

# Sanction My Country – An Eritrean plea to the World

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## 1. Sanction Regimes and Eritrea

The Tigray War and Regional Implications Volume 2 ([Tigray War and Regional Implications Volume 2 - with maps and illustrations - Eritrea Hub](#)) discuss detailed aspects of the war in Tigray, including Eritrean involvement. Some provide an update to Volume 1 ([The Tigray War and Regional Implications - Full Report - Eritrea Hub](#)) covering the period July to December 2022; others cover fresh topics. This chapter authored by myself focuses on sanctions, both unilateral and multilateral, that could potentially be imposed on Eritrea - a country that has subjected its own people to gross human rights abuses for three decades and is a catalyst for the horrific war currently unfolding in Ethiopia.

### 1.1 Eritrea and its economy



United Nations (Public Domain)

### *a) The President and the Eritrean Constitution*

The Eritrean post-independence constitution was ratified by the National Assembly on 23 May 1997 as the fundamental law of the country after active popular participation by the people. Article 16 enshrines the inalienable human rights of its citizens stating that; (a) the dignity of all persons shall be inviolable [unbreakable], (b) no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, and (c) no person shall be held in slavery or servitude nor shall any person be required to perform forced labour not authorised by law.” Article 19 further underpins these fundamental human rights, adding “every person shall have freedom of conscience, religion, expression of opinion, movement, assembly and organisation.”

Under Article 41 the term of office of the President shall be five years, limited to no more than to 2 terms. The President shall execute the authority vested in him in consultation with the Cabinet, in accordance with the provisions of the Constitution.

Following the independence referendum in 1993, the National Assembly appointed Isaias Afewerki as the Interim President of Eritrea until such time a new constitution could be drawn up and elections held.

The Interim President has refused to implement the constitution, despite the fact that it was ratified by the National Assembly and formally presented to him for his signature. He has in effect proceeded to nullify it. No elections have ever been held; the National Assembly has not met since 2001. Isaias Afwerki has effectively appointed himself President for life. He has ruled the country with an iron fist for almost three decades, accountable to no one else but himself. Even the ruling party – the PFDJ – has held no conference to which he might report.

When asked by Al Jazeera on 23 May 2008, when elections will be held in Eritrea, the President replied rhetorically: “What elections?”<sup>1</sup> He then added “we will see what the elections in the United States will bring and then wait for about 3 to 4 decades for a genuine, natural situations [to] emerge in Eritrea.” In short, he said the people of Eritrea will have to wait between 30 and 40 years before they can elect their own President.

In December 2010, the then US ambassador to Eritrea, Ronald McMullen, wrote a secret diplomatic cable<sup>2</sup> explaining how awful the situation in Eritrea really was; “Weird, dysfunctional Asmara, reminiscent of an Evelyn Waugh novel, is notorious among western diplomats as a hardship posting. Young Eritreans are fleeing their country in droves, the economy appears to be in a death spiral, Eritrea's prisons are overflowing, and the country's unhinged dictator remains cruel and defiant. Eritreans' strong sense of nationalism and their capacity to withstand great suffering and deprivation allows Isaias to cling to power.” The situation Ambassador McMullen witnessed in 2010 has worsened exponentially since then. No diplomat can

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<sup>1</sup> <https://www.youtube.com/watch?v=UAXKsZ8OsWo>

<sup>2</sup> WikiLeaks cables: Eritrean poverty and patriotism under 'unhinged dictator' | Eritrea | The Guardian

adequately describe how horrific life has become for the Eritrean people. Eritrea is a prison state.

### *b) Economy*

The World Bank, the IMF, the African Development Bank amongst others, have struggled to come up with reliable economic data on Eritrea since the country gained its independence in 1993. The country has never published an annual budget, official statistics and data are scanty and notoriously unreliable. Some of the information in this report cannot, therefore, be sourced. The author, who is of Eritrean extraction, has always remained informed of the situation in his homeland. Some of the information has been obtained over many years by working with and speaking to Eritreans, and others, who are well informed, some of whom have previously been part of the government or civil service.

In March 2018, in its 1999 -2016 report to the African Commission on Human and People's Rights, the Eritrean government revealed that the country has a population of 3.65 million<sup>3</sup>. This is considerably smaller than the UN estimate figure of 4,954,645 (2016) or CIA estimate of 5,918,919 (2017)<sup>4</sup>. Anecdotally, the government has deliberately understated the population size to improve GDP per capita which is one of the lowest in the world but inadvertently this has made its national debt per capita look a lot worse.

Eritrea has a command economy that is under the absolutely control of the President and a handful of his inner circle. There are three key components to the Eritrean economy; (i) Agriculture, (ii) Extractive Industries, and (iii) Remittances and Diaspora Tax. Manufacturing, once the envy of the region, has been in steep decline due to manpower, material and power/electricity shortages. Hardly any private sector construction takes place in the country since the necessary but scarce material and manpower are requested by the government and party autocrats. The vast majority of the population are enlisted in the open-ended and inaptly called "national service" where they work in slave-like conditions for meagre pay, unable to support their parents or start a family of their own.<sup>5</sup>

### *i. Agriculture*

According to the FAO (2019)<sup>6</sup>, the country's agricultural sector employs between 60 and 80 per cent of the population, but contributes less than 20 percent of the national GDP. Production is hampered by harsh climatic conditions, erratic and inadequate rainfall, soil erosion, recurrent locust swarm and lack of modern farming equipment. This is exacerbated by frequent wars with neighbouring counties which sucks huge numbers of people away from productive activities, to fight in destructive conflicts. For example, the border conflict with Ethiopia in 1998-2000, and the current tragic

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<sup>3</sup> Population Archives - Eritrea Hub

<sup>4</sup> 404 - CIA

<sup>5</sup> <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=20067&LangID=E>

<sup>6</sup> SOFI-2019-full-report.pdf (unicef.org)

war in Tigray where the people of Eritrea have been forced at gunpoint to fight and die en masse in another country's civil war.

According to the World Bank (2018)<sup>7</sup>, the agriculture sector meets between 60 and 70 percent of the food needs of the people even in years of good rainfall. The food shortfall is largely met through food aid from the international community, making the regime's self-reliance ideology a myth.

## *ii. Extractive Industries*

Eritrea's vast and largely untapped mineral reserves have been the key sector that has attracted foreign direct investment which peaked at \$74m in 2020<sup>8</sup>, a fraction of its huge revenue stream potential. The country's geology hosts a variety of precious metals, base metals and industrial minerals, most notably gold, copper, nickel, chromite, potash, sulphur, marble and granite. Gold is said to be present in many parts of Eritrea. A major belt of sulphide deposits with gold and base metal mineralization extends over a length of 250 kms from north of Asmara, the capital, to the Eritrean border to the south. This belt includes the Bisha high-grade zinc-copper-gold deposit<sup>9</sup>. There are indications of similar base metal deposits further north of Kerkebet and Harabsuit and a belt of copper mineralization in Raba-Semait area, sulphide-rich gossanous rock in Mt Tullului (Bedeho) in the north and in Mt Seccar and Sheib areas in the Eastern Lowlands<sup>10</sup>.

In spite of the economic and investment climate, there are still a number of international companies from Canada, UK, Australia and China doing business in Eritrea, almost exclusively in the extractive sector. The sector is increasingly dominated by Chinese companies, who own approximately 75 percent of all operations. In January 2020, Nevsun Resources Ltd of Canada was acquired by a Chinese company – Zijin Mining Group Co Ltd - for \$1.86 billion in a friendly takeover<sup>11</sup>.

The Eritrean regime largely maintains itself through mining revenues. Much of Eritrea's foreign exchange income comes from foreign gold/copper mining company projects, in which the Eritrean Government holds at least a 40 percent stake.<sup>12</sup> Nevsun's 2016 financial statement states the company has contributed \$1 billion to the Eritrean government in various forms of taxation, dividends, and other payments<sup>13</sup> and that the contents of Bisha mine alone are worth a combined total of \$2.7 billion<sup>14</sup>.

Western financial institutions and companies listed in stock exchanges in London, Toronto, New York and Australia have major stakes in mining companies operating in Eritrea. These institutions and companies are complicit in the horrific and

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<sup>7</sup> Eritrea Overview: Development news, research, data | World Bank

<sup>8</sup> Investing in Eritrea - International Trade Portal International Trade Portal (lloydsbanktrade.com)

<sup>9</sup> Mining & Repression in Eritrea (Download Report) | Eritrea Focus (eritreafocus.org)

<sup>10</sup> 'Mineral Potential of Eritrea', 5 October 2012, <http://www.shabait.com/categoryblog/11200-mineral-potential-of-eritrea>

<sup>11</sup> Chinese firm Zijin Mining successful in takeover of Nevsun Resources - BNN Bloomberg

<sup>12</sup> <https://www.hrw.org/world-report/2016/country-chapters/eritrea>

<sup>13</sup> Mining and Repression in Eritrea - Corporate Complicity in Human Rights Abuses - EMBARGOED COPY.pdf (eritreahub.org) page 20

<sup>14</sup> 'Resource and reserves', <http://www.nevsun.com/projects/bisha-main/>

sustained human rights abuses in Eritrea. They are also helping finance the current appalling war in Ethiopia that has brought the country to the brink of fragmentation.

### *iii. Remittances and Diaspora Tax*

In 2019, the Eritrean People's Democratic Party (EPDP) in exile, estimated the number of Eritreans in the diaspora at "at least 2 million" scattered around the globe including; 850,000 in Sudan, over 500,000 in Ethiopia, 200,000 in North America, 125,000 in Italy, 80,000 in Germany, 50,000 in Sweden, 40,000 in the UK, 39,000 in Switzerland, 25,000 in Sweden, 20,000 in Norway, 6,000 in Australia, 4,000 each in Denmark and Finland and 3,000 each in France and Belgium<sup>15</sup>. These numbers have increased significantly since 2019. Going in to exile is the only option to preserve life for a large segment of the Eritrean population<sup>16</sup>. And for the children of Eritrea "refugee status" in the West is now seen as a "profession" to aspire to.

### *Remittances*

Remittances to family and friends from the diaspora are one of the main drivers of the Eritrean economy and are said to contribute, together with the diaspora tax, around a third<sup>17</sup> of GDP. Approximately a third of the population in Eritrea rely on remittances for their basic daily needs such as food and housing<sup>18</sup>. This inflow of cash also generates a substantial amount of hard currency for the government and is likely to increase as the number of refugees, especially those of productive age (under 40 years of age) accelerates year-on-year.

Apart from remittances to support family and friends, there is no direct investment by the Eritrean diaspora in their homeland due to a lack of confidence in the government. This is in contrast to other African countries e.g., Ethiopia where diasporas invest large sums of money in their country, and are actively encouraged, and indeed incentivized, to do so by the government. The lack of diaspora inward investment in Eritrea, to some extent stems, from the "Eritrean Bond Scheme" issued in the 1990s. Eritreans, in good faith, invested their hard currencies in government bonds, only to find the government "default"<sup>19</sup>.

In the early stage after independence, the Eritrean diaspora's "social remittance" in terms of a transfer of ideas, skills and expertise, technology and research were significant. Some high skilled Eritreans in diaspora abandoned well paid jobs and comfortable lives in the West to return to their country to help build its economy pro bono. This was not well received nor welcomed by the government, which saw it as a threat to its monopolistic control. Over time the "social remittance" simply fizzled away, and even those who relocated to the country were gradually forced to return to exile and rebuild their lives all over again.

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<sup>15</sup> EPDP Assessment Shows Eritreans In Exile/Diaspora to be over Two million ([harnnet.org](http://harnnet.org))

<sup>16</sup> Young Eritreans would rather risk death at sea than let their leaders take their freedom | View | Euronews

<sup>17</sup> Understanding Remittances in Eritrea: An Exploratory Study ([wmich.edu](http://wmich.edu))

<sup>18</sup> Understanding Remittances in Eritrea: An Exploratory Study ([wmich.edu](http://wmich.edu)) Page 14

<sup>19</sup> Based on professional advice the author provided to members of the diaspora when the bonds were launched and since.

## *Diaspora Tax*

On 10 December 1991, the Transitional Administration of Eritrea issued Proclamation No. 17/1991 for the Collection of Rehabilitation Tax. This was subsequently amended by Proclamation No. 67/1995 to include the Collection of Tax from Eritreans who “Earn Income while Living Abroad”. The main purpose of the tax, as stated in Proclamation No. 17/1991, was “Social Security” such as supporting families of martyrs, war disabled and victims of natural disaster.

Proclamation No. 67/1995 identifies a taxable person as “any person [Eritrean] who lives outside the country and who earns income from employment, rental of moveable or immovable property, or any other commercial, professional or service rendering activity, shall pay a two per cent tax on net income on a monthly or yearly basis.” The tax is therefore levied to the members of diaspora although the original Proclamation does not specifically refer to diaspora tax and the constitution ratified in 1997 states “only the National Assembly has the authority to impose taxes”, in effect repealing Proclamations No. 67/1995. This raises the question of the legality of the diaspora tax under Eritrean law. Similarly, Western countries have increasingly questioned the legality of the taxes over the last decade.

The Eritrean government 2 per cent Diaspora Tax rate has remained unchanged since it was first enacted. It is difficult to know the total diaspora tax the government collects each year. But it is thought to be one of the main sources of hard currency earner for the country and contributes, along with remittances, c. 33 percent to GDP<sup>20</sup>.

According to Proclamation 67/1997, responsibility for the diaspora tax lies with the Ministry of Foreign Affairs and the tax is payable to the Ministry of Finance through diplomatic missions. The transactions take place outside the formal channels of the Inland Revenue and Treasury Departments of the Ministry of Finance and are believed to be used to finance covert activities by the President.

The diaspora tax is collected by coercion, extortion and threats of violence by members of Embassy staff and government agents sometimes going house to house in an attempt to persuade or intimidate members of the diaspora to pay the levy. Taxes collected this way are then transferred to various Eritrean embassy bank accounts or to privately held offshore accounts. Some of the tax is repatriated to Eritrea in diplomatic bags, or by couriers. Increasingly the levy is paid in hard currency on arrival in Asmara.

In July 2011, the UN Security Council noted “that Oakland, California, and the Washington, D.C., area host some of the largest Eritrean communities in the United States, and therefore provide major sources of funding for PFDJ. Some of this cash is deposited in Eritrean embassy bank accounts, but much of it is moved through increasingly opaque financial networks, employing money transfer companies and individual couriers. According to Eritrean sources, Tesfay (or Adey) Mariam is suspected of being one such financial facilitator. While working as a taxi driver in Arlington, Virginia, Tesfay Mariam - an Eritrean citizen with dual United States

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<sup>20</sup> Rapid fragility and migration assessment for Eritrea ([gsdrc.org](http://gsdrc.org)) pages 1 and 2

nationality - has organized the transfer of hundreds of thousands of dollars to Eritrean individuals and PFDJ-linked businesses in Dubai”. Tesfay is on the list of 95 Eritrean individuals with significant real estate interest in Dubai that the author anonymously received in January 2022.

In December 2011, the UN in accordance with the international law S/RES/2023 (2011) 4 11-62278, declared “that Eritrea shall cease using extortion, threats of violence, fraud and other illicit means to collect taxes outside of Eritrea from its nationals or other individuals of Eritrean descent. It added that States [host countries] shall undertake appropriate measures to hold accountable individuals on their territory who are acting, officially or unofficially, on behalf of the Eritrean government or the PFDJ. It called upon States to take such action as may be appropriate consistent with their domestic law and international relevant instruments, including the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations, to prevent such individuals from facilitating further violations; (UN Security Council, 2011b).”

The UN Commission of Inquiry reported the 2 percent Tax was a tool used by the government of Eritrea to carry out surveillance and control over the diaspora communities. Some countries including Canada and the Netherlands have expelled Eritrean envoys over diaspora tax. However, the regime continues to flagrantly abuses its own and international law to collect diaspora tax through its embassies and agents across the world.

Failure to pay the diaspora tax can result in the denial of: consular services, access to services in Eritrea for self or family members (including food vouchers), property rights (including home repairs), remittances and gift packages to family members. At worst it could result in social exclusion, vilification or even imprisonment.

Proponents of the Eritrean diaspora tax argue the tax is the same as that levied by Western governments on their own citizens living and working abroad. This could not be further from the truth. To begin with, Western governments do not coerce or threaten violence against their citizens to force them to pay tax anywhere in the world in the way Eritrea does. Moreover, Western citizens living and working abroad in most cases pay tax to their home governments, usually under Double Taxation Treaties.

Double Taxation Treaties are agreements between 2 states which are designed to: protect against the risk of double taxation where the same income is taxable in 2 states. For example, the US and the UK governments signed on 24 July 2001 [last updated 9 August 2021] a Double Taxation Relief Treaty which entitles their taxpayers to pay tax in only one country<sup>21</sup>. Similarly, Italy and the UK have a Double Taxation Treaty for the avoidance of double taxation between their two countries which was signed in 1988 that came into effect at the start of 1990<sup>22</sup>. Eritrea currently has no Double Taxation Treaty with any other country in the world; hence it cannot legally levy tax on its diaspora. This assertion by the author is supported by

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<sup>21</sup> [Uk/USA Double Taxation Agreement - 2002 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

<sup>22</sup> [Italy-UK Double Taxation Treaty \(lawyersitaly.eu\)](https://lawyersitaly.eu)

Michael Rubin, an Enterprise scholar, who states “the American [Western] analogy is simply inaccurate. The U.S. negotiates double taxation treaties with various governments. That the Eritrean regime will threaten the family members of its nationals abroad to compel diaspora tax payments likewise places it firmly in the camp not of the U.S. but rather of North Korea, Turkmenistan, or, in the past, Moammar Gadhafi’s Libya or Saddam Hussein’s Iraq.”<sup>23</sup>

### *No other viable economic sector in Eritrea*

Apart from the 3 economic sectors noted above, Eritrea has minuscule fishery activities despite its 1,200 km Red Sea Coast and a number of populous landlocked neighbouring countries to which it could market its fish produce. Eritrean ports stand idle and decaying. There are almost no tourists and diaspora visits have declined steadily due to lack of amenities, restrictions and human rights abuses at the hands of the security services.

Manufacturing is virtually non-existent in today’s Eritrea, which has been systematically and deliberately destroyed or neglected into state of disrepair by the regime. The once vibrant private sector, which was the envy of neighbouring counties, has been decimated by the President. The “private sector” now comprises of the self-employed workers in village farms, market stalls, bars/restaurants or corner shops dotted in towns and cities around the country. It is next to impossible for the self-employed to access hard currency and the transactions are carried out almost exclusively in Nakfa, which are rigidly controlled by the regime.

### *The overall state of Eritrea’s finances*

Eritrea struggles to attract inward investment due to corruption, excessive foreign and local currency controls, low-skilled workforce drained by mass migration and delapidated infrastructure. Foreign direct investment in 2020 was a meagre \$74 million (2019: \$67 million)<sup>24</sup>. There is also an endemic and systematic human rights abuses and indefinite slave-like national service in the country. As a result, Eritrea remains one of the world’s most difficult places to do business, ranking second last (before Somalia) out of 190 countries in the 2020 Doing Business report published by the World Bank (same ranking as in 2019)<sup>25</sup>.

According to the FCDO factsheet dataset published in October 2021<sup>26</sup> show the following stats:

✓ GDP	\$2.1 billion
✓ GDP per capita	\$587.70
✓ Inflation	4.8%
✓ Current account balance	10.9% of GDP
✓ Debt	184.9% of GDP

<sup>23</sup> <https://www.washingtonexaminer.com/opinion/the-state-department-can-and-should-stop-eritreas-illegal-diaspora-tax-in-the-us>

<sup>24</sup> Investing in Eritrea - International Trade Portal International Trade Portal (lloydsbanktrade.com).

<sup>25</sup> Doing Business 2020

<sup>26</sup> Factsheets Dataset (publishing.service.gov.uk)

✓ Govt revenue	31.4% of GDP
✓ Govt spend	36.4% of GDP
✓ Deficit	5% of GDP
✓ Forex Reserves	\$200 million [approx. 1.25 months cover]

In 2020 Eritrea was affected by locust swarms and the COVID–19 pandemic which hampered economic activities. As a result, GDP declined by 0.6 percent compared to prior year. COVID affected supply chains working hours and travel. The fiscal deficit widened by 5 per cent of GDP in 2020, compared with a deficit of 1.6 per cent in 2019.

The amount of debt Eritrea owes is significant in relation to its small economy: US\$ 3.9 billion<sup>27</sup> in 2020. This equates to 184.9 percent of the national GDP, making the country one of the most debt-ridden nations in the world. This is likely to worsen as the country borrows even more money (mostly from the Chinese) to finance its war efforts in Tigray.

Today, Eritrea is almost always near the bottom of international social and economic indicators. The Human Development Index (HDI) for 2019<sup>28</sup> ranked Eritrea in 0.434, which is below the average of 0.504 for countries in the low human development group and below the average for countries in Sub-Saharan Africa. In 2019, Eritrea was ranked at 182 out of 189 countries in terms of HDI. Poverty remained high at 69 percent in 2019 with the majority of the population facing significant challenges in food security.

In the early post-independence years, President Isaias promised to transform Eritrea’s economy into the “Singapore of Africa” or “Switzerland of Africa” depending on his erratic and childlike mood. Instead, the country today is widely labelled as the “North Korea of Africa”. The Eritrean economy is on its knees and the country is one of the fastest emptying nations, producing one of the largest number of refugees per capita in the world year-on-year over the last decade.<sup>29</sup>

In a televised interview<sup>30</sup> President Isaias gave to the nation in February 2021, which was subsequently translated by the author from Tigrinya in to English<sup>31</sup>, he said “there is no economic or trade problem in this country but the way we think has been the root cause of our difficulties. Nobody can say our economy is an economy. What economy? It is a hand to mouth economy.” On COVID-19, he adds “to say COVID has had a negative impact on our economy is an exaggeration because we had no economy in the first place. This is why I say there has not been any business in Eritrea that has been interrupted or closed down because of COVID. Which ones? None, because they did not exist in the first place. Our economic capability currently is zero but we have big ideas and policies for a sustainable solution.”

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<sup>27</sup> Figure extrapolated by the author

<sup>28</sup> Eritrea Human Development Index (HDI) for 2019 - Search (bing.com)

<sup>29</sup> <https://www.theguardian.com/world/2010/dec/08/wikileaks-eritrea-president-asaias-afwerki> and <http://www.afrol.com/articles/37033>

<sup>30</sup> <https://asenatv.com/a-complete-english-translation-of-isaias-afwerkis-eritrean-tv-interview-17-february-2021/>

<sup>31</sup> A complete English translation of Isaias Afwerki’s Eritrean TV Interview, 17 February 2021 - Eritrea Hub

The President further reiterated these economic calamities in a speech he apparently gave to a selected group of army officers and cadres in a town South of Asmara (on the road from the capital to Massawa) in September 2020. He said “the country had to accept that it has a small and not very viable economy and a long Red Sea coast, which Eritrea cannot patrol on its own. Hence it is imperative to think of some sort of union with Ethiopia, at least in terms of economic co-operation and maritime security”.<sup>32</sup>

The President is delusional and shameless. He fails to accept that the Eritrean economic calamity happened in his 30-year watch, which he has transformed a relatively prosperous, developing country into an economic wasteland. It’s no wonder a neighbouring country foreign minister said “this man is a lunatic” and another added “all of Africa is fed up with him”.<sup>33</sup>

## 1.2 Corruption

Eritrea’s economic woes are the direct result of endemic, systematic and rampant corruption as will be explained in the paragraphs that follow. Corruption is at the heart of the regime in Asmara, which in turn deters foreign direct investments from international entities and Eritrean diasporas alike.

The government and its proponents claim Eritrea has zero tolerance for the crime<sup>34</sup> and experiences little corruption<sup>35</sup>. However, international data such as the Corruption Index paints a different picture. According to the Corruption Perceptions Index, Eritrea score ranged between 18/100 and 25/100, averaging 21/100 in the period from 2012 to 2020<sup>36</sup>, where the average score for the least corrupt country (Denmark) is 89/100. The corruption trend in Eritrea over the period has worsened rather than improve.

In 2011, the UN Somalia/Eritrea Monitoring Group (SMEG)<sup>37</sup> reported that “Essentially, Eritrea manages two parallel economies: a formal economic sphere ostensibly managed by the State, and an opaque, largely offshore financial system controlled by elements of the ruling party and their supporters.”<sup>38</sup> The first part of the economy managed by the State is almost exclusively a “cash economy” which is used by the population and government departments to run services. In 2015, the government issued new Nakfa (ERN)<sup>39</sup> notes pegged at a fixed US \$ 1 to 15 ERN, and restricted the amount its citizens can withdraw from the bank to ERN 5000 (\$330) per month<sup>40</sup>. There are no ATMs (automated cash withdrawal machines) in Eritrea<sup>41</sup>, a facility that has become increasingly common in the region, including

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<sup>32</sup> "Eritrean troops to be integrated into Ethiopian army and talks on Federation to commence soon" - report - Eritrea Hub

<sup>33</sup> Personal communication with the author

<sup>34</sup> <http://www.shabait.com/news/local-news/25314-eritreas-anti-corruption-experience-speech-by-mr-hagos-gebrehiwet-head-of-economic-affairs-of-the-pfdj-at-the-world-political-parties-meeting-in-beijing-the-peoples-republic-of-china>

<sup>35</sup> <https://www.globalsecurity.org/military/world/eritrea/corruption.htm>

<sup>36</sup> Corruption Perceptions Index - Wikipedia

<sup>37</sup> S/2011/433 - E - S/2011/433 -Desktop (undocs.org) page 85, paras 315-317

<sup>38</sup> Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 1916 (2010), 2011, S/2011/433, paragraph 378

<sup>39</sup> Eritrea Issued Legal Notice to Regulate New Currency! | Mdre-Bahri (wordpress.com)

<sup>40</sup> Eritrea - where ATMs are unknown and Sim cards are like gold dust - BBC News

<sup>41</sup> ATMS in Eritrea - Search (bing.com)

across the border in Tigray, Ethiopia. There are no card transactions in the country, be they credit or debit cards. Carrying hard currency, unless a member of the ruling elite or a visiting member of the diaspora, is not permissible. The cash economy is rigidly controlled by the regime and any breach can result in an indefinite imprisonment, without the due process of the law, or worse.

The second sphere i.e., the opaque economy, is conducted almost exclusively in hard currency and largely through offshore bank accounts to carry out the government's illicit activities or to procure essential commodities such as fuel. This "off balance sheet" economy is under the absolute control of the President.

There are about three dozen party-owned enterprises in the country that are involved in all sectors of the economy; ranging from construction to import and export, agriculture, manufacturing, transport, communication and financial services. These entities are organized under the Hidri Trust Fund and run by Hagos Ghebrehiwet, aka 'Kisha' [moneybags], PFDJ's head of economic affairs who is also the de facto finance minister and a close confidant of the President. As reported by the UN Commission of Inquiry (2016) "Only the President and three members of his inner circle, alone and with no [other] oversight, run state finances<sup>42</sup>. One important and undisputed source of revenue is proceeds from mining operations owned jointly by the Eritrean state and a transnational corporation."<sup>43</sup> Despite this closed network, some specific and damaging details of corruption by the inner circle and their associates have emerged over the years.

*i. UN Security Council Somalia/Eritrea Monitoring Group (SEMG)*

In 2011, the SEMG identified Eritrean businessmen in Kenya, Uganda, Rwanda, Burundi and Southern Sudan linked with millions of dollars collected by the Eritrean embassy in Nairobi. These illicit funds being used to support the Eritrean government's activities, including human rights violations. The SEMG recommended travel restrictions against those involved as deterrent and thereby removing this lucrative financial stream for the Eritrean government.

*ii. South Sudan (The Sentry Report)<sup>44</sup>*

In October 2019, *The Sentry* investigators reported Eritrean businessmen own hundreds of companies in South Sudan. Eritrean traders in South Sudan have been awarded contracts between 2012 and the present worth hundreds of millions of dollars. Besides being involved in import and export, Eritreans own several hotels in Juba, as well as power and construction companies.

For example, "The Sentry reports that out of the US\$ 922 million letter of credit programme in South Sudan, US\$ 57 million was contracted to companies registered to a certain Ghebremeskel Tesfamariam Ghidey (Gebre) [a major property investor

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<sup>42</sup> [A\\_HRC\\_32\\_CRP.1\\_read-only.pdf \(ohchr.org\) page 17, para 154](#)

<sup>43</sup> United Nations, Detailed Findings of the Commission of Inquiry on Human Rights in Eritrea, June 2016,

<sup>44</sup> <https://eritrea-focus.org/how-eritrea-rips-off-south-sudan/>. and Breaking Investigative Report: International Profiteers Looted Billions from South Sudan - The Sentry

in Dubai<sup>45</sup>. The money borrowed mainly from the National Bank of Qatar was meant for emergency food and other essential consumables. There is no evidence that any of the contracted companies delivered the promised goods. Reportedly, Gebre is affiliated with Eritrea's ruling party and has been mentioned in the UN Monitoring Group on Somalia and Eritrea as one of the recipients of "illicit funds" originating from the USA<sup>46</sup>.

Sources in Eritrea indicate that following the Comprehensive Peace Agreement between northern and southern Sudanese, contract deals were made between the Government of South Sudan under John Garang and the Eritrean Government for PFDJ construction companies to take part in infrastructure construction in the new country. The contracts estimated at US\$ 1.3 billion were cancelled by Salva Kiir's new administration following the accidental death of John Garang. By then Eritrea had already invested US\$ 33 million in machinery and other materials and had some construction companies (e.g., the party owned Segen) and personnel on the ground, which became a major issue of contention between the two governments and personally between Isaias and Kiir".

### *iii. Human Trafficking*

The UN Human Rights Inquiry on Eritrea (2017)<sup>47</sup> reported that Eritrean army officials were involved in human trafficking. One of these is General Tekle Kiflai (Manjus) who then controlled the smuggling across the western border with Sudan. Manjus is reported to be one of richest army officers in the country, second only to General Filipos Woldeyohannes, the army Chief of Staff and a member of the President's inner circle. According to Eritrea's former Deputy Minister of Finance, Kubrom Dafla Hasabay "[all of] the money doesn't stop with Manjus but it goes all the way up to the President."

General Filipos was sanctioned by the US government in November 2021.

### *iv. World Bank – Aid money misappropriated by corrupt government official*

According to the World Bank (February 2020), Eritrea is one of the top corrupt countries in the world where foreign aid is diverted to individual offshore accounts in large amounts, especially when compared to GDP. The report was prepared by the World Bank Policy Research and is contained in Working Paper 9150.<sup>48</sup>

This report examined whether there is a visible and verifiable correlation between receipt of foreign aid from the World Bank by certain countries, and money flows from these countries to foreign banks. A correlation means corrupt elites are

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<sup>45</sup> Based on information the author received in Jan 2022 from anonymous source that lists Gebre along with other 94 individuals of Eritrean extraction with significant real estate investments in Dubai.

<sup>46</sup> <https://eritrea-focus.org/how-eritrea-rips-off-south-sudan/>.

<sup>47</sup> <https://www.theguardian.com/world/2012/jul/17/eritrean-regime-arms-human-trafficking;>  
<https://d2071andvip0wj.cloudfront.net/eritrea-ending-the-exodus.pdf>

<sup>48</sup> Jørgen Juel Andersen, Niels Johannesen, Bob Rijkers, World Bank, Policy Research Working Paper 9150, Elite Capture of Foreign Aid Evidence from Offshore Bank Accounts, February 2020  
<https://documents1.worldbank.org/curated/en/493201582052636710/pdf/Elite-Capture-of-Foreign-Aid-Evidence-from-Offshore-Bank-Accounts.pdf>

capturing the aid and pocketing it rather than using it to develop their nation. This research found that in a quarter when a country received aid equivalent to 1 percent of GDP, its deposits in havens/offshore accounts increase by 3.4 percent relative to a country receiving no aid. In Eritrea, World Bank aid flows account for 3.2 percent of the annual GDP, the nation has 8 known deposit accounts in foreign bank 'havens,' and it showed a 2.29 percent quarterly growth rate in deposits to foreign accounts when aid is paid by the World Bank.<sup>49</sup>

The World Bank report demonstrates aid money given for the development of the country (Eritrea) and the wellbeing of the people is being siphoned off to offshore bank accounts by corrupt Eritrean government officials for their own personal gain and/or to prop-up the authoritarian regime.

It is unfathomable why the World Bank cannot stipulate mandatory monitoring and reporting mechanisms to ensure its foreign aid is used for its intended purposes. In this regard and following the publication of its February 2020 report, Eritrea Focus in partnership with other organisations submitted such a proposal to the World Bank but received no reply<sup>50</sup>.

#### v. HSBC

When the whistle-blower, Hervé Falciani, exposed the secret accounts in HSBC's Swiss private banking arm in 2015, Eritrea was among the top four African countries with the largest dollar deposits, \$ 699 million<sup>51</sup>. In addition, a single Eritrean client appeared to have \$ 695.2 million deposited, making it HSBC's biggest single client in Africa, (International Consortium of Investigative Journalists 2015). The dollar accounts appeared to be under the names of individuals domiciled in Asmara. Given the level of control the Eritrean Government has on all aspects of economic life in the country, it is widely assumed that the deposit is related to party-controlled funds. The government has not made any official attempts to identify the account holder and the source of the money or deny the report<sup>52</sup>.

President Afwerki and his inner circle maintain accounts separate from the official government bank account. Ghebreselassi Kidane Habte [then aged 37]<sup>53</sup> deposited more than USD \$106 million in the bank while Hassan Abdalla Bashir, the "Banker" [then aged 24] deposited more than USD \$209 million. Their collective secret deposit at the HSBC exceeds USD \$315 million<sup>54</sup>. There has been no attempt to explain their extraordinary wealth.

#### vi. Qatar's National Bank

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<sup>49</sup> Ibid. Table 1, page 23

<sup>50</sup> <https://eritreahub.org/open-letter-to-the-president-of-the-world-bank-eritrean-government-corruption>

<sup>51</sup> Exposed: The Africans named in the HSBC Swiss Leaks - The Mail & Guardian (mg.co.za)

<sup>52</sup> <https://www.tesfanews.net/eritreans-stash-us-695-2-million-in-swiss-accounts/>

<sup>53</sup> <https://www.facebook.com/EritreanPresss/photos/the-name-of-eritreans-who-deposited-millions-in-swiss-hsbc-bankin-1981-hassan-ab/337608809765053/>

<sup>54</sup> <https://erena.org/32-un-identified-eritreans-reported-to-be-owners-of-a-combined-over-half-billion-us-dollars-in-hsbc-bank-in-switzerland/>

In August 2021, Qatar National Bank asked a Washington, D.C. court to order Eritrea to pay about \$300 million of debt after the country refused to respond to two lawsuits<sup>55</sup>. Eritrea borrowed \$200 million from Qatar in 2009/2010 and only returned \$45 million of the amount in May 2012. In 2018, the Qatar bank took legal action in the UK and in 2019 a judge ordered Eritrea to pay its lender, Qatar Bank, \$254 million, including interest accrued. Eritrea stopped responding to lawyers. This prompted Qatar Bank to request a judgement from a US Federal court.

Qatar Bank said in its court filing that staff at the Eritrean embassy in London even locked one of the Bank's lawyers in the diplomatic [Embassy] building until he agreed to leave without handing the court documents to officials. Another representative was apparently "physically assaulted" by a receptionist who threw the court papers onto the pavement outside the Embassy's building. A British judge [perhaps fearing the worst] subsequently allowed the documents to be sent via email or post.

In August 2021, the US Federal court ordered Eritrea to pay the debt and the court's decision enables Qatar Bank to identify and seize Eritrea's overseas assets. The whole Qatar Bank episode would be laughable if it wasn't true. It demonstrates the typical characteristics of the regime in Asmara.

It is no wonder Eritrea has been consistently identified as highly corrupt by Transparency International, and was ranked the 21<sup>st</sup> most corrupt nation in the world in 2020<sup>56</sup> (the same ranking as 2019).<sup>57</sup> Furthermore, the 2017 Natural Resource Governance Index, which measures the governance standards of developing countries' extractive industries, ranks Eritrea in 89<sup>th</sup> place- last- and the country's state-owned mining company is categorised as the worst governed state enterprise.<sup>58</sup>

The above are some of many examples that unequivocally demonstrate Eritrea, under its self-appointed President for life, is one of the most fraudulent and corrupt nations<sup>59</sup> on earth. The Eritrean people have been denied their human rights to live under the rule of law and enjoy the democracy they fought so hard to establish. They have also been denied their economic and social development rights under Article 8 of the constitution: "The State shall strive to create opportunities to ensure the fulfilment of citizens' rights to social justice and economic development and to fulfil their material and spiritual needs".

There is no question about it: Eritrea is and has become a mafia state<sup>60</sup> under the dictatorial and brutal regime of President Isaias.

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<sup>55</sup> <https://www.dohanews.co/qnb-asks-us-court-to-order-eritrea-to-pay-300-million-debt/>

<sup>56</sup> <https://www.transparency.org/en/countries/eritrea>

<sup>57</sup> Corruption Perceptions Index 2019 Results," Transparency International, available at:

[https://www.transparency.org/files/content/pages/2019\\_CPI\\_Report\\_EN.pdf](https://www.transparency.org/files/content/pages/2019_CPI_Report_EN.pdf) [accessed 6 June 2020].

<sup>58</sup> National Resource Governance Institute, *2017 Resource Governance Index*, 12 July 2017, available at:

<https://resourcegovernance.org/analysis-tools/publications/2017-resource-governance-index> [accessed 11 June 2020].

<sup>59</sup> The Eritrean Mafia Thriving in Juba (asmarino.com)

<sup>60</sup> (PDF) Eritrea: a mafia state | Martin Plaut - Academia.edu

### 1.3 United Nations Commission of Inquiry (COI)

In 2014, the United Nations established a Commission of Inquiry on Human Rights in Eritrea (COI), with a mission “to investigate systematic, widespread and gross violations of human rights in Eritrea with a view to ensuring full accountability”.

Eritrea has been under the one-man rule of President Isaias since its independence. According to a World Bank report (2020) Eritrea “is one of, if not the most, repressive nations on the African continent, and is a repetitive perpetrator of human rights violations”<sup>61</sup>. The Asmara regime commits grotesque human rights violations on its own citizens. Some of these inhumane violations include:

- Absence of freedom of speech and expression, and targeting of journalists;
- Harassment and mass imprisonment of religious groups, and closures of houses of worship;
- Banned opposition parties and civic societies;
- Enforced disappearance, torture, other inhumane acts, including extrajudicial executions;
- Arbitrary and indefinite detention in overcrowded prisons with no access to legal representation;
- Enslavement in an open-ended mandatory national service at the age of 17, and sometimes 15, where conscripts are paid meagre wages and endure unbearable working conditions;
- Endemic and systemic rape and other sexual abuses by army officers and others;
- Forced to fight in foreign wars, including in the Tigray conflict;

The COI has had three Special Rapporteur since its inception; Ms. Sheila B. Keetharuth (2014 – 2017), Ms. Daniela Kravetz (2018 – 2019) and the current Special Rapporteur, Dr. Mohamed Abdelsalam Babiker, who was appointed in 2020. All three Special Rapporteurs were denied access to the country by the Eritrean government although Ms Keetharuth was able to meet the Eritrean Ambassador to the UK and Republic of Ireland in London in January 2017. Accordingly, all the COI reports were based on testimonials gathered outside the country and information collated from human right groups, experts, diplomats, media reports, members of the Eritrean diaspora and others.

To date, and since June 2015, the COI Special Repporteurs have submitted annual reports<sup>62</sup> to the UN Human Rights Council in Geneve and their mandate routinely

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<sup>61</sup> Jørgen Juel Andersen, Niels Johannesen, Bob Rijkers , World Bank, Policy Research Working Paper 9150, Elite Capture of Foreign Aid Evidence from Offshore Bank Accounts, February 2020  
<https://documents1.worldbank.org/curated/en/493201582052636710/pdf/Elite-Capture-of-Foreign-Aid-Evidence-from-Offshore-Bank-Accounts.pdf>

<sup>62</sup> <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx>

extended for an additional 12 months, with the next report due in June 2022. Each of these reports contain common themes of gross human rights abuses in Eritrea and the reports have become predictable in their contents by the international community and human rights activists. The findings of the seven COI reports so far can be summarised as follows:

- The constitution of 1997 has never been implemented, and that the judiciary is not independent;
- Systematic, widespread and gross human rights violations have been and are being committed by the government of Eritrea and that there is no accountability for them (A/HRC/29/42, paragraph 66);
- The violations in the areas of extrajudicial executions, torture (including sexual torture), national service and forced labour may constitute crimes against humanity (A/HRC/29/42, paragraph 66);
- The PFDJ, the ruling party in Eritrea, has held on to power by progressively dismantling or refraining from implementing reforms aimed at establishing democracy and the rule of law” (A/HRC/29/42, paragraph 67);
- The PFDJ has established a system by which an extraordinary number of individuals have the power to spy on Eritreans and conduct investigations and arrests often without observing the law (A/HRC/29/42, paragraph 67);
- Eritreans are unable to move at will, to express themselves freely, to practice their religion without undue influence, to enjoy unrestricted access to information or to have the liberty to assemble and associate (A/HRC/29/42, paragraph 71). It notes the government’s use of enforced disappearances and extrajudicial executions to prevent the rise of any opposing views;
- Arbitrary detention is ubiquitous in Eritrea, and raised explicit concern about the number of officials misusing the power of arrest (A/HRC/29/42, paragraph 73);
- The practice of keeping detainees in incommunicado detention or in isolation with total disregard for international standards is widespread (A/HRC/29/42, paragraph 73) - and are routinely subject to forms of ill-treatment that, in many cases, amount to torture (A/HRC/29/42, paragraph 74); and
- The duration of national service is indefinite; its conditions violate international standards and conscripts are severely underpaid. As such, it is an institution where slavery-like practices take place, COI (A/HRC/29/42, paragraph 77).
- The use of forced labour is so prevalent in Eritrea that all sectors of the economy rely on it, and all Eritreans are likely to be subject to it at some stage in their lives, from which the government profits (A/HRC/29/42, paragraph 78).

In June 2016 and subsequent reports, the COI reported it had “reasonable grounds to believe that crimes against humanity, namely: enslavement, imprisonment, enforced disappearance, torture, other inhumane acts, persecution, rape and murder, have been committed in Eritrea since 1991 (A/HRC/32/47, paragraph 59).

In his June 2021 report<sup>63</sup> to the UN Human Rights Council, Dr Babiker, asked, in addition to highlighting the above findings, for accountability for the alleged serious human rights violations committed by Eritrean army in Tigray, including abduction and forced return of Eritrean refugees. The Special Rapporteur urged international organizations and business enterprises to avoid financing projects in Eritrea “that may potentially violate or have an adverse impact on human rights”. Page 7, para 26.

There is always, without exception, an outcry from the international community, including the UN, each year these COI reports are released repeating the same human rights abuses year after year, and the mandate extended by the UN for another year. No concert action has ever been taken against Eritrea for flagrantly ignoring the COI recommendations and its international obligations. It makes a mockery of the COI and impossible to fathom the purpose of the COI for human rights groups and the Eritrean people.

The UN and the international communities’ inaction encourages the regime in Asmara to carry out even more grotesque atrocities on its own people and now in the region with impunity, setting a bad precedent to other bad actors in the continent and beyond.

#### **1.4 The Eritrea/Ethiopia War Pact**

When asked by Reuters in May 2008 about Eritrea normalisation relations with Ethiopia, President Isaias incoherently remarked "It's too late. It could have been mended a long time ago without going and resorting to this unnecessary war ... If you can be an angel or someone like Christ, maybe."

In September 2018, over two years before the start of the Tigray war in November 2020, President Isaias and PM Abiy met with the then President of Tigray, Debretsion. President Isaias asked Debretsion: “why are you preparing for war?” Debretsion apparently replied “it won’t happen”. Isaias follows up this engagement in a televised interview<sup>64</sup> he gave in February 2021 in which he says, after listening what Debretsion had to say “we started to carefully study the situation and to make our own preparations [for war].” Adding “the TPLF seemed concerned about potential attacks from the South and Eritrea in the North.”

President Isaias and PM Abiy were therefore preparing for war just over two months after signing the agreement and over two years before the start of the Tigray war, thus making the agreement a war pact against the Tigrayans rather than a peace agreement between Eritrea and Ethiopia.

#### *The genesis of the war pact*

It must be recalled that the Eritrean government unashamedly blamed Ethiopia and the international community for all its problems and refused to take any responsibility

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<sup>63</sup> G2110621 - Special Rap - June 21.pdf

<sup>64</sup> A complete English translation of Isaias Afwerki's Eritrean TV Interview, 17 February 2021 – ASENA TV

for the economic collapse and international isolation of the country. In its African Commission on Human and People's Rights report (2017)<sup>65</sup>, the Eritrean government blamed its failures on "the border war with Ethiopia and the subsequent ongoing existential threat against Eritrea". This threat was used as an excuse to subject the Eritrean people to grotesque human rights abuses for almost two decades leading up to the agreement between the two countries in 2018.

Prime Minister Abiy Ahmed was elected on 2 April 2018. Within 64 days of his election, on 5 June, he waved an olive branch to the Eritrean government declaring Ethiopia's full acceptance of the 2002 Ethiopia–Eritrea Boundary Commission ruling, without preconditions<sup>66</sup>. The two countries had fought an all-out war around the border town of Badame between 1998 and 2000 in which approximately 100,000 lives were lost, no one knows the exact numbers.

The announcement caught the Eritrean Authorities off-guard. When contacted by Reuters on the day of the announcement, Eritrea's Information Minister Yemane Gebremeskel said he had not yet seen the Ethiopian government's statement, so could not immediately comment. A day later, he tweeted "Our position is crystal clear and has been so for 16 years". Nevertheless, the agreement was signed on 9 July 2018. Following the signing of the agreement, PM Abiy Ahmed said "Now there is no border between Ethiopia and Eritrea.<sup>67</sup> That borderline has gone today...love is greater than modern weapons. War is not an option for the people of Eritrea and Ethiopia. What we need now is love."<sup>68</sup> He was loudly applauded by the audience for his remarks, including President Isaias who stood next to him.

*The so called "peace agreement" welcomed around the world*

**UNSC<sup>69</sup>:** The Security Council in a statement said "this represents a historic and significant development with far-reaching positive consequences for the Horn of Africa and beyond". It added that members "stand ready to support Eritrea and Ethiopia in their implementation of the Joint Declaration."

**African Union<sup>70</sup>:** The chairperson of the AU praised the two leaders for "choosing the courageous path of reconciliation, in the interest of their people, the region and Africa as a whole." He further remarked the agreement between Eritrea and Ethiopia is "a milestone in Africa's efforts to silence the guns by 2020".

**European Union<sup>71</sup>:** "The signing of the Joint Declaration of Peace and Friendship represents an historic and courageous move by Eritrean President Isaias Afewerki and Ethiopian Prime Minister Abiy Ahmed, and paves the way for enhanced regional

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<sup>65</sup> Africa-Charter-Eritrea-Report.pdf (eritrehub.org) Pursuant to Article 62, African Charter on Human and Peoples' Rights

<sup>66</sup> Ethiopia says will 'fully accept, implement' 2000 deal with Eritrea | Reuters announced it would fully accept and implement - Search (bing.com)

<sup>67</sup> Explained: What did Nobel Peace winner Abiy Ahmed do to end 20-year-old Ethiopia-Eritrea war? | Explained News, The Indian Express

<sup>68</sup> After making peace, Ethiopia and Eritrea now focus on development | Africa Renewal (un.org)

<sup>69</sup> Security Council Press Statement on Signing of Joint Declaration of Peace and Friendship between Eritrea and Ethiopia on 9 July 2018 | Meetings Coverage and Press Releases

<sup>70</sup> Statement of the Chairperson of African Union Commission on the relations between Eritrea and Ethiopia | African Union (au.int)

<sup>71</sup> 2018 Eritrea–Ethiopia summit - Wikipedia

cooperation and stability in the Horn of Africa.” It added, the EU stands ready to mobilize the support needed ....”.

**United States**<sup>72</sup>: Said “We commend Prime Minister Abiy of Ethiopia and President Isaias of Eritrea for courageously leading their citizens towards peace, prosperity, and political reform. The normalization of relations and the adoption of the Joint Declaration of Peace and Friendship between Eritrea and Ethiopia will provide their peoples with the opportunity to focus on shared aspirations for closer political, economic, and social ties. The United States stands ready to support this process ...”.

**United Kingdom**<sup>73</sup>: Said “Prime Minister Abiy and President Isaias have taken a momentous step towards building a lasting peace between Ethiopia and Eritrea”

The exact contents of the “peace agreement” remain a mystery for both the Eritrean and Ethiopian peoples. Nevertheless, the announcement was welcomed by a significant majority of the Eritrean people both in the country and in diaspora with minor opposition from the residents of the border town of Tsorena and Irobs. In Asmara thousands danced on the street in jubilation and Eritreans in diaspora celebrated to welcome the start of the new relation between the two countries.

In Ethiopia, various events were held to celebrate the mystery peace accord in which the two leaders held hands and blew kisses to the crowds. At one such event President Isaias and PM Abiy even exchanged rings in what has been subsequently dubbed as the “first gay marriage in Africa”. The border between Ethiopia and Eritrea opened and flights between Addis and Asmara resumed enabling citizens of both countries to see their loved ones for the first time in two decades.

At country level, the UN sanctions imposed as a result of Eritrea’s dealings with Djibouti and its support for Al Shabaab (extremists’ group) in Somalia, were declared “likely to become obsolete”<sup>74</sup> by the UN Secretary General, Antonio Guterres. The UN sanctions were formally lifted in November 2018, President Isaias’ achieving one of his objectives, hence removing his isolation from the international community which he so desperately desired for many years despite his outwardly denial.

### *PM Abiy Nobel Peace Prize Award*

On 10 December 2019 (exactly 11 months before he declared war on Tigray), PM Abiy was awarded the Nobel Peace Prize by the Norwegian Nobel Committee apparently to “embolden him to make further reforms in his country”.<sup>75</sup> The award looked premature then, undeserved now and akin to awarding full marks to students before they actually sit their examinations.

In his award ceremony in Oslo, PM Abiy roared to the delight of his hosts making comments that have since transpired hollow and deceitful. He said “War is the

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<sup>72</sup> [2018 Eritrea–Ethiopia summit - Wikipedia](#)

<sup>73</sup> [2018 Eritrea–Ethiopia summit - Wikipedia](#)

<sup>74</sup> [UN chief says sanctions on Eritrea likely to become obsolete - Africa - World - Ahram Online](#)

<sup>75</sup> [Nobel Peace Prize should encourage Abiy on reform path - African Business and Abiy's reforms embolden Ethiopian regionalists - African Business](#)

epitome of hell for all involved and I know because I was there”.<sup>76</sup> This while he was in the middle of planning a catastrophic war in Tigray. Furthermore, he said “he accepts the award on behalf of Africans and citizens of the world for whom the dream of peace has often turned into a nightmare of war”. This was the time when the AU was proactively campaigning to “silence guns in Africa by 2020”.

PM Abiy declared war on Tigray in November 2020 causing the death of tens of thousands of civilians and displacement of millions of people.

On 1 December 2020, Eritrea Focus wrote to the Nobel Committee<sup>77</sup> asking them to rescind the 2019 Nobel Peace Prize from Prime Minister Abiy because of his “failure to secure a comprehensive peace with Eritrea and to bring peace to his own country—the promise of which was the explicit reason the Nobel Committee gave for the award.” Eritrea Focus received no reply.

In July 2021, Ms Hebrat Berhe, a prominent former Eritrean Ambassador to Scandinavia and a brave woman who fought courageously for the independence of her country for a quarter of a century, wrote to the Nobel Committee<sup>78</sup> asking them to withdraw the prize awarded to PM Abiy. That request, along with many others, failed on the deaf ears of the Norwegian Noble Committee.

The most the Norwegian Nobel Committee has done so far is to call on all parties “to end the escalating violence and to solve disagreements and conflicts by peaceful means”<sup>79</sup>. The Committee has refused to revoke PM Abiy’s award. This leaves a lasting and ugly stain on the Nobel Committee, especially since November 2021 when PM Abiy said “he was going to the warfront to lead his troops”. A peace laureate turned a warlord.

### *The peace agreement that transpired to be a war pact*

Within months of the peace agreement the borders between Eritrea and Ethiopia closed once again without any explanation from either government. The actual reason (s) remain unknown to this day, as are the terms of the peace arrangement. The people of Ethiopia and Eritrea have not seen any tangible benefits from the peace agreement - there is no trade and the border between the two countries remains unmarked. The only link between the two countries is by intermittent flights that are out of bounds and unaffordable for most of the peoples.

The ending of the “no peace, no war” between Ethiopia and Eritrea that seemed to bring the 20-year-old stalemate was welcomed by the people. However, the peace negotiations between the two countries did not involve the key stakeholder, the Tigrayans (TPLF), whose territory borders the disputed area. The TPLF were rightly concerned by PM Abiy’s insistence to resolve the border dispute with Eritrea without involving them. PM Abiy could not involve the TPLF even if he wanted to (although

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<sup>76</sup> PM Abiy Ahmed Becomes First Ethiopian to Receive Nobel Prize at Tadias Magazine – full transcript of Abiy’s acceptance speech. In hindsight it has proved to be fake speech.

<sup>77</sup> Appeal to the Nobel Committee: Remove PM Abiy’s Peace Prize - Eritrea Hub

<sup>78</sup> Open letter to the Norwegian Nobel Committee from former Eritrean ambassador - Eritrea Hub

<sup>79</sup> Nobel body slams Ethiopian PM Abiy Ahmed over war & humanitarian disaster in Tigray (republicworld.com) and Nobel Body Criticizes Nobel Peace Prize Winner Abiy Over War | Time

there is no evidence of that) because President Isaias had repeatedly called for the destruction of the TPLF. And he blamed the TPLF for the 1998-2000 border war, which Eritrea lost, the sanctions imposed on Eritrea by the UN leading to its 20-year isolation from the international community.

The TPLF concerns and suspicions were real and based on numerous statements President Isaias made before and after the peace agreement. In May 2018, a few weeks before the Joint declaration of Peace and Friendship between Eritrea and Ethiopia, he declared, "It was Game Over" and that 'the junta' [TPLF] was "dead". This wish to annihilate the Tigrayans is further supported in President Isaias' February 2021 televised interview<sup>80</sup> in which he says, "we were monitoring the situation in Tigray and preparing ourselves [for war] since 2018, and now supporting Ethiopia in its efforts."

The above assertions by President Isaias and PM Abiy's decision to exclude the TPLF from the peace negotiations, clearly demonstrate the agreement the two leaders signed was not for peace but rather a pact for the destruction of their common enemy, the TPLF. It was a war pact and a catalyst for the horrific Tigray war.

## 1.5 Eritrea's involvement in the Tigray War

Eritrea under the rule of President Isaias is known as a trouble-maker country world-wide. In 2003, the then Prime Minister of Ethiopia remarked "It is a fact that Eritrea has problems with all its neighbours"<sup>81</sup> and the then President of Yemen Ali Abdullah Saleh echoed his comments adding "Eritrea has problems with neighbouring countries, and the only way out is for it to have dialogue and not confrontation." Alas, the lesson has not been learned and Eritrea continues to cause mayhem in the region and beyond unabated.

Since independence in 1993, after 30-year war with Ethiopia, Eritrea has fought wars with<sup>82</sup>; Sudan (1995), Yemen over the Hanish Islands (1995), the Republic of Congo (1997), the border war with Ethiopia (1998 – 2000), border war with Djibouti (2008 -), support for al-Shabaab in Somali (2011) and its alleged involvement in the Civil War in Yemen between the Houthi and Sunni (2014 -) and of course the current Tigray war (2020 -). A total of 8 wars over a 27-year period. This means Eritrea gets involved in one war on another almost every 3 years under the warmonger and trigger-happy ruler, President Isaias.

Following the signing of the peace accord between Eritrea and Ethiopia, President Isaias declared it was "game over" and that the TPLF, whom he repeatedly promised to destroy and had a long-held grudge, was "dead". He went further in his February 2021 televised interview and said "In the last two to three years, as corrective measures were taken in Ethiopia, we had an obligation, not a choice, to support the country and to help bring peace and stability. We have been monitoring the situation in Tigray and preparing ourselves [for war] since 2018, and now supporting Ethiopia

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<sup>80</sup> A complete English translation of Isaias Afwerki's Eritrean TV Interview, 17 February 2021 – ASENA TV

<sup>81</sup> BBC NEWS | World | Africa | Eritrea 'region's trouble-maker'

<sup>82</sup> List of wars involving Eritrea - Wikipedia + support for Al Shabaab and the Yemeni civil war

in its efforts". The President made these remarks despite repeated denial at that time of Eritrea's involvement in the Tigray war. For example, when the US Embassy tweeted on 5 February 2021 saying "The United States has asked the Eritrean government to withdraw its forces from Tigray immediately and adding, we continue to call for independent and transparent investigations into reports of looting, sexual violence, assaults on refugee camps and other human rights abuses and accountability for those responsible."<sup>83</sup> Predictably, the Ministry of Information in Eritrea tweeted "Eritrea rejects the unwarranted statement posted on Facebook today by the US Embassy in Asmara and the false and presumptive allegations that it floats." This denial by the Eritrean Ministry of Information was contradicted by Prime Minister Abiy's statement a few weeks later, 26 March 2021, saying that "Eritrea had agreed to withdraw its forces from the Tigray region."<sup>84</sup>

On 17 April 2021, Eritrea acknowledged for the first time its forces were taking part in the Tigray conflict and "promised to pull them out" in a letter written by its Ambassador to the UN and addressed to the Security Council, which was posted online by the country's Information Minister<sup>85</sup>. On 4 June 2021, Ethiopia announced that "the Eritrean forces had begun their withdrawal from the northern region of Tigray". Most recently, following the imposition of sanctions on Eritrea by the United States on 12 November 2021, the Ethiopian government<sup>86</sup> said "The Government of Eritrea has evacuated its military forces from Ethiopia following the declaration of the Unilateral Humanitarian Ceasefire by the Government of Ethiopia at the end of June 2021."

In the initial stages of the conflict, Eritrea had reportedly deployed as many as three-quarters of its armed forces reaching Tigray from many fronts making it impossible for the Tigrayans to maintain their defensive lines. Eritrean forces active engagement in the conflict has somewhat declined over the last six months. However, it is evident Eritrean troops remain in large numbers in the West and Northern of Tigray. There are also reports of Eritrean troops and security services operating alongside Amhara forces and the federal army on the Ethiopia-Sudan border as well as in the Oromia region, including Addis Ababa.

To those who closely follow political developments in the Horn of Africa, Eritrea's involvement in the Tigray war did not come as a surprise. Isaias will continue to destabilise the region unless he sees sense and accepts diplomacy (which is unlikely) or through the use of force. In 1998, Isaias rejected a peace proposal negotiated by the United States, Rwanda, and the African Union. It was the use of force that finally got him to sign the "Cessation of hostilities agreement in Algiers in 2000."<sup>87</sup> It is unlikely it will be any different this time too.

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<sup>83</sup> [Eritrean government's fury after US Embassy posts call for Eritrean troops to leave Tigray - Eritrea Hub](#)

<sup>84</sup> [Ethiopia announces the withdrawal of Eritrean forces from the Tigray region \(easternherald.com\)](#)

<sup>85</sup> [Eritrea confirms its troops are fighting in Ethiopia's Tigray | News | Al Jazeera](#)

<sup>86</sup> [Governments of Ethiopia and Eritrea responses to US sanctions - Eritrea Hub](#)

<sup>87</sup> [Why Eritrea Won't Leave Ethiopia \(foreignpolicy.com\)](#)

## 1.6 About Sanctions

### *Introduction*

Sanctions programmes, as we know them today are a 20<sup>th</sup> century phenomenon. The first sanctions were imposed in 1935 by the League of Nations, precursor to the UN, against Italy for the invasion of Abyssinia (now Ethiopia). The sanctions failed to force change in Italy because France and Britain refused to implement them<sup>88</sup>.

### *Types of sanctions*

There are several types of sanctions, including:

*Diplomatic sanctions* - political measures taken to express disapproval of the target country's action. They include limitations or cancellations of high-level government visits and/or expelling or withdrawing diplomatic missions or staff.

*Economic sanctions* - commercial and financial restrictions applied by one or more countries against a state, entities or individuals, and may include trade barriers, such as tariffs. Food and medicine are exempt.

*Military sanctions* - can range from carefully targeted military strikes to arms embargo and threats of military action.

*Sport sanctions* – prevent or disqualify of one country's people/teams from competing in international events

*Environmental sanctions* - preserving the environment and the safeguarding of natural resources.

*Travel sanctions* – restrictions on travel for all or some nationals of a country, a ban on travel to rebel-held territory within a country, an aviation ban on all flights into or out of a country, etc.

### *UN Sanctions Regime*

After the UN was founded in October 1945, sanctions were added to its Charter (VII), “giving the UNSC responsibility for imposing and monitoring sanctions”. In the initial stages of the Charter, sanctions were rarely used. Only two sanctions were imposed in the first 45 years to 1990 both in Africa; Zimbabwe (then Rhodesia) and apartheid, South Africa<sup>89</sup>.

The UN has the authority and responsibility to respond to global threats by implementing sanctions according to its Charter (VII)<sup>90</sup>, to prevent “a threat to the peace, breach of the peace or act of aggression.” The sanctions must pass the UNSC

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<sup>88</sup> <https://thesentry.org/reports/beyond-carrots-better-sticks/>

<sup>89</sup> Eritrea confirms its troops are fighting in Ethiopia's Tigray | News | Al Jazeera

<sup>90</sup> Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression (Articles 39-51) | United Nations

with a majority vote and without a veto. This i.e., veto has hampered sanctions efforts with notoriously human rights abuser countries such as China and Russia vetoing proposals largely for their own self-interest. Opponents of sanctions argue the veto power is undemocratic and a tool for the permanent members to advance their international sphere of influence.

UN sanctions are currently imposed on a number of countries, including Afghanistan, North Korea, Iran and Yemen. At least six African countries are under UN sanctions; The Central African Republic (CAR), Democratic Republic of Congo (Congo), Guinea-Bissau, Mali, Somalia and South Sudan. According to a 2015 UN study on sanctions, 68 percent of sanctions imposed between 1991 and 2013 were on African states.

The UN sanctions must be complied with by all UN member states (Article 2.2) and, as a result they are the most powerful sanction tools. The EU adopts all UN sanctions, and also has the ability to impose its own sanctions in line with the stated objectives of the European Union's Common Foreign and Security Policy i.e., promoting EU interest, international peace and security.<sup>91</sup>

### *US, EU and UK Sanctions Regimes*

Along with the UN sanctions regime, that is applicable to all UN members states, the US, the EU, UK operate additional sanctions regimes, alongside, in some limited cases, the African Union. They deal with a specific area, often referred to as “thematic” sanctions regimes, for example, human rights and corruption, and “country” sanctions regimes that focus on one specific country, although the underlying reasons for the sanctions’ designations are often similar, including human rights and rule of law. Since the three key tools the UN and the international community have to get bad actors to change behaviour is through; (a) diplomacy engagement, (b) sanctions and (c) as a last resort a threat and/or use of a military action. Sanctions are therefore seen to be “doing something” to avoid a conflict where there is lack of diplomatic progress or it has failed. As such and according to Wikipedia, international sanctions are “political and economic tools that are part of diplomatic efforts against countries, entities and individuals that are applied unilaterally or multilaterally to protect international law, end conflicts and deter human right abuses [including corruption]”<sup>92</sup>. Sanctions can; name and shame, isolate perpetrators from the international community, draw attention to expected norms and reduce revenue streams that can be used to finance conflicts/wars and human rights abuses.

Sanctions are often referred to as either “targeted” or “comprehensive” in nature. Targeted sanctions are applied against individuals and entities, and are generally considered to be more effective in combating bad actors than comprehensive sanctions that target an entire state which can have unintended consequences and

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<sup>91</sup> [Restrictive measures \(sanctions\) | European Commission \(europa.eu\)](#)

<sup>92</sup> [Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression \(Articles 39-51\) | United Nations](#)

Potentially harm the people rather than the perpetrators and are also perceived to hamper humanitarian aid.

### *European Union Sanctions*

Given that all EU member states are UN members, the EU automatically adopts UN sanctions. In addition to its obligations under the UN sanctions regime, the EU also operates a number of additional sanctions regimes, including both country and thematic regimes. In December 2020, the Global Human Rights Sanctions Regime or the European Magnitsky Act came into effect. Whilst the EU has for decades-imposed sanctions on individuals and entities for human rights abuses under country sanctions regimes, this is the first time the EU had a thematic regime specifically designed to target human rights abusers, wherever they are in the worlds. The Act makes provisions for targeted sanctions against any individual involved in gross human rights violations outside the EU borders<sup>93</sup>. As with the [US Global Magnitsky Act](#), the EU Act permits [the EU](#) to maintain a list of human rights violators around the globe, imposing on them various sanctions, such as visa bans or asset freezes, on behalf of the entire bloc.<sup>94</sup>

The EU adopts all UN sanctions, and also has the ability to impose its own sanctions in line with the stated objectives of the European Union’s Common Foreign and Security Policy i.e., promoting EU interest, international peace and security.<sup>95</sup>

According to its sanctions policy, the EU imposes sanctions “to uphold respect for human rights, democracy, the rule of law and good governance.” The EU currently has sanctions regimes with regards to 26 countries around the world, including arms embargoes, trade restrictions, financial restrictions, and travel and visa bans. EU member states must unanimously agree on sanctions. In Africa, the EU country regime include; Burundi, CAR, Congo, Eritrea, Guinea, Guinea-Bissau, Mali, Somalia, South Sudan and Zimbabwe.

EU member states may also impose their own individual sanctions programs without EU approval.

### *United States Sanctions*

The United States maintains several tools to deter and hold accountable human rights abusers and corrupt officials across the globe. The Global Magnitsky Human Rights Accountability (The Magnitsky) Act<sup>96</sup> was signed into law in December 2016 with initial jurisdiction on Russia only. In December 2017, the Magnitsky Act scope was expanded into the “Global Magnitsky sanctions program” and relevant human rights and anti-corruption guidelines.

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<sup>93</sup><https://www.consilium.europa.eu/en/press/press-releases/2021/03/22/eu-imposes-further-sanctions-over-serious-violations-of-human-rights-around-the-world/>

<sup>94</sup> [Habemus a European Magnitsky Act – European Law Blog](#)

<sup>95</sup> [Restrictive measures \(sanctions\) | European Commission \(europa.eu\)](#)

<sup>96</sup> [Sanctions Fact Sheet No. 2 - Global Magnitsky \(humanrightsfirst.org\)](#)

The Global Magnitsky Act gives power to the US Treasury (Office of Foreign Assets Control (OFAC)) to “block or revoke US visas and to freeze all US-based property and interests in property of foreign persons (both individuals and entities)” who have engaged in; (a) serious human rights abuse and (b) acts of corruption including the transfer or the facilitation of the transfer of the proceeds of corruption.<sup>97</sup>

The US has used this tool extensively. As at November 2020, 215 individuals and entities, from 28 countries, had been designated under the Global Magnitsky Program; 128 persons have been designated for corruption only, 72 for human rights abuses only, and 15 on both grounds.<sup>98</sup>

Examples of US sanctions on grounds of Human Rights abuses are:

*Gambia (December 2017)* - 14 persons were sanctioned for killing and torturing political opponents and journalists as well as for abuses and mistreatment of detainees.

*Myanmar (July 2021)* - 11 persons affiliated with Burmese military forces were sanctioned for their involvement in the “Rohingya Genocide, specifically ethnic cleansing in Rakhine State and other widespread human rights abuses in Kachin and Shan States, including extrajudicial killings, enforced disappearances, arbitrary arrests, sexual violence and torture against civilians<sup>99</sup>.”

*China (July 2020)* - 6 high-ranking Chinese Communist Party (CCP) officials, for their involvement in human rights abuses committed against Uyghers and other minorities in Xinjiang Province.

The United States has used both comprehensive and targeted sanctions. However, after the failure in Iraq, the United States has enacted more targeted rather than comprehensive sanctions to mitigate unintended consequences of harming innocent civilians and/or hinder humanitarian aid.

### *United Kingdom*

In July 2020, the UK enacted its own Magnitsky-style sanctions regime, the Global Human Rights Sanctions regime (GHR)<sup>100</sup> which allows the UK to freeze the assets of and impose travel bans on any individual or entity determined to have seriously violated: (a) right to life, (b) right to not be subjected to torture or cruel, unusual, or degrading treatment; or (c) right to be free from slavery, to not be held in servitude, or not be required to perform forced or compulsory labour. Whilst the number of human rights currently covered by the GHR is relatively limited, the conduct that is covered, often referred to as the “involved person test” is wide, and allows for sanctions designation not only on those who commit violations within the scope of GHR but also, inter alia, those who facilitate, incite, promote, provide support or

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<sup>97</sup> Sanctions Fact Sheet No. 1 - General Overview ([humanrightsfirst.org](https://www.humanrightsfirst.org))

<sup>98</sup> Sanctions Fact Sheet No. 1 - General Overview ([humanrightsfirst.org](https://www.humanrightsfirst.org)) and [Where is OFAC’s Country List? What countries do I need to worry about in terms of U.S. sanctions? | U.S. Department of the Treasury](#)

<sup>99</sup> [The United States Takes Further Actions against the Burmese Military Regime - United States Department of State](#)

<sup>100</sup> [Magnitsky legislation - House of Commons Library \(parliament.uk\)](#)

profit from such violations.

According to UK government guidance, “A range of activity could potentially result in designation, including:

- Rape and other forms of sexual violence, including sexual slavery, forced prostitution, forced pregnancy, forced abortion and enforced sterilization;
- Enforced disappearances;
- Extrajudicial killings;
- Human trafficking, in so far as it constitutes slavery or practices similar to slavery, servitude or forced and compulsory labour; and
- Killings of or violence against human rights defenders, media workers, journalists, as well as violence or killings motivated on the grounds of an individual’s religion or belief.

Sanctions may also be imposed on entities that are owned or controlled by those involved in violations. There is no requirement to demonstrate that violations were perpetrated by or on behalf of a state. As of December 2020, a total of 65 individuals and three entities had been sanctioned under the UK regulations<sup>101</sup>.

#### *Do sanctions work?*

There is no sanctions effectiveness metric or measure given the number of sanctions and how their impact may be influenced by other factors. Therefore, the effectiveness, both pros and cons, have been hotly debated for many years<sup>102</sup>.

In 2019, The Sentry examined seven African countries for which sanctions are or were imposed by the UN, EU and US to assess their effectiveness to achieve the desired outcome. The result of the study was published in a report: “Beyond Carrot, Better Sticks” in October 2019<sup>103</sup>. The author, with the permission of The Sentry, has tabulated below a summary of the purpose/reason and indicative outcome of the sanctions programme for each of the seven countries analysed by The Sentry. This is to help inform what the potential implications might be if similar sanctions were to be imposed on Eritrea for its gross human rights abuses on its own people for a generation, and its involvement in the horrific Tigray war currently unfolding in Ethiopia.

The summary tables below, extracted from “beyond Carrots, Better Sticks, report shows the different types of sanctions imposed by the EU, UN, and US against the seven countries, the intended purpose and outcome. Any error in the tabulation and misinterpretation are that of the authors, hence the summary must be read in conjunction with The Sentry’s full report.

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<sup>101</sup> [Magnitsky legislation - House of Commons Library \(parliament.uk\)](#)

<sup>102</sup> [Examining The Impact Of U.S. Sanctions Against Other Countries : NPR and Transcript-HFAC-Impact-of-Sanctions-in-Africa-Hrg-2021.pdf \(charityandsecurity.org\)](#)

<sup>103</sup> [Beyond Carrots, Better Sticks - The Sentry](#)

Country Sanctioned	Sanctioned By & Date	Sanction Type & Purpose/Reason	Outcome
Liberia	<p>Imposed by the UN (2001), EU (2006), UN (added diamond trade embargo and human rights) in 2003 and the US in 2004.</p> <p>The US lifted its sanctions in 2015 and the rest were removed in 2016.</p>	<p>Diamond embargo unless certified, travel bans for government and military officials and from 2003 violation of existing sanctions and human rights abuses.</p> <p>Multilateral effort, with strong UN action and enforcement by members states. The sanctions goals were to end violence in Liberia and neighbouring Sierra Leon.</p>	<p>Generally accepted as a success. The programme was reviewed and updated regularly, and the sanctions were lifted when behaviour changed.</p> <p>The Fowler Report to UNSC (2000) was used to identify loopholes in the programme by a panel of experts and “name and shame” the war revenue stream through diamond trade and arms coming through Sierra Leon. The breach was halted after the “naming and shaming” of the preparators.</p> <p>President Charles Taylor, who was actively involved in the financing of the war, was replaced by Ellen Johnson-Sirleaf in 2006. The new President extradited Taylor and he stood trial in the Special Court for Sierra Leone, found guilty on 11 counts and sentenced to 50 years in prison for “crimes against humanity”.</p>
Zimbabwe (Under President Mugabe)	EU (2002) and lifted in 2011, US (2003) and lifted in 2011 and 2014.	An arms embargo and targeted sanctions on selected individuals and entities, included asset freezes and travel bans for targeted ZANU-PF officials. The sanctions were imposed against Zimbabwe to institute democratic reforms, improve human rights and transparency around elections, following what western	<p>The consensus among experts is that the sanctions against Zimbabwe were ineffective in changing the behaviour of the elite ZANU-PF members. Opponents of the programme argue “The measures have neither brought down the Mugabe government nor influenced its behaviour”.</p> <p>In 2009, however, there was a limited success with the government agreeing to power-sharing with opposition groups. By and large, it appears sanctions were</p>

		observers described as “deeply flawed” 2002 general election.	<p>ineffective because of poor messaging, inconsistent attention, and little enforcement by the US and EU governments. The US and the EU were not sending the same message and as a result the sanctions could not gain multilateral support for UNSC sanctions.</p> <p>President Mugabe also effectively countered played the inconsistent and uncoordinated messaging from the EU and the US - labelling it as a racist western-meddling in Zimbabwe’s internal affairs, designed to bring down the government. This powerful “Africanisation” message worked, and many African leaders were united behind Mugabe, hence the sanctions were not supported by the AU.</p> <p>The lack of multilateral and regional support, inconsistent and uncoordinated messaging by the US and AU, effective counter-messaging by the Zimbabwean government and ineffective enforcement were, arguably, the key reasons for the failure of the Zimbabwe sanctions programme.</p> <p>However, the country’s economic collapse may be attributable to corruption and mismanagement rather than sanctions because the crises continued well after the sanctions were lifted, and to this day.</p>
Sudan	US (State sponsor of terror) in 1993, US (comprehensive sanctions) in 1997 which was lifted in 2017, EU and UN (Darfur arms	Sudan has been under; State sponsor of terror, Darfur-related human rights and arms embargo or human rights sanctions by the US, UN and the EU since 1993.	Despite the combined US, UN and EU sanctions the Bashir regime remained in place, hence the sanctions regime against Sudan is often deemed a failure, especially the US “comprehensive sanctions” that prohibit commercial activity with an entire country. Sudanese banks were unable to trade in U.S. dollars due to

	<p>embargo) in 2004, US (Darfur related sanctions) in 2006, UN (Darfur Human rights related sanctions) in 2006.</p>	<p>Although the aim of the sanctions was not stated, it was perceived to be regime change i.e., for President Bashir to step down.</p> <p>Officially, the sanctions were imposed against Sudan for its ties to Islamist terrorist groups, including al-Qaida, ongoing efforts to destabilise neighbouring governments, gross human rights violations and the Darfur conflict.</p>	<p>sanctions causing liquidity crisis and as a result a large dollar's black market emerged.</p> <p>Sudanese government officials consistently raised sanctions with US officials, an indication perhaps that the programme was hurting. Over time marked behaviour changes by the Sudanese government occurred that showed some success of the international community's strategy to force Sudan to cut ties with terrorists and end its grave human rights abuses. Sudan ended its destabilising activities in South Sudan and cessation of hostilities in Darfur.</p> <p>The Sudanese economy continued to deteriorate despite the lifting of sanctions fueled by endemic corruption. In December 2018, peaceful protests across the country started demanding change and lasted for months despite security forces' violent attempts to silence them. In April 2019, Bashir was removed from power by the military.</p> <p>The Sudanese government constantly blamed sanctions, despite the rampant corruption, for the failing economy. But it later became apparent that the sluggish economy was largely due to corruption and mismanagement by the elite.</p> <p>Arguably, sanctions by themselves did not bring down the Bashir regime but were catalysts and helped to isolate the regime.</p>
<p>South Sudan</p>	<p>The UN, US and EU (South Sudan sanctions)</p>	<p>After a long struggle for freedom, South Sudan gained its</p>	<p>Most experts tend to agree the sanctions against South Sudan were ineffective at bringing about peace to the</p>

	<p>program) in 2014 - imposes targeted sanctions on individuals for threatening peace, security or stability. UN and EU (arms embargo) in 2018.</p>	<p>independence from Sudan in July 2011. Two years after independence, the new nation descended into a bloody civil war that has claimed the lives of hundreds of thousands of people and displaced millions.</p> <p>The UN, US and the EU have all used sanctions to address the crisis, punish officials for gross human rights abuses and the theft of public money intended for the country's development</p>	<p>country and stopping the civil war. This may because, a "strong political signal" was not sent clear enough to the South Sudan elite responsible for the violence but also corruption.</p> <p>South Sudanese government officials were, however, fearful of more sanctions although behaviour change has been scant. All of the sanctions programme remain in place but are not being closely monitored nor enforced.</p> <p>The Sentry report concludes by saying "Unfortunately, the United States and other governments do not exhibit the same backbone when enforcing sanctions for human rights abuses as they do for terrorism. In the case of South Sudan, where abusive leaders had siphoned stolen money into Kenyan and Ugandan banks, the United States and other members of the Security Council failed to put the same kind of pressure on the Kenyan and Ugandan governments to freeze those funds as they did with, for example, Al Shabaab's funds."</p>
Burundi	<p>The EU and US (2015) imposed targeted sanctions on selected individuals and entities.</p> <p>AU did not imposed sanctions despite its Peace and Security Council recommendation.</p>	<p>Targeted sanctions against those found to undermine democracy, obstruct the search for a political solution and human rights abuses.</p> <p>After a long civil war, a peace accord was signed in 2005 and President Pierre Nkurunziza came to power. In April 2015 and after serving two terms - the constitutional maximum for Burundi, he announced he would run for re-election. A mass protests</p>	<p>UNSC passed a resolution in 2016 to establish a Commission of Inquiry on Burundi to investigate human rights violations. Based on its findings, the ICC to open an investigation into crimes against humanity committed in Burundi. But the Burundian government decided to leave the ICC before prosecutions.</p> <p>The referendum to extend the president's term to 2034 passed but President Nkurunziza announced he would step down after the 2020 presidential election. General Évariste Ndayishimiye was elected and became President of Burundi on 18 June 2020.</p>

	UNSC could not impose sanctions on Burundi due to Russia's opposition.	erupted and security forces violently cracked down on protesters.	The goal of the Burundi sanctions programme was to end violence, prevent genocide (similar to that in Rwanda a few years before) or ethnic cleansing. And bring President Nkurunziza and the opposition to the negotiating table. To that extent, the Burundi sanctions are generally seen to be successful.
Central African Republic (CAR)	UN and EU (arms embargo (2013), UN (travel bans and assets freeze to select individuals and entities) in 2014, and US sanctions program (2014).	Arms embargo, travel ban and assets freeze. The conflict in CAR since 2012 prompted the UN, AU, US and EU to impose sanctions against sanctions on individuals and entities that "undermine the peace, stability, or security of the country, or that threaten or impede the political transition process, or fuel violence."  The crisis began when armed groups (Séléka), started communal conflict and eventually their leader, Michel Djotodia, declared himself president. This turned into intercommunal violence which practically partitioned the country into two.	While the sanction programme was multilateral, they have been few in numbers and poorly enforced to be effective. CAR has largely cash-based economy, and very few of the designated militia leaders held bank accounts outside of local banks.  The stigma associated with sanctions had limited impact. While sanctions were not successful from financial point of view and hurt the perpetrators of mass atrocities, they did help draw world attention to the conflict and humanitarian aid/resources flow to the country.
Democratic Republic of Congo	The UN and EU (arms embargo) in 1993, UN (targeted travel and financial sanctions) in 2004, US (sanctions program) in 2006 and EU (targeted sanctions for	Arms embargo and other sanctions mainly due to violence, human rights abuses by both the government and rebel groups, and government corruption.  During and after the Rwandan genocide in 1994, millions of refugees	Sustained international pressure against the regime through, consistent messaging and multilateral cooperation seemed to have worked. The sanctions were more effective because of the multilateral collaboration between, the EU, UNSC and the US.  The multilateral nature of the sanctions raised concerns for the DRC government and caused economic hardship

	<p>human rights violations) in 2016.</p> <p>The EU has partially removed the sanction imposed in 1993.</p>	<p>fled to neighbouring DRC (then Zaire). The refugee camps were infiltrated by exiled Rwandan genocide perpetrators who terrorised the local population. President Mobutu then ordered all Rwandans out of DRC in 1996. This led to the eventual overthrow of President Mobutu and Rwanda and Uganda invading eastern Congo in 1998. A ceasefire agreement was signed in 1999 and established the UN to DRC Mission.</p> <p>In 2006, Joseph Kabila was elected president of DRC but ended up creating a corrupt regime. Rebel activities continued.</p>	<p>for the regime. In June 2017, the UNSC extended existing sanctions for another year, including the arms embargo, asset freezes, and travel bans. This may have contributed to President Kabila’s decision to step down at the end of 2018.</p> <p>The sanctions were said more impactful because DRC is a “highly dollarized economy” although some of Kabila’s associates switched from dollar to Euros to circumvent the sanctions. The EU Global Magnitsky Act was enacted in 2020 making it impossible to switch from dollar to EU or vice versa for bad actors.</p> <p>General election was held in December 2018 and Felix Tshisekedi became president in January 2019.</p>
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Some of the key messages/recommendations from the study<sup>104</sup> into the seven sanctioned African countries were; (a) the need for improved sanctions strategies, (b) effective coordination between governments and regional organisations, enhanced monitoring and (c) enforcement of sanctions. Targeted networks rather than comprehensive sanctions were found to be more effective. Networks use local and international facilitators to track down illicit finances by bad actors e.g., money laundering to offshore bank accounts and disguised ownership of overseas assets to avoid sanctions.

In some African countries that are “cash based” - informal economies - the majority of the population have no bank accounts and it is generally the elite who have bank accounts. The termination of U.S. dollar clearing as a result of sanctions would therefore hurt the elite more than the general public.

To improve sanctions programme, the study concluded; (i) multilateral sanctions were most effective, (ii) the intended goal must be clear, (iii) a pre-defined exit strategy will be needed, and (iv) sanctions must be enforced, reviewed and updated as necessary to remain effective.

#### *Unintended consequences:*

In formulating a sanctions programme, it is important that a careful assessment is made to ensure the disadvantages do not outweigh the advantages. As with most medicine, sanctions have their own “side effects”, but it would be foolish to argue they must not be imposed on bad actors provided the risks are properly evaluated and assessed. Some of the key areas that need proper risk-assessments before sanctions are imposed include:

- *Bank de-risking* - to mitigate the regulatory requirements that comes with sanctions, de-risking by banks can cause humanitarian crises because NGOs and others rely on the international financial system. Without access to this system at the local and international levels, it can be very difficult to distribute aid. Diaspora remittances may encounter difficulties leading to extortionate black markets or people carrying large quantities of cash to move to the intended destination, risking themselves in the process. In Somalia (2011), bank de-risking became one of the catalysts that is reportedly to have caused a fully blown famine that claimed the lives of 0.25 million people<sup>105</sup>. In some Horn of Africa countries, including Somalia, remittances represent about 1/3 of GDP.
- *Sanctions may hurt the people they are meant to help* - to mitigate against this risk, timely messaging to the population is critical and targeted network sanctions will be necessary. Even then, sanctions, especially in vibrant economies e.g Ethiopia, may hurt some people. However, in countries where there are egregious violations, sanctions may be the necessary price to pay to bring conflicts and human rights abuses to an end. In the case of South African sanctions, they hurt some of the people but ultimately helped bring down apartheid for good.

- *Sanctions fatigue* – sanctions are less impactful if they go on for too long. Neighbouring countries will be unwilling to support sanctions. South Africa, for example, is said to have never supported the sanctions on Zimbabwe because of its impact on its own economy and the risk of refugees' influx.

Although the above three concerns largely apply to comprehensive sanctions rather than targeted sanctions on specific individuals and entities, in the case of Eritrea the distinction between the two (i.e. targeted v comprehensive) is non-existent. Eritrea is unique in that there is no private sector and the economy is entirely in the hands of the government elite and the entities that they control. Thus, the impact of sanctions falls squarely on them rather than harming the general public who have no purchasing power and largely live on subsistence farming.

On banks de-risking specifically, international NGOs are not allowed to operate in Eritrea, hence there should be nil impact on humanitarian assistance because it does not exist. However, careful consideration will be needed with regards to diaspora remittances to family and friends that could be adversely affected by de-risking.

### *Conclusion*

Sanctions have long been the subject of controversy and debate on their impact on citizens and effectiveness, particularly in the guise of “comprehensive” type regimes. Opponents claim sanctions imposed by a single country or by an intergovernmental body like the United Nations are “illegal” or “criminal” due to, in the case of economic sanctions, the right to development<sup>106</sup> or in the case of military sanctions, the right to self-defence<sup>107</sup>. In its 1996 report, the International Progress Organization, criticised sanctions as “an illegitimate form of collective punishment of the weakest and poorest members of society, the infants, the children, the chronically ill, and the elderly”<sup>108</sup>.

Proponents of sanctions, say when designed well, imposed multilaterally (by the UN, US, EU and others in unison), implemented and enforced effectively, they can bring conflicts to an end and deter human rights violations. Sanctions should always be used along with other tools, such as diplomacy, aid, effective messaging, military signalling and if necessary actual force, in order to achieve the desired goals.

It is important however to draw a distinction between “comprehensive” sanctions regimes, that have tended to be used in previous decades, and newer “targeted” sanctions that sanction individuals and entities not entire countries. The ultimate objective of sanctions is behavioural change. To achieve this, targeted network of sanctions, anti-money laundering measures, prosecutions, and enhanced travel bans must be applied in a multilateral manner. The UN sanctions can be highly

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<sup>104</sup> <https://thesentry.org/reports/beyond-carrots-better-sticks/>

<sup>105</sup> [Transcript-HFAC-Impact-of-Sanctions-in-Africa-Hrg-2021.pdf \(charityandsecurity.org\)](#)

<sup>106</sup> [Right to development - Wikipedia](#)

<sup>107</sup> [Right of self-defense - Bing](#)

<sup>108</sup> [International Progress Organization - Bing](#)

effective because they are multilateral in nature and the member nations have the legal powers to enforce them.

Supporters of sanctions further argue that, regardless of sanctions' effects on people, those citizens are already being oppressed by their government. Thus, they argue, sanctions are the best alternative international tool, as opposed to taking no action or military action. In the absence of sanctions, oppressive regimes have no incentive to reform. In terms of effectiveness of the sanctions, supporters concede that multilateral sanctions have been found to work 33% of the time.<sup>109</sup> Even this low achievement level, saves 33 out of 100 people's lives from the worst kind of atrocities, genocide and extrajudicial killings.

Morally, it would be a sad world where preparators of rape of women and girls, extrajudicial killings, theft, corruption and other heinous human rights abuses were to go scot-free. Sanctions may therefore be the best tool, short of military action, available to the international community to uphold the rule of law wherever it may be breached.

## **1.7 Eritrea and Sanctions**

### *Overview*

President Isaias is the chief architect of the current conflict in Ethiopia and has been a destabilising force in the Horn of Africa since Eritrea's independence from Ethiopia in 1993. The regime in Asmara has subjected its own people to grotesque human rights abuses year-in and-year-out for 30 years.

On the other hand, and despite their problems and diversity, the Ethiopian people have not had internal wars for the last 30 years, until President Isaias got involved in their country's internal affairs in the name of a "peace agreement". The 2020 war in Tigray may not in fact have started by the Federal government in Addis Ababa, or the TPLF in Mekelle. Arguably, the war started by President Isaias in Asmara who had been planning it for well over two decades, and started to execute it in 2018 by seizing the opportunity provided by the election of the inexperienced Prime Minister in Ethiopia, Abiy Ahmed. Until then, Ethiopia was the envy of Africa and beyond, with one of the fastest growing economies in the world for at least a decade<sup>110</sup>. All this was sadly destroyed by Prime Minister Abiy as the result of his unholy alliance with the notoriously destructive, President Isaias. In the end, Prime Minister Abiy's Prosperity Party has in effect become the "Poverty Party" with a large segment of the population unable to meet their basic needs and the country on the brink of fragmentation.

It is in the light of the above and other additional information in the Tigray War and Regional Implications Report, Volumes 1 and 2, the author advocates for strong, multilateral sanctions to be imposed on Eritrea, even before any measures are considered against Ethiopia. This is so for the simple reason that the root cause of

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<sup>109</sup> [16] - Bing

<sup>110</sup> Ethiopia is Africa's fastest-growing economy | World Economic Forum (weforum.org)

the human rights abuses and destabilisation in the Horn Africa is none other than President Isaias. There cannot be peace in the region unless his wings are drastically clipped and he is tamed once and for all.

### *UN Security Council Resolution 1907*

In 2009, the UN Security Council adopted Resolution 1907<sup>111</sup> which imposed on Eritrea an arms embargo and targeted sanctions, including travel restrictions and asset freezes on a small number of senior government officials. The sanctions were imposed on Eritrea for its role in arming and training rebel movements across the Horn of Africa, from Somalia to Ethiopia, including attempts to bomb the African Union summit in Addis Ababa in January 2011. The resolution noted that Eritrea had “provided political, financial and logistical support to armed groups engaged in undermining peace and reconciliation efforts in Somalia and regional stability”, and had “failed to withdraw its forces following border confrontations with Djibouti”.<sup>112</sup>

The UN resolution was instigated to a large extent by the AU summit in Sirte, Libya<sup>113</sup> after which the UN issued a warning, stating that: “The Security Council takes note of the decision of the African Union summit in Sirte, calling on the Council to impose sanctions against those, including Eritrea, providing support to the armed groups engaged in undermining peace and reconciliation in Somalia and regional stability. The Security Council is deeply concerned in this regard and will consider expeditiously what action to take against any party undermining the Djibouti Peace Process, based on all available evidence including that submitted to the Monitoring Group and the Committee established pursuant to SCR 751 (1992).”

Eritrea continued to flout the UN resolution making its territory available for “the launching of attacks on Djibouti and Ethiopia, in addition to military recruitment and provisioning campaigns”, supplying weapons and ammunition, and other military materiel (uniform elements, radios), logistics (transport and vehicles) and other support (food rations, medical care)”. As late as April 2017<sup>114</sup> and January 2018<sup>115</sup>, Eritrea was importing weapons from North Korea in breach of the UN resolution.

Following the peace accord between Eritrea and Ethiopia, the UN General Secretary declared, during his visit to Addis Ababa in July 2018, that the sanctions against Eritrea were “obsolete”<sup>116</sup> despite the numerous flagrant and frequent breach of the UN sanctions programme. Nothing had changed on the ground and the tension with Djibouti remained unresolved. On 6 November 2018, a British-draft proposed lifting the resolution 1907 was leaked<sup>117</sup>. On 14 November 2018, the UNSC unanimously agreed to lift<sup>118</sup> the sanctions nine years after they were imposed with no tangible evidence that they had achieved their intended purpose. The lifting of the sanctions

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<sup>111</sup> UN reports - Bing

<sup>112</sup> Security Council Imposes Sanctions on Eritrea over Its Role in Somalia, Refusal to Withdraw Troops Following Conflict with Djibouti | Meetings Coverage and Press Releases

<sup>113</sup> Sirte | African Union (au.int)

<sup>114</sup> US Imposes New Sanctions on Eritrea's Navy Over North Korea Links (voanews.com)

<sup>115</sup> North Korea's Military Partners in the Horn of Africa – The Diplomat

<sup>116</sup> Ethiopia and Eritrea say war over, U.N. hails 'wind of hope' in Africa | Reuters

<sup>117</sup> reuters - Bing

<sup>118</sup> Eritrea breakthrough as UN sanctions lifted - BBC News

of course helped President Isaias to procure more arms in preparation for another war.

In hindsight, the so-called peace agreement between Eritrea and Ethiopia, not only duped the Nobel Committee in Norway into awarding the Peace Prize to Prime Minister Abiy, but also deluded the UN Security Council, which should have known better. It may be unfair to say both organisations have blood in their hands for the heinous crimes and killings that have taken place in Ethiopia over the last year, but they certainly have a lot to answer for.

The UN Security Council has had umpteen opportunities to redeem itself since the outbreak of the Tigray war by imposing sanctions against Eritrea to force it to pull its troops out of Ethiopian territory. But it has consistently failed to use its authority due to the vetoing power of the Chinese and the Russians, who are notoriously reluctant to accept sanctions, since they are human rights abusers themselves. This is not the first time the Eritrean people have been abandoned by the UN.

### *European Union*

In December 2018 the EU implemented the lifting of UN sanction on Eritrea by adopting Council Decision (CFSP) 2018/1944 and Council Regulation (EU) 2018/1932, adding another nail to the resolution's 1907 coffin.

The EU's 2012 strategic framework on human rights and democracy<sup>119</sup> commits the EU to "step up its efforts to promote human rights, democracy and the rule of law across all aspects of external action," and states that when faced with human rights violations, it will "make use of the full range of instruments at its disposal, including sanctions or condemnation" (Council of the European Union, Outcome of Proceedings 25 June 2012, 11855/12). It adds that "the role the EU takes to oppose activities that result in human rights abuses should be encouraged by all member states".

In March 2021, the EU used its Global Human Rights sanctions regime to impose sanctions<sup>120</sup> for human rights violations, including killings and enforced disappearances on the National Security Office, including its leader, Maj. Gen. Abraha Kassa. The National Security Office, including its leader, Maj. Gen. Abraha Kassa were sanctioned. This is believed to be the first EU sanction against the Eritrean leadership and government based on human rights abuses in spite of the horrific human rights abuses that have taken place in the country for 30 years. Despite his title, General Kassa<sup>121</sup> is a simple messenger who does what he is told to keep himself safe and hardly ever travels outside the country, let alone have offshore bank accounts and/or properties. Nevertheless, the action rightly puts a stigma on Eritrea, which is to be welcomed.

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<sup>119</sup> Microsoft Word - 131169 (europa.eu)

<sup>120</sup> EU Sanctions on Eritrea - Search (bing.com) and <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2021:0991:FULL&from=EN>

<sup>121</sup> Eu sanctions against Eritrea | Deloitte Netherland

For the last couple of months, the EU has been saying that it is prepared to use sanctions over the Tigray war and the humanitarian crisis there. In early November 2021, the EU Chief diplomat, Josep Borrell, said “The EU remains ready to use all its foreign policy tools, including restrictive measures, to promote peace, adherence to international humanitarian and human rights law, and help end conflict.”<sup>122</sup> The EU, has been, however, unable to impose any sanctions against the warring factions in Ethiopia due to an apparent disagreement among EU member states. On 13 December 2021, Mr Borell expressed regrets over the EU’s failure to impose sanctions saying “one of my biggest frustrations” of the year, he said was that “the EU had not been able to stop mass rapes using sexual violence as a war aim, killings and concentration camps based on ethnic belonging,” pointing to the lack of unanimity among EU governments.

Mr Borrell acknowledged that while sanctions would not have halted the conflict, they “would have, in my view, influenced the behaviour of the actors.” In the meantime, the EU continued to supply humanitarian aid, despite difficulties in aid reaching those in need.

### *United Kingdom*

The UK Parliament, through the All Party Parliamentary Group (APPG) for Eritrea and others, has been kept abreast of the situation in Tigray and Eritrea’s unwarranted involvement. The APPG for Eritrea encouraged MPs to raise numerous Parliamentary Questions (PQ) as well as publish Early Day Motions (EDMs)<sup>123</sup> and engage in various official debates, and participated in a variety of Zoom discussions and webinars. Their engagement along with the media has kept the Tigray war, and Eritrea’s atrocities therein, in the spotlight.

The UK government, as reported by Reuters in November 2018, was at the forefront and proactively advocated the lifting of UN Resolution 1907 that imposed sanctions on Eritrea for its destabilising role in the Horn Africa. However, in terms of the Tigray conflict, the British government has had very little engagement compared with the US and EU. While President Biden has spoken openly about the conflicts on several occasions, the British Prime Minister, Boris Johnson, has said very little (if anything at all) on what is currently the largest and bloodiest war in the world. This is regrettable, especially in the light of the UK Global Human Rights Sanctions<sup>124</sup> regime and its ability to sanction individuals and entities involved in serious human rights violations which have been regularly reported on as occurring in Eritrea for decades.

In March 2021, when asked about the massacre at Axum allegedly by Eritrea forces, which may constitute crimes against humanity, the British government said<sup>125</sup> it “will consider the full range of policy tools at our disposal, adding “We are keeping the provision of aid to Ethiopia under constant review.”

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<sup>122</sup> EU prepared to issue sanctions over Tigray war, officials confirm – EURACTIV.com

<sup>123</sup> Find in Hansard - Hansard - UK Parliament

<sup>124</sup> Magnitsky legislation - House of Commons Library (parliament.uk)

<sup>125</sup><https://eritrea.org/british-government-on-sanctions-over-tigray-war-say-it-will-consider-the-full-range-of-policy-tools-at-our-disposal>

In September 2021, the Government was asked in a PQ (53252) about its plans to make an assessment of the potential merits of sanctioning; (a) the Chief of Staff of the Eritrean Defence Forces, Filipos Woldeyohannes, and (b) individuals responsible for human rights violations in Ethiopia. The Minister replied that: “The UK continues to consider the full range of policy tools at our disposal to protect human rights and deter violations of international humanitarian law. It is longstanding practice not to speculate on future sanctions designations as to do so could reduce the impact of the designations<sup>126</sup>.” This is followed by yet another promise following the US sanctions on Eritrean officials and entities. This time the UK Government said: “We note the statement on 12 November by the US Treasury that they have sanctioned four entities and two individuals. Sanctions are most effective when countries act together. International cooperation is at the heart of UK sanctions policy, and the UK will continue to work with the US and other international partners to tackle shared global challenges<sup>127</sup>”.

The British government has rightly expressed its “deep concerns about Eritrean involvement in the Tigray conflict” on many occasions but sadly it has, so far, done very little tangible.

### *United States*

Eritrea’s involvement in the Tigray war and the atrocities that followed, although horrific in the extreme, should not come as a surprise to the international community. As noted elsewhere in this chapter, Eritrea, under President Isaias, has been involved in 8 separate wars over a period of 27 years. It has consistently and systematically abused its citizens, including; rape, enslavement, torture, extrajudicial killings and other despicable acts behind closed doors. The UN COI has repeatedly said over a 7-year period that the Asmara regime “may have committed crimes against humanity”. In spite these damning reports, no action has been taken by the UN to bring the preparators of these heinous crimes to the ICC.

What the Eritrean regime has done since November 2020 is in effect to export, in an industrial scale, the atrocities that it meticulously refined on its own citizens, to Tigray and increasingly to the rest of Ethiopia. To its credit, the US government has been engaged proactively to halt the atrocities and the conflict in Tigray from the outset, ably supported by its Chargé d’Affaires, Steven Walker, in Asmara for which peace-loving Eritreans and Ethiopians have expressed their admiration and gratitude to the US government.

The Tigray war continues to rage unabated, with the active involvement of Eritrean forces, despite diplomacy efforts by the AU, US and the EU to find a peaceful solution to the conflict. The US introduced visa restrictions on Ethiopian and Eritrean officials<sup>128</sup> who it considers “responsible for, or complicit in, undermining resolution of the crisis in Tigray” but to very little effect.

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<sup>126</sup> <https://questions-statements.parliament.uk/written-questions/detail/2021-09-22/53252/>

<sup>127</sup> <https://eritreahub.org/british-government-promises-to-cooperate-with-u-s-a-over-sanctions-against-eritrean-leaders>

<sup>128</sup> **24/05/2021** US imposes Ethiopia, Eritrea restrictions over Tigray crisis | Conflict News | Al Jazeera

On 23 August 2021, the US Treasury sanctioned the Chief of Staff of the Eritrean Defense Forces, Filipos Woldeyohannes, for “being a leader or official of an entity that is engaged in serious human rights abuse”<sup>129</sup> committed during the Tigray conflict. The sanction was imposed under Executive Order 13818, which targets perpetrators of serious human rights abuse and corruption. Thus, all of his property in the US or in control of US individuals are blocked. This is to be welcomed, although the likelihood that Filipos will have any asset and/or offshore bank account in his name or any entity under his control is nil.

In November 2021, the US government went even further and imposed sanctions on four Eritrean entities and two individuals in connection with the conflict in Tigray<sup>130</sup>. The entities sanctioned are; the EDF (the military, led by the Chief of Staff, Filipos Woldeyohannes who was sanctioned by the US in August 2021) and the PFDJ (the only political party in the country and under the absolute control of President Isaias). In addition, two commercial entities were sanctioned; Hidri Trust, and Red Sea Trading<sup>131</sup> Corporation (RSTC). Hidri Trust is a holding company that controls all of the PFDJ’s business interests and RSTC funds and provides business assistance to the party.

The two individuals sanctioned are<sup>132</sup>; Abraha Kassa Nemariam (aka Abraha Kassa – sanctioned by the EU in March 2021) - the head of the Eritrean National Security Office, and Hagos Ghebrehiwet W Kidan (aka “Kisha” or moneybags), economic advisor to the PFDJ and CEO of RSTC, who is in effect the finance minister.

Through the above actions, the US has taken bold and exemplary initiatives to help bring the conflict in Tigray and the presence of Eritrean forces there to an end. In a statement the US government said “Eritrean forces in Ethiopia are an impediment to ending conflict and increasing humanitarian access”.<sup>133</sup>

The US government’s actions against the Asmara regime are to be applauded by all peace-loving people around the world. In spite of this, however, the US could have gone further to include the following revenue streams, that are financing repression in Eritrea and fuelling the Tigray conflict, and two more bad actors:

1. *Eritrean National Mining Corporation (ENAMCO)* - establishment Proclamation (No. 157/2006<sup>134</sup>). ENAMCO is an autonomous corporate legal entity and engages in all mining operations, including prospecting, exploration and exploitation of mineral resources and marketing of the same. The corporation holds stakes of between 40 percent and 60 percent of all mining operations in the country. ENAMCO works in partnership with companies and businesses based in the UK, Australia, US and Canada that raise their finances through the stock exchanges in London, Toronto, New York and Australia. It is difficult to accurately assess the amount of revenue raised from the extractive sector but it is said to

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<sup>129</sup> Treasury Sanctions Eritrean Military Leader in Connection with Serious Human Rights Abuse in Tigray | U.S. Department of the Treasury

<sup>130</sup> Treasury Sanctions Four Entities and Two Individuals in Connection with the Crisis in Ethiopia | U.S. Department of the Treasury

<sup>131</sup> US imposes new sanctions over Ethiopia's Tigray conflict - JURIST - News - Legal News & Commentary

<sup>132</sup> US sanctions Eritrea's military, ruling party over Ethiopia - ABC News (go.com)#

<sup>133</sup> <https://www.aljazeera.com/news/2021/11/12/us-sanctions-eritrean-army-ruling-party-over-ethiopia-conflict>

<sup>134</sup> Eritrean National Mining Corporation Establishment Proclamation (No. 157/2006). | InforMEA

represent a significant proportion of the country's GDP. Almost all of this hard currency revenue apparently goes to offshore bank accounts under disguised ownership to finance the Asmara regime's illicit activities.

2. *The 2 percent diaspora tax* (excluding remittances which are in most cases sent to support family and friends i.e., humanitarian in nature) is illicitly collected from members of the diasporas by Eritrean Embassy staff and government agents. Given the number of Eritrean diasporas in the US, a significant amount of this revenue stream comes from the US. There is evidence to indicate that members of the diaspora are coerced and intimidated into paying the 2 percent (backdated to their time of arrival in the US) as recently as September/October 2021<sup>135</sup>.
3. *The two bad actors* – the Eritrean finances are managed and controlled by; President Isaias, his Presidential Advisor, Yemane Gebreab, the Economic/Finance Advisor, Hagos (Kisha) and the army Chief of Staff, Filipos Woldeyohannes. While both Hagos and Filipos have been rightly sanctioned by the recent US Executive Order, President Isaias and his Advisor, Yemane Gebreab, do not appear to have been sanctioned.

Adding the above to the US targeted network sanctions for orchestrating untold human rights abuses in Eritrea and mass atrocities in Tigray will not only stigmatise the country even more, which it should rightly do, but also drain their revenue streams so they can no longer finance their destabilising activities in the region.

## 1.8 Concluding Remarks and Recommendations

Sanction, as with most economic and political issues, has been a divisive topic amongst the Eritrean diaspora ever since the UN enacted Resolution 1907, imposing restrictive measures on their country for its covert destabilising activities in the Horn of Africa. However, an increasing number of Eritreans are now in favour for sanctions designations under current regimes, for example, the UK Global Human Rights Sanctions regime.

Today a majority are in favour of a sanctions programme against the Eritrean government because of its relentless and grotesque human rights abuses on its citizens over decades, and more recently for its unwarranted involvement in the Tigray conflict as documented elsewhere in this report.

Opponents of sanctions on Eritrea, some of whom were prominent freedom fighters, until recently in the civil service e.g., former bank governors and some who represent the country at ambassadorial levels, argue sanctions will hurt the nation's economy and innocent people. These people forget that freedom comes at a price. The Eritrean people lost tens of thousands of their brothers and sisters in the 30-year armed struggle to free their homeland from Ethiopian occupation and oppression. Some families were wiped out completely and villages burnt to the ground by the enemy. The author lost his only brother (Haderyes, aged 26) and almost every single household in the country lost loved ones to free the country from Ethiopian brutality.

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<sup>135</sup> Author's own research and anonymous sources.

Despite these losses, however, almost every single Eritrean accepts that those sacrifices were worth paying, to free the people from subjection and servitude at the hands of Amhara militias and Ethiopians in general. Nevertheless, the opponents cite the examples of Iraq and Libya for failed sanctions programmes and foreign interventions, in order to frighten the diasporas, without themselves fully understanding the reasons for the failure of those programmes. In the case of Iraq's sanctions imposed in 1991 after it invaded Kuwait, to a large extent, failed because they were not properly planned nor executed. As a result, the comprehensive sanctions imposed on Iraq, had a significant unintended adverse impact on the people and they suffered economic hardship. The international military action on Iraq was, however (and arguably), successful in getting Iraq out of Kuwait. What followed afterwards, in terms of religious and tribal conflicts, was an utter disaster and inexcusable on the part of the international community. The same could be argued in the case of Libya.

Proponents of sanctions, on the other hand, argue that it would be immoral and indeed inhuman to idly sit by while people are abused, huge numbers slaughtered by their own governments, and unaccountable leaders destabilising entire regions causing war after war, as is the case with Eritrea. They rightly cite the case of the former Yugoslavia where in the 1990s, the country was tearing itself apart causing misery for its people. The war ended, when in 1995 NATO bombed Bosnian Serbs and the Croats gained grounds. As a result, the warring factions came to the negotiating table. In December 1995, they signed the Dayton Agreement dividing Bosnia into two self-governing bodies and the perpetrators of the atrocities were brought to the ICC<sup>136</sup>. In the case of Liberia (see page 28 above), the international community action brought the conflict to an end and the former president sentenced to 50 years in prison by the ICC. Apartheid in South Africa, to a large extent, ended because of economic sanctions. Some of the South Africans, unfortunately, suffered economically as a result of the sanctions but they were eventually freed from the evils of apartheid. The African National Congress knew that sanctions would cost jobs and incomes, but accepted that this was part of the struggle against minority rule. The Darfur conflict and the human rights abuses in Sudan under Bashir ended at least in part because of sanctions. There are many other examples that demonstrate targeted sanctions work and have brought the desired goals.

Inaction by the international community to deal with conflicts and human rights abuses is perhaps the worst scenario that can happen as exemplified in the case of Rwanda. In 1994, the world looked the other way while 1.1 million<sup>137</sup> people were genocidally murdered in an insane period of three months (7 April to 15 July 1994 i.e., in about 100 days), leaving a lasting stain on humanity. The scale and brutality of the genocide caused shock waves around the world, but no country intervened to forcefully stop the killings. The ICC subsequently convicted 85 individuals for the genocide in Rwanda and the world vowed "never again" in yet another hollow outcry.

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<sup>136</sup> [How did the Yugoslavia war end? \(wikilivre.org\)](#)

<sup>137</sup> [Rwandan genocide - Wikipedia](#)

In November 2021, when the US government imposed long overdue sanctions on Eritrea, they were widely applauded by members of the diaspora. The Eritrean Global Yiaki grassroots movement along with civic societies wrote to President Biden expressing a “whole hearted support” for the action he and his government took, calling it “exemplary” that other countries ought to emulate<sup>138</sup>. Eritrea Focus<sup>139</sup> issued its own statement expressing gratitude to President Biden and the American people for standing squarely with the Eritrean people in their hour of need, adding “President Isaias and the elite that surround him in the military and the PFDJ are responsible for taking our country into this war and for the death of many of our people. It is not for the first time he has dragged our people into a senseless conflict since 1991.”

### *Recommendations*

In his televised interview<sup>140</sup> in February 2021, President Isaias unashamedly said Eritrea has “no economy” as a pretext for his plans of a “union or federation” with Ethiopia. He then went on to blame the chronic economic crisis in the country, caused by corruption and mismanagement in his 30-year watch, on others. On sanctions he said “Look how they [the West] imposed sanctions on Eritrea in the past. They are looking to destroy and weaken us through sanctions. To this end; they lie, bribe, threaten witnesses and then become a judge and jury to impose sanctions on us. If we look back at the last nine years of sanctions [resolution 1907] and the manner they were imposed, those patterns have been identical over the last three months [i.e., since the start of the Tigray war].”

President Isaias clearly made these remarks because sanctions hurt him and his inner circle, not because he cared for the people of Eritrea in the slightest. The Eritrean people have already lost everything under his leadership; they have nothing left to lose. Approximately 80% of the population live on subsistence farming. Some relied on NGOs humanitarian aid until they were expelled from the country in what can only be described in a state of deprived mind on the part of President Isaias. It is in the light of these facts that the recommendations below should be considered and hopefully adopted by the international community:

1. *Further expand US sanctions programme* – the November US sanctions on Eritrean individuals and entities do target some of the key economic organs and bad actors in the country. However, the Eritrean National Mining Corporation (ENAMCO) and the diaspora tax that between them are said to generate at least 50% of the GDP are not covered. Some of the key ENAMCO partners are; Alpha Exploration Ltd, a Canadian Company listed in the Toronto Stock Exchange<sup>141</sup>, Danakali Ltd, an Australian company listed in the Australian stock exchange and until recently in the LSE<sup>142</sup>, Aggreko Plc, power plant provider for Danakali Ltd,

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<sup>138</sup><sup>138</sup> <https://eritreahub.org/joint-letter-by-eritrean-opposition-to-president-biden-supporting-sanctions>

<sup>139</sup> Eritrea Focus statement on the US sanctions and the Tigray war - Eritrea Hub

<sup>140</sup> A complete English translation of Isaias Afwerki's Eritrean TV Interview, 17 February 2021 - ASENSA TV

<sup>141</sup> [Kerkasha Project, Eritrea - Alpha Exploration Ltd - Eritrea Hub](https://eritreahub.org/kerkasha-project-eritrea-alpha-exploration-ltd) and <https://finance.yahoo.com/news/alpha-exploration-reports-95-m-130000846.html>

<sup>142</sup> [Danakali Ltd \(ASX:DNK\) Share Price | RNS News, Quotes, & Charts | DNK.AX | \(proactiveinvestors.co.uk\)](https://www.dnk.ax/)

based in Glasgow, Scotland and listed on the LSE<sup>143</sup>, and a number of US finances house such as JP Morgan and Blackrock.

Furthermore, the current US sanctions does not include all of the bad actors in the country. Two of the 4 individuals that control the nation's illicit finances and offshore accounts, namely the President and his advisor (Yemane Gebreab), are not included in the US sanctions. These anomalies need to be addressed for the sanctions to achieve the desired goal.

Finally, the regime in Asmara used diaspora tax to circumvent sanctions in the past and continued to raise significant sums in hard currency to continue to destabilise the region<sup>144</sup>. This revenue stream needs to be controlled and stopped, not least because it breaks host countries laws of collecting money through harassments and intimidations.

2. *The UN, EU, UK, Canada and others* – should impose their own unilateral or preferably multilateral sanctions on Eritrean individuals and entities. As Laetitia Bader, Human Rights Watch said “for sanctions to work, others countries must join.”<sup>145</sup>
3. *Formulate Eritrean international assets tracker mechanism* – sanctions can only freeze assets that are known to exist but Eritrea maintains an opaque finances to manage its offshore accounts and its assets overseas in disguised ownership. For example, a recent extensive search of “the State of Eritrea” owned assets in the UK<sup>146</sup> revealed only one asset with an estimated value of less than \$2.5 million. The World Bank in its March 2020 report (see above) identified only 8 overseas bank accounts. Concerted efforts by civic societies and others are needed to trace and track Eritrean assets around the world, not least to monitor the funds use but also to stop the regime from fuelling instability in the Horn of Africa and beyond. This information should then be fed into global law enforcement agencies to freeze and ultimately seize those assets.

The world has a moral, and perhaps legal obligations too, to protect the weak and the poor from those who exploit and abuse them with impunity. Short of military action, well planned multilateral targeted sanctions are perhaps the key tools at the disposal of the international community to save innocent lives, prevent wars and genocide.

Eritrea is a hermit; an isolated pariah state. Stigma, “shaming and naming”, will not work - a leopard cannot change its spots. Multilateral sanctions on Eritrea that are effectively enforced will bring the regime to its knees, herald a new era of hope, peace and prosperity for the people of Eritrea, Ethiopia and the region at large.

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<sup>143</sup> [Aggreko Archives - Eritrea Hub](#)

<sup>144</sup> [Eritrean diaspora and its impact on regime stability: Responses to UN sanctions | African Affairs | Oxford Academic \(oup.com\)](#)

<sup>145</sup> <https://www.hrw.org/news/2021/09/17/us-authorizes-sanctions-ethiopia-tigray-conflict>

<sup>146</sup> Author's own research

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