

THE EFFECTS OF POROUS BORDERS ON THE SECURITY OF STATES IN THE GREAT LAKES REGION: A CASE OF UGANDA

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Abstract

This paper is addressing the concept of porous borders and how it affects the security of a country using Uganda as a case. Borders the way we know them are associated with the concept of a state, and the Westphalia model of a state. States by nature are known to claim territorial competence since the Westphalia Treaty; so, their boundaries have to be known and respected by other states and nonstate actors. Uganda as a landlocked country again has many porous boundaries which normally affects the security of the country. And like all African countries these borders were arbitrarily delimited by colonialists with so many ramifications that the country is still facing. This paper is divided into six parts, namely; Background information, conceptual questions, analysis of the causes of porous borders in Africa, the effects of porous borders on Uganda's Security, and exceptions to the concept of border security, as well as recommendations. Methodologically, the author relied more on qualitative methods and based on library research.

Key words: porous border, security, national security

Introduction

On October 24th 1648, the Treaty of Westphalia was signed; marking the end of the Thirty Years War, and the birth of a robust nation state with claims of sovereignty and territorial competence (Konrad, 1998). Since then, the Westphalia state has with much vigor, recognized and defended international boundaries. It is important to note that the Westphalian state concept was a European concept, which of course, was later on imposed on other parts of the world through colonialism. A

historical review of Africa's borders reveals that, while establishing national boundaries in Africa as part of the operationalization of the Euro-centric concept of the state, the European colonialists arbitrarily used "latitudes, longitudes, geometric circles and straight lines to split several ethnic and cultural communities" to establish administrative territories of their convenience, which were not effectively controlled (Isoke, 2015); hence the phenomena of porous borders.

The problem of porous borders buffers countries in Africa (Institute for Strategic Studies, 2012), including the countries in the Great Lakes region (UN Office of the Special Envoy for the Great

Lakes region, n.d). One may argue that the African countries in general and those in the Great Lakes region, in particular, are simply reluctant to enforce strict border control of their leaders' ideological grounding in Pan-Africanism. Africa has for a long time believed in the free movement of persons in Africa. The quest for free movement of persons in Africa is exemplified by the African Union's Agenda 2063, a document that captures the ambitious aspirations of the "Africa we want, including an "integrated continent, politically united and based on the ideals of Pan-Africanism (African Union, n.d). Under Aspiration 2 and Goal 1 of the AU's Agenda 63, African countries, including those in the Great Lakes region, committed to accelerating progress towards continental unity and integration for sustained growth, trade, exchanges of goods, services, free movement of people and capital through establishing a United Africa and fast-tracking economic integration through the of the Continental Free Trade Area (African Union, n.d).

Be that as it may, states in the Great Lakes Region face challenges balancing between: (1) allowing easy movement of goods and peoples and precluding or stopping illegal immigration, the entry in their territories of illicit goods such as arms and ammunition, bombs and bomb-making materials, etc; (2) allowing people to visit their relatives and guarding against entry of criminals; (3)

granting tourists easy access and denying terrorists entry, among other conundrums (Wafula, 2016). These and other contradictions have coincided and combined with surges in cross border movements of people to put a serious strain on border control and management systems (ibid)., in effect heightening the risk of crime and insecurity.

Background

The Great Lakes region of Africa consists of countries that share the African Great Lakes, namely, Lake Victoria, Lake Tanganyika, Lake George and Lake Edward. These countries include Uganda, Kenya, Tanzania, Rwanda, Burundi and the Democratic Republic of Congo; and South Sudan, which is an immediate neighbor to Uganda. It is one of the most volatile regions in Africa. In the past, it was punctuated with violent change of government and incessant waves of armed rebellion and civil conflicts, and of course genocide in Rwanda. The only relatively stable countries in the region were Kenya and Tanzania. Rwanda, Burundi, Uganda, and the Democratic Republic of Congo (DRC) suffered waves of armed rebellion, in many cases resulting from coups d'état in those Countries. The Great Lakes region was also until recently a hub of rebel activities against governments in Uganda, Congo, and Rwanda. In many cases, the rebels were supported by one government against another. Uganda has in the past allegedly supported the rebels against a government in Rwanda; Tanzania against a government in Uganda, Uganda and Rwanda against a government in the Congo. At the time writing this article, the

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DRC was accusing Rwanda of supporting the M23 rebels that are destabilizing the eastern part of DRC (Al Jazeera, 2022).

Although there is some calm and quiet, the region is still volatile because of internal governance issues within most states in the region. There are governance issues in Burundi (Human Rights Watch, 2022) and the Democratic Republic of Congo, which have sparked violence and waves of migrants from those countries seeking refuge in other countries in the region (Athumani, 2022). The political stalemate and insecurity in South Sudan (United Nations, 2022), Uganda's neighbour to the north, continues to be a security risk for the already volatile region, plus the insecurity in Somalia which has also had a security toll on the region. The security challenges in states that constitute the great lakes region of Africa and their neighbours such as South Sudan and Somalia have in the recent past caused security-related effects in other countries within the region, particularly Uganda, aided by Uganda's porous borders (Elema, 2022).

The Republic of Uganda is a landlocked country that shares long and complex borders with five other countries: South Sudan to the north, the Democratic Republic of the Congo to the west, Kenya to the east, Rwanda to the south-west and the United Republic of Tanzania to the south. Lake borders are shared with the Democratic Republic of the Congo (Lake Albert, Lake Edward) and Kenya and the United Republic of Tanzania (Lake Victoria). It is a member of the East African Community bloc, together with Kenya, Tanzania,

Rwanda, South Sudan, and Burundi, which provides a framework for economic cooperation and integration among partner states, and facilitates free movement of goods and people through their borders.

The country is divided into four administrative regions, namely, central, eastern, western, and northern. It has a total of 40 gazetted border posts, except that 35 are active and operational (IOM, 2016; UGANDA BUREAU OF STATISTICS 2020). Most of the border crossings are poorly resourced in terms of infrastructure and equipment. Nonetheless, there are hundreds of unofficial crossing points at borders between Uganda and her neighbours, which make Uganda's borders extremely porous, and in turn exacerbate illegal migrations into Uganda that are caused by volatile political and security environment of most of Uganda's neighbours (IOM, 2016). Further, it should be understood that Uganda adheres to the international doctrine of *uti possidetis* by which she in turn respects borders that were arbitrarily drawn by colonialists. However, some of the borders cut across tribal community catchment areas and have never been officially demarcated, which enables people across to easily cross into Uganda and in turn compounds the challenge of border management and control (ibid).

Key concepts

Any meaningful discussion of a topic behoves definition of key concepts. In the case of this paper, the key concepts include the terms security, border, porous border, and border management

a) Security: Perhaps, the most compelling definition of security is one advanced by Williams (2013) which looks at security as most frequently connected with the mitigation of threats to precious ideals particularly those which, if left unrestrained threaten the existence of a particular referent entity in the immediate future. This definition approaches security from a value-system point of view, in a societal setting that does not restrict the scope to state defence and military affairs. This implies that security should go beyond the preservation of the state against external threats and which are normally thought to be military in nature and centralizes human welfare (Buzan, et.al 1998, Timothy, 2002). It is fundamental to appreciate security as the absence of threat to the cherished values which roundly cover all the spheres of life but not as it has traditionally been conceived.

This paper therefore, adopts a broadened definition of security that emphasises social, economic, political and psychological wellbeing of individuals that make up a nation state or the international community. So, security concern should include security threats ranging from pandemics, environmental degradation, and transnational organized crime to more traditional security concerns such as weapons of mass destruction and inter-state Conflicts (Baldwin, 1997; Leo, 2011; Baylis, 2001; Buzan, 1983). This expanded meaning of security however, does not demystify the core position the security

sector occupies in the provision of security in a country.

b) Border: used interchangeably with a boundary, border is a region or area straddling a boundary or the area adjacent to a boundary, and may or may not be located exactly on a country's boundary (Wafula, 2016). Also, countries do not have single borders, particularly those with maritime boundaries that are variously defined from 12 nautical miles to over 200 nautical miles, depending on the limit of the continental shelf (ibid). Borders are one of the defining characteristics of a state; they define the extent to which an authority within a given political entity called a state may exercise exclusive jurisdiction over peoples and resources.

c) porous border: the purpose of borders is to control illegal entry and exit of goods and people into a territory, which is in turn intended to promote the security, social cohesion, and common prosperity of the people of a certain state. Thus, borders are supposed to be tightly guarded to achieve those ends. When they are not, the borders are said to be porous (Merriam Webster, 2023). Thus, a porous border is one which is not guarded well enough to preclude entry and exit of goods and humans that might endanger the security, peace, stability, wellbeing, and development of a state or its people. Porousness of border does not however, consist in absence of a physical barrier alone, but also absence of effective systems, structures, laws, and technology to prevent entry and exit of goods and people that might present a threat to the lives,

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security, stability, peace, and development of the state.

d) Border management: it is a term generally understood to be the regulation of the flow of people and goods across a country's border/boundary in order to secure or preserve the peace, security, stability, development, and social cohesion of a people within a state, which would otherwise be endangered in absence of such regulation. Border management consists in activities like immigration control, customs control, and policing and patrolling of a country's boundaries, it is important to look at the factors that explain the existence of porous borders.

Factors that explain the existence of porous borders

There are several factors that can explain why countries struggle and mind about boundaries and it is because of their connection with the likelihood of war between neighbouring states. Talaat (2023) quoted Curzon who contends that boundaries are critical in the relations between states and he is famous with the most well-known phrase in the political geography of boundaries that 'frontiers are indeed the razor's edge on which hang suspended the modern issues of war and peace, the life and death to nations'. This section therefore looks at factors that explain the existence of porous borders in Uganda.

1. Absence of physical barriers along international borders

some writers suggest that the international boundaries can actually cause inter-state

conflict (Talaat, 2023). Uganda lacks physical barriers along her international borders. Whereas countries such as Israel, Egypt, India, South Africa, Botswana, Turkey, among many others erected artificial physical barriers along some of their international borders, Uganda does not have any. This is owing to the fact that artificial barriers are expensive to erect, and difficult to adequately guard them. For border walls or fences to be effective in deterring illegal entry of people, they have to be constructed to cover the entirety of a state's international borders, lest infiltrators cross at points where there are no such barriers.

However, the benefits that would accrue from border barriers are outweighed by the costs of constructing them if the border fences or walls are not manned in every part of the fence or wall around the country, which is itself highly costly. Because physical barriers are extremely costly, states have tended to construct walls or fences where they face the most security risk. For instance, Israel and Egypt erected physical barriers long their borders with Gaza, while the United States has partially built a physical barrier along its border with Mexico, in order to reduce the porosity of their borders and to heighten security in their states in the end.

Uganda does not have any such physical barrier with any of her neighbours and is highly porous. Some of the ethnic groups of Uganda also reside in neighboring countries and are divided by these extremely porous national borders (IOM, 2015). This combines with weak border control capacity

to thrust the northern border as one of the most porous. Except, the Western and South Western border, although porous, it has some physical barriers, including the Rwenzori Mountain ranges, which stretches between Lakes Edward and Albert along the Uganda-Congo border, and farther south the Virunga Mountains extend along the borders of Uganda, Rwanda, and Congo. The Eastern border, too, like the others is porous, but also has a physical barrier in the Elgon Mountain, which occupies part of the border between Uganda and Kenya. Nonetheless, by and large, the lack of sufficient physical barriers makes Uganda's borders highly porous.

2. Inadequate Manpower

While Uganda has 40 gazetted immigration border points, she also has more than 300 illegal border points along her international borders (Tom, 2012). This poses a serious challenge with regard to manning all the gazetted and illegal border points for a country that is less developed, with limited economic resources. The challenge is portrayed by the state's inability to even effectively man even the gazetted immigration points (ibid). Further, security deployments are concentrated at the entry ports, and few are available to patrol the borderline (Isoke, 2015). This opinion is corroborated the International Organisation for Migration's assessment that staffing levels across border points in Uganda only enable staff to provide minimum cover at the border, and precludes any regular enforcement activity such as border patrols at unofficial crossing points (IOM, 2016; Talaat, 2023). Inadequate manpower leaves

security vacuums, which exacerbate the problem of porous borders.

3. Corruption

Corruption in Uganda is endemic. It pervades all sectors of public life and border management is not an exception. Among the manifestations of corruption is bribery, whose net effect is that it compromises border management staffers in ways that might result in smuggling into the country security-threatening materials and individuals. As Tumushabe observed, laxity in immigration control, poor remuneration of border security staffers, and corruption among Uganda's security officials at border stations complicates the challenge of porous borders in Uganda (Tumushabe, 2015). An investigative effort by journalists with one of Uganda's newspaper, *Daily Monitor*, revealed that security officers aid and abet illegal entry of goods at Sofia border crossing point at the Uganda-Kenya border because they accept bribes. According to the investigators, traders who offer a cash bribe proceed with their goods without any form of inspection at the security points erected with barriers (Mutaizibwa, et al, 2018). Indeed, as Kambere has argued, a porous border does not only mean physical absence of border controls, but also the potential of border posts being manipulated by terrorist agents to smuggle into the country bombs and bomb materials (Kambere, et al, 2012). It is possible that terrorist agents enter and exit the country's border points with ease because of the possibility to bribe officials.

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4. Inadequate Infrastructure

Uganda, like many other underdeveloped countries is faced with a real challenge of developed infrastructure, by and large. Border control in Uganda is, too, affected by the same bane. A report by the International Organisation for Migration indicated that some border points have inadequate power supply, while others do not have or have inadequate means of communication (IOM, 2016). It also indicated that in most cases, border officers have no choice but to use their personal mobile phone for professional communication, and that some border points have a complete lack of Internet accessibility, in those connections between border posts, the regional offices and headquarters in Kampala rely on mobile phones to request back-up support or send and receive messages (ibid). This, as the authors of the report observed, is a major deficiency as cell phone systems can either crash because of too many subscribers trying to make calls at the same time or if the government shuts down the system as a security measure during an emergency (ibid).

5. Unresolved Border Disputes

Uganda, like many colonial states of Africa, is at conflict with some of its neighbors over unresolved border disputes. For example, since 2004, Uganda has had a dispute with Kenya over Migingo Island in Lake Victoria, on the eastern border. Both countries claim ownership of the one-acre island that is strategically used by their fishermen. The tensions raised serious border tensions and could have led to a clash

between the two friendly states, but political intervention saved the situation (Shaka,2013). There are similar conflicts along South Sudan and the eastern DRC borderlines.

In the disputed areas, there is no clear and deliberate security plan; any attempt to institute security controls such as border patrols would threaten the territorial sovereignty of the neighboring state. Wafula Okumu in his study of Africa's borders argues that, "one cannot control what one does not patrol" (Isoke,2015). These disputes increase the vulnerability to infiltration by terrorists into the country.

6. Lack of cooperation:

The lack of integration at different levels: local, governmental and regional. At the local level, most border management efforts do not incorporate or include border communities. Some deployments of security personnel have most often been carried out without including local interests or partnering with locals despite their intimate knowledge of the border terrain. At government level, there is usually little or no integration between different departments such as immigration, customs, police and intelligence. It is a major security failure when personnel, such as police, military and intelligence do not coordinate with each other at the border. At regional level, most governments to do work closely to enhance border security by sharing of intelligence information, undertaking joint border patrols, etc. effective border security measures require close cooperation among all these levels.

7. Lack of demarcation:

Lack of, and poorly, marked boundaries have greatly contributed to porous borders. Managing African borders is a daunting task. Patrolling a country's borders may often lead to violations of neighbors' territories, as one cannot patrol what does not exist, especially if state agents do not know the limits of their territorial waters. Uganda's maritime borders are even much more insecure due to the lack of resources to patrol them.

Effects of porous borders on Uganda's national security

Porous borders have real consequences for security. Uganda's borders' porosity has security implications that range from risks of terrorism, proliferation of small arms and light weapons kidnap and murder, cross-border incursions by subversive groups, among others. The challenge is how a single state can be able to overcome these consequences.

Uganda's border with Kenya in the northeast has been and continues to be a cause for security concern. Karamoja, a region in the northeast of Uganda, is home to five major Karamojong nomadic pastoral tribes, including the Dodoth, Jie, Bokora, Matheniko, Tepth, and Pian (Isoke, 2015). The region borders the nomadic Turkana and Pokot communities of Kenya and the Toposa nomadic tribe of South Sudan (Kiperan, 2008). Before 1926, when the British colonialists arbitrarily established the Kenya–Uganda border, the Turkana and Pokot pastoralists of West Kenya lived and shared resources with the Karamojong

pastoralists in the then Rudolf Province of Uganda (Isoke, 2015). However, in the wake of colonialism and the drawing of a boundary between Uganda and Kenya, which was bequeathed to the two countries at independence, sharing resources in the manner it was done before, ceased and the state-centred separation of the nomads meant a new way of relations between the nomads of the two sides. Today, armed cross-border raiding of livestock has been the main activity along the Uganda–Kenya northeastern border (ibid).

In an effort to defend themselves, the Karamojong, on the Ugandan side of the border has had to seek arms to ward off attacks by the nomads on the Kenyan side. As a consequence, the Karamojong and other nomadic communities for decades provided markets for illicit weapons from the region (ibid). Also, the Shifta, a banditry group from Ethiopia and Somalia, supplied guns in exchange for ivory with the pastoralist tribes of Karamoja region (ibid). But the proliferation of guns in Karamoja brought a security situation in Uganda and posed a threat to Teso and Sebei in the East, who bore the brunt of armed raids by Karamojongs.

To contain the problem of cattle rustling and to halt the infiltration of arms, in 2001, the Uganda government launched a disarmament exercise. By 2012, the disarmament process had registered remarkable success, with cattle rustling halted and most of the illegal guns recovered; and peace has been restored in Karamoja region (UNDP in Uganda, 2014). So far, Uganda has been fortunate that apart

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from cattle rustling along the porous northeastern border, no terrorist-related activity has been registered. However, the challenge of illegal arms across the borders persists because neighboring Kenya, Ethiopia, and South Sudan have not disarmed their warriors (Isoke, 2015).

Secondly Uganda's porous borders have traditionally resulted in subversive activity, threatening the government and the security of the state. In 1996, supported by the then-Congo government, the Allied Democratic Forces (ADF) established bases from which they would carry out armed incursions inside Uganda on the neighboring western Uganda districts of Kasese, Kabarole, and Bundibugyo, killing more than 1,000 civilians, and go back to their safe havens in Congo (ibid).

In earlier response, in 1998, the Uganda government deployed its forces to pursue them in their hideouts in the eastern DRC. In 2014, the DRC and UN forces launched operations against the ADF, and by and large the ADF is a technically defeated force, but not completely wiped out and might still pose a security challenge to Uganda (ibid). As Isoke has noted, the geostrategic position of the ADF in a remote mountainous terrain along the Uganda -DRC border has facilitated the survival of the rebels (Isoke, 2015). These incursions have continued to date, where a terrorist act in Kampala in 2021 was attributed to the ADF from DRC. Also, in December 2022 an armed attack on Ntoroko district was also attributed to the same ADF crossing from the DRC (Kazibwe, 2022).

Accordingly, because the border is open and border communities between Uganda and Congo are bound by cultural and economic ties, and individuals and groups move freely across the borders, such porousness would easily allow the rebels to plan and execute attacks inside Uganda again.

Thirdly, the porousness of Uganda's borders has resulted in a free ride of kidnap and murder across borders. For example, on October 27, 2017, an Eritrean businessman, Deniel Weldo, was kidnapped by criminals; driven through security points at Sofia border point in the boot of his Toyota V8 Land cruiser vehicle through to the Kenyan side where he was killed (Mutaizibwa et al, 2018). Again through Sofia, a woman was kidnapped on April 16 and was a few days later, found dead, with her body decapitated even after a ransom was paid (ibid).

Further, porous borders in Uganda result in smuggling of goods across the border, but this poses a challenge that since smugglers are hard to detect due to the porosity of the border, the terrorists may use the smuggling routes traders use, or they might themselves smuggle into the country small arms and light weapons, undetected. The 2010 bombings that rocked Kampala in which at least 74 people died, by the Alshabab terrorists came through the Uganda-Kenya border, according to the assessment of security agencies in Uganda. This information is also corroborated by the state prosecution in the criminal case against those behind the bombing, in the high court of Uganda, in which seven were found guilty (Ryan, 2016).

Last but not least, porous borders allow an influx of refugees and illegal immigrants from troubled neighbouring countries. Without proper screening or no screening at all, which is what normally happens in a situation where borders are porous, there are high chances that bad elements will find their way, quite easily, into the country, and cause security mayhem. Uganda is host to a very large number of refugees (in excess of one million) from conflict-prone South Sudan, the Democratic Republic of Congo, and Burundi. A security brief released by Inspector General of Police, Gen Kale Kayihura in 2017, observed that the refugees are driven by among others, the stability of the country, favourable investment climate relative to that of conflict areas from where they emigrate, corruption by immigration law enforcement officers, and weaknesses within Uganda's legal framework, as well as weak enforcement of visa regime and work permit loopholes (Frederic, 2018). When these asylum seekers are rejected, the brief states, they continue staying and working in Kampala illegally under the cover of being refugees whereas not (ibid).

The security brief by the Uganda Internal Security Organisation also indicates that the "illegal immigrants" have not only become a security, social and economic burden to the country but have also compromised national security, get involved in trans boundary crimes like human and drug trafficking, cyber related crimes, competition for service delivery to citizens, and some are involved in money laundering, mostly Somalis and South Sudanese (ibid).

Caveat to the state-centric view of border security

Borders will remain a significant feature in international system as long as states continue to believe that they operate in an anarchic world where there is need for self preservation against external threats. However, it should be observed that what is involved in border management and control is a human life. What happens to persons requiring international protection because they face persecution, torture or inhuman treatment in their country of origin? These categories of people must be enabled access to protection by countries where they run to. Yes, states have a duty to conduct border and migration controls, but this should not be used by states as the basis to abdicate the responsibility to protect those in distress beyond their borders.

Border control has in the past been used and continues to be used by many right-wing governments, as an implement to dehumanize and deny assistance those genuinely in need of protection or refuge. The insistence by the former US president, Donald Trump, on a physical border wall along the USA-Mexico border was advised by nationalist sentiments and bigotry. In 2015, while calling for the physical border wall, as presidential candidate, Trump derided all immigrants from Mexico as "animals, rapists, and drug-dealers", who had to be stopped from getting into the United States (Rupert, 2015). He attributed most of those crimes to Mexicans, without any statistical evidence to that effect. Thus, one might safely conclude that the border wall agitated for by the US under Trump

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was not about security; it was only done out of spite for distressed people from a different country.

In 2018, President Trump referred to immigrants from Africa and Latin America as those from “shithole” countries, who should not be allowed into the United States for just that reason alone (Josh, 2018). Thus, in a region as very volatile as the Great Lakes Region, zealous emphasis on border control risks running counter to the ideals, even international instruments relating to treatment of foreigners in distress, for instance, the right of distressed foreigners to seek and be granted asylum in a foreign country. Moreover, it is indisposed to the spirit of Pan-Africanism and the dream of a borderless Africa. Therefore, a country that minds about human rights must balance between safeguarding her security from porous borders but also willing to receive human beings in distress.

Conclusion

The paper has addressed the problem of porous borders and how they affect the security of a country using Uganda as a case. Countries mostly jealously guard their territorial competence by manning their boundary lines. Uganda has many porous boundaries which normally affect her security but this also a big problem to other African countries.

The paper briefly defined some concepts like security, borders, porousness of orders, and border management. The paper discussed the several factors that explain why countries struggle about boundaries-including; absence of physical barriers along

international boundaries; inadequate manpower; corruption; inadequate infrastructure; unresolved border disputes; lack of cooperation; lack of demarcations. The paper also explained the effects of porous borders on Uganda’s national security including aiding smuggling of goods and sometimes small arms and other dangerous weapons that have become a danger in the country. The author has also explained in this paper that countries can also abuse human rights in the pretext of border management against external threats and yet there are people who might be in need of international protection from persecution and torture in their country of origin.

Therefore, as a recommendation, strict or overly prohibitive border control policies should not be pursued by governments of the States in the Great Lakes Region without considering humanitarian crises that have required the assistance of neighbouring countries. They should instead pursue an open border policy in times of political crises and insecurity to those who flee it. Uganda has illuminated this through its refugee policy in which the government has welcomed all and sundry, who are in distress from neighbouring countries including Burundi, the Democratic republic of Congo, and South Sudan.

However, except for foreigners fleeing conflict or political persecution, governments need to strengthen border management to preclude bad elements who would endanger the security of their countries. In that effort, governments need to close illegal entry points or assert

effective control over them, as they might be used to import dangerous items such as guns and bomb materials, and be used by terrorists or subversive elements who might in turn endanger the security of their countries.

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