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ETHIOPIA: A SOCIOPOLITICAL ASSESSMENT

A Writenet Report by Cedric Barnes

**commissioned by United Nations High Commissioner for Refugees,
Status Determination and Protection Information Section (DIPS)**

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List of Acronyms

AAPO	All Amhara Peoples Organization
ANDM	Amhara National Democratic Movement
CIP	Complaints Investigation Panels
CUD	Coalition for Unity and Democracy
EDUP	Ethiopian Democratic Unity Party
EEBC	Eritrea Ethiopia Boundary Commission
EECC	Eritrea Ethiopia Claims Commission
EFJA	Ethiopian Free Press Journalists' Association
EHRCO	Ethiopian Human Rights Council
EPPF	Ethiopian Peoples Patriotic Front
EPRDF	Ethiopia Peoples Revolutionary Democratic Front
EPUF	Ethiopian Patriotic United Front
ETA	Ethiopian Teachers Association
EU	European Union
FEWS NET	Famine Early Warning System Network
GDP	Gross Domestic Product
GPLF	Gambella People's Liberation Front
GPLM	Gambella People's Liberation Movement
ICFTU	International Confederation of Free Trade Unions
ICRC	International Committee of the Red Cross
IMF	International Monetary Fund
NEBE	National Election Board of Ethiopia
NGO	Non-governmental Organization
OFDM	Oromo Federal Democratic Movement
OLF	Oromo Liberation Front
ONC	Oromo National Congress
ONLF	Ogaden National Liberation Front
OPDO	Oromo People's Democratic Organization
PFDJ	Popular Front for Democracy and Justice
SEPFD	Southern Ethiopian People's Democratic Front
SEPU	South Ethiopian Peoples Unity
SIRAA	Security, Immigration, Refugees Affairs Authority
SNNPR	Southern Nations, Nationalities and Peoples' Regional State
SPDP	Somali People's Democratic Party
TPLF	Tigray People's Liberation Front
TSZ	Temporary Security Zone
UEDF	United Ethiopian Democratic Forces
UN	United Nations
UNDP	United Nations Development Programme
UNMEE	United Nations Mission to Eritrea and Ethiopia
US(A)	United States (of America)

Executive Summary

This report should be read with reference to the previous Writenet report prepared by Sarah Vaughan in 2004. As well as a general update on the events since 2004, the present report concentrates on groups and individuals that are likely to be of concern to UNHCR within Ethiopia. The report examines possible sources of conflict and population displacement in the short to medium term. The two primary events and processes that have dominated Ethiopia during the period 2004-2006 were the national elections of 2005 and the continuing impasse over the disputed border with Eritrea.

As the 2004 Writenet report predicted, the elections of 2005 were to be the most hotly contested and closely scrutinized in Ethiopia's modern history. In fact in the run-up to the election there was an unprecedented degree of open and genuine political competition. Less predictable was the crisis that followed the election where the opposition did much better than expected, to the surprise of the incumbent government, and perhaps even the opposition itself.

The election was followed by clumsy and hasty measures on behalf of the government to ensure victory. Whether the government actually lost will never be known, but it certainly handed a moral victory to the opposition. Disinclined to sharing power, the government was clearly taken aback at the prospect of greater political pluralism. Keen for power but unused to such a wave of popular support, the opposition veered between negotiating with the government and backing popular protest. The result was civil unrest and heavy handed government response, and the most worrying deterioration of respect for human rights and due process since the beginning of the transitional government in 1991.

Redeveloping conflict over the border between Ethiopia and Eritrea threatened the *de facto* peace that had held since the ceasefire in 2000. From late 2003 efforts to implement the conditions of the 2000 Algiers agreement foundered. Already strained relations deteriorated drastically, and military tension escalated to dangerous levels. Ethiopia's refusal to accept the ruling of the 2002 Ethiopian Eritrean Boundary Commission and demarcate the border has encouraged Eritrean intransigence and isolationism. If renewed US led efforts to overcome the impasse fail, the United Nations Security Council threatens to downscale its military presence which may risk open conflict breaking out again.

However on the positive side Ethiopia has taken steps to allow Ethiopian national status to Ethiopians of Eritrean origin, and guarantees for existing resident Eritrean nationals. In case of renewed conflict the anomalous situation of dual Ethiopian and Eritrean nationality and infringement of human rights, should not happen again. The Comprehensive Peace Deal in the Sudan has allowed the repatriation of Sudanese refugees. The continued stability in the self-declared Republic of Somaliland and the autonomous region of Puntland has allowed the closure of all but one of the long term Somali refugee camps in the east.

1 Introduction

This report should be read with reference to the previous Writenet report prepared by Sarah Vaughan in 2004.¹ This centred on the transitional nature of the Ethiopian government and its attempts at internal reform and implementation of policies designed to reduce the endemic conflict and poverty associated with Ethiopia since the 1970s. In 2004 it was unclear how successful this transitional process had been, for example: how far had devolution of political and economic power progressed; how committed to democracy was the incumbent Ethiopia Peoples Revolutionary Democratic Front (EPRDF) government; and how successful was the government in fighting poverty and injustice? Indeed in 2004 Vaughan noted that “by far the most important factor threatening rights of Ethiopians and refugees living in Ethiopia, is the insecurity arising from poverty, and from continuing low level conflict”.² This situation has not markedly changed, and has worsened in some areas. Moreover, by 2004 the unresolved border conflict with Eritrea had not only prolonged the uncertain situation for internally displaced people and refugees, but also the continuing burden of military mobilization and economic side-effects of the dispute has reduced Ethiopia’s economic capacity.

The following report – supported by recent literature – demonstrates that Vaughan’s analysis in 2004 of the governmental system and its limitations continues to apply to the current situation in Ethiopia. The Ethiopian state is still highly centralized, and dominated by the forces that overthrew the Marxist administration in 1991, the EPRDF. Two key levers of power remain with the federal state: namely the retention of state control over land and the continuing fiscal strength of the centre in relation to the periphery.³ The political formula of ethnic federalism promised much, but until now has delivered little real power beyond government at the federal level.⁴

Another telling aspect of the continuing dominance of state over society, and the interconnection between party and state is the retention and use of the *kebele* system of local government. The *kebele* as an institution was developed by the Marxist regime as an effective and efficient means to keep a tight control over its citizens (used during the Red Terror) and continues to be used as a means to harass political opposition. As Vaughan noted, in Ethiopia, “the administrative and political structures overlap and interweave in such a way that, in practice, local administrative units are infrequently politically neutral or independent of the ruling party”.⁵

Vaughan also noted that while the Ethiopian government had made a concerted effort to professionalize local government and local civil servants – making local government more inclusive of previously marginalized national groups and ethnic minorities – there still remained a question of whether the reformed bureaucrats were truly public servants or rather

¹ Vaughan, S., *Ethiopia: A Situational Analysis and Trend Assessment*, Writenet for UNHCR, January 2004 (*UNHCR RefWorld 2005*, Issue 14, CD 4)

² Vaughan, *Ethiopia...* p. v

³ See for example, Abbink, J., *Discomfiture of Democracy? The 2005 Election Crisis in Ethiopia and its Aftermath*, *African Affairs*, Vol. 105, No. 419, 2006, pp. 177-8

⁴ Aalen, L., *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia*, Working Paper, Spring 2006, <http://folk.uio.no/andreasf/ACCDIFF/ACCDIFF-SEM/Aalen.doc> [accessed May 2006]

⁵ Vaughan, *Ethiopia...*, p. 6

clients of a central patronage system.⁶ Moreover there was still little judicial independence where “political influence is unmistakable, unidirectional, and, in rural areas, often backed by force”.⁷ Furthermore the police remained effectively a paramilitary force in many areas. Again, Vaughan noted in 2004, “at times of tension or public disorder, this has often resulted in the use of excessive force, with a corresponding erosion of public confidence and respect for human rights”.⁸ Events surrounding the May 2005 election have shown this characterization still holds true.

The unhappy aftermath of the Ethiopian elections of May 2005 prompted certain experts to offer up their analysis of the state of Ethiopia,⁹ expressing either cautious pessimism or guarded optimism in the manner that has characterized the range of expert opinion on Ethiopia’s transition since the fall of the Marxist regime in 1991. Yet in contrast to the ambivalent views of the experts, until very recently Ethiopia’s international partners have been wholly enthusiastic about the country’s transitional process toward democracy, and the attendant governmental and economic reforms.¹⁰ In comparison to the previous *Derg* regime and Ethiopia’s immediate neighbours in the post-cold war era – notably Somalia and Sudan, and more recently Eritrea – EPRDF-led Ethiopia was an island of relative peace and progressive politics. However, this benign outlook has abruptly changed after a year of political impasse and increasingly violent protest and suppression. The unresolved boundary dispute with Eritrea is also clouding international attitudes towards Ethiopia.

Most significantly to the country as recipient of significant direct government aid, Ethiopia’s largest donors, the European Union and the United States, have become more circumspect in their support.¹¹ For example in a public testimony given to the United States House of Representatives Committee on International Relations in March 2006, the Deputy Assistant Secretary of State for African Affairs, Donald Yamamoto, concluded his address as follows:

Ethiopia is currently at a crossroads; it can continue to move forward, or it can lapse into the sort of government that is best encountered in history books. It is incumbent upon Prime Minister Meles, his government, and the various elements of the multi-faceted opposition to demonstrate to the world, but, more importantly, to Ethiopians,

⁶ *Idem*, p. 7; see also Abbink

⁷ Vaughan, *Ethiopia*, p. 7; see also Observatory for the Protection of Human Rights, *Ethiopia: Human Rights Defenders under Pressure*, Report No. 417/2, April 2005, p. 16, http://www.fidh.org/article.php?id_article=2369 [accessed May 2006]

⁸ Vaughan, *Ethiopia...*, p. 9; Observatory for the Protection of Human Rights, *Ethiopia...*, p. 15

⁹ Among others see, for example, Clapham, C., Comments on the Ethiopian Crisis, 7 November 2005 (unpublished memo, circulating on various Ethiopian opposition websites), e.g. http://www.ethiomeia.com/fastpress/clapham_on_ethiopian_crisis.html [accessed May 2006]; see also, as a reply, Tekeda Alemu, An Open Letter to Professor Christopher Clapham, 17 November 2005 (posted on the website of the Ethiopian Ministry for Foreign Affairs), http://www.mfa.gov.et/View_Commentaries/Open%20Letter%20to%20professor%20Christopher%20Clapham.htm [accessed May 2006]

¹⁰ Abbink, p. 177

¹¹ Inter Press Service News Agency, Politics-Ethiopia: Concern over Election Violence Begins to Bite, 16 June 2005; Integrated Regional Information Networks, Ethiopia: Donors Urge Dialogue to End Political Stalemate, 27 April 2006

the sincerity of their professed commitment to democracy through their actions as well as their words.¹²

Though not wholly critical of the government – a stance that has been condemned by Ethiopian exile groups in the US – Yamamoto’s language does not hide the fact that his government is concerned over the Ethiopian government’s commitment to democracy and human rights. Others have been more explicit: the United Nations High Commissioner for Human Rights recently expressed her concern over the fate of imprisoned opposition leaders, and the slowness of the investigation into the killings of at least 60 people during violence connected with the 2005 election.¹³

2 Contemporary Political, Social and Economic Situation

2.1 Political Situation

At the time of writing the EPRDF government remains firmly in control and looks set to ride out the continuing political fall-out resulting from the May 2005 election.¹⁴ Internationally, Meles Zenawi’s government is still a key and stalwart ally of the United States, especially so given the continuing problems of its neighbours. Despite extensive lobbying on the part of Ethiopia’s diaspora groups in the US,¹⁵ there is little indication that the US wishes to risk wide ranging instability in Ethiopia, given the parlous state of Ethiopia’s immediate neighbours.¹⁶ International diplomatic pressure, critical human rights reports, and some cuts on direct government aid will continue, but will not effect Meles Zenawi’s government in the short term.¹⁷ Meanwhile the political opposition has divided into those prepared to work with the government and those still boycotting representative institutions.¹⁸

However Meles’ domestic position could change over the next year. Potentially change may come from within his own network of political and economic support. After 15 years in power the political-economic stakes of losing power are high. If the Prime Minister is seen to threaten internal vested interests he may still be vulnerable to certain powerful interests within his own regional base. Further unrest could also hand the initiative to the military establishment. Even though the domestic opposition is now imprisoned, sidelined or divided, and military insurgency reasonably insignificant, the general social stability of the country cannot be managed by continued violent suppression and detention.¹⁹ The political opposition – especially the Coalition for Unity and Democracy (CUD) – were successful

¹² Yamamoto, D., *Testimony: Hearing: Ethiopia’s Troubled Internal Situation*, House International Relations Committee, Subcommittee on Africa, Global Human Rights and International Operations, Washington, 28 March 2006, wwwa.house.gov/international_relations/109/yam032806.pdf [accessed May 2006]

¹³ Integrated Regional Information Networks, Ethiopia: Speed Up Probe into Poll-Related Deaths, 27 April 2006; BBC News, UN Condemns Ethiopia over Rights, 28 April 2006

¹⁴ Reuters, Ethiopia’s Meles Can Weather Political Storms, 15 February 2006

¹⁵ Opponents Are Angry with American Democrats, *Indian Ocean Newsletter*, No. 1117, 15 April 2006; see also Yared Tibebe, US Yamamoto’s Testimony on Ethiopia – Is that the Whole Truth, *Sudan Tribune*, 21 April 2006

¹⁶ New Round of Negotiations to Break the Deadlock, *Indian Ocean Newsletter*, No. 1178, 22 April 2006

¹⁷ Donors Urge Ethiopia to Release Opposition Leaders, *Sudan Tribune*, 25 April 2006

¹⁸ The Opposition is Rudderless, *Indian Ocean Newsletter*, No. 1177, 15 April 2006; Ethiopia: Waiting but not Sitting, *Africa Confidential*, Vol. 47, No. 4, 17 February 2006

¹⁹ The Threat of the Armed Groups, *Indian Ocean Newsletter*, No. 1179, 29 April 2006

because they tapped into a deep reservoir of popular discontent not only among the increasing young and poor urban populations, but also among the previously quiescent but now mobilized rural and peri-urban population.²⁰ Moreover certain key components of the EPRDF coalition are weak: the Amhara National Democratic Movement (ANDM) is subject to internal power struggles,²¹ and the Oromo People's Democratic Organization (OPDO) lacks grassroots legitimacy.²² Local elections that should take place later in 2006 may reveal how weak the EPRDF component parties have become.²³ Meles' leadership will also come under scrutiny as sustained attempts at resolving the long-standing border dispute with Eritrea come to a head – five years after hostilities formally ended.²⁴

2.2 Social Development

Ethiopia is the second most populous country in sub-Saharan Africa, with a population estimated at between 73 million and 77 million.²⁵ Despite sustained attempts by the present government towards poverty alleviation, Ethiopia still remains one of the world's poorest countries, and even lags behind its African neighbours with a GDP a fifth of the sub-Saharan African average.²⁶ In 2005 the UNDP Human Development Index ranked Ethiopia 170 out of 177 ranked countries, and 99 out of 103 developing countries in the human poverty index. According to UNDP an estimated 55.3 per cent of its population live below a threshold level in basic dimensions of human development, e.g. a long and healthy life, access to education, and a decent standard of living.²⁷ Commentators note that Ethiopia is not expected to meet any of the UN's millennium development goals, except that of primary school enrolment.²⁸ Evidently the situation the government inherited in 1991 was disastrous, and the present government cannot be held accountable for the underlying social problems of Ethiopia. However after 15 years the incumbent government has only achieved very gradual improvement in the situation of the majority of Ethiopians; meanwhile the expectations of the average Ethiopian have risen rapidly. Two examples demonstrate the social problems Ethiopia faces: unemployment (especially among youth) and the long-term impact of HIV/Aids (again primarily affecting the younger generations).

Between the years 1980 and 2005 Ethiopia's population grew at a rate of 3.6 per cent, and the youth population (aged 15-24) at double the national rate or 7 per cent. Unemployment figures have also gone up. In 1999 the national unemployment rate was 8 per cent, a figure

²⁰ Abbink, p. 182

²¹ The ANDM Crisis Continues, *Indian Ocean Newsletter*, No. 1176, 8 April 2006

²² Lyons, T., *Ethiopia: Implications of the May 2005 Elections for Future Democratisation Process*, Washington: IFES, 1 August 2005, <http://www.ifes.org/publications-detail.html?id=254&page=ethiopia> [accessed May 2006]

²³ Lyons

²⁴ Ethiopia and Eritrea, *Security Council Report: Update Report*, No. 3, 12 April 2006, <http://www.securitycouncilreport.org> [accessed May 2006]

²⁵ World Bank, *Country Brief: Ethiopia*, New York, September 2005; United Kingdom, Department for International Development, *Country Profiles: Ethiopia*, London, March 2006, <http://www.dfid.gov.uk/countries/africa/ethiopia.asp> [accessed May 2006]

²⁶ World Bank

²⁷ United Nations Development Programme, *Human Development Report 2005*, New York, 2005

²⁸ Andrews, D., L. Erasmus and R. Powell, Ethiopia: Scaling Up, *Finance and Development*, Vol. 42, No. 3, September 2005

that had more than doubled over five years. However the national statistics mask the variations by location. For example they do not reflect either the chronic underemployment of the rural areas, or indeed the higher unemployment rates in the urban areas. For example in 1999 youth unemployment was systematically higher than for the population as a whole, and particularly so in urban areas, at a rate of 37.5 per cent. Given the overall level of growth in the Ethiopian economy – especially the downturn during the Ethiopian-Eritrean war 1998-2000 – these figures will not have improved much by 2005.²⁹ Ethiopia's increasingly young, unemployed or underemployed population has varied social consequences. But simplistically, it is no coincidence that much of the violence and arrests connected with the May 2005 election over the past five years, has involved a disproportionately large number of youths, whether students or unemployed urban young men.

The growing middle-term social crisis in Ethiopia is the HIV/Aids epidemic. The Ethiopian government's response to HIV/Aids has been exemplary and it appears that the epidemic has stabilized. However the national prevalence of 4.4 per cent in 2003 masks national disparities, with a rate of 12.6 per cent in urban areas, and 2.6 per cent in rural areas. Here again the youth suffer disproportionately with the highest prevalence rates between the ages of 15 and 24, who account for 45 per cent of the total population of Ethiopia.³⁰ The outlook for Ethiopia's middle term socio-economic stability, especially for the coming generation, looks decidedly bleak, especially when seen against the overall economic prospects.

2.3 The Economy

Ethiopia continues to dwell in the twilight between a highly centralized government-controlled economy and an apparent commitment towards a competitive and fully liberalized economy.³¹ It is evident that the Ethiopian economy has not grown to the extent that it needs to match its growing population. There are various factors involved – many of which are not of the government's making – however much of the support for the opposition and dynamic of discontent focuses on the government's management of the economy. Given the international context in which the EPRDF government found itself in the early nineties, significant engagement with IMF and World Bank was unavoidable. Moreover, while it can be argued that many targets of structural reform were met, growth has remained volatile and weak, partly because of the continued dependence on agriculture and impact of reduced rainfall, but also because of the war with Eritrea from 1998 to 2000.³² Certainly Ethiopia at 1.6 per cent managed higher growth rates than the sub-Saharan average of 0.4 per cent (over the period 1993-2003), but it is significantly slower than the faster reformers such as Tanzania.³³ The past two years have seen better growth rates of 8.6 per cent, and recent government announcements have argued that the economy is back on track with an 8.4-11 per cent growth rate predicted for next year.³⁴ However, sustaining high growth levels over

²⁹ Berhanu Denu, A. Tekeste and H. van der Deijl, *Characteristics and Determination of Youth Unemployment, Underemployment and Inadequate Employment in Ethiopia*, Geneva, ILO, 2005, pp.3, 6, 13, 39

³⁰ World Health Organization, Summary Country Profile for HIV/AIDS Treatment Scale Up, June 2005

³¹ International Monetary Fund, *The Federal Democratic Republic of Ethiopia: Ex Post Assessment of Long-Term Fund Engagement*, Country Report No. 05/26, Washington, August 2004, p. 16

³² *Idem*, p. 11

³³ *Idem*, p. 14

³⁴ International Monetary Fund, IMF Executive Board Concludes 2005 Article IV Consultation with the Federal Democratic Republic of Ethiopia, Public Information Notice, No. 06/48, Washington, 2 May 2006; Ethiopian

the medium term is unlikely given past experience. There is also concern of the impact of escalating oil prices on the Ethiopian economy.

In the long term there is potential for the export of energy to neighbouring countries through hydro-electric plants.³⁵ There is also growing export of minerals including gold, and recently several concessions for gas and oil exploration have been awarded. In short, though exports are growing – particularly to new markets like China³⁶ – in the agricultural sector in cut flowers, coffee, and leather goods, many opportunities in the economy remain underexploited or restricted. A particular concern is the number of politically linked, non-commercial companies that enjoy above-average access to information, contracts and finance.³⁷ In the blunt words of the Heritage Foundation's Index of Economic Freedom, Ethiopia's economy is "mostly un-free".³⁸ In general Ethiopia's economic reform, like its political reform since 1991 has been characterized by excessive caution, particularly where reform has political implications that may lead to increased social pressure. This has been especially true regarding the issue of land reform.³⁹ However there is already ample evidence of growing social pressure and indications are that an economic policy that avoids politically sensitive choices has led to economic stagnation and popular frustration. An IMF assessment noted that Ethiopia's medium term development needs are clear but also that they are daunting.⁴⁰ One indication of the continuing lack of opportunities for young Ethiopians is the growing problem of illegal people smuggling from rural to urban areas, and trans-continental labour migration to Middle Eastern countries and Europe.⁴¹

2.4 Environmental Issues

Ethiopia is still a predominantly rural country with the majority of its population based in the agricultural, largely subsistence-orientated economy. Because it is dependent on agriculture, Ethiopia's economic growth over the past ten years has shown volatility largely due to the incidence of drought. The recovery from the downturn in Ethiopia's economy that happened during the 1998-2000 conflict with Eritrea was made harder by a serious drought in 2001. Now and for the next few years, due to successive seasons of failed rains, considerable numbers of the populations in north eastern, southern and south-eastern Ethiopia face deteriorating food security. The regional Famine Early Warning System Network (FEWS NET) issued an emergency alert noting that over a third of the population in the pastoral areas is in need of emergency assistance; two million people are likely to need continued assistance through 2006.⁴² Since this crisis is regional, affecting Somalia, Djibouti, and Kenya, there

News Agency, Ethiopia's Recent Years Economic Performance – An Overview, [2006]; Ethiopian News Agency, Meles Says Ethiopia Hopes to Register Substantial Economic Growth, 28 April 2006

³⁵ Reuters, Ethiopia Builds Three Hydropower Dams, Targets Exports, 18 April 2006

³⁶ Reuters, Ethiopia Exports to China Leap to \$123 Million, 20 April 2006

³⁷ International Monetary Fund, *The Federal Democratic Republic of Ethiopia...*, p. 13

³⁸ Heritage Foundation, *2006 Index of Economic Freedom*, Washington, 2006, <http://www.heritage.org/research/features/index/country.cfm?id=Ethiopia> [accessed May 2006]

³⁹ International Monetary Fund, *The Federal Democratic Republic of Ethiopia...*, p. 23

⁴⁰ *Idem*, p. 26

⁴¹ United States, Department of State, *Trafficking in Persons Report: Country Narratives*, Washington, 3 June 2005, <http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm> [accessed May 2006]

⁴² Famine Early Warning Systems Network, Ethiopia: Pre-famine Conditions Continue to Threaten Lives and Livelihoods of Pastoralists, 31 March 2006 (emergency alert), <http://www.fews.net/resources/gcontent/pdf/1000951.pdf> [accessed May 2006]

will be considerable risk of conflict, both internal and cross-border, and accompanying population movements. Indeed, as noted by the Internal Displacement Monitoring Centre, over the whole country “consecutive years of drought, flood, scarcity of water and pastureland are testing the culture of sharing resources to its limits, increasingly triggering conflicts”.⁴³ Moreover the long-term impact of the government’s controversial resettlement programme, involving the relocation of up to 2.2 million people from food insecure highland areas to more fertile agriculture areas, will need continued monitoring.⁴⁴

2.5 Ethnic and National Conflict

A combination of environmental stress and poverty, combined with competitive ethnic politics in response to the system of ethnic federalism favoured by the current government, has seen a rise in violent and deadly ethnic clashes. Deeprooted political problems have not been solved by ethnic federalism, just as Eritrean independence did not solve the historical tensions and conflicts that had been evident when Eritrea was part of Ethiopia.⁴⁵ Moreover, ethnic clashes have led to widespread population displacement. New evidence has highlighted the fact that internal displacement is both large and difficult to quantify, with estimates ranging from 100,000 to 280,000, not least because of the government’s failure to develop a coherent approach to the issue.⁴⁶ An estimated 62,000 remain displaced in the Tigray region as a result of the 1998-2000 border war, and some 50,000 have been uprooted by ethnic clashes in Gambella, as well as tens of thousands (perhaps 50,000) forced to leave their homes by inter-ethnic conflict along the border between the Somali and Oromiya regions.⁴⁷ Local ethnic disputes – often focusing on increasingly exclusive claims to local governance and territory – look set to continue in varying levels of intensity.

3 May 2005 Elections and Their Aftermath

The May 2005 elections can be considered on the one hand, the freest democratic vote in Ethiopian history, and on the other hand, a demonstration of the fundamental limitations and problems of Ethiopian democracy after 15 years of transitional government.⁴⁸ The validity of the results notwithstanding, the elections do mark several significant departures in recent Ethiopian history; they not only saw the largest vote for parties in opposition to a incumbent government, but they also saw the most concerted international engagement with Ethiopia’s domestic politics since the end of the cold war. In the short term, the experience will test Ethiopia’s internal stability and test also the continued engagement of Ethiopia’s international allies, who have bolstered the current government since 1991.

⁴³ Internal Displacement Monitoring Centre, *Ethiopia: Government Recognition of Conflict IDPs Crucial to Addressing Their Plight*, Geneva, 26 April 2006, p. 9, <http://www.internal-displacement.org> [accessed May 2006]

⁴⁴ Internal Displacement Monitoring Centre, *Ethiopia...*, p. 7; for recent protests in Awassa over ethnic governance see Amnesty International, *Fear of Torture/Possible Prisoners of Conscience*, London, 31 March 2006 (urgent action)

⁴⁵ On this and the dispute in general see Jacquin-Berdal, D. and M. Plaut (eds), *Unfinished Business: Ethiopia and Eritrea at War*, Trenton NJ: Red Sea Press, 2004

⁴⁶ Internal Displacement Monitoring Centre, *Ethiopia...*, p. 7

⁴⁷ *Idem*, pp. 8-9

⁴⁸ For the most critical and comprehensive report of the elections see European Union Election Observer Mission, *Ethiopia: Legislative Elections 2005: Final Report*, Brussels, March 2006; less detailed but also critical in parts was Carter Center, *Final Statement on the Carter Center Observation of the Ethiopia 2005 National Elections*, Atlanta, 15 September 2005

3.1 The Elections

As was widely predicted, the general election of 15 May 2005 resulted in a win for the ruling EPRDF and affiliated parties. However, in contrast to previous elections there was a very large turnout and the elections were hotly contested between the incumbent government and several opposition parties. In fact in the run-up to the election there was an unprecedented degree of open and genuine political competition.⁴⁹ Certainly the pre-election process was relatively open and democratic – at least in Addis Ababa and on the national stage – though the story in rural areas was different. The media was opened up to opposition voices including televised debates. A rally in Maskal Square in Addis Ababa, reportedly attracting one million persons, was permitted by the government. Several teams of international and national election observers were deployed throughout the country, though there was one high level resignation from the European Union team, and some international expulsions and local exclusions.

Nevertheless on 15 May 2005 – despite the growing tension between government and opposition – there was a huge election turnout. The electorate evidently had confidence in the system, and it soon became clear that they had registered a strong vote for the opposition parties; especially the Coalition for Unity and Democracy (CUD) and the United Ethiopian Democratic Forces (UEDF).⁵⁰ Disconcertingly for the government, as the results began to emerge they showed a dramatic loss of support for the incumbent regime, not only among the politically conscious urbanites, but also among the more stoical peasantry.⁵¹

In their final report the Carter Center observation mission noted that “the majority of the constituency results based on the May 15 polling and tabulation are credible and reflect competitive conditions”.⁵² However, the day after the elections, concerns were raised about vote counting and tabulation. Results came in slowly, and both the ruling party and the opposition claimed victory and traded accusations of foul play. As the announcement date of 8 June approached, it became clear that there would be a delay. Public protest against the delay brought several days of violence and tension to Addis Ababa. The political temperature was heightened by some inflammatory language used by the government, when Minister of Information Bereket Simeon accused the opposition of “stoking the fires of ethnic difference” making the Rwandan genocide look like “child’s play”.⁵³

On 9 August before an official announcement from the National Election Board of Ethiopia (NEBE), the EPRDF announced that it had won enough seats to form the federal government. The opposition parties disputed the results and claimed they were the real victors. Public recriminations, demands for re-counts and legal challenges followed. Finally – the observer missions’ statistics differ – between 380 and 426 complaints were made against the results, and between 178 and 182 constituencies were investigated.⁵⁴ 31 complaints were upheld and re-election days set.

⁴⁹ Human Rights Watch, *World Report 2006*, New York, January 2006

⁵⁰ Carter Center; European Union Election Observer Mission

⁵¹ Abbink, p. 182

⁵² Carter Center

⁵³ BBC News, High Stakes in Ethiopia Stand-off, 27 June 2005; for a succinct account of the election period see Abbink

⁵⁴ Carter Center; European Union Election Observer Mission

The election re-runs took place on 21 August and the EPRDF ruling coalition took all the seats. Subsequently the two largest electoral observer missions registered serious concerns about the investigation of electoral irregularities and the re-run elections. The generally critical European Union Observer Mission report noted that the complaints investigation process “took place in the context of serious violations of human rights and freedoms”, and that the impartial arbitrations by the Complaints Investigation Panels (CIP) were “questionable”.⁵⁵ However, even the generally positive Carter Center report noted “a considerable number of the constituency results based on the problematic CRB [Complaints Review Board] and CIP lacked credibility”.⁵⁶

As well as election re-runs, the postponed ballot in Somali regional state also took place on 21 August. Before election-day several explosive devices were detonated targeting the ruling party, the Somali People’s Democratic Party (SPDP), an EPRDF allied party. On 16 August three local Somali opposition parties announced a boycott of the election due to irregularities in voter registration. In the Somali region as a whole EU election observers reported concerns against electoral registration processes – blank registration cards were being sold in one market place – noting that the voting process was marred by incidents of violence, voting irregularities and implausible results.⁵⁷

On 5 September the Election Board formally announced the results. The opposition parties, encouraged by critical preliminary statements by observer missions, claimed that large scale electoral fraud had taken place. The final results showed the EPRDF had won 327 seats, with other EPRDF-allied parties getting 40 seats, giving the EPRDF and allied parties a large parliamentary majority. However the opposition increased its previous representation in Parliament from 12 to 172 seats. The CUD controlled the biggest bloc with 109 seats, followed by UEDF at 52, and then the OFDM (Oromo Federal Democratic Movement) with 11. By any measure these were significant opposition gains. Elections for regional councils run at the same time also showed significant opposition gains, including overwhelming control of Addis Ababa. Roughly a third of Amhara regional councils and a quarter of Oromo regional councils were also taken by the opposition parties.

The elections were superficially marked by an urban-rural divide, with the opposition making significant gains in the towns and cities. In the capital, Addis Ababa, the ruling party won only one seat. However, in addition to their successes in the urban areas the opposition parties also took many rural seats. For example the centrist CUD won seats in Addis Ababa, East Gojjam and North Wollo (Amhara), but also Gurage (SNNPR) and East Shewa (Oromia). Areas more closely associated with ethnic blocs of party support were won by the UEDF in Hadiya (Southern) as well as central areas of Oromia; the OFDM won most of its seats in the western Wellega region. The number of rural voters who came out against the EPRDF and its allies was surprising and indicated a much wider political consciousness, but also a frustration with the entrenched power of EPRDF party cadres in local government.

⁵⁵ European Union Election Observer Mission, p.28

⁵⁶ Carter Center; see also Yamamoto, *Testimony*...

⁵⁷ European Union Election Observer Mission, p. 30

3.2 Post-election Protest and Government Reaction

Though the international community and observer missions largely applauded the pre-election process, the post-election period divided the country and strained relationships with Ethiopia's international allies. On the evening of election-day the Prime Minister announced a ban on demonstrations in Addis Ababa. According to the EU election observer mission's report, the previously balanced and open media coverage of the election was abruptly monopolized by the ruling party.⁵⁸ Delays in the final result frustrated certain elements of the population. On 5 June in Addis Ababa a student demonstration – in contravention of a government ban against public rallies – beginning at the University spread across the capital, as urban supporters of opposition parties took to the streets. On 6 June, 520 students were arrested at the University. By 7 June, police, army and militia units patrolled the streets. Demonstrations and violent protest erupted across the capital on 8 June. The government responded with force: 36 confirmed deaths were reported and over 100 people were injured.⁵⁹ In Negale Arsi the newly elected Oromo National Congress (UEDF coalition party) MP, Tesfaye Adane Jara was killed by police.⁶⁰

In the days following the protests and violence over 3,000 arrests were made in Addis Ababa and the main provincial towns across the country, including the leadership and supporters of the CUD and UEDF, as well as students and other civilian protestors.⁶¹ Thousands of prisoners were detained in Sendefa and Ziway, north and south respectively of the capital Addis Ababa. Ethiopian government statements admitted to the detention of 3,132 prisoners in Ziway south of Addis Ababa. A week later Ethiopian Police announced that some 690 of those arrested were released without charge.⁶² The majority of the 3,000 or more individuals arrested – approximately 2,665 – were subsequently released without charge.

In October the annual Maskal celebrations – a religious occasion tinged with nationalistic sentiment – also descended into violence. Crowds erupted into cries of protest as government and civil dignitaries arrived. Speeches by the Addis Ababa Mayor Arkebe Equbay – defeated in the May elections but still in office – and the Patriarch Abuna Paulos – seen as a government appointee – and political veteran President Girma Wolde-Giyorgis were interrupted. Other elements in the crowd confronted the police and began throwing stones.⁶³ Meanwhile the leaders of the main opposition parties, the CUD and UEDF, were involved in closed-door negotiations with the government (overseen by European and US diplomats) to reach a compromise over the electoral results. The negotiations ended in the CUD refusing to join Parliament.⁶⁴

⁵⁸ *Idem*, p. 23

⁵⁹ Deutsche Presse Agentur, Death Toll from Ethiopian Violence at 36, Over 3,000 Under Arrest, 13 June 2006

⁶⁰ Integrated Regional Information Networks, Ethiopia: US Condemns Use of Force as MP is Killed, 14 June 2005

⁶¹ Agence France Presse, Ethiopian Rights Group Says Thousands Detained in Crackdown, 13 June 2006; Human Rights Watch, Ethiopia: Crackdown Spreads beyond Capital, New York, 15 June 2005 (press statement)

⁶² Amnesty International, Ethiopia: Further Information on Fear of Torture/Prisoners of Conscience, London, 23 June 2005 (urgent action); European Union Election Observer Mission, p. 23

⁶³ Why and How Did the Damera Bonfire Festival Turn Into a Fierce Riot, *Ethiopian Reporter* [Addis Ababa], 6 October 2006

⁶⁴ The Secret Negotiations; Negotiation Terminated, *Ethiopian Reporter* [Addis Ababa], 8 October 2005

Parliament was nevertheless inaugurated in October, and the EPRDF led by Meles Zenawi began a third term in office. The CUD leadership boycotted the proceedings, but the UEDF leadership (of Beyene Petros and Merera Gudina) took their seats along with 42 other UEDF elected members, as well as 60 CUD members.⁶⁵ During the debate to revoke parliamentary immunity, members of the UEDF walked out. The partial boycott of the parliament showed the divide between the hardliners and the pragmatists.⁶⁶

Continuing to claim electoral fraud parts of the CUD coalition then instigated a programme of strikes and boycotts beginning on 31 October, following which large numbers of suspected CUD members were arrested. The next few days saw further violent street protests in several areas of Addis Ababa.⁶⁷ An estimated 42 demonstrator deaths were reported in connection with the protests, as well as the deaths of seven police officers. Police arrested most of the CUD leadership, along with critical journalists, and some prominent individuals from NGOs and civil society associations. Many students in Addis Ababa and provincial towns were also arrested. The first wave of arrests is thought to have numbered approximately 4,000; 2,500 people were released without charge a week later.⁶⁸

However, arrests continued throughout November when an estimated 10,000-14,000 – estimates again differ – young men were detained, some in connection with an OLF call for anti-government protests.⁶⁹ Amnesty International claimed that by the end of November 8,000 individuals who had been arrested were released without formal charges.⁷⁰ In March 2006, sources noted that since the May 2005 election over 11,600 people had been arrested and then released. The government stated that around 3,000 will still face charges.⁷¹ The Federal High Court trial of 76 individuals accused of treason and other offences in connection with demonstrations against the government began in May 2006.⁷²

4 Ethiopia-Eritrea War

While the controversial outcome and aftermath of May 2005 elections may fade from public prominence, fundamental elements of the ceasefire (“Algiers”) agreement of 2000 that ended the 1998-2000 border war with Eritrea are still unresolved and continue to be a source of periodic tension and instability in the region. The period from 2004 to 2006 has seen a dangerous escalation in military activity and political tension at the border.

⁶⁵ Boycotting Parliament Would Only Jeopardize the Existence of ONC, *Ethiopian Reporter* [Addis Ababa], 29 October 2005

⁶⁶ ‘Incomplete Parliament’ Inaugurated, Meles Reelected, Cabinet, *Ethiopian Reporter* [Addis Ababa], 15 October 2005

⁶⁷ Unrest in Addis; Tension and Mass Arrest at Arat Kilo and Kebena; Peaceful Struggle Turning into Outright Violence, *Ethiopian Reporter* [Addis Ababa], 6 November 2006

⁶⁸ Amnesty International, Ethiopia: Recent Arrests of Opposition Leaders and Police Killings of 46 Demonstrators, London, 11 November 2005 (press statement)

⁶⁹ Human Rights Watch, Ethiopia: Hidden Crackdown in Rural Areas, New York, 13 January 2006 (press statement); see also Yamamoto, *Testimony*...

⁷⁰ Amnesty International, Ethiopia: Further Information on Possible Prisoners of Conscience/Fear of Torture or Ill-treatment/Health Concern: Detainees on Hunger Strike, London, 6 December 2005 (urgent action)

⁷¹ Integrated Regional Information Networks, Ethiopia: Authorities Release 395 Detainees, 16 March 2006

⁷² Amnesty International, *Ethiopia: Prisoners of Conscience on Trial for Treason: Opposition Party Leaders, Human Rights Defenders and Journalists*, London, 2 May 2006

4.1 Background, Course and Outcome of the Border War

The reasons behind the 1998-2000 Ethiopian-Eritrean war are historically complex and much deeper than the seemingly pointless rivalry over relatively insignificant and economically poor patches of borderland territory. In addition to underlying and somewhat impenetrable political rivalry between state administrations – who in previous incarnations had been uneasily co-habiting rebel fronts in the region – and personal rivalries between the leaders, the reasons for the war also had quite rational explanations involving cross-border trade, labour and fiscal relations between the two states.⁷³ Undoubtedly the complex history of territorial government in the region had left the border between Ethiopia and Eritrea administratively ambiguous. However, good relations between the two post-1991 governments overlooked the potential for misunderstanding, and – despite a few local difficulties and rivalries along the border before 1998 at the local administrative level – the border issue *per se* was not a problem. The fact that the administrative status of the small town of Badme, and a few other disputed zones, could lead to such a protracted and costly war seemed to take all parties by surprise.

The Eritrea Ethiopia Claims Commission stated in December 2005 that Eritrea violated international law when it invaded the north of Ethiopia in May 1998.⁷⁴ However, the military victor at the end of hostilities was clearly Ethiopia. In May 2000 a huge Ethiopian offensive, costly in lives and materials, saw Ethiopia gain the upper hand militarily and territorially. Military logic and diplomatic effort brought about a ceasefire in the Algiers Agreement of June 2000. The Algiers Agreement established a 25 km wide demilitarized zone – the Temporary Security Zone (TSZ) – monitored by 4,000 UN peacekeepers under the United Nations Mission to Eritrea and Ethiopia (UNMEE). It is important to note that the southern boundary of the TSZ reflected the extent of Ethiopian administration prior to the war. Therefore the TSZ is established almost wholly in Eritrean territory and this situation has increased Eritrean sensitivity over territorial sovereignty, not to mention the continued exclusion of populations previously resident within the TSZ.

The Algiers Agreement set out mechanisms to delimit and demarcate the boundaries in the Eritrea Ethiopia Boundary Commission (EEBC), and a separate process to investigate claims and reparations, the Eritrea Ethiopia Claims Commission (EECC). The EEBC finally produced its recommendations in April 2002. Though the EEBC awarded some territory claimed by Eritrea to Ethiopia, it became clear – after an unhelpful miscommunication stating that Badme was awarded to Ethiopia – the town of Badme was awarded to Eritrea. Ironically given the EECC findings that Eritrea was at fault for starting the war, the award of Badme implicitly vindicated Eritrea's claim that it had gone to war in defence of its territory against the aggressor Ethiopia. For Ethiopia, *de facto* military victory ended in *de jure* defeat, though it was also shown to be the *de jure* victim of aggression. The award of Badme was seen as particularly wounding to the Tigray Peoples Liberation Front (TPLF) – lead partner in the EPRDF coalition – since Badme had been administered as part of the Tigray region of Ethiopia.⁷⁵

⁷³ For overviews of the conflict see International Crisis Group, *Ethiopia and Eritrea: War or Peace?*, Nairobi, 24 September 2003; International Crisis Group, *Ethiopia and Eritrea: Preventing War*, Nairobi, 22 December 2005; and see Jacquin-Berdal and Plaut (eds), *Unfinished Business...*

⁷⁴ Eritrea Ethiopia Claims Commission, *Partial Award Jus Ad Bellum: Ethiopia's Claims 1-8*, The Hague, 19 December 2005, <http://www.pca-cpa.org/ENGLISH/RPC/#Eritrea-Ethiopia%20Claims%20Commission> [accessed May 2006]

⁷⁵ International Crisis Group, *Ethiopia and Eritrea: Preventing War...*, p. 4

4.2 Escalating Tension in the Post-War Period

Ethiopia promptly rejected the EEBC ruling, labelling it “flawed, illegal and unjust”; nevertheless Ethiopia’s rejection of the decision went against the spirit of the 2000 Algiers Agreement. The Agreement bound each party to respect the EEBC’s ruling, which was to be based entirely on relevant treaties and international law, and explicitly not take account of assessments of what would be fair and just.⁷⁶ While there is much that is problematic in terms of the human geography of the boundary as defined by the Boundary Commission, legalistically, according to old colonial treaties, it had merit. Ethiopia continued to protest and withdrew its fiscal and material contribution towards demarcation and no physical demarcation has since taken place.

For its part, given Ethiopia’s stance, Eritrea has continually rebuffed further diplomatic efforts on the principle that Ethiopia had violated the Algiers Agreement. Eritrea also rejected a peace proposal in five points offered up by Ethiopian Prime Minister Meles Zenawi in late 2004, and refused to accept any deviation from the EEBC’s decision. Eritrea’s rejection of the Ethiopian was followed by Ethiopian military movements along the border. By the end of December 2004 border tensions had escalated and both forces mobilized to an extent that for a time renewed war seemed likely. In April 2005, in the face of Ethiopia’s refusal to accept the Boundary Commission’s 2002 decision, the Boundary Commission started to wind down its operations. However, in October 2005 Ethiopian Foreign Minister Seyoum Mesfin appeared to revise his government’s position, noting that Ethiopia had already accepted the Commission’s ruling in principle and stressing that Ethiopia was not asking for the issues to be considered afresh, nor introducing new preconditions.⁷⁷

Against this diplomatic impasse, in October 2005 Eritrea abruptly banned flights by UNMEE helicopters, apparently frustrated at the lack of progress since the end of the war in 2000.⁷⁸ This left UNMEE troops isolated and curtailed international monitoring of the military movements in the area. With the UNMEE capacity slashed to 40 per cent coverage, both sides continued to make infiltrations in the TSZ, and increased their military presence. In response UN Security Council adopted Resolution 1640 (2005) on 23 November 2005, which demanded a return to pre-December 2004 levels of deployment, and the immediate lifting of the Eritrean ban on helicopter flights.⁷⁹ At the end of December 2005 Ethiopia drew back troops from the border in accordance with Resolution 1640 but the situation remained tense. However, Eritrea did not lift its ban or restrictions on UNMEE activities.⁸⁰ Furthermore in December 2005 Eritrea announced that it would expel UNMEE staff originating from the US, Canada and Europe, including the Russian Federation.⁸¹

⁷⁶ *Ibid.*

⁷⁷ *Idem*, pp. 1, 9

⁷⁸ *Idem*, p. 8

⁷⁹ United Nations Security Council, Report of the Secretary-General on Ethiopia and Eritrea, S/2006/1, 3 January 2006

⁸⁰ United Nations Mission in Ethiopia and Eritrea, UNMEE Press Briefing Notes, 28 December 2005; United Nations Security Council, Report of the Secretary-General on Ethiopia and Eritrea, S/2006/1...

⁸¹ International Crisis Group, *Ethiopia and Eritrea: Preventing War...*, pp. 1, 10

By mid-December 2005 an estimated 130,000 Ethiopian troops faced 250,000 Eritrean troops.⁸² In the light of the continued tension on the border a high level delegation from the United States, led by Jendayi Frazer, Assistant Secretary of State for Africa, asked to visit the disputed border region, but her request was declined by Eritrea.⁸³ The US then activated a meeting of the Witnesses to the Algiers Agreement on 22 February 2006 to apply greater diplomatic pressure on the two sides, and pressed for a meeting of the Boundary Commission in London.⁸⁴ On 1 March the death of an Indian peacekeeper underlined the problems of the Eritrean ban on UNMEE helicopter flights, and put further pressure on parties to address the deadlock.⁸⁵

The results of the London meeting of the EEBC on 10 March 2006 were mixed. At first Ethiopia noted it accepted the tribunal's ruling without reservations, and Eritrea accepted the appointment of a technical expert; both countries appeared committed to allow demarcation to resume where it left off.⁸⁶ However Ethiopia in a later press statement re-iterated its commitment to Meles' five point proposal.⁸⁷ Eritrea responded that the five point proposal only offered an acceptance of the Boundary commission in principle and demonstrated Ethiopia's continued intransigence.⁸⁸

In April 2006 the UN Security Council adopted Resolution 1670 that threatened to review the mandate of its peacekeeping mission if previous resolutions were not accepted, and possibly reduce UNMEE to "observer status".⁸⁹ A planned meeting between Ethiopia and Eritrea scheduled for 28 April was postponed (because of the ill-health of the head of the Boundary Commission),⁹⁰ and on 15 May the UN Security Council adopted Resolution 1678, extending its mission slightly, until 31 May, to allow for a further meeting of the Boundary Commission on 17 May.⁹¹ again when it readdresses the question in mid-May. However, in the short term tensions at the border will remain high. The likelihood of demarcation of the border and normalization of relations between Ethiopia and Eritrea, and the return of displaced populations, is still distant.

⁸² Associated Press, UN Official: Ethiopia, Eritrea Must Take 'Concrete Steps' to Deflate Tensions along Their Frontier', 12 December 2005

⁸³ Associated Press, US Diplomatic Team Arrives in Ethiopia to Mediate Dispute with Eritrea, 19 January 2006

⁸⁴ Frazer, J., Meeting of the Witnesses: Remarks to the United Nations, 22 February 2006 (US Department of State, Bureau of African Affairs Releases), <http://www.state.gov/p/af/rls/rm/2006/63052.htm> [accessed May 2006]

⁸⁵ United Nations Security Council, Report of the Secretary-General on Ethiopia and Eritrea, S/2006/140, 6 March 2006.

⁸⁶ BBC News, Progress at Horn of Africa Talks, 11 March 2006

⁸⁷ Ethiopia, Ministry of Foreign Affairs, Press Statement, 13 March 2006, <http://www.ethioembassy.org.uk/Archive/Archive%20Homepage.htm> [accessed May 2006]

⁸⁸ Agence France Presse, Horn of Africa Foes Stick to Old Positions after Border Dispute Talks, 14 March 2006

⁸⁹ United Nations Security Council, Resolution 1670 (2006), Adopted by the Security Council at Its 5410th Meeting, on 13 April 2006, S/RES/1670 (2006), 13 April 2006

⁹⁰ Integrated Regional Information Networks, Ethiopia-Eritrea: Second Round of Border Talks Postponed, 28 April 2006

⁹¹ United Nations Security Council, Security Council Resolution 1678 (2006) Extends Mandate of UN Mission in Ethiopia, Eritrea until 31 May, New York, 15 May 2006 (press statement)

5 Socio-political and Human Rights – Vulnerable Areas

Respect for socio-political and human rights is a controversial issue in present day Ethiopia. As well as sustained criticism from the two major international human rights monitoring organizations (Human Rights Watch and Amnesty International) even the staunchest allies of Ethiopia have raised their concerns. For example a US House of Representative's Committee on International Relations hearing on Ethiopia gave voice to several different groups complaining of systematic abuse of human rights in Ethiopia.⁹² US Congressman Chris Smith introduced the Ethiopian Consolidation Bill of 2005 (HR 4423) which passed its initial committee stage but will have to be scrutinized by the US Congress, including the Senate, and signed by the President before it becomes law. The Bill is evidence of potential pressure on the United States government to hold the Ethiopian government to account on its human rights record.⁹³

Indeed the US Department of State's annual country report – the most comprehensive evaluation of human rights practices available – details serious human rights abuses in Ethiopia, especially in connection with the aftermath of the general election in May 2005.⁹⁴ An internal appraisal of the United States efforts in supporting human rights and democracy in Ethiopia noted that “the [Ethiopian] government's human rights record remained poor and worsened in some cases”.⁹⁵ Most current criticism relates to the Ethiopian government's alleged abuse of political freedoms, but there are several other areas of concern.

A complete investigation of the politically motivated persecution in Ethiopia – especially in the light of the disturbances after the May 2005 election in June and November – is beyond the scope of this report. However one certain result of the political tension will be a rise in claims for political asylum in the short term. It can be expected that Ethiopian asylum seekers will arrive where the Ethiopian diaspora is well established, particularly in Europe and North America.⁹⁶ There will also be a possibly greater flow of Ethiopian nationals as illegal migrants or refugees to countries adjacent or near to Ethiopia in the region, but also further afield in the Middle East.⁹⁷

5.1 Imbalance between Government and Opposition

Several commentators have noted the extreme asymmetry between the power of the government parties (EPRDF and its affiliates) and the opposition parties.⁹⁸ The success of the opposition parties in the 2005 election has altered this situation, though the government's actions against the CUD – potentially the most powerful party – demonstrates that the incumbent government does not favour open political competition.

⁹² Yamamoto, *Testimony...*

⁹³ United States, House of Representatives, Ethiopia Consolidation Act of 2005, 18 November 2005 (H.R. 4423), see <http://www.govtrack.us/congress/bill.xpd?bill=h109-4423> [accessed May 2006]

⁹⁴ United States, Department of State, *Country Reports on Human Rights Practices 2005: Ethiopia*, Washington, 8 March 2006

⁹⁵ United States, Department of State, *Supporting Human Rights and Democracy: The U.S. Record 2005-2006: Africa*, Washington, 5 April 2006, <http://www.state.gov/g/drl/rls/shrd/2005/63944.htm> [accessed May 2006]

⁹⁶ Amnesty International, *Ethiopia: Prisoners of Conscience...*, p. 12

⁹⁷ United Nations High Commissioner for Refugees, *Ethiopian Asylum Seekers and Migrants Stranded in Somali Port City, Bossaso*, 17 February 2006

⁹⁸ Aalen

The seemingly unassailable position of the EPRDF – with its component national/ethnic parties dominated by the Tigray Peoples Liberation Front (TPLF), Amhara National Democratic Movement (ANDM), Oromo People’s Democratic Organization (OPDO) and Southern Ethiopian People’s Democratic Front (SEPDF – itself an alliance of several ethnic or zonal parties) – was seriously weakened by the dramatic upset of the election in 2005. The opposition parties not only did well in the national and ethnic regions with which they were primarily identified, but they also made a good showing nationally. The EPRDF on the other hand lost out in the multi-ethnic cities as well as in the provinces, where the EPRDF party had evidently lost the confidence of the local populace. A result of either political miscalculation or complacency – or both – the poor rural regional vote necessitated what appears to have been badly managed electoral tinkering after the event; this was most in evidence in the re-runs in August.⁹⁹

The machinations of the 2005 elections and its aftermath aside, it is clear that the EPRDF and its component national or regional ethnic based parties have lost a great deal of support within the rural majority of Ethiopia. Though initially popular in many areas, the EPRDF regional and ethnic component parties have been so closely tied with the senior party that their local legitimacy is increasingly in question. Important EPRDF ethnic politicians lost their seats in the May election. Moreover the lack of separation between the parties and the local executive has led to abuses of power and cronyism by local EPRDF activists, and the estrangement of these parties from their presumed constituencies. The ethnic democracy favoured by the EPRDF after the fall of the Derg has unleashed the ugly side of ethnic politics in many areas, and looks increasingly outdated to the modernizing elements of the country. In short the EPRDF needs to reinvent itself into a national party, an internal reform that will threaten many vested interests. It could be argued that the opposition stole a march on the EPRDF parties by reacting to a desire for national politics over the narrowly local, in all but the most peripheral areas (the so-called emergent states of Afar, Benishangul-Gumuz, Gambella and Somali).

In the run-up to the May 2005 election a very large number of opposition parties were registered. However, the main parties – themselves coalitions of smaller parties – were the Coalition for Unity and Democracy (CUD) or Qinqiit and the United Ethiopian Democratic Forces (UEDF) or Hibrat. Both coalitions are formed from legally registered parties within Ethiopia, though the UEDF also includes some parties that are largely functioning in the diaspora. The third party of significance is the Oromo Federal Democratic Movement (OFDM). Opposition politics centres on the management of the economy and property rights (especially land tenure) and the relative benefits of the current “ethnic federal” constitutional arrangements. The present system evidently favours the incumbent EPRDF government and its entrenched interests. The main opposition parties are largely in agreement over the need for further economic reform and the privatization of land, but disagree over the constitutional arrangements favouring ethnic federalism.

5.1.1 Coalition for Unity and Democracy (CUD)

Since the election the CUD has overtaken the UEDF as the most important party of opposition. CUD consists of an alliance of parties who split from the formerly leading opposition party, the UEDF, notably: the All Ethiopia Unity Party (formerly the All Amhara Peoples Organization) led by Hailu Shawal; the United Ethiopia Democratic Party/Medhin

⁹⁹ Carter Center; see also Yamamoto, *Testimony...*

led by Admassu Gebeyehu; and joined by the recently formed Rainbow-Justice party led by Mesfin Woldemariam.

The CUD is seen to be the Amhara party, but this label does not do justice to its relatively diverse support base. It does however have strongholds in the urban areas and among the professional classes, whose use of Amharic and identification with the historic Ethiopian state identifies them as Amhara, though their ethnic derivation is extremely mixed. In addition to its urban base, the CUD did unexpectedly well in highland rural areas in the northern half of the country, where the EPRDF seemed to have fallen out of favour with the peasantry.

However, since the elections CUD politicians and activists have been subject to house arrest and harassment, and latterly arrest and detention.¹⁰⁰ On 31 October, after negotiations with the government broke down, the CUD began a programme of civil protest against the government. The government then arrested large numbers of CUD activists, and its leadership was detained, including: President of the CUD, Hailu Shewal; Vice President Birtukan Mideska; elected Mayor of Addis Ababa, Berhanu Nega; and other leading members including human rights activist Professor Mesfin Woldemariam. In December, 131 people arrested in late November – including the leading members of the CUD mentioned above, as well as a number of journalists and human rights workers – were charged with conspiracy to use force to overthrow the government along with varying counts including treason and genocide.¹⁰¹ The trial reopened in May 2006.¹⁰² Amnesty International recently wrote:

[...] CUD activists and suspected activists at national or local level, as well as civil society activists and journalists who had criticized the government, who have fled the country on account of experienced or threatened human rights violations, would be those who are at risk of arbitrary and indefinite detention, possible torture or ill-treatment, unfair trial or even extrajudicial execution, if forcibly returned to Ethiopia.¹⁰³

5.1.2 United Ethiopian Democratic Forces (UEDF)

Three UEDF-member parties took nine seats in the 2000 elections, a significant achievement in the context of Ethiopian democracy at that time. The UEDF is largely made up of a coalition of ethnically-based opposition groups with strong support in the ethnically diverse South. The UEDF coalition of 15 parties includes the Oromo National Congress (ONC), South Ethiopian Peoples Unity (SEPU), the Ethiopian Democratic Unity Party (EDUP) and the All Amhara Peoples Organization (AAPO).¹⁰⁴ It is headed in rotation by the veteran opposition politician and academic Beyene Petros, leader of SEPU, and another academic, Merera Gudina, leader of the ONC. After the 2005 election the UEDF initially supported the protests against the results. UEDF leadership and supporters were harassed, and their newly elected ONC MP for Negale Arsi, Tesfaye Adane Jara, was killed by police.¹⁰⁵ However, the

¹⁰⁰ Human Rights Watch, Ethiopia: Crackdown...

¹⁰¹ Agence France Presse, Ethiopian Opposition Leaders Charged over Alleged Coup Plot, 21 December 2005; Amnesty International, Ethiopia: Further Information on Possible Prisoners of Conscience...

¹⁰² Amnesty International, *Ethiopia: Prisoners of Conscience...*, p. 1

¹⁰³ *Idem*, p. 12

¹⁰⁴ UEDF's Executive Committee Relieves Dr Beyene, Dr Merera of Posts, *Ethiopian Reporter* [Addis Ababa], 29 October 2005

¹⁰⁵ Integrated Regional Information Networks, Ethiopia: US Condemns...

pressure to boycott parliament divided the UEDF member parties. Beyene Petros and Merera Gudina took their seats along with 42 other UEDF elected members.¹⁰⁶ ONC offices were closed despite the ONC under the UEDF taking their seats in Parliament.¹⁰⁷

5.2 Armed Insurgent Groups

5.2.1 Oromo Liberation Front

The Oromo Liberation Front (OLF) has led the most sustained insurgency against the EPRDF government since 1993. Most of the OLF leadership is based in Eritrea, though armed Oromo militants also exist in Somalia.¹⁰⁸ The military arm – the Oromo Liberation Army – has never really recovered its political and military neutralization by the EPRDF in 1992.¹⁰⁹ However, reports of military action in the south western and south eastern Ethiopian borderlands surface from time to time,¹¹⁰ and the Ethiopian government routinely blames the OLF for the periodic “terrorist” explosions that have hit Addis Ababa.¹¹¹

In March 2006 there were reports of informal meetings between the Ethiopian premier, Meles Zenawi, and the former chairman of the OLF, Lencho Letta.¹¹² Suggestions of a thaw in relations between the EPRDF and the OLF arose after the success of the legal opposition parties in the May 2005 elections, with seats in Parliament going to the OFDM and Oromo coalition partners in the UEDF.

However the idea of the OLF as a party of resistance has regained credibility over the last six months. In November the OLF in exile issued a call for a kind of Oromo *intifada*.¹¹³ There followed reports of widespread arrests of student activists and suspected opposition supporters especially in the Oromo regions.¹¹⁴ This action was still reportedly continuing in April 2006.¹¹⁵

5.2.2 Ogaden National Liberation Front

Throughout 2005 there have been reports of renewed activity by the Ogaden National Liberation Front (ONLF). In December 2005 the Ethiopian opposition radio and website *Radio Freedom* reported 11 separate ONLF actions against Ethiopian government forces in several different areas of the Somali National Regional State. The reports detail only the

¹⁰⁶ Boycotting Parliament...

¹⁰⁷ ONC Offices Closed in Wonchi, Woliso, *Ethiopian Reporter* [Addis Ababa], 22 October 2005

¹⁰⁸ Human Rights Watch, *Suppressing Dissent: Human Rights Abuses and Political Repression in Ethiopia's Oromia Region*, New York, May 2005

¹⁰⁹ Pausewang, S., K. Tronvoll and L. Aalen, A Process of Democratisation or Control? The Historical and Political Context, in S. Pausewang, K. Tronvoll and L. Aalen (eds.), *Ethiopia since the Derg: A Decade of Democratic Presentation and Performance*, London, Zed, 2002, p.33

¹¹⁰ Oromo Rebels Claim Killing 11 Ethiopian Soldiers, *Sudan Tribune*, 22 January 2006; Oromo Rebels Say Ethiopian Army, Sudan SPLA Attack Its Positions, *Sudan Tribune*, 17 January 2006; see also Human Rights Watch, *Suppressing Dissent...*, p. 10

¹¹¹ Six Ethiopian[s] Killed in New Mystery Blasts, *Sudan Tribune*, 28 April 2006

¹¹² Lencho Letta Has Met Meles Zenawi, *Indian Ocean Newsletter*, No. 1172, 11 March 2006

¹¹³ The OLF Is in Favour of Peace, *Indian Ocean Newsletter*, No. 1159, 3 December 2006

¹¹⁴ Amnesty International, Detention without Charge/Fear of Torture or Ill-treatment, London, 30 January 2006 (urgent action)

¹¹⁵ Oromo Liberation Front Press Release, *Sudan Tribune*, 3 April 2006

casualties to the Ethiopian forces and not the ONLF or civilian casualties.¹¹⁶ A further four engagements were reported in January, again claiming casualties from the Ethiopian army.¹¹⁷ The ONLF has warned against companies hoping to exploit natural gas reserves in the eastern Somali areas.

5.2.3 Ethiopian Peoples Patriotic Front

A rebel group, the Ethiopian Peoples Patriotic Front (EPPF), operates in Northern Ethiopia and there are increasing reports of its activities.¹¹⁸ The EPPF has been based in Eritrea as well as in Europe. It cannot yet be seen as a serious threat to the Ethiopian state.

5.3 Civil Society Organizations and NGOs

Like opposition parties, civil society and civil society organizations in Ethiopia do not enjoy complete freedom. Rather since 2004 legal restrictions on civil society associations and NGOs have increased. According to one source the current Ethiopian legislation stems from the old Civil Code and a 1964 Associations Registration and Regulation Act, which requires associations to register with the Ministry of Justice. A further draft law was prepared and was due to be submitted to the Council of Ministers and Parliament in 2005. The same source notes that existing laws and new draft law allows the government, through the Ministry of Justice, extensive powers over civil society associations and NGOs, and thus maintains the government's control over civil society.¹¹⁹

5.3.1 NGOs

There are probably more NGOs – many are of which are indigenous NGOs – operating in Ethiopia now than any other time in its history. The EPRDF government has been generally cautious and a little suspicious of NGOs, since they (like many of the other civil society segments listed below) offer alternatives to the governmental sector, not least in terms of employment. The regulatory system has been relatively rigid, and partnership with government agencies is officially encouraged if not mandatory.

A number of indigenous NGOs that have the aspect of ethnic welfare organizations have fallen foul of the government and have been closed down. The Mecha-Tuluma Association was seen as a political wing of the OLF and closed down. The Ogaden Welfare Society (OWS) in the Somali regional state was banned in 2002 and a number of its members were arrested and detained. The OWS had been active since 1992. At the time of its closure it had 300 staff and was responsible for feeding 1,000 children weekly, as well as caring for 500,000 people in Somali Region and 12,000 IDPs in South-Eastern Ethiopia.¹²⁰ A human rights NGO, the Ethiopian Human Rights Council (EHRCO) that was openly critical of the government, has had several of its leading members arrested and charged in the past, and again in the aftermath of the 2005 elections and protests. A representative of the international NGO Action Aid is also among those currently arrested and charged with treason. Leading

¹¹⁶ Radio Freedom, Ethiopian Rebel Group Claims Victory over State Forces in the Southeast, 6 January 2006

¹¹⁷ Radio Freedom, Ogaden Rebels Claim Many Ethiopian Soldiers Killed in 4 Battles, 25 January 2006

¹¹⁸ Ethiopian Rebel Group Claims Killing 119 Soldiers, *Sudan Tribune*, 18 March 2006

¹¹⁹ Observatory for the Protection of Human Rights Defenders, *Annual Report 2004: Human Rights Defenders on the Frontline*, Geneva, 14 April 2005, http://www.fidh.org/article.php?id_article=2355 [accessed May 2006]

¹²⁰ Integrated Regional Information Networks, Ethiopia: Local NGO Closed Down by Authorities, 8 November 2002

members of the Sidama Development Association have been arrested in local protests over administrative zones.¹²¹

5.3.2 *Private Press Journalists*

The Ethiopian constitution provides for freedom of speech and the press, but there is considerable evidence that the Ethiopian government continues to restrict these rights in practice. A draft law due to be presented to Parliament contains quite restrictive provisions and sanctions. After disagreements between the Ethiopian Free Press Journalists' Association (EFJA) and the government in December 2003, several leading members of the EFJA were forbidden to carry out any further activities and the association's accounts were frozen. The government then attempted to establish a new EFJA. However, following an appeal to the Federal High Court the actions taken against the original EFJA were judged to be illegal, and the attempts to establish a new EFJA were declared null and void.¹²²

Since then the international Committee to Protect Journalists has reported that after the civil disturbances in November 2005 the Ethiopian government has cracked down on the independent press, detaining more than a dozen journalists, and identifying several others, who have been accused of trying to undermine the constitutional order by violent means. These include Kifle Mulat, the president of the EFJA, who is currently outside the country.¹²³ These actions followed earlier attempts to curtail press freedom following the May elections. On 2 June eight journalists were detained, and five local correspondents – including those of the important *Deutsche Welle* and *Voice of America* that serve the American and European diaspora – had their accreditation withdrawn.¹²⁴ A delegation of the Committee to Protect Journalists visited Ethiopia in March 2006 and a full report is expected later in the year.

5.3.3 *Trade Unions*

Most workers have a right to form and join unions, but the 1993 Labour Proclamation excludes teachers, journalists and civil servants who are only allowed to belong to an association. However according to the ICFTU the Ethiopian government has interfered with both trades unions and associations.¹²⁵

The most pressing human rights problem related to trades unions or associations is the harassment of the Ethiopian Teachers Association (ETA). A former ETA President, Taye Woldesmiate, was sentenced to 15 years' imprisonment in 1996 and released in 2002. In a move similar to that attempted against the EFJA, the government established its own ETA. There are now two ETAs, one close to the government and one maintaining its independence. The government-allied ETA gains mandatory contributions from teachers' salaries. The independent ETA reports harassment, intimidation, and jailing of its members; in 2004 its offices were closed by the government and its bank account frozen.¹²⁶

¹²¹ Amnesty International, *Fear of Torture...* 31 March 2006; Amnesty International, *Ethiopia: Prisoners of Conscience...*, pp. 5-6

¹²² Observatory for the Protection of Human Rights Defenders, *Annual Report 2004...*

¹²³ Committee to Protect Journalists, *Attacks on the Press in 2005: A Worldwide Survey*, New York, 14 February 2006, <http://www.cpj.org/attacks05/pages05/aop05index.html> [accessed May 2006]

¹²⁴ European Union Election Observer Mission..., p. 23

¹²⁵ International Confederation of Free Trades Unions, *Ethiopia: Annual Survey of Violations of Trades Union Rights (2005)*, Brussels, 18 November 2005, <http://www.icftu.org/displaydocument.asp?Index=991222226&Language=EN> [accessed May 2006]

¹²⁶ *Ibid.*

5.3.4 Students

Historically the relationship between students and the government in Ethiopia has been fraught, and the present government's relationship with the student body is no exception. In 2001 student demonstrations were broken up by police and security forces, leaving 38 dead and many injured. The Ethiopian government admitted that the police had used excessive force, and that police officers concerned had been disciplined.¹²⁷ Since the events of April 2001 there have been several more instances of arrests of students; in January 2004, 350-450 students of Oromo ethnicity at Addis Ababa University were arrested. Those detained were subject to serious physical abuse and the arrests did not follow due process of law.¹²⁸ During 2004 there was wide-spread protest by Oromo students and sympathizers at Addis Ababa University and also elsewhere in the Oromia regional state. At least 12 individuals were arrested, largely it seems on suspicion of links with the OLF, and remain in prison without charge.¹²⁹ In the wake of these arrests many students fled Ethiopia.¹³⁰

On 6 June 2005, after political demonstrations at Addis Ababa University and other institutions, police arrested several hundred students.¹³¹ Secondary school students were involved in protests in November and December.¹³² In January 2006 Amnesty International alleged the arrest of thousands of Oromo students (mostly from secondary schools) in response to protests in November, claims denied by Ethiopian government.¹³³

5.3.5 Human Rights Groups

Before the May 2005 elections a fact-finding mission by the Observatory for the Protection of Human Rights Defenders published their findings. The report noted widespread obstruction to the activities of human rights activists and organizations in Ethiopia, in spite of the constitutional provision for such institutions.¹³⁴ There is ample evidence that the main civil association monitoring human rights, the EHRCO, has been harassed and obstructed in its activities since 2001.¹³⁵ The aftermath of the elections has seen the arrest of several EHRCO officers and staff and curtailment of their activities.¹³⁶

¹²⁷ United States, Department of State, *Country Reports on Human Rights Practices 2003: Ethiopia*, Washington, 25 February 2004

¹²⁸ Integrated Regional Information Networks, Ethiopia: Rights Organisation Condemns Arrests of Oromo Students, 3 March 2004; Ethiopian Human Rights Council, *Human Rights Violation Committed against Oromo Students of Addis Ababa University*, Special Report, No 74, Addis Ababa, 10 February 2004

¹²⁹ United States, Department of State, *Country Reports...2005: Ethiopia...*

¹³⁰ BBC News, Ethiopia Students Flee to Kenya, 29 April 2004

¹³¹ Amnesty International, Ethiopia: Fear of Torture/Prisoners of Conscience, London, 7 June 2005 (urgent action)

¹³² Student Protest in Addis, *Ethiopian Reporter* [Addis Ababa], 31 December 2005

¹³³ Integrated Regional Information Networks, Ethiopia: Government Disputes Student Arrest Allegations, 2 February 2006

¹³⁴ Observatory for the Protection of Human Rights Defenders, *Annual Report 2004...*; see also Observatory for the Protection of Human Rights Defenders, *Ethiopia...*

¹³⁵ Observatory for the Protection of Human Rights Defenders, *Annual Report 2004...*

¹³⁶ Observatory for the Protection of Human Rights Defenders, Open Letter to Mr. Woldegiorgis Girma, President of the Republic of Ethiopia: Arbitrary Detentions of Human Rights Defenders, and Fear for Their Safety, Geneva, 5 January 2006, http://www.fidh.org/article.php3?id_article=2956 [accessed May 2006]

5.3.6 Religious Groups

Ethiopia's population is evenly split between Christian and Muslim populations. There is some disagreement over exact numbers but an estimated 40 to 45 per cent of the population belong to the Ethiopian Orthodox Church. The Muslim population accounts for another 45 per cent. In addition to these historic religious communities new Christian (Protestant) Evangelical and Pentecostal groups continue to grow, perhaps accounting for the remaining ten per cent of the population. There are other smaller Christian communities, as well as Jews, and adherents to traditional religions. In general there is equal respect for Christian and Islamic holy days, though there have been complaints that more days are given over to Christian celebrations than Islamic ones.

The Ethiopian constitution provides for freedom of religion, and the Ethiopian government seems on the whole to respect this right. There are reports, however, that local authorities do occasionally infringe upon this right. Religious groups are required to register with the Ministry of Justice every three years, but in practice this requirement is enforced unevenly. It is reported that the Ethiopian Orthodox Church has never registered, and the Ethiopian Islamic Affairs Supreme Council has registered only once. However the newer churches continue to register, and also report unequal treatment by local authorities when they apply for land. The most serious problem in terms of religious freedom are the occasional episodes of communal tension between religious groups, and partisanship on behalf of governmental authorities.¹³⁷

5.3.7 Ethnic Associations

The position of the Oromo in the Ethiopian state is the most politically charged of all the ethnic issues in Ethiopia, since the Oromo speaking population make up the largest ethnic bloc or nationality in the country. In the past five years there has been a concurrent escalation in Oromo political activity and apparent government repression in the Oromia regional state. The Oromo nation is as diverse as it is numerous, and it is difficult to discern how much support hard-line nationalists have from the Oromo population. Certainly after the departure of the OLF from the TPLF-led transitional government in 1992, there was little credible Oromo political activity in Ethiopia. However since 2000, partly due to the lack of confidence in the EPRDF affiliate OPDO, and disillusionment with the OLF, several Oromo groups have emerged into the political space. Many of these groups are still legal political parties but all have reported instances of harassment.

The Ethiopian government has connected the – previously legal – Oromo civil society group, the Mecha Tuluma Welfare/Self-Help Association with the banned OLF. The Mecha Tuluma Welfare/Self-Help Association has a long history and was first founded (and then banned) during the Imperial regime of Emperor Haile Selassie. It has resurfaced in recent years, but during 2004 the organization and its members have been subject to harassment by the EPRDF government. A demonstration organized by the Mecha Tuluma association was declared illegal and demonstrators dispersed (with some violence) in January 2004. The police also arrested the president of the Mecha Tuluma Welfare Association, Diribe Demissie, along with 100 other demonstrators, although they were released the next day.¹³⁸ However, in May 2004 government security forces again arrested Diribe Demissie along with the secretary, Gamachu Feyera, and raided their offices and confiscated property. The allegations leading to

¹³⁷ United States, Department of State, *International Religious Freedom Report 2005: Ethiopia*, Washington, 8 November 2005

¹³⁸ Amnesty International, *Ethiopia: Fear of Torture/Prisoners of Conscience*, London, 6 January 2004 (urgent action)

the arrests, according to one pro-Oromo organization, included suspected membership of the OLF and connection with a bomb attack at Addis Ababa University and Oromo student protests.¹³⁹ In July 2004 the Ethiopian government revoked the license of the Mecha Tuluma Welfare Association, for carrying out political activities.¹⁴⁰ The detained leaders were released on bail in August 2004, and then promptly rearrested.¹⁴¹

5.4 Women and Children

The rights of women and children continue to be circumscribed by societal attitudes. Rape and violence against women is a pervasive problem. Furthermore the practice of abduction of women and girls as a form of marriage is also widespread. Social discrimination against women is common, especially in rural areas.¹⁴²

A problem that has gained a higher profile in recent years is the continuing illegal people trafficking from Ethiopia to the Middle East. This problem particularly affects young women and children who are trafficked to countries such as Saudi Arabia, United Arab Emirates and Lebanon as involuntary domestic labour, often as a result of fraudulent work offers made to voluntary migrants. There is also the risk of sexual exploitation, physical abuse, and forced confinement and confiscation of travel documents.¹⁴³ The long-standing practice of smuggling of refugees and asylum-seekers from Puntland in northern Somalia to Yemen is also involving increasing numbers of Ethiopians.¹⁴⁴

5.5 Ethnic Groups and Minorities

5.5.1 Oromo

The Ethiopian government's treatment of Oromo nationalists as well as suspected OLF members has been of constant concern to human rights monitors since the current government came to power in 1991. There does appear to have been a significant clamp-down on Oromo political activity since 2002. This has been especially notable in the western Oromo region, including mass arrests, and detentions of high school and university students and teachers and other civil servants. In 2003 Amnesty International estimated that the Ethiopian government has imprisoned several thousand people accused of links with the OLF (and other armed liberation fronts) without charge and incommunicado. Amnesty has also noted numerous reports of extra-judicial killings of civilians by the police and army in the Oromo region.¹⁴⁵

In 2005 Human Rights Watch published a report detailing widespread abuse of human rights in the Oromia region. The report details many incidents of human rights abuse, particularly in the traditional OLF strongholds in the west.¹⁴⁶ Certainly other human rights organizations

¹³⁹ United Liberation Forces of Oromia, Press Release, May 2004

¹⁴⁰ Observatory for the Protection of Human Rights Defenders, *Ethiopia...*, p. 12

¹⁴¹ United States, Department of State, *Country Reports...2005: Ethiopia...*

¹⁴² Vaughan, *Ethiopia...*, pp. 37-8

¹⁴³ United States, Department of State, *Trafficking...*

¹⁴⁴ Afrol News, Refugee Smuggling out of Somalia Turns More Brutal, 28 February 2006, <http://www.afrol.com/articles/18272> [accessed May 2006]; Integrated Regional Information Networks, Yemen: Government Calls for Help Curtailing Human Smuggling, 2 March 2006

¹⁴⁵ Amnesty International, *Amnesty International Report 2003: Ethiopia*, London, 2003

¹⁴⁶ Human Rights Watch, *Suppressing Dissent...*

have detailed instances of arbitrary detention due to allegations of OLF engagement. The former President of Ethiopia, and Oromo activist, Negasso Gidada, alleged to Human Rights Watch in 2004 that 25,000 Oromo individuals were in prison on OLF related charges.¹⁴⁷ More recently Negasso Gidada has supported the efforts of Oromo Members of Parliament to table issues in Parliament relating to the human rights situation in Oromia.¹⁴⁸ As has already been mentioned, in January 2006 Amnesty alleged the arrest of thousands of Oromo students – mostly from secondary schools – in connection with a call (by the OLF in exile) for demonstrations against the government in response to protests in November,¹⁴⁹ claims which the Ethiopian government denied.¹⁵⁰ However, clearly the reports were credible enough for foreign observers such as for instance UK Secretary of State for Development, Hilary Benn, to raise the matter of human rights in the Oromo regions with Prime Minister Meles Zenawi during a visit to Ethiopia in January 2006.¹⁵¹

5.5.2 Somalis

The other nationality over whom concern has been consistently expressed is the Somali. However, independent verification of the conditions in the wide areas of the Somali National Regional state is not available. Human Rights Watch reports:

Security forces frequently arrest civilians in other parts of Ethiopia, claiming that they are members of the [Oromo Liberation Front in Oromia state] or the Ogadeni National Liberation Front and Al-Itihad Al-Islamiya in the Somali state. Some are released; others are kept in arbitrary detention for prolonged periods, often without hearing or cause shown, sometimes incommunicado. Frequent reports of extrajudicial executions and torture emerge from Somali region, but access to the region has been restricted by the military to such a degree that these reports are impossible to confirm.¹⁵²

In February 2006 an organization called the Ogaden Human Rights Committee released a report detailing human rights abuses by the Ethiopian government in the Ogaden (the Somali National Regional State).¹⁵³ This report is undoubtedly partisan; the very fact that it uses the term Ogaden – the name of the eponymous dominant clan in the region – demonstrates its sympathies. Nevertheless it does give details of several incidents of concern, not only attributed to the Ethiopian government but also refers to killings of alleged collaborators by ONLF vigilantes. However, the report did not make mention of the explosions in Jigjiga against Somali individuals associated with the ruling party during the elections in the Somali National State in August 2005.¹⁵⁴ The report includes accounts of several incidents from

¹⁴⁷ *Idem*, p. 12

¹⁴⁸ Former President Speaks on Some Political Issues, *Ethiopian Reporter* [Addis Ababa], 11 February 2006

¹⁴⁹ Amnesty International, Detention without Charge...30 January 2006; BBC News, 'Thousand Arrested' in Ethiopia, 1 February 2006

¹⁵⁰ Integrated Regional Information Networks, Ethiopia: Government Disputes...

¹⁵¹ United Kingdom, Department for International Development, Hilary Benn Visits Ethiopia, London, 18 January 2006 (news statement), <http://www.dfid.gov.uk/news/files/benn-visit-ethiopia06.asp> [accessed May 2006]

¹⁵² Human Rights Watch, *World Report 2006...*; see also United States, Department of State, *Country Reports...2005: Ethiopia...*

¹⁵³ Ogaden Human Rights Committee, *Mass Killings in the Ogaden: Daily Atrocities against Civilians by the Ethiopian Armed Forces*, 20 February 2006, <http://www.ogadenrights.org/> [accessed May 2006]

¹⁵⁴ European Union Election Observer Mission..., p. 30

2004 until early 2006. For example on 15 November, in Qabridharre, following an escape by ONLF and non-ONLF prisoners, a demonstration by other inmates against their conditions of imprisonment was suppressed, causing numerous fatalities and injuries; as well as smaller incidents against civilians in various locations throughout 2005. Other human rights abuses are detailed such as disappearances, suspected detentions, rape, and torture.¹⁵⁵ In the wake of ONLF activity there were reports of mass arrests and removal of civilians suspected of supporting the ONLF in the Dhagar Bur region, but again there was no independent verification of this.¹⁵⁶

5.5.3 Southern Nationalities

For some time there have been growing problems within the Southern Nations, Nationalities and Peoples Regional State (SNNPRS).¹⁵⁷ Several small conflicts between ethnic groups continue, but there is also a recent example of the state taking action against politicized ethnicity. The latest such example is action taken by the Sidama ethnic group who staged a protest in Awassa town (the SNNPRS capital) demanding a separate Sidama zone in February and March 2006. Amnesty International reports that the arrest of several hundred demonstrators, and it also reported allegations of shootings by the security service. In 2002 police and security forces took action against Sidama political discontent in Awassa town, when at least 25 peaceful demonstrators were shot dead, and dozens held without trial until 2004.¹⁵⁸

5.6 Ethnic Conflict – Threats to Socio-political Rights

In recent years regional conflict in Ethiopia has re-emerged, in ways not primarily aimed at overthrowing the state. Rather there are several instances of regionally based low-level inter-ethnic conflict reflecting sharp and bitter struggles over access to resources and power sharing. Moreover the system of ethnic federalism appears to have fuelled conflict, especially in the ethnically mixed southern areas.¹⁵⁹ The EHRCO has also regularly criticized the government's policy of dividing regions along ethnic lines and putting power in the hands of majority groups without adequate protection for ethnic minority populations. Historically endemic conflict in the lowland pastoral periphery is also exacerbated by the politicking of ethnic-federalism.¹⁶⁰

5.6.1 Gambella

The events in Gambella in late 2003 and early 2004 constitute the most prominent and well documented incident of ethnic conflict.¹⁶¹ Ethnic and communal conflict in Gambella has not only led to many deaths and widespread abuse of human rights, but it has also caused

¹⁵⁵ Ogaden Human Rights Committee

¹⁵⁶ Mass Detention of Ogaden Civilians in Dhagah Bur and Its Environs, *Sudan Tribune*, 3 March 2006

¹⁵⁷ Vaughan, S., Responses to Ethnic Federalism in Ethiopia's Southern Region, in Turton D. (ed.), *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective*, Oxford: James Currey, 2006

¹⁵⁸ Amnesty International, Fear of Torture...31 March 2006

¹⁵⁹ Vaughan, Responses...; see also Vaughan, *Ethiopia...*, p. 28

¹⁶⁰ Hagmann, T. and M.H. Khalif, La Region Somali d'Ethiopie: entre integration, independence et irredentisme, in C. Barnes and T. Osmond (eds), *Le Dossier, Ethiopie: Le federalisme en question*, *Politique Africaine*, No 99, October 2005

¹⁶¹ Human Rights Watch, *Targeting the Anuak: Human Rights Violations and Crimes against Humanity in Ethiopia's Gambella Region*, New York, March 2005; see also Obang Metho, *Testimony: Hearing: Ethiopia's Troubled Internal Situation*, *House International Relations Committee, Subcommittee on Africa, Global Human Rights and International Operations*, Washington, 28 March 2006

significant internal displacement of people. The events in Gambella had a complex antecedence: however, in summary, a situation of mounting ethnic tension over a number of years escalated into widespread communal violence with the alleged partisan involvement of Ethiopian security forces.¹⁶² The situation was partly attributable to refugee flows from neighbouring Sudan and the dynamics of the civil war in southern Sudan. Large numbers of Sudanese of Nuer ethnicity have moved eastward into Gambella, ostensibly as refugees, and some have claimed Ethiopian citizenship. The mass immigration of Nuer overwhelmed the indigenous populations of the area, especially the Anuak ethnic group. However, Gambella was also part of the large scale resettlement effort, begun under the previous Derg regime in the 1980s, that brought a mixed group of people from the overpopulated highlands into the less densely populated lowlands. It is also arguable that the system of ethnic federalism rather than diffusing ethnic tension has in fact contributed to ethnic conflict.

The recent regional historical background has led to the indigenous population – especially the Anuak – feeling outnumbered and politically marginalized. Until 2003 conflict was largely between Anuak and Nuer, though still leading to deaths and widespread displacement. In addition there was also a growing and underlying tension between other incomers – often highlanders resettled from northern Ethiopia – and Anuak. Several instances of communal violence were reported from 1991 onwards. The local administration was dominated by the Anuak-led Gambella People's Liberation Movement (GPLM) originally allied to the EPRDF, whereas the previous Marxist regime had favoured the Nuer. Despite the initial alliance, GPLM-EPRDF relations became strained. The GPLM was perceived as incompetent and ineffectual at defusing ethnic tensions.

In recent years the federal government regularly intervened in local government, and was perceived as favouring the Nuer incomers. Before and after December 2003 many members of the GPLM's political elite were imprisoned or sought exile. More radicalized elements of the Anuak population created the Gambella People's Liberation Front (GPLF) – though the Anuak are by no means united under this banner – and there are other smaller informal armed groups. There is also evidence that an anti-EPRDF Nuer-led force, funded by Eritrea and known as the Ethiopian Patriotic United Front (EPUF), is also active in the region.¹⁶³

The incidents that began in December 2003 were triggered after the local highland incomer population became incensed against a series of violent ambushes – most likely Anuak-inspired and led – against highlanders. The final incident was the killing of highlander individuals working for the Administration for Refugee and Returnee Affairs, involved in planning a new refugee camp for the Nuer (thus promising a further influx of Nuer into Anuak areas). In reprisal for the last incident, elements of the highland community in Gambella town undertook a mini-pogrom of the Anuak community. It is also alleged that they were aided and abetted by the Ethiopian security forces. EHRCO reported over 300 deaths; local groups estimated that 424 Anuak were killed.¹⁶⁴ The Ethiopian government's Commission of Enquiry admitted 65.¹⁶⁵

¹⁶² Writenet, *Ethiopia: The Gambella Conflict – Structures and Prognosis*, Writenet for UNHCR, August 2004

¹⁶³ Human Rights Watch, *Targeting the Anuak...*, pp. 7-11; Writenet, *Ethiopia...*, p. 8

¹⁶⁴ Obang Metho, *Testimony...*; Human Rights Watch, *Targeting the Anuak...*, p. 18

¹⁶⁵ Human Rights Watch, *Targeting the Anuak...*, p. 44.

It should not be forgotten that Anuak groups are also thought to be responsible for the death of over one hundred highlanders in the period between late 2003 and 2004.¹⁶⁶ However, Ethiopian security forces have continued to take action against Anuak rebels, but are also alleged to have attacked civilian Anuak villages who they believe are supporting the Anuak rebels. Ethiopian security forces also face allegations of extra-judicial killings, looting and rape. Human Rights Watch alleges another 104 extra-judicial killings after the 2003 incident, as well as numerous incidents of rape, beatings and looting.¹⁶⁷ The violence has also caused large scale displacement of between 8,000 and 10,000 Anuak who fled to camps in Sudan. A further 1,000 or more fled to Kenya. As of April 2005 there were thought to be some 50,000 people displaced as a result of the ethnic conflict in Gambella.¹⁶⁸

Meanwhile the Gambella area continues to be seen as a potential area for resettlement schemes bringing more highlanders into the area. Moreover in the long term the federal government also wishes to secure the area for the exploitation of oil reserves. The continued encroachment of the Ethiopian state in local politics, highland settlers moving onto communally owned Anuak land, and the potential petroleum exploration, can only stimulate further activities by the GPLF and other informal militia groups. Gambella is also serving as a theatre of proxy conflict in the continuing military stand-off between the Ethiopian and Eritrean governments. OLF activities (with support from the Eritrean government) have also occurred in the region.¹⁶⁹

5.6.2 Oromia/ Somali National Regional State

The next most significant incident of ethnic conflict is the long standing rivalry along the ethnic frontier between Oromo and Somali groups. During 2004 and 2005 there were three separate episodes of serious conflict between the Oromos and Somalis in areas along the border between their respective regional administrative zones. In one such area in Eastern Hararghe zone (Gulo Oda *woreda*) intermittent clashes between Oromos and Somalis were reported who both claimed the area as belonging to their respective national Oromia and Somali National Regional states. A referendum in late 2004 decided the issue, bringing the *woreda* from Somali administration into Oromia. Local Somali discontent resulted in ethnic clashes causing an estimated 14 deaths, many injured and the displacement of approximately 1,500 people.¹⁷⁰

A similar situation occurred in Mieso *woreda* in West Haraghe zone, where Oromia and the Somali regional state competed over its jurisdiction, with both administrations maintaining a presence in the district. From 2003 to 2005 frequent conflicts occurred, and a referendum to decide its status was arranged. As a result of the referendum most of the *woreda* was awarded to the Oromia state, again igniting communal violence that has killed and injured up to 100 people and displaced over 7,000.¹⁷¹

¹⁶⁶ *Idem*, pp. 40-2

¹⁶⁷ *Idem*, pp. 19-38

¹⁶⁸ Internal Displacement Monitoring Centre, *Ethiopia...*, pp. 8-9

¹⁶⁹ Human Rights Watch, *Targeting the Anuak...*, p. 9; Writenet, *Ethiopia...*, pp. 6, 8

¹⁷⁰ Ethiopian Human Rights Council, *The Ethnic Conflict That Is Becoming More Dangerous and Alarming*, Special Report, No. 87, Addis Ababa, 22 August 2005, p. 1

¹⁷¹ *Idem*, p. 2

A further historical division between Oromo and Somali peoples sharpened by the ethnic federal government is noted between Gabra (Somalis) and Guji (Oromos) in Yabello *woreda* in Borena zone of Oromia Regional State. Joint rule of the *woreda* failed to resolve communal tensions, resulting in ethnic clashes and displacement.¹⁷²

A profile of internal displacement in Ethiopia estimates that between 10,520 and 21,520 people are displaced in the Oromia region, and 28,900 to 33,900 people are displaced in the Somali region – the figures are subject to political manipulation. The acute drought and ensuing food emergency in these regions will not only worsen conditions for the internally displaced, but could also exacerbate existing conflicts over resources, and lead to further numbers of internally displaced people.¹⁷³

5.6.3 Other Communal Conflicts

It appears that ethnic and communal conflicts are becoming increasingly common in Ethiopia.¹⁷⁴ There have been reports of tensions and conflict between Oromo and Afar along the borderland of their regional states, as well as Tigrayan expansion into Afar inhabited lands in the Tigray regional state.¹⁷⁵ Intra-Somali clashes are endemic in the Somali region, the latest having occurred in an area close to the Ethiopia-Somalia border.¹⁷⁶ Given the problems in Gambella, there is also the likelihood that the continued and controversial resettlement schemes will also fuel communal and inter-ethnic tensions.¹⁷⁷

5.6.4 Rights Violations Resulting from the Ethiopia-Eritrea Conflict

In addition to the displacement of people caught up in internal ethnic conflict in Ethiopia, the international conflict between Ethiopia and Eritrea from 1998 to 2000 also caused massive displacement of populations along the border. At the height of the war in 2000 there were thought to be 360,000 people displaced in the Tigray region, with another 30,000 in the Afar region. After the ceasefire there remained 62,000 internally displaced in the Tigray region.¹⁷⁸ However, as well as the populations displaced in the immediate theatre of conflict, a significant number of individuals – whose national status was unclear but linked in various ways to the independent state of Eritrea – were subject to security measures taken by the Ethiopian state, including detention and expulsion.

At the start of the war with Eritrea in 1998 the Ethiopian Ministry of Foreign Affairs estimated that about 550,000 people of Eritrean antecedents were resident in Ethiopia.¹⁷⁹ Once war began with Eritrea – according to extensive Human Rights Watch and Amnesty International reports – the Ethiopian state arrested and interned many Eritreans or Ethiopians of Eritrean origin, and denied Ethiopian nationality to those with strong links to Eritrea. It is claimed that not only did the Ethiopian government deny a large number of Eritreans or

¹⁷² *Idem*, p. 5

¹⁷³ Internal Displacement Monitoring Centre, *Ethiopia...*, pp. 8-9

¹⁷⁴ Vaughan, Responses...; Vaughan, *Ethiopia...*, p. 28

¹⁷⁵ Confrontation in Afar Region, *Indian Ocean Newsletter*, No. 1174, 25 March 2006

¹⁷⁶ Reuters, Somali Gunmen Clash in Ethiopia: 13 Die, 16 February 2006

¹⁷⁷ Internal Displacement Monitoring Centre, *Ethiopia...*, p. 10

¹⁷⁸ Internal Displacement Monitoring Centre, *Ethiopia...*, p. 8

¹⁷⁹ Cited in Eritrea Ethiopia Claims Commission, *Partial Award: Civilians Claims: Eritrea's Claims 15, 16, 23 & 27, 32*, The Hague, 17 December 2004, p. 2, <http://www.pca-cpa.org/ENGLISH/RPC/#Eritrea-Ethiopia%20Claims%20Commission> [accessed May 2006]

Ethiopians of Eritrean origin all rights as Ethiopian nationals, but it also froze most of their economic assets.¹⁸⁰ To justify their actions the Ethiopian government brought forward a range of arguments relating to the definition of Eritrean nationality.¹⁸¹ Various accusations were made against Eritreans or Ethiopians of Eritrean origin, to justify arrests, including allegations of spying.¹⁸²

It is alleged that the arrests and expulsions of Eritreans and Ethiopians of Eritrean origin were carried out by the police, security agents and local *kebele* officials, and that the process of arrest and expulsion often involved harsh treatment.¹⁸³ By the end of the war, Human Rights Watch estimated that 75,000 Eritreans or Ethiopians of Eritrean origin had been expelled from Ethiopia; though Eritrea claims still larger numbers.¹⁸⁴ For its part the Ethiopian government has stated that it expelled approximately 15,475 Eritrean persons whom it considered as threats to national security, and that “an additional 21,905 family members left with the expellees on transport provided by Ethiopia and an unknown number left Ethiopia by other means”.¹⁸⁵

6 Citizenship in Ethiopia

The problem of expulsions centres on the definition of the citizenship in Ethiopia and Eritrea. The arguments hinge upon the implications of the April 1993 Referendum on Eritrean Independence.¹⁸⁶ Eritrea (and Human Rights Watch and Amnesty International) claim that after war began with Ethiopia in 1998, Ethiopia wrongly deprived thousands of Ethiopian citizens of Eritrean origin of their Ethiopian citizenship and expelled them, in contravention of international law. The Ethiopian government claimed that the expellees voluntarily acquired Eritrean nationality, largely by qualifying to participate in the 1993 Referendum on Eritrean Independence, and had thus forgone their Ethiopian nationality under Ethiopian law (as well as undertaking acts seen as a threat to Ethiopia’s security).¹⁸⁷

6.1 Definitions of Citizenship

The official Ethiopian position on citizenship is found in Ethiopia’s federal constitution promulgated in 1995.¹⁸⁸ For example Chapter 1, Article 6.1 states

¹⁸⁰ Amnesty International, *Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict*, London, 21 May 1999, pp. 26-9; Human Rights Watch, *The Horn of Africa War: Mass Expulsions and the Nationality Issue (June 1998-April 2002)*, New York, January 2003, pp. 5-6, 18-27

¹⁸¹ Human Rights Watch *The Horn of Africa War...*, pp. 6-7

¹⁸² Amnesty International, *Ethiopia and Eritrea...*, pp. 26-9; Human Rights Watch, *The Horn of Africa War...*, pp. 5-6, 18-27

¹⁸³ Human Rights Watch, *The Horn of Africa War...*, pp.21-2

¹⁸⁴ Human Rights Watch, *The Horn of Africa War...*, p. 5; Eritrea Ethiopia Claims Commission, *Partial Award: Civilians Claims...*, p. 3

¹⁸⁵ *Ibid.*

¹⁸⁶ *Idem*, pp. 10-11

¹⁸⁷ *Idem*, p. 10

¹⁸⁸ Ethiopia, *Constitution of the Federal Democratic Republic of Ethiopia*, Addis Ababa, 8 December 1994, <http://www.ethiobar.net/English/cnstiotn/consttn.htm> [accessed May 2006] (*UNHCR RefWorld 2005*, Issue 14, CD 2)

1. any person of either sex shall be an Ethiopian national where both or either parent is Ethiopian;
2. foreign nationals may acquire Ethiopian nationality;
3. particulars relating to nationality shall be determined by law.

The existing and therefore only valid law in Ethiopia at the time of the war was the Ethiopian Nationality Law of 1930 (amended in 1933) which states that any person born in Ethiopia, or abroad, whose father and mother is Ethiopian, is an Ethiopian national.¹⁸⁹

However the issue was further complicated by the fact that before the federation with Ethiopia in 1952, Eritrea was regarded as lost Ethiopian territory, and all those living in Eritrea who crossed over to Ethiopia could claim Ethiopian citizenship (and many did so). Therefore all those living in Eritrea whether under the federal arrangements between 1952 and 1962, or after the union when Eritrea became a province of Ethiopia between 1962 and 1993, were Ethiopian citizens. Therefore at the formal independence of Eritrea in 1993 all Eritreans (theoretically) retained the right to Ethiopian citizenship.

In the case of defining Eritrean citizenship, the principal action that the Ethiopian government saw retrospectively as disassociation was voting in the referendum on Eritrea's independence in 1993. The Ethiopian government cited Article 11 of Ethiopian Nationality Law 1930, which states Ethiopian nationality is lost when a person acquires another nationality. Therefore, it was argued, Eritrean individuals compromised their Ethiopian citizenship if they took action perceived to disassociate them from Ethiopia.¹⁹⁰

However it is also rightly noted that the 1993 referendum in Eritrea took place with the Ethiopian government's encouragement and support and subsequently the Ethiopian authorities did nothing before 1998 to suggest that it saw persons who qualified to vote in the referendum as having lost their Ethiopian citizenship. Documentary evidence has further shown that until 1998, Eritreans who voted in the 1993 referendum continued to enjoy important aspects of Ethiopian citizenship without hindrance. Indeed there were a sizeable number of people who had dual Ethiopian and Eritrean nationality. While dual nationality was not allowed by Ethiopian law, this had not been implemented due to the anomalous situation of Eritrean nationals pending future arrangements.¹⁹¹ A formal "Agreed Minute" of 1996 between Ethiopia and Eritrea noted: "[o]n the question of nationality it was agreed that Eritreans who had so far been enjoying Ethiopian citizenship should be made to choose and abide by their choice. It was decided that the implementation of this agreement should await, however, decision on granting the freedom to trade and to invest in either country for both nationals of Ethiopia and Eritrea."¹⁹²

However the sudden and unexpected outbreak of war came before the issue was resolved and before Ethiopia's nationality law was implemented. However in September 1998, in the midst of the Ethio-Eritrean conflict, it seems that measures were taken to implement the Ethiopian

¹⁸⁹ Member of the Ethiopian government administration. Personal communication, March 2006; and see Ethiopia, *Nationality Law of 1930*, 22 July 1930 (*UNHCR RefWorld 2005*, Issue 14, CD2)

¹⁹⁰ See Ethiopia, *Nationality Law...*; Eritrea Ethiopia Claims Commission, *Partial Award: Civilians Claims...*, p. 11

¹⁹¹ *Idem*, p. 12

¹⁹² *Idem*, p.13, citing Agreed Minutes of the Fourth Ethio-Eritrean Joint High Commission Meeting (August 1996), para. 4.3.4

nationality law. Also at this time the Ethiopian Immigration and Nationality Department reported that a change in immigration law and procedures was needed.¹⁹³

6.2 The Eritrea Ethiopia Claims Commission Findings

At the Eritrea Ethiopia Claims Commission (EECC) hearing in The Hague in December 2004, Ethiopia contended that there were over 66,000 Ethiopian dual nationality residents “who had shown a significant attachment to the now enemy state by acquiring Eritrean nationality in order to register for the Referendum or otherwise”; “otherwise” including participation in the Eritrean ruling party, the Popular Front for Democracy and Justice (PFDJ), and involvement in Eritrean community organizations. The Ethiopian Security, Immigration, Refugees Affairs Authority (SIRAA) oversaw the implementation of security policy, and those seen as a security threat were identified through committees functioning at a range of local and regional levels. Those identified were detained, brought to larger collection centres and then expelled; all of these were regarded as having lost their Ethiopian nationality.¹⁹⁴

The EECC hearings have subsequently noted evidence that the procedures identifying and expelling Eritrean or dual nationals were rushed and fell short of international principles for deprivation of nationality. However, the EECC also noted overall that the situation was exceptional and the process was not arbitrary and not contrary to international law. Many dual nationals – Ethiopia claimed in the region of 21,905 – also chose to leave Ethiopia for Eritrea, and these individuals the EECC decided could not be said to have been arbitrarily deprived of their Ethiopian nationality.¹⁹⁵

Despite the expulsions many Ethio-Eritrean dual nationals remained in Ethiopia. In August 1999 the Ethiopian government required that Ethio-Eritrean dual nationals resident in Ethiopia to register with SIRAA. Eritreans were defined as those who were over 18 and who had voted in the 1993 referendum, or who had formal Eritrean citizenship. After registration these individuals were given yellow alien identity cards. Estimates of numbers of affected dual nationals range from 24,000 to 50,000. There were also many outside Ethiopia (in countries other than Eritrea) to whom these measures applied. In their case the EECC has found that these individuals were arbitrarily deprived of their Ethiopian nationality.

Moreover while Ethiopia claimed that all those expelled were found to be security risks, there is considerable evidence that an unknown but considerable number of dual nationals resident in provincial towns or rural areas were expelled without due process.¹⁹⁶ In general the expulsions of dual nationals or others from rural areas – who may have been considered Eritrean but did not take part in the 1993 referendum – were far more arbitrary and uncontrolled by responsible government agencies.¹⁹⁷

The justification for the expulsions from Ethiopia, and the manner in which the expulsions were carried out, were roundly condemned by governments, international agencies and

¹⁹³ Member of the Ethiopian government administration. Personal communication, March 2006

¹⁹⁴ Eritrea Ethiopia Claims Commission, *Partial Award: Civilians Claims...*, p. 16

¹⁹⁵ *Idem*, p. 17; and see p. 19

¹⁹⁶ *Idem*, p. 18

¹⁹⁷ *Idem*, p. 21

human rights organizations.¹⁹⁸ The EECC has also subsequently found against the Ethiopian government in respect of some of the actions taken against Eritreans or Ethiopians of Eritrean origin. For example the findings of the EECC noted that Ethiopia is to be held liable for :

1. erroneously depriving at least some Ethiopians who were not dual nationals of their nationality;
2. arbitrarily depriving dual nationals who remained in Ethiopia during the war of their Ethiopian nationality;
3. arbitrarily depriving dual nationals who were present in third countries during the war of their Ethiopian nationality;
4. arbitrarily depriving dual nationals who were expelled to Eritrea but who were not screened pursuant to Ethiopia's security review procedure of their Ethiopian nationality;
5. permitting local farmers, militias or police to forcibly expel rural people, many or most of whom were solely Ethiopian nationals, from rural areas near the border;
6. permitting forcible expulsion to Eritrea of some members of the expellees family who did not hold Eritrean nationality;
7. permitting local authorities to forcibly expel to Eritrea an unknown, but considerable number of dual nationals for reasons that cannot be established.¹⁹⁹

Other findings related to the treatment of Eritrean expellees during detention and transit to Eritrea. The EECC has reserved the award of damages to a later date.

6.3 Property Confiscation and Restitution

It was widely reported that property belonging to Eritreans or Ethiopians of Eritrean origin was seized by the Ethiopian authorities.²⁰⁰ However evidence presented to the EECC demonstrated that unlawful seizure did not take place. But Eritrea further alleged that the cumulative effect of actions by the Ethiopian government towards Eritrean civilians' property amounted to legalized looting.²⁰¹ Banks certainly auctioned property owned by deportees to recover debts in the form of loans or overdrafts granted to Eritreans before hostilities began (which was perfectly legal).²⁰²

However it does appear that the Ethiopian government enforced laws on prohibition of alien ownership of immovable property arbitrarily and discriminatorily.²⁰³ There is also evidence that discriminatory taxes were imposed on expellees and their property.²⁰⁴ The EECC noted that Ethiopia generally failed in its duty to protect expellee alien's assets of property. Finally the EECC found against Ethiopia "for creating and facilitating a cumulative network of economic measures, some lawful and others not, that collectively resulted in the loss of all or most of the assets in Ethiopia of Eritrean expellees, contrary to Ethiopia's duty to ensure the

¹⁹⁸ Human Rights Watch, *The Horn of Africa War...*; see also Amnesty International, *Ethiopia and Eritrea...*

¹⁹⁹ Eritrea Ethiopia Claims Commission, *Partial Award: Civilians Claims...*, p. 38

²⁰⁰ Human Rights Watch, *The Horn of Africa War...*, pp. 22-3

²⁰¹ Eritrea Ethiopia Claims Commission, *Partial Award: Civilians Claims...*, pp. 27-9

²⁰² BBC News, *Ethiopia Auctions Eritreans' Property*, 20 December 1999

²⁰³ Eritrea Ethiopia Claims Commission, *Partial Award: Civilians Claims...*, pp. 30-1

²⁰⁴ *Idem*, pp. 31-2

protection of alien's property."²⁰⁵ Again the EECC has left the award of damages to a later date.

6.4 2003 Proclamation on Ethiopian Nationality²⁰⁶

It is clear that once war broke out between Ethiopia and Eritrea the definition of citizenship in relation to Eritreans or Ethiopians of Eritrean origin – the so-called dual nationals – gave rise to a legally anomalous situation. Moreover the legal anomaly brought about a situation where the human rights of those affected were not secure and were subject to widespread abuse. However, since the ceasefire the episodes of forcible expulsion have been rarer; instead there has been a steady though comparatively low number of ICRC supervised repatriations.²⁰⁷

The definition of Ethiopian citizenship especially in relation to people of Eritrean origin has also been regularized. In 2003 the Ethiopian government issued Proclamation No. 378/2003. Proclamation on Ethiopian Nationality,²⁰⁸ which repealed the previous Ethiopian Nationality Law of 1930. A consideration of the Proclamation is useful in relation to the definition of Ethiopian citizenship, and the rights to citizenship and residence of dual nationals, Ethiopians of Eritrean origin, and full Eritrean citizens.

The Proclamation states that

any person shall be an Ethiopian national by descent where both or either of his parents is Ethiopian (Part 2, Article 3, Acquisition by Descent): (3.1)

However, according to the Proclamation nationality can also be acquired by law. Thus it states that

any foreigner may acquire Ethiopian nationality by law in accordance with the provisions of Articles 5-12 of this Proclamation. (Article 4, Acquisition by Law)

Article 5 notes the Conditions to be fulfilled:

A foreigner [who] may acquire Ethiopian nationality by law shall:

1. have attained the age of majority and be legally capable under Ethiopian law;
2. have established his domicile in Ethiopia and have lived in Ethiopia for a total of at least four years preceding the submission of his application;
3. be able to communicate in any one of the languages of the nations/nationalities of the Country;
4. have sufficient and lawful source of income to maintain himself and his family;
5. be a person of good character;
6. have no record of criminal conviction;
7. be able to show that he has been released from his previous nationality or the possibility of such a release upon the acquisition of Ethiopian nationality or that he is a stateless person;
8. be required to take the oath of allegiance state under Article 12 of this Proclamation.

²⁰⁵ *Idem*, p. 38

²⁰⁶ Ethiopia, President, Proclamation on Ethiopian Nationality, No. 378/2003, 23 December 2003, *Federal Negarit Gazeta*, No. 13, 23 December 2003 (*UNHCR RefWorld 2005*, Issue 14, CD2)

²⁰⁷ Internal Displacement Monitoring Centre, *Ethiopia...*, pp. 18, 21

²⁰⁸ Ethiopia, President, Proclamation on Ethiopian Nationality...

Further to these conditions, the application process is detailed as follows (Article 11, Examining and Deciding upon an Application):

1. an application to obtain Ethiopian nationality by law shall be examined by the Nationality Affairs Committee established under Article 23 of this Proclamation;
2. the Committee shall submit its recommendation to the [Security, Immigration and Refugee Affairs] Authority following the examination of the application and documents submitted to it as well as such other additional information furnished on its demand.

If the application is successful an oath of allegiance is then required. Once accepted the Nationality Proclamation also notes that

No Ethiopian may be deprived of his nationality by the decision of any government authority unless he loses his Ethiopian nationality under Article 19 or 20 of this Proclamation. (Part 3. Rights of Nationality – Article 17, Non Deprivation of Nationality)

The important Article here is Part 4, Loss of Ethiopian Nationality; Article 20: Loss of Ethiopian Nationality upon Acquisition of Other Nationality, which states:

1. Without prejudice to Article 19 (4) of this Proclamation any Ethiopian who voluntarily acquires another nationality shall be deemed to have voluntarily renounced his Ethiopian nationality.
2. An Ethiopian who acquires another nationality by virtue of being born to a parent having a foreign nationality unless he has declared to the Authority his option to retain it by renouncing his other nationality within one year of attaining the age of majority, or unless there has been an earlier express renunciation of his Ethiopian nationality pursuant to Article 19 (3) of this Proclamation.
3. An Ethiopian who acquires, in the absence of this own initiative, another nationality by the operation of the law in connection with any ground other than those specified under Sub-Article /2/ of this Article shall be deemed to have voluntarily renounced his Ethiopian nationality, if he:
 - a) starts exercising the rights conferred to such acquired nationality, or
 - b) fails to declare his option to the Authority to retain his Ethiopian nationality by renouncing his other nationality within a period of one month.

With regard to an individual's parent's nationality a further article (Article 21, Effects of Loss of Nationality on Spouses and Children) notes:

A person's loss of nationality shall have no effect on the nationality of his spouse and children.

Moreover even if another nationality is gained, this does not preclude re-admission to Ethiopian nationality (Article 22. Re-Admission to Ethiopian Nationality):

A person who was an Ethiopian national and who has acquired foreign nationality by law shall be readmitted to Ethiopian nationality if he:

- a) returns to domicile in Ethiopia;
- b) renounces his foreign nationality;
- c) applies to the Authority for re-admission.

6.5 2004 Directive on Residence for Eritrean Nationals²⁰⁹

Although the Nationality Proclamation clearly stated who was and who was not considered a national, it did not explicitly address the problem of dual nationality. However, in January 2004 the SIRAA issued a Directive on Residence for Eritrean Nationals in Ethiopia.

This Directive directly addresses the situation of Ethiopians of Eritrean origin, dual nationals, and Eritreans, in a way that the 2003 Proclamation on Nationality does not. For example Part 1 of the Directive notes:

Numerous persons of Eritrean origin have continued to reside in Ethiopia since long before the Eritrean independence. Since it has been found necessary to determine the residence of those Eritrean nationals who have continued to live in Ethiopia, the Security Immigration and Refugee Affairs Authority has issued this Directive.

Part 2 of the Directive notes under Objective:

The Objective of this Directive is to provide the means to any person of Eritrean origin who was resident in Ethiopia when Eritrea became an independent State [1993] and has continued maintaining a permanent residence in Ethiopia up until this Directive is issued to confirm whether he or she has acquired Eritrean nationality, and to determine his or her status of residence in Ethiopia.

The document appears to infer therefore that the rights to Ethiopian citizenship of those expelled before the 2004 directive are not recognized by this directive (though the 2003 Proclamation does make provision for the reacquisition of Ethiopian citizenship).

Part 3 of the Directive notes under Basic Assumptions (Sections 3.1 – 3.6) that no Ethiopian shall be deprived of his or her nationality against his or her will according to Article 33 (1) of the Constitution of the Federal Democratic Republic of Ethiopia, and that a national has the right to change his or her nationality (3.1). However the Directive also states that the government can deprive individuals of their nationality (in accordance with Article 17 of the new Nationality law) if he or she loses their nationality by their own will (3.2). But the Directive also acknowledges that when a State secedes from another under any circumstance, individuals are given a limited period to choose their nationality (3.4), and as stipulated under Article 20 of the new Nationality law, an Ethiopian who acquires another nationality is deemed to have voluntarily renounced Ethiopian nationality and loses his or her Ethiopian nationality (3.5). Nevertheless the Directive – importantly – also assumes that before Eritrea was recognized as an independent state, its people had Ethiopian nationality, and established their residence all over Ethiopia and acquired wealth and property, and have also established strong ties through marriage with Ethiopians and have raised children and grandchildren (3.6).

Given these basic assumptions the Directive (Part 2, Issues of Nationality and Registration) defines what constitutes Eritrean nationality. It also states how Ethiopian nationality is defined or acquired by those who are deemed to be of Eritrean origin or who have come to acquire Eritrean nationality by default:

²⁰⁹ Ethiopia, Ministry of Foreign Affairs, Directive Issued to Determine the Residence Status of Eritrean Nationals Residing in Ethiopia, Addis Ababa, [2004], http://www.mfa.gov.et/Press_Section/publication.php?Page_Number=346 [accessed May 2006]

A person having an Eritrean passport or documents [non-specified] conferring Eritrean nationality or a person serving the Eritrean Government in a sector reserved exclusively for Eritrean nationals is considered as having Eritrean nationality. (Section 4.1)

A person of Eritrean origin who has not opted for Eritrean nationality shall be deemed as having decided to maintain his or her Ethiopian nationality and his or her Ethiopian nationality shall be guaranteed. (Section 4.2)

An Eritrean registered [see below] in accordance with this Directive and who desires to regain his or her Ethiopian nationality may be readmitted to his or her Ethiopian nationality based on Article 22 of the new Nationality Proclamation. (Section 4.3)

Therefore, should a situation arise again where the issue of Eritrean nationality becomes pertinent, i.e. renewed war, the Directive gives clear guidance and definition relating to nationality and citizenship.

Moreover in the case of those who are Eritrean nationals so defined, but nevertheless remain in Ethiopia, a registration procedure is also included in the Directive:

In accordance with this Directive, a person whose Eritrean nationality has been established based on Article 4.1 has to be registered in a place and time to be notified by the Authority [SIRAA]. (Section 5.1)

Once an Eritrean is registered, they will be granted a permanent residence permit (Section 6.1) in accordance with the 1969 Immigration Proclamation.²¹⁰ Section 6.2 allows that if he or she is unable to obtain a travel document from his or her country, he or she may be issued a foreigner passport for the purpose of travel. The cancellation of the Residence permit (Section 7.1) is allowed for the following reasons: a) where the residence permit was acquired by submitting fraudulent information, or b) where the bearer of the residence permit is found to be an undesirable foreigner as defined in the Immigration Proclamation. The residence permit may also be cancelled (7.2) if he or she resided continuously for more than a year outside Ethiopia.

It is also noteworthy that Sections 8 and 9 of the Directive appear to make a special case for the economic interests of Eritreans with residence permits, despite their alien status. Section 8 states that Eritreans have rights to immovable property and for a person resident in the rural area, a right to use agricultural land. Sections 9 note that Eritreans shall be treated like any other foreign national regarding government employment, and that they have the right to engage in private employment without being required to have a work permit (except any work connected with security).

²¹⁰ Ethiopia, Proclamation Regulating the Issuance of Travel Documents and Visas, and Registration of Foreigners in Ethiopia, No. 271/1969, 22 July 1969, *Negarit Gazeta*, No. 25, 22 July 1969 (*UNHCR RefWorld 2005*, Issue 14, CD2 – selected provisions only). The Proclamation, Article 3 (11), defines an “undesirable foreigner” as “any foreigner whether resident or non-resident, who is declared to be such by Our Minister of Interior because said foreigner: a) has no visible means of support or is likely to become a public burden; b) has been convicted of a crime involving moral turpitude in a foreign country or in Ethiopia; c) has been declared a chronic alcoholic; d) has been found guilty of disturbing or endangering the Security of the State; e) has been found guilty of promoting immorality in Ethiopia; or f) has been found guilty of violating any provision hereof or any Regulation issued hereunder.”

However, according to one source the Directive and especially its provisions for Eritreans re-acquiring Ethiopian citizenship or gaining a permanent residence permit, does not apply to Eritreans who were expelled to Eritrea after the war began. Nor does the Directive apply to Eritreans coming to Ethiopia from another country.²¹¹

6.6 Eritreans Fleeing Eritrea

The Ethiopia and Eritrea tensions notwithstanding, a marked deterioration in human rights in Eritrea has been observed over the past five years. Groups that have been particularly affected are those evading military conscription; religious groups other than Eritrean Orthodox Christians, Roman Catholics, Eritrean (Lutheran) Evangelicals, and Sunni Muslims; members of the Kunama ethnic group linked with an ethnic insurgency; any persons linked with political opposition groups, peaceful or armed; and any individual – typically journalists, politicians and students – who publicly criticizes the government.²¹²

The deteriorating political situation in Eritrea has led to an increasing number of Eritreans seeking asylum in Ethiopia. According to UNHCR, during 2005, 5,000 Eritreans sought asylum in Ethiopia, at a rate of 400 persons per month.²¹³ There is every indication that this flow from Eritrea will continue. The Directive would, however, not cover the Eritreans who have come into Ethiopia as political refugees.²¹⁴

6.7 Current Situation

Information about the implementation of the 2003 Proclamation on Ethiopian Nationality and the 2004 Directive for Eritrean Nationals Residing in Ethiopia is difficult to get, though there have been no negative reports regarding the status of Ethiopians of Eritrean origin or Eritrean nationals resident in Ethiopia.

Undoubtedly the 2003 Proclamation and 2004 Directive give a much improved definition of Ethiopian citizenship and the right to gain citizenship, especially for those considered dual nationals. Moreover the status of Eritreans resident in Ethiopia is also clear, affording rights to Eritrean residents above and beyond the rights of other foreign nationals resident in Ethiopia.

However, it is unclear how widely these Proclamations and Directives will be disseminated among the relevant populations, and whether these will appreciate and understand the provisions. The same goes for the lower levels of the implementing agencies. Indeed even if this information is widely disseminated, whether these rights will be respected in the case of escalating tension or future war between the two countries is uncertain, especially given the treatment of certain groups of Ethiopian nationals in the aftermath of the 2005 general

²¹¹ Information attributed to the Director of Immigration and Nationalities Affairs Authority, Girma Balcha. See, Dehai News, Recently Issued Directive Will Benefit Only Eritreans Who Lived in Ethiopia Permanently: Authority, Addis Ababa, 22 January 2004, http://www.dehai.org/archives/dehai_news_archive/jan04/0423.html [accessed May 2006]

²¹² United States, Department of State, *Country Reports on Human Rights Practices 2005: Eritrea*, Washington, 8 March 2006; Human Rights Watch, *World Report 2006*...

²¹³ United Nations High Commissioner for Refugees, *UNHCR Global Appeal 2006*, Geneva, November 2005, pp. 146-7

²¹⁴ Attempts to confirm details with official Ethiopian government sources via the Ethiopian Embassy in the UK did not receive replies.

election. UNHCR should certainly take steps in cooperation with the appropriate governmental institutions to ensure the Proclamation and Directive provisions, rights and exclusions achieve the widest possible dissemination in Ethiopian civil society, and the governmental structures.

7 Refugees and Asylum Seekers

7.1 Refugees Coming to Ethiopia

According to data published by the United States Committee for Refugees there were some 116,000 refugees and asylum seekers in Ethiopia in mid-2005. More recently UNHCR put the figure at 119,530, but planning figures predict numbers of 106,710 by the end of 2006 due to ongoing repatriation programmes, particularly to the Sudan. The majority of the refugees come from neighbouring countries, especially Sudan, Somalia and Eritrea. Most of these refugees are required to live in camps; however there are increasing numbers who choose to remain unregistered and reside “illegally” in urban areas.²¹⁵

In July 2004 Ethiopia issued a Refugee Proclamation, implemented in 2005, which established the right to asylum, and incorporated the provisions of the 1951 Convention Relating to the Status of Refugees, and the 1969 African Refugee Convention. Moreover the Refugee Proclamation prohibited the Ethiopian government from refusing entry to refugees or asylum seekers or expelling or returning them to any country where they would be at risk of persecution or harm.²¹⁶ However, the July 2004 Proclamation makes two important reservations to the 1951 Convention, namely, the right to work and the right of access to education.²¹⁷

7.1.1 Sudan

The largest group of refugees in Ethiopia originate from Sudan (approximately 90,500). However, efforts are now being made to repatriate refugees from Sudan. In the first quarter of 2006 long-term Sudanese refugees began to return home under an agreement signed between UNHCR and the governments of Ethiopia and Sudan. An initial 4,000-5,000 are projected to leave by the end of May 2006. So far about 14,000 people have expressed a desire to return home, and it is predicted that the remaining refugees – some of whom arrived in Ethiopia in the 1980s – will eventually all return home.²¹⁸

7.1.2 Somaliland and Somalia

From 1988 to 1991, due to the instability in northern Somalia (now the self proclaimed Somaliland republic) and the collapse of the central Somalia government in 1991, Ethiopia was host to some 630,000 refugees from Somalia. Eight refugee camps were established, but in recent years camps have been closed due to returns and reintegration. In 2005 two camps remained, namely Kebri Beyah and Aisha. Aisha was closed in 2005, and now only Kebri

²¹⁵ United States Committee for Refugees and Immigrants, *World Refugee Survey 2005: Ethiopia*, Washington, 15 June 2005, <http://www.refugees.org/countryreports.aspx?area=investigate&subm=19&ssm=29&cid=1312> [accessed May 2006]; see also United Nations High Commissioner for Refugees, *2006 Country Operations Plan for Ethiopia*, Geneva, September 2005

²¹⁶ United States Committee for Refugees and Immigrants; see also Da Rugna, D., *Movement of Somali Refugees and Asylum Seekers and States' Responses Thereto*, Addis Ababa, March 2005 (unpublished report for UNHCR), p. 9

²¹⁷ Da Rugna, pp. 53, 63

²¹⁸ Integrated Regional Information Networks, *Ethiopia: UNHCR to Repatriate Sudanese Refugees*, 6 April 2006

Beyah remains with 10,500 residents (as of mid-2005) mostly “Ethiopian Somalis” and certain clans and minority groups for whom return to Somaliland or Somalia would prove difficult under current circumstances.

Somali refugees are required to register in the official refugee camps in the Somali regional state in eastern Ethiopia; registration is not possible in Addis Ababa. Nevertheless significant numbers of Somalis choose to live unregistered in urban areas, primarily Addis Ababa. In 2005 the official number of registered Somali refugees in urban areas – who had been accepted for exceptional protection reasons – was 229. However there are thought to be thousands more unregistered Somali refugees in urban areas of Ethiopia. A recent report has estimated the amount of unregistered Somali refugees at 30,000-45,000.²¹⁹

There are various reasons for the presence of unregistered refugees in urban areas; not least is the relative security they find in Addis Ababa compared to the camps. Additionally many Somali refugees (approximately half of the total number) come from Mogadishu and find the conditions of the camps socially and economically restricting. In urban areas the most enterprising Somali refugees can find work and health care and educate their children; they can also access remittances from the Somali diaspora more easily. There is also evidence that new Somali refugees are finding it difficult if not impossible to get registered in the camps.²²⁰

Another reason for the presence of unregistered Somali refugees in Addis Ababa is the possibility of onward movement from Ethiopia to another country through family reunification or via agents. Onward movement is encouraged by the fact that Ethiopia’s refugee policy does not allow for formal integration, and the 2004 Proclamation makes two reservations regarding access to work and education for refugees. These restrictions make all refugees’ long-term prospects uncertain, added to the fact that, because they are unregistered, informal urban refugees are also left without any formal rights or protection.²²¹

7.1.3 Eritrea

A significantly growing number of refugees from Eritrea are arriving in Ethiopia. In addition to the existing refugee population as a result of the 1998-2000 border war, for some time now, at least 200-250 persons of Eritrean origin per month have been arriving in Ethiopia. Recent estimates have put the figure much higher, at 400 per month. During 2005, 5,000 Eritreans sought asylum in Ethiopia, and the predicted number of Eritrean refugees for December 2006 is put at 11,700. Over 10,000 refugees are living in difficult conditions at the Shimelba camp.²²²

7.1.4 Djibouti

Djibouti has hosted around 30,000 refugees over the last decade mostly from Somalia (particularly Somaliland), but a minor economic boom has also attracted economic migrants from Ethiopia, Eritrea and Somalia, at times accounting for 20 per cent of the population. Repatriation of refugees to Somaliland started in 2002, greatly reducing the official refugee population. The Djibouti government subsequently, in 2003, announced a programme of expulsion of illegal immigrants. There is also a problematic human rights record in Djibouti; most recently the arrest of trade unionists. A recent upturn in rebel activity against the

²¹⁹ Da Rugna, p.8

²²⁰ *Idem*, pp. 8, 13, 44, 51

²²¹ *Idem*, pp. 54-5, 65-6

²²² United Nations High Commissioner for Refugees, *UNHCR Global Appeal 2006...*

Djibouti government should also be monitored as a potential cause of population displacement.

There are therefore several reasons for possible increases in numbers of displaced persons arriving in Ethiopia from Djibouti. However, it should be noted that the prospects for political asylum seekers from Djibouti arriving in Ethiopia may be problematic, given the rendition last year of Ethiopian air-force pilots seeking political asylum in Djibouti back to Ethiopia.²²³

7.1.5 Kenya

It is unlikely that Kenya will produce large numbers of refugees in Ethiopia. However actions against suspected OLF groups operating from Kenya could cause population displacement.

7.2 Refugees from Ethiopia in the Wider Region.

Continuing poverty and political problems have contributed to a growing number of Ethiopians leaving the country as economic migrants or asylum seekers. In February 2006 an estimated 3,000-6,000 Ethiopians were stranded in the Puntland (northern Somalia) port of Bossaso. It is not possible to apply for asylum in Bossaso and it is clear that the port is being used for onward migration especially to Saudi Arabia. However, many Ethiopian migrants find that their onward journey is impossible when they run out of money or if they are cheated or robbed by unscrupulous people traffickers.²²⁴

However a number of Ethiopians appear to be fleeing because of fears of political persecution, but they too cannot currently get refugee status in Bossaso. The alternative is Hargeisa, in the self-declared Republic of Somaliland. However, close relations between the Ethiopian and Somaliland governments deter Ethiopians from seeking asylum there since they fear they will be returned home.²²⁵

8 Conclusions: Trends and Policy Implications

8.1 Factors Influencing Trends and Outlook

In the short term there is little likelihood that the current Ethiopian government will soften its attitude towards certain elements of the opposition.²²⁶ Some commentators have noted that the elections of 2005 may mark the beginning of a transition,²²⁷ though whether this will be peacefully negotiated or entail a violent succession crisis is uncertain.²²⁸

Certainly in the light of May 2005 the current government has lost a great deal of domestic support, however passive or quiescent this support undoubtedly was. The idea of popular democracy ringing increasingly hollow, there is evidence that the Ethiopian government will

²²³ BBC News, Djibouti Deports Ethiopian Pilots, 19 July 2005

²²⁴ United Nations High Commissioner for Refugees, Ethiopian Asylum Seekers...; Afrol News, Refugee Smuggling...; Integrated Regional Information Networks, Yemen...

²²⁵ United Nations High Commissioner for Refugees, Ethiopian Asylum Seekers...; United Nations High Commissioner for Refugees, International Help Needed to Stop People-smuggling across the Gulf of Aden, Bossaso, 14 February 2006

²²⁶ New Round of Negotiations...

²²⁷ Lyons, T., *Ethiopia in 2005: The Beginning of a Transition*, Africa Notes, No. 25, Washington: Center for Strategic and International Studies, January 2006

²²⁸ Abbink, p. 198; Clapham, Comments...

become ever more reliant on the neo-patrimonial practices of its imperial past, in which “the country and its politics are treated as the privileged domain of power holders who operate in an informal and often non-transparent manner, and over which formal institutions do not have a decisive say”.²²⁹ Already parliamentary procedure is routinely managed by the EPRDF, due to its institutional domination. Even before the results of the election were finalized, the EPRDF revised parliamentary procedure to reduce the role of the opposition in parliament, as well as imposing fiscal restraints on the municipal council of Addis Ababa won by the CUD.²³⁰

Certainly rumours of Meles’ move away from alliances with ethnic political blocs towards a single party would not preclude a form of neo-patrimonial governance. Moreover even if more parliamentary democracy were allowed a role, do the opposition parties as they stand now truly represent the needs and desires of Ethiopia’s growing and still diverse population? In any case the political opposition now appears divided and parts of it co-opted by the EPRDF.²³¹ Indeed the current impasse between the EPRDF government and elements of the opposition not only risks the human rights of individuals associated with the opposition, it also may encourage a more militant fringe to take direct military action against the current government. A spate of bombings in Addis Ababa and regional towns demonstrated the potential for militancy in Ethiopia. There are also rumours that several armed opposition fronts are set to increase their operations, benefiting from external support from the Ethiopian diaspora and hostile governments, especially Eritrea.²³²

The most pressing issue remains the resolution of the Ethiopian Eritrean border dispute. The current impasse neither allows repatriation or reintegration of refugees and the internally displaced, nor a reduction in the risk of future conflict. Informed commentators have noted that unless demarcation proceeds with proper regard for the societies that straddle the border, the prospects for stability and security between Ethiopia and Eritrea are poor.²³³ The Ethiopian government has acknowledged the deep reasons for the war, but this is partly a ploy to delay implementation of the border demarcation.²³⁴

8.2 Policy Implications

In September 1999 UNHCR announced that the fall of the Mengistu regime in 1991 had led to a lasting change in the political situation in Ethiopia, and that consequently automatic

²²⁹ Abbink, pp. 193, 195-6; see also Barnes C. and T. Osmond, L’ Apres-Etat-Nation en Ethiopie: Changement de forme plus que d’habitudes, in C. Barnes and T. Osmond (eds), *Le Dossier, Ethiopie: Le federalisme en question*, *Politique Africaine*, No 99, October 2005, pp. 7-21

²³⁰ European Union Election Observer Mission..., p. 24

²³¹ NEB Turns Down CUD’s Merger, *Ethiopian Reporter* [Addis Ababa], 19 November 2005; A Shake Up of the ONC, *Ethiopian Reporter* [Addis Ababa], 26 November 2006

²³² EPPF Recruits Via the Internet, *Indian Ocean Newsletter*, No. 1176, 8 April 2006; The Threat of the Armed Groups...; ONLF Pulls Out All the Stops, *Indian Ocean Newsletter*, No. 1179, 29 April 2006

²³³ See Gilkes, P., Violence and Identity along the Eritrean-Ethiopian Border, in Jacquin-Berdal and Plaut (eds), *Unfinished Business...*, pp. 229-53

²³⁴ Meles Zenawi, Speech to the House of Peoples’ Representatives on the Ethiopia-Eritrea Border Issue, 25 November 2004, http://www.mfa.gov.et/Press_Section/publication.php?Main_Page_Number=1332 [accessed May 2006]; Meles Zenawi, Report Presented to the House of Peoples’ Representatives of the Federal Democratic Republic of Ethiopia, 28 March 2006, http://www.mfa.gov.et/Press_Section/publication.php?Main_Page_Number=2611 [accessed May 2006]

refugee status for pre-1991 refugees would be ended.²³⁵ It may be that a reappraisal of the political situation in Ethiopia is again necessary. Domestically, important protection issues will need continual monitoring, not least in the Oromo region where the current increase in nationalist activity is likely to lead to a forceful clampdown by the government. This may also be the case in parts of the Somali regional state, as well as parts of the Amhara national state. Indeed since May 2005 there does appear to have been an extremely strong response by government to any indication of civil disobedience, let alone possible insurrection.

The refugee population may continue to stabilize and even reduce, but the uncertain peace processes in Somalia and Sudan may bring renewed flows.²³⁶ Although peace may hold in southern Sudan, southern Somalia is still wracked by conflict, especially in Mogadishu. Moreover the continuing divisions within the Transitional Federal Government in Somalia and the evolving situation with a government base in Baidoa (closer to the Ethiopian border than Mogadishu) may also bring instability, conflict and population displacement.

In the light of the repatriation of refugees and scaling down of operations in the historically large camps – as well as their remote locations and poor conditions – it is also likely that there will be an increase in the number of unregistered unofficial urban refugees. This has been noted for Somalis – especially those who come from an urban background – who favour cities like Addis Ababa due to better economic and educational opportunities, and the possibility of onward migration.²³⁷ Indeed, in spite of Ethiopia's two reservations to the 1951 Convention, namely, the right to work and the right of access to education, refugees are still able to access private educational facilities and opportunities in the informal economy in Addis Ababa and other large cities.²³⁸

The increase in Eritrean refugees not directly displaced by the war, but rather fleeing conscription and restrictive political and economic conditions in Eritrea, will put pressure on the already difficult conditions in the Shimelba camp.²³⁹ Many of these refugees are likely to be from educated and urban backgrounds. It is therefore probable that like their Somali counterparts, if they are able, many will migrate to Addis Ababa and other cities. There Eritreans will find support from the existing and substantial populations of Ethiopians of Eritrean origin, and Eritreans with residence status. However, the continuing stalemate between Eritrea and Ethiopia will continue to put these asylum seekers at risk in the case of an escalation of conflict. In theory some of these asylum seekers may be able to apply for Ethiopian citizenship, but this will be decided on a case by case basis.

Local dynamics in relation to large scale refugee or other resettled populations should be thoroughly assessed if another situation like that in Gambella is to be avoided, or even another conflict between Ethiopia and Eritrea. Gambella itself may still see a further escalation in local conflicts and ethnic insurgency especially if exploited by Ethiopia's external enemies. Likewise there have been threats of an escalation in activities by the Ogaden National Liberation Front which may increase insecurity for the one remaining

²³⁵ See Vaughan, *Ethiopia...*, p. 51

²³⁶ Reuters, East Africa Hopes to Fix Ethiopia-Eritrea Dispute, 20 March 2006

²³⁷ Da Rugna

²³⁸ *Idem*, pp. 53, 63

²³⁹ United Nations High Commissioner for Refugees, *UNHCR Global Appeal 2006...*, p. 147

Somali refugee camp. Moreover the UN threat to downscale the UNMEE operations on the border may cause an escalation in border tensions making the Shimelba camp vulnerable.

Given the uncertain future UNHCR will be under pressure to address the growing problem of unregistered refugees in the urban areas. Solutions should be sought in cooperation with relevant Ethiopian governmental institutions. Additionally, following the regularization of the status of Ethiopians of Eritrean origin, dual nationals and Eritrean residents through the 2003 Proclamation and 2004 Directive, attention will have to be paid to how they are being implemented, and how widely the provisions are recognized by both governmental authorities and the communities concerned.

The evolving political situation in Ethiopia also needs to be closely monitored, especially the current trial of opposition politicians and civil society activists, as well as the mounting evidence of political repression in the provincial towns and rural areas. UNHCR needs to be prepared to issue advice regarding the risk of infringement of human rights of certain groups within Ethiopian civil society from governments likely to receive applications for political asylum. Lastly close attention should be paid to the incidence and scale of internal displacement arising from ethnic and resource conflict in Ethiopia.

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