



ISSN 2278 – 0211 (Online)

Uncovering the Bond between Colonialism and Conflict: Perspective of the Causes, Cases and Consequences of Territorial Disputes in Africa

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Abstract:

African continent has been beset with many of the modern-day conflicts with the attendant destruction of human and material resources. Most of these disputes are territorial in nature. In this article the authors lucidly evaluate cases, causes and consequences of territorial disputes in Africa. The deduction that flows from this analysis is that the territories constituting Africa today were whimsically generated by the European colonial masters and did not emerge out of the desire of the European imperialists to create definite territorial entities for the good of the African peoples, but out of the zeal to have defined spheres of influence and authority, mainly to avoid conflict among themselves so as to maximize their economic exploitation. It shows that they took little cognizance (if at all) of the realities on the ground. The result is that as they took their leave, they left for Africans a legacy of boundary disputes which has caused unquantifiable destructions and animosity within the continent. Thus, upon the exit of the colonial masters, agitation for re-alliances and adjustments was a major cause of boundary disputes in Africa.

Keywords: Territorial disputes, colonialism, boundaries, Africa

1. Introduction

Territorial dispute encompasses “boundary dispute” and “border dispute”. In other words, “territorial dispute” is a more generic expression than the others and therefore ought to be preferred. A boundary is an imaginary line delimiting the territorial jurisdiction of one state from that of another (Oyebode, 2003). A border or frontier on the other hand is the area or region or zone having both length and breadth indicating, without necessarily fixing, the exact limits where one state starts and another ends. There appears to be no fundamental difference between a boundary and a border or frontier save for the fact that whereas a boundary as a line has no breadth, a border as an area, region or zone does. The terms must however not be used interchangeably (Oye, 1967). Breadth or no breadth, the cardinal function of a boundary or border is to separate one territory from another. Therefore, any dispute concerning the appropriateness or otherwise of a boundary or border is necessarily territorial.

Territorial dispute in Africa is a product of imperialism and colonialism. It is the result of the arbitrary fixing of African boundaries by the Europeans both within and outside of the Berlin Conference of 1885. Several accounts show that the Berlin Conference opened in November 1884 and lasted till February 1885. Thus, some writers chose to refer to the period as 1885 or even 1884-1885. Territories were constructed based on European political considerations, and usually without regard to tribal and ethnological factors. In his widely quoted work, (Brownlie, 1978) observed:

Political bargaining involved the construction of parcels of territory upon broad principles evidenced graphically by liberal resort to straight lines and general features such as drainage basins and watersheds. Within a framework of overall political bargaining, the accident of prior exploration and military penetration were often to determine delimitation as between Britain, France and Germany.

The lines were drawn and the boundaries determined on maps; sometimes speculative maps, without sufficient knowledge of the areas concerned (Yagba, 2009). The result is that the territories that emerged were not generally acceptable

for varying reasons; three of which are notable. Firstly, they separated tribes and peoples with homogenous cultures who would otherwise have lived together and placed them in different states (Ali, 2008). Research has shown that the arbitrary fixing of African boundaries separated about 177 cultural or ethnic groups across Africa (Asiwaju, 1984). A common example is the case of Ghana where two of its ethnic groups are split into two. In its Western border, the Akan people are split between it and Ivory Coast while in its eastern border, the Ewe people are split between it and Togo (French, 2009). Another example is the Masai tribe of East Africa which is split between Kenya and Tanzania (Brownlie, 1978).

Secondly, they lumped together tribes, cultures, and, religion with long history of disagreement, antagonism and animosity. Nigeria has been cited as a classic example on this point by many writers. Ali (2008), for example observed:

The large territory which the British carved out and called Nigeria enclosed three major nations and several smaller ones. Among the larger groups, the Yoruba in the west were very different from the Muslim Hausa in the north, who in turn were quite distinct from the Ibo in the east. This artificial mixture was to lead to one of Africa's great human tragedies, the Nigerian civil war of 1967-70. Until pictures of starving Ethiopian children shocked the world in the 1980s the most haunting images from postcolonial Africa were those of starving Biafran children, the victims of the war.

Similarly, French (2009) observed:

Even more troublesome are cases like Nigeria, where European boundaries forced starkly different rival cultures, each with long-standing political traditions of their own, to cohabit within the confines of a single state. When Nigeria won its independence in 1960 these rivalries remained. Regional antagonism has bedeviled Nigeria from the earliest days of independence from Britain and in the late 1960s led to one of the continent's most destructive civil wars.

Before it split into two countries in July 2011, Sudan was another example of this lumping which has resulted in persistent wars since 1955 with brief interludes. Sudan had two major dichotomies of North and South. The North is predominantly Arabs, while the South is made up of Non-Arab Africans mainly of the Nilotic tribe. Religion wise, the North is mainly Moslem, while the south has a large percentage of Christians. By land mass, Sudan was the largest country in Africa with about one million square miles and sharing boundary with nine other African countries (Deng, 2005). The ethnic and geographical combinations of Sudan, in no small way, aided the crises in the country. Again, Deng remarked:

The crisis of statehood and national identity in Sudan is rooted in British attempt to bring together diverse peoples with a history of hostility into a framework of one state while also keeping them apart by entrenching inequities by giving certain regions more access to state power, resources, services and development opportunities than other regions.

Thus, not only were different tribes and nations arbitrarily lumped together, the entities so lumped were not treated equally in terms of development and opportunities; a clear case of ambivalence and contradictions. Thirdly, they ceded land resources which traditionally belonged to one nation to another. Usually this is the result of either or both of the two points discussed above; that is the arbitrary separation or lumping of tribes, for example, the ceding of Bakassi Peninsula to Cameroon is a monumental loss of land resources to Nigeria.

The consequences of their act in fixing arbitrary boundaries for Africa were of little concern to the Europeans; they knew what they were doing and they mocked the process thereafter. For example, a British Prime Minister of the colonial era, Lord Salisbury, is quoted (Anene, 1970) to have remarked thus:

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

Even though this was supposed to be a post-dinner humorous remark, it nevertheless betrayed the disposition and state of mind of the imperialists and colonialists at the time. We can therefore unequivocally assert that the colonial masters consciously and deliberately sowed the seed of disharmony and animosity in Africa for their egocentric economic interest.

Another example is afforded by a speech to the Royal Empire Society of Britain by a Consul-General who was involved in the drawing of the boundary between some parts of the eastern flank of Nigeria and Western Cameroon. Anene (1970) said:

In those days we just took a blue pencil and a rule and we put it down at Old Calabar, and drew that blue line to Yola...I recollect thinking when I was sitting having an audience with the Emir [of Yola], surrounded by his tribe, that it was a very good thing that he did not know that I, with a blue pencil, had drawn a line through his territory.

Thus, the territories constituting Africa today did not emerge out of the desire of the Europeans to create definite territorial entities for the good of the African peoples, but out of the zeal to have defined spheres of influence and authority, mainly to avoid conflict among themselves. In so doing, they took little cognizance (if at all) of the realities on the ground. The result is that as they took their leave, they left for Africans a legacy of boundary disputes.

2. Causes of Territorial Disputes in Africa

2.1. Colonialism

There appears to be no limit as to how much can be said in condemnation of the arbitrariness of the drawing of African boundaries by the Europeans as "colonialism" has again been identified as the main cause of boundary disputes in Africa (Agbemelo and Ibhasebhor, 2006). This, of course, is obvious in the light of what has already been said in the introduction. Much of the following paragraphs will highlight the peculiar circumstances justifying this claim.

2.2. European Egocentrism

The scramble for Africa naturally generated disagreement among the European scramblers. There were claims and counter-claims as to the limits and extent of spheres of influence and authority. To prevent this disagreement from degenerating into full diplomatic and/or armed conflicts, the Berlin Conference was convened. This is manifest in one of the several goals of the conference which was "to obviate the misunderstanding and dispute which might in future arise from new acts of occupation on the coasts of Africa as can be seen in The General Act of the Berlin Conference of 26th February, 1885. The *modus operandi* for obviating the misunderstanding and defusing potential disputes is specifically provided for in Article XXXIV of the General Act of the Berlin Conference as follows:

Any power which henceforth takes possession of a tract of land on the coasts of the African continent outside of its present possessions, as well as the power which assumes a protectorate there, shall accompany the respective act with a notification thereof, addressed to other signatory powers of the present Act, in order to enable them, if need be, to make good any claim of their own.

In order to ensure the protection of existing territorial rights; signatories to the Act were enjoined to set up administrations in the occupied territories such as were sufficient to also protect their economic interests as contained in Art. XXXVII of the General Act 1885. Therefore, even though some articles of the General Act purported to seek to ensure the welfare of Africans, the primary object of the Berlin Conference was to prevent conflicts among the Europeans in their exploitation of African land, natural resources, cheap labour markets, etc. See for example Art. VI which provides, *inter alia*, that the signatories bind themselves to watch over the preservation of the native tribes, and to care for the improvement of their moral and material well-being.

As a result, little care was taken in the partitioning process. In other words, the partition of Africa among the European powers was not intended in any way to further the interests of Africans, but to protect the European interests. It will be curious, indeed dubious, to suggest that the Berlin Conference had the welfare of Africans in mind when in fact no African was present at the Conference.

2.3. Inappropriate Partitioning

It has been contended (Adesanya, 1972); that the European powers that fixed the African boundaries in and outside of the Berlin Conference, whether by treaty or otherwise, did not have adequate knowledge of the physical and human geography of the area. Nor were they well informed as to the political, social, religious and ethnic interests and alliances of the peoples of Africa. There was liberal resort to straight lines and physical features that were either non-existent or misplaced. Consequently, the partitioning was inappropriately executed and boundaries arbitrary fixed. Ethnic relations were separated; tribal and religious enemies were lumped together. Upon the departure of the colonial masters, agitation for re-alliances and alterations was a major cause of boundary disputes in Africa.

2.4. Irredentism

Irredentism is the desire of state to incorporate a territory inhabited by its people, but under the sovereignty and/or control of another state or government (David, 2005). The concept has its roots in Italy where there was an attempt in the 19th century by the government to gain control of *Italia irredentia* (or unredeemed Italy) which were mainly the Alpine areas inhabited by Italian but ruled by Austria. Justifications for irredentism are usually based on ethnic relations or historical possession.

As a result of the inappropriate partitioning of Africa by the Europeans as discussed above, irredentism became a common occurrence in Africa. For example, Somalia has irredentist boundary disputes with virtually all its neighbours, namely: Ethiopia, Kenya, Uganda, Chad and Libya (Oyebode). Again, the boundary dispute between Morocco and Algeria is mainly irredentist in nature. It can be argued that Somalia and Morocco are in the fore of irredentism in Africa because they were the only member states of the Organization of African Unity (OAU), now African Union (AU), who opposed the Resolution at the Conference of Heads of State of July 1964 which sought to preserve the boundaries inherited from the colonial masters at the time of independence (Umozurike, 2005). Irredentism in Africa is a natural reaction to the separation of brothers and sisters of the same ethnic groups, and represents a struggle to re-unite them particularly in cases where one-half (usually the smaller), is suffering oppression in the host state by virtue of a minority status.

It must however be emphasized that the aforesaid Resolution by the OAU did much to announce to African nationalists and indeed the whole world that Africa was not in the mode to open another phase of confusion in the name of boundary adjustments. Even though the resolution had no independent binding effect as an instrument, it was more or less binding on those states which voluntarily accepted the resolution under customary international law. Be that as it may, irredentism remains one of the causes of boundary disputes in contemporary Africa.

2.5. Claims over Natural Resources

A territory that would ordinarily not generate any interest could be the source of intense territorial dispute as a result of its high economic value brought about by the availability in it of mineral or other natural resources such as water, grazing land, cultivable land, oil, gas, etc. A classic example is the Bakassi Peninsula which would have been worthless as a mass of land but which has been the source of a century old dispute between Cameroon and Nigeria because of its aquatic resources

and vast oil deposits (Somerville, 2009). It does not appear likely that Cameroon would have wanted to persist so much in its claim over an otherwise worthless parcel of land but for its economic value; particularly in the light of the fact that it has no historical affinity with the area. Research has also revealed that the value of land to a nation may be for attractions other than economic. This attraction may include the fact that the land or territory host a historic, cultural or religious shrine or artifacts to which the claimant has affinity (Encarta, 2009).

2.6. Non-Demarcation

Most of the about 103 boundary alignments which were the result of European activities in Africa were not demarcated. They were merely delineated, most of the time on maps and in treaties, without adequate knowledge of the factual situation on the ground, geographic or otherwise. This brings about difficulties in the interpretation and the proper placement of boundary lines between states. Thus, except where the dividing line was a physical feature such as a river, which was properly determined either by the event of a prior exploration or accidental discovery, there is always the problem of determining where the lines which appear on the map or the descriptions which are in the treaty are on the ground. Even at that, the appearance of a physical feature or indeed the use of same as boundary is not a guarantee of accuracy. For example, by several agreements Britain and Germany determined that the boundary separating their spheres of authority in the areas which became the present-day Nigeria and Cameroon was to be at a "river" known as *Rio del Rey*. It turned out subsequently that *Rio del Rey* was not a river but an estuary. This error could be described as the seed which germinated and grew into the massive tree which became known as the Bakassi dispute. Similar errors are the causes of some boundary disputes in Africa.

2.7. Psychology of Domination

Some boundary disputes are the result of other ambitions by the elites or political leadership of some states; that is to say, some boundary disputes are not predicated on any misunderstanding in relation to common boundaries, but are created as a cover-up to other ambitions or intentions (Brownlie, 1979). Such tendencies, whether merely expansionist or not, are usually manifested by stronger and /or bigger nations. The underlying psychology is that of the ability of one being able to dominate or subdue the other. A case in point was the illegal annexation of Kuwait by Iraq in 1990 even when there was no boundary dispute between the two nations.

3. Cases of Territorial Disputes in Africa

With the peculiarities of African boundaries, every African state would have a cause to complain about its boundaries where it chooses. Many have complained thereby generating disagreements (disputes) with neighbours with the attendant claims and counter-claims. Some have been settled by diverse mechanisms without much international attention or notice, yet some have lingered with much tension and international attention. For those that have been settled, unless the boundaries are demarcated, they remain only dormant, and are capable of relapsing whenever the question of interpretation arises. Cases of territorial dispute include:

- Cameroon – Nigeria;
- Cameroon – Equatorial Guinea;
- Gabon – Equatorial Guinea;
- Benin – Burkina Faso;
- Guinea – Sierra Leone;
- Eritrea – Ethiopia;
- Eritrea – Djibouti;
- Kenya – Uganda;
- Kenya – Sudan;
- Egypt – Sudan;
- Congo – Uganda;
- Rwanda – Burundi; and
- Sudan – South Sudan

3.1. Cameroon-Nigeria

This dispute relates to the land and maritime boundaries right from the Lake Chad region in the north of both countries to the Gulf of Guinea in the south. However, the main bone of contention is the Bakassi Peninsula in the south which is why the dispute is popularly called the "Bakassi dispute". This is not unconnected with the availability of crude oil and other natural resources in the area. Because of the inability of the parties to settle this matter amicably, Cameroon presented the dispute to the International Court of Justice (ICJ) at The Hague for adjudication in 1994. Judgment was delivered in 2002. Before then, the Secretary-General of the United Nations got the Presidents of both nations to commit themselves to obeying the impending judgment. After the judgment, The Greentree Agreement of 12 June, 2006 witnessed by the UN, Germany, USA, France and the UK geared towards implementation of the judgment was signed by both countries. A mixed commission was

also set up as the main implementation machinery which responsibilities include demarcation of the land boundary. That process is on-going. The dispute is both resource based and irredentist in nature.

3.2. Cameroon – Equatorial Guinea

Cameroon, Equatorial Guinea, Gabon and Sao Tome and Principe are neighbours in the maritime region of the Gulf of Guinea, but whose maritime boundaries are yet to be conclusively delimited. This is notwithstanding the judgment of the International Court of Justice (ICJ) in the *Case Concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigerians: Equatorial Guinea Intervening)* which, among other things delimited the maritime boundary between Cameroon and Nigeria. This is so because in that case, the ICJ delimited the boundaries to the point and to the extent only as it touched on the parties before it which were Cameroon and Nigeria. Equatorial Guinea intervened in the case not as a party, but to request of the Court to refrain from delimiting the maritime boundary between the main parties in a manner such as would prejudice its legal rights in the area. As a result, the court did not delimit definitively, the maritime boundary between Cameroon and Equatorial Guinea. Cameroon had urged the ICJ not to take account of a greater part of the coast of the Bioko Island of Equatorial Guinea in fixing the maritime boundary between it and Nigeria, which contention was rejected by the Court. This means that in an attempt to resolve the matter with Equatorial Guinea, Cameroon will be pushing in the same direction as it did in its case with Nigeria at the ICJ. In the meantime, the dispute remains.

3.3. Gabon – Equatorial Guinea

The territorial dispute between Gabon and Equatorial Guinea relates essentially to three small Islands – Mbanie, Cocotiers and Corvisco (Dzurek, 2004). Mbanie is a rocky, virtually uninhabited Island of just about 30 hectares but which surrounding water is reported to be rich in oil resources. Corvisco has the additional advantage of hydrocarbon deposits. Outside the natural resources, there is little attraction about these Islands. It thus becomes obvious that the dispute surrounding these Islands is resource-based. The dispute, which is another product of colonialism, manifested in 1972 when Gabon purported to extend its territorial sea arising from its interpretation of the Franco – Spanish Convention of 27th June, 1900 (Brownlie). Equatorial Guinea disagreed with Gabon's interpretation, thus the dispute.

The dispute has not recorded any serious incident but for the occasional skirmishes such as the seizure of Gabonese fishing boat near Corvisco by Equatorial Guinean authorities in 1995 (Dzurek). For a long time, the parties have been engaged in series of negotiations aimed at an amicable resolution of the dispute. The United Nations has intervened severally to aid the process; in 2008, the Secretary – General Ban Ki-moon appointed a special adviser to mediate in the dispute. Both parties have agreed that where they cannot settle the dispute otherwise, they will present same to the ICJ for adjudication. The dispute is yet to be settled, and the parties are yet to submit it to the ICJ for settlement.

3.4. Benin – Burkina Faso

Benin and Burkina Faso have a common land border of about 285 kilometers. Of these, only about 10 kilometers along which lies the town of Koualou is in dispute. This notwithstanding, both countries have had good relations, and this has enabled them to keep the peace pending the settlement of the dispute. To further strengthen their commitment to resolve the dispute, the parties agreed to refer the dispute to the ICJ for determination in furtherance of which they signed a *compromis* of referral in September, 2009. The parties are yet to refer the matter to the ICJ.

3.5. Guinea – Sierra Leone

Until recently, there was no serious territorial dispute between Guinea and Sierra Leone. This is largely due to the fact that the borders separating these countries enjoy the rare status of being demarcated by pillars following several agreements between Britain and France who were colonial masters to Guinea and Sierra Leone respectively (Brownlie). Problem started with the disappearance of some of the pillars which expectedly brought about the issues of interpretation and determination of the actual boundary lines in the affected areas. This development created an opportunity for Guinea to enter and occupy the small border town of Yenga which was hitherto under the control of Sierra Leone (Lansana, 2005). However, the occupation did not come about as a result of claim of title by Guinea. Guinea occupied Yenga in about 1999 when it joined forces with the regular army of Sierra Leone to fight and defeat the rebel group known as the Revolutionary United Front (RUF) of Sierra Leone who in their fight against the Government of Sierra Leone, also entered Guinea to attack border villages. But since after the end of the conflict in 2001 Guinea failed to withdraw from Yenga, even though it had withdrawn from other villages; claiming that Yenga now belonged to it and tendering maps in justification.

Following the disappearance of the pillars at the left banks of River Makona and River Moya, Guinea is also claiming that the flood plain limit (on the side or bank of Sierra Leone) is the boundary separating both countries since the rivers are wholly in the territory of Guinea. Sierra Leone disputes the claim as being excessive. On the 15th of November, 2002, a joint communiqué was signed by the Ministers of Internal Affairs of both countries, streamlining the dispute and setting up a follow up committee for the final resolution of the dispute (Guo, 2009). The dispute is yet to be settled and Guinea is yet to withdraw from Yenga. Needless to say, that this dispute is expansionist in nature, and thus the result of a psychology of domination.

3.6. Eritrea-Ethiopia

Eritrea has an interesting political history. It was first an independent state up until 1952 when it was incorporated and administered as part of Ethiopia (Gebru, 2009). In 1961 Eritrea commenced a long armed struggle for independence which ended in 1991. A referendum was conducted shortly thereafter, and this resulted in political independence for Eritrea in 1993. However, the determination of the precise boundary between the two states became another cause for dispute which resulted in another round of armed conflict in 1998. The dispute relates essentially to the Badme, Bure and Tsorona-Zalambessa regions of the common border of Eritrea and Ethiopia. In June, 2000 both parties agreed to a pacific settlement, and in December of the same year signed a comprehensive peace agreement – the Algiers Agreement – which included submitting themselves to a binding arbitration. Pursuant to this, the Eritrea-Ethiopia Boundary Commission was constituted and based in The Hague.

In April, 2002, the commission gave its decision, awarding some territories to each side, but Badme which was the main bone of contention, was awarded to Eritrea. A day after, both countries accepted the award, but soon thereafter Ethiopia backslided and declared rather that it was deeply dissatisfied with the award. Even though in November, 2004 Ethiopia declared that it was accepting the arbitral award “in principle”, it still occupies Badme, which by the award is Eritrean territory. Thus, the dispute appears far from over.

3.7. Eritrea – Djibouti

Before Eritrea was placed under the sovereignty of Ethiopia in 1952 as noted above, it was first and foremost a colony under the control of Italy from 1889, but Italy withdrew control in 1947 by virtue of a Peace Treaty of the same year (Brownlie.). Before then France, which was the colonial master of Djibouti had purportedly ceded a portion of Djiboutian territory to Eritrea (Italy) through the Franco – Italy Agreement of 7th January, 1935. It is reported that this Agreement did not receive the necessary ratification, and was subsequently repudiated by Italy (the recipient) in 1938. Thus, the purported cession did not take place. However, Eritrea believes that the said territory still belongs to it.

The areas in dispute are the Ras Doumeira and the Doumeira Island which are effectively within the borders of Djibouti. In January, 2008, Eritrean armed forces crept into the Djiboutian territory near Ras Doumeira and by April had dug trenches and set up other fortifications, from where they launched attacks on Ras Doumeira, an obvious sign that it was claiming the territory and was ready to defend the claim. As a result, an armed clash ensued between Eritrean and Djiboutian armed forces on the 10th day of June, 2008, and lasted only for about four days following intervention by the international community which called for cessation of hostilities.

Tension remained between the parties until June, 2010, when they signed an Agreement to allow Qatar to mediate the dispute. Qatar is currently mediating and the outcome is being awaited.

3.8. Kenya – Uganda

The territorial dispute between Kenya and Uganda relates mainly to the small Island of Migingo in Lake Victoria (Wanda.). The dispute is of a recent origin even though it can be said to have been incubating for a long time. Both states were fishing alongside each other in the waters surrounding the Migingo Island without seriously bothering about the question of title to the Island until Uganda started taxing the Kenyan fishermen. This development brought to the fore the question of title to the Migingo Island. Kenya claims that by virtue of the British Order in Council of 1st February, 1926, the Migingo, as well as a few other smaller islands, are under its sovereignty. And that both parties recognised and accepted this position until Idi Amin, a former President of Uganda, decided to enter and occupy these islands. Not much attention was paid to this occupation as the islands were by themselves of little economic value. The biggest of them – the Migingo is less than one acre and is rocky, thereby making it less useful in terms of agriculture. However, the surrounding water is rich in marine resources which of course is the reason for the dispute.

No official reason has been given for Uganda's claims over the islands, but it would appear that its claim is irredentist. This can be gleaned from the British Order in Council of 1st February 1926 itself which shows that some of the territories in Kenya today were in Uganda but transferred by the said Order to Kenya. The full caption of the order is “Order in Council Annexing to His Majesty's Dominions and Including in Kenya Colony Certain Territories in Uganda Protectorate – London, 1st February, 1926” (Brownlie). Thus Uganda, it would appear, is reclaiming some of these territories irrespective of any instrument to the contrary. It is another issue altogether whether this move is acceptable under international law. The good news about this dispute however is that both sides have shown a strong resolve to prevent it from degenerating into armed conflict in furtherance of which they have set up a joint technical committee which, ironically, is mandated to rely on those same old colonial documents to determine and demarcate their boundaries. The committee was set up in early 2009, and its report was expected by the month of May, 2009. However, the committee is yet to submit the report.

3.9. Kenya – Sudan

The dispute relates to the area known as the “Ilemi Triangle” which is along the common border of Kenya and Sudan. Kenya did not share a common border with Sudan until 1926 when a territory in Uganda known as the Rudolf Province was transferred to Kenya by virtue of “The Kenya Colony and Protectorate (Boundaries) Order in Council, 1926” (McEwen, 1971). The document defining the alignment in the Ilemi area is that which existed between Uganda and Sudan, and it is the Order of

the Secretary of State of 14th April, 1914 (Brownlie.). This Order is the foundation of current Kenya – Sudan boundary dispute as it is not only unclear, but also ambiguous and needlessly elastic. Subsequent efforts at demarcation which resulted in three boundary lines commonly called the Red, Blue and Green lines, have not resolved the problem.

Until recently, the countries did not show the required commitment for the resolution of the dispute, which development is attributable to other distractions in the region such as the civil war in Sudan between the secessionist groups in the south and the central government. Following resumed hostilities between the border tribes of both countries, particularly between the Topofa of Sudan and the Tarkena of Kenya, both countries have agreed to seek a peaceful and amicable solution to the dispute (Dak). For this purpose, both parties have been engaged in bilateral discussions on the issue. It appears that with the political independence of South Sudan in July, 2011, the settlement will now have to be between Kenya and South Sudan. Sudan split into two – south and north – following a referendum in the south in January, 2011. Formal independence was declared for “South Sudan” in July, 2011. Because the Ilemi Triangle lies in the south, the dispute over the area is now between Kenya and South Sudan.

3.10. Egypt – Sudan

The territorial dispute between Egypt and Sudan concerns, in the main, the area referred to as the Halayib Triangle which lies along their common boundary. Again, this dispute is traceable to colonialism. Britain occupied Egypt in 1882 at which time Egypt was administering some provinces in the territory which became known as Sudan which at that time included the Halayib area (Brownlie.). In January 19th 1899, Britain and Egypt signed a Condominium Agreement for the joint administration of Sudan. That Agreement delineated the boundary between Egypt and Sudan and placed the Halayib Triangle in Egypt. However, in November 4th 1902, Egypt signed another Agreement with Sudan which allowed Sudan to administer the Halayib Triangle.

It has been opined that the 1902 Agreement did not in any way transfer sovereignty to Sudan but only a license to administer the place which was predominantly occupied by Sudanese (Warburg, 1994). As a confirmation of this, as soon as Sudan gained independence in 1956, Egypt sent troops to occupy Halayib Triangle in order that Sudan be restrained from laying claim to the area. Sudan subsequently sent its own forces to the border, but no hostilities ensued. Sudan withdrew its forces from the area in the year 2000 even though it still lays claim to the place. Egypt is presently in *de facto* control of Halayib, and in 2010 prevented the area from participating in Sudan's elections of April of the same year. The recent discovery of oil reserves in the triangle has done much to fuel tension in the area (Guo.).

3.11. Congo – Uganda

The dispute relates essentially to the boundary along the River Semiliki and the control of Rukwanzi Island in the Lake Albert. The dispute concerning River Semiliki is brought about by accretion. The river is reported to have drastically changed its course in the last fifty years such that it has added a large portion of Congolese territory to Uganda (Halima.). The parties paid little attention to this development until recently when the shift in course became rapid and radical. Both countries are also fighting over the control of the Rukwanzi Island in the Lake Albert into which the Semiliki River flows. The dispute over the Rukwanzi Island got bloody in 2007 when, following a minor skirmish between the armies of both countries, a British oil worker, a Congolese soldier and six Congolese civilians were killed (Okumu, 2010). The dispute over the Rukwanzi Island is not unconnected with the discovery of oil and other mineral resources in the area. Following the clashes, both countries signed the Ngurdoto Agreement in 2007 in which they agreed, among other things, to set up a joint commission which was saddled with the responsibility of verifying and defining the common borderlines of both countries (Halima.). The commission is yet to submit a report.

3.12. Rwanda – Burundi

The Rwanda – Burundi boundary was delimited in 1960. Problems however, arose when some rivers, notably the Kanyaru River, changed course thereby distorting the delimitation in the Sabererwa area and the Rufunzo valley. No serious hostilities have occurred, and both parties have agreed to seek a peaceful settlement to the problem. A joint commission was setup for this purpose in 2006. To this moment, no concrete results have emerged from the commission.

3.13. Sudan – South Sudan

South Sudan separated from Sudan following a referendum in January 2011, and formally became independent in July 2011. Both countries agreed on much of their common boundary leaving a few areas; the most turbulent of which is the oil-rich Abyei region. The disagreement over the remaining areas resulted in intermittent armed skirmishes. In June 2012, The AU appointed former South African President Thabo Mbeki to mediate, and in September 2012 the parties signed eight agreements which resolved most of the remaining conflict areas except Abyei. Thus, the main bone of contention remains. However, the parties have shown willingness to continue negotiation.

3.14. Others

The above represent what, in our opinion, are the active territorial disputes in Africa as at the conclusion of this work. A good number of territorial disputes in African have been settled one way or another, and some more are sure to emerge, if

not by the claim of man, at least by the cause of nature such as accretion or avulsion. There are also a few other existing but dormant territorial disputes which are not discussed above but may be mentioned here. Algeria and Libya have an inactive dispute over a parcel of land which is about 32 kilometers inside south-eastern Algeria which Libya also includes in its official map, but for which it has not pressed any serious claim. Tanzania and Malawi are yet to seriously pursue and settle the dispute over their boundary at the Lake Nyasa (also known as Lake Malawi) area. Rwanda and Uganda had their territorial boundaries demarcated in 1962 but residents of the border areas had the pillars removed. Both countries, in 2010, agreed to have them replanted. A dormant dispute exists at the quadripoint where the boundaries of Botswana, Namibia, Zambia and Zimbabwe converge at the Caprivi Strip area. Zambia also signed a delimitation treaty with Congo in 2005 which would have seen the implantation of beacons along their boundaries around the Luchinda – Pweto province but for which nothing has been done since then. Other African countries with dormant disputes include Angola–Congo and Uganda–Sudan.

4. Effects of Territorial Disputes in Africa

Territorial dispute is significant for the consequences they exact on contending parties, their neighbours and the international community generally. The effects may vary according to whether the dispute is dormant or active. Whereas dormant territorial disputes are not known to generate any serious diplomatic tension and violence, the same is not the case with active territorial disputes. The scenario is worse still when the active dispute manifests in the form of armed conflict. When this is the case, the effect will usually be same as that of any armed conflict. Generally, the effects of territorial disputes will include loss of lives, refugee challenges, problem of internal displacement of persons, destruction of infrastructure, underdevelopment and other negative economic impacts.

Loss of lives is a common occurrence in boundary disputes in Africa arising from some violent skirmishes or full armed conflict. For example, there was no full armed conflict or war between Cameroon and Nigeria over their territorial dispute, but many lives were lost mostly on the Nigerian side as a result of occasional violent skirmishes between both countries over their common border regions. Five Nigerians were killed in 1981 (Ajomo, 1982), and several others between 1992 and 1996 (Felicia,) while much fewer numbers of Cameroonians are reported to have been killed. In all the fatality level is put at about sixty. On the other hand, the boundary dispute between Eritrea and Ethiopia resulted in a full blown armed conflict which lasted between the year 1998 and 2000. So many lives were lost in this conflict. Figures vary as to the actual number, but conservative estimate puts it at about 70,000 soldiers on both sides with moderate civilian casualties. The same is the situation for other similar boundary disputes. It must be added, quite importantly, that loss of lives is not limited to death from actual battle, but could also result from disease and starvation brought about by the disputes.

Another effect of territorial disputes is the problem of refugees and internally displaced persons (IDPs). Africa is host to about 31% of world's refugee population. The scenario is worse for internally displaced persons. For example, the Human Rights Watch reported in 2001 that the Eritrea-Ethiopia conflict alone saw about 82,500 persons internally displaced at the time. The result is that so much pressure is put on the resources of the United Nations which undertakes to cater for them through the United Nations High Commission for Refugees. Of course, it is the host state or receiving state that will feel the immediate impact of the influx of refugees before they can be accessed by the agents of the United Nations and other non-governmental organizations, where such access is possible.

Again, it is needless to say that where a territorial dispute results in violent skirmishes or armed conflicts, there is usually serious destruction of infrastructure arising from bombardments and other deliberate acts of the parties. Bridges, rails, roads, runways, installations and buildings are damaged or destroyed. Often, it would take a very long time to replace or restore these infrastructures, not simply because the damage would usually be extensive, but also because of the cost implications. Surviving infrastructure also suffer grave neglect and deterioration because government attention would be focused on prosecuting the dispute or conflict.

There are diverse economic effects resulting from territorial disputes. There is usually a drop in economic activities relative to peace time; foreign investment is discouraged, local businesses close down or at least reduce commitments and risks – taking for fear of the unknown, government ventures are neglected because attention is diverted to strengthening military might. Conflict also brings about capital flight as people are forced to evacuate their families, assets and resources to safer grounds. People with skills easily migrate to other countries because they are better placed to finance emigration. Unemployment is high, usually very high, with the result that people resort to all manner of vices for survival. Women and children are particularly vulnerable. Women are easily forced into prostitution while children suffer all manner of abuses. The situation is aggravated by the fact that women and children constitute the majority refugees and IDPs in Africa (Westerveld-Sassen, 2005). Territorial disputes are undesirable, but inevitable because of the very reasons for which they exist, some of which have already been articulated above. Sometimes the fight is not worth it as what is gained for the winner might not equate a fraction of what is lost for both or either party.

5. Conclusion

Since African countries gained independence, the borders, which were imaginatively drawn during the colonial period in a context of competitions between European countries and their scramble for territories in Africa, have been an intermittent basis of conflicts and disputes on the continent. Most of the borders, as noted above, were faultily defined and constructed. It is distillable from our discussion above that there is a link between imperialism and the plethora of territorial

disputes plaguing the African continent. Unfortunately, and quite regrettably, the boundary convolutions created by the imperialists appear to be what Africans must learn to live with. Attempting to fundamentally correct these anomalies will elicit far more territorial conflicts than Africa is currently faced. Thus, the colonial masters created perpetual and inevitable conflict situations in the African continent. It is much more painful when we consider the fact that this awful situation was created wittingly and could have been done otherwise if the interest and wellbeing of Africans was of paramount interest to the imperialists. It is therefore paradoxical that the colonial masters will pretentiously show concern when Africans are faced with the devastating manifestations of territorial conflicts in the continent.

Auspiciously and quite commendably, Africa is finding a way out of this quandary. Pacific and non-adversarial dispute settlement regime has been put in place to; at least, ameliorate the effect of this colonial misadventure. There is now many inter-state boundary co-operation. An example is the Nigeria – Niger trans-border co-operation which has made that axis one of the most peaceful in West Africa (Oyebode, 2003). The co-operation has resulted in the demarcation of selected portions of the boundary of both countries. Most importantly, the African Union (AU) has mounted a programme called the African Union Border Programme (AUBP) which is aimed at the differentiation of African boundaries as a means of checking avoidable boundaries disputes in Africa and solve the problems posed by the lack of delimitation and demarcation, which gives rise to undefined zones, within which the application of national sovereignty poses problems, and constitutes a real obstacle to the deepening of the integration process. The AUBP is being executed at national, regional and continental levels on the basis of the principle of subsidiarity and respect of the sovereignty of States.

Well defined territorial Boundaries are precedence for peace, harmony and security in any given continent. Where they are properly constructed and generally accepted, they permit pacific and gainful relationships with neighbours and socio-economic growth. But where they are disputed, as is the case in Africa by reason of our colonial antecedent, they give rise to war, with its attendant fatality and devastation.

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