



DEMARCATIION: ETHIOPIA'S SERIAL OBSTRUCTIONISM CONTINUES

"Needless to say we greatly regret that we could not take our work through to its full conclusion, but at least we leave you with a line that is operable. It is up to you to work out how to implement it." —EEBC 25th report, September 28, 2007

Exasperated by Ethiopia's recalcitrance, the EEBC Commission expressed its regret that it was unable to complete its work with physical demarcation of the border as was mandated by the Algiers Agreement. Instead of concrete pillars marking the border, the Commission is saying it regrets to settle for a virtual border demarcation of the border on the basis of the pillar coordinates it gave out on November 2006.

The Commission added that the virtual border would have full international legitimacy as would have been the case with a border marked on the ground by cement pillars. The Commission was forced to take the extraordinary step of virtual demarcation because of Ethiopia's continuing intransigence. Much to its regret, the Commission noted that "Ethiopia would not commit itself to anything more than discussion on demarcation," although Eritrea has shown "significant indications of willingness to see the process of demarcation resumed."

As in every previous meeting with the Commission, Ethiopia has once again obstructed demarcation and by doing so is seeding the clouds of war that many had hoped to clear off the Eritrea-Ethiopia border by now. This border had already claimed more than 154, 000 lives (135, 000 for Ethiopia by its own admission,

and 19, 000 for Eritrea). Is it yet again going to be allowed to claim more lives all because a veto wielding friend at the UN Security Council has been shielding Ethiopia from the consequences of violating international

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—EEBC 25th Report.

law? We hold our breath if the Security Council ever take the right stand.

The latest theatrics of Ethiopia is true to form and as the EEBC put it these "did not respond directly to the Agenda, and some of which related to matters outside the scope of the Commission's mandate." In short, they are "the latest in a series of obstructive actions taken since the summer of 2002 and belies the frequently professed acceptance by Ethiopia of the Delimitation Decision." This was not the first time the Commission exposed Ethiopia. (See box on the right and Page 3 for a sample.)

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EEBC on Ethiopia's Obstructions

1. "Ethiopia has continued to seek variations to the boundary line delimited in the April Decision, and has done so in terms that appear, despite protestations to the contrary, to undermine not only the April Decision but also the peace process as a whole."
2. "Ethiopia is not prepared to allow demarcation to continue in the manner laid down in the Demarcation Directions."
3. "Ethiopia insists on prior 'dialogue' but has rejected the opportunity for such 'dialogue'."
4. "Ethiopia's complaint was with the delimitation decision rather than with the demarcation process."
5. "Ethiopia read a statement ... clearly repeating its refusal to permit any work to be carried out in the Western and Central Sectors."
6. "Ethiopia was asked specifically whether it would permit the necessary preliminary factual investigations contemplated by the Commission... It replied in the negative."
7. "The co-agent of Ethiopia stated that in Ethiopia's view the demarcation process was flawed."
8. "Ethiopia 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."

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US Interest Ill-served by its Africa Diplomats

The pattern of obstructionism could not be any clearer. Yet, Ethiopia, thanks to the unprincipled protection of the US, has been able to thumb its nose at the Commission and international law. It is hard to imagine how the impact of Ethiopia's defiance of international law could have escaped members of the Security Council. If Ethiopia can get away with defiance of a binding decision it, what prevents others from following the bad example Ethiopia has established that it is perfectly acceptable to break international law as long as you have an ally in the Security Council?

Ethiopia's propaganda machine has been relentless in churning out deception at levels never seen before. The Ethiopian government, which is well known for its ability to lie with a straight face, is now telling the world that the reason demarcation is not moving forward is because "Eritrea is not in full compliance with the Cessation of Hostilities Agreement." Here we have an example of Ethiopia's bold lies.

An Impartial Commission

Thanks to the EEBC's 25 reports, March 2003 Observations, and two letters directly addressed to Ethiopia (October 2003 and November 2006), it is abundantly clear that it is the minority regime in Ethiopia who is the guilty party. No shenanigans can hide this fact. To its credit, the Eritrea-Ethiopia Boundary Commission is the only international body, in more than 100 years, that has been able to cut through Ethiopia's shroud of pretensions and deceptive presentations and see the true colors of its leaders. It is also the only international body that has been willing to "maintain its impartial approach to all matters with which it has to deal," despite the tremendous pressure it has been facing. The EEBC has stood firm stating that "*It cannot allow one Party to claim for itself the right to insist on adjustment of parts of the boundary which that Party finds disadvantageous. The Commission continues to owe a duty to both Parties to perform the functions placed upon it by their agreement and it is its intention to perform these functions fully and faithfully.*"

Molesting Guarantors

The blame for Ethiopia's defiance squarely falls on those forces that have been encouraging the minority regime to continue on its lawless path. Besides advising Ethiopia to do everything but adhere to international law they have repeatedly tried to prevent the EEBC from carrying out its job. They warned the upcoming EEBC meeting was going to be "inconsequential" and true to their threat it turned out to be so. All of it to make sure that border demarcation never takes place and the minority regime of Ethiopia remains in power even if it means committing genocide in Gambella and the Ogaden.

Once upon a time Washington was accepted by Eritrea as an honest broker who could be expected to provide fair and unbiased assistance to both sides, to facilitate resolution of the problem, evenhandedly. Those hopes have been dashed, particularly during the tenure of the current US Assistant Secretary for African Affairs. In the eyes of much of the world, yesterday's honest broker has become today's unprincipled meddler.

Ms. Jendayi Frazer has deliberately tried to distort the letter and spirit of the December 2000 Algiers Agreement and in the process wanted to revise the "final and binding" EEBC Delimitation Decision of April 2002. Her weapon of convenience has been the innocent word "dialogue." It is to be remembered this word was born immediately after the former UN Secretary General told the world in his March 2003 Report to the UNSC that Ethiopian leaders have: "*serious concerns regarding the Boundary Commission's demarcation of the border,*" and if their concerns "*were not properly addressed,*" they "*might eventually reject the demarcation-related decisions of the Commission.*" It was also the time when the EEBC, in its 8th report to the UN, warned that "*Ethiopia has continued to seek variations to the boundary line delimited in the April Decision, and has done so in terms that appear, despite protestations to the contrary, to undermine not only the April Decision but also the peace process as a whole.*"

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The forces that are behind Ethiopia's lawlessness further have been advising the Ethiopians to ask for an "alternative mechanism" and started working to seek an alternative to the EEBC. Ms. Frazer, over Eritrea's objections, imposed on the Commission an American General as a consultant on demarcation, although nothing on the General's background was remotely connected to cartography or boundary making. Yet this man had the temerity to suggest that he be given the authority to vary the line by about a mile or so from the delimitation coordinates, to draw the line to meet Ethiopia's demands.

Border demarcation is the sole mandate of the EEBC; any border related issues should only be addressed within their proper legal framework and by this legal body; any attempts to reopen issues that are already settled through binding arbitration are not only counterproductive but are also likely to lead to tragedy. At the same time, as Eritrea has been stressing tirelessly, any mechanism, "*secret or otherwise, on any matter regarding the demarcation of the boundary outside the framework of the EEBC, do not have any legal basis.*"

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—Eritrea's letter to the EEBC, Sept. 5, 2007

MORE ON ETHIOPIA'S OBSTRUCTIONS

From EEBC Letter to Ethiopia, 7 Oct. 2003

1. "There is no "crisis", terminal or otherwise, which cannot be cured by Ethiopia's compliance with its obligation under the Algiers Agreement, in particular its obligations to treat the Commission's delimitation determination as "final and binding."
2. "Ethiopia's reference in the third and sixth paragraphs of its letter to some further demarcation being 'just and legal' imports that Ethiopia now considers that the Commission's delimitation and demarcation are neither. Ethiopia's statement is a repudiation of its repeated acceptance of the Commission's Decision since it was rendered."
3. "Ethiopia proposes that 'an alternative mechanism to demarcate the contested parts of the boundary' be set up. Such an alternative mechanism would involve a departure from, and thus an amendment to, the terms of Article 4.2 of the Algiers Agreement, which gives the Commission the mandate to demarcate the boundary. Moreover, Ethiopia's reference to 'the contested boundary' can only be understood as a reference to those parts of the boundary to which it alone and unilaterally takes exception: no part of the boundary is 'contested' by both Parties."

From EEBC Letter to Ethiopia, 27 Nov. 2006

1. "With great respect, I have to tell you that, insofar as your letter purports to set out facts, those that it states are, regrettably, in significant detail wrong or highly selective. At the outset, as a striking example of misleading selection, I refer to the manner in which, towards the end of your letter, you refer to the statement made by the President of the Security Council on 17 October 2006. You quote the whole of that statement with the exception of the highly relevant final paragraph bearing on the conduct of Ethiopia."
2. "There is no basis for the suggestion that the Commission has been appeasing Eritrea. Nor can such a suggestion, however unfounded, obscure the fact that Ethiopia has itself been in breach of its obligations under the Algiers Agreement in several important respects. It is sufficient here to mention one serious one, namely, Ethiopia's continued failure to comply with the Commission's Order of 17 July 2002 requiring Ethiopia forthwith to arrange for the return to Ethiopian territory of those persons in Dembe Mengul."
3. "Ethiopia has, by its conduct on many occasions, repeatedly obstructed the Commission's field personnel and prevented them from carrying out the necessary investigations in the field and made a 'cooperative process' impossible."

4. "Despite repeated initiatives on the part of the Commission supported by requests of the Security Council that the Parties cooperate, Ethiopia, for one, has made this approach impossible."
5. "When asked to confirm its continuing acceptance of the Delimitation Decision, Ethiopia repeatedly qualified its position by saying that it wished negotiations to take place regarding such 'anomalies and impracticabilities'. Eritrea's insistence on strict adherence to the terms of the Delimitation Decision was a position which it was entitled to adopt in accordance with the Algiers Agreement."
6. "The scope for 'dialogue' is limited to what is necessary between the Commission and the Parties to further the actual process of demarcation on the ground. There is no room within the framework of the Algiers Agreement for the introduction of 'neutral bodies' into the demarcation process."
7. "You ask 'Why has the Commission abruptly and without notice chosen to abandon the process for demarcation embodied in its rules, instructions and decisions?' The answer is that the Commission has been unable to make progress, because of Ethiopia's obstruction."
8. "Your letter seeks to blame the Commission for Ethiopia's failure to meet its obligations under the Algiers Agreement. Such blame is entirely misplaced. The truth of the matter appears to be that Ethiopia is dissatisfied with the substance of the Commission's Delimitation Decision and has been seeking, ever since April 2002, to find ways of changing it. This is not an approach which the Commission was empowered to adopt and is not one to which the Commission can lend itself."

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