

# A Week in the Horn

## 22<sup>nd</sup> November 2013

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### News in Brief

#### African Union

On Friday (November 15), the United Nations Security Council rejected a resolution on the African Union's request to defer the trials of President Kenyatta and Deputy President Ruto for 12 months in accordance with Article 16 of the Rome Statute. **(See article)**

The International Criminal Court's Assembly of State Parties on Wednesday (November 20) agreed to discuss an African Union request against indicting a sitting president at The Hague-based court. ICC President Sang-Hyung Song said the Assembly would dedicate a special session to AU complaints. He urged the State Parties to ensure thorough consultations before passing any amendments.

On Tuesday (November 19) at the Afro-Arab Summit, Kuwait's Emir Sheikh Sabah al-Ahmad Al-Sabah pledged US\$1 billion in low-interest loans, and the same amount in the form of soft loans, through the Kuwait Fund for Arab Economic Development (KFAED) for investments to African states in cooperation with the World Bank.

The 14<sup>th</sup> Session of Regional Coordination Mechanism for Africa was being held from November 21 to 22 at the African Union Conference Centre, Addis Ababa, on the theme: "Agenda 2063", the framework for a concrete guide to achieve the AU vision of "an integrated, people-centered and prosperous Africa at peace with itself." The results will be considered at the January 2014 AU Summit and endorsed in May 2014.

#### Ethiopia

Prime Minister Hailemariam Desalegn left for Kuwait on Monday (November 18) to Co-Chair the 3<sup>rd</sup> Africa-Arab Summit, held on Tuesday, and Wednesday this week (November 19-20). He also had a number of

bilateral discussions with various Heads of State and Government as well as with leaders of financial institutions. **(See article)**

Prime Minister Hailemariam went to Warsaw to attend the high-level segment of the 19<sup>th</sup> Conference of Parties (COP19) to the United Nations Framework Convention on Climate Change, November 21-22. **(See article)**

At its regular meeting on Monday (November 18), the National Taskforce chaired by Deputy Prime Minister, Demeke Mekonen, underlined the need to halt illicit human trafficking. It emphasized that repatriating Ethiopians from Saudi Arabia should be given priority and returnees be rehabilitated within the shortest possible time. The government has budgeted 50 million Birr for the process. Foreign Minister, Dr. Tedros Adhanom, said the government aimed to repatriate citizens from Saudi Arabia within 14 to 25 days. **(See article)**

State Minister of Foreign Affairs Berhane Gebre-Christos on Wednesday (November 20) met with a delegation of US officials led by Anne C. Richard, Assistant Secretary of State for the Bureau of Population, Refugees and Migration who had earlier visited the refugee camps hosting Eritrean refugees in Shire, Tigray Regional State. Ethiopia now hosts more than 420,000 refugees from Eritrea, Sudan, Somalia, South Sudan and other countries.

State Minister of Foreign Affairs Ambassador Berhane Gebre-Christos on Tuesday (November 19) held discussions with Ambassador Per Lindgarde, Senior Advisor for the Horn of Africa in the Swedish Ministry of Foreign Affairs. Also present were Ms. Jenny Ohlsson, a deputy director in Sweden's Foreign Affairs Ministry, and the Swedish Ambassador to Ethiopia, Jan Sadek.

The newly appointed ambassador of the Republic of Turkey to Ethiopia, Ambassador Osman Riza Yavuzalep, presented copies of his credentials to the State Minister for Foreign Affairs, Ambassador Berhane Gebre-Christos (November 21).

The Ministry of Defense announced this week that a group of senior officials from the Ministry of Defense, Federal Police, National Intelligence and Security Service, Federal Affairs, Customs and Revenues Authority and regional administrations have graduated from Security Affairs Management training from UK's Cranfield University.

A report issued on Monday (November 18) by the African Child Policy Forum, showed the number of girls enrolling in primary school has soared across Africa in the last decade with Ethiopia and Angola showing the most dramatic improvements. In Ethiopia, girls' enrolment rose to 83 percent from 41 percent between 2000 and 2011.

## **Djibouti**

The Minister of Foreign Affairs, Mahamoud Ali Youssouf, on Tuesday (November 19) signed a US\$53 million agreement with the Director General of the Kuwait Fund for Arab Economic Development, Abdulwahab Al-Bader, to finance the Tadjourah-Balho road project in northern Djibouti.

## **Eritrea**

An Eritrean delegation headed by Foreign Minister Osman Saleh took part in the Third Africa-Arab Summit in Kuwait this week.

The UN's Food and Agriculture Organization's Locusts Watch, has warned that desert locust swarms grouping northwest of Khartoum and along the Atbara river are expected to move towards the Red Sea Coast

in coming weeks, posing a threat to Eritrea. The FAO calculates a swarm of locusts covering a square kilometer can eat between 80 and 160 metric tons of crops a day.

## **Kenya**

Kenya's Foreign Affairs Cabinet Secretary, Ambassador Amina Mohammed, asked the Assembly of States Parties meeting at The Hague on Wednesday (November 20) to support a motion by the African Union seeking amendments to the Rome Statute which would help "eliminate rules that are causing tensions in the continent." The Assembly agreed to discuss the AU request to amend the Rome Statute on Thursday.

A new report by Management Consultants, McKinsey, says Senegal and Kenya are the African countries in which the internet is having the biggest economic impact. The internet contribution to Kenya's gross domestic product is 2.9%, and 3.3% for Senegal. The world leader is Sweden, with 6.3% of GDP. The report estimates that the internet's contribution to GDP totals US\$18 billion a year across Africa, or 1.1 % of the continental GDP.

## **Somalia**

The United Nations Security Council on Monday (November 18) adopted Resolution 2125 (2013) renewing authorizations for international action against piracy off the coast of Somalia. The resolution underlined the primary responsibility of the Somali authorities and encouraged implementation of the Somali Maritime Resource and Security Strategy.

The Special Representative of the Secretary-General for Somalia, Nicholas Kay, arrived in Puntland on Wednesday for a three-day visit to discuss the Puntland electoral process. Presidential elections are due to be held on January 8 2014. Mr Kay also discussed the effects of the cyclone – the UN has been providing food, water and basic provisions for thousands of those affected.

Over the weekend the Puntland administration opened eleven camps and centers for hundreds of people affected by last week's tropical cyclone, with torrential rains combined with severe storms and flash floods. IGAD has appealed to donor governments, IGAD member states, humanitarian agencies, international and regional organizations to respond positively and quickly to the Government of Somalia's appeal for assistance. Ethiopia is among those which have already responded.

The Somalia Ministry of Defense on Sunday (November 17) distributed arms and equipment to 1,000 Somali soldiers who had completed their training at the Jazeera military camp in Mogadishu. Somalia's Defense Minister, Haji Abdihakim Mahmoud Fiqi, and Deputy Minister, General Ahmed Mohamed Arab were among those present, together with the Chief of the Somali Armed Forces, General Dahir Adam Elmi.

## **South Sudan**

The Special Representative of the UN Secretary General to South Sudan, Hilde F. Johnson, told the UN Security Council on Monday (November 17), that the UN Mission in South Sudan (UNMISS) must continue to try to help South Sudan take the right course, consolidating peace and building the foundation of democracy and respect for fundamental human rights.

The AU-UN Joint Special Representative and Joint Chief Mediator for Darfur, Dr Mohamed Ibn Chambas, visited South Sudan last week as part of a series of visits to Sudan's neighbors to underscore the importance of inter-regional cooperation to resolve the Darfur conflict.

## Sudan

Sudan's President Omer Al-Bashir, and South Sudan's President, Salva Kiir, meeting on the sidelines of the Kuwait Afro-Arab Summit, pledged to speed up the implementation of cooperation agreements signed between the two countries, and agreed their defense ministers and the joint security committee should meet in Khartoum "soon."

The AU- UN Joint Special Representative (JSR) for Darfur, Dr Mohamed Ibn Chambas, has urged tribal leaders in South Darfur to embrace the principle of resolving conflicts through dialogue, negotiations and other peaceful means. He addressed 200 tribal leaders from all localities in South Darfur on Tuesday (November 19) at a two-day conference to discuss the root causes of tribal conflict and recommend possible solutions for sustainable peaceful coexistence in the region.

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## The Afro-Arab Summit in Kuwait

The Third Africa-Arab Summit was held November 19 to 20, in Kuwait City, under the theme "Partners in Development and Investment". The Summit afforded leaders from Africa and the Arab world the opportunity to carry out an overall assessment of their partnership and agree on strategies and mechanisms for better implementation of their Action Plan. Prior to the Summit, preparatory meetings were held at the levels of Senior Officials and of Ministers November 14 to 17. As Current Chair of the African Union, Ethiopia co-chaired both the Senior Officials' and Summit meetings. As a member of the Africa-Arab Coordination Committee, composed of Ethiopia, Benin, Chad, Qatar, Iraq, Kuwait, the African Union Commission and the General Secretariat of the League of Arab States, Ethiopia also played an active role in the preparations and finalization of both the working and outcome documents of the Summit. The Committee held its 4<sup>th</sup> meeting on November 13 in Kuwait City.

At the Foreign Ministers meeting, Kuwait's Deputy Prime Minister and Foreign Minister, Sheikh Sabah Khaled Al-Hamad Al-Sabah, **urged countries to work in collaboration to boost partnership between African and Arab countries.** He said they needed to make huge investments in agriculture with a bid to ensure food security, and he added that Kuwait will continue to strengthen the support it provides through the Kuwait fund. The Chairperson of the African Union Commission, Dr Dlamini Zuma, said the Africa-Arab partnership had seen efforts to move forward the trade, economic and financial agenda of the Strategy and the joint Action Plan, although progress had been hindered by institutional and financial challenges. She said encouraging steps were being taken to deal with the challenges of migration and to implement other socio-cultural projects which are aimed at enhancing people-to-people interactions. Dr Dlamini Zuma also noted that in the areas of peace and security "the two sides have taken practical measures to create direct working relations between their peace and security councils in order to avoid duplication of efforts."

At the end of the two-day Summit, the Heads of State and Government of the African Union and the League of Arab States issued the "Kuwait Declaration" voicing their collective desire to promote cooperation in the political, economic and socio-cultural fields. The Declaration congratulated the African Union on the 50<sup>th</sup> anniversary of the founding of the Organization of African Unity, welcoming the commemoration of this important milestone in African history. The Heads of State and Government renewed their commitment to the Constitutive Act of the African Union and the Charter of the League of Arab States and the promotion of the principles of international law and the United Nations charter, in particular the principles pertaining to the respect for the national sovereignty of states, their territorial integrity and non-interference in their internal affairs. They stressed commitment to the protection of human rights and respect of international humanitarian law as well as mutual goals to positively contribute to global stability, development and cooperation. They reaffirmed commitment to strengthen cooperation between Africa and the Arab region on the basis of a strategic partnership, to continue their efforts for the development of Africa-Arab cooperation

and strengthen South-South co-operation and consolidate Africa-Arab relations, based on the principles of equality, mutual interests and respect.

One of the most important issues discussed at the Summit was migration. Speaking at the opening session, Prime Minister Hailemariam urged African and Arab countries to give particular attention to the issue of immigrants as part of the effort to boost partnership in development and investment between the two regions. **He said both needed to work together to solve problems encountered by immigrants, and called for a joint system to help them to work together to solve problems related to immigration.** He expressed appreciation of the initiative of the Foreign Ministers to establish a **Cooperation and Technical Committee** for this and urged governments to extend their support to it. He pointed out the problems that might arise if governments failed to resolve this issue. The Summit demonstrated that the two sides had a mutual understanding that international migration between Africa and the Arab world had major relevance for the socio-economic development of origin, transit and destination countries in the two regions. The leaders of the two regions agreed to address the issue of migration in a coherent and comprehensive manner, with due regard to socio-economic growth as well as respect for human rights. They decided to immediately put in place an **Africa-Arab Technical and Coordination Committee on Migration**, to undertake extensive studies and come up with concrete recommendations that could enable the two sides to move forward on this issue.

In addition to Migration, the Summit adopted a number of Resolutions calling for implementation of actions essential for the effective implementation of the Action Plan. It decided to create a joint Africa-Arab Financing Mechanism, and requested the Africa-Arab Coordination Committee, in collaboration with the AUC, the General Secretariat of the Arab League, and African and Arab financial institutions, to determine sources of funding for Mechanism. It called for strengthening of the Africa-Arab Economic and Development Forum to enhance private sector and civil society participation in the partnership process, for increasing the capacities of the AUC and Secretariat of the Arab League to effectively implement the Africa-Arab Partnership Strategy and Joint Action Plan 2011-16, as well as the Kuwait Declaration, and for institutionalization of meetings of the Monitoring and Follow-up Mechanism of the Africa-Arab Partnership. It also commended the resolution of the 3<sup>rd</sup> Arab Development Summit to raise the capital of the Arab Bank for Economic Development in Africa by 50% and appreciated its role in promotion of Africa's Development. It welcomed the support provided by the Arab Fund for Technical Assistance to African Countries to the Commission and its various regional offices such as the Semi-Arid Food Grain Research and Development [organisation]. It recalled the adoption of the Africa-Arab Partnership Strategy and the Joint Action Plan 2011-2016 and reiterated commitment to expedite their implementation.

The Heads of State and Government expressed full support for regional integration through increasing the volume of Africa-Arab trade and investment, and called upon governments and stakeholders to find peaceful settlements to political crises in the two regions, expressing determination to address the underlying causes of conflict and violence in Africa and the Arab regions. They called for enhancement of cooperation and coordination between Africa and Arab countries to combat terrorism in all its forms and transitional crime and to further support international efforts, and expressed gratitude for the \$100 million donation offered by the Custodian of the two holy Mosques King Abdullah bin Abdulaziz of the UN Centre to fight terrorism.

They reaffirmed their commitment to comprehensive reform of the United Nations system including its security council; and welcomed the setting up of an Arab Court for Human Rights in Bahrain. They requested that all governments elaborate health programs integrated with development programs and support initiatives to integrate the policies combating epidemic diseases, malaria, tuberculosis and HIV/AIDS, and non-communicable diseases in educational, information and public awareness programs. **They called upon the governments, private sector and civil society to play a major role in boosting agriculture and strengthening cooperation on rural development, agriculture development and food security.** They urged **joint development of new and renewable energy sources**, and called upon the African and Arab financial institutions and the private sector to work in collaboration with the African Union Commission (AUC) and the General Secretariat of the Arab League, to support the implementation of the infrastructure development program of the African Union and of the Arab League.

The Heads of State and Government unanimously expressed their mutual interest in further developing the Afro-Arab partnership and committed themselves to giving the necessary leadership for a close follow-up on the effective implementation of these Resolutions as well as the Kuwait Declaration, which they adopted at the end of their Summit. To aid continuity and close follow-up, the Summit decided to retain the Co-Chairs of the Third Africa-Arab Summit (Ethiopia and Kuwait) as members of the Africa-Arab Coordination Committee until the convening of the next Africa-Arab Summit. Based on the principle of rotation, the next Africa-Arab Summit, in 2016, will be convened in Africa.

Ethiopia's Prime Minister Hailemariam, Chair of the African Union and Co-chair of the Summit, delivered a vote of thanks on behalf of the delegates participating in the Third Africa-Arab Summit, thanking the Emir and expressing Africa's deep gratitude to the Government and People of the State of Kuwait. The Prime Minister also welcomed the Emir of Kuwait's announcement during the Summit that Kuwait would provide soft loans to Africa amounting to US\$1 billion in the next five years in order to support investment in Africa as well as another US\$1 billion for development to be channeled through the World Bank and other development funds, and in addition an Annual Prize of one million US Dollars for development research in Africa through the Kuwait Scientific Development Institution. The Prime Minister also recalled that Africa and particularly Ethiopia, Côte d'Ivoire and the former Zaire, now the Democratic Republic of Congo, representing Africa as non-permanent members of the United Nations Security Council, had stood in solidarity with Kuwait during the Gulf crisis at the beginning of the 1990s. He expressed his confidence that this solidarity and friendship would continue to prosper in the coming years.

### **The Warsaw Climate Change Conference - COP19**

The 19<sup>th</sup> Conference of Parties (COP19) to the United Nations Framework Convention on Climate Change has been held in Warsaw, Poland. It started on November 11 and ended today (November 22). Leaders and representatives from 192 countries gathered in Warsaw, for the latest round of Climate Change negotiations. They came together at a point in world history when greenhouse gases, according to the experts, are reaching levels not seen for at least 800,000 years. The aim of the conference has been to take a number of further fundamental steps towards the critical climate change agreement in 2015. It was trying to achieve this by discussing ways to act immediately to curb greenhouse gas emissions, to limit any increase in global temperature to 2 degrees Celsius above current levels and help people to adapt effectively to the effects of climate change.

Speaking to the high-level segment of the conference, the current Chairperson of the African Union, Ethiopia's Prime Minister Hailemariam Desalegn, briefed participants about Africa's position on the implementation of prior climate agreements. He stressed the importance of ensuring the implementation of existing agreements and called on the international community to take the issue seriously, and close the implementation gaps in what needs to be done by both developed and developing countries. He emphasized that the international community must step up financing aid to help African countries cope with the ill effects of climate change. He said, "We strongly feel that there are significant shortfalls in the Convention's implementation on mitigation, adaptation, finance, technology development and transfer, as well as transparency of action and support, and capacity building." He added "Hence, we Africans request full and effective implementation of the Convention and the Kyoto Protocol ahead of 2020, while developing a post-2020 agreement to be negotiated under the Convention, and concluded by 2015."

Prime Minister Hailemariam also underlined to the conference that **adaptation is the main priority of Africa since the continent is highly vulnerable to climate change**. He noted that in order to adapt and contain future emissions that might happen, the developed world must boost climate financing. He pointed out that all recent expert advice on global warming was alarming. He called urgently for more commitment to keep global warming below 2 degrees Celsius and demanded more efforts to reduce greenhouse gas emissions.

Prime Minister Hailemariam also shared Ethiopia's vision and its efforts in building a climate-resilient 'green' economy. He noted that the overall goal of the 'green economy strategy' launched during the last days of the Durban climate conference in December 2012 was to achieve middle-income status by 2025, while developing a climate-resilient and low carbon or 'green' economy. He stated that, during the lifetime of Ethiopia's current five-year Growth and Transformation Plan, it aimed to increase the generation of clean power fourfold, to 8,000MW; build an electric rail network of more than 2,000 kilometers; increase agricultural production at an annual rate of 8 percent, which, as a responsible member of the international community, will contribute to the global efforts to reduce emissions of greenhouse gases. This effort, he pointed out, is also being carried on at regional level by helping neighboring countries reduce their greenhouse gas emissions through export of clean power.

In addition, the Prime Minister detailed Ethiopia's strategy to improve crop and livestock productivity. He noted that 50% of the annual greenhouse gas emissions originate from the agricultural sector. So, significant interventions were planned and underway to enhance the productivity of livestock, while keeping the numbers at the current level. Without dedicated action taken to limit emissions, he said, Ethiopia's cattle population could be expected "to double by 2030, doubling the associated greenhouse gas emissions". Similarly, if no action is taken, "cropland will increase from 12.6 million hectares today to 27 million hectares in 2030, resulting in deforestation of nearly 9 million hectares of forest land." Prime Minister Hailemariam said Ethiopia now aimed to intensify agriculture through improved inputs and better management as well as introducing low-emission agriculture techniques, such as the promotion of **organic fertilizers**.

He emphasized that "for us [a] green economy is not a choice. It is an absolute imperative! It is not only about reducing emissions. It is essentially a matter of transforming the lives of our people." The Prime Minister added, however, that despite all the efforts to rise to these challenges within the country's means, there was a lack of capacity in many areas and the developed world must do its part in helping address this challenge. He concluded by emphasizing that business as usual was not tenable anymore, adding "we must all harmonize our efforts to make sufficient progress in order to be able to pull out some results before it is too late."

On the margins of the Conference, an Africa Day panel discussion was jointly organized by the African Union Commission, the United Nations Economic Commission for Africa and the Africa Development Bank, under the theme "Climate Change and Agriculture in Development and Ending Hunger in Africa". The event brought together African Ministers, delegates, experts, civil society organizations, Regional Economic Community representatives, development partners, and media representatives. Ministers and participants exchanged views and shared experiences on issues of agriculture in the global climate change negotiations, on mainstreaming climate change adaptation into the African development agenda, innovative research and technologies for adaptation to climate change in African agriculture, and on the options for financing climate change adaptation in African agriculture.

In a statement, delivered by Commissioner Rhoda Peace Tumusiime of the African Union Commission Department of Rural Economy and Agriculture, the Chairperson of the African Union Commission, Dr Dlamini Zuma, recalled that the 17<sup>th</sup> Conference of the Parties to the UNFCCC (COP 17) held in 2011 in Durban, South Africa had also turned global attention to the issue of agriculture in the current Climate Change negotiations. This and other events have led to increased awareness of the impacts of climate change in Africa, particularly in the context of adaptation in Africa with special emphasis on agriculture, food and nutrition security to end hunger on the African continent. She stressed the fact that solutions to address African agriculture in the face of adverse impacts of climate change cannot be effective unless they are supported by appropriate means of implementation, including finance and technology transfer and development. She said Africa considers that adequate finance and technology are essential for the development of the African Agricultural Agenda, adding "we continue to call for all polluters to commit to ambitious greenhouse gas emission reductions which otherwise continue to undermine our development trajectory."



## The UN Security Council rejects deferral of the ICC's Kenya trials

The efforts of the African Union to persuade the United Nations Security Council to defer the trial at the International Criminal Court (ICC) of Kenya's President Uhuru Kenyatta and Deputy President, William Ruto, ended in failure on Friday, November 15. A resolution backed by the African Union attracted seven "yes" votes in the 15-member council. The resolution called for the UN Security Council to defer the trials in accordance with Article 16 of the Rome Statute. The seven Council members which voted in favor of the resolution were Azerbaijan, China, Morocco, Pakistan, Russian Federation, Rwanda and Togo. No one voted against it, but eight abstained - Argentina, Australia, France, Guatemala, Luxembourg, the Republic of Korea, the United Kingdom and the United States. The draft resolution needed nine votes, and no veto, for acceptance.

Speaking in support of the resolution, the Permanent Representative of the Russian Federation said the arguments for deferral were "compelling" at this critical time for Kenya, whose military forces were playing a key role in Somalia. The democratically elected President and Deputy President should, he said, have the possibility of being in their country, with their people, to carry out their tasks. He pointed out that the request by African States did not undermine in any way the integrity of the Rome Statute. Indeed, the application of Article 16 would have increased the credibility of the international system of justice among African countries, he said, by showing it was ready to address "complicated and ambiguous" situations.

Pakistan's Permanent Representative also pointed out that Kenya's case rested on sound, solid strategic, political and legal grounds, adding that its logic was compelling. He said that from a strictly legal standpoint, the principle of complementarity must respect national jurisdiction, noting that the trial placed the actual functioning of the offices of the President and Deputy President under question. He also pointed out that a provision on deferral was already available in the Rome Statute, and could justifiably be applied to reconcile the tensions. The same considerations that allowed agreement for a four-month deferral could also, of course, provide the basis for a longer deferral.

China said it was a matter of common sense to help the country's popularly elected leaders focus on upholding their mandate. International law should respect that mandate as well as the principle of complementarity and the sovereignty of nations. It said the request of the African countries was well-grounded and based on the principles of the Charter. They sought respect for two popularly elected leaders and the Council should have heeded the request and responded appropriately.

The main point raised by those who abstained was that sponsors of the resolution had failed to establish that the issue posed a threat to international peace and security. They suggested it would be better addressed by the Court itself and by the Assembly of States Parties which has oversight of the Court's administration and is meeting over the next two weeks. This, the United States and the United Kingdom suggested, was the proper venue for the AU's concerns. It is, however, unlikely to provide a satisfactory response, not least because it is a lengthy process. Indeed, Kenya is now seeking amendments at the ICC Assembly of State Parties, which started on November 21, to provide immunity for sitting presidents. Amendments, however, have to be ratified by 87.5 percent of the 122 member states of the International Criminal Court, and only come into effect one year after the 106 countries deposit their ratification instruments. The UK also added that part of the States Parties' meeting would focus on discussing a number of amendments on "presence through video technology." The UK Permanent Representative said the postponement to February of the start of President Kenyatta's trial had "demonstrated a constructive and legally proper response to concerns raised." Equally, as noted by others, if a four-month deferral was acceptable then there could be no administrative or legal reasons for refusing deferral for a year.

Those who refused to support the resolution demonstrated once again that they had failed to understand the AU's problem with the ICC. It is not that it regards the Court as anti-African *per se*, a claim frequently made, but rather that the Court has ignored other areas of the world where there are cases that should have attracted its attention. The ICC has yet to indict any individuals outside Africa and all of its cases come from the continent. Critics remember that Robin Cook, UK Foreign Secretary when Tony Blair was UK Prime



Minister, firmly declared that the ICC was not a court that should try a Prime Minister of the UK or a President of the United States.

In fact, even many who support the idea of the Kenya trials going ahead are also aware of the double standard involved. As the Secretary of the Royal Africa Society in the UK recently suggested, those responsible for “the illegal invasion of Iraq in 2003 based on false justification for war and the atrocities that followed are an obvious case for prosecution and would give the ICC profound and universal credibility.” Quite so.

Nor do requests for deferral provide support for impunity. Kenya has shown its commitment to fighting impunity, with both its President and Deputy President cooperating fully with the Court process. Its government has also worked to restore stability since the political crisis and shown it was able to handle such judicial issues. This interpretation of the *raison d'être* of the resolution was put, disparagingly, and inaccurately, in the UK Newspaper, the *Independent on Sunday* under the sneering headline: “So the International Criminal Court can fight on in its struggle to bring tyrants to justice.” Quoting the similarly inaccurate comment of Human Rights Watch - “This should put an end to efforts to undermine the ICC’s cases; there were no grounds to justify deferral” - the article claimed that the African Union “in a statement riven with self-interest” had complained about politicization and misuse of indictments against African leaders. As the AU has made abundantly clear in previous requests to the Security Council, as well as in the resolution, this wasn’t about immunity or the alleged self-interest of leaders. The AU has been quite categorical that it is totally against immunity, for anyone. It is, however, seriously and sensibly mindful of political circumstances and considerations that might arise, including threats to international peace and security. That was the point of the Security Council resolution.

Rwanda, noting that terrorism was the most serious threat to international peace and security, pointed out that Kenya was in the forefront of fighting it and Kenya’s President and Deputy President should rather be respected, supported and empowered, not undermined. Rwanda’s Permanent Representative said he was deeply disappointed at what had transpired, despite Africa’s proactive efforts to engage the Council in a legitimate process, in the interest of international peace and security. He added “Let it be written in history that the Council failed Kenya and Africa on this issue.” He also pointed out that the vote **undermined the principle of sovereign equality**, and confirmed a long-held view that international mechanisms were manipulated to serve select interests. Article 16, he said, had never been meant to be used by an African State; it appeared to be a tool used by Western Powers to “protect their own”. Some Western Powers, indeed, had not signed up to the Rome Statute because, as they made very clear, they wished to protect their own nationals.

Other African states on the Council also made it clear that, as the Council had divided on what was a very significant issue for Africa, this posed a threat to the relationship between the Council and the Continent. Togo, for example, hoped the decision would not “sow the seeds of doubt” about the importance of the partnership between the Council and the African Union, particularly at a time when there were a growing number of Council agenda issues concerning Africa. Morocco’s Permanent Representative said African States had produced a constructive basis for discussions, but this could now no longer proceed. Even some of those who abstained said the vote would create an issue of trust. Guatemala, for example, said the result was detrimental to the African Union, which perceived its proposal as having been rejected; to the Court, whose aspiration for universal membership was under assault; and to the Council, which now appeared divided. It said that efforts to build a fruitful partnership between the Council and the African Union had now been compromised. France, which thought the vote unnecessary, said the resolution could only widen divisions.

Ethiopia’s Permanent Representative, Dr Tekeda Alemu, speaking in Ethiopia’s capacity as current Chair of the African Union, expressed his appreciation of Council members who felt that African Heads of State and Government might know what was best for their continent. The case had been made by the African Union Contact Group which had underlined the view of the continental body that the matter was not simply a Kenyan issue but an African one, and an issue with significant concerns for regional peace and security. The Commander-in-Chief of the Kenyan Defense Forces, in the forefront of the fight against terrorism, ought to be given support, rather than be distracted by a body whose track record on African matters did not inspire

confidence. Dr Tekeda said **the African request could not, in fact, be rejected on legitimate grounds. It was clearly within the framework of Article 16 of the Rome Statute.** Under the circumstances, therefore, abstention amounted to rejection and in effect the decision said African leaders were not to be trusted. This attitude highlighted the challenges Africa faced in international cooperation. There had been some notable examples of effective cooperation, for example, in Somalia, Sudan-South, Sudan and in Mali, but this response to an African request would lead many to conclude that Council members “had difficulty seeing Africa exercise ownership over its policies and strategies for peace.”

Ambassador Macharia Kamau of Kenya noted that the Council had earlier recognized that the recent terror attack in Nairobi had posed a threat to international peace and security. Now, Africa could see this counted for little when Article 16 was under consideration. Reason and the law had been “thrown out the window.” He said it was now clear that “the Security Council is no institutional destination for solving complex and fluid international security and political problems; for Africa, the message is that we need only stay within the African family to solve unusual and complex political problems, working within the African Union to seek solutions to the challenges that we face.” He pointed out that the Council belonged as much to Africa as to any other area of the world, but despite this “our engagement here has been met with derision, suspicion, impatience and even irritation.” That, he said, was “wrong, unfair, sad and tragic, and an indictment of the state of international relations at the dawn of the twenty-first century.” He said that the Rome Statute had failed its first crucial test, and the Council had done irreparable damage to the Statute and its future. Kenya’s Foreign Affairs Cabinet Secretary, Amina Mohamed said later “What is disappointing is that for the first time Africa actually came together and went to the Security Council with only one issue but it was turned down. This means the Council does not take seriously what Africa takes seriously.”

### **The ACP-EU Joint Parliamentary Assembly**

The 34<sup>th</sup> meeting of the ACP parliaments started on Wednesday, November 20, here in Addis Ababa, with the meeting of the ACP’s three standing committee: the Committee on Political Affairs; the Committee on Economic Development, Finance and Trade; and the Committee on Social Affairs and the Environment. The three standing committees met to consider agenda items and prepare a common position for adoption by the ACP Parliamentary Assembly which met today (November 22).

Discussions in the Political Committee focused mainly on respect for the rule of law and the role of an impartial and independent judiciary; the global spread of terrorism: the role of internet and social media; how to make the national reconciliation process successful in post-conflict and post-crisis countries; political dialogue under article-8 of the Cotonou Agreement; and the political situation in ACP and EU member states. The Committee on Economic Development, Finance and Trade discussed issues of South-South cooperation and Triangular Cooperation and the opportunities and challenges for ACP countries; regional integration and customs modernization for sustainable development in the ACP countries in cooperation with the EU; the multilateral trading system and the World Trade Organization; the road to Bali; and the state of play of negotiation and implementation. The Committee on Social Affairs and the Environment deliberated on the social and environmental impacts of pastoralism on ACP countries; mining for oil and minerals on the sea bed in the context of sustainable development; sustainable agriculture; and climate change in Ethiopia.

On the margins of the meeting of the Committee on Social Affairs and the Environment, held on Thursday (November 21), the East African region of the ACP group of countries held a brief meeting to elect members for the Bureau and the Standing Committee of the ACP Parliamentary Assembly. From the 14 member states of the region, Ethiopia and Sudan were elected as members of the Bureau of the ACP Parliamentary Assembly for the coming two years.

The ACP-EU Joint Parliamentary Assembly was created out of a common desire to bring together the elected representatives of the European Community, that is Members of the European Parliament, and the elected representatives of the African, Caribbean and Pacific states (the ACP countries) that have signed the Cotonou Agreement. The representatives of the 78 African, Caribbean and Pacific States, who, under the Cotonou Agreement, must be members of Parliament, meet their 78 European Parliament counterparts in plenary

session for one week twice a year. The Joint Parliamentary Assembly meets alternately in an ACP country and an EU country. It is only institution of its kind in the world and the only international assembly in which the representatives of various countries sit together regularly with the aim of promoting the interdependence of North and South. Since the entry into force of the Treaty on European Union and EU enlargement it has acquired a more prominent role. A substantial part of the work of the Joint Parliamentary Assembly is directed towards promoting human rights and democracy and the common values of humanity. This has produced a number of joint commitments undertaken within the framework of UN conferences.

The impact of the work of the Joint Parliamentary Assembly goes well beyond economic considerations and embraces the fundamental objectives of the development of mankind and the establishment of peaceful relations between the nations of the world. The Joint Assembly is a democratic, parliamentary institution which aims to promote and defend democratic processes in order to guarantee the right of each people to choose its own development objectives and how to attain them.

The Joint Parliamentary Assembly has made an active contribution towards implementing and reinforcing successive ACP-EU Conventions and has put forward numerous proposals for improving and implementing their actions. Among these proposals have been upgrading of the role of women in the development process; integration of environment policy in development projects; and the promotion of trade as a tool for development, particularly through the Economic Partnership Agreements foreseen in the Cotonou Agreement. Additional proposals forwarded by the Joint Assembly have also included drawing-up rural development programs and micro-projects tailored to the needs of specific communities; improvement of measures aimed at combating epidemics and the reinforcement of health and hygiene services; and the creation of decentralized development policies.

The session of the ACP Parliamentary Assembly today (November 22) to consider and adopt the recommendations of the Standing Committees, will be followed by meetings of the Joint Standing Committees of the ACP-EU for the Committees on Political Affairs, Economic Development, Finance and Trade, and Social Affairs and the Environment. The ACP-EU Joint Parliamentary Assembly will open on Monday (November 25), and the final plenary session will be held on Wednesday (November 27). There will also be workshops on housing development programs and micro and small enterprises, as well as a meeting of the Bureau on November 24.

### **UN Special Representative for South Sudan briefs the Security Council**

The Special Representative of the UN Secretary General to South Sudan, Hilde F. Johnson, told the Security Council on Monday (November 17), that the international community cannot afford to see the newest country in the world fail. The UN Mission in South Sudan (UNMISS), and everybody else, said Ms Johnson, had only one option, "to try to help South Sudan take the right course, consolidating peace and building the foundation of democracy and respect for fundamental human rights." She said South Sudan was faced with deadly inter-communal conflict and human rights abuses by the security forces. Among the challenges facing the government she particularly noted the cycle of violence in Jonglei state, describing the vicious cycle of retaliatory violence and the tensions between the Lou Nuer and Anyuak, as posing significant risks to the Government's stabilization efforts. She said UNMISS, which has 7,632 uniformed peacekeeping personnel, had developed a series of contingency plans to address emerging security threats and protection of civilian needs, in Jonglei, and in the area of Lakes, Unity, Upper Nile and Warrap States. It was, however, she emphasized, imperative to identify force multipliers with the requisite capabilities to augment the Mission's early warning and rapid response capabilities.

She said the behavior of the security forces continued to be a cause for grave concern, both in regard to human rights abuses or incidents of violence and harassment affecting UN personnel, diplomats and ordinary citizens. There had been 67 violations of the Status of Forces Agreement governing UNMISS's presence in the past six months alone involving threats, assaults, arrests and detention of UN personnel. She said it was imperative to increase the Mission's early warning and rapid response capability. She also cited "prolonged and arbitrary detentions, excessive use of force and arbitrary killings by ill-disciplined security

forces and agencies.” Ms Johnson said there had been progress in some key areas, opening up new opportunities to strengthen state-building and accountability, and she noted that the highest levels of Government were speaking out publicly on the need to address human rights abuses by members of the armed forces. Several boards of inquiry into allegations of murder had been set up. The key to these problems, she said, was security sector reform and transformation of the armed forces, adding that there had been continued progress by the national police in this respect.

The Special representative of the Secretary General noted that prolonged and arbitrary detentions, excessive use of force and arbitrary killings by ill-disciplined security forces and agencies challenged protection of human rights. She said security-sector reform and transformation of the armed forces were the keys to a durable solution, adding that the South Sudan National Police Service was making progress by identifying institutional gaps and screening its members. Ms Johnson noted that a smooth transition had taken place within the Government, following President Kiir’s decision to restructure it in July. She welcomed the executive order issued last month pardoning key opposition leaders. She said the preparatory process for the national convention of the ruling Sudan People’s Liberation Movement would be a key determinant of future political developments. The President had indicated South Sudan was committed to holding national elections in 2015 and the United Nations had undertaken an electoral needs assessment in September. Time was running short for electoral funding and other preparations. She also pointed out that South Sudan had volunteered as a pilot country for the “New Deal” approach. It was committed to a compact of mutual accountability with its international partners, and this, she said, was on track for an agreement by both sides on December 3.

The Permanent Representative of South Sudan, Ambassador Francis Mading Deng, also addressed the Security Council, pointing out that while his country faced challenges in building its institutions and consolidating progress towards democracy and protecting civilians, the national vision was clear: a stable, peaceful and economically vibrant South Sudan committed to human rights and humanitarian principles. He pointed out that President Kiir had restructured the Government in July to ensure better service delivery, with the number of ministries reduced by a third and a new Cabinet appointed after extensive consultations with other political parties. This leaner, stronger Government would focus on results in the areas of social services, agriculture, transport, mineral resources, energy and security. On the development front, it would sign a New Deal Compact with its partners in December. Ambassador Deng said the inter-communal violence in Jonglei dated back years and had been compounded by an armed insurgency. He noted that the South Sudan Liberation Army and other groups in Upper Nile State had accepted the President’s offers of amnesty. He expressed deep regret over any violations of the status-of-forces agreement, saying the Government had issued orders for an end to such abuses and would hold those responsible accountable. He stressed that human rights violations did not reflect national policies or aspirations, and called for mutual understanding and close cooperation between South Sudan and UNMISS.

### **Repatriation: putting an end to the suffering of Ethiopians in Saudi Arabia**

The last week has seen an intensification of the government’s efforts to repatriate its citizens from Saudi Arabia, a process started at the beginning of November. Following the decision of the Saudi Arabian government to expel hundreds of thousands of undocumented workers of different nations living in the country, the Saudi authorities’ handling of the deportation process led to ill-treatment and abuse, suffering, beatings and even several deaths. The Government of Ethiopia, as we reported in a Week in the Horn last week, was quick to take action. The Government, through the Ministry of Foreign Affairs, issued strongly worded condemnation of the violence and abuse of its citizens, summoning the Charge d’affaires of the Saudi Arabia Embassy in Ethiopia to demand explanations. It also requested an official investigation into the killing of Ethiopian citizens, demanding that the Saudi government refrain from use of unnecessary force and restrain its own citizens from causing harm to Ethiopians.

The Minister of Foreign Affairs, Dr Tedros Adhanom, also directly contacted Saudi government officials to unequivocally express the Ethiopian Government’s grave concern, to ask for explanations of the situation and demand that the ongoing abuse of Ethiopians in Saudi Arabia was halted. The government’s efforts were

not confined to diplomatic attempts to find solutions to the problems facing the Ethiopians in Saudi Arabia. From the outset of the crisis, the Government of Ethiopia demonstrated its commitment to extending all possible assistance and protection to its citizens in Saudi Arabia. To coordinate these efforts and bring back all the undocumented Ethiopians who moved into the temporary holding facilities set up by the Saudi authorities, the Ministry of Foreign Affairs set up a Command Post, chaired by the Minister of Foreign Affairs, to coordinate and guide all the Government's efforts, both at home and abroad, and organize the process of repatriation. Last week, the first group successfully arrived back in Addis Ababa. The process is continuing.

Since the repatriation process has started, the condition of Ethiopians still in Saudi Arabia has also improved significantly. The Ministry of Foreign Affairs, together with its diplomatic missions in Riyadh and Jeddah, has engaged the relevant Saudi authorities in an effort to improve the way Saudi officials are handling Ethiopian migrants. It has also been expediting the repatriation process for those without documentation. In addition to the staff of the missions in Jeddah and Riyadh, Ethiopian ambassadors to Doha and Abu Dhabi and additional senior staff from the Ministry have been sent to Saudi Arabia to assist the process of bringing Ethiopian citizens back home. As of the end of this week, nearly 15,000 Ethiopians have been successfully repatriated. The Government hopes to increase or at least maintain this rate of repatriation. The Ministry of Foreign Affairs is working to simplify the practice of processing Ethiopians in the different holding centers in Saudi Arabia and to speed up the time it takes for returnee citizens to rejoin their families once they have arrived in Addis Ababa.

The Government has also taken on the task of finding effective ways to resettle and rehabilitate the returnees as well as facilitating the repatriation process. Initially earmarking 50 million birr for the immediate repatriation process, the Federal Government has also expressed its intention of integrating the returnees into the economic and social fabric of the country in the shortest time possible. Federal Ministries and regional governments held a meeting on Monday (November 18) to coordinate their efforts and start working towards the goal of prompt resettlement and rehabilitation for the returnees.

The Minister of Foreign Affairs, Dr Tedros, emphatically expressed the Government's commitment to see all the returnees fully resettled and rehabilitated during a visit to the returnees temporarily sheltering at the Civil Service University's premises on Thursday (November 21). He struck an optimistic note when he explained that the Ministry of Foreign Affairs was facilitating ways to enable the private sector, professionals and other concerned Ethiopians to complement the Government's efforts to help the returnees to resettle. Dr Tedros chairs the National Committee for the Repatriation and Rehabilitation of Returnees from Saudi Arabia. The Committee includes representatives from the Ministries of Agriculture, Labor and Social Affairs, Women Children and Youth and Health as well as from Civil Aviation and the Prime Minister's Office. There is also a Technical Committee which is meeting daily and reporting to the National Committee.

The Government has not confined its efforts to those returning. It has done everything possible to extend support to all Ethiopians in Saudi Arabia who have been affected by the situation, during the original period of the amnesty and the extension granted at the request of Ethiopia, and after this ended. This has not just involved undocumented migrants. Earlier, the Foreign Ministry and the missions in Saudi Arabia have been working overtime assisting those eligible for legal documents to allow them to reside and work in Saudi Arabia. They successfully helped more than 38,000 Ethiopians acquire the necessary documentation.

The events of the last few weeks, and the situation so many Ethiopians found themselves in in Saudi Arabia, points up the dangers of choosing to migrate to a foreign country, without having fully explored economic opportunities here in Ethiopia, and without observing the due processes of immigration required in another country. This, in particular, makes it difficult for the Government to take effective action to protect citizens abroad and limits the possibilities. The result is that people can be subject to unnecessary misery and abuse. At a recent meeting (November 18), the National Taskforce established to deal with the issue of human trafficking, confirmed that repatriating Ethiopians from Saudi Arabia should be given priority, but it also urged government officials at all levels to exert every possible effort to mobilize the public against the problem of illegal human trafficking. The recent ban on work-related overseas travel underlines just how seriously the Government takes the problem and demonstrates its resolution to try and bring an end to

illegal migration from which so many have suffered. The ban, put in place at the end of October, was issued to provide for space to agree comprehensive labor agreements and provide for full rights for all Ethiopians working abroad. The Government is now working urgently to sign agreements with all the relevant countries.

### **A Regional Conference on Asylum and Migration in Yemen**

A regional conference on the issues of asylum and problems of migration from the Horn of Africa to Yemen was held in Yemen's capital, Sana'a last week (November 11 to 13). The conference was organized by the Government of Yemen with the support of the United Nations High Commissioner for Refugees and the International Organization for Migration. It was attended by delegates from Ethiopia, Djibouti, Eritrea and Somalia as well as representatives of the Gulf Cooperation Council, the Arab League, senior officials of the UN agencies, non-governmental organizations and regional economic communities. The Ethiopian delegation was led by State Minister of Foreign Affairs, Ambassador Berhane Gebre-Christos.

Yemen is one of the most important transit countries for migrants leaving the Horn of Africa aiming to get to Saudi Arabia and the Gulf as well as the Middle East. According to UNHCR, a million asylum-seekers, refugees and migrants have made unauthorized crossings over the Gulf of Aden or the Red Sea between Eastern Africa and Yemen, 107,000 of them in 2012 and 62,000 this year. The journeys, often in small unseaworthy boats and organized by smugglers and human traffickers, can be highly dangerous, and thousands have lost their lives in their attempt to make the crossing.

The focus of the Conference was on possibilities of forging a regional plan to best manage 'mixed migration' from Horn of Africa into the Arabian Peninsula. 'Mixed migration' is the phrase used to cover the movement of trafficked migrants, unaccompanied children, economic migrants, stateless persons and irregular migrants. Discussion also concentrated on ways to offer better protection to asylum seekers and save the lives of illegal migrants as well as coordinate efforts to combat human trafficking between countries of the Horn and the Arabian Peninsula.

Opening the Ministerial Session of the Conference, Yemen's Prime Minister Mohammed Salem Basendwa, referring to the growing challenges facing illegal migrants coming to Yemen, underlined the importance of international solidarity and said that burden-sharing would be fundamental in ensuring Yemen's continuing hospitality. Laura Thomson, deputy director of the International Organization for Migration, added that migration was a cross-border phenomenon, and should be placed in a broader context of regional cooperation and regional policy development.

In his address to the conference State Minister Berhane Gebre-Christos emphasized that the number of asylum seekers, displaced people and refugees was increasing in the Horn of Africa and Middle East and the issue was a matter of very real concern. Acknowledging that the causes for migration include conflict, poverty and unemployment, he said the issue had become increasingly complicated because of the activities of illegal human trafficking and smuggling networks. He underlined Ethiopia's firm belief in the need for coordination of policy and joint operation of governments and international organizations to fight against the menace of illegal trafficking.

Ambassador Berhane highlighted the problem Yemen was facing from the thousands of Ethiopian migrants who considered it as the main transit route to Saudi Arabia and the Gulf countries. He called for increased support to Yemen to cope with the challenges posed by the growing influx of migrants. Speaking about ways to tackle the challenge, Ambassador Berhane underlined the importance of awareness creation and stiffer requirements for employment agencies. Ethiopia, he said, had launched a new strategic mechanism with the Federal Government cooperating with the Regional States. "We have set up a National Council headed by the Deputy Prime Minister with a structure down to the lowest administrative levels. This is carrying out a program of mass mobilization to create awareness of the insecurities of illegal migration and the dangerous and negative effects it has at community level." Ethiopia was also working on capacity building in the judiciary and in relevant administrative bodies as well as ensuring that policies were geared towards



curbing illicit migration. He also noted the importance of signing labor agreements between the Horn of Africa countries and Gulf states, in particular to increase protection of workers and provide labor rights for migrant workers. Ethiopia itself, he said, had an open-border policy and now hosted more than 420,000 refugees.

The three-day discussion was concluded by issuing the "Sana'a Declaration", which included provisions and recommendations to address refugee and migration issues and problems that arise from these. The Declaration sets out short-term and long-term plans and a follow-up mechanism. This included plans to designate national focal points and convene regular meetings to evaluate progress and outline measures to tackle irregular migration and enhance the asylum mechanism. Over all, it focused on tackling illegal migration through strengthened law enforcement, encouraging voluntary return, saving the lives of those attempting to cross the sea and greater cooperation over employment conditions in Saudi Arabia and the Gulf states.

The Declaration calls for enhanced bilateral and multilateral support in the area of law enforcement and for assistance in implementing a capacity-building strategy to improve law enforcement mechanisms, combating smuggling and human trafficking. To save the lives of immigrants it recommends increasing international support to strengthen search and rescue capacities through strengthening coastguard organizations. Other proposals include increased support for assisted voluntary return programs, more burden-sharing and the strengthening of the refugee protection system, including respect for principles such as non-refoulement as well as enhancing cooperation in employment opportunities, creating new economic development initiatives, and organizing more awareness-raising campaigns on the risks of irregular migration, and strengthening regional cooperation on information sharing and data analysis. The Conference concluded by acknowledging the challenges that Yemen was facing and calling for increased international and regional support to help resolve the problems arising from illegal and unofficial migration.