries. Tensions have been created as a result of these disagreements, which have also impeded cooperation and, on occasion, even escalated into conflicts.[1099]

Thus, there have been frequent instances of tensions and occasional conflicts along the common border as a result of border disputes. Conflicts that arise over the demarcation of borders and territorial claims have the potential to escalate into skirmishes or military standoffs, which can have a negative impact on the safety of the border region.[1100]

[1099]Innocent Ochoko, O. I in Lwandayi, 22/11/2023.
[1100]Mathew Eleojo Egu, "The strategic importance of regional economic integration to multinational companies (MNCs): A study of South African MNCs' operations in the SADC." PhD Dissertation, University of South Africa, 2014, p.103.

Sharing of border resources such as water and pasture has also been witnessed: several pastoralist communities can be found in the region that is known as the "Karamoja cluster," which is located on the border between Kenya and Uganda. These groups have frequently engaged in violent conflicts over livestock, water, and grazing resources as a means of coping with the unpredictable rainfall and generally harsh environmental conditions that they have been experiencing.

Additionally, in recent times, these have been made worse by the increased availability of modern weapons from neighbouring countries that are currently experiencing war, in addition to a string of droughts that have been particularly severe.[1101] The fragility of the international boundaries also causes conflicts in this regard:

> Because of the porousness of international boundaries in the Karamoja cluster, these conflicts frequently involve groups from different countries. For example, the Pokot and Turkana from Kenya, as well as the Dodoth, Jie, Sabiny, and several Karimojong groups from Uganda, are all individuals who are involved in these conflicts.[1102]

It thus emerged that, more than 800 people lost their lives as a result of attacks that took place across international borders between these groups between the years 1998 and 2008, with approximately 450 deaths being reported for the year 2000 alone.[1103] From the secondary sources, it emerged that, there are a number of factors that contribute to communal conflicts in the Karamoja cluster, including the increased availability of modern weapons, the gradual erosion of customary conflict mitigation institutions, the absence of adequate state protection, frequent droughts, and the

[1101]Michael Mupembe, O. I in Kolemu, 28/11/2023.
[1102]Michael Mupembe, O. I in Kolemu, 28/11/2023.
[1103]UCDP, 2014.

general vulnerability of pastoralist communities.[1104] These are some of the main factors that contribute to these conflicts. However,

> On the other hand, the porousness of the border between Kenya and Uganda creates additional opportunities for livestock raiding. This is because those who commit the raids are able to cross the border and avoid being subjected to legal consequences. In addition, there have been multiple instances in which groups such as the Pokot have crossed the border in order to avoid being disarmed by the Kenyan Army.[1105]

Furthermore, the permeability of the border makes it easier for illegal weapons to cross borders.[1106]

The study, therefore, concluded that the governments of Kenya and Uganda, in addition to a large number of non-governmental organisations, church-based organisations, and grassroots initiatives, have all participated in a variety of strategies to reduce the level of violence that occurs across the border between Kenya and Uganda. However, since then, the efficacy of these measures has been called into question, and the fear of attacks from groups located on the other side of the border continues to be a persistent concern among the communities that are located in the area. In particular, the anticipated rise in the frequency of droughts over the course of the following years may result in a resurgence of violence that occurs across international borders.

In analyzing border disputes between Kenya and Uganda, bureaucratic and interdependence theories reveal complexities in resolving territorial conflicts. Bureaucratic hurdles hinder diplomatic solutions, exacerbating tensions and impeding cooperation. Interdependence theory elucidates how shared resources and porous borders amplify conflicts, transcending national boundaries. Interpretivism, as

[1104]Jeff Powell, "Subordinate financialisation: a study of Mexico and its non-financial corporations." PhD Dissertation, SOAS, University of London, 2013, p.108.
[1105]Gilbert Okoboi, O. I in Bunyawudo, 9/12/2023
[1106]Kirsten Gelsdorf, Daniel Maxwell and Dyan Mazurana. *Livelihoods, basic services and social protection in Northern Uganda and Karamoja*. Vol. 4. Working Paper, 2012, p.56.

advocated by Max Weber, underscores the importance of oral sources, capturing socio-cultural nuances shaping perceptions of border disputes. Oral testimonies highlight communal dynamics and environmental pressures driving conflicts. Integration of interpretivism enriches understanding, revealing the multifaceted nature of border disputes beyond bureaucratic and geopolitical lenses. This holistic approach informs strategies for conflict resolution and underscores the need for nuanced, community-driven solutions.

5.3.2 Conflict Resolution

Historically, the governments of Kenya and Uganda have implemented military disarmament strategies in the cross-border region that have been criticised for their excessive brutality and for making disarmed communities vulnerable to attacks by other groups that were able to avoid disarmament by crossing the border.[1107] These strategies have been criticised for their excessive brutality and for making disarmed communities vulnerable to attacks by other groups. This was affirmed thus:

> Recently, both governments have begun to collaborate with civil society in a more intimate manner in order to resolve disputes that occur across international borders. Some of the fundamental components of this strategy include the prevention of conflicts through the use of sensitization campaigns, interventions in mediation, and negotiations for the safe return of cattle that have been stolen.[1108]

Therefore, it also emerged that, among the local organisations that have served as intermediaries between communities, local government, military and police forces, Human Rights Commission, and other non-governmental organisations; (Oxfam and SNV), Riam Riam (in Kenya) and KOPEIN (in Uganda) are two examples. These organisations have represented the interests and security needs of local communities

[1107]Peter Stark, Christopher Gordon and David Powell. "Rebalancing our cultural capital." *GPS culture* (2013): 1-64, p.16.
[1108]Kenneth Kasujja, O. I in Maduwa, 7/12/2023.

while simultaneously promoting dialogue and peaceful resource sharing. The Turkana and Dodoth communities from Kenya and Uganda helped reach a provisional peace agreement in 2005.[1109] This was the most notable outcome of their assistance. Despite this outcome,

> In order to foster peace on both sides of the Uganda-Kenya border, the International Rescue Committee is providing financial assistance to cultural activities and other grassroots initiatives. The Karamoja Cluster Project, a collaborative project between the University for Peace, Uganda Martyrs University and Children Peace Initiative, the Pian-Pokot-Sabiny Cross Border conflict Programme, as well as the Turkana-Pokot-Sabiny Cross-Border Conflict Management Initiative, engage local communities across the border and promote cooperative sharing of pastoral resources.[1110]

In order to connect and involve a variety of communities on both sides of the border, ACTED Company is undertaking the construction of pastoral field schools and the training of communal animal health workers. Several of these organisations have contributed to the improvement of the situation in the communities located in the region. However, in the majority of instances, the scope of their activities has remained relatively limited, and as a result, they have not received a great deal of attention from the international community or potential donors.[1111]

Initiatives to build peace across international borders continue to face significant obstacles. Indeed,

> Despite the fact that the majority of local organisations and leaders do not possess the necessary capacities, the presence of multiple stakeholders and the coordination of multiple actions across the border both result in high organisational costs. The disregard for traditional institutions that facilitate conflict resolution and the absence of active community involvement both contribute to the further escalation of these issues. First and foremost, there is a need for improved

[1109]Jonah Leff, "Pastoralists at war: Violence and security in the Kenya-Sudan-Uganda border region." *International Journal of Conflict and Violence (IJCV)* 3, no. 2 (2009): 188-203, p.190.
[1110]Peter Stark (2013). *Op. Cit*., p.24.
[1111]Anthony Egeru, "Climate risk management information, sources and responses in a pastoral region in East Africa." *Climate Risk Management* 11 (2016): 1-14, p.5.

> coordination of disarmament across the border, as well as an improvement in the security of communities that have disarmed themselves.[1112]

Therefore, it was discovered by the researcher that, the Kenyan-Ugandan cross-border region continues to be plagued by a number of factors that continue to impede efforts to reduce vulnerability and conflict. These factors include the continuation of violent livestock raiding, the occurrence of droughts that are becoming more frequent, and the disruption of social and economic life that these droughts cause.

When it comes to disputed territories, the research noted that, the lack of clarity regarding the precise location of the border can generate security vulnerabilities. This is the case:

> Due to the fact that law enforcement agencies from both countries may find it difficult to effectively patrol and secure the disputed regions, it may make it easier for criminal activities such as smuggling, illegal border crossings, and others to take place. Land, water bodies (like Lake Victoria), and natural resources are examples of the types of valuable resources that can be at stake in borders disputes. This can result in resource-related conflicts, which further compromise border security, and competing claims over these resources can lead to these conflicts.[1113]

Kenya and Uganda may both send military or security forces to the disputed areas in order to assert their respective claims to the territory. A tense and unstable security environment may be created as a result of the militarization of the border. Disruptions to trade can be caused by disagreements at customs borders. The smooth flow of goods and services can be impeded by inconsistencies in border control measures, as well as disputes over customs procedures and taxation in contested areas. This affects both economic integration and international trade.

When it comes to investors who are interested in engaging in economic activities that span international borders, border disputes create uncertainty. Because of this,

[1112]Victor Wanyama, O. I in Busime, 5/12/2023.
[1113]Betty Namukose, O. I in Kariamasit, 3/12/2023.

> There is a possibility that businesses will be dissuaded from making long-term investments in the region due to the possibility of changes in territorial control. Diplomatic negotiations and agreements are required in order to resolve border disputes. The diplomatic relations between the two countries can become strained when disagreements and disputes continue for an extended period of time, making it difficult for them to effectively collaborate on issues pertaining to the region and the world.[1114]

It would have been more beneficial to divert the time and resources that were spent on resolving border disputes to more constructive endeavours, such as promoting economic cooperation, regional integration, and joint development initiatives. Additionally, there is a possibility that political leaders will choose to exploit border disputes for the purpose of gaining domestic political advantage, which will further complicate diplomatic efforts to find solutions and may potentially escalate tensions.[1115]

Thus, the researcher acknowledges that, Kenya and Uganda have endeavoured to engage in diplomatic negotiations and look for peaceful resolutions to their border disputes in order to mitigate the effects of these challenges. The resolution of particular problems has been accomplished through the utilisation of approaches such as international arbitration and joint border commissions. Nevertheless, the study found out that, reaching a resolution that is both comprehensive and long-lasting continues to be a troublesome endeavour that calls for ongoing collaboration and compromise. Both the security of the border and the economic and diplomatic relations between Kenya and Uganda have been significantly hindered as a result of recent border disputes. The fact that they have the potential to disrupt security, trade, and diplomatic cooperation highlights the significance of locating peaceful and

[1114]Jane Doreen Nanjala, O. I in Buyengo, 19/12/2023.
[1115]Chris C. Opesen, and Erina Olowo Onyango. ""A Pokot Man has One or Two Wives…..": An Ethnographic Discourse of the Polygynous Pokot Family Setup at the Kenya-Uganda Border." PhD Dissertation, Tokyo University of Foreign Studies, p.73.

mutually acceptable solutions to these disputes in order to allow their relationship to reach its full potential.[1116]

In analyzing conflict resolution along the Kenya-Uganda border, bureaucratic hurdles and interdependence theory elucidate challenges and solutions. Military disarmament strategies, criticized for brutality, reflect bureaucratic approaches lacking community input. Collaborative efforts with civil society signal integration theory, fostering dialogue and peace initiatives. Interpretivism, as per Max Weber, emphasizes oral sources, capturing grassroots perspectives on conflict resolution.

Local organizations like Riam Riam and KOPEIN embody interpretive principles, bridging communities and authorities. International efforts, such as the Karamoja Cluster Project, align with interdependence theory, promoting cross-border cooperation. Despite obstacles like territorial disputes and militarization, diplomatic negotiations underscore bureaucratic attempts to find mutual solutions. Ultimately, a holistic approach integrating bureaucratic structures, interdependence theory, and interpretive insights is crucial for sustainable peace.[1117]

5.3.3 Economic Competition

East African nations Kenya and Uganda both have the goal of becoming economic centres in the region. Due to the fact that they are competing for regional dominance, this competition has occasionally resulted in economic friction. As exemplified herein; since 1962, the economic competition that exists between Kenya and Uganda has posed a challenge to both the security of the border and the country's economic-diplomatic relations. Competition in the economic sphere can serve as an incentive for illegal activities such as smuggling. In situations where there are price differences or

[1116]Antoine. Lambroschini, "No Twitter Revolt for Central Asia's Closed Regimes'." *Science Network* 21 (2011), p.66.
[1117]Ibid., p.16.

regulatory differences between the two countries, individuals and criminal networks may engage in the practice of smuggling goods across the border. These goods may include illegal items and items that are not subject to taxation. Not only does this undermine efforts to secure the border, but it also has the potential to lead to confrontations between law enforcement agencies.[1118]

It's therefore worth noting that, in the East African region, Kenya and Uganda are competing for economic dominance and this competition has the potential to create tensions and mistrust between the governments. If not well managed, border regions can become hotspots for disputes and conflicts that are related to economic interests and the distribution of resources.[1119] It is possible for economic competition to make resource scarcity in border regions even worse. Competition over access to natural resources can arise as a result of both countries' efforts to exploit and control resources in regions that are already contested or overlap. This can further complicate issues pertaining to border security. Indeed,

> Due to the disparities in economic conditions that exist between the two countries, there may be differences in the standards of living. Because of this, people from one country might be compelled to look for better economic opportunities in another country, which is typically accomplished through illegal immigration. Attempting to control and regulate such movements can put a strain on the resources available for border security. There is a possibility that economic competition will result in trade disputes. It is possible for both nations to impose trade barriers, tariffs, or non-tariff barriers in order to safeguard their domestic industries.[1120]

However, this can result in trade disputes and have a detrimental effect on diplomatic relations. The spirit of regional integration can be hampered by economic

[1118]Issa Kagolo, O. I in Kapesuru, 29/12/2023.
[1119]David Booth, *et. al.*, *East African prospects; An update on the political economy of Kenya, Rwanda, Tanzania and Uganda*. University of Nairobi, 2014, p.18.
[1120]Mark Supete, O. I in Duka moja, 3/01/2024.

competition, despite the fact that both Kenya and Uganda are members of regional economic communities such as the East African Community.

As found established, it is possible for disagreements concerning market access, trade policies, and the promotion of investment to slow down the progress that is being made towards regional economic cooperation. The pursuit of economic dominance in the region can sometimes lead to diplomatic friction. This is because:

> When two countries compete with one another over economic influence, it can put a strain on diplomatic relations, making it more difficult for them to work together on issues that affect the region and the world. Both nations compete with one another to entice foreign investments, and as a result of this competition, they may make an effort to undercut one another in terms of the economic incentives they provide to investors. Despite the fact that this may be advantageous for investors, it may also result in diplomatic tensions between the two countries. In addition, disagreements regarding the distribution of shared resources, such as water bodies and infrastructure projects that span international borders, can arise as a result of economic competition. Disagreements of this nature can make diplomatic negotiations and agreements more difficult to achieve.[1121]

It was noted that, based on the above findings that, over the past few years, there have been efforts made to address some of these challenges through the use of diplomatic efforts, regional cooperation initiatives, and bilateral agreements for cooperation. Moreover, the economic competition between Kenya and Uganda, on the other hand, continues to be a persistent problem that calls for careful management and collaboration between the two countries in order to prevent it from having a negative impact on border security and economic-diplomatic relations. It is possible to alleviate some of the challenges that are brought about by economic competition by locating areas of agreement and forming economic partnerships that are beneficial to both parties.

[1121]Julius Maganda, O. I in Moding, 30/12/2023.

Bureaucratic frameworks and interdependence theory underpin discussions on economic competition between Kenya and Uganda, highlighting friction and border security challenges. Smuggling, driven by regulatory disparities, reflects interdependence theory's premise of shared economic interests.[1122] Interpretivism, per Max Weber, delves into oral sources, capturing local perspectives on economic migration and trade disputes.

Disparities in living standards fuel illegal immigration, straining border security resources. Economic competition, while fostering regional integration, also breeds diplomatic tensions, exemplifying bureaucratic challenges in managing inter-country relations.[1123] Efforts to address these challenges entail diplomatic negotiations and bilateral agreements, aligning with bureaucratic approaches to conflict resolution. Collaboration between Kenya and Uganda is essential to mitigate economic competition's adverse effects on border security and diplomatic relations, emphasizing interdependence and cooperative solutions.

5.3.4 Political Differences

Different political ideologies and leadership styles in both countries have resulted in different approaches to foreign policy, which has occasionally caused diplomatic relations to become strained by these differences.[1124] In general, since the year 1962, Kenya and Uganda have been facing difficulties in terms of both border security and economic and diplomatic relations due to the existence of political differences. Some of the political ideologies were; communistic tendencies by Julius Nyerere of

[1122]Celestine Oyom Bassey and Oshita O. Oshita, eds. *Governance and border security in Africa*. African Books Collective, 2010, p.62.
[1123]Catarina Inverso, "From War To Peace As Conflict Goes On: Displacement And State Making During South Sudan's 2013-2020 Conflict." PhD Dissertation, SOAS University of London, 2024, p.99.
[1124]Thomas Preston, *The president and his inner circle: Leadership style and the advisory process in foreign policy making*. Columbia University Press, 2001, p.82.

Tanzania, Capitalistic tendencies by Jomo Kenyatta of Kenya and Socialistic tendencies by Museveni Yoweri of Uganda.[1125] The study further noted that, the political differences between the two countries have frequently had an impact on the decision-making process, diplomatic relations, and cooperative efforts between them in a variety of ways.

Because of this, the ability to work together on matters of security can be hindered by political differences. It is possible that a lack of trust and a lack of willingness to collaborate on issues related to border security, such as counterterrorism efforts or joint border patrols, could result from the fact that political leaders in Kenya and Uganda have ideologies or interests that are fundamentally in conflict with one another. It is possible for differences in resource allocation for border security to arise as a result of disagreements regarding political issues. In the event that one nation views the other as a potential security risk due to political differences, it may redirect resources away from collaborative security efforts, which could result in vulnerabilities along the border.[1126]

There is a possibility that political leaders can resort to disagreements or conflicts in order to assert their nation's sovereignty over border regions. Moreover, the study realized that, considering that both nations may take a firm stance on territorial claims, this has the potential to generate tensions and have an effect on the security situation along the border. This is ascertained by the fact that:

> The level of cooperation that is needed to address insurgents or militant groups that operate across international borders can be impacted by political differences. When one nation has reason to believe that another nation is harbouring or supporting such groups as a result of political alliances, it can

[1125]Philip G. Cerny, *The politics of grandeur: ideological aspects of de Gaulle's foreign policy*. Cambridge University Press, 1980, p.83.
[1126]Mary Jerusha, O. I in Busia,4/01/2024

> put a strain on security efforts and make it more difficult to share intelligence.[1127]

The study, found out that, political disagreements between Kenya and Uganda can result in diplomatic impasses between the two countries. There are a number of factors that can lead to diplomatic tensions, which can then spread into economic and trade relations.[1128] These factors as observed by the study may include disagreements on regional or international issues, different approaches to foreign policy, and even leadership changes.

Differences in politics can have an effect on commercial relations and investments from other countries. Economic and diplomatic ties can be negatively impacted when there is a shift in government policies, a dispute over trade, or political rhetoric. The study discovered that these factors can discourage foreign investors and disrupt trade flows. The progress that is being made towards regional integration can be hampered by political differences. Despite the fact that Kenya and Uganda are both members of regional organisations such as the East African Community, political disagreements have the potential to slow down initiatives that are aimed at increasing the level of economic and political integration within the region.[1129]

The study therefore, concludes that differences in political leadership have the potential to impact the implementation of development projects that span international borders. When there are political disagreements regarding the funding, scope, or benefits of infrastructure projects and joint initiatives, there is a possibility that these endeavours will be delayed or encounter obstacles. This is because diplomatic relations with Kenya and Uganda can be influenced by political alliances and

[1127]Clayson Mayabi, O. I in Alupe, 3/12/2023

[1128]Thomas Preston, *The president and his inner circle: Leadership style and the advisory process in foreign policy making*. Columbia University Press, 2001, p.78.

[1129]Karen Abul Kheir, *The foreign policies of Arab states: the challenge of globalization*. American Univ in Cairo Press, 2008, p.101.

partnerships with countries or organisations located outside of Kenya and Uganda. It is possible that divergent diplomatic priorities and approaches will result from differences in the alignment of their foreign policies.[1130]

Furthermore, the study concludes that, in an effort to address these challenges, both nations have, on occasion, participated in diplomatic negotiations and dialogue in an effort to locate areas of agreement and settle disagreements. On the other hand, achieving solutions that are sustainable can be difficult, particularly in situations where political differences continue to exist or develop over time.

In summary, it can be stated that political differences between Kenya and Uganda have the potential to have an effect on both the security of the border and the economic and diplomatic relations between the two countries. In order to effectively manage and mitigate the challenges that are posed by political differences in their relationship, it is essential to take steps such as establishing trust, encouraging dialogue, and locating areas of sharing interests and working together.

Bureaucratic and interdependence theories inform discussions on political differences between Kenya and Uganda, affecting border security and diplomatic relations since 1962.[1131]

Interpretivism, aligned with Max Weber's ideas captures local insights on how political ideologies influence cooperation. Leaders' conflicting interests hinder joint security efforts, resource allocation, and sovereignty assertions, impacting border security. Political disparities strain diplomatic ties, affecting economic relations and foreign investments. Despite both nations' membership in regional bodies like the East African Community, political rifts impede regional integration efforts.

[1130]Philip G. Cerny, *The politics of grandeur: ideological aspects of de Gaulle's foreign policy*. Cambridge University Press, 1980, p.91.
[1131]Neack, Laura. *Studying foreign policy comparatively: cases and analysis*. Rowman & Littlefield, 2018, p.79.

Diplomatic negotiations aim to resolve differences but sustainable solutions remain elusive. Managing political disparities requires trust-building, dialogue, and finding common ground to address shared interests and foster collaboration.

5.3.5 Security Concerns

Both countries have been confronted with difficulties as a result of cross-border security issues, which include smuggling, illegal immigration, and occasional threats of terrorism.[1132] Moreover, since 1962, concerns regarding security have been a significant factor in shaping both the border security and the econo-diplomatic relations between Kenya and Uganda. It is evident that these; concerns about national security frequently centre on illegal activities that spread across international borders, such as smuggling, human trafficking, and illegal trade. Because of the porous nature of the border, it may be difficult to exercise effective control over these particular activities.

Kenya and Uganda have both been subjected to threats of terrorism from terrorist organisations such as Al-Shabaab and the Lord's Resistance Army. In order to gain an advantage, these groups have conducted their operations in border regions and have utilised porous borders. Concerns about the impact of terrorism on national security have resulted in collaborative efforts to strengthen border security and improve the sharing of intelligence.[1133]

One of the things that raises concerns about security is the illegal movement of weapons across the border. In order to contribute to instability and insecurity, the availability of firearms in border areas can be a contributing factor. Additionally,

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[1132]Olomu, Babatunde, David Oladimeji Alao, and Eyitayo Adewumi. "Border security issues and challenges of the Nigeria Customs Service." *International Journal of Latest Research in Humanities and Social Science* 2, no. 3 (2019): 10-19, p.15.
[1133]Brian Ekimoire, O. I in Sio-port, 9/12/2023.

> On account of the fact that people who are looking for economic opportunities or fleeing conflicts may cross the border without the appropriate documentation, illegal immigration may give rise to concerns regarding national security. Protecting the border requires that these movements be controlled and regulated in order to be effective.[1134]

Therefore, an increase in the number of border checks and delays can be a consequence of increased security concerns, which can have an effect on the flow of goods and trade. This may cause disruptions in supply chains and make it more difficult for the two countries to maintain economic relations as is explained; it is possible that concerns about security will lead to the imposition of trade barriers and restrictions, which will have an impact on the movement of goods and services. There is a possibility that these barriers will result in trade disputes and will impede efforts to integrate the economy within the region. It is possible for security concerns to have an impact on the distribution of resources for border security measures, including personnel, technology, and infrastructure. The decisions that are made regarding resource allocation can be influenced by differences in perceived threats and priorities.[1135]

This means that when one nation believes that the other is not doing enough to address shared security threats or when there are allegations of cross-border support for insurgent groups, security concerns have the potential to create diplomatic tensions. Thus,

> In spite of the difficulties that are brought about by security concerns, they also present opportunities for Kenya and Uganda to work together. The two nations have collaborated on security operations in order to combat terrorism and criminal activity that occurs across the border.[1136]

[1134]Daniel Obudu Papai, O. I in Mulwanda, 7/12/2023.
[1135]FGD of Bakhayo residents in Bukhayo, on 21/12/2023.
[1136]Johnfred Lukera, O. I in Busia, 5/12/2023

The purpose of these collaborative efforts is to strengthen border security and to support the promotion of stability in the region.

Based on these findings, the sharing of intelligence regarding potential threats to security has been an essential component of their collaboration.[1137] When it comes to addressing some of the most common security concerns, collaborative efforts in intelligence gathering and analysis are helpful. Kenya and Uganda have collaborated on addressing security concerns both within regional organisations such as the East African Community and on the international stage when it comes to addressing these concerns. The formation of these partnerships may result in the implementation of collaborative initiatives and diplomatic efforts to address security concerns.[1138] Border security and economic-diplomatic relations between Kenya and Uganda have been characterised by the presence of security concerns, which have presented both a challenge and an opportunity. In order to effectively manage these concerns, cooperation, the sharing of intelligence, and striking a balance between the requirements for security and the interests of the economy are required in order to cultivate a relationship that is both stable and prosperous.

5.3.6 Trade Barriers

From the observation made by the researcher on the above theme, the movement of goods and services across the border has been hampered by non-tariff barriers and regulatory differences, which have hampered the process of economic integration within the country. In the words of Emily Marceline; since 1962, trade barriers have been a source of difficulty for both the security of the border and the functioning of economic and diplomatic relations between Kenya and Uganda. Because of trade

[1137]Jamila Shidane, "The cross-border security challenges in the Horn of Africa Region. a case study of Kenya, Ethiopia Moyale Border." PhD Dissertation, University of Nairobi, 2020, p.73.
[1138]Ibid, p.79.

barriers, these two aspects of their relationship have been impacted in the following ways: There is a potential for customs checks and inspections, which are examples of trade barriers, to result in increased congestion at border crossings.

Due to the fact that it becomes more difficult for border security forces to effectively manage the flow of people and goods, this congestion can create security vulnerabilities.[1139]The existence of trade barriers can also open the door to opportunities for authorities at the border to engage in corrupt behaviour. Therefore,

> In order to circumvent delays or fees, smugglers and traders may attempt to bribe border security personnel, which would undermine the efforts that are being made to maintain security. In order to effectively manage the enforcement of trade regulations and customs procedures, it may be necessary to allocate security resources such as personnel and technology. The allocation of resources can have an impact on the availability of resources that can be used to address other security concerns along the border.[1140]

Because of this, trade barriers which include tariffs, import quotas, and non-tariff barriers, have the potential to impede the flow of goods and services between Kenya and Uganda. Trade disruptions can have a negative impact on diplomatic and economic relations, which can result in trade disputes and strained ties because of the disruptions.[1141]

The study further established that the East African Community and other regional organisations face challenges in their efforts to achieve economic integration due to the presence of trade barriers. It is possible for disparities in trade policies and regulations to obstruct the development of a common market and the achievement of shared economic objectives. This is because:

> Disputes in trade that are brought on by trade barriers have the potential to cause diplomatic tensions. There is a possibility

[1139]Marceline Emily, O. I in Busia, 30/12/2023.
[1140]Marceline Emily, O. I in Busia, 30/12/2023.
[1141]Aninia Nadig, "Human smuggling, national security, and refugee protection."In *Journal of refugee studies* 15, no. 1 (2002): 1-25, p.13.

> that both nations will engage in negotiations or take retaliatory actions, which will have an impact on diplomatic relations and cooperation on broader regional and international issues. Trade barriers have the potential to have a negative impact on communities that are located along the border and whose livelihoods are dependent on trade that occurs across the border. This has the potential to generate dissatisfaction and social challenges, which may then possibly escalate into diplomatic disagreements.[1142]

Thus, despite the fact that trade barriers present difficulties, they also present opportunities for Kenya and Uganda to work together.

There is, therefore, potential for both nations to collaborate in order to harmonise their trade policies and reduce trade barriers. It is possible for both countries to reap the benefits of initiatives that aim to simplify regulations, streamline customs procedures, and align trade policies.[1143] By investing in infrastructure that spans international borders, such as border crossings and transportation corridors, it is possible to facilitate trade and reduce the delays that are caused by trade barriers. Both economic and diplomatic ties can be strengthened through the implementation of joint infrastructure projects.

Within the framework of regional organisations such as the East African Community, Kenya and Uganda have the opportunity to work together to address issues that are related to foreign trade. Regional integration efforts have the potential to contribute to the creation of an environment that is more favourable to trade and diplomacy. In a nutshell, trade barriers have posed difficulties for both the security of the border and the economic and diplomatic relations between Kenya and Uganda. The reduction of trade barriers, the improvement of border infrastructure, and the promotion of economic integration are all things that need to be done in order to address these

[1142]Catherine Barasa, O. I in Malaba, 29/12/2023.
[1143]Christopher Lutomia Imboywa, "Implications of border security management dynamics on national security at Moyale one stop border post-Kenya." PhD Dissertation, Africa Nazarene University, 2022, p.130.

challenges.[1144] All of these things can contribute to a relationship between the two countries that is more prosperous and stable.

The study revealed trade barriers' impact on border security and economic ties between Kenya and Uganda since 1962. Marceline Emily highlighted how customs checks can congest border crossings, posing security risks. She noted trade barriers as opportunities for corruption, impacting security resource allocation. Catherine Barasa added that trade disputes from barriers can strain diplomatic ties, affecting border communities. The study proposes collaboration to harmonize trade policies and infrastructure investment to reduce delays. Joint efforts within regional bodies like the East African Community can enhance economic integration and diplomatic cooperation, fostering a more stable and prosperous relationship between the two nations.

5.4 Opportunities Relating to Border Security and Econo-Diplomatic Relations Between Kenya and Uganda since 1962

This subsection underscores regional integration, infrastructure development, resource sharing, diplomacy, tourism, trade and investment.

5.4.1 Regional Integration

The East African Community and the Common Market for Eastern and Southern Africa are two examples of regional organisations that Kenya and Uganda are both members of. In there interactions, there are opportunities for cooperation and the resolution of issues pertaining to trade and the economy that can be found on these platforms. Between Kenya and Uganda, since 1962, regional integration has been a

[1144]Anthony Itumo *et. al.*, "Cross-border migration and the rising waves of terrorism in West Africa: The example of Boko Haram in Nigeria."In *South East Journal of Political Science* 4, no. 1 (2018), p.91.

significant opportunity for both the security of the border and the economic and diplomatic relations between the two countries.[1145]

Such opportunities have enabled joint security initiatives that have been implemented as a result of regional integration within the East African Community and other regional organisations within the region. As members of the East African Community, Kenya and Uganda have worked together on a variety of security issues, including the fight against terrorism, the exchange of intelligence, and the operations of joint border patrols. Through the utilisation of collective resources and expertise, these initiatives bring about an improvement in border security. It is on this basis that:

> Within the context of regional integration, member states are encouraged to share information and intelligence regarding border-related issues, criminal activities and threats to national security. The exchange of information improves both the ability to respond effectively to security challenges and the situational awareness of the organisations involved. Integration has the potential to result in the harmonisation of security protocols and procedures, which will make it simpler for law enforcement agencies from both countries to coordinate their efforts. Consistent protocols have the potential to improve border security while also streamlining operations.[1146]

In this regard, the creation of a larger market and the promotion of the free movement of goods, services, and capital are two additional ways in which regional integration helps to foster economic cooperation.

The study found out that, as members of the Economic Community of Africa, Kenya and Uganda reap the benefits of reduced trade barriers and enhanced economic integration. In turn, this strengthens their econo-diplomatic relations by increasing the amount of trade and investment that occurs across the border, the details of which are that: From the archival data interrogated by the study, it emerged that; trade facilitation measures, such as standardised customs procedures and reduced tariffs, are

[1145]Julita Ajambo, O. I in Mahero, 14/10/2023.
[1146]Paul Barasa, O. I in Lukolisi, 21/10/2023.

frequently included in initiatives aimed at regional integration. Through the implementation of these measures, businesses in Kenya and Uganda are able to engage in cross-border trade with greater ease, which ultimately results in increased economic growth and improved diplomatic relations.

It is common for projects involving regional integration to involve the development of infrastructure, which may include the building of roads, railways, and ports. Not only does the improvement of infrastructure make it easier for people and goods to move between Kenya and Uganda, but it also improves connectivity between the two countries, which in turn helps to foster economic and diplomatic ties.[1147]

Kenya and Uganda work together on a wide variety of diplomatic issues within regional organisations such as the East African Community. These issues include regional security, trade agreements, and political stability responsibilities.[1148] Their influence and voice on the international stage are both strengthened as a result of this diplomatic collaboration tallies with the principle that:

> A common feature of regional integration is the provision of mechanisms for conflict resolution, which member states can employ in order to address disagreements. Disputes between Kenya and Uganda that are related to border security or other diplomatic matters can be resolved peacefully with the assistance of this, thereby reducing the likelihood of an escalation. The level of political stability in member states can be improved through the implementation of regional integration. It may be more beneficial for Kenya and Uganda to maintain peaceful relations and resolve disputes through diplomatic means rather than resorting to conflict. This could be accomplished by working together on regional issues and common goals. Regional integration, in particular within the context of the East African Community and other regional organisations, has provided significant opportunities for improving both border security and economic-diplomatic relations between Kenya and Uganda.[1149]

[1147]KNA/DC/TURK.1/1, p.17.
[1148]Roselyne S. Makokha, "Enforcement Challenges in Addressing Migrant Smuggling Into Kenya-a Case of Moyale Border." PhD Dissertation, University of Nairobi, 2020, p.99.
[1149]Joseph Lugalia, O. I in Busijo, 23/10/2023.

In sum, it can be argued that these opportunities have been provided by regional integration. Regional integration has the potential to create a more prosperous and stable environment for both nations to thrive economically and diplomatically. This can be accomplished by fostering collaboration, reducing trade barriers, and promoting political stability.

Additionally, the study established that, there was a New Dawn for Kenya and Uganda on September 12, 2019, when a Peace Agreement was signed to put an end to the conflict between the two countries. It emerged that, the President of Uganda, Yoweri Museveni, and the President of Kenya, Uhuru Kenyatta, were responsible for this action. Uhuru Kenyatta, and Yoweri Museveni, were present during the historic signing of the Memorandum of Understanding for Cross-Border Peace and Development in the Turkana-Pokot-Karamoja region, which is located along the border between the two countries.[1150]

Moroto, Uganda, served as the location where the Memorandum of Understanding was signed by Kenya's Cabinet Secretary Eugene Wamalwa for Devolution and Uganda's Minister for Karamoja Affairs John Byabagambi. In the past, the Karamoja and Pokot communities have been subjected to armed conflict and cattle rustling over resources.[1151] The agreement has been referred to as a new dawn for these communities. At one point, Uhuru Kenyatta, said:

> "The pursuit of peace is the cornerstone of all that is good. In a place where there is neither peace nor development, there is no possibility of accumulating wealth. I would like to express my gratitude to President Museveni for the efforts that he has

[1150]Iztok Prezelj, Marija Gaber, and Partnership for Peace Consortium of Defense Academies and Security Studies Institutes. *Smuggling as a threat to national and international security: Slovenia and the Balkan route*. No. 5. Germany: Partnership for Peace Consortium of Defense Academies and Security Studies Institutes, 2005, p.82.

[1151]Anne Koros Jebichi, "Assessing the Challenges Facing the Department Of Immigration Services In Preventing Illegal Immigration Of Ethiopians Into Kenya." PhD Dissertation, University of Nairobi, 2018, p.122.

> made in this region, which was a conflict zone in the past, and to ensure that it is now a region of peace".[1152]

Additionally, the President of Uganda, Yoweri Museveni, stated that the partnership will make it possible for the region to achieve development. He also mentioned that his government had initiated disarmament programmes in the Karamoja district, which had rid the region of illegal arms and put an end to the ongoing conflict in the direction of creating "an Africa without borders."[1153]

It emerged to the study that, with the assistance of the United Nations Country Teams and under the management of the United Nations Development Programme, the Kenya and Uganda Cross Border Programme is an initiative that was jointly undertaken by the two governments. Its purpose was to provide communities on the border with opportunities for improved cooperation, close coordination, and peaceful coexistence. In an effort to improve their socioeconomic conditions and livelihoods in order to achieve sustainable peace and development, the communities of Turkana and West Pokot in Kenya, as well as Karamoja in Uganda, are the ones that are the focus of this initiative which breeds peace and,

> With peace, stability, and the ability to manage the impact of climate change, the region has great opportunities for development in these cross-border areas. These opportunities include the possibility of increased livestock and agriculture, as well as the possibility of increased trade, major infrastructure investments, enhanced tourism, mineral exploration, and renewable energy sources such as solar and wind power.[1154]

The study found out that, based on the achievements of the Kenya-Ethiopia Cross-Border programme, which was signed in 2015, this initiative is being carried out by the two United Nations Country Teams, with the United Nations Development

[1152]Isaac Wanyama, O. I in Aboloi, 26/11/2023.
[1153]Isaac Wanyama, O. I in Aboloi, 26/11/2023.
[1154]Ismael Muyoga, O. I in Soko Matope, 21/12/2023.

Programme serving as the leader. It is being carried out in support of the governments of Kenya and Ethiopia. Additionally, the programme will serve as a supplement to the Regional Integrated and Comprehensive Development Plan for the Karamoja Cluster that is being implemented by the Intergovernmental Authority on Development.

The study illustrates bureaucratic and interdependence theories through regional integration, exemplified by Kenya and Uganda's membership in the East African Community and COMESA.[1155] Cooperation within these frameworks since 1962 has bolstered border security and economic diplomacy. Joint security initiatives, intelligence sharing, and trade facilitation measures underscore the interdependent nature of their relations. The study aligns with interpretivism, emphasizing shared values and collaborative problem-solving inherent in Max Weber's ideas. The Peace Agreement of 2019, facilitated by Presidents Kenyatta and Museveni, epitomizes diplomatic collaboration, fostering peace, development, and socioeconomic advancement in border communities, echoing Weber's emphasis on societal values shaping governance.

5.4.2 Infrastructure Development

The movement of goods and people can be facilitated through investments in infrastructure, such as the Standard Gauge Railway, which links Mombasa to Nairobi and possibly Uganda. This can lead to an increase in economic cooperation. Therefore, since 1962, Kenya and Uganda have seen significant opportunities for improving their economic and diplomatic relations through the development of infrastructure. These opportunities include the enhancement of border security and with border security in place,

[1155]Martin K.O. Ong’oyi, "The influence of national interest on regional integration: the case of Kenya in the East African community." PhD Dissertation, University of Nairobi, 2021, p.88.

> It is possible to improve border security by making investments in border infrastructure, which includes things like border crossings, customs facilities, and surveillance systems. For the purpose of streamlining border operations and making it simpler for security personnel to monitor and control the movement of both people and goods, modernised facilities can be the solution. During the process of developing infrastructure, it is common practice to install communication and surveillance systems along the border. These technological advancements have the potential to enhance situational awareness and enable faster responses to security threats, thereby contributing to the effective protection of the border.[1156]

It was unraveled that, the security forces of Kenya and Uganda are able to conduct joint border patrols more easily thanks to improved road networks and access to border areas. Inorder to enhancing cooperation in the process of border security maintenance; these patrols have the potential to discourage illegal activities such as smuggling and illegal immigration.[1157] The training and capacity-building programmes for border security personnel may be included in infrastructure development projects with the potential to be implemented. Consequently, this has the potential to enhance the capabilities and skills of the security forces on both sides of the border.

In addition,

> The development of infrastructure, which includes the building of roads, railways, and ports, has the potential to significantly improve the functioning of trade logistics between Kenya and Uganda. This result in decreased costs associated with transportation and delays in trade, which in turn leads to increased international trade and improved economic relations. Enhanced transport infrastructure is a factor that contributes to economic integration within the East African Community and other regional organisations. It does this by encouraging the free movement of people, goods, and services between the two countries, which in turn helps to

[1156]Joan Namiiro, O. I in Ngoria, 27/12/2023.
[1157]Sheila Mbeke Munyao, "Strategies for regional integration: a case study of the East African Community." PhD Dissertation, University of Nairobi, 2013, p.109.

> foster economic cooperation and diplomatic ties between them.[1158]

Based on the foregoing findings, the study established that opportunities for joint investment and cooperation can be created through the development of infrastructure through collaborative projects. Some examples of such projects include energy initiatives and cross-border transportation corridors. Accordingly:

> These projects not only contribute to the expansion of the economy but also to the improvement of economic and diplomatic relations. Enhancing Kenya's and Uganda's infrastructure can make it easier for both countries to engage in cultural exchange and tourism. This strengthens diplomatic relations by fostering people-to-people connections, mutual understanding, and cultural diplomacy by promoting cultural exchange.[1159]

There is, therefore, the potential for infrastructure projects that are related to energy generation and transmission to contribute to energy security for both countries.

Moreover, the study found out that some examples of such projects include hydroelectric dams and power lines that cross the border. Gaining access to energy that is both dependable and affordable can be a catalyst for economic growth and cooperation.[1160]

Developing infrastructure has the potential to improve regional connectivity by establishing connections between Kenya and Uganda and their neighbouring countries. Because of this increased connectivity, new opportunities for trade, investment, and diplomatic engagement in the East African region as a whole have become available. It can be deduced from the study that the development of infrastructure presents a variety of opportunities for the improvement of both the security of the border and the economic and diplomatic relations between Kenya and

[1158]Brian Mutaki, O. I in Malaba, 27/12/2023.
[1159]Acen Mercy, O. I in Omeri, 23/12/2023.
[1160]Patricia M. Mwithiga, "The challenges of regional integration: a case study of the East Africa Community 2000-2010." PhD Dissertation, University of Nairobi, Kenya, 2011, p.103.

Uganda.[1161] The two nations can not only improve their security by investing in modern border infrastructure and transportation networks, but they can also promote economic growth, trade, and diplomatic cooperation, which will ultimately lead to a relationship that is more prosperous and stable.

The study applies bureaucratic and interdependence theories by emphasizing the role of infrastructure development in bolstering economic and diplomatic relations between Kenya and Uganda since 1962. Investments in infrastructure, like the Standard Gauge Railway, facilitate movement, enhancing economic cooperation and border security. Improved road networks enable joint border patrols, discouraging illegal activities.[1162] Interpretivism, influenced by Max Weber's ideas, is evident as the study considers the socio-cultural impact of infrastructure on diplomatic relations, emphasizing people-to-people connections and cultural exchange. Collaborative infrastructure projects further deepen ties, fostering regional connectivity and economic growth, aligning with Weber's emphasis on societal values shaping governance and cooperation.

5.4.3 Resource Sharing

The study discovered that, cooperation on shared resources, such as Lake Victoria and its fisheries can contribute to the reduction of resource-related conflicts and lead to mutual benefits for all parties involved.[1163] Therefore, since 1962, the study discovered that Kenya and Uganda have made an effort to strengthen their econo-diplomatic relations by sharing resources. The affirmation is that:

[1161]Lydia V. Makaka, "Regional Integration in Africa-a False Promise? The Case Study of the East African Community." PhD Dissertation, University of Nairobi, 2018, p.103.
[1162]Peter C. Kamau, "Security or Development? The East African Community (EAC) Regional Integration Dilemma." PhD Dissertation, University of Nairobi, 2013, p.98.
[1163]Roger Njau Mucuuthi, "Regionalism and Natural Resources Management: Conflict Resolution, Security Management and Development in Africa's Great Lakes Area." PhD Dissertation, Howard University, 2020, p.89.

> Indeed, this has the potential to be an opportunity to strengthen border security as well. Nevertheless, the sharing of resources for joint border patrols, such as personnel and equipment, can be an effective way to improve border security. Cooperative efforts between the security forces of Kenya and Uganda have the potential to reduce the number of illegal activities that occur in the border region and to improve the overall safety of the area. The sharing of resources can also include the exchange of information and intelligence concerning prospective dangers to security.[1164]

Based on the foregoing discussion, it emerged that, by combining their resources for intelligence gathering and analysis, both nations can be better able to recognise potential threats to their security and devise appropriate responses to them. In order to better coordinate the efforts of law enforcement, shared resources can be available for allocation. As a result of this coordination, the study discovered that, responses to crimes that occur across international borders, such as smuggling, human trafficking, and drug trafficking, potentially become more effective.

It was discovered that training programmes and initiatives aimed at building capacity for border security personnel are examples of what can be available through resource sharing. The capabilities and professionalism of the security forces on both sides of the border can be improved through the participation in joint training exercises. Collaborating on the development and management of shared resources such as bodies of water like Lake Victoria can be beneficial to both parties involved. This has the potential to result in more sustainable utilisation of resources, a reduction in conflicts related to resources, and an improvement in diplomatic relations.

The sharing of resources can make international trade easier, particularly when it comes to natural resources. When both nations reap the benefits of shared resources, it

[1164]Ronald Friday, O. I in Kaliwa, 30/12/2023.

results in economic interdependence and has the potential to strengthen diplomatic ties.[1165] Additionally,

> The development of energy resources through collaborative projects, such as the generation of hydroelectric power, has the potential to supply both countries with a reliable and accessible source of energy at an affordable price. Through the promotion of economic growth and cooperation in the energy sector, this energy cooperation has the potential to facilitate improvements in diplomatic relations. It is possible to foster goodwill and cooperation through collaborative efforts to conserve resources and protect the environment, particularly in ecosystems and habitats that are shared by multiple species of wildlife. The improvement of relations can be achieved through collaborative efforts to combat illegal logging, poaching, and environmental degradation. It is possible for resource sharing to extend to the development of infrastructure.[1166]

The study found out that, both nations have the ability to combine their resources in order to fund and develop infrastructure projects that result in improved economic and diplomatic relations. The study discovered that these projects can enhance connectivity and trade. Kenya and Uganda have the potential to expand their influence within regional organisations and forums if they work together on the implementation of resource management and development projects. This has the potential to strengthen their positions in the context of regional cooperation and diplomacy.

In finality, the sharing of resources has the potential to provide valuable opportunities for the enhancement of both the economic-diplomatic relations between Kenya and Uganda as well as the border security. Both countries have the potential to enhance the safety along their borders, foster economic cooperation, and strengthen diplomatic

[1165]Ceaser James Odhiambo Oranga, "The Role of the Print Media in Regional Integration: The Case of the East African Community." PhD Dissertation, University of Nairobi, 2014, p.108.
[1166]KNA/DC/EN/1/3

ties by working together to manage and benefit from shared resources. This can ultimately contribute to the stability and prosperity of the region.[1167]

Bureaucratic and interdependence theories are applied by emphasizing cooperation on shared resources like Lake Victoria to reduce conflicts and enhance mutual benefits, fostering economic and diplomatic relations since 1962. Interpretivism, influenced by Max Weber's philosophy, views resource sharing as a socio-cultural endeavor. It emphasizes cooperation's role in shaping governance and societal values. By sharing intelligence and personnel for border security, both nations mitigate threats effectively. Joint training programs and energy projects further deepen collaboration, fostering economic interdependence and diplomatic ties. Ultimately, shared resources bolster regional stability and prosperity, aligning with Weber's emphasis on societal cooperation for collective advancement.

5.4.4 Diplomatic relations

When it comes to resolving contemporary conflicts and addressing historical grievances, diplomatic negotiation and dialogue between the two countries can be of great assistance. Between Kenya and Uganda, since 1962, diplomacy has played a significant part in shaping both the security of the border and the economic-diplomatic relations between the two countries. The study discovered that several opportunities can be found in these two areas through the use of diplomacy: There is a diplomatic channel that can be utilised for the peaceful resolution of border disputes and conflicts through the use of diplomacy. In order to address territorial disagreements and reduce tensions along the border, both countries can engage in diplomatic negotiation and dialogue with one another. This is because:

[1167]Shadrack Mutinda, "The Implications of East Africa Regional Integration on Immigration Policies: a Case Study of Kenya." PhD Dissertation, University of Nairobi, 2021, p.110.

> Through the use of diplomacy, Kenya and Uganda are able to negotiate and establish bilateral agreements concerning the protection of territorial borders. Enhanced border security can be achieved through the implementation of specific measures for cooperation, intelligence sharing, and joint patrols, which can be outlined in these agreements.[1168]

Therefore, law enforcement agencies, customs authorities, and security forces are able to more easily coordinate their efforts across international borders thanks to diplomatic efforts.[1169] The study established that, both countries have the ability to establish protocols for effective coordination in the management of border security challenges through diplomatic channels when they work together.

Through the use of diplomacy, information regarding potential threats to national security and criminal activities is encouraged to be shared. The ability to effectively respond to challenges posed by border security can be improved through the timely and accurate sharing of intelligence among relevant parties. The use of diplomacy is absolutely necessary in order to successfully negotiate trade agreements that will foster economic cooperation and lower trade barriers. Additionally, the study established that, increasing the amount of trade and investment that takes place between Kenya and Uganda can be made possible through the establishment of regional and bilateral trade agreements.

Furthermore, it was discovered that, it is possible for economic competition or trade disputes to give rise to conflicts, which can be avoided through the use of diplomacy. By participating in diplomatic discussions and negotiations, it is possible to resolve disagreements before they become more serious and have a negative impact on econo-diplomatic communication. When it comes to the East African Community and other regional organisations,

[1168]Moses Kirya, O. I in Keng'ololo, 3/01/2024.

[1169]Ngabo M.P. Ibrahimu, "The importance of an effective institutional framework for the realisation of regional economic integration objectives: A case study of the East African Community (EAC)." PhD Dissertation, 2010, p.118.

> Diplomacy is an extremely important component of the regional integration efforts that are being undertaken. There is the potential for agreements to be reached through diplomatic negotiations and cooperation that will advance economic integration and be to the benefit of both countries. Through diplomatic channels, it is possible to initiate development projects and investments in infrastructure that are jointly undertaken. In order to contribute to improved economic-diplomatic relations, collaborative projects have the potential to improve connectivity, trade, and economic ties by working together.[1170]

The use of diplomacy is a strategy that can be utilised during times of economic or diplomatic crises in order to find diplomatic solutions and de-escalate tensions. Negotiations on a diplomatic level can be of assistance in mitigating the effects of crises on the relationship between Kenya and Uganda.[1171] It is possible for diplomacy to facilitate the development of academic partnerships and cultural exchange programmes, thereby fostering people-to-people connections and mutual understanding. These initiatives make a positive contribution to the country's economic and diplomatic relations.

In sum, the study submits that, in order to advance regional interests and priorities that are shared by both Kenya and Uganda, diplomatic cooperation within regional organisations, such as the East African Community, is a possibility. Their influence in regional diplomacy is greatly increased as a result of this cooperation. Through diplomatic channels, Kenya and Uganda have the opportunity to participate in efforts to mediate conflicts in countries that are geographically close to them. Their participation in the diplomatic process to resolve conflicts in the region has the potential to strengthen both their diplomatic standing and their relationships with the region.

[1170]Resty Naigaga, O. I in Lwakhakha, 5/01/2024

[1171]Sally Jebet Kiprota, "The East African Community (EAC) achievements and challenges since 2001." (2012), p.42.

In a nutshel, diplomacy presents a multitude of opportunities for both the protection of the border and the development of economic and diplomatic relations between Kenya and Uganda.[1172] It is possible for effective diplomatic engagement to result in peaceful border management, the negotiation of beneficial economic agreements, regional integration, and the promotion of cultural ties, all of which ultimately contribute to the region's stability and prosperity.

Bureaucratic and interdependence theories underscore the importance of diplomatic negotiations between Kenya and Uganda since 1962, shaping both border security and economic relations. This aligns with interpretivism, influenced by Max Weber's philosophy, which views diplomacy as a social construct reflecting shared values and norms. Through diplomatic channels, both nations negotiate border security measures, intelligence sharing, and trade agreements, fostering economic cooperation while mitigating conflicts.[1173] Diplomatic efforts within regional organizations enhance their influence in regional diplomacy and conflict resolution. Ultimately, diplomacy offers opportunities for peaceful border management, economic agreements, and cultural exchange, contributing to regional stability and prosperity, echoing Weber's emphasis on societal cooperation for collective advancement.

5.4.5 Tourism

The promotion of tourism and cultural exchange has the potential to strengthen relationships between individuals and to improve mutual understanding. When it comes to border security and econo-diplomatic relations between Kenya and Uganda, tourism has the potential to present significant opportunities.[1174] Accordingly, this has

[1172]Anastasia N. Musau, "Economic diplomacy and economic integration: the role of Kenyan diplomatic missions." PhD Dissertation, University of Nairobi, 2015, p.68.
[1173]Thonke Ole and Adam Spliid. "What to expect from regional integration in Africa."In *African Security Review* 21, no. 1 (2012): 42-66, p.44.
[1174]Leonard Wanyama, *The Economic Diplomacy of Kenya's Regional Interests*. South African Institute of International Affairs, 2013, p.55.

been the case since 1962. It is possible for tourists to serve as a form of surveillance along the border that they are present. Local authorities frequently receive valuable information from tourists and tourism operators, which can be of assistance in identifying potential security threats or illegal activities.

It is possible to establish a physical presence along the border through the construction of tourism infrastructure, which may include the establishment of lodges, resorts, and visitor centres. Increasing border security and discouraging illegal activities can be accomplished with the help of these facilities, which can serve as outposts for security personnel. In border regions, tourism is a source of economic activity, which in turn creates employment and income opportunities for the communities that are located there. The improvement of living standards and the reduction of the incentives for engaging in criminal activities are both potential outcomes of this economic boost.[1175]

Thus, managing tourist flows, ensuring visitor safety, and addressing common tourism-related challenges, such as wildlife conservation, can be accomplished through the implementation of joint tourism initiatives that span the border between Kenya and Uganda. These initiatives can encourage cooperation between the two countries. In order to strengthen economic and diplomatic relations, collaborative efforts to promote tourism in the region can be beneficial. Both countries' tourism industries can benefit from coordinated efforts to attract tourists, as well as from joint marketing campaigns, cross-border tourism packages, and other similar initiatives.

Tourism and cultural exchanges go hand in hand. That is why,

> Kenya and Uganda are able to more easily exchange cultural heritage thanks to tourism. Visitors have the opportunity to experience the heritage, traditions, and cultures of both countries, which are very different from one another. Through the promotion of mutual understanding and goodwill, this

[1175]Hellen Atieno, O. I in Kamuria, 15/12/2023.

> cultural exchange contributes to the improvement of diplomatic relations. The tourism industry is a significant contributor to the economies of both Kenya and Uganda. Increasing economic ties and cooperation between the two countries can be accomplished through the economic benefits that are derived from tourism. These benefits include earnings in foreign exchange and the creation of jobs.[1176]

Therefore, investments and collaboration across international borders are frequently required for the development of tourism infrastructure, which includes things like roads, airports, and accommodations. It clearly emerged that, econo-diplomatic relations can be strengthened through the implementation of joint infrastructure projects.[1177] The conservation of natural resources and ecosystems is frequently essential to the prosperity of tourism. It is possible to foster environmental diplomacy and cooperation through the implementation of collaborative efforts to protect natural landscapes and wildlife, such as the establishment of shared national parks or conservation programmes.[1178]

It is submitted that increasing their regional influence can be accomplished by Kenya and Uganda through the utilisation of their respective tourism industries. It is possible for them to improve their diplomatic standing within the East African region by hosting international conferences, events, and presentations on tourism promotions. Through facilitating interactions between people of varying backgrounds, tourism has the potential to make a positive contribution to peace and stability.[1179] The promotion of peaceful coexistence and the resolution of conflicts along the border can be accomplished through the implementation of peace tourism initiatives such as educational tours and cultural exchanges.

[1176]Milton Pamba, O. I in Obuchini, 18/12/2023.

[1177]Sabastiano Rwengabo, "Regional Security Cooperation in the East African Community." (2014), p.72.

[1178]P. M.Njagi, *International Institutions As Diplomacy Tools For Kenya* (Doctoral dissertation, University of Nairobi), 2019. p.104.

[1179]Misha Desai, "Unpacking Counter-Terrorism Cooperation in East Africa: A regime theoretical analysis of East Africa's evolving counter-terrorism framework." (2018), p.81.

In a nutshell, tourism presents a multitude of opportunities for both the protection of the border and the development of economic and diplomatic relations between Kenya and Uganda. Both countries have the ability to improve security measures along their border, strengthen economic ties, and promote diplomatic cooperation by capitalising on the economic, cultural, and environmental benefits that tourism provides. This will ultimately contribute to the stability and prosperity of the region.

Bureaucratic and interdependence theories highlight tourism's role in strengthening border security and economic ties between Kenya and Uganda since 1962. Interpreting these findings through Max Weber's ideas, tourism fosters cultural exchange, enhancing mutual understanding and diplomatic relations. Tourists act as informal border surveillance, aiding security efforts, while tourism infrastructure like lodges can serve as security outposts. Joint tourism initiatives facilitate cross-border cooperation, attracting visitors and boosting local economies. Cultural exchanges through tourism promote goodwill and economic cooperation. Collaborative projects in tourism infrastructure and environmental conservation further strengthen diplomatic ties, elevating regional influence. Ultimately, tourism contributes to peace, stability, and prosperity, aligning with Weber's vision of societal cooperation for common advancement.

5.4.6 Trade and Investment

Through the interrogations, it was established that economic ties can be strengthened and opportunities can be created for both countries through the establishment of bilateral trade agreements and investment partnerships. Without doubt, due to the fact that Kenya and Uganda have been in diplomatic relations since 1962, trade and investment have the potential to be significant opportunities for both border security and economic diplomacy. The economic interdependence between Kenya and Uganda

is a result of increased trade and investment between the two countries. They are less likely to engage in activities that could disrupt border security when countries have economic interests that are similar to one another. This is because such activities would have a negative impact on the economic ties that they share.[1180]

Establishing economic zones or industrial parks that span international borders can be an effective way to stimulate economic activity along the border. Border security is improved as a result of these zones, which frequently necessitate the implementation of security measures to safeguard investments and infrastructure.[1181] The study also established that, trade and investment have the potential to propel the development of infrastructure along the border itself. Moreover, the improvement of infrastructure, such as roads, bridges, and customs facilities, can improve border security by making it easier for people and goods to move across the border while also allowing for improved monitoring and control. In addition:

> Opportunities for employment are created in border regions as a result of increased trade and investment. The reduction of the incentives for individuals to engage in illegal activities, such as smuggling or human trafficking, is one of the factors that contribute to the improvement of border security. The development of economic cooperation between Kenya and Uganda is facilitated by trade and investment. Through the reduction of trade barriers, the encouragement of cross-border investment, and the stimulation of economic growth, economic-diplomatic relations can be strengthened through the implementation of regional and bilateral trade agreements.[1182]

In order to strengthening diplomatic ties, collaborative investment projects can be implemented. Increasing economic integration and fostering diplomatic cooperation

[1180]Gentrix Omondi, O. I in Bunyide, 19/12/2023.
[1181]Victor Adetula, Redie Bereketeab and Cyril Obi. *Regional Economic Communities and peacebuilding in Africa: Lessons from ECOWAS and IGAD*. Taylor & Francis, 2021, p.41.
[1182]Christabel Nabwire Odeu, O. I in Ngelochomo, 23/12/2023.

can be accomplished through the formation of joint ventures in a variety of industries, such as manufacturing, energy, and infrastructure.[1183]

There is the potential for trade negotiations and diplomatic efforts to resolve trade disputes to result in agreements that are beneficial to both parties.[1184] When two nations are able to reach a consensus on matters pertaining to trade, it has the potential to have a positive impact on their diplomatic relations. Within the East African Community, increased trade and investment are factors that contribute to the completion of regional integration. Both Kenya and Uganda, as member states, are able to reap the benefits of regional economic cooperation, which has the potential to strengthen both econo-diplomatic ties. The explanation is that,

> It is often necessary to engage in diplomatic activity in order to address regulatory and policy issues when engaging in economic cooperation. A significant factor that contributes to the improvement of diplomatic relations is the provision of opportunities for dialogue, negotiation, and conflict resolution through diplomatic channels. Opportunities for trade and investment can be promoted through diplomatic missions and embassies, which can play a role in this process. Kenya and Uganda may see an increase in the amount of foreign direct investment their respective countries receive as a result of diplomatic efforts to attract FDI.[1185]

It was revealed that both countries' economies benefit from increased trade and investment, which contributes to economic growth and stability. Moreover, there is a correlation between a stable economic environment and positive spillover effects on political stability.[1186]

This correlation can reduce the likelihood of conflicts that could have a negative impact on diplomatic relations. In a nutshell, the relationship between Kenya and

[1183]Clarissa Correa Neto Ribeiro, "Overlapping organizations, political crises, and coexistence: complementarity and fragmentation in south american and african regionalisms." (2020), p.41.
[1184]Ashimizo Afadameh-Adeyemi, "Securing compliance with African economic integration treaties." (2013), p.32.
[1185]Beatrice Atyang, O. I in Chebukube, 28/12/2023.
[1186]Rickline S. Ng'ayo, "Changing Perceptions Towards Multinational Corporations: The East African Experience." PhD Dissertation, University of Nairobi, 2014, p.142.

Uganda in terms of economic diplomacy and border security is significantly improved by the numerous opportunities that are presented by trade and investment. Trade and investment have the potential to contribute to the stability and prosperity of the region, as well as to the improvement of diplomatic relations, through the promotion of economic interdependence, the promotion of economic cooperation, and the facilitation of diplomatic engagement.[1187]

The evaluation of the difficulties and possibilities that have arisen in relation to border security and econo-diplomatic relations between Kenya and Uganda since 1962 highlights the manifold and ever-changing nature of their relations. Both nations have been confronted with a variety of challenges, including disagreements over the border, concerns about security, economic competition, political differences, and problems with resource allocation.

However, they have also been presented with a great deal of opportunities. Regional integration efforts, infrastructure development projects, resource sharing initiatives, diplomatic engagement, and the potential for tourism and trade have all contributed to the emergence of these opportunities. Kenya and Uganda have the potential to strengthen their bilateral ties, promote regional stability, and realise the economic benefits of their partnership if they effectively address challenges and capitalise on opportunities if they are able to do so. The achievement of a prosperous and secure future for both countries is contingent upon the successful collaboration and strategic planning that may be undertaken.[1188]

Bureaucratic and interdependence theories underscore trade and investment's role in bolstering border security and economic diplomacy between Kenya and Uganda since

[1187]Samuel Ojo Oloruntoba, Christopher Changwe Nshimbi, and Leon Mwamba Tshimpaka, eds. *Africa-EU Relations and the African Continental Free Trade Area*. Taylor & Francis, 2023, p.78.
[1188]Peris J. Bowen, "The Impact of Non-tariff Barriers on Trade in the East African Community: a Case of Kenyan Exporters to Tanzania." PhD Dissertation, University of Nairobi, 2018, p.128.

1962. Interpreting these findings through Max Weber's interpretivism, economic interdependence fosters mutual reliance, reducing the likelihood of border disruptions. Joint economic zones and investment projects improve border security while stimulating employment and curbing illicit activities.

Regional and bilateral trade agreements strengthen economic ties and diplomatic relations, promoting stability. Diplomatic efforts facilitate trade negotiations and attract foreign investment, enhancing economic growth and political stability. Economic cooperation within the East African Community fosters regional integration, benefiting both nations. In essence, trade and investment foster economic interdependence, bolstering diplomatic relations and regional stability.

5.5 Chapter Summary

The chapter on evaluating the challenges and opportunities relating to border security and econo-diplomatic relations between Kenya and Uganda since 1962 provided a comprehensive overview of the complexities inherent in their relationship. Since gaining independence, both countries have experienced a mix of cooperation, breakup, ideological differences, unequal development, and trade imbalances, which have shaped their interactions over the years. Border disputes and conflicts have seen persistent challenges between Kenya and Uganda, leading to tensions and insecurity along their shared boundary. These disputes, rooted in historical and territorial claims, have often strained diplomatic relations and hindered cooperation between the two nations. However, efforts to resolve these conflicts through diplomatic channels and conflict resolution mechanisms have yielded some progress, albeit with ongoing challenges.

Economic competition and trade barriers have also posed significant challenges to the relationship between Kenya and Uganda. Unequal development and trade imbalances

have exacerbated tensions, leading to disputes over tariffs, quotas, and market access. Despite these challenges, initiatives aimed at promoting regional integration and facilitating bilateral trade and investment have provided opportunities for enhancing economic cooperation and addressing trade imbalances. Ideological differences and political disagreements have, at times, strained diplomatic relations between Kenya and Uganda.

Divergent political ideologies and conflicting national interests have contributed to tensions and disagreements, particularly in regional and international forums. However, recognizing the mutual benefits of cooperation and the interdependent nature of their economies, both countries have sought to overcome these differences through dialogue and negotiation. Opportunities for regional integration, infrastructure development, resource sharing, and tourism have emerged as potential avenues for enhancing cooperation and fostering mutual development between Kenya and Uganda. Initiatives aimed at promoting diplomacy and cultural exchange have further strengthened people-to-people ties and promoted understanding between the two nations.

In conclusion, the relationship between Kenya and Uganda since 1962 has been characterized by a mix of challenges and opportunities. While border disputes, economic competition, political differences, and security concerns have posed significant obstacles to cooperation, initiatives aimed at conflict resolution, economic integration, and diplomatic engagement have provided avenues for progress. Moving forward, it is essential for both countries to continue working together to address the challenges and seize the opportunities in their relations. By prioritizing diplomacy, dialogue, and collaboration, Kenya and Uganda can build a more stable, prosperous, and mutually beneficial partnership for the good of their citizens and the region as a

whole. The next chapter underscored the summary, conclusions and recommendations from the findings.

CHAPTER SIX

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

6.1 Introduction

The primary objective of the investigation was to examine the history of econo-diplomatic relations and border security between Kenya and Uganda since 1902. The study was directed by four specific objectives in order to accomplish this objective. The hypotheses that the investigation implemented served to facilitate these objectives. Subsequently, the researcher identified numerous gaps that were resolved through the collection and analysis of data, which enabled the study to reveal these objectives through a comprehensive review of a variety of literature. Consequently, this chapter provides a concise summary of the study's main findings, conclusions, and recommendations in accordance with the specified objectives. Lastly, the investigation has attempted to provide recommendations for additional research.

6.2. Summary of Key Findings

In this chapter, the summary of key findings was provided in line with the specific objectives of the study. These objectives were: First, to trace the history of border security and econo-diplomatic relations between Kenya and Uganda from 1902 to 1962. Second, was to assess the security and economic relations between Kenya and Uganda since 1962. Third, was to examine the diplomatic relations between Kenya and Uganda since 1962, and lastly to evaluate the challenges and opportunities relating to border security and econo-diplomatic relations between Kenya and Uganda since 1962.

According to the first specific objective, lack of detailed maps for a significant portion of the region prior to the 1940s may have contributed to the errors that occurred during the process of establishing colonial boundaries. By 1914, only 200,000 square miles of territory across the entirety of Africa had been surveyed in detail. At that time, "some 3.8 million square miles remained unexplored by Europeans." The mapping of the newly acquired colonial territories became an essential requirement for efficient administrative control as a result of this.

The Kenya-Uganda border, stretching over 900 kilometers, traces its origins back to the colonial era when European powers partitioned Africa during the late 19th and early 20th centuries. Prior to colonial rule, the region was inhabited by various ethnic groups with fluid boundaries and interconnections. However, with the arrival of British colonial administrators, the demarcation of borders became necessary for administrative purposes and to delineate spheres of influence.

The Berlin Conference of 1884-1885, which formalized the scramble for Africa among European powers, laid the groundwork for the delineation of colonial borders in East Africa. The boundary between Kenya and Uganda was primarily defined by geographical features such as rivers, mountains, and lakes, as well as artificial lines drawn by colonial administrators.

The colonial administrators, primarily the British, sought to consolidate their control over the region by establishing administrative boundaries and implementing policies aimed at dividing and ruling the diverse ethnic groups inhabiting the area. This process often disregarded pre-existing social and cultural ties, leading to tensions and conflicts among local communities.

Despite the efforts to establish clear borders, disputes and tensions persisted along the Kenya-Uganda border, fueled by competing territorial claims, resource competition,

and ethnic rivalries. These conflicts often spilled over into violent confrontations, exacerbating tensions between the two territories.

History of the Kenya-Uganda border up to 1962 is a complex narrative shaped by colonialism, geography, and socio-political dynamics. The delineation of the border was a product of colonial imposition, often disregarding pre-existing social and cultural ties. However, despite the challenges and conflicts, the Kenya-Uganda border serves as a testament to the resilience and adaptability of the communities living along its periphery, forging connections and exchanges that transcend geopolitical boundaries.

The patterns of land use have been gradually shifting over the course of the last century. Following the completion of colonisation, borders were established, and access to essential resources was restricted. To make matters even worse, the Turkana ethnic area was divided between multiple political entities, which was in direct opposition to the indigenous people's strategies for resource utilisation. Consequently, this meant that the environment was subjected to an even greater degree of pressure within the newly established ethnic boundaries.

The concept of a merger between the two protectorates, Kenya-Uganda, was already being met with vehement opposition by the year 1901. This opposition came from individuals who advocated for the establishment of a boundary that would separate the two protectorates. Sir Clement Hill, who was serving as the superintendent of African protectorates at the time it was administered by the British Foreign Office, was the person who advocated for this school of thought. The fact that he had travelled to East Africa prior to the year 1900 in order to investigate the practices of administration in the protectorates served as the foundation for his concept regarding the establishment of boundaries.

In the year 1902, Major Macdonald extended his expedition in Uganda to include Lake Rudolf, which resulted in an additional round of confusion and complications. Sir Arthur Hardinge, the Commissioner of British East Africa, reacted angrily to this, claiming that it was an infringement of his authority.

The Pokot and Karamoja communities were brought together by the two rivers, rather than being separated by them. For example, after leaving Elgon, the River Turkwell flows through and cuts across two mountains: Chemerongit to the North West and Suk Hills to the south east. Both of these mountains are located in the same general direction.

The findings according to the second specific objective are that: prior to the establishment of borders, the people of Kenya and Uganda moved freely, grazing their animals and exchanging or trading goods in order to fulfil their needs. This was done without the obstacles that we are currently experiencing as a result of borders. During that time period, neither the term "casual" nor the term "illicit" exchange was present in any of our vocabularies. As a matter of fact, this is an ongoing marvel that has come about as a result of fringes, and it has become significantly more articulated with the achievement of autonomy.

Despite the fact that the majority of the Babukusu and Bagisu are located in Western Kenya and Eastern Uganda, respectively, substantial numbers of both groups cross the common border. This not only makes the border more fluid, but it also highlights the fact that it is meaningless in the day-to-day activities of the two peoples. The Basamia, Iteso, and Basebei people who live on both sides of the border between Kenya and Uganda share this observation, which is representative of their general sentiment.

Informal cross-border trade was traditionally regarded as a "survivalist attempt" on a global scale; consequently, it was consistently regarded as economically unfeasible for such traders to adhere to the official documentation conventions established by the government.

The majority of informal cross-border trade speculators who are concerned with food stock are also engaged in small-scale horticultural production. The bearing and structure of substitute both attest to the fact that it is not surprising to see that Kenya, in comparison to her neighbours, has a relatively high number of things that are engineered and handled. An estimated 84,000 metric tonnes of maize, which is valued at approximately $12.4 million, has been traded between Uganda and Kenya through a casual transaction.

During Kabaka Mutesa II time, people from Uganda, especially at the border, in Busia to some extent were ignored and very little attention was paid to them by the Ugandan government despite the fact that they were fully tax paying citizens who should be enjoying similar considerations as to those who are from the Buganda kingdom. Following their attainment of independence and their incorporation into the international system, the newly formed nations of Kenya and Uganda found themselves in a position where they were the sole agents of change within their respective territorial and legal boundaries.

The processes of trans-state or cross-border interactions between these communities, despite the fact that they contradict the institutional claims of the Organisation of African Unity (OAU) and the national state with regard to the sanctity of the border, resulted in a wide variety of social, economic, and political permutations.

The rise of informal cross-border trade is seen as a form of defiance against the Obote regimes poor corporatist practices, which are thought to be the cause of the rebellion.

The collapse of the Ugandan economy in the 1970s, among other things, increased the reliance of the Ugandan people on the Kenyan people, particularly the border communities, which include the Basamia, Bateso, Basebei, and Bagisu, as well as through the provisions of the Economic Community of Central Africa (EAC) and other informal economic networks.

When Amin was in power, ethnicity was at its highest point, and people were afraid to speak out in public about the despotism that was in place because they feared for their lives. In order to ensure their own survival and find solace, people retreated to their ethnic cocoons. The border people continued to maintain relationships with their relatives in Kenya in order to maintain a sense of humanity.

Aside from the economic collapse that occurred in the country, Amin's military dictatorship in Uganda made the security situation even worse, and this continued to have an effect on the dynamics of the border between the two countries until the 1980s. Thousands of Ugandans, including Bagisu, Basamia, Bateso, and Basebei, had fled into exile in Kenya by the year 1975.

The single-party systems and state bureaucracies that exist in Kenya and Uganda were designed with the intention of consolidating political power in a capitalist manner. A profoundly prohibitive, protectionist, and overly controlled environment appears to have been intended to ensure the success of state ventures in close proximity to imperialistic business interests of political frameworks.

Throughout the 1960s and 1970s, the majority of African states, particularly Kenya and Uganda, utilised liberal advancements of foreign guide and gains from good fare exchange in order to establish state undertakings that wandered into various private sector activities in the areas of industry, exchange, money, cultivating, and property development. The states made an effort to establish a more straightforward ownership

structure, the board, and the course of action rather than arranging encouraging forces to private areas. While state banks repurposed financial assets to put resources into private enterprise, government services became vehicles for the ownership of large businesses.

Ethnicity, capitalism, unfair land distribution, infrastructural marginalisation based on ethnic considerations, and corruption were all factors that contributed to the formation of a state that was governed by both Kenyatta and Moi government structures. The ethnic communities that were not part of the ruling ones, such as the Basamia, the Bateso, and the Babukusu, experienced a sense of hopelessness and disillusionment with the state's structure, which resulted in the informal cross-border trade that took place across the border with Uganda.

When Aggrey Awori, a member of Samia Uganda, would run for a seat in the Ugandan parliament, Basamia from Kenya, would take the opportunity to vote for him. An additional factor that contributed to the impression of authenticity was the presentation of a government assistance framework. This framework made it possible for the state to provide disadvantaged regions with limited opportunities for advancement and inadequate forms of social assistance.

At the beginning of 1967, Uganda was experiencing both economic and political difficulties, and President Obote had been sabotaging those who were opposed to his abuse of power. Investors' confidence was damaged as a result of the unfavourable political and economic climate. In addition to other factors, the collapse of the Ugandan economy in the 1970s increased the reliance of the Ugandan people on Kenya, particularly the border communities, which include the Basamia, the Bateso, the Basebei, and the Bagisu. Specifically, the provisions of the EAC and other informal economic networks were of great assistance in this regard.

The countries of Kenya and Uganda appear to be losing their dominant position in terms of controlling trade that occurs across their borders. New communities and nations, such as the Basamia, Bateso, Bagishu, and Basebei, have become more powerful than they were before. In order to establish and maintain their businesses, members of the informal cross-border trade community are dependent on a variety of informal institutions.

The early 1960s witnessed the dawn of a new era, marked by optimism, solidarity, and a shared commitment to fostering peace and stability in the region. One of the defining features of security relations between Kenya and Uganda during this time was the recognition of their interdependence in safeguarding their sovereignty and territorial integrity. Mutual cooperation and collaboration were seen as imperative for addressing common security challenges and promoting regional stability.

The reign of Idi Amin in Uganda, from 1971 to 1979, was marked by a series of events that profoundly shaped the security landscape of the region. Amin's regime was characterized by authoritarianism, human rights abuses, and aggressive foreign policies that had far-reaching implications for neighboring countries, particularly Kenya.

The overthrow of Idi Amin in 1979 marked a turning point in the security landscape of East Africa. With Amin's departure, Uganda embarked on a path of reconstruction and reconciliation under the leadership of President Milton Obote. This transition presented an opportunity for Kenya and Uganda to reevaluate their security relations and explore avenues for cooperation in a post-conflict environment.

The 2010 Kampala bombings, orchestrated by Al-Shabaab, served as a stark reminder of the shared vulnerability faced by Kenya and Uganda. In the aftermath of this tragic event, the two nations deepened their collaboration, contributing troops to the African

Union Mission in Somalia (AMISOM) to counter the terrorist threat emanating from the unstable Horn of Africa region.

The key findings according to the third specific objective are that: The British East Africa Protectorate was expanded westwards in 1902, which resulted in a significant portion of Uganda being lost to its neighbour to the east. The desire, particularly on the part of the British East Africa Company, to access the markets and resources of the populous shores of Lake Victoria as well as the Kingdom of Buganda was reflected in the fact that the East Africa Protectorate now had a substantial frontage on to Lake Victoria and the port facilities of Kisumu. This westward shift also provided Kenya with the fertile highlands of the Nakuru-Naivasha area and the west rift highlands, both of which were to become extremely significant in the agricultural developments that followed.

The Karamojong and the Suk are both pastoral peoples, and the Karamojong felt that they had been pushed westwards out of their traditional dry-season grazing lands with their water holes in Karasuk by the Suk. This was especially true after the international boundary that was established in 1926 prevented them from accessing the Turkwell River. The Turkana have been exerting consistent pressure on the Suk, who have, in turn, responded to this pressure. Traditional territorial limits are considered to be flexible and prone to change according to ecological circumstances.

It was therefore in 1970 that Karasuk was returned in its entirety to Kenya, thereby reaffirming the boundary that had been established in 1926. Both the Ugandan and Kenyan governments had come to the realisation that the only viable option is to grant permission to the dominant ethnic communities in the region to cross the international boundary in order to find water and pasture for their cattle.

In November of 2008, the ministers of fisheries from Kenya, Uganda, and Tanzania met and reached an agreement to demarcate the boundaries in Lake Victoria by using bright beacons. However, until the outbreak of hostilities over Migingo Island in 2009, there was very little progress made.

Due to the fact that Kenya and Uganda are both members of the United Nations, they are automatically considered to be parties to the Statute of the International Court of Justice (ICJ). In point of fact, Kenya and Uganda have both submitted their declarations in accordance with Article 36(2) of the Statute of the International Court of Justice, thereby submitting themselves to the Court's mandatory jurisdiction.

The conflict between Kenya and Uganda over Migingo Island falls under the jurisdiction of the African Court of Justice and Human Rights, as stated in the aforementioned article. With regard to international law, this is due to the fact that the dispute raises a number of issues, including territorial sovereignty and the application of the principle of *uti possidetis juris*, amongst others. In addition, the African Court of Justice and Human Rights is able to hear cases as long as they are submitted by state parties that have signed the Protocol on the Statute of the African Court of Justice and Human Rights.

The pursuit of diplomatic relations not only improves the efficiency of bilateral relationships but is also essential to the maintenance of development.

The undelineated, porous, and uncontrolled borders are being used for nefarious cross-border activities that put national sovereignty at risk and disrupt regional politics. This is occurring concurrently with the possibility of armed conflict. It was as a result of these transboundary conflicts, local communities are not given the opportunity to profit from the extraction of natural resources in their region, which contributes to an increase in the level of hostility.

Communities belonging to the Luyha, Iteso, Sabaot, Pokot, and Luo ethnic groups were all separated by the border. When Uganda and Kenya attained their independence in 1962 and 1963, respectively, they encountered significant challenges in the management of their borders on a global as well as a domestic scale.

Autonomous regimes avoided making any policy choices that could deal with cross-border issues and people by preserving the legality of these borders as territorial markers and separators. They justified their actions by citing the sovereignty argument as their justification. The decision to implement a statist policy, on the other hand, was not feasible due to the porous nature of borders, which is evident in the typical economic, cultural, and political activities of communities that are located on the border.

Kenyans who live in Sigulu have had the opportunity to become naturalised Ugandan citizens since the early 1970s. This has granted them the right to vote and to hold office in the Ugandan government, as well as in the Samia Bugwe and Bugiri districts of Eastern Uganda. The Kenyan government effectively consented to the annexation because the administration of Mzee Jomo Kenyatta in Kenya did not issue any diplomatic protests against the annexation. James Osogo, a former member of Parliament for Budalangi and a cabinet minister for a significant amount of time, was the only individual who voiced their public opposition to Uganda's annexation of Sigulu Island. Only a few of the other islands, such as Lolwe, Wayami, and Remba, were incorporated into the nation in a manner that was analogous to this.

The key findings according to the fourth specific objective are that: Through the Kampala Agreement of 1964, quotas on intra-East African trade were established in order to limit trade imbalances that were caused by deficit countries. Additionally, a

licencing system was established in order to encourage the establishment of new major industries in partners that were less industrially developed.

During the early 1970s, relations between the member countries of the EAC began to deteriorate, despite the fact that cooperation within the EAC was encouraging in the early years of its existence. Due to Tanzanian President Nyerere's refusal to meet with Ugandan President Amin, the East African Authority, which was the highest body of the Community, did not meet after 1971.

The risk associated with integration is that, despite the fact that it has the potential to boost overall productivity and the total real income of the region, it may have unfavourable effects on the distribution of that income and may exacerbate existing issues of inequality. The regions that are experiencing the most rapid expansion of economic activity may be able to attract labour and capital from other regions; the regions that are experiencing the most growth would be favoured at the expense of other regions.

The trade between the two countries had not been primarily hindered by tariffs but rather by the structure of their economies, which meant that the union was unable to create trade relationships between them.

The relative economic development of the member countries has played a significant role in determining the composition of intra-community trade through a significant amount of time. The majority of Kenya's items that were shipped to Uganda and Tanzania were manufactured goods. On the other hand, the majority of Tanzania's and Uganda's exports were comprised of other types of goods that were not manufactured.

The Kenyans did impose a number of economic restrictions on Kampala, despite the fact that they eventually eased the boycott. In addition to requiring cash payment for petroleum products and other goods, they reduced Uganda's fuel allotment from the

Nairobi refinery by fifty percent. The sanctions appear to be having a negative impact on the economy of Uganda. It is possible that this provoked the mercurial Amin to launch some cross-border forays by Ugandan troops that were carried by helicopters this month. The alleged purpose of these forays was to search for cattle that had been stolen. Amin has followed this up with verbal threats against Kenya, which he has linked to criticism of Secretary Kissinger's trip to Africa and allegations of collusion between Washington and Nairobi. Amin has connected these threats to threats against Kenya.

Since 1962, disagreements over the border between Kenya and Uganda have posed a significant obstacle to both the security of the border and the economic and diplomatic relations between the two countries. Tensions have been created as a result of these disagreements, which have also impeded cooperation and, on occasion, even escalated into conflicts.

The governments of Kenya and Uganda, in addition to a large number of non-governmental organisations (NGOs), church-based organisations, and grassroots initiatives, have all participated in a variety of strategies to reduce the level of violence that occurs across the border between Kenya and Uganda.

In order to foster peace on both sides of the Uganda-Kenya border, the International Rescue Committee is providing financial assistance to cultural activities and other grassroots initiatives. The Karamoja Cluster Project (KCP), a collaborative project between the University for Peace (UPEACE), Uganda Martyrs University (UMU) and Children Peace Initiative (CPI-Kenya), the Pian-Pokot-Sabiny Cross Border conflict Programme, as well as the Turkana-Pokot-Sabiny Cross-Border Conflict Management Initiative, engage local communities across the border and promote cooperative sharing of pastoral resources.

Since 1962, the economic competition that exists between Kenya and Uganda has posed a challenge to both the security of the border and the country's economic-diplomatic relations. Competition in the economic sphere can serve as an incentive for illegal activities such as smuggling. In situations where there are price differences or regulatory differences between the two countries, individuals and criminal networks may engage in the practice of smuggling goods across the border.

The ability to work together on matters of security can be hindered by political differences. It is possible that a lack of trust and a lack of willingness to collaborate on issues related to border security, such as counterterrorism efforts or joint border patrols, could result from the fact that political leaders in Kenya and Uganda have ideologies or interests that are fundamentally in conflict with one another. It is possible for differences in resource allocation for border security to arise as a result of disagreements regarding political issues. In the event that one nation views the other as a potential security risk due to political differences, it may redirect resources away from collaborative security efforts, which could result in vulnerabilities along the border.

When one nation believes that the other is not doing enough to address shared security threats or when there are allegations of cross-border support for insurgent groups, security concerns have the potential to create diplomatic tensions.

Since 1962, trade barriers have been a source of difficulty for both the security of the border and the functioning of economic and diplomatic relations between Kenya and Uganda. Because of trade barriers, these two aspects of their relationship have been impacted in the following ways: There is a potential for customs checks and inspections, which are examples of trade barriers, to result in increased congestion at border crossings.

Joint security initiatives have been implemented as a result of regional integration within the East African Community (EAC) and other regional organisations within the region. As members of the East African Community (EAC), Kenya and Uganda have worked together on a variety of security issues, including the fight against terrorism, the exchange of intelligence, and the operations of joint border patrols.

There was a New Dawn for Kenya and Uganda on September 12, 2019, when a Peace Agreement was signed to put an end to the conflict between the two countries. It emerged that, the President of Uganda, Yoweri Museveni, and the President of Kenya, Uhuru Kenyatta, were responsible for this action. Uhuru Kenyatta, the President of Kenya, and Yoweri Museveni, the President of Uganda, were present during the historic signing of the Memorandum of Understanding for Cross-Border Peace and Development in the Turkana-Pokot-Karamoja region, which is located along the border between the two countries.

It is possible to improve border security by making investments in border infrastructure, which includes things like border crossings, customs facilities, and surveillance systems. For the purpose of streamlining border operations and making it simpler for security personnel to monitor and control the movement of both people and goods, modernised facilities can be the solution. During the process of developing infrastructure, it is common practice to install communication and surveillance systems along the border. These technological advancements have the potential to enhance situational awareness and enable faster responses to security threats, thereby contributing to the effective protection of the border.

Through the use of diplomacy, Kenya and Uganda are able to negotiate and establish bilateral agreements concerning the protection of territorial borders. Enhanced border security can be achieved through the implementation of specific measures for

cooperation, intelligence sharing, and joint patrols, which can be outlined in these agreements.

6.3 Conclusions

Based on the first specific objective, it became evident that colonial imposition, geographical factors, and socio-political dynamics played pivotal roles. The lack of detailed maps prior to the 1940s contributed to errors in establishing colonial boundaries, leading to tensions among local communities. Despite efforts to delineate borders, disputes persisted, fueled by competing territorial claims and ethnic rivalries. However, amidst these challenges, the Kenya-Uganda border stands as a testament to the resilience of communities, forging connections that transcend geopolitical boundaries. As the region's land use patterns shift, it becomes imperative to acknowledge historical complexities and work towards collaborative solutions for sustainable development.

Based on the second specific objective, it is evident that issues of security and economic relations were bedeviled by a myriad of factors. The absence of borders allowed for free movement and trade between the two nations, fostering a sense of interconnectedness. Over time, informal cross-border trade emerged as a survivalist strategy, defying government conventions. Economic collapses, political turmoil, and the rise of informal networks influenced the dynamics of the region, particularly during Amin's dictatorship. However, the overthrow of Amin marked a turning point, leading to reconstruction efforts and collaborative security measures. The 2010 Kampala bombings highlighted shared vulnerabilities, prompting Kenya and Uganda to deepen cooperation through contributions to AMISOM. Despite challenges, the evolving history signifies the resilience and adaptability of the border communities.

In the third specific objective, the historical context reveals a complex interplay of territorial adjustments, resource disputes, and governance challenges. The expansion of the British East Africa Protectorate in 1902 influenced the region's demarcation, impacting access to Lake Victoria's shores and altering agricultural landscapes. Pastoral conflicts and the return of Karasuk to Kenya in 1970 highlighted the fluid nature of territorial boundaries and the need for collaborative solutions. Diplomatic efforts, such as the agreement on Lake Victoria boundaries in 2008, underscored the commitment to peaceful resolutions. However, issues like the Migingo Island dispute showcase the importance of international forums in resolving conflicts and maintaining diplomatic relations.

In the fourth specific objective, a complex landscape emerges. Historical agreements like the Kampala Agreement of 1964 aimed at economic cooperation, but subsequent political tensions strained East African Community relations. Economic disparities and trade barriers posed challenges, leading to smuggling and trade-related issues. Security concerns, exacerbated by political differences, hindered collaborative efforts, impacting joint initiatives and potentially causing diplomatic tensions. However, regional integration efforts, exemplified by the 2019 Peace Agreement, signify opportunities for improved cooperation. Investments in border infrastructure and diplomatic negotiations stand out as effective measures to enhance border security and foster positive econo-diplomatic relations between the two nations.

The overall conclusion is that, the complex interplay of historical, colonial, geographical, and socio-political factors has profoundly shaped the dynamics of border security and econo-diplomatic relations between Kenya and Uganda. The lack of detailed maps, colonial imposition, and shifting land use patterns have contributed to longstanding tensions and disputes along the border. Despite these challenges, the

resilience of the border communities and the adaptability demonstrated throughout historical changes highlight the potential for collaborative solutions based on diplomacy, whether economic or political.

6.4 Recommendations

Based on the first specific objective, given the historical complexities and enduring challenges surrounding border security and econo-diplomatic relations between Kenya and Uganda, it is recommended that both nations prioritize collaborative efforts for sustainable development and conflict resolution. This should include initiatives such as joint border mapping projects to ensure accurate delineation and understanding of territorial boundaries. Additionally, investing in cross-border community engagement programs and resource-sharing agreements can help foster mutual understanding and cooperation. However, the recommendation should be jointly implemented by the governments of Kenya and Uganda, with support from regional organizations such as the East African Community (EAC) and international partners. These entities can facilitate dialogue, provide technical assistance, and allocate resources to support collaborative initiatives aimed at promoting peace, stability, and sustainable development along the Kenya-Uganda border.

Based on the second specific objective, it is recommended that Kenya and Uganda further strengthen their collaborative security measures and economic cooperation. Specifically, both nations should invest in joint initiatives to enhance border security, counter-terrorism efforts, and intelligence sharing. Additionally, fostering economic partnerships, supporting informal cross-border trade, and promoting community development programs can contribute to sustainable growth and stability in the region. However, the recommendation should be implemented by the governments of Kenya and Uganda, in collaboration with regional organizations like the East African

Community (EAC) and international bodies. Cooperation should extend to security agencies, trade organizations, and development agencies to ensure comprehensive and effective implementation of joint initiatives for the benefit of both nations and their border communities.

Based on the third specific objective, it is recommended that both nations prioritize the establishment of a bilateral commission or forum dedicated to addressing border disputes and fostering diplomatic dialogue. This commission should facilitate regular meetings between high-level officials from both countries to discuss contentious issues, negotiate agreements, and promote mutual understanding. Additionally, the commission can serve as a platform for resolving conflicts through peaceful means and strengthening diplomatic ties. However, the recommendation should be implemented jointly by the governments of Kenya and Uganda, with support and oversight from regional organizations such as the East African Community (EAC) and international mediators such as the United Nations. These entities can provide technical assistance, mediation services, and logistical support to ensure the effective functioning of the bilateral commission or forum.

Based on the fourth specific objective, it is recommended that both nations prioritize a comprehensive approach. This should involve collaborative investments in modernized border infrastructure to streamline operations, enhance surveillance, and facilitate legal trade. Additionally, diplomatic negotiations should be intensified to resolve political differences, promote trust, and strengthen joint initiatives on security and economic cooperation. However, the recommendation should be jointly implemented by the governments of Kenya and Uganda, with active participation and support from regional bodies like the East African Community (EAC) and international organizations. These entities can provide technical expertise, mediate

diplomatic talks, and ensure the effective execution of investments in border infrastructure.

6.5 Suggestions for Further Research

Based on the first specific objective, further study should explore the socio-econo-political ramifications of colonial border demarcations between Kenya and Uganda from 1902 to 1962. Analyzing archival data and colonial policies can reveal *lacunae* in ethnic tensions, resource distribution, and cross-border interactions. Understanding these historical dynamics is crucial for addressing present-day challenges and fostering cooperation between the two nations.

Based on the second specific objective, further research should investigate the evolving security and economic dynamics between Kenya and Uganda since 1962. Analyzing historical documents and contemporary data can shed light on the impact of political changes, economic fluctuations, and security challenges in bilateral relations. This study is essential for informing policymakers and stakeholders about the factors influencing the ongoing relations between the two countries.

Based on the third specific objective, further research should evaluate the effectiveness of past and current economic cooperation initiatives between Kenya and Uganda, including trade agreements, joint development projects, and investment partnerships.

Based on the fourth specific objective, further research should dwell on investigating the role of emerging technologies, such as biometric systems, drones, and satellite imagery, in enhancing border security and facilitating trade and diplomatic cooperation between Kenya and Uganda, and assess their potential benefits and challenges.

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S/ NO.	NAME	GENDER	AGE (YRS)	PLACE OF INTERVIEW	DATE OF INTERVIEW
1	Khasesi Nevil	M	48	Alupe	7/10/2023
2	Emmanuel Mulima	M	47	Adungosi	7/10/2023
3	Mathew Naliaya	M	48	Malaba	7/10/2023
4	Lilian Okiring	F	43	Lwakhakha	7/10/2023
5	Ruth Akisa	F	25	Busia	9/10/2023
6	Francis Engoroit	M	73	Budokomi	9/10/2023
7	Peter Oliwa	M	30	Munongo	9/10/2023
8	Erick Opaye	M	35	Mulwanda	9/10/2023
9	Nelson Masika	M	57	Sio-port	11/10/2023
10	Jonathan Etyang Kura	M	75	Sisenye	11/10/2023
11	Caleb Wasike Wanambuk	M	50	Bumbe	11/10/2023
12	Okilipa Francisca	F	35	Port-Victoria	13/10/2023
13	Keren Oliwa	F	31	Kamuria	13/10/2023
14	Amos Wasike	M	30	Chako	13/10/2023
15	Philip Omuse	M	54	Asinge	13/10/2023
16	Hamisi Mustafa	M	36	Ongariama	14/10/2023
17	Gloria Kidake	F	33	Obuchini	14/10/2023
18	Ajambo Julita	F	55	Mahero	14/10/2023
19	Nehoba A.O Johnstone	M	61	Bunyide	15/10/2023
20	Maurice Odhiambo Shisia	M	39	Bunyawudo	15/10/2023
21	Violet Nalongo	F	21	Amase	17/10/2023
22	Ateko Odera	M	34	Ngelochomo	17/10/2023
23	Mark Otieno	M	30	Akwata	18/10/2023
24	Ronejones Wafula Mania	M	32	Bunyawudo	18/10/2023
25	Wycliffe Nyongesa	F	37	Amoni	19/10/2023
26	Wakhungu Paul	M	41	Akitesa	19/10/2023
27	Paul Barasa	M	52	Lukolisi	21/10/2023
28	Ong’ayo Fredrick	M	49	Chebukube	21/10/2023
29	Lazaro Marango	M	80	Chemasiri	22/10/2023
30	Pascal Omuse	M	52	Buradi	22/10/2023
31	Joseph Lugalia	M	46	Busijo	23/10/2023
32	Catherine Lumbasi	F	34	Busembe	23/10/2023
33	James Opiyo	M	50	Bunandi	24/10/2023

34	Silvanus Luchera	M	55	Bulanda	24/10/2023
35	Valentine Munyane	F	35	Nairovia	26/10/2023
36	Daniel Namuel Makeni	M	38	Budokomi	26/10/2023
37	Muga Bwire	M	93	Munongo	28/10/2023
38	Brenda Ajiambo	F	90	Obuchuni	28/10/2023
39	Achieng Rachel	F	85	Okwata	28/10/2023
40	Agola Nancy	F	91	Malaba	29/10/2023
41	Barasa Makokha	M	60	Kapoloko	29/10/2023
42	Jane Nabwire	F	65	Alomodoi	2/11/2023
43	Walter Ochieng	M	60	Angurai	2/11/2023
44	Mary Nyongesa	F	72	Malakisi	2/11/2023
45	Wilson Namenge	M	85	Buteba	4/11/2023
46	Dennis Edukit	M	59	Omeri	4/11/2023
47	Sospeter Barasa	M	74	Alomodoe	5/11/2023
48	Kevin Wesonga	M	78	Amairo	5/11/2023
49	Chitechi Fatima	F	82	Ngoria	7/11/2023
50	Erick Keya	M	85	Malaba	7/11/2023
51	Judith Naliaka	F	71	Angurai	7/11/2023
52	Thomas Ouna	M	78	Osere City	11/11/2023
53	Brenda Omollo	F	59	Katotoi	11/11/2023
54	Kelvin Wangamati	M	80	Akiriamet	11/11/2023
55	Okapel John	M	82	Kapesuru	11/11/2023
56	Rael Wesonga	F	70	Kolait	13/11/2023
57	George Hinda	M	65	Kaliwa	13/11/2023
58	Richard Walubengo	M	52	Moding	15/11/2023
59	Pascal Omusa	M	52	Keng’ololo	15/11/2023
60	Martha Isiakho	F	78	Duka moja	15/11/2023
61	Bonface Otieno	M	76	Kawalun	18/11/2023
62	Justus Mulanya	M	63	Korisishiandet	18/11/2023
63	Alice Nelima	F	74	Lwakhakha	19/11/2023
64	Margaret Narotso	F	79	Chebukube	19/11/2023
65	Ochoko Innocent	M	38	Lwandayi	22/11/2023
66	Wilber Ochoko	M	42	Okwata	22/11/2023
67	Nehobe Andrew	M	63	Kapoloko	22/11/2023
68	Ariku Francis	M	55	Kamuriai	24/11/2023
69	Wasike Titus	M	41	Okiporo	24/11/2023
70	Okello Ernest	M	33	Achiiti	24/11/2023
71	Wanyama Isaac	M	40	Aboloi	26/11/2023
72	Waako Michael	M	44	Osasamet	26/11/2023
73	Mupembe Michael	M	56	Kolemu	28/11/2023

74	Namuwaya Miriam	F	67	Kakinei	3/12/2023
75	Namusobya Jacklin	F	32	Kiligoi	3/12/2023
76	Namukose Betty	F	39	Kariamasit	3/12/2023
77	Isabirye Nelson	M	60	Manjanji	5/12/2023
78	Wanyama Victor	M	53	Busime	5/12/2023
79	Kirabirwa Barbra	M	46	Lugala	5/12/2023
80	Kasujja Kenneth	M	48	Maduwa	7/12/2023
81	Ariku John	M	51	Mawuko	7/12/2023
82	Obotolo Emma	F	52	Bunyide	7/12/2023
83	Okoboi Gilbert	M	55	Bunyawudo	9/12/2023
84	Omondo George	M	62	Luhalari	9/12/2023
85	Opio Victor	M	64	Nangodo	13/12/2023
86	Tumuhire Derrick	M	33	Muganiro	13/12/2023
87	Odeke Derrick	M	43	Hadodha	15/12/2023
88	Oundo Crispus	M	64	Bumunji	15/12/2023
89	Zirimenya Joel	M	35	Bwalira	18/12/2023
90	Bwire Patrick	M	47	Bukwala	18/12/2023
91	Kabanyoro Kellen	F	49	Buboro	18/12/2023
92	Nanjala Jane Doreen	F	52	Buyengo	19/12/2023
93	Abwangu Emma	F	58	Nangwe	19/12/2023
94	Keddi Roman	M	43	Officers mess	21/12/2023
95	Muyoga Ismael	M	38	Soko Matope	21/12/2023
96	Guloba Denis	M	54	Alupe	23/12/2023
97	Acen Mercy	F	34	Omeri	23/12/2023
98	Masiika Moreen Biino	F	39	Alomodoe	25/12/2023
99	Ayinabwona Julius	M	67	Amairo	25/12/2023
100	Namiiro Joan	F	42	Ngoria	27/12/2023
101	Mutaki Brian	M	35	Malaba	27/12/2023
102	Oketcho Damian	M	80	Angurai	28/12/2023
103	Bakaki Lucky	M	74	Osere City	28/12/2023
104	Nabongo Jackson	M	73	Katotoi	28/12/2023
105	Isogolo Julius	M	63	Akiriamet	29/12/2023
106	Kagolo Issa	M	49	Kapesuru	29/12/2023
107	Nowagaba Benoni	M	50	Kolait	30/12/2023
108	Friday Ronald	M	48	Kaliwa	30/12/2023
109	Maganda Julius	M	53	Moding	30/12/2023
110	Kirya Moses	M	68	Keng’ololo	3/01/2024
111	Supete Mark	M	74	Duka moja	3/01/2024

112	Ntege Ismael	M	78	Kawalun	4/01/2024
113	Kitakule Hadia	M	83	Korisishiandet	4/01/2024
114	Naigaga Resty	F	51	Lwakhakha	5/01/2024
115	Clayson Mayabi	M	35	Alupe	3/12/2023
116	Daniel Polycap	M	38	Adungosi	3/12/2023
117	Metrine Awinja	F	93	Malaba	5/12/2023
118	Oliver Awndi Ombonya	M	90	Lwakhakha	5/12/2023
119	Johnfred Lukera	M	85	Busia	5/12/2023
120	Saviour Masinde Simiyu	M	91	Budokomi	7/12/2023
121	Laurance Emoit	M	60	Munongo	7/12/2023
122	Daniel Obudu Papai	M	65	Mulwanda	7/12/2023
123	Brian Ekimoire	M	60	Sio-port	9/12/2023
124	Hellen Ivone	F	72	Sisenye	9/12/2023
125	Yvonne Akinyi	F	85	Bumbe	13/12/2023
126	Stella Atubukha	F	59	Port-Victoria	13/12/2023
127	Hellen Atieno	F	74	Kamuria	15/12/2023
128	Marystella Anyango	F	78	Chako	15/12/2023
129	Janet Makokha Awour	F	82	Asinge	18/12/2023
130	Ian Ekesa Munyekenye	M	85	Ongariama	18/12/2023
131	Milton Pamba	M	71	Obuchini	18/12/2023
132	Flavian Awino Wesonga	F	78	Mahero	19/12/2023
133	Gentrix Omondi	F	59	Bunyide	19/12/2023
134	Brillian Ajuma	F	80	Bunyawudo	21/12/2023
135	Ezra Nakhayo Ongori	M	82	Amase	21/12/2023
136	Christabel Nabwire Odeu	F	70	Ngelochomo	23/12/2023
137	Miriam Akinyi Dindi	F	65	Akwata	23/12/2023
138	Janerose Masaba	F	52	Bunyawudo	25/12/2023
139	Levis Wanjala Mukhwana	M	52	Amoni	25/12/2023
140	Nicodemus Etyang	M	78	Akitesa	27/12/2023
141	Patriciah Khalayi Shisa	M	76	Lukolisi	27/12/2023
142	Beatrice Atyang	F	63	Chebukube	28/12/2023
143	Brian Onyango	M	74	Chemasiri	28/12/2023

144	Teresa Akoth Wasike	F	79	Buradi	28/12/2023
145	Sarah Omina Imailuk	F	38	Busijo	29/12/2023
146	Linda Debora Anyango	F	42	Busembe	29/12/2023
147	Duncan Juma Katamu	M	63	Bunandi	30/12/2023
148	Bonface Khamala	M	55	Bulanda	30/12/2023
149	Melvin Oundo Olakitari	F	41	Alupe	30/12/2023
150	Calos Khamati	M	33	Adungosi	3/01/2024
151	Sharon Mary Onyait	F	40	Malaba	3/01/2024
152	Praxides Levishoi Tito	F	44	Lwakhakha	4/01/2024
153	Mary Jerusha	F	56	Busia	4/01/2024
154	Susan Rebecca	F	67	Budokomi	5/01/2024
155	Jantrix Juma Omoging	F	35	Munongo	3/12/2023
156	Morphat Wangalwa Okedi	M	38	Mulwanda	3/12/2023
157	Samwel Ochieng Oundo	M	93	Sio-port	5/12/2023
158	Emmanuel Juma Wekesa	M	90	Sisenye	5/12/2023
159	Jestra K. Simiyu	F	85	Bumbe	5/12/2023
160	Charity Nasimiyu	F	91	Port-Victoria	7/12/2023
161	Diana Nafula	F	60	Kamuria	7/12/2023
162	Allan Shivachi Okiru	M	65	Chako	7/12/2023
163	Alfred Mutachi	M	60	Asinge	9/12/2023
164	Milton Ekisa Okile	M	72	Ongariama	9/12/2023
165	Milcah Mutsoli Shiachi	F	85	Obuchini	13/12/2023
166	Esnas Munyendo	F	59	Mahero	13/12/2023
167	Irene Amoit	F	74	Bunyide	15/12/2023
168	Noeline Atieno	F	78	Bunyawudo	15/12/2023
169	Berin Barasa Ondusu	F	82	Amase	18/12/2023
170	Samuel Barasa	M	85	Ngelochomo	18/12/2023
171	Elizabeth Okwero	F	71	Akwata	18/12/2023
172	Jenepher	F	78	Bunyawudo	19/12/2023

	Naliaka				
173	Cynthia Night	F	59	Amoni	19/12/2023
174	Dolphine Nyongesa	F	80	Akitesa	21/12/2023
175	Esther Nafula	F	82	Lukolisi	21/12/2023
176	John Okello Wesonga	M	70	Chebukube	23/12/2023
177	Grevian Rehema	F	65	Chemasiri	23/12/2023
178	Patrick Wandera	M	52	Buradi	25/12/2023
179	Miriam Bright	F	52	Busijo	25/12/2023
180	Peter Wafula	M	78	Busembe	27/12/2023
181	Sharon Rebecca Nyongesa	F	76	Bunandi	27/12/2023
182	Pollyet Mambe	F	63	Bulanda	28/12/2023
183	Lameck Namenge Were	M	74	Alupe	28/12/2023
184	Delmas Kiplimo Korir	M	79	Adungosi	28/12/2023
185	Catherine Barasa	F	38	Malaba	29/12/2023
186	Sheila Adhiambo	F	42	Lwakhakha	29/12/2023
187	Marceline Emily	F	63	Busia	30/12/2023
188	Teddy Mutoka	M	55	Budokomi	30/12/2023
189	Yvone Wasike	F	41	Munongo	30/12/2023
190	Kefina Adhiambo	F	33	Mulwanda	3/01/2024
191	Cynthia Achwala	F	40	Sio-port	3/01/2024
192	Sylvia A. Aroni	F	44	Sisenye	4/01/2024
193	Inviolata Auma	F	56	Bumbe	4/01/2024
194	Nelson Makokha	M	67	Port-Victoria	5/01/2024
195	Shadrack Oduor	M	35	Kamuria	3/12/2023
196	Linet Shikhami	F	38	Chako	3/12/2023
197	Austine Okello	M	93	Asinge	5/12/2023
198	Adriano Mulumbi	M	90	Ongariama	5/12/2023
199	Sarah Akinyi	F	85	Obuchini	5/12/2023
200	Brendan Otieno	M	91	Mahero	7/12/2023
201	Ivone Nafula	F	60	Bunyide	7/12/2023
202	Joyce Oronga	F	65	Bunyawudo	7/12/2023
203	Leonard Ikapel	M	60	Amase	9/12/2023
204	Neema Wekesa	F	72	Ngelochomo	9/12/2023
205	Hellen Oruma	F	85	Akwata	13/12/2023
206	Kelvin Simiyu	M	59	Bunyawudo	13/12/2023

207	Faith Akumu	F	74	Amoni	15/12/2023
208	Loryn Nafula	F	78	Akitesa	15/12/2023
209	Annet Ikuret	F	82	Lukolisi	18/12/2023
210	Joshua Okumu	M	85	Chebukube	18/12/2023
211	Yunis Nabwire	F	71	Chemasiri	18/12/2023
212	David Nandwa	M	78	Buradi	19/12/2023
213	Shindi Auma	F	59	Busijo	19/12/2023
214	Linda Nekesa	F	80	Busembe	21/12/2023
215	Mourine Akirapa	F	82	Bunandi	21/12/2023
216	Simon Wanzala	M	70	Bulanda	23/12/2023
217	Rachael Achieng	F	65	Mahero	23/12/2023
218	Joseph Juma	M	52	Bunyide	25/12/2023
219	Ronald Barasa	M	52	Bunyawudo	25/12/2023
220	Samuel Papa	M	78	Amase	27/12/2023
221	Festus Olang'a	M	76	Ngelochomo	27/12/2023
222	Mildred Makokha	F	63	Akwata	28/12/2023
223	Marcella Waya	M	74	Bunyawudo	28/12/2023
224	Brilyan Orichama	M	79	Amoni	28/12/2023

FOCUS GROUP DISCUSSION

FGD of Traders in Busia Border-Kenya

S/ NO	NAME	AGE IN YEARS	GENDER	PLACE OF INTERVIEW	DATE	OCCUPATION
1	Violet Nalongo,	55	F	BUSIA BORDER - KENYA	20/12/2023	Trader
2	Ateko Odera	62	M			Farmer
3	Mark Otieno	68	M			Trader
4	Ronejones Wafula Mania	52	M			Nurse
5	Wycliffe Nyongesa,	68	M			Farmer
6	Violet Nalongo,	71	F			Teacher
7	Gloria Odera	47				Trader

FGD of Bakhayo residents in Bukhayo

S/ NO	NAME	AGE IN YEARS	GENDER	PLACE OF INTERVIEW	DATE	OCCUPATION
1	Valentine Munyane	50	F	Bukhayo Market	21/12/2023	Farmer
2	Daniel Namuel Makeni	58	M			Farmer
3	Alice Nelima,	74	F			Retired KDF
4	Okello Ernest	62	M			Farmer
5	Namusoby a Jacklin,	78	F			Trader
6	Tumuhire Derrick	71	M			Retired Teacher

FGD of Business persons in Busia border – Uganda

S/ NO	NAME	AGE IN YEARS	GENDER	PLACE OF INTERVIEW	DATE	OCCUPATION
1	Zirimenya Joel	53	M	Busia Border– Uganda Market	5/1/2024	Business Person
2	Kabanyoro Kellen	43	M			Business Person
3	Keddi Roman	65	F			Business Person
4	Masiika Moreen Biino	70	F			Business Person
5	Nowagaba Benoni	55	M			Business Person
6	Ntege Ismael	63	M			Business Person
7	Kitakule Hadia	70	F			Business Person

FGD of Nyumba Kumi Persons at Chekube – Kenya

S/NO	NAME	AGE IN YEARS	GENDER	PLACE OF INTERVIEW	DATE	OCCUPATION
1	Oliver Awandi Ombonya	55	M	Chepkube	15/1/2024	Village Elder
2	Saviour Masinde Simiyu	48	M			Business Person
3	Brillian Ajuma	60	M			Farmer
4	Bonface Khamala	42	M			Farmer
5	Calos Khamati	48	M			Chief
6	Praxides Levishoi Tito	49	M			Farmer
7	Morphat Wangalwa Okedi	43	M			Security personnel

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Business Daily (2021)

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Museveni apologizes to Kenya for son's outburst. *The Daily Nation*, Thursday October 6, 2022, page 3.

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APPENDICES

Appendix I: Letter of Introduction

Dear Respondent,

My name is Kenneth Kaunda K. Odulwa, a student at Masinde Muliro University of Science and Technology, pursuing Doctor of Philosophy in History. I am expected to undertake a research on "**A HISTORY OF BORDER SECURITY AND ECONO-DIPLOMATIC RELATIONS BETWEEN KENYA AND UGANDA SINCE 1902**." Your cooperation and assistance is required to enable me complete the exercise. This information will be strictly used for the intended academic purpose.

Thanking you in advance.

Yours faithfully

Appendix II: Consent Form for the Respondents

Consent form to allow the use photographs and verbatim from the respondents

I am requesting for your permission to use your photos and verbatims in this study.

If Yes

I……(Respondents name) allow the use of my photographs and verbatim in this research/study on this day …….. (Day and Date).

If No

I……(Respondents name) do not allow the use of my photographs and verbatim in this research/study on this day …….. (Day and Date).

Signature of the Respondent……

Appendix III: Interview Guides

MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY DEPARTMENT OF SOCIAL SCIENCE EDUCATION, Ph.D IN A HISTORY OF BORDER SECURITY AND ECONO-DIPLOMATIC RELATIONS BETWEEN KENYA AND UGANDA SINCE 1902.

Declaration: I am a student at Masinde Muliro University of Science and Technology undertaking research on **A History of Border Security and Econo-Diplomatic Relations Between Kenya and Uganda Since 1902.** The information obtained will be used for academic purposes only. Kindly take a few minutes to answer the questions therein.

Section A: Background Information

1. Name of the respondent _____
2. Age

   a) 50 years and below [ ]
   b) 51-60 years [ ]
   c) 61-70 years [ ]
   d) 71 years and above [ ]
3. Which side of the border do you reside?
   a) Kenya [ ]
   b) Uganda [ ]
4. How Long have Lived there?.....
5. What is your experience of living in the border?

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Section B: State of Border Security

6. Are there any clear border management policies that have been established in the country? a) Yes [ ] b) No [ ]
7. a). If yes, what are some of the policies that you are aware of? Kindly state
   ……
   ……
   ……
   b). If no, kindly explain.
   ……

……
……

8. How effective are the following policies in terms of border management? Kindly tick (√) where appropriate

Policy	Effective	Not Effective	Not Sure
Visa policy			
Entry/Exit policies			
Migration Policy			
Immigration policy			

9. In your own view, how has territorial issues been compromised in the border since the time you settled here?
……
……
……
10. What are major issues that cause enmity in the border?
……
……
……
11. How can the good foundation of peaceful co-existence be developed in the border?
……
……
……
12. What are the impacts of military and militia groups in the Kenya-Uganda border?
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……
……
13. In your opinion, how can border security be strengthened in the bordering states?
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……
……

Section C: Economic Relations

14. Have the policies have facilitated a smooth control of the immigration and migration activities at the border points in the country.
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……
If YES, how?
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……
……
If NO, why? And give your suggestion as well.
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……
……
……

15. How has the border policies affected security of trade and traders along the border?
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    ……
    ……
16. In your own opinion, what measures should be put in place to ensure a robust trading partnership between Kenya and Uganda along the border?
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    ……..

Section D: Diplomatic Relations

17. What is your understanding on the term diplomatic relations?
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    ……
18. Since you settled here, how has the diplomatic relations been between you and your neighbors across the borderline? If Good or Bad, give reasons.
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    ……
    ……
19. Is there any change in terms of diplomatic relations that has occurred with the change of Government from Kenya and Uganda since 1962? If Yes or No, Support your stand.
    ……
    ……
    ……

20. In your own opinion, how should good and productive diplomatic relation between Kenya and Uganda enhanced?
    ……
    ……
    ……
    ……

Section E: Challenges to Border Security and Econo-Diplomatic Relations

21. Since you resided in the border, what are some major challenges that you have encountered?
    ……
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    ……
22. How have these challenges affected econo-diplomatic relations between Kenya and Uganda?

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……

23. What measures have been put in place by the two countries to address them if it has negatively affected the econo-diplomatic relations of the two countries?
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24. In your opinion, how should the governments of the two countries address the issue above?
……
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……

25. What is the main purpose of border control?

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26. What are the main border security threats between Kenya and Uganda border?
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27. From your own opinion, what are the factors that influence diplomacy between Kenya and Uganda?

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28. What is the major force in governing interstate relations between Kenya and Uganda?

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29. What is the role of diplomacy in maintaining peace between nations?

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30. What are the main forces shaping economic diplomacy between Kenya and Uganda?

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31. What is an example of economic diplomacy that exist between Kenya and Uganda from your view, and how is it operational?

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32. What trends are shaping modern economies between Kenya and Uganda in the 21st Century?

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33. How does diplomacy between Kenya and Uganda affect the economy of the border?

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34. What is the importance of economic diplomacy between Kenya and Uganda especially at the border?

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35. In your own opinion, should economic diplomacy continue between Kenya and Uganda now and even in the future? If yes, elaborate, and if no, give reasons as to why.

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Section F: Opportunities to border security and econo-diplomatic relations

36. As a border, what are some of the opportunities that come with good border relations

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37. Are these opportunities improving the econo-diplomatic relations between Kenya and Uganda?
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    ……
    ……

38. What is the benefit of having a good border control between Kenya and Uganda?

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    ……
39. How has good border relations strengthened the inter-state security between Kenya and Uganda
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    ……
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    ……
    ……
40. Which opportunities emanates from good diplomatic relations between Kenya and Uganda
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    ……
    ……
    ……
    ……
    ……
41. How do good interstate relations between Kenya and Uganda improve on the governance of the two countries?
    ….
    ……
    ……
    ……
    ……
    ……
42. How have you benefited from the cordial relationship between Kenya and Uganda?
    ….
    ……
    ……
    ……
    ……
    ……
43. How do the economic developments between Kenya and Uganda improve your livelihood?

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……

Thank-you very much and be blessed.

Appendix IV: Letter from Directorate of Postgraduate Studies – MMUST



MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY (MMUST)

Tel: 056-30870
Fax: 056-30153
E-mail: directordps@mmust.ac.ke
Website: www.mmust.ac.ke

P.O Box 190
Kakamega – 50100
Kenya

Directorate of Postgraduate Studies

Ref: MMU/COR: 509099 **Date:** 4th September 2023

Kenneth Kaunda Odulwa
HIS/H/01-70438/2021
P.O. Box 190-50100
KAKAMEGA

Dear Mr. Kaunda,

RE: APPROVAL OF PROPOSAL

I am pleased to inform you that the Directorate of Postgraduate Studies has considered and approved your PhD. Proposal entitled: ***A History of Border Security and Econo-Diplomatic Relations between Kenya and Uganda Since 1902'*** and appointed the following as supervisors:

1. Prof. Pontian G. Okoth - MMUST
2. Dr. Peter Wekesa Wafula - Kenyatta University

You are required to submit through your supervisor(s) progress reports every three months to the Director of Postgraduate Studies. Such reports should be copied to the following: Chairman, School of Social Arts and Social Sciences Graduate Studies Committee and Chairman, Department of Social Science Education. Kindly adhere to research ethics consideration in conducting research.

It is the policy and regulations of the University that you observe a deadline of three years from the date of registration to complete your PhD thesis. Do not hesitate to consult this office in case of any problem encountered in the course of your work.

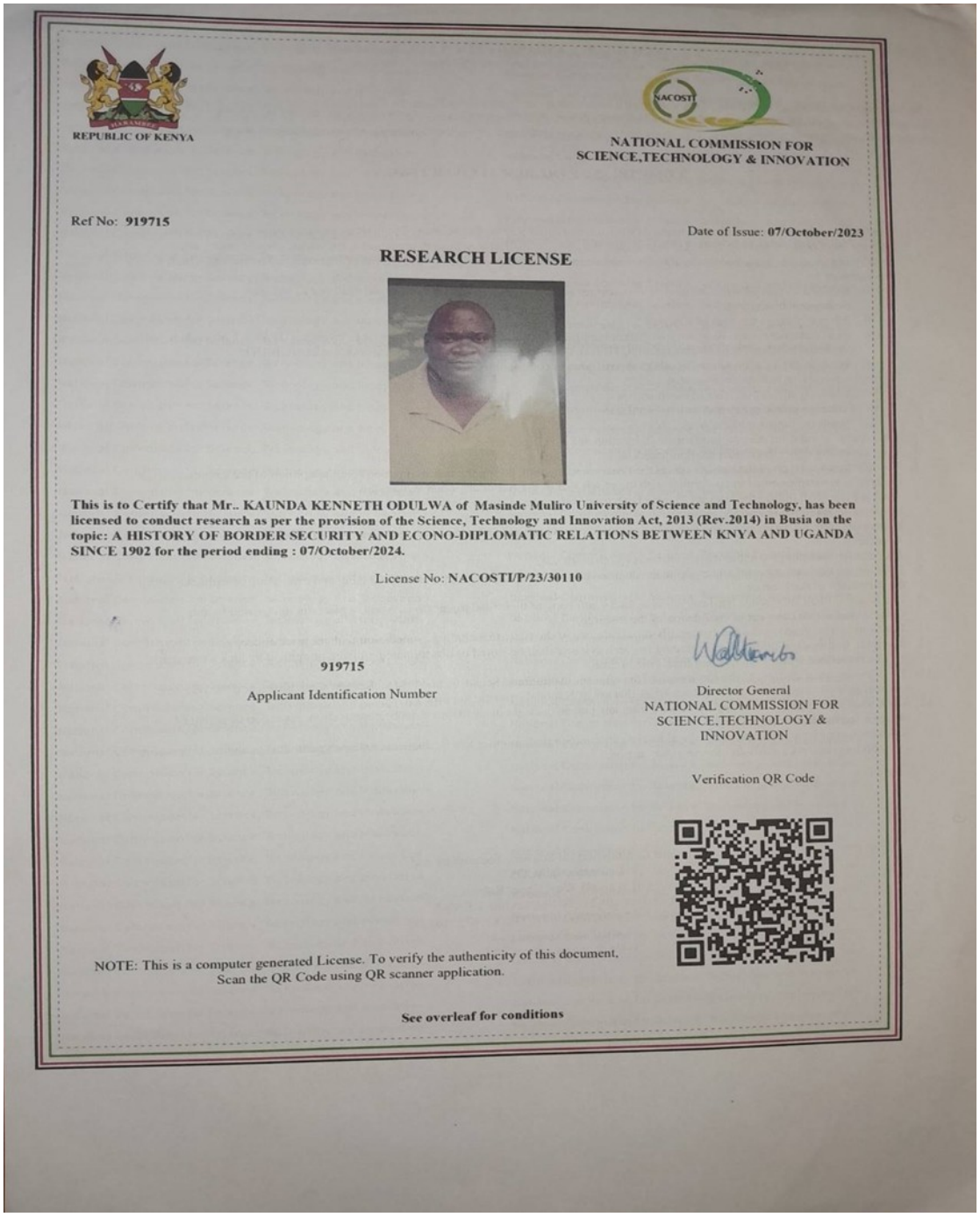
We wish you the best in your research and hope the study will make original contribution to knowledge.

Yours sincerely,

MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY DIRECTORATE OF POSTGRADUATE STUDIES P.O. Box 190-50100, KAKAMEGA (K)
Date..... Sign.....

Prof. Stephen O. Odebero, PhD, FIEEP
DIRECTOR, DIRECTORATE OF POSTGRADUATE STUDIES

Appendix V: NACOSTI Permit



REPUBLIC OF KENYA

NATIONAL COMMISSION FOR SCIENCE,TECHNOLOGY & INNOVATION

Ref No: **919715**

Date of Issue: **07/October/2023**

RESEARCH LICENSE

This is to Certify that Mr.. KAUNDA KENNETH ODULWA of Masinde Muliro University of Science and Technology, has been licensed to conduct research as per the provision of the Science, Technology and Innovation Act, 2013 (Rev.2014) in Busia on the topic: A HISTORY OF BORDER SECURITY AND ECONO-DIPLOMATIC RELATIONS BETWEEN KNYA AND UGANDA SINCE 1902 for the period ending : 07/October/2024.

License No: **NACOSTI/P/23/30110**

919715

Applicant Identification Number

Director General
NATIONAL COMMISSION FOR SCIENCE,TECHNOLOGY & INNOVATION

Verification QR Code

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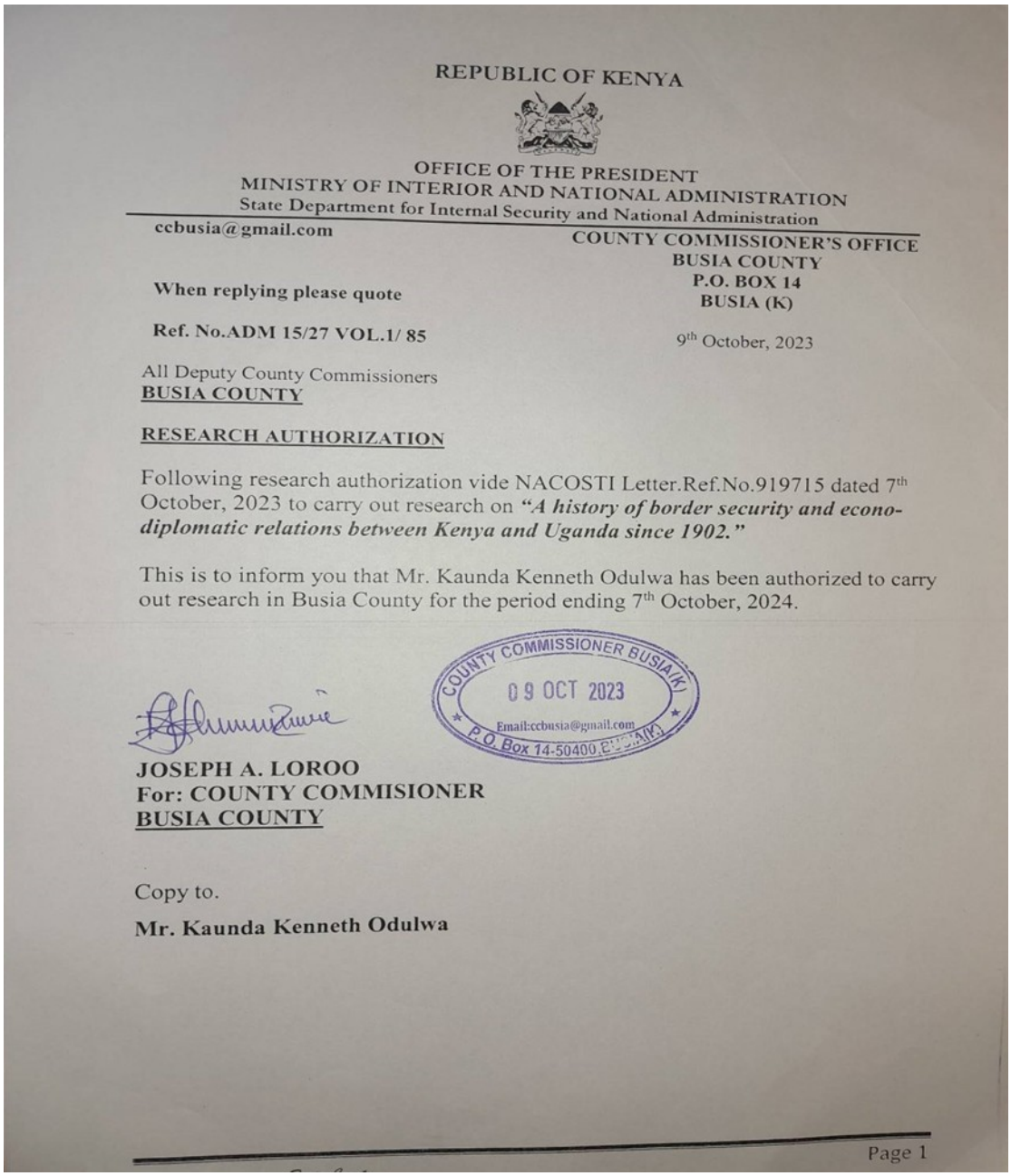
See overleaf for conditions

Appendix VI: Research Authorization Busia County



REPUBLIC OF KENYA

OFFICE OF THE PRESIDENT
MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION
State Department for Internal Security and National Administration

ccbusia@gmail.com

COUNTY COMMISSIONER'S OFFICE
BUSIA COUNTY
P.O. BOX 14
BUSIA (K)

When replying please quote

Ref. No.ADM 15/27 VOL.1/ 85

9th October, 2023

All Deputy County Commissioners
BUSIA COUNTY

RESEARCH AUTHORIZATION

Following research authorization vide NACOSTI Letter.Ref.No.919715 dated 7th October, 2023 to carry out research on ***"A history of border security and econo-diplomatic relations between Kenya and Uganda since 1902."***

This is to inform you that Mr. Kaunda Kenneth Odulwa has been authorized to carry out research in Busia County for the period ending 7th October, 2024.

COUNTY COMMISSIONER BUSIA(K)
09 OCT 2023
Email:ccbusia@gmail.com
P.O. Box 14-50400 BUSIA(K)

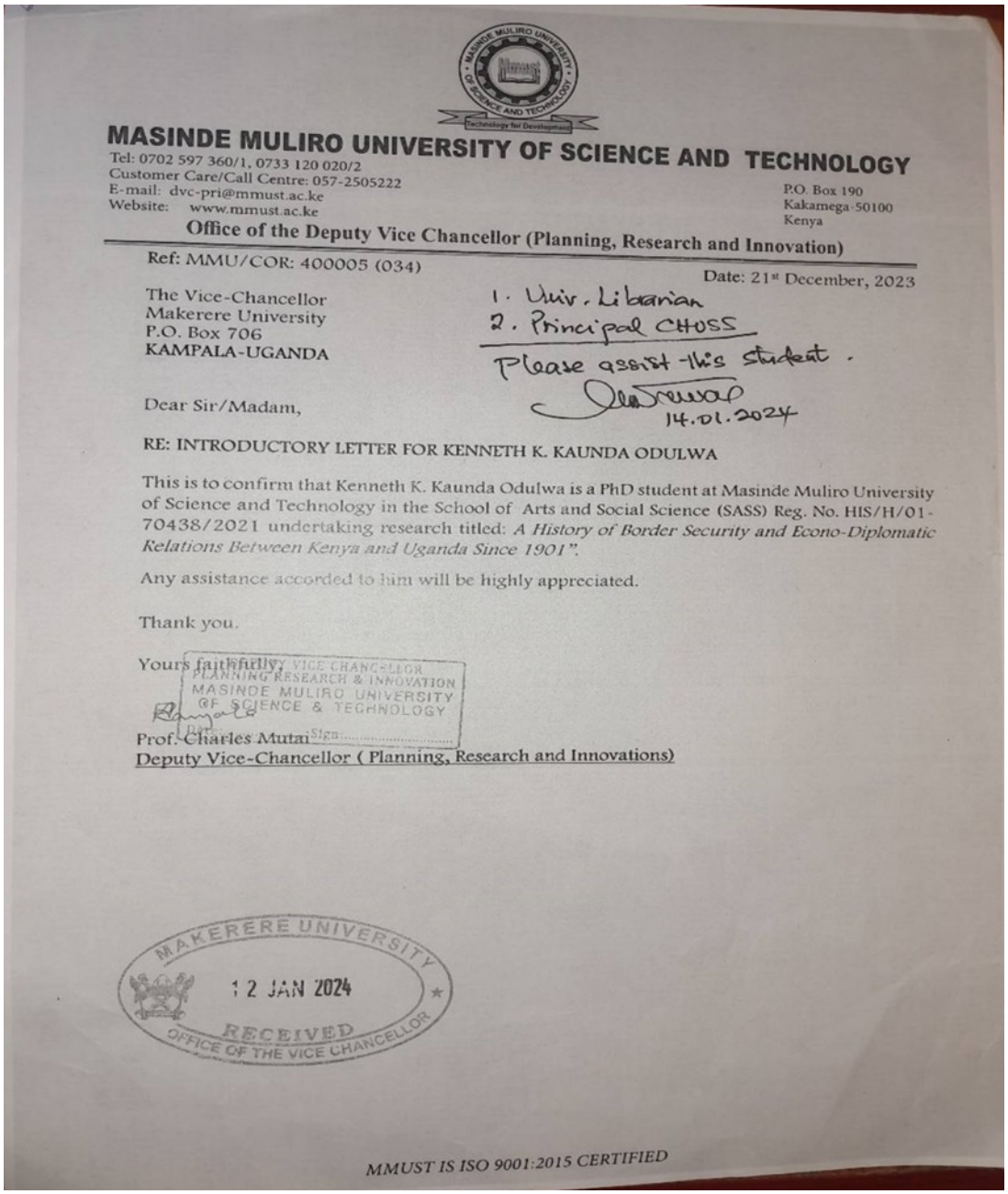
JOSEPH A. LOROO
For: COUNTY COMMISIONER
BUSIA COUNTY

Copy to.

Mr. Kaunda Kenneth Odulwa

Page 1

Appendix VII: MMUST Introductory Letter



MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY

Tel: 0702 597 360/1, 0733 120 020/2
Customer Care/Call Centre: 057-2505222
E-mail: dvc-pri@mmust.ac.ke
Website: www.mmust.ac.ke

P.O. Box 190
Kakamega-50100
Kenya

Office of the Deputy Vice Chancellor (Planning, Research and Innovation)

Ref: MMU/COR: 400005 (034)

Date: 21st December, 2023

The Vice-Chancellor
Makerere University
P.O. Box 706
KAMPALA-UGANDA

1. Univ. Librarian
2. Principal CHUSS
Please assist this student.
14.01.2024

Dear Sir/Madam,

RE: INTRODUCTORY LETTER FOR KENNETH K. KAUNDA ODULWA

This is to confirm that Kenneth K. Kaunda Odulwa is a PhD student at Masinde Muliro University of Science and Technology in the School of Arts and Social Science (SASS) Reg. No. HIS/H/01-70438/2021 undertaking research titled: *A History of Border Security and Econo-Diplomatic Relations Between Kenya and Uganda Since 1901".*

Any assistance accorded to him will be highly appreciated.

Thank you.

Yours faithfully,

VICE CHANCELLOR
PLANNING RESEARCH & INNOVATION
MASINDE MULIRO UNIVERSITY
OF SCIENCE & TECHNOLOGY

Sign.....

Prof. Charles Mutai
Deputy Vice-Chancellor (Planning, Research and Innovations)

MAKERERE UNIVERSITY
12 JAN 2024
RECEIVED
OFFICE OF THE VICE CHANCELLOR

MMUST IS ISO 9001:2015 CERTIFIED

Appendix VIII: Recommendation Letter from Makerere University-Uganda



MAKERERE UNIVERSITY

P .O. Box 7062, Kampala, Uganda
Cables: MAKUNIKA
E-mail: political_science@chuss.mak.ac.ug

Tel: +256 414 531499
Fax : +256 414 534181

DEPARTMENT OF POLITICAL SCIENCE AND PUBLIC ADMINISTRATION
SCHOOL OF SOCIAL SCIENCES

Your Ref:
Our Ref:

16th January, 2024

The Chairperson
Research and Ethics Committee
Makerere University

Dear Sir/ Madam

RE: RECOMMENDATION LETTER FOR MR. KAUNDA KENNETH K. ODULWA ADMISSION NO. HIS/H/01-70438/2021

The above-mentioned person is a Doctor of Philosophy student in History at Masinde Muliro University of Science and Technology in Kenya. His research topic: A history of Border Security and Ecomo-diplomatic Relations between Kenya and Uganda since 1902. He intends to carry out archival research.

Any assistance accorded to him will be highly appreciated

.

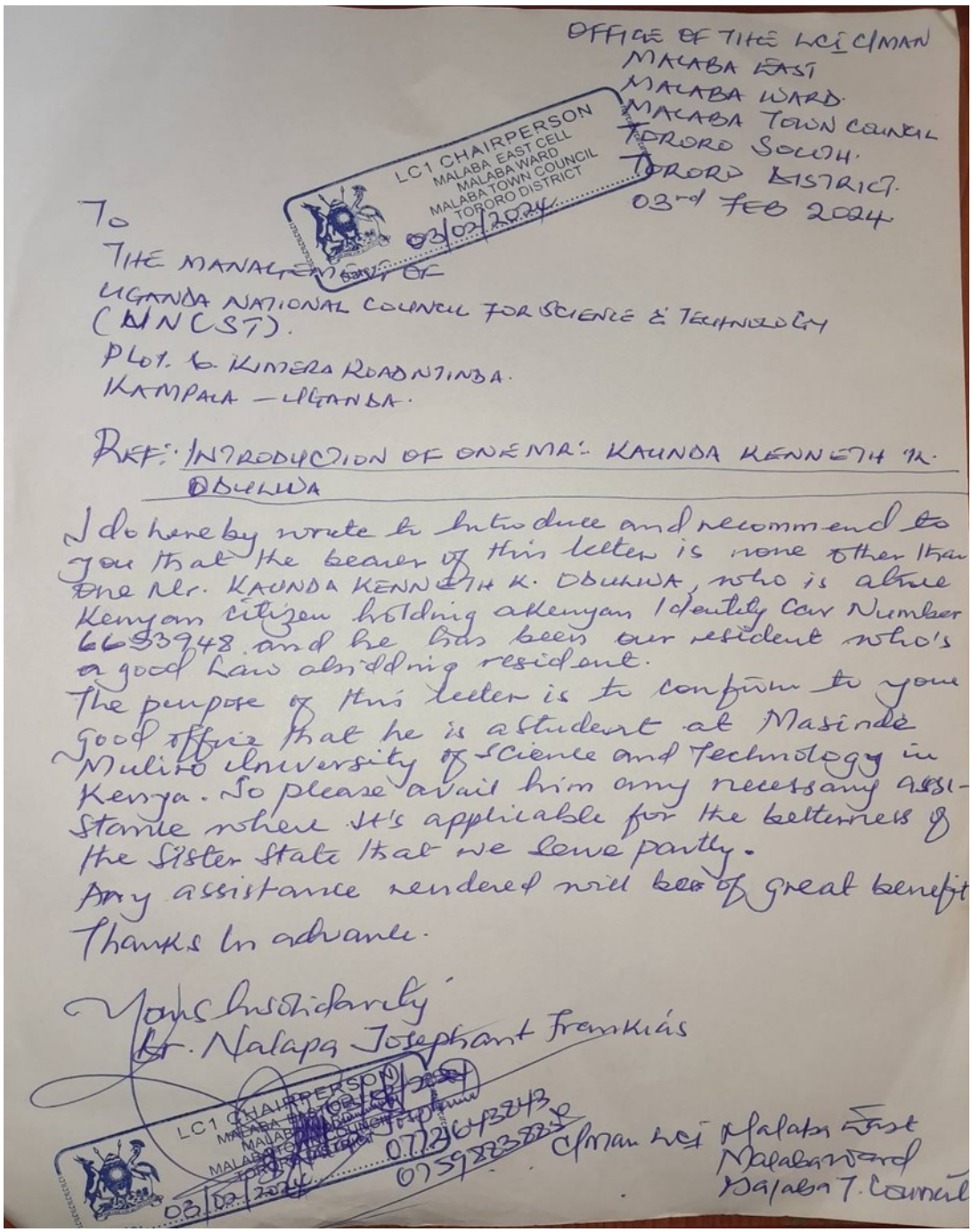
Thank you and looking forward to a favourable response.

Yours faithfully

Aaron Ayeta Mulyanyuma, (PhD)
LECTURER

In future correspondences please quote the reference number above

Appendix IX: Introductory Letter from LC1 Chairperson-Uganda (Malaba Ward)



OFFICE OF THE LC1 C/MAN
MALABA EAST
MALABA WARD
MALABA TOWN COUNCIL
TORORO SOUTH
TORORO DISTRICT
03rd FEB 2024

LC1 CHAIRPERSON
MALABA EAST CELL
MALABA WARD
MALABA TOWN COUNCIL
TORORO DISTRICT
03/02/2024

To
THE MANAGER
UGANDA NATIONAL COUNCIL FOR SCIENCE & TECHNOLOGY
(UNCST).
PLOT 6 KIMERA ROAD NTINDA.
KAMPALA — UGANDA.

REF: INTRODUCTION OF ONE MR: KAUNDA KENNETH K. OBUHWA

I do hereby wrote to introduce and recommend to you that the bearer of this letter is none other than one Mr. KAUNDA KENNETH K. OBUHWA, who is also Kenyan citizen holding a Kenyan Identity Car Number 66393948 and he has been our resident who's a good Law abiding resident.
The purpose of this letter is to confirm to your good office that he is a student at Masinde Muliro University of Science and Technology in Kenya. So please avail him any necessary assistance where it's applicable for the betterness of the Sister State that we leave partly.
Any assistance rendered will be of great benefit
Thanks in advance.

Yours Insolidarity
Hon. Nalapa Josephant Frankias
C/man LC1 Malaba East
Malaba Ward
Malaba T. Council

LC1 CHAIRPERSON
MALABA EAST CELL
MALABA WARD
MALABA TOWN COUNCIL
TORORO DISTRICT
03/02/2024

0773643243
0759883884

Appendix X: Recommendation Letter from High Comission of the Republic Of Uganda

P. O. Box 60853-00200, NAIROBI
Tel : +254 20 4445420 /4449096
Email : ugahicom@gmail.com
Website : https://nairobi.mofa.go.ug

THE REPUBLIC OF UGANDA

HIGH COMMISSION OF THE REPUBLIC OF UGANDA AND PERMANENT MISSION TO UNEP AND UN-HABITAT
RIVERSIDE PADDOCKS, OFF RIVERSIDE DRIVE

NX/27

12 October 2023

TO WHOM IT MAY CONCERN.

RE: MR.KENNETH KAUNDA ODULWA

This is to introduce to you Mr. Kenneth Kaunda Odulwa, holder of Kenyan National Identity Card Number 6653948, a student at Masinde Muliro University of Science and Technology in Kenya.

Mr.Odulwa intends to do research on '**A History of Border Security and Econo-Diplomatic Relations between Kenya and Uganda Since 1902'** at the border points of Busia/Malaba, Uganda between 01 November 2023 and 30 April 2024.

His Research Assistant will be Mr. Josephat Nairutia Kemei, holder of Kenyan National Identity Card Number 32321983.

Attached are ; An approval of Proposal from Masinde Muliro University of Science and Technology, copy of Mr. Kenneth Kaunda Odulwa's National Identity Card and copy of Mr. Josephat Nairutia Kemei's National Identity Card and Mr. Kenneth Kaunda Odulwa's Research License .

Any assistance rendered to them in view of the above will be appreciated.

Sanyu Mandy
For: **Chargé d' Affaires ai**

UGANDA HIGH COMMISSION NAIROBI

Appendix XI: Letter from Research Uganda Ethics Committee

Amendments
During the approval period, if you propose any changes to the protocol such as its funding source or recruiting materials, you must seek Makerere University School of Social Sciences Research and Ethics Committee (MAKSS REC) for approval before implementing it.

Please summarise the proposed change and the rationale for it in a letter to the Makerere University School of Social Sciences Research and Ethics Committee. In addition, submit three (3) copies of an updated version of your original protocol application- one showing all proposed changes in bold or "**track changes**" **and** the other without bold or track changes.

Reporting
Among other events which must be reported in writing to the Makerere University School of Social Sciences Research and Ethics Committee include:

i. Suspension or termination of the protocol by you or the grantor.

Do not hesitate to contact us if you have any questions. **The legal requirement in Uganda is that, all research activities must be registered with the National Council for Science and Technology. The forms for this registration can be obtained from their website** https://nrims.uncst.ug.go

Please contact the Administrator of Makerere University School of Social Sciences Research and Ethics Committee at makssrec@gmail.com OR bijulied@yahoo.co.uk or telephone number +256 712 207926 if you counter any problem.

Yours sincerely,

Dr. Stella Neema
Chairperson
Makerere University School of Social Sciences Research and Ethics Committee

Makerere University School of Social Sciences Research Ethics Committee
Valid Thru.
11 JAN 2025
Approved

c.c.: The Executive Secretary, Uganda National Council for Science and Technology