

Eritrea's fetishism with prevarications and IGAD's Ministerial Conference

By: Samuel Addis Alemayehu Sep 14, 2011

Eritrea's despotic regime which has turned the two-decade old African nation into a safe heaven for terrorists and regional spoilers has now embroiled it self in a diplomatic circus in a last ditch effort to stave off the tightening of the sanction the Security Council slapped on it. In fact, the diplomatic circus was a reaction to the UN monitoring groups report that unequivocally affirmed the regime's link with Al-Shabaab, a terrorist group that claimed responsibilities for the July, 2011 Kampala bombings that caused the death of seventy civilians. More importantly, the report's call for tougher sanctions sent a shudder down the spines of President Isaias and co. as is evident in the frenzied diplomatic rushes over the past weeks.

To the surprise of many pundits, the regime that turned Eritrea into a pariah state by its idiosyncratic and belligerent foreign policy has now recast itself in to a paragon of peace. Stated otherwise, the Eritrean government long known for its foreign policy that became in the words of Medhane Tadesse is "a strong mechanism and arrangement for producing and distributing instability across the region is trying to hoodwink the world into believing that it is now a new convert that preaches the necessities of regional security blocks at the top of its voice from a pulpit of a pariah called righteous indignation. As the entire diplomatic tumults is devoid of any change in heart, the PFDG - led government is hailing regional peace building efforts while it overtly finances and masterminds terror plots which is consonant in substance and form with its much- favored wolves in a sheep -skin mantra of foreign policy.

The recent overtures of the regime to resume its membership of IGAD and the president's visit to Kampala are one among these window- dressing acts aimed to serve as smoke screen while the regime is openly pursuing its destabilization mission more vigorously. The regime in Asmara which can be rightly characterized as "a group of thugs" has for long been hurling scathing criticisms against African union and IGAD as "toothless and enfeebled institutions". No other statement best exemplifies this view than Eritrea's foreign ministers bashing in 2007, asked why Eritrea withdrew its membership from IGAD, the minister retorted to Sudan Tribune that IGAD is just another satellite institution manipulated by external forces. Fast forward to 2011 and Eritrean diplomats have a different talk about

IGAD as they are sleek in mustering double speak. The Eritrean Ministry of Foreign Affairs letter to IGAD is quite revealing in this regard. The letter which requested resumption of Eritrea's membership stated the government's willingness to work towards regional peace under the auspices of IGAD, forgetful of years of the Eritrean diatribe on the regional bloc since its withdrawal from membership in 2007.

To any keen follower of Eritrean politics a mere juxtaposition of facts is quite revealing that Eritrea's diplomatic tumults are mere rearrangement of decks on a sinking ship as it flies on the face of a growing isolation of the regime. Why all this rush to join IGAD?

The writer of this article argues that the recent diplomatic overtures are attempts to launder the terror acts and brazen lawlessness of the regime. To this end this article aims to take up issues related to the recent tirades of the Eritrean regime over the alleged abuse of its diplomat by Ethiopian security forces and the row over Eritrea's resumption of IGAD membership as incidents showcasing the regime's wolves clad in sheepskin mantra of foreign policy.

As any one who followed the events may recall the Eritrean diplomat's misconduct is a drama orchestrated by the Eritrean mission in Addis and its bosses in Asmara to obstruct the 40th extraordinary IGAD ministerial session held on the 24th of August. It was designed to suit the regime's premeditated goal of pressuring member countries to accept the unilateral declaration of Eritrea as the only act required to reactivate its membership against the dictates of IGAD's charter.

As reported by many news outlets and blogs, backed by the regime's unabashed apologist Michella Wrong the regime kept on disseminating a humdrum propaganda which presented its request to join IGAD as a break with the past and as a good gesture of ending the nation's isolation. To the surprise of many, before a decision was made by the assembly of Heads of State to accept or reject Eritrea's pleas on membership, an Eritrean diplomat named Binyam Bahre sneaked into the 40th ministerial meeting conference hall deceiving the security staffs of the Sheraton Hotel. Bewildered by the strange and dishonest act of the diplomat who appeared without any formal invitation, the Ethiopian State Minister of foreign affairs His Excellency Berhane Gebrekirstos and IGAD's head of the Secretariat His Excellency Mahboub M.Maalim requested the diplomat to leave the hall in courteous manner .Alas! The man turned down pleas by the minister and other dignitaries. Troubled by the embarrassing conduct of the diplomat, the dignitaries left the conference hall after thirty minutes of unsuccessful cajoling. Finally, the Eritrean diplomat after minutes of staying

alone in the conference hall left the compound escorted by security personnels of Sheraton Hotel. Thereafter the dignitaries came back to the hall and resumed the meeting. These are the raw facts.

Hurrah! to the Eritrean government for its display of genius! Concocting a fictitious story, bereft of a shred of truth, the government accused Ethiopian security forces of "verbally abusing and treating the Eritrean diplomat in violation of his diplomatic immunity" in a communiqué issued on 26th of August. What is more surprising is, in a complete misrepresentation of facts the regime in Asmara accused Ethiopian security forces of physically blocking the diplomat from attending the conference. What else can explain such bending of the truth other than a fetish for prevarication?

The first fact that took all by surprise is the regime's cry of foul over alleged incident of infringement of diplomatic immunities as if it has a clean record in observing diplomatic relation laws. Need one remind the thugs in Asmara that the Eritrean embassy in Addis before its closure was engaged in illicit foreign currency black marketing in violation of Article 41(3) of the Vienna Convention on Diplomatic Relations which clearly prohibits embassy grounds from being used for any such illegal acts? Today's paragons of peace seem to have forgotten also their embarrassing treatment of foreign missions in Asmara not to mention the commonplace act of taking hostage of foreign nationals which is a breach under settled norms of international law?

In this context, anyone seeking to check the veracity of the accusation is kindly referred to look into any local or international news outlets as the reports of the events completely belies the allegations. Hence, the writer of this article believes that the allegation does not deserve a drop of ink to be spelt as it is just another lie. In other words, the allegations are another soap opera produced by the castigation mills of Asmara. Indeed, as one Eritrean political commentator said the fetish for prevarications have now become the standard operating procedures (SOAP) of Eritrea's Ministry of Foreign Affairs as in George Orwell's 1984 the Ministry of Truth for its blatant misrepresentation of facts. If the gimmick of the "harassment" of the diplomat is a homespun lie it would be in the order of things to probe in to Eritrea's claim of what it called "reactivation" of its membership of IGAD, a claim that was pulled to support the misconduct of the diplomat at the mistrial meeting.

In connection with this claim the writer attempts to further look into the bases of such claim along with the proper procedures for a member to resume its membership. As can be gleaned in various communiqués, ever since its withdrawal from IGAD Eritrea has always

maintained that it only suspended and did not withdraw from IGAD. The reason behind the preference for the term "suspension" (whatever meaning may be attached to it) over withdrawal however is not that much hard to locate. Meaning, Eritrea's claim that it merely suspended its membership is intended to advance the stance that "suspension" and "reactivation" of membership are unilateral acts which do not require the blessing of other member states. This viewpoint came clear when the regime wrote a letter to IGAD's secretariat that it needed to resume its membership with immediate effect. The August 26 communiqué also confirmed the above position by claiming that no other procedure is required for Eritrea to resume its membership other than a letter notifying the Secretariat that it has reactivated its membership. As this stand is not supported by the IGAD Charter, Eritrean diplomats deliberately misinformed many media outlets by officially informing them that Eritrea is a fullfledged member by the mere fact that it wrote a letter to IGAD's Secretariat. As most of this news outlets never cared to consult the IGAD Charter, many reported the retort which sowed much confusion thus playing into the regime's game.

Contrary to the claims of the regime in Eritrea, the Agreement Establishing the Inter-Governmental Authority on Development (a.k.a the IGAD Charter) has no clause that gives to members states to suspend or reactivate their membership as they wish. To wit, such rights are only existent in the minds of the Eritrean diplomats.

In the turn of things Eritrea diplomats who seemed to have their own version of the Charter thought that attending the 40th ministerial conference was the right way to prove their own reading of the Charter. That is why Binyam Bahre gatecrashed in to a conference hall to claim membership as if mere attendance is what it takes to be a member of IGAD. Be that as it may, according to the Charter member states have two alternatives as far their status in IGAD is concerned: either to withdraw from membership or stay on as fullfledged members with all the rights and duties of a member. More importantly, withdrawal under the Charter is quite different from what Eritrea called "suspension" of membership. Article 22 of the Charter, which is reproduced, lays down in a clear language the conditions and consequences of withdrawal as a concept diametrically opposed to suspension of membership. Article 22 reads:

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ny member state wishing to withdraw from the authority shall give to the chairman of the assembly one year's written notice of its intention to withdraw and at the end of such year shall, if such notice is not withdrawn, cease to be a member state of the authority.

b.

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uring the period of one year referred to in the preceding paragraph, a member state wishing to withdraw from the authority shall nevertheless, observe the provisions of this agreement and shall remain liable for the discharge of its obligations under this agreement.

From the above provisions of Article 22 one can safely argue that the effect of withdrawal is a complete cessation of rights and duties emanating from being a member of the regional block. A member state which successfully fulfilled the requirements of withdrawal is as equivalent to any other non-member, whereas suspension of is an act where rights and duties are arrested temporarily. Thus, Eritrea's claim for that it only suspended its membership is a complete misread of the Charter. Contrary to the regime's claim, Eritrea's pull out in 2007 is withdrawal no more no less. Hence, any resumption of membership has to follow the accession rules and procedures of a new member. Put otherwise, Eritrea (assuming that it fulfills the requirements under Article 22) for all intents and purposes should be treated as any new member if it wants to resume its membership. This is all the more true since the charter has not dedicated a special clause governing resumption of membership of members which withdrew from IGAD as opposed to applicants seeking to be new members.

The Charter in this regard requires any country seeking membership to apply for IGAD's secretariat, which submits the application to the Assembly of Heads of State. According to article 1A(c) new members shall be admitted by a unanimous decision of the Assembly. The regime in Asmara, cognizant of the fact that it will not be able to muster a unanimous vote in IGAD's Head's of State Assembly, came up with an outlandish interpretation of the Charter to justify its request for readmission. This viewpoint is self evident in the following remark in the regime's communiqué issued on August 26:

"In an obvious attempt to downplay and dilute the embarrassment of the organization some officials in IGAD later scrambled to provide flimsy justification to Ethiopia's behavior mixing Eritrea's case with the accession of South Sudan to the organization as a new member state."

Here it is worth noting that the Eritrean government's mention of *Eritrea's case with the accession of South Sudan* is an argument intended to support its claim for unilateral reactivation of membership. Capitalizing on a textual reading of the Charter's article 1A(c) which provides that *new members shall be admitted by a unanimous decision of the Assembly*, the Eritrean government tries to buttress its claim that the article should be applied only to new applicants desiring to be a member of IGAD. However as we tried to see in the above paragraph withdrawal entails cessation of right and duties. Thus the term "new" in Article 1A(c) should be construed broadly to include such members who withdrew from the organization, hence Eritrea. Any interpretation of the Charter other than this would run against established norms of positive interpretation of rules. Moreover, it would also defy common sense since even private associations never allow their members to suspend and reactivate their membership as they please. It is for this reason that the thugs in Asmara came up with a novel classifications of "suspension" and "reactivation" to by pass the unanimous vote requirement of member states.

Conclusion

As argued elsewhere the Eritrean regime's recent diplomatic antics and chatters are all smoke screens which are devised to hide its true nature. Its sudden desire to rejoin IGAD is part of its usual drama which is devoid of any legal bases. The one thing however that can unmistakably be identified is the regimes fetish for prevarications that suits it well to keep on playing its wolf-in-a sheep-skin mantra of destabilizing the region.