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Unresolved Legacy: The Ilemi Triangle Dispute

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ABSTRACT

Colonisation often results in uncertainty over territories in many ways, including imposing new borders and disrupting the existing territorial structures. Post British colonial rule in East Africa, the Ilemi Triangle was formed due to the political actions in the region. With no official claims for the ownership of the region being made, tensions arose leaving uncertainty over the Ilemi territory, throughout its history and even in the present. The Ilemi Triangle is essentially a disputed territory situated in the Horn of Africa between Kenya, Uganda and South Sudan. It is a semi-arid region inhabited by nomadic pastoralist communities, and its perceived value is heightened by the potential presence of oil and other natural resources. Despite the absence of full-scale conflict, the Ilemi Triangle dispute remains a critical example of how colonial legacies continue to shape border politics in Africa, affecting regional cooperation, development, and stability in the Horn of Africa. The paper explores the efforts of diplomacy and mediation, including the role of the African Union (AU) and regional bodies, in resolving the conflict. Although the involved states reached an agreement to resolve the issue by peaceful means, no further action has been taken to advance the resolution. The paper also highlights the complex historical, socio-economic and political factors driving tensions, and how the territorial ambiguity has impacted the local pastoral communities.

Keywords: Colonisation; Diplomacy; Pastoral communities; Regional cooperation; Territorial dispute

INTRODUCTION

The Ilemi Triangle has been an area of territorial dispute between South Sudan, Kenya, and Ethiopia since the British colonised the region, following which the states have made de jure and de facto claims over the potential oil-rich region. It continues to be a region whose boundaries are uncertain and remain as the effect after colonisation took place with poorly drawn colonial boundaries.

It is home to five main ethnic groups - Turkana, Didinga, Toposa, Nyangatom, and Dassenach who have been following a pastoral lifestyle for a long time. These communities belong to different states in the region yet are actively moving through the borders into other states. For example, Turkana from Kenya is in the triangle, Toposa and Western Nyangatom are in South Sudan, and Eastern Nyangatom and Daasanach are in Ethiopia.

The resources they require for survival are often on the shared borders and because of the unpredictable climate in the region, mobile pastoralism is the best-suited way of life.

Although historically South Sudan has legal claims over the region according to the Maud Line, the government had been absent and incapable of controlling the region because of the civil wars within the state and Kenya felt the need to be the de facto occupier and although both the states accepted the status quo, it made things difficult for the pastoral communities especially with the potential resources arising in the region, fueling tensions among the states in distinguishing the borders in the Horn of Africa. ¹

¹https://shalomconflictcenter.org/wp-content/uploads/2021/02/THE-I-LEMI-TRIANGLE_-A-FORGOTTEN-CONFLICT-CHARLES-HASKINS_-2009.pdf



BACKGROUND

The Ilemi triangle, surrounded by Kenya, South Sudan and Ethiopia is a disputed piece of land with an area of around 14,000 square kilometres. The border lines that demarcate the Ilemi triangle were initially drawn during the colonial period and after the region gained independence from the colonial powers, there were no proper efforts made to establish which country held official control over the region, this and some other factors throughout the history of the Ilemi triangle have forced it to remain as a disputed piece of land in the horn of Africa. The residents of the Ilemi triangle are a handful of nomadic pastoralist groups which traverse the lands from season to season in search of fresh pasture and other scarce resources.

The dispute originated when the region was under the control of many colonial powers, mainly Britain and Italy. Multiple treaties were formulated in the East African region to divide and mark the borders for British East Africa (now Kenya), Anglo-Egyptian Sudan (now South Sudan) and Abyssinia (now Ethiopia). The treaties failed to be effective as the presence of pastoral groups moving from one border to the other made it harder to control and the lack of geographical knowledge of the region also made it difficult to demarcate accurate borders.

In 1914, an agreement was made between Kenya and Ethiopia, this agreement formed a vague boundary between the states which gave rise to the inceptive confusion over the region. In 1918, The British Command further worsened the confusion by giving the Turkana pastoralist group from Kenya, access to the triangle in search of fresh pasture as the lack of wet and fertile lands in Kenya meant no good pastures for their livestock.

In the 1930s, The British Command took control of the triangle through another agreement that they signed with Ethiopia. All these factors laid the foundation for the dispute in the Ilemi triangle that is still ongoing.

When Sudan gained independence in the year of 1956, it claimed control over the triangle based on the treaties that were made in the early 20th century when colonialism was prevalent in the region. Similarly, when Kenya gained independence in 1963, they also claimed control and ownership over the triangle as throughout history, the Turkana people from Kenya had occupied and used the land in the Ilemi triangle. Ethiopia on the other hand moved back from the dispute as time passed, shifting its focus towards its borders with South Sudan.²

The current setting of control over the Ilemi triangle is in the hands of the Kenyan Government, South Sudan has not seized its efforts to claim ownership of the region. The borders of the Triangle are still under scrutiny by the parties involved and the recent find of potential oil in the region has made the efforts by both nations more astute in a bid to

finalise their control over the region. Troubles between the pastoral communities in the region and internal instability in the involved states have made efforts for resolution even more tough and to this day, the Ilemi triangle continues to be a disputed piece of land.

SOCIO-ECONOMIC AND CULTURAL FACTORS

The pastoral communities such as the Turkana, Didinga, Toposa, Nyangatom, and Dassenach have historically been involved in cattle raiding and the Ilemi triangle provides them with the necessary resources for their lifestyle and it is intertwined with the factors that contribute to the dispute. The communities are also engaged in agro-pastoralism, which requires them to move seasonally to escape harsh and changing climatic conditions. Hence, they settle in manyattas (semi-permanent homes) during the wet season, and in the dry season, they migrate to kraals (temporary mobile cattle camps) in search of better resources. This movement allows them to make the best of the available resources. As the resources start to dwindle during the dry season, competition among the communities increases and since the dependence on the Ilemi triangle increases, there's a shift in traditional practices. For example, the Daasanach shifted from pastoralism to fishing and flood-recession agriculture.

Furthermore, mobility plays a key role in sustaining their livelihoods and hence imposing colonial borders in the region will cause instability in their traditional means of survival and cause tension between the communities due to different cultural practices. The communities such as Turkana, Toposa, and Nyangatom shared a common cultural heritage including language, belief systems, and cultural values and practices. Although the Daasanach community differs from the others, they are still engaged in the same activities causing them to interact with others, fostering cooperation between them. Cattle raiding, driven by both economic necessity and cultural significance serves as a means to maintain social status, survival, and identity.

Apart from pastoralism, the communities are engaged in the trade of livestock and forest items, which serves as another source of income, connecting them to the broader markets and providing them access to cross-border trade which is essential for economic diversification and is crucial for their sustainability. The communities often find it easier to access the neighbouring state's markets rather than the domestic ones. For instance, the Toposa people are actively trading in the Ethiopian and Kenyan markets. Livestock raiding serves as a means to gather materials and help them survive when the land and climate are not so forgiving. However, in recent times, the act of livestock raiding has gotten a lot more violent as cross-border trade has allowed firearms to be circulated and this undermines the traditions that different communities have while cattle raiding.

²<https://asq.africa.ufl.edu/wp-content/uploads/sites/168/Mburu-Vol-7-Issue-1.pdf>



GEOPOLITICAL SIGNIFICANCE

The Ilemi Triangle is a semi-arid region, extending up to 14,000 sq km, situated in the Horn of Africa, inhabited by nomadic pastoralist communities, and its perceived value is heightened by the potential presence of oil and other natural resources.

The possibility of potential oil resources has sparked interest in the region that was once left unnoticed and hence not developed by any regional organisations. Despite previous efforts for oil exploration in the region by Kenya and South Sudan being unsuccessful, the governments have kept their options open in the region for possibilities in the future. One of the challenges the countries face is the lack of an oil pipeline in the area. Earlier, a pipeline project called 'LAPSSET' was initially launched to connect South Sudan to Kenya's coast, but it focused on Turkana County instead.³ Furthermore, South Sudan has not shown active cooperation and commitment to build a pipeline which makes oil production in the triangle impossible for the time being. Even though there is only a possibility of oil being present in the triangle, both nations have opened oil blocks in the regions, which makes it clear that neither has any plans to let go of the region for the other. Although the focus remains on oil, livestock markets, especially cross-border markets, are another point of interest for contention, which provides opportunities for both governments.⁴

As time has passed, both the nations involved in the dispute over the Ilemi Triangle have begun showing more and more interest in the region, mostly because of political and economic aspirations. Kenya is now focusing mainly on Turkana County as the community there is the backbone for its livestock market and cross-border trade. The discovery of the Lotikipi aquifer in the county also makes it a region of great interest for Kenya. Keeping the people of Turkana satisfied is another way Kenya has held control over the Ilemi Triangle. On the other hand, South Sudan's efforts to administer the triangle have been lacking but they are focusing on stability in the region considering the presence of the Toposa community. The Toposa people have had strong ties with the military and politicians throughout history, this makes it important for the South Sudan government to handle anything about the tribe with more care. Ethiopia has not been active in the dispute over the Ilemi triangle for decades now, some argue that there might be involvement in the future to resettle tribes and communities that were displaced due to agricultural development, other than that no active participation in the dispute is seen or expected.

Many protocols and conventions have also been set in place, such as the 2020 IGAD Protocol on transhumance

which focuses on regulating the movement of pastoral communities across the borders and making sure that these communities can access services and resources that they need. Kenya and South Sudan have made sure to uphold cordial relations as both nations rely on each other for trade and other economic opportunities as well as political support when required. This relationship between the nations also resulted in the Ilemi Triangle dispute remaining mostly unresolved.

Although the recent discovery of potential resources in the Ilemi triangle points towards potential conflict over the region, the relationship between Kenya and South Sudan has been kept up and Kenya has become a very important ally to South Sudan, politically and economically. As Kenya and South Sudan continue to be in good graces of each other, the Ilemi triangle dispute does not show any signs of resolution even though there is a Memorandum of Understanding present between both states.

DIPLOMATS AND LEGAL VIEWS

One important aspect of resolving the conflict has been diplomatic attempts. The engagement of the three countries has been facilitated by the African Union (AU) and other regional organisations. Because historical claims are complex and there is no clear, binding legal framework, these conversations frequently centre on developing cooperative agreements rather than legal remedies.

To promote peace, security, and stability in Africa as a continental organisation, the AU does this by providing a neutral platform on which the involved countries can converse and sort out their claims without resorting to war. Because of the intricate history of the Ilemi Triangle conflict and the lack of a clear binding legal framework, the AU has favoured diplomatic engagement over confrontation. The body advocates for cooperation agreements among states, addressing security, development, and resource management rather than discussing ownership questions. In this way, it hopes to reduce tension, create dialogue between nations involved, and encourage programs that improve livelihood for people who have been affected by the dispute.

AU involvement tends to be mainly advice-giving and facilitating to direct these countries towards peaceful resolution through diplomatic means which is consistent with continental conflicts' prevention as well as peaceable resolution of disagreements mandated by the organisation. By placing discussions on cooperative growth and transnational conservation rather than territorial claims alone, the AU enables countries to remain in touch with each other thereby preventing unnecessary escalation, hence promoting practical solutions.

Legally, frameworks for demarcation and talks have been used to resolve the conflict. Based on political concerns, historical usage, and colonial treaties, each nation has made its case. Still, conclusive court rulings have proven

³<https://paxforpeace.nl/news/the-ilemi-triangle-understanding-a-pastoralist-border-area/>

⁴<https://theconversation.com/ilemi-triangle-spat-how-resources-fuel-east-africas-border-conflicts-199656>



difficult to come by.⁵ The conflicting claims and geopolitical sensitivities have made it difficult for regional legal processes to provide a definitive conclusion, and the International Court of Justice (ICJ) has not been directly involved in the matter.

It is purported that the Sudanese People's Liberation Army and the Kenyan government made a deal in the 1980s for the administration of the disputed triangle in exchange for shelter as well as military and administrative assistance throughout the 20-year civil war.

The establishment of a joint committee to settle the dispute over the Ilemi Triangle and other border districts was agreed upon by Kenya and South Sudan in 2019. The panel was established in February 2023 in response to a violent outburst between the Turkana and Taposa ethnic tribes, which share a border with South Sudan. Kenyan forces had intervened earlier in the month.

IMPACT OF THE DISPUTE

The prolonged conflict has impacted these three participating countries adversely. For Kenya, the region is a strategic asset due to its prospective resources and its importance in regional security. Ethiopia views controlling the triangle as a source of pride in its history and identity. Considering its efforts to exert control over historically contentious territories since gaining independence, South Sudan sees the area as an essential component of its national territory.

1. Decreased Attractiveness and Increasing Administrative Costs

The conflict has caused the costs of managing the Ilemi Triangle area to rise significantly, in terms of resource allocation, this means that it is likely that governments will direct their resources to more stable and economically viable places than the Ilemi Triangle region. With regard to political risk, it shows that there are political risks faced by these regimes because they are likely to lose popularity and even legitimacy. Regarding international pressure, supporting the stand on the dispute will add international pressure and possible sanctions which in turn repel potential investment. Security measures and government measures have always deployed more police and militarised forces in the troubled spot hence increasing operational costs. Due to the ongoing argument, infrastructure development has become more expensive to set up checkpoints along borders and surveillance facilities. Several rounds of negotiation and diplomatic effort have been going through between them therefore requiring money. Governments have been subject even to law systems for establishing their claims through global laws as well as treaties done before. With regards to resource allocation governments will direct their resources to more stable and economically viable places than the Ilemi triangle region. Governments find it challenging to create long-term development plans or

draw in investors because of the uncertainty surrounding the area's future. Because there are political risks for these regimes it may also affect their popularity and validity when looked at from a long-term perspective about political risk. For instance, a country's continuous support on a dispute can attract international pressure thus repelling potential investments through possible sanctions among many other things associated with such readiness.

2. Regional Instability and Undermining of Strategic Value

There are various ways in which the conflict has contributed to regional instability. The unresolved dispute continues to maintain high levels of stress at the borders of the pertinent countries creating an atmosphere of distrust. There have been armed clashes with some rival parties as well as government forces leading to loss of life and dislocation, it has also aggravated ethnic strife among communities residing in border areas causing more unrest.

The importance of Ilemi in terms of strategy has decreased because of several reasons such as herders being unable to get into their usual grazing lands due to border security measures and restricted accessibility. As there was no clear authority, the presence of armed groups increased cross-border cattle rustling and livestock raiding. Migration routes traditionally used by pastoralists have been altered, affecting their daily survival. Pastoralism is no longer lucrative in that area; this has made it hard for local people to sustain themselves economically.

3. Impact on economic development

Uncertainty related to whether there will be conflict concerning dynamics surrounding the status of these particular regions dissuades potential investors. In such an area with long-term unsteady status, it would be hard for any government to invest heavily in infrastructure development. There is much that remains untouched by tourism in terms of safety and proper guiding, especially in this region. Due to agricultural development constraints, farmers are not able to start new agrarian ventures because they don't know who owns land or what borders will look like in the future. This dispute has made it hard for East African countries to become more economically integrated and united. The conflict has reduced the likelihood of economic cooperation and cross-border trade with adjacent nations.

BORDERS CHANGES AND THEIR IMPACT

The fluidity of territorial claims is one of the main aspects of the conflict in the Ilemi Triangle. The evolution of cartography over the years, and official maps produced by respective countries have shown different boundaries for the disputed area. As there have not been comprehensive formal agreements or treaties that would legally establish these new boundaries, some countries have unilaterally changed their maps without mutual consent or recognition by neighbouring countries. The practice of historical precedent

⁵https://www.persee.fr/doc/ethio_0066-2127_2004_num_20_1_1065



or model for the future likely originated from colonial-era map-making traditions where borders were drawn with little regard for local realities. Such changes to maps create legal uncertainties as they could be seen as attempts to establish facts on the ground without diplomatic processes. These unilateral actions might conflict with principles of international law on territorial claims and border disputes, this in turn affects local communities' perception of their territory and rights, potentially leading to misunderstandings and tensions.

KENYA'S DE FACTO CONTROL WITHOUT FORMAL RECOGNITION

All these contradictions highlight the gap between actual control and official recognition. At present, Kenya has de facto control of most parts of the Ilemi Triangle as far as the northern boundary line of 1950 Sudan. Despite this effective administration, no party involved officially recognizes its sovereignty over that region, and there is an absence of formal acknowledgement. Over time, various factors including military presence, administrative activities, and settlement policies could have led to these informal dominations. Kenya maintains police posts along the Red Line that serve as an unofficial border within that contested area. More so, it has set up certain levels of local governance structures in the areas under its control thus cementing its authority in these places. In addition to this possible facilitation by the Kenyan government on the controlled areas of economic engagement like livestock trade or resource extraction may also be taking place. This creates conflict between Kenya's actual authority and the absence of international legal recognition which might affect relations with surrounding countries. The territory's legal status is unclear as a result of the formal acknowledgement being lacking, which could make future talks or international interventions more difficult. This circumstance preserves the possibility of a confrontation, particularly if other parties try to forcefully enforce their rights.⁶

CONCLUSION

One of the challenging effects of colonialism that greatly hinders peacekeeping and development in East Africa is the traffic in the Ilemi Triangle. The conflict still exists in the hearts of the two states, just waiting for an opportunity to explode into full-scale violence, despite diplomatic efforts in keeping the peace relatively stable. It draws attention to

the challenges of attempting to deal with colonial borders, particularly the historical claims that conflict with the current realities.

The conflict of interests in resources, particularly the possibility of oil, and the needs of nomadic peoples for

⁶<https://theconversation.com/ilemi-triangle-spat-how-resources-fuel-east-africas-border-conflicts-199656>
a living are factors contributing to the current crisis. These problems have significant effects on the Horn of Africa security, economic compliance, and regional trust. Resolving past wrongs and continuing to drive off differences, rather than redrawing borders are the only ways to bring our inability to end and find a future deal. It might entail cross-border collaboration and innovative approaches to resource management. The African Union and other regional organisations, at least, made it easier to negotiate and find solutions through discussion. The willingness of the impacted governments to put regional stability and growth ahead of national individualistic thinking will ultimately determine how the triangle dilemma is resolved. By acknowledging the interconnection of possibilities and constraints in the local area, such thinking will encourage collaboration among participants rather than merely zero-sum roles, with the goal of addressing regional harmony. Ultimately, the settlement of the Ilemi Triangle must serve as a testament to the fact that post-colonial Africa has truly mastered the art of establishing peaceful borders¹⁻⁶.

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