

Ethiopia and Eritrea: Stopping the Slide to War

I. OVERVIEW

The risk that Ethiopia and Eritrea will resume their war in the next several weeks is very real. A military build-up along the common border over the past few months has reached alarming proportions. There will be no easy military solution if hostilities restart; more likely is a protracted conflict on Eritrean soil, progressive destabilisation of Ethiopia and a dramatic humanitarian crisis. To prevent this, the international community – in particular, the UN Security Council and the U.S., which is the single most influential outsider – must act immediately to give both sides the clearest possible message that no destabilising unilateral action will be tolerated. Once the immediate danger is past, efforts should be reinvigorated to ensure that the parties comply with their international law obligations, disengage on the ground and restore the Temporary Security Zone (TSZ) – in a longer time frame – to develop political and economic initiatives for resolving the fundamental problems between the old foes.

Citing Eritrean encroachment into the TSZ, Ethiopia announced on 25 September 2007 that it was considering terminating the Algiers agreement, which ended the war in 2000. In reply Eritrea accused it of repeated violations of that peace treaty and called again for the Security Council to enforce the decision of the Boundary Commission Algiers established. The U.S. now estimates that Eritrea has 4,000 troops, supported by artillery and armour, in the supposedly demilitarised TSZ and an additional 120,000 troops nearby. In August it estimated that Ethiopia maintains 100,000 troops along the border.

Both sides agreed in Algiers to submit the border dispute to the Boundary Commission, whose mandate was to “delimit and demarcate the colonial treaty border based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law”. They further agreed that its decision would be final and binding. In April 2002 the Commission gave its ruling, delimiting the border on the map and in so doing locating the village of Badme, the site of the original dispute that sparked off the war in 1998, in Eritrea.

Since then Ethiopia, though it won on other aspects of the ruling, has blocked demarcation of the border on the ground, while Eritrea has called for the international

community to insist on this without further delay. Eritrea has right on its side on this point but has played its cards very badly. Frustrated by the lack of progress, it has alienated many of its supporters, including a number of Western states, aid agencies and the UN. It has seized their vehicles, restricted their monitoring teams, expelled their personnel and arrested Eritreans working for embassies. In addition, its repression of its own people and lack of democracy have left it shunned by all but a handful of states.

The stalemate came to a head at the Commission’s most recent unproductive meeting, in September 2007, during which the Ethiopian delegate insisted on prior satisfaction of a range of extraneous measures. On balance, however, Ethiopia has played its hand skilfully. It has used its position as the major power in the region to win U.S. toleration of its intransigence and to keep criticism of its own human rights record to a minimum. Its military intervention in Somalia has drawn little overt adverse response. It would not be surprising if Addis Ababa believes an effort in the near future to stage a coup in Asmara and use force against an Eritrean government that has few friends would also be tolerated in Washington.

The rapidly approaching danger point is the end of November, when the Boundary Commission indicates it will close down unless it is allowed to proceed to demarcation. Before then it is essential that the two sides be left in no doubt that use of force, directly or indirectly, is not acceptable and that a party that resorts to it will be held accountable. Specifically this means that:

- the U.S. should convey a firm private message to both sides that direct or indirect use of force to resume the conflict and reach a unilateral solution would be unacceptable and, specifically to Ethiopia where its influence is at this time stronger, that it will take appropriate diplomatic and economic measures against it if it attacks or seeks to overthrow the Eritrean regime; and
- the Security Council should pass a resolution reiterating its support for the Boundary Commission decision, requesting it to remain in being beyond the end of November so that it is available to demarcate the border, and stating that even without such demarcation the border as found by the Commission is acknowledged as the legal boundary between the two countries.

Once this line has been drawn, the international community should resume with new urgency its efforts to break the immediate stalemate. Consideration might be given to the following:

- a Security Council resolution or statement reiterating the requirement on Ethiopia to accept the Boundary Commission ruling unconditionally and cooperate in its implementation, including by pulling back from its forward military positions south of the border, and on Eritrea to withdraw its army from the TSZ;
- appointment by the Secretary-General of a new Special Representative and head of the UN mission (UNMEE), who should press both sides to allow the international peacekeepers to reoccupy the positions they have been forced to leave in the TSZ and proceed unhindered in their work; and
- discussion among members of the Security Council and within other key international constituencies including the guarantors and witnesses of the Algiers agreement – the African Union (AU), the UN, the U.S. and the European Union (EU) – about incentives (primarily economic) and disincentives (credible sanctions) that would likely be required to obtain cooperation in de-escalating the situation on the ground and implementing the Commission decision.

In the somewhat longer run, Addis Ababa and Asmara will need to end their military and financial support for rebels operating on the other's soil, respect the arms embargo on Somalia and restart a dialogue with the support of their regional and other international friends. None of the steps to break the current deadlock and begin to rebuild mutually beneficial relations will be easy or quick. But the immediate need is to prevent the war from restarting so that there is time to work on them.

II. THE PRESENT DANGER

The rumblings of war are growing louder along the Ethiopia-Eritrea border. The two sides have tens of thousands of troops dug in along their 1,000km disputed frontier. According to the peace agreement they signed in Algiers on 12 December 2000 to end their last war, a 25km-wide Temporary Security Zone (TSZ) was to be established all along the border to separate the contending forces.¹ The aim was to keep the armies out of artillery

range of each other. This has failed. According to Ethiopian Foreign Minister Seyoum Mesfin, troops are now separated in some places by no more than 70 to 80 metres or a dry riverbed.² While he added that "Ethiopia does not want war", he did not conceal the risk.

Eritrea played down the warnings of a fresh conflict: Acting Information Minister Ali Abdu told journalists in Asmara his country "will do every possible thing to avoid war".³ However, the threat of a fresh war was underlined in the latest report of the UN Secretary-General, which described the situation in the TSZ as "tense and potentially unstable"; highlighted the severe restrictions imposed on UN peacekeepers; and concluded that "the Eritrean Defence Forces [have] effectively occupied large swathes of the Zone with military personnel numbering in the thousands", while Ethiopian forces have been observed "carrying out large-scale training and preparing defences, including around the highly sensitive area of Badme (the village at the centre of the 1998-2000 war)".⁴

The 1,700 UN peacekeepers spread out along the border have done their best to maintain the fragile peace. Four Eritrean raids have been reported, as has the defusing of a potentially dangerous incident during which Ethiopian soldiers threatened to fire on Eritrean militia doing reconnaissance on a bridge. With Ethiopian tank movements just south of the TSZ and Eritreans digging in with artillery, the situation could hardly be more explosive.

Diplomatic and intelligence sources in the Horn tell Crisis Group a new war could be just weeks away.⁵ One scenario identified by Western civilian and military intelligence analysts begins with an Ethiopian-backed coup attempt against President Isaias Afwerki, followed by an Ethiopian military intervention, leading to a long conflict. The risks are perceived to be all the greater because there is much speculation the U.S. would accept, perhaps even endorse, such a move and protect Addis Ababa from international condemnation.⁶ The danger is further heightened by the failure of previous attempts at mediation to resolve a seemingly intractable dispute and

¹ The Algiers agreement can be found on the website of the Permanent Court of Arbitration, www.pca-cpa.org. See "Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of

Eritrea", 12 December 2000, www.pca-cpa.org/upload/files/E-E%20Agreement.html. Article 4 refers to the Agreement on Cessation of Hostilities, signed between the two parties on 18 June 2000, which contains details of the TSZ.

² "Ethiopia says its army 'metres apart' from Eritreans", Reuters, 10 September 2007.

³ Jack Kimball, "Eritrea plays down chance of border war with Ethiopia", Reuters, 11 September 2007.

⁴ "Report of the Secretary-General on Ethiopia and Eritrea", UNSC S/2007/440, 18 July 2007.

⁵ Crisis Group email correspondence, September 2007.

⁶ Crisis Group interviews, Washington, London and Paris, July and September 2007.

the loss of prestige the Security Council has suffered as a result of its seeming impotence. There is intense frustration and some exhaustion in the international community

III. CONFLICTING PERSPECTIVES

At its heart, resolution of the issue appears deceptively straightforward. Ethiopia has no legal option but to accept in full and without further delay the Boundary Commission's ruling on the border of April 2002 and to cooperate in its implementation. Eritrea has to withdraw from the TSZ and allow UNMEE full freedom of movement, as it agreed to do at the 6-7 September 2007 meeting of the Boundary Commission in The Hague. At the heart of the problem, however, is the nature of the regimes in both countries and their attitudes towards each other. Each came to power in 1991 through the barrel of the gun and remains locked in the secretive, militaristic perspective that guided it through the years of struggle against governments in Addis Ababa.⁷ Each seeks change of the other's regime and to this end hosts and supports the other's opposition.

While Ethiopia held democratic elections in 2005, the results were overturned and the opposition to the TPLF-dominated government brutally repressed. Power has been held by the same small cluster of former insurgents who took it sixteen years ago and have no intention to genuinely democratise. Eritrea cannot even make a claim to democracy. It is a one-party state with an unfree press, one of the most repressive regimes in Africa. Both countries are controlled by narrow elites, who use the border dispute to justify militarisation and to pursue regime-change agendas. Both believe that sovereignty over Badme is symbolically vital, even if of little intrinsic economic value. Whoever finally owns that village will be able to claim victory and justify the war's enormous sacrifices.

A. THE ETHIOPIAN VIEW

Prime Minister Meles Zenawi gave his view of the Badme problem in an extensive interview in October 2003:

First of all we do not believe that the Boundary Commission decision is proper and legal. It is contrary to the mandate that they have been given.

⁷ Eritrea was led by the Eritrean People's Liberation Movement, now called the People's Front for Democracy and Justice. Ethiopia was led by the Tigray People's Liberation Front, which has now become part of the Ethiopian People's Revolutionary Democratic Front.

And the indications are that some in the Boundary Commission have become both plaintiffs and judges. And so the Boundary Commission is clearly part of the problem now. The boundary issue is to be settled peacefully, and the only way to settle the problem peacefully is through dialogue. As you know there is an Ethiopian army there [in Badme]. The only way it [taking possession] can be done is by removing the Ethiopian army and the Ethiopian administration. And if dialogue is ruled out, the only way of doing that is by force of arms, and if they do so they will have decided to initiate a conflict. It did not work last time around and it will not work this time.

Q: Can you foresee any eventuality according to which Ethiopia accepts that Badme is in Eritrea?

A: Had Badme legally been part of Eritrea, I would have accepted it without any hesitation. But I know the place inside out, and so I know the established practice of the parties because I have been around that place for many years. And there is no way in hell that the decision on Badme which says it is part of Eritrea can be anything other than illegal and unjust.

The prime minister added that Badme was no more than a "godforsaken village".⁸

Ethiopia's position towards the border dispute has, on the surface, been moderated since then, with its "Five Point Proposal" of November 2004.⁹ However, in reality there has been no fundamental change, as can be seen from the stance it adopted at the most recent Boundary Commission meeting. Despite his dismissive remarks about Badme, the domestic pressures upon Meles make it difficult for him to consider concessions even if he wanted to. Indeed, he is under domestic pressure to take an even tougher line with Eritrea. Siye Abraha, a former defence minister who was recently released from a six-year jail term, has criticised the prime minister for halting the 1998-2000 war when he did, instead of pushing on to take the strategically important port of Assab.¹⁰ Another hardliner, the former regional president of Tigray, Gebru Asrat, is reported to be establishing his own party to challenge the TPLF in next year's local elections. He too attacked the decision not to take Assab, describing ownership of the port as Ethiopia's "historical and legal right".¹¹

⁸ "Ethiopia: Interview with Prime Minister Meles Zenawi", IRIN, 29 October 2003.

⁹ See Crisis Group Africa Report N°101, *Ethiopia and Eritrea: Preventing War*, 22 December 2005, p. 6.

¹⁰ *Africa Confidential*, vol. 48, no. 16, 3 August 2007.

¹¹ *Ethiopia Media*, 20 December 2004. See below for the importance of Assab.

Meles's political difficulties should not be exaggerated, however. The TPLF (like the Eritrean ruling party) is tightly run, and he is a past master at confronting his opponents within it. Reports of his vulnerability have been deployed by Ethiopia in its dealings with Western diplomats to suggest that he would be unlikely to survive politically if he yielded on Badme.¹² The foreign ministry has played effectively on Western fears that anyone else would take an even tougher line and might be less willing to work with the international community also on other regional issues. This has led to Western hesitation in dealings with Addis Ababa and reduced pressure on the government to live up to its original Algiers commitment to implement the Boundary Commission's ruling.

The U.S. has repeatedly indicated that it regards Ethiopia as one of its major African partners, much to the annoyance of Eritrea, which sees this as a sign of international bias.¹³ The UK suspended development aid to Ethiopia following the killings associated with the 2005 elections, while the U.S. took no similar action.¹⁴ This relationship with Washington is important to the Meles government. The uncertainty whether a future U.S. administration would be as supportive may make Ethiopia more inclined to push for an early solution by force of its Eritrean problem.

B. THE ERITREAN VIEW

The position adopted by Eritrea on the Boundary Commission ruling has been simple: implement it in full, without further discussion. Attempts to open talks with President Isaias Afwerki on the subject have been repeatedly rebuffed, since his government considers any discussion could begin to unravel the ruling. This was clearly stated in a recent official editorial:

The Eritrean-Ethiopian border issue has once and for all been legally resolved through a final and binding ruling. However, conspiracies have been devised to derail the case from its legal course in the name of seemingly plausible "talks". The push for fresh "talks" while the border issue has been given a final ruling after a long legal debate can have no other motive but to drag the case back to square one and keep it circling there. Naturally, questions like "what kind of talks?" and "for what purpose?" [have] been raised but remain yet to be answered...Hence, the only solution still remains to be the implementation of the final and binding

EEBC ruling, on the ground. There can be no alternative solution!¹⁵

Behind the rhetoric are three interlinked points. First, Eritrea won its independence from Ethiopia through 30 years of war, with very limited outside help at a time when its enemy was armed first by the U.S., then by the Soviet Union. Secondly, Eritrea, despite being far smaller than Ethiopia in size and population, sees itself as the predominant power in the Horn. The ruling party regards its historic role in assisting Ethiopia's TPLF rise to power as evidence that it is the "big brother" in the region – an attitude deeply resented in Addis Ababa.

Thirdly, Eritrea acts from a weak position that makes concessions difficult. Not only is its population one fifteenth Ethiopia's (4.7 million vs. 80.1 million), but its economy is in decline, while Ethiopia's is growing at an annual rate of some 9 per cent.¹⁶ There is a real fear among Eritreans of all persuasions that their larger neighbour has not really accepted the independence they won at such cost in 1993, particularly since that independence jeopardises the political strength and economic prosperity of Tigray within Ethiopia and undermines the prospects of Tigray's own possible ambition of independence. Making concessions from this position is particularly difficult.

This weakness has been translated into stubborn determination. All outside pressure has been met with implacable hostility. As a result, relations with Western countries that wished Eritrea well in the first years of independence are in tatters. UNMEE has found Asmara intensely difficult. The Secretary-General's reports demonstrate the gradual erosion of trust. Eritrea was incensed that the UN failed to force Ethiopia to remove its troops from one location within the TSZ in 2001, and relations deteriorated from that time.¹⁷ Similarly, Eritrea has accused the UN of bad faith in accepting Ethiopia's refusal to allow UNMEE to fly the most direct route between Asmara and Addis Ababa, requiring it to proceed via Djibouti at a cost of tens of millions of dollars.¹⁸

The TSZ, which is entirely within Eritrean territory, has been an imposition on its sovereignty. It is considerably wider than 25km in some areas in the west, since it includes areas Ethiopia occupied before the outbreak of hostilities. As long as the TSZ exists – and it appears to have become a semi-permanent feature – Eritrea has lost exclusive control over an area in excess of 25,000 sq. km. It accepted UNMEE deployment and the TSZ

¹² Crisis Group interview, Western diplomat, London, September 2007.

¹³ See, for example, "Horn of dilemma", *Time Magazine*, 17 September 2007.

¹⁴ "UK halts aid over Ethiopia deaths", BBC, 15 June 2005.

¹⁵ "Making a Mockery of 'Dialogue'", *Shabait*, 19 September 2007.

¹⁶ "Key Development Data & Statistics", World Bank, 2006.

¹⁷ "Progress report of the Secretary General on Ethiopia and Eritrea", UNSC S/2001/608, 19 June 2001, paras. 4-6.

¹⁸ *Ibid.*, para. 15.

as temporary measures to allow expeditious fixing of the boundary. By moving troops back into the TSZ and returning villagers displaced during the fighting to border villages, it sees itself as protesting the delay.

IV. THE BOUNDARY COMMISSION MEETING

Before the Boundary Commission finally managed to get both parties to attend a meeting in The Hague on 6-7 September 2007,¹⁹ it had listed the many obstacles they put in the way of a resolution of the dispute and informed them of the following:

As the Commission evidently cannot remain in existence indefinitely, it proposes that the Parties should, over the next twelve months, terminating at the end of November 2007, consider their positions and seek to reach agreement on the emplacement of pillars. If, by the end of that period, the Parties have not by themselves reached the necessary agreement and proceeded significantly to implement it, or have not requested and enabled the Commission to resume its activity, the Commission hereby determines that the boundary will automatically stand as demarcated by the boundary points listed in the Annex hereto and that the mandate of the Commission can then be regarded as fulfilled.²⁰

At the session, each was given a list of concerns to address. Those conveyed to Eritrea were that it:

- ❑ lift restrictions on UNMEE in so far as they impacted on the Commission;
- ❑ withdraw from the TSZ in so far as it impacted on the Commission;
- ❑ provide security assurances allowing demarcation; and
- ❑ provide security assurances for pillar location.²¹

For once Eritrea managed to take the diplomatic high ground and show the kind of flexibility urged on it since the Boundary Commission made its 2002 ruling. It said it agreed to each point but expected Ethiopia to cooperate with the Commission as well.²²

¹⁹ Previous invitations had been declined. "Ethiopia-Eritrea Boundary Commission Statement by the Commission", 27 November 2006.

²⁰ Ibid, para. 22.

²¹ Summarised extract of the agenda, obtained by Crisis Group. The pillars referred to are the concrete ones that were to be built along the border to mark its location.

²² This exchange between the President of the Boundary Commission, Sir Elihu Lauterpacht, and the Eritrean legal

The concerns conveyed to Ethiopia were that it:

- ❑ indicate unqualified acceptance of the Commission's finding on the border without requiring broader negotiations between the parties;
- ❑ lift restriction on the movement of Commission personnel;
- ❑ provide security;
- ❑ meet its payment arrears to the costs of the Commission; and
- ❑ allow free access to pillar locations.²³

Its legal representative told the meeting that Ethiopia accepted the Commission's delimitation decision and was ready to implement it. At the same time, however, he maintained that implementation was impossible, since Eritrea was occupying the TSZ, and attempting demarcation in those circumstances would put international staff in jeopardy.²⁴ It demanded not only that Eritrea withdraw fully from the TSZ but also that it allow UNMEE to operate without restrictions and end its support for rebel groups attempting to overthrow the Ethiopian state.²⁵

Raising national security brought into play issues well beyond the Commission's competence, leaving its president, Sir Elihu Lauterpacht, little option but to accept that no further progress could be made and to end the meeting. Unless Ethiopia gives way, the Commission will wait until the end of November, declare the border stands as demarcated even though no pillars are in place, and wash its hands of the affair.

While the Commission has done all that was asked of it legally, it has been less skilful politically. For example, when the border decision was made in 2002, it failed to make clear that Badme had been awarded to Eritrea. The result was days of confusion, during which the parties became entrenched in their current positions. It is also arguable that the drafters of the Algiers agreement put the Commission in a difficult position from the beginning

advisor, Professor Lea Brilmayer, indicates the Eritrean position: "President: Could I just take this opportunity to ask Professor Brilmayer whether the assurance given by Eritrea that as soon as all the arrangements of demarcation are in place, Eritrea will remove any Eritrean forces that might fit the description of impinging on EEBC operations. Is that an open-ended commitment so that even if the needs of the EEBC operations were to call for the total departure of Eritrean forces from the TSZ, would that be covered by this assurance? Professor Brilmayer: Mr President, we mean this in the most literal way". Transcript of the meeting obtained by Crisis Group.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

by giving it the task of demarcating the border as well as delimiting it.²⁶

V. WAR BY PROXY – THE “GREAT GAME” IN THE HORN

The stalemate in the border dispute has resulted in an intensification of the “Great Game” in the region.²⁷ Just as Britain and Russia confronted each other in Central Asia by manipulating local forces during the nineteenth century, Ethiopia and Eritrea have attempted to use proxies in their struggle. With the UN standing between their armies, however thinly, each has backed the other’s insurgents. While both have played this card, Eritrea has been more active and obvious.

A. SOMALIA AND THE OGADEN

Eritrea has a longstanding policy of support for groups in the Horn (and beyond) that further its political goals. It has had formal links with movements like the Oromo Liberation Front (OLF) since the 1980s, when a combination of Eritrean and Ethiopian rebels fought to overthrow the Mengistu government. As relations between Asmara and Addis deteriorated, those links were reactivated, and the OLF and a number of other groups operating inside Ethiopia are recipients of Eritrean support, including, most significantly, the Ogaden

National Liberation Front (ONLF), which is now active in the Somali part of Ethiopia known as Region 5.²⁸

The extent of these links, and the arms supplied, has been known for some time but the Ethiopian invasion of Somalia in support of Somalia’s Transitional Federal Government (TFG) in mid-December 2006 raised the stakes considerably. One factor that helped convince Meles to engage in this action was the growing flow of weapons from Eritrea to the Islamic Court Union (ICU), especially the faction known as the Shabaab.²⁹ Reports to the UN have catalogued the extent of these arms shipments, in contravention of the Security Council embargo. The latest report said the Monitoring Group had observed “a clear pattern of involvement by the Government of Eritrea in arms embargo violations.”³⁰ It also accused Eritrea of using a variety of techniques to hide its activities, including front companies, false documents and false flight plans. The UN monitors directly implicated it in supplying the surface-to-air missiles used by the Shabaab to shoot down a Belarus plane at Mogadishu airport in March 2007.³¹

In September 2007, Eritrea hosted a conference of Somali opposition figures, including ICU members.³² More than 300 delegates, including a leading member of the ICU, Sheikh Hassan Dahir Aweys, met in Asmara to launch the Alliance for the Re-Liberation of Somalia. Its declared aim is to remove the Ethiopian-backed government of Somalia, by negotiation or by force. A spokesman for the Alliance said with regard to Ethiopian forces supporting the TFG, “we warn Ethiopia to withdraw immediately. It is now or never, and in a few weeks they will not have a route to withdraw”.³³

Eritrean arms were also provided to other movements fighting inside Ethiopia, through their bases inside Somalia. This included the ONLF, which is reported to have received weapons on at least eight occasions.³⁴

²⁶ “The disadvantage is that it may encourage ongoing efforts by the unsuccessful party to use the demarcation process in an effort to pressure the tribunal in question to modify its boundary delimitation decision. The experience of the Eritrea-Ethiopia Boundary Commission demonstrates precisely this....Apart from the fact that the parties themselves may agree to boundary changes, attempts to convince the tribunal itself to do this would blur the critical distinction between delimitation and demarcation and likely result in the elongation of the delimitation process in practice since the latter phase would be seen as simply a sort of appeal or revision mechanism. This would inevitably maximise the dangers in what is always a sensitive situation of a radical deterioration in the relations between the parties. The best way forward, it appears, is to ensure that the two stages of delimitation and demarcation are kept firmly separate and allocated to two separate bodies”. Professor Malcolm Shaw, QC, “Title, Control and Closure? The Experience of the Eritrea-Ethiopia Boundary Commission”, *International and Comparative Law Quarterly*, vol. 56, no. 4, October 2007 (forthcoming), Conclusion.

²⁷ The “Great Game” was the term used to describe the rivalry and strategic conflict between the British Empire and the Russian Empire for supremacy in Central Asia and control of India. The classic period ran from the Russo-Persian Treaty of 1813 to the Anglo-Russian Convention of 1907.

²⁸ Crisis Group communication, Ethiopian analyst. Other movements supported by Eritrea include the Tigray Alliance for National Democracy, the Ethiopian People’s Patriotic Front and various Afar organisations.

²⁹ The supply of Eritrean arms to the Islamic Courts has been extensively catalogued by the UN’s Monitoring Group on Somalia. See, for example, “Report of the Monitoring Group on Somalia pursuant to Security Council Resolution 1724”, UNSC S/2007/436, 18 July 2007.

³⁰ Ibid, para. 11.

³¹ Ibid, para. 39.

³² “New Somali alliance threatens war”, BBC, 12 September 2007.

³³ “Ethiopia receives Somali ultimatum”, Al Jazeera, 13 September 2007.

³⁴ “Report of the Monitoring Group on Somalia pursuant to Security Council Resolution 1630”, May 2006, para 15.

Eritrea gives a home to Ethiopian opposition movements as well as arming and training their military wings. This support – as well as the diversion of Ethiopian troops to Somalia – has allowed the ONLF to step up its activities in Ethiopia's Region 5 considerably. In April 2007 it attacked a Chinese-run oilfield in Abole, killing 65 Ethiopians and nine Chinese workers.

In response, Ethiopia launched a major counter-insurgency operation, including a trade and, possibly, food blockade of five districts in the region, affecting 1.4 million people.³⁵ Some villagers were also forcibly relocated. International organisations, including the Red Cross, were ordered out of the area. In response to allegations of human rights violations and great hardship, the UN sent a mission, which called for an independent investigation of the former and for the authorities to give aid agencies access. It said the food situation was deteriorating rapidly and could reach emergency levels soon and that there was an acute shortage of drugs and other medical supplies.³⁶

B. ETHIOPIA'S SUPPORT FOR THE ERITREAN OPPOSITION

Ethiopia's backing for groups attempting to overthrow the Eritrean government has received little scrutiny, in part because no UN group monitors the activities. It has for many years given Eritrean groups safe haven, as well as training and arms. Its relations with and support for Eritrean opposition groups date from the early 1980s. Some, like the Eritrean Revolutionary Democratic Front, have had long-established ties. Berhane Yemane, the movement's leader, openly collaborated with Ethiopia during the 1998-2000 war. His forces entered Eritrea behind the advancing Ethiopian army and established a presence in the occupied territory.³⁷

For the rest of the Eritrean opposition, relations with Ethiopia have not been as easy to accept while the two countries are engaged in hostilities. Nevertheless, they have used Addis Ababa as a meeting place, and they accept training and military and financial support. The refugee camps in Shiraro and Shimbela, close to the Eritrean border, have been used as recruiting grounds. At the same time, the divisions within the Eritrean opposition are so extensive that it poses little threat to the Isaias government. Some groups, like Islamic Jihad, have operated from Ethiopia and Sudan to plant mines or

undertake the occasional hit-and-run raid against Eritrean army positions but these are small-scale activities.

Ethiopia's present backing for the Eritrean opposition is more of a contingency policy. Should war with Eritrea resume, Ethiopian troops are unlikely to halt operations, as they did last time. They would almost certainly attempt to take Asmara, as well as the port of Assab, and to oust the Isaias government. The Eritrean opposition now operating from Addis Ababa would then form the backbone of an Eritrean puppet administration, an important resource that might shield Ethiopia from a charge in the UN and the AU of snuffing out a member state.

The "Great Game" in the Horn is fuelled by a prevailing belief in both Addis Ababa and Asmara that the other side is on its last legs. Eritrea has long publicly claimed that Ethiopia's policy of "ethnic federalism" is doomed to fail, since it fosters ethnic resentment, and that the Meles government is about to collapse. Ethiopia sees its neighbour as isolated and weak and the Isaias government as but a small elite that resorts to repression to remain in power. Both governments say that with time the other will fall.

VI. WHAT NEEDS TO BE DONE

A. THE IMMEDIATE PRIORITY: STOPPING A WAR

Crisis Group has previously analysed the steps ultimately necessary to break the long stalemate, end the conflict and bring real peace. They begin with the application of international pressure particularly on Ethiopia to persuade it to accept and implement the Boundary Commission decision; extend through cooperation with UNMEE and mutual withdrawal of forces from dangerous positions in and near the TSZ; and go on to international initiatives to encourage the sides to cease support of the other's enemies, normalise relations and enter into dialogue on mutually beneficial economic cooperation such as sharing the benefits of ports like Assab.³⁸ These actions all remain relevant but neither the parties themselves nor the international community are likely to assemble the political will to take them quickly.

The immediate need is to prevent a return to war so as to gain the time that will be necessary to move toward peaceful and sustainable conflict resolution. The danger point is the end of November when the Boundary Commission anticipates declaring its work finished: in

³⁵ "Conflict in the Ogaden and its regional dimension", Chatham House, 31 August 2007.

³⁶ "UN seeks Ethiopia abuses inquiry", BBC, 20 September 2007.

³⁷ "Awate's Interview With Berhane Yemane ('Hanjema')", Awate.com, 29 March 2005.

³⁸ See Crisis Group Africa Reports *Preventing War*, op. cit., and N°68, *Ethiopia and Eritrea: War or Peace?*, 24 September 2003.

the prevailing venomous atmosphere a single spark, accidental or wilful, can easily convert into a conflagration. The outside forces that can and must act in these weeks to build a firewall are the U.S. and the Security Council, though their messages should be reinforced by as many other actors as possible, in particular from the other witnesses and guarantors of the Algiers agreement: the African Union (as the successor to the Organisation of African Unity) and its member states, and the European Union and its member states.

1. The U.S.

The U.S. is the pre-eminent external influence on the Horn of Africa. With strong military forces based in Djibouti and the financial resources to support the ever-present aid requirements, it has played the role of the unquestioned dominant outside power since the collapse of the Soviet Union. Both Ethiopia and Eritrea take their relations with Washington seriously, though neither would welcome unpalatable American advice or ever sacrifice vital security interests under U.S. pressure. U.S. relations with Ethiopia are cordial, if sometimes difficult, but those with Eritrea are close to the breaking point.

The State Department recently warned Eritrea that it may declare it a state sponsor of terrorism.³⁹ Assistant Secretary of State for African Affairs Jendayi Frazer said the U.S. has intelligence which supports accusations that “Eritrea has played a key role in financing, funding and arming the terror and insurgency activities which are taking place in Somalia, and is the primary source of support for that insurgency and terror activities”. Inclusion on the list of state sponsors, she noted, would bring with it severe economic sanctions. The U.S. also closed the Eritrean consulate in Oakland, California.

These warnings and actions come after considerable provocation. Eritrea had expelled the U.S. Agency for International Development (USAID) and demanded the right to inspect U.S. diplomatic bags; Frazer had been refused permission to visit the disputed border. Nevertheless, Eritrea reacted with surprise and defiance. Acting Information Minister Ali Abdu called the terrorism allegations “ridiculous. We have fought terrorists long before September 11” and added, “we don’t live on their (the U.S.) handouts; it makes no difference, we don’t care”.⁴⁰

In reality Eritrea cares deeply. It may not need handouts but the idea of linking its name with terrorism is offensive to its leaders. Eritrea has cooperated closely with the Bush administration against al-Qaeda and has faced its own Islamic insurgency. Since coming to power, it has supported Sudanese opposition groups opposed to the Islamist government in Khartoum, primarily out of an ideological conviction that the fundamentalist regime threatened its interests. None of this, however, has prevented it from forging ties with groups that have close connections to Islamist extremists, in order to pursue their struggle against Ethiopia.

U.S. relations with Addis Ababa are on a much firmer footing, though there are occasional differences of opinion. Despite much speculation to the contrary, Washington maintains that it did its best to discourage the Ethiopian invasion of Somalia in late 2006.⁴¹ Once the invasion took place, however, there is little doubt that American intelligence, military targeting and logistical support was provided to Ethiopia, and U.S. forces conducted at least two direct strikes of their own against Somali insurgents – the first in January, the second in June 2007.⁴²

The U.S. is now directly involved in assisting Ethiopian anti-insurgency campaigns in Somalia. This has reduced (if not entirely removed) the possibility of playing the mediation role it has assumed between Ethiopia and Eritrea at least since the outbreak of the 1998-2000 war. Mediation is not what is needed at this point, however; it is an immediate private but unmistakable message to Addis Ababa that Washington would have no sympathy for a stage-managed coup against the Eritrean regime or any military action to resolve the border stalemate unilaterally and would take strong diplomatic and economic counter-measures such as would put the entire bilateral relationship at stake should such actions be attempted.

2. The UN Security Council

The UN role in resolving the conflict has been gradually eroded, both by the actions of the parties and by the Security Council’s own lack of action. The peacekeeping force patrolling the border, UNMEE, has been reduced to a fraction of its former size. A force that was 4,150 strong in August 2001 today has just 1,688 troops on the ground, who are severely restricted in what they

³⁹ On the record briefing on U.S.-Eritrea relations, Jendayi Frazer, Assistant Secretary of State for African Affairs, Washington DC, 17 August 2007.

⁴⁰ “Eritrea denies US allegations it supports terrorists”, Associated Press, 19 September 2007.

⁴¹ Briefing with Jendayi Frazer, op. cit. Some go further: *Time* reported a meeting in November 2006 between the head of U.S. Central Command, General John Abizaid, and Prime Minister Meles Zenawi, during which the American told his Ethiopian host that he was “not allowed” to invade Somalia, adding that Somalia would become “Ethiopia’s Iraq”. Alex Perry, “Ethiopia: Horn of Dilemma”, *Time Magazine*, 6 September 2007.

⁴² “Report of the Monitoring Group on Somalia”, 18 July 2007, op. cit.

can do by Eritrea and indeed have been systematically humiliated. Ethiopia, though more careful in its relations with UNMEE, has also done little to enhance its standing.

The then-Secretary-General, Kofi Annan, told the Security Council in December 2006 that the status quo for UNMEE was unacceptable and confronted it with four options:

- reduce the size of the force from 2,300 to 1,700 and reduce its monitoring patrols;
- again reduce force size to 1,700 and reduce patrols but also move the headquarters from Asmara to the Ethiopian side of the border, with only a liaison office in Eritrea;
- transform UNMEE into an observer mission with a smaller military protection force of around 800;
- reduce the force to a small military liaison mission of 30 to 40.⁴³

The Council selected the first option, leaving UNMEE with full responsibilities but too few troops and other staff to work effectively. Time and again, when confronted with insults to its peacekeepers or the flouting of its resolutions – by Ethiopia with regard to the Boundary Commission ruling, by Eritrea with regard to UNMEE – the Council has failed to act. The pattern goes back to the beginning of the UNMEE mandate. The Cessation of Hostilities Agreement of 18 June 2000 (incorporated into the Algiers agreement) specified that the TSZ was to be inviolable. Ethiopia was required to remove its troops to positions held prior to the outbreak of hostilities on 6 May 1998. Eritrea was required to move 25km north of those positions, to allow establishment of the zone. Paragraph 14 stated that:

The OAU [Organisation of African Unity] and the United Nations commit themselves to guarantee the respect for this commitment of the two Parties until the determination of the common border on the basis of pertinent treaties and applicable international law, through delimitation/demarcation and in the case of controversy, through the appropriate mechanism of arbitration. This guarantee shall comprise of:

a) measures to be taken by the international community should one or both of the Parties violate this commitment, including appropriate measures to be taken under Chapter VII of the United Nations Charter by the UN Security Council.

This guarantee has never been invoked. Chapter VII, which is designed to deal with threats to peace, breaches of peace and acts of aggression, includes measures up to and

including the use of force. It is unclear quite how, or indeed whether, the UN ever thought this might need to be used in the case of Ethiopia and Eritrea. By giving the guarantee and then allowing it to be flouted by both countries, however, the prestige and credibility of the Security Council has been diminished in a manner that hampers it in this and other crises.

The mistakes of the past cannot be corrected in a single stroke but the Council needs to begin by supporting publicly the confidential U.S. initiative proposed above through adoption of a resolution that contains at least three elements designed to give the parties, and in the first instance particularly Ethiopia, pause: support for the Boundary Commission decision; a request to the Commission that it continue to hold itself available to complete its task by demarcating the border;⁴⁴ and a statement that even without such demarcation the border as found by the Commission is acknowledged as the legal boundary between the two countries and will be so regarded by the Council in its consideration of an appropriate response in the event that it is not respected by either party.

B. DE-ESCALATING THE CONFLICT

The combined effect of the above efforts should be to prevent the worst from happening in the next weeks and to gain time but it will neither resolve the immediate crisis of the border nor bring a lasting peace. To make progress on the former, it will be essential for the international community to devote new energy and determination to reviving the Algiers peace agreement. Results are unlikely to come quickly or easily but the process will require that the Security Council restate its unequivocal support for the agreement and all the measures that follow from it, including the work of the Boundary Commission and its less contentious sibling, the Claims Commissions, and call on the parties to fulfil all their undertakings to the letter and without delay.

This involves, of course, all the points on which they have been so obstinate, not only full acceptance of the Boundary Commission's ruling but also an end to the hostile statements they regularly issue, withdrawal of troops from the TSZ, a halt to provocative and dangerous manoeuvres and troop build-ups close to the zone and unhindered

⁴³ "Special Report of the Secretary-General on Ethiopia and Eritrea", UNSC S/2006/992, 15 December 2006.

⁴⁴ The Boundary Commission was created by the Algiers agreement, so the Security Council cannot formally extend its mandate. It is not required by that document to conclude its operation by a certain date, however, and it is the Commission itself rather than the parties to the agreement that proposes to do so if it is not allowed to proceed with demarcation in the next weeks. It could be expected to accept a strong request from the Security Council.

UNMEE operation. Another Security Council resolution covering this all too familiar ground will have little effect, however, until the international community is clear in its collective mind what it is prepared to do to encourage the desired behaviour and make continued defiance or negative behaviour costly.

The challenge is to develop a new sense of urgency and a higher level of political will with respect to a consensus on both incentives and disincentives, through multiple and expedited consultations in the Security Council but also within the AU and the EU. The U.S. could make a vital unilateral contribution with respect to Eritrea by withdrawing its counterproductive threat to put that country on its list of state sponsors of terrorism; it could make an even more important unilateral contribution by persuading Ethiopia that it is serious about implementation of the Boundary Commission ruling and, if necessary, will both support multilateral sanctions and draw appropriate conclusions about bilateral relations if Addis Ababa remains intransigent.

UN Secretary-General Ban Ki-moon could make his own significant contribution by appointing a new Special Representative and head of UNMEE. A vigorous senior diplomat in that post, which has been vacant since April 2006 could advance some of the necessary consultations with states in the region, in the AU and further afield, as well as work with the parties to improve the conditions for peacekeeping on the ground.⁴⁵

C. BUILDING PEACE

Even once there is progress on the immediate border issues, peace will be fragile without a series of further steps designed to address each side's negative preoccupations with and perceptions of the other, and to construct first normal, then genuinely positive relationships. Some of these steps are self-evident. For example, the parties will have to cease using proxy forces to damage the other, including the provision of military and financial support for rebels operating on each other's soil, as well as stop violating the Security Council's arms embargo on Somalia. They will need to reopen bilateral channels of communication, including embassies, so they can begin to resolve their differences through traditional diplomacy. Their regional friends and those in the wider international community will need to help, including possibly by developing political initiatives aimed at addressing some security concerns in a regional context and economic

initiatives that could provide mechanisms for mutually beneficial cooperation over, for example, the port of Assab.

While some of this can only come to fruition after the immediate border conflict has been resolved, policy planning and diplomatic discussion should begin at once since the perspectives might help the parties reach the conclusion that they have much more to gain by living up to the Algiers agreement than by maintaining the crisis. Crisis Group will explore some possible longer-term political and economic initiatives in subsequent reporting.

VII. CONCLUSION

Ethiopia and Eritrea are both ruled by narrow elites, which take all major decisions in secrecy. It is impossible to be precise, therefore, about how close to a new war they are but the signs are highly worrying and strongly suggest that one could erupt at any time, without further warning, as happened in 1998. The UN and the wider international community are preoccupied with apparently more pressing issues, including the Middle East's multiple crises and, most recently, Myanmar/Burma. Attention to Africa's problems is limited and sporadic, much of it understandably directed to Darfur and its ramifications. Far too little is being given to Eritrea and Ethiopia, where deadlock has characterised the situation for so long. This is a misreading of the dynamics at play, especially in November 2007, when the Boundary Commission mandate is about to terminate and the two sides are as angry as ever with each other, armed to the teeth, and within slingshot range of each other on a frontline the UN cannot cover adequately.

International indifference or mistaken confidence could cost the people of the Horn of Africa dearly, as well as destabilise an area stretching from Central Africa to the Gulf. The primary responsibility for resolving the crisis remains, of course, with the governments in Addis Ababa and Asmara. Unless and until they decide to end their years of hostility, no progress will be made. They will have to display real leadership if the impasse is to be broken. But in the next weeks they need urgent assistance to ensure that the shooting does not resume.

Nairobi/New York/Brussels, 5 November 2007

⁴⁵ The post has been vacant so long because the parties have been unable to agree on a name. If one or the other refused the Secretary-General's designee, that individual could at the least still advance diplomacy in the region and further afield as his Special Representative for the crisis.

APPENDIX

MAP OF ERITREAN-ETHIOPIAN AREAS OF CONFLICT



Source: Country Profile, Eritrea 2003, Economist Intelligence Unit.



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