



*The School for Ethics and Global Leadership*

## **Releasing the Press: Censorship in Eritrea**

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## Introduction

This report is the work of twenty-four high school students who attended The School for Ethics and Global Leadership (SEGL) in Washington, D.C in the fall of 2016. SEGL is a semester-long residential program whose mission is to provide intellectually motivated high school juniors, who reflect the diversity of the United States with the best possible opportunity to shape themselves into ethical leaders who create positive change in the world. Each semester's class chooses a current international challenge; the students then research and prepare a "capstone" policy document that proposes practical solutions to that challenge. This fall, the semester chose to focus on freedom of the press in Eritrea. The work is entirely the students' own; opinions expressed in this report do not reflect the opinions of SEGL or its faculty. We offer this report with great hope for the future.

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## Executive Summary

Freedom of the press is a keystone of progressive society. However, many nations around the globe suppress this right. When considering censorship, countries such as North Korea and Iran may immediately come to mind, but in the Horn of Africa lies a pocket of press-restriction, unnoticed by the public eye. Eritrea, a small state about the size of Pennsylvania, with a population of fewer than ten million, is the most censored nation in the world.

Eritrea has never been a truly free nation. A country with a history of foreign colonization, the freedoms of a typical democracy have yet to be realized in the nation. President Isaias Afwerki has ruled Eritrea since the beginning of its statehood until the present day. Coming to power during the revolt against the Ethiopian government in the late 20th century, Afwerki quickly established an authoritarian regime despite the existence of a democratic constitution. Since 2001, the only existing media has been state-operated and journalists are dictated on how to report on events. Those accused of exporting information or painting the government in a negative light are arrested and held without the writ of habeas corpus.

Afwerki's limitations on freedom do not only extend to the press. In 2001, he arrested a number of political opposition officials, effectively establishing Eritrea as a one-party state. Thus, opposition groups have been greatly limited in their efforts against the Afwerki regime and are often ineffective. However, grassroots organizations and youth groups do exist and have made progress both inside the country and in the growing diaspora. Small as they are, these opposition groups point to a growing dislike of the government among the Eritrean people and a potential for change therein.

Eritrean opposition groups aren't alone in their fight for freedom of the press. In 2014, the United Nations' Human Rights Council created the Commission for Inquiry on Human Rights in Eritrea to investigate alleged violations of human rights laws ratified by the Eritrean Government. The Commission concluded that Eritrean restrictions on journalism violate multiple international laws including the Universal Declaration of Human Rights. Although the Commission made several recommendations to other bodies of the United Nations and to the Eritrean Government to combat censorship as well as other human rights violations, action has yet to be taken.

In addition to the United Nations, Eritrea is also an active member of the African Union. Although Eritrea has agreed to the provisions of the African Union, it has not upheld its promises. In the African Charter for Human and Peoples' Rights signed in 1987, the Articles state that the citizens of Eritrea have the right to express their opinions within the law. In addition to the Charter, the Eritrean Constitution of 1997 clearly outlines the right to freedom of speech and press. The government has cited several excuses for their denial of such rights, including the Eritrea-Ethiopia border conflict, which has been formally resolved since December of 2000. Eritrea continues to violate the legal documents that their government has signed, upsetting the international community.

The United States and Eritrea established diplomatic relations in 1993, after Eritrea gained independence from Ethiopia. While both countries are members of several international organizations including the United Nations, the International Monetary Fund, and the World Bank, the United States and Eritrea have minimal bilateral trade. Because of the Eritrean Government's authoritarian nature and anti-American sentiment, American-Eritrean relations have become increasingly strained. Though the countries have limited economic and diplomatic relations, the United States has an interest in Eritrea, considering its geographic location and economic potential.

Although the international community is aware of Eritrea's human rights violations and disregard of international law, it has done little to make a change. The recommendations that follow in this policy document seek to collaboratively resolve censorship in Eritrea.

## History and Current Status

### History of Freedom of the Press in Eritrea

During important times in Eritrea's history, scarcity of freedom of the press was an important issue. The 1890 Italian colonization of the nation; the 1941-1952 oppressive British Administration; and the UN-prompted federation with Ethiopia, who eventually annexed the country from 1961-1991, are examples of these times.<sup>1</sup> When Isaias Afwerki came to power in 1993, he included freedom of the press in the Constitution, but soon suppressed it. The Eritrean People's Liberation Front (EPLF), an armed guerrilla group, captured the capital city of Asmara, ending Ethiopian dictatorial reign and the suppression of Eritrean journalists.<sup>2</sup> The EPLF, renamed the People's Front for Democracy and Justice (PFDJ), led Eritreans to liberation.<sup>3</sup> In 1991, Afwerki, military commander of the EPLF, announced the creation of the Provisional Government of Eritrea (PGE) and began the suppression of opposition groups in the country.<sup>4</sup> On May 24, 1993, Eritreans unanimously voted to become an independent nation and joined the United Nations.<sup>5</sup> Eritrea became a member of the African Union in the following year.<sup>6</sup> In Proclamation 55/1994, Afwerki called for a constitutional committee to convene to draft a Constitution for the nation by 1997.<sup>7</sup> On June 10, 1996, the National Legislative Body passed the Eritrean Press Proclamation, which defined journalists' limitations: "The Government may, under special circumstances, where the country, or part of it, is faced with a danger threatening public order, security and general peace caused by war, armed rebellion or public disorder or where a natural disaster ensues, by proclamation, undertake measures to censor all publications and mass media."<sup>8</sup> The Press Proclamation declared that all newspapers and journalists must be licensed and their publications must first be authorized by the government in order to be distributed.<sup>9</sup> Despite this clause, private newspaper and magazine outlets were able to freely operate throughout the nation, but broadcast media remained under government control.<sup>10</sup> The EPLF-elected Constituent Assembly ratified the Constitution in May of 1997.<sup>11</sup> The Constitution did not specify a plan or time frame for formal implementation, and Afwerki proclaimed that it would not take effect until he held a national election. The document also made no reference to the Universal Declaration of Human Rights, the Charter of the United Nations, or the African Union's Charter. The preamble states:

Convinced that the establishment of a democratic order, through the participation of and in response to the needs and interests of citizens, which guarantees the recognition and

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<sup>1</sup> Minorities at Risk Project, "Chronology for Affairs in Eritrea," 2004, <http://www.refworld.org/docid/469f388515.html>.

<sup>2</sup> Sandra F. Joireman, "Ethiopia and Eritrea: Border War," *University of Richmond UR Scholarship Depository*, (2000), <http://scholarship.richmond.edu/cgi/viewcontent.cgi?article=1124&context=polisci-faculty-publications>.

<sup>3</sup> Kjetil Tronvoll, *The Lasting Struggle for Freedom in Eritrea*, (Oslo, HBO AS, 2009).

<sup>4</sup> Tracey L. Cousin, "Eritrean and Ethiopian Civil War," Trade and Environment Database, American University, Accessed 10 November 2016, <http://www1.american.edu/ted/ice/eritrea.htm>.

<sup>5</sup> United Nations, "United Nations Member States," 3 July 2006, <http://www.un.org/press/en/2006/org1469.doc.htm>.

<sup>6</sup> Joireman, "Ethiopia and Eritrea: Border War."

<sup>7</sup> Bereket Habte Selassie, "Constitution Making in Eritrea," United States Institute of Peace, Accessed 10 November 2016, [http://www.usip.org/sites/default/files/Framing%20the%20State/Chapter3\\_Framing.pdf](http://www.usip.org/sites/default/files/Framing%20the%20State/Chapter3_Framing.pdf).

<sup>8</sup> Government of Eritrea, *Press Proclamation*, 90, 10 June 1996.

<sup>9</sup> Freedom House, "Eritrea," 2016, <https://freedomhouse.org/report/freedom-press/2016/eritrea>.

<sup>10</sup> Committee to Protect Journalists, "Attacks on the Press 2000: Eritrea," 19 March 2001, <https://cpj.org/2001/03/attacks-on-the-press-2000-eritrea.php>.

<sup>11</sup> Selassie, "Constitution Making in Eritrea."

protection of the rights of citizens, human dignity, equality, balanced development and the satisfaction of the material and spiritual needs of citizens, is the foundation of economic growth, social harmony and progress.<sup>12</sup>

The following year, Eritrea became involved in border disputes with the nation of Ethiopia. Because of the Ethiopian Border War, the implementation of the Constitution was postponed, and has been so subsequently due to the post-war dissent process.<sup>13</sup> Afwerki insists on withholding the election process due to Ethiopian control over the village of Badme, lack of internal stability, the looming concerns of drought and famine which are at the “forefront of current administration,” and the fourteenth session of the National Assembly’s stance to shelve the draft party and election laws.<sup>14</sup> Though the nation may have a ratified constitution, the de facto power -- a head of state not constitutionally elected into office -- still runs the state.<sup>15</sup> In September 2001, the year after the Ethiopian Border war ended, the government issued a proclamation banning all privately owned newspapers.<sup>16</sup> In less than a year after the ban, the Eritrean government arrested over nine journalists and three went missing.<sup>17</sup> Afwerki jailed EPLF allies and high position government officials -- including members of the G-15 opposition group -- accused of rallying for democratic reform. The nation stated that the reason behind the closure of private newspapers and magazines was the lack of compliance with media licensing requirements.<sup>18</sup> The crackdown on civil liberties continued through compulsory military service, restricted freedoms of press, and limited religious expression.<sup>19</sup> These have all triggered the recent Eritrean diaspora; 5,000 Eritreans flee the country each month.<sup>20</sup> Members of the diaspora include journalists who have formed opposition organizations, such as the North American Eritrean Youth Collection, the Freedom Friday movement, and the Eritrean Solidarity National Movement, otherwise known as Simret.

## General Human Rights Violations in Eritrea

Since before the Italians colonized Eritrea, all levels of Eritrean society and leadership have committed human rights violations on an interpersonal level. Human Rights Watch has described Eritrea’s human rights situation as dismal.<sup>21</sup> The Human Rights Council of the UN General Assembly has reported that these crimes are committed under the authority of the government, the main perpetrators being the “Eritrean Defence Forces, in particular the Eritrean Army; the National Security Office; the Eritrean Police Forces; the Ministry of Information; the Ministry of Justice; the Ministry of Defence; the People’s Front for Democracy and Justice (PFDJ); the Office of the

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<sup>12</sup> The Constituent Assembly, *The Constitution of Eritrea*, 23 May 1997.

<sup>13</sup> Kjetil Tronvoll and Daniel R. Mekonnen, *The African Garrison State*, (Suffolk: Boydell & Brewer Ltd, 2014).

<sup>14</sup> Tronvoll, *The Lasting Struggle for Peace in Eritrea*.

<sup>15</sup> Ibid.

<sup>16</sup> Reporters Without Borders, “Eritrea ended media freedom 15 years ago this month,” 21 September 2016, <http://www.refworld.org/docid/57e2b6504.html>.

<sup>17</sup> Freedom House, “Eritrea.”

<sup>18</sup> African Union, “Member States of the AU,” Accessed 9 November 2016, [http://www.au.int/en/AU\\_Member\\_States](http://www.au.int/en/AU_Member_States).

<sup>19</sup> Freedom House, “Eritrea,” 2016.

<sup>20</sup> Life & Peace Institute, “One Eritrean Generation, Two Worlds: The established Diaspora, the new exiles and their relations to the homeland,” 3 November 2015, <http://life-peace.org/hab/one-eritrean-generation-two-worlds-the-established-diaspora-the-new-exiles-and-their-relations-to-the-homeland/>.

<sup>21</sup> “Eritrea,” Human Rights Watch, accessed 4 November 2016, <https://www.hrw.org/africa/eritrea>.

President; and the President.”<sup>22</sup> The crimes committed invoke fear in the Eritrean population; one Eritrean citizen reported via an anonymous write-in service to the Commission of Inquiry for Human Rights in Eritrea, “When I am in Eritrea, I feel that I cannot even think because I am afraid that people can read my thoughts and I am scared.”<sup>23</sup> This citizen was referencing the government’s extensive spying on its people; neighbors are expected to spy on neighbors and report their findings to the government.<sup>24</sup> This restricts the Eritrean people’s freedom of speech – they are unable to say anything without the government’s knowledge. The Commission of Inquiry found that “Eritreans live in constant fear that their conduct is or may be monitored by security agents, and that information gathered may be used against them leading to arbitrary arrest, detention, torture, disappearance or death.”<sup>25</sup> If the government finds that Eritreans are speaking out against the government, they are put into detention centers, where torture is commonplace.<sup>26</sup>

## Current Status of Telecommunications in Eritrea

Due to Eritrean government’s strong grasp on all media in the country, citizens have little access to the Internet and to foreign news sources. Only one percent of Eritrean citizens have access to the Internet; when access to this is provided, it is slow.<sup>27</sup> If citizens wish to access the Internet, they have to go to Internet cafes, of which there are roughly 100 in the entire country -- approximately one Internet cafe per 454.06 square miles.<sup>28</sup> The government strictly regulates the activity of users in the Internet cafes -- most of which have fewer than ten computers -- including their email communications. The government controls all accessible national media -- one newspaper that is published in three languages, a television station, and three radio stations.<sup>29</sup> Citizens must purchase a permit to distribute international publications and individuals must purchase satellite dishes in order to access them. Though Eritreans are allowed to access foreign news sources, foreign journalists are not permitted to freely enter the country.<sup>30</sup> Afwerki has granted interviews to select foreign news outlets, such as Sweden’s TV4 and Al-Jazeera. However, these news outlets are forced to report favorably about the Afwerki regime in Eritrea.<sup>31</sup> Due to this, the United Nations International Telecommunications Union ranks Eritrea as the least connected country in the world.<sup>32</sup>

## Current Status of Freedom of the Press in Eritrea

Though the Eritrean Constitution has a clause regarding freedom of speech for its citizens -- “Every person shall have the freedom of speech and expression, including freedom of the press and other media” – the government does not follow it.<sup>33</sup> In 2001, the Eritrean government banned private

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<sup>22</sup> Commission of Inquiry for Human Rights in Eritrea, Report of the commission of inquiry for human rights in Eritrea, A/HRC/29/42 (4 June 2015).

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Freedom House, “Eritrea.”

<sup>28</sup> Caroline Winter, “Eritrea’s Communications Disconnect,” 26 June 2014, <http://www.bloomberg.com/news/articles/2014-06-26/eritrea-worlds-least-connected-country-tech-wise>.

<sup>29</sup> Freedom House, “Eritrea,” 2016.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Caroline Winter, “Eritrea’s Communications Disconnect.”

<sup>33</sup> The Constituent Assembly, *The Constitution of Eritrea*.

news sources, seeing that they “endangered national security.”<sup>34</sup> In 2005, Reporters Without Borders stated that Eritrea was one of the most restrictive countries in the world.<sup>35</sup> In the same year, Reuters reported that Eritrea jails more journalists than any other country. Now, only news that speaks positively of the government is accessible.<sup>36</sup> The Eritrean Ministry of Information has control of content of published information and the journalists who write it; this control is maintained through detention and torture. After journalists are screened in order to obtain their license, they must send every piece they write to the Eritrean government for another screening process. They are not permitted to publish their work until it has been approved. Currently, there are few news outlets in Eritrea. The most widely-read newspaper is *Hadas Eritrea*, or New Eritrea, which is approved by the government and circulates 50,000 copies a day. The restrictions on press cause many citizens to have little-to-no knowledge about current events within and outside of Eritrea.<sup>37</sup>

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<sup>34</sup> Sam Savage, “Eritrea Media Guide – February 2006,” Red Orbit, 28 February 2008, accessed November 16 2016, [http://www.redorbit.com/news/technology/410025/eritrea\\_media\\_guide\\_\\_february\\_2006/](http://www.redorbit.com/news/technology/410025/eritrea_media_guide__february_2006/).

<sup>35</sup> Commission of Inquiry for Human Rights in Eritrea, *Report of the commission of inquiry for human rights in Eritrea*.

<sup>36</sup> Ibid.

<sup>37</sup> John F. Kerry, “Country Reports on Human Rights Practices for 2015,” Bureau of Democracy, Human Rights, and Labor, 2015.

## United Nations

### History of the UN and Eritrea

The State of Eritrea joined the United Nations (UN) in 1993, two years after Isaias Afwerki and his rebel followers gained independence from the Ethiopian government.<sup>38</sup> After joining the UN, Eritrea ratified a number of documents regarding human rights law. The documents ratified by the Eritrean Government include the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), and the Universal Declaration of Human Rights (UDHR).<sup>39</sup> Article 19 of the UDHR states that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers;”<sup>40</sup> Article 19 of the ICCPR and Article 13 of the CRC are similar in content to Article 19 of the UDHR.<sup>41</sup> Despite the ratification of these documents, Eritrea has been consistently cited as having widespread and systematic human rights violations, and the Committee to Protect Journalists considers Eritrea to be the most censored country in the world, above North Korea.<sup>42</sup>

### UN Commission of Inquiry on Human Rights in Eritrea

In 2014, the United Nations Human Rights Council (UNHRC) established the Commission of Inquiry on Human Rights in Eritrea to investigate “systematic, widespread, and gross violations of human rights in Eritrea.”<sup>43</sup> The Commission, originally given a one-year mandate, was extended to two years. During this time the commission released two reports, one in June 2015 and one in June 2016, which included the findings of their investigations and recommendations.<sup>44</sup> However, Beedwantee Keetharuth, the special rapporteur of the Commission, was denied entry to the country and access to information by the Eritrean government despite their required co-operation by the United Nations Human Rights Council.<sup>45</sup> Hence, to gain an understanding of the scope of human rights violations in Eritrea, the Commission asked for confidential interviews and submissions with and from Eritrean refugees living abroad, and Eritreans living in Eritrea. The first report released by the Commission of Inquiry on Human Rights in Eritrea stated in regard to freedom of press: “the

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<sup>38</sup> United Nations, “Member States,” United Nations, accessed 10 November 2016. <http://www.un.org/en/member-states/>.

<sup>39</sup> United Nations, “View the Ratification Status by Country or by Treaty.” United Nation of Human Rights, [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=57&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=57&Lang=EN).

<sup>40</sup> United Nations Human Rights Council, *International Covenant on Civil and Political Rights*, accessed 9 November 2016. <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; United Nations Human Rights Council. *Convention on the Rights of the Child*, accessed 14 November 2016. <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

<sup>41</sup> Ibid.

<sup>42</sup> Committee to Protect Journalists, “10 Most Censored Countries,” Committee to Protect Journalists, last modified 10 April 2015, accessed 13 November 2016. <https://cpj.org/2015/04/10-most-censored-countries.php>.

<sup>43</sup> United Nations Commission of Inquiry on Human Rights in Eritrea, *Report of the Commission of Inquiry on Human Rights in Eritrea*.

<sup>44</sup> Ibid.

<sup>45</sup> “New UN Special Rapporteur on Eritrea urges Government to Cooperate,” *African Press Organization*, 21 December 2012, <http://proxygw.wrlc.org/login?url=http://search.proquest.com/docview/1242110676?accountid=11243>.

Government, principally through its Ministry of Information, holds tight control over the content of information, the journalists who produce it, the matters they may cover and what they may say about them.”<sup>46</sup> The Commission also remarked that “the restrictions imposed on the press, the exercise of journalism as a profession and the access to information and means of communication are neither proportionate nor necessary for the interests of national security, public order or even national unity, and constitute a violation of the right to seek, receive and impart information that is included in the right to freedom of expression.”<sup>47</sup> In their second report, the Commission concluded there had been no improvement regarding freedom of press, expression, and opinion.<sup>48</sup> After gathering substantive evidence over the period of two years, the Commission of Inquiry on Human Rights in Eritrea concluded with a comprehensive set of recommendations regarding the situation in Eritrea. Among the recommendations were a call on the government of Eritrea to implement fully and without delay the Eritrean Constitution of 1997, and to respect the obligations prescribed by the international human rights treaties to which Eritrea is a party. The report also recommends that the government of Eritrea “ensure accountability for past and persistent human rights violations and crimes,” and that the situation in Eritrea be put on the agenda of the General Assembly.<sup>49</sup> Additionally, the Commission recommended that the Security Council impose targeted sanctions upon persons within Eritrea where there is reasonable evidence to believe that the said persons are responsible for crimes against humanity or other gross violations of human rights. The Eritrean government and the United Nations have failed to enact any of the recommendations that the Commission provided.<sup>50</sup>

## Options for Engagement

The UN has certain powers they could utilize to mitigate the limited freedom of press and expression within Eritrea, and to address the widespread human rights violations in the country. According to the UN Charter, they have the power to impose targeted sanctions, apply full economic sanctions, prosecute President Afwerki, and other top government officials in the International Criminal Court, or authorize force to take out President Afwerki and his government.<sup>51</sup>

## History of UN Sanctions in Eritrea

The UN has already imposed two sets of sanctions on Eritrea, both involving an arms embargo. The first was in 2009 under UN Security Council resolution 1907, which imposed a two-way arms embargo, including targeted sanctions, travel bans, and asset freezes against political and military leadership in Eritrea. In 2011, a second resolution, resolution 2023, expanded upon the restrictive measures with specific reference to the area of additional and complementary taxation of the Eritrean diaspora, the Eritrean mining sector, and major financial services. All of these economic sectors are

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<sup>46</sup> Commission of Inquiry on Human Rights in Eritrea, *Report of the Commission of Inquiry on Human Rights in Eritrea*.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> United Nations, Charter of the United Nations, accessed 14 November, 2016, <http://www.un.org/en/charter-united-nations/>.

sources of income that facilitate the Eritrean regime's practices that are condemned by the Security Council.<sup>52</sup>

## Precedent: Sanctions in Africa

The arms embargo in Eritrea, and in other African countries since 1990 demonstrates a few important trends. Since the early 1990s, there has been a dramatic increase in instances of sanctions imposed by the UN Security Council. The UN's use of targeted sanctions against Charles Taylor, the warlord leader of Liberia from 1997 to 2003, were successful in removing him from power and moving the country towards a more prosperous future.<sup>53</sup> Upon analyzing a number of sanctions in Africa, the most successful sanctions are those mobilized as part of a wider diplomatic package. For example, during the Period of Apartheid in South Africa, the General Assembly questioned the credentials of the South African Government and the Security Council imposed arms sanctions. Their actions did not gain legitimacy until wider diplomatic pressure from groups such as the African Union (AU) applied wider diplomatic pressure.<sup>54</sup> Applying this logic to the contemporary world, wider diplomatic pressure could include, along with sanction from the United Nations, measures such as threatening to remove Eritrea from the Common Market for Eastern and Southern Africa (COMESA), and threatening to remove them from the African Development Bank. COMESA is a regional economic community for Africa that aims to increase co-operation and integration in all fields of development, especially trade.<sup>55</sup> The African Development Bank aims to spur sustainable economic development and social progress in its regional member countries.<sup>56</sup>

## Sanction Trends Amongst UN Members

Africa has a complex history regarding sanctions, which is important to understand when considering the likelihood of sanctions in Eritrea being passed into resolution. The Western countries on the Security Council, the United States, France, and the UK, are likely to support imposing sanctions. Examples include the United Kingdom initiating sanctions against Sierra Leone in 2010, France initiating sanctions on Côte D'ivoire in 2004, and the United States on Liberia in the same year.<sup>57</sup> Russia, however, has become increasingly skeptical of the use of sanctions. This is illustrated by Russian Defense Minister Sergei Ivanov who said in 2006 that he did not know of any circumstance "in which sanctions have achieved their aim and proved successful."<sup>58</sup>

Despite being opposed to most sanctions, China and Russia are more likely to agree on sanctions proposed by the Security Council if they will be used to counter terrorism, as was the case with UN

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<sup>52</sup> Daniel R. Mekonnen and Mirjam Van Reisen, "The EU Lisbon Treaty and EU Development Cooperation: Considerations for a Revised EU Strategy on Development Cooperation in Eritrea," *Verfassung Und Recht in Übersee / Law and Politics in Africa, Asia and Latin America* 45, no. 3 (2012): 324-43, <http://www.jstor.org/stable/43239650>.

<sup>53</sup> Vines, Alex. *International Affairs*. Vol. 83 of *Can UN Arms Embargoes in Africa Be Effective*. n.p.:Royal Institute of International Affairs, 2007, accessed 9 November, 2016. <http://www.jstor.org/stable/4541913>.

<sup>54</sup> Ibid.

<sup>55</sup> "COMESA Vision and Mission," Common Market for Eastern and Southern Africa, accessed 13 November, 2016, <http://www.comesa.int/>.

<sup>56</sup> "Mission and Strategy," African Development Bank Group, 2016, accessed 13 November, 2016. <http://www.afdb.org/en/about-us/mission-strategy/>.

<sup>57</sup> Vines, *Can UN Arms Embargoes in Africa Be Effective*.

<sup>58</sup> Ibid.

sanctions imposed against Sudan in 2004 regarding the situation in Darfur.<sup>59</sup> Eritrea has a history of problems regarding terrorism. In fact, the previously mentioned sanctions upon Eritrea, written in resolution 1907 and resolution 2023, pertained to the fact that they have a history of support for al-Shabab (a Somali terrorist organization).<sup>60</sup> Furthermore, the Eritrean Government has a history of supporting some Somali private gangs.<sup>61</sup> Because terrorism is a topic around which members of the Security Council have historically united, the Security Council may be more likely to support sanctions in Eritrea.<sup>62</sup>

## Recommendations

- We recommend that the General Assembly put the human rights situation in Eritrea on its agenda.
- We recommend that the Security Council (1) recognizes that the situations of human rights in Eritrea, specifically freedom of press and expression, poses a threat to international peace and security. (2) Refer the situation in Eritrea to the Prosecutor of the International Criminal Court. (3) Impose targeted sanctions, namely travel bans and asset freezes, on persons where there are reasonable grounds to believe that the said persons are responsible for crimes against humanity or other gross violations of human rights. (4) Work in accordance with the African Union to threaten Eritrea with removal from the Common Market for Eastern and Southern Africa, and the African Development Bank.
- We recommend that the following terms be included in the resolution for targeted sanctions against President Afwerki and his government: The United Nations will consider reducing sanctions if the Eritrean government (1) allows the African Union, United Nations, and other organizations to investigate and monitor the situation in Eritrea (2) releases all jailed journalists, including members of the G-15 (3) allows Non-Governmental Organizations and opposition groups to operate freely in Eritrea. The United Nations will consider abolishing sanctions if President Afwerki (1) steps down from power and allows the United Nations to detain him for trial at the International Criminal Court (2) Complies with all tenets of the 1997 Eritrean constitution, including full freedom of the press, and freedom of speech.
- We recommend that if the Security Council passes the sanctions, they are given a timeframe of three years, with the option of one extended year if voted upon by the Security Council at the end of the three-year term. After this, if Afwerki's repressive regime is still in power, and freedom of the press is still heavily restricted, complete sanctions will be imposed for a period of one year. Then, if the repressive government is still in power Afwerki will be given one month to either leave the country and be tried at the International Criminal Court, or the Security Council will authorize use of force in Eritrea.
- If Afwerki's government complies with calls for civil liberties, the United Nations should establish an independent watch force in Eritrea through the African Union to make sure the government continues to act in a satisfactory manner. If Afwerki's government collapses, the United Nations should establish a peace implementation council to facilitate political decision-making.

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<sup>59</sup> Ibid.

<sup>60</sup> Mekonnen, Van Reisen, "The EU Lisbon Treaty and EU Development Cooperation."

<sup>61</sup> United States Institute of Peace, *Terrorism in the Horn of Africa* 12 January 2004, accessed 9 November 2016, <https://www.usip.org/sites/default/files/sr113.pdf>.

<sup>62</sup> Vines, *Can UN Arms Embargoes in Africa Be Effective*.

## African Union

### Implementation of the Constitution of Eritrea

The Constitutional Commission, a group of people mandated by the National Assembly to write the Constitution, headed a three-year democratic process resulting in the creation of the Constitution of Eritrea in 1997. The Commission worked to involve many groups of people in the creation of this document.<sup>63</sup> The Government of Eritrea fully backed the whole process yet the Government has shown no interest in implementation of the Constitution or general elections.<sup>64</sup> Therefore, they have violated Article 41 of the Constitution which states, “the term of office of the President shall be five years, equal to the term of office of the National Assembly that elects him.”<sup>65</sup>

Within the last twelve years, the Government has provided several excuses to justify their failure to implement the Constitution. The most common excuse is the Eritrea-Ethiopia border conflict which was resolved according to a peace accord signed by the two countries in December 2000.<sup>66</sup> A state of emergency or war has not been declared, thus there is no legality behind delay for implementation of this Constitution. In spite of this, the Government continues to state that the prevailing risk of war and threats of “internal sabotage” are holding back the implementation of the Constitution. President Afwerki stated that the Constitution is “a paper” and that he doesn’t want to mislead everyone into thinking that this paper is a solution.<sup>67</sup> Afwerki has made it clear that he will not follow democratic principles outlined in regional and international treaties. Besides the brief period of war with Ethiopia between May 1998 and 2000, there has been nothing hindering the implementation of the constitution.<sup>68</sup>

### Legal Violations

In 1987, the Organization of African Unity (OAU), precursor to the African Union, created the African Commission on Humans and Peoples’ Rights to promote and protect human rights in the

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<sup>63</sup> Weldehaimanot Simon, “African Law of Coups and the Situation in Eritrea: A Test for the African Union’s Commitment to Democracy,” *Journal of African Law* 54, no. 2 (October 2010): 236, <http://proxygw.wrlc.org>.

<sup>64</sup> *Ibid.*, 237.

<sup>65</sup> Government of Eritrea, *The Constitution of Eritrea*.

<sup>66</sup> U.S.I.P., “Agreement Between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea,” 2000, in *Peace Agreements Digital Collection*, PDF.

<sup>67</sup> Edmund Sanders, LA Times, “Q&A with President Isaias Afwerki,” *LA Times* (Los Angeles, United States), 2 October, 2007, accessed 10 November, 2016, <http://www.latimes.com/world/la-fg-eritreaweb2oct02-story.html>.

<sup>68</sup> *Ibid.*, 328.

African Continent.<sup>69</sup> In 1987 the Commission issued the African Charter for Human and Peoples' Rights (ACHPR). Article 9 of the Charter states, "every individual shall have the right to receive information," and "every individual shall have the right to express and disseminate his opinions within the law." In addition, Article 10 states, "every individual shall have the right to free association provided that he abides by the law."<sup>70</sup> Therefore, any violation with regard to freedom of speech and freedom of the press would be considered a violation of Articles 9 and 10 of the ACHPR charter, which Eritrea signed and ratified in 1999.<sup>71</sup>

In addition to the violations of their Constitution in regards to general elections, Article 19 of the Eritrean Constitution of 1997 states, "Every person shall have the freedom of speech and expression, including freedom of the press and other media."<sup>72</sup> Furthermore, Article 4(p) of the Constitutive Act, which was adopted and signed by President Afwerki at the Lomé AU Summit in 2000, states that the AU shall act when a member state is in "condemnation and rejection of unconstitutional changes of governments."<sup>73</sup> Also, Article 4(h) states the AU has "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity."<sup>74</sup> Article 18 of The International Law Commission's Draft Code of Crimes against the Peace and Security of Mankind, issued by the UN in 1996, defines a crime against humanity as "the violation of fundamental human rights and freedoms, resulting in seriously disadvantaging a part of the population."<sup>75</sup> Currently in Eritrea, the situation is classified as a crime against humanity because of the lack of freedom of the press, which is a fundamental human right according to the UN.<sup>76</sup> Based on this information, the Government of Eritrea is in violation of laws implemented by the AU and their own government. Due to their violations, it is the AU's responsibility, according to the Constitutive Act, to intervene.

## Precedent of AU Intervention Success: Togo

A successful example of AU intervention occurred in the West African country of Togo in 2005. After the death of their President, Gnassingbe Eyadema, in 2005, there was an unconstitutional, military-backed transition of power to his son, Faure Gnassingbe.<sup>77</sup> According to Article 65 of Togo's Constitution: "In case of vacancy of the Presidency of the Republic by death, resignation or incapacity... the presidential office is temporarily exercised by the President of the National Assembly. The vacancy is found by the Constitutional Court application by the government. The

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<sup>69</sup> Nsongurua J. Udombana, "Can the Leopard Change its Spots? The African Union Treaty and Human Rights," *American University International Law Review* 17, no. 6 (October 3, 2002): 1239.

<sup>70</sup> African Union, *African Charter on Human and Peoples' Rights*, by African Union, June 1981, accessed 6 November 2016, <http://www.achpr.org/>.

<sup>71</sup> African Union, "State Reporting," African Charter on Human and Peoples' Rights, last modified May 2016, <http://www.achpr.org/>.

<sup>72</sup> *Ibid.*, 529.

<sup>73</sup> African Union, *Constitutive Act of the African Union*, 9, 11 July 2000, accessed 13 November, 2016, <http://www.au.int/>.

<sup>74</sup> *Ibid.*

<sup>75</sup> United Nations, *Draft Code of Crimes against the Peace and Security of Mankind*, 32, 1996, accessed 14 November, 2016, <http://legal.un.org/>.

<sup>76</sup> *Ibid.*, "Universal Declaration of Human Rights," United Nations, last modified December 10, 1948, <http://www.un.org/>.

<sup>77</sup> Jeremy I. Levitt, "Pro-Democratic Intervention in Africa," *Wisconsin International Law Journal*, 2012, 811, <https://hosted.law.wisc.edu>.

Government shall convene the electorate within sixty days of opening the vacancy for the election of a new President of the Republic for a period of five years.”<sup>78</sup> Thus, the country of Togo was acting unconstitutionally. In response, the AU and Economic Community of West African States (ECOWAS) imposed sanctions, including suspending their participation in the ECOWAS, an arms embargo against the country and a travel ban on its leaders. The sanctions were successful and Faure Gnassingbe resigned as a result, proving the Union’s willingness and effectiveness in employing sanctions to protect democracy, and the rule of law.<sup>79</sup>

## **Economic Pressure Against Eritrea**

Currently, President Afwerki is ignoring the terms of his nation’s Constitution, just as Faure Gnassingbe did. In addition, modern Eritrea and Togo and 2005 are economically similar in scale. According to the most recent figures from the World Bank (2011 estimate), Eritrea’s GDP is 2.608 billion USD. At the time of the AU intervention, Togo’s GDP was 2.115 billion USD.<sup>80</sup> Because of previous success in the Togo Intervention, we have reason to believe that similar measures may be applied to Eritrea, namely, economic sanctions and suspension from key financial institutions. Since Eritrea is a member of the Common Market for Southern and Eastern Africa (COMESA) and the African Development Bank, suspension from these financial institutions is a viable tool.

Togo was more reliant on African States for economic affairs, thus their removal from ECOWAS was effective in eliminating Faure Gnassingbe from power.<sup>81</sup> However, because Eritrea is less reliant on African States for their economy, the AU must pose additional sanctions such as travel bans and arms embargos to achieve its goal.

ECOWAS and COMESA have similar purposes within the African Union as Regional Economic Committees. Both organizations aim to provide a free-trade zone and promote economic integration. As a member of COMESA, Eritrea subscribed to the organization mission, “...to achieve sustainable economic and social progress in all Member States through increased cooperation and integration in all fields of development particularly in trade, customs and monetary affairs.”<sup>82</sup> Though not as large as ECOWAS in terms of combined GDP, COMESA is still quite substantial. In 2013, the combined GDP for COMESA was 638.6 billion USD, growing 15% from 2012.<sup>83</sup> In addition, COMESA provides services, such as consultation for Member States to ensure that “all resources are properly accounted for in an efficient, secure, and appropriately controlled financial environment.”<sup>84</sup> Imposing economic pressures on Eritrea by depriving them of this free-

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<sup>78</sup> Consulate of the Republic of Togo at Miami, Florida, U.S.A., "Constitution of Togo," FAQ's on Legislation: Togo Constitution, last modified 27 October 2016, accessed 9 November, 2016, <http://togoconsulatemiami.com/index.php?page=faq-s-on-legislation>.

<sup>79</sup> Levitt, “Pro-Democratic Intervention,” 812.

<sup>80</sup> The World Bank, ed., “Eritrea GDP (current US\$),” The World Bank, 2011, accessed 10 November, 2016, <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=ER>.

<sup>81</sup> CIA, “The World Factbook - Togo,” Central Intelligence Agency, 3 November 2016, accessed 8 November, 2016, <https://www.cia.gov>.

<sup>82</sup> Common Market for Eastern and Southern Africa, “COMESA Vision and Mission,” 11 June 2016, accessed 14 November, 2016, <http://www.comesa.int/comesa-vision-and-mission/>.

<sup>83</sup> Regional Investment Agency, “Economic Overview,” COMESARIA, 24 October, 2016, accessed 14 November 2016, <http://www.comesaria.org/site/en/economic-overview.136.html>.

<sup>84</sup> Common Market for Eastern and Southern Africa, “COMESA Vision and Mission.”

trade zone and valuable services could damage their economy and incentivize the government of Eritrea to cooperate with the international community in providing greater freedom of the press.

Togo was more reliant on African States for economic affairs, thus their removal from ECOWAS was effective in eliminating Faure Gnassingbe from power. However, because Eritrea is less reliant on African States for their economy, the AU must pose additional sanctions such as travel bans and arms embargos to achieve its goal. While the African Union may use its authority to impose economic pressures on Eritrea, an international effort is required since Eritrea's main trading partners are in Europe and Asia: "The top export destinations of Eritrea are China (\$306M), India (\$189M), South Korea (\$18.7M), Bulgaria (\$8.21M) and the top import origins are China (\$87.8M), Egypt (\$48.7M), Germany (\$24.7M), South Korea (\$18M) and Italy (\$16.5M)."<sup>85</sup> Among Eritrea's main trading partners, Egypt is the only nation within the African Union and its economic arms. Thus, a cooperative effort with the United Nations would increase effectiveness.

## Recommendations

- We recommend that the African Commission on Human and Peoples' Rights find the Government of Eritrea in violation of the African Union Constitutive Act of 2000, and treat the matter as a crime against humanity.
- We recommend that the African Union work with the United Nations to use targeted sanctions against Eritrea, namely freezing assets, imposing travel bans, and enacting an arms embargo against Afwerki, his family, and his cabinet.
- We recommend that the AU impose sanctions by suspending Eritrea from COMESA and the African Development Bank, similar to the actions taken against Togo in 2005.
- Should all peaceful methods of sanctions by the African Union and United Nations fail, the African Union should be prepared to support an authorization for the use of force in Eritrea and provide African Union forces.

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<sup>85</sup> Alex Simoes, "Eritrea," Observatory of Economic Complexity, 15 April 2016, accessed 9 November, 2016, <http://atlas.media.mit.edu/en/profile/country/eri/>.

## United States State Department

### Introduction

The lack of freedom of press is one example of how Isaias Afwerki's presidency is in violation of many of the United States Department of State's (DOS) standards on human rights, which reflects a larger issue of instability in Eritrea and the East African region.

The DOS's motive to protect Eritrean freedom of press will be best satisfied by "promoting economic reform."<sup>86</sup> In Eritrea, the Department of State aims to assist Eritrea in addressing human rights violations by supporting economic reform and enabling Eritrea to stabilize the region.<sup>87</sup> Eritrea's economy is highly dependent on international trade relations, which the DOS may exploit. The economic and political instability of Eritrea concerns the DOS and justifies acting on behalf of freeing the press by economic means.

### Current Regional United States Interests

The United States uses Camp Lemonnier, a military base in Djibouti, to counter terrorism in Yemen and in the Horn of Africa, paying special interest to al-Shabab, a militant group based in Somalia.<sup>88</sup> Al-Shabab is allied with al-Qaeda and has received arms shipments from the government in Eritrea.<sup>89</sup> This partnership "violates United Nations Security Council resolutions and remains a destabilizing influence" in the region."<sup>90</sup> The political and economic success generated by Camp Lemonnier displays the United States' interest in promoting peace and addressing human rights violations in the region. The impacts of a United States presence in this region include the ability to oversee regional conflict, regulate trade across the Red Sea, monitor terrorism in the region, and foster positive U.S.-African diplomatic relations.

Diplomatic relations between the United States and Eritrea were established in 1994.<sup>91</sup> Although the United States has an embassy in Asmara, Eritrea, relations between the two countries are strained. In 2010 the American Ambassador to Eritrea, Ronald K. McMullen, departed because of the challenges caused by anti-American sentiment and the abuses committed by the Eritrean government.<sup>92</sup> Currently, the United States does not have an ambassador to Eritrea, though the embassy in Asmara is still functional with a United States Charge d'Affaires, acting as the interim head of bilateral relations.<sup>93</sup> Although the Eritrean government rejected the replacement of the United States

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<sup>86</sup> U.S. Department of State, "U.S. Relations with Eritrea," Last modified 7 December 2015, <http://www.state.gov/r/pa/ei/bgn/2854.htm>.

<sup>87</sup> Ibid.

<sup>88</sup> Doyle, Kevin, "Why Are There so Many Military Bases in Djibouti?," BBC News, 16 June 2015, <http://www.bbc.com/news/world-africa-33115502>.

<sup>89</sup> Hardeep Singh Puri, *Report of the Monitoring Group on Somalia and Eritrea Pursuant to Security Council Resolution 2002*, United Nations Security Council Monitoring Group on Somalia and Eritrea, 2012, 9-20.

<sup>90</sup> Al Jazeera, "Eritrea 'Reduces Support' for Al-Shabab," Al Jazeera English. 17 July 2012, <http://www.aljazeera.com/news/africa/2012/07/2012716164543714168.html>.

<sup>91</sup> Bureau of African Affairs, "U.S. Relations With Eritrea," U.S. Department of State, 7 December 2015, Accessed 14 November 2016, <http://www.state.gov/r/pa/ei/bgn/2854.htm>.

<sup>92</sup> Ronald K. McMullen, *Is Eritrea Unraveling?*, United States Department of State Bureau of East African Affairs 5 March 2009, accessed 14 November 2016, <https://www.theguardian.com/world/us-embassy-cables-documents/195418>.

<sup>93</sup> Embassy of the United States- Asmara-Eritrea, "Charge D'Affaires," accessed 14 November 2016, <https://eritrea.usembassy.gov/chargedaffaires.html>.

Ambassador, Eritrea allows the United States to maintain their embassy, indicating at future positive diplomatic relations.<sup>94</sup>

## Sanctions and Economic Relations

The resolution for targeted sanctions will allow the United States and numerous other countries to establish a mutually beneficial economic presence in Eritrea. By promoting economic reform, the resolution will fulfill the United States Department of State's goal to address human rights violations, including the lack of freedom of press. As demonstrated in the United States Department of State's advocacy for freedom of press and global involvement, economic liberalization is a method of promoting political liberalization, and in the case of Eritrea, promoting freedom of the press by means that will benefit the United States and the entire global community.

The United States has limited direct influence within the Eritrean economy; 0.015 percent of Eritrean exports are bound for the United States and 1.7 percent of imports are American.<sup>95</sup> Eritrea's major trading partners include China, India, South Korea, Bulgaria, Egypt, Germany, and Italy. However, while these nations constitute a significant portion of Eritrea's economy, Eritrea has a limited impact on their markets. For example, 36 percent of Eritrean exports are bound for India, but make up only 0.48 percent of Indian imports.<sup>96</sup> In contrast, the United States accounts for vast amounts of trade with each of Eritrea's main trading partners; in the case of India, the United States accounts for 12 percent of exports.<sup>97</sup> Therefore, it is more beneficial for mutual trading partners to maintain positive relations with the United States over relations with Eritrea.

When lacking support from the United Nations, unilateral economic actions are more effective than multilateral economic actions, because they are not reliant on the cooperation of multiple countries.<sup>98</sup> While the UN Resolution for Targeted Sanctions impacts a nation's government exclusively, unilateral economic actions destabilize the nation's entire economy. The civil unrest and financial turmoil that results from unilateral actions would prompt the questioning of existing government policies, including press censorship.<sup>99</sup> The new internal pressure would mount onto the already heavy external pressure on the government.

## Eritrean Investment and Assab

After freedom of press is granted, building up Eritrea's economy would ensure that the government does not revert back to a censored system due to the risk of losing foreign investment. Eritrea's successful economic reform would strengthen the implementation of freedom of the press. Both the United States and the international community would benefit from investment in the Eritrean economy, specifically in the southern port of Assab. By working closely with the United Arab

<sup>94</sup> Bureau of African Affairs, "U.S. Relations With Eritrea," U.S. Department of State, 7 December 2015, accessed 14 November 2016, <http://www.state.gov/r/pa/ei/bgn/2854.htm>.

<sup>95</sup> Office of the United States Trade Representative, "Countries and Regions," December 2013, accessed 6 November 2016, <https://ustr.gov/map/countriesaz/er>.

<sup>96</sup> Alexander Simoes, "India," Observatory of Economic Complexity, accessed 14 November 2016, <http://atlas.media.mit.edu/en/profile/country/ind/>.

<sup>97</sup> Ibid.

<sup>98</sup> Daniel W. Drezner, "Serious about Sanctions- Positive and Negative Aspects of Economic Sanctions," In the Sanctions Paradox: Economic Statecraft and International Relations, Cambridge University Press.

<sup>99</sup> Karen Campbell, PhD, "The Economic Role of Government: Focus on Stability, Not Spending," The Heritage Foundation, 17 September 2009, <http://www.heritage.org/research/reports/2009/09/the-economic-role-of-government-focus-on-stability-not-spending>.

Emirates which is currently leasing the port from Eritrea, the international community will have a new hub in the Horn of Africa.<sup>100</sup> Assab's location grants access to the Red Sea as well as Arab and African markets. Investment in the expansion of port and crane capacity, currently at seven ships and fifty tons respectively, and the improvement of the accessibility of the P-6 route would ensure that Assab's full potential is realized.<sup>101</sup> The P-6 is one of Eritrea's nine primary highways that connects two of the most active ports in the country, Massawa and Assab, as well as the capital of Asmara, however it is not easily traversable due to its poor condition.<sup>102</sup>

In order to achieve and preserve freedom of press in Eritrea, diplomatic and economic participation by both the United States Department of State and the international community in necessary.

## Recommendations

- We recommend that the Department of State support the proposed United Nations Targeted Sanction Resolution.
- If it becomes preferable for the United States to take initiative separately from the United Nations' proposed Target Sanctions Resolution, we recommend that the Department of State pressures Eritrea's major trading partners to limit trade with Eritrea. Bilateral trade restrictions would be loosened if Non Governmental Organizations addressing freedom of press are allowed into Eritrea and lifted if the Eritrean people are granted freedom of press.
- We recommend that the Department of State place a United States ambassador to Eritrea.
- If the Eritrean government grants freedom of the press to their constituents, we recommend that the Department of State encourage the United States government and the international community to invest in the infrastructure and economy of Assab. These investments should specifically focus on improving the infrastructure and port capacity of Assab, in addition to improving the conditions of the P-6 Route from Assab to Asmara.

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<sup>100</sup> "UN Report: UAE, Saudi Using Eritrean Land, Sea, Airspace And, Possibly, Eritrean Troops in Yemen Battle - UN Tribune," UN Tribune, 2016, accessed 10 November 2016, <http://untribune.com/un-report-uae-saudi-leasing-eritean-port-using-eritrean-land-sea-airspace-and-possibly-troops-in-yemen-battle/>.

<sup>101</sup> Gangkou Daima, "Port of Assab," accessed 6 November 2016, <http://www.gangkoudaima.com/Port/ETASB.html>.

<sup>102</sup> Ibid.

## Non-Governmental Organizations

### Introduction

Non-Governmental Organizations (NGOs) have not impacted Eritrea significantly. President Isaias Afwerki has discouraged their involvement and has expressed that taking aid from outside organizations weakens Eritrea's capacity to develop itself and become self-reliant.<sup>103</sup> In 2005, the Eritrean government instituted stricter policies and a law that required NGOs to pay taxes on imported materials, submit project reports every three months, renew their licenses annually, and meet government established levels of financial resources.<sup>104</sup> The six remaining international NGOs were forced out of the country in 2011, and no major international NGO has established itself in Eritrea since.<sup>105</sup> Freedom of the press and knowledge of human rights violations in Eritrea are limited, as journalists cannot enter the country unless they report favorably about the government.<sup>106</sup> Despite restrictions, NGOs that provide health services and humanitarian efforts have a greater chance of being admitted into the country since they contribute to the development of a more self-sustainable society.<sup>107</sup> Although some international NGOs operate in Eritrea, sometimes without the government's knowledge, they continue to have limited functions. By placing sanctions on President Afwerki and potentially carrying out bilateral sanctions on the country, change can begin by allowing international NGOs effective in neighboring countries to enter Eritrea and form alliances with intergovernmental organizations and unions.

### Reporters Without Borders

Reporters Without Borders (RSF) is an international NGO founded by four journalists in 1985 in Montpellier, France.<sup>108</sup> and has grown to have consultative status with organizations such as the United Nations (UN) and Council of Europe.<sup>109</sup> The organization has led protests in China at the 2008 Olympics and has helped create the only independent radio broadcasting station run by Eritrean citizens exiled in Paris in 2009.<sup>110</sup> RSF initiates change by raising awareness of abuses against journalists through campaigns such as protests, protecting journalists and bloggers by providing bulletproof vests and helmets, and putting pressure on governments through its role in

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<sup>103</sup> Ezili Dantò, "U.S. NGOs Kicked out of Eritrea: Foreign Aid Is Meant to Cripple People," *Centre for Research on Globalization*, 7 April 2015, accessed 2 November, 2016, <http://www.globalresearch.ca/u-s-ngos-kicked-out-of-eritrea-foreign-aid-is-meant-to-cripple-people/5441367>.

<sup>104</sup> "Eritrea," *Freedom House*, accessed November 2 2016, <https://freedomhouse.org/report/freedom-world/2013/eritrea>.

<sup>105</sup> Ibid.

<sup>106</sup> "Eritrea Profile - Overview, BBC Africa," *BBC World News*, 4 May 2016, <http://www.bbc.com/news/world-africa-13349075>.

<sup>107</sup> "NGOs and Aid in Eritrea," *Eritrean Development Foundation*, 2008, accessed 2 November 2016, <http://www.edfonline.org/ngofactsheet.html>.

<sup>108</sup> "More About RSF," *Reporters without Borders*, 19 October 2016, accessed 11 November 2016, <https://rsf.org/en/presentation>.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

organizations such as the UN.<sup>111</sup> As the organization has been able to assist and train journalists to be safe across platforms like the internet and has helped establish a media outlet in Eritrea, it has the potential to improve conditions of freedom of the press in Eritrea further.

## **Defend Defenders**

The East and Horn of Africa Human Rights Defenders Project (EHAHRDP), also known as Defend Defenders, is a Ugandan NGO developed in 1989. Their mission is to strengthen the work of human rights activists throughout the region by reducing their risk of persecution and empowering the citizens' capacity to effectively defend their own human rights. The NGO represents more than 70 members of The African Commission on Human Rights and the UN Economic and Social Council. The majority of their work in protecting and empowering activists focuses on Eritrea and its bordering countries — Ethiopia, Djibouti, and Somalia. Their hotline is open 24 hours a day along with resource centers that are already set up in Eritrea and along its border. The resource centers in Eritrea, which are currently up and running, are stocked with computers and other internet services which are all immune from leaking any information posted from the computers. Defend Defenders is currently serving as a refuge and aid provider for activists and ordinary Eritreans, whether they are seeking asylum within their country or outside their borders, and works to make Eritreans advocate for their own freedom of expression.<sup>112</sup> 5,000 Eritreans flee their country every month, therefore a place of refuge gives Eritreans opportunities to advocate online for freedom of press in their country.<sup>113</sup> Defend Defenders must work with Reporters Without Borders to expand their aid to more activists living in Eritrea and give journalists a safe space to express their ideas to the public with Defend Defenders' secured internet outlets. Due to the size and skill set of both NGOs combined, working collaboratively will create a greater scale of awareness for freedom of the press in Eritrea and will speed up the process of spreading information. By working through the State Department's sanctions on President Afwerki and potential bilateral sanctions, both NGOs will achieve immunity in Eritrea. Allowing publishing inside Eritrean communities will reduce the need for international press freedom forces and allow Eritrea to become more sustainable. These sanctions will allow the activists to legally impose their views inside Eritrea, which will grow the scale of recognition and activists fighting for freedom of the press.

## **NGOs Working with The African Union**

NGOs working with the AU's subgroups will be an effective coalition process that will create immunity of NGOs operating to fight humanitarian violations. According to Jinmi Adisa, the director and Chair of the Commission in the African Union, an effective coalition with the Justice and Legal Affairs division in the AU and Humanitarian NGOs would promote a complementary

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<sup>111</sup> Ibid.

<sup>112</sup> "East and Horn of Africa Human Rights Defenders Project," *DefendDefenders.com*, accessed 9 November 2016, <https://www.defenddefenders.org/>.

<sup>113</sup> Ibid.

and mutually reinforcing approach and strategies in developing civil liberties.<sup>114</sup> The AU's credibility as an intergovernmental union will be another factor in providing immunity for future NGOs working in Eritrea through this partnership. By working with the AU and with the bilateral sanctions from the State Department, President Afwerki must allow the NGOs that strive for Eritrean development in civil liberties, like Reporters Without Borders and Defend Defenders, into the country. NGOs will solely function to complement Eritrea's efforts in developing their human rights. Reporters Without Borders and Defend Defenders will enhance Eritreans' understanding of social, political, and economic factors affecting their lives and will help develop appropriate skills and responses for tackling them.

### **Health and Education: Amref and Brac**

If the bilateral blanket sanctions and the enforcement in partnering with the African Union fails, the Eritrean government will only permit humanitarian NGOs that implement education and health programs to enter. NGOs that provide health and education services will have the ability to indirectly contribute to the empowerment of Eritreans through programs such as youth empowerment groups educating on media usage. Brac and Amref are two NGOs that provide basic education and health services to improve the quality of life of East African people. Hazle Hasan Abed founded Brac in 1972 which works in neighboring countries similar to Eritrea such as South Sudan.<sup>115</sup> Brac's programs and services align with the health and education improvements that the Eritrean government wants for its people, and they have educational programs that entail youth groups who meet and discuss social issues in their society. Three surgeons, Michael Wood, Archibald McIndoe, and Thomas Rees, founded Amref Health Africa in 1956 and after 60 years of treating tuberculosis, malaria, and HIV in East Africa it has become one of Africa's most respected health development organizations.<sup>116</sup> Amref partners with international institutions such as The London School of Hygiene and Tropical Medicine, Harvard, Johns Hopkins Universities, and other medical facilities throughout the African continent to achieve its mission in improving African health.<sup>117</sup> Amref also has youth empowerment programs focused on medicine. By educating Eritreans on how to use online databases, Eritreans can apply those skills to advocating for their right to freedom of the press and other social issues. These human rights developments will be successful with the help of Amref and Brac educational and health reforms in addition to Reporters Without Borders and Defend Defenders.

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<sup>114</sup> Dr. Jinmi Adisa, "The Role of Non-Governmental Organizations in Development Support: The African Perspective," African Union Commission to the Arab-Africa Economic Forum, accessed 11 November, 2013, [http://www.au.int/en/sites/default/files/speeches/27321-sp-the\\_role\\_of\\_ngos\\_presentation\\_-\\_kuwait.pdf](http://www.au.int/en/sites/default/files/speeches/27321-sp-the_role_of_ngos_presentation_-_kuwait.pdf).

<sup>115</sup> "BRAC Home," *Brac: Creating Opportunity for the Poor*, 30 May 2016, accessed 2 November 2016, <http://www.brac.net>.

<sup>116</sup> "Amref Health Africa," *Amref.org*, last modified 1 September 2013, <http://amref.org/>.

<sup>117</sup> *Ibid.*

## Recommendations

- Defend Defenders must work with Reporters Without Borders in order to create a greater scale of awareness and advocacy for freedom of the press in Eritrea.
- The State Department's sanctions on Afwerki and potential bilateral blanket sanctions must function to grant immunity for Eritreans in Defend Defenders and RSF.
- NGOs must strengthen their partnership with The African Union in order to operate without risk of expulsion from the country by working in coalition with the Justice and Legal Affairs division.
- In the case that RSF and Defend Defenders are declined entrance to Eritrea after sanctions from the State Department and partnership with the African Union are put in place, Amref and Brac will be legally permitted to set up educational programs and clinics in Eritrea to educate and better the health of the Eritrean people to indirectly empower them to improve their own freedom of the press within Eritrea.

## Opposition Groups

### Opposition Groups in Eritrea

In the words of Martin Plaut, a fellow at the Institute for Commonwealth Studies and a specialist on the Horn of Africa, “The shifting sands of Eritrean politics are never easy to understand. Eritreans themselves have to work hard to keep up.”<sup>118</sup> Opposition groups, therefore, have struggled to find a way to make meaningful change in the complex and authoritarian political climate of Eritrea.

Opposition groups are defined as any group that is working against the Eritrean government, stationed inside or outside the country. Within that definition, there are two main types of opposition groups: political parties and civic organizations. Although both types of opposition groups are illegal, political parties have been further hindered by being banned from entering Eritrea and, due to claims of foreign ties, have lost the trust of the people. Furthermore, political parties have been unsuccessful due to internal divisions based on differences in religion, ethnicity, and region.<sup>119</sup> Civic organizations, including youth groups and grassroots organizations, however, have proven to be more successful by mobilizing the diaspora and spreading information both inside and outside of Eritrea.<sup>120</sup>

### Eritrean Youth Solidarity for Change

Eritrean Youth Solidarity for Change (EYSC), a youth group formed in February 2011, uses their online presence to spread information and organize Eritreans in the diaspora. In late 2011, EYSC merged with Eritrean Youth for Change (EYC), another youth group formed in 2008 out of the San Francisco Bay Area. The combination of EYSC and EYC inspired the group to open more offices outside of Eritrea, with locations throughout North America. Although EYSC has a strong international base, it lacks roots in Eritrea or any neighboring countries.<sup>121</sup> Its radio station is broadcast illegally once a week in Eritrea and accessible both online and by telephone.<sup>122</sup> Their Facebook group has over 25,000 members who discuss and share information about current events in Eritrea and resistance to the Afwerki regime.<sup>123</sup> The group also organizes a yearly conference, the Bologna Summit, the most recent of which was held in summer 2015 in Oakland, CA; London; England; and Bologna, Italy.<sup>124</sup> The conference aimed to unite Eritrean opposition groups and strengthen the relationships between them.<sup>125</sup> EYSC held 13 seminars in preparation for the event

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<sup>118</sup> Martin Plaut, “The Eritrean Opposition Moves Towards Unity,” *Review of African Political Economy*, 32, no. 106 (2005): 638-43, accessed 4 November 2016, <http://www.jstor.org/stable/20059117>.

<sup>119</sup> Abdulkader Saleh Mohammad and Kjetil Tronvoll, “Eritrean Opposition Parties and Civic Organizations,” *NOREF: Norwegian Centre for Conflict Resolution*, 19 January 2015, [http://noref.no/var/ezflow\\_site/storage/original/application/9f9d5d39afa27ee550f5632f9b6d03e4.pdf](http://noref.no/var/ezflow_site/storage/original/application/9f9d5d39afa27ee550f5632f9b6d03e4.pdf).

<sup>120</sup> *Ibid.*

<sup>121</sup> EYSC, “About EYSC,” *EYSC: Eritrean Youth Solidarity for Change*, accessed 4 November 2016, [http://www.eysc.net/?page\\_id=81](http://www.eysc.net/?page_id=81).

<sup>122</sup> EYSC, “EYSC in 2014 - A Review,” *EYSC: Eritrean Youth Solidarity for Change*, accessed 4 November 2016, <http://www.eysc.net/?p=99645>.

<sup>123</sup> Winta Yemane Eysc, “Eritrean Youth Solidarity for Change,” *Facebook.com*, accessed 10 November 2016, <https://www.facebook.com/groups/eritreanyouth>.

<sup>124</sup> EYSC, “Bologna 2015,” *EYSC: Eritrean Youth Solidarity for Change*, accessed 4 November 2016, [http://www.eysc.net/?page\\_id=185677](http://www.eysc.net/?page_id=185677).

<sup>125</sup> EYSC, “EYSC in 2014 - A Review,” *EYSC: Eritrean Youth Solidarity for Change*, accessed 4 November 2016, <http://www.eysc.net/?p=99645>.

throughout Europe and the United States, and continues to work with several task groups that assembled at the conference.<sup>126</sup> EYSC has reached out to other organizations; in 2014 they presented to the Human Rights Council in Geneva, as well as at the One Young World conference in Dublin.<sup>127</sup> Although the organization attempts to reach a global audience, most of their information is in Tigrinya – the national language of Eritrea - making it difficult for non-Eritreans to participate in the organization.<sup>128</sup> Although EYSC has not made any direct political change in Eritrea, the organization has increased the chances of a long-lasting political change in the country by effectively raising awareness and increasing the number of people participating in conversations about Eritrea.

## Freedom Friday

Freedom Friday is the only independent press organization inside Eritrea. In 2011, when EYC and EYSC were in the process of merging, the two groups collaborated on Facebook to create the Freedom Friday (*Arbi Harnet*) campaign.<sup>129</sup> The campaign, now a full-scale organization, recognizes the danger in protesting on the streets, and instead encourages participants to stay home on Fridays in opposition to the government.<sup>130</sup> The group aims to connect Eritreans by having those in the diaspora call and text people within the country to spread information. Freedom Friday also uses a robo-call system to convey information about issues, such as religious divide and unlawful imprisonment within Eritrea, reaching 10,000 callers each week.<sup>131</sup> Robo-calling is an effective means of communication; 83 percent of the population in sub-Saharan Africa has access to a cellular phone.<sup>132</sup> The organization has recently started poster campaigns in Asmara promoting protests against the government. Freedom Friday also spreads underground newspapers, written by Eritreans inside and outside of the nation, making it the only independent newspaper in Eritrea.<sup>133</sup> Although Freedom Friday has been successful thus far, it is still a grassroots organization in need of a more established global partner in order to effectively create freedom of the press.

## Eritrean Solidarity Movement for National Salvation

Based in Ethiopia, the Eritrean Solidarity Movement for National Salvation (ESMNS), or Simret, formed in 2012 as a union of 38 Eritrean youth organizations.<sup>134</sup> Simret is an established

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<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

<sup>128</sup> EYSC, “Home,” *EYSC: Eritrean Youth Solidarity for Change*, 4 November 2016, <http://www.eysc.net/>.

<sup>129</sup> Awate Team, “Interview with Eritrea’s ‘Freedom Friday’ Organizers,” *Awate.com*, 10 February 2012, <http://awate.com/interview-with-eritreas-freedom-friday-organizers/>;

Gianluca Mezzofiore, “Eritrea: ‘Freedom Friday’ Movement Challenges ‘North Korea of Africa,’” *International Business Times*, 10 April 2013, <http://www.ibtimes.co.uk/eritrea-freedom-friday-arbi-harnet-455506>.

<sup>130</sup> Meron Estefanos, “Meron Estefanos: Freedom Friday Movement in Eritrea,” Vimeo video, 2:54, 14 January 2015, <https://vimeo.com/116740144>.

<sup>131</sup> Ibid.

<sup>132</sup> Pew Research Center, “Cell Phones in Africa: Communication Lifeline,” *Pew Research Center*, 15 April 2015, <http://www.pewglobal.org/2015/04/15/cell-phones-in-africa-communication-lifeline/>.

<sup>133</sup> Meron Estefanos, “Eritrea gets underground newspaper 12 years after ban on private media,” *The Guardian*, 19 September 2013, <https://www.theguardian.com/world/2013/sep/19/eritrea-underground-newspaper-press-freedom>; Gianluca Mezzofiore, “Eritrea: ‘Freedom Friday’ Movement Challenges ‘North Korea of Africa,’” *International Business Times*, 10 April 2013, <http://www.ibtimes.co.uk/eritrea-freedom-friday-arbi-harnet-455506>.

<sup>134</sup> Mohammad and Tronvoll, 4; Russom M, “Profile Eritrean Solidarity Movement for National Salvation,” *Erivision.com*, 14 November 2015, <http://www.erivision.org/profile-eritrean-solidarity-movement-for-national-salvation/>.

organization with leadership stretching throughout its seven global administrative regions.<sup>135</sup> Like EYSC, Simret is an international group focusing on organizing the diaspora and creating a strong resistance to Eritrean human rights abuses.<sup>136</sup> They spread thousands of copies of their print news throughout refugee camps in Ethiopia and South Sudan, where Internet access is not available.<sup>137</sup> They broadcast their radio programs three times a week in both Arabic and Tigrinya to thousands of listeners.<sup>138</sup> As of November 2015, Simret had conducted 33 public seminars throughout their 112 chapters across the United States, Canada, Europe, the Middle East, Africa, and Australia. As an opposition group, Simret has been successful in raising awareness with 29,000 members in their Facebook group.<sup>139</sup> Due to their international presence and press capabilities, Simret is a useful partner to have for the process of freeing the press in Eritrea.

## Recommendations

- We recommend that EYSC partner with Freedom Friday to distribute information about Eritrea throughout North America via social media and radio. This information should be distributed in a range of languages to effectively raise awareness.
- We recommend that Simret form a partnership with Reporters without Borders to spread Simret's existing radio and print journalism efforts throughout Eritrea.
- We recommend that Freedom Friday partner with EYSC and expand its robo-call system through EYSC's telephone-accessible radio station, thus sharing information about Eritrea throughout Africa.
- We recommend that Simret add a seminar focused on censorship and lack of freedom of the press in Eritrea to its existing program and publicize it throughout the organization's seven administrative regions.

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<sup>135</sup> Russom M, "Profile Eritrean Solidarity Movement for National Salvation," *Erivision.com*, 14 November 2015, <http://www.erivision.org/profile-eritrean-solidarity-movement-for-national-salvation/>.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

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