

Understanding African Relationships: The Case of Eritrean-Ethiopian Border Dispute

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Abstract

Boundary disputes are among the most explosive international flashpoints. They frequently correlate with militarised interstate disputes and are more likely to lead to high-intensity conflict compared to other forms of friction. The Eritrea-Ethiopia peace process remains stalled a decade after the arbitral award by the Boundary Commission and several years after awards by the Commission. To this end, I analyse primary and secondary sources and assess why arbitration by the commissions did not produce the desired outcome. This paper examines the Eritrean-Ethiopian border dispute from 1998 to the present and explains the case while searching for solutions. In detail, the analysis first sheds light on the dispute as well as previous attempts at settlement. Second, a new theoretical approach is introduced in the form of conflict resolution theory. Finally, an analysis of the peace process in light of this theoretical tool is used to offer a prognosis of the future.

Keywords: Eritrean, Ethiopian, Border Dispute, Attempted Settlements, Boundary Commission

Introduction

Boundaries are natural or artificial separations or divisions between adjoining properties that show their limits. They are used to establish private and public ownership by determining the exact location of the points, at which one piece of land is distinguishable from another. They are also used to mark the functional and jurisdictional limits of political subdivisions. The setting of boundaries is a characteristic of the modern era in history, during which centralized states started to emerge—those that required both protection against attacks and definition of their populations. Historically, natural objects such as rivers and mountains served this purpose. However, accurate determination of boundaries requires careful surveying and cartography, which were not widely used until the early nineteenth century. Still, even in the late twentieth century, with the established technical methods available, mapmakers were occasionally forced to turn to ancient landmarks and memories when attempting to set boundaries.

Generally, a dispute over territorial boundary is a disagreement concerning the possession/control of land between two or more territorial entities or upon the possession/ control of land by a new state, and assuming power after it has conquered the land from a former state no longer recognized by the new one. Naturally, a dispute can go so far as to the possession of natural resources such as rivers, fertile farmland,

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mineral or oil resources although it can also be driven by culture, religion and ethnic nationalism. It often results from vague and unclear language in a treaty that set up the original boundary. It is also a major cause of wars and terrorism as states often try to assert their sovereignty over a territory through invasion, and non-state entities try to influence the actions of politicians through terrorism (Sumner, 2004, pp. 1779-1812; Hight, 1993, pp. 87-91; St. John, 1998-99, pp. 79-85; Thomas, 1997, pp. 69-71).

In the case of Eritrea and Ethiopia, these explanations appear to stand valid. Africa has been experiencing a great number of conflicts in the past decades, and two areas of the continent have stood out in particular: southern Africa and northeast Africa. The reasons have not lain in the particular character of conflict within the states, and factors behind domestic conflict have been somewhat similar across the continent. Yet, these two regions have been at the forefront of linking domestic conflict with tensions among the states within the regions and coupled with the involvement of outside international actors. In this context, the countries most affected, and which will be the main focus of this paper, are Ethiopia and Eritrea dating back to 1993 (Woodward, 2003).

The purpose of this paper is to critically examine the evolution of the boundary dispute between these two nations. Specifically, attempt is made to understand why these sister states often engage in boundary disputes and, hence, undermine the economic, social and political conditions in their respective countries. This paper contributes to the existing literature by explaining when, how and why natural or artificial separations or divisions should always be a subject of contention among African states. To properly reflect the border dispute between Eritrea and Ethiopia, the present work focuses on the period between 1998 and 2008.

Eritrea and Ethiopia are selected as a case study for two reasons: First, both nations are ranked among the world's poorest countries with multidimensional poverty index (The African Economist, 2013; Watson, 2013). Both governments continue diverting their main financial resources to their military instead of wide-scale economic development or investment plans. Also, the economic future of both depends on their ability to master social problems such as illiteracy, health care, unemployment, low skills and, more importantly, on the governments' own willingness to support a true market economy. Second, the conflict between Eritrea and Ethiopia has frequently spill-over threatens to spill-over borders, endangering or destabilizing entire regions in the form of massive and forced migration and refugee movements into the nearby neighbor states.

The paper relies on the content analysis of secondary data sourced from textbooks, journals, press materials, newspapers, and government and non-government reports. These textual sources are cross-validated and triangulated with empirical works on Ethiopia and Eritrea border dispute. The secondary sources used in this paper are significant in several ways. The analysis that Ethiopia and Eritrea are ranked among the world's poorest countries with multidimensional poverty index reflects a visible dimension of the phenomenon and clearly represents the impact of such disputes.

Following this introduction, this paper starts with an attempt to conceptualize and evaluate the definition of boundaries, which is then followed by a working definition and understanding of border dispute. The core of this paper is historically anchored and

delivered through an attempt to examine when and how Eritrea and Ethiopia border disputes developed. This is followed by a concluding section that provides prospective recommendations on how to advance a lasting solution to Ethiopia and Eritrea border conflict.

Conceptual Framework

Borders create a clear difference; their existence enables us to maintain some sort of order, both within the spaces and groups which are thus encompassed, as well as between 'our' compartment and that of the 'other' groups and spaces which are part of a broader system of global ordering (Albert, Jacobson, and Lapid, 2001, pp. 225-247; Henke, & Strüver, 2002, pp. 141-146). Territorial borders performed this function under the Westphalian state system, where the principle of *Uti Possidetis* ensured the maintenance of inter-state order through the mutual recognition/acceptance of territorial integrity and, hence, the notion of territorial sovereignty (Castellino, & Allen, 2003, pp. 20-25; 282). The process of territorial ordering was imposed upon the political landscape during the era of decolonization. Thus the bordering process creates order through the construction of difference, whereby 'others' are expected to respect the rights of the self, if only because they desire their own rights to be respected in the same way, or because the nature of power relations is such that they have no alternative. The Groucho Marx notion of borders, namely that we do not desire to belong to groups which don't want us as members in the first place, is the exception rather than the rule. Most of us aspire to cross borders into the forbidden, and often invisible, spaces on the other side of the wall, although at one and the same time we do not want the 'others' to cross the boundaries into our own recognizable and familiar world. Difference is okay if we determine the rules of belonging; it is unacceptable if it is determined by someone else.

According to Ducan, by creating 'otherness', we create separate identities through the maintenance of the border. The location of the boundary may change through time, as some groups or territories expand and others decline, but they will always demarcate the parameters within which identities are conceived, perceived, perpetuated and reshaped (Ducan, 1993, pp. 39-56).

Whatever the form of reterritorialization which takes place, territory remains an important dimension of identity (Forsberg, 1996, pp. 355-386; Kaplan, 1999, pp. 31-49). The loss of sovereignty does not mean the loss of territoriality—regionalization at both the pan-state and intrastate levels takes on new forms of territorial organization of power and, by association, new forms and contours of the borders encompassing these spaces (Agnew, 1994, 53-80; Brenner, 1999, pp. 431-451). Territorial restructuring is constantly taking place as new power containers take the place of the state. Space and, by association, borders undergo constant reification (Kemp, 2000, pp. 315-344; Forsberg, 2003, pp. 7-24). Neither should we forget that the hard territorial lines of inter-state boundaries still engender a great deal of conflict, although much of this conflict is focused as much on issues of identity and historical construction of 'homeland' spaces, as it is on positional and resource disputes (Dzurek, 1999, pp. 83-89; Abbink, 2003, pp. 219-231).

Eritrea lies along the Red Sea in the northernmost area of the region known as the Horn of Africa. Ethiopia, however, is landlocked and has no direct access to any sea ports. As neighbors, they share some of the oldest archaeological discoveries in the world. These discoveries lie in the region of Tigray, now a province of Ethiopia, and historically a territory in both Eritrea and Ethiopia.

Chronology of the Conflict

After a series of armed incidents, in which several Eritrean officials were killed near Badme, on 6 May 1998 a large Eritrean mechanized force entered the Badme region along the border of Eritrea and Ethiopia's northern Tigray Region, resulting in a firefight between the Eritrean soldiers and the Tigrayan militia and security police they encountered (Connell, 2004). The Claims Commission found that this was in essence an affirmation of the existence of a state of war between belligerents, not a declaration of war, and that Ethiopia also notified the United Nations Security Council, as required under Article 51 of the United Nations (UN) Charter (The Eritrea-Ethiopia Boundary Commission, 2003).

The fighting immediately escalated to exchanges of artillery and tank fire, leading to four weeks of intense fighting. Ground troops fought on three fronts. On 5 June 1998, the Ethiopians launched air attacks on the airport in Asmara, and the Eritreans retaliated by attacking the airport of Mekele. These raids caused civilian casualties and deaths on both sides of the border (Banks, Muller, and Overstreet, 2005, p. 366; Shinn, 2004, pp. 387-8; Tareke, 2009, p. 345). The United Nations Security Council adopted Resolution 1177 condemning the use of force and welcomed statements from both sides to end the air strikes.

Then, there was a lull as both sides mobilized huge forces along their common border (Biles, 2000). Both countries spent several hundred million dollars on new military equipment (Winfield, 2000a). This was despite the peace mediation efforts by the Organization of African Unity (OAU) and the United States/Rwanda peace plan, the latter proposing a four-point peace plan that called for the withdrawal of both forces to pre-June 1998 positions. Eritrea refused and, instead, demanded the demilitarization of all disputed areas along the common border, to be overseen by a neutral monitoring force and direct talks (IRIN, 2007; Human Rights Watch World Report, 1999).

With Eritrea's refusal to accept the United States/Rwanda peace plan, on 22 February 1999 Ethiopia launched a massive military offensive to recapture Badme. There was tension on 6 February 1999, when Ethiopia claimed that Eritrea had violated the moratorium on air raids by bombing Adigrat - a claim it later withdrew (BBCNEWS, 2000).

Following the first five days of heavy fighting at Badme, by which time Ethiopia had broken through Eritrea's fortified front and was 10 kilometers (six miles) deep into Eritrean territory, Eritrea accepted the OAU peace plan on 27 February 1999 (BBCNEWS, 1999; CNN, 2007). While both states said that they accepted the OAU peace plan, Ethiopia did not immediately stop its advance because it demanded that

peace talks be contingent on an Eritrean withdrawal from the territory occupied since the first outbreak of fighting (Staff World, 1999).

On May 16, the BBC reported that after a lull of two weeks the Ethiopians had attacked at Velessa on the Tsorona front-line, south of Eritrea's capital Asmara (Staff World, 1999). In June 1999 the fighting continued with both sides in entrenched positions (Laeke, 1999). "Proximity talks" broke down in early May 2000 "with Ethiopia accusing Eritrea of imposing unacceptable conditions" (Pearce, 2000). On 12 May 2000, the Ethiopians launched an offensive that broke through the Eritrean lines between Shambuko and Mendefera, crossed the Mareb River, and cut the road between Barentu and Mendefera, the main supply line for the Eritreans on the western front of the fighting (Lortan, 2000, pp. 1-2; Xan, 2012).

The Ethiopian sources state that on 16 May 2000, Ethiopian aircraft all returned to their bases after attacking targets between Areza and Maidema, and between Barentu and Omohager, while heavy ground fighting continued in the Das and Barentu area and in Maidema. The next day Ethiopian ground forces with air support captured Das. Eritrean forces evacuated Barentu and fighting continued in Maidema (Xan, 2012). Also on 17 May 2000, due to the continuing hostilities, the United Nations Security Council adopted Resolution 1298 and imposed an arms embargo on both countries (BBC World Service, 1999).

By 23 May 2000, Ethiopia claimed that its 'troops had seized vital command posts in the heavily defended Zalambessa area, about 100km (60 miles) south of the Eritrean capital, Asmara' (Lortan, 2000, pp. 1-2). However, the Eritreans claimed they withdrew from the disputed border town of Zalambessa and other disputed areas on the central front as a '...goodwill' gesture to revive peace talks' while Ethiopia claimed it was a 'tactical retreat' to take away one of Ethiopia's last remaining excuses for continuing the war; a report from Chatham House observes, 'the scale of Eritrean defeat was apparent when Eritrea unexpectedly accepted the OAU peace framework' (Last, 2000; Plaut, and Gilkes, 1999).

Having recaptured most of the contested territories, and having heard that the Eritrean government would withdraw from any other territories it occupied at the start of fighting in accordance with a request from the OAU, on 25 May 2000 Ethiopia declared the war was over (Inquai, 2000; Tran, 2000). By the end of May 2000, Ethiopia occupied about a quarter of Eritrea's territory, displaced 650,000 people and destroyed the key components of Eritrea's infrastructure (CNN, 2000).

The Eritrean defences were eventually overtaken by a surprise Ethiopian pincer movement on the Western front of the territory between the two nations, which resulted in the capture of Barentu and an Eritrean retreat. The element of surprise in the attack involved the use of tanks coming in to secure the area (CNN, 2000).

Regional Destabilisation

The fighting also spread to Somalia as both governments tried to outflank one another. The Eritrean government began supporting the Oromo Liberation Front, a rebel group

seeking the independence of Oromia from Ethiopia in part based in Somalia and controlled by Mohamed Farrah Aidid⁶⁴ (Staff World, 2001; Gilkes, 1999a). Ethiopia retaliated by supporting groups in southern Somalia who were opposed to Aidid, and by renewing relations with the Islamic regime in Sudan—which was accused of supporting the Eritrean Islamic Salvation, a Sudan based group that had launched attacks in the Eritrea–Sudan border region—while also lending support to various Eritrean rebel groups including one known as the Eritrean Islamic Jihad (Gilkes, 1999b).

Casualties, Displacement and Economic Disruption

Eritrea claimed that 19,000 of their soldiers were killed during the conflict; most reports put the total war casualties from both sides as being around 70,000 (Xan, 2012). All these figures have been contested and other news reports simply state that ‘tens of thousands’ or ‘as many as 100,000’ were killed in the war (Winfield, 2000b).

The fighting led to massive internal displacement in both countries as civilians fled the war zone. Ethiopia expelled 77,000 Eritreans and Ethiopians of Eritrean origin it deemed a security risk, thus compounding Eritrea’s refugee problem (Staff, 2001; A Critical Look into the Ethiopian Elections, 2007). The majority of the 77,000 Eritrean and Ethiopians of Eritrean origin were considered well-off by the Ethiopian standard of living, and were deported after their belongings had been confiscated (Klein, 1999, p. 11). On the Eritrean side, around 7,500 Ethiopians living in Eritrea were interned, and thousands of others were deported. According to Human Rights Watch, detainees on both sides were subject in some cases to torture, rape, or other degrading treatment (Zenbeworke, 2008).

The economies of both countries were already weak as a result of decades of continuing fighting. As a consequence, the war exacerbated these problems, resulting in food shortages. Prior to the war, much of Eritrea’s trade was with Ethiopia, and much of Ethiopia’s foreign trade relied on Eritrean roads and ports (Zenbeworke, 2008).

Aftermath of Cessation of Hostilities

On 18 June 2000, the parties agreed to a comprehensive draft for peace and binding arbitration of their disputes under the Algiers Agreement. A 25-kilometer-wide Temporary Security Zone (TSZ) was established within Eritrea, patrolled by the United Nations peacekeeping forces from over 60 countries (the United Nations Mission in Ethiopia and Eritrea (UNMEE). Finally, on 12 December 2000, an agreement was signed by the two governments (Staff World, 2000).

Continued Tensions

On 13 April 2002, the Eritrea–Ethiopia Boundary Commission, established under the Algiers Agreement in collaboration with the Permanent Court of Arbitration in The Hague, agreed upon a ‘final and binding’ verdict. The ruling awarded some territory to each side, but Badme, the flash point of the conflict, was awarded to Eritrea (Abbink, 2003, pp. 219–231). Both countries vowed to accept the decision wholeheartedly the day after the ruling was made official (Astill, 2007). A few months later, though,

Ethiopia requested clarifications and later announced that it was deeply dissatisfied with the ruling (Bhalla, 2002; BBC, 2002; Plaut, 2003). In September 2003, Eritrea refused to agree to a new commission-which had to be agreed to if the old binding agreement were to be set aside-and asked the international community to put pressure on Ethiopia to accept the ruling. In November 2004, Ethiopia accepted the ruling 'in principle' (Staff World, 2004).

On 10 December 2005, Ethiopia announced it was withdrawing some of its forces from the Eritrean border 'in the interests of peace' (BBC, 2005). Then, on 15 December 2005, the United Nations also began to withdraw peacekeepers from Eritrea in response to the UN resolution passed the previous day (Some UN Staff to Relocate to Ethiopia From Eritrea, 2007). On 21 December 2005, a commission at the Permanent Court of Arbitration in The Hague ruled that Eritrea broke international law when it attacked Ethiopia in 1998, thus triggering the broader conflict (Ruling, 2005).

Ethiopia and Eritrea subsequently remobilized troops along the border, leading to fears that the two countries could return to war (UN, 2005; BBC, 2005). On 7 December 2005, Eritrea banned the UN helicopter flights and ordered Western members (particularly from the United States, Canada, Europe and Russia) of the UN peacekeeping mission on its border with Ethiopia to leave within 10 days, sparking concerns of further conflict with its neighbour (International Herald Tribune, 2005). In November 2006, Ethiopia and Eritrea boycotted an Eritrea-Ethiopia Boundary Commission meeting at The Hague which would have demarcated their disputed border using the UN maps. There, Ethiopia did not show because it did not accept physical or map demarcations; nor did Eritrea since, although it backed the commission's proposals, it insisted that the border should be physically marked out (Report of the Secretary-General on Ethiopia and Eritrea, 2006).

Both nations have been accused of supporting dissidents and armed opposition groups against each other. John Young, a Canadian analyst and researcher for Integrated Regional Information Networks (IRIN), the United Nations Office for the Coordination of Humanitarian Affairs news agency, reported that:

'the military victory of the Ethiopian People's Revolutionary Democratic Front (EPRDF) that ended the Ethiopia-Eritrea War, and its occupation of a swath of Eritrean territory, brought yet another change to the configuration of armed groups in the borderlands between Ethiopia and Eritrea. Asmara replaced Khartoum as the leading supporter of anti-EPRDF armed groups operating along the frontier' (IRIN, 2007).

However, Ethiopia was also accused of supporting rebels opposed to the Eritrean government. At the November 2007 deadline, some analysts feared the restart of the border war, but the date passed without any conflict (Heinlein, 2007). Obviously, there were many reasons why war did not resume. Former United States Ambassador, David Shinn, claimed that both Ethiopia and Eritrea were in a bad position. What's more, many feared the weak Eritrean economy was not improving like those of other African nations, while others stated that Ethiopia was bogged down in Mogadishu. Shinn argued that Ethiopia had 'a very powerful and disciplined national army that made pretty short

work of the Eritreans in 2000, and that the Eritreans had not forgotten that' (Shinn, 2004, pp. 387–8). Though, he added that Ethiopia was not interested in war because America would condemn Ethiopia if it initiated the war. In his words: 'I do not think even the United States could sit by and condone an Ethiopian-initiated attack on Eritrea' (Shinn, 2004, pp. 387–8).

Decision by the Permanent Court of Arbitration

As stipulated by the Algiers Agreement, the two parties presented their cases at the Permanent Court of Arbitration to two different Commissions; one was the Eritrea–Ethiopia Boundary Commission, which ruled that Badme lies in Eritrea; and the Eritrea–Ethiopia claims Commission (Damian, 2003; Abbink, 2003, pp.219-231).

In July 2001, the same Commission decided its jurisdiction, procedures and possible remedies. The result of this sitting was issued in August 2001 and in October, following consultations with the parties, the commission adopted its rules of procedure. Subsequently in December, the parties filed their claims with the commission with regard to such matters as the conduct of military operations in the front lines, the treatment of Prisoners of War (POWs) and of civilians and their property, diplomatic immunities and the economic impact of certain government actions during the conflict. At the end of 2005, final awards were issued on claims on Pensions and Ports; partial awards went to claims about POWs, the central fronts, civilian claims, western and eastern fronts, and diplomatic, economic and property losses, as well as *Jus Ad Bellum* (Latin for 'right to war'). By definition, *Jus Ad Bellum* is a set of criteria that are to be consulted before engaging in war, in order to determine whether entering into war is permissible; that is, whether it is a just war (Johnson, 1981, p. 4; Luban, 2003, pp. 160-181).

Continuing Border Conflicts

On 19 June 2008, the BBC published a time line of the conflict as follows:

1. September 2007-War could resume between Ethiopia and Eritrea over their border conflict, warns the United Nations special envoy to the Horn of Africa, Kjell Magne Bondevik.
2. November 2007-, Eritrea accepted the border line demarcated by the International Boundary Commission. Ethiopia rejected it.
3. January 2008-the UN extended the mandate of peacekeepers on the Ethiopia–Eritrea border for six months. The UN Security Council demanded Eritrea to lift fuel restrictions imposed on the UN peacekeepers at the Eritrea–Ethiopia border area. Eritrea declined, arguing that the troops had to leave the border.
4. February 2008-the UN pulled out its 1700-strong peacekeeping force due to lack of fuel supplies following the Eritrean government restrictions.
5. April 2008-the UN Secretary-General Ban Ki Moon warned of the likelihood of a new war between Ethiopia and Eritrea if the peacekeeping mission withdrew completely. The options were outlined for the future of the UN mission in the two countries.

6. Djibouti accused the Eritrean troops of digging trenches at the disputed Ras Doumeira border area and infiltrating Djiboutian territory. Eritrea denied the charge.
7. May 2008-Eritrea called on the UN to terminate the peacekeeping mission.
8. June 2008-Fighting broke out between Eritrean and Djiboutian troops (Eritrea Profile: A Chronology of key Events, 2012).

Conclusion

This paper has endeavoured to survey the subject of conflict in such a way as to demonstrate briefly how complex and multi-layered it can be. Treating the Eritrean-Ethiopian dispute as a mere border conflict underestimates the consequences, this conflict is having on not only the international stability of both states and the entire region, but also on the continent as a whole. Coupled with the already heavy loss of life it has entailed, the conflict has also diverted scarce human and material resources much needed for social and economic development, to war instead. Each nation spends considerably on purchasing military hardware that their poor economies can hardly afford, and on destabilizing the other.

As evidently seen, this conflict has wider implications and, if left unresolved, it has the potential of further escalation and spreading while drawing in forces from afar and near. Left to its own logic, the conflict can also lead to possible failure-even collapse-of the states. Yet, to begin with, the dispute should never have been treated as a mere border issue. Therefore, its resolution is best sought within its wider context and for the sake of lasting peace and stability. Also, the internal conflicts in both states need to be addressed. The international community should, as such, look at the wider aspects of the conflict, both internal and regional, and help in finding a comprehensive solution to relations between the two countries.

The Algiers Agreement has stalled and is no longer the solution that it was thought to be. Furthermore, it must have been clearly recognised by all that the agreement and the subsequent decisions based on it were the wrong instruments for solving the conflict between the two states. Therefore, it is pertinent to look at the problem differently and find appropriate mechanisms that ensure a lasting solution for both states and peoples. As the real victims of the conflict, the citizens of both nations should be the beneficiaries of such a resolution and be involved in defining and managing the relations between them.

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The Eritrea-Ethiopia Boundary Commission held internal meetings on 10-11 August 2003 for the purpose of discussing certain technical issues related to the demarcation of the boundary between the two states. After considering the parties' comments of January 24, April 15, and May 2, 2003, the Commission decided to issue instructions for implementing the plan of work set out in the Commission's latest 'Schedule of the order of activities ahead as at 16 July 2003'. Copies of these instructions were communicated to the parties.

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