

Migingo Island Conflict Management through Transboundary Multi- Stakeholders Dialogue

A concept paper by



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BACKGROUND INFORMATION

Lake Victoria is the second largest freshwater lake in the World after Lake Superior in United States of America. The Lake's surface area is approximately 68.635 Km² and it is shared among three East African states of Tanzania (49 %), Uganda (45%) and Kenya (6%). The lake shore coverage is in terms of 17% Kenya, 33% Tanzania and 50 % Uganda. Its expansive catchment and rivers entails several Countries such as Burundi, Rwanda, Ethiopia, Sudan and Egypt. The lake plays critical role in Lake Victoria states economies; transport and communication, fisheries resources, energy and tourism. Moreover, the lake basin or catchment hosts a population of over 30 million with gross domestic product of approximately US\$ 3 to US\$ 4 billion. The annual income from fisheries sector is approximately Kshs 8 billion for Kenya.

The lake is facing several problems such as pollution and eutrophication, alien species infestation, over-fishing, catchment and wetlands deforestation and apparent climate change effects such as receding water levels. Demographically, the annual 3 % increment of Lake Victoria basin population continues to exert pressure on available food, land, water and other natural resources. The foregoing problems have exacerbated prevalent livelihood insecurity in the Lake Victoria region resulting into competition and tension among riparian communities or fisherfolks. Moreover, the struggle for Nile Perch which have become critical economic or industrial fish species and the heavy dependant of the three East African states economy on the lake resources enhances possibility of resource based conflicts.

The impacting nature of Lake Victoria on several African states implies potential transboundary conflicts over *inter alia*, transboundary pollution, water resources allocation, geographical boundaries and fishing grounds. The current conflict between Kenya and Uganda over Migingo Isle is confirmation of transboundary conflicts reality in the region. The ongoing characterization of the Migingo conflicts in East African media points to fishing grounds and geographical boundary disputes between Kenyan and Uganda. The information in public domain with respect to Migingo Isle is minimal on real causative factors, Ugandan and Kenyan fisherfolks stories or position and socio-economic impacts to enable productive civil debate and design of workable interventions.

The current characterization of Uganda-Kenya conflict over Migingo Isle has been inadequate in responding to the following questions:

- a) The genesis of the conflict whether historical, socio-economic or political.
- b) The possibility of fisherfolks of Kenya and Uganda having no problem on prior informal fishing arrangement?
- c) The interventionist nature of Kenya and Uganda Governments especially the later through military approach has led to intrusion on the harmonious fishing arrangement between Kenyan and Uganda fisherfolks?

- d) The possibility of discordant position between the two Governments and fisherfolks on the workable way forward approach?
- e) The Migingo Isle conflict an epitome of failed or reactive governance instruments of East African Community?
- f) The Migingo Isle conflict a reflection of failed economies of Lake Victoria states in areas such as economic diversification?
- g) The question of food insecurity and other natural resources for riparian populace under increasing populations and dwindling natural resource base?
- h) The historical boundaries delineation has imposed unnecessary political divide among riparian communities who share identical cultures, values and aspirations?

This project concept by OSIENALA is geared towards responding to such questions with respect to Migingo Isle and promoting transboundary multi-stakeholders dialogue for way out and forward. The interventions include diagnostic survey and needs assessment to unearth the causative factors, appraise existing governance instruments to determine their responsiveness to such resource based conflicts, develop position statement or memorandum from fisherfolk views; organize transboundary multi-stakeholders forum to raise pertinent issues on Migingo Isle and other resource based conflicts, create framework for lasting conflict resolution and management and develop programmes to address objectives of the framework; promote information flow and discussion through interactive media such as Radio Lake Victoria to disabuse propaganda on Migingo Isle conflicts and promote objective information flow and sharing for win-win solutions.

OSIENALA (Friends of Lake Victoria)

OSIENALA (Friends of Lake Victoria) was established in 1992 as a national NGO with its head office in Kisumu City in Nyanza province, Western Kenya. It started as a membership organization by local communities who live and drive their livelihoods from the resources of Lake Victoria and its environs. It was also to provide a forum for addressing various environmental problems facing Lake Victoria. OSIENALA's role was to create awareness locally and internationally about the problems facing Lake Victoria while at the same time creating structures that would support local communities to become responsible custodian of their environment and the lake. OSIENALA endeavors to strengthen capacities within the communities for sound management, optimization of resource utilization and improvement of the social and economic status in the region

Over the years, OSIENALA has repositioned and restructured its services to allow it engage in regional management and conservation of Lake Victoria resources. OSIENALA works in partnership with other organisations both within the Lake Victoria basin and internationally. In addition, OSIENALA enjoys co-operation and

support from the several government departments, Non-Governmental Organizations and regional and international agencies.

Vision

OSIENALA vision is: ***A sound Lake Victoria's environment that sustains equitable livelihood of communities.***

Mission

To empower Lake Victoria communities to become key participants in the management and equitable utilization of resources for sustainable livelihoods through capacity building, research, policy advocacy, education, information dissemination and networking.

OSIENALA Role in Lake Victoria Conflict Management.

OSIENALA has been proactive on Lake Victoria conflicts mitigation and resolution. Its approach has been through multi-stakeholders partnerships and dialogue among riparian states fisherfolks, Non-Governmental and Governmental Organizations.

This has made OSIENALA earn great respect in the area of conflict management as non-partisan player and committed ally of the marginalized fisherfolk in the prevailing environment of Lake Victoria resources conflicts **(see attached newspapers cuttings on OSIENALA's work with respect to conflict resolution among Lake Victoria states)**. This has been done through facilitation of multi-stakeholders forum and fisherfolk dialogue through support from donor bodies such as Danida through MS-Kenya. The dialogue has brought together fisherfolk, civil societies, members of national parliament in Lake Victoria states and East Africa Legislative Assembly members and provincial administration from Lake Victoria region peripheral districts.

The previous stakeholders' forum organized by OSIENALA has yielded results. For instance the findings in relation to issues of concern among the fisherfolk included:

- a) Loss of property
- b) Retaliatory action by Kenyan authorities
- c) Instability in the region
- d) Weakened status and role of East African Community
- e) Women fish traders in the conflict
- f) Discouragement of fishing activities by Kenyan fishermen

The deliberations among fisherfolk and other stakeholders resulted into the following conclusion and recommendations.

- a) East African countries should exchange information on fisheries regulations and procedures and communicate them to fishing communities among others.

- b) Border areas should be monitored by joint patrols comprising of enforcement agencies from the region.
- c) Patrolling teams should wear identification tags when on duty to avoid arrest of mistaken identity.
- d) The government should resolve the lake boundary crisis so that arbitrary arrests and harassment of fishermen could come to an end.
- e) Fishing regulations in the three countries should be harmonized.
- f) Need for education programmes for fisherfolk, since many of them were ignorant of policies.
- g) Fishermen be educated on laws governing the lake, arresting and hauling them to jails will not solve the problems.
- h) A free fishing zone in the lake between the boundaries of Kenya, Tanzania and Uganda be created.
- i) The Kenyan Government should deploy marine police to patrol the lake during day and night. This will stop the neighbours from intimidating Kenyan fishermen. Since most of the fishermen were arrested on the Kenyan side of the lake.
- j) A patrol boat donated by Lake Victoria Environmental management programme was lying idle at Muhuru Bay for lack of fuel. The Government should allocate Kshs 50,000 a month to run the boat and pay allowances to the patrol team.



Walter Otieno and Kennedy Otieno at OSIENALA's Dunga Offices after release from Tanzania Jails

These have led to increased education programmes by OSIENALA, Government and other stakeholders, exchange of information through Lake Victoria Basin Commission (LVBC), Lake Victoria Local Authorities Cooperation (LVLAC) and harmonization of legislations which is in progress. Moreover OSIENALA has capitalized on Radio Lake Victoria as an avenue for information dissemination and interactive discussions to enable inculcation, of proper fishing principles, understanding and adhering to state regulations, and learning to apply restraints during conflicts. These initiatives by OSIENALA and its partners have resulted into remarkable milestones. This project will advance the successes so far achieved using Migingo Isle as an entry point.



Released young fishermen take photo with Director of OSIENALA and Hemnet Journalist

PROBLEM STATEMENT

The present conflict over Migingo Isle situated in Lake Victoria between Kenya and Uganda is an epitome of long-term simmering disputes among the Lake Victoria States of Kenya, Uganda and Tanzania. Thus diagnosis and conflict resolution strategies must embrace holistic approach. The conflict over Migingo Isle is not just about tiny, rocky, Nile Perch rich one acre Migingo Isle but manifestation of problems or failure in the following areas;

- a) Promotion of alternatives livelihoods strategies by Lake Victoria states in the face of dwindling fisheries resources of Lake Victoria and increasing fishing efforts as reflected in the number of people and gears venturing into fisheries sector to meet the increasing demand.

- b) Malfunctional conflict management mechanism within East African Community governance framework and instruments.
- c) Incapacitated surveillance and monitoring of resources and activities in the Lake by the concerned states.
- d) Poor enforcement of existing laws and policies by the concerned states.
- e) Poor or ineffective communication to stakeholders about existing laws and policies by the concerned states.

The build up of Migingo Isle conflict has been characterized by claims of who inhabited the island first with Uganda saying it habited it in the 2000s and Kenya in the 1900s, posting of security personnel and hoisting of national flags, conflicts of resource use rights and fishing grounds as manifested in levied charges, extortions, seizure of fishing gears, human rights abuses, unilateral composition of Beach Management Unit (BMU) among others.

The current conflict has the potential to jeopardize the existence and full integration of East Africa community and its benefits such as:

- a) East African Community Vision as captured in the treaty
- b) Common Market Protocol that envisages rights of residence, free movement of goods and services, capital, people and labour within East Africa Community.
- c) Smooth operations of Lake Victoria Basin Commission and other regional organs.

The Migingo Isle conflict has resulted into several complex issues such as geographical boundaries questions, shared resources and property rights issues, Lake Victoria co-management mechanisms, human rights abuses, alternative livelihoods issues, preparedness of East African Community and its governance instruments in conflicts resolution among others. Hence need for urgent action as envisaged in this project to engage stakeholders and avoid enmity between Kenya and Uganda which may lead to combative confrontation and curb economic loss as Migingo Island is rich in Nile Perch and the conflict has resulted into lower landings of fish impacting negatively on fisherfolks households income during this difficult times of global economic recession. This project is vital since there are no interventions or the ongoing intervention has not embraced multi-stakeholders approach and has excluded the involvement of fisherfolks. This project aims to tackle the aforementioned problems and issues through implementation strategy and activities explained herein.



Kenyans Fleeing Migingo Island to Mainland, Photo: Jacob Owiti/Nation



Kenyan fishermen who deserted Migingo Island to the Kenyan Mainland; Photo: Titus Munala/Standard

PROJECT DESCRIPTION

This project is aimed at tackling current Migingo Isle conflict and other resource-based conflicts. Its strategy is promotion of dialogue among strategic transboundary stakeholders to collectively devise lasting solution and ensure harmonious coexistence among Lake Victoria states people and sustainable Lake Victoria resources utilization.

Project Goal

- a) To promote dialogue among Lake Victoria states stakeholders as a process conflict management and sustainable natural resources utilization

Project Specific Objectives

- i. To undertake diagnostic survey on causative factors and impacts of conflict over Migingo Isle for informed design of interventions
- ii. To undertake needs assessment survey of involved fisherfolks for mainstreaming their views into conflict management interventions
- iii. To organize multi-stakeholders forum to chart way forward over Migingo Isle and other Lake Victoria resources conflict issues
- iv. To promote information flow and discussion on Lake Victoria resource conflicts in riparian villages through Radio Lake Victoria and other media

Implementation Strategy and Methodology

The intervention will employ the following strategies and methodologies.

i. Diagnostic survey and needs assessment

The current characterization of Migingo isle conflicts in the media and other fora is inadequate in terms of comprehensive causative factors, views of the involved fisherfolk communities from Kenya and Uganda, impacts in terms of economic losses or gains, social displacement and regional integration under East Africa Community. Thus diagnostic survey and needs assessment will be carried out to map the aforesaid and utilize the findings as working document for the multi-stakeholders dialogue. The views of the fisherfolk on the Migingo Isle conflict will be developed into a position statement or memorandum and presented through their representatives and OSIENALA to National Parliaments and East Africa Legislative Assembly (EALA).

There is also need to appraise the proactiveness and preparedness of governance instruments in term of laws and policies in tackling the Migingo Isle conflicts and others. Thus identify their strengths or weaknesses and existing gaps for remedial action or enactment of necessary policies to fill the gap.

ii. Multi-stakeholders Forum

The multi-stakeholders forum will involve fisherfolk, traditional leaders, civil society, national and regional parliament representatives, lead ministries, donors and think tank institutions to deliberate on the way forward and;

- a) Design framework blue print for proactive management of resource based conflicts.
- b) Appraise existing East African Community governance instruments for necessary adjustment or creation of new ones.
- c) Inform the fisherfolk on the activities taking place in this area for their proactive involvement.
- d) Provide fisherfolk with an opportunity of presenting their views to the forum members for possible inclusion in the overall position.
- e) Create a platform for continuous dialogue and cooperation for the future.

- f) Deliberate on issues such as co-management, shared resource, compliance with existing laws and rationality in desires or demands to enable peaceful coexistence.

iii. Information Flow and Discussion

There is need to facilitate information flow and discussion from the grass-roots level to the national and regional levels on Migingo Isle conflict and other potential conflicts. This will enable informed and objective characterization of the conflict devoid of emotions, irrationality and stereotyping. OSIENALA intends to attain this through its Radio Lake Victoria and partners with Radio stations in Uganda and Tanzania to outreach regional listenership. More IEC materials will be produced through OSIENALA's printing press; posters, brochures, leaflets, positions statements, fliers, calendars to enhance the outreach of information. Radio has potential to enable conflict resolutions through facilitation of dialogue between- and providing credible information about-conflicting interests or groups and about dismantling stereotype perceptions.

iv. Output Matrix

OBJECTIVE	ACTIVITIES & METHODOLOGY	MEASURABLE OUTPUT	BENEFICIARY/ JUSTIFICATION
To undertake diagnostic survey on causative factors and impacts of conflict over Migingo Isle for informed design of interventions	Information collection through secondary literature, household interviews, focus group discussion, livelihoods mapping, interactive radio, experts' opinion, economic analysis and appraisal of relevant governance instruments at national and regional level	Report outlining the causative factors and holistic impacts of Migingo Isle conflict, Governance instruments report and recommendations on way forward	Lake Victoria states, fisherfolk and other stakeholders working on Lake Victoria. It will enable design of workable interventions.
To undertake needs assessment survey of involved fisherfolks for mainstreaming their views into conflict management interventions	Information collection through secondary literature, household interviews, focus group discussion, interactive radio and village fisherfolks forum.	Report capturing views of the fisherfolk, position statement or declaration or memorandum to be presented to National and Regional Parliaments	Lake Victoria states, fisherfolk and other stakeholders working on Lake Victoria. It will enable design of workable interventions.

To organize multi-stakeholders forum to chart way forward over Migingo Isle and other Lake Victoria resources conflict issues	Organize national and regional forum that involves fisherfolk, national and regional assemble representatives, relevant national ministries, civil society and think tank institutions.	Forum resolution documents outlining workable interventions; conflict resolution blue print, strategic statements on governance instruments enforcement, improvement or enactment mechanisms	Lake Victoria states, fisherfolk and other stakeholders working on Lake Victoria. It will enable design of workable interventions.
To promote information flow and discussion on Lake Victoria resource conflicts in riparian villages through Radio Lake Victoria and other media	Interactive radio programmes, production of thematic IEC materials	Number of radio programmes run and IEC materials produced, Report capturing views of listernership during interactive radio sessions.	Lake Victoria states, fisherfolk and other stakeholders working on Lake Victoria. It will enable design of workable interventions.

TIMELINE

Activities	Months 2009-2010											
	1	2	3	4	5	6	7	8	9	10	11	12
Diagnostic Survey on Conflict	X	X	X									
Fisherfolk Needs Assessment	X	X	X									
Fisherfolks Forum			X	X								
IEC Materials Production and Dissemination	X	X	X	X	X	X	X	X	X	X	X	X

Regional Radio Programme	X	X	X	X	X	X	X	X	X	X	X	X	X
Advocacy and Lobbying among strategic Stakeholders	X	X	X	X	X	X	X	X	X	X	X	X	X
Multi-Stakeholders Forum (MSF)						X	X	X					
Follow-up on MSF Outcome									X	X	X	X	
Project Monitoring	X	X	X	X	X	X	X	X	X	X	X	X	X
Progress Reporting							X						
Evaluation													X
Final Reporting													X

SUMMARY BUDGET

NO.	DESCRIPTION	AMOUNT (KSHS)
1.	Diagnostic Survey and Needs Assessment on Conflict	180,000
2.	Fisherfolks Forum	200,000
3.	IEC Materials Production and Dissemination	300,000
4.	Regional Radio Programme on Conflict	350,000
5.	Advocacy and Lobbying among strategic Stakeholders	160,000
6.	Multi-Stakeholders Forum (MSF)	500,000
7.	Follow-up on MSF outcome	120,000
8.	Evaluation	90,000
9.	Administration cost (10%)	190000
12.	Grand Total	2,090,000