# **Eritrea-Yemen Dispute Over the Hanish Islands**

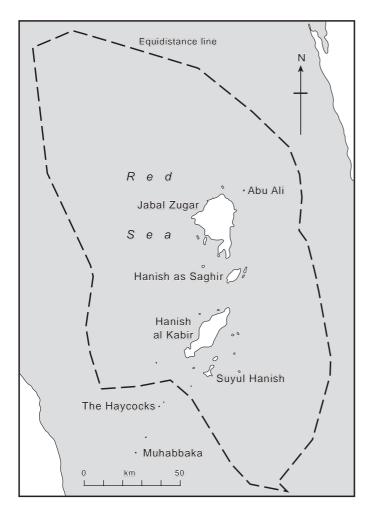
Daniel J. Dzurek

#### Introduction

In November and December 1995 forces of Eritrea and Yemen clashed over an island group in the southern Red Sea. The dispute dates to the dissolution of the Ottoman Empire and colonial actions by Italy and the United Kingdom. The current flare-up threatens to pit the Organisation of African Unity against the Arab League. The disputants appear willing to demilitarise the archipelago and seek third-party dispute settlement. However, despite a host of mediators resolution is not on the horizon.

#### Geography

News reports refer to three disputed islands, but the



group consists of more than 23 hilly, barren islands, islets, and rocks. Their total area is about 190 sq. km.<sup>2</sup> They stretch 55km in a north-south chain from the Abu Ali islets (30km from the Yemeni coast) to Suyul Hanish (45km from the Eritrean coast). North to South, the major islands are Quoin, Jabal Zuqar, Hanish as Saghir (Lesser Hanish), Hanish al Kabir (Greater Hanish), and Suyul Hanish (see table).<sup>3</sup> There is some indication that Yemen does not consider Jabal Zuqar to be part of the island group. However, it lies closer to Hanish as Saghir (3.7km) than that island lies to Hanish al Kabir (6.8km). Judging from proximity and similar topography, all the islands listed above appear to form an archipelagic group. For purposes of discussion, the Hanish Group is defined as those features found from 14°10'N to 13°35'N and between 42°35'E and 43°E. This excludes the Haycocks<sup>4</sup> and Muhabbaka Islands, which historical evidence indicates are Eritrean.5

The Hanish Group lies along the shipping lanes, so the conflict has raised concern about a possible threat to navigation. Yemen and Egypt, in particular, have raised the issue of navigational safety. *Lloyd's List* reported that merchant vessels were being warned to stay clear of Hanish al Kabir. Most of Egypt's Suez Canal traffic (more than 100 ships) and about 125,000 barrels of Gulf oil transit the area daily. The shipping lanes, so the conflict that the conflict that the shipping lanes, so the conflict that the confli

If one assumes a median line, equidistant from all islets, then sovereignty over the Hanish Group could confer jurisdiction over 6,400km² of continental shelf or exclusive economic zone (see map). This would be a sizeable portion of the overlapping oil exploration blocks delimited by Eritrea and Yemen in the area.

# **Genesis of the Claims**

Eritrea claims that the Hanish Archipelago has "been part of Eritrea from the period of the Ottoman empire through Italian, British and Ethiopian colonial occupations of the country." Eritrea maintains that it has documentary evidence that the Hanish-Zuqar archipelago was administered from the port of Mitsiwa during the Ottoman rule.

Then the islands were entrusted to the Italians, who transferred their administration to the port of Aseb and the province of Awsa. While Eritrea was federated with Ethiopia, they were administered by Ethiopian governments under Emperor Haile Selassie and President Mengitsu. Eritrea maintains the islands reverted to it at independence.<sup>10</sup>

Eritrea was a colony of Italy from 1890 to 1941, when it was captured by Great Britain. It was awarded to Ethiopia as part of a federation in 1952 and forcibly annexed as a province in 1962. Following 31 years of war against Ethiopia, Eritrea declared itself independent in 1993.

Yemen also claims historic title to the islands from the Ottoman period. <sup>11</sup> North Yemen gained its independence from the Ottoman Empire in 1918, eventually becoming the Yemen Arab Republic (YAR). South Yemen was formed out of the British colony of Aden and the British protectorate of South Arabia in 1967. It became the People's Democratic Republic of Yemen (PDRY). The Yemens fought two wars between 1970 and 1980. The countries were formally united in 1990. Modern Yemen's claim to the islands would probably be as successor to rights of the YAR, but PDRY rights might also be at issue. <sup>12</sup>

### **Relevant International Agreements**

Three international treaties and one UN resolution seem to be relevant to the sovereignty dispute. In the 1923 Treaty of Lausanne, Turkey made a general renunciation of all rights and titles respecting territories situated outside the frontiers delimited in the treaty and to islands other than those recognised in that agreement. Many Red Sea islands fall within this description.

The Anglo-Italian Agreement Regarding Certain Areas in the Middle East (Rome, 16 April 1938) refers to some of the disputed Red Sea islands. In Article 4 of this agreement Italy and the United Kingdom state that:

"As regards those island in the Red Sea to which Turkey renounced her rights by Article 16 of the Treaty of Peace signed at Lausanne on the 24th July, 1923, and which are not comprised in the territory of Saudi Arabia or of the Yemen [future YAR], neither Party will ... establish its sovereignty, or erect fortifications or defences."

This article goes on to discuss stationing "Italian officials at Great Hanish [Hanish al Kabir], Little Hanish [Hanish as Saghir] and Jebel Zukur [Jabal Zuqar]," and such persons as required for the maintenance of lights on "Abu Ail [Abu Ali], Centre Peak¹⁴ and Jebel Teir [Jabal at Tair]."¹⁵ Mention of these islands in Article 4 indicates that Italy and the UK viewed them as not belonging to Yemen or Saudi Arabia.

However, this conclusion must be tempered by subsequent developments regarding the sovereignty of Kamaran island, which was also mentioned in this article of the 1938 agreement. Kamaran lies north of the Hanish Group and just offshore of the former YAR. 16 Article 4 also made provision for British officials to be present on Kamaran and permitted Italy to station a medical officer there. The sovereignty disclaimer in the 1938 agreement did not preclude South Yemen from claiming Kamaran, in part, because the island was administered by the British from Aden. Nor did the 1938 agreement prevent a claim by North Yemen, which in 1956 protested a British grant of an oil concession in Kamaran because the island was part of its territory.<sup>17</sup> North Yemen had disputed British sovereignty over Aden and the Protectorate of South Arabia. The question of sovereignty over Kamaran became moot with the merger of the two Yemens, but colonial limits and sovereignty issues remain intertwined in the Hanish Islands dispute and elsewhere in the region. A 1966 UN General Assembly resolution described the territory of Aden (the future PDRY) as including "the Islands of Perim, Kuria Muria, Kamaran and other offshore islands." This elastic description of other offshore islands might be construed as a basis for a PDRY claim to the Hanish Group.

The final relevant international agreement relating to the sovereignty issue dealt with the maintenance of navigation lights on Abu Ali [Quoin Island] and Jabal at Tair,<sup>20</sup> which was adumbrated in the 1938 accord. The International Agreement Regarding the Maintenance of Certain Lights in the Red Sea (London, 20 February 1962) was signed by Denmark, the Federal Republic of Germany, Finland, France, Greece, Italy, Liberia, the Netherlands, Norway, Pakistan, Panama, Sweden, the USSR, Egypt, UK, and US. Neither Yemen nor Ethiopia (which included Eritrea at the time) signed the agreement. The purpose of the 1962 agreement was to defray expenses for maintaining the lights among countries whose vessels transited the area. The UK would continue to manage the lights. The 1962 accord is relevant to the Hanish Islands

quarrel, because the parties acknowledged that sovereignty over the two islands was unsettled.<sup>21</sup>

In sum, only the 1923 Treaty of Lausanne bears directly on the sovereignty of the Hanish Group. The 1938 and 1962 agreements explicitly restrict the parties from establishing their sovereignty over the islands. Rather, the other treaties show then prevailing views of major international players. The 1938 agreement suggests that Italy and the UK did not view Hanish al Kabir, Hanish as Saghir, Jabal Zuqar, Abu Ali, Centre Peak, and Jabal at Tair as being part of the former Yemen Arab Republic. The 1962 agreement testifies to the indeterminate status of Abu Ali and Jabal at Tair. The 1938 and 1962 agreements call into question the sovereignty of Centre Peak, in the Jabal Zubayr group, and Jabal at Tair, which lie 110 and 170km, respectively, north of the Hanish Group. Therefore, the dispute between Eritrea and Yemen could widen to include other island groups.

### **Recent Developments**

The current states of Eritrea and Yemen inherited the dispute from the former Ethiopia and from the former YAR, and possibly the PDRY.<sup>22</sup> YAR troops deployed to Jabal Zuqar and Hanish al Kabir in 1977, ostensibly to protect the Bab el-Mandeb Strait from Israel. However, Yemen's actions appear to have been an effort to gain advantage in the island dispute while Ethiopia was fighting Eritrean rebels. In the 1980s, signature of the UN Convention on the Law of the Sea triggered declarations by Ethiopia and the YAR relating to sovereignty over unnamed Red Sea islands.<sup>23</sup>

Yemen argues that Egypt recognised its title when Cairo asked Yemen (and not Ethiopia) for permission to use Hanish al Kabir in preparation for Egypt's October 1973 war with Israel. According to Yemen's submission to the Organisation of African Unity, Egypt and Yemen signed an agreement over the use of Hanish al Kabir in May 1973. Egyptian naval forces blockaded the Red Sea during the October War and Cairo leased Barim (Perim) Island in the Bab el-Mandeb from the PDRY in October 1974. However, an agreement over Hanish Island had not been generally reported. If such an agreement exists, that fact might disqualify Egypt as a mediator.

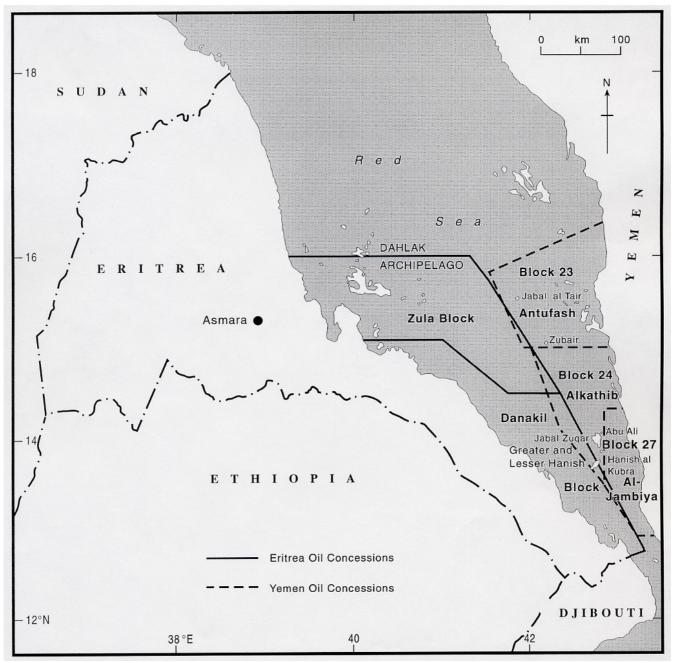
Both Eritrea and Yemen appear to admit that Eritrean forces were in the islands during Ethiopia's civil war, but they disagree about why they were there. Eritrea maintains that its troops occupied Eritrean territory; Yemen says that it allowed the rebels to use the islands.<sup>26</sup>

In 1995 the dormant dispute was rekindled by oil leasing and tourism, according to diplomatic sources. Eritrea became alarmed when Yemen permitted an Italian firm to set up diving operations on Hanish al Kabir to promote it as a tourist attraction.<sup>27</sup> The Eritrean and Yemeni offshore concession systems overlap in the southern Red Sea, intersecting parts of the Hanish group. In September 1995 Anadarko Petroleum signed a contract for Eritrea's Zula Block, which extends to the area directly to the north of the Hanish group.<sup>28</sup> (see map).

In early October 1995 the interior ministers of Eritrea and Yemen met in Sanaa to discuss security and fishing issues. Eritrea released 25 Yemeni fishermen it had apprehended in its waters.<sup>29</sup> Since the countries have no agreed maritime boundaries, due in part to the Hanish Islands dispute, the islands probably figured in the discussions.

Eritrea claims that Yemen began stationing troops on the islands in early November 1995, but Yemen says that Eritrean forces appeared on 11 November and ordered Yemeni forces to leave. 30 The claimants met in Asmara on 7 December, but failed to resolve the dispute. Eritrea claims that the talks stalled when the Yemeni delegation insisted that their mandate was to discuss "Hanish Island" and not the archipelago. On 15 December fighting erupted. Eritrea says that Yemeni forces harassed Eritrean troops on Suyul Hanish on 15 December and launched air and ground attacks the following morning, which were repulsed. Twelve people were killed and 200 prisoners taken.<sup>31</sup> On 17 December, the Presidents of Eritrea and Yemen agreed via telephone to a cease-fire. The truce was to have been monitored by a committee of four, including a senior official from each side and a diplomat from the US embassies in Asmara and Sanaa. However, Yemen accuses Eritrean forces of seizing Hanish al Kabir on 18 December despite the cease-fire. Eritrea says that it gained control of the island on 17 December, before the truce.<sup>32</sup>

The dispute threatened to become an Arab-African issue. The Arab League and many Arab countries sided with Yemen. The Organisation of African Unity faulted the Arab League for taking sides and expressed the hope that the dispute would not turn into an Arab versus African affair.<sup>33</sup>



Although both claimants have professed their willingness to forego violence and settle the issues through negotiations, arbitration or adjudication, three mediation attempts have failed or made little progress in resolving the Hanish Islands dispute. Initial direct talks bogged down. Eritrea proposed simultaneous withdrawal and submission of the dispute to the International Court of Justice (ICJ); Yemen called for the return of POWs and Eritrean withdrawal, before beginning negotiations on the status of the islands and maritime boundaries. Eritrea rejected withdrawal of its forces as a precondition to negotiations.<sup>34</sup>

Ethiopia began mediation efforts when Foreign Minister Mesfin visited Sanaa on 21 December 1995. Eventually, Ethiopia made a three point proposal, which included return of POWs, mutual withdrawal overseen by a third party, and submission to the ICJ. <sup>35</sup> Eritrea returned the Yemeni prisoners it had captured, but Yemen rejected simultaneous troop withdrawal. The Ethiopian Prime Minister acknowledged that his efforts had been unsuccessful on 29 December, but he said that differences had narrowed. Nonetheless, Ethiopia submitted a draft agreement to both sides and its shuttle efforts continued. The agreement reportedly called for Eritrea to withdraw from Hanish al Kabir and Yemen to withdraw from Jabal Zuqar. The sticking point was deciding which side should withdraw first and when. <sup>36</sup>

Egyptian mediation began on 23 December 1995 and continued during Ethiopia's efforts. Egyptian Foreign Minister Musa visited the claimants and discussed arbitration, suspension of military

operations, and withdrawal from the disputed area. On 13 February 1996, after a series of meetings and a visit by Eritrean President Afwerki to Cairo, President Mubarak proposed an Eritrean-Yemeni summit to settle the dispute. Yemen rejected the idea of a summit until after a preliminary agreement had been reached. Yemeni Foreign Minister Iryani deflected the Egyptian initiative and said that his government had already accepted a French proposal to end the dispute. Eritrea faulted Yemen for failing to make any concrete proposals and suggested that it was buying time to prepare for war.<sup>37</sup>

The French mediation effort was suggested by UN Secretary-General Boutros Boutros-Ghali, who visited Asmara and Sanaa in late December 1995.<sup>38</sup> He observed that working through the ICJ would take too long. Because of the sensitivity of the issue and the islands' proximity to major shipping lanes, he said a quick solution was advisable. The Secretary-General proposed entrusting the task of arbitration to one state and suggested France.<sup>39</sup>

On 6 January 1996 France offered to mediate the dispute. Ambassador Gutmann was dispatched from Paris on a fact-finding mission. The French reportedly focused on procedure; they proposed that the claimants refrain from the use of force and set up an international arbitration commission. Members of the commission were to be nominated by Eritrea and Yemen, and the head of the panel chosen by a third party. During Gutmann's shuttle diplomacy, Eritrea said that the claimants disagreed on the definition of what was in dispute. Yemen apparently rejected the inclusion of Jabal Zugar; it maintained that the issue was Eritrean troops on Hanish al Kabir. On 19 February 1996 Yemen faulted Eritrea for not accepting the final text of the French proposal. 40 The French efforts seem to have run aground on the Hanish Islands, as had the earlier Ethiopian and Egyptian attempts.

### The Israeli Dimension

A recurring aspect of island disputes in the Red Sea is the Arab-Israeli conflict. In efforts to blockade Israel, Egypt occupied Tiran and Sanafir islands in the Strait of Tiran, with the concurrence of the Saudi government in 1949, and reportedly reached an agreement with the PDRY to lease Barim Island in the Bab el-Mandeb in October 1974. In 1990 Sudan and Yemen alleged Israeli efforts to control Red Sea access points and collusion with Ethiopia. 41

The Arab press resurrected the Israeli issue during the Hanish Islands dispute. <sup>42</sup> A Yemeni government official claimed that Eritrea "began reinforcing its military presence [on Hanish al Kabir] after the

visit by the Eritrean president Isaias Afwerki to Israel at the beginning of February. "<sup>43</sup> Eritrea and Israel denied any cooperation. <sup>44</sup> In an example of the new relationships forming in the region, Egyptian Foreign Minister Musa said that "reports about Israeli involvement in the Yemeni-Eritrean conflict are untrue." <sup>45</sup>

#### **Prognosis**

Eritrea and Yemen are talking past one another. Eritrean statements continue to emphasise the entire island group and mutual withdrawal. Yemen says the issue is about illegal occupation of one island and emphasises Eritrean unilateral withdrawal before talks can begin. Yemen's recurring references to settling the maritime boundary may suggest that it may be willing to compromise on a continental shelf/EEZ boundary if Eritrea abandons its sovereignty claim to the islands. At the time of writing, the truce is holding, but lack of progress in the mediation efforts suggests that the Hanish Island dispute will not soon be solved. Indeed, the conflict may widen to include other island groups, such as the Zubayr cluster and Jabal at Tair. The dispute over the Hanish Islands prompted Eritrean President Afwerki to call on Djibouti and Saudi Arabia to delimit their maritime boundaries with Eritrea.<sup>46</sup> Saudi Arabia and Yemen are currently negotiating land and sea boundaries. Israel and Jordan signed a territorial sea treaty for the Gulf of Agaba on 18 January 1996. It is the first maritime boundary in the Red Sea. The conflict between Eritrea and Yemen may sensitise the region to the need to delimit maritime boundaries. Perhaps the dispute will promote such negotiations.

# Notes

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  'OAU Chief Urges Arab League to Help End Dispute,' *Reuter* (Addis Ababa) 23 December 1995.
- <sup>2</sup> Measured on US Defense Mapping Agency (DMA) Red Sea-Southern Portion: Sajid to Siyyan, nautical chart 62290 (3rd ed., 1991), 1:500,000 nominal scale.
- US DMA, Sajid to Siyyan, chart 62290.
- The Haycocks, tiny islets located between Suyul Hanish and the Eritrean mainland, are distinct from Haycock Island, a small islet north of Hanish al Kabir.
- The Joint Operations Graphic map, *Aseb (Assab)*, *Ethiopia; Yemen*, Series 1501, Sheet ND 38-9, 2nd ed., scale 1:250,000 (Washington, DC: US Army Topographic Command, May 1971), contains the following marginal note: "*The sovereignty of the*"

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- Area based on a hypothetical median line constructed by the author on US DMA, *Sajid to Siyyan*, chart 62290. Eritrea has not clarified what maritime zones it claims. The former PDRY claimed an EEZ, but claims of the new Republic of Yemen are unclear.
- <sup>9</sup> Eritrea, Ministry of Foreign Affairs, *Statement of the Government of Eritrea on the incident in the Hanish Archipelago*, 17 December 1995. The author wishes to thank the Information Officer, Embassy of Eritrea (Washington) for providing relevant material.
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  Foreign Broadcast Information Service, *Daily Report: Sub-Saharan Africa* (hereafter, FBIS, *Africa*), 17
  January 1996: 6-9.
- Yemen Arab Republic, Declaration Made upon Signature of the 1982 UN Convention on the Law of the Sea, *Law of the Sea Bulletin* (1994) No. 25, New York: United Nations, Division for Ocean Affairs and the Law of the Sea, (June): 38.
- Despite repeated requests to the Yemen Embassy (Washington) and a faxed request to the Foreign Ministry in Sanaa, the author was unable to obtain official position papers from the government of Yemen.
- Treaty of Lausanne (24 July 1923), Art. 16, in Israel, F. L. (1967) (ed) Major Peace Treaties of Modern History: 1648-1967, 4: 2310, New York: Chelsea House.
- Centre Peak is located at 15°01'N, 42°10'E, in the Jabal Zubayr island group.
- Anglo-Italian Agreement regarding Certain Areas in the Middle East, Art. 4, in Annex 3 of the Agreement regarding Questions of Mutual Concern consisting of a Protocol and Annexes, in League of Nations Treaty Series, 82, (1939), no. 4537.
- <sup>16</sup> Kamaran island lies at 15°20'N, 42°31'E.
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<sup>20</sup> Jabal at Tair is located at 15°32'N, 41°50'E.

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Table - Southern Red Sea Islands						
Name <sup>a</sup>	Latitude	Longitude	Area	Length	Width	Height
	(North)	(East)	(sq km)	(km)	(km)	(m)
Abu Ali Islands						
Pile Island	14°04.8'	42° 49.3'	-	-	-	87
Quoin Island <sup>b</sup>	14 04.6	42 48.9	-	-		-
Jabal Zuqar Cluster						
High Island	14 05.3	42 45.6	-	-	-	-
Jabal Zuqar, Jazirat <sup>b</sup>	14 01.0	42 39.5	105	18	12	645
Shark Island	13 57.5	42 41.8	-	1	-	-
Near Island	13 56.9	42 42.7	-	2	1	-
Tunhu, Jazirat	13 52.8	42 42.7	-	-	-	-
Little Hanish Cluster						
Hanish as Saghir, Jazirat al	13 51.7	42 47.4	14	6	3	203
Low Island <sup>b</sup>	13 52.4	42 49.1	-	2	-	-
Great Hanish Cluster						
Haycock Island	13 47.2	42 47.2	-	1	-	-
Addar Ail Islets	13 47.4	42 48.3	-	-	-	37
Mushajirah, Jazirat	13 46.8	42 50.1	-	-	-	7
Hanish al Kabir, Jazirat al	13 43.0	42 43.7	62	19	5	415
Peaky Island	13 46.5	42 45.2	-	-	-	-
Quoin Island	13 42.7	42 48.5	-	1	-	-
North Round Island	13 42.5	42 47.4	-	1	-	-
Round Island	13 39.8	42 47.9	-	-	-	-
Double Peak Island	13 39.0	42 44.8	-	2	1	-
Mid Island	13 38.3	42 44.7	-	-	-	-
Rocky Islands	13 38.2	42 46.6	-	-	-	-
Parkin Rock	13 37.6	42 48.6	-	-	-	-
Suyul Hanish	13 37	42 44	6	4	2	27
South West Rocks	13 38.3	42 36.1	-	-	-	7
The Haycocks						
Northeast Haycock	13 32.4	42 37.7	-	-	-	-
Middle Haycock	13 31.9	42 37.0	-	-	-	-
Southwest Haycock	13 31.3	42 36.4	-	-	-	52
Muhabbaka Islands						
High Island	13 26.8	42 34.5	_	-	-	21
Flat Island	13 24.6	42 33.0	_	-	-	12
Harbi Island	13 21.2	42 39.2	-	-	-	25
Sayal Island	13 19.6	42 34.3	-	-	-	15

Sources: UK Ministry of Defence, Al Hudayhah Yemen, Joint Operations Graphic, Series 1501, Sheet ND 38-5, Edition I-GSGS (1969), scale 1:250,000; US Army Topographic Command, Aseb (Assab) Ethiopia, Yemen, Joint Operations Graphic, Series 1501, Sheet ND 38-9, Edition 2 (printed May 1971), scale 1:250,000; US Defense Mapping Agency, Sajid to Siyyan, chart 62290 (3rd ed., 1991), 1:500,000; US Board on Geographic Names, Yemen Arab Republic Gazetteer (US Defense Mapping Agency, 1976) and Gazetteer of Ethiopia (US Defense Mapping Agency, 1982); US Defense Mapping Agency, Sailing Directions: Red Sea and the Persian Gulf, 6th ed. (Bethesda, MD: Defense Mapping Agency, 1993).

<sup>&</sup>lt;sup>a</sup> Names follow US Board on Geographic Names usage, but without diacritical marks. Those including the generic 'island' or 'rock' are derived from English language sources. The Arabic terms jazirat (island) and jabal (hill, mountain) indicate local name sources. "Haycock, Quoin, High" and other names recur for various Red Sea islands.

<sup>&</sup>lt;sup>b</sup> Navigation light on feature.

<sup>&</sup>quot;-" indicates negligible (less than 1km in length or width, or unknown height). Latitude and longitude measured at approximate center of feature. Areas, lengths, widths, and heights approximate.