

03 May 2018

Commentary: Securing the Peace between Eritrea and Ethiopia

The recent assertion of the new prime minister of Ethiopia, Dr. Abiy Ahmed, of his readiness to engage in peace talks to resolve the “no peace, no war” situation and normalise bilateral relations with Eritrea has drawn renewed international attention on the frozen conflict and spurred a flurry of discussions in the social media. Furthermore, it has rekindled fresh diplomatic initiatives to explore and widen a possible window of opportunity, encourage the parties to reengage, and facilitate a resolution of the Ethio-Eritrean conflict. This commentary, essentially a reproduction of *Chapter 17: Securing the Peace between Eritrea and Ethiopia* of Ambassador Andebrhan Welde Giorgis’ book, **Eritrea at a Crossroads: A Narrative of Triumph, Betrayal and Hope** ([link](#)), seeks to enrich the ongoing discussion, shed light on the underlying cause of the war and the stalled peace process, and contribute to a durable resolution of the unfinished boundary conflict as a crucial step towards the normalisation of bilateral relations.

Eri-Platform serialises the book’s Chapter 17 in four successive weekly parts: 1. General Introduction (*released 10.04.2018*); 2. The Delimitation of the Boundary (*released 16.04.2018*); 3. Virtual Demarcation of the Boundary (*released 24.04.2018*); and 4. Imperative of Durable Peace (*released 03.05.2018*).

Part 3 *The Virtual Demarcation of the Boundary*: Following the announcement of the Eritrea-Ethiopia Boundary Commission’s (EEBC) final and binding decision, this section recounts the events that immediately transpired, hindering the completion of the demarcation process. Ethiopia’s systematic obstructions and persistent refusal to comply with its treaty commitment under the Algiers Agreements culminated in the EEBC’s virtual demarcation of the boundary.

Part 4 **The Imperative of Durable Peace** follows. *The following section is the fourth and final serialisation of Chapter 17 which recounts the attempt to implement the Algiers Agreements.*

[continued...]

17.3 The Imperative of Durable Peace

As stated [in [Part 1](#)], the June and December 2000 Algiers Agreements produced a ceasefire that ended the 1998-2000 border war between Eritrea and Ethiopia and specified a mechanism to settle the conflict. The full and expeditious implementation of the Algiers accords aimed to

accomplish the delimitation and physical demarcation of the boundary, address the socioeconomic impact of the war on the civilian populations, and set the stage for the restoration of peaceful and cooperative relations between Eritrea and Ethiopia.

However, reality did not match the intended aims. As highlighted in the preceding section, Ethiopia's persistent non-cooperation obliged the Boundary Commission to circumvent its effort to emplace boundary pillars on the ground by adopting the technique of virtual demarcation, or demarcation by coordinates, of the border in order to fulfil its mandate and terminate its work. The Eritrea-Ethiopia boundary thus stands virtually demarcated by the boundary points connecting the boundary line.

Nearly [eighteen] years have passed since the signing of the peace agreement, over [sixteen] years since the delimitation, and over [eleven] years since the virtual demarcation of the boundary between the two countries, and more than [seven] years since the decision on the final damage awards. Yet, the successful completion of the peace process has eluded Eritrea and Ethiopia and the two states remain locked in a bitter *cold war* with no end in sight. Ethiopia has an obligation to respect Eritrea's territorial integrity. It must unconditionally accept the boundary as virtually demarcated by the Boundary Commission and enable the construction of boundary pillars in fulfilment of its treaty obligations under the Algiers Peace Agreement. Ultimately, Ethiopia's reaffirmation of the rule of law in international relations remains an essential condition for the establishment of durable peace and cooperative relations between Ethiopia and Eritrea.

In the diagnosis of the Boundary Commission, Ethiopia's dissatisfaction with the substance of the delimitation Decision lay at the heart of its non-cooperation with the Boundary Commission in clear violation of its commitment under the Algiers treaty and in defiance of international law. It is in the nature of the arbitral process, more often than not, that an arbitration arrangement awards each party at least part of its submitted claims. As the claims are invariably mutually exclusive, it is generally inconceivable that each party is awarded all its claims. Territorially, therefore, the outcome of arbitration is 'zero-sum', in which one party's gain is the other party's loss, although the relative gain or loss of territory may vary.

In the specific Eritrea-Ethiopia case, the Delimitation Decision of the Boundary Commission divided the 'contested' areas between the two 'claimants'. This distribution effectively modified the hitherto existing political boundary, i.e., the original colonial treaty border, between the two states in favour of Ethiopia. Accordingly, Ethiopia gained and Eritrea lost territory in all the three treaty sectors of the common boundary, as indicated in the map of the international boundary (Map 6) between the two neighbours [reproduced in [Part 2](#)].

Effectively, the arbitral determination of the precise position of the international boundary as final and binding on the basis of the Commission's interpretation of the pertinent colonial treaties and applicable international law ceded to Ethiopia swathes of territory in the three sectors that the colonial treaties of 1900, 1902, and 1908 had placed on the Eritrean side of the border. Win or lose, however, each party had agreed in advance to accept the decision and was obligated by treaty to implement the determination as final and binding.

Despite gaining swathes of territory at the expense of Eritrea, Ethiopia's failure to respect the terms of the Agreement has rendered stable peace an unfinished business between the two neighbours. The prevailing state of 'no war, no peace', the conduct of the parties to date in respect of their treaty obligations, and the causes and impact of the unresolved crisis at the national and regional levels have been the subject of considerable commentary by the states themselves, interested parties, and neutral observers. There are, of course, other issues of contention between Eritrea and Ethiopia besides the boundary question, including disputes over political, economic, trade, and security issues. With a modicum of political will and reciprocal consent, earnest bilateral negotiations could resolve all such disagreements to mutual satisfaction through independent of the boundary question.

Leaving the respective positions of the Eritrean and Ethiopian governments on the other outstanding issues aside, Ethiopia has clearly demonstrated bad faith in failing to fulfil its obligations with respect to the boundary issue and would set a dangerous precedent of flouting international law if allowed to get away with it. The bottom line is that Ethiopia, despite its treaty commitment to the contrary, equivocated on the Boundary Commission's Delimitation Decision, disobeyed the Commission's Demarcation Directions, and obstructed the Commission's efforts to undertake the physical demarcation of the boundary. In addition, it has established new settlements on the Eritrean side of the delimitation line in July 2002 and defied the Commission's subsequent Order to dismantle them. Finally, having obstructed physical demarcation, it has also rejected virtual demarcation.

Ethiopia remains in occupation of sovereign Eritrean territory north of the international boundary as demarcated by the Boundary Commission. Hostile relations with the current government cannot justify the continued violation of the territory and sovereignty of the State of Eritrea. Ethiopia must unconditionally accept the final and binding character of the delimitation and demarcation decisions of the Boundary Commission and effectively respect Eritrea's sovereignty and territorial integrity.

Another wrong requires righting in order to secure peace and tranquility within Eritrea itself. The announcement of the Eritrea-Ethiopia Boundary Commission's April 2002 delimitation decision coincided with a difficult domestic situation that has perpetrated a constant state of insecurity and tension in the country. The consolidation of autocratic rule had prompted the abandonment

of the national agenda to establish a constitutional order and the suspension of the internal process towards democratic development. The resultant transgression of domestic rule of law, democratic deficit, and introversion, compounded by diplomatic ineptitude, closed vital windows of opportunity for engagement and cornered the regime into isolation. This contributed to neutralise the country's legal moral high ground and abet international acquiescence in Ethiopia's failure to cooperate with the Boundary Commission, accept virtual demarcation, and end its occupation of sovereign Eritrean territory in defiance of international law.

Unable to defend the national territory in war, recover it from occupation in peace, or address the domestic political repercussions of the war, the enfeebled government vented its wrath on the people, in general, and its critics, in particular. It has used the frozen conflict as a pretext to close the political space tighter, stiffen internal repression, impose indefinite active national service, and rationalise the vagaries of the coupon economy. All this has turned Eritrea into a dysfunctional garrison state. To date, the government continues to hold the Eritrean people and the future of Eritrea hostage to its impotence.

Truly, the government's domestic policy response to the immediate aftermath of the war, to the frozen conflict, and to Ethiopia's continued occupation of sovereign Eritrean territory and the international appeasement of its behaviour has, over and above the occupation itself, been the source of the greatest suffering for the Eritrean people since 2001. Above all, it continues to pose the most serious threat to the country's long-term prosperity, security, and stability. Only a new homegrown democratic dispensation can abort the looming existential threat to Eritrea's future.

In the context of international law, the restoration of peace between Eritrea and Ethiopia requires Ethiopia to respect Eritrea's territorial integrity and end its unlawful occupation of several swathes of sovereign Eritrean territory in fulfilment of its obligations under the Algiers peace accord and in compliance with the UN Charter. The issue is not one of territorial adjustment by modifying the delimitation line or the international boundary as it stands demarcated. Even if there were a compelling reason for its contemplation, which there is not, neither country can unilaterally impose territorial adjustment. If ever need be, it can come about only by mutual agreement of the two states. Nor is the issue one of the willful reciprocal pursuit of regime change in Asmera or Addis Ababa. Regime change is the internal business of the Eritrean and Ethiopian peoples. The real issue at stake is the overriding interests and future relations of the fraternal peoples of the two states and the region at large.

In the first place, the peoples of Eritrea and Ethiopia share a history of close relations that embraces complex political, economic, social, and cultural elements shaded by the dynamics of a troubled historical memory, including the most vivid reminders of the last war. Further, shared strategic interests connect the fraternal peoples while common aspirations for peace, progress, and prosperity unite them. To continue to scratch the scars of the historical memory of destructive wars of territorial aggrandisement detracts from these shared interests and

aspirations. Moreover, the bonds of mutual interests and aspirations that bind the future of the Eritrean and Ethiopian peoples extend to the kindred peoples of the region.

At present, there appear no real prospects of change in the entrenched positions or political disincentive of the current governments in Addis Ababa and Asmera to end the state of ‘no peace, no war’. I am not sure of what changes, if any, the recent premature death of the late Prime Minister Meles Zenawi would bring about in the Ethiopian stance. To date, international efforts have lacked the necessary convergence of interest, unity of purpose, and coherence of policy to help Eritrea and Ethiopia achieve peace and build a framework of rapprochement and mutual understanding. I wonder whether it is in the Abyssinian stars that undoing the deadlock and securing the peace must await the advent of new political will, courage, and leadership past both current regimes in Asmera and Addis Ababa!

As European political leaders adopted the Westphalian principle of ‘forgetting the sins of the past’ to promote peaceful coexistence in an earlier era, a new crop of Eritrean and Ethiopian political leaders must forgive, not necessarily forget, the failings of the past. Otherwise, they lose sight of the lessons learned to move beyond the present impasse into a new era of stable peace, normal relations, political cooperation, and regional integration. Beyond Eritrea and Ethiopia, the stalemate has been a significant factor of instability stoking other conflicts in the Horn of Africa where each state aligns with the local and regional opponents of the other. The regional impact of the stalemate has been most clearly evident in the crisis in Somalia. Resolving the deadlock, securing the peace, and restoring normal relations would thus serve the interests of both countries and that of peace, security, and stability in the region.

The present state of affairs between Eritrea and Ethiopia is abnormal. The hard border hampering the age-old interface between two of the closest peoples in the Horn of Africa and sustaining the artificial severance of exchange between two essentially complementary economies represents an anomaly. The political, economic, and social consequences of the *cold war* between Eritrea and Ethiopia and the hostile relations fanned by mutual antipathy and spite at the top detract from the wellbeing of the fraternal peoples. The vital interests of the Eritrean and Ethiopian peoples require the speedy resolution of the seemingly intractable conflict and the restoration of peace leading to a return to normalcy and the resumption of mutually beneficial cooperative relations in a future of [soft] borders that serve as bridges for the free passage of peoples, goods, and services. Surely, reconciliation and cooperation are the way forward to the future, a future of peaceful development, amicable neighbourly relations, and shared prosperity.

In the face of the mismatch between the goals and ideals of the armed struggle, on the one hand, and the present predicament of Eritrea and the Eritrean people, on the other, the next chapter expresses the sense of profound deception and deep disappointment shared by many veterans of the war of independence, the author included.