



E-SMART

Eritrean Sanctions
Must be Annulled &
Repealed Today!

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Global Eritrean Movement Against Unjust Sanctions

Foreign Occupation = Human Rights Violation

It is indisputable that foreign occupation results in the violation of the fundamental human rights of the occupied people. It creates a situation in which the people are victimized in many different ways, ranging from gross violations of their fundamental freedoms to physical abuse of especially women and children. This has been one of the principles that guided the mandate of the UN Human Rights Council in the past.

However, it is appalling that the Council seems to accept the shameless assertion by its own Special Rapporteur for the situation of Human Rights in Eritrea, that the occupation of sovereign Eritrean territory by Ethiopia has no relevance to human rights. The Special Rapporteur, who presented her politically motivated report to the Council on May 28, tried to dismiss or minimize Ethiopia's occupation of sovereign Eritrean territory and state "the border issues should not serve as an excuse." It clearly shows on whose side the Rapporteur is, definitely not on the side of the victims.

The Rapporteur also seems oblivious of the reality this occupation and continued blatant threats by the occupier has created. She repeatedly decried "**Indefinite conscription**", "**indefinite national service**" and has called on Eritrea to "**put an immediate end to indefinite national service**" and "**initiate demobilization for those who have completed 18 months service**", but how could Eritrea do this when in fact its territory is under occupation, the Ethiopian government keeps boasting of unchecked military incursions into Eritrea and has openly admitted is working for a "regime change"?

The Rapporteur also seems to draw too much from the tons of misinformation and disinformation that Ethiopian officials fed her when she visited Addis Ababa a few months ago. Let us look at some of that. On June 4, 2013, the Ethiopian delegation told the 20th Meeting of the 23rd Regular Session of the Human Rights Council in Geneva: "*it would be important to note that the Government of Ethiopia has accepted the Eritrea Ethiopia Boundary Commission's Delimitation Decision and is ready to engage Eritrea to ensure durable implementation.*"

This sentence is full of the typical deceptions, lies and contradictions that have now become the hallmark of those in power in Ethiopia.

First, the statement "**Ethiopia has accepted** the Eritrea Ethiopia Boundary Commission's **Delimitation Decision**," is patently false. According to the Ethiopian News Agency, the current Prime Minister of Ethiopia, had "*made it clear that Ethiopia's policy towards Eritrea has not changed over the past eight years since it issued its Five Point Peace Plan in November 2004, **accepting in principle** the Eritrean Ethiopian Boundary Commission's Decision*"¹, in other words, though there was talk of "Ethiopia had unconditionally accepted the delimitation decision" some time in the middle of 2007, the Prime Minister is still talking of Ethiopia's shenanigan of "**accepting in principle**" as it was advised to do by the British. Here is how Chris Mullin, Britain's minister for Africa, put it in January of 2004: "*We are looking to **Ethiopia to accept** the*

¹ <http://nazret.com/blog/index.php/2013/01/02/ethiopia-prime-minister-hmd-says-no-change-of-policy-on-eritrea>

border decision in principle and enter into dialogue, We are calling on Ethiopia to accept in principle the decision to be on equal footing on moral grounds with Eritrea, who are now having the upper moral ground.”²

Second, according to the Algiers Agreement Ethiopia signed on December 12, 2000, Ethiopia is obligated to accept, not only the delimitation decision, but also the demarcation decision. The stipulation of Algiers Article 4(15) is that “the **delimitation and demarcation determinations** of the Commission shall be final and binding” and Ethiopia is required to “**respect the border so determined, as well as the territorial integrity and sovereignty** of” Eritrea. This Ethiopia is not doing. No country is expected to take National sovereignty lightly, and Eritrea does not. It is a priority and the Special Rapporteur was dead wrong to insinuate other wise.

Third, the Eritrea Ethiopia Boundary Commission (EEBC), as the only authority with a “mandate to delimit and demarcate the colonial treaty border” has demarcated the border. As the EEBC made it clear through its March 2003 Observations³, “a demarcator must demarcate the boundary as it has been laid down in the delimitation instrument,” thereby Ethiopia’s request for demarcation that varies from the delimitation line was rejected. Accordingly, the Commission was able “to demarcate the course of the boundary by identifying the location of turning points by both grid and geographical coordinates with a degree of accuracy that does not differ significantly from pillar site assessment and emplacement undertaken in the field.” The Commission had identified once and for all “the location of points for the emplacement of pillars as a physical manifestation of the boundary on the ground.”⁴ The EEBC had published the coordinates of 146 turning points⁵ of the border (pillar sites). This, the Commission told the world, was possible because of “Modern techniques of image processing and terrain modeling, in conjunction with the use of high resolution aerial photography.” So Ethiopia’s statement “have accepted delimitation, but” is deceptive to say the least. The fact is Ethiopia has dismissed the EEBC’s demarcation decision as “**a legal nonsense.**”⁶ This is the fact.

Fourth, there is no room left for “engagement” as far as the demarcation of the border goes, not any more. There cannot be any “give and take” on it, if there was any the time for such a mechanism, it could have been done in 1997 as Eritrea was pleading with Ethiopian leaders to handle the border issue with care and bilaterally. The question today is that of occupation and it must end. The only way to have “durable implementation” is for Ethiopia to honor its obligation, end its occupation and vacate from sovereign Eritrean territories immediately, thereby respecting the Eritrean people’s right to live in peace within their internationally recognized borders. One cannot shed crocodile’s tear of “human rights” when the highest form of human rights violation is occupation. We urge the UN Human Rights Commission to take this fundamental violation of the Eritrean people’s right and unequivocally condemn and call for an end to Ethiopia’s 11 year long occupation.

Fifth, Eritrean people’s rights are also being violated by Ethiopia’s establishment of settlements, population transfers into the occupied territories. Any measure designed to expand or consolidate settlements is also illegal. Confiscation of land to build or expand settlements is similarly prohibited under International humanitarian law⁷ (the Fourth Geneva Convention) which:

1. Prohibits the expulsion of citizens from their land, but Ethiopia’s mass deportations and expulsion of Eritrean inhabitants from the occupied territories, is in violation of this basis human right.

² <http://reliefweb.int/report/ethiopia/pressure-mounts-ethiopia-drop-rejection-border-ruling>

³ <http://www.dehai.org/demarcation-watch/eebc/EEBC-Observation-March2003.pdf>

⁴ <http://dehai.org/demarcation-watch/eebc/EEBC-Statement-Nov-27-2006.pdf>

⁵ <http://dehai.org/demarcation-watch/eebc/EEBC%20List%20of%20Boundary%20Points%20and%20Coordinates.pdf>

⁶ <http://reliefweb.int/report/ethiopia/ethiopia-eritrea-border-demarcation-deadline-passing>

⁷ <http://www.icrc.org/eng/resources/documents/misc/634kfc.htm>

2. Prohibits an occupying power from transferring “its own population into the territory it occupies”, but Ethiopia’s program of settling its own civilians in the occupied territories around Badme, a fact the EEBC condemned and ordered it to stop as early as 17 July 2002⁸ is still continuing.
3. Prohibits the confiscation of properties of citizens in the occupied territories, but Ethiopia’s confiscation of property and land of those people it expelled from the occupied territories is another violation of a people’s right.
4. Prohibits the destruction of cultural property, yet Ethiopia’s wanton and systemic destruction of Eritrea’s cultural heritage sites, including the desecration of cemeteries and burial grounds, are all violations of human rights.

Finally, the Ethiopian delegation said: *“It is difficult to take seriously the implication of the assertion that the unresolved border issues would have in anyway contributed to Eritrea’s regional and international isolation”*

First of all, despite attempt by Ethiopia and its handlers to isolate Eritrea, member states, especially Africans have come to reject these efforts. Eritrea enjoys friendly relations with the peoples of the Horn, despite hostility of their leaders. Ethiopia and its handlers have left no stone unturned to give Ethiopia a win it could not attain on the battle ground or at the negotiating tables, or at the court of arbitration, hence the latest shenanigans at the UN Human Rights Council meetings. But, we urge the Council to be guided by its own principles, and not by the political agendas of one party or the other.

⁸ http://www.dehai.org/demarcation-watch/eebc/Order_re_interim_measures.pdf