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'No war, No Peace' Situation and Implications for Eritrea

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ABSTRACT

The Algiers Peace agreement signed on June 18, 2000 between Eritrea and Ethiopia has ended the two years border war of 1998-2000. The terms of the agreement, however, have not yet implemented although a fresh rapprochement initiatives have started since July 8, 2018. The main problem is the controversies surrounding the Eritrea-Ethiopian Border Commission's (EEBC) final and binding decision on disputed territories due to competing positions by Eritrea and Ethiopia. It is almost 18 years since disagreement has embroiled the two countries into a state of 'no war, no peace' situation, marked by socio-economic and political disarrays. This article, therefore, seeks to examine the main underpinning factor of the problem and its implication for Eritrea. The author argues that the stalled peace talk was an obstacle to Eritrea in its effort for state institutionalization and democratization processes.

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Introduction

Consummating hundreds of millions of dollars and more than 100,000 soldiers, the Algiers armistice agreement of June 18, 2000, has ended the two years of bloody war between Eritrea and its immediate neighbor Ethiopia. The agreement was followed by Comprehensive Peace Agreement on December 12, 2000, brokered by Algeria on behalf of OAU and witnessed by the UN, United States, EU, and OAU.¹ Under the framework of this agreement, the two parties had agreed on the following key issues: a) To cease military hostilities b) To respect and fully implement the provisions of the agreement c) To accept the establishment of neutral boundary and claim commission d) To release and repatriate all prisoners of war in accordance with article 4 of the Geneva Convention e) To accept the EEBC delimitation and demarcation as final and binding and so forth.²

In the initial stage of the agreement, both countries abided by the terms of the agreement. Temporary Security Zone (TSZ), which comprises of 25 km wide, was established only within Eritrea's sovereign territories. This is an indication of Ethiopia's upper hand during the course of the war. In line with this, the United Nations Mission in Ethiopia and Eritrea (UNMEE) which consisted of 4, 500 members took up the mandate of peacekeeping. This mission was also entrusted to facilitate the process of delimitation and demarcation.³ EEBC comprising of 5 members was simultaneously set up. The mandate of this commission was to delimit and demarcate the disputed borders according to the colonial border treaties. The Eritrea-Ethiopia Claim Commission (EECC) was also established and charged to

assess the gross loss, damage and injury perpetrated in different levels by both parties during the course of the border conflict.

Nonetheless, the peace package lingered unfulfilled because of the contrasting claims of the two states over the EEBC ruling. Once the EEBC arbitration became crystal clear, Ethiopia rejected to accept the final and binding deliberation which was put in force on 13 April 2002, continuing its occupation of the sovereign territories of the state of Eritrea. Ethiopia labeled the decision as "wrong and unjust" and sometimes as a 'legal nonsense' decision.⁴ Eritrea, on its part, accepted the deliberation but rejected to give consent to Ethiopia's quest for dialogue as a condition for the implementation, which was not part of the agreement.

These contrasting positions led to a wide-ranging animosity between the two states and to frequent small-scale war and sinister spill-overs into political, economic and social life of the two neighboring countries and beyond. Both countries have spent almost 18 years in the state of 'no war, no peace' for not being able to find out a productive mechanism for conflict transformation. All the terms under the peace package have remained unfulfilled although the recent developments seem to make a substantive change in the status quo. This article, therefore, seeks to examine how the dispute around the disputed territories held the two countries in a state of 'no war, no peace' situation for 18 years and its implication for Eritrea.

This article is organized as follows: First, after this introductory section, it will focus on the main factors that held the two countries in a state of 'no war, no peace' situation for almost 18 years, disputes over the unresolved border issue. The discussion starts with EEBC decision of 2002 and continues into a set of diplomatic gambles. Second, it provides a brief note on the salient features of the 'no war, no peace' situation between the two countries. Third,

¹"Agreement between the Government of the State of Eritrea and the Government of the Federal Democratic Republic of Ethiopia," S/2000/118, 2000.

²Ibid

³"Un Security Council Resolution 1312 Establishing The UN Mission In Ethiopia And Eritrea (UNMEE)," International Peacekeeping 7, no. 4 (2000): 216–21, <https://doi.org/10.1080/13533310008413872>.

⁴"Border Ruling 'Wrong and Unjust', Meles Says," Addis Ababa, 27 May, 2003, <http://www.irinnews.org/report/43963/eritrea-ethiopia-border-ruling-wrong-and-unjust-meles-says>.

it revolves around the implications of the stalemate for Eritrea. This part specifically focuses on the question of demobilization, election and, constitution and constitutional works. Fourth, it draws a conclusion based on the findings.

Unresolved border

As per the Algiers agreement, Article 4 paragraph 2, the Government of Eritrea and Government of the Federal Republic of Ethiopia agreed to accept the deliberation set forth by the EEBC based on the colonial border treaties (1900, 1902 and 1908) and applicable international law. The commission was set immediately after the Comprehensive Peace agreement reached on 12 December 2000. Subsequently, both states submitted over 250 documents to support their respective claims of authority over the disputed territories.

The commission, in turn, made an in-depth investigation over the submitted documents to prove that the litigant parties' documents are corroborating with factual historical realities. Reports, government and non-governmental corresponding's, legislative and fiscal texts, evidence of general practices and infrastructure elements from either party were intensively examined.⁵ Regular progress reports, consultation with the two states and their delegates were also part of the process. The ultimate objective of the investigation was to adjudge and declare the Eritrea-Ethiopian border and put it in to effect in the ground.

On April 13, 2002, EEBC under the presidency of Sir Elihu Lauterpacht declared its final and binding decision on the delimitation of the disputed border.⁶ The decision was initially accepted by both parties. Henceforth the commission steps up its effort for demarcation on the ground-empale pillars. From late 2002, the commission invited several delegates from both parties and other relevant stakeholders in the region, including observers from UN and AU to deal with the modalities of implementation. However, the implementation was intercepted as Ethiopia demanded dialogue as a condition, which was not in the peace package. This condition was put forward a year later when Ethiopia realized that the commission has invalidated its claim over the symbolic city, Badme.⁹

From reality stand of view, the decision was not pleasing to both parties although initially both countries vehemently claimed victory. Neither Eritrea nor Ethiopia gained their desired territorial claims. Although Badme⁷, the bone of the border conflict, went just 800 meters inside Eritrea, many Eritrean villages which even Ethiopia recognized as sovereign territories of Eritrea were given to Ethiopia and the same story is true with the other.⁸ From Tserona region, for instance, 12 small villages were given to Ethiopia. Similarly, the people of Irob were asymmetrically divided into two parts as the Ethiopian claim over northern and western part of Irob failed to gain the EEBC recognition.¹²

Regardless, Eritrea accepted the deliberation without any precondition as per the agreement. On April 16, 2002,

President Isaias Afowerki appeared on the national TV and expressed his satisfaction in the following words: "Gift to present and future generation of Eritreans who will live within secure and recognized borders".⁹ This step was hope over fear and despair in the region.

For Ethiopia, the EEBC decision was a bitter pill to swallow. The Badme decision to Eritrea was particularly inconsumable to TPLF led coalition government in Ethiopia as the message behind the decision was infavour of Eritrea's leadership. Technically speaking, the decision legitimized Eritrea's territorial claim and the payoff, while painting Ethiopia as an aggressor. It was from this perception that the EPRDF chairperson, Meles Zenawi, bluntly urged the international community to come up with an alternative mechanism to re-define the disputed territories. He openly said: "It is unimaginable for the Ethiopian people to accept such a blatant miscarriage of justice."¹⁰ He went to the extent of belittling the decision as a recipe for another round of war and instability in the region.

The decision was unwelcomed even by the local people in Tigray region, bordering region with Eritrea. For example, Weldegewergis Weldedemariam, Tigrean local administrator, openly stated: 'It's impossible to say what we'd do if Eritrea got Badme, because we can't believe it would happen'.¹⁵

Beyond these, a huge array of opposition against the decision was irrupted from unexpected quarters, including opposition parties and dissident groups from TPLF inner-circle.¹¹ For the first time after the political dissension of 2001, the TPLF faction group led by Siye Abraha, the former defense minister, and Gebru Asrat, the ex-president of Tigray state, have shared the same feeling with Meles led government. As the International Crises Group report (2003), the decision was largely depicted as a nightmare scenario for the majority of the Ethiopian people and sentiments against it were high.¹⁷

Recent development in Ethiopia has also proved the existence of such rejectionist people although limited only in Tigray, the northern part of Ethiopia. After Dr. Abiy¹² announced his governments' compliance with EEBC decision and its implementation, hundreds of thousands of people from Tigray regional state have voiced their opposition. The local people, especially from Badme and Irob, have repeatedly echoed that the EEBC decision on the disputed territories as stands is unacceptable, calling it illegal, unjust and irresponsible.

For Eritrea the decision, as stated above, was a kind of political capital. Thus, Eritrea's position from the very beginning remained unchanged. One top government officer from Asmara said:

There is nothing to discuss. It is a closed chapter.
There is nothing ambiguous about the process. We feel we are the one to have complaints with the

⁵Eritrea- Ethiopia Boundary Commission Decision Regarding Delimitation of the Border between: The State of Eritrea and The Federal Democratic Republic of Ethiopia; Chapter III: the task of the commission and the application law, 21-31

⁶ Ibid., 87-125.

⁷ Badme-the symbolic icon of war of obliteration- is nothing more than a collection of scattered arid stylized humble huts with no economic or other relevance.

⁸ Voice of Assenna, "Voice of Assenna Interview with PM Meles Zenawi of Ethiopia" (Addis Abeba, 2011).

⁹"Interview with President Isaias Afowerki," *Eritrea Profile*, April 1, 2002.

¹⁰Letter from Prime Minister Meles Zinawi to the President of the UN Security Council, 19 September 2003.

¹¹Martin Plaut, "Ethiopia and Eritrea : War? Returning To," *International Journal of Ethiopian Studies* 2, no. 1 (2011): 185.

¹²Dr. Abiy is the current Prime Minister of the Federal Republic of Ethiopia. He came in power on April 2, 2018. Currently, he is a chairman of the Ethiopian Peoples' Revolutionary Democratic front (EPRDF) and Oromo Peoples' Democratic Organization (OPDO).

process, but we accepted the decision in advance as final and binding. Either we have a solution or we don't. People in Eritrea are fed up. Either pressure the Ethiopian government to implement the decision and we can all look forward to peace, or the international community should just leave us alone. The only way to have a solution is to implement this agreement.¹³

The Eritrean government's position is also widely accepted even by the local borderland people and authorities. One informant, former military commander, and current sub-region PFDJ chairperson put his position as follow:

No discussion or dialogue. If we are going to live, we will live with honor, if we don't make it we will die with honor. For our people, for our nation, for our rights, we, therefore, for all times...Personally, I don't want history to register me that I am a loser, better to die in these sand dunes, better the enemy tanks to run over me rather than handing over my forefathers land in any form. We have no land for sale or compromise in the name of dialogue or otherwise. And I believe that at last the justice case will win no matter the cost of no war, no peace.¹³

This is, therefore, the main reason that stalled the peace process almost for 18 years. During this time, they involved only in acrimonious practices, including frequent cross-border skirmish wars, proxy wars, and media war. Development issues were almost completely undermined since the focus shrunk only on national security agenda. In the following sections, we will see the salient features of the 'no war, no peace' situation.

'No war, no peace' situation

The 'no war, no peace' policy was a post-war ground strategy by Ethiopia. Its main objective was to contain Eritrea not only politically, economically or militarily, but diplomatically as well. The end result that they were expecting with these instruments was the collapse of the Eritrean government. The policymakers were of the opinion that "Eritreans are leaving their country anyway so there will be no army to defend Eritrea. And when all the Eritrean young people desert then we can walk into Eritrea, we don't even have to fight."¹⁴ For its implementation, Ethiopia has adopted many strategies, whereas Eritrea the counter-strategy. These include abetting and sponsoring Eritrean opposition groups, persistent cross-border military attacks, diplomatic isolation and propaganda war, but backfired as reaction from the Eritrean side was more aggressive than they expected.

To expedite the collapse of the Eritrean government, Ethiopia turned Addis Abeba to a home of different ethnic and religion based Eritrean opposition groups. Democratic Movement for the Liberation of Eritrean Kunama (DMLEK) or Demahai, Eritrean National Alliance and Red Sea Afar Democratic Organization (RSADO) were among other Eritrean opposition parties which were constituted by Ethiopia.¹⁵ However, it had not created any strain to Eritrea.

The forged opposition forces could not able to come together to form a single effective front. As veteran Kibrom Weldemichael asserts majority of them were held by sub-national attachments.²³

DMLEK and RSADO, both communal and ethno-nationalistic based organization, were the only relatively functioning parties in the ground, but with no broad national agenda.

Eritrea's counter-strategy to Ethiopian proxy war, however, seems more productive. Tigray People's Democracy Movement (TPDM), Ogaden National Liberation Front (ONLF), Ginbot Sebat and Afar Revolutionary Democratic Unity (ARDUF) were attaining arms, training and financial support through Eritrea.¹⁶ Eritrea also served as safe heaven and launching pad to TPDM to carry-out their destabilitory military activities inside in Ethiopia. This was an effort to hold Ethiopia buzzy with its own internal affairs by breeding different insurgent groups within its own doorsteps.

Cross-border military attack and counter-attack was also part of the larger prism. Since the cease-fire agreement, the two sides' had involved in several cross-border attacks. The worst of all engagements was in 2016. As my informant from the battleground confirmed, the war started the earlier morning on June 12 by Ethiopian soldiers and last for three days.¹⁷ The result was a disaster.

Nothing indeed escalated the tensions between the two States than diplomatic wrangling. Both countries had involved in competing diplomatic activities. Following Eritrea's withdrawal from AU and IGAD in 2003 and 2006 respectively, Ethiopia has skillfully utilized the vacuum and advocated the international community to condemn and isolate Eritrea. The diplomatic maneuver was framed under the orbit of Eritrea's alleged role of supporting terrorist groups in Somalia and refusing to withdraw its force from the disputed border with Djibouti.¹⁸ United States' role in this process was exceedingly high. Instead of contributing a positive role as guarantor of the cease-fire agreement, it had contributed a fueling role. Subsequently, Eritrea became a victim of Ethiopia engineered UN Security Council sanction (Resolution 1907) on 23 December 2009.¹⁹ Through this mechanism, Ethiopia also succeeded to create a fictitious image of Eritrea, 'a problem divider' or an agent of instability in the Horn of Africa.

Fortunately or unfortunately, those events helped Eritrea to wake up from its sleeping mode. Immediately after the U.N. Security Council Sanction, Eritrea was convinced that linkage with the outside world is the only way to get rid of the state of isolation. It took bold efforts to curb Ethiopia's further efforts of its isolation. As the first step, it renewed its membership in the African Union. Similarly, it resolved the dispute with Djibouti through Qatar government mediation. The Saudi -led Arab alliance war in Yemen was also a blessing in disguise to Eritrea. The development has allowed Eritrea to advance its national geopolitical interest and the

African Studies 21, no. 3 (2003): 414, <https://doi.org/10.1080/0258900032000142446>.

¹⁶“Mola Asgedom First Interview in Tigrigna after Escaping from Eritrea” (Ethiopia: EBC, 2015).

¹⁷Interview: TTM (56), July 12, 2017, Tserona.

¹⁸United Nations, “Security Council Addressed to the President of the Security Council,” vol. 54319, 2010.

¹⁹UN Security Council, “Resolution 1907,” vol. S/Res/1907, 2009.

¹³ Interview: ASS(53), February 12, 2017, Tserona.

¹⁴Yemane Ghebreyab, “Eritrea's political situation and its policy in the Horn of Africa”. Presentation. Bruno Forum for International Dialogue. April 17, 2015.

¹⁵Jon Abbink, “Ethiopia-Eritrea: Proxy Wars and Prospects of Peace in the Horn of Africa,” *Journal of Contemporary*

payoff was more productive.²⁰ In contrary, Ethiopia had descended from coherent leading actor in the Horn of African political landscape into a black box of ethnoreligious thrives.

Recent developments, however, seem to have a significant positive impact on both countries. On July 8, Eritrea and Ethiopia have officially declared the end of the cold war era and the beginning of a new era of friendship and cooperation.²¹ The thaw began with the rise of Dr. Abiy Ahmad, the newly elected Prime Minister of Ethiopia, on April 5, 2018. As a new goodwill gesture for normalization of the situation, he has unconditionally accepted Eritrea's long run demand on matters related to EEBC decision of 2002 and implementation. Eritrea, on its part, founded much in the way than anybody expected. It has accepted the offer and took the first bold action by sending its high-delegation to Addis Abeba on June 26, 2018. As a result, the intense session of hostilities now appears to be on its end. However, the spill-over effects of the two decades went state of 'no war, no peace situation' is far from the end, especially for Eritrea.

Implications on Eritrea: Internal affairs

A payoff of 'no war, no peace' situation for Eritrea is huge comparing to Ethiopia. For two decades, Eritrea had an existential security threat. It was forced to prioritize mainly on the national security issues before socio-economic and political developments. The whole public sphere was mainly dominated by securitization discourses. Many national questions were remained unnoticed. The issue of demobilization of military personnel, the institutionalization of the state bodies through fair and free elections, and establishing constitutional framework are among other severely overlooked issues.

Since the outbreak of war in 1998, the national service which was initially required only six months of military training and one year of community service has been indefinite because of the national security threat posed from Ethiopia. Subsequently, hundreds of thousands of youths were forced to remain on different fronts for many years. Some of them have made over 22 years and others more. Many members of the standing and reserved forces have now hit their 50s with nominal salary. Some frustrated once were also forced to leave the country in search of better opportunities in refugee and merged to be important diaspora communities. Now, it seems the right time the state to set free those who served the country for a long time to live a free dignified life leaving the burden of reconstruction to the young people. However, the country has no means and resources to do so unless the international community, including the UN, EU, USA and some NGOs, joined their hands to help the government of Eritrea in the efforts of demobilization in the form of funds.

Institutionalization of the Eritrean state through a fair and free election is also a paramount to post-stalemate venture. Since the independence of Eritrea in 1991, except in March 1997, the country has not carried out any nation-level election. Election practices have been open just at the local administration level. The rest positions filled by central government appointed figures. The appointed were only the

members of the PFDJ²² ruling party. Moreover, neither the civil society organizations nor pressure groups encouraged to participate in the political space. In fact, all independent civil societies were banned following the national security threat following the internal political crisis during the summer season of 2001.²³ The ruling party affiliated civil societies such as National Confederation of Eritrean Workers (NCEW), the National Union of Eritrean Women (NUEW) and the National Union of Eritrean Youth and Students (NUEYS) are the only existing civil societies.

Eritrea has drafted but not implemented the constitution of 1997. The constitution was ratified by the then time 527 members of the constituent assembly on May 23, 1997.²⁴ Article 19 of the constitution guarantees Eritrean citizens full-fledged right to actively participate in the socio-economic, political and cultural everyday life of the country.²⁵ However, the outbreak of the border war 1998-2000 forced the government to postpone its implementation. Since then, the country has been virtually under the state of emergency. The constitution cannot be operational. The state prioritized national security. It has suspended all efforts at strengthening democracy. As a result, the leadership style has contracted, rather than building up a country with popular sovereignty and strong institutions. The state was almost in all aspect of the life of the citizens.

Conclusions

The most significant obstacle for peace and normalization efforts in Eritrea-Ethiopia was the intransigent and inflexible position of the two countries' on EEBC decision of 2002. Although the two parties signed to abide by the final and binding ruling of the independent commission, they failed to proceed to the implementation process. Ethiopia failed to accept the decision by putting dialogue as a precondition for the implementation, which Eritrea categorically rejects. As a result, the decision has produced a state of 'no war, no peace' situation that has held the two states for 18 years. The situation has not only frozen the socio-economic and political relations between the two neighboring countries but also generated deep-seated hostility. To hasten the collapse of each other's government, the two states involved in many cynical political projects, including proxy wars, frequent cross-border skirmish wars, propaganda war, diplomatic besiege and most importantly propaganda wars. The outcome of this intense bout was a tragedy of classic proportion. Both countries have exposed to deep and continuous domestic political and economic susceptibilities. Particularly, Eritrea is badly affected because of the UN sanction, the size, and meager resources, and compelled to postpone many inescapable internal issues, including demobilizing the youths who unduly served the country, election and largely the question of the constitution.

²⁰Alex De Waal, *The Real Politics of the Horn of Africa: Money, War and the Business of Power* (Cambridge: Polity Press, 2015), 153.

²¹“Joint Declaration of Peace and Friendship between Eritrea and Ethiopia,” Eritrean Profile Vol. 25 No.38,” *Eritrean Profile*, July 11, 2018.

²²PFDJ is an abbreviation for the People's Front for Democracy and Justice, the only ruling party in Eritrea from independence in 1991 up to now.

²³“Closed and Repressed: No Space for Democracy to Take Root in Eritrea,” CIVICUS, 2017, <https://www.civicus.org/index.php/media-resources/news/interviews/2724-closed-and-repressed-no-space-for-democracy-to-take-root-in-eritrea>.

²⁴“Eritrea. Constitution.Art.7” (1997).

²⁵Ibid.. Art.19.

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