

Concerned Horn of Africa Experts From Civil Society Organisations And Academia

Gradual, step-by-step rapprochement with the Federal Government of Ethiopia

15.02.2023

On November 2, 2022, an agreement "*on the permanent cessation of hostilities between the Government of the Federal Democratic Republic of Ethiopia (FDRE) and the Tigray People's Liberation Front (TPLF)*" was signed in Pretoria, South Africa, ending intense fighting in Tigray after 728 days.

Immediately following the Pretoria negotiations, officers from both sides negotiated detailed provisions for the implementation of key aspects of the Pretoria Agreement in Nairobi in the "*Senior Commanders' Statement on Modalities for Implementation*" (11/12/2022).

AU Special Representative Olusegun Obasanjo of Nigeria stated that the Pretoria talks were "*aimed at reaching an agreement on the cessation of hostilities between the parties*" which should pave the way for the restoration of peace, security, and stability in the Tigray region (AU Press Release, 11/2/2023). U.S. Secretary of State Antony Blinken praised "*this first step*" in which the parties agreed to end the fighting and continue dialogue to resolve outstanding issues. (Press release Nov. 2, 2022).

The Pretoria Agreement and the Nairobi Declaration are a package. They are agreements to silence the guns and to prepare the ground for peace talks resulting in a comprehensive peace agreement. Treating them as a 'peace agreement' at this stage is fundamentally wrong for several reasons and leads to wrong conclusions.

A roadmap and well-defined benchmarks for gradually normalising relations

Since the signing of the Pretoria Agreement the Federal Government of Ethiopia (FGoE) is urging to normalise political and economic relations, among others also the EU and EU member states. The restoration of normal relations offers opportunities but also includes a number of risks. Josep Borel stated that "*The sustained implementation of the CoHA enables the EU to resume its strategic engagement with Ethiopia (...) Concrete progress on the implementation of the ceasefire, unimpeded humanitarian access, and accountability for International Humanitarian Law and human rights violations and abuses, will allow the gradual reestablishment of the full spectrum of EU's development cooperation and economic support.*" (Statement by the High Representative on behalf of the EU, 22.12.2022).

A full resumption of relations including direct budget support by the EU can only be considered once the peace process is more advanced and progress has been confirmed by independent sources. The EU and its member states should lay out a roadmap for normalising relations with the FGoE with clearly defined milestones as well as benchmarks and indicators to verify progress.

The federal structure of the Ethiopian state requires that governments and international donors recognise the principles and practices of subsidiarity at the core of a federal system of governance. Consequently, they must establish co-operation with partners at different hierarchical levels, such as with regional states when programmes and projects are within the realm of a regional state's authority. The recognition of the federal basis of the constitution is an essential element of stabilisation of the Ethiopian federal state.

Milestones

The goal of the EU's and its member states' constructive engagement with the FGoE must be to restore full implementation of the Constitution of the Federal Democratic Republic of Ethiopia (8 December, 1994). Ethiopia's return to constitutional order and functioning constitutional institutions is a prerequisite to fully normalise relations including direct budget support.

To reach this goal the roadmap should include the following milestones for assessing progress:

- (1) Full implementation of the Pretoria Agreement and the Nairobi Declaration;

- (2) The commencement of serious peace negotiations for all violent conflicts in the country;
- (3) Verified protection of civilians throughout the country, including provision of basic services;
- (4) An independent process for establishing accountability for war crimes and crimes against humanity is established;
- (5) The return to democratic governance and the rule of law.

Benchmarks

A gradual re-engagement in the field of development cooperation must be benchmarked to the milestones. The EU and western partners could make offers to support a targeted reconstruction of essential infrastructure in the conflict affected areas in cooperation with the respective regional state administrations. This could be paired with financial aid and developmental support to the federal government in specified other fields. Thus, efforts of reconstruction as well as general economic development may be advanced, and incentives for targeted support to war-torn areas can be ensured. In the mid- and long-term, the kind and volume of co-operation with the FGoE should be dependent on the federal government’s demonstrated political will to move towards the full implementation of the Constitution of the Federal Democratic Republic of Ethiopia along the milestones above.

Benchmarks, verification and options for foreign policy and development engagement

| | Benchmark | Sources of Verification | Options for foreign policy and development cooperation |
|------------|---|--|---|
| Short term | Unimpeded humanitarian access to and within all regional states of Ethiopia affected by violent confrontation | <ul style="list-style-type: none"> - Ethiopian and international humanitarian organizations experience no administrative or other restrictions and report accordingly - Independent national and international media are present and report - UN OCHA monitors verify and confirm media reporting | <p><u>Foreign policy</u></p> <ul style="list-style-type: none"> - Special Envoys include milestones and benchmarks in regular discussions and policy recommendations and follow up - EU Member States’ embassies emphasize them in bilateral talks - EU Member States’ embassies establish regular interaction with regional state governments and authorities <p><u>Development/economic cooperation</u></p> <ul style="list-style-type: none"> - direct cooperation with regional state and local administrations - support of local civil society and human rights organizations for on the ground monitoring |
| | Non-ENDF Ethiopian troops have withdrawn from Tigray regional state according to the Pretoria Agreement and Nairobi Declaration | <ul style="list-style-type: none"> - Independent international and national media are present and report - AU monitoring bodies have explicit mandate to verify, based on principles or constitution-based equity and need assessment | <ul style="list-style-type: none"> - earmarked and monitored funding for DDR programmes that meet international standards of good practice |
| | Foreign armed forces have withdrawn from all regions of Ethiopia | <ul style="list-style-type: none"> - AU monitoring bodies have explicit mandate to verify, based on principles or constitution-based equity and need assessment | <ul style="list-style-type: none"> - cooperation with regional authorities in police training, community security |

| Benchmark | Sources of Verification | Options for foreign policy and development cooperation |
|---|--|--|
| All citizens of Ethiopia have full access to basic services including telecommunication, internet, electricity, banking | <ul style="list-style-type: none"> - AU monitors are on the ground visibly and regularly brief media and the public - Independent international and national media are present and report - AU and UN monitors have access to all regions of Ethiopia to verify | <ul style="list-style-type: none"> - targeted cooperation with GoE in SSR, border protection - cooperation with regional administration in institution reform - earmarked, targeted support for regional governments and FGoE for rebuilding of social, economic and educational infrastructure |
| National and international journalists can travel freely and report without government interference | <ul style="list-style-type: none"> - civil society organizations and other service providers provide their services without political interference - a legal framework for the operation of Ethiopian and international media in accordance with the right to information outlined in the Article 19 of the Universal Declaration of Human Rights is established - Ethiopian and international media have unimpeded access all over Ethiopia to investigate and report - Ethiopian and international media monitor and confirm | |
| Infrastructure for unimpeded economic production and trade is accessible | <ul style="list-style-type: none"> - entrepreneurs use the infrastructure and experience no hindrances - border controls, extra fees, road blocking by local irregular forces or police have ended - Chambers of Commerce at federal level and at regional state level collect and publish data - Chambers of Commerce are included in decision making at federal and state level - independent Ethiopian media have access to data and report | <ul style="list-style-type: none"> - EU and EU MS funding for budget support is negotiated and agreed with the FGoE together with the respective regional state authorities - Agreements include verification procedures |
| Mid term | FGoE transfers the yearly budget to all regional states. In respect to the regional state of Tigary outstanding payments blocked since October 2020 have been transferred | <ul style="list-style-type: none"> - civil servants at all levels regularly receive their salaries - regional governments and their administrative subdivisions report regularly - budget allocations are decided in the respective parliaments/ assemblies and are public |

| | Benchmark | Sources of Verification | Options for foreign policy and development cooperation |
|-----------|---|---|--|
| | Administrative institutions at all levels from Regional State level to local village / town administrations receive funding | - Ethiopian independent media monitor and report | |
| | FGoE allocates and transfers additional project-based funding from the federal budget to all regional states to address needs caused by famine and war-related damages according to the regulations of Ethiopian constitution and legislation | - Regional state authorities implement programmes and projects in collaboration with local civil society organizations - Regional state authorities report regularly to regional and federal parliaments - independent Ethiopian media monitor and report - IMF, WB and international agencies confirm rule based financial management | - opening for debt restructuring educational infrastructure - earmarked funding to GoE programmes to repair and rebuild essential national infrastructure |
| | Educational institutions (schools, TVET system, university colleges, federal universities) have access to their budgets, including salaries of their staff, and are re-integrated into the educational system of the state | - Educational institutions have access to regular budgets - Educational institutions whose budgets were closed and whose educational programmes were blocked as of 2020 receive additional support to re-activate established international cooperations (TVET dual system, post-graduate university programmes) - European institutions re-activate or start cooperation with Ethiopian institutions | |
| Long term | Massacres, crimes against humanity and war crimes are being documented by non-statal, independent bodies and investigated and documented | - independent forensic investigation based on an international mandate under UNHRC is going on - Independent international and national media are present and report | - support for preparing credible and independent TJ mechanisms in collaboration with AU - reform of federal institutions - support for preparing a credible and accepted national dialogue process |
| | GoE and all parties to violent conflicts in Ethiopia have agreed on and established a transitional justice mechanism that is accepted by national stakeholders including victims' organizations and Human Rights watchdogs | - administrative and judicial control mechanisms for regular rule of law in daily administrative services are - independent experts of the AU and UN monitor and attest the credibility of the mechanism - Independent national and international media are present and report | - support of a national dialogue |

| Benchmark | Sources of Verification | Options for foreign policy and development cooperation |
|--|---|--|
| Administrative and judicial control mechanisms for the protection of rule of law in daily administrative services, including the protection of independent judiciary and mechanisms of control of state decisions, are established | <ul style="list-style-type: none"> - mechanisms to monitor and comment the practice of governance are established Ethiopian and international media can investigate and report - legislation to separate the legislative, judicative and executive powers is established - Ethiopia’s ranking in international good governance surveys confirm progress | Opening to consider and negotiate conditions of budget support |

The process of gradual normalization of relations should be accompanied by an on the ground monitoring mechanisms regarding these benchmarks and the utilization of international assistance. EU and EU member states should negotiate a binding agreement with the FGoE for such a monitoring and verification mechanism.