

*Redie Bereketeab and
Ulf Johansson Dahre (eds.)*

Current Developments, Peace and Stability in the Horn of Africa

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Chapter one

Introduction: The Horn of Africa: A New Beginning?

Redie Bereketeab and Ulf Johansson Dahre

The Horn of Africa (HOA) is often described as the most conflict prone region in the African Continent (Cliffe 2004, Woodward 2013, Bereketeab 2013, Mengisteab 2014). It suffers from several inter-related pathologies. They include festering wars, state crisis, environmental degradation, poverty, youth unemployment, migration, exclusion of women and youth, external interventions and democratic deficiency. A combined effect of these festering pathologies generates occasional cycles of social raptures of such a calibre that momentarily shake the region. Such cycles abound in the HOA. The year 1991 constituted a watershed in the history of the region. Rebel movements ousted the two most brutal regimes. The Mengistu Haile Mariam regime was replaced by the EPRDF (Ethiopian People's Democratic Front) a coalition of ethno-nationalist movements. The demise of the Siad Barre regime marked the collapse of the Somali state.

The demise of the regimes also brought change in the territoriality of the two states. Following, thirty years war of liberation, Eritrea became independent in May 1991; and Somaliland declared unilateral independence the same year.

While Somaliland succeeded in building peaceful and democratic de facto state, Somalia spiralled down the road to mayhem and chaos (Walls 2014, Jhazbhay 2009). South Sudan got its independence from Sudan in 2011, but soon was plunged in civil war that broke out in December 2013.

Unexpectedly, in May 1998, a war broke out between Eritrea and Ethiopia (Jacquin-Berdal and Plaut 2004, Fessahatzion 2002, Negash and Tronvoll 2000). Although the war ended in December 2000, through internationally mediated agreement known as Algiers Agreement, a no-war no-peace status continued until July 2018 (Bereketeab 2019). The consequences of the war was not only limited to Ethiopia and Eritrea, but it had dire consequences to the entire region too. Therefore, the Ethiopia-Eritrea conflict was rightly defined as epicentre of the conflicts in the HOA.

The powerhouse of the region, Ethiopia, was gripped by youth uprising that picked up momentum in 2015. Consequently, Ethiopia was plunged into economic, political and security crisis (Lyons 2019). The EPRDF was forced to make change of guard in its leadership that brought Dr Abiy Ahmed Ali, an Oromo, to power. Dr Abiy conducted sweeping political changes and extended an olive branch to Eritrea (Gedamu 2022). Eritrea considered the invitation as genuine and responded positively. The two leaders signed peace and friendship agreement on 9 July 2018 ending the state of war that existed between them for twenty years (Bereketeab 2019). This was followed by signing a comprehensive cooperation agreement between Somalia, Ethiopia and Eritrea raising hopes and expectations (Ethiopia, Somalia and Eritrea 2018).

Indeed, the immediate impact of the Eritrea-Ethiopia rapprochement to the HOA was witnessed in the diplomatic shifts. Hostile or frozen relations among states of the region began to thaw. Eritrea restored diplomatic relation with Somalia. Leaders of Djibouti and Eritrea met for first time in a decade. Ethiopia-Sudan relation picked a new momentum. The new prime minister of Ethiopia exerted efforts in peace mediation between Sudan and South Sudan while actively engaging in support of the transitional process in Sudan following the fall of the Omar el-Bashir regime in 2019. Most importantly, the tripartite accord (Somalia-Ethiopia-Eritrea) opened a new opportunity for revitalisation of IGAD.

The transition in Ethiopia however proved to be a daunting task. Intra-ethnic and inter-ethnic, regional state-federal state conflicts continued to flare up. The most serious challenge to the reform came from the TPLF. The TPLF led Tigray regional government rejected the Ethiopia-Eritrea rapprochement, particularly, the Algiers Agreement, and accused the federal government of violating the constitution and national institutions (Bereketeab 2019). The rivalry between the Federal Government and the TPLF finally culminated in the November 2020 military confrontation that dragged in Eritrea. The lack of peace and stability in Ethiopia cast a dark shadow in the HOA. We have Ethiopia-Sudan border dispute complicated by tensions related to the GERD pitching Egypt and Sudan on one side, and Ethiopia on the other. Kenya and Somalia are involved in serious border dispute. Election related controversies plagued Somalia adding to the festering conflicts. The momentum that was boosted by the Eritrea-Ethiopia rapprochement seems if not dead to have lost steam.

This chapter seeks to provide a succinct context and background of the book as well as synopses of the chapters. It consists of four sections. Section two analyses the complex context of problems of the HOA. Section three interrogates whether the region is entering a new period. Section four provides organisation of the book.

Complex Context of the Problems of the Horn of Africa

The people of the Horn of Africa (HOA) have suffered from convoluted political, economic, social and environmental crisis for too long. A combination of manmade and natural problems have exposed the peoples to abject poverty, unemployment, environmental degradation, disease, wars, drought, starvation and mass exodus. Today, the HOA is one of the mass refugee/migrant producing regions of the world. The irony is the HOA is endowed with rich natural resources that could support its peoples and provide them descent life. War and concomitant instability, corruption and mismanagement have however derailed development. Underdevelopment is pushing, particularly, the youth to seek for greener pasture in the developed world. They follow dangerous routes through the Sahara desert, Mediterranean Sea and the Red Sea on the way to Europe or

the Middle East. The mass flow of youth from the region in turn contributes to poverty, underdevelopment and insecurity as the youth is the dynamo of development (Mengisteab 2014, Woodward 2013, Bereketeab 2013).

The peoples of the HOA are closely tied by culture, history, language, demography, socio-economic mode of live, etc. These are fundamental requirements that would enable them to live together in peace, harmony, prosperity and unity. Nevertheless, despite these commonalities, the HOA is well known for its intra-state and inter-state conflicts. While some of these conflicts are purely domestic production, others are incited by external interventions. External interventions that include Cold War (Yordanov 2016), war on terror, piracy (Samatar 2013, Möller 2013) and scramble for resources have contributed to the instability of the region. The region's strategic location makes it attractive to international big and middle-big powers (de Wall 2015). Today we have several powers from the West, East and the Gulf regions present militarily in the region. The presence of these military forces is justified by the fight against terrorism, extremism, fundamentalism and piracy that in recent years have afflicted the region (Maruf and Joseph 2018, Hansen 2013). The presence of external forces, however, instead of curbing these social evils most of the time aggravates them.

The expansion of terrorism, radicalism and fundamentalism in the vicinity of the Red Sea have brought closer the regions in both sides of the Red Sea. The rivalry between Iran and Saudi Arabia, the crisis within the GCC and the consequent emergence of two blocs, on one side Saud Arabia, United Arab Emirate and Egypt, and on the other, Turkey and Qatar have complicated the political and security situation in the HOA. The role of Saudi Arabia and UAE in facilitating the rapprochement between Ethiopia and Eritrea was very positive. It is hoped, it could lead to investment and economic cooperation with the HOA, which could kick off development in the region, one of the prerequisites for the youth to stay in the region.

Nevertheless, the solutions to the region's problems need to come from within itself. There are several things; leaders of the region could do, in order, to address the convoluted pathologies the region faces. The first is to mobilise its own resources (economic, intellectual, demographic), capacity (organisational, technical, technological). The second would be to exert every possible efforts to

resolve the intra-state and inter-state conflicts that are the major source of the pathologies. Without peace and security there will not be development. The third would be to ensure unity, integration and cohesion of the region. This would mean ownership of defining, planning and resolving of the problems the region faces, through employing domestic mechanisms, institutions, capacities and authorities. This will minimise external interventions and meddling. The fourth would be building institutions at local, national and regional levels; and opening the political space. This will induce the participation of all stakeholders in all sphere of life.

The wisdom of depending on internal initiatives, goodwill and mechanisms, is evidenced in the Ethiopian and Eritrean rapprochement. Several years of external mediation and interferences failed to yield positive outcome, indeed it complicated the conflict. Propelled by internal dynamics and developments, the two countries reached on their own what seems to be a lasting peace. This is also a lesson to the international community, on the one hand, that they could only provide a supporting hand, on the other; they should be neutral, objective, balanced and avoid to be dictated by geostrategic interests and calculations when dealing with problems in the HOA. There are crucial lessons to be drawn from the Ethiopia-Eritrea-Somalia rapprochement in addressing national and regional intricate problems. The factors, structures, conditions and scopes that drive conflicts, instability and disunity in the HOA are better dealt with by the people of the region themselves. However, this could only happen if they are permitted to do so.

New Beginning or Vicious Circle?

The Ethiopia-Eritrea rapprochement of 2018 raised great hopes that the region may finally get relief from the pervasive festering conflicts. Earlier that year Ethiopia embarked on reform process that also paved the way for the rapprochement. The reform introduced by the new prime minister carried out sweeping changes that included releasing political prisoners, journalists, unbanning the internet, allowing political parties and rebel groups to operate legally and freely, overturn the law on terrorism, lifting state of emergency. Overall, it seemed Ethiopia was opening a new chapter in its history towards a

democratic political system. The ascendancy of the Oromos to state power for the first time in the history of Ethiopia also spurred great enthusiasm because of the common perception that the Oromos socio-political system is based on an egalitarian system, which in turn could change the socio-political culture of Ethiopia (Markakis 2011). The spill over of these positive changes was deemed would have positive influence to the region, since Ethiopia is the epicentre and powerhouse of the region. As hoped for, the effects of change in Ethiopia began to bear fruits in the region too. As mentioned early a profound diplomatic reconfiguration began to take shape. However, soon things began to spiral downwards along the old habit of conflicts and divisions in Ethiopia the effect of which was immediately reflected in the region too.

The HOA is going through a tremendous and tumultuous period in its history, which the region has never seen in the last thirty years. The changes that are taking place in the region open both possibilities and risks. Ethiopia, the country, which is going through the most profound change, is at a crossroads. Many positive changes are taking place. At the same time, the country is also facing serious problems related to inter-ethnic, intra-ethnic and federal-regional state conflicts, split within the ruling coalition party. Those who lost power, particularly at the regional state level are challenging the federal government that ended in military confrontation in the Tigray region. The war that broke out in November 2020 between the TPLF (Tigray People's Liberation Front) led regional government of Tigray and the federal government of Ethiopia almost destroyed the country. Its effects still reverberate throughout the country as well as the region. The war posed a serious setback to the reform in the country and rapprochements in the region and beyond.

This transition period in Ethiopia needs to be consolidated. Failure would have dire consequences to the entire region. It is against this backdrop that the *Current Developments, Peace and Stability in the Horn of Africa* contends that the region should not lose the opportunity that availed itself and translate it into a positive energy that contribute to the consolidation of peace, stability and development in the region.

The Ethiopia-Eritrea rapprochement also opened the opportunity for the revitalisation of the regional organisation, IGAD. It was hoped that the trilateral (Eritrea-Ethiopia-Somalia) accord would receive receptive appeal

among other IGAD member states and would have the effect of catapulting the organisation, it seems it rather saw division. A number of states, particularly Kenya and Djibouti, expressed strong reservation. Moreover, the territorial and GERD related dispute between Ethiopia and Sudan added further to paralysis of IGAD.

The transition to a democratic transformation in Ethiopia faces two opposing visions and forces. The visions and forces pivot around state reconfiguration. One strand is of the view that the ethnic federal state configuration that was formally introduced in 1994 by the ruling coalition EPRDF and is epitome of all the problems Ethiopia is facing has come to its terminal destiny and should be discarded (cf. Kefale 2013, Abbink and Hagmann 2013). This strand would like to see the state is reconfigured around civic identity and pan-Ethiopianism. While the other strand strives to preserve and protect ethnic federalism. In the latter strands conceptualisation ethnic federalism has provided ethnic groups the right to their language, identity, autonomy and self-rule, which they intend to maintain and preserve. These opposing visions and concomitant effects are derailing the reform and setting back the country to its old image of a conflict ridden country.

The complex threats of insecurity and instability that have devastated the HOA for long are not only menace to the region, however. Because of its extreme strategic location as well as the abundance of resources the region collectively possess, it affects the world as a whole. It is in this regard the region as well as the larger world need to address collectively the menaces the region faces and make sure the window of peace that opened in July 2018 stays open. The crossroads in which the region finds itself is a reason enough, through deliberations, identifying the challenges and opportunities, targeted awareness raising and publications, to thrust forward the peace endeavour in the HOA, which this anthology intends to contribute to.

Theme and Organisation of the Book

The central theme of the book concern the complex drivers of conflicts afflicting the Horn of Africa region. In this vein, the book identifies and analyses three drivers of the current conflicts. These are: (i) border disputes, (ii) Nile waters,

and (iii) challenges of transition and peacebuilding. These factors are driving the conflicts that are raging in the region, particularly, in the last couple of years. Cognisant of the fact that peace and stability constitute prerequisite for development, while conversely, development is vital for peace and stability to reign, this anthology seeks to contribute to knowledge production, interpretation and analysis that foster peace, stability and development. The book consists of seven chapters.

Chapter One, provides a summary of objectives, arguments, and rationales underpinning the book. It provides a succinct account of the reforms that occurred in Ethiopia following the change in the EPRDF led government in Ethiopia in 2018, and the impacts on the region. Moreover, it briefly analyses opportunities and challenges the change in Ethiopia brought.

Chapter Two, examines border disputes and argues that in the Horn of Africa, borders remain a core issue of high politics often defining the contours of relations between different countries in the region. It further analyses how borders across the region have historically quite symbolic meanings that are contested and fought over. The chapter deals with the Eritrea-Djibouti border dispute of 2008 and assert that it constitutes the most pressing challenge hindering not only the two states' bilateral relations, but also the efforts towards stabilizing the region and the strategies of dealing with regional cooperation. Since 2008, Eritrea and Djibouti have engaged in aggressive diplomatic tensions, frictions and skirmishes around their common border. The outbreak of hostilities was instigated by an exchange of gunfire on 10 June 2008 in the vicinity of a locality called Ras Doumeirah. Based on regional security complex theory, this chapter examines the Eritrean-Djiboutian border dispute; asks what role the dispute has played in the two countries' bilateral relations. The chapter aims to understand the dispute and its ramifications on the bilateral relations between the two countries within the context of political instability in the Horn of Africa from 2008 to the present.

Chapter Three, seeks to investigate how the region would benefit from TPLF's removal from power. It argues that the end of TPLF as a political group helps to bring peace and stability back in the Horn of Africa. Notwithstanding, there are other security challenges in the region such as Somalia's civil war, South Sudan's instability, and foreign interventions region that need concerted efforts

to secure peace, this is, at least, an opportunity to reinvent the region as the elimination of the TPLF alone heralds the arrival of a new era. Because, this opportunity will alter the relationship between Eritrea and Ethiopia from state of war to absence of war. As the Eritrea-Ethiopia relationship had remained the major factors in shaping the security phenomenon in the region throughout the modern history of the region, reversing their relationship from hostility to cooperation means changing the political landscape of the region from conflict ridden to peacebuilding region.

Chapter Four, discusses the Genesis, Prospects and Challenges of Kenya-Somali Border. The origins of the problem of Kenya-Somali border are colonial going back to the British and Italian occupation of Kenya and Somalia. The agreement between Said Bare of Somalia, Daniel Moi of Kenya and Julius Nyerere of Tanzania resolved the Indian Ocean boundary tension. However after the removal of Said Bare elements within Somalia started having designs on the Kenyan side of the border largely due to oil exploration. Somalia filed a case against Kenya in the international court of arbitration over the drawing of the Indian Ocean boundary between Kenya and Somalia. Three years out of court efforts to solve the case among the IGAD member nations did not succeed. The ICA passed its verdict, which Kenya rejected it. This led to diplomatic row between the countries. There are many challenges underneath the Kenya-Somalia disputes largely because of third party interests. These are the issues that this chapter grapples with.

Chapter Five, provides a brief analysis on the border disputes in Africa after independence from colonial powers, and how most of the problems that faced O.A.U. were border-related. It discusses how the A.U. developed the position of the O.A.U, regarding delineation and demarcation of borders between African countries. After looking at the background of the Sudanese Ethiopian relations, and the agreements made between the British colonialists and the Ethiopian Emperors regarding Al-Fashaga and Bani Shangoul border areas, discussion will include the social fabric in these two areas. The historical support of Sudan to the Eritrean cause motivated Ethiopia to host the Sudanese rebel movements; the assassination attempt of the Egyptian President Hosni Mubarak in Addis Ababa in mid-1990s, all these factors had very strong impacts on bilateral relations, fuelling the dispute over Al-Fashaga border area. Finally the paper

discusses the internal politics in both countries; 2019 uprising in Sudan and the Tigray rebellion in Ethiopia as immediate environments in which Al-Fashaga border tension dramatically emerged, between the two countries leading to military confrontation.

Chapter Six, examines the challenges of transition from military rule to civilian rule in Sudan. It asks the question why, in spite of the long and rich history of overthrowing military regimes through mass popular uprising, a civilian rule has never taken root in the Sudan. The Sudan saw the overthrow of three military regimes that were briefly succeeded by civilian governments. The major part of post-colonial history of Sudan is dominated by military rule. The last military regime of Omar Hassan Ahmed al-Bashir was overthrown on 11 April 2019 leading to the formation of Transitional Military Council (TMC). A negotiation between the TMC and the Forces for Freedom and Change (FFC) produced a transitional arrangement that will lead to election in three years time. On 25 October 2021, however, another military coup was staged. The three most significant institutions serving the transitional period were supposed to be Sovereign Council, Council of Cabinet of Ministers and Legislative Council. Will the current interim arrangement lead to entrenchment of civilian rule? This chapter attempts to address this question.

Chapter Seven, examines the participation of South Sudanese women in peace building and conflict resolutions. The chapter argues that South Sudanese women have participated and contributed in conflict resolutions and peace building. This is evident in the role of women in South Sudanese peace processes, particularly, the deal known as the Agreement of the Resolution of the Conflict in the Republic of South Sudan (ARCSS) signed on 26th August 2015. Moreover, South Sudanese women through Women Blocs, Women Coalition and Prominent Personalities participated in securing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan known as R-ARCSS inked on 12th September 2018. However, the chapter argues the full participation of South Sudanese women in peace building and conflict resolutions have been hindered by the cultural practices that view women as silent object in the society. Moreover, the domination of power politics and socio-economic opportunities by the men has continued to make women voiceless in peace building and conflict resolutions in South Sudan.

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Chapter two

Eritrea-Djibouti border dispute of 2008 and its impact on their bilateral relations

Biyān Ghebreyesus

Introduction

In the troubled historical site, Horn of Africa, borders have contributed their lion share in many inter-state disputes. The disputes usually happen along the borders and borderlands between two states, but can embroil many neighbouring countries. Most of the clashes occurred in the post-independence period, when each state became desirous to ensure its respective territorial boundary with its immediate neighbouring country (Sone 2017; Aladi 2002). Clapham (1996a:237-241), Okumu (2010:280) and Herbst (2019: 17-30), among many others, have demonstrated that border disputes stemmed from the existing artificial, porous, demarcated or poorly demarcated or easily exploitable colonial era borders. This problem is indeed intimately related to the persistence of African juridical statehood within existing colonial borders in its disregard of the social, cultural and economic dimensions of the local borderland population,

which in turn made the borders vital sources of disputes between different states in the region.

Over the last three decades, many scholars from different academic fields, policy makers, voluntary groups and cultural practitioners have explored various forms of border disputes and this lead to the conclusion that the Horn of Africa colonial borders are the potent sources of instability in the region. In his paper *Critical factors in the Horn of African Raging Conflicts*, Mengisteab, for instance, asserts that the major wars in the region were triggered fundamentally but not utterly over territorial border disputes (2011:10). This inference was derived following apt investigation on literature of the intra-state and inter-state conflicts in the region.

Since 1960s, many of the countries in the region questioned the validity of their international colonial boundaries against the *uti Possidetis* juris principle.¹ The war of 1977-8 between Ethiopia and Somalia over the Ogaden, the border war of 1998-2000 between Eritrea and Ethiopia over Badme, the maritime border dispute between Eritrea and Yemen in 1995, Sudan and North Sudan over Abyie, Ethiopia and Sudan over al-Fashaga and the more recent skirmish between Djibouti and Eritrean over Ras Doumeirah Mountain and Doumeirah Island, to which this chapter is limited, among others, are only few examples of border disputes in the region (Okumu:2010; Manger 2015:1-25). These conflicts in turn not only have incalculable consequences on the states in question, but also on the lives and livelihoods of the great majority of the borderland communities.

Apart from pure territorial border disputes, there have also been other major dispute hotspots in the region, although they did not cause a bloody cocktail as in the previous contexts. Border related issues such as oil, pastoralism, citizenship, trade and nationality have served to magnify cross-border territorial disputes in the region (Weber 2012:1-5). For instance, borderlands endowed with mineral resources, have experienced frequent disputes over who owns the land, delimitation controversies, insecurity and acrimonious political exchanges

¹This is a principle or framework of agreement reached between and by the member states of OAU in Cairo in July 1964. Considering that border problems constitutes a grave and permanent factor of dissention, all member states pledged themselves to respect the colonial era borders on their achievement of national independence.

between political elites; these have turned out to be a favorable ground for external intrusion and vital sources of conflict between neighboring states (Simmons & Dixon 2006).

The region - with its cross-border straddling communities that share a common history, language, culture and religion- is similarly the subject of border disputes, which has derived from overlapping claims and counter-claims over grazing and water sources. The Kenyan-Ethiopian borderland pastoralist communities, for instance, are seminal examples of such border contestation. As John Galaty underscored, this is because the enforcement of boundaries is not attuned to mobile sensibilities (2016:99). As a consequence, borders produce chain of dissention rather than mitigate conflict.

The inter-state territorial and trans-border resources disputes in the region have engaged many scholars from wide range of academic streams for years. Border security equation has also been the main focal point of discussion and investigation throughout the Horn of Africa over the past two decades. This category of concern is also compounded by issues such as terrorism, influx of refugee, uncontrolled migration and informal trade (Weber 2012:1-5; Rotberg 2003; De Waal 2015:119 -123). Many political leaders in the region turned to a systematic exploitation of these pervasive insecurity imperatives to advance their ulterior political motives that extend beyond their borders. Thus, borders and borderlands in the region became hostage to conflict.

Based on historical and empirical approaches, this chapter explores the Eritrean-Djiboutian border dispute of 2008, with special references to border dispute on Ras Doumeira territory. It asks what role the dispute has played in the countries' bilateral relations (2008 –2021). The aim is to understand and explain the pattern of dispute and its ramifications on the bilateral relations of the countries, within the context of political instability in the Horn of Africa since 2008. Specifically, it has attempted to study different trends and changes, which took place in the bilateral relations, particularly in relation to the border dispute. It has also tried to analyse how the dispute impacted the state-to-state bilateral relationship. In addition to the colonial boundary-making errors, the paper addresses different factors, including Djibouti's narrow economic interest, Eritrea's inflexible nature and regional and international dynamics that have played a significant role in fuelling the tension between the two countries. So

far, no significant progress has yet been achieved in negotiating their core issues. Both states have been engaged in aggressive diplomacy, media hostilities, border skirmishes and lending support to insurgent movements operating against each other.

This chapter is organised into four main sections. The first section outlines the root causes of the Eritrea-Djibouti border dispute of 2008 and its course, specifically focusing on controversies surrounding over who owns the Ras Doumeirah mountain. The second section unveils the ways in which the border disputes affect the bilateral inter-state level relations, aiming to highlight how the border dispute has changed the existing bilateral relations. The third section seeks to understand how the Eritrean-Ethiopian rapprochement has become an embrace of monumental consequences in bilateral relations between Eritrea and Djibouti in particular, and in the region in general. The final section provides some conclusions and suggestions on how this territorial dispute can be settled via amicable discussion.

The Origins of the Border dispute and its course

Eritrea and Djibouti have been suffering from a long lasting controversy surrounding in the dispute over who owns the Ras Doumeirah Mountain and Doumeirah Island- borderlines along the Red Seas- involving over 120 Kilometres. Historically, the crux of the problem is the colonial era boundary treaties. The two countries, like all other African states, owe their modern territorial and maritime borders to the treaties that were concluded between Italy and France in 1900 and 1934 –that is, the border between the former Italian Colony of Eritrea and French Somali Coast (Frank 2015:121). The first treaty was signed by France and Italy on January 24, 1900 (in general) and on July 10, 1901(in detail), following the dispute of 1898 (Abay & Abay 1999). In late 1954 and first half of 1955, when the State of Eritrea was federated with the then Imperial Ethiopia following UN General Assembly Resolution 390A(V), a joint Ethio-French boundary commission delineated this segment of the border and demarcated it by cement pillars (UN fact-finding mission Report 2008).

Accordingly, the first portion of the border extends from Ras Doumeirah on the Red Sea in the east, through the dry watershed of Qued Weima bearing the same name to the confluence with Qued Gouagouya near Daddato. It runs then in a long straight line to the point on the Weima, which is marked as Bisidiro on the attached map (for more details see map. 1). From Bisidiro, the line follows the thalweg of the Weima up to the locality called Daddato, and from there, continuing on eight straight line segments to Primary Monument No.92, located at $12^{\circ}31'31''552$ N., $42^{\circ}27'42''340$ E. This reference site was built at the geodetic site established by the preceding mission. From that point, it runs on until it reaches to Mount Musa Ali at $12^{\circ}28'1''424$ N and $42^{\circ}24'16''864$ E, tri-point for the Eritrean, Ethiopian and Djiboutian border(Bureau of Intelligence and Research 1976:12).



Map 1 Eritrea-French Somaliland border modifications under the 1900/1901 treaty

Article 3, in the same protocol (1900), stipulates that until France and Italy could resolve the issue of which state held sovereignty over the island of Doumeirah, both colonial powers would refrain from attempting to occupy it (Protocol 1900). The alignment of the border was set in another protocol signed

in 1901 after the conclusion of demarcation by a special joint commission. The 1901 Protocol, which was also signed in Rome, identified the border as running from Ras Doumeirah for 15 kilometers, after which it follows a straight line towards Bisidiro on the bank of the We'ima River (Protocol 1901).

There is one issue in this section worthy of mentioning vis-a-vis border dispute. In 1934, France had entered into a discussion to relinquish a small strip of French Somaliland border territory west of Der Elouda to Italy (Ibid.,3). Article 6 of the same agreement explicitly stated that France recognizes the Sovereignty of Italy over the islands of Doumeirah desert and Jazirat Sawabih (Traité 1935). The French took the decision for two reasons: First, it chose to safeguard its colonial position and effective economic interest in Tunisia and Djibouti by acquiescing to Italy's plan over Ethiopia (Miege 1969, Young 1985, Strang 2001). Second, France intended to gain Italy's support in Europe against the perceived political and military threats from Germany (Shorrocks 2021). This convention was approved on January 7, 1937, although the French Senate rejected its ratification (Bureau of Intelligence and Research 1976:3).

However, there is other controversial information surrounding the question of the 1935 treaty ratification, which is the major source of the conflict between Eritrea and Djibouti. The International Court of Justices (ICJ), in the case of Libyan Arab Jamahiriya and Chad, wrote: '[o]n 7 January 1935 a treaty was concluded between France and Italy for the settlement of questions pending between them in Africa... Although ratification of the treaty was authorized by the parliaments of both parties, instruments of ratification were never exchanged, and the treaty never came into force' (ICJ Rep.6.1994). The United Nations fact-finding mission to the Eritrea-Djibouti border, for its part, noted the arguments of absence of change of instruments of ratification of the 1935 treaty and commented as follows: '[u]nder the 1935 agreement, Ras Doumeira and Doumeira Island, both of which were "seized" by [Eritrean Defense Forces] in March 2008, form part of Eritrean territory, by Eritrean reasoning. Absent exchange of instrument of ratification, Djiboutians' have all along assumed that the [1900/1901] protocols still apply' (United Nations fact-finding mission report 2008: para. 12).

The conflict and its evolutionary stages

Since independence, Eritrea and Djibouti has had several armed conflict over the ownership of this contentious area. In April 1996, both countries nearly went to border war in Ras Doumeirah, a shanty border village that is home to the Afar communities- ethnically and culturally belong to Hamitic ethnic group. Both sides claimed the disputed area as their own. According to Mesfin (2008: 2), the dispute came to head after a Djiboutian official claimed that their immediate neighbouring state, Eritrea, had shelled Ras Doumeirah. Fortunately, the tension was de-escalated after Eritrea withdrew its troops from the area, although short-lived.

In 1998, when the border war broke out between Eritrea and Ethiopia, once again the border dispute, unfinished agenda, plagued their ties with hostility and suspicion. Djibouti has been quite involved in the conflicts. President Hasan Gouled Aptidon deployed his defence forces along Eritrea and Djibouti's shared border. Djibouti claimed that the rationale behind the action was to patrol its border with Eritrea and stamp out any intrusion or national security risks. Additionally, due to its geostrategic position, it allowed Ethiopia to use its ports for importing military equipment against Eritrea. During this time, France, as its former colonial master and as part of its long-standing history of military cooperation, deployed two of its military frigates to patrol the coastal area and to contain any threat from either Eritrea or Ethiopia.

From Eritrea's prospective, Djibouti's cooperation with Ethiopia was purely based on economic interests, to be gained from friendly ties with Ethiopia. Following the outbreak of the war between Eritrea and Ethiopia, Djibouti had become Ethiopia's main gateway for much needed access to Red Sea ports (Dias 2008:33). This created significant tensions between the two states. In 1998, when Djibouti asked the United Nations, African Union and other regional organizations to mediate the conflict between Eritrea and Ethiopia, it was rejected by Eritrea because of Djibouti's failure to act from a neutral mediator position since the outbreak of the border war.

In response, Djibouti launched a more overtly confrontational policy, severed its ties with Eritrea and recalled its Ambassador to Eritrea. This approach was further armoured and exasperated when Tekeste Ghebrai, an Eritrean national, the then executive secretary of Intergovernmental Authority on Development

(IGAD), was denied entry into Djibouti, the Head Quarters of the IGAD. As a consequence, the five year agreement of December 1997 between the Governments of Eritrea and Djibouti, regarding procedures to increase inter-state contacts and cooperation could not have significant impact on the ground (Mesfin 2008:2).

Moreover, in 1999, both states did descend into accusation of one another. Eritrea accused Djibouti of supporting Ethiopia, while Djibouti charged Eritrea of supporting and abetting the Djiboutian insurgent groups and its intentions on Ras Doumeirah (S/2010/327). The Government of Eritrea categorically rejected these allegations, stating that opposition forces in Djibouti had existed since its formative stage as a nation back in 1977 and had no link with current tensions between the two states.

However, despite these differences of positions, high-level diplomatic exchanges and visits improved following Muammar Al-Gaddafi's intervention in the dispute in March 2000. In January 2004, Eritrea and Djibouti have set up a joint working committee to revive discussions on areas of their common national interests, including economic, political, social and cultural relations. As a gesture of goodwill towards Eritrea, President Guelleh refused to join Sana'a forum of cooperation between Ethiopia, Yemen and Sudan, which was formed in 2002. Eritrea widely perceived this forum as an unholy alliance of convenience aimed to hurt the Government and people of Eritrea (Venkataraman 2005:73). In similar vein, as per the agreement reached between the two Governments on the field of Security in 2002, they kept intelligence and security ties in tight-lipped manner. In addition, Djibouti often allowed Eritrean soldiers to cross its border to chase out or contain the members of Afar youth insurgency (Yasin 2010:147). This shows how much Eritrea and Djibouti had fully capitalized on their traditionally peaceful bilateral relations despite the amorphous border factor.

The border issue and diplomatic relations between the two countries were profoundly strained only when they were involved in cross-border conflict on 10 June, 2008. According to Djibouti, the war broke out when several Eritrean soldiers defected into Djiboutian territory and failed to return (Gaffey 2017:1). The war cost lives of at least nine members of Djiboutian national force and more than 60 remained maimed, but the number of casualties from the Eritrean

side was unclear (BBC: 2008). During the conflict, France - former colonial master- sent three war ships to Djibouti. However, there is no hard evidence of French army's direct involvement in the conflict, except logistical, medical and intelligence support (EPCD 2008:3).

Eritrea repeatedly rejected any incursion into Djiboutian territory, clash or incident in Ras Doumeirah, and accused US administration of instigating, compounding and inflaming regional conflicts (Ministry of Foreign Affairs 2008:1). In the Eritrean leadership's view, United States and its close allies in the region, including Ethiopia, Kenya and Djibouti to deliberately drag Eritrea to another war, concocted the problem. In his interview with Eritrean Center for Strategic Studies in 2011, President Isaias expressed:

To be clear on this matter, we should not wrongly blame the Government and people of Djibouti. Djibouti and its people are our neighbours and part of our region. As such, we should not have a wrong understanding of the case. We should view this case in the light of regional and global developments. This case would not have arisen had there not been an external agenda. Due to Djibouti's geographical importance, the external agenda has adopted a plan in the Horn of Africa region and the Red Sea, taking Djibouti as a starting point (ECSS 2011:55-52).

The Eritrean Foreign Ministry also emphasized this position in its press statement: "The government of Eritrea...It would under no circumstances get involved in an invitation of squabbles and acts of hostility designed to undermine good-neighbourliness" (*Haddas Ertra* 2008:1).

This view demonstrates how this microcosm of border conflict phenomenon is fabricated and emboldened by concocted scheme of global forces and portrays Eritrea and Djibouti as victims. Eritrea had become a victim of the international geopolitical factor and United States policymaking mechanisms for rejecting the internal interferences, while Djibouti of being instrumentalised by United States and its local allies in the region, including Ethiopia and Kenya. A document released by Wikileaks on 14 September 2006 exposed this problem originally drafted by Ethiopia as part of its 'war by proxy' though it was fully supported by the United States' global and regional counterterrorism endeavours. The decision was taken for two reasons. The first was to nudge Djibouti to manufacture a border row and in turn to strain its balanced relationship with

Asmara and Addis Ababa. The second was to isolate Eritrea diplomatically for presumably triggering proxy war against the Federal Government of Ethiopia in Somalia. Ethiopia's ulterior motive for instigating the Djibouti-Eritrea conflict was to make sure that Djibouti is not beholden to Asmara.

Djibouti, however, has rejected these kinds of narratives, preferring political solution to the driving factor of the border conflict through the African Union or the Arab league or Intergovernmental Authority on Development (IGAD) mediation. It seems not nonchalant to even take the case to the International Court of Justice if Eritrea is ready. In a personal interview conducted by the author, a Djiboutian diplomat stated:

The border problem is real story and Djibouti wants the issue to be resolved peacefully based on colonial era agreements and existing international law governing colonial treaty interpretation... We should have to take the issue either to the African Union or the Arab league or any other regional or international institution... This is the only way out from the existing situation. Military stand-off between the two armies has been a destabilizing factor in the two countries bilateral relations (Aden 2021).

Similarly, on the 3rd October 2008, Mr. Ismail Omar Guelleh, President of the Republic of Djibouti, underlined his government position as follows:

Despite the military confrontation imposed on us, we have ... sought out the good offices of the African Union, the League of Arab States, the Organization of the Islamic Conference, the United Nations and friendly States. While we have been tireless in the search for a peaceful and diplomatic solution, Eritrea has continued to reinforce its troops and has carried out further incursions into our territory. Intensive and sustained regional and international efforts to find a solution to the crisis have been met only with disdain and outright rejection by the Eritrean authorities. Eritrea's response, which continues to be misguided, arrogant and fallacious, illustrates its contempt for our efforts and those of regional organizations and the United Nations (Guelleh 2008).

According to Guelleh, Djibouti has been trying to have a direct mediation by third parties (Ibid). It wanted the United Nations Security Council, with the assistance of the Secretary General, to facilitate an agreement of the parties to voluntarily submit their boundary and territorial differences for full and final settlement by an impartial third party, such as an international arbitral tribunal

or the international Court of Justice, in accordance with relevant treaty provisions. In addition to this, Djibouti wanted Eritrea to release or to make available information pertaining Djiboutian prisoners of war captured in Eritrea since 2008 (UNSC Resolution No.S/RES/1907 (2009)). However, as stated above, the efforts have been completely in vain due to the two states' intractable positions.

In June 2010, the military situation changed suddenly when the two countries acquiesced to the Qatar mediation, pursuant to the 1862 UN Security Council Resolution (UNSC:No.5/938/1/2010, 2010; Resolution 1862). Eritrea withdrew its troops from the disputed areas and around 450 Qatari peacekeeping forces were deployed in the buffer zone between the two countries. One outstanding issue was the Djiboutian Prisoners of war (POW), which was partially settled down when four out of the POW were set free in 2016, following Emir Tamin of Qatar's mediation. However, in June 2017, Qatar withdrew its peacekeeping forces from the contested Eritrea-Djibouti border in connection with the Gulf crisis because both Eritrea and Djibouti took side in the Gulf row, siding with Saudi Arabia and the United Arab Emirates (*France24* 2017). As a letter from Mr. Mohamed Siad Doualeh, the Permanent Representative of Djibouti to the United Nations, to the President of the U.N. Security Council unveiled, this circumstance led to the reoccupation of the disputed territory by Eritrea, deepening tension between the two countries (Doualeh 2017).

Implications for bilateral relations

The past fourteen years have been a mutual perilous suspicion and hostility between Eritrea and Djibouti. This has pushed bilateral relationships toward a deep and wide geostrategic rivalry. Since 2008, though fighting ceased after few days, several hundreds of Eritrean and Djiboutian soldiers have been lined up on border, facing each other. A complex network of trenches and barriers were set up along the length of the disputed border. The Government of Djibouti explained the need for the border enforcement as a direct response to Eritrea's confrontational policy, intended to contain any aggression by Eritrea. This move brought simmering military tensions between the two countries, and the

potential for another cycle of war had been there almost for ten years, although the recent improved Eritrea-Ethiopia relations eased the tension.

Despite some recent positive development, both states were openly locked in accusations and counter-accusations. Eritrea accused Djibouti of supporting the Ethiopian agenda by internationalizing the border issue, raising it at different multilateral institutional forums (Frank 2015:127-128; Andemariam 2020:124). Eritrea has linked what Djibouti called a “border dispute” to a complex and enduring conflict with Ethiopia and United States – a position Djibouti categorically overruled. It has entirely denied allegations relating to incursion of territories belonging to Djibouti (Bereketeab 2013:150; Nur 2013:87). In an interview with *Le Monde* on 19th of May 2008, President Isaias noted that the accusations were baseless and purely directed by external forces with the goals of destabilizing the Horn of Africa region. In the same vein, Eritrea’s delegation to the UN has repeatedly called on the members of the Security Council and other stakeholders in the region to turn eyes on the facts on the ground than treating an issue of fabrication.

In contrast, Djibouti has not been willing to go along with Eritrean claims because it has grave objections to how Eritrea tries to present the border issue and its failure to acknowledge even that there was a border clash. It wanted Eritrea’s immediate and unconditional withdrawal of its forces from the disputed territories (Clarke 2009). In an October 2008 letter to UN Security Council, President Ismail Omar Guelleh sought the Security Council’s assistance in overcoming the challenges and maintaining peace between the two nations. He invited the Council members to apply pressure on Eritrea to meet its international obligations. He maintained that his country’s priority was demilitarizing the disputed territories and the re-establishment of mutual trust by resuscitating pre-existing bilateral ties or by setting up an arbitration mechanism to demarcate the disputed section of the common border. However, Djiboutian authorities have repeatedly underlined all the efforts in that regards had been in vain, as counterparts from the Eritrean side have not been willing.

Alongside the accusations discussed above, Djibouti had applied diplomatic pressure upon Eritrea to keep up the momentum. It had effectively cut-off its diplomatic ties with Eritrea. From 2008 to 2018, it was the main propagator of dangerous and malicious campaign by external forces against Eritrea. In 2009, it

was actively involved in shaping the UN Security Council Resolution 1907(2009) against Eritrea, “by which, inter alia, it imposed a ban on the sale or supply to and from Eritrea of arms and related materiel, and technical assistance and training” and the freezing of the assets of the country’s top political and military officials (S/RES/1907(2009)). Moreover, for ten years, Djibouti’s leadership continuously - and in harsh terms – accused Eritrea of becoming a major source of political and military instability in the region.

The resolution, as Bereketeab underscored, was brought to the discussion by Uganda, but Djibouti and its close allies in IGAD, including Kenya and Ethiopia collectively worked to punish Eritrea for their own respective national agenda (Bereketeab 2013:146). Djibouti’s intention was obvious - border issue with Eritrea; Uganda had been part of African Union Mission in Somalia (AMISOM)², Kenya had pervasive security threats from Al Shebab, the remnants of Islamic Courts Union (ICU), a group initially buttressed by Eritrea. Eritrea, however, rejects the accusations and the unwarranted hostile actions. As with Djibouti, Eritrea also had been at loggerheads with Ethiopia over a border since May 1998.

In addition, Eritrea and Djibouti had also been lending support to insurgent movements operating against each other. The Eritrean and Djiboutian rebel groups based in both countries and in different parts of the world have been emboldened and supported with arms and landmines. Immediately after the Doumeira crisis of 2008, Eritrea reportedly contacted the Afar opposition movement Front pour la Restauration de l’Unité et de la Démocratie (FRUD) leader in Paris (Yasin 2010:148; Lorton 2000:109). At the same time, Asmara was also accused of hosting of FRUD leadership in Eritrea. Incidents involving armed groups trying to cross into Djibouti from Eritrea, which Djiboutian authorities believe the Eritrean government was supporting them, were fanning the flames of tension (Gebre 2015; Gidey 2012). Noting the impact of this

² The African Union Mission in Somalia, known more commonly as AMISOM is a regional peace-keeping mission, which has operated by the African Union with the consent of the United Nations in Somalia. It is entrusted to provide support transitional government of Somalia, implement a national security plan, train the Somali Security apparatus and to assist humanitarian aid. This mission also supported the Federal Government of Somali in its struggle against Al-Shabaab extremist group.

insurgent group on Djibouti's political development, in an informal conversation on 28th June 2021, Aden stressed:

In the last decade, we had a critical security concerns from FRUD, an Eritrea –based insurgent group. This force had tried its best to destabilize our country by planting mines and promoting state of uncertainty across the northern segment of Djibouti. They sabotaged many development projects in different parts of the country. Following Eritrea-Ethiopia peace deal of 2018, establishing relations between the two states after years of animosity, however, it's destabilizing activities declined sharply, but not ceased completely... They are still very much alive, but they seem to have been contained, and we do appreciate the government of Eritrea for this practical positive step (Aden 2021).

However, apart from attacks on some important military barracks and planting landmines, this rebel group had no significant achievement in the political landscape of Djibouti. In fact, it seemed to have made a serious error of judgment in entering into alliance with Djibouti's intractable neighbour-Eritrea, because in the end it undermined its own image and position in Djibouti.

By contrast, Djibouti was involved in cross-border destabilization games by cementing ties with Eritrean nationalist forces stationed in Addis through diplomatic and intelligence assistance, and indirectly through Ethiopia, who had provided several opposition movements with arms and training facilities from 1998 to 2018. From the onset of the border conflict, the Ministry of Defense of Djibouti, Ogoureh Kiffleh, had approached the Afar Red Sea Democratic Organization (RASDO) (Yasin 2010:143). These initiatives were taken by both states under the “enemy of my enemy is my friend principle”. Otherwise, both countries, like Ethiopia, were not sympathetic with the Afar nationalist project mainly due to their negative implication on their respective nation's national security.

Moreover, Djibouti had further complicated the tension by massive smear campaign. Djiboutian mass media paid utmost attention and widely covered reports of putative incursions by the Eritrean Defense Forces (EDF). President Guelleh and his several ministers together with different Djiboutian diplomats had repeatedly circulated accusations of Eritrea arming and training different

rebels in Djibouti and sabotaging its different development projects. Explaining the rationale behind this media campaign, President Isaias Aworki underlined;

Djibouti “border dispute” was conceived as another tool for harassing Eritrea. Why were border issues provoked intermittently and given such prominence? We need to ask serious questions to probe the underlying motives and operational modalities in order to avert similar subterfuges in the future as we strive earnestly to cultivate positive bilateral and regional ties (*Eri-Tv* 2020).

According to Eritrea, Djibouti’s attempt was to create an image that Eritrea posed a threat to its national security, but it is meant to serve other ulterior motives. The ultimate objective of this policy, as repeatedly pronounced by Eritrea’s Permanent Mission to the United Nations, was to put Eritrea on the pedestal in the mainstream media circles as one of the destabilizing factors in the Horn of Africa and drag it into adversary conflict (*Eritrea Profile* 2008:1).

The Eritrea-Ethiopia Peace Deal and its implication

In July 2018, following over two decades of military and political tensions, Eritrea and Ethiopia agreed to formally end years of mutual hostility and normalize ties. This profoundly changed the course of events in the Horn of Africa (Okubaghergis 2019:21-30). The peace deal was followed by dramatic thaw in the bilateral relations between the two countries, lifting of UN sanction on Eritrea and Eritrea’s increasing regional engagement. It was further strengthened by the Ethiopia-Somalia-Eritrea Joint Declaration of cooperation on 5th September 2018 (*Eritrean Profile* 2018;SC/13516; Fantaye 2020; Gebremichael 2019:2-44). The Horn of African countries and the international community welcomed the cumulative process of wide spread breakthrough, and many observers projected a regional peace dividend (Lyons 2019).

In light of this state of affairs, the diplomatic tensions between Eritrea and Djibouti have de-escalated. The initial step was taken by Mr. Mahmoud Ali Youssouf, Djibouti’s Minister for Foreign Affairs and International Cooperation. When interviewed about the peace deal between Eritrea and

Ethiopia and its possible impact on the Horn of Africa by BBC France service in July, 2018, he backed it fully as an essential step towards peace and security in the Horn of Africa and hailed the kind of courage shown by the new Prime Minister of Ethiopia, Dr. Abiy Ahmed (*BBC 2018*). He has also stressed, “this joint peace agreement by Eritrea and Ethiopia has a positive potential impact not only in the region, but also in changing our situation with Eritrea (*BBC 2018*)”.

Similarly, in an open letter to the U.N. Security Council on 30th July 2018, Mohamed Siad Doualeh, Djibouti’s ambassador to the UN, said:

Djibouti welcomes the latest positive developments regarding the protracted conflict between Eritrea and Ethiopia and the readiness by the Council to support both countries in their implementation of the Joint Declaration. This is indeed a development we should all embrace and celebrate because the region for too long has experienced various intra and interstate conflicts with dire economic and social consequences (Doualeh 2018; *VOA* 2018).

The bilateral relations, nevertheless, have practically improved only after the tripartite agreement of September 2018 between Eritrea, Ethiopia and Somalia. For this to happen, however, Ethiopian Prime Minister Abiy Ahamed and some regional actors had to shuttle their diplomatic corps between Asmara and Djibouti. After successful brokering of the disengagement, chaired by Workneh Gebeyehu, Foreign Minister of Ethiopia, Osman Salih, Foreign Ministers of Eritrea with their Somali counterpart visited Djibouti, and met President Guelleh to convey President Isaias’ message of good will and regional integration (*Somaliland Standard* 2018). This step was a major precursor toward defusing the tension between the two neighboring nations through peaceful mechanism, although further diplomatic activities are required to brush off their differences on disputed border territories and prisoners of war.

On September 18, President Isaias Afworki and President Ismail Omar Guelleh held a historic face-to-face meeting in Jeddah, Saudi Arabia, after a decade of continued frosty relations (*Eritrea profile* 2018: 1). The meeting was mediated by King Salman Bin Abdulaziz of Saudi Arabia, and was attended by Dr. Essame Bin Saadi Bin Siad and Adel al-Jubeir Minister of State and Member of the Council of Ministers and Minister of Foreign Affairs respectively

(*Tesfanews* 2018). During the meeting, instead of producing accusations and counter-accusations, both leaders signed an accord ending their decade of border tension and to resume diplomatic relations and agreed to resolve their differences gregariously (UN News 2018). Eritrean and Djiboutian Foreign Ministers once again met in New York on the sidelines of the U.N. General Assembly in the same month, agreeing to further high-level interactions.

This new development had improved not only the bilateral ties at state-level, but also simultaneously in areas of low politics, although many of their outstanding issues have not been fully resolved. As two interviewees stated, since then, there have been more flow of goods and people across international land border between the two countries (HIS 2021; HAS 2021). There have also been fewer difficulties in visa processes and regulations for tourists, scholars and sportsmen, especially from the side of Djibouti. Eritrean and Djiboutian borderlanders have been crossing the erstwhile tense frontline without much political hurdles to meet their family members in the other side of the border and doing some cross-border informal business, although the formal routes and crossing points remain closed.

More to the above changes, the Eritrea-Ethiopian rapprochement and its subsequent wider regional ramification had reduced cross-border mutual intervention by arming and training insurgent groups. Eritrea's support for FRUD in Djibouti plunged into ground; FRUD has de-escalated its subversive activities in Djibouti (Aden 2021). Incidents involving armed groups trying to infiltrate into Djibouti from Eritrea have almost died down. There were no significant FRUD activities through Eritrea; the Djiboutian government has ceased accusing the Eritrean government of supporting and abetting them, and rebranding Eritrea as regional peace security spoiler. These developments, in turn, have had positive impact on the achievement of peace and stability in the region.

Such progress notwithstanding, an attempt at reciprocating Eritreans' high-level officials' visits by Mr. Mahmoud Ali Youssouf in October 2018 and thereafter had ended without any positive result. Djiboutian authorities believed this failure as clear demonstration of Eritrea's lack of substantial interest to resolve the dispute through a binding international arbitration – an assertion Eritrea categorically dismissed. Thus, Djibouti has still abstained from

participating in any regional conferences, seminaries, cultural or sport events hosted by Eritrea. Djibouti also maintained its policy of containing and isolating Eritrea's diplomatic mission member's activities in Djibouti.

This controversy shows how the two countries are still interlocked in their past intractable positions, although they initially seem to have settled down their squabbles. It is also a clear manifestation of their disinclination and incongruence to resolve their differences in round-table discussions or facilitating an agreement. As many political analysts and observers point out, the most plausible reason, among others, could be Djibouti's fear of the possible outcome of the Eritrea-Ethiopian rapprochement. For Djibouti, over the last two decades, the Eritrea-Ethiopian political and diplomatic impasses have been a blessing in disguise — which had effectively exploited its geostrategic position on the Red Sea to offer access to port to landlocked Ethiopia (Lorton 2000:103). The loss of access to Eritrea's ports of Massawa and Assab, brought all Ethiopian merchandized items to the port of Djibouti. This has soared Djiboutian revenue from port fees and charges. It has around \$1 billion profit per year and this accounts for 70 percent of Djibouti's annual revenue(Lilley, 2018 ;Healy 2011:12). Hence, the rapprochement between the two immediate neighboring countries (Ethiopia and Eritrea) means reviving of Eritrean ports and has a huge consequences for Djibouti as it stands to lose its port privileges – which would reduce revenues to President Ismail Omar Guelleh. In addition to this, the normalization of relations between Eritrea and Ethiopia would also reactivate the bilateral trade ties between the two countries and provide more sea outlet to Ethiopia.

Djibouti has been serving as prime military bases for US, China, France, Italy and Japan arguably to facilitate their anti-piracy activities along Indian Ocean and Bab-el-Mandeb Straits (Schermerhorn 2003:48-62; De Waal 2017:12). It provides all these actors with staging posts and refueling for their outpost mission in the Indian Ocean(Reuters, 2012; Erickson & Strange 2012:92-102). Djibouti's port also provides relatively easy access to major maritime shipping lanes that connects the Red Sea with Indian Ocean. Djibouti airbase serves as bastion of U.S. and allied counterterrorism activities in East Africa and the Arabian Peninsula. According to Lilley (2018), “some 4,000 US military personnel are stationed at the American base, which extends to the nearby airport

used to launch both armed and reconnaissance drones that operate in Somalia and Yemen”. Moreover, Djibouti, being at the crossroad of transshipment hub, is actively involved in the Chinese Belt and Road initiative (BRI) than just a military base. Both countries have links that have further been reinforced by the recently operational Chinese- supported Djibouti-Ethiopian railway network. Therefore, as Eritrean leadership believed, the resumption of the bilateral relations between the two former mortal enemies, Eritrea and Ethiopia, is a nightmare scenario for Djibouti as it could provide opportunities for Eritrea to share the geostrategic location dividends.

In the case of Eritrea, it is still hard to find out the reasons driving the country not to be effective to address the issues affecting their bilateral relations. Nonetheless, Eritrea’s denial of entry to Mr. Mahmoud Ali Youssouf for the reciprocating visit and its unwillingness to negotiate the fundamental source of conflict are clear signs of how the two countries’ leadership is still shrouded in mystery. Each party has accused the other for the failure to lay out foundation for better understanding. Their positions and agendas are different, although military stability is maintained. Thus, no progress has been achieved in negotiating political solutions. Eritrea’s sturdiness, however, is an obvious fact.

Conclusion

This chapter examines the crux causes of Eritrea-Djibouti border disputes of 2008 and its implication on their bilateral relations. It argued that besides the colonial boundary-making errors, other factors, including the narrow economic interest of Djibouti, the inflexible nature of Eritrea and regional and international dynamics have played a significant role in fuelling the tension between the two countries. This chapter also argued that the border dispute between the two states can be peacefully resolved if the two parties exercise maximum restraint, refrain from taking any military action and resolve the vital sources of the border dispute as per the *uti possidentis* principle required by demarcating the disputed border line by applying pertinent colonial era treaties (1900 and 1934) and applicable international law. Besides, real commitment of the political leadership in Eritrea and Djibouti is highly important because, both parties have been actively involving in fuelling their differences than investing in

the resolution of the border conflict in particular and options for normalization of their bilateral relations in general. By doing so, it is easy to defuse tensions, prevent disputes from re-emerging, and maintain peace and security between the two states in particular and the whole region in general.

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Chapter three

Eritrea-Ethiopia Border Conflict: A Clash Between Heterodox and Orthodox State-Building approaches in the Horn of Africa

Temesgen T. Beyan

Introduction

When Ethiopian new prime minister Dr. Abiy Ahmed Ali and Eritrean president Isaias Afework broke the two decades impasse between their countries by paying official visits to each other's country in 2018, the public overjoyed and envisaged a new era coming. Looking at all the elements, this situation resembled to the euphoria the people of the two countries experienced in 1991 when the collapse of the Derg regime in Ethiopia had brought an independent Eritrea and a new government in Ethiopia. Following the removal of the Derg, the people of the region began to breath fresh air of tranquillity and cooperation. The 2018 peace deal between the new government in Ethiopia and the government of Eritrea generated similar expectations among the majority of the people of the two countries. In 1991, the revolutionary governments in each country in alliance with the new neoliberal global order had put the region in a period of national

and regional renaissance. However, this promising reality was brief as Eritrea and Ethiopia engaged in a new devastating border war (1998-2000) and its subsequent state of war the following eighteen years.

This chapter is dedicated to explore how this phenomenon of conflict and its subsequent outcomes in the strategy of state-building became a barrier in the normalization process of relationship between the two states in the post 2018 peace agreement. It investigates how the conflict restructured the national institutions of the countries and the regional security architecture and what are the implications of these changes in the post-peace accord normalization process. Given this conflict transferred from border war to regional and international tension, it transpired divergent state-building approaches in Eritrea and Ethiopia to survive with the conflict. Taking this conflict as a case, the chapter unpacks how a border conflict created a complex phenomenon of state-building in the region by asking: what was the implication of the border conflict regarding state-building project of the two countries and how these changes led to disunity and regional competition? And how does this change affect the regional security architecture and through that the normalization of the relationship of Eritrea and Ethiopia in the post-2018 peace accord?

In so doing, the chapter seeks to demonstrate how important the 2018 peace accord between Eritrea and Ethiopia was to the regional peace and security architecture. At the same time, it demonstrates how deep and complicated the process of normalization of relationship between the two states can be as the conflict leaves so many residues afterward. Hence, this is a historical narrative that intended to implicate what the future holds for the region. Understandably, despite the 2018 peace accord has not automatically eliminated all the reasons of the predicaments of the people of the region, it can be assumed as the beginning of the end of the catastrophe and fresh start for a new beginning in the region.

The Horn and its Instability

The suffering of the people of the Horn of Africa has been related to endless conflicts categorized as interstate, intrastate and intracommunity disagreements and wars. Finding the reason behind these conflicts has been the preoccupation

of academics' and practitioners' interrogation. Answers to this question can be aggregated into three: One, the absence of a leviathan modern state, two, Ethiopia's pathological appetite for regional hegemony, and three, unconstrained foreign intervention. The discussion below elaborated these factors by disaggregating them as different authors described them differently. Group one relates the conflicts in the region with the absence of a leviathan modern state. To Alex De Waal, the regional states have been vulnerable to all sorts of factors that could lead to conflicts. While during the Cold War weak state institutions failed to resist civil wars, during the post-cold war period, islamization penetrated the states and in the post-Cold War period commodification of political violence dragged the region into sustainable conflicts.¹ In Wasara's view, the existence of weak state institution which have failed to issue policies for social coherence compounded with proliferation of arms in the region happened to be a recipe of conflicts.² Siefert adds that regional political culture of mutual intervention and interference in their affairs push countries in the region to a series of conflicts.³ And this is because the nature of the state in the horn of Africa have more war appetite than development.⁴ In a nutshell, the attempts to institute modern state in the Horn of Africa have, so far, succeeded only in intensifying conflict and oppression.⁵

The Second group argues, Ethiopia's pathological appetite for hegemony has been nothing but the main source of conflict in the region. Ever since its formation as modern state in the 20th century, Ethiopia have been restless to

¹ Alex de, Waal, *The Real Politics of the Horn of Africa: Money, War and the Business of Power* (Uk: Polity Press, 2015): 17.

² Samson S. Wasara, "Conflict and State Security in the Horn of Africa: Militarization of Civilian Groups", *African Journal of Political Science/Revue Africaine de Science Politique*, 7(2) (December 2002): 39-60.

³ Mathias Seifert, "The Ethiopian Intervention in Somalia: Theoretical Perspectives" in Eva Maria Bruchhaus, Monika M. Sommer (editors.) *Hot Spot Horn of Africa Revisited: Approaches to Make Sense of Conflict*. (Berlin: Lit Verlag 2008): 28.

⁴ Tekeste Negash, & Kjetil Tronvoll, *Brothers at War: Making Sense of the Eritrea-Ethiopian War* (Oxford: James Currey, 2000): 2.

⁵ Crummey, Donald, "The Horn of Africa: Between History and Politics" *Northeast African Studies*, 10 (3) (2003):123.

dominate the region.⁶ Lately, Ethiopia's intervention in Somalia was basically steamed from the historical conception within Ethiopia that a unified and peaceful Somalia always poses threat to Ethiopia's quest for hegemony in the region.⁷ More so, Iyob argues Ethiopia's historical understanding of itself as a hegemonic state starting from the modern monarchy to Democratic republic of Ethiopia led to violent conflict between Eritrea and Ethiopia.⁸ Most of the time, this characteristic is manifested in territorial aggrandizement since WWII.⁹ Finally, the third group sees foreign intervention as a major catalyst factor either to aggravate the existing conflict or initiate a new one. They associate the conflict in the region with unfettered foreign intervention. Since the end of WWII, the United States had quite an influential presence in the region in shaping the political landscape by providing supports to the hegemonic ambition of Ethiopia.¹⁰ US support to Ethiopia during the Cold War provided the monarchic state in Ethiopia a freehand to implement expansionist interest towards Eritrea and Somalia.¹¹ Both the Cold War super powers, the United States in support of Haile Selassie and the Soviet Union in support of Mengsteu Haile Mariam aggravated the conflict in the region.¹² Most recently, proliferated foreign intervention in the name of terrorism, piracy etc further reproduced instability in the region by promoting military competition among different regional state and non-state actors .¹³

⁶ Roy Pateman, "Eritrea and Ethiopia: strategies for Reconciliation in the Horn of Africa" *Africa Today*, 38 (2) (2nd Qtr., 1991): 46.

⁷ Seifert, "The Ethiopian Intervention in Somalia," 30..

⁸ Iyob, Ruth, "The Ethiopian - Eritrean Conflict: Diasporic vs. Hegemonic States in the Horn of Africa, 1991-2000," *The Journal of Modern African Studies*, 38 (4) (Dece., 2000): 660.

⁹ Andebrehan Woldegiorgis, "Border and Territorial Conflicts between Eritrea and Ethiopia: Background, Facts and Prospects," *Eritrean Studies Review*, 4 (1): (2004):157.

¹⁰ Michella Wrong, *I didn't do it For You: How the World betrayed A Small African nation* (London: Fourth Estate, 2005).

¹¹ Robert G., Patman *The Soviet Union in the Horn of Africa: The Diplomacy of Intervention and Disengagement* (Cambridge: Cambridge University Press, 1990).

¹² Bereket, Habte Selassie, *Conflict and Intervention in the Horn of Africa*, (New York & London: Monthly Review Press, 1980): 1.

¹³ Neil Melvin, "Managing the New External Security Politics of the Horn of Africa Region" *International Peace Research Institute* (2019).

The two decades border conflict between Eritrea and Ethiopia in 1998 -2018 mixed almost all of the reasons mentioned. It is partly related to the existence of weak state institutions which failed to devise peaceful approach in handling the border disagreements. It is also partly related to the state's culture of solving problems through wars than prioritizing development,¹⁴ and finally, it was partly an outcome of unsatisfied Ethiopia's expansionist interest in the region.¹⁵ Nevertheless, there is no crystal-clear distinction between the reasons. They overlap in some circumstances and one could be a consequence of the other. In reality, all the reasons mentioned surface in a vicious circle of influences. Even though studying this relationship is appealing, the mission of this chapter is not uncovering of the complex relationships, rather how a conflict created through these complex and interconnected reasons created a heterodox and orthodox state building process which led to the emergence of structural and philosophical sharp differences that slowdown smooth normalization of post-2018 peace accord relationship between Eritrea and Ethiopia.

State-building Before the Border Conflict

In 1991, it was the hope of everyone that the region was heading towards a new promising era. The Cold War political chaos would be put into an end and a development-oriented society were about to emerge in its stead. The expectation was realistic and had historical foundations. The two leading revolutionary organizations, Eritrean People's Liberation Front (EPLF) which was later renamed as Eritrean People's Front for Democracy and Justice (PFDJ) and Tigrayan People's Liberation Front (TPLF) set up new governments in Eritrea and Ethiopia respectively. Their armed revolutions in alliance overthrew a military junta which had taken oppression and aggression as its principal mode of governance. Given these two revolutionary governments had fought against oppression in their respective societies, they were expected to be the torchbearers

Negash & Tronvoll, I "*Brothers at War:*" 2. ,

¹⁵ Iyob, "The Ethiopian - Eritrean Conflict:" 660 & Woldegiorgis, "Border and Territorial Conflicts between Eritrea and Ethiopi," 157

of peace and emancipation and so would change the face of the region from conflict-ridden to development-oriented. In other words, the coming of Eritrea and Ethiopia to peaceful resolution after thirty years of armed revolution considered to be an essential element to a stable region.¹⁶ Hence, settling of the disagreement of the two countries which began at the end of WWII was the end of the suffering of the people of the region.

As was expected, the two revolutionary governments teamed up their efforts to reinvent the region by taking collective measures to realize the expectation of the society. Subscribed to the basic tenets of neoliberalism, the two states attempted to harmonize their economic activities and institutional set up accordingly. Such initiatives attracted significant attention from the West and rewarded confidence boosting praises from the United States. For example, the US classified the leaders of Eritrea, Ethiopia, Rwanda, Uganda as an African renaissance leaders. In US's view they were "more responsive, accountable, and egalitarian than any of their predecessors".¹⁷ Energized by these complements, Eritrea and Ethiopia redoubled their bilateral efforts in renovating the region, which made the alliance a symbol of political renaissance in the post-Cold War Africa.¹⁸ In short, "the new Eritro-Ethiopia relationship was hailed as exemplary both regionally and internationally."¹⁹

Nationally, principally, Eritrea and Ethiopia adopted a moderate neoliberalist nation building approach. In independent Eritrea, the objective of state building meant making a new kind of society that would be transformed from an archaic peasant mode of production to manufacturing oriented society. This process was to be guided by two fundamental principles, liberal democracy and market economy. The national charter, which contains the vision and strategies of the state building in two decades to come, was issued during the third congress of EPLF in February 1994. The issuance of the National Charter marked the end

¹⁶ Pateman, "Eritrea and Ethiopia," 43.

¹⁷ Patrick Gilks and Martin Plaut, "The War Between Ethiopia and Eritrea," *Foreign Policy in Focus*, 5 (25), 2000: 2

¹⁸ Iyob, "The Ethiopian - Eritrean Conflict," 660.

¹⁹ Woldegiorgis, "Border and Territorial Conflicts between Eritrea and Ethiopia," 158.

of an era that belonged to carnage and distraction and the commencement of an era that belongs to economic and political development.²⁰

According to the charter, the future of political system in Eritrea was designed to be constitutional democracy that “respects law and order, safeguards unity and peace, guarantees basic human rights, and is free from fear and oppression”.²¹ This sort of government could only be developed through people-based institution—from political parties to NGOs—where state power is diffused and decentralized. In principle, the political system adopts the basic tenets of the universally accepted elements of liberal democracy. Economically, Macro Policy stipulates the implementation of mixed economy, mainly guided by free market. In this system, while the state plays a proactive role in stimulating economic activities by restricting itself in the public sector where the private sector could not move because of risk of externalities.²² In other words, building such an economy, “a modern, technologically advanced and internationally competitive economy” was expected to happen in two decades.²³ Conceptually at the centre of this process, institutional decentralization remains a core feature of the political and economic systems that the new leadership wished to achieve.

In Ethiopia, after the establishment of the TPLF dominated government in Addis Ababa, it designed an ethnic federalist state which allowed ethnic identity as the foundation of Ethiopia’s new democratic state. Ethnic federalism was introduced in Ethiopia as a solution to the historical exploitation of the Ethiopia society on the basis of ethnicity by a very centralized and unitary state. Historically, since its creation as modern state, the Ethiopian state constituted a centralist unitary strategy of state building that applied coercive assimilation of other ethnicities into a particular culture of Amhara nation.²⁴ Since the armed struggle, TPLF’s Marxist analysis defined the exploitation in Ethiopia was on

²⁰ John Markakis, "Eritrea's National Charter," *Review of African Political Economy*, 22 (63) (Mar., 1995): 126.

²¹ People’s Front for Democracy & Justice (PFDJ) 1994. *National Charter*, (February, 1994): 15

²² The Government of the State of Eritrea, *Macro-Policy*, (November 1994):13.

²³Ibid, 10

²⁴ Kidane Mengisteab, "New Approaches to State Building in Africa: The Case of Ethiopia's Ethnic-Based Federalism," *African Studies Review*, 40 (3) (Dec. 1997): 122 & Christopher Clapham, "Post-War Ethiopia: The Trajectories of Crisis," *Review of African Political Economy*, 36 (120) (Jun. 2009): p.

basis of ethnicity not class,²⁵ so in its view, only promoting ethnic federalism provided the remedy. Based on the charter adopted on the founding conference of the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) in July 1991, the front decided to introduce a highly ethnically decentralized system by recognizing "the unconditional right of every nation in the country to self-determination, including the rights of self-governance, cultural autonomy, as well as secession."²⁶

Needless to say, the decentralized system under TPLF has remained ill equipped to resolve the problem of historical exploitation in Ethiopia, not to mention that it led to the demise of the TPLF itself in 2020. Despite TPLF's adventure to institutionalize ethnic federalism, it found so hard to resolve the challenges of state-building in Ethiopia. However, some successes were undeniable such as it did end the hierarchical ethnic relation and the process of state building through assimilation.²⁷ Moreover, TPLF/EPRDF has managed to bring peace, ensure modest economic progress, allow some level of autonomy to historically alienated people and permit some political space that did not exist in Ethiopian history.²⁸ This means, federalism saved Ethiopia from immediate disintegration after the collapse of the Cold War and enabled it to establish a legitimate political authority in the history of the country.²⁹ Those achievements transformed Ethiopia from "near pariah status into a favoured position in the new global order."³⁰

In a nutshell, ethnic federalism had conferred the TPLF/EPRDF an important playing cards in the eye's of the neoliberalism in Africa. From ideological point of view, the notion of ethnic federalism had come in to accord with the basic principles of political decentralization, which in its extreme version is the promotion of the anti-state ideology of neoliberalism. Giving

²⁵ Donald Crummey, "The Horn of Africa: Between History and Politics," *Northeast African Studies*, 10 (.3) (2003): 129.

²⁶ Mengisteab, "New Approaches to State Building in Africa," 123..

²⁷ *Ibid.*, 128.

²⁸ Clapham, "Post-War Ethiopia," 183.

²⁹ Galata Monenus Hundara, "EPRDF's state-Buidling Approach: Responsive or Unresponsive," *IFF Working Paper Online No.22*, (University of Fribourg, December, 2016): 6 & Alemsged Abbay, "Diversity and State-Building in Ethiopia," *African Affairs*, 103 (413) (Oct., 2004): 608.

³⁰ Clapham, "Post-War Ethiopia," 183.

ethnicities comprised the core actors in the state, political and economic powers were devalued to non-state agents. This understandably weakened the state by giving more power to ethnicity, for the existence of the state as a strong institution always relies on the agreements and compromises of the ethnicities. Owing to this structure, the state is deliberately forced to withdraw from economic activities but limited to provision of protection. Practically, the EPRDF government introduced several measures prescribed by the international financial institutions such as the devalue of birr, Ethiopian currency, removal of controlled prices on retailers and import barriers.³¹ This act of course bestowed Ethiopia a great deal of advantage in the neoliberal global order.

During this particular period of alliance and friendship, Eritrea and Ethiopia subscribed to the neoliberalist state building from different stand points. While PFDJ attempted to carry out political decentralization on the basis of institutions, TPLF planned to uphold political decentralization on the basis of ethnicity. PFDJ's decentralized political system saw ethnicity as a cancer to state building and decided to forge a new nationalist identity that overpowers it. On the other hand, TPLF landed on ethnic decentralization as it believed that oppression in Ethiopia was on the basis of ethnicity so the struggle must be to their emancipation through ethnic federalism. Hence, the promotion of the long alienated and peripheralized section of the Ethiopian society must play their part in the state-building. As a result of their analysis while PFDJ decided to pursue a liberal democracy which eliminates all sub-national identities, TPLF decided to practice liberal democracy that boosts the ethnic identity as the founding blocks of state building in Ethiopia. Despite similar neoliberal flags flying high in Eritrea and Ethiopia in the early 1990s, in practice, the political elites of the two countries had exhibited sharp difference in their political management of their societies. This implies that underneath the cordial relationship of the two elites, there existed a serious deviation in the state building agenda between arms-comrade elites who had taken power through revolution.

In spite of their sharp difference, the PFDJ and TPLF dominated EPRDF decided to go in alliance in regional matters. They mobilized their efforts to ensure peace and security of the region by initiating joint projects across the

³¹ Mengesteb, "New Approaches to State Building in Africa," 129.

region. The initial step was to restructure the obsolete regional organization called Intergovernmental Authority on Drought and Development (IGADD). Hoping to rescue the region from recurrent drought and its resultant such as famine, ecological degradation and economic plights, Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda established the IGADD in 1986. Nevertheless, IGADD had done no worth mentioning accomplishments in its a decade life span. In reality, the regional states had bigger national and regional matters that divided their commitment toward IGADD. Determined to change this reality, Eritrea and Ethiopia jointly initiated reforming the organization in 1996.³² Since then IGADD was renamed to Intergovernmental Authority on Development (IGAD) and remained open to the greater Horn region to accomplish the following responsibilities: food security and environmental protection, economic cooperation, regional integration and social development peace and security.

This reform expanded IGAD's mandate to involve in political stability and development objectives together and turned it to be more political organization. Consequently, IGAD became more political organization. The reform of IGAD to change into an organization with multiple objectives reflects the ambition of member states particularly the ones that initiated the reform. It was a great deal of plan if it had worked out. As a result of this reform IGAD had made several changes in its tool kits. One amongst the important principles was that IGAD members altered the donor-recipient relationship into partnership relationship.³³

As part of this multilateral joint commitments, the two states involved in internal matters of regional states so long as, in their view, it was to the purpose of ensuring peace and security of the region. The two important aspects of that time were the civil war in Somalia and the Islamist government in Sudan. In the belief of the governments of Eritrea and Ethiopia, without eliminating these threats the region had no prospect of peace. Of course, this initiative was promoted by the United States whose post-Cold War policy was basically guided by two objectives: keep the Eritrean coastline free from Arab influence, and isolate or overthrow the National Islamic Front (NIF) government in

³² Isaac K. Weldesellassie, "IGAD as an International Organization, Its institutional Development and Shortcomings," *Journal of African Law*, 2011, 55 (1): 2

³³ Ibid, 4.

Khartoum.³⁴ Having reaching into a common understanding, regional states particularly Eritrea and Ethiopia engaged in cooperation with major global actor and orchestrated to overthrow the government of Sudan. In pursuance to this objective, Eritrea allowed the opening of office for the Sudanese opposition parties and encouraged them to establish a unified front called Sudanese Democratic alliance in the 1990s. As part of this project, Ethiopia, on its side, began to strengthen the SPLM forces.

Eritro-Ethiopia Border Conflict and State-Building

The end of three decades conflict between Eritrea and Ethiopia in 1991 brought about so much hope that expected the end of the suffering of the people of the region. After brief interval, however, the two states engaged in another mutual agony through a border conflict in 1998. This conflict marked a new turning point nationally as in consequence of this fact the disputant states locked into the old regime of underdevelopment economically and politically, not only because of the diversion of the meagre national resources to the war, but also each state experienced fracture in the super structure that led to spiral decline in the institutional development of the modern state. This led to the evolution of a heterodox state-building approach in Eritrea and an orthodox one in Ethiopia.

Seeking to meet the demands of the conflict, Eritrea introduced several changes in its toolkit of state building. The fundamental change was that the nature of the state moved to centralization from decentralization. Earlier Eritrea's moderate neoliberal state-building approach was an outcome of a compromise made between the strict neoliberal-principles and the strong belief in self-reliance policy. Nevertheless, after the war, it returned to functional endogenous approach. In this revision, it realized that the state-building project is a political one though neoliberalism depoliticizes it. Consequently, Eritrea, gradually moved to devise alternative approach that contends the orthodox state-building approach. From ideological point of view, the Eritrean state became an

³⁴ Gilks, and Plaut, "The War," 2.

inward-looking institution and this pushed to the evolution of a centralist and an interventionist state.

The evolution of a centralist and interventionist state strengthened the consolidation of national identity in Eritrea as it monopolized the source of political identity in the society. In other words, it enabled the Eritrean state to remove other source of identities such as ethnicity, religion or region etc. Moreover, the absence of free mobility of human being in the border between Eritrea and Ethiopia cut people to people interaction. This has dual outcomes. First it discontinued the cultural and historical attachments that this people had for centuries. Second, as a consequence of this process, Eritrea's anti ethnonationalist ideology had found a ground to be experimented and free itself from bad influences of Ethiopia's ethnonationalist ideology. During the early cordial relationship with Ethiopia, Eritrea which pursued the forging of new national identity by freeing the people from subnational identities and colonial legacies, had potential threat from Ethiopia's ethnic nationalism. Practically, the closure of the border for twenty years provided an opportunity for the different ethnicities in Eritrea to interact among each other. It was an experiment worth of attempting looking it from a nationalist project.

Internationally, in the pre-conflict period, Eritrea viewed its sovereignty within the regional perspective. During this period, Eritrea had almost a 'laissez-faire' approach towards the meaning of the border. It cared more on a pan-regionalist notion, which gave the border lesser credit, not more than a political line which should not actually hinder interaction but point of interaction between states and peoples. Such view led to Eritro-Ethiopia pre-war period interaction to base more on good will basis than strict legal procedures. However, after the war, Eritrea reconsidered its interpretation of sovereignty and became so strict of it which had no room for compromise and adjustment. This has led to a serious of policy implications regarding how to reorganize its state-building objectives. The fact that this reinforced the inward-looking perspective, it invited international misrepresentation and isolation.

As in Eritrea, Ethiopia also underwent fundamental transformation in terms of its state-building agenda. The war distracted the leadership's agenda of building an ethnic-federal state with strictly managed reform from command to liberalist economy. It turned the state building from responsive to unresponsive

where power began to be concentrated in the state. Unlike the pre-war period when the regional power enjoyed more authority, now “the federal flag has been hoisted one meter higher than the regional state’s flags showing federal government supremacy and subordination of regional states”.³⁵ This means that EPRDF shifted its development approach from defensive developmentalist, to assertive developmentalist where the state became so much involved in the development project.³⁶ The state possessed almost all the commanding heights of the economy and the planning and implementation of many socio-economic and political policies followed the top-down party chain. Yet, on parallel to these changes, the state managed to adopt the mainstream reform.

Regionally, the fight altered the course of inter-state relations and the regional alliances in the Horn of Africa. There are four incidents that show how the border conflict really restructured the regional security architecture. These includes the IGAD scenario, intervention in Somalia’s civil war, the Sudanese case, and the tripartite alliance. First, as IGAD was the initiator in taking the lead in organizing the cooperation among states in economic, and political aspects, the division between Eritrea and Ethiopia disallowed it. The disputant states turned IGAD either a fighting ground or side-lined it as important player. Conversely the conflict was overtaken by continental and international organization such as the African Union and the United Nations. As noted above, the revitalization of IGAD in 1996 generated so much aspiration nationally and internationally from the will to see the region liberated from conflicts and preoccupied with peace and progress. Notwithstanding it had made some progress in the early period, at least it was able to transform the obsolete organization of IGADD into an internationally recognized broader organization that engages political and socio-economic agendas, in practice it did not transpire any significant changes so to say. This became worse when a conflict broke out between Eritrea and Ethiopia³⁷ because IGAD became a competing ground of the disputant states.

³⁵ Hundara, "EPRDF's state-Buidling Approach," 9.

³⁶ Joanne Kathryn Tomkinson, "Late development in the age of neoliberalism: The Political Economy of state-led development in Ethiopia and Vietnam" *Thesis submitted for the Degree of PhD*, (SOAS University of London, 2019): 110

³⁷ Weldesellassie, "IGAD as an International Organization," 2.

In other words, after the Eritro-Ethiopia border conflict, IGAD showed some setbacks. The war eroded the commitment for cooperation amongst member states, central to IGAD's existence. Both countries tried to win members' support regarding the rationality of their position in the conflict. Disputant states sought to gain the alliance of the regional states by instigating several dormant potential issues one against its enemy and make sure to be isolated by other states. So, relation among member states took a different course and harmed the most essential ingredient to the proper evolution of IGAD as a viable regional organization. When the war transformed in to a proxy manner which had multiple dimensions such as setting up new opposition groups or reinforcing the existing one,³⁸ IGAD, which had already suffered from inadequate level of cooperation among states, now left in the middle to become a pray of foreign intervention as part of the global chain of instruments in the war against terrorism. In the meantime, peace and development, the principal objectives of its revitalization, lost the momentum of the 1990s.

Second, one of the joint objectives of Eritrea and Ethiopia that was disrupted by the border war was that the Eritrea-Ethiopia alliance against the Sudanese islamist regime. Both governments abandoned the regime change agenda in Sudan and began to work particularly, Ethiopia, to win the government of Sudan in its fight against Eritrea. Such change did not only left Uganda and US to work alone on the project of regime change in Sudan, but also posed a challenge as the government of Sudan found a breathing atmosphere in encircled threat. Consequently, Uganda and US were unable to accomplish the task, on the contrary, the Sudanese government was saved through the Comprehensive Peace Agreement (CPA) with its prominent opposition SPLM.³⁹ Third, as extension of the fight, Eritrea and Ethiopia saw Somalia's civil war a competing ground to their national and regional interests. The civil war in Somalia turned into a situation where each state manifests its anger in contention to the other; it became a typical place where the border conflict transplanted into a no-man's land. Framed by the perception that the insecurity of our neighbour is the

³⁸ Jon Abbink, "Ethiopia-Eritrea: Proxy Wars and Prospects of Peace in the Horn of Africa", *Journal of Contemporary African studies*, 21(3), (September 2003): 413.

³⁹ Waal, *The Real Politics of the Horn of Africa*: 54

security of my home, Ethiopia's act, nevertheless, made the region more volatile and insecure.

Fourth, the breakdown of the relationship invited the formation of alternative alliance among regional states. One of the serious initiatives that Ethiopia took to encircle Eritrea with enemies was the 2002 tripartite alliance formed by Ethiopia, Sudan and Yemen. These three states had had some experience of animosity with Eritrea previously and served as common factor to form the alliance but because of its tactical objective, it did not survive long. Similarly, in 2008, Ethiopia provoked Djibouti to make moves in the border which later transpired a border conflict. From Djibouti's stand point it was a commonsense act because it has benefited from Eritrea and Ethiopia disagreement by monopolizing port services to Ethiopia. Through this act, Ethiopia succeeded in imaging Eritrea as destabilizing state in the region which was factored in sanctioning Eritrea in 2009.

The four incidents reflect that the conflict reinforced the culture of mutual interference and intervention in their national affairs. Historically, a culture of mutual intervention and interference contribute to and produce susceptibility to violence in the region (Siefert 2008: 7). The Cold War era was the best example of this culture. While Somali's conflict with Ethiopia in connection with Ogaden forced Somalia to establish strong relationship with Eritrean armed struggle. Similarly, the Sudanese state provided all kinds of support to the Eritrean armed struggle in order to use it as a leverage to Ethiopia's support to the Sudanese People's Liberation Movement/Army (SPLM/A). Sudan did not abandon the Eritrean armed struggle even during peaceful relation with Ethiopia. In so doing, it kept balancing card as Ethiopia kept the South Sudan forces. This competition made Sudan, in the same way as Somalia, an important strategic ally of Eritrean armed struggle. Hence, historically, the culture of mutual interference and intervention drive the basic security architecture in the region during the Cold War Period.

Nevertheless, this culture was about to be eradicated with the end of the Cold War and fraternity of the two leaderships in Eritrea and Ethiopia. The preliminary understanding that they had before the war, though insufficient to completely eliminate the culture, had laid a ground for the evolution of non-interference political practice. Nevertheless, they themselves were involved in

recruiting oppositions against Sudanese islamist government as part of the joint effort of removing the Sudanese government. After the border conflict, the culture of mutual interference and intervention grew in size and amount. Eritrea and Ethiopia recruited oppositions one against the other. Such security measure became the basic tools to maintain balance between the two states. At times, they forged new ones if one saw the other was built more opposition. Roughly, while Eritrea provided support to three to five major Ethiopian opposition groups, Ethiopia gave hands and fighting ground for around 14 Eritrea opposition groups. The number in both sides used to fluctuate as disagreements emerged between the opposition groups and hosting governments.

Much worse than this culture was that the conflict allowed massive international intervention in the region. Their disagreement and fragile alliances allowed unrestricted foreign intervention and restructured the security architecture almost as equal to what happened inside the countries. Recently, the region has been a congested space where too many foreign powers fight to maintain their presence through military base. The consequence of this intervention is the farther militarization of the region since countries and militant groups can access to arms through illegal trade and gifts for their service to the foreign powers. Unlike the Cold War mode of intervention that was mainly motivated by the competition of two superpower, the military aid and militarization was limited and had some rules that hinders easy access to arms. Now that the foreign powers are too many, they have too many clients and this made easy access to arms. In reality, the security of the region is not the concern of foreign powers by any degree, they have much larger agenda than internal regional security purposes. Unlike in the beginning of the 21st century security challenge that foreign intervention was basically involved in handling the security threat that might emanate from the Horn of Africa to their national interests. Now the foreign intervention is much more related to the international security challenges that involved the west and east. Security crisis between the west and east integrated the Horn of Africa as it has become an interjection space. Even though, it would be so difficult for the regional states to realize a strong regional alliance that could mitigate the negative externalities of the foreign intervention if not at all foreign intervention, their combined and unified force would have at least reduced the negligence of foreign intervention and ensure

their common security stake within the given phenomenon. Now, most interventions pay no much attention to the effect of their action in the region. No consultation is made with regional state when actions are taken while the effects of their actions could harm the interest of the regional states.

Internationally, the conflict had posed a serious challenge in its approach in peacebuilding. Post-Cold war period is the era of neoliberal peace-building approach, which advocates peace flourishes in a liberalized and democratized society so conflict-ridden society must be forced to adopt liberalisation and democratization. When the conflict occurred between Eritrea and Ethiopia, the global order through the UN had devised similar approach over the disputant states. This had altered the nature of relationship between the states and international system and the global political economy. When Eritrea disapproved this approach, the international system favoured Ethiopia and peripheralized Eritrea. This look of the international system shaped the position of the states in the international political economy, where one of them was seen as safe place for foreign direct investment and the other was a risk. This discouraged the flow of capital to Eritrea while promoting flow of capital to Ethiopia and consequently, this strengthened Ethiopia and weakened Eritrea. In so doing, Ethiopia was encouraged to sustain its ambition of hegemony and put Eritrea into a constant resistance position in the region. Looking at the global system which is characterized by several paradoxes maintained unequal treatment which pushed Eritrea to take actions that discomfort the international system. This led to a spiral of events that increase the tension between the international order and Eritrea. Under this circumstance the region became a venue where the adventures of neoliberal development attempted fail to no avail. The outcome was Eritrea's foreign policy developed an outlook that resists a constant betrayal of international order. Ethiopia, on the contrary, see the international system fair and supportive. Hence, it embraces the international involvement in the region so long as it supports Ethiopia and denies the rest of the countries as important actors in the region.

Maintaining such complicated conflict required institutional and behavioural changes in the nature of the states. Eritrea devised an approach that questions and challenges the orthodox neoliberal approach. Ethiopia, on the other hand, subscribed to orthodox neoliberal approach. These different approaches led to

the institutional compatibility which became a serious challenge to the progress of 2018 peace accord between the two countries. Unless the countries make compromises, it will be difficult for the rapprochement to go beyond the ability of stopping the prosperity of war between the two countries. Economic cooperation requires a gradual adjustment of their policies. Now having so much issues on the ground, Ethiopia is in no position to make compromises. There are several internal issues that required immediate actions for the Abiy government. On the other hand, Eritrea has a relatively relaxed period which would allow it to make compromises. However, to Eritrea making such compromises is thinkable given these compromises will lead to the neoliberal principle which will have serious political ramification too heavy for Eritrea to burden. The only option that is available is to delay the economic cooperation until Ethiopia settles its internal crisis and make some compromises against the orthodox approach of state-building. Eritrea seems to be coming from this point when it decided to help federal government in the crisis in Tigray. It is all these change that made the 2018 Eritrea and Ethiopia accord to settle their border conflict an important phenomenon. As the border conflict was the epicentre of the regional instability and its resolution would of course be the end of it.

Conclusion

The border conflict between Eritrea and Ethiopia profoundly shaped the state-building processes in each country in a number of ways. One, internally, it put the two countries apart from the common direction of state building to almost apposite, that Ethiopia increased its level of neoliberalist affiliation, Eritrea focused on the home-growing approach. Two, as a result of this, regionally, both countries engaged in proxy conflict and increased the culture of mutual interference and intervention. Three, disputant states forged alliances and counter alliances that engaged regional states in the conflict. Four, it created a vacuum of security unification that promoted congested foreign intervention which led to further militarization of the region. Five, the fight disabled regional organizations to play their role in the region.

In a nutshell, after the war, while Ethiopia went to orthodox, Eritrea moved too far apart from the neoliberal and adopted a heterodox approach. With this

changes, the conflict took a different feature that includes regional and international dimensions that involved global actors. With growing deviation of the conflict from a simple border warfare into a regional conflict which turned it to be part of the global clash between the Orthodox and Heterodox state building approaches. Whatever the nature of the conflict may have seemed, the degree of the disaster exceeds the Cold War scale specially when it is assessed that the border conflict disrupted the evolution of a modern state in the region that could perform the basic functions of delivering development and security to its society.

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Chapter four

Kenya-Somalia Maritime Border Dispute: Genesis, Prospects and Challenges

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Xavier Ichani,

Introduction

Kenya's dispute with Somalia goes way back to colonial times. The dispute remained dormant for over 50 years after independence because of cultural use of waters by people from Kenya and Somalia. Born (2012) says that during this dormant phase of the conflict, fishermen from Kenya and Somalia moved into these waters back and forth until the 1990s. During this time, the political instability in Somalia gave room for deep sea fishing vessels to enter Somalia water. The Illegal Unprotected and Unregulated (IUU) fishing by foreign vessel has been problem in Somalia (Baumia, 2014). Sometimes fishermen and crew of foreign fishing vessel harassed local Somalia fishermen. Therefore, the presence of foreign fishing vessel has been a cause of conflict in the Somalia maritime space (Glaser et.al, 2019). This fuels public anger that tended to escalate to regional political conflict and instability. Kenya reacted to this by

putting a blockade protecting its waters from overfishing and established protected marine parks along the coast, which was followed by Tanzania and Mozambique making Somalia isolated.

The depletion of fishing resources in Somalia waters led to the rise of idle youths who turned into piracy, which became a menace to global trade. Oba (2011) argues that the rise of piracy coincided with the arrival of Islamic Courts, Al Qaeda and Al-Shabaab. In 2000, there was new escalation of the dispute in relation between Kenya and Somalia when three companies were authorised by Kenya, to do oil and natural gas exploration in the Lamu Basin. They returned positive results indicating presence of significant amount of oil and natural gas, which triggered interest by Somalia. It was not until 2012 that the government of Somalia requested Kenya for a revision of the maritime boundary. Mburu (2005) indicates that Kenya's response was very firm, stating Kenya will not renegotiate its maritime territory with Somalia. The government argued that the boundary issue had been resolved through an agreement between Kenya and Somalia in 1979, signed by Presidents Daniel Moi for Kenya, and Siad Barre for Somalia. Kenya also argued that colonial boundaries laid out are the ones operating in Africa and this was backed by the African Union (AU), which pointed out, that African countries should not revise boundaries previously resolved during colonial period or by previous agreements between African leaders.

The purpose of this chapter is to demonstrate that the maritime dispute between Kenya and Somalia over the disputed waters in the Indian Ocean does not originate from Somalia. The dispute has been triggered by global financial interests in oils and natural gas exploration in the disputed waters. We also argue that the clamour for fishing access to rich fish bearing waters of disputed areas has also played a role in the push for the dispute. Our contention is that escalations of the dispute over these waters heightened during Kenya's exploration for oils and natural gas in the so-called disputed waters. It is our submission that positive results indicating presence of oils and gas in the disputed waters is responsible for the case being taken by Somalia to the ICJ. Just like Murphy (2017), we argue that from the colonial records and cultural relations between people on either side of the border as well as law of natural justice Kenya's claim is legitimate based on its agreement with Tanzania where its boundary was drawn

in 1963 based on the same trajectory used on the Kenya Somalia border. We support the views of the AU that any alterations on the line between Kenya and Somalia is likely to lead to alterations between Kenya and Tanzania leading to spill over effects to other parts of the world (Wiegand, 2011). Many observers believe that if the status quo remains, the disputed area, which is less than 200sq Km much smaller than over 150,000sq Km of ocean water, which Somalia has access to and to which it has failed to control. Kenya currently controls less than 40,000 sqkm of ocean water which is regarded by many marine biologists as one of the most protected and richest zones of the world and which retains largest proportions of marine diversity. The three marine parks have ensured that coral reefs are protected as well as the fish producing sanctuaries.

The paper will look at the colonial origins of the disputes, the history of boundaries between Kenya and Somalia, the cultural relations between communities on the disputed maritime border, the role of external actors such as Norway and China, the clamour for oil and natural gas from the 1990s and the instability of Somalia and how it led to escalation of the dispute.

Colonial origins of the Kenya - Somalia Maritime dispute

The colonial past has influenced the way Kenya and Somalia relate because the international boundary was part of the outcome of the Berlin Africa Conference 1884-85 (Drysdale, 1964). The British, Italian and French occupied the region. The departure of Germany in the region in vacating Witu in exchange for Heligoland, an Island in the North Sea left only three major players, Britain, France and Italy. This explains why the boundary shifted many times before 1920 when the current boundary was agreed upon according to many authorities (Fitzgibbon, 1982). The transfer of Jubaland from Kenya to Somalia was a recent development because in 1922 nationalist Harry Thuku was held in Kismayu, which is part of Jubaland and was part of colonial Kenya. According to Kiereini (2019), the British interest in arable areas manifested in the creation of white highlands and took away colonial interests from the rangelands. The British history in East Africa revolve around settler farmers whose activities were meant to pay for the construction of Kenya- Uganda railway. The Kenya- Uganda

Railway traversed the White Settlements collecting cash crops and taking them to the coast from where they were shipped to overseas markets. The farmers became important actors in Kenya's colonial activities. Leading farmers such as Michael Blundel played an important role in the decision-making processes affecting Africans. Amutabi (2006) explains that settler politics were responsible for brutal colonial policies in colonial Kenya and may have played a role in the demarcation of the Kenya- Somalia maritime boundary.

The French-Italian-British rivalry over Somalia left a lasting legacy during the merging of the territories at independence in 1960. Castagano (1964) says that the three entities had created different characteristics as well as values, which became very hard to reconcile under a new state. Although the international boundaries were defined by these three powers, the Kenya -Somalia border had been defined and demarcated with clear beacons from 1920s onwards. The British intention to put the Somali people under one nation had failed on the account of clan interests. The British were also unable to secure the interests of the Bantu groups that lived in Jubaland. It should not escape our attention that the Somali Bantu engaged in farming and were part of the extensive Bantu Belt of the Nyika plateau. They retained features, traits and cultural pursuits, which were similar to the Bantu who dispersed from Shunghwaya in Kenya pursuing mixed economy of farming and herding. This group of Bantu in Somalia was responsible for the British stance to transfer Jubaland to Somalia. As a result, Cesar and Cardoso (2016) argue that the British were vested in farming and ensured the Bantu groups and others provided adequate labor to settler farmers. The British thus ensured that France and Italy vacated their interest over Somalia in exchange for territories elsewhere.

According to Forsberg (1996), the Berlin Africa Treaty of 1884-85 remains an important marker and milestone in the colonial history of Africa. The conference provided a blue print of much of what we have in Africa and international boundaries. The Berlin Africa Treaty led to two major powers on the African continent engaged in colonial aggrandizement. The Berlin Africa Conference ensured that European powers did not go to war against each other for the conquest of Africa. Somali and Kenya were partitioned and by 1960, much of what we know today as Kenya/Somali International boundary were already in place. Wafula (2014) argues that the boundary dispute, which we see

today between the two countries, is regarded as unresolved because of the presence of the Somali people in Kenya, Ethiopia, Djibouti, and Eritrea and in Somalia. Even after getting independence in 1960, the Somali community remain active in all countries in the Horn of Africa. This was complicated by the Somali self-determination seeking to create unified one state, the Greater Somalia (Laitin & Sumatra, 1987). Since then, the legacy of Somalia nationalism of whether or not to unite Somali-speaking people in the Horn has been reengineered using different discourses (Chonka & Healey, 2021).

Ruggie (1998) makes an argument on maritime demarcations saying that the demarcations of 1920 did not anticipate strategic resources to be underneath some areas the reason here is that resource detection using sophisticated geological mapping did not exist at the time. Today, Muthoni (2017) explains that the wealth beneath the surface has been detected and is the cause for increasing interests on the resources of the region, which have attracted massive geopolitical interests. These interests are responsible for the search of redrawing of the old boundaries. Search for oil and natural gas has led to European and Asian actors developing interest in the Somalia and Kenya basins.

In 1963, there was an agreement signed between Kenya and Somalia, which recognized the fact that Juba land, belonged to Somalia. The agreement also recognized that there was a significant population of Somalia descent living in Kenya. Wambua (2009) reveals that the agreement promised to grant rights and privileges to citizens who had opted to be in Somalia or Kenya. The Tanzania-Kenya Maritime border was determined based on friendship between President Kenyatta of Kenya and President Nyerere of Tanzania. The demarcation ensured that the maritime line extended to the Indian Ocean in a way that 'privileged' Tanzania and away from the common practice (Lochery, 2012). The understanding was that Somalia would reciprocate by accepting the demarcation with Kenya the way it was done with Tanzania. This understanding was accepted and ratified by Siad Barre of Somalia and Daniel Moi of Kenya in an agreement signed in 1979. This is the genesis of the dispute of the Kenya- Somalia Maritime boundary conflict whose impetus started at the Kenya-Tanzania border.

Somalia Nationalism and the Shifta War in Kenya

Yared (2016) analyses the condition of Kenya-Somalia relationship before and after the Shifta war. According to him, the relationship between the two states was threatened and complicated during the Shifta and Ogaden war. The Shifta War (1964-1967) was a time when Somali nationalism was rife and sought to create greater Somalia uniting all the Somali people in Somalia, Kenya, Ethiopia and Djibouti. The movement was triggered by felt isolation by the Ogaden Somali in Ethiopia, Somali people in North Eastern province of Kenya and by massive interests in the Afar triangle by the Somali. Helfer and Slaughter (2005) indicates that the Shifta war in Kenya pitted government forces against amorphous, guerrilla type of warfare in which ambush by bandit activities became the norm. There was a feeling that the Somali elements in Kenya should be ceased and join greater Somalia. The reaction by the Kenya government was forceful and led to the expulsion of Somali radical elements interested in Somali nationalism from Kenya. Those who had picked up arms were rounded up, arrested, charged in courts of law and jailed. Kenya put in place mechanisms of ensuring that early warning and detection of Shifta activities were pre-empted and dealt with, by the Kenya government. Whittaker (2015) points out that the end of the Shifta menace was largely due to a modernization of the Kenya military and massive logistical support from USA and Britain during the Cold war. It was not lost in the minds of many Somalia elements that the Kenya government had received massive support from external forces to deal with the Somali elements who were against strong Kenyan government control over resource of the region.

In 1979, President, Moi ended the Shifta menace by appointing Maalim Muhamed as the first Somali Cabinet Minister in Kenya according to (Mburu, 2005). This was followed in 1982 by the appointment of General Muhamood Muhamed as the Chief of Staff of the Armed Forces of the republic of Kenya. General Muhammed engaged in purging of all the elements who wanted to bring instability in Kenya. His massive recruitment of Somali soldiers into the military helped in changing the perception of the Kenya and Somalia in seeing themselves as part of Kenya and therefore ready to protect it.

The Genesis of the Maritime border crisis between Kenya and Somalia

The genesis of the border crisis started after independence because the British and Italians never resolved it. Mwakikagile (2007) argues that the departure of the Italians and France left the British as the only actors between Kenya and Somalia. This made the British to become complacent in dealing with Boundary issues between Kenya and Somalia. The British in Kenya were afraid that injection of non-agricultural elements in Kenya would interfere with their activities and were prepared to do everything to marginalize pastoralism as explained by (Waweru, 2005). The British saw pastoralists as a problem to a stable animal husbandry believing their livestock to be spreaders of cattle diseases. They therefore demarcated Somalia and Ethiopia to be part of northern Kenya in terms of livestock raising and keeping.

At one time before the 1920 demarcation, Kismayu was under Kenya colony and it was used as national port just like Mombasa by the colonial government to ship out products out of East Africa. When Kenya lost Kismayu under the new demarcation, Lamu became the next port after Mombasa with potential for import- export activities. Anderson & McKnight (2014) says that the warlords occupied Kismayu after the collapse of Said Barre in 1991 were using it to fund their activities. The Kenya government realized this, thought of dislodging the warlords, and succeeded because of the history that Kenya had with Kismayu. Kismayu was captured within 90 days because its strategic position was understood by Kenya quite well. For this article, Kismayu is the next important port after Mogadishu and has fueled the interest especially in oil and natural gas in the Lamu Basin, which spreads up to Kismayu. Chan & Chieh (2018) explains that the dispute over the maritime emanates from the feeling that Kenya has benefited from the Boni forest, Tana Delta and the Lamu Archipelago (Group of rich Islands). There is many fish because of the coral reefs, oil, natural gas, richest forest of mangroves among other resources. The wood that is used to make boats comes from the Boni forest. Kismayu is closer to the Archipelago and the development of the Lamu Port brought tension between the two countries. Thus, the need for renegotiating the demarcation.

According to Trunji (2017), another trigger of the interest was the result of the exploration of the Norwegian and Chinese oil companies. The Somali

government realized that this area was very rich and went to appeal to have the boundaries revisited. Remapping of the area by the Somali government after Kenya dislodged the warlords and making them more interested in the area.

Evolution of mapping of boundaries

From the year 2000 and beyond there was energy crisis on the world and there was a lot of focus on oil because of the crisis in the Middle East. Arezki, Yuting & Nguyen (2020) reveals that the constant wars and revolutions in the Middle East interfered with the oil export so it made Africa attractive as the source of the oil for the world. This interest in Africa allowed for oil exploration and within a period of thirty years, many African countries discovered oil such as Nigeria, Libya, Angola among others. According to Dyke (2005), from the same year 2000, East Africa became an area of interest because of the discovery of oil in South Sudan in 1999. Being in the same basin Kenya struck oil in Turkana by Tullow Oil Company in 2002/3 and Gulu in northern Uganda. The Norwegian and Chinese geologists discovered oil in Lamu, Kenya. The oil exploration in Kenta triggered interest in Somalia. The conditions given by the Kenya govern for the exploration were very hard especially in sharing the resources and this is why they went to push for the maritime border through Somali for easy access of the resources. Makikagie (2007) argues that because Somalia government is dysfunctional, it will be easier to explore the oil from Somalia side than Kenya Side. That is why they sponsored Somalia to go to the International Court of Justice to avoid the watertight Kenyan bureaucratic control.

The foreign investors realized that the government of Kenya created a ministry to control the resources and the 2010 constitution made the conditions even tighter when Kenyans should control thirty percent of shares in any investment. This thinking on investors by Kenya was borrowed from Graham, Zweig & Buffet (2006) and it was backed up by the way Kenya handled the Tatum mineral mining in Kwale which alarmed the mining companies. The Canadian company refused the 30% condition and was removed and the one from Australia was given the tender. Pushing Somalia to get the marine space was to navigate this tight Kenyan control on resources. The scenario was complicated

further by Kenya insisting that Tatum should be processed in Kenya so that they send out the final product.

As Okeke (2008) indicates, the scramble for oil and natural gas from 2000 onwards forced a rethinking of Somalia on boundary demarcation. Tanzania has been an interested party on how the Kenya Somalia Maritime border is resolved being aware the results may affect their boundary also. President Jakaya Kikwete made it very clear that Tanzania supported Kenya with its dispute with Somalia on the Indian Ocean arguing that the AU conventions agreed against revisiting resolved boundaries. The AU also agreed to retain all colonial boundaries because of the fear of an avalanche of disputes if they were all opened up for discussions. The AU Boundary Dispute Resolution Mechanism (AU-BDRM) supported Kenya's position and Somalia refused to recognize the AU arbitration and moved their case to the ICJ.

Majority of African governments supported Kenya's positions aware that external forces were pushing Somalia more than its internal needs. Muthoni (2017) says that Tanzania assured Kenya that whatever outcome of the international arbitration they would work with Kenya on the side of the boundary to ensure that the two countries were happy. Based on this agreement, the boundary rights between Kenya and Tanzania are not likely to be volatile like the one between Kenya and Somalia.

Relationship of the fishing communities on the contested maritime boundary

Kenya and Somalia have fishing communities along the coast and many of these indigenous communities are not governed by international protocols because they are cultural. Charney (1996) argues that most of these communities, fish across these boundaries and for millennia the Boni people, Giriama, Bajuni and Somali Bantu engaged in fishing throughout the Indian Ocean from Kismayu to Sofala in northern Mozambique. The Swahili fishing boats transverse the entire Indian Ocean due to cultural activities. Olson (2005) argues that there are shared cultural activities brought together by triple cultural heritages Bantu culture, Swahili and Islam. Due to this fact, these communities are not likely to be confined by the modern maritime laws. The Maritime laws exempt artisanal

fishing boats that are 25 Ft. and below which is different from trawling fishing of rare species as practiced by countries like China and Japan. Due to this, the dispute between Kenya and Somalia will not affect artisanal fishing but large-scale resource like oil, natural gas, forest resources and large-scale fishing using trawling.

The British regarded people from Kenya, Somalia and Tanzania as their subjects and allowed them easy access to the Indian Ocean waters. They did not control the spaces, which they travelled in. They controlled the entire East African Coast as well as the entire Indian Ocean Coast before 1947 and they had treaties with Sultan of Oman and Muskat as well as today's Aden, Saudi Arabia. The groups regarded the Indian Ocean as a common wealth for all (Mwakikagale 2007). Thus, the Maritime Border was never a problem until after independence and the British did not foresee disputes emerging in future because there were enough Maritime resources to go around and they were governed by cultural principles that did not necessitate an international agreement.

From 1980s, deep sea fishing vessels from Japan and China started to reach East Africa. Many of these vessels were using unorthodox methods of fishing such as trawling. Marine scientists found out that deep sea fishing vessels were affecting breeding ground for fish and were encouraging local governments to create marine parks in order to bar dangerous fishing parks. This was done by Kenya, Tanzania and Mozambique formed the parks. Cinner & Pollnac (2016) says that these policies and parks safeguarded this heritage of the breeding ground and estuaries of major rivers in the region such as Tana, Athi, Rufiji, Pangani, Zambezi and Limpopo. The parks on the rivers allowed the revival of species that were disappearing. However, Somalia did not conform to these protocols, and patrols because of the political instability. This allowed these deep-sea vessels to crowd on the Somali coastline. They were now paying protection fee to the Somali pirates, which led to overfishing and destruction of corals on the entire Somali Coastline. Increasingly the Somali fishermen would be found in Kenyan waters because they had no fish. Waal & Noumen (2020) indicates that the Deep-Sea fisheries stopped coming and piracy turned to tankers and it was during this time that piracy was at its peak. The international bodies now got interests to protect their trading vessels and found that only Kenya, Tanzania and Mozambique were willing to cooperate and not Somalia. The controls now

made Kenya be looked at negatively by this big sea fishing countries. Somalia now became the friend of the deep-sea fish exploiters and thus now seeking to push the marine boundary.

The role of external actors in the Kenya-Somalia Maritime dispute

The urgency of the dispute took heightened level when there were reports of oil and natural gas in the Lamu basin. The Somalia government was running into problems of lack of finances for its programmes and so the oil and gas would cover that. Clay (2014) explains that clamor for offshore oil exploration based on the success of Norwegian rigs in the North Sea where a lot of crude oil was being produced was picking up. This is supported by Bowden (2011) who asserts that there was a feeling that the whole sea had massive reservoirs of oil. The positive returns from Lamu ignited support for Somalia interests in the area and the talk of reassessment of the Maritime Boundary between Kenya and Somalia began to emerge first as grape vine on social media and then by the government of Mogadishu. Kenya raised this issue in AU meeting in Addis Ababa and the Somalia ambassador denied that they had any interest in the area only to re-emerge later at the International Court of Justice.

The hasty withdrawal of the US troops from Somalia in 1991 is important in understanding the emergence of the Kenya- Somalia Maritime dispute. As Harper (2011) discusses, this occurred as a result of what appeared to be the raise of radical Islam in Mogadishu, Somalia. Kenya gave the US logistical barking including supply of intelligence and bases in Mombasa and Manda Island. US president forced many of the warlords to the table for negotiations for future Somalia. The Ministry of Foreign Affairs in Multimedia University of Kenya hosted many of the warring groups close to six months while they were negotiating the possibility of unity government. While Kenya played host to these groups the country was overrun by Islamic Courts who took on the US and other intervention leading to the infamous dragging of the Marime Navy US on the streets of Mogadishu, which precipitated the US withdrawal from Somalia.

After this any semblance of movement towards unity died. Mohamed Farah Aideed was killed and replaced by his son Hussein Farah Idid who was also overthrown by the Islamic Court. Ethiopia brought peace and reinstated a regime in a town outside Mogadishu, which brought stability to the country. According to Braden (2009), the Ethiopian supported regime was overthrown by the Islamic Courts, which instituted Sharia in the country. It was during this time that Al Qaeda elements arrived in Somalia against American interests. The arrival of Al Qaeda gave rise to Al Shabaab elements. Since then, Al Shabaab has been on the rise trying to cease the control of Somalia by planting bombs and killings. It has mounted attacks to control Mogadishu port and airport, Kismayu port and airport and even a port such as Bosaso in Puntland. Al Shabaab realized the importance of these ports in international trade and that is why they wanted to control them.

The push by Al Shabaab for control of ports drove the Somali government to seek to control the waters around the country. The Islamic state in Mogadishu and the Al Shabaab elements all over the country formed layered forms of conflict across the country, which culminated in the ambition to acquire part of Kenya's territorial waters. Kenya reacted by expelling the Somali Diplomat from Nairobi who withdrew and went to a Kenyan suburb of South B where many of Somalia diplomats withdraw to (Waal & Noumen, 2020). It made mockery of the expulsion, the withdrawal and the diplomatic tiff. It was an open secret that majority of Somalia government officials had their families in Eastleigh and South B of Kenya and the diplomatic tiff was for international consumption and for the backers of Somalia's claim over Kenya's territory. Kenya followed this by putting a flight embargo, within two weeks there was massive shortages of important goods, and services leading to intervention by AU and UN ask Kenya to continue providing a lifeline to Mogadishu.

The Somalia state refused to withdraw the case on the Maritime dispute despite Kenya allowing them the humanitarian corridor and proceeded to the ICJ. Kenya withdrew from the court fearing the injustice that could have been served according to Chan & Chieh (2018). The ICJ upheld the case and Kenya withdrew their membership from the ICJ so that the decision made was not binding to them. The case was determined in October, 13th 2021 in favor of Somalia and the president of Kenya responded on the very day saying that Kenya

was not prepared to lose even an inch of its land or water to any foreign power and continued to deploy a contingent of naval officers to the disputed area (Uhuru, 2021). The president of Somalia responded to the statement by citing arrogance and aggression against the vulnerable poor state of Somalia. That Kenya was taking advantage of its economic and military muscle to push its weight on Somalia and Somalia will not take such threats lying down. That Somalia was ready to mobilize its people to defend its rights and territory.

Prospects of the Kenya- Somalia Maritime dispute

The prospects for resolving the Kenya-Somalia maritime dispute have been done by the African Union (AU) since 2017 without much success. Somalia is suspicious that Kenya's economic muscle and allies are against it in the AU and at the same time, Kenya has no trust in the international court of justice (African Union Mission 2017). The frustration comes from the point of view that the Somalia government was negotiating from a point of weakness for overreliance on Kenya for infrastructure.

Even after AU issued directive for the dispute to be resolved within the continent Somalia disregarded the resolution. Kenya on the other hand was uncomfortable with the international court of justice (ICJ) because the president was from Somalia from 2018-2021 (Abdulqawi Ahmed Yusuf). Due to much tension and lack of confidence in the ICJ Kenya refused to commit to the ruling made by the ICJ on 30th October, 2021. We hope beyond all odds that there will be an amicable settlement of this dispute out of court as soon as it deserves. The only hope is for the international community to intervene in order to allow the two counties to reach amicable agreement over the dispute.

Challenges to the Kenya-Somalia Maritime dispute

The major challenge is the unstable government in Mogadishu which is faced with many rebel groups and warlords led by Al Shabaab and its affiliates (Anderson & McKnight, 2014). The country is divided on how to handle the Maritime dispute between Kenya and Somali because many Somali people live in Nairobi. Kenya closed flights from landing in Nairobi for three weeks from Somalia and the country almost collapsed making the international community to intervene for Kenya to open its airports.

The Maritime boundary disputes involved many actors other than Kenya and Somalia such as Norway, China among others. The Moi- Siad Barre agreement has been disputed by Somali Government arguing that by the time he was signing he was an unwanted dictator (AU, 2017). Kenya government has argued that agreements are agreements under legitimate government and must be accepted by both parties. The Somali state believes that the international community favours Kenya because of its strategic location in East Africa. The Somali state has many refugees still living in Kenya and is cautious in pushing the issue to higher levels of conflict. The Somali state is currently being helped in the South in the Kismayu region by almost 10,000 Kenyan soldiers keeping the peace there and sits vulnerable.

Conclusion

Confrontation over territory has since independence threatened diplomatic ties between Kenya and Somalia. The Shifta War, border disputes, and the on-going maritime disputes have and will continue to inform and shape the future relations of these two neighboring countries. This study sought to examine the genesis of the Kenya Somalia maritime disputes. The prospects of managing the maritime dispute and the challenges posed by the dispute. The study relied on primary data and review relevant literature on cases studies of maritime disputes that have been resolved or pending to ascertain the suitability of compulsory

adjudication and alternative dispute resolution mechanisms in resolving the impasse in the Kenya Somalia maritime disputes. We also analyzed the implication of ruling of the International Court of Justice on this dispute in line with prospects of peaceful resolution of the dispute. The major proposition of the study is that maritime dispute may be resolved either through numerous pacific methods of conflict resolution including judicial determination by the ICJ, bilateral negotiation, mediation, and through other diplomatic efforts and intervention of the regional body and the international community. However, Kenya and Somalia have reservation in either ICJ process or alternative disputes resolutions for a number of reasons based on individual state interest and suspicion of the either party.

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Chapter five

Border Disputes in the Horn of Africa: Sudan – Ethiopia Border Case

Faiz Omar Moh. Jamie

Introduction

This chapter explores the escalating border tensions between Sudan and Ethiopia in the context of the unfinished demarcation of borders in post-colonial Africa, and how some of the problems that faced the first regional body; the Organization of African Unity "O.A.U." were border-related. After looking at the history of the Sudanese Ethiopian relations, and the agreements of 1902, 1907, between the British colonialists and the Ethiopian Emperors regarding demarcation of borders, the chapter will engage in analysis on the social fabric in these borderland communities. Finally the chapter focuses on two disputed areas; the Fashaga border area, and Metema Gallabat border towns, reflecting on the dynamics of disputes in them, in the light of the Tigray rebellion in Ethiopia as an immediate environment in which border tension dramatically escalated leading to military confrontation in 2020-2021.

The historical pro - Eritrea position of Sudan, and the subsequent stimuli for Ethiopia to host the Sudanese rebel movements in the 1990s, coupled with the assassination attempt of the Egyptian President in Addis Ababa mid 90s, these

factors had profound impacts on bilateral relations, fueling the dispute in the border areas.

Background

Borders between countries are basis of international recognition of sovereign states. They developed over time through various treaties conventions and agreements, since the 17th century Westphalia peace agreement 1684 using maps and international treaties to define the territorial domains of kingdoms and empires. Westphalia marked the beginning of the era of the nation state and nationalism, and the birth of international relations where borderlands became borders and frontiers, between sovereign domains of an authority. In Africa we may recall the 1884 Berlin Conference which defined the lines that divide the spheres of influence of the European colonial powers on the African soil. The end of the First World War, and in particular the 1919 Paris Convention and Treaty of Versailles marked the apogee of this period. The Paris Convention drafted and confirmed the borders of the world's Empires and States.

When the O.A.U was established in 1963, one year latter it became necessary to convene Cairo Conference in 1964 to discuss border issues, declaring the most important decree AHG/Res.16(1) at the Cairo Summit that all member states pledge themselves to respect the borders existing on their achievement of national independence (Jamie 2019 p.14). For the last 4 decades, this OAU decree has maintained a “false peace” over border disputes, for although the resolution is apparently widely accepted and is frequently quoted, numerous border disputes have continued to happen between African states. The perspective of the African Union on this issue did not differ from the position of the O.A.U. however it declared in July 2002, calling on member states for strengthening of “existing confidence building measures through, among other means, annual border post activities, joint border patrols, joint border development and management, regular consultations amongst security agencies operating along the borders, joint training programs for personnel operating at the borders, including workshops and seminars to educate them on regional and

continental agreements on free movement of persons, goods and services and stabilizing measures for localized crisis situations for inter-state relations.”²

Conceptual Framework

These terms "border", "boundary" and "frontier" are used interchangeably. Borders define the sovereignty of a country, by determining its territory, and where its administration and jurisdiction ends, they also assign national identities. Nation-state's boundaries put people under one entity, define their lifestyles, national culture including language, destiny, privileges like right to vote, enjoy welfare benefits and certain rights denied to non-citizens (Wafula 2011).

A frontier is concerned with what is beyond the front, whereas a boundary is concerned with what is bounded. It is a concept that focuses on what is within the boundary line. In other words, what we have here are two important and different ways of understanding what a border is. The function of the frontier is to provide a zone of transition between two areas. The function of the boundary is to hold together land and people. Such varied understandings obviously impact borders, including contemporary border policies.

“International boundaries fix permanent lines, both geographically and legally, with full effect within the international system, and can only be changed through the consent of the relevant states. Such boundaries have important consequences with regard to international responsibility and jurisdiction.” (Shaw 1997).

Borders are imagined lines that are rarely demarcated on the ground, “demonstrating their nature as artificial, historical construction and alleged, political invention” (Brambilla n.d: 3).

Thus, what were originally called frontier zones, borderland, or even border regions, progressively became legal borderlines with representation as boundary lines on maps, and sometimes they even coincide with cultural or linguistic

² . Article 4 (2c) of the OAU Convention on the Prevention and Combating of Terrorism (of 1 July 1999).

frontiers. Therefore this chapter is going to use the term "border" as commonly used in scientific circles, rather than the term "boundary".

The literature on border disputes classifies border disputes into three categories (Emmanuel 2015):

- I. Territorial border disputes: include those threatening the very existence of a state.
- II. Positional disputes: are those that arise when two or more states agree on a border but cannot agree precisely on the delineation (in a treaty and/or on a map) and the demarcation (on the ground) or the delimitation (at sea) of the boundary line.
- III. Functional disputes: arise when a resource straddling the border is being developed and states struggle over the utilization of that resource. Both cases are understood to be functional border disputes, but in the second case, when neighboring states find it difficult to share a common natural resource straddling the international boundary line, the dispute can be called a resources dispute.

Traditional border-making processes are largely functions of state power, while the authority to sort people according to the degree of their belonging to certain ethnic, cultural, political, and social groups is embedded within society itself. The understanding of the process of boundary making varies from one scholar to another. One of these visions (Jones: 1945) explains the process as involving the following stages;

- 1) Political decisions on the allocation of territory, most probably based on the history of the land as perceived by the people inhabiting that land.
- 2) Delimitation of the boundary in a treaty mostly as a result of negotiation.
- 3) Demarcation of the boundary on the ground by a joint commission of the parties of the border.
- 4) Administration of the boundary by establishing systems to manage movement across the border.

These stages may sometimes overlap. However as earlier indicated other visions may exist depending on how each individual scholar approaches the process.

Currently there are border disputes nearly all over the world. Indeed, one of the characteristics of Post-Cold War era – one which coincided with the emergence of the discourses of “borderlessness” and nation-state decline – has been the drive for national self-determination in many parts of the world. The number of states around the world is expanding more or less on annual basis, alongside the fact that new borders and new sites of border disputes emerge. These types of disputes often happen between neighboring countries with shared communities on both sides of the border; more often than not these disputes were taken to the U.N. to resolve them. The primary tool of the U.N when it comes to border disputes is the International Court of Justice (ICJ), which was established in The Hague in the Netherlands in 1946. The jurisdiction of the Court the I.C.J. is to decide on all disputes or disagreements between U.N. member states in accordance with international law.

States view borders as a reflection of sovereignty and of ensuring national identity, hence considered as means of advancing state political interests, through different mechanisms such as custom/tax duty collection, border management, defense stations and so forth, therefore ultimately the focus is on the physical (territorial) border, whereas, communities at the borderlands view borders as more socially and culturally constructed, than physically demarcated on the ground by state authorities. Therefore for communities the perception of the border is dynamic depending on opportunities they provide. When there is security problems posed by the border, the local community’s view of the border shifts closer to the state’s view of a (physical territorial) border.

The contrast here is between securitization of borders, making them as hard and tight to serve control and efficient management of movement, in the form of concrete walls, barbed wires, virtual fences or even mined fields, on the one hand, or else making them soft and easy to cross, to serve the economic exchange and integrated co-existence of borderland communities, on the other. However the growing use of military equipment and technologies (such as cameras, sensors, radars) as a quickly developing tendency in fencing borders, is worth noting.

Border Disputes in the Horn of Africa

Generally speaking the Horn of Africa comprises countries and nations whose cultures have been linked throughout their long history in the distinct location in the North Eastern part of the Continent, including core countries of the Horn; Djibouti, Eritrea, Ethiopia and Somalia, and the peripheral countries of the Horn; Kenya, Sudan, South Sudan and Uganda. Reference is sometimes made to Somalia and parts of Eastern Ethiopia as the Somali Peninsula.³

Borders between African countries owe origin to Berlin Conference 1884, in which European colonial powers divided the Continent on the map between them. That division was meant to observe the interests of those colonial powers, which latter on came to be known as "Arbitrary partitioning" of the continent to use the term coined by Asiwaji. In the words of lord Salisbury then-British Prime Minister of the effects of Europe's infamous Scramble for Africa, :

“We have been engaged in drawing lines upon maps where no white man's foot ever trod; we have been giving away mountains and rivers and lakes to each other, only hindered by the small impediment that we never knew exactly where the mountains and rivers were.”⁴

Causes of current border disputes in Africa emanate from various factors, notable among them are;

- Improperly delimited and demarcated inherited borders from the colonial powers
- Inefficiency by the post-independence national governments to correct these colonial situations.
- Poor border administration and management systems whereby governments could control entry and exit of people and commodities in the light of the ever-increasing growth of populations' rates.

³ . Horn of Africa | Countries, Map, & Facts | Britannicam

⁴ . for more on that see : ASIWAJU, A.I. (1985): “The Conceptual Framework.” In: Partitioned Africans, ed. A. I. Asiwaju. New York: St. Martin's Press, 1-18.

Having said that a new set of factors is emerging adding new challenges and complexities with the discoveries of mineral wealth in the borderlands and frontiers (Wafula: 2010), providing conditions for more inter-state conflicts to rise.

In the Horn of Africa outright war took place between Ethiopia and Eritrea over their boundary in 1998 in Badme area, and the failure to demarcate it. Seven years later not far from that; in 2008 another border incident broke out between Eritrea and Djibouti. Kenya and Uganda disputed over the ownership of Migingo Island in Lake Victoria in 2009. Border problems between Uganda and the Democratic Republic of the Congo (DRC) over the oil-rich Lake Albert region, all indicate that border disputes are on the rise. The evident Somali nationalism in the region in the light of the border dispute between Kenya and Somalia is another area of tension within Kenya. The Ethiopian region populated by Somali communities is and was suspected for harboring irredentist movements, where the Ogaden National Liberation Front (O.N.L.F.) is posing security threat on Ethiopia fearing to have links with Islamist militias in Somalia. Currently, Kenya and Somalia both claim about 100,000 square kilometers off the coast of East Africa in the Indian Ocean. Kenya claims the area as part of its border demarcation for the last 100 years, has already given oil and gas contracts to companies in the area. However, if the International Court of Justice rules in favor of Somalia, the result would automatically shift the borders of Kenya, hence creating new disputes with Tanzania.

Border problems between Sudan and newly independent South Sudan after 2011 are numerous; there are more than 6 disputed border areas between these two countries, most important of them is Abiyei triangle where the Messairya and Dinka Nkock communities co-exist for so long before secession between Sudan and South Sudan. Abeyi issue was taken up to the International Court of Justice (ICJ), which re-drew the map of the triangle, giving the disputed area which includes oilfields to the Sudan.

The pattern of border disputes in the region since the early-2000s has been for insurgencies and military interventions to spark vicious sub-regional wars (as in Darfur and, and the Ethiopian-Eritrean proxy war in Somalia) instead of the large multi-sided wars of the 1980s and 1990s. Further, the civil war of South Sudan in 2013 was followed by a degree of regional support to the government,

which formed the basis of an eventual rapprochement between Sudan and Uganda after decades of tensions.

Apart from those disputes, border security as an issue has been the main focus in border relations throughout the region for long. Phenomena like cattle rustling, drug and human trafficking, illicit arms trade, and lawlessness in the borderlands are not uncommon in the region. These security vacuums are almost common in many Africa countries; where the penetration of the state is weak as you move from the center towards the peripheral areas in the borderlands. Therefore most secessionist/rebel movements launch their activities from these peripheries.

The most recent border dispute in the Horn has been the intervention of Eritrea, which has begun occupying parts of Tigray in northern Ethiopia and is issuing Eritrean ID cards to residents⁵, The other border dispute that concerns this paper most is the Ethiopian territorial claims on Sudan's Fashaga region, and the dramatic escalation to the level of military confrontation between them. Sudan Ethiopia dispute produced side effects in other areas within Ethiopia in Benishangul Gumuz areas inhabited by citizens who believe they are of Sudanese origin.

Within Ethiopia, Abiy Ahmed (Prime Minister) has supported the Amhara Regional State's annexation of parts of Tigray State. Taking note of the internal problems in Ethiopia, Djibouti recently announced its intention to exploit the Awash river in Ethiopia. At the same time, Ethiopian politicians are publicly making irredentist claims on Eritrean territory. Finally, Somalia and Kenya have exchanged threats over contested maritime space indicated earlier. This rising pattern of disputes in the Horn of Africa is indicative of potential conflicts in other border areas. Territorial demands are normal so long as they are made through legal means, what is unusual is a recent trend of states trying to take over territory by force in order to create *a fait accompli*. This could lead to multiple effects, where the incident of one actor's breach of the norm of territorial integrity, encourages other to follow suit.

⁵. The tripartite alliance destabilising the Horn of Africa | Abiy Ahmed | Al Jazeera.

The history of the Sudanese Ethiopian Border scheme

Sudan and Ethiopia are the biggest countries in the Horn region. The border between them extends 744 km length, from the Eritrean border down to the order with South Sudan. Moreover Ethiopia is the most populous country in the region with more than 100 million citizens, whereas Sudan "before secession of South Sudan" was the biggest country in Africa in terms of area. The contrast is that population-wise the Ethiopians are more than double the Sudanese who are not more than 40 million. The Sudanese are mostly Muslims, whereas the Ethiopians are mostly Orthodox Christians.

As from the Eritrean border with Sudan up to the Blue Nile River the international border makes a genuine ethnic as well as religious divide between Sudanese and Ethiopians, where major tribes live far off on both sides of the border except some border settlements. Apart from that the border from the Blue Nile River down to Ethiopia's border with Kenya, close to Beni Shangul Gumuz, Gambella, numerous tribes live on either side of the border (Young 2007: 17).

The contested border was drawn up when Sudan was under British rule in the 1900s without the participation of Ethiopian representatives. In line with this, Charles Gwynn⁶ a British/Irish explorer and royal engineer surveyed and demarcated the Ethiopia-Sudan border on behalf of the British Empire. That demarcation in the absence of Ethiopia was in fact a unilateral action. However in 1902 the Emperor of Ethiopia signed a treaty with the British over its border with Sudan. This treaty was territorially advantageous to the British, granting Gambella to the British and guaranteed the British's hydraulic interests at Lake Tana (Ibid). The 1902 treaty was part of a series of treaties between Britain, Ethiopia, and Italy to delineate the border area between Sudan, Ethiopia, and Eritrea. However up to date; the border is the cause of periodic tension between Sudanese and Ethiopian borderland people. The later treaty of 1907 was a separate treaty that concerns the southern parts of Ethiopia stretching down to Kenya.

⁶. Sir Charles William Gwynn served as a military intelligence officer in Anglo-Egyptian Sudan.

Following independence from British colonial rule in 1956, Sudan supported the armed opposition groups fighting against Ethiopia/Haile Selassie starting from 1964; the "Eritrean Liberation Front" and "Eritrean People's Liberation Front", both movements used the borderland of Sudan as bases for their military and political activities. Frustrated by the this support from Sudan the government of Ethiopia, in response extended support to the rebel movement in Southern Sudan known as " *Ana Nya* ", which waged the first civil war in Sudan (1955 to 1972). As Young (2007: 17-18) said,

“Support from the Sudanese state usually followed a pattern: when relations between Khartoum and Addis Ababa were positive, or there was an effort to improve them, support would decline, only to be resumed when relations deteriorated or Khartoum wanted to send a message to its neighboring regime.”

Starting from 1972 after conclusion of Addis Ababa Agreement between Government of Sudan and the rebel Movement "Anya Nya", until the mid-1980s relations between Ethiopia and Sudan were generally good. To the extent that Sudan in 1975 upon request from Ethiopia (Faiz 2019), tried to mediate the conflict between the Eritrean rebel movements and the Ethiopian government. However, when the Sudan People's Liberation Army (SPLA), based in Southern Sudan launched in 1983 the second round of “Second civil war” challenging the central government of Sudan, with evident support from Ethiopia, the relations between the two governments once again deteriorated. In the post-1972 period both governments exchanged notes to settle the still open border demarcation disputes, but it seems without success.

The assassination attempt of the Egyptian President Mubarak in Addis Ababa 1995 was a landmark in the dramatic decline of Ethio-Sudanese relations curve, following attacks by Sudan on the Banishangul (largely populated Muslim area), believed to be of Sudanese origin (Young 1999). In fact Sudanese NGOs are believed to be extending assistance in these areas. In response Ethiopia opened borders to Sudanese opposition, not only that, but between 1996-1998 Ethiopian Peoples's Revolutionary Democratic Front (EPRDF) trained and supplied some 10000 SPLA fighters in South Ethiopia (Ibid.). By then the Sudanese civil war in South Sudan was intensifying, Ethiopia was heavily involved in supporting John Garang leader of the (SPLA) Sudanese rebel

movement against Government of Sudan. Before that forces of the Derge captured twice the border towns of Kurmuk and Gaisan and handed them over to SPLA in 1987-1989.

Ethiopia and Sudan entered into border demarcation negotiations in 2008. The demarcation process consisted of technical experts and representatives from the governments of both countries. Nevertheless, the demarcation process failed mainly due to the neglect of local stakeholder's and people's resistance against the demarcation process. In line with this, the African Union Border Programme (AUBP, 2014) which states that undertaking a programme to sensitize the local population is one of the important phases of border demarcation. This is in fact common sense that those who live in borderlands should be part of any process concerning the border, because they are the primary stakeholders and beneficiaries of it.

In the post-2018, the two countries experienced dramatic political developments; as power transition took place in Ethiopia 2018, bringing Abiyeh Ahmed as Prime Minister, the Sudanese forced President Omar Al-Bashir who ruled Sudan since 1989 to step down, bringing to power a mixed civilian-military regime. Not too long before the optimism that a more pluralistic form of governance by civilians would take root in both countries, Sudan's military and paramilitary forces became partners of the new regime, casting doubt on the civilian nature of the regime, whereas in Ethiopia growing tensions between the new administration and its former rulers — the Tigray People's Liberation Front (TPLF) — led to fears of civil war, as disorder spilled-over to several parts of the country, leading eventually to the military confrontation between the federal government and the Tigray Region. These internal dynamics in both countries have negatively impacted bilateral relations; it seems both countries have "externalized their internal problems" to use Ali Mazrui words. All of a sudden a decades-long border dispute broke out leading to military confrontation between both countries, in concurrence with mounting disagreements over Renaissance Dam second filling talks, in which Egypt is a third party.

The pattern of border disputes between Sudan and Ethiopia are over land use rights, Sudan has sufficient arable lands for its citizens who are less than 50% of the Ethiopian population, whereas Ethiopia experiences deficiency in arable lands for its population who are double the size of the Sudanese. Therefore it

goes without saying that, scarcity of arable land coupled with over-population are behind factors triggering border conflicts between the countries as we shall see in the following two borderland cases. The two cases reviewed below are resource-based conflicts, over arable lands. The first case is Metema Gallabat area which is an agricultural area where Sudanese and Ethiopian farmers experienced disputes over farmlands. The second case is Al-Fashaga area which is a fertile land, like a peninsula, between Sitet/Tekezi and Atbara rivers, with Pazlam river flowing to meet Atbara forming Fashaga Minor,

Metema Galabat Border Towns

Metema district belongs to the North Gondar Zone, of the Amhara National Regional State in Ethiopia, close to Gallabat town in Gedaref State, Sudan. The main economic activity on both sides of the border is agriculture; Sesame, sorghum and cotton, as the main crops being produced by local farmers and investors. While cross-border trade is widely practiced along many areas of the Ethiopia–Sudan border, it is practically concentrated in and around Metema woreda⁷. Noneless the livelihood of the surrounding areas is predominantly based on agriculture.

In Metema Yohannes⁸ town the international border between the two countries is assumed to be Amira River and the bridge over it. This bridge is the only official border in which the two countries' customs and revenue offices are located. The Ethiopian borderland residents in Metema Yohannes town accept Amira River and the bridge as the border. It is worth noting that Metema Yohannes and Galabat towns are closely linked by common economic interests.

In spite of the fact that each side acknowledges the border, more often intended or unintended greed arises when it comes to land use rights, between Sudanese and Ethiopian farmers and investors. Lands claimed by Ethiopians in one farming season might be claimed and farmed by Sudanese during another season. This reinforces what we have earlier indicated that communities'

⁷ . woreda means district, "Metema Yohannes became a town administration in 2015 after being governed for many years as a kebele under Metema woreda".

⁸ . Yohannes is an Ethiopian Empror who died in Metema fighting the Sudanese Mahdist forces.

perception of a border depends on the opportunities they provide, and they are socially constructed, rather than physically demarcated by state authorities. Not only that, but some research has found out that in the minds of ordinary citizens borders may change:

".....during the reign of Emperor Haile Selassie I (1930-1974) the historical Ethio-Sudan border in the southern part of Metema Yohannes town had been Basonda. It lies 40 kilometers inside Sudan from the present contested border. In this regard, a farmer informant, Lingerh Tadesse argued "I clearly know the custom point in Basona during the time of Emperor Haile Selassie. However, at the present it is Sudanese town"⁹.

That has led to some instances where conflicts necessitated intervention of military forces.

In 2014, a place called Nefs Gebiya, along the Ethio-Sudan border, was occupied by a Sudanese military force. At that time many farmers and other dwellers asked Metema (Woreda) district authorities to provide them with military support to counter the Sudanese force, but the Ethiopian officials refused by saying it would be resolved through diplomacy. Later on a Sudanese military force again occupied the same place on July 3, 2018 and farmers and other people in Metema Woreda face off the Sudanese military force who eventually withdrew from the area (Eyilet, Temesegen& Senishaw, Getachew 2020). This is understandable in the light of the support of the Amhara Militia "Shifita" and the protection they provide for the Amhara farmers in Al-Fashaga. Metema town is a transit town for human trafficking and or migration to Sudan. Therefore, the town attracts investors, agricultural laborers, brokers, migrants and traders. Migration across the Ethiopia–Sudan border at Metema is dominated by two broad sets of movements;

- First: the agricultural seasonal workers, mainly from northern parts of Ethiopia, who migrate to work on the commercial farms of eastern Sudan, especially around Gedaref.

⁹. This appeared in a survey by (Eyilet, Temesegen& Senishaw, Getachew 2020), who interviewed many Sudanese and Ethiopians in the borderland p.15.

- Second: those who cross the border legally or illegally into Sudan with the aim of reaching Khartoum as transit station for migrants from all over Ethiopia, as well as for some Eritreans and Somalis.

As for those involved in smuggling and trafficking in Metema town they keep their clients, or victims, out of sight, particularly from the security forces, by placing them in 'safe houses'. House owners on the outskirts of Metema benefit from this by renting out rooms to brokers, who use them to lock migrants up while they wait to cross the border (Research and Evidence Facility 2020).

One final remark is necessary for the people who actually live on the border, there are strong cross cultural and economic engagements between communities in both towns Metema and Galabat. The two border communities have a long history of intermarriages and shared cultural and social interactions. Socially, problems are attributed to 'outsiders', the "Mofer Zemet" farmers who cultivate unoccupied lands, the "Saluge" seasonal agricultural workers, and the recent waves of migrants and commercial sex workers (Lief Manger et al 2019).

The Fashaga Dispute

Al-Fashaqa, is an agricultural area that lies between two rivers (Atbara and Sinit rivers), where Ethiopia's north western Amhara and Tigray regions meet Sudan's eastern Gedaref state. The area is so rich in both fertile lands, and abundant water resources. Three rivers flow from the Ethiopian highlands towards the area making two peninsula-like areas, Al-Fashaga minor which lies between Paslam river and Atbara river, and Al-Fashaga mainland lying between Atbara river and Sinit/Takazi river¹⁰.

The dispute over this area among others, owes origin to the very colonial demarcation discussed earlier. The area is believed to provide the Ethiopians with an opportunity of fertile plain/flat land, whereas mainland Ethiopia consists mostly of highlands and plateaus, with obvious scarcity of arable lands, unlike Sudan which is characterized by abundant cultivation lands. However according to colonial-era treaties from 1902 the international boundary runs east of Al-

¹⁰. Field visit by the researcher in June 2021 covering both Gallabat and Al-Fashga areas in project to raise the capacity of hosting societies to support Ethiopian refugees from Tigray region.

Fashaqa, meaning the land belongs to Sudan. At the borderlands people who live there have their own measurements for the borders, one Ethiopian living there once mentioned;

Alemu Zewdu “when we see a mountain we claim it as Ethiopian land and when the Sudanese see a flat land they claim it as their own.”¹¹

Despite the fact that there are other disputed areas between the two countries¹², Al fashaga has continued to be a source of periodic tension over several years, particularly when thousands of Ethiopian (Amhara) farmers crossed the border in search for fertile lands to cultivate, since the 1950s, but their infiltration rose remarkably in the post 1995 period, following assassination attempt of Egyptian President Hosni Mubarak. The belief is that they were protected by the "Shifta", which is an Ethiopian para-military force belonging to Amhara people. However following years of negotiations, Ethiopia recognized Sudan's sovereignty over Al-Fashaga in 2008, but Khartoum in spite of that allowed Ethiopians to farm on its land¹³.

The surprise is that this border dispute in Al-fashaga has intensified dramatically following changes in regimes in the two countries. Deterioration of relations was unexpected in the light of Ethiopian Prime Minister facilitation, on behalf of IGAD, of successful mediation between partners of political change in Khartoum. Two factors have emerged to make this sudden change in the nature of the bilateral relations;

- First the perception of the new regime in Khartoum; that the border dispute has been compromised by Al_Bashir (previous) regime, in exchange for softening the position of Ethiopia to downplay the declared accusation of Sudan on the assassination attempt of Mubarak.
- Second the sudden change in the position of Khartoum over the Renaissance Dam issue, in agreement with the Egyptian hard line view against the Dam.

¹¹ . Ibid. page 14

¹² . The disputed border comprises areas east of Atbara river, in localities of Alquresha, Eastern Gallabat, parts of Alfashaga, and a slender of Basunda locality north of Gallabat town. All of these areas are south of Tekeze/Sitit river, which is an internal boundary between Kassala and Al Gadaref States.

¹³ . <https://english.ahram.org.eg/News/398731.aspx>, Haitham Nouri, Wednesday 13 Jan 2021.

In the light of these developments, it is perhaps not surprising that they lead to the escalation in 2020, up to military confrontation, between the two countries, simultaneously with the clashes in the Tigray area in Ethiopia between the Federal government and the Tigray Region authorities; the incident that drove some 60 000 Ethiopians who became refugees into Sudan. The confrontation in the Fashaga could not be isolated from the Ethiopian Tigray dispute. The belief is that Sudanese authorities benefitting from the involvement of the Ethiopian Army in the Tigray region drove into Al-Fashaga to liberate/regain it from Ethiopia.

Sudan went as far as trying to strengthen/develop diplomatic relations into military cooperation with Egypt. This month (May 2021), top Egyptian and Sudanese army officials signed a deal on bilateral military cooperation "Joint Defence". Egypt, which depends on the Nile for about 97% of its irrigation and drinking water needs, sees the dam as an existential threat; therefore it does not reserve any effort to secure the support of Sudan on its side.

Location of Al-fashga in the Border between Sudan and Ethiopia



Source: Woldemichael, Shewit (2021), *Ethiopia Sudan border must be de-escalated*, Institute for Security Studies, Addis Ababa.

Conclusions

This chapter has attempted to explore the border tensions/conflicts between Sudan and Ethiopia who share relatively long border more than 744 km long after secession of South Sudan, however it used to be more than 1700 before 2011 date of secession. These tensions vary from military confrontations to tensions between farmers, human trafficking, illegal migration.....etc. For the two countries authorities; the issue is about border demarcation to define and support sovereignty, whereas for the people in the borderlands borders are socially constructed depending on the opportunities they provide or the risks they generate.

Generally speaking these border conflicts between the two countries could be classified as resource-based conflicts as they are obviously over agricultural land use rights. Sudanese territories are characterized by abundant arable lands with low population density, whereas Ethiopia is characterized by highlands and plateaus not suitable for cultivation with high population density. These common features apply in both cases reviewed in Al-Fashaga and Metema Galabat areas. In the light of the contested demarcation during the British colonial period in 1902, both sides held a series of talks and exchanged notes to settle these disputes 1972, 2008, 2019.....etc.

Despite the fact that both; the Sudanese army and the Ethiopian para-military forces "The Shifra" have intervened in many cases before, in the border area, the difference in the recent (2020) Al-Fashaga dispute is that it looked like a declaration of war between the two countries. Political instability in both countries; the newly established transitional government in Khartoum, amid profound economic political and security crises, and the new regime in Ethiopia led by Abiy Ahmed who faces opposition from the Tigray region and more or less his brethren the Oromo region and other places, these analyses interpret the too fast escalation in Al-Fashaga border dispute as an externalization of internal problems, on the part of both countries.

This scene is further complicated by the on-going negotiations over the second filling of the GERD in Ethiopia (scheduled in June 2021). The complication here emanates from the sudden change in the position of Sudan from a mediator between Egypt and Ethiopia over the issue of the Dam itself, to a hostile party close to the Egyptian position against Ethiopia. This sudden

change coincided with the overthrow of Al-Bashir regime in Sudan, and the coming of Abiy Ahmed to power in Ethiopia. In fact Sudan has border problems with both Ethiopia and Egypt (Halaib Triangle occupied by Egyptian Military Force North Eastern border of Sudan). The view of Sudan was necessarily influenced by the war in Tigray, which forced more than 50000 Ethiopian refugees to cross the border to Sudan. The understanding is that the military authorities in Sudan opted to seize the opportunity of the involvement of the Ethiopian army in the war in Tigray to regain Sudanese border territories from the Ethiopians that has successfully happened in the current year 2021.

Not only has the Sudanese changed their role as mediators in the Dam conflict, they went as far as concluding military cooperation with the Egyptians, which could easily be understood as an alliance against Ethiopia. Of course that has a lot to do with the border conflict, because by the time the Sudanese army was in the front line in Al-fashaga, military maneuvers were launched between the Sudanese and the Egyptians in many places and cities, including eastern Sudan not far away from Al-Fashaga. The interpretation of that explains the two-fold rationale behind these maneuvers;

- First to raise the morale of the military forces in the front line against the Ethiopians and,
- Second sending a message to Ethiopia to take note and a full understanding of the situation in the light of the "joint defense" military agreement with Egypt, as a classical enemy of Ethiopia.

The role of the "Shifta" which the Sudanese perceive as para-military force or militia in these border disputes is more real than apparent. The term "Shifta" is commonly used in the Horn countries and Tanzania for rebel or outlaw bandits. However in the context of the Ethio-Sudanese border issues they serve as protectors for the Ethiopian farmers in the disputed areas, nonetheless they seem independent of the Ethiopian army. But one can conclude that it is a local armed force backed by the Ethiopian army. The Ethiopian farmers benefited from their services in attacking which ever areas in the border they target, indirectly pushing the Sudanese farmers to leave the borderlands for other areas in search for security. It seems the Sudanese authorities took note of that, before deciding to remarkably enhance military presence in these areas, consequently leading to the military campaign to regain Sudanese territories utilized by Ethiopian farmers.

The existence of Ethiopian farmers used to be with the consent of the Sudanese authorities, but when the Ethiopians did not appreciate that, with the assistance of the Shifta; attacking villages, kidnapping of persons, grapping of arable land by force (Sudan Tribune, 18 January 2021), the Sudanese decided to clear that out, once and for all.

Border tensions between the two countries were not necessarily associated with territorial disputes only, secondary factors exist; as the elections in Ethiopia are approaching. The Fashaga area is claimed by the Amhara who are supporting Abiy Ahmed in the upcoming elections scheduled in June 2021. It goes without saying that Abiy Ahmed will not reserve any effort to support their cause in Al-Fashaga, on the other hand it seems the Sudanese being aware of that, are doing their best to reinforce their presence in the area militarily, with unseen Egyptian support. The paradox is that Egypt is currently occupying the Sudanese Halaib Traingle militarily, doing all possible actions to Egyptainize civilian life for the people; using Egyptian currency, issuing IDs, building schools, electioneering procedures,...etc. It looks the Sudanese may be following this Egyptian pattern in Al-Fashaga.

Endnotes:

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- . Sir Charles William Gwynn served as a military intelligence officer in Anglo-Egyptian Sudan.
- . woreda means district, "Metema Yohannes became a town administration in 2015 after being governed for many years as a kebele under Metema woreda".
- . Yohannes is an Ethiopian Empror who died in Metema fighting the Sudanese Mahdist forces.
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- . Ibid. page 14
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Chapter six

Challenges of Transition from Military to Civilian Rule in the Sudan

Redie Bereketgab

Introduction

The Sudan has a long and rich history of deposing military regimes through spontaneous popular uprising, long before the so-called Arab spring. Three major uprisings occurred that successfully led to the overthrow of military leaders. The first was in October 1964 where massive street demonstrations forced then military leader General Ibrahim Abboud who came to power through military coup in 1958 to resign (Berridge 2015). Following Abboud's resignation a civilian rule was briefly installed. In May 1969, however, a second military coup supported by the Sudan Communist Party (SCP) took place, which brought to power Lt Gen Gaafar en-Nimeri who ruled the country for sixteen years. En-Nimeri was overthrown by the military following massive popular uprising in 1985 (Fluehr-Lobban 2012, Sorbo and Ahmed 2013, Johnson 2011, Ryle 2011, Holt and Daly 2011). The military, this time, kept its promises that it took the action on behalf of the people and within a year transferred power to an elected

civilian government. The fall of en-Nimeri paved the way for civilian takeover but it did not last long. The civilian rule did only last three years. The military led by Lt Gen Omar Hassan Ahmed el-Bashir and supported by the National Islamic Front (NIF) carried out a coup, that brought to power the Islamists. Dispute between el-Bashir and Hassan el-Turabi, ideologue and leader of the Islamist movement, led to split and formation of Popular Congress Party led by the late el-Turabi and National Congress Party led by el-Bashir. At the core of the popular uprisings have always been youth, students, trade unions, professionals and women. Another characteristic idiosyncrasy of Sudan is a well developed civil society associational life.

The NCP led by Omar al Bashir, following four months of continuous mass demonstrations and strikes, was overthrown by the military on 11 April 2019 (Sudan Tribune, 16 August 2019, ICG 2019). The next day a Transitional Military Council (TMC) consisting of the army, the Rapid Support Force (RSF) and the National Intelligence and Security Services (NISS), took over power as the new authority ending thirty years rule of el-Bashir. Gen Abdul Fattah el-Burhan, chair of the TMC, became head of state. The TMC that claimed took the coup in response to the wish of the people was reluctant to engage in genuine negotiations with the coalition of Forces for Freedom and Change (FFC) that led the uprising since 19 December 2018. The demand of the demonstrators and the FFC was immediate transfer of power to a civilian government. Despite its claim of conducting the coup d'état on behalf of the people, the TMC resisted the demand of surrendering power to civilians that led to protracted negotiations, mediations and bloodshed. Massive international (AU, UN, EU and USA) pressure, following a June 3 2019 massacre, however, compelled the TMC to relent. Finally, a power sharing agreement was signed, on 17 July 2019, followed by Constitutional Declaration, on 4 August, and a signing ceremony on 17 August. It was agreed that the transitional arrangement would last for 39 months that will be concluded by election in 2022 (ICG 2019). Accordingly, three organs: Sovereign Council (SC), Council of Cabinet of Ministers (CCM) and Legislative Council (LC), to oversee the transitional period, were established. A former United Nations Economic Commission for Africa (UNECA) employee and economist, Abdalla Hamdok, was selected as prime minister to preside over a transitional government dominated by the FFC

(Sudan Tribune, 16 August 2019). The CCM and LC was supposedly to comprise civilians. The CCM would consist of technocratic elements. The Hamdok government immediately began a painstaking negotiations with multitude of political as well as armed opposition groups. The main armed groups included: factions of SPLM-N (Sudan People's Liberation Movement-North) and the various Darfur armed factions. The involvement of political opposition and armed groups complicated the transition process and led to the coup of 25 October 2021. El-Burhan has promised that the military will give up power when the transition period is completed and a national election conducted.

The central question the chapter seeks to address is why, in spite of long history of mass uprising against military takeover civilian rule has never taken roots in Sudan. Would this time civilian rule take roots? The chapter seeks to analyse a number of factors and conditions that facilitate the success of popular uprising as well as failure of the entrenchment of civilian rule in the past. Such factors include structural, actors, issues and external interventions. The chapter comprises six sections. The first section introduces the article. The second section analyses factors that hamper civilian rule from taking roots. Section three analyses the current popular uprising and the change in progress. Section four analyses the interim authority arrangement represented by three councils. Section five examines the possibilities for civilian rule taking roots this time. Section six provides concluding remarks.

Why Civilian Rule Failed to Take Roots in Sudan

Sudan had a long tradition of removing military dictatorship through popular uprising, long before the so-called Arab spring of 2011 that deposed many dictators in North Africa (Berridge 2015). In spite of the successful popular uprisings that brought down military regimes however civilian rule never took roots. Civilian rule could only reign for a very brief time span (Sorbo and Ahmed 2013: 5, Biel 2010: 35). The question is then why civilian rule never took roots. Socio-political changes and maintenance of momentums that ensue the changes certainly depends on a number of factors. Social scientists always predict failure

or success, based on certain indicators that a change is, either, on the corner, or belongs to a distant future. Another challenge, once change is midwived, is ensuring its sustainability. Sustainability has always been the problem of civilian governments in Sudan.

Theoretical predictions or conjectures are predicated on observations and rigorous interrogations of objective factors and structures. A complete and successful change requires convergence of objective and subjective factors. The interplay of complex factors and structures may facilitate or impede changes. The factors that drive or impede changes could include: (i) social structures, (ii) social actors, (iii) issues (iv) external interventions. Structural factors are political, economic, social, cultural, power relations, state and nature of the state that are more or less entrenched. These could either facilitate or impede transformation. They could lead to change or hamper one that already is set in motion, which in effect abort the pregnancy of transformation. A successful transformation would therefore require a capable and matured actor or cluster of actors that translate ripe objective condition to fruition. Actors will include political parties, army, communities, cultural and religious elites, individuals and CSOs. Actors maybe prepared to instigate a transformation or midwife it depending on the state of maturity of objective factors. A balance of power between incumbents and opposition would finally determine the outcome. Issues or problems will include such as wars, economic and political crisis, poverty, corruption, sectarianism, nation building and state building, inclusion/exclusion, nature of the post-colonial state. Issues would determine the conviction, commitment, readiness to pay the ultimate price; are they worth fighting and dying for. The deep slump of the economy that sparked the 19 December 2018 mass uprising is a good illustration of significance of an issue in mobilising people. The economic downfall was so grave that people were ready to pay their life for, in order to bring a different political economy order in the country. It is when these qualities are in place that pregnancy is delivered to a healthy baby. Nevertheless, it is not rare that a foetus is born still and popular revolutions are hijacked by armed forces. External intervention could also sway the balance of power impelling the outcome one way or the other. External intervention could come from the neighbourhood or far away. The role of external intervention is oftentimes double edged. A popular uprising on threshold of success could be abruptly

squashed due to external interveners who have stake in the country. Or, interveners who feel incumbents could not accommodate their interest in the country may midwife the change. It is believed that the abandoning of Saudi Arabia and United Arab Emirates of the Omar el-Bashir government contributed to its downfall (Abdelaziz, Georgy and El Dahan 2019). Externally midwifed change, however, could lead to spiralling conflict as the case of Iraq and Libya demonstrate (Campbell 2013, Hinnebusch 2007). Moreover, such change may not address the people's grievances. A combination of several of these factors would then help us understand, interpret, explain and analyse changes or lack thereof, most of all why civilian rule failed to take roots in Sudan.

It is abundantly clear that socio-cultural realities dictate the plausibility or implausibility of occurrence of a change. Sudanese culture and social structure is highly liberal. Liberal socio-cultural predispositions may have disadvantages, which may partly explain the failure of civilian rule taking roots. Initiating change is one thing while sustaining it is another. If forces of change relax and lean back once they achieve their primary goal, the risk of reversal is great. Maintaining changes requires social cohesion, discipline, organisational rigour and persistence. The lack of these characteristic features might therefore have prevented Sudan to uphold and entrench civilian rule. Throughout post-colonial period, every popular uprising was succeeded by much longer military rule. This may indicate the reality of socio-political forces and mass movements that always had the courage to rise against military dictatorship but lacked the tenacity to maintain their gains.

Military takeovers are often encouraged by the general populace. The reason for this is the inability of the political parties to engender real change or maintain the benefits of the change in which the general populace is the beneficiary. The traditional political parties have proved themselves repeatedly that they are incapable to deliver public services that compel the population to turn to the military (Berridge 2015). Perhaps two factors loom large for the inability of the traditional political parties to be champions of change. These are sectarianism and pervasive and chronic corruption. The main traditional political parties: the Nationalist Umma Party (NUP), the Democratic Unionist Party (DUP), the National Islamic Front (NIF), and the Sudan Communist Party (SCP) represent specific section of society. While the NUP and DUP derive their social base from

specific sectarian section of the society, the NIF and SCP derive their social base from religious and political ideological source, respectively. The DUP and NUP are simply family-based political parties. Moreover, the NUP, DUP and NIF have accumulated huge wealth through corruption and extraction of national resources of the country; therefore, they could not represent the interests of the general population. Those marginalised peripheries and economically disaffected sections of the Sudanese society have revolted against civilian regimes led by the NUP, DUP and NIF/military. The disillusionment of the population with traditional parties led government had been one of the reasons why military regimes keep taking over power usu-ally in a bloodless coup.

Some believe if civilian rule is to get chance to take roots, the immediate thing to be done is to dismantle, the structures and institutions of the Islamists infused in society (Ali 2019). In addition, the demise of the conservative and sectarian traditional parties, particularly, the National Umma Party (NUP) and Democratic Unionist Party (DUP), would boost democratic representative civilian rule. These dynastic parties presided over by octogenarians have not only stagnated but also have become impediment to political innovation in Sudan because the ideology they represent is divisive and reactionary. Therefore, the emergence of new modern political forces is necessary to curb the temptation as well as incentives for the military to takeover power.

In addition to the nature of the traditional political parties, there is also the nature of the state. The colonial ontological origin of the postcolonial state compounds the predicament in Sudan. The colonial construct of the state poses two problems. The first is the state never succeeded to be representative in which the multi-ethnic communities are properly and adequately represented, and they would feel the state belongs to all of them. The second is the very colonial construct allowed the state to be appropriated by a small group, the main being the military and the traditional sectarian elite. These two elites alternated in assuming state power, power that never evolve into popular democratic one. Therefore, any popular struggle aiming at a democratic state dispensation should necessarily be directed against the two elites that have dominated the postcolonial period. The postcolonial state not only became foci of contestation but also its defining feature became crisis. This crisis is the outcome as it is the source of deficiency of state legitimacy.

The state crisis, ostensibly, affected another dimension of societal construction, notably nation building. The most central and important epic of the crisis in Sudan is the flawed nation formation project. The incomplete project of nationhood and common national identity that engenders the will to live together is the principal factor for the continuous wars and conflicts in Sudan (Deng 2010, Harir 1994, Leach 2013, Ryle, John, et al. 2011). In multi-ethnic societies, nation building demands a careful tailoring where a balance between the ethnic and civic identities is struck (Bereketeab 2014).

The 2019 Uprising and the Changes Not Yet Realised

Skyrocketing prices of bread and fuel, following lifting of state subsidies, and shortage of local currency sparked the uprising that began on 19 December 2018. This conjured up commitment, dedication and readiness to pay the ultimate price sparking months of resilient demonstrations and strikes. The steep spike in inflation that made life extremely difficult pushed people to the streets despite of great risk for their life (Freytas-Tamura 2018), this was at the back of fresh memory of the 2013 massacre of protesters by the security forces. The economic demands immediately developed to political ones. The demonstrators' demands focused on the resignation of President Omar el-Bashir who ruled the country for thirty years. A coalition of Forces for Freedom and Change (FFC), a coalition of different forces the main one being the Sudan Professional Association (SPA), led the uprising (ICG 2019). After four months of demonstrations and strikes where many people paid their life under repressive action of the security forces the regime was overthrown. Following weeks of sit-ins by thousands of youth, in front of the military base, the military intervened on 11 April 2019 and deposed President el-Bashir. The military pledged its support to the people's demand and the opposition expressed its appreciation. The coup makers however immediately formed a Transitional Military Council (TMC) on 12 April. The first general to chair the TMC resigned after only two days in the post, amid huge popular outcry. General Abdel Fattah al-Burhan succeeded him as the chair, while the powerful head of the RSF, General Muhammed Hamdan Dagalo became the vice-chair. The formation of the

TMC drew suspicion and fear, the four-month long popular struggle was not conducted for the military to hijack power. Therefore, the FFC led uprising demanded immediate transfer of power to a civilian government and the demonstrators remained in vigilance. The military that claimed it took the coup on behalf of the people however, showed a different face. Instead of surrendering power to civilians, it embarked on entrenching its power base. All sorts of excuses were concocted to prolong the military stay in power. One of the explanations they provided was they want to make sure a genuine democratic transition is put in place. In a clear indication that it intended to consolidate power, the TMC immediately began to dispatch envoys to neighbouring countries to test the waters whether its plan would have support. When the waters were tested, it showed that the response of the neighbouring countries to the military's procrastination of power surrender was positive. The TMC encouraged by the positive response applied every effort to stay in power (ICG 2019: 8). Conversely, the civilian suspicion of the military grew stronger. The suspicion was propped by the fact that the senior officers constituting the TMC were part of the deposed regime; some are even allegedly perpetrators of crimes in Darfur. This led to allegations the TMC was functioning as a facade for the defunct regime. Analogy was drawn to the 1989 military coup where the real power behind was the National Islamic Front (NIF) led by Hassan el-Turabi (Sidahmed 2011, Walsh 2019, Assal 2019).

The reluctance of the military to surrender power to civilian led government induced suspicion and fear. What was at stake for the military in surrendering power to civilians? Was the claim by the TMC that they want to ensure smooth transition before they surrender power genuine? These were some of the questions many began to pose. The generals that formed the TMC were part of the defunct regime, implicated in all the crimes committed by the regime. Therefore, their hands maybe soaked in blood, particularly the second strong man in the TMC and head of the Rapid Support Forces (RSF). Muhammed Hamdan Dagalo aka Hemetti, is suspected of committing atrocities in Darfur. This implication might have been one of the reasons the military was reluctant to transfer power to the FFC, because it could mean that they themselves would be accountable to all the crimes committed by the defunct regime. Indeed, many in the opposition were convinced of the complicity of the generals and wanted

to see them pay for their offence. Hemetti is also alleged to be behind the sending of soldiers to Yemen as part of the Saudi led military campaign against the Houthis. Several reports allege the soldiers serving in Yemen hailed primarily from the RSF headed by Hemetti. The RSF is then handsomely compensated with money and weapons from the Saudis and UAE, making the force very powerful in Sudan (Kirkpatrick 2018).

The plan to dispatch envoys to neighbouring countries to solicit support payed off. Implicitly or explicitly, the neighbouring countries endorsed the strategy of the TMC. The Gulf States, particularly, the Saudis and Emiratis were the first to receive envoys of the TMC (Gulf Business April 14, 2019). This was followed by aid package of \$3bn (Gulf Business April 22, 2019). 'Saudi Arabia and the UAE are encouraging the military to hold firm, as is Egypt' (Copnall 2019). The Gulf States' relation with Sudan is deeply rooted, with certain fluctuations depending on policies and ideologies of incumbent Sudanese regimes. The government of al-Bashir have had tenuous relations with the Gulf States due to its relation with Iran. Political Islam that underpinned the Inqaz regime drove it ideologically closer to the Islamic state of Iran. Once el-Bash severed relations with Iran, how-ever its relation with the Gulf States improved. The crisis within the Gulf Cooperation Council (GCC) however strained el-Bashir's relations with the GCC. El-Basher tried to balance between the two groups, which could satisfy none, particular the Saudi's who wanted el-Bashir to take side. Some believe that 'al-Bashir's visit to Qatar and Russia in his last days in power was one of the reasons of the Saudi-UAE support for the military's move to remove him from power' (Amin 2019). The el-Bashir ties with Turkey, particularly the agreement signed between Sudan and Turkey that will allow the latter to rehabilitate the ancient port of Suakin, built by the Ottomans, and subsequently establish military base angered the Saudis and Egyptians. Turkey's Moslem Brotherhood orientation is perceived as security threat to the regimes in Cairo and Riyadh. The ouster of el-Bashir was therefore, welcomed by the Saudi lead coalition, which immediately promised to fill the coffers of the TMC with billions of US dollars. The tacit endorsement of neighbouring countries thus encouraged the TMC to procrastinate the surrender of power to civilians.

The massacre of civilians believed to be committed by the RSF, on 3 June 2019, however, changed the tune and momentum of the negotiation between

the TMC and FFC. Massive condemnation of the TMC ensuing the massacre that was believed to have taken the life of 120 people put serious pressure on the TMC. The shock induced by the massacre sensitised the world who began to put strong pressure on the TMC to transfer power to a civilian led government. The AU's Peace and Security Council, for instance, suspended Sudan's membership (ICG 2019: 8). The UN, EU and the USA also warned of sanctions if power is not transferred to civilian government immediately. Realising the wider pressure, the Saudis and UAE were also compelled to exert some pressure on the TMC to engage in earnest negotiations with the FFC that would pave the way for compromise. The TMC then realised the seriousness of the various pressures, sat down with the FFC, and signed transitional arrangement.

The Three Councils: Transitional Authorities

All indications pointed to the fact that the TMC reluctantly conceded to the transitional arrangement. The agreement signed on 17 August 2019, postulates the formation of three councils as organs of the transitional arrangement. These are the Sovereign Council (SC), Council of Cabinet of Ministers (CCM) and Legislative Council (LC). The SC consisted of eleven members, five TMC and five FFC plus one independent (ICG 2019, Marsden 2019). The selection of the latter occurred by a consensus of the TMC and FFC. The SC is intended to form collective head of state. In parliamentary system, head of state assumes symbolic powers. The executive branch headed by prime minister, on the other hand, exercises real powers. In this arrangement, however, it was not clear whether the powers of the SC was limited to symbolic one. Indeed, gauging from praxis it seems the SC exercised real powers that lends credence to the power sharing arrangement principle. This has given rise to the confusion whether it is a power sharing or a civilian government. While some maintained it is a civilian government others insisted the military has still the upper hand therefore the prevalence of power sharing. There were clear indications that confirm the latter is the case. In many official diplomatic occasions, the head of the SC, Gen. al-Burhan or his deputy were seen representing the country. Moreover, the meeting of the head of the SC with the Prime Minister of Israel in Uganda where it was

stated they agreed to normalise relation between the two countries induced a huge row. The row concerned partly that the prime minister was not informed, and partly foreign relation lays within the discretionary powers of the CCM and not the SC. This controversy laid at the very heart of whether the arrangement was a coalition or civilian government. The controversy the meeting created epitomised the fragility of the arrangement. Reflecting this, Stillsudan, on 13 February 2020, wrote,

The chairman of Sudan's sovereign council, General Abd al-Fattah al-Burhan, challenged the Sudanese political establishment on 3 February with a daring political manoeuvre that none saw coming. He travelled unannounced to Uganda's Entebbe where he met the embattled Israeli Prime Minister Benjamin Netanyahu. Khartoum's regional patrons, the United Arab Emirates (UAE), Saudi Arabia and Egypt, were reportedly informed and involved in arrangement of the meeting but the prod came directly from the mighty US. The US Secretary of State, Mike Pompeo, who had apprehensively invited General al-Burhan to talks in Washington two days earlier, commended the Sudanese army's commander in chief for his bold step as did Netanyahu and the Israeli press.

In Khartoum, the Minister of Foreign Affairs denied prior knowledge of Burhan's adventure as did the cabinet and the Forces of Freedom of Change (FFC), the coalition of political parties and professionals' associations that forms the civilian component of the transitional authority in Khartoum in alliance with the military-security establishment. Stunned and dazzled, coalition members of the FFC issued a statement denouncing Burhan's violation of the Constitutional Document that defines the division of authorities between the cabinet and the sovereign council on the grounds that foreign affairs are the prerogative of the uninformed cabinet.

The Council of Cabinet of Ministers (CCM) was characterised by two main features. First, in principle, it's supposed to constitute the executive branch with real discretionary powers. This is the stipulation in a parliamentary system where a legislative organ legislates and the cabinet or government executes. Second, it was formed predominantly from the FFC (civilian); therefore, it should represent a civilian government. The ministry of defense and ministry of interior was, however, allocated to the TMC. While this may give impetus to the question of whether the TMC was solely civilian, it may also indicate the TMC's

extension of powers beyond the SC. It also indicates the precarity of the CCM in which the armed forces were not put under the control of civilian government. Usually, in a democratic parliamentary system, a civilian, symbolising the subordination of the armed forces to civilians, holds the portfolio of ministry of defence.

The third council, the Legislative, was to be divided in a manner that two-third seats would be allocated to the FFC and one-third to the TMC. The Sudan Revolutionary Forces (SRF) who were demanding higher representation began to challenge this ratio (Sudan Tribune 12 May 2020). The SRF and other presumed stakeholders were precluded, in the original agreement, from the Legislative Council (LC) for the duration of the transition period. This preclusion angered the SRF and others who have been demanding renegotiation of the deal between TMC and FFC in order to have a share and proper representation. The TMC and FFC rejected those demands on the ground that a transition arrangement is not a representation of political forces but a technocratic government (Sudantribune, 16 August 2019b), but later, it seems, the FFC led CCM have been en-gaging those groups with the aim of accommodating their demands. The assumption that the CCM is formed from none political technocrats, but also reflects the role-played in struggle of the four moths that spawned the fall of the regime, seemed gradually was being eroded. The role of the political and armed opposition forces in the final push against the regime was limited, the civilian youth coordinated by the FFC played decisive role. Therefore, the transitional power arrangement should properly reflect the price paid in the struggle was the initial position. The formation of the LC, however, has taken longer time. The protracted process of the formation of the LC was due to the negotiation process between the FFC led government, the CCM, and the opposition groups. The opposition groups, particularly the SRF, have insisted on achieving comprehensive peace in Sudan, which means the initial agreement between the TMC and FFC, and constellation of the transitional arrangement has to be renegotiated. For the SRF, peace should be given priority, in order to do that the interests and aspirations of the disadvantaged areas and groups have to be taken into considerations. This means they have to have adequate representation in the transitional organs. This has drawn the negotiation process much longer than expected.

Moreover, a number of unclear issues still overshadowed the arrangement. One of the critical issues that continued to elude observers was whether this arrangement was a power sharing or a sole civilian government. Another concern with the arrangement was the military-civilian relationship. Would it survive the transition period of the thirty-nine months or would it collapse was a concern of many. The hesitation of the TMC to engage immediately in genuine negotiation about transfer of power to civilian government was perceived as bad omen. This was perceived as indication of the generals' determination to cling to power. The procrastination to surrender power to civilians may have had to do with the generals' fear of being held accountable of past crimes. The stake for the generals, if they surrender power to a civilian government, is therefore very high. The Sudan Defence Forces (SDF), as a collective body, consist of different branches. Some of these branches may have been more prominent than the others in their involvement in the political repression and atrocities committed by the defunct regime. The RSF, a militia that hails from the notorious Janjaweed militia in Darfur is highly implicated in the atrocities committed in Darfur. Therefore, the leader of the RSF and the second strong man in the TMC, Muhammed Hamdan Dagalo (Hemetti), may have every reason to fear of surrendering power to civilians. Indeed, he was quoted in various occasions, expressing views accusing the FFC of planning to dismantle his forces and that he will never allow that. As late as 13 May 2020, Hemetti, accused unnamed political parties of plotting against the RSF (Sudan Tribune, 17 May 2020). It was widely believed that the 3 June massacre that is believed to have been committed by the RSF, was intended to silence and crush the popular demonstration thereby ensure the powers of the military (ICG 2019). Some elements in the higher echelon of the military brass may be terrified of what may happen to them if a civilian government is formed. The civilian opposition also resents the strong power the military still wields. Some members of the FFC coalition distanced themselves from the agreement signed between the TMC and FFC because of the concession made to the TMC, they particularly opposed the inclusion of the head of the RSF, Hemetti, in the Sovereign Council (SC). Moreover, a serious split emerged within the FFC. Some observers claim that the Prime Minister was losing trust among the FFC coalition, therefore, he was increasingly leaning

towards the military (Adam 2020). This signalled the chance for civilian rule taking roots this time too is slim.

The RSF and other militia groups were increasingly deployed in the conflicts, particularly in Darfur as a substitute to the army. El-Bashir had more trust on the militias than the regular army. Accordingly, they were well armed and financed, while the regular army was neglected, marginalised and enfeebled that explain why RSF was much stronger and Hemetti became the strongest man in the TMC. The RSF was given a freehand in Darfur, it constituted a government within a government. It run its own gold mining securing economic resources and boosting its political position, rendering it much more powerful than the regular army. Moreover, the troops that were sent to Yemen to augment the Saudi led military campaign against the Houthis hailed from the RSF, prompting handsome compensation for the militias by the Saudis and Emiratis also boosted the influence of the RSF and its leader. All this has been expressed in the fact that when the military executed the coup to depose Omar el-Bashir and subsequent formation of the TMC, the position of the RSF was unequivocally strong. Therefore, the RSF would certainly be highly reluctant to give up their privileges.

The relationship between the regular army and RSF (between al-Burhan and Hametti is fraught with rivalry and tensions. Around June 2021, many reports were coming indicating the division was nearing breaking point. What seemed to save an open division was a split within the opposition that increasingly muddled the contested terrain of the opposition ranks. This, finally, led to the 25 October coup d'état ending the civilian-military coalition period. Since October, Sudan is run by the military who still promise to lead the country for the transition period only. Would they handover power after elapse of the transition period is an open question.

Will this Time Civilian Rule Take Roots

For major part of its post-colonial history, Sudan has been ruled by the military. Every time a civilian government takeover happens, its life span is cut short. Gen Abboud's military rule followed barely two years civilian rule that succeeded British colonial rule. Four years of civilian rule that followed Abboud's fall was

succeeded by another military takeover that paved the way for seventeen years of military rule (Berridge 2015). This was followed by an interregnum of four years of civilian rule, succeeded by thirty years of another military rule that supposedly ended in April 2019. The 2019 popular uprising that deposed el-Bashir is reckoned as the third revolution (Copnall 2019). The current transitional arrangement was not a clearcut civilian or military rule, until at least 25 October 2021. There exists a divided view of whether it is a civilian or military. In any way, the crucial question is would this time a civilian rule take roots, or, as before, it will be, yet another, interregnum in a chain of military rule.

The TMC grudgingly conceded to the coalition transition arrangement. They claimed they wanted to ensure a democratic transition. The stake for the military is great that they may be easily tempted to cling to power. One of the stakes is what would happen to them if they simply surrender power to civilians without any safety net. Concerning the indictment of the deposed president by the ICC, the TMC announced that they do not intend to surrender the “fugitive” former president. The apprehension has been if the deposed president is brought to justice, particularly to the ICC as some of the victims and opposition have been demanding, it could have a snow-ball effect. Lately, however, the Hamdok government, before being deposed by the October coup, changed their mind, probably due to economic difficulties and Western pressure, has publicly announced that they are willing to surrender al-Bashir to the ICC. This could have further destabilised Sudan. Following the announcement, reportedly there was an attempt on the life of the Prime Minister. The crime allegedly committed could not be only the responsibility of a single person. Senior officials, high-ranking military officers and militias would be implicated. This may spur those concerned to think twice before surrendering power to a body that might prosecute them. The announcement of willingness to surrender al-Bashir, pro-pelled by huge external pressure and need of crucial economic bailout, may have been intended to by the generals amnesty.

On the other hand, albeit slim, a number of situations may speak for that this time things may be different. One of these situations is the current state of the traditional political parties who have hampered in the past the transition to civilian rule. The sectarian traditional political parties that used to bear state power are almost decimated. Under the National Congress Party (NCP), social

and demographic structure of the Sudanese society have considerably been altered. The young generation have no strong affiliation with the sectarian political parties as in the past. The sectarian armed groups also played meagre role in the current change therefore, their leverage in future politics of Sudan would be limited, although the rights and interests of the marginalised areas and groups in whose name the armed rebels have been fighting is now put in the agenda. A new political generation with no affiliation with the old traditional establishment may play a decisive role in the future of the country. The Sudan Professional Association (SPA) that championed the formation of the coalition of the FFC that spearheaded the campaign to overthrow the Inqaz regime seem to be such sort of political generation (El-Gizouli 2019). The youth that grew under the NCP and has been target of its woes, at least, since 2013, championed the struggle against the NCP regime. Women were in the forefront of the uprising since 19 December 2018 (Tönnessen and al-Nagar 2019). The young woman, Alaa Salah, who stood on top of a vehicle and chanted slogans against the regime, became hero and symbol of the struggle. Her picture spread throughout the world (Skaar 2019). These new social groups seem to be determined to make sure the outcome of their sweat and blood is not hijacked again by the military or the sectarian traditional political parties. The determination and commitment of the young generation demonstrated in the struggle against the NCP government gives hope for entrenchment of future democratic civilian rule. Nonetheless, whether the demise of the old political establishment would lead to civilian rule taking roots is yet to be seen. The continued unity of the new social forces, at the end, will determine whether civilian rule will take roots this time. Unfortunately, there are clear indications that the unity of the FFC coalition is already under serious stress. This coupled with the determination of the military may prove a great challenge to civilian rule.

Conclusion

This chapter set out to examine and analyse the challenges of transition from military rule to a civilian rule in Sudan. It sought to address the question why civilian rule never took roots in Sudan. For the major part of post-colonial

Sudanese history, governmentality has been dominated by military rule. The rich history of popular up-rising that ousted consecutive military regimes never succeeded in establishing enduring civilian rule. Every time, civilian government, following popular uprising, is installed, it would only have a short life span. The traditional political parties that are dynastic and are today presided over by octogenarians also hampered the establishment of functional and enduring civilian rule. In light of this, military takeover of power, at least, initially, was afforded popular support and legitimacy. The sectarianism of traditional political parties is an expression of prevailing crisis of national identity and unfulfilled formation of nationhood. One of the challenges to national civilian rule is the absence of territorial wide and accepted national identity and nationhood. Without commonly accepted overarching national identity and nationhood, based on supra-ethnic national identity, it becomes difficult to construct a representative national civilian rule.

In 2019, the Omar Hassan al-Bashir government was deposed by concerted popular uprising, but as usual, it was the military that in the final hour intervened and pushed al-Bashir out of power. Following complicated negotiations and bloody attempt of suppression, the military relented to the popular demand of power transfer to civilian government, although it was not clear whether the arrangement was a civilian government or power sharing between the military and the civilian opposition. Nonetheless, that vague arrangement came to a dead end on 25 October 2021. The transition period of thirty-nine months that will be phased out by election, was supposed to accommodate three delicately arranged institutions, Sovereign Council, Council of Cabinet of Ministers and Legislative Council. There are a number of issues that beg clarity and might pose bottleneck for the transition. The military is showing every indication that they intend to cling to power, the October takeover is one of them. The TMC cleverly tried to divide the opposition, during the negotiation with the FFC. Indeed, the NUP and SRF succumbed to the temptation and were ready to strike a separate deal with the TMC. Therefore, it will depend on the unity, perseverance, alertness, dedication and commitment of the emerging new political forces that deposed the regime whether civilian rule will take roots this time.

With reference to the rich tradition of deposing military rule by popular uprising, yet inability to entrench civilian rule we could make two postulations. The first postulation is that the prevalence of a highly developed civil society associational life is the driving factor behind the success of the fall of military rule. The second postulation is the sectarian and corrupt nature of the traditional political parties as bearers of state power would explain the failure to entrench civilian rule.

Finally, in an analogy, we could draw important lessons from the uprisings in North Africa. Those uprisings either ended up in chaos and mayhem, or were reversed and dictatorship resurfaced. Therefore, deposing prevailing dictatorship is one thing, maintaining peace and the gains of the uprising is another matter.

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Chapter seven

South Sudanese Women in Peace Building and Conflict Resolutions: Prospects and Hurdles.

Jacob D. Chol, PhD

Introduction

It is an undeniable fact that women are the backbone of our social system and culture. Peacemakers say, without women there is no peace. Women have the wisdom and the capacity to see beyond what's obvious and the courage to do what others have never thought of doing. They possess the capacity to transform the society into a desirable direction.

There is no revolutionary moment in a woman's life than when she is privileged to bring forth into the world the miracle of a new life. Instantly, she becomes inseparably linked to the human chain of life. There, she becomes an active participant in the quest for a better world. Then why will she not contribute her resources and energies in maintaining peace first of all in her home, society and the world at large? At this moment, I am convinced that every single child in the world a girl is being born, who will grow up as beautiful woman to take her rightful place in the society to contribute to a peaceful world order.

Our dreams of world's future can only be realized if women are educated, are made economically prosperous, are empowered politically and are enabled to play a bigger role in the society.

However, inter-state and intra-state conflicts often result in wars or large scale violence, leading to massive destruction of lives and property as well as disruption of social, political and economic lives of large populations. In 20th Century maximum number of wars and other violent conflicts took place that resulted in massive destruction and disruptions. The world also witnessed several other inter-state wars apart from the First and Second World Wars in which millions died. In 1996, according to UN sources, about fifty countries were involved in major crisis (Bukky, 2005:4). It is hard to make peace, but easy to make war. War anywhere becomes one of the most futile exercises. This exercise directly brings about untold human sufferings, destruction of our environment, infrastructures and loss of lives. Conflict arises due to a complex set of variables coming together and reinforcing each other at multiple levels and at critical junctures of a country or region's development. It leaves in its aftermath significant development and humanitarian challenges. Women continue to experience systematic violations of their human rights. A new policy, therefore, is required by which it will aggressively expand its development and implementation of programs mitigating the causes and consequences of conflict, instability, fragility and extremism. It must incorporate sensitivity to the dynamics of conflict and instability in its design or execution.

In 2005 World Summit, the world leaders reaffirmed the significant role of women in conflict prevention, resolution and peace building. For the first time the interlinkages across development, peace and security and human rights were accepted. A call was made for the full and effective implementation of the Security Council Resolution 1325 on Women and Peace and Security. It became a core rationale for the creation of integrated approaches to peace building and for the creation of the Peace Building Commission (PBC). Today, women in the aftermath of crisis have perilously little protection or access to services, justice, economic security or citizenship. Very often it poses a challenge to meet basic needs and safeguard their fundamental rights.

Involving women and gender expertise in peace building activities is essential for reconstituting political, legal, cultural, economic and social structures so that

they can deliver on gender equality goals. Gender equality brings to peace-building new degrees of democratic inclusiveness, faster and more durable economic growth for human and social capital recovery. Indeed, peace building may well offer the single greatest opportunity to redress gender inequities and injustices of the past while setting up new precedents for the future. But these opportunities can be enhanced significantly – or constrained – by how the international community sets its priorities for recovery and uses its resources for peace building. The occurrence of women’s leadership and civic engagement has historically led to positive and progressive social change for all people in a community. Women’s participation in decision-making is particularly crucial in war-torn communities, both during and after conflict. When women’s voices are heard and recognized as valuable, more sustainable, economic and social stability is achieved (Erin Currier, 2005: 18).

Thus, women participation in peace building and conflict resolutions has remained a daunting debate in social sciences, particularly, in political science. Leading scholars in this field continued to discuss women participation in peace building and conflict resolutions in generalities, leaving out women in conflict and post-conflict societies. Inspired by this pedagogy deficit, the paper is going to fill this gap of knowledge. The paper therefore is organized as follows: Section one deals with the concept of peace building and conflict resolution. Section two discusses exclusion theory in analyzing poor participation of women in peace building and conflict resolutions. Section three acknowledges successful attempts of women participation in peace building and conflict resolutions, particularly, South Sudanese women. Section four pinpoints the hurdles that impedes South Sudanese women in peace building and conflict resolutions. Section five summarizes, concludes and recommends further research.

Conceptualizing Peace Building and Conflict Resolution

The objective of peace building is to strike a balance between ‘negative’ peace and ‘positive’ peace (Galtung, 1996: 7). Because conflicts usually leave their mark on the post- settlement process in form of broken lives, shattered and divided communities, distrust, and hatred, the task of constructing a self-

sustaining peace is never an easy one. The post-settlement peace building in such circumstances becomes what Grenier and Daudelin (1995: 346) call the “peace building market-place” (the cessation of violence) is traded for other commodities, such as political opportunity (election) and economic advantage (land). They argue that, “exchanging resources of violence against other resources is arguably the pivotal type of ‘trade’ in peace building” (Ibid: 350).

The way in which gender is integral to peace, and violent conflict makes clear that a gendered analysis of peace building is essential to preventing and mitigating new violent conflict in societies while helping them recover from current conflicts.

This paper adopts the definition of peace building announced in the “Peace building Initiative Strategic Framework” by the Canadian International Development Agency (CIDA) (2002). The CIDA describes peace building as follows:

Peace building is the effort to strengthen the prospects for internal and external peace and decrease the likelihood of violent conflict. The overarching goal of peace building is to enhance the indigenous capacity of a society to manage conflict without violence. Ultimately, peace building aims at building human security, a concept which includes democratic governance, human rights, rule of law, sustainable development, equitable access to resources, and environmental security...Peace building may involve conflict prevention, conflict resolution, as well as various kinds of post-conflict activities. It focuses on the political and socio-economic context or humanitarian aspects. It seeks to...institutionalize the peaceful resolution of conflicts (CIDA, 2002: 2).

Besides, Boutros-Ghali (1992) defines the term peace building as ranging from specific tasks that might derive from a comprehensive peace agreement – such as helping to disarm the parties, canton troops, and hold or destroy weapons; monitoring elections; fielding civilian police; and repatriating refugees – through far broader and less tangible objectives such as the restoration of order, advancing efforts to protect human rights, reforming or strengthening governmental institutions, and promoting formal and informal processes of political participation (Ghali, 1992: 5). On the other hand, Kofi Annan (1997) defines peace building as “the various concurrent and integrated actions undertaken at

the end of a conflict to consolidate and prevent a recurrence of armed confrontation” (Annan, 1997: 35).

Essentially conflict exists in all countries and in every level of society. Conflict per se is not necessarily a negative force; rather it is a natural ex-pression of social difference and of humanity’s perpetual struggle for justice and self-emancipation. Conflict resolution is directed at understanding conflict processes and alternative non-violent methods that help disputing parties reach mutually acceptable positions that resolve their differences.

On the other hand, conflict resolution is argued as “a variety of approaches aimed at terminating conflicts through the constructive solving of problems, distinct from management or transformation of conflicts (Millary, 1999: 8).” Andrew Millary et al. (1999) indicate that by conflict resolution, it is expected that the deep-rooted sources of conflict are addressed and resolved, and behavior is no longer violent, nor are attitudes hostile any longer, while the structure of the conflict has been changed (Ibid: 9).

Paul Mitchel and Gabriel Banks (1998) refer to conflict resolution as:

An outcome in which the issue in an existing con-flict are satisfactorily dealt with through a solution that is mutually acceptable to the parties, self-sustaining in the long run and productive of a new, positive relationship between parties that were pre-viously hostile adversaries; and any process or procedure by which such an outcome is achieved (Mitchel and Banks, 1998: 7).

Kofi Annan (1997) definition of peace building and Paul Mitchel and Ga-briel Banks (1998) definition of conflict resolution are suitable for this piece.

Nonetheless, peace building and conflict resolutions are considered to occur simultaneous and reinforcing sets of activities with an intricate and organic relationship much as human rights principles relate to broad development goals. One cannot be done without the other. It is therefore important that all sectors of society, which are present in one way or another in all aspects of an ongoing conflict, are represented in negotiations and actions that seek to lay the foundation for peace and post-conflict resolution.

Exclusion Theory

This theory was advanced by Wolfgang Pauli in 1925. Though it was quantum mechanical exclusion, it was later applied in social sciences. It argues about deliberate delimitation or non-inclusion of subjects into the issue. In terms of women participation in peace building and conflict resolution, this theory definitely applies. Very few women are included in peace negotiations or in politics of governance in general in countries affected by conflict and war. Very few peace agreements have taken a gender and human rights perspective into account. Women's voices and concerns have often been excluded in decisions that affect the economic and power structures of post-conflict reconstruction, from land and property rights to legislation issues. Women continue to be excluded from negotiations, treaty-making, interim and transition-appointed governments, in planning and implementing humanitarian aid, post-conflict reconstruction planning and policy-making. On the whole, peace processes remain a male exclusive endeavour where men negotiate power, and largely set the post-conflict agenda.

Indeed, the concerns and priorities of women in conflict resolutions are ignored in most peace talks as well as in the development of most post-conflict reconstruction programs despite the reality that women account for the majority of conflict victims as objects of rape, assault, abduction, sex slavery, and forced human movement. The most obvious and arguably effective way for women's concerns and priorities to be expressed is to take measures to ensure that a large number of women are directly involved in formal conflict resolution procedures, rather than continuing to remain as relatively powerless community members. It is unusual for women, or women-specific issues, to be perceived as integral to an international dispute.

The invisibility of women in international affairs, the widespread acceptance of religious and cultural justifications for the unequal treatment of women, and the lack of international significance attached to women's lives explain the marginalization of women in international arena. Even where women are major actors in an international incident, this reality is rarely identified in dispute settlement. For example, trans-border refugee flows frequently both provoke, and are the consequence of, international disputes. Although women constitute large numbers of refugees, they do not figure separately in negotiations about

resettlement. Other forms of discrimination, by contrast, have been at the core of significant international disputes. The multiple discriminations of race, ethnicity and sex suffered by women are not, however, seen as part of these disputes, or as relevant to their resolution. One result of the absence of women in the process of international conflict resolution is that basic concepts in this field have been developed in a very limited way (Wood and Worth, 2000: 18).

Women and Post-Conflict Peace Building

In the past few years, there has been an increasing recognition by government, international organizations, and civil society of the importance of gender equality and empowerment of women in the continuing struggle for equality, democracy and human rights, as well as for poverty eradication and development (El-Bushra, 2000: 11).

In nearly every country and region of the world, there has been progress on achieving gender equality and women's empowerment, although this progress has been uneven and the gains remain fragile. A great challenge facing the world today is the growing violence against women and girls in armed conflict. In today's conflict, they are not only the victims of hardship, displacement and warfare; they are directly targeted with rape, forced pregnancies, and assault as deliberate instruments of war. Women are deeply affected by conflicts, which they have had no role in creating.

Armed conflict and its aftermath affect women's lives in ways that differ from the impact on men. Men in communities under attack tend to abandon public spaces to avoid being conscripted, attacked, or taken hostage. This increases the burden placed on women to hold communities together in the absence of men at war. On the other hand, women as symbols of community and/or ethnic identity may become the targets of extensive sexual violence. Conflict in some places has highlighted the use of rape as a tool of warfare. In Rwanda and South Sudan, women were raped as a means of ethnic cleansing, serving not only to terrorize individual victims but also to inflict collective terror on an ethnic group (Maxwell, 2018: 9).

An intensive literature explores the interconnections between the roles of women and men in conflict situations and the politics of identity and agency. Literature on Rwanda, South Sudan, DR Congo, Mozambique, Pales-tine, and Sri Lanka shows that women may be victims, but they also often participate actively as soldiers, informants, couriers, sympathizers, and supporters.

Conflict brings with it terrible human rights consequences for all involved – children, women and men. The impact of conflict on the civil, political, economic, social and cultural rights of women, in particular, is often devastating. In spite of the fact that conflict has a high level of impact on the lives of women, it is disheartening to note that they are not fully involved in the peace building process because of its gendered nature. Women’s interests have been neglected by the peace process, which has resulted in male-centered approaches to peace and security. The intrinsic role of women in global peace and security has remained unrecognized since the crea-tion of the United Nations.

In the past decade, many countries have embarked upon the difficult transition from armed conflict towards resolution and peace building. The international community’s role in this transition has shifted from narrow humanitarian and relief activities to more comprehensive efforts to foster sustainable peace. At the same time, the community has shifted from a stepped approach of relief to development to one that combines a broader package of concurrent steps. Development organizations have become increasingly engaged in activities during post-conflict, devoting time and resources to supporting this transition.

Building a lasting peace that sustains post-war economic, political, and social development requires the full participation of all citizens. Yet it is increasingly recognized that the role of women in post-conflict settings has received inadequate policy attention. According to Theo Ben Gurirab, Namibian Minister of Foreign Affairs (cited in Organization for Security and Co-operation in Europe (OSCE, 2005), attempts to address the human rights consequences of conflict, including the particular impact on women, can only be comprehensive and long-lasting if women play active part in all the relevant processes and mechanisms given the gender-differentiated impact of war on women (OSCE, 2005: 3).

It is important to know that preventing a war is entirely different than resolving one once it has begun. In order to prevent conditions that give rise to violent conflict from coalescing, capable societies must be created. These societies are characterized by three components: 1) security, 2) well-being, and 3) justice for all of its citizens, including its women. According to William Lute (2002), women's roles in promoting these three causes provide examples of their activities towards preventing the emergence, spread, or renewal of mass violence (Lute, 2002: 19).

The belief that women should be at the center of peace building and resolution processes is not based on essentialist definitions of gender (Lisa & Manjrika, 2005). The field of sociology makes a distinction between sex, and gender. Human beings are not born 'men' or 'women'. Masculinity and femininity is learned, rehearsed, and performed daily (Butler, 1999: 16).

It would be naïve to assert that all women respond in a similar manner in a given situation or that women are 'natural peace builders' (Lisa & Manjrika, 2005). Gender identity is performed differently in different cultural contexts. Gender identity must always be viewed in relationship with an individual's other identities such as his or her ethnicity, class, age, nation, region, education, and religion. It is important to note that there are different expectations for men and women in various sectors of the society and gender roles shift with social upheaval. In conflict situation, men and women face new roles and changing gender expectations. Their biological and sociological differences affect conflicts and peace building. In all, most societies value men and masculinity more than women and femininity (Lisa & Manjrika, 2005: 9).

Despite this existence of 'sexism' or 'patriarchy', there are some widely accepted reasons why women are important to all peace building processes. Women are important because they constitute half of every community, and the task of peace building, a task that is so great, must be done in partnership with both women and men. Secondly, women are the central caretakers of families in most cultures, and everyone is affected when women are oppressed and excluded from peace building. Therefore, it is essential that women be included in the peace building and conflict resolution processes.

Besides, women play in process of peace building; firstly, as activists and advocates for peace, women wage conflict nonviolently by pursuing democracy

and human rights. Secondly, as peacekeepers and relief aid workers, women contribute to reducing direct violence. Thirdly, as mediators, trauma healing counselors, and policymakers, women work to 'transform relationships' and address the root of violence. Lastly, as educators and participants in the development process, women contribute to building the capacity of their communities and nations to prevent violent conflict. This is made possible as a result of socialization processes and the historical experience of unequal relations and values that women bring to the process of peace building (Lisa & Manjrika, 2005: 10).

Without Women There is No Peace

Women are the backbone of our social system and culture. Without women there is no peace. They possess the capacity to transform the society into a desirable direction. Women are the significant players in the process of change and development. In their quiet existence lie the will and the making of a better tomorrow. Women, who constitute half the world's population, are the true strength of a nation. As I have already stated in my introductory paragraph there is no revolutionary moment in a woman's life than when she is privileged to bring forth into the world the miracle of a new life. Instantly, she becomes inseparably linked to the human chain of life. There, she becomes an active participant in the peace process for a better world. Education, employment and empowerment are the three vital weapons in ensuring the progress of women who, in turn will play their role to free the world from violence and war. Mervat Tallaway 2016 emphasizes, women must be recognized as key actors in conflict resolution and fully included in all strategies and effort for peace making and peacekeeping (Tallaway, 2016: 14). Kofi Annan stresses that women understand the root causes of tension and are more likely to know which group within communities and countries are likely to support peace initiatives (Annan, 2012: 8).

A girl, who is being born today around the world, will grow up as a beautiful woman to contribute her mite to a peaceful world order tomorrow. But conflicts continued to threaten Great Horn of Africa. In such calamitous situations, women and girls are often exposed to acts of violence, which seriously undermine

their human rights and deny them opportunities arising from gender inequality (Agbalajobi, 2017: 3). Studies have shown that women are worst hit in situations of violent conflict and are also affected differently from men during these crises. It is becoming increasingly obvious that women have unique opportunities for conflict resolution and peace building due to the unique role they play in society.

Women as Peace Makers

The newest approach in the process of conflict resolution and peace building process must emphasize on gender uniqueness (Mbagwu, 2001: 12). The majority of women are displaced by war so it is now understood that they could play an important role in efforts to resolve conflicts. Women are 'beautiful souls' loving peace (Sylvester, 1995: 32). The feminist theory also argues that women are inherently peaceful, capable of preaching, teaching and preserving peace. There is an innate ability in women that makes them prefer nonviolent actions (Ferris, 1992: 11). Conflict resolution with just women came out with more constructive discussions than groups with mixed gender (Babbit and Pearson-D'Estree, 1996: 17). It is agreed that women are very trustworthy, dependable, and exhibit a high level of honesty and integrity. They are dedicated, reliable and committed to family and national aspirations and goals. Women, the life givers of the world, therefore have a stake in the world pursuit of peace since they exhibit a high level of perseverance, patience and tolerance in achieving set objectives. Women have been proactive in the resolution of conflicts, but their roles have before not been given deserved prominence and recognition (Bukky, 2005: 19).

Beijing Conference of 1995 emphasized on women's capacity for leadership that must be utilised to the full and to the benefit of all in order to progress towards a culture of peace. Their historically limited participation in governance has led to distortion of concepts and a narrowing of processes in such areas as conflict prevention, the promotion of crosscultural dialogue and the redressing of socio-economic injustice, women can be the source of innovation and much needed approaches to peace building. Therefore, it is important to deeply understand the dynamics of women's peaceful engagements. Indeed, conventional wisdom has tended to undervalue wom-en's contributions,

assuming that they are non-political citizens, and that their preoccupation is primarily with domestic issues. It is noted that women agitate against externally imposed big development projects as it leads to ecological degradation, affects subsistence activities like farming and fishing, and reduces employment opportunities for local people as such projects prefer non-natives in their recruitment. They also address lack of basic social infrastructure and economic development opportunities at the grassroots, non-compensation for land use, corporate insensitivity on the part of the multinational, divide and rule tactics, sexual harassment of local women, as well as epidemics. It is worth mentioning that these women protests remain mostly non-violent but effective and point to how the intellect and energy of women can be harnessed for peace (Ukeje, 2004: 606).

Role of the International Community in Women's Peace Building Efforts

The road to peace should be out of concerted effort and concern of all. Third parties serve as mediators with various strategies towards maintenance of peace. Statesmen have been engaged in initiating peace settlements and establishing international system for the maintenance of peace and security since the World War 1. The Treaty of Versailles, the establishment of the League of Nations and now the United Nations' Organisation are the outcome of these endeavours. The UN reaffirms its faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small. It strives to establish conditions under which justice and respect the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom, and for these ends to practice tolerance and live-together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security.

The year 1975 was declared as the Year of the Women by the General Assembly of the United Nations with a three fold objectives: equality, development and peace. The Beijing conference on women in 1995 was also the demonstration of mobilization for the struggle for equality, development and

peace. The conference handed over the flame of peace, symbolizing the daily struggles of women to promote the settlement of conflicts, ap-peasement, peace building and the sustainable existence. Similarly, the United Nation declared the year 2000 as the international year of the culture of peace and 2001 – 2010 as the international decade for a culture of peace and non-violence for the children of the world. Governments, local organizations and individuals all over the world are using these years to probe deeply into the nature and practice of a peace culture. September 21 annually is also declared as International Day of Peace. (Bukky, 2005: 22).

It would not be out of place if I quote Kofi Annan, the then U.N. Secretary General, “the future of the world belongs to women”. At the United Nation in Geneva, women gathered for 5 days in October 2002 for the first time in history to talk about new initiatives aimed at promoting world peace, and eliminating the causes that lead to conflict (Ibid: 26). Despite the efforts made by UN to deal successfully with many serious issues confronting it, international conflicts have nevertheless persisted and many remained un-resolved and a plethora of more complex conflicts keep occurring globally. With provision of Article 52 of the United Nations Charter allowing regional organizations to make arrangements for settlements of their disputes many of such regional and sub-regional bodies have not relented in their endeavours on peace-keeping and peacemaking. Organisations like African Union (AU), the Organisation of American States (OAS), the League of Arab States, Economic Community of West African States (ECOWAS), East African Community (EAC), Southern African Development Corporation (SADC) and the European Union, among others have demonstrated their efforts towards peace.

Individual member states have made efforts to complement the global efforts towards peace making and peace building. It must be pointed out that while national interests and other factors militate against the success of the United Nations in its attempts to maintain international peace and security through peacekeeping, it has made tremendous success in many ways. This fact explains why during its 40th anniversary, the Norwegian Nobel Com-mittee awarded the Peace Prize to the peacekeeping forces of the United Nations. In realizing their work, the military wing is usually assisted by negotiators and other civilians who employ diplomatic options in form of peace-talks, meetings, conferences,

negotiations, third parties, NGOs, re-gional and other groupings in an attempt to break the deadlocks.

The Role of Regional Institutions in Empowering Women

The organizations like OAU, Feminine non-governmental organizations (NGOs), Economic Commission of Africa (ECA), the United Nations, have dedicated themselves to the promotion of the African women and their participation in decision-making, among others for the establishment of peace, resolution of conflicts and national reconciliation. The need is to get to the women, both educated and uneducated cannot be over emphasized. Also, the change agents have to involve the local women in any area they are working so as to carry them along. There is need for partnering academic institutions with communities to forge peace alliance committed to community transformation, poverty alleviation and social justice. The United Nations Resolution 1325 on “Women, Peace and Security” 2000 stresses the importance of women’s role in conflict prevention and resolution and highlights the need for women’s equal participation in the maintenance and promotion of peace and security.

Women’s Role at Grass Root Level

Women often organize at the grass roots level in order to promote peace but their access to formal peacemaking and peace building processes continues to be limited. Very few women are included in peace negotiations or in politics of governance in general in countries affected by conflict and war. Very few peace agreements have taken a gender and human rights perspective into account. Women’s voices and concerns have often been excluded in decisions that affect the economic and power structures of post-conflict reconstruction, from land and property rights to legislation issues. Women continue to be excluded from negotiations, treaty-making, interim and transition-appointed governments, in planning and implementing humanitarian aid, post-conflict reconstruction planning and policy-making. On the whole, peace processes remain a male exclusive endeavour where men negotiate power, and largely set the post-conflict

agenda. It is vital that both women and men have equal opportunities to participate in the ongoing processes for the principles of democracy and good governance to take root in countries coming out of conflict (UNMISS, 2008: 3).

The Roots of South Sudanese Women Peace Building

Katiba Ban'at

Katiba Ban'at in Arabic refers to the battalion of women in South Sudan. It was a military movement that was founded together with SPLM/SPLA in 1983 to allow women participate in the liberation struggle. The number of women in Katiba Ban'at was roughly between 1000 to 2000 women (Ashworth, 1999:8). The movement was the entry point for South Sudanese women participation in war and peace (Derek, 2017: 7). South Sudanese women helped in provision of food, intelligence gathering and actual field combat in the war theatres. Although many women performed satisfactory in the Katiba Ban'at, women deserted the movement out of fear and due family commitments.

Participation of South Sudanese Women in Peace Processes

The Wunlit Peace Accord, 1999

South Sudanese women have been steadfast in peace processes in South Sudan. The etymology of this effort is the Wunlit Peace Process between Dinka and Nuer in 1999. Hailed as a successful people to people peace, Wunlit peace accord halted the conflicts and animosities between the grass-roots Dinka and the Nuer. The Sudan Council of Churches played a great role of facilitation. However, women from Dinka and Nuer took traditional roles to mobilize their men and ensure that the peace event was successful (Ashworth, 2000: 6). The slaughtering of white ox (Mior Mabior) was done amidst ululations of the women for peace and reconciliations of the two bitterenemies turned friends (Johnson, 2001: 3).

The women ensured that the white ox was well cooked and divided amongst the two communities who ate it and enjoyed the peace ritual. Without women, the Wunlit Peace Accord would have not been possible.

Comprehensive Peace Agreement (CPA)

This was a peace deal negotiated by between National Congress Party (NCP) of Sudan and Sudan Peoples' Liberation Movement/Army (SPLM/A) of the South. The agreement was inked on 9th January 2005 at the Kenyan Capital-Nairobi. The success of this peace deal, though, viewed as the effort of Dr. John Garang and Ustaz. Mohammed Taha, the real success was the women of the Sudan and particularly, from the Southern Sudan. The organization of the women, Sudan Women Action Network (SWAN) formed in early 2000 championed the peaceful resolution of con-flicts in the Sudan.

Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS and R-ARCSS)

ARCSS was signed in August 2015 in Juba to end the conflict between President Salva Kiir and Dr. Riek Machar that erupted on 15th December 2013. During the negotiations of this deal, women were critically involved. Groups such as Women Bloc, Women Coalition and Gender Empowerment for South Sudan Organization, amongst others were involved in successful negotiations of the deal. Eminent personalities such as Madam Rebecca Nyandeng Garang, Madam Angelina Teny and Madam Awut Deng Acuil were all in the forward negotiating ARCSS representing their parties.

Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) was also supported by women. Women Civil Society Groups such as Women Bloc, Women Coalition and other women Civil Society Organizations ensure this agreement was inked. The eminent personalities mentioned above played essential roles in convincing the leaders to finally signed the deal on 12th September 2018.

Hurdles Facing South Sudanese Women in Participation in Peace Building and Conflict Resolution

Rigidity of T-GoNU to Implement 35% Women Quota Political Representation.

The Transitional Constitution of South Sudan 2011 amended 6 plus provided a threshold for women political participation. It provides 35% women quota in political representations. However, the application of this provision has been problematic. Currently, women political representation stands at 14% in the cabinet. This is far below the threshold. In the Transitional National Legislative Assembly, 20% of 400 MPs are women. This is too below the threshold.

Hyper Masculinity Dominant

Hyper masculinity dominant remained a great challenge to women progress in South Sudan. This is due to cultural influences. For instance, women are not allowed to sit with men in meetings as well as making of decisions. Women are not allowed to sit in traditional bench courts as well as not allowed to take the inheritance after the death of husband.

Retrogressive Cultural Barriers

Retrogressive cultural barriers have prevented women from participation in peace building and conflict resolutions. Heavy shouldered home chores such as preparing for family meals, uncontrolled children bearing and keeping girl-child out of school remained critical challenge for women emancipation in peace building and conflict resolutions. Early child marriage and Sexual Gender Based Violence (SGBV) have continued to undermine women participation in peace building and conflict resolutions. It is indicated that 60% of female children dropout of school every year due to early child marriages (Homes, 2019: 7).

Perpetual Envy and Mutual Suspicion Amongst Women.

This has been a challenge to women empowerment and progress in political participation. Most women possess perpetual envy and mutual suspicion and thus don't support themselves. Studies have indicated that 55% of women envy and don't support politically their fellow women across the world (Dame, 2016: 8). In South Sudan, this perpetual envy and mutual suspicion has continued to cause women political downgrading and failure. During 2010 elections, 90% of women decided to vote for men instead of their women candidates in geographical constituencies (Chol, 2010: 16). Thus, this perpetual envy and mutual suspicion has continued to edge out women in meaningful peace building and conflict resolution programmes given women would not do things together.



Figure 1: Rebecca Nyandeng De' Mabior weeping at Addis Ababa after the principals failed to ink the deal, 17th August 2015.



Figure 2: South Sudanese Women in Training of Politics and Peace at Jubek Women Union Building on 7th May 2019.

Conclusions

The paper has advanced a strong argument about the participation of women in peace building and conflict resolutions. It has appreciated from the empirical literature that women have endeavored to participate in peace building and conflict resolutions. This is exhibited from the natural creation of women as peace lovers and conflict solvers. Moreover, the gift of woman as a natural mediator has continued to shine throughout the world including South Sudan. Prospect of women participation in peace building and conflict resolution in South Sudan has been showcased in the critical roles of women groups such as Women Bloc, Women Coalition and other members of civil society in CPA, ARCSS and R-ARCSS. Women have urged their men including denying them their connubial rights to accept peace in South Sudan.

On the other hand, South Sudanese women face serious hurdles in participating in peace building and conflict resolution mechanisms. This has been analyzed through exclusion theory where South Sudanese women have been kept away from participation. Hurdles such as rigidity of T-GoNU in implementing the 35% affirmative action of women political representation, hyper masculinity dominant, retrogressive cultural barriers and perpetual envy and mutual suspicion continued to draw down women in meaningful participation on peace building and conflict resolutions. Although women always attempt to come together to forge the future, envy and suspicion continued to pull them back.

Though women participation in peace building and conflict resolution remains a disastrous and highly a concern issue amongst the concern concepts in the world, concern issues do not have to remain of great concern. Chronic failure is not inevitable or immutable, and compromise and coexistence remain eminently feasible objective of peace building and conflict resolutions. The challenge is immense, but the dividends are so great, and the alternatives so grim, that the struggle for peace is worth every ounce of sweat and toil.

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The central theme of the book concern the complex drivers of conflicts afflicting the Horn of Africa region. In this vein, the book identifies and analyses three drivers of the current conflicts. These are: (i) border disputes, (ii) Nile waters, and (iii) challenges of transition and peacebuilding. These factors are driving the conflicts that are raging in the region, particularly, in the last couple of years. Cognisant of the fact that peace and stability constitute prerequisite for development, while conversely, development is vital for peace and stability to reign, this anthology seeks to contribute to knowledge production, interpretation and analysis that foster peace, stability and development.