

A Path to Durable Peace between Eritrea and Ethiopia

Resolution of the Eritrea - Ethiopia Boundary Issue

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Why do we have boundary disputes?



Boundary and territorial disputes Stems due to number of reasons... but I will focus on 5 major causes.

- 1. Resource Scarcity**
- 2. Locational or Geographic features**
- 3. Domestic Politics**
- 4. Geopolitical Competition**
- 5. Cultural difference**

The Eritrea - Ethiopia Boundary disputes falls on one/more of the above causes!

UN Charter on Resolution of Boundary Disputes

PACIFIC SETTLEMENT OF DISPUTES Article 33.1

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, re-sort to regional agencies or arrangements, or other peaceful means of their own choice

Eritrea - Ethiopia Boundary dispute

- ❖ **Both countries engaged in disastrous war (1998-2000)**
- ❖ **Agreed for cessation of Hostilities in June 2000**
- ❖ **Signed the Comprehensive peace agreement - Algiers Agreement December 2000**
- ❖ **April 2002 EEBC final and binding decision**
- ❖ **No war No Peace until 2018**

Factors and Principles in determining Sovereignty over Territory

Three primary legal factors establishing sovereignty over territory are treaties, recognized historical boundaries (*uti possidetis juris*), and evidence of effective control (*effectivités*).

THE TASK OF THE COMMISSION AND THE APPLICABLE LAW

The task of the Commission is prescribed in Article 4, paragraphs 1 and 2, of the December Agreement as follows:

1. Consistent with the provisions of the Framework Agreement and the Agreement on Cessation of Hostilities, the parties reaffirm the principle of respect for the borders existing at independence as stated in resolution AHG/Res. 16(1) adopted by the OAU Summit in Cairo in 1964, and, in this regard, that they shall be determined on the basis of pertinent colonial treaties and applicable international law.

2. The parties agree that a neutral Boundary Commission composed of five members shall be established with a mandate to delimit and demarcate the colonial treaty border based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law. The Commission shall not have the power to make decisions ex aequo et bono.

The Commission must therefore address three elements: (i) the specified treaties; (ii) applicable international law; and (iii) the significance of the reference to the 1964 OAU Summit Resolution

EEBC Final and Binding decision and the subsequent Status Quo

- April 2002 the EEBC delivered its decision and planned to oversee demarcation in 2003
- Ethiopia took the position of refusing to accept the decision one month after the decision by submitting a “request for Interpretation, Correction and Consultation” which was categorically rejected by the EEBC.
- According the report of the secretary General on Eritrea and Ethiopia, on January 23, 2008, “Ethiopia insists the EEBC award has no legal force or effect, and that the demarcation coordinates are invalid because they are not the product of a demarcation process recognized by international law

What urge states to settle their disputes?



- ❖ Convergence of strategic interests toward the settlement of the dispute
- ❖ Leaders' ambition to solve the dispute
- ❖ Residents' strong desire to see the dispute settled
- ❖ External pressure

Resolving the Eritrea-Ethiopia Boundary Dispute

1. Fostering mutual confidence between political leaders and the warring parts.
2. Secret negotiations
3. International and regional support
4. Welcoming Eritrea to the regional and international organisation
5. Legal consistency

References



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- ❖ UN, reports of International Arbitral Awards, Delimitation of the Border (Eritrea-Ethiopia), April 13, 2002
- ❖ UN Charter and Statute of International Court of Justice