



Organization of Eritrean-Americans

OEA Spotlight

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The Algiers Peace Agreement is the Only Way to Peace The US and the UN should stop undermining it

The Algiers Peace Agreement that was signed between Eritrea and Ethiopia is now six years old this week. It was signed on December 12, 2000. By signing the Algiers Agreement the two Parties had entered an international treaty obligation to faithfully implement the specifications of the agreement and live by it. Representatives of the United Nations, the Organization of African Unity, the European Union, the United States Government as well as the Heads of States of Algeria and Nigeria also put their signatures vowing to be guarantors/witnesses if and when the peace agreement faces any obstacles.

This agreement has been violated by Ethiopia; it is also being sabotaged by the United States government, nevertheless, it still remains the only viable road to peace. Any attempt to undermine it is reckless and not only will it set a bad precedent but it will immerse the region, once more, in a colossal war that will yet claim hundreds of thousands of lives.

One of the major components of the Algiers Agreement was an expeditious delimitation and demarcation of the common border. To this end a five-member independent boundary commission, known as the Eritrea-Ethiopia Boundary Commission (EEBC), was promptly formed. Its mandate was to delimit and demarcate the border “based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law.” In this mandate the Commission was given no power “to make decisions *ex aequo et bono* (on what is fair and equitable).” Furthermore, the Parties had agreed in advance that “the delimitation and demarcation determinations of the Commission shall be **final and binding**” and that “each party shall respect the border so determined, as well as territorial integrity and sovereignty of the other party.” In this regard the Agreement is without any ambiguity and wiggle room. It is as water-tight as any agreement could be.

“The line of the boundary was legally and finally determined by its Delimitation Decision of 13 April 2002. Though undemarcated, this line is binding upon both Parties, subject only to the minor qualifications expressed in the Delimitation Decision, unless they agree otherwise. Conduct inconsistent with this boundary line is unlawful.”—EEBC 16th Report to the UNSC, 24 February 2005.

Article 4

“1. Consistent with the provisions of the Framework Agreement and the Agreement on Cessation of Hostilities, the parties reaffirm the principle of respect for the borders existing at independence as stated in resolution AHG/Res. 16(1) adopted by the OAU Summit in Cairo in 1964, and, in this regard, that they shall be determined on the basis of pertinent colonial treaties and applicable international law.

“2. The parties agree that a neutral Boundary Commission composed of five members shall be established with a mandate to delimit and demarcate the colonial treaty border based on 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*. ...

“15. The parties agree that the delimitation and demarcation 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.”—**Algiers Peace Agreement, 12 December 2006**

To its credit, the EEBC “after the receipt and study of substantial written pleadings, and having heard the oral arguments of the

Parties,” rendered its Delimitation Decision on a record time. That was 13 April 2002. However, when it came to demarcation, the marking of the border on the ground using boundary pillars, Ethiopia refused to cooperate. Not only that, as if it had not declared the Delimitation Decision as “fair and just” and announced its prompt acceptance within minutes of the April 13, 2002 verdict, it has now made a 180 degree turnaround and completely rejected it, calling it “illegal, unjust and irresponsible.” Under the Algiers Agreement the United Nations and the Organization of African Unity (since re-baptized now the African Union) as well as the United States Government and the European Union had an obligation as guarantors and witnesses of the Agreement to see to it that the Algiers Agreement is implemented without any preconditions. Quite to the contrary, if these guarantors, led by the United States government and the outgoing Secretary General of the United Nations, have done anything is to try to derail the peace process.

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“The OAU and the United Nations *commit themselves to guarantee the respect for this commitment of the two Parties* until the determination of the common border on the basis of pertinent colonial treaties and applicable international law, through delimitation/demarcation and in case of controversy, through the appropriate mechanism of arbitration. This guarantee shall be comprised of: measures to be taken by the international community should one or both of the Parties violate this commitment, including appropriate measures to be taken under Chapter VII of the United Nations Charter by the UN Security Council;”—Agreement on Cessation of Hostilities, 18 June 2000.****

Previous Issue (Volume I Issue 4)

The Issue in Somalia is Ethiopia's Invasion

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The EEBC on Ethiopia's Rejection of the Delimitation Decision.

"5 Notwithstanding the clarity with which the Commission has stated the limits upon its authority, 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."—**8th Report of the EEBC to the UNSC, 21 February 2003.**

"12. The Commission is therefore obliged to reject the assertion that it must adjust the coordinates to take into account the human and physical geography in the border region. Moreover, the Commission firmly rejects the contention that if such adjustments are not made the Commission's work would be devoid of adequate legal basis."—**EEBC Observation, 21 March 2003.**

"There is no "crisis", terminal or otherwise, which cannot be cured by Ethiopia's compliance with its obligations under the Algiers Agreement, in particular its obligations to treat the Commission's delimitation determination as "final and binding" (article 4.15) and "to cooperate with the Commission, its experts and other staff in all respects during the process of ... demarcation" (article 4.14)."—**EEBC letter to the UNSC, 7 October 2003**

"Nonetheless, the Commission has been obliged to conclude 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."—**11th Report of the EEBC to the UNSC, 1 December 2003.**

"6. Ethiopia is not prepared to allow demarcation to continue in the manner laid down in the Demarcation Directions and in accordance with the timeline set by the Commission. It now insists on prior "dialogue" but has rejected the opportunity for such "dialogue" within the framework of the demarcation process provided by the Commission's proposal to meet with the Parties on 22 February. This is 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."—**16th Report of the EEBC to the UNSC, 24 February 2005.**

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Some of Ethiopia's Repeated Obstacles on Demarcation.

"The obstacles from the Ethiopian side took various forms:

- "prohibiting field-work within the territory under its control, thus impeding the survey of ground control points for the aerial photography and the secondary datum survey (April to July 2002);
- "filing extensive comments on the Delimitation Decision, amounting to an attempt to reopen elements of the substance of that Decision, instead of limiting itself to the requested comments on the draft 1:25,000 maps (January 2003);
- "failing to provide assurances for the security of all demarcation personnel (August 2003 to the present);
- "complaining to the Secretary-General of the United Nations of what Ethiopia termed "illegal, unjust and irresponsible decisions" of the Commission in respect of Badme and parts of the Central Sector, and proposing that the Security Council set up an alternative mechanism to demarcate the parts of the boundary it contested (September 2003);
- "denouncing in that same letter the Commission's Delimitation Decision by stating that it would only recognise the southern boundary of the Temporary Security Zone ("TSZ") as the international boundary; failing to provide assurances for the security of the contractors selected for the emplacement and as-built survey of the boundary pillars (September to October 2003);
- "refusing to permit any work to be carried out by the Commission's field staff in the Western and Central Sectors until the boundary in the Eastern Sector had been demarcated and subject to Ethiopia's approval of the Commission's method of demarcation (November 2003);
- "failing to make prompt payment of its share of the Commission's expenses (February 2004 to February 2005);
- "rejecting the Commission's invitation to a meeting to be held on 22 February 2005 on the ground that the meeting was premature, would be unproductive and could have an adverse impact on the demarcation process, as a result of which the Commission was obliged to cancel the meeting (February 2005);
- "introducing qualifications to its previously unqualified acceptance of the final and binding quality of the Delimitation Decision (17 May 2006);

—**EEBC Statement, 27 November, 2006**

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As a result the two countries are at the brink of war. At the same time whatever hope the Algiers Agreement had envisioned for peace seems to be completely shattered. United States Government officials like Assistant Secretary for African Affairs Jendayi Frazier have been openly and deliberately contradicting the letter and spirit of the Algiers Agreement in order to justify Ethiopia's rejection. However, this is a dangerous precedent that will have a grave consequence not only to the Algiers Agreement between Eritrea and Ethiopia, but also to any current and future international treaties. Make no mistake, the only way forward in this crisis is to encourage Ethiopia to implement the Algiers Agreement without any further delay. The Algiers Peace Agreement was and still is the only way to peace between these two countries that had been at each other's throat for much of the past fifty years. The international community should come to its sense and push for a faithful implementation of the Algiers Agreement. It better be done sooner than later as well. The more Ethiopia is allowed to ignore international treaties and go unchecked, the more it is getting emboldened to continue its reckless expansionist ambition which is a threat to regional peace and security. In the end this is not going to be in the best interest of a fragile Ethiopia itself.

Ethiopia should be pressured to live in peace with its neighbors. If it was not for the support it gets from the west, particularly the United States and the UK, Ethiopia would not be the monster it is today: a menace for peace and stability in the Horn of Africa. Of equally grave danger is also that Ethiopia is today a country where apartheid had once more reared its ugly face on the African continent. A minority comprising less than 4% of the country's population is now controlling the country's power and wealth. This is only happening because the west is financing Ethiopia's war ambitions. By pouring billions of tax-payers dollars into the pockets of the minority Ethiopian regime these western countries are working hand and glove with the oppressive regime in Ethiopia encouraging it to skirt off its international treaty obligation, invade and occupy neighboring countries' sovereign territories and change Ethiopia into a dungeon of nations and nationalities.

The Agreement mandates the EEBC to demarcate the border, on ground, expeditiously, not on paper as it is attempting to do lately. Therefore all peace loving nations and organizations should call, on this sixth anniversary of the Algiers Agreement, for the immediate and unconditional demarcation, on the ground, of the common border according to the April 2002 Delimitation Decision.