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## A CRITICAL ANALYSIS OF IMPACT OF BERLIN CONFERENCE, 1885 ON TERRITORIAL DISPUTES AMONG AFRICAN COUNTRIES

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### ABSTRACT

The colonial countries which means the western European countries had made lots of tragedy to the countries they were colonized. There are lots of countries have been affected in colonial period. There are lots of exploitation, slavery, human trafficking, force labour were common thing in those period. There lots of important event took place in this period. Once of such event is Berlin conference in 1885. The purpose of the conference was to solve the territorial disputes in Africa regarding to safeguard the interests of European countries and establishment of colonies in Africa with proper borders. Impact of the Berlin conference ended in Scramble Of Africa. Those persons who never ever visited the African continent were drawn lines in the map of Africa and established territorial borders for African countries. The territorial separation leads to various border disputes, ethnic conflicts, genocides, etc. Reason for these conflicts is that scramble was done only on basis to protect the interest of the European countries and not on the basis of geography and ethnic and tribal difference. The ethnic and tribal difference leads to lot of territorial disputes between various African countries. This research paper going to analysis about background for Berlin conference and it's impacts on the various territorial disputes in Africa which has sole reason is Berlin conference using historical and quantitative method by analysing scholarly writing, legal documents, case laws and other governmental records.

**KEYWORDS** – Berlin West African Conference 1884-1885, Colonialism, Scramble for Africa, Congo basin, River Congo, River Niger, River Nile, River Zambezi, free trade, principle of effective occupation, principle of sphere of influence.

### INTRODUCTION

Berlin conference was the one cruel event in the colonial history, that makes unsolvable problems to African continent in the name of ethnic and territorial disputes. In that conference, the European countries come up with a law that can be applicable for effective occupation of African continent for exploitation and colonial purposes by adopting two important principles which are principle of effective occupation and sphere of influence. Those persons didn't know the geographic, ethnic and cultural difference would paved out

the way for scramble of Africa, which meant that led to the European colonial countries to draw the borders of Africa for the sake their economical and political benefits. In this we going to analysis the some territorial disputes which are existing across African continent. The objectives of the article are to find the background of the conference and as well to find the reason behind the participation of participants to the conference, then to analysis the outcome of the conference, that was general act and how the European were divided the African territories between themselves, then

it would list out the existing territorial disputes with their background with situations.

### BACKGROUND OF THE BERLIN CONFERENCE

Portuguese is the first European country which established its colonial policy and centre for slave trade in Africa. They firstly established slave trade centre in Guinea in 1446, subsequently they found uninhabited Cape Verde Islands in 1456. They arrived to the mouth of River Congo in 1483, subsequently they crossed cape of good hope in 1488 and established their trade post in Mozambique and Zanzibar<sup>2192</sup>. After Portuguese, the French established their trade station in Senegal in 1638, Dutch established their settlement in Cape town in 1952<sup>2193</sup>, then British had established their in Africa first time in 1661, which in James Island of Gambia, but their slave trade began in 1787 from Sierra Leone.<sup>2194</sup>

The Europeans only have trade post and stations in coastal regions of Africa until 1885 Berlin conference, before 1885, they didn't move to inner part of Africa because of dense vegetation of African forests and fear of malaria & other diseases<sup>2195</sup>. However by the development of science and medicine, they cope up with these problems and has an opportunity to explore the inlands of African continent. The rapid industrialization, urgent need of raw materials, mass production, need to new investment opportunities and overpopulation are important factors with lead to colonization of inland of African continent<sup>2196</sup>. Another reason for colonization of inlands of Africa was exploration of European traveller into the inlands of Africa. The Portuguese sent Joao Fernandez who was the first explorer sent by Portugal in 1445 in the region of Sahara desert

region, he is considered as first explorer even there were many explorers from Greek period to Ottoman period because of this exploration done in course of period of colonialization<sup>2197</sup>. Then subsequently Portugal sent Pero d'Evora and Goncalvez Eannes to explore Timbuktu in 1487, Pero de covihao reached Abyssinia (Ethiopia) through Sofala in 1490, Francisco Barreto explored Zambezia in 1569, Jaspas Bocarro explored central Zambezi in 1616<sup>2198</sup>. Then the exploration was continued by various Christian missionaries with an intent to spread Christianity, exploration of Pedro Paez and Jeronimo Lobo from 1613 to 1618 in East African red sea region and Nile regions is important exploration done by missionaries<sup>2199</sup>. Then exploration of various river like river Gambia<sup>2200</sup>, river Niger<sup>2201</sup>, river Orange<sup>2202</sup>, river Rokel<sup>2203</sup>, river Zambezi<sup>2204</sup>, river Nile<sup>2205</sup> and other rivers in Africa by Britishers, Portuguese, Dutch and French explorers from 17<sup>th</sup> and 19<sup>th</sup> century is important reason for colonization of inlands of Africa.<sup>2206</sup>

The exploration of various rivers and need of raw materials which actually lead to scramble of Africa, but the immediate cause of the Berlin west African conference was exploration and colonization of Congo basin region by De Brazza for France and Henry Morton Stanley for Belgium king Leopold II's agency which is International association of Congo give the pathway for the conference<sup>2207</sup>. The main object of the Berlin

<sup>2192</sup> Timeline: European empire in Africa (Oxford reference) <https://www.oxfordreference.com/display/10.1093/acref/9780191736230.ti.meline.0001> accessed on October 8 2024

<sup>2193</sup> Timeline: European empire in Africa (Oxford reference) <https://www.oxfordreference.com/display/10.1093/acref/9780191736230.ti.meline.0001> accessed on October 8 2024

<sup>2194</sup> British empire (Britannica) <https://www.britannica.com/place/British-Empire> accessed on October 8, 2024

<sup>2195</sup> Ahmed Dogan's, "The Berlin west African conference 1884- 85 And Ottoman Empire", thesis submitted to Middle east technical university in March 2021

<sup>2196</sup> Ibid

<sup>2197</sup> Sir Harry H. Johnston's, "The history of colonization of Africa by alien forces" 1913 by Cambridge University press, pg no 300

<sup>2198</sup> Ibid

<sup>2199</sup> Sir Harry H. Johnston's, "The history of colonization of Africa by alien forces" 1913 by Cambridge University press, pg no. 300, 301

<sup>2200</sup> Sir Harry H. Johnston's, "The history of colonization of Africa by alien forces" 1913 by Cambridge University press, pg no 301- 306

<sup>2201</sup> Niger River (Britannica) <https://www.britannica.com/place/Niger-River> accessed on October 15, 2024.

<sup>2202</sup> Orange river (Britannica) <https://www.britannica.com/place/Orange-River/The-people-and-economy#ref37090> accessed on October 15, 2024

<sup>2203</sup> Sir Harry H. Johnston's, "The history of colonization of Africa by alien forces" 1913 by Cambridge University press, pg no 301- 340

<sup>2204</sup> The Zambezi expedition of David Livingstone (Britannica) <https://www.britannica.com/biography/David-Livingstone/The-Zambezi-expedition> accessed on October 15, 2024

<sup>2205</sup> Study and exploration in Nile River (Britannica) <https://www.britannica.com/place/Nile-River/Study-and-exploration> accessed on October 15, 2024

<sup>2206</sup> Sir Harry H. Johnston's, "The history of colonization of Africa by alien forces" 1913 by Cambridge University press, pg no 301 to 341

<sup>2207</sup> Ahmed Dogan's, "The Berlin west African conference 1884- 85 And Ottoman Empire", thesis submitted to Middle east technical university in March 2021



west African conference<sup>2208</sup> was Internationalization of river Congo and enables free trade processes across river Congo and river Niger. But this also made an end to slave trade and gave legal recognition for exploration and colonization of inland of Africa. This study tried to examine the Berlin West African Conference of 1884-1885, Which led to considerable consequences for the African continent in the 19<sup>th</sup> century. The Berlin West Africa Conference held between 15 November 1884 and 26 February 1885, was an event where the principles of the colonization of Africa were determined by the Great Powers.<sup>2209</sup>

#### PARTICIPANTS OF THE CONFERENCE <sup>2210</sup>

1. Austria-Hungary
2. Belgium
3. Denmark
4. France
5. Germany
6. Great Britain
7. Italy
8. The Netherlands
9. Ottoman Empire
10. Portugal
11. Russia
12. Spain
13. Sweden-Norway
14. United States of America

#### THE REASONS BEHIND THEIR PARTICIPATION

We already that rapid industrialization process and urgent need for raw materials leads to colonization of Asia and Africa. The colonization of Africa is happened after the colonization of Asia and America. Asia and America were already colonized by Britishers, Portuguese, Dutch, Spain and French. In 19<sup>th</sup> these countries needs Africa for the expansion of colonization process. The countries which were participated

in the conference had various reasons for annexation of inland Africa.

#### For Britishers

Great Britain is one dominant actor of the Berlin conference, it is because the overseas domination of Spain, Portugal and Dutch changed to Britishers in 18<sup>th</sup> century. These mentioned have domination over Asian, American and African region from 15<sup>th</sup> and 16<sup>th</sup> century. Later Britishers defeated these countries and had took over the colonies of such countries. In 19<sup>th</sup> century they defeated Dutch captured the cape town and annexed Orange river regions, then reached Transvaal region in 1877<sup>2211</sup>.

Another important reason for Britain is opening of Suez canal in 1869, for the purpose of protecting Indian colonies they need control of Suez canal. So they occupied Egypt in 1882. After the capture of Egypt and South Africa, they had an intent to connect the cape town and Cairo, and they need additional benefit from Africa which lead the Britain to participate in the Berlin conference<sup>2212</sup>.

#### For France

The France had various problems both internally and externally. It lost it's effective control in European region and Prussia region in 1870. And it lost Indian colonies to the Britain. The industrial development and there is no room for France for expansion of colonization in European region are two important factors for French colonization of Africa. There continuous lost it's colonies leads to annexation of Algeria in 1830, then Gabon in 1839, ten Mauritania and Senegal in 1854. Then continuously expanded its colonies in north west African region by annexation of Tunisia in 1881. Then the France moved it's expansion from north to central Africa and Congo basin region. That expansion

<sup>2208</sup> Considering the literature on this subject, it is seen that this conference is called by different names such as the Berlin West African Conference, Berlin Conference, or Congo Conference. Therefore, these names were used interchangeably throughout this study.

<sup>2209</sup> Ahmed Dogan's, "The Berlin west African conference 1884- 85 And Ottoman Empire", thesis submitted to Middle east technical university in March 2021

<sup>2210</sup> General Act of the Berlin Conference on West Africa, 1885, Preamble.

<sup>2211</sup> Ahmed Dogan's , "The Berlin west African conference 1884- 85 And Ottoman Empire", thesis submitted to Middle east technical university in March 2021

<sup>2212</sup> Ibid

is one of immediate reason for Berlin conference.<sup>2213</sup>

### For Portugal

Portugal is the first country who established territorial control in African continent, who had effective control over Morocco coastal region, Angola, Mozambique, Zanzibar and mouth of Congo basin River. The Portuguese were first European country who had landed in Congo basin region. In beginning of 16<sup>th</sup> century they lost these territories to other European countries. The activities of Belgium and France in Congo basin region alarmed the Portugal<sup>2214</sup>.

The Portugal had entered a treaty with Great Britain in 1884 to protect its sovereignty over mouth of Congo river which is known as “Congo treaty”<sup>2215</sup>. This treaty is also known as Anglo – Portuguese treaty was primarily made to protect its colonies from France and Belgium. It’s failed because the Britain parliament didn’t ratified that treaty. So that Portugal requested Germany to conduct a conference. That makes the Otto von Bismarck to arrange the Berlin west African conference.

### For Belgium

Belgium is not an independent country until 1931, It was under various major powers. The Belgium was united with Dutch in 1815 in Vienna congress. But by 1830 revolution in Belgium leads to an independent country. Leopold I was become the king of Belgium and he was in the until his death in 1865<sup>2216</sup>. After his death his son Leopold II become the king of Belgium and he wanted new colonies because other European countries had various colonies and he had jealous his cousin who is queen Victoria of great Britain had various colonies and her expansion of colonies in Africa region<sup>2217</sup>. He organised a

general conference in Brussels in 1876 for purpose of establishment of colonial activities in Africa. At the end of the conference, International African Association was formed with the chairmanship of king Leopold II. Then he hired Henry Morton Stanley for expeditions of Congo basin region. Henry Morton Stanley worked for Leopold II from August 1879 to June 1882<sup>2218</sup>, and made various agreements and treaties with local indigenous tribal leaders, then made the lands of Congo basin region as a personal property of king Leopold II<sup>2219</sup>. This activity of Henry Morton Stanley is another immediate cause for Berlin west African conference.

### For Germany

Until 1871, Germany were a consist of 39 smaller states rather than a single country, it was actually unified by Otto Van Bismarck who served as first chancellor of Germany from 1871 to 1890<sup>2220</sup>. Firstly Bismarck was not in favour of colonization, later on he changed his idea because to balance the power with European rivalries and in order to gain public support. We can understand the situation of Bismarck from the two following statements,<sup>2221</sup>

- *My map of Africa in Europe*
- *All colonial business are sham, but we need it for the elections.*

The Germany need new colonies, and also Portugal and king Leopold II requested Germany for a conference for the protection of interest in inlands of Africa, so that Germany conducted the Berlin west African conference.

### For Italy

<sup>2213</sup> Ibid

<sup>2214</sup> Ibid

<sup>2215</sup> Portugal—the Congo Treaty <https://api.parliament.uk/historic-hansard/commons/1884/jun/26/portugal-the-congo-treaty> accessed on October 15, 2024

<sup>2216</sup> Ahmed Dogan’s, “The Berlin west African conference 1884- 85 And Ottoman Empire”, thesis submitted to Middle east technical university in March 2021

<sup>2217</sup> Trevor Getz’s The Berlin conference <https://www.oerproject.com/-/media/WHF/PDF/Era6/WHF-6525-Read--Berlin-Conference--1150L.pdf>

<sup>2218</sup> Henry Morton Stanley (Britannica) <https://www.britannica.com/biography/Henry-Morton-Stanley> accessed on October 15, 2024

<sup>2219</sup> Feb 5, 1885 CE: Belgian King Establishes Congo Free State (National geographic) <https://education.nationalgeographic.org/resource/belgian-king-establishes-congo-free-state/> accessed on October 15, 2024

<sup>2220</sup> Otto von Bismarck: a brief guide to the ‘founder of modern Germany’ [History Extra( an official website for BBC history magazine) <https://www.historyextra.com/period/victorian/otto-von-bismarck-unification-germany-unify-biography-facts-how-prussian-politician/> accessed on October 15, 2024

<sup>2221</sup> Ahmed Dogan’s, “The Berlin west African conference 1884- 85 And Ottoman Empire”, thesis submitted to Middle east technical university in March 2021

City- states of Italy were splitted between Spain, Austria – Hungary and France around 17<sup>th</sup> and 18<sup>th</sup> century. It was united by Piedmont Victor Emmanuel II<sup>2222</sup> in 1861 without Venice and Rome. When Prussia defeated the Austrian empire in 1866 at that time Italy took back Venice, then France lost with Prussia leads to annexation of Rome with Italy. Italy also needs colonial to join with European legacy and European league. Firstly it targeted Tunisia, but it colonized by French in 1881. It's alliance with Germany gave pathway for Italy to participate in Berlin conference and for annexation of new colonies.<sup>2223</sup>

### For others

Ottoman Empire is participated because it has effectively control over the upper part of Africa, which was subsequently occupied by Britishers, France and Italy. For others like USA, Norway – Sweden , Austria Hungary and Dutch are participated to protect the their trade across the African continent especially in Congo basin region and Niger River region<sup>2224</sup>.

### IMMEDIATE CAUSE OF THE CONFERENCE

There are two immediate causes which triggered European countries to organise a Berlin west African conference. Which are De Brazza and Henry Morton Stanley activities in Congo basin region triggered the other European countries to make restriction upon the France and Belgium by making a free navigation system across the Congo river.

### De Brazza exploration

Pierre Savorgnan De Brazza is an Italian person who worked for annexation of central Africa, actually he had three mission for exploration of central Africa<sup>2225</sup>. Firstly mission is failure one which is started from Darkar Senegal from 1875

to 1878. But the second mission is fruitful successive mission which is actually started from December 1879 and end in June 1892. In this mission only he found Libreville and cross kukuo plateaus and signed a treaty with king Teke Illo I on September 10, 1880, which put the Congo under the sovereignty of France, then he further moved to M'fa village on October 3, 1880 and took the possession of N'couna under the name of Brazzaville<sup>2226</sup>. Then the third mission was started from 1883 March to 1885 November, in this period he annexed several of central Africa region.

### Henry Morton Stanley exploration

Henry travelled central Africa from east to west by exploring Lake Victoria, Lake Tanganyika and the Lualaba and Congo rivers. He covered 11000 km from Zanzibar to Boma at the mouth of Congo river. His expeditions were attracted by king Leopold II, so the king Leopold II hired the Henry Morton Stanley to make agreement in favour his agency International African Association. From 1879 to 1884, he signed around 400 treaties in favour of king Leopold II and make that lands as a personal property of him.<sup>2227</sup>

These two person's activities triggered the other to organise the an international conference. The Portuguese had struggle to protect it's in Congo basin region. So it entered a treaty with Britain for claim Sovereignty over the Congo basin river, what ever under the control of Portugal. These treaty was objected by France, Germany and Belgium and also it is failed because Britain parliament didn't ratified the treaty as well. In 1883, the Germany also captured Togo and Cameroon. Germany decide to arrange a conference to resolve issues in Congo basin region, free navigation across rivers in Africa and mainly for peaceful annexation of African

<sup>2222</sup> Unification of Italy (Britannica) <https://www.britannica.com/place/Italy/Unification> accessed on October 15, 2024

<sup>2223</sup> Ahmed Dogan's, "The Berlin west African conference 1884- 85 And Ottoman Empire", thesis submitted to Middle east technical university in March 2021

<sup>2224</sup> Ibid

<sup>2225</sup> Zephirin Sah's "Pierre Savorgnan De Brazza, a Life, a Story with the Congo" vol 3 No 4 October 2022 Randwick International of social science journal pg 910 - 913

<sup>2226</sup> Ibid

<sup>2227</sup> Henry Morton Stanley (Britannica kids) <https://kids.britannica.com/scholars/article/Henry-Morton-Stanley/69419> accessed on October 16, 2024



without any war between European countries.<sup>2228</sup>

### OUTCOME OF THE CONFERENCE

The Conference ran over a period of three months between 15 November 1884 and 26 February 1885. The outcome was the adoption of a General Act signed and ratified by all participants (with the exception of the US). The general act is made between those countries those who are the participants to the conference with an intention to regulate the conditions which would most favourable for development of trade and civilization in certain African regions and also to regulate the navigation to major rivers (Congo and Niger rivers) and also to solve the disputes arising out such navigations. The General Act contained four declarations and two Acts of Navigation arranged in seven chapters and separate articles.<sup>2229</sup>

### The four declarations Berlin conference<sup>2230</sup>

1. A Declaration relative to freedom of trade in the basin of the Congo, its embouchures and circumjacent regions.<sup>2231</sup>
2. A Declaration relative to the slave trade, and the operations by sea or land which furnish slaves to that trade.<sup>2232</sup>
3. A Declaration relative to the neutrality of the territories comprised in the Conventional basin of the Congo.<sup>2233</sup>
4. A Declaration introducing into international relations certain uniform rules with reference to Future

occupations on the coast of the African Continent.<sup>2234</sup>

### Two Acts For Navigation

1. Act of Navigation for the Congo, which, while having regard to local circumstances, extends to this river, its affluents, and the waters in its system.<sup>2235</sup>
2. Act of Navigation for the Niger, which, while likewise having regard to local circumstances, extends to this river and its affluents<sup>2236</sup>

Fourth declaration is made to regularize the effective occupation of Africa without any war and kaos. The declaration is named as "*Declaration relative to the essential conditions to be observed in order that new occupations on the coasts of the African continent may be held to be effective*". Which dealt in article 34 and article 35 of the general act of Berlin conference.

### There were two principles adopted under this act<sup>2237</sup>

#### 1. Principle of effective occupation

Colonial powers could acquire rights over colonial lands only if they possessed them: if they had treaties with local leaders, if they flew their flag there, and if they established an administration in the territory with a police force to keep order.

Africa is considered to a Terra nullius which means land belongs to no one. So that the European powers can occupy inlands of Africa from the coastal region and establish protectorate or colonies in the African continent. For establishment of protectorate or a colony, the country who occupies inland of Africa must notify their other signatory powers of the

<sup>2228</sup> Ahmed Dogan's, "The Berlin west African conference 1884- 85 And Ottoman Empire", thesis submitted to Middle east technical university in March 2021

<sup>2229</sup> Patrick Gathara' s "Berlin 1884: Remembering the conference that divided Africa" (Al Jazeera) <https://www.aljazeera.com/opinions/2019/11/15/berlin-1884-remembering-the-conference-that-divided-africa> accessed on October 15, 2024

<sup>2230</sup> Berlin West African conference ( Britannica) <https://www.britannica.com/event/Berlin-West-Africa-Conference> accessed on October 16, 2024

<sup>2231</sup> Chapter I (art 1 to 8) of the general act of Berlin conference on west Africa, 1885

<sup>2232</sup> Chapter II (art 9) of the general act of Berlin conference on west Africa, 1885

<sup>2233</sup> Chapter III(art 10 to 12 of the general act of Berlin conference on west Africa, 1885

<sup>2234</sup> Chapter VI (art 34 and 35) of the general act of Berlin conference on west Africa, 1885

<sup>2235</sup> Chapter IV (art 13 to 25) of the general act of Berlin conference on west Africa, 1885

<sup>2236</sup> Chapter V (art 26 to 33) of the general act of Berlin conference on west Africa, 1885

<sup>2237</sup> Berlin conference (Lumen candela ) <https://courses.lumenlearning.com/suny-fmcc-boundless-worldhistory/chapter/the-berlin-conference/> accessed on October 16 , 2024



conference<sup>2238</sup>. And also the other signatory powers had obligation to recognise the occupied territory for a signatory power who notified their occupation.<sup>2239</sup>

## 2. Spheres of influence

Sphere of influence, in international politics, the claim by a state to exclusive or predominant control over a foreign area or territory. The term may refer to a political claim to exclusive control, which other nations may or may not recognize as a matter of fact, or it may refer to a legal agreement by which another state or states pledge themselves to refrain from interference within the sphere of influence.<sup>2240</sup>

## SCRAMBLE OF AFRICA

After the Berlin conference, the European countries are effectively taken control over the African continent which means they divided or shared the inland of Africa between themselves. Only seven out of fourteen to the conference had occupied the African continent, rest of them participated in conference for the purpose of safeguard their trade activities across African region. Here the list of colonies which were occupied by European countries respectively with contemporary territorial borders (with present map)<sup>2241</sup>, except Ethiopia and Liberia all other countries had been colonized by the European powers<sup>2242</sup>.



<sup>2238</sup> Article 34 of General Act of Berlin conference on west Africa, 1885

<sup>2239</sup> Article 35 of General Act of Berlin conference on west Africa, 1885

<sup>2240</sup> Sphere of influence (Britannica) <https://www.britannica.com/topic/sphere-of-influence> accessed on October 16, 2024

<sup>2241</sup> Ahmed Dogan's, "The Berlin west African conference 1884- 85 And Ottoman Empire", thesis submitted to Middle east technical university in March 2021

<sup>2242</sup> Countries in Africa Considered Never Colonized (Thought Co) <https://www.thoughtco.com/countries-in-africa-considered-never-colonized-43742> accessed on October 16 2024.

## Credits; Research gate

## Countries occupied by Britishers<sup>2243</sup>

1. South Africa
2. Lesotho
3. Eswatini
4. Zimbabwe
5. Zambia
6. Botswana
7. Malawi
8. Kenya
9. Uganda
10. South Sudan
11. Sudan
12. Egypt
13. British Somaliland
14. Gambia
15. Ghana
16. Nigeria
17. Sierra Leone
18. Seychelles
19. Mauritius

## Countries occupied by France<sup>2244</sup>

1. Algeria
2. Morocco
3. Tunisia
4. Mali
5. Mauritania
6. Senegal
7. Guinea
8. Gabon
9. Niger
10. Burkina Faso
11. Benin
12. Cote d'Ivoire
13. Central African republic
14. Republic of Congo
15. Madagascar
16. Chad
17. Djibouti
18. Reunion

<sup>2243</sup> Member countries (The common wealth) <https://thecommonwealth.org/our-member-countries> accessed on October 16, 2024

<sup>2244</sup> French colonial policy in Africa, (Ministry of foreign affairs Russia) [https://mid.ru/en/foreign\\_policy/historical\\_materials/1957984/](https://mid.ru/en/foreign_policy/historical_materials/1957984/) accessed on October 16, 2024

### Countries occupied by Spain<sup>2245</sup>

1. Parts of Morocco ( northern Morocco, Sidi- Ifni , Tarfuya )
2. Western Sahara
3. Equatorial Guinea

### Countries occupied by Germany<sup>2246</sup>

1. Togo (Includes central Volta region of Ghana)
2. Cameroon
3. Namibia
4. Rwanda
5. Burundi
6. Tanzania

### Countries occupied by Portugal<sup>2247</sup>

1. Guinea Bissau
2. Angola (includes Cabinda Port)
3. Mozambique
4. Cape Verde Islands
5. Sao tome and Principe

### Countries occupied by Italy<sup>2248</sup>

1. Libya
2. Italian Somaliland
3. Eritrea

### LIST OF AFRICAN TERRITORIAL DISPUTES

The present border of Africa is drawn by European in accordance with general act of Berlin conference on west Africa, 1885 and the intent to protect the interest of their control over African continent. They doesn't bother about the cultural, linguistic, ethnic and religious differences among the African peoples. The were drawn solely for exploitation of natural resources in Africa and colonial purposes. The principle adopted by general act of Berlin

conference is one of immediate cause of most of the territorial disputes between various African countries. In this article we going to list out around seven territorial disputes, in which the root cause of every dispute was Berlin conference, because that paved out the way for occupation of African territories by legitimize that occupation by the two principles which are adopted in the conference. Because of such principle the European were colonies the African territories without opposition and purely for their economical and political benefits without considering the racial, cultural, geographical and ethnic difference, and they drawn the borders for their colonies without considering that difference, this would lot various ethnic and territorial disputes. Out of those disputes we discussing some of territorial disputes in this article.

#### 1. Bakassi peninsula conflicts

It is a peninsula, approximately 665 sq.km which is stretches between Nigeria and Cameroon in the gulf of Guinea. The Bakassi peninsula is an oil rich area which lead to the conflict between Nigeria and Cameroon. Cameroon's title over the Bakassi peninsula was confirmed by the result of plebiscite conducted by united nations in February 1961. It was again confirmed by Maroua declaration which was signed between Nigeria Head of the state, Yakubu Gowan and Cameroonian head, Ahmaduo Ahidjo.

But in 1992 Nigeria published it's official map with Bakassi peninsula, then in 1993 December the Nigeria invaded Bakassi peninsula. So that the Cameroon filed a case against Nigeria before International court of justice (ICJ). It ruled in favour of Cameroon in 2002 by relying upon Thomson- Marchand Declaration, 1929-1930 and Anglo – German agreement, 1913. But this verdict is opposed by Nigeria saying that the

<sup>2245</sup> Spain colonial rule (Oxford bibliographies) <https://www.oxfordbibliographies.com/display/document/obo-9780199846733/obo-9780199846733-0205.xml#:~:text=North%20Morocco%2C%20Ifni%2C%20the%20Tarfaya,defined%20as%20Spanish%20colonial%20Africa>. Accessed on October 16, 2024

<sup>2246</sup> Colonialism as Shared History: Exploring Germany's colonial past (Federal Foreign office) <https://www.auswaertiges-amt.de/en/aussenpolitik/regionaleschwerpunkte/afrika/shared-history-conference/2402998#:~:text=Overdue%20examination%20of%20the%20German,%20Cameroon%2C%20Togo%20and%20Ghana>. Accessed on October 16, 2024

<sup>2247</sup> Portugal Colonialism in Africa (Oxford Research encyclopaedia) <https://oxfordre.com/africanhistory/display/10.1093/acrefore/9780190277734.001.0001/acrefore-9780190277734-e-183> accessed on October 16, 2024

<sup>2248</sup> Colonies(Italy), [International Encyclopedia of the First World War] <https://encyclopedia.1914-1918-online.net/article/colonies-italy-1-1/> accessed at October 16, 2024.

agreements made in colonial era<sup>2249</sup>. In 2006 the Nigeria accept to implement the ICJ judgement by which the Cameroon – Nigeria mixed commission set up united nations in 2002 and also agreed to withdraw the forces from Bakassi peninsula<sup>2250</sup>. This commission going to end the demarcation of disputes borders by the end of 2025<sup>2251</sup>.

## 2. Ilemi triangle Disputes

It is a triangle shaped disputed land, which approximately covers 14000 sq.km between, Kenya, South Sudan and Ethiopia. It is sparsely inhabited area and homeland for five indigenous groups which Tuekana, Didinga, Toposa, Inyangatom and Dassanech, who are members of ethno cultural groups of Ethiopia, Kenya, Uganda and South Sudan<sup>2252</sup>. Conflict is arose between south Sudan and Kenya, and also claimed by Ethiopia. This Ilemi triangle has four configurations, the 1902Maud line confined title to South Sudan, 1950 Sudan patrol line confined title to Kenya and both 1938 red line & 1947 blue line separate disputed Ilemi triangle between Kenya and South Sudan<sup>2253</sup>. On June 17, 2019 both the government of Kenya and South Sudan agreed to settle their disputes peacefully over Ilemi triangle and engaged to demarcate their borders together<sup>2254</sup>. A joint border commission also set by these

governments to resolve the disputes and decaration of border.<sup>2255</sup>

## 3. Hala'ib triangle and Bir Tawil

Hala'ib triangle or Halayeb triangle is a triangled shape area, which covers approximately 20580 sq.km located between Egypt and Sudan on the coast of Red sea<sup>2256</sup>. These both countries were colonies of great Britain, the Britain fix political boundary in 1899 and administrative boundary in 1902 between Egypt and Sudan. 22d parallel line is the line which divides the boundary between Egypt and Sudan Sudan. Hala'ib triangle lies north to 22 d parallel and Bir Tawil lies south to 22d parallel. As per administrative boundary fixed by Britain, Hala'ib triangle assigned to Sudan and Bir Tawil assigned to Egypt. The Egypt follows 1899 political boundary, whereas Sudan follow 1902 administrative boundary<sup>2257</sup>. Differences in following of boundary fixation (political and administrative fixation) makes ttitle of Hala'ib triangle is claimed by both countries and Bir Tawil remain unclaimed even though it was formerly administrated by Egypt. After independence from Britain, Sudan planned to hold the election in Hala'ib triangle, the Egypt sent it's troops to disputed area.<sup>2258</sup> Afterwards both countries controlled the disputed area until 2000, in 2000 Sudan withdrew all forces from Hala'ib triangle, it comes under the de facto control of Egypt. The Sudan stressed Egypt for international

<sup>2249</sup> [1998] ICJ Rep 275, Cameroon vs Nigeria, Institution of proceedings

<sup>2250</sup> Nigeria, Cameroon sign agreement ending decades old border disputes; set procedure for Nigerin withdrawal from Bakassi peninsula, UN press release AFR/1397, 12 June 2006

<sup>2251</sup> Cameroon and Nigeria Resolve to End Long-running Border Dispute Amicably, (Africa.com) <https://www.africa.com/cameroon-and-nigeria-resolve-to-end-long-running-border-dispute-amicably/> accessed on October 16, 2024

<sup>2252</sup> Nene Mburu' s "Delimitation of the Elastic Ilemi triangle: pastoral conflicts and official indifference in the Horn of Africa," African studies quarterly, volume 7 issue 1, 2003.

<sup>2253</sup> Ilemi Triangle, (Rift valley institute) <https://riftvalley.net/events/ilemi-triangle/> accessed on October 16, 2024

<sup>2254</sup> The Ilemi triangle: Understanding a Pastoralist border area( pax for peace) <https://paxforpeace.nl/news/the-ilemi-triangle-understanding-a-pastoralist-border-area/><https://paxforpeace.nl/news/the-ilemi-triangle-understanding-a-pastoralist-border-area/> accessed on October 16, 2024

<sup>2255</sup> Kenya-South Sudan Talks Could Be Model for Resolving Border Disputes, ( African Defence Forum) <https://adf-magazine.com/2023/03/kenya-south-sudan-talks-could-be-model-for-resolving-border-disputes/> accessed on October 16, 2024.

<sup>2256</sup> Halayeb triangle,(the free dictionary) <https://encyclopedia2.thefreedictionary.com/Halaib+Triangle> accessed on October 16,2024

<sup>2257</sup> The Halayeb Triangle, (Thought Co) [https://www.thoughtco.com/halayeb-triangle-1435449#:~:text=The%20Halayeb%20Triangle%20\(map\)%2C,ib%20which%20is%20located%20there.](https://www.thoughtco.com/halayeb-triangle-1435449#:~:text=The%20Halayeb%20Triangle%20(map)%2C,ib%20which%20is%20located%20there.) Accessed on October 16, 2024.

<sup>2258</sup> Sherif Mohyeldeen's "The Egypt-Sudan Border: A Story of Unfulfilled Promise" (Carnegie middle East centre) <https://carnegiefoundation.org/research/2021/01/the-egypt-sudan-border-a-story-of-unfulfilled-promise?lang=en&center=middle-east> accessed on October 16, 2024



arbitration on dispute regarding Hala'ib triangle, but this proposal was not accepted by Egypt<sup>2259</sup>.

#### 4. Western Sahara conflict

Western Sahara is a territory of extensive desert Atlantic-coastal area, which covers approximately 2,52,120 sq.km of north west Africa. It is bounded by Mauritania on the east and south and Morocco on the north and Atlantic ocean on the west<sup>2260</sup>. Western Sahara was a protectorate of Spain in 1884 by various agreements with the local chiefs of nomadic tribes of Western Sahara.<sup>2261</sup>

Western Sahara got independence in 1975 from, after Spain relinquished its control from Western Sahara, it was occupied by Morocco on northern side and Mauritania on southern side. Polisario Front, which is politico- military insurgent groups who wanted to establish an independent country for Sahrawi community<sup>2262</sup>. Polisario Front fought against both powers of Morocco and Mauritania. Mauritania withdrew its control from southern side of western Sahara in 1979, after a series of military defeats with Polisario Front and leaving it Morocco<sup>2263</sup>. Over a following years, Polisario Front took control over a 20% of Western Sahara, Polisario proclaimed it as Sahrawi Arab Democratic Republic and remaining area is in the hands of Morocco. There are series of war which happened from 1975 with Morocco came to an end in 1991 by UN mediation settlement plan for ceasefire and referendum. UN buffer zone was

established to avoid war between Morocco and Polisario Front<sup>2264</sup>. And also MINURSO<sup>2265</sup> a mission set by UN to monitor the ceasefire and to organise the referendum. In 1974, UNGA requested ICJ an advisory opinion about the legal ties of western Sahara with kingdom of Morocco and Mauritanian entity, by its opinion ICJ clearly explained that the both Morocco and Mauritania doesn't have any legal or claim over Western Sahara and also said that the Sahrawi people have right of self determination<sup>2266</sup>. This advisory opinion was not accepted Morocco and Morocco proposed a plan in 2007, that is self government with autonomy can be established under the sovereignty of Morocco, which was not accepted by Polisario Front. In 2021<sup>2267</sup>, UN secretary general appointed a United Nations personal envoy for western Sahara to provide a good office and help advance a political solution to the conflict in western Sahara region, which is on the basis of United nations security council resolution<sup>2268</sup>. De Mistura, the UN envoy suggested that the partition of western Sahara region between Morocco and Polisario Front will be helpful to solve dispute in the region<sup>2269</sup>. The doesn't shows its support and response to UN initiatives to solve the issue in this region.

#### 5. Sudan Vs South Sudan

South Sudan is a part of Sudan until 2011, South Sudan become a separate independent country in 2011<sup>2270</sup> by a

<sup>2259</sup> 2017 in numbers: Egyptian projects in Hala'ib, Shalateen (Egypt today news) <https://www.egypttoday.com/Article/1/38088/2017-in-numbers-Egyptian-projects-in-Hala%E2%80%99ib-Shalateen> accessed on October 16, 2024

<sup>2260</sup> Western Sahara (Britannica) <https://www.britannica.com/place/Western-Sahara> accessed on October 20, 2024

<sup>2261</sup> [1975] ICJ Rep 12, Advisory opinion on Western Sahara, summaries of judgments.

<sup>2262</sup> Polisario Front (Britannica) <https://www.britannica.com/topic/Polisario-Front> accessed on October 20, 2024

<sup>2263</sup> The Western Sahara conflict: A fragile path to negotiations (Atlantic council) <https://www.atlanticcouncil.org/in-depth-research-reports/report/the-western-sahara-conflict-a-fragile-path-to-negotiations/> accessed on October 20, 2024

<sup>2264</sup> Ibid

<sup>2265</sup> United Nations Mission for the Referendum in Western Sahara.

<sup>2266</sup> [1975] ICJ Rep 12, Advisory opinion on Western Sahara, summaries of judgments

<sup>2267</sup> Secretary-General Appoints Staffan de Mistura of Italy Personal Envoy for Western Sahara, UN press release, SG/A/2068, 6 October 2021

<sup>2268</sup> Security Council resolution 2548 (2020) [on extension of the mandate of the UN Mission for the Referendum in Western Sahara (MINURSO) until 31 Oct. 2021]

<sup>2269</sup> UN envoy proposes partitioning Western Sahara, (Britannica) <https://www.britannica.com/news/640800/ca8345164fdcf9696635aa481bcb> accessed on October 20, 2024

<sup>2270</sup> South Sudan (The Enough project) <https://enoughproject.org/conflicts/south-sudan> accessed on October 20, 2024

referendum because of cultural, religious differences between Sudan and South Sudan<sup>2271</sup>. There are various agreement made between government of Sudan and Sudanese people liberation army except Abyei region. Abyei region is an oil rich area covers approximately 10000sq.km<sup>2272</sup>, which stretches between Sudan and South Sudan, almost in the middle of the border. This Abyei region is inhabited with Misseriya and Ngok Dinka tribes. Misseriya tribes actually supports the government of Sudan, whereas Ngok Dinka tribes support the southern side, Sudanese people liberation army<sup>2273</sup>. These case In 2009, there was settled by permanent court of arbitration (PCA)<sup>2274</sup>, as per the award the people who lived continuously for three years in the region of Abyei region would be eligible for vote for referendum. By relying of such award, the Misseriya tribes were denied to vote because who being nomadic and occupies the region in seasonal basis. Ngok Dinka tribes only vote for referendum and unsurprisingly, the result in favour of Sudanese people liberation army (South Sudan), which was objected and not accepted by Sudan<sup>2275</sup>. Sudanese army forces (SAF) backed by government of Sudan, which invaded in the region, which makes the displacement of Ngok tribes. Then a temporary agreement signed between government of Sudan and Sudanese people's liberation army for calling of UN interim force for the administration of Abyei region until the settlement of

disputes<sup>2276</sup>. As the agreement Ethiopian forces appointed for administration of Abyei region which is known as United Nations Interim Security Force for Abyei (UNISFA)<sup>2277</sup>. Even though there were lots of attempts for settlement through various negotiation between two countries, which is not been resolved. Nowadays the region also have impact of internal military conflict, which leads to killing of UN peacekeeping forces.<sup>2278</sup> Another disputed area is Heglig, this dispute resolved between Sudan and South Sudan. Heglig region is oil rich region which is actually belongs to Sudan which is confirmed under a case of Permanent Court Of Arbitration (PCA)<sup>2279</sup>. Then in 2012, because of continuous opposition from international community it withdrew its army from Heglig region and leaves that in hands of Sudan.<sup>2280</sup>

## 6. Sudan vs Darfur

Darfur is the western part of Sudan, which approximately covers 4,44,000 sq.km.<sup>2281</sup> Since Sudan got independence in 1956, it have been ruling by elites of Khartoum and Sudan population is mostly consist of 70% of Arab and remaining are non Arabs communities<sup>2282</sup>. The Sudan always neglected the non – Arabs, who are living in Darfur region and Christians ,

<sup>2271</sup> What's the difference between Sudan and South Sudan? (Oxfam) <https://www.oxfamamerica.org/explore/stories/whats-the-difference-between-sudan-and-south-sudan/> accessed on October 20, 2024

<sup>2272</sup> Ben Jackson' s "Opinion – The Sudanese Conflict and the Abyei Dispute" (E- international relations) <https://www.e-ir.info/2023/07/18/opinion-the-sudanese-conflict-and-the-abiei-dispute/> published on July 18 2023

<sup>2273</sup> Ibid

<sup>2274</sup> 2008-07, PCA , The government of Sudan vs Sudanese people's army/ movement ( Abyei Arbitration)

<sup>2275</sup> Ben Jackson' s "Opinion – The Sudanese Conflict and the Abyei Dispute" (E- international relations) <https://www.e-ir.info/2023/07/18/opinion-the-sudanese-conflict-and-the-abiei-dispute/> published on July 18 2023

<sup>2276</sup> What is the Abyei Area and Why is it Disputed? (The Enough project) <https://enoughproject.org/blog/enough-101-what-abiei-area-and-why-it-disputed> accessed on October 20, 2024.

<sup>2277</sup> Sam Biden's "Abyei's Struggle for Stability as Intercommunal Conflict Continues" (Human security centre) <http://www.hscentre.org/africa/abieis-struggle-stability-intercommunal-conflict-continues/> accessed on October 20, 2024.

<sup>2278</sup> Sudan-South Sudan border: Clashes kill dozens in disputed Abyei region (BBC) <https://www.bbc.com/news/world-africa-68134004> accessed on October 20, 2024.

<sup>2279</sup> Abdelkhalig Shaib, "It's not just why Heglig, but why now?" ( Al Jazeera) <https://www.aljazeera.com/opinions/2012/5/9/its-not-just-why-heglig-but-why-now> accessed on October 21, 2024.

<sup>2280</sup> A Crucial Question as Conflict Escalates Between Sudan and South Sudan: Where is Heglig? ( The Enough Project) <https://enoughproject.org/blog/crucial-question-conflict-escalates-between-sudan-and-south-sudan-where-heglig> accessed on October 20, 2024.

<sup>2281</sup> Darfur, (Britannica) <https://www.britannica.com/place/Darfur> accessed on October 21, 2024

<sup>2282</sup> Sudan's civil war is rooted in its historical favouritism of Arab and Islamic identity, (The conversation) <https://theconversation.com/sudans-civil-war-is-rooted-in-its-historical-favouritism-of-arab-and-islamic-identity-228533> accessed on October 21, 2024

who are living in the southern region. By continuous struggle, southern side of Sudan got independence and become a separate country as South Sudan in 2011. Likewise in Darfur also a rebel group emerged and attacked government buildings in Jebel Marra mountains in 2000<sup>2283</sup>. Rapid support force(RSF)<sup>2284</sup>, a paramilitary force which is formed by the government of Sudan in 2000 to tackle conflict in Darfur<sup>2285</sup>. The attack of rebel group in 2003 lead to ethnic cleansing against Massalit and non Arab communities in the Darfur region. At least 4,00,000 people were been killed in the attacks of RSF(Rapid support force)<sup>2286</sup>. In 2008 International criminal court issued arrest warrant against Omar Al Basir, who is sitting president of Sudan at that time. The arrest warrant was issued for genocide against non Arabs, war crimes and crimes against humanity in the region of Darfur<sup>2287</sup>. And also in 2007, United Nations and African union jointly established a peace keeping mission in Darfur, which is known as United Nations – African union Hybrid Operation in Darfur (UNAMID)<sup>2288</sup>. Even though there is peace keeping force established, the atrocities of RSF is still continuous and the problem is not yet settled.

## 7. Ethiopia Vs Eritrea

Eritrea was a part of Ethiopia until it was occupied by Italy 1869, Italy had it's control over Eritrea until 2<sup>nd</sup> world war,

after the war Eritrea get independent had it's autonomy until it was occupied by Ethiopia in 1961<sup>2289</sup>. It was a part of Ethiopia again from 1961. In 1991, by a revolution Eritrea become independent country and the border between Ethiopia and Eritrea was clearly marked except the town of Badme. The Badme is humble, dusty market town with no apparent value and it doesn't have oil, diamond, etc... but the both Ethiopia and Eritrea wanted that town should be within their borders<sup>2290</sup>. The war was broken out between these two countries in 1998 and it was stopped Algiers peace agreement and both agreed to settle the dispute by establishment of boundary commission<sup>2291</sup>. The Eritrea – Ethiopia boundary commission was established in same year and 18 months in 2002 the boundary commission decided that the town of Badme is belongs to Eritrea<sup>2292</sup>. But the decision was objected by Ethiopia and the town remain in the control of Ethiopia until they become allies for Tigray war 2018, now the town is in the control of Eritrea.<sup>2293</sup>

## CONCLUSION

Colonialism did lots of tragedy to the third world countries, they can't come out of the effect of Colonialism still now. But for African continent, it did more than that tragedies done to the Asian countries. The European powers scrambled the African and dividing the territories of Africa as like of cutting and sharing of a cake. They divided the Africa and fixed the territorial boundaries without analysing the ethical, cultural, religious, linguistic and ethnic differences. Because of that, there are lots of

<sup>2283</sup> Darfur: Between two wars (Al Jazeera) <https://www.aljazeera.com/features/longform/2023/6/30/between-two-wars-20-years-of-conflict-in-sudan-darfur> accessed on October 21, 2024

<sup>2284</sup> Who are the Rapid Support Forces, the paramilitaries fighting Sudan's Army?, (The New York times) <https://www.nytimes.com/2023/04/17/world/africa/paramilitary-rsf-explainer.html> accessed on October 21, 2024

<sup>2285</sup> Sudan unrest: What are the Rapid Support Forces?, (Al Jazeera) <https://www.aljazeera.com/news/2023/4/16/sudan-unrest-what-is-the-rapid-support-forces> accessed on October 21, 2024

<sup>2286</sup> Darfur: Between two wars (Al Jazeera) <https://www.aljazeera.com/features/longform/2023/6/30/between-two-wars-20-years-of-conflict-in-sudan-darfur> accessed on October 21, 2024

<sup>2287</sup> Darfur, Sudan ( International Criminal Court), <https://www.icc-cpi.int/darfur> accessed on October 21, 2024

<sup>2288</sup> UNAMID Fact sheet, (United Nations peacekeeping) <https://peacekeeping.un.org/en/mission/unamid> accessed on October 21, 2024

<sup>2289</sup> Sandra F. Joireman' s "Ethiopia and Eritrea: Border War", Political Science Faculty Publications of Richmond school of arts and science, 2000

<sup>2290</sup> Remembering Eritrea-Ethiopia border war: Africa's unfinished conflict, (BBC) <https://www.bbc.com/news/world-africa-44004212> accessed on October 21, 2024.

<sup>2291</sup> Ibid

<sup>2292</sup> 2001- 01, Permanent Court Of Arbitration( PCA), Eritrea- Ethiopian boundary commission, decisions

<sup>2293</sup> Remembering Eritrea-Ethiopia border war: Africa's unfinished conflict, (BBC) <https://www.bbc.com/news/world-africa-44004212> accessed on October 21, 2024.



massacre, crimes against humanity, even genocides and boundary disputes were happened and happening across the African continent. The territorial disputes between various countries across had great impact on living conditions of people. The people are suffered because of border disputes and wars. Even after independence from colonial powers, the African leaders follow the border which was fixed by colonial powers in accordance with Berlin west African conference, 1885, this is because to avoid the further conflict and thought that the new demarcation of boundaries leads to war like situation across Africa and they follow colonial border because to avoid further ethnic cleansing and crimes against humanity. Even though they have feeling for avoidance of war, the existing diversity and differences among the people leads to various border disputes and crimes against humanity.

There are lots and lots of territorial disputes across African continent, in this I discussed only seven out of many, every country which has boundary disputes with their neighbours. The base for such disputes is Berlin conference, the conference only paved the way for effective occupation and fixation of territorial boundaries among the European powers. Some of disputes now has been settled, some has been in process of arbitration and others disputes has to be settled.

I think that can be settled or solved by changing the political structure of Africa into single federation for entire Africa with the autonomous tribal or indigenous region, why I recommending that because Africa is a multi cultural and consists of various diverse ethnic groups. The diversity of the African continent is a root cause for ethnic and territorial disputes. If Africa would be a federation then these problems will be reduced and that federation would dealt with external and interstate matters and then the autonomous or indigenous region is considered to be a state that would dealt with internal matters. The African peoples also prefer to identify them as African rather than with their

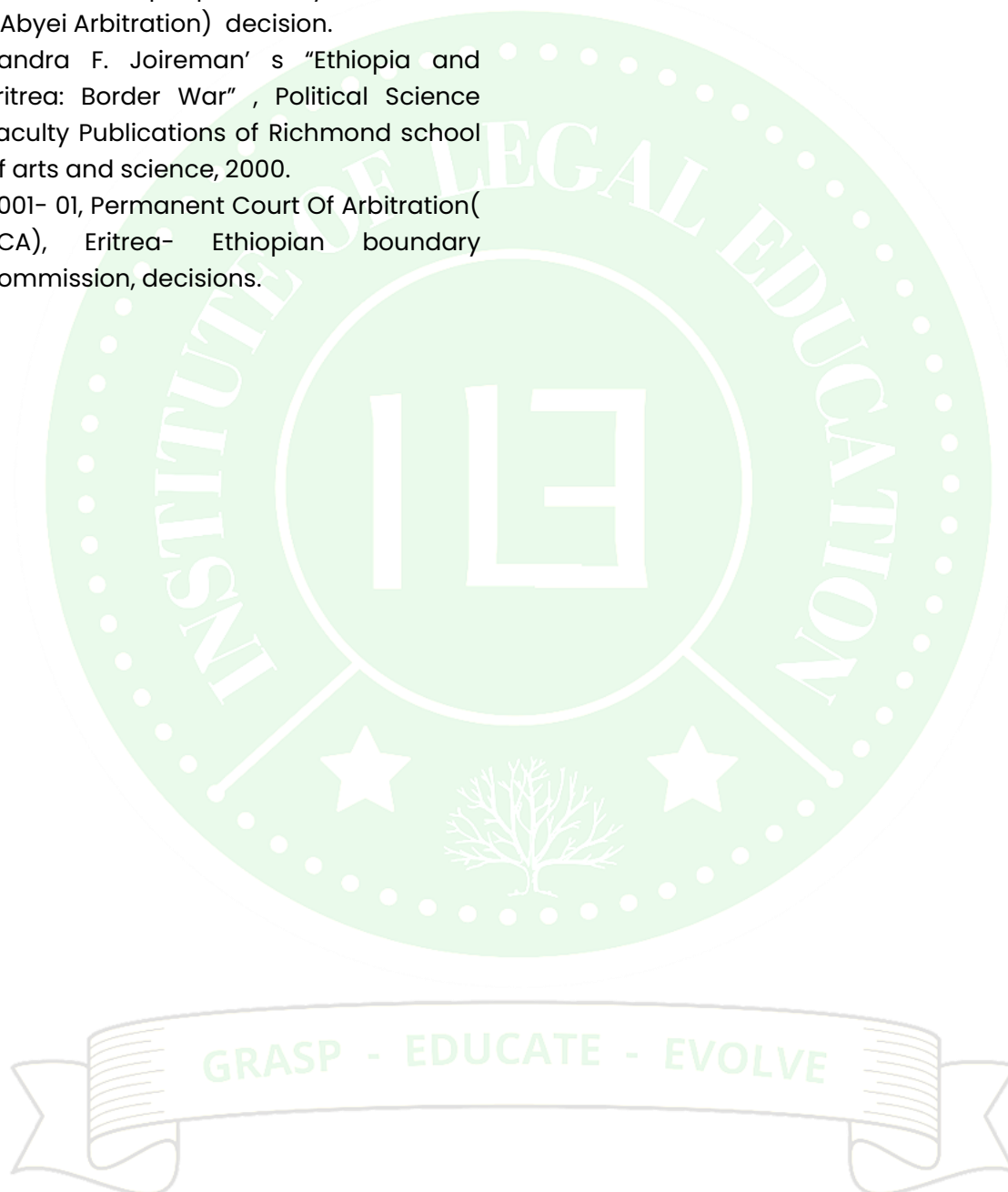
ethnic names. African union is regional international organisations which there in Africa for peaceful cooperation among African countries. The African peoples and some African countries doesn't believe the African union, which is because of influence of western powers in activities of African union. I think the people of Africa should act in pursuit of common development of all Africa and should have the feeling of "Africa" rather than their ethnic-identities. That would help the African peoples to avoid territorial and ethnic disputes and also able to tackle the influence of European powers through Neo-colonial policies among the African countries.

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