

ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES

**ERITREA'S HUMAN RIGHTS AND FOREIGN POLICY ISSUES
IN THE AFTERMATH OF THE POST-INDEPENDENCE
CONFLICT WITH ETHIOPIA**

BY
THEWODROS AREGAY

ADDIS ABABA
JUNE 2014

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SCIENCE AND INTERNATIONAL RELATIONS**

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APPROVED BY BOARD OF EXAMINERS

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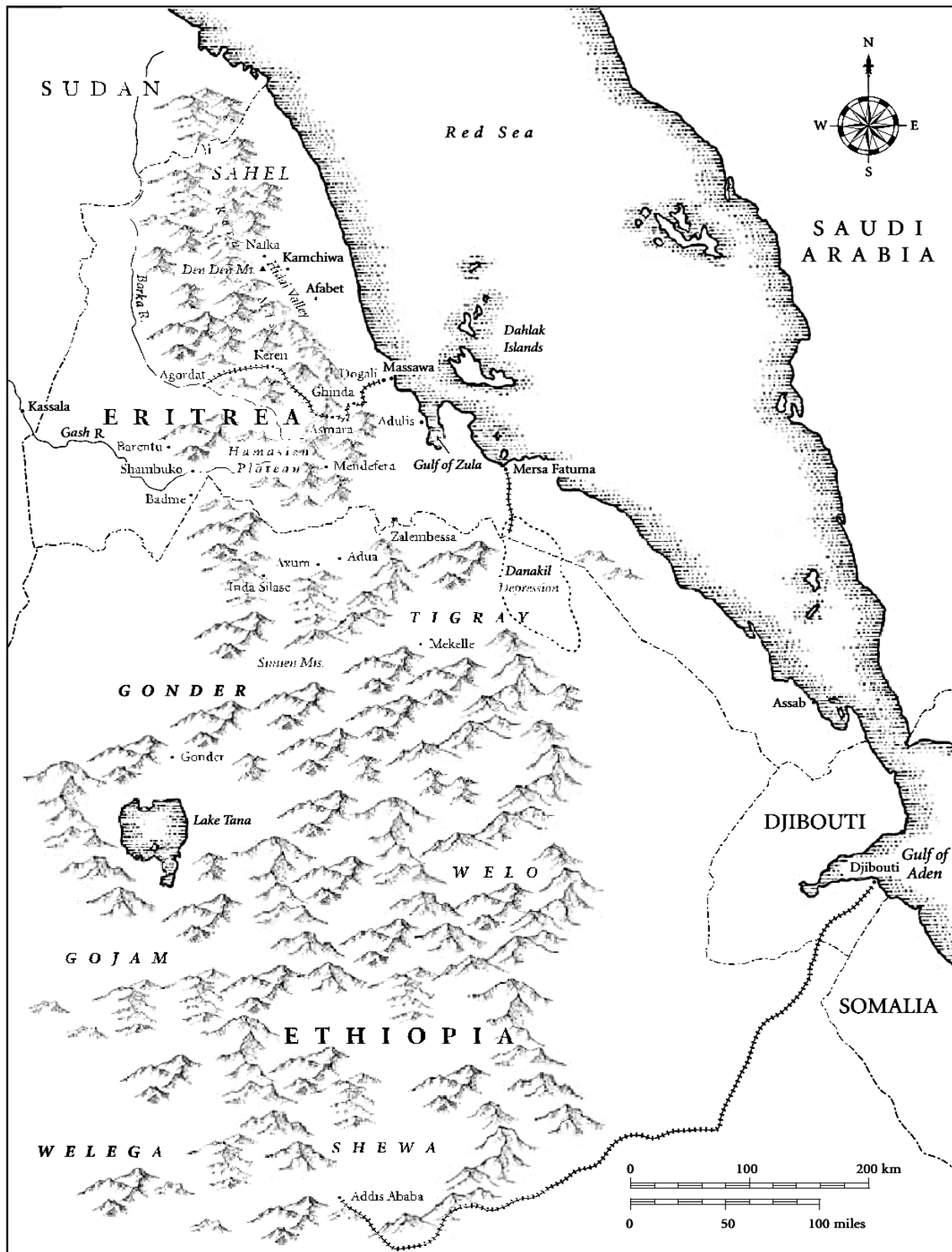
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Eritrea–Ethiopia border as defined by the International Boundary Commission on April 13, 2002

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Abbreviations

AI	Amnesty International
AU	African Union
BBC	British Broadcast Corporation
DPT	Democratic Peace Theory
EEBC	Ethiopia Eritrea Border Commission
ELF	Eritrean Liberation Front
EPLF	Eritrea People's Liberation Front
EU	European Union
G-13	Group of Thirteen (Intellectuals)
G-15	Group of Fifteen (Veteran Fighters)
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICG	International Crisis Group
IHRL	International Human Rights Law
ILO	International Labor Organization
IR	International Relations
NGOs	Non-Governmental Organizations
OAU	Organization of African Union
PFDJ	People's Front for Democracy and Justice
PIA	President Issaias Afewerki

RSCT	Regional Security Complex Theory
USAID	United States Agency for International Development
UDHR	Universal Declaration of Human rights
UN	United Nations
ARS	Alliance for Re-Liberation of Somalia
TPDM	Tigray People's Democratic Movement
UNHCR	United Nations Higher Commissioner for Refugees
US	United States of America

Abstract

Eritrea emerged an independent state, in 1993, from a protracted armed struggle to break-free from Ethiopia. Initially making democratic and economic gains, Eritrea soon relapsed into a devastating war against Ethiopia to assert its territorial integrity. The war formally ended with a peace agreement and the dispute is resolved by a binding arbitration. However, disagreeing in the process of implementing the peace agreement, the two states are locked in a no-war-no-peace scenario for the last decade. Within this detrimental situation, Eritrea has been deeply troubled and isolated under an increasingly authoritarian and militaristic government fixated on a position to implement the arbitrary ruling to its letter and aggressively refusing any compromise. In the context of this stand-off, the government has been denying Eritreans political, religious, civil, economic, social, cultural rights and subjecting them to an indefinite national service, imprisonment and even torture. As a result, and partly due to its rigid approach to foreign relations, the government is ostracized and sanctioned. This study proposes to capture the complexity of these issues and the factors involved. Eritrea's border war against Ethiopia and its uncompromising position on the border issue are critically scrutinized in light of a nationalistic approach to politics. And the violation of human rights is inspected using many sources attested by some of the victims themselves. The factors that influence the aggressive foreign policy are analyzed by the Democratic Peace and Regional Complex theories. Using different concepts and considering historical legacies, the study has attempted to determine that Eritrea's reality is animated by an exclusivist nationalistic itinerary. The stand-off with Ethiopia and the violation of human rights are carried out for and by this extraordinary force. Finally, admitting a fundamental dilemma, it is concluded that Eritrea's internal predicament and external isolation is of its own making, and more to the point, its government's making.

Chapter One

Introduction

1.1 Background

Eritrea is a state, an area of 124,320 square kilometers, located in the Horn of Africa with a relatively diverse population of about 5 million constituted by nine ethnic groups of Christian highlanders and Muslim lowlanders¹. Eritrea is bordered by Ethiopia and Sudan which are much bigger and more significant in the region. It has a coastal line of 1200kms in the Red Sea bordered by Yemen and Saudi Arabia. Eritrea became an official independent member state of the UN in 28 May 1993 following a de facto independence in 24 May 1991 after thirty years of armed struggle to break-free from Ethiopia with whom it has evident and manifest religious, ethnic and cultural ties.

Although Eritrea, and Eritrean identity, is a direct result of ‘a creation of the territory as an Italian colonial state’ in 1890 (Habtesellasi, 2011; Tekeste, 1997) and ‘shaped by intervening powers’ (Wrong, 2005), the peoples in what is now Eritrea claim a history of cultural and political independence dating back to 1000BCE (Markakis, 2012). Prior to Italian colonialism, the central highland of today’s Eritrea was under the influence of Abyssinia (a precursor of Ethiopia), with the coastal lands under the suzerainty of the Ottoman Empire and later Egypt, and the western lowlands associated with Sudan (Tsefatsion, 1986; Erlich, 2005). Fifty years of Italian colonialism had transformed the traditional society, especially the predominantly Orthodox Christian highlanders, through industrialization and urbanization creating a new identity attached with the territory (Wrong, 2005). Eritrea was then liberated from Italian colonization by the British in 1941 as part of their Second World War agenda of weakening Italian force in Africa (ibid: 99). Eritrea remained under British Military Administration (BMA) for ten years during which the United Nations (UN) deliberated on Eritrea’s case² while some people in Eritrea were demanding for political independence.

¹ The population is evenly divided between Christians and Muslims. The Tigriña ethnic group is a majority.

² As part of the Post-War deliberation in the UN to decide on the fate of Italian colonies.

The UN's decision to federate Eritrea with Ethiopia in September 1951³, in spite of the UN principle that endorses colonial boundaries, in favor of a clearly stated interest of the United States of America (US) and in consideration of Ethiopia, became one of the 'most defining moments in Eritrea's history' (Habtesellasi, 2011: 178). Ten years later, Ethiopia abrogated the federation and annexed Eritrea sparking an immediate armed resistance for independence. The Cold War context and Ethiopia's close alliance with US was decisive in Eritrea's cause to be flouted and the armed struggle to be instigated with a strong resentment for the silence of the UN and the world at large (HRW, 1999).

The armed struggle for independence, which for the most part was carried out by Eritrean Peoples' Liberation Front (EPLF), slowly brought in many young recruits to fight for the Eritrean cause. The EPLF, throughout the 1980s, grew in to a strong military organization and at times efficiently governed liberated areas (Zondi and Rejouis, 2006). After conducting successful military operations against the Ethiopian army, the EPLF liberated all of Eritrea which has now become a reality. Effectively, Eritrea of today has become firmly rooted in the struggle for its independence during which it was defined. Thirty years of protracted armed struggle and the effects of war produced among Eritreans 'a sense of unity and solidarity that they had not known before' (Markasis, 2012). Nevertheless, it has proved difficult for Eritrea to dissociate itself from the legacy of the struggle with which it is governed today

1.2 Problem Statement

Following its formal international recognition as an independent country in 1993, Eritrea saw a brief period of transition to democracy and a thriving economy. It has also shown signs of a respect for human rights while there were some incidents in which individuals and groups were treated harshly (Amnesty International (AI), 2013). In the process of asserting its sovereignty in the context of a conflict-prone region, it clashed with its neighbors and maintained a 'tough approach' to international politics (Nur, 2013). And at the center of Eritrea's, the government's, tough approach to internal governance and external relations was the militarism and authoritarianism inherited from the struggle (ICG, 2010). This approach, which persisted after independence, led Eritrea into conflict with Ethiopia in 1998. Although, the conflict had many

³ Resolution 390A(V)

interrelated causes, a territorial dispute over a small village, Badme⁴, exploded the brief but warm and supportive relations into a devastating two-year war. The village was later legally declared to be inside Eritrea's territory while Eritrea was implicated an aggressor. The conflict has formally ended with a peace agreement in 2000 and the territorial dispute has been legally resolved since 2002, however, the process of implementing the peace agreement has reached a deadlock as both countries could not reach a compromise.

Over a decade since the signing of the peace agreement, and the border only virtual demarcated, Eritrea has regressed in to one of the world's most 'authoritarian and human rights-abusing regimes' (Tronvoll, 2009). Its relations with the outside world have deteriorated in to aggressiveness and militarism resulting in Eritrea's isolation. What has been apparent in the past ten years inside Eritrea is rampant internal repression in breach of international human rights laws and norms which is 'evidenced by thousands of young people fleeing the country' (AI, 2013). However, the violation of human rights and Eritrea's intransigence in its approach to international relations has been underpinned by Eritrea's perceived threat from Ethiopia.

Eritrea's stand-off against Ethiopia continues to be the 'dominant factor' in Eritrean foreign policy and an important element in domestic dynamics (Human Rights Watch (HRW), 2009). Although both governments agreed in advance to accept the decision of the border commission, as final and binding, Ethiopia has not ceded control over the village of Badme calling for further dialogue based on humanitarian grounds and considerations of a lasting peace. Eritrea, calling for an immediate implementation, has been using this unresolved dispute as a justification for mass militarization of society and the suspension of fundamental human rights. Therefore, herein are two predicaments. On one hand is an international legal issue (implementation of the border ruling) seriously challenged by Ethiopia's local humanitarian concerns and a consideration for a lasting peace. On the other hand is Eritrea's fundamental dilemma. To assert its sovereignty i.e. to implement the border ruling, it is suspending human rights. However, suspending human rights has not served its purpose but on the contrary has isolated Eritrea both from its people and the outside world. It has been alleged that it is difficult for Eritrea to find internal reconciliation without its territorial concerns fully resolved and to overcome the boundary issue it needs

⁴ Located close to the border between Eritrea and Ethiopia. Estimated inhabitants of Badme is 5000.

internal reconciliation (Healy, 2007). This study attempts to understand and entangle the issues and factors underpinning these predicaments and dilemmas.

1.3 Objectives of the study

In line with the problems and dilemmas indicated, the overall objective of the study is to understand the interrelation among the three issues stated above: conflict, human rights and foreign policy. First, the study attempts to comprehend the conflict and the subsequent stand-off between Eritrea and Ethiopia. Secondly, the research attempts to understand the gross violations of human rights in Eritrea and Eritrea's uncompromising foreign policy partly resulting from the conflict and stand-off with Ethiopia. In the process of analyzing the relevant issues, attempt is made to achieve the following interrelated objectives;

- To assess the causes and implications of the Eritrea-Ethiopia conflict, and understand the position of Eritrea in the implementation of the peace agreement.
- To examine the major violations of human rights in Eritrea in line with international human rights law and standards to which Eritrea is legally bound.
- To critically analyze Eritrea's hostile foreign policy in a regional and especially in the context of its tense relations with Ethiopia

1.4 Research Questions

The research questions of the study are designed in line with the stated objectives. Paying due consideration to the influence of the legacy of Eritrea's struggle for independence and the underpinnings of the repressive and isolated regime in Eritrea, the following interrelated questions are posed:

- What constitutes the conflict and the ongoing stand-off between Eritrea and Ethiopia and why, despite their peace agreement, peace eludes them?
- What is the justification for the gross violations of human rights in Eritrea in the aftermath of the peace agreement with Ethiopia?
- What are the factors that influence Eritrea's aggressive foreign policy?

5. Methodology and Methods of Data Collection

The approach adopted to undertake this research is a qualitative one. Qualitative research is an explanatory and descriptive methodology (McNabb, 2005). Conflict, human rights and foreign relations are all social phenomenon thus qualitative approach is adopted because it is important to promote understanding and help to expound on correlation of different issues and subjects (ibid). Since the study is about complex political and cultural incidents, the study follows this research approach by using descriptive and analytical methods. The study is about intricately interconnected issues; the existing stand-off between Eritrea and Ethiopia, human rights violations in Eritrea and the factors that influence Eritrea's foreign policy. Accordingly, key concepts of conflict resolution, human rights and foreign policy are used while analytical and theoretical framework fitting to issues are employed.

5.1. Method of Data Collection

This research is based on the study and analysis of both primary and secondary sources. The study uses primary sources such as treaties, official statements of public bodies, peace accords and UN Drafts⁵. In addition, primary information has been gathered through interviews with Eritrean refugees living in Addis Ababa. Interview is an appropriate method of research to gain insight about people's opinion, feelings, emotions and experiences (Descombe, 2007). The selection of the informants was based on their experience and knowledge of the situation of human rights in Eritrea. However, the purpose of the interviews is to get a firsthand information thereby to add more validity to secondary reports and allegations while understand their views from a close perspective. The research is conducted through semi-structured in-depth interviews to explore the experience of the refugees while they were in Eritrea and consider their opinions. The researcher has chosen individuals presumed to have experienced human rights violations, such as imprisonment and indefinite conscription in the Eritrean military. Informal discussions were also made with other Eritreans affected by government policies. The interview was conducted in Tigrigna and anonymity of informants has been respected when informants so requested. Secondary sources such as books, journal articles, publications, unpublished works, and papers arising from seminars and conferences, and, more importantly, organizational

⁵ UN Draft: Allegations of Human Rights in Eritrea; See Appendix

publications of the Amnesty International (AI), Human Rights Watch (HRW) and International Crisis Group (ICG) reporting on Eritrea have been used.

6. Significance

The Eritrea-Ethiopia conflict and the stalled peace process have been thoroughly studied and much rigorous researches have been conducted on the ongoing human rights violations in Eritrea. Many authors and conferences have also attempted to analyze Eritrea's foreign policy. However, the conflict and peace process between Eritrea and Ethiopia have proved intractable. The present humanitarian crisis in Eritrea has also proved vast involving political and cultural issues. Most of the researches conducted have tried to dissociate one issue from the other when in fact they are intricately interconnected. Some of the researches have also been tuned by political positions. This research proposes to capture the intricacy of the issues and factors that engender the complexity and intends to contribute to the current literature on Eritrea in particular and to studies that interconnects various research areas of International Relations in general.

7. Scope and Limitations of the Study

The main scope of the study is Eritrea's human rights and foreign policy in the aftermath of Algiers Agreement (2000-2013). However, the complexities of the issues deserve a detailed background study. Eritrea's internal dynamics and external relations, especially with Ethiopia, have their roots in Eritrea's struggle for independence therefore almost one chapter has been devoted to examine this. Limitations to the study arise from two reasons. Originally the field research was planned to be conducted in one of the Eritrean refugees' camps in Ethiopia where diverse and relevant data through interviews could have been gathered. However, due to disturbances inside the camps related to unfortunate events elsewhere, the interview was conducted with Eritrean refugees living in Addis Ababa limiting the selection of informants. Secondly, the researcher, as a refugee, had constraints to approach the Eritrean Delegation to the African Union thus depriving the research to entertain the government's position and views on different issues. Conducting the research in the camps, possibly with quantitative approach and taking in to consideration of the cultural underpinnings of the Eritrean society, could have generate more relevant data. And, understanding Eritrea's position from the government perspective could have enriched the research.

8. Organization of the Study

The thesis is divided into six chapters including the introductory chapter. The first chapter contains the major parts of the proposal of the research. Chapter two presents the conceptual and theoretical framework of the study. In this chapter, a thorough discussion of pertinent concepts of conflict and conflict resolution, human rights and foreign policy analysis along with the analytical and theoretical framework is set forth. Chapter three provides a brief discussion on Eritrea's experience during its armed struggle to break free from Ethiopia and makes a brief assessment of its human rights and foreign policy after its independence. The conflict and stalled peace process with Ethiopia is also studied in this chapter. Chapter four extensively deals with Eritrea's human rights in the aftermath of the war with Ethiopia. Chapter five deeply analyses the factors that influence Eritrea's foreign policy. And Chapter Six provides summary and concluding remarks of the study.

Chapter Two

Conceptual and Theoretical Framework

Introduction

Human Rights, Foreign Policy Analysis and Conflict Resolution are vast research areas in the field of International Relations and they are rarely combined in a single study. However, in the contemporary world of globalization and complex relationships, the interconnection between these policy fields is increasingly recognized both at academic and practice levels. The major reason for the interconnection of these fields is the increasing internationalization and pre-eminence of human rights in global politics (Perkins and Neumayer, 2009; Dagi, 2001). Human rights and democracy promotion have secured a place in foreign policy agendas (Babayan and Huber, 2012) and has gained significance in conflict resolution and peace work (Bell, 2000; Parlevliet, 2011). Since human rights norms and principles are recognized and enshrined in international law and endorsed in regional treaties and constitutions, it has gained prime importance in international relations (Donnelly, 2009). This thesis, enthused by this trend, intends to study human rights and foreign policy of Eritrea, existing in a decade of no-war-no-peace scenario.

Eritrea's human rights and foreign policy in the aftermath of the unimplemented Algiers Peace Agreement with Ethiopia is a distinct case wherein many issues and factors are intricately interwoven sometimes defying conventional explanations. In the past decade, Eritrea has drawn the gaze of the international community, especially the UN and human rights groups, for gross violations of human rights and aggressive foreign relations. However, many have admitted that these are underpinned by Eritrea's uncompromising stand-off against Ethiopia resulting from the ineffective peace agreement between them (Zondi and Rejouis, 2005; Wrong, 2005, Lata, 2006). There is an apparent connection in all of these issues and factors, and the intricacy is hard to entangle. To capture the complexity, it is imperative to understand the key concepts in each of the issues involved. This chapter presents a review of the concepts and the theoretical setting of the study. The first section presents a review of the key concepts of conflict and resolution, human rights and foreign policy analysis and in the second section is the analytical and theoretical framework of the study.

2.1 Key Concepts of Conflict and Resolution

2.1.1. The Concept of Conflict

Human beings have needs for their well-being and they live within simple and complex relationships with each other. In their constant endeavor to secure their needs, in the absence of enough resources, they compete and more often than not resort to action when disagreement arises. This opposition towards each other involving an action is what is generally referred to as conflict. According to the Merriam-Webster's dictionary⁶, the term conflict is translated as 'a competitive or opposing acts of incompatibles: antagonistic state or action as of divergent ideas, interests or persons'. Thus, the term conflict carries negative connotations referring to competition, disagreement and fighting.

Along this line of understanding, Wallensteen (2002: 16) defines conflict as a 'social situation in which a minimum of two actors (parties) strive to acquire at the same moment in time an available set of scarce resources'. This definition aptly relates the main elements in a conflict: parties, resource, incompatibility and strive or action. In international relations or interstate system, the parties refer to sovereign states. The resource denotes not only to economic matters but all sorts of tangible and intangible resources. Incompatibility indicates to the perception of the actors deeming an incompatibility as indivisible, hence, 'at the same moment in time'. And finally, the action refers to the activity of states to acquire the resource in contention. The actions involve many activities including war.

States are indeed very special organizations in that they have a monopoly on armed forces and their actions in times of conflict can be severely damaging. Wars and armed conflicts are categorized as the most difficult of all conflicts (Wallensteen, 2002; Galtung, 2004). Wars and armed conflicts, which can never be undone, are indeed the most destructive actions that one human group inflicts upon another. Nonetheless, the history of international relations shows that sovereign states are locked in to conflict with one another in need of protecting their survival. They continuously prepare to defend themselves and thereby confirm to other states of the presence of danger⁷. Galtung (2004: 73) explains this by pointing to the Peace Treaty of

⁶ 2012

⁷ This dynamics is called the Security Dilemma and was explained by Hertz (1950) and Waltz (1959)

Westphalia of 24 October 1648, which gave states the right to go to war provided they declare it first and concludes that ‘states are brought in to the world to bring war, not to bring peace.’

2.1.1.2 Causes of Conflict

In line with the definition, people engage in conflict either because they have needs that are inconsistent with those of others or they believe that their needs can be met by the conflict. Basic needs include security, economic well-being and cultural identity (Mayer, 2010). As such, conflict is inherent to human existence and there is hardly a situation which is conflict-free (Bercovitch, et al, 2009). However, in the era of nation-states, basic human needs are linked or subsumed to the state’s interests (Anastasiou, 2009: 34). And states involve in conflicts due to issues related to territory, secession, decolonization, autonomy, system (ideology), national power, regional predominance, international power and resources.

Wallensteen (2009: 94-96) has categorized conflicts in to five groups based on the incompatibility involved. Geopolitik conflicts are those conflicts that arise from territorial disputes. Realpolitik conflicts are caused by issues of power and power capability. Idealpolitik conflicts are those conflicts caused by issues of ideology and legitimacy. Kapitalpolitik conflicts are caused by incompatible economic goals and interests. Galtung (2004: 82) points out that the causes of conflicts are underscored by national interests as defined by statesmen and elites who are ready to involve violence to secure them. This means that war and peace are monopolized by the state and those who wields the state power. Anastasiou (2009: 34) has added that nationalism is a sinister cause of inter-state conflicts because in nationalism the nation is viewed as the supreme agency of meaning, identity and with a justification to use force.

Territorial disputes are among the most common causes of interstate conflicts because territorial integrity is the cornerstone of state sovereignty (Wallensteen, 2002:98). On the local level, states may regard a particular area as rightfully theirs, for historical as well as strategic reasons. There is a general consensus among scholars and statesmen alike, that the conflict between Eritrea and Ethiopia incorporates territorial, economic, ideological and power related issues (Zondi and Rejouis, 2005; Habteselassie, 2011; Wrong, 2005; Daniel and Paulos, 2011; Lata, 2006). Nevertheless, a territorial dispute over a small village was at the center of the war (May 1998-

June 2000) and continues to be the dominant issue at the legal process to resolve their conflict (Healy and Plaut, 2005; Zondi and Rejouis, 2005; Mosley 2014).

2.1.1.3 Interstate Conflict Resolution

Conflict resolution refers to the process of understanding a conflict and coming up with ways to control it. Bercovitch, et al, (2009: 1) states that ‘conflict resolution is about ideas, theories and methods that can improve our understanding of conflict and our collective practice of reduction in violence, and enhancement of political processes for harmonizing interests.’ Along this line, Wallensteen (2002: 8) defines conflict resolution as a situation ‘where the conflicting parties enter into an agreement that solves their central incompatibilities, accept each other’s continued existence and cease all violent action against each other’. The ‘agreement’ refers to a formal understanding or ‘a document signed’ between the parties. Another important step is also the ceasing of fighting prior to the agreement between the parties. In short, conflict resolution is solving incompatibilities and ending fighting. Beriker (2009) adds that trust between the parties and overcoming prejudices and stereotypes should be enhanced for a resolution to succeed.

There are different mechanisms to resolve interstate conflicts. An internationally agreed framework, under the United Nations (UN), provides particular procedures for the settlement of interstate conflict. The UN Charter, deemed an authoritative international standard, recommends ‘negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice’⁸. However, the role of the UN and other regional organizations (or third parties to a conflict) is not clear-cut. Nevertheless, there is certain agreement as to the exclusivity of one mechanism to a certain conflict. For example, arbitration is deemed to be more effective and frequently used in boundary disputes (Wallensteen, 2002; Bercovitch, 2009). In the case of the conflict between Eritrea and Ethiopia, both parties, despite other complexities, opted to treat the territorial dispute as the central issue of their conflict (Healy and Plaut). Therefore, external mediators, for whom the causes were intractable, deemed solving the territorial dispute by arbitration would settle and even resolve the conflict entirely (Healy and Plaut, 2005; Tadesse, 2004; Habteselassie, 2011).

⁸ Chaper 6: Article 33

2.1.1.4 Arbitration and Peace Accords between States

The UN Charter declares, as part of the principle of ‘sovereign equality’ of states, that territorial integrity is a central tenet to international peace and security⁹. States resist, based on this principle, to any forceful changes in their territory (Wallensteen, 2002: 101). Therefore the dominant trend or starting point for resolving boundary disputes before any legal proceedings or settlements could be ensued is a reference to the principle of territorial integrity of states. The UN, the Organization of African Union (OAU) later renamed African Union (AU) and other international and regional organizations have enunciated clear principles against forceful territorial changes based on this principle (ibid). This principle is highly reflected in the favoring of the *status quo ante bellum*¹⁰ over *status quo*¹¹ in the approach to resolve border conflicts. Wallensteen (ibid: 97) argues that, although, *status quo* is the more convenient way and less demanding approach, the reason for favoring *status quo ante bellum* is to make clear that international relations is not ‘entirely ruled by raw might.’ This also justifies for the use of military force to implement the principle as in the case of Argentina, Iraq and Somalia¹².

This fundamental principle is also the basis for the legal means of conflict resolution. In cases where the parties are unable to invent their solutions, the conflict is handed from a political to a legal level (ibid). Although the conflict can be treated in accordance with precedence and *ad hoc* mechanism¹³, the most preferred is arbitration. International arbitration is the settlement by a mutually acceptable third party of disputes between sovereign states (Lowenfeld and Collins, 2009). The parties agree, before the deliberation, to commit themselves to accept the outcome unconditionally. However, how the parties will deal with one another after the arbitration is tied to issues of responsibility for the war (ibid). Galtung (2004: 82) gives an insightful proposition as to the acceptance or legitimacy of a goal (decision). If the realization of the goal (decision) is against human basic needs/basic rights, then it is illegitimate. This is to say that that international law and human rights should be equally used as ‘a compass’ towards a goal (decision).

⁹ Article 2 (4)

¹⁰ Latin for things as they were: a principle of return to the situation before the activities of the conflict

¹¹ Latin for things as they are: a principle that calls for keeping the situation that resulted from activities in the conflict

¹² Argentina was forced to withdraw from the Malvinas Islands, Iraq from Kuwait and Somalia from Ethiopia.

¹³ Adjudicating courts created for particular occasions.

The UN has a mandate to work for the peaceful resolution of conflicts¹⁴. However, ‘the UN as a body composed by sovereign states has limits as to what it can do’ (Wallenstein, 2002: 233). Nevertheless, the UN has the mandate to command the allegiance of its members and take decisions on identified breach of international peace and security¹⁵. However, this decision is for the Security Council¹⁶ to take and much depends on the willingness and agreement of this Council (ibid). This weakness has been partly exposed in the Algiers Peace Agreement between Ethiopia and Eritrea. The agreement was signed firmly upholding the basic territorial principle of the UN and OAU by excluding *ex aequo et bono*¹⁷ out of the formula (Healy and Plaut, 2005; Tadese, 2011; Habteselassie, 2011). Nevertheless, only upholding international law has not solved the conflict, as a result of the failure of the parties to reach at a conclusive consensus in the process of implementing their peace agreement which by now has reached a deadlock causing far reaching consequences.

2.2 The Concept of Human Rights

Although the ideas behind human rights existed throughout history, the modern concept of human rights, and the term itself, is a recent phenomenon emerging in the aftermath of the Second World War and the Holocaust¹⁸. In the modern discourse on human rights, it is emphasized that the legacy of the war accentuated the imperious need to protect the human person against the arbitrary exercise of state power to promote social progress and better living standards. Ziegler (2008) and Weston (2012) explain that ‘many of the gruesome atrocities committed by the Nazi’ had convinced many of the need for a concerted international effort. This paved the way for the establishment of the United Nations under which all member states determined to take separate and joint actions for the “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion” (Article 1(3)). Thus, in the modern sense, human rights have become a universal set of values based on law enshrined in declarations and treaties (Donnelly, 2007; Walter, et al, 2010).

¹⁴ UN Charter: Chapter 6.

¹⁵ UN Charter: Chapter 7(39). This is commonly known as Collective Security.

¹⁶ This organ is composed of 5 permanent and 15 non-permanent members. The 5 permanent members have veto power on decisions.

¹⁷ According to the right and good

¹⁸ The mass extermination of Jews by the Nazi Germany.

2.2.1 Definition and Fundamental Concepts of Human Rights

Although, there is no complete agreement about the nature and scope of human rights, there is a widely accepted definition of human rights. Human rights are generally defined as the rights that every human being has because he is a human being. This general definition and idea of inherent rights, known as Natural Rights, traces back its meaning to the Greco-Roman and Judeo-Christian traditions and elaborated during the enlightenment era (Poole, 1999; Wacks, 2006). Rights included in these traditions were the right to life, respect, liberty and property. This definition of human rights was carried in to the modern discourse on human rights. Human rights continue to be defined as ‘rights inherent to all people simply because they are human beings with innate dignity’ (Parlevliet, 2011: 12; Vincent, 1995: 13). All these definitions appeal to the human nature and denote that human rights are rights that belong to an individual or group of individuals as a consequence of being human. Belonging to the human race qualifies one for human rights.

However, with the adoption of the UN Charter and the subsequent Universal Declaration of Human Rights (UDHR), human rights came under a legal framework based on certain fundamental purposes and principles. States have internationally agreed to be legally bound by these standards and principles that apply to all levels of the state and all branches of government (Parlevliet, 2010). Since then, the UDHR became ‘the most famous, most translated, and probably most important, human rights document’ (Donnelly, 2009: 5). Since UDHR, human rights began to refer to special entitlements guaranteed by law, either national or international, or both (Donnelly and Howard, 1987). Thus, Donnelly (2009: 12) defines the idea of human rights as ‘equal and inalienable rights held by every human being that can be exercised against the state and society.’ This perspective is widely accepted today and represents a coherent and progressive ethical and political response to the standard threats to human dignity posed by modern markets and modern states which dominate contemporary national and international societies (ibid).

Having understood human rights as founded on international human rights norms embedded in international law, it is essential to look at the underlying concepts and characteristics of human rights as understood today. First of all, human rights are universal rights i.e. rights we have simply as members of the species. Donnelly (2009: 9) indicates that out of this concept emerge two principles; that human rights are equal rights and inalienable rights. Because we are all

equally human, we have equal rights and because we can't stop being human, these rights are inalienable to us. However, it should be noted that, this universality assumes that the duties to protect and provide these rights is principally given to sovereign territorial states. Second, human rights are interdependent and indivisible. This stems from the fact that human rights have their basis on human nature and inherent dignity, thus, all rights, whether civil, political, economic, social and cultural- are indivisible. Thus, Poole (1999: 5) states 'the improvement of one right facilitates advancement of the others whereas the deprivation of one right adversely affects the others.' Nevertheless, there is a distinction in that some rights, such as the right not be discriminated and not to be tortured, are meant to be fulfilled without delay, while other rights are meant to be achieved progressively (Parlevliet, 2011: 12). This also assumes the primacy of the sovereign states who have internationally agreed to be bound by the standards and principles of human rights.

2.2.2 International Human Rights Law

International Human Rights Law (IHRL) is a set of international rules, established by treaty or custom, on the basis of which individuals and groups can expect and/or claim certain behavior or benefits from governments¹⁹. The body of international human rights law is constituted by nine covenants under the auspices of the UN and four regional instruments under which states pledge to be legally bound by them. IHRL are rooted in the UDHR which explicates the human rights expressed in the UN Charter. It then enumerates a list of fundamental rights to security of the person, equality before the law, nationality, the means to escape from state abuse, political rights, and the rights to food, health care, education, work, family, ownership of property, and participation in cultural life (Lutz, et al, 2003: 175).

Nevertheless, the UDHR is not legally valid and binding equal to its prominence and primacy in human rights discourse. Sastry (2011: 41-42) gives two reasons. First, the UDHR doesn't have a binding nature on states under international law. Second and more importantly, is that the Declaration being a mixture of both civil and political rights; economic, social and cultural rights in one single text, it would be difficult for states to implement them. That is why the UN decided to take further steps to convert it in to separate legal texts. These legal texts lay down rules which

¹⁹ International Committee of the Red Cross, Advisory service

bind governments in their relations with individuals. Both texts were adopted in 1966 and came into force in 1976. States, by virtue of their international recognition and by means of ratification²⁰, are obliged and bound by these instruments. Eritrea by virtue of its recognition as a sovereign state and being a party to the following treaties is obliged to be legally bound by them.

A. International Covenant on Civil and Political Rights (ICCPR)

The preamble of the ICCPR in its Articles (6-27), in accordance with the UDHR, makes it clear that the civil and political rights are derived from the inherent dignity of every individual. Civil Rights include the right to privacy, freedom of movement, opinion, conscience, and religious worship, of association and assembly; right to life, personal integrity called the Civil Rights. And Political Rights include, right to vote, equal access to authorities, freedom of political parties and right of petition. The covenant stipulates that the rights can only be limited in time of public emergency which threatens the life of the nation, and even then no derogation is permitted from the rights to life, freedom from torture and slavery, the freedom political opinion, freedom of thought, conscience and religion.²¹ The Covenant has two optional protocols, one enabling individual complaints and the other dealing with the abolition of death penalty. The Human Rights Committee, a body of independent experts, monitors the implementation of the ICCPR obliging states to submit regular reports. Eritrea ratified this treaty on 23 January 2002 and entered in to force on 22 April 2002 (Mekonnen, 2008)

B. International Covenant on Economic, Social and Cultural Rights (ICECR)

Economic rights include the right to property, freedom to conduct business, freedom of establishment, freedom to provide services or trade-union freedom, right to work, right to free choice of employment and to just and favorable conditions of work. Social and Cultural rights include, right to an adequate standard of living, food, water, housing, clothing, health, education, social security. These rights included in this covenant are referred as non-justiciable rights because they are only directives to the states which need to be promoted and implemented depending upon various factors (Sastry, 2011: 43). This means that the rights are conditional and subject to available resources and, accordingly, to constitute an obligation of progressive

²⁰ Ratification is defined as an international act by which a state establishes on the international plane its consent to be bound by a treaty (Article 2(1) of the Vienna Convention of the Law of Treaties).

²¹ Articles 2-5

realization only. The treaty is monitored by the Committee on Economic, Social and Cultural Rights which receive and reviews regular national reports. Eritrea ratified this treaty on 17 April 2001 and entered in to force on 17 July 2001 (Mekonnen, 2008).

C. The African Charter on Human and People's Rights

This African Charter also known as Banjul Charter entered in to force in 1986 and marks as important beginning in the protection and promotion of human rights in Africa. Besides recognizing the UDHR and covering the above covenants, the Charter also recognizes the right to self-determination and addresses developmental and the environmental issues. One of the notable and commendable features of the Charter is that takes African way of life and African values into account (Ankumah, 1996). State parties are legally bound and obliged to report to the African Commission on Human and People's Rights, the body entrusted to ensure state compliance. The Charter adopted a Protocol in 1998 through which individuals and non-governmental organizations may bring cases, if the state ratified the jurisdiction of the Court. Eritrea became a party to this instrument since 14 January 1999 (Mekonnen, 2008).

2.2.3 Enforcement and Obligation

Although, International Human Rights Law is binding on state parties, the discretion to be legally bound by an international treaty is the prerogative of sovereign states. Although, there is a continuous debate on whether international law supersedes national law or not, the issue is primarily referred to the Vienna Convention on the Law of Treaties which set out the rule of law governing the conclusion, validity, effects, interpretation, modification, suspension, and termination of treaties. Article 27 of the Convention stipulates that a state party 'may not invoke the provisions of its internal law as justification for its failure to perform a treaty'. This implies that state parties should amend their national laws in order to give effect to their treaty obligations. Furthermore, human rights groups and regional instruments are continuously prescribing for the supremacy of international law over national laws.

Lutz, et al, (2003: 175) points out that 'it is one thing for a state to pledge to uphold human rights and another for it to implement it.' Until recently, formal and effective enforcement mechanisms have not been implemented and human rights have been violated by states. The UN as the highest organ for the protection of human rights has instituted the Human Rights Council for the

purpose of monitoring human rights abuses in countries and address complaints about human rights violations. However, this council has lacked specific legal rights and enforcement mechanisms. It was this enforcement vacuum and the continuing violation of human rights by governments that led to the rise of international human rights advocates who formed organizations to promote human rights and developed strategies to pressurize governments to conform their behavior to international human rights law (ibid).

The UN adopted the Human Rights Defenders Declaration on 9 December 1998 to recognize and legitimize NGOs and individuals in the protection and promotions of human rights²². These advocates and investigators seek out the facts wherever rights abuses are alleged and publish their findings, whether countries are at war, suffering from varying degrees of political tension and/or repression, or are peaceful and generally rights-respecting (ibid). There is a hope on the part of international human rights organizations that this reporting on the abuses will pressurize governments and policy makers to change their behavior and uphold human rights (AI and CODESRIA, 2000). Besides lobbying on governments and pressing the UN to put pressure on rights abusers, they also demand that governments form independent judiciaries as a domestic enforcement mechanisms (ibid). Since the UN has become more creative and interventionist in seeking solutions to human rights problems, international human rights organizations such as the Human Rights Watch (HRW) and Amnesty International (AI) has made the UN their highest priority in advocacy (ibid). These human rights groups have been at the fore-front of reporting egregious and at times systematic violations of human rights in Eritrea since 2001. Their reporting and documenting, along with many other authors, has revealed the perpetration of violation of international human rights law in Eritrea. These violations, though in the context of a no-war-no-peace situation, have been perpetrated under a clear and premeditated government plan of repression and persecution of all political dissent and religious convictions which has affected the lives of thousands of people (AI, 2013; HRW, 2009; Tronvoll, 2009; Mekonnen, 2008; Wrong, 2005).

²² The Official title of this declaration is: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

2.3 The Concept of Foreign Policy

The central inquiry of the field of IR, as a social science, is to understand ‘how humans perceive and react to the world around them, and how humans shape and are shaped by the world around them’ (Hudson, 2005: 1). Nevertheless, contemporary IR study has sovereign states and the relations among them as its ground. And, in the contemporary complex arena of international politics, a state’s primary purpose is to safeguard its existence and achieve its goals in international relations. Foreign policy is the means by which this purpose is accomplished. McCormick (2008) defines foreign policy as ‘purposive action with the view towards promoting the interests of a single political community or state.’ Along this line, Ripley (1993) defines foreign policy as specific decisions reflecting the behavior of states towards the world outside of their borders. Therefore, the main focus of the study of foreign policy is the intentions and actions of states aimed at the external world and the response of other actors to these actions.

An important concept in studying foreign policy is the concept of national interest. How a state determines and implements its national interest objectives is important to understand (Alten, 2011). A state’s focus of interest can be internal or external. It is according to its interest that a state shapes its policies. War, international agreements and giving aids are examples of foreign policy, while educational policy, tax laws and civil rights are examples of domestic policy (ibid). Although a distinction can be made between foreign policy and domestic policy based on the intended target of the policy, contemporary politics and globalization have blurred the clear distinction between the two policies. Internal political dynamics develop into and become foreign policy issues. In today’s complex relationships and economic interdependence, more policies have consequences inside and outside states borders.

In international relations, it is generally thought that foreign policy is the product of governments and therefore when scholars and policy makers refer to a foreign policy of a country, the governments or officials of the government are referred (ibid). Along this line, Mintz and Derouen (2010: 3) state that international affairs is about the actions of states and their leaders, and insists that the course of world politics is shaped by leaders. Also along this line, Snyder, et al (2006: 2) focus on the decision makers who constitute the state and call for an examination of the beliefs, values and goals of decision making elites who act as the state in foreign policy.

Beasley, et al, (2012: 4) clarifies that the term policy is reserved for the actions of governments, government institutions and government officials.

Foreign Policy can be analyzed by identifying different factors that influence a state's foreign policy. Beasley, et al, (2009: 7-19) divide these factors into external factors and internal factors. External factors refer to the 'international environment and the actions of others as the explanation for countries' foreign policy. Internal factor refer to 'characteristics of the domestic political system as the source of a state's foreign policy.' The external factors are explained using three perspectives. In the realist perspective, the driving force behind foreign policies is the constant need to acquire and safeguard once security and power due to the lack of an overarching government in the international system. According to the liberal interdependence theory it is concluded that states find cooperation rather than conflict more in line with their interests due to the increase in global trade and financial relationships and technological advances. Finally the constructivist theory ascertains that a state's foreign policy is shaped and constrained by the social interaction of states and a shared understanding in a global society. The three perspectives agree that foreign policies are the result of states' rank, status, and links to other actors in the international system.'

Internal factors are grouped into four categories. In the first category is public opinion which refers to the attitudes of citizens about a particular foreign policy. Also in this category is the influence of identity and culture of the general public. In the second category are the links and opposition of organized societal groups within the society. In the third category are the factors related to government organization. This distinguishes between democratic and authoritarian governance, in which it is proposed that democratic governments tend to make more peaceful foreign policies. In the fourth category is the personality and belief of leaders as influential factors in foreign policy decision making. The interplay of these factors in Eritrea's foreign policy has been apparent especially since its conflict with Ethiopia. Eritrea's isolationist and aggressive foreign policy has been underpinned by authoritative governance and the stalled peace process with Ethiopia (ICG, 2010; Wrong, 2005; Mosley, 2014). Although there is a fierce debate as to the weight of these factors, there is general agreement that the lack democratic institutions and the stand-off against Ethiopia explain Eritrea's often errant and isolationist policies (Nur, 2013; Freeman, 2009).

2.4 Analytical and Theoretical Framework

Conflict resolution, human rights and foreign policy analysis are too vast to be studied under a single unifying theory. As such, the large number of intricately interwoven issues and factors that engender Eritrea's human rights and foreign policy in a precarious no-peace-no-war situation makes it extremely challenging to chart a theoretical framework that can capture the complexity. The core issues are the egregious human rights violation and the aggressive foreign policy, and the context is the ensuing stand-off against Ethiopia in the implementation of an international legal ruling, agreed to be final and binding, to settle their territorial dispute. To explain the alarming level of human rights violations (in violation of IHRL) and Eritrea's uncompromising and isolationist foreign policy in this context, the researcher appeals to the idea of nation and nationalism acknowledged to be 'one of the most powerful and influential forces' (Alter, 1994), to a theory close to be an empirical law, the Democratic Peace Theory, and yet another theory, the Regional Security Complex Theory, to explain the security dilemma that Eritrea faces.

2.4.1 The 'Moral' Dimension of Nationhood/Statehood

The idea of a nation and the phenomenon of nationalism has permeated and dominated human relationships since its founding fathers²³ has presented it as a 'divinely ordained, historical force of liberation, destined to lead humanity to universal justice and global peace' (Barash and Webel, 2002). Although, there is no consensus as to the most acceptable perspective to view and experience nationalism and whether nationalism is a positive or negative force, it is generally agreed that in nationalism the 'nation is placed on the highest pedestal, and viewed as the supreme agency of meaning, collective identity, and moral justification' (ibid). The reverence of the nation is the most enduring idea in nationalism. Anastasiou (2009: 33) states that nationalism is instated through the presumption that the nation is 'sacred'. This attribute of sacredness exalts the nation and nationalism to become a 'secular equivalent of the church' and 'a religion surrogate' (Smith, 1993 quoted in Anastasiou, 2009). This assertion is interesting in that the secular Eritrean nationalism, during the struggle for independence (1961-1991), purported to expunge traditional religious and cultural values from the mindset of the nationalists.

²³ Johann Gottfried Herder and Giuseppe Mazzini are acknowledged to be the founding fathers of Nationalism.

The sacredness of a nation is expressed or ritualized in the image of leaders, ceremonies, narratives of heroics and invincibility, there by glorifying the image of the nation. This is then translated in to identifying the ‘good’ with one’s own nation and the ‘bad’ with that of ‘the other’ especially ‘the enemy other’ (Rusen, 2004 quoted in Anastasiou, 2009). This gives the nation a transcendent position because ‘the nationalist approach to nationhood places the nation in an untouchable “moral realm” beyond question, reproach, and accountability’ (ibid: 34). This nationalist approach to nationhood which is asserted as the cornerstone of world order and stability permeates internal policies and international relations.

From the perspective of the nationalist, international law is subsidiary and secondary to national law. This ‘moral’ dimension of the nation has created a close association with the right to employ force or violence as its legitimate means (Alter, 1994). As it was mentioned earlier, the Treaty of Westphalia has married state sovereignty with the right to use force. As a result of the association of nationalism and sovereignty with the legitimacy to use force,

...nationalist-minded leaders and followers tend to develop high levels of tolerance for the use of lethal means in dealing with conflicts, particularly in confronting identifiable historical “enemies” of the nation. What is even more striking is that nationalists are inclined toward a high level of tolerance for the loss of human life not only among the enemy community but also among their own national community. As nationalism presumes the nation to be sacred, the taking and offering of human life to its service at critical moments in history is viewed not only as legitimate but as a moral duty (Anastasiou, 2009: 37)

Therefore, if a state is a moral entity and has the capacity to morally justify the use of force or violence directed inside or outside, then human rights and inter-state conflict is not entirely protected from the encroachment of the force of moral dimension of nationhood or statehood. Although the moral dimension of statehood or nationhood is criticized from many angles, especially from human rights point of view, the sovereignty of states and their moral dimension has persisted to create an ‘inescapable tension’ between human rights and state sovereignty as well as foreign policy (Dagi, 2001: 4). This explains Eritrea’s ‘inescapable tension’ or ‘fundamental dilemma’ (Healy, 2007) in the struggle to make reconciliation inside and outside. Eritrea, as an established state, has employed force and violence to forcefully defend its sovereignty from internal and external enemies albeit morally justified²⁴. This has

²⁴ Adolf Hitler has also elaborated this argument to justify his wars and the elimination of the Jews.

resulted in the devastating war against Ethiopia over a disputed territory and the ensuing unrelenting refusal to negotiate over the implementation of the boundary ruling pursuant to their peace agreement. In this process, Eritrea is highly tolerating or condoning the violation of human rights in sheer disregard of IHRL.

2.4.2 Democratic Peace Theory (DPT)²⁵

The DPT is said to be an empirical law in the study of international relations (Levy quoted in Pugh, 2005). This theory explains the relationship between states (war or peace) as determined by their form of government²⁶. The DPT contends that democracy is an important force for peace (Ozkececi-Taner, 2002). This means that two democracies never go to war because of the common principles, mutual respect and understanding that they share. In the strict sense²⁷, DPT is meant that the more democratic the state, the less violent its behavior towards all other states (ibid). This is because ‘costly and potentially unsuccessful wars can increase the chance of the leaders to lose their positions and because democratic institutions constrain leaders from choosing wars as a foreign policy’ (Maoz and Abdolai quoted in Ozkececi-Taner). Another proposition is that democratic states do not wage war against each other but may be prone to war against other types of states²⁸ (Pugh, 2005: 4). This is because democratic states are suspicious of undemocratic states and it is easy for them to mobilize public support against them.

Ozkececi-Taner (2002: 42-44) has recognized two explanations why DPT proponents generally agree that democratic states tend to avoid war. The first explanation lies in the institutional constraints in democracies. Institutional checks and balances restrain the hands of decision-makers and the democratic structure of civil society. Moreover, democratically elected and constrained leaders are not able to act quickly thereby avoiding the potential of conflicts to escalate into war. Furthermore, institutional constraints mean that leaders are accountable to their actions making them considerate to their decisions. The second explanation is that cultural democratic norms encourage peaceful means of internal conflict

²⁵ Also known as Democratic Peace Thesis or Democratic Peace Proposition.

²⁶ The Theory was proposed first by Immanuel Kant in his book ‘Perpetual Peace’, he claimed that states with a republican constitution enjoy peace among themselves.

²⁷ Called the Monadic Proposition

²⁸ Called the Dyadic Proposition

resolution which readily comes to apply across national boundaries. Along this line, Risse-Kapen (1995: 492) has argued that perceptions, norms and political culture shapes the predisposition of leaders and play a role in mutual understanding and trust between leaders. Democratic leaders are more disposed to peace than non-democracies. Many authors have pointed out that the lack democratic norms and institutions in Eritrea and its perceptions emanating from Eritrea's struggle have resulted in Eritrea's hostile and often violent relations culminating in the all-out war with Ethiopia (Habteselassie, 2011; Kibreab, 2009; Lata, 2006). More importantly, the obliteration of the nascent democratic norms and an increasingly authoritarian government in the aftermath of the war with Ethiopia has resulted in an aggressive and isolationist foreign policy (Nur, 2013; ICG, 2010). However, since, as Ozkececi-Taner (2002: 46) argues, the DPT lacks sensitivity to context, the regional security dilemma that Eritrea faces calls for another theory.

2.4.3 Regional Security Complex Theory (RSCT)

Eritrea finds itself in a region that set states against states resulting in political turbulence and human tragedy (Wasara, 2002; Williams, 2011). The countries in this region have experienced civil wars and territorial conflicts that have destabilized the region for decades. Mengisteab (2011: 8) points out to the 'nature of the post-colonial state and the structure of governance associated with it' as the core factors that has clustered the security of the region. Clapham (1999: 96) argues that 'older relation patterns between highland and lowland, Christian and Islam and central autocracy and peripheral resistance' explains the instability in the region. Thus, foreign policy of the states in the region is part of the 'ongoing conflicts whose nature is domestic and regional' (ibid). Cliffe (1999) observes this in the prevalence of 'mutual interference' in the region.

Buzan's RSCT²⁹ is a theory of IR that attempts to analyze the security dilemma of special areas or regions. The central argument of the RSCT is that 'since threats travel more easily over short distances than long ones, security interdependence is normally into regionally based clusters: security complexes' (Buzan and Waever, 2003: 4). The concentration of security dilemmas in a certain geographical area gives rise to a regional security complex. In

²⁹ Barry Buzan in collaboration with Ole Waever.

such kind of a region, threat perceptions of states are interlinked such that the security of one state cannot be separated from the security of another. Freeman (2009: 609) has distinguished between the power of states in the region and their historical ‘amity and enmity’ patterns defining the security complex. Eritrea’s ongoing stand-off against Ethiopia, with whom it had enjoyed amicable relations albeit brief, in the context of a stalled peace process since 2003, has locked it into a security complex. This tense relation has dominated Eritrea’s foreign policy which in turn has created a mutual perception of threat between the two countries (HRW, 2009; ICG, 2010). Freeman (ibid) argues that ‘Eritrea’s regional security complex with Ethiopia outweighs internal factors in Eritrea’s defense’ and uncompromising foreign policy. Nevertheless, this security complex, in the context of a no-war-no-peace situation, coupled with egregious violation of human rights underpinned by a conventional nationalist approach to politics can only be understood by a reference to the legacy Eritrea has inherited from its long struggle to break-free from Ethiopia. The culture of impunity, foreign policy that ignores conventional diplomacy and the discord with Ethiopia has their roots in this enduring legacy which will be highlighted in the next chapter.

Chapter Three

Legacy of the Struggle for Independence

This chapter has two sections. The first section of the chapter inspects Eritrea's human rights and foreign policy from its independence in 1991 up to the border war with Ethiopia in 1998. In this section, the experience of Eritrea's struggle for independence, especially under the Eritrean People's Liberation Front (EPLF), is briefly examined to evaluate its influence on independent Eritrea's human rights and foreign policy. The second section briefly addresses the conflict with Ethiopia (1998-200) and assesses the Algiers Agreement of 2000. This will serve as a backdrop to the study of Eritrea's human rights and foreign policy in the past decade.

Introduction

Although Eritrea's history is intricately entwined with the history of colonial empires and Cold War rivalry, reflective of the Horn of Africa's troubled history, what has defined and continues to define Eritrean politics today is the enduring legacy of the thirty years of the armed struggle for independence. What has transpired in Eritrea since its independence has its roots in the experience of the Sewra³⁰ (struggle), in which Eritrea was a state in the making or a 'state-in-waiting' (Wrong, 2005: 284). The culture of politics developed and inculcated therein has profoundly impacted Eritrea's internal dynamics and external relations since its independence (ICG, 2010; Nur, 2013).

3.1 Legacy of the Long Struggle for Independence

3.1.1 Militarism and Isolationism

One of the most turning points in Eritrea's history is the annexation of Eritrea by Ethiopia in 16 November 1962. The silence of the UN and OAU when the principle that set colonial boundaries intact was abrogated created 'bitter resentment among Eritrean nationalists during the struggle and after independence' (Wrong, 2005: 220). The Muslims in Eritrea, who had qualms to be under Orthodox Christian Ethiopia, were the first to form an opposition movement under the Eritrean Liberation Movement (ELF) (Markasis, 2012). The ELF with a Marxist agenda was dominated by Eritrean Muslim lowlanders and viewed Eritrea as part of the Arab world (Wrong,

³⁰ Derived from Arabic meaning revolution.

2005: 247; Tekeste, 1997: 150). This affiliation had brought a little assistance from the Arab countries³¹ and from communist China³² (Habtesellasié, 2011). The ELF carried out effective military operations against the occupying Ethiopian army and it is noteworthy that the Ethiopian military responded with harsh methods such as ‘the use of food as a weapon of war, scorched-earth campaigns, forced relocation, and mass arrests, torture, unfair trials, and summary executions’ (HRW, 2009). Towards the end of 1960s, however, lack of organization and leadership coupled with resentment of Muslim predominance caused fissures within the ELF and, finally, splinter groups from the ELF coalesced to form the Eritrean People’s Liberation Movement (EPLF) under Issaias Afewerki in 1974, at a time when Ethiopia was entering into the communist camp after the overthrow of the imperial government (ICG, 2010).

The EPLF was strictly nationalist, avowedly Marxist-Leninist, and brought in people to the struggle from various ethnic groups. An intermittent civil war between ELF and EPLF ensued in the following years (1974-75) in which hundreds of freedom fighters were killed (Habtesellasié, 2011: 6). Nevertheless, ELF and EPLF managed to put their differences aside to fight against the occupying Ethiopian military and even liberating much of Eritrea by 1977 only to be forced to withdraw when the Ethiopian military, reinforced by massive Soviet support, carried out successive offensives (ICG, 2010; Wrong, 2005).

The EPLF, then, made its famous strategic withdrawal to Sahel³³ in which it would better organize and effectively operate as a ‘state-in-waiting’, for more than a decade, with an entire system of government and way of life (ibid). Clapham (1997: 91) goes so far as to claim that EPLF ‘achieved a level of organization unmatched by any African government.’ This was the emergence of a state, with a nationalism tied to resentment and the harsh military experience of a protracted armed struggle. This state-in-waiting had the vindication of its cause rooted in the cardinal principle (endorsing colonial boundary) of the very organization (UN) which had resolved to repudiate it. As such, the nationalism was anchored to a resentment of the international system. If the Treaty of Westphalia brought states into the world to bring war, this was a state-in-waiting to be borne of war. As a state-in-waiting, it was, at least in the minds of the nationalists, a quasi ‘moral entity’ not be questioned, reproached and accountable to no one.

³¹ Notably Syria and Egypt.

³² China has provided ideological and military training during the latter half of 1960s.

³³ A mountainous stronghold in north Eritrea

And with this fervent nationalist approach it was ready to fight anything that it deemed evil. It was not only perceived as ‘a moral realm’ but was intent on teaching the world a moral.

The EPLF in its rear base in Sahel, embarked on two visions: to liberate Eritrea and to make a revolutionary social change. The success of both visions depended on inculcating a fierce, self-supporting loyalty and the enforcement of strict discipline among its fighters (ICG, 2010). Wrong (2005: 283) relates the rigidly puritanical lifestyle of the EPLF fighters with that of the historical Sparta³⁴. As a strictly national and secular organization the EPLF didn’t tolerate ethnic and religious differences or entertained norms of human rights. Individual blunders and group dissent were met with harsh measures. Habtesellasi (2011: 12, 64) witnessed forms of physical abuse being committed by EPLF cadres on individual fighters and indicated that there were unexplained disposal or disappearance of freedom fighters in mysterious circumstances³⁵. Wrong (2011: 385-386) and Tesfatsion (1986: 44) remark on a summary killing of a group of fighters, pejoratively called *menqa*³⁶, who called, in 1975, on greater accountability and power sharing within the EPLF³⁷. Mekonnen (2008: 44) tells of similar measures over another group called *yemin*³⁸.

These harsh measures were intended to purge the movement from individualism and to inculcate an obedient national unity and all the more creating an unquestioned authoritarian organization. Hedges (2002) note that in a fervent nationalism such as this, ‘actions that are normally viewed as perverse become moral, actions that are burdened with guilt become honorable.’ Wrong (2005: 386-388) gives a clear example of an Eritrean nationalist³⁹ who was sent by the Eritrean community in US to report back on the case of *menqae*. In his report he whitewashed the measures taken over the *menqae* but all (in the name of the nation) in ‘good faith’ and to ‘maintain unity’ of the organization, and preserve the sacredness of the nation.

The unaccountability and untouchable moral realm of the nation was institutionalized in the EPLF. Habtesellasi (2011: 65-74; Connell, 2009) noted on the authoritarian leadership and violation of human rights in the EPLF attributing it to the presence of a clandestine party and the

³⁴ A City State in 8th Century Greece. The men of the city were known for their self-denial and iron discipline.

³⁵ These are severe physical punishments. Those who disappeared are presumably killed.

³⁶ Tigrigna for Bat

³⁷ It is estimated that around 30 members of the group were killed.

³⁸ This was a groups that called for democratic rule and 12 of its members are believed to have been killed.

³⁹ Paulos Tesfagiorgis. He is currently opposing the government.

strong hand of the secretary general of EPLF, Issaias Afewerki. The secret party was composed of the highest leadership of the EPLF and it was this party that ran the EPLF throughout its existence passing out the most important decisions in secret. A culture of impunity and unaccountability developed around this secret party. Nur (2013: 80) comments on the degree of secrecy comparing it to 'a cult' in which confidentiality became an insurmountable trait shrouding many activities in mystery. 'Never wash dirty linen in public' was a cardinal rule of the EPLF's higher echelons (ICG, 2010). The dictatorship of the organization and especially the chief executive, Issaias Afewerki, was generally accepted in the organization because of the military necessity until the coming of independence (ibid). In this nationalist culture, to question the 'morality' of a nation and the organization that embodies it simply amounts to gross disloyalty.

In terms of foreign outlook, the EPLF followed an isolationist policy emanating from a hostile world outlook (Nur, 2013). The EPLF realized from the beginning that the struggle would have to be largely self-financed given the world's indifference to Eritrea's cause (Wrong, 2005: 280). The awareness of how the colonialists, the UN, the Cold War superpowers and the continent as a whole dealt with Eritrea has created a sense of solitude and isolation. The EPLF effectively viewed itself as against the system of the world and it was determined to rely on its only asset i.e a strong military and strong sense of defiance.

The historiography of the EPLF projected the state-in-waiting as facing against not only against the occupation of Ethiopia's army but the super powers and the whole unfriendly international system. With the Soviet Union firmly on the side of Ethiopia and the US not willing to support a Marxist organization, the EPLF was almost on its own. The realization of the seclusion induced for a highly organized, effective and well-disciplined guerilla army. The EPLF has transformed itself in to a well-motivated military force. All relations, effectively, became related to its military capacity and forged alliances based on it. In 1981, the EPLF militarily expelled the ELF into Sudan and thereafter emerged as the sole armed organization for the independence of Eritrea (ICG, 2010).

In the years that followed, the EPLF's army grew exponentially and won crucial battles. As a result, the Eritrean cause for self-determination and independence started to gain international focus. Towards the end of the Cold War, U.S President Jimmy Carter attempted to broker peace

between Eritrea and Ethiopia and the Soviet Union cut-off military aid to the Derg⁴⁰ regime of Ethiopia (Schechterman and Slann, 1993: 176). The EPLF began to emerge out of the cold of its isolation. By the end of 1989, the secretary general of the EPLF, Issaias Afewerki made a diplomatic tour of Europe and the U.S (ibid). During this tour it was made clear that the EPLF was in a position to liberate Eritrea militarily but the organization preferred a negotiated settlement with U.N involvement i.e. a referendum. Two years later, the EPLF liberated all of Eritrea and declared the de facto independence. Nonetheless, the fervent nationalism, experience of the struggle and the culture of politics inculcated within along with the *modus operandi*⁴¹ and hostile worldview of the organization were carried-in to the independent state.

3.1.2 The Formative Years (1993-1998)

3.1.2.1 Human Rights

The EPLF immediately assumed power in liberated Eritrea amid huge public euphoria of independence (Habtesellasi, 2011: 19). It began to rule Eritrea based on public good-will and a promise of transfer of power. The sense of triumph has created a strong sense of nationalism which has glorified the nation in to a unique realm (Habteselasi, 2011; Wrong, 2005). Anastasious's (2009: 34) characterization of an aggrandized notion of nationalism that projects the image of the nation in to a 'superlative, primal past, transposed by necessity into a compelling, duty-bound present, and an infinite, grandiose future' was reflected in the post-liberation musings.

After a referendum was successfully staged in April 1993 which resulted in the official recognition of Eritrea, the EPLF embarked on its second vision of fast economic growth that emulated Singapore (Wrong, 2005: 358-360). To achieve this, the EPLF made it first official proclamation that called every adult member to complete a compulsory national military service program⁴². This included six months of military training in Sawa⁴³ and ten months of participating in developmental programs. This program was effectively conducted in the four

⁴⁰ The Marxist government of Ethiopia is generally known as Derg.

⁴¹ Latin for way of doing something

⁴² Proclamation 11/1991.

⁴³ A famous military training camp, 300kms west of Asmara. The training included rigorous methods and indoctrination.

rounds until war broke out with Ethiopia. Two of my informants who participated in this rounds comment,

We participated because it was compulsory but in some sense it was because of the strong nationalist sentiments that dominated at the time. The sense of independence and euphoria of having a new country was fresh in the minds of everyone and we believed that we were serving a nation that promised a lot.⁴⁴

In 1994 the EPLF undertook other important steps. First, the EPLF restructured or dissolved itself to create the People's Front for Democracy and Justice (PFDJ) and established a transitional National Assembly. The EPLF dissolved itself into a new political movement and the PFDJ was to be the sole party in the transition towards democracy (Wrong, 2005: 374). The second and more important was that the government formalized its commitment to democracy and popular participation in the making of a constitution (Habteselassie: 108-124). By 1996, the government passed a law governing the press which both guarantees press freedom and also provides for censorship (HRW, 2009). Nonetheless, the military culture, demand of an obedient national unity and intolerance to human rights of the EPLF still persisted as reflected in three notable incidents.

The first was the neutralizing of a major protest, in May 1993, by rank and file EPLF fighters and the subsequent apprehension of the protest leaders over the forced extension of their terms of service at subsistence levels (Connell, 2009: 7). Also in late 1994 there was a violent response⁴⁵ to a minimal unrest of a group of disabled veterans at Mai Habar Camp (ibid). Although this, as verified by Habteselassie (2011: 12-13), was an unfortunate incident which occurred on the spur of the moment, no explanation or public statement was made about it and it left a bad impression in the minds of fighters. The disabled veterans has only demanded for the improvement of their living conditions (Mekonnen, 2008: 114) and protested for being ignored. Nevertheless, in the eyes of a nationalist they were morally wrong. The president is believed to have called them 'spoilt brats' (ibid). Anastasiou (2009: 36) has claimed that 'nationalism... eclipses the legitimacy of genuine human needs.' The veterans were not only denied their basic needs but they were branded immoral.

⁴⁴ Interview with Nasser Ahmedin and Samson Issak on 2 March 2014, Addis Ababa.

⁴⁵ One of this disabled veterans is believed to have been killed.

In 1994, the government arrested members of the Jehovah's Witnesses who refused to participate in the liberation struggle and the 1993 referendum (HRW, 2009: 15). Habteselassie (2011: 255) described their treatment as harsh in that 'they were not only prohibited to practice their faith but that their citizenship rights were revoked and deprived of a means of livelihood.' One of my informants who witnessed an arrest attests,

My neighbors were Jehovah's Witnesses and they were good people, by conventional standards, living peacefully and liked by everyone. After the referendum, one early morning, people with guns and sticks came to their house and took them away. Their mother was begging and the two sisters were crying. We never saw them again. But the nationalist feeling was fresh then and no one dared to ask⁴⁶.

Most of the Jehovah's Witnesses arrested at the time are still languishing in prison without charge or trial (AI, 2013). In another incident, 'several teachers of Islamic or state schools and traders were arrested in Keren in December 1994 and are believed to be still detained without charge or trial⁴⁷' (AI, 2002). The state was acting as a 'religious surrogate' purporting to expunge a religion perceived as a threat to its doctrines. The harsh treatment of the Jehovah's Witnesses aptly describes the sinister force of nationalism and the obedient national loyalty invoked by the PFDJ.

3.1.2.1.1 Rule of Law and Democracy

Following independence, the notion of the rule of law and the idea of democracy in Eritrea 'continued to be defined in terms of the experience in the armed struggle' (Tronvoll, 2010: 11-12). The high concentration of power in one person during fifteen years of armed struggle was not relinquished. Although, in 1993, it was proclaimed that the government was to comprise three branches: legislature, executive and judiciary, these branches never functioned as independent organs (Kibreab, 2009). In 1996 'special courts' were established without any statute or law as to their establishment and began to run outside the normal judicial circles (ICG, 2010). The special courts were largely staffed by military personnel untrained in law who met in secret to deliberate on cases and issued decisions based on their own conscience without any reference to international standards of fair trial. The special courts generally became a hindrance to the civil courts and the constitution which was in the process of making.

⁴⁶ Interview with Nasser Ahmeddin, 2 March 2014, Addis Ababa.

⁴⁷ Names include famous teachers such as: Fuad Mohammed Omar, Idris Mohamed Ali

The PFDJ became committed to what it called a guided democracy (Connell, 2008: 6). This was a highly centralized form of governance through which it proposed to reconstruct and develop the economy and transform the society before relinquishing power to the people. Habtesellasié (2011: 118-119) has reiterated that the notion of guided democracy was set against the western style democracy and meant to justify PFDJ's commitment to one-party rule. As such, no other organized political opposition other than the PFDJ was allowed to emerge within Eritrea (Tronvoll, 2010: 12; ICG, 2010). With the lack of democratic and accountable political system, the government acted 'without brakes' (Kibreab, 2009: 26). People hoped for a transition to democratic elections. However, the national elections scheduled for 1998 were postponed due to the border war with Ethiopia.

3.1.2.1.2 The Constitution and Eritrea's Legal Obligations

Late in 1993 and early 1994 the government formalized a seemingly strong commitment to democratic transition and popular participation in the making of a constitution⁴⁸ (Habtesellasié, 2011: 108). It is noteworthy that the government decided to appoint Bereket Habtesellasié⁴⁹, a scholar of Law, and not an active member of the PFDJ, as head of the Constitutional Commission. In connection with the strong nationalist ideology of the EPLF and later PFDJ, the constitution-making process was seen as an integral part of the overall process of nation building in the newly emerging country (Yohannes, 1996 quoted in Tronvoll, 2009: 32). The process was conducted in an open and inclusive manner with broad-based civic consultations and the commission visited remote villages and even the Eritreans in the diaspora (ibid). The constitution was finally drafted and approved by the interim National Assembly on 23 May 1997 to be the "supreme law of the country" and "the source of government legitimacy and guarantor for the protection of the rights, freedoms and dignity of citizens and just administration" (HRW, 2009: 78). Tronvoll (2009: 31) argues that the constitution is a legally binding document based on the reason that the Constitution does not incorporate any specific date on which it should come into effect, nor is any specific procedure outlined in its preamble for its proper implementation. However the constitution has never been implemented because of complications related to the outbreak of the border war with Ethiopia.

⁴⁸ Proclamation No. 37/1993

⁴⁹ The Author of Wounded Nation which the researcher is quoting

Although the constitution doesn't make any direct references to the UN Charter, UDHR or the OAU Charter, it has included a list of fundamental human rights. The fundamental right to life and liberty, human dignity, protection against torture, prohibition against slavery and right to privacy are all safeguarded in Articles 15-18. Safeguards to arbitrary detention, the rule of *habeas corpus*⁵⁰ and fair and public trial are all enshrined in the article 17. Article 19 guarantees freedom of conscience, religion, free expression of opinion, movement, assembly and organization. Article 24 provides that any complaint about the violation of rights should receive appropriate and quick answers from the relevant authority. Minority rights, in terms of language, were preserved as Tigrigna (the language spoken by the largest ethnic group in Eritrea) and Arabic (a language shared by most minority groups in Eritrea) were equally made the official languages. The fact that the constitution is not implemented up to now dominates democratic and human rights discourse on Eritrea today. In the time under consideration, Eritrea had few international legal obligations such as the UN Convention on the Rights of the Child in 1994, UN Convention on the Elimination of all Forms of Discrimination against Women in 1995 (HRW, 2009: 79).

3.1.2.2 Foreign Policy

Eritrea's foreign policy, since its formal recognition by the UN, reflects the ardent nationalist approach to politics and diplomacy, and lack of proper institutional and clear foreign policy making in the context of a conflict-prone region. According to Anastasiou (2009: 34), in nationalist approach to politics, especially in relation to others, 'vital needs such as security, economic wellbeing and cultural identity are entwined with nationalist positions derived from notions of moral and/or cultural superiority, unilateral projections of power and grandiosity, a sense of historical destiny, self-serving justice, and a "we do as we see fit" narcissism.' The ramifications of such an approach, added with resentment and aggressiveness, is often destructive. And without institutional checks and balances, leaders are not restrained from quick actions. Although Eritrea has shown promising signs of establishing regional and international cooperation in the few years after its independence, it nonetheless clashed with its neighbors and showed obstinacy towards conventional diplomacy

⁵⁰ The right of an alleged criminal to be brought to a court of law within 48 hours of his imprisonment

Wrong (2005: 357-359) detected an early tone of Eritrea's relationship with the outside world citing the speech that President Issais Afewerki made at the 30th anniversary of the of the Organization of the African Union (OAU) in June 1993 after concluding its referendum and accepted to the UN. In that speech, President Issaias bitterly criticized the organization for failing to address the Eritrean question and for not delivering on human rights and economic development. He reiterated that 'Eritrea do not find membership in the organization, under the present circumstances, spiritually gratifying or politically challenging' (ibid). The same tone of speech was repeated to the UN General Assembly reiterating that Eritrea's dealings would be strictly on its own terms. This showed the solitude in which the struggle for independence was waged and the perception that was inculcated in that context. Nur (2013: 83) concurs with this and maintains that that speech was a manifestation of a deeply nationalist and hostile world-view of the EPLF.

However, in stark contrast to this audacious approach to foreign policy and relations, Eritrea has shown readiness for establishment of interstate relations with Ethiopia based on cooperation. This came with the signing of the Asmara Pact in July 1993 (Habtesellasi, 2011: 77). This pact reflected the ideal of interstate relations in the context of regional cooperation envisaged by the new leadership in both states. Through this pact, it was agreed that Eritrea and Ethiopia would harmonize economic policies and cooperate in areas of trade and security (ibid). However, this amicable relationship was short lived as it was not accompanied by clearly defined principles of international relations on the part of Eritrea. Sarbo (2006: 44) noted that Eritrea as a new state had the burden to insist on the demarcation of its border which is basic to its sovereignty. Also, Bagashaw (2006) has noted that Eritrea was involved in 'contraband, money laundering, extortion, kidnapping and tax collection in Ethiopia.' These actions clearly show the obstinacy to and non-compliance with basic principles of international relations.

Eritrea's foreign policy at this time was also the victim of authoritarian and arbitrary diplomacy, and a unilateral projection of power. Two examples are indicative of what the ICG (2009) described as 'aggressive and naïve approach to relations.' In 1994 Eritrea cut diplomatic ties with Sudan. Although this action, as Healy (2008) argues, was driven by Sudan's aspiration to extend Islamic radicalization in the Horn, it lacked clear foreign policy making process. In December 15, 1995, the Eritrean military forces captured the contested Hanish islands in the Red

Sea driving out Yemeni forces. Although the conflict didn't escalate in to an all-out-war, the Permanent Court of Justice's determination that islands belonged to Yemen showed the lack of restraint and neglect of conventional diplomacy on the part of Eritrea. The foreign minister of Eritrea at the time deplored later,

I was informed only later after Eritrea cut diplomatic relation with Sudan in 1994, and after conflict broke with Yemen over Hanish Islands in 1996. They called our ministry (the ministry of foreign affairs) the 'fire brigade.' We always said the president throws a bomb past us, and then we have to move in and put out the fire" (Connell quoted in Nur, 2013: 87).

Habtesellasi (2011:89) also points to Eritrea's military involvement in early 1997 in the Congo affairs to help in the overthrow of Mobutu along with Uganda and Rwanda. Eritrea didn't have a direct national interest to involve in Congo but the PFDJ counting in its military prowess was involved for an alleged material benefit. According to Anastasiou (2009) the ramifications of this 'we do as we please' mentality of nationalists and lack of democratic checks and balances in conducting foreign relations is disastrous as proved in the following study.

3.2 A 'Nationalist' War with Ethiopia

Starting from mid-1997, economic disagreements and territorial disputes among others led into a devastating war between Eritrea and Ethiopia. The rapid deterioration of a widely acclaimed relationship in a short time and the scale and destructiveness of the war had puzzled many. The abrupt outbreak of the total war caught the citizens of both countries unaware. To outsiders who saw an 'African Renaissance' in the countries, the war was a 'shattering of dreams' (Habtesellasi, 2011: Wrong, 2005). And what was most 'traumatizing' about the conflict was that both parties, prior to the fighting, 'maintained warm political, security and economic relations and followed a robust joint regional agenda' (ICG, 2003). Their trade relation was almost mutually advantageous. Looking back the concord that reigned then, one wonders why the parties, former comrade-in-arms and sharing cultural and religious ties would regress in to an all-out war at such a short time because of a 'village of no interest' (Wrong, 2005: 357). Scholars

and statesmen alike have rigorously argued and counter argued about the conflict ‘no one wanted.’⁵¹

The alleged causes of the conflict ranged from distant historical legacies to miscalculations at the spur of the moment. Some scholars have attributed the causes to deep-seated tradition of autocracy in both cultures compounded by imperial and colonial invasions that shaped the history of the two countries (Zewde, 2006: 15; Zondi and Rejouis, 2006: 70). Others saw the conflict as a continuation of the discord between EPLF and TPLF during their armed struggle (Habteselassie, 2011: 143, ICG, 2010). Others alleged it to the process of Eritrea’s separation from Ethiopia not being handled properly and legally (Sarbo, 2006: 43; Zondi and Rejouis, 2006: 73). Others subscribed to Eritrea’s overconfidence and ambition to forging a strong nationalism and achieving fast economic growth by creating conflicts and tapping in to its neighbors’ resources (Gebru, 2006: 53; Berhane, 2006: 33). Some have questioned the legality of Eritrea’s independence thus rendering Ethiopia landlocked as a salient cause (Bagashaw, 2006: 66). All these authors have summarily dismissed the territorial dispute over the small village of Badme as the pivotal cause. The causes and dynamics of the conflict proved too complicated and defied ‘logical explanations’ (Healy and Plaut, 2007: 2). Nevertheless, the parties treated territorial dispute as the central issue. The conflict falls in all of Wallensteen’s categorization of conflicts⁵² and the mechanisms to resolve these causes peacefully have been forwarded by the UN⁵³.

However, violent action proceeded before any diplomatic or peaceful means was searched and tried. Although the immediate incidents that instigated armed confrontation are not entirely clear, most accounts revolve around actions taken by Eritrea over the contested village of Badme. Prior to the conflict, the village was under Ethiopian administration. It was economically, culturally and socially tied to Tigray of Ethiopia (Zondi and Rejouis, 2006: 73; Kalewongel, 2008: 92). However, colonial boundaries, though ignored during the federation and during Eritrea’s struggle for independence and after, located the village just inside Eritrea. Therefore, and according to Galtung (2004: 76) both parties had valid reasons and positions to claim the village and this could have been amicably expressed and overcome in a dialogue between them. However, this was usurped by aggression. On May 12, 1998 Eritrea launched an offensive on the village and

⁵¹ The Washington Post 1998 quoted in Zondi and Rejouis (2006: 1)

⁵² See at Section 2.1.1.2

⁵³ See at Section 2.1.1.3

dismantled the Ethiopian administration. Eritrea adamantly insisted that it acted to protect its territorial integrity and only after being provoked. Ethiopia claimed to be the victim of aggression and on that basis, in the following days, declared a total war on Eritrea.

3.2.1 'Moral' Belligerence

According to Anastasiou (2009: 34-37) in the mindset of nationalists, the nation is an untouchable moral realm with 'inalienable moral right to the use of force or violence whenever it deems it necessary. This is what induces nationalists to consider any war to be a 'just war' if they presume it necessary for the nation. In such approach, human needs are subsumed and paying the 'ultimate human sacrifice is a moral duty.' In such a nationalist circumstance, where the moral right is derived from a nation's sovereignty, constraint and dialogue are deemed weaknesses. And the tolerance to use force becomes higher in confronting parties which it deems as 'historical enemies.' This was the force that overwhelmed Eritrean nationalists (or at least the leadership) during the Badme dispute. Wrong (2005: 373) says that the '*Sahel* spirit' took over the new government and blinded it to take disproportionate response without exploring every diplomatic avenue. The Eritrean nationalist leadership saw Badme not as a small village but as a national prestige and prerogative issue under which economic and national defense concerns were subsumed. The risk and consequences of total war, announced by Ethiopia prior to its declaration of war, was effectively neglected. The 'national identity firmly rooted on the invincibility of the Eritrean fighter' was at logger-heads not only with Ethiopia but international norms and standards (Gebbru, 2006: 57) which reflects nationalists' tendencies to considering international law as subsidiary to national causes.

Soon after Eritrea's aggression and Ethiopia's warning of a total war, international mediation efforts were launched to help avoid a conflagration of the conflict and to end it through negotiation (ICG, 2003). A joint US-Rwanda Peace Proposal treated the territorial dispute as the main cause of the war and called for a *status quo ante bellum* which is the 'normative imperative' in line with the principle of territorial integrity of sovereign nations (Wallenstein, 2002: 97). This peace plan demanded Eritrea to withdraw its forces from Badme for dialogues and demarcation to ensue. Although accepting the new *status quo* and deliberating on that basis was more convenient, the US-Rwanda Peace Plan, through *status quo ante bellum*, wanted to make clear that Eritrea can't be allowed to rule by force. Eritrea rejected the proposal and

persisted on holding the village militarily (Habteselassie, 2011: 158). Ethiopia immediately declared war and bombed military air-bases in Asmara on 5 June 1998 (Negash and Tronvoll, 2000: 59). Eritrea retaliated by bombing an airport and an elementary school⁵⁴. Eritrea's explanation for the terrible tragedy in the school was 'this is war' showing disrespect for human life (Wrong, 2005: 367). For nationalists, the loss of human life among the 'enemy' is highly tolerated (Anastasiou, 2009: 37). Eritrea, driven by this nationalistic force, showed its readiness to fight and pay human lives to the frustration of mediation efforts.

The OAU which endorsed the US-Rwanda Peace Proposal repeatedly called for the cessation of hostilities and for Eritrea to accept the proposal. However, Eritrea, seeing itself as a moral force, held a non-negotiable status. Wrong (2005: 370) noted the words of an Eritrean nationalist fighter, 'By war we came to exist and through this war we keep our identity.' Eritrea fought for its sovereignty based on colonial boundaries and to neglect another principle that comes out of that principle was an anomaly. However, a nationalist perspective views international norms and standards as secondary to the status of the nation (Anastasiou, 2009: 34). The president of Eritrea swore 'the sun will not rise tomorrow if we withdraw from Badme.'⁵⁵ Nationalism at its peak dares to even defy natural laws.

After so much military preparations, fighting resumed in earnest by February 1999. Ethiopia has retaken Badme after crashing Eritrea's army around the area. Eritrea has repeatedly attempted to regain Badme at the cost of heavy casualties (Lortan, 2000: 5). By May 2000, more fighting resumed and this time Ethiopia breached Eritrean fronts and headed deep inside Eritrea. By 30 May 2000 Ethiopia, after Eritrea has accepted a reframed OAU Peace Proposal and claiming to have liberated occupied territory, withdrew from Eritrea. On 18 June 2000 an agreement on cessation of hostilities was signed. However, the war and its damage were not undone. The resort to war is 'the most lamentable of human conditions' says Anastasiou (2009: 39). Eritrea was in a dire condition after the war ended. It announced that 19,000 of its soldiers were killed in the war (Kalewongel, 2008: 51). During the war, around 80,000 Eritreans were expelled from Ethiopia and another 500,000 were internally displaced (Habteselassie, 2011: 148; Wrong, 2005: 371). Eritrea's expenditure for the war is estimated around \$1.2 billion. As one of the world's poorest

⁵⁴ 12 children were killed. Ethiopians regarded this incident as premeditated

⁵⁵ In an Interview with the state television, ERI-TV, after the OAU call on Eritrea to withdraw from Badme.

nations and fragile economies, this is effectively destabilizing. To pay such a high price by being ‘morally’ belligerent because of a colonial legacy is regrettable. Habteselassie (2011: 150) has aptly commented,

There is an organic connection between the concept of sovereignty and the border ideology. The *ideology is a powerful force animating people’s actions*(emphasis mine), and underlying it is an inherent tension built along the boundaries with far reaching implications in terms of interstate conflict. The tragic Eritrea-Ethiopia war of 1998-2000 serves as an extreme illustration of this phenomenon.

Nationalistic approach to politics has proved disastrous in the Eritrea-Ethiopia border conflict. The war was more disastrous for Eritrea not only in terms of immediate economic and human loss but in terms of long term political and economic prospects (ICG, 2010). During the conflict, power was highly concentrated in the president’s hands with the justification of war. Ethiopia’s largest offensive, in the last phase of the war, was exploited to the maximum to convince Eritreans that their sovereignty was at stake (Wrong, 2005: 371). And, although the 18 June agreement ended hostilities, hatred and animosity fanned by nationalism was not halted as the parties signed a comprehensive peace agreement.

3.2.2 The Algiers Peace Agreement and the subsequent Standoff

On 12 December 2000, the two parties decided to submit their case for a final and binding international arbitration through the Algiers Peace Agreement. The agreement was signed based on the assumption that territorial dispute was pivotal cause of the conflict and border demarcation would permanently solve the conflict (Healy and Plaut, 2007: 3). Article 4 of the agreement provided for the establishment of a neutral Boundary Commission with a mandate to delimit and demarcate the border based on colonial treaties and applicable international law. The commission was not to use *ex aequo et bono* and shall not hear any appeals from the parties in the event its decision are unsatisfactory. The UN Security Council in collaboration with the Boundary Commission authorized the formation of Peacekeeping Force responsible to separate the armies of the states and pave the way for the implementation of the decision of commission. Another body was created, the Claims Commission, to investigate violation of international law or the Geneva Convention and arbitrarily decide on claims of loss or damage⁵⁶. (See Appendix 1)

⁵⁶ Article 5

On 13 April 2002, six months after a major crackdown on dissent inside Eritrea, the Boundary Commission handed down its verdict awarding Badme to Eritrea. The verdict seemed to vindicate Eritrea's aggression of 12 May 1998. Ethiopia's claim on Badme, based on administration of the village as superseding colonial treaties, was rejected by the commission (ibid: 4). With so much importance attached to Badme, as the *casus belli*⁵⁷ of the conflict, the decision on Badme was 'bound to produce a winner and a loser in the conflict' (Zondi and Rejouis, 2006: 73). Without winning Badme it would prove difficult for both governments to justify the war. As for Eritrea, winning Badme added to its national pride and, typical of nationalists, the news was received with 'much jubilation' as if Badme meant economic prosperity and national security. Ethiopia, on the other hand, declared the decision as 'totally illegal and unjust.'⁵⁸ Unless the decision on Badme is reconsidered through dialogues prior to implementation, the peace agreement seemed to falter.

In the face of nationalistic politics, dialogues and negotiations are challenging (Burton, 1990). Positions and interests are difficult to dissociate. And, Anastasiou (2009: 34) claims that the nationalistic approach to politics in an 'untouchable moral realm.' The government's refrain throughout the peace process was insisting that Eritrea is an untouchable moral realm. In this approach, the border that makes Badme inside Eritrea is forgotten to be a nineteenth century legacy. This is where the deadlock lies in the lulled peace process between Eritrea and Ethiopia. In December 2003, the UN sent a special envoy to exert pressure on both sides to find a compromise (Healy and Plaut, 2007). Eritrea refused to meet with the envoy and rejected any further talks persisting on demarcation without any dialogue. In January 2006, another diplomatic initiative by US Assistant Secretary of State, Jendayi Fraser, only to fail because Eritrea refused to meet with her (Habteselassie, 2011). Frustrated by the impasse, and especially Eritrea's refusal to dialogue, the Boundary Commission declared its decision on the border as virtually demarcated (ibid). And the UN repeatedly stated that the prime responsibility to implement the peace agreement lay with the parties themselves. However, Eritrea, conditioned by the fervent nationalistic approach and all that nationalism entails, persisted on high level of tolerance for internal repression and external aggressiveness.

⁵⁷ Latin: An action that justifies a conflict or war

⁵⁸ In a letter sent from the Prime Minister of Ethiopia to Secretary General of the UN on 19 September 2003

Chapter Four

Repression in time of Peace?

Introduction

Eritrea's war with Ethiopia had effectively halted the trajectory of ensuring its security, development and respect for human rights. The war was framed in such a way that Ethiopia was an historical arch-enemy of Eritrea (Wrong, 2005: 364) thus reviving principles of the long struggle during which Eritrea fought against Ethiopia. This had grave implications. During the war, as in the struggle, power was more concentrated in the hands of the president (ICG, 2010; Tronvoll, 2004: 58). Collective and institutional leadership were overtaken by personal direction of the president (Connell, 2005). And, with Badme controlled by Ethiopia and the Eritrean army humiliated at the end of the war, the nation was put on a war-footing (ICG, 2010). In nationalistic approach to perceived threats and war, in which 'wars are fought by all means' (Anastasiou, 2002: 35), this meant the suspension of individual and group human rights. It is important to note that nationalistic approach and democratic and human rights principles can coexist under normal conditions (Helbling, 2009: 1), however, in conflict situations, nationalistic approach is exclusivist (Burton, 1990). It is in this light, in the justification of the unresolved conflict with Ethiopia, that the government became increasingly authoritarian and militaristic tolerating neither opposition nor dissent. As a result Eritrea began to regress into human rights crisis in an unprecedented scale reaching alarming levels. The title of the Chapter hints at the anomaly between the peace promised by the Agreement and the violations committed in its name.

4.1 Eritrea at Crossroads

Although, the war had the effect of rallying Eritreans under a nationalistic cause, the handling of the conflict and the devastation wreaked by the war soon attracted criticism from many sides. There was a wide-ranging debate and criticism concerning the war which many thought could have been averted (Wrong, 2005: 373). Much of the criticism was directed at the president for not implementing the constitution and for failing to conduct national elections. Professionals and academicians from abroad, senior officials and war veterans, including some of the founding

fathers of the EPLF raised serious concerns. This was immediately followed by university students protesting for a reform. All these were vociferously voiced through the independent newspapers which further alerted the general populace. These criticisms and debates have provided the government with a prospect for reconciliation. However, the government opted to suppress all critics in the name of national security. Habtesellasi (2011: 183) describes these incidents as the turning point in post-independence Eritrean history in that it put Eritrea at crossroads towards democracy and authoritarianism. The existing dilemma that Eritrea exists in today has its roots in the immediate aftermath of the war. The incidents of 2000-2001 are pivotal to any discussion on human rights in Eritrea today.

4.1.1 Dissent: An opportunity

In view of the nature of the devastating war and its implications, effective dissent and criticism could have served as a bulwark against regressing into further authoritarianism and militarism. And more importantly, the calls for the implementation of the constitution could have effectively tackled Eritrea's nationalistic war-footing. As Walter Bagehot⁵⁹ has noted, 'criticism of administration is much a part of the policy as administration itself.' Habtesellasi (2011: 183) correctly observed that the dissent and criticism voiced in the aftermath of the war were 'an opportunity if given sufficient alacrity and due care.'

4.1.1.1 Dissent from outside: The Berlin Manifesto⁶⁰

In October 3, 2000, well-meaning Eritrean academicians and professionals⁶¹ met in Berlin, Germany to make an appraisal of Eritrea's predicament and to suggest appropriate solutions (Habtesellasi, 2011: 289-292). As a result of their discussions they articulated a letter in which they expressed their concerns about critical issues of the war which risked Eritrea's sovereignty, the humanitarian crisis as a result of the war, the need of national reconciliation and national unity, collective leadership and popular participation and most importantly the implementation of the constitution. The letter coming from such intellectuals and at such critical moment was very important that the state president was willing to meet with them in Asmara in November 25, 2000 during which much of the concerns was heard and discussed. The letter and the meeting

⁵⁹ Famous British historian and journalist (1826-1877): Microsoft Encarta 2009.

⁶⁰ A letter arising from the meeting to the President is nicknamed The Berlin Manifesto.

⁶¹ Also known as the G-13 after the number of the participants

were brought to the public via the private newspapers. The letter and the meeting provided political opening for further dissent and criticism.

4.1.1.2 Dissent from the Top: The G-15⁶²

The Eritrean leadership, which since the struggle for independence was in the hands of an overly powerful executive that brooked neither dissent nor debate, has enjoyed domination and exclusion until May 2001 when a group of discontented high-ranking officials began criticizing one-man rule and started demanding for implementation of the constitution and democratic transition (Tronvoll, 2009: 64). Although the group was mainly driven by concerns surrounding the war against Ethiopia, they clearly criticized dictatorial rule that had been evident for several years (ICJ, 2010). Habtesellasie (2011: 184) corroborates by indicating that the war brought a simmering conflict, which has existed since the struggle, within the higher echelons of the EPLF/PFDJ to the surface. Although there were some similarities between the Berlin Manifesto and the G-15 in that both addressed the crisis resulted from the war, the issue raised by the G-15 is much more specific in asking the president to convene the central council⁶³ and the National Assembly to discuss about collective leadership. Habtesellasie (ibid) who was a member of the Berlin group denies any collusion or even any contact between the two groups despite the government propaganda attributing that they were associated for a collaborative opposition.

In the months that followed, members of the G-15 persisted in condemning the high-handed leadership of the president in conducting the war and failing to consult the national assembly (ICJ, 2010). The fact that they were highly respected figures during and after the struggle and their decision to publicize the dissent began to create division in the government. However, as the HRW (2001) attests, there was no violence or threat of violence carried out by the group despite some members of the G-15 had control of power over the military. The members were just openly criticizing the manner of leadership and a return to collective rule and avoiding the danger of regressing into authoritarianism.

⁶² The 15 members of the group that decided to openly criticize the president were known as G-15.

⁶³ This council consists of 25 members of the top leadership of the EPLF during the struggle

4.1.1.3 Dissent from inside: Students' Protest

More dissent followed in July, when students at the University of Asmara began complaining about the compulsory student vacation program under the national service regulations. The chairman of the student's union has openly criticized government interference in the university (AI, September 2002). The students refused to participate in the vacation program and the government was forced to cancel the program. One of my informants⁶⁴, who was a university student then explains,

Many of the students refused to go to the program because we were asked to carry-out a census in the Gash Barka with only 800 nakfa⁶⁵. To undertake a big task with such a little money was difficult for us. This was too much to ask of us. But the government's reply was 'we are in war and you do as you are told during war.' We were also fed-up by the government's intrusions in the university and we wanted to show it. We were right to do so but no one was sure how the government would respond.

4.1.1.4 The Dissent Voiced: The Press

The privately owned newspapers which sprung up in 2000⁶⁶ had enjoyed a fair amount of freedom albeit within certain limitations such as threats to public order and national security, yet they had served the society by disseminating political, social, economic and other information. The press has played a significant role in disseminating the dissent and criticism aroused by the Berlin Manifesto, the G-15 and covered the story of the student's protest. Wrong (2005: 375) believes that the newspapers were responsible for opening up Eritrea to public debate in 2001. One of my informants⁶⁷, a government journalist and columnist in one of the newspapers remembers,

...the whole press was in a nascent stage and the newspapers were run by inexperienced journalists who only had the zeal for free-expression and informing the society. However, they helped create awareness about political and cultural issues among the society which until then was closed. Nevertheless, there was a heavy scrutiny from the government insisting for the publication of propaganda against Ethiopia.

⁶⁴ Interview with Yacob, 8 March 2014, Addis Ababa

⁶⁵ Equivalent to \$100

⁶⁶ There were about nine private newspapers

⁶⁷ Interview with Nasser Ahmedin, 2 March 2014, Addis Ababa

4.1.2 Crackdown: Squandering the Opportunity

Just as the promising days of independent Eritrea came to an abrupt end in the war with Ethiopia, the dissent and public debate that flourished in the aftermath of the war came to a sudden halt as the government took immediate measure to smother it. Nationalistic approach to statehood presents the state as ‘an inerrant eternal political entity’ (Anastasiou, 2009: 34). Thus, any criticism to the government regarding the war was morally wrong and an attack against the state. The suppressive measure taken against these peaceful reform movements was to be to the detriment of Eritrea (Mekonnen, 2000: 115). Although the government has been oppressive in many cases before⁶⁸, the scale and nature as well as the consequence of the measures taken against the dissent of 2001 proved the most damaging.

The reaction of the president to the academicians and professionals seemed welcoming at first when a meeting was convened in Asmara in November 2000 (Habtesellasi, 2011: 183-185). The president dismissed their concerns explaining that Eritrea was in an emergency situation and has expressed his contempt by describing the group ‘as mere intellectuals’ (ICG, 2010). However, my informants generally agree that the group of intellectuals were viewed with admiration for the bold and timely action they took. Nevertheless, government media discredited them as a subversive group despite their insistence that they were not a political group or affiliated to any political tendencies. Habtesellasi (2011: 184) is assured that the president has even resorted to cyber warfare, under the guise of a pseudonym⁶⁹, accusing him of having an intense hatred against him. Alter (1994) indicates that in nationalistic approach to politics, relationships are characterized by stubbornness and become conflict-prone excluding legitimate concerns and needs. Anastasiou (2009: 42) has noted that ‘nationalism either defies justice and democracy in the name of the nation or constricts democracy to an exclusivist national aganeda.’ The president, as a national hero, was excluding intellectuals who could have a good contribution to Eritrea in its dire need.

On a graduation day of University of Asmara⁷⁰, 31 July 2001, Semere Kesete, chairman of the student’s union at the university made a criticizing speech against the government. A few days

⁶⁸ See section 3.1.2.1 for details

⁶⁹ Bereket Fedai Niguse

⁷⁰ The only university in the country

later he was arrested by the *inda tsetita*⁷¹ (AI, September 2002). On the announced day of *habeas corpus*, police forces arrested around 400 university students who came to attend the court hearing. More arrests followed in the following days. One of my informants⁷² who was among those imprisoned attests,

We were sought and caught like criminals. The military police were calling us, *keda'at*, which literally means traitors. We were not conspiring with any political group and we were not terrorizing. Our chairman only voiced our criticisms of the government. They took us to the stadium and held us at gun point. There was much intimidation then. We were sure that they wouldn't let us go free because we were considered like traitors to our country.

The students were then transported to Wia and Gelaalo camps, where temperature soared around 40 degree Celsius. Throughout their three months stay, they were subjected to hard labor of building roads and moving stones in harsh conditions and extreme heat. As a result, two students died from heart-stroke (AI, September 2002). The death of the two students, emotionally covered by the newspapers, infuriated the families of students and had created a sense of fear in the university for years to come.

On 18 December 2001, when the attention of the world was drawn to the attacks over the US on September 11, Eritrea experienced perhaps more severe tragedy of its own. Over the weekend of September 18 and 19, eleven outstanding members⁷³ of the G-15 were arrested (ICG, 2010). Only three who were travelling escaped the arrest and one who recanted was spared. Those imprisoned were taken to secret places and they have never been brought to justice. The imprisonment of these prominent figures that played key roles in the struggle for independence and served as ministers in independent Eritrea was totally unexpected and shocked the general population. My informants⁷⁴ share the same feeling about the atmosphere:

We considered *Shabiaa*⁷⁵ as a whole unit. We considered them as having no division among them. They were our heroes, national heroes. When we heard that they have fallen-out... we were astounded. We were, however, undecided. For us they were the embodiment of Eritrea. We were very sad not so much as to their imprisonment but at the division of the nation itself.

⁷¹ This is derogatory name of the much feared government special security force

⁷² Interview with Yacob, 8 March, Addis Ababa

⁷³ Petros Solomon, Haile Weldensae, Mahmud Sherifo, Ogbe Araha, Berhane Gerezgiher are those

⁷⁴ Interviews conducted, February-May 2014, Addis Ababa

⁷⁵ Arabic word meaning popular. This is the name by which the government is known to the public.

On the same day of these arrests, the government announced, without specifying offenses, that all privately-owned newspapers were shut down (AI, 2002). The following days, ten leading journalists, editors and owners of the newspapers were then arrested. They were not charged with any offence and were not taken to court. The government tried to justify these arrests alleging that members of the G-15 had conspired to overthrow the government endangering society and sovereignty of the state (Tronvoll, 2009). However, the right of these alleged criminals, the right to due process of law and to be brought before a court of law within 48 hours, as stipulated by the Constitution (Art.17) was violated. And, more seriously, Eritrea, though not a party to the ICCPR at this time, had seriously violated rights and freedoms guaranteed by the UDHR (Art. 9, 10, 14, 19 and 20) which were also endorsed by the African Charter to which Eritrea was legally bound.

It is important to note here that Eritrea only acceded and ratified the ICCPR six months after blatantly violated much of the rights enshrined within this treaty. Tronvoll (2009: 35) explains that this was as ‘part of the propaganda war against Ethiopia.’ In order to counter Ethiopia’s accusations that Eritrea was undemocratic and denied human rights, Eritrea tried to portray itself as ‘law abiding’ by signing one of the most important instruments of human rights. AI (2004) is convinced that this kind of pragmatic approach to international human rights instruments is one reason that why Eritrea doesn’t comply with the obligations of the conventions.

In the months, following the arrest of the G-15, dozens of other people were detained suspected of supporting the views expressed by the G-13, G-15 or for criticizing the G-15 detentions (AI, 2002). Some elders were reported to have been detained after trying to mediate between the government and its critics (ibid). HRW (2009), AI (2013) and ICG (2010) widely reported that they are held incommunicado. Although, initially, the crackdown was shrouded by the incidents of 11 September 2001, there was immediate international criticism of the detentions. Governments and international human rights organizations called for the prisoners to be charged with a recognizably criminal offence or be released (ICG, September 2010).

The government tried to justify its actions on the imprisonment and closure of the private press by incriminating the G-15 ‘to undermining Eritrean national security and endangering the

Eritrean society⁷⁶, (Tronvoll, 2009: 70). The government accused some members of the G-15 for allegedly conspiring to overthrow the government in colluding with hostile foreign powers and Ethiopia. In an interview with the BBC, the president reiterating his nationalistic approach said,

These are not politicians; these are people who betrayed their nation in difficult times. A general who betrays his country to the enemy in difficult times is a traitor, not a politician (Wrong (2005: 377)).

However, due to lack of any evidence, the OAU and most human rights groups consider those imprisoned as prisoners of conscience and victims for exercising their rights (Tronvoll, 2009: 71). However, as Anastasiou (2009) noted, in the eyes of the nation, which is a moral force embodied in the president, those who are perceived as enemies of the nation are enemies of what is right and moral which should be eliminated. Habtesellasi (2011: 183) has correctly noted that the suppressed voice of these groups as ‘missed opportunities’ due to the lack of foresight or *proper sight* on the government’s side. Thus, Eritrea has moved away from the ‘cautious authoritarianism’ of the pre-1997 years to a ‘full-fledged authoritarianism’ after the 1998-2000 border conflict with Ethiopia (Bariagabir quoted in Mekonnen (2008: 57). International media concluded that ‘the world would never be the same again after 9/11’ was also true for Eritrea (Wrong, 2005: 377).

4.2 Inevitable Violations

The famous African-American activist, Malcolm X⁷⁷, once said that ‘power never takes a back step – only in the face of more power’ practically became the case in Eritrea after the crackdown of dissent in 2001. Once the government had securitized the G-15, the journalist and even the intellectuals, collectively termed dangerous to the sovereignty, security and peace of the nation, ‘the sky was the limit as to what could be done...to avert the ostensible danger’ (Kibreab, 2009: 39). As the famous historian, Henry Adams⁷⁸ said, a friend in power is a friend lost. The government, once trusted well, began to lose its integrity. In a nationalistic agenda within a conflict context, ‘conventional human relationships are disrupted’ (Anastasiou, 2009: 37)

⁷⁶ The Government of Eritrea in a Reply to accusations from the OAU

⁷⁷ 1925-1965 Microsoft Encarta, 2009

⁷⁸ 1838-1918 Microsoft Encarta, 2009

4.2.1 The Warsai-Yikaalo⁷⁹ Campaign: Conscription without end

The war with Ethiopia and the un-demarcated border has significantly altered the national service program in that the government suspended demobilization and refused any release. In effect, though not declared, the national service program became indefinite (ICG, September 2010). Young people of both sexes were absorbed into the military with no prospect of demobilization. In 2002, the government announced the Warsaai-Yikaalo development campaign which amounted to the institutionalization of the liberation struggle on a massive scale (ibid). The government has justified the indefinite national service as necessary for nation building, to instill a sense of loyalty, discipline and patriotism on the younger people, and to break down regional, ethnic and religious barriers. The renewed conflict with Ethiopia and the un-demarcated border has also strengthened the government's position on the prominent role of the military arguing that Eritrea is surrounded by enemies, so cannot afford to let down its guard (ICG, May 2007). However, this determined quest for national service came at the cost of growing domestic crisis and neglect of human rights. Most of my informants⁸⁰ who participated in the national service agreed that,

... national service before the war with Ethiopia was accepted as one's duty. And people were participating out of service to their country though attached with nationalism. No body felt forcefully conscripted. But after the war, when the service turned indefinite, we were wearied and we wanted to be released. The reality changed and we increasingly felt that we were forcefully conscripted.

Conscripts of the national service are assigned to a variety of works without any choice of as to the nature of the work they are assigned to (AI, April 2013). Some conscripts work as laborers in large-scale farms owned by companies under the military. A significant portion of conscripts are assigned to remain as soldiers after the initial six months' military service (ibid). The government was violating its own proclamation which stated that the term of national service was 18 months. Eritrea was also violating ICESC treaty which states that individual are entitled to just and favorable conditions of work, leisure and rest. Eritrea is also state party to the International Labor Organization (ILO). ILO laws prohibit the use of forced or compulsory labor

⁷⁹ Warsai is the general name for conscripts of National Service. Yikaalo is the general name for fighters of the struggle for independence.

⁸⁰ Interviews conducted, Februray-May 2014, Addis Ababa

as a method of mobilizing and using labor for purposes of economic development. Two of my informants⁸¹ attest to this:

In the national service there is no rest from and choice of labor. We were busy terracing mountains slopes or laying new roads. Many times we were forced to do the work otherwise face punishment of any sort. In the event when there is no work, we were even forced to pick pebbles or gather wood. Sometimes, our commanders took us to build their houses or cultivate in gardens for their own income. If you try to abscond or object it is construed as desertion and disloyalty.

The lack of conscientious objection constitutes abuse under the ICESCR rights. Although, national service in itself has not always been resented, majority of the conscripts feel bitter about the basic level national service salary which 450 Nakfa (approximately 30 US\$) per month (AI, September 2009). This is insufficient to meet the basic needs of conscripts. This has created severe economic problems especially for those with families. My informants⁸² remember sadly,

... the payment was very little for a such a demanding service. We were dependent on our families to work for the government. We were a burden to our families and relatives. We could not plan on marrying and form a family. In fact, we have lost our dignity in the society. And, the government never cared deriding us as soft.

The government by not providing for the improvement of living condition was also violating the principles of the ICESCR. Moreover, the government has increased its investment and expenditure on the national service and especially *Sawa*⁸³ depriving other social services especially the educational service. In fact the educational system was integrated with Sawa and students were forced to go to the national service before they could advance to the university or other institutions. Later on, students were forced to do their national service before completing the final year of high school completion. One of my informants tells,

I was doing very well at my school until 10th grade. However, in order to avoid going to Sawa I dropped two times in 10th grade. Even my mother convinced me to drop out of education totally and began to search for a job against my will. Many of friends were doing the same and spent their time hiding and all this was to avoid the national service⁸⁴.

⁸¹ Interview conducted with Nasser Ahmedin, 2 March 2014 and Abel Negassi, 16 March, Addis Ababa

⁸² Interviews conducted, February-May 2014, Addis Ababa

⁸³ The Military Training Camp has been receiving significant amount of government investment

⁸⁴ Interview with Abel Negassi, 18 March 2014, Addis Ababa

This has negatively affected the educational standard of the country. The provision and environment in Sawa is also not conducive for educational purposes. Those who went to Sawa to pursue their education are not satisfied and even regret it.

The indefinite nature of the service (amounting to forced labor) and low payment coupled with the integration of national service with the educational policy begun to ‘crush morale’ especially among the young (ICJ, September 2010). Because of the violations inherent in the framework of national service precluding other economic or educational opportunities, a large number of Eritreans youth began to avoid conscription by going into hiding or fleeing the country (AI, May 2013). The government then began to carry out raids on those who tried to evade the national service and began to tightly control the border to prevent those trying to dissent and escape the country. Army (military police) raids (known as *Gifa*), to apprehend those who cannot prove they have done their duty, and loading them on to trucks bound for *Sawa* became occasional scenes in Asmara and other large towns (Wrong, 2005: 379). This is accompanied by violence on those who do not comply. Similar raids are carried out to apprehend those who have deserted the army or deferred their leave from the army. My informants⁸⁵ unanimously attest

That *giffas* became a norm ... everyday reality. Our friends and relatives who were past their time of leave and those absconding were in constant fear hiding. Some were hiding in roof-tops for up to a week. There were a lot of incidents when someone is caught while trying to escape or hide, he is treated badly. These were awful times for all of us.

Those who are apprehended in these raids are taken to military detention centers namely Adi Abeito and Track B⁸⁶ from which they are dispatched to either Sawa or their respective military units.

4.2.2 Fleeing and Gulags

It is estimated that over one-quarter of Eritreans live outside Eritrea of which the majority have fled Eritrea during the armed struggle for liberation (Habtesellasi, 2011). Although, the history of flight of Eritreans from their country is largely related to conflicts, it also has societal and cultural underpinnings (Wrong, 2005). However, there is no doubt that the recent flight of Eritreans in the past 12 years has been the direct result of the manifold violations of human rights

⁸⁵ Interviews conducted, February-May 2014, Addis Ababa

⁸⁶ See Maps of Prisons

by the government, the prospect of indefinite conscription in national service and the severely limited employment and educational opportunities (AI, 2013). As per the report of the UNHCR of 2013, nearly 250,000 Eritreans have fled Eritrea.

In the aftermath of the war with Ethiopia, military deserters escaping to Sudan comprised majority of those who fled Eritrea. After 2002, the number of those who fled Eritrea dramatically increased with the announcement of the Warsai-Yikaalo campaign (Tronvoll, 2009). However, as the hold of the military was slowly weakened over the years, the wave of flight extended to Ethiopia and Djibouti. Most of the attempt to flee was made on foot and involved crossing arid lands towards Sudan and mountains and rivers towards Ethiopia. The ordeal of Eritreans crossing to Ethiopia and Sudan and further in attempting to reach Europe and North America is a subject deserving serious study. Many have been subjected to injury and death. As more and more of its citizens leave the country, the government's methods to try and stem the exodus have become more brutal (HRW, April 2009).

Escaping Eritrea is not an easy task and a large number are caught trying. There is a consistent report that those caught attempting to flee are subjected to torture and ill-treatment (AI, May 2013). The torture and degrading treatment is used as punishment, interrogation and as coercion. The most common ill-treatment is beating up on apprehension. Most of those who are caught report that they were beaten with plastic and wooden sticks. The beating may continue for few days and may result in serious physical injuries. Almost all of those who are caught are interrogated by means of torture to confess that they indeed attempted to desert their country. One of my informants⁸⁷ who was caught trying to escape to Sudan testifies,

I was caught on the border and they immediately began to beat me with wooden sticks. I was tied and thrown in the sun for two days. I was given little food and water. I was exhausted and I passed-out but they didn't care. The wounds from the beating were painful but they didn't care and this lasted for a week until they transferred me to Aderser.

This is followed by the imprisonment of friends, family members and relatives who have assisted in any way (HRW, April 2009). The prisoners are then taken to detention centers where more inhumane treatment awaits them.

⁸⁷ Interview with Tekleweini Gerezgiher living in Adi Grat, interviewed via telephone, 6 March 2014, Addis Ababa

Just as the staggering number of Eritrean refugees show the presence of an internal crisis in Eritrea, the proliferation of a network of prisons and detention centers indicate the nature of human rights in Eritrea. In fact, one need not to look, anywhere else but the network of prisons and detention centers and the treatment therein to ascertain the level of human rights violations in Eritrea (see Map in Annex). Tronvoll (2009: 77) calls them the Eritrean gulag archipelago. Human rights organizations and activists, refugees and even individuals who formerly worked with the government do not know the exact number of detention centers. What is certain, however, is that some are well-known and others are secret (AI, April 2013). They include underground cells, metal containers, ware houses and military camps (HRW, 2009). In most of these detentions centers, prisoners are held incommunicado in appalling conditions. Some of the confirmed detention centers are, Track B, Adi Abeito, Mai Sirwa, Aderser, Eira-Ero, Wia, Mietir, Hadish Maasker.⁸⁸ (See Appendix 2&3) There is also a prison in the Dahlak archipelago where evicted refugee returnees were imprisoned (Tronvoll, 2009: 79-90). One of my informants⁸⁹ has been in four of these prisons. He has spent a year in the underground of Track B, 5 months in Mai sirwa where he was forced in manual work and two and half years in the island of Nakura in Dahlak.

The condition in these centers can't be documented exhaustively in such a study limited in scope. However, attempt has been made to present those that are telling. Anastasiou (2009: 34) has observed that nationalists are inclined toward a high level of tolerance for the loss of human life not only among the enemy community but also among their own national community.' The government of Eritrea appears completely unconcerned about detention conditions and the fate of the people in its custody. One of my informants⁹⁰ tells of an incident,

When one of the prisoners inside my cell attempted to bleed himself to death in the middle of the night, we rushed to his rescue and took away the blade from him but he was bleeding badly. When we alarmed the guards and they investigated from outside the room. We expected them to give him medication but they told us they don't care if he died. It took him a month to recover from his wound.

Suicide attempts and deaths related to such incidents are common in the prison centers. Prison guards are often demoralized and appalled by what they are asked to do—some of them

⁸⁸ See Map for locations

⁸⁹ Interview with Ritie Zerisenay living in Shire, interview via telephone, 20 February 2014

⁹⁰ Interview with Berhane, 20 March 2014, Addis Ababa

reportedly escape along with the inmates. Starvation, beating, poor sanitation, over-crowding are most commonly mentioned by former prisoners. One of my informants⁹¹ sadly remembers an incident in Track B on 5 May 2006,

...the underground prison can only hold up to 300 prisoners but one night, 500 prisoners were forced inside and locked. We were literally standing one over another. If there is no breeze outside, the prison is hot inside. In that night there was no breeze and it was stifling inside. People were suffocated and began collapsing. The whole night we were suffocating and no one came to our rescue. I remember all the rats on the roof dropped dead and you can't light a cigarette because of the lack of oxygen. It was just like the Titanic in its final hours before sinking. In the morning, three corpses were taken out.

There have been many cases in which many prisoners have attempted to escape resulting in serious injuries and deaths. In October 2004, 54 prisoners were killed while attempting to escape from Adi Abeito and 161 were killed while attempting to escape from Wia in June 2006 (Mekonnen, 2008: 112-113). AI and HRW estimate that there are around 10,000 prisoners in Eritrea and described the condition of the prisons as horrendous.

4.2.3 Torture

The internationally accepted definition of torture is 'any act that involves the intentional infliction of severe mental or physical pain or suffering for such purposes as the extraction of information or a confession or as intimidation or punishment' (HRW, April 2009). In the strict sense, 'any act that inflicts pain which is difficult to endure constitutes torture' (Rodley, 2012; Cohn, 2008). Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death. The UDHR, ICCPR and the African Charter have all prohibited torture in all its forms.

Most, human rights organizations and activists are convinced that torture is the norm in Eritrea's prisons and detention centers. Although Eritrea is not party to the Convention against Torture (CAT), the elements set out in the definition of torture are now generally considered to be customary in nature (Mekonnen, 2008: 128). They are thus binding on all states of the world as customary international law. The right to non-discrimination and the right not to be

⁹¹ Interview with Tekleweini Gerezgiher living in adi Grat, interview via telefon, 6 March 2014

tortured are the rights that must be fulfilled without delay (Parlevliet, 2011: 12). As far as human rights violations are concerned, there is no justification that can back-up torture.

Individuals arrested by the military, security forces and even by the police are subjected to some kind of torture at the moment of their apprehension. Usually, there are beatings, slapping and kicks which may result in body damage. Amnesty International (April 2009) is convinced that Beating is commonplace to the point of “normality” and is often preceded or followed by other torture methods. Tronvoll (2009: 81) agrees that beatings of all sorts are treatments that can’t be helped during apprehension, in interrogation and in the detention centers. Although there are different cruel and degrading methods in interrogating and punishing prisoners, Amnesty International (2004) has recognized and Tronvoll (2009) confirms the following types of torture methods in Eritrea;

- *Helicopter*: the victim is tied with a rope by hands and feet behind the back, lying on the ground face down, outside in the hot sun, rain or freezing cold nights, stripped of upper garments. The prisoner is tied in this position 24 hours a day, except for two or three short breaks for meals and toilet functions.
- *Otto*: the victim is tied with hands behind the back and left face down on the ground, but without the legs tied. This is accompanied by beatings.
- *Ferro*: the wrists are bound behind the back with metal handcuffs while the victim lies on the ground face down and is beaten with sticks or whipped with an electric wire on the back and buttocks.
- *Torch*: inside a special torture room, the victim is tied up by wrists behind the back and with the feet bound; a stick is placed under the knees and supported on a framework on both sides horizontally, and the body is turned upside down with the feet exposed. The soles of the feet are beaten with sticks or whipped.
- *Siklet*: the victim is stripped to the waist, wrists tied, and standing on a block with hands tied to a tree branch; the block is removed, leaving the victim suspended with the feet just off the ground in a crucifix-like posture.
- *Almaz*: the victim is tied and suspended from trees with arms tied behind his back.

Prisoners attempting to escape from prisons are subjected to cruel treatment. There are some imprisoned in underground cells for over six months. Collective punishment of prisoners in a

detention center is common. Denying food and water, sanitation and denying clothing and shoes has been reported many times. One of my informants⁹² suffered a different kind of torture,

I was caught attempting to escape from the underground prison of Track B. I was severely bitten with much physical injuries to my back and foot. I was tortured by *otto* for three days. Then they handcuffed me with *asha ferro*⁹³ and thrown me in one of the underground cells where no days light can reach. I spent six months in that place and my eyes are still weak from that. Guards often called me a traitor.

The government has condoned the use of such torture and no known action has been taken over perpetrators of torture and abuse. This is a violation of Article (2&3) of the ICCPR and the Eritrean constitution. The prohibition of torture has an extraordinary status in the protection of human rights under international law; it is non-derogable and ensured without any restrictions whatsoever (Novak quoted in Tronvoll, 2009: 85).

4.2.4 Freedom of Expression, Conscience and Movement

The nationalistic war-footing and relapse into principles of the struggle in the aftermath of the crackdown of September 2011 had effectively suffocated ideas and denied meaningful popular participation in political matters. The main component of a democratic process, civil society, was the first suffer. After the closure of the nascent private Eritrean press, there has been no independent media in the country. HRW (April 2009) expressed the grim reality of private press in Eritrea as ‘a media black-out.’ As all independent private presses were shut down and without any privately owned radio or television, Eritrea has become the only country in Africa without an independent media outlet. Eritrea is now commonly described as the most restrictive country in the world.

In the crackdown of September 2001, journalists who worked in the government media were also arrested on suspicion of criticism, and arbitrarily detained without charge (AI, May 2013). Among those journalists arrested since the 2001 crackdown is Hamid Mohamed Sa'id, who was a television news and sports editor for the Arabic-language service of the state run EriTV. He was arrested in February 2002, alongside two colleagues, Saadia Ahmed, a television reporter, and Saleh al-Jezaeri, a radio and newspaper reporter (ibid). This has effectively restricted any criticism from being voiced. Part (and partly as a result) of the crackdown and to further restrict

⁹² Interview with Tekleweini Gerezgiher, interview via telefon, 6 March 2014

⁹³ This is a heavy metal handcuff

criticism, the government has arrested government employees suspected of expressing support to the G-15 and in some cases for criticizing the G-15 detentions (AI, September 2002).

HRW (April 2009) has documented the arrest of journalists who worked in the state media suspected of wishing to flee the country after some colleagues has escaped. Paulos Kidane, a famous TV reporter was among those arrested and he is reported dead after attempting to escape (ibid). On 22 February 2009, an entire staff (around 50) of a radio station broadcasting educational programs under the sponsorship of the Ministry of Education was detained (AI, April 2009). Although many of them were released shortly, 12 are believed to remain in arbitrary detention. The government has also fallen out with international media as a result of different measures it took. For instance the BBC's Jonah Fisher, was expelled in 2004 following a broadcast on Amnesty International's last report on human rights conditions in the country (HRW, April 2009). A freelance successor, Peter Martell, was also thrown out in March 2008 after he refused to disclose to the government the names of his sources for a report on veterans' disillusionment with the government (ibid). The Eritrean government claims that its action is justifiable due to clauses in domestic legislation which permit restrictions on basic human rights during times of political crisis. However, the arbitrary arrest of journalists, their incommunicado detention and more importantly the banning of press is in clear violation the ICCPR and the African Charter. However, the legitimate objective of safeguarding national unity can't be achieved by muzzling the advocacy of democracy and human rights.

4.2.5 Religious Persecution

Eritrea, contrary to what might be expected in a diverse ethnic and religious composition, has remarkably remained at relative peace with itself for many centuries. Religions, Christianity and Islam, and different cultures have coexisted peacefully to which many have attributed to an intra-and-inter community cooperation to resolve conflicts (Habteselassie, 2011: 246-248; ICG, 2010). And efforts were made in the formative years of Eritrea during which the government pledged to make a separation of state and religion (ibid). However, the harsh persecution of the Jehovah's Witnesses and some Muslims⁹⁴ in the name of the nation were indicative of the state (nationalism) as a 'surrogate religion.' But, as attested by most of informants⁹⁵, members of the

⁹⁴ See Section 3.1.2.1

⁹⁵ Interviews conducted, February-May 2014, Addis Ababa

Orthodox Tewahdo Betekristian (Coptic Orthodox Church), the Catholic Church (part of the Roman Catholic Church), the Evangelical Church of Eritrea (part of the Lutheran World Federation) and Muslims of the Sunni branch have enjoyed a fair amount of freedom in the years following independence. Members of the Pentecostal Churches, Faith Mission (part of Methodist Church), Presbyterian Church (part of the Presbyterian Church of America), The Baha'i Faith and the Seventh Day Adventists have also been practicing their faith for some time without significant interferences during this time.

Following (and part of) the crackdown of September 2001, the government registered and recognized the Orthodox Church, the Catholic Church, the Evangelical Church and the Sunni sect of Islam thereby proclaiming the rest illegal (AI, May 2013). The Presbyterian Church, Faith Mission, Seventh Day Adventists, the Baha'i Faith and most of the evangelical and Pentecostal churches were branded 'new religions' and closed down (Habteselassie, 2011: 255). Evangelical and Pentecostal Christians have been persecuted and subjected to harsh treatment. Police forces have hunted down Pentecostals for a decade since 2001. Security forces, *inda tsetita*, has continuously broken into homes and churches, rounded people up, detained and tortured them. Admitting to being a Pentecostal Christian or being caught in possession of a Bible is 'enough to land oneself in jail, be subjected to torture, or denied the right to travel abroad' (HRW, April 2009). One of my informants⁹⁶ who is a Pentecostal Christian remembers,

In 2002, I was taking part in a marriage ceremony of a church member. We were celebrating with hymns and songs. Suddenly a van came and the military police began to throw us on two trucks. We were taken to Adi Abeito and they told us that if we recant our faith they would let us go. Some recanted but many of us refused. They kept us for months with little food and water. Finally they let us go on bail on condition that we wouldn't worship or profess.

At various points in 2004, 2005 and 2007, arrests took place of a large number of pastors from various Christian churches including the Full Gospel Church, the Rema Church and the Eritrean Protestant Alliance. According to Christian Solidarity Worldwide (CSW) by June 2007 over 2,000 Christians were in detention in Eritrea (Tronvoll, 2011). The majority of these pastors remain in arbitrary detention. None has been charged with a crime or brought before a court (AI, May 2013).

⁹⁶ Interview with Berhane, 25 March 2014, Addis Ababa

Ironically enough, religious persecution was justified not in line with national security or related to the national service but was solely based on unsatisfactory moral ground. In different interviews with the state television, *Eri-Tv* and the *Los Angeles Times* in 2007 the state president has said that there is no new revelation or new teaching in the Bible for these ‘new religions’ to sprung up (Mekonnen, 2008: 124). This argument was meant to discredit the teachings of the churches that were already denied recognition and suffering persecution. As such they were not a threat to national security but their teaching was unwanted in the Eritrea ruled under the stiff nationalism of the PFDJ. In line with this, my informant explains,

I think one of the reasons of this severe persecution of Pentecostals lies in the government’s hard nationalistic approach to everything. The government considers the Pentecostal movement as contradictory to the values and principles of the PFDJ which is rooted in militarism. They think that becoming a Pentecostal makes one weak, soft and disinterested in national issues. Guards in prisons have repeatedly taunted us with this.

The persecution has also been carried out with in the national service. Those who were participating in the national service were denied the right to practice their religion (HRW, April 2009). The government’s violation of religious freedom and infringement in religious affairs has been seen in the imprisonment of members of the state approved religions as well (AI, May 2013). In August 2005, in an unprecedented violation in the history of the Eritrean Orthodox Tewahdo Church and in contravention of canonical laws, the government dismissed the highest spiritual leader of the church, Patriarch Abune Antonios. A new patriarch was arbitrarily appointed in his place on 27 May 2007 (Mekonnen, 2008: 124). In another incident of religious persecution, AI reports that a dozen Muslim students belonging to a new Islamic religious tendency (Wahabis) were arrested in Asmara in September 2004 and their whereabouts is still unknown (ibid

4.3 Strain, Fleeing and Penalties

4.3.1 Economic and Social misery

Economic Strain: The long-term effects of the war and the no-war-no-peace situation have proven destructive on Eritrea. My informants⁹⁷ expressed deep dissatisfaction with current economic situation in Eritrea and all attribute it to the indefinite nature of the national service

⁹⁷ Interviews conducted, February-May 2014, Addis Ababa

and the fleeing of the young related to it. Young people, trapped in the national service, are unable to contribute to personal and national economic growth. The conscription of youth from the rural areas has also affected agricultural production. The grim economic prospect is forcing thousands to fleeing the country every year. This in turn encourages more thousands to abscond national service and opt fleeing as their first choice. The youth are always on the ‘urge to move driven by the unreasonable interference in their lives’ (Weldemarian, 2013). And the brain and skill that drains with the young is wreaking damage to the small economy run by the government. My informants admitted that the Eritrean society has increasingly become reliant on remittances from overseas.

Furthermore, the government has increasingly dominated the economy by co-owning the main financial and commercial institutions and by running most industrial and agricultural enterprises and supporting services (ICG, September 2010, Kibreab, 2009). The private sector is extremely fragile with more and more capitalists fleeing the country and investors discouraged by state interference. And the government’s policy of self-reliance has denied Eritrea of any assistance from outside (Wrong, 2005). Food aid and other economic assistance are considered as tantamount to an infringement of sovereignty.

Social Strain: My informants⁹⁸ all indicated that there is a large amount of social strain in Eritrea attributing it to the national service and the government’s large network of security especially after 2001. Wrong (2005: 379) indicates that the national service which keeps 1 in 14 Eritreans in uniform – doubles as a ‘handy instrument of social control.’ Bozzini (2011: 93) argues that national service and its bureaucratic apparatus produces ‘various uncertainties, fears, beliefs and contribute to the perpetuation and actualization of a despotic modality of governance.’ Although the government has long relied upon fundamental patriotism and that Eritreans can accept prolonged hardship, millions are increasingly disengaging from the state and even their own communities – and focus only on immediate family, preoccupied with seeking ways to survive and ultimately escape. As a result of the crackdown of September 2001 and the government’s large network of security (*inda tsetita*), there is a growing amount of fear of *nay izni*⁹⁹. My informants tell that such low-paid individuals are everywhere and that a careless word

⁹⁸ Interviews conducted, February-May 2014, Addis Ababa

⁹⁹ These are recruited informants to the government. They are otherwise called *hasewti* which literally means liars.

can lead to an arrest and disappearance. The common refrain of the young has become that “there is no life in Eritrea” (ibid). With the closure of the university and lack independent civil society groups, trade unions or NGOs, the tightly knit community life is suffering.

4.3.2. The Punitive State

Anastasiou (2009: 37) has noted that the capacity of a nationalistic approach to politics to morally legitimize force and violence in the name of the state is unrestricted. For nationalistic leaders, any act can be justified in the name of the nation. As a result of the nationalistic war-footing that Eritrea has been put in, the government has resorted to measures that are abhorrent and unacceptable under normal circumstances. In order to tackle the illegal flow of the youth, the government has increasingly become more oppressive. As absconding and fleeing the country worsened the government resorted to reprehensible measures. The punishment of family members of those who have fled was comprehensively carried out since 2006 (AI, May 2013). Families are subjected to a fine of 50,000 Nakfa (approximately US\$ 3,800). If they can't afford it, they are subjected to imprisonment ranging from months to a year. Older parents, aged 60-70 are not spared. My informants all indicated that this act has been largely detested by the population. The arrest of family members in lieu of their relative violates international standards and the African Charter.

Eritrea is now commonly termed as an extremely ‘penal’ and ‘police’ state where the sanctity of life is overruled by the sacredness of the nation (Bozzini, 2011, ICG, 2010, Tronvoll, 2009; Schneider, 2008). The police, the military and the *inda tsetita* have been deliberately given excessive power with no checks or monitors to curb them (Mekonnen, 2008). Since the crackdown of 2001, enforced disappearance has been common. Many individuals have effectively ‘disappeared’ into custody once arrested or abducted. In enforced disappearance, nothing is acknowledged or admitted by the authorities about the fate, conditions and treatment of individuals abducted or arrested on political grounds. HRW (April 2009) noted, ‘because of the secrecy in which political detainees are held—incommunicado, in secret locations, without the right to representation or visits, and without any kind of independent monitoring—they are in effect, “disappeared” and are at high risk of torture or extrajudicial execution.’ AI (May 2013) have received unconfirmed reports that nine of the G-15 has died in prison, one of confirmed to have committed suicide, and eight of the journalists arrested

alongside the G-15 are confirmed dead. My informants¹⁰⁰ have indicated that enforced disappearance and death have created a sense of grievance among the general population and that it is worsening the refugee crisis.

4.4 More Fleeing and a Sense of Betrayal

The number of people escaping the Eritrea has been increasing significantly since 2005. During 2005-2006 with a total of 19,400 refugees Eritrea ranked the fourth largest producer of refugees¹⁰¹. By mid-2012, the UNHCR announced that it has registered 72,000¹⁰² Eritrean refugees in Ethiopia and 114,000 in Sudan¹⁰³. Within a year the number increased to 266,000 to make Eritrea second largest producer of refugees. That many who cross the borders languish in refugee camps or live in squalid conditions in European and North American cities while pursuing asylum applications does not seem to have reduced the ambitions of those left behind because any alternative is preferable than suffer in Eritrea (ICG, September 2010).

Human rights violations in Eritrea have reached alarming levels. The allegations of the UN of 2012 (See Appendix), human rights organizations and other activists are evident in the number of Eritrean refugees scattered in many countries including those interviewed in this research. The level of the violations of human rights is ascertained from many of these refugees who bear the scars of torture and carry the memories of what they have been through. All of my informants have ascertained that, in one way or another, their rights have been violated. The government of Eritrea has not only violated international law and standards but also neglected its internal while denigrating its constitution as a guarantor of nothing. The government has formulated its own standard of human rights, based on its nationalistic approach to basic needs, which is reflected in the words of the Minister of Justice, Fawzia Hashim,

Rights are not things that are given or denied at will. We all should understand that rights are earned through struggle (Tronvoll, 2009: 38).

As the study has shown, the government's notion of rights and duties is largely shaped by the legacy of the struggle for independence. Its idea of democracy and human rights is molded by

¹⁰⁰ Interviews conducted, February-May 2014, Addis Ababa

¹⁰¹ UNHCR 2006. www.unhcr.org

¹⁰² Located in three camps

¹⁰³ Gedarif and Wedi Sherifey Camps, UNHCR 2013 www.unhcr.org

the principles that have brought it success to realize Eritrea. However, the purpose for which Eritrea was realized is being undone by the renewed nationalistic war with Ethiopia.

Although, the government has a strong legal point regarding the implementation of the Algiers Agreement and boundary demarcation, approaching the issue in way that negate human needs is proving destructive. And, though, the national service could partly be justified for a national cause, security and development, its indefinite nature is contrary to the purpose of meeting human needs. The crackdown of September 2001 and the subsequent gross human rights violations such as arrest without trial, silencing independent media, religious persecution, torture, and punishing families are contrary to Eritrea's, to the people's, cause as reflected in the view of my informants¹⁰⁴

We don't believe our rights should be denied because of the undemarcated border. These violations are so severe that we are denied our basic human needs. And it all emanates from the government's approach to the issue. This is an approach they have chosen and they are responsible for the violations. Breaching international human rights law for the sake of implementing another international law is not a good way. How can the government expect the international community to sympathize with Eritrea's cause while they are cruel to their own people?

However, due to the lack of independent and reliable mass media and an autonomous active civil society in Eritrea, the voices of these refugees and the people as a whole will not reach the government, and even if they reach they are likely to be eclipsed by the nationalistic agenda.

¹⁰⁴ Interviews conducted, February-May 2014, Addis Ababa

Chapter Five

Foreign Policy in Cold Peace¹⁰⁵

Introduction

In Chapter 3, it was observed that Eritrea's formative years, despite marked with democratic gains and amicable relations with Ethiopia, was characterized by conflict and confrontation with its neighbors in the process of asserting its sovereignty. It was also pointed out that Eritrea's uncompromising nationalistic approach was at fault as it went in to an all-out war with Ethiopia which has yet to be fully resolved. In Chapter 4, it was observed that Eritrea, in pursuit of a solution to the conflict with Ethiopia and persisting on its nationalistic agenda, regressed into authoritarianism and militarism violating human rights and failing to demobilize its large army. This chapter will focus on Eritrea's foreign policy and its relations in the aftermath of the war and the subsequent stalled peace process. Just as the war and the government's approach proved disastrous in Eritrea's internal dynamics, HRW (April 2009) recognizes Eritrea's 'tense relations with Ethiopia to be the dominant factor' in Eritrea's foreign policy and relations. The war with Ethiopia had the effect of militarizing Eritrea and the government's crackdown of 2001, in the name of national security, had ossified Eritrean politics. The militarization and ossification of Eritrea's internal dynamics in the context of the stand-off with Ethiopia (locked in a stalled peace process) have had a complex impact in Eritrea's foreign policy and relations. The combination of these internal and external factors in Eritrea's foreign policy will be analyzed using the DP and RSC Theories respectively. In line with the perspective of how the repression was viewed (Chapter 4), a brief glance at what constitutes Eritrea's positions will follow.

5.1 A Clenched Fist

Indira Gandhi¹⁰⁶ has wisely remarked that 'one cannot shake hands with a clenched fist.' This quip aptly describes how Eritrea's foreign policy is viewed by outsiders. Clenched fists are the reflection of the 'exclusivist approach' of nationalists in relation with the other that result in 'stubborn political impasse' (Anastasiou, 2009: 35). As discussed in Chapter 3 & 4, Eritrea's approach to the conflict and peace process with Ethiopia has been nationalistic and exclusivist.

¹⁰⁵ Trygve Lie, first secretary general of the UN, characterized the period after WW2 as a time of cold peace

¹⁰⁶ The prime minister of India characterizing Sikh Separatists who refused

This approach had isolated the government from its people whose needs are obscured and eclipsed in the process. In line with this, Healy (2008: 6) argues that Eritrea's position in the boundary is further isolating Eritrea from its neighbor and the international community. While Ethiopia is calling for renegotiation before implementation based on humanitarian grounds, Eritrea is insisting for the implementation of the border ruling to its letter without any prior dialogue.

As Fisher and Ury (quoted in Anastasiou, 2009: 35) noted, 'political exchanges vis-à-vis nationalist positions rather than human needs-based interests rarely succeed, because they tend to eclipse and obscure even the legitimate needs they purport to be striving to secure.' Eritrea is asserting its unilateral version of the problem and its solution. In such kind of approach to the peace process, 'the relationship to the other is driven at best into a stubborn deadlock and at worst into a vexing, conflict-prone interaction, often spilling over into violence' (ibid). It is due to this and for not searching diplomatic ways, that 'Eritrea is both isolating itself and being isolated from the international community' (Healy, 2007).

Through the peace process, Eritrea has remained obstinate and inflexible to the point of negating its interests and alienating its supporters on the legal issue. For example, in January 2006, three years after Ethiopia downgraded the EEBC ruling as 'legal nonsense', diplomatic efforts were initiated by US Assistant Secretary, Jendayi Frazer, to break the deadlock (Healy and Plaut, 2007). The plan was to meet with both heads of state and initiate dialogue. However, President Issaias having spurned all talks with the US refused to meet with Ms. Frazer. This was followed by imposing restriction on the UN Peace Keeping mission in the border and deploying its army near the border. Kroslak (2008) is of the conviction that this action has 'refocused international attention away from insisting on Ethiopia's compliance to dealing with Eritrea's bad behavior.' This neglect of diplomatic efforts coupled with the repression of its own people and 'lack of democracy has left Eritrea shunned by all but a handful of states' (ICG, 2007). Hogendoorn (2010) strongly contends that the lack of imagination and flexibility on the part of Eritrea is at fault on the issue. Many authors had seriously criticized Eritrea's rejection of diplomatic struggle and its aggressiveness. Wrong (2005: 381-382) aptly summarizes the reciprocity of Eritrea's radical approach and its isolation,

Eritrea's leadership is more isolated now than ever it was during the Struggle, for the True Believers have distanced themselves. Those who once marveled at plucky little Eritrea's iconoclasm now shrug it off as a 'pariah state'. Bent on proving he cares not a jot for the international community's disapproval, Isaias has grown ever more heavy-handed in his dealings.

Such descriptions of a state's foreign relations could be regarded as the worst. References to Eritrea's foreign policy and external relations are replete with negative characterization pointing at Eritrea's obduracy.

5.2 Resurgence of the Legacy

In Chapter 3, it was observed that Eritrea has inherited an enduring legacy of a culture of extremism and militarism along with a sense of contempt to the international system. It was also pointed out that a sense existence through war and winning war dominates the mindset of the regime. Many, now, believe that this legacy is still intact in Eritrea's internal dynamics and external dealings. This legacy has been reinforced in the war and the ensuing stalled peace process (ICG, 2010). The regime's foreign policies and external dealings is underpinned by its experience and worldview inherited from the struggle. Risse-Kappen (1995: 507) has argued that such cultures and perceptions are decisive in a leaderships' policy direction.

Nur (ibid: 81) points out two historical narratives that shapes Eritrea's, the leadership's, worldview in the aftermath of the war. The first is that Eritrea was betrayed by the world in the 1950s to be federated with Ethiopia. Second and most importantly was Eritrea's cause was intimidated and repressed during the Cold War, intermittently by both super powers in favor of Ethiopia. These narratives coupled with the military successes of the EPLF against all odds have developed in to a hostile worldview and a realist approach to world politics. Although the regime has shown signs of overcoming this aspect of its inheritance, the devastating war with Ethiopia and its intransigence to the implementation has been a cause for the resurgence of the old worldview. Nur (2013: 81) maintains,

The position of the international community in the aftermath of the border war, particularly its unwillingness to pressurize Ethiopia to unconditionally accept the boundary commission's decision, and Eritrea's perceived mistreatment, which is partly a result of the leadership's own diplomatic setbacks, reinforced such realist worldview. The UN and African Union (AU) perceivably not only betrayed Eritrea in its quest for

freedom earlier but are yet hostile to its post-independence aspirations for prosperity and biased against it in the conflict with Ethiopia.

Wrong (2005) supports this idea that Eritrea and especially the leadership believes that the world is betraying Eritrea in the boundary issue. The sense of suspicion the leadership has towards the international community is fittingly expressed by an undisclosed Eritrean politician asking ‘what we cannot understand is why no one wants us to survive’ (Wrong, 2005: 378)

Another factor that has a heavy bearing on the general outlook of the leadership has to do with the long history of militarism. The un-comprising nature and deep-seated militarism of the EPLF is at the root of the often angry political culture and isolationist foreign policy (ICG, September 2010). More importantly, however, is the military prowess and victories of the EPLF during the struggle waged against Ethiopia’s largest army in Africa that creates a sense of triumph against all odds. Wrong (2005: 373) discovers that there is a sense of an ‘invincible Eritrea’ especially among the leadership that amounts to ‘a feeling of superiority.’ The notion that Eritrea has fought and won a long war while everyone was against it had conjured a sense of existence through war and winning war. The notion that it would have to continue asserting its identity through combat seems unexceptional because ‘nations that believe they can’t lose easily slide into conflict and avoid compromises’ (ibid).

In light of the internal ‘repression’ discussed in Chapter 4 and the heavy influence of the ‘legacy’ of the struggle for independence, Eritrea exists in a fundamental dilemma in its endeavors to assert its sovereignty. On one hand is Eritrea’s strong legal point in the implementation of the boundary ruling and on the other is its approach. Its style of approach, justified by its legal position, is resulting in its isolation and its isolation is in turn hardening its approach thus resulting in a vicious cycle. Is Eritrea’s isolation its own internal making or is it induced externally?

Nur (2013) strongly contends the lack of democratic norms and institutions that ensure accountability, transparency, and institutional checks and balances in foreign policy-making explain the country’s troubled foreign policy. But, at the same time he admits that the perceived threat from Ethiopia and the stalled peace process has lent to Eritrea’s strained relations. Freeman (2009) strongly argues that Eritrea’s security dilemma with Ethiopia is at

the root of Eritrea's aggressive foreign policy. But he admits that the authoritarian nature and militaristic culture is also a significant factor in shaping its policies. In order to entangle this dilemma, seeing at the factors separately is imperative. Beasley (2001) has argued that any explanation of foreign policy involves multiple factors. The complex nature of Eritrea's internal crisis and deteriorating external relations calls for a careful examination of these intricately interwoven factors. Using the Democratic Peace Theory and the Regional Complexity Theory will help to weigh the factors and capture the complexity.

5.3 Internal Factors

In Chapter 4, it is noted that the crackdown of September 2001 was a turning point in post-independence Eritrean history. Pointing at the ramifications that followed, Kibreab (2009: 47) claims it is the 'watershed' in Eritrea's politics in all respects. It was a turning point as far as Eritrea's democratization is concerned. But it is equally significant in Eritrea's foreign relations as it marked the deterioration of Eritrea's image and the straining of its relations. Although Eritrea has been seen as 'a plucky little state' since its independence, the September 2001 crackdown has smeared Eritrea's image and it could be considered as a benchmark in the deterioration of Eritrea's relationship with the outside world (Wrong, 2005).

5.3.1 International Response to 'Squandering an Opportunity'

In the increasing 'commitment to promote human rights, endorsement for the principle of protecting or advancing democracy in extra-territorial spaces and ethical and moral considerations in foreign policies as defining features of global politics' (Perkins and Neumayer, 2009), the gravity of the September 2001 crackdown was bound to attract the stern eyes of governments and human rights organizations. The first response came from the diplomatic community in Asmara¹⁰⁷ who were 'compelled to protest by the dire political repercussions and gross human rights violations' (Tronvoll, 2005: 68). The Italian Ambassador protested on behalf of the European Union and the diplomatic community in Asmara. However, he was immediately expelled from the country within 48 hours. The reaction of the government was tough and 'lacking foresight' that the ICG (2010) characterized the government as unskilled. Although

¹⁰⁷ Capital City of Eritrea, est. population 600,000

Eritrea has a right to declare *persona non grata*¹⁰⁸ any diplomat who may interfere in its security, the manner was unacceptable to most of the diplomatic community. The reaction of the European Union was swift and far-fetched. All European Union (EU) countries pulled out their envoys from Asmara in protest. On 7 February 2002 the European Parliament passed a resolution criticizing the detentions of the G15 members and journalists and other human rights violations in Eritrea (AI, September 2002). Since then, Eritrea-EU relations have remained strained. In the February 2008 Humanitarian Aid¹⁰⁹ decision noted that:

Since the interruption of the democratization process in 2001, EC cooperation with Eritrea has been confronted with major political and technical difficulties. Cooperation was frozen for several years in reaction to the expulsion of the Italian Ambassador. (HRW, September 2009)

Eritrea has not brought the prisoners to justice and they still linger in jail. And the EU Parliament continues to castrate Eritrea for its intransigence (ibid). It seems very difficult for Eritrea and more importantly for the EU to forge or reopen negotiations as far as the September 2001 detainees don't come to justice.

The crackdown of September 2001 further brought Eritrea at loggerheads with the US. After the US embassy in Asmara criticized the crackdown. The Eritrean authorities retaliated by detaining two Eritrean employees of the embassy on suspicion of spying (AI, September 2002). More criticism followed from the US as the two Eritreans are languishing in detention. By the end of 2005, Eritrea detained two more Eritrean staff-members of the embassy based on allegations of human trafficking and stopped all USAID programs (HRW, April 2009). In response, the US imposed restrictions on Eritrean diplomatic staff in the US and forced the closure of Eritrea's only consulate in Oakland, California (ibid). Since then, Eritrea's diplomatic relations with the US has been conditioned on the release of the four employees. Wrong (2005) relates this with another consequence of a bigger magnitude:

When Washington, worried about Islamic fundamentalism, was looking for a site for a new military base to police the Red Sea, Eritrea seemed the obvious choice. A US presence would have nipped any Ethiopian designs on Assab in the bud. But Isaias refused on principle to release two American embassy employees arrested during his crackdown and a

¹⁰⁸ Latin for Unwanted Person. In diplomatic language, this refers to a country's sovereign right to expel diplomats

¹⁰⁹ The European Union conducts all its activities through this organ

miffed Washington built its base – a muscular version of Kagnew¹¹⁰ – in Djibouti instead (Wrong, 2005: 382).

The government has effectively subdued all internal dissent in the September 2001 crackdown and it intended to quell any criticism from the outside. AI (September 2002) complained that its request to visit Eritrea was denied. By denying visas to AI, the government has shown that it was not ready to engage in a dialogue as part of respecting human rights and the implementation of human rights treaties and standards. The imprisonment of an Eritrean-Swedish¹¹¹ journalist during the crackdown has been a bone of contention between Eritrea and Sweden as he is believed to have died in prison (Tronvoll, 2009). Pointing at the responses, Krosalak (2008) is convinced that Eritrea's intransigence is to blame 'why the international community is not interested in the demarcation of the border.'

5.3.2 The destruction of democratic norms and institutions

5.3.2.1 Absence of Public Participation

The crackdown of September 2001 had not only quelled the dissent of the Berlin intellectuals, the G-15, university students and journalists but 'has taught the whole nation to watch its tongue' (Wrong, 2005). With complete absence of independent mass media and autonomous active civil society, the two pillars of democracy are lacking in Eritrea. According to DP, when citizens have the ultimate decision-making powers, leaders are constrained by cost-benefit calculations of war in due consideration of citizens. In Chapter 3, it was observed that in the war with Ethiopia, Eritrea was clearly the aggressor. And the ensuing stand-off with Ethiopia is clearly the government's position. My informants¹¹² unanimously attested that the stand-off with Ethiopia is unpopular due to the severe economic and social strains. Ten years of stand-off resulting in severe humanitarian crisis is not sustainable in democracies such as the US, where popular participation during the Vietnam War swayed¹¹³ the government's policy of continuing the war.

¹¹⁰ An American Military base in Asmara during the Cold War up to 1975

¹¹¹ Dawit Issak, editor of Setit

¹¹² Interviews conducted, February-May 2014, Addis Ababa

¹¹³ This is a popular participation through the Anti-Vietnam War in 1970s

5.3.2.2 Absence of Institutional Policy Making

The detention of the G-15 had the effect of silencing even government officials. The detention of the G-15 has sent a terrorizing message to other government officials that they would not be spared. This has left PIA and his cronies firmly dictating Eritrean politics. It is now clear that that ultimate authority in all political matters within Eritrea today rests with PIA (Connell, 2009). However, it is difficult how specific decisions are made as the organizational and political mechanisms are opaque and invisible to all except those who are inside them (Connell quoted in Nur, 2013: 86).

To start with, democratic structures of power and institutionalization of policies was weak in post-independent Eritrea. The political culture has been an authoritarian one predicated upon arbitrary exercise of absolute power. Eritrea's politics increasingly became a one-man show. Although there was separation of powers and the EPLF was restructured to lead the new state, it was all nominal and overridden by the presidential powers. The PFDJ was not an organized party providing guidance, there was not collective rule. It was run by the president himself and his personally selected advisors (Connell, 2005: 73). The cabinet does not provide a forum for debate or decision-making. It, too, serves as a 'clearing-house' to determine how policies hammered out elsewhere could be implemented (Nur, 2013: 85). The judiciary can't be considered independent as it can be seen from the establishment of Special Courts in 1996 (see in Chapter 3). The president's office comprises departments headed by special appointees who override the council of ministers and they are accountable only to the president (ibid). The ministries are asked to rubber-stamp and implement the decisions and directives that undercut ministerial authority. The foreign ministry is not immune from this system as divulged by the former minister Petros Solomon¹¹⁴.

During and after the war, the ministry of foreign affairs became a ceremonial figure without due policymaking powers. It serves as no more than an official channel to communicate Isaias's policy to the world (Connell, 2009: 26). In fact, Yemane Gebreab, the presidential advisor and PFDJ's political affairs head, is the face and de facto diplomat of Eritrea's foreign

¹¹⁴ See Chapter 3 Section 3.1.2.2

policy (Nur, 2013: 87). Eritrea's foreign policy making seriously lacks institutional policy making. One of my informants¹¹⁵, former employee of the ministry, elaborates:

The fact that the ministry remained without a minister for a year¹¹⁶ shows the president's contempt for institutional policy making. The ministry as a whole is idle. Only mundane and formal works are conducted. Paper works had to go the office of the president. Everyone in the ministry knows that the minister or other director generals are not in charge of their offices. How policies are made is not clear to anyone. I dare say that the ministry is a formality.

Therefore, the institutional checks and balances that ensure transparency and accountability which restrain leaders and constrain democracies from antagonisms and wars is clearly lacking in Eritrea and, this to some extent, explain Eritrea's often errant foreign policies.

5.3.2.3 The 'Camel' Factor

At the center of Eritrean politics and its struggle for independence is Issaias Afewerki, who was a revered leader of the EPLF and the only president Eritrea knows. In fact, his place in Eritrean politics can't be overstressed and deserves an individual level analysis. Many authors and close associates have described him differently but they can't escape admitting his enormous influence in Eritrea. He has earned great respect and loyalty, enormous affection and even devotion among his comrades-in-arms and the general population for his dedication and carefully managed image (ICG, September 2010). Many believe that a personality cult, which is an attribute of dictators, has been inculcated around Isaias (Wrong, 2005; ICG, 2010; Habtesellasi, 2011). Wrong (2005: 373-376) has characterized him as 'fiercely intelligent, naturally austere, and rebellious with a machiavellian, single-minded driven personality perfectly fit for a guerilla organization.' Others have characterized him as 'ruthlessly brutal, domineering and arrogant with enormous dexterity in intimidating and outwitting rivals and opponents (Habtesellasi, 2011; 61-63; ICG, 2010)

All these descriptions point to the fact that Issais is indeed a dictator. One of his maxims, 'the EPLF is Eritrea and I am the EPLF', captures how he sees himself, that he is the embodiment of Eritrea itself (Wrong, 2005: 374). Another of his maxims, 'the dogs bark, but the camel

¹¹⁵ Interview conducted with Girmay, 12.03.14, Addis Ababa

¹¹⁶ September 2005-June 2006

continues to march', describes how he likes to run things (ibid). There is no doubt that such a dominant personality in a president will hugely influence Eritrea's foreign policy and leave it helpless at his capability. Therefore, Eritrea's fall-out with the international community could be attributed to his skill of diplomacy.

According to Nur (2013), Issaias lacks diplomatic skills such as 'oration, avoiding derision, disdain and dismissal.' Habtesellasi (2011: 38) remembers of an astute observation made by one American reporter about Isaias' blunt and obtuse manner in an interview at the end of the Addis Ababa conference in 1991. The reporter said;

What was the matter with him? In fact why do I get the feeling that he wanted people to hate him? Why do I get the feeling that he wanted me to hate him?

In interviews with foreign journalists, he displays 'flashes of the temper batting away provocative questions with an angry contempt that betrays his hostility for the world' (ICG, September 2010).

After the crackdown of September 2001, with the leadership effectively purged from any organized dissent, Isaias remains without any check and in almost complete control of the system. Kibreab (2009: 47) noted that the executive, legislative and judicial powers of the state are firmly in his control. Officials and ministers are rotated and those who are out of his favor are suspended (Nur, 2013: 8). He continues to deride the US and Ethiopia for Eritrea's problems and insists that he is not ready to engage in diplomacy. Wrong (2005: 374) has ruefully described Issais as a leader unsuited to the demands of peace. And he is proving worse in Eritrea's time of cold peace. Habtesellasi (2011: 60) is convinced that Issais is addicted to power and will not relinquish it. If that holds true, and is likely true, diplomatic solutions towards the stand-off with Ethiopia is yet to continue.

Therefore, it is clear that Eritrea's foreign policy is hugely influenced by internal factors which can be properly explained by the democratic peace theory. The absence of popular participation and democratic institutions accounts for an erratic foreign policy which lacks transparency, accountability and institutional checks and balances. However at the helm of this oppressive

domestic politics and an authoritarian system is Isaias Afewerki's dictatorial power which is the greatest factor.

5.4 External Factor

Eritrea's regional security complex cannot be overstated because the region it is located in, the Horn of Africa, is one of the most conflict-ravaged areas on the African continent (Menigiteab, 2011). Eritrea's creation, in 1890, in this contested and volatile region has made its experience one of violent instability and political conflict. Its own geopolitical significance, bordering the Red Sea, has made it 'a pawn in world politics during the cold war' (Nur, 2013). In this regard, it is worth quoting what the ICG has to say about it,

Eritrea is not solely to blame for its increasingly difficult regional relations. It has had legitimate concerns about the intentions of both Ethiopia and Sudan. At times, too, it has shown faith in international arbitration and the binding character of treaties that has not always been rewarded. There is a danger of it being made the whipping boy in a region where no state's external dealings are beyond reproach. The problem is that Isaias has regularly shown a readiness to respond disproportionately to perceived threats and a willingness to abandon diplomacy for military adventurism (ICG, September 2010: 20).

And, managing relations with Ethiopia and Sudan, which are very much larger and powerful than it is, has been a difficult task for Eritrea. It is characterized as an ongoing power struggle in the region, as a specific response to the challenge of a hegemonic neighbor or as Eritrea seeking to achieve parity with Ethiopia and Sudan (Healy, 2008).

However, as has been mentioned in earlier sections, Eritrea's relation with Ethiopia is the most dominant factor in its foreign relations. This can easily be understood by looking at the stark contrast in Eritrea's internal stability before and after the war with Ethiopia. It has been 14 years since the war ended with a peace agreement that has yet to bring peace and Eritrea continue to be in permanent military footing from a perceived threat from Ethiopia. For better or worse, Eritrea's relations and/or confrontation shapes Eritrea's reality and relations and even to the point of putting Eritrea's sovereignty at stake (ICJ, September 2001).

5.4.1 Perceived Threat from Ethiopia

Eritrea's conclusion of its thirty years of armed struggle in a successful independence with the good-will and blessing of the new regime in Ethiopia seemed to have heralded an era of peace, democracy and prosperity (Habtesellsie, 2011). At least on the part of Eritrea, there was a general sense of relief in that there would never be any danger or threat from its neighbor (ibid). However this has quickly evaporated and turned in to a sense of discord and enmity in the devastating border war. Eritrea argues that Ethiopia was not fighting the recapture of contested border points (ICG, September 2010) contending that Ethiopia's larger war aims were the overthrow of the government and undermining of its sovereignty (ibid). This is partly justified in the third phase of the war in which Ethiopia launched its largest offensive smashing Eritrea's line of defense and controlling a third part of Eritrea. Although, the war has ended with a peace agreement, it has set Eritrea on a sense of fear and enmity with Ethiopia (Healy, 2008: 4).

However, Eritrea's fear and enmity didn't become real until September 2003, when Ethiopia declared the ruling of the EEBC as 'unacceptable and unjust' thereby undermining the final and binding the Algiers Peace Agreement (refer Chapter 3). Ethiopia's occupation of Badme has set Eritrea on a defensive policy for protecting its territorial integrity. As a result,

the militarized society and stronghold on power by the government does not seem like it will change, as continued tensions with Ethiopia have deferred demobilization plans announced in 2004 (Freeman, 2009: 614).

As Eritrea is effectively set in a military footing, perceiving its territorial integrity is under threat, its foreign policy has been negatively influenced. The leadership's nationalistic approach and unwillingness to bend or compromise coupled with the 'camel factor' has resulted in Eritrea's abandonment of diplomacy has diminished its international standing and loosing potentially useful allies (ICJ, September 2010). Ethiopia's Five Point Peace Plan¹¹⁷, which is still on the table, is considered by Eritrea as a plot to undermine its territorial integrity. This perception of

¹¹⁷ Announced in November 2004. This declared Ethiopia's acceptance 'in principle' of the Delimitation Decision. It then proposed to 'start dialogue immediately with the view to implementing the Ethiopia Eritrea Boundary Commission's decision in a manner consistent with the promotion of sustainable peace and brotherly ties between the two peoples.

threat and fixating on forcing Ethiopia to accept the border decision has sidelined conventional diplomacy as a favored tool.

5.4.2 Proxy War

Prior to the announcement of the virtual demarcation ruling by the EEBC in November 2007, which would take the border issue in to another level, Eritrea and Ethiopia were engaged in a military confrontation in another field in the horn. In light of the reluctance of Ethiopia to implement the boundary decision and the issue effectively running in to an impasse,

...containing Ethiopia could be seen as a legitimate aim of Eritrean foreign policy. Within the region Eritrea's strategy was depicted as trying to alter the balance of force by supporting insurgents in neighboring states (Healy, 2008: 4).

In a bid to engage Ethiopia in a military confrontation, Eritrea began supporting Ethiopian opposition groups such as the Ogaden National Liberation Front (ONLF), Oromo Liberation Front (OLF) and Tigray People's Democratic Movement (Habtesellasi, 2011). And in a bid to attack Ethiopia in its vulnerable southern flank, a threat emanating from Somalia, Eritrea developed ties with Islamist leaders within the Union of Islamic Courts (UIC), supporting them against the Ethiopia-backed Transitional Federal Government (TFG) (ICG, September 2010). With Eritrea offering advice and some material assistance, the UIC expelled the TFG in mid-2006. Ethiopia immediately invaded and dispelled UIC forces from Mogadishu and southern Somalia. Ethiopia's invasion had gained support regionally and internationally, especially from the US, due to UIC's espousal of hard-line Islamism and irredentism (ibid).

Although Eritrea claimed that its involvement in Somalia was motivated by a desire to help the process of Somali reconciliation and unity, its further aims of engaging Ethiopia militarily was exposed when it hosted the Alliance for the Re-Liberation of Somalia (ARS), a coalition of Islamists, warlords and other exiled leaders opposed to Ethiopian involvement and the new government (ibid). The ARS includes individuals on the UN list of persons linked to terrorism, including Sheikh Hassan Dahir Aweys. Such associations have led into Eritrea's increasing regional and wider international isolation (Habtesellasi, 2011: 176). Although the extent of Eritrea's backing of insurgent groups is matter of debate, the UN, almost certain that Eritrea has transferred arms and money to these groups, adopted an arms embargo and

targeted sanctions on Eritrean leadership in December 2009 (Mosley, 2014: 4). (For a detailed information on the allegations and sanctions, See Appendix 4) However, Eritrea's militaristic and defensive policy, due to a perceived threat from Ethiopia and its occupation of Badme, is still evident in that Eritrea still hosting Ethiopian armed opposition groups such as the TPDM (Mosley, 2014).

5.4.3 Eritrea falling-out with the International Organizations

Eritrea's fixating on the border and neglect for conventional diplomacy has extended into different directions. Through a hostile worldview, the international community is viewed as pro-Ethiopia. The leadership feels that Ethiopia is being appeased by the international community despite its intransigence. In the frustration of languishing in a dire scenario of a no-peace-no-war limbo, it continues castrating regional and international organizations for not supporting its legal cause regarding the border issue.

The border issue and its stand-off with Ethiopia has been the central issue in Eritrea's relations with its region and beyond (ICG, 2010). Eritrea has abandoned the regional Intergovernmental Authority on Development (IGAD) on grounds that the organization has supported Ethiopia's invasion of Somalia in 2006 and for initiating Eritrea's sanction by the UN Security council. Also, Eritrea has never been comfortable in the AU headquartered in Addis Ababa. Eritrea is convinced that the AU (and its OAU predecessor), like the UN, has never supported it and therefore cannot be trusted (Nur, 2013). Eritrea's poor human rights record and its involvement in Somalia has negatively affected Eritrea's cause while it still contends that the UN is a toothless organization (ibid). Therefore, with the factors presented, Eritrea's poor relations and aggressive foreign policy is related to its regional security complex with Ethiopia. Although, its internal dynamics has spilled over into its foreign policy, its stand-off with Ethiopia regarding the boundary issue is a factor in its defensive policy.

5.4.4 Weighing the factors

Both Democratic peace and regional security complex theories can aptly explain the interconnectedness of internal and external factors in Eritrea's foreign policy. Eritrea's brand

of authoritarianism and its aggressive foreign policy in the context of the stand-off with Ethiopia are intricately interconnected and at times reinforcing each other. It could be argued that they can't be seen in isolation. Nonetheless, a cautious examination in terms of their occurrence or their chronological orders reveals that Eritrea's internal factors are more determining than the external factors. It should be remembered that Eritrea had deeply regressed into the authoritarianism, since September 2001, before Ethiopia's position on the boundary issue was revealed. Eritrea was already at loggerheads with the UN, US, EU and other human rights organizations before Ethiopia has rejected the implementation of the Algiers Peace Agreement. On top of this, Eritrea's legacy of the struggle and uncompromising approach to the issue has worsened its already deteriorating relations. Therefore, Eritrea's internal factors (a result of authoritarian government) are more determinants in its foreign policy and relations than the perceived threat from Ethiopia.

Chapter Six

Summary and Concluding Remarks

The preceding chapters appraised human rights and foreign policy of Eritrea, which has been deeply troubled by conflict and existing in a dismal condition of no-war-no-peace scenario for the last decade. In examining the egregious violations of human rights in Eritrea and the factors that influence its militaristic foreign policy, employing different concepts and theories, the legacy Eritrea inherited from the long struggle for its independence and the renewed border conflict to assert its sovereignty were seriously considered. This short chapter provides a concise summary of the study. It should be reiterated, however, that the issues and factors that engender Eritrea's gross violation of human rights and uncompromising foreign policy are intricately interwoven in a context of no-peace-no-war situation with Ethiopia making it difficult to arrive at an all-conclusive statement that captures the complexity.

Eritrea, like most African countries, is a making of European colonialism. However, unlike most African countries, it was not left to form a state or a nation defined by the artificially boundary but has been intervened by different foreign powers. This has demanded Eritrea thirty years of armed struggle, to break-free from Ethiopia, and emerge as a sovereign state in 1993. The legacy of that struggle, during which it was effectively redefined, still endures in Eritrea in the form of an authoritarian government instituted in the crux of the struggle cultured by extreme nationalism. In the aftermath of its independence, Eritrea managed to make notable democratic and economic gains while maintaining amicable relations with Ethiopia albeit intermittently violating rights of some citizens and conflicting with other neighbors.

The prospects of full transition to democracy and peaceful coexistence, widely expressed by citizens and outsiders, soon came to an abrupt end, in 1998, as Eritrea went into an all-out two-year war against Ethiopia caused by, among others, a territorial dispute over a small village close to their borders. The study shows that Eritrea's aggression, animated by the powerful force of national ideology, was at fault for the dispute to morph into a devastating conflagration. Nationalistic agenda, which sees the nation/state as a moral entity, is exclusivist and antagonistic to the other. Eritrea's experience during its struggle for its independence, in which its nationalism is deeply rooted, has also contributed to Eritrea's aggressive approach to the dispute.

Considering Eritrea's historical and cultural ties with Ethiopia and their mutually supportive relations, the war is explained from a nationalistic perspective in which the nation, as a moral force, highly tolerates violence and the loss of human life for the sanctity of territorial integrity.

The war formally ended with the Algiers Peace Accord in which Eritrea and Ethiopia agreed to hand over their dispute for a binding arbitration. The verdict awarded the disputed village to Eritrea while implicating it for aggression. Ethiopia has rejected the decision and refused to implement it based on local humanitarian ground. For the past ten years, Eritrea, persisting on a nationalistic position, has been strongly demanding for the implementation of the verdict to its letter while Ethiopia, considering a sustainable peace and brotherly ties, is calling for a dialogue prior to the implementation. As a result, the two countries are locked in a tense no-war-no-peace situation disrupting the lives of many citizens.

However, the stand-off has been more destructive to Eritrea in all respects. Besides the immediate effects of the war in terms of human and economic loss, the government immediately regressed into an authoritarian and repressive regime in violation of human rights laws and standards in the name of the nation. This unfolded soon after the peace accord was signed and dissent and criticism against the war and demand to democratic governance came from different directions. The government, again in the name of the nation, carried out a comprehensive crackdown by imprisoning top government officials, journalists and other dissenters. Since then, Eritrea has been subjected to egregious violations of human rights reaching alarming levels. And all this has been justified by the nation which is perceived to be under threat in its bid to secure its territorial integrity.

In the past ten years, thousands, if not millions, of Eritreans have suffered from the violation of their political, civil, economic and cultural rights which the state is bound by international law to respect and preserve. Thousands are imprisoned, tortured and killed for exercising or trying to exercise their right to freedom of opinion and expression or of thought, conscience or religion or belief, or for attempting to flee the repression in their country. Hundreds of thousands more are held in an indefinite national conscription denied even from basic needs. In the study, these violations, which are also alleged by the UN and other human rights groups, has been attested and confirmed by selected informants who are refugees and testimonies to the repression and

dire conditions of their country in which their rights should have been respected under international law.

The violations of human rights have also ostracized Eritrea from the international community where human rights are gaining primacy and higher regard. However, in view of Eritrea's legally justified position regarding the border issue, the study analyzed Eritrea's foreign policy to determine whether Eritrea's isolation is induced or its own making. Using the Democratic Peace Theory it was analyzed that the lack of popular participation, lack of institutional checks and balances and authoritarian governance are the factors that heavily influence Eritrea's aggressive foreign policy resulting in its isolation. Using the Regional Security Complex Theory, it was again analyzed that Eritrea's security dilemma and perceived threat from Ethiopia is the cause of Eritrea's militaristic foreign policy resulting in its sanction by international organizations. A cautious comparison of these factors, however, revealed that Eritrea's uncompromising approach to politics and disregard for human rights is more determining in its foreign policy and even in its lack of support for its cause.

Finally, by way of a concluding remark, it should be reiterated again that Eritrea is in itself a legacy of colonialism and foreign interventions. The border that separates it from Ethiopia, with whom it shares language and culture, is an artificial line. Such artificial boundaries have left African countries locked in identities imposed by others. The fact that Eritrea had to struggle for its colonial legacy has created a sense of ownership and assertiveness. In the process it has become a state with a strong nationalism attached to the border alienating it, again, from people who are otherwise kinsmen. The 1998-2000 war and the ensuing stand-off against Ethiopia is a reflection of the enduring legacy of colonialism and the nationalism that emanated from it. In the process of asserting the border, in stubborn nationalistic approach, the line that makes Badme inside Eritrean territory is forgotten to be a historical product of nineteenth century. In an era of increased globalization and when human rights are gaining more importance than state sovereignty, African countries, and more to the point Eritrea, should prioritize international law and human rights over national or state positions. In case when human rights, as per the standards of the UN, prove hard, respecting human needs should be the guidance. My informants prefer their needs met first before the border is drawn. And as for Eritrea, it is difficult to appeal to the integrity of the international system while it is not reconciled internally and externally.

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Appendix 1. An Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea

The Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea (the “parties”),

REAFFIRMING their acceptance of the Organization of African Unity (“OAU”) Framework Agreement and the Modalities for its Implementation, which have been endorsed by the 35th ordinary session of the Assembly of Heads of State and Government, held in Algiers, Algeria, from 12 to 14 July 1999,

RECOMMITTING themselves to the Agreement on Cessation of Hostilities, signed in Algiers on 18 June 2000, WELCOMING the commitment of the OAU and United Nations, through their endorsement of the Framework Agreement and Agreement on Cessation of Hostilities, to work closely with the international community to mobilize resources for the resettlement of displaced persons, as well as rehabilitation and peace building in both countries,

Have agreed as follows:

Article 1

1. The parties shall permanently terminate military hostilities between themselves. Each party shall refrain from the threat or use of force against the other.
2. The parties shall respect and fully implement the provisions of the Agreement on Cessation of Hostilities.

Article 2

1. In fulfilling their obligations under international humanitarian law, including the 1949 Geneva Conventions relative to the protection of victims of armed conflict (“1949 Geneva Conventions”), and in cooperation with the International Committee of the Red Cross, the parties shall without delay release and repatriate all prisoners of war.
2. In fulfilling their obligations under international humanitarian law, including the 1949 Geneva Conventions, and in cooperation with the International Committee of the Red Cross, the

parties shall without delay, release and repatriate or return to their last place of residence all other persons detained as a result of the armed conflict.

3. The parties shall afford humane treatment to each other's nationals and persons of each other's national origin within their respective territories.

Article 3

1. In order to determine the origins of the conflict, an investigation will be carried out on the incidents of 6 May 1998 and on any other incident prior to that date which could have contributed to a misunderstanding between the parties regarding their common border, including the incidents of July and August 1997.

2. The investigation will be carried out by an independent, impartial body appointed by the Secretary General of the OAU, in consultation with the Secretary General of the United Nations and the two parties.

3. The independent body will endeavor to submit its report to the Secretary General of the OAU in a timely fashion.

4. The parties shall cooperate fully with the independent body.

5. The Secretary General of the OAU will communicate a copy of the report to each of the two parties, which shall consider it in accordance with the letter and spirit of the Framework Agreement and the Modalities.

Article 4

1. Consistent with the provisions of the Framework Agreement and the Agreement on Cessation of Hostilities, the parties reaffirm the principle of respect for the borders existing at independence as stated in resolution AHG/Res. 16(1) adopted by the OAU Summit in Cairo in 1964, and, in this regard, that they shall be determined on the basis of pertinent colonial treaties and applicable international law.

2. The parties agree that a neutral Boundary Commission composed of five members shall be established with a mandate to delimit and demarcate the colonial treaty 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*.

3. The Commission shall be located in The Hague.

4. Each party shall, by written notice to the United Nations Secretary General, appoint two commissioners within 45 days from the effective date of this Agreement, neither of whom shall be nationals or permanent residents of the party making the appointment. In the event

that a party fails to name one or both of its party-appointed commissioners within the specified time, the Secretary-General of the United Nations shall make the appointment.

5. The president of the Commission shall be selected by the party-appointed commissioners or, failing their agreement within 30 days of the date of appointment of the latest party-appointed commissioner, by the Secretary-General of the United Nations after consultation with the parties. The president shall be neither a national nor permanent resident of either party.

6. In the event of the death or resignation of a commissioner in the course of the proceedings, a substitute commissioner shall be appointed or chosen pursuant to the procedure set forth in this paragraph that was applicable to the appointment or choice of the commissioner being replaced.

7. The UN Cartographer shall serve as Secretary to the Commission and undertake such tasks as assigned to him by the Commission, making use of the technical expertise of the UN Cartographic Unit. The Commission may also engage the services of additional experts as it deems necessary.

8. Within 45 days after the effective date of this Agreement, each party shall provide to the Secretary its claims and evidence relevant to the mandate of the Commission. These shall be provided to the other party by the Secretary.

9. After reviewing such evidence and within 45 days of its receipt, but not earlier than 15 days after the Commission is constituted, the Secretary shall transmit to the Commission and the parties any materials relevant to the mandate of the Commission as well as his findings identifying those portions of the border as to which there appears to be no dispute between the parties. The Secretary shall also transmit to the Commission all the claims and evidence presented by the parties.

10. With regard to those portions of the border about which there appears to be controversy, as well as any portions of the border identified pursuant to paragraph 9 with respect to which either party believes there to be controversy, the parties shall present their written and oral submissions and any additional evidence directly to the Commission, in accordance with its procedures.

11. The Commission shall adopt its own rules of procedure based upon the 1992

Permanent Court of Arbitration Optional Rules for Arbitrating Disputes Between Two States. Filing deadlines for the parties' written submissions shall be simultaneous rather than consecutive. All decisions of the Commission shall be made by a majority of the commissioners.

12. The Commission shall commence its work not more than 15 days after it is constituted and shall endeavor to make its decision concerning delimitation of the border within six months of its first meeting. The Commission shall take this objective into consideration when establishing its schedule. At its discretion, the Commission may extend this deadline.

13. Upon reaching a final decision regarding delimitation of the borders, the Commission shall transmit its decision to the parties and Secretaries General of the OAU and the United Nations for publication, and the Commission shall arrange for expeditious demarcation.

14. The parties agree to cooperate with the Commission, its experts and other staff in all respects during the process of delimitation and demarcation, including the facilitation of access to territory they control. Each party shall accord to the Commission and its employees the same privileges and immunities as are accorded to diplomatic agents under the Vienna Convention on Diplomatic Relations.

15. The parties agree that the delimitation and demarcation determinations of the Commission shall be final and binding. Each party shall respect the border so determined, as well as territorial integrity and sovereignty of the other party.

16. Recognizing that the results of the delimitation and demarcation process are not yet known, the parties request the United Nations to facilitate resolution of problems which may arise due to the transfer of territorial control, including the consequences for individuals residing in previously disputed territory.

17. The expenses of the Commission shall be borne equally by the two parties. To defray its expenses, the Commission may accept donations from the United Nations Trust Fund established under paragraph 8 of Security Council Resolution 1177 of 26 June 1998.

Article 5

1. Consistent with the Framework Agreement, in which the parties commit themselves to addressing the negative socio-economic impact of the crisis on the civilian population, including the impact on those persons who have been deported, a neutral Claims Commission shall be established. The mandate of the Commission is to decide through binding arbitration all claims for loss, damage or injury by one Government against the other, and by nationals (including both natural and juridical persons) of one party against the Government of the other party or entities owned or controlled by the other party that are (a) related to the conflict that was the subject of the Framework Agreement, the Modalities for its Implementation and the Cessation of Hostilities Agreement and (b) result from violations of international humanitarian law, including the 1949 Geneva Conventions, or other violations of international law. The Commission shall not hear claims arising from the cost of military operations, preparing for military operations, or the use of force, except to the extent that such claims involve violations of international humanitarian law.

2. The Commission shall consist of five arbitrators. Each party shall, by written notice to the United Nations Secretary General, appoint two members within 45 days from the effective date of this agreement, neither of whom shall be nationals or permanent residents of the party making the appointment. In the event that a party fails to name one or both of its party-appointed

arbitrators within the specified time, the Secretary-General of the United Nations shall make the appointment.

3. The president of the Commission shall be selected by the party-appointed arbitrators or failing their agreement within 30 days of the date of appointment of the latest party-appointed arbitrator, by the Secretary-General of the United Nations after consultation with the parties. The president shall be neither a national nor permanent resident of either party.

4. In the event of the death or resignation of a member of the Commission in the course of the proceedings, a substitute member shall be appointed or chosen pursuant to the procedure set forth in this paragraph that was applicable to the appointment or choice of the arbitrator being replaced.

5. The Commission shall be located in The Hague. At its discretion it may hold hearings and conduct investigations in the territory of either party, or at such other location as it deems expedient.

6. The Commission shall be empowered to employ such professional, administrative and clerical staff as it deems necessary to accomplish its work, including establishment of a Registry. The Commission may also retain consultants and experts to facilitate the expeditious completion of its work.

7. The Commission shall adopt its own rules of procedure based upon the 1992 Permanent Court of Arbitration Optional Rules for Arbitrating Disputes Between Two States. All decisions of the Commission shall be made by a majority of the commissioners.

8. Claims shall be submitted to the Commission by each of the parties on its own behalf and on behalf of its nationals, including both natural and juridical persons. All claims submitted to the Commission shall be filed no later than one year from the effective date of this agreement. Except for claims submitted to another mutually agreed settlement mechanism in accordance with paragraph 16 or filed in another forum prior to the effective date of this agreement, the Commission shall be the sole forum for adjudicating claims described in paragraph 1 or filed under paragraph 9 of this Article, and any such claims which could have been and were not submitted by that deadline shall be extinguished, in accordance with international law.

9. In appropriate cases, each party may file claims on behalf of persons of Ethiopian or Eritrean origin who may not be its nationals. Such claims shall be considered by the Commission on the same basis as claims submitted on behalf of that party's nationals.

10. In order to facilitate the expeditious resolution of these disputes, the Commission shall be authorized to adopt such methods of efficient case management and mass claims processing as it deems appropriate, such as expedited procedures for processing claims and checking claims on a sample basis for further verification only if circumstances warrant.

11. Upon application of either of the parties, the Commission may decide to consider specific claims, or categories of claims, on a priority basis.

12. The Commission shall commence its work not more than 15 days after it is constituted and shall endeavor to complete its work within three years of the date when the period for filing claims closes pursuant to paragraph 8.

13. In considering claims, the Commission shall apply relevant rules of international law. The Commission shall not have the power to make decisions *ex aequo et bono*.

14. Interest, costs and fees may be awarded.

15. The expenses of the Commission shall be borne equally by the parties. Each party shall pay any invoice from the Commission within 30 days of its receipt.

16. The parties may agree at any time to settle outstanding claims, individually or by categories, through direct negotiation or by reference to another mutually agreed settlement mechanism.

17. Decisions and awards of the commission shall be final and binding. The parties agree to honor all decisions and to pay any monetary awards rendered against them promptly.

18. Each party shall accord to members of the Commission and its employees the privileges and immunities that are accorded to diplomatic agents under the Vienna Convention on Diplomatic Relations.

Article 6

1. This agreement shall enter into force on the date of signature.

2. The parties authorize the Secretary General of the OAU to register this agreement with the Secretariat of the United Nations in accordance with article 102(1) of the Charter of the United Nations.

DONE at [Algiers, Algeria] on the [12th] day of December, 2000, in duplicate, in the English language.

**FOR THE GOVERNMENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF
ETHIOPIA:**

[Prime Minister Meles Zenawi]

FOR THE GOVERNMENT OF THE STATE OF ERITREA:

[President Issaias Afewerki]

Appendix 2. UN Allegations of Human Rights Violations in Eritrea

DRAFT

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling resolution 91 and decisions 250/2002 and 275/2003 of the African Commission on Human and Peoples' Rights,

Recalling also Human Rights Council resolution 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also Human Rights Council resolution 20/20 on the human rights situation in Eritrea establishing the mandate of a Special Rapporteur on the human rights situation in Eritrea

Recalling further Human Rights Council resolution 21/1 of 26 September 2012 that decided that the documentation considered by the Human Rights Council under its complaint procedure relating to the situation of human rights in Eritrea should no longer be considered confidential, with the exception of the names or any other identifying information of specific individuals who have not consented, and inviting the Special Rapporteur on the situation of human rights in Eritrea to investigate further the allegations contained in the submitted complaints and to report thereon to the Human Rights Council at its twenty-sixth session;

Expressing deep concern at the ongoing reports of grave violations of human rights by the Eritrean authorities against their own population and fellow citizens, including violations of civil and political rights, as well as economic, social and cultural rights, and the alarming number of civilians fleeing Eritrea as a result of those violations,

grave concern at the compulsory practice of all children undertaking the final year of schooling in a military training camp;

Expressing grave concern at the widespread use of indefinite conscription into national service, a system that constitutes forced labour

Expressing grave concern at the use of forced labour, including of conscripts and minors in the mining industry,

Reaffirming that everyone has the right to leave any country, including his or her own, and to return to his or her country,

Noting the participation of Eritrea in its universal periodic review during its first cycle;

Recalling the Charter, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and international human rights treaties to which

States are party,

Expressing concern at the failure of the government of Eritrea to cooperate with the Special Rapporteur on the human rights situation in Eritrea;

1. Strongly condemns:

(a) The continued widespread and systematic violations of human rights and fundamental freedoms committed by the Eritrean authorities, including cases of arbitrary and extrajudicial executions, enforced disappearances, the use of torture, arbitrary and incommunicado detention without recourse to justice, and detention in inhumane and degrading conditions;

(b) The severe restrictions on freedom of opinion and expression, freedom of information, freedom of thought, conscience and religion, and freedom of peaceful assembly and association, including the detention of journalists, human rights defenders, political actors, religious leaders and practitioners in Eritrea;

(c) The forced conscription of citizens for indefinite periods of national service, a system which amounts to forced labour, the compulsory practice of all children undertaking the final year of schooling in a military training camp as well as the intimidation and detention of family members of those suspected of evading national service in Eritrea;

(d) The severe restrictions on freedom of movement including the arbitrary detention of people caught attempting to flee the country or suspected of an intention to do so;

(e) The widespread use of torture and other ill cruel inhuman or degrading treatment or punishment and the use of places of detention that fall far short of international standards, including underground cells and metal shipping containers;

(F) The shoot-to-kill practice employed on the borders of Eritrea to stop Eritrean citizens seeking to flee their country;

(g) Any violation by the Government of Eritrea of its international human rights obligations in connection with the collection of taxes outside Eritrea from its nationals;

(h) The lack of cooperation with international and regional human rights mechanisms by Eritrea;

2. Calls upon the Government of Eritrea, without delay:

(a) To end its use of arbitrary detention of its citizens, and to end the use of torture and other cruel inhuman or degrading treatment and punishment;

(b) To account for and release all political prisoners, including members of the "G-15";

(c) To ensure free and fair access to an independent judicial system for those detained and; to improve prison conditions, including through prohibiting the use of underground cells and shipping containers to hold prisoners, to ending the use of secret detention centers, and the practice of incommunicado detention, and to allowing regular access to prisoners for relatives, legal advocates, medical care, and other competent and legally authorized authorities and institutions;

(d) To put an end to the system of indefinite national service; and provide for conscientious objection to military service end the compulsory practice of all children undertaking the final year of schooling in a military training camp;

(e) To allow human rights and humanitarian organizations to operate in Eritrea without fear or intimidation;

(f) To respect everyone's right to freedom of expression and freedom of thought, conscience and religion or belief, and freedom of peaceful assembly and association;

(g) To promote and protect women's rights, including by taking measures to combat harmful practices, such as early marriage and female genital mutilation;

(h) To implement the recommendations accepted during its universal periodic review and to report on progress made and to fully cooperate with the human right Council and the universal periodic review in its second cycle

(i) To end "guilt-by-association" policies that target family members of those who evade national service or seek to flee Eritrea;

(j) To cooperate fully with the Office of the United Nations High Commissioner for Human Rights, in accordance with its international human rights obligations, by, inter alia, allowing access to a mission by the Office as requested by the High Commissioner, the human rights treaty bodies, all mechanisms of the Human Rights Council and with all international and regional human rights mechanisms;

(k) To provide the Office of the High Commissioner with all relevant information on the identity, safety, well-being and whereabouts of all detained persons and persons missing in action, including journalists and Djiboutian combatants;

(l) To implement fully the Constitution of Eritrea adopted in 1997;

3. Urges Eritrea to make available information pertaining to Djiboutian combatants missing in action since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

4. Decides to appoint extend the mandate of the special rapporteur on the situation of human rights in Eritrea for a period of one year, who will submit a report to the Human Rights Council at its twenty-sixth session;

5. Calls upon the Government of Eritrea to cooperate fully with the Special Rapporteur, to permit access to visit the country, to give due consideration to the recommendations contained in her first report, and to provide the information necessary for the fulfillment of her mandate and underlines the importance for all states to lend their support to the special rapporteur for the discharge of her mandates

6. Requests the Secretary-General to provide the Special Rapporteur with all information and the resources necessary to fulfill the mandate;

7. Decides to remain seized of the matter.

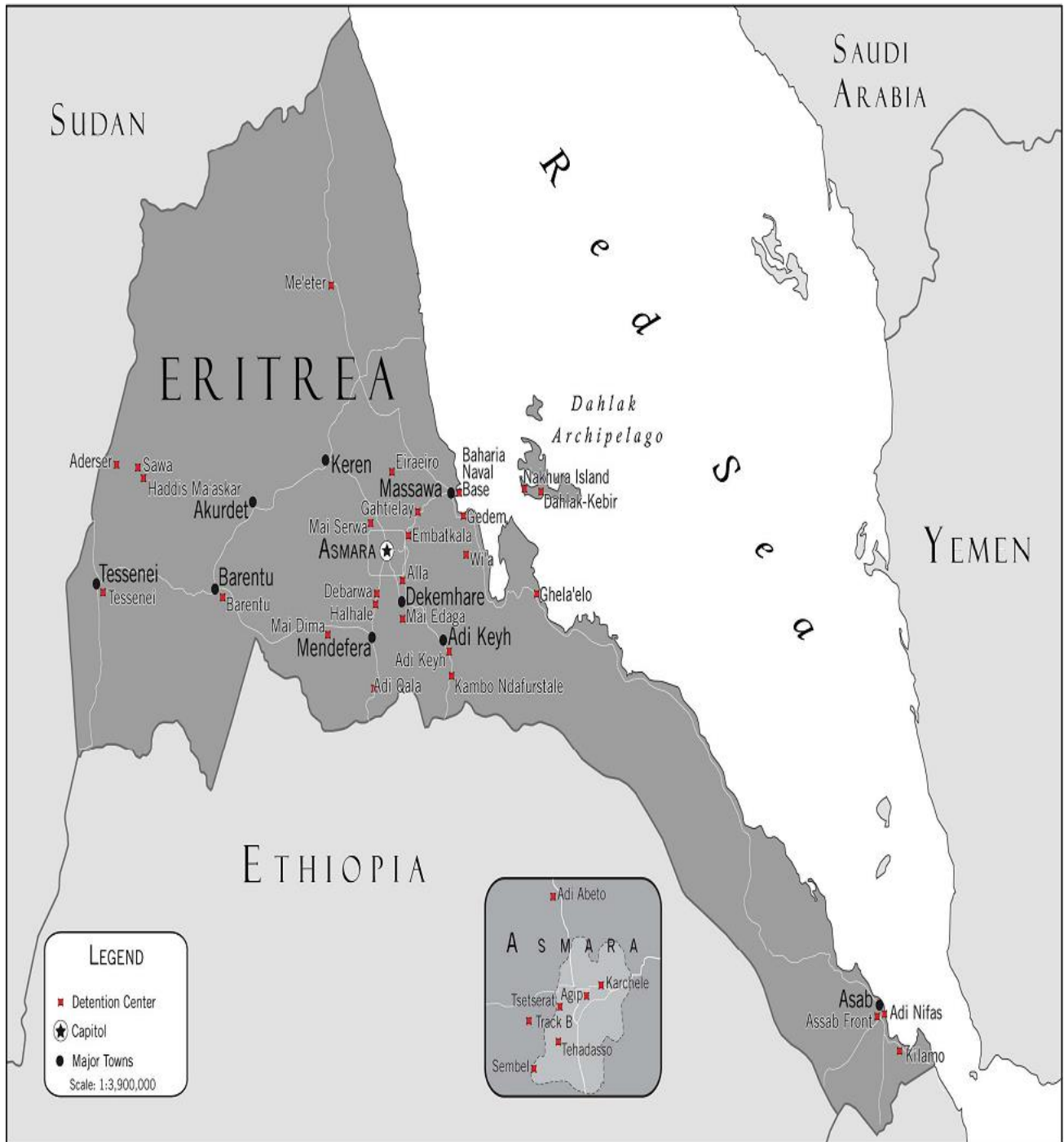
Appendix 3. List of Known Detention Facilities in Eritrea

NAME (alternative spelling)	LOCATION	TYPE OF FACILITY	COMMENTS	SOURCE
Aderser <hr/> In/near Adderser: "Hadishu Ma'asker" or "new camp"	25 kilometers from Sawa camp, (see below)	Military camp/training center <hr/> underground		US State Dept. Report 2005, HRW interviews
Adi Abeto (Adi-Abieto)	10 to 15 kilometers northeast of Asmara off the road to Keren	Main prison for Asmara; also used as processing center to send prisoners elsewhere		HRW interviews, Amnesty International 2004, US State Dept. Report 2004
Adi Nefas	Assab	Military detention centre		
Adi Qala (Adi Quala or Adi Kwala)	40 kilometers north of Ethiopian border, off main road from Asmara through Mendefera	Military prison		HRW interviews
Agip	Asmara	Police-run facility		HRW interviews, Reporters sans frontières
Alla (Ala)	40 kilometers from Asmara, near Dekemhare town		Old prison from Italian days	HRW interviews, Amnesty International, 2004
Assab Front prison also known as "Gimbar"	Assab	Military prison		HRW interviews

Baharia Naval Base	Massawa	Military facility		HRW interviews
Barentu	Barentu town	Civilian prison		HRW interviews
Dahlak Kebir	Dahlak archipelago, islands in the Red Sea	Maximum security	Specifically for “political” prisoners, including those returned from Malta and Egypt	HRW interviews, Amnesty International, 2004
Duarwa	South of Asmara on the road to Adi Quala before Adi Ugri			HRW interviews
Era Eiro (Eiraeiro)	Filfil-Selomuna area north of the Asmara-Massawa road	Secret jail, not acknowledged by the government	Some of the G15 were reportedly held there	HRW interviews, awate.com
Gedem	Gedem, 40 kilometers south of Massawa		The site of forced prison labor for the construction of a naval base	HRW interviews, awate.com
Ghatelay (Ghatelalay)	About 40 to 45 kilometers northwest of Asmara off main road to Massawa	Military	Forced labor camp to build a military base there	HRW interviews
Halhalas	Sub-provincial prison 45 kilometers from Asmara (possibly part of Alla)		Specifically for those caught trying to cross the border	HRW interviews
Kambo Ndafurstale	In Sanafe town	Military jail		HRW interviews
Klima	Near Assab			HRW interviews
Mai Daga	45 kilometers south of Asmara (near Decamhare)			HRW interviews, Amnesty International, 2004
Mai Duma/Dima/Dyma	South of Asmara off Mendefera Barentu road about 10 kilometers. West of Areza.	Military		HRW interviews
Mai Srwa	Outside Asmara	Political prisoners and Pentecostal pastors	Shipping containers reported	HRW interviews, Amnesty International, 2005/6
Mai Temenei		Military prison		Amnesty International, 2004
Metkelabet	Between Massawa and Asmara	Military prison belonging to the 32-division		HRW interviews

Me'eter	Between Nakfa and the coast			HRW interviews
Nakhura Island	Part of the Dahlak complex of prisons	Maximum security	First established as colonial prison in 19 th century to incarcerate Eritrean objectors to Italian rule	HRW interviews
Prima 1+2		Military prison		HRW interviews
Camp Sawa <hr/> In/near Sawa: 6⁺ camp or " Enda Shadushay " and Abi Masker	Along Sawa river, in far western Eritrea near the border with Sudan, about 10 kilometers south of road midway between Sebderat and Hawashayt	Military camp/training center	Draft evaders, Pentecostal conscripts, and those trying to flee the country	HRW interviews, Amnesty International 2004, awate.com
Sembel	Asmara suburb	Possibly the normal prison of Sembel town, but also mentioned as a place for political prisoners	Inmates mixed: civilians, military, and Ethiopians	HRW interviews, farajat.com
Tehadasso		Military	Shipping containers reported	Amnesty International, 2004
Tessenei	Tessenei	Military		Amnesty International 2004
'Tract B'	Asmara	Military	A former US storage facility near Asmara airport	HRW interviews, Amnesty International, 2004
Tsererat	Asmara	Military	Mainly for EPLF veterans, underground cells	Amnesty International, 2004
Wi'ya/Wi'a/Wieh <hr/> Including a particular unit called " Enda commando "	Red Sea Coast, about 40 kilometers southeast of Massawa, off road to Assab	Military camp/training center	Enda Commando is a zinc unit above ground	HRW interviews, Amnesty International, US State Dept. Report 2005

Appendix 4. Map of Suspected Detention Centers



Appendix 5. Security Council Renews Sanctions Over Eritrea

Security Council, by Vote of 13 in Favour, Adopts Resolution Reinforcing Sanctions

Regime against Eritrea ‘Calibrated’ to Halt All Activities Destabilizing Region

Concerned at the potential use of the Eritrean mining sector as a financial source to destabilize the Horn of Africa region, the Security Council today reinforced the sanctions regime on that country to prevent mining funds from contributing to its continued violations of those measures.

Adopting resolution 2023 (2011), under Chapter VII of the Charter, by a vote of 13 in favour to none against, with 2 abstentions (China, Russian Federation), the Council demanded that Eritrea cease all direct or indirect efforts to destabilize States, and decided that States shall “undertake appropriate measures to promote the exercise of vigilance” in business dealings with Eritrea’s mining sector. To that end, it requested its Sanctions Committee concerning Somalia and Eritrea to draft, with the assistance of the Somalia/Eritrea Monitoring Group, due diligence guidelines for States’ optional use.

The Council also condemned Eritrea’s use of the “diaspora tax” on the Eritrean diaspora to destabilize the Horn of Africa region and to violate the sanctions regime, including by procuring arms and related materiel for transfer to armed opposition groups, and decided that Eritrea shall cease those practices. It further decided that Eritrea shall stop using extortion, threats of violence, fraud and other illicit means to collect taxes outside of Eritrea from its nationals or other individuals of Eritrean descent.

By further terms of the text, the Council expressed its intention to apply targeted sanctions against individuals and entities that meet the listing criteria set out in paragraph 15 of resolution 1907 (2009) and paragraph 1 of resolution 2002 (2011). [Together, those resolutions imposed an arms embargo, as well as a travel ban and assets freeze on Eritrea’s political and military leaders, and expanded the sanctions regime to include individuals and entities recruiting or using child soldiers in Somalia’s armed conflicts, and targeting civilians or committing attacks against schools and hospitals.]

By today’s text, the Council also decided to expand the mandate of the Monitoring Group to monitor and report on the provisions of the new text, as well as its demand that Eritrea make available information regarding the Djiboutian combatants missing in action since 10 to 12 June 2008.

It called on all States to report within 120 days on steps taken to implement the current resolution and on the Secretary-General to report within 180 days on Eritrea’s compliance under the sanctions regime. It affirmed that it would keep Eritrea’s actions under continuous review

and that it was prepared to strengthen, modify or lift those sanctions based on the country's compliance.

Speaking as Chair of the Intergovernmental Authority for Development (IGAD) by videoconference from Addis Ababa, hours before the Council took action, Meles Zenawi, Prime Minister of Ethiopia, said the member States of IGAD had gathered to express the same opinion, namely that "Eritrea is a prime source of instability for the whole region". IGAD had been actively involved in drafting the text, which was tabled by Gabon and Nigeria, he said, and a failure by the Council to adopt it would imply that the countries in the region were on their own, and must defend themselves. That was not a choice they wished to make. "We ask you to act, and to act decisively," he stressed.

Also speaking before action this afternoon, Gabon's representative said that in response to the urgent appeal by IGAD for new sanctions, his country had felt it was necessary to co-sponsor the resolution. Despite appeals by the international community and the African Union, Eritrea had failed to comply with relevant Security Council resolutions. Urging the text's adoption, he said it aimed to lead to peace and security in the region.

Nigeria's representative, speaking after the text's adoption, said that beyond any sanctions, the opportunity for a political solution to regional challenges should not be closed. A comprehensive and lasting peace must be the goal, and he encouraged Eritrea to comply with all of the resolution's provisions. Just as the future of the region depended on political will, international support was also needed.

Explaining his delegation's abstention, the representative of the Russian Federation said that although his Government understood the many concerns expressed by IGAD member States and was categorically opposed to terrorism, it believed the Council had not been presented with proof of the perpetrators of a reported attack on the African Union summit. Moreover, the Russian Federation opposed the inclusion in the resolution of the issue of the diaspora, as well as of phrases that could have double meanings. Diplomatic work, along with broad and multifaceted dialogue, was needed to establish peace in the region, and he called on all parties there to conduct such a dialogue to advance a settlement.

While China had actively participated in drafting the current resolution, that country's ambassador said it had abstained in the vote based on its view that sanctions could affect people's livelihoods and its assessment that the rush to vote on the text had resulted in its ultimate failure to reflect the legitimate concerns of Council members.

Germany's ambassador stressed, however, that the Council and the Sanctions Committee had discussed at length and in depth the scope of a reinforced sanctions regime. The present text was calibrated and did not impose new economic sanctions. Nor did it increase the burden on the Eritrean people. It demanded further transparency from Eritrea, which must stop all activities that destabilized the region.

Stressing that the Monitoring Group had provided evidence of the “appalling” planned attack on the African Union summit, the representative of the United States said the resolution provided further opportunity for Eritrea to show its good faith. Indeed, Eritrea must confirm through its actions that it was ready to re-emerge as a law-abiding State, and the United States hoped Eritrea would not squander that chance.

Also speaking were the representatives of the United Kingdom, South Africa, Lebanon and France.

Also addressing the Council via video- and teleconference were Ismaël Omar Guelleh, President of Djibouti; Sheikh Sharif Sheikh Ahmed, President of the Transitional Federal Government of Somalia; Moses Wetangula, Minister for Foreign Affairs of Kenya; and Mull Sebuja Katende, Ambassador of Uganda to the African Union.

The meeting began at 10:10 a.m. and was suspended at 10:45 a.m., reconvening at 3:07 p.m. before concluding at 3:41 p.m.

Resolution

The full text of resolution 2023 (2011) reads as follows:

“The Security Council,

“Recalling its previous resolutions and statements of its President concerning the situation in Somalia and the border dispute between Djibouti and Eritrea, in particular its resolutions 751 (1992), 1844 (2008), 1862 (2009), 1907 (2009), 1916 (2009), 1998 (2011) and 2002 (2011), and its statements of 18 May 2009 (S/PRST/2009/15), 9 July 2009 (S/PRST/2009/19), and 12 June 2008 (S/PRST/2008/20),

“Reaffirming its respect for the sovereignty, territorial integrity and political independence and unity of Somalia, Djibouti and Eritrea, respectively, as well as that of all other States of the region,

“Reiterating its full support for the Djibouti Peace Process and the Transitional Federal Charter which provide the framework for reaching a lasting political solution in Somalia, and welcoming the Kampala Accord of 9 June 2011 and the road map agreed on 6 September 2011,

“Calling upon all States in the region to peacefully resolve their disputes and normalize their relations in order to lay the foundation for durable peace and lasting security in the Horn of Africa, and encouraging these States to provide the necessary cooperation to the African Union in its efforts to resolve these disputes,

“Reiterating its grave concern about the border dispute between Eritrea and Djibouti and the importance of resolving it, calling upon Eritrea to pursue with Djibouti, in good faith, the scrupulous implementation of the 6 June 2010 Agreement, concluded under the auspices of Qatar, in order to resolve their border dispute and consolidate the normalization of their relations,

and *welcoming* the mediation efforts of Qatar, and the continued engagement of regional actors, the African Union, and the United Nations,

“*Noting* the letter of the Permanent Representative of Djibouti to the United Nations of 6 October 2011 (S/2011/617) which informs the Secretary-General of the escape of two Djiboutian prisoners of war from an Eritrean prison, while *noting* that the Government of Eritrea has to this date denied detaining any Djiboutian prisoners of war,

“*Expressing* grave concern at the findings of the Somalia/Eritrea Monitoring Group report of 18 July 2011 (S/2011/433), that Eritrea has continued providing political, financial, training and logistical support to armed opposition groups, including Al-Shabaab, engaged in undermining peace, security and stability in Somalia and the region,

“*Condemning* the planned terrorist attack of January 2011 to disrupt the African Union summit in Addis Ababa, as expressed by the findings of the Somalia/Eritrea Monitoring Group report,

“*Taking note* of the Decision of the African Union Assembly of Heads of State and Government held in January 2010 and the Communiqué of the AU Peace and Security Council held on 8 January 2010, welcoming the adoption, by the United Nations (UN) Security Council on 23 December 2009 of resolution 1907 (2009), which imposes sanctions on Eritrea, for, among other things, providing political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability; stressing the need to pursue vigorously the effective implementation of resolution 1907 (2009), and expressing its intention to apply targeted sanctions against individuals and entities if they meet the listing criteria set out in paragraph 15 of resolution 1907 (2009) and paragraph 8 of resolution 1844 (2008),

“*Noting* the decision by the 18th Extraordinary Session of the Assembly of the Heads of State and Government of the Intergovernmental Authority on Development (IGAD), calling on the Security Council to take measures to ensure that Eritrea desists from its destabilization activities in the Horn of Africa,

“*Noting* the letter from Eritrea (S/2011/652), containing a document responding to the report of Somalia/Eritrea Monitoring Group,

“*Strongly condemning* any acts by Eritrea that undermine peace, security and stability in the region and *calling* on all Member States to comply fully with the terms of the arms embargo imposed by paragraph 5 of resolution 733 (1992), as elaborated and amended by subsequent resolutions,

“*Determining* that Eritrea’s failure to fully comply with resolutions 1844 (2008), 1862 (2009) and 1907 (2009) and its actions undermining peace and reconciliation in Somalia and the Horn of Africa region, as well as the dispute between Djibouti and Eritrea constitute a threat to international peace and security,

“*Mindful* of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

“*Acting* under Chapter VII of the Charter of the United Nations,

“1. *Condemns* the violations by Eritrea of Security Council resolutions 1907 (2009), 1862 (2009) and 1844 (2008) by providing continued support to armed opposition groups, including Al-Shabaab, engaged in undermining peace and reconciliation in Somalia and the region;

“2. *Supports* the call by the African Union for Eritrea to resolve its border disputes with its neighbours and *calls on* the parties to peacefully resolve their disputes, normalize their relations and to promote durable peace and lasting security in the Horn of Africa, and *encourages* the parties to provide the necessary cooperation to the African Union in its efforts to resolve these disputes;

“3. *Reiterates* that all Member States, including Eritrea, shall comply fully with the terms of the arms embargo imposed by paragraph 5 of resolution 733 (1992), as elaborated and amended by subsequent resolutions;

“4. *Reiterates* that Eritrea shall fully comply with resolution 1907 (2009) without any further delay and stresses the obligation of all States to comply with the measures imposed by resolution 1907 (2009);

“5. *Notes* Eritrea’s withdrawal of its forces following the stationing of Qatari observers in the disputed areas along the border with Djibouti, *calls upon* Eritrea to engage constructively with Djibouti to resolve the border dispute, and *reaffirms* its intention to take further targeted measures against those who obstruct implementation of resolution 1862 (2009);

“6. *Demands* that Eritrea shall make available information pertaining to Djiboutian combatants missing in action since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

“7. *Demands* Eritrea to cease all direct or indirect efforts to destabilize States, including through financial, military, intelligence and non-military assistance, such as the provision of training centres, camps and other similar facilities for armed groups, passports, living expenses, or travel facilitation;

“8. *Calls upon* all States, in particular States of the region, in order to ensure strict implementation of the arms embargo established by paragraphs 5 and 6 of resolution 1907 (2009), to inspect in their territory, including seaports and airports, in accordance with the national authorities and legislation and consistent with international law, all cargo bound to or from Eritrea, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited by paragraphs 5 or 6 of resolution 1907 (2009), and *recalls* the obligations

contained in paragraphs 8 and 9 of resolution 1907 (2009) with respect to the discovery of items prohibited by paragraphs 5 or 6 of resolution 1907 (2009) and paragraph 5 of resolution 733 (1992) as elaborated and amended by subsequent resolutions;

“9. *Expresses* its intention to apply targeted sanctions against individuals and entities if they meet the listing criteria set out in paragraph 15 of resolution 1907 (2009) and paragraph 1 of resolution 2002 (2011) and requests the Committee to review, as a matter of urgency, listing proposals from Member States;

“10. *Condemns* the use of the ‘Diaspora tax’ on Eritrean diaspora by the Eritrean Government to destabilize the Horn of Africa region or violate relevant resolutions, including 1844 (2008), 1862 (2009) and 1907 (2009), including for purposes such as procuring arms and related materiel for transfer to armed opposition groups or providing any services or financial transfers provided directly or indirectly to such groups, as outlined in the findings of the Somalia/Eritrea Monitoring Group in its 18 July 2011 report (S/2011/433), and *decides* that Eritrea shall cease these practices;

“11. *Decides* that Eritrea shall cease using extortion, threats of violence, fraud and other illicit means to collect taxes outside of Eritrea from its nationals or other individuals of Eritrean descent, *decides* further that States shall undertake appropriate measures to hold accountable, consistent with international law, those individuals on their territory who are acting, officially or unofficially, on behalf of the Eritrean Government or the PFDJ contrary to the prohibitions imposed in this paragraph and the laws of the States concerned, and *calls upon* States to take such action as may be appropriate consistent with their domestic law and international relevant instruments, including the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations, to prevent such individuals from facilitating further violations;

“12. *Expresses concern* at the potential use of the Eritrean mining sector as a financial source to destabilize the Horn of Africa region, as outlined in the Final Report of the Monitoring Group (S/2011/433), and *calls on* Eritrea to show transparency in its public finances, including through cooperation with the Monitoring Group, in order to demonstrate that the proceeds of these mining activities are not being used to violate relevant resolutions, including 1844 (2008), 1862 (2009), 1907 (2009) and this resolution;

“13. *Decides* that States, in order to prevent funds derived from the mining sector of Eritrea contributing to violations of resolutions 1844 (2008), 1862 (2009), 1907 (2009) or this resolution, shall undertake appropriate measures to promote the exercise of vigilance by their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction that are doing business in this sector in Eritrea including through the issuance of due diligence guidelines, and *requests* in this regard the Committee, with the assistance of the Monitoring Group, to draft guidelines for the optional use of Member States;

“14. *Urges* all States to introduce due diligence guidelines to prevent the provision of financial services, including insurance or re-insurance, or the transfer to, through, or from their territory,

or to or by their nationals or entities organized under their laws (including branches abroad), or persons or financial institutions in their territory, of any financial or other assets or resources if such services, assets or resources, including new investment in the extractives sector, would contribute to Eritrea's violation of relevant resolutions, including 1844 (2008), 1862 (2009), 1907 (2009) and this resolution;

“15. *Calls upon* all States to report to the Security Council within 120 days on steps taken to implement the provisions of this resolution;

“16. *Decides* to further expand the mandate of the Monitoring Group re-established by resolution 2002 (2011) to monitor and report on implementation of the measures imposed in this resolution and undertake the tasks outlined below:

(a) Assist the Committee in monitoring the implementation of the measures imposed in paragraphs 10, 11, 12, 13 and 14 above, including by reporting any information on violations;

(b) Consider any information relevant to paragraph 6 above that should be brought to the attention of the Committee;

“17. *Urges* all States, relevant United Nations bodies and other interested parties to cooperate fully with the Committee and the Monitoring Group, including by supplying any information at their disposal on the implementation of the measures decided in resolution 1844 (2008), resolution 1907 (2009) and this resolution, in particular incidents of non-compliance;

“18. *Affirms* that it shall keep Eritrea's actions under continuous review and that it shall be prepared to adjust the measures, including through their strengthening, modification or lifting, in light of Eritrea's compliance with the provisions of resolutions 1844 (2008), 1862 (2009), 1907 (2009) and this resolution;

“19. *Requests* the Secretary-General to report within 180 days on Eritrea's compliance with the provisions of resolutions 1844 (2008), 1862 (2009), 1907 (2009) and this resolution;

“20. *Decides* to remain seized of the matter.”

Appendix 6. Interview Guide

Note: The following is a summary of the questions forwarded to informants in a bid to understand their views and opinions. The questions were asked in Tigrigna with a slightly different connotation. The purpose of these questions was to get a general attestation of informants.

1. Human Rights in Eritrea: 1991-1998

- 1.1 Did you have freedom to express your ideas in writing or in words?
- 1.2 Were you able to worship or gather for religious activities?
- 1.3 Were there any restrictions on your cultural activities?
- 1.4 Did you have freedom to move within the country?
- 1.5 Were you allowed to travel outside the country?
- 1.6 How do you describe the provision and choice of work in this time?
- 1.7 What made you participate in the national service?
- 1.8 How do you describe your experience in the national service?
- 1.9 What is your evaluation of human rights of this period?
- 1.10 What is your opinion of the violation of human rights during this period?

2. Human Rights in Eritrea Since 2000

- 2.1 What is your feeling about the Crackdown of September 2001?
- 2.2 Have in any way expressed your ideas during this time?
- 2.3 Were you able to worship or gather for religious activities?
- 2.4 Were there any restrictions on your cultural activities?
- 2.5 Describe the level of restrictions on movement within and outside the country?
- 2.6 Are there any job or work created by the government?
- 2.7 What is your experience in the national service during this time?
- 2.8 Can you conscientiously object to national service?
- 2.9 Have you been in prison during this time? If yes, how do you describe the treatment of prisoners?
- 2.10 What was the main reason that made you flee Eritrea?

3. Views and Opinions

- 3.1 what is your's and the general population's opinion about the current of violations?
- 3.2 Do you think that the violations are related to the border issue?

Appendix 7. List of Informants

Note: The following list represents people with whom the researcher conducted interviews and from whom received response. The list does not include the scores of people with whom the researcher had informal conversations in efforts to obtain as much information. The list also does not include anonymous respondents and father's name of some is withheld upon request.

Abel Negassi (18.03.14)

Berhane (20.03.14)

Berhane (25.03.14)

Bissirat Tesfay (18.02.14)

Bokure (02.03.14)

Firweini Gebremeskel

Genet Simon (02.05.14)

Girmay (12.03.14)

Meron Fissehay (15.03.14)

Michael Berhane (02.02.14)

Million Berhane (02.02.14)

Mulugeta Teweldemedhin (01.05.14)

Nasser Ahmedin (02.03.14)

Nigusse (10.02.14)

Ritie Zerisenay (20.03.14)

Samsom Issak (02.03.14)

Tekleweini Gerezgiher (06.03.14)

Yacob (16.03.14)

Yacob (08.03.14)

Yasmin Araaya (05.04.14)

DECLARATION

I, the undersigned, declare that the thesis is my original work that has not been presented for a degree in any other university and that all sources of materials used for the thesis have been duly acknowledged.

Declared by

Thewodros Aregay Ghebregziabih