



DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION
DIRECTORATE B
- POLICY DEPARTMENT -

NOTE

The Ethiopia-Eritrea conflict

Abstract:

In May 1998, Eritrea and Ethiopia's squabble over their 1000 km poorly demarcated frontier turned violent, when Eritrea seized the disputed village of Badme. The border skirmish quickly escalated into full-scale war. After more than two years of conflict, an estimated 100,000 people killed and one million displaced, the war ended in December 2000, when the two countries signed the internationally brokered "Algiers Agreements", providing also for a UN peace-keeping operation mission (UNMEE). The final verdict of the Ethiopia-Eritrea Boundary Commission (EEBC), attributing Badme to Eritrea, was rejected by Ethiopia as "totally unjust", which paralysed the demarcation process and the final resolution of the border conflict. After several years of unsuccessful attempts to negotiate with both parties and to go ahead with physical border demarcation, the EEBC dissolved itself in November 2007, leaving a set of geographical coordinates and a map as "virtual demarcation". Following serious pressures from Eritrea to re-deploy UNMEE from the demilitarisation zone, the UN Security Council decided in July to conclude the UNMEE mandate as from 31 July 2008. Both countries consider they have legitimate arguments to defend their positions, and neither of them has sufficient incentive to end the stalemate, thinking that time plays on their side. Although, in principle, neither of the countries can afford a new war, a miscalculation on either side could lead to a disastrous return to conflict. The unresolved Ethiopia-Eritrea border dispute is considered to be the essential cause of instability in the whole Horn of Africa, including the recent escalation of victory between Eritrea and Djibouti.

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I. The Ethiopia-Eritrea war (1998-2000)

The current leaders of Eritrea, Isaias Afwerki, and Ethiopia, Meles Zenawi, fought together against the brutal Mengistu regime in 1991, at a time when Eritrea was still a part of Ethiopia. When Eritreans overwhelmingly voted for independence, in April 1993, Ethiopia accepted the decision, even if it implied the loss of direct access to sea, and maintained amicable relations for a number of years. Deterioration started in 1997, when Eritrea decided to introduce its own currency.

In May 1998, Eritrea and Ethiopia's squabble over their 1000 km poorly demarcated frontier turned violent, when Eritrea seized the disputed village of Badme. The border skirmish quickly escalated into full-scale war. In mid May 2000, Ethiopia launched a major offensive against Eritrea and, on 31 May, announced that the war was over after it recovered all of the territory lost since May 1998. After more than two years of conflict, an estimated 100,000 people killed and one million displaced, the war ended in December 2000, when the two countries signed the internationally brokered "Algiers Agreements"¹.

The Algiers Agreements established an immediate ceasefire, with both parties returning to pre-war positions, and a demilitarized 25-km Temporary Security Zone (TSZ), monitored by UN troops (the UNMEE-United Nation Mission to Ethiopia and Eritrea). In addition, the Algiers Agreements created the institutional mechanisms to resolve the border dispute: the Eritrea-Ethiopia Boundary Commission (EEBC), charged to delimit and demarcate the border "based on pertinent colonial treaties (1900, 1902, and 1980) and applicable international law". Both countries agreed to accept the verdict of the EEBC as "final and binding".

II. The EEBC ruling

In April 2002, the EEBC ruled that Badme was in Eritrea, while less symbolically important areas were on the Ethiopian side. The control of this desolate village of barely 1,000 inhabitants had become the most visible sign of victory or defeat for two leaders who were struggling to survive internal pressures. Ethiopia started a campaign in an attempt to get the decision reversed, stating, amongst other arguments, that the delimitation was absurd since it established the border in the middle of the Badme village². However, the commission had no power to amend its ruling without the consent of both parties, and Eritrea consistently refused to negotiate anything. As pressure mounted on internal leadership, the Ethiopian government formally rejected the EEBC's verdict in September 2003, accusing it of making "a totally illegal, unjust, and irresponsible decision" in awarding Badme to Eritrea³. This was accompanied by an appeal to the UN Security Council to help resolve the impasse.

The international community continued to call for Ethiopian compliance with the EEBC's ruling, insisting that the commission's decision was fully consistent with international practices and a new wave of diplomacy was initiated. US and EU diplomats travelled to the Ethiopian and Eritrean capitals and in December 2003 the UN Secretary General named a former Canadian foreign minister, Lloyd Axworthy, as the special representative, with a remit to find a solution. However, Eritrea rejected all efforts and rejected Axworthy's appointment, claiming that the

¹ The UN, Algeria, the EU, the OAU (now the African Union) and the US were the guarantors of the Agreements.

² The EEBC mechanism has been criticised by some analysts for various reasons: time frame was too rapid, the mandate too narrow, the proceedings not transparent, and it lacked of sufficient assistance by trained geographers. For a full analysis of the Algiers agreements, see the report by the International Crisis Group: *Beyond the Fragile Peace in Ethiopia-Eritrea: Averting a Return to War*, ICG report, 17 June 2008

³ Letter by Ethiopian Prime Minister Meles Zenawi to then-UN Secretary General Kofi Annan, September 2003

issue had been settled and that the role of the international community was to ensure Ethiopia complied with the ruling, imposing sanctions if necessary.

The EEBC had, however, fulfilled only the first part of its mission: delimitation of the border by establishing geographical coordinates. Its second task, physical demarcation on the ground, was due to start immediately after the border ruling, with the logistical support of the 4,200 strong UNMEE. Due to the deadlock of the process, the EEBC indefinitely suspended the start of the demarcation process, while the UN Security Council periodically extended the UNMEE mandate, condemning at the same time the concentration of troops by both sides along the border. In October 2005, Eritrea was thought to have about 250,000 soldiers in place and Ethiopia about 130,000.

In a spectacular change of policy, Ethiopian Prime Minister Meles Zenawi announced in November 2004 that his government accepted the EEBC's ruling "in principle" but called for immediate talks with Eritrea on the implementation of the decision, suggesting that Ethiopia still wanted to renegotiate some aspects of the arbitration. Eritrea rejected Ethiopia's apparent u-turn out of hand, claiming the move was "solely aimed at promoting public relations exercises and buying more time". Frustrated by what was (*rightly?*) considered appeasement of Addis Ababa, Eritrea tried to force the demarcation issue in October 2005 by banning UNMEE helicopter flights from what was considered as its territory, forcing the UN to withdraw its troops from nearly half their deployment sites.

In January 2006 the Ethiopian Prime Minister went further and declared that he accepted the ruling, dropping the "in principle", and was willing to start the demarcation.

In fact, Meles Zenawi had decided to change his strategy: he resolved to use the demarcation process as the negotiation forum he had been claiming for. Although this strategy was more clever than that used previously, the fact that it came only after four years of consistent rejection of the ruling made it not sufficiently convincing and it tainted *de facto* the demarcation process. In October 2005 Eritrea tried to force the demarcation process by banning UNMEE helicopter flight and by expelling US and European staff in UNMEE from Eritrea.

III. The end of the boundary commission and the UNMEE

In November 2006, the EEBC gave an ultimatum to both sides and stated that if the two parties did not cooperate to place demarcation pillars on the ground, the Commission would be dissolved within a year, something which effectively happened on 30 November 2007. The EEBC stated that "*until such time as the boundary is finally demarcated, the delimitation decision of 13 April 2002 as the only valid legal description of the boundary*", and presented a final map that was described as "virtual demarcation".

Eritrea, considering that the EEBC dissolution concluded the border issue, started to unilaterally implement the EEBC ruling by cutting off fuel for UNMEE, so as to force the mission from the TSZ (which Eritrea considers now as part of its sovereign territory).

The UNMEE, which had been progressively reduced in size over the years, was then temporarily relocated outside the TSZ. Finally, the Security Council adopted the decision not to renew UNMEE's mandate beyond 31 July 2008 (Resolution 1827 of 30 July 2008, adopted unanimously). The departure of remaining UNMEE's troops started immediately and should have been finalised by now. In its Resolution, the UN Security Council "*regrets that Eritrea's obstructions towards the United Nation Missions in Ethiopia and Eritrea (UNMEE) reached a level so as to undermine the basis of the Mission's mandate*". The Resolution does not foresee

any follow-up mission; it simply calls on the Secretary General "to further explore with Ethiopia and Eritrea the possibility of a United Nations presence in Ethiopia and Eritrea".

IV. The current situation: a risky stalemate

Both countries consider they have the law on their side, and neither of them has sufficient incentive to end the stalemate.

Eritrea considers that the end of the EEBC signals the end of the border dispute and that it has the right to occupy its own territory, expelling de facto the UNMEE from the TSZ. The Eritrean government considers that a deprivation of such a long part of its territory for such a long period of time is unacceptable for a small country, and cannot be justified by the procrastination tactics of Ethiopia. In addition, Eritrea feels that the international community has been unduly complacent with the government of Meles, due to geo-strategic considerations.

Ethiopia, on its side, considers that virtual demarcation is a "legal nonsense", that the process can be considered finished only when physical demarcation takes place and that Eritrea is violating the Algiers Agreements and international law by occupying the TSZ.

Neither of the countries has a real incentive (and now, very few instruments) to solve the border dispute. A tremendous personal animosity has grown between the leaders of the two countries, former comrades of arms, making direct dialogue virtually unthinkable. Both leaders use the border conflict to divert their citizens and the international community from domestic problems, and to enhance authoritarian trends at the expense of civil liberties and democracy. Each regime supports the other's domestic rebels, and each is convinced that the fall of the other's regime is imminent and constitutes the only real solution to the border dispute.

In the meantime, the situation on the border can be considered as extremely risky. Today, estimates suggest that Eritrea and Ethiopia maintain 124,000 and 100,000 troops respectively along the border¹, facing each other often "at less than a football's pitch's distance"², and now without the UNMEE acting as a buffer. Although, in principle, it seems that neither of the countries can afford a new war, a miscalculation on either side could lead to a disastrous return to conflict. A recent article³ reported of growing bellicosity amongst senior security officials in Ethiopia, who would like to use a minor provocation as an excuse to launch a massive response against Eritrea in order to put an end to Isaias's regime.

The resolution of the border dispute between Eritrea and Ethiopia is seen by analysts as the key to resolve political instability on the Horn of Africa, including Somalia and Sudan. The recent escalation of violence in the border dispute between Eritrea and Djibouti, which caused over 35 victims and dozens wounded in June, is seen merely as a continuation of the unresolved Ethiopia-Eritrea dispute⁴. A recent UN fact-finding mission reported that the situation on the Djibouti-Eritrean border is highly volatile, and that Djibouti is being drawn into a crippling and expensive military mobilisation to deal with a situation that "*may threaten national, regional and international peace*"⁵. The report explicitly links the resolution of the two border disputes, by concluding that the instability of the region is caused, in essence, by the unresolved Ethiopia-Eritrea border dispute⁶.

¹ *Situation Report: the Eritrea-Djibouti border dispute*, 15 September 2008, ISS (Institute for Security Studies).

² *Beyond the Fragile Peace in Ethiopia-Eritrea: Averting a Return to War*, ICG report, 17 June 2008

³ American Chronicle, 21 September 2008: "Ethiopia's Undisclosed Strategy Towards Eritrea"

⁴ The only access to sea for Eritrea is Djibouti

⁵ AllAfrica.Com, UN News Service, 18.09.08

⁶ Le Monde, 19.09.08