

THE ROLE OF THE INTERNATIONAL COMMUNITY IN THE ERITREAN REFUGEE CRISIS¹

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ABSTRACT. This paper examines the role of the international community in the Eritrean refugee crisis. It critically analyses the international community's, as represented by UN, AU, EU and US, failure to fulfill its obligation. The UN, OAU, EU and US were witnesses and guarantors of the Algiers Agreement. As such, they assumed responsibility of making sure of the implementation of the Ethiopia-Eritrea Border Commission Verdict. The Algiers Agreement empowered the guarantors to invoke UN Chapter VII, if one or both of the parties violates its commitment. Fourteen years later the EEBC Verdict is awaiting implementation with immense consequence to Eritrea. Deriving from text analysis and drawing on previous research I argue in this article that the international community by failing to fulfill its legal obligation contributed to the current Eritrean refugee crisis. It is the contention of this article only the unconditional implementation of the boundary commission that brings peace and stability to the region that would stem the flow of the refugees.

Keywords: Eritrea; Ethiopia; refugee crisis; international community

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"I have had to resort to publishing this piece and inquiry as a blog as no paper entertains any perspective other than the sensationalized unhealthy narrative maintained as against Eritrea" (Ruby Sandhu, Founder and Principal Consultant at RS Collaboration).²

Introduction

In 1991, following 30 years of armed struggle, Eritrea gained its de facto independence, with de jure independence following two years later. Expec-

tations were high that the successful liberation movement would also prove successful at post-liberation democratic state-building. But even though a referendum was held and a new constitution drafted, democratization stalled. The Eritrean People's Liberation Front (EPLF) and its successor the People's Front for Democracy and Justice (PFDJ) were the only parties legally allowed to function. The EPLF/PFDJ government subscribed to a model of guided democracy involving popular participation, rather than a liberal multi-party system. At the same time, promising progress was made in areas such as education, health, road reconstruction and telecommunications, and annual economic growth reached 5–6 per cent (African Development Bank Group 2009, UN 2014). The transition from national liberation to civic governance faced serious problems.

The transition problem is compounded by the outbreak of the second war with Ethiopia that was followed by no-war no-peace situation. The two-year war ended following peace deal brokered by the international community represented by UN, OAU, EU and US who took upon themselves the role of guarantor for the implementation of the final and binding Permanent Court of Arbitration (PCA) Verdict (Algiers Agreement 2000). When the Verdict was announced on 13 April 2002 Ethiopia rejected it reversing its commitments because it awarded the flashpoint village of Badme to Eritrea (Muller 2012: 458, ICG 2010, Healy and Plaut 2007, Abbink 2003: 408). For the last 14 year, Ethiopia has been insisting for dialogue before implementation, while Eritrea insists on implementation before any dialogue. Eritrea holds that the border issue is closed, since the EEBC has demarcated it through virtual demarcation, Ethiopia is simply occupying sovereign territory; while Ethiopia rejects virtual demarcation calling it a “legal nonsense.”³ The failure of the guarantors to compel Ethiopia to allow the physical demarcation of the border led to no war-no peace situation, which contribute to variety of crisis one of which is refugee crisis. It also contributes to the insecurity and instability in the Horn of Africa, a region suffering of interconnected pathologies such as festering conflicts, state crisis, environmental degradation, underdevelopment, extremism and external intervention. There are several causes for the refugee crisis and could be explained by analyzing national, regional and international levels. In this article, I focus on the international level: role of the international community, to be also identified as the guarantors. I have dealt with the national and regional levels in other works.

This article examines the role of the international community, henceforth guarantors in the no war-no peace situation that has become one of the factors of the refugee crisis. It demonstrates how the imperatives of geo-strategic interests dictate appeasement. It further argues the guarantors in abdicating the legal responsibility they assumed by signing in the Algiers to uphold the implementation of EEBC Verdict, to the extent of imposing

sanctions if one or both of the parties violate the agreement by invoking UN Chapter VII, contributed to the current refugee crisis in Eritrea. It is the contention of this article that only even-handed, balanced and objective involvement of the international community would contribute to peace, stability and development in the Horn of Africa, a region suffering of festering multifaceted pathologies. This article is also intended to serve as an endeavor of the overall peacebuilding and state building research I carry out.

Effects of the Second Eritrea–Ethiopia War

In May 1998, a second war broke out between Eritrea and Ethiopia that ended, after three rounds of military engagement, through the signing of cessation of hostility agreement on 18 June 2000 (Bereketeab 2009, 2013; Abbink 2003, Lyon 2009). In the third round, May–June 2000, one-third of the country’s territory was occupied by the Ethiopian army. The cessation of hostility agreement was followed by the signing of comprehensive peace agreement on 12 December in Algiers. The UN, OAU, EU and US representing the international community witnessed the signing and committed themselves to be the guarantors (Muller 2016: 4). By signing as witnesses and guarantors of the Agreement they bore legal responsibility. The main provisions of the Algiers Agreement consisted of (i) Eritrea–Ethiopia Border Commission (EEBC) mandated with delimitation and demarcation of the border. The EEBC consisted of five eminent international judges where each government selected two judges. It was instructed, “The Commission shall not have the power to make decisions *ex aequo et bono*” (Article 4(2), Algiers Agreement 2000); (ii) United Nations Mission in Eritrea and Ethiopia (UNMEE), to monitor a 25km buffer zone established inside Eritrea to separate the two armies; (iii) the verdict will be final and binding. With regard to guarantee the Cessation of Hostility Agreement of June 2000 states,

The OAU and the United Nations commit themselves to guarantee the respect for this commitment of the two Parties until the determination of the common border on the basis of pertinent colonial treaties and applicable international laws (Article 14).

This guarantee shall be comprised of measures to be taken by the international community should one or both of the Parties violate this commitment, including appropriate measures to be taken under Chapter VII of the United Nations Charter by the UN Security Council (Article 14 (a))

The rejection of the EEBC Verdict by Ethiopia threw the implementation process into disarray. Several attempts by the EEBC to convince Ethiopia to allow the physical demarcation and a number of UN Security Council

resolution asking Ethiopia to abide by its commitment passed without hearing. Finally, the EEBC closed its office on 31 November 2007, pronouncing the border as demarcated,

It was in its twenty-sixth report to the United Nations Secretary General that the Commission finally stated that by providing geographical coordinates, it had fulfilled its mandate, that the boundary stood demarcated and that the Commission was in existence only for purpose of administrative affairs (Kaikobad 2009: 218–9).

This second war proved to be a turning point in Eritrea: not only did it interrupt the positive developments achieved prior to the outbreak of the war, it plunged the emergent state into a spiraling crisis (Muller 2015: 4, ICG 2010). Deprived of the necessary labor and investments, the economy fell into deep recession, with immense human and social consequences. More and more Eritreans were forced to look beyond the borders for better conditions.

The period of mandatory national service, which prior to the war was 18 months, was extended indefinitely. According to the government, this was necessary because of the constant threat of war and the need to rehabilitate the war-torn nation. To bolster post-war rehabilitation, in 2002 the government also introduced the Warsay–Yekealo development program, in which virtually every able-bodied person is required to serve (Muller 2012: 453). The majority of national service are involved in the civil sector such as education, health, office and national development projects. In this context the national service is decisive for the survival and development of the nation. Nevertheless, the effects of this initiative on individuals private education, family life, earnings and meaningful other activities have been drastic. Indeed, in some cases people have been unable to pursue any of these objectives. It has also drawn strong condemnation from the international community.

No War–No Peace

The EEBC delivered its verdict on 13 April 2002, which was stipulated to be implemented by no later than 2003. Fourteen years later, however, the poles are yet to be erected. Today there is a state of no war and no peace between Eritrea and Ethiopia. Eritrea is accused of violations of freedom of speech, lack of independent media, human rights violations and national service draftees are still forced to provide involuntary labor (Reid 2014). Moreover, the country is at odds with the international community, in particular the big Western powers, and is under UN sanctions. People are risking their lives to flee the country *en masse*. According to UNHCR 5000, people leave Eritrea

every month, although the veracity of this figure is highly contested (Muller 2016).⁴ The driving factors are complex and multifaceted and include: no war no peace situation, constant threat of war; indefinite national service; harsh political environment; economic hardship; unemployment; blanket asylum provision by host communities; sanctions; and youth hopelessness, looking for alternative future.

The no war-no peace situation has a dire consequence to the countries as well as the region. Both governments are engaged in proxy wars. Eritrea supports Ethiopian opposition groups while Ethiopia is supporting Eritrean opposition groups (Abbink 2003, Lyon 2009). Their proxy war is also extended to neighboring countries, the most clear example being Somalia (Lyons 2009: 174). In addition the no war-no peace situation has complicated inter-state relation in the region, and particularly the work of IGAD where Eritrea has suspended its membership in 2008, and when it tried to reactivate it was blocked (Andemariam 2015). The Yemen war has also added additional dimension. Eritrea's permission to Saudi Arabia and United Arab Emirate to use the port of Assab in their campaign in Yemen irritated Ethiopia and it has reacted strongly. All these increase the tension, insecurity and instability in the Horn of Africa and push the youth to seek a better life elsewhere.

The no war–no peace situation is not sustainable. The unsustainability has been proven by the outbreak of serious clashes between the armies of the two countries on 12 June 2016. Skirmishes take place frequently on their common border, for instance, in 2012 when Ethiopia entered Eritrea, allegedly in pursuit of Ethiopian rebels, there were also clashes in 2013. But this time it seems very serious. First, it was the Eritrean government that issued a statement saying “The TPLF regime unleashed an attack against Eritrea on the Tsorona Central Front.”⁵ Later Ethiopia's minister of information in an interview with VOA accused Eritrea of starting the war. These clashes come just a week after COI issued its reports on Eritrea, which raises many questions. The Eritrean ambassador to Kenya said Ethiopia “wanted to seize the opportunity of the COI's political campaign.” Whatever the reason of the outbreak of the war and who started it, that is what experts have been warning all along. Considering Ethiopia's repeated threat to depose the Eritrean government (Bereketeab 2013), and taking note that Ethiopian strategy has been to isolate and weaken Eritrea internally and external it might be tempting for Ethiopia to act upon its threat when now the general perception is that Eritrea has been considerably weakened.

Instability Aggravates Exodus

Ethiopia's rejection of the ruling, its constant threats to overthrow the Eritrean government and its concerted efforts to isolate Eritrea heightened the country's state of insecurity and stoked constant fears of war (Muller 2016, Bereketeab 2013, Sandhu 2016). This in turn led to tight control of citizens, intolerance of deviant views, closing of private media, etc. The harsh treatment of the division within the leadership in 2001 could be perceived as an epitome of the insecurity and fear of war. Everything was geared towards safeguarding the nation. Under the circumstance, the youth have chosen to leave the country in growing numbers.

The government's recourse to coercion to achieve security and to give effect to its nation-building vision further widened the gap between the liberation generation and the ensuing national service generation (Sandhu 2016). For the former, sacrifice is simply part of the national destiny, and the national service generation must shoulder its share of the burden. The greater the threats, the greater the sacrifices will be. In response to the threats, basic human, political and civil rights have been further curtailed. The failure of the international community to address the Eritrean-Ethiopian conflict has severely affected Eritrea, since threat of or actual war necessitates permanent mobilisation of society along war footing (Muller 2016, Sandhu 2016). Some call this state of condition siege mentality (ICG 2010, Tronvoll and Mekonen 2014). Moreover, sanctions have also been imposed on Eritrea, which many perceive as adding insult to the injury of not standing behind the boundary arbitration. Severance of relations with the international community has exacerbated the political, economic, social, diplomatic and security instability, and intensified the mass exodus. The international community has been remarkably complacent about the refugee crisis. By now it should be clear that the no war-no peace situation have a clear exacerbating effect. Indeed, if the Eritrean government is violating the individual rights of Eritreans, the international community has violated their collective rights.

Stemming the Flow

In December 2015, the EU decided to re-engage with the Eritrean government and provide 200 million euro in development aid for a period of five years. The money is earmarked for energy and its installment is conditional and stretches over five years. There will be annual evaluation that determines the next installment. The EU is primarily interested in stemming the flow of Eritrean refugees. Nonetheless, it is not certain if this could stem the flow of refugees, more is need to be done. It seems the diplomatic and political symbolism it carries weigh more than the financial one. Resolving the refugee

crisis can only be achieved by comprehensively addressing the complex drivers, including the Eritrean-Ethiopian conflict. In this regard, the EU perhaps needs to acknowledge its contribution in the overall refugee crisis, since it heralds a shift from its existing isolation policy.

The EU is in a unique position to exert pressure on Ethiopia to implement the Algiers agreement, which imposed on both parties a permanent end to hostilities and a commitment to refrain from the threat or use of force. The EU as one of the four guarantors has a legal, political and moral obligation in making sure the Algiers Agreement is fully and unconditionally implemented. As recipient of majority Eritrean refugees flowing to the West, it will be in the interest of the EU to engage in the resolution of the no war-no peace situation.

The Eritrean government also needs to make profound policy changes. Recent positive developments in education, health, child and maternal mortality reported by UNDP should be maintained. Success in these areas could promote economic development, which in turn would help stem the flow of refugees to Europe. The international community and Eritrean government will need therefore to work together in many areas if migration is to be stemmed.

Unjustified Sanctions

UN resolutions from 2009 and 2011 imposed sanctions on Eritrea for its alleged support to the Al-Shabaab terrorist organization and for its failure to resolve the dispute with neighboring Djibouti. The accusations were later expanded to include Eritrea's support for Ethiopian opposition groups. These resolutions have elicited moral outrage among many Eritreans, chiefly for two reasons. One is what they see as UN double standards: if sanctions are to be imposed for supporting factions in the Somali conflict, they should apply to all the countries doing so. Second, they deny that there is any credible, objective and valid evidence of Eritrean support for Al-Shabaab. Certainly, so far no objective academic research has verified such support (Sandhu 2016).

The evidence of support for Al-Shabaab is based on dubious methodology. First, the sources of information are shrouded in secrecy, so there is no reasonable way of establishing their reliability. Secondly, several accusations have emanated from parties with axes to grind with the Eritrean government. Consequently, it has never been proven beyond doubt that Eritrea has armed or trained Al-Shabaab. Later, the UN's own Somali-Eritrea Monitoring Group found no proof of such support, yet the sanctions continue.

US ex-diplomats, ambassadors Herman Cohen and David Shinn, in various occasions have questioned the rationality of the sanctions. At the least, since

the last four years no evidence has been found of Eritrea supporting Al Shebaab “as far as external support for Shabaab is concerned, all available intelligence indicates that Eritrea has not had any contact since 2009” (Cohen 2013: 3).

Attempts to Isolate Eritrea

The Eritrean-Ethiopian conflict is at the epicenter of the crisis, but international and particularly US geostrategic interests have dictated that Ethiopia be appeased, including as regards the EEBC decision. Ethiopia is an important ally in the global War on Terror. Although the Algiers agreement was binding, the US administration actively sought to reopen it for negotiation in order to address Ethiopia’s concerns (Cohen 2013: 3). According to John Bolton, US ambassador to the UN, Jandayi Frazer, assistant secretary of state under George W. Bush instructed him to reopen the 2002 EEBC decision (Bolton 2007). Frazer went to the extent of suggesting that, in contravention of the Algiers agreement, the residents of Badme should hold a referendum to decide the future of the village. This was strange statement noting that,

Ethiopia’s continued failure to comply with the Commission’s Order of 17 July 2002 requiring Ethiopia forthwith to arrange for the return to Ethiopian territory of those persons in Dembe Mengul who were moved from Ethiopia pursuant to an Ethiopian resettlement programme since 13 April 2002 and to report to the Commission on the implementation of this order by 30 September 2002 (Enclosure S/2007/33: 15).

Since Ethiopia had settled several hundreds people in the village after the EEBC Verdict was announced and no Eritrean was left, the outcome of referendum was a forgone conclusion. When these attempts failed, US officials resorted to blackmail by accusing Eritrea of supporting terrorism and of jeopardizing international security and stability (Cohen 2013). Frazer even threatened to place Eritrea on the list of countries sponsoring terrorism and tried to push for regime change there (Bereketeab 2013: 153).

Frazer’s successor, Susan Rice, appointed by the Obama administration, continued the attempts to isolate Eritrea, and eventually succeeded in persuading the Security Council to impose sanctions on Eritrea (Cohen 2013: 3). Further Ambassador Herman Cohen notes, 14 Security Council members wanted to lift the sanctions in 2014, but the US vetoed the move. Furthermore, Ambassador Cohen believes the difficulties in current relations between the US and Eritrea are of a personal nature, involving President Isaias Afwerki and Ambassador Rice. In his speech to the conference Ethiopia and Eritrea future relation noted, “relation between Eritrea and the United State might be

simply explained by personality clashes between Ambassador Susan Rice, who is now the Chief National Security Advisor to President Obama and President Isayas Afewerki...this relation is unlikely to change while President Obama is in office” (ESAT 2015).

Accusations as Geo-political Tool

Sanctions failed to achieve the intended political outcomes. Perhaps it is this failure that is behind the latest drive to produce material evidence of human rights violations in Eritrea. The Special Commission of Inquiry on Human Rights in Eritrea (COI) was established by the UN in June 2014 to investigate such violations. In its report to the UN Human Rights Commission, it claimed the Eritrean government might have committed human rights violations amounting to crimes against humanity. The mandate of COI was subsequently extended for another year, in which another report is expected by mid-2016.

COI’s research methodology is deficient. It depends on information from disgruntled government opponents, asylum seekers and neighboring countries with serious disagreements with Eritrea. All informants are anonymous, making it impossible to verify their information (Muller 2016, Sandhu 2016). Accusations of this kind should be open and transparent. The known witnesses should provide sworn testimony in a court of law. The methodological shortcomings suggest that the three man commission, and/or its informants, may be politically motivated. This situation by no means exonerates the Eritrean government of human rights violations in Eritrea. However, Western diplomats there reject the charges and believe that Eritrea is no worse than many of its neighbours.⁶ Moreover, it must be said that the international community is as responsible as the Eritrean government for violations of human rights.

This raises the issue of how big powers use accusations of human rights violations as a political instrument to serve their geostrategic interests. They thereby risk eroding the credibility and integrity of human rights organizations, and of the UN itself. Ultimately also the concerted efforts to isolate and punish Eritrea do not serve to improve the human rights situation, particularly if they are not based on substantiated evidence.

Commission of Inquiry on Eritrea: Search for Truth or Tool for Regime Change?

The Commission of Inquiry on Eritrea (COIE) established by the UN Human Rights Commission to investigate human rights situation in Eritrea in a press

release on 8 June 2016 concluded that the Eritrean government has committed crime against humanity and should be brought to the ICC (International Criminal Court). The release stated “Crimes of enslavement, imprisonment, enforced disappearances, torture, persecution, rape, murder and other inhumane acts have been committed as part of a campaign to instill fear in, deter opposition from and ultimately to control the Eritrean civilian population since Eritrean authorities took control of Eritrean territory in 1991.”

The report is fraught with serious methodological principles. The cardinal rule in an investigation in search for truth is impartiality, verifiability and validity. Impartiality means to give equal space and weight to different evidences. Relevance and validity requires upholding the cardinal principle of what happened, where, when, how, who was involved in a manner that is replicable by others. Replicability in turn precludes subjectivity. These cardinal methodological principles were not observed by the COIE. Further, of serious nature is that the COIE admitted that it received 45 000 written submission but it only based its report on 833 testimonies, including 160 written submissions. The remaining 43,000 or so submissions were ignored because the Commission felt that “they added no substantial information to its investigation.” To make such monumental accusations and at the same time easily ignore such huge submission that might have considerable impact on the investigation is difficult to fathom. This could be interpreted as the COIE had already a conclusion that it wanted to reach, instead of its conclusion was to be led by the information it gathered. Therefore, it selected information that enabled it to reach a pre-determined conclusion, very strange methodological approach indeed.

The list of accusations also begs a lot of questions. Just to take an illustration, the enslavement or slavery accusation raises a critical question. Is COIE making a legal or a political definition of slavery? How is it that national service is equated with slavery? Eritreans have been doing national service since the 1960s to achieve their sovereignty, was the struggle for liberation also slavery? There is no doubt of course difference exists before and after independence and there is a lot to be said in the current national service but slavery is not one of them.

Above all, the central question is what is the purpose of the investigation? To improve the human right situation in Eritrea or regime change? If the purpose is the former the COIE report by no imaginable way contribute to that but rather exacerbates it.

Collective versus Neo-liberal Rights

Following the end of the Cold War, neoliberalism became the dominant discourse, the yardstick by which societies were measured. Neoliberal

ideology, with its emphasis on individual rights and its Western-centered straightjacket values, was inevitably on a collision course with the values and norms of developing societies.

Eritreans have sacrificed for the last fifty or so years their individual rights in order to preserve their collective national rights, which the liberation struggle was fought to ensure (Pool 2001, Bereketeab 2007). They realized that they could only achieve their collective rights if they voluntarily suspended their individual rights, at least temporarily. Collectivity became the foundation of their values and norms and has been expressed in their daily life and their defense against external forces: this was also demonstrated during the second war with Ethiopia. This historical foundation of the Eritrean nation, still strongly cherished by the liberation struggle generation, is, of course, increasingly at odds with the values and aspirations of the post-liberation generation. This generation takes a more individualistic view of rights, and this difference in perception is decisively reflected in the current refugee crisis (Sandhu 2016).

Double Benchmark

As the Western neoliberal human rights drive against the Eritrean government gained momentum, it raised eyebrows among many Eritreans. A perception deeply seated in the Eritrean psych is how the West, for the last sixty years, repeatedly ignored the collective rights of Eritrean (Wrong 2005, Muller 2012: 458). How could a body that ignored, even denied, people's collective rights, at the same time stand up for individual rights? Isn't collective security a basic human right? If collective national rights – sovereignty, territorial integrity, national boundaries – were ignored, individual rights would be hollow shells. This double benchmark created a moral dilemma even for those who oppose the Eritrean government.

Western liberal critics simply ignore the no war-no peace situation as underpinning the overall political situation in Eritrea, and particularly the mass flight. They claim this situation is used by the Eritrean government as a pretext for grave human right abuses (see Tronvoll and Mekonen 2014). Ethiopia's frequent military actions against Eritrea, for example in Dankalia in 2012 or near Badme the following year; its concerted diplomatic campaigns to isolate Eritrea; or its repeated threats to overthrow the Eritrean government are glossed over by liberal critics.

Neoliberal scholars and human rights activists adopt sensational images such as “the North Korea of Africa” (Myers 2010) or “garrison state” (ICG 2010, Tronvoll and Mekonen 2014) in promoting their narratives. Many diplomats based in Eritrea describe this imagery as highly exaggerated. Such neoliberal activists, scholars and media outlets, which cite one another, with-

out really verifying and validating their sources, produce tainted knowledge that will in no way serve to solve the problem (Muller 2014: 459–60). Indeed, neoliberal nostrums for peace-building, state-building and regime-change may well prove hazardous, because they ignore social realities and concerns on the ground.

Lessons to Be Drawn

Neoliberal humanitarian interventions for state-building, peace-building and regime-change have wrought havoc in countries such as Iraq, Libya, Syria, Yemen and Somalia. Interventions are frequently preceded by the now familiar pattern of commission of inquiry reports, followed by sanctions and military intervention. They are also accompanied by systematic information, or rather disinformation, campaigns. A common element in the neoliberal agenda is the creation of a local partner in the target society willing to legitimize intervention and regime-change attempts. The invocation of R2P, the responsibility to protect, by those who are intervening is another familiar device. Willing local partners are then brought in from outside and placed in power with the support of intervening forces, with no regard for the opinion of the general population. We have seen this in Afghanistan, Iraq, Somalia, Libya, Yemen and Syria (de Guevara 2012). Most of these are fragile societies, already suffering multiple problems. It is now clear that neoliberal intervention produces failed and even more fragile states, with devastating human, economic, political and security consequences for common people.

The recent drive to isolate and punish Eritrea through sanctions and accusations of crimes against humanity should be seen in this light. So far, this drive has succeeded in mobilizing a section of the Eritrean diaspora, which has become highly polarized and destabilized. If the drive persists, it could also polarize and destabilize the society inside the country, which under circumstance of external intervention, could explode, with unimaginable consequences. In a region already beset with festering conflicts, wars, instability, poverty, extremism, droughts and migration, would adding one more explosive element to the mix be in the interests of the international community?

Conclusion and Recommendations

This article set out to analyze the role of the international community as represented by the guarantors: UN, AU, EU, and US in the Eritrean refugee crisis. It is now 14 year since the EEBC announced its verdict on the border issue. After its attempt to convince Ethiopia to allow the physical demar-

cation of border failed the EEBC opted for virtual demarcation and closed its office in November 2007.

The two countries maintain irreconcilable positions. Eritrea's stand is there is no border issue it has been legally resolved, what prevails is Ethiopia's occupation of Eritrean territory. Ethiopia, on its side, rejects the claim that the border issue is legally resolved and demands bilateral dialogue to resolve it. Therefore we have the no war-no peace situation that generate dire consequence to Eritrea and the region as a whole. In this closed positions the question is what should the guarantors of the Algiers Agreement do? The guarantors are authors of the Algiers Agreement document, having the legal responsibility as per the Agreement to ensure its full implementation, to the extent of invoking UN Chapter VII. By not abiding by the Agreement they authored and signed as guarantors have contributed to the refugee crisis in Eritrea. The unsustainability of the no war–no peace situation was exposed when a serious military clashes broke out between the militaries of the two countries along their common border on 12 June 2016. Unless Border Commission's decision is unconditionally implemented we will see recurrently military clashes leading to more deaths, sufferings and crisis that will push people to look for better life in the Western world.

The Eritrean Government should: implement constitution; reform the political system; time-limit the mandatory national service; reform the salary system, make life affordable; respect basic human, civil and political rights; and restructure the economy, allow economic plurality. The International Community should: address the International Court of Arbitration verdict regarding the boundaries; stop using unsubstantiated, non-verifiable, dubious data gathering methods (Somali-Eritrea Monitoring Group, Human Rights Commission of Inquiry); stop using sanctions as a political instrument; prevent the geostrategic interests of big powers from dictating the destiny of small nations; build trust with the Eritrean government, engage and encourage, and stop isolating and demonizing; and treat with balance and objectivity the states in the region, including Eritrea.

NOTES

1. A shorter version of this article was published by the Nordic Africa Institute earlier as policy note.

2. The piece by Ruby Sundha illustrates the current state of extremely negative narrative on Eritrea promoted by mainstream Western media, human rights activists, neo-liberal scholars where alternative narrative is suppressed.

3. The late PM, Meles Zenawi, talking to Peter Heinlein, Voice of America, on November 30, 2007; already in 2003, "the PM called the verdict 'totally illegal,

unjust, and irresponsible’ and called for an ‘alternative mechanism’ to demarcate the boundary” (Lyon 2009: 169).

4. Human rights as political tool: Eritrea and the “crimes against humanity” narrative.

5. Eritrea-Ministry of Information, Press release, TPLF regime launches an attack, 12 June 2016. Asmara, Eritrea.

6. Interview in December 2015.

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