

Eritrea: **Refugees, Child Soldiers** **and European Policy**



**Report of the European Parliamentary Hearing —
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IMPRESSUM

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Acronyms

ACP	African, Caribbean and Pacific (Group of States)
AHCS	Habeshia Agency for Development Cooperation
ASPER	Association in Defence of the Human Rights of the Eritrean People
AU	African Union
CDRiE	Citizens for Democratic Rights in Eritrea
EC	European Commission
EDF	European Development Fund
EFA	Education for All
EHDR	Eritreans for Human and Democratic Rights
EMDHR	Eritrean Movement for Democracy and Human Rights
EU	European Union
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
MEP	Member of the European Parliament
NGO	non-government organisation
OAU	Organization of African Unity
PCA	Permanent Court of Arbitration
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNSCR	United Nations Security Council Resolution

Foreword

The year 2011 has already brought about remarkable changes on the African continent. The people of South Sudan voted en masse for independence, the people of Tunisia protested their President away, and, while I am writing this, demonstrators in Cairo are demanding that Mubarak step down. To see people taking their destiny in their own hands like this gives me hope.

But what is Europe's response to these demands for democracy? While North Africa is burning, officials in Europe and the USA struggle with their statements. Words like 'democracy', 'people' and 'freedom' slip easily from the tongue, but 'step down now or we will stop trading with you' seems more difficult to say.

Europe supported the regimes in Tunisia and Egypt, but does not like to be reminded of this fact. Politicians push for better contact with, and support for, non-government organisations (NGOs) in the Maghreb. Let NGOs support NGOs overseas and let politicians talk to politicians and be clear about their message: people who are oppressed will eventually rise up.



Judith Sargentini

Europe is providing Eritrea with development aid to facilitate social dialogue between the workers union of Eritrea and the Government. I am a firm believer in social dialogue, but I have my doubts about the possibility of an 'open' dialogue with the Eritrean Government. Is this not legitimising the regime of Isaias Afwerki? Is Europe's silent diplomacy really telling President Afwerki that his oppression will sooner or later turn against him?

It is not only the State of Eritrea that is reluctant to share information. Perhaps such behaviour has infected European decision makers involved in Eritrea? Let's try and make the year 2011 a year of information sharing about the situation in Eritrea and what we can do to bring democracy.

A handwritten signature in black ink, appearing to read 'Judith Sargentini', with a stylized flourish at the end.

Judith Sargentini

Member of the European Parliament for the Dutch Greens
Chair of the group MEPs for a Democratic Eritrea

Introduction

The European Parliamentary Hearing entitled 'Eritrea: Refugees, Child Soldiers and European Policy' was hosted by Judith Sargentini, Member of the European Parliament (MEP), on 29 November 2010. The hearing brought together many experts on Eritrea including human rights activists, journalists and researchers in two panels: (i) Eritrean refugees and diaspora — EU policy, and (ii) EU policy towards Eritrea and the Horn, in view of issues of political prisoners and child soldiers and UNSCR 1907. The hearing was enriched by the testimonies of Eritrean refugees, which were relayed by participants, demonstrating the severity of the hardships and abuses faced by Eritreans. Pleas for urgent action by the European Union (EU) were presented by all of the speakers and recommendations made. This report outlines the key points made in the hearing.



Mirjam van Reisen

Following a thirty-year struggle, Eritrea gained independence from Ethiopia in 1993. However, disputed territory in the Bademe region led to a two-year war between the two countries from May 1998 to June 2000, which resulted in an estimated 70,000 casualties. On 12 December 2000, the two governments signed a comprehensive Peace Agreement in Algiers, witnessed by the United Nations, European Union, African Union (AU) and President Abdelaziz Boutefliq of Algeria, who played an instrumental role in bringing the two conflicting sides to a resolution. Both governments also agreed to accept the ruling of a Permanent Court of Arbitration (PCA) in the Hague as 'final and binding'. The PCA awarded Bademe to Eritrea in April 2002, but Ethiopia has refused to abide by the ruling. This has stalled the peaceful resolution of the border conflict and prevented the normalisation of relations between the two countries, prolonging the state of fragility and hostility in the region. After Eritrea failed to comply with the provisions in the Peace Agreement regarding regional peace, the United Nations Security Council passed Resolution 1907 on 23 December 2009 imposing an arms embargo and restricting travel and freezing the assets of several of the country's political and military leaders.

Since 2000, tense relations between the two countries have led both governments to implement repressive policies against political dissent. Both governments are engaged in media and proxy wars, arming and organising opposition groups against one another. The imprisonment of political dissidents under inhumane conditions is just one example of the human rights abuses that are occurring in Eritrea. A telling indicator of the hardships faced by people living in Eritrea is the number of refugees who escape to Libya, the Sinai desert and Sudan where they face horrific situations. Shocking stories illustrate the dilemma these people face, caught between two unbearable scenarios. Eritrea is at great risk of becoming a failed state as a direct consequence of the incumbent Government's repressive policies.

This hearing was a call to the European Union to accept its responsibility; it pointed to how the EU is in danger of becoming complicit with the human rights violations of the Eritrean Government. The EU's ongoing support in the form of aid is creating an image of 'normality' in Eritrea, undermining the urgency of the need for Europe to open its doors to the refugees from Eritrea. The failure of the EU to do so sends refugees back to a situation in which they are at risk of grave violations of human rights and ignores the

accounts of Eritrean women who are being subjected to rape, violence and imprisonment in Libya and Egypt.

The Cotonou Partnership Agreement governs the EU's development relations with Eritrea. As one of the African, Caribbean and Pacific (ACP) Group of States, Eritrea is a beneficiary of funds under the European Development Fund (EDF). The Cotonou Partnership Agreement clearly defines human rights as an essential basis for such relations.

The European Commission has argued that it wishes to maintain relations with the Government of Eritrea. Those speaking on behalf of the refugees urged that the EU's cooperation with Eritrea must not conceal the appalling situation that the people of Eritrea face, and urged the EU to unconditionally open its doors to all refugees from Eritrea. The campaign to free Dawit Isaak also made an urgent plea to the European Commission to do everything possible to obtain concrete results in freeing political prisoners in Eritrea. Finally, the European Commission was urged to put pressure on the Government of Ethiopia to resolve the border issue with Eritrea and implement the internationally recognised ruling to this effect.



Prof Mirjam van Reisen

Director
Europe External Policy Advisors

Summary of Speeches

Opening and general update

Ms Judith Sargentini

Ms Judith Sargentini, MEP, delivered the welcome address. Ms Sargentini is the initiator and chair of the group 'MEPs for a Democratic Eritrea'. This group consists of MEPs from various European political groups and of various nationalities who are seeking to speak out on the human rights violations in Eritrea and the horrific situation of many refugees from Eritrea. Ms Sargentini welcomed colleague MEPs, speakers and participants to the hearing.

Having recently returned from the Africa-EU Summit in Tripoli, Libya, Ms Sargentini acknowledged that it was clear that the issue of Eritrea is a loaded topic that is neglected and avoided. She emphasised the need for open debate on the issues. She said that all are here to participate and learn at the same time. It is hoped that at the end of the hearing everyone will leave with actions to be carried out.

In her opening statement, Ms Sargentini stressed the need to focus on the situation of Eritrea and on the EU's influence in the area. She announced that the hearing would consider the paper authored by Dr Daniel Mekonnen and Prof Mirjam van Reisen titled 'Acknowledging international social responsibility: The need for a revised EU strategy on development cooperation in Eritrea'. She emphasised that the EU plays a crucial role in the situation in Eritrea, but that a firmer position needs to be taken.



From left to right: Mirjam van Reisen, Judith Sargentini and Selam Kidane

Ms Selam Kidane

Ms Selam Kidane, cofounder and Director of Release Eritrea, opened by recognising the honour of being able to represent the voices of tens of thousands of voiceless Eritreans. Some of the situations that Eritreans face, both inside and outside Eritrea, are beyond imagination. As the victims of multiple human rights abuses, the diaspora and human rights advocates will continue to raise awareness of the situation and advocate on behalf of Eritreans. It is hoped that raising these issues at this hearing will influence policy.

The failure to comply with the regional peace policy, the suppression of media and religious groups, and the forced militarisation of the population are grounds for the EU to act on the issue of Eritrea. After Eritrea failed to comply with its provisions regarding regional peace, the United Nations Security Council passed Resolution 1907, on 23 December 2009, imposing sanctions including an arms embargo and travel restrictions and the freezing of assets of several of the country's political and military leaders. The regime in Asmara has recently orchestrated a campaign of propaganda and lobbying in a bid to have Resolution 1907 repealed. The month-long campaign that kicked off last week is being orchestrated from Asmara via the Government's diaspora. It is well organised, highly polished and adequately resourced.

Ms Kidane pleaded for international organisations to hold Eritrea to account and ensure that the UNSCR 1907 is not repealed. The momentum for change fluctuates depending on the weight of pressure resting on the issue. Thus, the EU is urged not to ignore the voices of Eritreans.

Panel 1: Eritrean refugees and diaspora – EU policy

Rev Dr Berhane Asmelash

Rev Dr Berhane Asmelash, founder of Release Eritrea, highlighted the oppression of Eritrean refugees in Egypt, Sudan and Israel, as well as in undisclosed prisons in Eritrea. The oppression of the media, persecution of evangelicals and closure of churches in Eritrea were also highlighted. The imposition of compulsory military service for 18 to 40 year olds has led to many Eritreans to attempt to escape the country by any means, including paying human traffickers, exposing them to multiple dangers. Eritreans escaping in this way risk being shot by Eritrean border forces, kidnapped by armed gangs, raped and enslaved. Rev Dr Asmelash relayed several stories of female Eritrean refugees being raped, kept in inhuman conditions in detention centres, murdered, sold from one smuggling group to another, enslaved and suffering from post-traumatic stress disorder. Rev Dr Asmelash suggested that the situation around the Sinai desert should be of great concern to the international community. He said that international pressure is required to bring about change in Eritrea and the bordering countries in relation to the treatment of refugees.



From left to right: Mirjam van Reisen, Judith Sargentini, Ana Gomes and Berhane Asmelash

Mr Habtom Yohannes

Mr Habtom Yohannes, senior editor, Dutch public media, reiterated that there is no 'quick fix' for the situation in Eritrea. Accordingly, he thanked the EU for its continued engagement with Eritrea. Engaging Eritrea with clear terms of reference attached to mutually accepted deadlines is the only way forward for a sustainable change in Eritrea that benefits, first and foremost, the people of Eritrea. In its latest report on Eritrea, the International Crisis Group supports the path of accountable engagement:

To avoid a fresh crisis in the Horn of Africa, the international community and the Eritreans alike will need to demonstrate a new level of imagination and flexibility. It is vital that the international community engages with Eritrea, politically and economically, and rigorously assesses the country's internal problems as well as its external pressures. Development assistance and improved trade links should be tied to holding long-promised national elections and implementing the long-delayed constitution. At the same time, in particular, the UN Security Council should pressure Ethiopia to accept the border ruling. (ICG Africa Report N 163, 21 September 2010)

President Isaias Afwerki has been using the refusal of the Ethiopian Government to demarcate the border according to the international border ruling of April 2002 as a pretext to continue his rule by de facto martial law, which entails endless military service, refusal to implement the ratified Constitution of Eritrea, no functioning parliament, no independent judiciary and no free press. All these push factors have made Eritrea one of the countries with the largest number of refugees, who have been abandoning their country and families to face further hardship and uncertainty in receiving countries.

Singling out Eritrea won't bring about a lasting solution for these refugees or the Eritrean people. The international community, and certainly Europe, should not abandon the Eritrean people. The European Union should be encouraged to continue its constructive engagement, not only with the current Eritrean Government, but also with independent civil society organisations, religious communities and viable opposition groups outside Eritrea. The fact that members of the European Commission and the European Parliament have been engaging Eritreans individually and collectively is something we all should be grateful for. Constructive and transparent dialogue – not monologue – with all Eritrean stakeholders is the only solution.

The European Union should encourage its Member States not to deport any Eritrean asylum seeker back to Eritrea, as advised by the United Nations High Commissioner for Refugees (UNHCR) numerous times. The European Union must also pressure the peripheral EU-states like Greece and Italy not to deport Eritreans to unsafe third countries like Libya. The EU must continue to tell the Libyan Government in unambiguous terms that it is against international law to deport refugees to unsafe countries. Some Eritrean refugees have committed suicide when faced with the uncertainty of forced deportation. Mr Yohannes relayed a story of a young Eritrean who committed suicide in the Dutch city of Zoetermeer after the Dutch authorities threatened him with deportation.

Mr Yohannes recognised that it is impossible to welcome all refugees to Europe. He recommended that the European Union support neighbouring countries in welcoming and supporting Eritrean refugees. Ethiopia should be commended for allowing Eritrean refugees to reside within its territory and, recently, for allowing Eritrean student to pursue their studies in Ethiopian universities. The European Commission should seriously contemplate setting up a fund to support Eritrean refugees in neighbouring countries to Eritrea, so that these dynamic young Eritreans can continue to pursue their studies.

Last, but not least, a lasting solution for justice, peace and democratic governance in Eritrea can only come from inside Eritrea and by Eritreans. No outside force can impose a solution on Eritrea and its citizens. Even the power of the Eritrean diaspora for sustainable change inside Eritrea is limited; they can be a voice for the voiceless, but to bring lasting change in Eritrea entails more. Bridges need to be built for dialogue and understanding with progressive forces in Eritrea. The European Union should encourage the path of dialogue and peaceful change.

Fr Mussie Zerai Yosief

Fr Mussie Zerai Yosief, Catholic Priest and founder and President of the Habeshia Agency for Development Cooperation (AHCS), brought the hearing's attention to the contravention of conventions in relation to application for refugee status in Italy. A film was shown highlighting the consequences of an incomplete approach to asylum seekers. The legal apparatus involved in application for refugee status in Italy was explored and the current situation explained. Italy has jurisdiction to consider a request for refugee status in case of (a) the presence of relatives in Italy, (b) entering Italy with an Italian residence permit or visa, or (c) illegal entry (without documents or without a visa) in the countries of the European Union through Italy, in accordance with the Dublin Convention which has been in force in Italy since 1997.

In accordance with the Dublin II Regulation (EC No 343/2003), Italy must take responsibility if it is the first country of entry to avoid creating 'refugees in orbit'. Furthermore, the Italian Constitution provides for, and expressly warrants, the right to asylum under Article 10, Paragraph 3:

(3) Foreigners who are, in their own country, denied the actual exercise of those democratic freedoms guaranteed by the Italian constitution, are entitled to the right to asylum under those conditions provided by law.

To date, however, a national law on asylum does not exist in Italy, only guidelines on the recognition of refugee status based on the application of the Geneva Convention of 1951. Italy is the only EU country not to have a specific law on the right to asylum. The topic, despite its centrality, has always been treated under general immigration law.

A recent Security Bill establishes illegal immigration as a crime. According to Article 21 of the Bill, anyone who enters Italy or stays there illegally commits a crime. The so-called 'illegal alien' under the new rules is not at risk of arrest, but will be obliged to pay a fine of EUR 5,000 to 10,000. Non-EU immigrants arriving in Italy without a residence permit can remain in the Centre for Identification and Expulsion (CIE) for up to 180 days (compared to the original 60). To obtain a residence permit they have to pay a residency contribution of between EUR 80 and 200. It

is widely believed that this law would impede the rights of asylum seekers, who are already mistreated by Italy.

Fr Zerai Yosief highlighted the lack of a system for reception and asylum in Italy. The current situation leads to the dispersion of asylum seekers in the territory, which does not provide them with adequate protection and which, in turn, projects them into a cycle of marginality and social exclusion. AHCS reiterates that the protection and reception of refugees is a state responsibility and should not be left to voluntary associations; instead, there should be an official coordination mechanism in place. The inadequacy of the reception, lack of coordination and lack of a single European standard of care brings AHCS to emphasise the need to proceed quickly to the institutionalisation of reception and asylum in Italy at the European level.

Fr Zerai Yosief appealed to the Members of Parliament to urge the European Parliament to initiate a programme of European re-settlement and to guarantee protected entry to legal asylum seekers. It was suggested that Europe cannot just resolve its immigration issues by closing its doors and delegating this duty to North African countries, requiring them to control the desert and the coasts by any means. Europe, for the sake of its own security, must look beyond its borders, where the human and civil rights of thousands of immigrants, refugees and asylum seekers are being violated daily, including loss of life.

An appeal was made to support the freeing of the 250 Eritrean refugees held captive by traffickers at the border between Egypt and Israel. Reports suggest that 6 have already been killed, 9 seriously injured and 10 are seriously ill. Having paid a fee of USD 2000, the refugees, who have been tethered with chains in inhumane conditions, are being held to ransom for a further USD 8000. The European Union is requested to intervene in this situation in order to avoid further degradation of human dignity.

Ms Maria Daniela Avallone

Ms Maria Daniela Avallone, founder of the Association in Defence of the Human Rights of the Eritrean People (ASPER), focused on the relationship between the Italian Government and the Eritrean regime and the tragic consequences of this relationship. Providing an overview of the history of immigration from Eritrea to Italy since the 1950s, Ms Avallone pointed out that the Eritrean community in Italy is officially recognised and particularly respected for its low involvement in crime and high moral standards, gaining the support and solidarity of Italian organisations and individuals, further consolidated by the historical relations that have bound Eritrea and Italy since the colonial era.

Recently, bilateral relations between Italy and Eritrea have changed from the post-colonial atonement relationship. Eritrea, despite being the beneficiary of large Italian public subsidies, has expelled six Italian NGOs and the Italian Carabinieri, which belonged to the United Nations force, driven out foreign missionaries, razed Villa Melotti (a famous example of 1950s Italian architecture in Massawa) to the ground, and even expelled the Italian Deputy Ambassador, who tried to stop the devastation. In 2001, the Italian Ambassador was declared *persona non grata* and expelled from the country for activities in contravention of the Eritrean regime and for seeking, on behalf of the EU, to maintain contact with some Members of the European Parliament accused of being opposed to the Eritrean regime.

However, Ms Avallone highlighted that some cooperation does remain, for example, in the construction of a children's hospital in Asmara (3 million euro), through the operation of Iscos Marche, an Italian NGO working in fishing and agriculture, and the establishment of a trade union in Asmara (the only one in the country and, of course, completely controlled by the regime). Furthermore, drawn by low labour costs and the ability to gain land through forced dispossession, Italian entrepreneurs (even from among the highest representatives of Italian culture) have sought consent for their Eritrean investments by any means, trying to please the Eritrean President and his representatives, who are desperate for new political legitimacy. The price of advancing these economic interests is denial of the abuses and crimes of the Eritrean Government.

Although Eritrea has been declared a closed chapter for the Italian Government, after his visit to Eritrea, Giuseppe Morabito, Foreign Ministry Director with responsibility for Africa, in keeping with the ambiguity of Italian foreign policy, gave an official statement that referred to the strengthening of economic and trade relations.

It is now clear, after the shameful agreement between Italy and Libya, that Italy and Italian entrepreneurs are racing to take over their former colony. Companies from the Lombardy region (in North-western Italy), backed by Formigoni (Governor of Lombardy) and the Lombardy Regional Councillor, Prosperini (now under house arrest for a bribing and arms trafficking), are the leaders, alongside a long list of private companies that have been active in Eritrea for a long time, drawn by low labour costs and the ability to gain land through forced dispossession.

Ms Avallone described the infiltration of Italian public and private institutions by representatives of the Eritrean regime, creating a spy network with active components in major Italian cities, operating under the cover of restaurants, clubs and associations (for Eritrean women, youth, disabled people). Each group has a representative appointed by the Eritrean regime with the task of monitoring, along with some trusted collaborators, the behaviour of Eritreans in Italy. Key objectives of this network are to ensure that dissent or criticism of the Eritrean Government is never expressed, to monitor compliance with the 2 per cent fee for Eritrean diaspora, and to help organise 'socio-political' initiatives, which are a cover for political propaganda vehicles. Mafia coercion methods can bend the will and destroy the dignity of many refugees, already severely traumatised. Eritrean communities are all at risk of coercion by this network, as almost everyone has relatives or property in Eritrea vulnerable to police and Government reprisals.

Ms Avallone pleaded for the European Parliament to take appropriate steps to invoke the Italian Government to provide greater vigilance over Italian speculative business activities and slavery in Eritrea; to investigate governmental, para-governmental, commercial and pseudo-cultural activities of the Eritrean community in Italy; and to implement a genuine policy to protect Eritrean refugees; as well as to impose sanctions on the Eritrean Government similar to the measures recently adopted by the United Nations Security Council.

Ms Meron Estefanos

Ms Meron Estefanos, journalist and member of the Eritrean Movement for Democracy and Human Rights (EMDHR), recognised that the plight of Eritrean refugees is embedded in a complex economic and political paradigm. The choice that Eritreans have to make is between the trenches in Eritrea and the perilous journey to leave the country. Even if a refugee leaves successfully, their situation does not necessarily improve. The United Nations High Commissioner for Refugees in Sudan does not recognise Eritrean refugees and they are often subjected to verbal or physical abuse. There are many refugees who simply 'disappear'. Conditions in Libya have been described as inhumane and often involve rape, extortion, torture and indefinite detention. Forced repatriation, on the other hand, may result in execution. People smugglers charge large amounts to facilitate these perilous journeys, but often subject their clients to physical or sexual abuse. On the journey from Libya to Italy, refugees often suffer from dehydration or heat stroke and may even be thrown overboard. Arriving in Malta, refugees are detained in a military jail where their human rights are not respected. Despite these horrendous conditions, Eritrean refugees are not deterred, as they have nothing to lose.

Ms Estefanos recommended that a different approach be taken to this situation; an approach that addresses the root causes of the problem. There is a lack of security in Eritrea. Hence, she added, Ethiopia's compliance with the border agreements should be a priority.

Mr Jeremy Lester

Mr Jeremy Lester, of the European Commission, in response to the presentations by the various speakers, relayed that the EU does not ignore the voices of Eritreans or the Eritrean diaspora. He acknowledged that the diaspora have an important role in guiding dialogue with Eritrea and reported that the European Commission is working on improving engagement with the diaspora and is currently funding a study on this issue.

Mr Lester stated that, whilst there are serious concerns over the treatment of Eritrean citizens and the diaspora, the European Commission needs to work in cooperation with Eritrea. He confirmed that in a recent meeting with President Afwerki in Asmara, these breaches of human rights were discussed.

With regards to EU finance in Eritrea, Mr Lester confirmed that money is not given directly to the Eritrean Government and that aid funding is spent predominantly on roads and infrastructure and also on agriculture. However, substantially less funding is implemented than budgeted for. Mr

Lester expressed the desire to see Eritrea as an island of cooperation in a region of fundamentalism and unrest.

Ms Ana Gomes

Ms Ana Gomes, MEP for a Democratic Eritrea, criticised the EU for not using its political clout to speak out on human rights abuses by governments that are obviously disregarding human rights agreements such as the Cotonou Agreement. Commending the clarity of the Mekonnen-van Reisen paper she asked why the EU is willing to turn a blind eye to human rights abuses in Eritrea. The EU is not enforcing the border agreement between Eritrea and Ethiopia, with which Ethiopia is not complying, and this should be a priority. She also observed that the EU failed to properly monitor the 2010 elections in Addis Ababa. Ms Gomes recognised the crucial role of the European Parliament's scrutiny in making a difference to the lives of Eritreans and Ethiopians.

Panel 2: EU policy towards Eritrea and the Horn, in view of issues of political prisoners and child soldiers and UNSCR 1907

Mr Arne König

Mr Arne König, Vice President of the Union and President of the European Federation of Journalists, read a letter from Esysas Isaak (see page 21 of this Report), brother of the Eritrean political prisoner Dawit Isaak. The letter gave an emotional account of living with a brother imprisoned by a dictatorship. The letter admonished the freedom for Afwerki to continue his inhumane regime. It asked the EU to stop Eritrean leaders from visiting EU countries in order to stop the spread of propaganda.

Mr Alf Hansen

Mr Alf Hansen, Special Advisor at the Oslo Centre for Peace and Human Rights, brought attention to a recent publication entitled: 'The Lasting Struggle for Freedom in Eritrea'. He sought in his presentation an explanation for the state of affairs in Eritrea. He advocated for a comprehensive and historic understanding of the Eritrean situation, including the border issue with Ethiopia and the lack of international pressure on Ethiopia to comply with the court ruling. He identified the political isolation of Eritrea as a cause of the drastic measures taken within country, for example, the viewing of defiance as treason.

Whilst the political situation needs to be understood, the Eritrean Government is, first and foremost, responsible for the wellbeing of its citizens and accountable for any maltreatment. The Government does not allow any political opposition, there are no alternative sources of information, elections were not conducted as promised, thousands of Eritreans are living in secret detention camps in Eritrea and no group or individual is respected. The detention camps are under strict control



From left to right: Judith Sargentini, Daniel Mekonnen and Alf Hansen

by the military and not even the International Committee of the Red Cross (ICRC) is permitted entry. There are reports of death by execution in the camps. A Marxist/Leninist approach has been inherited from the liberation struggle.

Mr Hansen recommended three changes: 1) the human rights abuses need to be raised higher on the agenda, refocusing the media and political attention on human rights rather than terrorism, 2) the EU needs to contribute to ending Eritrea's isolation, and 3) policies relating to Eritrea need to have a regional focus — security in one state impacts on the others in the region — and, towards this, a broad and comprehensive dialogue needs to be developed in the Horn.

Mr Björn Tunbäck

Mr Björn Tunbäck, Board Member for Reporters Without Borders, opened by recognising the similarities between Dawit Isaak and himself — similar age, family size and hometown. He expressed sadness at the belief that if it were him, rather than Dawit Isaak, imprisoned in Eritrea, the Swedish Government and the EU would have done more for his release. He underlined that, for many years, Reporters Without Borders tried to interest the Swedish media in Dawit Isaak's case and draw the public's attention, without success. However, over the last few years things are better and most people in Sweden now know of his case.

In fact, the case of Dawit Isaak is not only a Swedish matter, but a European one. He is the only journalist and EU citizen adopted as a prisoner of conscience by Amnesty International. A legal opinion, written by Sweden's most prominent human rights lawyer and president of the Civil Rights Defenders (formerly the Helsinki Committee), Mr Percy Bratt, concluded that, based on the European Convention on Human Rights and on cases before the European Court, the Swedish Government, EU Member States and the EU itself have an obligation to act on Dawit's behalf. They also must be able to show that they have used all available legal and diplomatic means to help Dawit Isaak. It is important to recognise that they not only have an obligation to act, but they also have a right to act on Dawit's behalf.

In addition, in 2010, Reporters Without Borders translated texts written by Dawit Isaak into Swedish. The introduction to this book was written by Kenyan playwright and author Ngugi wa Thiong'o, who was also imprisoned in Kenya in the 1970s. When the book with Dawit's texts was presented last year, Mr Ngugi wa Thiong'o said that when he was in jail and he heard that there was a committee formed in New York supporting his case, it made it easier for him to endure his imprisonment. In this way, Mr Tunbäck hopes to help Dawit Isaak, and many others, to keep their spirits up while prisoners of the Eritrean regime.

Mr Noel Joseph

Mr Noel Joseph, human rights activist, Eritreans for Human and Democratic Rights – UK, questioned the European Commission's approach to encouraging dialogue with Eritrea. Despite the EU's declared position in standing for the respect of human rights, the different EU institutions are giving conflicting signals regarding human rights. Both the European Parliament and Council have made declarations regarding the deteriorating human rights situation and the illegal detention of people, whereas the Commission sends a different signal. The Commission stated that it was trying to encourage the Eritrean regime to enter into dialogue regarding the situation in the country. A number of Eritrean Europeans made representations to the Commission to think again, but despite this the Commission decided to press on with its development aid.

In September 2001, 11 high-ranking government officials, parliamentarians and army generals (G-11) were rounded up and detained. These were members of the so-called Group of 15 (G-15) who were calling for democratic change and rule of law. They were all taken at dawn and have not been seen since. In recent years there have been reports of the death of some of them, but to this day the Government refuses to disclose their whereabouts or indeed their health condition. The European Council, European Parliament, Inter-Parliamentary Union, African Commission on Human and People's Rights and a number of governments have been calling for the release of the G-11, but the Government refuses to discuss their detention citing 'national security'. The African Commission on Human and People's Rights, a continental body safeguarding human rights, considered all the issues surrounding the detention of the G-11 and ruled that their detention was illegal and that they should be released and compensated immediately.

Mr Joseph urged Europe to speak with one voice in relation to the situation in Eritrea. He pleaded for the European Union institutions to stand up for the principles upheld by the EU, regardless of any political interests, in a country where human rights abuses are blatant.

Dr Daniel Mekonnen

Dr Daniel Mekonnen, researcher and writer on Eritrea, stated that he was opposed to aid that is given against the EU's regulations and the Lisbon Treaty. Eritrea has an extremely repressive regime and reports indicate the enrolment of 3000 child soldiers in 2007. The International Crisis Group has indicated that Eritrea is a failed state in the making. Nonetheless, the EU has developed a Country Strategy Paper for Eritrea, knowing that Eritrea does not have a constitution.

Dr Mekonnen recommended that the European Commission revise its development cooperation with Eritrea. Furthermore, the European Parliament should scrutinise activities on the ground in Eritrea as well as EU cooperation with Eritrea, more specifically the Country Strategy Paper.

Mr Abdulrahman Sayed

Mr Abdulrahman Sayed, founding and Executive Member of Citizens for Democratic Rights in Eritrea (CDRiE), gave a brief history of the situation in Eritrea covering the two-year war between Eritrea and Ethiopia, which started in 1998 in the border town of Bademe, and has led to an estimated 70,000 casualties. On 12 December 2000, the two governments signed a comprehensive Peace Agreement in Algiers, witnessed by the United Nations, European Union, African Union, and President Abdulaziz Boutafliqa of Algeria, who played an instrumental role in bringing the two conflicting sides to a resolution. Both governments also agreed to accept the ruling of a Permanent Court of Arbitration (PCA) in the Hague as 'final and binding'. The PCA awarded the border town of Bademe (Baduma) to Eritrea in April 2002. Ethiopia's refusal to abide by the ruling has stalled the peaceful resolution of the border conflict and prevented the normalisation of relations between the two countries, prolonging the state of fragility and hostility in the region.

Mr Sayed related that this situation of 'no war no peace' is being used to support repressive domestic policies against political dissent. Both governments are engaged in media and proxy wars. They are busy arming and organising opposition groups against one another. The implications of this 'no war no peace' situation is being felt both at the domestic and regional levels. The international community's lack of action to bring this volatile situation to an end risks reigniting the border conflict between the two countries. Eritrea in particular is at great risk of descending into a failed state as a direct result of the incumbent Government's repressive policies.

As one of the witnesses of the Algiers Peace Agreement, Mr Sayed pointed out that the EU is morally and legally obliged to apply the necessary pressure on both the Eritrean and Ethiopian regimes to ensure that they fulfil their obligations under the Algiers Agreement. More pressure should be exerted on Ethiopia to comply with the border demarcation and allow it to be implemented. Such a move on the Ethiopian side would strongly raise the prospect of the normalisation of relations between the two neighbouring countries towards permanent peace and cooperation. The EU is, therefore, urged to use its leverage in bilateral relations and development aid, and its influence in the international arena to end the border stalemate between Eritrea and Ethiopia, and to offer incentives so that the two countries can move towards normalising their relations for mutual benefit as well as regional peace and security.

Ms Nicole Bjerler

Ms Nicole Bjerler, Amnesty International, presented the conclusions of a position paper on the subject of forcible returns to Eritrea on behalf of Amnesty International. It is hoped that this paper will lead to EU governments abiding by the guidelines issued by the United Nations High Commissioner for Refugees (UNHCR). These guidelines strongly advise against the forcible return of any failed or non-assessed asylum seekers to Eritrea because of the country's poor human rights record. Individuals returned to Eritrea are routinely subjected to *incommunicado* detention. They are at risk of torture and other forms of ill-treatment during interrogation.

Amnesty International called on European governments to ensure that neither the limited nature of information about the grave and persistent human rights violations in Eritrea, nor the possession by asylum seekers of legal travel documentation, be used to justify the forcible return of rejected or non-assessed asylum seekers to Eritrea. Governments should not underestimate the risk of

detention, torture and other ill-treatment facing any Eritrean who is forcibly returned. Amnesty International endorses the guidelines issued by UNHCR, and calls on all host governments to immediately halt all forced returns of rejected or non-assessed asylum seekers to Eritrea, because of the country's poor human rights record and the risks individuals face upon return. Ms Bjerler urged the EU institutions — including the European Parliament, relevant Directorate-Generals of the European Commission and the Europe External Actions Service — to do their utmost to protect the rights of Eritreans, both asylum-seekers and others subjected to human rights violations in the country.

Mr Jeremy Lester

Mr Lester of the European Commission responded to the statements, recommendations and questions presented. He emphasised that the European Commission works in concert with the European Parliament and is accountable to it. He expressed his belief that the Commission's cooperation with Eritrea, through a nexus of relations that continue dialogue, is the correct approach, and is the approach that has been encouraged by the diaspora consulted. The Commission believes that the continuation of dialogue is crucial to keeping a balance in the region. However, the European Commission's position and approach are continually under scrutiny.

Mr Lester expressed his agreement with Amnesty International's recommendations and confirmed that this will be followed up. In response to a question about why NGOs in Eritrea do not receive EU funding, Mr Lester explained that local NGOs were eligible to apply for funding, but that they do not comply with the regulations as they are not empowered to act as the Eritrean law impedes their activities.

Speakers' Biographies

Berhane Asmelash, Release Eritrea

Berhane Asmelash is a medical doctor by profession and served as a general practitioner in several hospitals and health centres until 1993, at which time he became a full-time Minister of the Kale Hiwot Church in Eritrea. In 1994, he was appointed Church Director and Medical Projects Coordinator. In 1999, he came to the United Kingdom and obtained a Bachelor of Arts in Theology and Master's in Philosophy in Islamic studies. In 2003, after the Government of Eritrea passed a decree demanding that all Evangelical churches suspend their regular Sunday worship, he founded Release Eritrea, which is currently campaigning for religious tolerance in Eritrea, as well as providing humanitarian assistance for families of prisoners in Eritrea and refugees in neighbouring countries. In 2004, Asmelash was granted refugee status in the United Kingdom, and in 2006 he became a British citizen. In 2008, he was ordained in the Church of England and is working as a full-time Minister.



Maria Daniela Avallone, ASPER

Maria Daniela Avallone obtained a degree in Natural Science at the University Federico II (Napoli) in 1980, which she then followed with a Master's in Marine Biology. After participating in several projects as Vice President of the marine company COMIR up to 1991, she moved to Eritrea where she was employed as an adviser in the Ministry of Marine Resources. After witnessing multiple violations of human rights during and after the 1998–2000 war with Ethiopia, she contacted the international media, but was soon arrested by the police. Released after two weeks, she returned to Italy and became an activist for human rights, founding the Association in Defense of the Human Rights of the Eritrean People (ASPER). She is also currently working in Napoli as a marine biologist for the Institute for Training, Research and Development in the Mediterranean Sea (ISFORM).

Nicole Bjerler, Amnesty International

Nicole Bjerler's academic background is in law and human rights, and she has worked as a human rights officer with the European Union presidencies in Geneva and with the United Nations Office of the High Commissioner for Human Rights. Ms Bjerler is currently working with Amnesty International's EU Office on European Union Common Foreign and Security Policy. Her focus is on Africa, Asia and the Americas, and she also follows the implementation of the EU's Human Rights Guidelines.



Meron Estefanos, EMDHR

Meron Estefanos is a human rights activist, journalist and a member of the Eritrean Movement for Democracy and Human Rights (EMDHR), an independent civic movement based in South Africa. She is also cofounder of the Swedish branch of EMDHR. Estefanos is one of many young exiled Eritrean activists who have been playing a leading role in promoting human rights values by producing written materials and organising discussions and debates in Sweden.

Ana Gomes, MEP

Ana Gomes graduated from law at University of Lisbon in 1979. She also holds a diploma in Community Law (INA, 1981) and a diploma from the Institut International des Droits de l'Homme (Strasbourg, 1989). Ms Gomes was diplomatic adviser to the Portuguese President (1982–1986), after which she was posted to the Permanent Mission of the United Nations and various international organisations in Geneva (1986–1989). She held positions in the Portuguese Embassies in Tokyo (1989–1991) and London (1991–1994), and was a member of the Portuguese delegation to the Middle East peace process during Portugal's EU Presidency (1992). Gomes was a member of the Special Political Affairs Office (East Timor dossier Timor) of the Foreign Ministry (1994–1995); Head of Office of the Secretary for European Affairs (1995–1996); member of Portugal's Permanent Mission to the United Nations in New York – coordination of the Portuguese delegation to the Security Council (1997–1998); and Head of Section of Interests and, later, Ambassador of Portugal to Jakarta (1999–2003). Gomes has also been a Member of the National Executive and Political Executive of the Socialist Party (PS) since 2002 and was a member of the PS National Secretariat and Secretary for International Relations from 2003 to 2004. She is also a member of the Portuguese branch of Amnesty International.



Alf Hansen, the Oslo Centre for Peace and Human Rights

Alf Hansen is a Special Advisor at the Oslo Centre for Peace and Human Rights. He obtained a Master's degree in Political Science from the University of Tromsø, Norway. Since 2001, Hansen has served as a career diplomat with the Norwegian Foreign Service in the Europe department and as a diplomat at the Norwegian Embassy in Addis Ababa, Ethiopia (2003–2006). He also worked at the Norwegian Embassy in London from 2006 to 2009. His work has been mainly in the field of security policies, democracy, human rights and development policies.

Noel M Joseph, Human Rights Advocate, EHDR-UK

Noel Joseph, Eritreans for Human and Democratic Rights – UK (EHDR-UK), is a London-based human rights activist who has been campaigning for the respect of human and democratic rights of Eritreans in Eritrea and abroad for nearly 10 years.



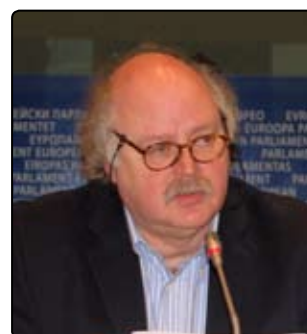
Selam Kidane, Release Eritrea

Selam Kidane is a cofounder and Director of Release Eritrea (a human rights charity registered in the United Kingdom). She also works for the local government as a policy adviser in the areas of education and children's services.



Arne König, European Federation of Journalists

Arne König has been a journalist since the mid-70s, working in print media, radio and television, with a focus on human rights. Mr König is currently a full-time unionist; he is Vice President of the Swedish Union of Journalists and President of the European Federation of Journalists (EFJ), representing 260,000 journalists in more than 30 countries.



Jeremy Lester, European Commission

Jeremy Lester was born in Colchester, United Kingdom, in 1949. He is Head of the Unit in the Directorate-General for Development dealing with the Horn of Africa, East Africa and the Indian Ocean. In his Commission career, Mr Lester has always worked with developing countries, the field in which he obtained his Master's degree from the UK's University of East Anglia. After graduation, he spent three years in Lesotho before joining the Commission in 1976. Since then, Mr Lester has been involved in policy-making in Brussels as well as delivering on-the-spot assistance working in EU delegations in Madagascar, Rwanda and most recently Niger. In January 2007, he was invited back to Brussels to work as head of the Unit responsible for the Horn of Africa, East Africa and the Indian Ocean in the Directorate-General for Development.



Daniel Rezene Mekonnen, Researcher

Daniel Rezene Mekonnen obtained his primary legal education in Eritrea where he served, among other things, as a judge of the Zoba Maekel Provincial Court in Asmara. He started his career as an adult education teacher in 1991. After receiving his Master's of Law from the University of Stellenbosch (2003) and his Doctorate of Laws from the University of the Free State (2008), he worked in different universities. He is currently a Bank of Ireland Human Rights Fellow at the Irish Centre for Human Rights (National University of Ireland, Galway), where he also teaches international security law. His publications have appeared in the *Interdisciplinary Journal of Human Rights Law*, the *Journal of African Law*, *African Human Rights Law Journal*, *African Journal on Conflict Resolution*, and the *Journal for Juridical Science*. He is also the author of *'Transitional Justice: Framing a Model for Eritrea'* (2009: Saarbrücken/Germany, VDM Publishing) and the Tigrinya translation of Gene Sharp's seminal book on non-violence, *'From Dictatorship to Democracy: A Conceptual Framework for Liberation'* (2006: Boston, Albert Einstein Institution).

Mirjam van Reisen, EEPA

Mirjam van Reisen, PhD, is the founding Director of Europe External Policy Advisors (EEPA) based in Brussels. She has 20 years experience working both in and alongside European Commission institutions. In October 2010, van Reisen was appointed Professor of International Social Responsibility at Tilburg University. Since 2007, she has been an elected member of the International Coordinating Committee of Social Watch and Member of the Social Watch Management Committee. In addition, van Reisen is an observer for the Core Committee South Asian Alliance for Poverty Eradication (SAAPE), whose main focus is poverty eradication through policy research, advocacy, lobbying and campaign works on various themes that are priority concerns for civil society in all countries of the region.



Judith Sargentini, MEP

Judith Sargentini is a Member of the European Parliament for GroenLinks, the Dutch Greens, with over 10 years of political experience. She is a member of the Committee on Civil Liberties, Justice and Home Affairs, and substitute member of the Committee on Development. She is Vice-Chair of the delegation for relations with South Africa.

In addition to her political activities, Sargentini has worked for several non-government organisations in the field of development aid. She was also a consultant for Eurostep, a network of European non-government development organisations. For many years she worked as lobbyist for the Netherlands Institute for Southern Africa. Sargentini was also international campaign coordinator for Fatal Transactions, a public campaign on conflict diamonds and the economics of warfare.

Abdulrahman Sayed, CDRiE

Abdulrahman Sayed is a founding and executive member of Citizens for Democratic Rights in Eritrea (CDRiE), which was launched in 2009 to add value to the existing Eritrean civic initiatives by bringing together Eritrean academics and activists to promote human and democratic rights in Eritrea. He has a research background in federalism and the peaceful management of conflicts in multi-ethnic, multi-religious and multicultural societies.

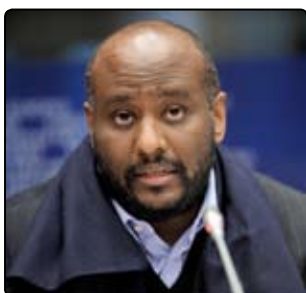


Björn Tunbäck, Reporters Without Borders

Björn Tunbäck has been a member of the board of the Swedish branch of Reporters Without Borders for many years. From the 1980s onwards, he worked as a journalist for Swedish radio and now works for Swedish television (as correspondent, researcher, host and editor).

Habtom Yohannes, Journalist

Habtom Yohannes has been working in journalism for more than 20 years in various positions; he is currently senior editor with the Dutch public media (radio and television). He worked closely with the Constitution Commission that drafted the 1997 Eritrean Constitution, which was ratified in 1997, but has not been implemented. In 1998, following the outbreak of the Eritrea-Ethiopia war, Yohannes organised 'A Call for Peace', a letter signed by more than 30 international laureates and world leaders. The letter was handed over to President Isaias Afwerki of Eritrea and Prime Minister Meles Zenawi of Ethiopia, and consequently published in the International Herald Tribune on 17 December 1998, when both leaders met in Ouagadougou under the auspices of the African Union. Yohannes is active in human rights, refugee issues, community work and peace building.



Mussie Zerai Yosief, AHCS

Mussie Zerai Yosief is a Catholic priest and founding head of the counselling centre of the Catholic Community of Eritreans and Ethiopians in Rome. Born in Asmara, Eritrea, he has resided in Italy since 1992. He is a political refugee committed to human rights. He is also the founder and President of the Habeshia Agency for Development Cooperation (AHCS), which is committed to denouncing human rights violations and upholding the civil rights of citizens in Eritrea, Sudan, Libya and Italy. He acted as Head of the Delegation for the Coordination of Peace and Democracy in Eritrea in 2005 and as Head of the Italian Commission Delegation on Human Rights in Eritrea in 2005. Other achievements include the publication of a book on immigration 'From Ethiopia to Rome' and 'Letters to the mother of a migrant on the run' (2009: Middle Earth).

Letter from Esysas Isaak

I remember the feeling when my brother was imprisoned. There was an instant sense of fear and it is an unpleasant regime we are dealing with. I had returned from Eritrea two years earlier and said to myself I'd never return as long as these military people remain in power.

Dawit dared to put hard questions to the people in power. That makes me proud of my brother, but he has already been forced to pay an unreasonably high price. Dawit was always the one who wanted change. I remember while a kid in Sweden he was my teacher in Tigrinya.

He said to me we will be able to go to Eritrea some day and then it is important that you know Tigrinya. He travelled around in Sweden and took part in seminars on the future of Eritrea. His motto was always we will go back to Eritrea.

The day Dawit was arrested was a Sunday. I found out on the following Tuesday. It was a beautiful autumn day that changed my life forever. In the beginning it was hard to understand and I did not believe it would last for over nine years. After all, Dawit had only been working as a journalist. How to make his case get attention I did not know. I had no clue as to how one acts as a relative of a prisoner held by a dictatorship. It was more of a struggle against the media in Sweden than against Eritrea. Nobody was interested in writing about Dawit. I felt small and powerless. I sometimes do not remember what I did before Dawit was arrested. Nowadays I sleep and I wake with his case and sometimes I even dream that he is being released.

Nine years is a long time. Now I have a kid and the bare thought of not being allowed to see my daughter for nine years gives me some idea of how Dawit might be. Now I work in a school with nine year olds. Each day when I meet these children I am reminded of Dawit. They are as many years old as he has been in prison. Some of them are even born around the date of 23 September 2001.

The past nine years are of course a tragedy for Dawit, but also for the Eritrean people. Was it for this that thousands of soldiers died? Was it this we dreamed of in exile? What makes it possible for people like Isaias Afwerki to go on harassing and threatening his citizens year after year without strong and forceful action by the rest of the world?

The EU should stop Eritrean leaders from visiting EU countries. We must take much tougher action to get a result. Now Eritrean representative are free to travel as they wish and spread their propaganda.

I wish to thank all of you who are working for my brother and for a democratic Eritrea. As Dawit always used to say, one day we will be able to go to Eritrea.

Esysas Isaak

Paper: Acknowledging International Social Responsibility

Mekonnen, DR; van Reisen, M; (2010) *Acknowledging international social responsibility: The need for a revised EU strategy on development cooperation in Eritrea.* Brussels: EEPA

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Acknowledging international social responsibility: The need for a revised EU strategy on development cooperation in Eritrea¹

Daniel R Mekonnen² and Mirjam van Reisen³

1. Introduction

The European Union (EU) is one of the leading global actors in development cooperation, particularly via its Development Cooperation Instrument (DCI), established in 2007, and the Cotonou Agreement⁴, signed in 2000.

The Treaty on the Functioning of the European Union (TFEU or the Treaty of Lisbon)⁵ provides that developing countries can benefit from financial support aimed at the eradication of poverty. The DCI governs the EU's development agenda in all developing countries. It provides financial support for thematic policy areas with resources provided through the General Budget of the EU.

In addition to these, the Cotonou Agreement governs EU relations with ACP countries in a range of areas, including bilateral cooperation between governments and trade. ACP refers to the group of countries known as the African, Caribbean and Pacific Group of States. The resources for bilateral cooperation between ACP countries and the EU are provided through the European Development Fund (EDF). As one of the 79 ACP countries, Eritrea is a beneficiary under the EDF.

EU law contains binding provisions in relation to all aspects of its external relations, which guide the scope and extent of its foreign policy instruments. Given that the EU's existence is based on a legal agreement between the EU Member States, the legal framework of the EU is particularly important. The Lisbon Treaty has strengthened the competence of the EU in external relations by increasing the scope of its competence in diplomacy.

This paper discusses cooperation between the EU and Eritrea. EU-Eritrea diplomacy, trade and development cooperation are governed by essential treaty obligations. EU development cooperation in Eritrea is to be directed, among other things, by respect for human rights and democratic accountability, which are all severely lacking in Eritrea. In the 10th EDF, which covers the years 2009 to 2013, the EU has allocated €122 million in development aid to Eritrea. Under the previous EDF (2002–2007), Eritrea received €88 million from the EU.

Based on the above, the authors argue that the case of Eritrea reveals apparent contradictions in the actions of the EU in its implementation of its treaty obligations to promote human rights, respect for the rule of law and democratic accountability. It is contended that the EU's support to the Government of Eritrea, despite evidence of human rights violations, lack of rule of law and absence of democratic institutions, is a violation of its own laws. Moreover, given that support is provided in agreement with, and aimed to directly support, the Government of Eritrea, the EU could be regarded as condoning the violations of international law by the Government of Eritrea and complicit with its human rights violations. By ignoring UN Security Council Resolution 1907, which imposes stringent sanctions against Eritrea, the EU's support could also be construed as violating the UN Charter and international law.

¹ A draft discussion paper presented at the European Parliamentary Hearing on 'Eritrea: Refugees, child soldiers and European policy', 29 November 2010, Brussels. The authors welcome comments and input, which can be sent to the email addresses mentioned below. The authors thank Susan Sellars-Shrestha for her advice and editorial assistance on this paper.

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³ Professor of International Social Responsibility, Tilburg University, and Director of Europe External Policy Advisors (EEPA); email: M.vanReisen@uvt.nl; mvreisen@eepa.be

⁴ Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States on the One Part, and the European Community and its Member States, on the Other Part, signed in Cotonou, Benin on 23 June 2000, revised in Luxembourg on 25 June 2005. Available at: <http://www.acpsec.org/en/conventions/cotonou/accord1.htm> (accessed 25 November 2010).

⁵ European Union (2008) 'Consolidated version of the Treaty on the Functioning of the European Union'. *Official Journal of the European Union*, 9 May 2008 (C 115/47). Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0047:0199:EN:PDF> (accessed 25 November 2010).

Furthermore, the EU's failure to acknowledge the situation in Eritrea places an undue burden on the people who have had to flee Eritrea. The EU's policy has resulted in Eritrean refugees being refused asylum and sent back to Libya and other countries. There is ample evidence that, in Libya, these refugees are further persecuted by the Government of Eritrean. Again, this is a human rights violation – the EU is not respecting the right of these refugees to a safe haven. The EU needs to ensure it is adequately informed and should recognise in a realistic way the situation in Eritrea so that it can take humane measures to look after Eritrean refugees according to its obligations under international law.

In this draft discussion paper, the authors argue in favour of a revised policy for cooperation by the EU with Eritrea to fulfil its international social responsibility, and that this policy should be supported, among other things, by effective and active European Parliamentary scrutiny. The authors also call for the EU to strengthen positive aid measures, such as helping refugees and supporting democratic organisations of the Eritrean diaspora, while reducing direct support to the Government of Eritrea, such as bilateral aid, until the Government of Eritrea can improve conditions so that essential criteria (respect for human rights, democratic accountability, and the rule of law) can be met, as stipulated by the main EU treaties and the Cotonou Agreement.

2. The Legal Framework for EU-Eritrea Cooperation

As with other ACP countries, EU development cooperation with Eritrea is governed by the Treaty of Lisbon, binding sub-Treaty regulations as well as the Cotonou Agreement. This reality is recognised in the Country Strategy Paper (CSP) for Eritrea, which states explicitly that the "[Lisbon] Treaty and the Cotonou Agreement provide the legal basis for [EU] cooperation with the ACP countries".⁶ One of the most important guiding principles of the Treaty of Lisbon in this regard is Article 208, which obliges the EU to design its development cooperation "within the framework of the principles and objectives" of its external action. The EU's principles and objectives of external action are defined in Article 21(1) of the Treaty of the European Union⁷ as follows:

The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

The obligation to respect the principles of the UN Charter and international law is repeated in Article 3(5) of the Treaty of the EU. This is preceded by the cardinal principles in Article 2 of the same Treaty, which define the founding values of the EU as "respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights". Article 208 of the Treaty of Lisbon stipulates the main aim of EU development cooperation to be the "eradication of poverty".

The legally binding EU Regulation on the establishment of the Development Cooperation Instrument (DCI)⁸ refers to respect for human rights, fundamental freedoms and democratic principles (Preamble 6) as fundamental to the achievement of the objective of the Regulation:

A political environment which guarantees peace and stability, respect for human rights, fundamental freedoms, democratic principles, the rule of law, good governance and gender equality is fundamental to long-term development.

Preamble 11 of the Regulation on the Development Cooperation Instrument further identifies these as essential elements on which partnership and cooperation agreements are based.

The Community and its Member States have concluded partnership and cooperation agreements with some of these partner countries and regions aimed at making a significant contribution to the long-term development of the partner countries and

6 See Eritrea-European Community Country Strategy Paper and National Indicative Programme, for the Period 2009–2013, signed on 2 September 2009, p. 5 (hereinafter 'CSP for Eritrea'). Available at: http://ec.europa.eu/development/icenter/repository/scanned_er_csp10NEW_en.pdf (accessed 25 November 2010).

7 European Union (2008) 'Consolidated version of the Treaty of the European Union'.

8 European Parliament and European Council (2006) 'Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation'. *Official Journal of the European Union*, L 378/41, 27.12.2006.

the wellbeing of their people. The essential elements on which these partnership and cooperation agreements are based are the common and universal values of respect for, and promotion of, human rights, fundamental freedoms, democratic principles and the rule of law.

ACP countries have access to funding provided under this Regulation in thematic areas. The ACP Sugar Protocol is also included under this Regulation.

The Cotonou Agreement also governs EU-Eritrea relations on development cooperation. One of the guiding principles of the Cotonou Agreement is Article 9(1):

Cooperation shall be directed towards sustainable development centred on the human person, who is the main protagonist and beneficiary of development; this entails respect for and promotion of all human rights.

Respect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development.

The overall purpose and scope is defined in Article 1 as to “consolidate and support democracy, the rule of law, human rights and fundamental freedoms, good governance, gender equality and related instruments of international law”.

In both the Treaty of Lisbon and the Cotonou Agreement respect for human rights, the rule of law and democratic accountability are among the fundamental principles that should underpin ACP-EU cooperation. The Cotonou Agreement provides for mechanisms by which the ACP-EU commitment to development cooperation can be evaluated on the basis of regular political dialogue, as stipulated in Article 8(4) of the same agreement. One of the mechanisms stipulated by this Article is the “regular assessment of the developments concerning the respect for human rights, democratic principles, the rule of law and good governance”. Article 8(2) of the Cotonou Agreement states that the objective of political dialogue is to prevent recourse by one of the parties to the non-execution clause; by implication, this means that if one party is not satisfied with the performance of the other, that party has recourse to the non-execution clause. This possibility is also clearly stipulated in Article 96 of the Cotonou Agreement and the first three articles in Annex VII of the same agreement.

The ACP-EU Cotonou Agreement is a treaty to which the EU Member States and the ACP countries are party, and cooperation based on this treaty is essentially a government-to-government relationship. The country programme (Country Strategy Paper or CSP) describing cooperation between the EU and Eritrea is approved by the governments: the Government of Eritrea and the EU Member States through a Member States Committee. Linked to the CSP is the budget described in the National Indicative Programme (NIP). The budget authorisation for implementation is provided by the National Authorising Officer in Eritrea, usually a member of the government or a government official charged with this responsibility.

The CSP for Eritrea emphasises the eradication of poverty and sustainable economic development, among other things, as core elements of EU-Eritrea development cooperation. In addition to the founding treaties of the EU and the Cotonou Agreement, the European Consensus on Development is also recognised in the CSP for Eritrea as providing the general policy framework for EU development cooperation. The document envisages development cooperation in terms of Europe’s core democratic values such as respect for human rights, democracy, fundamental freedoms and the rule of law.⁹

The Government of Eritrea has been accused by internationally reputed organisations of severe and systematic human rights violations and of lacking democratic institutions. Some of these shortcomings are described in the CSP for Eritrea. However, the CSP for Eritrea does not assess whether or not the described reality constitutes a favourable legal and political environment for respect of the principles set out in the Treaty of Lisbon or the progressive realisation of the objectives of development cooperation. The CSP also does not address how development cooperation will contribute to the eradication of poverty in a country where people living in poverty have no recourse to a judicial or political system capable of responding to their complaints. The lack of verification in the CSP of whether the conditions in Eritrea allow for the implementation

⁹ European Union (2006) ‘European Consensus on Development’. *Official Journal of the European Union*, 2006/C 46/01, 24 February 2006. Available at: http://ec.europa.eu/development/icenter/repository/european_consensus_2005_en.pdf (accessed 25 November 2010).

of EU treaty principles and objectives constitutes a major omission. It raises the question of whether or not, and if so how, the European Commission has satisfied itself of the ability of the Government of Eritrea to respect the key principles and objectives of the EU treaties.

Hence it is pertinent to ask: is the EU living up to its commitments under the Treaty of Lisbon, the Cotonou Agreement and the European Consensus on Development? We believe the answer to these questions is no, as explained below.

3. What is Wrong with EU-Eritrea Relations?

The following are some of the sad realities boldly stated in the CSP for Eritrea. Since independence in 1991, Eritrea has been ruled without a constitution and its Government has never published a national budget. The country had a transitional National Assembly, but this supreme national deliberative body has not been convened since 2002. The CSP also describes Eritrea as an “administratively and fiscally centralised” state.¹⁰ There is also a total absence of independent civil society organisations in Eritrea. The CSP for Eritrea clearly states that civil society organisations in the country, such as the National Union of Eritrean Women, are affiliated with the ruling party. Although the CSP does not explicitly say, it alludes to the fact that there are currently no independent civil society organisations in Eritrea.

In addition to what has been stated in the CSP for Eritrea, the authors would like to add the following observations on the state of affairs in Eritrea. Eritrea is a country whose government now finds itself at odds with almost all of its neighbouring countries, regional and continental organisations such as the Inter-governmental Authority for Development (IGAD) and the African Union (AU), and with the UN Security Council. As a result of this, on 23 December 2009, the Eritrean Government was hit with the stringent UN Security Council Resolution 1907, which imposes travel bans on Eritrea’s top political and military leaders and freezes their assets.

In a report published in September 2010, the International Crisis Group (ICG), one of the leading global think tanks on human security, described Eritrea as a country on the brink of becoming another failed state in the Horn of Africa. In a region that has already produced one failed state in the last 20 years, the possibility of Eritrea becoming another failed state is not far-fetched. ICG’s warning is apparent in the following paragraph:

All this is necessary to prevent another failed state from emerging in the Horn [of Africa]. That outcome is otherwise distinctly possible given the widespread lack of support for the government within the country and the deteriorating state of the army, whose ability to either sustain Isaias Afwerki’s regime or to successfully manage regime transition is increasingly questionable.¹¹

A long list of credible sources can be cited to support claims about the alarming level of political repression, economic meltdown and excessive militarism in Eritrea. This includes the periodic reports of the United Nations High Commissioner for Refugees (UNHCR), Amnesty International, Human Rights Watch, the Oslo Centre for Human Rights, Freedom House, Reporters Without Borders, the Bertelsmann Stiftung, the Bonn International Centre for Conversion (BICC), the International Institute for Strategic Studies (IISS), the Global Hunger Index, the Basic Capabilities Index, and others.

In addition to these accounts, the issue of child soldiers is a serious problem in Eritrea.¹² A report leaked from the Office of the State President in February 2009 reveals shocking figures of underage military conscription in Eritrea. According to this report, in 2007, the Eritrean Government forcefully enlisted 3510 underage conscripts, made up of 1911 male underage conscripts and 1599 female underage conscripts.¹³ These children were enlisted in the twenty-first round of the national military service programme (NMSP), which takes place roughly every six months in the

10 CSP for Eritrea, p. 7.

11 ICG (2010) *Eritrea: The siege state*, Africa Report No. 163, 21 September 2010, p. ii.

12 The discussion on this issue draws on Mekonnen, D.R. (2010 forthcoming) ‘Transitional justice implications of the use of child soldiers in Eritrea’. In: Parmentier, P. et al. (eds) *Rehabilitation and Reintegration of War-Affected Children*. Antwerp: Intersensia.

13 ኣሰናነት ‘ሚጅር ጀነራል ተክላይ ሃብተሰላሴ ናብ ቤት ጽሕፈት ፕፓሊኒደንት ዝለላኹ ውሽጣዊ ጸብጻብ’ (*Asena.net* ‘Internal report of Major-General Teklay Habteselassie to the Office of the President’. [Online] Available at: <http://asena.delina.org/images/presidentteklay.pdf> (accessed 4 February 2009). This is a leaked report sent from the commander of the Sawa Training Camp to the state President, Isaias Afwerki. The report illustrates that, as compared to previous rounds, the majority of conscripts in the twenty-first round are very young. This is particularly mentioned on page 4 of the report. The English translation of the report is available at: <http://www.arkokabay.com/news/index.php?option=>

Sawa Military Training Camp. Although this report cannot be taken as conclusive, the information would appear to corroborate the widespread understanding that children are being recruited for military service.

As regards the twenty-second round of the NMSP, which concluded in June 2009, official government sources indicate that the majority of participants in this round were born in the post-independence era, which would mean that all such recruits were underage children at the time of conscription. Forty per cent of the trainees in this particular round were female conscripts.¹⁴ Witnesses report that in several instances girls have been obliged to perform sexual services for military commanders; if they become pregnant, these girls are dispelled from military service with no option but to undertake the dangerous journey to leave the country illegally without any means of support.¹⁵

In addition to growing concerns about underage military conscription, there is a widespread practice of forced labour in Eritrea, posing additional challenges for human rights and democratisation efforts in the country.¹⁶ The allegation of the widespread use of forced labour for public projects is linked to the observation of the absence of a working population due to the indefinite military conscription. A reasonable concern, therefore, is whether or not forced labour is involved in the implementation of EU development programmes in Eritrea. Given the possibility that children are recruited by the military, this concern extends to the potential implementation of EU development programmes by children through forced labour.

There is a lack of political and judicial institutional mechanisms in Eritrea to raise concerns about human rights violations in the country. The EU could be potentially condoning the perpetration of human rights violations in Eritrea, given its support to the Government of Eritrea allowing it to continue such practices. The European Commission does not address in the CSP how it is ensuring that it does not contribute to, or aggravate, human rights violations in Eritrea. Moreover, the CSP does not give credible evidence that the support provided by the agreement with the Government of Eritrea can effectively contribute to the eradication of poverty. Therefore, there is a need to determine if EU development cooperation with Eritrea is contravening EU law.

4. Respect for the UN Charter and International Law

Another important benchmark to gauge EU development cooperation with Eritrea is the EU's commitment to respect for the principles of the UN Charter and international law, as stipulated in Articles 21(1) and 3(5) of the Treaty of the European Union. There is no more important reference point in this regard than UN Security Council Resolution 1907, which imposes stringent sanctions against Eritrea.

Resolution 1907 has serious political implications in relation to the unrealistic stance of the EU with regard to its relations with Eritrea. Resolution 1907 is mainly an outcome of Eritrea's flawed diplomatic policy, an approach that is described by the ICG as one that favours war as a foreign policy and is notoriously known for its "alarming tendency of fight first and talk later".¹⁷ Most importantly, as a restrictive measure mandated by Chapter VII of the UN Charter, Resolution 1907 is a reflection of the inviolability of the principles of the UN Charter and concomitant international law, to which the EU has vowed its allegiance. At a practical level, the EU has also committed itself to implement the restrictive measures of Resolution 1907 by the Council of Europe Decision adopted on 1 March 2010.¹⁸ While this has an inevitable bearing on the position of the European Commission on Eritrea, the Commission is yet to clarify the impact of this on its development cooperation with Eritrea.

com_content&view=article&id=254:translation-of-the-report-of-the-commander-of-the-sawa-military-training-camp-to-the-office-of-the-eritrean-president&catid=46:documents&Itemid=101 (accessed 25 November 2010).

14 This is according to a speech by the Eritrean President given at the graduation ceremony of the twenty-second round of the NMSP. See: *Shabait.com News*. 'Participants of 22nd Round National Service Graduate', 28 June 2009.

15 Bailliet, C.M. (2007) 'Examining sexual violence in the military within the context of Eritrean asylum claims presented in Norway'. *International Journal of Refugee Law* (2007), 19: 471–510.

16 On the pervasiveness of forced labour in Eritrea, see generally Kibreab, G. (2009) 'Forced Labour in Eritrea'. *Journal of Modern African Studies*, 47(1): 41–72.

17 ICG (2010), note 7, pp. 5, 20–25.

18 Council of Europe (2010) 'Council Decision 2010/127/CFSP, concerning restrictive measures on Eritrea'. *Official Journal of the European Union*, 1 March 2010. See also Council of Europe (2010) 'Council Decision 2010/414/CFSP'. *Official Journal of the European Union*, 26 July 2010, amending Council Decision 2010/127/CFSP.

This Resolution was imposed by the UN Security Council on two major grounds: (a) because of Eritrea's involvement in the Somalia Civil War in contravention of a number of UN Security Council resolutions, and (b) because of its failure to peacefully resolve a border conflict with Djibouti. As is well known, Eritrea's relations with its neighbouring countries have always been troubled. Since independence in 1991, Eritrea has clashed with four of its five immediate neighbours, namely Djibouti, Ethiopia, Sudan and Yemen. The only immediate neighbour with which Eritrea has not clashed is Saudi Arabia. Eritrea is currently involved in a proxy war with Ethiopia fought in Somalia, a country that does not even share a common border with Eritrea.¹⁹ As a result, Eritrea has amassed an "unrivalled record of international provocation"²⁰, which finally led to the adoption of the UN Security Council Resolution 1907 in December 2009. The measures adopted by Resolution 1907 include targeted financial sanctions, travel and aviation bans, and an arms embargo against Eritrea and its military and political leadership. The level of indignation felt by the international community against the Eritrean Government is apparent from the antecedents of Resolution 1907. The Resolution was first initiated by IGAD and subsequently backed by the AU before it was finally endorsed by the UN Security Council. It is described as the first ever to be formally initiated by the AU against its own member state since apartheid in South Africa, thus becoming one of the most exceptional resolutions in the history of the UN.²¹

As previously described by one of the present authors, this sad development is a rude awakening to the EU's flawed foreign policy on Eritrea.²² This is particularly true as it came only three months after the EU approved development aid of €122 million to Eritrea, in disregard of continued warnings by concerned stakeholders such as Eritrean diaspora activists and human rights groups.

Given the stringent sanctions of the UN against Eritrea, the EU may at some stage find itself contradicting the requirements of Articles 3(5) and 21(1) of the Treaty of the European Union. To avoid this, the EU needs to revise its policy and methodology in relation to development cooperation in Eritrea. As such, Eritrea provides a test case for the EU's external policy under its expanded competence provided under the Treaty of Lisbon, and of the capacity of the newly established European External Action Service to strengthen policy in this area.

5. Effective Parliamentary Scrutiny as a Remedy²³

There is no doubt that the EU needs to revise the terms and conditions of its external relations with Eritrea. The question is how should this be done? The EU has not clearly articulated the objectives of its development cooperation with Eritrea as its engagement fails to fulfil essential criteria of respect for human rights, democratic accountability and the rule of law in Eritrea, as stipulated by the main EU treaties and the Cotonou Agreement. The EU's continued and unrealistic engagement with Eritrea is seen as the only factor legitimising a government whose sources of legitimacy have been severely eroded internally and externally.

Article 2 of Annex IV of the Cotonou Agreement stipulates that development cooperation programmes are to be designed by the concerned ACP State and the EU "following consultations with a wide range of actors in the development process". In the case of Eritrea, the phrase "a wide range of actors" should be understood to include Eritrean diaspora communities. Eritrea has one of the largest diaspora communities proportional to its population (anecdotal figures put the Eritrean diaspora at more than 1.5 million out of a total population of 4 million). Thus far, there has not been any meaningful involvement of these actors in the negotiation of the CSP and NIP for Eritrea, particularly in the negotiation process, which was finalised on 2 September 2009. This is despite persistent calls from such groups of excluded actors, one of which is the Eritrean Reference Group working under the auspices of Europe External Policy Advisors

19 On this issue, see generally Mekonnen, D.R. and Tesfagiorgis, P. (2010 forthcoming) 'Dealing with the causes and consequences of the 1998–2000 Eritrean-Ethiopian border conflict: The need for a holistic approach towards transitional justice'. In: Sharamo, R. et al. (eds) *Regional Peace and Security in the Post-Cold War Horn of Africa*. Pretoria: Institute for Security Studies.

20 Meyers, N. (2010) 'Africa's North Korea: Inside Eritrea's open-air prison'. *Foreign Policy*, July/August 2010. Available at: http://www.foreignpolicy.com/articles/2010/06/21/africas_north_korea?page=0,0 (accessed 25 November 2010).

21 Meyers, N. (2010), *ibid*, for example, writes: "It was the first time the African Union had ever supported sanctions against one of its own members."

22 van Reisen, M. (2010) 'A new year, a new treaty, but the same old problems?' *European Voice*, 14 January 2010.

23 This section draws on van Reisen, M. (2010) 'Strengthening European Parliamentary scrutiny of EU development cooperation in geographic strategy papers, multi-annual indicative programmes and strategy papers', EIPA Briefing Paper, 16 November 2010.

(EEPA).²⁴ It is incumbent upon the EU to devise a strategy that ensures proper representation of, and consultation with, this important segment of Eritrean society.

There are hopes that the shortcomings discussed in this draft discussion paper may be addressed in the operational review process expected to take place in 2011. Article 7 of the bilateral agreement signed by Eritrea and the EU on 2 September 2009 stipulates that the two parties shall undertake an annual, mid-term and end of term operational review of the instruments governing the development cooperation in light of prevailing needs and performance. One year has already passed since the signing of the bilateral agreement and the authors are unaware of any annual operational review taking place. In addition, the difference between a yearly and mid-term review is not clear, because the bilateral agreement also says that the mid-term review is to be undertaken in 2010, just a year after the agreement was signed. The Cotonou Agreement includes mechanisms for the "regular assessment of the developments concerning the respect for human rights, democratic principles, the rule of law and good governance". The EU should involve Eritrean diaspora communities in any regular assessments of Eritrea.

If the yearly and mid-term reviews of the CSP and NIP have not yet been conducted, the authors are hopeful that the EU will take into consideration the recommendations made in this draft discussion paper when these operational reviews are undertaken, presumably at the beginning of 2011. Indeed, what was overlooked in the initial negotiation phase of the 2009–2013 CSP and NIP should not be overlooked in the forthcoming mid-term operational review. If political dialogue between the EU and the Government of Eritrea is not meaningful, the European Commission needs to take recourse to the non-execution clause as provided for in the Cotonou Agreement.

Another way of improving EU-Eritrean relations is through the strengthening of European Parliamentary scrutiny of EU-Eritrea development cooperation. The authors align this recommendation with ongoing efforts at the EU level to make the European Parliament a meaningful actor in the approval of the EU's CSPs. If there are significant doubts as to whether the CSP of Eritrea is within the legal parameters set by the EU legal provisions, the European Parliament has the right and obligation to check with verification by the European Court of Justice. Earlier cases of doubt about whether cooperation programmes remained within established criteria and objectives have been brought by the European Parliament to the European Court of Justice for a ruling.

In addition the European Parliament has an obligation to assess whether or not spending by the European Commission is within the law. This process of discharge takes place on an annual basis. The European Court of Auditors provides research to help the European Parliament in its process of discharge and questions raised as to the legality of spending under the EU cooperation programme with Eritrea could be subject to a more detailed opinion by the Court of Auditors.

Thus far, the European Parliament has been feeble in terms of its political weight and ability to challenge the European Commission's *modus operandi* for development cooperation and to hold the Commission accountable for its core principles and objectives. The authors believe that it is imperative for the European Parliament to have real political scrutiny over development cooperation with the developing world, particularly in countries such as Eritrea, which are stretched to the level of breaking point due to an extremely closed political culture and anti-democratic system of governance.

6. Concluding Remarks

In addition to parliamentary scrutiny, the authors suggest that the following be taken into account to improve the EU's development cooperation in Eritrea, in line with its international social responsibility. The EU is one of the leading global actors in development cooperation. As much as it has become a major player in the eradication of poverty and the attainment of sustainable economic development, the EU's engagement with some developing countries is seriously undermining its obligations under the Treaty of Lisbon, the Treaty of the European Union and the Cotonou Agreement.

The political situation in Eritrea is replete with factors that lead to alarming levels of individual and collective victimisation, which are a serious threat to human security. As a result, the legitimacy of the Eritrean Government has been severely eroded internally and externally. There

²⁴ See, for example, the following calls made by some of the members of the Eritrean Reference Group at EEPA and the Director of EEPA at different times: Mekonnen, D.R. (2009) 'Controversies on EU's Country Strategy Paper for Eritrea'. *New Europe*, 1 March 2009; van Reisen (2010), *ibid*, note 17.

is a large amount of information about the poor track record of the Eritrean Government in relation to respect for human rights, democratic accountability and the rule of law. Despite this, the EU continues to send large amounts of taxpayers' money to Eritrea, a country ruled by a government that lacks administrative, legislative and institutional provisions necessary for the effective monitoring and evaluation of development cooperation.

Despite the increased levels of development cooperation by the EU, Eritrea has become an isolated nation that always makes it to the top of the list of human rights violators. This small country of 4 million inhabitants produces the largest number of asylum seekers worldwide, according to UNHCR.

Can the EU, through its development cooperation, contribute to a restoration of respect for human rights, the rule of law and democratic accountability in Eritrea? In the last decade, Eritrea regressed rather than progressed in terms of its commitment to respect for human rights, democratic accountability and the rule of law, and there is no evidence that the EU has been able to support actions that create a more conducive environment through its cooperation with this country. The EU's direct support to the Government of Eritrea, by extension, allows human rights violations and the dictatorship to continue. This is reinforced by the silence around these issues on the part of the EU. The EU needs to strengthen positive aid measures to help refugees and support democratic organisations in the Eritrean diaspora.

Eritrea has put the EU's foreign policy on development cooperation to a cardinal test. It is evident that the continued flow of large amounts of funds to Eritrea in an unaccountable fashion is an affront to European taxpayers, particularly in the context of the country's alarming record of human rights violations, including the prolonged detention without trial of thousands of political prisoners, such as Swedish journalist Dawit Isaak. There is an urgent need for the EU to assess its development cooperation in Eritrea in light of its treaty obligations emanating from the Treaty of Lisbon, the Treaty of the European Union and the Cotonou Agreement.

At a time when Eritrea has been hit by stringent UN Security Council sanctions, the EU needs to revise its relations with Eritrea so as to save itself from contradicting its commitment to respect the principles of the UN Charter and international law, and to ensure that it fulfils its international social responsibility. In light of the current debate, strengthening European Parliamentary scrutiny over development cooperation is one of the most effective remedies. In the upcoming mid-term operational review, the EU is expected to revise its strategy and grasp the opportunity missed during the initial phase of its engagement in the 10th EDF. The involvement of important stakeholders, such as Eritrean diaspora actors, in the negotiation of the terms and conditions of development cooperation is another vital factor. The authors also believe that the EU should invoke the non-execution clause in the Cotonou Agreement if the Eritrean Government does not take concrete steps to meet its commitment in relation to respect for human rights, democratic accountability and the rule of law.

Questions over the legality of spending under the EU development cooperation programme with Eritrea should be subject to a more detailed opinion by the Court of Auditors during the annual process of discharge by the European Parliament. In the event that all such options prove ineffective, it would be advisable for the European Parliament to obtain the opinion of the European Court of Justice on the viability of the bilateral agreement signed between Eritrea and the EU on 2 September 2009, as stipulated in Article 218 of the Treaty of the European Union.



Hearing European Parliament, 29 November 2010, 11:00am – 14:00pm, JAN 2Q2

Hosted by Judith Sargentini, MEP

Eritrea: Refugees, Child Soldiers and European Policy

Opening

- Ms Judith Sargentini MEP

Introduction to MEPs for a Democratic Eritrea, update of European Parliament's position and concerns raised in 2010

General update

- Ms Selam Kidane, Release Eritrea

Update of action by the Eritrean diaspora for human rights in the context of the Horn region, responses by the Eritrean Government, and responses by the international community

Panel 1

Eritrean refugees and diaspora – EU policy

- Rev Dr Berhane Asmelash, Release Eritrea
- Mr Habtom Yohannes, Journalist
- Fr Mussie Zerai Yosief, Habeshia Agency for Development Cooperation
- Ms Maria Daniela Avallone, Association in Defence of the Human Rights of the Eritrean People
- Ms Meron Estefanos, Eritrean Movement for Democracy and Human Rights
- Prof Gaim Kibreab, Researcher
- Mr Dawit Mesfin, Researcher

Response by: Mr Jeremy Lester, European Commission

Comments by: Ms Ana Gomes, MEP

Followed by discussion

Panel 2

EU policy towards Eritrea and the Horn, in view of issues of political prisoners and child soldiers and UNSCR 1907

- Letter from Esayasas Isaak read by Mr Arne König
- Mr Alf Hansen, the Oslo Centre for Peace and Human Rights
- Mr Björn Tunbäck, Reporters Without Borders
- Mr Noel Joseph, Eritreans for Human and Democratic Rights
- Dr Daniel Mekonnen, Researcher
- Mr Abdulrahman Sayed, Citizens for Democratic Rights in Eritrea
- Ms Nicole Bjerler, Amnesty International

Response by: Mr Jeremy Lester, European Commission

Followed by discussion

Conclusions

- Prof Mirjam van Reisen, Director EEPA

Close by Ms Judith Sargentini

List of Participants

Name	Organisation
Ibrahim Ahmed Banaytu	Afar Human Rights Organisation (AHRO)
Rachel Baranska	Eurostep
Olivier Basille	Reporters sans Frontiers
Agnes Bokodi (MEP assistant)	European Parliament
Patricia Chavez	Europe External Policy Advisors (EEPA)
Elizabeth Chyrum	Human Rights Concern – Eritrea, United Kingdom
Filip De Keukeleere	Eurostep
Helene De Rengervé	International Rehabilitation Council for Torture Victims (IRCT)
Rupert Dewey (assistant)	European Parliament
Gabriele Di Marco	Terre des Hommes
Ulrika Eriksson (MEP assistant)	European Parliament
Tekle Ghebre Ghiorghis	Association in Defense of the Human Rights of the Eritrean People (ASPER)
Joyce Haarbrink	Europe External Policy Advisors (EEPA)
Julie Habran	World Organisation Against Torture (OMCT)
Ali Hellem Hellem	Afar Human Rights Organisation (AHRO)
Rannveig Jevne	Mission of Norway to the EU
Iulia Joja (assistant)	European Parliament
Sofia Lemmetyinen	Christian Solidarity Worldwide (CSW)
Jeremy Lester	European Commission
Liana Luecke	Eurostep
Ohpala Lunda (MEP assistant)	European Parliament
Sarah Mathenson	Coalition to Stop the Use of Child Soldiers
Pamela Matos Galeas	Europe External Policy Advisors (EEPA)
Ludovic Mollier	Europe External Policy Advisors (EEPA)
Omar Faruk Osman	Federation of African Journalists
Balazs Rottek (assistant)	European Parliament
Agata Samborska (assistant)	European Parliament
Biniam Simon	Radio Erythree International
Simon Stocker	Eurostep
Gisela Ten Kate (MEP assistant)	European Parliament
Samuel Tesfalul	European Parliament
Athina Testa Yohannes	Search for Common Ground
Irene Vallentinuzzi	Europe External Policy Advisors (EEPA)
Ivo Vajgl (MEP)	European Parliament
Thomas Von Handel	European Commission
Almaz Yohannes-Bereket	Local Government, the Netherlands

Annex 1: Motion for a Resolution

Flautre, H; Lochbihler, B; Sargentini, J (on behalf of the Greens/EFA Group)
Motion for a Resolution on Eritrean Refugees Held Hostage in Sinai, European Parliament, 14 December 2010



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

14.12.2010

B7-0732/2010

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on Eritrean refugees held hostage in Sinai

Hélène Flautre, Barbara Lochbihler, Judith Sargentini
on behalf of the Verts/ALE Group

European Parliament resolution on Eritrean refugees held hostage in Sinai

The European Parliament,

- having regard to its previous resolutions, in particular that of 19 January 2006 on Egypt: Violence against Sudanese refugees,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the UN Convention Relating to the Status of Refugees of 1951 and the 1967 Protocol,
 - having regard to the OAU Convention Governing the Specific Aspects of refugees Problems in Africa,
 - having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984,
 - having regard to the UN Convention on the Rights of the Child of 1989,
 - having regard the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime of 2000,
 - having regard to Rule 122 of its Rules of Procedure,
- A. Whereas, according to media reports, in November and early December 2010, traffickers shot or beat to death six Eritrean nationals held at one location near the Israeli border since October and whereas, according to the UNHCR, traffickers are holding a group of some 205 Eritreans, including women, for about a month in about ten underground rooms;
 - B. Whereas, according to various testimonies of Eritreans apprehended by Israel, there is a well-established trafficking network and traffickers regularly hold hostage hundreds of mostly Eritrean and other sub-Saharan asylum seekers and migrants, including children, in various locations for weeks or months until their relatives abroad pay ransom to secure their release;
 - C. Whereas dozens of migrant women reported back to international organisations that traffickers had repeatedly raped them and that both men and women had been subject to inhumane treatment while awaiting ransom or even after payments had been made;
 - D. Whereas every year thousands of people attempt to cross the border from Egypt into Israel risking their lives; whereas, according to UNHCR, about 85 percent of the migrants entering in Israel through the Sinai desert in recent months have been Eritrean nationals fleeing an extremely repressive state and noting in this respect that they fulfil the UNHCR's eligibility guidelines for the status of refugees;
 - E. Whereas Israel's cabinet approved on 28 November 2010 a plan under which migrants' movement should be further controlled including the building of a detention centre in Israel's Southern Negev desert; whereas at the same time Israel began to construct both a barrier and electronic surveillance to secure 140 km of the 250 km border;
 - F. Whereas so far in 2010 the Israeli government is known to have sent back to Egypt 136 people who crossed the border;
 - G. Whereas Egyptian border security forces have arrested thousands of asylum seekers and migrants in recent years and prosecuted many of them before military tribunals;
 - H. Whereas the UNHCR has been calling on the Egyptian authorities to give it access to people arrested in Sinai with a view to being able to determine those among them who are refugees and in need of international protection;
 - I. Whereas, since the Italian-Libyan Treaty of Friendship is in force, migrants and asylum seekers are obliged to undertake the more dangerous road of the desert in order to reach the Israeli border;
 - J. Whereas the migration road through Egypt has been substantially increased mainly due to the EU migration policy which aims at closing the Mediterranean borders;

- K. Whereas the office of the UNHCR in Libya remains without a legal basis and full cooperation with the UNHCR is still being negotiated with Libya;
1. Urges the Egyptian authorities to take all necessary measures to secure the release of Eritreans held hostage;
2. Stresses Egypt's obligation to urgently bring its treatment of refugees into line with international norms to which it is a signatory so that every refugee in Egypt is afforded full protection and assistance; calls in particular on the Egyptian authorities to guarantee that detained migrants have the ability to contact UNHCR and to allow UNHCR access to all asylum seekers and migrants, including those arrested in Sinai; urges the Egyptian authorities to prevent any use of lethal force against migrants crossing the borders of Egypt;
3. Welcomes the fact that the UN High Commissioner for Refugees has opened the diplomatic procedures with the Egyptian authorities to initiate a search for the band of traffickers and hostages;
4. Reminds Egypt and Israel that international refugee and human rights law prohibit refoulement, the forcible return of refugees to persecution or situations threatening their life or freedom, and of anyone to circumstances in which they face torture;
5. Expresses its deep concern that large numbers of people who are entitled to protection under international law are being forcibly detained by criminal gangs for such lengthy periods of time and with evident impunity;
6. Urges the Egyptian authorities to take immediate and effective steps to combat trafficking in the Sinai and to bring those responsible to justice; notes in this respect the adoption of a new anti-trafficking law accompanied by implementing regulations issued on 6 December 2010;
7. Stresses once again its strong attachment to the right to everybody to leave any country, including his own in accordance with the Universal Declaration of Human Rights of 1948;
8. Stresses the importance of UNHCR's mandate and efforts to protect and promote durable solutions for refugees and other uprooted people;
9. Underlines, in this context, that since the Italian-Libyan Treaty of Friendship is in force the migrants and asylum seekers wanting to reach Europe risk to be detained or locked up in detention centres in Libya or have to take the dangerous road of desert's crossing to Israeli border;
10. Urges the EU to ensure that its delegations in countries surrounding Eritrea facilitate Eritrean asylum seekers access to UNHCR and application services;
11. Instructs its President to forward this resolution to the President of the Arab Republic of Egypt, the Government and Parliament of Egypt, the Government and Parliament of Israel, the government and Parliament of Libya, the Government of Sudan, the government of Eritrea, the High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission, the Council, the Commission, the UN Secretary-General, the UN High Commissioner for Refugees, the UN High Commissioner for Human Rights, the African Union institutions including the Pan-African Parliament, the Secretary General of the SADC and the governments of the Member States and candidate countries.

Annex 2: UN Security Council Resolution 1907

United Nations

S/RES/1907 (2009)



Security Council

Distr.: General
23 December 2009

Resolution 1907 (2009)

**Adopted by the Security Council at its 6254th meeting, on
23 December 2009**

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), and 1862 (2009), and its statements of 18 May 2009 (S/PRST/2009/15), 9 July 2009 (S/PRST/2009/19), 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,

Expressing the importance of resolving the border dispute between Djibouti and Eritrea,

Reaffirming that the Djibouti Agreement and Peace Process represent the basis for a resolution of the conflict in Somalia, and further reaffirming its support for the Transitional Federal Government (TFG),

Noting the decision of the 13th Assembly of the African Union (AU) in Sirte, Libya, calling on the Council to impose sanctions against foreign actors, both within and outside the region, especially Eritrea, providing support to the armed groups engaged in destabilization activities in Somalia and undermining the peace and reconciliation efforts as well as regional stability (S/2009/388),

Further noting the decision of the 13th Assembly of the AU in Sirte, Libya expressing its grave concern at the total absence of progress regarding the implementation by Eritrea of, inter alia, resolution 1862 (2009) regarding the border dispute between Djibouti and Eritrea (S/2009/388),

Expressing its grave concern at the findings of the Monitoring Group re-established by resolution 1853 (2008) as outlined in its December 2008 report (S/2008/769) that Eritrea has provided political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability,

Condemning all armed attacks on TFG officials and institutions, the civilian population, humanitarian workers and the African Union Mission to Somalia (AMISOM) personnel,

09-66558 (E)



Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.

Expressing its grave concern at Eritrea's rejection of the Djibouti Agreement, as noted in the letter of 19 May 2009, from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council (S/2009/256),

Recalling its resolution 1844 (2008) in which it decided to impose measures against individuals or entities designated as engaging in or providing support to acts that threaten peace, security and stability in Somalia, acting in violation of the arms embargo or obstructing the flow of humanitarian assistance to Somalia,

Expressing its appreciation of the contribution of AMISOM to the stability of Somalia, and further expressing its appreciation for the continued commitment to AMISOM by the Governments of Burundi and Uganda,

Reiterating its intention to take measures against those who seek to prevent or block the Djibouti Peace Process,

Expressing its deep concern that Eritrea has not withdrawn its forces to the status quo ante, as called for by the Security Council in its resolution 1862 (2009) and the statement of its President dated 12 June 2008 (S/PRST/2008/20),

Reiterating its serious concern at the refusal of Eritrea so far to engage in dialogue with Djibouti, or to accept bilateral contacts, mediation or facilitation efforts by sub-regional or regional organizations or to respond positively to the efforts of the Secretary-General,

Taking note of the letter of the Secretary-General issued on 30 March 2009 (S/2009/163), and the subsequent briefings by the Secretariat on the Djibouti-Eritrea conflict,

Noting that Djibouti has withdrawn its forces to the status quo ante and cooperated fully with all concerned, including the United Nations fact-finding mission and the good offices of the Secretary-General,

Determining that Eritrea's actions undermining peace and reconciliation in Somalia as well as the dispute between Djibouti and Eritrea constitute a threat to international peace and security,

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

1. *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 resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007) on Somalia and the provisions of resolution 1844 (2008);

2. *Calls upon* all Member States, including Eritrea, to support the Djibouti Peace Process and support reconciliation efforts by the TFG in Somalia, and demands that Eritrea cease all efforts to destabilize or overthrow, directly or indirectly, the TFG;

3. *Reiterates* its demand that Eritrea immediately comply with resolution 1862 (2009) and:

(i) *Withdraw* its forces and all their equipment to the positions of the status quo ante, and ensure that no military presence or activity is being pursued in the area where the conflict occurred in Ras Doumeira and Doumeira Island in June 2008;

(ii) *Acknowledge* its border dispute with Djibouti in Ras Doumeira and Doumeira Island, *engage* actively in dialogue to defuse the tension and *engage also* in diplomatic efforts leading to a mutually acceptable settlement of the border issue; and,

(iii) *Abide* by its international obligations as a Member of the United Nations, *respect* the principles mentioned in Article 2, paragraphs 3, 4, and 5, and Article 33 of the Charter, and *cooperate* fully with the Secretary-General, in particular through his proposal of good offices mentioned in paragraph 3 of resolution 1862 (2009);

4. *Demands* that Eritrea 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;

5. *Decides* that all Member States shall immediately take the necessary measures to prevent the sale or supply to Eritrea by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial and other assistance, related to the military activities or to the provision, manufacture, maintenance or use of these items, whether or not originating in their territories;

6. *Decides* that Eritrea shall not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all Member States shall prohibit the procurement of the items, training and assistance described in paragraph 5 above from Eritrea by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of Eritrea;

7. *Calls upon* all Member States to inspect, in their territory, including seaports and airports, in accordance with their national authorities and legislation, and consistent with international law, all cargo to and from Somalia and Eritrea, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, transfer, or export of which is prohibited by paragraphs 5 and 6 of this resolution or the general and complete arms embargo to Somalia established pursuant to paragraph 5 of resolution 733 (1992) and elaborated and amended by subsequent resolutions for the purpose of ensuring strict implementation of those provisions;

8. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraphs 5 and 6 above, seize and dispose (either by destroying or rendering inoperable) items the supply, sale, transfer, or export of which is prohibited by paragraphs 5 and 6 of this resolution and decides further that all Member States shall cooperate in such efforts;

9. *Requires* any Member State when it finds items the supply, sale, transfer, or export of which is prohibited by paragraphs 5 and 6 of this resolution to submit promptly a report to the Committee containing relevant details, including the steps taken to seize and dispose of the items;

10. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals, designated by the Committee established pursuant to resolution 751 (1992) and expanded by resolution 1844 (2008) (herein “the Committee”) pursuant to the criteria in paragraph 15 below, provided that nothing in this paragraph shall oblige a state to refuse entry into its territory to its own nationals;

11. *Decides* that the measures imposed by paragraph 10 above shall not apply:

(a) where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or,

(b) where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and stability in the region;

12. *Decides* that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer by their nationals or from their territories or using their flag vessels or aircraft of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned and the direct or indirect supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals or entities designated by the Committee pursuant to paragraph 15 below;

13. *Decides* that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories on the date of adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the entities and individuals designated by the Committee pursuant to paragraph 15 below, or by individuals or entities acting on their behalf or their direction, and decides further that all Member States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any individuals or entities within their territories to or for the benefit of such individuals or entities;

14. *Decides* that the measures imposed by paragraph 13 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant Member State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources, and in the absence of a negative decision by the Committee within three working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant Member State(s) to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 13 above, and has been notified by the relevant Member State(s) to the Committee;

15. *Decides* that the provisions of paragraph 10 above shall apply to individuals, including but not limited to the Eritrean political and military leadership, and that the provisions of paragraphs 12 and 13 above shall apply to individuals and entities, including but not limited to Eritrean political and military leadership, governmental, and parastatal entities, and entities privately owned by Eritrean nationals living within or outside of Eritrean territory, designated by the Committee:

(a) as violating the measures established by paragraphs 5 and 6 above;

(b) as providing support from Eritrea to armed opposition groups which aim to destabilize the region;

(c) as obstructing implementation of resolution 1862 (2009) concerning Djibouti;

(d) as harbouring, financing, facilitating, supporting, organizing, training, or inciting individuals or groups to perpetrate acts of violence or terrorist acts against other States or their citizens in the region;

(e) as obstructing the investigations or work of the Monitoring Group;

16. *Demands* that all Member States, in particular Eritrea, cease arming, training, and equipping armed groups and their members including al-Shabaab, that aim to destabilize the region or incite violence and civil strife in Djibouti;

17. *Demands* Eritrea cease facilitating travel and other forms of financial support to individuals or entities designated by the Committee and other Sanctions Committees, in particular the Committee established pursuant to resolution 1267 (1999), in line with the provisions set out in the relevant resolutions;

18. *Decides* to further expand the mandate of the Committee to undertake the additional tasks:

(a) To monitor, with the support of the Monitoring Group, the implementation of the measures imposed in paragraphs 5, 6, 8, 10, 12 and 13 above;

(b) To designate those individuals or entities subject to the measures imposed by paragraphs 10, 12 and 13 above, pursuant to criteria set forth in paragraph 15 above;

(c) To consider and decide upon requests for exemptions set out in paragraphs 11 and 14 above;

(d) To update its guidelines to reflect its additional tasks;

19. *Decides* to further expand the mandate of the Monitoring Group re-established by resolution 1853 (2008) to monitor and report on implementation of the measures imposed in this resolution and undertake the tasks outlined below, and requests the Secretary-General to make appropriate arrangements for additional resources and personnel so that the expanded Monitoring Group may continue to carry out its mandate, and in addition:

(a) Assist the Committee in monitoring the implementation of the measures imposed in paragraphs 5, 6, 8, 10, 12 and 13 above, including by reporting any information on violations;

(b) Consider any information relevant to implementation of paragraphs 16 and 17 above that should be brought to the attention of the Committee;

(c) Include in its reports to the Security Council any information relevant to the Committee's designation of the individuals and entities described in paragraph 15 above;

(d) Coordinate as appropriate with other Sanctions Committees' panels of experts in pursuit of these tasks;

20. *Calls upon* all Members States to report to the Security Council within 120 days of the adoption of this resolution on steps they have taken to implement the measures outlined in the paragraphs 5, 6, 10, 12 and 13 above;

21. *Affirms* that it shall keep Eritrea's actions under 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 this resolution;

22. *Requests* the Secretary-General to report within 180 days on Eritrea's compliance with the provisions of this resolution;

23. *Decides* to remain actively seized of the matter.
