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# Internal Capability of the State Matters in International Relations: Evidence from East African Tri-national Border Zone

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## Abstract

The realist theoretical perspective suggests that the 'inside' of the state is not a critical variable since, unlike the anarchical international system, the domestic arena entails a sovereign entity in form of a government which is able to exercise effective authority, secure compliance from citizens, and guarantee internal order. However, studies continue to expose a litany of states especially in the developing world, whose weaknesses can be attributed to domestic antagonism. Consequently, the states face external security threats due to such internal incapacity gaps. This article draws data from Kenya, Uganda and South Sudan to demonstrate that internal capacity of states matter in international relations. The study establishes that the three states have been unable to establish effective authority over the pastoral Turkana, Karamojong and Toposa who reside in their respective territorial jurisdictions and this weakness has a corresponding effect on the ability of the state to promote its national interest, which is mainly security. The article therefore, argues that while realism still remains a compelling theoretical perspective for conceptualizing security in the international system, it could be strengthened by paying attention to the domestic variable.

**Keywords:** External Capability, Internal Capacity Nation State, Security

## 1. Introduction

The dominant contemporary political framework for the organization of domestic affairs of different societies and for pursuit of national interests in the international system is the nation state (Stirk, 2015). While the nation states bear the same institutional and functional characteristics namely fixed borders, permanent population, internal control and sovereignty, notable differences exist between them especially their level of institutional development and the consequent capability to fulfill their mandate. In the West, the nation state projects more effective capability in pursuing national interests in the international arena than its counterparts in non-Western world. The developing countries therefore face more formidable difficulties in realizing favorable terms and outcomes of engagement in the highly competitive and insufficiently regulated international stage. In the case of African nation states, these weaknesses have contributed to the constrained capability of the state to fulfill its external mission as

a primary actor in the international system in conformity with the central argument in the realist interpretation of international politics (Morgenthau 1973, Said 2013). Despite this, the realist scholarship has so far paid little attention to the development phase of nation-states. The nation-state is still introduced in the literature as a mature and accomplished political unit, presumably ready and capable of achieving dominant presence and action in comparison with non-state actors (Carr 1939, Waltz 1979, Valensi 2015).

Indeed, there is an underlying presumption in the realist argument to the effect that the formation of the nation-state that is mostly an internal process has been completed in all the three primary dimensions, namely definitive citizenry, territory, and an effective structure and authority of government (Hobsbawm, 1992). It is presumed that the accomplishment of these three factors has enabled the nation-state to realistically project outwards into the international arena its fourth dimension, namely sovereignty and the defense of national interest which realism restricts to security. Very little attention has been paid to the internal characteristics of the nation-state itself as the basis for achieving the desired outward conduct (Hassan, 2006). However, internal weakness of the nation-state can directly translate into weakness in external projection and inhibit the realization of the goals expressed in the classical Treaty of Westphalia, that is, peace and security through internal control and external sovereignty (Croxton, 1999).

The nation-state in the West has experienced long evolutionary processes and are thus regarded as internally developed. In the developing world, however, the nation state is at once new and inadequately developed in respect of internal dimensions (Chabal & Pascal 1999). The nation-state formulation emerged outside Western Europe generally, through establishment of the colonial state, complete with legal and institutional system of government, borders, and a defined subject population. Upon independence, these features of the colonial state were inherited by the newly established nations mostly during the post-World War II period. The African nation state is therefore a new, post-colonial construct with *acquired* attributes that are at early stages of development (Wimmer & Feinstein, 2010).

Whereas states are perceived as entities that meet the traditional criteria of statehood namely fixed borders, permanent population, internal control and sovereignty, some - especially in the developing world - show evidence of shortfall in one or more of the preconditions stated above (Moravcsik, 1996). Consequently, these states are weaker than their Western counterparts. The weakness of these states arises much less from external factors than from their internal conditions. This is the situation that Rotberg (2002) describes as “internal antagonism.”

This article presents data collected from a study of local pastoralist communities along the Kenya-Uganda-South Sudan tri-national border zone. Using this research context, the study demonstrates the effect of weak internal capacity to exercise governmental authority and control in the adjoining states on their capability to respond to cross-border international security threats.

This article begins by revisiting the realist and liberal theoretical debates around the conundrum between the domestic capacity and external capability of states. Subsequently, section two provides an exposition of pastoralist lifestyle and its contradiction of the security regime introduced and advanced by the modern state. Lastly, section three evaluates the effect of the domestic (political) variable on the capability of states to pursue international (security) interest by providing an exposition of the external security threats that face the adjoining states due to their incapacity to manage internal antagonism.

## **2. Classical postulation of the nation state and security**

Realist scholarship privileges the nation state as the fulcrum around which security and order in the society revolves. In the classical approach, security by definition is and should be about the state and the state is and should be about security (Buzan et al, 1998). The classical contribution of Thomas Hobbes on the absence of a central authority in the conceptual ‘state of nature,’ leads to unqualified conflict, and the imperative for ‘order,’ is achievable through establishment of the *Leviathan* (Hobbes, 1952). This postulation, ideally set in the internal arena of a state, is often extrapolated to the study of interactions of states in the international system. This leads to

concepts such as anarchy, insecurity which is defined as potential military aggression by other states, unlikelihood of cooperation, and balance of power (Sheehan, 2005). The classical tradition emphasizes military and political connotations of security. To the realists, the dilemma of security is inescapable in the context of anarchy, that is to say, lack of a world government analogous to the national government of states, which can maintain law, administer justice, and prevent large scale outbreak of violence. States are therefore condemned to engage in balance of power politics. The tragic consequence of their defensive efforts is a general condition of insecurity that serves as a breeding ground for war. Exercising self-help which include efforts to outmaneuver, contain or eradicate adversaries are available to states, apart from more cooperative ventures to preserve the balance of power (Booth, 2005).

In the perspective of realists, military force represents the central component of state power. By this, it enables a state and its leaders to protect and promote their particular interests, to defend national sovereignty and identity, to influence, and where necessary, to compel others into their way of thinking. Survival of the state thus overrides all other policy considerations. Military power may also be employed to defend states or governments against non-military threats to their existence. This includes challenges from citizens (Ayoob, 1995). As Buzan (1995) observes, such a move is justified because the state has its own claim to a right of survival and self-defence. This is different from the sum total of the individual rights to security. Realists assume that the state is the safe haven that protects citizens from the intrusion of anarchy and disorder. It is also presupposed by realists that the states are surrounded by other states and architects of transnational crime and private violence that threaten their citizens. States are therefore so crucial that people without them strive to establish their own sovereign communities since they provide a 'roof' for a culturally defined people (Anderson, 1991).

From the foregoing, it is apparent that realists perceive the nation state as inevitable, natural, and the final and perfect stage of a given evolutionary process. Consequently, attempts to theorize on its nature and the sources and extent of its autonomy from the domestic society are rejected *a priori* manner (Ashley, 1983). For instance, Keyman (1997) asserts that "the state does not need to be theorized because it speaks for itself – just as facts do in positivism." The state is, therefore, taken for granted and no theoretical questions are raised about its precise nature and the basic characteristics of the social formation in which it is embedded, that is, the extent of its autonomy from the domestic sphere.

Not only do the realists reject the absolute division between the domestic and external or *innenpolitik* and *aussenpolitik*." (Hoffmann, 1965), but also consider the analytical tools of domestic politics neither appropriate nor desirable for describing international phenomena. Whereas some theorists concede that domestic considerations sometimes influence foreign policy, mainstream realism insists that such factors should be strictly subordinated to systemic ones. Waltz (1959) for instance, dismisses an attempt to focus on the aims, policies and actions of states as "simple descriptions from which no valid generalizations can logically be drawn." He insists that the empirical reality must be simplified and reduced to the system. According to Waltz, therefore, systemic pressures determine foreign policy behavior of states.

Katzenstein (1976) has joined this genre of scholars through his notable claims to the effect that: "governments are unencumbered by the society which they rule and the bureaucracies they control. Therefore, states are presumed to be cohesive collectivities in pursuit of rational political strategies." Moreover, neorealists further posit that the scope and ambition of a country's foreign policy are primarily driven by its place in the international system and specifically by its relative material power capabilities (Rose, 1998). These assertions seem to suggest that the domestic sphere is not significant in a country's external action.

This realist externalist fixation has generated intense debate in IR between conservative realists who insist that the nation-state is a unitary and all-capable actor which cannot be constrained by domestic politics, and the emerging liberal scholarship inclined towards including the domestic variable in the analysis of the external relations of the nation state. For instance, Zakaria (1992) observes that it is fast becoming commonplace to assert the importance of domestic politics and call for further research on the subject. He concludes that "...the domestic politics of states are the key to understanding world events."

While examining the relationship between national attributes and war behavior, Jack Levy laments that domestic political variables are not included in any of the leading theories of the causes of war. He observes that: “This gap is troubling as a greater recognition of domestic factors by political scientists would increase the *explanatory power*” (Levy, 1988). Moreover, Moravcsik (1996) has noted that “the unit and the system interact as to render quite difficult the autonomy of each... So international and comparative politics have always been intertwined, still do, and always will.”

Classical realism is also criticized for the erroneous presumption that the state is autonomous from the society, resulting into what Keyman describes as “reductionist institutionalist essentialist” approach that denies us the opportunity to include civil society, or citizens, in the analysis (Keyman, 1997). Hobson (2000) adds that “the perception that the state is autonomous and independent from the domestic sphere leads to a false dichotomy between the state and society.”

In summary, the contribution of the liberal scholars has influenced newer debates that tend to emphasize the complex interactions between systemic and domestic factors. Indeed, an increasing number of scholars tend to agree that the phenomena of interest in international relations are often result from complex interactions between domestic and systemic factors, which means that international politics and domestic structures affect each other (Chaudoin et al, 2015).

This study is premised on the assumption that internal characteristics of nation states influence the capacity of these states to realize their interests in the international arena. It is also proposed that an internally more developed nation state has greater capacity to realize external interests. Internal development of the nation state is considered in this regard on the basis of a set of three criteria that are in turn applied in assessing internal capacity of the state. These criteria include affirmation of own definite citizenry, exercise of effective administrative authority, and controls over the population through monopoly of legitimate violence. Sufficient development of these internal features of the nation state accord the state internal capacity for effective outward projection of national interests in the international arena. The projection of national interest is defined in this paper according to the criteria of security of the state, that is, the protection of borders against external violations through unauthorized cross-border migration, armed incursion and own citizens’ attack on neighboring communities and interests.

### 3. Study Site

This paper is based on a study of the Kenya, Uganda and South Sudan border zone that is inhabited by the Turkana of North Western Kenya, the Karamojong of North-eastern Uganda, and the Toposa of the southern tip of South Sudan. These communities together spread over an area measuring approximately 124,000 square kilometers and sections of each community spread across the international borders into the three neighboring countries. While the three nation-states are new entrants in this region, the local communities have resided here for centuries. (Lamphear, 1976). The Turkana inhabit the north-western corner of Kenya, an area of about 67, 000 square miles. They border the Karamojong to the west, Toposa and Nyangatom to the North, the Samburu to the South-east and the Pokot to the south. The population of the Turkana in 2019 was 926,976(Kenya National Population Census, 2019).

The Karamojong inhabit the Karamoja region in north east Uganda which measures approximately 27,700 square miles. They border the Turkana to the east, the Toposa to the north east, the Pokot to the south east, and the Didinga to the north. Unlike the Turkana and the Toposa, the Karamojong are not an ethnically homogenous group. Rather, they are composed of a cluster of ethnically and culturally interrelated peoples found in the Karamoja region such as the Dodoth, the Jie, the Matheniko, the Pian and the Bokora. The population of the Karamojong is approximately 850,000 according to the 2011 Uganda National Population census results. (Uganda Bureau of Statistics 2016).

The Toposa are part of the larger group in South Sudan known as Ateker who include the Nyangatom and the Jie. The community is found in Kapoeta East County which is the southernmost semi-arid regions of South Sudan along the Kenya and Uganda border measuring approximately 29,637 square miles. The Toposa border the

Didinga, Nyangatom and Murle on the southern border. Like the Turkana, the Toposa are a pastoral community whose social and economic livelihood revolves around livestock. The population of the Toposa stood at 750,000 as per the 2011 census. The three communities have common cultural characteristics that are relevant to the thematic concerns of this paper.

#### **4. Methodological approach**

This article has developed from the author's doctorate field research which draws experience from Kenya-Uganda-South Sudan border zone to analyze the conundrum between internal capacity and external capability of states. Both primary and secondary methods were applied to yield data in respect of internal development of the nation-state and its capacity to manage internal security threats. The first category of primary data comprised oral presentations from respondents drawn from among government officials and members of local communities. Archival material were also used to generate information about the formation of the nation-state in East Africa, especially the delimitation of Kenya-Uganda-Sudan boundaries and how the boundaries have changed over time; the establishment of colonial administrative infrastructure in the study zone, and; experiences of the colonial government at the initial stage of state formation, particularly effort to impose colonial authority over the Turkana, Karamojong and Toposa communities.

Target interviews were held with senior government officials, church leaders; representatives of non-government organizations operating in the study zone and, local community leaders. The researcher established local towns - Lodwar, Moroto and Kapoeta- as his base for reaching into interior sections of Turkana, Karamoja and Toposa respectively.

Government security officials were a crucial source of information about government policies and activities that relate to establishment of control and civil order in their respective jurisdictions, while interviews with community leaders yielded useful information about the interface between indigenous systems of local governance and the institutional structures and hierarchy of authority of the state. The latter category of respondents comprised Chiefs (called Paramount Chiefs in Toposa), representatives in local government assemblies and national parliaments, kraal leaders, village elders, diviners, and youth and vigilante leaders.

Kraal elders, village elders, diviners (traditional religious authorities), and youth/vigilante leaders provided useful information about their individual roles in security management and the way in which traditional authority is structured, organized, mobilized and coordinated in defense of the community and its values, especially during security emergency situations caused by cattle raids, disarmament, and outbreak of cattle diseases, and drought. The main information sought from ordinary households was their notion of security and self-fulfillment, the traditional role of each social group in the traditional setting, and whether they regard the state, neighbors and other exogenous institutions as partners or obstacles to their security interests.

Focus group discussions were held in Turkana, Karamoja and Toposa. Each FGD comprised between 12 and 15 people representing different categories of respondents that included the youth, women, elders, NGOs officials, church leaders, kraal leaders, selected government personnel drawn from various ministries and, informal local defense organizations such as Karamoja's Local Defense Unit and Kenya Police Reservists. The main purpose of the focus group discussions was to counter-check and verify information obtained from different sources; to seek clarification on issues that did not come out clearly during interviews; to obtain additional information about security dynamics in each area and future projections.

Direct participant observation complemented oral interviews. This method proved very useful in terms of exposing reality beyond respondents' verbal expressions captured in the oral interview. For instance, the researcher stayed overnight in Turkana and Karamoja cattle kraals to acquire firsthand experience of how the warriors guard their cattle at night. Further, the researcher visited official Kenya-South Sudan border post at Nadapal and sections of the unmarked Kenya-Uganda border and the disputed Elemi Triangle which serves as the boundary between Kenya

and South Sudan. By so doing, the researcher was able to see, feel and appreciate security dilemma confounding the adjoining states and the local communities under study.

Secondary data was an important complementary to primary data. The most important information sought from secondary sources included theories of the nation-state, modernity and its key pillars, the emergence and evolution of the modern state in Europe; the initiation of nation-state project in East Africa and; post-colonial literature on the challenges of state and nation-building in Africa and the Third World at large.

### **5. Pre-state Notions of Security among the Turkana, Karamojong and the Toposa**

This section entails a summary of the socio-economic lifestyle of the Turkana, Karamojong and Toposa as well as their perception and construction of security. The main purpose of the section is to demonstrate how this traditional pastoralist lifestyle that has been sustained into the present not only makes them difficult to bring under civil administration but also undermines the external security interests of the adjoining states.

The Turkana, Karamojong and Toposa initiate boys into adulthood through an elaborate rite of passage. The rite of passage symbolizes submission, sacrifice, and service to the community. In so doing, males pass from boys (*osorokit*) in Turkana to warriors (*ekajion*) in Karamojong. The primary obligation of the young adult initiates is to protect the community and its livestock. The elders distribute political functions to the younger generation by allocating the responsibility of grazing, defending the community, its livestock, and grazing zones and raiding neighboring communities for cattle.

The highest source of authority in these three communities is the council of elders. Power is exercised by an assembly of elders while executive power is the prerogative of the warrior class. The elders derive their authority not only from their age but also their duty and capacity to organize people into age categories each of which bears a chain of responsibility. The authority of the elder is exercised on various occasions. These include at public ritual meetings, council meetings and public dispute settlement gatherings. The decisions and sanctions of the elders are carried out by the sub-senior age-sets who adhere to the norms of obedience established with age rankings. The elders are also considered to have divine authority - or at least to be closely associated with divine authority. It is therefore the responsibility of the elders to maintain good relations with the deity for the protection of the community and their cattle.

Since life in the community is almost unimaginable without livestock, socio-economic activities of the Turkana, Karamojong and Toposa generally revolve around the animals and their protection. It is the obligation of male adults to move around - occasionally traversing territorial boundaries - in search of pasture and water. Men graze while protecting their cattle against wild beasts and raiders, or anything that can threaten the wellbeing and size of their herds. While on the move, they sleep in the open at night, but build rough camps with thorn hedges to protect their cattle. Communal myths, tales, songs, and dances are conjured up to extol bravery, courage and skills in protecting livestock from raiders, reclaiming livestock after raids, and acquiring more herds through raids and husbandry.

Owing to the predominance of pastoralist lifestyle, the local meaning and configuration of security also revolves around livestock. The community is considered to be at peace (*ekisil* in Toposa) in the absence of actual or eminent threats of attack from a rival community and also when it enjoys safety from natural calamities. Security is also assured when there is plenty of pasture and water for their livestock and when the animals are healthy and safe from threats of animal disease. The simultaneous increase in the number of livestock through husbandry or cattle raids and general wellbeing of the society are also considered as indicators of security. The converse situation or absence of these factors implies insecurity. The security referent objects are members of the community, the numbers and health of livestock and territory.

The pastoralists maintain a strong feeling of belonging not only to their group but also possession and/or dominion over their territory. The survival of these people depends on their capacity to get access to all or large swathes of

their territories which they use for grazing, hunting, and performing cultural activities. Access to pasture and water points is therefore open to all community members at any time. However, elders may regulate the use of grazing land and water in order to avoid conflicts and resource depletion.

The concept of territory encompasses land that the pastoralists presently occupy as a community. It also includes areas that may lie outside their jurisdiction but to which they lay claim because they once grazed or organized a cultural activity there according to oral narratives passed down from one generation to another. These perceptions tend to ignore colonial boundaries delimited by beacons and post-colonial tribal administrative boundaries established by the colonial and post-colonial administrations to manage inter-tribal relations.

Boundaries of the pastoralists' territory are marked by physical features such as hills, mountainous ranges, rivers, lakes, valleys, rocks and trees. Beyond these physical features dwell the neighbors who are often perceived as the enemy. Furthermore, the communities enjoy sovereignty over their land and territory. Neighbors may thus only access water and forage for their livestock through negotiated agreements initiated by elders. The territory is therefore the object of protection to keep away the enemy from incursion and to protect scarce water and forage reserves on which the livelihood of animals depend. Besides territory, the entire community or group is also the focus of protection. The community provides both the philosophy for rationalization of the individual's existence and the theatre for self-actualization. The individual lives for himself and also for the community. Each person has a role in the protection of the community and its values irrespective of gender, social status and age-group while labour is divided along gender distinctions.

Under the prevailing philosophy of 'group security', intra-communal violence is culturally intolerable because it weakens the community and exposes it to external threats. The *threat* to the local community is often construed in the image of the *neighbour* and the number of such actual or potential enemies is limited to communities that dwell in the neighborhood and whose livelihood also revolves around livestock. While the Turkana, Karamojong and Toposa perceive each other as cross border enemies, each community may also face security threats from internal neighbors as is often the case with Karamojong sub-clans in Karamoja district or the Turkana against the Pokot of Kenya.

Young men aged between 17 and 35 (*nkiliok* in Turkana) have the duty to ensure livestock are well watered and protected in the face of challenges from the natural environment and neighboring communities. The youth are prepared for their future role in the community through rigorous socialization that begins in childhood. They absorb into their subconscious highly cherished community values of heroism, courage, endurance, "manliness", and herding skills.

Children thus grow into adulthood, shaped and conditioned by customs and expressions idealizing the qualities associated with involvement in cattle rustling. The day-to-day discourse is replete with sayings that encourage men to take part in such adventures irrespective of the risks involved. Initiation rites, weddings and other rituals and social events are opportune occasions to glorify those who have proved themselves courageous in rustling missions by chanting and singing about them. On these public occasions, the heroes themselves boast of the booty they have been able to bring home and the brave manner in which they accomplished the feat.

It is against the background of these traditional modes of political organization, authority structures and notions of security that the modern state was superimposed during colonialism. In essence, the modern state was superimposed on a traditional government replete with its own structures of authority, philosophy and perceptions of security. Kenya, Uganda and Sudan inherited the Turkana, Karamojong and Toposa respectively as their citizens upon attainment of independence when those structures and notions were still dominant. Notwithstanding attempts to extend governmental institutions and security apparatuses in these communities in the post-independence period, the pastoralists still dwell predominantly in the pre-nation state form.

The next section analyses how the foregoing resilient lifestyle has made the pastoralists difficult to bring under state control and more importantly, how it has undermined the external security interest of the adjacent states.



## 6. Internal Capacity Challenge and Implications on External Security Interest of the State

States are recognized under international law by their capability to maintain clearly defined boundaries, secure their territories, and protect citizens. The ability to perform these roles forms the basis upon which states are categorized as strong, weak, fragile, or failed (Rotberg, 2004). The capacity to maintain border security is a particularly critical function of the state since it involves border control, border management, border monitoring and border protection. As Wafula Okumu succinctly puts it, “the purpose of border control is to facilitate or limit the movement of people, animals, plants, and goods in and out of a country (Okumu, 2010). By extension, immigration control aims to impose conditions under which people legally cross borders.

Kenya, Uganda and South Sudan have made significant efforts to exercise immigration controls in order to protect their citizens and the territorial integrity of their respective states (Kenya Immigration Act 1967, Constitution of Kenya 2010, Uganda Passports Act 1982, Constitution of Uganda 1995, South Sudan Nationality Act, 2011). The existing immigration laws in Kenya, Uganda and South Sudan apply to the Turkana, Karamojong and Toposa respectively since they are today considered citizens of their respective sides of territorial boundaries rather than free indigenes of the previously unmarked region before the establishment of colonial rule. Indeed, the post-colonial maps of the three countries clearly show that the three communities belong to their respective territorial states and what appears in the maps in regard to citizenship has been further confirmed by government security policies targeting these communities.

Obligations of citizenship demand that the three communities that are the subject of this study should confine their operations to respective host countries. They should thus cross international borders only under clearly defined exit and entry rules because they are aliens and foreigners once they cross the border. Similarly, citizenship claims by the adjoining states over the communities impose responsibilities on each state to control cross-border immigration exit and entry. This is meant to avert illegal exit of nationals to countries where they are aliens, and to prevent illegal entry of foreigners into neighboring countries at border control points, especially if such entries may be injurious to the security of the state. In other words, Kenya is responsible for the administration of the Turkana, Uganda for the Karamojong and South Sudan for the Toposa. By extension, the host state should be responsible for the exit of their nationals across the border and all immigrants must meet the entry requirements and conditions set by the receiving state before they are cleared at official border control points. Aliens from the three countries should submit travel documents (including travel passports) to immigration officers at designated Border Control Points (BCPs) before they are cleared for entry, and no persons are allowed to enter or depart from a country except through the points of entry and exit which are prescribed by the government.” (South Sudan Passports and Immigration Act, 2011). Herdsmen who cross the border with firearms which can be used for cattle rustling and other illegal activities all fall under the category of persons who do not qualify for exit or entry visas.

Despite the existence of elaborate immigration rules that apply to all citizens and aliens indiscriminately, the study confirms massive violation of laws that govern entry and exit by the pastoralist communities in the zone. Border control points are far apart and are poorly manned by state security agencies. For instance, the Kenya-Uganda border has only two immigration control points, one at Loya and another at Moroto-Loima. Both Kenya and South Sudan have only one official immigration control point at Nadapal, while Uganda-South Sudan border has four immigration check points (Nimule, Elegu, Musingo and Oraba) but with very weak security control arrangements. Large sections of Kenya-South Sudan, Uganda-South Sudan and Kenya-Uganda borders are therefore not manned by government security forces.

Owing to these lapses, the Turkana, Karamojong and Toposa avoid boundary control points and simply move back and forth across the imaginary international borders in search of water and pasture for their livestock. What is particularly worrying is that these communities immigrate with weapons and stolen goods (livestock). While abroad illegally, these pastoralist ‘foreigners’ not only deplete water and forage resources which are reserved for the host nationals, they also commit cattle theft and murder especially when they engage in cattle rustling. The case of the Dodoth of Karamoja who currently occupy Toposa villages in South Sudan and the annual unauthorized Turkana immigration into Uganda deserve elaboration.

A section of Dodoth herdsmen numbering about 5,000 migrated from Karamoja region of Uganda in 2012 and forcefully occupied a village in South Sudan among the Toposa in their endeavor to avoid disarmament operations launched by the Ugandan Peoples Defence Force (UPDF). While in South Sudan, the Dodoth have continued to organize internal raids against their 'host' (the Toposa) as well as cross-border raids against the Turkana of Kenya and the Jie sub-clan of Karamoja. The Toposa community feels very insecure with the Dodoth in their midst and have appealed to the Government of South Sudan to come and flush them out without success.

In May 2016, the Ugandan Government threatened to cross over the border into South Sudan to disarm the Dodoth and recover livestock raided from the Jie if the Government of South Sudan (GoSS) was unable to drive them back to Karamoja. Acting under pressure from Uganda, the Government of South Sudan (GoSS) appealed to the Toposa to move away from villages occupied by the Dodoth so as to avoid imminent reprisals from the Ugandan army. GoSS further pleaded with the Toposa to join the Sudan People's Liberation Army (SPLA) in mobilizing a strong force that can drive back the Dodoth to Uganda. The County Commissioner for Eastern Equatoria warned the Toposa to act fast against the Dodoth because if the UPDF attacked them for illegally harboring these foreigners, South Sudan would not be in a position to protect them. He also appealed with the Toposa to investigate and establish the number of Dodoth immigrants among them and their level of armament in advance of preparations to drive them back to Karamoja. The study confirmed that while some Dodoth pastoralists had voluntarily returned to Karamoja by December 2021, an unknown number still illegally reside in South Sudan.

Another case in point is the annual cross-border immigration of the Turkana of Kenya to Karamoja district of Uganda where they are hosted by the Matheniko. Both communities made a peace agreement in 1973 after many years of hostility inspired by counter raids. In this pact, the elders agreed not only to stop mutual cattle raids but to allow one another free access to water, forage and protection if need arose. The period following the agreement has witnessed annual movement of the Turkana to Moroto where the Matheniko are found. Mount Moroto receives reliable rainfall throughout the year and has abundant grass and water during periods of scarcity in Turkana region. Since 1974, the Turkana illegally stay in Uganda for three to four months depending on the longevity of the drought on the Kenyan side of the border. For instance, in March 2006, over 600 Turkana families left their homes and crossed the border into Uganda with their livestock and firearms. While in Karamoja, they raided the Jie, Dodoth, Bokora and other Karamojong sub-clans around Mt. Moroto as they would raid their Pokot neighbors in Kenya. The fact that this immigration arrangement is initiated by Turkana and Matheniko elders without involving or informing Kenyan and Ugandan authorities makes it illegal and an affront on the Ugandan territorial integrity.

These two examples confirm that the states in which pastoralists are nationals do not monitor the movement of their citizens and have failed to impose pre-exit rules. At the same time, the host states are less responsible for whatever security risks their citizens are exposed to while abroad (Kenya Animal Disease Act, 1972). More importantly, the receiving states in the zone do not keep records of the number of people who cross international borders into their territory from time to time. These armed pastoralists qualify to be regarded as criminals who threaten the security of the receiving state because the guns, spears and arrows that they wield are not only used to conduct cattle raids abroad but also to stage armed combat against state security officers who threaten their security. In addition, inoculation requirements for both immigrants and their livestock are never adhered to yet unchecked herds may transmit deadly diseases abroad that can undermine the health of livestock in the receiving state especially when they mix with local stocks.

The study established that the Turkana, Karamojong and Toposa still defiantly cross borders to graze and water their livestock in neighboring territories because they believe that *grazing has no boundary*. The prevailing perception suggests that the adjacent states have done little to impose a sense of citizenship among their respective communities. Lack of citizenship consciousness has embedded a culture in which cross border communities do not mind staying in a neighboring state as long as they can reliably access grass and water for their livestock. The survival needs of these communities are so pressing that the Turkana do not mind being called Ugandans neither do the Dodoth mind changing citizenship to become South Sudanese so long as their permanent stay abroad can guarantee their safety and good health of their livestock.

Border management challenges are commonplace in the zone. While borders indicate the geographical spread of a state hence the jurisdiction under which the state is permitted conduct its international security surveillance obligation, the three countries have been unable to determine the international borders between them. Physical beacons that definitively mark the Kenya-Uganda, Kenya-South Sudan and Uganda-Sudan borderlines have not yet been marked on the ground, more than half a century since independence and more than one century since they were mooted. The vagueness of the border complicates government intentions and efforts to counteract cross-border security threats to territorial integrity and to exercise both external sovereignty and security of the population.

The unresolved ownership of the Elemi Triangle located between Kenya and South Sudan has made it one of the most insecure areas in the zone. The Kenya government established a border post at Nadapal in 2009 to defend its territorial integrity and to contain incursions by the Toposa into the Triangle. The decision by Kenya has sparked off a diplomatic row between Nairobi and Juba (South Sudan Administrative headquarter) with the latter claiming that the Kenya-Nadapal border post is 'inside' South Sudan. On 30<sup>th</sup> July 2009, two Kenyan cabinet ministers visiting Nadapal to survey a suitable area for the establishment of the border post were stopped and harassed by Sudan People's Liberation Army (SPLA) troops (Daily Nation July 31, 2009) Later, on 29 June, 2011, Kenyan security forces engaged SPLA personnel in one-hour gun fight around Nadapal after SPLA soldiers crossed the Kenyan border in pursuit of Turkana cattle rustlers.

The local Turkana and Toposa communities have joined their respective governments in the border contestation of the Elemi Triangle. While the Turkana insist that Narustown in South Sudan (25km north of Nadapal border) is their traditional boundary with the Toposa, the Toposa elders maintain that their boundary with the Turkana is as far down south as Kakuma, which is about 100 kilometers inside Kenya. Meanwhile, both communities defiantly cross the contested international border to graze in the Elemi Triangle and beyond because they still lay emotional attachments to lands where their ancestors once grazed and hunted but which have since fallen under either Kenyan or South Sudanese territorial jurisdiction.

Representatives of both communities, therefore, insist that the current Nadapal border, whether permanent or interim, cannot hold because it limits their grazing rights. In October 2012, some armed Toposa people invaded the newly-established Kenyan border post and killed 16 Kenyan military officers. A second attack occurred a week later. While the Turkana warriors have not attacked the South-Sudan border post, they continue to attack Toposa cattle camps located near Nadapal and further north. This happens in open violation of South Sudan's territorial integrity. These developments confirm that border posts alone are unable to control illegal immigration by pastoralists who operate in the zone if a sense of citizenship is not instilled.

In all the three countries, the borders lack access roads and the few security officers deployed in these areas are unable to counter illegal cross-border movement. The work of isolated security patrol team is further complicated by poor mobility from one border post to another. This impedes the officers' ability to patrol and secure the borders from illegal immigrants. Under the prevailing conditions, the role of isolated security officers is simply reduced monitoring and reporting incursions. Cross-border communities thus do not strongly feel the presence of host states before they cross and the receiving state once they enter a foreign land to which they are aliens. This trend confirms that the adjacent states lack capacity to prevent illegal migrations and to make immigrants comply with immigration regulations, which exist in law but are poorly enforced on the ground.

From the foregoing, it is clear that pre-nation state notions are still dominant in the study zone. They thus pose a challenge to the nation-state institutions that were established a century ago that were intended to override, subdue and supplant these traditional institutions.

## **7. Conclusions**

This paper has interrogated the capacity of three adjacent states to control security threats imposed by pastoralists who still maintain traditional notions of security despite the existence of established modern nation states. The

paper confirms that established local institutions of the state have been unable to regulate movement across the borders and thus secure the immigration control function of the state. On one hand, the Turkana, Karamoja, and Toposa pastoralists avoid the formal immigration stations and habitually violate immigration and citizenship laws and requirements of the state while on the other, the security and immigration institutions and officials of the state are unable to enforce compliance with the laws and regulations. Local institutions of the state are unable to regulate movement across the borders and therefore cannot secure the immigration control function of the state. Furthermore, both restricted and prohibited goods including firearms and live animals cross the border without customs verification thereby placing the security of the state and the local population in danger.

The paper has demonstrated that the greatest challenge to the intrusion of the state arises from the vibrancy of traditional forms of government and authority which either directly oppose or compete with the modern state. The state has therefore gained less than complete control of the population and preexisting notions of security and structures of governmental authority that compete with and even undermine the authority of the institutions of the state. This internal weakness of the state adversely affects the capacity of the state to exercise power and authority over international cross-border affairs, namely citizenship and immigration.

This study has shown that realism overlooks internal processes yet they determine external processes. While the challenges along the Kenya-Uganda- South Sudan border show that state formation is an incomplete process, realism presumes that the nation-state is an already accomplished entity and is the main actor in international relations. The evidence from the study area challenges these realist notions since the nation-state is still disregarded by the local community on both sides of the border. Whereas realism talks about external anarchy, internal anarchy prevails in the zone and it has implications for security. The security condition in the zone cannot, therefore, be explained adequately from the standpoint of classical realism. The state has to build its authority internally in order to address its external challenges adequately. In a nutshell, internal capability of states directly affects their external relations.

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