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# **UN/US Sanctions on Eritrea: Latest Chapter in a Long History of Injustice**

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**By the E-SMART Research Team**

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## Executive Summary

The paper takes a close look at Eritrea's relations with both the US and the UN over the last six decades in an attempt to make sense of the December 23, 2009 UN Security Council decision to impose sanctions on this young African nation based on groundless charges. A careful analysis of the historical records shows an unmistakable pattern of betrayals of and injustice against the people of Eritrea by the West in general and the US in particular, as well as the United Nations and the African Union (formerly Organization of African Union (OAU)). The analysis reveals in a stark way that U.S. foreign policy for the Horn of Africa has been generally devoid of fairness and justice—always skewed to favor Ethiopia, and always at the expense of the region in general, and especially Eritrea and the Eritrean people in particular.

The last 60 years, except for a brief period between 1991 and 1998, has been a long war the Eritrean people have been fighting to determine their own destiny—a right most other peoples and nations take for granted. During this period, on almost all of the questions relating to Eritrea's freedom and sovereignty, the West has been on the wrong side.

When examined against this historical backdrop, the US-led UN sanctions measure--Resolution 1907 (2009)--was not meant to bring about peace and security in Somalia or the rest of the Horn of Africa subregion. It was to “punish” the young and independent-minded nation of Eritrea for refusing to accept the West's misguided policy in Somalia. So, the unjust decision on sanctions happened because the United States wanted it to happen and that is unfortunate because Eritreans and Eritrean Americans look up to Washington to exercise fairness and justice in dealing with the nations in this fragile and war-ravaged part of Africa. History, and particularly that of Eritrea and Ethiopia, has repeatedly shown that any big power policy devoid of balance, fairness and justice only leads to war and destruction which this sub-region of Africa has had too much of the last 60 years.<sup>1</sup>

In the end, any fair-minded observer must ask why Eritrea and its people are repeatedly singled out for such an unfair treatment, denied a chance to live in peace, develop their nation and focus on their real enemies: poverty, disease, ignorance and other characteristics of underdevelopment.

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<sup>1</sup> Recently leaked cables originating from US Embassy in Asmara show that Eritrea has been willing to work with the United States despite repeated attempt to destabilize the new nation in support of Ethiopia.

## INTRODUCTION

Eritrea, the size of the U.S. State of Pennsylvania with a population of 4.5 million people, is defined by a series of harmoniously co-existing dualisms – geography (highland and lowland), religion (Christianity and Islam), and socio-economic groups (sedentary cultivators and agro pastoralists). It is comprised of nine ethno-linguistic communities coming together as a national identity. Eritrea's geographic location in the Horn of Africa renders great strategic and economic importance. Lying along the Red Sea, Eritrea shares with Yemen and Djibouti the Bab el Mandeb chokepoint between the Horn of Africa and the Middle East, through which important maritime routes pass to Europe, Asia and North America.

Situated at a crossroads of economic activity and migration, the Horn of Africa is wedged between growing centers of instability. Increased traffic from different camps through the region creates not only a security concern for the countries in the Horn, but also business interests in the region. Eritrea's strategic location along the Red Sea had long made it a target of every imaginable power that wanted to dominate the Red Sea shipping lanes. The country had to wage a 30-year war of independence to shake off Ethiopia's occupation that was supported by the capitalist west and the communist east. In its first years of independence, Eritrea was forced to face international terrorist forces that wanted the country to be governed by religious laws in place of secular rule. Though a nation evenly divided between Christians and Muslims, and despite attempts by external forces to sow seeds of civil strife, Eritrea has remained an oasis of stability in the volatile Horn of Africa region.

Security in the Horn of Africa is at a teetering point of stasis or slowly unraveling. The US-brokered Algiers agreement ending the 1998-2000 border war between Eritrea and Ethiopia concluded in virtual demarcation instead of physical due to Ethiopia's refusal, with US backing, to honor its treaty obligations. In the Sudan, implementation of the Comprehensive Peace Agreement, which ended decades of civil war between the north and south, remains incomplete; conflicts also persist unresolved in other parts of the country, most notably in Darfur. Somalia's struggle continues as a failed state. Complicating the region further, a purported border conflict between Eritrea and Djibouti has now come to life without any sound basis.<sup>2</sup> The resulting US-engineered United Nations Security Council (UNSC) sanctions against Eritrea on its alleged involvement in the Somali conflict and border dispute with Djibouti expose shortsighted and damaging approaches to the region's conflicts. The underlying reason for sanctioning Eritrea appears to be punishment for its refusal to endorse failed US policies in Somalia.

At present, US strategic interests in the Horn of Africa center on preventing Somalia from becoming a safe haven for Al-Qaeda or other transnational extremist groups. In pursuing its counter-terrorism strategy, the US has heavily relied on Ethiopia to do its bidding. The Ethiopian government's behavior, however, both domestically and regionally, poses mounting difficulties for the US and in reality undermines its regional standing and long-term interests in the area. America's myopic view of the region and blind support of Ethiopia is directly linked to the region's chronic

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<sup>2</sup> A June 8, 2010 accord mediated by the Qatari government in which Djibouti and Eritrea signed an agreement shows that there was nothing to the uproar orchestrated by external actors—external to the two nations. For more, see page 19.)

destabilization and has hindered US ability to identify real potential partnerships that would in fact help to bring about a more conflict-free and secure region. These factors necessitate a comprehensive “policy shift”<sup>3</sup> in the Horn if the US wishes to influence events in the region and to effectively fight terrorism in the region. Now, more than ever, the need for constructive and forward-looking engagement, and not a policy of isolation and sanctions, is crucial. The US and Eritrea, in fact, have many common interests, and despite many mischaracterizations, Eritrea has on many occasions agreed to work jointly with the US on matters of mutual interest. It should be noted that Eritrea has played an influential role in peace building and conflict resolution in the Sudan, and its position in Somalia has consistently called for an inclusive Somali-driven reconciliation process in place of the externally crafted and financed patch-work approach seen over the last two decades.

The Horn of Africa in general and Eritrea in particular have suffered from flawed US policies for decades. Having orchestrated Ethiopia’s initial annexation of Eritrea and then backing its continued occupation politically and militarily, the US and the international community have unfortunately played a damaging role in Eritrea’s history. Particularly during the 30-year war for independence, the destruction experienced in Eritrea was tremendous, including human atrocities, mass displacements and economic ruin. The effects of these experiences along with their psychological, cultural and social ramifications are still being felt today and will be for some time to come.

A peaceful and stable region is not only in the best interest of the US and the international community, but also the nations of the region. It is, therefore, imperative for the UN and the US to reevaluate their policies towards the Horn of Africa and redirect their efforts to bring about equitable and lasting peace and development to the region. Perhaps it is high time that the US policy makers understand the immorality in crippling a man and then accusing him of limping.

The focus of this paper is to discuss two major issues: (1) the history of UN, US, EU and AU betrayals and interventions in Eritrea for context, and (2) the unjust nature of the recently imposed UN sanctions on Eritrea.

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<sup>3</sup> Burton, B.E. (2009) “US policy shift needed in the Horn of Africa,” August 6, 2009. [http://www.cfr.org/publication/19982/us\\_policy\\_shift\\_needed\\_in\\_the\\_horn\\_of\\_africa.html#](http://www.cfr.org/publication/19982/us_policy_shift_needed_in_the_horn_of_africa.html#), retrieved 4/7/2010

## Part I

### A HISTORY OF BETRAYALS

The past 60-year period is marked with a history of betrayals and injustice against the people of Eritrea by the United States and the West in general, the United Nations and the African Union (formerly Organization of African Union (OAU)).

#### **Denial of Right to Self-Determination and Independence**

With the advent of decolonization beginning in the 1940s, when colonized African and Asian peoples began intensifying their struggle against colonial powers demanding their independence, the rights of many colonized peoples to self-determination and independence were recognized. The people of Eritrea, under Italian colonial rule at the time, were entitled to the same rights.<sup>4</sup> And Eritreans aspired for independence, but it turned out to be achievable only in the face of insurmountable difficulties. Attempts at derailing that aspiration began with: (a) the British Military occupation under the guise of trusteeship, and (b) the hatching of a sinister scheme, known as the Bevin-Sforza plan.

The British plan to dismember Eritrea began as soon as its Military Administration, in the name of trusteeship, occupied Eritrea. Brigadier General Stephen H. Longrigg, the Chief Administrator of Eritrea, 1942-44, had floated the idea as early as August 3, 1944, in an article he wrote in the Eritrean Weekly Gazette using the penname “concerned Eritrean.” A year later he brought the idea to the open with these words:

It seems, then that the single Eritrea of to-day is doomed. Dismemberment, in some form and to some extent, must be the alternative. If this is so—and the evident racial and cultural and historical diversities suggest it—it must be in favour of the two greater neighbours of the territory, the Sudan and Ethiopia.<sup>5</sup>

Besides attempting to dismember Eritrea, the British Military Administration was also determined to render Eritrea economically unviable. To “prove” that Eritrea’s economy was too weak to survive independently, it systematically set out to destroy Eritrea’s economy through a wanton plunder. According to Araia Tseggai, “Entire factories, transportation facilities, radio stations, port facilities and other heavy equipments” were sold to the highest bidder. A cement factory producing 1000 tons per day was sold to the Sudan; scrap metal from over a thousand homes in Massawa was sold to Yemen, in the process dynamiting the port city of Massawa. Equipment from about 20 radio stations was sold to different countries; a floating dry dock with two huge cranes used for ship repair was sold to Pakistan; Malta and Egypt bought two big cranes; 16 large boats were sold to Italy and Saudi Arabia. A salt factory from the port of Assab, potash mining factory from Mersa Fatma; oil drilling machinery from the island of Nocra, more than 300 railway wagons together

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<sup>4</sup> For details on Eritrea’s right to self-determination, see Tesfagiorgis, Gebre H., “Self-Determination: Its Evolution and Practice by the United Nations and Its Application to the Case of Eritrea,” Commentary in *Wisconsin International Law Journal*, Vol. 6, No. 1, Fall 1987, at 75-127.

<sup>5</sup> Longrigg, Stephen H. (Chief Administrator of Eritrea, 1942-44), *Short History of Eritrea*, Clarendon Press, Oxford, 1945, at 172.

with railway construction supplies that were designed to connect the Eritrean town of Akordat with the Ethiopian town of Gondar, and the motors of the cable transport system that linked Massawa with Asmara were all auctioned to countries like Israel, Yemen (Aden), Kenya, Egypt and the Sudan. Overall, the British government earned over 19.5 million dollars from the illegal sale of pieces of Eritrean equipments.<sup>6</sup>

The Bevin-Sforza Plan was proposed by the then British Foreign Secretary, Ernest Bevin, and then Italian Minister of Foreign Affairs, Carlo Conte Sforza. Thus, the name “Bevin-Sforza Plan.” According to the plan, Eritrea was to be partitioned into two: the western lowland, inhabited by predominantly Muslim Eritreans, was to be merged with the Sudan (then British colony) and the remaining, highland Eritrea, inhabited by predominantly Christian Eritreans, was to be merged with Ethiopia. This plan was initiated by Ethiopia and fully supported by its main ally, the U.S. Only a strong, united opposition by the people of Eritrea prevented the implementation of this sinister plan.

### A Sham Federal Arrangement

Following Italy’s defeat in World War II by the Allied Forces, the issue of determining the future of the then Italian colonies (Libya, Italian Somaliland and Eritrea) was formally taken up by the United Nations. The UN sent a delegation to Eritrea and the delegation gave a divided report. While Libya and Italian Somaliland were slated to gain their independence, following a preparation through a period of trusteeship under the UN or some Western powers, Eritrea’s case, however, was mired in a controversy and geopolitical quagmire. Though the British administration had estimated “that independence bloc commands 75 percent of Eritrea”<sup>7</sup> as late as August 1949, following several pretenses of attempts to gauge the political will of the people of Eritrea, and political maneuvers especially by the U.S., the United Nations resolved to federate Eritrea with neighboring Ethiopia (UN Resolution 390A (v)) on December 2, 1950. The U.S. was instrumental in federating Eritrea with Ethiopia justifying, in the words of then US Secretary of State, John F. Dulles,

From the point of justice, the opinions of the Eritrean People must receive consideration. Nevertheless, the strategic interest of the United States in the Red Sea basin and considerations of security and world peace make it necessary that the country has to be linked with our ally, Ethiopia.<sup>8</sup>

This policy pronouncement was implemented in the form of the above-stated federal resolution in spite of the clear Eritrean aspiration and demand for independence.<sup>9</sup>

In addition to its being contrary to Eritreans’ expressed desire for independence, the federal arrangement was defective in that it was a federation in name only. The arrangement was designed to place Eritrea “under the sovereignty of the Ethiopian Crown” and not as a partner in the federation of two autonomous entities. The “federal” arrangement provided Ethiopia with the

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<sup>6</sup> Tseggai, Araia, *The Economic Viability of an Independent Eritrea*. Ph. D. Dissertation, the University of Nebraska, July 1981, at 150-152.

<sup>7</sup> US Embassy, Addis Ababa declassified letter to the DOS, No. 171, 8/19/49.

<sup>8</sup> Quoted in Heiden, Lynda, *The Eritrean Struggle for Independence*. *Monthly Review*, 30 (2) (June 1978), page 15.

<sup>9</sup> For details on Eritreans’ demand for independence, see, Fessehazion, Tekie, *Eritrea: From Federation to Annexation, 1952-1962*, Eritreans for Peace and Democracy (EDP), Working Paper No.2, March 1990.

mechanism and incentive to undermine Eritrean rights. The federation period was marked by a systematic erosion of Eritrean rights including the weakening and/or outright banning of trade unions, political parties, the press and other democratic institutions, the suppression of Eritrean languages, and the dismantling of businesses and factories from Eritrea and move them to Ethiopia. And when in 1962, the government of Ethiopia unilaterally abrogated the federal arrangement and annexed Eritrea, reducing it to a mere province of Ethiopia, in an obvious violation of the Federal Act, not a single voice of dissent was heard from the U.S., the United Nations, the OAU or other international organizations.

## **OAU's Refusal to Address the Plight of the Eritrean People**

The Organization of African Unity (OAU), which was formed in May 1963 (six months after Ethiopia's annexation of Eritrea) with its headquarters in Addis Ababa), never raised the question of Eritrea. Ethiopia, under Emperor Haile Selassie, as a key player in the formation of the OAU out of the Casablanca and Monrovia groupings, has historically managed to maneuver the pan-African organization to its advantage. As a consequence, the OAU chose to conveniently regard the Eritrean question as an internal Ethiopian matter, and not for what it really is – an issue of decolonization and the right of a people to self-determination. That same Ethiopian role also explains why the OAU chose not to intervene in the Ethio-Somali disputes over the Ogaden region and related issues.<sup>10</sup> It should be pointed out that this is the very same OAU that recognized the Polisario Front, supporting the right of the people of Western Sahara to self-determination and independence in the face of Morocco's claim of the territory on historical and cultural grounds, the same way Ethiopia laid claim on Eritrea. It is also the same organization that helped through its Liberation Committee every independence movement in Africa, including in Zimbabwe, Guinea (Bissau), Mozambique, Angola, Namibia and the anti-apartheid movement in South Africa.

## **U.S. Support of Ethiopia during Eritrea's War of Independence**

When all peaceful avenues to preserve their democratic rights and to assert their rights to self-determination and independence were exhausted, the people of Eritrea resorted to a protracted armed struggle. During Eritrea's long armed struggle for independence (1961 to 1991), for which tens of thousands of Eritrean lives were sacrificed, it was primarily U.S. military and political support that sustained successive Ethiopian governments, first the government of Emperor Haile Sellasie in the 1960s and early 1970s, and then the military regime (the *Derg*) that deposed him in the late 1970s. According to Jeffrey A. Lefebvre,

Between 1953 and 1977 Addis Ababa received, over 80 percent of the Military Assistance Program (MAP), more than 55 percent of the International Military Education and Training Program (IMETP), and about one-fifth of Foreign Military Sales (FMS) financing funds allocated to sub-Saharan Africa. Ethiopia also accounted for approximately one-third of FMS cash arms transfers approved by Washington for Africa. Even with the proliferation of American security assistance programs

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<sup>10</sup> Amate, C.O.C. *Inside the OAU: Pan-Africanism in Practice*. London, UK: Macmillan, 1986.

throughout the African continent during the 1970s, more than 45 percent of total U.S. arms transfers to sub-Saharan Africa were designated for Ethiopia.<sup>11</sup>

The U.S. desire to secure a communication facility at Kagnaw station in Asmara, which was a vital U.S. intelligence link, was the driving force for the U.S. betrayal of the Eritrean people in favor of Ethiopia. Ethiopia's alliance with and support of the U.S. in the Korean war and the Congo civil war were additional factors. All these led to, by the mid 1960s, Washington "making Ethiopia the first black-ruled state in sub-Saharan Africa to possess supersonic jet fighters."<sup>12</sup> Even when Ethiopia went "communist" under the military regime (*Derg*) in the late 1970s, US political support to Ethiopia continued under the "the Israeli security agreement," that is, Ethiopia was perceived to be fighting against Arab radicals that threatened Israel's security. Eritrea's legitimate struggle for independence was also cast in this light of the U.S.-Israeli policy, as the following statement clearly indicates:

An independent Eritrean state would adopt a pro-Arab, anti-Israel foreign policy orientation. ... Tel Aviv viewed the Eritrean civil war [sic] as a southerly extension of the Arab-Israeli conflict. Israel's strategic objective in Ethiopia, therefore, was quite simple and dovetailed with U.S. and Ethiopian interests – to prevent the emergence of an independent Eritrean state. ... The Israeli security argument, as presented in Washington, was based upon a worst-case analysis constructed by Israeli defense officials. It envisioned the Red Sea being converted into an Arab lake in the event of an Eritrean victory in the civil war [sic].<sup>13</sup>

In spite of all the military and political support Ethiopia was receiving, and against all odds, the people of Eritrea single-handedly and heroically won the war of independence and presented the international community with a *fait accompli* independence in 1991.

### Efforts to Make Eritreans Settle for Something Short of Independence

In the late 1980s, the Eritrean Peoples Liberation Front (EPLF) and the Ethiopian government were engaged in a round of talks in Atlanta and Nairobi under the mediation of US former President Jimmy Carter. It turned out that the former president was far from a neutral mediator. He tried his best, including making prior deals with the Ethiopians, to make the Eritreans settle for something short of independence. Former President Carter also tried his best to block Eritrea's request to invite the UN as an observer in the peace talks. According to the initial agreement, Eritrea and Ethiopia each were entitled to choose any two observers without the objection of the other. Carter had secretly promised the Ethiopians to agree to this condition and that he would do everything in his capacity to block Eritrea's request to involve the UN.<sup>14</sup> Herman Cohen, George H. W. Bush's Assistant Secretary for African Affairs (1989-1992) described Carter's position as follows:

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<sup>11</sup> Lefebvre, Jeffrey A. *Arms For the Horn: U.S. Security Policy in Ethiopia and Somalia 1953-1991*. Pittsburgh, PA: University of Pittsburgh Press, 1991, at 13-14.

<sup>12</sup> *Ibid*, at 113.

<sup>13</sup> *Ibid*, at 163.

<sup>14</sup> Mohamed Said, Alamin. *Hidget zeyfqid mesel* (in Tigrigna). Asmara, Eritrea: Hidri Publishers, 2002.

A Carter Center press release had predicted that substantive talks would take place early in 1990. The same document disingenuously disposed of the UN observer issue by saying ‘a seventh invitation was issued to the United Nations, which declined to serve’; but the UN had declined to serve because they had not been invited by the Government of Ethiopia according to established procedures.<sup>15</sup>

Carter’s own admission in 2005 is even more revealing about his lack of neutrality when he stated, “After [Prime Minister] Meles prevailed in 1991 and despite my concerns about Eritrean leadership, he granted Eritrea complete independence in 1993, cutting Ethiopia off from the Red Sea and making it the most populous landlocked nation in the world.”<sup>16</sup>

U.S. favoritism towards Ethiopia remained consistent throughout the early 1990s. According to a U.S. “non-paper” presented to the EPLF and Ethiopia in October 1990, the U.S. desire for Eritrea was a federal or con-federal arrangement within the sovereignty of Ethiopia, not independence. In fact the US policy of “respecting Ethiopia’s territorial integrity” remained intact even after the EPLF’s Army marched into Asmara. Again, Herman Cohen puts this U.S. policy in the following terms:

Territorial integrity was also the only point of agreement between the American and Ethiopian governments. Although we sympathized with Eritrea’s historical grievances, we were keen supporters of the cardinal principle of the Organization of African Unity – that colonial boundaries inherited by African states should be left intact to preclude demand for hundreds of ethnically based mini-states.<sup>17</sup>

U.S. policy changed only after the London Peace Conference was convened between the EPLF, and the Ethiopian forces of the EPRDF (Ethiopian Peoples’ Revolutionary Democratic Front) and the OLF (Oromo Liberation Front).

During the days leading to the London conference, there were several U.S. attempts to shortchange Eritreans. As Herman Cohen admitted, the U.S. was adamantly opposed to Eritrea’s declaration of independence by threatening to withhold recognition should the victorious Eritreans declare independence. He stated,

We argued that decisions made concerning Eritrea could not fail to have an impact on the future of Ethiopia and that the EPLF should act reasonably. The EPLF should not declare independence immediately despite the fact that the Ethiopian Army in Eritrea has surrendered. If that happened, the major industrial powers would not grant recognition.<sup>18</sup>

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<sup>15</sup> Cohen, Herman J. *Intervening in Africa: Superpower Peacemaking in a troubled Continent*. New York, NY: St. Martin’s Press, 2000. at 29.

<sup>16</sup> Carter, Jimmy. Ethiopia Trip Report, May 11-17, 2005. <http://www.cartercenter.org/news/documents/doc2102.html>, accessed on 4/7/2010.

<sup>17</sup> Cohen, Herman J. *Intervening in Africa: Superpower Peacemaking in a Troubled Continent*. New York, NY: St. Martin’s Press, 2000, at 22. Mr. Cohen is obviously wrong here. The OAU’s principle of inviolability of colonial boundaries actually supports Eritrea’s case for independence within its colonially established boundaries.

<sup>18</sup> *Ibid*, at 50.

Following the London Peace Conference, and the holding of an internationally monitored referendum in 1993, the outcome of which was, an overwhelming majority of Eritreans (98.8%) voting for independence, the international community, including the major industrial powers, had no choice but to recognize newly independent Eritrea.

## The Costs of Betrayals to Eritreans

The costs of the history of betrayals to the Eritrean people were immense. The war of independence lasted for 30 years, costing Eritrea dearly -- more than 250,000 Eritreans lost their lives, about 65,000 of them were young Eritreans who sacrificed their lives for their peoples' cause. Over 10,000 young men and women became severely disabled war veterans. Practically every Eritrean family has lost a member during the war. More than 753,000 Eritreans took refuge in the Sudan and other nearby countries, and many continued their journey to the West.<sup>19</sup> Another 600,000 Eritreans were internally displaced as the country was laid to waste.

Sustained US and Soviet support of the Ethiopian military made it one of the largest and most ruthless forces in sub-Saharan Africa, committing mass atrocities against innocent civilians. Eritrea's basic economic assets and infrastructure were destroyed; its educational system was grossly neglected. Before the war, Eritrea had flourishing small-scale industries and a well-developed system of roads and railroads, which was built during the Italian colonial occupation. The British Military Administration's acts, as previously described, followed by Ethiopia's ruthless war, basically destroyed Eritrea's entire economy and infrastructure. Virtually all of the cities and the countryside that were liberated by the EPLF were carpet bombed by the Ethiopian Air Force. The port city of Massawa remains a standing testimonial to Ethiopia's war of brutality. At independence, Eritrea's country side was the second worst case (after Angola) of unexploded landmines.<sup>20</sup> As a consequence, farming or herding in much of the countryside had become a very risky business for a long time. Not only did farmers lose their arable land, they also faced the danger of stepping on land mines and getting killed.

To the human and material loses and economic devastation should be added the psychological damage, and the systematic destruction of the cultural, institutional and intellectual resources of the Eritrean population. There were generations of Eritreans that experienced nothing but war situation during the over thirty-year duration of the armed struggle for independence.

Such a huge price Eritrea was forced to pay to assert its right to independence and nationhood is not attributable to Ethiopia's appetite for domination alone, but also to the continued betrayals by the U.S. and the West in general.

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<sup>19</sup> EPLF Foreign Relation. *Eritrea: General Facts*. Eritrea, 1989. Two years before independence, there were about 600, 000 refugees in the Sudan, 100, 000 in the Middle East, 30, 000 in Europe, 17, 000 in the USA, hundreds in Australia, and 6,000 in other countries.

<sup>20</sup> OCHA (Office for the Coordination of Humanitarian Affairs). Remembering the innocent victims of landmines. <http://ocha-gwapps1.unog.ch/rw/rwb.nsf/db900SID/LSGZ-7DDHKU>, April 4, 2008. Accessed 4/13/2010.

## Border Dispute and the Algiers Agreement for Peaceful Settlement

When war erupted in 1998 between Eritrea and Ethiopia primarily over a border dispute, initial attempts by the U.S. and the state of Rwanda, to play the role of a mediator failed. Instead of playing the role of an impartial mediator, the US was primarily interested in preserving the nascent Tigray-dominated EPRDF, reasoning that the situation in Ethiopia was so fragile that Eritrea needed to make unreasonable concessions in the attempts to peacefully resolve the dispute. The war, nevertheless, expanded and intensified resulting in the loss of tens of thousands of lives on both sides before the parties could agree to a peaceful settlement.

On December 12, 2000, the governments of Eritrea and Ethiopia signed The Algiers Agreement to settle their border dispute peacefully and legally. The agreement was signed under the auspices of the OAU and the UN, with the USA, EU and the Government of Algeria as witnesses and guarantors of the Agreement. Article 4(2) of the agreement states, “A neutral Boundary Commission composed of five members shall be established with a mandate to delimit and demarcate the border *based on pertinent colonial treaties* (1900, 1902, and 1908) and *applicable international law*. The Commission shall not have the power to make decisions *ex aequo et bono*.” The Agreement further stipulated, “The parties agree that the delimitation and demarcation determinations of the Commission shall be *final and binding*.” (Terms italicized here for emphasis.)

The key phrases in the agreement are: (1) *pertinent colonial treaties*, (2) *applicable international law*, (3) no power to make decisions *ex aequo et bono*, and (4) *final and binding*. First, the mandate is quite specific -- to delimit and demarcate on the basis of *pertinent colonial treaties*. This takes into account Africa’s *uti possidetis*, “the principle of respect of the borders existing at independence as stated in resolution AHR/Res 16(1) adopted by the OAU in Cairo in 1964,” which has acquired the force of international law in the African context. The Agreement itself specifies the relevant treaties to be the 1900, 1902 and 1908 treaties between the Empire of Ethiopia, then under Emperor Menelik, and the Colony of Eritrea under the Italian colonial administration.

Second, for *applicable international law*, the Commission sought support in “rules of customary international law,” especially in border disputes adjudicated by the International Court of Justice (ICJ). Example of such rules are: (a) A treaty is to be interpreted in good faith in accordance with the ordinary meaning in the terms of the treaty in their context and in light of its object and purpose; (b) Apply the doctrine of “contemporaneity,” that is, interpret treaty by reference to the circumstances prevailing when the treaty was concluded; (c) The role of subsequent practice or conduct, e.g., acquiescence is tantamount to amending the treaty; (d) If one party admits or accepts the right of the other party; (e) The delimitation process was an adversarial proceeding – each party presents its claim and supporting evidence, and the Commission acts as an independent magistrate; (f) All decisions of the Commission shall be made by a majority of the commissioners.

Third, the Commission was not permitted to make decisions on what it considers “to be fair and equitable” to the parties, like what Ethiopia and the United States wanted after the delimitation

decision was announced,<sup>21</sup> but rather on strict reading of the treaties and applicable international law.

Fourth, and perhaps most significant, is that the two parties agreed that the Commission's decision was going to be *final* and *binding*.

A commission, the Eritrea-Ethiopia Boundary Commission (EEBC), was duly established in accordance with the Algiers' Agreement. It was comprised of five neutral, prominent jurists (legal experts) with impeccable credentials. The Commission rendered its decision on April 13, 2002. The Commission's decision was fair and sound, based on legal proceeding: (a) The Commission stayed within its mandate, delimiting the border based on colonial treaties as required by the Algiers' Agreement; (b) It provided the two parties the opportunity to present their cases in an adversarial proceeding; (c) It weighed all the evidence presented to it by the parties, that is, Eritrea and Ethiopia; and (d) It followed pertinent rules of international law in its adjudication proceedings.

Eritrea immediately accepted the Commission's decision and expressed its readiness to implement it. Ethiopia, on the other hand, after initially making misleading statements of acceptance, refused to abide by the decision in violation of international law and defiance of global opinion, and continues to occupy Eritrea's territory. In a letter to the UN Security Council, Ethiopia's Prime Minister, Meles Zenawi stated:

The Commission's decision ... are illegal, unjust and irresponsible. ...It is unimaginable for the Ethiopian people to accept such a blatant miscarriage of justice. The decision is thus a recipe for continued instability, and even recurring wars. ... Nothing worthwhile can therefore be expected from the Commission to salvage the peace process. Indeed, the Commission seems to be determined to continue its disastrous stance whatever the consequence to the peace of the region....As the Commission's decisions could inevitably lead the two countries into another round of fratricidal war, the Security Council has an obligation, arising out of the UN Charter, to avert such a threat to regional peace and stability.<sup>22</sup>

Thus, not only expressing his country's refusal to abide by the decision, but essentially trashing the good work of a reputable commission, the EEBC.

Unfortunately, the EEBC did not conclude its mandate the way it wanted to. Its several attempts to persuade the parties to agree on physically demarcating on the ground failed. Despite the diplomatic niceties, the Commission did not hide the fact that it was Ethiopia that failed to cooperate. The Commission was frustrated and concluded its mandate in end of November 2007 by declaring the border virtually demarcated by the coordinates it had issued a year earlier. Earlier this was how the EEBC had put its frustration with Ethiopia in its 16<sup>th</sup> report to the United Nations:

Ethiopia is not prepared to allow demarcation to continue in the manner laid down in the Demarcation Directions and in accordance with the timeline set by the Commission. It now insists on prior "dialogue" but has rejected the opportunity for

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<sup>21</sup> Bolton, John, *Surrender Is Not an Option: Defending America at the United Nations*. New York, NY: Threshold Editions, 2007.

<sup>22</sup> Zenawi, Meles. Letter to the Security Council, September 19, 2003.

such “dialogue” within the framework of the demarcation process provided by the Commission’s proposal to meet with the Parties on 22 February. This is the latest in a series of obstructive actions taken since the summer of 2002 and belies the frequently professed acceptance by Ethiopia of the Delimitation Decision.<sup>23</sup>

The Commission’s response to one of Ethiopia’s Prime Minister’s several letters that attempted to circumvent its decision was pointed.

Ethiopia proposes that “an alternative mechanism to demarcate the contested parts of the boundary” be set up. Such an alternative mechanism would involve a departure from, and thus an amendment to, the terms of Article 4.2 of the Algiers Agreement, which gives the Commission the mandate to demarcate the boundary. Moreover, Ethiopia’s reference to “the contested boundary” can only be understood as a reference to those parts of the boundary to which it alone and unilaterally takes exception: no part of the boundary is “contested” by both Parties.<sup>24</sup>

The U.S. government reaction to Ethiopia’s refusal to honor the EEBC decision was at best deceptive. While paying lip service to the EEBC decision in general terms, the U.S. government started to work against the letter and spirit of the Algiers Agreement, and to outright sabotage the decision’s implementation. Former U.S. Ambassador to the United Nation, John Bolton, recounts how a "U.S. initiative" to render the Algiers Agreement useless was being forwarded by the Department of State and pushed in the UN Security Council:

For reasons I never understood, however, [Jendayi] Frazer [then Assistant Secretary for Africa] reversed course, and asked in early February [2005] *to reopen the 2002 EEBC decision, which she had concluded was wrong, and award a major piece of disputed territory to Ethiopia*. I was at a loss how to explain that to the Security Council, so I didn't, simply asking in February for another thirty-day extension of the UNMEE status quo while the "U.S. initiative" continued.<sup>25</sup> (*Italics added for emphasis*)

The U.S., the African Union and the United Nations, as guarantors and witnesses of the Algiers Agreement, have given a deaf ear to calls for implementing the EEBC decision, and refrained from putting any pressure on Ethiopia to abide by the final and binding decision. Instead the international community, especially the U.S. government, treats Ethiopia with a kid’s glove, reluctant to offend a country it perceives as an ally in the war against terrorism. It is a perfect example of a situation where once again geo-political interests of the US overwhelm all other considerations.

## Conclusion on a History of Betrayals

We have seen that the past 60 years have been marked with a history of betrayals and injustice against the people of Eritrea starting in the 1940s and 1950s with schemes to deny them their right to self-determination and independence, coupled with the British Military Administration’s actions

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<sup>23</sup> Eritrea-Ethiopia Boundary Commission. Sixteenth Report on the Work of the Commission. 24 February 2005.

<sup>24</sup> Eritrea-Ethiopia Boundary Commission. Response to the Ethiopian Prime Minister's letter. October 7, 2003.

<sup>25</sup> Bolton, John. *Surrender Is Not an Option*. P. 347-348

to weaken Eritrea's economy in order to "prove" that Eritrea could not be viable. This was followed by the imposition on the people of Eritrea of a sham federal arrangement with Ethiopia, and the international community's complete silence when Ethiopia illegally abrogated the federation and annexed Eritrea in 1962. U.S. military and political support to Ethiopia during the war of independence enabled the latter to cause untold atrocities and destruction in a futile attempt to check the tide of Eritrea's war of independence. Even after the Eritreans won the war, U.S. attempts to make them settle for something short of independence was intensive. In the post-independence border dispute between Eritrea and Ethiopia, the U.S. support for Ethiopia, at the cost of Eritrea, continues unabated guided by a single-minded policy aligning with a perceived ally in the war against terrorism.

It is with such a history of betrayals as the backdrop that the recent sanctions against Eritrea, that were spearheaded by the U.S and imposed by the UN Security Council, should be examined.

## Part II

### SANCTIONS: DIFFERENT CENTURY, SAME UN BETRAYAL

On December 23, 2009, the UN adopted Resolution 1907 (2009), imposing sanctions on Eritrea based on groundless charges orchestrated by Eritrea's traditional enemies, especially Ethiopia. It is clear that these sanctions are a continuation of the history of betrayals explained in the previous section of this paper. All evidence shows the sanctions were designed to weaken and punish independent-minded Eritrea and bolster and reward Ethiopia, hoping the latter will continue to serve U.S. interests in the Horn of Africa. They were imposed with the possibility of inflaming the border conflict between Eritrea and Ethiopia and of assisting Ethiopia gain the upper hand in the balance of forces.

Conventionally speaking, sanctions fall into two categories: targeted and comprehensive. A targeted sanction is meant to focus its "impact on leaders, political elites and segments of society believed responsible for objectionable behavior, while reducing collateral damage to the general population." Moreover, targeted sanctions involving arms embargo is meant to "bend the military and political leaders by denying them access to weapons and military equipment."<sup>26</sup> Chingono says, "The concept of "smart sanctions" or "targeted sanctions" emerged as a way to improve the traditional comprehensive sanctions and their devastating catastrophes following the Iraq sanctions."<sup>27</sup> At a minimum, sanctions are intended to shame, stigmatize, demonize and isolate the sanctioned country and its leadership. An American president, Woodrow Wilson, came with the idea [1919] of imposing sanctions as a means of pressuring a nation into submission or surrender without the use of force: "A nation boycotted is a nation that is in sight of surrender. Apply this economic, peaceful, silent, deadly remedy and there will be no need for force. It is a terrible remedy. It does not cost a life outside the nation boycotted, but it brings pressure upon the nation that, in my judgment, no modern nation could resist."<sup>28</sup>

However, the idea has been challenged from various sides. Sanctions rarely bring about surrender of the sanctioned nation. Nor do sanctions preclude the use of force. A misguided, frustrated or imperious foreign policy can use sanctions as a prelude to destructive brute force. Be that as it may, sanctions are hostile and detrimental nonetheless. Furthermore, sanctioning a nation and trying to ostracize it from the world community without justifiable cause is a miscarriage of justice of the highest order. And, that is what Resolution 1907 (2009) represents—a miscarriage of justice, a diplomatic lynching, carried by the most powerful against a young and vulnerable African nation based on groundless charges..

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<sup>26</sup> Halfbaue, Gary Clyde; & Oegg, Barbara. (2000). *Targeted Sanctions: A Policy Alternative?* Peterson Institute for International Economics. <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/geojintl32&div=9&id=&page=>, retrieved April 7, 2010.

<sup>27</sup> Chingono, Heather. (2009). Zimbabwe sanctions: An analysis of the "Lingo" guiding the perceptions of the sanctioners and the sanctionees. <http://academicjournals.org/AJPSIR/PDF/pdf2010/February/Chingono.pdf>, retrieved 7/20/2010

<sup>28</sup> Quoted in Saul K. Padover, ed., *Wilson's Ideals* (Washington: American Council on Public Affairs, 1942, p. 108).

## The Path to Resolution 1907 (2009)

A cursory look at the path that led to Resolution 1907 (2009) shows that the sanctions package was indeed the crescendo of a series of decisions or resolutions by the UN targeting Eritrea. Notwithstanding the redundancy and repetitiveness of the content found in the cluster of resolutions, the key objective was to portray Eritrea as a rogue and recalcitrant state, deserving the ire of the world community. Among the previous such resolutions invoked in Res.1907 (2009) are Resolutions 733(1992), 1844 (2008), 1425(2002) and 1862(2009). Furthermore, the Djibouti Agreement of June 9, 2008, and the 2008 Somalia Monitoring Group report are referenced as a compendium of complaints against Eritrea. Let us take a quick look at some of these resolutions.

**Resolution 733(1992)** invokes Chapter VII of the Charter of the United Nations and imposes an arms embargo against Somalia: “All States shall, for the purposes of establishing peace and stability in Somalia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Somalia until the Security Council decides otherwise.” The resolution was invoked because of allegations that Eritrea was supplying military hardware to Somali insurgents, though this portion of the charges was dropped at the end by the Council for lack of evidence.

**Resolution 1425(2002)** was a reiteration of Resolution 733 with minor modifications and its focus was on allegations against Eritrea pertaining to financial assistance, technical advice and military training given to Somali insurgents. It alleges that “Eritrea has provided political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability.” When the principal allegation of supplying arms failed for lack of evidence, it seems the charges that were initially leveled in Res. 1425 (2002) were used as a catch-all fallback option hoping that some of that would stick. However, there is virtually nothing to support this compendium of charges either.

**Resolution 1844 (2008)**, was a resolution which pertains to targeted sanctions on individuals and entities. To this effect it decided “that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the [Sanctions’] Committee,” and “that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee.”

**Resolution 1862 (2009), the Djibouti-Eritrea Border Conflict:** This too was invoked in Res. 1907 because it accuses Eritrea of entering into a military conflict with Djibouti, of refusing to pullback its forces to the “status quo ante” and of refusing to settle the dispute through mediation. Portraying Eritrea as a belligerent country is a hackneyed ploy designed to isolate Eritrea.. As we will see below, this looks like an undisguised attempt to steer regional and global attention away from the real issues threatening peace and security in the region, including U.S. ally Ethiopia’s refusal to accept the 2002 Eritrea-Ethiopia Boundary Commission ruling and vacate sovereign Eritrean territory, and Ethiopia’s invasion and continued destructive involvement in Somalia.

**The Djibouti Agreement of June 9, 2008 on Somalia** was purported by the UN as a milestone in the history of the Somali people and as a harbinger of a lasting peace. This accord of two major protagonists, the Temporary Federal Government (TFG) and Alliance for Re-liberation of Somalia

(ARS), was hoped to lead to the cessation of armed conflict and fill the prevailing political vacuum. According to the terms of the agreement, the UN would “authorize and deploy an international stabilization force from countries that are friends of Somalia excluding neighboring states.” At some point in the future, “the Ethiopian Government [would] withdraw its troops from Somalia after the deployment of a sufficient number of UN Forces.” The UN insists that the political marriage between the TGF and the ARS is the best thing that happened to the Somali people and no one should jeopardize or put it asunder.

One part of the ARS refused to be part of or signatory to the Djibouti Agreement and insisted on the withdrawal of Ethiopian Government troops as a precondition to any dialogue. Following the accord, it promulgated that “the Djibouti exercise has no validity and shall not be binding on the ARS and the Somali people.” It invited the Somali people “to redouble their heroic struggle against the occupation.” The al-Shabaab, another fighting group, denounced the Djibouti Agreement as “futile” and inconsequential.<sup>29</sup>

As demonstrated above, the Djibouti Agreement was not inclusive of all the Somali factions that have a stake in the peace process. Neither was the TFG a coalition government of all the Somali forces. Eritrea is criminalized or sanctioned for not endorsing the Djibouti Agreement and not recognizing the TFG as the sole representative of the Somali people. Recognizing or not recognizing the legitimacy of an emergent government is the prerogative of a sovereign country and Eritrea was simply exercising its right. Making Eritrea the scapegoat for the UN-botched peace process is yet another miscarriage of justice.

**The UN Somalia Monitoring Group and Its “Findings”:** In addition to these cluster of resolutions from the UN Security Council, the UN Somalia Monitoring Group, established pursuant to UNSC Resolution 1630 (2005), issued reports in which it compiled similar charges that are easily traced to Eritrea’s principal traditional enemy, Ethiopia. The group’s report accuses many countries of violating the arms embargo on Somalia, yet Eritrea was the only one that was made a target. While the monitoring group’s report had alleged that the source of “80% of ammunition available at the Somali arms markets” were supplied by TFG [Transitional Federal Government of Somalia], the Government of Ethiopia and the Ugandan-led African Peacekeeping Forces, and “the monitoring committee received details of some 25 military flights by Ethiopia into Somalia and knew that Ethiopian troops had brought military equipment into the country to arm friendly clans,” only the group’s unsubstantiated charges against Eritrea were disseminated in a series of reports and other forms of communication, thereby giving the misinformation an air of legitimacy –full of minute details to make them sound credible. However, in the end even the UNSC was forced to drop the key charge---alleging that Eritrea had been supplying weapons to Somali insurgents-- the Monitoring Group has been pushing against Eritrea since its inception five years ago in an attempt to build a case against this young nation. The key allegations are: that Eritrea offers Somali insurgents sanctuary within its territory; that Eritrea participates in “sanction-busting behavior” by allowing planes transporting insurgents use its airport; that Eritrea provides travel documents to Somali insurgents; that Eritrea funnels money to Somali insurgents through its diplomats and intelligence officials in foreign countries or via *hawalas*; that Eritrea maintains training camps for

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<sup>29</sup> IRIN. (2008) SOMALIA: "Alliance" divided over Djibouti peace accord." <http://www.irinnews.org/report.aspx?ReportID=78667>, retrieved 7/20/2010.

members of Somali and Ethiopian opposition groups. However, as we will see in the following section, these charges were groundless and amount to a ‘smear’ campaign.

### **Eritrea’s Response to a ‘Smear’ Campaign**

Eritrea tried to nib what it described as a “smear” campaign in the bud. In response to the first volley of charges by the UN Somalia Monitoring Group in 2006, when a sustained campaign to paint Eritrea as the rogue state in the Horn became evident, the Government of Eritrea called the effort “outrageous” and “baseless.” In a response to a letter from the then coordinator of the monitoring group, Bruno Schiemsy, the Eritrean Permanent Representative to the UN, said that the charges of supplying weapons to “militant fundamentalists in Somalia” were “outrageous and regrettable.” Further, the Eritrean envoy said, “This baseless and unfounded accusation against my government that has a good track record on combating terrorism in the Horn of Africa is unacceptable.”<sup>30</sup>

In another letter four days later, to Nassir Abdulazziz Al-Nasser, then chairman of the Security Council, pursuant to Res. 751 (1992) concerning Somalia, Eritrea requested that the UN Sanctions Committee on Somalia “undertake immediate investigation” of the campaign of disinformation against Eritrea. “The Government of the State of Eritrea believes there is an ongoing campaign of disinformation from some quarters designed to discredit Eritrea with allegations of complicity with what the Monitoring Group calls ‘militant fundamentalists in Somalia.’” Adding, Eritrea said, the job and responsibilities of UN-established bodies such as the Somalia Monitoring Group “should be, among others, not only to ensure that the information they receive are credible and verifiable but also to exercise utmost caution in discharging their mandated task.”<sup>31</sup>

However, instead of exercising caution in the gathering, processing, and disseminating the information, the UN Somalia Monitoring Group became the source of all sorts of misinformation about this Horn of Africa nation. For example, in its first report in 2006, the group said that Eritrea deployed 2000 troops to Somalia on August 26, 2006, and gave a great deal of details about how the troops got to Somalia and how they were re-deployed in the areas of Somalia occupied by the Islamic Court Union (ICU). “They were re-deployed as follows: 500 of the Eritrean troops went to Baledogle, 500 to Hilweyne training camp, 500 to Lower Shabelle, and 500 remained in Mogadishu and were stationed at Villa Baidoa and the former Police Academy, Bolisiya.” A lot of neat details, but all evidence shows that these phantom troops were conjured up by some dirty trick agents to provide cover for Ethiopia’s invasion of Somalia, which took place six months later; it was a clumsy attempt to frame the invasion as a proxy war between Asmara and Addis Ababa. But when Ethiopian troops entered and temporarily controlled Somalia, they didn’t find a single Eritrean soldier. However, the group is yet to acknowledge or rectify the misinformation; instead, every time it puts out anything on the Horn of Africa, it seems to beat its own record on the amount and incredulity of the misinformation it circulates on Eritrea.

In a press statement released at the end of that year, Eritrea said, it “categorically rejects this repeated defamation and disinformation campaign” and it said, it was an attempt to portray the

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<sup>30</sup> Letter from the Permanent Representative of Eritrea to the UN, March 27, 2006.

<sup>31</sup> Letter from the Permanent Representative of Eritrea to the UN, March 31, 2006).

invasion as a “proxy war between Eritrea and Ethiopia’ [and it] is nothing but a cover up by major powers for Ethiopia’s invasion of Somalia under the pretext of combating the spread of terrorism.”<sup>32</sup>

Eritrea sees the UNSC sanctions as “a political act that has nothing to do with international law and justice” and says it is “a culmination of the unprovoked, concerted and multi-faceted efforts directed against Eritrea, principally by the United States,” due to differences in “regional policies and practices” with regards to Somalia and Sudan provoking sustained U.S. “hostility and retribution” against Eritrea. The Eritrean government adds, “The truth is Eritrea has been and remains the aggrieved party.”<sup>33</sup>

Records show that Eritrea’s position on the Somali case has been consistent and very public and it consisted of the following three dimensions: First, Eritrea, right from the start, expressed strong opposition to any attempt to solve the crisis militarily. Second, Eritrea has been opposed to any sectarian approach to the crisis; it doesn’t favor one party over another in the Somali conflict. In a letter to the president of the UN Security Council, one month before the Council passed Resolution 1907 (2009), the Eritrean ambassador to the UN, reiterating a point Eritrea had been making since 2006, said, “Eritrea firmly holds that a durable and sustainable solution requires the participation of all Somali actors in an inclusive political process,” and added this: “Eritrea affirmed this position in regional and international forums, specifically the most recent African Union Summit in Tripoli, Libya, which endorsed the need for a political settlement as well as in numerous bilateral meetings, including the Joint EU Mission on Somalia’s meeting<sup>22</sup> with the Eritrean president in November 2009.” Third, “Eritrea has been engaging with key countries and regional and international organizations in an effort to create an environment conducive to an inclusive process.”<sup>34</sup>

Eritrea’s position on the Djibouti-Eritrea border portion of the charges is even clearer. Eritrea sees the charges based on Resolution 1862 (2009) as a distraction—pure and simple—that was devised to steer global and regional attention away from the real issues boiling in the cauldron that is the Horn of Africa, including the occupation of Eritrean sovereign territory by the minority regime in Ethiopia in total disregard of a ‘final and binding’ decision by an independent international commission (discussed in detail in Part I). Ethiopia continues to occupy sovereign Eritrean territory with the blessing of the United States and the rest of the international community. The fact that Eritrea was condemned before the UN fact-finding mission was dispatched to the area is another clear indication that the whole Eritrea-Djibouti issue was a political move by the powers that wanted to punish Eritrea.

The outcome of the recent mediation by the Qatari government in which Djibouti and Eritrea signed an agreement on June 8, 2010, also shows that there was nothing to the uproar orchestrated by forces external to the two nations. Media reports, quoting an official Qatari news agency said that the two nations signed a deal that will see “the Qatari government as mediators. Qatar is also to

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<sup>32</sup> Eritrean Ministry of Foreign Affairs Press Statement, December 6, 2006.

<sup>33</sup> A series of documents issued by the Government of Eritrea to counter the campaign by its traditional enemies through the UN Somalia Monitoring Group.

<sup>34</sup> Letter from the Permanent Representative of Eritrea to the UN, Nov. 23, 2009.

deploy its troops on the Eritrea-Djibouti border in a move that helps out a pressured Djiboutian government.”<sup>35</sup>

### **“Punishment” where there is no crime**

The political nature of the sanctions measure becomes a little clearer when one looks at how the goalposts kept moving throughout the process to justify the final outcome and punish Eritrea irrespective of whether any of the charges were true or not---showing that the actions had nothing to do with Somalia or Djibouti. For example, the primary charge that triggered the sanctions stemmed from allegations that Eritrea supplied weapons to Somali insurgents; however, after using it to hype the charges during the months leading up to Resolution 1907 (2009), this critical part of the charges was eventually dropped because the facts on the ground didn’t support it. Under normal circumstances, this should have killed the entire drive and clamor for sanctions against Eritrea; however, not only did it not kill the drive, it didn’t change “the punishment” that Washington sought to impose on Eritrea right from the start. As a result, the UNSC went ahead to impose the following: an arms embargo and travel ban and asset freeze of some individuals upon designation by the Sanctions Committee. The imposition of an arms embargo on Eritrea is telling; imposing an arms embargo so that Eritrea would not import arms is not designed to stop the flow of arms into Somalia from Eritrea but to strength Ethiopia’s hand by tying Eritrea’s hands behind its back so that the former would come stronger in its conflict with the latter.

Now, let us take a close look at the components of the punishment package and their implications for peace and security in the region—the purported goals of Resolution 1907:

First, the arms embargo imposed on Eritrea equates Eritrea’s need and right to self-defense with alleged military adventurism of the Eritrean leadership, that of supplying arms to Somali insurgents. Eritrea’s role as a Somali conduit of arms is without a shred of evidence but the charge was pushed to deprive Eritrea from acquiring military equipment for its own defense. It is questionable whether the UN is acting legally and in conformity with its own charter in the event it impedes or precludes a sovereign country from procuring arms to defend its very existence. ”Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nation...” [Article 51] This is a deliberate maneuver designed to tip the balance of power in favor of Ethiopia and to encourage Ethiopia’s belligerent posture.

Second, the sanctions mandate that assets or properties belonging to some members of the Eritrean political and military leadership be frozen or blocked. The Eritrean leadership is not known for amassing wealth or indulging in vanities, that does not make the act justifiable however.

Third, the aviation or visa restriction is targeted against the Eritrean leadership. However, regardless of its scope and severity, this targeted sanction is an attempt at depriving the Eritrean people from being represented by its leadership in international forums and the arena of diplomacy. It is an attempt at depriving the Eritrean Diaspora from staging seminars and festivals where

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<sup>35</sup> “Djibouti-Eritrea border dispute towards solution.” (2010) <http://www.afrol.com/articles/36288>, retrieved June 8, 2010.

members of the Eritrean leadership would be featured speakers. Thus imposing travel restriction is done to hamper work-related trips. Where the interest of the Eritrean people and the mandate of the Eritrean leadership are intertwined, the targeted ban exerts more than minimal impact. Whether the Security Council will compile a comprehensive list of Eritrean individuals to be placed in the “blacklist” and whether the ban will be ingeniously circumvented remain to be seen. Information from the Sanctions Committee shows that the Ethiopian minority regime has been busy fabricating bogus data to incriminate Eritrean military commanders, heads of security institutions, presidential office staff, party officials, and business entities, and urging the UNSC to exact punitive measures against the “Eritrean culprits.” To-date there is no indication that the UNSC will stoop so low or succumb to heinous pressures like these. In its list of 12th of April, 2010, on the basis of resolution 1844, the UNSC did not include any one from the Eritrean political and military leadership. To make up for this setback, the US unilaterally imposed asset freeze on Mr. Yemane Gebreab, head of political affairs and presidential adviser, by presidential decree: Executive Order 13536 of April 12, 2010. This is a pure example that the sanctions were a political move without merit. However, anyone who knows how fragile the Horn of Africa is knows targeting the Eritrean leadership is likely to have profound negative consequences on peace and stability.

One of the implied purposes of the measure may have been to create a wedge between the leadership and the people. If that was the case, the UN action may have produced the exact opposite result. Last February, hundreds of thousands of Eritreans in the Diaspora staged rallies across the globe and conducted letter-writing campaigns strongly denouncing the UN sanctions. So, it looks Resolution 1907 (2009) has created “greater political cohesion around the targeted leadership” defeating one of its implied purposes.

## **The Process Leading to the Sanctions**

One of the most unprecedented aspects of this unjust sanctions measure is the process that led to it and the role individuals and organizations external to the UNSC played to make it happen. At the root of the contorted path it took is the question on whether the UN Security Council can delegate the authority entrusted to it by Article 39 of the UN Charter to determine what or who constitutes a threat to peace and stability, or, to be more specific, whether Eritrea’s principal enemy in the region, Ethiopia, can determine for the UN Security Council, whether this young nation poses risk to regional stability in the Horn of Africa in general and Somalia in particular. Ethiopia is also the primary source of the misinformation Resolution 1907 (2009) invokes. Former U.S. assistant secretary for Africa Herman Cohen said, “There are friends in the region, like the Ethiopians, who probably are feeding false intelligence about terrorists being hidden and that sort of thing, because the Ethiopians are deadly afraid of Moslem control and also they have their own Moslem problem among the Oromo ethnic group in Ethiopia. So they want to keep the Islamists out of power, and they will bring the U.S. into it, if they can.”<sup>36</sup>

Soon after the imposition of the sanction resolution on December 23, 2009, the US ambassador to the UN, Susan Rice, took pains to point out that “This was an ‘African initiative.’ It was the consequence of a decision taken by the African Union.” This was also repeated in a statement put out by the US Department of State and the US embassy in Eritrea. To make sure that this point was

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<sup>36</sup> Interview with PBS June 6, 2006, [http://www.pbs.org/newshour/bb/africa/jan-june06/somalia\\_06-06.html](http://www.pbs.org/newshour/bb/africa/jan-june06/somalia_06-06.html)

fully understood and to dispel suspicions that this was in fact hatched by Washington, the US ambassador to the UN added this in her statement: “From the United States’ point of view, let me say that we have for many, many months sought a constructive dialogue with the government of Eritrea.”

Given the role the US ambassador played in spearheading the process, and her relentless effort to convince hesitating members of the council to support sanctions, it is very difficult not to see the issue as a Washington initiative barely tinted with a thin, very thin, African veil. But, it is important to make note of the elaborate African veil that was used to cover up the real ownership of the case. It took three prongs to make it look like an African initiative. It began in the Ethiopian capital, at the 33rd Extraordinary Session of the IGAD Council of Ministers “on the security and political situation in Somalia” held in Addis Ababa on 20 May 2009, followed two days later by the Peace and Security Council of the African Union (AU), at its 190th meeting held to deliberate on “the situation in Somalia in light of the outcome of the 33rd Extraordinary Session of the IGAD Council of Ministers on the security and political situation in Somalia. Both were chaired by high Ethiopian officials—the foreign minister and the prime minister--and naturally both urged the UN Security Council to impose sanctions on a member nation and their principal enemy. The AU’s Peace and Security Council asked the UNSC to “impose sanctions against all those foreign actors, both within and outside the region, specially Eritrea, providing support to the armed groups engaged in destabilization activities in Somalia, attacks against the TFG, the civilian population and AMISOM, as well as against all the Somali individuals and entities working towards undermining the peace and reconciliation efforts and regional stability.”<sup>37</sup>

Then a month later, the Ethiopian leaders, along with their satellite regimes in Djibouti and Somalia, sent a high level delegation to New York to urge the Security Council to impose the sanctions not on “all those foreign actors, both within and outside the region,” but only on Eritrea. There are at least seven nations that were implicated by the Monitoring Group in the Somali crisis. So, it is easy to see that the purpose was not to find solutions to the Somali crisis but to use it as a cover to impose sanctions on the young nation of Eritrea. However, the effort was soon aborted in favor of making it even more “African” by taking it to the 2009 African Union Summit held in Sirte, Libya, the next month. What happened in Sirte also exposes that this was more of a charade to cover up the true ownership of the initiative. It was presented at the wee hours of the night when most of the members of the Union were not present. To add to the “Africaness” of the measure, Uganda, which was on the Security Council during this time, was made to front the effort.

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<sup>37</sup> Retrieved May 3, 2010, from <http://allafrica.com/stories/printable/200905230001.html>.

## Conclusion on the Unjust Sanctions

There are two inescapable conclusions one can discern through this “African” smoke screen:

First, the unjust sanctions happened because the United States wanted it to happen and that is unfortunate because Eritreans look up to Washington to exercise fairness and justice in dealing with the nations in this fragile and war-ravaged part of Africa. History, and particularly that of Eritrea and Ethiopia, has repeatedly shown that any big power policy devoid of balance, fairness and justice only leads to war and destruction which this sub-region of Africa has had too much of the last 60 years.

Second, Resolution 1907 (2009) is not meant to bring about peace and security in the Horn of Africa in general and Somalia in particular. It is to “punish” the young nation of Eritrea for “reasons” that were not mentioned in the UN sanctions package—for not accepting the West’s misguided policy in Somalia. The countries which shoulder primary responsibility for the cause and exacerbation of the crisis in Somalia do not indeed have moral, political or legal authority to indict or punish Eritrea. The sanctions measure is purported to guarantee peace and stability; however, “justice will hardly reign when the US, instead of being an unsullied peace broker, favors Ethiopia over Eritrea, demands subservience from Eritrea or seeks to extend its sphere of influence in the Horn region regardless of whose rights are violated or trampled. If truth be told, siding with or propping up Ethiopia is part of US grand scheme of transforming Ethiopia into a ‘satellite state’ and its armed forces into ‘military surrogates.’”<sup>38</sup>

If peace and stability were the earnest desire and objective of the powers that be, the border between Ethiopia and Eritrea would have been demarcated once and for all and Ethiopia would have willy-nilly relinquished its hold on Eritrean territory.

In the end, any fair-minded observer must ask why Eritrea and its people are repeatedly singled out for such an unfair treatment. In this paper, we saw a pattern of behavior by the West and its ally Ethiopia that has denied the Eritrean people a chance to live in peace, develop their nation and focus on their real enemies: poverty, disease, ignorance and other characteristics of underdevelopment. A careful look at the last six decades reveals that, except for a brief period between 1991 and 1998, this has been a long war the Eritrean people have been fighting to determine their own destiny—a right most other peoples and nations take for granted. During this period, on almost all of the questions relating to Eritrea’s freedom and sovereignty, the West has been on the wrong side. The recent US-led UN sanctions imposed on this young nation, when viewed against this historic record, can be seen only as a continuation of this long history of betrayals of the Eritrean people.

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<sup>38</sup> Rozoff, Richard. (2005). *New Colonialism: Pentagon Carves Africa Into Military Zones*, May 5, 2010, retrieved May 10, 2010, from <http://rickrozoff.wordpress.com/2010/05/05/new-colonialism-pentagon-carves-africa-into-military-zones/>

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