

**ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES**

ETHIO-SUDANESE RELATIONS: 1991-2001

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ETHIO-SUDANESE RELATIONS: 1991-2001

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To the memory of my parents,
MengistuTessema and Sewagegn Workie

Declaration

The thesis is my original work, has not been presented for a degree in any other University and that all sources of material used for the thesis have been duly acknowledged.

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Abstract

The thesis has discussed the issues involved in, and identified the relevant factors impacting upon, the Ehtiopian Sudanese relations. The relations of these neighbouring countries have been fluctuating between harmony and conflict. These fluctuations witnessed three different phases of the relations since 1991. There are two primary reasons for establishing friendly relations between the present governments of the two countries immediately after the change of government in Ethiopia. Firstly, the previous friendly relations between Bashir's regime in Sudan and the Ehtiopian Peoples Revolutionary Democratic Front (EPRDF) had facilitated the ground to conclude different bilateral agreements regarding the strengthening of their relations. Secondly, the existence of compatible national interests expressed in their foreign policies, with respect to the maintenance of national security, and economic cooperation motivated the two governments to establish friendly relations. On the basis of these common political and economic interests, opposition movements operating against one regime were expelled from the territory of the other immediately after the commencement of the formal relations between the two governments. Moreover, bilateral agreements for economic cooperations were concluded between them at various times.

Ethiopia and Sudan were in a state of conflict between 1995 and 1998. The main sources of the conflict include the involvement of Sudan to spread political Islam in the Ethiopian territory, competition between the two countries to assert regional leadership, long-standing suspicion and mistrust arising from their unresolved boundary problem and the Blue

Nile water utilization issues. Besides, the attempt to externalize internal problems and the interference of one in the internal affairs of the other by extending support to opposition movements contributed to the deterioration of the relations of the two countries. Sudan was implicated for the terrorist activities that took place in Ethiopia, and this resulted in the imposition of sanction against the former, on Ethiopia's petition, by the Security Council of the United Nations. The main objective of Sudanese involvement in supporting terrorist groups operating in and around the Ethiopian territory is to weaken Ethiopia and to dominate the politics of the Horn.

Although Ethiopia and Sudan agree on the validity of the 1902 and 1907 boundary treaties, the boundary demarcation issue has not been still resolved. This pending issue was affecting the relations between the two countries. The question of the utilization of the waters of the Nile tributaries originating from Ethiopia has been the most important issue in determining the long-term relations of Ethiopia and Sudan. This is due to conflict of interests and the involvement of power politics strongly influenced by Egypt's anti-Ethiopia policy. The issue of the Blue Nile water utilization has been the potential source of conflict because of the absence of any accord involving all the riparian states relating to its apportionment. Moreover, the influence of neighbouring countries and great powers was affecting the relations of Ethiopia and Sudan. However, regardless of the state of conflict that prevailed between 1995 and 1998, their relations have been cordial since the middle of 1998.

CHAPTER 1

The Study

1.1 Statement of the Problem

Ethiopia and Sudan share long boundary which is proved to be one of the great potential sources of cooperation and conflict in the relationship of these countries. These countries are situated in the Horn of Africa the geographical location of which makes them strategically significant and vulnerable to the interference in their mutual relations of great powers and the Middle East nations.

Moreover, the geographic expanse of Sudan as the largest in Africa (Girma, 1999:1) bordering nine countries, as well as the historical position of Ethiopia in the continent are the other factors that highly attract the interference of outside powers to influence the relationship of these countries. Ethiopia and Sudan during their earlier relations were in hostilities due to boundary problems, conflicting positions on the utilization of common international rivers, internal instabilities and extending support by one state to insurgent groups fighting against the other state. In addition to these, the historical conflict between Ethiopia and Sudan which had taken place at various times due to slave raids undertaken by both countries, rivalries to control border districts with the view of collecting tributes and exploiting resources, and the repeated penetration of foreign powers creating alliance with the rulers of Sudan to invade

Ethiopia (Mared, 1968:4) are believed to have contributed to create longstanding suspicion and mutual mistrust between the two countries.

The boundary problem between these neighboring states is mainly based on the need for border demarcation without involving major territorial claim of one against the other (Brownlie, 1979:857). Although Ethiopia and Sudan have different positions as to whether their border had been formally demarcated in accordance with the various treaties which have been raised as relevant in the determination of the boundary of the two countries, they had never been at war on boundary issues. However, there is still lingering controversy between them with regard to the border demarcation issues. In this connection the consideration in this research of the relevant treaties concluded with regard to the boundary between Ethiopia and Sudan and the contentions of the two countries is of vital importance. These agreements are the 1902 treaty, the treaty of 1907, and the 1972 Exchange of Notes.

The Blue Nile, Sobat (Baro) and Atbara (Tekkeze) Rivers, which are the major sources of the Nile water to satisfy the Sudanese needs, rise from Ethiopia (Tesfaye, 2001:23). Sudan is highly dependent upon the waters coming from Ethiopia for its survival and makes considerable use of this water for various activities whereas Ethiopia has not significantly utilized this water for development purposes. However, the reservation and hesitations on the part of Sudan to acknowledge Ethiopia's natural and legal entitlement to the use of this water and its collaboration with Egypt in opposing Ethiopia's entitlement has been hindering the strengthening of their cooperations and in some cases was straining their relationships. The handling of this hydropolitical issue requires sound policy and wise execution on the part of both countries. The consideration of the Egyptian factor here is also important, because this country has been promoting anti -Ethiopia policies involving in any activities that may weaken

Ethiopia and holding a position of denying the latter the entitlement of benefiting from its own water, i.e, the Blue Nile.

Ethiopia and Sudan have been experiencing internal conflicts since the establishment of central governments and each were adding fuel to the problems of one another by harboring and supporting insurgents fighting against the alleged adversary (Woodward, 1996: 119). These internal conflicts are related to ethnic domination, political and economic marginalization , and the prevailing poverty in both countries. The conflict between the two countries has been occasionally exacerbated when each state interferes in the internal affairs of the other and attempts to externalize the causes of its failure to resolve internal political and economic problems.

More specifically, the fluctuating cordial and hostile relations between Ethiopia and Sudan since 1991 (Girma, 1999: 37-38) have been influenced by many factors some of which have determinant role while others have minimal effects in dictating their relations. The Cumulative effects of these factors have been, however, substantially influencing the relations of the two countries. Some of the issues related to these factors are associated with treaties concluded regarding matters of national interest to both countries. These treaties and the rules of international law governing the agreements between states play significant role in the determination of their relations and the resolution of disputes.

The other aspect of the statement of the problem is the existence of various factors which necessitate the cooperation and creation of friendly relations between Ethiopia and Sudan. The long boundary these countries share gives them easier road access and short distance air communication conducive to their bilateral economic transactions. Furthermore,

they have a considerable number of resources and products to exchange in their commercial relations for mutual benefits (Press Release, 2000:2). Particularly, the two countries can promote trade on agricultural and industrial products, develop their agreements on power supply, port services, fuel supply and conclude detail agreements on the use and development of the waters flowing from Ethiopia to Sudan. In a nutshell, these factors, inter alia, justify the conclusion that the political stability and economic development of Ethiopia and Sudan are highly dependent upon peacefully resolving their internal problems and promoting political and economic cooperations between themselves. However, practice had it that the relations of these countries have not so far developed in line with satisfying the mutual interests of the peoples of the two countries.

1.2 Hypothesis

The Internal political and economic situations, and competition for resources between Ethiopia and Sudan have been the main challenges in their relations adversely affecting cooperation, the internal political stability as well as the economic development of the two countries.

1.3 Objective of the Study

The paper discusses and attempts to identify the main causes of hostile relations and the potentials for cooperations between Ethiopia and Sudan. In the process of analysing the relevant issues attempt will also be made to achieve the following interrelated objectives.

- To briefly assess the internal political situations of the two countries affecting their relations.
- To analyse the root causes of boundary disputes between the two countries.
- To evaluate the positions of the two countries on boundary issues in light of the applicable treaties and the relevant principles of International Law.
- To briefly see how the foreign policy of Ethiopia has protected the national interest of the country.
- To make serious consideration of the actual utilizations by the two neighboring countries of the waters flowing from Ethiopia and analyse their claims on the basis of the previous treaties and the practices developed by the international community on the issue.
- To analyse the role of external factors including the interferences by regional as well as strong powers in affecting their relations.

1.4 Significance of the Study

The Ethio-Sudanese relations have been the rich sources of the issues of conflict and cooperation. The consideration of the causes of the problems and the propositions for resolving them is believed to enrich international relations and legal literatures. Particularly, the study will make modest contribution to the knowledge on conflict and cooperation in the Horn of Africa.

More importantly, the focus of the study on the role of power and national interest in affecting the relations of states; the discussion on the right of riparian states in the use of international rivers; and the detail consideration of boundary issues between the two countries will have paramount contribution to the knowledge about the significance and important nature of international relations; to understand the relevant principles of international law, and to be familiar with the developing state practices in the use of international rivers.

1.4.1 General Objectives

In undertaking the research it is intended that the output will acquaint the general reader with the possible causes and nature of conflicts and cooperations, and with the acceptable means of resolving international disputes. Furthermore, it is believed that the research will be of great help to identify issues requiring thorough consideration to researchers engaged in the field of geopolitics, hydropolitics and international law. Besides, the research will assist the students of political science and international relations and students of law to understand the general feature of the Ethio-Sudanese relations, the root causes of their disputes.

1.4.2 Specific Objectives

Conducting a research on the relations between Ethiopia and Sudan will particularly, have the objective of contributing a reference material and providing pertinent information on the relevant factors affecting the relations for further research, about the positions of Sudan

that are incompatible with the interest of Ethiopia, concerning the policy Ethiopia should adhere to, and the need for the peaceful resolution of the latent disagreements to organs and experts such as:

- a. foreign policy makers,
- b. negotiators,
- c. diplomats
- d. foreign policy and international law advisors.

1.5 Method

This research will mainly rely on library work. However, when circumstances that may arise in the process of the research require, interviewing method of collecting data may be employed.*

In conducting the library work, current literatures, such as books, journals, news papers dealing with the Ethio-Sudanese relations will be analysed; agreements concluded, committee deliberations conducted between the delegates of the two countries, and other agreements having impacts on their relations will be utilized as the sources of information for the research.

* This method was not applied due to lack of volunteer informants.

CHAPTER 2

BACKGROUND

2.1 Geographic Setting

Ethiopia and Sudan are neighbouring countries of the Horn of Africa. The Horn of Africa is a geographic region the expanse of which is flexibly defined by different writers. Most, however, agree that, in addition to Ethiopia and Sudan, it includes Eritrea, Djibouti, Somali and Kenya (Doornboos and Markakis, 1992: 12, Mesfin, 1999:68).

The mere location of the region that connects it to the Red Sea on the north and northeast, and the Indian Ocean on the southeast makes a serious consideration of its importance from the point of view of great power interest and competition. Moreover, the flowing of the Blue Nile River water to Sudan and Egypt originating from the Ethiopian highlands indicates the existence of significant factors affecting the relations between the riparian countries in general, and Ethiopia and Sudan in Particular. The proximity of the area to the Middle East also has made the region vulnerable to penetrations of various religious denominations as expressed by the advent of Judaism, Christianity, and Islam that had their origins elsewhere.

It is interesting to note here that Ethiopia borders all and only the Horn countries. Sudan, on the other hand, borders two countries of the Horn of Africa, other than Ethiopia and six other African countries. Despite Ethiopia and Sudan border five (Kenya, Somalia,

Djibouti, Eritrea, and Sudan) and nine (Egypt, Libya, Chad, Central Africa, Democratic Republic of Congo, Uganda, Kenya, Eritrea, and Ethiopia) countries respectively, they share a boundary of 1,600 kilometers which constitutes 31% and 66% of the boundary Ethiopia and Sudan share with Horn Countries respectively (Mesfin, 1999:71, Girma, 1999:37). Besides, Ethiopia and Sudan as neighbouring countries of the ancient Nile Valley civilization, have been interacting for the last many years developing harmonious and hostile relations.

These historical and boundary factors, inter alia, have given rise to the development of common cultural affinities, historical ties, traditional economic connections, and political inter- relationships between Ethiopia and Sudan. Particularly, the traditional economic interactions which have been taking place in the form of border trade, the impacts of political activities undertaken in one territory on the other, and the considerably similar geographic condition they share are believed to be among the important factors contributing for the emergence of certain similar cultural and traditional features. Some of the development challenges that Ethiopia and Sudan are presently experiencing have their roots in these factors. It could be partly due to their location that the two countries may have experienced similar occurrences affecting them: the struggle against colonial powers, widespread and protracted civil wars, and famines.

The location of Ethiopia and Sudan has been attracting outside powers with great ambitions to politically control and economically exploit the surrounding countries, and to ensure the safe transit of oil from the Middle East countries through the Red Sea routes to the various parts of the world. The involvement of competing foreign powers in a way that was

detrimental to the interest of the indigenous people left its longlasting effects of suspicion and mistrust between the countries of the area in general and Ethiopia and Sudan in particular.

2.2 Strategic Significance of the Region

The location of the Horn of Africa in the area which effectively commands the Red Sea and the northwestern Indian Ocean littoral makes the geographical importance of the region significant. Its location astride shipping routes from the Persian Gulf and Indian Ocean through the Red Sea thus gives it continued strategic importance (Doornboors and Markakis, 1992: 189).

The Horn had great strategic importance particularly during the colonial era, and at the time when superpower rivalry for sphere of influence was at its height after the Second World War. As expressions of the Scramble for Africa, which dominated the last decades of the 19th century, the British Government controlled Sudan in 1886. This led to the battle of Omdurman in 1898, while the Italian adventure to conquer Ethiopia culminated in its defeat at Adwa in 1896. Great power competitions and superpower rivalries exercised in the Horn countries in general, and against Ethiopia and Sudan in particular were the manifestations of the strategic importance of the region and the strong desires of these powers to control it.

The main important reasons for the strategic importance of the region relate to geographical and political factors. This means the proximity of the Horn to the Middle East petroleum producing countries facilitated contacts between countries of the two regions

thereby exposing Ethiopia and Sudan to various influences and pressures. It is also important to bear in mind that the position of the Nile river, and the Red Sea as the major route for the petroleum of Middle East countries have created material links between the Arab countries on the one hand, and Ethiopia (before the secession of Eritrea) and Sudan that had significant frontage on the Red sea on the other (Mesfin, 1999: 78). The political factor is directly related to the intervention of the U.S. and the U.S.S.R. for the creation of ideological and political alliance with countries in both regions and to secure support for their respective positions in the Arab-Israeli conflict. Thus the Horn of Africa had been strategically important for the relationship between the African and Middle East countries, and for the super power rivalry in the two regions.

The end of the Cold War decreased the strategic importance of the Region.¹ In addition to this, the development of technology made locating radio communication facilities in the region that America and the Soviet Union had in Asmara and Mogadishu respectively less important. Thus, the decrease in the strategic importance of the region from the ideological and political perspective, coupled with the emergence of the uni-polar system led by the United States currently diminished the geo-political significance of the Region. Particularly, Ethiopia that became a land-locked country after the secession of Eritrea in May 1991² was rendered strategically less important due to its lack of direct access to the Red Sea. However, the continuation of the Arab-Israeli conflict which has been resulting in the spilling over of the problem to the Horn countries, the proliferation of terrorist activities in the Region with the support of some Islamic countries, (Iran is the best example), the necessity of

¹ Region here refers to the Horn.

² Eritrea was de facto independent since May 1991 and de jure in April 1993.

humanitarian aid in the countries of the region and the latent conflict on the use of the Nile waters between the riparian countries lent the Region still some strategic importance.

2.3 Historical Factors Affecting Ethio-Sudanese Relations

Ethiopia and Sudan, as ancient countries in the Horn of Africa, have been forging harmonious and hostile relationships between themselves and with other states since long ago. Ethiopian's development is linked with the formation of the isolated Christian kingdom in the northern part of the country during the fourth century A.D. (Markakis, 1974: 13). As a gradual and incremental process, however, the territory of the state had expanded to the south and incorporated the present southern parts of the country. On the other hand, despite millenia of settlement and civilization in Nubia in the north and to the edge of the southern forest, Sudanese modern history begins with the arrival of Islam in the 15th century (Bell, 1973: 14). The history of these two neighbouring countries is interwoven with internal dynamics, and external pressures and penetrations.

Even though Islam as a religion in Ethiopia has been introduced since the arrival of the followers of Prophet Muhammad in the country for sanctuary in A.D. 615, the expansion of the religion became a strong threat to the Christian State of Ethiopia (Trimingham, 1965; 44-48). Particularly, Islam's attainment of strong foothold in Northern Sudan and its spread to Somalia, Djibouti and the coastal region of Kenya resulted in the encirclement of Ethiopia by Islamic states. Ethiopia's fear and suspicion of these states was not unfounded since the repeated attempts of the Turco-Egyptian powers to occupy Ethiopia infiltrating through

Sudanese territory, the Jihad launched by Ahmed Gragh in 1527 supported by Turks, the invasion of Ethiopia by the Dervish army and the looting of Gondar in 1887 provided sufficient justification for Ethiopia's perceived threat by Turks. This religion based conflict between Ethiopia and its Islamic neighbors dating to the aforementioned times has been exploited by the latter to create instability in the former. This had been sufficiently proved by the formation of the Eritrean Liberation Front (ELF) in Cairo in 1961 as a movement (Trimingham, 1965: 124) against Eritrea's unity with Ethiopia supported by Islamic countries, particularly Egypt with the belief that the front could serve as a potential instrument of its anti-Ethiopia and Pan-Arab policy (Legum, 1977: 23).

Moreover, competition between the colonial powers brought about the control of the Horn Countries neighbouring Ethiopia, including Italy's occupation of Ethiopia's territory (Eritrea) in 1885. As a result of the colonial encroachment, Sudan, Kenya and part of Somalia had fallen under British Control. Djibouti and, Eritrea had become under the subjugation of France and Italy respectively. Since Ethiopia was also within the focus of these powers for partition, a Trepartite Treaty had been concluded by Great Britain, France and Italy on December 13, 1906. This provided for the delineation of zones of economic interest in Ethiopia which they were prepared to take under their protection in cases of turmoil and internal disorder (Scholler, 1985: 29).

These colonial powers which had been encircling Ethiopia by controlling its neighbors utilized the policy of divide and rule within and amongst African societies. Furthermore, they concluded various treaties regarding the interests of these African countries on issues which would be potential sources of conflicts. Especially on issues of ethnic relations, boundary

demarcations, and on the utilization of trans-boundary water resources, the colonial powers and their allies had created conditions which later proved to be causes of future internal instabilities and disagreements between neighbouring countries. Due to this colonial heritage Ethio-Sudnese relations were replete with conflict as regards the use of the Blue Nile waters, and on the issue of demarcating their common boundary.

CHAPTER 3

INTER-STATE RELATIONS

3.1 Theoretical Framework

As the development of states is uneven, they are highly varied in their economic, military and political powers, though they possess legal equality. These states participate in international relations to achieve their respective goals that are not necessarily complementary, nor always easily reconcilable with each other. Even though the precondition for continued existence of states in the international system is a profound understanding of, and wise and skillful participation in world affairs on the part of national governments, the states can not attain their goals on equal basis. This is due to the fact that some are quite strong and effective to implement their goals while others are relatively weak to put pressure on their counterparts and execute their wills.

The power differences between states calls for the consideration of the effects of the inequality on their relationships operating within a political system. Since states interact trying to obtain the best from the relationship that they forge by achieving the ends they seek, the relations of states are characterized as both conflicting and harmonious. It is thus necessary to maintain these relationships in their reasonable balance in order to preserve the system itself. This is to say that the presence of numerous independent political entities that are able to deploy instruments of violence gives the problem of physical security a central

position in international relations. In other words, as Greene (1964: 207) stated, men anxious to promote or protect their interests, and utilizing power in the process, often face each other on many fronts. This underscores that power plays a central role in the relations of states.

According to Olson and Fred (1968:79), and Greene (1964:146) power is possession of capability by an actor to influence and impose its policy choices and values which it holds dear on others. This theory hence emphasizes that the relations of states operates in orderly manner due to the maintenance of balance of power. The consideration of the role of power in the protection of the international order makes an assessment of issues related to components of power, the means by which the balance of power may be effected, and the effects of balance of power necessary. National power is not in fact limited to military strength and rather consists of various elements. These important components of national power include economic, military, and political strengths of the interacting states. This means that since the power of states in international relations is relative, statesmen must at all times be seriously concerned with the comparative position of their own state vis-a-vis that of other states.

Greene (1964: 174) stresses that productivity and use of energy, steel production, machine tool capacity, and the general level of consumption are the important indicators of industrial capacity and the development of a modern economy. It is true that military or political strength is highly dependent upon strong economic base. Thus a state, which is economically dependent, cannot influence other states and exert pressure to protect its interests that is incompatible to the policies of its counterparts. It must be noted here that raw materials, natural resources, organizational capacity, economic management and administrative skills are important elements of economic power. Military power occupies

significant place in the assessment of the strength of a state. In the evaluation of this power the size, training, experience, and the quality of leadership of the military is very important. Furthermore, the technology the military uses, the internal cohesion of the army which includes the relationship within and between the rank and file and the leadership, the political purpose for which power may be exercised, the geographical location of the country, the size of population, and the capacity of attracting allies in any confrontation with other states are significant factors in the determination of the power of a state.

The political purpose in defense of which power may be applied relates to the interest which is defended adopting the chosen foreign policy. This is to say that if the interest to be protected is vital and so long as it is based on a just cause developed by the agreement of states or by customary international law, there is a high possibility of using the power decisively and with strong commitment. The issue of geographical location contains the size of the country and its frontiers as important factors. Size may be taken as the strength or the weakness of a country depending upon its capacity to benefit from what it has. It is not debatable that size requires relatively huge force to defend it and communication from one extreme part of the country to the other may become highly difficult. It is also clear that mobilization and effective supply of logistics in a large territory need special capacity and resources. However, despite these difficulties large size and strategic location of a country may serve as assets in various ways. Firstly, large size increases the possibility for the existence of various natural resources necessary for development. Secondly, large size in most cases enables a country to consist diverse weather conditions in its different parts that create conducive environment for the inhabitants. Thirdly, large size minimizes surprise attacks of the centre by the foreign enemy.

The population of a country is an important component of the strength or weakness of a country. This can be simply put as that the more populous a state is it will be in a favorable power position with the assumption that all other things remain equal. It must be, however, born in mind that large population may be a liability in the effort to attain strong power status for a relatively economically weak country. The other important point which deserves consideration in connection to the components of power is the capacity for forming alliance. Since the power of a state is not dependent only on its own strength, the formation of alliance obviously increases its power. The alliance of a country with other states plays significant role particularly in balancing power relations existing at a certain point in time. It must also be noted that in some instances the change of alliances may disrupt the prevailing power position and may result in the emergence of a certain state or group of states as stronger than they were before.

The balance of power theory emphasizes the existence of equally distributed power between states allying with different blocks. The role of the rules of law as stabilizing factors in interstate relations is downplayed in the theory. "In this sense the survival of small states is a function of the ability of larger powers to cancel one another's potential for expansion" (Greene, 1964:198). Balance of power may, however, be understood in its narrower sense as applying to relations of two states as a means of maintaining stability in their relationships in situations where there is power equilibrium between them. In other words, the stronger state is always in a favorable political position to influence the weaker state to accept the terms of the former. On the other hand, balance of power may be understood in its broadest sense in terms of its application to the relationship of states in general, and in light of its role in the

maintenance of order and stability in the international system enabling contestant states reach an acceptable equilibrium. Equilibrium of power signifies the amount of power one side had accumulated for a specific objective, and the effect of this power upon the strength of power the competitors actually possess (Greene, 1964: 208). Even though this illustration may imply that the term balance can mean equality of power or superiority of power ranging from slight difference to dominance, it is tenable to argue that the term should be employed to mean equilibrium in which the contesting parties are equally matched, or balanced.

The power system created at a particular situation may appear as multipolar, bipolar or unipolar. A multipolar power system gives rise to multiple centers of power. In the existence of such power system the members often fail to maintain effective balance among themselves. As a result uncertainty reigns and violence threatens to destroy the entire order. This is because the existence of several powers increases the possibility of erupting a struggle between the major powers, or one of them may become ambitious and move for expansion without others deterring the act due to their uncertainty regarding the position of other powers. The multipolar system thus serves no more than ensure the survival of its members. This power system is believed to have caused the holocaust of the past World Wars. It is, however, true that "when no one power clearly stands out as superior to two of its potential rivals combined, the multipolar system provides a powerful deterrent to power" (ibid: 203).

The bipolar situation is dominated by two power blocks around which others group. One of the important characteristics of a bipolar system is that no serious conflict can occur between two sides without the support of one of the super powers. This is even true in a contest which is unrelated to the main power confrontation (ibid.). The commitment of the

two great powers leading the bipolar system is thus a decisive factor for avoiding or aggravating the struggle between two sides. This is to say that if the great powers believe that the disputes between any two states can escalate, and fear that the other great power will intervene, they can take prompt action to avert the danger. This had been sufficiently proved during the Cold War period where the United States and the Soviet Union were policing the arms race, and controlling conflicts.

The theory of balance of power in this regard confirms that the maintenance of the security of the world has become the responsibility of the leading powers in the bipolar arrangement. The great powers, according to this theory, seek to protect the world from anarchy and protect the system because they have important stake in preserving the existing order. This is not, however, to deny the exceptional situation which occurs when a primary power aims to conquer the other and shift the power position. But this is a rare case because the power aspiring to overturn the order in most cases lacks the capacity to do so. Even in situations where great power feels more strength it might also see the potential disaster in a move to control the world, for the greater its power, the greater the possibility of inviting confrontation as a result of which higher loss may be encountered. One important aspect of the bipolar situation thus lies in the increased stake the challenging powers acquire in the system. This interest of great powers is the basis for the stability of the system during the bipolar situation.

In the unipolar system one state emerges as the dominant power having sufficient economic, political as well as military strength to outweigh all others combined. The current international system which is dominated by the United States illustrates the unipolar situation.

The stability of the international system in a unipolar world is dependent on the superpower's monitoring activities regarding the relationships of states. Since the superpower is the highest beneficiary of the existing unipolar system it invests all its energy to maintain the prevailing order. This enables all the members of the international system, great and small alike, to interact each other and execute their respective policies depending on their capacities with the view of protecting one's national interests.

In the foregoing, the fact that balance of power is the basis for maintaining international peace and stability and protecting the national interests of states is discussed. Moreover, one should underline that power is the important factor which should be taken into consideration for the achievement of objectives in interstate relations. It is, however, also important to note that states that are weak in many terms may nevertheless obtain concessions from strong powers. This is because a small power may exert effective influence due to factors such as the possession of strategic resources, and the maintenance of friendships. For example, France and England are highly dependent upon Arab countries for oil supplies while the Middle Eastern countries owning the oil resources may not be economically or otherwise dependent upon the former (Holsti, 1977: 172). In this situation since needs are not equal on both sides the independent "weak" state can make demands on the dependent great power, and obtain important concessions because of the actual influence of the former. This asserts that a country which needs something from another is vulnerable to be influenced (ibid.).

The dependence of the existence of a stable situation, on power, in interstate relations indiscriminately applies to all international intercourses, and the relationships between

Ethiopia and Sudan, and the protection of their national interests have been taking place on the basis of the prevailing domestic, regional, and international balance of power system.

3.2 Conceptualizing Foreign Policy and National Interest

The basis of the intercourse of states is the reciprocal benefit they acquire from their relationships. Since no state can be completely self-sufficient interdependence becomes necessary. A state may see its interests as common or opposed to others on specific points. This implies that some nations will be more friendly in their interactions since common interests predominate in their relations, while others will be more hostile due to the opposite reason. Friendly or hostile relations between different states do not arise from the inherent characteristic of the states. Instead, it stems from a choice of positions on the part of the interacting states. This position of states expressed in a set of principles to guide a nation's conduct in its dealings abroad is what is called the foreign policy of a country. In other words, foreign policy, as Berding (1966:1) clearly put is the basis and framework of a nation's relations with other countries.

The foreign policy of a state is composed of specific goals designed to be achieved in the course of its relations with the other states. These goals which constitute the content of foreign policy are selected from diverse interests of a state as the most important and achievable ones. These mainly relate to interests having to do with political, economic, military, legal and organizational relations with other states (Hartmann, 1978:6). It is important to emphasize at this juncture that national interests of a state include the component

parts selected and incorporated in foreign policy, and those potential policy elements that are rejected from being part of the policy due to the difficulty of their attainment.

In this connection it would be important to assess conditions relating to the determination of national interests, and fixing priorities among them. First, one should bear in mind that the national interests of a country are determined by the concerned states, and hence they define their interests accordingly. Even the defined interests of a specific state are subject to change periodically. Both the definition of national interest and replacing them by other interests are the results of a critical assessment of domestic and international situations. Even though it is very difficult to outrightly state why a state changes its national interests, the change in internal conditions, and the need for the adjustment of conflicting policies peacefully when conflicts are found to exist with the interests of another state may be mentioned as important factors. The issue of adjustment of interests is of particular importance in the conduct of foreign policy because the pursuance of policies to achieve interests at the expense of the interest of another state will lead to hostilities. This seems to have led Hartmann (1978:8) to underline that the continued existence of sovereign states and the hope for preventing war must lie in a willingness of states to formulate compatible foreign policies, and in their ability to adjust the latter when conflicts arise.

3.3 Category of National Interests

National interests may be classified into two distinct categories as vital and secondary. Vital national interests are those which can not be negotiated whatever benefits may be offered

in their replacement. Since alternatives for sacrificing vital national interest are not entertained by states, the latter can go to the extent of waging war to protect them. Such interests are vital because other interests can not be achieved unless they are protected. These vital national interests include for all states big and small alike, the protection and preservation of their physical security and territorial integrity, and national pride and honor. This is simply to say that people will at any rate fight for territory, independence, and way of life (Greene, 1964: 39). However, it must be stressed in relation to this that interests can change due to the change of situations and as a result a reverse choice may be found to be desirable in view of altered conditions. It must also be noted here that the effective protection of these vital national interests is dependent upon power.

Secondary national interests are the residue of interests that are also the desires of each state which they would like to attain but in cases of clashes with the interests of others, the states will not fight with the view of protecting them. These characteristics makes secondary national interests negotiable and subject to compromise for any concession offered by the party having conflicting interests. This is because they are interests that a nation can sacrifice without affecting its national security (Hartmann, 1978:77). This is not, however, applicable to special secondary interests which a state may not be willing to subject to diplomatic negotiations due to historical, economic or sentimental significance of the interests. This was, for example true of the American "Open door" policy toward china in the nineteenth century. "It was a secondary interest; yet America was not really prepared to surrender the policy in return for some concession, although it compromised on it from time to time: (ibid.).

As neighbouring states, Ethiopia and Sudan interact on multidimensional issues which consist of conflicting and compatible national interests. It is not, therefore, unique to them that their relations have been both conflicting and cordial at various times based on the prevailing balance of power and the foreign policy each promotes towards the other. Even in situations where they might have entirely opposed interests (these have not been in fact practically faced during the period of this study) the two countries could have common issues which require their cooperation, such as the resolution of their conflicts arising from the incompatible vital interests.

3.4 Formulation of Foreign Policy

The first fundamental point in the formulation of foreign policy is the process it undergoes until its adoption. The basis for the procedures and process of the formulation are the fundamental laws of the nation and the nature of the political system. Fundamental laws play significant role because they designate powers and responsibilities to certain governmental authorities regarding the formulation and implementation of foreign policies. The nature of the political system is also an essential factor which may affect the essence of the policy because where a democratic system prevails there will be more direct or indirect public participation in the process of the formulation of the policy. On the other hand, in undemocratic systems the contents of the policy are determined by a handful members of the ruling clique. The participatory or no participatory nature of the formulation of the policy can have significant impacts on the relations of states. In other words, in democratic states, the adoption of a policy which protects the interests of the nation and its proper implementation

are controlled by constitutionally protected civil societies and political organisations. In undemocratic states, on the other hand, the elements of the policy are selected by the top echelons of the political system. In most cases, the identification and determination of the elements of the policy are made with the view of achieving the individual interests of the members of the group. It is also important to underline that in undemocratic systems policies are believed to be implemented without serious consideration of the responsibility for the maintenance of international peace and stability.

3.5 Factors Affecting the Formulation of Foreign Policy

There are many important internal and external factors which should be taken into account in the formulation of foreign policy. These factors are generally composed of the top interests of the country and the capacity of the latter to realize them through the instruments of policy. In a situation where a country is exclusively dependent for the satisfaction of its top interests on another country, its foreign policy towards the latter will be influenced by the policy of that state (Holsti, 1977: 167). The influence will be strong particularly where the other state in the relation does not have equally important interest it gets in return. It is thus important to emphasize here that a non-self sufficient state regarding strategically important resources, and particularly aid dependent states will not have broader alternatives in the choice of the elements of their policies which conflict with the interests of the other state. This can be briefly illustrated by providing example. A country which is dependent for its outlet on the only port of another country should always seriously consider the situation of the latter in adopting its foreign policy. Secondly, the historical relations of the interacting states should

be given serious attention in the determination of the foreign policy of a state towards another state. In other words, if their historical relations have been more friendly and if the current situation confirms this, a more open-door policy can be adopted. Where the relations between states have been based on conflict and suspicion a restricted foreign policy will be adopted (Hartmann, 1978:70).

The capacity of the state to influence other states in the relationship is also an important factor to be considered in the adoption of foreign policy because the implementation of the latter is dependent upon the power to exert pressure on others. The power of enforcing pressure is in turn dependent upon different sub factors which include economic strength, internal stability and political unity, the size of population as significant market potential and defence base, technological development and military strength, the government's capacity of organization and mobilization, and the potential for alliance formation. The evaluation of the power of the states in its relative sense with due consideration of the possible involvement of other states, in one way or other, lie in the adoption of foreign policy that determines its content. This is because the relations of states are mainly governed by the power they possess.

Ethiopia and Sudan are economically poor neighbouring countries which can jointly benefit from the development of the waters of the Blue Nile. Two of the core elements which should be considered by the foreign policies of the two countries are economic growth and political stability to alleviate poverty and to build good governance. These countries can hence formulate compatible foreign policies concerning these issues. Furthermore, these countries have more or less comparable strength that can entail a favourable situation for these countries to cooperate for attaining mutual benefits. It is, therefore, important on the part of

the two countries to clearly identify their vital and secondary national interests and incorporate in their foreign policies towards one another to be able to negotiate and cooperate for their mutual political and economic benefits.

3.6 Execution of Foreign policy

Putting foreign policies into effect is a great challenge particularly for weak states. This is because of power limitations, resource constraints and shortage of qualified manpower, which such states generally face. A relatively weak state relating to these factors will hence have less capacity to influence other states in implementing its policy. Since Ethiopia and Sudan are among the poorest countries in the world, they have limited capacity to execute their foreign policies vis-vis the developed countries.

In the above theoretical discussion, the role of power and national interest in the determination of relations between states have been highlighted. Since both these theoretical frameworks are relevant to analyse cordial and conflicting relations between Ethiopia and Sudan, they will be adopted in this thesis for resolving relevant issues.

CHAPTER 4

INTERNAL AND EXTERNAL FACTORS AFFECTING ETHIO-SUDANESE RELATIONS

4.1 Basic Features of the Relations

The existing Sudanese regime which came to power through a military coup on June 30, 1989 did not have good relations with the Ethiopian government (*the Derg*) for various reasons. Firstly, since the *Derg* was ideologically communist, while the National Islamic Front (NIF) which encouraged and backed the 1989 coup in Sudan was anti-Communist, they had become ideological competitors in the region. Secondly, mutual and reciprocal harboring and supporting of opposition groups fighting to overthrow their respective regimes had been seriously affecting the relations between Sudan and Ethiopia. Thirdly, the apparent gradual decline in the power of the *Derg* regime led the government in Sudan to believe that it was wise to contribute towards the downfall of the former by extending strong support to the Eritrean People's Liberation Front (EPLF) and the Tigray People's Liberation Front (TPLF). In countering this move, the Ethiopian government of the day was supporting the Sudan Peoples Liberation Army (SPLA) and its political wing the Sudan Peoples Liberation Movement (SPLM) during the same period.

Two years after General Omar Hassan al-Bashir assumed power in Sudan with the support of the NIF, the Ethiopian peoples Revolutionary democratic Front (EPRDF) came to power in Ethiopia on May 28, 1991 and established the Transitional Government. This important event in Ethiopia had coincided with the end of the Cold War, the downfall of Said Barre in Somalia on 26 January 1991 (Woodward, 1996: 72), and the establishment of a de facto government in Eritrea which eventually seceded from Ethiopia. EPRDF's seizure of power was warmly welcomed by the Sudanese regime. This was highly expected given the previous close relations of the government of Sudan with the TPLF and the EPLF. In this connection, Woodward (1996:124) underlined that when Mengistu finally fell in 1991 Sudanese forces were evidently present in Addis Ababa, apparently keen to capture the SPLA leaders in the capital. Hence the 1991 assumption of power by the EPRDF appeared something of a victory for the Sudanese rulers rather than their rivals in Ethiopia (SPLM/SPLA). One has to note here that General Albashir was the first Head of state to visit Ethiopia after the EPRDF seized power (Kinfе, 1994: 43).

It is widely believed that the TPLF had strong backing from Khartoum, during the period of its struggle against the Derg, as a counter balance for the support the Derg was extending to the SPLA/SPLM. This seems to have made the Sudanese Government believe that greater opportunity would be created in the event where the EPRDF is in power for driving out the SPLA and its Sudanese supporters from Ethiopia. In addition to this it is believed that Sudan was trying to create close relations to implement its long term policies in Ethiopia, and through it, to other neighbouring countries (Smith, 1996:907). The EPRDF on its part was enthusiastic to create friendly relations with Sudan as a means of paying what it owed to the former, and for other reasons which will be discussed in due course.

On the basis of these background contacts and conviction between the government of Sudan and the EPRDF, Ethiopia and Sudan started their relations anew in 1991 by concluding various agreements with the view of promoting friendly relations. Accordingly, the relations between the two countries were cordial and friendly at the beginning leading the Ethiopian government to declare under art. 3 of the Charter that "the policy of destabilization and conflict promotion hitherto actually pursued by the previous regime with respect to the Ethiopia's neighbours shall cease forthwith with the issuance of this Charter." It was, however, unfortunate that the friendly relations established were to last only for a period shorter than initially expected. Instead, the relations between the two countries have shown fluctuations from time to time.

4.2. Foreign Policy Formulation in Ethiopia

On May 28, 1991, a change of government had taken place in Ethiopia resulting in the overthrow of the *Dergue* regime and its replacement by a Transitional Government dominated by the Ethiopian Peoples Revolutionary Democratic Front (EPRDF). The Transitional Period Charter of Ethiopia which was the legal basis for the establishment of the new government had not specifically and clearly vested the power of directing the foreign policy of the country in a particular authority. It is not, however, very difficult to infer from the relevant provisions of the Charter and from proclamation No. 41/1993 which defined the powers and duties of the Central and Regional Executive Organs of the Transitional Government on which organ this power is entrusted with. This can be understood from article 9(c) of the Charter which entitles the president of the Transitional Government, who is the head of state, to nominate the

Prime Minister subject to the approval of the Council of Representatives. From this one can gather that the Prime Minister had been accountable to both the Council of Representatives and the president. Moreover, the prime Minister had not been specifically given the power of heading the foreign relations of the country. Besides, Article 19(1) of proclamation No 41/1993 has clearly limited the power of the Ministry of Foreign Affairs to formulating foreign policy guidelines and submitting it to the Council of Representations for approval. This makes doubts clear that the power of adopting the foreign policy of the country was vested in the Council of Representatives. It is also equally true to say that the president as the chairman of the Council of Representatives and the head of state had the power of initiating and submitting the draft foreign policy of the country to the Council of Representatives for approval and make overall supervision over its implementation. It must be noted, however, that no systematically formulated written policy document was issued to govern the foreign relations of the country during the Transition Period.

The adoption of the FDRE Constitution on Dec. 8, 1994 had, among other things, reserved the conduct of foreign policy within the exclusive power of the Federal government. More importantly, the Constitution had shifted the responsibility of heading the foreign relations of Ethiopia from the president to the Prime Minister. This did not however, bring any significant change in institutional responsibility since both the president and the Prime Minister have been the chief executives at different times, i.e. during the Transition period and after the adoption of the Constitution. These powers have been even entrusted within the same person during the Transition Period and after the adoption of the FDRE constitution. From the point of view of the power of the legislative organ, however, there is a great shift in the power of adopting foreign policy from the legislature to executive organ.

Accordingly, the Constitution has assigned under Art. 77(8), the power of formulating the country's foreign policy, and the responsibility to exercise overall supervision over its implementation, to the Council of Ministers. But the Prime Minister has a decisive power in this endeavor because the Council of Ministers is responsible to the former pursuant to Article 76(2), and due to the power vested in the Prime Minister under Article 73 (6) to exercise overall supervision over the implementation of the country's foreign policy. This power of the Council of Ministers is however, legally limited because the power of declaring the state of war and ratification of international agreements concluded by the executive are reserved as the exclusive powers of the House of the Peoples Representatives under Article 55(9, 12) of the Constitution. More importantly, the power granted to the House of the Peoples Representatives under sub-Article 17 of this same Article to call and to question the Prime Minister and to investigate the executive's conduct and discharge of its responsibilities makes the Council of Minister under the control of the House regarding foreign policy. Based on its constitutionally granted power, the Council of Ministers has issued the foreign policy of the country on December 22, 1996. This policy has, pursuant to Article 87(5) of the Constitution and Article 25(11) of proclamation No. 4/1995, incorporated detail provisions which declare Ethiopia's desire to promote cooperation with its neighbours under articles 173-176 and 239-243. The areas of cooperation specified in the policy include the development of water courses flowing from Ethiopia to its neighbours and concluding agreements for their equitable utilization; economic development; cultural relations; utilization of ports, and protection of security particularly pertaining to the control of terrorist activities.

The Ministry of Foreign Affairs which is responsible for the foreign relations of the country and which has the power of coordinating the relations of other government organs with foreign states obviously plays determinant role in the formulation of the country's foreign policy because it is legally vested with the task of conducting studies on the country's foreign relations and preparing draft policy guidelines on foreign affairs. This enables the Ministry to evaluate current internal and external situations based on suggestions from its departments and diplomats and to propose appropriate policy which will give it great opportunity to influence the Council of Ministers in making its decisions on foreign policy matters. More importantly, the Minister of Foreign Affairs can influence the Prime Minister due to his sufficient exposure to current international situations and his frequent contacts with the latter to discuss issues of foreign relations. This is not, however, to undermine the role of other branches of the executive organ in contributing policy issues related to their respective sectors, and the regional governments particularly in providing information related to concrete facts on the activities of neighboring states. Direct contribution of public opinion in influencing foreign policy formulation, as evidenced from past practices, is minimal, however. Generally, we can understand that Ethiopia's foreign policy was initially, mainly devoted to internal stability and establishing international support for its newly introduced ethnic policy. The foreign policy of Sudan during the EPRDF's assumption of power, on the other hand, was alleged to have been designed to expand political Islam in Eastern Africa.

4.3 Execution of Foreign policy in Ethiopia

The responsibility of administering the effective implementation of Ethiopia's policies regarding its foreign relations is vested in the Ministry of Foreign Affairs. This is to say that the day to day activity of the country's international relations are discharged by this institution while the ultimate power of control over the implementation of the countries foreign policy is specifically designated to the Prime Minister under Article 73(6) of the Federal Constitution. It is thus important to stress here that the powers granted to the Council of Ministers to exercise overall supervision over the implementation of the foreign policy of the country under Article 77(8), and the power of the Ministry of Foreign Affairs to follow up the implementation of guidelines on foreign affairs enshrined in Article 25(1) of proclamation No. 4/1995 are subject to the control of the Prime Minister. The relations of power between the Prime Minister and the Council of Ministers warrants this conclusion because, firstly, the Prime Minister is the Chief Executive. Secondly, the Council of Ministers is responsible to him pursuant to Article 76(2) of the Constitution. Thirdly, the power of exercising overall supervision is clearly vested in the Prime Minister.

The power of the Prime Minister to negotiate on issues involving the interests of the country, his power as a commander- in- chief of the national armed forces and his power of nominating ambassadors and other envoys give him effective authority with respect to the execution of the foreign policy of the country. The important instruments for the implementation of the policy are the diplomats of the country. Assigning capable diplomats is thus no doubt a prerequisite for its efficient and effective implementation. Satisfactory

success does not, however, seem to have been registered in this regard in the last ten years as it has been proved during the Ethio-Eritrian War. This had been mainly caused due to lack of experiences resulting from the absence of maintaining continuity by retaining experienced diplomats. This lacuna coupled with the weaknesses of the country stated above have made the achievement of objectives, such as the attraction of foreign investment capital to the country, inadequate.

In this connection it is very much relevant to consider the role of the House of the Peoples Representations, and the president of the country. Since the former is entrusted with the power of declaring war and ratifying international treaties signed by the Council of Ministers, it is not difficult to understand the strong power position this organ occupies. These are substantive powers which enable the legislative organ to control the activities of the executive organ in connection with foreign policy execution. The control is meaningful particularly on issues of entering into war and concluding binding international agreements which can significantly affect the interests of the country. The power of the president, on the other hand, is limited to the appointment of ambassadors and other envoys to represent the country abroad. But he can appoint these representatives only when their list is submitted to him based on the recommendation of the Prime Minister. In addition to this the president receives the credentials of foreign ambassadors and special envoys assigned in Ethiopia. In both of these cases the power of the president is only ceremonial because we can not learn from the provisions of Article 71(3,4) of the Constitution that he can reject in his own discretion any recommendation of the Prime Minister for assignment, nor can he dismiss any representative of the country abroad. This Article does not also imply that the declaration of persona non grata is within the power of the president. Thus it can be underlined that the

power of the president in the execution of foreign policy like that of its formulation is insignificant.

4.4 Ethiopia's Foreign Policy vis-a-vis its Relations with Sudan

The EPRDF, upon seizure of power, had been pre-occupied with the complicated domestic issues which arose particularly in relation with the ethnic background of the political organizations which came to power, the demobilization of the military establishment of the previous government, the introduction of ethnic politics based on the adoption of the principle of self-determination up to secession, and the immediate recognition by the Ethiopian government of the formation of an interim government in Eritrea. In the international aspect, the new government of Ethiopia was also busy looking for both political and economic supports from different countries. Since the new government was not initially stable in its domestic political base and nor did it have a dependable international ally, its foreign policy was devised mainly with the view of creating peaceful relations with its neighbours and securing political and diplomatic support. As a consequence, Ethiopia declared an open-door policy (Kinfu, 1994: 42) with respect to its relations with neighbouring countries. This unilateral move taken by Ethiopia made its boundary wide open for the free movement of people without the requirement of entry visa, (ibid.) and resulted in the uncontrolled flow of people and goods from neighbouring countries. There wasn't, however, immediate reciprocal response on the part of the neighbouring states except that a friendship agreement was signed between Sudan and Ethiopia which included the opening up of their respective boundaries to allow the movement of people and goods freely. More importantly, the two countries reached to mutual understanding for expelling opposition groups operating in their territories against

the regime in their homeland (Girma, 1999:37-38). This was important to both governments because the SPLA could not get any form of support from Ethiopia which would give Sudan the opportunity of taking the upper hand in its fighting in its Southern part. Regarding Ethiopia too, this could avoid the involvement of Sudan in assisting any guerrilla movement that might threaten the EPRDF dominated fragile new regime.

4.4.1 The Short-lived Friendship: The First Phase of the Relations

The political environment created in Ethiopia was duly noted by the NIF-led government of Sudan, which had clear foreign policy objectives of expanding political Islam in North East Africa (Woodward, 1996: 125). Ethiopia with its large Moslem population had thus been found to be ideal as the NIF target for its major operation of expanding Islam in the Horn of Africa. Accordingly, Sudan carefully scrutinized the political advancement of the Muslem Community in Ethiopia (ibid.). With this conviction Sudan had taken two significant moves which were meant to facilitate the situation for its primary target of promoting political Islam. Consequently, first, it expanded the Sudan Embassy in Addis Ababa under Ambassador Osman El-Seed and established Sudanese Consulate in Gambella. Second, immediate actions were alleged to have been taken to create conditions in Ethiopia for the rapid proliferation of Islamic NGOs which were affiliated to the NIF. These diversified moves of Sudan designed to spread the ideology of Political Islam through means ranging from government representatives to international NGOs had been taking place at the time when Sudan was at a comparatively advantageous position. This is to say that, firstly, Ethiopia and Eritrea were close friends which were favourable towards Sudan so that the latter did not have to worry about the issue of balancing its relations with these states so long as it

maintained good relations with both. Secondly, since the Transitional Government of Ethiopia was mainly engaged in restructuring its internal administration and in ensuring sustainable peace and stability, it can be argued that Sudan did not encounter any check and control in its political activities in Ethiopia due to the open-door policy of the latter. Thirdly, the government of Sudan had been undertaking its clandestine activities in Ethiopia with great optimism for the achievement of objectives due to the emergence of a lawless situation in Somalia as a result of the absence of government in the country. In addition to this, the internal situation in Sudan relating to its conflict in the Southern part had been showing substantial change in favour of the central government. This was mainly because of the occurrence of a major contradiction and splits within the SPLA, as a result of a coup attempt staged on 28 August 1991 by three SPLA Commanders, Riak Machar, Lam Akol and Gordon Kong, to overthrow Colonel Garang from his leadership position. This was eventually followed by continuous fighting between the two factions in 1991 and 1992, and intermittent clashes in 1993 and 1994 (Girma, 1999:49).

It thus seems tenable to argue that the fall of Mengistu in Ethiopia created shock within the SPLA and resulted in the split given that Addis Ababa, the friendliest capital in Africa to the Southern Sudanese, had been transformed overnight into the friend of their worst enemy, the regime in Khartoum (Gurdon, 1994:92-93). During this time the Sudanese government was claiming military victory against the SPLA/M main stream.

During the time when Sudan had been taking advantage of Ethiopia's idealist open-door policy towards its neighbours, the withdrawal of the Oromo Liberation Front (OLF) from the Transitional Government in opposition to the 20 June 1992 local elections (ibid:28) made

the Ethiopian Government to seriously think to maintain its friendly relations with Sudan. This was to ensure that the latter would not be a fertile ground for the political and military activities of the OLF. In spite of Ethiopia's unchanged position to promote its friendly relations with Sudan, the increase of the pressure of political Islam and terrorist activities associated with it in Ethiopia started to undermine the cordial relations between the two countries.

Sudan's involvement in the Islamization project engineered by the NIF ideologue Hassen el Turabi was not in fact limited to its activities in the periphery of Ethiopia. Instead, Sudan was blamed by the US and its allies for supporting terrorist Islamic organizations operating the world over. This enabled Ethiopia to get the support of the big powers, particularly the US, in its challenge against the destabilizing groups allegedly assisted by Sudan. In this connection, it is important to consider the degree and means of the involvement of Sudan in Ethiopia's affairs and the possible reasons for pursuing this policy.

In the midst of the reconstitution of the Joint Ministerial Commission and the conclusion of a number of cooperative agreements between Ethiopia and Sudan, it was alleged that the overt activities of the latter in the territory of the former through its official channels such as diplomatic activities, Sudan News Agency (SUNA), Government affiliated NGOs, and Sudan Airways had been showing substantial increase. Besides, terrorist operations suspected to have been backed by Sudan in the eastern periphery of Ethiopia, and in selected targets in Addis Ababa and Diredawa were being undertaken. It was also alleged that Sudan was making attempts to infiltrate in Regional Administrations, such as Benishangul Gumuz, by providing support to the Benishangul Peoples Liberation movement. In short, in regions in

Ethiopia where oppositions were getting momentum, Sudan was in certain instances implicated. This involvement of Sudan to impose its Islamic ideology with the eventual goal of ensuring dominance in Ethiopia were alleged to have been undertaken by regional and international Islamic organizations, such as Al-It had, and the Eritrean Islamic Jihad Organization (Girma, 1999: 36, 38). Sudan has been blamed by the US and its friends for providing political and ideological support, training combatants, transiting arms supplied by other countries, and preparing travel documents for members of terrorist groups (Girma, 1999:29). This allegation had in fact ultimately resulted in the isolation of Sudan from the international community. Since this issue will be discussed later, let us move to considering the possible reasons that prompted Sudan to promote a policy of expanding political Islam in Ethiopia by sponsoring terrorist activities.

In fact, the application of the principles of Islam in the political affairs of Sudan and expanding the ideology to its neighbouring countries is the overall objective of the NIF. It is hence possible to argue that the policy Sudan was pursuing in Ethiopia had been part of its grand objective of spreading political Islam in Eastern Africa. Even though the significance of this can not be ruled out, it is also tenable to argue that Sudan seems to have had the desire to emerge as a dominant force in the Horn of Africa by weakening Ethiopia to ensure its national interest to be the other important factor. This position can be substantiated by considering issues related to their respective national interests. Firstly, Ethiopian's establishment of a federal system and its acceptance of the principle of self-determination up to secession in its Constitution might have its implications on the resolution of the conflict in Southern Sudan. This could have led Sudan to involve in destabilizing activities in Ethiopia to discredit the road the latter followed and to have a basis for arguing with the opposition forces that self

determination is not a viable option for ethnic based conflicts in the Horn of Africa. Secondly, weakening Ethiopia would deny the SPLA any possible future support from the former in its struggle with the government of Sudan. Thirdly, weak Ethiopia would guarantee the maximum utilization of the Blue Nile water by Sudan in cooperation with its lower riparian, Egypt. Fourthly, Ethiopia and Sudan have been competing to ascertain dominant influence in the politics of the Horn, and emerging victorious in this contention would enable Sudan to manipulate the politics of Somalia in favour of its islamization policy but to the detriment of Ethiopia's interests.

The reasons for Sudan's involvement in activities affecting the interests of Ethiopia through its official and unofficial channels hence relate to its policy of spreading Islam in the surrounding countries. This also relates to its desire of weakening Ethiopia with the view implementing its interests and emerging a strong power in the region. This grand design could not, however, be easily achievable in the face of the sustenance of the Ethio-Eritrean friendship, and under the close supervision by the United States of the Islamic movements in the Horn of Africa.

The deteriorating trend of the relationship between the two countries which began as warm and friendly in May 1991 led Ethiopia to take diplomatic and political moves. The worsening situation in the Ethio-Sudanese relations resulted in accusations and counter accusations between the two countries for supporting the SPLA/M by the Ethiopian government and providing arms and political support to the Oromo Liberation Front by the government of Sudan (Girma, 1999: 38). In the mean time the relations of Sudan with Eritrea had been declining due to Eritrea's allegation against Sudan for training and arming the

Eritrean Islamic Jihad which was mounting its guerrilla attacks in western Eritrea. During this Sudanese-Eritrean conflict Ethiopia had shown strong support in favour of Eritrea. After series of negotiations between the governments of the two countries failed to bring improvements, the Eritrean government severed all diplomatic ties with Sudan in December 1994 (ibid: 36)

4.4.2 The Fading Friendship: The Second Phase of the Relations

The Ethio-Sudanese relations had reached to a point of crisis when assassination attempt was made by Islamic terrorists on the life of Egyptian President Hosni Mubarak on 26 June 1995 in Addis Ababa. Even though five of the terrorists were killed, three were captured, one was declared to have managed to escape and fled to Sudan to join two of the members of the group who were alleged to have been planning and directing the attempt from Sudan. Consequently, the Ministry of Foreign Affairs of Ethiopia formally accused the government of Sudan, on 1 September 1995, for providing sanctuary to the perpetrators of the crime and furnishing them with travel facilities to and from Addis Ababa (The Ethiopian Herald, Sept. 2, 1995:1).

This situation brought about the end of the first phase of the relations between the two countries which lasted from May 1991 to June 1995. It had also resulted in controversy between Ethiopia and Egypt following this incident due to Egypt's allegation of involvement of the Ethiopian security in the assassination attempt (The Ethiopian Herald, July 4, 1995:1). The Ministry of Internal Affairs of Ethiopia declared on 1 August 1995, the identity of the members of the group involved in the assassination attempt who happened to be all Egyptians,

but it was reserved from publicizing the country alleged to have been behind the action (The Ethiopian Herald, August 1, 1995:1). Together with this, undeclared diplomatic means were said to have been attempted by the Ethiopian government for the handover of the alleged criminals to Ethiopia by Sudan (ibid. 1995:6). As a result of Sudanese non-compliance the Ethiopian government took measures against the activities of the Sudanese government in Ethiopia. Accordingly, the Ministry of Foreign Affairs issued a declaration on September 1, 1995 regarding the following Measures: 1. Sudanese Consular Office in Gambella was closed, and its Sudanese personnel were ordered to leave Ethiopia within seven days. 2. The number of diplomats working in the Sudanese Embassy in Addis Ababa was reduced not to exceed four including the ambassador, and others were ordered to leave Ethiopia within seven days. 3. Organizations directly or indirectly linked with Sudan operating in Ethiopia as non governmental relief agencies were ordered to cease activities, close their offices, and their Sudanese personnel to leave Ethiopia within seven days. 4. Sudanese Airways was prohibited from flying to Ethiopia and its Sudanese staff working in Addis Ababa were to leave within 7 days, and the Ethiopian Airlines also interrupted its flight to Sudan. 5. Entry visa requirement was reimposed on Sudanese seeking to enter Ethiopia, and 6. Ethiopia reduced its diplomatic staff in Khartoum (ibid.). These measures secured immediate Egyptian favour and as a result its Foreign Minister Amr Moussa expressed his country's support for the result of Ethiopia's investigation in the failed assassination attempt during his talk with Prime Minister Meles Zenawi on 4 September 1995 (ibid. September 5, 1995:1).

Some of these Ethiopia's measures could have only diplomatic impacts while others could have practical significance to deter possible retaliatory actions by groups having affiliation with the assassins. Ethiopia continued its pressure on Sudan for the handingover of

the three identified individuals implicated in the assassination attempt. This was based on the 1964 Extradition Treaty concluded between the two countries. On Sudan's refusal to comply with its treaty obligations Ethiopia submitted the case to the OAU Ministerial Committee 3rd extra ordinary session held in Addis Ababa on September 10, 1995. The meeting, deliberating upon the issue, demanded Sudan to handover the three terrorists involved in the assassination attempt (the Ethiopian Herald, 14 Sept. 1995:1). Sudan denied in this meeting the presence in her territory of the two members of the group who were accused for planning and coordinating the attempt but accepted the allegation regarding the entry into her territory of one of the terrorists who escaped from Ethiopia and stated that he had disappeared.

During this period, Sudanese internal opposition forces started gaining strength in different fronts registering major victories against government forces. This strength could be the result of various factors. First and foremost, the attitude of suspicion Ethiopia, Eritrea, Uganda and Kenya developed towards Sudan on the basis of its alleged involvement in terrorist activities had created conducive situation for Sudanese opposition forces to secure direct and indirect political as well as material assistance from these countries. Secondly, the revival of the National Democratic Alliance (NDA)³ in 1996 spread the war to the northern front which enabled the NDA forces to take successive attacks in 1997 forcing government forces to withdraw to Kssala (Girma, 1999: 40). The international isolation of Sudan due to, inter alia, the US withdrawal of its embassy in Khartoum in February 1995, and Britain's expulsion of a number of Sudanese diplomats for the alleged complicity of Sudan with acts of international terrorism, started weakening Sudan. Egypt started charging Sudan with backing

³ The coalition was formed by the Democratic Unionist party, the Umma party, the Sudan Federal Democratic Alliance, the Sudan Alliance Forces (SAF) the Beja Congress Forces, the Legitimate Command of the Sudanese Army, and the John Garang Faction of the SPLA/SPLM.

an Egyptian Islamic extremist group, al Gamaa al-Islamiya. Uganda also cut-off diplomatic relation with Sudan in April 1995 accusing Sudan of supporting the rebels opposing the government in Kampala and the relations between the two countries deteriorated particularly when they exchanged artillery fires in 1996 and 1997 (ibid: 39).

On the other hand, at the beginning of the second phase of its relations with Sudan Ethiopia was relatively stable adopting its Federal Constitution and conducting election of deputies to the Federal and Regional Assemblies on May 7, 1995.

Since Sudan continued with its refusal to comply with the demand of the OAU Ministerial Committee meeting to handover the suspects, the matter was submitted to the UN Security Council on the basis of Ethiopia's appeal lodged on 21 December 1995. The Council considered the matter on 31 January 1996 and passed Resolution No 1044/1996 calling the Sudanese government to be bound by the OAU Resolution to handover the alleged criminals and to act in accordance with the OAU and the UN Charters. The Security Council again convened on 11 March 1996 to consider the implementation of its previous resolution and passed Resolution No. 1054/1996 expressing its regret on the failure of Sudan to comply. The decision of the Council stated that all member countries reduce the number of their diplomats in Khartoum and imposed diplomatic and travel sanctions (Girma, 1999: 30). Even though the resolution had little practical impact on Sudan, it had damaging political effects on its foreign relations while Ethiopia was gaining significant political and diplomatic support.

During this period, the security of the domestic situation in Sudan was going from bad to worse. Particularly, beginning from the second week of September 1995 widespread

demonstrations were held by opposition groups in Khartoum against President Bashir's government. The SPLA forces also launched anti-government attacks beginning from October 1995, and by mid 1997 controlled the major part of southern Sudan (ibid: 50). The government of Sudan, on the other hand, had been attempting to reverse the domestic situation in its favour by presenting the war as an international plot staged against Islam implicating Ethiopia as one of the perpetrators. This was undertaken with the view of mobilizing the Muslim population of the country. It also appealed to the UN Security Council on 12 January 1996 accusing Ethiopia for invading its territory.

While the US which had already cut-off aid to Sudan and severed its diplomatic relations with the latter was supporting Sudan's neighbours and the opposition forces of Southern Sudan (Woodward, 1996: 123) with the view of overthrowing the NIF-led government, US Embassies in Kenya and Tanzania were bombed by terrorist attacks on August 7, 1998 killing 12 Americans and more than 258 Kenyans and Tanzanians. Since the US suspected Osama bin-Laden who had connections with Sudan to have involvement in the incident, it bombed a pharmaceutical plant in Northern Khartoum on 20 August 1998. The US justification for the bombing was its suspicion of the plant for making precursors for chemical weapons. Sudan, however, strongly denied the allegation and stated that the plant produced antibiotics and drugs for diseases (Girma, 1999:30). Between June 1995-1998, the relations between Ethiopia and Sudan remained hostile. Sudan was internationally isolated and forced to moderate its attempt to export political Islam, and internally losing ground with regard to its relations with the opposition forces. Ethiopia, on the other hand, was getting relative stability in its internal politics. It had also been claiming successes at various times in its action against the Al-ithad forces which were said to have infiltrated to the Eastern part of Ethiopia's

territory. The relations Ethiopia established with the US had been showing marked progress as the latter considered Sudan a threat to its security interests and to those of its allies thereby developing a desire for overthrowing the NIF regime by enhancing cooperation between Uganda, Ethiopia, and Eritrea to play their part in the endeavour.

The governments of Ethiopia and Sudan had hence been at odds during the period of mid-1995 to late 1998 due to the incompatibility of their national interests. At about the end of this period many started to believe that the government of Sudan began to retreat from openly assisting organizations labelled as terrorists. Even though the UN sanctions on Sudan regarding restrictions on official travel and reducing embassy staff were ignored, the isolation of the NIF regime continued and some even speculated its demise.

While the survival of the regime in Sudan hung on the balance, Eritrean forces occupied Ethiopian territory on 12 My 1998. This was also the time when the Sudanese government was seeking opportunities to improve its relations particularly with Ethiopia and Egypt to obtain their support in its petition to the United Nations Security Council to lift the sanction it imposed through Resolutions No. 1044/1996 and No. 1054/1996. The Ethiopian government was relaxing the previous political position it had been promoting against Sudan. This may be partly with the realization of Egypt's retreat from pursuing the issue of imposing a more serious sanction on Sudan by the Security Council. On top of this, the Ethiopian government, having become extremely busy on the newly emerging dispute with Eritrea, could not devote much time and energy to settle issues with Sudan. Even from tactical point of view, Ethiopia had to take such political stand which could at least neutralize Sudan in the former's border dispute with Eritrea. The new phenomenon in the Ethio-Eritrean relations is

believed to have become a turning point in easing and ultimately normalizing the hostile Ethio-Sudanese relations. Accordingly, their relations shifted to its third phase which can be categorized, as friendly. Ethiopia's flexibility in its relations with Sudan would help it to follow a new foreign policy which could protect its national interests.

Attempts were also made by Sudan and Eritrea to restore their mutual relations. This sufficiently implies that Ethiopia and Eritrea were, at the beginning of the dispute, competing to win the alliance or at least the neutrality of Sudan in their disputes. This gave Sudan the opportunity of making the appropriate choice from the point of view of its national interests. Having these factual situations in mind, let us proceed with considering Ethio-Sudanese relations from May 1998 to the present.

4.5 Improvement of the Relations: Third phase

It is relevant to underline at the outset that various important events and actions that could influence the relations of the two countries have taken place after the Ethio-Eritrean relations started to deteriorate. Sudan, which has been suffering from continuous internal conflicts in its southern part since 1983, had come to a point where its government and the SPLA / M agreed in principle to hold a referendum on the issue of self-determination for Southern Sudan at IGAD Ministerial sub-committee peace talks in Kenya in May 1998 (The Ethiopian Herald, 8 May 1998). Since the sub-committee of the IGAD Mediation Committee, which consisted of Ethiopia, Eritrea, Kenya, and Uganda played a significant role in bringing this result, it is possible to infer the realization of the Sudanese government of the contribution

of its neighbours in bringing peace to Sudan. Ensuring Ethiopia's severance of support to the Sudanese opposition movements could be taken by the NIF regime as an important element for the success of the peace process to resolve the outstanding issues regarding the extent of the area of southern Sudan, and the relationship between state and religion. More importantly, the degeneration of the Ethio-Eritrean relations could lead both Ethiopia and Sudan to speculate on Ethiopia's loss of the use of the port of Assab and its possible use of Port Sudan in future. This is of mutual national interest which would attract both governments to improve their relations and derive mutual benefits thereof. The completion of the oil export pipeline laid down from the southern part of Sudan to the export terminal near Port Sudan with a distance of 1,600 km. in August 1999 could be considered as one important factor in influencing the two countries to improve their relations. This was expressed in concluding oil sale agreement, which later proved to be the desire of both parties (Country Profile, Sudan 2000:12). Ethiopia's warning of Eritrea to pull out its forces from the occupied territory on May 13, 1998 increased the possibility of seeking cooperation on the part of Ethiopia and Sudan. Sudan, now almost sure of the escalation of the conflict between Ethiopia and Eritrea, had to make a choice at least based on the principle that the "enemy of my enemy is my friend."

The Sudanese government which was declaring its commitment to resolve the conflict in the Southern part of the country enacted a constitution in June 1998 endorsing referendum for the South. The possibility of ending Sudanese internal problem by constitutional means had, however, appeared unlikely due to the embodiment of the Sharia law by the Constitution as the guiding principle of the Country. The continuation of the conflict in southern Sudan had thus enabled Ethiopia to have an important political card to secure Sudan's neutrality in its

future military engagement against Eritrea in return for Ethiopia's severance of its relations with the Sudanese opposition movements.

While the Ethiopian government was consolidating its internal unity and getting popular support as a result of the issue of the violation of Ethiopia's territorial integrity by Eritrea, the Sudanese government during the period of 1998-1999 was engaged in power struggle between President Omar Hassan al-Bahir and the speaker of the House Hassan al - Turabi. As a result, President Bashir imposed a state of emergency and suspended Parliament in December 1999 (Country Profile, Sudan 2000:9). This indicated the declining influence of Hassan al-Turabi who has been the prime mover of spreading political Islam in Eastern Africa. The new political development in Sudan, which finally resulted in the expulsion of Turabi from the National Congress prompted many Arab-League member countries to quickly lend their political support to Bashir's measures (ibid.). This served as success in breaking Sudan's long diplomatic isolation and was followed by various diplomatic moves by different countries to improve relations with Sudan with the belief that it had been alienating the leading proponents of political Islam from the leadership of Sudan. Development of positive attitudes by different countries have begun towards Sudan's progress to respond to the OAU and the UN Resolutions to behave in accordance with the principles enshrined in the Charters. This created a conducive political atmosphere to Ethiopia to freely re-establish its harmonious relations with Sudan without fear of international condemnation.

The inaugural ceremony of Mohammad Gile as Djibouti's president in May 1999 created the opportunity for Prime Minister Meles and President Bashir to meet in Djibouti and discuss their bilateral affairs. In July the same year the two leaders met also at Algiers during

the meeting of the OAU Heads of State. On the basis of the understanding reached between them, Ethio-Sudanese relations began to show significant improvements. Consequently, the Joint Ministerial Committee of the two countries resumed its activities holding its first meeting in March 2000 (Press Release:1) after the deterioration of their relations in 1995. Interestingly, Egypt followed suit and exchanged ambassadors with Sudan in April 2000 for the first time since the 1995 attempted assassination.

The improvements of Sudan's relations particularly with Ethiopia and Egypt encouraged the former to lobby for the ending of the sanction imposed by the Security Council. Presumably due to partly diplomatic efforts, Sudan secured statements from Ethiopia and Egypt confirming its claims to have cooperated fully with the inquiry into the attack. On the basis of this new development, Mali, a Security Council member, in June 2000 presented a motion on behalf of Sudan to have sanctions lifted on the claim that the latter had satisfied the demands of Resolutions 1044/1996 and 1056/1996 (Country profile, *ibid.*). Despite the refusal by the United States to accept the proposal the sanction was gradually lifted as Sudan started dealing with different countries including the US regarding matters covered in the sanction.

The efforts made on the part of the governments of Ethiopia and Sudan since 1998 to improve the relations of the two countries have eventually come into fruition and resulted in the conclusion of different bilateral treaties. These treaties include trade, industry, investment, telecommunication, oil sale to Ethiopia and port use agreements. To facilitate the implementation of these agreements, and to strengthen their friendly relations a Joint Border Development Commission headed by Regional Administrators of adjacent Regions of the two

countries was established vested with the responsibility of handling border development issues.

With Ethiopia's emergence as victorious in its war with Eritrea, the Ethio-Sudanese relations have shown significant progress presumably due to the contribution of the following reasons. Firstly, both Ethiopia and Sudan seem to have realized that the internal political stability of one is dependent upon the stability of the other, the realization of which necessitates their cooperation. Secondly, the end of the Ethio-Eritrean war in favour of Ethiopia gave the latter a strong power image in the Horn of Africa which Sudan can not ignore in the formulation and administration of its foreign policy. Thirdly, land-locked and non-oil producing Ethiopia needs the Sudanese port services and oil supply. This is as well to the interest of Sudan as it can generate hard currency in its commercial dealings with Ethiopia for its weak economy.

Stated in summary, the basis of the present Ethio-Sudanese friendly relations and the conclusion of cooperation agreements is the compatibility of their national interests, which include the enhancement of economic development and establishing internal peace and stability. The friendly relations between these neighboring countries will undoubtedly contribute to the improvement of the relations among the Horn countries. Of course, it is important to assess whether Ethio-Sudanese relations will be sustainable.

4.6 The Role of External Influences

Ethiopia and Sudan occupy significant place in the politics of the Horn. One of the main reasons for the importance of these countries with respect to this issue is attributable to the proximity of their geographic location to the Middle East countries. In addition to this, Sudan's size as the largest in Africa⁴ and the flowing of the Nile River through its territory, Ethiopia ranking as first in the Horn of Africa in its population size and being the source of the Blue Nile, Atbara, and Sobat Rivers, and the existence of the Islamic and secular regimes in Sudan and in Ethiopia respectively are other important reasons which are worth mentioning to substantiate the significance of the two countries in the Region. These and other subsidiary factors have been attracting various outside powers to interfere in, and influence the relations of these two neighbouring countries.

In spite of the fact that external influences have been in existence, with considerable variations, since the establishment of the relations between Ethiopia and Sudan, this discussion will mainly focus only on relevant factors regarding the role of these influences in affecting the relations between the two countries since 1991. The important powers which have been exerting influence on Ethio-Sudanese relations are the Arab countries, the United States, and International and Regional Organizations. One should note that it is important to briefly treat the roles of these actors separately as follows.

⁴ The area of Sudan is 2,505,813 sq. km. (Allan, 2002: 972) whereas the area of Ethiopia is 1,133,380 sq. km. (Last, 2001: 484).

4.6.1 The Arab Influence

It is important to state here at the outset that half of the Sudanese people are Muslims and linguistically Arabs while half are Africans. This has enabled Sudan to become the member of both the Arab League and the Organization of African Unity. It means that Sudan is as much a black African country as it is an Arab country (Gurdon, 1994:97). Particularly, Sudanese affinity to the Arab countries had created the opportunity for the latter to establish relations with an African country on the spirit of Arabism. This relationship had been utilized as a means to spread Islam in Eastern Africa including the southern part of Sudan and to protect their economic and political interests in the Horn Region. Ethiopia which is the neighbour of Sudan is also bordered by two African Arab League member countries, namely, Djibouti and Somalia. This Ethiopia's geographic position breaks the continuity of Islamic states from the Middle East to East African countries. In fact, some Islamic Middle East countries have been allying with Sudan with a view of ensuring the domination of Islam in Ethiopia, and they were also providing generous assistance to Ethiopian secessionist movements to realize the plan (Woodward, 1996:120). It was in line with this view that President Nasser stressed the need for spreading Islam and "assigned Egypt with the responsibility of spreading the light of knowledge and civilization upto the very depth of the virgin jungles of the continent" (Mesfin, 1999:80).

The support of the ELF beginning from its formation by different Arab countries among which Sudan was a clear example for the interference of these countries in Ethiopia's affairs. Even though the activity of a number of Arab countries was part of the Arab grand policy of dominance over the countries of the Horn of Africa, Ethiopia was a special focus to

expand political islam and to ensure sustainable control over the politics of the Horn and the control of the headwaters of the Blue Nile. Sudan was serving as proxy to implement the policies of the ambitious Arab countries in return for material as well as political supports the former obtained to support the war conducted in its Southern Region. The following statement clearly shows the involvement of Arab countries affecting Ethio-Sudanese relations.

A number of Arab states showed concern, Saudi Arabia and other Gulf states as well as Egypt, but the major commitment as arms suppliers in early years of the ELF were provided by Syria and Iraq-the two Ba'athis states---. Thus weapons began to flow towards Eritrea, via the most obvious route of Sudan (Woodward, 1996: 120).

This wide-ranging support supplied to Sudan from various Arab countries could not, however, continue without encountering problems. In other words, the adoption of a foreign policy with an aggressive islamic revolutionary stance by the Sudanese regime started to isolate the country from more conservative regimes in northern Africa and Arabian peninsula (ibid: 87). Particularly, since the present government of Sudan had started its rule in 1989 by pursuing a policy based on Islamic revolution, it had not enjoyed the sympathy of many Arab as well as western countries. In fact, it had been both good relations of Sudan with the Arab countries and the deterioration of these relations which were positively or negatively affecting Ethio-Sudanese relations. This was because changes in Sudan's alliance with them had been reflecting its impacts on the power relations between Ethiopia and Sudan. In other words, when Sudan had close relations with the strong Arab countries there was a likelihood that its relations with Ethiopia would degenerate, and when Sudan was not in good terms with them there was a high possibility that the relations of these two neighbouring African countries would improve, assuming that all other factors remain equal. This had been happening because the Arab attitude towards Ethiopia was highly influenced by the Eritrean issue, the

Ethio-Somali relations, the clashing resource interests existing mainly between Egypt and Ethiopia, and the designation of Ethiopia as the friend of Israel by the Arab world. In this connection Mesfin (1999:81) has stated as follows.

The other geographic fact that invites intervention is the Nile River. The Nile riparian states extend beyond the Horn countries of Ethiopia and Sudan to include such countries like Egypt, Tanzania, Burundi, Rwanda, Uganda and Congo. The Red Sea and the Nile valley represent the most fundamental material link between the countries of the Horn, Egypt, and the Arabian peninsula. The attempt to push Arabization in the Horn of Africa more specifically in Southern Sudan, Somali, Djibouti, and through it the extension of Arab influence, is a strategy that is intended to isolate Ethiopia and ensure the total control of the Nile and the Red Sea.

The relations of President Bashir's government, as a hard-line regime, with the Middle East countries was restricted only to some governments. It has thus developed new links with Iran with overtones becoming regional centre for the propagation of Islamic fundamentalism (Woodward, 1996: 144). In addition to this, Sudan's support for Saddam Hussien during the Gulf war strengthened its relations with Iraq, while isolating it from other Arab countries which allied with Kuwait (Gurdon, 1994: 87). These relations enabled Sudan to be the centre for promoting Islamic movements in northern Africa. Particularly, Iran's assistance increased Sudan's potential to challenge the Southern opposition forces, and to train the members of the allegedly terrorist groups and to transit money and arms to them. The most obvious reason for the Iranian assistance as the international isolation of Sudan grew was the sympathy of the radical elements in Iran with their fellow political Islamists in Sudan which was followed by president Rafsanjani's visit of Sudan in late 1991 (Woodward, 1996:58, Gurdon, 1994: 79-80). These movements which were supported by both Sudan and Iran were, for stronger reasons, alleged to have infiltrated to the Ethiopian territory, and this had eventually become one of the

main reasons for the deterioration of the Ethio-Sudanese relations in the years between 1995 and 1998.

The latest developments in Sudan's policy that tended to have prevented the country from spreading political Islam to the neighbouring countries strongly substantiate the argument that the involvement of Arab countries affects Ethio-Sudanese relations. The dismissal of Turabi-the prime mover of political Islam in Sudan-from Political power is believed to be part of this development. The present relations between the two countries is cordial showing a tendency of more improvement in the future with the assumption that their internal political situations and the regional power relations remain equal. It can thus be argued that this improvement in their relations could be realized partly due to Sudan's political isolation from the major part of the Arab world. It should also be noted that the relative improvement of Ethiopia's diplomatic relations with the governments of many Arab Countries could have convinced the latter that Ethiopia is not a threat to Sudan and contributed for the isolation of Sudan. This leads to the inference that the improvement of Ethiopia's relations with the Arab countries has indirectly contributed to exerte pressure on Sudan, and to the improvement of the Ethio-Sudanese relations. This can be summarized as follows. Firstly, the reason for Sudan's isolation from the Arab world being mainly related to its sympathy to Iraq during the Gulf war, Iran's involvement in the politics of Sudan and the sustenance of the relations between Iraq and Sudan after the war have contributed for the worsening of the Arab-Sudan relations. Secondly, the close relations that Sudan established with Iran and Iraq particularly regarding the expansion of political Islam had been one of the factors responsible for the deterioration of the Ethio-Sudanese relations from 1995-1998. Thirdly, the improvement of Ethiopia's relations with a number of Arab states after the assumption of

power by the EPRDF and the secession of Eritrea in 1991 could be considered as a threat to Sudan, since hostile Ethiopia would be suspected of channelling supports from Arab countries to the Sudanese opposition forces. Particularly Egypt and Saudi Arabia were supporting the DNA and were even accused by Sudan of backing Garang's wing of the SPLA (Woodward, 1996:160). Fourthly, continuing the hostility with Ethiopia on the part of Sudan, in the circumstance where neither crippled Iraq nor halfhearted Iran were providing her with sufficient support, was not the better option to protect its national interest. In a nutshell, one can safely argue that the decline in Sudan's relations with the Arab countries including the decrease in the support of Iran and Iraq, and the improvement of Ethiopia's relations with a number of Arab countries have contributed for the improvement of Ethio-Sudanese relations.

4.6.2 The American Factor

The United States was the friend of Sudan during Nimeiri's regime even after the latter's adoption in 1983 of the Sharia Law in the country (Woodward, 1996:143). During this period the US was antagonistic to Mengistu's regime in Ethiopia. Both the Sharia Law adopted in Sudan and the socialist ideology followed in Ethiopia were not compatible to the western notion of democracy. However, even in the presence of Sharia Law the US was a close ally of Sudan. The regime which came to power in Sudan in 1989 overthrowing Sadiq Almhadi's Government also adopted Sharia Law in more or less similar fashion as Nimeiri's Government. However, the US Government was hostile to the new Sudanese regime (Allan, 1996: 903-905). On the other hand, the US Government had established close relations in 1991 with the new Ethiopian Government and the interim Government in Eritrea which had friendly relations with Bashir's Government in Sudan.

The important question which requires our consideration in this connection relates to the reason why the US was a friend of Nimeiri's regime but hostile to Bashir's regime in Sudan while both were promoting the same Sharia law in their domestic affairs. In fact the US was declaring that its reason for the worsening of the relations with Sudan to be the latter's promotion of Islamic fundamentalism which became a threat to its interests and that of its friends in the region. However, the reality shows that the reason for the hostility of the US to Bashir's government seems to rest on another factor because this same position when advanced by Nimeiri's regime was not categorized as a threat to the US interest. It is true that President Bashir had taken anti-western moves in some instances. For example his support of Saddam Hussien during the Gulf war and his close connection with the Iranian Government which is known for its anti-western stand show that he has a radical anti-western position. In fact this anti-west position has been consistently promoted by the National Islamic Front which has been headed by President Bashir. It can hence be said that the main reason for the US hostile attitude towards the present government of Sudan is the anti-western position of the latter.

The US Government's friendly and hostile relations with the governments of Ethiopia and Sudan respectively had its impacts on the relations between the latter two. The US had been attempting to establish cooperation among the governments of Ethiopia, Eritrea, and Uganda with its assistance. One of the main objectives of the US in initiating and supporting this cooperation was as it had been widely believed, to alienate the Sudanese Government, and to facilitate the situation for its eventual downfall. For the realization of this plan, the US has been suspected of providing assistance to the SPLA, and it had also been encouraging its

allies, namely, Egypt and Saudi Arabia, to provide support to the DNA (Girma, 1999: 30-31, Woodward, 1996: 123). It was the involvement of the Sudanese Government in supporting allegedly terrorist groups operating in Eastern Africa that had been raised by the US as the primary reason necessitating the alienation of Sudan from its neighbors.

It is not thus incorrect to derive from this that the US influence on its East African friends had contributed for the deterioration of the latter's relations with Sudan. Particularly, the close relations established in 1991 between Ethiopia and the US can be said to have contributed in gradually shaping the Ethio-Sudanese relations that prevailed from 1995-1998. Different reasons can substantiate this assertion. First, Ethiopia's close relations with the US could discomfort Sudan, and this might have led it to be involved in anti-Ethiopian government activities, including terrorist activities in Ethiopia. Second, the re-introduction of Sudanese oppositions in Ethiopia following the deterioration of the Ethio-Sudanese relations was a move that could be claimed by the US to weaken the regime in Sudan.

Latest developments regarding the Ethio-Sudanese relations especially after the emergence of the Ethio-Eritrean dispute support the argument that the US has been exerting influences impacting on the relations between the two neighboring countries. In other words, one of the reasons for the improvement of Ethio-Sudanese relations may be attributed to the decline in the Ethio-US relations due to Ethiopia's accusation of the United States for favoring Eritrea in the Ethio-Eritrean dispute. This could give Ethiopia relative freedom to freely determine its policy towards Sudan. Consequently, in the absence of the US influence on Ethiopia, its relations with Sudan could improve because the latter had great desire to realize this for reasons of its national interest discussed above.

But important developments have been registered regarding the relations between the US and Sudan at present. This is believed to have begun due to Turabi's declining influence in Sudan. The relations between the two countries have improved markedly particularly since the September 11 attacks in New York and Washington (The Economist Intelligence Unit, Country Report, march 2002, Sudan: 8). This became an important event for the improvement of their relations because of Sudan's cooperation with the US to offer the necessary intelligence on Osama bin Laden who has been held responsible for the attacks (*ibid.*)

4.6.3 The Case of International Organizations

The issue of human rights abuse by the present Sudanese government beginning from its assumption of power had been raised as the great concern of various humanitarian and other international organizations. The repeated accusations directed against President Bashir's regime for indiscriminate aerial bombardment of civilian targets in the Southern Region of the country, recruiting minors for military service, disbanding organisations and purging individuals opposed to it, and interfering with the delivery of food relief shipments (Ofcansky 1999: 1027) had resulted in discrediting the regime. This contributed to the isolation of the Country. The imposition of Sharia Law by the government on the Christian population in Southern Sudan was also raised by these international organizations as grave violation of human rights.

Particularly, the UN General Assembly's Social, Humanitarian and Cultural Committee adopted a resolution strongly criticising the Sudanese Government for violations of human

rights. This was based on the report presented by Gaspar Biro, the UN Special Representative for Sudan, in October 1994. In addition to this, Amnesty International, and African Rights, a London based-humanitarian organization, launched a campaign against human rights violation and severely criticised the Government of Sudan for these violations. The influence of the criticism had even involved the Vatican to criticise the discrimination against Sudanese Christians (ibid.).

Since this western campaign against the Sudanese Government had been damaging Sudan's international image it could be difficult for the Ethiopian Government, which was seriously seeking the support of the West, to establish sustainable close relations and to be identified with the regime in Sudan when the criticism was at its height. Thus, while the relations between Ethiopia and Sudan have been mainly determined by factors related to their national interests the assessment of international organizations regarding the situations in Sudan had their impacts on the relations of the two countries. One can conclude from what we have discussed that the Ethio-Sudanese relations since 1991 has been fluctuating, i.e., it has been sometimes conflicting and at other times harmonious. This fully conforms with the pattern of the past relations of the two countries.

CHAPTER 5

BOUNDARY QUESTIONS BETWEEN ETHIOPIA AND SUDAN

5.1 The Origin of Boundary Problem

The concept of international boundary is deeply rooted in the principle of the sovereignty and territorial integrity of states. A state is sovereign within its territory, and territory as one of the attributes of a state depends upon the location of the boundary-line. Thus boundaries mark the limitation of state sovereignties and are themselves marked by acceptance by members of the international community (Shaw, 1986: 221). Boundaries are important in that a state can exercise its jurisdiction within the limits of the geographic area, and other states are bound to respect the territorial integrity of the state based on the principle of the inviolability of boundaries. Now we must be clear that boundaries separate territories of different jurisdictions making the limits of territorial sovereignty and jurisdiction whereas territories are the areas over which such rights are exercised (ibid: 224).

The delimitation of international boundaries between states is a prerequisite for the establishment of international relations. It is true that some boundaries are natural, such as mountains and rivers, while others are artificial for they are established by persons. It must be, however, understood that the establishment of a boundary is composed of two components,

namely, the determination aspect which comprise the delimitation of a boundary by treaty or otherwise, and the demarcation aspect which comprise the actual laying down, by boundary pillars or other similar physical means, of a boundary-line on the ground. The differences of these two operations in character show that the delimitation of boundaries is a political act while demarcation is the technical aspect which relates to the field operations. The latter is nevertheless the crux of any boundary making. In this connection it is also important to note, before proceeding the discussion further, the distinction between the three related concepts, viz, boundary, frontier, and territory. Boundary is a line separating states, but frontier connotes a zone having width as well as length, while territory is the area over which the rights attached to sovereignty are exercised (ibid: 223-4).

Boundaries as points of contacts between different states, since they create possibilities for mutual interactions, are the basis of conflict and harmony. Based on this important characteristics of boundaries, different authors have remarked that boundaries give rise to conflicting and harmonious relations. Accordingly, McEwen underlined that

Boundaries are the razor's edge on which hang suspended the modern issues of war or peace, of life or death to nations, and that just as the protection of the home is the most vital care of the private citizen, so the integrity of her borders is the condition of existence of the state (1971:3).

Professor Mesfin also has stressed that a state boundary is often perceived as a line of separation and to be a barrier delimited and demarcated to ensure the sovereign rights of the states on either side of it. But the most significant aspect of boundaries, according to this writer, is not the issue of separating rather that they bring in contact two politically independent states. This is because contacts on the points of a boundary create possibilities

for mutual interaction and influence which may be positive or negative (1999: 199-120) This is to say that an agreed and clearly demarcated boundary avoids boundary conflicts while a disputed boundary becomes the cause of conflict. Particularly, the boundary between Ethiopia and Sudan, where opposition forces of one or the other have been penetrating to each other's territory for the last many years, and where Sudan received about 160,000 refugees from Ethiopia, while Ethiopia received about 50,000 refugees from Sudan by early 1995 (Allan, 1996: 906), has been an important point of contact between the peoples of the two countries. It is thus very much important to consider the status of the boundary between the two countries to determine the issue of jurisdiction in the event where it arises in the disputed areas, and for the effective implementation of the principle of sovereignty and territorial integrity of states, enshrined in the Charter of the United Nations, by the two neighbouring states.

The importance of the existence of a mutually accepted boundary for the Ethio-Sudanese relations can be understood from the fact that the rules relating to the use of force are based on and intended to protect the territorial concept. Briefly considering here Articles 2(4) and 51 of the UN Charter has direct relevance. Article 2(4) (Sohn, 1950: 1157) states that "all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." This Article underscores that the territory of a state is inviolable. Article 51 on the other hand emphasizes that the use of force which is prohibited under the provisions of Article 2(4) may be applied in self defense when the sovereignty and territorial integrity of a state is violated. The delimitation and demarcation of the boundary of two neighbouring states is thus necessary not only to avoid any possible disputes between the concerned countries but also to facilitate the

implementation of the powers and duties of the Security Council pertaining to the maintenance of international peace and order.

Since the Ethio-Sudanese boundary has certain outstanding issues, briefly looking into its origin is the building block for the subsequent consideration of its impacts on the present relations of the two countries.

Compared to many years of Ethio-Sudanese relations, the formal delimitation of the boundary of the two countries is a relatively recent occurrence. The bases for the present Ethio-Sudanese boundary are the July 15, 1902, and the 1907 treaties entered into in Addis Ababa between Ethiopia and Great Britain for Sudan. The treaties which were executed in both Amharic and English had dealt with issues, among others, concerning the delimitation of the Ethio-Sudanese boundary, (Brownlie, 1979: 867).

The first two Articles of the 1902 treaty which are exclusively devoted to boundary issues have provided about the boundary-line between the two countries, and its future demarcation by a Joint boundary commission to be nominated by the two contracting parties. Interestingly, no serious disagreement had ever been raised by any of the contracting parties on the validity of this treaty. Neither was there any basic controversy registered with respect to the content of the 6 December 1907 treaty concluded between Great Britain and Ethiopia relating to the section of the Ethio-Sudanese boundary beginning from the junction of River Dawa with River Genale in Kenya as far as the intersection of 35 degrees latitude east with 6 degrees longitude north (ibid: 868) which was not covered by the 1902 treaty. In a nutshell, the boundary between Ethiopia and Sudan provided in the treaty to be the line from khor Um

Hagar to Gallabat, to the Blue Nile, Baro, Pibor, and Akobo Rivers to Melile, and then running to the intersection of 6 degree latitude north with 35 degree longitude east has not been the cause of the boundary problem between the two countries. It must also be noted that no challenge was raised by Sudan based on the fact that it was a colonial treaty.

The lingering boundary problem between the two neighbouring countries rather relates to the question of demarcation. In other words, the root cause of the problem has been the demarcation of the boundary made only by Major Gwynn according to his report of 27 June 1903. This has raised the issue of non-representation on the part of Ethiopia because it was said that Major Gwynn was nominated only by Great Britain but not by Emperor Menlik to demarcate the boundary. But on the part of Sudan it has been argued that Major Gwynn demarcated the boundary on the authorization of both Great Britain and Emperor Menelik. As a result of this difference Sudan had been arguing that the boundary between the two countries had been validly demarcated by a Commissioner duly nominated pursuant to the provisions of the treaty while Ethiopia was arguing that no boundary demarcation acceptable pursuant to the spirit of the treaty was made due to the fact that Gwynn's demarcation was a unilateral act. This controversy had left the Ethio-Sudanese boundary problem unsettled for many years after the conclusion of the delimitation treaty. From what has been said above we can conclude that the boundary between Ethiopia and Sudan is governed by the treaty of 1902 and 1907 the validity of which has not been the subject of controversy between the two countries. This also means that neither Ethiopia nor Sudan has raised, since the conclusion of the treaties, any territorial claim against the other. The issue of demarcation had, however, been the point of disagreement between the two countries due to Ethiopia's rejection on the ground that Emperor Menelek did not authorize Major Gwynn nor was the demarcation approved by

acquiescence. This implies that even though Gwynn's actual demarcation of the boundary was not denied, Ethiopia persistently opposed its validity not simply for reason of procedural irregularity of the nomination of the Commissioner but also due to its dissatisfaction with the line of demarcation.

5.2 Previous Attempts Made to Resolve the Boundary Problem

The differences on the validity of the boundary demarcation between the two countries was restraining them from taking positive measures with the view of promoting their economic as well as political relations. In fact this issue can be taken as one of the factors which have contributed for the development of the attitude of mutual suspicion and mistrust between the two countries. Subsequent involvements of the governments of Ethiopia and Sudan in supporting opposition movements fighting against the other have witnessed that each were attempting to weaken the other and emerge victorious in any possible conflict which may arise, among others, due to boundary disagreement.

Fortunately enough the important place the resolution of the boundary issue occupies vis-a-vis the establishment of good neighbourhood between the two countries seems to have been given due recognition without much delay after Sudan's independence by the politicians of the two countries. Accordingly, beginning from 1966 series of meetings of the representatives of the two countries have been held and deliberated upon the boundary question existing between them (ibid: 886). Regardless of the continuity of their differences on the issue even after the end of the various meetings, the very fact that they were discussing

the issue from time to time had narrowed the points on which their differences lie pertaining to the question of the validity of the boundary demarcation of 1903 and 1909.

Even though records testify that joint communiques were issued following exchanges of views on frontier issues in 1966, 1967, 1968, 1971 and 1972 (ibid.), important steps were taken by the joint communique of the Ethiopian Sudanese Consultative Commission on the common boundary issued on 3 January 1967 by which the two governments accepted the principle of the 1902 treaty, and by the Exchange of Notes between Ethiopia and Sudan on their common boundary issued on 18 July 1972. The two countries agreed to accept by this treaty the basic demarcations made by Major Gwynn on the basis of the 1902 and 1907 treaties regardless of their difference on the validity of Gwynn's demarcations (ibid: 884).

This was a significant step not only for the acceptance of Gwynn's basic demarcation but also for its identification of parts of Ethiopian - Sudanese boundary which required different treatments by the two countries. It was hence agreed to divide the boundary into that which extends south of Mount Dagleish to the point of trijunction on the Frontiers of Sudan, Ethiopia and Kenya on the one hand, and the boundary north of Mount Dagleish to Setit River on the other. It is interesting to note here that the parties agreed to make minor rectifications on the boundary south of Mount Dagleish changing the line of demarcation to the effect that it should run across the peaks of hills Halawa, Umdoga, El Mutan and Mount Jerok rather than at the base of these places. Regarding the boundary issue of north of Mount Dagleish the two countries have basically agreed to make re-demarcation by agreement between the two governments binding themselves to respect the status quo until the case is finally disposed

(ibid: 877). This means that the 1972 agreement had abrogated the 1902 Treaty with respect to its application to the boundary north of Mount Bagleish.

More importantly, this agreement had acknowledged that due to the uncertainty of the boundary there occurred certain intrusions by farmers for the possession of farm lands into one's alleged jurisdiction as a result of which the two sides agreed allowing the farmers to continue farming the lands then in their possession on either side of the frontier until the final boundary demarcation is undertaken (ibid: 882).

It is important to note here that this agreement could be reached in this particular year because of the internal instabilities in the two countries with respect of which both were making political efforts to resolve or at least suppress their domestic conflicts with their cooperation. Even though Ethiopia did not succeed to resolve the conflict in Eritrea based on this initiative, it was as a result of this move that the Sudanese government and the Anyanya movement concluded an agreement in 1972 in Addis Ababa with the good office of the Ethiopian government to end the war in Southern Sudan (Girma, 1999:38).

Despite the two countries concluded the 1972 boundary agreement which clarified the basic issues on which they concur and disagree, the implementation of the re-demarcation agreement would obviously encounter serious challenges. This is because of the possibility that there could occur a discrepancy between the description of the agreement regarding the alignment of the boundary, the map annexed in support of the agreement, and Gwynn's actual demarcation on the ground. Even at first glance on the pertinent provisions of the 1902 boundary treaty, one can easily sense the challenge of translation to the actual laying down by

pillars or other physical means of a boundary-line on the ground. This can be observed from the provisions of Article 1 which in part states that "(t)he frontier between the Sudan and Ehtiopia .. shall be: the line which is marked in red on the map .. and traced from khor Um Hagar to Gallabat, to the Blue Nile, Baro, Pibor, and Akobo Rivers to Melile, thence to the interesection of the 6th degree north latitude with the 35th degree longitude east of Greenwich" (Brownlie, 1979: 867). These are only connecting points of the lines that run between these far apart places. Thus the difficulty is the determination of how straight the line of demarcation runs or where and how the boundary line bends. These are some of the problems which might be faced when the actual survey and redemarcation is undertaken. The case of the 1907 agreement which delimited the boundary from the intersection of 6th degree of north latitude with 35th degree longitude east to the point of trijunction on the frontiers of the Sudan, Ethiopia and Kenya at Lake Rudolf is not less difficult for practical application as it can be perceived from the way it is drafted as stated hereunder.

The frontier between British East Africa, Uganda and Ethiopia, agreed on between the two governments, shall be the line which is marked in red on the maps --- which line starting from --- Lake Rudolf to the point of the peninsula east of the Sanderson Gulf, thence along the west share of that peninsula to the mouth, or marshes at the mouth of the River Kibish (River sacchi), thence along the thalweg of this river to latitude 5^o 25' north, from there due west to a point 35^o 15' longitude east of Greenwich, thence the line follows this degree of longitude to its intersection with latitude 5^o 40' north, and runs from there to the interesection of the 6^o north latitude with the 35^o of longitude east of Green which (emphasis mine) (ibid: 779).

In addition to the problems associated with the text of the treaty the possible missing due to poor maintenance of the boundary posts could challenge the rectification of the boundary south of Mount Dagleish by re-demarcation as envisaged in the treaty. These

problems can however be overcome by negotiations and understandings in good faith between the two governments based on the relevant principles of international law pertaining to the resolution of boundary issues. In any case the redemarcation question has been carried over to the present pending its implementation by the two governments.

5.3 International Law and Boundary Issues

The boundary between two states may originate either from state practice or from treaty. Regarding state practice as the origin of international boundary, international law contains the principle that "if two neighbours for some years after independence treat the alignment existing at independence as their common boundary there comes a stage at which neither can be heard to say that it is not bound to recognize the alignment as definition" (Brownlie, 1979: 16). This writer further states that:

The evidence of recognition and acquiescence by conduct may take the form of absence of protest or any other reservation of rights, admissions by ministers and law officers, the publication of official maps, reliance for official purposes on maps showing the alignment, and administrative practice in matters of tax collection, customs enforcement and the like (ibid.)

This presupposes prescription over a period of time, and underlines that consistent practice of states gives rise to the origin of international boundary by mutual acquiescence by neighbours concerned in accordance with customary international law. Since this issue is only marginally relevant because the Ethio-Sudanese boundary originates from treaty, one need not

dwell on it any further. It is thus more relevant to consider now the role of treaty in the determination of boundaries between states.

In spite of the fact that acquiescence and mutual recognition are acknowledged to be the most general origins of existing international boundaries, the vast majority of African borders were laid down by colonial treaties (Shaw, 1986: 230). The boundary between Ethiopia and Sudan as we have discussed above is also based on the 1902 and 1907 treaties concluded between Ethiopia and Great Britain. The involvement of Great Britain for Sudan in the boundary agreement makes it a colonial treaty on the part of Sudan.

In fact, in relation to treaties the settled international law principle is that international agreements are binding-*pacta sunt servanda* (shaw, 1997: 81). Although this is inline with Art 2(2) of the UN Charter which provides that all members shall fulfill in good faith the obligations assumed by them including those resulting from treaties, the important point in relation to the issue at hand is understanding the effects of colonial boundary treaties after independence. In other words, since independence from colonialism is one aspect as a result of which state succession takes place, considering the effects of colonial treaty on state succession is relevant. Shaw (1997: 683) underlines that a general rule of international law developed by state practice supports that boundaries established by treaties remain untouched by the mere fact of succession. In fact this general rule of international law conforms with the opinion of jurists, state practice and the Vienna Convention on Succession of States adopted in 1978. This treaty states that "A succession of states shall not as such affect a boundary established by a treaty, or obligations and rights established by a treaty and relating to the regime of a boundary" (Shaw, 1986: 241).

More importantly, the Resolution passed by the OAU Assembly of Heads of state and Government at Cairo in 1964 adopted a policy of succession to boundary. This Resolution which proclaimed that all member states pledge themselves to respect the borders existing on their achievement of national independence concurred with the generally accepted view that frontiers do not 'lapse' when decolonization or secession takes place. Besides the principle, the resolution embodied and the conduct of African governments based upon it provides the basis for a rule of regional customary international law binding those states which have declared their acceptance of the principle (Brownlie, 1979: 10-11).

Based on this principle of international law it is not difficult to understand the binding effect on Sudan of the boundary treaty concluded between Ethiopia and Great Britain even if there was rejection on the part of Sudan after independence. Since Sudan has complied with the principle, however, its present boundary problem with Ethiopia relates, as discussed above, only to demarcation issues.

5.4 Demarcation Problems

The mere fact of delimiting a boundary by describing the alignment in a treaty or other written instrument, or by means of marking a line on a map or chart alone does not resolve the boundary problem existing between two countries. It is rather when the described alignment is evidenced on the ground by means of demarcation any boundary question may be resolved. It is, however, evident from the nature of the problem itself that during the process of

transcribing the boundary onto the ground many issues not apparent during the description of the alignment may arise.

The main causes for the emergence of such unforeseen issues may be the ambiguity of the description of the alignment, or the discrepancy between the description of the line in the treaty and the line marked on a map. It is possible that the problems arising from the ambiguity of the provision of the treaty may be resolved by interpreting the terms of the agreement or by supplementing it with the marks on the map (Mcewen, 1971: 55). In cases where the description of the alignment conflicts with the map, on the other hand, the resolution depends upon the agreement of the parties to the treaty. This is to say that if the agreement specifies that either the description or the mark on the map prevails in cases of discrepancy between the two, the problem could be resolved on the basis of the provisions of the treaty itself.

The need for established principles or practices to resolve the conflict between the description of the alignment and the line on the map comes into the picture in cases where the treaty fails to provide which prevails over the other in the occurrence of the stated situation. In this case it is argued that the well established rule of international law in default of the specific agreement by the parties, is the text of the description prevails over a map (ibid: 64). However, the Temple Case (Cambodia V. Thailand) decided by the International Court of Justice counters this conclusion. Because in this case the Court decided in favour of the map than to the description of the treaty (Mcewen, 1971:57). The problem gets more complicated where a discrepancy arises between the agreement and the line demarcated on the ground. In this situation too, the delimitation treaty might provide that the line as marked on the ground

should prevail and the problem may be resolved accordingly. But in the absence of an express provision to that effect it is necessary to ask if there is an operating principle or legal presumption to resolve the discrepancy (Brownlie, 1979: 17-18).

Although it is asserted that international law authorities neglect the issue, tenable arguments have been raised supporting that the line as marked on the ground should prevail. Especially, McEwen's (1971: 52) position stated below deserves our consideration.

It is submitted --- in those situations where a boundary has been demarcated by a properly appointed mixed commission, then the boundary marks, provided they remain in situ, must take precedence over a written description which assigns a different position to the boundary. (emphasis mine)

The writer continues his analysis and substantiates it with judicial decisions as follows.

Judicial support for this view is provided by State of South Australia v State of Victoria, where the Judicial Committee of the privy council held that although the demarcated position of the 141st degree of east longitude that theoretically separated the two states was about 2¼ miles in error, the boundary marks themselves must be deemed to define the correct boundary (ibid.).

The underlined phrase qualifies that actual demarcation will be preferred only when the designation of the demarcation commission has been made on the basis of the agreement of the concerned parties, and the line is correctly marked on the ground by such Commission.

As it has been discussed above the boundary problem between Ethiopia and Sudan related to the question of validity due to Ethiopia's allegation of unilateral demarcation.

However, since the two countries have later agreed to accept Gwynn's demarcation as the basis and to make rectification and redemarcation on their boundary, the principle which supports that actual demarcation prevails over description of alignment does not apply. Because the agreement to make rectification and redemarcation has modified Gwynn's demarcation. This gives precedence to the written description of the treaty over the line previously demarcated on the ground in making the necessary adjustment.

5.5 The Lessons of Ethio-Eritrean Boundary Conflict to Ethio-Sudanese Boundary Question.

The secession of Eritrea from Ethiopia brought the boundary problem between the two countries to light. Their boundary was delimited in July 1900, May 1902, and 1908, when Eritrea was under colonization, between Ethiopia and the colonial master, Italy. (Brownlie, 1979: 863-64, 867-68). This boundary issue has similarity with the Ethio-Sudanese boundary problem basically on two counts. Firstly, both treaties were entered into by colonial powers Great Britain and Italy for Sudan and Eritrea respectively with Ethiopia. Secondly the validity of the treaties was not disputed in both cases by the concerned parties.

It is not difficult to draw, from what we have said above, that both Ethio-Eritrean and Ethio-Sudanese boundary issues requiring resolution relate to the translation of the agreement on the ground, i.e. demarcation of the boundary. It is also important to note that no significant steps were taken on the part of both countries to facilitate the situation for the peaceful resolution of the problem for about seven years after the secession of Eritrea from Ethiopia.

There is neither any source supporting Eritrea's serious desire after secession to formalise its boundary with Ethiopia nor the latter's refusal to entertain the demand.

In any event the problem developed to territorial claim and evolved into a full - scale boundary conflict in May 1998 due to Eritrea's use of force to control the disputed territory. This situation obviously begs the question, has the boundary issue been the real cause of the conflict between the two countries? Although it is possible to raise certain points in support of the affirmative response to this question, such as expressing disagreement on the then existing defacto boundary, a critical evaluation of the accompanying circumstances preceding the armed conflict between the two countries does not warrant the conclusion that the boundary issue was the real or the sole cause of the conflict.

Then why did the Eritrean government opt for aggression, and why did the Ethiopian government respond by giving immediate warning?

The political as well as economic relations between Ethiopia and Eritrea even immediately before the boundary dispute arose were friendly. This view has been shared by a writer as that "the relation between the two countries were cordial until 1997" (Gilks, 1999: 456). An important new event which had taken place in 1997 was Eritrea's introduction of its own currency, the *Nakfa*, breaking the currency union between the two countries. Ethiopian's response by requiring Eritrea to use hard currencies in all their transactions has been believed to have offended the latter (ibid.). It is thus reasonable to consider this economic interest as one of the acceptable causes of the conflict. Secondly, since the prevailing internal political situations in the two countries were facing certain challenges, i.e, ethnic problems in Ethiopia,

and opposition movements in Eritrea, the attempts to externalize their problems could be the other important cause of the conflict. Later developments also support this argument. Based on this argument it is stated that "as the two leaders encountered domestic problems and found political advantage in belligerent nationalism, they were reluctant to cease hostilities despite mediation efforts by their common ally, the USA, and numerous others including the OAU" (ibid: 457).

Whatever the reason might be a bloody war had been fought between the two countries. This war had not however resolved the problem for which the war was alleged to have been fought. The boundary issue had rather been decided by the Ethio-Eritrean Boundary Commission at the Hague in April 2002. This has not nevertheless resulted in the normalization of their relations.

The boundary conflict between Ethiopia and Eritrea can thus give important lessons to the Ethio-Sudanese boundary question. Because, firstly, any unresolved boundary question can be utilized by any of the concerned governments for the diversion of attention by externalizing its internal problems. Secondly, the use of force to control the disputed boundary does not give final resolution to the problem. Thirdly, once neighboring countries have engaged into war, the re-instatement of their relations and the establishment of good neighborhood even after the boundary issue has been determined by arbitration would not be easy. The net conclusion that can be drawn from this is that boundary problem requires a timely amicable solution by the agreement of the concerned neighboring countries. And the Ethio-Sudanese boundary issue is one which needs such resolution so that it will not affect the multidimensional relations between the two countries.

5.6 The Current Development

The relations between Ethiopia and Sudan have been showing improvements since its re-establishment in 1998. Presently, Ethiopia's policy primarily focuses on economic development and particularly on the reduction of poverty in its domestic affairs. In its foreign relations also the enhancement of harmonious relations with neighboring countries seems to have been given important place. This can be substantiated by the recent extensive port use agreement concluded with Djibouti (The Ethiopian Herald, 16 April 2002: p.1), and the visit to Ethiopia by a high level delegation of Sudan led by the First Vice President of the country in April 2002 and the conclusion of different agreements including the Preferential Trade Agreement which avoided tariff rates between the two countries (The Ethiopian Herald, April 16, and April 30, 2002: p.1).

On the part of Sudan, the domestic politics has been pre-occupied with internal fighting and negotiations to resolve the conflict in the southern part of the country, to develop the country's economy on the one hand, and ensuring President Bashir's dominance in the power struggle with Hassan el-Turabi on the other hand. In its foreign policy, Sudan has been making considerable efforts to improve its relations with different countries, particularly with its neighbours, including Egypt, Libia and Ethiopia with the view of ending its isolation. Particularly, the removal of Turabi from power is believed to substantially decrease Sudan's involvement in supporting the expansion of political Islam as a result of which its relations with the US, Egypt and other neighbouring countries is believed to show improvement.

These present developments in both Ethiopia and Sudan justify the conclusion that in the normal course of things, and provided that other factors affecting their relation are resolved, the relations between the two countries can show improvements possibly scoring better successes. This conclusion seems to be tenable because the maintenance of the existing friendly relations between Ethiopia and Sudan conforms with the national interests of the two countries. And the sustainability of the present good relations between Ethiopia and Sudan will be more reliable in cases where their respective relations with the US and Egypt remains friendly. Because any hostile relations that may arise between either Ethiopia or Sudan and the US or Egypt could affect the Ethio-Sudanese relations.

CHAPTER 6

THE NILE WATER ISSUE AND ETHIO-SUDANESE RELATIONS

6.1 Water Resources and Distribution

The Nile basin is shared by ten African states (Burundi, Rwanda, Kenya, Tanzania, Democratic Republic of Congo, Uganda, Eritrea, Ethiopia, Sudan, and Egypt). The Nile River has two main tributaries, namely, the White Nile and the Blue Nile. The White Nile rises in Lake Victoria (Kenya, Rwanda, Uganda, and Tanzania) while the Blue Nile rises in Lake Tana (Ethiopia). The White Nile joined by Sobat (Baro) River meets the Blue Nile at Khartoum, the Sudanese capital, to form the main Nile. The main Nile joined by Atbara River about 320 km north of Khartoum flows northward through the Sudan and Egypt to the Mediterranean Sea (Lowi, 1993:67, Tesfaye, 2001: 28). The River Nile is considered to be the longest river in the world that flows south to north for some 6650 km from its headwaters (Beshir, 1984: 25).

The waters of the Nile are derived from rains in the basin countries. It is however interesting to note that Ethiopia contributes 86 per cent of the total volume of the Nile waters (Tefaye, 2001: 28). Since two thirds of the area of the Nile basin (62.7 per cent) lies within its territory, the role of Sudan in the distribution and utilization of the Nile waters is significant. It is not thus difficult to understand the importance of the basin area Sudan occupies compared to the 12.1 percent of the basin area Ethiopia Shares (Howell, 1994: 29).

The Nile basin is arid throughout except for the East African plateau and the Ethiopian highlands. Particularly, the region from Sudan to Cairo is extremely arid. In fact, for northern Sudan and Egypt, the Nile River is the only source of water for meeting the consumption demand" (Lowi, 1993: 69). Besides, the annual flow of the Nile is characterized by irregularity due to seasonal variations of rainfall, in most cases, in the Ethiopian highlands. Consequently, Sudan and Egypt suffer the most from insufficient water during the months from February to July where the flow of the river water is so low (ibid.). In other words, of the ten riparian states Sudan and Egypt have the highest need for the waters of the Nile because of the exclusive reliance of their inhabitants on it for their survival. More specifically, "Sudan's dependence on the river system is great; Egypt's is absolute" (ibid.).

Ethiopia, which occupies a strategic position as the upper riparian state of the Blue Nile, gets considerable rain during the rainy season and delivers about 50 billion cubic meters of water to Sudan each year (Bulloch, 1993:99). Paradoxically, Ethiopia suffers from failure of agricultural production partly due to the irregularity of rainfall. This means, although Ethiopia contributes the major share of the Nile waters that flows to the Sudan, it has not benefited from this water as much as the lower riparian states. The contact, between Ethiopia and Sudan through the waters of the Blue Nile, Sobat, and Atbara rivers has been among the factors affecting the relations between the two countries. The issue of water has been so important in Ethio-Sudanese relations due to the former's need to make substantial use of the headwaters within its jurisdiction, and the later's interest of ensuring the continuous flow of the tributaries of the Nile originating from Ethiopia. In this connection Lowi (1993:72) has stated as follows.

Although it is accurate to describe the Nile waters issue as a low-level conflict, it is important to note that it has pronounced conflict potential. Threats emanate from two directions: (1) the highly strategic position of Ethiopia at the source of the Blue Nile, and (2) the absence of a basin-wide accord on water sharing.

Since the need for water is increasing in both Ethiopia and Sudan due to population increase, and the urgency of development for the reduction of poverty, fierce competition in water utilization for power production and irrigation between the two countries is what one expects. Unless agreement is reached between the upper and lower riparian states on the use of the Nile waters, the likelihood that high level conflict may arise in the future between Ethiopia and Sudan in connection with it cannot be overruled.

6.2. Water Utilization

Water is necessary for irrigation, industrial and domestic uses. It was already noted that Ethiopia makes major contribution to the supply of water to Sudan and Egypt through the Blue Nile and other tributaries of the Nile. In the Sudan, on the other hand, it is only in the south that there is sufficient rainfall for reliable seasonal crops. Thus Sudan has been using the Nile water for irrigation in the north of the country since before its independence (Howell, 1994: 71). Tesfay (2001: 41) also noted that

(t)he Sudanese have constructed four dams, including Roseires and Sennar on the Blue Nile, Khashm-el Girba on Atbara and jebel Aulia on the white Nile ... The Sennar Dam, which was completed in 1925, was envisaged for two purposes: (a) to store water for irrigating the British owned Gezira Cotton plantation... and (b) to raise the

water level of the Nile by 1 billion m³ for Egyptian consumption.

"All in all, Sudan has so far developed 1.8 million hectares of irrigated land that could qualify it as the second most extensive user of the Nile next to Egypt" (ibid.). One should also bear in mind the beginning of the construction of the Jonglei canal which was suspended for security reasons, in 1984. In spite of the fact that Sudanese use of the Nile Water compared to Egypt is very low, its irrigation could qualify it as the second extensive user next to the latter (ibid.). But Sudan's water demand is presently increasing as is true for other riparian countries.

Another important fact in relation to the use of the Nile water is that all the basin riparian states have not been using it equally. This is attributable to higher rainfall in the upper part of the basins to support rain fed farming, and incapacity of these countries to exploit water resources due to technological problems. Particularly, when one considers the case of Ethiopia, it becomes clear that it has done little so far to exploit the waters of the Blue Nile and its tributaries (Shapland, 1997: 68). In fact Ethiopia utilizes only less than 1 per cent of the Nile waters annually. According to Tesfaye (2001:44), in the Ethiopian portion of the Nile basin only 8000 hectares of land is irrigated. Moreover, he continues to state that the country has so far been able to install in the Nile basin a power production capacity of only 120 MW or 2 per cent of the potential. Concerning hydraulic works also, Ethiopia has undertaken three minor projects on the Blue Nile. These include Fincha, Tissat, and a small quantity of micro dam projects along the watersheds of the Nile (ibid: 45).

Ethiopia's failure to utilize the Nile water did not, however, limit the country from expressing its entitlement to use, at any time it is capable, the water for which it contributes 86 percent of the volume that flows to the Sudan. Accordingly, Ethiopia has been repeatedly stating its protests. Such protests were made particularly at International Conferences, including the UN Conference on water in 1977 against the positions of Sudan and Egypt regarding Ethiopia's rights on the water of the tributaries of the Nile that originate from its territory (Shapland, 1997: 77-78). The issue of water was therefore an important factor with respect to the Ethio-Sudanese relations. This is because firstly, the absence of any agreement on the use of water involving all riparian states would leave them in a position of insecurity concerning their future entitlements. Secondly, the increasing water demand could exert pressure on both Ethiopia and Sudan to hold a relatively stronger position to assert their rights of water utilization. Thirdly, the absence of any agreement between Ethiopia and Sudan on the use of water made the Blue Nile water issue vulnerable to manipulation and to use it as pretext to promote other political interests.

Despite Ethiopia and Sudan have not been in serious confrontation in relation to the issue of water, in the wrangling between the downstream and upstream countries over the Blue Nile, Sudan had long before made common cause with Egypt through the 1959 agreement (ibid: 81). It is thus justified to argue that Ethiopia's provision of bases for the SPLA which was paralleled by Sudanese support for Ethiopian opposition movements during the *Dergue* regime was partly interwoven with the Blue Nile water politics. In connection with this Howell (1994:10) explained that "The reciprocal sponsorship of opposition groups by neighbouring governments has been the major source of international tensions which complicates relationships and makes the negotiation of other issues, such as water, difficult."

The question of sharing the Blue Nile water between Ethiopia and Sudan will remain as before to be a significant factor in shaping the political relations of the two countries until a certain accord is reached between these countries.

6.3 The Egyptian Factor

Egypt is the highest user of the Nile water. Sudan ranks second in using the same water. It is, however, important to underline the total dependence of Egypt upon the river. "That is the reason why life and agricultural activities in Egypt are completely confined within the Nile valley and its Delta" (Tesfaye, 2001:33, Bulloch, 1993:110). Ensuring the support of Sudan to the Egyptian policy of the Nile water was a critical issue for the politicians of the latter. The cooperation between Egypt and Sudan with respect to the use of the Nile water might invite the support of Ethiopia and other riparian states as long as their distribution is not detrimental to the rights of other riparians.

However, Egypt's continuous attempt to secure the support of Sudan vis-a-vis the use of the Nile water is mainly tailored to cooperate in maintaining the present unfair distribution. Egypt gives serious attention to the support of Sudan particularly with respect to its relations with Ethiopia. Since Egypt is always suspicious of Ethiopia regarding the use of the Blue Nile water, it has been indirectly involving in activities that may destabilize Ethiopia to eventually incapacitate the latter from utilizing the water. With the view of achieving this objective Egypt always seeks the cooperation of Sudan for two important reasons. First, the location of two-thirds of the area of the Nile basin within Sudan and its proximity to Egypt has been the

controlling factor in Egyptian special interest in the Sudan throughout history (Tesfaye, 2001:92). Second, the proximity of Sudan to Ethiopia and the long boundary these countries share, has made the Egyptians believe that Sudan can be utilized for destabilizing or directly attacking Ethiopia when Egypt deems it necessary. Egypt has, in fact, been following a policy towards Sudan regarding its relations with Ethiopia, to maintain friendship with the former or disrupt any friendly relations between Ethiopia and Sudan. This Egyptian policy does not seem to be hidden even to the Sudanese Politicians. In relation to this issue Bulloch (1993:105) stated that "according to Ethiopian and Sudanese representatives talking unofficially during water conferences, one cause of the constant friction is the Egyptian obsession with history". This writer continues to say that "Cairo tries to carry out the policy that Britain applied to the Nile basin but, unlike the Britain of the nineteenth and early twentieth centuries, is not in control of most of the countries concerned." These relentless efforts of Egypt to undermine Ethiopia's inviolable natural rights as upper riparian country, and to control Sudan relating to the hydropolitics of the Nile water, was adversely affecting Ethio-Sudanese relations.

The above proposition can be justified by considering the Ethio-Sudanese relations established in 1991. After the 1989 military coup the relations between Egypt and Sudan were deteriorating, and a crack was emerging in their united front on the Nile waters. This enabled Sudan to sign a friendship declaration with Ethiopian in 1991 including statements relating to the Nile. Sudan signed this agreement without having consulted Egypt in advance (Shapland, 1997:81). In this agreement, the two states declared their belief in the principle of "equitable entitlements to the use of the Nile waters without causing appreciable harm to one another." The principle of "equitable entitlement" is entirely different from the Egyptian claim of the

water based on acquired and historical rights on the Nile. This Egyptian claim, in contrast to the Ethio-Sudanese declaration, is based on the principle of "prior use" "primary need" and "acquired right" (Tesfaye, 2001:83). The 1991 Ethio-Sudanese agreement and subsequent relations between these countries confirm that the Egyptian influence on Sudan, as evidenced from previous relations, exerts significant impacts upon Ethio-Sudanese relations.

6.4. The Positions of Ethiopia and Sudan on the Use of the Nile Water

Sudan utilizes the Nile water based on its agreement concluded with Egypt on 8 November 1959. This agreement was made for the full utilization of the annual flow (84 bcm) of the water and allocated to Egypt 55.5 bcm of the Nile water a year. Sudan was also allocated with 18.25 bcm a year. The remaining 10 bcm of the Nile water was written off to evaporation and seepage from Lake Nasser (Shalpan, 1997:67).

Surprisingly, Ethiopia, the major contributor of the water, was excluded from this agreement by the lower riparians. Ethiopia, however, has been repeatedly rejecting the 1959 agreement. Accordingly, it asserted at various times its natural rights to use the waters of the Blue Nile basin (ibid:77). These opposing positions advanced by the lower riparians, Egypt and Sudan on the one hand, and the upper riparian, Ethiopia on the other, were the basis of suspicion and misunderstandings between the two groups. The comparison made by Lowi with respect to the geopolitics of different international Rivers clarifies the role of power and the unjust positions of Egypt and Sudan on the use of the Nile water. This Writer (1992:73) explains that

In the Euphrates and Indus basins, and the Jordan basins after 1967, relative power is in the favor of the upstream state-Turkey, India and Israel.--- As upstream riparians , these states are in positions to exploit the river's resources unilaterally --- It is only when there is a formal water-sharing arrangement, as in the Indus basin, that unilateral activities can be inhibited.

He further states that

In the case of the Nile, the situations is reversed. The down stream state is not only the neediest in the basin, but also the most powerful. Tampering with the river system upstream is checked by the threat of Egypt's superior power resources. The Sudan, for one needs Egypt as much as the Nile (ibid.)

The divergent views between these upstream and downstream countries of the Nile, and the attempt to use the water based on power strength becomes one of the basis of disagreement and tension between Ethiopia and Sudan. It is thus clear that, as the water demand increases due to population increase and development needs in both Ethiopia and Sudan, the Nile issues will be the most important factor in affecting their relations. In other words, of all the factors affecting the relations between Ethiopia and Sudan, water will be the most important one to shape their future relations.

6.5 Future Trend

No formal agreement involving all the Nile riparian states concerning the use of water has been reached till the present. Nor is there any concrete development towards the conclusion of such agreement in the near future. Sudan and Egypt still claim to be bound by the 1959 agreement which devotes the total annual flow of the Nile (84bcm at Aswan) only to

these two countries (Shapland, 1997:73). The exclusion of the upstream states of the Nile was the serious shortcoming of this agreement. Nevertheless, the countries which were not parties to the treaty concluded between Sudan and Egypt are not bound by it. These upstream countries on their part were expressing their oppositions to this treaty. Particularly Ethiopia has been repeatedly expressing its rejection of the validity of this treaty, and has been also clearly stating its natural rights to use the water of the Blue Nile basin without consulting any lower riparian. Ethiopia's concern even before the conclusion of the 1959 treaty is stated by Shapland (ibid: 77) as follows.

In 1956, while its neighbours downstream were talking about how they would divide the Nile waters between them, Ethiopia formally declared that it reserved its right to utilize the water resources of the Nile for the benefit of its people, whatever might be the measures of utilization of such waters sought by riparian states.

In the absence of any accord involving all the riparian states, Ethiopia has been asserting its rights to use the Nile water based on the principle of International law that supports its rights to utilize the Nile water within its territory. Sudan and Egypt on the other-hand, have been using the water based on the 1959 agreement which is detrimental to the interest of Ethiopia. As a result of this difference with respect to the use of the water of the tributaries of the Nile rising from Ethiopia, the relations of the latter with Sudan was based on suspicion and mistrust. To ameliorate this situation, Ethiopia, Sudan and Egypt should adhere to the principles embodied in the Convention on the Law of Non-Navigational Uses of International Watercourses (FAO, 1998:29) This Convention was adopted by the General Assembly of the United Nations in May 1997. Since these principles are believed to have

been drafted based on state practices, abiding by them may protect the interests of all riparians and facilitate the peaceful resolution of disagreements that may arise from water utilization.

The water demand of the Nile riparian states is increasing presently due to various reasons, such as comprehensive project plans requiring a large volume of water, prepared by the riparian countries, and high increase in their population size. The projects mainly relate to irrigation schemes and hydropower generation plants. The need for the implementation of these projects, particularly in Ethiopia, Sudan, and Egypt exacerbates the competition for the utilization of this scarce resource, the Nile water, among these riparian countries. More importantly, the population of Ethiopia, Sudan and Egypt which was 55.04 million, 28.96 million, and 58.52 million respectively in 1995, is estimated to rise to 124.67 million, 60.60 million, and 93.54 million respectively by 2025 (Senai 1995:8). This situation will highly increase the demand for water in these countries in the future. These factors justify one to underline that the politics of the Nile water issue will dominate the relations among the Nile upstream and downstream countries. This will have its impacts on Ethio- Sudanese relations.

But the current development in the relations among Sudan, Ethiopia, and Egypt may facilitate the ground for the beginning of discussions on the use of the Nile water. This is because as the Sudanese need for the use of the water is increasing, it may not want to continue bound by the 1959 agreement concluded with Egypt. Secondly, since the Sudanese - Egyptian relations have been deteriorating beginning from the assumption of power by the present Sudanese Government in 1989, Egypt may not be able to dictate its policies on the former with respect to the use of the Nile water. Thirdly, the Nile Basin Initiative (NBI) which was launched in 1999 can serve as a forum for discussing various issues and for

building confidence among the riparian states. Particularly, one of the components of the program of the NBI, viz., the Eastern Nile Subsidiary Action Program (ENSAP) which comprises Egypt, Ethiopia and Sudan (Tesfaye, 2001:108, 112) may help these countries to realize the need for cooperation. This does not however, mean that these factors will necessarily lead to the resolution of the issue by concluding a comprehensive agreement. It is rather to say that the issue of the use of the Nile water, as the present political relations imply, will not be the immediate cause of serious conflicts between Ethiopia and Sudan.

However, when one considers the issue of the use of the Nile water from the long-term interests of these countries, it will be very difficult to conclude that the present positive trend will lead to the resolution of the problem existing between Ethiopia and the down stream countries. Because the Nile water to Egypt means survival. Thus higher consumption upstream would only add new pressures to the existing strain on Egyptia's water supplies" (ibid:83). Since Sudan and Ethiopia also have been repeatedly facing serious droughts and famine, the need for the extensive utilization of the Nile water is highly increasing. This will invite fierce competition among these riparian countries which will create serious difficulties in maintaining harmonious relations between Ethiopia and Sudan in the future. However, the possibility of exploiting the conflict between Egypt and Sudan on water utilization for establishing better relations between Ethiopia and Sudan can not be over-ruled. Thus one can conclude that unless a formal agreement is reached by the riparian countries based on the principles of the 1997 UN Convention without much delay, the Nile water issue will be a serious threat for the Ethio-Sudanese relations due to conflicts of vital national interests with respect to its utilization.

Conclusion

Ethiopia and Sudan are neighbouring countries in the Horn of Africa, which share a boundary of about 1,600 kilometers. The relations of these countries began anew as friendly in 1991 when the EPRDF seized political power in Ethiopia. These relations, however, deteriorated and a state of conflict prevailed between 1995 and 1998. Fortunately, the relations between Ethiopia and Sudan started to improve without leading to serious confrontation and have become cordial since the middle of 1998. In a nutshell, the relations of these countries have shown fluctuations between harmony and conflict since 1991.

The relations between Ethiopia and Sudan have been mainly affected by internal conflicts and incompatibilities of foreign policies as expressions of their respective national interests. External factors, such as the impact of Middle East politics in the Horn Region, the political interest of the West in this Region, and the involvement of the interest of Egypt in the Nile water utilization by Ethiopia and Sudan also have been contributing in influencing the relations between the two countries. The nature of the relations affected by the stated factors were highly dependent upon the balance of power between the two countries.

This thesis argued that Ethiopia and Sudan established friendly relations at different times due to the existence of common national interests between the two countries. At the beginning of the relations, the Ethiopian Government was pre-occupied with internal activities, such as restructuring the administration and demobilizing the military of the overthrown regime. The political support of the Sudanese Government at this time was

necessary for the stability of the new government in Ethiopia and to control the activities of Ethiopian opposition movements from using the territory of Sudan. The Sudanese Government also wanted Ethiopia to reciprocate by expelling the Southern Sudanese opposition movement from its territory. These common security interests and the need for economic cooperation were the bases of the harmonious relations of the two countries.

However, the policy of Sudan to spread Political Islam to neighbouring countries and its support to the activities of terrorist groups operating in and around the Ethiopian territory threatened the security of the latter. This ultimately became one of the main causes of the deterioration of the Ethiopian Sudanese relations. Moreover, Sudan attempted to externalize its internal fighting alleging Ethiopia's violation of Sudanese territory in 1996. The involvement of Sudan in the internal affairs of Ethiopia had the objective of weakening the role of the latter in the politics of the Horn. Nevertheless, the power of the two countries was balanced when Ethiopia became victorious in its war with Eritrea and led to their stable and harmonious relations.

The issue of water utilization and the question of boundary demarcation were also central in the Ethio-Sudanese relations. The absence of any accord involving all the riparian states relating to the use of the waters of the tributaries of the Nile rising from Ethiopia has been the potential source of conflicts between the latter and Sudan. Since the need for water utilization is increasing in both Ethiopia and Sudan competition to secure higher share of this limited resource will dominate their future relations. Particularly the interest of Egypt to monopolize the use of the Nile water and to control Sudanese policy with respect to this resource complicates the Ethio-Sudanese relations.

Even though the boundary demarcation question does not seem to be an immediate threat to the relations of the two countries, it may be exploited by any regime as pretext to externalize internal problems and may lead to dispute between Ethiopia and Sudan. These factors coupled with external influences have been affecting the relations of the two countries. In short, the prevalence of internal instabilities in both Ethiopia and Sudan involving their national interests and competition for the use of the Nile waters have been the primary factors affecting their relations. The role of power, particularly with respect to the acknowledgment of Ethiopia's natural rights to the use of the Blue Nile waters by the lower riparians has been significant in the relations.

It is therefore important to underline that the resolution of internal conflicts in Ethiopia and Sudan is one of the necessary conditions to ensure sustainable friendly relations between these countries. In fact, the contribution of development to end such conflicts cannot be overemphasized. Secondly, the riparian states of the Nile should appreciate the need to cooperate to get their equitable share of water sustainably. For the realization of this cooperation between Ethiopia and Sudan, the acceptance of the principles, embodied in the Convention on the Law of Non-Navigational Uses of International Watercourses of 1997, by these countries is necessary. Moreover, the resolution of issues relating to boundary demarcation is also important to build confidence in the relations of the two countries. In addition to this, it should be emphasized that even though the present move for economic cooperation between Ethiopia and Sudan is a positive step it is very difficult to conclude that this will lead the two countries to resolve the Nile water utilization issue in the near future. Finally one should note that Ethiopia's internal stability is a prerequisite to protect its national interests, including the right to the use of water, vis-a-vis its relations with Sudan and other contending countries.

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