

Rewinding the Clock of History: Eritrea and Ethiopia Back to 1991?

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Abstract

In 1991, the Eritrean People's Liberation Front (EPLF) and the Tigray People's Liberation Front (TPLF) opened a new chapter in the history of the Horn of Africa, one marked by a high level of optimism with regard to prospect of democratisation in Eritrea and Ethiopia and that of sustainable peace and stability in the Horn of Africa. This was after both liberation fronts ousted from power the former military regime of Ethiopia, the Derg. Recently the TPLF has just been ousted from power in circumstances that bear a remarkable resemblance to the manner in which the Derg regime was defeated thirty years ago. Unfortunately, armed conflict remains to be the most dominant form of resolving political differences between and among major political forces of Eritrea and Ethiopia. Therefore, the prospect of sustainable peace and security in the Horn of Africa seems to have been reversed to a situation that is similar to that of pre-1991, in a much more complicated manner. This observation is true at least in terms of the devastating effects of the conflict in Tigray and the setback towards democratisation in both countries. Taking this observation as a very important vantage point of an inquisitive scholarly exercise, we discuss critical challenges of democratisation in Eritrea and Ethiopia, examined through the lens of historicity. The discussion will be enriched by identifying the most critical challenges to peace and security in the greater Horn of Africa, and by proposing practical solutions for improvement

Keywords: Eritrea; Ethiopia; Transitional Justice; Conflicts; Democracy

Introduction

Throughout their history, Eritrea and Ethiopia have suffered from egregious violations of international humanitarian law (IHL) and international human rights law (IHRL) -

jointly violations of international law in a very general sense – perpetrated in different historical contexts. For the purpose of this article, the year 1974 stands out as the most important historical episode, at least for the following two reasons. First, in both countries, the most horrendous violations of international law were perpetrated after this year, a time marked by the advent to power of the Derg regime¹ – one of the most repressive military governments in the post-colonial history of Africa. And secondly, right after the demise of the Derg regime, the two newly formed governments in Eritrea and Ethiopia started a new chapter of history, characterised by certain commonalities with regard to their newly implemented models of transitional justice. Essentially, the commonalities lie in the fact that both models were aimed at dealing with egregious violations of international law that were committed by the same *ancien régime* (the Derg). However, as will be seen later, the specific manner each government adopted and implemented its new transitional justice model portrays a number of divergences. After the demise of the Derg regime, for the first seven years (1991–7) both countries enjoyed a relatively peaceful political transition to a much-anticipated democratic political order, which has never materialised in both countries in a sustainable or irreversible manner (Mekonnen and Tesfagiorgis 2012). We will return to this issue with some details in the sections that follow, but the following are important observations as a starter. While the challenge of democratisation is by far more complex in the case of Eritrea, even Ethiopia, which was believed to have made some modest strides, is now stuck again in a very complex situation of armed conflict in which several instances of egregious violations of international law committed during the Derg regime are now repeating themselves in the Tigray Region of Ethiopia (and in other regions of the country, particularly Oromia). We will return to this issue also in one of the sections below.

In the remaining parts of the paper, we continue as follows. First, we will discuss how, thirty years ago, Eritrea and Ethiopia in tandem started a much-anticipated transition to democratic constitutional orders and how these processes were utterly frustrated without bearing sustainable outcomes, at least in the political field of Ethiopia. In doing this, we use the theoretical framework of transitional justice, examined from a historical point of view. For our purpose, we define transitional justice as a field of study that is concerned mainly about the problem of accountability in regard to massive violations of international human rights and humanitarian law committed by a previous regime or a former political order, including issues of truth-telling, reparations, restitution and institutional reform (Boraine 2000: 382–387; Haile-Mariam 1999; Haile 2000; Kidane 2002; Teitel 2003; Tiba 2007; Tronvoll et al. 2009; Mekonnen & Tesfagiorgis 2012; Affa'a-Mindzie 2015; Corradi and Schotsmans 2015; Reid 2020; Fisher 2022). We discuss not only similarities that were observed in the experience of both countries of the early 1990s, but also divergences in the paths they have taken. We do this through the lens of historicity. We pay particular attention to the models of transitional justice

both countries have adopted and how they fared, linking the debate to most recent developments that have taken place in both countries since the advent to power of Prime Minister Abiy Ahmed, including the most recent armed conflict in Tigray. We conclude by highlighting important considerations for improvement.

Finally, the authors underscore the following methodological challenge of this contribution. This paper was initially drafted in the context of an on-going armed conflict in the Tigray Region of Ethiopia. This was several months before the conclusion of the Pretoria Peace Agreement in early November 2022. After the signing of the peace agreement, several things have started to change dramatically, including the possibility of a complete disarmament of the Tigray People's Liberation Front (TPLF) army, a process that only needs to be seen in the future. Following this, the Ethiopian Ministry of Justice has also published a new document, titled "Policy Options for Transitional Justice." The full content and implications of this new document can only be properly examined in a future academic work (this being a very new development).²

While the conclusion of the Pretoria Peace Agreement comes as a very promising development in terms of its potential for ushering a lasting peace in the region, there are also several underlying issues that are not adequately addressed by the Pretoria Peace Agreement. One such key issue is related to potential accountability (transitional justice) options regarding various categories of atrocity crimes committed in the Tigray conflict. It is potentially with a view to addressing such outstanding issues that the document by the Ethiopian Ministry of Justice (cited above) was published on 3 January 2022. All in all, this points to the evolving, quickly changing and not yet fully settled nature of the political dynamics of the Tigray conflict. This in turn also means that some of the forward-looking observations we made in this contribution are inherently susceptible to influences that may be caused by unforeseen scenarios emerging in the future. We acknowledge this as a major methodological challenge, the repercussions of which can only be addressed in a follow-up and/or continued academic engagement of the same nature.

Different Approaches of Transitional Justice to a Common History of Atrocities

After defeating the Derg regime, through their combined military operations in May 1991, the Eritrean People's Liberation Front (EPLF) in Asmara and the TPLF in Addis Ababa established themselves as provisional and/or transitional governments in Eritrea and Ethiopia, respectively. In the case of the TPLF, we note that this was done formally under the name of the Ethiopian People's Revolutionary Democratic Front (EPRDF), a group of different ethnic-based political parties, in which the TPLF was not only the initiator, but also the main driver. Without delving into further debates about the distinction between the TPLF and the EPRDF, we contend that for everything that happened in Ethiopia over the next 27 years, until the advent to power of Prime Minister

Abiy Ahmed in April 2018, the TPLF indeed remained the most important and dominant political actor in Ethiopia, controlling effectively the political landscape of Ethiopia. In the case of Eritrea, there has never been any other political force in the country apart from the EPLF, later named the People's Front for Democracy and Justice (PFDJ). Our focus on the previous models of transitional justice (of the early 1990s) that both political organisations adopted with respect to dealing with the excesses of the *ancien régime* (the Derg), is informed by the following key observations. The manner in which any transitional government addresses past human rights violations has a bearing on the process of democratisation it wants to install. In both cases, the transitional justice processes of the early 1990s manifested in the context of a full military victory against the *ancien régime*. This means that unlike many other transitional governments, the EPLF and the TPLF were under no pressure to be caught by the well known "transitional justice dilemma" - whether to punish or not officials of a former regime (Boraine 2000; Orentlicher 1994; Mekonnen & Tesfagiorigs 2012). In that sense, retributive justice ("victor's justice" as is sometimes called) was fully possible. There are, however, fundamental differences on how this policy of "victor's justice" was implemented by the two transitional governments in their respective countries.

The Ethiopian Approach

The TPLF/EPRDF implemented its transitional justice policy by officially proclaiming a specific law that was meant to give effect to that policy. This was done by Proclamation No. 22/1992, *Proclamation for the Establishment of the Special Prosecutor's Office*. Article 6 state that he Special Prosecutor's Office (SPO) was explicitly mandated: "to conduct investigations and institute proceedings in respect of any person having committed or responsible for the commission of an offence by abusing his position in the party, the government or mass organisations under the previous regime." (Transitional Government of Ethiopia 1992)

Aside from institutional, logistical, political, financial, and other shortcomings experienced in the entire process of implementing the transitional justice policy, Ethiopia had a formal policy that was easily traceable and is also relatively the subject of a considerable amount of academic literature (Haile-Mariam 1999; Haile 2000; Kidane 2002; Aneme 2006; Abbink 2006; Tiba 2007; Tronvoll et al 2009). While the TPLF/EPRDF's adoption of a formal policy of transitional justice may be commended to some degree, its practice was criticised in that human rights violations of different sorts were in numerous occasions repeated by the new government, prompting observations of the following nature: if the trials do not help stop the repetition of human rights violations, what do they serve? (Kidane 2002: 691, 693-694). In very general terms, compared to the Eritrean experience, Ethiopia under the leadership of the TPLF has however made some modest progress towards democratisation, in particular in the

gradual establishment of relevant state institutions, in a way that is markedly different from the practice of previous Ethiopian regimes.

The Eritrean Approach

In contrast, the transitional government of Eritrea of the early 1990s did not have an officially proclaimed policy of transitional justice. For purposes of academic discourse, however, the EPLF's peculiar approach to transitional justice can still be discussed as a model of its own, having the following essential features. Two major distinctions are important in this regard: the treatment of former Ethiopian *Ethiopian Derg* officials in Eritrea and that of former *Eritrean Derg* officials (in that Ethiopians and Eritreans who served the same *ancient regime* were treated by the EPLF differently); purging former members of the Derg's party (Workers Party). This distinction needs to be put into perspective in the context of the broader objectives of the Eritrean armed struggle for liberation. In Eritrea (unlike in Ethiopia), the authoritarianism of the Derg regime was not only a problem of tyranny and excessive political repression, but it was also a problem of annexation, tracing its origins all the way to the previous regime of Emperor Haile Selassie, including atrocities committed on the civilian population during the war of liberation.

The official policy of the transitional government of the EPLF vis-à-vis former officials of the Derg was not clearly defined either in the transitional laws promulgated in the early years of independence or in the official documents or communiqués of the EPLF. This issue was also never publicly discussed by officials of the transitional government, except in a few instances involving indirect references. It can therefore be assumed that there was no official policy. In practice, however, the EPLF implemented a typical paradigm of transitional justice, what we call "victor's justice". In some cases, the policy involved secretive administrative procedures and extra-judicial processes of prosecution and sentencing, flouting well-known principles of fair trial as established by IHRL.³ This is part of the controversial practice of the Eritrean Government, which is that of letting political opponents rot in prison without any semblance of accountability and transparency for those actions.

Eritrea, at present, also needs to address its own internal abuses through some type of transitional justice as the years of dictatorship have created a troubled record of human rights abuses, produced victims and contradictions within the society. Truth telling will be important, as documenting crimes committed by the regime is important for healing and for developing a common narrative; addressing victimhood is also important. Who are the victims? Individuals? Groups? Communities? What are the core issues that have divided Eritreans; how is the question of restitution and/or reparations, institutional reform and other relevant questions to be addressed in the forthcoming transitional period of Eritrea? These are issues of paramount importance for Eritrea's future model of transitional justice. Through such processes, it is important to restore harmony within Eritrean society that is at peace with itself and its neighbours.

Deciphering Major Shortcomings

In both countries, the objectives of national healing and reconciliation were not promoted in the best way. Most importantly, neither the EPLF nor the TPLF was willing to double check controversial episodes of its history, which include instances of internecine conflicts, extra-judicial executions and other forms of violations that took place during their respective liberation struggle eras, including differences that existed between the two political organisations. It is because of such shortcomings (at least partially) that eventually Eritrea and Ethiopia went to a new cycle of armed conflict, officially known as "a border conflict," in the period between 1998 and 2000. Prior to this, the two liberation fronts put their focus merely on the misdeeds of the Derg and, in the process, they portrayed themselves and their history as perfect and pristine. As far as human rights violations perpetrated within the two liberation movements are concerned, including their implications on democratisation efforts, their history of the liberation struggle needed a genuine re-examination, which never happened in both cases. The early 1990s were the most appropriate and suitable timing for that, in which context the two liberation movements needed to conduct carefully handled processes of national healing and reconciliation. As far as the achievement of a sustainable democratic order is concerned, the transitional justice policies of both governments seemed not to have achieved that purpose. This observation is subject to the following qualifiers.

Since 1991, Ethiopia has adopted a new constitution and conducted several elections, although all elections were not declared by international observers and monitors as free and fair. The most contested of these elections was that of 2005, which was declared by the European Union "short of international principles for genuine democratic elections".⁴ In spite of shortcomings of this nature, at the official level there seemed to have been a commitment for democratisation, that being the most distinguishing difference in comparison to Eritrea, wherein (in particular after 2001) there has never been any readiness for democratisation at policy/narrative and practice levels; although we also note that the commitment for democratisation was clearly spelled out in the 1997 Eritrean Constitution.

Thus, Eritrea is now the only country in the world without an operative constitution and a functioning parliament (among other things), and the country is literally ruled by the iron grip of its unelected president, Isaias Afwerki. Eritrea has never seen free and fair general or presidential elections since its independence in 1991. With all its shortcomings, Ethiopia has a functioning parliament, which convenes regularly according to constitutional stipulations. Eritrea had a transitional parliament, which was convened for the last time in February 2002. Ever since, the parliament has remained in extended hibernation and has never convened again. Effectively, the parliament has been unilaterally dissolved by the State President (Weldemichael and Mekonnen 2009). In 2001, in a very similar course of history, the EPLF/PFDJ and the TPLF/EPRDF faced

their own versions of internal political opponents, initiated by senior political leaders in each organisation. The manner in which the organisations responded to these political movements is markedly different. In the case of Eritrea, the majority of those who initiated the reform movement were thrown in jail in September 2001 by the State President and his close aides, after being labelled traitors - although they have never been brought before a court of law. Since then, all of them remain in detention without trial; some of them have reportedly died while in detention. During the entire period of detention, they have never been visited by their family members or lawyers and doctors of their choice. In fact, their exact whereabouts is not officially acknowledged. In the post-2001 era, Eritrea has seen the worst record of human rights violations of its post-independence era, prompting the UN to establish a dedicated commission of inquiry, which concluded that there were reasonable grounds to believe that the Eritrean Government has committed a widespread category of crimes against humanity.⁵

In the case of the TPLF, although some of the reformers were also sent to prison, mostly on non-political crimes, they were allowed visitation rights not only by their family members but also by lawyers of their choice. They were all given the opportunity to defend themselves in a court of law. In other areas of respect for human rights, Ethiopia has also seen major setbacks, in particular after the contested elections of 2005. It would not be an overestimation to argue that it was the political crisis that unfolded after the 2005 elections that finally led the country to the political crisis in which it finds itself now. This took place, among other things, in the form of a gradual retreat from a relatively promising venture towards democratisation that was made in the years preceding the 2015 elections (Abbink 2006; Human Rights Watch 2008).

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By way of concluding the above observations about the initial transitional justice efforts of Eritrea and Ethiopia and how those processes contributed to present-day deformed democratic postures of their governments, the following additional remarks also come in good order. With regard to the issue of whether a specific paradigm of transitional justice has an enduring effect on the establishment of a democratic order, it may be helpful to briefly look at the political history of the transitional government. Comparative transitional justice teaches that most (if not all) governments established by liberation movements, from Zimbabwe to Uganda, and to Eritrea and Ethiopia (in relative terms with the exception of South Africa), seem to have one very essential feature in common (Mekonnen and Tesfagiorgis 2012; Mekonnen 2012). They find it difficult to inculcate a sustainable democratic political order. Measured by the well-known benchmarks of transitional justice, namely deterrence of human rights violations, establishment of truth, provision of satisfaction to victims and educating future generations (Boraine 2000), the Eritrean and Ethiopian models of transitional justice can hardly be taken as success stories. The most important purpose not served by the two models is the deterrent factor for the reason that the perpetration of human rights violations is still a pervasive challenge in both countries, Eritrea being at the worst end of the scale (in

particular before and during the start of the new conflict in Tigray). This is also the reason why armed conflict remains to be the most dominant form of resolving political differences between or among major political forces of Eritrea and Ethiopia – within the countries and between them. We will expand the discussion on this in the next section, by also addressing emerging critical challenges related to the newly erupted armed conflict in Tigray.

The Curse of Armed Conflicts

We start the discussion in this section by noting that what is currently happening in Tigray is partly a result of historical mistakes made in the early 1990s by the EPLF of Eritrea and the TPLF of Ethiopia, in particular in terms of ensuring formal closure (based on mutual agreement) to a number of differences that the two political organisations have had since their days of the liberation struggle. In a short contribution like the present one, it would be impossible to explore this issue at length, except briefly mentioning the fact that the closure we hinted above could have been achieved through a holistic approach of transitional justice that should have also taken into account the issue of addressing past misdeeds committed by the two liberation movements against their own members, including in matters related to their bilateral relations. Of particular relevance in this regard is the acrimonious relationship they had with each other during the years of anti-Derg struggle that remained unaddressed.

Most importantly, however, it would be less controversial if we argue that the present conflict in Tigray is directly related to a number of residual matters, which trace their origin to the 1998–2000 border conflict. This becomes clearer when one observes that the conflict erupted in the form of an “unholy alliance” between the Prime Minister of Ethiopia (Abiy Ahmed) and the President of Eritrea (Isaias Afwerki), whose common objective seems to be that of waging a brutal war against the TPLF. This was premised, so it seems, on TPLF’s obstinate refusal to honour the ruling of the Eritrea-Ethiopia Boundary Commission, which awarded the flashpoint of the conflict (Badme) to Eritrea. Indeed, as far as Eritrea’s active involvement in the present conflict of Tigray is concerned, this is nothing more than a continuation of vindictive political scoring related to the 1998–2000 war – as noted above on account of TPLF’s refusal to honour the said ruling. By way of contextualising the discussion, we need to revisit key developments that took place since the advent to power of Prime Minister Abiy Ahmed. In July and September 2018, when Eritrea and Ethiopia signed a new peace agreement, for the first few months it seemed that the twenty-year-old political stalemate of the two countries was to come to an end swiftly – even resulting in a hastily announced award of the Nobel Peace Prize in favour of Abiy Ahmed. There was, however, one glaring loophole in the new peace process. One of the main actors of the 1998–2000 border conflict, the TPLF, was completely excluded from that process. Although it is true that the agreement was mainly between two states, given the TPLF’s well-known

role in the 1998–2000, it did not make sense to have TPLF completely excluded from the latest iteration of a peace agreement between Eritrea and Ethiopia. Because of this critical shortcoming, it was a foregone conclusion that the new peace agreement was not to bring peace altogether.

Over and above the exclusion of the TPLF, the peace agreement also suffered from apparent shortcomings of institutionalisation and lack of transparency. This process was further complicated by fomenting disagreement between the new Prime Minister of Ethiopia and the TPLF. In 2019, when Abiy Ahmed dissolved the EPRDF, replacing it with his newly established political party, the Prosperity Party (PP), the exclusion of the TPLF from the political affairs of Ethiopia took a different shape. This was also exacerbated by TPLF's refusal to join the new political party. At that stage, the TPLF formally disassociated itself from the newly established political party, leading to a much-strained relationship with the Prime Minister. The political tension was elevated to a heightened level – both in terms of the TPLF's role in the internal political dynamics of Ethiopia and in relation to the newly signed peace agreement with Eritrea. The tension aggravated in mid-2020 when Abiy Ahmed decided to postpone general elections (citing Covid-19 restrictions), whereas the TPLF conducted its own regional elections in September 2020. One of the most devastating strategic errors Abiy Ahmed made during this period of time is that he thought he would continue to dictate the political process of Ethiopia according to his personal preferences without any regard to the exigencies of political stability. His ambition was difficult to realise given that he was operating in the context of a political order that was fully dominated by the TPLF for the previous 27 years, an influence that was not to disappear into the thin air in a matter of few years, let alone months, without making recourse to armed conflict, which eventually happened since November 2020. As was seen in the period before the eruption of the armed conflict in Tigray, Abiy Ahmed's government was already increasingly challenged by a growing political instability, partly exacerbated by the removal of the TPLF from "the centre". However, this is not to say that the TPLF years, particularly the post-2005 era, were heavenly times. According to Jawar Mohammed, the well-known Ethiopian politician released from prison most recently, all of this was a result of Abiy Ahmed's mismanaged transition; of course, the blame also goes to the TPLF itself.⁶

As far as the objective of sustainable peace between Eritrea and Ethiopia is concerned, the new peace agreement also missed one fundamental element. There had to be genuine reconciliation between the two major political organisations (including their senior leaders) that were the main actors of the 1998–2000 war, namely, the PFDJ and the TPLF/EPRDF. Conversely, when the new peace agreement was signed, relations between these two political organisations and their senior leaders were far from normalisation. In this sense, Abiy Ahmed and his newly established PP emerged into the picture as nothing more than newcomers to an entirely previous story. For obvious

reasons, peace was never to be made with an entity (Abiy Ahmed and his PP) that was not a party to a conflict that needed to be resolved. Apparently, it was not difficult to predict the short-lived nature of the new peace agreement (in terms of its potential to bring lasting peace in the two countries, including with the Tigray Region), as it was finally seen in November 2020, when a new armed conflict erupted in Tigray in which Eritrean troops have been actively involved since the very beginning and were, one can presume, actively involved in its planning. The sad part of the story is that Eritrean troops have been persistently accused by several credible sources of committing egregious violations of international law, including potential war crimes and crimes against humanity. For a government, which was already accused of committing other categories of crimes against humanity, perpetrated within Eritrea, as corroborated by the UN commission of inquiry, the latest accusations from Tigray are deeply concerning and damning.⁷

Therefore, with the eruption of the new armed conflict in Tigray, major achievements that may have been experienced in both countries since 1991 (in particular political achievements) are now completely reversed in a way that is reminiscent of the experience of both countries of the immediate pre-1991 era. We mention here only some of the most disheartening examples, singling out some of the most horrendous violations that are currently taking place in Tigray. Chief among such crimes is the use of starvation as a weapon of war against the civilian population of Tigray, as confirmed by a high-ranking official of the UN, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordination, Mark Lowcock. Citing the same person, *Reuters* reported as follows on 16 June 2021, emphasising the egregiousness of the use of starvation as a weapon of war: "no one should be surprised to see a rerun' of a devastating 1984 famine if violence in Tigray does not stop and Eritrean troops do not withdraw. 'Rape is being used systematically to terrorize and brutalize women and girls. Eritrean soldiers are using starvation as a weapon of war. Displaced people are being rounded up, beaten and threatened', Lowcock told the [UN Security Council], according to diplomats who attended the meeting".⁸

The impact of the food crisis in Tigray is clearly evident from the following official figures of the World Food Programme, according to which a "total of 5.2 million people, equivalent to 91 percent of Tigray's population, need emergency food assistance due to the conflict".⁹ These figures need to be seen in the context of the alarming comment of Lowcock cited above. But again, Lowcock is not the only senior international diplomat to express deep regret about what happened lately in Tigray. There are two other striking comments made previously by two high-ranking American officials. The first one is that of Jeffrey Feltman, the American Special Envoy to the Horn of Africa (2021-2022), who in April 2021 said that: "if not addressed in a timely fashion, the Ethiopian crisis would make the Syrian crisis 'look like child's play'".¹⁰

Prior to this, Secretary of State Anthony Blinken also said that Eritrean and Ethiopian

armies are allegedly involved in the perpetration of ethnic cleansing.¹¹ Some of these allegations were partially corroborated not only by renowned international rights groups, such as Human Rights Watch and Amnesty International, but also by the state-sanctioned Ethiopian Human Rights Commission.¹² Similarly, the Office of the UN High Commissioner for Human Rights (headed by Michelle Bachelet), has corroborated grave violations that could amount to "war crimes and crimes against humanity".¹³

A more perturbing account about the Tigray conflict, including a potential "genocide intent" on the part of the Ethiopian Government, was given on 15 June 2021 by Pekka Haavisto, the Special Envoy of the EU and Minister of Foreign Affairs of Finland. At a meeting of the Committee on Foreign Affairs of the European Parliament, Haavisto said: "[o]f course, we have now many organizations coming with independent reports but I really recommend to wait for this UN High Commissioner for Human Rights Report and act accordingly. Of course, this issue also should be dealt in the UN Human Rights Council so forth. For me particularly the news of violence against women is incredible. And that is something that probably not [sic] has happened in any wars or conflicts in that region. Maybe a word about what is the aim of Ethiopia: when I met the Ethiopian leadership in February they really used this kind of language that they are going to destroy the Tigrayans, they are going to wipe out the Tigrayans for 100 years and so forth, which for me referred to very serious human rights atrocities and crimes as well. If you wipe out your national minority, well what is it? You cannot destroy all the people, you cannot destroy all the population in Tigray, and I think that is very obvious, that we have to react, because it looks for us [sic] like ethnic cleansing".¹⁴

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Here, we take a short pause in order to compare some of the above crimes with those committed during the Derg regime, thus substantiating our claim of "history repeating itself." It needs to be remembered that, among other things, the Derg was notoriously known for its deliberate mass starvation of the civilian populations of Eritrea and Tigray, which it used as a method of "counter-insurgency" (Bazylar 1987; Zieler 1988; De Wall 1991).¹⁵ Inherent in such kinds of policies is the intention to destroy or at least considerably weaken the civilian population in the conflict area, which is oftentimes seen by the central governments of Ethiopia as a key source of support for any insurgent group in the conflict area (presently the so-called Tigray Defence Forces). It is exactly this peculiar similarity between what is currently happening in Tigray (since November 2020) and what has happened previously in Eritrea and Tigray during the Derg era that compels us to use the phraseology of "rewinding the clock of history". Presently, however, the Federal Government of Ethiopia is not the sole actor in using starvation as a weapon of war against the civilian population of Tigray.

In a very sad twist of events, the Government of Eritrea (the PFDJ), which has a well-known record of fighting against such abuses during its liberation struggle era as EPLF, is now actively involved in the perpetration of the same crimes against the civilian population of Tigray. At the risk of sounding polemical, this begs the following crucial

question: what has Eritrea become, an exporter of grave human rights violations to Tigray? This bewildering reality is captured in the following words, taken from the most recent report of the UN Special Rapporteur on the situation of human rights in Eritrea, Mohamed Abdelsalam Babiker: "[...] Eritrea had extended its human rights violations extra-territorially or beyond its borders during this period and committed heinous human rights violations in the Tigray region of Ethiopia".¹⁶

The Togoga massacre of 22 June 2021, in which 64 people have been allegedly killed and 180 injured as a result of an indiscriminate airstrike in a busy market place, comes as another reminiscent example of how the Derg regime used to commit such crimes indiscriminately.¹⁷ The Hawzen massacre of 1988 in Tigray and the Massawa massacre of 1990 in Eritrea, in which Ethiopian fighter jets killed thousands of civilians, are the most important examples in this regard. What is striking about the Togoga massacre is that it took place on the same date (22 June) as that of the Hawzen massacre, a date which is also officially marked in Tigray as Martyrs Day.

Another major violation of international law that has been committed in Tigray is the use of an internationally prohibited weapon, namely white phosphorus, as corroborated by *The Telegraph* newspaper.¹⁸ In the case of Eritrea, there have also been allegations of the use of child soldiers in the conflict, as reported by Radio France International.¹⁹ Given the notorious record of the Eritrean Government in relation to the coercive military conscription of underage children (Mekonnen 2012), such allegations cannot be far-fetched. From sexual violence, to extra-judicial execution of civilians and that of prisoners of war, and other abhorrent violations of international law, the conflict in Tigray has indeed emerged as a disturbing reincarnation of despicable crimes committed during the previous two regimes of Ethiopia, namely that of Emperor Haile Selassie and the Derg against the peoples of Tigray and Eritrea.

There is one peculiarly vulnerable group of people, whose plight has been gravely complicated as a result of the new conflict. This group is that of Eritrean refugees who used to live in four major refugee camps situated in Tigray. According to UNHCR, there has been "an overwhelming number of disturbing reports of Eritrean refugees in Tigray being killed, abducted and forcibly returned to Eritrea".²⁰ With regard to the plight of Eritrean refugees, the following observation by the UN Special Rapporteur on the situation of human rights in Eritrea is very important: "recent reports indicate that two refugee camps hosting more than 25,000 Eritrean refugees in the Tigray region, Hitsats and Shimelba, allegedly came under attack by Eritrean and Ethiopian troops between November 2020 and January 2021. According to information received, there were clear and consistent patterns that these refugee camps were being specifically targeted, despite their protected humanitarian status."²¹

Overall, the Eritrean Government also seems to be engaged in a reckless business of vindictive political calculations (against the TPLF and the people of Tigray) that may have far-reaching consequences for the country. The Eritrean Government has aligned

itself (directly or indirectly) with hard-core Ethiopian political groups, who openly entertain the idea of Ethiopia's "rightful entitlement" to the Port of Assab. Chief among such groups is the newly established political party, Ethiopian Citizens for Social Justice (EZEMA), whose leaders have openly expressed expansionist views of the Red Sea. This view was more recently communicated (in May 2021) by a senior politician of EZEMA in a televised election campaign. On another occasion, similar remarks were uttered by the Spokesperson of the Ethiopian Ministry of Foreign Affairs, who said that Eritreans look at their independence day with sadness.

One crucial issue in this debate, deserving our attention is the manner in which the conflict took its final shape in the early hours of 4 November 2020, so to say the exact circumstances related to the final trigger point of the armed conflict. There are two competing narratives in this regard, namely that of the Federal Government of Ethiopia and that of the TPLF. In our view, this requires a thorough and comprehensive investigation, and most importantly a principled political negotiation about what happened before and after the fateful date of 4 November 2020.²² Only through such a mechanism can a lasting peace be ensured between the warring parties in Ethiopia, including Eritrea's involvement in the conflict.

Concluding Remarks

We observe that the prospect of sustainable peace and security of the Horn of Africa, including the intricate relationship between Eritrea and Ethiopia, seems to have been reversed to a situation that is similar to that of pre-1991 - if not much more complicated. In several aspects, the challenge of democratisation in both countries remains daunting. In the context of the most recent armed conflict in Tigray (including in Oromia) some grave violations of human rights have been perpetrated in a manner that is reminiscent of the era of the Derg regime. It is precisely because of this reason that the authors believe that history seems to be repeating itself, at times even in much worse scale of violations. In spite of some hope-inspiring developments that took place in the period between 1991 and 1998, armed conflict remains to be the most dominant form of resolving political differences between or among major political forces of Eritrea and Ethiopia - within the countries and between them. This problem is partly an outcome of major failures that were committed in the early 1990s by the two most dominant political organisations in Eritrea and Ethiopia: the EPLF and the TPLF. Both organisations did not succeed in resolving sustainably historical differences that date back to the liberation struggle era (pre-1991 era), including their own dark histories. With the advent of a new Prime Minister in Ethiopia, and the signing of a new peace agreement in July and September 2018, there was hope for a dawn of a new era in the relationship between Eritrea and Ethiopia. As a result of strategic miscalculations on the part of the new Prime Minister of Ethiopia, the new peace agreement did not yield concrete outcomes, as it was designed and implemented to weaken, if not totally

defeat, one of the major actors of the 1998–2000 war, namely the TPLF, by excluding. In what seems to be a classic example of “a history repeating itself”, the TPLF was finally ousted from power in circumstances that portray some similarity with how the Derg regime was removed from power. It is true that initially the TPLF was ousted from the centre of power in Addis Ababa in a rather peaceful way. But finally, it was ousted from Mekele (albeit briefly) through armed conflict. It is in this aspect that we see the similarity, although the TPLF has eventually returned to Mekele, also through the barrel of the gun. History is replete with lessons to the following effect: political differences are rarely resolvable by brute force, thus underscoring the need for an immediate cessation of hostilities in Tigray and the resumption of a weighed up political dialogue between the warring and other concerned parties. There is also an urgent need for resumption of full-scale humanitarian aid to the people of Tigray, in which 91 percent of the population is said to be in need of emergency food assistance.

Most importantly, there is also a need for impartial and independent investigations of the egregious violations of international law that have taken place in Tigray since the start of the conflict in November 2020. This shall also include coordinated effort on the part of the international community with regard to concrete accountability measures for those violations.

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Notes:

- 1 - "Derg" is an Amharic word literally meaning "committee". It represents the provisional military administrative council established right after Emperor Haile Selassie was ousted in 1974. Initially, the council constituted some 120 commissioned and non-commissioned military officers. Out of them, Colonel Mengistu Hailemariam emerged as the most powerful man to rule Eritrea and Ethiopia for seventeen years, under one of the most brutal dictatorships of recent history (Tiruneh 1993: 15).
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- 3 - Amnesty International, "'You Have No Right to Ask': Government Resists Scrutiny on Human Rights", AI Index, AFR 64/003/2004, May 2004.
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- 5 - UN Commission of Inquiry 2015, "First Report of the UN Commission of Inquiry on Human Rights in Eritrea", A/HRC/29/42, 4 June 2015; UN Commission of Inquiry (2016), "Second Report of the Commission of Inquiry on Human Rights in Eritrea", A/HRC/32/47, 8 June 2016.
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- 11 - "Heart Breaking Accounts from Victims Reveal How Rape is Used as a Weapon of War in the Tigray Region of Ethiopia, @nimaebagiri Reports", *CNN*, 19 March 2021, <https://twitter.com/TheLeadCNN/status/1373023728741797893> (last accessed 19 April 2023).
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22 - On this particular issue, we note that the African Commission on Human and People's Rights had issued a statement in mid-June 2021 in which it sent out a vague message about how the incident of 4 November 2020 unfolded. Unfortunately, a few days after its release the press statement became inaccessible from the official website of the Commission.

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