BIAR PUBLISHER
Ȓowter Journal
e-ISSN : 2828-1950
p-ISSN : 2828-9765

Reconciling History and Realpolitik: A Win-Win Institutional Framework for Ethiopian Red Sea Access and Eritrean Sovereignty in the Horn of Africa

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Abstract: *The Ethiopia-Eritrea dispute over Red Sea access represents one of the most consequential geopolitical questions in the Horn of Africa, a region described as a "geopolitical chessboard for both local and global powers." Ethiopia, the world's most populous landlocked country with over 130 million citizens, has been without direct sea access since Eritrea's 1993 secession, with 95% of its foreign trade dependent on the Port of Djibouti. Yet Eritrea's sovereignty over Massawa and Assab is absolute under international law. This article argues that despite deep historical grievances, particularly the unilateral 1962 dissolution of the UN-mandated federation without popular consent, the contemporary solution lies not in territorial revisionism but in a legally binding, commercially incentivized "win-win" institutional framework. Drawing on UNCLOS Article 125, comparative transit regimes, and regional integration theory, the article proposes a tripartite governance model involving a Joint Port Authority, revenue-sharing mechanisms, and international guarantees that simultaneously secures Ethiopia's economic lifeline and upholds Eritrea's sovereign borders. Economic analysis demonstrates that cooperation could save Ethiopia $300–500 million annually, generate $200–400 million yearly for Eritrea, and expand bilateral trade from $50–100 million to $1 billion by 2030. The article concludes that a win-win agreement is not merely desirable but strategically necessary for regional stability and that the key variable is political will on both sides and constructive international engagement.*

Keywords: *Ethiopia-Eritrea relations; Red Sea access; UNCLOS Article 125; win-win institutional framework; Horn of Africa geopolitics*

I. Introduction

The Horn of Africa stands at a geopolitical crossroads where historical grievances, sovereign ambitions, and strategic imperatives converge with profound implications for regional and global stability. Few issues encapsulate this complexity more acutely than Ethiopia‘s quest for reliable access to the Red Sea—a pursuit that Prime Minister publicly articulated on 13 October 2023 as an “existential matter” for the nation (Mahemud Eshtu Tekuya, 2024, p. 301). In a forty-five-minute address to Ethiopian parliamentarians, framed sea access as indispensable to Ethiopia’s survival, declaring that “a population of 150 million can‘t live in a geographic prison” (Addis Standard, 2023). This declaration reverberated across the region, triggering concerns among neighbouring states and reigniting a debate that lies at the intersection of international law, historical memory, and realpolitik.

The core tension driving this dispute is deceptively simple yet extraordinarily resistant to resolution. Ethiopia, the world’s most populous landlocked country with approximately 130 million people, has been without direct sea access since Eritrea’s 1993 secession, following a UN-supervised referendum in which 99.8% of voters chose independence (United Nations, 1993). Today, approximately 95% of Ethiopia’s international trade funnels through the single port of Djibouti, creating profound economic vulnerabilities: Ethiopia incurs an estimated $1.6 billion annually in port fees, exposing its economy to exorbitant logistics costs and rendering it susceptible to disruption from political instability or congestion in a single

Rowter Journal
ISSN: 2828-1950 (Online), 2828-9765 (Print)
Vol. 6, No. 1, January 2027, Page: 1-24

corridor (African Legal Studies Blog, 2025). Yet the ports that once served as Ethiopia's maritime gateways, Massawa and Assab now constitute sovereign Eritrean territory, and Eritrea has made unequivocally clear that its sovereignty over these assets is non-negotiable (Ahram Online, 2026). As one analysis observes, "Assab is not disputed territory. It is part of Eritrea's recognised sovereign territory" (Ahram Online, 2026).

This article addresses a central research question: How can Ethiopia secure reliable, cost-effective Red Sea access while fully respecting Eritrean sovereignty, and what institutional framework can transform this historical antagonism into mutual prosperity? The question is not merely academic. The status quo imposes unsustainable costs on Ethiopia's developmental aspirations, while the alternative, territorial revisionism, threatens to reignite conflict in a region already scarred by the devastating 1998–2000 Ethiopia-Eritrea war, which claimed an estimated 70,000 to 80,000 lives (Aydogan, 2025). Eritrea's rejection of Ethiopia's territorial claims reflects a profound commitment to the uti possidetis principle, the African Union's foundational norm that inherited colonial borders should be respected to prevent endless conflict (Shabait, 2025). As Biruk Paulos and Temesgen Thomas Halabo (2025) frame the tension, the dispute engages "key debates in international law, including the tension between Eritrea's territorial sovereignty under uti possidetis and Ethiopia's equitable rights as a landlocked state under UNCLOS and customary law" (p. 347).

This article argues that despite deep historical grievances, particularly the unilateral 1962 dissolution of the UN-mandated federation without popular consent, an act that ignited the thirty-year Eritrean War of Independence (UN General Assembly Resolution 390 A [V], 1950), the contemporary solution lies not in territorial revisionism but in a legally binding, commercially incentivized "win-win" institutional framework. Drawing on the United Nations Convention on the Law of the Sea (UNCLOS) Article 125, which affirms that "land-locked States shall have the right of access to and from the sea for the purpose of exercising the rights provided for in this Convention" while requiring that "the terms and modalities for exercising freedom of transit shall be agreed between the land-locked States and transit States concerned" (UNCLOS, 1982, Art. 125), this article proposes a tripartite governance model involving joint customs authorities, revenue-sharing mechanisms, and international guarantees. As Mahemud Eshtu Tekuya (2024) contends, challenging the prevailing position among Ethiopian scholars, Ethiopia has no legitimate claim of ownership over Assab or any other part of the Red Sea (p. 301). However, Ethiopia, "as a landlocked country, is entitled to free access to the Red Sea under the UN Convention on the Law of Sea" (Mahemud Eshtu Tekuya, 2024, p. 301). Proposed solutions including lease agreements, joint port management, and transit corridors reflect "international practices balancing sovereignty with developmental equity" (Biruk Paulos & Temesgen Thomas Halabo, 2025, p. 348).

The article proceeds in five subsequent sections. Section II examines the historical background, tracing the trajectory from the UN-mandated federation (1952–1962) through the 1962 annexation, the thirty-year war for independence, and the 1998–2000 border conflict that solidified the current territorial configuration. Section III analyses the competing legal frameworks, assessing Ethiopia's claims under UNCLOS and customary international law against Eritrea's sovereign entitlements. Section IV situates the bilateral dispute within the broader geopolitical context of the Horn of Africa, examining great power competition, regional dynamics, and the strategic stakes for all parties. Section V proposes a concrete institutional framework for a win-win agreement, detailing the architecture of joint governance, revenue sharing, and international guarantees. Section VI concludes by synthesizing the argument and offering policy recommendations.

Methodologically, this article adopts an interdisciplinary approach, integrating international law, political economy, conflict resolution, and institutional analysis. It draws on primary legal texts including UNCLOS and the Algiers Agreement, secondary scholarship from international relations and legal studies, and policy analyses from regional and international sources. The analysis is animated by the conviction that the Horn of Africa need not remain a theatre of zero-sum competition that “regional prosperity is not a zero-sum game” and that “through good faith and collaboration, the Horn of Africa can become a region of growth and mutual respect” (Ethiopian Broadcasting Corporation, 2026). Whether Ethiopia and Eritrea can seize this historic opportunity depends less on the resolution of historical grievances than on the political will to design institutions that align economic incentives with shared security.

II. Review of Literature

2.1 Historical Background from Federation to Fracture

The contemporary Ethiopia-Eritrea dispute over Red Sea access cannot be comprehended without an appreciation of the historical trajectory that transformed a United Nations-mandated federation into a thirty-year armed struggle and, subsequently, into a bitter interstate war. This section traces that trajectory, demonstrating that the historical record offers a cautionary tale: imposed arrangements—whether the 1952 federation or the 1962 annexation; breed conflict, while cooperative, consent-based frameworks remain the only viable path forward.

2.2 Pre-Colonial and Colonial Legacies

The external boundaries of present-day Eritrea were shaped through Italian colonization (Wiesner, 2021). Prior to Italian rule, no unified territory corresponding to modern Eritrea independently existed; parts of the territory had been consecutively part of the Axumite Empire, the Amhara Kingdom, and under Ottoman and Egyptian rule (Wiesner, 2021). The Italian Colony of Eritrea was formally established on 1 January 1890, Italians having arrived in the area in 1869 (Wiesner, 2021). The colony existed until Italy's defeat by the Allied Powers in the Second World War.

From 1941 to 1952, Eritrea was occupied and administered by the British Military Administration, pending a decision over its final disposal by the four Allied Powers, which in turn delegated the decision to the United Nations General Assembly (Wiesner, 2021). The British military administration changed to a civilian one in 1949, which continued until 1952, though Eritrea was not considered a British colony during that time (Wiesner, 2021). Eritrea was neither administered under the mandate system of the League of Nations nor as a United Nations trusteeship; was a trusteeship for Eritrea suggested but failed to gain sufficient support in the UNGA's third session (Wiesner, 2021). Many Eritreans expected independence during the decolonization period that followed the war, but the British Military Administration planned to partition the country between Ethiopia and Sudan (Human Rights Watch, 2003).

2.3 The UN-Mandated Federation (1952–1962)

On 2 December 1950, the UN General Assembly passed Resolution 390 (V) A, which determined that Eritrea should constitute an autonomous unit federated with Ethiopia under the sovereignty of the Ethiopian Crown, specifying the powers of the Eritrean and federal governments (United Nations General Assembly, 1950.). The resolution provided that the Eritrean Government shall possess legislative, executive, and judicial powers in the field of domestic affairs (United Nations General Assembly, 1950). The Federation formally came into existence on 11 September 1952 (Wiesner, 2021; United Nations, 1952). Eritrea was to have its own administrative and judicial structure, its own flag, and control over domestic affairs including police, local administration, and taxation, while the federal government, effectively the existing imperial government; controlled foreign affairs, defence, finance, and transportation.

However, the federation was imposed without meaningful consultation with the Eritrean people has documented how Eritreans' brief encounter with democracy persuaded them that they did not want to be absorbed into the Ethiopian empire. From the federation's inception, Emperor Haile Selassie systematically undermined Eritrea's autonomy. He decreed a preventive detention law that allowed Ethiopian forces to suppress Eritrean political movements and arrest newspaper editors; he forced elected community leaders to resign; he replaced the Eritrean flag with that of Ethiopia and imposed the use of Amharic in public services and schools; and he seized Eritrea's share of custom duties while moving most Eritrean industries and businesses to Ethiopia. Eritreans protested against Ethiopia's attempts to jeopardize the Federation; in 1957, students mounted mass demonstrations, followed in 1958 by a four-day general strike organized by trade unions, during which Ethiopian troops fired on the protestors, killing and wounding many.

In November 1958, Mohamed Said Nawd, Saleh Ahmed Eyay, and other Eritreans exiled in Sudan founded the Eritrean Liberation Movement (ELM), made up mainly of students and urban wage labourers, which engaged in clandestine political activities, intended to resist Ethiopian rule peacefully. By 1960, the Eritrean Liberation Front (ELF) had been created in Cairo by Idris Muhammad Adam and other Eritrean intellectuals and students inspired by the Algerians' fight for independence.

2.4 Ethiopia's accesses to the Red Sea route befor and after 1991

Figure 1. Comparative map of Ethiopia's Red Sea access before and after 1991, illustrating historical port connections, political changes, route distances, and alternative transport corridors

Figure 1 provides a comparative spatial and historical interpretation of Ethiopia's changing access to the Red Sea by contrasting the pre-1991 and post-1991 transport configurations. The left panel illustrates the period in which Eritrea formed part of Ethiopia and the ports of Massawa and Assab constituted direct maritime gateways. Ethiopia's territorial and infrastructural relationship with the Red Sea was therefore embedded within a unified political geography, enabling connections between the national interior and coastal ports through road and railway corridors. The routes linking Addis Ababa, Awash, Dire Dawa, Mekelle, Massawa, and Assab demonstrate that maritime access was not merely a geographic advantage but was supported by transport infrastructure and administrative integration. The approximate distances shown in Figure 1 (left) also emphasize the relative accessibility of Massawa and Assab compared with more distant alternative maritime corridors.

Historically, the left panel situates this arrangement within a broader sequence of political transformations. The development of the Massawa and Assab ports during the nineteenth and early twentieth centuries, Eritrea's incorporation into Ethiopia in 1952, its subsequent provincial status in 1962, and the continuation of this territorial relationship until 1991 created a period during which Ethiopia exercised direct access to Red Sea ports. Thus, Figure 1 (left) illustrates an interconnected territorial system in which political sovereignty, transport networks, and maritime infrastructure reinforced one another. The Red Sea corridor represented a strategic national asset because access could be organized through relatively direct internal routes.

The right panel demonstrates the fundamental geopolitical transformation that followed the collapse of this arrangement. Eritrea's independence process after 1991, formally completed in 1993, separated Massawa and Assab from Ethiopian sovereignty and transformed Ethiopia into a landlocked state. The red cross symbols over the Eritrean ports visually communicate the discontinuity between former access and the new geopolitical reality. As shown in Figure 1 (right), Ethiopia subsequently shifted its principal maritime dependence toward Djibouti Port. This transformation required the development and expansion of alternative road and rail corridors connecting Addis Ababa, Awash, Dire Dawa, and other major economic centres to Djibouti.

The distance comparisons in Figure 1 (right) further indicate the logistical implications of this transition. Routes from the Ethiopian interior to Djibouti generally involve substantial overland transport distances, while dependence on a principal external gateway increases exposure to corridor disruptions, infrastructure constraints, and transport costs. The contrast between the two panels therefore reveals that Ethiopia's maritime challenge is simultaneously geographic, economic, infrastructural, and geopolitical.

Overall, Figure 1 shows a transition from direct access through multiple Eritrean Red Sea ports to dependence on alternative external corridors centred primarily on Djibouti. The historical route arrows and dates highlight how political boundary changes altered transport geography, while the port distances and corridor networks demonstrate the practical consequences for trade connectivity. The figure consequently provides a useful framework for understanding contemporary Ethiopian debates concerning maritime access, regional integration, transport diversification, and long-term Red Sea strategy.

The 1962 Annexation and Its Aftermath

In November 1962, Emperor Haile Selassie unilaterally annexed Eritrea and proclaimed it a province of Ethiopia (Human Rights Watch, 2003). On 14 November 1962, Ethiopian troops forced the Eritrean Parliament to dissolve; on that day, Eritrea was officially annexed as Ethiopia's fourteenth province. This was not a negotiated agreement but a forcible annexation conducted under military threat. Eritreans were from that time declared to be Ethiopians: article 9 of the Order declared that "All inhabitants of the territory of Eritrea except persons possessing foreign nationality are hereby declared to be subjects of our Empire and Ethiopian nationals" (Human Rights Watch, 2003).

The annexation was the direct catalyst for the thirty-year Eritrean War of Independence. Armed opposition had already begun on 1 September 1961, when Hamid Idris Awate and his companions fired the first shots of the armed struggle on Mount Abal, between Agordat and Tessenei. The Eritrean Liberation Front intensified military operations in response to the dissolution of the federation. The war that ensued, lasting from 1961 to 1991, exacted a staggering human cost. Estimates indicate that Eritrean independence fighters suffered between 65,000 and 70,000 killed, while Ethiopian forces lost approximately 103,682 soldiers;

civilian casualties ranged from 150,000 to 280,000. The Eritrean People's Liberation Front (EPLF) carried on almost thirty years of armed opposition to Ethiopian imperial rule and later the Derg, emerging by 1980 as the dominant liberation front among various competing rebel factions (Human Rights Watch, 2003).

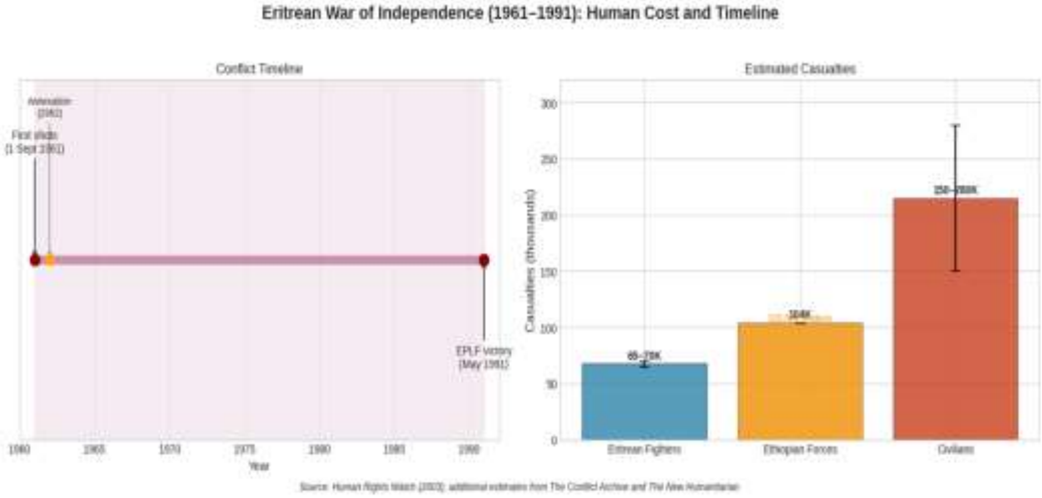

Figure 2 (Left): Estimated casualties by category during the Eritrean War of Independence (1961–1991). *Source: Human Rights Watch (2003).* Figure 2 (Right): Timeline of key events during the Eritrean War of Independence, spanning 1961 to 1991. *Source: Human Rights Watch (2003).*

Figure 2 illustrates the estimated human cost of the Eritrean War of Independence across three decades of armed conflict. The data, compiled from Human Rights Watch (2003) and additional historical sources, reveal a sustained pattern of devastating casualties throughout the war. The figure shows that Eritrean fighters suffered between 65,000 and 70,000 killed, while Ethiopian forces lost approximately 103,682 soldiers. Most tragically, civilian casualties ranged from 150,000 to 280,000, representing the overwhelming majority of war-related deaths.

The figure also highlights the war's temporal dimension: armed opposition began on 1 September 1961, when Hamid Idris Awate and his companions fired the first shots on Mount Abal, and continued until the Eritrean People's Liberation Front (EPLF) achieved victory in May 1991. Throughout this period, the EPLF gradually consolidated its position, emerging by 1980 as the dominant liberation front among competing rebel factions (Human Rights Watch, 2003. The total estimated casualties, ranging from approximately 319,000 to 454,000, reflect the immense human toll of a conflict that fundamentally shaped both Ethiopian and Eritrean national identities. The figure demonstrates that the 1962 unilateral annexation, which dissolved the UN-mandated federation without popular consent, directly precipitated thirty years of devastating conflict (Goshu and Ridwan, 2026a).

The struggle continued through successive Ethiopian regimes, including the Marxist Derg military junta that overthrew Haile Selassie in 1974 and ruled until 1991. The TPLF and EPLF formed a close alliance against the common enemy, and in May 1991, the anti-Derg alliance gained control: the EPRDF took Addis Ababa, and a few days later, the EPLF won control of Asmara (Human Rights Watch, 2003).

2.5 Independence and the 1998–2000 War

Eritrea's thirty-year armed struggle culminated in de facto independence in May 1991, when the Eritrean rebel movement defeated the Ethiopian army (Wiesner, 2021). The Ethiopian Transitional Government pledged to uphold the right of self-determination for all of Ethiopia's peoples, and in early July 1991, the new government approved the plan to hold a referendum to determine Eritrea's status (Human Rights Watch, 2003). Following a UN-supervised referendum in April 1993 in which 99.8% of voters chose independence, Eritrea officially became independent on 24 May 1993 (Wiesner, 2021). The international community formally recognised Eritrea's sovereignty, and Ethiopia accepted the outcome. Yet within five years, the two former allies descended into one of Africa's deadliest interstate conflicts. In May 1998, armed conflict broke out between Ethiopia and Eritrea. Eritrean forces entered the disputed town of Badme, leading to a skirmish with Ethiopian police and militia; this incident marked the immediate spark for the war (The Conflict Archive, n.d.). What began as a minor incident escalated rapidly into a full-scale war along the 1,000-kilometre border?

The human toll was devastating. Estimates of total casualties range from 70,000 to 100,000 killed, with hundreds of thousands displaced. Eritrean President Isayas Afewerki announced that 19,000 Eritrean soldiers were killed during the conflict (The New Humanitarian, 2001). The war lasted two and a half years, leading to an estimated 100,000 casualties (SciELO, 2011) (Figure 2).

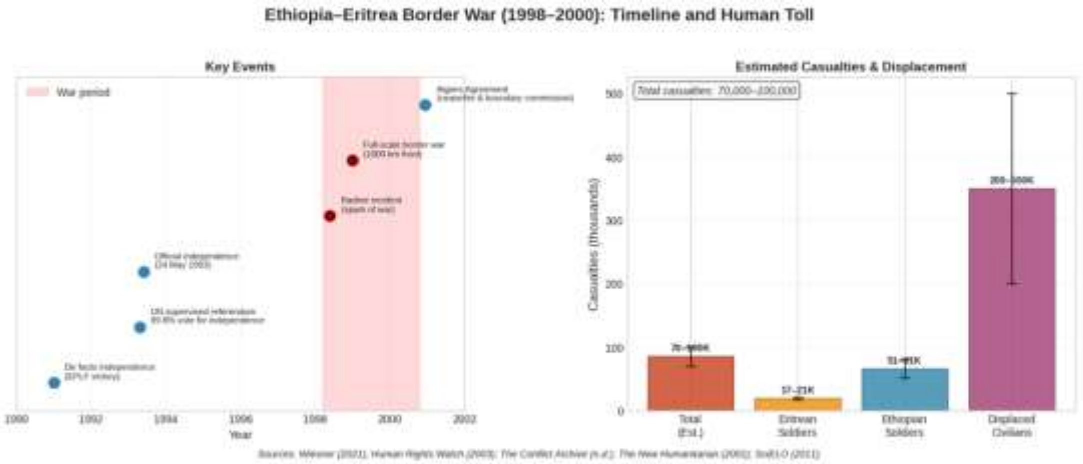

Figure 3 (Left): Timeline of key events from independence to the 1998–2000 border war and Algiers Agreement. *Source: Wiesner (2021); Human Rights Watch (2003).* Figure 3 (Right): Estimated casualties and displacement during the 1998–2000 Ethiopia-Eritrea border war. *Source: The New Humanitarian (2001); SciELO (2011)*

Figure 3 presents the timeline and human toll of the 1998–2000 Ethiopia-Eritrea border war. The left panel traces the trajectory from Eritrea's independence in May 1991 through the UN-supervised referendum of April 1993, in which 99.8% of voters chose independence, to the outbreak of conflict following the Badme incident in May 1998, and concludes with the Algiers Agreement of December 2000 (Wiesner, 2021; Human Rights Watch, 2003). The right panel quantifies the devastating human cost: total casualties estimated between 70,000 and 100,000, with Eritrean President Isayas Afewerki confirming 19,000 Eritrean soldiers killed (The New Humanitarian, 2001). Ethiopian forces lost approximately 51,000–91,000 soldiers, while hundreds of thousands were displaced (SciELO, 2011; Goshu and Ridwan, 2026). The war concluded with the signing of the Algiers Agreement on 12 December 2000, which terminated military hostilities and provided, inter alia, for the establishment of the Boundary Commission. The Agreement established two neutral commissions: the Boundary Commission, tasked with delimiting and demarcating the international boundary, and the Claims Commission. In Article 4(1) of the Algiers Agreement, the Parties reaffirmed the principle of respect for the borders existing at independence as espoused by the OAU Summit in Cairo in 1964, the principle of *uti possidetis* (Permanent Court of Arbitration, n.d.). The Boundary Commission was mandated to delimit and demarcate the colonial treaty border based on pertinent colonial treaties (1900, 1902, and 1908) and applicable international law. On 13 April 2002, the Boundary Commission issued its delimitation decision, awarding the flashpoint town of Badme to Eritrea. The Parties announced their full acceptance of the decision and called upon the Boundary Commission to conduct an expeditious demarcation.

However, when the Boundary Commission attempted to commence demarcation in the central and western sectors, an impasse arose after Ethiopia called into question certain parts of the delimitation decision. Ethiopia's refusal to allow demarcation left the border in a state of "no peace, no war" for nearly two decades.

During and after the war, Eritrea blockaded the port of Assab, previously Ethiopia's primary maritime outlet, forcing Ethiopia to rely almost exclusively on the port of Djibouti. This blockade created the dependency that now defines Ethiopia's strategic vulnerability.

The 2018 Peace Declaration and Its Unraveling

A dramatic thaw in relations occurred in 2018 following the assumption of power by Ethiopian Prime Minister. On 9 July 2018, Abiy and Eritrean President signed the Joint Declaration of Peace and Friendship in Asmara (Government of Eritrea & Government of Ethiopia, 2018). The declaration proclaimed that "the state of war between Ethiopia and Eritrea has come to an end" and that "a new era of peace and friendship has been opened" (Government of Eritrea & Government of Ethiopia, 2018, para. 1). It committed both governments to "intimate political, economic, social, cultural and security cooperation that serves and advances the vital interests of their peoples" (para. 2); the resumption of "transport, trade and communications links" and diplomatic ties (para. 3); the implementation of the boundary decision (para. 4); and joint efforts for regional peace, development, and cooperation (para. 5). The agreement also promised Ethiopia access to Eritrean port facilities (Reuters, 2018).

However, implementation proved fleeting. By 2019, Eritrea had gradually closed the border again due to internal political concerns and a failure to fully implement the peace agreement. Analysts have characterised the rapprochement as highly personalized, with little systemic follow-through, lacking institutional mechanisms to sustain cooperation.

The situation deteriorated further with the outbreak of the Tigray War in November 2020. The Ethiopia-Eritrea peace agreement quickly evolved into a military alliance that helped trigger the civil war in Tigray. Eritrean Defence Forces fought alongside Ethiopian federal forces against the Tigray People's Liberation Front, their common enemy. The war drew in regional and international actors and was marked by atrocities on all sides, with some of the worst abuses attributed to Eritrean troops. Rather than consolidating peace, the 2018 agreement ultimately became entangled in Ethiopia's internal conflicts, deepening the rift between Abiy and Isaias.

The historical trajectory from federation to fracture reveals a consistent pattern: imposed arrangements breed conflict, while voluntary cooperation remains elusive. The 1952 federation was imposed without meaningful Eritrean consent; the 1962 annexation was a unilateral act of force; and the 2018 peace declaration, while promising, lacked institutional depth and quickly unraveled amid internal Ethiopian conflict. The UN-mandated federation was dissolved unilaterally by Ethiopia in 1962, turning Eritrea into an Ethiopian province, an act that ignited the thirty-year war of independence (Wiesner, 2021). The Algiers Agreement of 2000, while establishing a binding Boundary Commission, was undermined by Ethiopia's refusal to accept demarcation. The 2018 Joint Declaration, for all its promise, has yet to deliver on its commitments.

The historical record offers a clear lesson: neither territorial revisionism nor unilateral action offers a durable solution. Eritrea's sovereignty over Massawa and Assab is a product of thirty years of armed struggle, international recognition, and the principle of *uti possidetis*, any attempt to revise this territorial configuration would almost certainly reignite conflict. Conversely, Ethiopia's developmental needs and strategic vulnerabilities are genuine and urgent. The challenge, therefore, is not to revisit history but to transcend it, to design a cooperative, consent-based framework that secures Ethiopia's access while fully respecting Eritrean sovereignty. The historical record demonstrates that this is the only viable path forward.

Table 1: Key Events in Ethiopia-Eritrea Relations (1950–2020)

Year	Event	Significance
1950	UNGA Resolution 390 (V) (2 December)	Established federation without Eritrean consent
1952	Federation proclaimed (11 September)	Eritrea became autonomous unit under Ethiopian crown
1958	Eritrean flag abolished; general strike	Symbol of autonomy erosion
1960	Eritrean Liberation Front founded in Cairo	Organized armed resistance began
1961	First shots of armed struggle (1 September)	Beginning of 30-year war
1962	Unilateral annexation (14 November)	Federation dissolved; Eritrea becomes province
1991	EPLF/EPRDF victory (May)	De facto independence achieved
1993	UN-supervised referendum (April); independence (24 May)	99.8% vote for independence
1998	Badme incident (May)	Sparked 1998–2000 border war
2000	Algiers Agreement (12 December)	Ended border war; established Boundary Commission
2002	EEBC delimitation decision (13 April)	Awarded Badme to Eritrea
2018	Joint Declaration of Peace and Friendship (9 July)	Ended state of war; promised port access
2020	Tigray War begins (November)	Peace deal evolved into military alliance

Source: Compiled from UN documentation, historical records, and conflict data.

Table 1 traces the trajectory of Ethiopia-Eritrea relations across seven decades, revealing a consistent pattern of externally imposed or unilateral arrangements yielding to conflict. The 1950 UN-mandated federation was established without Eritrean consent and progressively eroded by Emperor Haile Selassie, culminating in the 1962 unilateral annexation that triggered the thirty-year Eritrean War of Independence. The 1998 Badme incident ignited a border war claiming 70,000–100,000 lives, concluded by the Algiers Agreement (2000) and Boundary Commission decision (2002) which Ethiopia subsequently rejected (Permanent Court of Arbitration, n.d.; The New Humanitarian, 2001). The 2018 Joint Declaration promised peace and port access but lacked institutional depth, rapidly unravelling as the peace accord evolved into a military alliance during the Tigray War (Government of Eritrea & Ethiopia, 2018). The historical pattern demonstrates that imposed agreements without popular consent or robust institutional frameworks consistently fail; cooperative, consent-based arrangements remain the sole viable pathway (Wiesner, 2021).

III. Research Methods

3.1 Legal Framework: Rights, Sovereignty, and the Limits of International Law

The Ethiopia-Eritrea dispute over Red Sea access presents a profound legal conundrum that lies at the intersection of competing principles of international law. On one side stands Ethiopia's claim to access as a landlocked state, a right enshrined in the United Nations Convention on the Law of the Sea (UNCLOS). On the other stands Eritrea's inviolable sovereignty over its territory, grounded in the principle of *uti possidetis* and affirmed by the Algiers Agreement and the Eritrea-Ethiopia Boundary Commission. This section systematically analyses these competing legal claims, examines the relevant international legal frameworks, draws lessons from comparative case studies, and identifies the legally viable pathways toward resolution.

3.2 Ethiopia's Legal Arguments: Historical and Equitable Claims

Ethiopia's legal arguments for Red Sea access rest on several interconnected pillars: historical title, effective administration (*effectivités*), and the doctrine of necessity and equitable access. Proponents of Ethiopia's position point to the nation's ancient maritime connections through ports such as Adulis, which served as the principal emporium of the Axumite Empire, and argue that Ethiopia's historical relationship with the Red Sea coastline establishes a legitimate claim to access. Some Ethiopian scholars have advanced arguments based on colonial-era agreements that allegedly recognised Ethiopia's "legitimate need for access to the sea" and the principle of *effectivités*, Ethiopia's sustained administration of ports, including Assab, prior to Eritrea's 1991 de facto independence.

However, these arguments face formidable legal obstacles under contemporary international law. Mahemud Eshtu Tekuya (2024), in a comprehensive analysis published in the *Fordham International Law Journal*, offers a decisive rebuttal: "Contrary to the prevailing view among Ethiopian scholars, the Article argues that Ethiopia lacks a legitimate ownership claim over Assab or any parts of the Red Sea" (p. 301). Tekuya (2024) further contends that historical usage does not equate to sovereign title under contemporary international law, and that Ethiopia's claims must be understood not as assertions of sovereignty but as entitlements to access, a fundamentally different legal category. This distinction is critical: while Ethiopia may possess legitimate claims to *use* Eritrean ports, it possesses no legal basis for *owning* them.

3.3 UNCLOS and the Right of Access for Landlocked States

The United Nations Convention on the Law of the Sea (UNCLOS) provides the principal international legal framework for landlocked states' access to the sea. Article 125(1) unequivocally states: "Land-locked States shall have the right of access to and from the sea for the purpose of exercising the rights provided for in this Convention including those relating to the freedom of the high seas and the common heritage of mankind" (UNCLOS, 1982, art. 125(1)) (Table 2). To this end, "land-locked States shall enjoy freedom of transit through the territory of transit States by all means of transport" (UNCLOS, 1982, art. 125(1)). Ethiopia signed UNCLOS in 1982 and ratified it in 2012, making the Convention binding upon it.

Table 2: Comparative Analysis of Legal Frameworks

Legal Framework	Ethiopia's Position	Eritrea's Position	Legal Weight
UNCLOS Article 125	Right of access to and from the sea	Sovereignty over territory; terms subject to agreement	Strong for Ethiopia (right), strong for Eritrea (consent requirement)
Uti Possidetis	Challenged by some scholars	Inviolable principle preserving colonial borders	Very strong for Eritrea (AU and UN endorsed)
Algiers Agreement (2000)	Accepted; later disputed EEBC decision	Final and binding; EEBC decision affirms Eritrean sovereignty	Strong for Eritrea (treaty obligation)
Historical Title / Effectivités	Claim based on ancient and colonial-era ties	Rejected; historical use ≠ sovereign title	Weak for Ethiopia under contemporary law
1993 Transit Agreement	Evidence of prior access rights	Evidence that access was always subject to Eritrean consent	Neutral; demonstrates consent-based model

However, UNCLOS simultaneously affirms the sovereignty of transit states. As scholarship on the Convention observes, "By affirming both a legal right to transit and the prerogatives of territorial sovereignty, UNCLOS adopts an intermediate position". More pointedly, "Article 125 places these entitlements in direct conflict. Landlocked states have a genuine legal 'right' to access the sea 'through the territory of transit States'". Yet critically, "the terms and modalities for exercising freedom of transit shall be agreed between the land-locked States and transit States concerned through" bilateral or multilateral arrangements. This structural antinomy, a right of access that depends entirely on the consent of the transit state, lies at the heart of the Ethiopia-Eritrea legal dispute.

The ICJ's jurisprudence reinforces this interpretation. In the 2018 case *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*, the Court found that the Republic of Chile "did not undertake a legal obligation to negotiate a sovereign access to the Pacific Ocean for the Plurinational State of Bolivia" (International Court of Justice, 2018, para. 1). While the case concerned sovereign access rather than commercial transit, the judgment underscores a broader principle: international law does not compel a coastal state to concede territory or sovereignty to a landlocked neighbour, even when that neighbour's geographical situation is profoundly disadvantageous.

3.4 Comparative Case Studies

Comparative analysis of analogous disputes offers valuable lessons for the Ethiopia-Eritrea context. Three cases are particularly instructive: Bolivia-Chile, Zambia-Tanzania, and Nepal-India.

Bolivia-Chile (2018 ICJ Judgment): Bolivia, like Ethiopia, lost its coastline in the nineteenth century and has since sought sovereign access to the Pacific Ocean. On 1 October 2018, the International Court of Justice ruled that Chile was not obligated to negotiate sovereign access for Bolivia (International Court of Justice, 2018). The Court found that while Chile had made various diplomatic statements over the years, these did not create a legally binding obligation to negotiate. The judgment underscores a critical lesson: international law recognises the right of access for landlocked states but does not compel coastal states to concede sovereignty. For Ethiopia, this means that while Eritrea may be obligated to negotiate in good faith, a point on which the ICJ was notably silent in the Bolivia-Chile case; it cannot be compelled to surrender territory or sovereign control over its ports.

Zambia-Tanzania (TAZARA): The Tanzania-Zambia Railway Authority (TAZARA) offers a successful model of joint infrastructure development between a landlocked state and its coastal neighbour. Built between 1970 and 1976 with support from the Chinese government, the 1,860-kilometre railway provides landlocked Zambia with access to the Port of Dar es Salaam, serving as a "strategic instrument for economic independence and regional solidarity, helping to break colonial-era trade barriers" (China Daily, 2025). The TAZARA model demonstrates that joint infrastructure projects can provide reliable access while fully respecting the sovereignty of the transit state (Table 3). Recent revitalization efforts, including a 30-year concession to rehabilitate and operate the railway, underscore the model's durability.

Table 3: Comparative Case Studies: Key Lessons for Ethiopia-Eritrea

Case	Context	Outcome	Lesson for Ethiopia-Eritrea
Bolivia v. Chile (ICJ 2018)	Landlocked Bolivia sought sovereign access to Pacific	Chile not obligated to negotiate sovereign access	Sovereign access cannot be compelled; focus on commercial/transit arrangements
Zambia-Tanzania (TAZARA)	Joint railway providing Zambian access to Dar es Salaam	Successful joint infrastructure model (1976–present)	Joint infrastructure can provide reliable access while respecting sovereignty
Nepal-India	Transit treaties granting Nepalese access to Indian ports	Long-term bilateral agreements with dispute resolution	Institutionalised treaty frameworks provide predictability

Nepal-India: Nepal and India have maintained a series of transit treaties and cross-border infrastructure cooperation agreements that grant Nepal access to Indian ports (Table 3). These arrangements are governed by bilateral agreements that respect India's sovereignty while providing Nepal with predictable, cost-effective access to the sea. The Nepal-India model demonstrates that long-term transit arrangements can be institutionalized through treaty frameworks that include dispute resolution mechanisms and periodic review provisions.

Lessons for Ethiopia-Eritrea: These comparative cases reveal several principles for designing a legally viable access framework. First, sovereign access, the transfer of territory is not legally required and, as the Bolivia-Chile case demonstrates, is unlikely to be compelled by international courts. Second, joint infrastructure models such as TAZARA offer proven templates for cooperation that respect sovereignty while delivering economic benefits. Third, bilateral treaties with robust institutional mechanisms can provide the predictability and reliability that landlocked states require. As Biruk Paulos and Temesgen Thomas Halabo (2025) observe, lease agreements, joint port management, and transit corridors reflect "international practices balancing sovereignty with developmental equity" (p. 348).

Economic Viability, Regional Integration, and Social Fragmentation

Figure 1 (left) illustrates that, before 1991, Ethiopia and Eritrea formed an economically interconnected territorial system in which Ethiopia's large hinterland, productive capacity, population, transport networks, and Red Sea ports could potentially function within one integrated economic space. Massawa and Assab linked Ethiopia to international markets, while internal roads, railways, commercial networks, and labour mobility supported the movement of goods and people. This arrangement gave the combined economy a strategic advantage by connecting a vast inland market with maritime infrastructure. Historically, Assab was especially important as a transit port for Ethiopian overseas trade, while port activity generated employment and revenue for the Eritrean economy (World Bank, 1994).

The economic separation after 1991 was therefore not simply a change of political boundaries. Figure 1 (right) demonstrates the fragmentation of a previously interconnected economic geography. Ethiopia lost direct territorial access to Massawa and Assab and increasingly concentrated its external trade through Djibouti. Today, more than 95% of Ethiopia's import-export trade by volume uses the Addis-Djibouti corridor, illustrating both the corridor's economic importance and the risks associated with dependence on a dominant external gateway (World Bank, 2023). This dependence can increase transport distances, logistics costs, vulnerability to disruption, and strategic exposure, although major investment in road, rail, dry-port, and logistics infrastructure has improved the corridor's efficiency.

For Eritrea, separation also created economic costs despite the political achievement of independence. During the early post-independence period, both states initially attempted to preserve integration through agreements on port use, the Assab refinery, visa-free movement, a joint ministerial commission, use of the Ethiopian birr, and plans for a free-trade area (IMF, 1996). These arrangements reveal that political separation did not initially require complete economic separation. However, weak policy harmonization, divergent monetary arrangements, unresolved economic issues, and later conflict undermined this integration (IMF, 1998).

The social consequences were equally profound. Families, communities, traders, workers, and historically interconnected populations experienced the hardening of political boundaries and, later, prolonged hostility. It is more accurate to describe this as a fracture in shared social and historical ties rather than claiming that all Ethiopians and Eritreans held identical sentiments.

Figure 1 therefore represents a broader loss of complementarities: Ethiopia retained its economic hinterland but lost direct maritime access, while Eritrea gained sovereignty but became separated from its largest neighbouring market. The result was a weakened regional economic system in which political division reduced opportunities for trade, mobility, infrastructure coordination, and mutually beneficial development.

The legal analysis yields several definitive conclusions. First, Ethiopia possesses a legitimate right of access to the sea under UNCLOS Article 125, a right that Eritrea, as a UNCLOS party, is obligated to respect in principle. Second, however, Ethiopia possesses no sovereign claim to Eritrean territory. As Tekuya (2024) conclusively demonstrates, historical usage does not equate to sovereign title under contemporary international law. Third, the terms and modalities of access must be agreed between the parties, UNCLOS does not dictate specific outcomes but rather mandates good-faith negotiation (UNCLOS, 1982, art. 125(3)).

Fourth, the Algiers Agreement and the EEBC's delimitation decision provide the authoritative legal framework for the bilateral relationship. Ethiopia's rejection of the EEBC's demarcation, while politically significant, does not undermine the legal validity of the Commission's decision, which the Parties agreed would be "final and binding" (Algiers Agreement, 2000).

Fifth, comparative case studies demonstrate that legally viable, economically beneficial access arrangements can be designed without compromising the sovereignty of the transit state.

The solution to the Ethiopia-Eritrea Red Sea dispute must therefore be contractual, consent-based, and mutually beneficial. It must respect Eritrea's sovereignty under *uti possidetis* while providing Ethiopia with the reliable, cost-effective access to which it is entitled under UNCLOS. The legal framework does not prescribe a specific institutional design that task belongs to the parties, informed by comparative experience and mediated by good-faith negotiation. What the law does prescribe is the rejection of unilateralism and the embrace of cooperation. As the historical record demonstrates, imposed arrangements breed conflict; consent-based frameworks offer the only viable path forward.

IV. Result and Discussion

4.1 Geopolitical Realities: The Regional and Global Stakes

The Ethiopia-Eritrea dispute over Red Sea access cannot be resolved in isolation. It unfolds within a complex geopolitical landscape where regional rivalries, great power competition, and shifting alliances intersect with bilateral grievances. This section situates the bilateral dispute within this broader context, demonstrating that the status quo is unsustainable for Ethiopia and unproductive for Eritrea, and that great power competition, while adding urgency also creates potential leverage for a negotiated settlement. A win-win agreement is not merely desirable but strategically necessary for regional stability.

4.2 Ethiopia's Strategic Vulnerability

Ethiopia's landlocked geography imposes profound economic and security costs that have become increasingly unsustainable. As Africa's second-most populous country with over 130 million citizens, Ethiopia conducts the overwhelming majority of its foreign trade through a single corridor: the Port of Djibouti (Addis Standard, 2026). Data from the Institute of Foreign Affairs indicate that since the outbreak of the Ethio-Eritrean war in 1998, "Ethiopia has conducted 95% of its foreign trade through the Port of Djibouti," with alternatives such as Port Sudan and Kenya's Lamu port used only occasionally (Addis Standard, 2026, para. 7). By early 2024, more than 95% of Ethiopia's seaborne trade transited through Djibouti, primarily via the Doraleh port complex (Addis Standard, 2026).

This over-reliance creates a critical structural vulnerability. In 2025 alone, the volume of Ethiopian foreign trade cargo handled through Djibouti reached 9.5 million tons, while port services accounted for an estimated 80% of Djibouti's national income (Addis Standard, 2026). Ethiopia is estimated to pay between USD 1.5 and 2 billion annually in port-related fees, nearly one-third of its projected 2025 export earnings of USD 5.3 billion (Addis Standard, 2026). The prime Minister has remarked that "the amount of money spent on these charges could be used to build the Renaissance Dam every three years" (Addis Standard, 2026, para. 12).

Economists have long cautioned that with over 95 percent of Ethiopia's import and export trade flowing through congested ports in Djibouti, the country's reliance on a single maritime route has become a bottleneck, both economically and strategically (The Reporter Ethiopia, 2025). The recent decision by the Djibouti Ports and Free Zones Authority to prohibit newly licensed Ethiopian Multimodal Transport Operators from operating through the Port of Djibouti has exposed a profound and dangerous structural weakness in the nation's trade architecture (Addis Standard, 2026). As one analysis observes, "Economic power without logistical sovereignty is fragile" (Derara, 2025). Beyond economic costs, Ethiopia possesses no functional naval capability, rendering it unable to defend its maritime interests or project power in a region increasingly defined by naval competition.

4.3 Beyond War: Community-Led Strategies for Ethiopian Red Sea Access

The Ethiopia-Eritrea dispute over Red Sea access has for too long been framed as a zero-sum geopolitical contest, with military posturing and territorial claims dominating the discourse. Yet along the borderlands of Afar, Tigray, and Amhara, communities are demonstrating a different path—one rooted in shared history, religious integration, and economic interdependence. War will not solve this problem; only strategies that harness the power of people-to-people relations, cross-border commerce, and mutual economic benefit can secure Ethiopia's access to the Red Sea while respecting Eritrean sovereignty.

Grassroots Peace: Communities Choosing Connection over Conflict

Across the Ethiopia-Eritrea border, local communities have consistently rejected the militarized agendas of their respective governments. In a remarkable display of grassroots diplomacy, border communities in Afar, Tigray, Wolkait, and Amhara are choosing peace with

Eritrea, reshaping the Horn of Africa's future (Amanuel Biedemariam, 2025). The Tsimdo (or Ximdo) movement—a grassroots campaign for regional engagement—has emerged as a powerful force for cross-border unity. The word "Ximdo" comes from the Tigrinya language and means "coexistence and cooperation" between people (Dissident Voice, 2025). In August 2025, Afar communities in Ethiopia, together with their Eritrean counterparts, decisively rejected attempts to turn their region into a staging ground for conflict over Red Sea access. This defiance, in a region of immense strategic value, signals a profound shift: local communities are asserting their will against state-driven war agendas (Amanuel Biedemariam, 2025). The depth of this people-to-people engagement is unprecedented and lays a foundation that undermines the cycle of conflict perpetuated by successive Ethiopian leaders (Amanuel Biedemariam, 2025).

The reunions at Zalambessa in June 2025 exemplified this movement. Communities from frontier villages came together for the first time in five years, separated by the closed border since the outbreak of the Tigray war (ICTJ, 2025). The reunion of families and friends took place in the Ethiopian town of Zalambessa in the presence of village elders and religious leaders (ICTJ, 2025). The grassroots reunion, held without formal authorization from either government, was initiated by local activists and respected elders, who say they had quiet support from officials in Tigray and Eritrea (The African Dream, 2025). The event was not just a reunion; it was a declaration of peace. People chanted, "Enough of the past, let's sit at the table of peace and build a better future," as they crossed freely between the two countries (The African Dream, 2025). Similar gatherings have occurred across the Mereb River, where communities on both sides resumed interaction (Addis Standard, 2025).

In Sheraro, over 700 Eritreans crossed into Tigray to celebrate religious festivals alongside local residents, described by attendees as a "stage of brotherhood" (Addis Standard, 2026). The gathering reflects a gradual restoration of people-to-people relations that historically characterized communities along the Ethiopia-Eritrea border (Addis Standard, 2026).

These initiatives represent what scholars characterise as "people-to-people diplomacy" or "citizens' diplomacy"; informal, unofficial initiatives that seek to change the political culture of conflict. As TPLF Chairperson Debretsion Gebremichael affirmed, the people of Tigray have "nothing that conflicts with other peoples" and "want to live in peace with Amhara, Afar, Eritrea, Sudan, and other Ethiopian peoples — to emerge from poverty and live in development" (Addis Standard, 2025). He further stated that the party is committed to ensuring that "the people-to-people relations developing between the peoples of Tigray and Eritrea continue to strengthen," and added that efforts will also be made to establish "similar relations" with other neighboring communities (Addis Standard, 2025).

4.4 Great Power Competition in the Red Sea

The Horn of Africa has “turned into a full-blown base-race playground” as global and regional powers compete for influence along the Red Sea littoral. This competition creates both opportunities and risks for Ethiopia and Eritrea.

China has established its first overseas military base in Djibouti, operational since 2017, and views Djibouti as part of its Belt and Road Initiative (Congress.gov, 2025). Chinese-linked ports and infrastructure projects now extend across the broader Indian Ocean region, with China projecting “neutrality and an image of a reliable developmental partner while deepening its geo-economic presence across the corridor”. Eritrea signed on to the Belt and Road Initiative in 2021, and Chinese firms have since been upgrading the port of Massawa and building the road linking it to Assab (Enterprise, 2026).

The United States operates Camp Lemonnier in Djibouti, its only permanent military base on the African continent, essential for counterterrorism operations, drone missions, and maritime surveillance. The US has strong interests in regional stability and freedom of navigation through the Bab al-Mandeb Strait.

France maintains a significant military presence in Djibouti, now it's only major operational military base in Africa after withdrawing from Mali, Burkina Faso, and Niger (defenceWeb, 2025). French forces are tasked with "securing strategic supplies routes and guaranteeing freedom of navigation in the Red Sea and the Gulf of Aden" (defenceWeb, 2025).

The United Arab Emirates has invested heavily in regional ports and logistics hubs. DP World has invested nearly $3 billion in ports and logistics infrastructure, with another $3 billion planned over the next five years (Airfreight.news, 2025). In June 2025, the UAE signed a $3 billion agreement to finance and build a railway line linking Berbera Port in Somaliland directly to Ethiopia (Hadhwanaag News, 2025) (Table 4).

Turkey has emerged as a potential mediator. As one analysis observes, "the Republic of Turkiye is situated as the best candidate to mediate a mutually acceptable port agreement between Ethiopia and Eritrea" (Hadhwanaag News, 2025). Ethiopia has requested new mediation from Turkey to support its efforts to secure peaceful maritime access (Nabd.com, 2026) (Table 4).

Russia has signalled interest in Red Sea access. Russian Foreign Minister Sergei Lavrov visited Eritrea in early 2023, discussing access to the Red Sea port of Massawa and signing a cooperation memorandum with Eritrean officials (Israel Hayom, 2025).

Saudi Arabia has expanded its regional footprint, with Saudi Arabia's Red Sea Gateway Terminal finalising a 30-year concession to operate and develop Djibouti's Port of Tadjourah (Maritime Executive, 2025).

Table 4: Major External Actors and Their Interests in the Red Sea/Horn of Africa

Actor	Military Presence	Economic Interests	Stakes in Ethiopia-Eritrea Dispute
China	Naval base in Djibouti (2017)	Belt and Road; $4bn Djibouti-Ethiopia railway	Regional stability; access to ports
United States	Camp Lemonnier, Djibouti (sole African base)	Counterterrorism; maritime security	Freedom of navigation; regional stability
France	Major military base in Djibouti	Securing strategic routes	Freedom of navigation; former colonial ties
UAE	Port concessions; Puntland security	$3bn+ port investments; Berbera railway	Port access; trade routes
Turkey	Military facilities in Somalia	Mediation; trade; defence cooperation	Potential mediator for port agreement
Russia	Naval facility interest (Sudan)	Access to Red Sea ports	Strategic footprint near Bab al-Mandeb
Saudi Arabia	Port concession in Djibouti (Tadjourah)	30-year port concession	Regional influence; port access
Egypt	Port upgrades (Assab, Doraleh)	Military-grade port facilities	Countering Ethiopian influence; Nile security

4.5 The Window of Opportunity

Despite the tensions, a window of opportunity exists for a negotiated settlement. Both leaders "privately recognize the benefits of peaceful economic relations centred on a mutual port agreement" (Hadhwanaag News, 2025). Based on recent statements, "Prime Minister and the

President would welcome international mediation to secure a peaceful agreement on access to Eritrea‘s ports along the Red Sea” (Hadhwanaag News, 2025).

The alternative continued stalemate or renewed conflict carries unacceptable costs. The Global Peace Index 2025 identifies Ethiopia-Eritrea as one of the world’s highest-risk conflict dyads, with the relationship flagged as being “at highest risk of rapid and severe escalation” (Vision of Humanity, 2025). A war in this region could disrupt maritime traffic, threaten Red Sea port infrastructure, and draw in outside powers invested in the area (Vision of Humanity, 2025).

4.6 Toward a Win-Win Institutional Framework

The preceding sections have established that Ethiopia possesses a legitimate right of access to the sea under UNCLOS Article 125, yet possesses no sovereign claim to Eritrean territory; that historical grievances, while deep, cannot justify territorial revisionism; and that geopolitical realities render the status quo unsustainable for both nations. This section synthesises these findings into a concrete, legally grounded, and politically feasible institutional framework for Ethiopian Red Sea access that respects Eritrean sovereignty and delivers mutual benefits. The proposed framework, a tripartite model encompassing joint governance, revenue sharing, and international guarantees—offers a pathway from enmity to partnership.

4.7 Guiding Principles

Any durable agreement must rest on five foundational principles. First, sovereignty preservation: Eritrea retains full territorial sovereignty over Massawa and Assab. As the Embassy of the State of Eritrea has affirmed, "Eritrea has no territorial claim against Ethiopia, demands no Ethiopian land or resources, and seeks no alteration of Ethiopia's internationally recognised borders" (Shabait, 2026, para. 6). Eritrea "has never, in recorded history, opposed Ethiopia's legitimate commercial use of regional ports through mutually negotiated arrangements" (Shabait, 2026, para. 8-10). Second, guaranteed access: Ethiopia secures reliable, predictable, and cost-effective access under international law. UNCLOS Article 125 affirms that "land-locked States shall have the right of access to and from the sea" while requiring that "the terms and modalities for exercising freedom of transit shall be agreed between the land-locked States and transit States concerned" (UNCLOS, 1982, art. 125). Third, mutual benefit: both nations share in the economic dividends, Eritrea transforms "underutilized coastal potential into a thriving economic hub" (Ethiofact, 2025). Fourth, legal bindingness: agreements must be transparent, binding, and enforceable, registered with the UN Treaty Series. Fifth, phased implementation: trust-building through graduated cooperation, recognizing that decades of enmity cannot be overcome overnight (Teshome Abebe, 2025).

4.8 Institutional Architecture: The Tripartite Model

Joint Port Authority (JPA)

The cornerstone of the proposed framework is a bilateral institution with equal representation from Ethiopia and Eritrea, responsible for the operational management of designated port facilities at Massawa and/or Assab. This model draws on successful joint river basin commissions and transit authorities. A precedent exists: in 2018, following the Joint Declaration of Peace and Friendship, Ethiopian and Eritrean officials drafted a "detailed treaty governing the port and logistical relationship between Ethiopia and Eritrea" (Capital Ethiopia, 2018). The proposed treaty included customs and transport protocols, a post-utilisation strategy, and the resumption of four border checkpoints (Capital Ethiopia, 2018). While that initiative stalled, it provides a blueprint for revival. The JPA would be established through a bilateral treaty registered with the United Nations, with a governing board comprising equal numbers of Ethiopian and Eritrean appointees, and a secretariat staffed by professionals from both nations.

Revenue-Sharing Mechanism

A transparent formula must govern the financial relationship. Eritrea would receive sovereign rent or lease fees reflecting its territorial ownership; Ethiopia would receive preferential rates reflecting its equity participation and volume commitments. Economists estimate that Eritrea allowing Ethiopia "tax-free or preferential use of Assab and Massawa, closer to northern Ethiopia than Djibouti by 200-300 km, could slash logistics costs by 15-25%," saving Ethiopia "$300-500 million annually" while generating "$200-400 million yearly" for Eritrea (Teshome Abebe, 2025). Bilateral trade could double from an estimated "$50-100 million to $1 billion by 2030" (Teshome Abebe, 2025). Customs harmonisation and single-window systems would reduce transaction costs. An Ethiopian equity stake in port infrastructure development would align long-term incentives, transforming a zero-sum rental relationship into a partnership of shared ownership.

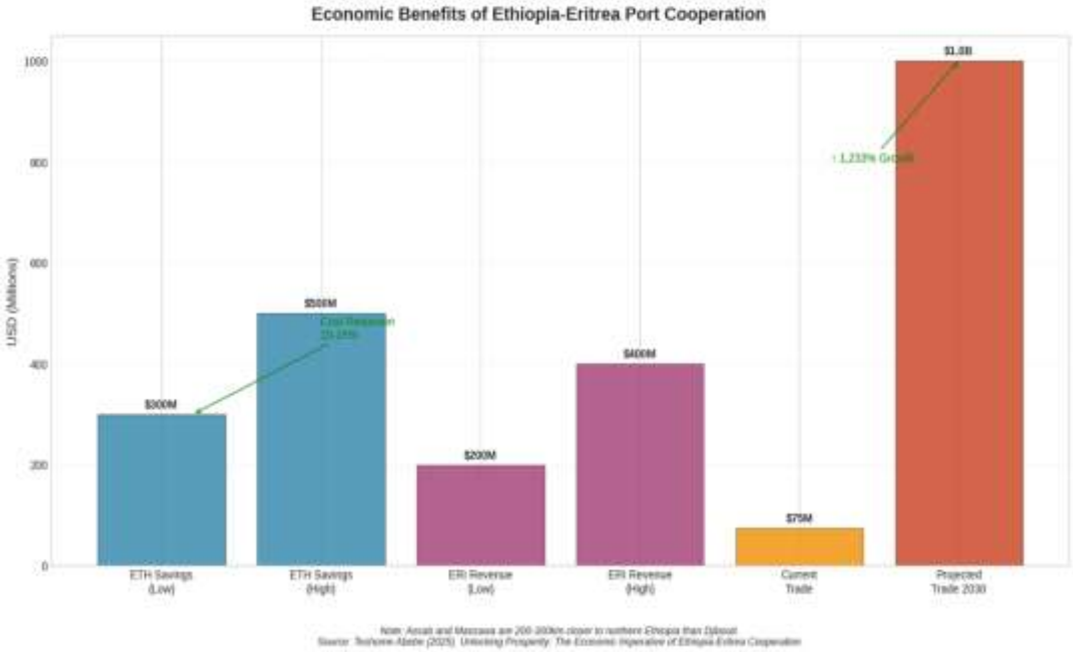

Figure 3: Economic Benefits of Ethiopia-Eritrea Port Cooperation

Figure 3 quantifies the transformative economic potential of a bilateral port agreement between Ethiopia and Eritrea. The data, drawn from Teshome Abebe's (2025) economic analysis, demonstrates that Ethiopia could save $300–500 million annually through preferential access to Assab and Massawa, which are 200–300 kilometres closer to northern Ethiopia than Djibouti. Eritrea would generate $200–400 million yearly in sovereign rent and port fees, transforming its underutilized coastal assets into a thriving economic hub. Bilateral trade could surge from $50–100 million to $1 billion by 2030, a 1,200% increase. These figures underscore that the proposed tripartite model, joint management, revenue sharing, and international guarantees, would convert a zero-sum territorial dispute into positive-sum economic cooperation. As the analysis observes, "regional prosperity is not a zero-sum game" (Ethiopian Broadcasting Corporation, 2026).

International Guarantees and Dispute Resolution

To ensure durability, the agreement requires international guarantees and robust dispute-resolution mechanisms. Potential guarantors include the African Union, the United Nations, and interested great powers. Turkey has been identified as "the best candidate to mediate a mutually acceptable port agreement between Ethiopia and Eritrea" (Hadhwanaag News, 2025, para. 16-18), with both leaders reportedly welcoming "international mediation to secure a peaceful agreement on access to Eritrea's ports" (Hadhwanaag News, 2025, para. 6-9). Ethiopia has requested new mediation from Turkey to support its efforts to secure peaceful maritime access (Nabd.com, 2026). Dispute resolution would be through a permanent arbitration mechanism modelled on the Permanent Court of Arbitration or the International Chamber of Commerce. Should Eritrea refuse to negotiate or deliberately frustrate agreed corridors, "Ethiopia may invoke UNCLOS Part XV dispute settlement procedures," including "the remedies of compulsory conciliation (Annex V) and submission to the International Tribunal for the Law of the Sea (ITLOS) or ad hoc arbitration" (The Reporter Ethiopia, 2026) (Table 5). Sunset and review clauses would provide for periodic review and renegotiation to adapt to changing circumstances.

Table 5: Comparative Analysis of Institutional Models

Model	Key Features	Applicability to Ethiopia-Eritrea
Joint River Basin Commission	Equal representation; shared management; dispute resolution	Strong proven template for shared resource governance
TAZARA (Zambia-Tanzania)	Joint infrastructure; sovereignty respected; economic integration	Strong successful landlocked-coastal model
Nepal-India Transit Treaties	Bilateral agreements; customs facilitation; dispute mechanisms	Moderate bilateral but less institutionalized
2018 Draft Ethiopia-Eritrea Treaty	Customs protocols; border checkpoints; joint committees	Direct precedent—revivable blueprint (Capital Ethiopia, 2018)

4.9 Phased Implementation Roadmap

A phased approach is essential to build trust and demonstrate benefits incrementally.

Phase 1: Political Agreement (0–6 months)

High-level political commitment from both leaders, supported by international mediation through Turkey, the African Union, or the United Nations, and formalized through a framework agreement defining core principles and an implementation timeline. As one analyst observes, "Prime Minister Abiy and President Isaias would welcome international mediation to secure a peaceful agreement on access to Eritrea's ports along the Red Sea" (Hadhwanaag News, 2025, para. 6-9).

Phase 2: Legal Framework (6–18 months)

Drafting and ratification of a bilateral treaty, establishment of a Joint Port Authority, and agreement on revenue-sharing arrangements and dispute-resolution mechanisms. The 2018 experience demonstrated, “a legal transaction couldn't happen if we didn't sign a treaty” (Capital Ethiopia, 2018).

Phase 3: Operationalization (18–36 months)

Infrastructure investment; customs integration; trial operations: The resumption of "four checkpoints" including Bure Gate, Zalambesa, and Rama Gates, which were identified in 2018 as serving cargo from Assab and Massawa, would provide immediate operational benefits (Capital Ethiopia, 2018) (Table 6).

Phase 4: Full Integration (36–60 months). Expanded capacity; regional integration; review and optimisation. This phase would see the corridor evolve from a bilateral access arrangement into a regional trade hub. As one analysis notes, "Eritrean ports could easily become a transit hub for exporting Ethiopian and South Sudanese energy, as well as for bringing in much-needed imports" (Somalia Today, 2025, para. 19-21) (table 6).

Table 6: Phased Implementation Roadmap

Phase	Timeline	Key Actions	Success Indicators
Phase 1: Political Agreement	0–6 months	High-level commitment; international mediation; framework agreement	Signed framework; mediator appointed
Phase 2: Legal Framework	6–18 months	Treaty drafting/ratification; JPA establishment	Ratified treaty; JPA operational
Phase 3: Operationalisation	18–36 months	Infrastructure investment; customs integration; trial operations	First cargo shipments; checkpoint operations
Phase 4: Full Integration	36–60 months	Expanded capacity; regional integration; review	Trade volume targets met; regional connectivity

4.10 Addressing Potential Objections

Eritrean concern: "This is a slippery slope to territorial loss." The treaty must explicitly affirm Eritrean sovereignty, with termination clauses protecting Eritrean interests. The framework is contractual, not cessionary, Eritrea retains full title; Ethiopia acquires rights of use, not ownership. As Eritrean officials have consistently maintained, "Eritrea has never, in recorded history, opposed Ethiopia's legitimate commercial use of regional ports through mutually negotiated arrangements" (Shabait, 2026, para. 8-10). The assertion that "Eritrean legitimacy dissolves once Ethiopia secures a port" effectively advances a doctrine of conditional sovereignty that lacks support under international law (Shabait, 2026, paras. 17–19).
Ethiopian concern: "This is insufficient we need sovereign territory." UNCLOS guarantees access, not sovereignty. Territorial revisionism is legally and politically untenable; it would violate the Algiers Agreement, the principle of *uti possidetis*, and invite regional destabilization. As one analysis observes, "Ethiopia's maritime question must be addressed through law, not by redrawing borders" (The Reporter Ethiopia, 2026). Eritrea's sovereignty "is not conditional" and its borders are "the same borders that constitute the modern State of Eritrea" (Shabait, 2026).

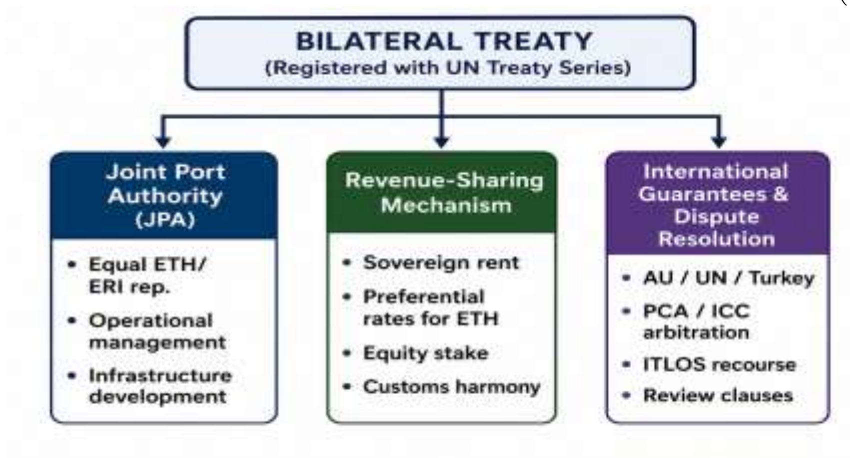

Figure 4: The Tripartite Model Institutional Architecture

Figure 4 illustrates the proposed institutional framework for Ethiopian Red Sea access while respecting Eritrean sovereignty. The model rests on a bilateral treaty registered with the United Nations Treaty Series, establishing three interconnected pillars. The Joint Port

Authority ensures equal representation and operational management of designated port facilities, a model that draws on successful joint river basin commissions and transit authorities (Capital Ethiopia, 2018). The revenue-sharing mechanism provides Eritrea with sovereign rent while offering Ethiopia preferential rates and potential equity stakes, transforming a zero-sum rental relationship into a partnership of shared ownership (Teshome Abebe, 2025). International guarantees and dispute resolution mechanisms, including AU/UN/Turkish mediation, PCA/ICC arbitration, and ITLOS recourse, ensure enforceability and provide recourse should either party frustrate the agreement (Hadhwanaag News, 2025; The Reporter Ethiopia, 2026). The tripartite model reconciles Ethiopia's access needs with Eritrean sovereignty through institutionalized cooperation.

V. Conclusion

The Ethiopia-Eritrea Red Sea dispute encapsulates the competing imperatives of historical justice, territorial sovereignty, and economic necessity that define the modern Horn of Africa. This article has argued that despite deep historical grievances, particularly the unilateral 1962 dissolution of the UN-mandated federation, the contemporary solution lies not in territorial revisionism but in a legally binding, commercially incentivized institutional framework that reconciles Ethiopia's access needs with Eritrean sovereignty.

The historical analysis reveals that imposed arrangements breed conflict, while consent-based cooperation offers the only durable pathway. The legal analysis demonstrates that Ethiopia possesses a legitimate right of access under UNCLOS Article 125, yet possesses no sovereign claim to Eritrean territory, a distinction critical to any viable settlement. The geopolitical analysis underscores that the status quo is unsustainable, with Ethiopia's 95% dependence on Djibouti creating profound vulnerabilities and Eritrea's ports remaining dramatically underutilized.

The proposed tripartite model, joint port authority, revenue-sharing mechanism, and international guarantees, offers a concrete pathway from enmity to partnership. The gains from cooperation are substantial: reduced logistics costs, increased trade volumes, and shared prosperity. With Turkey positioned as a potential mediator and both leaders reportedly recognizing the benefits of peaceful economic relations, the window of opportunity remains open.

The Ethiopia-Eritrea dispute is not merely bilateral; it is a test case for whether the Horn of Africa can transcend its history of conflict and embrace shared prosperity. The question is not whether such an agreement is possible, but whether the leaders and peoples of Ethiopia and Eritrea have the vision and courage to seize this historic opportunity. Regional prosperity is not a zero-sum game; through good faith and collaboration, the Horn of Africa can become a region of growth and mutual respect.

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