

Eritrea and Ethiopia

PART FIVE

The Abrogation of the Federal Act

The abrogation of the federation in 1962 has been the subject of passionate debate. The Eritrean liberation movements have all condemned it and believe it was this act that caused the uprising. Some go so far as to say it was illegal. Here is what the UN Secretary-General wrote in his report on the Independence of Eritrea:

The gradual erosion of Eritrea's federal status in the late 1950s had led independence-minded Eritreans to launch a campaign of resistance to Ethiopian rule. With the abrogation of the Federal Act in 1962 and the incorporation of Eritrea into Ethiopia as one of that country's provinces, the movement for secession and self-determination was taken up in earnest.ⁱ

Why this neutral report? Why didn't the United Nations take a position if the abrogation was illegal? Because it was not.

Throughout the twelve years when Eritrea was federated with Ethiopia and at the time of the abrogation of the federal arrangement, the successive United Nations secretary-generals never raised any concern about the policies and actions of the Ethiopian government. Peripheral issues were raised: human rights, famine, the case of refugees, and displacement. But at the time of the abrogation, the UN did not condemn the act or try to raise the demands of the secessionist movements. The UN did not initiate a discussion on the legitimacy of the abrogation because it could not, despite the relentless efforts of the ELF and EPLF, to be heard at all the UN, non-aligned, and AU gatherings during those years.

We must begin with the fact that the federation of Eritrea with Ethiopia was legal. In the early years, the federation was welcomed by many Eritreans and in the decade that followed, the people of Ethiopia and Eritrea went through a process of full social integration. Beginning from the time when the federation was declared Eritreans profited from the arrangement, taking prominent positions in government and business in Addis Abeba: "40% of the Army officer corps, much of the telecommunications and nearly 100% of the taxi drivers in Addis Abeba were Eritreans."ⁱⁱ

For all its success, at the same time, Ethiopia was facing increasing hostility from its Arab neighbors. In the negotiations at the UN, they had viewed Eritrea as a Muslim state and had pushed for incorporation into the Sudan and for annexation of the Ogaden to a Greater Somalia. They now led the movement for Eritrean secession. Egypt was very active in both Eritrea and the Ogaden. "'Professors' from the University of Al Azhar in Cairo were being dispatched to the Ogaden to 'explain' the propaganda being broadcast from Radio Cairo."ⁱⁱⁱ

These external developments along with the internal pressure convinced the Emperor to abrogate the federal system.^{iv} For some it was not seen as a wise decision but the majority of members of the Eritrean Assembly felt it was necessary to act and were behind it.

Technically there was no violation of the UN resolution or any other understanding regarding Resolution 390. During the discussions at the UN before Resolution 390 was passed in 1950 it

was suggested that the people of Eritrea should approve the federal act. This proposal nearly led to the total breakdown of negotiations. As a way out, the resolution provided that the Federal Act should be incorporated into the constitution of Eritrea to be drawn up by the UN commissioner, then the constitution itself should ‘ratify’ the Federal Act on behalf of the people of Eritrea and should be adopted by a representative assembly chosen by the people of Eritrea.

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This became a concern to the Ethiopian delegation and particularly to Foreign Minister Aklilu. His view was that Eritrea had never been an international entity and, therefore, could not be expected to enter into an international agreement with Ethiopia. For Aklilu such an agreement would imply that both Ethiopia and Eritrea were being subjected to a disguised form of UN trusteeship, and he would have none of this. After lengthy discussions, the impasse was resolved:

They assured us that an agreement was indeed involved; one exclusively between Ethiopia and the Eritrean Assembly. That very fact divested the UN of all further jurisdiction in the federation. If at some time in the future, the Eritrean Assembly and Ethiopia agree to terminate that agreement, the federation itself would be automatically dissolved without any possible recourse or objection by the United Nations. ^{vi}

This final formula was transmitted without change to the interim committee and it was also submitted without change to the fifth session of the General Assembly, which passed Resolution 390.

With this in mind it is reasonable to maintain that the abrogation of the federation, was not illegal or a violation of the UN resolutions. The abrogation was not wise but as Spencer states,

The [abrogation] vote by the Assembly had certainly been engineered, and the union therefore violated the spirit of UN resolution 390 V. Had I been present, I would have opposed it as I had done twice before. It would, however, be more difficult to claim that a technical violation of the resolution had been committed. Specific assurances had been given to Ethiopia that the procedures of adoption by the Eritrean Assembly and ratification by the Emperor removed it from future control by the General Assembly. ^{vii}

Spencer further points out that

... the federations of Libya and Cameroon, both envisaged by UN resolutions, were dissolved without recourse to approval by the General Assembly. Once the General Assembly had made its recommendations to the four powers, its role was terminated according to the Treaty of Peace with Italy. It was these powers alone that could take action. They took none. ^{viii}

(For more on Libya and Cameroon’s federations see Appendix A).

If both the original federation resolution and the abrogation were legal, what was then the argument of the secessionists? The Eritrean 30-year war was founded on the demand for self-determination justified by the various abuses committed under the Emperor and the Dergue. It is undeniable that the Emperor made a series of mistakes.

[The independence movement] would certainly not have persisted with any effect had it not been substantially aided by over-zealousness in asserting federal powers by the central government at Addis Abeba, abuses of authority and personal positions and errors of sheer stupidity on the part of federal officers.^{ix}

I have outlined the various grievances in my book *Red Tears* in detail as have many other books.

The Eritrean Assembly also contributed to the problem. "The dismal performance of the Eritrean government and the marked political fighting in the territory opened enormous opportunities for the Ethiopian government to influence Eritrean politics."^x The Unionists in the Eritrean Assembly had increased and were manipulated into passing laws that undermined the territory's internal autonomy. A British diplomat who visited Eritrea in the summer of 1957 returned with the impression that "the federal government could get a majority at any time to dissolve the federation."^{xi}

Having lost faith in their officials in the executive and legislative bodies, many Eritreans turned towards the Emperor for justice and arbitration. The Emperor's representative in Eritrea used the division among Eritrea's political groups to advance his position from a mere titular figure to a formidable powerbroker. Several provisions of the constitution which were supposed to guarantee Eritrea's autonomy were gradually neglected and the laws and institutions of the Ethiopian government were introduced with ease.^{xii}

How the abrogation of the federal system was carried out angered many people. Yes, many believe that the decision of the Eritrean Assembly was manipulated. However, it was just politics, as we see it in every part of the world today and in contemporary history, even at the UN. The United Nations is not an independent, objective body. It is as its members want it to be, and since the biggest financial contributors to the UN are the US and Europe, who also have extraordinary powers of vetoing any proposal that affects their interests in the Security Council, many of the decisions of the United Nations are influenced by their interests. That is how people win elections. That is how decisions are made in various democratic countries. That is how resolutions pass, and decisions are made in the United Nations. It's all about who has influence. The forces at work in Eritrea in 1962 were no different.

As I wrote in *Red Tears* I was there in Eritrea as a young lieutenant with troops camped on the outskirts of Asmara to intervene in case there was any violence up until four days after the Assembly decisions.

The Army had already moved to Eritrea before the end of the federation was announced. The speeches of the commander and the governor never referred to the special federal arrangement. We saw ourselves as a liberation army. In 1961, just before the federal act was dissolved the military held a big show in Agordat. It was nothing more than a show of force to let the Eritreans know how powerful Ethiopia had grown...^{xiii}

The abrogation vote was not a decision that was unexpected. In 1958 when the Eritrean assembly passed the Eritrean Flag, Seal and Arms (Amendment) Act which replaced the Eritrean Flag with Ethiopia's and changed the name of the Eritrean government to the Eritrean administration, effectively making *Bitweded* Fesseha Wolde Mikael the chief administrator, and

no longer chief executive, it was certain that Eritrea was heading towards the abrogation of the Federal Act.

Eritreans *wanted* unification. They wanted the federation to end and to be a part of Ethiopia. There were a few cabinet members who opposed the idea like *Tsehafe Taezaz* Aklilu Habte Wold, but not many. There was some tension in the air. The first casualty was the police commander, Gen. Tedla Ekubit, an ardent supporter of unification. I was in Asmara in the compound of the police HQ when we heard that he was dead. Gen. Tedla killed himself because he had worked tirelessly for unification running up to the vote, then people like *Dejazmatch* Tesfayohanis Berehe, an opponent of unification, were appointed to senior positions over him in the new dispensations.

But for the most part, Eritreans were overjoyed to be fully united with Ethiopia once again. I was in Asmara on the day the assembly voted on abrogation, and wild celebrations broke out in the streets of Asmara. I know some Eritreans do not want to hear this story, but the whole city erupted with joy, and clubs and bars celebrated with an unprecedented gathering of people. I cannot believe that this was faked. In the Assembly itself, “pandemonium broke loose as the members stood, cheered shouted, clapped and embraced each other” after voting for the motion. ^{xiv} Ambassador Zewdie Retta, who was in the Assembly as a journalist describes the euphoria:

When the Chief Administrator Bitweded¹ Fesseha Wolde Mikael presented the motion for a vote, he did not finish reading when the whole of us stood up, cheered and shouted and clapped, and hugged each other in an unprecedented demonstration of joy and support. It took 30 minutes before the Assembly calmed and members got back to their seats. It passed unanimously.”^{xv}

Ambassador Zewdie Retta interviewed *Bitweded* Fesseha Wolde Mikael, the chief executive at the time of the abrogation. Those who want to know more about the subject please read his book, *Ye Ertra Guday*. In it, *Bitweded* Fesseha relates that the abrogation was necessary and was based on the will of the people. He also states that the idea did not emanate from the Emperor.

We Eritreans decided to end the federal system without pressures from the Emperor. We owned the idea. We had consulted every member of the Assembly over several months. We are proud of the decisions we took then. ^{xvi}

The rebellion that took place subsequently resulted from gross human rights violations and crimes committed by successive Ethiopian governments. It was an exercise in self-determination for Eritreans who felt they had become second-class citizens. Some Eritreans even say that Ethiopia had colonized Eritrea, justifying the independence movements that way. When I was in Nakfa I went to an underground school where children were being taught that Eritrea was a colony of Ethiopia, which is not legally true, but if that is how Eritreans felt, it should be no surprise that rebellions would result.

¹ An imperial title, literally “beloved,” perhaps equivalent of “earl,” sometimes spelled Bitwoded

Ethiopian governments missed many opportunities to save the union. The decades of war, the destruction, and the enormous number of lives lost on both sides were tragic beyond words. But while the war was raging on the front lines the Ethiopian and Eritrean people did not hate each other. It could have been an amicable separation.

Be that as it may, now the issue has been settled. I acknowledge the struggle and the sacrifices paid by the Eritrean people and also acknowledge the independence of Eritrea. But the background to this 30-year war must be put in proper perspective. There are wounds to be healed. There are truths to be told and accepted.

ⁱ . *The United Nations and the Independence of Eritrea* (NY: United Nations, 1996), 13.

ⁱⁱ . Spencer, *Ethiopia at Bay*, 303.

ⁱⁱⁱ . *Ibid.*, 305.

^{iv} . Zewdie Retta, *Ye Ertra Guday*.

^v . Spencer, *Ethiopia at Bay*, 236.

^{vi} . *Ibid.*, 318.

^{vii} . *Ibid.*, 318-9.

^{viii} . *Ibid.*, 319, Footnote.

^{ix} . *Ibid.*, 303.

^x . Shumet Shishagne, *Unionists and Separatists*, 98.

^{xi} . *Ibid.*, 119-20.

^{xii} . *Ibid.*, 115.

^{xiii} . Dawit Wolde Giorgis, *Red Tears*, 80.

^{xiv} . Shumet Shishagne, *Unionists and Separatists*, 116.

^{xv} . Zewdie Retta, *Ye Ertra Guday*.

^{xvi} . *Ibid.*, 518.