ETHIOPIA AND ERITREA: THE QUEST FOR PEACE AND NORMALIZATIONS

by

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Thesis Submitted for the Degree of
Master of Philosophy in Peace and Conflict Transformation
MPCT 2006-2008

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Acknowledgments

Special thanks to,

State Lanekassen Fund

For financing my studies in Norway

Randi Ronning Balsvik

For sound and unreserved supervision,

For motherly assistance, invitation to concerts and Norwegian cuisine

Tekeste Negash , Kjetil Tronvoll and Jon Abbink(all big names on the study of the conflict*)*

For their constructive suggestions on the direction this thesis has taken and of relevant literature.

Nordic Africa Institute

For offering me a one-month library studies at the Institute.

Fellow MPCT Students and staff

For friendship and support

Kalewongel

July 2008

Abstract

The border war between Ethiopia and Eritrea ended in December 2000 with the signing of the Algiers agreement. Under the Algiers agreement, the two parties established a border commission to delimit and demarcate the borderline. In April 2002, the commission delivered its delimitation decision and continued to undertake demarcation activities, which were already launched in parallel with the delimitation of the border. However, demarcation activities of the commission became stalled as a result of resistance from Ethiopia. Ethiopia rejected the delimitation decision and blocked efforts of demarcation. In November 2006, the commission unilaterally demarcated the border virtually. The virtually demarcated border stood as the legal boundary between the two countries as of January 2008, when the commission's deadline for the parties to agree for pillar emplacement on the ground expired at the end of December 2007.Once again, defiant Ethiopia rejected the virtually demarcated border and continued to occupy the legal territory of Eritrea. Consequently, 6 years after the commission's decision was delivered, the conflict between the two countries is not yet settled. Tensions between the two countries are still high. The temporary security zone that was established as a buffer zone to separate the armies of the two countries has now collapsed and the armies of the two countries are faced each other. In view of these circumstances, the possibility for another round of violence is within reach. This thesis, first and fore most, attempts to find out explanations why the overall peace process was not able to bring an end to the conflict in general and to the border incompatibility in particular. Secondly, it attempts to air the silenced views of the local people living along the disputed boundary. By doing so, this thesis argues that the Ethiopian and Eritrean boundary is inhabited by two closely related people and any solution to end the currently prevailing deadlock and resolve the border disagreement needs to be done with the participation and consultation of the local people. Any solution that will be imposed on the local people is likely to face resistance, undermining the sustainability of the peace that could be achieved.

List of Abbreviations

EPLF	Eritrean People's Liberation Front
TPLF	Tigrayan People's Liberation Front
EPRDF	Ethiopian People's Revolutionary Democratic Front
PFDJ	Popular Front for Democracy and Justice
EEBC	Ethiopian and Eritrean Border Commission

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Chapter -1

Introduction

1.1 Stating the Problem

The interest to write my master thesis on the Ethiopian and Eritrean border conflict was aroused by two important factors. The first factor was the lecture I had about the Ethiopian and Eritrean border conflict as part of the curriculum to the course on Integrated Peace Studies. The lectures and the readings not only increased my knowledge about the conflict but also made me realize how central the conflict is in the study of contemporary peace and conflict issues in Africa. The second issue was Ethiopia's intervention in Somalia in December 2006. My readings on why Ethiopia invaded Somalia made me understand how Ethiopia's protracted conflict with Eritrea tempted the country to invade Somalia. The crisis in Somalia was explained by authors such as Terence Lyons (2006) in connection with the protracted conflict between Ethiopia and Eritrea. The Islamic court, which controlled most of Somalia at the time declared jihad against Ethiopia, and the court had considerable support from Eritrea. Somalia became a front in the proxy war between the two countries-Eritrea supporting the Islamic Court Union and Ethiopia supporting the Transitional Government of Somalia in Bidwoa.[1] The region became destabilized as a result of the protracted conflict between the two countries. Peace and stability in the Horn became depended on the resolution of the Ethiopian and Eritrean conflict and triumph of sustainable peace.

My readings on Ethiopia's intervention in Somalia made me to wonder why the Ethiopian and Eritrean conflict remained unresolved after the war ended and the Algiers peace agreement was signed. The two years border war ended in 2000. On 12 of December, the same year, the two countries signed the Algiers peace agreement. In the peace agreement, the two countries established a border commission to delimit and demarcate the border between the two countries, the alleged reason why the conflict erupted and the war was fought. The commission that was established in accordance with the Algiers agreement delivered its delimitation decision in April 2002.However, 7 years after the end of the war and signing of

[1] Eritrea also supports the Oromo Liberation Front (OLF) and the Ogaden National Liberation front (ONLF), two guerrilla groups fighting against the central government in Addis Ababa for secession. Ethiopia sponsors a bunch of Eritrean opposition movements called Eritrean Democratic Alliance (EDA). For more information on the proxy wars the parties are undertaking see Jon Abbink(2003a) "Ethiopia and Eritrea :Proxy Wars and the Prospects of Peace in the horn of Africa", *Journal of Contemporary African Studies*, accessed online via UiT university library.

the peace agreement, and 5 years after the border between the two countries was delimited, peace remains an unattained objective. The situation in the border between the two countries is tense. The two countries maintain hundreds of thousands of soldiers along the border. Short of any conventional war, the two countries continued to fight through third parties.

Today, at the time of the completion of this thesis, the border between the two countries is virtually demarcated six years after the delimitation decision of the border commission was delivered. Nevertheless, the relation between the two countries remained hostile and the situation along the border is still worrisome. The recent reports made by the Brussels based International Crisis Group (ICG) warned against the eruption of another round of violence.[2]

As a result of the influence of these two factors, as an Ethiopian and student of peace studies, I felt there is no other urgent issue to study than the protracted peace process between Ethiopia and Eritrea. When I conduct further readings on the peace process, a second problem that should be enquired in relation to the prospect of sustainable peace between the two countries emerged. From my preliminary readings, I came to know that the public in Ethiopia at large and the local people in territories along the disputed border in particular have been largely ignored both in the process and final text of the Algiers agreement.

Before the war, Ethiopia's relation with Eritrea did not assume a form of relationship as that between sovereign states, but were handled as matters of relationship between the two fronts, Tigrayan People's Liberation Front (TPLF) in Ethiopia and Eritrean People's Liberation Front (EPLF) in Eritrea (Glikes and Plaut, 1999:12).[3] When the war erupted, the public in Ethiopia was mobilized but then again ignored in the conduct of the peace process. Terlinden and Debiel,(2004:5), pointed out that the peace process that aimed at resolving the Ethiopian and Eritrean conflict was primarily conducted at intergovernmental level. Societal views and the opposition were neglected. According to Getachew (2006:64), the government of Ethiopia signed the Algiers agreement with sheer negligence of the critical views of the

[2] See Africa reports of International Crisis Group (ICG), *Beyond the Fragile Peace between Ethiopia and Eritrea: Averting New War*, Africa Report, Number 141, 17 June 2008; Ethiopia *and Eritrea: Stopping the Slide to War*, Africa Report Number 48, 5 November.

[3] In 1994 EPLF changed its old front name and become Popular Front for Democracy and Justice (PFDJ)-thus transforming itself from an armed front in to a popular political party. By 1989, TPLF had already formed the multi ethnic coalition (highly dominated by TPLF itself) known as Ethiopian People's Revolutionary Democratic Front (EPRDF). For convenience and for the mere reason that both parties continued to behave like fronts even after they become governments, the old names of EPLF and TPLF are used across the whole essay.

opposition and academia against the agreement. While negotiating peace with Eritrea, the government in Ethiopia did not attempt to reflect the public views in the making of the peace agreements. Furthermore, the role of the rights of the local people, living in the disputed territories along the border was not considered in the negotiations to resolve the conflict. Later, the government rejected the delimitation decision of the border commission on reasons that the decision divided communities and villages and thus was against the will of the people.

With this understanding, the idea of travelling to the disputed territories and capturing the views of the people about the peace process and the resolution of the conflict was conceived. Indeed, traveling to the territories laying along the disputed border and talking to the people became important because the involvement and the participation of the people of both countries, particularly those living along the disputed border in the peace process forms an essential component in the effort to achieve lasting peace.

1.2 Objective of the Study

Two problems are identified. First, the absence of peace between Ethiopia and Eritrea; and secondly, the alienation of the public and particularly the local people living in the disputed territories by the Ethiopian government in the negotiation of the Algiers peace agreement. Among other things, the current impasse and protracted conflict between Ethiopia and Eritrea is the consequence of the complete reliance of the peace process at governmental level.

In line with these problems identified, this essay has two major objectives. It explains the reasons why the peace process was not able to bring a successful settlement to the conflict and be able to achieve peace. Secondly, it aims at drawing attention to the unheard and un-represented views of the local people in the disputed territories in the Ethiopian side. The paper attempts to give a platform to air the forgotten views of the "forgotten people."[4]

1.3 Sources

This research is based on the study and analysis of both primary and secondary sources. The study uses primary sources such as archives, treaties, and official statements by public bodies, peace accords, news releases and maps. In addition, empirical interview data, collected from

[4] Abbink(2001b:450) used the word "forgotten people" to refer to the local people living across the border between Ethiopia and Eritrea.

the local people living in two of the contested areas, Badme and Zalambessa, forms as the basic source of primary data for this research. The primary data is also supplemented by secondary sources such as books, journals, articles, reports and news release.

The literature on the Ethiopian Eritrean conflict is vast. Though the number of books written on the issue is limited, there are numerous scholarly articles, journals, reports and media releases dealing with the conflict. Most of these secondary sources are accessed through the Internet. The Google scholar search tool via the library of the University of Tromsø is used to get access to the articles in journals. The Internet also provided access to online Ethiopian and Eritrean conflict web pages. The principal web page used an important source to this essay is Demarcation Watch at http://dehai.org/demarcation-watch/index.html. The archives of Demarcation Watch provided access to reports of the border commission, observations of the commission (2003), statement of the commission (2006) as well as letters of president Issaias and Prime Minister Meles.

The classic book on the conflict is *Brothers at War: Making Sense of the Ethiopian and Eritrean conflict* by Tronvoll and Tekeste(2000). The book explains the fundamental and deep-rooted sources of the conflict beyond the disagreement on the line of the border. As a break through work on the conflict, this book is used as a central reference across the whole essay. On the causes of the war, an article accessed through the Internet, though lacking important bibliographical information was found highly useful. In chapter three, while dealing the causes of the war using Nye's three levels, this reference material, which has dealt the causes of the war by using the same levels of analysis, was used as an important source of information.

Chapter four mainly relied on documentary sources but also used the works of Jon Abbink and Kjetil Tronvoll who continued to follow up and write on developments after December 2000. In addition, Articles by Malcolm Shaw (2007) and Martin Pratt (2006), which focus on the experiences of the Ethiopian and Eritrean border commission, are used as important sources information on the weaknesses of the peace process.

1.4 Why Badme and Zalambessa?

The disputed border line in the Ethiopian and Eritrean conflict amounts 1000 kms. Many small towns and villages lie along the disputed border. These include Badme, Zalmbessa, Alitena, Aiga, Tsorena ,Bure, Bada. The village of Badme was the centre of the whole conflict and subsequent negotiations between the parties and the resulting peace agreements. It was also the decision of the border commission on Badme, which caused the prevailing deadlock. Having this central role in the conflict, paying a visit to Badme is very essential. Zalambessa on the other hand was chosen because the town had been a key place for trade transactions between Eritreans and Ethiopians. The people in Zalambessa used to make their living from cross border trade. Visit to Zalambessa provides a chance to understand the economic impact of the protracted conflict.

1.5 Scope of the Study

This essay primarily focuses on explaining why the peace process in the Ethiopian and Eritrean conflict was unable to achieve consensual settlement to the conflict. Detailed analysis of what sustainable peace and normalization of relation require is beyond the scope of this essay. The prospect of sustainable peace between the two counties is approached from the point of view of the local people living in the disputed territories.

In addition, the empirical data collected in two of the disputed territories on the line of the border, namely, Zalmebessa and Badme reflects only the views of the local people living on the Ethiopian side of the border. The views of the local people from the Eritrean side and Eritrea's government effort (if there is any) to represent the views of the local people living along the "old border" in the peace process are not dealt in this paper.[5]

1.6 Challenges of the Study

I am originally from Ethiopia and this raises the ethical question of neutrality. One may tend to question the freedom of my arguments from Ethiopian bias. As an Ethiopian, writing on this issue, the challenge I will face is possible bias.

1.7 Limitations of the study

[5] The "old border" also referred as simply "border" in this essay is used to refer to the border that prevailed after the independence of Eritrea until the outbreak of the war in 1998. Currently, we have a new border effected by the virtual demarcation of the Ethiopian and Eritrean Boundary Commission (EEBC).

To gain a much more balanced picture, it would have been important that the views from the Ethiopian side were contrasted with the views of the local residents from the Eritrean side. However, the original plan to travel to Eritrea was not realized because of safety reasons and time constraint. Unfortunately, the fieldwork period coincided with the time tensions were rising between the two countries. Even if I was ready to take the risk, I realized that it was difficult to make it with the time span that I had for the fieldwork. Hence, the empirical data presented in this research paper is one-sided, reflecting the views of local people living on the Ethiopian side.

1.8 Safety Strategies

To reduce the possible bias, attempts are made to maintain a level objectivity. Arguments are made on the basis of the available evidences. At most efforts are made to equally present both Eritrean and Ethiopian views. Books and Internet sites focusing on Eritrean views are consulted to understand Eritrean views of the conflict.

1.9 Research questions

In line with the research problems and objectives set out, the research questions of this study are**,**

- Why was it not possible to bring an end to the Ethiopian and Eritrean border conflict after the border was delimited in 2002?
- What do the local people think about the forgoing peace process, the resolution of the conflict and future normalizations of relations?
- What is the way out from the currently prevailing impasse?

1.10 Terms and Concepts

The following terms and concepts with their meanings defined below are used across the whole essay.

Conflict: Conflict is simply a disagreement or the presence of incompatible goals (contradictions)(Galtung, 1996:71).

War: War is the violent expression of conflict in a massive and organized way (destructive behavior). The evil, according to Galtung(2002:np) is not the unfolding of conflicts (which is part of human nature) but the use of armed violence to resolve them.

Peace: the word peace in this essay is understood in its negative sense as absence of war. In the Ethiopian and Eritrean particular context, peace is understood as the settlement of the protracted conflict through a mutual consensus and end of the persistent feeling of enmity and small-scale wars by using third parties.

Peace process: refers to the mediation efforts conducted to end the Ethiopian and Eritrean conflict. Special focus is made on the Algiers agreement and developments afterwards for the Algiers agreement, accepted by both parties, aimed at bringing an end to the conflict.

Sustainable/ Lasting Peace: is understood as referring to an all-inclusive and long-term peace achieved with the participation and consensus of all the stakeholders in the conflict.

Normalization is defined as the resumption of the economic, political and cultural interactions between the two states.

Chapter- 2

Methodological and Theoretical Framework

Introduction

The purpose of this chapter is to set the methodological and theoretical setting of the research. The first section of the chapter explains methodological approach and methods employed. The second section presents the relevant theories about the issue under investigation. In particular, theories on interstate conflict resolution, democracy, public opinion and the linkage between human rights and peacemaking are examined.

2.1. Methodology

2.1.1 Qualitative Approach.

Conventionally, we have two approaches for acquiring knowledge: the Quantitative and qualitative approaches. Each approach has a distinct epistemological basis and a cluster of methods of data collection. Epistemologically, the quantitative approach is rooted in the philosophy of positivism. Positivism maintains that reality can be mastered by the application of the scientific methods of experiment and statistics (research instruments of the natural sciences)(Bryman, 2003:59). On the other hand, qualitative researchers argue that reality in research setting is too complex and the people in it are mysterious too be explained by the techniques of natural sciences. What we can do in research is to "explore, catch glimpse, illuminate and then try to interpret bits of reality. Interpretation "as far as we can go" (Holliday, 2002:5)

In line with its epistemological conviction, the quantitative approach emphasize on causality, variables, and heavily structured interviews. On the other hand, the qualitative approach focuses on the explanation of subjective perspectives, processes and contextual meaning (Bryman, 2003:59). Regarding the specific methods of data collection, the quantitative approach focus on carefully structured interviews, structured observation, experimentation and surveys. The qualitative approach, on the other hand employs methods of participant observation, semi and unstructured interviews, focus groups and qualitative examination of texts.

Despite their differences, the qualitative and the quantitative research approaches are not independent of each other. They are two different approaches / paradigms of social research but they are not irreconcilable and incompatible (Hammersely, 2003; Bryman, 2003). The methods of each approach can be integrated and used in combination. According to Silverman (2005:8) most research questions could indeed be thoroughly addressed by the combination of methods used in both approaches. In studying a social phenomenon, the qualitative methods help us to understand the objects studied in detail and a quantitative method helps us to identify variances (Ibid).

However this does not mean that every research must use both approaches in combination (Bryman, 2003:69). Central in the selection of a methodological approach and methods is the research problem. It is the research problems which guide to what extent one ought to use methods of the qualitative, the quantitative approach or a combination of methods of both approaches (Ibid). Agreeing with Bryman, Silverman (2005:6) points out that in "choosing a method everything depends upon on what we are trying to find out."

This research paper relied on the use of the qualitative approach. The research questions are found to be effectively addressed by the qualitative approach. Focusing on the Ethiopian and Eritrean peace process, this paper attempts to find out why the conflict remained unresolved, and uncovers the views of the local residents of the two disputed territories of Badme and Zalambessa regarding the forgoing peace process and future resolution of the conflict First and for most, the concern of the qualitative approach on textual and documentary analysis makes fit to this research. Secondly, the focus of the qualitative approach with meanings and the way people understand things (Denscombe, 2007:174-175; Ritche and Lewis, 2003:3), makes it the most appropriate methodology to this research.

Nevertheless, a thorough understanding of the subject matter would have required a combined use of the quantitative and the qualitative approach. A relevant quantitative methodological option was the use of questionnaires. If questionnaires were used in combination with the in-depth interviews, variations and frequencies could have been identified. Tables and figures would have been used to analyze the data using numbers.

2.1.2. What Counts as Valid and Reliable Data in Qualitative Research?

Reliability and Validity are essential components of a credible research (Silverman, 2005:6). In qualitative researches, reliability refers to the "degree to which the findings of a study are

independent of accidental circumstances of their production"(Kirke and Miller, 1986:20 cited in Silverman, 2006:282). Reliability is about confidence in the methods we employ for the collection of the data (Payne and Payne, 2004:196). To maximize reliability, the approach, methods, techniques and theories used in the research should be clearly explained in relation to the purpose of the research (Moisnader and Valtonen cited in Silverman, 2006:282). In the actual collection of the data, accidental factors, which affect the quality of the data, should be minimized.[6] Consent of the informant needs to be secured, confidentiality must be assured, rapport should be established and the interviews ought to be carried out in convenient settings.

The research approach employed for this thesis and the rationale behind it is explained above. The method of data collection, the sampling technique, the type of respondents chosen, the challenges faced on the field and how they were handled, the circumstances around interviews and the cautions taken to minimize the influence of circumstantial factors on the reliability of the interview data are dealt below (See below).

Validity, in qualitative research, on the other hand, refers to the authenticity and accuracy of the findings of the research in purporting to explain the phenomenon under investigation (Cohen, et al, 2003:107). The information collected by the interview could be false or may not reflect the real feelings of the interviewees.

The authenticity of the information from the interview can be validated by doing a cross check from different sources. One method often applied for testing validation in qualitative research is triangulation. Triangulation enables us to compare data obtained from one source with other sources, and check if they corroborate one another (Silverman, 2006:290). An interview data can be contrasted against the data collected from a questionnaire, personal observation of the researcher or information in academic texts and documents.

In this essay, the validity of the interview data collected is examined in relation to what has been said about the issue under investigation by other researchers and analysis of documents.[7]

[6] Accidental factors refer to any circumstances interfering to the interview setting and undermining the reliability of the interview data.

[7] See also the section on data analysis

However, it should be clearly understood that reliability and validity cannot be achieved absolutely in any type of research. This is because the threats against validity and reliability cannot be fully controlled. This is particularly true to qualitative researches where the degree of subjectivity is much higher than the quantitative researches. What a researcher can do is to reduce the threats and maximize reliability and validity. Cohen et al (2003:105) indicate that "it is unwise to think that threats to validity and reliability can ever be erased completely; rather, the effects of these threats can be attenuated by attention to validity and reliability throughout apiece of research."

2.1.3 Method of Data Collection-In-depth Interviews

Denscombe,(2007:174-175),indicates that when the researcher wants to gain insights about people's opinion, feelings, emotions and experiences, interviews become appropriate methods of research. In depth interviews enable researchers to explore the feelings and experiences of people in detail than simple reports in one or two words by using questionnaires.

In light of this, semi-structured in-depth interviews were employed to explore the views of the local people. In each territory 6 to 7 prominent elders and community leaders were selected and interviewed.

2.1.4 Sampling Technique -Purposive Sampling

The tool that I have used to select my informants is purposive sampling-a technique in which respondents are selected on the basis of certain predefined purposes. I have chosen well-known elders and key community leaders, presumably with rich information about the issues under consideration. I have used suggestions by the residents and my research assistant in the actual process of identifying my informants.

2.1.5 Sample -Key Informants (Elders and Community Leaders*)*

Key informants are those individuals who have a privileged social position in the research setting, which in turn gives them specialist knowledge about other people, processes and happenings (Payne and Payne, 2004:134). Information from key informants is valuable and useful, since it is likely to be more extensive, detailed and privileged than ordinary peoples' (Ibid).

This research has used elders and community leaders as its informants. This is mainly for two reasons. First of all, by virtue of their age, elders were considered to be useful informants on

the historical practice of the local border and developments after. Community leaders could also be key informants in the sense that they can reflect their own as well as the views of people whom they represent. By the special position they held in the community and their capacity to figure out the views of other people and speak on their behalf, community leaders could provide information about the views of a large number of people. To this end, interview questions were set with the intention of digging out the views of individuals as well as the attitudes of people represented. Attempts were also made to fairly represent individuals whose life has been affected by the conflict.

As a result, deep and informal discussions were made with well known and respected elders of Badme and Zalambessa as well as leaders of various community groups such as farmers associations, self help groups and youth movements. This is complemented by informal discussions that I had with ordinary people whom I met on different occasions, and friends that I made during my stay at Badme and the town of Zalambessa.

2.1.6 Travelling to the Field Areas

2.1.6.1 Badme (From 4 to 15 July 2007)

According to the Ethiopian constitution, any Ethiopian can freely move to any part of the country. The constitution grants me the right to move to any territory of Ethiopia holding my Ethiopian passport. But I felt this is not enough, since I was travelling to a conflict zone, the preservance of it led to the death of tens of thousands of Ethiopians. Because of the central political importance of the conflict, I felt it is essential to get permission from both Federal and Regional authorities. My feelings were reinforced by my previous personal exposures to the beaurocratic red tape in the Ethiopian civil service. But still, I was in confusion where to go. I was about to travel to one of the Regions (members of the federation in Ethiopia are called Regions) and there are a couple of Ministries working on regions. I went to the Federation House, a chamber of the federal parliament responsible for peaceful relations between Regions, and later to the Ministry of Federal Affairs, which also works on regions with a different capacity. I was unable to get help from any of the institutions, and the officials in the ministry of Federal Affairs told me that the issue actually concerns the Ministry of Foreign Affairs.

I was running out of time and going to the Ministry of Foreign Affairs could consume more of my time. It is possible that the people in the Ministry would take some time to examine my background and eligibility to travel to the area.

Before sticking to the formal procedure, I had contacted my ex-classmates, currently working in the Ministry. They told me that since the research issue is sensitive, my application has to be submitted to the political directorate and the directorate will decide on it. I was told that this verification process could approximately take two weeks. This appeared tough to me in view of the time that remained for the fieldwork.

As a result, I decided to travel to the Tigray Regional State capital, Mekele. Given the better record of beaurocratic efficiency the region has, I went with some optimism. I was fortunate enough that I met someone who is well educated at the Security and Administrative Office of the Regional state, who really understood the essence of my research. It did not take me more than an hour to get the permission. A written letter was given to me noting district offices of Tahatay Adiaybo and Gulomheda to offer me all the necessary support to conduct the field work. Both Badme and Zalmbessa were under the sub administration of Tahatay Adiabo and Gulomekehda Woreda's (district) respectively. The remaining process at Woreda level was easy, since I already had a letter from the Security and Administration Office of the Regional state. The difficulty and the challenge appeared later when I entered the village of Badme. The intelligence officials of the Ethiopian army couldn't trust the letters of research permission I got from government officials at Regional and district levels (See below)

On 03 July 2007, I travelled for 7 hours from Mekelle to Shire Endesellase. On 4 July, I took another bus From Shire Endesellase to travel to Shiraro, the place where I would get further permission to move to Badme. The trip approximately took four hours. Still, I had to take another bus to go to Badme. Transportation to Badme was very limited. Every day, the road had to be checked by the mining service of the Ethiopian army before it was opened to traffic. The road is not open for traffic before 9 AM, and for security reasons there is no trip after 4 PM, local time. Irrespective of a significant number of people who are in need of transport services (mostly soldiers and their families), the number of trips made by the only available small buses is twice a day. I saw passengers using trucks for transportation. The small buses also use every space inside and outside, including the top of the car, to be used for cargo to passengers.

After an hour and twenty minutes drive from the town of Shiraro, I arrived at Badme. The road is terrible and took more time than the distance. On my way, I had the opportunity to see the main battlefields and trenches of the Ethiopian army. The way to Badme is highly militarized. In an interval, the Ethiopian army is stationed with very long trenches built. The old trenches of the Eritrean army are also visible. During the trip, the bus was made to stop at two stations for investigation, everyone and every bag was critically checked by the Ethiopian soldiers. The passengers traveling with me told me that the checkups were to control infiltrations and planting of mines by Sha'bia(the word they use for the current Eritrean government). People above 18 could never travel without an identification card.

The village of Badme was not different from what I have read about it. Marc Lacey of the New York Times expressed the village of Badme like this, "There is nothing big about Badme. In fact, to call it a town is an overstatement. It is more of a collection of humble huts along a dusty dirt road with a population of several thousand, about evenly divided between people and livestock. Badme is just a speck on the map, if it appears on the map at all."[8] Though often labeled as a town, Badme is indeed more a village than a town. It has only a few houses along the main street, one elementary school, a non-functioning public telephone station, an administrative unit, a clinic and a couple of modest bars and hotels. The village is dusty and sleepy with very little activity. Only a few people, mostly soldiers, are seen. It was winter, but the weather was so warm. The village has neither electricity nor water.

As a guest in the village, the chief intelligence officials of the army soon came to my room and started to investigate me. All of them were dressed like civilians. I explained to them why I was there. I explained my background, purpose of the study and provided them with all the letters I got from the regional state government and district officials. The chief intelligence officer was not convinced and considered the letters as fabrications. He looked at the letters again and again turning them in every direction. Then, he asked me if I had a letter from the federal government. I told him that I was not able to get a letter from Federal Authorities and argued that the letters from the regional government were adequate. I suggested verification of the letters by contacting to the regional Security and Administrative Office. He firmly said that "if you want to carry out your interview, you should have come with a letter from the

[8]"Badme Journal: Torn Town Changes the Countries but not Convictions," http://query.nytimes.com/gst/fullpage.html?res=9A02EFDC113CF935A25757C0A9649C8B63. *The New York Times*, 16April 2002, retrieved 2 June 2007.

federal government. This is a serious national matter handled by the federal government." I was so disappointed. Then, he took a break, discussed with his colleagues and left me safe.

At night, the chief intelligence officer came again, but this time with a police officer and a solider with uniform. The police officer started to ask me the same questions. Pointing my finger on the intelligence officer, I answered, "I have already explained to him." The intelligence officer ordered me to explain again to the police officer. This time, being a little bit stronger, I explained everything to the police officer. In the meantime, the security official was checking my suitcase and all the documents that I had. Finally, they took my student identity card and left.

The next morning, I was able to get my student identity card back and begin searching for potential interviewees. Despite the first day's harassment, during my stay at Badme, I made lot of friends among the residents as well as Ethiopian soldiers. Memories of my fascinating fieldwork experiences in Badme are still fresh. All-important, was the willingness of the residents to discuss with me. The intelligence officers that harassed me on the first day of my arrival, later became my friends. We shared a lot of ideas about their experiences in the war and their views on the peace process. Also, the day before I left Badme, I met the chief intelligence officer. He apologized to me. He said, "You know, it is because Sha'bia is infiltrating its spies into the village. We are sorry." We discussed about "Operations Sun Set" and his experience in the war. He was among the fighters who first recaptured Badme from Eritrean forces-a hero!!

2.1.6.2 Zalambessa (From 18 to 27 July, 2007)

There was no direct way to go to Zalmbessa from Badme. In order to travel to Zalambessa,I had to go back to Adigrat, one of the largest towns in Tigary. From Adigrat, Zalambessa is half an hour drive. On 16 July, I left Badme and travelled to Shire Endessllase. After spending the night in Shire Endeselasse, I took another buss to Adigrat the next day. Then, I had to go to a small town called Fatsi, located in between Zalambessa and Adigrat, to get permission from the district administrators to travel to Zalambessa.

In the morning of 18 of July 2007, I was in Zalambessa. Anybody who visits Zalambessa realizes that the town was a big urban center before the war. Reconstruction of the town is still underway. The main road is stuffed with modern lights. New buildings, most of them residential, are seen on the left and right side of the road. The town has a couple of cafeterias.

Unlike Badme, there was much more activity in Zalambessa. The town is relatively alive and active. The road is asphalt, transportation is easily accessible and people travel back and forth.

My stay in Zalambessa was smooth.The problems of food, electricity and a resting room which I faced in Badme, were absent. Because of the town‘s proximity to Adigrat, I was able to stay the whole day in Zalambessa and spend the night in Adigrat. Like in Badme, I made many friends in Zalambessa some of whom I still have contact with. The people particularly, the youth in Zalambessa were curious to talk to me. For most of them, it was an opportunity to know someone from the central part of Ethiopia, try their Amharic and share their experiences.

2.1.7. In the Field

2.1.7.1 Research Assistant

The fieldwork areas were new to me. I had never been there before. In addition; the main language the local people speak is Tigrinya, different from my mother tongue, Amharic. As a result, I employed a research assistant in Badme as well as in Zalmbessa. The main role of my research assistant was guiding, helping me get to know the study area, suggest potential key informants and interpret when my informants were not able to speak Amharic. Both of my research assistants were chairmen of the youth associations in each fieldwork area. As residents and as chairmen of the youth associations, they were also my respondents. The research assistants in both Zalambessa and Badme helped me significantly to get to know many people and easily integrate myself with the residents.

2.1.7.2 **Conducting the Interviews**

Interview is a social interaction between the researcher and the informant. Both the researcher and the informants come to the interview situation with their experiences and background. The attitudes, feelings and behavior of the researcher and the interviewee influences the data obtained (Cohen et al, 2003:121).

A serious challenge to the validity of interview data is bias– a tendency to under or over represent facts. According to Lee (1993, cited in Cohen, Ibid) interviews on sensitive topics (researches that pose threats to the research participants) are particularly exposed to bias. In cases of sensitive topics, interviewees might view the interview as an intrusion into their

private lives or the researcher "might be regarded as someone who can impose sanctions on the interviewee, or as someone who can exploit the powerless…." (Ibid) Moreover, interviews face the challenge of transference and counter transference. The interviewer might project into the interviewees his or her feelings, desires, fears, needs and attitudes (transference) and vice versa (counter transference). Interviews are also characterized by power relationships (Cohen, et al, 2003:122). Power resides both in the researcher and the interviewees. However, Scheurich(1995:246, cited in Ibid) argues that more power resides with the interviewer than the interviewees since the interviewer defines the situation, the topics and the course of the interview.

The effort to enhance the validity of the interview data requires awareness about these issues mentioned above and devising precautionary measures. The most important task the researcher has to do to enhance the validity of the interview data is to minimize bias. The validity of the data can be promoted by addressing all the factors that undermine the reliability of the interview.

I was advantaged by the expectation and perception my informants had about me. I was treated as someone who is devoted to their cause. The informants were open to speak to me, share their stories and views. After the interviews some of my informants told me that they feel relived because they have shared their stories and grievances with me. Others even asked me I could help them find their beloved one's whom they lost as result of abduction during the war.

In conducting the interviews, an attempt was made to create rapport and dig out the true feelings of the informants. Consent before all the interviews was secured and the informants were told to stop the interview at any time if they want to and skip questions they don't feel comfortable answering. Confidentially was assured. Before the interviews were started, I explained about my background and objective of the interview. With the view to empower the informants (address the asymmetry of power), I have explained to my informants that they are chosen for the interview because they have expertise knowledge about the issue. All the interviews were carried out in a place where the privacy of the informant was protected. Most of the interviews were carried out in the residences of the informants. The remaining interviews were carried out in offices and my resting room. Unless he was needed, I tried to avoid the presence of my research assistant during the interview sessions with the purpose of creating a much more open environment and protecting the privacy of the informants.

Luckily, most of the interviews were conducted without the use of an interpreter and the presence of my research assistant. In cases where the informants were unable to speak Amharic, my research assistant translated the interviews. I have paid remunerations to my informants for the time they spent with me, but after the end of the interviews and without any advance information that they would be compensated for the interview. The interviews approximately took one to one and half hours, and all of them were recorded. Besides, I took additional notes in my fieldwork diary during the interview. This has provided me a chance to emphasize on important issues mentioned by my informants. In all the discussions, I have tried to recap central issues pointed out by the informants and mark them in bold on my fieldwork diary. This has helped me to focus and use these keynotes properly during the writing process.

2.1.8. The Interview Data

According to Holstein and Gubrium,(1995, cited in Silverman,2005:45),interview responses could either be treated as giving direct access to experiences(Realistic Approach) or as actively constructed narratives(the Narrative Approach).The former, the most popular approach, treats responses obtained from in-depth interviews as describing external reality such as facts, events, feelings or meanings. The information obtained is treated as an expression of the real experience of the people .i.e. interview responses are presented as facts (Silverman, 2005:154). On the other hand, the narrative approach treats interview responses as constructed meanings. It abandons viewing interview data as true reflections of reality but as narratives with which people describe their world.

According to Silverman (2005:45), both approaches are "entirely legitimate" but one needs to explain the reasons for employing one instead of the other.

Interview data in this essay is treated in line with the realistic approach. The first reason for this is because the realistic approach is the most common approach. Secondly and more importantly, one of the objectives of this paper is voicing the unrepresented views of the local people in the disputed territories living on the border between Ethiopia and Eritrea. The thesis argues on the need to incorporate the views of the local people living along the border in efforts to achieve sustainable peace. Incorporation of these views in future efforts to resolve the conflict and achieve long lasting peace requires treating the views as the true reflections of the wishes of the people.

2.1.9. Analyzing the Interview Data

If interview data is viewed as a true depiction of the feelings and experiences of the people, the accuracy of the information can be checked through triangulation (Silverman, 2005:154). The method of triangulation enables us to verify the authenticity and accuracy of interview data by referring to different sources of obtaining data (See also section 2.1.2).

In analyzing the interview data of this essay, triangulation is used to back up and test the accuracy of the views mentioned by the interviewees. This is mainly done by making references to other sources such as the literature on the issue under investigation, the Algiers peace agreement, the border commission's decision and other relevant materials.

2.1.10 Anonymity of Respondents

Protecting the privacy and identity of informants is an important integral part of the ethics of a research**.** A researcher is expected to protect the anonymity of the respondents. The name and identity of the respondents should not be revealed on interview transcripts or electronic files or final report. Exposition of the identity of the informants in a politically sensitive topic may result in reprisals and harassments of informants for the information they have provided.

Accordingly, the anonymity of my informants in this research is protected. Nevertheless, for the purpose of reference, precision and providing a glimpse on the profile of my informants, the age and the number of years my informants have lived in the field areas is indicated.

2.2 Theoretical Setting

2.2.1 Conflict Resolution between States

According to Wallensteen (2007: 88) the resolution of interstate conflicts is easier than resolution of intrastate conflicts. For him "thorny issues" of recognition are absent in interstate conflicts. In addition, there are internationally recognized norms and principles (such as the charter of the United Nations) to the resolution of interstate conflicts.Wallensteen (2007:51-54; 87-89) points out that interstate conflict involve geopolitik, realpolitik, and idealpolitik and kapitalpolitik incompatibilities. Geopolitik conflicts are caused when "a particular type of territory is afforded such considerable significance by one or more states." This might involve a conflict for the control of strategically important areas that give access to the control of a continent or a region of the globe. States may also regard a particular

territory along the border as theirs for strategic and historical reasons (Ibid: 89). In realpolitik conflict issues of power and power capability take the prime importance. States may go to war to gain the upper hand and be regionally dominant. Idealpolitik conflicts, on the other hand, are based on issues of ideology and legitimacy. Fear of a political thought as well as political transformations and changes in one of the country could result in the rising of considerable tension in others. In the Iran-Iraq war (1980-1988), for example, Iran accused Iraq of trying to undermine the newly established Islamic government in Tehran.[9] Iraq, on the other hand, suspected the new Iranian leadership of instigating opposition among its majority Shiite population (Wallensteen, 2007:108; 110).Interstate conflicts and wars could also be caused because of the ideal purpose of establishing democracy for other people living under dictatorships. Among other things, the US intervention in Iraq (2003) was motivated with the purpose of removing the dictatorial regime in Bagdad. Tanzania in Uganda (1978) and Vietnam in Cambodia (1975) had similar goals (Ibid).On the other hand, capital conflicts are caused by incompatible economic goals and interests. Because capitalism is the dominant form of economic organization, economic reasons are seen as fundamental to the formation of patterns of conflict (Ibid: 90) (See also the levels of analysis on the causes of the Ethiopian and Eritrean war in Chapter Three).

A given conflict could involve all four elements. However, one of the causes could take prime importance as a central source of the conflict. The conflict resolution strategies that should be devised in each type of conflict are different. For example, territorial and border conflicts between states are fit to be addressed through arbitration rather than other mechanisms (Wallensteen, 2007:82). On the contrary, applying arbitration may be difficult to incompatibilities that involve governmental power or regional dominance (Ibid).For such conflicts, negotiation and compromise could be much more relevant.

Wallensteen lists seven mechanisms for the resolution of interstate conflicts. The first mechanism Wallensteen points out is shifting of priorities. Although it is unlikely for the parties to change their basic positions, they can display a shift in what they give higher priorities. When one of the parties displays such shift of priority, it opens a room for the other to respond in a similar way. Such changes of priorities can be facilitated by change in leadership or changes in the balance of power at the regional or international level (Ibid: 51)

[7] The 1979 Islamic revolution in Iran transformed the state from a monarchy to a Muslim state.

When the parties in a conflict rigidly maintain their positions, the value under contest can be divided between the parties. Dividing the value is the second mechanism Wallenstein pointed out. In conflicts, motivated by geopolitical considerations, this could mean dividing and sharing a disputed territory by the conflicting parties (Ibid: 51).

A third way is the principle of horse-trading. This involves give and take in which one side drops its demands on one issue to get a complete reciprocal reward in another issue. In geopolitical driven conflict this could involve giving up a given territory in exchange for control of another. Particularly, horse-trading is used in the delimitation and demarcation of new border lines (Ibid: 52).

Shared rule is the fourth mechanism to dissolve interstate incompatibilities. A disputed territory can be ruled as a condominium between the parties in the conflict. An economic resource can be governed by a joint company. Shared rule in essence requires common decision-making and trust of the parties (Ibid).

The fifth mechanism is neutralization or to leave control to a third party. When the parties are not able to reach at mutual consensus, they can leave control to someone else. This in essence implies externalizing control away from the parties (the adversaries agree not to rule the resource themselves). For example, the 1947 UN plan passed by the General Assembly resolution made Jerusalem an international city (Ibid: 103). East Timor has been under the administration of the UN from 1999-2002(Ibid: 53).

The sixth mechanism is to resort to conflict resolution mechanisms. Here, the parties shift from political mechanisms to legal procedures of conflict resolution such as arbitration. Beside the legal procedures, conflict resolution mechanisms also include the holding of elections or undertaking referendums, which leaves the issue to the concerned population.

The most notable mechanism of conflict resolution, particularly for territorial and border conflicts, is arbitration. In arbitration, the parties commit themselves in advance to accept the final outcome of the arbitration, whatever the outcome is (Ibid: 104).Quite a good number of border conflicts are resolved by arbitration. For example, the Iraq-Kuwait border was settled by a commission established by the UN Security Council. The conflict between Peru and Ecuador was also resolved by an arbitrative procedure (Ibid). Arbitration has also been used in many African border conflicts.Border disputes between Botswana and Namibia, Nigeria

and Cameroun, Benin and Niger are referred to the International court of justice and were resolved peacefully(Kidane and Okbazghi,2005:236).

The last mechanism is to let the issues unresolved for some time. This relives the burden of finding a solution when the issues of the conflict are at their peak and the pressure for the resolution of the conflict is paramount. The parties can appoint a commissioner to enquire on an issue. At the time the commission reports back, some political conditions and attitudes might have shown changes and transformations, facilitating the smooth resolution of the conflict.

Although allegedly it was a border dispute, the Ethiopian and Eritrean border conflict involved four patterns of incompatibilities. It entailed border disagreement, struggle for regional dominance, fear of political changes and transformations in the other state as well as economic disagreements (See the next Chapter). However, in efforts to resolve the conflict; the only disagreement that was formally raised at negotiation tables was the border disagreement. Power, economic and political incompatibilities were left out of the negotiations. Particularly, despite their central role in causing the conflict, economic issues were silenced. Wallensteen (pp, 111-112) notes that although economic issues are the main motives of action, they are not openly invoked by states for resorting to war. Mostly, states cite idealist principles as causes of war.

2.2.2 Public Participation in Peace Making

Reflecting on the central importance of war, Gorge Clemenceau, French President during the First World War once said that, "War is too important to be left to the Generals". Likewise, the stakes in peacemaking are too high to be left to politicians alone (Barnes 2002a: np). Barnes (Ibid) points out that "Peacemaking is too important for it to be left only to the political leaders who had created the violence in the first Place." According to her, "... There has to be movements and efforts beyond and outside the parties in conflict to help bring about negotiations and a climate in which peace measures are possible."

Traditionally, conflict resolution approaches have been top down. Peacemaking and peace agreements have been understood as the realm of government and intergovernmental organizations. As a result, the crucial task for mediators has been to bring together the political and military leaders of opposing groups to dialogue and negotiation to the settlement

of the conflict.[10] This approach has been guided by the belief that the leaders retain the power of making decisions. It takes for granted that leaders can mobilize support of their constituencies for the final settlement they have reached.[11] As a result, the participation of other social forces in the process of negotiation has been minimal.

Nevertheless, according to McKeon, contemporary peacemaking efforts should be undertaken with a holistic approach, involving the civil society and the public. Barnes (2002b: 9) points out that consultations with the people and making peace agreements in line with the interest of the people significantly facilitate the smooth implementation of the agreements. People tend to be committed to the implementation of the peace agreements when they feel that they have had a role in the making of the agreements. If the people felt alienated by the peace process, and perceive the agreements as impositions, they tend to resist implementation (Ibid).

In examining the participation of the people in the peace processes, a distinction could be made between the general public and those who are directly affected by the conflict. The involvement of the public at large in the making of the peace agreements is an integral feature of a democratic government and democratic decision-making. However, participatory decision-making becomes far greater and crucial for those who are directly affected by the conflict and victimized by the armed violence. Those who are directly affected by the conflict maintain an interest to take part in the peace process. McKeon indicates that local people who are affected by the conflict and the ensuing armed violence naturally develops a strong interest in the resolution of the conflict. In his words, "When people become directly affected by armed conflict, they develop a central interest in contributing to the resolution of it." [12] Indeed, addressing the concerns of those people who are directly affected by the conflict is a key principle of peace making. Barnes (2002b: 2) reports that the key principle in the making

[10]McKeon, Celia, Civil Society: Participating in the Peace Processes, http://www.c-r.org/resources/occasional-papers/civil-society-participating.php, accessed online on, 20 April 2008.

[11] Ibid.

[12] Ibid

of peace is the creation of the feeling of ownership among those who are affected by the conflict, both in the process and the terms of the final peace agreement.[13]

In view of the above theoretical arguments, the general public in Ethiopia should have a say in the resolution of the Ethiopian and Eritrean conflict. Other than the public, the specific category of the people that should be consulted in the resolution of the border conflict are the people living along the border. Those people, living in these areas, are those who were directly affected by the conflict and the subsequent war. Hence, incorporating their concerns in the resolution of the border disagreement is very crucial. Parts of the disputed territories are inhabited by a distinct group of people such as the Irob and the Afar people. Thus, the self-determination rights of these people should also be addressed in the resolution of the border conflict.

2.2.3 Democratic Governance

The participation of the public in the process of making governmental decisions greatly depends on the prevalence of a democratic form of governance within a state. The institutionalization of a democratic form of government promotes the political participation of citizens and enables the citizens of a state to express their views and influence the decisions of the government.

Democracy grants the people of a given country the right to have a say in the decisions that affect their lives. It enables citizens to express their views freely, organize themselves and contribute in the decision-making. Put differently, democracies provide citizens the privilege to exercise democratic rights, which people in authoritarian states can never think of. Moreover, in democratic political systems, elected public official are accountable to the people and thus are expected to respond to public needs and demands. Public decision-making by governments in democracies is based on public opinion. Periodical free and fair elections are the safeguards democracy put in place to make political leaders respond to public opinion. Those who act against public trust will be answerable to their deeds (the principle of accountability).

[13] Barnes's article was a report of the summary of the conclusions reached out of a workshop by a panel of conflict resolution researchers and practitioners.

The Ethiopian and Eritrean governments are far from being democratic. Eritrea is mainly a one man rule and all the political processes in the country were stopped by the President in connection with the conflict with Ethiopia (Tronvoll, 2003:8). Ethiopia, on the other hand, has a pseudo democracy. Elections are held but they are often manipulated and rigged. The opposition and the free press endure strong pressure and harassment from the government.[14] The central democratic principle of effective check and balance mechanisms are almost absent. The federal parliament, which approved the Algiers agreement, simply serves as a rubber stamp to proposals from the executive (See Chapter Three). In light of this; one should not expect the two governments to be influenced by public opinion. Not surprisingly, the peace process was mainly carried out at governmental level without any noticeable effort to involve the general public and the local people who are directly affected by the conflict (See also Chapter -5 on the views of the local people to the peace process).

2.2.4 Realists and Public Opinion

The liberal argument that public opinion influences public decision-making is challenged by realists. Realists are skeptical about the meaningful influence of public opinion in decision-making. According to realists, ordinary citizens do not fulfill liberal expectations of interest in politics, civic commitment, information, awareness and active political participation. In reality, citizens are much more interested in daily private issues of life than politics. Walter Lippmann (cited in Holsti, 1992:442) described the public as "neither sufficiently interested nor informed to play the pivotal role assigned to it by classical democracy." In addition, realists criticize public opinion as being emotional, volatile and unstructured (Holsti, 1992:442).For realists, reliance on public opinion could compromise the accuracy of a decision which would have been made with greater precision by qualified experts.

At a minimum, Realists distinguish between foreign policy issues and other public policy matters. According to them, the public might be sufficiently informed about domestic issues that directly affect their daily lives, but foreign policy is too remote to the experience of the local people. As a result, people have very little motivation to attempt to put an influence on decisions of foreign policy matters. Furthermore, the effective conduct of diplomacy requires

[14]Following the contested election of 2005, for example, the government arrested leaders of the main opposition party, Coalition for Unity and Democracy and the members of the private Press.

secrecy and flexibility. These qualities would seriously be jeopardized if the public is going to have a significant contribution in foreign policy, according to Holsti(1992:440).

In this essay, we are dealing with a war that affected the lives of millions of Ethiopians and Eritreans. The unique nature of the history of the two countries made the impact of the war far more catastrophic than one could imagine. The conflict was attended by the massive deportation of the nationals of the other. The breaking up of economic relations and diversion of meager resources to the war further worsened the bad living conditions of the people in the two countries. Particularly, the freezing of the economic ties drastically affected the local people along the border that depended on the cross border trade to make their living (Chapter-5).

In such circumstances one could not naively expect the public in general not to be informed about the issues in the conflict and its developments. The huge impacts of the armed conflict preclude any attempt to treat the conflict and the war as being far from the reach and interest of citizens. Indeed, Ethiopians were well informed about the conflict with Eritrea. This can be illustrated by the fact that the public, particularly the opposition and the academia had a defined opinion about how the conflict with Eritrea should have been resolved, a view different from the one held by the government.

2.2.5 Human Rights and Peace Agreements

Writing on human rights and peace agreements, Bell (2000:4-5), points out that attempts to resolve conflicts should address human rights. There is a noticeable linkage between human rights and peace. The protection and the promotion of human rights is a foundation to peace and violation of human rights is a threat against peace. Just and lasting peace is likely to be achieved by addressing the human rights of groups and individuals (Ibid).

The argument of addressing human rights in conflict resolution is made not merely because human rights protection significantly contributes to the achievement of lasting peace but also because states are entrusted with the responsibility to protect and promote human rights of their citizens. States owe a moral and legal responsibility to protect and promote human rights under International Human Rights Law. The UN Charter and other human rights instruments, mainly the Universal Declaration of Human Rights and the Covenants on Civil and Political Rights, and Economic, Social and Cultural rights owe states the responsibility to

protect and promote human rights. Although their application is marred by politics, equally important are the so called Third Generation rights such as the right to clean environment, the right to development and the right to self determination.[15] Because individuals and groups are endowed with these innate rights, inability to take into account the human rights of individuals and groups in the resolution of conflicts could amount to the silencing of human rights. Moreover, failure to address human right in the process of resolving conflicts could undermine justice and the sustainability of the peace achieved.

Nevertheless, there is no consensus regarding the role of human rights in the resolution of conflicts. The notion that human rights should be addressed in the process of conflict resolution is criticized of being idealistic and normative (Bell, 2000:5). In practice, tensions and contradictions often exist between human rights and the pragmatic approach of conflict resolution. In reality, peace agreements are reached with difficult political circumstances of compromise, assessments of necessity and what is politically possible (Ibid;Nystuen, 200:10). Sometimes, trading off human rights might even be essential for the sake of reaching an agreement and stopping a war (Ibid).

The Ethiopian and Eritrean border, extending for one thousand kilometers, is not a barren land without inhabitants. In the disputed territories along the border, a significant number of people live. In Badme and its surroundings, for example, approximately 15, 000 people live.[16] Many of the inhabitants in the disputed territories make their living from small-scale farming and the then cross border trade. Any effort to the delineation of the border raise questions regarding the role of the local people in the process of delimiting the border line and their ultimate destiny with the demarcation of the border and transfer of territories. Because they inhabited the territories, the local people in the disputed territories retain the right to participate, get their voices heard and self-determination rights taken into account in the delineation of the border. Moreover, the local knowledge of the people may also be used as a resource in the process of delineating the border. The local people may not be well aware of the treaties, but certainly know about the local practice of the border.

[15] Third generation rights, also called solidarity rights, are enjoyed by groups.

[16] Interview with the administrator of Badme, Tilahun Gebre medhin, interviewed at his office, 7 July 2007.

The human rights provision in the Algiers agreement have dealt with the release of prisoners of war and detained persons in connection with the armed conflict as well as the humane treatment of the nationals of the other (Article -2). Reference to how the human rights of the local people would be incorporated in the forthcoming delimitation decision of the border commission was not contemplated. Purely focusing on the border, the local people were simply treated as objects, their transfer during the actual demarcation of the border envisaged to be handled by the UN (Article-4(16)).

Similarly, the border commission, established in line with the Algiers agreement, did not make any attempt to represent the views and the self-determination rights of the local people in its delimitation decision. International customary law, particularly the practice of the parties was the only consideration taken into account by the commission as an element of applicable international law in the delimitation of the border (Par 3.14). There was no room given to the consideration of the views of the people regarding their identity and self-determination rights.

2.3 Summary

In the first section of this chapter, we have seen that this thesis relied on the use of the qualitative approach because it was found suitable for addressing the research questions. However, it was explained, the study would have benefited from the use of extensive questionnaires. In Section 2.1.7, we have seen the measures taken to maximize the reliability and the validity of the interview data. Precautionary measures such as creating rapport, promising confidentiality and undertaking the interviews in convenient settings were taken to minimize the influence of accidental factors on the reliability of the interview data. Under section 2.1.8, it was explained that the interview data was treated as real reflections of the views and the feelings of the people. It was also pointed out that the interview data was analyzed by using the methods of triangulation i.e by cross checking the views of the people against the literature and various documents.

In the second theoretical section of this chapter, we have seen the strategies of conflict resolution between states with particular focus on the resolution of geopolitical incompatibilities. The seven mechanism listed by Wallensteen to resolve conflicts between states are described. Under this section, we have also seen that public participation in peace making is important for the achievement of a sustainable peace. It was explained that the

participation of the public, particularly those who are directly affected by the conflict is essential to create the feeling of ownership in the minds of the people and facilitate the smooth implementation of the peace agreements (Section 2.2.2). Moreover, the need for public participation was argued from two directions-human rights and democratic governance. First of all, people retain the right to participate in public decision-making, particularly in those issues that directly affect their lives(Section 2.2.4) and secondly democratic governments in principle are expected to act in accordance with the public interest (Section 2.2.3).

Chapter -3

The Conflict and the War

Overview

After Eritrea became officially independent in 1993, Ethiopia and Eritrea enjoyed a short period of warm peace and cooperated along many sectors including defense. Eritrea used the Ethiopian currency and Ethiopia gained free access to the Assab and Massawa ports. The relations between the two countries were regarded as exemplary to other countries in the region. However; this warm peace lasted only 4 years. In 1997 relations between the two countries dramatically deteriorated. In May 1998, the two years border war flared up around the Badme area, with small scale clashes between Ethiopian militia and the patrols of the Eritrean army.

This chapter offers a brief overview of the historical relations between Ethiopia and Eritrea, followed by a short account of the relations of the two countries since 1991 until the eruption of the border war in May 1998. It then outlines disagreements, which resulted in the war.

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3.1 Ethiopia and Eritrea in History

3.1.1. Italian Colonialism

Ethiopia is one of the oldest polities in the world. Ethiopia‘s history as an independent and organized polity, with its famous Axumite civilization dates back to the first century (Bahru, 2001:8). At the height of its power, Axum, controlled large parts today’s High land Eritrea and the Arabian coastline across the Red Sea (Ibid). Except for the five years of Italian occupation from 1936 to 1941, the country maintained its independence.

Eritrea, on the other hand, did not exist as a separate entity before 1890.The central highlands of Eritrea were part and parcel of the Axumite civilization of Ethiopia. The Tigrinya[17] speakers who inhabited these highlanders trace their culture, religion and language to the

[17] Amharic language speakers in Ethiopia call a person from Tigray Tigre and for plural Tigrayans. The language the people speak is called Tigrinya. As a native Amharic speaker, I will use the words Tigray to refer to the region and Tigrayans to refer the people from Tigray and Tigrinya to refer to the language. Those who come from the Tigrinya speaking part of Eritrea are simply identified as Eritreans in this essay.

kingdom of Axum (Pausewang and Shruke, 1993:5). On the other hand, the western part of Eritrea, inhabited by the Baja tribes, was much closer to Sudan. The Afars who settled in the Eastern and the coastal parts have lived in their own, and at times resisted attempts of subjugation by Christian Ethiopian highlanders.[18]

In 1890 Italy combined all these separate parts and established the state of Eritrea named after the Latin name of the red sea - mare erythraeum (Ibid). Eritrea as a colony was very important to Italy in many ways. The land in the temperate highland areas of Eritrea was used to settle land less Italian peasants from southern Italy. The ports were great use to Italian trade with the rest of Africa. More importantly, Eritrea served as source of soldiers for further Italian colonial ventures in Libya and Ethiopia. Eritrea was also used as a spring board to invade Ethiopia in 1935. For obvious reasons, Italians invested greatly in Eritrea. They built roads, schools, workshops and railways. This resulted in the booming of Eritrean economy (Tekeste, 1987: 33-48)

Italian colonialism lasted half a century. In 1941 Italians left Eritrea after being defeated by the joint British and Ethiopian forces.

3.1.2. The British Military Administration

With the end of Italian colonialism; Eritrea's fate became uncertain and debatable. There had been debates inside and outside Eritrea about the future status of Eritrea. Inside Eritrea, the British allowed the establishment of political parties and the parties began to shape the nature of the debate. Political parties with programs of union with Ethiopia (the Unionist Party), complete independence (the Muslim League) and establishment of a Tigrayn state comprising the Tigrinya speaking population from both sides (the Liberal Progressive Party) were established and campaigned for political support.

Outside Eritrea, the Four-Power commission (composed of the victories allies), which visited Eritrea in 1947 and 1948, was unable to reach agreement on the status of Eritrea. As a result, the duty to decide the fate of Eritrea was given to the newly established United Nations (Tekeste, 1997:23). The UN who received the responsibility to determine the destiny of Eritrea sent a 5 countries' commission to seek a solution. The commission, which was composed of Burma, Guatemala, Norway, Pakistan and South Africa, could not reach a

[18] Eritrea has 7 main ethnic groups Tigreans, Tigre, Beni Amer,Bilen,Shao, Baria, Kunama ,and Afar. The Tigre ethnic group include the sub group of Habab, the Marya and the Mensa (Tekeste,1997:17)

unanimous recommendation.[19] In 1950 the UN General Assembly decided the federation of Eritrea with Ethiopia under the sovereignty of the Ethiopian crown but having its own constitution, flag and parliament.[20] The UN decision served as a delicate compromise to the polarized views of independence or unification.

3.1.3. Annexation

The federal arrangement created a contradiction between liberal oriented Eritrea and feudal/ authoritarian Ethiopia (Markakis, 1988:53, cited in Annonymous, nd: 8[21]). As a result of its foreign experiences, Eritrea enacted a much more liberal constitution than the one in Ethiopia. The constitution allowed a free press and the right to form associations and trade unions (Annonymous, nd: 8).This greater degree of liberalization in Eritrea was too risky for the Emperor to afford. Soon, the Emperor initiated a series of measures to weaken the federation and include Eritrea into Ethiopia. In 1962 under strong pressure from Ethiopia, the Eritrean parliament voted for union with Ethiopia, and Eritrea became the fourteenth province of Ethiopia (Bahru, 2001:219).

3.2. Eritrean Nationalism

According to Smith, (2005:9) the main theme at the center of discussions on nationalism (in Europe) is the concept of nation. Nation refers to "a community of people joined together by a common decent and common culture" (Levine, 2007:155).It represents homogeneous people sharing common language, religion, historical myths and common territory (Ibid). Nationalism in Europe is rooted with the idea that every nation has the right to government (Lawrence, 2005:5).[22] It was based on the idea that a state should be founded in a nation and the nation should be constituted as a state i.e. nation and state should be congruent (Ibid:

[19] Pakistan and Guatemala proposed an independent state of Eritrea after ten years of trusteeship period under the UN, South Africa and Burma proposed the federation of Eritrea with Ethiopia and Norway preferred the integration of Eritrea with Ethiopia, federation as a second choice.

[20] UN Resolution 390 A (V)

[21] Although this document is an important source of information on the causes of the Ethiopian and Eritrean war, it lacks important bibliographical information such as author and date of publication. As an important source of organized information, this document is used across this chapter. It is identified as anonymous and its lacking date is abbreviated as "nd." However, the pages are indicated. The document could be accessed at http://pdfs.rowmanlittlefield.com/RL/_Et/RL_EthiopiaEritreaCaseStudy.pdf

[22] Nationalism in here is understood as the claim for nationhood.

5).This conceptualization of nationalism promoted by the French revolution resulted in the weakening of large empires and emergence of new states in Europe.

In Africa, the colonial project by European powers resulted in the arbitrary division of the nations of the continent across different neighboring states. African states were artificially created with the arbitrary colonial borders. Nationalism in most African states was fomented on the basis of common territory, common colonial history and common goal for de-colonialization (Davidson, 1992:164-165).

Eritrean nationalism is defiant of European nationalism. Partially, it also defies African nationalism. Eritrea was not inhabited by a single nation. There were more than 7 different ethnic groups in Eritrea. People living in the low lands and the highlands in Eritrea had nothing in common. The highlanders are mostly Christians and speak Tigrinya. On the other hand, the lowlanders are Muslims and speak different languages mainly, Arabic and Afar. The consciousness of a common Eritrean identity among these different ethnic groups was apparently nonexistent before the coming of Italian colonialism. A distinct Eritrean identity begins to be conceived in the minds of both the Christians in the highland and the Muslims in the low land with the presence of Italian colonialism. To this end, Italians intentionally carried out various socio economic projects to produce and nurture a distinct Eritrean identity. They highly invested in the economy; italicized the "civilizedness" of Eritreans in contrast to "backward" Ethiopians.

Eritrean nationalism shares similarity with nationalism of most African states in the sense that it was founded on common territory and common colonial historical experience. But, it is also dissimilar to African nationalisms in the sense that it was not articulated by common resistance to Italy- the colonial power. Opposition and resistance of Eritreans both in the highland and the lowlands of Eritrea against Italian colonial rule were almost nil (Anonymous, nd: 5).The Muslims of Eritrea who harbored hostility against the Ethiopian Christian highlander's subjugation welcomed Italian colonialism. Though the Italians were worried about the potential opposition of the Tigrinya speaking population of Eritrea that became separated from their Ethiopian cousins, the resistance didn't come. Instead, Italian colonialism created a sense of ethno-national distinctiveness along each side of the border (Ibid: 4).

The distinct Eritrean identity produced by Italian colonialism was not immediately attended with demand for nationhood. The unionist party of Eritrea had a considerable support of

Eritreans, particularly of the highlanders. The quest for an independent Eritrean state gained momentum with the increasing weakening of the federal arrangement and annexation of Eritrea by the imperial government in Ethiopia. In early 1960s and 70s the newly flourishing Eritrean independence fronts justified an independent state of Eritrea on the basis of the distinct Eritrean identity that Italian colonialism has created.

3.3. The Long Way to Independence: Emergence of Secession Movements

Disrespect of the federal arrangement by the emperor cultivated hostility among Eritreans. Particularly, the Emperor's decision to ban trade unions resulted in the decline of support to the imperial government from the working class of Eritrea, many of whom were Christians. In addition, the declining of the economy and the increasing rate of unemployment alienated the Ethiopian government from its support of poor Eritrean Christians (Markakis, 1988:54 cited in Annonymous, nd: 9). When the Emperor abrogated the federal arrangement in 1962, many Christian Eritreans, just like their Muslim counterparts, felt that the regime was acting against their core interests (Ibid)

The emergence of the armed resistance movements predated the official abrogation of the federation in 1962. Armed resistance was already launched in 1961 in reaction to the growing violation of the federal arrangement (Pausewang, and Suhrke,1993:7).The first armed resistance movement that emerged was Eritrean Liberation Front(ELF).The Eritrean Liberation Front was established by Eritrean exiles living in Cairo in 1961 and launched an attack against the Ethiopian forces that same year.[23] ELF pursued its resistance in a Pan Arab mould (Bahru , 1996:220).It used Islam as a tool of national mobilization. It defined its goal as achieving independence from the domination of Christian Ethiopia (Tekeste, 1996:150). The main source of support for the front came from Iraq and Syria who regarded Eritrea as part of the Arab world. The front distrusted the Christian community of Eritrea and at times considered them as enemies (Anonymous, nd: 10). Hence, ELF ostracized its Christian members that joined it because it was the only organized political movement at the time. As a result, friction and strife emerged between the Christians and the Muslim members of the

[23] The front broke from Eritrean Liberation Movement (ELM), established in 1958 to pursue its goals politically and diplomatically. The major purpose of the ELM was protecting the collapsing federation and membership was composed of both Muslims and Christians who had sympathy for the federation (Tekeste, 1996:149). Nevertheless, the movement was eclipsed into the domination of hard line Muslims and in 1961 some of its members in Cairo formed a new organization called Eritrean Liberation Front.

ELF as well as various units of command of the ELF (Ibid). In particular, the division of the army into separate regional armed groups and the creation of a distinct Christian army unit intensified the strife and weakened the Front (Ibid: Tekeste, 1996:152).

By 1970 there were already three new groups challenging the hegemony of the ELF. The group led by Issaias Afewerki emerged as the strongest one. In 1973 the Issaias group named itself as the Eritrean People's Liberation Front (EPLF). EPLF declared itself a socialist movement. The main basis of support for EPLF came from the Christian highlands. However, unlike the ELF, EPLF didn't define its political program in religious terms and was non sectarian. This widened the support of the movement to recruit members from the Muslim lowlands.

In the late 1970's EPLF emerged as the hegemonic front in Eritrea. With the growing armed capability of EPLF, ELF and EPLF entered into fierce competition. The two fronts fought each other from 1971 to 1974.In 1981, ELF was smashed out from Eritrean territory towards Sudan by the combined forces of the EPLF and the newly established Tigrayan front called Tigrayan People's Liberation Front (TPLF). Consequently, EPLF appeared as the hegemonic guerrilla movement in Eritrea.

3.4. The Origin of Today's Differences: EPLF and TPLF during the Armed Struggle

John Young (1996:105) who studied the relationship of the two fronts during the armed struggle characterized the relationship between EPLF and TPLF as a relation of tensions and pragmatism. It is true that when Tigray students of the Addis Ababa University established TPLF in 1975, they turned to EPLF for help and EPLF provided training and arms to the first fighters of TPLF. However, from the outset the two fronts had uneasy relations and the alliance between them proved to be problematic. In its Manifesto, TPLF defined the objective of its armed struggle as the achievement of an independent state of Tigray.[24] EPLF contested this assertion saying that only Eritrea had a legitimate historical justification for an independent state. EPLF maintained that TPLF should rather define the struggle in terms of establishing a more democratic Ethiopia than an independent state of Tigray(Young,

[24] According to Kidane and Okbazghi (2005:241-243) TPLF's political program for the secession of Tigray is not completely shaded. According to them, (Ibid) TPLF had two conflicting objectives of the secession of Tigray and formation of a democratic Ethiopia on the basis of ethno- national equality. Currently, the second option is dominant; however the idea of establishing an independent state of Tigray is not yet abandoned.

1996:112-113; Tekeste and Tronvoll ,2000:15).Ideologically, although both embraced socialism, they had sharp disagreements regarding the Soviet Union. At the time, the Soviet Union was supporting the military regime in Ethiopia against its wars with EPLF and TPLF. Regardless of what was seen as a policy flaw (its support to Mengistu's military regime), EPLF saw the Soviet Union as a strategic ally.[25] On the other hand, TPLF labeled Soviet Union as a "social imperialist" and listed USSR as an enemy, along with the Derg, to be fought against. Indeed, TPLF evaded Soviet socialism and adopted the Albanian/Maoist [26]version of socialism as its ideological inspiration (Young, 1996: 115; Ghidey[27]: 1999: np). The two fronts had also contrasting political views, military tactics and different stances regarding the treatment of prisoners of war. Politically, the main area of tension was weather the right to self-determination of nations should include secession. TPLF recognized the right of all nations and nationalities of Ethiopia to self-determination up until secession. TPLF went to argue that this right of nations for self-determination up until secession of Tigrayans and Ethiopians should be extended to apply to the Eritrean people as well. According to TPLF, future democratic Eritrea should recognize the self-determination and secession right of its nations. EPLF position was that there could be no secession in democracies. According to EPLF's "while the right to secession might apply to groups oppressed by undemocratic governments, the principle of "democratic unity" should take precedence over secession."(Reid, 2003:385).

Regarding military tactics, EPLF adopted a strategy of conventional trench war. It followed a military strategy of liberating a territory and maintaining control at any cost. On the other hand, TPLF opposed fixed warfare, criticizing it of being unwise against the heavily armed Ethiopian army and opted for a mobile hit and run military strategy (Young, 1996: 108). In treating the prisoners of war (POW), for reasons of security, EPLF kept the prisoners in captivity for long, conscripted them to participate in productive activities such as construction and agriculture. On the other hand, TPLF did not use POW as laborers and never considered them as security threats. TPLF exposed the prisoners to its political program, and gave them a

[25] EPLF sought the support of the Soviet Union for the recognition of the future independent state of Eritrea

[26] As opposed to the working class, this form of socialism focused on the mobilization of the peasantry.

[27] Ghidey Zeratsion was a member of TPLF for 12 years. Currently he lives in the Netherlands.

choice to join the TPLF army, be repatriated home or to go to refugee camps in the Sudan (Ibid: 111).

Despite these inherent differences, the fronts cooperated on pragmatic considerations. EPLF provided military training and arms to TPLF fighters and TPLF had given crucial military supports to EPLF during critical government purges. For instance, in 1983 TPLF sent thousands of its fighters to EPLF trenches to support EPLF against the Red Star Campaign of the Derg(the military regime as it was known).TPLF fighters played a very crucial role in saving EPLF, which was almost wiped out from its base area by government forces (Plaut, and Glikes, 1999:8). Nevertheless, even this cooperation at the front line did not last long.

In the late 1980s, there was a strong debate inside the leadership of TPLF about the front's alliance with EPLF (Ghidey, 1999). In 1985, TPLF labeled EPLF "undemocratic", not daring to accept the right of nations to secession and defined its relation with EPLF as purely "tactical." It withdrew its troops from Eritrea that was supporting EPLF at the time. TPLF even went on to sponsor other rival movements in Eritrea such as the Democratic Marxist League of Eritrea. EPLF, in turn, retaliated by breaking all kinds of cooperation with TPLF. It closed TPLF's radio station in Eritrea. Most importantly, at the heyday of the serious famine of Tigray in 1984/85, EPLF blocked the transportation route from Sudan to Tigray, passing through Eritrea, preventing the supply of relief food aid by TPLF to the people of Tigray (Young, 1996:116; Ghidey: 1999: np).

Tensions between the two continued until 1988. By 1988 both fronts had won important victories. TPLF was able to control most of Tigray and EPLF had won the battle of Afabet, capturing a lot of arms from the Derg army. Encouraged by their crucial victories and realizing the opportunity the increased weakening of the military regime offered, the two fronts saw the importance of cooperation to overthrow the military regime in Addis Ababa. After four days of negotiations in Khartoum in April 1988; the two fronts once again established a military alliance, which finally resulted in their joint victory over the Derg in 1991.

3.4.1. The Border Issue

Clashes on the line of the boundary first appeared not between TPLF and EPLF but with TPLF and ELF. ELF claimed the region up to Sheraro(situated south of today's Badme) as part of Eritrea and argued that the people who lived in these areas should be administered by

ELF (Ibid).TPLF rejected the claim but allowed ELF to administer and operate in the disputed areas seeking to gain combat experience from ELF. As a result, ELF established local militia and administered these disputed areas up until the destruction of the ELF as a fighting force in 1981.With the defeat of ELF, the great deal of the disputed areas were transferred into the administration of TPLF (Reid, 2003:387).

The border controversy as an issue of discussion resurfaced again in 1983.[28] In the joint meeting of the fronts in Khartoum, EPLF raised the issue and wanted the border to be demarcated on the basis of international treaties and agreements (Ibid). However, TPLF expressed that it had not made any documentary study on the border. TPLF also argued that, as a front, it lacked the legitimacy to negotiate on the border. TPLF suggested maintenance of the existing administration units as they were and collection of the necessary treaties and documents for the final demarcation of the border in the aftermath of the downfall of the Derg regime (Ghidey, 1999). EPLF accepted the proposal of the TPLF and the issue of the border was postponed to be addressed following the downfall of the Derg regime (Ibid).

3.5. The Honey Moon Period: 1991 to 1997

The assumption of state power by EPLF in 1991 in Asmara marked the emergence of a de facto independent state of Eritrea. However, formal relations between Ethiopia and Eritrea had to wait until the legal independence of Eritrea, the referendum in April 1993 and the official declaration of independence of Eritrea on 24 May 1993. Relations between the two countries were formalized with the signing of the Agreement on Friendship and Cooperation in June 1993. The agreement reflected the commitment of the two countries to achieve economic integration and political cooperation. The parties agreed to cooperate in areas of trade and commerce, health, education, tourism, environment, finance, science, foreign policy and defense.

In September 1993, another agreement with particular focus on the economic policies was signed. The parties agreed to harmonize their exchange rate policies, cooperate on interest rates, create inflation controlling mechanisms, synchronize exchange policies and extend the privilege for the nationalities of each of the countries to investment (Alemeseged, np). In addition, except for the goods which were in short supply, agreement on free movement of

[28] The year is not certain. For Reid the year was 1984, but for Ghidey, who participated in the Conference, the year was 1983.

goods and services was reached including goods and commodities imported from third countries, save to goods which are imported from Ethiopia to Eritrea or the vice versa that could never be exported to a third country.[29] More importantly, the parties reached an agreement to use a common currency (the Ethiopian Birr) until Eritrea issues its own currency (Ibid).

The economic agreements, if they were implemented, would have contributed to the development of the economies of the two countries and the peaceful resolution of conflicts. However, both states made very little progress in the implementation of the agreements. In reality, there was very little cooperation on economic issues. The major reason for this failure, as pointed out by the bilateral committee organized by the parties to investigate the problems the agreements faced, was the lack of effective institutional mechanisms to implement the agreements. Instead, the countries were found introducing their own investment codes, tariff regimes and exchange rates.

In 1997 when Eritrea introduced its new currency, economic misunderstandings intensified and the acclaimed relationships between Ethiopia and Eritrea began to break up. The new Eritrean currency was introduced without proper mutual consultation. The economic measures Ethiopia introduced following the introduction of the Eritrean currency (Nacfa) further aggravated the situation.[30] The economic controversies will be discussed a short while in the section on the causes of the war.

3.6. The Border Incident

Although the two fronts planned to address the border controversy in the aftermath of the down fall of the Derg regime, the border was not given attention by any of the regimes after the Derg was overthrown in 1991.Preoccupied with the newly forged friendship and cooperation, the issue was relegated as secondary and almost unimportant. The small-scale

[29] Ethiopia claimed that Eritrea violated this specific provision of the agreement by re-exporting Ethiopian imported coffee. Ethiopia accused Eritrea of buying Ethiopian coffee in Birr and re-exporting it to earn hard currency. According to Ethiopia, Eritrea had been listed as the 13th major coffee exporting country without having a significant coffee plantation (Gebremichael,nd).

[30] Nacfa, also written as Nakfa, was the strong hold of the EPLF during the armed struggle. In Nacfa EPLF built schools, hospitals and workshops. In addition, Nacfa was the only city which remained under the EPLF hold during the Red Star Campaign that was almost close to wipe-out EPLF from Eritrea.

clashes that appeared between the people on each side were settled by local administrations from both sides.

In July 1997 Ethiopian armed forces crossed the Eritrean border and entered into Adi Murug, (an Eritrean territory) searching for rebels of the Afar Revolutionary Democratic United Front (ARDUF). In reaction to this, President Issaias of Eritrea wrote a letter to the Prime Minster Meles Zenawi expressing his complaint about the crossing of the border by the Ethiopian armed forces and the dismantling of the local administration.[31] Ten days later, he wrote another letter. The exchange of letters finally resulted in the formation of a joint border commission entrusted with the responsibility to enquire on the border. The committee, in turn, established a technical subcommittee to compile a report on the settlement of the border issue. Until the subcommittee submitted its final report and the border issue could be resolved, the parties agreed to maintain the status quo. Meanwhile, a regional map of Tigray released by the Tigrayan authorities in August 1997 exacerbated the existing disagreements on the borderline. The new map incorporated a significant territory of Eritrea including the territories of Adi Murug and Badme within the state of Tigray (Glikes and Plaut, 1999:19; Iyob, 2000:675). The map was treated as confirmation of EPLF's suspicions that Ethiopia, and in particular Tigray, had expansionist ambition to take parts of Eritrea.

Actual military clashes occurred 6 May 1998, just two days before the meeting of their joint border commission. An Eritrean patrolling military unit along the Badme area was approached by Tigrayan militia forces. Eritrean patrols claimed that the Badme area is Eritrea's sovereign territory, while the Tigrayans protested the claims and asked Eritreans to leave their weapons if they wanted to cross over to the Ethiopian territory (Tekeste and Tronvoll, 2000:1) The confrontation and the heated debate between the two led to firing and causalities from both sides, including the killing of a senior Eritrean veteran officer (Ibid). On 12 May 1998 Eritrea mobilized a mechanized army unit to the border area and established itself in Badme and its surroundings. The following days the army was also mobilized into other parts of the border such as in Zalambessa and further east. The mobilization of the Eritrean army into the border areas marked the transformation of the conflict into a full armed confrontation.

3.7. Causes of the War

[31] According to Iyob, (2000:665) Ethiopian forces entered the town with the permission of Eritrea.

According to Howard (cited in Barash, 2000:39), states do not go to war for a single reason. States resort to war for multiple reasons. Nations feel compelled to go to war when their survival and independent role in the international system is threatened. States do not go to war for simple reasons that could be resolved peacefully but against threats on their survival and capacity to remain as a viable independent state (Ibid). The main source of dispute, it can be argued, that led Ethiopia and Eritrea to the devastating war of 1998-2000 was not their disagreement on the exact location of their common border. The border issue was a mere disagreement that could have been resolved peacefully through technical demarcation. As argued by different authors,[32] there were some other deep-rooted fundamental reasons, which forced the countries to resort to war in 1998.

In analyzing the causes of the Ethiopian and Eritrean war, we will adopt Joseph Nye's three levels of analysis i.e System, State and Individual levels of analysis.[33]System level analysis examines the distribution of political power or the structure of the international system. State level analysis focuses on the explanation of the domestic processes that contributed in causing the war. The individual level focuses on how the personalities of individual leaders contribute in the decision of states to go to war. The judgment, intelligence and personal characteristics of leaders matter in the decisions of states to go to war. The personality of Wilhelm II and Hitler contributed considerably in the causation of the First and the Second World Wars respectively (Nye, 2003:34). These levels of analysis are complimentary to each other. The causes of a war can be understood as interplay of all factors analyzed at these three levels.

3.7.1 System Level:

The two issues that we consider at system level are the effect of the colonial legacy on the war and the role the US (the current hegemonic power) played in building peace in the region and particularly its role in Ethiopia and Eritrea prior to the eruption of the border dispute.

[32] Including Tekeste and Tronvoll (2000), Tronvoll (2004), Tesfargiyorgis (2004) Glikes and Plaut (1999).Lencho (2006),Abbink(1998)

[33] Nye used these three levels of analysis (they are not originally his creations) to study the causes of the First and Second World War. Although the levels of analysis are used to analyze European wars, I found them being effective tools of analysis to deal with the causes of the Ethiopian and Eritrean war too.

The root causes of the war could be traced back in history to the imperialist policy of great powers of Europe, an international phenomenon during the 19th century. Eritrea as a new independent entity was created by Italian colonization. Italian colonization did not only create a new independent state of Eritrea but also a separate Eritrean identity. As a result of the socio-economic improvements created by the Italian colonial legacy, Eritreans developed a distinct Eritrean identity and a sense of "civilizedness" against their counterparts in Ethiopia (Tekeste and Tronvoll, 2000:8).

Although Ethiopia and Italy signed three treaties regarding the common border, none of these treaties were demarcated. Having the intention of further expansion; Italians did not seem interested in effecting the demarcation of the border. Indeed, Italians interpreted the border treaties unilaterally and drew a new borderline of their own (Ibid).Italian colonization of Ethiopia and the creation of the Great Eritrea, combining the Tigrayan speaking provinces of both Eritrea and Ethiopia made the demarcation of the border unimportant (Ibid).

The structure of the international system and the role of super powers is also a factor in the making of wars. According to the Hegemonic Stability Theory, a super power produces peace by creating regimes that define common rules, norms, procedures and organizing principles that guide the actions of other states (Viotti and Kauppi, 1987:77-58,602cited in Anonymous, nd: 17). The hegemonic power plays a restraining or permitting role against the acts of other states to go to war (Anonymous, nd: 17). However, the hegmon acts on the basis of its national interest and thus could engage or disengage itself in issues of other countries depending on its interest. At times, the hegmon might refrain from engagement in some crisis when it feels that its interest is not endangered (Ibid: 18).

Although the US acted immediately to mediate the Ethiopian and Eritrean conflict, its role in constraining the two countries from resorting to war was minimal. Generally, following the debacle its army suffered in Somalia in early 1990's, the US followed a policy of limited engagement in Africa (Ibid: 19). In an effort to stabilize the post Derg regimes, the US doubled its support to Eritrea and Ethiopia in the early 1990s. However, US aid (grant and credit) to Eritrea and Ethiopia declined tremendously in the late 1990s[34]. This lower aid

[34] From 1990 to 1994 US grants and credits to Ethiopia increased from$57 million to $168 million. But after 1994 US aid dropped by 50 percent. In 1997 US aid to Ethiopia dropped to $77million.US aid to Eritrea also followed the same pattern. In 1994 US grants and credits for Eritrea amounted to 28 million. By 1997 the amount dropped into $17 million (Statistical Abstract of the United States, 2000:790 cited in Anonymous, nd: 20).

reduced the level of pressure the US could have exerted to influence the behavior of governments in Addis Ababa and Asmara in 1998. Furthermore, the US created permitting conditions for the war with its blessing of millions of dollars of aid provided by the World Bank to Ethiopia and Eritrea throughout the war, which was diverted to secure arms (New York Times May 22:200 Cited in Ibid: 20). Furthermore, the limited engagement of the US invited other powers, such as the Russia and China, to take the vacuum and supply arms to the parties.

3.7.2. State Level

State Building project of Eritrea

According to Berhane (2006), the principal cause of the Ethiopian and Eritrean border war was the EPLF's vision to achieve its second (the first being independence) objective of transforming and creating a new state of Eritrea on a Singaporean model.[35]Towards this end, achieving national unity was put on top of the agenda of the EPLF. The armed clashes and wars that Eritrea conducted with Sudan, Djibouti, Yemen and Ethiopia were meant to enhance a unified national Eritrean identity as a prerequisite to establish a prosperous and developed Eritrean state.[36] Eritrea has more than seven different ethnic groups and most of these ethnic groups have their kins across its borders. Eritrea's measured armed clashes with its neighbors and full scale war with Ethiopia were conducted with the view to develop distinct and separate Eritrean identity by instigating animosities and divisions with similar ethnic groups across the border. In the words of Berhane(2006:34) ,

> the motivation for engaging in war against its neighbors (though the energy and resources were needed for development) aimed at carving out a singular Eritrean identity and mental map, away from the common ethnic and cultural ties in Djibouti, Ethiopia, Sudan and Yemen. The border dispute with Ethiopia was intended to emphasize the division between highland Eritreans, who are culturally akin to those in Tigray.

Psychological Perceptions

One impact of Eritrean colonialism and the British military administration was the creation of a distinct psychological makeup among the Eritreans in relation to their Tigrayan counter

[35] Singaporean development route, which Eritrea took as a model, was based on financial liberalism; export production and self-sufficiency (Lemonade Diplomatique, July 1998).

[36] See also Tronvoll(1999) "Borders of violence – Boundaries of Identity: Demarcating the Eritrean Nation State" *Ethnic and Racial Studies*,vol,22, Number 6,pp,1037-1060.Tronvoll indicates that Eritrea's armed clashes with its neighbours were meant to craft a separate Eritrean identity and demarcate its borders.

parts in Ethiopia. As a result of the colonial economy and the socio-economic developments in Eritrea, Tigrayans from Ethiopia flocked to Eritrea and worked in low status and low paid jobs as laborers or house servants. In Eritrea, Tigrayans of Ethiopia were often designated as Agame- the name of an administrative unit in Tigray that assumed an offending connotation to mean backward peasants (Glikes and Plaut, 1999:15). Consequently, Eritreans developed a self-image that they were much more advanced and civilized as compared to backward Ethiopians. Ethiopians today feel that Eritreans strangely feel proud of their colonial history and accuse them of being arrogant towards Tigrayans or Ethiopians (Abbink, 1998:557).

In terms of the relationship between the fronts, EPLF had always perceived itself as a senior and dominant front in the region (Tekeste and Tronvoll, 2000:12).This perception was motivated by the fact that EPLF predated the establishment of TPLF and provided TPLF with training and arms when it launched the armed struggle in 1975. As pointed out earlier, the relationship between the two fronts during the armed struggle was characterized by tensions due to EPLF's desire to be treated as "senior" and TPLF's wish to be treated as an equal partner. According to Tronvoll(2004:51) after victory and taking over of political power, EPLF maintained its old psychological perception of seniority and attempted to assert itself in the region. The new Eritrea under EPLF's leadership wanted to play the leading role in the development of the horn of Africa. Eritrea's clashes with Sudan, Djibouti and Yemen are cases in point to illustrate Eritrea's hegemonic ambition in the region. Nevertheless, relying on its wide resources, Ethiopia appeared much more hegemonic than Eritrea imagined. As a "big brother", EPLF was not ready to accept the new dominant role of Ethiopia under TPLF (Ibid). For Tronvoll (Ibid), the historically rooted competition for regional hegemony was perhaps the most important reason that turned the two friends into enemies in 1998.

Besides the differing psychological perceptions of the ordinary people and fronts, each party had also contrasting views concerning the post 1991 government established by the other. TPLF viewed the government in Asmara as being undemocratic and vulnerable because of its failure to recognize the secession right of nations in Eritrea. On the contrary, EPLF viewed the government in Ethiopia being weak and exposed because of its policy of ethnic federalism. EPLF and TPLF had also contradictory understandings about the future destiny of Eritrea. EPLF had the vision to consolidate Eritrea's independence and create a prosperous nation. TPLF expected Eritrea to come back and associate itself with Ethiopia in some form of political arrangement (Lencho, 2006:75). These differing perceptions resulted in the adoption of different economic policies, and provided the courage for the final decision to

resort to war. On the basis of their perception that the other was weak and vulnerable, both thought that this was the war they could win!!

Diversionary War

Domestic circumstances affect the way states interact with each other. Conversely, foreign policy decisions might also be motivated to gain domestic political advantages. Wars may be instigated by states to divert attention away from domestic governance failures. When states fail to respond to the expectations of their people, they might resort to war as a scapegoat to divert public attention.

Upon victory in 1991, both EPLF and TPLF received a war torn economy and with it a responsibility of rebuilding the economy and improving the living conditions of their people. The burden on Eritrea was particularly heavy, partly because Eritrea emerged as a new state and partly because of the great expectations of the people to their hard won independence. Nevertheless, both EPLF and TPLF failed to properly address the basic needs of their population and deliver the expectations of the people (Paulos, 2004:38). The serious economic problems and famines the people of the two countries had been facing for many years continued unabated (Ibid).

According to Paulos (Ibid), it was the domestic economic crisis that forced the two countries to resort to violence with the intention to find an escape route from public criticisms. Ethiopia's military campaign in Adi Mureg came in the midst of a domestic economic and political crisis the ruling government was facing (Anonymous, nd: 34)

Nature of Regimes

Studies have shown correlation between regime types and war proneness. The democratic peace theory states that democratic regimes are less prone to war. Writers such as Mansfield and Snyder(1995:79-80, cited in Anonymous,nd:21) made a distinction between developed and transitional democracies arguing that unlike developed democracies which are less prone to war, transitional democracies are prone to war. During this transitional period, interstate wars are possible since mass mobilization by the elites becomes a lot easier. Authoritarian regimes, on the other hand, are found to be significantly prone to war.

Coming to Ethiopia's and Eritrea's specific context, the war the parties carried out illustrates that the two countries were not developed democracies at all. In view of the superficial

measures of liberalization undertaken by the respective regimes, one may wonder if Ethiopia and Eritrea could be labeled as transitional democracies. Although both regimes seemed committed to the institutionalization of democracy after 1991, in reality, the regimes were repressive and authoritarian. The rhetoric of political liberalization was only made for public relations consumption. In Eritrea, EPLF abused human rights, banned the free press, jailed those who became critical of the government, outlawed opposition parties, and all state institutions became subordinated to the president (Anonymous, nd: 22).Ethiopia's effort to democratization was not also motivated from genuine commitments. It was carefully manipulated and opposition was only tolerated as long as it did not endanger state power. As in Eritrea, the Ethiopian government abused human rights, precluded the emergence of a viable opposition parties, and manipulated elections (Ibid; Abbink, 1998:550) (See also Chapter-Two).

Therefore, the outbreak of the war could be attributed to the authoritarian nature of the two regimes and their inherent exposure to war. For Dimma (2006:43), the authoritarian nature of the regimes and their lack of accountability was the fundamental reason for the outbreak of the war.

Dyad Level

At this level, we shift our focus from the domestic developments in each country and deal with the basic misunderstanding and disagreements that occurred in the relations between the two countries before the outbreak of the war.

Economic Controversies

The agreement on the economy was perhaps the most important section of the Agreement on Friendship and Cooperation signed in 1993(Tronvoll,2004:53). Despite the crucial significance of the agreement, there were no steps taken towards implementation. Instead, both countries pursued different economic development approaches and polices. Eritrea followed an Export led economic strategy; Ethiopia adopted an Import Substitution Industrialization (ISI) strategy. Ethiopia began to build factories (most of them concentrated in Tigray) with the intention to locally produce goods that had been imported (Anonymous, nd: 36). Prior to the outbreak of the armed conflict Eritrea's main trading partner was Ethiopia. 67% of Eritrea's foreign exports were sent to Ethiopia (Tobia, Economic analysis, cited in Paulos, 1999:34).

Consequently, due to the growing competition from the new subsidized factories in Tigray, the demand for Eritrean products in Ethiopia declined. In retaliation to the new economic policies of Ethiopia, Eritrea posed high tariffs on goods exported and imported by Ethiopia through the port of Assab. These were not the only areas of difference. Disagreements also unraveled concerning investment polices and the treatment of the investors of the other state (Tronvoll, 2004:52).Eritrea wanted Eritrean non-residents in Ethiopia to invest freely, whereas Ethiopia implemented restrictions, particularly in sensitive sectors of banking, insurance and power supply (Ibid).

The economic disagreements reached their climax when Eritrea introduces its new currency, the Nacfa, in November 1997. Eritrea's proposal for one to one parity of the new Nacfa with Birr and circulation of both currencies in both countries (dual currency union) were turned down by Ethiopia. With the introduction of Nacfa by Eritrea, Ethiopia issued new notes of Birr in January1998.The new notes of Birr in Ethiopia annulled millions of the old Birr notes that were exchanged for Nacfa in Eritrea. In addition, with the exception of a cross border trade below 2000 Ethiopian Birr, Ethiopia demanded trade with Eritrea to be conducted with hard currency and letter of credit. Ethiopia's fierce decisions came as a surprise to Eritrea. One could argue that the Eritrean government employed the war as foreign policy instrument to enforce the Ethiopian government to change the terms of trade and return to the previous economic arrangements, which many believed favored Eritrea rather than Ethiopia (Abbink,1998:560). Eritrea's vulnerability to the new economic policy shifts of Ethiopia might have forced President Issaias to use force. According to Steves(2003:127,cited in Anonymous,nd:22).Eritrea's small but industrial class put strong pressure on President Issaias to protect Eritrea's interests. It is not surprising that when the war intensified Eritreans attacked factories in Tigray. Eritrea was so frustrated by the growing competition from factories in Tigray(Ibid).

Political Tensions

The central controversy in the political realm was the role of ethnicity in politics. On the basis of their decades old political conviction, both EPLF and TPLF launched contrasting political processes in the aftermath of 1991.As a ruling political party, TPLF introduced a federal structure on the basis of ethnic federalism. The right of nations and nationalities to self-determination including secession was incorporated as part of the constitution promulgated in 1995. Eritreans, on the other hand, adopted a unitary and centralized state

where ethnicity and regional identities had no place in politics. Fearing the spillover effect to Eritrea, EPLF had been critical about politicization of ethnicity in Ethiopia and expressed its concerns of the destabilizing effect of the creation of a federal structure on the basis of ethnicity (Tekeste and Tronvoll, 2000:15-16).

3.7.3. Individual Level

Both President Issaias and Prime Minster Meles had also a considerable role in the outbreak of the Ethiopian and Eritrean war. During his trip to Africa in March and April 1998 President Clinton praised both leaders as "new generation leaders" and "leaders of the new African renaissance" (Glikes and Plaut, 1999:37). Nevertheless, Clinton's judgment was premature and superficial. In reality**,** both leaders were successful guerrilla leaders rather than successful statesmen. Both have authoritarian tendencies(Abbink, 2003:221).Issaias was ambitious and dictatorial (Tronvoll, 2004:50) and Prime Minster Meles was criticized for being "soft" and "weak" in handling Ethiopia's relation with Eritrea (White, 2002:346: Tronvoll, 2004:58).

President Issaias often makes decisions personally himself. His trusted advisors were military Generals and he lacked institutionalized, non-military and unbiased information. So centralized was decision making that in May 1998 the Eritrean army was mobilized to Badme in 1998 upon the personal order of the president, without consultation with the cabinet, the parliament or the political party (Tronvoll, 2004:58). Furthermore, his late decision of launching a war against Ethiopia was based on wrong assumptions and analysis, reflecting the president's limited capability of judgment and understanding of circumstances. He misread the political reality and situation in Ethiopia. He perceived the Ethiopian government of being weak and divided. He thought he could easily win the war (Anonymus,nd: 41).Furthermore, Issaias simply wished to think that the war would force weakened Ethiopia to return to the free trade arrangement (Abbink, 2003b:221)

On the other hand, Prime Minister Meles was criticized for being too much accommodative of Eritrean interests. The free press in Ethiopia even went as far as to call the Prime Minister as "Eritrea's ambassador in Ethiopia." The press associated the Prime Minister's lenient polices towards Eritrea as resulting from sympathy to Eritrea because of his half Eritrean blood.[37]For others, those economic advantages offered by the Prime Minister were to entice

[37] According to reports in the Ethiopian press Meles's mother is Eritrean.

Eritrea to rejoin Ethiopia. A couple of times, the Prime Minster expressed his view that Eritrea at some point in time would rejoin Ethiopia again (Lencho, 2006:73).[38]

3.8. The War

The war was formally started with Eritrea's mobilization of the mechanized army to Badme and its surrounding on 12 May 1998 and Ethiopia's statement that Eritrea invaded its sovereign territory on, 13 May 1998.The initial fights that went on from 22 May to 11 June 1998 were brief but bloody. The ground fighting was centered on three fronts on the border, Badme and Shiraro front in the west, Alitena and Zalmabessa front in the central part and the Bure front in the east. During this period, both armies fought heavy wars on the western and central fronts. There were also series of air raids. Ethiopia attacked Asmara Air Port and Eritrea attacked Mekele and Adigrat towns (Glikes and Plaut, 1999:27). The air raids were temporarily ceased by an agreement between the two parties brokered by frequent telephone calls of President Clinton to President Issaias and Prime Minister Meles. But it was broken later by Ethiopia. Since 11 June 1998, except the occasional shells, undeclared truce seemed to hold (Ibid). The rainy season made further armed operations difficult. However, the parties continued preparing for war and kept on buying arms. Russia, China, Romania, Bulgaria, Ukraine and Italy supplied arms to both countries. Ethiopia bought Sukhoi 27 fighters, Mi-8 transport helicopters and Mi 24 attack helicopters from Russia. The Russians sold to Eritrea Eight Mig 29 interceptors. Ethiopia bought 210-T55 tanks from Bulgaria. Bulgaria also supplied Eritrea with rockets, shipped trough Ukrainian cargo planes. Eritrea bought rockets and missiles worth of $50 million from Romania. Eritrea also received several attack helicopters from Italy (Paulos, 1999:34; Lortan, 2000:2). The deal from Russia included training instructors and pilots. According to a London based International Institute for Strategic Studies (cited in Paulos:Ibid), in the year 1999, Eritrea's and Ethiopia's arms expenditure was $306 million and $403 million respectively. The arms market was finally closed with UN's strong urge to all member states to refrain from supplying arms to the two countries.

After an undeclared truce since June 1998, on February1999, Ethiopia launched an attack against Eritrean forces and after four days of intense fighting, the Ethiopian army was able to capture Badme. However, attempts by the Ethiopian forces to make the same breakthrough in

[38] The Prime Minister's view was revealed in a personal conversation with Lencho Lata and Paul Henze.

the central front proved unsuccessful. Subsequent Eritrean attempts to regain Badme were unsuccessful and met with heavy casualties for the Eritrean army (Lortan, 2000:5). Once again a stalemate continued throughout 1999 and into 2000. In May 2000 Ethiopia launched an attack against Eritrean positions on all fronts. After a heavy fight for one week, Ethiopian forces broke through Eritrean trenches and headed deep inside western Eritrea. On 29 May Issaias issued an all-front order to the army to withdraw from all the disputed territories. On 30 of May Ethiopia announced its withdrawal from western Eritrean territory claiming that it had successfully achieved its military objective of liberating occupied territories (Ibid: 6). On 18 June the war was formally concluded with the signing of the Agreement on Cessation of Hostilities.

Ethiopia and Eritrea fought one of the catastrophic wars in the recent history of the world. The war was the biggest military engagement of the last decade of the 20th century (Paulos, 1999: 33). Tekeste and Tronvoll(2000:97) described it as "the largest war, surpassing Kosovo in the period 1998-2000.For Reid (2003:374), the Ethiopian and Eritrean border war was perhaps "the largest conventional conflict of its kind since the Iran- Iraq in the 1980s." The war was fought with high techs but with trench tactics of the First World War, making causalities high (Tekeste and Tronvoll,2000:97).

The exact number of people who died in the war is uncertain. In 2001 Eritrea announced that 19,000 Eritrean soldiers were killed in the two years border war (BBC, June 2001). However, Ethiopia, who hasn't given any figure of the casualties it suffered, rejected Eritrean claims saying that the number is ridiculously low (Ibid).

Estimates of total causalities from both sides range from 50,000 to 123,000.The most common figure mentioned by the media is 70,000.Tekeste and Tronvoll(2000:99) estimate the number of soldiers killed in the range of 50,000 to 80,000.In addition to the deaths, over a million people were displaced from their homes (Plaut,2004:118). The war was also attended by deportations of the citizens of the opposing state. Ethiopia expelled around 75,000 Eritreans and Ethiopians of Eritrean origin while Eritrea deported 60,000 Ethiopians and Eritreans of Ethiopian origin (Plaut, 2004:119).Domestically, the war increased the authoritarian tendency of both governments. After the war ended, both governments faced divisions in the ruling party. Both Issaias and Meles responded by using force and arresting those who became critical.

3.9 Summary

In this chapter, we have seen that Eritrea as an independent entity never existed before the Italian colonialism. Eritrea was created by Italian colonialism. Italian colonialism lasted half a century (1890-1941). After the Italians left Eritrea, defeated by the allied powers, Eritrea stayed under the British administration from 1942 to 1952.In the meantime, Eritrea's fate was an issue of discussion and debate both inside and outside Eritrea. In 1950 the UN decided the federation of Eritrea with Ethiopia and Eritrea was federated with Ethiopia in 1952 having its own constitution and government. However, in 1962 emperor Haile Sellasse of Ethiopia terminated the federation and annexed Eritrea as province of Ethiopia. It was pointed out that armed struggle for an independent state of Eritrea was launched with the forceful annexation of Eritrea by Ethiopia. The weakening of the federal arrangement and final annexation of Eritrea by the emperor produced an armed resistance with the formation of Eritrean liberation fronts such as the ELF (1961) and EPLF (1970).

In tracing back today's differences, under section 3.4, we have seen that the historical relationship between EPLF and TPLF was characterized by tensions; the two fronts differed in political and military tactics. Though both were Marxist, they also differed on details (view towards the Soviet Union). Despite their differences; however, they cooperated on pragmatic purposes at war front lines. It was pointed out that the border issues as an area of disagreement surfaced during the armed struggle against the Derg government but was postponed to be addressed in the aftermath of the downfall of the military regime in Ethiopia. After assuming political power in 1991, both fronts forgot their past troubled relations and launched cooperation on many sectors. However, this cooperation only lasted until 1997.In 1997 tensions were high in the relationship between the two countries and the disagreements finally culminated in the two years war of 1998-2000.

The causes of the war were analyzed at system, state and individual level. At system level, we have seen how colonialism remotely contributed to the war by creating an independent state of Eritrea and complicating the border between the two countries. We have also seen that the US's limited engagement in the horn of Africa after the debacle in Somalia and its declined support to Eritrea and Ethiopia since 1994 reduced the pressure it could have exerted to influence the behavior of the two states. Under state level, the domestic political process and the disagreements prevailing in the relations between the two countries were described. It was explained that the state building project by Eritrea and the inability of both regimes to

fulfill the basic needs of their people and the search for escape routes and diverting attention have contributed in causing the war (Section3.7.2). Under the dyadic level, we have seen that the economic disagreements that reached their climax with the introduction of Eritrean currency in 1997 had played a central role in causing the war. The divergent political processes in Eritrea and Ethiopia also raised the tension between the two countries. At the individual level it was pointed out that the authoritarian nature of the two leaders has contributed in causing the war. It was also explained that the assumptions and the calculations President Issaias had made regarding the political situation in Ethiopia were wrong.

Chapter - 4

Eight Years after Algiers

Overview

Mediation efforts to resolve the Ethiopian-Eritrean conflict started within few days of the outbreak of the conflict. Friends of both countries immediately rushed to the capital of both countries to peacefully resolve the conflict. The first fruitful effort of mediation came from the governments of USA and Rwanda. The joint team of US and Rwanda produced a four-point peace proposal, which was only accepted by Ethiopia.

The Organization of African Unity (African Union after 2000) took over the mediation responsibility from the governments of the US and Rwanda and OAU developed a peace proposal known as the OAU framework of agreement. The plan was further elaborated by modalities for the implementation of the framework agreement and technical arrangements. Ethiopia accepted the OAU peace proposal but Eritrea declined.

Consequently, neither the US-Rwanda's four-point peace proposal nor the OAU framework agreement was able to stop the devastating war from happening. A mutually accepted peace agreement, heralding the official end of the war, came late in December 2000, after the belligerents got exhausted of the war.

This chapter has two main purposes. The first section of this chapter presents a description of how the currently prevailing deadlock between Ethiopia and Eritrean came into being. In doing so, the peace process that has been carried out to bring an end to the border conflict is examined. In section two, we outline the main reasons why the Ethiopian and Eritrean peace process failed to settle the border conflict and achieve peace.

4.1. The Peace Process

4.1.1. Prelude to the Algiers Agreement

4.1.1.1. The Four Point Peace Proposal and the OAU Framework Agreement

According to Wallensteen (2007:91) mediators who are trying to settle an interstate territorial conflict, where changes on the ground has occurred as a result of the unilateral use of force

by one of the parties, face a choice between using the newly created status quo or demanding the return of the situation prevailing before the use of armed force (status quo ante bellum) as basis to the making of peace agreements. Wallensteen(pp,91-93)points out that although its application is constrained by realistic political considerations; return to the status qou ante bellum is a central principle in the resolution of interstate territorial conflicts. This principle is sanctioned by international rules and norms.

Demand for the return to the status quo ante bellum was the key component of the four-point peace proposal produced by the joint team of US and Rwanda and the OAU framework agreement. The peace proposals demanded to the return of the status quo that prevailed before May 1998. It was disagreement of the parties on this key component of the peace proposals, which precluded the peace process from preventing the continuation of the war.

The four-point peace proposal demanded the withdrawal of Eritrean forces from Badme and their redeployment to positions they held before 6 May1998 and the reconstitution of the civilian administration.[39]Similarly, the OAU framework of agreement, presented to the parties on 7 and 8 of November 1998, contained the same provision. Section three of the framework agreement suggested the redeployment of Eritrean forces from Badme and its environs to the positions they held before 6 May 1998.[40]

These demands for the return to the status quo ante bellum were in line with the Ethiopian claim that Eritrea should first and foremost withdraw from the newly occupied territories and the civilian administration should be reestablished. Hence, the peace proposals were easily accepted by Ethiopia. Eritrea, on the other hand, was unwilling to permit the return of status qou anti bellum. It was reluctant to withdraw its forces from Badme and its surrounding areas. Eritrea argued that the signing of the cessation of hostilities agreement was fair enough to the delimitation and demarcation of the border.

[39] The four-point peace proposal also called the parties to be committed to a peaceful resolution of the conflict. It provided for the deployment of smaller observer mission around Badme, and investigation of the origins of the armed conflict. It suggested both parties to agree for a swift and binding delimitation of the border on the basis of colonial treaties and applicable international law, and called on the demilitarization of the entire border area.

[40] The OAU framework agreement, with a total of 11 paragraphs, also called the parties to commit themselves to use the service of the UN cartographic unit and other experts, for the delimitation and demarcation of the border (Paragraph-6), investigation of the origins of the armed conflict and humane treatment of the nationals of the other country (Paragraph -7).

As a result, both the first four-point peace proposal and the OAU framework agreement did not receive the blessing of the Eritrean government. Eritrea's acceptance of the framework agreement came after Ethiopia carried out massive military attacks on Eritrean positions on the western front (Gebre Mariam/ Kassa, cited in Terlinden and Debiel 2001: 71).In February 1999, Ethiopia attacked Eritrean positions in Badme launching an operation called "Operation Sunset"[41]After massive fighting that lasted for four days (February 23 -26), the Ethiopian forces managed to break through the Eritrean trenches and recapture Badme(Kinfe,2004:Xii). A day after the defeat in Badme, Eritrea announced its acceptance of the OAU framework of agreement (Tekeste and Tronvoll, 2000:74).

When Eritrea accepted the framework agreement, Ethiopia began to defy the OAU peace efforts. Ethiopia labeled the technical arrangements (the second accompanying document to the framework of agreement) to the implementation of the OAU framework agreement unacceptable, and delivered a list of questions demanding clarification (International Crisis Group.2003:4).[42]Ethiopia suspected the true intentions of Eritrea in accepting the peace proposal. Eritrea's acceptance of the OAU framework agreement was understood by Ethiopia as a strategy to buy time, reorganize its army and launch counter attacks on Badme. Instead, Ethiopia preferred to continue its military operations. In May 2000, Ethiopia launched major attacks in multiple fronts. After bitter fighting, Ethiopia penetrated deep inside the Eritrean territory, and occupied areas that were not even in its administration or list of claimed territories(International Crisis Group,2005:3)(See Chapter Three).

The overall military offence of the Ethiopian forces and the penetration of the army deep inside the territories of Eritrea ignited renewed diplomatic efforts for mediation. Mediators shuttled between the capitals of the two countries and finally succeeded to arrange an agreement on cessation of hostilities, signed on 18 June 2000.

4.1.1.2 Agreement on the Cessation of Hostilities (June 2000)

[41] An operation named after President Issaias's comment that Eritrea's withdrawal from Badme is like the sun never setting.

[42] The OAU framework agreement was accompanied by two other documents, the modalities for implementation and the technical arrangements. These documents were produced after Eritrea accepted the OAU framework agreement with the view to implement the principles in the framework agreement.

The pillar of the agreement on cessation of hostilities was the deployment of peacekeeping forces and the creation of a 25 kilometers buffer zone inside the territory of Eritrea. The agreement called on Ethiopia to withdraw its troops from positions it occupied after 6 February, which were not under the Ethiopian administration.[43] Eritrea, on the other hand, agreed to settle its troops 25 kilometers away from the Ethiopian settlements. The treaty also envisaged the formation of a military coordination commission to facilitate the settlement of a peacekeeping mission and monitor the implementation of the agreement.

4.1.2. The Algiers Peace Agreement (December 2000)

On 12 December 2000, the two parties signed a comprehensive peace agreement in Algiers known as the Algiers Peace Agreement. The peace agreement was mainly brokered by the government of Algeria, as the chairman of the OAU at the time. Representatives of the UN, European Union and the US witnessed the signing of the agreement.

In the preamble of the agreement, the parties reaffirmed their acceptance of the OAU framework of agreement and its modalities of implementation as well as the agreement on the cessation of hostilities.

Divided into six articles, the agreement aimed at bringing an end to the conflict. In article one; the two parties agreed to "permanently terminate military hostilities between themselves and "refrain from the threat or the use of force against the other."

Article two deals with the prisoners of war, persons under custody in connection with the armed conflict and the treatment of the nationals of the other state. In fulfilling the obligation they owe under international humanitarian law and the 1949 Geneva Convention, both parties agreed to release all prisoners of war in cooperation with the International Committee of the Red Cross. They also agreed to release, repatriate and return all those persons who were detained as a result of the armed conflict and extend humane treatment to the nationals of the other state residing in their territories.

The rest of the articles of the peace agreement were devoted to the establishment of three commissions that would work to bring an end to the conflict. These are; an Independent Body to investigate the origins of the armed conflict, a neutral Boundary Commission to decide on

[43] February1999 marks the day Ethiopian armed operations against Eritrea were started in Badme.

the course of the boundary line and an impartial Claims Commission to decide on issues of compensation.

Since the early stages of the conflict, the parties have had a series of disagreements on the incidents that led to the eruption of the war. They accused each other of igniting the violence and occupying the territory of the other. As a result, investigation of the origins of the armed violence has been an integral part of the mediation efforts since the four point peace proposal of the US and Rwanda. Similarly, the Algiers peace agreement included a provision that demanded the investigation of events that led to the triggering of the war (Article 3(1)).An independent and impartial body appointed by the Secretary General of the OAU, in consultation with the General Secretary of the UN and the two parties, was given the duty to investigate the origins of the armed conflict and submit its report.

Article 4 of the agreement established a neutral boundary commission with a mandate to come up with a non-appealing decision on the disputed border. This was the central part of the agreement. Out of the total of 47 paragraphs of the agreement, 17 were devoted to the establishment of the commission. Article 4, paragraph 2, states the responsibility entrusted to the commission,

> The parties agree that a neutral boundary commission composed of five members shall be established with mandate to delimit and demarcate the colonial treaty border based on the pertinent colonial treaties (1900, 1902, and 1908) and applicable international law. The commission shall not have the power to make decisions ex aequo et bono.[44]

Thus, the commission was given the mandate both to delimit and demarcate the boundary. The commission would consist of five members. Each party was given the opportunity to appoint two members of the commission. These four members should be neither nationals nor permanent residents of the parties. The four party appointed members of the commission in turn would elect the president of the commission - its 5th member.

The parties agreed to submit their claims to the secretariat of the commission (the UN Cartographic Unit) within 45 days after the effective date of the agreement. The commission would come up with a delimitation decision within six months after it held its first meeting.

[44] Ex aequo et bono is a situation in which adjudicators decide disputes on the basis of what is fair, and appropriate. Denying the courts the ability to make decisions on the basis of ex aequo et bono is a precaution intended to ensure that the court decides on the case purely on the basis of the law. In theory, this minimizes the court's bias and leaves low discretion to the court. However, in reality, the absence of consideration of fairness in the decision of the court usually leads to bitterness and a sense of injustice (Gabriel and Sohn, cited in Jibril 2004:652).

The parties committed themselves to accept the decision of the border commission as final and binding. Article 4 paragraph15 of the Algiers agreement clearly pointed out that, "The parties agree that the delimitation determinations of the commission shall be final and binding. Each party shall respect the border so determined as well as territorial integrity and sovereignty of the other party determined." After submitting its delimitation decision, the commission would arrange the expeditious demarcation of the border.

Article 5 of the agreement established the third organ; the Claims Commission .The claims commission was given a mandate to come up with a binding decision on "all claims of loss, damage or injury" on government, nationals and entities owned by one over the other. The claims commission was designed in a similar structure as the border commission. Like the border commission, the claims commission was constituted with five members. Each party would appoint two members and the four appointed members of the commission would elect the president of the commission. The commission was given the authority to use relevant international law to make decisions. It could not make decision on the basis of "ex aequo et bono" and its decision would be final and binding. The commission was expected to finalize and communicate its decision within three years after the completion of the filing of claims by the parties.

In line with the Algiers agreement, the boundary commission and the claims commission were constituted and accomplished their tasks. These two commissions have now completed their missions and do not exist anymore. The boundary commission was constituted in 2001, delivered its delimitation decision in April 2002 and de-existed in November 2007.The claims commission, on the other hand, was formally constituted in 2001, gave its verdict in December 2005 and then ended its existence. Nevertheless, the impartial body that was envisaged to carry out an investigation on the incidents, which led to the border war, has never been established.

4.1.3. Keeping the Peace -The UNMEE

The idea of using impartial military observers to facilitate the peace process was an integral part of all the peace efforts made since the US – Rwanda peace proposal. However, the issue of settling a peacekeeping force was first raised in the agreement on the cessation of hostilities. In this agreement, the parties consented to the deployment of a United Nations peacekeeping force in collaboration with the African Union to assist the implementation of

the Algiers peace agreement. This idea was further consolidated and elaborated on the OAU framework of agreement - in the technical arrangements.

Consequently, on 31 June 2000, the UN Security Council established the United Nations Mission in Ethiopia and Eritrea (UNMEE).[45] Upon the recommendation of the Secretary General, in August 2000, the Security Council of the UN authorized the deployment of a total of 4,200 military personnel including 220 military observers.[46]

UNMEE was mandated to monitor the implementation of the agreement on cessation of hostilities, oversee the deployment of Ethiopian forces from positions they had taken after 6 February 1999 as well as to oversee the deployment of Eritrean forces within 25 kilometers distance from the new deploying positions of the Ethiopian forces. UNMEE was also given the task of monitoring the temporary security zone, chair the military coordination commission of the two countries, coordinate and provide technical assistance to mining activities in the temporary security zone and areas adjacent to it. In early 2001, the UNMEE had already started its operation on the ground. More than 40 countries participated in the contribution of military personnel, India, Jordan and Kenya taking the largest share.

In 2002, the UN Security Council adjusted the mandate of the UNMEE to facilitate the implementation of the boundary commission's delimitation decision.[47]Accordingly, the mandate of the UNMEE was expanded to include, de-mining in key areas to help the demarcation process, and offering administrative and logistical support for the field offices of the boundary commission.

UNMEE's operation was planned to be concluded with the completion of the delineation of the border between the two countries (Agreement on the Cessation of Hostilities). However, the peace process took much longer time than expected. As a result, the UN Security Council was forced to extend the tenure of the UNMEE every six months and reduce the number of troops in the field. The current mandate of UNMEE extends up until 31 July 2008.

[45]Resolution1312 (2000), See UNMEE's background in the official website of UNMEE, http://www.unmeeonline.org/index.php?option=com_content&task=view&id=16&Itemid=47,last visited,08-June-08.

[46] Resolution 1320, (2000).

[47] Resolution 1430(2002)

For the last seven years, UNMEE has effectively served as a buffer separating the hundreds of thousands of soldiers settled along the border[48]. Nevertheless, UNMEE's role of separating the armies of the two countries was recently curtailed by the cutting of logistic supplies to the peacekeeping force by Eritrea. With the standing of the virtual demarcation of the border as of January 2008, Eritrea announced that it would not accommodate UNMEE forces in its territory any more. In a letter President Issaias Afeweki of Eritrea wrote to the Security Council in January 2008, he said that since the border was virtually demarcated by the commission, UNMEE's continued existence inside the Eritrean territory could be seen as occupation (Aljazeera, April 2008). Taking actions, Eritrea cut down fuel and food supplies to UNMEE. Despite the requests from the Secretary General to urgently address the logistic supplies, Eritrea continued to deny UNMME diesel and food supply. As a result, the UN was forced to pull out UNMEE forces from Eritrea and relocate them in Ethiopia as of February 2008.[49]

Hence, as of today, there is nothing called the Temporary Security Zone monitored by the UNMME and the armies of the two countries are facing each other. In such circumstances, the chance of another round of war is real. Eritrea could be tempted to use force to fulfill its legal rights entitled by the border commission. As it did in Somalia in December 2006 Ethiopia, on the other hand, could attempt to avoid its security threat in the north. As Eritrea increased its antagonism with the administration in Washington, it could be encouraging for Ethiopia to take such actions.[50] Unless the parties observe some kind of self-constraint and discipline, the situation prevailing on the ground is permissive of another round of violence.

4.1.4. The Ethiopian and Eritrean Border Commission (The EEBC)

The Ethiopian and Eritrean border commission was formally constituted on 20 February 2001, following the acceptance of the appointment of the president of the commission (First

[48] According to Tekeste and Tronvoll (2000:30) Ethiopia is suspected of having an army of around 450,000 while Eritrea may have 350,000 soldiers along the border.

[49] See the UMEE'S website, http://www.un.org/Depts/dpko/missions/unmee/facts.html,last visited 08 June 2008.

[50] Following its open support of the Islamic Courts Union in Somalia (a group allegedly having a link with Al-Qaida) the US is currently considering to put Eritrea on its list of rogue or terrorist sponsoring states (See, "US gives stark warning to Eritrea", http://news.bbc.co.uk/2/hi/africa/6985656.stm,BBC, September 2000, accessed on 08-03-08.

Report of the EEBC to the UN Secretary General). By March 2001, the commission and the parties held their first meeting in the Hague. In this meeting, a tentative plan was worked out and agreed upon by the parties to carry out the first task of the commission - delimitation of the borderline (Ibid).

The commission adopted its rules of procedure on June 2001, according to which, the parties filed their first submissions (memories) at the end of June 2001 (Second Report). This was followed by the second submissions (counter memorials) in September and Replies in October 2001(Third Report). From 10 to 21 December 2001, the commission held hearings of the parties. The parties undertook three rounds of arguments and responded to the questions posed by the commission (Fourth Report).

In April 2002, the commission delivered its delimitation decision. Divided into 8 chapters, the commission's decision contained 125 pages. The first two chapters dealt with procedural and substantive introductions. Chapter one traces the background of the commission to the provisions of the Algiers agreement and states how the commission was constituted. The substantive introduction presents a short summary of the history of the two countries and explains the controversy that is involved regarding their common border. Chapter three deals with the mandate of the commission and the law applied. The delimitation decision was presented by categorizing the border into three sectors, the west, the central and the east. Chapter seven deals with the boundary line marked by rivers. The last chapter of the commission presents its decisions.

4.1.4.1. The Mandate of the Commission

In Paragraph 3.4 of its decision, the commission pointed out that its main task in the process of determining the course of the border was the legal interpretation of the colonial treaties. This was mainly because the parties agreed that the treaties in question covered the whole boundary between them and the meaning of the treaties constituted the "central feature" of the dispute. [51]

[51] See also Malcolm Shaw (2007) "Title, Control, and Closure? The Experience of the Eritrea - Ethiopia Boundary Commission." *ICLQ*, Vol 56, October 2007, pp, 755-796. In this article, Shaw presents an interesting discussion on the mandate of the EEBC, its delimitation decision in each of the sectors and demarcation efforts.

However, the commission did not (neither was mandated) rely on the interpretation of treaties. Its decision was also based on the consideration of applicable international law. Applicable international law was used both for the interpretation of the treaties and determining the course of the disputed boundary line. The central element in the commission's consideration of international law was the subsequent practice of the parties (Paragraph 3.6). In considering the conduct of the parties, the commission looked at maps; activity on the ground tending to show the exercise of sovereign authority (effectivites), diplomatic exchanges and records and also even assertions of sovereignty before the commission (Paragraph 3.16).

The commission recognized the possibility for the conduct of the parties to be different from the clear provision of the colonial treaties. In such cases of contradiction, the commission noted that the latter practice of the states is given preference over the treaties. According to the commission (Paragraph 3.9.), the inability of one of the parties to reject the acts of the other party within a reasonable time could be regarded as a tacit agreement to the practice and conduct of the other party.

In line with the provisions of the Algiers agreement, the commission also made reference to the OAU principle of respecting borders drawn by European colonial powers and existing at independence.[52] In the case of Ethiopia and Eritrea, the commission interpreted this principle as referring to the border that prevailed when Eritrea became independent in1993. Developments subsequent to that date were not considered relevant, unless they could be "seen as continuance or confirmation of a line of conduct already clearly established or take the form of express agreement between them" (Paragraph 3.36)

4.1.4.2. The Delimitation Decision

Western Sector

The border in the western sector is the most contested part of the boundary. The delimitation decision of this sector was covered by the interpretation of the 1902 treaty.

In the legal interpretation of the treaty, the commission substantially relied on finding out the motive of the parties behind the signing of the treaty. An important clause in the treaty of 1902 was the parties' agreement for the border to be delimited in a manner so that the

[52] Resolution of AHG/Res16 (1) adopted by the OAU summit in Cairo in 1964.

"Cunama tribe could belong to Eritrea."[53] This was understood as a clear indication of the purpose the parties had in mind while signing the treaty. The commission was convinced that this reference to the Cunama tribe was to all parts of the Cunama territory (Para, 5.34).

In line with this consideration, the final decision of the commission invalidated Ethiopian claims and awarded Eritrea all the land of the Cunama tribe. As a result, Ethiopia lost a substantial proportion of land including the controversial village of Badme, which was considered to be part of the Cunama land (See the maps on the claim lines submitted by the parties and the final award of the commission, Map -2 and 10). However, the delimitation decision in this sector of the border was not clear enough in pointing out the exact location of the village of Badme. The coordinates of the village were not indicated in the maps that accompanied the delimitation decision. In the text, one has to read between the lines to infer where the village has gone. This lack of transparency on the highly symbolic village of Badme created a confusion making both parties to declare victory on it (See also section 2 of this Chapter).

The subsequent practice of the parties was also examined but did not change the original delimitation decisions made by the commission from the interpretation of the1902 treaty (Para.5.91).

Central Sector

This part of the boundary begins at the terminus of the western sector of the boundary (Point 9).The central sector of the boundary was covered by the 1900 treaty. The 1900 treaty states that the boundary runs across the Mereb - Belesa - Muna Rivers (Para, 4.8).

Both parties agreed on the line the border takes from Mereb to Belesa, but disagreed on the particular line the boundary takes as described by the words of Belesa–Muna. The identity of the real Belesa, as indicated by the treaty, was disputed among the parties (Para.4.14).

The commission's findings pointed out the Belesa river appearing to unite two upstream rivers, one flowing in from the south (identified as Belesa-A) and the other flowing in a generally easterly direction (Belesa -B) (Para, 4.16). It had also figured out another tributary of the Belesa (Belesa -C) that was not mentioned in the 1900 treaty (See Map -6).

[53] The Cunama is also written as Canama or Kunama

Eritrea contended that the branch of the Belesa, which the annexed map of the treaty shows as being connected to the Muna, is the western branch of the Belesa, Belesa-A. Ethiopia, on the other hand, argued that the boundary ran along the Beslesa-B (Para, 4.18). In addition, Ethiopia maintained that the Mereb – Belesa-Muna line was intended to reflect the de facto administrative division between the Akale Guzay, which was under the Eritrean administration, and Agame lying under the Abyssinian administration. Ethiopia argued that the task of the commission was to determine this administrative division as it existed historically (Para, 2.29; 4.56).

The contention between the parties put under dispute a considerable portion of territory laying between Belesa -A and Belesa-B, the so called Endeli projection and the Bada area. Places such as the town of Zalmebessa and Tsorena lie inside Belesa-A and Belesa-B, and the Endeli projection mainly constituted the Irob district (See Map -6).

The initial decision of the boundary commission, resulting from the interpretation of the treaty decided the boundary to run along the Belesa–B to the confluence of Belesa-C and then following the Belesa-C afterwards until it reaches the Muna (Para 4.59).

The examination of the subsequent practice of the parties effected an adjustment on the delimited line from the interpretation of the treaties. Consequently, Tsorena and Fort Cardona were given to Eritrea while Ethiopia gained Zalambessa and its surroundings. Inside the Endeli projection, Ethiopia‘s sovereign exercise of authority in the northern and western part of the Irob was found to be weak. As a result, Ethiopia lost this part of Irob and only got the southern and easterly parts of Irob(Para4.85) In the Bada region, the commission found that the evidence presented by the parties did not lead to the any departation from the line drawn(Para4.91).

The final delimitation line in the central sector awarded Ethiopia the town of Zalambessa and its surrounding, southern and eastern part of Irob and Bada. Eritrea on the other hand got Tsorena, Fort Cardona and northern and western part of Irob.

Eastern Sector

The 1908 treaty covered the boundary in the eastern sector. According to the treaty the boundary runs “parallel to and at a distance of 60 kilo meters from the coast.” The challenge in the eastern sector was to apply this geographic formula in the delimitation of the border.

The parties submitted different proposals as to how this formula could be applied. Ethiopia's method for the implementation of the 1908 treaty was "to create a construct of the coast, at the coastline, and then move these construct inland 60 kilo meters." Eritrea on the other hand, suggested a representation of the coast by using arcs of circle method (Para.6.18).

The commission noted that the best method to delimit the geographic formula was to take satellite images of the coastline of Eritrea and to draw a parallel line within a distance of 60 kilometers (Para, 6.21). Further examination of the practices of the parties resulted in no change of the boundary line.[54]

4.1.4.3. Initial Reaction of the parties

Ethiopia soon declared the acceptance of the decision of the border commission and celebrated its victory at home. The same day in the afternoon the decision was delivered (13April 2002), the Foreign Minister of Ethiopia convened a press conference and declared that the commission validated all Ethiopian territorial claims awarding the contested areas of Badme, Zalembessa, Aiga, Bure ,Irob, Alitena and Bada to Ethiopia. The Minster revealed his government's satisfaction in the fairness of the decision and readiness for the completion of the demarcation of the border.[55]

Similarly, Eritrea declared acceptance of the binding decision of the border commission. President Issaias of Eritrea called the decision as "a gift to the present and future generations of Eritreans who will live with secure and recognized borders." He said that the truth that has been battered over the past four years had triumphed and Eritrea is vindicated. He added that any attempt by Ethiopia to fool the people on the decision would be futile.[56]

4.1.5. Demarcation

In consultation with the parties, the boundary commission adopted its demarcation directions on 8 July 2002.According to these directions; the objective of demarcation was to draw the

[54] See also Malcolm Shaw's (note number 51) discussion of the delimitation decision. Philip White (2002) makes a similar discussion of the delimitation decision of the boundary commission in his article "The Ethiopia and Eritrea Border Arbitration," *Review of African Political Economy*, Vol 29,Number 92,accessed online via UiT university library.

[55]Press release of the Ethiopian embassy of the United States of America-http://www.ethiopianembassy.org/pr041502.shtml, accessed 12 March 2008.

[56]See Eritrea Ethiopia Boundary Commission EEBC-Decisions, http://home.planet.nl/~hans.mebrat/eritrea-ethiopia-boundary.htm accessed on 12 March 2008.

course of the delimited border line by emplacing pillars on the ground. This was foreseen to be carried out by using the 1:25.000 scale map. Pillar emplacement was scheduled to be made on sector- by- sector basis, beginning in the western sector and proceeding to the central and the eastern sectors.

Both parties having declared their acceptance of the delimitation decision, demarcation activities went on smoothly for some time. However, the commission's demarcation activities began to be met with resistance from Ethiopia. Ethiopia began to protest against the demarcation of the border with its increasing realization of the loss of Badme village.

The confusion that involved the village of Badme was cleared in March 2003 by a statement from the commission (Observations 2003). However, it seems that Ethiopia's realization of the loss of Badme came as early as January 2003(possibly even before) at the time Ethiopia received the completed 1:25 scale map for comment.[57] In January 2003, as part of its comment to the map, Ethiopia expressed its dissatisfaction with the decision of the border commission. Although the commission expected the comments to be purely technical, Ethiopia's comments went far beyond and challenged the original delimitation decision of the border commission. According to the commission's Eighth Report, the 141 pages (compared to Eritrea's 17 pages) comment submitted by Ethiopia "amounted to an attempt to reopen the substance of the April decision not withstanding Ethiopia's repeated statements, made both before and since, of its acceptance of the decision."

The main line of argument of Ethiopia's comment was that the delimited course of the boundary line should be varied in manner to take into account human needs and geographical realties during demarcation. According to Ethiopia, demarcation of the boundary as delimited by the commission divides communities and even homesteads. These "anomalies and impracticalities" of the delimitation decision had to be addressed during the demarcation of the border. Ethiopia clearly stated that it would only accept the delimitation decision of the commission as long as it was subject to refinements during the actual demarcation of the border (8th Report).

[57] On 27 April 2002 the Ethiopian government blocked demarcation activities for some time. This was followed by a letter from foreign minister Seyom Mesfin to the commission criticizing the role of the UNMEE in the demarcation activities of the commission and questioning the neutrality of the boundary commission's field officers. On 13 of May 2002 Ethiopia filled a document called request for the Interpretation, Correction and Consultation. By filing this document, Ethiopia raised certain concerns in the delimitation decision and demanded the commission to address them during the demarcation stage.

In September 2003, the Ethiopian government officially announced its decision not to allow demarcation in Badme and Irob areas, while allowing demarcation activities to continue in the eastern sector.[58] Ethiopia's decision was communicated in a letter the Ethiopian Prime Minister wrote to the Secretary General of the United Nations on 19 September 2003. In his letter, the Prime Minster criticized the decision of the border commission in Badme and parts of the central sector as "illegal, unjust and irresponsible." He stated that the commission's decision ended up "splitting a single village and even a single homestead between the two countries." The Prime Minister affirmed, "it is unimaginable for the Ethiopian people to accept such a blatant miscarriage of justice." He proposed to the Security Council to set up an alternative way out to demarcate the boundary in the western and parts of the central sector in a just and legal manner (Third Proposal Presented in the letter).

According to Pratt, (2006:333) this rejection of the delimitation decision by Ethiopia came as a surprise to the international community. Pratt (Ibid) points out that Ethiopia is the "first state that has openly refused to implement a third party boundary award." Even those states that "initially objected to the jurisdiction of the International Court of Justice (ICJ) in boundary cases brought by unilateral application have always ultimately compiled with the court decision"(Mitchel and Hensel 2005 cited in Pratt, 2006:333).

It is very difficult to be certain about the reason why the Ethiopian government decided to reject the delimitation decision after committing itself to abide by it beforehand. The government's decision could be motivated by sympathy of those people living along the disputed territories that are now affected by the delimitation decision; the people who were ignored during the deliberations of the peace process. It could also be motivated by the purpose of saving the image of the government which has been seriously criticized by the vigorous independent press and the academia as being weak in handling the peace process and acting against the interest of Ethiopia in its dealings with Eritrea. If the decision to reject the delimitation decision was made on considerations of the interest of the local people and respect to public opinion, then, this would be an exceptional stance the government has taken. The very undemocratic nature of the regime precludes us from making such a conclusion that implies the government being responsive to public opinion. In line with the undemocratic

[58] Ethiopia's proposal for demarcation to be completed in the eastern sector was rejected by Eritrea. Eritrea demanded Ethiopia to permit the proceeding of demarcation activities in the central and western sector of the border (Sixteenth Report). The eastern sector of the border was the least contested sector of the boundary.

nature of the regime, power considerations are the appropriate explanation that we make to the government's decision to reject the delimitation decision. In 2001 TPLF faced divisions as a result of disagreements among its top leaders regarding how the war with Eritrea ended up and the handling of the peace process. Acceptance of the delimitation decision would have further endangered the party's unity and particularly the power of the Prime Minister.

In November 2004, Ethiopia came up with a five-point peace proposal. The new proposal was motivated to repair the distorted public image of the country as defiant of international law.[59] In the new peace proposal, Ethiopia accepted the decision of the commission in principle and called for dialogue to the immediate implementation of the delimitation decision in a manner "consistent with the promotion of sustainable peace and brotherly ties between the two peoples" and with a view to future normalization of relations (Third and Fifth points of the peace proposal).[60]

Nevertheless, the Ethiopian peace proposal was nothing less than a call to the Eritrean government to come to dialogue for the implementation of the decision of the border commission. Ethiopia's accepted the delimitation decision but with a condition. Ethiopia still expected the commission to make adjustments "as and when necessary" in the course of demarcation.[61] For these necessary refinements and adjustments to happen, Ethiopia called for dialogue, to be guided by two considerations, namely, of Ethiopia's acceptance of the decision of the border commission in principle and adherence to the principle of give and take.

[59] See the speech the Prime Minister made to the federal parliament in presenting the five point peaceproposal,http://www.ethioembassy.org.uk/news/press%20releases/Prime%20Minister%20Meles%20Speech%20to%20House%20of%20Peoples%20Representatives%20on%20Border%20Initiative%2025.11.2005.htm, accessed on 20 March 2008.

[60] The new peace proposal contained the following five points 1. Resolve the dispute between Ethiopia and Eritrea only and only through peaceful means. 2. Resolve the root causes of the conflict through dialogue with the view to normalizing relations between the two countries 3. Ethiopia accepts, in principle, the Ethiopia-Eritrea Boundary Commission decision 4 Ethiopia agrees to pay its dues to the Ethiopia-Eritrea Boundary Commission and to appoint a field liaison office 5. Start dialogue immediately with the view to implementing the Ethiopia-Eritrea Boundary Commission's decision in a manner consistent with the promotion of sustainable peace and brotherly ties between the two peoples.

[61]Note Number 59.

Encouraged by Ethiopia's introduction of a new peace proposal, the commission invited the parties for a meeting in January 2005. However, Ethiopia declined to attend the meeting saying that Eritrea was not ready for dialogue.

After suspending its activities for some time, the commission invited the parties for a meeting in March 2006(Twentieth Report). The commission's efforts were renewed by a request of the witnesses of the Algiers agreement and the president of the Security Council on February 2006 calling the parties to commit themselves to the implementation of the decision of the commission, attend meetings called by the commission, cooperate and abide by the requirements set by the commission. However, the commission's invitation for a meeting was refuted by Eritrea. Eritrea declined to attend the meeting saying that Ethiopia did not accept the decision of the commission without a precondition.

4.1.5.1 From Physical Demarcation to Virtual Demarcation

In November 2006, following its private meeting in the Hague, the commission released a detailed statement. It outlined the obstacles the parties posed on its demarcation activities. Ethiopia received the largest share of the blame. Eritrea was also blamed for its troublesome relation with the UNMEE. Admitting that the commission could not exist indefinitely and reminding about the provisions of the Algiers agreement which demanded for swift delimitation and expeditious demarcation of the disputed boundary, the commission announced its decision to mark the boundary by using an alternative approach other than demarcation on the ground.

In doing so, the commission decided to effect the course of the boundary by using geographical coordinates (virtual demarcation). Under this approach, demarcation would be done on a paper, as opposed to the ground. The course of the boundary line would be marked by identifying the location of coordinating points (pillars would have been placed on these points if there was actual demarcation) and the line which passes through these coordinating points would constitute the final demarcation of the boundary.

The legality of the approach was justified on the basis of state practice. Particularly, the commission revoked the use of the word demarcation by the United Nations Secretary General and Security Council in the demarcation of the Iraq–Kuwait border.[62]

The commission provided the parties with a one-year deadline, to be completed at the end of November 2007, to revise their positions, reach an agreement and enable the commission to resume its activity. If the parties failed to do so, as of January 2008, the border would automatically stand as demarcated in line with the coordinating points identified by the commission. With this, the mandate of the commission would be regarded as completed and the commission would cease to exist.

However, both parties immediately rejected this approach of the commission. Ethiopia called it ‘‘a legal nonsense” arguing that there could be no such boundary unless it was marked on the ground by emplacing pillars. Similarly, Eritrea protested against it. However, when the deadline passed, Eritrea claimed victory and demanded the international community to approve the border as binding.[63]

4.1.6. ***The Claims Commission***

The Claims Commission was one of the three organs established by the Algiers peace agreement. The commission was given the authority to decide on claims of compensation by the parties resulting from the war (Article-5 of the Algiers Agreement).

In March 2001, the commission was constituted and started meetings with the parties. In October 2001, it adopted its rules of procedure. In December 2001, the parties filed their claims according to the deadline of the Algiers agreement, which required the parties to submit their claims within a year as of the effective date of the Algiers agreement.

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[62] In 1993, the Iraq-Kuwait border commission was established by the Security Council, upon the proposal submitted by the Secretary General. The Secretary General Proposed the demarcation of the border by using geographical coordinates of latitude and longitudes. The coordinates established by the commission were considered to constitute the final demarcation of the boundary. The Security Council accepted the proposal of the Secretary General. At the time, the Security Council did not question the legality of marking the border by using a list of geographical coordinates.(Statement of the Commission, November 2006).

[63] VOA news, http://www.voanews.com/english/2007-12-17-voa66.cfm,accessed on 12 March 2008.

The parties made of jus ad bellum and jus in bellum claims.[64] The decision of the commission in the jus ad bellum category is particularly worth examining. Ethiopia filed a claim demanding compensation by Eritrea for launching an unprovoked attack, invading its territory and causing damages. Ethiopia requested compensation for the "loss", "damage" and "injury" it suffered as a result of the illegal use of force by Eritrea in violation of international law. Ethiopia contended that Eritrea violated Article 2, paragraph 4, of the UN charter which requires all member states to refrain from the threat or use of armed force against the territorial integrity and sovereign independence of other member states. Ethiopia accused Eritrea of launching a full-scale invasion between 12 May and 11 June 1998 on many points along its mutual border with Eritrea, stretching from Badme in the west to Bure in the east.[65]

In defending itself, Eritrea first challenged the authority of the commission to adjudicate on the case invoking article 3 of the Algiers agreement which requires the establishment of an independent commission to investigate the origins of the conflict. Eritrea argued that the commission had no mandate to decide on Ethiopian contentions. Eritrea, in addition to its defense on the jurisdiction of the commission, denied all the accusations made by Ethiopia. Eritrea defended itself contending that all its military activities were carried out in self defense after Ethiopia's militia made incursions into the Eritrean territory and killed locals. In addition, Eritrea argued that the armed clashes happened on Eritrean territory, illegally occupied by Ethiopia. In confirmation of the latter argument, Eritrea invoked the April decision of the border commission.

Despite its defense, Eritrea was found guilty of launching the border war by attacking Ethiopia,

> ....the Commission holds that Eritrea violated Article 2, paragraph 4, of the Charter of the United Nations by resorting to armed force to attack and occupy Badme, then under peaceful administration by Ethiopia, as well as other territory in the Tahtay Adiabo and Laelay Adiabo

[64] Jud ad bellum and jus in bellum are the two central concepts in just war theory. Jus ad bellum refers to the cause of a just war - justified cause for launching a war. The only justified cause for the use of force in international law is self-defense in cases of armed attack (Article 51 of the UN charter). Jus in bellum, on the other hand, is related to the conduct of the war - a war has to be conducted in a just and humane manner.

[65] See the official website of the Eritrea-Ethiopia claims commissionhttp://www.pca-cpa.org/upload/files/FINAL%20ET%20JAB.pdf, last visited 28 April 2008.

> Weredas of Ethiopia, in an attack that began on May 12, 1998, and is liable to compensate Ethiopia, for the damages caused by that violation of international law.[66]

The EEBC decided that the village of Badme belongs to Eritrea. On the other hand, the claims commission found Eritrea guilty of violating international law for triggering the border war by attacking Ethiopia in Badme and Lallay Adiabo District, which were under the peaceful administration of Ethiopia. The decisions made by the two commissions seem to contradict each other. A closer analysis, however, proves that they do not.

According to the claims commission award, Badme was safely administered by Ethiopia before the eruption of the war. The commission did not comment (neither had the mandate to comment) on the legal status of the Ethiopian administration. The claims commission's verdict confirmed that Badme was under the peaceful administration of Ethiopia when Eritrean forces occupied it in May 1998. This is different from saying that Badme was an integral part of Ethiopian territory.

The claims commission's decision raises a question on how the border commission treated the fact that Ethiopia peacefully administered Badme before the forceful occupation of Eritrea. As pointed out in the discussions above (the section on the mandate of the commission), the border commission has taken into account the practice of the parties in the making of the delimitation decision. However, in contradiction to the fact that Ethiopia effectively administered Badme and exercised sovereign authority, the commission awarded the village to Eritrea. Why? In observations the commission communicated to the parties in 2003, it pointed out that the decision to award Badme to Eritrea was made because the evidence presented by Ethiopia was not strong enough to convince the commission that Badme was really inside the Ethiopian side of the boundary. According to the commission, Ethiopia's claims on Badme came later in the counter memorials and were not good enough to convince the commission that Badme actually belonged to Ethiopia (See the next Section).

Therefore, the crux of the matter is differentiating between the issue of administration and the legal ownership of the areas. The border commission decided on the legal ownership of the villages and towns along the border, including Badme, the claims commission gave a decision on who administered which of the areas and who attacked whom first.

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[66] Note number 65 Jus ad bellum Ethiopia claims, 1

-8, http://www.pcacpa.org/upload/files/FINAL%20ET%20PORTS.pdf.

4.2. What Went Wrong? The Peace Process Revisited.

In this section, we will look at the possible explanations why the Ethiopian and Eritrean conflict turned out to be one of the protracted conflicts in the horn of Africa. We attempt to find out explanations why the conflict is not yet resolved ten years after its eruption, nearly eight years after the signing of the Algiers peace agreement and 6 years after the delivery of the decision of the EEBC.

4.2.1. Inappropriate Conflict Resolution Strategy

Duffey(2000:143) indicates that external mediators trying to mediate foreign conflicts should be well familiar with the conflict they are trying to mediate. Mediation should be carried out with proper understanding of the nature of the conflict and the parties. Certainly, the mediators in the Ethiopian and Eritrean peace process lacked a good understanding of the real and deep rooted causes of the conflict. The Ethiopian and the Eritrean conflict entailed territorial, political and economic incompatibilities (Chapter Three). Despite this, the overall mediation effort was simplistic in the sense that it picked up the territorial incompatibilities as the only cause of the conflict. In other words, the peace process was only a partial approach to resole the conflict. It focused on the resolution of the single source of the conflict- the border disagreement. At most, the approach taken by the peace process could be leveled as a wrong since the conflict was not mainly caused by the border disagreement. According to Lencho,(2006:11) the focus of the peace process on the resolution of the border conflict cannot be blamed on the mediators since the belligerents presented the border disagreement as the main source of the conflict.

Perhaps the mediators simply picked out the border issue as the major source of the conflict because it was easily amenable for international conflict resolution. However, the current impasse proves that achieving sustainable peace would have required a comprehensive approach that addresses all causes of the conflict. Beside the border resolution mechanism, other strategies of conflict resolution should have been put in place to find out a solution for the rest of the incompatibilities. According to Tronvoll (2004:52) this, for instance, could have included the establishment of a bilateral forum to discuss common issues of concern and formation of specialized committees on trade, movement of people or access to the seaport.

4.2.2. Focus on the Legally Questionable colonial Treaties

Many writers including Nigussay (2000),Abbink(2003b),Getachew(2006)and Tronvoll(2004) questioned the legal status of the old colonial treaties as basis for making contemporary decisions on the border. To begin with, the treaties were made on the basis of maps that were drawn without adequate knowledge of the topography and the settlements of the border area (Ciampi, 2001:1-2). The maps used for the treaties were characterized by a great deal of ambiguity regarding names of places and rivers, some of them appearing more than once (Ibid; Abbink, 2003b: 224). More importantly; none of the border treaties were fully delimited (EEBC decision Para 2.7), nor demarcated on the ground (Ciampi: Ibid)

Moreover, the binding nature of these colonial treaties ended when Italy unilaterally abrogated the treaties and invaded Ethiopia in 1935[67].According to Abbink Italy's invasion of Ethiopian soil "automatically made all the treaties and unilateral maps null and void." Italy formally renounced the treaties in 1947(Abbink, 2003b: 225), and Ethiopia did the same thing in 1952 (Negarit Gazzeta, Order no 6, 1952 cited in Ibid).

In view of the contested legal status of the colonial treaties, the commission should have been mandated to rely on the consideration of the facts created on the ground rather than the treaties (Abbink, 2003b: 225). However, it is important to note that the commission did not purely rely on the use of the colonial treaties. Under the mandate it was given by the Algiers agreement to use applicable international law, the practice of the parties formed part of the delimitation decision of the commission (See EEBC Decision, Paragraph 3.6-3.16).

The criticism that could rightly be leveled against the negotiation process is that the negotiators should have avoided the use of these legally disputed treaties and focused on the practice of the parties. The parties agreement to return to the status quo ante bellum and the continuation of the old border practices could have been possible if immediate actions were taken by the mediators to resolve the fundamental sources of the conflict. Reliance on the practice of the parties, on the other hand, would have undermined the OAU principle of the sanctity of colonial borders – the colonial treaties that prescribe the Ethiopian and Eritrean border in this case.

4.2.3. Narrow Mandate

[67] See Abbbink (nd) *Badme and the Ethiopian – Eritrean conflict – back to square one*? http://www.virtualict.com/~erpicorg/old/perihelion/wps/ethopia.htm, accessed 22 February 2008.

According to Pratt (2006:333) the Algiers agreement defined the mandate of the commission narrowly in the sense that the commission was precluded from making a decision on the basis of exe aequo et bono. Consequently, the commission did not attach any importance to the physical and human geographical realties of the boundary. In its Eighth Report to the Secretary General of the UN, the commission admitted that it had no authority to vary the delimitation line even if it cuts villages and towns. Furthermore, the agreement failed to provide a way out for the mediation process to keep on going if the final delimitation decision of the border commission is rejected by one of the parties. The final and the binding nature of the delimitation decision have closed any possibility for entertaining alternative solutions if one of the parties rejected the decision. For Pratt (pp, 335) "a broader mandate might have allowed for creative solution to be proposed for particularly problematic areas such as Badme."

4.2.4. Lack of Enforcement Mechanism

Though the Algiers agreement foresaw the delimitation decision to be final and binding, it actually lacked provisions that made the decision binding. The agreement made no mention of the diplomatic consequences or the punitive measures that would be taken against the party, which would defy the decision. The measures the witnesses of the agreement (the UN, the OAU, the European Union and the US) could take to force compliance to the final decision of the border commission were not also provided.[68] The agreement simply stated that the parties agree to respect the decision (Article 4(15)) and the United Nations would facilitate the resolution of the problems that arise from the transfer of the territory (Article 4(16)). According to Jibril (2004:661), the absence of such a strong clause in the agreement regarding the consequences that would follow defiance has given courage to Ethiopia not to abide by the delimitation decision.

4.2.5. Dual Responsibility

Shaw (2007:757,794) points out that one of the unusual features regarding the mandate of the EEBC was its double responsibility to delimit and demarcate the boundary. This has an

[68] See also Nejib Jibril, "The Binding Dilemma: From the Bakassi to Badme – Making States Comply with Territorial Decisions of International Judicial Bodies.*" International Law Review*, 2004, pp, 634-675.Jibiril presents a comparative discussion of the border dispute between Cameroon and Nigeria over the Bakassi land, adjudicated by the International Court of Justice and Ethiopia and Eritrea over Badme adjudicated by an independent tribunal.

apparent advantage in the sense that the knowledge gained in the delimitation stage could be used to speed up the demarcation process. However, the double role may encourage the un-favored party to use the demarcation process to put pressure on the tribunal to adjust its delimitation decision. According to Shaw (pp, 794) the experience of the Ethiopian and Eritrean border commission precisely shows the practical presence of this danger. Ethiopia protested against the delimitation decision as procedural requirement to the demarcation process (Eleventh Report). The new experiment of the EEBC has shown that the combination of the two mandates of delimitation and demarcation is troublesome and the best way forward is to separate the two stages and assign them to two independent bodies (Shaw, 2007:794)

4.2.6. Too Short Time Frame

According to Pratt (2006:335) one of the extra ordinary features of the EEBC was the time the commission was given to work on its delimitation decision and the speed by which the delimitation decision was completed. Shaw (2007:794), in agreement with Pratt, says that one of the striking provisions of the Algiers agreement was the "the speed with which the commission was obliged to produce its delimitation decision, particularly as the violent and the wide -ranging conflict had only recently been concluded." Under the Algiers agreement the parties gave themselves 45 days from 12 December 2000 to present their claims to the commission (Article 4(9)), and the commission was asked to release its decision within six months of its first meeting (Article 4(12)). Nevertheless, in practice, the actual publication of the decision took 16 months form the signature of the Algiers agreement. For Pratt (pp, 335) this was still "astonishingly a swift turn around."

According to Pratt (Ibid: 336) an increase in time frame might have enabled Ethiopia to make a stronger case and even come up with additional evidence regarding the Ethiopian administration in the areas that were given to Eritrea by the decision.

The time frame also forced the EEBC to extend the delimitation of the border in the central sector to be completed during the demarcation phase. The delimitation decision of the border commission in the central sector was subjected to further work and completion during the demarcation phase because the commission had yet to acquire additional information about the area (Eighth Report). This has opened a room for Ethiopia to advance an argument that even the commission admitted that its delimitation decision were subject to refinements during the demarcation phase (Ibid). Also the field visit to the border area by three of the members of the commission was cancelled due to time constraints.

4.2.7. Insufficient Geographic Expertise

According to Pratt (2006:336) all the five members who made up the EEBC possess great experience of third party adjudication either as advocators or arbitrators. However, in view of the commission‘s dual responsibility to delimit and demarcate the border, at least one geographer should have been included as permanent and full-fledged member of the commission. The UN cartographic unit had served as the Secretary of the EEBC and supplied technical and expertise support to the commission. But for Pratt (pp, 337) this supportive role of the UN cartographic unit does not match with the possible role a professional geographer, as full-fledged member of the commission would have played. According to Pratt (pp 337) “a geographer would have been able to offer different perspective on the issues under discussion, provide map interpretation skills during deliberations, and advise the legal experts on the many complex geographical aspects of the delimitation…”Furthermore, a geographer “would also surely have insisted on a field reconnaissance of as much of the disputed territory as possible.” “Given the poor quality of the mapping available to the commission during the delimitation phase, geographer insight to the landscape through which the boundary runs would have been invaluable in interpreting the three old boundary treaties”(Ibid).

4.2.8. Weakness of the Ethiopian Government

Irrespective of its position in view of the 1902 colonial treaty, Badme has been administered by Ethiopia. The people of Badme consider themselves as Ethiopians. Ethiopian census was carried out in Badme in 1994. The village was recipient of international aid from the Ethiopian side. A substantial number of international maps showed Badme being inside the Ethiopian territory. When the Eritrean currency was introduced in 1997, it was not applied in Badme area.[69] Ethiopia’s administration of Badme was further proved by the four-point peace proposal and the framework agreement, which demanded the withdrawal of Eritrean forces from Badme, acknowledging that the area was under the administration of Ethiopia before the outbreak of the war.

Therefore, because Badme has been under its effective administration and this could have been proved from different directions, Ethiopia has had a strong case to make in its submission to the commission.

[69] Note number 67

Strangely, the Ethiopian government failed to submit its claims on Badme in the early submissions (memorials) and the late claims made were "insufficient" to effect any adjustment on the line crystallized from the interpretation of the treaty. Here is how the commission explained why Ethiopia lost Badme,

> .....Ethiopia had introduced no evidence in its opening pleading (its Memorial) of governmental activities west of that straight line;[70] although it produced some evidence in its Counter Memorial, it did not add to or develop this in its Reply. Moreover, maps submitted by Ethiopia were inconsistent as to the location of Badme village.Overall, the evidence was nothing like what might have been expected had Ethiopia's presence there in the period before the case been as significant as Ethiopia now alleges (EEBC observations 2003).

The commission even went on to point out that some of the evidences presented by Ethiopia marked Badme inside the Eritrean claim line (Ibid).

Ethiopia's concession of territory was neither limited in the western sector. Ethiopia willingly conceded territory in the central sector of the border as well. In the central sector, the commission altered the boundary line it arrived at from the interpretation of the 1900 treaty by including Tsorena and Fort Cardona to Eritrea following Ethiopia's confession that the territories indisputably belong to Eritrea (EEBC decision Para, 4.71). The reason why the Ethiopian government acted very late and failed to make strong claims in the case of Badme and willingly conceded territories in the central sector of the border is a mystery and yet remains to be explained.

4.2.9. "Blind Justice" by the commission

According to Tronvoll(2004:55) the border commission made a delimitation decision which could aptly be described as "blind justice." The decision was made with a complete negligence to the views and the sentiments of the people living in the disputed territories. The commission did not travel to the disputed area to gain a firsthand impression about the border area, understand the local border practice and examine the views of the local people.

Abbink(2003b:220,225) made a similar observation and says that by neglecting to discuss the local situation as perceived by the people on the spot, the EEBC dispensed an important jurisprudential convention- the sentiments and the self determination rights of the local people. According to Abbink, (2003b: 227) the incorporation of the views and the right to self determination of the local people living in the disputed territories was made possible by

[70] Badme is just located west of the straight line (Point 6 to 9) delimited by the commission.

the extension of the mandate of the commission to use applicable international law. It is true that the commission did not take into account the views and the self-determination rights of the people living along the disputed boundary as inputs in the making of the delimitation decision. The section in the decision of the commission that dealt with applicable international laws made no reference to the local people and their views. These considerations seem to be excluded from the mandate of the commission for the commission was prohibited from making decision on the basis of ex aequto et bono.

The views of the local people that were consistently ignored by the peace process are part of the subject of this essay and will be discussed in the next chapter.

4.2.10 Insufficient Transparency

According to Pratt (2006:337) one of the puzzling aspects of the delimitation decision of the border commission was its reluctance to clearly point out the location of the village of Badme. Neither the text nor the accompanying maps of the delimitation decision clearly indicated which party was awarded the village of Badme(See also the section on western sector of the delimitation decision of the border commission).The confusion that emerged as a result of this ambiguity tempted both parties to declare victory. The subsequent official declarations of victory and celebrations by each of the parties later resulted in the development of an entrenched position, a position that became difficult to go back on (pp, 338). White (2002:354) speculates that the reluctance of the commission to clearly point out the exact location of Badme might have been motivated on calculations by the commission that leaving the rulings on Badme unstated would help facilitate the endorsement of the delimitation decision by the parties; or because the commission was not asked by the parties to clearly locate Badme during the proceedings. What ever the motivations of the commission were, inability to clearly point out the location of Badme in the delimitation decision in reality created confusion and the entrenched position the parties hold now.

Pratt (pp, 338) also argues that the conduct of the written pleadings and the oral hearings in private might have been counterproductive. Although it is a common practice for border arbitration proceedings to “remain confidential”, it is by no means “obligatory”. Public deliberations would have helped to avoid rumours and enable commentators to make genuine evaluations of the positions and the actions of the parties (Ibid).

4.3. Summary

In the first section of this chapter, we have seen that return to the status quo ante bellum which formed the central element in the four point peace proposal submitted by Rwanda and the US as well as the OAU framework agreement precluded the peace agreements from stopping the war. It was pointed out the Eritrea was reluctant to return to the status quo ante bellum. Ethiopia, who rather wanted the status qou ante bellum to be reinstated as a precondition to proceed to negotiations on the delimitation and demarcation of the border, carried massive military operations to forcefully reestablish the status quo ante bellum that prevailed before 12 May 1998. The war ended with the signing of the agreement on the cessation of hostilities. In December 2000, the two parties signed the Algiers peace agreement. In line with Algiers agreement, the Ethiopia and Eritrean border commissions was established in 2001 and provided its delimitation decision of the border in April 2002.Both parties declared acceptance of the delimitation decision of the border commission before and after the release of the decision. However, the delimitation decision was rejected by Ethiopia in 2003 after realizing that it actually lost the symbolic village of Badme. The commission was unable to proceed to the demarcation of the delimitated border because of the resistance from Ethiopia. In 2006, the commission unilaterally demarcated the border by using geographic coordinating points. In December 2007, the commission ended its existence after waiting the parties for one year to reach an agreement and allow the physical demarcation of the border. The parties never complied with the commission's demand and deadline. As of January 2008, the border is virtually demarcated but tensions continue to simmer.

In section two, we have seen the reasons why the peace process failed to settle the border disagreement and achieve peace between the two countries. It was pointed out that the major limitation of the peace process was its inability to understand the real and deep-rooted cause of the conflict and design a conflict resolutions strategy accordingly. It was pointed out that peace process was simplistic in the sense that it reduced the multifaceted sources of the conflict to a mere border disagreement. Other limitations of the peace process, mainly of the Algiers peace agreement, such as focus on old colonial and legally controversial treaties; narrow mandate and lack of enforcement provisions have contributed to the current impasse. Moreover, insufficient geographic expertise of the commission, weakness of the Ethiopian government, inability to involve public participation as well as lack of transparency of the final decision of the border commission had also their own share in preventing the peace process from achieving a consensual settlement of the conflict and usher peace.

Chapter-5

Perspectives of Conflict Resolution, Peace and Normalizations from Below

Introduction

In chapter two, we have seen how public participation in peace making is vital for the achievement of lasting peace. Public participation in peace making creates the feeling of ownership and commitment among the people for the smooth implementation of the peace agreements. On the other hand, when people feel neglected by the peace process, they tend to resist the implementation of the peace agreements. Participation in peacemaking particularly becomes crucial for those who are directly affected by the conflict and the ensuing violence (Chapter 2).

In chapter one, we have seen that the peace process in the Ethiopian and Eritrean border conflict relied at the level of governments. The people along the border, whose land was disputed by the parties, were left aside. This lack of public participation in peace making particularly holds true to Ethiopia of which my previous readings in the literature were confirmed by my field work and discussion with the local people (See below). Besides, in chapter two, we have found that the parties did not negotiate the role of the human rights of the local people living in the disputed territories in the actual resolution of the border controversy. The delimitation decision of the border commission was consequently made without any consideration to the views and the rights of the local people.

In this chapter, we will explore the views of the local people living in two of the disputed areas, currently under Ethiopian administration, about the peace process that has been carried out, the future resolution of the conflict and the prospect of normalization.

5.1. Badme

5.1.1 The Flash Point

The village of Badme has been central in the eruption of the conflict, the war and the peace process. Badme was the place where the whole thing started. The first armed clash erupted in the vicinity of Badme between Ethiopian militia and Eritrean army patrols on 6 May 1998.On 12 May, the Eritreans invaded Badme. After they controlled Badme, Eritreans considered withdrawal from Badme as unthinkable. The four point peace proposal and the OAU

framework agreement were rejected by Eritrea because the proposal requested the return of the status quo ante bellum in Badme and its surrounding. In an attempt to forcefully reinstate the status quo ante bellum in Badme, Ethiopians lost around 20,000 lives (Tronvoll, 2004:55). Subsequent Eritrean attempts to regain Badme further took more lives (Chapter Three). The cost of Badme went high when the decision of the border commission appeared to be ambiguous regarding the location of Badme. With the claim of victory by each of the governments, the people of both countries went to the streets of Addis Ababa and Asmara in celebration of their victory on Badme.

Badme assumed such a central importance in overall trajectory of the conflict not because of its economic resources but because of its symbolic significance in representing the sovereign inviolability of both states. Badme's central role in the conflict is in line with previous research, which indicate the paramount role symbolically valued territories play in armed violence. Hensel and Mitchell (2005 cited in Pratt, 2006:330) indicate that symbolically valued territory is especially prone to violent conflict and wars. All the lives lost in Badme were justified as scarifications made to the protection of the sovereign inviolability of each state. This central role of the village of Badme in the conflict and the war shaped the expectations of the outcome of the of the peace process. Despite military victories on the ground, the party, which owns the village at the conclusion of the peace process, was considered to be the winner of the war.

5.1.2 Badma Village and the Badme plains

The area around Badme village contains a vast plain land called Badme plains/Yirga Tringle. Sometimes the Badme plain is confused with the village of Badme. Most the Badme plain is a fertile land used for cultivation and grazing. The village is located inside the vast plains of Badme. The central controversy in the overall conflict has been who owns the village and its nearby vicinity. In the delimitation decision of the border commission, Ethiopia was awarded the vast plains of Badme but lost the village (Observations, March 2003).

5.1.3 Historical Background of Badme

Badme village is located at the edge of western Tigray and southwestern part of Eritrea. The village lies two-three kilometers west of the straight line the commission has drawn in the western sector of the boundary (Map -10). Currently, the village is under the administration of Mirabawi/Western Zone of Tigray, Thatay Adiabo district.

My informants gave me different specific dates regarding the establishment of Badme Village. But all of them agree that the village was established towards the end of the 1950s and early 60s. The key individual in the establishment of the village was Ras Mengesha Seoyum, the administrator of Tigray province at the time.[71]The administrator of Badme village explained that the Badme area was once dense forest. Later, Ras Mengesha saw the fertility of Badme plain and decided to start mechanized farming in the area. The village was founded with those employees who came to work for this mechanized farming project.[72] One of my informants who actually came as a driver to the mechanized farming project explained,"In 1964, we came here with tractors along with the Tigray Agricultural Development and we founded the village. The structure of the district, comprising Badme and its surrounding was laid down in 1965 as Tacchi Seyem Tadiabo Yirga"[73] Another informant, reflects a similar view on how the village was founded,

> … the area around here was densely covered by forest .Later, the province of Tigray decided to use the land for agricultural production and the village was founded with people who came to work for Tigray Agricultural Development. They settled here and founded the village.After this, the Eritreans who used to come to Badme area in search of pasture for their cattle began to settle in Badme. We all used to pay taxes to the Mekelle province.[74]

According to my informants the original name of Badme given by its founders, was Yirga. One of my informants explained that the name Badme came after a well-known Cunama who lived in Badme.[75] This implies that Badme and Yirga are the same and represent the village and its vicinity

Therefore, Ethiopians of the Tigray province founded the village of Badme. The first settlers of Badme came from the mainland Tigray as employees to the new mechanised agricultural farming. Through time, the sparsely populated area began to be settled and take the form of town. Together with Ethiopians, Eritreans also began to settle in Badme village and its

[71]See also Abbink (2003b:222)

[72] Interview with Tilahun Gebre Medhin, administrator of Badme village, interviewed at his office, 7 July 2007.

[73] Interview with 78 years old farmer who has lived for 40 years in Badme interviewed at his residence 9 July 2007.

[74] Interview with 41 years old women who lived in Badme since she was 15.Her husband is abducted and she doesn't know whether he is alive or not. She asked me if I could help find her husband and rescue her seven kids. Interviewed at her residence 12 July 2007.

[75] Ibid

surrounding. However, although Tigrayans founded the village, the indigenous people in the area were not Tigrayans nor does the land belong to them. Abbink(2003b:222) indicates that the indigenous people in Badme are the Cunamas and village of Badme lies inside the land of the Cunama. One should also remember that the principal reason why the commission allocated the village of Badme to Eritrea was because the village was considered to form part of the territory of the Cunama tribe.

According to the 1994 Ethiopian census, Badme had 892 inhabitants. The BBC reporter (22 April 2002) quoting the village administrator indicated that the village and its surrounding had 5,000 population. The number of Eritreans who lived in the village was around 1000(Ibid). The Central Statistics Authority of Ethiopia census in 2005 indicated that the village had 1563 inhabitants.[76]

Often in the literature the Badme area (without distinction being made to the village and the plain) is depicted as a barren land with less economical importance. Yonnas (2006:2) says that Badme is simply "useless land." "Badme is a barren land without any significant economic importance. There is no oil to protect, no minerals to dig out." This characterization of Badme and its surrounding as desert and barren land has also been a central feature of reports on Badme and its surrounding.

Certainly Badme is not so rich in mineral resources or oil. However, the surrounding of Badme(the Badme plains)is fertile land with a great potential for agricultural production and animal rearing. According to Beurden(2000), the Yirga triangle contains 400km2 agricultural fertile land. The study of the Agricultural Center of Tigray, on the other hand, points out that the Yirga Triangle contains 1400 hectares of fertile land. After all, the reason behind the foundation of the village was the presence of this fertile land suitable for mechanized agricultural production.

However, the war between Ethiopia and Eritrea was not conducted to take the control of this agriculturally useful land in Badme. The flash point of the conflict and the main cause of the currently prevailing impasse is not the ownership of the Yirga triangle but the village and its

[76]See, the Ethiopian Central Statistics authority, http://www.csa.gov.et/text_files/national%20statistics%202005/Population.pdf, retrieved on 3 June 2008.

nearby surrounding. The major purpose of the parties seems to take over the village and institute their sovereignty over it.

5.2 Zalambessa

Zalambessa is located in south central part of Eritrea and northeast part of Tigray regional state. Currently the town is a unit under the eastern zone of Tigrary, the district of Gulomekehda. According to the 2005 release of the Central Statistics Authority of Ethiopia, Zalambessa has an estimated total population of 10,551. From this, the majority of residents (approximately 7000) of them depended on cross border trade to earn their living.[77]

Just like Badme, authorities in Tigray founded the town of Zalambessa. One of the elders explained to me how the town was founded. According to him, during the rule of Emperor Haile Sellasse Zalambessa and its surroundings was dominated by the bandits. Once a representative of the Tigray authorities named lieutenant Birhane came to visit the area and was killed by the bandits. As result of the killing of the official and intention to control the bandits, the authorities in Tigray decided to settle the military and the police force. The town was founded when the first police and the military settled here in 1953. The name Zalambessa was taken from an area in the countryside.[78]

5.3 Sources of the conflict

My respondents explained the sources of the conflict in relation to their specific background. The farmers and the merchants whom I interviewed have emphasized on different aspects as to the sources of the conflict. The farmers whom I spoke to are more aware of the land aspect of the conflict and explained the source of the conflict in relation to land. Generally, the people in Badme focused on the territorial aspect of the border conflict, for most of the residents in the village predominantly depend on agriculture. They explained the cause of the conflict in terms of the illegal interest of the government of Eritrea to control the fertile land of the Badme area. According to them, the conflict is caused by the expansionist tendency and interest of the Eritrean government to control Badme and its environs. However, the merchants in Badme area are also aware of the economic dimensions of the war. Informants

[77] Interview with Tewelde Medhin Negash, head of Zalambessa Security and administrative sub-unit, interviewed in his office 19 July 2007.

[78] Interview with a 78 years old farmer who lived in Zalambessa his life time, interviewed at his residence, 20 July 2007.

in Badme with a merchant background explained the causes of the war in relation to the disparity in terms of trade. One of my informants, a deportee from Eritrea, who owns the only "restaurant" in Badme have given me an explanation on how the competition between Eritrea and Tigray have caused the war,

> For many years, Tigray has never been industrialized; every industrial product that we used to use came from Eritrea. When Tigray begins industrializing, and when local factories start producing the goods and commodities coming from Eritrea, the market for Eritrean industrial products has tremendously declined. Their products lost market!!! Then what can they do? What they did is what bankrupted desperate merchants do!! If I am not able to eat with you, then, I will disturb you!!![79]

Sharing the views of the merchants in Badme, nearly all my respondents in Zalambessa explained the sources of the conflict in connection with the economic incompatibilities. The sources of the conflict were elaborated with reference to the Ethiopian government decision for trade exchange between the two countries, exceeding 2000 Ethiopian birr to be conducted in hard currency. According to them, the war occurred because Shab'ia did not accept this proposal of the Ethiopian government. This focus my informants in Zalambessa on the disparities of terms of trade in explaining the sources of the conflict is in line with the trading background of nearly all my respondents in Zalambessa.

All my informants both in Badme and Zalambessa constructed a distinction between the government of Eritrea and the people of Eritrea in explaining the causes of the war. A dichotomy was created between the government and the people of Eritrea. The war was blamed on the government. Particularly, Shab'ia /EPLF and its President Issaias (they call him simply Issaias and seem as if they know him closely) were considered as having inflammatory behavior. The people of Eritrea, on the other hand, were considered to be peaceful. Many of my informants in similar words expressed that "we don't have any problem with the people of Eritrea; we have lived together and shared bad and good times of life together. We are the same people. It is the invasion and the war by Shab'ia, which made us two different people, while we are not. The big problem is the government in Eritrea. The government in Asmara is anti peace."

My informal discussions with the soldiers and the police also made me realize to what extent the governments and the leaders of the two countries are blamed for causing such a trouble against the will of the people. In an effort to illustrate how the linkage between the people of

[79] Interview with a 43 years old merchant in Badme, born and brought up in Badme, interviewed in my room, 10 July 2007.

the two countries is still resilient even in the aftermath of the war, one high ranking Ethiopian officer in Badme told me a story in which the local people in Eritrea and Ethiopia still cooperate regarding missed live stock. He told me that cattle who crossed over to Eritrea and identified as being from Ethiopia would safely be returned back to the owners in Ethiopia and vice versa. Another informant from Badme also told me the same story that his cattle crossed to Eritrea and he was sent a message by Eritreans to take his cattle back. Similarly, the people in Zalambessa showed me uncultivated Eritrean land in western part of the town. According to them, although this land is fertile, they don't plough it because it belongs to Eritreans.

5.4 "We are Ethiopians; Badme and Zalambessa are Ethiopian Territories"

To all my informants in Badme, their identity as Ethiopians and the status of Badme is undisputable. All of them believe that they are Ethiopians and Badme has always been inside Ethiopian territory and administration.[80] There has been no time in which Badme has been administered from the Eritrean side. The Ethiopians have founded Badme and it has always been under the Ethiopian administration. In its entire history, Badme has been part of Shire Awraja (Sub Province) and Mekele Teklay Gizat (Province). All the people, including those Eritreans who used to live in Badme, paid taxes to the shire administrative sub province. According to my informants, the Eritreans themselves are well aware of these facts.

Abbink[81] agrees with the views of the residents of Badme. According to him, the fact that Ethiopians had founded Badme and the village in all its history has been under Ethiopian administration is an obvious fact. According to him, when Eritreans invaded the area in May 1998 they were neither treated as liberators nor did they behave as such. Eritrea's military action was offensive and had a form of occupation. Several Badme residents were killed and abducted by Eritrean army. All these show that the Eritrean government had no legitimate foothold in Badme. For Abbink, "it is amazing that such an apparently simple question as to where Badme lies is so controversial and so hidden in smokescreens of propaganda and nationalist talk by the two protagonists."

Similarly, the people in Zalambessa argue that in its entire history Zalambessa had been an integral part of Ethiopian territory. They town was founded by Ethiopians and have been

[80] See also "Badme: Village in no man's land" at http://news.bbc.co.uk/2/hi/africa/1943527.stm, retrieved 02 June 2008.

[81] Note Number 67.

administered by Ethiopia. Their identity as Ethiopians is unquestionable. The residents talk about the "invasion" committed on town at the time they had never expected. The Eritrean army was never welcomed as liberators when they controlled Zalambessa. During the occupation most people fled out of the town. According to my informants, people were abducted and the Eritrean army robbed public institutions such as the bank.

The views of the local people in Zalambessa that the town has been under the effective administration of Ethiopia were confirmed by the delimitation decision of the border commission. After reviewing the evidence presented by the parties regarding the exercise of sovereign authority of the parties, the commission concluded that Zalambessa has been a considerable center of Ethiopian administration. Besides, according to the commission, on many instances Eritrean authorities conceded that Zalambessa belongs to Ethiopia. Paragraph 4.75 of the delimitation decision of the commission pointed out,

> On a number of occasions, Eritrean officials appear to have acknowledged that Zalambessa is part of Ethiopia. Zalambessa appears to be the seat of Gulomakheda Wereda, a part of Tigray province. Both Parties agree that there is a customs post some 2 km north of Zalambessa – in fact, probably two customs posts, one belonging to each Party, located close to each other. The location of such a post on one side of the town strongly suggests that the boundary is on the same side of the town, since to have a population centre *between* a boundary and a border customs post would be unusual.

5.5 Imposed Peace

It is already pointed out that the Ethiopian government largely ignored the views of the general public in Ethiopia and the local people in the disputed territories while negotiating the Algiers peace agreement (Chapter One and Two). This negligence to public opinion was committed not because did not had no any view or because public opinion at the time was inaccessible. The views of the opposition and the academia were easily heard in various forums and mediums such as parliamentary debates and the private press. Although the local people in the disputed territories were displaced from their territories by the war, access was not impossible. Most of the displaced local people settled in the nearby towns such as Shiraro in Bdame and Fatsi and Adigrat in Zalambessa, and thus could have been reached easily. Indeed, the residents of Badme begin to return home after Badme was liberated by the Ethiopian forces in February1999.One may also argue that Ethiopia have had enough time (more than four months) for public consultation until the Algiers agreement was to be signed finally in December 2000. The war ended in June 2000 and the agreement on the cessation of hostilities had already been signed the same month. Moreover, the time for the signing of the

Algiers agreement could have been extended if Ethiopia needed more time to carry out wider public consultation and participation. All in all if the Ethiopian government had the good will for consultation, access to the public opinion, time shortage and turbulent environment could not be counted as significant constraining factors to take into account public opinion. The government dealt with the peace process privately without wider public participation, just as part of its authoritarian tendencies and secretive relationship with Eritrea.

Not surprisingly, the local people in both Badme and Zalambessa feel alienated by the peace process. Particularly, in Badme, the border decision, which came against the perception of the local people regarding their identity and understanding of the location of Badme, is treated as an imposition. Because they did not take part in or were consulted in processes that aimed at resolving the border conflict and because at the end of the day the final outcome of the peace process (the delimitation decision) appeared against their interest, the people vehemently reject the delimitation decision of the border commission.

The views of my informants in Badme and Zalambessa regarding the peace process can be dealt with along four lines, i.e. the local community's role, the decision taken by the Ethiopian government after its military victory in 2000, mandate and working of the commission, and the final decision of the commission itself.

The first concern of the residents in Badme and Zalambessa was negligence committed by the Ethiopian government to their possible role in the efforts to resolve the border disagreement. They feel that prominent community leaders and elders from the local people on both sides could have peacefully handled the border problem. Almost all the community leaders and elders I interviewed feel that their social role in managing local conflicts has been over looked and neglected. They argue that if the reason the war was fought was because of border disagreement, then this conflict could have been effectively handled by consultation of elders on each side.[82] One of my informants in Zalambesaa pointed out that,

> There are well-respected elders from both sides. People like me could have played a constructive role in the resolution of the border conflict. Dialogue and discussion between the elders and the communities on each side could have fixed the border problem. Unfortunately, both governments ignored this role of elders. The knowledge that we have gained by virtue of our age regarding the traditional practice and understanding of the

[82] In Ethiopia including the Tigray region, Elders and community leaders ("Shimagles" as locally called) have a special role of resolving local conflicts within communities.

> border, which could have played a significant role in mitigating the border disagreement, was never taken into account.[83]

Another informant in Zalambessa reflected exactly a similar view,

> The people on both sides, particularly the framers know where the traditional border lays. We have lived in harmony with a shared understanding of this borderline and mutual respect. In addition, we have also well known and respected elders in both sides that possess adequate information about the traditional line of the border. These people were not consulted in the effort to resolve the border disagreement. If the elders from both sides of the border have been given such a role in the resolution of the border conflict ever since the inception of the conflict, then we wouldn't have had all the problems we are facing now. [84]

Although the people perceived their role in the resolution of the border conflict, the role the people play can be rightly described as conflict management rather than conflict resolution. Resolution of the border disagreement once and for all requires the demarcation of the border by emplacing pillars on the ground. This can only be achieved when the government takes a leading and defined role in the efforts for the delineation of the border. The imprecise understanding and small-scale conflict management role of the elders of the local people is not enough to usher the clear demarcation of the border. What sustainable peace requires is the joint working of both forces together i.e the government and the people should work in collaboration towards the delineation of the border. A successful delineation of the border and lasting peace can only be achieved when both the people and government work together with mutual consultation. Focus on governmental effort and undermining the role the local people and the rights they reserve could significantly constrain the possibility of peace along the border.

Some of my informants, particularly in Badme, have mentioned their reservations on the decision of the Ethiopian government to sign the Algiers agreement. They revealed their dissatisfaction when the Ethiopian government turned to sign the Algiers peace agreement after being victories in the battle. They argued that winning the war; the Ethiopian government should have refrained from going back to any form of compromise and negotiation on the fate of Badme. Once the government decided to sign the agreement, it should have played a superior role in dictating the terms of the peace agreement. However, the government did a big mistake when it agreed to accept a final and binding decision without any possibility to appeal. Put differently; my informants showed opposition both to

[83] Refer note number 78

[84] Interview with a 48 years old man, chairman of one of the self-help community groups, interviewed at his residence, 21 July 2007.

the government's decision to turn to compromise after winning the war and to the specific provision of the Algiers agreement, which empowered the commission to make a final and binding decision. One of my informants pointed out that "We have begged Sha'bia to come to peace for nine months, now after we have sacrificed all those lives, getting back to compromise? I don't support it, neither do the people here. Even if this is the case, agreeing to accept final and binding decision is totally wrong .It hurts us a lot!!."[85]

According to Trovnvoll(2004:55) in view of the authoritarian nature and political stance of the parties, the Algiers agreement provision for the final and binding decision was a mistake. The Algiers agreement simply took for granted that the parties would accept the final decision of the border commission. For Tronvoll, this was "a pretty naïve" assumption in view of the fact that the two governments sacrificed thousands of lives in the battlefields to defend their "sovereignty". In armed conflicts such as the Ethiopian and Eritrean war (where thousands of lives were lost and rigidity defines the nature of the parties) it is always important to design mechanisms of "face saving" and continuing negotiation in cases solutions are rejected (Ibid)(See also Chapter 4, Section 2 on the narrow mandate of the commission).

The people also attacked the making of the delimitation decision by the commission without any consideration to their views and entitled rights. Earlier we have seen the people feeling un-consulted by their own government and now they feel unheard by the commission. According to them, the delimitation decision should have been made with a visit to the area, consultation with the people and due consideration of the views of the local people. Questioning the knowledge of the commission regarding the local reality, one of my informants in Badme argued that "how could they come up with a right decision, they don't know the land, they are not born here, they have never been here.It is we who are born here, brought up here and established families. It is we who are well aware of the location of the border."[86]Another informant in Badme maintained, "Foreigners cannot give a right decision, they don't know about the border. Instead, the border should have been fixed with consultation of notable elders form both sides. Unfortunately, our government did not follow

[85] Refer to Note number 73.

[86]Interview with a 63year-old farmer, who lived 37 years in Badme, interviewed at his residence, 12 July2007.

this strategy. That is why we have all these problems today."[87] The residents in Zalambessa share the views of the people in Badme. Two of my informants in Zalambessa using similar terminologies argued that, "You can't delineate a border flying in the air by helicopters. Delimitation and demarcation is done on the ground with an efficient study of the border and consultation with the local people." [88]

Apart from the knowledge issue, one of my informants in Badme provided a different explanation why external parties would not deliver a right decision. He was suspicious of the honesty of external mediators and adjudicators to offer a just solution or decision, which results in sustainable peace. He is illiterate, but seemed to be informed. According to him, "foreigners cannot be expected to offer us with a right decision which results in stability. They are the one who supply arms to us. They sell arms to us and make a lot of money from that. Peace and stability is not in the interest of these people."[89]

In effect, the people's complaints on the functioning of the commission are directed to its mandate. Making a decision without taking into account the rights of the people in the spot and witnessing the local realties on the ground is certainly unfair and unjust. But the commission was not established to make a fair decision. It was not mandated to study the local reality on the ground and take into account the views and the rights of the local people living in the disputed territories. The commission was precluded from making a decision on the basis of what is fair and acceptable. Article 4(2) of the Algiers agreement clearly restricted the commission not to make a decision on considerations of what is fair and acceptable – ex aequo et bono.

Though the commission had a plan to send its members to the disputed border, this was not realized because of time shortage (Third report of the EEBC). The parties accepted the commission's decision to cancel the visit. In addition, according to Pratt (2006:337) the absence of a professional geographer as a full-fledged member of the commission has also resulted in negligence of the commission to take into account the local situation (Section -2, Chapter-4).

5.6 Peace cannot be achieved by implementing EEBC's Decision

[87] Note number 73.

[88] Refer note no 78and 84

[89] Refer note number 79

Just like the rest of Ethiopians, the residents of Badme celebrated victory when the border decision was announced in 2002. They heard about the decision with the briefings of the federal government officials on the state radio. They were also informed about decision in a meeting with local government officials. According to the residents, the same sources have informed them that the first information was inaccurate and Badme was in fact decided to go to Eritrea.

The latter information was treated as of being unjust and contrary to the fact. All my informants argued that the commission's decision rather than resolving the conflict opens a new room for further violence. They criticized the border commission's decision in absolute terms. However, their reaction to the delimitation decision was much more than protesting to the decision. Almost all of my informants expressed their commitment to resist the implementation of the decision. Asked how they would react if the Ethiopian government decided to hand over Badme to Eritrea, in accordance with the decision of the border commission, two of my informants with similar words answered,

> We believed that our government is fighting for us. This is the government that we have struggled a lot to bring it into power. We did not expect our government to allow a decision like this to be passed and we hope that it would not transfer our land to others. If the government does this, then, it is treason against the people. We will never let this happen. We prefer to die on our land. [90]

The administrator of Badme in his part pointed out,

> …Ya.. .. the government officials at higher level have raised this issue in a meeting with the local people. But when this issue was raised, the whole crowd went crazy. The people said to the chairman 'if you want to sell Badme, We won't give you our consent, Do it, and we will see what happens, unless we are abandoned by the people of Tigray and entire Ethiopia, unless we all are dead and buried, we won't give our land to anyone. [91]

Another informant explained that,

> The decision of the border commission is totally uninformed. We are not lying; this is our land. This is the land that we inherited from our ancestors. This is the land that we have received from Menelik and Yohannes. …This is the land that we would like to let our children inherit. We won't abandon our land; we will die on our land. We don't have any Place to go anyways!! [92]

[90] Note number 86; interview with a46 years old farmer and chairman of one of the Framers' Association in Badme, interviewed at his residence 13 July 2007.

[91] Note Number 72

[92] Note number 73.

If we believe that people do what they say, handing over Badme could incite violence at local level. Transferring Badme to Eritrea may bring an end to the border controversy between the two governments but may not lead to sustainable peace. Minor clashes between the local people of both countries might continue to occur even after the border is delineated.

5.7 Return to Status Quo Ante Bellum: The Foundation of Peace

In both Badme and Zalambessa, the people maintained that they are claiming the land, which actually belongs to them. According to them they don't want any piece of land that belongs to the Eritreans and would never concede their own land. In their views, it is when the border disagreement is fixed on such considerations that long lasting and sustainable peace can be achieved. In view of this, the decision of the border commission needs to be rectified. The village of Badme should be kept within the Ethiopian side of the border. An attempt to provide Badme to Eritrea will rather open a room for future violence. The people suggest the return to the status qou anti bellum that existed before 1998. Once the status qou ante bellum is reinstated, the border can be demarcated according to the understanding that prevailed before 1998.

Only one of my informants in Badme maintained a different view on how peace can be achieved between the two countries. He argued that achieving sustainable peace requires undoing Eritrean independence. According to him, let alone Badme, Eritrea has been part and parcel of Ethiopia. In his view, the EPLF in Eritrea is just trying to defy history. Lasting peace can only be obtained by reuniting Eritrea to its motherland.[93] His view is shared by many Ethiopians. Quite a significant number of people in Ethiopia, particularly people who belong to the Amhara ethnic group believe that Eritrea is historically part of Ethiopia and the secession of Eritrea was un- justified.

However, the elite in the current Ethiopian government do not subscribe to such a view. The present TPLF led government in Ethiopia indisputably recognizes the independence of Eritrea and resisted public pressure to negotiate access to sea with Eritrea. Hence, undoing Eritrean independence or securing the port of Assab by force (though they were often invoked by the Eritrean government as causes of the war) do not amount as reasons for

[93] Interview with a 35 year old man who lived in Badme all his lifetime, interviewed in my room,13 July 2007.

causing the war and the prevailing deadlock between the two countries. This can be substantiated by a couple of reasons. In June 2000 Ethiopia controlled one third of Eritrea, but willingly withdraw from Eritrean territories. Moreover, Ethiopia had low concentration of troops in the Eastern war front (Bure) where Assab is located. All these facts show that Ethiopia had no any intention of either controlling Eritrea or recapturing the port of Assab. The war from the Ethiopian side was conducted with a view to liberate perceived Ethiopian territories and concluded when these territories were liberated.

5.8 Views on Normalization

The underlying belief each government maintains regarding the prospect of normalization of relations between the two countries seems to be change of regime. There has been times when this belief has been expressed officially. In a press conference after the Algiers agreement was signed, Prime Minster of Meles of Ethiopia said that despite the peace agreement, Ethiopia will not establish good relations with Eritrea until the Asmara administration is replaced by what he called a "responsible" one (BBC, cited in the Ethiopian Weekly Press Digest, 14 December, 2000). Similarly, in 2002, following the release of the delimitation decision of the border commission, Ethiopia's foreign minister Seyom Mesfin indicated that Ethiopia would not begin normalization relation until the current Eritrean regime is replaced by a transparent and democratic government.[94] Ethiopia's official position, however, was changed in 2004 with its open call to dialogue and normalization of relations.

Eritrea, on the other hand, has been receptive of normalization of relations officially. On the signing of the Algiers agreement President Issaias said, "the chapter of cycles of conflicts and hatred can be closed. Forget about the past look in to the future of peace and hope for our two brotherly people."(AFP cited Ethiopian weekly Press Digest 21 December 2000). In April 2002 Expressing Eritrea's reaction to the decision of the border commission, President Issaias recognized the inevitability of the normalization of relations with Ethiopia but cautioned that Eritrea would be critical about its relation with Ethiopia. Currently, Eritrea's position is that there could never be normalization of relations before respect for the virtually demarcated border is ensured by Ethiopia

Despite the official position they maintain, both Ethiopia and Eritrea are working tirelessly towards the achievement of their underlying positions on normalization -regime change. They

[94] Refer to Note Number 56.

are actively supporting the adversaries of the other with the view to destabilize and effect the downfall of the other regime.

At the popular level, on the other hand, the local people on the Ethiopian side, particularly people in Zalambessa, couldn't wait for normalization of relations. The protracted border conflict and the continuing impasse is worsening their living condition and are desperate to see normalization of relations reinstated as soon possible (See below).

As indicated earlier, the residents in Badme and Zalambessa firmly argue that they don't have any feeling of enmity with the people of Eritrea. They have a desire to reestablish their pre-war relations with their Eritrean neighbors. But the traumatic past cautioned them how future relations should be defined. According to them, future relations between the two countries should be built on clear borders in order to prevent future violence on excuses of border.

In contrast, the quest for normalization was much more strong and urgent in Zalambessa than in Badme. In Badme demands for normalization of relations were much lower than in Zalambessa because the majority of the residents in Badme are farmers and own fertile land. The goods and the commodities that used to come from Eritrea are now replaced by goods and commodities from Djibouti.The administrator of the village explained that "we are not seriously affected as a consequence of the breaking up of relations, everything we used to get from Eritrea; we get it now from Djibouti. But the people in Eritrea are suffering a lot because they are not getting Teff from Ethiopia anymore." [95]On the other hand, the residents of Zalambessa are extremely affected by the breaking up of trade relations. All my informants in Zalambessa underscored the urgency of normalization of relations between the two countries in order to improve the worsening living conditions they are facing.

Zalambessa was a center of trade and exchange between the people of both countries. Most residents of Zalambesa depended on the income generated from the trade exchange between the two countries. The war resulted not only in the loss of all the goods and commodities they bought for trading but also in the destruction of all they had. When the residents came back to Zalambessa after the end of the war, they had to start life all over again.

As a consequence of the breaking of trade relations and continuing prevalence of the impasse, the people of Zalambessa are enduring worsening living conditions. They don't have jobs

[95] A cereal widely used for food in Ethiopia and Eritrea; Refer note number 72.

anymore; and have been dependent on handouts from different donors including relatives living in the middle part of Ethiopia. According to my informants, the support they received at the early days of their return to Zalambessa from the government and aid agencies are not offered any more. Their misery and suffering continues to be extended as the conflict gets protracted and normalization remains far away. One of my informants explained how the people in Zalambessa are enduring strong economic pressures,

> We have been devastatingly affected by the war. Everything we had was demolished by the war. As a result when we came back after the end of the war, we had to start life all over again. Our suffering did not end with the end of the war. The continuing impasse and feeling of enmity between the two governments is worsening our living conditions. We are suffering tremendously as a result of the breaking up of relations and absence of any trade exchanges**.** Most of us in Zalambessa were traders. Our life was dependent on the income that we used to earn as a result of the trade exchange between the two countries. As a consequence of the war and the continuing impasse, we ended up being jobless. We have the capability, potential and the experience, but we sat down idle. Right now we are indeed enduring worsening living conditions.[96]

Certainly, the people in Zalambessa are experiencing tough living conditions. Consequently, desperate demands for ending the impasse and commencing normal relations were quite strong. The people seemed unconcerned about the traumatic experiences and the atrocities committed during the war. The urgent needs normalization of the people overshadowed the past feelings of injustice. Responding to what they expected the Ethiopian government and the international community to do for them, most of my informants demanded swift resolution of the border conflict and normalization of relations. The chairman of the youth association who was also my interpreter clearly put what they really expect from the Ethiopian government,

> Right now we are living under darkness. We are jobless, and without any income to lead our lives. We spend each and every day wandering around and drinking Tella[a local liquor].What we demand our government is to reconcile with the government of Eritrea as soon as possible and help us out of the darkness we are in now. We demand peace to be negotiated as soon as possible and the pre 1998 status quo to be reinstituted. Reinstating the status quo ante bellum will improve our living conditions and save many lives.[97]

5.9 Summary

This chapter presented the views the local people hold regarding the peace process that has been undertaken so far, the way out of the impasse, resolution of the border conflict and the

[96] Refer note number 84.

[97] Interviews with Teame Teklu, chairman of the youths Association in Zalambessa, interviewed in my room, 22 July 2007.

prospect of normalization of relations. It was found that the people in the disputed territories along the border feel neglected both by their government and the border commission. They feel that their right to be consulted and the constructive role they could have played in the resolution of the border conflict was overlooked. Consequently, the people in both Badme and Zalambessa reject the decision of the border commission as uninformed, unjust and wrong. The people in Badme particularly threatened to resist any attempt to forcefully implement the decision of the border commission. Hence, handing over the village of Badme to Eritrea as a result of the unilateral decision of the Ethiopian government could face resistance from the local people.

According to the people, the current deadlock could only be resolved when the government in Eritrea abandons its unfair demand to take away Ethiopian territories and when the decision of the border commission is rectified to reflect the fact. For them, the foundation for peace is the perseveration of the old border that developed through practice. In their views, the people from both sides know where the border and the land of each people lay. Entering into inter-community dialogue, in this regard, could help address the border problem.

The most important finding that emerged from the empirical data is perhaps the quest for normalization of relations among the local people. The people in Zalambessa used to depend on the cross border trade between the two countries. As a result of the freezing of economic relations and the continuing impasse, the people are enduring strong pressures on their lives. The people are capable of working but are forced to sit idle. The residents of Zalmbessa seemed less concerned about the animosity the war has created between the people of the two countries. Rather they strongly demanded the Ethiopian government to end the impasse as soon as possible and begin steps towards normalization of relations.

Chapter -6

The Way Forward: Ending the Impasse and Beyond

Introduction

The border between Ethiopia and Eritrea is finally demarcated. However; Ethiopia's reluctance to abide by the newly demarcated border intensified the impasse that was created as a result of the disagreement in the implementation of the delimitation decision. In this chapter, we examine the options that are available to end the deadlock between the two countries.

6.1 Options to End the Stalemate

Legally speaking, the border dispute is over now. The border between the two countries is virtually demarcated. However, as long as Ethiopia is not willing to respect the virtually demarcated border, withdraw its troops from the territories awarded to Eritrea and deliver the territories, the border issue continues to be an area of contention.

In view of the currently prevailing impasse in the implementation of the outcome of the peace process, the primary concern to mediators is to find a way out of the impasse. It is very difficult to imagine the current impasse coming to an end peacefully as long as the parties keep on affirming the rigid positions they currently maintain-respect to the virtually demarcated border - Eritrea and negotiation before demarcation - Ethiopia. Instead, the possibility for the stalemate to be attended by another round of violence is realistic. As the impasse continues to be protracted, it is likely that Eritrea will become tempted to use armed force to reclaim its legally entitled rights.

In line with the position the parties maintain, two options can be identified to bring an end to the current deadlock. The first option directly flows from the legal approach of conflict resolution employed -punishing indifference to court decision; the second one involves searching a political compromise to the stalemate created as a result of the legal conflict resolution process. Eritrea has been calling for the application of the first option while Ethiopia argued for the use of the second option. In reality, both options haven't yet been tried. Eritrea's call for putting pressure and imposing sanction on Ethiopia was not endorsed by the international community. Ethiopia's call for dialogue, on the other hand, was rejected by Eritrea.

There is no question that Ethiopia owes the legal responsibility to respect international law and abide by the decision of the border commission. In advance, Ethiopia has committed itself to abide by the verdict of the border commission. The international community, particularly the witnesses of the Algiers agreement could enforce compliance to the virtually demarcated border by imposing economic and political sanctions on Ethiopia. Ethiopia, however, hasn't yet faced any such realistic threat from the international community. Neither are there indications that Ethiopia will face sanctions in the near future. The leadership in Ethiopia has been successful enough in being able to avoid such a pressure on the country. With the view to change the public image of the country and show the regime's commitment to peace and normalization, the government came up with a five-point peace proposal in 2004. In addition, the leadership in Ethiopia forged a strong partnership with the US as an ally against the war on terror in the horn of Africa. On the other hand, the Eritrean government undermined its legal rights by antagonizing itself with west and particularly the United States of America. Consequently, the effectiveness of the use of sanctions to enforce obedience to the virtually demarcated border by Ethiopia and end the impasse depends on the ability of Eritrea to reconcile itself with the US and mobilize support for sanctions against Ethiopia. Sanctions also demand commitment on the part of the US government to ensure respect for international law by putting pressure on its ally-Ethiopia.

Forcing Ethiopia to respect the virtually demarcated boundary might end the deadlock but may not lead to peace and normalization. The border incompatibility would be settled but other central causes of the conflict remain intact precluding normalization. Subsequent negotiations need to be undertaken with the view to normalize relations after compliance by Ethiopia is ensured. However, forcing compliance to the virtually demarcated border by using sanctions could result in reluctance on the part of Ethiopia to normalize relations with Eritrea. Ethiopia could become unwilling to normalize relations with Eritrea having been forced to accept the virtually demarcated border. Normalization of relations could also face a challenge by a potential resistance from the local people (Chapter-5).

The second option is to engage in dialogue and negotiation with the view to end the impasse that resulted from the legal process. The current international relations of both countries seem to favor political compromise rather than the legally justified but the politically marred option of sanctions. Ethiopia continues to enjoy friendlily relation and cooperation with the United States and Eritrea remains hostile. Negotiations, if they are opted, will have two main advantages. First and for most, it open the room to explore other options to handle the village

of Badme which is at the center of the current impasse. As it stands now, the impasse is unlikely to end in each side conceding Badme. The Ethiopian government is unlikely to do it since it would mean disrespecting those Ethiopians who sacrificed their lives to regain the village and could result in further political crisis within TPLF leadership. Eritreans, on the other hand, are reluctant to lose Badme because they have also lost lives to keep Badme and more importantly, the village was legally awarded to them.

Negotiations help the parties to find out alternative solutions other than the absolute ownership of the village of Badme. This actually requires a good will of Eritrea to compromise its legal entitlements granted by the decision of the border commission. If Eritrea shows a gesture of good will for negotiation and if both sides become ready to abandon absolute claims on Badme, the following options could be examined to create a win-win situation on Badme,

- The village could be administered as a condominium under the sovereignty of both Eritrea and Ethiopia
- The village could be put under the sovereignty of either of the of the states with special right granted to the citizens of the other or
- The village could be put under the administration of the UN. [98]

A similar regime was successfully used to resolve the conflict between Ecuador and Peru. The territorial conflict between the two countries was solved by sharing sovereignty of the highly regarded symbolic area where many lives from both sides were lost as a result of the heavy fighting in 1995. In an agreement that was signed in 1999, this symbolic area was given to Peru but Ecuador was granted one crucial square kilometer (Pratt, 2006:335; Wallensteen, 2007:104).[99]

Secondly, negotiations enhance the possibility to the realization of a mutually accepted solution. As opposed to forced peace, negotiations provide a chance for consensual peace to be achieved and launch measures towards normalization of relations. In addition to the contribution they will have in reconciling the polarized position of the parties, negotiations

[98] See the theoretical section; Pratt (2006:335) also recommends similar solutions to Badme.

[99] The border between Peru and Ecuador has been a source of armed conflict between the two countries in 1942, 1981 and 1985.

provide an opportunity for the parties to address other deep rooted causes of the conflict, and hence facilitating normalization.

Chapter -7

Concluding Remarks

Introduction

This brief concluding chapter tries to provide a short summary of what this essay has attempted to do, how the research questions are answered and what could have been done differently.

7.1 What has been tried??

In the start, this paper had two objectives. In line with these two objectives, this essay first and for most, tried to explain why the Ethiopian and Eritrean conflict became protracted for such a long time after the EEBC delimited the border in 2002. It tried to pin point out the limitations of the peace process and of mainly the Algiers agreement. One of the limitations that was pointed out against the negotiation of the peace agreement was the exclusion of the public and particularly the local people living along the disputed border in Ethiopia in the process and the final text of the Algiers peace agreement. In reaction to this, as its second objective, this paper attempted to voice the views of the local people living along the territories in the disputed boundary. It was argued that these people living in the disputed territories have natural rights that should be taken into account in the resolution of the border disagreement. Furthermore, the local understanding the people have about the local practice of the border could also be used as resources in the resolution of the border disagreement and achieving peace. The local people were not made part of the forgoing peace process. However, the line that should be taken in the future needs to be different from the one taken in the past. Any solution in the future that aim at ending the current impasse and border controversy should be participatory and broad based.

7.2 Answering the Research Questions

On the basis of the objectives set out, the research questions that were identified in chapter one were,

- Why was it not possible to bring an end to the Ethiopian and Eritrean border conflict after the border was delimited in 2002?
- What do the local people think about the forgoing peace process, the resolution of the conflict and future normalizations of relations?

- What is the way out from the currently prevailing impasse?

The first research question i.e the reasons why the peace process failed to bring an end to the conflict in general and to the border incompatibility in particular is answered in Chapter-4.The central point that was raised in this chapter as a major limitation to the overall peace process was that the peace process left the deep seated economic and political sources of the conflict untouched and focused on the border incompatibility. In chapter three, we have seen that the border was not the main cause of the war and the parties used the border disagreement as pretext to the war that was rather caused as a result of deep-seated economic and political grievances. In this regard, the mediators made no effort to understand the deep-rooted causes of the conflict and design conflict resolution strategies accordingly. They simply trusted the word of the parties that the conflict erupted as a result of disagreement on the mutually un-demarcated border.

Pinpointing the limitations of the Algiers agreement, Section -2, Chapter-4, pointed out that the final and binding nature of the border commission's decision was in contrary to the nature of the parties. This provision of the Algiers agreement significantly contributed to the creation of the impasse the two countries are in now. The final and the binding decision of the border commission closed any opportunity to keep the peace process from going forward in case the delimitation decision is rejected by either of the parties.

Chapter five answered the second research question. We have seen the views the local people hold regarding the peace process and resolution of the border conflict. The empirical data testified the information in the literature that the peace process has neglected the role and the participation of the local people. The people living in both Zalambessa and Badme feel ignored not only by their government but also by the EEBC. Consequently, they treat the EEBC decision as an imposition and reject it vehemently. Particularly, the people in Badme do not only reject the decision of the border commission but also threatened to resist any attempt for the forceful implementation of the decision. Prospective resistance from the people could undermine the possibility of consensual and lasting peace along the border. The empirical data also showed the pressing demands of normalization prevailing among the local people along the border. This is especially true to the people living in the Zalambessa who are enduring worsening living conditions as a result of the freezing of cross border trade and the continuing impasse

Chapter six has answered the third research question: the way out of the impasse. On the basis of the positions the parties maintain, two options are identified. The first option is to penalize the violator of international law. The second is to find political compromise for the prevailing deadlock. Both options have not yet been tried. However, the circumstances on the ground seem to favor negotiations to sanctions. Ethiopia did not face any strong challenges from the international community. It rather kept on enjoying friendly relations with the west, particularly with the US. Eritrea, on the other hand, undermined its legal rights by antagonizing itself with the western powers. Negotiations, if employed, are also likely to provide an opportunity to address other basic sources of the conflict and take steps towards normalization of relations.

Currently, both parties claim absolute sovereignty on the key symbolic village of Badme. However, if the deadlock shall end, the parties need to revisit the polarized positions they presently maintain and engage in the examination of other options of handling the case of Badme. After examining the relevant theory on interstate conflict resolution between states, this thesis suggested alternative options the parties could consider for handling Badme. As indicated in chapter six these include joint administration, externalizing authority or administration by either of the parties with special rights granted to the citizens of the other.

7.3 What could have been done differently?

In retrospect, I regret that I was not able to contrast the views from Ethiopia with the views form the Eritrean side. The presentation of both views would have provided an opportunity to present a balanced view from both sides. This would have been possible if I had more time for the fieldwork. More time for fieldwork would also have allowed me to combine a quantitative method with qualitative ones and enrich my data and analysis.

7.4 Conclusion

Any solution to the end the currently prevailing impasse and the overall Ethiopian and Eritrean border conflict should be carried out in consultation with the local people who are living along the disputed border. The participation of the local people in any forthcoming solutions to address the currently prevailing impasse and the border controversy in general promotes the possibility of sustainable peace. On the other hand, negligence to the local people and reliance at the level of governments undermines the sustainability of any peace that could possibly be achieved. Once the current stalemate on the border is resolved, the two

countries need to undertake a series of negotiations to address other sources of the conflict that caused the war as well as to take steps towards normalizations of relations, which the people along the border are desperately waiting for.

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*****_For Ethiopian and Eritrean authors the first name is used both in the text and bibliography because family name is uncommon both in Ethiopia and Eritrea._

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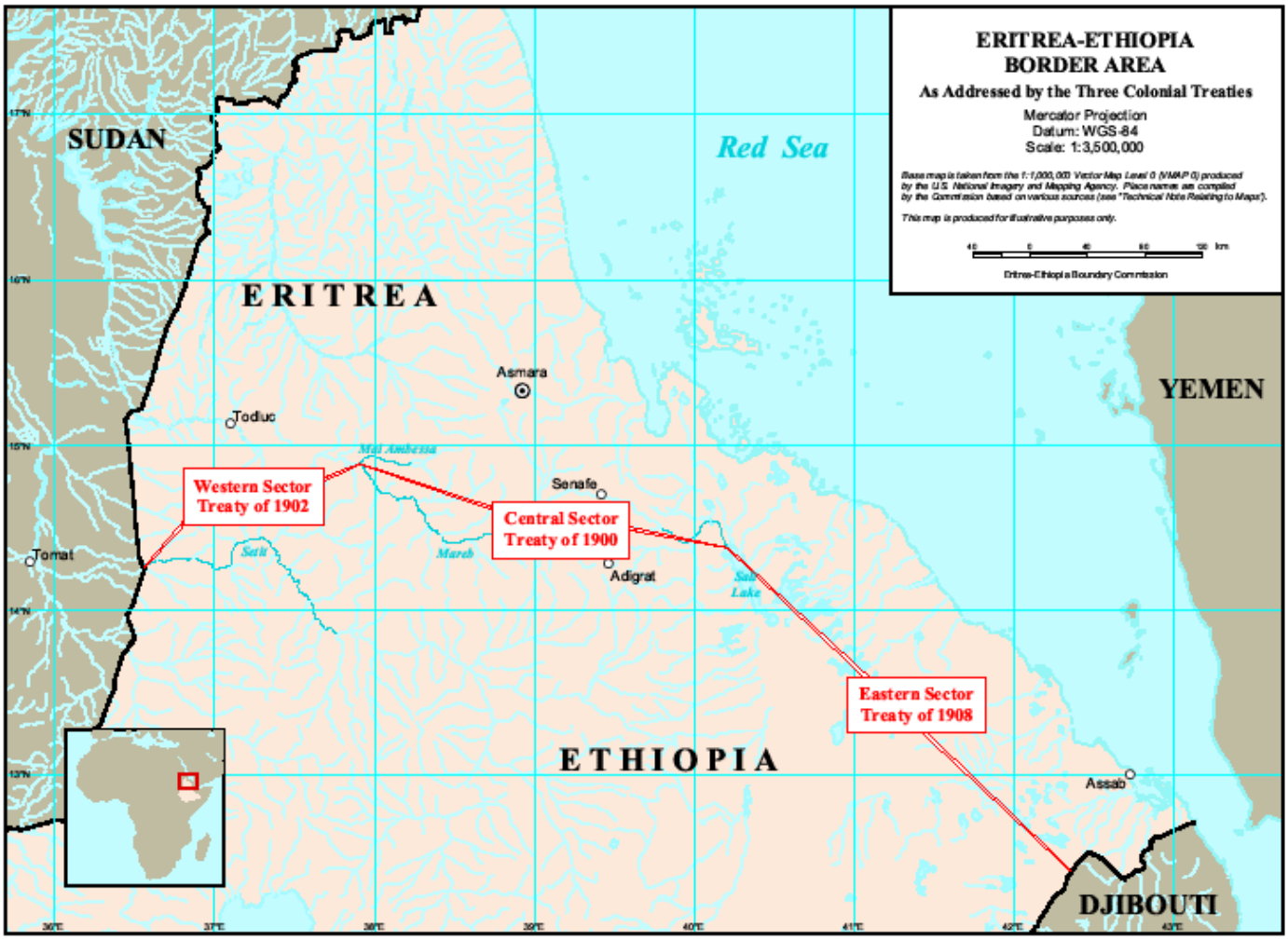
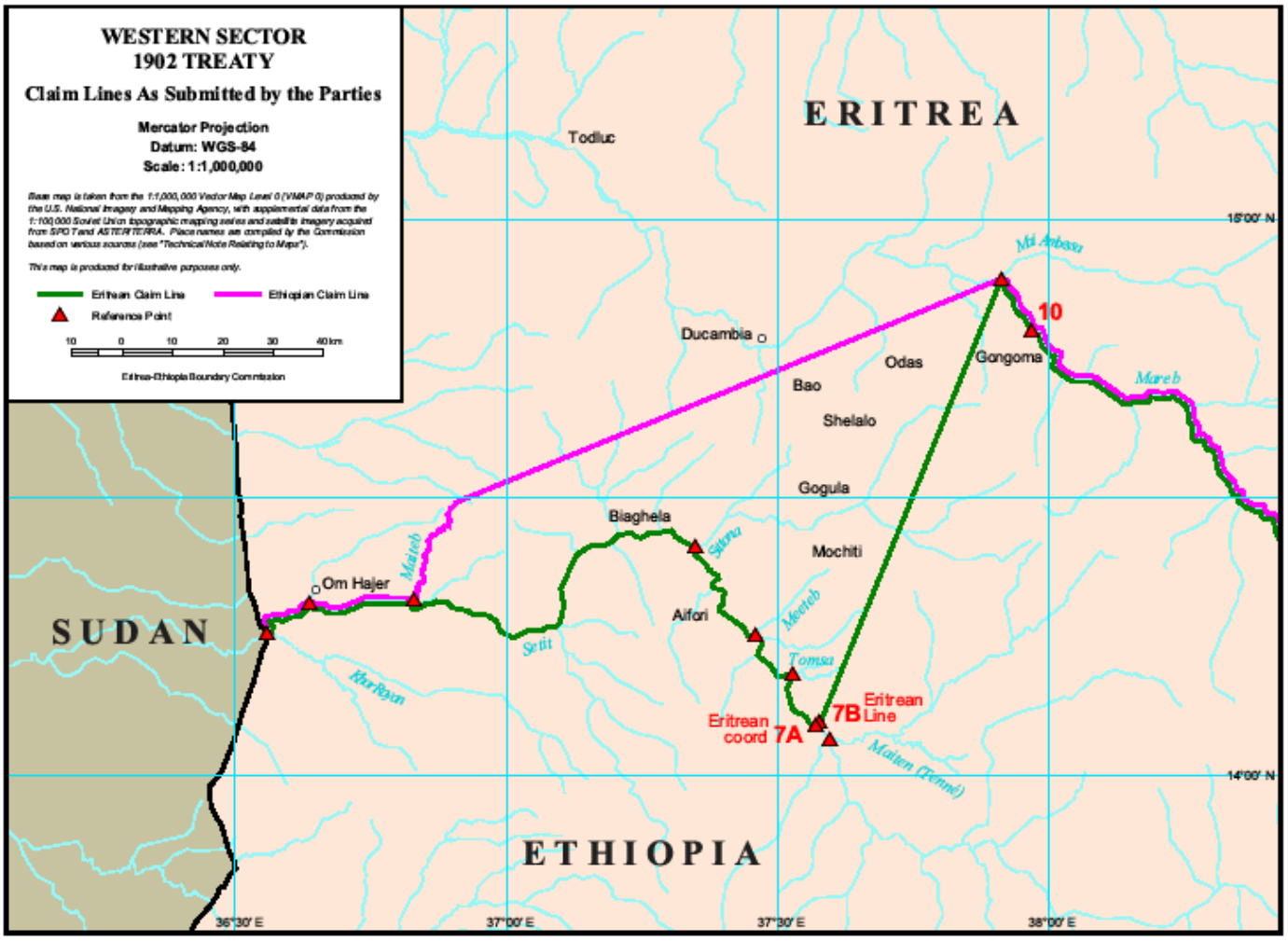
Appendices

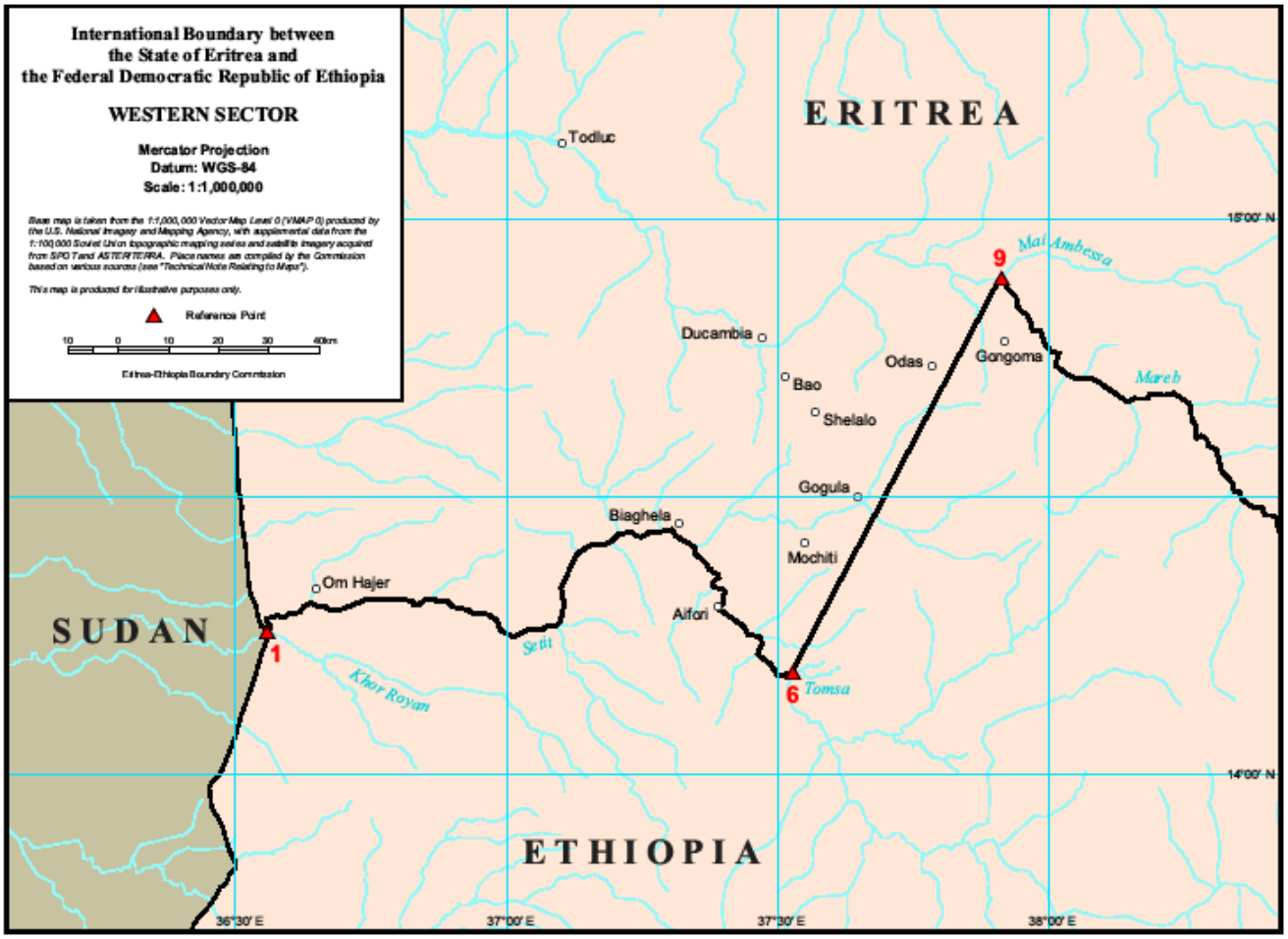
Map 1


ERITREA-ETHIOPIA
BORDER AREA
As Addressed by the Three Colonial Treaties
Mercator Projection
Datum: WGS-84
Scale: 1:3,500,000
Base map is taken from the 1:1,000,000 Vector Map Level 0 (VMAP 0) produced by the U.S. National Imagery and Mapping Agency. Place names are compiled by the Commission based on various sources (see "Technical Note Relating to Maps").
This map is produced for illustrative purposes only.
Eritrea-Ethiopia Boundary Commission
SUDAN
ERITREA
Red Sea
YEMEN
ETHIOPIA
DJIBOUTI
Asmara
Todluc
Mai Ambessa
Senafe
Adigrat
Tomat
Setit
Mareb
Sea Lake
Assab
Western Sector
Treaty of 1902
Central Sector
Treaty of 1900
Eastern Sector
Treaty of 1908

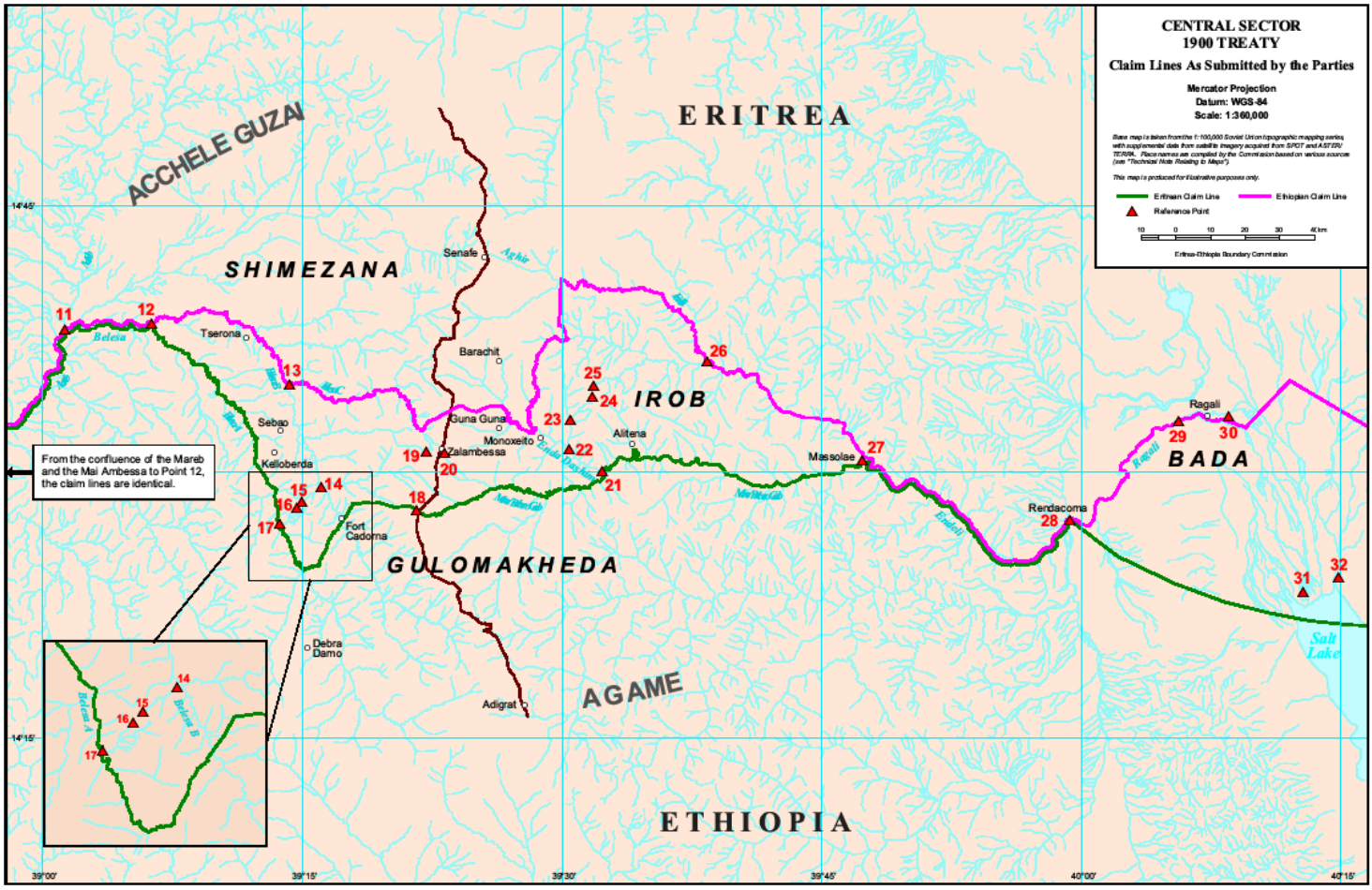
Map 2


WESTERN SECTOR
1902 TREATY
Claim Lines As Submitted by the Parties
Mercator Projection
Datum: WGS-84
Scale: 1:1,000,000
Base map is taken from the 1:1,000,000 Vector Map Level 0 (VMAP 0) produced by the U.S. National Imagery and Mapping Agency, with supplemental data from the 1:100,000 Soviet Union topographic mapping series and satellite imagery acquired from SPOT and ASTER/TERRA. Place names are compiled by the Commission based on various sources (see "Technical Note Relating to Maps").
This map is produced for illustrative purposes only.
Eritrean Claim Line
Ethiopian Claim Line
Reference Point
10 0 10 20 30 40 km
Eritrea-Ethiopia Boundary Commission
ERITREA
SUDAN
ETHIOPIA
Todluc
Ducambia
Odas
Gongoma
Bao
Shelalo
Gogula
Biaghela
Mochiti
Om Hajer
Aifori
Mai Ambessa
Mareb
Maiteb
Setit
Sittona
Meeteb
Tomsa
Khor Royan
Maiten (Tenné)
10
7A
7B
Eritrean coord
Eritrean Line
15°00' N
14°00' N
36°30' E
37°00' E
37°30' E
38°00' E

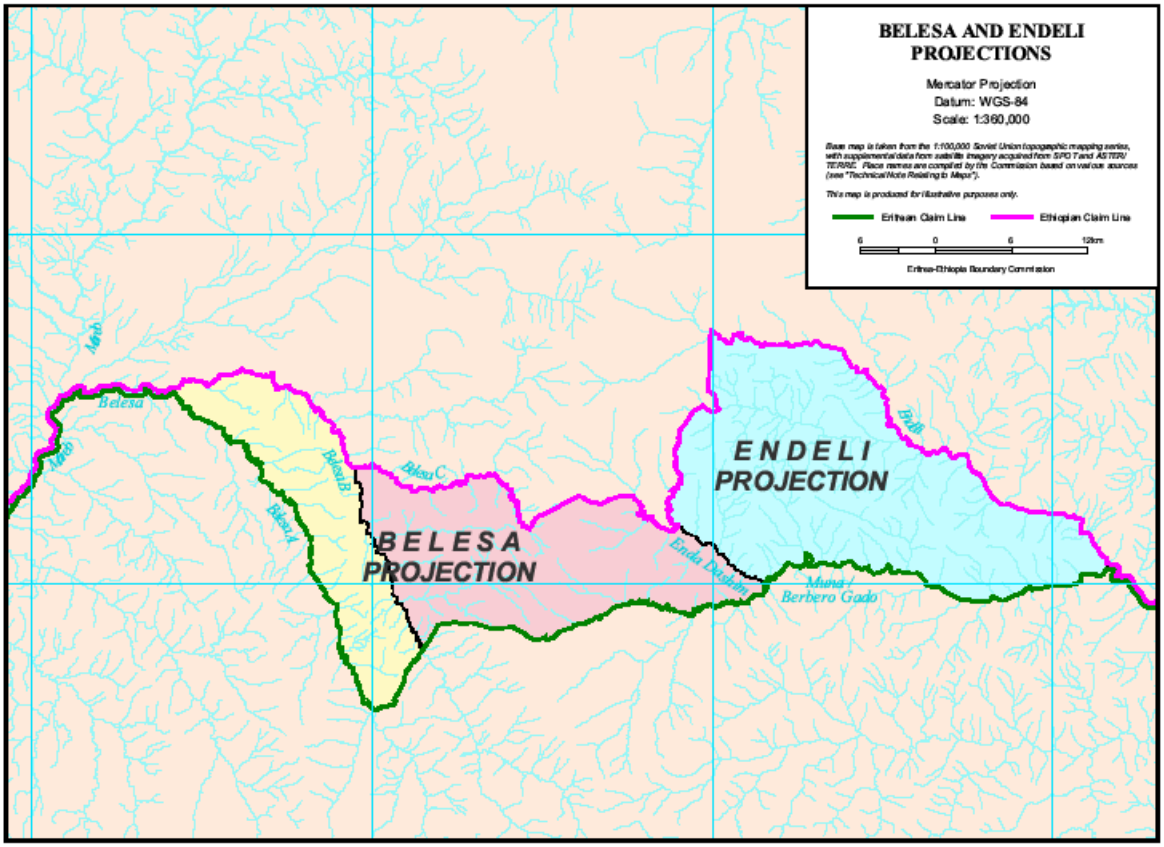
Map 10


International Boundary between
the State of Eritrea and
the Federal Democratic Republic of Ethiopia
WESTERN SECTOR
Mercator Projection
Datum: WGS-84
Scale: 1:1,000,000
Base map is taken from the 1:1,000,000 Vector Map Level 0 (VMAP 0) produced by the U.S. National Imagery and Mapping Agency, with supplemental data from the 1:100,000 Soviet Union topographic mapping series and satellite imagery acquired from SPOT and ASTER/TERRA. Place names are compiled by the Commission based on various sources (see "Technical Note Relating to Maps").
This map is produced for illustrative purposes only.
Reference Point
10 0 10 20 30 40km
Eritrea-Ethiopia Boundary Commission
ERITREA
ETHIOPIA
SUDAN
Todluc
Ducambia
Bao
Shelalo
Odas
Gongoma
Mai Ambessa
Mareb
Gogula
Mochiti
Biaghela
Om Hajer
Aifori
Setit
Khor Royan
Tomsa
1
6
9
15°00' N
14°00' N
36°30' E
37°00' E
37°30' E
38°00' E

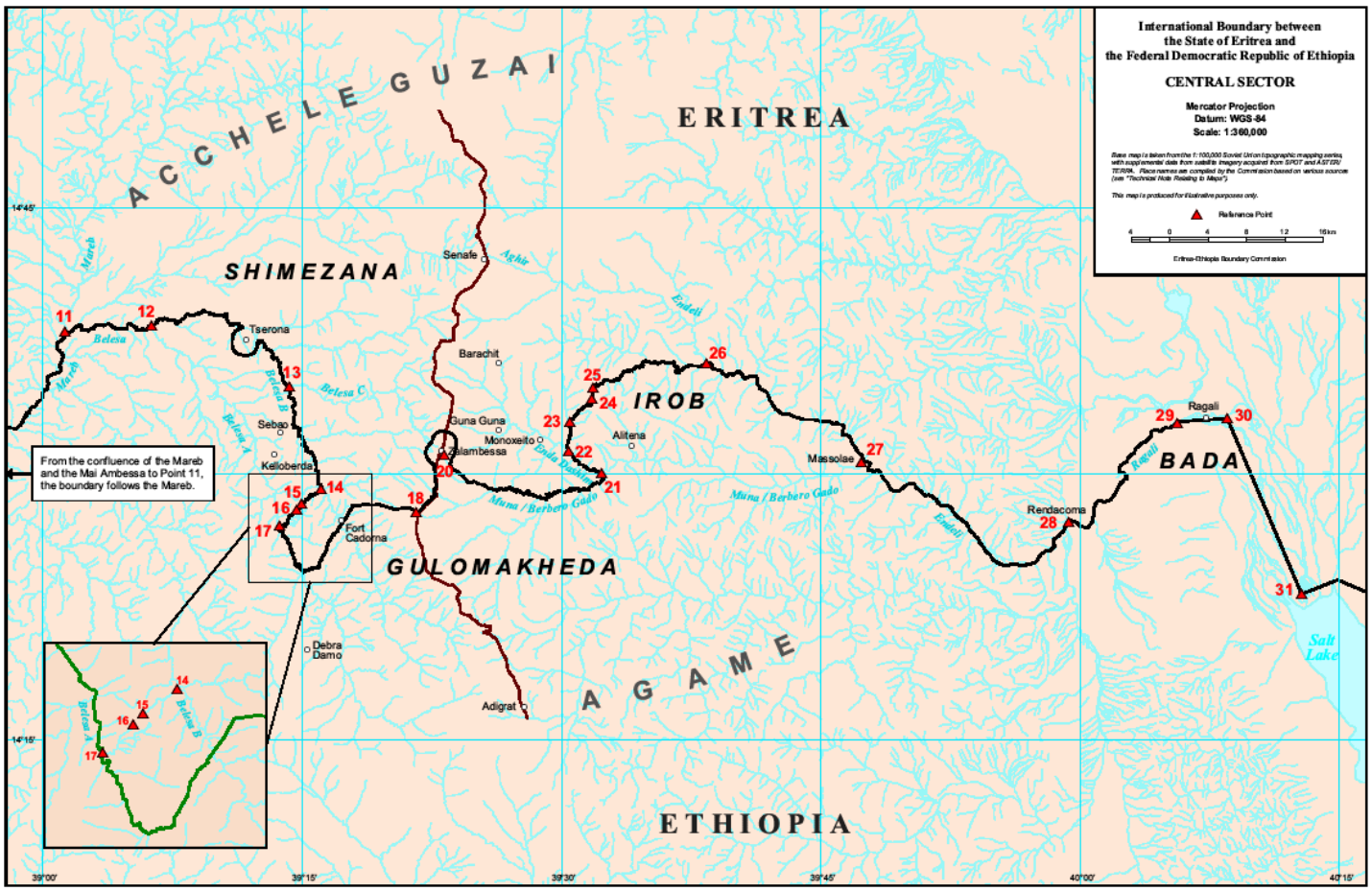
Map 3


CENTRAL SECTOR
1900 TREATY
Claim Lines As Submitted by the Parties
Mercator Projection
Datum: WGS-84
Scale: 1:360,000
Eritrean Claim Line
Ethiopian Claim Line
Reference Point
Eritrea-Ethiopia Boundary Commission
ERITREA
ACCHELE GUZAI
SHIMEZANA
IROB
BADA
GULOMAKHEDA
AGAME
ETHIOPIA
Senafe
Barachit
Tserona
Sebao
Kelloberda
Guna Guna
Monoxeito
Zalambessa
Alitena
Massolae
Ragali
Rendacoma
Fort Cadorna
Debra Damo
Adigrat
Salt Lake
From the confluence of the Mareb and the Mai Ambessa to Point 12, the claim lines are identical.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
14°45'
14°15'
39°00'
39°15'
39°30'
39°45'
40°00'
40°15'

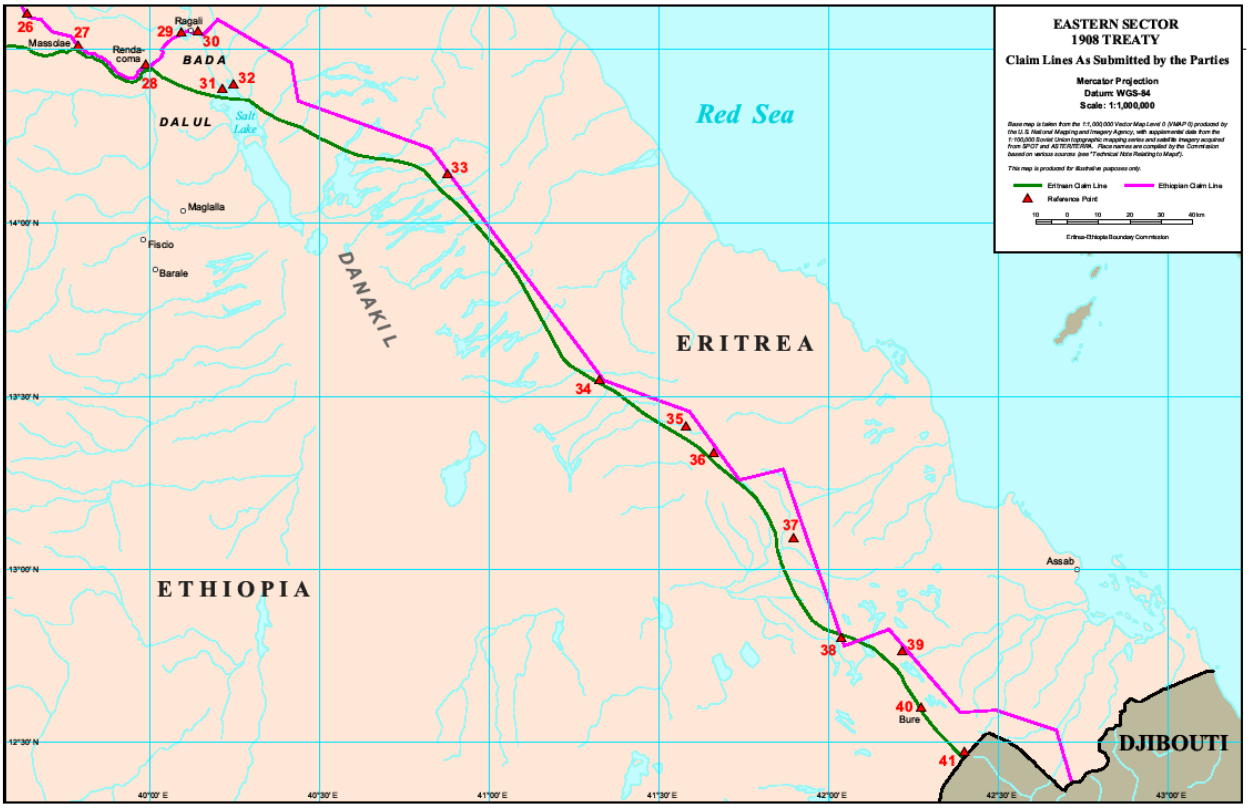
Map 6


BELESA AND ENDELI PROJECTIONS
Mercator Projection
Datum: WGS-84
Scale: 1:360,000
Base map is taken from the 1:100,000 Soviet Union topographic mapping series, with supplemental data from satellite imagery acquired from SPOT and ASTER/TERRE. Place names are compiled by the Commission based on various sources (see "Technical Note Relating to Maps").
This map is produced for illustrative purposes only.
Eritrean Claim Line
Ethiopian Claim Line
6
0
6
12km
Eritrea-Ethiopia Boundary Commission
Belesa
Belesa A
Belesa B
Belesa C
BELESA PROJECTION
ENDELI PROJECTION
Muna / Berbero Gado

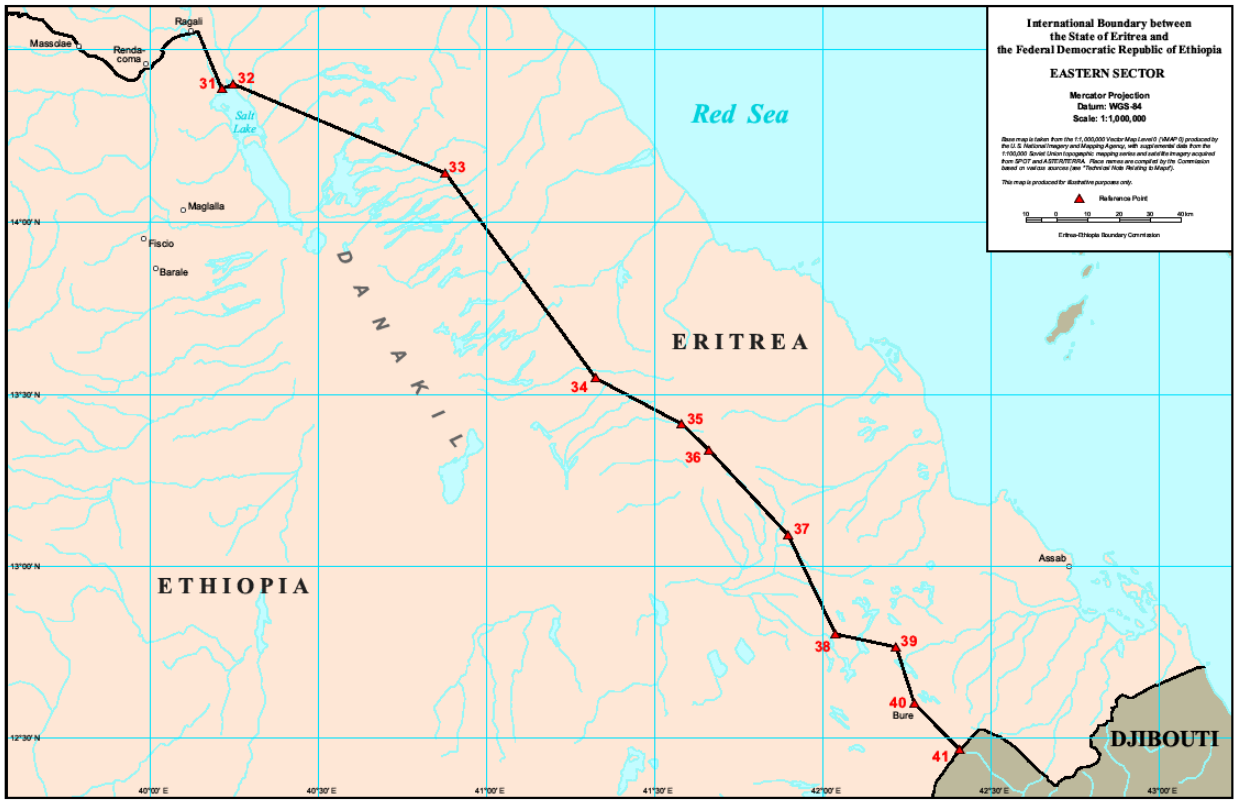
Map 11


International Boundary between
the State of Eritrea and
the Federal Democratic Republic of Ethiopia
CENTRAL SECTOR
Mercator Projection
Datum: WGS-84
Scale: 1:360,000
Reference Point
Eritrea-Ethiopia Boundary Commission
ACCHELE GUZAI
ERITREA
SHIMEZANA
IROB
BADA
GULOMAKHEDA
AGAME
ETHIOPIA
Senafe
Barachit
Tserona
Sebao
Kelloberda
Fort Cadorna
Debra Damo
Adigrat
Guna Guna
Monoxeito
Zalambessa
Alitena
Massolae
Rendacoma
Ragali
Salt Lake
Mareb
Belesa
Belesa A
Belesa B
Belesa C
Aghir
Endeli
Enda Dashim
Muna / Berbero Gado
From the confluence of the Mareb and the Mai Ambessa to Point 11, the boundary follows the Mareb.
14°45'
14°15'
39°00'
39°15'
39°30'
39°45'
40°00'
40°15'

Map 4


EASTERN SECTOR
1908 TREATY
Claim Lines As Submitted by the Parties
Mercator Projection
Datum: WGS-84
Scale: 1:1,000,000
Eritrean Claim Line
Ethiopian Claim Line
Reference Point
Eritrea-Ethiopia Boundary Commission
Red Sea
ERITREA
ETHIOPIA
DJIBOUTI
DANAKIL
DALUL
BADA
Salt Lake
Massolae
Renda-coma
Ragali
Maglalla
Fiscio
Barale
Assab
Bure
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
14°00' N
13°30' N
13°00' N
12°30' N
40°00' E
40°30' E
41°00' E
41°30' E
42°00' E
42°30' E
43°00' E

Map 12



- The maps are not in order. They are copied directly from Eritrea-Ethiopia Boundary Commission at http://www.un.org/NewLinks/eebcarbitration/

The Semi-Structured interview Questions used during the field work

1. Questions for Elders and Community Leaders.

Personal Information

Name

Age

Occupation

Number of years lived

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1. What do you think are the causes of the Ethiopian-Eritrean conflict?

2 How did the conflict and the war affected your personal life and the community at large?

3. The governments of Ethiopia and Eritrea in 2000 agreed to resolve their border disagreements by establishing an arbitrary commission. From the point view of the local people does the conflict should have been resolved in different way?

4* In 2002 the border commission of Ethiopia and Eritrea, established in line with the Algiers agreement, decided the village of Badme to Eritrea. Is this in line with the interest of the local people??

5* If Ethiopia gives Badme to Eritrea according to the decision of the border commission, do you think this would reverse the current hostile situation and bring peace between the two countries?

6. Hostility and tensions continue to prevail between Ethiopia and Eritrea .From the point of view of the local people, what do you think are the major factors that contributed to the current stalled peace process? Who do you think could be blamed for the currently prevailing dead lock between the two countries?

7. How do you think the current hostility between the two countries could be reversed? What do the local people want to be done to achieve long lasting peace between the two countries and re-establish the pre1997 kind of friendly relations between the people of both countries?

*Questions for informants of Badme only.

2. Questions to Local Government Officials

1. What has been the administrative status of Badme / Zalambessa?

2. What kind of cross boundary relations were prevalent before the conflict?

3. To what extent the conflict reversed the preexisting relation between people of both countries across boundaries?

4. Hostility and tensions continue to prevail between Ethiopia and Eritrea. What is the effect of the continuing dead lock and hostility between the two countries on the lives of the local people?

5 Did you have a discussion with local people about the decision of the boundary commission? What do the local people feel about the decision of the border commission?

6. If the Ethiopian government fully accepts the decision of the border commission. How would the local people react?

7 From the point of view of the local people, what do you think are the major factors that contributed to the current stalled peace process? Who do you think could be blamed for the currently prevailing dead lock between the two countries?

8 From the interest of the local people, how do you think the current hostility between the two countries could be reversed? What do you think has to be done by governments of both countries and peace mediators in order to achieve long lasting peace between the two countries and normalize relations?