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**COLLEGE OF LAW AND GOVERNANCE STUDIES
SCHOOL OF LAW LLM PROGRAM (public international law)**

Research Paper on “ Appraisal of the AU Role in the Peaceful Resolution of Ethiopia and Sudan Border Conflict”

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Contents

| | |
|---|-----------|
| Acknowledgment | i |
| Acronyms | iii |
| Abstract..... | iv |
| Chapter 1 | 1 |
| Introduction..... | 1 |
| 1.1. Background of the study | 1 |
| 1.2. Research problem | 3 |
| 1.3. Scope of the Study | 4 |
| 1.4. Objective of the Study | 4 |
| 1.5. Literature Review | 5 |
| 1.6. Methodology | 6 |
| 1.7. Limitation of the Study | 7 |
| Chapter 2 | 8 |
| History of the Ethiopia and Sudan Border Demarcation | 8 |
| 3.1. Border Demarcation in Africa | 8 |
| 2.2. Ethiopia and Anglo-Sudan Relation on Border Demarcation | 9 |
| 2.3. Anglo Ethiopia Treaties and Agreements for Border Demarcation in the 20 th Century ... | 10 |
| Chapter 3 | 13 |
| Ethiopia and Sudan Border Conflict | 13 |
| 3.1. Cause of Border Conflict in Africa | 13 |
| 3.2. Beginning of the Ethiopia and Sudan Border Conflict | 14 |
| 3.3. Negotiation Efforts to Address the Border Dispute between Ethiopia and Sudan..... | 15 |
| 3.4. Recent Border Clashes | 17 |
| Chapter 4 | 19 |
| The African Union Role in Solving Ethiopian and Sudan Border Conflict | 19 |
| 4.1. The African Union Role in Conflict Resolution..... | 19 |
| 4.2. Institutional Framework of the African Union in Solving Border Dispute between Ethiopia and Sudan | 22 |
| 4.2.1. The Peace and Security Council (PSC) | 23 |
| 4.2.2. The AUBP | 23 |
| 4.2.3. Panel of the Wise | 24 |

| | | |
|---------------------|---|----|
| 4.2.4. | The Peace and Security Directorate | 24 |
| 4.2.5. | Regional Economic Cooperative Communities (RECs) | 24 |
| 4.2.6. | AU Continental Early Warning System (CEWS) | 25 |
| 4.3. | The African Union Experience in Solving Border Disputes | 25 |
| 4.4. | Previous Efforts by the AU to Address the Dispute Between Ethiopia and Sudan | 27 |
| 4.5. | Further Steps the AU to Resolve the Border Conflict Between Sudan and Ethiopia | 28 |
| 4.5.1. | Mediation | 29 |
| 4.5.2. | Conciliation | 30 |
| 4.5.3. | Border Demarcation | 31 |
| Chapter 5 | | 32 |
| Conclusion | | 32 |
| Bibliography | | |

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Acronyms

AMIB – African Mission in Burundi

ASF – African Stand by Force

AUTE – African Union Team of Experts

AUBP – African union Border Program

APSA - African Peace and Security Architecture

CEWAS- Continental Early Warning System

CFA – Cooperative Framework Agreement

ECOWAS - Economic Community of West African States

ENDF – Ethiopian National Defense Force

GERD – Grand Ethiopia Renaissance Dam

IGAD – Inter Governmental Authority on Development

JBC- Joint Boundary Committee

JMCC - Joint Ministerial Consultative Committee

MSC – Military Staff Committee

MCPMR - Mechanism for Conflict Prevention, Management and Resolution

NBI - Nile Basin Initiative

OAU – Organization for the African Union

PSC – Peace and Security Council

PF – Peace Fund

RECs – Regional Economic Communities

TPLF – Tigray People’s Liberation Front

UN – United Nations

Abstract

Following the independence of African states, the continent was faced with a major challenge - the poorly demarcated and artificially drawn borders that had been imposed upon them by their former colonizers. These borders not only failed to reflect the socio-geographic realities of the continent but also served as a potent source of conflict and political instability. Border disputes in Africa have persisted for centuries and have had devastating consequences on the economic and social development of entire regions.

In recognition of this issue, the African Union, shortly after its establishment, anticipated that border disputes would continue to be a major cause of conflict in the region. In response, the Cairo resolution AHG/RES 16(1) was adopted, whereby all African states pledged to respect the borders that existed upon their achievement of independence. However, the resolution did not fully succeed in preventing border conflicts, as most borders were not clearly demarcated and did not take into account the social geography of the continent.

The recent border clashes between Sudan and Ethiopia serve as a painful reminder of the ongoing challenges faced by African countries in this regard. Although such conflicts are not uncommon, the direct involvement of military forces on both sides has caused alarm among international observers. The disputed area is known as al-Fashaga, where the north-west of Ethiopia's Amhara region meets Sudan's breadbasket Gedaref state. The history of border demarcation between these two nations is complex, with numerous factors contributing to the ongoing dispute.

This paper aims to provide a comprehensive analysis of the historical and contemporary challenges surrounding border demarcation in Africa, with a specific focus on the Sudan-Ethiopia border dispute. In doing so, we will explore the institutional and legal frameworks established by the African Union and the role they could play in facilitating peaceful resolutions to such conflicts. By shedding light on this critical issue, we hope to contribute to ongoing efforts to promote peace, stability, and development in Africa

Chapter 1

Introduction

1.1. Background of the study

The arbitrariness of the boundaries of African countries initially drawn up by the European colonial powers and the breakup of European colonial empires into multiethnic states has kindled substantial intrastate violence¹. The African nations being well aware that border dispute would be the major source of war among nations, they have agreed to keep all the colonial boundary of states by adopting the Cairo resolution AHG/Res in July 1964². That decision by the OAU has significantly prevented many potential conflicts from occurring but didn't fully resolve the issue as the borders were arrived at largely without reference at all to the social, political, or cultural characteristics of the people they partitioned³. Specially borders have been the major cause of conflict in East Africa, for example, Ethiopia fought a war with Somalia in 1977 over the disputed region of the Ogaden, in 1998 it fought Eritrea over a small piece of contested land called Badme⁴, and now there is a big tension that now and then turns in to armed conflict between Ethiopia and Sudan over the land of al-Fashaga in the border of the two countries.

Ethiopia and Sudan share a very long boundary of 1600 km length, apart from their relations as neighbors, Ethiopia and Sudan have many common features⁵. In the second half of the 19th century and in the first half of the 20th century, the British, representing their colonies (i.e., Sudan, Kenya and the British Somaliland) signed various treaties with independent Ethiopia.⁶ However, because of the lack of inclusiveness and clarity on the border demarcation, the border issue has been the major area of dispute for the two countries. The most difficult area to resolve is al-Fashaga. Ethiopian claims to al-Fashaga stretch 40-50 kilometers west of the border between Sudan and Ethiopia, which is delineated only in broad terms by the treaty and only loosely demarcated by the

¹ Oguonu, C. and Ezeibe, C. "African Union and Conflict Resolution in Africa" (2014). *Mediterranean Journal of Social Sciences* 4

² Resolutions Adopted by the First Ordinary Session of the Assembly of the Heads of State and Government Held in Cairo, UAR (1964), AHG/Res. 1 (1),

³ African Union Border Program (AUBP) "Delimitation and Demarcation of Boundaries in Africa General Issues and Case Studies" (2013). 14

⁴ Waal Ade, "Viewpoint: Why Ethiopia and Sudan Have Fallen out over Al-Fashaga," BBC News (BBC, January 3, 2021), <https://www.bbc.com/news/world-africa-55476831>. accessed April 19, 2022

⁵ Teshome W, "Colonial Boundaries of Africa: The Case of Ethiopia s Boundary with Sudan,"(2009) 9 *Ege Akademik Bakis* (Ege Academic Review) 338.

⁶ *Ibid.* 338

British⁷. By contrast, according to Sudan's reading of the treaty's maps, al-Fashaga is part of its Gedaref state, one of Sudan's breadbaskets⁸

Ethiopia and Sudan have been stuck in a long-dormant discussion to determine the exact position of their 744-kilometer (462-mile) border⁹. In 2008, a compromise arrangement was decided that essentially established the region as a soft border, whereby while al-Fashaga could remain technically Sudanese territory within Sudan's Gedaref State, Ethiopian farmers could still use the land unhindered¹⁰. However, relations between Sudan and Ethiopia have deteriorated since Ethiopia started filling a giant dam on the River Nile which Sudan was supporting at the beginning and now seems to be against it and stood in the same side as Egypt that rejected the project from the start. Specially in recent months, after war broke out in its northern Tigray region of Ethiopia, the Sudanese have pushed their forces deep in to the contested areas which were previously occupied by the Ethiopia farmers and a number of clashes have been reported in the wider al-Fashaga region¹¹.

In order to solve the dispute, different actors have engaged in as mediators, the UAE is one of main actors who tried to solve the dispute by offering to invest in al-Fashaga to provide a peaceful solution and promote coexistence in the region¹². But the proposal put forth by the Emiratis, which would have divided the land between Ethiopia, Sudan, and the UAE, was rejected by both Addis Ababa and Khartoum¹³.

One of the major actors who can play a significant role to address this issue is the African Union since AU has played very important role in conflict resolution through mediations and peacekeeping operations in the region, and also have the experience in raising the alarm for international community to intervene¹⁴.

The African Union has a variety of organizations or committees that carry out the organization's political and economic coordinating functions for its member states. Some of these institutions were inherited from the Organization of African Unity (OAU), while the others were taken from the European Union¹⁵. These institutions include the assembly, the executive council, the permanent representative committee, the commission, the specialized technical committee,

⁷ Crisis Group "Containing the Volatile Sudan-Ethiopia Border Dispute" (2021) 3

⁸ Ibid. 4

⁹ Ade, *supra* note 4

¹⁰ Ben Lowings, "Tensions at the Sudanese-Ethiopian Border: Conflating New and Pre-Existing Concerns. How spillovers from Ethiopia's military operation in Tigray have affected bilateral relations with its neighbor, and affected other pressing issues including the GERD debate" (2021) rethinking security in the 2020s series analysis 3

¹¹ Crisis Group, *supra* note 7, 19

¹² Amin M, "Sudan and Ethiopia's Dispute in Fertile Border Area Threatens Regional Stability" (July 2021) Middle East Eye. <https://www.middleeasteye.net/news/sudan-ethiopia-fashaga-dispute-threatens-regional-stability>. accessed April 12, 2022

¹³ Ade, *supra* note 4

¹⁴ Oguonu, C. and Ezeibe, *supra* note 1

¹⁵ Chika O. and Christian E. "African Union and Conflict Resolution in Africa" (2014) 4

specialized technical committee, the pan-African parliament, the court of justice, the economic, social and cultural council , the financial institutions and the peace and security council¹⁶.

When it comes to peace and security, the AU has the African Peace and Security Architecture (APSA) whereby the Peace and Security Council (PSC) was established as the nerve center of the APSA and to serve as a standing decision making Organ of the AU¹⁷. It is to be supported by the AU Commission, the Panel of the Wise, the Continental Early Warning System (CEWS), an African Standby Force (ASF) and a Special Fund¹⁸. The PSC has established the African Union Border Program in 2007 as part of African Union's efforts to strengthen the structural conflict prevention capacities of its Member States¹⁹. The main objective of the AUBP is the promotion of peace, security and stability through: delimitation and demarcation of borders, cross-border cooperation, and capacity building²⁰. The paper will discuss the institutional and legal framework of these institutions with the aim of understanding the role they could play in solving the border dispute between Ethiopia and Sudan.

So, far the organ made attempts to reduce tensions and find a political settlement through the AU Commission Chairperson's Special Envoy to Sudan, Mohamed Hassan Lebatt, who visited Khartoum in February 2021²¹. However, the special envoy does not yet have a mandate to participate in mediation between the two nations and no significant steps has been taken by the organization so far.

1.2. Research problem

A potential border war could destabilize not only the two countries but also the entire region given the population and geographical size of the two countries, hence, finding a peaceful solution for the current dispute is not only for the stability of the two countries, but it is for the entire region as well.

Resolving the dispute alone with the two parties seems almost impossible and the involvement of a third party seems to be inevitable in order to solve the dispute peacefully. The African Union has showed some interest so far in order solve the dispute, and this paper will address the ways the African Union could involve as a third party when it comes to solving the border dispute between the two countries.

More specifically, the following research questions are going to be addressed

¹⁶ Ibid. 4

¹⁷ Alhaji B., Elizabeth C. ,Solomon D., Brenda M., and Tim M. "The African Peace and Security Architecture, the handbook" (2014) 17

¹⁸ Ibid.

¹⁹ <https://www.peaceau.org/en/page/85-au-border-programme-aubp> Accessed on March 12, 2022

²⁰ Ibid.

²¹ <https://issafrica.org/pscreport/psc-insights/political-solution-needed-for-the-ethiopia-sudan-border-dispute>

- What is the cause of the Ethiopia and Sudan Border dispute and the reason for the recent border clashes?
- What were the previous negotiation efforts to solve the border dispute by the two countries so far?
- What are the institutional and Legal framework of the African Union to help the two countries in solving their border dispute in a peaceful way?

1.3. Scope of the Study

The scope of this research paper is limited to the analysis of the long-standing border conflict between Sudan and Ethiopia. The paper explores the treaty that was concluded between Ethiopia and the British in the 19th century, highlighting how the lack of clarity and representation of the treaties has contributed to the ongoing border dispute between the two nations. Additionally, the paper focuses on the previous negotiation attempts by the two countries and how these have failed to prevent the recent border clashes that have been reported.

In order to provide a comprehensive analysis of this critical issue, the paper will also examine the institutional and legal frameworks of the African Union and the role it has played in addressing border conflicts in the region. By analyzing the efforts of the African Union to address this issue, it hopes to identify potential avenues for peaceful resolution of the conflict between Sudan and Ethiopia.

It is important to note that this research paper does not intend to provide a definitive conclusion regarding the righteous claim of the two disputing parties. Instead, its focus is on analyzing the historical and contemporary factors that have contributed to the ongoing conflict and identifying possible pathways for resolution. By shedding light on these complex issues, it aims to contribute to the ongoing efforts to promote peace and stability in the region.

1.4. Objective of the Study

The general objective of this research paper is to provide a comprehensive understanding of the causes of the Ethiopia-Sudan border conflict and identify the potential role of the African Union (AU) in resolving the dispute peacefully. In order to achieve this objective, the paper has several sub-objectives.

Firstly, the paper aims to conduct a thorough review of sources related to the long-standing border dispute between Ethiopia and Sudan. This will include analyzing historical treaties and agreements, as well as examining contemporary factors such as territorial claims and resource management.

Secondly, the paper seeks to provide an in-depth understanding of the organizational structure of the African Union. By identifying the organs that will play a major role in addressing the conflict

between the two countries, the paper will highlight potential pathways for resolution. This will involve analyzing the institutional capacity of the AU and exploring the extent to which it has the necessary resources and mechanisms to facilitate conflict resolution.

Thirdly, the paper aims to study the previous roles that the AU has played in addressing similar border conflicts. By drawing on past experiences, the paper will identify best practices and lessons learned, and will analyze how these can be applied in the context of the Ethiopia-Sudan conflict. This will involve exploring the various conflict resolution mechanisms employed by the AU, including mediation, negotiation, and peacekeeping.

Overall, the sub-objectives of this research paper are designed to contribute to a comprehensive understanding of the Ethiopia-Sudan border conflict and to identify potential avenues for resolution. By examining historical and contemporary factors, analyzing the organizational structure of the AU, and drawing on past experiences, the paper will provide valuable insights into the role that the AU could play in resolving the conflict peacefully

1.5. Literature Review

There are some studies which are undertaken on the Ethiopia Sudan border conflict however most of the literatures on the subject matter are mainly focused on understanding the border conflict and give little or no attention on the ways forward and how the border dispute can be solved peacefully.

The paper written by Dr. Wondwosen Teshome titled “ Colonial Boundaries of Africa: The Case of Ethiopia’s Boundary with Sudan” is one of them. The paper starts by explaining the Ethiopia and Sudan relation in the times of Yohannes IV and Minilk II and then goes to explain the Ethiopia and Sudan Boundary demarcation background by pointing out Major (later General) Charles Gwynn as the architect of the border demarcation between Ethiopia and Sudan during colonialism²² and that he single-handedly delimited the Ethiopia-Sudan border without the physical presence of the Ethiopian government representatives and how this has created border disputes between Sudan and Ethiopia for many decades²³.

There is another Article by crisis group called “Containing the Volatile Sudan-Ethiopia Border Dispute”, the article starts by analyzing the historical background of the al-Fashaga border conflict. It begins by explaining how the al-Fashaga dispute go back to the 1902 Anglo-Ethiopian Treaty – a colonial-era document that sought to determine the frontier between Ethiopia and Sudan (then under British dominion)²⁴, then explains the latest iteration of the al-Fashaga dispute that involved not just Ethiopia and Sudan, but also Eritrea and Egypt²⁵.

²² Teshome, *supra* note 5. 346.

²³ Ibid. 351

²⁴ Crisis Group , *supra* note 7, 2

²⁵ Ibid. 4

The paper then goes to explain the current political situation in the two countries and relate it with the border tension and how it is difficult for both Ethiopian and Sudanese leaders to make concessions.²⁶ The article then finally tries to state the efforts made so far to solve the dispute by IGAD, AU and the UAE²⁷.

The paper titled ‘‘ The Boundary Tensions and Frontier Claims between Ethiopia and the Sudan, 1950s-1974: The Case of Sätit-Humära and Mätäma’’ which was written by Dr. Alemayehu Erikyihun is also another research which also tries to address the topic. Dr. Alemayehu in the beginning started to point out the different agreements Emperor Minilik has entered into with the British with the aim of avoiding border conflict²⁸. After that, he gives emphasis on the line demarcated by Major Gwynn and how he alone demarcated the boundary of the two countries in 1903 in which the demarcation was unilaterally carried out by only one side and left several resource rich and strategic sites on the Anglo-Sudanese sides²⁹.

Then he explains the several statement released by Ethiopia challenging the demarcation made by Gwynn, especially after the coming of the industrial revolution when both countries were in need to utilize the disputed land which happens to be very fertile³⁰. After that, he explained the different negotiation efforts made by the two countries to solve to border dispute, especially during the 1960’s and 1970’s and how none of them failed to bring any meaningful solutions, and finally how the efforts were completely shut following the political transition in Ethiopia after the Derg came to power³¹.

This paper is different from the other literatures mentioned above mainly because other than analyzing the border dispute of the two countries, this paper also gives an emphasis on the ways forward to solve the border conflict of the two countries. It specially focuses on the legal and institutional framework of the AU, and how the organization could play a role in addressing the border conflict of the two countries by also taking the previous experience the organization had as a reference in terms of solving border disputes.

1.6. Methodology

This research paper utilizes a qualitative methodological approach to examine the Ethiopia-Sudan border conflict. In particular, primary sources such as treaties, exchange of letters, and legislations are used to investigate the legal foundation for the current border demarcation between the two countries. By examining these sources, the research aims to provide a deeper understanding of the historical context that has contributed to the ongoing dispute.

²⁶ Ibid. 10

²⁷ Ibid.

²⁸ Erkihun A. ‘‘The Boundary Tensions and Frontier Claims between Ethiopia and the Sudan, 1950s-1974: The Case of Sätit-Humära and Mätäma,’’ (2019), International Journal of History and Cultural Studies 2

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

Furthermore, the study draws on protocols and treaties as primary sources in order to understand the institutional structure of the African Union, with a particular focus on the organs that could play a key role in resolving the border conflict between Ethiopia and Sudan. Secondary sources such as journal articles and news outlets are also used to investigate the recent border clashes, providing insights into the current state of the conflict.

Finally, case studies and research papers are utilized to analyze the previous experiences of the African Union in dealing with conflict management. By reviewing these studies, the research aims to identify effective strategies and best practices that could be applied to the current conflict between Ethiopia and Sudan, and to make recommendations for how the African Union could effectively facilitate peaceful negotiations and resolution of the dispute.

1.7. Limitation of the Study

The researcher encountered several challenges when collecting primary sources for this study, particularly with regards to accessing the original treaty maps and the 2008 exchange of notes between Ethiopia and Sudan. Despite concerted efforts to locate these documents, they proved difficult to obtain due to the sensitive political nature of the data. As a result, the researcher had to rely heavily on secondary sources to supplement the primary sources that were available. While the use of secondary sources can sometimes raise concerns about the reliability and accuracy of the data, the researcher took care to consult reputable academic journals, news outlets, and other credible sources to ensure that the information used in this study was accurate and reliable.

It should be noted that while this study provides a comprehensive overview of the current border demarcation of Ethiopia and Sudan, as well as an analysis of the role that the AU could play in resolving their dispute, it does not provide an in-depth analysis of the treaties and exchange of notes themselves. Instead, the focus is on the broader political and institutional context in which these documents were created and how they have contributed to the ongoing conflict between the two countries. While this approach may not satisfy readers who are looking for a more detailed analysis of the specific provisions of these documents, it is hoped that it will provide valuable insights into the larger issues at play and help to facilitate a more nuanced understanding of the conflict between Ethiopia and Sudan.

Chapter 2

History of the Ethiopia and Sudan Border Demarcation

3.1. Border Demarcation in Africa

The ascription of territory to statehood can be traced generally to the Peace of Westphalia in 1648, in which the concepts of state sovereignty, mediation between nations, and diplomacy all find their origins in the text of this treaty written more than three hundred and fifty years ago³². This inevitably ended “the concept of personal allegiance as the foundation of political society” and ushered in the “Westphalian concept of the territorial sovereign state.”³³ A state would not even be a State under public international law if a majority of its borders are not defined³⁴

When border lines run between two national states, they are described as international boundaries and are usually defined from point to point in treaties, arbitration awards or the reports of boundary commissions.³⁵ The government has an entire jurisdiction within its borders, which is unaffected by other governments, as a result, the boundary serves mainly to indicate the limit, or maximum extent of space over which a government has control over the state it governs.

When we come to the border demarcation of the African states, we should first take a look at the Berlin Conference which took place from November 1884 to February 1885. Whereby representatives of 13 European states, the United States of America and the Ottoman Empire converged on Berlin at the invitation of German Chancellor Otto von Bismarck that ordered the division of Africa in conformity with international law which not only gave Africa its present borders, but also attempted to integrate Africa into the European concept of nation-states with clearly defined and demarcated borders³⁶. Beginning in 1885, almost all of today's African borders were formed as a reasonable response by colonialists to their political need.³⁷ Now, Africa's 54

³² Steven P, 'The Peace of Westphalia and its Effects on International Relations, Diplomacy and Foreign Policy' (2019) *The Histories*, Vol 10, 91

³³ Woloniecki, J, 'Title to Territory in Africa. International Legal Issues' (1986) *International and Comparative Law Quarterly*, 35

³⁴ Summers, J. "Self-Determination and Borders: The Obligation to Show Consideration for the Interests of Others" Åbo Akademi University Press, *Netherlands International Law Review* 137

³⁵ Ndzifon J. "Cameroon-Nigeria Border Conflict Incidence on Trade Patterns and Dynamics within near-Border Settlements of the Bakassi Peninsula, Cameroon," (2018) *Urban and Regional Planning* 47.

³⁶ "African Union: 20th Summit, Addis Ababa," (2013) 50 *Africa Research Bulletin: Political, Social and Cultural Series* 12

³⁷ Herbst J., "The Creation and Maintenance of National Boundaries in Africa" (1989) *International Organization* 692

sovereign states are divided by over 165 borders, making it one of the most bisected continents in the world³⁸.

Heads of State and Government in Cairo in July 1964 adopted resolution AHG/ Res.16(1) which declares that all member states pledge themselves to respect the borders existing on their achievement of national independence³⁹. Which means African states have proclaimed the preservation of existing borders at the time of independence. The main reason for this is because the African Union anticipated that border issue would be the major cause of conflict in the continent and accepting the existing border would address this problem

Hence, it is safe to conclude that the current boundaries set are political creations that reflect the European economic, political and strategic calculations in the 19th century which divided African territories and people among themselves without considering the languages, social and cultural infirmities of the African people⁴⁰. For example, they divided Somalis in the Horn of Africa into French Somaliland, British Somalia, Italian Somalia, Ethiopian Somalia, and the Somali region of northern Kenya. Somalis who share a shared culture, way of life, and religion but live as different citizens of Ethiopia, Djibouti, and Kenya suffer greatly as a result of colonial borders.

2.2. Ethiopia and Anglo-Sudan Relation on Border Demarcation

The boundary negotiation between Ethiopia and the Anglo-Egyptian Sudan started in the immediate post Adwa period with the coming of James Rennel Rodd led mission to Addis Ababa in April 1896⁴¹.

A month after the Anglo-Egyptian victory over the Mahdists, Britain took charge of the administration of southern Sudan while allowing Egypt to retain control of northern Sudan⁴² and appointed John Lane Harrington as its formal consul in Addis Ababa on October 5, 1898. Harrington was tasked with keeping track of daily political developments in Ethiopia and dealing diplomatically with Emperor Menelik II⁴³. In the meantime, Harrington informed the emperor that Britain had no plan to occupy frontier territories, which had not been part of the Egyptian administration in the nineteenth century.⁴⁴

³⁸ "UNITAR – United Nations Institute for Training and Research," (2000) A Concise Encyclopedia of the United Nations 572 <https://vdoc.pub/documents/a-concise-encyclopedia-of-the-united-nations-2nd-edition-1chh5h4f4k1o>

³⁹ Institute of security studies "Africa's international borders as potential sources of conflict and future threats to peace and security" (May 2012)

⁴⁰ Pippie H. "Interstate border disputes in Africa and their resolution. The case of Ethiopia/Eritrea and Sudan/South Sudan" (2018) 25

⁴¹ Erkihun, *supra* note 27, 2

⁴² Mawson A. "Southern Sudan: a growing conflict," (1984,) *The World Today* 25

⁴³ Erkihun, *supra* note 27, 2

⁴⁴ *Ibid.*

In the meantime, the Ethiopian marched to the south and north of the Abay River to incorporate the frontier territories before the Anglo-Egyptians put the frontier regions under their sphere of influences. Tensions grew between Ethiopia and the Anglo-Egyptians over the frontier territories⁴⁵.

Furthermore, over Matama and Benishangul in particular, border claims and borderland tensions between Ethiopia and the Anglo-Egyptian-Sudan heightened⁴⁶. The emperor discovered Benishangul to be a resource-rich province of strategic value the need for Matama was motivated by historical claims⁴⁷. With this in mind, Harington and Menelik II decided to keep their expansion to a bare minimum and continue the border negotiations based on the idea of effective occupancy⁴⁸.

In order to ease the tension and come up with a clear boundary line, Britain hired an Irish cartographer, Major Gwynn, and a captain, Austin, to conduct a preliminary field survey in 1898⁴⁹. The former was assigned to survey the frontier territory from the River Sätit in the north to the Sobat River in the south⁵⁰, which means the portion that covers from 6°N parallel to Lake Rudolf, as well as the boundary with Kenya⁵¹ while the latter was instructed to study south of the Sobat River as far as the Lake Turkana⁵² which means portion that covers from the 6°N parallel and 35°E longitude⁵³ which was used as a reference in the treaties Anglo Sudan have entered with Minilik II later on.

2.3 Anglo Ethiopia Treaties and Agreements for Border Demarcation in the 20th Century

Among the many agreements, the 1900, 1902, and the 1907 treaties, are the ones that are relevant in defining the Ethiopia and Sudan boundary.

The first treaty to address the border issue was the 1900 Treaty between Italy and the Ethiopian government that delineated the boundary between Eritrea and Ethiopia⁵⁴. The

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Marcus HG, "Ethio-British Negotiations Concerning the Western Border with Sudan, 1896–1902," (1963) *The Journal of African History* 4

⁵¹ Wubneh M, "This Land Is My Land: The Ethio-Sudan Boundary and the Need to Rectify Arbitrary Colonial Boundaries" (2015) 33 *Journal of Contemporary African Studies* 451

⁵² Marcus, *supra* note 50, 4

⁵³ Wubneh, *supra* note 51, 14

⁵⁴ Ibid.

delineation line known as the Tomat–Todluc–Mareb–Muna line was recognized by the two governments as the boundary between Ethiopia and Eritrea⁵⁵

One of the major treaties the two countries have entered in to is on 15 May 1902 in Addis Ababa between Colonel Harrington representing the Anglo-Sudanese and Menelik II from the Ethiopian side. The contents of the agreement were concluded under five principal Articles.

Under Article I ‘‘ The frontier between the Sudan Agreed on between the two governments shall be: the line which is marked in red on the map annexed to this treaty in duplicate, and traced from khor Um Hagar to Gallbat, to the Blue Nile, Baro, Pibor and Akobo river to Milile, thence to the intersection of the 6th degree of north latitude with the 35th degree longitude east of Greenwich’’⁵⁶ This is the only part of the treaty where actual name of places were used in order to clarify the boundary between Ethiopia and Sudan. Here in the treaty, even though it mentioned specific places which could be used as a base of boundary for the two countries, it still failed to mention other places that are critical in drawing the border line between the two countries.

Article II says ‘‘boundary, as defined in Article I shall be delaminated and marked on the ground by a joint boundary commission, which shall be nominated by the two high contracting parties who shall notify the same to their subjects after delimitation’’⁵⁷ This article is important when talking about the issue of representation following the demarcation of the border that was done particularly by Major Gwynn. There is no proof that Major Gwynn was authorized by the Ethiopian government to carry out the demarcation task, when in fact he alone demarcated the boundary of the two countries from the intersection of the Rawiyan and the Sätit Rivers (north) to the Melile (south).⁵⁸ In some areas, for instance like in Welega, suspicious of his work, local officials detained Gwynn and his team⁵⁹ not knowing what he was doing.

When conducting the demarcation, ‘Major Gwynn made major modifications that included moving the boundary line in different areas, in which major fertile territories of Mertrahid, Qulit, Askinet, Lominat, Forgena, Zinjero Gedel, Sigara Terara, and Tiha were given to the Sudanese, neither the Ethiopian people nor the Ethiopian government had acknowledged the Sudanese claim to these territories and whether this deviation from the treaty map lines are modifications, as Gwynn admits, or the use of one’s discretionary power to the point of substituting a new line is still a debatable matter⁶⁰. In addition, Gwynn has deflected the line into Ethiopian territory in the

⁵⁵ ‘‘The Long History behind the Current Sudanese-Ethiopian Border Clash,’’ (Eritrea Hub, December 19, 2020) <https://eritreahub.org/the-long-history-behind-the-current-sudanese-ethiopian-border-clash> Accessed February 2, 2022

⁵⁶ Treaty Series No. 16, 1902 Treaties between the United Kingdom of Ethiopia and between the United Kingdom, Italy and Ethiopia, regarding the frontiers between the Sudan Ethiopia and Eritrea (Ratified on October 28, 1902), Article 2

⁵⁷ Ibid.

⁵⁸ Wubeneh, *supra* note 51, 451

⁵⁹ Ibid. 455

⁶⁰ Ibid.

Gallabat and Beni Shangul regions⁶¹. Other alterations are also made in the middle regions of the boundary. As will be seen in the following chapters, these lands which were demarcated by Gwynn were and still continue to be the major causes of conflict between the two countries, given the fertile nature of the land.

Article III of the treaty granted Britain exclusive rights to use the Blue Nile and its tributaries⁶². The British economic privilege over Ethiopia's western boundary territories is defined in Articles IV and V⁶³. As a result, Ethiopia decided to lease 400 hectares of land in Gambella to the United Kingdom only for business purposes. In article IV, Britain was granted permission to create commercial stations in Gambella that would only be used for commercial purposes and not for military or political missions, and the concession would be feasible as long as British control in Sudan was maintained. The last provision allows Britain to link its two colonies, Sudan and Uganda, via a railway that passes through Ethiopian territory.

The last major treaty Minilik has entered with the Great Britain is the 1907 treaty which defined the boundary between Ethiopia and Sudan, and the boundary between Ethiopia and Kenya.

In a nutshell, the boundary between Ethiopia and Sudan provided in the treaties 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 the 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 neighboring countries is mainly because of the demarcation of the boundary made only by Major Gwynn. 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 and also there is a deviation of the demarcation from the treaty which Ethiopia opposes as well.

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 Menelik⁶⁴. 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 is acceptable due to the fact that Gwynn's demarcation was a unilateral act.

The Ethiopian government held a position that the Gwynn line was unilaterally demarcated by only one side and violated the article two of 1902 Anglo-Ethiopian agreement, which the two contracting parties agreed to demarcate the boundaries in the presence of representatives from both

⁶¹Gwynn Stephen "The Frontiers of Abyssinia: A Retrospect." (1937) *Journal of the Royal African Society* 36: 150–161.

⁶² 1902 treaty, *supra* note 56, Article III

⁶³ *Ibid.* Article IV, V

⁶⁴ Wubeneh, *supra* note 51, 451

sides.⁶⁵ Since the demarcation was carried out unilaterally by one side, it would be reasonable for the Ethiopian side to conclude that Major Gwynn purposefully exited Ethiopian territory in several areas, particularly along Sätit-Humäraand Metema, 30-40 kilometers on the Sudanese side⁶⁶ leaving several resource-rich and strategically important areas on the Anglo-Sudanese sides

Chapter 3

Ethiopia and Sudan Border Conflict

3.1. Cause of Border Conflict in Africa

A border dispute is when two governments or more do not agree on the location of the border between their land⁶⁷. Disputes are an inevitable part of international relations⁶⁸ and it is hardly denied that, among international disputes, territorial and territorial-related disputes are the most complicated ones. Undoubtedly, these disputes have been the primary source of the growing tensions in relations among States which are likely to lead to armed conflicts or eventual wars⁶⁹ when they are not settled amicably and peacefully

Since the accession of African States to independence, borders have been a recurrent source of conflicts and disputes on the continent. Some of the disputes involve two or three states in one region or across regions on the continent.⁷⁰ When the European powers colonized Africa in the 19th century, they split similar ethnic groups in some cases and merged opposing tribes in others. In other words, sometimes they grouped together people who had never been united under the same government before and they divided existing systems of government at the time of colonial conquest⁷¹ which makes the current boundaries of most Africa states arbitrarily drawn without regard to ethnic and cultural affinities as also explained under the beginning of Chapter 2.

Because of the aforementioned characteristics of African borders and the problems faced by various African States in coexisting within them, African borders have never ceased to be recurrent

⁶⁵ Ibid. 454

⁶⁶ Erkihun, *supra* note 27, 3

⁶⁷ C.E. Ositer, and T.M Rudolf, *Interstate Conflict and Conflict Resolution in the Gulf of Guinea* (The JSOU Press 2004) 78

⁶⁸ J. G. Merrils, *International Dispute Settlement*, Third edition, (1996)

⁶⁹ Truomas Forsberg, 'Explaining Territorial Disputes: From Power Politics to Normative Reason', (1996), Vol.33. No. 6, journal of peace Research, 443;

⁷⁰ Hugues P. "Interstate Border Disputes in Africa and Their Resolution. The Case of Ethiopia/Eritrea and Sudan/South Sudan," (PDF Read book page, July 22, 2021) <https://www.readbookpage.com/pdf/interstate-border-disputes-in-africa-and-their-resolution-the-case-of-ethiopia-eritrea-and-sudan-south-sudan>, ACCESSED January 29, 2022, 111.

⁷¹ "Curriculum," (*Exploring Africa*), <http://exploringafrica.matrix.msu.edu/curriculum/> accessed October 29, 2021

factors in conflicts and even crises. Today, close to 100 active border disputes exist across the continent and the situation is likely to worsen as nationalism, population, and environmental pressures rise.⁷²

Despite the fact that colonial factors are the most common cause of interstate border disputes in Africa due to the unclear and porous borders created during colonial times, some of the recent disputes also revolve around economic interests (searching for vital economic resources), expansionist policies, political rivalry, increasing population, land grab, and continental drift (water)⁷³. This can make peaceful cooperation with neighboring governments impossible, and it also contributes to Africa's interstate boundary disputes.

Among the major border crises which Africa has witnessed, mention must be made of the Ogaden war in the Horn of Africa involving Ethiopia, Kenya, and Somalia; the Chad-Libya war over the then disputed Aouzou strip; the Burkina Faso-Mali wars; the Eritrean Ethiopian war; and the fight between Cameroon and Nigeria and between Guinea and Senegal.⁷⁴

Border tensions are also known to exist between several neighboring African countries including Guinea and Liberia; Liberia and Sierra Leone; Eritrea and Sudan; Sudan and Ethiopia; South Sudan and Uganda; Kenya and Uganda; Equatorial Guinea and Gabon; Rwanda and DRC; Burundi and DRC; Angola and Congo; etc.⁷⁵

3.2. Beginning of the Ethiopia and Sudan Border Conflict

As seen in Chapter 2 the Sudan government had sought the recognition of the Major Gwynn, however, since Major Gwynn he had not been delegated with any authority by the Ethiopian government to demarcate the boundary on its behalf, the Ethiopian government responded that the Gwynn line was unilaterally demarcated by only one side and violated article two of the 1902 Anglo-Ethiopian agreement, which the two contracting parties agreed to demarcate the boundaries in the presence of representatives from both sides.

The biggest obstacle is the fact that the al-Fashga region belongs de jure to Sudan, but de facto Ethiopia has a powerful claim on account the large numbers of Ethiopian's there. Most of the crops harvested in Al-Fashaga and related economic activities are done by Ethiopian families who claim to have lived on the land for generations.⁷⁶

Claims for the ownership of frontier farmlands appeared since the late 1950s, with the beginning of the agricultural revolution in Setit-Humera and Metema, large scale mechanized farming

⁷² <https://theconversation.com/africas-border-disputes-are-set-to-rise-but-there-are-ways-to-stop-them-44264>

⁷³ Patience Munge Sone "Interstate border disputes in Africa: Their resolution and implications for human rights and peace" (2017) African Security Review, 23

⁷⁴ AUBP, *supra* note 3, 18

⁷⁵ *supra* 36

⁷⁶ Wubeneh, *supra* note 51, 441

supported by tractors produced for marketing purpose.⁷⁷ Before that, there was no real border tension between either Ethiopia or Sudan. After the 1950s, the Ethiopian borderland people were seriously complaining the Sudanese expansion towards SätitHumära and Mätäma, and threats such as confiscation of the property, damages on crops and burning⁷⁸. This action of the Sudanese which is against the status quo has made Ethiopia to react by arming local security forces in order to protect its people rising in the disputed area⁷⁹.

3.3. Negotiation Efforts to Address the Border Dispute between Ethiopia and Sudan

With this tension going on, in 1964, Katema Yiferu, State Minister of Foreign Affairs and Sayid Mohammed Mahjoub, Foreign Minister of the Sudan held a brief discussion in New York during the UN summit. During this short talk, they raised the boundary problems and agreed to settle any emerging threats diplomatically.⁸⁰

In the meantime, the two countries established the Joint Boundary Commission (JBC) and Joint Ministerial Consultative Committee (JMCC) that are composed of technical experts and political officers, who were given the responsibility to demarcate and fix the boundary marks between the two countries.⁸¹ In the meantime, the committee held a meeting that focused on the need to respect the status quo, stop their respective peasants from occupying new farmlands and respect the ground rules signed in Khartoum in June 1966⁸²

The Ethiopian delegation wanted the entire Ethio-Sudanese border demarcated from north to south with considerable rectification of the Gwynn line and asked the draw of the border lines first to begin from north of the Setit River, furthermore, Ethiopia has refused to transfer up any land that is currently being farmed by the Ethiopian⁸³. On the other hand, the Sudanese wanted the Gwynn line boundary markings re-demarcated and re-fixed with minor or no rectification⁸⁴. Hence, despite all its efforts, the JBC was unable to make progress because of the two opposing viewpoints coming from Ethiopia and Sudan.

⁷⁷ Erkihun, *supra* note 27, 7

⁷⁸ Ibid. 8

⁷⁹ Ibid.

⁸⁰ Yihun B. "Ethiopia's Troubled Relations with the Sudan, 1956-1983," (2016) International Journal of Ethiopian Studies 67

⁸¹ Erkihun, *supra* note 27. 7

⁸² Belete Belachew, "Ethiopia in African Politics, 1956-1991" (2012) 39-40

⁸³ Erkihun, *supra* note 27, 8

⁸⁴ Ibid.

With all the political endeavors, the JBC, JMCC and other ad-hoc committees were reactivated and the Ethiopian and the Sudanese delegations agreed to respect the international law⁸⁵, however again complications and deadlocks appeared as Ethiopia declined to accept the colonial treaties.⁸⁶

The most crucial big change happened in 1972 when Ethiopia wrote a letter to Sudan through its foreign minister Menasse Haile. In the letter, Ethiopia has expressly stated its acceptance of the demarcation that was done by Major Gwynn on the basis of the 1902 treaty⁸⁷. This was a dramatic shift from Ethiopia's previous stance which was consistently rejecting the demarcation that was made by Major Gwynn because Ethiopia believes it didn't give its consent for Major Gwynn to conduct the demarcation and the demarcation that was done by him has given several strategic and fertile lands to the Sudanese. Other than that, Ethiopia in the letter has also asked the Sudanese government to consider a minor ratification on the Mount Degleish boundary and to draw and identification line in Setit Humera to fix limits of territories of their respective region.⁸⁸

This sudden shift of viewpoint by the Ethiopian government wasn't welcomed by the public and waves of public protests appeared in Setit-Humera, Metema and Quara, Begemidir and Semien province⁸⁹, however despite the challenge coming from the public in Ethiopia, in October, a plan was set to begin the re-demarcation process in September, after the end of the wet season. The September program to demarcate, however, was canceled due to a political shift in Ethiopia, and following the coming of the new military junta, Derg. After the Derg came to power, Ethiopian members of the JBC, JMCC, and other professionals were imprisoned or forced to flee the country and the plan to make the demarcation was impossible to implement⁹⁰.

In the late 1990s, after the collapse of the Derg and the coup d'etat in Sudan that brought Omar alBashir (1993-2019) to office, both governments sought to address the matter through discussions once more. However, the battle between Ethiopia and a newly independent Eritrea in 1998 took most of the from the Ethiopian side and it was evident early on that the al-Fashaga border dispute was just not too imminent to solve at the time.⁹¹

Following the end of the war between Ethiopia and Eritrea and after Ethiopia announcing its plan to build the Grand Ethiopian Renaissance Dam (GERD), Ethiopia has gave attention to the border dispute it has with Sudan mainly because Ethiopia wanted Sudan to stand next to it for any disagreement it could encounter with Egypt regarding the dam it is building on the Nile river and

⁸⁵ Ibid.

⁸⁶ Ibid. 10

⁸⁷ Letter of Imperial Ethiopian Government Ministry of Foreign Affairs to Ministry of Forigned Affairs of Sudan. Article I

⁸⁸ Ibid. II. III

⁸⁹ Erkihun, *supra* note 27, 10

⁹⁰ Ibid. 11

⁹¹ Donelli F. "The Al-Fashaga Dispute: A Powder Keg in the Heart of the Horn of Africa," (Trends Research and Advisory the alFashaga dispute a powder keg in the heart of the Horn of Africa Comments), <https://trendsresearch.org/insight/the-al-fashaga-dispute/> , 3 accessed April 29, 2021

making good of the border dispute with Sudan was one of the major steps it could take to achieve that, hence, it has reached an agreement in 2008.

The so-called 2008 agreement, which stipulated that while al-Fashaga might legally remain Sudanese territory under Sudan's Gedaref State, Ethiopian farmers could continue to use the land without restriction⁹², was a step forward. Ethiopia's cooperative attitude stemmed from Addis Ababa's has secured Khartoum's support as planned for the Nile Basin Initiative's Cooperation Framework Agreement (CFA) (NBI). The CFA lays forth the principles, rights, and responsibilities for cooperative management and development of Nile Basin water resources, including dam construction, which Ethiopia wanted to conduct on the Blue Nile.⁹³

To sum up, after Sudan's independence from Britain, Khartoum's leadership and that of Ethiopian Emperor Haile Selassie (1930-1974) have tried to address the dispute diplomatically during the 1960s. Efforts at dialogue disappeared following the 1974 Ethiopian revolution and the overthrow of Haile Selassie in favor of a Marxist dictatorship known as the Derg⁹⁴. In 2008, the Ethiopian government decided to hand up the al-Fashaga's legal territory to the Sudanese in exchange for allowing Ethiopian farmers to use the land.

3.4. Recent Border Clashes

Changes in leadership in Ethiopia and Sudan have resulted in a blossoming of bilateral relation as Abiy became Ethiopia's prime minister in April 2018, following the Tigray People's Liberation Front's severe loss of federal control (TPLF) and Sudanese Prime Minister Abdalla Hamdok was selected to lead Sudan's transitional government in September 2019 following the ousting of President Omar al-Bashir in April of that year. Following Bashir's ouster, Sudan's new leaders praised Abiy for his role in their country's transition as he intervened to ease tensions between the military and civilian protesters.⁹⁵

The major trigger for the recent border clash between Sudan and Ethiopia has to do with the breakout of the war in Ethiopia between the Federal Government and the Tigray People's Liberation Front (TPLF). On November 04, 2020 Ethiopian Prime Minister Abiy Ahmed ordered a military counter offense in the Tigray region against the region's ruling party, the Tigray People's Liberation Front (TPLF), following forces loyal to the (TPLF) attacking and seizing military bases that was under the command of the Ethiopian National Defense Forces (ENDF)⁹⁶.

⁹² <https://www.bbc.com/news/world-africa-55476831> accessed on January 12, 2022

⁹³ "Our Nile – Our Benefits - Nilebasin.org," (nile basin) <https://nilebasin.org/index.php/information-hub/documents-publications/92-our-nile-our-benefits/file> accessed April 29, 2021,

⁹⁴ Puddu L. "Border Diplomacy and State-Building in North-Western Ethiopia, c. 1965–1977," (2017) *Journal of Eastern African Studies* 230

⁹⁵ Crisis Group, *supra* note 7, 5

⁹⁶ Amin, *supra* note 12

Right after the start of the Tigray war in November 2020, Ethiopia through its Ethiopian Ministry of Foreign Affairs accused the Sudanese forces of forcefully occupying land that was previously under the control of the Ethiopian government following the abandonment of the region by the Ethiopian military to fight the TPLF in the North and it claims third parties – alluding to Egypt – are fueling the dispute⁹⁷.

Satellite imagery support that accuse which showed Sudanese forces preparing permanent rear positions on roads leading east to Abu Tuyour in eastern Gedaref state, only weeks after the Tigray conflict started in early November right after Amhara fighters departed to join the federal campaign⁹⁸. Sudan sent 6,000 troops into eastern al-Fashaga just as fighting in Tigray began, positioning them in the areas to which Khartoum lays claim which was only marked with a compromise arrangement in 2008, which is an area that is mainly inhabited by Ethiopian farmers, more specifically ethnically Amhara Ethiopian farmers⁹⁹.

The controversial Grand Ethiopian Renaissance Dam (GERD) that Addis Ababa is building on the Blue Nile which Egypt and Sudan said would limit the supply of water from the Nile River on which they depend for most of their water needs is also adding fuel to the border tension in the two countries.¹⁰⁰ Any diminishment in the Nile's flow for Egypt has been construed as an existential threat. Khartoum, previously neutral on the issue of the dam, has increasingly adopted Egypt's view¹⁰¹. To this end a closer military and political cooperation agreement has been signed between Sudan and Egypt in early 2020¹⁰² which could be taken as a sign in linking the al-Fashaga dispute with that of the Grand Ethiopian Renaissance Dam (GERD), currently being built on the Blue Nile in Benishangul-Gumuz, a state adjacent to Amhara.

Tensions rose further when for the first time in a quarter-century, Ethiopian and Sudanese troops engaged in direct combat in Abu Tuyour were four Sudanese, including an officer and three soldiers were killed, previously aligned with Egypt, which Eritrea saw as a counterweight to Ethiopia, has entered what seems to be a firm alliance with Abiy¹⁰³ and their forces have also been reported to have been deployed, clashing with the Sudanese in support of Ethiopia.¹⁰⁴

The two countries have been blaming one another for showing aggression towards the other, on 14 February 2021 Sudan's Foreign Ministry said, "Sudan condemns and denounces Ethiopia's aggression by deploying its forces in (Sudanese) territory, in direct violation of Sudan's sovereignty and territorial integrity". Meanwhile, on 23 February 2021, Ethiopia's Foreign

⁹⁷ Ibid.

⁹⁸ Crisis Group, *supra* note 7, 7

⁹⁹ Ibid.

¹⁰⁰ "Sudan-Ethiopia Border Dispute Deepens Internal Chaos for Both," <https://www.al-monitor.com/originals/2021/12/sudan-ethiopia-border-dispute-deepens-internal-chaos-both> accessed August 8, 2021

¹⁰¹ Ana H. and Saleh M. "The Political Deadlock on the Grand Ethiopian Renaissance Dam," (2021) GIGA Focus Afrik, 4

¹⁰² "Egypt, Sudan to Strengthen Military Pact," (Arabnews, March 2, 2021), <https://www.arabnews.com/node/1818626/middle-east>. Accessed on January 06, 2022

¹⁰³ Ibid. 5

¹⁰⁴ Ibid.

Ministry said “Sudan’s exploitation of Ethiopia's preoccupation with the law enforcement process in Tigray, and its violation of our borders, confirms the involvement of a third party pushing the military component in Sudan to enter into conflict with Ethiopia to implement its own agenda”

Ethiopia and Sudan also accuse each other of supporting non-state armed actors operating in their respective territories. Addis Ababa has accused Khartoum and Cairo of supporting Gumuz rebels who are active near the GERD in Benishangul-Gumuz state¹⁰⁵, also Sudan has pointed the finger at Ethiopia for its alleged support of the Sudan People’s Liberation Movement/Army-North (SPLM/A-N), a rebel faction operating in the Blue Nile area¹⁰⁶

To summarize, the arms of Sudan, Ethiopia, and Eritrea, as well as strong Egyptian military backing for Sudan has already involved in the Al-Fashaga conflict. Given how closely the matter is tied to the GERD dispute, it is crucial to deescalate the tension and to come up with a peaceful resolution to the conflict with the involvement of a third party in order to avoid another bloodshed in the horn of Africa.

Chapter 4

The African Union Role in Solving Ethiopian and Sudan Border Conflict

4.1. The African Union Role in Conflict Resolution

In May 1963, 32 Heads of independent African States met in Addis Ababa Ethiopia to sign the Charter creating Africa’s first post-independence continental institution, the Organization of African Unity (OAU). The main objectives of the OAU were to rid the continent of the remaining vestiges of colonization and apartheid; to promote unity and solidarity amongst African States; to coordinate and intensify cooperation for development; to safeguard the sovereignty and territorial integrity of Member States, and to promote international cooperation.¹⁰⁷

And at the beginning the OAU has some successful records when dealing with conflicts. For example, the organization has played a role as a mediator in the Algeria/Morocco Border Dispute of 1962 over the disputed territory of Tindouf. Following several failed attempts by the parties to

¹⁰⁵ Etefa T. “What's Causing the Violence in Western Ethiopia,” (The Conversation, April 20, 2022), <https://theconversation.com/whats-causing-the-violence-in-western-ethiopia-156970> accessed April 22., 2022

¹⁰⁶ Hendawi H. “Sudan Accuses Ethiopia of Providing Weapons to Rebel Groups,” The National (The National, July 2, 2021), <https://www.thenationalnews.com/world/africa/sudan-accuses-ethiopia-of-providing-weapons-to-rebel-groups-1.1180583> accessed on July 17, 2022

¹⁰⁷ About the African Union” (About the African Union | African Union December 1, 2022) <https://au.int/en/overview>. accessed February 29, 2022

settle their dispute themselves by negotiation, President Modibo Keita of Mali invited representatives of the two countries to Bamako and offered to mediate the dispute.¹⁰⁸

The parties accepted and the mediation began on 29 October 1963, under the auspices of both President Keita and Emperor Haile Selassie of Ethiopia¹⁰⁹. After only three days, an agreement was reached which provided for a cease fire, withdrawal of troops by the parties, and the establishment of a demilitarized zone to be monitored by a commission comprising representatives from Algeria, Morocco, Ethiopia, and Mali.¹¹⁰

In addition, the agreement provided that, should continue negotiations fail to reach a successful conclusion to the dispute, the dispute should be submitted to arbitration by a commission to be set up by the organization. Subsequent negotiation between the two parties ultimately reached a stalemate, as neither of them was willing to cede any territory to the other. Accordingly, the organization established an arbitration commission¹¹¹.

Rather than determine the boundary line as provided for in the first agreement, it was agreed that the commission would simply continue mediation efforts between the two parties. The commission annually submitted a mediation report to the organization outlining the progress that had been made. By 1969, relations between Algeria and Morocco had significantly improved and, on 15 January of that year, the president of Algeria and the king of Morocco signed a 20-year treaty of cooperation¹¹².

That agreement was followed by the establishment of a joint boundary commission and, on 27 May 1970, an agreement on the boundary was finally reached. Pursuant to that agreement, the two countries announced that the boundary dispute between them had ended and that, while Tindouf region would remain Algerian, the iron ore deposits of the area were to be exploited jointly by the two countries¹¹³.

Over the last few decades however, Africa has been affected by violent conflicts to a greater extent than other continents. Rwanda, Angola, Liberia, Sierra Leone, the Democratic Republic of Congo, Sudan, Somalia, Côte d'Ivoire, Burundi, are a few of the countries that have been affected.¹¹⁴ To address that, the Mechanism for Conflict Prevention, Management and Resolution (MCPMR) of the Organization of African Unity (OAU) was established following a decision taken by African

¹⁰⁸ Commission of the African Union, Department of Peace and Security ‘‘African Border Dispute Settlement. The User’s Guide’’. (2016), 39

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Karin Bogland, Robert Egnell, and Maria Lagerström ‘‘The African Union – A Study Focusing on Conflict Management’’ (2008) 20

Heads of State during the 29th session of the Assembly of Heads of State and Government in Cairo in June 1993¹¹⁵

However, in the late 1990's major events took place in the continent which made members of the organization to rethink the structure of the OAU and its effectiveness in addressing the issues the continent was facing at that time. To mention some, in the 1990s, Somalia has been hit by a full scale civil war, Rwanda has witnessed one of the worlds' most horrific genocide in 1994, and the war that involved more than six countries which took place in Democratic Republic of Congo in 1998,¹¹⁶ and the OAU couldn't do anything other than just to be a mere witness of these occurrences.

In addition, the last obvious colonial power structure in Africa disappeared in 1994 when apartheid was finally abolished in South Africa. The primary aim of the OAU and the glue holding it together – the fight against colonialism and apartheid – thereby disappeared¹¹⁷

Hence, the African Union (AU) was officially launched in July 2002 in Durban, South Africa, following a decision in September 1999 by its predecessor, the OAU, to create a new continental organization to build on its work. The decision to re-launch Africa's pan-African organization was the result of a consensus among African leaders that, in order to realize Africa's potential, attention should be shifted away from the OAU's previous focus on decolonization and the abolition of apartheid to increased cooperation and integration among African states to drive Africa's growth and economic development.¹¹⁸ With that in mind, the vision of the African Union was set 'to build an integrated Africa, a prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena.'¹¹⁹ As for the purpose of this paper, only the organization's legal and structural framework with respect to conflict management will be discussed, with a particular focus on border disputes.

As a successor of the OAU, it took over the rights, powers, and obligations of the OAU, and one of such obligations is that of conflict management. The OAU, at its creation in 1963 included the Commission of Mediation, Conciliation and Arbitration which was aimed at facilitating peaceful settlement of disputes between member states¹²⁰. The AU with the aim of taking over this responsibility has adopted a Protocol on the establishment of the Peace and Security Council (PSC) of the AU to supersede all resolutions and decisions of the OAU on the MCPMR when it finally enter into force.¹²¹ The AU seemed to also bring a different approach which is different from that of the OAU when it comes to its non-interference policy. In the AU Charter, and thereby the

¹¹⁵ Isaac olawale Albert "The African Union and Conflict Management", (2007) Africa Development, Vol. XXXII, No. 1 47

¹¹⁶ Ibid.

¹¹⁷ Karin, Robert and, Maria, supra note 108 13

¹¹⁸ Frederic L. "Evolving Constitutions of International Organizations" (1996) American Journal of International Law 163.

¹¹⁹ African Union Strategic Plan of the African union Commission, (2004) Vol. 1: Vision and Mission of the African Union, 26

¹²⁰ Isaac, supra note 109, 47

¹²¹ Ibid.

African member states, it concedes that the AU is entitled to intervene in the member states' internal affairs.¹²²

The right of the Union to intervene in a member state is subject to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide, and crimes against humanity,' which is declared in the African Union's Constitutive Act. This is a new dynamic in Africa's peace agenda: a continental decision-making platform for peacebuilding combined with the principle of non-indifference to intra-state violence.¹²³

The African Mission in Burundi was the AU's first deployment of military forces and its application of the principle of intervention. The mission was approved by the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution in February 2003, and its mission which is called the African Mission in Burundi (AMIB) has been described as one of the AU's biggest success stories¹²⁴.

AMIB generally succeeded in achieving its first operational goal of overseeing the execution of ceasefire deals. The force was able to deter violence and contribute to the building of a secure atmosphere favorable to the peace process by virtue of its presence and deterrence actions. The AU troops also helped facilitate the return of refugees and internally displaced people and the delivery of humanitarian aid¹²⁵.

4.2. Institutional Framework of the African Union in Solving Border Dispute between Ethiopia and Sudan

In order to underpin the broad mandate within peacebuilding efforts and conflict management, the African leaders have developed a number of elements through the AU within the scope of an overall framework that has come to be called the African Peace and Security Architecture (APSA).¹²⁶ The Peace and Security Council (PSC), the Panel of the Wise (PW), the Continental Early Warning System (CEWS), Regional Economic Cooperative Communities (RECs), The Peace and Security Directorate¹²⁷ are the main organs of the AU which are under the framework of the APSA.

¹²² Constitutive Act of the African Union (adopted on July 11, 2000 in Lome, Togo and came into force on May 26, 2001) OAU Doc.CAB/LEG/23.15 Article 4(h)

¹²³ "African Union Approaches to Peacebuilding - World," ReliefWeb, accessed January 30, 2022, <https://reliefweb.int/report/world/african-union-approaches-peacebuilding>

¹²⁵ Annemarie R. "The African Union Mission in Burundi," (2012) *Civil Wars* 392

¹²⁶ Karin, Robert and, Maria, *supra* note 108, 21

¹²⁷ Mehari Taddele Maru, "The First Ten Years of AU and Its Performance in Peace and Security" 2012. 5

Below, each of these organs will be discussed with the particular role they could play in addressing the border conflict between Ethiopia and Sudan

4.2.1. The Peace and Security Council (PSC)

The Peace and Security Council within the Union is established as a standing decision-making organ for the prevention, management and resolution of conflicts. The Peace and Security Council is responsible for the collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.¹²⁸

Hence, the (PSC) could be taken as the main pillar of the African Peace and Security Architecture (APSA) for the regulation of conflicts and crises in Africa and the prominent organ of the AU, as well as formulation and implementation of key political decisions in areas such as peacekeeping and conflict resolution.¹²⁹ Forty four member states have ratified the AU PSC Protocol including Sudan and Ethiopia¹³⁰ and the PSC can be taken as the prominent organ of the organization to address the border conflict between the two countries.

4.2.2. The AUBP

The PSC has established the African Union Border Program in 2007 as part of African Union's efforts to strengthen the structural conflict prevention capacities of its Member States¹³¹ that consists of four main pillars. The first is boundary demarcation, which has been a source of tension between nations for a long time, most notably between Mali and Burkina Faso, Nigeria and Cameroon, Chad and Libya, and Ethiopia and Eritrea.

This could be the perfect program for Ethiopia and Sudan to forward their case to. Hence, as can be referred in Chapter three of this paper, the major reason for the tension between the countries lies on the issue of demarcation and the program is specifically established for that reason and has also been successful in addressing similar issues, particularly with Sudan and South Sudan which will be discussed in detail in the following section.

Cross-border collaboration is the second pillar by taking in to account the necessity to look beyond demarcation and strive toward the gradual integration of countries through increased cross-border

¹²⁸ Protocol Relating to the Establishment of the AU Peace and Security Council (PSC) (adopted on 9 July 2002 and entered into force on 26 December 2003) AU Doc Ass/AU/Dec.3(I). Article 2

¹²⁹ Rodt A. "The African Union: Providing Peace in Africa? A Case Study of the African Mission in Burundi." (2014) academia.edu.

https://www.academia.edu/577669/The_African_Union_Providing_Peace_in_Africa_A_case_study_of_the_African_Mission_in_Burundi, accessed on July 07, 2021

¹³⁰ Joram Mukama Biswaro, *The Role of Regional Integration in Conflict Prevention, Management, and Resolution in Africa The Case of African Union* (2013)

¹³¹ <https://www.peaceau.org/en/page/85-au-border-programme-aubp> accessed on January 08, 2022

cooperation. Capacity building is the third pillar which's goal is to improve border management through training personnel. The fourth pillar entails forming ties with other organizations as well as mobilizing resources.

4.2.3. Panel of the Wise

The Peace and Security Council is supported by the Panel of 'the wise' in its deliberations and activities¹³². The Panel of the Wise, which was officially inaugurated in December 2007, have a supporting role vis-à-vis the PSC and the Commission's chairperson, particularly within conflict prevention measures and also functions as an advisory party to these with regard to preserving and promoting peace and security in Africa¹³³

According to the Protocol, the Panel of the wise consists of five highly respected African figures who have contributed to peace, security and development in Africa and they are appointed for a period of three years¹³⁴ and supports and advises the PSC through the use of good offices, mediation, conciliation and research¹³⁵. In the opinion of many authors, this institution has inherited, and reflects, a long African tradition of conflict resolution which values the wisdom, good will and abilities of elderly people.¹³⁶ For any mediation efforts by the organization to bring the two countries into table, the role the member of the panel will play could be taken as a crucial one.

4.2.4. The Peace and Security Directorate

The PSD is the body that executes and follows up the PSC's decisions and which strategically/operationally leads peace and security work and the various AU efforts¹³⁷

4.2.5. Regional Economic Cooperative Communities (RECs)

The existing subregional organizations (such as ECOWAS, SADC, and IGAD) have formally become part of the new APSA as the five regional economic communities (RECs) as a practical

¹³² PSC, *supra* note 128, Article 2 (2).

¹³³ Ibid. Article 11 (1, 3).

¹³⁴ 8th Ordinary Session of the Assembly of the African Union, (January 2007) Addis Ababa, Ethiopia, 152

¹³⁵ PSC *supra* note 128, Articles 6 (b) and 11

¹³⁶ T. Murithi & C. Mwaura, "The panel of the wise, (2010) 79-80

¹³⁷ Karin, Robert and, Maria, *supra* note 108, 23

and natural solution to try and create integration and cooperation in a continent as heterogeneous and immense as Africa”¹³⁸

The Intergovernmental Authority on Development (IGAD) has six member states: Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda and was founded in its present form in 1995 ¹³⁹ and has been an active player and contributed resources to the conflict in Somalia¹⁴⁰. Because Ethiopia and Sudan are a member of the IGAD, IGAD could be taken as one of the organs to bring the two parties in to a table of negotiation and to deescalate the current border conflict in the border areas by taking measures.

4.2.6. AU Continental Early Warning System (CEWS)

CEWS is established to provide timely advice on potential conflicts and threats to peace and security to enable the development of appropriate response strategies to prevent or resolve conflicts in Africa. The Committee of Intelligence and Security Services in Africa (CISSA) compliments the CEWS¹⁴¹. The Committee was established on 26 August 2004 in Abuja, Nigeria by Heads of Intelligence and Security Services of Africa¹⁴².

4.3. The African Union Experience in Solving Border Disputes

When the AU was born, conflict patterns were starting to change from intera-state towards greater incidence of intr-state conflict.¹⁴³ New key factors of conflict also emerged, such as: ethnicization of political and power struggles, competition over scarce resources and access to state power, violence fueled by proliferation of small arms, armed groups influenced by politico-religious ideologies, and secession-seeking groups who wished to leave their nation states.

In this regard, the African Union took a shape as an organization of great importance for African conflict management specially through its PSC division, with the ambitions in promoting peace and security, however, it also suffers from a serious lack of resources in its efforts to achieve these ambitions.¹⁴⁴ The AU framework for peacebuilding encourages regions to take responsibility for peacebuilding in conflict situations; thus, the AU implements the principle of subsidiarity in order to build the capability to ensure peace in the regions¹⁴⁵. Although it has only been in existence for

¹³⁸ Bogland, Darin, Robert Egnell, and Maria Lgerström. “The African Union—A Study Focusing on Conflict Management” (2008) 8

¹³⁹ Karin, Robert and, Maria, *supra* note 108, 31

¹⁴⁰ Ibid.

¹⁴¹ Colonel Festus B. Aboagye, *A Comprehensive Review of African Conflicts and Regional Interventions*, (African Union Commission and APSTA Secretariat 2016) 66

¹⁴² Ibid

¹⁴⁴ Flemming M. “The African Union and Conflict Management,” (2006) 7

eight years and is still in the process of being developed, APSA has undertaken several initiatives in Burundi, Comoros, Ivory Coast, Eritrea, Ethiopia, Guinea-Bissau, Liberia and, in particular DRC, Somalia and Sudan.

When it comes to solving border conflicts in particular, the PSC has played the big role. Specially after recently launching the AUBP, the role the PSC plays has increased, and states have been knocking the door of the department with the aim of getting an assistant in their border demarcation to solve their dispute in a peaceful way.

For example, the AUBP is assisting Sudan and South Sudan in demarcating their borders with the help of GIZ, Great Britain, Japan, and Norway in supporting the process.¹⁴⁶

Conciliation is currently being used in the context of the dispute between Sudan and South Sudan over the demarcation of areas of their boundary. The conciliation commission in that case, which is known as the African Union Team of Experts (AUTE), was established in July 2012 pursuant to the recommendation of the African Union High Level Implementation Panel on Sudan and the agreement of both State parties concerned¹⁴⁷. According to its terms of reference, the parties mandated the AUTE to produce an authoritative, non-binding opinion determining the location of the January 1956 boundary between South Sudan and Sudan in the disputed areas along their common borders¹⁴⁸. In making their determination the AUTE is to be guided by agreed principles of international boundary making¹⁴⁹. The African Union Peace and Security Council welcomed the establishment of the AUTE in a communiqué issued following its 329th meeting, held on 3 August 2012 and the AUTE is now in the process of carrying out its work.¹⁵⁰

The AUBP has been also assisting Malawi and Mozambique in their border demarcation task. In the second half of 2020 Malawi and Mozambique completed the densification of 888km of their common land border¹⁵¹. As a reminder, this border was established by the Anglo-Portuguese Agreement of 11 June 1891, which was followed by several additional agreements¹⁵². The two Member States share a 1400km long border of which 888km is a land border, 322km is a lake border, and 190km a river border. In March 2020, following a technical assessment, they both are demarcating their shared 644km border by constructing 44 border markers.¹⁵³

The AUBP has also received requests from Rwanda, Uganda, Swaziland, and a number of other countries for support with the delimitation and demarcation of their borders¹⁵⁴

¹⁴⁶ Ecowas ‘‘Report on The AUBP / Recs Coordination Meeting On Border Management’’ (2013) 12

¹⁴⁷ *supra* note 120, 43

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*

¹⁵⁰ *Ibid.*

¹⁵¹ Peace and Security Council ‘‘Progress Report of the African Union Commission on the Implementation of the African Union Border Program (AUBP) March 2020 – March 2021’’. (2021), psc/min/rept 4

¹⁵² *Ibid.*

¹⁵³ *Ibid.*

¹⁵⁴ Ecowas, *supra* note 147, 12

4.4. Previous Efforts by the AU to Address the Dispute Between Ethiopia and Sudan

The African Union (AU), through the AU Commission Chairperson's Special Envoy to Sudan Mohamed Hassan Lebatt, has called on the two countries to defuse tensions and find a political solution¹⁵⁵. However, the special envoy currently does not have a mandate to engage in mediation between the two countries without the express consent of the two.¹⁵⁶

The AU has recently taken the role to mediate Egypt, Ethiopia, and Sudan in vital talks over the dispute relating to the filling and operation of the Grand Ethiopian Renaissance Dam on the Nile River. The current progress of negotiation between the three countries with the assistance of the AU will be discussed below with the aim of drawing up a conclusion on how that experience could help the AU to take similar role in the border dispute between Sudan and Ethiopia.

The Nile River, which flows through 11 African nations, including Egypt, Ethiopia, and Sudan, is a trans-boundary resource. However, there is currently no established structure for the management and usage of water. After ten years of negotiations, the nations were on the verge of reaching an agreement in 2010. However, Egypt and Sudan have refused to sign it, citing worries about 'water insecurity'.

Ethiopia started the construction of the Blue Nile Dam, a key tributary of the Nile, unilaterally in 2011. Ethiopia says that the dam is important for regional integration, notably in terms of economical energy supply that can play a boosting role filling the energy gap of to the country.¹⁵⁷

While Sudan was in favor of the dam's development, Egypt initially opposed it since it represents an existential threat to the country. Egypt eventually agreed to the project, and the three nations signed a negotiated Declaration of Principles agreement in 2015, which served as the foundation for the continued technical discussions¹⁵⁸. Following the tripartite agreement, the nation's began expert-level talks on the dam's safety, filling, and operation. However, Ethiopia's internal political instability and subsequent government changes in 2018 and 2019 respectively slowed the development¹⁵⁹.

As a result of the delays, fears of regional instability have resurfaced. Egypt's President Abdel Fattah el-Sisi brought this up during his speech to the United Nations General Assembly in September 2019 and pushed for an international pressure on Ethiopia saying any negotiation efforts by the two countries has reached a deadlock¹⁶⁰. Following this, negotiation efforts have

¹⁵⁵ <https://issafrica.org/pscreport/psc-insights/political-solution-needed-for-the-ethiopia-sudan-border-dispute> accessed on March 01, 2022

¹⁵⁶ <https://issafrica.org/pscreport/psc-insights/political-solution-needed-for-the-ethiopia-sudan-border-dispute> accessed on March 01, 2022

¹⁵⁷ <https://theconversation.com/nile-basin-at-a-turning-point-as-ethiopian-dam-starts-operations-178267> accessed on January 21, 2022

¹⁵⁸ Ibid

¹⁵⁹ <https://www.brookings.edu/blog/africa-in-focus/2020/08/05/the-controversy-over-the-grand-ethiopian-renaissance-dam/> accessed on January 21, 2022

¹⁶⁰ <https://climate-diplomacy.org/magazine/environment/why-has-au-been-silent-ethiopian-dam-dispute> accessed on January 21, 2022

been made by the US Treasury Department and the World Bank which eventually failed due to a perceived bias by the US toward Egypt, a long-time ally of the US. Also, Russia has made some efforts to keep the talks between the two nations going, but none of them have produced any meaningful results¹⁶¹.

Even though, non-African actors have been increasingly present in the negotiations, the AU is currently the one that is playing the major role mainly because all three states are AU members, it can speak from an African perspective and it can be considered as non-biased by the countries as well. Currently, mediation efforts by the African Union, chaired by South African President Cyril Ramaphosa, are ongoing, which is welcomed by the three nations. The first meeting took place in late June of 2021, and a follow-up video teleconference chaired by Ramaphosa was held on July 21 with the view of reviewing progress made with the trilateral negotiations.¹⁶²

Despite the fact that the three nations were unable to reach an agreement on the dam up to now, finding a mutually acceptable solution will not only help riparian nations, but also give the African Union greater credibility. In addition, the parties' efforts to enable the organization to assist them in resolving the conflict might be seen as a good evidence of the organization's ability to deal with complex regional problems. Specially since the two countries (Sudan and Ethiopia) are directly involved in this negotiation process by the AU, any positive progress could pave the way for the parties to put trust on the organization by giving it a big role in solving their border dispute.

4.5. Further Steps the AU to Resolve the Border Conflict Between Sudan and Ethiopia

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice¹⁶³. Pursuant to Article 4(e) of the Constitutive Act of the AU, one of the fundamental principles of the AU is the “peaceful resolution of conflicts among Member States”¹⁶⁴. The AU has taken this particularly seriously in the context of resolving boundary disputes. Evidence of that is the creation of the AU Border Program (AUBP).

Hence, in order for the dispute to be solved peacefully by the African union, there are certain steps that needs to be taken by the parties and the AU. The first and most important step that needs to be taken is for the parties to agree to give the AU the role to participate as a third party, so that it could officially take the mandate to act as a third party actor in solving the border dispute the two countries have. From the previous experience of the AU and based on the institutional framework,

¹⁶¹ Ibid

¹⁶² <https://foreignpolicy.com/2020/09/24/african-union-ethiopia-egypt-sudan-dam-dispute/> accessed on January 03, 2022

¹⁶³ Charter of the United Nations, (adopted on 1945) Article 33(1)

¹⁶⁴ supra note 116, Article 4(e)

the writer of this paper has identified the three specific ways which the organization could involve in solving the border dispute between the two countries, which are Mediation, Conciliation and Border demarcation which will be discussed below.

4.5.1. Mediation

One of the ways the AU can involve in order to solve the disputes peacefully between the two countries is by taking the role of a mediator. Mediation is a process under which a neutral third party, or mediator, attempts to resolve a dispute between parties, in an amicable way¹⁶⁵. The third party is chosen by both parties to a dispute and must therefore be acceptable to both parties¹⁶⁶. In the context of boundary disputes, mediation is typically employed in two types of situations¹⁶⁷. First, parties often resort to mediation after negotiations have proved unsuccessful¹⁶⁸. Used in this way, mediation can be seen as a way for parties to have a second chance at resolving a boundary dispute, and as it is showed above, the negotiation efforts made by the two countries since the 1960's failed to bring any meaningful result and involving the AU as a mediator could help pave the way for solution in the parties long lasting deadlock.

Second, mediation can be used to resolve boundary disputes in cases where negotiation is not feasible due to pre-existing animosity between the parties¹⁶⁹. In this sense, mediation can be an alternative to armed conflict or other unfavorable escalation of the dispute¹⁷⁰. Here again, given the claim raised by the two parties and the recent clashes, having a third party mediator could be inevitable in order to bring the two nations back to the table of negotiation, and there is no better candidate than the AU to take up the role as a mediator, specially through the PSC with the assistance of its sub organs like the Panel of the Wise.

The AU as a mediator through a commission which is to be established by the two parties, could play an active role in the dispute resolution process by speaking regularly with the parties to obtain their views regarding the status of the treaties that was entered between the two nations in the early 1900's, and then determine the most important issues which is the issue of representation on the demarcation done by Major Gywnn that Ethiopia strongly opposes, and from that, finally, advancing fresh proposals to both parties in an effort to resolve the dispute.

The AU as a mediator could also work with the parties individually to manage their expectations and explain its view based on the research and analysis it has collected from its experts and sub organs, more in particular the panel of the wise which is under the PSC that is composed of highly

¹⁶⁵ Thomas Gaultier, "Cross-Border Mediation: A New Solution for International Commercial Dispute Settlement" (2013) NYSBA International Law Practicum 38

¹⁶⁶ *supra* note Commission of the African Union 37

¹⁶⁷ *Ibid.*

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*

¹⁷⁰ *Ibid.*

experienced and well respected figures who could give its advisory opinion which could be agreeable by the two countries.

Hence the AU already has good relations with both parties, and is experienced in mediating the two nations with respect the GERD, it would be safe to assume that it can offer a solution to the parties long lasting border dispute that can be accepted by both parties.

4.5.2. Conciliation

Conciliation is another process whereby the two countries could agree to submit the dispute between them to the organization and which will undertake an objective investigation and evaluation of all aspects of the dispute¹⁷¹. The organization will then issue specific nonbinding recommendations as to how the dispute could be resolved, defining the terms of a proposed solution that could be acceptable to both parties.¹⁷² Such recommendations will often contain elucidations of detailed legal principles and conclusions that the two countries could apply in future negotiations, however, the organization will generally not go as far as fully resolving the dispute by drawing, for example, a boundary line regarding the disputed land on a map¹⁷³.

The role the AU could play as a conciliator could be more effective than of a mediator and this is mainly because of the nature of the dispute of the two nations. The major disagreement between the two nations has to do with the treaty Sudan has entered with Ethiopia through its colonizer Britain. Even though it was claimed by Sudan that Ethiopia has fully participated in the border demarcation between Ethiopia and England, Ethiopia has been consistently objecting the demarcation made by Major Gwynn saying it took no part when the demarcation was done.

Hence involving the AU as a conciliator with the power to give a recommendation which could be accepted by the two parties could be the crucial point here. In order to do that, the commission which is to be established and structured as the two nations see fit should first investigate the facts on whether Ethiopia has been duly represented when Major Gwynn made the demarcation or not.

From that, the next step of the commission could be understanding the intention of the parties at the time of concluding the agreements and on whether the demarcation made by Gwynn is in accordance with the treaty or if there is a major deviation from it. Once the commission has established an analysis on that, gathering information on the previous negotiation attempts in the 1960's and the agreement reached in 2008, could help the organization in making a recommendation which could be acceptable and implementable by the two parties. Afterwards, other organs of the AU, like the AUBP could carry on the work of demarcation by taking the recommendation of the commission as a standard tool for their demarcation.

¹⁷¹ Ibid. 47

¹⁷² Ibid.

¹⁷³ Ibid.

The process also tends to discourage both Ethiopia and Sudan from persisting with unreasonable claims or claims that are not factually or legally supportable. Potential recommendations by the commission do carry significant weight, making it more likely that parties will abide by the conclusions of such reports. In addition, the African Union is currently working a conciliator as we have seen above, and the good success example it has with Sudan and South Sudan could also be taken as a good way to go with this choice.

4.5.3. Border Demarcation

Once the AU has taken that role, the parties could involve the AUBP in assisting them to conduct the demarcation of their border. The first major sector of activities of the African Union Border Program is the assistance to Member States of the AU for the delimitation and demarcation as well as the reaffirmation of all African borders, in accordance with the decision taken by the 17th Ordinary Session of the AU Assembly, held from 30 June to 1 July 2011 in Malabo (Equatorial Guinea)¹⁷⁴. The AUBP is closely working with States to undertake and pursue bilateral negotiations on all issues relating to the delimitation, demarcation and management of their borders, while aiming to protect and promote the interests and rights of border populations¹⁷⁵. Which means, the two member states of the AU could give the role to the AUBP to demarcate their boundaries, following choosing and agreeing on procedural and legal elements they want to use when demarcating their boundary.

In order to engage the assistance of the AUBP, Ethiopia and Sudan must make a joint request to the AU Commission hence, the delimitation, demarcation and management of boundaries depend primarily on the sovereign decision of the States.¹⁷⁶ That joint request evidences the parties' commitment to resolving their dispute peacefully and, upon receipt of it, the AU will ensure that resources are made available to support the parties, as it deems appropriate.

For example, in 2012, Comoros, Mozambique, the Seychelles and Tanzania made a joint request to the AUBP for assistance in finalizing the maritime delimitation of their shared boundaries¹⁷⁷. The AUBP reacted by finding a technical expert to support them in the process and provided funding for each party to make use of suitable maritime boundary delimitation technology.¹⁷⁸ Accordingly, the parties achieved an agreement on the final coordinates of the maritime boundaries within a matter of months and signed a multilateral treaty¹⁷⁹

¹⁷⁴ AU *supra* note, Article 33(1)

¹⁷⁵ AU Peace and Security Council Conflict Prevention and Early Warning Division Department Booklet 14

¹⁷⁶ *Ibid.*

¹⁷⁷ Commission of the African Union, Department of Peace and Security, 'African Border Dispute Settlement. The User's Guide' (July 2016) 27

¹⁷⁸ *Ibid.*

¹⁷⁹ *Ibid.*

Chapter 5

Conclusion

The major cause of border conflict in African countries is the boundary made by the European nations which gave less emphasis on the ethnicity, culture and identity of the African people and only focused on amplifying their economic benefits, hence, the specific border dispute between Ethiopia and Sudan is no different from that. The OAU has passed the Cairo Resolution AHG/Res. 16 (1) which states that nations should adopt all the boundary lines which are left by the colonizers, with the aim of avoiding potential border conflict which the organization believed to be the major issue that could trigger states to engage in a war.

However, since Ethiopia has never been colonized, the demarcation of its territory with Sudan wasn't done by an European nation on its behalf but Ethiopia itself has entered in to a treaty with Britain who was colonizing Sudan at that time regarding demarcating the border it has with Sudan. And Ethiopia refused to accept the demarcation that was made at that time by an Irish cartographer Major Gwynn which was hired by the British. The reason why Ethiopia has refused to accept this demarcation is because Ethiopia thinks the demarcation was done by Major Gwynn alone without a representation from the Ethiopian side and that this goes against the treaties Ethiopia has entered with Britain, and furthermore, Ethiopia believe Major Gwynn, against the treaty it has entered with Britain, has given enormous land to the Sudanese which has been Ethiopian's land historically. However, Sudan in the contrary claims that the demarcation was done with a participation from the Ethiopia side and the demarcation made by Gwynn is binding to both parties.

This disagreement has been going for decades between the two countries and several attempts of negotiation by the two countries have failed to bring any fruits. Promising talks have been going on specially in the 1960, however due to a political shift in Ethiopia, any progress that has been made so far was lost after the Derg came to power in Ethiopia. In 2008, a soft border agreement has been made between the two countries in which Ethiopia has accepted the legal claim of the Sudanese, meaning accepted the demarcation line made by Major Gwynn, and Sudan has agreed to let Ethiopian farmers continue cultivating the land. However, there were challenges from the public on the side of Ethiopia after being aware of this arrangement, and it was obvious that the 2008 arrangement between the two countries was more of a temporary solution to a permanent problem.

Recently border conflict between the two countries have been reported following the breakout of a war in Ethiopia in its Tigray region. Ethiopia claims that the Sudan military forces has moved to the region after the Ethiopia forces defending the area has abandoned the place to help out the war in Tigray. It is reported by several sources that the Sudanese have now successfully occupied most of the disputed areas and now getting ready to occupy the remaining land. Ethiopia on the other hand has called for the Sudanese forces to withdraw from the territory and offered to solve the dispute through negotiation.

Several efforts of negotiation have been made with the help of the external parties like the UAE, but none have has succeeded to bring any meaningful result. The African Union could be the best party here to put the two countries on a table and assist them in solving their disputes peacefully. The AU After replacing the OAU has established the African Peace and Security Architecture (APSA) with the aim conflict management and prevention in the continent. The Peace and Security Council (PSC) could be taken us the major organ of the APSA in terms of conflict management and prevention. The PSC has also recently established the AUBP with a specific purpose for dealing with border disputes, and the AUBP has been carrying out successful tasks in terms of addressing border conflicts in the continent.

The African union currently is engaged with the two countries as a mediator in the dispute they have over the Grand Ethiopian Renaissance Dam (GERD) which Ethiopia is building, which means it already has an experience in dealing with the two countries and it could be easier for it to come up with a solution that the two countries could agree with.

Hence, in order to solve their border disputes peacefully, the two countries shall give their consent for the African Union to involve as a third-party mediator with the aim of solving their dispute peacefully. In doing that, the two countries are at liberty to choose the procedural and substantive elements they want the organization to use in giving any decisions/recommendations/analysis. Afterwards, through its African Union Border Program (AUBP), the organization could give the two parties an assistance in demarcating their borders based on the agreement they have reached on.

In general, the two countries will have to choose the procedures and laws they want use to solve their dispute peacefully, which will determine the amount of role they want to give the AU in helping them solve their dispute in a peaceful way.

Most importantly, the African Union must act quickly to discourage more provocative remarks, call for negotiations between Ethiopian and Sudanese authorities, and urge both countries to halt military deployment. Sudan should be pressured in particular to stop building military and other facilities in al-Fashaga since different reports have been showing Sudanese forces being prepared for further occupation of the disputed land which currently is being occupied by the Ethiopian farmers.

If the parties can return to the negotiating table with the help of the AU, they can adopt confidence-building measures to assist reduce the tension and create the framework for long-term solutions. Such actions could include AU-monitored border demilitarization, which might entail involving the Peace and Security Council (PSC) and further, the African Union Border Program (AUBP) for border delineation assistance.

In the end, any peaceful resolution of the al-Fashaga dispute will need to resemble the soft border arrangement that was semi-formalized in 2007. In order to find common ground, both parties should revert to the mix of customary and legal precepts that have historically governed the border of the two countries. Whereas Sudan seeks Ethiopian recognition of its legal ownership of al-Fashaga, Ethiopia seeks recognition of customary rights for its citizens who have tilled lands in al-Fashaga for decades. Recent history shows that a workable compromise is possible despite competing interests. Ethiopia and Sudan also should take further step to make aware the possible arrangements they could enter with the other country to the public, so that any possible recommendation by the organization could be acceptable by the parties without fear of reaction from the public.

As part of an eventual settlement, Sudan should grant Ethiopians customary rights to farm in al-Fashaga and Ethiopia, in turn, should agree to the border demarcation, which can be done by the assistance of the African Union Border Program (AUBP) and an agreement should seek to bind the economic fortunes of both of these fragile transitional states. It can also serve as a confidence-building measure to help reset negotiations over the GERD.

Bibliography

Books

1. Colonel Festus B. Aboagye, *A Comprehensive Review of African Conflicts and Regional Interventions*, (African Union Commission and APSTA Secretariat 2016)
2. Joram Mukama Biswaro, *The Role of Regional Integration in Conflict Prevention, Management, and Resolution in Africa The Case of African Union* (2013)
3. C.E. Ositer, and T.M Rudolf, *Interstate Conflict and Conflict Resolution in the Gulf of Guinea* (The JSOU Press 2004)
4. J. G. Merrills , *International Dispute Settlement*, (1996) Cambridge University Press; 3rd edition

Journals

1. Ben Lowings, “Tensions at the Sudanese-Ethiopian Border: Conflating New and Pre-Existing Concerns. How spillovers from Ethiopia’s military operation in Tigray have affected bilateral relations with its neighbor, and affected other pressing issues including the GERD debate” (2021) rethinking security in the 2020s series analysis
2. Karin Bogland, Robert Egnell, and Maria Lagerström “The African Union – A Study Focusing on Conflict Management” (2008)
3. Erkihun A. “The Boundary Tensions and Frontier Claims between Ethiopia and the Sudan, 1950s-1974: The Case of Sätit-Humära and Mätäma” (2019) 5 International Journal of History and Cultural Studies
4. Gwynn Stephen “The Frontiers of Abyssinia: A Retrospect.” (1937) Journal of the Royal African Society 36:
5. Chika O. and Christian E. “African Union and Conflict Resolution in Africa “ (2014)
6. Hardt H, “Rapid Response or Evasive Action? Regional Organization Responses to Peace Operation Demands” (2009) 18 European Security
7. Kirgis FL, “Evolving Constitutions of International Organizations” (1998) American Journal of International Law
8. Marcus HG, “Ethio-British Negotiations Concerning the Western Border with Sudan, 1896–1902” (1963) 4 The Journal of African History
9. Mathiasen F, “The African Union and Conflict Management” (2006) U.S. Army War College Carlisle barracks, Pennsylvania 17013
10. Mawson A. “Southern Sudan: a growing conflict,” (1984,) The World Today
11. Mehari Taddele Maru, “The First Ten Years of AU and Its Performance in Peace and Security” (2012)
12. Ndzifon Kimengsi J, “Cameroon-Nigeria Border Conflict Incidence on Trade Patterns and Dynamics within near-Border Settlements of the Bakassi Peninsula, Cameroon” (2018) 3 Urban and Regional Planning
13. Oguonu CN and Ezeibe CC, “African Union and Conflict Resolution in Africa” [2014] Mediterranean Journal of Social Sciences
14. Steven P, ‘The Peace of Westphalia and it Effects on International Relations, Diplomacy and Foreign Policy’ (2019) The Histories, Vol 10
15. Summers J, “M. C. Johanson, “Self-Determination and Borders: The Obligation to Show Consideration for the Interests of Others” .” (2005) Åbo Akademi University Press, Åbo 2004, 335 Pp. ISBN 951-765-177-552 Netherlands International Law Review

16. Teshome W, "Colonial Boundaries of Africa: The Case of Ethiopia's Boundary with Sudan" (2009) 9 *Ege Akademik Bakis (Ege Academic Review)*
17. Truomas Forsberg, "Explaining Territorial Disputes: From Power Politics to Normative Reason", (1996), *Vol.33. No. 6*, *Journal of Peace Research*
18. Patience Munge Sone "Interstate border disputes in Africa: Their resolution and implications for human rights and peace" (2017) *African Security Review*
19. Peen Rodt A, "The African Union Mission in Burundi" (2012) 14 *Civil Wars*
20. Wubneh M, "This Land Is My Land: The Ethio-Sudan Boundary and the Need to Rectify Arbitrary Colonial Boundaries" (2015) 33 *Journal of Contemporary African Studies*
21. Oguonu, C. and Ezeibe, C. "African Union and Conflict Resolution in Africa" (2014). *Mediterranean Journal of Social Sciences*
22. Herbst J, "The Creation and Maintenance of National Boundaries in Africa" (1989) 43 *International Organization*
23. Isaac Olawale Albert "The African Union and Conflict Management", (2007) *Africa Development*, Vol. XXXII, No. 1 47
24. Pan J, "African Union's Intervention in Sudan" (2010) 2 *Insight on Africa*
25. Pippie H. "Interstate border disputes in Africa and their resolution. The case of Ethiopia/Eritrea and Sudan/South Sudan" (2018)
26. Puddu L, "Border Diplomacy and State-Building in North-Western Ethiopia, 1965–1977" (2017) 11 *Journal of Eastern African Studies*
27. Yihun B. "Ethiopia's Troubled Relations with the Sudan, 1956-1983," (2016) *International Journal of Ethiopian Studies*
28. Frederic L. "Evolving Constitutions of International Organizations" (1996) *American Journal of International Law*
29. Thomas Gaultier, "Cross-Border Mediation: A New Solution for International Commercial Dispute Settlement" (2013) *NYSBA International Law Practicum*
30. Belete Belachew, "Ethiopia in African Politics, 1956-1991" (2012)

Legal Instruments

1. Constitutive Act of the African Union (adopted on July 11, 2000 in Lome, Togo and came into force on May 26, 2001) OAU Doc.CAB/LEG/23.15
2. Protocol Relating to the Establishment of the AU Peace and Security Council (PSC) (adopted on 9 July 2002 and entered into force on 26 December 2003) AU Doc Ass/AU/Dec.3(I).
3. Treaty Series No. 16, 1902 Treaties between the United Kingdom of Ethiopia and between the United Kingdom, Italy and Ethiopia, regarding the frontiers between the Sudan Ethiopia and Eritrea (Ratified on October 28, 1902)
4. Letter of Imperial Ethiopian Government Ministry of Foreign Affairs to Ministry of Foreign Affairs of Sudan.
5. Charter of the United Nations, (adopted on 1945)

Resolutions, Official Documents, and Reports of the African Union

1. Resolutions Adopted by the First Ordinary Session of the Assembly of the Heads of State and Government Held in Cairo, UAR (1964), AHG/Res. 1 (1)
2. Au Doc on the activities of the AU PSC and the state of peace and security on the continent, Assembly/AU/Decl 3, VI, (2002)

3. AU Peace and Security Council Conflict Prevention and Early Warning Division Department Booklet 14 (2007)
4. African Union: 20th Summit, Addis Ababa, 50 Africa Research Bulletin: Political, Social and Cultural Series (2013)
5. African Union Strategic Plan of the African Union Commission, (2004) Vol. 1: Vision and Mission of the African Union
6. Alhaji B., Elizabeth C., Solomon D., Brenda M., and Tim M. ‘‘The African Peace and Security Architecture, the handbook’’ (2014)
7. Commission of the African Union, Department of Peace and Security, ‘‘African Border Dispute Settlement. The User’s Guide’’ (2016)
8. ‘‘Delimitation and Demarcation of Boundaries in Africa General Issues and Case Studies’’ African Union Border Program (AUBP), (2013).
9. Peace and Security Council ‘‘Progress Report of the African Union Commission on the Implementation of the African Union Border Program (AUBP) March 2020 – March 2021’’. (2021), psc/min/rept
10. Ecowas ‘‘Report on The AUBP / Recs Coordination Meeting On Border Management’’ (2013)
11. 8th Ordinary Session of the Assembly of the African Union, (January 2007, Addis Ababa, Ethiopia.)

Online Documents

1. ‘‘About the African Union’’ (About the African Union | African Union December 1, 2022) <https://au.int/en/overview> accessed February 29, 2022
2. ‘‘African Union Approaches to Peacebuilding - World’’ (ReliefWeb) <https://reliefweb.int/report/world/african-union-approaches-peacebuilding> accessed January 30, 2022
3. ‘‘Containing the Volatile Sudan-Ethiopia Border Dispute’’ (Crisis Group August 9, 2021) <https://www.crisisgroup.org/africa/horn-africa/ethiopia/b173-containing-volatile-sudan-ethiopia-border-dispute> accessed May 8, 2021
4. Donelli F, ‘‘The Al-Fashaga Dispute: A Powder Keg in the Heart of the Horn of Africa’’ (TRENDS Research and Advisory The alFashaga dispute a powder keg in the heart of the Horn of Africa Comments) <https://trendsresearch.org/insight/the-al-fashaga-dispute/> accessed April 29, 2021
5. Ethiopia Social Architect at Ethiopia Autonomous Media New Media without Borders, ‘‘The Al Fashaga Triangle’’ (March 15, 2021) <https://ethiopia.me.uk/encyclopedia/the-al-fashaga-triangle/> accessed October 29, 2021
6. Hendawi H, ‘‘Sudan Accuses Ethiopia of Providing Weapons to Rebel Groups’’ (The National July 2, 2021) <https://www.thenationalnews.com/world/africa/sudan-accuses-ethiopia-of-providing-weapons-to-rebel-groups-1.1180583> accessed August 8, 2021
7. Hugues P, ‘‘Interstate Border Disputes in Africa and Their Resolution. The Case of Ethiopia/Eritrea and Sudan/South Sudan’’ (PDF Read book page July 22, 2021) <https://www.readbookpage.com/pdf/interstate-border-disputes-in-africa-and-their-resolution-the-case-of-ethiopia-eritrea-and-sudan-south-sudan/> accessed January 29, 2022
8. ISSAfrica.org, ‘‘Au PSC’’ (ISS Africa) <https://issafrica.org/pscreport/about/au-psc> accessed February 29, 2022
9. Mulindwa P, ‘‘Governance versus Development’’ (2022) Governance and Inclusive Growth in the Africa Great Lakes Region <https://journals.ukzn.ac.za/index.php/jgd/article/view/1800> accessed February 12, 2022
10. ‘‘Our Nile – Our Benefits - Nilebasin.org’’ (nile basin) <https://nilebasin.org/index.php/information-hub/documents-publications/92-our-nile-our-benefits/file> accessed April 29, 2022
11. ‘‘Egypt, Sudan to Strengthen Military Pact’’ (Arab News March 2, 2021) <https://www.arabnews.com/node/1818626/middle-east> accessed July 8, 2021

12. "Curriculum" (Exploring Africa) <http://exploringafrica.matrix.msu.edu/curriculum/> accessed October 29, 2021
13. <https://www.peaceau.org/en/page/85-au-border-programme-aubp> accessed January 02, 2022
14. <https://issafrica.org/pscreport/psc-insights/political-solution-needed-for-the-ethiopia-sudan-border-dispute> accessed February 06, 2022
15. <https://theconversation.com/nile-basin-at-a-turning-point-as-ethiopian-dam-starts-operations-178267> accessed May 14, 2022
16. <https://www.brookings.edu/blog/africa-in-focus/2020/08/05/the-controversy-over-the-grand-ethiopian-renaissance-dam/> accessed January 02, 2022
17. <https://climate-diplomacy.org/magazine/environment/why-has-au-been-silent-ethiopian-dam-dispute> accessed May 02, 2022
18. ISSAfrica.org, "Events" (ISS Africa) <https://issafrica.org/pscreport/> accessed May 9, 2022
19. Refugees cluster around a Tigrayan flag in the Sudanese village of Um Rakuba home to over 20 and Agence France-Presse | AFP | May 8 2022, "Sudan-Ethiopia Border Dispute Deepens Internal Chaos for Both" (Al) <https://www.al-monitor.com/originals/2021/12/sudan-ethiopia-border-dispute-deepens-internal-chaos-both> accessed August 8, 2021
20. Rodt AP, "The African Union: Providing Peace in Africa? A Case Study of the African Mission in Burundi" (Academia.edu May 25, 2014) https://www.academia.edu/577669/The_African_Union_Providing_Peace_in_Africa_A_case_study_of_the_African_Mission_in_Burundi accessed February 9, 2021
21. "The Long History behind the Current Sudanese-Ethiopian Border Clash" (Eritrea Hub December 19, 2020) <https://eritreahub.org/the-long-history-behind-the-current-sudanese-ethiopian-border-clash> accessed February 2, 2022
22. Tsega Etefa Associate Professor of History, "What's Causing the Violence in Western Ethiopia" (The Conversation April 20, 2022) <https://theconversation.com/whats-causing-the-violence-in-western-ethiopia-156970> accessed April 22, 2022
23. Waal Ade, "Viewpoint: Why Ethiopia and Sudan Have Fallen out over Al-Fashaga" (BBC News January 3, 2021) <https://www.bbc.com/news/world-africa-55476831> accessed April 29, 2022
24. Amin M, "Sudan and Ethiopia's Dispute in Fertile Border Area Threatens Regional Stability" (July 2021) Middle East Eye <https://www.middleeasteye.net/news/sudan-ethiopia-fashaga-dispute-threatens-regional-stability> accessed on July 5, 2021
25. "UNITAR – United Nations Institute for Training and Research" [2000] A Concise Encyclopedia of the United Nations. <https://vdoc.pub/documents/a-concise-encyclopedia-of-the-united-nations-2nd-edition-1chh5h4f4k1o> Accessed on July 02, 2022