

The Eritrea-Ethiopia Conflict: A Path to Durable Peace

A host of factors connect Eritrea and Ethiopia, but the two countries have long been in hostility. To achieve durable peace, the territorial issue between them will have to be resolved.

by Andebrhan Welde Giorgis

Geographic contiguity, ancient history, cultural affinity, economic complementarity, and geo-strategic interests connect Eritrea and Ethiopia. Forfeiting the immense potential benefits of peaceful coexistence and cooperation, the two states have long been in hostility or at war, including the war of independence (1961-1991) and the war of territorial defence (1998-2000). Respect for each other's sovereignty and territorial integrity would foster cordial relations and durable peace in the common interest of Eritrea and Ethiopia, as well as the Horn of Africa. Achieving durable peace would be predicated on the definitive resolution of the territorial issue between Eritrea and Ethiopia. Failure to resolve that issue would continue to perpetrate conflict and draw Eritrea and Ethiopia into interference in each other's internal affairs. Reciprocal interference raises the potential to further destabilise a highly volatile region whose fragile states, including Eritrea and Ethiopia, face complex domestic problems.

Sanctity of colonial borders

Proclaimed Italy's *primo genito* African colony on 1 January 1890, Eritrea was forged as a colonial state under Italian rule. Exploitative alien oppression bred national consciousness. The experience of common resistance to colonial oppression gave rise to a distinct overarching Eritrean national identity and a nascent Eritrean nationalism, consolidated during more than a century of political and armed struggle for self-determination. A hardened Eritrean nationalism successfully challenged Ethiopia's imperial hegemony and its allies. From Eritrea, Italy sought to extend its dominion across the Mereb-Belesa-Muna line, the historical divide between Eritrea and Ethiopia. That attempt was thwarted at Emba Alaje (1895) and Adwa (1896). Following Italy's defeat, Eritrea's southern boundary was duly delineated by three colonial treaties signed between (1) Italy and Ethiopia in 1900 (Map 1); (2) Italy, Ethiopia, and Great Britain in 1902; and (3) Italy, Ethiopia, and France in 1908 (Hertslet 1909). Once delimited, the colonial treaty border remained intact for nearly a century, until its unilateral redrawing in 1997 by the Tigray People's Liberation Front (TPLF), which ruled the northern region of Tigray and dominated Ethi-

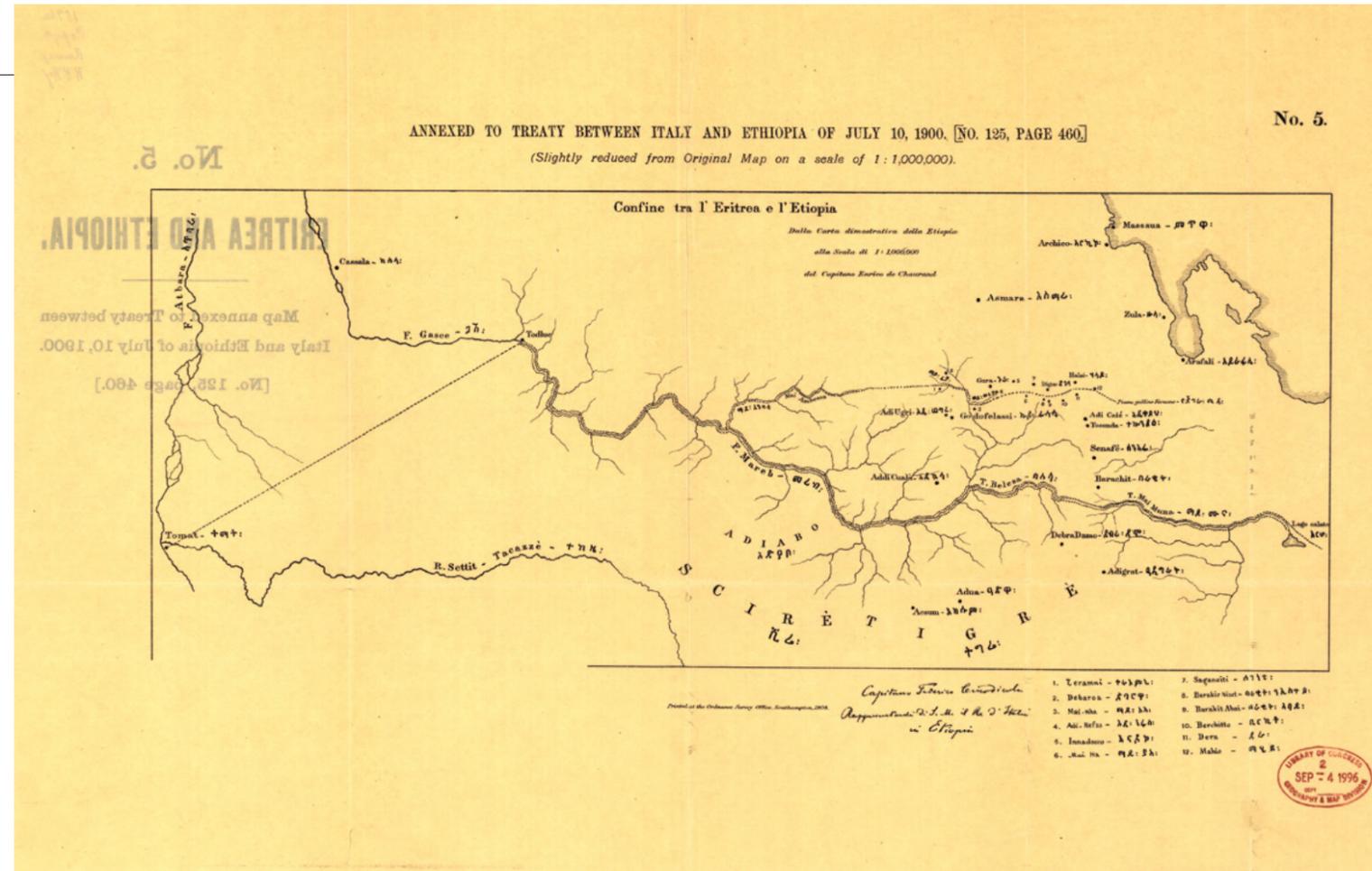
opia from 1991-2018. The three colonial treaties defined three sectors of the approximately 1,000 km-long Eritrea-Ethiopia boundary, tracing it along riverbeds and geometric coordinates connecting confluences of rivers and tributaries. The geographic and geometric delimitation of the Eritrea-Ethiopia colonial treaty border makes it one of the most clearly defined boundaries in Africa.

The Eritrea-Ethiopia boundary retained its *de facto* and *de jure* international status during Eritrea's Italian colonial rule (1890-1941), British military occupation (1941-1952) and federation with Ethiopia (1952-1962). It was also upheld as Eritrea's border within Ethiopia during the latter's annexation of Eritrea (1962-1991) and its independence thereafter. The victory of Eritrea's armed struggle in 1991 signified its liberation and the dissolution of the Ethiopian Empire State. Eritrea acceded to sovereign statehood in 1993 with its internationally-recognised treaty border intact.

Adopted at the 1964 First Summit of the Heads of State and Government of the Organisation of African Unity (OAU), *Resolution AHG/Res. 16(1)* declared the inviolability of borders existing at the time of accession to independence. It embraced the principle of *uti possidetis juris* that has evolved into customary international law and was enshrined in Article 4(b) of the African Union (AU) Constitutive Act in 2002. The independence of Eritrea confirmed the African principle and practice of the sanctity of colonial borders existing at independence.

Unilateral redrawing of the boundary

The origins of the post-independence Eritrea-Ethiopia boundary or, more accurately, territorial conflict, lie in the TPLF's expansionist *Manifesto 1976*.¹ Its declared programmatic objective is to secede from Ethiopia and establish an independent «Greater Tigray» at the expense of sovereign Eritrean territory and Red Sea coastline, alongside territories from Tigray's adjacent regions in Ethiopia (Map 2). In an interview with American author Paul B. Henze, Meles Zenawi, then head of the TPLF, expressed his misgivings, in direct contradiction to the TPLF's publicly-declared support, about Eritrea's independence and reiterated Tigrayan territorial ambitions over Eritrea and its Red Sea coastline for access to the sea on 31 March/1 April 1990, about a year before Eritrea's liberation on 24 May, 1991:

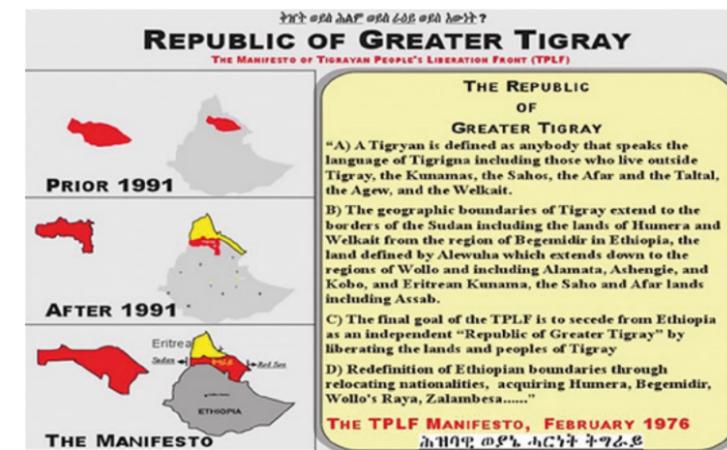


Map 1 – Annex to Treaty between Italy and Ethiopia of July 10, 1900 [No. 125, Page 460].

We look at this from the viewpoint of the interests of Tigre, first, and then Ethiopia as a whole. We know that Tigre needs access to the sea and the only way is through Eritrea [...] There are many Tigrays in Eritrea [...] They don't want to be treated as foreigners there. There has (*sic*) always been close connections between Tigray and Eritrea for the highland people are all the same. They have the same history. We are worried about Eritrea because we are not sure that differences among different groups can be kept under control (Henze 1990).

Meles' words reveal that the TPLF covets Eritrea, or parts thereof, to serve the interests of Tigray, not Ethiopia. They signify the TPLF's latent opposition to Eritrean independence and signal that Ethiopia's future prime minister «was considering challenging the borders of Eritrea on behalf of the Tigray even before he assumed power over Ethiopia» (McCracken 2004: 208). This is manifest in the TPLF's redrawing of the boundary and 1998-2000 war and systematic machinations to further divide, fragment, and polarise the Eritrean «opposition» and Eritrean refugees in Ethiopia during the last two decades. All this attests not to Meles's «worries» about whether Eritrea's internal differences can be controlled, but to his hopes that its ethnic and religious differences can be antagonised to destabilise and make an independent Eritrea untenable. Moreover, giving primacy to «the interests of Tigre» and «Tigrays» in Eritrea carried ominous consequences for

Eritrea and Ethiopia as experienced during the TPLF-led EPRDF rule of nearly three decades. The false narrative to rationalise the project of *Greater Tigray* presumes that common factors of old history, language, and religion make people the «same». It also ignores significant differences in the modern historical experience, socioeconomic evolution, and psychological makeup of the peoples of Eritrea and Tigray. Even the language is not the same as



Map 2 – Illustration of TPLF territorial ambition as per its 1976 manifesto.

there exist distinct differences in dialect, pronunciation, and alpha-syllabic spelling. It would have been wiser and in the higher interest of the people of Tigray to build on the common factors and befriend, rather than antagonise, independent Eritrea.

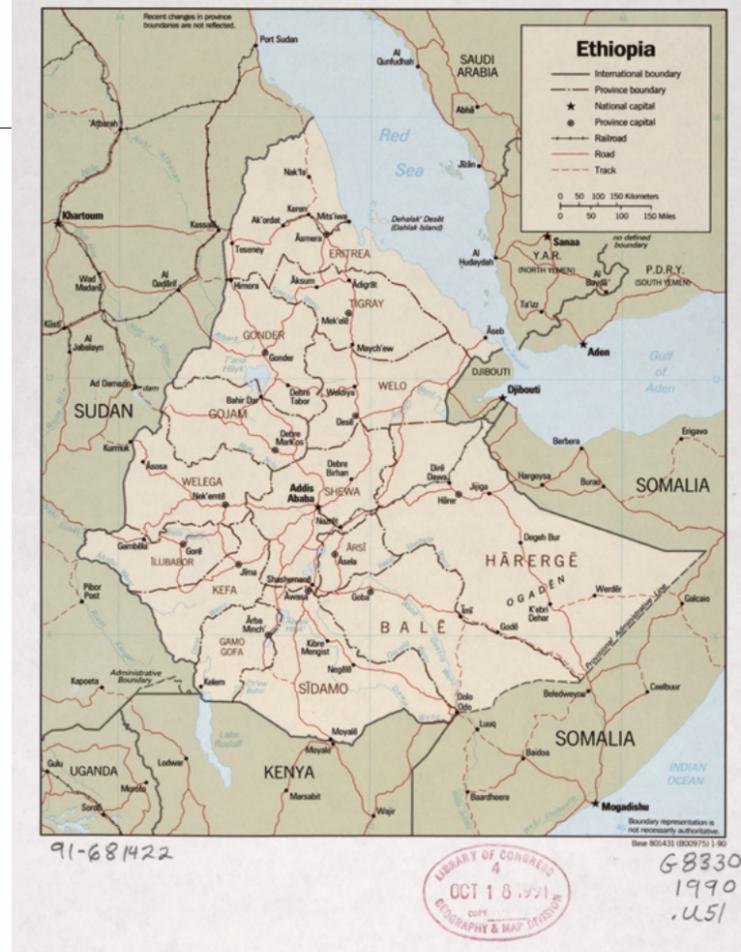
While in power, the TPLF perpetrated gross inequities by availing a small Tigrayan elite and its collaborators unfettered access to national resources that concentrated power and wealth in the hands of a tiny minority. This relegated the vast majority of the Tigrayan people and other nationalities to poverty, oppression, and marginalisation. Worse still, the TPLF committed atrocious human rights violations and crimes against humanity in Ethiopia, especially in the Somali and Gambella regions (Human Rights Watch 2012, 2016, 2018).

The brutal repression and huge disparity stoked popular discontent and ethnic tensions, culminating in the ongoing crisis in Ethiopia. The TPLF ignited the fires and fanned the flames of resentment that ousted it from power in 2018. Decamped in Tigray, reluctant to reconcile with losing state power, and bent on subverting the Eritrea-Ethiopia peace accord by obstructing the withdrawal of Ethiopian troops from Eritrean territory, it launched a “pre-emptive strike” against the Northern Command of the Ethiopian army and, deploying Eritrean collaborators at the forefront, attacked Eritrea on 3 November 2020, igniting the ongoing war. Failing to capture and reinstate itself in Addis Ababa, its resort to the militarised pursuit of *Greater Tigray*, in a frozen mindset of total antagonism and zero-sum game, has condemned Tigray to a state of siege and caused immense suffering to its people and neighbours. The insurrection continues to destabilise the region and threaten the disintegration of Ethiopia.

Notwithstanding its expedient public support for Eritrean independence, the TPLF entertained territorial ambitions over Eritrea. It benefitted from considerable Eritrean military assistance through alliance with the Eritrean People's Liberation Front (EPLF) in the war that ousted the *Derg* in 1991. Eritrean support rendered it the dominant force in the Ethiopian People's Revolutionary Democratic Front (EPRDF) ruling coalition. It drafted and ratified Ethiopia's new constitution in 1994, whose Article 39 grants all «Nations, Nationalities, and Peoples» the «unconditional right» to secede. This encoded a path to secession that the TPLF can invoke in pursuit of its long-term aim, spelling the disintegration of Ethiopia. The EPRDF reorganised the Federal Democratic Republic of Ethiopia (FDRE) into ethnic-based administrative regions in 1995, constituting an enlarged Tigray Administrative Zone (TAZ) that incorporated significant territories from neighbouring regions within Ethiopia.

In 1997, four years after Eritrea's independence, the TAZ produced, with the assistance of the German Technical Cooperation Agency (GTZ,² now GIZ³), a new map of Tigray that unilaterally redrew the century-old internationally recognised Eritrea-Ethiopia boundary (see comparison in Maps 3-5). As the TPLF dominated the federal and regional governments in Tigray and Ethiopia, the Ethiopian Mapping Authority adopted the new map and embossed it on the Ethiopian currency (birr), changing the international boundary between Eritrea and Ethiopia (van der Splinter 1998: 245-272).

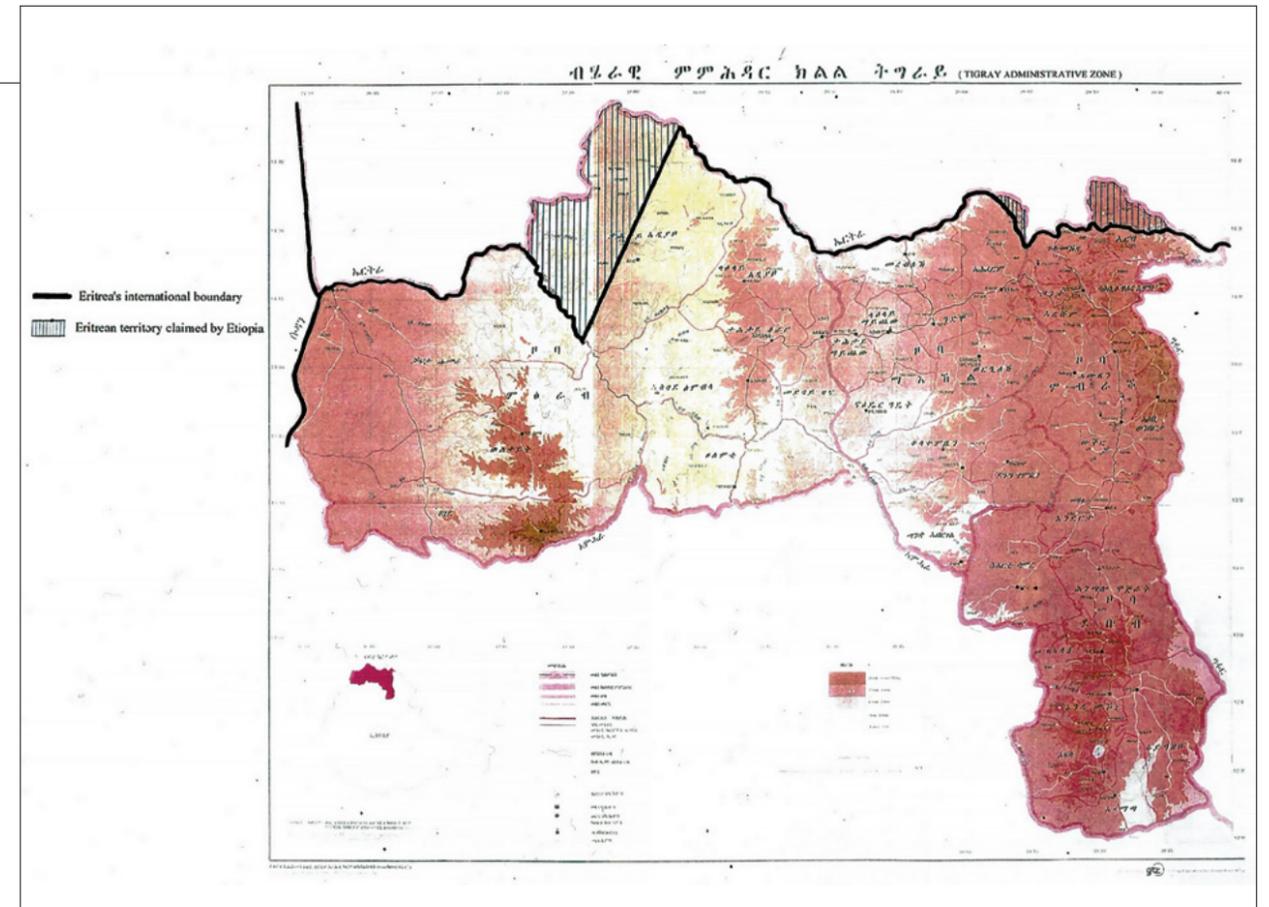
The redrawing altered the colonial treaty border, incorporating large swathes of hitherto uncontested Eritrean terri-



Map 3 - A 1990 Administrative map of Ethiopia (shading added).

tory into an enlarged Tigray. Commanding Ethiopia's military resources, the TPLF proceeded to occupy the newly incorporated Eritrean territories by force. Deploying regular army and militia forces to move border markings erected under Italian colonial rule deeper into Eritrea and occupy swathes of Eritrean territory around Bada (Adi Murug) and Badme in July 1997. It also forcibly evicted thousands of Eritreans from their villages, dismantled local Eritrean administrative structures, expelled Eritrean farmers who refused to take up Ethiopian citizenship (Horn of Africa Bulletin 1998), and established Tigrayan authority over these newly occupied Eritrean territories. These violations of Eritrea's sovereignty and territorial integrity and deportations and expulsions of Eritreans from their ancestral lands constituted acts of aggression under international law.

The claim to an independent *Greater Tigray*, enshrined in the TPLF's *Manifesto 1976*, has neither a historical basis nor socioeconomic justification. Its pursuit represents a destabilising exercise in futility, a pipedream with no possibility of achievement, but portends constant war and suffering to the people of Tigray and the region. The project is incompatible with the facts of history, the reality on the ground and the imperative of regional peace. Its establishment via expansion across an internationally-recognised interstate boundary (Eritrea-Ethiopia) would violate international law, undermine the African principle of the sanctity of colonial borders, and perpetrate regional conflict. It is an inherently destructive illusion that merely operates to fuel both intrastate (within Ethiopia) and interstate (between Eritrea and Ethiopia) hostilities and destabilise the region. The pursuit of *Greater Tigray* represents an existential



Map 4 - Map of enlarged Tigray Administrative Zone by the GTZ (1997).

threat to the territorial integrity and sovereignty of the State of Eritrea. Furthermore, it has been a cause of immense suffering for the peoples of Eritrea, Ethiopia (especially Tigray), and the region. The harmful impact of its consequent 1998-2000 war and current conflict is manifest in the massive loss of life, huge destruction of property, and protracted destabilisation.

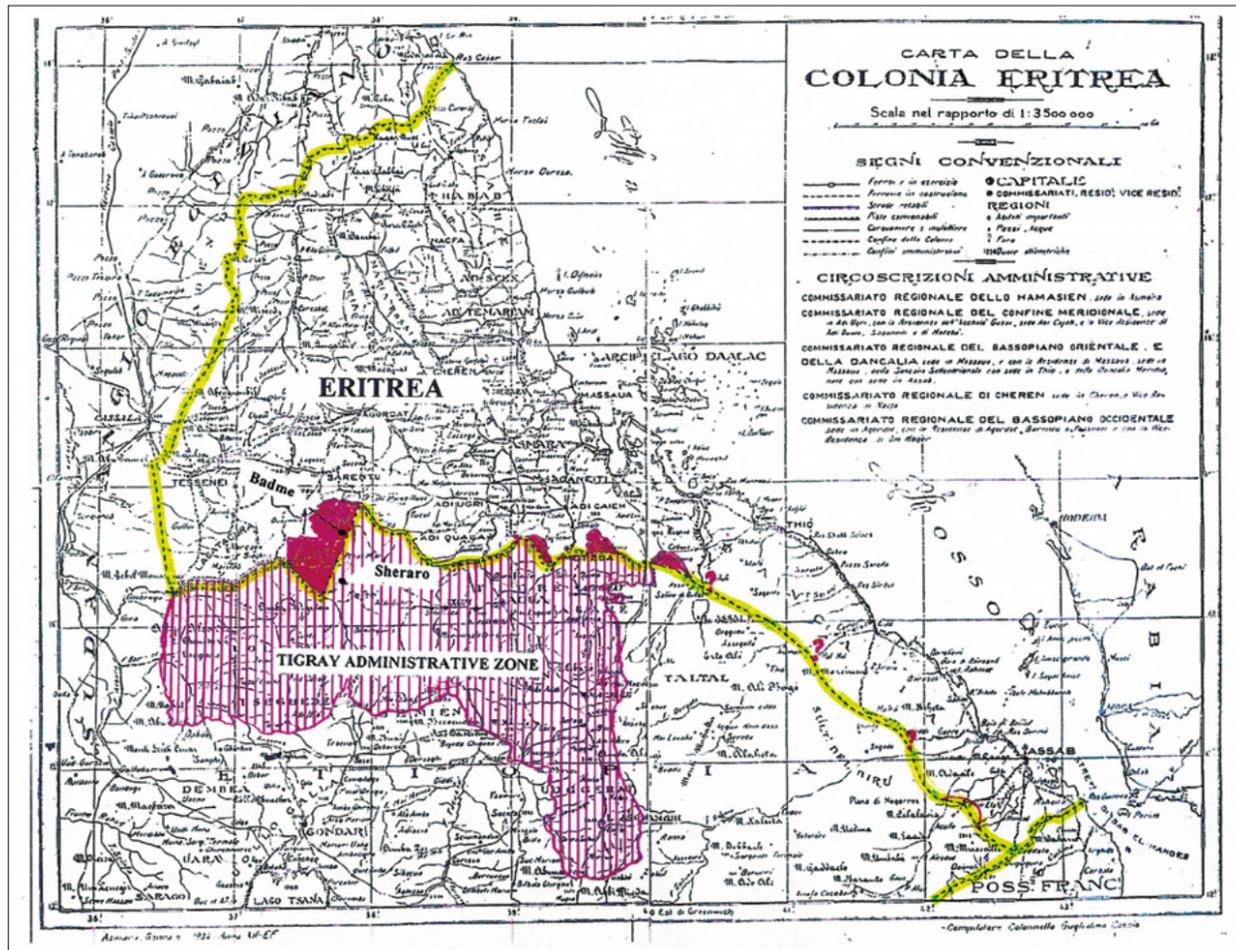
Under international law, Eritrea has a legitimate right of self-defence, including active defence to degrade or eliminate the source of such an existential threat to its national security. However, it does so at a huge cost of bleeding its army and exhausting its people who have suffered under the severe oppression of a brutal dictatorship and denial of access to basic needs and essential public goods and services. The Eritrean people are forced to endure double jeopardy: the wanton repression of a regressive authoritarian regime and a protracted state of war, *no war, no peace*, or war-footing. They are being squeezed between the reality of internal oppression and the threat of external aggression, abetted by an international community unable to think of Eritrea beyond antipathy to the authoritarian regime.

There exists a history of reciprocal interference since Ethiopia's annexation of Eritrea in 1962. The EPLF supported the Ethiopian People's Revolutionary Party (EPRP), and both conducted joint military operations in Ethiopia in the 1970s. It supported the TPLF, and both conducted joint military operations in Ethiopia from 1976 to 1991. EPLF units that fought in Ethiopia and spearheaded the liberation of Addis Ababa in 1991 stayed until 1995 to ensure and stabilise TPLF domination of the EPRDF. The TPLF has supported Eritrean groups opposed to the EPLF since the

1980s, while the Eritrean regime has supported Ethiopian groups opposed to the TPLF/EPRDF since the mid-2000s. Those who decry Eritrea's interference in the internal affairs of Ethiopia today should instead prevail on the TPLF to abandon its project of *Greater Tigray* and respect Eritrea's sovereignty and territorial integrity. They should urge the expeditious demarcation of the Eritrea-Ethiopia boundary in accordance with the colonial treaties. Besides, durable peace would require a functional Ethiopian state that commands a single national army, monopolises the security apparatus, exercises sovereign domestic jurisdiction, and controls its border with Eritrea. The definitive settlement of the territorial issue that guarantees its territorial integrity and sovereignty would keep Eritrea out of Ethiopia's internal affairs and *vice versa*.

Avoidable and unnecessary war

Eritrea's response to the unilateral redrawing of the border, harassment, and expulsion of Eritreans from their home villages in the borderlands and subsequent occupation of Eritrean territory in 1997 fell short of its obligation. The government failed to discharge its cardinal responsibility to defend the sovereignty and territorial integrity of the State and safeguard its citizens. Apart from two handwritten informal letters from «Isaias» to «Comrade Meles» in August 1997 (Welde Giorgis 2014),⁴ Eritrea failed even to lodge a formal protest or diplomatic *demarche* against the flagrant violation and creeping encroachment on Eritrean territory and harassment of Eritrean citizens. Failure of leadership led to brinkmanship. Timely, appropriate, and effective measures could have defused the



Map 5 - Illustrative map of enlarged Tigray Region relative to the Eritrea-Ethiopia boundary.

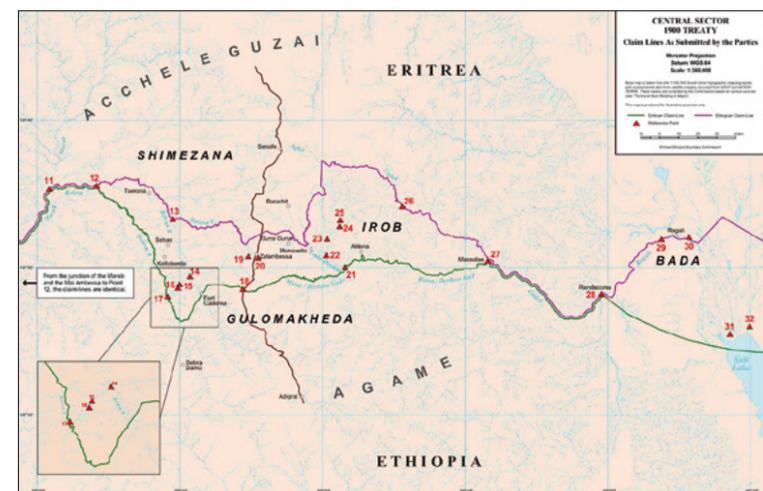
tension and resolved the issue through institutionalised bilateral consultation, negotiation, or mediation. Instead, the brinkmanship fuelled escalation, culminating in the outbreak of hostilities. Eritrea and Ethiopia fought an unnecessary, avoidable, and extremely destructive territorial war (1998-2000). The Eritrea-Ethiopia war concluded with the Algiers Agreements, namely, the Agreement on Cessation of Hostilities (18 June, 2000) and the Comprehensive Peace Agreement (12 December, 2000). The latter provided for the establishment of three neutral commissions, an Enquiry Commission, a Boundary Commission, and a Claims Commission. The mandate of the Enquiry Commission (never established) was to determine the origins of the conflict, the Boundary Commission to delimit and demarcate the boundary, and the Claims Commission to decide on all reciprocal claims for loss, damage, or injury with respect to the war. Fully constituted by February 2001, the Eritrea-Ethiopia Boundary Commission (EEBC) was mandated to delimit and demarcate the boundary based on the colonial treaties of 1900, 1902, and 1908, and applicable international law with final and binding effect. After examining the territorial claims of each party, the EEBC delivered its Delimitation Decision on 13 April, 2002, albeit with glaring anomalies that modified sections of the colonial treaty border in favour of Ethiopia. Furthermore, in exasperation with Ethiopia's systematic obstructions of its work to demarcate the boundary, the EEBC delivered its virtual demarcation on 30 November, 2007, defining the salient features of the

boundary line and identifying the connecting coordinates as per its Delimitation Decision. Regarding the Western Sector (Map 6), Eritrea and Ethiopia submitted Treaty Claim Lines that started from the confluence of the Mereb and Mai Anbessa rivers (Point 9) in the northeast. Ethiopia's Claim Line stretched to the confluence of the Setit and Maiteb rivers (Point 3) in the southwest, while Eritrea's Claim Line stretched to the confluence of the Setit and Maiten (Tenné) rivers (Point 8) in the southwest as depicted in the colonial treaty description of the border. Both claims were examined under applicable international law with respect to «developments subsequent to the Treaty» (EEBC 2002: 69-84). The EEBC found no evidence of Ethiopia's claim to have exercised administrative authority, neither in location, scope, nor time «to displace the title of Eritrea that had crystallized as of 1935». Eritrea's submitted Treaty Claim Lines varied in the location of the southwestern terminus at the junctions of several tributaries of the Setit River. Based on the 1902 colonial treaty and applicable international law, the EEBC found the line connecting the Mereb-Mai Anbessa junction (Point 9) with the Setit-Maiten (Tenné) junction (Point 8) as the international border. However, it used Eritrea's inconsistent claim lines as a pretext to decide the line connecting the confluence of the Mereb and Mai Anbessa rivers (Point 9) with the confluence of the Setit and Tomsa Rivers (Point 6) as the international boundary in the Mereb-Setit section of the Western Sector. Thus, Eritrea's variable Treaty Claim Lines cost it the sliv-

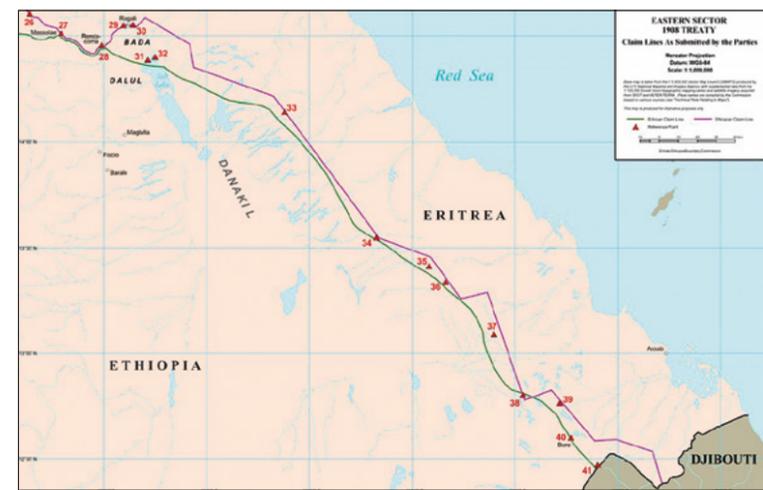
er of territory represented by the 9-6-8 triangle in Map 6, highlighted in the shaded area of the Western Sector in Map 10 to illustrate Eritrea's loss of territory. The strange reasoning behind the EEBC's arbitrary determination in the Mereb-Setit section of the Western Sector violates its mandate to base its decision on the colonial treaties and applicable international law. Regarding the Central Sector, both countries agreed with the description of the boundary in the 1900 Treaty as the «Mereb-Belesa-Muna» line that stretches across the area but disputed the Treaty location of its course (Map 7). Therefore, the EEBC needed to identify the course of the Mereb, Belesa, and Muna rivers as the delimitation line under the Treaty. Eritrea's Treaty Claim Line corresponded with the course of the rivers as represented «on the 1894 map that formed the basis of the Treaty map» (EEBC 2002: 18) and subsequent maps of the colonial treaty border between the two countries. Ethiopia claimed title to large swathes of territory north of the 1900 Treaty border. It contended that the Commission's task was not so much to interpret and apply the *de jure* geography of the Treaty's Mereb-Belesa-Muna line as it was to determine the *de facto* administrative division between the Italian controlled Akele Guzai (Eritrea) and the Abyssinian controlled Agame (Tigray) districts at the time. Reviewing the rival Claims over the identity and course of the two rivers, the EEBC ignored both the substance of the Treaty and the evidence of the accompanying map. It based its decision on an interpretation of the original intent of the parties in the 1900 Treaty and the significance of the omission of the names of certain tributaries of the Belesa in the Treaty's text to identify the «intended» Treaty course of the Belesa River (EEBC 2002: 31-38). Based on a speculative interpretation of original «intent», the EEBC surmised that the representatives of Italy and Ethiopia who delimited the Central Sector in 1900 «intended» the Tserona River, a tributary of the Belesa River flowing from the northeast, as the Treaty location of the Belesa River. The Commission opined that the parties deliberately, rather than by oversight or mistake, omitted the tributary's name in the Treaty's text. It is implausible to consider such speculation as sound legal opinion. The delimitation line resulting from the wilful interpretation, which does not align with the delimitation line in the treaty's accompanying map, left «Fort Cadorna, Monoxeito, Guna Guna, and Tserona», localities that Ethiopia's written submission described as «indisputable Eritrean places» (EEBC 2002: 50), on the Ethiopian side of the Treaty line. Rather than resorting to idle speculation, the EEBC could have referred to the relevant history of the region or, even better, consulted with the local population on both sides of the border before reaching its untenable conclusion. After all, the Mereb-Belesa-Muna borderline formed the «historically evolved administrative boundary» between the areas located to the north governed by the Bahri Negasi (today's Eritrea), based in Debarwa, and the areas located to the south governed by the Tigre Mekonen, based in Enderta (today's Tigray) (Trivelli 1998: 259).⁵ The people in the borderland villages, who live off the land, know the exact location of the border separating Akele Guzai in Eritrea and Agame in Ethiopia. Ethiopia's claim of the Belesa Projection conflicted with its written admission that several localities within that area indisputably belong to Eritrea. This clear contradic-



Map 6 - The Ethiopian and Eritrean Claim Lines in the Western Sector [EEBC Map 2].



Map 7 - The Ethiopian and Eritrean Claim Lines in the Central Sector [EEBC Map 3].



Map 8 - The Ethiopian and Eritrean Claim Lines in the Eastern Sector [EEBC Map 4].

tion calls into serious question the validity of the EEBC's interpretation that the course of the Tserona River was the intended Treaty location of the Belesa section of the Merb-Belesa-Muna line (Welde Giorgis 2014: 576). It is very difficult to understand as to why the EEBC's learned, intelligent, and honourable commissioners failed to see the anomaly of their wilful decision.

The case of Zalambessa represents another anomaly in the EEBC's finding. According to the 1900 Treaty, Zalambessa lies north of the Muna River and, thus, inside Eritrea. In terms of the exercise of «sovereign authority», the EEBC received «little in the way of evidence» of diplomatic or official records over the area, as the town «did not exist in 1900» (EEBC 2002: 51-52). Yet, it put Zalambessa on the Ethiopian side, claiming that «on a number of occasions, Eritrean officials appear to have acknowledged that Zalambessa is part of Ethiopia». The claim refers to a letter of an inadvertent official in 1996 (EEBC 2002: 51-52).

A single case hardly constitutes sufficient “evidence” for the EEBC's significant deviation of the boundary from the 1900 Treaty to place Zalambessa (Point 20) on the Ethiopian side of the border (Map 9). The decision is based neither on the colonial treaty, nor on *effectivités*. Furthermore, the 100-metre-narrow thorn-like strip of land jutting from the Muna River into Eritrea cuts across farmlands and grazing areas of adjacent Eritrean villages on either side of the road, effectively obstructing access to the source of their livelihood. The EEBC's interpretation of the 1900 Treaty Line established the Eritrea-Ethiopia boundary in the Central Sector as the Merb-Belesa (Tserona)-Muna/Berbero Gado-Endeli-Ragali line, another wilful deviation from the course of the Muna, continuing to its terminus at the Salt Lake in accordance with «the object and purpose of the Treaty» (EEBC 2002: 45-48). The EEBC's deviation and choice of the location of the Central Sector's eastern terminus (the Eastern Sector's western terminus) at Point 31, instead of at Point 28 that corresponds with the Treaty line, carried further adverse consequences for Eritrea. It ceded Eritrean territory in Irob north of the Muna, in Bada, as well as parts of the Salt Lake to Ethiopia (Maps 7, 8, and 9) (EEBC 2002: 98-101).

The EEBC issued its Delimitation Decision on 13 April, 2002. Eritrea's claim lines in the Eastern, Central, and Western sectors corresponded with the colonial treaty border. Whereas Ethiopia's claim lines incorporated extensive tracts of territory on the Eritrean side of that border: the «Yirga Triangle» in the Merb-Setit section of the Western Sector, the «Belesa Projection» and the «Endeli Projection» in the Merb-Belesa-Muna line in the Central Sector, and the Bada and Bure areas in the Eastern Sector.

Map 10 shows the Eritrean territories (red-shaded areas) in the Western, Central, and Eastern sectors that the colonial treaties of 1900, 1902, and 1908 place in Eritrea that the EEBC's arbitral Delimitation and Demarcation Decisions essentially ceded to Ethiopia. Ethiopia claimed as a bargaining chip and was awarded large swathes of territory that did not belong to it and ended up gaining about half of its claims at Eritrea's expense.

Boasting that it was awarded all its claims, including unclaimed Eritrean territories, Ethiopia welcomed the EEBC decision and called for its expeditious implementation. This, however, did not happen due to Ethiopia's systematic obstruction. While Eritrea accepted the decision and cooperated with the EEBC's work to implement it, Ethiopia initially accepted the decision, then rejected it, via a letter of then-PM Meles Zenawi to then-UN Secretary General Kofi Annan (UN Archives 2003), as «totally illegal, unjust, and irresponsible», and later declared its conditional acceptance via a 5 Point Proposal (UN Security Council 2004). Ethiopia's obstruction set in a state of *no war, no peace* for nearly two decades, adversely impacting the development of the two countries and destabilising the region. Following Ethiopia's 2006 invasion of Somalia, for instance, Eritrea and Ethiopia supported opposing Somali factions in a proxy war that exacerbated the internecine conflict.

A path to durable peace

On 5 June, 2018 Ethiopia's new Prime Minister Abiy Ahmed declared unconditional acceptance of and readiness to implement the EEBC decision. This led to the signing of a *Joint Declaration of Peace and Friendship between Eritrea and Ethiopia* (9 July, 2018) and seemingly put an end to 18 years of *no war, no peace* that had poisoned Eritrea-Ethiopia relations and generated hopes for reconciliation and peace.

The Prime Minister's attempts to withdraw Ethiopian troops from occupied Eritrean territories were, however, thwarted by the

TPLF's defiant resistance in Tigray, effectively obstructing the implementation of the EEBC decision, the principal provision of the *Joint Declaration of Peace and Friendship between Eritrea and Ethiopia*.

Over twenty-two years after the formal cessation of hostilities, twenty years after the arbitral delimitation of the boundary, and fifteen years after the virtual demarcation of the boundary, Eritrea and Ethiopia have yet to formally agree on their common border.

It is imperative that Eritrea and Ethiopia bilaterally agree to implement the Algiers Agreements fully and expeditiously with the technical support of the UN cartographic unit. The EEBC's demarcation directions allow the two countries to agree on their common border. In case of contestation as to the precise location of any portion of the boundary, consultation with the local population could help resolve the issue and restore cordial communal relations in the borderlands. Only when the Parties disagree on any section of the border would the EEBC's decision be *final and binding* on that section.

Durable peace and stable relations between Eritrea and Ethiopia and the overarching strategic interests of the two countries require that the bilateral agreement corrects the glaring anomalies in the EEBC's Delimitation Decision. A correction bears the potential to soften the present hard border to facilitate cross-border exchange of trade, mobility, goods, services, and investment. Exchange and cooperation would help Eritrea and Ethiopia actualise the immense potential benefits of the complementarity of

their economies. Once done, the agreement must be duly signed, in the presence of the UN Secretary General representing the international community as witness, duly registered and deposited in the UN Registry of Treaties.

The reciprocal recognition and reaffirmation of the colonial treaty border that remained intact until 1997 would be the most viable path to durable peace and stable relations between Eritrea and Ethiopia. This was the case in 1993, at the time of Eritrea's declaration of independence. Reaffirmation of the colonial treaty border would ensure adherence to the principle of *uti possidetis juris* enshrined in the OAU Charter, the First OAU Summit Resolution, and the AU Constitutive Act.

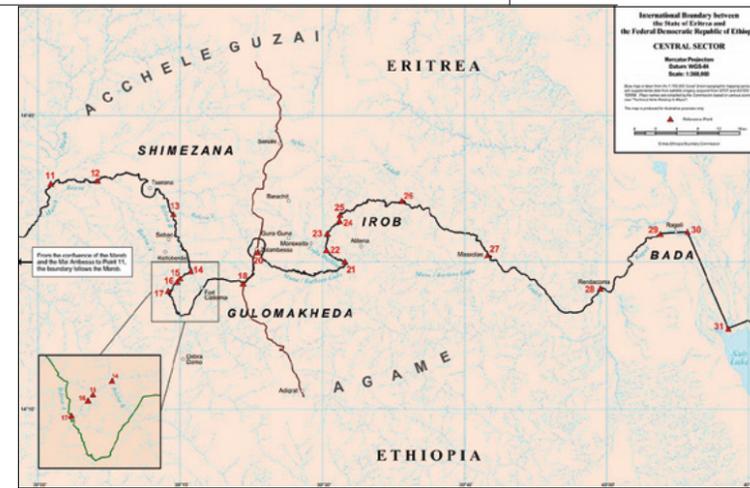
Reaffirmation of the colonial treaty border would remove possible future territorial contestation and conflict and enable the borderland communities to live in their respective ancestral lands in harmony as they have done for millennia. An expeditious demarcation of the boundary, the erection of visible boundary markers on the ground as inviolable limits of sovereignty and jurisdiction, would allow the relevant national authorities to provide vital administrative and social services to their respective borderland populations. It would lay a solid foundation for peaceful and cooperative relations, with a soft border enabling interaction and exchange.

The reaffirmation, grounded on Ethiopia's *de jure* recognition and *de facto* acceptance of the boundary, demarcated in accordance with the three colonial treaties (1900, 1902, and 1908), and explicit respect of the sovereignty and territorial integrity of the State of Eritrea, would ensure a viable resolution of the territorial issue and promote durable peace. This would leave sovereign territories of both countries intact as of the pre-1997 *status quo ante*. Ethiopia's codification of the boundary would mitigate the re-emergence of territorial ambitions by any State or non-State actor. It would also help heal the wounds of the 1998-2000 war, uphold the respective national identities of the borderland populations, and promote durable peace conducive to amicable coexistence and cooperative relations between the two states.

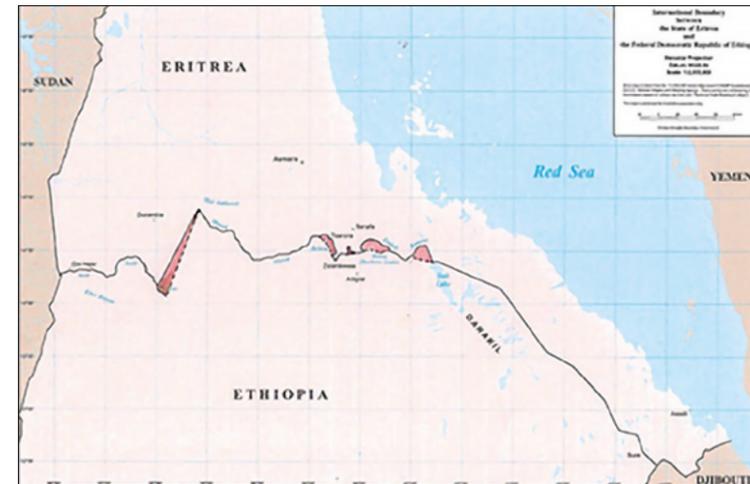
It is of paramount continental significance that the reaffirmation of the historical colonial treaty border between Eritrea and Ethiopia upholds the African principle and practice of the inviolability of colonial treaty borders inherited at the time of independence. It is also of paramount regional significance that the definitive resolution of the territorial and boundary issue would remove the existential threat to Eritrea's sovereignty and territorial integrity and, therefore, any rational justification for Eritrean intervention in Ethiopia's internal affairs, including in the ongoing militarised conflict in Tigray.

With the issue of Ethiopia's perennial territorial ambitions over Eritrea, or parts thereof, resolved, Eritreans would focus on establishing constitutional governance and pursuing democratic development. A democratic Eritrea can play a constructive role that promotes peace, stability, and cooperation in the Horn of Africa. A democratic Eritrea and a democratic Ethiopia, at peace with each other and with themselves, can cultivate cooperative relations in pursuit of their paramount strategic interests, capitalise on the complementarity of their national assets, and become a nucleus for regional economic integration to accelerate the development of their economies and uplift the human condition of their peoples.

1 November 2022



Map 9 - Zalambessa (Point 20) as per the EEBC's decision [EEBC Map 11].



Map 10 - New International Boundary between Eritrea and Ethiopia [EEBC Map 13] (shading illustrates the ceded Eritrean territory).

REFERENCES

- Adejumboli, S. A. (2007), *The History of Ethiopia*, Westport, CT and London, Greenwood
- African Union (1964), *AHG/Res. 1 (I) - AHG/Res. 24 (I), Resolutions Adopted by The First Ordinary Session of The Assembly of Heads of State and Government*, Held in Cairo, UAR, from 17 To 21 July 1964
- African Union (2002), *Constitutive Act of The African Union*
- Almedom, A. M. (2006), “Re-reading the Short and Long-Rigged History of Eritrea 1941-1952: Back to the Future”, in «Nordic Journal of African Studies», 15(2): 103-142
- Caulk, R. (1986), “Black Snake, White Snake: Bahta Hagos and his Revolt Against Italian Overrule in Eritrea, 1894,” in D. Crumey (ed.), *Banditry, Rebellion, & Social Protest in Africa*, Oxford, James Currey: 293-310
- Eri-Platform (2018), “Commentary: Securing the Peace Between Eritrea and Ethiopia”. 3 May. Available online: <https://eri-platform.org/updates/securing-peace-eritrea-ethiopia/> (accessed 29 October 2022)

Eri-Platform (2018), "Joint Declaration of Peace and Friendship between Eritrea and Ethiopia". 10 July. Available online: https://eri-platform.org/swfiles/files/Eritrea%20and%20Ethiopia-A%20Joint%20Declaration%20of%20Peace%20and%20Friendship_103.pdf (accessed 25 October 2022)

Eri-Platform (2019), "Commentary: Securing Viable Peace between Eritrea and Ethiopia". 1 February. Available online: <https://eri-platform.org/updates/commentary-securing-viable-peace-between-eritrea-and-ethiopia/> (accessed 25 October 2022)

Eritrea-Ethiopia Boundary Commission (2002), *Decision Regarding Delimitation of the Border between Eritrea and Ethiopia*, Decision of 13 April 2002, United Nations

Ethiopia (1994), *Constitution of the Federal Democratic Republic of Ethiopia*

Finaldi, G. (2002), "Italy's Scramble for Africa from Dogali to Adowa", in J. Dickie, J. Foot, F. M. Snowdon (eds), *Disastro! Disasters in Italy since 1860: Culture, Policy and Society*, New York, Palgrave: 82-86

Haile, S. (1998), "Historical Background to the Ethiopia-Eritrea Conflict", in L. Cliffe, B. Davidson (eds), *The Long Struggle of Eritrea for Independence and Constructive Peace*, Trenton, NJ, The Red Sea Press: 11-32

Hertslet, Sir E. (1909), *The Map of Africa by Treaty, Vol. II Nos. 95-259*, 3rd Edition, H.M.S.O., by Harrison and Sons, London. Smithsonian Libraries Online. Available online: <https://library.si.edu/digital-library/book/mapofafricabytre02hert> (accessed 29 September 2022)

Horn of Africa Bulletin, (1998), «The Ethiopian-Eritrean Conflict», vol. 3 No. 10, May-June 1998

Human Rights Watch (2012), "Waiting Here for Death: Displacement and 'Villagization' in Ethiopia's Gambella Region". January. Available online: https://www.hrw.org/sites/default/files/reports/ethiopia0112webwcover_0.pdf (accessed 25 October 2022)

Human Rights Watch (2016), "Such a Brutal Crackdown: Killings and Arrests in Response to Ethiopia's Oromo Protests". 15 June. Available online: <https://www.hrw.org/report/2016/06/15/such-brutal-crackdown/killings-and-arrests-response-ethiopia-oromo-protests> (accessed 25 October 2022)

Human Rights Watch (2018), "We are Like the Dead: Torture and other Human Rights Abuses in Jail Ogaden, Somali Regional State, Ethiopia". 4 July. Available online: <https://www.hrw.org/report/2018/07/04/we-are-dead/torture-and-other-human-rights-abuses-jail-ogaden-somali-regional> (accessed 25 October 2022)

Longrigg, S. (1945), *A short History of Eritrea*, London, Clarendon Press

McCracken, M. K. (2004), *Abusing Self-Determination and Democracy: How the TPLF Is Looting Ethiopia*, 36 Case W. Res. J. Int'l L. 183

Pankhurst, E. S., Pankhurst, R. (1953), *Ethiopia and Eritrea: The Last Phase of the Union Struggle 1941-1952*, Walthamstow Press Ltd., Walthamstow

Pankhurst, S. (1952), *Eritrea on the Eve: The Past and Future of Italy's 'first-born' Colony, Ethiopia's Ancient Sea Province*, New Times and Ethiopia News Books, Walthamstow Press Ltd., Walthamstow

Henze, P. B. (1990), *Conversations with Meles Zenawi*, J3 26/002/92/3, 31 March/1 April 1990

Podestà, G. L. (2007), "L'emigrazione italiana in Africa Orientale", in «Il Corno d'Africa». Missing publication date. Available online: www.ilcornodafrica.it/rds-01emigrazione.pdf (accessed 25 October 2022)

Reid, R. (2007), "The Trans-Mereb Experience: Perceptions of the Historical Relationship between Eritrea and Ethiopia", in «Journal of Eastern African Studies», n.1(2): 238-255

Steer, G. L. (1942), *Sealed and Delivered: A Book on the Abyssinian Campaign*, London, Hodder and Stoughton

Tesfagiorgis, G. H. (1988), "Self-Determination: Its Evolution and Practice by the United Nations and Its Application to the Case of Eritrea", in «Wisconsin International Law Journal», n. 6(1): 75-128

Tesfagiorgis, G. H. (1999), "Approaches to Resolve the Conflict Between Eritrea and Ethiopia", in «Eritrean Studies Review», no. 3(2): 138-165

Trivelli, R. M. (1998), "Divided Histories, Opportunistic Alliances: Background Notes to the Ethiopian-Eritrean War", in «African Spectrum», n. 33(3): 257-289

UN Archives (2003), *Letter of Ethiopian Prime Minister Meles Zenawi to then-UN Secretary General Kofi Annan*, 19 September 2003. Item No. S-1095-0020-06-00021. UN Archives and Records Management Section. Available online: <https://search.archives.un.org/trouble-areas-unmee-2031> (accessed 29 September 2022)

UN GA (1950), *United Nations General Assembly Resolution 390 A (V) of 2 December 1950*. United Nations Digital Library. Available online: <https://digitallibrary.un.org/record/624014?l-n=en> (accessed 29 September 2022)

UN Security Council (2004), *Progress report of the Secretary-General on Ethiopia and Eritrea, Addendum - Annex I, Appendix: Decision on the five-point proposal for resolving the dispute between Ethiopia and Eritrea dated 25 November 2004*, S/2004/973/Add.1 (27/12/2004). Available online: <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/EE%20S2004973ADD1.pdf> (accessed 29 September 2022)

US Library of Congress (1991), *1990 Administrative Map of Ethiopia*, High resolution scan from 'Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA dcu'. Available online: <https://www.loc.gov/resource/g8330.ct002903?r=-0.779,0,2.558,1.308,0> (accessed 29 September 2022)

US Library of Congress (1996), *Map: Annex to the Treaty Between Italy and Ethiopia of July 10, 1990 [No. 125, Page 460.]*, (Hertslet, 1909). High resolution scan of map from 'Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA dcu'. Available online: <https://www.loc.gov/resource/g8200m.gct00004?sp=5&r=-0.143,-0.116,1.375,0.703,0> (accessed 29 September 2022)

van der Splinter, H. (1998), "Background to the Border Dispute between Eritrea and Ethiopia", in «Le Monde Diplomatique», Translated by Lorna Dale. Available online: <http://www.eritrea.be/old/eritrea-ethiopia.htm>

Welde Giorgis, A. (2014), *Eritrea at a Crossroads: A Narrative of Triumph, Betrayal, and Hope*, Houston, TX, Strategic Book Publishing and Rights Co

Wrong, M. (2005), *I Didn't Do It for You: How the World Betrayed a Small African Nation*, London and New York, Fourth Estate

NOTES

1 - *Manifesto 1976* is the programme of the Marxist-Leninist League of Tigray (MLLT), the clandestine core group that controls the TPLF.

2 - *Deutsche Gesellschaft für Technische Zusammenarbeit*.

3 - *Deutsche Gesellschaft für Internationale Zusammenarbeit*.

4 - The two letters from «Isaias» to «Comrade Meles», dated 16 August 1997 and 25 August 1997, respectively, were handwritten on small pieces of pad paper, without letterhead or seal.

5 - Cited from the work of the Portuguese Jesuit, Emmanuele Barradas, entitled «Do Reino de Tigr» written in 1633-34 in Trivelli (1998: 259).

ABSTRACT ENG

Geographic proximity, ancient history, cultural affinity, and economic and geostrategic interests connect the peoples of Eritrea and Ethiopia. Their economies feature substantial complementarity and both could benefit immensely from cooperation. Yet, the two states have been at war or in hostility for over 60 years, thereby forfeiting the reciprocal benefits of cooperation. The paper argues that durable peace between Eritrea and Ethiopia would be predicated on Ethiopia's recognition, both *de jure* and *de facto*, of the sovereignty and territorial integrity of the State of Eritrea in accordance with the three colonial treaties.

Keywords: Eritrea, Ethiopia, Tigray, conflict, peace

Amb. Andebrhan Welde Giorgis

is President of Eri-Platform, an international civil society association promoting inclusive dialogue on issues impacting Eritrea and the Horn of Africa to foster understanding of, respect for and commitment to *human rights, rule of law and democratic principles*. He is a PhD Research Fellow at the Free University of Brussels (VUB). Andebrhan served, *inter alia*, as Eritrea's Ambassador to the EU and several EU Member States, Commissioner for Coordination with the UN Mission in Eritrea and Ethiopia (UNMEE), Governor of the Bank of Eritrea, President of the University of Asmera, and Member of the Eritrean National Assembly.

“

Il conflitto Eritrea-Etiopia: un cammino verso una pace duratura

Vicinanza geografica, storia antica, affinità culturale, interessi economici e geostrategici legano i popoli di Eritrea ed Etiopia. Le loro economie presentano una sostanziale complementarità ed entrambe potrebbero trarre immensi benefici dalla cooperazione; tuttavia, i due stati sono in guerra o comunque in rapporti ostili da oltre 60 anni, perdendo così i vantaggi di un dialogo reciproco. Il rispetto della sovranità e dell'integrità territoriale l'uno dell'altro favorirebbe invece una pace duratura e relazioni cordiali. Una pace stabile recherebbe un grande potenziale e grosse opportunità, all'insegna di una convivenza dall'impatto mutualmente benefico, che potrebbe avere ricadute positive sull'intero Corno d'Africa.

Le origini del conflitto territoriale tra i due paesi sono individuabili nel Manifesto del 1976 del TPLF, affermando la volontà di staccarsi dall'Etiopia per costruire un Grande Tigray indipendente a spese anche dell'Eritrea. La narrativa legata a questo progetto si basava su una presunta antica comunanza di storia, lingua e religioni, incompatibile con le evoluzioni avvenute nella storia recente. E questo ha causato immense sofferenze ai popoli dell'Eritrea, dell'Etiopia – in particolare del Tigray – e di tutta la regione, culminate soprattutto durante la guerra del 1998-2000 e il conflitto più recente.

L'articolo sostiene che una pace duratura tra l'Eritrea e l'Etiopia scaturirebbe dal riconoscimento inequivocabile, *de jure* e *de facto*, da parte dell'Etiopia della sovranità e dell'integrità territoriale dello Stato eritreo, in conformità con i tre trattati coloniali. Le direttive della Commissione costituita nel 2001 per tracciare i confini tra Eritrea ed Etiopia (Eritrea-Ethiopia Boundary Commission) potevano consentire ai due paesi di definire il loro confine comune, rendendolo definitivo e vincolante. Ma l'Etiopia ha sempre fatto ostruzionismo – mantenendo uno stato di "né guerra né pace" durato quasi 20 anni continuando ad avvelenare le relazioni tra i due paesi – fino all'accettazione incondizionata in giugno 2018 da parte del nuovo primo ministro Abiy Ahmed. L'autore raccomanda che si arrivi all'affermazione del confine storico del trattato coloniale, in linea con il principio africano dell'invulnerabilità dei confini coloniali e con l'aiuto del servizio cartografico delle Nazioni Unite. Questa soluzione sarebbe la meno dannosa per il sostentamento e l'identità nazionale delle popolazioni delle zone di frontiera e garantirebbe una pace duratura e favorevole alla cooperazione tra Eritrea ed Etiopia.