

# UNMEE: Deterioration and Termination

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# UNMEE: Deterioration and Termination

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**[Executive Summary]** This report deals with the closure of the United Nations Mission in Eritrea and Ethiopia (UNMEE). This study seeks to understand why the UN Security Council decided to close the mission – before its completion, and counter to the recommendation of the Secretary-General. There is no unambiguous answer to this, but in unpacking UNMEE's trajectory, contextual factors and addressing various stakeholders' retrospective perceptions, there emerges a largely congruent master narrative of the mounting dilemmas and challenges that UNMEE was faced with, and that eventually led the Security Council to terminate the mission. Understanding this trajectory and the dilemmas it conveys should also be of relevance for the management of ongoing and establishment of new peacekeeping missions.

UNMEE was established after cessation of hostilities was agreed upon following the border war between Eritrea and Ethiopia (1998–2000). It was set up as an observer mission, operating from both sides of the disputed border, separating the parties with a buffer zone, to help ensure the observance of the parties' security commitments. As an interstate mission dispatched on both sides of the border, UNMEE had to manage the balancing act of maintaining both parties' consent. As the situation evolved, UNMEE's ability to deliver according to mandate gradually deteriorated due to factors internal and external to UNMEE. These include the non-political mission design, the fact that UNMEE from the beginning was sidetracked from resolving the border conflict that was to become the central issue of the two parties, that the parties demonstrated selective support to the comprehensive peace process and its instruments, and that numerous restrictions were gradually imposed on UNMEE. Eventually, the situation became untenable for UNMEE, and the Security Council terminated the mission at the end of July 2008.

In unravelling the UNMEE story and seeking an answer to why the mission was terminated, this paper also takes up aspects perceived to be general policy dilemmas with regard to managing peacekeeping mission. These relate to the political role of peacekeeping missions and the ability to detect and manage the impact of deteriorating political consent. This paper thus argues that UNMEE's lack of a political component and role and its structural detachment from other instruments deemed central to the peace process were detrimental not only to the mission and the perception of UN, but also to the conflict, by shifting the focus from a comprehensive solution to the conflict and border issue.



## Introduction<sup>1</sup>

This report deals with the closure of UNMEE – the United Nations Mission in Eritrea and Ethiopia. In addressing the overarching research question of ‘why was UNMEE terminated?’, it aims to map and investigate various stakeholders’ understandings of why the UN Security Council decided to close the mission before its completion and counter to the recommendation of the Secretary-General. In examining the seemingly straightforward overarching question – to which this report asserts there is no unambiguous answer – complex dilemmas and challenges of more general character facing UN peacekeeping operations emerge. Hence, the specificity of the case of UNMEE also informs on more general problems various UN entities are faced with on a daily basis in managing peacekeeping operations – including establishing new and prolonging existing mission mandates, as well as determining the timing of an exit strategy.

Whereas most current UN peacekeeping operations are intrastate, UNMEE was a classic interstate mission in a classic border dispute between two states: the mission was set up after a ceasefire agreement to monitor the cessation of hostilities and separate the parties. It was established to operate from both sides of the disputed border to help ensure the observance of parties’ security commitments by, *inter alia*, separating the belligerents with a 25 km wide buffer zone on the Eritrean side of the border (TSZ – temporary security zone). As an interstate mission dispatched to both sides of the border, UNMEE had to be configured so as to manage the balancing act of maintaining the consent of both the Eritrean and Ethiopian governments. Adding to this challenge was that most operational activity in the two countries centred on the buffer zone – which lay on the Eritrean side. Although neither host government ever formally withdrew its political consent to the mission, UNMEE’s operational ability gradually deteriorated due to the explicit and implicit withdrawal of support, which eventually led to untenable restrictions on its ability to perform its core mandate. From initially being mandated as a mission with up to 4,200 troops, UNMEE was gradually downscaled – with increased intensity in its final years – until its termination on 31 July 2008.

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<sup>1</sup> I am grateful to the Norwegian Peacebuilding Centre (Noref) for funding this project. I am indebted to Axel Borchgrevink of the Norwegian Institute of International Affairs (NUPI) and Peter Mutua of the UN Department of Peacekeeping Operations (DPKO) Best Practice Section (PBPS) for comments on earlier versions of this paper. I am also thankful to Cedric de Coning (NUPI) and Paul Keating (DPKO) for guidance and input in the preparatory stages of this research. The usual disclaimer applies and any shortcomings are mine alone.

## Research Scope and Questions

When first conceived of, this study aimed at making an assessment of UNMEE and its ability to fulfil its original and designated mandate, against the backdrop of regular mission reconfigurations evolving in response to contextual challenges. However, only three weeks after funding was received for this project, Security Council Resolution 1827 of 30 July 2008 terminated UNMEE, with immediate effect from the following day. In response to this sudden radical change of the study's empirical context, the thematic scope and analytical focus of the research were altered to centre on the rationale and problematique underpinning UNMEE's termination. This analytical reconfiguration has benefited from advice and input from the UN Department of Peacekeeping Operations' (DPKO) Best Practices Section (PBPS), as well as other UN entities and member-states consulted in the course of the research. This external study was welcomed, as the unanticipated UNMEE closure had not left any funding provisions for an internal study. When embarking on data collection in autumn 2008 and spring 2009 I was told by UN respondents that 'UNMEE is now ancient history' as UN staff live 'five-minute lives' continuously focusing on the topic of the day.<sup>2</sup> And so, when UNMEE was abruptly terminated, with no funding set aside for any assessment of lessons learned, UNMEE soon disappeared from the mental charts of the Security Council and the Secretariat.

In addressing the overarching research question of why UNMEE was terminated, this study examines the mission's operational trajectory, its final chapters in particular, and how the mission and the Security Council responded to challenges on the way. These questions are both driven by and unravel real policy dilemmas of UN peacekeeping operations (PKO), relating to the ability of missions to detect, assess the impact of and manage deteriorating consent from host governments. These interrelated issues give rise to the ultimate question of the political role of PKOs. The UN depends on host government consent for an efficient and effective operation, but in order to have its host's consent – and, if possible, its blessing and support – political factors relating to the conflict that prompted the mission often need to be undercommunicated in formulating the mission's mandate and configuration. With UNMEE, which needed the permission of two hosts, configuring for consent became even more paramount as well as challenging, and triggered important questions as the mission evolved.

In relation to *detecting deteriorating consent*, can we pinpoint the beginning of the end of UNMEE? What can be learned about how to de-

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<sup>2</sup> This is not to be interpreted as the official UN position, but rather as indicating staff sentiments in relation to organisational culture, as well as showing the retrospective premises and modality of this research.

tect and act on early indications of the withdrawal of consent? What were the stages of this withdrawal, and how did it manifest itself? Relating to the *impact of deteriorating consent*, what were the cumulative effects from and implications of restrictions placed on UNMEE? What were the criteria used to determine the point where the mission could no longer operate: staff safety, operational effectiveness, prospects of a long-term solution or mission creep or quagmire? Concerning *managing deteriorating consent*, how did UNMEE manage the situation, and what lessons can be learned for other ongoing and future missions? Concerning the *political role of PKOs*, did UNMEE do everything in its power to facilitate and assist the peace process, and support the process of demarcating the border? What could the UN and UNMEE have done otherwise to aid the peace process? Or was UNMEE's role doomed from the beginning due to its institutional configuration? All these are central dilemmas that evolved for UNMEE, but they have relevance to other PKOs as well.

### **Methodology**

The evolution of the scope and focus of this study demonstrate the reflexivity underpinning the methodological approach. In responding to the overarching question concerning UNMEE's termination, informants provided new questions and dilemmas to be dealt with. The focus has continuously been accommodated in the course of the research, and underpins both my methodological retrospective premises and analytical result that there is no unambiguous answer to why UNMEE was terminated.

In addition to a literature review and desk study, two fieldtrips were undertaken – to Addis Ababa (in October 2008) and to UN headquarters in New York (April 2009). An obvious objection could be the omission of fieldwork in Eritrea. That was, however, a necessary omission because of the timing and focus of this study. The mission physically left the area in late February 2009 after finalising the liquidation process. Consequently, my research was begun after UNMEE had left Eritrea, and was conducted after the mission had been terminated, when the remainder of UNMEE was either wrapping up in Ethiopia or relocating to New York and other UN agencies, missions or country teams. A second point: the focus of this study is the response of the international society to the Eritrean–Ethiopian conflict. My informants were UN staff, and representatives of selected UN member states in New York and diplomatic missions to Ethiopia and Eritrea involved in the groups known as the Friends of UNMEE.<sup>3</sup>

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<sup>3</sup> The Friends of UNMEE was an informal group of diplomatic missions in Addis Ababa, Asmara and New York that met regularly to discuss and share information about UNMEE. It had no formal role vis-à-vis the mission.

Because of the timing, data collection meant gathering various actors' perceived retrospective narratives of why UNMEE was terminated. Real-time (participatory) observation of UNMEE was impossible. Since no funding had been allocated for an in-house UN assessment or the like, none of the respondents were dedicated full-time to UNMEE at the time of my research. This study rests mainly on written sources (UN documents, other research, policy reports) and interviews with various stakeholders previously involved with UNMEE. Consequently, much of the information in this report is perception-based and draws on different stakeholders' *a posteriori* understandings of UNMEE, as derived from semi-structured interviews guided by the scope and questions provided above. What in fact emerged from these various narratives was the largely congruent master narrative that is outlined and analysed in the present paper. Deviations from this narrative are highlighted whenever relevant. Before turning to this narrative, a brief presentation of UNMEE's inception and trajectory is presented.

### **The Establishment of UNMEE**

UNMEE was established to monitor the cessation of hostilities agreement between Eritrea and Ethiopia following their mutual ceasefire agreement. The border war between Ethiopia and Eritrea lasted for about two years, from May 1998 to June 2000. On 18 June 2000, both parties signed an agreement on the cessation of hostilities; this was in Algiers,<sup>4</sup> which chaired the OAU at the time.<sup>5</sup> In the agreement the parties committed themselves to the immediate cessation of hostilities and to allow a peacekeeping mission to be deployed by the UN. In the parties' request to the UN to assist in implementing the cessation of hostilities agreement, the Security Council in July 2000 established UNMEE.<sup>6</sup> UNMEE was to be deployed in three phases: first a liaison officer to each capital; then, up to one hundred military observers and necessary civilian support staff would be deployed.<sup>7</sup> Finally, a full peacekeeping operation would be deployed, pending authorisation from the Security Council. In September, the Security Council authorised the deployment of up to 4,200 troops including up to 220 military observers.<sup>8</sup> UNMEE was established under Chapter 6 of the UN Charter as an observer mission that would monitor the ceasefire agreement between Ethiopia and Eritrea and the temporary security zone (TSZ) separating the parties.

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<sup>4</sup> Agreement on the Cessation of Hostilities Between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea, available at [http://untreaty.un.org/unts/144078\\_158780/17/8/8238.pdf](http://untreaty.un.org/unts/144078_158780/17/8/8238.pdf). Accessed 15 May 2000.

<sup>5</sup> Organisation for African Unity, the predecessor to the African Union.

<sup>6</sup> S/RES/1312, adopted by the Security Council on 31 July 2000.

<sup>7</sup> Both as a result of S/RES/1312 (2000).

<sup>8</sup> S/RES/1320, adopted by the Security Council on 15 September 2000.



While the UN dispatched and implemented UNMEE, Eritrea and Ethiopia continued negotiations in Algiers with the aim of a final and comprehensive peace agreement. This agreement, signed 12 December 2000, commits the parties to terminate military hostilities permanently, to refrain from the threat or use of force against each other, and to respect and implement the provisions of the cessation of hostilities agreement.<sup>9</sup> In addition, the December agreement produced two important outputs that would later become highly contentious, and thus affect UNMEE in managing the dialogue between the parties and facilitating UNMEE.

Article 3 states that ‘in order to determine the origins of the conflict, an investigation will be carried out on the incidents of 6 May 1998 and on any other incident prior to that date which could have contributed to a misunderstanding between the parties regarding their common border, including the incidents of July and August 1997.’ Article 5 states that a neutral Claims Commission shall be established with the mandate ‘...to decide through binding arbitration all claims for loss, damage or injury by one Government against the other...’. The Eritrea–Ethiopia Claims Commission (EECC) was convened in 2001, consisting of five members – Eritrea appointed two non-Eritreans and Ethiopia appointed two non-Ethiopians, who together agreed upon a fifth member, who also chaired the commission. With reference to *jus ad bellum* – a set of criteria for determining whether entering into war is justifiable – the EECC ruled that Eritrea had broken international law and triggered the war by invading Ethiopia. It asserted that since there had been no armed attack against Eritrea, its attack on Ethiopia and the settling of border disputes by the use of force could not be considered lawful self-defence under the UN Charter. The Claims Commission ruled Eritrea as the perpetrator to the armed border conflict. In public opinion, Ethiopia became celebrated as the moral victor: after having repelled Eritrean forces back into Eritrea, it arguably withdrew to its original position along the border which it had held before the war broke out. Although Eritrea disputed the EECC decision for a long time, it finally, on 18 August 2009 and over one year after the closure of UNMEE, accepted the verdict ‘without any equivocation due to its final and binding nature under the Algiers Agreement’.<sup>10</sup> Although the EECC held Eritrea to be the instigator of

<sup>9</sup> The Algiers Peace Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea, signed 12 December 2000, is available at <http://unmee.unmissions.org/Default.aspx?tabid=57>. Accessed 17 May 2009.

See [http://www.shabait.com/staging/publish/article\\_0010314.html](http://www.shabait.com/staging/publish/article_0010314.html). This statement came the day after the EECC had delivered its final verdict. See EECC press release where it rendered final awards on damages. <http://www.pca-cpa.org/upload/files/EECC%20Final%20Awards%20Press%20Release.pdf> Both these sites were accessed 8 October 2009.

the war, this thorny issue was overshadowed by another commission – the EEBC – which became the central issue to the two parties.

According to Article 4 of the December 2000 agreement, ‘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... The Commission shall not have the power to make decisions *ex aequo et bono*.’<sup>11</sup> On 13 April 2002, the Eritrean–Ethiopian Boundary Commission (EEBC)<sup>12</sup> published its decision regarding delimitation of the border between Eritrea and Ethiopia,<sup>13</sup> under reference to the Algiers agreement that ‘the parties agree that the delimitation and demarcation determinations of the Commission shall be final and binding’. Initially, both parties welcomed the EEBC decision. Ethiopia was happy to be granted Zalambessa, but Ethiopia started to refute the EEBC’s ruling when it later realised that the EEBC established the city of Badme as Eritrean. On 13 May the Ethiopian government filed a request for interpretation, correction and consultation, challenging EEBC’s decision by requesting new consideration before or during the physical demarcation phase. The EEBC, in response to the Ethiopian request, did not find anything to indicate an uncertainty in the decision that needed to be resolved by a reinterpretation of the factual matters, ‘nor is any case made out for revision’, and thus concluded that the Ethiopian request was ‘inadmissible and no further action will be taken upon it’.<sup>14</sup> Ethiopia has maintained its claim over the Badme area, the disputed territory where the first fighting occurred in May 1998 and now established as the metonym of the Ethio–Eritrean conflict. As of 2009, Ethiopia has continued to claim this territory, while Eritrea insists that the border issue is no longer negotiable, since the EEBC dissolved itself after providing demarcation by coordinates.

International involvement in the Eritrean–Ethiopian boundary conflict has emanated from the Algiers agreements. While the June 2000 Algiers agreement – often referred to as the first Algiers agreement, or AA1 – produced a ceasefire agreement between the parties, it also requested the UN to establish a peacekeeping mission, hence UNMEE. The second Algiers agreement – or AA2, often referred to as the main and comprehensive peace agreement – permanently terminated mili-

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<sup>11</sup> *Ex aequo et bono*: the arbitrator decides on a case on the basis of what is just and fair under the circumstances. The Algiers December agreement explicitly forbids Boundary Commission to decide on the border dispute *ex aequo et bono*, and stipulates that the border be delimited on the basis of relevant colonial treaties (from 1900, 1902, and 1908) and applicable international law.

<sup>12</sup> For EEBC, see [http://www.pca-cpa.org/showpage.asp?pag\\_id=1150](http://www.pca-cpa.org/showpage.asp?pag_id=1150)

<sup>13</sup> The final document is available at <http://www.un.org/NewLinks/eebcarbitration/EEBC-Decision.pdf>.

<sup>14</sup> See EEBC ‘Decision Regarding the “request for interpretation, correction and consultation” submitted by the Federal Democratic Republic of Ethiopia on 13 May 2002’, available at <http://www.pca-cpa.org/upload/files/Decision24June2002.pdf>

tary hostilities between the parties, as well as establishing the EECC and the EEBC. Apart from AA2 including language re-committing the parties to respect and implement the provisions of AA1, there is no formal interlinkage between the two agreements. Thus initially and formally, UNMEE was largely decoupled from the comprehensive peace process, from settling the border dispute and from facilitating the EECC and EEBC decisions – all of which were to have significant bearing for UNMEE’s role and ability to fulfil its mandate.

### **Reconfiguring UNMEE**

UNMEE was regularly adjusted and reconfigured, usually in response to factors external to itself. This section outlines the formation and reconfiguration of UNMEE. In response to the Secretary-General’s report on Ethiopia and Eritrea,<sup>15</sup> which summed up the June Algiers agreement between Eritrea and Ethiopia, the Security Council first established and then authorised UNMEE.<sup>16</sup> In accordance with AA1, UNMEE was authorised by the Security Council as follows:

- to monitor the cessation of hostilities;
- to assist, as appropriate, in ensuring the observance of the security commitments agreed by the parties;
- to monitor and verify the redeployment of Ethiopian troops from positions taken after 6 February 1999 which were not under Ethiopian administration before 6 May 1998;
- to monitor the positions of Ethiopian forces once redeployed;
- to monitor the positions of Eritrean forces that were to redeploy in order to remain at a distance of 25 kilometres from positions to which Ethiopian forces were to redeploy;
- to monitor the temporary security zone (TSZ) to assist in ensuring compliance with the Agreement on Cessation of Hostilities;
- to chair the Military Coordination Commission (MCC) to be established by UN and AU in agreement with AA1;
- to coordinate and provide technical assistance for humanitarian demining action activities in the TSZ and areas adjacent to it; and
- to coordinate the Mission’s activities in the TSZ and areas adjacent to it with humanitarian and human rights activities of the UN and other organisations in those areas.<sup>17</sup>

According to the security commitments of AA1 referred to in the authorisation of the UNMEE mandate:

<sup>15</sup> S/2000/643 Report of the Secretary-General on Ethiopia and Eritrea, 30 June 2000. Available at <http://daccessdds.un.org/doc/UNDOC/GEN/N00/508/70/PDF/N0050870.pdf?OpenElement>

<sup>16</sup> S/RES/1312 and S/RES/1320 respectively.

<sup>17</sup> S/RES/1320 point 2 a–i.

Ethiopia shall submit to the peacekeeping mission redeployment plans for its troops from positions taken after 6 February 1999 which were not under Ethiopian administration before 6 May 1998. This redeployment is to take place within two weeks after the deployment of the peacekeeping mission and is to be verified by it. For its part, Eritrea is to maintain its forces at a distance of 25 kilometres (artillery range) from positions to which the Ethiopian forces are to redeploy.<sup>18</sup>

Subsequently, when UNMEE was put before the Security Council for mandate renewal, it 'would take into account whether the parties had made adequate progress in the process of delimitation and demarcation'.<sup>19</sup> In his report, the Secretary-General asserted that the timely deployment of troops had allowed the mission to proceed in a satisfactory manner, although some difficulties pertaining to the parties were noted, especially in establishing the TSZ. Consequently, following the recommendation of the Secretary-General, the Security Council 15 March 2001 renewed UNMEE's mandate, with a call to the parties to 'continue working towards the full and prompt implementation of their Agreements ... in particular the rearrangement of forces necessary for the establishment of the Temporary Security Zone'.<sup>20</sup> For the next mission renewal, the Security Council's wording changed, from calls on the parties to 'continue working',<sup>21</sup> to 'cooperate fully and expeditiously with UNMEE in the implementation of its mandate and to abide scrupulously by the letter and spirit of their agreements'.<sup>22</sup> The next time UNMEE renewal was brought before the Security Council, the tone was more optimistic, expressing 'satisfaction and anticipation that a final legal settlement of the border issues is about to be reached' and welcoming 'recent statements by both parties reaffirming that the upcoming border delimitation determination ... by the Boundary Commission is final and binding'.<sup>23</sup> The same resolution, however, also called on Eritrea to 'provide UNMEE with full freedom of movement' and disclose the size and position of its militia and police inside the TSZ, and to conclude the status-of-force agreement (SOFA) with the Secretary-General.<sup>24</sup> Although indicating challenges to UNMEE's operational capabilities in the TSZ, the Security Council nevertheless renewed the mandate for a further six months, pending

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<sup>18</sup> S/2000/643. See also Agreement on the Cessation of Hostilities Between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea, points 9 and 12.

<sup>19</sup> S/2001/202 Report of the Secretary-General on Ethiopia and Eritrea, 7 March 2001. Available at <http://daccessdds.un.org/doc/UNDOC/GEN/N01/275/36/PDF/N0127536.pdf?OpenElement>

<sup>20</sup> S/RES/1344 Resolution 1344 Adopted by the Security Council at its 4284th meeting, on 15 March 2001.

<sup>21</sup> Ibid.: Article 2.

<sup>22</sup> S/RES/1369 Resolution 1369 Adopted by the Security Council at its 4372nd meeting, on 14 September 2001, Article 2.

<sup>23</sup> S/RES/1398, Resolution 1398 Adopted by the Security Council at its 4494<sup>th</sup> meeting, on 15 March 2002, Article 2.

<sup>24</sup> Ibid.: Article 10.

the EEBC decision of 13 April 2002 and the parties' promise to abide by its decision.

When renewing the mission mandate on 14 August 2002, the Security Council adjusted UNMEE's mandate to assist the EEBC 'in the expeditious and orderly implementation of its Delimitation Decision',<sup>25</sup> including de-mining activities in the demarcation areas and administrative and logistical support to EEBC field offices.<sup>26</sup> The Security Council strongly emphasised the importance of implementing the demarcation process as the key to further peace and to normalising relations. While the following Security Council resolution merely extended UNMEE for another six months,<sup>27</sup> the subsequent resolution urged the parties to assume their responsibilities, fulfil their commitments under the Algiers agreements and to cooperate fully with the EEBC.<sup>28</sup>

Although the Security Council in all resolutions stated that it had decided 'to remain actively seized of the matter',<sup>29</sup> UNMEE was regularly reproduced without any significant alterations, apart from attempts to link UNMEE closer to the EEBC. This proved difficult because of the independent constitution of the EEBC, and materialised only in establishing mine action activities for UNMEE to assist the EEBC in implementing its decision. From September 2003, however, the Security Council started to include language about following closely the progress made by the parties in subscribing to their commitments under the Algiers agreements, and 'to review any implications for UNMEE'.<sup>30</sup> Although many – largely in retrospect – saw serious implications for UNMEE's operational capabilities, the Security Council over the next two years renewed the mandate four times without making any significant changes to the mandate, apart from repeated calls on the parties to 'cooperate fully and promptly' and 'refrain from any threat of use of force against each other'.<sup>31</sup> The minor changes made included an adjustment of UNMEE's presence and operations,<sup>32</sup> and an increase of ten military observers.<sup>33</sup>

The next time UNMEE was brought before the Security Council – on 23 November 2005, only two months after last time the Security Council had deliberated UNMEE and extended its mandate by another

<sup>25</sup> The adjustments were made in accordance with the Secretary-General's recommendations in his report of 10 July 2002 (S/2002/744).

<sup>26</sup> S/RES/1430, Resolution 1430 Adopted by the Security Council at its 4600th meeting, on 14 August 2002, Article 1.

<sup>27</sup> S/RES/1434

<sup>28</sup> S/RES/1466

<sup>29</sup> This phrase is added as the last article in all resolutions concerning UNMEE.

<sup>30</sup> S/RES/1507. See Article 7.

<sup>31</sup> S/RES/1531; S/RES/1560; S/RES/1586; S/RES/1622.

<sup>32</sup> In S/RES/1560 of 14 September 2004, in accordance with the Secretary-General's report S/2004/708.

<sup>33</sup> S/RES/1622,

six months – the tone had become harsher. Whereas all previous Security Council resolutions had concerned mission extension and were preceded by a special report, this resolution, S/RES/1640, focused explicitly on the situation in expressing ‘its grave concern’ that Eritrea since 4 October had restricted all helicopter flights within its airspace and that the restrictions put on UNMEE’s freedom of movement have ‘serious implications for UNMEE’s ability to carry out its mandate...’.<sup>34</sup> While the Security Council declared that it ‘deeply deplores Eritrea’s continued imposition of restrictions’ on UNMEE’s freedom of movement, it also expressed ‘grave concern’ that Ethiopia was not abiding by the final and binding EEBC decision. Although the Security Council had previously stated it would ‘review any implications for UNMEE’,<sup>35</sup> it still did not alter the mission following these restrictions. Based on the reports of the Secretary-General (SG) dated 3 January and 6 March 2006,<sup>36</sup> in which the former reported ‘a serious deterioration of the security and political situation in the UNMEE Mission area’ resulting from ‘an accumulation of unresolved issues’, the Security Council on 14 March extended UNMEE’s mandate by a period of one month<sup>37</sup> ‘in order to allow for the diplomatic process to proceed and the forthcoming meeting of the EEBC to bear fruit’.<sup>38</sup> In fact that meeting failed to bear more fruit, so the Security Council yet again extended the mandate for a period of one month until 15 May,<sup>39</sup> while noting that the restrictions put on UNMEE had drastically reduced UNMEE operational capacity, which could entail serious implications for the mission’s future.<sup>40</sup> On 15 May the mandate was extended for the bare minimum of two weeks until 31 May, pending the outcome of the EEBC meeting on 17 May, on which a possible mission adjustment was contingent. In conjunction with renewing the mandate with four months, the military component was reconfigured, reducing the maximum troop limit to 2300.<sup>41</sup> In late September that year, the mandate was extended by another four months,<sup>42</sup> with provisions to transform or reconfigure the mission further if the parties should fail to demonstrate progress in the border demarcation.<sup>43</sup> In January 2007, the mission is extended by six months, but reduced to a

<sup>34</sup> S/RES/1640, adopted by the Security Council on 23 November 2005.

<sup>35</sup> First included in S/RES/1507 of 12 September 2003.

<sup>36</sup> S/2006/1 and S/2006/140, respectively. The former mentions a possible adjustment of UNMEE.

<sup>37</sup> S/RES/1661, in which the Council reaffirmed its strong commitment to ensure that the two parties permit UNMEE to perform its duties without restrictions.

<sup>38</sup> S/2006/140, paragraph 32.

<sup>39</sup> S/RES/1670, adopted 13 April 2006.

<sup>40</sup> There were some unsuccessful diplomatic initiatives to mitigate the conflict at this stage, for example by Special Envoy Lloyd Axworthy, and a US campaign in 2006 involving General Fulford. The Ethio–Eritrean conflict got wider ramifications. In 2007 Eritrea suspended its membership in IGAD, and later recalled its AU ambassador because of the organisation’s perceived failure to condemn Ethiopia’s ‘gross violations’ of the existing peace agreement. See Afrol News: Eritrea Breaks With African Union. <http://www.afrol.com/articles/10577>

<sup>41</sup> S/RES/1681, adopted 31 May 2006.

<sup>42</sup> In S/2006/749 the Secretary-General proposed a six-month extension.

<sup>43</sup> S/RES/1710, adopted 29 September 2006.

maximum of 1700 military personnel.<sup>44</sup> This resolution, it should be noted, acknowledged the EEBC letter of 27 November 2006, which stated that if the parties had not reached an agreement on the border issues by the end of November 2007, ‘the Commission hereby determines that the boundary will automatically stand as demarcated by the boundary points ... and that the mandate of the Commission can then be regarded as fulfilled’.<sup>45</sup> This reference and the troop level were maintained in the two subsequent mandate renewals,<sup>46</sup> each of which prolonged the mission by six months, until 31 July 2008.

On 30 July 2008, the Security Council adopted resolution 1827, which terminated UNMEE with effect from 31 July.<sup>47</sup> The decision evolved after long deliberations following the Secretary-General’s special report on UNMEE, dated 7 April.<sup>48</sup> Recognising the detrimental situation facing UNMEE and its challenges in fulfilling its mandate, the SG outlined four options: a) to maintain and pursue implementing UNMEE as originally intended and envisaged; b) terminate UNMEE; c) recalibrate and reduce UNMEE to a small observer mission in the border area; and d) exchange the mission with liaison offices in Addis Ababa and Asmara to maintain UN readiness and assistance.<sup>49</sup> These options, the SG added, ‘are not ideal; they bear considerable risks and would not resolve the serious dilemma created by the restrictions that have prevented the Mission from performing its mandate...’.<sup>50</sup> While the first option was made contingent on the full cooperation of the parties and lifting of all restrictions put on the mission, the second alternative could result in an escalation of tension between parties and a resumption of open hostilities. Establishing an observer mission would require the consent of both parties, and the fourth option could work only if the parties resumed implementing the final and binding EEBC decision. In advising against termination, the SG’s report recommended further explorations of the alternatives with the two parties.

On 30 April 2008 a Security Council presidential statement noted that, in light of consultation with the parties, it would decide on the terms

<sup>44</sup> S/RES/1741, adopted 30 January 2007. The reconfiguration is in accordance with option 1 as described in paragraph 24 and 25 of the Secretary-General’s special report (S/2006/992). Option 2 suggested relocating all personnel outside of TSZ to the south of TSZ, which would entail increased cross-border activity being contingent on full cooperation of the parties. Option 3 involved transforming UNMEE into an observer mission supported by a smaller military protection force, thus reducing personnel from 2300 to 800. Option 4 suggested converting UNMEE into a small liaison mission with office in Addis Ababa and Asmara.

<sup>45</sup> Eritrea–Ethiopia Boundary Commission. Statement by the Commission, dated 27 November 2006, paragraph 22. Available at [www.pca-cpa.org/upload/files/Statement%20271106.pdf](http://www.pca-cpa.org/upload/files/Statement%20271106.pdf).

<sup>46</sup> S/RES/1767, adopted 30 July 2007, and S/RES/1798, adopted 30 January 2008.

<sup>47</sup> S/RES/1827

<sup>48</sup> S/2008/226, 7 April 2008, Special Report of the Secretary-General on the United Nations Mission in Ethiopia and Eritrea.

<sup>49</sup> Ibid.: paragraph 46 a–d.

<sup>50</sup> Ibid.: paragraph 47.

of a future UN engagement and on the future of UNMEE.<sup>51</sup> On 14 May the Security Council members met in closed consultation to consider the future of UNMEE, notably the possibility of termination. On 17 June, the Ethiopian Prime Minister wrote in a letter said he was open to a UN presence as long as that did not imply a 'continuation whatsoever of UNMEE under a new arrangement'. The next day, the Eritrean President issued a letter saying his government's sole concern was Ethiopian withdrawal from its territories, adding that the UN could not have legal authority to legitimise occupation.<sup>52</sup> On 29 July the Secretary-General informed the Security Council he had consulted the parties about the three possible options, indicating that both parties had responded that they would not accept any of these. The day after, the Security Council terminated UNMEE with effect as of 31 July, even though this was against the action desired by the Secretary-General and the action expected by Security Council observers.<sup>53</sup>

Why then was UNMEE terminated? The various reports and resolutions indicate structural problems in the UNMEE–Eritrea/Ethiopia interface, but, as shown above, the official mission trajectory does not provide any clear answer to why the Security Council decided to end the mission. The following section searches behind this formal representation and considers various stakeholders' narratives of the processes of curtailing UNMEE. As will become evident, none of these events can provide any clear rationale or answer, but they serve as an important backdrop and context that illustrate the gradually deteriorating situation that UNMEE faced and to which the Security Council eventually responded.

### **Restricting UNMEE**

Interviewees never referred to any one specific incident or gave one clear answer as to why UNMEE was terminated. They held that it was due to a number of events that cumulatively made the situation unbearable for the UN. As UNMEE lacked a political mandate, it was cut off from mitigating and responding to the deteriorating consent. This challenge derives from the Security Council's design and authorisation of mandate, which at mission level serves as a straitjacket for what the operations can and cannot do. It also relates to UNMEE's status vis-à-vis the compartmentalised Algiers agreements, which set border settlement as crucial, without cross-cutting this with other relevant processes and actors. The disconnect between contextual challenges and operational needs and opportunities became more evident as UNMEE found itself faced with a growing number of restrictions

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<sup>51</sup> S/PRST/2008/12

<sup>52</sup> See Security Council Report. 2008. Update Report Ethiopia/ Eritrea, 26 June 2008. No. 8.

<sup>53</sup> Ibid.



that prevented it from delivering according to its mandate. These restrictions evolved gradually, with increasing disregard for the first Algiers agreement and resolution 1312 which established UNMEE with a call for the parties ‘to provide the Mission with the access, assistance, support and protection required for the performance of its duties’.<sup>54</sup> The restrictions became stronger, in line with the logic of ‘once you pass one hurdle, you naturally increase the height next time’, as a UN staff-member phrased it. The gradual undermining of UNMEE started after the EEBC issued its border delineation decision in April 2002. Here it should be noted that while Eritrea was largely responsible for the restrictions imposed on UNMEE, Ethiopia – which for a long time welcomed the mission’s presence – had never accepted the EEBC. A comprehensive peace process was contingent on both parties and framework, but the mission design facilitated and related only to AA1. The framework’s structural setup to address and solve the conflict allowed both parties to challenge the process. In brief, while Ethiopia was in favour of UNMEE but disdained the EEBC, Eritrea held the opposite view. Further, whereas Eritrea was responsible for the majority of restrictions imposed on UNMEE, Ethiopia never accepted the EEBC ruling that was deemed central to a sustainable peace process.

The first restriction imposed on UNMEE came in early 2004. In March 2004 Eritrea closed off the mission’s main supply route between Asmara and its Sector West headquarters in Barentu. The Eritrean authorities refused to let UNMEE use the rather new, paved Asmara–Keren–Barentu road, on the grounds that there were spies and armed rebels along the road and that the Eritrean host government could not guarantee the safety of the mission’s personnel. Eritrea instructed UNMEE to use the old dirt road between the two cities. As a result, travel time increased from three to over ten hours, in effect cutting off transportation and physical communication between Asmara and Barentu. As with other restrictions to come, Eritrean authorities never stated that this was meant to undermine UNMEE, and, as one interviewee stated, the mission itself did not see this as a means to limit its movement and curtail the mission. It was only later, in the context of other restrictions imposed on the mission, that this was deemed a growing and structural problem.

In late 2005, restrictions were put on UNMEE freedom of movement in certain parts of the TSZ and adjacent areas. UNMEE night patrols were prohibited and restrictions were put on the patrolling of main supply routes, whereupon the UN vacated 18 of its 40 posts. The 5 October ban invoked by Eritrean authorities restricting all kinds of helicopter flights by UNMEE within Eritrean airspace was highly det-

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<sup>54</sup> S/RES/1312, paragraph 3.

rimental to the mission. This not only severely inhibited the mission's capacity to implement its monitoring mandate, but also affected the security of UN peacekeeping personnel and their operations. Several small mission outposts became inaccessible, forcing the mission to relocate to more central and accessible areas. As a result of the helicopter ban and restrictions put on UNMEE ground patrols inside and outside the TSZ, the mission was able only to monitor only 40 per cent of the TSZ, it was estimated.<sup>55</sup> In a letter to the president of the Security Council, the Secretary-General 'once again calls on the Security Council to exert its maximum influence to avert further deterioration of the situation and to ensure that the restrictions imposed on UNMEE are lifted'.<sup>56</sup> The Security Council responded by merely deploring the restrictions of movement imposed by Eritrea.<sup>57</sup>

Restrictions also affected humanitarian relief and food delivery. International relief agencies were restricted from working in the mission area. Reportedly 113,000 internally displaced persons staying in the border area in makeshift settlement camps or with host communities lacked sufficient access to food, water, health care services, education, shelter and other basic services. Overall, some 2 million people were facing varying degrees of food shortages, and 1.3 million were estimated to be in need of food assistance.<sup>58</sup> The general food insecurity was exacerbated by lack of water and rainfall, by the fact that the presence of conflict created an environment non-conducive to crop production, and because the Eritrean government had suspended most general food distribution from September 2005. While the latter was explained by reference to the government's need to establish a clearer picture of the actual need, some assert it was due to the government's budget reallocations to accommodate increased military spending.

In early December 2005, Eritrea expelled 180 members of UNMEE. In a letter to the UN mission, dated 6 December, the Eritrean government requested that Canadian, Russian Federation, European and US peacekeepers leave the country within ten days. No reason was provided. UNMEE staff were surprised at this unexpected turn, having no idea as to why they were being ordered out. The expulsion affected staff from 18 of the 44 troop-contributing countries. Although those expelled made up just a small share of the 3,300-strong peacekeeping force, they included important military observers, key logistical personnel and those responsible for the management of air operations be-

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<sup>55</sup> SC/8944. 30 January 2007. Security Council Extends Ethiopia and Eritrea Mission Until 31 July 2007, Unanimously Adopting Resolution 1741 (2007). Department of Public Information. Available at <http://www.un.org/News/Press/docs/2007/sc8944.doc.htm>. Accessed October 8, 2009.

<sup>56</sup> S/2005/668. Letter dated 24 October 2005 from the Secretary-General addressed to the President of the Security Council.

<sup>57</sup> S/RES/1640, adopted 23 November 2005.

<sup>58</sup> Cf. S/2006/1; notably paragraphs 39 and 43.

tween Asmara and Addis Ababa. As such the expulsion had detrimental ramifications throughout the mission, affecting supplies, transport, finance and communication. Eritrea's expulsion of certain nationalities was seen as a major crisis to the mission and to the UN in general at the headquarters level in New York, but again the Security Council failed to react adequately. In condemning the expulsion, the Secretary-General stated that the UN 'cannot accede to Eritrea's request and demands that the government immediately and unequivocally rescind its decision without prejudice'.<sup>59</sup> Although all within the UN system saw the expulsions as unacceptable, the mission continued, only relocating 'in order to save face', as an interviewee stated. With the benefit of hindsight, several interviewees asserted that the expulsion of certain UN troops should have sparked a discussion between the choice of full withdrawal or the insistent and steadfast pursuance of the UNMEE mandate. Instead, however, in temporarily relocating military and civilian staff from Eritrea to Ethiopia 'solely in the interests of the safety and security of UNMEE staff',<sup>60</sup> the Security Council opted for an either/or solution that demonstrated its unwillingness or lack of commitment to push for a harder tone – which to many showed that the UNMEE trajectory had become captured between the wishes of the UN Secretariat and the Security Council's lack of commitment and forethought.

The Security Council's subsequent deliberations of UNMEE show indecisiveness on behalf of the mission and its future. The ensuing two mandate renewals prolonged the mandate by one month each, while the third extended it by only two weeks, until the end of May 2006.<sup>61</sup> This indecisiveness on what to do about the mission continued as the Security Council on 31 May started to downsize the mission with the dual rationale of responding to the challenging situation while still trying to keep UNMEE operational for conducting its designated tasks. This gradual downscaling benefited neither UNMEE nor the situation. On 28 November 2006, the EEBC issued its statement, giving Ethiopia and Eritrea one year to reach agreement on the border demarcation. As consensus had not been attained by 30 November 2007, the EEBC then dissolved itself, stating that it considered the boundary between the countries as settled – although marked only by coordinates and not by emplacing pillars in the ground. The Security Council's deliberations over UNMEE would never be as decisive as the firm stance taken by the EEBC.

<sup>59</sup> SG/SM/10250. Secretary-General Condemns Eritrea's Decision to Expel Peacekeepers. 7 December 2005.

<sup>60</sup> See S/PRST/2005/62. Statement by the President of the Security Council, 14 December 2005.

<sup>61</sup> See S/RES/1661, S/RES/1670 and S/RES/1678.

Although UNMEE faced critical challenges in its operational environment, limited access to fuel was to prove a critical element for the Security Council's deliberation of the mission. Since September 2006, Eritrean authorities had imposed restrictions on fuel delivery, cutting it to only 50 per cent of the mission's monthly requirements. This forced UNMEE to scale down and relocate mission components to Ethiopia.<sup>62</sup> Then, on 1 December 2007, Eritrea decided to cut off fuel supplies completely – devastating for all operational activity within Eritrea. Not only did this further limit the mission's access to already restricted areas, it also undermined the safety and security of UN personnel, as all equipment – from evacuation vehicles to clinics, storages and communication systems – depended on diesel generators.

UNMEE's insistent requests to the Eritrean authorities to import fuel directly or from the UNMIS operation in neighbouring Sudan were either refused or ignored. Indeed, the Eritrean authorities informed UNMEE that the non-delivery of fuel merely was 'a technical matter' that would be resolved shortly.<sup>63</sup> The 'technical' problem was never solved, despite the Secretary-General's warning that 'if the fuel supplies were not resumed immediately, the Mission would be forced to halt its operations and relocate from Eritrea.'<sup>64</sup> Soon after, other UN agencies in Eritrea began facing 'technical matters' regarding fuel delivery. For UNMEE this involved a cross-border movement of 1375 military personnel and their equipment to five designated places in Ethiopia. Although the increasing restrictions emplaced on UNMEE indicate that Eritrea wanted to see the mission off its territory, this withdrawal was not unproblematic. The ground relocation was severely delayed due to lack of cooperation from the Eritrean authorities: numerous vehicles were delayed or prevented from crossing the border by Eritrean soldiers,<sup>65</sup> and some UN staff were refused withdrawal by being threatened at gunpoint.<sup>66</sup>

In addition to obstructing UNMEE withdrawal, Eritrea on 15 February 2008 cut off food supplies to UN troops. The company responsible for catering the mission explained that it was not able to distribute rations as its Eritrean subcontractor had stated it had no vehicles 'to do the business for UNMEE',<sup>67</sup> leaving the relocating contingents with only two days of emergency rations. Apparently, the Eritrean subcontractor feared losing its government license if it continued to serve UN personnel. This problem was resolved after UN's Department of Field

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<sup>62</sup> Cf. S/2008/226, paragraph 33.

<sup>63</sup> S/2008/145, paragraph 3.

<sup>64</sup> S/2008/145, paragraph 5.

<sup>65</sup> S/2008/145, paragraph 13.

<sup>66</sup> BBC. 'UN Troops 'trapped' in Eritrea'. 16 February 2008. Accessed 8 October 2009.

Available at <http://news.bbc.co.uk/2/hi/africa/7248085.stm>

<sup>67</sup> S/2008/145, paragraph 14.

Support raised the issue with the Eritrean permanent UN representative.

In preparation to the Security Council's 30 January 2008 deliberations on the mission's mandate and possible extension, the Secretary-General recommended 'a one month technical roll-over of the mandate'.<sup>68</sup> This brief extension was proposed because the restrictions imposed by Eritrea, notably the stoppage of fuel supplies to run the mission, handicapped UNMEE's capacity to fulfil its mandate, and in the meantime the SG wished to review the developments and challenges on the ground to prepare specific future recommendations, including possible withdrawal. The Security Council, however, extended the mandate for a period of six months, until 31 July 2008. Although this discrepancy might be indicative of dissonance between the Security Council and the Secretariat, 'diplomats said the Council felt a short extension would mean submitting to "blackmail" by Eritrea.'<sup>69</sup> And then, on 30 July, the Security Council terminated UNMEE – although this had not been the Secretary-General's preferred option.<sup>70</sup>

The problem thus far and perhaps most important lesson learned is that Security Council allowed UNMEE to be gradually undermined by not providing a firmer response at an earlier stage. Several of my respondents saw the EEBC's one-year deadline for the parties to commit themselves to the process as something to replicate – although others assert that the Security Council would never accept such an ultimatum. Instead, the two parties – Eritrea and Ethiopia – were allowed to undermine UNMEE. Whereas Eritrea was responsible for most of the restrictions that were imposed, Ethiopia opposed the EEBC. It thus appears Eritrea was the only part to challenge the UN as such. This might be so, but only because Eritrea alone managed to curtail UNMEE. When UNMEE relocated to Ethiopia and the UN Secretary-General was contemplating various future options, one suggestion was that UNMEE could continue working from the Ethiopian side. Although Ethiopia had appeared largely cordial to the UN and had welcomed UNMEE, it also stated that if it were to host a new mission, the mandate should include no reference to the EEBC – which undermined a sustainable peace process and UN presence in the conflict.

### **Perceptions and Interpretations**

As to why UNMEE was terminated, the interviewees all made extensive reference to the restrictions imposed. No one could say precisely why the mission was ended – but, together, the respondents provided

<sup>68</sup> S/200840, paragraph 45.

<sup>69</sup> Reuters, 15 February 2008. 'UN says Eritrea cut off food to peacekeepers', available at <http://www.globalpolicy.org/component/content/article/184/34015.html>

<sup>70</sup> S/2008/226.

an elaboration of contextual factors which had eventually made the situation impossible for UNMEE. With hindsight, informants felt that the Security Council had allowed the UN, through UNMEE, to be ‘spit on’, ‘humiliated’ and ‘kept hostage’ by the restrictions and the way Security Council dealt with the situation. Against this backdrop, most informants agreed that it was, in the end, correct of the Security Council to decide to ‘to pull the plug on UNMEE’ – not least because that sent a signal as to what could and could not be tolerated. In retrospect, however, most informants also hold that the Security Council should have acted earlier ‘to prevent UNMEE being trapped in the quagmire’. Who inspired whom is uncertain, but the hybrid AU–UN mission to Darfur (UNAMID) has also experienced challenges and personnel restrictions similar to UNMEE.<sup>71</sup>

From the very outset, UNMEE’s structural design became a challenge that affected the mission’s trajectory, its operational capacity and mediatory role. UNMEE’s architecture was produced by the difficult context, and to some extent it reflected the conflict’s underpinnings. UNMEE was a rare example of a classic peacekeeping mission – mandated to prevent interstate dispute, and focused on enforcing a ceasefire agreement and patrolling the buffer zone separating the warring states. Since the end of the Cold War, however, security threats have been commonly seen as emanating from civil wars within states rather than from interstate wars – a point to which the UN has accommodated itself to at the expense of losing institutional expertise in dealing with traditional conflicts like the border dispute between Eritrea and Ethiopia. Whereas UN capacity had become attuned to intrastate conflicts, UNMEE had to deal with a highly politicised interstate conflict that necessitated an institutional setup where the consent of both host governments was required. Some respondents asserted that the Security Council did not have its mindset tuned into this type of conflict, and that the Secretariat was not adequately equipped to master the ‘type of conflict placed on the list of endangered species’, as one interviewee phrased it. This backdrop impinged on the mission design and structure, with later repercussions that would become central challenges to the UNMEE.

First of all, although UNMEE had been welcomed by the parties, it had not been allowed a political mandate. It was set up as a purely technical monitoring mission, and, in the words of one interviewee, ‘since the UN was called upon by the parties through the Algiers agreement to establish a peacekeeping mission, we simply took the

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<sup>71</sup> The S/RES/1769 (31 July 2007), establishing UNAMID, stated the mission should have ‘a predominantly African character and the troops should, as far as possible, be sourced from African countries’. This phrase was arguably included to emphasis that African problems need African solutions, and has later been used by the Sudanese government to limit troop contributions to UNAMID.

parties' will to cooperate for granted and so did not make any significant push to include a political role for UNMEE.' Many respondents felt that the parties' hospitality at the very outset of UNMEE confused the design process, leading those involved to expect it would be a straightforward mission,<sup>72</sup> and that what appeared as the parties' cooperation and apparent willingness to solve the dispute would make a political mandate redundant.

Second, UNMEE was detached from what constituted the actual problem – that of solving the border issue. While the first Algiers agreement (of July 2000) involved the cessation of hostilities and established UNMEE, the border issue remained to be solved in the second Algiers agreement (December 2000), which established EEBC. As such, UNMEE was hindered in making any significant contribution towards solving the conflict, and instead concentrated on verifying the ceasefire agreement and monitoring the buffer zone. If the ceasefire agreement were breached, and when the TSZ was violated, UNMEE had no means of enforcement at its disposal. To many of the respondents, this 'irrelevance by conception' as one called it, illustrates that UN did not sufficiently take into account the political context. In merely separating the parties, but prevented from fostering political dialogue or addressing the tense border issue, UNMEE eventually became locked in stalemate.

There were, however, attempts to mitigate these structural shortcomings that stemmed from the combination of the lack of clear political analysis of the conflict formation when setting up the mission and the host governments' reluctance to endow UNMEE with a political mediation role. For instance, the Military Coordination Commission (MCC), deriving from the first Algiers agreement and mandated to coordinate and resolve issues relating to implementing UNMEE's mandate, reportedly took on an increasingly political role, although it had been intended only to be technical. The MCC was composed of representatives of the two parties; it was supposed to be chaired by the head of UNMEE, but as the SRSG is a political appointment, the choice fell on the mission's force commander. Reportedly, as the parties were reluctant to meet on a political platform, the MCC became the only forum where the parties met bilaterally. This was a technical forum, but political matters were occasionally discussed. True, this was only on the informal level, but nevertheless vital for maintaining the parties' commitment and avoiding misinterpretations. As the politicians refused dialogue, several informants assert that the MCC

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<sup>72</sup> Indeed, in the start UNMEE was perhaps 'a holiday, not a mission', as a member of the Danish contingent put it. Cited in Peter Viggo Jakobsen, 'UN Peace Operations in Africa Today and Tomorrow', in *International Peacekeeping. The Yearbook of International Peace Operations*, edited by Michael Bothe and Boris Kondoch, 153–80. Hague: Kluwer Law International, 2002.

gained increased importance as the only venue for facilitating political dialogue and information-sharing, thereby in practice taking on a more political role than originally foreseen. The MCC stopped convening in July 2006, and its absence was sorely felt in the ensuing border incidents and escalating tensions.

The Algiers Agreements specified that the EEBC was to be an independent body. In order to assist in dealing with the border dispute and demarcation, there were attempts – notably through numerous references to the border commission’s decision and AA2 in Security Council resolutions pertaining to UNMEE – to attach UNMEE (from AA1) to EEBC and the framework from the second Algiers agreement. UNMEE later included a de-mining component to assist in the EEBC’s work, but never came close to formally linking the two instruments and agreements (UNMEE/AA1 and EEBC/ AA2). Repeated attempts by the UN to align these two realms were undermined by both parties: Ethiopia refused to accept the EEBC and its 2002 decision, and Eritrea refused to accept UNMEE – and conversely, Ethiopia was largely supportive of UNMEE and Eritrea of the EEBC. It is due to the separation of UNMEE and EEBC that informants assert that ‘UNMEE was being kept hostage in the situation’ and not able to contribute to an amicable or lasting solution.

The interviewees were unanimous in their views on these points, and most agreed that the mission’s initial design proved less than optimal as the situation developed. First of all, the UN and the OAU (later AU) should have pressed for integrating the frameworks of both Algiers agreements and thus those of UNMEE and the EEBC. Had these two been interrelated, the Security Council could have made a stronger push to use UNMEE in implementing the EEBC decision. Second, the Security Council should never have authorised a mission without an integral political component – and particularly not in an interstate border conflict with deeply entrenched political ramifications. A more comprehensive political analysis to underpin setting up the mission might have helped; moreover, the Council should have been more willing to discuss the political ramifications. When a cease-fire agreement was brokered, the Security Council was too eager to dispatch a mission without contemplating future scenarios or political consequences. This nevertheless gives rise to the question of who is best suited to step into the political vacuum. Can the UN be political and still be perceived as a neutral, objective party to the conflict? Would the AU, the EU or friends of the respective countries be better suited to deal with the political side of the conflict? Or was a political solution made impossible by the technical and apolitical provisions emanating from the Algiers agreements – UNMEE, EECC, EEBC?



Had UNMEE/ AA1 and EEBC/ AA2 been integrated frameworks, as well as if UNMEE had included a political component, the Security Council might have opted for a firmer response and political line to prevent the parties from selectively subverting the international engagement. It could also have allowed UNMEE to play a stronger mediatory role in the political contentious situation, and in practice ‘remain actively seized of the matter’ – to use the phrase reiterated in all Security Council UNMEE resolutions.

Because UNMEE lacked the means to be *practically* ‘seized of the matter’, it became a piece in the conflict game, used by the parties to maintain the status quo and subvert external mediation efforts. As one interviewee described the situation, ‘once the parties realised we were just Xeroxing and then understood that statements are just words and resolutions just pieces of paper, UNMEE was *de facto* dead’. The Security Council’s numerous calls on the parties, stressing again and again, regretting, confirming, reaffirming, considering, deciding, requesting and even demanding, never materialised in practical action on the part of UNMEE nor the parties. The mission design largely prevented words from being transformed into deeds, and UNMEE ended up being tossed between the Security Council and the Secretariat.

Several interviewees working in the UN Secretariat have asserted the Security Council was not sufficiently committed to UNMEE. For instance, at one point when the Security Council visited Sudan it was invited to Eritrea and Ethiopia as well, but did not go as the governments signalled reluctance to discuss the border conflict. While Ethiopia was hospitable to the UNMEE presence, Eritrea made repeated calls on the Security Council to shoulder its responsibility in not pressuring Ethiopia to respect the EEBC. At another time, the Security Council went only to Ethiopia, and refrained from visiting Eritrea, as it was not granted access to the desired political players there. Both UNMEE and the Secretariat interpreted this as the Security Council showing lack of commitment and reluctance to involve itself in a difficult political situation. Whereas the Security Council was actively engaged to other missions in the area,<sup>73</sup> UNMEE received little attention and was largely left to the Secretariat. The Security Council had numerous opportunities for deciding upon the mission’s fate and future, but never applied sufficient leverage to aid the mission or put pressure to bear on the parties. On several occasions the Security Council failed to follow the recommendations of the Secretariat, as with the final two UNMEE resolutions that went counter to the action proposed by the Secretary-General. My respondents generally agree that the Security Council should have opted for a much firmer line at

<sup>73</sup> As, for example, UNMIS and UNAMID in Sudan, and MONUC in DR Congo.

an earlier stage, particularly when operational capacity deteriorated due to the restrictions imposed on UNMEE. Instead, the mission was gradually dismantled, leaving the Secretariat with a decapitated operation in terms of mandate and size. Some respondents have sought to explain the Security Council's lack of commitment to UNMEE as due to weak situation assessment and conflict analysis – meaning that the Security Council did not have or receive sufficient information to act upon. Others hold that the Security Council failed to absorb the inputs provided by the Secretariat and the mission. Such staff perceptions indicate lack of coherence between the Secretariat and Security Council in dealing with UNMEE. This in turn can be explained by the mission design and the lack of a political component and mandate: these circumstances not only prevented the Security Council from including a political assessment of the situation and gaining access to political players among the parties, but also undermined UN's ability to play a role in the political conflict. Other respondents have asserted that the Security Council was well aware of the situation – Eritrea frequently complained of the 'unfair treatment' it received given even when the EEBC granted it the contested Badme area. Precisely because of the political character of the conflict, the Security Council sought to maintain some distance, in order to forestall a major political debate – knowing this might alienate certain of its Permanent Members and thus force it to take a firmer stance on the conflict, in effect jeopardising either the parties' or the Security Council's consent to the mission. In this balancing act, the Security Council seems to have opted to keep the curtailed mission at arm's length and leave it to the Secretariat, instead of pushing through a political debate that would further degrade the mission while also bringing the Security Council's lack of commitment to the fore.

### **Responding to Deteriorating Consent**

The answer to the overarching research question of why UNMEE was terminated remains unclear and complex. No interviewees could provide one single, definitive reason, neither can an unambiguous answer be derived from the presentation above. Instead, it appears that numerous cumulative factors led to a situation that proved untenable for the UN, eventually forcing the Security Council to terminate UNMEE. From this process there are important lessons to be learned regarding the political role of peacekeeping operations and the UN's ability to detect and deal with deteriorating political consent from host governments.

These assumptions imply that there was a withdrawal of consent, which reflects the conventional interpretation of the mission trajectory. Not all interviewees hold this view: one stated, 'the regular ap-

proach is that if there is no peace there is no peacekeeping. But as the Brahimi Report suggests, if there is no consent, there is no peacekeeping. Peacekeeping missions are formally dependent on governments' consent and withdrawal of consent means pulling out the mission'. This respondent asserts there was consent by the governments, as warranted by three factors. First, the seminal Algiers agreement devised by the parties prior to UNMEE called upon the UN to establish a mission. Second, the Special Representative of the Secretary-General – the head of mission – was approved by both governments. Third, both governments welcomed the mission and hosted it. At no point did either of the parties state they did not approve the mission, and never did they withdraw consent. As pointed out by several respondents, attempts by the parties to find grounds for their respective cases, which in effect undermined the mission, are not the same as withdrawing consent.

The gradual imposition of restrictions nevertheless had the practical effect of consent withdrawal, although circumventing the either/or dichotomy of how the UN relates to consent. An explicit withdrawal by either of the parties would have effectively terminated the operation; moreover, the withdrawing party would lose international respect and diplomatic esteem. Neither of the parties saw this as conducive to their cause. In terms of detecting the gradual deterioration of consent it became clear quite early for UN staff – at least with hindsight – that both parties were undermining the mission and the comprehensive peace process. As one interviewee stated: 'While Eritrea devoted 90 per cent of its attention to the border issue in public, Ethiopia was similarly biased in talking about Eritrea disrespecting UNMEE and spent maximum 10 per cent of its time talking about the border. The parties refused to talk about the same issue and see them as interlinked. Consequently, there was no dialogue supportive to the process after Ethiopia challenged the border commission's ruling.' While this scenario, evolving from mid-2002, was read as a challenging political context, it was not until Eritrea started to impose restrictions on UNMEE's freedom of movement from 2005 that the deteriorating consent and explicit attempts to challenge UNMEE were recognised.

The restrictions were reported in official UN documents but were never presented as 'deterioration'. This might be due to the apolitical UN jargon, or that the deteriorating consent was in fact not detected. Whether read as consent withdrawal or not, the Security Council did not react sufficiently to these warnings. It was only when the number of restrictions had accumulated that the situation was found to be unacceptable. The impact and implications were that UNMEE became increasingly detached from fulfilling its mandate as more and stricter restrictions were imposed.

Should the mission have been terminated earlier? No formal criteria were used to determine the point where the mission could no longer operate. Nor were there any defined thresholds as to what the mission could tolerate in non-cooperation by the parties before ending the mission. The lack of fuel eventually forced UNMEE to withdraw from Eritrea, as that affected the whole operation, staff safety not least. UNMEE itself was, however, not terminated until the proposed options for reconfiguring the mission were declined by the involved actors. With hindsight, however, some respondents assert the Security Council should have opted for a stronger reaction, including mission closure, already in late 2005 when UNMEE's freedom of movement was restricted, as this is regarded as the start of the end of the mission. In fact, however, it would have been difficult for the Security Council to react to these restrictions, as Eritrea justified them on grounds of not being able to guarantee the safety of UN personnel, which the host nation is meant to facilitate.

Instead, most interviewees opine that the Security Council should have 'pulled the plug' when Eritrea became selective as to which nationalities it allowed as part of UNMEE. In late 2005 Eritrea expelled UNMEE 180 staff of European and North American nationalities, all of whom held important positions. It is, however, not the decrease of capacity and skilled labour that have led most to see this as the main and critical turning point – it was more a matter of principle, as Eritrea now dictated the terms for UNMEE. The original mandate had not excluded any nationalities from participating in the mission. When Eritrea later decided to restrict troop contributors, the Security Council allowed UNMEE to become 'a puppet and a hostage to the conflict', as one informant phrased it. This event was a critical turning point, causing wrath and humiliation among UNMEE staff. Although UNMEE entered a minor crisis regarding its future when the Security Council began reviewing its mandate for one month at a time, the Council should have opted for a stronger and firmer tone rather than clinging to the conflict for another three years. One point raised by interviewees is the ensuing lack of trust and respect for UNMEE; another aspect of more general concern relates to the precedent created: other governments could see that it is possible to play with, undermine and direct UN – as later witnessed with regard to UNAMID and the selective drafting of troops.

Official UN documents, like the Secretary-General's special reports and the Security Council resolutions pertaining to UNMEE, illustrate that the UN was aware of the gradual imposition of restrictions. However, it is important to distinguish between the official and formal rhetoric, and the informal practices and effects of these restrictions.

The host government kept UNMEE informed of the various restrictions, which always were explained with reference to safety and technical matters. Initially these were perceived as challenges and hurdles to be overcome, through reconfiguring the mission and insisting on dialogue between the involved actors. It was only when the restrictions began to mount up and attempts at dialogue failed that UNMEE started to recognise the restrictions as deliberate attempts to undermine the mission. Eventually, they were read as expressions of deteriorating political consent. However, once the restrictions were interpreted as withdrawal of consent, UNMEE lacked the structure and means for responding and dealing adequately with the situation. The problem for UNMEE in terms of detecting, responding to and mitigating the impact of deteriorating political consent relates to the mission's political role and relevance, which in turn derive from the original institutional setup of the operation.

### **Lessons Learned and Conclusion**

An important lesson to draw from the UNMEE experience is that the UN should not embark on a peacekeeping mission without sufficient prior political analysis, as well as a well thought-out mandate, role and leverage. This concern was raised by almost all interviewees. From the outset, UNMEE distanced itself from the very core of the conflict by not allowing itself to play a political and mediatory role. The lack of a political mandate or access to political players on both sides prevented UNMEE from adequately contributing to solve the conflict. As the situation evolved, this incapacity to become involved in the political process undermined not only a sustainable peace process but also the mission's ability to deliver according to its restricted mandate. A key lesson here, relevant for most peacekeeping operations, is that the Security Council should not authorise a mission that excludes it from participating in political dialogue. Security Council deliberations need to be based on extensive analysis of the political aspects of conflict, in order to avoid issuing a mandate riddled with loopholes.

UNMEE and the EEBC, and the first and second Algiers agreements, should have been interconnected with a clear mandate for UNMEE to aid implementation of EEBC decisions. The disconnect allowed the parties to the conflict to impede the peace process. Better situational analysis from the very inception of UNMEE, focusing on the political context, might have mitigated this structural flaw. The UN should have been a stronger integral part to the Algiers process from the outset, as that might have allowed a role for the UN vis-à-vis EEBC. There was a defect in the Algiers agreement that made UNMEE merely an observer mission without mediation relevance. As it was determined that the EEBC decision should be final and binding, there

should have been a mechanism to ensure that this decision, when it came, could be implemented. The structural framework around the peace process did not allow for UN involvement. For future operations, the Secretariat and the Security Council should make sure that the UN is not sidelined from participating in or facilitating the peace process that the peacekeeping mission is supposed to support. This too requires thorough analysis that includes the political factors involved.

The UN, notably the Security Council, should have opted for a much firmer line towards the parties to the conflict. When UN realised the restrictions were not mere technical problems but deliberate attempts to undermine the mission, with the *de facto* effect of reducing consent, it should have withdrawn. As the restrictions increased in number and scope, the UN should have refused, rather than enveloping its discontent in the polished apolitical language of resolutions, statements and reports. In a way, the UN found itself trapped, as the universality of the UN would be undermined both by withdrawal and by staying. The question of when and whether to pull the plug on the mission is a difficult one. At various critical junctures, notably when seeking to alter the mandate, the Security Council should have opted for a major review of UNMEE to gain new insight, decide upon its future role, define a reasonable situation for an exit strategy, and prevent a static mandate from becoming a straitjacket for UNMEE throughout its lifespan. The Security Council's indecisiveness demonstrated to other governments hosting UN missions that UN easily can be stalled. The lack of determined action by the Security Council, either to pull out UNMEE earlier or to enforce and perhaps strengthen the existing mandate, damaged the general esteem and respect for the UN. It did not help the process that UNMEE stayed on – rather than concentrating on the peace process, the international focus shifted to the harassments experienced by UNMEE.

The Security Council could have been more committed to UNMEE. In authorising the mandate, the Security Council becomes responsible for a mission, but, as one respondent stated, 'responsibility is something the Council fears'. The lack of commitment was further exacerbated because some of its Permanent Members did not see Eritrea or Ethiopia as their respective touchstones for regional policy in the Horn of Africa. The Council feared the consequences of withdrawal, as it then would be held responsible if armed conflict should resume. Instead, the Security Council became responsible for letting the parties to the conflict undermine its mission, UNMEE. When the parties originally called upon the UN to establish a peacekeeping mission in the area, the Security Council should have made this contingent on providing UNMEE with a political mandate. Because the mission was dependent on the host governments' consent and because the parties seemed to

welcome the mission and had declared their willingness to commit to the EEBC decision, the Security Council did not deem it necessary to push for a political component. Later, as the situation gradually deteriorated, the need for such a political component became increasingly evident.

When a conflict is political and involves two states, it is paramount that a political component be provided for the mission. Had UNMEE included a political component and participated in the political framework underpinning the conflict, the EEBC and the Algiers agreements, the UN could have played a more active role throughout the process. Indeed, it might have been able to contribute so that the Eritrea/Ethiopia peace process would not have lost momentum and finally become derailed.