The contribution provides an overview of violent conflicts in the Horn of Africa and Southern Africa regions and offers an interpretive tool to understand the reasons that lie behind the different degree of violence in the two areas under consideration.

The peculiar trajectory of regional international law and state building explains why the Horn of Africa continues to be an epicentre of instability, in contrast with the positive developments in southern Africa.

Introduction

The Horn of Africa and Southern Africa are two ideal case studies for a better understanding of the underlying factors behind the rise of armed conflicts in sub-Saharan Africa. The Horn of Africa is characterized by a high level of inter- and intra-state violence. The frozen conflict between Ethiopia and Eritrea is a source of tension that affects negatively the stability of the two countries, while the on-going civil war in Somalia offers a recruitment pool and an operational platform for armed groups under the umbrella of Al Shabaab, which is exporting the Somali insurgency in neighbouring Kenya and Uganda. Southern Africa, on the contrary, is the area of the continent that has registered the greatest achievements in terms of political stability in recent years, thanks to the consolidation of the regional state apparatuses and the creation of supra-national institutions for conflict resolution. The reasons of this difference are many. Here, we will consider two of the factors that, in the opinion of the author, better explain the degree of armed conflict in the two areas: first, the evolution of regional international law, which is here considered as the set of customary and written regulations that compose the code of conduct of regional actors; and secondly, the internal political trajectory and type of interaction that sub-regional actors have established with the international economic system.

Regional International Law

In the aftermath of independence, African states agreed on a fundamental principle endorsed by the Organization of African Unity and subsequently by the African Union: the inviolability of post-colonial borders. The reason for this lay in the fear that the redrawing of international borders inherited from colonialism according to the criteria of national self-determination could trigger a wake of conflicts between African states. One of the main implications of this principle was that it moved the locus of political conflict from the international to the domestic arena. In addition, ruling élite in the capital could advance the principle of external sovereignty to claim exclusively power in negotiating economic and military aid, while denying the same prerogative those armed movements that intended to challenge the status quo.

Although not without frictions, this principle has been retained after the end of the Cold War and the consolidation of the contemporary multipolar system. The only exceptions to the geopolitical map of pre-1990 Africa were in the Horn of Africa and in Southern Africa: in the first case, with the declaration of independence of Eritrea in 1993 and South Sudan in 2011, which could be coupled by the independence - de facto but not de jure – of the former colony British Somaliland; in the second case, with the declaration of independence of Namibia in 1990, following the withdrawal of South Africa.

Apparently, the two macro-regions have experienced the same "revolutionary" trajectory in respect to the pre-existing status quo, but there is a substantial difference. The independence of Namibia, in effect, restored international law as far as the sovereignty of Namibia had
already been legitimized by a judgment of the Court of International Justice and had been invoked repeatedly by the international community¹. In the Horn of Africa, however, the subordination of ‘Eritrea, South Sudan and Somaliland to Ethiopia, Sudan and Somalia respectively was in line with the legal order sanctioned by the OAU and the major international powers, but which finally fall under pressure of armed mobilization from the bottom up.

**Southern Africa**

In the case of Southern Africa, the low degree of armed violence is an outcome of the ability of regional states to develop a common consensus on the core principles of international law governing mutual relations. Since the end of the civil war in Angola in 2002 and the continental war in Congo in 2003, political stability has been gradually achieved thanks also to the efforts in direction of political and economic integration among member countries of the Southern Afric Development Community (SADC). The transition from bilateralism to multilateralism has enabled the SADC to assume mediatory and peacekeeping prerogatives in the major crises of the past eight years, from Madagascar to eastern Congo, Zimbabwe and Lesotho.

The success of the SADC is also the result of a combination of political contingencies, such as the common ideological background and anti-apartheid militancy of the ruling parties that are still in control of South Africa, Angola, Mozambique and Zimbabwe. Another factor is the benevolent hegemony exercised by South Africa. Pretoria is the first economic and military power in the region but is also the most interested in the political stability of its surrounding, given the amount of South African capital invested in neighbouring countries. For a variety of reasons, however, South Africa has abstained from taking the role of regional police officer, emphasizing the use of soft power and multilateral conventions². The informal veto power enjoyed by Pretoria within the SADC by virtue of its high-ranking position within the hierarchy of the organization’s donors has not affected the legitimacy of the forum before other member countries.

**Horn of Africa**

Contrary to the case of Namibia, the independence of Eritrea and South Sudan was the recognition of a de facto situation that emerged after decades of armed struggle, but was at the same time a clear breach of the dominant principle at that time: the inviolability of colonial borders. The inability to rebuild a system of common regional rules has prompted regional powers to discipline their behaviour according to the rules of *real politik*, with the result that international law has been overcome by the pragmatic logics of military power.

The 1998-2000 war between Ethiopia and Eritrea and its continuation until today in the form of conflict by proxy and occasional clashes between the two armies can be better understood in the light of the differences described above. The "cold war" between the two countries has dragged on because of the inability of the parties to find a compromise on the future of the border: Eritrea demands full respect of the rule on the sanctity of colonial boundaries and the application of the provisions of the international arbitration Commission that in 2002, in reverence to the principle of *uti possidetis*, recognized the sovereignty of Asmara on some territories under Ethiopian military occupation. Ethiopia, for its part, makes the evacuation of the disputed territories dependent on broader negotiations to ensure the safety of the northern border.

¹ http://www.esil-sedi.eu/fichiers/fr/Agora_Fernandez_879.pdf
This impasse is motivated by strategies diplomatic and military contingencies, but also by internal political issues. On the part of Ethiopia, the refusal to comply with the commission's ruling partly reflects the convincement rooted in some sectors of the Ethiopian intelligentsia that the historical and legal arguments used by Eritrea to claim sovereignty over the disputed territories are unfounded, since they are based exclusively on the heritage of Italian colonialism. On the part of Eritrea, the aggressive policy followed towards the southern neighbour and the decision to subordinate any form of dialogue to the evacuation of Eritrean territories occupied by Ethiopia is also a by-product of internal dynamics: in representing the Ethiopian government as fundamentally hostile to the existence of Eritrea as an independent state, the Eritrean government gives voice to a feeling that is widespread in that part of the Eritrean society that has first-hand experience of the liberation war and the border conflict, but also exploits it to its advantage in order to keep a close watch on the population within its national borders. This repertoire, in fact, justifies the suspension of constitutional guarantees and the maintenance of military service ad libitum in the name of a state of emergency motivated by an alleged existential threat at the frontier.

Another unresolved issue in the political landscape of the Horn of Africa is the fate of the territories inhabited by Somali people and under the sovereignty of Kenya and Ethiopia, which were claimed by Somalia and hosted repeated rebellions against the Kenyan and Ethiopian governments. The Somali irredentist claims on the Ogaden region in eastern Ethiopia did not disappear with the dissolution of the Somali state, but continued to affect the Ethiopian foreign policy towards the eastern neighbour. The decision to intervene in Somalia in 2007 was in part a response to the support declared by the Islamic courts to the Ogaden National Liberation Front, in those years at the height of its force. Today, any hypothetical reconstruction of central authority in Mogadishu cannot be separated from the recognition of Ethiopia's security concerns along the Somali border. A similar argument applies to the northeastern counties inhabited by Somalis in Kenya. Nairobi's decision to intervene militarily in Somalia in 2011 was in large part motivated by the fear that Al Shabaab could exploit the historical resentment of the Somali-Kenyan community against the central state in Nairobi. In fact, Al Shabaab seized the opportunity and made the area a privileged rear base for the preparation of hostile military operations and the recruitment of military manpower.

Not everything is immutable. The redrawing of the geopolitical map of the region has for example promoted the refashioning of the relations between Ethiopia and Sudan. In the last sixty years, Eritrea and South Sudan were the two theatres where Khartoum and Addis Ababa conducted proxy war via armed rebel movements. Since the independence of South Sudan, however, the two countries have put aside political differences and built up a cohesive diplomatic axis, signing an historical bilateral agreement for the exploitation of the Nile waters.

The Ethiopian Somali region is another example of the temporary character of some geopolitical dynamics that seem grounded in an ever-changing past. From being a violent frontier area and the passive object of contention of the Ethiopian and Somali states, the Somali regional state has now become a stable centre of power that projects influence over neighbouring territories. The regional president Mohamoud Omar – leader of the Somali-Ethiopian military unit responsible for military operations against the rebels of the Ogaden National

3 Wolbert Smidt, History, Historical Arguments and the Ethio-Eritrean Conflict between xenophobic approaches and an ideology of unity, Stichproben, 22, 12, 2012, pp. 103-120.
Liberation Front (ONLF) since 2007, and since 2010 head of the regional state – managed to bring under control the ONLF insurgency through a mix of repression and co-optation.

The sub-regional dimension.

The recognition of the *uti possidetis* principle as a fundamental norm of regional law has meant that southern African countries have been better able to contain challenges to their territorial integrity posed by armed secessionist movements. In Angola, for example, the financial crisis that hit the country since 2013 in correspondence with the collapse of crude oil prices and the near bankruptcy of the oil company Sonangol paved the way for the re-emergence of the issue of Cabinda, the enclave that holds most of Angola's oil reserves. For the past 24 months, the Front for the Liberation of the Enclave of Cabinda (FLEC) has resumed armed insurgency to separate from Angola and get sovereign status. Nevertheless, the impossibility to find appreciable diplomatic support in neighbouring countries makes the threat of secession a remote hypothesis, and has so far prevented that isolated incidents could turn into a large-scale conflict.

In the Horn of Africa, on the contrary, the end of the principle that recognized the sanctity of colonial borders has reduced the cost opportunity of armed rebellion for those non-state actors that aspire to improve their rank within the regional arena. This phenomenon is evident in South Sudan and Somalia, where the "State" ceased to be the political unit of reference and has been overcome by a multitude of groups competing with each other. The Horn of Africa scholar Alex De Waal coined the concept of "political marketplace" to describe the dynamics that guide the conduct of political and military elites in these territories⁴. Here, non-state actors are no longer interested in (re) building a semblance of unitary state, but just to gain control over a piece of territory to gain access to foreign aid and establish independent relations with regional powers and private multinationals. Armed clashes between pro-government militias and the distinctions that characterize the foreign policy of Somali regional states and the federal government in Mogadishu – such as in the case of the Gulf crisis – fall into this logic. The liberalization of international capital flows inevitably encouraged this trajectory as the various armed groups operating in Somalia - including al Shabaab – could now receive financial support from state actors and the diaspora without being force to occupy an administrative capital that gives them the legitimacy of the sovereign ruler.

Although Ethiopia is one of the most accomplished examples of high statecraft in sub-Saharan Africa, the Ethiopian geopolitical space remains crossed by tensions that occasionally result in low intensity conflicts at the periphery and the centre as well. Examples of this instability are the riots that occurred in the regional states of Oromia and Amhara in 2016, but also the armed skirmishes along the border between Oromia and Somali in 2017 and the clashes in the southwestern Gambella regional state.

Nevertheless, to talk of an increased level of violence would be wrong: the above-mentioned areas have been permanently crossed in the last seventy years by a certain minimum level of political violence, whose root causes are due to a mix of resistance to the advancement of the central state and competition between local communities for control of natural resources. The real innovation lay in the objective of contemporary armed violence: if, in the past, grievances were directed towards the political centre in Addis Ababa, ethnic federalism introduced by the Ethiopian government in the early 90s has now prompted a shift in the focus of conflict towards the periphery.

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Are we going towards a long period of instability or the perception of more conflicts is only exaggerated by media?

The riots in Amhara and Oromia in 2016 and the clashes along the border between Oromia and Somali arise from border disputes between neighbouring regional states, while political volatility in Gambella is largely provoked by the flow of refugees from neighbouring South Sudan and the fear of residents to lose their dominant position within the local political arena. In all these cases, the federal government was accused only indirectly, or managed to carve out a role as an impartial mediator between local contenders, thereby defusing any potential threat to the territorial integrity of the state.

Analysis, assessments, and forecasts

The evolution of regional international law is a blueprint of the contrast between Southern Africa’s political stability and the conflict-prone Horn of Africa region. In southern Africa, the tensions of the apartheid era and internal crises such as the Angolan civil war have given way, from 2003 onwards, to the consolidation of a status quo with the SADC at its epicentre. In the Horn of Africa, in contrast, the redrawing of the geopolitical map has been largely the result of the recognition of de-facto situations determined by bottom up popular mobilization, but the new order has not found broad diplomatic consensus among its key stakeholders.

The multiplication of the sources of conflict in the Horn of Africa is also encouraged by the ease with which the different political-military entrepreneurs in the area may obtain access to foreign aid of a private and public nature. In South Africa, by contrast, the states of the region have been able to monopolize foreign aid flows and put under direct control the trading flow of valuable export commodities such as oil and diamonds.

In sum, the degree of state building is the fundamental variable that explain the differences in level of armed violence between the two sub-regions. The success of regional states in Southern Africa to consolidate their internal sovereignty prerogative - the monopoly of force in the first place - and external sovereignty prerogatives – developing a set of norms that pave the way for a peaceful coexistence among neighbours – has meant that coercion and consent would advance hand in hand. In the Horn of Africa, by contrast, the weakening of internal sovereignty and the absence of a supranational shared legal system has turned violence into the primary means of dispute resolution. The reconstruction of these two pillars of state sovereignty may provide impetus for achieving political stability at a regional scale in the next future.