

## **PART TWO**

### **Sudan Annexing Ethiopian Territory:**

### **The Moral Imperative and Principles and Norms of International Law**

By Tecola W. Hagos

*"Patriotism is supporting your country all the time, and your government when it deserves it."* Mark Twain

*"Dissent is the highest form of Patriotism."* Howard Zinn

## **I. Introduction**

### **A. Meles Zenawi Betrayed Ethiopia and Ethiopians from A to Z**

It is extremely difficult to lead the life of a virtuous citizen of a particular state. In general, almost all human beings have two conflicting impulses: the first and the most demanding impulse is the desire to lead a moral life guided by absolute eternal principles and committed to public service, and the other is the seductive impulse of self-interest or of self preservation that gives priority to narrowly perceived selfish goals. The most dangerous of all human beings are the exceptions to these two impulses manifest in such individuals with no empathy at all, who are the personification of pure evil. What I see in most of our Ethiopian leaders is the second type of impulse with extreme form of self-interest to the exclusion of communal responsibility.

Maybe, Meles Zenawi stands out as the exception as the worst personification of pure evil with no empathy to anyone. [Consider what he did to his fellow fighters Tamrat Lyne, Seyee Abraha, and many other heroes of the struggle.] His recent address of the House of Representatives and subsequent address of the People of Ethiopia clearly established his arrogant and anti-Ethiopia position in his shameful defense of the interest of Sudan over that of Ethiopia. It is none of his business telling us that the Sudanese government has been tolerant of incursions by Ethiopian farmers into Sudanese territory. Who makes him judge and executioner of the vital interest of Ethiopia? Who pays his salary? Ethiopia or Sudan? As the "Prime Minister" of Ethiopia, he is supposed to stake our claims to what ever extent and not act in singular judgment of our history and territorial occupation.

This effort of Meles Zenawi to justify his treasonous ceding of Ethiopian territory by redefining and limiting what constituted Ethiopian territory is the same type of treasonous "judiciousness" he used often defending the interest of Eritrea against that of Ethiopia in endless speeches, interviews, and formal papers to such ridicules extent even the Ethiopia-Eritrea Border Arbitration Commission found it necessary to point out the fact that Meles's submission has declared a particular Ethiopian territory in dispute to be part of Eritrea and that the Commission had no other choice but "to adjust the Treaty line so as to ensure that it is placed in Eritrean territory."

"4.70 As to Tserona, the Commission cannot fail to give effect to Ethiopia's statement, made formally in a written pleading submitted to the Commission. It is an admission of which the Commission must take full account. **It is necessary,**

**therefore, to adjust the Treaty line so as to ensure that it is placed in Eritrean territory.**

“4.71 The qualification as to the southern section relates to the Acran region and to Fort Cadorna. The Commission is satisfied that the evidence of Eritrean activity is sufficient, in terms of administrative range, quantity, area and period, to justify treating the Acran region as part of Eritrea. As regards Fort Cardorna, the Commission is bound to apply to that place, in the same way as it does to Tserona, the Ethiopian admission.” [Eritrea-Ethiopia Boundary Commission, Decision on the Delimitation of the Border Between Eritrea and Ethiopia, 13 April 2003.] [Emphasis mine]

If Meles Zenawi has his ways, he would have no hesitations to have Ethiopia be reduced to “Amara Saient,” figuratively speaking—to a couple of Ambas.

I pity those good Ethiopian brothers and sisters who are hoodwinked for the last seventeen years by Meles Zenawi and still believe that Meles Zenawi has the best interest of the Ethiopian people at heart. With this recent treasonable act of secret agreements to cede over thirty thousand square kilometers to the Sudan of Ethiopian legitimately occupied territory for over a century clearly establish the fact that Meles Zenawi is the enemy of Ethiopia and Ethiopians. This recent secret agreement is not the first anti-Ethiopia activities of Meles Zenawi, but one of several treasonous activities starting with the ceding of Eritrea, the landlocking of Ethiopia by allowing the Ethiopian Afar coastal territory to be incorporated illegally with Eritrea, his signing of a one sided 2000 Algiers Agreement against the interest of Ethiopia that resurrected long dead colonial treaties in order facilitate the ceding of Ethiopian territory, his siphoning of hundred of millions of dollars worth of goods, hard currency et cetera to Eritrea, the creation of destructive ethnic based political structure, the continued oppression of Ethiopians, and the selling of our national resources to Arab foreigners et cetera.

Meles Zenawi’s activities may not be just hate or contempt of Ethiopia, but may be far more insidious planning to create a separate Tigrei—an absolutely juvenile idea. This divisive and ethnic based idea seems to have divided not only the larger population of Ethiopia but also the people from that part of Ethiopia. The overtone of narrowly focused anti-Tigrean statements, after the 2005 election debacle, by supporters of CUD did rub a number of Tigreans the wrong way. One need simply visit Websites where you find all kinds of immoral insults and vulgarity against individual Tigreans and Tigreans in general. This form of reaction by insidious individuals simply helped Meles Zenawi to mobilize his power by projecting on one hand that he is for the freedom of Ethiopians and on the other hand using all kinds of structural devises dividing Ethiopians by ethnic identities and languages creating hate and suspicion among the people of Ethiopia. It is shocking to me, to see that very many “Ethiopia-First” type “patriotic” groups and Websites (including almost all Tigrean run Websites) have been silent or have become defenders of Meles Zenawi despite the fact of the annexation of Ethiopian territory and imprisonment of its citizens by the military forces of the Sudan, which is done pursuant to the secret agreement Meles Zenawi entered with the Sudanese Government Officials.

**B) The Coming of Age of Aiga and its Contributors Need be Encouraged**

A recent Editorial of Aiga represents in a clearly stated paradoxical statement where they seem to have a genuine dilemma where the conflicting impulses of public service against self-interest are played out in a heart wrenching painful process. Thus, Meles Zeanawi's staunchest supporters at Aiga finally seem to be annoyed with the Government of Meles Zenawi because of the way it handled the Sudan border secret agreements that has affected the territorial integrity of Ethiopia.

"It is unfortunate the government downplayed the magnitude of issues that may have arisen from expansion of farm Land. Though we tried to give the government a chance to air their side of the story they have failed. We are not here to blame a certain office or embassy but they should have come clean the first time. As Ande Ethiopia said, sovereignty is the protection of its people and the government should have stated from the get go what remedies it is doing to solve the problem including the common patrol both governments are doing"  
[[http://www.aigaforum.com/EarnRespect\\_demand\\_respect.htm](http://www.aigaforum.com/EarnRespect_demand_respect.htm) as retrieved on May 20, 2008]

Even then they have only partially digested the true essence of the problem. The real issue has to do with Meles Zenawi's infantile disrespect of the legacy that is left to us by our great Ethiopian leaders and our ancestors who sacrificed their lives in creating Ethiopia and its territories.

Meles Zenawi cannot understand what such legacy stands for in the scheme of the ways of the World. He seems to think in quixotic righteousness terms due to a belief based on erroneous understanding of our history and the history of human social evolution. There is nothing disgraceful or shameful in our past history in creating an empire out of the tribal and ethnic pre-state configurations. The fact is our ancestors built a nation that was transformed into a vast Empire through their great energy, dedication, and courage. Meles's antagonism toward Ethiopia seems to have been part of his indoctrination in his formative years at his own home and in school due to poorly understood subject of political process as a dialectical process of history. Hopefully, Aiga members too will come to realize the singular individual responsible for all of the harm done to Ethiopia and its people is none other than Meles Zenawi and not his underlings who do not really count for much. Both Matthew and Luck teach us the need for clear moral choices: "No servant can serve two masters; for either he will hate the one and love the other, or else he will be devoted to one and despise the other. You cannot serve God and wealth." [Luke 16:13]

In an earlier piece I have pointed out the lack of understanding by many Ethiopians the magnitude of the danger of the fracturing of the Ethiopian State along ethnic lines. I wrote that there is an acute need for a clear understanding of the magnitude of the harm that has been committed against Ethiopia by Meles Zenawi and associates due to the formation of the Federal State structure. I have stated in several articles that the Federal Structure of the State of Ethiopia under the 1995 Constitution is divisive and would weaken and ultimately break up along ethnic lines the Ethiopian State. The ongoing crisis of annexation of Ethiopian territory of millions of acres of productive land is a good example of that phenomenon of loose relationship between the ethnic based several States and the whole of Ethiopia as a unite. Rather than considering the State of Ethiopia as a shared entity whereas its nationals have a sense of ownership of every inch of

Ethiopia, Ethiopians are now pushed into a state of mind that have only a very limited attachment to Ethiopia as a whole but only to ethnic regions or states.

This tragic state of affair of primitive federalism based on ethnicism (at its worst) is best illustrated by an article posted in Aiga Website titled “Gondar ain’t your mama’s fool no more” written by Aklilu Abreha and was also quoted with approval by Getachew Mequanent in his recent article on issues dealing with the controversy that I have identified as “the annexation” of Ethiopian territory by Sudan with the treasonous consent/approval and agreement of Meles Zenawi. Even Getachew Mequanent, who seems to find treads of goodness in the activities of Meles Zenawi and his Government, has pointed questions on the secretive process of the Government of Meles Zenawi in its relationship dealing with the Sudanese Government on the border issues. He wrote without any equivocation his concern thus:

“The other issue is openness and transparency. The Ethiopian government has not kept Ethiopians informed, compared to the Sudanese government, as we saw in the Sudanese media. Is the story about the burning of farms and arrest of Ethiopians farmers true? Did Ethiopian federal and regional authorities keep silent knowing that this has happened? If these stories are true, then we all will be thrown into a suspicion that there is something fishy, something that is not right in the handling of this border issue. We want the Ethiopian Foreign Ministry to fully explain what exactly has happened in Gondar-Sudan border areas.”

[Getachew Mequanent, “A Commentary on the Ethiopia-Sudan Border Issue,” [http://www.aigaforum.com/Commentary\\_on\\_Gondar-SudanBorder\\_Issue.htm](http://www.aigaforum.com/Commentary_on_Gondar-SudanBorder_Issue.htm) as retrieved on May 11, 2008]

Aklilu Abreha’s article, although touching because of the narrative skill of the Author and its humane existential overtone, nevertheless, that article illustrates how far one could be veiled by parochial interest foregoing the greater good for all of Ethiopia. The author is satisfied by the “development” in his home town of Gondar and vicinity, which alleged fact has blinded (or jaded) him from seeing the immense suffering and brutal oppression of Ethiopians elsewhere under the Government of Meles Zenawi. The author expressed his full allegiance to that horrible government in no uncertain terms. In fact, it is unbelievable that an educated man could base his entire argument on a fallacy logicians long identified as a fallacy of composition. How is it possible for any reasonable person to take a limited sample of one locality and generalize in such a major way that Ethiopia as a whole is either enjoying similar development or is at the brink of economic breakthrough?

This form of intense identification with a locality invariably leads to overtly none critical response especially where some *frefari* (leftover) is given to benefit such locality by the “masters,” and whereas harm is done somewhere else in other ethnic areas. Observe the parochial distortion as the following paragraph by Aklilu Abreha illustrates the harm of ethnic federalism: “**We ain’t your mama’s fool no more.** We are content with where Ethiopia is at this juncture. Good times will be rolling soon. The future is so bright Gondar has to wear shades.” The Author further added his patronizing and self congratulatory statement no less offensive and diffusive than his gratuitous remarks

prophesying his loyalty to Meles Zenawi. Aklilu summed up his loyalty to Meles Zenawi thus:

“We, including myself, no longer consider anyone less Ethiopian just because he/she does not carry conversation in Amharigna. We do not despise anyone ruling over Ethiopia just because he/she is not Amara. We do not think of everyone that is not Amara as a sellout or not holding the interest of Ethiopia at heart. All we require is qualification and fair handedness in a working economic policy, not an alternative economy policy based on ‘personnal connections.’ And in time and with full participation in due democratic process, Gondar and the rest of Ethiopia will become economically vibrant places.” [Emphasis mine.]

[[http://www.aigaforum.com/Gondar\\_article\\_final\\_1.htm](http://www.aigaforum.com/Gondar_article_final_1.htm) as retrieved on May 12, 2008]

In this particular statement about speaking a language—“*Amharigna*,” I have no idea what the Author is talking about, for Meles Zenawi and his entire Party Apparatchiks not only speak “*Amharigna*” fluently, but also may teach us all “*Semina Worq*” too. The author is shifting the issue from narrow ethnicism to language proficiency. What we have here is what psychologists have identified as the Stockholm Syndrome, whereby the victim of a crime identifies or sides with the perpetrators of the crime against the larger society. The Stockholm Syndrome “[d]escribes the behavior of kidnap victims who, over time, become sympathetic to their captors. The name derives from a 1973 hostage incident in Stockholm, Sweden. At the end of six days of captivity in a bank, several kidnap victims actually resisted rescue attempts, and afterwards refused to testify against their captors.”

Such form of attitude of some victims identifying with their abusers is very symptomatic of living generations of Ethiopians who identify themselves with some of the atrocious leaders of Ethiopia as far back to the time of the *Zemane Mesafint*. The Ethiopian Students movement of the 1960s was a reaction against the parochial exclusive development of Addis Ababa and vicinity at the cost of rural Ethiopia. That movement had elements of universal suffrage, a concern for all Ethiopians irrespective of ethnic or social identity. [I have faulted that movement on other grounds, such as political ideology, its leadership quality et cetera.] In as far as Ethiopians, as individuals and/or groups, maintain this political deformity of narrow minded adherence and loyalty to a local ethnic identity, Ethiopians remain divided and easy prey for thugs and gangs with nothing more than guns. Now, it seems we have come a full circle from our initial student movement against the Addis Ababa based autocracy to a point where some provincial is now defending another no less offensive ethnic based brutal regime just because few crumbs from the master’s table had fallen his way that his village/town is showing long overdue income growth.

I have no ill will toward my two brothers I mentioned and quoted above, nor are they the worst examples I could think of. To the contrary, I find them to be very much concerned about the welfare of Ethiopians; I only wish that concern not to be limited by parochial venue. I simply want them to use their talent and generosity of spirit for all of us. This is a particularly difficult period for Ethiopians; thus, we need to help and support each other

at all costs for we are up against a formidable mercenary group leading our country that has no respect for our long history or for our fundamental rights.

Contrary to the claims of Aiga and Aned Ethiopia that some groups are using the Sudan land annexation as a political tool to get some advantage against Meles Zenawi and his Government, a number of Ethiopians are concerned because of the past treasonous record of Meles Zenawi in alienating Ethiopian territory and interest in favor of Eritrea. No one is trying to get some illegitimate political millage by pointing out and mobilizing fellow Ethiopians to fight against the treasonous secret ceding of Ethiopian territory to the Sudan by Meles Zenawi. The game Meles Zenawi is playing is a consequence of his flawed and treasonous support of the independence of Eritrea and the ceding of legitimate Ethiopian Afar Coastal territories without any kind of safeguard to preserve Ethiopia's vital interest and outlet to the Red Sea. He had arrogantly and stupidly stated repeatedly that Ethiopia does not need a sea-outlet et cetera. Well, here we are now trading precious Ethiopian territory for such international access with the Sudan that is no guarantee of anything, for there is nothing that will prevent our historic enemies from demanding more concessions after concocting some fracas along the border. Meles Zenawi has gotten us into a loop with his childish I-know-it all silly ideas, from which we will never be able to extricate ourselves using his method of appeasement and ceding of our land. Getting him out of office is the least we can do for all we have suffered in his bloody hands.

People should not forget that monumental anti-Ethiopia Meles Zenawi just because some economists and the IMF officials, self-serving groups, are proclaiming that Ethiopia is registering 10.8% annual growth this past couple of years. If that growth was a true reflection of the economic situation of Ethiopia, then how come about six million Ethiopians were faced with terrible hunger last year, and about eight million this year, while Meles and his fellow Rider of the Apocalypse, Mohammad Al-Amoudi, were living it up with their debauchery and stashing hundreds of millions of dollars sucking every foreign exchange that trickled down from the outside World through exports of coffee, hide, gold, et cetera and also from the service industry through their elaborate schemes. For the time being, in order to avert sudden collapse of the Government of Meles Zenawi, the IMF is entertaining to allow for a period of three years some six hundred million mixed loans through its Poverty Reduction Strategy loan programs and Special Drawing Rights, which is supposed to cover shortfalls in foreign commitments. Such scheme will not work this time, because the seemingly pacified population of Ethiopia is ready to explode in unimaginable violence. With a dwindling reserve of less than five hundred million dollars, and an on going expense account for oil alone being over seven million dollars a day, with millions of Ethiopians starving, a war in Somalia and another one looming both with Eritrea and the Sudan, there is no way that this government is going to sustain itself for long.

Ethiopians from all ethnic, social, language et cetera groups ought to recognize that there is a fundamental sickness in Meles Zenawi that cannot be cured or covered-up or excused. The only solution is to remove this traitor and his gang from destroying Ethiopia completely. Right now, the World media is splashed with headlines and pictures proclaiming "Famine again in Ethiopia!" The estimated affected population will

eventually top that average rate for the entire duration of Meles Zenawi's regime of about five million starving Ethiopians each year since 1991. For the last seventeen years there was not a single year that the Ethiopian Government was not provided for hunger and famine relief assistance from the United States and the EU countries. Now the estimate is over eight million people mostly in some of the most productive region of Ethiopia. The actual number will probably end up in the twenty millions or more. With such record of economic decline, oppression, treasonous ceding in secret agreements of Ethiopian territory, looting of the wealth of the nation by foreigners, et cetera, it is insane for any Ethiopian to support Meles Zenawi and his Government.

## **II. The acquisition of territories**

Since the remaining parts of my essay deal with legal issues, it is appropriate to start this discussion by focusing on the process how States become identifiable territories. In other words, how do states acquire their territories? The answer to such a question may describe a complex process; however, the most paramount method of the acquisition of territories through out human history to this day dealt with a very simple matrix of the use of force. Before we get to that one particular method of the acquisition of territories, let me briefly describe the age old accepted forms of the acquisition of territories. In the development of "International Law" since the time of Grotius, from the Seventeenth Century, well into the Twentieth Century, certain distinct forms of acquisitions were accepted as norms of international law. The following five methods were the accepted forms of acquisition of territories by States until the middle of the Twentieth Century: a) Cession b) Occupation c) Prescription d) Operation of Nature, and e) Conquest. [1]

The most frequently used method of acquisition of new territories among those norms of international law listed above was the acquisition of territory by force of arms, which was the most frequently used method until very recently—the 1960s. The seed for discounting or discouraging the acquisition of territory by force started after the end of the First World War and with the creation of the League of Nations. The center piece principle of the League was the principle of "Collective Security" that set new standard of behavior for all "civilized nations." Although this may be an over generalization, European colonialism covered the period from the discovery of the New World in 1492 to the creation of the United Nations in 1944. Generally, historians identify European colonial expansion into three phases: "the old colonialism, running from the initial discoveries in the late 1400s to the early 1800s; a lull in government-sponsored expansion that lasted from the end of the Napoleonic Wars to the 1870s; and the period of the new imperialism, from about 1880 until World War I, in which European governments scrambled to partition Africa and Asia." [However, the end of colonialism did not result in downgrading the political and economic dominance of the West on the rest of the world especial on former colonies. Through out the 1960s several African States emerged as independent nations and new members of the United Nation and the newly formed the Organization of African Union (OAU). [2]

The OAU has already have its position on borders structured by the former colonial powers that did not want radical deviations from the boundaries they have set among themselves, for the Africans now. They intended to follow through with neo-colonialism

and continue their hold on their ex-colonies as managers, advisors, main investors, king makers et cetera. The new kid on the block, the United States, had to be accommodated too, which they did giving up or sharing their dominant positions in several of the newly independent African States. To begin with even in 1963 at the time of the formation of the OAU the issue of border demarcation flared up several times and was put out through pressure from the ex-colonial masters. The Head of States postponed handling of the issue for later dates. In the first Summit after the formation of the OAU, the Head of States in a Summit held in Cairo in 1964 made their intentions absolutely clear in a resolutions that stated the colonial boundaries at the time of independence were to be respected as the final boundaries between such new African States. That principle was grand fathered when the African Union (AU) replaced the OAU in 2001. [3]

The Charter of the United Nations in Article 2(4) admonishes states to refrain from the use of force in resolving their disputes except in two clearly defined narrow exceptions: a) in Article 51 in cases of direct attack the right of self-defense is preserved, and b) as part of the collective security and peace objectives of the United Nations in Chapter VII, the Security Council is authorized to use force. The Charter of the United Nations states in “Article 2: The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles. (4) All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.” The Charter in Chapter IX dealing with International Economic and Social Co-operation further articulated what amounts to a mini “bill of rights” for all of human kind with the concept of self determination in Article 55.

At any rate, the question of “freedoms” remains unresolved for those peoples who were conquered subjects within then existing political structure even in Europe at the end of the First World War. “States” and “Nations” were being forged on the anvil of history and the use of brute force was “the hammer” that shaped and reshaped the states and nations that in time became independent states, and most are now members of the United Nations and a few non-members as well. The Charter has within it an indication how such outstanding “freedoms” of human beings as individuals and as members of a community is to be resolved. The Preamble of the Charter states what I call the objective of the eternal desire of all of mankind: “to practice tolerance and live together in peace with one another as good neighbors, and to unite our strength to maintain international peace and security”

The Charter of the United Nations in a single article makes a reference to the concept of “self-determination” in Article 55. The legislative history behind Article 55 clearly shows that article 55 was a compromise forgoing a far more ambitious effort of the drafters of the Charter effort to the incorporation of something like a universal bill of human and political rights. Even then Article 55 contains the following powerful principle:

“Article 55: With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect **for the principle of equal rights and self-determination of peoples**, the



United Nations shall promote: a. higher standards of living, full employment, and conditions of economic and social progress and development; b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.” [Emphasis mine.]

Leaders of the newly independent states understood that it would be highly deterministic of their future as independent states, if at the very moment of their independence from colonialism there was dispute over territories and boundaries with fellow emerging former colonies whose boundary territories were arbitrarily divided up on maps reflecting the interests of the colonialists. The effort to stabilize the highly political volatile situation and the desire to prevent any reversion to the colonial past lead to the formation of the Organization of Africa Unity in 1963.

The history of Ethiopia is no different than those nations that became empires in time through conquest and/or annexations. The distinction between conquest and annexation is that the former is carried out by force and in the later the addition of territory is carried out through peaceful means. Peaceful addition of territory, for example, could be through marriage like the creation of Spain (Castile and Aragon) or through inheritance like that of France or England and Scotland et cetera. Ethiopia has undergone through all such elements in its process of statehood leading into the current Ethiopian State. One thing that may be different is the fact that most such ancient Empires have disappeared or have been dramatically transformed except Ethiopia that represents the original and quintessential example of nation building.

There is an important distinction between colonialism as practiced by Europeans during the scramble for Africa and the acquisition of territory by Ethiopian Emperors since the time of the great Emperor Amde-Tsion (1314-1343) to expand the size of the Ethiopian Empire. When Ethiopian Emperors acquire addition to the Empire, it is more a process of assimilation and incorporation than colonial dominance and discriminatory treatment of the people and their leaders in such territories. The members of the leadership of conquered regions become members of the ruling family of the Emperors’ through marriage and appointments to high Imperial government positions. And in time, some of them became kings and emperors {Menilik, Michael, Iyassu, Zewditu (Empress), Haile Selassie} and thereby forming the core Ethiopian aristocracy and nobility. This is one reason why the descendants of Emperor Haile Selassie I are most representative of the diverse people of Ethiopia having birth-rights from almost every ethnic group in the country. For the sake of Ethiopian unity, I am always tempted to advocate for the return of the Ethiopian aristocracy—the descendants of Emperor Haile Selassie I.

### **III. The Fallacy of Self-determination [4]**

Because of the persistence of traditional social and political oppressive structures and/or because of the adoption of then existing colonial oppressive structure even after independence, the principle of “self-determination” was upheld as the panacea to all the ills of underdevelopment and political oppressions. This grand principle was meant as a counter-weight to the dominant role played out by Europeans (and their descendants

elsewhere) over the rest of humanity continuously for over four hundred years. The Preamble of the Charter of the United Nations best describes that aspiration: “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.”

The principle of self-determination is the most misunderstood, abused, deformed, and corrupted concept in international law and relations. It is specially so in the hands of liberation fronts and movements in Africa, Asia, and North and South America. No one can claim that the issue of self-determination to be a simple issue. It is quite complex and often leading into recrimination and heated dispute even between international legal experts. However, for any one interested in honest scholarship it does not require much acrobatic reading to realize that the concept could be clarified with modest effort. I must state here with emphasis the inclusion of the concept of self-determination in the 1995 Constitution of Ethiopia, Article 39, is a tragic and monumental anti-Ethiopian provision pushed into that Constitution by ill informed individuals and/or agents of countries that are our historic enemies. This is already clear to most of you, and the few skeptics would find reason in order to change their minds after having read my short comment below.

The concept itself had a forked start and development - one coming out of the Marxist/Leninist thinking and experience, and the other developed from events surrounding the First World War along with the creation of the League of Nations and later the United Nations. Lenin perceived self-determination as the main struggle of capitalism (bourgeoisie) against a feudal traditional structure trying to promote a nation-state as distinguished from the interest of the proletariat that subordinate such demand of self-determination, simple as an aspect of the overall class struggle. The idea of secession is the corollary of self-determination, and is meant to insure that the exercise of self-determination results in removing all "inequality, all privileges, and all exclusiveness." [See Lenin COLLECTED WORKS, vol.20, 396-413] In other words, there is nothing mystical about self-determination; it is simply a feature of a stage in economic development where the interest of the proletariat is the only overriding interest to be taken in to account, but not ethnicity nor the nationalism of the bourgeoisie. Thus, in Marxist/Leninist thought, there is no room to justify self-determination on the basis of some psychological profiling of a population nor on the basis of a simplistic aggregation of mass interest through a referendum or plebiscite. What is determinative in Lenin's view of the principle of self-determination is the possibility or the certainty of the establishment of the proletariat or Socialist State. This Marxist-Leninist principle of self-determination is not meant for the creation of dictatorships by élites or capitalist (national bourgeoisie).

The second development of self-determination is an extension from the process of the creation of nation-states of the 17th and 18th centuries. The industrialization of the 19th century brought about the great upsurge of colonial expansion and the subsequent internal conflict within communities with heightened struggle between the traditional power structure of the land based aristocracy and the capital (money) based bourgeoisie, which planted the seeds for future colonial liberation struggles down the line. In fact, some scholars suggest that the treaty of Westphalia of the 17th century is the source for the

modern nation-states based on concepts of national sovereignty, non-interference, and territorial integrity.

However, for the purpose of our concern on modernist question of self-determination we need not go far back in time. The involvement of the United States in the first world war, and President Wilson's famous "fourteen points" are our foundational source. As a counter measure to Lenin's challenge on the rights of self-determination of people to independence, President Wilson proposed his famous "fourteen points" in 1918. The first five points dealt with general principles of a new international order, the next eight points dealt with the redrawing of new ethnic nationality based boundaries for the Balkans newly created states, and for dismantling and reconstituting new states out of the remains of the Ottoman Empire and its conquered people along lines of nationalities with historic ethnic identities. That process may be considered as key event in the development of the principle of self-determination. The formation of the League of Nations in 1925 and its collapse fifteen years later brought into focus the issue of self-determination in its modern context.

As a matter of classical international law principle, the territorial integrity of states is of paramount importance. In fact, only states were the subject of international law before 1945. With the signing of the charter of the United Nations in 1945, the concept of the interest of people as distinct interest of self-determination was formally introduced in the lexicon of international law even though no one seemed to be willing to give a formal definition what exactly was meant by such words. It is this same bed-rock principle that is now evolved to meet the demands of the Twenty First Century, known as the "territorial integrity norm" that will be discussed later.

This may come as a surprise to most of you that there is no "recognition of a unilateral right to secede based on a majority vote of the population of a sub-division or territory, whether or not that population constitutes one or more 'peoples' in the ordinary sense of the word. In international law, self-determination for peoples or groups within an independent state is achieved by participation in the political system of the state, on the basis of respect for its territorial integrity." [See Crawford, REPORT TO GOVERNMENT OF CANADA CONCERNING UNILATERAL SECESSION BY QUIBEC, 19 February 1997.] In other words dissenters need to participate in the political process within an existing state to effect change that would enhance their political, economic, and human rights. This means declaration of self-determination to secede by all kinds of political movements or fronts will not be a defensible position under international law and practice.

Because of the fact that international law is very much in favor of keeping the territorial integrity of existing states, it is the main reason why we see some liberation movements distorting history, manufacturing 'history' and events, and indoctrinating people to adopt new identities in order to claim and construct a fictitious colonial relationship with a parent state. Prior to 1945 there was no customary or formalistic international practice of self-determination in any form. It is the Charter of the United Nations of 1945 that introduced a narrow exception to that principle and practice in international law. The

Charter in chapter XI and XII created classes of colonial territories and dependant territories entitled to independence. There is no mention in any of the articles of those chapters the concept of self-determination. It is resolution 1514(XV), the declaration on the Granting of Independence to colonial countries and peoples, of the general Assembly that clearly articulated the right to independence of peoples from colonial rule and the principle of self-determination. Even then the resolution did not support unilateral rights of secession by liberation fronts in either external (colonial) or internal conflicts.

At any rate, in cases of internal self-determination, it seems that without the consent of a parent state it is impossible to have a formal recognition and acceptance in to the United Nations of any political entity that seceded unilaterally by force. I am going to great length here in order to point out to leaders of movements with an eye to secede from the parent state of Ethiopia that the process is not an easy matter. The case of Eritrea is not a precedent setting situation; at best it is a fluke. Eritrea would not have succeeded in its bid for membership in the United Nations without the consent and assistance of Meles Zenawi led Ethiopian government. A case in point, as an illustration of the current international law and practice in regard to the reluctance of the world community to accept acts of secession through self-determination, is the belligerent government of Somaliland-Hargesa, as well as several others, that has been waiting on the side for over ten years hoping for recognition and admission to the United Nations. [See Carrol and Rajagopal, "The case for the independent statehood of Somaliland," AMERICAN UNIVERSITY JOURNAL OF INTERNATIONAL LAW & POLITICS, vol.8: 653, 1993.] "Since 1945 no state which has been created by unilateral secession has been admitted to the United Nations against the declared wishes of the government of the Predecessor State." [See Crawford, Report, 9]

### **Conclusion**

The moral of this part of my essay can be summed up in one sentence: A leader is capable of destroying a nation, thus it is up to the citizens of that state to fight back against such an abomination. It is neither the first time nor the last that a nation finds itself at the crossroads of history of death or resurrection. The current situation in Iraq is a clear example. Look how tenaciously the people of Iraq are fighting long after the death of their brutal leader, Saddam Hussein, who left them a legacy of utter humiliation in the hands of an occupying force and foreign terrorist groups. The legacy of a bad leader is to be found in the discontinuity of his political power structure, with a good probability of the elimination of his descendants. But I am getting ahead of myself.

What must we do to counter the assault by Meles Zenawi against our long term interest in our secure border territories? The world is not going to lend us a hand of friendship if we do not first fight for our rights to be in this world. If you love Ethiopia, fight for it. The enemy of Ethiopia is one single person. One must not confuse that anomaly of treasonous leadership by getting diverted to secondary issues. Meles Zenawi's little diversionary dance all over the Africa, Europe, and the United States talking his head off about investments and economic development simply will not cut it, and it should not take away our attention from his deeply seated anti-Ethiopia stance or blur our focus from his destructive sellout of the long term interest of Ethiopia. This is time to mobilize all

Ethiopians, especially those from Armachiho, Quara, Welkiet Tsegede, Benshangul, Anuak, Gummu and Gofa et cetera to lead the liberation of our nation from this cancer called Meles Zenawi.

There are leaders both in Ethiopia and in the Diaspora who could get us out of this political and social abyss. Some of the Opposition leaders are quite capable of leading Ethiopia into a bright future, but note that we do not need sickly octogenarians whose advanced age is a hindrance for vigorous leadership. They are, of course, most valuable sources of advice and consultations. We need to choose young and vibrant leaders, who are intelligent and dedicated to the cause of Ethiopia and Ethiopians, and then only from solid patriotic Ethiopian families who understand our long and fabulous history. We have paid dearly with loss of our territories, breach of fundamental human rights, looted wealth, breeding of friction and animosity among our families of ethnic groups et cetera having Meles Zenawi as a leader for the last seventeen years. This is a time of bold and creative action to free our country from the clutches of its enemies from within and without. God Bless Ethiopia. Ω

Tecola W. Hagos  
Washington DC  
May 22, 2008

**To be Continued:**

### **PART THREE**

#### **I. International Law Principles and Norms**

##### **A. *Uti possidetis de jure* and *uti possidetis de facto***

##### **B. Territorial Integrity Norm**

##### **C. *Clausula rebus sic stantibus***

##### **D. *Jus Cogens***

#### **II. The Role of International Organizations**

#### **III. Notice to the Governments of Sudan and Egypt**

#### **IV. Conclusion**

### **Footnotes**

[1] Ardi Imseis, Acquisition of Territory, Annexation and the Jordan Valley (Field Legal Officer, UNRWA, West Bank Field Office), Al-Quds University/Diakonia IHL Forum, 31 May 2007.

“Cession is the transfer of territory, usually by treaty, from one state to another. If there were defects in the ceding state’s title, the title of the state to which the territory is ceded will be vitiated by the same defects; this is expressed in the Latin maxim, *nemo dat quod non habet*. [...] Except for territorial changes following the conclusion of peace treaties, cession of territory has now become rare”. See generally, P. Malanczuk. *Akehurst’s Modern Introduction to International Law*, 7<sup>th</sup> Ed. (London: Routledge, 2002), at 148].”

“Simply put, these include: Cession (transfer of territory by treaty or agreement). Occupation (not to be confused with ‘occupation’ in IHL terms, but only in relation to possession with intent to control to the exclusion of others *terra nullius*); Prescription (possession with intent to control to the exclusion of others the territory of another state; possession doesn’t result from international armed conflict); Operation of Nature (i.e. volcanic islands emerge in a state’s territorial waters); and Conquest (right to acquire territory by force of arms; outdated, unlawful now).”

“Occupation is the acquisition of *terra nullius* – that is, territory which immediately before acquisition belonged to no state. The territory may never have belonged to any state, or it may have been abandoned by the previous sovereign. Abandonment of territory requires not only failure to exercise authority over the territory, but also an intention to abandon the territory. [...] Nowadays there are hardly any parts of the world that could be considered as *terra nullius*. [...] Territory is occupied when it is placed under effective control by the purported sovereign.”

“Like occupation, prescription is based on effective control over territory”. The difference between the two is that “prescription is the acquisition of territory which belonged to another state, whereas occupation is acquisition of *terra nullius*”. The application of the effective control test here is resultantly stricter than as applied with occupation.”

[2] The Founding Members of the OAU on May 25, 1963: Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Léopoldville). Dahomey, Egypt, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, The Sudan, Tanganyika, Togo, Tunisia, Uganda, Upper Volta, Zanzibar.

[3] Resolution AHG/Res. 16(1) adopted by the OAU Summit in Cairo in 1964.

[4] This section has been heavily reworked from an article written a couple of years back by the author. See Tecola W. Hagos, “Ethiopia – Eritrea Border Dispute: Challenging the Opposition,” [www.tecolahagos.com](http://www.tecolahagos.com), December 30, 2005.