NOTE


INTRODUCTION

The Ethiopian government of Colonel Mengistu Haile Mariam has developed a new tactic in the civil war between Ethiopia and Eritrea. The Eritrean people, after a long colonial history, have striven for independence since 1961 when the Ethiopian government forcibly annexed Eritrea to Ethiopia. In April, 1988, Mengistu turned the recurrent drought situation in Ethiopia to his military advantage by blocking the transport of famine aid to Eritrea, expelling all relief workers from the northern region, and taking control of donated aid supplies. The government has used the 1984-85 natural disaster as a weapon against the Eritreans. Mengistu is engaged in a deliberate, genocidal attempt to starve the Eritrean people into submission.

Mengistu wants a unified Ethiopia, apparently the main purpose being to consolidate his power. In addition, Eritrea has clear strategic economic significance to Ethiopia. Eritrea borders the Red Sea, an important maritime commercial route connecting the Indian Ocean and the Mediterranean Sea. Without Eritrea, Ethiopia would be landlocked. Mengistu continues unsuccessful efforts to unify Ethiopia by force, while refusing to negotiate with Eritrean military and political leaders, formed as the Eritrean Peoples’ Liberation Front (EPLF). While the Eritreans want independence, the EPLF does not claim it will cut off Ethiopian access to the Red Sea. The Eritreans’ desire for self-determination must prevail over Mengistu’s seemingly legitimate goals. In any case, Mengistu cannot justify a policy of widespread destruction of the civilian population in Eritrea.

Mengistu’s policy of deliberate starvation constitutes genocide under the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention).¹ Mengistu is com-

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mitting genocide in Eritrea by "deliberately inflicting on [a national] group conditions of life calculated to bring about its physical de-
struction in whole or in part."\textsuperscript{2} Mengistu's actions in withholding food and medical aid to famine-stricken Eritrea, as well as his refusal to negotiate with the EPLF, indicate that destruction is his intent. He recently promised to "not only wipe [the rebels] out, but also to teach an unforgettable lesson" to future generations.\textsuperscript{3}

The applicability of the Genocide Convention to the Eritrean sit-
suation fits previous charges of genocide against other countries. The United Nations received charges of genocide against both the Kamp-
puchean government of Pol Pot for atrocities committed by the Khmer Rouge and Idi Amin for his actions in Uganda. Several independent groups have charged the Paraguayan government with genocide for policies intended to destroy the Ache Indian population. Bangladesh attempted to try a group of Pakistanis for genocidal activities com-
mittet during Bangladesh's struggle for independence. These are only a few of the many examples of genocide. Thus far, the United Nations has made studies in several cases, but has punished no one.

The lack of enforcement mechanisms for the Genocide Convention will likely result in little concrete relief for the Eritrean people. States are required to enact domestic legislation for punishment and to try offenders in domestic courts. The Convention provides for an inter-
national penal tribunal, but none yet exists. As a result, states must, in effect, punish themselves for committing genocide. Nevertheless, the symbolic force of the Genocide Convention is important. The international community can no longer stand idly by as a government kills its own citizens. Until the parties to the Convention enact means of international prevention and punishment, the world community must use available political and economic pressures to stop the Ethi-
opian government from starving its own people.

\section{II. Background}

\subsection{Eritrea}

The Eritrean people have fought for independence from Ethiopia for twenty-eight years, and are currently led by the Eritrean Peoples' 12, 1951. The author acknowledges the recent peace negotiations between the Ethiopian government and the Eritrean Peoples' Liberation Front in Atlanta, Georgia. See Scroggins, \textit{Ethiopia Peace Talks Are Bound for Egypt if Atlanta Plan Works}, Atlanta Const., Sept. 7, 1989, at A1, col. 5. Nevertheless, genocide may be punished whether committed in the past or present.

\textsuperscript{2} Id. art. II.

\textsuperscript{3} Campbell, \textit{Ethiopia Restricts Famine Relief Teams}, Atlanta Const., Apr. 7, 1988, at A1, col. 4 [hereinafter Campbell].
Liberation Front (EPLF). In 1950, the United Nations resolved the question of Eritrea’s status following colonial rule by designating Eritrea as an autonomous unit within an Ethiopian federation. An overwhelming majority of the Eritrean people supported independence, so the federation was based on factors irrelevant to the Eritreans’ wishes. Haile Selassie, then the ruler of Ethiopia and an ally of the United States, actually viewed the 1952 Federation as a step towards recovery of territory that had been lost to colonial powers half a century before. The armed struggle began in 1961 after the Eritreans realized they would never actually have the autonomy guaranteed in their Constitution under the federation. In 1962, the Ethiopian emperor formally abolished the federation and incorporated Eritrea as a province in the Ethiopian empire. Eritreans claim that the federation was contrary to the principle of self-determination.

On the other hand, if the federation was valid, the United Nations failed in its duty to respond to the Ethiopian breach. In any case, the Eritreans remain committed to their right to self-determination.

The right to self-determination is a threshold issue in the Eritrean/Ethiopian conflict that requires balancing the Eritrean claim to independence against the Ethiopian interest in territorial integrity. The United Nations Charter supports the right of peoples to self-deter-

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5 Id. Eritrea was an Italian colony until 1941 when the British defeated the Italian forces. In 1948, the British brought the issue of the future of the territory to the United Nations. The United Nations adopted Resolution 390A(v) on December 2, 1950, creating the Ethiopian/Eritrean federation. Id.
6 Tesfagiorgis, Self-Determination: Its Evolution and Practice by the United Nations and its Application to the Case of Eritrea, 6(1) Wis. INT’L L. J. 75, 113 (1987) [hereinafter Tesfagiorgis]. Eritrea was an integral part of Ethiopia before European colonial powers, attracted by the strategic location along the Red Sea, occupied the area. Id. at 104. Fifty years of colonial rule had laid the groundwork for a distinct Eritrean national identity. Id. at 106.
7 Yohannes, The Eritrean Question: A Colonial Case?, 25 J. MOD. AFR. STUD., 643 (1987); [hereinafter Yohannes] see INT’L COMM’N JURISTS, supra note 4. The solution was geo-political and not intended to respond to the Eritreans’ demands. Secretary of State John Foster Dulles expressed the disregard for the Eritreans’ desires when he stated: “[D]espite the opinions of the Eritrean people, strategic considerations require that the country be linked with our ally, Ethiopia.”
8 Tesfagiorgis, supra note 6, at 104.
9 INT’L COMM’N JURISTS, supra note 4, at 8.
10 Id. The Eritreans now claim that the Eritrean Assembly which agreed to the federated autonomous unit did not represent the people and had no authority to make such an agreement. Even if the agreement was valid, the Eritreans argue that their status could not be changed without clear assent from the Eritrean people.
11 See UNITED NATIONS CHARTER arts. 1 and 55.
12 Tesfagiorgis, supra note 6, at 106.
mination, while also stressing the importance of the territorial integrity of states. The self-determination issue is clear because the Eritrean people have consistently demonstrated their desire for independence, and have proven their ability to survive. The Eritreans view their cause as a struggle against yet another colonial power. Despite Mengistu’s view of a united Ethiopia, the Eritreans see themselves as Eritrean rather than Ethiopian. The EPLF, with the help of Eritrean expatriates, has organized and built a modernized society that supplies most of its own basic needs. No outside power supports the rebels. The key to answering the self-determination issue in favor of the Eritreans is how the Eritreans view themselves and the extent to which they have manifested their desire for independence.

The EPLF has indicated its ultimate goal is to establish a close relationship with a reformed Ethiopia that will cooperate with an independent Eritrea. Eritrea occupies over 600 miles of Red Sea coast, an area of significant economic importance to the Ethiopians. Colonel Mengistu Haile Mariam, the current Ethiopian president,

13 U.N. CHARTER art. 1, para. 2 and art. 55. The Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States elaborates on the right of all peoples “... freely to determine, without external interference, their political status and to pursue their economic, social and cultural development ... .”

14 U.N. CHARTER art. 2, para. 4.

15 Tesfagiorgis, supra note 6, at 117. The Eritreans exhibit the necessary subjective elements for defining “people” in the consciousness of their own national identity and their asserted will to exist. Id. at 88.

The question arises of whether the United Nations was principally concerned with the right to self-determination as related to colonial territories. Tesfagiorgis claims that even if the Eritreans are not a colonial people, they are a people subjected to foreign domination, as expressed in the U.N. Decl. on the Granting of Independence to Colonial Countries and Peoples. Id. at 111.

See also Humphrey, Political and Related Rights, in Human Rights in International Law 196 (T. Meron ed. 1984). If the word “peoples” includes only colonial peoples, the right to self-determination means little since most colonies are now independent.


17 Yohannes, supra note 7, at 667.

18 Kifner, Rebels in Ethiopia Work to Modernize Eritrea, N.Y. Times, Aug. 21, 1988, at 1, col. 3; see Nielsen, The Eritrean Resistance, WORLD PRESS REV., Dec. 1986, at 45 (with self-sufficiency as its goal, the EPLF has organized an entire society with hospitals, schools, industry, and central administration underground).

19 Id.

20 Tesfagiorgis, supra note 6, at 117.


fears the EPLF will cut Ethiopia off from the sea, but the EPLF claims it is willing to negotiate continued access. Yet, Mengistu has responded to the Eritrean’s fight for independence with force and has rejected negotiation. Mengistu will not give up the fight for a unified Ethiopia.

The Dergue, Ethiopia’s military junta, maintains the attitude evidenced by the slogan “Ethiopia first.” This attitude is not unique to Ethiopia; it prevails among African countries that adhere to the Organization of African Unity (O.A.U.) policy not to recognize internal opposition parties in order to preserve unity. As a result, the EPLF has little support from other African leaders or any other outside powers.

The goal of unity is generally legitimate, but it encounters two obstacles in relation to Eritrea. One is the Eritreans’ widely-held desire for self-determination. The history of African countries has largely been one of escape from colonial domination and the Eritrean situation is no exception. The second obstacle is the military strength of the EPLF. Mengistu’s prevailing objective is to destroy the EPLF, but by most accounts the armed struggle is at a stalemate.

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23 See Telegram from Osman Saleh Sabbe, Chairman of the Central Council of the Eritrean Liberation Front, to President Jimmy Carter, Feb. 27, 1978, Jimmy Carter Library, Atlanta, Ga. Mr. Sabbe asked for the United States and Soviet Union to help solve the Eritrean problem, keeping in mind the Eritreans’ wish for independence, while providing for Ethiopian access to the Eritrean ports because “we [the Eritreans] are not after all against the common economic, commercial and security interests between Eritrea and Ethiopia.”

24 Dawit, Power and Famine in Ethiopia, Wall St. J., Jan. 12, 1987, at 24. Dawit was Commissioner of Relief and Rehabilitation in Ethiopia during the 1974-75 drought and from 1983 to 1985. In 1985, he defected to the United States. He was also the Deputy Foreign Minister and Governor of Eritrea.

25 Markakis, supra note 21, at 62; see Yohannes, supra note 7, at 651 (the indivisibility of socialist Ethiopia is not negotiable).

26 18 AFR. CONTEMP. REC. 285 (C. Legum ed. 1985-86); see Yohannes, supra note 7, at 662.

27 Yohannes, supra note 7, at 662; see also Update on Recent Developments in Ethiopia: The Famine Crisis: Hearing Before the Subcomm. on Human Rights and Int’l Org. and On Africa of the House Comm. on Foreign Affairs, 100th Cong., 2d Sess. 4 (1988) [hereinafter Hearing] (United States relations with Ethiopia reflect the policy of supporting the territorial integrity of African nations and only providing humanitarian aid).


result, Mengistu has begun to use the drought to his advantage by cutting off aid to EPLF-held areas and expelling relief workers from Eritrea. Unification is no longer a valid goal when it entails killing large parts of the civilian population by deliberate starvation.

Eritrea, along with other regions of northern Ethiopia, was one of the areas hardest hit by the drought of 1984-85, where reports indicated total crop failure. Estimates are that the number of people threatened with starvation has reached over two million, with the majority in the north. Other sources indicate that nearly one million people have already died. Drought and famine threatened again in 1987, but the drought may be only a secondary cause of the continued famine in Eritrea. The Ethiopian government’s military, political, agricultural, and fiscal policies may, in fact, be the most immediate cause of the famine. The collectivization of agriculture combined with Mengistu’s failure to implement effective programs to deal with the drought have worsened the results of the natural disaster.

Prevention of aid distribution to Eritrea is another of Mengistu’s policies that has made the effects of the drought more severe. Although the focus is on the most recent actions, starvation has been one of the Dergue’s weapons against the unyielding north since the likelihood of peace is small as the EPLF has been unsuccessful in getting the Ethiopian government to the negotiating table, and other countries do not seem willing to participate in the process; see also Markakis supra note 21, at 69 (the war is no nearer resolution, and a military solution is unrealistic).

Campbell, supra note 3; see, Suau, Region in Rebellion: Eritrea, 168 NAT’L GEOGRAPHIC, Sept. 1985, at 384. The Eritrean Relief Association, operating from Sudan, claims to reach only one fifth of the 1.5 million threatened by famine. Most of the food aid destined for Ethiopia arrives at Ethiopian-controlled ports, so the government can direct distribution. See also Markakis, supra note 21, at 69 (international donations to Ethiopia are substantial, but the Dergue continues to hamper food supply to Eritrea).

Bazyler, supra note 29, at 554.

Worthington, supra note 22; see Bazyler, supra note 29, at 558-59. In 1975, Mengistu collectivized all agriculture, and agriculture production, which had always been sufficient under individual farming methods, declined. Farmers have little incentive to increase production, as they must sell a large part of their surplus to the government at below-market prices. Ethiopia must purchase food from other countries, but the government’s large military expenditures, estimated at forty percent of Ethiopia’s budget, have limited the available resources. Only three percent of the budget goes to famine relief. See also Politics Feed Hunger Problem in Ethiopia, Atlanta Const., Jan. 6, 1988, at A10, col. 1 [hereinafter Politics Feed Hunger].

Id.
Dergue came to power in 1974 and famine struck in the mid-1970s. Claiming the action was necessary to "maintain unity and territorial integrity" and to protect the safety of relief workers, in April, 1988, Mengistu blocked the transport of famine aid to Eritrea. The action was clearly an attempt to force an end to the struggle for independence by cutting off all relief to the Eritreans. The Ethiopian government claims the action was necessary to protect relief workers because the EPLF had attacked aid convoys in the past. The Eritreans insist that they previously attacked aid convoys because the Ethiopian regime sent military supplies for the Ethiopian army with the aid. Contrary to Ethiopian claims, others see the expulsion as allowing Mengistu to pursue his genocidal policies in the northern regions without any witnesses to hinder his actions.

Although Ethiopia received enough aid from around the world to feed the starving, the Eritrean people have received little of that food. As of April, 1988, approximately two and a half million people are trapped behind military lines with no access to international relief assistance. In 1986, famine victims were required to travel to relief centers, but most of the victims lived too far away or feared harassment from Ethiopian troops near the towns. The government refused to negotiate delivery with the EPLF or guarantee safe passage

36 Kaplan, supra note 16, at 61.
37 Campbell, supra note 3.
38 Id. Evidence that the April 6, 1988, action is actually an attempt to deliberately starve the Eritreans includes government limitations on food distribution before the relief agencies were expelled, government threats to destroy relief trucks, demands for back taxes, joining the army, or resettlement before receiving aid, and restrictions on the flow of information. Campbell, Ethiopia Using Food as Tactic in War Against Rebel North, Atlanta Const., Jun. 28, 1988, at A1, col.4; see also Bazylner, supra note 29, at 563 (the government distributes aid to areas it controls and denies aid to areas controlled by the rebels); Suau, supra note 30, at 388 (the Ethiopian policy is to starve the rebels into submission).
40 Attacking the Victims, Newsweek, Nov. 9, 1987, at 56. The EPLF wants relief agencies to seek clearance with the EPLF for safe passage. See Highfield, supra note 28. The EPLF does not want to disrupt genuine aid distribution, but legitimately attacks convoys carrying food and ammunition for the Ethiopian army.
41 Hearing, supra note 27, at 22 (Statement of Chester Crocker, Assistant Secretary of State, Bureau for African Affairs).
42 Id. at 4. The international community pledged 1.3 million metric tons of food for 1988, which was enough to meet the needs of the starving.
43 Id.
44 Tucker, In Ethiopia, Food is a Weapon, The Nation, Feb. 8, 1986, at 140.
of supplies across military lines, but voluntary relief organizations could still access the areas. With Mengistu's recent action blocking passage of aid, the Eritrean people are cut off from donations sent to Ethiopia.

In 1984, the United Nations established a special office for emergency operations in Addis Ababa to coordinate the relief effort. The United Nations General Assembly adopted a resolution dealing with the critical situation in Africa and the need for "the international community...[to provide] immediate emergency relief." The international community responded generously; the real challenge was not the availability of food, but distribution hampered by Ethiopia's difficult geography, the shortage of transport vehicles, and military activity in the north.

Although the Ethiopian government would not allow increased United Nations aid to the northern region, the United Nations has denied allegations that the Ethiopian government is deliberately starving the Eritreans. United Nations officials have insisted that distribution is the only problem. Improvements in food distribution were achieved from 1985 to 1987, but the inability to accurately predict rainfall creates a precarious situation. The United Nations coordi-
nated the Ethiopian relief effort, but when the government expelled over fifty relief workers from the northern war zones, the United Nations stopped dramatizing the famine's threat to people in the north and only mildly criticized the action.\textsuperscript{52}

Confronted with reports that Mengistu is using the famine as a weapon against the Eritrean people, the United Nations must use the means available to stop this violation of human rights and prevent genocide. In the Ethiopian situation, the appropriate basis for action is the United Nations \textit{Convention on the Prevention and Punishment of the Crime of Genocide}.\textsuperscript{53}

\textbf{B. The Genocide Convention}

The word "genocide" derives from the Greek word "genos" (race, tribe) and the Latin word "cide" (killing), denoting the destruction of a nation or an ethnic group.\textsuperscript{54} Genocide signifies "a coordinated plan of different actions aimed at destroying essential foundations of life of national groups, with the aim of annihilating the groups themselves."\textsuperscript{55} An essential element of the crime is a specific intent to destroy a group. On December 11, 1946, the United Nations General Assembly passed Resolution 96-I defining genocide as "the denial of the right of existence of entire human groups" such as to shock the conscience.\textsuperscript{56}

\begin{footnotesize}
\begin{enumerate}

\item Wash. Post, Dec. 8, 1985, at 2, col. 1. In 1984, only one out of ten of the 7.9 million Ethiopian famine victims received food aid; in 1985, the U.N. estimated that nine out of ten people had food.

\item Campbell & Scroggins, \textit{Selective Starvation in War Zones Triggers Selective Anger Abroad}, Atlanta Const., Jun. 26, 1988, at A1, col. 2. The United Nations has been so careful in dealing with the Ethiopian government, that it has masked the famine's origins and confused the donating public about the destination of relief aid.

\item Genocide Convention, \textit{supra} note 1.

\item R. Lemkin, \textit{Axis Rule in Occupied Europe} 79 (1944). The atrocities committed by the Nazis during World War II, and the refusal of the Nuremberg Tribunal in the War Crimes trials to accept jurisdiction over crimes against humanity in times of peace, prompted Lemkin to begin a campaign for an international agreement defining genocide and procedures for its prevention and punishment.

\item \textit{Id.} "'Genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation . . . Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of a national group.'"


\end{enumerate}
\end{footnotesize}
The Genocide Convention states that "genocide, whether committed in time of peace or in time of war, is a crime under international law which [the Contracting Parties] undertake to prevent and to punish." Ethiopia was one of the first countries to ratify the Convention in 1949. Article II of the Convention, in relevant part, defines genocide as "deliberately inflicting on [a national] group conditions of life calculated to bring about its physical destruction in whole or in part." The purpose of the Genocide Convention is to mobilize the world's collective conscience by prohibiting, under international law, the intentional destruction of "a national, ethnical, racial, or religious group," and to prevent the recurrence of genocide. While many commentators state that the Genocide Convention has failed in its ultimate goal to deter genocide, other commentators assert that the Convention has had a positive impact in the development of international law.

The Genocide Convention is a landmark because it makes international law applicable to individuals as well as states. Article IV provides that "persons committing genocide or any of the other acts enumerated in Article III shall be punished, whether they are constitutionally responsible rulers, public officials, or private individuals." Individuals may have obligations even without a treaty signed by their own states.

The Genocide Convention went a step further than both the United Nations Charter and the Nuremberg Charter by designating genocide a crime if committed during time of peace as well as war. A state cannot destroy its own citizens with impunity by claiming sovereign..."
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rights. The mere existence of the Genocide Convention and condemnatory resolutions in the United Nations indicate broader recognition of human rights as an area of universal concern and the need to protect them. The next step is to implement procedures for actual protection.

A problem with the Genocide Convention is that the enforcement mechanisms are weak, rendering the Convention virtually unenforceable. In fact, many instances of mass killings have occurred since the Convention's ratification. The Convention is not self-executing; the parties must adopt the provisions into domestic law. Art. VI provides that "persons charged with genocide... shall be tried by a competent tribunal of the State [where] the act was committed, or by such international penal tribunal as may have jurisdiction..."

The first part, in effect, requires a state to punish itself for committing genocide, and the second part is meaningless as no such international court yet exists.

Referral of genocide charges to any other international legislative body, as provided in Article VIII (to competent United Nations bodies) and Article IX (to the International Court of Justice), encounters the obstacle of state sovereignty. Many states have not

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68 Lemkin, supra note 54, at 145.
69 Starkman, supra note 63, at 17; see Edwards, supra note 61, at 306.
70 Starkman, supra note 63, at 8.
71 Evidence of genocide since passage of the Convention includes the attempt by the People's Republic of China to destroy the Tibetans as a religious group from 1959 to 1960, and similar actions against the Tutsi people in Rwanda in 1964. In 1966, thousands of Ibos tribespeople died during Nigeria's civil war at the hands of the government. In 1971, an estimated 1.3 million Bengalis and Hindus suffered from East Pakistan's attempt to prevent the establishment of Bangladesh as an independent state. Starkman, supra note 63, at 14.

More recently, the Laos government committed what could be termed genocide against the Hmong in 1981. Other large-scale killings include the actions of the Pol Pot regime in Cambodia (1975-78), with an estimated three million dead, and the practices of Idi Amin in Uganda (1971-78). Large scale destruction of groups of people clearly continues, but the Genocide Convention may nevertheless have had an influence on members. Over half the states of the world are parties, yet only two of those states (East Pakistan and Laos) committed genocide while members. Edwards, supra note 61, at 303.

72 Genocide Convention, supra note 1, Art. V. A related obstacle is that no uniform model legislation exists so the provisions may vary from state to state. Starkman, supra note 63, at 8.
73 Id. at Art. VI.
74 Lane, supra note 62, at 262. Article VIII allows a contracting party to "call upon the competent organs of the U.N. to take [appropriate] action under the [U.N. Charter]," and Article IX relegates the resolution of "disputes between the Con-
ratified the Genocide Convention because of a perceived reduction in sovereignty due to the Convention’s provision for recourse to international bodies for resolution of conflicts.  

Additionally, international enforcement through the United Nations General Assembly or Security Council is unlikely as any coercive action must be connected to acts or threats of aggression, and enforcement is possible only against contracting parties. Mengistu’s interruption of aid distribution to Eritrea may constitute aggression as commonly understood, but the United Nations definition of aggression seems to include only an act of one state against another. Eritrea must first emerge as an independent state.

Thus far, no state or individual has been punished for committing genocide, although procedures for reporting violations of the Convention exist and have been used. The United Nations Human Rights Commission and its Sub-Commission on the Prevention of Discrimination and Protection of Minorities are principally concerned with examination of human rights violations. The Commission’s Resolution 8 specifies that the Commission may study and investigate situations showing consistent patterns of human rights violations, and pass resolutions suggesting possible action. The Sub-Commission may also use the “1503” procedure to inquire, report, and make recommendations to the Commission on gross human rights violations. This procedure is non-sanctioning. Neither procedure has

tracting Parties relating to the interpretation, application, or fulfillment of the Convention” to the International Court of Justice. Genocide Convention, supra note 1, arts. VIII & IX.

75 States refuse to be bound by Articles VIII and IX for fear of outside interference in domestic affairs. Lane, supra note 62, at 262.

76 Id.

77 Definition of Aggression, arts. 1 and 3.

78 Leiser, supra note 62, at 317.

79 Lane, supra note 62, at 269.


81 E.S.C. Res. 1503, 48 U.N. ESCOR Supp. (No. 1A) at 8, U.N. Doc. E/4832/Add.1 (1970). The Sub-Commission created a working group to meet privately once a year to discuss communications relating to gross human rights violations. The communications must be based on direct and reliable evidence, and if they survive the conditions of admissibility, the Sub-Commission may refer them to the Commission for study. The beneficial result of the procedure is unclear, but the structure must be understood in the context of noninterference with states’ rights. Lane, supra note 62, at 269-273.

82 Id.
been used to its full extent despite evidence of acts of genocide.\textsuperscript{83}

The closest application of the Genocide Convention has been against the Kampuchean government for atrocities committed under Pol Pot.\textsuperscript{84} When first presented with genocide charges against the Khmer Rouge, the United Nations took minimal action. The United Nations Commission on Human Rights invited the Kampuchean government to comment on the charges, and the government responded by rejecting them.\textsuperscript{85} At the 1979 annual meeting, the Sub-Commission presented a report labeling the acts of the Pol Pot regime as "nothing less than auto-genocide," but the United Nations did nothing.\textsuperscript{86}

Current efforts are being made to bring a charge of genocide against the Khmer Rouge before the International Court of Justice.\textsuperscript{87} Article IX of the Genocide Convention provides that "disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide . . . , shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."\textsuperscript{88} Democratic Kampuchea accepted the compulsory jurisdiction of the Court, and Australia has expressed an interest in bringing the case.\textsuperscript{89} The dispute required for court jurisdiction involves the charges of genocide that several states presented to the United

\textsuperscript{83} See supra note 71, and infra notes 85 and 102.


\textsuperscript{85} L. KUPER, THE PREVENTION OF GENOCIDE 90 (1985). Atrocities committed during the forced evacuation of the Cambodian capital, Phnom Penh, by the Khmer Rouge in 1975 were immediately known to the outside world, yet the United Nations did not take action until 1978. The governments of Canada, Norway, the United Kingdom, the United States, and Australia, as well as Amnesty International and the International Commission of Jurists made submissions, with supporting documentation, to the Commission on Human Rights (Commission) concerning the activities in Cambodia. The majority of the Commission rejected a resolution to make a study of the human rights situation with the cooperation of the Kampuchean government. Instead, the Commission passed the resolution inviting the government's comments.

\textsuperscript{86} Id. The majority of the Commission voted to postpone consideration of the report labeling the Kampuchean activities "autogenocide" until the 1980 session. During that time, the Vietnamese invaded Cambodia, and prosecution of Pol Pot and the former deputy prime minister on charges of genocide was left to the new regime.

\textsuperscript{87} Stanton, supra note 84.

\textsuperscript{88} Genocide Convention, supra note 1, art. IX.

\textsuperscript{89} Stanton, supra note 84, at 343.
Nations and the Democratic Kampuchean government's rejection of the charges as an interference in domestic affairs.90

Despite the enforcement problems, the Genocide Convention is not completely ineffective. The genocide prohibition is emerging as customary international law, indicating that an overwhelming majority of states recognize a legal obligation not to engage in the practice.91 Voluntary compliance with the Convention may lead to an authoritative rule of law even if the Convention lacks enforcement mechanisms.92 By making genocide a crime under international law, the Convention established the right of intervention to prevent destruction of minorities.93 Commission of an international crime concerns all states,94 and all states have a legal interest in the prohibition and punishment under the theory of *erga omnes*.95 Any state can take jurisdiction over genocidal acts regardless of the offender's nationality and the place of commission.96

### III. Analysis

As the first United Nations human rights instrument, the Genocide Convention was the departure point in the adoption of effective

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90 *Id.* at 346. Australia, Norway, Canada, the United Kingdom, and the United States brought charges against the Kampuchean government in 1978.

91 The act of genocide does not necessarily negate customary international law. Starkman, *supra* note 63, at 12.

A rule from a treaty may become international law independent of the original treaty source based on state practice. As a result of the Convention, genocide is recognized internationally as a crime even in non-party states. Edwards, *supra* note 61, at 305. Nevertheless, Leiser disputes any practical effect of the Genocide Convention because labeling genocide an international crime means little if the international community cannot stop genocide, and is unwilling or unable to punish it. Leiser, *supra* note 62, at 317.

92 *Id.*

93 *Lemkin, Genocide as a Crime under International Law*, 41 AM. J. INT'L L. 150 (1947). *See also* International Law Commission Draft Convention on State Responsibility, I.L.C. Rep. 175 (1976). "...an international crime may result from...a serious breach on a widespread scale of an international obligation of essential importance for safeguarding the human being, such as those prohibiting...genocide..." *Id.*


95 *Barcelona Traction Light and Power Co., Ltd*, 1970 I.C.J. 1, 32. The doctrine of *erga omnes* provides that states have certain obligations towards the international community as a whole, and that all states have an interest in the protection of these rights.

96 *Id.; see also*, *Restatement (Third) Foreign Relations Law of the United States* § 404 (1987). A state may exercise jurisdiction to define and punish certain offenses recognized by the community of nations as of universal concern, such as, genocide, even where [the conduct does not occur in its territory or directly affect its nationals].
international measures to prevent and punish human rights violations. An analysis of the nature of the group, the intent requirement, and the extent of destruction as concerns Eritrea reveals that the Ethiopian government is committing, or attempting to commit, the crime of genocide. The activities of the Ethiopian government in blocking famine aid to Eritrea threaten not only members of the EPLF but also the entire Eritrean civilian population with destruction. Mengistu promises to "not only wipe [the rebels] out but also to teach an unforgettable lesson" to future generations. Thus, his actions are directed against the Eritrean people with the aim of destroying its independent existence.

The Eritreans fit into Article II of the Genocide Convention as a "national" group. The EPLF has fought for an independent Eritrea for twenty-eight years. A national liberation movement combines the mobilization of popular support with a commitment to self-reliance. The American Heritage Dictionary defines a nation as a group with one usually independent government, or a federation. The Eritreans have declared themselves independent, and the EPLF has established a nearly self-sufficient underground society in Eritrea. Furthermore, the formation of the federation between Eritrea and Ethiopia in 1950 indicates that the United Nations recognized the Eritreans as an autonomous group.

A more difficult task is to find Mengistu's specific intent to destroy the Eritrean national group as required by Article II of the Genocide Convention. The focus is on the group, and individuals are attacked only because they are members of the group. The drafters likened genocide to homicide, with its necessary criminal deliberation, against a group. The strictness of the intent requirement has provided a

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99 Campbell, *supra* note 3.
100 *BEHIND THE WAR IN ERITREA* 7 (1980).
101 *AMERICAN HERITAGE DICTIONARY* 831 (2d ed. 1982).
102 Kifner, *supra* note 18.
103 Genocide Convention, *supra* note 1, art. II (emphasis added).
104 Lemkin, *supra* note 93, at 147; *See*, Lemkin, *supra* note 54, at 79. "[G]enocide is a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves."
105 3(1) U.N. GAOR C.6 (63rd mtg.) at 6 (1948). "Genocide denotes a criminal
defense against charges under the Genocide Convention for causing mass deaths.¹⁰⁶

"The partial or total destruction of a group unaccompanied by the intent for such a result is not genocide. An act may be punished as genocide upon proof of intent to destroy the group regardless of the result. An intended action that results in destruction of a group without intent to eliminate the group is not genocide."¹⁰⁷

The Paraguayan government used this defense to counter charges of genocide against the Ache Indians, claiming that government actions inadvertently harmed the Indian population.¹⁰⁸ The application of the Genocide Convention to Idi Amin’s random killing in Uganda from 1971 to 1978 demonstrates the difficulty of drawing a line between the intent to destroy a specific group and indiscriminate killing.¹⁰⁹

Charges of genocide against other countries further illustrate the nature of the intent requirement and emphasize the applicability of the Genocide Convention to the Eritrean situation. The atrocities committed by the Nazis clearly evidenced a genocidal intent, but not all cases are so obvious. An estimated 50% of the Ache Indian population in Paraguay has disappeared due to Paraguayan government actions in commercially exploiting the forests, but the government has denied any genocidal intent to destroy.¹¹⁰ The Indians occupy areas of Paraguay that are prime for economic development,¹¹¹ and several organizations have charged the government with committing genocidal extermination of the Ache by physical killing, deliberate starvation and semi-starvation, and incarceration on Indian reservations.¹¹² In 1974, the International League for the Rights of Man formally charged the Paraguayan government with genocide before


¹⁰⁶ Lane, supra note 62, at 262.
¹⁰⁹ Lane, supra note 62, at 262.
¹¹⁰ Arens, A Lawyer's Summation, GENOCIDE IN PARAGUAY 139 (1976).
¹¹¹ Munzel, Manhunt, GENOCIDE IN PARAGUAY 38 (1976). The area attracts large foreign companies engaged in developing forest industries and grazing land.
the United Nations Secretary-General. The Ache Indians have no political aspirations that make them dangerous to the government, but they are inconvenient to the development of industry and agriculture.

The actions of the Paraguayan government against the forest Indian population resemble actions of the Ethiopian government against Eritrea. The apparent goal is to cause eventual extinction of the Ache ethnic group. Like the Ache, the Eritreans hinder the Ethiopian government economically by blocking access to the Red Sea, and elimination of the population is a solution to the problem.

The most obvious distinction between the Eritrean situation and the situation of the Ache Indians is that the Eritreans are engaged in a civil war with Ethiopia. EPLF military advances in the northern territory threaten the foundation of what Mengistu considers the Ethiopian state. Putting aside the question of the Eritreans’ right to self-determination, the difficulty lies in distinguishing genocide from deaths normally occurring in the course of war. Inevitably, civilians die during a war, but a legitimate war is directed against states/governments and armed forces, and not against general populations. When the destruction focuses on a specific civilian population, genocide occurs. Mengistu initially directed his actions against the EPLF, but he cannot eliminate the EPLF using conventional military tactics. By blocking aid to Eritrea, Mengistu is trying to force the EPLF into submission by hurting the entire northern civilian population. Mengistu’s actions are now directed against the Eritrean people, even if Mengistu is ultimately aiming for members of the EPLF. The intent is in the act. Mengistu cannot hide behind the intent requirement of the Genocide Convention by claiming that he really does not want to destroy the Eritrean people, but only the EPLF fighters, when he is actually attempting to starve the general population. Mengistu has now directed his efforts towards widespread extermination.

The genocide label has been applied retrospectively to government-imposed famine on a national group. Although the Genocide Convention did not exist at the time, the label attaches to Stalin’s de-

113 Arens, supra note 108, at 12.
114 Munzel, supra note 111, at 38.
115 Arens, supra note 110, at 141.
117 Kaplan, supra note 16, at 59.
118 Lemkin, supra note 54, at 80.
liberate starvation of the Ukrainian people in the 1930's.\textsuperscript{119} The Ukrainian peasantry, largely ignored in Soviet politics, became conscious of its national identity and was unwilling to obey Moscow in arranging its internal affairs.\textsuperscript{120} In sum, to destroy the Ukrainian nation as a political factor, Stalin collectivized agriculture and imposed disproportionate grain quotas on Ukrainian farmers.\textsuperscript{121} Border checkpoints prevented people from leaving or entering the region with food supplies.\textsuperscript{122} The people could not meet the quotas and feed themselves, and an estimated five to seven million Ukrainians starved.\textsuperscript{123} The Ukrainian resistance stopped; the famine weapon had taught submission.\textsuperscript{124}

Mengistu's actions in Eritrea parallel Stalin's in the Ukraine. Although his tactics are different, Mengistu is using famine as a weapon against the Eritreans. A major difficulty arises in applying the Genocide Convention to either case, as well as to many others, because the Convention excludes mass murder on political grounds.\textsuperscript{125} Thus, Stalin's actions are seemingly not genocide because he wanted to destroy the Ukrainian nation as a political factor.\textsuperscript{126} Mengistu's goal of unification is partly political, but his major underlying motive is also economic. Genocidal incentives may be economic as groups compete for space or resources.\textsuperscript{127} Mengistu does not want to negotiate access to the Red Sea, so his perceived alternative is to attack the Eritrean people.

Many people die during wars, but war does not excuse genocide, especially when the war itself may not be legitimate. The issue goes back to the Eritreans' right to self-determination. The Eritrean situation may be compared to the dispute in the early 1970's between the Bengalis of East Pakistan, seeking self-determination, and the

\textsuperscript{120} Id. at 69.
\textsuperscript{121} Id. at 74. The punishment for failure to meet quotas was execution or prison for individuals, and a complete economic blockade for villages.
\textsuperscript{122} Id. at 75.
\textsuperscript{123} Id. at 78.
\textsuperscript{124} Id. at 80.
\textsuperscript{126} Mace, \textit{supra} note 119, at 67.
\textsuperscript{127} Fein, \textit{supra} note 125, at 5.
government of West Pakistan. As Pakistan's hopes for preventing Bengali independence diminished, the Pakistan army engaged in a massive onslaught, killing millions of Bengalis. Twenty-two non-governmental organizations presented a complaint to the Commission on Human Rights, but the United Nations failed to take any concrete action. When the Bengalis finally won independence and formed the new state of Bangladesh, the United Nations stopped any action, evidently considering the genocide issue resolved. The government of Bangladesh tried to take steps of its own to redress the extensive killings.

In 1973, the new state of Bangladesh sought to try 195 Pakistani nationals for genocide committed during Bangladesh's struggle for independence. The Bangladesh court claimed jurisdiction under Article VI of the Genocide Convention which provides that "persons charged with genocide... shall be tried by a competent tribunal of the State in the territory of which the act was committed." The trials never actually took place because of politics, not lack of jurisdiction.

In each of the cases mentioned, the destruction did not have to eliminate the entire targeted population before it constituted genocide, although total annihilation may have been the goal. Mengistu does not have to physically eliminate every Eritrean to accomplish his objectives. Genocide does not necessarily entail the immediate destruction of the entire group, but actions must harm a large enough

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129 Id.
130 Id.
131 Id.; see International Commission of Jurists, *The Events in East Pakistan* 56 (1971). The Commission questions whether all action by the Pakistan army was genocide, but finds that specific acts may qualify. The intent must be to destroy members of a group "as such," and genocide has a more precise meaning than any large scale massacre of civilians.
133 Genocide Convention, *supra* note 1, Art. VI; Paust & Blaustein, *supra* note 132, at 21. Neither Bangladesh nor Pakistan had any national implementing legislation for the Genocide Convention, but universal jurisdiction was possible because genocide is a crime against humanity even if it is not a violation of domestic law.
134 Id. at 34. India's repatriation of the Pakistanis did not end the duty to prosecute for acts of genocide, but merely transferred the responsibility to Pakistan. Id. at 37.
135 Lemkin, *supra* note 54, at 79.
number to destroy the group as a viable entity.\textsuperscript{136} Article II of the Genocide Convention providing that destruction of the group can be "in whole or in part" has caused much debate.\textsuperscript{137} Lemkin stated that genocide is not necessarily the immediate destruction of the entire nation, but destruction of the essential foundations of life with the aim of eliminating the group.\textsuperscript{138} In debates over the Genocide Convention, the United States Senate has claimed that the intent must be to destroy the entire group, although actions may only partially eliminate the group.\textsuperscript{139} No other state has ratified the Genocide Convention with a similar understanding, suggesting that an intent to destroy "in part" is sufficient so long as the actions are substantial enough to affect the entirety.\textsuperscript{140}

Mengistu's prevention of aid distribution to Eritrea is calculated to eliminate Eritrea as an independent entity. Even if the actions were solely against the EPLF, the result would be the same. Without the efforts of the EPLF, supplying the organizational structure in Eritrea, the Eritrean people would have to rely completely on the Ethiopian government for survival. Starving Eritreans cannot fight, nor can they support the EPLF. Mengistu may wish only to pressure the Eritreans into submission, not to destroy them, but a promise to stop fighting if the victim gives in does not negate genocide, especially where a large part of the group is destroyed to subdue the rest.\textsuperscript{141}

Showing the application of the Genocide Convention to Mengistu's actions in Eritrea is essential to bring a formal charge to the United Nations, but the obstacle remains of extending the Convention beyond its symbolic meaning to actual enforcement. To charge a state or individual with genocide is both politically and functionally complicated. The international community has difficulty accusing member states of such a gross violation of human rights, especially given the definitional strictness of the Genocide Convention. Once the label is applied, the lack of enforcement mechanisms impedes meaningful punishment. Attempts to try acts of genocide have previously been

\textsuperscript{137} Genocide Convention, \textit{supra} note 1, art. II.
\textsuperscript{138} Lemkin, \textit{supra} note 54, at 79.
\textsuperscript{140} \textit{Id.} at 379.
\textsuperscript{141} \textit{Sartre, On Genocide} (1968).
in the context of a weakened or ousted government for crimes already committed. A discussion of those cases suggests that, although actual enforcement of the Genocide Convention against Ethiopia is unlikely, use of the Convention for its symbolic force is still possible.

As previously mentioned, no state or individuals have ever been punished for committing genocide. The International League for the Rights of Man formally addressed the United Nations Secretary General, charging the Paraguayan government with genocide, but the United Nations has taken no action.\textsuperscript{1} The term genocide was applied in the Ugandan situation, but the United Nations did little, besides calling on Amin to conduct an investigation of the allegations.\textsuperscript{143}

Some kind of international adjudication appears possible against the Kampuchean government of Pol Pot, but that situation differs from the Eritrean situation. Documentation of the genocidal acts in Kampuchea was possible because the Khmer Rouge no longer controlled the territory and the Vietnamese-controlled government gave permission to gather evidence against the Khmer Rouge.\textsuperscript{144} Similar action in Ethiopia is improbable as Mengistu is the sole recognized ruler of Ethiopia and he will not readily allow foreign observers to collect evidence against him. Given the reluctance of states to even interfere in the Eritrean war, no state is likely to bring charges of genocide against Mengistu to the World Court. The alternative is trial by a national court.

\textsuperscript{1} Arens, \textit{supra} note 108, at 12. The League submitted a similar complaint to the Organization of American States. The Paraguayan Bishops' Conference and the Department of Missions of the Paraguayan Conference of Catholic Bishops have also charged genocide. Arens, \textit{supra} note 110, at 141. The United States has considerable influence in Paraguay, but the government refuses to confront the Paraguayan government. The United States will not go beyond informal requests in favor of Indian rights because of principles of non-intervention in another state's internal affairs. In all likelihood, the United States is also reluctant to disturb relations with a strong industrial market. \textit{Id.} at 147.

\textsuperscript{143} Kuper, \textit{supra} note 85, at 139-140. The issue of Idi Amin's actions against the Ugandan Indians in August, 1971, was immediately raised in the Sub-Commission, but the members resolved only to recommend consideration of the applicability of international legal protection of human rights to noncitizens. In 1973, a former minister of education and the ousted president of Uganda separately wrote to the Organization of African Unity, charging Amin with the commission of genocide. Between 1974 and 1976, the Commission submitted five complaints of human rights violations to the Secretary-General of the United Nations. The Secretary-General called on Amin to conduct an investigation, but the Commission did not undertake an investigation until 1978.

\textsuperscript{144} Stanton, \textit{supra} note 84, at 342.
Clearly, Mengistu is not likely to submit himself to punishment by an Ethiopian court. The example in Bangladesh of the attempted trial of Pakistani nationals by a Bengali national court was possible for reasons similar to those allowing trial of the Kampuchean government. Pakistan no longer controlled Bangladesh so the Bengali government was free to proceed as it wished. Mengistu is responsible for the acts of genocide against the Eritreans, but he remains in power in Ethiopia.

Although the chance of actually trying Mengistu for genocide is slight, the international community is not thereby relieved of its obligation to react to Mengistu's deliberate starvation of the Eritrean people. The Genocide Convention has symbolic force as a prohibition of future acts of genocide, and the world has a duty to focus attention on Ethiopia to prevent further harm to the Eritrean people.

Mengistu claims he only wants to unite Eritrea with the rest of Ethiopia, and not necessarily destroy the people, but his actions indicate the latter goal. By expelling relief workers, Mengistu took an important step towards facilitating his genocidal policy. He justified the expulsion of volunteer organizations as necessary to protect foreigners caught in the fighting, but others suggest that protection is a secondary motive. The primary reason for the expulsion, as mentioned previously, was to allow Mengistu to pursue his genocidal policies in the northern regions unchecked. Once the intent to destroy a particular group of people appears, the term genocide applies. Article I of the Genocide Convention requires parties not only punish genocide but also to prevent it. The drafters stated that even if the Convention only established that genocide was an international crime, adoption was necessary to keep the conscience of humanity constantly on the alert against it. Perhaps the greatest significance of the Genocide Convention is that it labelled and outlawed mass murder of particular groups of civilians wherever and

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143 Int'l Comm'n Jurists, supra note 4, at 8.
144 Hearing, supra note 27, at 22.
145 Id. (Statement of Chester Crocker, Assistant Secretary of State, Bureau for African Affairs).
146 Genocide Convention, supra note 1, art. II.
147 Id. art. 1.
148 Consideration of the Draft Convention on Genocide, 3(1) U.N. GAOR C.6 (66th mtg.) at 32, U.N. Doc. A/633 (1948) [Comment of Mr. Azkoul of Lebanon]. Comments supporting the Genocide Convention were in response to other delegates who warned against building up false hopes about what the Convention could actually accomplish. Id. at 17 [Comment of Sir Hartley Shawcross of the United Kingdom].
whenever it occurs. Mengistu is currently committing genocide in Eritrea and the international community has an immediate duty to prevent more needless extermination.

IV. CONCLUSION

The Genocide Convention was the first United Nations human rights document. Thus far, the Convention has had symbolic force in providing the world with a label for atrocious crimes against humanity, but has remained limited in providing mechanisms for prosecuting such crimes. Later agreements are more sophisticated and the United Nations could use them as a model to increase the effectiveness of the Genocide Convention. One suggestion for more effective procedures is the establishment of a tribunal that would try and punish perpetrators of genocide using international law, including the Genocide Convention. The tribunal would initiate preventive measures and hear petitions of individuals or groups, and an early warning system could enable the international community to intervene to prevent or mitigate the results of acts of genocide.

Nongovernmental organizations could play a larger role in monitoring and reporting acts of genocide. The problem is that human rights organizations do not want to accuse a government or individual prematurely of genocide because it may hurt their reputations and hinder their access to countries to conduct investigations. One suggestion is the establishment of an independent group that deals only with genocide and that can balance the risks of a premature judgment of genocide against the danger of ignoring mounting deaths. An important function of the group would be to generate publicity when genocidal activities occur or are imminent.

Article VI of the Genocide Convention provides for trial by an international penal tribunal, and the international community should work towards its creation. As is suggested in the case of the Kam-pucheans crimes, an international penal tribunal could be established under a limited charter to hear specific charges of genocide.

151 Kutner, supra note 97, at 373.
152 Id.; see also Lippman, supra note 97, at 1.
153 Id.
154 Fein, supra note 125, at 25.
155 Id.
156 Genocide Convention, supra note 1, art. VI.
157 Stanton, supra note 84, at 347.
Bangladesh attempt to try Pakistani nationals for genocide is evidence of present legal expectations that the acts of genocide not go unpunished. Even in the absence of an international criminal court, the idea of universal jurisdiction over those who offend all has become acceptable. Meanwhile, the United Nations can make fuller use of existing procedures to investigate allegations of genocide.

While the international community searches for effective legal measures to prevent and punish acts of genocide, states must take immediate steps to stop Mengistu from committing genocide in Eritrea. During United States Senate hearings on Ethiopia, several commentators suggested possible economic and political actions against Ethiopia. States could impose trade sanctions against Ethiopian imports to indicate displeasure with Mengistu’s treatment of the Eritreans. Requests to the Soviet Union to pressure its ally Mengistu into reform might also be effective. The most powerful solution is to keep world attention focused on Ethiopia to isolate, and if necessary, delegitimize the Mengistu dictatorship. Most commentators agree that the only real solution to the problem is to remove Mengistu completely from power.

While the label of genocide alone is insufficient to halt mass killings, it is a first step toward international recognition of an obligation to take action. The drafters noted that while the existence of the Genocide Convention may not have stopped Hitler from committing genocide, at least it would have prevented the attitude of tolerance and made it more difficult. Once the world knows that a country is committing genocide, all who do not denounce it are accomplices. The Ethiopian government is committing genocide by deliberately starving the Eritreans.

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158 Paust & Blaustein, supra note 132, at 38.
160 Hearing, supra note 27, at 5 [Comment of Mr. Burton, the ranking member of the Africa Subcommittee].
161 Id., at 3 [Comment of Congressman Jerry Solomon]; see Ethiopia: A Hunt for Arms, Newsweek, Apr. 24, 1989, at 5. Soviet threats to cut off support to Ethiopia may indicate a change of Soviet policy towards the Ethiopian civil war.
162 Id. at 4.
163 Id.
164 Draft Convention Discussion, supra note 150, at 30.
165 Sartre, supra note 141, at 84.