

## ARTICLE

# Miginging Island: Kenyan or Ugandan Territory?

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## Abstract

The Miginging Island territory dispute has been brewing since 2004. Kenya and Uganda both claim ownership of the Island as the residents continue to suffer. Police forces from both countries patrol the island while ways to resolve the dispute are sought. The population is mainly Kenyan and many of them have been arrested and detained for fishing in Uganda's territorial waters. Diplomatic efforts have been unsuccessful, and during voter registration in December 2012, Ugandan officials stationed on the Island pointed their guns at the Kenyans who were protesting against police interference in the process. One year on, the tension is still rife. As a peace and conflict specialist in East and Central Africa, I have had a front row seat in the theatre of incongruity that is Miginging. The media have been playing their part in reporting the events but some of them have been biased. This article maps, through the eyes of a peace and conflict worker in the region, the dispute, potential effects of a war and the attempts made by Kenya and Uganda to break the impasse and reach an amicable solution.

## Keywords

dispute, peace, diplomacy, Miginging, Kenya, Uganda

## INTRODUCTION

The scene is Lake Victoria in East Africa. The lake belongs to three countries: Kenya, Uganda and Tanzania. This is the second largest freshwater lake in the world and a source of income for many East Africans. There are many islands spread all over the lake belonging to all the three countries, but the bone of contention is a tiny island referred to as Miginging. The Island, with about 1000 inhabitants is causing souring of diplomatic relations between Kenya and Uganda with both claiming ownership.<sup>1</sup> This has been going on since 2004 when Uganda deployed forces and, in 2009, imposed a special tax on the Kenyan fishermen. This

resulted in a huge diplomatic spat between the two countries.<sup>2</sup> The key documents being consulted in the dispute by the two governments are:

- The British Order in Council of 1926, that established the current Uganda-Kenya boundary. This document has the coordinates, boundary pillars and natural features of Miginging Island.<sup>3</sup>
- Schedule 2 of the 1995 Uganda Constitution. This was annexed from Schedule 1 of the 1967 Uganda Constitution (1995).<sup>4</sup>
- The Kenya Colony and Protectorate (Boundaries) Order in Council 1926.<sup>5</sup>

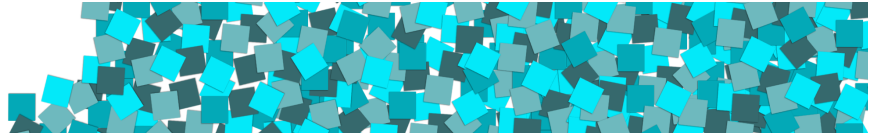
1. K. Sing'Oei (2009).

2. J. Gettleman (2009).

3. *The Independent*, 28 April 2009.

4. *Ibid.*

5. *Ibid.*



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- Kenya Legal Notice No. 718 of 1963, Schedule II Boundaries, Part I, the Districts, 37. Busia District, pp. 290.<sup>6</sup>

In March 2013, a meeting of government ministers from both sides did not yield much in terms of results but rather fueled the tension. Other attempts by both parties to reach an amicable solution had failed, with both sides taking a firm stand. Kenyan fishermen were being harassed and arrested in Migingo by Ugandan armed police who had been posted there since 2004. Uganda went ahead and hoisted its flag to show who was in control of the Island.<sup>7</sup> The underlying dispute is over fishing rights in Lake Victoria, since Kenya exports more fish than Uganda, despite controlling a smaller percentage of the lake. Over the years, numbers of fish in the lake have declined and the blame is being put on the Kenyan fishermen.<sup>8</sup>

There were simmering tensions on the island after Kenyan policemen were deployed to check on complaints by Kenyans of hostile treatment by the Uganda Police Force. The stage was set for a cross-border war, but civility prevailed. Kenyan fishermen felt abandoned and neglected by their government, considering that the Ugandan government had taken away their source of livelihood. They were being arrested for fishing on Ugandan territory. The issue was brought to the floor of the National Assembly in Kenya and it was made clear that the Island has been part of Kenya since before independence in 1963. Uganda however, makes the same claim. The leaders from both sides seem to be on amicable terms, considering that Ugandan President Museveni managed to convince the African Union Summit in Addis Ababa, in April 2013, that the International Criminal Court is the enemy of Africa and that Uhuru Kenyatta should be tried in Kenya and not at The Hague.

## POTENTIAL EFFECTS OF THE DISPUTE

In the case of a full-blown war between the two countries as a result of souring diplomatic ties, Uganda might decide to route most of its goods through the port of Dar es Salaam, at a higher cost: since the Kenyan borders would be closed, there would be no access to the port of Mombasa in Kenya. Apart from this, other countries that depend on the Ken-

yan port to transport their goods through Uganda, such as Congo, Rwanda and Burundi, would be greatly affected. This was evident during the ethnic violence in Kenya in 2007/8 when the borders were closed and the economies of Rwanda, Burundi and Uganda faltered, since goods from Kenya were not making their way there.

The cost of fuel skyrocketed overnight and stayed high for months. This is a situation that no country wants to face. There are thousands of people with jobs in these countries and it will be a great tragedy if a war breaks out since there will be an influx of refugees to other East African Countries. As a result, most of the labor force would be affected by a war; businesses would collapse thereby affecting the GDP of the countries in the region. The economic recovery of these countries would take decades if such a thing happened. Kenya is still emerging from the economic meltdown after the ethnic violence that rocked it in 2007/8.

The uncompromising stances taken by Kenya and Uganda in the dispute pose a threat to the dreams of East African Integration that the East African Community is working to realise.<sup>9</sup> It might also affect trade agreements and tariffs in the region since most will be rendered useless once the borders are closed. It is prudent to point out that leaders from both countries have reiterated that the two countries cannot go to war over a one acre piece of rock. But let us not forget that people have gone to war for far less substantial reasons, all over the world.<sup>10</sup>

## CALLS FOR CALM AND DIPLOMACY

In February 2013, Prime Minister Amama Mbabazi of Uganda called for calm in discussing matters concerning the disputed Migingo Island. He went on to say that the matter was being looked into and there was no need for the two nations to go to war over something that can be resolved. The former Prime Minister of Kenya, Raila Odinga, expressed the same sentiments in February 2012 when he received President Yoweri Museveni in Kisumu City in Kenya.<sup>11</sup>

So controversial is the issue that the presidential candidates for the March 2013 Kenya Presidential Elections were asked whether they were aware of the existence of a one acre piece of land that belongs to Kenya but is occupied

6. Ibid.

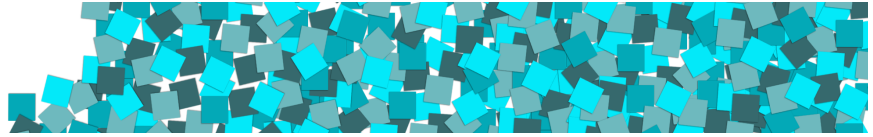
7. E. Kisiangani (2011).

8. *The Independent*, 10 March 2009.

9. Panapress, 26 March 2009.

10. D. Warui (2013).

11. F. Kilonzo (2013).



by Uganda. Kenyans wanted to know if the candidates were aware of the problems they faced and if they were abreast with the developments around the country, and what solutions they had to mitigate such issues. Voter registration on the disputed island in December 2012, came to a halt after a row ensued between the Ugandan Forces and Kenyan fishermen. The voter registration clerks had to run for safety when the Ugandan Forces raised their guns and pointed them at the protesting Kenyans.<sup>12</sup> This happened despite the calls for calm and diplomacy between the two parties in December 2012 and February 2013.

## CONFLICT SENSITIVE MEDIA REPORTING

Media all over the world have covered this conflict since 2004. The reporting has sometimes been sensational, depicting Kenya and Uganda as being on the verge of war. A scan of the reports over the years shows that the media fueled the situation with a reporting style which magnified the whole issue.

Conflict-sensitive reporting is something that journalists and netizens need to learn or remember as they cover issues of a delicate nature. As much as journalists are on the spot to report events as they unfold, they need to remember peace journalism can only be realized if they exercise conflict-sensitive reporting. Biased reporting on Migingo Island has been common since 2004. Some media articles

are pro-Kenya while others are pro-Uganda to an extent that finding one that is really objective is hard. Most of them have been quick to analyze and give their opinion on who actually owns the Island, thereby exacerbating the dispute.

Social media platforms such as Twitter and Facebook took the issue to a new level. Presidents of the two countries were abused and accused of being thieves. The plight of the arrested fishermen was brought to the fore and people were outraged. In Kenya's Kibera slum, the residents took to the streets and uprooted the railway line, crippling the rail network system, just to show how outraged they were. This is yet to stop.

## THE WAY FORWARD

The world is watching, and how the two countries resolve the dispute remains to be seen. At the same time, the future of the East African Integration is at risk if things do not go well. Security forces from the two countries are co-managing the island awaiting resolution of the dispute, which has gone on for close to a decade now. The situation is still tense and an amicable solution needs to be found, and fast. The East African countries need each other now more than ever since they share borders and trade relations, which are vital to the growth of their economies. Taking too long might result in the dispute growing into something bigger, which will be harder to deal with in the future. ■

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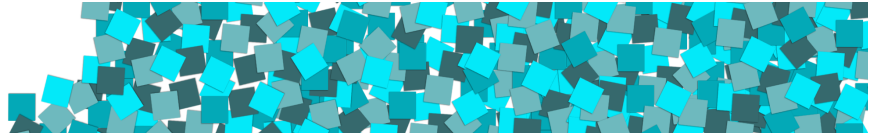
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