

108TH CONGRESS  
1ST SESSION

# H. R. 2760

To limit United States assistance for Ethiopia and Eritrea if those countries are not in compliance with the terms and conditions of agreements entered into by the two countries to end hostilities and provide for a demarcation of the border between the two countries, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2003

Mr. LANTOS (for himself and Mr. PAYNE) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To limit United States assistance for Ethiopia and Eritrea if those countries are not in compliance with the terms and conditions of agreements entered into by the two countries to end hostilities and provide for a demarcation of the border between the two countries, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Resolution of the  
5       Ethiopia–Eritrea Border Dispute Act of 2003”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ALGIERS AGREEMENTS.**—The term “Algiers  
4 Agreements” means the Cessation of Hostilities  
5 Agreement and the Comprehensive Peace Agree-  
6 ment.

7 (2) **APPROPRIATE CONGRESSIONAL COMMIT-**  
8 **TEES.**—The term “appropriate congressional com-  
9 mittees” means the Committee on International Re-  
10 lations of the House of Representatives and the  
11 Committee on Foreign Relations of the Senate.

12 (3) **CESSATION OF HOSTILITIES AGREEMENT.**—  
13 The term “Cessation of Hostilities Agreement”  
14 means the Agreement on the Cessation of Hostilities  
15 signed on June 18, 2000, in Algiers, Algeria, by the  
16 Government of Ethiopia and the Government of Eri-  
17 trea that established a temporary demilitarized secu-  
18 rity zone within Eritrea to be enforced by the United  
19 Nations Peacekeeping Mission in Ethiopia and Eri-  
20 trea (UNMEE).

21 (4) **COMPREHENSIVE PEACE AGREEMENT.**—The  
22 term “Comprehensive Peace Agreement” means the  
23 agreement signed on December 12, 2000, in Algiers,  
24 Algeria, by the Government of Ethiopia and the  
25 Government of Eritrea, under the auspices of the  
26 Organization of African Unity (OAU), that provided

1 for an end to military hostilities between the two  
2 countries, assurances by the countries to refrain  
3 from the threat or use of force against each other,  
4 and established a neutral Boundary Commission to  
5 delimit and demarcate the border between the two  
6 countries.

7 (5) ECONOMIC ASSISTANCE.—The term “eco-  
8 nomic assistance” means—

9 (A) assistance under chapter 1 of part I of  
10 the Foreign Assistance Act of 1961 (relating to  
11 development assistance); and

12 (B) assistance under chapter 4 of part II  
13 of the Foreign Assistance Act of 1961 (relating  
14 to economic support fund assistance).

15 (6) MILITARY ASSISTANCE AND ARMS TRANS-  
16 FERS.—The term “military assistance and arms  
17 transfers” means—

18 (A) assistance under chapter 2 of part II  
19 of the Foreign Assistance Act of 1961 (relating  
20 to military assistance), including the transfer of  
21 excess defense articles under section 516 of that  
22 Act;

23 (B) assistance under chapter 5 of part II  
24 of the Foreign Assistance Act of 1961 (relating  
25 to international military education and training

1 or “IMET”), including military education and  
2 training for civilian personnel under section 541  
3 of that Act (commonly referred to as “Ex-  
4 panded IMET”); and

5 (C) assistance under the “Foreign Military  
6 Financing” Program under section 23 of the  
7 Arms Export Control Act and the transfer of  
8 defense articles, defense services, design and  
9 construction services, or any other defense-re-  
10 lated training under that Act.

11 **SEC. 3. FINDINGS.**

12 Congress makes the following findings:

13 (1) On May 6, 1998, a conflict erupted between  
14 Ethiopia and Eritrea, two of the world’s poorest  
15 countries.

16 (2) The two-year war claimed 100,000 lives,  
17 displaced more than 1,000,000 people, cost Ethiopia  
18 more than \$2,900,000,000, and caused a 62 percent  
19 decline in food production in Eritrea.

20 (3) Millions of dollars were diverted from much  
21 needed development projects into military activities  
22 and weapons procurements at a time when severe  
23 drought threatened a famine in both Ethiopia and  
24 Eritrea, as bad as the famine in 1984 in those coun-  
25 tries, putting more than 13,000,000 lives at risk.

1           (4) On June 18, 2000, Prime Minister Meles  
2       Zenawi of the Federal Democratic Republic of Ethi-  
3       opia and President Issaias Afewerki of the State of  
4       Eritrea signed the Cessation of Hostilities Agree-  
5       ment in Algiers, Algeria. On December 12, 2000,  
6       the two countries also signed the Comprehensive  
7       Peace Agreement in Algiers under the auspices of  
8       the Organization of African Unity (OAU) and in the  
9       presence of United Nations Secretary General Kofi  
10      Annan and President Abdel-Aziz Boutheflika of Al-  
11      geria.

12           (5) Article 4.2 of the Comprehensive Peace  
13      Agreement states the following: “The parties agree  
14      that a neutral Boundary Commission composed of  
15      five members shall be established with a mandate to  
16      delimit and demarcate the colonial treaty border [be-  
17      tween the two countries] based on pertinent colonial  
18      treaties (1900, 1902 and 1908) and applicable inter-  
19      national law.”.

20           (6) Article 4.15 of the Comprehensive Peace  
21      Agreement states the following: “The parties agree  
22      that the delimitation and demarcation determina-  
23      tions of the Commission shall be final and binding.  
24      Each party shall respect the border so determined,

1 as well as territorial integrity and sovereignty of the  
2 other party.”.

3 (7)(A) The President of the United Nations Se-  
4 curity Council, on behalf of the Security Council,  
5 confirmed the Security Council’s endorsement of the  
6 terms and conditions of the Algiers Agreements,  
7 with special reference to the neutral Boundary Com-  
8 mission described in Article 4.2 of the Comprehen-  
9 sive Peace Agreement and its mandate.

10 (B) In addition, the Security Council reaffirmed  
11 its support for the Algiers Agreements in United  
12 Nations Security Council Resolution 1308 (July 17,  
13 2000), 1312 (July 31, 2000), 1320 (September 15,  
14 2000), 1344 (March 15, 2001), 1369 (September  
15 14, 2001), 1398 (March 15, 2002), 1430 (August  
16 14, 2002), 1434 (September 6, 2002), and 1466  
17 (March 14, 2003).

18 (8) On April 13, 2002, the neutral Boundary  
19 Commission announced its “Delimitation Decision”,  
20 reiterating that both parties had agreed that it  
21 would be “final and binding”.

22 (9) Following the decision of the Boundary  
23 Commission that the heavily disputed town of  
24 Badme would be zoned to the Eritrean side of the  
25 new border, Foreign Minister Seyoum Mesfin of

1 Ethiopia announced on April 15, 2003, that “[n]o-  
2 one expects the [G]overnment of Ethiopia to accept  
3 these mistakes committed by the Commission”. Fur-  
4 ther, the Ethiopian Ministry of Information released  
5 a statement accusing the Boundary Commission of  
6 an “unfair tendency” in implementing the border  
7 ruling and “misinterpreting” the Algiers Agree-  
8 ments.

9 (10) In his March 6, 2003, “Progress Report”  
10 to the United Nations Security Council, Secretary  
11 General Kofi Annan reported that Prime Minister  
12 Zenawi of Ethiopia had expressed to his Special  
13 Representative, Legwaila Joseph Legwaila, that “if  
14 its concerns were not adequately addressed Ethiopia  
15 might eventually reject the demarcation-related deci-  
16 sions of the Commission”.

17 (11) The independent Boundary Commission  
18 has investigated, reviewed, and rejected Ethiopia’s  
19 claims with respect to the village of Badme, and in  
20 a report issued on March 21, 2003, stated that,  
21 based on the boundary line from the 1902 treaty be-  
22 tween the two countries that was used as the ref-  
23 erence under the terms of the Algiers Agreements,  
24 the evidence submitted by the Government of Ethi-  
25 opia to support its claim was “inadequate and incon-

1       sistent” and the Commission “cannot allow one  
2       party to claim a territorial right, to insist on adjust-  
3       ments of parts of the boundary which that party  
4       finds disadvantageous”.

5   **SEC. 4. SENSE OF CONGRESS.**

6       It is the sense of Congress that both Ethiopia and  
7   Eritrea should take all appropriate actions to implement  
8   the Algiers Agreements, including by accepting the “De-  
9   limitation Decision” issued by the neutral Boundary Com-  
10   mission on April 13, 2002, with respect to the boundary  
11   between the two countries.

12   **SEC. 5. DECLARATIONS OF POLICY.**

13       Congress makes the following declarations:

14           (1) Congress expresses its support for the  
15   Boundary Commission established by the Com-  
16   prehensive Peace Agreement and calls on the inter-  
17   national community to continue to support the  
18   United Nations trust fund established to facilitate  
19   the process of demarcation between Ethiopia and  
20   Eritrea and the economic and social transition of af-  
21   fected communities to new borders determined by  
22   the Commission.

23           (2) Congress further declares that it shall be  
24   the policy of the United States to limit United  
25   States assistance for Ethiopia or Eritrea if either



1       such country is not in compliance with, or is not  
2       taking significant steps to comply with, the terms  
3       and conditions of the Algiers Agreements.

4           (3) Congress strongly condemns recent state-  
5       ments by senior Ethiopian officials criticizing the  
6       Boundary Commission's decision and calls on the  
7       Government of Ethiopia to immediately end its in-  
8       transigence and fully cooperate with the Commis-  
9       sion.

10 **SEC. 6. LIMITATIONS ON UNITED STATES ASSISTANCE.**

11       (a) LIMITATION ON ECONOMIC ASSISTANCE.—Eco-  
12       nomic assistance may only be provided for Ethiopia or Eri-  
13       trea for any period of time for which the President deter-  
14       mines that Ethiopia or Eritrea (as the case may be) is  
15       in compliance with, or is taking significant steps to comply  
16       with, the terms and conditions of the Algiers Agreements.

17       (b) LIMITATION ON MILITARY ASSISTANCE AND  
18       ARMS TRANSFERS.—Military assistance and arms trans-  
19       fers may only be provided for Ethiopia or Eritrea for any  
20       period of time for which the President determines that  
21       Ethiopia or Eritrea (as the case may be) is in compliance  
22       with, or is taking significant steps to comply with, the  
23       terms and conditions of the Algiers Agreements.

24       (c) EXCEPTIONS.—The limitation on assistance  
25       under subsections (a) and (b) shall not apply with respect

1 to humanitarian assistance (such as food or medical as-  
2 sistance), peacekeeping assistance, counterterrorism ini-  
3 tiatives, assistance to protect or promote human rights,  
4 and assistance to prevent, treat, and control HIV/AIDS.

5 (d) WAIVER.—The President may waive the applica-  
6 tion of subsection (a) or (b) with respect to Ethiopia or  
7 Eritrea if the President determines that it is in the na-  
8 tional security interests of the United States to do so.

9 **SEC. 7. REPORT.**

10 Until the date on which the border demarcation be-  
11 tween Ethiopia and Eritrea is finalized, the President  
12 shall prepare and transmit on a regular basis to the appro-  
13 priate congressional committees a report that contains a  
14 description of progress being made toward such demarca-  
15 tion, including the extent to which Ethiopia and Eritrea  
16 are in compliance with, or are taking significant steps to  
17 comply with, the terms and conditions of the Algiers  
18 Agreements.

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