



SECURITY COUNCIL REPORT UPDATE REPORT



9 November 2005 No. 1

ETHIOPIA / ERITREA

Summary

Recent weeks have seen a steady deterioration of the situation between Ethiopia and Eritrea. This could quite quickly result in a resumption of the war, with tragic consequences for the region and serious risks for the UN Mission in Ethiopia and Eritrea (UNMEE). But the Council is divided over the terms of a draft resolution.

Expected Council Action

We expect that the Council will adopt a resolution later in November, following the report of Ambassador Kenzo Oshima of Japan, who visited the region as a Council Representative from 6 – 9 November.

Key Facts

The following are key facts leading to the current deterioration:

- From 1998 – 2000 Ethiopia and Eritrea fought a major war over disputed border territories. The conflict ceased, after significant international pressure, on the basis of an agreement between the parties that the dispute would be resolved by an independent Boundary Commission.
- The peace process has been stalled since 2003, when Ethiopia refused to allow the demarcation of the common border on the basis of the decision of the Boundary Commission.
- The areas which are the focus of the current crisis are the remote town of Badme (the dispute over which triggered the war in 1998) and the region of Irob.
- Under the peace agreement, the parties had agreed that the Commission's decision would be final and binding.
- In October, Eritrea, after much protest at the delay in implementing the demarcation, introduced significant limitations on the movement of UNMEE observers. This has resulted in the closure of many observation posts. In practical terms, UNMEE is currently unable to effectively warn of possible clashes between the parties.
- The Eritrean decision was followed by further restrictions, including the stopping of food aid distribution.
- Troop movements along the border on both sides have been reported, as well as violations of the Temporary Security Zone (TSZ), a buffer area between the parties monitored by UNMEE.
- Troop contributing countries (TCCs) have expressed concern to the Council, leading to a meeting with Council members on 19 October.
- Eritrea has voiced strong criticism of the UN, and the Security Council in particular, for not robustly enforcing the outcome of the Boundary Commission decision.

Intervention by the Secretary-General

In an unusual step the Secretary-General personally went to the Council on 3 November to express his concern about the situation and the risks to UNMEE personnel. It is worth noting that the Secretary General had previously, in his report of 30 August, pointed out the “inherently destabilising” nature of the stalemate and recommended that a Council visit to the region should be undertaken.

Council Response

The Council has been unable to agree on a collective response. As a result it has:

- Issued a Press Statement on 3 November expressing concern with the situation;
- Continued to discuss, informally and largely amongst experts outside the regular meeting processes, a draft resolution circulated by Greece two weeks ago.
- Decided to send to the region Ambassador Kenzo Oshima of Japan, in his capacity as Chairman of the Council’s Working Group on Peacekeeping Operations. Because of the delicacy of the issue, Oshima’s mandate, as set out in the Terms of Reference, only related to UNMEE, rather than addressing the underlying threat to international peace and security. However, significantly, Oshima has met with the Foreign Minister of Ethiopia and a senior adviser of the President of Eritrea.

Council Dynamics

TCCs’ concerns over the lack of security for troops, especially regarding medical evacuation, and hints of a possible need to withdraw have put pressure on the Council. This resulted in the Oshima mission, but as yet not sufficient pressure to produce a decision on the resolution.

There is significant disagreement in the Council as to the appropriate response, the timing of it and the level of forcefulness that should be employed – especially whether Chapter VII action is required.

An important issue is the overall balance in the Resolution.

Eritrea, the party seeking compliance with a binding ruling by the Commission, might be thought to have the moral and legal high ground. However, there is frustration in the Council that Eritrea has not been willing to give sufficient time and flexibility to resolving the demarcation stalemate. Its present stance, which seems to be aimed at the UN as much as Ethiopia, is seen by many Council members as not only highly dangerous, but also as counterproductive. There is therefore a desire on the part of most Council members to be critical of Eritrea and this is reflected in the current draft resolution.

Criticism of Ethiopia, the party rejecting the binding Commission decision, is much more muted. The current draft simply reiterates previous calls for both parties to implement the Boundary Commission decision. Moreover, it seems to signal openness to possible new options for resolving the stalemate – and by implication possible modification of the decision. Both of these facts are likely to be seen by Eritrea as unbalancing the text.

The main factor which seems to be influencing the Council at this point is concern about the dangerous tactic currently being employed by Eritrea.

But it is also relevant that Eritrea has few strong supporters in the international community. African Union (AU) members seem to be focusing on the impact of the current situation on TCCs, which is a real issue for some, for example Tanzania. But this also enables members to avoid taking positions on a dispute between two fellow AU members.

Ethiopia, since the overthrow of the previous military regime, has had strong and positive links with the West. Ethiopia also enjoys very good connections with other AU members and it hosts the AU Headquarters in Addis Ababa

All this adds inevitable reluctance on the part of many members to place heavy pressure on Ethiopia at this time. In addition, its delicate internal situation may also be a factor in the consideration of how much pressure to apply.

The disagreement over whether the resolution should be adopted under Chapter VII further underlines the difficult nature of the judgement calls confronting the Council. “Demands” on Eritrea, together with threats of possible “further action”, look much more ominous if made under Chapter VII. And the question of balance also arises if no “demands” are made on Ethiopia and the threat of enforcement measures is therefore one sided. This is particularly relevant in light of the strongly expressed argument from Eritrea that the 18 June 2000 Agreement on Cessation of Hostilities provided a guarantee of the application of Chapter VII measures against a party that violated the Algiers commitments. The Council in Resolution 1320 of 15 September 2000 expressed “strong support” for that agreement. Members may well interpret it differently. But the wider context will be important in any discussion of the application of Chapter VII.

Council members will, no doubt, note that the recent Eritrean action could also be argued to be a violation of paragraph 14 of the Agreement on Cessation of Hostilities. Perhaps a situation in which both parties can be said to be in violation could change the dynamics of the discussion and lead to a new even handed approach to the problem.

Options

The Council disagreement may persist – much will depend on the assessment that Oshima brings back. The options would seem to include:

- Tilting the draft resolution more firmly against Eritrea’s recent actions by utilising the binding power of Chapter VII; or
- Finding that the recent Eritrean actions are a violation of the commitments in the 2000 Agreement on Cessation of Hostilities
- Making a parallel finding with respect to the continued Ethiopian obstruction of the demarcation
- Using Chapter VII, but more clearly invoking it against both parties by including specific demands on Ethiopia also; or
- Broadening the threat of “further action” so that it is more equally directed against both parties; or
- Specifically identifying as a future option the reactivation of the arms embargo against both parties; or
- Incorporating specific caveats to meet as far as possible Eritrea’s concern about the erosion of its legal position
- Building on the access which Oshima has achieved in both Addis Ababa and Asmara by committing the Council to an active monitoring process and more intimate involvement in facilitating political dialogue, perhaps in conjunction with the “witnesses” to the Algiers peace agreement (AU, EU, UN and US) – which might create a new environment in which an Envoy of the Secretary – General could become active; or
- Downsizing or withdrawing UNMEE.

The Eritrean Dimension

Eritrea has opposed dialogue about Badme, on the basis that this would amount to accommodating Ethiopian demands that the border issue was still open. Thus it has refused to cooperate with the Secretary-General's envoy and blames the Council for "remaining idle while the rule of law is breached".

The Eritrean position is driven by an uncompromising legal analysis. It also reflects the belief that Eritrea's stance in the 1998-2000 war was validated by the Boundary Commission 2002 decision.

The war had a deep impact on civilians. Its humanitarian effects are compounded by frequent drought and food insecurity. Relief agencies have argued that two-thirds of the Eritrean population are dependent on aid.

The Ethiopian Dimension

Ethiopia's political landscape remains fragile. Renewed riots and violence, including killings of protesters and arrests of opposition leaders, have taken place in recent weeks as a result of the disputed May 2005 parliamentary elections.

The outcome of the 1998-2000 war and the failure to secure the Badme area have stimulated nationalist tendencies within Ethiopia and resentment against Eritrea.

These circumstances clearly further limit the narrow scope that Prime Minister Meles Zenawi has for conceding territory.

Addis Ababa has claimed that the contested areas are culturally and ethnically more closely connected to Ethiopia.

The Peace Agreement

Under the December 2000 Algiers peace agreement, the parties terminated the 1998-2000 war. They also established a Boundary Commission, whose decision was to be "final and binding" with no appeal. It was mandated to delimit and demarcate their common border, whose precise location, especially regarding the town of Badme, is at the root of the conflict.

A Claims Commission and an investigation into the causes of the war were also agreed to by the Parties.

The Council included in UNMEE's mandate the responsibility to monitor the TSZ as well as mine clearance activities.

Under the terms of the agreement, the delimitation decision was to be based on pertinent colonial treaties and applicable international law. The commission considered this to exclude any arguments based on "human need" and handed down its decision in April 2002 under which Badme was considered to be Eritrean territory. The Commission also found in July 2002 that Ethiopia had settled nationals in territory awarded to Eritrea, and ordered Ethiopia to remove such settlements. Ethiopia has so far reportedly failed to comply with the Order.

Ethiopia rejected the actual demarcation process as laid out in the July 2002 Demarcation Directions. While it supported the continuation in the Eastern Sector, Ethiopia voiced disagreement over demarcation in the central Irob region and of the western town of Badme. Ethiopia demanded that the line be varied to take into account "human and physical geography". It complained that the

demarcation process did not conform to the language and spirit of the Algiers Agreement and that it would not lead to peace and stability in the region.

However, the Directions state that the commission has no power to vary the boundary line for any reason, and the April 2002 Delimitation Decision is binding on both parties under the Algiers Agreement.

The Commission stated that, “despite the words used by Ethiopia, it is presenting its dissatisfaction with the boundary as substantively laid down in the delimitation decision in the form of procedural impediments to the demarcation process which it is not entitled to interpose”.

UN Documents

Security Council Resolutions
<ul style="list-style-type: none">• S/Res/1622 (13 September 2005) further adjusted UNMEE and welcomed the Secretary-General's recommendation that a visit to both countries be organised.• S/Res/1560 (14 September 2004) adjusted UNMEE's presence and operations.• S/Res/1430 (14 August 2002) adjusted UNMEE's mandate to include, inter alia, assistance to the Boundary Commission's field offices.• S/Res/1320 (15 September 2000) expressed strong support for the Agreement on Cessation of Hostilities, increased UNMEE's troop ceilings to 4,200 and authorized it to monitor the TSZ and coordinate mine action activities inter alia.• S/Res/1312 (31 July 2000) established UNMEE.• S/Res/1298 (17 May 2000) established an arms embargo and a Sanctions Committee.
Presidential Statements
<ul style="list-style-type: none">• S/PRST/2005/47 (4 October 2005) urged Eritrea to lift restrictions to UNMEE's helicopter flights.• S/PRST/2001/14 (15 May 2001) noted the termination of the arms embargo.
Reports of Security Council Missions to Ethiopia and Eritrea
<ul style="list-style-type: none">• S/2002/205 (27 February 2002)• S/2000/413 (11 May 2000)
Secretary-General's Reports
<ul style="list-style-type: none">• S/2005/553 (30 August 2005) and Add.1 (6 September 2005) is the latest report of the Secretary-General.• S/2005/142 (7 March 2005) contains the sixteenth report of the Boundary Commission, detailing the steps taken from 2002 to date, and a letter to the parties, detailing all steps necessary to finalize the demarcation process.• S/2004/708 (2 September 2004) proposed adjustments to UNMEE's force structure and operations, especially the repatriation of the infantry battalion in charge of the Eastern Sector.• S/2004/543 (7 July 2004) details further restrictions to UNMEE's freedom of movement imposed by Eritrea.• S/2003/1186 (19 December 2003) contains the eleventh report of the Boundary Commission and a letter to the Secretary-General, detailing Ethiopia's complaints related to Badme and its refusal to allow demarcation in the Central and Western Sectors, as well as responses from Eritrea and the commission. Also contains a summary of steps required to complete the demarcation process.• S/2003/257 (6 March 2003) and Add.1 (31 March 2003) contains the eighth report of the Boundary Commission, which details the Ethiopian interpretation of the demarcation process and the commission's views in that regard.• S/2002/744 (10 July 2002) noted the Boundary Commission's April decision and recommended that UNMEE provides support to the commission, inter alia.

<ul style="list-style-type: none"> • S/2000/785 (9 August 2000) reported on the new mandate of UNMEE, with a 4,200 troop ceiling.
Press Statements
<ul style="list-style-type: none"> • SC/8547 (3 November 2005) by the President of the Council • Statement by the Secretary-General (2 November 2005)
Other
<ul style="list-style-type: none"> • S/2005/694 (2 November 2005) contains the Terms of Reference of Ambassador Oshima's mission to Ethiopia and Eritrea. • S/2005/688 (31 October 2005) Letter from the President of Eritrea

Historical Background

October 2005 Contested elections won by the EPRDF, leading to Prime Minister Zenawi's third term in office. Eritrea imposed restrictions on UNMEE's movement. The Mission's mine clearance activities were halted and its monitoring ability limited.

February 2005 The Boundary Commission closed down its Field Offices in view of the lack of progress.

September 2004 The Council approved the downsizing of UNMEE's levels and adjustments to its operations.

November 2003 Ethiopia refused to allow demarcation in the Western and Central Sectors until demarcation in the Eastern Sector is completed and Ethiopia agreed with the methods of demarcation of the remaining two sectors.

September 2003 Ethiopia refused to allow the demarcation of the Border around Badme (Eastern Sector) and the Irob area (Central Sector), while expressing support for demarcation of the rest of the border. Eritrea rejected the suggested partial demarcation. Demarcation process stalled.

July 2003 The Claims Commission issued its first award.

October 2003 In a letter to the Secretary-General, the Boundary Commission restated that the town of Badme belonged in Eritrean territory.

July 2002 The Boundary Commission issued Demarcation Directions, which detailed the rules of the demarcation process.

April 2002 Boundary Commission ruling handed down.

February 2002 A second Council Mission visited both countries.

May 2001 Eritrea and Ethiopia agreed on the composition of the Boundary Commission.

December 2000 Algiers peace agreement signed under the auspices of the Organisation of African Unity (OAU), the UN, the EU and the US; parties called for a boundary commission, *inter alia*, pledging to consider its ruling "final and binding". The parties also established a Claims Commission and authorized an investigation into the causes of the war.

September 2000 The Council increased UNMEE's troop levels to 4,200.

July 2000 The Council established UNMEE.

June 2000 Ceasefire signed; parties established a Temporary Security Zone (TSZ) and called for the deployment of peacekeepers.

May 2000 A Council Mission visited both countries; fighting resumed three days later.

1999 The conflict between Ethiopia and Eritrea escalated to full-fledged war. Both parties accepted the Framework Agreement, but Ethiopia rejected the document on technical arrangements for implementation.

1998 Eritrea took over the Ethiopian-administered town of Badme; battle ensued. Mediation efforts from the US and Rwanda carried out; resulting Framework Agreement rejected by Eritrea.

1993 Eritrea became independent.

1962 Ethiopia annexed Eritrea; fighting began.

1952 Eritrea and Ethiopia formed a federation following UN General Assembly Resolution 390 (V) of 2 December 1950.

Other Relevant Facts

Special Representative of the Secretary-General and Chief of Mission
Legwaila Joseph Legwaila (Botswana)
Size and Composition of Mission
<ul style="list-style-type: none">• Authorized maximum strength: 4,200 troops.• Strength as of 31 August 2005: 3,293 military personnel.• Troop contributing countries: Algeria, Austria, Bangladesh, Bosnia and Herzegovina, Bulgaria, China, Croatia, Czech Republic, Denmark, Finland, France, Gambia, Germany, Ghana, Greece, India, Iran, Italy, Jordan, Kenya, Malaysia, Namibia, Nepal, Nigeria, Norway, Paraguay, Peru, Poland, Romania, Russian Federation, South Africa, Spain, Sweden, Switzerland, Tanzania, Tunisia, Ukraine, United States, Uruguay and Zambia.• Fatalities: 9
Cost
Approved budget: 1 July 2005 - 30 June 2006: \$185.99 million (gross)
Duration
31 July 2000 to present

Source: DPKO

Useful Additional Sources

Boundary Commission: <http://www.un.org/NewLinks/eebcarbitration/> (contains a copy of the delimitation decision and maps of the boundary between Ethiopia and Eritrea per that decision)