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Navigating Terra Nullius: The Ababda and the Case for Indigenous Land Rights in Bir Tawil

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Abstract

Located along the border between Egypt and The Sudan, Bir Tawil is the product of a border dispute that goes back over a century, the result of which is that neither country claims it, rendering the 1,290-square-kilometre territory Terra Nullius. Several individuals, misreading the traditional legal ramifications of the designation Terra Nullius, have laid claim to it, though mostly as little more than publicity stunts. Since the discovery of gold in the area, and the extraction operations of the Canadian mining firm Orca Gold Inc. at its Block 14 concession just over the border in Sudan, the local prospectors fear they will lose their livelihood. These locals are primarily made up of members of the Ababda Tribe. This paper provides a brief history of the Ababda's presence in this area, and then offers a look at the strength of their claim over the land and mineral rights from the perspective of international law.

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- 3 The presence of foreign mining operations near Bir Tawil threatens the Ababda's traditional livelihoods and culture.
- 4 Legal instruments like the UN Declaration on the Rights of Indigenous Peoples bolster the Ababda's sovereignty claim.
- 5 Bir Tawil's unique geopolitical status complicates claims, as it lacks formal national ownership, enhancing the Ababda's argument.

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- How do contemporary claims over Bir Tawil affect the Ababda community? +
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