"Time to bring back Eritrea from the cold" A reply to Ambassador Hank Cohen

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Ι

Many observers agree that recent unfortunate developments in the Middle East can easily spillover to the Greater Horn of Africa region². There are groups that are fanning ideologies advanced by the various actors in Middle East's sectarian conflict. In the light of the new developments in the region, it makes sense for the United States to review its relationship with Eritrea and Ethiopia and rebalance its portfolio. The interesting question for Eritrea and Ethiopia is therefore how to respond to the apparent shift in superpower policy towards the region. In this rejoinder I review the recent articles that were written by two former Ambassadors, examine the difficult areas in the relationship between Eritrea and Ethiopia, and outline the options that are available for Ethiopia.

On December 16, 2013 Ambassador Hank Cohen, the Former Assistant Secretary of State for Africa wrote an important article under the title "*time to bring back Eritrea from the cold*".³ Between 1989 and 1993 Ambassador Cohen drove the United States' policy towards Africa. He not only witnessed the birth of new states in Europe after the fall of the Berlin Wall in 1989 but also in the Horn of Africa. The birth of the State of Eritrea was a concomitant event that took place with the takeover of the rest of Ethiopia by the rebel forces of the Tigrean People Liberation Front (TPLF). On January 13 2014 Ambassador David Shinn, the Former United States' Ambassador to Ethiopia also wrote a commentary supporting Ambassador Cohen's piece⁴. Ambassador Shinn drove United States' policy towards Ethiopia during the 1996-1999 period. His term of office was also characterized by another historical episode. Despite the radical change in Ethiopia that was supported by Eritreans and the United States, the conflict

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² See Fareed Zakaria "Fanning the Middle East conflict", Washington Post, January 16, 2014.

³ http://africanarguments.org/2013/12/16/time-to-bring-eritrea-in-from-the-cold-by-hank-cohen/

⁴ http://africanarguments.org/2014/01/13/time-to-bring-eritrea-in-from-the-cold-but-its-harder-than-it-sounds-by-david-shinn/

between Eritrea and Ethiopia resurfaced again and consumed close to 80 000 people. Ambassador Princeton Lyman, the Former United States' ambassador to Nigeria and South Africa also supported Ambassador Cohen's piece and enumerated his effort to bring back Eritrea out of the cold⁵. The articles have sparked intense debate. The Ministry of Foreign Affairs of Ethiopia has also responded.⁶ In short, the authors of the pieces are witnesses and have the institutional memories of the events that were unfolding in the Horn of Africa. The series of articles that came out in a short period of time suggests that Washington might be rethinking its policy towards the region and the lobby industry is at work. Notwithstanding these, their continued engagement on the Horn of Africa will also help to reflect on the achievements and failures of the past, and more importantly help in charting the roadmap for sustainable peace and development in the region.

Ambassador Cohen's article contains two central issues. His first point is that the sanction against Eritrea must be lifted because there is no evidence which incriminates the country to be "a *state sponsor of terrorism*". As flabbergasting as it may sound, as Professor Jack Derrida notes "a text is not a text unless it hides from the first comer, from the first glance, the law of its composition and the rules of its game". Derrida's analogy is similar to the Eritrean-Ethiopian *q'ene*, a form of philosophical enquiry commonly referred to as the wax and the gold. Ambassador Cohen has been successful in hiding the gold in the wax. The task of critical enquiry is to find the gold. At face value, in the wax, the article is just an addition to the chorus for the removal of the sanctions which have seriously undermined development efforts in Eritrea.

Ambassador Cohen's second key message relates to the relationship between Eritrea and Ethiopia. Here there are many tricky issues which the Honorable Ambassador appears to have either hidden them in his wax or totally missed them. What is hidden in his piece is his call for the continued landlocked-ness of close to 90 million people in the Horn of Africa. Many agree that the TPLF/EPRDF has made a bad mistake on three occasions:- (i) during the time of the war for the separation of Eritrea, (ii) during the 1991-93 period, and (iii) at the end of the 1998-2000 war. Even today the TPLF dominated Government of Ethiopia is still proud of its mistakes. The recent statement of the Ministry of Foreign Affairs of Ethiopia did not raise the

⁵ http://www.tesfanews.net/david-shinn-and-princeton-lyman-on-how-to-bring-eritrea-in-from-the-cold/

⁶ http://aigaforum.com/articles/bring-eritrea-from-cold.php

problem of Ethiopia's landlocked-ness.⁷ Evidently this policy can change at any time. Except those that are dependent on the Government of Eritrea, Ethiopians including the new breed of TPLF/EPRDF are unlikely to condone a policy that has created the largest landlocked country in the world. Ambassador Cohen neither separated the government of the day from the country nor did he identify the incentives for Ethiopia for accepting the decision of the Eritrea-Ethiopia Boundary Commission (EEBC) nor did he outline how Ethiopia's landlocked-ness is going to be resolved.

The "free port" offer by Eritrea which is also echoed by Ambassadors Cohen and Shinn does not adequately address Ethiopia's economic, geopolitical and security interests. In other words the interest of the United States and the interest of Ethiopia are not necessarily the same. Most commentators on the issue consider the "free port" offer as one of the diplomatic gamesmanships which were played in the 1991-1993 period. Visionary diplomats and scholars of substance must be able to observe beyond what ordinary politicians see. The fact that the Government of Ethiopia has not yet put the landlocked-ness issue on the table shows the policy error of the government of the day, but cannot be construed that Ethiopia has permanently abandoned its right over Assab. In this respect, Ambassador Cohen wrote the following;-

"To break the stalemate between Eritrea and Ethiopia over the implementation of the EEBC decision, there needs to be a mutually face-saving solution. I propose that Ethiopia offer to accept a symbolic initial takeover by Eritrea of territory awarded by the EEBC, followed by the same day opening of dialogue with a totally open agenda".

It is important to note that the EEBC was established based on the Algiers Agreement, and Ambassador Cohen exonerates Ambassador Anthony Lake (National Security Advisor, 1993-97), who was one of the architects of the Algiers Agreement. Ambassador Cohen wrote the following:-

"They [EPLF and TPLF/EPRDF] maintained a common economic system that allowed landlocked Ethiopia full access to the Eritrean Red Sea ports of Asab and Masawa, including control of their own handling facilities for the transit of cargo...Under Algerian Government mediation, a cease-fire was accomplished in 2000. In view of the border as the ostensible main issue in contention, the Algerians established the Ethiopia-Eritrea Border Commission (EEBC) to arbitrate the exact boundary line. While the EEBC was doing its work, the long border remained heavily armed on both sides".

⁷ http://aigaforum.com/articles/bring-eritrea-from-cold.php

Ambassador David Shinn's January 13, 2014 article echoed Ambassador Cohen's statement. ⁸ In fact Ambassador Shinn's piece narrated already known events and did not address the thorny issue of landlocked-ness. Hence, like Ambassador Cohen's piece Ambassador Shinn's rejoinder has created a rare situation of irritation on both the pro TPLF/EPRDF and anti TPLF/EPRDF camps.⁹

II

To understand the issues better, it is important to take a step back and examine the foundations on which the EEBC was created. It is also important to note that in practical-institutional terms the Algiers Agreement has been rejected. For instance in a letter that was written on April 2, 2002 about 289 Ethiopian scholars and professionals sent petition to Ambassador Kofi Annan, the Former Secretary General of the United Nations. Countless demonstrations and political gatherings were held in the major cities of the world. It was and more than likely to remain an election issue in Ethiopia. Scholars objected Article 4(1) and Article 15 of the Algiers Agreement. The problematic articles in the Algiers Agreement read as follows:-

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.

Article 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.

For the petitioners of the April 2, 2002 letter the outcome of the EEBC was as expected. Irrelevant and non-existent colonial treaties drawn from the archives of colonizers were used to support Eritrea's claims. The context on which the OAU agreed to the colonial boundaries was

⁸ http://africanarguments.org/2014/01/13/time-to-bring-eritrea-in-from-the-cold-but-its-harder-than-it-sounds-by-david-shinn/

⁹ <u>http://aigaforum.com/blog/2014/01/15/david-shinn-on-ethio-eritrea/</u>. See also

http://www.ethiomedia.com/14store/5576.html

not examined. Furthermore, the Government of Ethiopia presented its case poorly. Even within the frameworks of colonial treaties, the August 2, 1928 Italo-Ethiopian Treaty also known as the Italo–Ethiopian Treaty of Friendship and Arbitration¹⁰, and the new pan African thinking, such as the Nile Basin Cooperative Framework Agreement, which openly rejects colonial treaties, were not considered. Hence, the central question now is whether Ethiopia should be forced into honoring a verdict that was founded on a faulty instrument and continue to remain landlocked? While Ethiopians may blame their naïve leaders for failing to observe the traps in the above technical agreement, the country's silence cannot be construed as an ipso facto acceptance of landlocked-ness.

Despite the absence of clarity in the latest statement of the Government of Ethiopia, there are a number of justifications for nullifying the Algiers Agreement. First, as a sovereign country, international agreements do not normally become law unless they are ratified by the national parliament. Eritrea did not and still does not have a parliament that is worthy of its name. In Ethiopia the situation is different. However defective it might be, there has been a parliament that routinely ratifies international treaties. It is also interesting to note that the House of Peoples Representatives did not formally ratify the Algiers Agreement. In fact what the House of Peoples Representatives did is exactly the opposite. Though it accepted the EEBC's decision "in principle" perhaps a face saving mechanism, the house put five point peace-plan which effectively killed the implementation of the EEBC's decision. Hence, one does not need to be a constitutional expert to observe that the Algiers Agreement is dead, and there is no way of resuscitating it.

The political cost of Article 4(1) and Article 15 for the TPLF dominated government has been incalculable. Soon after the petition by Ethiopian scholars, the TPLF had a major split, leading to the eventual sacking of the Minister of Defense, the Governor of Tigray, the Chief of Staff of the Army and the Commander of the Air Force. Fourteen years after the end of hostilities, the port issue is simmering within TPLF/EPRDF file and the broader political landscape. In other words, landlocked-ness is accepted only by the TPLF elite and its old guard. Sources within TPLF/EPRDF indicate that what has not been agreed is how to "bring back" Assab/Eritrea and not whether Ethiopia/Tigrai should continue to remain landlocked.

¹⁰ http://en.wikipedia.org/wiki/Italo-Ethiopian_Treaty_of_1928

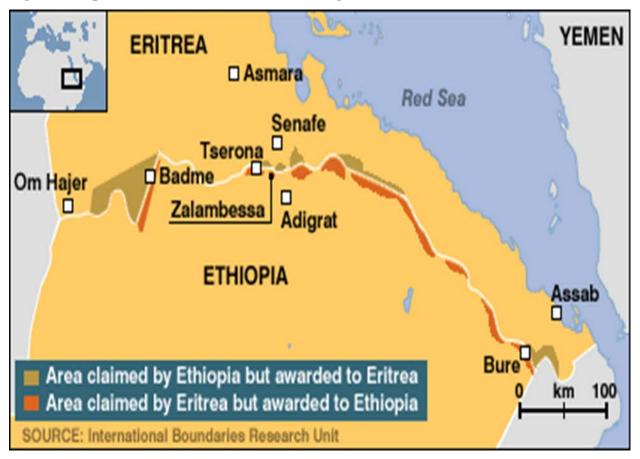


Figure 1 Disputed lands and "awards" according to the EEBC

Figure 1 provides useful information. First, the disputed areas are inland territories. Second, the EEBC's ruling was not based on the analysis of social, cultural and political constructs. It did not consider the right of the people in the contested areas to express their wishes through a referendum. Though not recognized by the international community the referendum in the oil rich region of Abeye (disputed region between Sudan and South Sudan) provides a good example of how border demarcation is not just a colonial legacy and cartographic problem. Third, it did not learn from the colonial history that shaped the map of the rest of Africa.¹¹ Fourth, Figure 1 also shows that the port of Assab is just about 70 kilometers (43 miles) from Ethiopia's border town of Bure. In other words the arbitration commission did not consider the economic, political and security consequences of its decision. Therefore, its decision can never be a source of sustainable peace. In this respect, in a document entitled approaches to solving territorial conflicts, the Carter Center notes that:-

¹¹ See for example the map of West Africa where several countries are designed in such a way that they have access to the sea through their own coastlines.

"...Territorial disputes are notoriously difficult to resolve peacefully and enduringly. The outcome of adjudication on border issues is unpredictable, and political leaders are often unwilling to accept the risks of losing territory. Arbitration or mediation (nonbinding arbitration) provides a more flexible and balanced way to reach a satisfactory outcome, but their finality also makes politicians nervous."

Furthermore, a closer examination of the geopolitical map of the region and the ethnic map of Eritrea reveal additional information. It is interesting to note that the Dankalia region in which both ports are located is inhabited by an ethnic group which shares the same values with the people in the Afar State of Ethiopia and the second largest population group in Djibouti. There is also strong historical and religious tie between the inhabitants of low land Eritrea and the Middle East. Similarly the Tigregna speaking people in Eritrea share similar cultural and religious values with the people in the Tigrai State of Ethiopia. In terms of the area that is occupied by each ethnic group in Eritrea, Tigre'e and Afar peoples occupy the bulk of the country while Tigrigna speakers though live in the smaller and densely populated highland areas they are the majority. The ramifications of these similarities and differences for peace, regional stability, cooperation and governance require a separate work.

III

As noted earlier the balance of power in the Middle East is changing and this change has a potential to spillover to the Greater Horn of Africa (including Yemen and the Red Sea region). Hence, in considering new relationships in the Horn of Africa, one has to examine factors that are beyond colonial treaties and cartographic lines. One needs to focus on real issues. As far as the importance of Assab to Ethiopia is concerned, a number of articles, books, statements have been written especially after the separation of Eritrea. For a more comprehensive analysis of the economic implications see "Landlocked-ness as an Impediment to Economic Development in Ethiopia: A Framework for a Durable Solution" by Getachew Begashaw, Ethiopian E Journal for Innovation and Research Foresight, Volume 5 No.1. For a perspective from international law and diplomacy, see the book by Yacob Haile Mariam, in Amarigna, Asseb Ye Man Nat? YeEthiopia YeBahir Ber Tiyaqie, Atafzer Press. Addis Ababa, Ethiopia, 2011. For a perspective about the United Nations decision to federate Eritrea with Ethiopia, and an eye-witness account of the events between1941-1963 see ye-ertra guday, in Amarigna, by Zewde Retta, Central Printing Press Addis Ababa 1992 EC. For an Eritrean perspective to the relationship between

Eritrea and Ethiopia, see the works of Tesfatsion Medhane, Aleme Eshete, Tekeste Negash, Bereket Habte Selassi, the EPLF's version of the struggle for independence ("Gedli") and Yosef Gebre Hiwot.

Notwithstanding the debate in each country, one important point that is yet to happen is that independent and honest scholars of substance from both countries need to find a way of replacing the Algiers Agreement with a visionary document. At present the debates are polarized and when they occur they appear to be more of publicity works. The Eritrea-Ethiopia friendship networks in the diaspora might be genuine efforts to heal the wounds on both sides but are unlikely to resolve the problems of landlocked-ness as many of the networks lack capacity and independence. The quest for an innovative solution that is forward looking needs to be supported by the governments of Eritrea and Ethiopia. Below I outline the action spaces that appear to be available to the Government of Ethiopia. The options are not mutually exclusive. Which one of the options will be selected depends on the situation, and sounds a good setting for game theory based negotiation models. A similar analysis for Eritrea enables the formulation of the set of feasible solutions.

Option #1: Accept the EEBC's decision

In a short response to Ambassador Shinn's article Professor Paulos Milkias ¹²correctly indicated that this option "*boils down to one thing: Eritrea gets everything; Ethiopia gets nothing*". In practical institutional terms the Cohen-Shinn proposal means going back to the situation before the 1998-2000 war, with few rearrangements of the "disputed" border with Ethiopia giving back *Badema* and the other "occupied territories" in exchange for a "free port".¹³ This option would not be acceptable for a number of reasons including but not limited to the fact that:-

(i) Every landlocked country in the world has access to the sea through a "free port" arrangement. Hence, Eritrea will not be making any substantive concession. In fact as Professor Paulos Milkias reminded his readers Article 125 of the United Nations Convention on the Law of the Sea, of 10 December 1982 already gives Ethiopia the right to use the ports in the region, including the ports in Eritrea.

¹² http://www.ethiomedia.com/14store/5616.html

¹³ See for example the interview with Ethiopian Review in 2009. http://www.ethiopianreview.us/9842

- (ii) Comparison of the military, economy, governance and educational variables indicate that the two countries are not very different from one another, but most indicators marginally favor Ethiopia. These variables influence the outcomes of negotiations.
- (iii) Though more expensive than Assab, there are a number of competing ports (including dry ports) in the region, and Ethiopia has managed to survive landlocked-ness in spite of higher than normal transportation costs.
- (iv) Accepting this option legitimizes the landlocked-ness of 90 million people permanently;
- (v) The proposal ignores the changing security and geopolitical situation in the region;
- (vi) There are a number of arguments that work against Eritrea's claim of sovereignty over Assab and almost the entire sea coast is inhabited by Afars who appear to have grievances against the Government of Eritrea;
- (vii) The free port option creates jobs and investments for Eritreans and makes marginal reduction in transport cost for Ethiopia, and hence the economic benefits from this arrangement largely accrues to Eritrea;
- (viii) In the event of a crisis within Eritrea Ethiopia's military will be forced to enter into Eritrea to protect the "free port".
- (ix) Throws the ruling party in Ethiopia into deeper political difficulty.

Therefore the proposal suggested by Ambassador Cohen and supported by Ambassador Shinn has a number of difficulties which makes it a non-starter for Ethiopia.

Option #2:-Continue the current policy

The "no war no peace" situation is a de facto rejection of the EEBC's decision, apparently by both sides as Eritrea too has expelled the UN peace keeping force. Implicit in this policy is that both parties are waiting for change of policy or leadership/regime change in the rival country. This policy has forced Eritrea (i) to put its entire population on a war footing, the impact of which is serious; and (ii) harboring/arming a variety of dissident groups from Ethiopia. The "no war no peace" policy has also forced Ethiopia to move its core army to the front lines, reciprocate by supporting dissident groups from Eritrea and providing shelters to Eritrean refugees. The continuation of this policy evidently hurts both Eritrea and Ethiopia but the severity of the hurt is being felt more in Eritrea than in Ethiopia.

Option #3:-Support regional nationalisms

Eritrea is openly supporting ethno-nationalist movements that are against the Government of Ethiopia. It is also supporting groups that have grievances about the 2005 failed election. In the context of Eritrea two regional nationalisms are known to exist. The first is the Tigrai-Tigrignu political construct. The second is the Afar movement; which has relevance to the problems of Ethiopia's landlocked-ness. If the Government of Ethiopia pursues a policy of supporting Afar movements in Eritrea, the policy has the potential to break up present day Eritrea into highland and lowland on one hand, and resuscitates the politics of the 1950s and the 1980s. If the people of Afar elect to have their own independent state, since Afars control the over 1000 kilometers long of seacoast, Ethiopia could recognize that and negotiate closer association with the new Afar State.

However, this option requires careful thinking as(i) Eritrea is also reciprocating and the conflicts are essentially proxy wars; (ii) the behavior of the new state of Afar towards Ethiopia can be worse than the behavior of the Government of the day in Eritrea; (iii) the break-up of Eritrea is not necessarily in the interest of Ethiopia; (iv) the region can be another fertile ground for those who fan the Middle East conflict in the Horn of Africa; and (v) the success of the policy would be very much dependent on how China, Russia, Britain, France and the United States take the emergence of yet another new country in the Horn of Africa.

Option #4: Start afresh and try to make a new comprehensive treaty with Eritrea

If a referendum was the solution to the type of relationship that Eritrea and Ethiopia should have we have tried it twice and it has not worked. The two decisions of the United Nations (December 1950 and April 1993) did not lead to peace and stability. The Algiers Agreement and the decision of the EEBC have not worked. Hence, the ideal form of association between the two countries is yet to be found. In this respect, the scope of the Italo-Ethiopian Treaty of 1928, also known as *the Italo–Ethiopian Treaty of Friendship and Arbitration*, ¹⁴ a key agreement not considered by the EEBC and the United Nation, can be a starting point. Wikipedia states that "the treaty declared a 20-year friendship between the two nations, access to the sea for Ethiopian,

¹⁴ http://en.wikipedia.org/wiki/Italo-Ethiopian_Treaty_of_1928#cite_note-1

a road for Italy, and an agreement to settle future disagreements through the League of Nations." More specifically the treaty "provided a concession to Ethiopia at the Red Sea port of Asseb in the Italian colony of Eritrea, called for the two nations to co-operate in building a road between Asseb and Dessie, stated that the border between Italian Somaliland and Ethiopia was twenty-one leagues parallel to the Benadir coast (approximately 73.5 miles)". A friend who has read the document told me that the agreement involved a small tract of land at the port, and at a price of one "dollar".

Expanding the scope of the 1928 agreement, Eritrea and Ethiopia can enter into a long term irrevocable contract that has duration of say 100 years, at a token price. Evidently the negotiation will have to take cognizance of present day realities and future trends. President Isayas does not have the military might of Benito Mussolini of Italy to dominate or intimidate and eventually capture Ethiopia. Here if there is the political will on the part of the TPLF/EPRDF, Ethiopia might have the strength to demand the full control of a sizeable portion of the coast as this gives the country the opportunity to secure the port areas. This type of agreement though is rooted in colonial time, it can be modernized. The advantage for Ethiopia is that it resolves the problems of landlocked-ness and eliminates the risk emerging from instability in Eritrea or the foreign occupation/intervention of the region.

For Eritrea the long term irrevocable contract provides peace. It is a start of several confidence building measures for a renewed association between the two countries. It is also a face saving mechanism for the political leadership. Eritrea will not be threatened by successive Ethiopian regimes. The country can be a conduit for trade and tourism. Places of worships can be interconnected once again and social-cultural relationship can once again have their golden days. The country does not have to spend on defense and security as it is doing now. Furthermore, Eritreans nationalists will be able to understand the problems of landlocked-ness, and also learn from other historical incidences:- Namibia and South Africa over the Walvis Bay, and United States and Panama over the Panama Canal are examples. It can share revenues from joint activities, and may negotiate to get arable land in the interior region. In other words the opportunities for cooperation are infinite. If the relationship changes for the better, at the end of the agreement period, Eritreans may want to have another referendum to form a union with

Ethiopia. Starting afresh with a comprehensive agreement paves the way for the normalization of relations.

This option however is more than likely to face resistance from military strategists in Ethiopia as they might see it as a weak strategy to resolve Ethiopia's landlocked-ness. It must also be examined against the backdrop of Ethiopia's rejection of Somaliland's proposal for closer form of association between the two countries so that Ethiopian can upgrade and use the Ports in Somaliland. Added to the list of port options is the proposal of building a dedicated port for Ethiopia at Tajura (Djibouti).

Option #5 Find a military solution to the problem of Ethiopia's landlocked-ness

Invading the Dankalia region of Eritrea, where the ports are located, remains an option for Ethiopia's military strategists. The international reaction to Ethiopia's effort to reverse its landlocked-ness is untested and the Government of Ethiopia has not yet indicated interest in the port of Assab¹⁵. Notwithstanding this, analysts agree that unlike the year 1998 the Ethiopian military is in a much better shape now. Furthermore, it does not depend on the United States for its supplies. The top brass of the army is Tigrean dominated and is familiar with the topography of Eritrea. The military's combat readiness however needs to be guided by political will on the part of the TPLF/EPRDF and diplomatic support from China, Russia so that the United States and France's interests in the region are balanced with Ethiopia's interests.

However, this option is not without problems:- (i) it raises Eritrean nationalism; (ii) the invasion is more than likely to bring in third parties (example Egypt, Iran, Palestine, Saudi Arabia, etc.) into the conflict; (iii) the United States (with its drones in the region) and France are unlikely to openly support this move; (iv) even if the Ethiopian Defense Forces succeed in the capturing of Dankalia or indeed the entire country, pacifying the region and making it economically active will not be easy. Military expedition of some sort however may make more sense in the unlikely event of a major civil war in Eritrea or the country allows its territory to be used by countries that are hostile to Ethiopia.

¹⁵ http://www.ethiomedia.com/news/meles_foiled_assab_capture.html

In conclusion, there are a number of options that are available to the Government of Ethiopia. Identification of the options that are available to the Government of Eritrea requires a separate work. For Ethiopia, the least attractive is the option #1, the option supported by Ambassadors Cohen and Shinn. Option #2 is the current situation, which is better for Ethiopian than option #1. A win-win situation can be found around option #4 if Eritrea offers a better deal than Djibouti, Somaliland, Somalia, Kenya and the Sudan. That suggests that Eritrea needs to consider the voluntary loss of sovereignty over Assab. Option #3 has the potential to break up Eritrea and taking cue from the experiences of Somalia and South Sudan it is undesirable. Option #5 involves force and depends on how the military wants to settle the matter.

Finally one might like to ask what the international community and the United States can or cannot do. What are the roles of China and Russia in the geopolitics of the region? Is it too difficult to convince the powers that the Algiers Agreement and the EEBC decision were not fair to Ethiopia and its 90 million people? What are the lessons from the inactions and mistakes of the past, and how can one undo the damages are important conversations that are waiting to happen.
