

The Impediments to Building the Common Infrastructure in the Horn of Africa

Daniel Kendie

Synopsis:

The infrastructure affects growth and development. It assists in coping with population growth, in improving environmental conditions, in raising output and in lowering production costs. It also helps to diversify production and to expand trade. Safe water is essential for everything. The provision of energy and hydro-electricity is a must for development. In effect, the infrastructure opens the path to sustained growth. If we relate all this to the Horn of Africa, we will discover that the countries of the sub-region have not made any appreciable headway in building the common infrastructure because of the legacy of unresolved conflicts. Since so many interest groups are also involved in their conflicts, no solution seems to be in sight. Among the conflicts are the territorial disputes between Somalia and Ethiopia, Eritrea and Ethiopia, Djibouti and Somalia, Kenya and Somalia, Djibouti and Eritrea. In a situation where the governments of the sub-region do not therefore even have normal working relationships, to propose that the common infrastructure be built would be either outright disingenuous or naïve. One can write on each conflict. However, since time does not permit such a luxury, this paper will examine in some detail the conflicting stakes of Somalia and Ethiopia to show how irreconcilable their positions have been. It will then present a brief account of the serious internal and external problems which confront the sub-region, and which need to be addressed, and then conclude by making some observations regarding the infrastructure.

Ethiopia's Position:

With regard to the Ogaden Province of Eastern Ethiopia which Somalia claims, Addis Ababa maintains that the province had been an integral part of Ethiopia since the reigns of Emperors Amde Tsion[1312-1342], Dawit[1382-1411], Yeshaque[1414-1429], Zere Yacob [1434-1468], and Sertse Dingil 1563-1597]. Furthermore, Addis Ababa also argues that its dispute with Somalia centres only on the demarcation of the borders of former Italian Somaliland and Ethiopia. The northern portion -i.e. the Ethiopia-British Somaliland border, it says, has already been demarcated, and therefore, cannot be a subject for discussion, let alone negotiation. In point of fact, Ethiopia maintains that its borders with Somalia are internationally recognized, and have been confirmed on ten different occasions from 1897 to 1988.

1. On July 28, 1897, when the Anglo-Ethiopian Boundary Treaty was affirmed by the British Parliament and duly ratified by Queen Victoria;
2. On June 16, 1908, when the Italian Parliament ratified the Italo- Ethiopian Boundary Treaty of 1897 and the Convention of 1908. Duly concluded, signed and ratified, it legally binds the signatory parties and their successors, either directly or by right of devolution;

3. In 1923 when the League of Nations registered these treaties (art.1, para.3 and art.18), by the very fact of Ethiopia's membership to the League of Nations;
4. In 1934, when the members of the League of Nations accepted the 1908 Convention as the legal basis for solving the Italo-Ethiopian boundary dispute, and when Ethiopia went to war with Fascist Italy (1934-1941) in the defence of the very same province now claimed by Somalia;
5. In 1945, when the United Nations registered these treaties;
6. In 1950, when the United Nations General Assembly approved the Trusteeship Agreement of 2 December 1950, affirming that Somalia's boundaries with Ethiopia shall be those fixed by international agreements. In so far as they are not delimited, they shall be delimited in accordance with a procedure approved by the General Assembly;
7. In July 1964, when the OAU Heads of State Summit in Cairo adopted the Resolution (AHG/Res.16 (I) on the inviolability of state frontiers;
8. In 1964, when the Non-Aligned Heads of State Summit in its meeting in Cairo also decided that existing frontiers should be maintained;
9. In 1981, when the OAU Heads of State Summit in Nairobi adopted the Recommendations of the 1980 Logos meeting of the Good Offices Committee, and declared that "the Ogaden is an integral part of Ethiopia."
10. In 1988, when the late President Siad Barre of Somalia signed an agreement in Djibouti with President Mengistu Haile Mariam of Ethiopia renouncing Somalia's claim to the Ogaden.

Somalia's Position:

For the Somali Republic, the dispute with Ethiopia has nothing to do with problems associated with border demarcation. Rather, it is a question of respecting the rights of the people of the Ogaden to self-determination, and of recovering land, which Mogadisho claims, that it "lost" because of the 19th century treaties that Ethiopia signed with the various European colonial powers.

1. Somalia contends that both the U.N and OAU Charters affirm the rights of peoples to self-determination, and that Article 103 of the U.N. Charter on self-determination prevails over rights which Ethiopia claims under treaties that it signed with the various European colonial powers;
2. Somalia accuses Ethiopia of being a colonialist state, and argues that the people of the Ogaden are under alien domination. They must therefore be beneficiary to all the relevant resolutions on de-colonization in order to be able to exercise their rights to self-determination;
3. Somalia contends that it was never a party to these treaties, and as such, it should not be expected to accept them;
4. That such resolutions adopted by the OAU and the Non-Aligned countries refer to new disputes, and not to those which already exist; and
5. That it has registered its serious reservations to such resolutions and therefore is not bound by them.

The Ethiopians have challenged Somalia's position by contending that, to begin with, a state has to have defined boundaries. Since there was no state in history called "Somalia"

before 1960, they could not have taken land from a non-existent entity. Ethiopia has also referred to Article 62 (a) of the Vienna Convention on the Law of Treaties, which provides that “A fundamental change of circumstances which has occurred with regard to those existing at the time of the conclusion of a treaty, and which are not foreseen by the parties, may not be invoked as a ground for terminating or withdrawing from a treaty, if the Treaty establishes a boundary.”

Addis Ababa has also referred to the International Law Commission’s Report that was approved by the U.N. General Assembly, which maintains, “that the clean state principle does not in any event relieve a newly independent state of the obligation to respect a boundary settlement and certain other situations of a territorial character established by Treaty.”

For Ethiopia, therefore, the right of self-determination cannot have preponderance over the principle of sovereignty, and it emphasizes that Ethiopian Somalis, who live in the Ogaden Province, enjoy the right to govern themselves, to establish their own regional constitution, to elect their own representatives to regional and federal assemblies, and to use their language as a medium of instruction in schools, and in that way, they exercise the right to self-determination. One could also add that if Somalia’s views on self-determination are to be taken seriously, it should be the first to recognize the Republic of Somaliland because the majority of its citizens have already voted for independence.

Unfortunate as it is, Ethiopia and Somalia have gone to war five times in the last forty seven years over the Ogaden. Similarly, Kenya and Somalia have also fought three times over the Northern Frontier District. In both cases, the result has been death, destruction of property, and the displacement of millions of people. Is Mogadisho now prepared to renounce its claims to Djibouti, the Ogaden province of Ethiopia, and to the Northern Frontier District of Kenya? Ethiopia and Eritrea fought over a territorial dispute which resulted in the death of 100,000 people, in the displacement of millions and in the destruction of property. In this case too, is Ethiopia prepared to give up Bedime to Eritrea? Has Somalia solved its internal problems of national unity to be able to cooperate with its neighbours? Should its neighbors deal with the Republic of Somaliland and Puntland or with Somalia? What would be the reaction of the Ogaden Liberation Front to the construction of a series of roads linking Ethiopia with Somalia? These are all legitimate questions that should be considered when one speaks of building the common infrastructure.

The Inroads of Islamic Fundamentalism:

Islamic fundamentalism which thrives in areas of poverty and destitution has already begun its creeping inroads into the Horn of Africa and has established tentacles throughout the sub-region. The chaos in Somalia, fractured as it is along clan and tribal lines, and immersed in inter-clan struggle for power, has made segments of the population and some of their leaders amenable to close cooperation with the fundamentalist leaders of the Sudan, Saudi Arabia, Iran, and Afghanistan, as well as Osama Bin Laden. In spite of the existence of a Transitional Government that has been recognized by the African Union and the United Nations, the Union of Islamic Courts who harbour al-Qaeda members, and who are being bank rolled by Saudi Arabia and

other Arab countries, want to establish a fundamentalist Muslim theocracy and to turn Somalia into a safe haven to foreign terrorists. The Islamists also want to unite Somalia, but Somaliland and Puntland are resisting them. Furthermore, Somalia's Islamic leaders have revived the claim to the Northern Frontier District of Kenya and the Ogaden Province of Ethiopia to be part of Somalia.

The situation is complicated further because a recent report to the United Nations Security Council reveals that powers far and near are involved in the conflict in Somalia. Eritrea wants to get even with Ethiopia by serving the Arabs as a major go between them and the Somalis. Syria and Libya are training the Islamic fighters. Saudi Arabia and Egypt continue to provide military aid. Iran has supplied 125 shoulder-fired surface-to-air missiles. As we can see, the making of Somalia a safe haven for terrorists and Islamic fundamentalists can only complicate matters. Each of the external powers has its own agenda. Saudi Arabia is driven by the prospect of expending Islam. Egypt wants to get closer to the head waters of the Blue Nile. To that end, Cairo had signed an agreement with the late General Aidid to settle some three million Egyptians in the fertile river basins of southern Somalia.

To help them achieve their objectives, Somalia's Islamic leaders have been soliciting aid and support from their co-religionists including Yemen, Syria, Iran, Egypt, Libya, Saudi Arabia, Sudan, Djibouti, and the U.A.E. Ethiopia and Kenya which support the Transitional Government have legitimate reasons for taking more than a casual interest in what is going on in Somalia. Ethiopia opposes the Wahabist Islamists claiming that they are terrorists and expansionists. As a result, they have declared "jihad" on Ethiopia. Nevertheless, the governments of Somalia and Ethiopia appear to have defeated the radical Islamic Courts Union by military means. However, the insurrection is on the rise.

In making a public declaration of its intent to fight against the Islamists in Somalia, the regime in Ethiopia has its own agenda. Its public declaration of fighting Jihadists in Somalia contradicts its policy of opening Ethiopia's doors to Jihadists, Wahabists and Islamic fundamentalists, who have become very active throughout Ethiopia. According to the New York Times, "Fears are mounting again among Christians in Ethiopia about another onslaught from Muslim Fundamentalists. The new government led by Meles Zenawi is not only unsympathetic to the church but is more accommodating to Islamic Fundamentalism."

In 1996, a series of bomb blasts rocked hotels in Addis Ababa and in the eastern Ethiopian town of Dire Dawa. Al-Itihad al-Islami, that is based in Somalia, and that has links with al-Qaeda, has been blamed for it. There was also an attempted assassination of President Mubarek of Egypt on June 26, 1995, in Ethiopia. In January 2002, five Somalis who belonged to the Al-Itihad al-Islamiya were sentenced to death by an Ethiopian court for carrying out a series of bomb attacks in the country. These terrorist activities have continued.

Building the Infrastructure:

The countries of the Horn of Africa have complementary resources. Indeed, in an ideal situation, if they were to build the common infrastructure and concentrate on development, the sub-region could be transformed.

Somalia's population is overwhelmingly nomadic. It has been observed that the average cow requires annually some 18 sq.miles of land for grazing purposes. Under such conditions, it may be more appropriate to portray the conflict as a conflict that has been driven principally by economic interests and by the effort to control scarce resources. Indeed, the uneven distribution of resources, environmental degradation, drought, desertification, and widespread poverty creates propitious grounds for violence. Hence, economics is overlaid on ethnicity, and economic problems pass either for border disputes or for ethnic and religious conflicts between these countries.

There is a symbiotic linkage between peace and security on one hand, and economic growth and social development on the other. If the sub-region is not to continue being synonymous with violence, hunger, poverty and destitution, ways and means will have to be found to speed up economic growth and social development. In fact, once an atmosphere of trust and confidence prevails, cooperative agreements in different areas could be advanced to pave the way for joint exploration and exploitation of resources for mutual benefit. Perhaps development cooperation may be the way out. It is an approach worth taking. The resumption of trade, communications, and other exchanges between formerly warring parties has been known to ameliorate historical enmities between states. It could be conducted under the umbrella of the Intergovernmental Authority on Development (IGAD). Cooperation in such area as agricultural research, education and public health, forestation, settlement of nomads, integrated rural development, could be tried. The building of roads and the common infrastructure for carrying out even such modest activities will be crucial.

The creation and establishment of transport and other means of communication which link these countries is absolutely essential for effective cooperation. Cooperation in trade should not be seen in isolation from cooperation in other sectors, whether industry, agriculture, energy, or the development of human resources. There may be articles of which there is surplus production over and above domestic requirements which are at the same time imported from outside. There may also be articles of which the production in one, small at present because of the small domestic market, would probably increase in proportion to the expansion of the market. According to the IMF, in 1982 for example, Somalia's imports from Ethiopia were valued at nearly 156 million Somali Shillings, while its exports to Djibouti were valued at nearly 3 million. Given a common cooperative policy, and better means of transport and communication, these trade figures can increase considerably because there would be opportunities for trade creation and trade diversion.

If the transport cost of say an Ethiopian product being exported through the Port of Massawa, which is more than 1,000 kms from Southern Ethiopia, can be reduced by 50% through the use of the Ports of Mogadisho or Kismayou in Somalia because of distance

and better means of transport, the ultimate effect would be to lower delivery prices, to stimulate volume of sales and hence to increase employment opportunities and the gross national product in both countries. The labour force in all Somalia's ports in 1980, which served 656 ships, was only 2,800. But if Ethiopia were to use them, the labour force could increase substantially, and there will be increased revenue for the central treasury.

In the conditions of the Horn of Africa, it is estimated by civil engineers that on the average, primary roads can cost \$150,000 per km. Secondary roads can cost \$100,000 per km, and feeder roads even less. The building of artery roads or upgrading existing ones should be left to the governments concerned. Our major concerns should be the roads that will open productive lands and that are sub-regional in character.

Let us conclude by observing that even some measure of development cooperation can open possibilities for political accommodation. And once the benefits of cooperation, however limited, are demonstrated, they may have multiplier effects to change perceptions, and open the way for increased cooperation and integration. The envisaged cooperation can assuage internal frictions, minimize external interference, especially that of Islamic fundamentalism in the affairs of these countries, and create propitious conditions to help address various developmental questions, including the overlapping problems of nomadism and incessant drought, and facilitate the wide-spread mobilization of resources for growth and development. As the economies of these countries evolve into modern surplus economies, the interdependence between the different regions for sources of supply and markets can be enhanced, and that would contribute to peace and stability. In time, the border would lose its significance and meaning.

Summary: Infrastructure and Water Development Panel

It was reported that the countries of the Horn of Africa sub-region have complementary resources, and that the disparity in factor endowments can be compensated for by some arrangements. Having presented the conflicting positions of Ethiopia and Somalia on the status of the Ogaden province of Ethiopia that Somalia claims, the paper indicated the complexity of the problems that have negatively affected their relations. It also draws attention to the sub-region becoming a haven for terrorists. Under such circumstances, if ever the common infrastructure is to be built, and to open the possibilities for further cooperation, it was recommended that the causes of the conflicts be addressed. With regard to water development, it was also reported that water scarcity has become one of the major obstacles to sustainable development. Its quality is also poor. The total amount of renewable annual fresh water ranges from 110km³ in Ethiopia to 2.3km³ in Djibouti, 8.8km³ in Eritrea, and 13.5km³ in Somalia. Yet, there is sufficient quantity of underground water in the sub-region that can be exploited with simple technology. To that end, it was recommended that a comprehensive sub-regional development plan be worked out.

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