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# Human Trafficking and Trauma in the Digital Era: The Ongoing Tragedy of the Trade in Refugees from Eritrea

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Edited by  
**Mirjam Van Reisen &  
Munyaradzi Mawere**



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### The Policy Agenda in Europe and Africa

*Zara Tewolde-Berhan, Martin Plant, & Klara Smits*

#### Introduction

At the time of writing, the number of displaced people globally was at a peak. In 2015, according to the United Nations Refugee Agency (United Nations High Commissioner for Refugees – UNHCR), over 65.3 million people were forcibly displaced (UNCHR, 2016b). Eritrea is ranked as the ninth greatest source of refugees, with 35,500 people fleeing its borders in 2015. UNHCR estimates that a cumulative total of 411,300 refugees have originated from Eritrea up to the end of 2015, many of whom are unaccompanied minors (*Ibid.*, p. 17).

The exodus of Eritreans poses serious questions for policymakers around the world. These Eritreans are fleeing ongoing human rights violations in their country, which the United Nations (UN) Commission of Inquiry on Human Rights in Eritrea concluded amount to crimes against humanity (OHCHR, 2016). These men and women arrive in many countries around the world, from Australia to the USA, frequently after traumatic journeys, which can last several years. On route, they are vulnerable to human traffickers and smugglers, who become rich by exploiting them. Knowing how to deal with refugees, while at the same time maintaining a welcoming environment among national populations, is proving to be a challenge for receiving countries.

This chapter takes a look at how the European Union (EU), African Union (AU), and Inter-governmental Authority on Development (IGAD) have attempted to deal with the situation of refugees and human rights violations. Firstly, it examines the EU's mishandling of Eritrea, after which, the relationship between Eritrea

and AU/IGAD is described, as well as attempts by these organisations to manage the refugee situation and deal with human trafficking, followed by a short conclusion.

## **The European Union**

### ***Post-independence***

Since Eritrea's independence from Ethiopia, relations between Eritrea and the European Union have been complex, with some attempts by the EU to have a more constructive dialogue, but with limited success. The EU's response to Eritrea has developed over many years. It should not be forgotten that the EU supported the Eritrean people well before Eritrea's de facto independence in 1991 when the Eritrean People's Liberation Front (EPLF) captured Asmara, particularly during the famine of 1984/85 (Keneally, 1987). At this time, cross-border operations led by European countries fed hundreds of thousands of refugees who would otherwise have starved.

Since Eritrea's independence was ratified by the United Nations in 1993, following the Eritrean independence referendum, Europe has attempted to build a relationship with the Eritrean government, despite its repression of its people and its human rights violations. This has not proved easy. These issues were perhaps most starkly highlighted during the 2001 clampdown on all forms of opposition to the government, with the imprisonment of senior politicians, journalists, and editors. Among those who have been held ever since is Dawit Isaak, a Swedish-Eritrean journalist (Pen International, 2015). Due to his status as a Swedish citizen, the EU has repeatedly called for his release and EU representatives have taken up his case (European Parliament, 2015).

When the arrests took place in 2001, the Italian Ambassador to Eritrea, Antonio Bandini, presented a letter of protest to the Eritrean authorities. He was promptly expelled from the country. Other European ambassadors were withdrawn in protest. The EU presidency said that relations between the EU and Eritrea had been

“seriously undermined” by the expulsions (Politico, 2001). At first, the EU demanded that Eritrea improve its human rights record before normal relations could be resumed. President Isaias Afwerki did nothing of the sort, assuming that he could outlast the EU’s anger. He was right: in the end it was the EU that buckled.

An internal EU document dated October 2008 explained just how poorly the EU responded to the situation (Caprile, 2008). The report said that it had been decided at the time that European ambassadors would be: “...conditioning their return on the willingness of President Isaias to engage on human rights dialogue. This request was never satisfied, but EU Ambassadors nevertheless returned to Eritrea, in a non-coordinated way” (*Ibid.*, p. 8).

As time passed, the EU re-assessed its relationship with Asmara. Although there had been no sign of movement on human rights by the Eritrean regime, it was decided to attempt to try to have a ‘new beginning’ with Eritrea. In May 2007, President Isaias Afwerki was invited to visit Brussels and warmly welcomed by Development Commissioner, Louis Michel, despite the fact that Dawit Isaak and others remained in prison (Kidane, 2010). In the light of the talks held, the European Commission (EC) altered its stance towards Eritrea, as reflected in an internal report:

*In June 2007 the European Commission changed its strategy and initiated a process of political re-engagement with Eritrea. The main reason for Commissioner Louis Michel’s change of approach was his determination to ignite a positive regional agenda for the Horn of Africa, where Eritrea has a major role to play in view of its presence in the conflicts in Sudan and Somalia. (Caprile, 2008, p. 22)*

The document concluded that for this “political re-engagement” to work, both sides need to show that they are approaching it seriously, of which concrete evidence is required:

*Both sides need political dialogue to bring some results: the European Commission needs a visible sign of cooperation from Eritrea in order to continue to justify its soft diplomacy, while the increasingly isolated Eritrean regime might need to keep a*

*credible interlocutor and a generous donor. The liberation of Dawit Isaak based on humanitarian grounds could be such a sign but, although welcome, it would only be a drop in the ocean. (Ibid., p. 22)*

However, instead of making improvements to human rights, the Eritrean government refused to accommodate the EU's concerns in any way. Although no real progress had been made, fresh aid was promised to Eritrea. Even after the EU provided the aid, there was no softening of President Isaias Afwerki's stance. Despite this resistance to accommodating the EU's concerns, the Europeans pressed ahead with their 'renewed engagement' strategy. It seems that Brussels had learnt nothing from the mistakes made following the withdrawal of its ambassadors. Asmara, on the other hand, had learnt that if it remained obdurate, European politicians and civil servants would, in time, give in to its demands. President Isaias Afwerki was setting the agenda.

On 2 September 2009, the EU and Eritrea signed the 'Country Strategy for 2009–2013' (European Commission, 2009). This document acknowledged the impact of Eritrea's 2001 crackdown on dissent, albeit diplomatically: "From 2001 to 2003, there was a slowdown in EU-Eritrea development cooperation, and the Political Dialogue process witnessed the emergence of substantially divergent views on developments in Eritrea and the Region" (*Ibid.*, p. 21). The strategy talked about limited political dialogue, but said that regular meetings were planned.

A fact-finding mission to the Horn of Africa by the Development Committee of the European Parliament in late 2008 painted a gloomier, but more accurate, picture (European Union, 2008). The Mission found that:

*Since the interruption of the democratisation process in 2001, EC cooperation with Eritrea has been confronted with major political and technical difficulties. Cooperation was frozen for several years in reaction to the expulsion of the Italian Ambassador, which led to a certain backlog with the 9<sup>th</sup> EDF funds. (Ibid.)*

At the same time, the delegation maintained that the situation had improved in recent years and funds had begun to flow once more.

### *The first 're-engagement'*

Hopeful that progress could be made, Development Commissioner, Louis Michel, opened fresh talks with Eritrea. By August 2009 he was sufficiently encouraged to visit Asmara, after receiving assurances from an Eritrean diplomat that Dawit Isaak would be released into his care (Mekonnen, 2009). Having booked a ticket for Dawit to return with him to Europe, Louis Michel left for Asmara. However, after meeting President Isaias Afwerki, it became apparent that the President had no intention of allowing Dawit to go free. Indeed, Michel was not even permitted to visit the prisoner and had to return home empty handed.

Despite these setbacks, the EU has remained wedded to the idea of improving its relationship with Eritrea. In October 2009, despite the fiasco of Michel's visit, European foreign ministries were prepared to take a considerably softer line towards Eritrea than their American counterparts. A US diplomatic cable released via WikiLeaks reported how one European representative after another called for restraint, while opposing extending sanctions against Isaias Afwerki's regime:

*Italy described Eritrea as governed by a 'brutal dictator', and noted that Italy had not gotten results from its efforts at engagement. He cautioned, however, against 'creating another Afghanistan' by applying Eritrea-focused sanctions. The Italian representative questioned whether the sanctions should be focused on spoilers in general and include others beyond Eritrea. The French said that while engagement was 'useless', France would continue on this track as there was no other option. (The Telegraph, 2011, para. 10)*

Speaking at the same day-long meeting, British official Jonathan Allen said: "London has already made clear to Asmara that the UK was aware Eritrea was supporting anti-Western groups that threatened British security" (*Ibid.*). In reply, the American senior

representative, Deputy Assistant Secretary for African Affairs, Karl Wycoff, pointed out what he described as:

*...the inconsistency between the private acknowledgement that Asmara was not only playing a spoiler role with regard to Somalia but also supporting violent, anti-West elements and the provision by some countries of assistance packages to Asmara. He also noted that strong actions, including sanctions, were needed to have a chance of changing Isaias's behaviour. (Ibid.)*

Despite the United State's concerns, the EU pressed ahead with its strategy: a strategy in which it had little faith and which its own representatives described as "useless" (The Telegraph, 2011).

The situation was reviewed once more in 2011, when the EU drew up a 'Strategic Framework for the Horn of Africa' (European Union, 2011). This framework laid out Europe's relationship with the region as a whole: "The EU is heavily engaged in the region, with involvement focused around five main areas: the development partnership, the political dialogue, the response to crises, the management of crises and the trade relationship" (*Ibid.*, p. 5). The document then elaborates on how these aims will be achieved. Once again, human rights are an integral part of the strategy:

*The development of democratic processes and institutions that contribute to human security and empowerment will be supported through:*

- *promoting respect for constitutional norms, the rule of law, human rights, and gender equality through cooperation and dialogue with Horn partners;*
- *support to security sector reform and the establishment of civilian oversight bodies for accountable security institutions in the Horn countries;*
- *implementing the EU human rights policy in the region. (Ibid., p. 9)*

In line with this framework, the EU decided to provide Eritrea with aid worth EUR 122 million between 2009 and 2013.

Since the Strategic Framework document was drawn up, the situation inside Eritrea has shown no sign of improvement. Although the EU has continued to raise the issue of human rights, there has

been no progress on the release of political prisoners, the implementation of the Constitution, or freedom of expression (Foreign and Commonwealth Office, 2015). The country remains a one-party state, locked in permanent repression. The human rights violations continue to drive 4,000–5,000 Eritreans across its borders every month. Many arrive on European shores. In the first 10 months of 2014, for example, the number of asylum seekers arriving in Europe nearly tripled in comparison to the previous year, according to the UN Refugee Agency (UNHCR, 2014). In 2015, a total of 38,791 Eritreans crossed the central Mediterranean Sea, arriving mostly in Italy, according to Frontex – the EU agency monitoring the situation (Frontex, 2016). Eritrea has remained one of the top ten source countries for irregular arrivals.

### *The second ‘new engagement’*

The refugee question has become a toxic issue in Europe. Politicians are under considerable pressure to end irregular migration from all sources. Borders have been closed, fences erected and passport controls reinstated. While the situation of Eritrean refugees is very different from that of Iraqi or Syrian refugees, they have been caught up in the rising tide of opposition to foreigners of all kinds. A number of European states have responded to this and have, once again, attempted a ‘new engagement’ with Asmara. In 2014, the Danish government sent officials to Eritrea to investigate the situation. They then wrote a report, which was published by the Danish Immigration Service. This report concluded that: “the human rights situation in Eritrea may not be as bad as rumoured” (Danish Immigration Service, 2014).

The Danish Report was not well received (The Local, 2014). It was inaccurate and it misquoted the key academic source that it relied on. Professor Gaim Kibreab, whose work featured heavily in the Danish Report, said that he felt “betrayed” by the way in which it was used: “I was shocked and very surprised. They quote me out of context. They include me in a context with their anonymous sources in order to strengthen their viewpoints. They have completely

ignored facts and just hand-plucked certain information” (*Ibid.*). Despite this, the report continues to have considerable currency. It has been picked up by a number of European nations, including the United Kingdom.

The British sent their own officials to Asmara, who returned with similar conclusions. In March 2015, the UK's position on the country suddenly changed after the Home Office published updated country guidance that suggested a marked improvement in Eritrea's human rights situation (United Kingdom: Home Office, 2015). The acceptance rate of Eritrean refugees promptly plummeted from 84% in 2014 to 44% in 2015 (*Ibid.*). However, the British judiciary did not share this view. Data obtained under the Freedom of Information Act shows that, from March 2015 (when the changes were introduced) to September 2015, 1,006 out of 1,179 Eritreans who had been rejected by the Home Office decided to appeal (Kleinfield, 2016). Of the 118 cases in progress during the same time period, 106 were allowed – an appeal success rate of 92%, which is considerably above average for appeals. However, 173 Eritreans decided not to lodge appeals, 9 were rejected on appeal and 17 were returned to Eritrea by force.

The idea that Eritrea is ‘improving’ gained credence and it was only a matter of time before there would be yet another attempt to launch a ‘new engagement’ with the Eritrean government. This was reflected in a publication by the Royal Institute of International Affairs, Chatham House, in 2014, in which Jason Mosely wrote:

*The creation of the position of the EU Special Representative (EUSR) for the Horn of Africa in 2012 offers the possibility of a new kind of engagement between the EU and both Eritrea and Ethiopia. In terms of engagement with Eritrea, in particular, the EU is hampered on two fronts. First, as a guarantor of the Algiers Agreement, its influence in Eritrea has suffered from its perceived failure to enforce compliance by Ethiopia. Second, the EU also has a diplomatic stance rooted in a human-rights based approach to foreign policy, although it is not the only actor in the region in this regard. Neither of these factors leaves it well placed to act as an ‘honest broker’ from Asmara’s perspective.*

*However, the EUSR, Alex Rondos, has managed to cultivate a functional relationship with Eritrea. With the goal of improving overall regional stability in mind, and thus consistent with his mandate, it is possible that his office could play an important role in improving relations between Eritrea and the EU and its member states. (Mosley, 2014, p. 10)*

The somewhat dismissive reference to human rights suggests that these rights are regarded as an inconvenient adjunct to foreign policy – an encumbrance that might be disposed of. However, the statement accurately reflects the mood within the EU Council of Ministers.

In 2014, Italy's Deputy Minister of Foreign Affairs, Lapo Pistelli, made an official visit to Asmara (Farnesia, 2014). He was fulsome in his praise for his hosts, saying that he found them “well informed and keen to engage”. The enthusiasm with which he greeted this “new beginning” was reflected in the official communiqué from the Italian government. “It's time for a new start”, Pistelli declared. “I am here today to bear witness to our determination to revitalise our bilateral relations and try to foster Eritrea's full reinstatement as a responsible actor and key member of the international community in the stabilisation of this region”, he continued. It was almost as if the setbacks of the past had never taken place.

Since then, the EU has attempted to deal with Eritrea as part of a wider African initiative to try to end the exodus across the Mediterranean Sea. In October 2014, senior European officials met with their African counterparts in Khartoum, including representatives from Eritrea. During this meeting, Eritrea's Minister of Foreign Affairs, Osman Saleh, told the gathering that:

*Eritrea values its partnership with the European Union and is determined to work with the EU and all European countries to tackle irregular migration and human trafficking and to address their root causes. **We call for an urgent review of European migration policies towards Eritreans**, as they are, to say the least, based on incorrect information, something that is being increasingly acknowledged. (Eriswiss.com, 2014, emphasis in the original)*

The Khartoum meeting came up with a series of rather vaguely-worded suggestions aimed at reducing smuggling and human trafficking. This has become known as the ‘Khartoum Process’ and was endorsed by the EU in December 2014 (European Commission, 2015a).

A year later, a much higher profile meeting was held in the Maltese capital of Valetta. The Valetta Summit, which again included Eritrea, brought together African leaders and their European counterparts (European Council, 2015). Designed to deal with the refugee crisis, the political communiqué released contained little that was controversial. It concluded that:

*We recognise the high degree of interdependence between Africa and Europe as we face common challenges that have an impact on migration: promoting democracy, human rights, eradicating poverty, supporting socio-economic development, including rural development, mitigating and adapting to the effects of climate change. (Ibid., p. 2)*

However, buried in the action plan that accompanied it were a series of more serious recommendations. They included recognition that African states bear the greatest burden of refugees, only a minority of whom actually make the journey to Europe. There was also an understanding that the African refugee camps, in which so many languish, need to be upgraded. Security in the camps must be improved and education and entertainment provided so that young men and women are not simply left to rot. There were even suggestions that some – a tiny, educated minority – might be allowed to travel to European destinations legally.

Paragraph 4 of the document provided more worrying suggestions. Here were details of how European institutions would cooperate with their African partners to fight “irregular migration, migrant smuggling, and trafficking in human beings” (*Ibid.*, pp. 12–13). This aim is laudable enough, until one considers it through the eyes of a young refugee struggling to get past Eritrea’s border force, which has strict instructions to shoot to kill. Europe was offering

training to African “law enforcement and judicial authorities” in new methods of investigation and assistance “in setting up specialised anti-trafficking and smuggling police units”. The European Union’s police force (Europol) and its border force (Frontex) would in the future assist African security police in countering the “production of forged and fraudulent documents” (*Ibid.*, p. 13).

On 11 December 2015, this was followed by the announcement of EUR 200 million worth of EU aid for Eritrea (European Commission, 2015b). Most of this was allocated to the energy sector and what was described as strengthening the country’s ability to “better manage public finances”. Announcing the programme, EU Commissioner for International Cooperation and Development, Neven Mimica, said:

*The EU provides development aid where it is most needed to reduce poverty and support people. In Eritrea, we have agreed to promote activities with concrete results for the population, such as the creation of job opportunities and the improvement of living conditions. At the same time, we are insisting on the full respect of human rights as part of our ongoing political dialogue with Eritrea.* (European Commission, 2015b)

The idea that Eritrea would accept the EU’s conditions on human rights suggests that the European Union has not learnt any lessons from the past. There is no evidence that the Eritrean government has ever been willing to accept any conditionality on aid. Any attempt to ensure conditionality is tantamount to a dialogue with the deaf, with President Isaias Afwerki likely to ignore all European Union demands, secure in the knowledge that the EU has little option but to deal with Eritrea on his terms.

In the meantime, a consensus has developed among European officials that human rights organisations have exaggerated how serious the situation in Eritrea is. It looks as if it will only be a matter of time before Eritreans claiming asylum across Europe will have their refugee claims rejected and be put on an aircraft home. This has been strengthened by suggestions – from Eritrean diplomats and

officials – that soon, all National Service conscripts in Eritrea will only be required to serve 18 months. In February 2016, Reuters news agency carried a report quoting EU diplomats. Speaking on conditions of anonymity, these diplomats “accused Eritrea of backtracking on privately made commitments by some officials last year to fix national service at 18 months, a term stipulated four years after Eritrea's independence from Ethiopia in 1991” (Blair, 2016, para. 7). President Isaias Afwerki had done what he has done so often in the past. He allowed his officials to give assurances to gain a deal with an international partner, only to pull the rug out from under these assurances later.

What is extraordinary is just how easily the diplomatic community is fooled. The same Reuters report quoted the same unnamed source as saying: “‘They [the Eritreans] are engaging more’, [...] ‘You have to build their confidence. They don’t move quickly’” (*Ibid.*). Even the language is re-cycled. The only aspect that remains unchanging is President Isaias Afwerki’s intransigence and the European Union’s attempts to re-engage with the regime, despite acknowledging that this is “useless” (The Telegraph, 2011).

### ***Europe’s shame***

European leaders are well aware that this re-engagement with Eritrea infringes on the EU’s founding principles in relation to human rights. Much of the planning is now undertaken covertly, with an explicit attempt made to keep the public in the dark about what is being planned. This was revealed by two German media outlets, Der Spiegel (Dahlkamp, 2013) and the television programme Report Mainz (Tagesschau, 2014). The aim is to curtail the exodus of African refugees, whose arrival in Europe has become such a toxic political question. Der Spiegel reports that Germany is leading this work, but that the European Commission has warned that “under no circumstances” should the public learn what was said during the talks held on 23 March 2016.

A staff member working for Federica Mogherini, the EU High Representative for Foreign Affairs, warned that Europe's reputation

could be at stake. The EU is fully aware of just how dangerous these proposals really are. Under the heading: ‘Risks and assumptions’ the document states:

*Provision of equipment and trainings [sic] to sensitive national authorities (such as security services or border management) diverted for repressive aims; criticism by NGOs and civil society for engaging with repressive governments on migration (particularly in Eritrea and Sudan). (The European Union Emergency Trust Fund for Stability, 2016)*

Eritrea has been promised training for the judiciary and what is described as “Assistance to develop or implement human trafficking regulations”. As Eritrean border patrols have orders to shoot to kill any refugee attempting to flee across the border, there is a real risk that EU funding will aid this objective. These developments come despite clear calls from the European Parliament for an explicit human rights requirement attached to any aid for Eritrea (European Parliament, 2016).

## **The African Union and IGAD**

The African Union is an international organisation of 54 African countries established in May 2001 in Addis Ababa, Ethiopia. It replaced the Organisation of African Unity (OAU) and represents the African continent. The Intergovernmental Authority on Development (IGAD) is an eight-country organisation in the Horn of Africa whose goals were first development orientated, but now slot into the system of regional organisations within the AU. In the context of human trafficking, IGAD says it aims to create interstate cooperation against trafficking and smuggling, which are dominated by highly-organised criminal networks. The AU and IGAD have established a number of policies and processes to address migration and human trafficking, but with limited success. This chapter describes Eritrea’s rocky relationship with both institutions, as well

as attempts by these organisations to manage the refugee situation and deal with human trafficking.

### *AU and IGAD – relations with Eritrea*

As is the case with the European Union, neither IGAD nor the AU have been successful in their dealings with the Eritrean government. Eritrea suspended its membership of IGAD in 2007 after a row with Ethiopia over Somalia (Reuters, 2007). IGAD has also been unable to normalise the relationship between Ethiopia and Eritrea following the Ethiopia-Eritrea border war of 1998–2000. Ethiopia refuses to respect the border between the two countries, as demarcated by the Ethiopia-Eritrea Boundary Commission (The Hague Justice Portal, 2007). Eritrea argues that Ethiopia's refusal has left it with no option but to maintain a large number of troops along the border. This has left the country with a system of indefinite national service, which is the principal reason given by many Eritrean refugees for fleeing Eritrea (Daldorph, 2016). In addition, Eritrea blames the AU and other international organisations for not pushing Ethiopia to implement the legally-binding decision of the Ethiopia-Eritrea Boundary Commission on the border and for not urging it to withdraw from occupied territories. The Eritrean government also criticises what it regards as an unfair arms embargo imposed by the UN Security Council (UN, 2016; IRIN, 2003).

Eritrea was a member of the AU's predecessor, the Organisation of African Unity (OAU), after the country gained official independence from Ethiopia in 1993, and joined the African Union when it was established in 2001. However, relations between the AU and Eritrea have been stormy. The headquarters of the AU is situated in Addis Ababa, Ethiopia, which explains the troubled relationship. Although the AU claims that Ethiopia is just its host and that it does not take sides in the tension between Eritrea and Ethiopia, the Eritrean government has accused the AU of being biased in favour of Ethiopia. In 2003, Eritrea withdrew its ambassador from the AU, citing the "failure [of the AU] to adhere to its own charter and enforce its own treaties" (IRIN, 2003, para. 2). Eritrea argued that

the AU should put pressure on Ethiopia for violating the undertaking it gave to adhere to the Boundary Commission's ruling on the border when it signed the Algiers Peace Accord, which ended the border war between the two nations. Eritrea's withdrawal from the AU was a mark of its growing frustration with the international community for failing to act on this matter.

In 2009, the Eritrean government again clashed with the AU. The Peace and Security Council of the AU had called on the United Nations Security Council to impose sanctions on Eritrea for its alleged support of Somali Islamic insurgents. As Eritrea had no ambassador to the AU at that time, the task of denouncing the position of the AU fell to the Eritrean Ambassador to the US, who stated that it was based on "fabricated lies mainly concocted by the Ethiopian regime and the U.S. administration" (Chhor, 2009, para. 3). Earlier that year, IGAD had also sought sanctions against the Eritrean regime. The Eritrean government was accused of supplying weapons to Somali insurgents, including Al-Shabaab, and of attacking another IGAD member state: Djibouti. Eritrea has since refused to cooperate with the investigation. The sanctions are still in place, although there is no evidence that Eritrea has supplied weapons to Al-Shabaab in recent years (United Nations, 2016).

In 2011, after years of absence, the Eritrean ambassador to the AU was reinstated (Tekle, 2011). However, the tensions between Ethiopia and Eritrea have remained unchanged. Currently, Eritrea remains a member of the AU, but its relations with other African nations have been difficult. Eritrea's President, Isaias Afwerki, is a controversial figure, declaring many other countries "crippled" for relying on aid from the EU and the US (Berhane, 2010).

### ***IGAD relations with Eritrea***

Eritrea's relations with IGAD have been overshadowed by its relations with both Ethiopia and Djibouti. In 2007, tensions reached a peak when Eritrea temporarily suspended its membership over IGAD's decision to support Ethiopia's military intervention in

Somalia. It attempted to re-activate its membership in 2011, but is still not allowed to be a full participant (Andemariam, 2015).

The IGAD-Regional Consultative Process (IGAD-RCP) on migration was established in 2008 to promote the position of IGAD member states and the AU, as framed by the AU's Migration Policy Framework. It aims to provide a regional dialogue and cooperation in migration management among IGAD member states (IOM, 2008). By suspending its IGAD membership, Eritrea missed out on an opportunity to engage in coordinated policies that tackled the migration issues before the steep rise in Eritrean refugees.

In February 2016, the IGAD Security Sector programme launched a study report on human smuggling and trafficking. Highlighting the criminal networks in the Horn of Africa, it identified Eritrea as producing the highest number of refugees in the region and Eritrean nationals as being the “Kingpins” of the criminal networks (IGAD & Sahan, 2016). Eritrea's failure to attend such meetings ultimately hinders the chances of developing policies that combat human trafficking by ensuring regional security and identifying the source of migration that allows human trafficking to thrive.

Consequently, Eritrea as one of the largest refugee-producing countries in Africa has had a continuously difficult relationship with the organisations that could help to solve such issues. In the next section of this chapter, the policies and approaches of the AU and IGAD will be looked at.

### ***The refugee crisis in the Horn of Africa***

At the end of 2015, UNHCR estimated that East Africa and the Horn of Africa together hold 2,739,400 refugees (UNHCR, 2016b). The number of displaced people in the Horn of Africa, including the internally displaced, is estimated to be around 8.7 million (World Bank Group & UNHCR, 2015). In reality, the actual numbers may be even higher, because, according to the UNHCR itself, “refugees who are living outside camps, sometimes unlawfully, are more difficult to track and are underrepresented in UNHCR's statistics”

(UNHCR, 2013, heading 4). Ethiopia (which hosted 736,100 refugees as at the end of 2015) and Kenya (which hosted 553,912 refugees as at the end of 2015) are the largest refugee-hosting countries in Africa. Most of the refugees from Eritrea are hosted by Sudan and Ethiopia (*Ibid.*).

The high number of refugees and displaced people is a big challenge for African governments and African societies. Human traffickers and smugglers not only financially exploit people on their way to Europe, but first and foremost in the camps in Africa. The exploitation includes asking high payments for smuggling, but also trafficking for ransom with severe torture practices and other abuse (Reisen, Estefanos & Rijken, 2014; see also Chapter 2 of this book). The rise in migration in the region has allowed human trafficking to thrive. Other abuses along the routes are also prevalent. According to research by Italian organisation MEDU which collected 1,000 testimonies, as much as 90% of surveyed migrants who arrive in Italy have been victims of torture, extreme violence and degrading treatment along their migration routes or in their countries of origin. The abuses that are mentioned in the testimonies include, but are not limited to, deprivation of food and water, beatings, being burnt, sexual violence and deprivation of medical care (MEDU, n.d.).

In recent years, the number of migrants entering Europe via the Mediterranean Sea has risen dramatically. In 2015, Eritreans were the largest group to cross the Mediterranean Sea to Europe, at 39,162 (IOM, 2016). However, this is still significantly lower than the number of Eritrean refugees in the Horn of Africa: there are, for example, 159,842 Eritreans currently residing in refugee camps in Ethiopia (UNHCR, 2016a).

The Lampedusa tragedy in 2013 – when a boat carrying mainly Eritreans accidentally caught fire and capsized, drowning 360 people of those on board – marked a turning point (BBC, 2013). This took place within sight of the inhabitants of Lampedusa. The tragedy renewed debates around Europe's migration and border policies and is one of the reasons why the EU has formed closer ties with the AU to reduce migration. With the continuous flow of migrants from

Africa and instability in Libya, human trafficking has thrived. It has received considerable attention from the AU and IGAD, with conferences and initiatives designed to combat human trafficking. The Khartoum Process with the EU, mentioned above, includes work with Sudan, Eritrea, Ethiopia, and Somalia.

## **The African Union's response to trafficking**

### *Constitutive Act of AU and conventions on refugees*

The Constitutive Act of the African Union explicitly calls for its member states to work on behalf of its people (African Union, 2000). It declares that the AU will “promote and protect human and peoples’ rights in accordance with the African Charter on Human and Peoples’ Rights and other relevant human rights instruments” (p. 5). Critics have pointed out that the mere transformation of the Organisation of African Unity (OAU) into the African Union in 2001 does not guarantee that member states will abide by their declared obligations. As one author put it, “...the leopard cannot, on its own, change its spots” (Udombana, 2002, p. 1259). Over time, however, the AU has attempted to put in place a range of policies to assist citizens of member states who are forced to flee from their homes, but these have been less than successful. As a cautious and sympathetic observer noted:

*The adoption of the AU's Constitutive Act raised the prospect of creating a dedicated continental refugee protection body, or at the very least the opportunity of designating a body with supervisory authority over the 1969 Convention [Governing Specific Aspects of Refugee Problems in Africa]. Neither of these opportunities were seized. Instead, in the years after its establishment, the AU developed a number of bodies responsible for refugee issues, thereby replicating the somewhat fragmented approach to refugee protection of its predecessor. (Sharpe, 2011, p. 28)*

The AU (when it was still called the OAU) adopted the Convention Governing Specific Aspects of Refugee Problems in Africa in 1969, which entered into force in 1974. The Convention

was meant to supplement the 1951 Refugee Convention. Among other things, it places an obligation on states that ratify this Convention to receive refugees, provide them with travel documents, and cooperate with UNHCR. A total of 46 African states have ratified the Convention. Although Eritrea signed the Convention in 2012, it has not ratified it (African Union, 2016). In addition, the African Charter on Human and Peoples' Rights, which came into effect in 1986, elaborates on the rights of refugees and asylum seekers in Africa (Bekker, 2013). The African Commission oversees the implementation of this Charter.

In reality, refugees have often been treated harshly by African governments, with a history of little support and the refoulement of refugees. For example, Kenya has been accused of viewing refugees as a security problem, failing to follow refugee conventions, and turning a blind eye when Ethiopian refugees were harassed and killed during the 1990s (Campbell, 2009). More recently, Sudan has been urged many times by the UNHCR to stop the forced return of Eritrean refugees to Eritrea (UN News Centre, 2014).

With the increasing pressure exerted by the rising number of refugees in the African continent, the UN has expressed great concern over the ever-deteriorating living conditions in refugee camps, as well as the vulnerability of camp inhabitants to trafficking (among other things) (UNGA, 2015). The large number of refugees in the camps, combined with a weak judicial and police force, has allowed human trafficking to thrive in the region, and new forms of trafficking to emerge, including 'Sinai trafficking' (which is trafficking for ransom combined with severe torture practices and extortion). The response of African countries to this phenomenon has been described as weak, as the countries of origin, transit and destination lack the legal frameworks to deal with this new form of trafficking (Berhane, 2015).

Eritrean and Sudanese officials have been accused of involvement in human smuggling, most notably Eritrean General Teklai Kifle (aka 'Manjus') and Sudanese Mabrouk Mubarak Salim. The latter is known to have links with Eritrean and Sudanese

intelligence services and often hosts Eritrean officials when they are visiting Sudan (*Ibid.*, p. 50). In April 2012, a senior Eritrean official of the ruling party, the People's Front for Democracy and Justice (PFDJ) was seen with a human smuggler who was later arrested by the Italian authorities (IGAD & Sahan, 2016). This (and other evidence, see Chapters 2 and 3) strongly suggests the existence of links between the Eritrean authorities and the human smuggling and trafficking networks.

Besides the conventions dealing with refugees, the AU has established a number of policies and frameworks aimed directly at dealing with migration, as well as more specifically with human trafficking, aimed at the national, regional and intercontinental level.

### ***African Union Migration Policy Framework***

The Assembly of Heads of State and Government decided in 2001 to create a framework for migration policy for the African Union (Klavert, 2011). This finally resulted in the Migration Policy Framework in 2006. This framework contains recommendations directed towards member states to prevent human trafficking. It encourages states to develop common regional countermeasures based on solidarity among states, with a focus on protecting the human rights of trafficked victims, strengthening borders, ensuring cooperation between state security agencies, enhancing efforts to dismantle international organised syndicates, signing bilateral and multilateral agreements, and prosecuting traffickers (African Union, 2006).

Although this policy framework addresses the need for coordinated and regional efforts to end human trafficking, assist victims and prosecute traffickers, it does not address the need for policies that could discourage migration, which fuels human trafficking. In addition, the framework lacks an adequate follow-up mechanism and is not legally binding, therefore, states cannot be held accountable. It was reported that earlier versions of the framework were rejected with open hostility by some African states, leaving the

final version weak and without mechanisms for enforcement (Klavert, 2011).

### ***Ouagadougou Action Plan***

The Ouagadougou Action Plan was adopted by the Ministerial Conference on Migration and Development, which took place in Tripoli in November 2006, and is designed to combat human trafficking, especially in women and children (European Commission, 2006). The Action Plan was adopted by African states and the EU with a commitment to international conventions that promote human rights. In a detailed plan, it outlines areas on which states should focus to tackle human trafficking, including prevention and awareness raising, victim protection and assistance, the legislative framework, policy development and law enforcement, and cooperation and coordination between relevant bodies (*Ibid.*).

Although the African Union Migration Policy Framework and the Ouagadougou Action Plan create an open platform for influencing policy on human trafficking, the political will and sense of urgency needed to prevent human trafficking on a large scale remain weak. A decade after they were adopted, the rise in the number of migrants crossing the Mediterranean Sea into Europe has brought much attention to migration. Agreements such as the Khartoum Process are a reaction to this increase in the number of migrants seeking to reach Europe.

While the Ouagadougou Action Plan highlights the key areas that need policy change, it has not resulted in states implementing measures to prevent human trafficking. Although human trafficking has continued on a large scale, the Action Plan has encouraged the African Union to recognise the significance of human trafficking on an international level, leading to a campaign dubbed “AU.COMMIT”.

### ***AU.COMMIT Campaign***

The AU.COMMIT Campaign was launched in 2010 to raise awareness of the Ouagadougou Action Plan to combat human

trafficking, particularly of women and children. It was jointly organised by IGAD, the African Union Commission's (AUC's) Department for Social Affairs, the International Organization for Migration (IOM) and the East African Community (EAC) (The Africa-EU Partnership, 2010). According to the Director for Social Affairs for the AUC, Olawale Maiyegun, the campaign is aimed at “galvanizing activities undertaken by the AUC, including global, regional and national initiatives towards more synergized and coordinated actions to combat trafficking in persons in Africa” (*Ibid.*).

Similar to the African Union Migration Policy Framework for Africa and the Ouagadougou Action Plan, the AU.COMMIT Campaign aims to prevent trafficking, protect victims and prosecute the traffickers. It is designed to raise awareness and provide a platform for regional dialogue on combating human trafficking and to influence policy. It calls on states to undertake socioeconomic development and raise awareness to prevent vulnerable groups from falling victim to human trafficking. However, the link between human trafficking and migration is not sufficiently addressed by the strategy, which can be criticised for using a symptomatic approach to the refugee and migration problem in Eritrea. Human trafficking thrives on migration, particularly irregular migration; therefore, the causes of migration need to be tackled to counter human trafficking. While the campaign urges interventions at the regional and state level to address the root causes of human trafficking (on both the demand and supply sides) (*Ibid.*), this is unlikely to stop human trafficking, as it is the causes of migration that leave many migrants vulnerable to traffickers – and these are not addressed.

While socioeconomic development and awareness raising may discourage some migrants from fleeing, migration is difficult to stop completely, as the reasons for migrating differ according to the circumstances of each person fleeing. In the case of Eritrea, the lack of human rights is prompting many to flee (Keetharuth, 2015), leaving them vulnerable to human trafficking. There is also no indication of the mechanism to be used by the AU to monitor the

campaign, let alone enforce its policies. While efforts by the AU to launch a campaign to raise awareness and pressure governments to adopt measures that tackle human trafficking are commendable and should be supported, their shortcomings need to be addressed.

### ***Khartoum Process***

The Khartoum Process, which was briefly mentioned above in relation to the EU, was the result of a meeting between African and European officials in Khartoum in 2014, aimed at developing a process to reduce smuggling and human trafficking. The meeting produced a short declaration, outlining ten broad ‘key areas of cooperation’ (EU-HOAI, 2014). However, it has since been the subject of controversy. The Khartoum Process is led by a steering committee comprised of Italy, France, Germany, the United Kingdom, and Malta (on behalf of the EU), and Egypt, Eritrea, Ethiopia, South Sudan, and Sudan (on behalf of the Horn of Africa) (European Commission, 2015a).

The Khartoum Process has a narrow, security-based focus based on the European Union’s drive to keep the ‘burden of migration’ in countries of origin and in the region. The main premise is that the European Union will fund projects on border security and the handling of smuggling and trafficking networks in the Horn of Africa; consequently, the process has been accused of ‘shifting the burden’ of border control to African countries (Grinstead, 2016). Furthermore, the EU has not shied away from cooperating with regimes such as Sudan’s (whose president is wanted by the International Criminal Court for war crimes) and Eritrea’s (which is accused of crimes against humanity) and their security forces. In fact, it can be argued that the Khartoum Process strengthens the abusive actions of such regimes, as, for example, it indirectly supports Eritrea’s ‘shoot-to-kill’ policy at its borders (Plaut, 2016). In its growing desperation to stop migration, the EU wants to make even its development aid conditional on curbing migration, stating that countries that cooperate will receive “certain treatment”, whereas those that are incapable or unwilling to cooperate will receive

“different treatment” related to development and trade policies (Guarascio, 2016).

The Khartoum process has also emboldened the Sudanese border-control forces and its Rapid Support Forces (RSF), a militia referred to as "men with no mercy" in a 2015 Human Rights Watch report (Human Rights Watch, 2015). According to a source, the RSF receives direct commands from the Sudanese president, but is paid through the National Intelligence and Security Service (NISS) (Anon., personal communication, with Reim, email, 26 December 2016). Until 2016, the RSF was mainly involved in fighting armed rebel groups in Sudan's conflict-ridden Darfur and the two southern areas of internal conflict, the Blue Nile and Southern Kordofan. However, in 2016, as the EU promised funds to curtail smuggling and trafficking, pro-government newspapers reported activities by the RSF on the Sudan-Libya border, including allegedly arresting groups of refugees trying to make the journey to Libya.

The RSF's involvement in migration control is no coincidence. The Sudan Armed Forces (SAF), the border patrol forces, and a number of governors of states in northern and western Sudan have been making press statements about the urgent need to stop illegal migration from Sudan to Europe (Anon., personal communication, with Reim, email, 26 December 2016). Along with the border patrol forces, the RSF has been the centre of such operations. The RSF has become an asset to the Sudanese government as major defenders in times of protest or conflict (the RSF were heavily involved in curbing the deadly 2013 protests known as the September protests). For this reason, this militia has been at the forefront of the fight against migration through arresting, or as stated in government-owned newspapers, "liberating victims of human trafficking" (Africa Monitors, 2016).

In July 2016, the leader of the RSF, Mohamed Hamdan (commonly known as 'Hemeidty') told the press that his troops are protecting the Sudanese-Libyan borders from gangs and bandits. Two months later, he also told the press that they lost 150 vehicles as they were patrolling the Sudanese-Libyan borders in an attempt to

protect Europe's borders, calling on the EU to appreciate their efforts (Sudan Tribune, 2016). In September 2016, out of sheer embarrassment, the EU had to come forward and deny providing any support to the RSF (Sudan Tribune, 2016). However, as the Khartoum process is underway, the EU will have little influence as to how EU funds channelled to Sudanese government institutions are used and could also be under pressure to turn a blind eye if the RSF or other oppressive mechanisms prove to be efficient.

### **Addressing the causes of migration**

Policies designed to combat human trafficking alone will not prevent it, as long as the causes of migration are not addressed. The AU and IGAD are under pressure from the EU (among others) to reduce the number of migrants. However a long-term strategy needs to be developed. Holding regional conferences and designing solutions to human trafficking are steps towards preventing it. However, if human trafficking is really to be tackled, greater emphasis must be placed on analysing the various root causes of migration for different groups and on putting policies in place to tackle these. Addressing criminal activity, strengthening the effectiveness of the rule of law and increasing employment opportunities may prevent human trafficking and reduce migration to a certain degree.

In the case of Eritrea, the systematic human rights abuses, open-end military service, and lack of confidence in the government have encouraged thousands of citizens to flee, with all the additional risks that this flight brings. Therefore, the AU and IGAD should pressure the Eritrean government to address the root causes of this mass migration of Eritreans and to adopt policies that prevent it. For this strategy to succeed it is vital that the AU and IGAD address Eritrea's legitimate concerns over its border with Ethiopia and take action to reduce the underlying tensions between the two countries.

Since 2002, the AU has shown greater willingness to pass resolutions than take resolute action. These resolutions need to be

effectively implemented. As one observer concluded: “The AU’s legal foundations permit high expectations in the field of refugee protection and the scale of the refugee problem in Africa demands them. It is time for the AU to focus on the quality of initiatives over their quantity, and for rhetoric to give way to reality” (Sharpe, 2011, p. 37). However, this will only happen when the AU’s member states act in accordance with the resolutions that they adopt.

## **Conclusion**

Eritrea’s population, among whom there are many young people, continue to flee the country due to human rights abuses and the indefinite military service. In the camps and en route, they are vulnerable to human trafficking and other abuses. The policies of the EU, AU and IGAD have done little to address the root causes of migration from Eritrea, nor have they done much to protect refugees in the Horn of Africa and en route to Europe. For instance, the European Union’s mishandling of its relationship with Eritrea has done nothing to improve the situation for its people. The European Union has shown itself unwilling to learn from the past; instead, it opted to develop the view that human rights abuses in Eritrea have been exaggerated. The new tactic for re-engagement, involving EUR 200 million in development aid, is unlikely to bring about any change, as the Eritrean regime has refused to change.

The Horn of Africa, meanwhile, bears the brunt of the refugees fleeing from Eritrea. The AU and IGAD have both experienced rocky relationships with Eritrea, which has been in and out of these organisations. Neither have taken any action regarding the tensions between Ethiopia and Eritrea, which Eritrea has continuously interpreted as the AU and IGAD siding with the Ethiopian government. This is complicated by the fact that the headquarters of the AU is situated in Addis Ababa, Ethiopia.

The AU and IGAD have developed policies and processes to address trafficking and migration, but with limited success. They do not provide sustainable lasting solutions that address the root causes

of migration in Eritrea. Meanwhile, the EU continues to shift the burden of border protection to Africa, through policies such as the Khartoum Process. This could leave regimes such as Eritrea's strengthened and human rights relegated to an afterthought – if considered at all.

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