



Situation Report

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Ethiopian-Eritrean Relations: Reading the balance sheet

Introduction

The tragic and costly war between Ethiopia and Eritrea, which was brought to an end by the Algiers Peace Accord, could well re-ignite unless there is some fairly deft diplomatic intervention by the international community. A return to the battlefield is in neither of these two states' interests, objectively speaking, especially in the light of their current economic problems and the need to address one of the worst famines in years, but such considerations do not always carry the day.

At present, it seems unlikely that the task of demarcating the two countries' mutual border, as delimited by an independent international commission, can proceed. Under present circumstances, Ethiopia's government cannot go back on its rejection of the commission's findings without being seen by an increasingly jingoist public as selling out on an issue of national and symbolic importance. The beleaguered government of Eritrea also sees in this matter a way of deflecting attention from its failure to open the domestic political space, and as a means to mobilise international opinion in its support. In such a situation wise counsels will be hard put to succeed in receiving a hearing, so emotionally loaded has the dispute become.

The arduous road to Algiers

In May 1998 Eritrea moved its forces into territories previously administered by Ethiopia, thereby precipitating a border clash that rapidly escalated into a full-scale, brutally devastating war between the two countries.¹ Attempts to resolve the conflict and reinstate peace started the very same month with a four-point peace plan initiated by the governments of the United States and Rwanda. Although Ethiopia accepted the plan on 4 June 1998, Eritrea did not, disappointed by the request made in the peace plan for the withdrawal of its forces to their pre-May positions. The first peace effort therefore failed, and the war continued, unhindered, into the following months.

The intensity of the war increased steeply following both countries' decision to launch air raids.

On 5 June 1998, Eritrea attacked Mekele (capital of the Regional State of by air with cluster bombs causing the death of 50 civilians, among them a number of school children.² Ethiopia retaliated by bombing the airport at Asmara, the capital of Eritrea, and on 11 June of the same year Eritrea bombed Adigrat.³

On 14 June 1998, the government of the United States finally persuaded the two belligerents to agree on a moratorium on air raids.⁴ Brokered by President Bill Clinton and later accepted by the two sides, this moratorium required Ethiopia and Eritrea to “halt immediately the further use of air strikes and the threat of air strikes in their present conflict.” However, the advances of the Ethiopian forces in the February 1999 and later in the May 2000 offensives were greatly assisted by the use of air power, with devastating consequences. Had the air-strike moratorium been strictly adhered to in the subsequent fighting, it would have dramatically affected the course of the war.

In the following months, although fighting subsided and the peace effort continued, no agreement was reached. On 8 November 1998, during the “Ethiopia-Eritrea Peace Summit” that was held in Ouagadougou, Burkina Faso, the Organisation of African Unity (OAU) adopted a proposal for a peaceful settlement of the dispute, requiring the withdrawal of forces from occupied territories. Ethiopia accepted the proposal while Eritrea requested clarification on certain matters.

On 6 February 1999, fighting (including air raids) erupted at Badme and was subsequently extended to all three fronts. Later in the month Ethiopia recaptured Badme in what was dubbed “Operation Sunset”. The next day, Eritrea informed the United Nations (UN) Security Council that it had accepted the OAU peace plan.⁵ Ethiopia later requested clarification on the seven-point “Modalities for the Implementation of the OAU Framework Agreement” adopted by the 35th Regular Session of OAU Heads of States and Governments in Algiers on 14 July 1999.

After a 13 month lull, Ethiopia launched a major offensive on 13 May 2000, in contravention of the peace efforts in which so many concerned parties (including the OAU, the US and the UN) had been engaged. In response, Eritrea attempted a “strategic retreat” from a number of occupied territories, later withdrawing altogether. This retreat ushered in another phase of the peace effort, with informal talks between the two sides beginning in Algiers. To add momentum to the peace talks, Ethiopian Prime Minister Meles Zenawi declared during the early stages of the talks (14 May 2000) the end of the Ethiopia-Eritrean war, though fighting in fact continued for ten more days inside Eritrea.

It was within this context that the OAU put forward its proposal on the cessation of hostilities on 9 June 2000. This was immediately accepted by Eritrea and somewhat later, on 14 June 2000, by Ethiopia. The two countries signed the OAU’s “Cessation of Hostilities Proposal” on 18 June 2000. This proposal called for the deployment of a UN peacekeeping mission (under the auspices of the OAU) along a 25 km temporary security zone (TSZ) and their pre-May 1998 positions.

This ceasefire marked the beginning of the end of the two-year border war and paved the way for a final and comprehensive agreement between the two sides. What was finally born out of this was the Algiers Peace Accord.

The peace effort aimed at ending the Ethiopian-Eritrean border war came to a successful conclusion when Ethiopia and Eritrea signed a comprehensive agreement in the Algerian capital on 12 December 2000. The official signature by the belligerents of the Algiers Peace Accord, was attended by prominent international diplomats and world leaders, including UN

Secretary-General Kofi Annan, OAU Secretary-General Salim Ahmed Salim, and US Secretary of State, Madeline Albright – a clear indication of the concern of members of the international community.⁶

The Algiers Accord was, in fact, a remarkable achievement. Many of the diplomats and world leaders who attended the ceremony expressed their appreciation and called the Accord a model treaty. UN Secretary-General Kofi Annan expressed his hope “that other leaders will look to this day and this agreement and find the wisdom to end their own wars”.⁷ The two-year war that it brought to an end had been enormously destructive: tens of thousands of soldiers and civilians lost their lives, caught in the heat of the battlefield fires. Even more people were forced to endure the misery of fleeing their homes. Hundreds of millions of dollars that could have been used to further the development endeavours of both countries were poured into the procurement and acquisition of high-tech weaponry.

Among other things, the accord provided for an investigation into the incidents of 6 May 1998 (and other incidents prior to that date), believed to have led to the conflict in the first place.⁸ In addition, the accord provided for the establishment of two commissions: the Border Commission, which was charged with the task of demarcating the international border⁹; and the Claims Commission, which considered claims for damages suffered by both countries.¹⁰ In view of current events, the clause stipulating the mandate of the Border Commission is particularly important. According to Article 4(2), the Border Commission was mandated to delimit and demarcate the contested borders based on pertinent colonial treaties (1900, 1902, and 1908) and applicable international law. However, by attaching primacy to these colonial treaties, this provision relegated other considerations of evidentiary value to a status of negligible importance.¹¹ The stipulation under Article 4(15) that the border demarcation to be determined by the international Border Commission “shall be final and binding” is also significant. This legally precludes resistance by either party to any possibly detrimental outcome of the Commission’s decisions. In fact, this put the government in Addis in a seemingly no-exit situation when the Border Commission decided to place the symbolic town of Badme – where the war first flared up – within the Eritrean border.

As a result, voices of scepticism and discord were heard well before the ink of the two leaders’ signatures was dry. The Eritrean Foreign Minister said, at the time, that the Ethiopian administration “should not be trusted”, having in the past “evaded its commitment to agreements”.¹²

Reflecting similar mistrust, the Ethiopian military was advised to “remain ever vigilant to safeguard a sovereign Ethiopia”.¹³ Statements such as these cast a shadow over the process of reconciliation that was expected to follow the Peace Accord. As Kofi Annan warned, “it is not enough to silence the guns, silencing the guns alone does not mean peace. As we embrace peace, build trust and work for reconciliation, we should remember that words can inflame or sooth. Our words and actions must, therefore, reinforce the peace agreement we signed today”.¹⁴

The most important component of the Algiers Peace Accord consisted in the demarcation of contested borders on the basis of colonial treaties.¹⁵ The contested territories were Om Hager/Humera in the west; Badme and the Yirga Triangle around Sheraro, between the Mereb and the Tekeze Rivers; Tsorena and Zalambesa north of Adigrat; Alitena and Irob; Bada and

the Northern Dankalia Depression; and Bore on the road to Assab. It was expected that the delimitation and subsequent demarcation of these borders would finally settle the disagreement between the two sides.

The Boundary Commission comprised five members. It held a series of meetings and received testimony from both sides. The announcement of its decisions was postponed twice: it was originally to have been made in February, was postponed to March¹⁶ and the findings were finally released on 13 April 2002 from The Hague, where it was situated. The 125 page document defined the 1 000 km borders of the two countries afresh.

There was much initial confusion about the results of the Commission's rulings. At first, both countries claimed victory. The Ethiopian Minister of Foreign Affairs, Seyoum Mesfin, announced at a press conference carried by Ethiopian Television that the disputed territories would remain part of Ethiopia. President Isaias Afewerki, for his part, said Badme would revert to Eritrea.

Badme was mentioned by name only twice in the 125 pages of the "Regarding Delimitation of the Border" decision. Moreover, Badme did not feature on the new map, and instead a straight line was drawn from the confluence of the Setit and Tomsa Rivers (point 6) to the confluence of the Mereb and Mai Ambessa Rivers (point 9).¹⁷ The BBC commented that "the legal ruling is sufficiently obscure to allow both countries to claim victory".¹⁸ In fact, however, the ruling stated that the Commission did not find the evidence of administration of the area adduced by Ethiopia as "sufficiently clear in location, substantial in scope or extensive in time" to displace the Eritrean title over the territory.¹⁹

Ethiopia lodged a request for "interpretation, correction and consultation" with the Border Commission on 13 May 2002. The request touched upon matters that went to the very essence of the decision. The Commission, therefore, observed in its decision of 24 June 2002 that "the Ethiopian request appears to be founded on a misapprehension regarding the scope and effects of Article 28 and 29 of the Commission's Rules of Procedure. ... The concept of interpretation does not open up the possibility of appeal against a decision or the reopening of matters clearly settled by a decision".²⁰ The Commission accordingly found the Ethiopian request inadmissible and ruled that no further action would be taken in response to it.

Ethiopia has nevertheless continued to insist on the need to make changes to the border decision. Although it was agreed, as part of the Algiers Accord, that the decision of the Border Commission would be "final and binding", Ethiopia's opposition to the border ruling and its attempts to secure changes have intensified. Ethiopia is particularly disappointed with the decision to put the symbolic town of Badme within the Eritrea border. This flows partly from the conviction that the decision regarding Badme is erroneous and partly from the strong opposition to the decision on the part of different segments of the Ethiopian population.²¹ The Border Commission has felt it necessary to defend its decision as follows:

...Maps submitted by Ethiopia were inconsistent as to location of Badme village. Overall, the evidence was nothing like what might have been expected had Ethiopia's presence there in the period before the case been as significant as Ethiopia now alleges. The Commission would note that what is relevant here is governmental and not private activity. The references to

*Ethiopian governmental control of Badme and its environs were insufficient to persuade the Commission that an Ethiopian presence west of the line from point 6 to 9 would support a departure from the line that had crystallised by 1935.*²²

The border decision is only the first step in the delimitation and demarcation process. It will only be with the physical demarcation of the border that the process will actually end. So far, two commencement dates for demarcation (in May 2003 that was pushed forward to July 2003, and in October 2003) have passed without explanation or responsibility being attributed to either party. Many observers have in fact pondered whether any deadline will be met and, if so, whether the physical demarcation will proceed smoothly, with no serious difficulty.

It had already been anticipated by the Border Commission that the process could face further delays: “[T]his schedule is dependent on various critical factors being met on time to enable key milestones to be achieved”.²³ Taking into account Ethiopia’s seemingly intransigent position against the border ruling, no one is prepared to say with certainty that any deadline will finally be met. Ethiopian Prime Minister, Meles Zenawi, has branded the ruling “wrong and unjust”. Ethiopia also feels that its request for change has fallen on deaf ears. Thus Foreign Minister Seyoum Mesfin has denounced the Commission for “belittling” Ethiopia’s call to amend the newly delimited 1 000 km border between the two countries.²⁴

By September 2004, Meles Zenawi openly referred to the ruling as a “blatant miscarriage of justice”. Later, in a letter to the UN, Zenawi warned that “the Commission seems to continue its disastrous stance whatever the consequences to peace in the region”. As a result, the Commission announced that it was unable to demarcate the border under “current circumstances”.²⁵

Not surprisingly, the strongest opposition to the decision to place Badme within Eritrea comes from the Regional State of Tigray, which currently administers the town of Badme. The President of Tigray, in his annual report to the State’s Council in July 2003, has described the border ruling as “dangerous” and warned that trouble could flare up if the ruling is not changed.²⁶

This hard-line position against the ruling is apparent in the view of the Speaker of the Regional State, Dr Solomon Inqui, who is adamant that “they [officials from the independent Boundary Commission] cannot come. We will not let them. Nobody in their right mind will let them demarcate”.²⁷

Of course, as the Acting Information Minister of Eritrea has said, “it is with the Federal Republic of Ethiopia that the state of Eritrea signed the Algiers Agreement.” For legal purposes, what the officials of Tigray pronounce on the demarcation process does not count. The truth of this is undeniable, but it is also an oversimplification. The current government in Addis Ababa is dominated by the Tigray People’s Liberation Front (TPLF), which has its origin and strongest base in Tigray. It cannot therefore be expected that the Federal Government’s position will not be influenced by the sentiments of the Tigray officials.

The demarcation process faces opposition not just from the politicians. Members of the Badme community have vowed not to cede an inch of

territory to Eritrea,²⁸ and the town's administration goes even further, saying that it is willing to defy the Federal Government in order to retain Badme and other implicated territories. This position is further strengthened by the reconstruction work taking place, in which some \$2 million has been invested. Two schools are under construction, water points are being installed and 400 new houses are to be built.

These facts clearly threaten the demarcation process in general and its imminent commencement in particular. Of course, if demarcation were to be forced under such circumstances, it would be naïve not to anticipate that Badme would ignite another clash between the two countries.

Symbolic importance

Badme is not like the oil-rich Bakassi peninsula over which Nigeria and Cameroon once flexed their military muscles. Although the land in Badme is fertile, it has few mineral deposits and water is scarce. Prior to the conflict, Badme had little more than an elementary school, a clinic, a few bars and two modest hotels. The close to 5,000 people living in the village and surrounding areas earn their meagre living from farming. Clearly it is not for its economic importance that the very mention of Badme inflames intense passion in both Ethiopia and Eritrea.

The bitter two-year war between the two countries began after Eritrean forces occupied the Ethiopian administered town of Badme, claiming it as Eritrean territory. This has given Badme a symbolic importance, which centres on a sense of righteousness for the two countries: because Badme is the place where the war began, the perception is that the country to which Badme is awarded will be seen as having been right about the war.²⁹ The award is also regarded as an assertion of sovereignty, which is an important factor in this conflict.

Significance as a battle zone

Eritrean forces dug and heavily fortified over 100 km of trenches, surrounded by anti-personnel and anti-vehicle landmines, along the Badme front.

Eritrea also deployed some 40,000 military personnel from three corps, several divisions, a large force of heavy artillery, around 70 tanks and armoured military vehicles.

During the course of the war, the Eritrean President was reported as saying, with regard to an Eritrean withdrawal from Badme as part of the peace plan the OAU was brokering, that "expecting Eritrea to withdraw is as unlikely as the sun never rising again".

The massive Ethiopian counter-offensive of February 1999 marked a new phase in the war, coming after the fighting had subsided for months following the May-June 1998 engagement. It started on 6 February at Badme and covered all three fronts. Among the various military engagements, the one that took place over a period of four days at the end of the month was outstanding. It was called Operation Sunset in response to President Isaias Afewerki's comment quoted above. In Addis Ababa, Ethiopian Radio and Television compared the Badme victory with the famous Ethiopian victory over Italy at the Battle of Adwa.

It is estimated that some 20,000 soldiers were killed on both sides in the fierce four-day battle to capture Badme.³⁰ Ethiopia alone sustained the loss of some 9,000 military personnel, and thousands more were injured. The operation claimed the lives of as many Eritrean forces. It was also reported that 41 Ethiopian tanks were destroyed, three captured and an M1-24 helicopter gunship and two Mig-29 fighter planes shot down.

Historical significance

Before Badme became etched into the consciousness of most Ethiopians and many Eritreans through the dramatic battlefield engagements between the two countries, it had a history of some importance. Badme was known as Yirga – named after the favourite horse of the former governor of Tigray, Ras Seyoum. During the guerrilla war against the Marxist regime of Mengistu Hailemariam, Badme was a military training ground for the TPLF. In the 1980s, when the TPLF and the Eritrean People's Liberation Front (EPLF) were allies against their common enemy, the Marxist regime in Addis Ababa, they had disagreements over the territory they each held in the large areas of Tigray and Eritrea under their control. Later on, a *de facto* line of control was established between the two groups, west of the colonial boundary: in other words, Tigreans were granted control of an area including Badme. Subsequent to Eritrea's independence and the TPLF's control of power in Addis Ababa, this arrangement was left unchanged.

Potential for conflict

Badme is now at the epicentre of politics between the two countries. Thus, more for what it has become than what it used to be, Badme is pregnant with the risk of renewed conflict between them. It will not be easy for the Ethiopian government to cede Badme to Eritrea despite its legal obligation to accept the decision of the Border Commission. In a statement that affirms this observation, Damain Zane has said "it is hard to see what will lead Addis Ababa into accepting that Badme is part of Eritrea." He added that "it would be a bitter pill for the government to swallow."³¹

But if Ethiopia does not abide by the Commission's decision, an Eritrean government spokesperson has warned that "there will be consequences" emphasising that "that decision will be extremely grave and a very dangerous decision."³²

A cumulative reading of all these points together reinforces the depiction of Badme as the Kashmir of Africa. The military friction over Kashmir between India and Pakistan is a result of the divorce of the two countries, and so is the friction over Badme between Ethiopia and Eritrea. This is further confirmed by the strong military presence of the two countries along the border. Ethiopia's 108th Corps – around 10,000 men – remains entrenched behind the 25 km TSZ near Badme, while Eritrea's military personnel are more on guard than ever.

As pointed out in a recent report by the UN Office for the Coordination of Humanitarian Affairs,

...in the meantime, the UN peacekeeping force (the UN Mission in Ethiopia and Eritrea UNMEE) ensures that militarily the situation remains stable. The 3,800 Blue Helmets that patrol a demilitarised area, called the Temporary Security Zone, have maintained a fragile peace and prevented flare-ups.

*They will only exit the country once the last pillar on the border has been planted.*³³

The end of the two-year Eritrea-Ethiopia war with the signing of the Algiers Accord was a cause for celebration among the people of the two countries. It brought hope that, with the settlement of the border issue, the relationship between them would once again normalise and take a peaceful path. This would involve the gradual resumption of diplomatic relations, communication, trade and the opening up of the border. For such normalisation to happen, continuous and genuine political dialogue and measures of trust building are essential.

Initially, there were signs of normalisation. Both countries released and repatriated prisoners of war under their control under the auspices of the International Committee of the Red Cross. The number of land routes opened to facilitate movement in the disputed areas by members of the UN Mission in Eritrea and Ethiopia (UNMEE) increased. The two sides also held a high-level military coordination meeting in a gesture that was seen as a symbol of genuine commitment to peace. De-mining the border areas also went ahead, with fair cooperation between the two countries and few difficulties. Ethiopia even went so far as to commence demobilisation of its troops by sending off 400 veterans of the war to their homes on 31 December 2000, immediately following the Algiers Accord. But these developments have not been backed by other confidence building measures. Indeed, in some ways they are in stark contrast to other developments that negate the peace process. There is therefore also the other side of the balance sheet.

The media in both countries have not stopped beating the drums of war, and continue with their wartime propaganda. The “Voice of the Broad Masses”, Eritrea’s official radio, still attacks the government in Addis as if the war was still going on. It is also not uncommon to hear the Eritrean government referred to by the Ethiopia media as *Shabia*, a derogatory term that harks back to the times of the war of independence.

The word “enemy” has not been dropped from their language.³⁴ The two governments are also engaged in a (more official) war of words, the one accusing the other of disturbing the peace process.

Since the Algiers Accord in December 2000, the two governments have made no effort to initiate political dialogue, an important step for agreeing on constructive and lasting solutions. Three years after Algiers, relations between the two countries remain unimproved and are practically nonexistent. This leaves a sufficient gap for further disagreements. Legwaila, Head of UNMEE, has warned that “the status quo” (a reference to the stand-off between the two countries) “complicates the relation” because “when you don’t talk to each other, misunderstandings can lead to conflict.”³⁵

In fact, the situation between the two governments is worse than a simple absence of communications. There have been negative developments that inhibit the possibility of resuming the normalisation process. Ethiopia closed its embassy in Asmara in 2003. It is also well known that each government is supporting opposition groups that seek to oust the other’s regime. In July 2003 a foreign affairs and national security policy document debated by top government officials in Addis Ababa

revealed that Ethiopia would follow a closed door policy towards Eritrea until there was a change of government and policy in that country. "From the Ethiopian side", the document says, "it would not cause any considerable negative impact on our principal aims, if the two countries manage to last for a long time without going to war and also without building any relations".³⁶ Although some officials opposed this approach, it seems that this was the dominant view expressed in the document.³⁷ Eritrea responded with a warning. Information Minister Ali Abdu Ahmed was quoted as saying that "talk of regime change is tantamount to declaring aggression."³⁸

The two countries' failure to normalise relations has had considerable consequences. Despite the claim that "it would not cause any considerable negative impact on our principal aims, if the two countries manage to last for a long time without going to war and also without building any relations," observers affirm that Ethiopia's cost of port service has increased tremendously since the border war, as the country lost its most direct and "historic" outlet to the sea. The conflict has also placed strain on Eritrea. An IMF report reveals that the border conflict with Ethiopia drastically affected the performance of the Eritrean economy, which lost Ethiopia as the largest destination for its exports and as its main source of earnings from its now idle ports. Moreover, the level of foreign currency reserves in the country is declining.³⁹

The continuing animosity between the two governments also has spill-over effects on the relationships between the people of the two countries. Obviously, it deepens the rift created by the bloodshed of the war. Families are still divided, with no certainty that they will meet again. People on both sides cannot visit, trade, telephone or communicate via the postal services. Their efforts to come to grips with their grief and pain are inhibited and their desire to live together in the future is being thwarted.

This has increased people's bitterness and hopelessness, particularly those whose families are divided, who have been forced to leave their homes or who depend on the relations of the two countries for their livelihood.

Furthermore, since the redeployment of UN forces along the 25 km buffer zone, there have been reports of incursions. The UN has revealed that there have been five shooting incidents involving the Ethiopian armed forces.⁴⁰ Eritrea is no less guilty on this count. There have been shootings at different times involving Ethiopian herdsman and five Italians.⁴¹ Besides, both countries still maintain their troops along their common border. Some estimate that approximately 40,000 Eritrean soldiers and 35,000 Ethiopian soldiers are stationed along the northern and southern boundaries of the TSZ.⁴² Incidentally, it is observed that Eritrea refrained from demobilising its 300,000 soldiers in the wake of the border war.⁴³

It is not just the physical presence of the two sets of armed forces that highlights the risk of another conflict. The will to use these forces exists and both sides have constantly emphasised the need to be on guard. The foreign affairs and national security policy document discussed by the Ethiopian government in July 2003, while affirming the "considerable price paid by Ethiopia for the bitter conflict", emphasises that "Ethiopia should strengthen its standing and reserve army".⁴⁴ Eritrean President Isaias Afewerki has been no less threatening. In his Independence Day speech he said, "We find ourselves at a cross-road between a war that has come to an

end, but that appears unfinished.” And he added, “We cannot afford to be caught off-guard again. We cannot be complacent and relax over vigilance”.⁴⁵

So far the presence of UN forces along the borders has prevented the two sides from finding pretexts for resorting to military engagement, but this will obviously not continue indefinitely. The mandate of the UNMEE will eventually come to a close, and by the time the UN withdraws from the borderlands, it is reasonably feared that, at the least, sporadic armed conflict will fill the gap. As the head of UNMEE has observed:

*...Imagine the last (border demarcation) pillar is planted, the United Nations is withdrawn, the two parties are still polarised, they still don't like each other, they are still not talking to each other; that endangers peace between them.*⁴⁶

Part of the reason for this state of affairs is the pride or nationalism of the two governments.⁴⁷ This is apparent in the claim by the government in Addis Ababa that it will do no harm for Ethiopia to remain apart from Eritrea, and in Eritrea's assertion that “Ethiopia does not exist in Eritrean government's national economic development strategy.”⁴⁸ Of course, this could also be a reflection of the pre-existing rivalry and antagonism between the EPLF and TPLF, the precursors of the regimes in Asmara and Addis Ababa respectively.⁴⁹

Some commentators prefer to explain what Kofi Annan recently called the “cold peace”⁵⁰ between Ethiopia and Eritrea in terms of the familial nature of the relationship between the two countries.

Both sides feel that the conflict is a result of betrayal by the other, which is difficult to settle, particularly when it is between “family members”. Stein Villumstad, for example, says the following:

*...In family conflicts, emotions run high. In many ways the peoples of the two countries are one family, and they are very close. There is a combination of bitterness of why this has to happen, and towards the heavy burden the war has put on them as people – “why between brothers?”*⁵¹

A further dimension is that many Ethiopians feel that Ethiopia has born a greater burden as a result of the post-independence arrangements than Eritrea. Ethiopia has lost its outlet to the sea. Eritrea has been able to use Ethiopia's currency, Birr, without an agreed monetary policy, and this has allowed each to employ differing exchange controls in which Ethiopia has come off worst.⁵² Then, too, Eritreans living in Ethiopia have enjoyed more privileges than the Ethiopian citizenry. People with Eritrean IDs were able to move in and out of Ethiopia freely, without being hampered by bureaucratic demands for visas applications and foreign currency payments.⁵³ For most Ethiopians this was far from a comfortable arrangement. When war finally broke out, most Ethiopians experienced a sense of betrayal. Eritrea, for its part, had its own disappointment when it introduced its national currency, Nakifa, and Ethiopia refused to allow Nakifa to be traded at parity with the Ethiopian Birr.⁵⁴

Yet it also seems that the two countries have not yet recovered from their “informally” settled divorce. As much as the conflict between the two countries was a result of issues left unsettled by the divorce,⁵⁵ the ongoing friction in the aftermath of the bloody war can as readily be explained by it.

Conclusion:
removing the
veil of
confrontation

The importance of political dialogue cannot be over-emphasised. It is the only way for the parties to hammer out their differences and shape compromise. This is why the stand-off between the two countries is so disturbing. The silence between them is not just a “cold peace” but is a confrontational one. Alarmed by this confrontational silence, the Security Council has emphasised that “political dialogue between the two countries is crucial for the success of the peace process and the consolidation of progress made thus far.”⁵⁶ But how to push the two countries towards the path of political dialogue continues to challenge those involved.

Speaking at the signing ceremony of the Algiers Peace Accord, Madeline Albright, then the United States Secretary of State, said “those who lived through the ravages of war may once again reap the benefits of peace”, adding that “now it falls to us, the international community, to help them do so.” Now, after three years, reaping the “benefits of peace” seems illusory. The international community has focused on maintaining the ceasefire between the two governments and seems to believe that demarcation of the controversial borders will produce peace. This approach is manifested in Kofi Annan’s urging of the two countries “that they proceed with the expeditious demarcation of the border.”⁵⁷ The bill backed by four US congressmen to cut development and military aid to the two countries as a penalty for failure to speed up the demarcation process is a further manifestation of this approach.⁵⁸

But there seems to be no attempt to establish whether such an approach is adequate to deliver the promised peace in the region. Clearly, speedy demarcation of the borders alone is not enough.⁵⁹ No less important is the political atmosphere and the normalisation of relations. A *sine qua non* of easing the strained relations is political dialogue; and if there is anything to be learned from the three years since the end of the war, it is that the two sides are unlikely to resume talks on their own initiative. This is where the international community, and particularly the guarantors of the peace process, have utterly failed to deliver their promise.⁶⁰ It is important that they should use the means at their disposal to push the two sides to talk. Indeed, creating a forum for the two countries to resume talks would be preferable to insisting on the physical demarcation of the borders as the next step.⁶¹

The internal dynamics of the two countries also need to be looked into. There is much resistance and anger on the part of some sections of the Ethiopian population. This cannot and should not simply be ignored. It must be approached rationally and with caution, and assistance and encouragement by the international community are needed to help the government and other actors to deal with it. The role that civil societies and religious institutions in both countries could play in this regard should also be taken into account and promoted.

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- 1 See generally R Cornwell, Africa Watch, Ethiopia and Eritrea: Fratricidal conflict in the Horn, *African Security Review* 7, 1998, pp 62-69; see also R Lyob, The Ethiopian-Eritrean conflict: Diasporic vs. hegemonic states in the Horn of Africa, *The Journal of Modern African Studies* 38, pp 659-682.
 - 2 For a comprehensive chronology of events see www.dehai.org/conflict/events_1998.htm
 - 3 See www.metimes.com/2k/issues2000-25/reg/key_events_in.htm
 - 4 Ibid.
 - 5 Ibid.
 - 6 www.addistribune.com/Archivers/2000/12/15-12-00/peace.htm (9/2/2003).

- 7 www.addistribune.com/Archives/2000/12/15-12-00/emb.htm (8/28/2003).
- 8 Article 5 of the Algiers Agreement between the Government of the State of Eritrea and the Government of the Federal Democratic Republic of Ethiopia
- 9 Ibid, article 4.
- 10 Ibid, article 5.
- 11 In fact, Ethiopians, both at home and in the diaspora, were vehemently opposed to these limitations. Opposition parties and concerned citizens held demonstrations and a document containing their views was signed by more than 100 000 Ethiopians and submitted to the UN.
- 12 Ibid.
- 13 Ibid.
- 14 www.addistribune.com/archives/2000/18/15-12-00.amb.htm (9/2/2003).
- 15 The Ethiopia-Eritrea border has not remained as drawn during colonial times. The colonial boundaries drawn in the 1890s and at the turn of the century were modified by Italy in 1936 following this country's occupation of Ethiopia. When British authorities assumed control of Eritrea upon the defeat of Italy after the Second World War, they restored the original line, but it was then again modified after the removal of the federal arrangement in 1962. See International Institute for Strategic Studies, *Strategic Review* 1999/2000, p 258.
- 16 www.news.bbc.co.uk/2/hi/africa (9/4/2003). Regarding Delimitation of the Border, para 8.1(a).
- 18 Quoted in *Addis Tribune* www.addistribune.com/Archives/2002/04/19-04-02/Badme.htm (8/28/2003).
- 19 Regarding Delimitation of the Border, para 5.95.
- 20 See Eritrea-Ethiopian Boundary Commission Decision Regarding the "Request for interpretation, correction and consultation" submitted by the Federal Democratic Republic of Ethiopia on 13 May 2002.
- 21 When the Algiers Accord was signed, a demonstration was held in Addis in opposition to certain elements of the Accord and the signatures of 100 000 Ethiopians were handed to the UN Secretary-General for the record. The newly-created coalition of opposition parties, the United Ethiopian Democratic Forces (UEDF), some of whose constituents were responsible for organising the demonstration and the compilation of the signatures, expressed its opposition to the ruling on the demarcation of the border between Ethiopia and Eritrea when it was officially announced on 15 September 2003.
- 22 Border Commission Observation, March 2003, para 17.
- 23 Eritrea-Ethiopia: Border demarcation to begin in October, 24 July 2003 www.irinnews.org (9/2/2003).
- 24 Eritrea-Ethiopia: Feature: Badme residents vow to fight, 6 May 2003 www.irinnews.org (9/5/2003).
- 25 In this regard see Eritrea-Ethiopia: Review of peace process in 2003, 8 January 2004. www.irinnews.org (1/13/2004).
- 26 Eritrea-Ethiopia: Border ruling "dangerous", says Tigray President, 6 August 2003 www.irinnews.org (8/25/2003).
- 27 Ethiopia-Eritrea: No demarcation unless ruling changed, say Tigrayan officials, 31 July 2003 www.irinnews.org (9/2/2003).
- 28 Eritrea-Ethiopia: Feature: Badme residents vow to fight, op cit. Similarly the Irob people have rejected the ruling and informed the international community that "we will not accept the decision of the Boundary Commission, we will die in our land; perish, our land will not be given away." See The entire Irob people from Irob Woreda, 15 May 2003, www.waltainfo.com/conflict/Articles/2002/May/articles3.htm (8/28/2003).
- 29 Ethiopia regrets Badme ruling, 3 April 2003 www.news.bbc.co.uk/2/hi/Africa/2941559.stm (9/8/2003).
- 30 See www.dehai.org/conflict/events_1999.htm ; www.addistribune.com/archives/2002/04/26-04-02/Badme.htm
- 31 Ethiopia regrets Badme ruling, op cit.
- 32 Eritrea warns Ethiopia on border www.news.bbc.co.uk/2/hi/africa/2916635.stm (9/8/2003).
- 33 Eritrea-Ethiopia: Review of peace process in 2003, 8 January 2004. www.irinnews.org (1/13/2004).
- 34 See www.irinnews.org/report.asp?ReportID=33539&selectRegion=Horn_of_Africa (8/28/03).
- 35 www.irinnews.org 31 July 2003 (8/25/03).
- 36 www.irinnews.org 16 July 2003 (8/27/2003).

- 37 www.ethiopianreporter.com/eng_newspaper/Htm/No351/r351new3.htm (8/27/2003).
- 38 www.irinnews.org 17 July 2003
- 39 www.news.bbc.co.uk/2/hi/africa/3084524.stm
- 40 www.irinnews.org/report.asp?reportID=35172&selectRegion=Horn_of_Africa&sele Secretary-General, On Ethiopia and Eritrea, 6 March 2003.
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- 49 International Institute for Strategic Studies, *Strategic Review* 1998/1999, p 243.
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- 52 Cornwell, op cit, pp 62-63.
- 53 lyob, op cit, p 671.
- 54 Cornwell, op cit, p 63.
- 55 Non-demarcated borders, not formally agreed upon economic partnership, rights and privileges of citizens living in the jurisdiction of the other were some of the issues left unsettled. See SG Gwexwe, *Brothers at war? Reflections on an internecine conflict between Ethiopia and Eritrea, Africa Journal of Conflict Resolution* 1, 2001, pp 2-5.
- 56 Ethiopia-Eritrea: We don't want another Cyprus, says UN, www.irinnews.org/report.asp?ReportID=35710&SelectRegion=Horn_of_Africa&sele
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- 58 Eritrea-Ethiopia: Congressmen seek to limit US aid if border ruling not heeded, www.irinnews.org/report.asp?ReportID=35918&SelectRegion=Horn_of_Africa (8/25/2003).
- 59 See International Institute for Security Studies, *Strategic Review* 1999/2000, p 265
- 60 The UK and South Africa have been urging the two countries to engage in talks, but to no avail.
- 61 The role that the international community could play has been noted by Kofi Annan in his report of September 2003, when he called upon the "closest friends and allies" of the two countries to play a crucial role in ending the impasse in the Horn. Horn peace "losing momentum", www.news.bbc.co.uk/2/hi/africa/3098256.stm (9/11/03).