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**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE
SITUATION AT THE BORDER BETWEEN THE REPUBLIC OF
DJIBOUTI AND THE STATE OF ERITREA AND DEVELOPMENTS IN
RELATIONS BETWEEN THE TWO COUNTRIES**

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I. INTRODUCTION

1. This report is submitted in follow-up to the communiqué on the 136th meeting of Council held on 12 June 2008 during which Council agreed to meet at the right moment and at the appropriate level to consider the situation and take the relevant decisions. The report makes a review of the situation at the border between the Republic of Djibouti and the State of Eritrea and of relations between the two countries since mid-April 2008. The report also presents efforts made by the Commission to quell the tension between the two countries and settle the dispute between them. It concludes with a number of observations.

**II. MATTER BROUGHT BEFORE COUNCIL BY THE REPUBLIC OF DJIBOUTI
AND DISPATCH OF A FACT-FINDING MISSION TO DJIBOUTI**

2. On 24 April 2008, Djibouti's Minister of Foreign Affairs and International Cooperation, Mahmoud Ali Youssouf sent a letter to the Chairperson of Council for the month of April 2008 informing him that since 16 April 2008, Eritrea has been occupying part of Djibouti territory, in the Ras Doumeira area to the North of Obock town, on the border between the two countries. The Minister also stated that Eritrea was strengthening its military presence in certain areas along the common border between the two countries. The Minister further stated that despite the number of diplomatic efforts made to prevail on the Eritrean Government to be reasonable, the latter decided to disregard the steps so far taken. Accordingly, faced with what it terms "wanton aggression" requiring the intervention of national and international authorities, it requested Council to rapidly send a fact-finding mission to the field, to evaluate the situation. He recalled in passing, that in the past, and most specifically in 1994, Eritrea had made a "military incursion in the area and published a map where the borderline between the two countries had been modified".

3. The 121st meeting of Council held the same day made a review of the situation. In follow-up to the meeting, and at the request of Council, the Commission, on 1 May 2008, formally seized the authorities of Djibouti and Eritrea to inform them that Council intended to meet the following day to consider the situation and, where necessary, take any decision deemed appropriate. In this respect, and in a bid to facilitate the deliberations of Council, the Commission requested the two countries to submit to it all information at their disposal, including any contacts that could have been made to solve the problem amicably. Djibouti replied the same day, forwarding to the Commission a document on the chronology of events and a copy of the letter sent on 18 April 2008 by the Djibouti Minister of Foreign Affairs to his Eritrean counterpart relating to the presence of Eritrean military forces in Djibouti territory, requesting Eritrea to withdraw its forces from Ras Doumeira. Regarding precisely the chronology of events, the outlines of which unfolded as follows:

- 4 February 2008: administrative authorities in the Obock region notice civil engineering works on the Eritrean side of the border. The Eritreans

inform their Djiboutian counterparts that the works were part of the construction of the road that would link Assab to Obock via Raheyta;

- 10 February: Eritrean construction machines cross the border and start works in Ras Doumeira. Faced with this situation, and over the period from 15 February to 30 March 2008, the administrative authorities of Obock region try in vain to contact their Eritrean counterparts in an effort to understand the purpose of the works;
- 7 April: the prefect of Obock region and a Djiboutian military officer who wanted to go to Ras Doumeira to investigate the situation are turned back by the Eritrean army;
- 18 April: the Government of Djibouti decides to embark on diplomatic action at the highest level, including a written message sent to the Government of Eritrea, a telephone conversation between the two Heads of State on Sunday 20 April 2008 and a meeting between the two Foreign Ministers on 21 April in Djibouti;
- 22 April: the Head of State of Djibouti goes to the field and notices notably that Eritrean forces had completely occupied Ras Doumeira and erected camps and fortifications, while fast patrol boats armed with barrels and patrol a vessel had docked at the creek adjacent to Ras Doumeira;
- 23 April: Eritrean authorities refuse receiving the Djiboutian Foreign Minister who was bearing a written message from the President of Djibouti to his Eritrean counterpart. Diplomatic negotiations were conducted in Asmara until 28 April, without any concrete result;
- 24 April: a meeting between two senior officers of the two countries is held in Ras Doumeira to discuss their positions in Ras Doumeira. Following the meeting, the Government of Djibouti decided to stay the appeal it had lodged before Council in order to allow time for bilateral dialogue. Unfortunately it was the first and last meeting of this nature, since the Eritrean officer did not show any desire to continue the contact.

4. As expected, Council held its 125th meeting on 2 May 2008. At the meeting, Council noted that the Commission had formally written to the two countries on 1 May 2008, to obtain as much information as possible on the situation prevailing at their common border and on the measures they had taken to resolve the situation amicably. It urged the two countries to show the greatest restraint and to use dialogue to settle any dispute between them, based on the principles laid down in the Constitutive Act of the African Union and other relevant AU instruments, including respect for borders existing at the time they gained independence and the promotion of good neighbourliness. Council encouraged the Commission to remain in close contact with both countries and to monitor developments in the situation so that any action deemed appropriate can be taken. This would include sending a mission, in due time, to evaluate the situation in the field and hold consultations with the competent authorities of both countries. The Commission formally forwarded copies of the Communiqué to the authorities of Djibouti and Eritrea. It also availed itself of

that opportunity to inform the Eritrean Ministry of Foreign Affairs that it was still awaiting the information requested on 1 May 2008, which would be transmitted to Council.

5. During the extraordinary session of the Executive Council held in Arusha on 6 and 7 May 2008, the Commissioner for Peace and Security met with the Djibouti Foreign Minister with whom he held consultations on relations between Djibouti and Eritrea. Unfortunately, he was not able, as he had hoped, to meet the representative of Eritrea since that country did not attend the Executive Council meeting. For my part, I had a telephone conversation with President Omar Guelleh of Djibouti, and made contacts with other members of the international community on the situation in order to harmonize efforts towards finding a peaceful and early solution to the conflict.

6. On 12 May 2008, the Permanent Mission of the State of Eritrea to the United Nations in New York issued a statement in which it indicated that the "Government of Eritrea is perplexed by (the) unfounded accusation (made by Djibouti) about a purported border problem with Eritrea". The Statement went on to add that "...while it may require time and further information to probe and fully understand the motivations behind this groundless accusation, it nonetheless bears all the hallmarks of a deliberate desire to unleash a new crisis in the region. In the event, the Government of Eritrea is not prepared to engage in a fruitless public acrimony at this stage". The statement was circulated by the Commission to Council members for information

7. On 23 May 2008, the Embassy of Djibouti in Addis Ababa forwarded a « Note on the crisis at the border between Djibouti and Eritrea » to the Commission. In the Note, the Government of Djibouti affirmed that Ras Doumeira and the Island of Doumeira were still under occupation and that the military engineering corps of the Eritrean forces was intensifying work, while there was increasing tension in the field where Djibouti and Eritrean military forces were facing each other. The tension was made worse by the heat experienced at this time of the year as well as the attitude of Eritrean soldiers who were asking Djiboutian soldiers to leave their positions on the hill since they were obstructing their works in Djibouti territory and all initiatives for dialogue made by Djibouti had failed. The Government of Djibouti stated that all its attempts for dialogue had failed. Eritrea had turned down these efforts, and refused to consider the gravity of its actions, denied the facts and pretended not to understand the threats to peace such a situation could pose and the consequences it could lead to. The Government of Djibouti indicated that it « will not bear responsibility for what will happen » if the crisis persists. In such conditions, Djibouti deemed it was necessary to urgently send a fact-finding mission to the AU. At the request of Djibouti, the brief was communicated to members of Council.

8. At its 130th meeting held on 26 May 2008, Council once more considered the situation, and underscored the urgent need for the envisaged mission to be sent to Djibouti and Eritrea. Thereafter, the Commission sent messages to the authorities of Djibouti and Eritrea informing them that it was taking the necessary steps to send the envisaged mission which will evaluate the situation and consult with the two countries. On 2 June 2008, Djibouti indicated its readiness to receive the AU mission at the dates proposed, namely 5 to 9 June 2008.

9. **Accordingly, a mission from the Commission visited Djibouti during the abovementioned period.** Led by Ambassador Pierre Yere, Senior Political Officer in the AU Office in Democratic Republic of Congo (DRC), the mission included civil and military officers from the Commission as well as specialists on border issues. During its stay in Djibouti the mission met with the Prime Minister, the Minister of Foreign Affairs and International Cooperation and the Ad Hoc Committee established by the Djiboutian authorities to manage the crisis, as well as with members of the diplomatic corps accredited to Djibouti.

10. During the discussion that the mission held on the spot, the authorities of Djibouti narrated the course of developments in relations between their country and Eritrea. They declared that they were all the more surprised by Eritrea's current attitude since a number of factors had recently enhanced the quality of relations existing between the two countries and their leaders. The authorities of Djibouti recalled all the attempts they had made for the crisis to be settled through dialogue, stressing that these attempts had initially been carried out without publicity but had to be brought to the knowledge of the international community for arbitration, after their rejection by the Eritrean side.

11. The authorities of Djibouti deplored the fact that the current tension was coming at a time when Djibouti is experiencing unprecedented economic growth and when foreign investors are intending to carry out major projects in the Doumeira area. According to them, Eritrea's attitude was upsetting all the efforts made by Djibouti to foster its development. Besides, Djibouti is incurring expenses estimated at 150,000 USD per day to sustain the deployment of its army at the border, which is really weighing on the State budget. The authorities of Djibouti further indicated that since the beginning of the current crisis, 13 Eritrean servicemen had deserted the army to take refuge in Djibouti. One of them has the rank of captain. In conclusion, they appealed to the international community to mediate in the dispute so that dialogue can prevail between the two parties and expressed their desire for the two armies to retreat to their positions previous to February 2008.

12. Regarding more specifically the border demarcation between the two countries, the Djiboutian authorities say that Djibouti has sovereignty over Doumeira and Doumeira Island. In this connection, they recalled many conventions concluded during the colonial era and other subsequent instruments and acts. The Djiboutian authorities affirmed that acting as it did, Eritrea is calling into question OAU/AU principles, notably respect of borders inherited from colonialism and non-use of force against the territorial integrity of another State.

13. In keeping with its mandate, the mission visited the spot where it noted a very tense situation, more so as the two armies are less than three (3) meters facing each other and at some places have already clashed. According to the Djiboutian Army Headquarters, apart from the military engineering units, Eritrea has deployed significant troops at the border (with a reserve at Assab), as well as weapons of different types and gauges. The Djiboutian military authorities also speak of the presence in the surrounding creeks of fast boats armed with barrels belonging to the Eritrean Marine. The mission was able to observe important civil engineering works and long trenches dug on the sides of the mountain.

III. INCIDENTS OF 10 JUNE 2008 AND SUBSEQUENT DEVELOPMENTS IN THE SITUATION

14. On 11 June 2008, the Minister of Foreign Affairs and International Cooperation of Djibouti sent a letter to the Chairperson of the Council for the month, informing him that in the morning of 10 June 2008 Eritrean armed forces had launched attacks using light and heavy weapons against the Djiboutian army without any justification, thus showing the bellicose nature of the Eritrean Government and its determination to destabilize the region. The Djiboutian Government noted “that this act of aggression takes place at time when discussions between the various Somali parties attending peace talks in Djibouti have culminated in the conclusion of a peace agreement”. In this context and “considering the gravity of the situation at the border”, the Djiboutian Government “calls for the convening of a meeting of the Council as a matter of urgency... to put an end to the aggression by the Eritrean forces”.

15. At its 136th meeting the following day, 12 June 2008, Council was briefed on the mission that was dispatched to Djibouti and examined the situation in the light of this new escalation. In the communiqué issued at the end of its deliberations, Council:

- welcomed the mission dispatched by the Commission to Djibouti, as a follow-up to the communiqué adopted at its 125th meeting and expressed appreciation to the Djiboutian authorities for the cooperation they extended to the mission;
- noted with regret that the Eritrean authorities had not yet accepted to receive the mission;
- expressed deep concern over the recent developments in the situation on the ground, particularly the incidents that occurred between the armed forces of the two countries on Tuesday 10 June 2008, and the risk of escalation that could result from these regrettable developments;
- strongly condemned the use of force and stressed the imperative need to respect the sovereignty, territorial integrity and the independence of Member States, in conformity with the AU constitutive Act council called for the immediate return to the situation prevailing at the common border between the two countries before the current tension, including the withdrawal from the border of all forces that have been positioned there since 4 February 2008;
- urged, once more, the two countries to show utmost restraint, resort to dialogue to resolve any bilateral dispute, and give their full cooperation to all efforts made to this end;
- reiterated its full support to the efforts being deployed by the commission for the mission dispatched to Djibouti to visit Eritrea as soon as possible, in accordance with its mandate, and urgently appealed to the Eritrean authorities to extend their full cooperation to this mission; and
- welcomed the initiatives taken by the chairperson of the commission to

help ease the current tension.

16. The Commission transmitted copy of the communiqué to the Djiboutian and Eritrean Governments. Similarly, the text of the communiqué was also transmitted to the United Nations. The same day, I had a telephone conversation with President Ismaël Omar Guelleh. In the same vein, the Commission formally approached the Eritrean authorities to inform them of my desire to have a telephone conversation with President Issayas Afewerki.

17. On its part, the United Nations Security Council, which met the same day, adopted a presidential statement in which it:

- expressed its strong concern about the serious incidents that occurred on 10 June along the frontier between Djibouti and Eritrea;
- condemned Eritrea's military action against Djibouti in Ras Doumeira and Doumeira Island;
- called upon the parties to commit to a ceasefire, and urged both parties, in particular Eritrea, to show maximum restraint and withdraw forces to the status-quo ante;
- urged both parties, in particular Eritrea, to cooperate and engage in diplomatic efforts to resolve the matter peacefully and in a manner consistent with international law;
- welcomed the efforts of the African Union, the Arab League and those States that have offered their assistance, and called upon the parties, in particular Eritrea, to engage fully in efforts to resolve the crisis; and
- encouraged the Secretary-General urgently to use his good offices and reach out to both parties, as appropriate and in coordination with regional efforts, to facilitate bilateral discussions to determine arrangements for decreasing the military presence along the border and to develop confidence-building measures to resolve the border situation.

18. The 12th Summit of Heads of State and Government of IGAD, held in Addis Ababa on 14 June 2008, also discussed the border situation between Djibouti and Eritrea. The summit:

- expressed its serious concern over the recent military attack by Eritrean troops along the border between Djibouti and Eritrea ;
- condemned the action by Eritrean troops and called upon the parties, in particular the Government of Eritrea, to heed the call for restraint by the United Nations, the African Union and the League of Arab States, and to receive fact finding missions to ascertain the situation on the ground;
- called upon both parties, in particular Eritrea, to accept mediation to resolve the crisis through peaceful means and return to the *status quo ante*;

- expressed its full support for the efforts being made by the UN and the AU in addressing the conflict; and
- decided to remain seized of the matter and expressed its commitment to assist the parties in reaching a peaceful settlement.

IV. OBSERVATIONS AND RECOMMENDATIONS

19. The situation at the border between Djibouti and Eritrea and the subsequent deterioration of relations between the two countries are a source of serious concern to the AU and the international community as a whole. This state of affairs is all the more alarming, taking place as it does at the time when the region is already in the throes of many conflicts and tensions that have given rise to the use of force.

20. The Djiboutian authorities continue to express their readiness for dialogue in order to find a solution to the crisis. In this regard, it is worth noting that they have received all the missions dispatched by third parties to help defuse the tension and resolve the crisis. Council should reiterate its appreciation to the Djiboutian authorities for the spirit of cooperation they have demonstrated and for their commitment to dialogue.

21. The Eritrean authorities, for their part, have so far not reacted to any of the letters addressed to them by the AU. At the time of finalizing this report, they still have not shown their willingness to receive the mission which visited Djibouti. Council should renew its appeal to Eritrea to allow the mission to visit Asmara as soon as possible and engage in a constructive dialogue with Djibouti with a view to a quick resolution of the crisis between the two countries. It should however be noted that contacts were made to possibly schedule an audience with the Eritrean Head of State on the occasion of the session of the Assembly of the Union in Sharm El Sheikh.

22. On the whole, Council should condemn in no uncertain terms the use of force and underscore the imperative need to respect the sovereignty, territorial integrity and independence of Member States in accordance with the Constitutive Act of the African Union. Council should renew its call for an immediate return of the situation prevailing at the common border between the two countries before the current tension, including the immediate withdrawal from the border of all the forces that were positioned there since 4 February 2008. Council should once again urge the two parties to show restraint, resort to dialogue to resolve any bilateral differences on the basis of the principles enshrined in the Constitutive Act of the African Union and other AU relevant instruments, including respect of borders existing at the time of independence and good neighbourliness.

23. The Council should be able to use its influence to encourage the Heads of State of the two countries to resort exclusively to peaceful means of resolving any bilateral disagreement. In this respect, an appropriate and flexible formula could be proposed to the two countries to facilitate the rapid resumption of normal relations of good neighbourliness and cooperation.