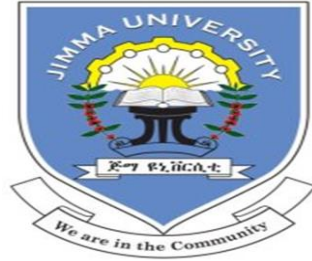


Jimma University

College of Law and Governance

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Internal Border Delineations and Contested Lands in Post-1991

Ethiopia: The Case of Tigray-Amhara Border Disputes

A Master's Thesis submitted to Jimma University, College of Law and Governance, Department of Governance and Development Studies, in Partial Fulfillment of the Requirement for the Award of Master of Arts in Peace and Conflict Studies.

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**Declaration**

I (Amanuel Seifu Sireat), the undersigned, hereby declare that this research work entitled "Internal Border Delineations and Contested Lands in Post-1991 Ethiopia: The Case of Tigray-Amhara Border Disputes" is my original work and that it has not been submitted for a degree award to another university elsewhere, and that it complies with the university's regulations and fulfils the accepted requirements in terms of originality and quality.

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## **ACRONYMS AND ABBREVIATIONS**

AU	African Union
CSA	Central Statistical Agency
DDR	Disarmaments, Demobilizing and Reintegrating
ECSJ	Ethiopian Citizens for Social Justice
ENDF	Ethiopian National Defense Force
EPRDF	Ethiopian People’s Revolutionary Democratic Front
FDRE	Federal Democratic Republic of Ethiopia
HoF	House of Federation
HOPR	House of People’s Representatives
IGAD	Intergovernmental Authority on Development
NEBE	National Election Board of Ethiopia
OFC	Oromo Federalist Congress
SNNP	Southern Nations, Nationalities and Peoples’
TDF	Tigray Defense Force
TPLF	Tigray People Liberation Front
UN	United Nations
USA	United State of America

## **Abstract**

*Post 1995 Ethiopia has become an era of interstate border disputes between regional states of the federation over contested lands. These disputes have become a threat to national cohesion and stability of the country as they are becoming sometimes violent. And, in the last five years the dispute between the Tigray and Amhara regional states over Raya and Wolkait lands is a good example for such sort of disputes. Thus, this exploratory study aimed to investigate how the existing constitutional and institutional frameworks effectively resolve border conflicts between the Tigray and Amhara Regional States, how internal border demarcations affect the relationships, cooperation, and peaceful coexistence of the two communities, how the land/boundary dispute between Tigray and Amhara affects the effective implementation of the Pretoria Peace Agreement signed between the TPLF and FDRE government on November 2, 2022, in South Africa to end the two-year civil war in North Ethiopia as well as how demobilizing and reintegrating paramilitary forces that play a role in minimizing the claim of land in dispute. To this end, an a semi-structured interview was conducted with purposively selected participants as well as secondary sources were thoroughly referred to collect all necessary data to meet the study objectives.*

*Moreover, the FDRE Constitution spells out ethnicity and other social values as a baseline to demarcate the internal border, but there have been some claims and contested lands across the country throughout the years since 1991. One of the core principles instituted by the constitution is the formation of states along ethnic lines where states are delimited on the basis of settlement patterns, language, identity and consent of the concerned people.*

*The findings of this study showed that the mandated body in the HoF is ineffective to solve the Welkait and Raya case with the existing constitutional and institutional frameworks. Moreover, the question of impartiality and being free from any political influence are another huge factor which could hamper the case to entertain by the institution independently. In addition to this, the Pretoria peace agreement and its effective implementation faced an obstacle by refusing regional forces not to disarm and remain the accord in danger. Therefore, the current political tension and mistrust among people can be addressed through public to public discussion and settle their differences in proper way are the way forward of the study.*

***Key words: Interstate border disputes, national cohesion, Pretoria peace agreement, disarm, political tension and mistrust, public to public discussions***



# **1.INTRODUCTION**

## **1.1 BACKGROUND OF THE STUDY**

Numerous African states become embroiled in interstate conflict for a variety of reasons. Most of them engage in conflicts or conquest wars to manage natural resources for a variety of reasons. The Greater Horn of Africa, on the other hand, is the continent's region with the most severe violence, leading to border conflicts (Kesse, 2018).

Since Ethiopia's modern state was founded, ethnic group-based intra-state disputes have increased in frequency. However, Emperor Haile Selassie and the military government ignored these problems and concentrated on establishing an Ethiopian state. Consequently, protracted civil warfare persisted and ultimately served as the primary catalyst for the military regime's overthrow in 1991 (Young, 1998 cited in Admassu, 2019). Accordingly, since 1994, the Ethiopian People's Revolutionary Front (EPRDF) government has used federalism to manage intra-state conflicts. Nations, nationalities, and people are regarded as the supreme sources of authority in the Federal Democratic Republic of Ethiopia (1995) (Article 8/1) (Admassu, 2019).

Ethiopia is home to more than 80 ethnolinguistic groups, each with its own history, language, and culture. All of them have coexisted and continue to exist as nations among nations despite their various historical origins and multiple sites of interaction throughout the centuries (Teferi, 2012). Notwithstanding, after the EPRDF came to power and enacted ethnic federalism in post-1991 Ethiopia, some scholars criticized Ethiopia's ethnic-based federalism because it would make citizens more likely to identify as members of a particular ethnic group than as Ethiopians (Daba & Mulu, 2017). According to Daba and Mulu (2017), this may result in the loss of national consensus and a sense of belonging to one country.

Apparently, with the fall of Mengistu's regime in 1991, it appears that a coalition of political groups organized along ethnic lines came to power; Eritrea became an independent State, and Ethiopia's internal and external borders were redefined. This has transformed Ethiopia from a unitary state into an ethnic federation of nine federal states (now 11). Each federal state has autonomy to administer its region and uses its own language for administration and education (Tronvoll, 2000). He also argued that this new practice gave minority groups more freedom to use and develop their languages and cultures. However, it has resulted in friction between different ethnic groups in some parts of the country, leading to outbreaks of violence, killings, and property damage.

In contrast, Tronvoll (2000) noted that Ethiopia had been in a long process of inter-ethnic integration, so much so that today, a significant proportion of Ethiopians have a mixed ethnic background. Furthermore, because of significant population movements in many parts of Ethiopia, it is difficult to physically demarcate and identify the geographical belongingness of the various ethnic groups' "homelands" (*Ibid*). However, the tendency toward ethnocentrism followed by conflicts in different parts of the country has been noticed by scholars such as Bayu since 1991. He opined that the country was engulfed in conflicts from resource competition to local-level territorial conflict and intra-federal boundary disputes involving multiple actors and forces, and from a simple confrontation using traditional weapons to war-like scenarios using modern and more sophisticated weaponry (Bayu, 2021).

In addition, Tronvoll (2000) mentioned that some experienced border disputes in Ethiopia, including conflict between the Gedeo and Guji in the SNNPR and Oromiya regions; other examples include conflict between the Guji and Sidama (newly emerged regional state), the conflict between Ari and lowland pastoralists in southern Omo, the conflict between Afar pastoralists and Kereyu in the east and center, and conflict between Amhara and Oromo peasants. As a result, many of these conflicts, competing for scarce land resources, have been dormant; however, the new constitutional order has given them 'legitimacy,' fanning fiercely ethnocentrism (Tronvoll, 2000).

Since 1991, the ethnic federalism divide has played a significant role in the ongoing crisis in various ways (Takele, 2019). Its roots can be traced to the coming in to effect of the 1995 FDRE Constitution. One of the core principles instituted by the constitution is the formation of states along ethnic lines where states are delimited on the basis of settlement patterns, language, identity and consent of the concerned people (Aragaw, 2019). There has been animosity between the Amhara and Tigray peoples because of the contested Wolkait and Raya lands on the borders of the two regions. Not only this, but also the ambiguous nature of the constitution especially on the defining internal borderline of each region could be a threat not only to today's generation but also to the future if it fails to settle their differences. Moreover, the Constitution spells out ethnicity and other social values as a baseline to demarcate the internal border, but there have been some claims and contested lands across the country throughout the years since 1991.

## **1.2 STATEMENT OF THE PROBLEM**

The Horn of Africa has experienced an increasing number of armed conflicts, ethnolinguistic disputes, and religious radicalism, attracting the attention of most developed countries, including the United States (US), because of their strategic interests in the region (Mengistu, 2018 cited in Woldearegay, & Chanimbe, 2020). The region is also challenged by various intra-state and inter-state conflicts among neighboring countries due to economic, political, social, and historical factors (Tadese, 2003, cited in Woldearegay & Chanimbe, 2020; Woodward, 1996).

When coming to the study area of the research, the Amhara and Tigray regional states are the second and fourth largest ethnic groups in Ethiopia's federal government structure, respectively (Abbink, 2011). However, there have been border disputes between these two regions under various regimes for many years. Welkait is a region in northwestern Ethiopia near the border between the Amhara and Tigray regions. The area is bounded to the north by Kafta Humera, and to the south by Tegede. Welkait is currently an official part of the Tigray region. However, as claimed and documented by the Welkait Committee from the Amhara side, when the Tigray People's Liberation Front (TPLF) took control of the country in 1991 and restructured the regions under the TPLF-led party-coalition Ethiopian People's Revolutionary Democratic Front (EPRDF), the indigenous, geographical, and cultural Amhara territories of Welkait, Tegede, Tilimt, Humera, and Raya were demarcated as part of the Tigray region (Achamyeh, 2016, 2020; Keasegid, 2019; Muluken, 2018.; Bahru, 2017: 162 cited in John, 2021).

As a result, the Welkait Amhara Identity Question Committee asked state institutions to recognize the identity of Welkait's indigenous Amhara people as Amhara. To that end, they claim that when the government demarcated regional borders and included Welkait in the Tigray region, they violated FDRE Article 46 (2) of the Constitution, which states that "states shall be delimited on the basis of settlement patterns, language, identity, and consent of the peoples concerned." The Welkait Amhara Identity Question Committee requested that state institutions recognize the identity of Welkait's indigenous Amhara people as Amhara (John, 2021).

Moreover, the Welkait Amhara Identity Committee submitted their query to the Tigray Regional State in accordance with the federal system, but the Tigray Regional State did not respond in good faith. The Committee then presented the case to the FDRE House of

Federation, the highest body in the federal government, but the House was hesitant to handle the issue. To this end, the committees exposed to the judicial system's inadequacy, and members of the committee face assassination and extradition rather than addressing their identity quest in line with the Constitution. From a political standpoint, all actors, particularly the Amhara Regional, Tigray Regional State, and Federal Government, were unable to address the quest. To that end, the Welkait and Raya cases require extra-constitutional judicial resolution, as the current federal arrangement provides no solution. This implies that the Constitution and the federal system solely served the interests of a few, which contradicts the concept of democratic values.

In addition, Welkait and Raya lands are captured during the War between TPLF and Federal government with the help of regional Special Forces, including Amhara Forces. Now, when the centralization of the national armed forces was declared and Amhara Forces rejected to be an integral part of the National Force. This paper examines how the dynamic relation between Center to Amhara and Center to Tigray has influenced the situation and legitimate question of Welkait and Raya. Thus, it is this dilemmatic situation of the border conflict at Welkait and Raya between Amhara and Tigray that the researcher was motivated to undertake the title "internal border delineations and contested lands in Post-1991 Ethiopia with the case study of Tigray-Amhara border disputes".

In general, since the issue is a recent and ongoing phenomenon, it is less researched, and hence needs in-depth scientific research to forward practically implantable recommendations for policymakers, politicians, and the wider communities of Ethiopia. Therefore, this study contribute to the existing literature on contested areas in the Amhara and Tigray regional states.

Therefore, the 1995 EPRDF constitution and institutional framework, as well as the ethnic federalism identity-based border delineation, on the one hand, and the approach of the AU's peace process and signed peace agreement in Pretoria on the other, need to be examined more closely to provide possible solutions to the national government as well as the Tigray and Amhara regional states in order to address their political grievances. Furthermore, the study of the ongoing border disputes in accordance with ethnic-based federalism and AU's peace agreement process in northern Ethiopia is a new endeavor that has not been thoroughly researched prior to this point. Border disputes and civil wars piqued the researcher's interest in conducting this study and made recommendations to strengthen Ethiopia's national unity.

### **1.3 OBJECTIVES OF THE STUDY**

To achieve the intended goal, this study has the following general and specific objectives.

#### **1.3.1 GENERAL OBJECTIVE**

The general objective of this study is to investigate internal border delineations and contested lands in post-1991 Ethiopia, specifically the Tigray-Amhara border dispute.

#### **1.3.2 SPECIFIC OBJECTIVES**

- To identify how the existing constitutional and institutional frameworks effectively resolve border conflicts between the Tigray and Amhara Regional States.
- To investigate how internal border demarcations, affect the relationships, cooperation, and peaceful coexistence of Tigrian and Amhara communities.
- To examine how the land/boundary dispute between Tigray and Amhara affects the effective implementation of the Pretoria Peace Agreement signed between the TPLF and FDRE government on November 2, 2022, in South Africa to end the two-year civil war in North Ethiopia.
- To investigate how demobilizing and reintegrating paramilitary forces that play a role in minimizing the claim of land in dispute.
- To identify the reasons behind incorporating the contested lands of Welkait and Raya as part of the conflicting parties in post 1991 Ethiopia.

### **1.4 RESEARCH QUESTIONS**

1. Will the existing constitutional and institutional frameworks effectively resolve border conflicts between the Tigray and Amhara Regional States?
2. How do internal border demarcations affect the relationships, cooperation, and peaceful coexistence of Tigrian and Amhara communities?
3. How will the land/boundary dispute between Tigray and Amhara jeopardize the effective implementation of the Pretoria Peace Agreement signed between the TPLF and FDRE to end North Ethiopia's two-year civil war?
4. Do demobilizing and reintegrating the paramilitary forces that have a role on minimizing the claim of lands in dispute?
5. What should be the reasons behind incorporating the contested lands of Welkait and Raya as part of the conflicting parties in post 1991 Ethiopia?

### **1.5.SIGNIFICANCE OF THE STUDY**

This study is significant because it provides critical information and recommendations to institutions and researchers involved in peace and conflict studies. It is especially important to the following stakeholders in one way or another:

- To federal and regional policymakers and advisors, the findings may provide firsthand information to achieve long-term peace in conflicting areas of the study area once they get published.
- The findings of this study shows how the current border dispute and tension between Tigray and Amhara regional states affected the effective implementation of the Pretoria peace agreement.
- This research will be helpful for researchers at various levels with a particular interest in peace and conflict studies to fill a gap in the literature on border disputes and Ethiopia's northern civil war.

### **1.6.SCOPE OF THE STUDY**

The scope of the study will be limited to analyzing Ethiopia's internal border disputes and ethnic federalism (ethnic-based border delineation) from the standpoints of the EPRDF 1995 constitution in Amhara and Tigray regional states over Welkait and Raya as a case study since the EPRDF government's inception in 1991. As visiting the study area may be a challenging task in an ongoing situation, the researcher has collected qualitative data from specific stakeholders, such as the House of Federation, University Academic Elites, and Opposition party members to achieve the set objectives. Therefore, a qualitative approach and exploratory research design were employed.

### **1.7. LIMITATIONS OF THE STUDY**

This study has some limitations. The first limitation is related to Ethiopia's political instability in which the chosen issue are ongoing. Unfortunately, data was collected during Ethiopia's political transition as the Prosperity Party came to power in 2021. As a result, lawlessness and mistrust resurfaced throughout the country. This makes scheduled appointments with informants from the targeted institutions more difficult. The second limitation is the sensitivity of the issue under investigation to interviewees. To that end, informants in various positions in the selected institutions may be afraid to speak about the

issue of fear of using their comments against them, even though the researcher ensured the privacy of information. Finally, owing to frequent approaches at the selected institutions, the researcher have to scheduled appointments with the informants. Nevertheless, the researcher tried to convince the informants from selected institutions showing them the study has only educational purposes rather political interest. Finally, the researcher collected reliable data from the concerned body located in the capital of the country and can overcome the limitations in such way.

### **1.8 ETHICAL CONSIDERATION**

The researcher has given due emphasis for the personality and dignity of the respondents of the study since the issue is very sensitive in the study area. To respect the safety of the participants, the researcher keeps names confidential and no name is disclosed. The major challenge was the unwillingness of participants for interview especially House of Federation experts. But, by creating good relation between the researcher and the participants and telling the objective of the study for an academic purpose the challenge has been addressed.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

This chapter will examine various theoretical and empirical data on border conflicts. Border dispute definitions, inter-state (internal) border disputes, ethnic federalism from Ethiopia's perspective since 1991, constitutional and institutional frameworks towards border disputes, and other related topics were also covered.

#### **2.1 Conceptual Definition about Border Dispute**

##### **2.1.1 Border Disputes**

Border disputes often flare up after they are linked to important economic or social interests. Disputed territories may contain important natural resources, such as hydrocarbons, mineral reserves, or water sources; provide access to the sea or shared terrestrial resources, such as grazing areas; or be strategic locations. Such areas may also be subject to irredentist claims based on historical or cultural factors, or demands for self-determination by their inhabitants (Center, 2010). Furthermore, Border disputes between states are inextricably linked to the idea of territoriality in federal systems. Additionally, to understand the origin and nature of interstate border conflicts, one must first understand the concept of "federal-territoriality." Communities having territorial boundaries that participate in both horizontal and vertical linkages within the federation are required components of federations (Assefa, 2017).

##### **2.1.2 Internal Border Disputes**

Internal boundary demarcation disputes are a unique form of multifaceted community conflict. Owing to their nature, these types of disputes are extremely difficult to manage and resolve (Tyabazayo, 2013). Moreover, inter-state border disputes have posed strategic challenges to the aspirations of regional buildings and community integration, which could enhance integral and sustainable development (Mulindwa, 2020).

#### **2.2. Ethnic Federalism and Ethiopia in post 1991**

Ethiopia officially became a federalized country in 1995 after a four-year transitional period (Gebremichael, 2012). Here after, The EPRDF is an ethnically based organization made up of the "Amhara National Democratic Movement" (ANDM), which has since been renamed "Amhara Democratic Party" (ADP), the Oromo People's Democratic Organization (OPDO), which has also been renamed "Oromo Democratic Party" (ODP), and the Southern Ethiopian People's Democratic Movement (SEPDM), which joined the EPRDF later. Following its formation, the EPRDF has begun to lead Ethiopia by implementing a federal system (Aragaw,



2019). He also argued that the drafters of the 1995 FDRE Constitution believed federalism was best suited for Ethiopia because it plays an important role in decentralizing power from the center to the states of the federation, and because Ethiopia is a multiethnic state, it is used to accommodate diversity and empowers the various ethnolinguistic groups within the federation. As a result, the Federal Democratic and Republic of Ethiopia is divided into states based on language, settlement pattern, identity, and the permission of the people involved (Ibid).

To this end, the EPRDF incorporated the ideas of self-determination up to secession and ethnic-based federalism into constitutional design during the transitional period (1991-1994) (Gebremichael, 2012). However, this may result in losing national consensus and a sense of belonging to one country arguing that it would make citizens more likely to identify as members of a particular ethnic group than as Ethiopians (Daba & Mulu, 2017). In addition, federalism has exacerbated and transformed historical territorial conflicts into modern interregional boundary conflicts. This reflects the transformation of resource conflicts between pastoral communities in the country's lowland regions into interregional boundary conflicts and community border disputes. Despite the fact that Ethiopia is a single administrative unit, inter and intra-regional border demarcation has development implications for resource appropriation, mobilization, and distribution (Bekele, Mekonnen, & Ayangafac, 2012).

Finally, the constitution stipulates that borders of regional administrations can be identified on the basis of ethnic identity. "States shall be delimited on the basis of the settlement patterns, language, identity and consent of the people concerned" (Article 46/2). Therefore, the Ethiopian Federal System institutionalizes ethnic identity through regional states and lower level administrations established along ethnic lines (Gebremichael, 2012). However, entertaining ethnic diversity in multilingual and multicultural societies through federalism is a bone of contention for most scholars in the area. Some scholars choose the federal system of government to accommodate ethnic diversity but many commentators have observed that a federal system of government is inherently fragile even without adding ethnicity into the mix (Alemante 2003:56). In support of this, after the EPRDF came to power, inter-ethnic conflicts were caused by an ethnicized state structure in the distribution of resources and political power; thus, the major cause of ethnic conflict was the incumbent ruling party's policy that used ethnic pluralism as an organizing principle, creating ethnic-based territorial units with the right to secede in the constitution (Aragaw, 2019).

### **2.3 Ethnic Federalism And Land Disputes Post 1995 Ethiopia: An Overview**

In Ethiopia federation, Oromia and SNNP boundary covers more than 2000 km to which the two peoples living in the boundary has passed long time in mutual understanding in appreciating their common values including economic, social, political affairs through sense of solidarity(Aragaw. 2019). Though they lived in such manner due to utilization of common scarce resources and competition around boundary areas consequently ownership debates arose on natural resources due to that the conflict leads to destruction on human life and peoples assets (*Ibid*).

on the other hand, The Oromia and Somali regions boundary dispute starts from 1993 G.C to which many people's died and the wealth of peoples within the disputing area has been distracted. So as to resolve this problem both regions higher officials and Minister of federal affair has done many efforts to calm the condition. In order to settle such disputes, the two regional administrations tried to establish a joint committee to amicably resolve the issue. In those areas, to which both parties disagreed, the committee has referred the case to the HoF, for the sake of facilitating referendum. Accordingly, HoF to ensure those peoples interest in resolving this border dispute it has delegated the Ethiopian National Electoral Board to execute the referendum on the contesting area. The referendum result showed that disputed areas are to be administered in either party's jurisdiction. However, there is recurrent conflict in the area. This is because, there was no demarcation on the ground that shows beginning and end of the delimited area, due to this there is recurrent border dispute (*Ibid*).

According to the 1995 EPDRF, the constitutional states of the federation are delimited on the basis of their settlement pattern, language, identity, and consent of the concerned people (Aragaw. 2019). The boundary between the Amhara and Tigray regions was redrawn in 1991/92 by the EPRDF government, along with the decision to create national/regional self-government throughout the country. The Amhara and Tigray regions share a long boundary that stretches many kilometers. Both regions are key players in the power of the EPRDF. The relationship between the Amhara and Tigray mostly remained in the realm of culture and local alliance formation until it began to change and became politicized because of the structure of regional administration of the federation and the emergence of political salience of ethnicity (*Ibid*).

On the other hand, the new constitutional framework provides the necessary framework for geographically concentrated ethnic groups to exercise extensive self-rule. However, as every

medicine has side effects, the new federal agreement was not without flaws. Apart from solving the country's ethno-political problems, it has also introduced new issues that are inherent to any federation (Regassa, 2010). In light of this, the impact of ethnic conflict has a direct effect far beyond its epicenter. It creates instability, refugees, organized crimes, and international terrorism. It also creates other ethnic conflicts in the same country or elsewhere in the region and, at times, because of the spillover effect of the conflict (Brown, 1993). To this end, ethnic conflict usually forces people to displace themselves from their residence and seek refuge in neighboring countries/regions (Habtamu, 2020).

#### **2.4 Constitutional and institutional frameworks towards the border disputes in Ethiopia**

The FDRE constitution offers a single provision concerning state "border change," which states that all state border disputes must be settled by agreement of the concerned States in dispute and that if they fail to reach an agreement, the House of the Federation has the power to decide such disputes on the basis of settlement patterns and the wishes of the peoples concerned within two years (Aragaw. 2019). To that end, The House is composed of members in which each Nation, Nationality and People are represented by at least one member and one additional representative for each one million of its population (FDRE Constitution, Article 61/1 and 2). In addition, the HoF has important powers, including: (1) interpreting the constitution, (2) resolving inter-state disputes, (3) authorizing federal interventions, and (4) deciding on issues related to the right of self-determination (*Ibid*, article 62 sub-articles 1, 6, 9, and 3).

For this matter, according to Proclamation No.251/2001 also elaborates the powers and responsibilities of the HoF (Laws, 2001). Several articles on proclamation also reinforce the power of the HoF regarding the resolution of inter-state disputes (FDRE Constitution, Articles 3/5, 23, and 32). However, there is ambiguity regarding the nature of the power given to the house, created by the wording of both the constitution and the proclamation. The provisions states that the “[*the House of Federation*] shall strive to find solutions to disputes or misunderstandings that may arise between States.” The provisions do not provide strong judicial powers to the house in clear terms. The term ‘*Strive to find solution*’ does not imply a power to adjudicate inter-state disputes (Assefa, 2017). The authoritative Amharic version says “ምክር ቤቱ በክልሎች መካከል ለሚነሱ አለመግባባቶች መፍትሄ ይፈልጋል”; which is to mean ‘the House shall find solutions for disputes arising between the states’. This does not enable the House to rule out inter-state disputes. Apparently, similar provisions in the other federal

system enacted state constitutions have explicitly empowered federal judiciaries to make final and binding decisions on inter-state disputes. However, in the case of Ethiopia, it is unclear why the drafters of such provisions avoided using clear terms that would authorize the House to give final and binding decisions (*Ibid*).

## **2.5 Review of Empirical Related Literature**

### **Somali-Oromo conflicts**

Between Moyale on the Ethio-Kenyan border to the south and Mieso district in the West Hararghe zone to the north, the Somali and Oromo communities share a 1400 km border. This multi-ethnic corridor is best understood as a cultural frontier along which the Oromo, Somali, Somali-Oromo, and Oromo-Somali groups interact, coexist, and compete for natural and non-natural resources. Ethno-nationalist narratives gloss over the complexities of existing inter-clan ties between communities, such as Gerri, Jarso, Garre, and Gabra. Government officials frequently struggle to understand how one group can claim the ancestry of another (Hagmann, & Abdi, 2020). Furthermore, according to (Asnake, 2004: 62-64) Territories in several regions of Ethiopia were rearranged as a result of post-1991 political evolution. The same ethnic groups are split apart, whereas other ethnic groups are combined into a single administrative entity. Geographical realignment is regarded as a significant and exacerbating factor in ethnic hostilities at the time, including those between Guji and Gedeo, Afar and Issa, Borana (Oromia), and Gari (Somali). Thus, the Oromia and Somali region boundary dispute started in 1993 G.C, to which many people died and the wealth of people within the disputing area had been distracted (Aragaw, 2019).

According to Aragaw (2019) to resolve this issue, both the regions' higher officials and the Minister of Federal Affairs have made numerous efforts to calm the situation. To accomplish this, both regions have a broad government structure and public combination in all boundary areas, resulting in a reduction in the number of boundary-disputing disputing areas. In an effort to find answers for the conflicting regions that caused problems, the Oromia regional state administration's then-president Juneydin Sado wrote to the HoF in accordance with Article 62(6) of the 1995 FDRE Constitution and Article 23-33 of Proclamation No. 251/2001(*Ibid*).

Hereafter, approximately 30 districts in both regional states were involved in these border and interethnic issues, which were resolved in a vote in 2004. Voting on the chosen regional state took place on 422 kebeles along the Oromo-Somali boundary, as ordered by the House of

Federation and carried out by the Federal National Election Board of Ethiopia (NEBE). As a result, 93 kebeles were given to the Somali Regional State, while 323 kebeles were given to Oromiya. In Moyale, a referendum cannot be held (Hagmann, & Abdi, 2020).

In conclusion, comparable to the Amara-Tigray case, there has been an attempt to resolve the inter-state border issue between Oromia and Somali; however, this was unsuccessful. It is thought that to resolve inter-state border disputes inside the federation, we must have both a powerful, independent institution and legislation that is unbiased, independent, and effective.

## CHAPTER THREE

### 3.METHODOLOGY OF THE STUDY

#### 3.1. DESCRIPTION OF THE STUDY AREA

**Welkait** is located in northwestern Ethiopia at the border between the Amhara and Tigray regions. This woreda is bordered to the north by Humera and south by Tsegede. It is bordered to the east by the Northwest Zone, the woredas of Tahtay Adiyabo and Asgede Tsimbla lie to the northeast, on the other side of the Tekezé River and Tselemti to the east. The administrative center of Welkait is the Addi Remets; other towns in the woreda include Mai'gaba and Awura. According to the 2007 census conducted by the Central Statistical Agency of Ethiopia (CSA), Welkait woreda has a total population of 138,926, an increase of 90,186 over the 1994 national census, of which 70,504 are men and 68,422 women; 10,758 or 7.74% were urban inhabitants. With an area of 3,374.52 km<sup>2</sup> (1,302.91 sq. mi), Welkait has a population density of 41.17 people/km<sup>2</sup>, which is greater than the zone average of 28.94 people/km<sup>2</sup>. A total of 30,375 households were counted in this woreda, resulting in an average of 4.57 persons in households and 29,336 housing units. Most inhabitants practiced Ethiopian Orthodox Christianity, with 97.28% reporting it as their religion, while 2.71% of the population was Muslim. Welkait is known for its fertile alluvial soil, which grows cash crops, such as sesame, cotton, and sorghum.

On the other hand, **Raya Azebo** (simply known as **Raya**) is a district in the Tigray region of Ethiopia. The administrative center of this district was Maychew. Other towns in Raya Azebo included Alemata, Weyra Wuha, and Chercher. Furthermore, Based on the 2007 national census conducted by the Central Statistical Agency of Ethiopia (CSA), this district has a total population of 135,870, an increase of 55.04% over the 1994 census, of which 67,687 were men and 68,183 women; 16,056 or 11.82% were urban inhabitants. With an area of 2,132.83 square kilometers, Raya Azebo has a population density of 63.70, which is greater than the Zone average of 53.91 persons per square kilometer. A total of 32,360 households were counted in this district, resulting in an average of 4.20 persons per household and 31,468 housing units. 70.61 Of the total population, 70.61% said they were Orthodox Christians, and 29.32% were Muslim.

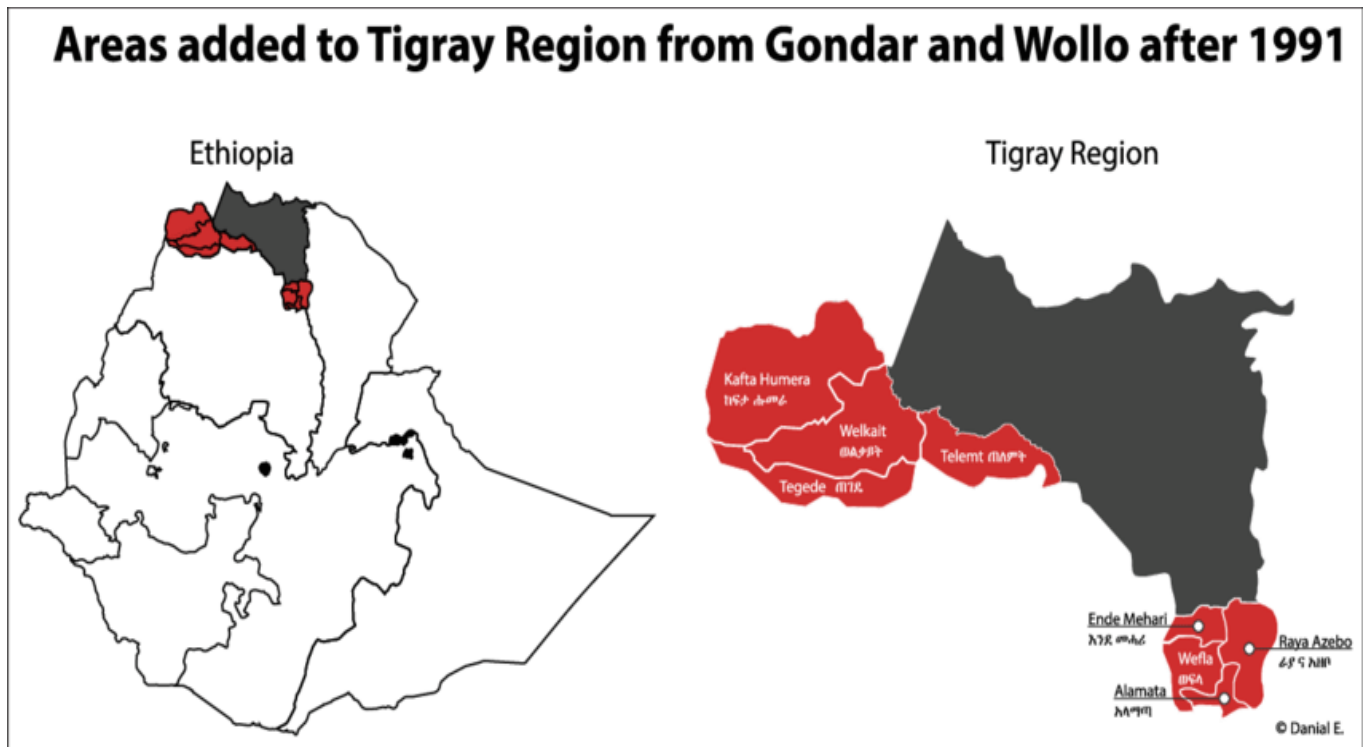


Figure 1: Map of Tigray region and contested areas: Copyright Danail. E

### 3.2. RESEARCH DESIGN AND APPROACH

The researcher used an exploratory research design and a qualitative research approach. The exploratory design allows a researcher to begin with a broad concept and use this study to pinpoint problems that may serve as the subject of further investigation. Furthermore, the researcher must be open to altering courses to discover fresh or new information or insight. On the other hand, the research used a qualitative research approach, as it is appropriate for such studies to explore the issue in depth and to answer what and how questions clearly.

### 3.3. TYPES AND SOURCES OF DATA

This study uses both primary and secondary data sources. To that end, two data collection methods were used:

*Primary data source:* Primary data sources used in this study to obtain firsthand information about the study topic from stakeholders - those who are appointed to settle the differences between the parties in the conflict organized on both sides or concerned parties, University Academic elites and opposition party members.

*Secondary data sources:* In more extensive literature, more than expert interviews are needed to investigate the problem, and the goal of gathering such data is frequently to confirm information obtained from other sources (Berry, 2002).

While primary sources are important in this study, secondary sources from the available literature provide the factual basis for this study and thus remain the primary data collection method. As a result, a systematic examination of official reports from the selected institutions and other secondary sources, such as books, journals, working papers, official documents, and Internet sources, was conducted.

### **3.4.METHOD OF DATA COLLECTION**

Primary and secondary data sources were employed in this research. The following data collection tools were used:

Multiple questions raised to the informants to examine the internal border disputes between the Amhara and Tigray regions in the Welkait and Raya cases. The rationale for designing such questions would help researchers collect appropriate data for this study (Creswell, 2009).

*Key informant interviews:* Semi-structured interviews–Primary data gathered through semi-structured interviews. The interview questions were designed in such a way that they focus on the main areas of the study, such as possible remedies to make the northern part more effective in actualizing political and economic stability in the region; major impediments to the application, actor roles, and responsibilities of stakeholders on the implementation of the Pretoria peace agreement between the TPLF and Federal government toward internal border disputes; and regional and international institutional constraints that impede the application of peace. The rationale for such an approach is to investigate actors’ roles and responsibilities in achieving viable peace and security at the national level (Welch et al., 2002). Moreover, the purpose of key informant interviews is to collect information from professionals or officials who have firsthand knowledge the case. Furthermore, key informants can provide information about participants or situations where the participants are less able to provide the perspective themselves, or where the researcher cannot know the research area in detail. Therefore, the FDRE House of Federation, Opposition political parties’ members and University Academic elites from both regions were selected purposively to collect essential and precise information from the respondents to achieve the designed objectives of the research.

*Literature Review and Document Analysis:* Literature is assumed to provide the factual basis of the research, and thus it remains a supportive means of data collection. Therefore, previous studies, reports, and publications regarding the contested land disputes between Tigray and



Amhara regional states with respect to the ethnic-based border demarcation and the Pretoria peace agreement between the TPLF and the Federal government of Ethiopia were thoroughly reviewed. Furthermore, other secondary data sources related to the research topic were assessed from different sources. Data collected from these sources in a more specific manner in relation to the scope of the study.

### 3.5.SAMPLING TECHNIQUES AND SAMPLE SIZE

Purposive sampling (non-probability) used by the researcher, which allows the researcher to gather qualitative responses, leading to better insights and more precise research results. Because the researcher collected information from the best-fit participants (key informants), the results are relevant to the research context. The sample size was determined by the number of key informants available in the field of the study area.

**Table 1: Sample size of key informants**

Organization	Stakeholders	Estimated populations	Sample taken from each institution
House of federation Officials	Members	4	4
University Academic Elites from both regional states Universities	Lecturers	6	8
Politics Experts (oppositions party members who are neutral party in the study case)	personnel	10	8
Total	20		

According to Creswell, *Sample size guidelines suggested a range between 20 and 30 interviews to be adequate in qualitative research (Creswell, 1998).*

### 3.6.DATA ANALYSIS

Thematic data analysis methods were employed to analyze the responses of key informants. To that end, the researcher followed five steps to analyze the data. First, the collected data were transcribed from the audio version into text form. Second, the transcribed data was translated from the local Amharic language into English. Third, the translated raw data were coded and organized based on similar dimensions. Fourth, the categorized data were converted into themes. Finally, the results were qualitatively analyzed and interpreted. Furthermore, other secondary data sources related to the research topic were assessed from different sources.

## CHAPTER FOUR

### RESULTS AND DISCUSSION

#### 4.1. RESULT AND DISCUSSION

##### 4.1.1. Socio-Demographic Characteristics of Key Informants

A Twenty key informants participated in this exploratory study in internal border delineations and tested lands in Tigray-Amhara Border Disputes since 1991. Table (1) shows that the key informants participated in different age groups. In terms of educational status, all of them were literate and experienced, and they were above the master's degree in their respective institutions.

**Table 2 : socio-demographic characteristics of key informants, 2023**

No	Code	Institution	Educational Status	Job	Number of respondents
1	01	Debre Berhan University	PHD Candidate, Master's Degree	Lecturers	I
2	02	Bahir Dar University	Assistance Professor,	Lecturers	I, II
3	03	House of Federation	Master's Degree, PHD holder	Government Officials	I, II, III, IV
4	04	Ethiopian Citizens for Social Justice party (ECSJ) member	PHD holder, Master's degree	Politicians	I, II, III, IV
5	05	Oromo Federalist Congress party member	Professor, Master's degree	Politicians	I, II
6	06	Debremarkos University	Master's Degree	Lecturers	I, II
7	07	ENAT party members	PHD holders	Politicians	I, II
8	08	Mekelle University	Master's degree, Assistance Professor	Lecturers	I, II, III

##### 4.1.2 Constitutional and institutional frameworks towards the border disputes

In this study different participants like; HoF Officials, Opposition party members, University Lecturers and Experts were asked about Internal Border Delineations and Contested Lands in Tigray-Amhara Border Disputes. To that end, respondents stated how this internal border tension between the two regional states went on after the advent of the EPRDF to power since 1991.

For instance, key informants from House of Federation: Administrative Boundaries and Identity Issues Commission Member expressed the tension and possible constitutional solutions for the parties in the conflict in the study area as follows;

As per Article 48 (1 and 2) of the EPRDF constitution, they stated border issues and how they handled once conflict occurred between regions. To that end, the experts of these commission members referred to the EPRDF constitution article 48(1&2) and stated:

*all the participants opined; All State border disputes shall be settled by agreement of the concerned States. Where the concerned States fail to reach agreement, the House of the Federation shall decide such disputes on the basis of settlement patterns and the wishes of the peoples concerned (Participant 03, I, II, III, IV).*

For this matter, Proclamation No.251/2001 also elaborates the powers and responsibilities of the HoF (Laws, 2001). Several articles on proclamation also reinforce the power of the HoF regarding the resolution of inter-state disputes (FDRE Constitution, Articles 3/5, 23, and 32). However, there is ambiguity regarding the nature of the power given to the house, created by the wording of both the constitution and the proclamation (Assefa, 2017).

However, the sensitive nature of the issue and the ongoing process they (HoF) do not want to disclose the process and exact agreement they (HoF) have reached as a mandated body to solve such disputes. According to the HoF, they asserted that there is a tension that would be a threat for the people who have lived there. However, the government has been working to bring durable peace between the border of the Amhara and Tigray regional states (Participant 03, I).

In addition, key informants from the same commission in the HoF expressed the dispute settlement process by mentioning the EPRDF constitution article 62(6) to solve such disputes between the regional states. Similarly, the other participants expressed the following:

*Article 62 (6) denotes how the constitution works to find solution to these two conflicting regional states on internal border issue by delivering some options to the parties in the conflict. As per the respondents from HoF, they shall strive to find solutions to disputes or misunderstandings that may arise between States by creating a space for negotiations to find a common ground for their own differences by their own way and hereafter if they failed to reach on agreement stage, they can appeal for HoF to intervene in the issue as a third party.*

*Thus, we have been working in such way to settle the differences of the regions since then  
(Participant 03, II, and IV).*

This indicates that HoF: Administrative Boundaries and Identity Issues Commission Members believe that the existing constitutional and institutional frameworks can handle the issue between the two neighboring regional states once and for all, and they only want to answer the interview questions roughly since the process is ongoing and sensitive in nature.

In general, all respondents from the House of Federation in one voice stated that the issue has been very sensitive and a threat not only to the two regional states, but also for national cohesion at large. Accordingly, all respondents from HoF assert that they will bring better ideas once they accomplish the already started study in the areas of conflict that persuade both parties in the conflict and also solve their differences peacefully are the first and last option at the moment to deal with it.

On the other hand, Ethnically Amharans Academic elites of different Amhara regional state universities in one voice argued that the potential constitutional and institutional frameworks for solving the dispute between warring parties can be explained as follows:

*No, in our opinion, to form a regional state, the current federal arrangements are based on ethnicity. According to this viewpoint, the Welkait and Raya people are originally Amhara, but they were displaced from the area due to the TPLF's continual repression and massacres.*

*Furthermore, the TPLF implemented significant demographic change by deploying individuals from the Tigray region. As a result, in Welkait and Raya, a mix of identities has emerged that is not addressed by the existing constitutional frameworks. This will make it difficult to treat the case using the current constitutional framework as a baseline*

*(Participant 01, I and 02, I and II).*

To that end, as per their argument, to solve the situation amicably, an extra-constitutional agreement is required. For this matter, they believed that this constitution would function in today's Ethiopian political reality; constitutional amendment is required to restore the will and power of the people.

*Furthermore, they argued that the “TPLF took Welkait and Raya territories forcibly before the current constitution was approved, and they (TPLF) incorporated difficult procedures in the FDRE constitution to request constitution reclaiming of areas or sessions in order to maintain these areas under their authority. As a result of its shortcomings, the current*

*constitution is ineffective in addressing the Welkait and Raya quest. The current constitution is the constitution of the victorious, not of Ethiopians in general or the Amhara people in particular (Participant 06, I and II).*

In support of the Amhara regional states University Academic elite's idea, similar provisions in the other federal system enacted state constitutions have explicitly empowered federal judiciaries to give final and binding decisions on inter-state disputes. However, in the case of Ethiopia, it is unclear why the drafters of such provisions using unclear terms like; “*strive to find solutions*” which will not authorize the House to give final and binding decisions (Assefa, 2017).

On the contrary, Ethnically Tigrians Academic elites of different Tigray regional state universities also argued in one voice that the potential constitutional and institutional frameworks for solving the dispute between the warring parties can be explained as follows:

*“Yes, the current constitution has a power to handle such disputes before its spillover. For instance, the Amhara regional states are taking Wolkait and Raya during the Tigray war but they are still claiming for it once they taken away those lands forcefully. In this case, the legality of the claim is questionable (Participant 08, I).*

To that end, the respondents of Tigray Regional State University Academic elites indicate that all the conflicting parties must respect and recognize what the constitution provided until its amendment by the will of Ethiopian peoples. Thus, all claims are contrary to the Constitution and are unacceptable. Furthermore, they argued the 1995 EPDRF constitution on demarcating regional states are on the basis of the constitution article 48(2) and give ethnic groups rights of promoting their culture, language and other social values which were extremely denied under the previous governmental system. Moreover, they assert that the land claims of the Amhara region towards Wolkait and Raya cannot be considered, as this demarcating action affect only them. Many lands were demarcated by different regional states because of their demographic characteristics. In support of this argument, according to Sharf and Pankhurst (2003), Areas such as Wolkait, Lasta (north-central Ethiopia, currently Amhara), Samen (Simien Mountain area, currently Amhara), Humera, Tsegede, and Tselemti in Western Tigray in addition to areas like Raya in Southern Tigray were under Tigrayan governance, and Tigrigna was the dominant language of the region prior to Menelik II's rule. To that end, they elaborated as follows:

*As if this all happened only to them, when the EPDRF government demarcates regional states as per the constitution, the claim of Amhara regional states towards the contested lands of Wolkait and Raya have been unacceptable and contrary to the 1995 EPDRF constitution. Because, there were lands taken away from all provinces (until they were replaced by ethno linguistic-based regions and chartered cities in 1995) in that time to form 9 new regional states and two city administrations as per the 1995 EPRDF constitution article 48(2). Thus, Amhara regional state government and other identity restoring committees for these Wolkiat and Raya lands don't have legal base to claim it. Because beyond Wolkait and Raya even Lasta, Humera, Tsegede and Tselemti are historically a part of Tigrayan and peoples in these areas were speaking Tigrigna language before Minilik II regime (Participant 08, I, II and III).*

In support of the above idea, according to (Asnake, 2004: 62-64) Territories in several regions of Ethiopia were rearranged as a result of the post-1991 political evolution. The same ethnic groups are split apart while other ethnic groups are combined into a single administrative entity.

For this matter, the above responses of Tigiray Regional State University Academic elites indicate that all regional states were delimited on the basis of settlement patterns, language, and identity, in line with the EPDRF constitution article 48(2). However, from this article, 48 (2) “the consent of the people” works only when an identity claim is raised by any ethnic group once they organized where they are. To that end, this claim of the two contested lands by the Amhara government is unconstitutional, since they are established on legal basis. Furthermore, they stated their worries about constitutional and institutional frameworks to solve such internal border disputes amicably as follows:

*The institutional nature of HoF may not entertain the case as a neutral party and this creates the result of dispute settlement process might not be in impartial and independent way. Moreover, the written regulations towards such dispute are not strong enough to cover the situation in Raya and Welkait. The existing constitution and its rules regulations are general and the case of Raya and Welkait is very specific, so we need clear regulations which directly apply for both boundary cases (Participant 08, II and III).*

In general, according to the respondents, in terms of creating a legally binding institutional set up towards the border issue, the 1995 EPDRF constitution is infective. This can distort the decision-making process. Thus, the case of the Raya and Welkait conflict occurs because the line has never been drawn or accepted by both parties, so we need a new regulation

that satisfies both the Amhara and Tigray communities. Finally, they suggest that existing constitutions and institutional frameworks cannot resolve border conflicts between Amhara and Tigray. Therefore, that amendment of the Constitution is needed.

#### **4.1.2.2 The Members of Administrative Boundaries and Identity Issues Commission**

In accordance with Article 55 (1) of the Constitution of the Federal Democratic Republic of Ethiopia proclamation No. 1101 /2019 there was an established commission that aimed to solve issues of administrative boundaries, self-government, and identity questions that repeatedly occur between regions nationally and for lasting; it is also necessary for a neutral, highly professional, and peaceful solution to these problems since conflicts with administrative boundaries are a cause of great instability under the Ethiopian Federation.

However, hoping to resolve disputes on State borders and to address demands for statehood in a short cut way, the Ethiopian Federal Government introduced “Administrative Boundaries and Identity Issues Commission Establishment Proclamation.” As it can be seen from the title itself, the proclamation intentionally ignored using the constitutional term of “state border” and used the pre-1991 term of “administrative boundary” to undermine the federal structure of Ethiopia and to degrade the status of states to the level of provinces in the pre-1991 unitary state of Ethiopia (Lemu, 2019). To this end, a number of parliamentarians from the Tigray Region denounced the planned border commission draft, which is slated to pass in the coming days without wide public participation. The draft, if passed, undermines the Constitution (*Ibid*).

On the other hand, the supporters of the proclamation argue that the Commission will simply undertake studies and provide recommendations to the key government bodies mandated to decide on issues but not make decisions themselves, and this can be considered as part of the search for a solution to border disputes and identity questions. However, opponents of the proclamation argue that per Article 48(1) of the Constitution, if the concerned states fail to reach an agreement on state border disputes, the authority to decide on such disputes has been given to the House of the Federation (HOF). Furthermore, the HOF had no role in drafting and approving the proclamation, nomination, or approval of the commission members. As stated under Article 7(3) of the proclamation, the Chairperson, the Deputy Chairperson, and other members of the Commission shall be recommended by the Prime Minister and appointed by the House of People’s Representatives (HOPR). In addition, per Article 3(3) of the Proclamation, the commission is accountable to the Prime Minister. Therefore, through this proclamation, the Executive Branch of the Federal Government, particularly the Prime

Minister, wanted to usurp the powers and functions of the HoF and that of States by creating parallel institutions that are unconstitutional. If establishing the commission is necessary, it should have been established by the HoF, which has the primary constitutional responsibility to strive to find solutions to disputes or misunderstandings that may arise between states and has authority to establish permanent and ad hoc committees to resolve disputes between members of the federation.

Finally, The Government of the State of Tigray determined that the Administrative Boundaries and Identity Issues Commission Establishment Proclamation contradicts with the provisions of the constitution and considered null and void per Article 9(1) of the constitution which says “*Any law, customary practice or a decision of an organ of state or a public official which contravenes this Constitution shall be of no effect*”.

Nevertheless, regardless of the condemnations from different directions, the House Peoples’ Representatives approved the proclamation and established a 40 member Administrative Boundaries and identity issue commission on February 5, 2019. However, in addition to the open denunciation of the proclamation, the State of Tigray decided not to cooperate with the commission. It also seems that the composition of the Commission’s members may make the Commission dysfunctional. The disagreement between the Federal Government of Ethiopia and the State of Tigray on the constitutionality of the commission is a constitutional crisis created between different levels of the Ethiopian Government (Lemu, 2019).

Subsequently, they (the commission) have discussed the issue that occurred on the border of Amhara-Tigray, which are the potential points to finally reach. They stated as follows;

*First, creating the awareness about the contested land for parties to the conflict from the perspectives of country’s constitutions and minimizing its controversies nature by linking it with historical background and at the end showing the root causes of the dispute.*

*Second, this committee revealed there are representatives of both regions who have a political interest in the Raya and Wolkait case which makes the confrontation unresolved since then. To that end, filtering those self-centered actors and hearing the heartbeat of peoples in the areas of contested lands with general referendum and decided who deserve what is the task which is planned to do in very soon.*

*The last but not the least, erasing the conflict trauma from both regions by making a regular healing mechanism and vanish the animosity and replacing it with reconciliation is their ultimate goal as institution (Participant 03, I, II, III).*



In addition, regarding the capability of constitutional and institutional frameworks to solve the dispute between Amhara and Tigray regional states towards the Wolkait and Raya cases, key respondents from political party members (Oromo Federalist Congress (OFC), Ethiopian Citizens for Social Justice, and ENAT party members) were asked. Accordingly, they replied in one voice:

*The EPRDF constitution has been ineffective on solving such disputes between regions and the imposed ethnic federalism by its own the huge factor which exacerbate the tension in such occasions (Participant 04, 05, 07).*

In support of this statement, According to Daba and Mulu (2017), enacted ethnic federalism in a country like Ethiopia may result in a loss of national consensus and a sense of belonging to one country. Additionally, it would make citizens more likely to identify as members of a particular ethnic group than as Ethiopians (*Ibid*). Moreover, we have a weak institutional and legal setup to resolve inter-state border disputes. The inter-state border dispute between the Amhara and Tigray regions caused by *Wolkait* and *Raya* shows that we are unable to build effective legal and institutional mechanisms for inter-state border dispute settlement (Aragaw, 2019).

On the hard, the respondents of opposition political party members believed HoF was an incompetent institution to solve inter-state border disputes in the Ethiopian federation. Furthermore, they raised the article 48(2) of EPRDF constitution which says: “*States shall be delimited on the basis of the settlement patterns, language, identity and consent of the people*”.

*For this matter, the case of Raya and wolkait should have to get final decision as per what the constitution spell out pertaining internal border delineation. To that end, this two contested land deserves to Amhara regional states because of they have similar language, identity, psychological makeup and settlement pattern (Participant 04, 05, 07).*

#### **4.1.3 How the dispute affect the relationship and peaceful coexistence of Tigray-Amhara peoples**

Amhara and Tigray regional state university Academic elites and members of opposition political parties stated how the dispute affects the relationship, brotherhood, and peaceful coexistence of the Tigray-Amhara peoples. They stated as follows:

*It has a wide range of effects. First, ethnic politics, by definition, has the potential to destroy societal relationships, as its political foundation relies on "We" versus "Them" politics. As a result of the elites' incorrect manipulation of society, past societal collaboration and ties, as well as peaceful coexistence between the two populations, have been drastically weakened. Second, in a democratic system, equality is the foundation of cooperation as well as peaceful coexistence; if the system loses its balance sheet, faith will vanish, and no one will follow the system (Participant 01(I) , 02(I, II) and 06, (I, II).*

On the other hand, the respondents of Tigray regional state university Academic elites believed the dispute affected the relationship and peaceful coexistence of the Tigray-Amhara peoples. Thus, they elaborated the case in the following way:

*Yes, it harms the relationship largely! One huger factor which retards the progress of being in peaceful coexistence between Tigray-Amhara regional states is the current measurement taken by Amhara regional state annexing Wolkait and Raya in contrary to the constitution or forcefully can creates another potential destructive conflict between these two regional states (Participant 08, I, II, III).*

According to Vestal 1999, Article 39 (1) of the Federal Constitution has the potential to create lasting conflict, distrust and hatred among ethnic groups today. He also notes that mistrust and hatred among ethnic groups grow out of the EPRDF's theory of governance. Furthermore, the 'EPRDF government' sought to govern by playing animosities between Ethiopia's different ethnic groups (*Ibid*).

Thus, the Amhara regional state university Academic elites believed that equality should prevail among people to maintain relationships and collaboration that serve as the foundation of peaceful coexistence. Furthermore, the Tigray regional state university Academic elite asserts that breaching the constitution and trying to treat forcefully can harm the relationships between the two ethnic groups at large.

On the other hand, the key informants of oppositions political party members depict that the recent two years civil war between the TPLF officials and the federal government changed the relationship and coexistence of the two ethnic group members, and it has become worsened over time. Moreover, they blamed how the central government approached only TPLF leaders as if they were affected by the civil war in the north, rather than the vast majority of people.

*In fact, the war takes much material destruction and human loss across the three directly affected regional states (Amhara, Tigray, and Afar). However, the Federal government wants to have only a peace talk with TPLF and other regional state leaders in recent time which seems that not giving a bit of worry to the affected peoples during the war. Thus, this creates a huge mistrust and dissatisfaction between the present and next generation of the three regional states (Tigray, Afar, and Amhara regions) peoples if they are not considered as a part of reconciliation and they scar couldn't be healed (Participant 04 (I, II, III, IV), 05 (I, II) 07(I, II).*

#### **4.1.4 How the border dispute between Tigray and Amhara Jeopardize the effective Implementation of the Pretoria Peace Agreement signed between the TPLF and FDRE to end North Ethiopia two-year civil war**

The Amhara regional state university Academic elites responded to how the tension between the warring parties affected the Pretoria Peace Agreement on November 2, 2022:

*Not at all, The Pretoria Peace Agreement signed by the Federal Government and the TPLF was intended to put an end to the conflict between them. While the Welkait and Raya case is a local matter, only the two contested regional states will be resolved, not the federal government. Even the federal government should remain neutral in this case rather than taking sides (Participant 02 (I, II) and 06 (I, II).*

Furthermore, some respondents of Academic elites are explained the case as:

*The Pretoria agreement was reached with this understanding in order to enact a cease-fire between warring groups in Ethiopia. This means that all domestic political issues that are producing a political schism between the two regional entities should be addressed through formal discussion with all stakeholders. In addition, the federal government should not have the legal authority to settle any domestic political matters with other regional governments on behalf of the Amhara Regional State. That is the responsibility of the Amhara Regional State. If the TPLF and the Prosperity Party are serious about implementing the Pretoria Peace Accord, they must engage in all-inclusive political negotiations with the forces involved in the Walkait and Raya quest (Participant 01 (I).*

Finally, they suggested a way forward to find a common ground on their difference by forwarding this idea.

*Any political decision that excludes Amhara representatives from negotiations will not result in long-term peace for Welkait and Raya case. Therefore, all political actors with a stake in the topic should settle their political differences in the spirit of brotherhood before making their territory a battleground for other political actors with long-term intentions to ruin them from Ethiopia (Participant 01 (I), 02 (I, II), 06 (I, II)).*

On the other hand, according to respondents of (Oromo Federalist Congress (OFC), Ethiopian Citizens for Social Justice (ECSJ), and ENAT party members, they believed that the Pretoria Peace Agreement between TPLF and Federal Government could not be implemented peacefully because of the contested nature of the constitution towards border issues between the regional states, which are not explicitly stated and cannot be solved in the EPDRF current constitutions. To that end, amendment is needed to settle such internal border cases in a binding way and create a conducive and peaceful environment between the Amhara and Tigray regional states.

On the contrary, The Tigray regional state university Academic elites, on the other hand, argued that the agreement between the federal government and the TPLF has a potential obstacle before its implementation, and they stated and consolidates it in line with the Pretoria Peace Agreement Article 3 (Permanent Cessation of Hostilities) as follows:

*The federal government on the behalf of all regional states except Tigray regional state and TPLF on the other hand declare an immediate and permanent cessation of hostilities aiming to restore constitutional order in the Tigray Regional state and to create spaces for political dialogue between the parties. However, the Amhara regional state preferred annexing those Tigray lands forcefully than peaceful negotiation on their differences. To that end, these attempts by itself directly harm the effective implementation of the November 2, 2022 Pretoria Peace Agreement (Participant 08 (I, II, III)).*

Moreover, the above respondents raised the Pretoria Peace Agreement Article 6 (Disarmaments, Demobilization, and Reintegration) is not respected by the Amhara regional government so far. Rather, the Amhara regional state keeps training and deploys Special Forces on conflicting areas, contrary to the peace agreement, rather than disarming them.

They also concluded that these factors may affect the results of the agreement, and are responsible for not ending in a good manner.

#### **4.1.5 How do demobilizing and reintegrating the paramilitary forces that have a role on minimizing the tension in the study area?**

From the perspective of the Amhara regional state university Academic elites believed that the ongoing tension between Tigray-Amhara regional states on border disputes could be affected by the process of centralizing paramilitary forces and reintegrating them into other legally based military forces. The respondents agreed with their effect on the conflict areas by saying:

*The establishment of Special Forces has no constitutional base under the FDRE constitution.*

*However, almost all regional states have their own military forces which they claim are trustful for their peace than the federal forces. This implies that the trust between the federal government and regional states are low. This mistrust eventually erodes their political accountabilities which stated in the constitution. Rather, it causes all political actors challenging one another as we have seen in the Tigray War (Participant 01 (I,) 02 (I, II) 06 (I, II).*

They also added:

*Although integrating Special Forces with federal military arrangements is a good idea, however, it was not a timely request because all political players' mistrust has reached an all-time high. The Amhara Special Forces are also treated with the same reasoning, as this group was called by the federal government during the Tigray War, and it requires political answers for restoration, as the federal government did alone with the TPLF. This is because of the TPLF's public expressions of dissatisfaction and anger during the war, which heightened the fear between them. As a result, disarming these regional forces, especially the Amhara Regional Forces, is extremely difficult unless the internal cracks of each political faction are addressed (Participant 01 (I,) 02 (I, II) 06 (I, II).*

In support of this, they raised an issue that has been entertained by most Amhara political experts in recent times to justify their worries as follows:

*“The federal government merely wants to disarm the Amhara Special Forces by using the other regional states' support as a pretext since the federal government intends to give the disputed territories to Tigray Regional States. This position fosters distrust between the*

*Amhara forces and the federal government, with the Amhara forces claiming that the Tigray counterpart did not adequately disarm in accordance with the Pretoria Accord, instead preparing for another round of potential war against the Amhara people. “*

As a result, the above Amhara regional state university Academic elite response indicates how the issue has been exacerbated; all political actors have very little trust in one other to disarm and they believed before ordering all groups to disarm, which would result in a full-scale war in Ethiopia, confidence-building measures and a concrete agreement or guarantee should be devised. This, in turn, helps improve their confidence in solving their challenges.

On the contrary, Tigray Regional State University Academic elites, in one voice, believed that the foundation of this Special Forces does not have a constitutional basement. However, they have been treated as almost the same level as the Ethiopian Defense Force since the first time it was established in the Somali regional state to challenge the terrorist group from being a threat in the eastern border of Ethiopia. To that end, they responded as follows.

*These paramilitary forces are armed beyond everyone anticipation and they got an experience to fight in the war during the Tigray war and they become threats not only between on the study areas of Tigray and Amhara regional states but also to all regional state governments. Especially, the refusal of Amhara Special Forces for reintegration maximizing the tension between the two regional states and the mistrust has reached an all-time high even between the Federal police, Regional police, Defense Force and these Special forces. Finally, demobilizing and integrating these groups are the ultimate task of a Federal Government to do in order to bring a durable peace between the study areas (Participant 08 (I, II, III).*

Additionally, they concluded that the informal way of organizing these Special Forces fueled the tension in the Welkait and Raya areas and also a potential factor to hamper the implementation of the agreement signed between TPLF and Federal Government to end the civil war in Pretoria. To this end, demobilizing, disarming, and reintegrating these paramilitary forces are unquestionable and need to be performed soon.

#### **4.1.6 What should be the reasons behind incorporating the contested lands of Welkait and Raya as part of the conflicting parties in post 1991 Ethiopia?**

According to many authors in the field, Areas such as Welkait, Lasta (north-central Ethiopia, currently Amhara), Samen (Simien Mountain area, currently Amhara), Humera, Tsegede, and Tselemti in Western Tigray in addition to areas like Raya in Southern Tigray were under Tigrayan governance, and Tigrigna was the dominant language of the region prior to Menelik II's rule (Sharf, & Pankhurst 2003). As a result, parts of the Tigrayan land that had been previously annexed to Amharic-speaking regions, such as Wollo and Begemder by Menelik II and Haile Selassie, were returned to Tigray. In light of this, those who justify the current Amhara annexation of Western Tigray claim that land west and south of the Tekeze River belongs to Amhara. However, the currently disputed land historically belongs to Tigray (*Ibid*).

In contrast, however, as the Welfare Committee claims and documents, when the Tigray People's Liberation Front (TPLF) gained control of the country in 1991 and restructured the regions under the TPLF led party coalition Ethiopian People's Revolutionary Democratic Front (EPRDF), the indigenous Amhara territories of Welkait, Tegede, Tilimt, Humera, and Raya were geographically and culturally demarcated as part of the Tigray region. During the previous socialist Derg regime, Welkait was part of Semien Wogera Woraja, with its capital Dabat, in Amhara. Prior to Derg, under the reconstituted Italian colonial empire, Welkait was within Begimder province (hence, within the Amhara region), one of the six major regional divisions, with the city of Gondar as its capital (Achamyeleh, 2016, 2020; Keasegid, 2019: 2f. 58ff; Muluken, 2018: 232ff; Bahru, 2017: 162 cited in John, 2021).

The EPRDF Constitution Article 48(2) assured that “*States shall be delimited on the basis of the settlement patterns, language, identity and consent of the people*”. To that end, in post 1991 Ethiopia after the enacted ethnic federalism as a federal system of the country, regional states were formulated, and most of them remain contested and controversial by their own way of structure. Thus, the responses of the Academic elites of Amhara Regional State University are:

*The rationale is related to the availability of resources for merging Welkait and Raya into the Tigray Regional State. These places were historically part of today's Amhara Regional States; for example, during the Derg government, Welkait was part of Semien Wogera Woraja, with Dabat as its capital. Prior to the Derg regime, Welkait was a province of Begimder, one of the six major regional divisions, with Gondar as its capital. However, once*

*in power, the TPLF has aggressively merged the indigenous, geographically and culturally Amhara areas of Welkait, Tegede, Tilimt, Humera, and Raya into the Tigray region. The Tekeze River has served as the natural border between Tigray and Amhara (Participant 01 (I,) 02 (I, II) 06 (I, II).*

On the other hand, respondents of the Ethiopian Citizens for Social Justice (ECSJ), ENAT party and Oromo Federalist Congress(OFC) party explained the cause of the annexed Wolkait and Raya as Tigray regional state in 1991 after the advent of EPRDF to power, since ethnicity was the baseline for demarcating the internal border delineations of regions. To this end, the respondents of this political party explained the issue as follows.

*Since the day TPLF came to power changed the all over demography for their own convenience. Moreover, the conspiracy was wishing to be a border with Sudan and to get port access once they got liberated from Ethiopia (look at their name: Tigray Peoples Liberation Front). To that end, they occupied the two Amhara regional state lands Wolkait and Raya forcefully for their strategic way of getting a border with Sudanese for import and export and to have access of huge lands for agricultural purposes respectively. Moreover, in the contemporary time Amhara regional state government has been governing these two contested lands without the Federal government budget for the last consecutive years in advance they got during the civil war between TPLF and Federal government in the north (Participant 04 (I, II) 05 (I, II) 7 (I, II).*

Furthermore, as a party, they emphasized the issue of Ethiopia's federal structure:

*They claimed that Ethiopia's forced ethnic federalism is conflict-prone in its character across regions. They also stated that the system is riddled with conflict and breeds conflict for everyone in the country. Furthermore, 70% of Ethiopians were not born when the EPDRF constitution was drafted, so it has a generational gap and must be amended with the presence and consent of all Ethiopian people's to deal with such kind of conflict thoroughly. (Participant 04 (I, II) 05 (I, II) 7 (I, II, III, IV).*

On the contrary, Tigray Region University Academic elites assert unless the constitution became amended by the consent all Ethiopians, these contested lands remained where they are as per the EPRDF federal system structure.



## CHAPTER FIVE

### 5.FINDING, CONCLUSION AND RECOMMENDATIONS

#### 5.1.FINDING OF THE STUDY

As per the researcher the study has the following findings.

- The study revealed that mandated bodies in the HoF to solve internal border-related disputes have a question on its impartiality by both parties in the conflict and its ineffectiveness by solving such cases using the existing constitutional frameworks.
- The study unlocked the internal border demarcation and contested lands between the Tigray and Amhara regional states, creating huge mistrust and animosity across their peoples and affecting the peaceful coexistence of the two regions since then.
- The study revealed that the discord between the two regional states towards Welkait and Raya lands directly jeopardized the effective implementation of the Pretoria Peace Agreement. To that end, The Article 3 of the accord (Permanent Cessation of Hostilities) and Article 6 of the agreement (Disarmaments, Demobilization, and Reintegration in to one defence force) has not been fully respected (adequately disarm) and refused by both parties in conflict. Thus, these actions by regional forces birthed the ongoing disagreement and tension between the Amhara regional forces and the federal government, which could be another potentially destructive war in the northern part of Ethiopia.
- The study unlocked that these regional Special Forces created huge mistrust and tension between regions contrary to the constitution, and it became a threat to all legal forces. Thus, the action of reintegrating and demobilizing paramilitary forces into one force can play a significant role in minimizing unconstitutional land claims across the country.
- The study revealed that the existing EPRDF Constitution Article 48(2) assured “*States shall be delimited on the basis of the settlement patterns, language, identity and consent of the people*”. To that end, this article can give us a scapegoat to the discord between the parties in conflict. Moreover, the “consent of people” can be measured by the referendum process in the study areas.

## **5.2.CONCLUSION**

The Ethiopian federation lacked an independent and politically free institutional setup to deal with any issues with democratic principles. To that end, the political assignment of these HoF representatives is a mandated body that cannot entertain the Welkait and Raya cases without any political influence. This shows that we have a weak institutional and legal setup to resolve inter-state border disputes. Nevertheless, they should bring persuasive decisions or solutions for both parties in the conflict as per the existing constitutional or institutional frameworks so that they could get at least negative peace and temporary stability to keep the northern part from another potentially destructive civil war.

Both the Tigray and Amhara regional states are not adequately disarmed to keep the Pretoria Peace accord article 6 of DDR and article 3 of permanent secession of hostilities. This shows that mistrust and instability prevailing across the two regional states might end up with war. Moreover, the agreement shows a lack of including the Afar and Amhara regional states directly to participate and being a part of the reconciliation. However, the study unlocked that as per many political elites, the Welkait and Raya cases cannot be treated with the current EPRDF constitution and believed the articles towards such disputes are completely ambiguous by their nature. To that end, they preferred constitutional amendments to solve this issue.

In general, the cases of Welkait and Raya can be the headaches of not only the two regional states but also the federal government. The quest for internal border delineations can affect the entire system of the country if they cannot be handled before its spillover.

### **5.3.RECOMMENDATIONS**

- In fact, the constitutional framework by itself is unable to solve such discord between ethnic groups. To that end, since these peoples (Amhara and Tigray) have historically bonded and lived together throughout many years, the researcher suggests that there should be public-to-public reconciliation and discussion to address the grievances between the Tigray and Amahra regional state peoples once and for all.
- Moreover, the political elites of the two regional states should come together and settle their differences by putting a way forward for disputed areas in the northern part of the country and also what kinds of solutions the EPDRF constitution should consist of giving answers for such quests across the country.
- Despite the Pretoria Agreement between TPLF and Federal Government, there were actors in the war. Thus, it lacks the inclusiveness of Amhara and Afar Regional states for further negotiation and to bring durable peace between the warring party rather than delegating and deciding on behalf of them by the Federal Government. Thus, the Committee should reconsider the Amhara and Afar people in the agreement (reconciliation).
- Ethiopia's political elites should work collaboratively to defend the country's domestic politics from the international community, which is putting pressure on the internal affairs of Ethiopia.
- Finally, if the HoF failed to bring amicable solutions for the Amhara and Tigray regional states towards Welkait and Raya lands, the researcher highly recommends that the contested these lands should have to be administered by the federal government and withdraw regional forces from that area until they make persuasive decisions for both parties in the conflict.
- To sum up, we need to have an independent, impartial, strong, and effective institutional and constitutional framework to resolve inter-state border disputes, identity and self-determination, and related constitutional rights within the Ethiopian federation.

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**APPENDIX**  
**Jimma University**

**College of Law & Governance**

**Department of Governance & Development Studies**

**Introduction of Interview**

My name is Amanuel Seifu, and I am a graduate student at Jimma University in the College of Law and Governance, Master's program in peace and conflict studies. At this time, I am working on an MA thesis for partial fulfillment of the Master's degree in peace and conflict studies with the title "Internal Border Delineations and Contested Lands in Post-1991 Ethiopia: The Case of Tigray-Amhara Border Disputes".

**Dear Respondent,**

On account of your experience and demonstrable knowledge of Ethiopia's politics and the mandate that you have on this border dispute cases, you have deliberately been identified as a respondent in this research. The invaluable information you provide shall strictly be treated with utmost confidence and will be used only for academic purposes in this study. Please feel free to provide information in this interview to the researcher at your earliest convenience.

I thank you very much for your valuable time and cooperation.

**Interview**

The critical purpose of these Interviews is intended to collect information with regard to the Internal Border Delineations and Contested Lands in Post 1991 Ethiopia: The Case of Tigray-Amhara Border Disputes. The items of the information collected from these Interviews are very crucial for the effective accomplishment of this study. Hence you are required to explain your perception and opinion freely and carefully.

**Interview regarding the study**

1. Will the existing constitutional and institutional frameworks effectively resolve border conflicts between the Tigray and Amhara states?
2. How do internal border demarcations affect the relationships, cooperation, and peaceful coexistence of Tigrian and Amhara communities?

3. How will the land/boundary dispute between Tigray and Amhara jeopardize the effective Implementation of the Pretoria Peace Agreement signed between the TPLF and FDRE government on 2 November 2022 in South Africa to end North Ethiopia's two-year civil war?
4. What were the reasons behind incorporating the Amhara territories of Welkait and Raya as part of the Tigray region if ethnicity was the baseline of federalism?
5. What were the efforts (successes and failures) of the actors in achieving viable peace and security in the study area since 1991?
6. Does the ongoing tension of centralizing paramilitary forces and refusal of the Amhara Special Force (ASF) affect border conflict in the study area?

The End!!!

Thank you very much again for your time.