

Chatham House Briefing Paper:
Sanitizing Occupation is not Creative

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The Chatham House Briefing Paper of 10 April 2014 by Jason Mosley, titled “*Eritrea and Ethiopia: Beyond the Impasse*”, supposedly sets out to challenge and rectify obsolete perceptions of the Horn of Africa’s political dynamics and prevailing reality. This is refreshing and must be welcomed at the outset. Indeed, the author debunks certain presumptions here and there in order to clear the way for what he aptly calls “creative engagement” of the international community vis-a-vis the two countries, and especially Eritrea.

Jason Mosley lucidly underscores the fact that conventional “Western” (*read US*) foreign policy towards the region has thus far failed in promoting a lasting and meaningful peace. And, as a panacea to past flawed policies and approaches, the author pleads for policy makers in principal Western countries to reassess their negative and often times overtly biased stance against Eritrea. Unfortunately, he simultaneously argues for continuation of “the special treatment” and cuddling of Ethiopia. This ambivalent and palpably contradictory disposition severely punctures the “novel approach” that he wants to earnestly enunciate.

Mosley rightly calls on the “international community” to reconsider and reverse the ineffective and counterproductive policy measures taken against Eritrea. In this vein, he boldly argues for the lifting of the unwarranted, US-engineered, UN sanctions on Eritrea as a vital and long-overdue gesture of goodwill and confidence-building.

Mosley appropriately calls on IGAD to facilitate the resumption of Eritrea’s membership that has been blocked by Ethiopia for several years now. He highlights the urgent need for the international community to increase proactive economic engagement with Eritrea instead of paying undue, or perhaps untimely, attention to internal affairs under the pretext of human rights and democracy. All these views and approaches are certainly positive and reinforce new trends that have gained currency in the recent months.

In as far as the Algiers Peace Agreement and the Eritrea-Ethiopia Border Commission’s ruling are concerned, the author explicitly states:

“Eritrea has the weight of international law on its side, and correctly accuses Ethiopia of occupying its sovereign territory...”

This unequivocal legal acknowledgement surely vindicates Eritrea’s firm position which is in consonance with fundamental tenets of international law, the UN and AU Charters, as well as, with time-tasted AU principles on the sanctity of colonial treaties and borders. But unfortunately, the author changes tack at this point to advocate a “pragmatic approach” that makes a caricature of basic edifices of international law. As it happens, Mosley opines:

“...the reality of Ethiopia’s demographic and, increasingly, economic predominance in the Horn of Africa must be understood, accepted and accommodated by its neighbours, including Eritrea, and by international actors.... it will probably mean violating the letter (if not the spirit) of the 2000 peace deal, and working around the EEBC ruling, since Ethiopia cannot be forced to comply with it...”

Why the author presumes that Ethiopia can ride roughshod and trample, with impunity, fundamental pillars of international law is really mind-boggling. The Algiers Peace Agreement contains explicit provisions empowering the UN Security Council to invoke Chapter VII of the UN Charter to take punitive measures against the recalcitrant party. Surely, Ethiopia is not a veto-wielding permanent member of the UNSC and/or does not possess unassailable diplomatic clout to defy and forestall appropriate punitive action by the latter.

Furthermore, Chatham House and the author must know full well by now that the putative “controversy” does not revolve around the “final and binding” EEBC’s ruling anymore. This is now a case of unlawful occupation; pure and simple. The EEBC had indeed closed shop in 2007 after undertaking its demarcation of the border by coordinates and depositing its demarcation decision with the UN Cartographic Office as well as both parties.

In the event, Mosley’s reasoning can make sense only if and when the political radar is zeroed on the United States. If the author’s subliminal argument is that Ethiopia cannot be persuaded to abide by international law as long as it enjoys the blind protection of the United States; that is another matter. But then, one would expect the author not to mince his words; and, to call “a spade a spade”. In any case, this has nothing to do with a novel, “out of the box”, approach. It epitomizes a meek endorsement of power politics; it represents toeing the line of the powers that be. And of course, this approach can only set a dangerous precedent, a

Pandora's Box, for unresolved border conflicts in the global south and elsewhere in the world. It undermines the integrity of international treaties and the validity of Arbitration processes and awards by circumventing international law despite solemnly signed international agreements and unequivocal rulings. It is not even helpful to Ethiopia as its historical claim on the Ogaden ultimately rests on international treaties and the sanctity of colonial borders.

Factual Inaccuracies and Flawed Assumptions

The Chatham House Briefing paper also contains several assumptions and factual errors as we illustrate below:

1. Causes of the war: The article quotes Tekheste Negash and Kjetil Tronvoll to substantiate the view that the cause of the conflict transcends a good-faith border dispute. The problem with these sources is that they are not neutral researches. Tronvoll has long-standing business associations with Ethiopia's Foreign Ministry. Tekheste Negash was against Eritrea's independence during the liberation war (was involved with the Mengistu regime as late as 1989) and openly stated, in an interview with an Ethiopian Newspaper few weeks ago, that "the problem with the EEBC ruling is not the mechanics of demarcation. The central issue is there should be no demarcation or border between the two countries at all". Clearly, description/analysis of events by "scholars" with well-known political biases and perspectives cannot be taken at face value. In any case, as far as Eritrea is concerned, disagreements on and pursuance of divergent policies would shape and influence the ebb and flow of bilateral ties between the two countries; but they cannot be a cause of war. And for the record, Eritrea-Ethiopia bilateral ties of cooperation were exemplary, and perhaps among the best in the region, prior to the eruption of the border war in 1998.
2. Economic and power asymmetry between the two countries: A central theme of the article revolves around the assumption of an economic asymmetry between the two countries. ("... Ethiopia's demographic and increasingly economic predominance in the Horn of Africa must be understood..."). The validity of this assumption is dubious. True, Ethiopia has a much larger population and considerable natural resources and endowments. But Eritrea has also substantial natural resources/potentials (mining etc.) as well vital locational and comparative advantages. In a congenial environment of regional peace, Eritrea can develop its mining, tourism, agricultural, manufacturing, fisheries and locational (ports) advantages to ensure rapid economic growth on a sustainable basis. In a level playing field of peaceful

competition and cooperation, Eritrea's economic prospects and performances will not lag behind that of Ethiopia. (This is discounting religious/ethnic fault lines which are deep and pronounced in Ethiopia). Apart from the distortions entailed by war and its sequel, one must also factor in the massive international aid injections into Ethiopia's economy in the last ten years. Furthermore, it is worth noting here that despite myriad challenges – mostly externally driven – Eritrea has managed to creatively and conscientiously work on rebuilding and strengthening its economy in ways that has impressed even the most skeptical observers. Some of the tangible achievements include: the visible change in the quality of lives in all the rural areas; the remarkable rise in school enrolment and literacy rates since independence; the increased access to clean water and health facilities and thus the ability to control many communicable diseases; the completion of major infrastructure projects that lay the foundation for future expansion and growth and much more. In the event, the relative economic growth of the two countries in the past ten years with all its distortions cannot serve as a good indicator of trends in the future.

3. Eritrea's presumed propensity to trigger proxy wars to undermine Ethiopia : This is an utterly wrong perception. As briefly indicated above, Eritrea's regional policy is firmly anchored on the precepts of a safe neighbourhood. Eritrea's developmental and security interests are better served in a regional architecture of conflict prevention and avoidance of tension. War and/or continued tensions usually imply higher expenditure on defence, prolonged national military service and other negative consequences for trade and investment which are not positive factors for a small country. Indeed, Eritrea demobilized 65,000 soldiers, downsizing the size of the new Eritrean National Defence Forces (EDF) to 35,000 only, immediately after independence when the regional security environment was relatively conducive. Eritrea also launched a two-phased, World Bank financed, demobilization programme in 2001 when the Algiers Peace Agreement was signed with Ethiopia. And until 2004, it demobilized around 105,000 soldiers from the National Military Service. But when Ethiopia reneged on its treaty agreement, the demobilization programme was shelved and postponed. In Somalia, Eritrea was not involved in a proxy war with Ethiopia. This would not make sense in pure military terms even from logistical considerations. But more pointedly, Eritrea is not involved in the business of incubating "proxy wars" with Ethiopia for the overriding developmental considerations outlined above. The US and Ethiopia know these facts full-well. Still, the accusations that were conceived originally for

the purposes of imposing the unfair sanctions are willfully perpetuated in order to rationalize their continued maintenance. The speculation that South Sudan may become another arena of proxy war between Eritrea and Ethiopia is equally unfounded and peddled for other ulterior reasons. In brief, these misperceptions are not based on facts but used by the US and Ethiopia to portray Eritrea as a “pariah State” in order to maintain the unfair sanctions.

4. Economic interdependence of the two countries: In Eritrea’s view, long-term and ultimate continental economic cooperation can only be realized through consolidation of regional economic cooperation and integration at the level of the RECs. In the Horn of Africa, IGAD is the appropriate vehicle for incremental regional economic cooperation. Eritrea’s economic ties with Ethiopia will be seen, in the future, within this context. Eritrea has interests to develop economic ties with the Sudan, the Republic of South Sudan, Djibouti, Ethiopia, Somalia, as well as Kenya and Uganda. The ties of the distant past will not have much impact with what is and will develop in the future. One must also take into account the economic development trajectories of the individual countries in question. In the case of Eritrea, for instance, development of its high-growth potential sectors: tourism, mining, fisheries, etc., will depend on investment/trade ties with players outside the region. In short, Eritrea and Ethiopia are not Siamese Twins joined at the hips when it comes to future economic growth and developmental trajectories.
5. Eritrea’s purported international isolation: This perception is also wrong. True, Eritrea has a major problem with the United States. This is not of its making. But it has reasonably good ties with the international community. It has investment/trade and bilateral/multilateral ties of cooperation with the European Union, China, Japan, India, the Middle Eastern countries and a plethora of other countries in the rest of the world as well as with various international agencies.
6. Assuaging Ethiopia: The author gives undue weight to “mollifying Ethiopia first” prior to any positive action of the “international community” in regards to Eritrea. This unwarranted “note of caution” and role-reversal is intriguing. Ethiopia has no levers that it can wield against the international community, depending, as it does, on massive development assistance/budget support for its survival. Indeed, it is quite odd that a WB grant was withheld in the case of Uganda for passing legislation that had over 85% approval and yet similar measures cannot be called for against a country like Ethiopia whose more

than 50% recurrent budget comes from IFIs. In terms of international law on the border issue, it is Ethiopia which is on the wrong; not Eritrea or the international community. Eritrea has no interest and innate proclivity to destabilize Ethiopia or the region for all the reasons explained above. Yet, the author emphatically pleads: "... a firm rhetorical stance by the international community that it will not tolerate efforts to destabilize the region, or destabilize Ethiopia specifically should be maintained as part of efforts to reassure Ethiopia". This conclusion, which emanates from wrong assumptions and perceptions, is not tenable by any stretch of imagination. As underlined above, circumventing the border ruling and postponing pressure on Ethiopia in this regard is not warranted and only creates negative precedence in international law.

7. Mr. Mosley also makes allusions to "Ethiopia's concerns for avoiding spillover in case of a disorderly political transition in Eritrea". Ethiopia's long-standing approach is in fact the opposite. Ethiopia has throughout supported an assortment of subversive, if ineffective, armed groups against Eritrea (RASDO, Kunama Liberation Front, Eritrean Jihad groups etc.). Ethiopia also talks about an official policy of "regime change" in Eritrea. Above all, Ethiopia remains glued to a zero-sum power game; wants to see the continuation of the sanctions as its recent secret instructions to its diplomats underscores, and was behind the false story associating Eritrea with Reich Machar in the crisis in South Sudan.

The Way Forward

Mosley has tried to blaze a new road by provoking fresh perspectives and approaches of "creative engagement". But his effort did not produce a novel and viable road-map, hampered as it was, by flawed assumptions and principally, a misguided approach that relegated the pivotal issue of occupation to the back burner. In our view, the elements of a viable approach must revolve around and constitute of the following:

- The Horn of Africa region is obviously undergoing through a difficult phase in its collective history. On the one hand, the flash-points of internal and/or inter-State conflicts remain multiple and intractable. On the other hand, this region which connects the Middle East and Africa and that straddles major routes of global maritime traffic has huge economic potential in terms of a collective market of more than 150 million people; considerable strategic resources and prime geopolitical advantages. These vantage points will be unleashed when the multiple problems besetting the region are incrementally

and irrevocably resolved. The region's external partners can be a force of good when they act not only to advance their interests but also the principal interests of the peoples of the region in a balanced and judicious manner. This includes both comprehensive and piecemeal measures to assist and facilitate in the resolution of pending conflicts. The various players must also recognize that the old paradigm of client/patron States and subordination of the region to narrow geopolitical exigencies will not, indeed, have permanence and sustainability in a changing global reality.

- As expounded above, Ethiopia's occupation of sovereign Eritrean territories in flagrant violation of international law is not only untenable by all standards but it is also fraught with endangering peace and security in the Horn of Africa region. As such, a "business as usual" approach of rewarding Ethiopia with extensive support and assistance is counterproductive to the quest of peace and the long-term cooperation of the peoples of Ethiopia and Eritrea. In the event, it behooves on the United States, more than ever before, to review its policies vis-à-vis Eritrea and Ethiopia in regard to these cardinal issues.
- Demonization and harassment of Eritrea through various means, including the unlawful UN sanctions, will not promote the cause of regional peace and security. The challenges of economic development and nation building in all the countries of the Horn remain enormous, and, they should not be shrugged off and underrated lightly. In this context, it is imprudent and counterproductive for external partners to try to influence the national developmental trajectories through heavy-handed conditionalities and interferences. The ground rules and matrices for sustainable partnership must be better articulated and agreed through symmetric consultations and negotiations.