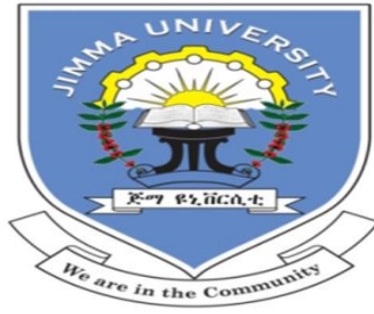




**ASSESSING THE IMPACTS OF TRANS-BORDER CHILD ABDUC-
TION ON THE HUMAN RIGHTS OF CHILDREN: THE CASE OF
GAMBELLA REGIONAL STATE AGNWUA ZONE**

By

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**A Thesis Submitted in Partial Fulfillment of the Requirement for the
Masters of Human Rights and Criminal Law.**

Jimma, Ethiopia

July, 14/2024

JIMMA UNIVERSITY
COLLEGE OF LAW AND GOVERNANCE
SCHOOL OF GRADUATE STUDIES
SCHOOL OF LAW
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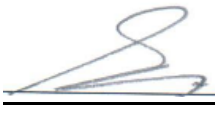
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Declaration

I, the undersigned, certify that this thesis is unique, the product of my own work, and has never been submitted in to a different academic institution. Additionally, I certify that all secondary sources and materials utilized in this thesis have been properly cited.

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Date: 15 July 2024

Acknowledgments

First and foremost, I would like to thank and convey my gratitude to my advisor, Dr. Solomon Tekle, for his essential advice and assistance during the composition of this thesis project. Without his help, this undertaking would not have been possible. Second, I would like to express my profound gratitude to God for giving me the health and chance to continue my education. In addition, I owe a debt of gratitude to the law enforcement organizations whose assistance made it possible to obtain relevant data and information that were necessary for this thesis project. It would have been unlikely that this thesis would have been realized without their invaluable participation.

To Gambella University, whose master's program support made this course possible for me, I also want to thank you. Last but not least, I would like to express my sincere thanks to my family—Abang, Sunday, and Agagna Obuya—for their steadfast financial and moral support during my academic career. To conclude, I would want to thank all of my friends for their emotional support and encouragement throughout this academic journey.

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List of Abbreviations and Acronyms

ACHPR:	The African Charter on Human and Peoples' Rights
ACRWC:	The African Charter on the Rights and Welfare of the Child
DRC:	Democratic Republic of Congo
EHRC:	Ethiopian Human Rights Commission
UDHR:	Universal Declaration of Human Rights
UNCRC:	United Nations Convention on the Rights of the Child
UNDP:	United Nations Development Program
UNCATOC:	United Nations Convention against Transnational Organized Crimes
UNIMISS:	The United Nations Mission in South Sudan
GPAA:	Greater Pibor Administrative Area
SNNP:	South Nation, Nationalities and Peoples of Ethiopia
CCAICA:	The Hague Convention on the Civil Aspects of International Child Abduction

Abstract

Transnational crime has become a major global concern that significantly affects human rights, especially child abduction. This thesis investigates the significant impacts that cross-border kidnapping has on children's human rights in the Gambella Regional State's Agnwua Zone. The study emphasizes how these kidnappings continue to pose a threat to national security and violate human rights; these issues have been made worse by the actions of the South Sudanese Murle community. Although there is a dearth of literature on this subject, the effect of cross-border kidnapping on children's human rights is investigated.

The study's main focus is on how trans-border abduction affects children's human rights in the context of the Gambella Agnwua zone. A hybrid study design that included non-doctrinal and doctrinal methods was used. In-depth, unstructured interviews, observations, and focus groups with pertinent stakeholders were used to gather the data, which were then subjected to theme analysis and critical legal appraisal. To ensure a thorough understanding, the sampling technique comprised snowball sampling for abduction victims and a purposeful selection of security officers.

According to this study, victims of transnational abduction suffer grave physical, psychological, and financial consequences. International human rights norms are violated by these abductions, which often lead to torture, rape, and killings, resulting in enduring psychological impacts and major interruptions to education and fundamental rights. The results highlight how urgently measures are needed to support the impacted children and deal with these violations. The activities of the Murle community, especially in Gambella State, worsen these effects, creating serious security risks and infringing against the fundamental human rights of children.

The study concludes that both governmental and non-governmental entities must provide effective interventions. It suggests a comprehensive, cooperative plan involving the governments of South Sudan and Ethiopia, especially in Gambella, Jonglei, and Upper Nile, to guarantee the safety and welfare of impacted children and to lessen and eventually abolish cross-border abduction.

Dedication

This effort is dedicated to the victims of trans-border child abduction living in the refugee camps and woredas of Gambella, as well as to the families of abducted children.

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CHAPTER ONE

1. INTRODUCTION

1.1. Background of the Study

Trans-border crime has grown to be a significant problem that has drawn interest from social scientists worldwide. This is true because of how it relates to people's lives. It is impossible to overstate how fierce it is in Africa. This is a problem that significantly impacts our pursuit of human rights, peace, and border security as well as regional integration. Because of the intensity of transnational organized crime, the basic idea of transboundary law enforcement as a whole has come to the attention of everyone, both locally and internationally.¹

Transnational crimes affect individuals generally in several ways. Another current concern, particularly in some African countries, is worries about how children are affected by intercommunal and cross-border dynamics of violence. Children affected by these conditions need care and protection, and military activities, including counterterrorism ones, have made it impossible for child protection actors to access these places.² In addition, the continent of Africa must confront the difficult challenge of meeting the needs and aspirations of its people. Of particular importance is the ubiquitous topic of transnational crime, which has attracted significant attention from academics worldwide. The direct influence this occurrence has on the well-being of society makes it noteworthy. Its presence in Africa is noteworthy, especially in the West and East African regions. According to some observers, the rise in transnational organized crime catalyzes the rising rates of criminal activity in these countries.³ These critics contend that people engage in a variety of illegal actions to survive at all costs. This school of thinking contends that the state must assume responsibility if it is to reduce transnational organized crime. Nevertheless, things were not made better by the actions of both domestic and foreign law enforcement organizations. The majority of these organizations support and encourage these unlawful acts. Many of them work in collusion with these criminal gangsters to carry out these.⁴ Thus, one of the most pressing issues of our day is the abduction of children across international borders, which puts many people's safety at risk and violates

¹ Abraham Peter and N Asogwa, 'Exploring the Implications of Trans-Border Crimes for Regional Integration in West Africa' [2009] *Journal of Intra-African Studies* 24.

² United Nations General Assembly Security Council, 'Children and Armed Conflict Report of the Secretary-General' (2020).

³ Peter and Asogwa (n 1).

⁴ Ibid at Peter and Asogwa (n 1).

their human rights, especially women and children. Not only does trans-border child abduction result in pain for the abducted individuals, but it also kills a great number of people in similar circumstances.⁵ One study on the effects of abduction, for example, found that “victims of kidnappings during kidnapping episodes experience a variety of harsh treatments and circumstances, including physical abuse, sexual abuse, being killed, mental/psychological abuse, confinement and isolation, inadequate food, and drugging.”⁶ The security conditions in many African countries are threatened by these issues. Ethiopia is thus not an exception to this issue among the nations impacted by this security danger or issue.

Despite the difficulties and issues that children face, as discussed in the previous paragraphs, children's roles are extremely important for our future generations. Children are the future of the world and play a critical role in the next generation. Children are the youngest members of society; they grow up in the homes of married people and eventually make up the next generation. Children are people who have not reached the age of majority or who are younger than eighteen.⁷ Children throughout the world have been coping with a range of challenges and problems in different regions of the world. The UN General Assemblies report states that “494 attacks on hospitals and 927 attacks on schools including those on the protected were confirmed. For example, Somalia, Afghanistan, the Occupied Palestinian Territory, and the Syrian Arab Republic had the highest number of confirmed cases. The number of attacks on hospitals and schools that are carried out by states (503) has somewhat grown worldwide. For example, the intensifying conflict, in particular the airstrikes by the Israeli military and the rocket fire from Palestinian armed organizations, has severely affected the schooling of children in Gaza and Israel. Because of continuous use, schools lost their reputation as safe spaces and became more open to attacks.”⁸ Therefore, children are facing great challenges in different countries in the world.

Millions of African children are fleeing deadly conflicts, poverty, and starvation by traveling to Africa, either alone or with their families. Millions of youngsters in several

⁵ Bello Ibrahim and Jamilu Ibrahim Mukhtar, ‘An Analysis of the Causes and Consequences of Kidnapping in Nigeria’ (2017) 11 African Research Review 134 <<https://www.ajol.info/index.php/afirev/article/view/163979>> accessed 16 December 2023.

⁶ Benjamin Reissman, Tamanna Akhter and Jin Soo Park, *An Introduction to the Dangers and Psychological Effects of Kidnapping* (2019).

⁷ United Nations, ‘Convention on the Child Rights Article 1 Part 1: 1989’.

⁸ ‘Children and Armed Conflict Report of the Secretary-General’ (n 2).

African nations are living in continual dread and violence as a result of conflict.⁹ As to UN statistics, 1,683 children have been abducted; of these, 95% have been carried out by non-state actors organizations, mostly in Nigeria, Somalia, and the Democratic Republic of the Congo.¹⁰ Though sometimes linked to other crimes, abduction has not received the attention it deserves. Child abductions have occurred for a variety of motives, including recruiting, sexual abuse, and ransom.¹¹ One defining feature of transnational crimes is their tendency to include multiple players with disparate motivations and to inflict misery on their victims. Victims of transnational crimes experience intense tension. Concerns about possible helpless victims and casualties have been raised by transnational crimes. There may be a variety of actors involved in transnational crimes. These crimes may involve people from multiple countries maintaining a correspondence and operation plan that is effective enough to occasionally carry out illegal exchanges repeatedly¹²

Ethiopia is a part of the Horn of Africa sub-region,¹³ which has been known for its high rate of violence caused by armed rebellions, military takeovers, ethnic and racial insurgencies, violations of human rights, drug and weapon trafficking, state collapse, and, more recently, terrorism and cross-border kidnapping.¹⁴ Transnational kidnapping of children is thus one of the crimes listed above that may be considered a contemporary security threat. Thus, generally speaking, there is still great concern between Ethiopia and South Sudan regarding the practice of trans-border child abduction and the transportation of abducted children across the border. This problem appears to include cross-border communities with their own internal and external actors that step up raids for various objectives.¹⁵

In general, transnational abductions are considered the most terrible and disgusting crime recognized by criminal law in many countries and nations. They are serious, often

⁹ 'Hunger, Disease, Wars: Children in Africa Are Particularly Suffering' (*SOS Children's Villages*) <<https://www.sos-usa.org/SpecialPages/Africa/children-in-africa>> accessed 18 February 2024.

¹⁰ 'Facing Record-High Violations in 2023, Security Council Explores Ways to Bolster Norms to Protect Children in Armed Conflict | Meetings Coverage and Press Releases' <<https://press.un.org/en/2024/sc15745.doc.htm>> accessed 17 August 2024.

¹¹ Ibid.

¹² Ezedikachi N Eze-Michael, 'Combating Organised Trans-Boarder Crimes in Nigeria' (2021) 6 *KIU Journal of Humanities* 111 <<https://ijhumas.com/ojs/index.php/kiuhums/article/view/1259>> accessed 16 December 2023.

¹³ 'Horn of Africa | Countries, Map, & Facts | Britannica' (5 July 2024) <<https://www.britannica.com/place/Horn-of-Africa>> accessed 17 August 2024.

¹⁴ Alene Kassaw, 'Trans-Border Security Threats in the Horn of Africa and Their Security Implications in Ethiopia' (2018) 3 *Abyssinia Journal of Business and Social Sciences* 27. <<https://abjol.org.et/index.php/ajbs/article/view/200>> accessed 16 December 2023.

¹⁵ 'Child Abduction at the Ethiopia-South Sudan Border: A Human Rights Challenge | Wilson Center' <<https://www.wilsoncenter.org/blog-post/child-abduction-at-the-ethiopia-south-sudan-border-a-human-rights-challenge>> accessed 8 February 2024.

violent crimes. It is well known that crimes in general have negative impacts on society's social, political, economic, and developmental aspects of a given people. Therefore, trans-border child abduction is not an exception to this, it has negative impacts on people's daily life style ability to live peacefully. Furthermore, trans-border child abduction has more negative impacts on the human rights of children. On the other hand, it is painful to see young children who have bright futures being sold. They are treated like slaves, raped, and pushed into marriage against their will. Young people who should be bolstering their nation commit violent crimes and theft, harming society's standing.¹⁶ The researcher's study on the effects of this trans-border child abduction on the human rights of children in Gambella was made necessary by the fact that this has been happening in the Gambella Regional State on a regular basis. The motives behind this abduction in the area could be multiple. However, the current authority must significantly improve it by adopting an effective human rights-based approach to the practice of trans-border child abduction and border-related security danger in the area if it is to overcome this impediment, security threat, and human rights situations.

The Gambella Regional State's citizens have been impacted by the trans-border abduction practice since the Derg administration and it continues to this day. This study is important because the Murle people from South Sudan have been kidnapping and forcing more children over borders each year in the Gambella region. This has made the necessity for more potent research strategies to combat the national crime of transborder kidnapping of children necessary. Furthermore, by drawing attention to the detrimental practice of cross-border abduction, this study supports the efforts of non-state actors, international communities, NGOs, legal systems, government agencies, and other institutions working together to put an end to this practice nationwide.

Furthermore, little is known about Murle's attempts at abduction, particularly in relation to minors residing near the Ethiopian border with South Sudan. The study's findings are helpful to scholars and policymakers who prioritize the rights of children. As a result, the goal of this study was to examine how transborder kidnapping affects children's human rights in the context of Gambella, specifically in the three woredas of Gog, Jor, and Dima.

¹⁶ Ibid.

1.2. Review of Related Literature

The review of academic research on abduction, transborder abduction of children, and an overview of the problem of cross-border kidnapping and how it affects children's human rights in the Gambella Regional State.

1.2.1. The Gambella South Sudan Border Features

The Gambella Regional State and South Sudan share a common border of 874 kilometers (543 miles) that separates the Gambella area of Ethiopia from the Upper Nile and Jonglei states of South Sudan. Therefore, people living on both sides of the border have developed an identity that could improve relations across the border. The Anywaa tribe, the Nuer tribe, and the Murle tribe are the main Nilotic communities residing near the border, and they engage in comparable socio-cultural practices. As pastoralists who live on the move, the Nuer and Murle rely on herding and have historically moved to different pastures sometimes even across the border during the dry season to take care of their animals. The Anywaa people are farmers who are used to living near rivers and in arid areas so they can work their property.¹⁷

1.2.2. Literature Review of the Murle Raids in Gambella

Different scholars have examined the origins and evolution of the Murle cross-border raids and child abduction. Drawing upon cultural evidence, escalated violence perpetrated by insurgent factions within the Murle community, including increased civilian casualties, cattle theft, and child abductions, particularly targeting communities such as the Anywaa and Jikany Nuer.¹⁸ According to informants from the Gambella region of western Ethiopia, the Murle are notorious for their aggressive incursions into neighboring tribes residing in the Gambella Regional State, reflecting a distinct war-oriented culture. Their operational base lies in Pibor County, Jonglei State, located 35 kilometers from Gambella's Akobo District.¹⁹

¹⁷ Tasew Gashaw, 'The Southern Voices Network for Peacebuilding' <<http://dehai.org/dehai/assets/dehai/2020/242137-Cross-Border%20Intergroup%20Conflicts%20in%20the%20Horn%20of%20Africa,%20A%20Case%20Study%20of%20Ethiopia-South%20Sudan%20Borderland%20People.pdf>> accessed 25 May 2024.

¹⁸ G Tasew, 'Cross-Border Intergroup Conflicts in the Horn of Africa: A Case Study of Ethiopia-South Sudan Borderland People'.

¹⁹ H Mossa, 'Conflict Dynamics in a Three-Level Game: The Conflict Formation in Gambella, Southwest Ethiopia'; G Tasew, 'Cross-Border Intergroup Conflicts in the Horn of Africa: A Case Study of Ethiopia-South Sudan Borderland People'.

Therefore, the severe human rights implications of cross-border child abduction and attacks in the Gambella region are not covered by many studies. It's crucial to comprehend the negative effects and mechanisms of these operations. The border regions between Gambella and eastern Upper Nile are particularly volatile, exacerbated by the protracted civil conflict. Furthermore, beyond cattle theft, Murle cross-border activities encompass the distressing abduction of children, posing significant security risks to villages in the Gambella region. It was reported in April 2016, that armed assailants from South Sudan abducted and massacred over 200 individuals, including more than 100 children.²⁰ Additionally, the same armed Murle faction seized nearly 2,000 head of livestock during the attack, resulting in a total of 208 fatalities.²¹ Recent kidnappings of children and cattle raids by South Sudanese militias have intensified tensions among local communities. Consequently, agriculturalist communities, including the Anywaa, face heightened insecurity. Thus, child abduction poses a significant security threat to both pastoralists and farmers along the Ethiopia-South Sudan borders.²² The juveniles were displaced from their residences in Gambela, located in western Ethiopia, after an alleged incursion by cattle raiders from South Sudan across the border.²³ Thus, the goal of the research is to investigate the causes and effects of the Murle family's cross-border kidnapping practices as well as how they affect children's human rights in Ethiopia's Gambella region. It highlights the fundamental rights that every child has, regardless of their unique circumstances.²⁴

Emerging security risks, such as the proliferation of small guns, terrorism, human and drug trafficking, cybercrime, cattle theft, kidnapping, illegal migration, and the illicit circulation of small arms, exacerbate these difficulties.²⁵ Ethiopia's vulnerability to transnational security issues. Secondly, trans-border child abduction poses a threat to communities in southwestern Ethiopia. Additionally, the region serves as a hub for trafficking and smuggling activities, involving victims as both sources and destinations. Thirdly, pastoral conflicts, no-

²⁰ H Mossa, 'Conflict Dynamics in a Three-Level Game: The Conflict Formation in Gambella, Southwest Ethiopia'.

²¹ Ibid.

²² Kidanemariam Haile, 'The Murle Cross Border Raids and its Implications for Ethiopia-South Sudan Border Security: Lesson From Dimma Woreda, Gambella National Regional State'.

²³ 'Children Abducted in Ethiopia Cattle Raids Returned from South Sudan | | UN News' (13 May 2016) <<https://news.un.org/en/audio/2016/05/612492>> accessed 8 February 2024.

²⁴ 'Human Right Centre - Università Di Padova | Files :: Identifying the Causes and Implications of Murle Child Abduction Practice, and Its Impacts on Children: A Case Study on Ethiopia's Gambella Region and South Sudan Border' <<https://unipd-centrodirittumani.it/en/schede/Identifying-the-Causes-and-Implications-of-Murle-Child-Abduction-Practice-and-its-Impacts-on-Children-A-Case-Study-on-Ethiopia/504>> accessed 13 February 2024.

²⁵ Alene Kassaw, 'Trans-Border Security Threats in the Horn of Africa and Their Security Implications in Ethiopia' (2018) 3 Abyssinia Journal of Business and Social Sciences 27 <<https://abjol.org.et/index.php/ajbs/article/view/200>> accessed 16 December 2023.

tably cattle rustling, result in substantial human and economic losses, displacements, and socio-economic disruption. Moreover, the circulation of small arms exacerbates conflicts, fuel crime, and violence, and impedes social and economic development.²⁶

The Ethiopian Constitution and subsidiary laws prioritize children's rights, aligning with international treaties such as the CRC ratified in 1991. However, despite progress, implementation gaps persist, leaving children vulnerable to rights violations, especially amidst conflicts and cross-border child abduction. It's crucial to address these challenges to ensure a safe environment conducive to healthy growth for Ethiopian children.²⁷ It is regarded as an illegal act of kidnapping or detaining children or groups of children to get financial or political benefit from the victim or another party.²⁸ Usually, this would occur without permission from the victim's child's guardians or the law.

The issue of trans-border security threats in Africa has precipitated both intra-state warfare and the emergence of trans-border ethnic groupings. Consequently, trans-border kidnapping has become a significant security concern across the continent. This dynamic fosters various forms of intra-state conflicts, often stemming from tensions between the state and trans-border communities. Primarily, such conflicts manifest as hostilities between the government and segments of transboundary ethnic groups residing within its territorial boundaries.²⁹ The research underscores the significant influence of transnational ethnic affiliations on various conflicts in Africa. Due to the inherent nature of these cross-border ethnic formations, their involvement in conflicts is nearly inevitable.³⁰

There are some available previous studies on the topic of abduction that have been conducted. Some studies focused on the incidence of kidnapping on an international level, but she looked at the abduction of children from a global perspective.³¹ Research indicated that militias in the eastern Democratic Republic of the Congo (DRC) continued to kidnap men, women, and children during attacks on villages and hold them as slaves in 2014, according to

²⁶ Ibid.

²⁷ J Eagle Shutt and others, 'Reconsidering the Leading Myths of Stranger Child Abduction' (2004) 17 Criminal Justice Studies 127.

²⁸ Encyclopaedia Britannica and London Tube, 'URL: <https://www.britannica.com/topic>' [2021] Avatamsakasutra (accessed 10.04. 2019).

²⁹ Emmanuel Ikechi Onah, 'The Role of Trans-Border Ethnic Groups in Intra-State and Inter-State Conflict in Africa' (2015) 30 Journal of Borderlands Studies 85
<<http://www.tandfonline.com/doi/full/10.1080/08865655.2015.1012734>> accessed 2 February 2024.

³⁰ Ibid.

³¹ Marilyn Freeman, *International Child Abduction: The Effects* (Reunite International Child Abduction Centre 2006).

the Global Slavery Index report, demonstrating the problem's increasing global prevalence.³² Kidnappings are still a major factor in the insecurity that exists in the Niger Delta, the Southwest, and the South East. Most lately, the northern Nigerian states have also been the target of hostage-taking. The Nigeria Police Force documented 887 cases nationwide between 2008 and 2010.³³

Furthermore, problems like overgrazing and land degradation, the development of livestock illnesses, population displacement, conflict and absence in schools, restricted access to markets and trade possibilities, and food insecurity, frequently lead to reliance on food aid.³⁴ And this is what happening between the border between South Sudan and Ethiopia alongside the Gambella Region. These confrontations are frequently driven by the desire for honor and the impulse to exact revenge for perceived slights. Furthermore, even though it is against the law, kidnapping children helps the offenders financially, especially in the Murle community.³⁵ However, these gains are overshadowed by the profound negative impacts of cross-border conflicts, including loss of life, livestock, and mass displacement. These conflicts also disrupt socio-economic development, weaken local governance, and exacerbate food insecurity and dependency on aid. Communities along the border, especially the Nuer and Anyuak, face significant challenges, including restricted freedoms, limited access to education, and compromised peace and security.³⁶

One major concern that still exists is the issue of kidnapping children and smuggling them across the border between Ethiopia and South Sudan. This dilemma appears to involve cross-border communities with its own internal and external participants who step up raids for various reasons. It is devastating to watch young children who have bright futures being sold. They are treated like slaves, raped, and pushed into marriage against their will. Young people who should be bolstering their nation commit violent crimes and theft, harming society's

³² 'The Global Slavery Index 2014' (n 71) This is the second edition of the Global Slavery Index (the Index). It is the first Index of its kind – providing an estimate, country by country, of the number of people living in modern slavery today.

³³ Ikechukwu Maduka OKAFOR, 'The Implication of Kidnapping of School Children in North-East Nigeria on Education'.

³⁴ Jal (n 19).

³⁵ Gatluak Ruon Jal, 'Cross Border Conflict in Gambella Regional State (from 1991 to 2011): The Traditional Skills, Experiences and Indigenous Knowledge Used by Nuer, Anyuak and Murle Ethnic in Resolving Conflict' (2012) 3.

³⁶ Ibid, Cross Border Conflict in Gambella Regional State (from 1991 to 2011): The Traditional Skills, Experiences and Indigenous Knowledge Used by Nuer, Anyuak and Murle Ethnic in Resolving Conflict'.

standing.³⁷ Therefore, poor socioeconomic and infrastructural conditions resulting from a lack of social inclusion exacerbate these problems. These tendencies are now having effects that go beyond routine raids. Security and human rights circumstances can be greatly enhanced by addressing child abduction from a human rights viewpoint, which would be one way to solve this situation. Consequently, in order to protect children's rights, the appropriate authorities had to think about putting international instruments into effect immediately.³⁸

1.2.3. The practice of the Murle Cross-Border Child Abduction

Several factors contribute to the phenomenon, encompassing political marginalization, socio-cultural norms, and the permeability of borders. Socio-culturally, these factors manifest in the traditional emphasis on bridal wealth and the practice of forcefully adopting children through abduction. Families lacking male offspring or children may resort to adopting kidnapped individuals as a means of addressing this deficiency.³⁹ Furthermore, there is very little border between Ethiopia and South Sudan, which facilitates crime and the smuggling of dangerous products and people. In recent years, guns used for domestic abuse have been traded through unlicensed contraband, which is typically purchased with cash or cows. Contraband was moved using a range of unapproved smuggling routes.⁴⁰

The bulk of victims of abduction are the Anyuua and Nuer people. A group of militants from South Sudan who were part of the Murle group broke through Ethiopia's border in 2016 and took 131 children hostage from three districts in the Nuer Zone and the Gog area in the Anyuua zone. The kidnapped youngsters were kept as captives in a log home under the watchful eyes of armed men, fed nothing but milk. Because of its many circumstances and intentions, kidnapping is a violent crime that demonstrates complexity. As indicated by different study, the main causes of hostage-taking episodes are for financial incentives and political negotiating.⁴¹ Therefore, understanding this broad category of abduction is also essential to explore the underlying causes of the problem in order to understand it carefully. However, there are numerous reasons and purposes why criminals kidnap and abduct people:

³⁷ 'Child Abduction at the Ethiopia-South Sudan Border: A Human Rights Challenge | Wilson Center' <<https://www.wilsoncenter.org/blog-post/child-abduction-at-the-ethiopia-south-sudan-border-a-human-rights-challenge>> accessed 8 February 2024.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Sara Pennicino, 'Identifying The Causes And Implications of Murle Child Abduction Practice, And It Impacts on Children: A Case Study on Ethiopia's Gambella Region and South Sudan Bordering Communities'.

⁴¹ Jennifer M. Hazen and Jonas Horner, 'Small Arms, Armed Violence, and Insecurity in Nigeria: The Niger Delta in Perspective' (2007) The Small Arms Survey special Report.

adoption, begging, camel racing, prostitution, marriage, illicit sex, ransom, retaliation, sale, selling body parts, slavery, unlawful activities, murder, and other motives.⁴²

1.2.4. Child Abduction under the International Convention on the Rights of the Child (CRC)

The first modern convention was the Child Abduction Convention, which was ratified in 1980. There are currently 84 contracting states from around the globe that are part of this convention. Despite the Convention's widespread adoption throughout the Americas, Europe, and Australasia, there are still a few notable gaps.⁴³ Furthermore, a significant number of States that have adopted Shariah law as their legal system have not yet chosen to ratify the 1980 convention.⁴⁴ when we consider the African setting, where the Hague Conventions have traditionally been embraced slowly. A contributing factor to the issue has been a lack of knowledge about the Hague Conventions. Members of the Hague Conference on Private International Law are extremely rare in Africa. Few people participated in the 1980 Convention talks. Furthermore, the Hague Conventions' methods are not well-known in Africa, which means that sometimes the potential advantages of the Conventions go unrealized. It would be extremely difficult to implement, especially in the States where a sizable portion of the populace lacks effective access to formal legal processes or legal services. In many cases, the socioeconomic and demographic conditions that give rise to abductions in African nations differ greatly from those that apply in Western nations. For instance, abductions that take place in Africa can occasionally differ greatly from the standard inter-parental abductions that happen frequently in Europe or the US. Certain cross-border migratory patterns, motivated by factors other than labor, are linked to certain abductions.

Child Rights Convention is one of the legal bases for the protection of children's human rights. Certain provisions of the International Child Rights Convention (CRC) address the protection of children's rights and the problem of child abduction when we notice it. For instance, Article 6(2) of the CRC has obligated the state parties to ensure the maximum extent possible for the survival and development of the child. Another supportive provision is Article 11 (1) which obligated states parties to take measures to combat the illicit transfer and non-

⁴² Ibrahim and Mukhtar (n 72).

⁴³ William Duncan, 'Transcript: Globalisation of the Hague Children's Conventions with Emphasis on the Child Abduction Convention' (2010) 63 Okla. L. Rev. 607 <https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/oklr63§ion=27> accessed 26 August 2024.

⁴⁴ *ibid.*

return of children abroad. In addition to that, under sub 2 of the same provision it provides member states to promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 21 of the Child Rights Convention is the sole section that addresses adoption-related matters. Article 21(d) requires that all reasonable steps be taken to guarantee that, in cases of international adoption, the placement does not cause undue financial benefit for individuals engaged; Additionally, the Convention has mandated Article 21(e) states that agreements or arrangements between countries should be concluded to advance the goals of the current article. Within this framework, efforts should be made to guarantee that the child's placement in a foreign nation is handled by organs or authorities that are qualified to do so. States Parties acknowledge that under article 32 (1), children have the right to be free from economic exploitation and to be shielded from work that could endanger their health or interfere with their education or negatively impact their physical, mental, spiritual, moral, or social development.

The Child Rights Convention emphasizes that all children have an innate right to life and that states must do everything within their power to ensure that children survive and flourish. States are required to shield children from abuse and exploitation, including sexual abuse, as well as from physical or mental harm. States are required to offer acceptable alternative care to youngsters without parents. If and when adoptive parents want to remove the child from his or her original country, they need to look into international agreements to ensure legal validity and give safeguards. The adoption process will need to be strictly monitored.

To protect children from sexual exploitation and abuse, for example, States Parties are required by Article 34 to take all reasonable national, bilateral, and international steps to prevent such abuse. Similarly, States Parties are required by Article 35 to take all reasonable national, bilateral, and international steps to prevent the kidnapping, sale, or trafficking of children for any reason or in any form. In addition, state parties are required by Article 39 to take all reasonable steps to facilitate the physical and mental healing as well as the social reintegration of a child who has experienced any of the following: armed conflicts; torture or any other form of cruel, inhuman, or degrading treatment or punishment; or neglect, exploitation, or abuse. The setting in which the child recovers and reintegrates must support their health, dignity, and sense of self.

1.3. Statement of the problem

All over the Horn of Africa, there is an increase in crime, especially in the borderlands. This infraction includes, among other things, intergroup child abductions, which have become more common along international borders. The vast majority focus on kid abduction by parents. However, Murle militants breach the international border and abduct children from border towns in Ethiopia.⁴⁵

The Murle cross-border child abduction has been a long-standing practice along the Ethiopia-South Sudan border. It had risen dramatically in the last nine years, from 2014 to 2022. The practice have repeatedly given birth to the hybrid crisis, however, neither the Government of Ethiopia nor South Sudanese governments have taken sufficient measures to put an end to this matter. In fact, both countries may be aware of the exploitation of children within their shared borders by strangers group called “Murle armed militants” who operate along the borders of the two countries, and seize children on many occasions.⁴⁶ The practice of trans-border child abduction by Murle ethnic groups between the borders of South Sudan and Ethiopia, however, remains an unresolved issue between the two nations. Witnessing young children with promising futures being sold is heartbreaking. They are forced into marriage against their choice, raped, and treated like slaves. Young individuals who ought to be strengthening their country commit violent crimes and stealing, which damages society's reputation.⁴⁷

Scholarly research on the effects of cross-border abduction on children's human rights in the Gambella region is scarce. Alene Kassaw, for instance, highlights the problem of trans-border child abduction in the Nuer Zone as one that adds to the nation's security danger in her research. Scholarly research on the effects of cross-border abduction on children's human rights in the Gambella region is scarce. Alene Kassaw, for instance, highlights the problem of trans-border child abduction in the Nuer Zone as one that adds to the nation's security danger in her research.⁴⁸

⁴⁵ ‘Child Abduction at the Ethiopia-South Sudan Border: A Human Rights Challenge | Wilson Center’ (n 12).

⁴⁶ ‘Ethiopia’s Army Seeks to Rescue Children Abducted from Gambella.’ (18 April 2016).

⁴⁷ ‘Child Abduction at the Ethiopia-South Sudan Border: A Human Rights Challenge | Wilson Center’ (n 39).

⁴⁸ Kassaw (n 27).

The Murle trans-border child abduction constitutes a severe human rights violation and should be condemned under international law. Insurgents, often from the Murle ethnic group, disrupt families by abducting children. This practice, particularly when crossing international borders, violates family law and fundamental human rights law. The Murle insurgents typically abduct infants from the Anywaa, Nuer, and other border communities, raising them within their cultural customs and values.⁴⁹

For example, in one of the incidents that had been documented during a cross-border assault, the tribal fighters captured around 2,000 animals. As of Tuesday, according to Gambella region officials, 88 children had been released after additional ones were found.⁵⁰ Thus, trans-border abductions negatively impact the inhabitants of the Gambella, a region that borders South Sudan. Although there are many reasons why children are kidnapped abroad, a study suggests that money is a major factor. Their research indicates that stolen children, particularly in the Murle district, are either sold or adopted into the homes of their captors. The Murle occasionally trades livestock for up to 100 stolen children.⁵¹

Thus, this study concentrated on the effects of the Murle trans-border abduction of children. Trans-border abduction of children by Murle strangers near the borders of both countries is a persistent, inhumane practice that puts children at risk and jeopardizes the long-term socio-economic advancement of the Gambella Region and its woredas. Accordingly, this thesis concentrated more on the effects of trans-border abduction of children by Murle strangers (militia) groups and looked into the reasons and effects of these crimes on children's human rights, including as well as the transnational spread of this practice

The Murle trans-border child abduction constitutes a severe human rights violation and should be condemned under international law. Insurgents, often from the Murle ethnic group, disrupt families by abducting children. This practice, particularly when crossing international borders, violates family law and fundamental human rights law. The Murle insurgents typically abduct infants from the Anywaa, Nuer, and other border communities,

⁴⁹ 'Child Abduction at the Ethiopia-South Sudan Border: A Human Rights Challenge | Wilson Center' (n 39).

⁵⁰ 'Ethiopian Children Freed from South Sudan Militia Reach over 80 | ReliefWeb Mobile'
<<https://m.reliefweb.int/report/1602711/ethiopia/ethiopian-children-freed-south-sudan-militia-reach-over-80?lang=es>>
accessed 8 February 2024.

⁵¹ Jal (n 50).

raising them within their cultural customs and values.⁵² Therefore, this study identified the causes, impacts, and possible solutions needed for this transborder child abduction.

1.4. Objectives of the Study

1.4.1. General Objective

The general objective of this study is to assess the impact of abduction on children in general

1.4.2. Specific Objective

These are the list of specific objectives that are intended by this research study. They are here below:

- To evaluate the impact of cross-border abduction on children's rights, with a specific focus on Gambella, considering economic, social, and political factors.
- Assessing and evaluating the governments' legal and political responses to protect and prevent trans-border abduction of children near the border areas in the Region.
- To assess the challenges that the government has faced during in preventing transborder child abduction in the Gambella Region border area.

1.5. Research Questions

These are the following research questions here below:

1. What are the effects of cross-border abduction on human rights, and how does its impacting children rights, especially those living near the border area in the Gambella Region?
2. What are the preventive steps and potential remedies that the federal government and the Gambella should implement to address the transborder abduction of children near the border?
3. What duties do governments and nations have under international human rights treaties and mechanisms to safeguard their citizens from abductions of minors across borders?

⁵² 'Child Abduction at the Ethiopia-South Sudan Border: A Human Rights Challenge | Wilson Center' <<https://www.wilsoncenter.org/blog-post/child-abduction-at-the-ethiopia-south-sudan-border-a-human-rights-challenge>> accessed 8 February 2024.

1.6. Significance of the Study

The purpose of this research is to examine how transborder abduction affects children's human rights in the Gambella Agnawua Zone, specifically in the three woredas of Gog, Jor, and Dima. Transnational child abductions are often considered the most heinous and disgusting crime recognized by criminal law in many countries and nations. It is a serious, frequently violent crime. This crime affects people's peaceful way of life in addition to its negative social, political, economic, and developmental impacts on society as a whole and children's human rights. Therefore, since the Derg administration till the present, the practice of trans-border child abduction has had an impact on the inhabitants of Gambella Regional State. Since the practice of trans-border child abduction by the Murle of South Sudan has been increasing annually in the region and its effects on these people have been documented, the study makes a significant contribution to the people of Gambella. This calls for the development of a more effective research strategy to combat the crime of trans-border child abduction throughout the nation. Furthermore, by raising awareness of this harmful practice of transborder child abduction, this study assists non-state actors, international communities, non-governmental organizations, justice institutions, government organs, and other institutions that collaborate to stop it across the nation.

Furthermore, there is little research on Murle's transborder effects, especially when it comes to kids living close to the Gambella border. The study makes a substantial contribution because there is a dearth of literature in the field, and it is crucial for producing fresh data in the fields of human rights law, kidnappings, and trans-border security threats. The study on trans-border kidnappings and abductions of children benefits important stakeholders, including agencies involved in criminal justice administration, in terms of policy planning, formulation, and control techniques against crime. To safeguard communities near borders, as well as prevent violations of human rights generally and children's rights specifically, it assists the government.

1.7. Research Design and Methodology

1.7.1. Study Design

The researcher utilized a mixed-methods study approach. a combined approach to study that combines non-doctrinal and doctrinal methods. a non-doctrinal qualitative research

methodology was used. For this study, data from primary and secondary sources were acquired.

1.7.2. Population, Sample Size and Sample Technique

The study's sample size is 90, which includes 60 abducted victims, 10 security officers, 5 representatives from the Gambella Women and Children Affairs, 5 representatives from the Gambella Orphanage and Rehabilitation Center, and 10 senior citizens selected from three administrative divisions within the woreda kebele. Ten further interviews were done in rural areas to provide thorough representation, in addition to the interviews that took place within Gambella City's urban region. The non-probability sampling technique and the snowball approach were used to get data from individuals who had been victims of abduction. Therefore, the purposive non-probability sampling method was used to choose the security officers' respondents.

1.7.3. Types and Methods of Data Collection Procedures

Interviews and targeted group discussions were employed to gather information. Interviews and focus groups with victims of trans-border abduction in the Agnua Zone, Agnua Zone security officers, Gambella Regional Security officers, and the three woreda security officers were used to collect data. In this study. Both primary and secondary data were gathered during the investigation; The primary data encompasses fundamental international human rights instruments, such as the United Nations Convention on the Rights of the Child (CRC), the Universal Declaration of Human Rights (UDHR), the Rome Statute, the International Convention on Economic, Social, and Cultural Rights (ICESCR), the African Convention on Human and Peoples Rights (ACHPR), also known as the Banjul Charter, and the African Charter on the Rights and Welfare of the Child. Additionally, recommendations and resolutions from United Nations human rights bodies were reviewed. In terms of secondary sources of data, this study also made use of online resources, books, papers, case laws, earlier research, and other materials that could have provided the investigation with more details on the subject. The purposive strategy was used to select the law enforcement (security) officers at the woreda, zones, and regional administrations. The snowball technique was used to select the victims of trans-border abduction, including their children.

1.7.4. Methods of Data Analysis and Interpretation

In this study, thematic data analysis and critical legal appraisal were used to qualitatively assess the data collected through observation, in-depth interviews, unstructured interviews, and group discussions with the relevant parties.

1.7.5. Study Area

The study area of this research thesis was conducted in Agnwua Zone in the Gambella Regional State, where data were gathered from the Gog, Jor, and Dima woredas. Because of their geographic proximity to the border with South Sudan, these woredas are the most severely affected in the Gambella region, which is why the researcher chose them.

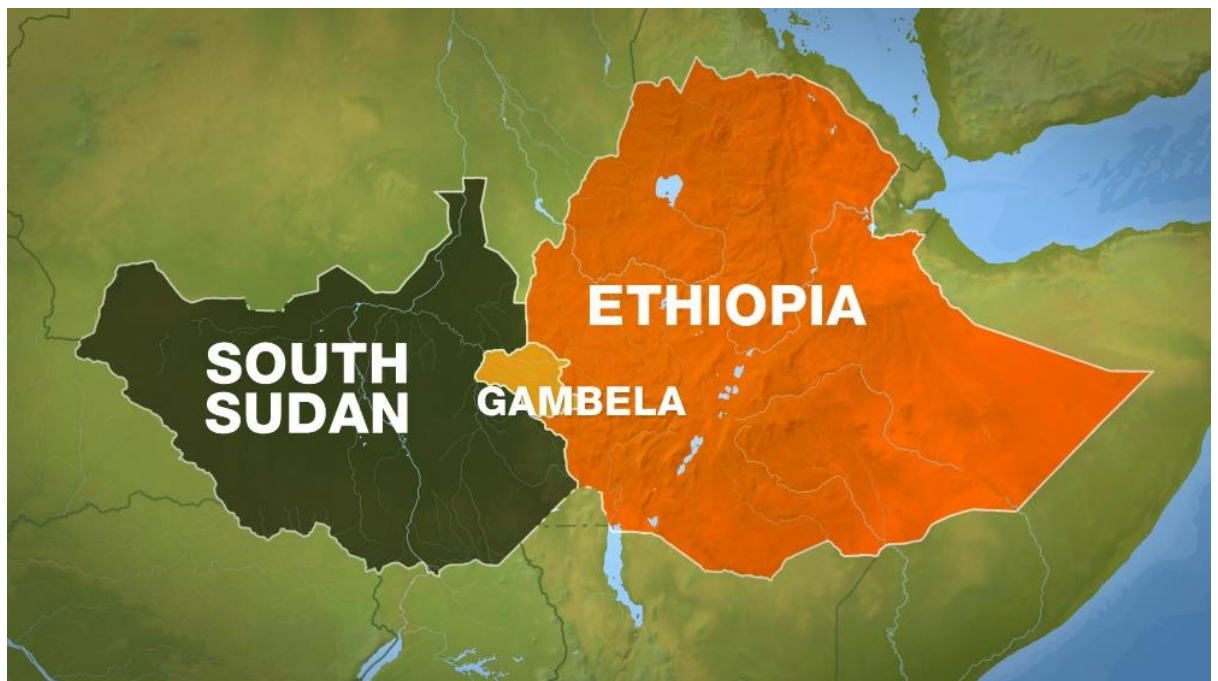


Figure 1: Figure One: Gambella Map

Source: Figure 1: Gambella Map (Aljazeera Media Network), 2024

1.8. Dissemination of the Study

The main target population for the dissemination of this research is the residents of the Gambella Regional State Agnua Zone, more especially those who reside in the three woredas of Gog, Jor, and Dima. These woredas were selected primarily because they border South Sudan and are the most often targeted woredas in the Gambella Regional State for cross-

border abductions. Interviews were thus conducted with the relatives of the abducted children in three woredas, with some senior kebele inhabitants, and with the chiefs of the security personnel in three woredas, zonal security, and regional security, respectively.

1.9. Limitation of the Study

The study focuses on the effects of cross-border kidnapping and how they affect the human rights of children in the Gambella region, specifically in the context of Agnwua zone three woredas Gog, Jor, and Dima woredas. In order to answer research questions, data was collected from affected victim children including those who had recently been released from captivity community leaders, concerned parents, public servants, and organizations that support children's rights. The study focuses on the factors that affect children after abduction. It should be mentioned that kidnappings of minors can happen outside of these two areas as well, along these sister nations' borders. It should be highlighted, nonetheless, that the focus of this research is limited to the previously indicated subject.

1.10. Study Scope

The study intends to assess how children's human rights in the Gambella Agnwua Zone are affected by Murle trans-border abduction. It primarily looks at how human rights are affected by cross-border abductions in three woredas in the Agnwua Zone in the Gambella region.

1.11. Ethical Considerations

The study of moral behavior and the standards that are applied to identify what moral behavior is known as ethics. To ensure the accuracy of the facts, researchers ought to try to avoid manipulating, deleting, or misinterpreting data.⁵³ This study followed all ethical guidelines to the letter, making sure that no data was falsified or copied, that no data was published, that improper data-gathering methods were used, that authorship was misrepresented, and that no unintentional mistakes or carelessness occurred. Additionally, every output included thorough acknowledgments of earlier research that provided information, data, concepts, and techniques, confirming that no plagiarism was present. In compliance with ethical guidelines, participants were duly apprised of the goals and subject matter of the study to acquire their informed consent for interview participation. All data gathered is kept completely private and is used exclusively for this research project.

⁵³ Eze-Michael (n 9).

1.12. Outline of the Chapters

The thesis contains five chapters in general. Each focuses on a different area of the investigation. Chapter One contains the research background, literature review, problem statement, objectives of the study, research questions, techniques, study design and methodology, data collection procedures, data analysis, and study area are all covered in the first chapter's introduction to the study. The second chapter explores the conceptual framework conceptual explanations related to child abduction, In addition to legal frameworks and tactics addressing cross-border abduction along the Ethiopia-Gambella Sudan border, Chapter Three examines the main actors of the transborder child abduction in the Gambella Regional State. Chapter four is on the analysis of the impacts of transborder child abduction on the human rights of children in the Gambella Regional State. Finally, chapter five is all about the findings, discussion, conclusion, and recommendations of the study.

CHAPTER TWO

2. CONCEPTUAL FRAMEWORK

2.1. Introduction

In this chapter, the existing conceptual framework is defined and discussed. Such as transborder crimes, child abduction, types of abduction, other types of abduction, effects of abduction crime, child rights concepts under the international human rights instruments such as the Convention on the Rights of the Child (CRC), Regional Human Rights Instruments; including the child rights concepts under the Ethiopian FDRE Constitution are also discussed below.

2.2. Conceptual Framework

2.2.1. Trans-Border Crimes

It would be difficult to define or characterize trans-border crime because so many different factors have been identified as its constituents. However, trans-border crime refers to several infamous and unlawful acts committed by people and organizations across national and international borders, either for socio-political or religious reasons or for financial or economic gain.⁵⁴ It is a group of illegal activities whose perpetrators and effects transcend national boundaries.⁵⁵ Acts that break the laws of multiple nations are referred to as trans-border or transnational crimes.⁵⁶ Furthermore, trans-border crime entails individuals from several nations keeping up a communication and operational network that is efficient enough to occasionally conduct numerous illicit deals.⁵⁷ This paper's goal aligns with the latter definition, which defines trans-border crimes as actions that violate the core values of the

⁵⁴ 'The Borderless-Border and Internal Security Challenges in Nigeria' (2017) 3 International Journal of Political Science <<https://www.arcjournals.org/pdfs/ijps/v3-i3/3.pdf>> accessed 18 August 2024.

⁵⁵ Global, 'Cross Border Crimes in West African Sub-Region: Implications for Nigeria's National Security and External Relations' <<https://globaljournals.org/item/3746-cross-border-crimes-in-west-african-sub-region-implications-for-nigerias-national-security-and-external-relations>> accessed 16 January 2024.

⁵⁶ 'Download Citation of Cross-Border Crime and the Interface between Legal and Illegal Actors' <https://www.researchgate.net/publication/329709751_Cross-border_Crime_and_the_Interface_between_Legal_and_Illegal_Actors/citation/download?_tp=eyJjb250ZXh0Ijp7ImZpcnN0UGFnZSI6InB1YmxpY2F0aW9uIiwicGFnZSI6InB1YmxpY2F0aW9uIn19> accessed 17 January 2024.

⁵⁷ Ezedikachi N Eze-Michael, 'Combating Organised Trans-Boarder Crimes in Nigeria' (2021) 6 KIU Journal of Humanities 111 <<https://ijhumas.com/ojs/index.php/kiuhums/article/view/1259>> accessed 16 December 2023.

international community while also having actual or potential effects beyond national borders. Both the academic and law enforcement communities frequently use this word.⁵⁸

2.2.2. Child Abduction.

Child abduction is generally defined and described using a variety of different definitions. Contextually speaking, child abduction, for example, can be defined as the taking of a child by force or false advice. The unlawful taking or detention of a child or group of children to obtain financial or political gain from the victim of the abduction or a third party is known as child abduction. Kidnappings are usually subject to the state's national criminal laws; however, in certain instances, kidnappings of minors are subject to international law.⁵⁹ According to this, child abduction occurs when a child is taken or obtained through theft. Research indicates that child abduction involves removing child/children by force or fraudulent persuasion. Therefore, it is categorized as a violent crime against minors and is seen as a breach of rights.⁶⁰ The term unlawful forcible abduction or detention of children or groups of youngsters to obtain an advantage over the victim or a third party in terms of money or politics is another definition of this activity.⁶¹

The term child theft is typically used to describe this activity since the child's parents or guardians have not given their consent. Child abduction is any type of physical, psychological, legal, administrative, political, cultural, or socioeconomic coercion, instigation, or inducement of the birth family that leads to the children's actual or forced abandonment.⁶² Perhaps the kidnapping was intended to do something bad with criminal implications later on.⁶³ While certain kidnappings are covered by international law, most kidnappings are covered by the local criminal laws of the various states. The international treaty known as the 1980 Hague Abduction Convention safeguards children against the damaging consequences of cross-border kidnapping and lays out a process for their prompt return. The phrase wrongfully removed or retained outside" the state of their habitual

⁵⁸ 'United Nations Convention Against Transnational Organized Crime And The Protocols Thereto'.

⁵⁹ 'About Abduction' (*Action Against Abduction*) <<https://www.actionagainstabduction.org/about-abduction/>> accessed 18 August 2024.

⁶⁰ Shutt and others (n 29).

⁶¹ Britannica and Tube (n 30).

⁶² Nicole Footen Bromfield and Karen Smith Rotabi, 'Human Trafficking and the Haitian Child Abduction Attempt: Policy Analysis and Implications for Social Workers and NASW' (2012) 9 *Journal of Social Work Values and Ethics* 1.

⁶³ Monique C Boudreaux, Wayne D Lord and Robin L Dutra, 'Child Abduction: Aged-Based Analyses of Offender, Victim, and Offense Characteristics in 550 Cases of Alleged Child Disappearance' (1999) 44 *Journal of Forensic Sciences* 539.

residence is used in the Convention (Hague Convention, Article 3). Abduction and kidnapping are sometimes used synonymously, evoking pictures of "notorious wrongdoing" whose significance has garnered public attention.⁶⁴ In certain regions of the world, kidnapping has been utilized in the past and is still being used to acquire targets and property, especially when a ransom is demanded in exchange for the release of individuals who are in danger. The act of "obtaining funding" by terrorist organizations has been linked to this particular technique.⁶⁵ Because cattle raiding is a long-standing practice among pastoral communities, kid abduction occurs during these raids. Children are frequently taken during raids because they are valuable forced labor, and in some cases, they are taken to increase the fertility of certain tribal groups that are supposedly less fertile than others, as well as to change the head of cattle. Tribal groups value cattle highly because of their scarcity (due to lack of water and veterinary care).⁶⁶

2.2.3. Early Case of Child Abduction

The early case of child abduction as indicated according to prior studies have shown that, even before they were given their current name, abductions were a common occurrence throughout human history. Religious documentaries often make claims about the kidnappings of children; numerous historical documents describe the kidnapping of both adults and children. One incident in the Christian story when Laban laments Jacob's departure from Aram Naharaim with his wives and children.⁶⁷ the commandment with the aforementioned prohibition against abduction. According to Jewish law, thou shalt not steal appears to prohibit this behavior.⁶⁸ Nonetheless, it has been shown that historical accounts of kidnapping in America are common, and they resemble historical patterns that scholars have identified in African locations.⁶⁹

⁶⁴ Janis Wolak, David Finkelhor and Andrea J Sedlak, 'Child Victims of Stereotypical Kidnappings Known to Law Enforcement in 2011' [2016] *Juvenile Justice Bulletin* 1.

⁶⁵ Terrance G Lichtenwald and Frank S Perri, 'Terrorist Use of Smuggling Tunnels' (2013) 2 *International Journal of Criminology and Sociology* 210.

⁶⁶ Haile (n 34).

⁶⁷ 'Genesis 31:26–28 ESV - And Laban Said to Jacob,... | Biblia' <<https://biblia.com/bible/esv/genesis/31/26-28>> accessed 19 March 2024.

⁶⁸ 'Exodus 20:12-16, Deuteronomy 5:16-20 NIV - "Honor Your Father and Your Mother, - Bible Gateway' <<https://www.biblegateway.com/passage/?search=Exodus%2020%3A12-16%2CDeuteronomy%205%3A16-20&version=NIV>> accessed 19 March 2024.

⁶⁹ Susan O'Brien, *Child Abduction and Kidnapping* (Infobase Publishing 2008).

2.2.4. Kidnapping and Abduction

Religious traditions found in the Holy Bible and the Holy Qur'an, such as the story of the abduction of Prophet Joseph (peace be upon him), attest to the historical origins of the practice of kidnapping. Academic research suggests that the modern definition of kidnapping originated in Britain in the 17th century. This phrase came from the practice of robbing babies from wealthy homes while they slept, sometimes known as "napping," and holding them ransom.⁷⁰ Previous studies have examined the phenomenon of abduction. Freeman researched child abduction worldwide, albeit he concentrated on cases that happened on an international scale.⁷¹

The terms "kidnapping" and "abduction" have sometimes been used synonymously in different settings. For this inquiry, kidnapping refers to the unlawful act of taking an individual by force or trickery and transferring them, or holding them against their will to move them at a later date.⁷² Furthermore, this thesis uses them interchangeably. Serious crimes like kidnapping frequently lead to more serious crimes including physical assault, financial exploitation, and murder. Nigeria's persistent challenges in combating modern slavery are highlighted by the country's terrorism, endemic corruption, civil upheaval, and recurrent abductions—most notably the widely reported kidnapping of schoolgirls by the terrorist group Boko Haram.⁷³

2.2.5. Types of Child Abduction

The legal phrase child abduction refers to two distinct social and legal categories based on the circumstances in which the kidnapping occurs: "familial abduction," which is defined as abduction by family members, and stranger abduction. Since different sorts of criminals commit each form of abduction, there are variations in the causes, developmental variables, and motivations behind them. The type of abduction determines the child's age at the time of the abduction. Parental (family) child abduction is often attributed to "divorce or custody

⁷⁰ Rodanthi Tzanelli, 'Capitalizing on Value: Towards a Sociological Understanding of Kidnapping' (2006) 40 *Sociology* 929.

⁷¹ Marilyn Freeman, 'International Child Abduction The Effects'.

⁷² Stephen Masango Muteti, 'EMERGING CRIMES: THE CASE OF KIDNAPPINGS IN KENYA'.

⁷³ 'The Global Slavery Index 2014'. This is the second edition of the Global Slavery Index (the Index). It is the first Index of its kind – providing an estimate, country by country, of the number of people living in modern slavery today.

disputes”.⁷⁴ Family child abduction occurs when a kid is taken or kept against the terms of a custody order or other legitimate custody right to permanently deny custodial privileges to a lawful custodian.⁷⁵ This kind of abduction can happen anywhere, even across borders or inside the same city, state, or nation, as parents' motives differ. Conversely, stranger or non-family abduction happens when an individual who is not related to the victim is taken and held for at least one hour in a remote location using physical force or threats of bodily harm without the victim's consent or legal authority.⁷⁶ In essence, a stranger is someone whose identity the child or family does not know. An offender who is unrelated to the family and whose identity is unknown to the child or family is referred to as a slight acquaintance. That may not be the same as this. or a recent friend who they have known for less than six months but see less regularly than once a month. Because there is evidence that abductions carried out by women differ from those carried out by men, the majority of studies on stranger kidnapping have likely concentrated on male perpetrators.⁷⁷ Women are extremely rare to be involved in abductions by strangers.⁷⁸ There are several reasons why strangers kidnap children, such as ransom, enslavement, sexual exploitation, and upbringing.

A abduction for ransom is described as an act committed with the goal of waiting for a reward, receiving the money, and then returning the child to the perpetrator. Before written ransom letters were the norm, kidnappers of youngsters frequently used this strategy.⁷⁹

There have also been other abductions to "sell" children for adoption, with the adopting parents not always knowing how the kids were actually made available for adoption.⁸⁰ This might happen in the case of "Pre-birth" abduction. This is another type of kidnapping involving children. The practice's scope continues beyond a youngster who is undergoing it. Rather, among their moms, newborns are among the most risky targets for

⁷⁴ J Mitchell Miller and others, 'Examining Child Abduction by Offender Type Patterns' (2008) 25 Justice Quarterly 523.

⁷⁵ H Hammer, D Finkelhor and AJ Sedlak, 'NISMAART-2 Household Survey Methodology Technical Report' [2002] Washington, DC: US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

⁷⁶ Andrea Sedlak, 'National Estimates of Missing Children: An Overview'.

⁷⁷ Larry G Ankrom and Cynthia J Lent, 'Cradle Robbers: A Study of the Infant Abductor' (1995) 64 FBI L. Enforcement Bull. 12.

⁷⁸ Jeffrey A Walsh, Jessie L Krienert and Cayla L Comens, 'Examining 19 Years of Officially Reported Child Abduction Incidents (1995–2013): Employing a Four Category Typology of Abduction' (2016) 29 Criminal Justice Studies 21.

⁷⁹ 'Infant Abductions' (*Federal Bureau of Investigation*) <<https://www.fbi.gov/news/stories/infant-abductions>> accessed 18 February 2024.

⁸⁰ Barbara Bisantz Raymond, *The Baby Thief: The Untold Story of Georgia Tann, the Baby Seller Who Corrupted Adoption* (Union Square Press 2007).

theft.⁸¹ From the time the child is deemed a "viable baby" until adulthood, which is typically a few months before the scheduled delivery date.⁸² Moreover, the legal interpretation of the misappropriation of "embryos" in reproductive medicine has been equated with child kidnapping.⁸³ Once the developmental elements associated with non-family abductions have been established, more research can be done to determine the primary causative components, which will help to shed light on the perpetrator's motivations and demands as well as his interests and desires.

Other studies distinguished four distinct motivating categories for kidnapping: custodial, maternal, sexual, and "other." Most kidnappings of children featured female victims, and most of them had a sexual motive.⁸⁴ Other research determined the categories of kidnapping involving parents. A stranger trying to abduct a child is someone the child does not know, and the attempt to abduct both the child and the stranger did not succeed. A child abduction occurs when a child is taken by a natural parent or guardian. Successful kidnappings of children are those in which an individual who is unknown to the child abducts them, as opposed to unsuccessful attempts in which an individual who has some prior relationship with the child abducts the child.⁸⁵

2.2.6. Other Types of Child Abduction

More abduction methods have emerged as a result of socioeconomic instability; a few of these are mentioned below: A bride or bridegroom being abducted means that, against their parent's wishes, they are being taken to an unidentified location to get married.⁸⁶ This happens when male abductors abduct and/or kidnap girls, regardless of age.⁸⁷ Some people force their victims into young, forced marriages by kidnapping and/or abducting them. In some

⁸¹ Sally Lehrman, 'University Settles with Patients over Trade in 'Stolen' Embryos' (1997) 388 Nature 411.

⁸² Judith D Fischer, 'Misappropriation of Human Eggs and Embryos and the Tort of Conversion: A Relational View' (1998) 32 Loy. LAL REv. 381.

⁸³ Karen T Rogers, 'Embryo Theft: The Misappropriation of Human Eggs at an Irvine Fertility Clinic Has Raised a Host of New Legal Concerns for Infertile Couples Using New Reproductive Technologies' (1996) 26 Sw. UL REv. 1133.

⁸⁴ Matt Erikson and Caroline Friendship, 'A Typology of Child Abduction Events' (2002) 7 Legal and Criminological Psychology 115 <<https://onlinelibrary.wiley.com/doi/abs/10.1348/135532502168423>> accessed 17 February 2024.

⁸⁵ Geoff Newiss and Lauren Fairbrother, 'Child Abduction: Understanding Police Recorded Crime Statistics'.

⁸⁶ Al Chukwuma Okoli and Fakumo T Agada, 'Kidnapping and National Security in Nigeria' (2014) 4 Research on humanities and social sciences 137

<https://www.academia.edu/download/34229149/Kidnapping_and_National_Security_in_Nigeria.pdf> accessed 21 February 2024.

⁸⁷ Ibid.

pastoralist tribes, this is true. In this instance, appropriate single women are abducted and coerced into marriage.⁸⁸

Experience has shown, among other things, that different kinds of kidnappings are associated with both calm and unstable situations. Even if the number of major interstate armed conflicts is diminishing, there are still a lot of protracted, unresolvable conflicts that occur both inside and outside of borders and may involve a variety of non-state players. Children are implicated in unfavorable recruiting for a variety of illicit purposes, such as cross-border actions.⁸⁹ Among these goals include information collecting, indoctrination, stealing, and committing acts of hatred or abuse.⁹⁰ Regardless of form, these kidnapping methods have consequences that extend beyond national boundaries in the long run. The increasing presence of proxies at border crossings and the motivations behind them may lead to other types of response emerging as the main cause of the issue.⁹¹

2.3. Effects of the Crime of Abduction

Below are listed the negative consequences linked to the effects of abduction incidents. These include symptoms like increased fear in victims and the community, disruptions to social cohesiveness, mental health issues like post-traumatic stress disorder (PTSD), financial drain from ransom payments, and a corresponding decrease in economic investment. Victims of kidnapping suffer from great trauma, as do their families and the larger community.⁹² For instance, in Kenya, victims endure harrowing experiences, including being forcibly seized at knifepoint or gunpoint, bound, gagged, blindfolded, and transported in vehicles under distressing conditions. Survivors confront lasting psychological scars from their ordeal, while families grapple with shock and fear throughout the ordeal and its aftermath. Due to this, government resources are mobilized extensively for rescue efforts, while society at large lives in constant apprehension of potential abductions. Tragically, many individuals do not emerge unscathed from these harrowing circumstances.⁹³

⁸⁸ Ibid.

⁸⁹ UNICEF., United Nations. Office of the Special Representative of the Secretary-General for Children, and Armed Conflict, 'Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World'.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Muteti (n 74).

⁹³ Ibid.

2.4. Contextual Perspective

2.4.1. The Child's Rights under the International Human Rights Instruments

Child rights are protected under various international human rights instruments. There are many international human rights instruments that recognized the rights of children. For instance, the International Convention on the Rights of the Child is one among the core international human rights instruments that has recognized the legal based of the child rights. The concept of child is defined under the International Convention on the Rights of the Child that 'a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.'⁹⁴ Other international human rights instruments such as the UDHR, ICCPR, and ICESCR are among international human rights instruments that recognized children human rights in various different provisions. According to Article 1 of the 1948 Universal Declaration of Human Rights, every human being is born free and equal in terms of dignity and rights.⁹⁵ They should be kind and compassionate to others because they are all born with conscience and reason. As per this theory, children's rights are a subset of human rights and are outlined in the United Nations Convention on the Rights of the Child. As member states of the Convention on the Rights of the Child were established, they committed to advancing children's rights. Since children are human beings under the age of eighteen, they are entitled to fundamental freedoms and rights that every citizen, regardless of background or discrimination, should be granted.

2.4.2. Abduction of Children as Infringement of Human Rights

Every person is entitled to freedom. Individuals are free to do as they like, including travel, live, and speak as they please. Human rights are the unalienable rights of all people, regardless of their gender, race, nationality, ethnicity, language, religion, or any other status, according to the United Nations (UN). We could therefore claim that everyone has a set of rights. However, human rights can be violated by individuals, organizations, and governments alike. Torture, punishment, arbitrary arrests, kidnapping, and incarceration without charge or trial are only a few examples of the many ways that basic human rights are violated. Additional violations of children's rights include the use of minors in the armed forces, the selling of children, child prostitution, and the creation of pornographic content.

⁹⁴ International Convention on the Rights of the Child (1989) Article 1.

⁹⁵ 'Universal Declaration of Human Rights Article 1'.

2.4.3. Child Rights Protection Under the Regional Human Rights Legal Framework

There are several provisions in the regional human rights legal framework which provides protection to the children Under article Article 5: Survival and Development ‘Every child has an inherent right to life.’ This right shall be protected by law. Article 5 (2) provides that ‘States Parties to the present Charter shall ensure, to the maximum extent possible, the survival, protection and development of the child.’⁹⁶ Under Article 11 of the same charter, the right to education of the child is stipulated. In addition to the above under Article 16 (1), protection against child abuse and torture is stipulated under the same provision which states:

‘States Parties to the present Charter shall take specific legislative, administrative, social, and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of the child.’⁹⁷

The African Charter on the Rights and Welfare of the Child lays out the regulations and legal prerequisites for adoption. According to Article 24, states parties to the charter are legally required to guarantee that the child's best interests come first in any situation where they recognize an adoption system.⁹⁸ It creates authorities with the necessary skills to decide on adoption matters and guarantee that the adoption is carried out under applicable laws and procedures, based on all pertinent and trustworthy information, and that the adoption is acceptable given the child's status concerning parents, relatives, and guardians, and that, if required, the appropriate parties have given their informed consent to the adoption based on competent counseling.⁹⁹ Furthermore, Article 29 (a) of the same charter forbids the practice of abduction of children. This provision states that it is forbidden for anyone, including parents or legal guardians, to abduct, sell, or trade children for any reason or in any way.¹⁰⁰

Every person has the right to have his or her legal status recognized and to have the fundamental dignity of a human being respected. It is forbidden to use any force or

⁹⁶ African Charter on the Rights and Welfare of the Child (1990) Article 5 (1) (2).

⁹⁷ African Charter on the Rights and Welfare of the Child (1990) Article 16 (1).

⁹⁸ Ibid Article 24.

⁹⁹ Ibid Article 24 (a).

¹⁰⁰ Ibid Article 29 (a).

dehumanize people in any way, including slavery, the slave trade, torture, and harsh, inhumane, or degrading punishment or treatment.¹⁰¹

2.4.4. An Overview of Ethiopia's Legal Frameworks and Children's Rights Practices

This section addresses the legal framework and approaches used to combat kidnappings of children that occur across borders, specifically the Ethiopia-Gambilla-Sudan border. The framework of international human rights and the 1980 Hague Convention on the Civil Aspects of International Child Abduction are among its components. The national legal framework and the African human rights framework are also included.

2.4.5. Ethiopian Children's Rights Protection

The Federal Democratic Republic of Ethiopia (FDRE) was founded in 1995, and its constitution, which established the essential legal framework for the country, is of utmost significance (FDRE Constitution, Article 1; 1995). The main legal structure containing children's rights under Ethiopian jurisdiction is this constitution, coupled with related legislative enactments. Furthermore, Ethiopia has affirmed its support for the protection of children's rights by ratifying a number of regional and international human rights accords.

In reality, Ethiopia has accepted a great deal of other regional and global agreements. Among other conventions ratified by it are the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, the Convention on the Rights of the Child, the 1948 Convention on the Prevention and Punishment of Genocide, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, the 1982 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Furthermore, "all foreign agreements approved by Ethiopia must be taken as an integral part of the land," as stipulated in Article 9(4) of the 1995 FDRE constitution.

The Federal Democratic Republic of Ethiopia (FDRE) has ratified several international treaties, demonstrating its continued dedication to upholding human rights. The FDRE is notable for having ratified both the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, as

¹⁰¹ African Charter on Human and People's Rights (1982) Article 5.

well as the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC).

Ethiopia has also demonstrated its commitment to ending racial discrimination in all of its forms by ratifying the Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Furthermore, Ethiopia has exhibited its dedication to gender parity by endorsing the Maputo Protocol, also known as the African Charter on Human and People's Rights on the Rights of Women in Africa. In addition, the FDRE has reaffirmed its commitment to fighting terrorism and transnational criminal activities within the framework of international law by ratifying the United Nations Convention against Transnational Organized Crime and its accompanying protocols, as well as the African Convention on the Prevention and Combating of Terrorism.

Articles 13 to 44 of the FDRE Constitution of 1995, which established a framework for the protection of human rights, including political, civil, social, economic, and cultural rights, devote one-third of their provisions to fundamental freedoms and rights. With Article 36 addressing children's rights directly, children benefit from these protections. Article 36 (1a) guarantees a child's right to exist, whereas Article 36 (1b) protects a child's name and nationality, Article 36(1c) guarantees parental or custodial care, and Article 36(1d) guarantees protection against unethical conduct. Public and private welfare organizations are required by the FDRE Constitution to take the child's best interests into account when making decisions pertaining to them (Article 36, paragraph 2). Ethiopia has accepted several international and regional accords that uphold children's rights, in addition to the FDRE Constitution. Subsidiary laws, like the National Children's Policy (2017), the Ethiopia National Strategy for the Protection of Refugee Children and the Revised Federal Family Law, which terminated intercountry adoption, provide additional details about this legal structure.¹⁰²

Furthermore, per Article 589 (3) of the Ethiopian Criminal Code, parental child abduction is a crime in Ethiopia. This was made clear when Ethiopian claims of illicit activities and child trafficking led to a hasty amendment of the Federal Family Law in 2018, making overseas adoption legally prohibited. Even with the termination of the interstate adoption program, a "legacy of exploitation" endures. The persistence of inhumane treatment

¹⁰² 'Ethiopia Puts an End to International Adoptions | Adoption.Com' <<https://adoption.com/ethiopia-puts-an-end-to-international-adoptions>> accessed 31 May 2024.

of children suggests that Ethiopia has to fulfill its commitment to more action and openness under the UNCRC instrument.

2.4.6. The Consequences of Murle Transborder Child Abduction Practice on the Lives of Gambella People

With disastrous consequences, armed groups abducted children as they crossed the border from South Sudan into Ethiopia. These consequences include deaths, missing children, losses of animals, disruptions to educational and child-beneficial economic pursuits, and relocation and separation of families. Sometimes, in order to support their families, children are compelled to work unpaid jobs or beg on the streets. This could endanger their growth and security.¹⁰³ The consequences endured, undermining confidence between South Sudanese refugees and Ethiopian host communities. In addition to the socioeconomic fallout, the region's historical proxy wars and contemporary hydropolitics have raised concerns that certain armed organizations may introduce undesirable elements into the region. This could further promote child exploitation strategies. Right now, there are four ways to enter South Sudan: through Akobo, Dimma, Burebeiy, and Pagak. This is due to the unpredictability of the border. Through these locations, someone without the required legal paperwork can enter. Therefore, there's a good chance that this region may turn into a center for international organized crime if child abductions across borders continue in this manner.¹⁰⁴ The Ethiopian government does not provide border protection to the Gog, Jor, and Dima woredas, which are under the Agnwua Zone and share a border with South Sudan. It's an uncontrolled territory with an open border for all.

In Gambella, the practice of trans-border child abduction affects the people who live in the Gambella Region, which borders South Sudan and is located in Western Ethiopia. Different study as indicated by that although there is not a single cause of trans-border child abduction, the kidnapping of children does have economic benefits. Others study findings, indicates that the Murle sells abducted children with cattle up to 100, while the respondents from Ethiopia explained that the abducted children are either kept as their own or sold to other people who need children, particularly for the Murle community. The respondents from Anyuak older disclosed that Murle regularly kidnaps women and children. The Murle people kidnap children in order to sell them to someone who is childless. According to some Anyuak

¹⁰³ 'Child Abduction at the Ethiopia-South Sudan Border: A Human Rights Challenge | Wilson Center' (n 12).

¹⁰⁴ Ibid.

responses, they kidnap women and children as a form of retaliation and do not sell the stolen property. They justified keeping them as their own.¹⁰⁵ To grow its numbers, the Murle tribe in South Sudan's Jongule State mostly kidnaps children from Anyuak and Nuer.

2.4.7. The Current State of Insecurity in the Gambella-Sudan Border Region

Crises with regional and worldwide ramifications have been common in Ethiopia's own subregion, the Horn of Africa. Worse yet, the region has been challenged by "new security challenges," which include the spread of small arms, terrorism, human and drug trafficking, cattle rustling, kidnapping, illegal immigration, cybercrimes, maritime piracy, and the circulation of small arms.¹⁰⁶ The traditional view of security, which is predicated on "high politics" and "low politics," or on conventional political theories like realism's emphasis on the balance of power, sovereignty, and local and international politics, is not sufficient to account for the threats to trans-border security. Instead, it is believed that threats to transnational security exist outside national boundaries and are closely related to globalization processes.¹⁰⁷

2.4.8. Violent Conflict Along the Border

Ethnic conflict and trans-border kidnapping have a detrimental impact on the people who live near the border. One of the detrimental effects of cross-border wars is the loss of lives and animals. The security of ethnic communities and communities residing in the southwest region of Ethiopia is threatened by transnational abduction. The lengthy border that South Sudan and Ethiopia share makes cross-border raids widespread.¹⁰⁸ The responders disclosed that multiple deaths had occurred. Numerous animals had perished. Numerous deaths occurred among all ethnic groups as a result of all incursions.¹⁰⁹ Numerous properties were lost, numerous villages burned down, and a great deal of cattle were pilfered. Approximately five hundred people from both Jikany Nuer and Lou-Nuer died as a result of their respective wars, according to the numerous respondents who were from both groups. Numerous infrastructures, including veterinary clinics, farmers' training centers, schools, health facilities, and water systems, were overlooked and are still underutilized in Ethiopia. The responses

¹⁰⁵ Ibid.

¹⁰⁶ Kassaw (n 27).

¹⁰⁷ Ibid.

¹⁰⁸ J McCallum, 'The Murle and the Security Complex in the South Sudan-Ethiopia Borderlands' (2017) 29 *Borderland Communities in the Horn: Avoiding Assumptions and Learning from History*, Horn of Africa Bulletin 14.

¹⁰⁹ Jal (n 19).

claim that many people from all communities—Nuer, Anyuak, and Murle—become homeless as a result of the violence.¹¹⁰

According to the responders, the Murle ethnic group kidnapped over fifty children from the Gambella Region between 1991 and 2013.¹¹¹ People who live near the Gambella Regional State boundary have suffered significant socioeconomic losses as a result of these frequent incursions, according to the information gleaned from the analysis of the records. Even though there were not many incidents from 1991 to 2011, several organizations made an effort to chronicle a few invasions.¹¹²

The United States, the European Union, and the African Union have all expressed their disgust at the kidnapping and murder of over 200 Nuer people on a global scale. In the remote region, Murle tribesmen from South Sudan's Upper Nile and Jonglei regions often engage in violence and cattle rustling, but the scale of the most recent attack is unmatched.

To sum up, this comprehensive study examines the persistent threat of child abduction by Murle rebels along the border shared between South Sudan and Ethiopia. The practice, motivated by desires for increased power, resource control, and cattle acquisition, predominantly targets children aged between two months and four years due to their developmental vulnerability. Stemming from cultural norms surrounding wealth and family dynamics, this tradition has evolved into a system of involuntary adoption and cattle exchange, perpetuated by socio-cultural pressures and the porous nature of the border.

These kidnappings have serious consequences, including increased insecurity in the impacted areas, deaths, financial losses, and disturbances to livelihoods and education. The region's stability and general well-being are seriously threatened by the widespread violence and instability along the border, which is made worse by transnational conflicts and criminal activity. Comprehensive policies that address local and global security challenges and foster peace and cooperation among border communities are necessary to handle these difficulties.

2.5. Summary of the Chapter

Border security is defined as the defense of territorial sovereignty through surveillance and enforcement, with specific reference to challenges faced by Ethiopia along its border with

¹¹⁰ Ibid.

¹¹¹ Interview with Ojulu Aballa, 'Respondent from Dima Woreda Bandera Kebele Who Is an Eye Witness of Murle Attack' (28 November 2023).

¹¹² Ibid.

South Sudan, including child abduction incidents. Trans-border crimes, motivated by financial, socio-political, or religious reasons, are discussed as violations of laws across multiple countries, involving coordinated cross-border operations. Child abduction is recognized as a serious crime against minors and a violation of their rights. It is extensively defined, including compulsion, fraud, and theft. The chapter looks at the rise in kidnappings of children by other groups in the Horn of Africa, especially by the Murle rebels, and the shortcomings of conventions like the 1980 Hague Convention because South Sudan and Ethiopia are not signatories. Domestic legislation, such as Ethiopia's Criminal Code, places a strong emphasis on protecting children's rights and stiff punishments for violators. The next chapter, which explores the historical and ethnographic practices of child abduction by the Murle and Agnwua ethnic groups, is conceptually laid out with this foundation in place.

CHAPTER THREE

3. THE MAIN ACTORS OF TRANS-BORDER CHILD ABDUCTION PRACTICE IN THE GAMBELLA REGION

3.1. Introduction

This chapter focused on the main actors of trans-border child abduction in the Gambella Region and its woreda, in addition to that, it discussed the motives of trans-border child abduction in the area. Therefore, the main actors of the trans-border child abduction in the Gambella Region are identified by this study as they are the Murle ethnic group of South Sudan living near the border areas. The first section shows how the historical and ethnographic identities of the groups under investigation have changed over time. An overview of the Ethiopian Anywaa and Nuer communities in the Gambella Region was attempted to be provided in the second section. The motives used by the Murle ethnic group as initiating factors to practice trans-border child abduction in the Gambella Region are discussed. The proliferation of weapons and disarmament initiatives along border communities were covered in the final part.

3.1.1. The Murle Community

The majority of the Murle ethnic group is said to have originated in Ethiopia, according to some, while others claim that they are mostly from South Sudan. A study found that the Murle are an ethnic group that speaks Surmic.¹¹³ who are predominantly inhabitants of the Greater Pibor Administrative Area, specifically the towns of Pibor and Boma.¹¹⁴ They are situated in South Sudan's Jonglei State's southeast region with about 177,000 people living there.¹¹⁵ The Murle are the eleventh largest ethnic group in South Sudan. They practice a religion that combines elements of Christianity and indigenous African religion. Despite being one ethnic group, the Murle are split into two: a pastoralist western group that lives in the marshes of Jonglei, and an agriculturalist eastern group that resides on the hilly Boma

¹¹³ GJ Abbink, 'Kinship and Society among Surmic-Speaking Peoples in Southwest Ethiopia: A Brief Comparison', *Proceedings of the XVth International Conference of Ethiopian Studies, Hamburg, July 20-25, 2003* (Harrossowitz 2006) <<https://research.vu.nl/en/publications/kinship-and-society-among-surmic-speaking-peoples-in-southwest-et>> accessed 23 May 2024.

¹¹⁴ Claudio Todisco, 'Real but Fragile: The Greater Pibor Administrative Area'.

¹¹⁵ 'South Sudan People Groups, Languages and Religions | Joshua Project' <<https://joshuaproject.net/countries/od>> accessed 23 May 2024.

plateau. The "Anywaa, Jie, and Suri" ethnic groups coexist with the Murle in the Greater Pibor Administrative Area (GPAA), however, the Murle is the larger of the four.¹¹⁶

3.1.2. The Murle's Practice of Kidnapping Children and Women

The Murle society's practices concerning women and child abductions are intertwined with their unique division of labor, which they utilize as a strategic approach in wilderness settings. These roles are shaped by traditional norms, which encompass gender-specific duties. Notably, within the Murle community, gender roles adhere to traditional paradigms, wherein women are typically affiliated with either their paternal or marital age group, based on their familial or marital ties.

Exacerbating the issue is the continual escalation of bride prices, a phenomenon rooted in the traditional reliance on cattle within Murle culture. Confronted with a scarcity of bovine assets requisite for fulfilling the bride price, certain individuals may opt to postpone the settlement of this obligation until subsequent stages of the marital union.¹¹⁷ Nonetheless, the postponement of the bride price settlement is not an indefinite option. The introduction of offspring often marks a critical juncture. Should the marital bond persist, recourse to cattle raiding becomes increasingly inevitable for fulfilling the bride price. Conversely according to some respondents, in instances where progeny fail to materialize, the pursuit of parenthood may impel a man towards resorting to child abduction.¹¹⁸ Within this context, a discernible inclination emerges suggesting significant involvement of Murle women in dowry acquisition, attributed to their heightened interest in matrimony and the procurement of bridewealth for their families.¹¹⁹ Moreover, research has supported the idea that child kidnapping has historical roots dating back hundreds of years. Some South Sudanese communities view unmarried children as taboo because they believe in their genetic make-up. The Murle group defended the origins of the practice in this way, saying that they were accepting and raising children rejected by some communities so that they might be given to their childless family.¹²⁰

¹¹⁶ David K Deng, 'Challenges of Accountability: An Assessment of Dispute Resolution Processes in Rural South Sudan' [2013] South Sudan: South Sudan Law Society (SSLS).

¹¹⁷ Ingrid Kircher, *Challenges to Security, Livelihoods, and Gender Justice in South Sudan: The Situation of Dinka Agro-Pastoralist Communities in Lakes and Warrap States* (Oxfam 2013).

¹¹⁸ Interview with Aballa (n 113).

¹¹⁹ *ibid.*

¹²⁰ 'South Sudan to Enact Child Adoption Policy - Sudan Tribune' <<https://sudantribune.com/article29637/>> accessed 23 May 2024.

As indicated by different scholars, the Murle have voluntarily continued to raise more children despite their relatively tiny population and low fertility rates, which were attributed to the syphilis epidemic in the 1950s and 1960s.¹²¹ Vulnerable community people are the focus of abductions, as is their possessions, such as cattle. When groups of people pass through regions where armed Murle members hide near dense forests, or at night, children are kidnapped.¹²² There is a risk of kidnapping in at-risk villages or growing settlement places for people traveling with cattle, women gathering firewood, and small children left alone at home. Also, when women are seeking water for their families, they are kidnapped or injured.¹²³ Similar to this, competing tribes are increasingly focusing their raids on women and children, even when the apparent objective is to seize animals.¹²⁴

3.1.3. Case studies and incidents of Murle child kidnapping in Gambella

Cattle are the main asset in the Murle ethnic group's socioeconomic structure. In their society, young women are highly esteemed since they are seen as a way to get wealth through marriage dowries. Men's marriages are usually conditioned on their giving a sizable dowry of cows. But when bride prices rise in response to the growing demand for dowries, there is a need for larger dowries or different ways to acquire them. Thus, in an effort to satisfy these desires, a lot of Murle youngsters frequently turn to kidnappings and village attacks.¹²⁵ Younger people have begun a destructive cycle of vengeance as a result of these social standards. Armed militants from South Sudan have already carried out multiple deadly cross-border raids into Ethiopia's western Gambella Region, leaving behind extensive destruction and human casualties. Cross-border raids, which are more common in the dry season, have been well-documented and have disrupted the Anywaa and Nuer administrative territories to differing degrees. One of the main causes of these disruptions has been identified as the turmoil in southern Sudan, which is motivated by internal instability and resource disputes.

Even after a while has passed since the first raid, concerns about transnational militias' continued abuses of children's rights persist. There have been an alarming amount of reported arbitrary cross-border kidnappings of children from 2014 to 2022 alone. Remarkably, the

¹²¹ Jonah Leff, 'My Neighbour, My Enemy: Inter-Tribal Violence in Jonglei' (2012) 21 HSBA Issue Brief.

¹²² UNDP, 'UNDP 2012 Community Consultation Report Lakes State' (2012).

¹²³ Laura A Young and Korir Sing'Oei, *Land, Livelihoods and Identities: Inter-Community Conflicts in East Africa* (Citeseer 2011).

¹²⁴ Richard Reeve, 'Peace and Conflict Assessment of South Sudan' [2012] International Alert 1.

¹²⁵ 'Human Right Centre - Università Di Padova | Files :: Identifying the Causes and Implications of Murle Child Abduction Practice, and Its Impacts on Children: A Case Study on Ethiopia's Gambella Region and South Sudan Border' (n 83).

most recent occurrences took place in August 2022 during the Dimma Woreda attack and January 2022 during the Kankan attack. Every attack leads to deaths and the kidnapping of young children.¹²⁶ Chan Chool, whose child was abducted during the April 2016 attack, articulated during an interview in Gambella town, "There was fear. If they came just to take our livestock, why all the killing? Even after they had all the cattle, they kept following people and killing them."¹²⁷ Therefore, the Dima Woreda, Akugu refugee camp, and Akobo Tierguol border regions exhibit vulnerability, with children experiencing sleep deprivation due to safety fears and abduction risks. Appeals from residents to the federal government for protection have been ignored, resulting in unchecked cross-border attacks. This highlights urgent human rights issues and inadequate local government protection measures.

3.2. The Causes/Motives for the Murle Child Abduction Practices

Murle's technique of abduction people across borders is incredibly ambiguous. Based on the in-depth interviews that were undertaken, there are a variety of reasons why cross-border kidnappings of children occur so frequently in the research regions. Sociocultural values and perceptions and border proximity difficulties are the two categories into which they are separated.

3.2.1. Socio-Cultural Values and Perceptions

3.2.2. Bride wealth/dowries pressures

A dowry is a sum of money or property given to the groom and his family at the time of marriage by the bride's family. While "bride price" or "bride service" refers to a payment made by the groom or his family to the bride or her family, a dowry is money paid by the bride or her family to the groom or his family.¹²⁸ In a country where producing livestock is the primary source of income, young girls as young as twelve years old may be forced into marriage in exchange for cattle. Generally speaking, dowries are higher in pastoralist societies. But even without animals to sustain himself, a man must still find a way to get the same quantity of commodities to offer to the parent of the woman he wishes to marry or is

¹²⁶ Ibid, the most recent incidents occurred during the Dimma woreda attack in August 2022 and the Kankan attack in January 2022.

¹²⁷ Interview with Chan Chool, 'Murle Child Abduction and Cattlrs Raids in Gambella Regional State' (10 January 2024).

¹²⁸ Jack Goody, *Production and Reproduction: A Comparative Study of the Domestic Domain* (Cambridge University Press 1976).

compelled to marry as a dowry.¹²⁹ Thus, the initial demands of cattle have changed due to cross-border pastoralists' traditional demand for bridewealth. Most abduction missions are linked to the requirement to marry a wife or pay cattle. In times of resource scarcity, raiding is recommended for young men as a step toward manhood. It has been suggested that this is one of the factors causing raids to intensify. The sources claim that because the price ranged from 500 cattle to 400 cattle in Great Pibor following the civil war, the young actively participated in raiding.

The dowry system treats women like commodities to be traded, which dehumanizes them.¹³⁰ The practice of obtaining cows and bridewealth is causing people in South Sudan to perish. Additional transgressions against human rights encompass kidnapping, forced or early marriage, and bride pricing. In the border towns between Ethiopia and South Sudan, cattle in particular are regarded as a sign of prosperity. One can marry more wives and be affluent if he has more cattle. The Murle from the border village may have been inspired to raid because of the competition for cattle's riches and prestige. Some of the men may have felt compelled by their status to carry out attacks to preserve the herds and standing they had gained in society.

3.2.3. Abduction of a child for adoption and slavery

The growth of the family and the bared adults are the driving forces for child kidnapping in the Murle community. In Murle groups, a person of marriageable age may have a custom of not accepting life without a child. In this sense, the fact that many of them are childless forces them to search for children. To own more children, a family with only girls, no boys, or no children may resort to child kidnapping and consulting magicians. The decision to kidnap a child for this type of kidnapping starts with two different meetings with neighborhood magicians. After a successful raid in which the recently abducted family is freed, the first consultation is to wish for luck in finding a family to raid.

According to a respondent who is aware of this practice, interviewed by the researcher he reported that “youths who decide to raid their neighbors' villages can increase the effectiveness of their hunts and take advantage of the fortune-hunting season by consulting local magi-

¹²⁹ Ibid.

¹³⁰ J McCallum, 'The Murle and the Security Complex in the South Sudan-Ethiopia Borderlands' (2017) 29 *Borderland Communities in the Horn: Avoiding Assumptions and Learning from History*. Horn of Africa Bulletin 14.

cians”.¹³¹ Therefore, the main actors of the trans-border child abduction in the Gambella Regional state are the Murle ethnic group around the border between the two countries.

3.2.4. Widespread Availability of Irregular Army in the Area

The proliferation of irregular army and light weapons is often one of the major security challenges currently facing some countries in Africa and indeed the world in general. The trafficking and wide availability of these weapons fuel communal conflict, political instability and pose a threat, to different countries national security in Africa.¹³² Small arms contribute to displacement and food insecurity. Many countries are concerned, including South Sudan and Ethiopia, which are both experiencing a steady influx of weapons and ammunition. The use of firearms has been confirmed by an interviewee who had previously returned from captivity in Murle land: According to an interviewee with knowledge of border security, the former Gambella Region Deputy Head of Security Office" he explains more about the source of illegal weapons around the border areas. Even local governments, who have recently featured guns in their stories, are selling guns to youths."¹³³ Therefore, there are several irregular local South Sudan militia around the border without their legality being assured.

3.2.5. Penetrable Border

The border between Ethiopia and South Sudan is open and porous. Border porosity also makes it difficult to combat illegal trade or security threats because people routinely cross borders without the necessary legal documents or checks. Bordering towns such as Dimma, Akobo, and Wanthoa Woredas (districts) are widely accessible for market or economic activities by members of each border. Both border authorities have faced difficulties in implementing border policies and controlling illegal migration and arms smuggling. In that regard, the suspected abductors could easily exploit this advantage for cross-border raids into Dimma Woreda territory. Therefore, the violations involving those organized raiders for the Ethiopia-South Sudan border may lead to the establishment of terrorist groups along the border.

¹³¹ Interview with Okwar Okuch an old man who lived with Murle ethnic group for long time from Dima woreda.(2024) Table 1.1 Theme one (3).

¹³² Fagge, Ibrahim and Muhammad (n 29).

¹³³ ‘Former Gambella Regional State Deputy Head of Security Office’ (2023).

According to the Gambella Regional State Head of Security, the collaboration of the Federal Government is essential to effectively manage the permeable border. The Gambella Regional State asserts that the task cannot be accomplished solely by its own efforts due to the requisite resource allocation, capacity enhancement, and manpower augmentation across various pertinent sectors.¹³⁴

3.3. The Roles of Government in Preventing Cross-Border Raids

Cross-border violence is prevalent and deeply troubling. Victims, particularly villagers, often question whether such attacks receive government approval, suggesting a potential political agenda in the Gambella region. Both Ethiopian and South Sudanese authorities face pressure to address these incidents, which strain relations between the two the government of South Sudan may formally apologize for the alleged incursions into Gambella by Murle fighters. The Gambella Regional State's Deputy Head of Security Office, Mr. Othow Okoth, emphasized the government's concern over cross-border kidnappings of minors. State governors receive directives to stop these kinds of actions, and the Regional Government regularly updates the Federal government on these developments and urges preventative action. The federal government is making an attempt to the best of its ability, but it has not yet made the matter a priority.¹³⁵

The Gambella Regional Authority regularly reports incidents and identifies perpetrators of attacks. Utilizing communication channels, the government should warn residents about the risks associated with armed groups in nearby forests. Establishing a specialized force to safeguard borders, as done previously, is essential. However, recent disarmament and destabilization have rendered such forces ineffective. Therefore, as a result of this, the Murle abductors could easily enter into Ethiopian country border alongside the border of Gambella. For instance, on April 15, 2016, thousands of gun-wielding militiamen from South Sudan entered Ethiopia and stormed 13 communities in the Nuer and Anyuak zones of the Gambella region, killing over 200 people and kidnapping over 100 others.¹³⁶

3.3.1. Government Response: The Return of Abducted Children

¹³⁴ Interview with Otho Okoth, 'Gambella Regional State Deputy Head of Security Office' (2023).

¹³⁵ Interview with Othow Okoth, 'The Deputy of The Gambella Region Security Office, an Interview About The Issue of Transborder Child Abduction and the Measures Taken by the Governments to Solve It' (20 January 2024).

¹³⁶ 'Ethiopian Children Freed from South Sudan Militia Reach over 80 | ReliefWeb Mobile' (n 16).

The South Sudan and the Ethiopia have engaged in initial cooperation for a period of time.¹³⁷ Cooperation has been established in domains such as security, border management, intercommunal relations along the border, and the negotiation of trade agreements between the two states.¹³⁸ Despite initial cooperation, the implementation of agreements has been inadequate and often contravened by unfriendly border activities, including child abductions, illegal firearms and human trafficking. In response to escalating cross-border crimes, a joint effort was initiated to repatriate abducted children. On June 6, 2016, in Addis Ababa, Ethiopian officials announced the successful return of most Ethiopian Nuer children who had been abducted by a Murle militia group in South Sudan.¹³⁹ On April 15, 2016, thousands of gun-wielding militiamen from South Sudan entered Ethiopia and stormed 13 communities in the Nuer and Anyuak zones of the Gambella region, killing over 200 people and kidnapping over 100 others.¹⁴⁰ Despite the positive reactions in the region, news of the rescue efforts raises questions about whether and how the pursuers will be able to identify the actual perpetrators, rather than indiscriminately targeting the Murle tribe for retaliation. Operating in an unfamiliar environment, the Ethiopian military was thought to be susceptible to false leads and manipulation that would draw it into local conflict dynamics and the resolution of disputes between national actors. Because the Murle area is already heavily affected by conflict and has poor roads and communication networks, working with civilians to identify the perpetrators of the Gambella raid becomes even more difficult. However, Ethiopia has indicated a willingness to collaborate with South Sudan. Despite speculation about Ethiopian military advancements into South Sudanese territory, the South Sudanese government has shown solidarity in addressing this matter.

A child who had been liberated from captivity recounted his experiences while under the control of his abductors. He narrated that upon entering South Sudan, they were confined in huts for several weeks by their captors. At the age of 11, he was abducted along with his brother and sister, yet he was the only one rescued, with his siblings remaining in the custody of the Murle. According to his testimony, boys of his age were isolated in huts, guarded by heavily armed individuals, and provided solely with milk for sustenance. He described his perception of the armed men as akin to soldiers due to his tender age. Many boys, including himself, were confined in grassy huts and supplied with various types of milk for

¹³⁷ Aly Verjee, 'Ethiopia and the South Sudanese Civil War' [2017] E-International Relations.

¹³⁸ Ibid.

¹³⁹ 'Ethiopian Children Freed from South Sudan Militia Reach over 80 | ReliefWeb Mobile' (n 16).

¹⁴⁰ Ibid.

consumption. The captives were segregated from each other and sometimes fed individually. He only comprehended the gravity of the situation upon reuniting with his mother.¹⁴¹

In 2020, due to ongoing relations with the South Sudanese government, approximately thirteen children were repatriated, followed by an additional five children in April 2021. Local authorities in regions such as Gog Wereda have expressed appreciation for the safe return of these children, despite enduring constant fear for their safety. In Gambella, the researcher encountered 13-year-old Del Omut, among the returned children, residing in a government-sponsored orphanage. When asked to recount his experiences as a member of a children's militia, he reflected that:

"It's hard to begin explaining... Imagine being 9 or 10 years old – I'am not sure – and being at the center of all these events. You're there without your mother, being groomed to be adults, or rather, tools solely for combat. It's not like the school I attend here today. There, all we're taught is that life will be arduous. I recall trekking for miles because there are no vehicles that can traverse the jungle like a child."¹⁴²

When questioned about his responsibilities as a member of the children's militia, he remarked that while some children were selected for village raids, he considered himself fortunate to have been stationed in the village with the elders, which he deemed as the center. However, he expressed feeling pressured to assume adult-like roles. Whether engaged in raids or not, they rarely slept in the camp due to constant vigilance against potential attacks. He likened his experience to enduring a prolonged migraine, living with the constant awareness of imminent danger and mortality.¹⁴³ Many of the abducted children, both boys and girls aged 13 and above, were coerced into joining militias by their captors and provided with various firearms. Due to the extensive involvement of children in such activities, some individuals like Del Omut are presumed to be either alive or deceased. Despite the large number of children recruited, only a few managed to survive, while most of them disappeared. Del Omut admitted to still identifying himself as a soldier until recently, highlighting the challenge of breaking away from that lifestyle. Interviewees recounted their experiences based on their assigned tasks. Ajulu Okello, abducted in April 2016 and returned in 2021, conveyed to a

¹⁴¹ Ibid.

¹⁴² Interview with Deel Omod, 'One of the Murle Abducted and Returnist Living in Orphanage Center in Gambella Town' (12 September 2023) tbl 1.4 Theme Four (1). interview with Deel Omod, 'One of the Murle Abducted and Returnist Living in Orphanage Center in Gambella Town' (12 September 2023).

¹⁴³ Ibid.

researcher, "We were tasked with cooking for each other and sleeping in close quarters, but our interactions were more akin to that of laborers than friends. Nobody found contentment in that environment. Initially, we ventured into an unfamiliar area under the belief that we were to locate our parents, only to discover that we were being coerced into recruitment by individuals adorned in military attire and white sandals."¹⁴⁴

3.4. Challenges faced in preventing/Addressing the Trans-Border Child Abduction Along Gambella Ethiopia South Sudan Border

The difficulties in stopping and opposing abductions and potential fixes. Thus, there are several obstacles that obstruct and hinder efforts to stop abduction of children. These include: low funding for law enforcement agencies tasked with combating crime; societal corruption; community resistance to providing information; low awareness and education regarding abductions; low cooperation among relevant parties; high rates of youth unemployment; abductions using contemporary technology; and, in certain regions of the nation, inadequate transportation and communication infrastructure.¹⁴⁵ The following are some suggested potential solutions to these problems: giving public security agencies enough funding; improving awareness-raising and education; eliminating corruption; creating job opportunities; improving cooperation amongst stakeholders; and enacting severe penalties for kidnappers.¹⁴⁶

3.4.1. Security Threat Along the Border

The security of ethnic communities and communities residing in the southwest region of Ethiopia is threatened by transnational abduction. The lengthy border that South Sudan and Ethiopia share makes cross-border raids common and widespread.¹⁴⁷ Most of the time, these raids entail attacks on both sides of the border by two or more ethnic groups engaged in cattle rustling or kidnapping. However, the level of severity of the raid that took place on April 14, 2016, was unparalleled. The Murle ethnic group from South Sudan invaded nine communities

¹⁴⁴ Interview with Ajullu Okello, 'One Among Acducted Children and Returnist Living in Orphanage Center in Gambella' (14 September 2023).

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ McCallum (n 119).

in the Gambella area of Ethiopia, resulting in the deaths of 208 individuals and the abduction of over 200 children in less than an hour.¹⁴⁸

3.4.2. Lack of Local Militia or Defense Force to Prevent and protect the Border

In numerous instances of transborder child abduction conducted by the Murle group, the local populace residing near the border frequently endure adverse consequences without receiving assistance from government military forces. Despite reports of Murle incursions into nearby villages, authorities remain passive on the matter. Respondents interviewed by the researcher, particularly in Gog Woreda Otiel Kebele, expressed profound distress, lamenting the lack of external support during dire circumstances. They conveyed a sense of isolation and vulnerability, asserting that they are left to fend for themselves amidst ongoing threats and violence perpetrated by Murle militia members.¹⁴⁹ They documented that the Federal Democratic Republic of Ethiopia (FDRE) forces pursued the abductors solely during an abduction incident occurring on April 14, 2016. Notably, the magnitude of the assault during this event was unprecedented. The Murle ethnic group from South Sudan launched an incursion into nine communities within the Gambella region of Ethiopia, resulting in the loss of 208 lives and the abduction of more than 200 children within less than one hour.¹⁵⁰ Henceforth, the respondents articulated sentiments of disappointment and remorse regarding the recurrent inaction of the Ethiopian government.

3.4.3. Lack of Government Motive to bring back the abducted children

Most of the time the abducted children would not an opportunity to be brought back by the government of Ethiopia and Gambella. Even if they have heard of the abduction report they will keep silent without making follow up. And this show that there is lack of interest and motive from the governments to bring back the children from the abductors immediately.

3.5. Summary of this Chapter

Chapter three is about the main actors of the trans-border Child Abduction in the Gambella Region. The Murle Community They are situated in South Sudan's Jonglei State's southeast region with about 177,000 people living there. The Murle are the eleventh largest ethnic group in South Sudan. They practice a religion that combines elements of Christianity and

¹⁴⁸ 'Child Abduction at the Ethiopia-South Sudan Border: A Human Rights Challenge | Wilson Center' (n 12).

¹⁴⁹ Interview with Obang Olock, 'Otiel Kebele Security Officer' (2023).

¹⁵⁰ 'Child Abduction at the Ethiopia-South Sudan Border: A Human Rights Challenge | Wilson Center' (n 12).

indigenous African religion. Despite being one ethnic group, the Murle are split into two: a pastoralist western group that lives in the marshes of Jonglei, and an agriculturalist eastern group that resides on the hilly Boma plateau. The "Anywaa, Jie, and Suri" ethnic groups coexist with the Murle in the Greater Pibor Administrative Area (GPAA), however, the Murle is the larger of the four. The Murle society's practices concerning women and child abductions are intertwined with their unique division of labor, which they utilize as a strategic approach in wilderness settings. These roles are shaped by traditional norms, which encompass gender-specific duties.

Cattle are the main asset in the Murle ethnic group's socioeconomic structure. In their society, young women are highly esteemed since they are seen as a way to get wealth through marriage dowries. Men's marriages are usually conditioned on their giving a sizable dowry of cows. But when bride prices rise in response to the growing demand for dowries, there is a need for larger dowries or different ways to acquire them.

Abduction of children for adoption and Slavery. The growth of the family and the bared adults are the driving forces for child kidnapping in the Murle community. In Murle groups, a person of marriageable age may have a custom of not accepting life without a child. Widespread availability of irregular army and militia in the area. Therefore, there are several irregular local South Sudan militia around the border without their legality being assured.

The chapter is structured into four sections, each of which focuses on a different topic. An progression of the historical and ethnographic identities of the groups under study is provided in the first section. The Murle's abduction practices, rooted in cultural norms and exacerbated by economic factors, are extensively explored. Moreover, the chapter delves into the demographic and cultural characteristics of the Agnwua ethnic group, highlighting their agricultural livelihoods and distinct cultural practices. Finally, the chapter discusses the proliferation of weapons among the Murle ethnic group, examining the sources of weaponry and its impact on communal disputes.

Chapter Four focuses on examining the causes and challenges associated with Murle cross-border child abductions within the Gambella Regional State. This chapter delves into a detailed exploration of the factors underlying trans-border child abductions perpetrated by the Murle ethnic group, alongside an analysis of the challenges posed by these abductions.

The thesis explores the multifaceted causes of transborder child abduction by the Murle ethnic group in Gambella, Ethiopia. The socio-economic structure of the Murle revolves around cattle, with young women highly valued for marriage dowries, leading to increased dowry demands and inflation. This economic pressure drives Murle youth to kidnap children and raid villages to acquire dowries. The motivations for child abduction are categorized into socio-cultural values and perceptions, and border proximity issues. Socio-cultural factors include the pressure to pay high bridewealth, which forces young men without livestock to resort to raiding. Additionally, child abduction is driven by the need to expand families, with childless individuals seeking children through abduction and traditional rituals involving local magicians. The chapter also discusses the inefficacy of the Ethiopian government and defense forces in addressing these issues, partly due to the country's ethnic federalist governance structure, which hinders timely responses to local security concerns. This combination of economic, cultural, and governance factors contributes to the persistent problem of transborder child abduction in the region.

CHAPTER: FOUR

4. ANALYSIS OF THE IMPACTS OF MURLE TRANS-BORDER CHILDREN ABDUCTION ON THE HUMAN RIGHTS OF CHILDREN IN THE GAMBELLA

4.1. Introduction

The human rights of children include various protected human rights starting from the right to life, and the right to security and privacy. The right to health and education. The right to a clean environment. In other ways of categorizations, we can classify it as first-generation, second-generation, and third-generation rights. They are very broad

Trans-border child abduction is a complicated and emotionally charged activity that has the potential to destroy a child's future. It has several impacts on the human rights of children in the Gambella Regional State and its woreda around the border of South Sudan. It also explains the dearth of resources and safety that border communities and their kids must deal with. It placed a strong emphasis on the negative effects of abuse, violence, a worn-out economy, and political tensions with nearby nations.

4.2. The Demographic of Respondents

In this section, the Demographic Status of respondents is categorized into two distinct segments: the first pertains to the abducted respondents' interviewees, while the second addresses the demographic status of government respondents' interviewees. The rationale behind this separation, as delineated by the researcher, aims to provide a clear distinction between these respondent groups for analytical purposes.

These tables represent the Gender Demographic Status of abducted respondents Interviewees. here below

Table: 6 Table Six: Is About the Gender of the Victims Interviewees

GENDER OF THE VICTIMS INTERVIEWEES RESPONDENTS

	Gender Frequency	Cumulative percent
Male	36	60%
Female	24	40%
Total	60	100

As depicted in the tabulated data concerning the demographic distribution of abducted children respondents, among the total of 60 respondents, males accounted for 36 individuals, constituting 60% of the sample, while females comprised 24 individuals, representing 40% of the sample.

Table: Seven Represents the Victims' Respondents from the Three Woreda.

Table 1.7. Table Seven: Respondents from woredas

Woreda of Respondent	Frequency	Percentage
1. Gog	17	28.3%
2. Jor	17	28%
Dima	19	31.7%
3. Respondents Victims of Trans-border Child Abduction at Gambella Orphanage Center	7	11.7%
Total	60	100.0

Under this Table is the Representation of the Demographic Status of Government Respondents' Interviewees

Table 1.8. Table: Eight the Demographic Status of Government Respondents Interviewees

S. No	Frequency	Percentage
1. Gambella Regional State Security Office Head	1	1.0%
2. Gambella Regional State Security Office Deputy Head	1	1.0%
3. Gambella Regional State Women and Children Affairs Head	1	1.0%
4. Agnawua Zone Security Office Head	1	1.0%
5. Gog woreda security Office Head	1	1%
6. Jor Woreda Security Office Head	1	1%
7. Dima Woreda Security Office Head	1	1%
8. Gambella Regional State Orphanage Center for Reha-	1	1%

bilitation Head		
9.Gambella Regional State Orphanage Center for Rehabilitation Officers	5	5%
10.Gog Woreda Kebele Officer	6	6%
11.Jor Woreda Kebele Officer	5	5%
12.Dima Woreda Kebele Officer	6	6%
Total	30	100.0%

4.3. Impacts of the Murle Cross-border Child Abduction on the Human Rights of Children in the Border Districts of Gambella

In the event of abduction, a number of the rights guaranteed by national, regional, and international child rights instruments—among them the rights to life, safety, freedom from torture, education, health, and survival—are infringed. Numerous societal repercussions result from armed groups kidnapping children and crossing into South Sudan. These include adult and child civilian deaths, livestock losses, and community relocation in the impacted areas of the Anywaa and Nuer administrative regions. The disruption of children's economic and educational opportunities, family separation, and the effects of climate change all need to be addressed. Both fear and the breaches of human rights are rising. All of these risks have weakened the government's and existing institutions' ability to address the problems.

Kidnapping's Effects on Victims Regardless of the form of kidnapping and the reason behind it, the issue can have extremely detrimental psychological and financial effects on victims as well as their significant others.¹⁵¹ The age, nationality, socioeconomic background, degree of

¹⁵¹ Leah Kaylor, 'Psychological Impact of Human Trafficking and Sex Slavery Worldwide: Empowerment and Intervention' [2015] Intern from John Jay College of Criminal Justice New York, NY

education, and ethnicity of abduction victims vary. While anyone can fall victim to human trafficking, some groups are more susceptible than others to this type of victimization.¹⁵²

According to the interviewed respondents on the impacts of trans-border child abduction, 17 reported the Inhuman treatment, psychological impact, and others. While 23 respondents reported torture, rape, and killing of victims who refuse to move or obey their rule. And 20 respondents indicated that abduction harms the physical, social, and economic status of the victims. Forcibly removing a kid from their home not only causes anguish to the victim, but it also causes chaos in the lives of the child's parents, relatives, and community.¹⁵³ Consequences of the abduction crime include the negative effects of kidnapping terror on the victims and the community's members, social unrest, depression, post-traumatic stress disorder, money lost through ransom, and a decrease in economic investment.¹⁵⁴ One frequent consequence of the abduction that was brought up often and seemed to be quite painful for many involved was that many parents did not have any touch with their kids throughout the time they were gone. This frequently happened as a result of the absentee parent not knowing where the kids were.¹⁵⁵ In addition to increasing the child's risk of sexually transmitted diseases (kidnapping can result in sexual abuse of the child. Abduction has severe financial and economic ramifications in addition to physiological effects and psychological trauma for the victim and their family. Abduction victims experience a range of cruel treatment and circumstances during abduction incidents, including physical and sexual torture, murder, psychological and mental abuse, isolation and captivity, inadequate nutrition, and drugging.¹⁵⁶ abduction has several negative effects, such as terrorizing victims and other community members, upsetting social harmony, causing post-traumatic stress disorder and depression, causing financial loss due to ransom payments, decreasing economic investment, closing businesses, decreasing profits, causing disruptions to educational programs, and needlessly raising security costs.¹⁵⁷

4.3.1. Social Impact of Child Abduction on the Children

<<https://www.academia.edu/download/61084078/leah-kaylor20191031-109714-nwq1xt.pdf>> accessed 8 February 2024.

¹⁵² Ibid.

¹⁵³ Caroline Orset, 'A Theory of Child Protection against Kidnapping'.

¹⁵⁴ Muteti (n 74).

¹⁵⁵ Freeman (n 69).

¹⁵⁶ Muteti (n 74).

¹⁵⁷ Ibid.

Within a specific society or region, the act of killing individuals can often stand out as one of the most distressing issues, alongside other social challenges like poverty, displacement, and various forms of violence, including the urgent issue of homelessness. As noted by different scholars, many social problems stem from underlying social inequalities and the subsequent ramifications they entail.¹⁵⁸ The myriad social challenges confronting the children and transborder communities of Gambella due to the Murle child abductions are multifaceted. Among these challenges, instances of killings and their associated circumstances represent just a couple of examples.¹⁵⁹ The loss of children during attacks is inevitable. The Gambella regional government reported that each dry season could lead to the displacement and loss of hundreds of households annually. In individual incidents, villages may lose at least five children monthly, while larger attacks could result in the abduction of at least 80 children. These statistics were disclosed following the severe attack on 13 villages in April 2016, which resulted in over 200 fatalities and the abduction of more than 100 children by cross-border abductors.¹⁶⁰ Food theft exacerbates children's deprivation of necessities, risking severe acute malnutrition. Consequently, even if starvation doesn't directly claim a child's life, early-onset severe acute malnutrition can lead to enduring physical and psychological impairments. The children from Dima, Jor, and Gok woredas are significantly impacted by the transborder child abductions, contributing to a plethora of social challenges within these communities.

4.4. Disruption of schooling for children.

Growing rates of violence against kids jeopardize their access to education. Because they spend so much time looking for a permanent place to reside, child survivors miss school. In effect, this deprives kids of protection and education. Not to mention the kids who were abducted between 2014 and 2016 and were kept prisoner by kidnappers. In addition, it is stated that the forced relocation brought about by kidnappings between 2017 and 2022 has left Dimma's educational institutions empty. Out of the respondents from woredas, 7 seven respondents have interrupted their school due to the abduction. The scenarios have forced many schools to close indefinitely as increasing insecurity makes areas uninhabitable. Children walking on village roads or on their way to school are sometimes attacked and kidnapped to be sold. It is felt that such a situation is sad and no child should go through what the children in Gambella are going through now. The border areas are becoming places where children's

¹⁵⁸ Adam Jamrozik and Luisa Nocella, *The Sociology of Social Problems: Theoretical Perspectives and Methods of Intervention* (Cambridge University Press 1998).

¹⁵⁹ Ibid.

¹⁶⁰ 'Ethiopia's Army Seeks to Rescue Children Abducted from Gambella.' (18 April 2016).

education is a matter of life and death. The two countries seem to be failing their respective cross-border children terribly. As displacement has increased, communities have been relocated to makeshift settlements where there are no educational facilities for children.

4.5. Displacement and separation from family

The child abduction-induced instability in Ethiopia has precipitated a social-cultural crisis, characterized by events instigated by calamities that jeopardize the established social framework and disrupt social functionality mechanisms. This crisis encompasses disturbances that directly or indirectly impinge upon customs, legal structures, social conventions, religious doctrines, and traditional values. Respondents provided insights into the impact of cross-border child abduction on social interactions rooted in cultural and historical contexts among the Anywaa, Nuer, and Murle communities. Before the escalation of child abduction incidents, familial ties, and intermarriages between these communities were prevalent. However, respondents from Bandira village in the Dimma district highlighted a deterioration in relationships between the Anywaa and Murle communities following increased cross-border child abductions. Similarly, in Gedu village within Dimma, there exists a Murle family whose father was displaced, leading to the children residing in the village being separated from their father. This situation has also led to divorces among couples from neighboring communities, constituting a violation of familial rights and disrupting social bonds. Such actions have had demoralizing effects on children and deprived them of the joys of social interaction.¹⁶¹

The villages of Jor, Dima, and Udek, situated near the international border with South Sudan, face significant challenges due to inadequate infrastructure and limited social services. Among the most impacted demographic are children, who often endure separation from their parents and lack access to essential services such as education and healthcare. Consequently, children are particularly vulnerable to early marriage and child labor, exacerbating their predicament. As internally displaced persons, these children are concentrated in some of the most precarious regions of their country, where conflict and warfare exacerbate food insecurity. The situation is further compounded by the regional administration's insufficient efforts to safeguard vulnerable populations, leading to a worsening of conditions. The

¹⁶¹ Interview with Purro Thomas, 'According to a Key Source from the Dimma District Administration', (14 September 2023).

combined effects of ongoing trans-border child abductions, conflict, and climate change continue to escalate food insecurity among families and children.

4.6. The psychological impact on victims of abduction

Abductions can lead to social tension, psychological damage, insecurity, child abuse, neglect, loss of employment or housing, and economic instability in the community. Children are often victims of "physical violence" that can affect their decency and physical and mental well-being.¹⁶² Child abduction is one of the worst forms of violence. It can be harmful to both the victim and the victim's family. According to different studies, this practice causes cognitive, emotional, and behavioral disturbances. Victims often experience fear, shock, and anxiety. Sometimes they also lose hope in life.¹⁶³

Reportedly, the rescued children may have additional problems related to social networks, such as loss of interest in friendships, studies, and social activities, and stubbornness. Gambella Orphanage Center officials stated, "Most of the children stay here for almost a month without attending classes, but we do not force them, but stay around them, talk to anyone interesting, and assign them friends they like. They do, however, return to class occasionally."¹⁶⁴ For instance, there are victims of the Murle transborder child abduction who have been suffering from the impacts of this practice.¹⁶⁵ under Table 1.2. Theme (1) seventeen participants mentioned the Inhuman treatment, psychological impact, and others under the impacts of trans-border child abduction. In return, it shows that in every event of child abduction, there is inhuman treatment that negatively could affect the lives of victims.

Furthermore, returned children from abduction have a variety of physical disorders that developed during their captivity. victims could experience the inability to receive basic health care during their detention, such as a nutritious diet, comfortable sleep, fresh air, and exercise. Besides that, some victims may grow resilient. Often, rescued children struggle to integrate into society. If a rescued child does not receive appropriate care following the abduction or kidnapping incident, he or she may have conflicts with family and relatives.

¹⁶² Georgia K Hilgeman, 'Impact of Family Child Abduction' [2001] California Child Abduction Task Force.

¹⁶³ Ibid.

¹⁶⁴ Interview with Ajulu Obang, 'Gambella Orphanage Center Child Care Officer' (15 September 2023).

¹⁶⁵ Interview with Akwer Cool, 'A Research Respondent Who Is a Victim of the Murle Transborder Abduction Returnist' (13 July 2023).

According to officials from Gambella Women and Children Affairs, over 400 children are reported missing annually. Additionally, the law enforcement department manages to rescue approximately 40% of abducted children in neighboring districts, although these procedures often entail prolonged durations. For instance, Aballa Deng was abducted at the age of eleven in 2014, and it took seven years before he was located and reunited with his biological parents in 2021. Similarly, Okelo Opiew was kidnapped in 2017 and found nine months later. Consequently, such situations entail significant stress levels."¹⁶⁶

Research indicates that abductions often result in both physical and emotional repercussions for the families and relatives of the victims.¹⁶⁷ The disappearance of loved ones can lead to physical or emotional challenges. Moreover, guardians may harbor prolonged hopes of reuniting with their missing child. Officials from the Gambella Orphanage Center affirmed that Dak Deng's parents maintained hope of finding their child until they received the tragic news. Reuniting abducted children with their families poses significant challenges, as some children may not recognize their parents, and vice versa. However, the center assisted both the children and their relatives. Recently, they conducted training sessions for families to facilitate a more effective recovery and reunification process. It is understood that abduction can lead to long-term stress and depression within families, impacting multiple generations.¹⁶⁸

4.7. Rise of Fear and Human Rights Abuses

As experience could recall, from several raids where children were locked alone inside a hut surrounded by heavily armed men and given only milk during their captivity, the amount of fear is so much incomprehensible. Cross-border children who settle at the emergency villages or flee could face violence and abuse. At very risky locations roamed by armed elements, sexual violence, abuse, and exploitation are worrying: "accounts of sexual violence, looting, killings, torture and persecution by self-mended checkpoints personals are the daily experience but sometimes unreported", as explained by one of the aids workers in Gambella children agency, the respondents' responses under Table 1.2 Theme 2(2) 20 respondents mentioned that during trans-border child abduction, they faced several challenges such as physi-

¹⁶⁶ Interview with Gambella Women and Children Affairs officials, 'Due to Transborder Child Abduction More Than 400 Children Go Missing Each Year.' (20 January 2024).

¹⁶⁷ David A Alexander and Susan Klein, 'Kidnapping and Hostage-Taking: A Review of Effects, Coping and Resilience' (2009) 102 *Journal of the Royal Society of Medicine* 16.

¹⁶⁸ Interview with Gambella Women and Children Affairs officials, (n 177).

cal, social and economically suffering. Transborder child abduction harms the physical, social, and economic status of the victims.

The researcher spoke to at least several abductees at the Gambella Orphanage Center, who had experienced displacement before they were abducted from Jor and Dima woreda districts, and who were abused by armed abductors; “It was lots. from being abducted, and sexually abused, to being beaten, exploited, or shot at by them. They beat us, even minute after minute. They could ask if we want to be released to our family now, or taken for years without seeing our families.”¹⁶⁹ People gripped by fear always find a lot of reasons for not doing anything contrary to what they are threatened to do by the abductors in the power position. A 38-year-old Anywaa woman said she and her older daughter were once captured in the bush in June 2018, as they attempted to flee from their village to Dimma town after their community was raided at night. Armed Murle men took them and other civilians captive and proceeded to kill some of them; “They ordered us to sit down and said they were going to slice us like a watermelon, they had tied hands behind their backs and placed her daughter next to her. One of the fighters “put his leg on her head trying to cut her neck with a knife,” she said. She and her daughter were released when pro-Ethiopian armed youths arrived and started shooting at the men holding them. There is an understood observation that the people in the study area feel threatened by kinds of abrupt operations in their villages and farming areas.¹⁷⁰

Mutual understanding of border communities on patrol coordination, border control, and other systems of political cooperation are non-functional along the border. According to a key source from the Dimma district administration, who described how his administration attempted to address security concerns, "In 2017, more than five regular meetings were held among concerned Dimma, Boma, and Puchalla politicians in the border areas of Raad and Bouy-Lulwaro." Though Dimma Woreda's administration has expressed concern about cross-border raids as the primary source of insecurity in the area, the joint security committee has done little to combat the crime.¹⁷¹ They have so far requested assistance from the federal authority to help put an end to cross-border child abduction activities." The worst impact of

¹⁶⁹ Interview with Aballa Okwier Obang Aballa, Cham Ojullu, Deel Omot and Kiro Badok, ‘Research Respondents Who Are at Gambella Orphanage Center’ (2023).

¹⁷⁰ Interview with Akori Nyidwol Baang, ‘A Research Participant Who Is 40-Years Old Agnwuak Woman from Dima Woreda’ (2023).

¹⁷¹ Interview with Purro Thomas, ‘According to a Key Source from the Dimma District Administration’, (14 September 2023).

cross-border raids is the development of a cycle of violence and the trend of child abduction in the communities involved.¹⁷²

4.8. Disruption of Economic Activities Benefiting Children

This could be, for example, the economic disparities between families, ethnic groups, communities, societies, as well as nations. In such countries, ethnic competition between different ethnic groups over who controls or possesses a common resource usually has an impact on people's perceptions. In a nutshell, a country where vulnerable members of society are forcibly looted by people from a specific powerful ethnic group is likely to experience ethnic dissatisfaction, or a sense of ethnic dehumanization. However, frequent cross-border child abductions by armed elements disrupted major economic activities along the border, particularly trade and agriculture. Over the years, the border region has remained impoverished and underdeveloped. The Akobo River, which was once attractive for modern agricultural irrigation throughout the year, has stopped to be productive. Fears of cross-border raids prevent communities from engaging in any agricultural activities along the River.

4.9. Diplomatic tensions

Cross-border tensions arising from child abductions can exacerbate political tensions between the two countries. In the Republic of South Sudan, significant security challenges persist, encompassing warfare, unresolved border disputes, nomadic and civil migrations, and arms-related conflicts. The Greater Upper Nile region specifically grapples with issues such as inadequate infrastructure, mismanagement of natural resources, and intercommunity conflicts, which contribute to overall security deterioration. These factors, intertwined with local and national power dynamics, occasionally escalate into ethnic armed conflicts, leading to widespread casualties and displacement.¹⁷³ And this has been escalated by the large-scale cross-border village raids in April 2016, during which hundreds of children were abducted by armed individuals from South Sudan's Murle ethnic group, evoked sadness in Ethiopia.¹⁷⁴ Despite the entry of the Ethiopian Defense Force into South Sudan to rescue children from the abductors, they only found 93 children the rest more than one hundred and above were not found.

¹⁷² Ibid.

¹⁷³ Theodore S Dagne, 'The Republic of South Sudan: Opportunities and Challenges for Africa's Newest Country'.

¹⁷⁴ 'Ethiopia's Army Seeks to Rescue Children Abducted from Gambella.' (n 18).

4.1o. Summary of the Chapter

Chapter Five investigates the profound effects of Murle transborder child abduction on the human rights of children in Gambella, Ethiopia. The chapter identifies severe psychological and financial impacts on victims and their families, including terror, social unrest, depression, post-traumatic stress disorder, and economic losses. Socially, abductions lead to the displacement of hundreds of households, disrupt educational systems, and foster fear and insecurity within communities. The abductions also result in the separation of families, exacerbating social inequalities and leading to long-term malnutrition among children due to food theft. Psychologically, abducted children suffer from physical and sexual abuse, isolation, and psychological trauma. Economically, abductions hinder community development, disrupt traditional economic activities, and undermine governmental and traditional institutions. Furthermore, these crimes exacerbate diplomatic tensions between Ethiopia and South Sudan, complicating bilateral relations and security dynamics in the region.

CHAPTER FIVE

5. FINDINGS, DISCUSSION, CONCLUSION AND RECOMMENDATIONS

5.1.Introduction

Under this chapter are the study's findings, discussion, conclusion, and recommendations of this study.

5.2. Major Findings of the Study

The Findings of the Study

5.2.1. Interview Data Results Presentation

Under this section interview results are divided into themes under each table. Therefore, these themes are presented below under each table.

5.2.2. These are the interview results about the causes of Murle child abduction

The findings reveal three primary motivations for transborder child abduction among the Murle ethnic group. Firstly, 13 thirteen respondents indicated that children are abducted to be exchanged for cows, which are then used to pay dowries. An equivalent proportion, 13 thirteen attributed abductions to the desire to enslave the abducted individuals. These economic transactions and exploitation highlight significant underlying causes of these criminal activities. Additionally, the predominant cause, as identified by 29 twenty-nine respondents, is the adoption of abducted children due to Murle's low fertility rate and small population size. The findings suggest that Murle youth engage in child abduction to secure economic benefits through dowry payments and to exploit the labor of the abducted children, who are forced into various tasks such as heavy labor, hunting, and herding. This multifaceted motivation underscores the complex socio-economic and cultural dynamics driving transborder child abduction in the region.

5.2.3. Impacts of Transborder Child Abduction on Children's Human Rights in the Context of Gambella

Theme, two addresses the impacts of transborder child abduction on victims among the Murle ethnic group. According to the interviewed respondents by the researcher, 17 seven-teen respondents reported the inhuman treatment, psychological impact, and others. Secondly, 20 twenty respondents indicated that transborder child abduction harms the physical, social, and economic status of the victims. Furthermore, 23 twenty-three respondents from the interviewed respondents reported Torture, rape, and killing of victims who refuse to move or obey their rule. These findings indicate that transborder child abduction leads to severe physical violence, profound social and economic disruption, and significant psychological trauma for the victims. Thus, it can be concluded that transborder child abduction results in widespread suffering, encompassing both immediate physical violence and long-term social, economic, and psychological damage.

Murle transborder child abduction has great human rights impacts on the people of Gambella in general and especially on the children living around the border. People living around the border cannot go to school not only children even the adults people are not able to teach due to insecurity around the area. For instance, in Jor Woreda 12 twelve children were abducted while they were moving to school no one of them was found, they were abducted by the Murle The psychological effect of this threat on the local population is significant. It has fostered distrust and hostility toward the people, fueling violent crimes and human rights violations.

5.2.4. Theme Three Treatment of Victims During Abduction Events

Theme three examines the treatment of victims by abductors during transborder child abduction among the Murle ethnic group. When asked about their experiences, 21 respondents reported being held in the bush for a month or longer. An equal proportion of 21 twenty-one respondents stated that they were beaten from the onset of their abduction. Additionally, 18 eighteen respondents indicated that they were forcibly transported by the abductors. These findings highlight the harsh and often violent conditions that victims endure, characterized by prolonged captivity, physical abuse, and coercion. The consistency in the reported experiences underscores the severity and brutality associated with these abductions.

5.3. Thematic Discussion of the Practice of Child Abduction in the Context of International, Regional, and the Ethiopian Criminal Law System

The discussion part is organized into five themes: a summary of the findings, the causes of Murle transborder child abduction in Gambella, the impacts on children's human rights in the border area, and the implications and the conclusion with recommendations and proposed solutions. Transborder child abduction refers to a specific form of transborder crime, wherein the abduction is perpetrated by a criminal from one country crossing into another country's territory. It encompasses various illicit activities conducted by individuals and groups across national and international borders, motivated by financial gain, economic advantages, as well as socio-political and religious factors.¹⁷⁵ It is a set of criminal acts whose perpetrators and repercussions go beyond territorial borders.¹⁷⁶ Thus, the practice of trans-border crime involves people from multiple countries maintaining a system of communication and operations that is effective enough to occasionally carry out multiple illegal exchanges.¹⁷⁷

Transborder child abduction results in severe and multifaceted suffering, including immediate physical violence and long-term social, economic, and psychological damage. Victims often face torture, rape, and killings for non-compliance, leading to inhumane treatment and severe psychological impacts. Educational disruptions are significant, necessitating interventions by governmental and non-governmental organizations to support affected individuals. In Gambella State, abductions, particularly by the Murle community, exacerbate border security issues and significantly disrupt children's education. These acts violate children's fundamental rights to security, privacy, and protection from bodily harm, breaching international human rights standards.

The causes of trans-border child abduction by some groups of the Murle ethnic tribe in the Gambella Region are various. According to the respondents, there are several causes for the Murle child abduction into the Gambella Agnawua Zone. Therefore, the interview results from the thematic analysis of Table 1.1 reveal multiple causes of transborder child abduction among the Murle ethnic group. The causes of Murle child abduction stem from the socio-cultural values of the Murle ethnic group. According to a study, within Murle culture, young

¹⁷⁵ Muhammad Mustapha Fagge, Kabiru Ibrahim and Yunusa Uba Muhammad, 'Trans-Border Crime and Its Implications on Nigeria's National Security and Sustainable Development'.

¹⁷⁶ Global, 'Cross Border Crimes in West African Sub-Region: Implications for Nigeria's National Security and External Relations' <<https://globaljournals.org/item/3746-cross-border-crimes-in-west-african-sub-region-implications-for-nigerias-national-security-and-external-relations>> accessed 16 January 2024.

¹⁷⁷ Eze-Michael (n 59).

girls as young as twelve years old may be coerced into marriage in exchange for cattle, as livestock rearing is the primary source of income in the region.¹⁷⁸ The pressure to provide dowries drives the Murle group to engage in transborder child abduction. Additionally, the Murle abduct children for adoption and slavery. Child abduction within the Murle community is motivated by the desire to expand families and by adults who are unable to have children.

The Murle's practice of cross-border abduction is highly complex. Based on in-depth interviews conducted, several reasons were identified for the frequent occurrence of cross-border child abductions in the research areas. These reasons can be categorized into sociocultural values and perceptions, and issues related to border proximity. Consequently, cultural practices and perceptions that undermine the dignity of women and children should be prohibited by the government. This indicates that Murle cultural values and perceptions regarding women and children are inconsistent with fundamental human rights.

The Second theme is about the impacts of the Murle trans-border child abduction on the human rights of children. The Murle transborder child abduction has several negative impacts on the people of Gambella in general and on children living in Woredas in particular. According to the interview findings about the impacts of the Murle transborder child abduction, the analysis of Theme Two reveals the profound impacts of transborder child abduction on the human rights of the Agnawua ethnic group victims' children. According to the data on the impacts. These findings underscore that transborder child abduction results in extensive suffering, characterized by immediate physical violence and long-term social, economic, and psychological damage. Therefore, it important to raise question about how do this finding challenges or confirm the literature? In this case, various studies have mentioned about the effects of transborder child abductions. For instance, research highlights the adverse effects of abduction, including heightened fear among victims and community members, disruption of social cohesion, psychological afflictions such as post-traumatic stress disorder and depression, financial strain from ransom payments, and a consequent reduction in economic investment. Transborder child abduction inflicts severe trauma on victims, their families, and the wider community. In Kenya, for example, victims endure harrowing experiences such as being forcibly seized at knifepoint or gunpoint, bound, gagged, blindfolded, and transported in distressing conditions.¹⁷⁹ Therefore, the findings corroborate the studies on the impacts of

¹⁷⁸ Jack Goody, *Production and Reproduction: A Comparative Study of the Domestic Domain* (Cambridge University Press 1976).

¹⁷⁹ Muteti (n 74).

transborder child abduction and insights on the adverse effects of cross-border abduction and conflict.¹⁸⁰ These effects include loss of life, livestock, and mass displacement. Additionally, such conflicts disrupt socio-economic development, weaken local governance, and exacerbate food insecurity and dependency on aid.¹⁸¹ Moreover, the two governments should work with international partners and Human Rights Watch to draw international attention to the issue and to take all appropriate measures to protect children from abduction, including providing adequate security for vulnerable populations.

5.4. Challenges Faced in Preventing Transborder Child Abduction in the Gambella Region

5.4.1. Penetrable Border

The border between Ethiopia and South Sudan is open and porous. Border porosity also makes it difficult to combat illegal trade or security threats because people routinely cross borders without the necessary legal documents or checks. Bordering towns such as Dimma, Akobo, and Wanthoa Woredas (districts) are widely accessible for market or economic activities by members of each border. Both border authorities have faced difficulties in implementing border policies and controlling illegal migration and arms smuggling. In that regard, the suspected abductors could easily exploit this advantage for cross-border raids into Dimma Woreda territory. Therefore, the violations involving those organized raiders for the Ethiopia-South Sudan border may lead to the establishment of terrorist groups along the border.

5.4.2. Security Threat Along the Border

The security of ethnic communities and communities residing in the southwest region of Ethiopia is threatened by transnational abduction. The lengthy border that South Sudan and Ethiopia share makes cross-border raids common and widespread.¹⁸² Most of the time, these raids entail attacks on both sides of the border by two or more ethnic groups engaged in cattle rustling or kidnapping. However, the level of severity of the raid that took place on April 14, 2016, was unparalleled. The Murle ethnic group from South Sudan invaded nine communities

¹⁸⁰ Jal (n 50).

¹⁸¹ Jal (n 122).

¹⁸² McCallum (n 119).

in the Gambella area of Ethiopia, resulting in the deaths of 208 individuals and the abduction of over 200 children in less than an hour.¹⁸³

5.4.3. Lack of Local Militia or Defense Force in the area that can prevent and protect the border

In numerous instances of transborder child abduction conducted by the Murle group, the local populace residing near the border frequently endured adverse consequences without receiving assistance from government military forces. Despite reports of Murle incursions into nearby villages, authorities remain passive on the matter. Respondents interviewed by the researcher, particularly in Gog Woreda Otiel Kebele, expressed profound distress, lamenting the lack of external support during dire circumstances. They conveyed a sense of isolation and vulnerability, asserting that they are left to fend for themselves amidst ongoing threats and violence perpetrated by Murle militia members.

5.4.4. Lack of Government Motives to Bring Back the Abducted Children

Most of the time the abducted children would not have an opportunity to be brought back by the government of Ethiopia and Gambella. Even if they have heard of the abduction report they will keep silent without making follow-up. This shows that there is a lack of interest and motive from the governments to bring back the children from the abductors immediately.

5.5. Child Rights Protection under the International Legal Frameworks

On the international stage, the 1980 Hague Convention on the Civil Aspects of International Child Abduction provides a critical legal mechanism for the prompt return of children wrongfully removed or retained across borders. While Ethiopia's domestic laws robustly address child abduction, international cooperation through treaties like the Hague Convention further bolsters the legal framework protecting children from abduction. However, the effectiveness of this Convention is limited by the fact that not all countries are signatories. Notably, South Sudan and Ethiopia have not ratified the Hague Convention.¹⁸⁴ This non-participation poses a significant obstacle to effectively curbing international child abductions, as these countries lack the legal framework provided by the Convention to facilitate the prompt return of abducted children.

¹⁸³ 'Child Abduction at the Ethiopia-South Sudan Border: A Human Rights Challenge | Wilson Center' (n 12).

¹⁸⁴ 'Child Abduction at the Ethiopia-South Sudan Border: A Human Rights Challenge | Wilson Center' (n 39).

The prohibition of child abduction is further reinforced by various international human rights instruments. Under the Universal Declaration of Human Rights (UDHR): Article 3 asserts everyone's right to life, liberty, and security of person. Article 4 prohibits all forms of slavery and servitude. Article 5 forbids torture and cruel, inhuman, or degrading treatment or punishment. These fundamental rights highlight the severe human rights violations inherent in child abduction.

5.6. Child Rights Protection under the African Regional Human Rights Framework

Under the regional human rights framework there are certain human rights legal frameworks in which they are used as legal bases for the protection of children's human rights system in Africa. One of the human rights instruments under the Africa Regional Human Rights System is the African Charter on the Rights and Welfare of the Child. The African Charter on the Rights and Welfare of the Child provides robust protections against child abduction. According to Article 1, of the Charter states must recognize and adopt measures to uphold the rights, freedoms, and duties enshrined in the Charter. Article 1(3) mandates the discouragement of any custom, tradition, cultural, or religious practice that contradicts the Charter's provisions. In addition to that, Article 5 asserts that 'every child's inherent right to life and requires states to ensure the child's survival, protection, and development.'¹⁸⁵ These provisions underscore that transborder child abduction is incompatible with the Charter's mandates and must be actively discouraged and legally addressed.

5.7. The FDRE Constitutional and Legislative Framework

5.7.1. States' Obligations and Responsibilities

States parties'' refers to the duties that States parties have to children, not just at the federal level but also at the provincial and local levels. Due diligence and the duty to stop violence or human rights violations, the duty to shield child victims and witnesses from human rights violations, the duty to look into and punish those at fault, and the duty to grant access to remedy human rights violations are some of these special obligations. States parties have a positive and active duty to support and help parents and other caregivers secure the living conditions required for the child's optimal development, within their financial and physical means and with consideration for the child's developing capacities, regardless of whether

¹⁸⁵ African Charter on the Rights and Welfare of the Child (1990) Article 5 (1) (2).

violence occurs.¹⁸⁶ Furthermore, States parties should guarantee that the needs and rights of children are met by everyone who, in the course of their employment, is in charge of preventing, protecting against, and responding to violence as well as in the legal systems.¹⁸⁷

The Federal Democratic Republic of Ethiopia (FDRE) established its foundational legal framework with the 1995 Constitution, which stands as the supreme law of the land. This Constitution not only forms the bedrock of the nation's legal system but also explicitly enshrines the rights of children. Article 36 of the FDRE Constitution specifically guarantees various children's rights, including the right to life, name and nationality, parental care, and protection from exploitative practices. There are numerous provisions enumerated under the FDRE Constitution article 14 the rights to life, the security of person and liberty. Article 15 the right to life. Every person has the inviolable and inalienable right to life, the security of person and liberty. Article 16 the right of the security of person. Everyone has the right to protection against bodily harm. Article 18 prohibition against inhuman treatment.

(1) everyone has the right to protection against cruel, inhuman or degrading treatment or punishment. Article 18 (2) no one shall be held in slavery or servitude. Article 36 rights of children. Article 36 (1) every child has the right to life

5.7.2. Specific Legal Provisions on Child Abduction under the FDRE Criminal Law

Under Ethiopian law, child abduction is explicitly prohibited. The Ethiopian Criminal Code, specifically Article 589, criminalizes child abduction. This includes parental child abduction, which is delineated under Article 589 (3). These legal provisions align with international efforts to combat child abduction, emphasizing Ethiopia's commitment to protecting children from such unlawful acts. Article 9 (4) of the 1995 FDRE Constitution stipulates that all international agreements ratified by Ethiopia become integral parts of domestic law, reinforcing the nation's commitment to international human rights standards.

In summary, Ethiopia's legal system, underpinned by the 1995 FDRE Constitution, provides a comprehensive framework for the protection of children's rights, including the prohibition of child abduction. The nation's ratification of key international and regional treaties underscores its commitment to upholding and promoting the rights and welfare of

¹⁸⁶ United Nation Convention on the Rights of the Child (1989) Article 18 and 27.

¹⁸⁷ Convention on the Rights of the Child Committee General Comment No.13 (2011).

children. By integrating international agreements into domestic law, Ethiopia ensures a cohesive legal approach to combating child abduction and safeguarding children's rights.

In the concluding section of the discussion, the researcher faced several notable challenges during the data collection phase, particularly related to temporal constraints. Conducted in the summer of 2023, the research was significantly impacted by adverse environmental conditions, specifically flooding and the subsequent inaccessibility of roads in certain kebele areas. These natural disruptions necessitated a delay in the research timeline, as the researcher had to postpone data collection until the dry season to ensure access to the intended respondents. Despite this delay, the researcher made great efforts in maintaining the consistency and reliability of data collection.

Ethiopia has shown a robust commitment to protecting children's rights by ratifying numerous international and regional treaties. In 1991, Ethiopia ratified the Convention on the Rights of the Child (CRC), affirming its dedication to upholding the comprehensive rights of children. Additionally, Ethiopia is a party to the African Charter on the Rights and Welfare of the Child and the International Labour Organization (ILO) Convention 182, which addresses the worst forms of child labor. Beyond these, Ethiopia has ratified other critical international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1982), the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights.

6.8. Conclusion

The findings highlight the severe and multifaceted impacts of transborder child abduction, including physical violence, psychological damage, and educational disruptions. The abductions, particularly by the Murle community in Gambella State, pose significant security challenges and violate fundamental human rights. Addressing these issues requires urgent intervention and support from both governmental and non-governmental organizations. The motivations behind these abductions—adoption, economic transactions, and enslavement—underscore the need for comprehensive strategies to combat this practice and protect the rights and well-being of affected children. The analysis underscores the urgent need for comprehensive action to address the multifaceted impacts of transborder child abduction. Armed groups exploit socioeconomic and traditional motivations, resulting in severe human

rights violations and societal instability. The lack of political commitment and inadequate infrastructure further exacerbate these issues, fostering a conducive environment for criminal networks and radical ideologies. The government and relevant authorities must prioritize eliminating Murle cross-border raids, review and implement recommended solutions, and adopt international measures to eradicate child abductions.

6.9. Recommendations

Generally, the paper suggests the following recommendations here below:

1. **Strengthen International Cooperation and Resources:** There is a need for stronger international cooperation and increased resources for law enforcement institutions and international organizations to prevent trans-border child abduction in the Gambella Regional State.
2. **Combat Insurgency and Strengthen Local Defenses:** To effectively combat trans-border child abduction, the Gambella government should address the insurgency, particularly by training and equipping local militias in border regions like Gog, Jor, and Dima to defend against child abductors.
3. **Ratify International Conventions:** The governments of Ethiopia and South Sudan should ratify The Convention on the Civil Aspects of International Child Abduction and seek international community support to protect children and combat abduction practices.
4. **Law Enforcement Training and Surveillance:** Law enforcement agencies should intensify surveillance against trans-border abduction and receive specialized training to identify and rescue victims of abduction without harm.
5. **Engage with Local Authorities:** Open dialogue with the Murle chieftaincies and the Great Boma Governor to secure the release of abducted children and seek an end to future abductions. Including local leaders in these efforts is crucial to reducing child abduction practices in the region.
6. **A concerted strategy is needed to end child abductions,** requiring thorough analysis and cooperation between the governments of Gambella in Ethiopia and Jonglei and Upper Nile in South Sudan, with central government support and respect for human

rights. Child rights agencies in both countries must collaborate to mitigate or eradicate cross-border child abuse by the Murle people.

7. Creating awareness and human rights education. It is recommended that the governments of Ethiopia and South Sudan, along with other pertinent authorities, establish an awareness campaign aimed at educating the public about the awareness of human rights.

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LIST OF APPENDICES

Appendix A. List of Tables

Appendix TABLE 1.1: TABLE ONE: IS ABOUT THE CAUSES OF TRANSBORDER CHILD ABDUCTION AT PAGE..... Error! Bookmark not defined.

Theme one	Frequency (How many participants mentioned it)	Percent%
1.The cause is to exchange the abducted victims for cows and to pay for dowry	13	21.7
2. The cause is for enslavement/ to enslave the victims	13	21.7
3. The causes of transborder child abduction is to adopt the victims	29	48.3
4. I do not have any idea about the cause for their abductions	5	8.3
Total	60	100%

APPENDIX TABLE 1.2: TABLE TWO: IS ABOUT THE IMPACTS OF TRANS-BORDER CHILD ABDUCTION ON THE VICTIMS OF ABDUCTION AT PAGE.....

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Theme Two	Frequency (How many participants mentioned it)	Percentage%
1. Inhuman treatment, psychological impact, and others	17	28.3%
2. Transborder child abduction harms the physical, social, and economic status of the victims	20	33.3%
3. Torture, rape, and killing of victims who refuse to move or obey their rule	23	38.3%
Total	60	100%

APPENDIC Table 1.3. Table Three: Is about the number of transborder child abduction who were tortured during their abduction events at page.....Error!

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Theme Three	Frequency (How many Participants mentioned it)	Percentage %
1. 0	17	28.3%
2. 1	21	35.0%
3. 2	11	18.3%
4. 3	10	16.7%
5. More than 5 and above	1	1.7%
Total	60	100%

APPENDIX TABLE 1.4 TABLE FOUR: IS ABOUT THE KIND OF TREATMENT VICTIMS WERE GIVEN DURING THE EVENTS OF ABDUCTION AT PAGE..... Error! Bookmark not defined.

Theme Four	Frequency (How many Participants mentioned it)	Percentage
1.They were carrying us by force everything is by force	18	30.0%
2.They were beating us from the beginning/starting from the attack or abduction	21	35.0%
3.We were kept in the bush for one month and above	21	35%
Total	60	100%

appendix TABLE 1.5. TABLE FIVE: FIVE IS ABOUT THOSE VICTIMS OF TRANS-BORDER CHILD ABDUCTION WHO INTERRUPT THEIR SCHOOLING DUE TO ABDUCTION EVENTS. SEE AT PAGE
Error! Bookmark not defined.

Woreda of Respondent	Frequency	Percentage
1. Gog	17	28.3%
2. Jor	17	28.3%
Dima	19	31.7%
3. Respondents Victims of Trans-border Child Abduction at Gambella Orphanage Center	7	11.7%
Total	60	100.0

appendix TABLE: 6 TABLE SIX: IS ABOUT THE GENDER OF THE VICTIMS INTERVIEWEES.
SEE AT PAGE..... Error! Bookmark not defined.

Sex	Gender Frequency	Cumulative percent
Male	36	60%
Female	24	40%
Total	60	100

APPENDIX TABLE 1.7. TABLE SEVEN: RESPONDENTS FROM WOREDA. AT PAGE..... Error!
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Woreda of Respondent	Frequency	Percentage
1. Gog	17	28.3%
2. Jor	17	28%
Dima	19	31.7%
3. Respondents Victims of Trans-border Child Abduction at Gambella Orphanage Center	7	11.7%
Total	60	100.0

APPENDIX TABLE.1.8. TABLE: EIGHT THE DEMOGRAPHIC STATUS OF GOVERNMENT RESPONDENTS INTERVIEWEES. AT PAGE Error! Bookmark not defined.

S. No	Frequency	Percentage
1.Gambella Regional State Security Office Head	1	1.0%
2. Gambella Regional State Security Office Deputy Head	1	1.0%
3.Gambella Regional State Women and Children Affairs Head	1	1.0%
4.Agnwua Zone Security Office Head	1	1.0%
5.Gog woreda security Of-	1	1%

Office Head		
6.Jor Woreda Security Office Head	1	1%
7.Dima Woreda Security Office Head	1	1%
8.Gambella Regional State Orphanage Center for Rehabilitation Head	1	1%
9.Gambella Regional State Orphanage Center for Rehabilitation Officers	5	5%
10.Gog Woreda Kebele Officer	6	6%
11.Jor Woreda Kebele Officers	5	5%
12.Dima Woreda Kebele Officers	6	6%
Total	30	100.0%

Appendix B. List of Figure 1 Map of Gambella Ethiopia and South Sudan



Appendix C. Outline of Interview Questions

Interview Questions Outline for Respondents of this Thesis Study

Question 1: What are the causes of the Murle transborder child abduction in the Gambella Regional State?

Question 2: What are the impacts of transborder child abduction on the human rights of children living in Gambella around the border?

Question 3: How many of you were tortured?

Question 4: What kind of treatment did they provide you from the beginning of the abduction until they carried you to their country? How did they treat you?

Question 5: What are the impacts of the Murle trans-border child abduction on the schooling of the victims' respondents' interviewees?