

## **The Ilemi Triangle Sovereignscape (Part One)**

Menas Borders, October 2010

The Ilemi Triangle is an area of disputed land in East Africa of approximately 10,000 square kilometres. Kenya (the state with de facto control) and Sudan have been the principal claimants of the territory although Ethiopia has also played a role. Imperial conquest, treaties and mapmaking are central to the contemporary problem although precise delimitation of the three imperial spheres—Ethiopia, the British in Kenya and Uganda, and the joint British-Egyptian administration of Sudan—was not something that took place in the late nineteenth and early twentieth centuries. Nonetheless, the intersection of these forces meant that Ilemi became important precisely because of the lack of attention that it received during the colonial boundary-making process of 1914. Ilemi's sparse settlement, remoteness, lack of infrastructure and variously inhospitable swampy and mountainous landscapes all meant that the area could be treated as relatively insignificant.

But Ilemi, like other areas of south Sudan, is potentially rich in oil. 'Nevertheless,' writes Mburu (2003: 16), 'no explorations have been made in the contested territory partly due to insecurity from the . . . civil war in southern Sudan and partly due to a hands-off attitude by each regional government.' Ilemi's value may also be recognised in its dry-season pastures which have been 'the focus of incessant conflicts among transhumant communities and an enigma to boundary surveyors who previously failed to determine its precise extent and breadth (Ibid).' This article, the first of two on the Ilemi Triangle will narrate a brief historical account of the Ilemi problem and the trajectory that the future resolution of the dispute may take. The second will consider the Triangle in the context of recent work in political geography on 'sovereignscapes'. Indeed, Ilemi might be pointed to as an example of deficiency in African sovereignty itself but, as this work argues, rather than perceive a crisis of sovereignty we might more usefully recognise a crisis of interpretation. In this sense, weak or failed sovereignty in Africa should be considered in light of excess hegemonic, often Western, power rather than through the reproduction of an orthodox discourse on the characteristic deficiency of African sovereignty.

### **Historical overview**

The British occupied Egypt in 1882 and, using Egyptian forces, embarked upon the 'reconquest' of Sudan in 1896-8. Elsewhere, in 1887 the British East Africa Company had assumed administrative control of the territories that corresponded to the modern states of Uganda and Kenya; after the Company's bankruptcy the British government assumed direct control and formed the British East African Protectorate in 1895. Although their territories abutted it, there was little trade in the area that was to become the Triangle for the British. The territory was remote and so neither British authority—of the Protectorate or its joint administration of Sudan—maintained any real presence there. For its part, the Sudanese condominium was centred on the northern portion of its territory and its capital in Khartoum. Such northern-centricism has been reproduced down the years into the post-colonial era and the Sudanese authorities' lack of effective territorial control is often cited as an aspect of a weak sovereignty. But, in the late nineteenth and early twentieth centuries, aside from occasional large military patrols there was little state activity in the Triangle.

But in 1914 a Boundary Commission was formed. Both the Sudan- and Protectorate-based authorities were involved in delimitation and demarcation processes determined by the use of physical features. However, at the edge of what became the Triangle, patience and supplies ran low and the Commission stopped work. Its recommendation was for a border along a straight line, or a line around the grazing land of the Turkana people. As people who moved livestock according to the season, their habitation patterns were impossible to define in static terms and so it was that the southerly, straight line, the '1914 Line', was defined as the international boundary along the course of the 1902 surveyed by Philip Maud, a British Army officer.

But by 1924 complaints were surfacing that the Sudanese authorities were not adequately policing the area north of the 1914 Line and the British government pressured the Sudanese condominium government to remedy the situation. The presence of the Turkana was perceived to be particularly problematic and efforts were made to disarm them which proved problematic. Many firearms were in circulation, having been

provided by Ethiopian slave traders, and the Turkana needed the weapons for their self-defence from other tribal groups involved in livestock raiding. So in order to increase control of the Turkana by other means it was therefore decided in 1928 that the Sudanese government would allow Kenya a 'right of hot pursuit' across the 1914 Line. By 1931 Sudan had agreed to subsidise Kenyan administration of Ilemi up to the 'Red' or 'Glenday Line' which, since 1978, Kenya has treated as the international boundary. In 1932 a minor extension to the north and east was agreed (the 'Green Line') but neither this nor the Glenday Line are international boundaries. Their function has been to delimit the extent of Kenyan administration, rather than state territory.

In 1938 a further extension was made to mark the limit of Turkana grazing, once again to the north and east, to the Wakefield Line in 1938. Egypt and Britain agreed on the Wakefield Line but the Italian occupiers of Ethiopia did not. As, during the Second World War, the British invaded Ethiopia from Kenya and Sudan, they occupied Ilemi supported by Turkana irregulars. The Turkana involvement meant for their further expansion to the north, east and west and any Kenyan interests in an extension of administrative control was well suited by the Turkana's latest movement. Indeed, the movement prompted the drawing of the 1944 'Blue Line' which extended the Triangle west and north. For its part, Sudan set out a 'Patrol Line' (1950) from the Kibish Wells to Mt Mogila beyond which the nomadic pastoralists were not to be permitted. The Sudanese government would not administer east of the Patrol Line but neither would it renounce any claim to the territory. In 1956 an independent Sudan emerged as successor to the Condominium within borders including the 1914 international boundary. Any British-Egyptian claims to former Condominium territories were renounced but the Sudanese authorities had little presence in Ilemi, the Kenyan police forces having controlled the territory by default since the late 1940s.

British influence was finally and fully eroded with Kenyan independence in 1963. Kenya and Sudan were both signatories to the 1964 OAU declaration on the sanctity of territorial borders but in practice Kenya flouted its provisions and in 1967 the Kenyan President Kenyatta sought British intervention in order to have the Triangle ceded to Kenya. The Sudanese government was unreceptive and the matter was dropped by a Kenyan government that was content to redraw the map arbitrarily and continue to operate effective territorial control of the Triangle.

Shortly after Sudan's independence factions of its army mutinied and the long-running civil war began. The 1964 revolution followed a first military coup in 1958; a second, led by the northern army officer Jaafar Nimeiri, took place in 1969. Nimeiri recognised the need for a settlement and the Addis Ababa treaty temporarily ended the war, affording (in a move antagonistic to many in the north) the south a heightened degree of autonomy. Factionalism became an increasingly important impulse in the 1970s and 1980s and Nimeiri was himself influenced by the Muslim Brothers. In 1983 the 'September Laws' imposed Sharia law across Sudan, including the largely non-Muslim south and it is this development that was perhaps a principal catalyst for the renewed civil conflict between the Khartoum government and the Sudan People's Liberation Movement (SPLM). In addition, oil had been discovered in the south in 1978. This provoked northern encroachment upon southern autonomy, played out upon a backdrop of economic strife and failing agricultural mechanisation.

Nimeiri's government was overthrown in 1985 by popular revolution in the north; after a brief period of parliamentary government Omar al-Bashir became president through another military coup. By the end of the 1980s the rebels controlled most of the south and Bashir's government's efforts to defeat the rebels in the south looked to fail until, in 1991, the unity of the SPLA cracked. The Nasir faction was backed by Bashir's government which was able to regain control of much southern territory until stalemate resumed in 1994-5. By this stage, the government, sustained by oil revenues, could not defeat the rebels who in turn—within the context of a multi-sided war which had displaced yet more people—could defeat nobody. During the stalemate the international intervention of states such as the UK and US was mediated by the Kenyan President Moi. By 2002 the talks in Kenya had fostered the Machakos Protocol—an important example of an embryonic doctrine of 'earned sovereignty'—and its cease fire provisions. The subsequent Comprehensive Peace Agreement

(CPA, 2005) outlined the manner by which an exercise of self-determination would be carried out by referendum in southern Sudan in 2011.

### **Ilemi: 2011 and beyond**

The place of Ilemi in the foregoing narrative fades, and it does so for the simple reason that the Triangle dispute has faded within the context of wider conflict and violence in the region. It has been in the interests of the southern Sudanese forces within the context of the war to allow the *status quo* situation—that of the Kenyan administration of the Triangle—to continue and it has been the case that the Kenyan government did come to play an ambiguous role after 1983, perhaps providing logistical support for the SPLM in return. But while the southern government-in-exile was itself based in Nairobi there were no SPLM bases in Kenya, a state whose government always maintained diplomatic relations with the government in Khartoum.

But even if it is a dormant issue, dwarfed by the other challenges faced in Sudan, the problem of the Triangle is sure to re-emerge before long. The matter surely cannot be ignored for long after the question of southern Sudan's next government is finally resolved and the legal custodian of its international boundaries is definitively determined. So Ilemi may be treated swiftly, as and when a South Sudan achieves independence after the 2011 referendum. New oil concessions in the region stop to the west of the Triangle and so it will be in the interests of both the Kenyan and South Sudan governments to make their claims. The Kenyan *de facto* hold on Ilemi has weakened since the return of the SPLM to southern Sudan and, without oil, the Kenyans have a clear interest in a recognised legal presence in the Triangle. Its history of state practice in Ilemi—and the conspicuous lack of Sudan's—will be important in any international legal proceeding and the question of which line—1914 or perhaps the Red Line—will be revisited.

But in the event that the Ilemi dispute is treated at all in 2011 (or the years that follow) it will arguably have been that the best case scenario has been achieved. More pessimistically, bigger problems including the threat of renewed violence and regional instability may continue to dwarf Ilemi in significance. When the CPA expires on 9 January 2011 so will the basis for the engagement and dialogue of the north and south and, already, irregular and vigilante forces backed by both the north and south (including, respectively, the Lord's Resistance Army and the 'Arrow Boys') are coming into conflict. Moreover, there is discontent in the south prompted by concerns pertaining to infrastructural development, health and, most notably with respect to oil revenues, corruption. Should a new state, South Sudan, emerge it will need the support of neighbouring territorial states and resolution of Ilemi could prove to be an important aspect of its emergence as an independent state but that resolution will be contingent on much else preceding it.

*References: Mburu, N. (2003): 'Delimitation of the elastic Ilemi Triangle: pastoral conflicts and official indifference in the Horn of Africa', African Studies Quarterly, 6 (4); Sidaway, J. (2003): 'Sovereign excesses? Portraying postcolonial sovereignscapes', Political Geography 22, pp. 157-78.*