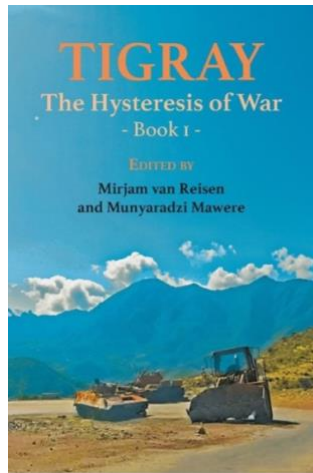


The Turning Points towards the Unequal Protection of Eritrean Refugees in Ethiopia: From Protection to Abduction

Kristina Melicherová

Chapter in:

Tigray. The Hysteresis of War. Book 1.



Cite as: Melicherová, K. (2024). The Turning Points towards the Unequal Protection of Eritrean Refugees in Ethiopia: From Protection to Abduction. In: Van Reisen, M. & Mawere, M. (eds.) *Tigray. The Hysteresis of War*, Volume 1. Langaa, Bamenda. Pp. 473-532. Book URL: https://www.researchgate.net/publication/385202452_Tigray_The_Hysteresis_of_War

The Note on Content and Editorial Decisions can be found here: https://raee.eu/wp-content/uploads/2024/11/Note-on-Content-and-Editorial-Decisions_Van-Reisen-Mawere_Tigray_Hysteresis-of-War_Book-1_2024.pdf

The list of figures in colour can be found here: https://raee.eu/wp-content/uploads/2024/10/Figures_Tigray.-The-Hysteresis-of-War-Volume-1-1.pdf

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The Turning Points towards the Unequal Protection of Eritrean Refugees in Ethiopia:

From Protection to Abduction

Kristina Melicherová

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Do not trust man before he is dead, the crop before it is ripe.

Abstract

Ethiopia, once known for its open-door policy towards refugees, abruptly changed its stance in early 2020, revoking *prima facie* refugee status for Eritreans. Previously, asylum seekers, including Eritreans, received favourable treatment and automatic refugee status. This policy shift lacked justification and procedural clarity, raising concerns about the protection of Eritrean refugees. There has been no prior evidence that would demonstrate the existence of a plausible circumstance justifying the termination of the *prima facie* recognition of refugee status for Eritreans. The situation worsened with the outbreak of war in Tigray in November 2020, leading to the destruction of four refugee camps. A hundred thousand Eritrean refugees went missing, suffering unprecedented attacks and abductions by Eritrean military forces. This chapter explores the ambiguity and procedural omissions in the government's decisions and the resulting protection failures. The study highlights the need to understand the reasons behind these changes and their impact on refugee protection, focusing on the plight of Eritrean refugees during and after the Tigray conflict. This is a unique occurrence of a situation that may constitute a grave violation of international law.

Key words: Tigray war, refugees, Eritrea, Eritrean refugees, Ethiopia, International Refugee Convention, refoulement, forced return

Introduction

For a long time, Ethiopia held the status of an ‘open-door policy country’, which welcomed refugees from neighbouring states in the Horn of Africa (Abebe, 2017). Asylum seekers from many countries, including Eritrea, used to receive government as well as local support (UNHCR, 2020c). Refugees were granted rights and protection through the national refugee proclamation, as well as international legislation (Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969; Federal Republic of Ethiopia, 2019; Convention Relating to the Status of Refugees, 1951; Protocol Relating to the Status of Refugees, 1967). In 2019, Ethiopia adopted a new refugee proclamation, which extended the rights of refugees residing on the territory and, thus, complied with its 2017 pledges under the Comprehensive Refugee Response Framework (Ministry of Foreign Affairs Ethiopia, 2017; Federal Republic of Ethiopia, 2019; UNHCR, 2018).

Escaping oppressive regimes, forced conscription, and indefinite national service, Eritreans have been seeking refuge in neighbouring countries as well as other places all over the world for decades. Eritreans crossing borders with Ethiopia used to benefit from its open-door-policy. Refugee status was granted on a *prima facie* basis (UNHCR, 2020c), after the initial screening process, and recognised refugees were placed in one of 4 refugee camps in the Tigray region, unless they applied to live in an urban setting under the out-of-camp policy.

Early 2020 brought a shift in the established practice in relation to the treatment of Eritrean refugees in Ethiopia. The abrupt policy change resulted in revoking of the *prima facie* refugee status for Eritreans arriving in Ethiopia (Human Rights Watch, 2020). There is no evidence that would demonstrate the existence of a plausible circumstance justifying the termination of the *prima facie* recognition of refugee status (Melicherová & Saba, 2020). This sudden change in the government’s decision, without the usual procedural steps, raised concerns on behalf of the Eritrean refugees. Particularly because there has been no change in the *prima facie* recognition of refugees of other nationalities in Ethiopia.

The change in the *prima facie* refugee status was exacerbated by the decision of the Ethiopian government to close the Hitsats refugee camp in Tigray (EEPA, 2020). Since then, the unequal treatment of refugees based on nationality has escalated, with an array of additional policy decisions further jeopardising the position of Eritrean refugees in Ethiopia (UNHCR, 2020a).

A critical failure of refugee protection occurred after the outbreak of war in Tigray in November 2020. After the destruction of four refugee camps in Tigray, the whereabouts of thousands of Eritrean refugees was unknown (Eritrea Focus & Oslo Analytica, 2021). They suffered from totally unprecedented attacks and abduction by the military forces of Eritrea, the very country from which they fled (R-39, EEPA Situation Report No. 11, 29 November 2020; R-43, EEPA Situation Report No. 12, 30 November 2020). Historically, such a plight as that of Eritreans in Tigray has not been faced by other internationally recognised refugees. This study investigates the failure in refugee protection resulting from the revoking of *prima facie* refugee status for Eritreans. It looks at the context of the policy change, which has resulted in the unequal treatment of Eritrean refugees in Ethiopia *vis à vis* refugees of other nationalities.

Academic research on the revoking of *prima facie* refugee status of Eritreans in Ethiopia is lacking. Therefore, this study focused on the circumstances in which the *prima facie* status was revoked. The objective was to study the context in which the changes took place. The study is guided by the following research question: *What are the critical events that led to a shift in protection policy and treatment of Eritrean refugees in Ethiopia during the pre- and intra-war period in Tigray?*

Critical events analysis

Critical events can lead to a policy change at a given time and place. Explaining the present events while looking at the past can be approached through the theory of critical junctures (Donnelly & Hogan, 2012; Hogan & Doyle, 2007; Pierson, 1993). Critical junctures are events that set processes of institutional or policy change in motion (Capoccia & Kelemen, 2007; Collier & Collier, 2002; Donnelly & Hogan, 2012; Hogan & Doyle, 2007; Pierson, 1993).

Change often arises through friction, which can be characterised as “the awkward, unequal, unstable, and creative qualities of interconnection across difference” (Tsing, 2005, p. 4). New patterns emanate from the heterogeneous and unequal encounters, offering a space for different meanings (Tsing, 2005). Points of friction serve as an alert that calls for action, reinvention, reconceptualization and, ultimately, change (Tuin & Verhoeff, 2022).

Collier and Collier (2002, p. 29) define a critical juncture as “a period of significant change, which typically occurs in distinct ways in different countries (or other units of analysis) and which is hypothesized to produce distinct legacies”. The interpretation by Collier and Collier (2002) suggests that critical junctures occur in an extended period through incremental change. One of the critiques of this interpretation is that it lacks a specific framework that would delineate a point sufficient for declaring a critical juncture (Donnelly & Hogan, 2012). Capoccia and Kelemen (2007, p. 348) see critical junctures as the “relatively short periods of time during which there is a substantially heightened probability that agents’ choices will affect the outcome of interest”. The authors argue that change is not a necessary element of the critical juncture as the contingency implies that it is possible that the situation re-equilibrates to the pre-critical juncture period (Capoccia & Kelemen, 2007). The authors further highlight the importance of power dynamics and power asymmetries between actors that play a crucial role in the political analysis of the critical junctures. Different interpretations within the literature state that critical junctures can occur on both a brief and a long-time horizon.

The framework of critical events by García-Montoya and Mahoney (García-Montoya & Mahoney, 2023) is used to complement the theoretical lens in this chapter. This theory is particularly relevant to explain the ‘outcomes of interest’. In the theory of tipping points, an ‘alternative state’ or ‘alternative regime’ unfolds after the status quo of the original state is disturbed by a tipping point event leading to a system change (Gladwell, 2000; Milkoreit *et al.*, 2018; Stocker, 2024; Van Nes *et al.*, 2016). In the present research, the outcome of interest that being studied is the shift in the protection and treatment of

Eritrean refugees in Tigray. By tracing back, the ‘critical event’ that led to the shift is identified.

Under the critical events framework, events are defined as “well-bounded episodes marked by the unfolding of specific occurrences and coherent modes of activity” (García-Montoya & Mahoney, 2023, p. 485). To classify an event as a critical one, we must establish whether there is a clear link between a contingency and the event. Furthermore, the occurrence of that event must have causal importance for an outcome of interest.

Therefore, two main elements are crucial for the determination of a critical event: (i) contingency, and (ii) causality (García-Montoya & Mahoney, 2023). The first element, contingency, is an unexpected characteristic of an event. It is the occurrence of something not foreseen. Not all literature on critical junctures deems contingency as an inherent condition for occurrence of a critical juncture (Collier & Collier, 2002; Slater & Simmons, 2010). However, in this chapter, contingency is considered.

As García-Montoya and Mahoney (2023, pp. 493–494) point out, contingency plays an important role when trying to explain unclear outcomes of a particular case study, allowing one to differentiate “between causally important events and critical events” (García-Montoya & Mahoney, 2023, p. 494). Analysing critical events through a contingency factor helps to overcome the typical problem of “infinite regress”, which is often identified in social science research (Slater & Simmons, 2010) and historical research (Pierson, 2004). Contingency serves as a valid endpoint for “causal backtracking” (García-Montoya & Mahoney, 2023, p. 495). To be able to empirically measure the contingency, one must study the possible cases that are counterfactual to the studied event and which are in close proximity to the actual world and context. Each of such negation cases is given approximate weight. The greater the proportion of possible cases the greater the contingency. Furthermore, contingency can be measured through exogenous shocks, which are occurrences that disrupt the system; however, these shocks are of external origin and do not emanate from the system itself. Exogenous shocks tend to disrupt the

status quo of the system at hand and establish a new alternative regime.

The second precondition for an event to be classified as a critical one is causality, which is characterised by the permissive and enabling role of a certain event to lead to an outcome of interest. To establish the causal properties of the critical event, the theoretical framework of critical events analysis suggests using the concepts of *sufficiency* and *necessity* (García-Montoya & Mahoney, 2023). By measuring these elements through the use of the counterfactual analysis, it is possible to establish to what extent a studied event is necessary and sufficient for the outcome of interest (García-Montoya & Mahoney, 2023). To study the necessity of event x, the researcher must consider the different counterfactual occurrences with respect to the event, while keeping all the contextual considerations unchanged. Sufficiency is measured by creating alternative aspects of context while event x is kept constant and unchanged (García-Montoya & Mahoney, 2023, p. 497). In both steps of analysis, counterfactual cases should be given a relative weight with the intention to stay as close as possible to the actual world and context.

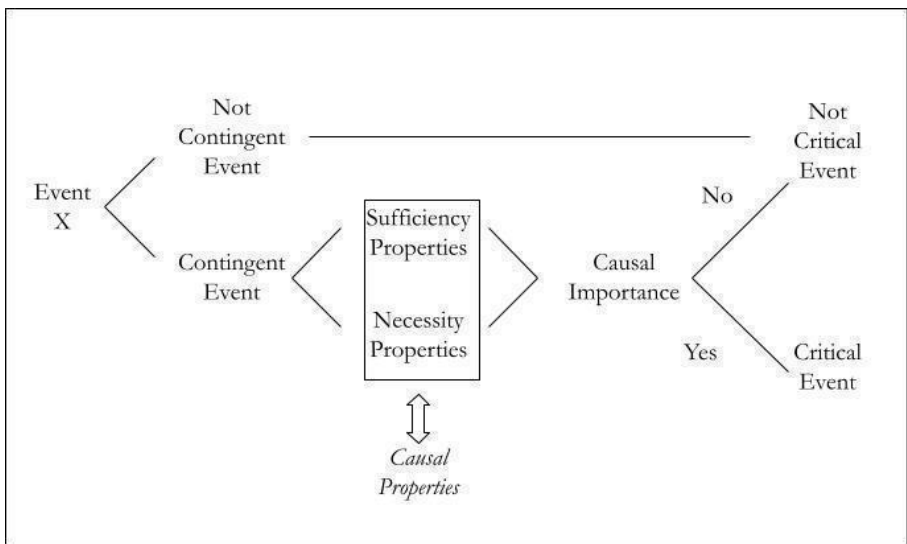


Figure 11.1. Steps in critical event analysis

(Adapted from Milkoreit, 2022)

Figure 11.1 shows the steps that are undertaken to identify whether a studied event is critical or not. The process can only be implemented by the researcher under the condition that the potential critical event has been identified as well as the outcome of interest and specific case to which the study pertains (García-Montoya & Mahoney, 2023, p. 503).

Timeframe of the study

Changes to the protection of Eritrean refugees have been observed since early 2020 (Melicherová & Saba, 2020). That year was marked by several geo-political events that influenced not only Ethiopia, but also the Horn of Africa region, as well as the world in general. The COVID-19 pandemic caused the closure of international borders and the introduction of strict measures with inter- and intra-state implications. In Ethiopia, the planned federal election, due to be held in August 2020, was postponed indefinitely. because of the pandemic (Jima, 2021; Schwikowski, 2020). This created additional tension in the already strained relations between Ethiopian Prime Minister Abiy Ahmed and the Prosperity Party that he leads, and the opposition, mainly voiced by the Tigray People's Liberation Front (TPLF), a political party governing the administration of Tigray Regional State. According to the Article 54 of the Ethiopian Constitution,

Members of the House of Peoples' Representatives shall be elected by the People for a term of five years on the basis of universal suffrage and by direct, free, and fair elections held by secret ballot. (Federal Democratic Republic of Ethiopia, 1995, Art. 54)

The election was due to be carried out one month prior to the expiration of the running term of the PM, as stipulated by Article 58 of the Ethiopian Constitution (Federal Democratic Republic of Ethiopia, 1995). The Ethiopian Constitution does not contain any provision on the postponement of the elections. The decision to postpone the federal election indefinitely sparked debate on the constitutionality of this move and provoked a constitutional crisis in Ethiopia (Salemot & Getu, 2020).

The TPLF declared that the federal government was illegitimate when it lost its official mandate after August 2020 (Abai, 2021; Jima, 2021).

Relations escalated even further when the TPLF announced that the Tigray region would hold a regional election (Lyons & Verjee, 2022; Pichon, 2022; Ploch Blancard, 2020). Contrary to the TPLF's claim, the federal government of Ethiopia proclaimed the regional elections as invalid and unconstitutional, as the National Election Board of Ethiopia had never approved the election's legitimacy (Abai, 2021; Lyons & Verjee, 2022). According to Article 102 of the Ethiopian Constitution, the National Election Board is an independent organ responsible for conducting "free and fair election in Federal and State constituencies" (Federal Democratic Republic of Ethiopia, 1995). However, as the original postponement of the federal election, against constitutional mandate, created a legal vacuum (Salemot & Getu, 2020), the escalation of the relations between the federal government and the TPLF reached a tipping point in November 2020, when the war in Tigray broke out. The detailed accounts and genesis of the war are discussed in previous chapters of this book (Melicherová *et al.*, 2024; Gebreslassie & van Reisen, 2024).

Setting up clear temporal boundaries is one of the first steps to be undertaken in critical events analysis (García-Montoya & Mahoney, 2023). To be able to identify the events significant to changes in the protection of Eritrean refugees in Ethiopia, this research defined the period of analysis in two parts. Clear demarcation between the two periods is given by the outbreak of the war in Tigray which occurred in the night of 3 November 2020. As the advent of war brings radical changes to a state's political, social, economic, and humanitarian domains, it is deemed necessary to analyse the periods before and after the war separately. The starting point of the first period which, for this research, will be referred to as the *pre-war period*, starts with the election of a new Prime Minister, Abiy Ahmed, in April 2018. The second period, hereinafter referred to as the *intra-war period*, starts with the outbreak of war in November 2020 and ends with the signing of the Pretoria Cessation of Hostilities Agreement in November 2022. Both periods are marked by changes in the protection of Eritrean refugees in Tigray. A critical event will be identified under each of these periods separately.

Methodology

In this case study, a descriptive research design is used while applying an interpretivist philosophical outlook. As Saunders *et al.* (2007) put it, descriptive research is “[r]esearch for which the purpose is to produce an accurate representation of persons, events or situations” (Saunders *et al.*, 2007, p. 596). This study engages in the socio-legal domain in which the analysis of the law is linked to the analysis of the social situation in which the law is applied. The investigation considers the situation and the role that the law plays in the creation, maintenance, and/or changing of the situation. An etic research approach refers to a research design with an outsider’s perspective, through which observable situations or behaviours are captured and analysed.

The main data for this chapter was acquired through two distinct processes. Desk research was used to gather data for the analysis of the pre-war period. This part of the research concerns material looking at events about Eritrean refugees in Ethiopia occurring before November 2020. In total, 81 sources were selected through online search. These include reports, publications, and media articles. Two search engines – Google and Web of Science – were used to look for the relevant literature using selected keywords and phrases such as ‘Peace agreement between Ethiopia and Eritrea’, ‘Closure of Hitsats refugee camp’, ‘Eritrean refugees in Ethiopia’, ‘protection of Eritrean refugees’, and ‘revoking of prima facie recognition’. During the screening processes, exclusion criteria, namely, the year of publication, science categories, and selection by relevance, were applied to narrow down the literature pertinent to the problem statement as well as the research question of this chapter.



Figure 11.2. Overview of data collected and used

The main source of data for the second part of the study on the intra-war period are the daily Situation Reports published by EEPA, which contain systematically collected information. The first report was published on the 17th of November 2020 and the EEPA Situation Reports on the Horn were published on an almost daily basis throughout the period of the war. The EEPA Situation Reports had a large focus on the situation in Tigray. The reports are published as two-pagers and sent to a mailing list, as well as published on X (formerly Twitter). The reports are publicly available at: https://www.eepa.be/?page_id=4237.

The information published in the EEPA Situation Reports was collected through internal networks of informants as well as by gathering information available in news outlets and verifiable social media accounts. The primary data also includes reports, briefings, and media articles that concern all of the events that occurred during the intra-war period. The original data published in these reports are available on request from the publisher.

As there are thousands of entries in the data set for analysis, these were transferred to a spreadsheet, from where the entries were narrowed down to entries that focused on Eritrean refugees. After narrowing the data down to relevant lines for the refugee issues, the total number of entries subjected to analysis was 934. This dataset was then coded and labelled by research assistants distinguishing the main categories and themes within each line. In the third step, more detailed coding was done in which the topics pertinent to this chapter were considered. These include, for example, information on the attacks on refugees (physical, verbal, armed), involvement of the Eritrean troops in attacks, kidnapping of refugees, arrests or detention, details on refugee camps (namely, Hitsats, Shimelba, Adi Harush and Mai Ayni, Alemwach), details on refugees in urban settings, and how the situation evolved at the start of the war in different localities.

In addition, secondary data was collected by way of interviews and field reports collected from witnesses that were refugees in Ethiopia at the time of outbreak of war. The collection of data on refugees during the war was made extremely difficult by the total communications blackout and siege that took place in Tigray at that time. In total, 12 written reports and 10 interviews with refugees were collected by Mirjam Van Reisen, as the principal researcher, who granted permission for the use of this data. Field reports were written with support of a field assistant who is a refugee in Ethiopia and who was able to gather information from the field between February and June 2021. Interviews were collected with the support of Tigrinya speaking assistants. Assistants carried out phone interviews with refugees who were at the time of outbreak of the war in Tigray either in refugee camps or in urban settings.

The interviews were then transcribed and translated into English by a field assistant. Transcribed data was registered in an Excel sheet and open coding was applied to the data set. The coding process involved line-by-line examination and categorisation of the data, allowing for the emergence of new thematic concepts. During open coding, the researcher maintained flexibility and openness to unexpected insights,

ensuring that the analysis is not constrained by predetermined structures. Table 11.1 provides a short overview of the empirical data.

Table 11.1. Information on the collected empirical data

Document type & reference	Short description	Date of collection	Original Language
Interview: IN-001	Experiences of Eritrean refugees in Hitsats camp and Adi Harush at the start of war between November 2020 and January 2021	19/2/2021	Tigrinya
Interview: IN-002	Experiences of Eritrean refugees in Shimelba and Hitsats camps at the start of war in November 2020	20/2/2021	Tigrinya
Interview: IN-003	Experiences of Eritrean refugees in Shimelba and Hitsats camps at the start of war between November and December 2020; and experience of refugees <i>en route</i> to Addis Ababa	26/2/2021	Tigrinya
Interview: IN-004	Experiences of Eritrean refugees in Adigrat at the start of war between November 2020 and January 2021	7/3/2021	Tigrinya
Interview: IN-005	Experiences of a female Eritrean refugee in Adigrat at the start of war in November 2020	8/3/2021	Tigrinya
Interview: IN-006	Situation of Eritrean refugees in Tigray	8/3/2021	Tigrinya

Document type & reference	Short description	Date of collection	Original Language
Interview: IN-007	Experiences of an Eritrean refugee on the events in Shimelba camp at the start of the war	18/2/2021	English
Interview: IN-008	Experiences of Eritrean refugee on the situation in May Ayni and Adi Harush refugee camps	15/7/2021	Tigrinya
Interview: IN-009	Experiences of a female Eritrean refugee on the way from Adigrat (through Mekelle) to Addis Ababa	Feb 2022	Tigrinya
Interview: IN-010	Experiences of male Eritrean refugee (Eritrean opposition)	Feb 2022	Tigrinya
Report: REP-001	Events occurring in May Ayni Camp on 27–28 February 2021	Apr 2021	English
Report: REP-002	Attack on Hattaye and Kamisee villages near Dese city on 20 March 2021	Apr 2021	English
Report: REP-003	Eritrean refugees interviewed by the UNHCR on 22 March 2021	Apr 2021	English
Report: REP-004	Historical perspective on why certain Eritrean ethnic groups were assigned to the fronts in Tigray war	Apr 2021	English
Report: REP-005	Gun shooting training in Shimelba Camp on 28 November 2020, 2 December 2020 and 15 December 2020	Apr 2021	English

Document type & reference	Short description	Date of collection	Original Language
Report: REP-006	Soldiers from the 33rd Round of Sawa military centre involved in the war in Tigray	Apr 2021	English
Report: REP-007	Cross checking validity of Twitter reports on practices of Eritrean troops	Apr 2021	English
Report: REP-008	Events that happened between 7– 8 March 2021 in Adi Harush refugee camp and involvement of Eritrean troops	Apr 2021	English
Report: REP-009	Report on plans for relocation of Eritrean refugees residing in May Ayni	Apr 2021	English
Report: REP-010	Report on the 33rd Round of the Eritrean National Service	Apr 2021	English
Report: REP-011	Report on the trip of an Eritrean refugee to Shire between 10 to 15 June 2021	Apr 2021	English
Report: REP-012	Report on smuggling of refugees from Ethiopia to Uganda through Kenya	Apr 2021	English

Concepts, terminology, and boundaries

Concepts are not fixed ideas or labels, nor are they just ordinary words (Bal, 2002; 2009). In her research, Bal describes concepts as having a travelling nature and typically moving between disciplines, sciences, cultures, languages, geographies, and historical periods, as are the scholars who are studying them (Bal, 2002). The philosophical view applied in this chapter accepts that a certain concept is not a

prerogative of one paradigm operating within specific disciplinary boundaries, but it travels beyond and across them. Knowledge is co-produced through such a ‘nomadic’, travelling nature of concepts. For that, the key conceptual terminology is described in this sub-chapter. Rather than providing an exhaustive explanation of each concept and delineating strict boundaries, the author aims to provide their understanding and working definition of these concepts.

Policy

Policy appears to be an interdisciplinary concept outlined by various definitions in the literature. On the one hand, policy can be seen as a set of rules, decisions, and directives encoded in a (static) text. From a positivist view, policy can be seen as a text, which is a product of governmental action. As Ball puts it, policies are:

[...] representations which are encoded in complex ways (via struggles, compromises, authoritative public interpretations and reinterpretations) and decoded in complex ways (via actors, interpretations and meanings in relation to their history, experiences, skills, resources and context). (Ball, 1993)

On the other hand, policy can be seen as a discourse that refers to an understanding of a public agenda as a bigger picture and as a higher-level process (Ozga, 2000). Ozga’s ‘bigger picture’, comprises not only what policymakers think and incorporate into policy agendas, but also what they do not think or what they deliberately exclude from their agendas. Definitions of ‘policy’ seem to have a commonality in understanding public policy as a process through which governments choose what to do or not to do in certain actions (Dye, 2017) as well as understanding the government’s intentions that determine such actions (Cochran *et al.*, 2009). These processes, which aim to achieve societal goals (Cochran & Malone, 2005) and influence the life of citizens, can be carried out by governments directly or through government ‘agents’ (Peters, 2010). Birkland (2015) defines public policy as “a statement by government – at whatever level, in whatever form – of what it intends to do about a public problem” (Birkland, 2015, p. 9). Birkland sees the statements in the broad sense of the word, which includes legislation, case law, decisions on various levels

of leadership, “even in changes in the behaviour of government officials at all levels” (Birkland, 2015).

It is important to note that definitions in literature are applied to or are derived from the context of the global North, which constitutes one of the limitations of the present research.

For this study, the working definition of policy is understood as being (non-) actions by various actors and their intentions to address (or ignore) certain problems and (public) concerns within the context (social, political, historical) in which they find themselves by exercising their authority.

Refugees

For this study, the following definition is used as adopted under the Article 1A (2) of the Convention Relating to the Status of Refugees (hereinafter 1951 Refugee Convention):

[T]he term “refugee” shall apply to any person who [...] owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (Convention Relating to the Status of Refugees, 1951)

The Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, built upon the internationally recognised definition of a refugee by adding the following:

[...] apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality. (Convention Governing The Specific Aspects of Refugee Problems in Africa, 1969)

The present research will use the term refugee/refugees for citizens of a country different than Ethiopia, who are residing in Ethiopia or

were residing in Ethiopia at the time of the studied period, and whose refugee status qualifies under the definition in international law or regional law. The research will particularly refer to Eritrean refugees as the subject of this empirical study.

Protection

The term ‘protection’ as a constitutional term is not clearly defined (Goodwin-Gill, 2001) within refugee law or by international legal standards. It is variously referred to as either ‘legal’ protection or ‘international’ protection. The latter term is typically used by the United Nations High Commissioner for Refugees (UNHCR), which understands international protection as:

[A]ll actions aimed at ensuring the equal access to and enjoyment of the rights of women, men, girls and boys of concern to UNHCR, in accordance with the relevant bodies of law (including international humanitarian, human rights and refugee law). (UNHCR, 2005)

The Office for the Coordination of Humanitarian Affairs (OCHA) assembled a glossary of terminology used in the humanitarian context and situations relating to armed conflict in which protection is defined as:

A concept that encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of human rights, refugee and international humanitarian law. Protection involves creating an environment conducive to respect for human beings, preventing and/or alleviating the immediate effects of a specific pattern of abuse, and restoring dignified conditions of life through reparation, restitution and rehabilitation. (Office for the Coordination of Humanitarian Affairs, 2003)

Implicitly, a common understanding of protection in refugee related situation is characterised by the principles of *non-refoulement* and non-discrimination, and in relation to the social and humanitarian well-being of refugees.

Contextual considerations

The context of this study relates to the origin, culture, and context of the refugees from Eritrea. The study takes place within Ethiopia,

which provides the context for the location in which the refugees resided.

Eritrean refugees in Ethiopia

The history of Eritrean refugees fleeing the regime goes back to the independence of Eritrea from Ethiopia in 1993 (Kidane, 2021). Since independence, Eritrea has been ruled and controlled by the authoritarian regime led by President Isayas Afwerki. Indefinite national service, surveillance, arbitrary detention, abolishment of fundamental freedoms, and fear have been the driving forces for thousands of Eritreans to seek refuge outside their homeland (Human Rights Watch, 2023; Smits & Wirtz, 2024). In its 2016 report, the United Nations Commission of Inquiry on human rights in Eritrea found reasonable grounds for the actions of the regime to amount to crimes against humanity (UN Human Rights Council, 2016). The country has witnessed a mass exodus of Eritreans for many years and has become one of the fastest shrinking populations in the world, taking ninth place, with the largest refugee population globally by 2017 (Mengiste & Lucht, 2020). To date, Eritrea continues to produce one of the largest refugee populations across African countries.

According to UNHCR, by 2022, 508,291 Eritrean refugees were registered by UNHCR worldwide (UNHCR, 2023b). It is estimated that about one-third of the Eritrean population lives outside the country (Mengiste & Lucht, 2020). As a population census has not been carried out since independence, it is difficult to estimate the exact size of the current population. The most recent estimation by the World Bank puts it at 3.68 million inhabitants (World Bank, 2022).

Ethiopia – A host country

Neighbouring countries including Ethiopia have been hosting Eritreans for many years. Ethiopia had an ‘open door’ policy, with good practices for refugees seeking protection on its soil. Before the war in Tigray, Eritrean refugees mostly resided in four refugee camps in the Tigray region as well as two camps in the Afar region. In Tigray, the oldest camp, Shimelba, was opened in 2004, followed by Mai

Ayni, Adi Harush, and the youngest camp Hitsats, established in 2013. When Eritrean refugees crossed the border to Ethiopia, they would usually be gathered in small reception centres established along the border areas. From there the refugees would be brought to the Endabaguna central reception centre for screening procedures, as well as determination and registration of their refugee status by the Administration of Refugee and Returnee Affairs (ARRA) and the UNHCR.

Findings

The findings of this study are divided into two periods: the pre-war period (April 2018–November 2020) and the intra-war period (November 2020–November 2022). In each of these periods, sub-themes relevant to Ethiopia’s policy concerning Eritrean refugees are addressed. These periods have time-bound characteristics.

Pre-war period (April 2018–November 2020)

In this section, the pre-war period is analysed. Certain steps are followed to outline findings which will lead to an assessment of whether a given phenomenon can be characterised as a critical one.

Abiy Ahmed elected as Prime Minister

An event identified as a starting point of the pre-war period is the election of Abiy Ahmed Ali to the office of the Prime Minister of Ethiopia. In March 2018, the ruling coalition in Ethiopia nominated Abiy, after his successor Hailemariam Desalegn resigned from the post of Prime Minister after months of protests. Abiy was sworn into office on 2 April 2018. With his election, the country entered a period of several changes and reforms, including the adoption of new laws. The leading narrative in the media over the election of Abiy as Prime Minister was positive and one of expectations for a new era of hope.

Since coming to power as Prime Minister in April, Abiy has electrified Ethiopia with his informal style, charisma and energy, earning comparisons to Nelson Mandela, Justin Trudeau, Barack Obama and Mikhail Gorbachev. (Burke, 2018)

Some changes that marked the beginning of PM Abiy’s term were the release of political prisoners, the strengthening of state institutions,

the lifting of the state of emergency in the country, the holding of dialogues with political oppositions, and the start of political reforms of a national and a regional character (Burke, 2018; Dahir, 2018; Mumbere, 2018; Oneko, 2018). For these initiatives, Abiy was praised across communities in Ethiopia, among the Ethiopian diaspora, by the international diplomatic leadership, as well as by the media:

In just 66 days, the Prime Minister has turned a new page in Ethiopian history, restoring hope and optimism in the direction the country is taking. (Allo, 2018)

However, this positive sentiment soon met with challenges across Ethiopia's varied regional, ethnic, and political realities. This will be considered in greater detail later in the findings.

Signing of the peace agreement between Ethiopia and Eritrea

The signing of the Joint Declaration of Peace and Friendship between Eritrea and Ethiopia (hereinafter called the 2018 Peace Agreement) by PM Abiy and President Isayas ended almost 20 years of a 'no peace no war' situation between the two countries. The signing of the declaration took place on 9 July 2018 in Asmara. The preparations preceding the summit between Ethiopia and Eritrea, started with the announcement by the federal government of Ethiopia accepting the conditions contained in the resolution of border disputed areas in June 2018:

The executive committee of the EPRDF, Ethiopia's ruling coalition, said that it would adhere to the terms of the Algiers Agreement, which resulted in a definitive ruling on the border between Ethiopia and Eritrea. (Solomon, 2018)

The two leaders of Ethiopia and Eritrea, PM Abiy and President Isayas, subsequently met in Jeddah, Saudi Arabia, to sign the Agreement on Peace, Friendship, and Comprehensive Cooperation between the Federal Democratic Republic of Ethiopia and the State of Eritrea in September 2018. The United Arab Emirates (UAE) and Saudi Arabia were deeply involved in the process leading up to the signing of the agreement. To date, the content of the signed agreement and its implementation remain unknown. The only documents available to the public are one and two-page documents, signed in Asmara and Jeddah respectively. No further details were disclosed on the implementation of the Peace Agreement nor was the

vision that was discussed between the two leaders shared with the public.

Even though the Ethiopian PM Abiy had been, at that time, overseeing a wave of new reforms, the announcement of the Peace Agreement with Eritrea gave rise to a great deal of surprise in the region as well as internationally: “[I]t is the prospect of peace with reclusive Eritrea that has come as the latest, and largest, surprise” (AlJazeera, 2018).

Soon after the signing of the 2018 Peace Agreement, the act of reconciliation between the two countries gained the label of being ‘historic’:

Ending the “no war, no peace” period between Ethiopia and Eritrea remains a historic milestone. The stories of families reunited after decades highlight the deep personal costs of conflict and the immediate possibilities of peace. (Stigant & Phelan, 2019)

The Peace Agreement was also highly recognised by international actors praising and welcoming the new developments, which sparked hope for the whole of the Horn of Africa. The Chairperson of the Commission of the African Union, Moussa Faki Mahamat, welcomed the Peace Agreement on behalf of the AU:

The Chairperson of the Commission stresses that the ongoing normalization process between Eritrea and Ethiopia is a milestone in Africa’s efforts to silence the guns by 2020. (African Union, 2018)

The Peace Agreement between Ethiopia and Eritrea marks an important event in the pre-war period.

Post-peace agreement: Developments affecting refugees

In the aftermath of the signing of the 2018 Peace Agreement, the two countries, Eritrea and Ethiopia, agreed to reopen the border crossings in September 2018. This was highly welcomed, above all by the people on the ground living in the highly militarised border area. Communities on both sides celebrated the historical reunification of families and friends who had been separated by the border for years: “Video and photos emerged of people embracing, dancing and

weeping as flags of both nations flapped in the breeze” (Ingber, 2018).

The opening of the border also brought a booming exchange of goods and business, as merchants as well as trucks were permitted to travel between Eritrea and Ethiopia without any permit:

Horse-drawn carts, buses full of visitors and trucks piled high with bricks and plywood make their way across the frontier, watched by relaxed soldiers from the two nations’ armies [...]. (Arab News, 2018)

With no controls on the border, a surge in refugee arrivals spiked immediately following the opening of the border. Reception centres near the border area saw a sevenfold increase in registrations with as many as 10,000 Eritreans coming in the first month after the opening:

The arrival rate from Eritrea has risen sharply, from 53 to 390 people per day. Most arriving families wish to remain in Ethiopia with relatives that preceded them, or plan to reunite with family in Europe, or other countries. Others will return to their homes in Eritrea. (Norwegian Refugee Council, 2018)

However, by the end of the year, news trickled out that from one day to another Eritrea had effectively closed the border crossings. People were requested to show permit documentation specifying the purpose and duration of the visit to the country:

The main road between Zalambessa and the Eritrean town of Serba is no longer accessible since this morning after Eritrean soldiers were deployed in the area, sources say. Eritrea has also imposed restrictions on another border point – the Rama-Kisad Adi-Quala border crossing [...]. (Ethiopia Observer, 2018)

The reasons for this sudden and unannounced move were not disclosed by either of the two governments. The closure of other crossings further continued in early 2019, when both the Hager-Humera and the Bure-Assab crossings were closed by the Eritrean government on 22 April 2019.

A spokesman for Ethiopia’s Foreign Ministry at the time told reporters that he had no information about any border restrictions. The Eritrea government has routinely not responded to reports. (Shaban, 2019)

Alongside the border developments, the post-Peace Agreement period was marked by the adoption of a new Refugee Proclamation No. 1110/2019 in Ethiopia (hereinafter called 2019 Refugee Proclamation), which entered into effect in February 2019 (Federal Republic of Ethiopia, 2019). The new law strengthened the rights of refugees in several instances and became one of the most progressive frameworks across African countries:

UNHCR, the UN Refugee Agency, welcomes Ethiopia's historic new refugee law which will now allow refugees to obtain work permits, access primary education, obtain drivers' licenses, legally register life events such as births and marriages and open up access to national financial services, such as banking. (UNHCR, 2019)

The adoption of the new 2019 Refugee Proclamation was seen as a positive step forward by the Ethiopian government to move from a strictly camp-based approach, thus, comply with its 2017 pledges under the Comprehensive Refugee Response Framework.

Refugee policy shift

Despite the 2018 Peace Agreement, the internal situation in Eritrea remained unchanged. The indefinite national service, which had been the main push factor for Eritreans to flee their country for years, remained in place. No internal reforms were hinted at by the Eritrean president or the Eritrean government.

The influx of Eritrean refugees was still reported as very high by mid-2019, even though the border between Ethiopia and Eritrea was closed again by that time:

A senior official from the Ethiopian refugee agency has reported that Eritrean refugees continue to arrive in Ethiopia in large numbers, 250 to 300 persons a day. The increasing number of people residing in refugee camps is posing an enormous challenge for the Ethiopian Agency for Refugees and Returnees Affairs (ARRA) as well as development and relief organizations working with refugees. (Melicherová, 2019)

Early 2020 brought a turning point, when the federal government of Ethiopia made adjustments to its refugee policy concerning Eritrean refugees. The first crucial change was revoking *prima facie* recognition of refugee status for Eritreans arriving in Ethiopia, which occurred in January 2020:

On 26 January, the Government of Ethiopia made the decision to cease prima facie recognition of refugee status for Eritreans, with plans to initiate individual Refugee Status Determination (RSD), bringing an end to the over 10-year recognition of Eritreans on a prima facie basis. (UNHCR, 2020a, p. 5)

Considering that the circumstances prompting Eritreans to escape from Eritrea had not changed, the sudden decision of the Ethiopian government came as a surprise to organisations working on the ground. There had been no prior indication of a plausible circumstance justifying the revoking of the *prima facie* recognition of the refugee status for Eritrean refugees. In addition, there was no prior consultation with UNHCR (UNHCR, 2020b) nor basis for the reported situation in the country of origin (UN Special Rapporteur on the Situation of Human Rights in Eritrea, 2021), which is required as per the Ethiopian 2019 Refugee Proclamation:

[T]here is no evidence that shows the existence of change of circumstance for terminating the prima facie recognition of Eritrean refugees. Circumstances that led to group recognition which are persecution that includes involuntary open-ended military conscription, arbitrary arrest and detention and other systematic human rights violations remain unchanged in Eritrea. Therefore, the decision to end prima facie recognition of Eritrean asylum seekers is not in line with the refugee proclamation. (Kassu, 2021, p. 48)

In early March 2020, the Ethiopian government made another unexpected move – the closure of the Hitsats refugee camp. Hitsats had been hosting more than 10,000 Eritrean refugees for many years. This decision was contested by refugees themselves, as well as by NGOs and experts calling for dialogue with the government. Initial plans included the aim to relocate refugees from the Hitsats camp to the Mai Ayni and Adi Harush refugee camps in the Tigray region. However, no infrastructure nor any new capacities were put in place in those camps before this decision:

Anonymous sources confirmed that the federal government of Ethiopia ordered the closure of [the] Hitsats refugee camp in [the] Tigray province of Ethiopia. All camp refugees have been asked to relocate to another camp which is already overpopulated and does not have a functioning infrastructure. (EEPA, 2020)

The decision to close Hitsats was announced amid the start of the COVID-19 pandemic, without any consultation with UNHCR officials and partner organisations working in the camp. Even though Ethiopia proclaimed a state of emergency due to the rapid spreading of the COVID-19 virus, ARRA was adamant about continuing with preparations for the relocation of refugees from Hitsats. The motive for such an abrupt and unprecedented impulse was unclear. Some observers suspected a hidden political agenda on the part of Eritrea and Ethiopia, as well as pointing to the culminating tension between the federal government of Ethiopia and the Tigray regional government:

According to a source, the move is linked to the political games that are being played on the regional level since the peace deal between Ethiopia and Eritrea has been signed. On the national level, the regional government of Tigray has promised to support refugees in Hitsats and is ready to oppose the federal government. (EEPA, 2020)

Eritrean refugees on the ground also believed that there were hidden government interests prompting the decision, which undermined their status as refugees in Ethiopia:

The refugees told local media that the decision on the closure of the refugee camp comes after an agreement was reached between Addis Ababa and Asmara. (Ezega News, 2020)

Later in March, the federal government of Ethiopia announced its intention to adopt an ‘exclusion criteria’, preventing a large number of Eritrean asylum seekers from obtaining recognition as refugees.

The “Exclusion Criteria” include the following. They are not exhaustive and apparently not officially documented either, although they are being applied:

- 1. Unaccompanied and separated minors;*
- 2. Persons within the age of conscription in Eritrea [This criterion seems to be all encompassing as almost all Eritreans from their teens are indefinitely conscripted to the National Service];*
- 3. Persons who access Ethiopia to seek medical care;*

4. *Persons who have crossed the border on repeated occasions, regardless of whether or not they have sought asylum in Ethiopia before; and*
 5. *Persons wishing to reunite with family members in a third country.*
- (Hagos, 2020)

Further evidence showed that the exclusion criteria had been slowly and secretly applied for a few months already, in particular with regard to unaccompanied minors:

[I]n January 2020, for reasons not made public, the government began to exclude certain categories of new arrivals from Eritrea from registering, including unaccompanied children. (Human Rights Watch, 2020)

There is some resemblance between each of these new policies announced by the federal government of Ethiopia. These new policies were announced abruptly from one-day-to-another, without consultation with the UNHCR or any other agency working with refugees in the country and the region. These changes only targeted Eritrean refugees. There is no other evidence that similar policies were applied to refugee groups of other nationalities in Ethiopia. Eritrean refugees experienced the fear of failed protection and uncertainty over their future in the country which had been welcoming them for many years before 2020.

Intra-war period

The intra-war period can be described as four different periods: the outbreak of the war; the Eritrean forces entering Tigray where the Eritrean refugees are held; the refugee camps coming under attack from military operations and the abduction and forced repatriation of the Eritrean refugees. The resulting humanitarian situation and the refugees located in urban settings are described in the last two sections.

Outbreak of war

The start of the intra-war period was marked by an outbreak of the war between the federal government of Ethiopia and the Tigray regional government, led by the Tigray People Liberation Front (TPLF), which erupted on the night of 3 November 2020. The narratives regarding which side started the war vary and are not

conclusive. Nevertheless, both sides were immediately actively participating in open conflict. It was the beginning of a new reality filled with gunshots, the use of heavy artillery, and the sound of bombs across Tigray. People living in Tigray at that time were caught in shock by the escalating situation, keen to obtain any information. This was, however, impossible, as the federal government shut down all communication lines upon the outbreak of the war. Alongside the connectivity blackout in Tigray, which lasted throughout the whole period of the war, people were stranded in the region due to the closure of regional and national borders, roads, and air traffic.

Eritrean refugees living in the four refugee camps in Tigray were caught in the middle of the fighting and left without any mechanism of protection or support. Their protection was further jeopardised when all the international organisations ended their operations due to security reasons and started withdrawing from the camps and evacuating their staff members:

70,000 refugees [of] Eritrean origin in four camps [live] near the border (near Shiretown). Potential humanitarian disaster [is] looming as international organisations are leaving and no food and supplies are coming into Tigray due to closures of airports and closure of transport to Tigray. (EEPA, 2020, SR 1, Ref. number R-1)

There were no mechanisms in place to protect the Eritrean refugees living under international protection in the four camps.

Eritrean forces enter Tigray

The fear of Eritrean refugees, as well as those of the Tigrayan population, escalated further with the news of the presence of Eritrean military forces in Tigray:

Claims made by Tigray President Debretsion that Eritrea is involved in the war (specifications below), [this was] denied by Eritrea, but local activity [is] reported from within Eritrea. (EEPA, 2020, SR 1, Ref. number SRC-1)

Siding with the Ethiopian federal forces, Eritrean troops actively participated in the war, from the very early stage, regularly using harsh practices on people as well as looting and destroying property:

Sources on the ground report massive looting and destruction of property, houses, food, and cereal, taking place; especially by Eritrean forces. (EEPA, 2020, SR 2, Ref. Number SRC-23)

Soon after entering Tigray, Eritrean forces headed towards the refugee camps. The area of the camps was on the frontlines of the battlefield from the early days of the war:

Cities of Shire and Aksum have been attacked by the Ethiopian National Defense Force (ENDF), Ambara Special Force, and the Eritrean army. Fighting takes place in close proximity to Eritrean refugee camps, which are under attack. This includes Hitsats camp with a population of 25,248, [including] many unaccompanied minors. (EEPA, 2020, SR 2, Ref. number R-3)

Refugee camps under attack

Worries over the security of Eritrean refugees have been voiced since early November 2020 by different actors within Ethiopia as well as by the international community:

The Ethiopian Agency for Refugee and Returnee Affairs (ARRA) expressed concern over [the] mistreatment of Eritrean refugees in Tigray amid the fighting around the refugee camps. (EEPA, 2020, SR 3, Ref. number R-8)

Among those calling for protection were refugees themselves, who were left exposed to the military fighting:

UNHCR is no longer in Shire (Tigray) to protect Eritrean refugees in camps. Refugees in Tigray are pleading for the international community to come to their rescue. (EEPA, 2020, SR 6, Ref. numbers R-19 & R-20)

Fighting between the warring sides was often carried out in an indiscriminate manner, catching civilians in the crossfire. There were also reports of instances of deliberate attacks on refugees.

Eritrean refugees under international protection in four camps in Tigray report they were shot at by Eritrean and Ethiopian troops. (EEPA, 2020, SR 26, Ref. number R-128)

Refugees in all four camps in Tigray were affected by the war and were shocked at the presence of the Eritrean military on Ethiopian

soil. In Shimelba, witness reports showed that the Eritrean military entered the oldest camp in Tigray on the 17 November 2020:

According to a witness who was an Eritrean refugee in the Shimelba camp in Tigray Eritrean troops entered the camp on 17 November at 14:00 hours. In the previous days, from 15/11 to 17/11 people from the Hitsats refugee camp came to the Shimelba refugee camp. (EEPA, 2021, SR 91, Ref. number R-370)

From the beginning, Eritrean troops used a technique of lack of information and instilling fear to establish full control and power over refugees in Shimelba:

The witness says that the Eritrean fighters collected all the young refugees. They took us for a meeting and told us “[W]e control 80% of Tigray. We fight to control Mekelle. Now we control this area.” (EEPA, 2021, SR 91, Ref. number R-371)

Days after entering the camp on the 21 November 2020, Eritrean troops closed off the camp and warned refugees not to leave the camp otherwise they would risk being punished:

The Eritrean troops that entered Shimelba stated on the 21st of November that “The Government of Eritrea forgives all of you and you can go back to your country.” They also told us not to leave the camp, because we would be shot, [and] killed, says the witness: “[A]nyone who goes outside will be our enemy and you must inform us if someone leaves the camp. Otherwise hard punishment will follow.” (EEPA, 2021, SR 91, Ref. number R-372)

Total control over refugees was further exercised through a curfew, set by Eritrean soldiers who were accompanying refugees when they moved within the camps. Soldiers then also started to arrest people without any reason. Among those arrested were women and children:

The witness says that the chairman of the youth club was arrested; the chairman of the youth club disappeared or escaped. They arrested four women and their children: “We do not know why. In the evening seven children were arrested, and again we did not know why. They disappeared.” (EEPA, 2021, SR 91, Ref. number R-375)

Similar stories of refugees in the other three refugee camps in Tigray were reported. Practices and crimes of the Eritrean forces committed against the refugees were almost identical across all camps. Eritrean troops invaded Hitsats camp and started to steal the property of

refugees, host communities living in the area, as well as the property of the international organisations that had been active in the camp before the war:

Mechanized military forces from Eritrea entered [the] Hitsats refugee camp, via Shimelba camp, on 19 November, and in subsequent days looted the camp and local communities around the camps. (EEPA, 2020, Sr 16, Ref. number R-64)

Attackers did not spare anyone and were ready to use fatal force against people who stood up to them:

Reported that Hitsats camp was under Eritrean military control from [the] end [of] November/December. Eritrean soldiers killed people, including 2 priests who protested when soldiers tried to enter into the church. Tigray troops started shooting on 17 November in a fight with the Eritrean troops, and 9 Eritrean refugees were killed in the crossfire. Shimelba and Hitsats have not been accessible since. (EEPA, 2021, SR 57, Ref. number R-270)

Refugees in Adi Harush camp were also not spared from attacks by the invading Eritrean forces:

It was reported that Adi Harush, a refugee camp for Eritrean refugees in Tigray, was attacked. Camp residents stated that the guards fled after a short exchange of fire. (EEPA, 2020, SR 7, Ref. number R-23)

Left unsheltered and unprotected, Eritrean refugees fell victim to fierce fighting and bombing from all warring sides. There were injuries and fatalities since the early stages of war:

Bombshells landed in refugee camp Adi Harush (sheltering Eritrean refugees) in Tigray killing two or three Eritrean refugees (reported: a child and a 20-year old girl) and [leaving] 6 wounded, reported from inside the camp. (EEPA, 2020, SR 10, Ref. number R-35)

Women, children, and elderly people were among those victims hit by shelling. Due to the lack of medical staff and supplies, injured people were left without proper medical attention:

Fire exchanges between Tigray forces and federal government soldiers around Mai Ayni (3 Dec.) and military activity converging close to Mai Ayni refugee camp. Many Eritrean refugees from Mai Ayni have fled the camp and some have been pictured walking on the roads with suitcases as they fear being killed or arrested.

Mai Ayni was reportedly hit by shells on 3 December, leaving a woman, child and an elderly man injured, without medical supplies to treat the wounds. (EEPA, 2020, SR 17, Ref. number R-72)

Amhara forces were also actively involved in the fighting near the camp sites as well as directly in the camps. Data show that they often entered the camps in search of TPLF fighters who were hiding inside or around the refugee camps:

A message reported from an Eritrean refugee from Adi Harush refugee camp states that the refugees have no supply, that between 70-90 are leaving each day and that Amhara forces are searching for the TPLF troops who hid in the area of the camp. They also state Amhara forces broke into the UNHCR office and the ration storage building to search for weapons and soldiers. (EEPA, 2020, SR 14, Ref. number R-54)

Another common practice of the military invading the camps was to confiscate mobile phones from refugees, with the effect that any access to information or dissemination of information was restricted:

Refugees in Adi Harush refugee camp state that attackers came to confiscate around 180 cellphones. The refugees feel unsafe, continue to hear heavy weaponry, and are not allowed to leave the camp. (EEPA, 2020, SR 34, Ref. number R-155)

In some instances, Eritrean forces found an opportunity to earn money by providing a mobile phone communication service to refugees who were held captive:

The refugees held by Eritrean troops are using mobile phones from the Eritrean soldiers to contact relatives. These are Eritrean mobile phones. The soldiers are making a business out of this so that they get paid for this 'service'. Soldiers take a part of this money and in some cases all of it. (EEPA, 2021, SR 56, Ref. number R-265)

The refugees in the camps were subject to brutalities. The invasion led to the destruction of two refugee camps, Shimelba and Hitsats, in January 2021. Systematic targeting of these camps by Eritrean forces continued over two months starting in November 2020 at the beginning of the war. Based on the reports, nothing was left behind and many buildings and houses were burned down. The level of

destruction was reported by witnesses and these reports are supported by satellite imagery of the camp areas:

The damage in the two refugee camps is extensive. The latest pictures, taken on January 27, show up to 721 structures damaged and 531 destroyed. 99 of those are catastrophically or extensively damaged. The intent seemed to have been to make sure the camps could no longer be used. (EEPA, 2021, SR 77, Ref. number R-329)

Some of the refugees who survived and who had witnessed the destruction of the two camps were relocated to Adi Harush or May Ayni, and reported on the situation:

Refugees from Shemelba and Hitsats refugee camps report that there is nothing left of the two refugee camps after they have been looted and destroyed. Refugees have relocated to the two camps Adi Harush and May Ayni, or have traveled to Addis Ababa or other places where they feel [safer]. (EEPA, 2021, SR 62, Ref. number R-292)

In the later course of the war, authorities realised the need for an alternative setting for Eritrean refugees from the remaining locations of Mai Ayni and Adi Harush. Both camps were under constant attack and fighting related to the battlefield and the refugees in the camps were without any proper access to protection. In addition, basic humanitarian supplies were running out, and the situation became acute. A piece of land was allocated for the construction of a new refugee camp, Alemwach, which was located near Dabat town in the Amhara region of Ethiopia:

UNHCR is calling for a safe passage which will allow refugees from Mai Aini and Adi Harush to be moved to the new site of Alemwach, near Dabat town, some 135 kilometers away. (EEPA, 2021, SR 199, Ref. number R-670)

The initial estimation was to create a capacity in the Alemwach camp to accommodate about 25,000 refugees.

Those who were moved to the Alemwach camp received basic support in the form of relief items such as jerry cans, mattresses, soap, blankets, and basic food. The relocations from refugee camps in Tigray continued up to December 2022:

The UNHCR participated in the relocation of 7,000 Eritrean refugees from the Mai Aini and Adi Harush camps to the recently established Alemwach site in [the]

Ambara region, where 22,000 Eritrean refugees are already located. (EEPA, 2022, SR 328, Ref. number R-908)

Abduction of Eritrean refugees & forced fighting in the war

Early in the war, Eritrean troops started to abduct Eritrean refugees and return them to the country from which they had fled:

Thousands of Eritrean refugees, recognised by UNHCR, have been abducted by Eritrean soldiers from refugee camps under the Ethiopian Federal Administration of Refugees and Returnees Affairs (ARRA) in Tigray, presumably to be forcefully returned to Eritrea. (EEPA, 2020, SR 11, Ref. number R-39)

Refugees were rounded up and obliged to board the trucks or buses, which then transported them back to Eritrea.

Reports that Eritrean refugees in camps under international protection in Tigray [are] being forced onto trucks by Eritrean soldiers and sent to Eritrea. (EEPA, 2020, SR 12, Ref. number R-43)

They were often forced to walk long distances to the point where they were forcibly taken by vehicle to Eritrea.

Eritrean refugees in Hitsats camp in Tigray were ordered to return to Eritrea and were forced to walk to Sheraro. From Sheraro buses and trucks take them to Eritrea. (EEPA, 2021, SR 55, Ref. number R-251)

By the end of December 2020, there were some estimations that thousands of refugees had been abducted and returned to Eritrea in just a few weeks following the start of the conflict.

A highly credible source from Eritrea informed the Situation Report that an estimated 7,000 Eritrean refugees have been forcefully returned to Eritrea and are held in “a special camp” in Eritrea. The report comes from a reliable source from the ground in Asmara (Eritrea). (EEPA, 2020, SR 40, Ref. number R-177)

Due to the complicated nature of war, it was difficult to carry out any assessments and exact estimations of how many refugees were affected by these crimes. Throughout the full war period, witnesses reported forced returns and disappearances.

Eritrean soldiers have forced 6,000 refugees from Shimelba camp to return to Eritrea. Of those politically active, 120 have disappeared. Eritrean soldiers also killed 64 people in the camp. (EEPA, 2021, SR 53, Ref. number R-241)

It is known that those who were captured and returned to Eritrea often faced cruel conditions, physical or mental punishments, and even torture.

The Eritrean refugees which are deported to Eritrea face punishment, torture, and indefinite compulsory national services, a form of forced labour, which the UN has classified as a Crime against Humanity. (EEPA, 2021, SR 78, Ref. number R-333)

In several instances, it was also witnessed that the refugees who were captured by the Eritrean army were forced to enter the battlefield and fight against the TPLF and the communities that had hosted them as refugees:

Eritrea is alleged to be forcefully arming Eritrean refugees in Tigray to fight host communities. (EEPA, 2020, SR 16, Ref. number R-65)

The traumatic experience to which Eritrean refugees were exposed caused a lack of trust in any official structures. For example, before the destruction of the Hitsats camp, the Tigray Defence Forces aimed to evacuate refugees from the camp to Shire. However, this scared refugees who thought that they might be lured into cars and sent back to Eritrea:

Eritrean refugees report that Eritrean forces continued to loot the camp and destroyed shelters. Tigray regional forces organised transport to Shire town. However, Eritrean refugees were petrified. Some fled to places around the area. The Eritrean government forces took refugees who were hiding and took them to the border town of Badme. Refugees are now sent back to Eritrea, from where they fled. (EEPA, 2021, SR 79, Ref. number R-341)

ARRA and UNHCR tried to organise some relocation from Mai Ayni to Adi Harush camp. However, relocations organised by ARRA were not welcomed by Eritrean refugees, due to lack of trust:

Most of the refugees are also afraid that the relocation by the Ethiopian government might be a prearranged plan to get them closer to the border so that kidnapping will be easy for Eritrean troops. (EEPA, 2021, SR 124, Ref. number R-512)

Resistance against the relocation was also due to the ongoing security risks reported in Adi Harush, where refugees were being kidnapped by Eritrean troops regularly:

UNHCR states that of the more than 100,000 Eritrean refugees that were in Tigray prior to the war only 10,000 are left in two Tigray refugee camps, Mai Aini and Adi Harush. There has been no food distribution since late September. (EEPA, 2022, SR 308, Ref. number R-865)

This practice of systematic abduction and forced return of refugees under international protection to the country from which they had fled and their forced recruitment to fight in a war against the host population that had given them protection has not been previously reported in other contexts. This is a major violation of international, regional, and national law. The practice was condemned by the Special Rapporteur on Eritrea as a violation of the human rights of Eritreans residing outside the country (UN Special Rapporteur on the Situation of Human Rights in Eritrea, 2021, 2022, 2023).

Humanitarian situation

Because of the complete closure of the region, all basic supplies were dramatically decreasing across the whole Tigray region. The refugee camps were not an exception. Shortages of food were announced as early as November 2020 and they continued to be alarming throughout the whole intra-war period:

UN reports critical shortages in Tigray. Food supply for 100,000 Eritrean refugees in Tigray will be gone in a week. 600,000 people requiring food aid remain without food. (EEPA, 2020, SR 9, Ref. number R-33)

The supplies in Tigray were not only running out, but many reserves were also looted or destroyed. Basic life supplies, such as access to water, were destroyed completely:

A message reported from the Mai Aini refugee camp states that the water depot has been destroyed, leading to a water shortage. (EEPA, 2020, SR 14, Ref. number R-55)

Apart from scarce natural resources, food, and medical supplies, humanitarian workers were also targeted:

A humanitarian and diplomatic source told Reuters that four Ethiopian aid workers (possibly a fifth) were killed in one of the Eritrean refugee camps in Tigray. (EEPA, 2020, SR 15, Ref. number R-59)

Those few humanitarian workers who stayed in their respective capacities, positioned in the refugee sites, were assaulted and harmed:

A Dutch humanitarian organization ZOA staff member is killed in Tigray, Ethiopia. The 52 year old staff member was murdered during the recent conflict while on duty in the Hitsats refugee camp. (EEPA, 2020, SR 6, Ref. number R-191)

Even humanitarian envoys trying to access refugee camps and carry out assessments of the situation were attacked:

A UN security team trying to visit the Shimelba refugee camp in Tigray, where refugees are located under international protection, was denied access and shot at, and briefly detained. The situation around the camps is unsafe. (EEPA, 2020, SR 19, Ref. number R-81)

Due to agreements to establish a humanitarian corridor, some humanitarian aid was delivered to Adi Harush and Mai Ayni. However, even prior to their destruction, Shimelba and Hitsats never received any humanitarian support:

World Food Programme delivered food for 35,000 refugees in Adi Harush and Mai Ayni refugee camps, but the convoy to Hitsats and Shimelba camps was unable to deliver aid due to insecurity in the area. (EEPA, 2020, SR 36, Ref. number R-165)

The situation in Adi Harush and Mai Ayni was also dire. After UNHCR carried out its visit to those sites in January 2022, the status of the availability of water, food, and medical supplies was characterised as alarming.

Refugees in urban settings

Not only camp refugees were threatened and attacked, many refugees in urban settings came under attacks, were assault, or were arrested because of their ethnicity:

Over 20 Eritrean refugees fleeing from Tigray, were arrested by federal police in Addis Ababa. (EEPA, 2020, SR 42, Ref. number R-195)

Arrests of refugees took place in a broader context of ethnic profiling carried out by the federal government during the war. Tigrayans and

Tigrinya-speaking people were harassed, assaulted, and arrested based on their ethnicity:

It is reported that many Eritrean refugees in Addis Ababa have been arrested as part of the mass arrests of people who speak Tigrinya (the language in Tigray and Eritrea) in Addis Ababa. Additionally, according to reports, the Agency for Refugees and Returnees Affairs (ARRA) is now asking money for its services as part of increased corruption practices. It is reported that refugees who traveled to the new refugee camp, Debark, find food and housing inadequate. However, they are prevented from returning to Addis Ababa. (Horn Highlights, 9 November 2021)

Thousands of refugees who left the Tigray refugee camps due to rising insecurity were coming to towns and cities with a need for assistance. Leaving everything behind and with nowhere to go, they tried to reach bigger cities such as Mekelle or Addis Ababa to find some safety:

ICRC reports that 1,000 Eritrean refugees from Shire have come to Mekelle and are looking for assistance; ICRC has difficulties in meeting their needs, due to disruption of supply. (EEPA, 2020, SR 12, Ref. number R-46)

Furthermore, thousands of Eritrean refugees, despite having internationally recognised refugee status, ended up in Adigrat living as internally displaced people (IDPs) (EEPA, 2021, SR 125, Ref. number R-516).

Direct attacks on refugees on the move were reported in many instances:

Radio Erena reported that over 4,000 Eritrean refugees have left their camps in Tigray and are moving towards other Ethiopian regions after repeated attacks by militias. (EEPA, 2020, SR 19, Ref. number R-82)

Those who managed to reach urban settings were not safe either. They could not be supported in their basic humanitarian needs, but refugees also faced a threat of forced returns to Tigray war zones:

Ethiopia's government states it is returning Eritrean refugees to camps they have fled in the northern region of Tigray, a move that alarms the United Nations refugee agency UNHCR. (EEPA, 2020, SR 23, Ref. number R-105)

The federal government took control over one of the IOM offices in Addis Ababa and started to send refugees back to the refugee camps in Tigray:

According to online sources, some refugees tried to run from the IOM center, and were caught and badly beaten and forced to return to the center by the security personnel. (EEPA, 2020, SR 23, Ref. number R-109)

Some of the refugees who were sent back to Tigray went missing during their trip and have not been accounted for:

Eritrean refugees that were forced to return to camps in Tigray have not arrived yet, despite having left Addis Ababa 3 days ago. They seem to have disappeared without communication. (R-129, EEPA Situation Report No. 26, 15 December 2020) (EEPA, 2020, SR 26 Ref. number R-129)

Eritrean refugees were deported from Addis Ababa to Tigray, even though the refugee camps in the Tigray no longer offered adequate protection.

Discussion

To identify the critical events that were pivotal to changes in the protection and treatment of Eritrean refugees in Ethiopia, the theory of critical events has been used. Several steps need to be undertaken in critical event analysis. In the first instance, it is important to establish the distinguishing features of an event. Further, any contingencies of the event, as well as causal properties (necessity and sufficiency), are identified. After identifying causal properties, one can understand whether or not the identified event is causally important for the outcome of interest. Table 11.2 explains the definition of the main concepts used in the critical event analysis, as introduced by García-Montoya and Mahoney (2023).

Table 11.2. Definition of terminology under the theory of critical events

#	Term	Definition
1	Event	Clearly defined incidents characterised by temporal boundaries and distinguishing features
2	Critical event	An event that is both contingent as well as causally important for an outcome of interest
3	Outcome of interest	A series of consecutive events that occur after a critical event takes place
4	Contingency	An unexpected characteristic of an event; some occurrence that was not foreseen to happen and yet does happen
5	Causal properties – sufficiency & necessity	<p>Causal properties of an event are divided between sufficiency properties and necessity properties. To establish sufficiency and necessity one needs to consider plausible counterfactual cases to the identified event.</p> <p>Sufficiency is a feature that generates the outcome.</p> <p>Necessity is an enabling feature of the outcome.</p>
6	Causal importance	If the analysis shows that sufficiency and necessity properties are identified, it can be concluded that the critical event is causally important for an outcome of interest.

Source: Adapted from García-Montoya & Mahoney, 2023

Pre-war period – Temporality, contingency and causality

To see which of the events in the studied pre-war period can be characterised as the critical one, the temporal boundaries of an event need to be established. The studied phenomenon must be clearly

delineated by temporal boundedness. This is a prerequisite in a causal analysis. The pre-war period starts upon Abiy Ahmed's election to the office of the Prime Minister in April 2018 and ends at the outbreak of the war in Tigray on the night of 3 November 2020. One of the significant events in this period was the signing of the 2018 Peace Agreement between Ethiopia and Eritrea.

The outcomes of interest that directly affected the course of protection of Eritrean refugees in Ethiopia, are three events that happened in the first months of 2020. These are (i) the withdrawal of *prima facie* refugee status determination, (ii) the announcement of the closure of the Hitsats refugee camp, and (iii) the application of the exclusion criteria in the refugee status determination.

There is no binding international framework that rules on *prima facie* refugee status determination. States are recommended to develop their own national frameworks and policies to create a basis for the recognition of refugee status. Under Article 21, the Refugee Proclamation adopted by Ethiopia in 2019 incorporated some of the procedural implications that need to be followed when it comes to terminating the group's refugee status determination. Such action needs to be accompanied by a consultation with UNHCR on the plausible change of circumstances in the country of origin of refugees at stake. In the case of Eritrean refugees, no such procedure was followed by the government.

Based on the analysis, the signing of the 2018 Peace Agreement can be seen as an unexpected event in the complex historical course of Ethiopia–Eritrea relations. The relationship between the two countries has been characterised by a complex and often tumultuous history. Their relationship has been marred by periods of conflict and tension, as well as intermittent attempts at cooperation and reconciliation. The unexpected character of the 2018 Peace Agreement is particularly prominent in the context of the implementation of the 2000 Algiers Agreement and the resolution of the disputed border area of Badme. Despite the formal end of the war in 2000, tensions between Eritrea and Ethiopia persisted over the years. The border issue remained unresolved, and both countries nourished the tense relationship, further exacerbating the conflict.

The status quo around the ‘no war, no peace’ relations between the two countries lasted for nearly two decades. Therefore, the announcement of the Ethiopian government, which came only a few months after the new PM Abiy entered office, was received with surprise by Ethiopians, Eritreans, and the international community.

The ‘normalisation’ of relations between Eritrea and Ethiopia was an enabling characteristic for the causal relationship with the changes in refugee policies described in this study. The Peace Agreement itself sparked a belief that reforms could potentially occur inside Eritrea. However, that was not a result that materialised. Many countries, including in Europe, changed their narrative around Eritrean refugees, using the signing of the 2018 Peace Agreement as a departure point, saying that the conflict between countries was the main driver for Eritreans to flee the country. However, the main push factor for the refugees was, and remains, primarily the indefinite national service and the lack of basic human rights protection in the country (Human Rights Watch, 2023). The outcomes, as identified in the analysis, of the pre-war period do not occur in other counterfactual cases. When looking at the refugees of other nationalities residing in Ethiopia, no similar practices are observed in relation to protection policies. Based on the findings, the causal properties of the studied event show a high level of necessity and sufficiency.

Table 11.3. Summary of the critical event identified in the pre-war period and its properties

Critical event	2018 Signing of the Declaration of Peace and Friendship between Eritrea and Ethiopia
Contingency	This event is classified as unexpected due to the many years of ongoing ‘no war, no peace’ conflict between Eritrea and Ethiopia. Especially over the implementation of the 2000 Algiers Agreement and resolution of the disputed border area of Badme. The announcement of the Ethiopian government

	comes only a few months after the new Prime Minister entered office.
Causal properties	‘Normalisation’ of relations between Eritrea and Ethiopia has an enabling characteristic as a causal relation to the changes of policies. A similar outcome does not occur in other counterfactual cases when looking at the refugees of other nationalities residing in Ethiopia. Both necessity as well as sufficiency properties are present and establish causal path to the outcome of interest.
Outcome of interest	(1) Abolition of the <i>prima facie</i> recognition of Eritrean Refugees (2) Implementation of exclusion criteria for refugee status determination of Eritrean asylum seekers (3) Abrupt closure of established refugee camps
Causal importance	Signing of the Declaration of Peace and Friendship between Eritrea and Ethiopia had been causally important for shifts in protection policies towards Eritrean refugees.

Intra-war period – Temporality & contingency and causality

The internal political tension between the Tigray People’s Liberation Front and the federal government of Ethiopia escalated to an open armed conflict on the night of 3 November 2020. This event characterises the starting point of the second part of the analysis, which focused on the intra-war period. From the beginning, the war had an international character due to the involvement of the Eritrean military. The presence of Eritrean forces in Ethiopia and their active participation in the Tigray war has been observed as a significant event in the intra-war period. In order to establish whether this event can be characterised as the critical one, this section will talk about the contingency as well as causal properties, as required by the theoretical framework. The landmark of the end of the present analysis is the signing of a Cessation of Hostilities Agreement between the warring parties on 2 November 2022.

The unexpectedness of Eritrea's involvement in the war is highly visible in this occurrence. The gravity of the consequent events that were caused by the presence of Eritrean troops in Tigray could not have been foreseen. One can, however, argue that the reports of mobilisation of the Eritrean military before the outbreak of the war diminished the contingency aspect of the event. Reports from the 33rd Round of the Eritrean National Service indicated that it was a mass campaign targeting people from the rural areas of Eritrea, underage children and youth, as well as persons branded as criminals, to join the Eritrean military and fight for their country against Tigray.

They motivated people from rural areas by saying you're going to revenge your people who have been killed by Tigray people in the past years and also you can return your cattle which was taken by Tigray people. The motivation for the criminals was to let them free after they came back from the war in Tigray. (REP-010.05, internal report to Van Reisen, written report, April 2021)

An estimated 30,000 recruits received military training in Sawa and Kour Meena Military Training Centres in Eritrea from May to August 2020. This, however, did not prepare the recruits sufficiently for the battlefield and fierce fights that were ahead of them:

After one month of the campaign which covered all Eritrean Cities and Rural Areas, the number became more than what they expected and it was about 30,000 and the 12,000 were just between 16 and 20 years old. (REP-010.06, internal report to Mirjam Van Reisen, written report, April 2021)

The reported involvement of Ethiopian federal military commanders in the training of Eritrean representatives with higher military rankings suggests that the war in Tigray had been a long anticipated and pre-thought agenda, in which Eritrea was expected to take an active role. The graduates of the 33rd Round of the Eritrean National Service were part of the military group that invaded Shimelba refugee camp on 17 November 2020. Most of them were scared and confused youth:

The troops between 16 and 20 were confused, so afraid of what was going on in Tigray, they were children, they wanted protection from someone but they couldn't find it. (REP-010.12, internal report to Van Reisen, written report, April 2021)

The second fact that could diminish the unexpected character of the event to be considered a critical one, is the escalation of the internal relations between the Ethiopian federal government and the Tigray regional government prior to the outbreak of war. This was very apparent for many months when tensions on the political scene were gradually rising.

Despite these assertions, it is undeniable that the extent, severity, and active involvement of the Eritrean military in the Tigray conflict was an unexpected development at the onset of the war. What is also important to note, when it comes to contingency, is that the exogenous shock of the outbreak of the war, in a way, complements the contingency of the event itself, because, without that, the likelihood of the event occurring is rather small. Exogenous properties of the outbreak of the war disrupted the functioning status quo of the existing regime and set the tone of the alternative regime.

Non-protection of Eritrean refugees

The situation of Eritrean refugees in Tigray during the war was challenging, giving rise to grave humanitarian concerns. As shown in Table 11.4, in 2020, Tigray hosted 181,091 Eritreans who were officially recognised as refugees by the UNHCR. However, as the conflict escalated in Tigray, the refugees became caught in the crossfire with dire consequences.

Table 11.4. Eritrean refugees registered with UNHCR in Ethiopia

Year	Country of origin	Host country	Number of refugees registered with UNHCR
2018	Eritrea	Ethiopia	173,965
2019	Eritrea	Ethiopia	158,596
2020	Eritrea	Ethiopia	181,091
2021	Eritrea	Ethiopia	158,294
2022	Eritrea	Ethiopia	162,812

Source: UNHCR, 2023a

Table 11.4 shows the number of Eritrean refugees registered under UNHCR's mandate in Ethiopia from 2018 to 2022. The figures do not include unregistered refugees and migrants who informally moved to Ethiopian cities and urban settings. Further, it is important to note that the numbers of refugees in the years 2021 and 2022, as displayed in Table 11.4, are questionable. As the analysis shows, the high number of unprecedented abductions of refugees returned to Eritrea, as well as the secondary migration, seem to be unaccounted for in the statistical records of the UNHCR Refugee Data Finder.

Ethiopia is a party to several international legal frameworks governing the rights of refugees. Table 11.5 contains some of the key international and regional instruments and dates of accession by Ethiopia. Based on the basic principles of international law, every adopted treaty is binding upon the parties that ratify it and must be implemented in good faith.

Table 11.5. Overview of the international and regional legal instruments

Instrument	Year of adoption	Year of accession by Ethiopia
Convention Relating to the Status of Refugees	1951	January 7, 1969
Protocol Relating to the Status of Refugees	1967	January 7, 1969
Convention Governing the Specific Aspects of Refugee Problems in Africa	1969	November 19, 1974
African Charter on Human and Peoples' Rights	1981	January 15, 1998
Universal Declaration of Human Rights	1948	
Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment	1984	March 14, 1994
Convention on the Rights of the Child.	1989	May 14, 1991
African Charter on the Rights and Welfare of the Child	1990	April 15, 1992
Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa	2003	February 11, 2004

The principle of *non-refoulement*, which lies at the very core of international refugee protection, had been an integral part of the 1951 Convention and its 1967 Protocol, as well as the 1969 OAU Refugee Convention. The principle of protection is implicitly embedded in the

provisions of all the above-mentioned international and regional legal frameworks. Therefore, it is expected that the country implements the framework in its full extension and applies these provisions to all citizens, including the refugee population residing on its soil, without discrimination. The analysis shows that in many instances the adopted legal frameworks were not complied with by Ethiopia.

The findings indicate that Eritrean refugees in Tigray were subject to indiscriminate attacks, violence, and human rights abuses perpetrated by various armed groups involved in the conflict. There were accounts of killings, sexual violence, looting, and destruction of refugee camps, leaving many refugees in a state of extreme vulnerability. The fighting and disruption of essential services further exacerbated the already precarious conditions for Eritrean refugees in the region. The main analysis of this study is supported by the witness accounts given by refugees who were present in the Tigray region at the time of the war. Accounts of the invasion of Hitsats and fighting in the camp are confirmed by a refugee who used to work in the camp hospital:

On 19 November 2020 the problem came to us. On this day, I was on my duty in the hospital. It was Wednesday. The conflict started between the Eritrean fighters and the Tigray militants who were around the Hitsats camp. When I came out of the hospital, I found the Eritrean fighters already inside the camp. After that they went directly to the near village and continued the war with the Tigray militants there. (IN-001.04, interview with Van Reisen, phone interview, February 2021)

Refugees appeared to be attacked by all the military forces operating on the ground: the Eritrean troops, the Ethiopian federal military as well as Amhara military groups, and forces associated with Tigray fighters. A refugee in Hitsats camp talked about an attack by “Tigray militants” who went to the camp’s hospital originally aiming to kill a man of Amhara ethnicity, but the attack caused more casualties including refugees:

Tigray militants came to the camp and killed 10 people and one of them is my friend. He was working as a social worker in the same hospital. [...] we found that the militants went to the hospital to kill Mr Shibeshi because he is from Amhara tribe.

(IN-001.06, interview with Mirjam Van Reisen, phone interview, February 2021)

Witness accounts from the Shimelba camp also support the findings from the main analysis. A refugee recounted how Eritrean forces entered the camp and forced the refugees to walk to Sheraro, from where they were forcibly taken back to Eritrea:

On 17 November 2020, the Eritrean fighters came to the camp. After that, they used a system to let us run from the camp by killing some people. They start to force us to leave the camp, then the people reach Shiraro, and after that, they start to force the people to go to Eritrea. Some of the people went to Eritrea because they did not have any food or anything to survive. (IN-003.15, interview with Van Reisen, phone interview, February 2021)

Other refugees witnessed the situation in the urban setting in Adigrat, where Eritrean troops entered on 18 November.

On 19 November 2020, in the morning, the Eritrean fighters came with about 10 tanks and they were killing anyone on the streets. We were about 5000 people. About 300 people were under a fire shooting, some of them were killed and some injured. I and the other 5 people ran from them. (IN-004.02, interview with Van Reisen, phone interview, February 2021)

The conflict also led to the severe disruption of humanitarian aid and assistance to the refugee population. Access to food, water, healthcare, and shelter became limited, posing a significant risks to the health and well-being of the refugees:

There was a lack of food, and all [other] needs for the refugees. People suffered a lot and also some people died because of hunger. (IN-003.20, interview with Van Reisen, phone interview, February 2021)

Many were forced to flee the camps and seek refuge in neighbouring areas or attempt dangerous journeys to other regions in search of safety. The situation created a humanitarian crisis, with a large number of refugees in urgent need of assistance and protection. The routes for displaced refugees were dangerous:

There were a lot of Eritrean fighters on the way to Shire. That's why a lot of people were going on foot through indirect ways for 4 days. Then you needed to pay a lot of money for traveling to Addis Ababa, from Shire to Mekelle 1200ETB and from

Mekelle to Addis Ababa also 1200ETB. All the people who were moving to Addis Ababa had some help from outside. The other people suffered a lot there without any kind of help. (IN-003.24, interview with Van Reisen, phone interview, February 2021)

International humanitarian organisations and human rights groups expressed deep concern over the situation of Eritrean refugees in Tigray and called for immediate action to ensure their protection and access to lifesaving assistance.

Intra-war period – Causality

The causality of the critical event is even more straightforward than during the pre-war period. It has been clearly supported by the data that the very presence of Eritrean forces in Tigray was detrimental to Eritrean refugees. The advancement of the Eritrean military on Ethiopian soil had both a permissive and enabling role in the identified outcomes. When looking at other identified counterfactual cases, it is observed that attacks on refugees were done by other military forces present in Tigray. Local civilians as well as refugees were caught in the crossfire between the warring sides.

It has been considered that Eritrean refugees could have been attacked even if the Eritrean military had never entered Tigray. However, data shows the direct involvement of Eritrean forces in massacres and attacks. Taking into consideration the facts on this point, one can claim that a moderate level of necessity is reached. The other aspect that is supported by the data is that abduction of refugees back to Eritrea, which was carried out solely by Eritrean forces. So, looking at the necessity of the presence of Eritrean forces for this outcome of interest one can constitute a high level of necessity. It is important to note that the relationship between outcomes of interest and identified critical events is more layered than what is visibility. Power dynamics and the complexity of political agendas set within the context of war are unpredictable.

Table 11.6. Summary of the critical event identified under the intra-war period and its properties

Critical event	Eritrean military enters Tigray and actively participates in war.
Contingency	Although the escalation of the internal relations between the federal government of Ethiopia and the regional government of Tigray was seen in the months prior to the war, the active participation of Eritrean forces and the scope of their interference in Tigray is considered unexpected.
Causal properties	<p>The presence of Eritrean forces in Tigray and their advancing on areas farther from the border had both a permissive and enabling role in the identified outcome.</p> <p>There are some counterfactual cases that, to a certain extent, result in similar outcomes: e.g., attacks on refugees by Ethiopian government forces, Amhara forces, and Tigray militia. However, multiple attacks as well as the abduction of Eritrean refugees back to Eritrea were done by Eritrean forces. This indicates a moderate level of necessity and sufficiency of the event.</p>
Outcome of interest	<p>(1) Attacks on refugees by military</p> <p>(2) Abduction of refugees by Eritrean forces to Eritrea</p> <p>(3) Destruction of Eritrean refugee camps</p> <p>(4) Displacement of 100,000 Eritrean refugees</p>
Causal importance	The presence of Eritrean troops and their active participation in the war were causally important in relation to the protection of Eritrean refugees in Tigray.

Studying the policy shifts and the critical events in history that lead to alternative regimes is a complex matter, characterised by power

relations and power asymmetries between different actors. The complexity of the present study discusses the relations that happen at the level of visibility.

Many events occur behind curtains in the complex world of politics and power struggles, which are not accounted for in the present analysis. However, this limitation does not diminish the accounts and recollections of the people who were caught in the middle of such political plays – the refugees.

Conclusion

This chapter aimed to analyse the critical events that led to shifts in protection policies and treatment of Eritrean refugees in Ethiopia and identify the reasons for such changes occurring. Eritrean refugees, who were once welcomed and protected in Ethiopia and Tigray, were no longer protected. In fact, they were even abducted and taken back to the country from which they had fled. This is a severe violation of international law that will need further investigation.

This study set out to define and describe the periods in which the failure to protect the Eritrean refugees occurred. The investigation identified the critical events that led to the occurrence of this tragic failure of the protection of refugees in two distinct periods: (i) the pre-war period and, (ii) the intra-war period. These periods were characterised by temporal boundaries. The starting point of the first period was the election of Abiy Ahmed Ali into the office of the Prime Minister of Ethiopia in 2018. The intra-war period starts with the outbreak of the war in Tigray on the night of 3 November 2020 and ends with the Pretoria Cessation of Hostilities Agreement in November 2022.

The analysis shows that the main critical event of the pre-war period was the signing of the 2018 Peace Agreement between Ethiopia and Eritrea. This event melted the ‘cold’ relations between the two countries and played an enabling role in the changes to refugee policies. The main shifts that affected the protection of Eritrean refugees during this period were the withdrawal of *prima facie* recognition of Eritrean refugees in Ethiopia, applying the exclusion criteria for the refugee status determination of Eritrean asylum

seekers, and the abrupt announcement of the closure of the established Hitsats refugee camp.

The second part of the analysis focused on the intra-war period. The critical event identified in this period is the entering of the Eritrean military into Tigray and their active participation in the war. The study found that this event highly influenced subsequent events affecting the Eritrean refugees in Tigray. The entering of the Eritrean military into the war in Tigray was directly associated with the (non-) protection of this refugee group reaching new and unprecedented levels, including attacks on refugees by the military, the abduction of refugees back to Eritrea by Eritrean forces, as well as the destruction of Eritrean refugee camps in Tigray. Eritrean refugees were also sent back from Addis Ababa to camps in Tigray that were no longer functioning or offering protection.

Due to such *modus operandi*, an unknown number, but at least a hundred thousand Eritrean refugees that were present in Tigray prior to the war, went missing during the war. This is a unique occurrence that will need further scholarly study. From this research it can be concluded that the *modus operandi* of the Eritrean and Ethiopian governments, which undermined the basic safety of Eritrean refugees, can be classified as an egregious failure of refugee protection and a grave violation of international law.

Acknowledgements

The author thanks Joëlle Stocker for the coding-labelling carried out on the data of the EIPA Situation Reports. The author also thanks the colleagues in the GAIC Research network for the comments received after the presentation of this research. The author thanks the members of the GAIC peer group for their comments. The author thanks the editors for their support and thanks the double peer reviewers for their comments and suggestions which were gratefully received.

Author's contributions

This is research carried out under the PhD. Programme of the author, Kristina Melicherová, who independently prepared and conducted this research.

Ethical considerations

This research was carried out under ethical clearance obtained from Tilburg University Identification code: REDC 2020.139 titled “Cultural Dimensions of Meaning-making and Agenda-setting”.

This chapter should be read in conjunction with the ‘Note on content and editorial decisions’ (Book 1).

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