

103
ETHIOPIA: THE CHALLENGES AHEAD

Y 4. F 76/1: ET 3/3

Ethiopia: The Challenges Ahead, 103...

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

JULY 27, 1994

Printed for the use of the Committee on Foreign Affairs



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ETHIOPIA: THE CHALLENGES AHEAD

WEDNESDAY, JULY 27, 1994

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON AFRICA,
Washington, DC.

The subcommittee met, pursuant to call, at 2 p.m. in room 2172, Rayburn House Office Building, Hon. Harry L. Johnston (chairman of the subcommittee) presiding.

Mr. JOHNSTON. It is 2 o'clock and I have a bad habit of starting on time even without a microphone. It will be here shortly.

Ambassador, I want to make an announcement. We are under some time constraints. I am told by the administration this room will be occupied by the full committee in a closed hearing on Rwanda, so we have to depart by 4:30.

I would like to welcome you to the Subcommittee on Africa's hearing on Ethiopia: The Challenges Ahead. Ethiopia is the second largest recipient of U.S. assistance, and the subcommittee closely follows developments in this major African country.

Since the July 1991 conference, Ethiopia has achieved significant progress on both the political and economic fronts. Over the past year, the Transitional Government of Ethiopia (TGE) devalued the Ethiopian birr by 58 percent, strengthened import-export license regulations, enacted a wide-range of tax reform measures, passed sweeping investment codes, and eliminated wasteful government subsidies. Some important positive steps have also been taken in the political sphere by the transitional government, though serious concerns persist. After decades of civil strife, Ethiopia today is largely peaceful and stable.

However, human rights conditions have begun to deteriorate after a previously impressive commitment by the transitional government. Politically motivated detention of opponents, delays in bringing prisoners to trial, harassment of journalists and editors, and interference in the judicial process have risen in recent months. In fact, Ethiopia may have the largest number of political prisoners in detention in the Horn of Africa. Although some people may choose to compare human rights conditions to that of the Mengistu era, I strongly believe that the transitional government should be judged on its own publicly stated commitment to human rights.

I fully recognize that it will take time to experience the fruits of reforms, especially in Ethiopia—a country that suffered years of brutal dictatorship, civil strife, and devastating famine. If Ethiopia is to succeed in the reform efforts, all segments of the society must

constructively contribute toward these efforts. Most importantly, opposition groups that are currently in the political sphere should participate constructively in rebuilding the country. As for my part, I offer the following suggestions to improve and strengthen the transition process as Ethiopia enters a new era in its political history.

While important progress has been made over the past 2 years, the transitional process appears to be closing and the government's base is narrowing. A significant number of opposition parties have been expelled or forced out of the transitional government over the past 2 years. The TGE should expand the government's base and should engage in a constructive dialogue with opposition groups.

Two, I am generally pleased with the TGE's economic reform efforts, although I am concerned about lack of progress in some areas. The TGE must create an attractive economic and political environment in order to improve private sector activities. The U.S. Government should closely monitor this issue and encourage the Ethiopian Government to adopt a policy that will contribute to long-term economic growth and food security.

Three, there is greater press freedom in Ethiopia than under previous regimes, although reporters and editors are routinely harassed and intimidated by government authorities. I have witnessed the flourishing of a free press over the past 2 years. Yet radio and television continue to be under the control of the government. Opposition groups should be allowed full use of the mass media.

The political problems in Ethiopia have not been solely created by the TGE. Opposition groups are also responsible. Opposition groups have not articulated a clear alternative to Ethiopia's political and economic problems. Some are intransigent and not constructive. Ethiopian opposition groups must engage in a constructive dialogue with the government and halt their harmful rhetoric.

I would like to sum up my statement by saying that Ethiopia is currently a nation of great contradictions, which makes any general evaluation of progress very difficult. Especially given Ethiopia's troubled history, I am encouraged. Yet a more inclusive political process and greater attention to human rights must become integrated in the transition process if Ethiopia is to fully join the family of democratic nations.

This afternoon we will hear from the Honorable George Moose, Assistant Secretary of State for Africa; the Honorable John Hicks, Assistant Administrator for Africa at the Agency for International Development; Ambassador Herman Cohen, Global Coalition for Africa; Professor Theodore Vestal, Oklahoma State University; and Abdullahi An-Na'im of the Human Rights Watch of Africa.

I am looking forward to learning more about Ethiopia from our witnesses this afternoon and hope that this hearing will contribute to a constructive U.S. engagement in moving Ethiopia toward a democratic path.

[The prepared statement of Mr. Johnston appears in the appendix.]

Mr. JOHNSTON. Ambassador Moose.

STATEMENTS OF GEORGE MOOSE, ASSISTANT SECRETARY OF
STATE FOR AFRICAN AFFAIRS, DEPARTMENT OF STATE

Mr. MOOSE. Thank you, very much, Mr. Chairman. I certainly welcome this opportunity to appear before the committee and to talk about the current situation in Ethiopia and the prospects for the future. Let me also say, Mr. Chairman, that I very much welcome and appreciate your opening statement as well. There is very, very little in your statement that I would not endorse and agree with.

Mr. Chairman, as we all know, it has been only 3 years since Ethiopia emerged from a struggle that resulted in the overthrow of the Marxist dictatorship of Colonel Mengistu Hailemariam. The U.S. Government helped in that process, helped to ensure that the change of governments would occur with as little violence as possible, and we also made clear, as my predecessor Mr. Cohen stated at the time, that we were prepared to work cooperatively with the transitional government provided we saw continued progress in critical areas and especially in the areas of democratization and human rights.

In addition, we have emphasized economic development and economic reform. These policies and priorities remain the basis of U.S. policy toward Ethiopia and of U.S. programs and activities in Ethiopia.

The transitional government's tenure, as your own remarks suggest, Mr. Chairman, has presented some serious issues and problems about which we have made our views clear, both publicly and privately. There have also been notable successes and I believe there is reason for hope in the areas we have most emphasized: democratization, economic reform and development, and human rights.

On the subject of democratization, Ethiopia on June 5 held only its second election in recent decades. That election to choose some 547 members for a new Constituent Assembly which will meet later this year to review and to ratify a permanent constitution.

Our principal concern in that election was to try to ensure to the extent possible that there existed a reasonably level playing field for all candidates and not simply for those affiliated with the governing Ethiopian People's Revolutionary Democratic Front, or the EPRDF, and to help the National Electoral Board construct a viable election management system.

Although the results of those elections were mixed, I think all would agree that there was clear progress over the seriously flawed regional elections which took place in 1992. At the same time, because of the decision by most opposition parties to boycott those elections, the EPRDF affiliated parties won 442 of the 514 seats that have thus far been chosen. The remaining seats will be decided later this month and in August in runoff elections.

This was not, however, an universal sweep for the EPRDF. Non-EPRDF candidates, for example, took 10 of the 22 seats in Addis Ababa. More importantly, there were, we believe, notable procedural improvements in the organization of these elections. After some fits and starts, nongovernmental candidates gained access to government-controlled broadcast media, this for the very first time. They were able to hold rallies and to distribute materials. In as-

sessing this process, independent observers came, I think, to similar conclusions. The European Union said that the June 5 elections were, quote, "satisfactory from a technical point of view," unquote, and represented, quote, "progress in the democratic development of the country."

Assessments by observers from nongovernmental organizations, including the Ethiopian Congress for Democracy, which receives assistance from the National Democratic Institute, and the International Foundation for Electoral Systems, IFES, generally agreed with this view which also paralleled the assessments by the U.S. Embassy in Addis.

While the evaluations of the June 5 elections noted procedural gains, they also emphasized the need for further improvements and these include greater civic education on such issues as ballot secrecy, more training and indoctrination of electoral personnel, elections personnel, and other technical improvements, including the need for a simplified ballot form.

More substantially, the transitional government, it was determined, needs to make clearer to local officials and to party functionaries that harassment of non-EPRDF candidates and of voters is simply unacceptable and will not be tolerated. Such incidents were particularly observed in areas dominated by the EPRDF affiliated Oromo People's Democratic Organization. This group, which originated among ex-soldiers in the Mengistu era armed forces, has not behaved in a manner consistent with democratic practices.

Most importantly, serious efforts are still needed to bring boycotting groups back into the political process. To secure the widest participation, the transitional government must redouble its efforts to ensure that non-EPRDF candidates and parties are able to organize and to campaign freely and without harassment. For their part, groups that wish to affect events in Ethiopia must realize that they need to become involved in peaceful politics rather than primarily an agitation and particularly an agitation abroad.

In our view, Mr. Chairman, neither exclusionary attitudes by those in power nor boycotts by those in opposition serve the cause of democratization and we are making these points with the transitional government and with others, and we will certainly be emphasizing them in the run-up to the national legislative elections which are expected to occur in the first half of 1995.

On the question of U.S. assistance, Mr. Chairman, I will defer to my colleague, Mr. Hicks, for detailed comments. However, I did wish to make two general points. The first is that while AID's overall program in Ethiopia, at about \$150 million for fiscal year 1994, is relatively large, over \$110 million of this sum is in the form of humanitarian assistance, in the form of food aid, to cope with Ethiopia's extensive food deficit, which consists of over 1 million metric tons this year. Most of the remainder of this assistance through the Development Fund for Africa consists of funding for basic education, \$15 million; agriculture and private market development, about \$11 million; and democracy and governance programs, about \$2.5 million. Most of these amounts are conditional on economic reforms that are being undertaken.

Though substantial for Africa, these sums are small relative to Ethiopia's size. Projected fiscal year 1995 DFA funding, for exam-

ple, is roughly 59 cents per person in Ethiopia, which compares with \$3 per person in South Africa, \$2 and Mali, and \$1.75 in Ghana.

On the issue of human rights, Mr. Chairman, I would say that the human rights situation in Ethiopia is an inherently complex one and that they are controversial and hard issues to measure in an environment where unbiased information is difficult to find and where it is subject to distortion by various groups, some of whom seek to further their own political purposes.

In the human rights area, the transitional government's record has been mixed. The government has issued, for example, some 200 press licenses, and independent journalists are more numerous in Ethiopia than ever before. At the same time, more than 40 journalists have been arrested under vague and restrictive press laws. Five of these have not yet been charged or released on bail.

The transitional government has recently closed detention camps at Hurso and Didessa and released over 4,000 ethnic Oromos who were detained since the Oromo Liberation Front refused to agree to a renunciation of violence going back to 1992. The Special Prosecutor's Office, however, has not yet begun charging or trying some 2,500 persons accused of Mengistu-era crimes, and that includes some 1,400 who are in detention, some of them since 1991.

We understand that the Special Prosecutor expects to begin formal charges in September with initial trials beginning in October. The courts are beginning to gain authority and independence and rulings against the government are increasingly common. But many suspects are kept for long periods without charge, and establishing the rule of law remains one of the transitional government's greatest challenges.

Like many other human rights problems in Ethiopia, this issue relates directly to the transitional government's severe resource and capacity restraints, in this case the limited ability of the courts to process cases quickly, at least as much as to any ill intent or ill will. The United States, for its part, is making a major contribution to strengthening the legal system and helping to bring to Ethiopia for the very first time in its history something akin to the rule of law.

It should be noted the transitional government faces something of an internal security and human rights conundrum because there are groups, such as the OLF, the Medhin Party, the Ethiopia revolution party, or elements of the Al-Ittihad in the Ogaden area, and others, which have not abandoned their armed opposition to the TGE. And in some cases they remain avowedly opposed to the government.

The human rights situation has been and remains one of the major topics, therefore, of our discussions, our ongoing discussions with the transitional governmental levels. It has also been the subject of many of our public statements over the last year. Ambassador Baas, for example, dwelled extensively on the human rights concerns in a press conference in December of 1993 and again in April of 1994. And the Voice of America broadcast, an editorial on this question of press freedom in April and I commented on these issues in an interview with the Ethiopian Review earlier this year.

In assessing the human rights situation, we should recall that the transitional government for the first time in decades has succeeded in bringing to Ethiopia a measure of peace and general stability. That, obviously, is not sufficient, but it is a condition that is essential for progress in many other areas including the area of human rights.

From the tangle of human rights issues, we in the administration conclude that we should remain—we should maintain a critical attitude within a context of a policy of general cooperation. This does not suggest in any way a lack of concern about Ethiopia's human rights problems. The issues will continue to be of greatest importance in our dialogue with Ethiopia, but it does suggest that we continue to see grounds for hope, for improvement, and that we are willing to work with the transitional government to achieve such improvements.

On the issue of economic reform, Mr. Chairman, I would simply point out that there have been a number of significant improvements, perhaps Mr. Hicks will wish to comment on that in greater detail, certainly recent liberalization of the financial sector, which has resulted in the emergence of several private banks and insurance companies. At the same time, we have seen less progress in the area of privatization and we have concerns about recent policies that have been promulgated by the transitional government with regard to urban land lease programs, which we believe are greatly discouraging private investment. Instances of failure to compensate persons whose property was seized under Mengistu are also troubling.

In conclusion, let me comment very briefly on the state of our relations with Ethiopia. We believe over the last 3 years that we have established a solid cooperative relationship with the government. This has allowed us to make significant progress on a number of regional issues, including our concerns regarding Sudan and Somalia and Rwanda, and these relationships have also given our Embassy in Addis Ababa excellent access within the transitional government, making it an effective advocate for U.S. policy. We have used that access in particular to voice our concerns on specific issues, including issues of human rights and democratization, and we have also reinforced that demarche through our contacts with Ethiopian representatives here in Washington.

We recognize that the situation in Ethiopia raises a number of controversial issues, but we will continue to support movement there toward improved observance of human rights, democratization, and economic reform. We believe that this attitude, critical but willing to cooperate, will best serve U.S. goals, the Ethiopian people, and the region.

Thank you, Mr. Chairman.

Mr. JOHNSTON. Thank you, very much, Mr. Ambassador Moose. Anybody that is still standing here, you are welcome to sit at these tables up here.

[The prepared statement of Mr. Moose appears in the appendix.]

Mr. JOHNSTON. Mr. Hicks.

**STATEMENT OF JOHN HICKS, ASSISTANT ADMINISTRATOR
FOR AFRICA, AGENCY FOR INTERNATIONAL DEVELOPMENT**

Mr. HICKS. Thank you, Mr. Chairman, and good afternoon; good afternoon, Congressman Hastings. Mr. Chairman, please forgive my tardiness this afternoon, I was consulting with Mr. Atwood on a matter of urgency.

Mr. JOHNSTON. You said the magic name, Mr. Atwood.

Mr. HICKS. Mr. Chairman, I am pleased to be here today with Assistant Secretary Moose to discuss Ethiopia.

This hearing is timely. For the last 2 weeks we have watched with great sadness the unfortunate human tragedy unfolding in Rwanda. As the U.S. leads the rest of the world in responding to this crisis, one cannot help but reflect upon the fragile condition of many of the states in the greater Horn and in Central Africa. These countries face many common problems, such as structural food shortages, civil conflict, drought, rapid population, growth rates which do not recognize borders and which put millions of people at risk.

As you are aware, Mr. Chairman, last month President Clinton sent a delegation, led by USAID Administrator Brian Atwood, to the Horn of Africa to assess an impending food crisis and to discuss appropriate responses with affected countries and key donors.

This delegation recognized that there is a strong economic and political interdependence in the Horn. Given Ethiopia's population, 54 million, including ethnic groups that share ties with Djibouti, Eritrea, Sudan, and Somalia, and its common location in the center of the Horn, events in Ethiopia can profoundly impact its neighbors.

If Ethiopia can successfully make the transition to democracy and a free market economy, it could become a model of peace and stability in a troubled region. If it fails, however, it can trigger instability in neighboring countries.

While it is obvious that we must meet the urgent humanitarian needs in the region, Mr. Atwood's delegation found that this was not enough. In order for the region to attain food security and stability, donors, host countries, and the nongovernmental organization community need to look beyond the relief to recovery and to development assistance. This relief to recovery to development continuum, as we call it, is the guiding principle behind AID's strategy in Ethiopia.

Historically, Ethiopia has been one of the largest recipients of U.S. assistance in Africa, due in part to significant amounts of humanitarian assistance. A billion dollars between 1984 and 1991. The fall of the Mengistu regime and the establishment of the Transitional Government of Ethiopia 3 years ago afforded the U.S. Government the opportunity to assist the Ethiopian people in rebuilding their nation and addressing the root causes of their chronic food insecurity.

In early 1992, USAID started assisting the recovery effort. Our first projects included providing funding support for the \$650 million multidonor emergency recovery and reconstruction program to help restart Ethiopia's shattered economy; support for democratization and governance; support for basic social services, including orphans assistance and prosthetics, and demobilization assistance

through the provision of commodities to the demobilization commission, procurement of plastic tubings for coffee seedlings and vegetable seeds distributed to discharged soldiers.

In 1993, USAID initiated its long-term development strategy. The strategy focuses assistance on four major objectives, while recognizing that timely humanitarian assistance properly integrated and linked with the development assistance program will need to continue for some time to come. These objectives include increased food production, strengthening the rural health care delivery system, improving the quality of primary education, and support for the democratic transition.

In fiscal 1994, as indicated by Assistant Secretary Moose, we are providing some \$32.4 million in development assistance to Ethiopia plus \$110 million in food aid. Our development strategy has specifically included support for demobilization through a \$5 million grant for reintegration and rehabilitation of former government soldiers.

Mr. Chairman, the written statement I submitted for the record goes into some detail on other aspects of our development program. I would like to take a minute to briefly describe what we are doing in the area of democracy and governance.

Democratization is a long-term process, and in the case of Ethiopia it will be no exception. While the transitional government has made progress in beginning to build the necessary institutions for democracy, we do share your concerns on the mixed progress in the area of human rights. Most notably, we are disturbed by reports of harassment of the media, lengthy detentions without charge, and the lack of participation by the opposition.

We do feel, however, that the most effective way to address these concerns is to be actively engaged, both with the current government, the nongovernmental organization community, and other organizations supporting the democratic process.

Taking a long-term perspective, USAID is interested in the development of democratic institutions and practices, the strengthening of the rule of law, the protection for basic human rights, and in the development of a vibrant and engaged civil society. To help keep the United States engaged in supporting the transition to democracy, USAID has in place a 6-year \$11.5 million democracy governance project.

Following the failure of the 1992 elections, USAID has focused on the establishment of a viable electoral administration by promoting civic education, improvements of the legal and political frameworks governing elections, the strengthening of technical capacity to administer elections, and the development of indigenous nongovernmental organizations monitoring capacity.

The national electoral board's administration of the June 5 Constituent Assembly election suggests that considerable technical progress has been made since the 1992 elections.

AID has also been involved in constitutional development by assisting the commission charged with the drafting of the new constitution. Working in conjunction with the Carter Center and an indigenous nongovernmental organization, this project has provided a wide range of expertise on questions critical to the drafting process.

To support judicial reform for the protection of human rights and the institutionalization of the rule of law, AID has provided technical assistance, including legal and organizational expertise and the services of a team of forensic experts charged with documenting and prosecuting crimes committed by officials of the former regime.

USAID continues to monitor the situation closely and remains concerned that the Office of the Special Prosecutor move expeditiously to charge or release those who remain in detention. The strengthening of, I believe, indigenous nongovernmental organizations which have political or social avocations can have a significant long-term impact on the development of Ethiopia.

A number of indigenous groups have begun to define an agenda on civics and human rights education, election monitoring, and policy analysis. However, their efforts are hampered by a lack of capacity. To help build that capacity, civic associations and certain nongovernmental organizations have been used as implementing agents where possible, both under our democracy governance project and in our social sector projects.

Mr. Chairman, we are also planning NGO support activities for fiscal 1995 as well as nongovernmental organization components under each of our new projects.

In closing, Mr. Chairman, I repeat that we share your concern for the democratization process, which is a critical and challenging prerequisite for the development of Ethiopia. There is clearly room for progress in the areas of greater participation of the opposition, swiftly bringing to trial and releasing detainees, and taking measures to help reduce growing ethnic tensions.

After 17 years of civil war, Ethiopia has a chance at a lasting peace, but only if it is able to overcome the legacy of authoritarian rule, allow for full and fair participation of all ethnic groups in the political process and allow its citizens to work out their differences peacefully. Rwanda is a tragic example of what can happen if these issues are not addressed. Let me assure you, Mr. Chairman, that USAID will use its resources to further this process along.

Despite our concerns with certain aspects of the democratization process in Ethiopia, we think there has been sufficient progress and there exists sufficient commitment for the United States to remain engaged and continue to encourage political and economic reform for a stable, democratic, and peaceful Ethiopia can act as an anchor for stability in the greater Horn of Africa.

Thank you very much, Mr. Chairman.

Mr. JOHNSTON. Thank you, Mr. Hicks.

[The prepared statement of Mr. Hicks appears in the appendix.]

Mr. JOHNSTON. I neglected to recognize Congressman Hastings for an opening statement.

Mr. HASTINGS. Mr. Chairman, in the interest of time, with your permission, I would just ask unanimous consent to revise and extend my remarks and offer my statement for the record. I believe the period of questioning will give me an opportunity to ask most of what I have in my opening statement.

Mr. JOHNSTON. Without objection. And also the complete statements of Ambassador Moose and Mr. Hicks will be placed in the record.

[The prepared statement of Mr. Hastings appears in the appendix.]

Mr. JOHNSTON. Mr. Moose, let me go to Page 3 of your prepared testimony in which you say the election results were mixed and that the EPRDF won 442 seats out of 514. That is 86 percent.

Mr. MOOSE. That is correct.

Mr. JOHNSTON. I take it that there was no opposition in many of these elections. Our investigation shows that most of your human rights violations are outside of Addis, and that seems to bear out the fact that at least the opposition took 10 of the 22 seats in Addis.

Both your testimony and Mr. Hicks' testimony comes back to these elections as being technically satisfactory, but don't you think that this was technically in error if you have one party that totally dominates the election and the other opposition parties have no access to the polls or to the media?

Mr. MOOSE. This is, of course, one of the factors that makes an assessment of the situation in Ethiopia so difficult. From the very outset, our demarche to the Ethiopian Government was the following: Obviously, it is not possible for you to ensure that other parties participate, but there is an obligation on the part of government to create the circumstance that would permit parties to participate fairly in the election.

As my testimony and as the reports from the various observers who were on the scene documents, there were, in fact, documented instances of intimidation on the part of EPRDF militants or party members and associates, and sometimes on the part of government officials who were acting, presumably, they thought they were acting in the interest of EPRDF. Clearly, the fact of that intimidation one has to weigh in the conclusion about the outcome of the elections.

But it is also true that it was given—that most of the constituencies were in fact uncontested. Therefore, it is hard to determine what kind of treatment opposition candidates may have been accorded had they decided to present themselves. The clearest evidence, I think, of intimidation, was, as I pointed out, the OPDO organization.

On balance, I think the conclusion was that these elections were certainly an improvement over those of 1992, both in terms of technical organization, but generally speaking in terms of the manner in which people responsible for organizing the elections and opposition parties behaved or conformed their behavior during the election process.

I think what we would like to see happen in Ethiopia is, as you suggested in your own opening statement, Mr. Chairman, is some greater dialogue between the government and opposition over Ethiopia's political future that would lead to some greater participation. That, however, requires willingness on both sides, and up until now it is fair to say that many opposition parties have not accepted to participate in such a dialogue or have accepted to participate only under circumstance which the government believes would be undermining of its own authority and legitimacy. That is to say, to put in or call into question the entire transition process.

It is difficult for us, as outsiders, to be other than a kind of facilitator or mediator in the efforts which we hope will be, will come to pass to have some greater discussions, some meaningful discussion between the elements of the Ethiopian opposition and the government.

Mr. JOHNSTON. But willingness to participate on both sides pre-sumes, I guess, that there is a level playing field. You and I both have examples of opposition parties getting off the plane in Addis to go back and qualify for office and being arrested on the spot. From your own testimony here you have 1,400 former government officials that are still being detained 3 years after the war. You have 40 journalists that are being thrown into jail. It is oppressive intimidation to the point that you eliminate your opposition here very subtly.

Mr. MOOSE. Let me correct one part of that statement, Mr. Chairman. The 1,400 does not refer to the Oromos who were arrested since 1992. In point of fact, as we understand it, there are only about 250 Oromos in detention.

Mr. JOHNSTON. You are right, but they are still being detained without being charged.

Mr. MOOSE. They are still being detained.

Mr. JOHNSTON. They are sitting in a concentration camp outside of Addis.

Mr. MOOSE. The reason put forward by the government as to why they are still being detained is either serious charges outstanding against them; that these charges relate to violation of law, of criminal law in the case of Ethiopia. Our urging to them is if indeed such charges do exist, they should be made and pursued and prosecuted expeditiously. That is the same message that we have sought to convey with regard to the other, those others in detention, including those from the Mengistu era.

Mr. JOHNSTON. I don't mean to interrupt you, but we heard this a year ago, in Addis. We are going to bring them to trial. At what point does the statue of limitations run against the government?

Mr. MOOSE. I think that is an excellent question, which is why first and foremost with regard to the 4,000 Oromos, I do think it is significant that the vast majority of those, more than 3,000 of them, were released. That release came, at least in part, as a result of our urgings and the fact of our pointing out that it was inconsistent to keep people jailed indefinitely without bringing some formal charges against them.

I think there is a real issue with regard to those from the Mengistu era, because these are people against whom at least some fairly serious charges have been leveled, and the question of how one weighs the seriousness of those charges against the problems of trying to initiate a complex series of judicial processes, I think, is a serious question.

Again, our urging is that this be done as expeditiously as possible, and we have been told this will start in the fall with the first 300 or so cases against those who had political level positions in the government during the Mengistu era and that that will be followed quickly by other trials against the remaining 1,100 people who are in detention.

But back to your basic question, yes, it does affect the political atmosphere when people are being detained. We have sought, through our own monitoring, by encouraging other groups to monitor the situation, at least to be able to evaluate whether or not opposition groups are being given an opportunity to participate in the political process. Our judgment about the last election was that they were significantly improved over the conditions of the 1992 elections.

That is not to say that they were perfect, but I think if—it is very difficult to test that proposition if in fact there is not a willingness on the part of other political groups to put the proposition to a test.

Mr. JOHNSTON. What did the NDI say about that election?

Mr. MOOSE. I don't know that the NDI itself participated, but one of the groups that NDI funds did observe those elections and I think, again, their conclusion, to which I referred in my testimony, was that—

Mr. JOHNSTON. Let me ask you, on probably the middle of Page 5, I read, after you mention the fact that they get \$150 million for fiscal year 1994, which is a show stopper, the major elements of DFA funding involve basic education, \$15 million; agriculture and private market development, \$11.5 million; and democracy and governance, \$2.5 million. Most of these amounts are conditioned upon economic reforms being undertaken. Why not human rights reforms?

Mr. MOOSE. In point of fact, Mr. Chairman, they are conditioned on overall reform.

Mr. JOHNSTON. Can I write that in your testimony?

Mr. MOOSE. By all means.

Mr. JOHNSTON. Mr. Hicks, on Page 4 of your testimony you talk about \$11.5 million, project dealing with democracy and governance support, and then you outline that over a period of 6 years, on Page 6.

Now, in both your testimonies, you talk about the SPO, the Special Prosecutor's Office. Are you familiar with the fact that the American Bar Association abandoned that project because they could not get any cooperation at all from the SPO? Mr. Hicks?

Mr. MOOSE. I am not aware of that.

Mr. HICKS. I am not aware of that, Mr. Chairman.

Mr. JOHNSTON. It has been very recent.

Mr. HICKS. Mr. Chairman, I am not familiar with this issue, but one of my colleagues tells me that this is actually not in fact the case.

Mr. JOHNSTON. Let me read the conclusion, Mr. Hicks, of your testimony. "We think that there has been sufficient progress and there exists sufficient commitment for the United States to remain engaged and continue to encourage political and economic reform."

What if the status a year from now, 2 years from now is identical to the status that it is today? And Mr. Moose can come in here and give you a litany of 1,400 detainees, 40 journalists, intimidation of Oromo, et cetera. Will you still feel the same; that there is, quote, sufficient progress?

Mr. HICKS. A year from today, Mr. Chairman, I would suspect that we would feel somewhat differently, and, in fact, we have

maintained, not increased, our assistance to Ethiopia out of our concern with performance in the area of human rights. We do indeed factor in democracy governance and human rights issues in our allocation decisions, and I suspect a year from now one would likely see a movement in our DFA allocations to Ethiopia. Right now they are right at \$32 million. This is where they were a year ago.

As Ambassador Moose indicated, this is a large absolute number, but when you take into consideration the size of Ethiopia's population and what the amount of assistance comes to on a per capita basis, it is really not that much.

Mr. JOHNSTON. Well, let me use a Reagan statement. Are the human rights any better off today than they were a year ago in this country?

Ambassador, do you want to respond?

Mr. MOOSE. I think it is a difficult question to answer in a precise form. I think the point that I would make is that we have consistently, in our dialogue with the Ethiopians, raised concerns that we have had with regard to human rights. We have found them sensitive to and in some cases directly responsive to those concerns. When we have raised the issue of, particularly I mentioned the issue of detentions, we have been able to get an understanding from them about what they intend and also in the case of specific cases of the Oromos, actually achieve some significant releases of people.

So long as we believe that we have that capacity to interact, influence the behavior of the government, and that they remain committed to the improvement of human rights in a democracy situation, I believe it is very much in our interest to continue to work in a cooperative manner with the government. That does not mean we accept what they do; it does not mean that we view what they do unequivocally, but it does mean that we seek to continue to engage them in a discussion.

I think, frankly, that if one looks—I don't think we can evaluate progress toward human rights and democracy and human rights without taking into account the history of Ethiopia; the fact that up until 3 years ago Ethiopia had undergone 20 years of almost constant fighting and warfare; that the legacy of that fighting is a society which is deeply divided and polarized, where, as we have just witnessed, there is all too little discussion and dialogue between the opposition parties and the government.

I think in that situation, both sides are at fault, because I think that Ethiopia's future, which is critical, I think, to future stability of that region, will depend on the willingness of both sides to put aside those past partisan perspectives and to put the interest of the country above those partisan interests and engage in a dialogue.

I don't believe that the opposition, frankly, can claim that they have gone the extra mile in trying to do that; and I do believe that the government can do more to open the door to a meaningful dialogue. I have said that repeatedly. We said it to them privately and we said it publicly. We have facilitated or sought to support efforts to facilitate a dialogue between the opposition. We were deeply disappointed when the efforts of the Carter Center late last year and early this year to engineer such a dialogue did not bear fruit in this

instance because the government at the last instance decided that the terms of that dialogue were not acceptable to it.

But I think our interests in the situation, the interest of the United States, lies in continuing to engage the government and the opposition in a discussion of how they overcome this abyss of political suspicion and political difference.

Mr. JOHNSTON. Thank you. And I agree with you to this extent, the opposition has not been very helpful. They have not articulated their position. In many instances, they totally lack leadership when it comes to the table.

Conversely, though, there is oppressive insidious human rights violations that thwart them coming to the table. And this committee was very instrumental in getting the Carter thing kicked off, getting them together. The opposition denounced violence, that was one of the propositions in there, and was willing to engage in the talks and the government cut it off, which, again, I think is another instance that they sometimes do not act in good faith.

Judge Hastings, I appreciate your allowing me to ramble on here.

Mr. HASTINGS. Thank you, so much, Mr. Chairman.

Mr. Moose, as always, in my judgment at least, you and Mr. Hicks are very perceptive about the problems with which you are required to deal with. I was particularly interested and mindful, albeit of a brief comment you just made, regarding the histories. These things do not just happen overnight. And when we sit here in this committee room or in the area office of our decisionmaking process we sometimes ignore how difficult it is for countries that have been without things that we take for granted to begin to undertake those things. For example, the rule of law. That is an easy enough statement to make but it is hard as hell to achieve, otherwise we would not be here in this legislative body every day battling back and forth. The same for democracy. Democracy will not come to Ethiopia nearly as easy as we feel it came to us looking at it from the standpoint of 1994 back.

Having said that, human rights are tied to judicial reform, and I am appreciative of our Government's position in encouraging the continuation of human rights efforts on behalf of the transitional government. But they have a long, long, long road to go, and there is no need for us to believe that it is going to come easy.

Having said that, the United States and Ethiopia have had extremely good relations since the beginning of this attempt at democratization. How would you, Secretary Moose, evaluate the relations today and the prospects for continued good relations in the future?

Mr. MOOSE. Thank you very much, Congressman.

I think that, as I suggested very briefly in passing in my testimony, the relationship that we have been able to establish with the transitional government over the last 3 years is an excellent one, and particularly in terms of our ability to cooperate in very concrete ways on a host of regional and international issues of concern to us and of concern to them.

The example that comes most immediately to mind is Somalia, where, frankly, we have collaborated very closely in trying to encourage the process of reconciliation that would lead to the creation of something akin to a normal administration in Somalia.

Similarly, with respect to Sudan, Ethiopia has been in the forefront of efforts to engage the so-called Ingot countries in a mediation effort to try to resolve the differences between the government in Khartoum and the liberation armies in southern Sudan. They have also been active in their own bilateral dialogue with the Sudanese Government on a range of issues, including the Sudanese Government's support for subversive activities throughout the region.

We certainly welcomed their voice in that respect. They have been a volunteer, or willing to contribute troops to the effort in Rwanda, and have told us that they are prepared to deploy troops there within the next 2 weeks.

So on a range of regional matters and international matters, we have had excellent dialogue and discussion and cooperation with them. And I would suspect that to continue. But I do think and to go back to the point, clearly, that, too, can only, is only possible in a context where other issues of concern are, we are able to discuss them and have some confidence that our concerns are being addressed. And so the issues of democracy and human rights, of internal development and internal reform, are not at all disassociated from the overall relationship which we are able to have with the Government of Ethiopia.

Mr. HASTINGS. In an article published this past weekend in the *Washington Post*, Jennifer Parmele discusses the problems of demobilizing soldiers. To date, and correct me if I am wrong, Ethiopia has demobilized 500,000 soldiers since the fall of the DERGE; and has, according to them, plans to demobilize many of the EPRDF forces to make the military reflective of the population of Ethiopia.

In your judgment, how peaceful is the situation in Ethiopia today and the steps taken so far? Do you perceive them as being concrete? And what impact has the demobilization of soldiers had on the stable atmosphere in the country and have we helped, meaning the United States?

Mr. MOOSE. To answer the question about how peaceful is the situation, certainly it is the most peaceful that Ethiopia has enjoyed, and I would say in the last 20 years. Mindful of the fact that the struggle to overthrow the Mengistu regime was one that went on for a good 17 years.

That said, there are remnants, there are still remnants of opposition, and in some cases armed opposition, to the central government in various parts of Ethiopia. Ethiopia is a multinational, multiethnic country. And one of the legacies, both of the monarchy and of the Marxist period, is that there is still great resentment among many of the ethnic groups in Ethiopia toward the central authority, whatever that authority happens to be. And that has been evidenced in armed attacks on Ethiopian authorities and Ethiopian police and military in various parts of the country.

The government's approach to this has been to try to accommodate regional differences through a greater autonomy, if you will; greater sense of possibility for self-determination. That, in itself, has encountered resistance because some elements in Ethiopia have regarded this, in essence, as an attempt to dissolve the Ethiopian state.

So there are real tensions and real conflicts that are still unresolved in current day Ethiopia and it is one of the things, again as I alluded to in my testimony, which makes the evaluation of the human rights situation even more difficult, because one has to weigh those actions against the government's response and try to determine whether these are—the government's response to these is indeed a reasonable action on the part of a State to try to preserve its integrity.

Clearly, the issue of demobilization has been a major factor in trying to extend, preserve peace in Ethiopia, and I think here the government is to be commended. They have made a serious effort over the last 3 years to demobilize not only the 400,000 or so troops of the Mengistu-era army, but also their own military force, which was a rather substantial one.

I think their effort has been a serious one. I think the measure of that seriousness is the fact that they have reduced those numbers, but it does require a support and assistance in order to find ways to successfully reintegrate many of the, particularly of the formal military structure back into the economy. And that effort is ongoing.

Mr. HASTINGS. All right.

Mr. Hicks—Mr. Chairman, this will be my final question on this round—how would you describe—and I guess I consider this as about as important as all of the discussion on other matters—the famine situation in Ethiopia today; what with August being our next month and the drought being imminent, and the obvious matters that have been brought to our attention in previous hearings, and Mr. Atwood's efforts on the delegation, he and Tony Hall, when they went there?

What has the response been from the Relief and Rehabilitation Commission and the International Community to this potentially imminent and extremely, potentially dangerous situation where famine is on the horizon as we speak?

Mr. HICKS. Mr. Chairman, Congressman Hastings, certainly the United States has been seized with this issue as I mentioned in my opening statement. Brian Atwood was out to the Horn to not only do an assessment of the problems in the Horn area, but also as a part of that mission to visit Europe enroute back to the United States to help sensitize the donor community, the key donors, to the problems in the Horn.

As it relates to Ethiopia, and in terms of our response, we are providing some 360,000 metric tons to help respond to the situation where you have a very large population at risk. We are also working to develop not only a short-term response, but we are in the process of trying to develop what we call a strategy that will address the relief to recovery to development continuum, to try to take preventive measures to invest in sustainable development programs that will help prevent some of these crises from occurring.

Particularly in the Ethiopia situation, where you have an economy that is so heavily agricultural based, it depends heavily on the production of the agricultural sector, and one bad year can cause a major crisis or a major famine situation.

Mr. HASTINGS. One of the things that I have an extraordinary concern about is that what with the heightening of interest in

Rwanda and the heightening of tensions in the southern Sudan and the potential for other areas having the same kinds of conflicts, that the Horn and Ethiopia's famine situation will go off the radar screen and that funds will not be available. It is a very frightening prospect for all of us. I know that you all are on top of it and I lay no accusing finger.

May I offer one suggestion, and I am absolutely convinced that Ethiopia is deserving of debt relief and somebody needs to get on with it so that they can try to restructure in some meaningful way and be able to meet some of these problems on their own or with minimal assistance as opposed to overwhelming assistance I predict they will need. Ethiopia can make Rwanda look like a picnic in a heartbeat.

Mr. HICKS. Certainly, Mr. Chairman, the needs are tremendous. You have a situation in Ethiopia where you have an estimated needy population of 6.7 million people and a need for 1.2 metric tons of food to respond to this crisis. Heretofore, donor pledges have amounted to close to 1 million metric tons, but this gives a sense of the magnitude of the need.

I think that the Horn crisis that emerged before Rwanda went bad, and now the Rwandan crisis, really points to the importance of trying to comprehensively develop strategies and approaches to deal with the issues of conflict resolution, prevention, mitigation, and also trying to use our development assistance resources with the thought in mind of trying to plan to prevent these crises.

Mr. HASTINGS. Thank you, Mr. Chairman.

Mr. JOHNSTON. Thank you very much.

I will just make an observation on closing here. It is very easy for us to get up here and critique 2 years of performance there. But I have to admit that there is a lot of documentation here that has influenced my opinion.

If I can read an internal memo of the ABA (American Bar Association). "With the exception of an Argentine professor in the Office of Special Prosecutor, SPO has now severed ties with all of its foreign advisers." That was dated June of this year.

Human Rights Watch. Very detailed of abuses. State Department. I can go through for 20 minutes and read you excerpts from your own report of January of this year. Committee to Protect Journalists.

There are five different countries involved here, Rwanda being one of them, incidentally, but the largest violations, as you have pointed out, is in Ethiopia. American Association for the Advancement of Science. Forty four Addis Ababa University professors were asked not to reapply. And then Amnesty International, they have example after example here. And then last, International Human Rights Law Group.

Those things have to influence our perception of what is going on in this country. Conversely, I think your statements and your explanations were excellent today and I sincerely appreciate your coming. Thank you very much.

Mr. MOOSE. Thank you, Mr. Chairman, Congressman.

Mr. JOHNSTON. We will have a 2-minute recess to assemble the second panel.

[Brief Recess.]

Mr. JOHNSTON. The few minutes are up, folks. If everyone will please have their seat. Ambassador Cohen, don't be bashful. Mr. Vestal, if you will have a seat at the end of the table.

We will start the second panel—and, Judge Hastings, as I said, when we opened up, our lease expires on this room at 4:30 because the administration has a closed briefing.

Ambassador Cohen, if we can start with you, and we sincerely appreciate your coming today.

STATEMENT OF HERMAN COHEN, CONSULTANT, GLOBAL COALITION FOR AFRICA

Mr. COHEN. Thank you very much, Mr. Chairman. Congressman Hastings, thank you for inviting me. I have submitted a written statement for the record and I will not read it, I will just summarize it to save time.

Mr. JOHNSTON. We will file the original without objection.

Mr. COHEN. I do want to stress that I am here in my own capacity and not for the Global Coalition, which does not analyze individual African countries, but is emphasizing economic issues.

Secondly, I would like to say right at the outset that I fully agree with Assistant Secretary Moose and the policy that is being followed. I think the United States must remain engaged in Ethiopia. Progress is being made with fits and starts. There are many problems, both in the government and the opposition, but I think Ethiopia deserves continued attention and it is a very important country and we should continue to work on both the government and the opposition to improve.

To put this in perspective, I think if you look at some of the other countries in Africa that are getting large amounts of U.S. assistance, Ghana, for example, Uganda, Ethiopia is not that much different. We tend to look at Africa with our own Western eyes about what democracy is and what have you, and I think Ethiopia is moving into the mainstream of countries that are successfully implementing economic reform, less successfully implementing political reform, but are moving in this right direction.

What bothers me about Ethiopia is the atmosphere of polarization, which has existed since the very day that the war ended. I was really surprised, having been in the London conference, to see the reaction of many Ethiopian political personalities with the end of the war. It was almost as if the Iron Curtain that Mengistu has placed between the people and democracy was lifted for 24 hours and then, in the eyes of many Ethiopians, it was slammed down again because they saw in the victory of the EPRDF, the concept that there was no way that they would ever be able to share power or get to power. The feeling was that the EPRDF would immediately monopolize power forever.

So what were their options? Their first option was to try to get the United States to persuade the EPRDF to give up all power, go to square one and to have a national conference where everybody would have one man, one vote.

Well, this was very unrealistic. The people who won the war, after all, are going to guide the transition. This is true; this would be true in any country of the world.

So the second option, when the United States could not bring that about, was to immediately begin to try and delegitimize the people who won the war. It was almost as if having won the war all by themselves was an immoral act because they did not win the war with everyone else. Which, of course, is not a very realistic political view.

So much of the opposition have spent the last 3 years not arguing economic and political policies. Instead they have spent the last 3 years trying to delegitimize the people in power. Now, the people in power have taken advantage of this sort of atmosphere of paranoia and polarization to harass all opposition, which I think is very unfortunate. All opposition has effectively been put in the same basket.

I remember my last visit, in March, visiting with the opposition who are actually trying to cooperate with the transition, and they were totally a hapless bunch because they were hated by the government and they were hated by the other opposition who felt they were traitors for cooperating. So I think the overall atmosphere is pretty bad and I think we can criticize both sides pretty much.

Now, the government spends a lot of time on the violence issue. Now, from what Assistant Secretary Moose says, they may not be unjustified in talking about violence, and so many groups are preparing for violence, stockpiling arms and what have you. However, I think they are overdoing it. And this idea of asking people to renounce violence is kind of humiliating. So I think any Ethiopian who wants to go home should be allowed to come home. And the test will be whether they engage in violence or not or whether they engage in peaceful political activities.

One thing I was theorizing about is the question of amnesty, especially since South Africa has offered amnesty for all political crimes. But I think Ethiopia is different. The Mengistu regime was very different. The rate of political murders in Ethiopia was far higher than anything that ever happened under apartheid, and I think amnesty is not justified there. But it is important, again, that innocent people do not get caught up in this whole process of prosecution of war criminals.

And I am troubled to learn just today, I had not known it, that the American Bar Association is no longer involved in this, in giving technical assistance, and I hope they can be brought back because this causes problems for me and the transparency of this whole issue.

Now, in terms of the policies that are actually being implemented by the transitional regime, I am kind of upbeat. I think the decentralization is a very good idea. This is something I have been preaching in many big African countries which are multiethnic. I think the South Africans did a very good thing to have federalism, I think the Nigerians have federalism, or they used to have federalism, let's put it that way, and I believe in it for Africa. And I think it is a good thing in Ethiopia. What bothers me about the way it is being done in Ethiopia is the identification with ethnicity.

Now, I do think that ethnicity should be brought to the surface. It should never be suppressed. It is a source of pride and it is important that people identify with their ethnic groups. However, there is the opposite side of the coin, where if you do have regions

which are ethnically based, you could also have human rights violations in those regions, and I have seen some disturbing trends of certain ethnic groups which have been suddenly empowered saying, OK, now, we are in charge and all other ethnic groups are out of the picture.

So discrimination in a region is just as bad as discrimination on a national level, and we have seen this here in discrimination based on states rights in the past. So I think it is important that we put pressure on the central government to make sure there are guarantees that the regions do not commit human rights abuses in the same way the Federal, the central government, should not commit them.

I am upbeat on the question of economic reform in Ethiopia. People I talk to in the World Bank and other donor agencies are all very enthusiastic by the way the government is taking to economic reform. Assistant Secretary Moose said there is a problem with privatization. I think it is important that companies be profit-making. It does not matter whether they are owned by the government or privatized. The important thing is they not be a strain on national resources and I think this is what is happening in Ethiopia.

Where I am troubled is on the land reform issue. I think until they allow private people to own, to buy and sell land, they are not likely to get major investments either in the agricultural area or in the industrial area. And I think they should rethink this.

I have talked to the President about it and he feels the whole history of feudalism is such that there is a heavy baggage in Ethiopia against private ownership, and this may take time, but I do think they should rethink that whole issue.

So finally, I think—

Mr. JOHNSTON. Mr. Cohen, let me stop you there. When we talked to President Meles, his biggest objection is that history shows that only rich people would then own lands. And he has this lease proposition, but then the government controls, as you say, every agricultural farm, everything that they have there.

Mr. COHEN. So I think some wonderful things were done on land reform in East Asia over the last 30 years. Maybe there is a lesson, some communication that can be done between the two areas.

Mr. JOHNSTON. Or a cap to what you can own. Excuse me for interrupting.

Mr. COHEN. That is all right. That is fine.

Finally, I think one thing we are up against and we have to understand is Ethiopia's political culture, which I gather from Ethiopians I talk to, I myself have not specialized in Ethiopia, is this winner take all atmosphere. If I am not in charge, you know, nothing else will work. I prohibit you from being in charge.

The idea of national reconciliation, sharing power, which we are encouraging in many countries in Africa, I think does not fit in with the Ethiopian culture. And I think we are going to have to persuade President Meles, who I think is open to ideas, to think about a government of national reconciliation, even if they win all the seats because the opposition is boycotting. I think they are going to have to find ways to bring in people who are not part of their group.

And to the opposition, I am saying that boycotts, in order to try and make the process look illegitimate, deserves absolutely no sympathy. And I am not just saying that in Ethiopia. I am saying that in Togo, I am saying that in the Congo, and all other places where people say we will boycott, therefore, the process is illegitimate. The U.S. Government should not accept that and we should encourage them not to boycott.

Because, after all, how could you tell an election is fraudulent if the government does not have an opposition? Then they don't have to commit fraud. And the only way to test the government is full participation, no matter how flawed the process is.

I think the opposition ought to come home and test the government in every way and see, and if the government does not fulfill good human rights, it does not fulfill democracy, then we will know it. But as long as the opposition does not play ball, there is no way we can find out what the government's true intentions are.

Thank you.

Mr. JOHNSTON. Thank you, Mr. Cohen.

[The prepared statement of Mr. Cohen appears in the appendix.]

Mr. JOHNSTON. I think—let me go back and double-check on the ABA. Their ABA representative is right here in Washington practicing law so we will track him down.

Mr. COHEN. I was told this morning that they have not been involved for a couple of months but they are willing to come back.

Mr. JOHNSTON. Oh, I think they are willing to come back, but they need an invitation.

Mr. COHEN. Right.

Mr. JOHNSTON. Yes, there is the gentleman. How about standing up and telling us what the status is? Thanks for coming today, incidentally.

Mr. CARROLL. Thank you.

Mr. JOHNSTON. If you will identify yourself—

Mr. CARROLL. The ABA has a task force in place. We have provided technical assistance to the Special Prosecutor's Office, and have offered to extend and expand the range of that assistance. But our offer has not yet been accepted for reasons stated in the memo that you cited earlier.

Mr. JOHNSTON. Could you identify yourself for the record?

Mr. CARROLL. Tony Carroll, Chairman of the African Law Committee of the ABA.

Mr. JOHNSTON. Thank you very much, Mr. Carroll. I appreciate your coming.

Mr. JOHNSTON. Mr. An-Na'im, I appreciate your coming back today, and if you can tell us about human rights situation in Ethiopia.

STATEMENT OF ABDULLAHI AN-NA'IM, EXECUTIVE DIRECTOR, AFRICA WATCH

Mr. AN-NA'IM. Thank you, Mr. Chairman. We appreciate very much your interest and concern over issues of human rights in Ethiopia, and I am grateful for the opportunity to address these issues.

My name is Abdullahi An-Na'im. I am a citizen of Sudan, by the way, so as an exiled Sudanese, I suppose I have some insight into

the nature of power and maybe the questions of political culture that Mr. Cohen was referring to which I will be coming to in a few minutes.

I do also have a written statement which I have submitted for the record. I would like to please enter a correction in relation to Page 6 where we mention a journalist who has disappeared since February. According to information we received today, he has reappeared, but the circumstances of his disappearance and re-appearance remain very suspicious, and that is in the case of Mesfin Shiferaw. So that is a correction for the record of my testimony as written.

I think with all due respect, if I may briefly comment on the Assistant Secretary Moose's comments earlier this afternoon, and also Mr. Cohen's. I think it is not very helpful to say that issues are complex, that we are unable to make a judgment and that the situation and the history and so on. I think it is very valid to take the history and—essentially to take the history and the complexity of the situation into account, but I think it is also important to come to a judgment on the evidence as we have it. And our judgment should be sophisticated, should take into account all the factors and the history and the political culture and so on, but at the end of the day I think we have to be clear on the responsibility. Otherwise we are unable to render advice or support for those who need it or condemnation and criticism for those who deserve it.

My organization's mandate, in relation to human rights in particular, we have had a mission inside of Ethiopia for up to 5 weeks who have traveled to all parts of the country and have interviewed witnesses and have come with very concrete evidence of very serious human rights violations which we have outlined in this testimony and are going to document later in our published reports. I think, as we have tried to outline in the written testimony, that our major concerns have to do with questions of current human rights violations by the present government, the Transitional Government of Ethiopia, as well as the question of the Special Prosecutor's Office and their role.

I think as a matter of international law, as you very rightly said in your opening remarks, Mr. Chairman, that the Government of Ethiopia should not be judged in comparison to the records of the Mengistu regime, which is beyond the veil and should not even be taken as a yardstick, but should be judged in terms of its own international commitments, in terms of its own Constitutional Charter of 1991, and also in terms of its own legal system. And I think judged by those standards, we will find that the Government of Ethiopia today is failing seriously on very crucial human rights issues.

I think, for example, you can take the case of Mr. Yemane Ab as a very concrete example of someone who has been detained for going into the country to participate in a peace conference, been charged with a crime, put before Ethiopian courts, acquitted by the court and rearrested and detained indefinitely since December of last year without charge or trial.

I think on that sort of very concrete example, you can say that no matter how sophisticated your judgment is, no matter how relativistic your argument is, you cannot say that this is not a serious

human rights violation. And I think by taking such concrete examples we can come to the government and say, you are failing by your own standards and so on.

I think a number of factors, a number of comments have been made regarding the matter of the elections and the fact that the June 1994 elections have been technically relatively better. But I think the issue of the elections was decided long before June 1994. I think the harassments, the expulsion of members of the Council of Representatives for participating in a peace conference inside Addis itself, the harassment of political organizers and the various officers of various political opposition groups in the countryside, that is when and where the election issue was decided. I think it is misleading to look at the technicality of the election in June 1994 without taking into account the comments of the government prior to June 1994 and leading up to June 1994.

Another issue which has not been touched on by Secretary Moose or other speakers this afternoon is the question of the role of the army. I think the fact of the matter is, despite the problem or issue that the army should be a national army, representing all elements of the Ethiopian society, the fact of the matter is the army is—the national army, so-called—is primarily the TPLF army, which is deployed throughout the country in parts of the country where they do not speak the local language. And despite the relative discipline and responsibility of these troops, the fact remains that they are not perceived as a national army, and correctly so, and that fact is acknowledged by the government but nothing has been done.

I think that sort of thing, and dispersal of the army throughout the countryside, the nature of the relationship between the army and the local populations, many facts regarding the fact that the army personnel are fully armed, sometimes not fully uniformed or carrying identification and confusing local populations between bandits and the so-called official army of the country, those sort of factors do influence people's political judgment and people's ability to participate in the political process.

I do agree with Mr. Cohen's conclusion, although I would frame it differently, that ultimately the issue is an issue of political polarization, and that on that common ground instead of, as we do say in our statement, that we hold both sides responsible for this stalemate and this polarization. But I think a government's behavior and a government's accountability should not be compared with that of opposition groups, because the government happens to hold the reins of power and the ability to influence public opinion through the monopolizing of the media, harassing the press, a variety of resources which are available to a government and are not available to political opposition. And, again, ultimately, as a matter of international law, as a matter of international relations, it is governments which should be held accountable to the standards which govern the conduct of nations.

On the question of regional autonomy and so-called ethnic federalism, I agree with Mr. Cohen that in large and complex countries like Ethiopia, or my own country of Sudan, or Nigeria and so on, federalism or regional autonomy are desirable, in fact imperative, forms of government. However, the issue of ethnicity is not a minor issue in evaluating the concept and practice of federalism or

so-called real autonomy in the case of Ethiopia. Because the fact of the matter is reference has been made also to the threat of use of violence for failure to renounce the use of violence.

Given the nature of the army, I think it is understandable why people are reluctant to renounce the use of violence when they see that the same army which has won the war and gained power for the present government is still the national army dispersed throughout the country. And, also, people are, I think, entitled to be skeptical about the nature of federalism and its objectives and practice when they see what is happening in Union 5, so-called Ogadeni or Somalia, Region 5, in that if the concept which has been pronounced in the charter and also enacted, or also included now in the draft constitution, if it is true that unions are entitled to exercise their right to self-determination, then one would say why is there fighting in Somaliland now, Somali region now? Sorry. That the Somali people are saying that we are exercising that right.

I think the issue of ethnic federalism has confused the question of autonomy and regional autonomy so much that it is no longer identified as the core of the issue. The core of the issue now is political more than the constitutional concept. Furthermore, as we have heard so many Ethiopians explain to us, they resent the fact that a transitional government, which does not have the constitutional mandate or the electoral mandate, should undertake such radical policy decisions which would affect the future of the country indefinitely.

On the question of land, for example, tribal land so far, and probably rural land to come, and the question of ethnic federalism and the question of language, these are major policy decisions which Ethiopians are saying to us should not have been settled during a transitional government but should have awaited for the election of a national Constituent Assembly and after the general elections being held and the national constitution.

These are some of the concerns, in addition to what we have outlined in our written testimony, and I will be glad to answer questions. Thank you, sir.

Mr. JOHNSTON. Thank you very much.

[The prepared statement of Mr. An-Na'im appears in the appendix.]

Mr. JOHNSTON. We are very pleased to have Professor Theodore Vestal here. He is with the Department of Political Science from Oklahoma State University and, Professor, we sincerely appreciate your coming today.

STATEMENT OF THEODORE M. VESTAL, DEPARTMENT OF POLITICAL SCIENCE, OKLAHOMA STATE UNIVERSITY

Mr. VESTAL. Thank you, Mr. Chairman, Mr. Hastings, I appreciate very much your providing me with an opportunity to testify here today.

Mr. JOHNSTON. You might pull that mike a hair closer.

Mr. VESTAL. I bring to you greetings from the Oklahoma State University, the American University with the longest continual relationship with Ethiopia, dating back to the early days of Point Four when then Oklahoma A&M University helped establish the

Alemaya Agricultural University that today is Alemaya Agricultural University, the Jimma Agricultural High School, the Debre Zeit Research Center, and the first agricultural extension offices in the country.

Mr. JOHNSTON. You are entitled to that commercial for coming all the way from Oklahoma.

Mr. VESTAL. With the transition period coming to an end and the adoption of the new constitution, it is an appropriate time to evaluate the democratization process carried out under the TGE. To their credit, the TGE and its leaders have made a functioning policy out of a devastated country and sufficient progress to attract multilateral donor aid from donor nations.

As the chairman indicated, under the leadership of the EPRDF, the TGE announced its commitment to such democratic ideas as multiparty elections, a pluralist society with a free press, respect for human rights, and the rule of law with equal status for people of all nations.

The TGE's initial progress was encouraging, and political, economic, and human rights situations began to improve shortly after the EPRDF came to power. The beginning assets of the TGE were eroded, however, by the accrued liabilities clustered around the government's later authoritarian actions that ran counter to democracy. I have provided your committee with a detailed analysis of the democratic deficits in the transitional process, but I would like to briefly describe the main problems that I have observed.

After the honeymoon period following the fall of the DERGUE, it became clear the new EPRDF-directed government had no intention of sharing political power. From the start, the distinction between the TGE and its dominant party, the EPRDF has been blurred. For party leaders, conducting domestic politics has not been an exercise in compromise and consensus building among fellow citizens. Instead, the EPRDF has used battlefield skills in leadership and discipline to divide and conquer political foes. Central to the plan of battle was the downplaying of nationalism and the fostering of social fragmentation by emphasizing ethnicity. Under the TGE, both government and civil society have been reorganized on the basis of ethnicity.

The state is administered by newly drawn, decentralized, ethnically based regions. The socioeconomic substructure has been transformed into a web of ideologically "correct" organizations subservient to the party. EPRDF cadre have infiltrated and manipulated many of the institutions and mass organizations of public and collective life, such as trade unions, peasants commissions, professional bodies, grass-roots action committees, workers grievance committees, and local governments. While these front organizations project an image of pluralism, they are part of an EPRDF-controlled power structure.

When party dominance of an institution or organization was challenged, the EPRDF had the means to harass and intimidate opposition until it withdrew, using force if necessary. Organizations carefully vetted by the EPRDF ensured party dominance on official boards and commissions constituted by the Council of Representatives, such as the Constitution Drafting Commission and the Election Review Board.

The EPRDF's methods of subjugation were evident in the district and regional elections in 1992 and in the June 1994 election of a Constituent Assembly. The party controlled all of the significant groups involved from the National Election Commission down to the precinct or the kebele level. While election rules appeared to be fair, the EPRDF always enjoyed a headstart in possessing a preponderance of politically relevant resources, including wealth, communications, organization, and control of the armed forces. The lack of competitive, pluralistic elections illustrates the EPRDF's box within a box tactic: Party-controlled local organizations elect intermediate organizations, which elect national organizations, which appoint executives, boards, commissions, and other public bodies from social organizations dominated by the party. Non-EPRDF parties that have attempted to work within the system have been killed softly by low-level repression discreet enough not to draw condemnation of countries bankrolling Ethiopian development.

Those protesting TGE policies have been silenced or curbed. The military's killing of protestors at Addis Ababa University and of worshipers at Gonder has had a chilling effect on those who would challenge the government. Institutions that did not waffle before the government pressures to conform were squelched as seen in the summary firing of 42 Addis Ababa University professors and administrators and in the TGE's restructuring of Ethiopian Airlines. In addition, a fledgling free press was repressed with critics of the TGE harassed out of business. Other human rights violations, including the imprisonment of more than 2,000 individuals without due process, also have scarred the record of the TGE.

Opponents of the TGE were a badly divided Greek chorus waging their own infighting. The Oromo Liberation Front and the Ogaden National Liberation Front claim the right to secede, while other anticharter groups object to the right to secede. Some groups pressed for the administrative division of the country along ethnic lines, while others feared that this would jeopardize the unity of Ethiopia as a nation.

The opposition parties finally made some efforts to present a united front by holding Peace and Reconciliation Conferences in Paris and in Addis Ababa in 1993. The Council of Alternative Forces for Peace and Democracy in Ethiopia was organized and sought entry into the transition process.

In December of last year, former U.S. President Jimmy Carter met with representatives of opposition groups and negotiated a proposal for the formation of a new broad-based transitional government, the restructuring of the police and the military, and the postponement of the June elections. President Carter laid the groundwork to mediate talks between the TGE and opposition groups in Addis Ababa in March 1994, but the proposed peace talks were rejected by President Meles. This appeared to be the last opportunity to expand the base of participation in the transition. President Meles, meanwhile, declared that the TGE would not yield to efforts to reverse the transitional process or change its program and structure.

The term "democratization" has been used several times today, and I would like to take a stab at defining it. It is the transition

from an authoritarian system to a form of government that ensures civil liberties and provides its citizens with means to influence or attempt to influence policy officials. If successful, this process produces an open contest for public office, without a preordained winner. If the voters, rather than the transitional incumbents, control the final outcome of the competition, then the transition can be called democratic. The transition under the TGE has not produced this result.

One of the aims of democratization was to bring about liberal democracy in Ethiopia. Post-cold war political theorists postulate five requirements for liberal democracy. The dominance of the rule of law, as pointed out by Mr. Hastings, with an independent judiciary to interpret the law; secondly, extensive civil liberties guaranteed by law including freedom of expression, freedom of the press, freedom to form and join organizations, sufficient to ensure the integrity of political competition and participation; thirdly, representative government, simultaneously representative, accountable and powerful; fourthly, a bureaucracy that is rule-bound, merit-based, and responsible to elected public officials; and, fifth, a system of some dispersion of economic resources.

By disseminating economic resources, there is less chance that political rights will be a prerogative of wealth, especially where wealth is concentrated in the hands of the government. The TGE has failed to establish these basics of democracy or to lay the groundwork for their eventual development.

In terms of policy recommendations, I believe the United States should use its leverage in providing development aid to Ethiopia to improve the human rights situation and to bring about the broadening of the political base of government. This process can begin with a conference of all serious parties involved in the Ethiopian political scene, the TGE, and the opposition. In other words, what was attempted by President Carter's initiative.

Unless the opposition at home and abroad is brought into the governing process, the Government of Ethiopia will be further alienated from the nation's people, and an increasingly threatened regime may become overly oppressive in an attempt to survive. That will invite a return to civil strife, quite possibly compounded by another devastating famine.

Thank you, Mr. Chairman.

Mr. JOHNSTON. Thank you very much, Professor.

[The prepared statement of Mr. Vestal appears in the appendix.]

Mr. JOHNSTON. Ambassador Cohen, what is your observation of the Carter conference and why did it fail?

Mr. COHEN. I think it was undertaken with very good intentions. Certainly the opposition and the government were not communicating with each other, and that usually requires a mediator. But it became very formal, and when you get to the point of wanting to negotiate—in other words, the people who were working with President Carter were to put themselves on the same plane as the government and, therefore, it was supposed to be a negotiation among sovereign equals.

Well, that is not the power situation in Ethiopia. These people are not sovereign equals to the government. The government is not going to be placed in a position of saying, we are negotiating with

you; just because you are in opposition and you are—you feel that we have abused you, we are not going to negotiate with you. I think the government itself would have been humiliated by that, in terms of Ethiopian culture, and, therefore, it could not work.

I think what the opposition should do—I think the mediation should have been quiet and it should have resulted in the opposition going back, especially those in exile, going back with guarantees, with observers, and trying to participate. But to have a negotiation like North and South Korea in this case it just was not relevant.

Mr. JOHNSTON. Professor, what is your opinion of why it collapsed?

Mr. VESTAL. Why the Carter initiative failed?

Mr. JOHNSTON. Yes, sir.

Mr. VESTAL. I think it was intransigence on the part of the government. I think Mr. Carter had put together a best effort to bring groups together, and the opposition groups made the concessions, were willing to go to Ethiopia to talk, and everything seemed to be in place except the acceptance of the government.

If what Mr. Cohen says is true, then how can we get the two groups together to talk? If the government is going to be too sovereign to submit to talks to these opposition groups, then there does not appear to be a very optimistic future for negotiations to change the situation and broaden the political base.

Mr. JOHNSTON. Mr. An-Na'im, do you have an opinion of the Carter conference?

Mr. AN-NA'IM. Yes. I would like to just, if I may, with all due respect to this business of political culture, I think it is—the problem with the notions of culture, political culture, is that they tend to be co-opted to support an argument whenever convenient and overlooked when they do not support an argument. Whether we are talking the Ethiopian or Sudanese political culture or African political culture, the fact is that cultures are very complex and contain many, many elements. For example, the elements of reconciliation and consensus is a powerful element in Ethiopian as well as Sudanese culture.

Now, regarding the Carter Center's initiative, it was not an issue, to my view, of a government versus an opposition. It was an issue of different Ethiopian political forces seeking reconciliation to overcome and to develop, to overcome the stigma and to develop a national project. If the effort is to develop a shared national project and a government insists to act as a government vis-a-vis its own opposition, then there is no prospect of a national consensus, and what you will get is a counter confrontation.

Because people, when people are forced out of the political process, the only option remaining to them would be violence in the same way that TPLF itself took arms in opposition to the Mengistu regime.

So I think the political culture issue should be seen—let us consider all the elements of the culture, not only that certain elements which go for arrogance in power and not only elements which go for consensus building and reconciliation.

Mr. JOHNSTON. Ambassador, I have two technical questions. Are we the largest donor country to Ethiopia? I should have asked Mr. Hicks that.

Mr. COHEN. I don't know.

Mr. JOHNSTON. Who exceeds us in the world? Then we are the largest donor country if nobody can come up with another one.

Were there any opposition members or parties that contributed toward the downfall of Mengistu?

Mr. COHEN. Well, the war was fought by the TPLF and the EPRDF, essentially. I think the OLF had a very, very minor role in the fighting. Virtually nothing. And the others contributed in the sense of propaganda and what have you.

Mr. JOHNSTON. The question to all three of you, then, is knowing the history of the opposition, and even conceding the intimidation that I have referred to earlier and the oppression there, how do we get the two together?

Professor, we will start with you. How do we get the opposition and the government to sit down and talk?

Mr. VESTAL. I think President Carter laid out the right technique, the right method to bring the group together in the conference, and around the conference table and try to work out some arrangement so that the political base is broadened and the opposition parties can take part in the activities going on.

I think part of the problem has been the repression prior to formal activities. That is at the heart of the problem. So that observers can come in and say, yes, the elections are being held in a democratic way, but the opposition is not there; they have been scared off prior to that. So somehow people have to sit down and agree on some method whereby all parties would be welcome to participate without harass, without intimidation, and take part in some new type of democratic activity.

Mr. JOHNSTON. Should Carter or a counterpart of Carter try again getting early commitments from the government?

Mr. VESTAL. I think so. I think this is the last great hope, really, for broadening the political base.

Mr. JOHNSTON. Mr. An-Na'im, any magic wand that you have?

Mr. AN-NA'IM. Unfortunately not, if applied to my own situation in Sudan. But I would say that I think with due regard to the contributions of all sides to the present stalemate and polarization, in terms of international pressure and in terms of national leadership, the government must take the initiative.

I think given the power, the balance of power between the government and the opposition, and the resources of power and the resources available to the government, psychologically as well as materially on the ground, the government has to take the initiative.

In the knowledge that having taken the initiative, if the opposition is not forthcoming in taking the issue seriously, then the International Community, as an arbiter, whose goodwill cannot be taken for granted, I think we do observe and we can criticize both sides, but at this point, to reinitiate, I think the initiative should come from the government.

Mr. JOHNSTON. Before I go to Ambassador Cohen on that question, in speaking to representatives of the government, they feel that when your organization goes to Ethiopia, the only people you

interview are opposition parties, and so you are going to get the worst possible scenario as to the atrocities being inflicted by the government.

Mr. AN-NA'IM. With all due respect, actually, as a matter of fact, our mission which was in Ethiopia for 5 weeks in March and April, traveling throughout the country and talking at all levels with government and government parties as well as with opposition groups. I think a significant fact to note is that there is very little monitoring of human rights inside Ethiopia by indigenous human rights organizations, and that is due to the difficulties faced by indigenous groups.

And the fact that we, as an international organization, have access, whereas internally Ethiopian human rights groups find difficulty in organizing and monitoring human rights inside their own country, is a testimony to something being seriously wrong, I think. But in terms of our methodology, as our report would show, we do interview and detail the objections of both opposition groups as well as government officials and political parties.

Mr. JOHNSTON. Ambassador Cohen, would you restructure the Carter conference or what would you do differently to try to get them together?

Mr. COHEN. Well, Mr. Chairman, I think wisdom begins with the recognition of the power structure that exists. The opposition, and even there they each refuse to forgive the original sin of the people in power for having won the war. They really did a terribly immoral thing, they won the war all by themselves. And a lot of Ethiopians cannot accept that. They must accept that. That is the first step. This is the government, we recognize it is a legitimate government, and we have to work within the structure that they have set up.

And the government, for its side, should recognize this polarization, of which it is partially to blame, and should say, let us put it up, let us settle this in the next election. And this is where the United States comes in. The election, after all, is going to be held on the basis of the constitution. It can be free and fair. It must be free and fair.

So the government should say, come home, let us have all participants in the election. We will have international observers, we will have Carter there, because he has done a good job in the past, let us have a free and fair election. We will all know if it is not free and fair, and I think that is what we must all focus on.

But to start negotiating about, well, can we come home and what are your rights going to be and will we be harassed or not harassed I think that is now irrelevant, let us all now concentrate on that. But it must begin with a recognition that these guys won the war, they are in charge, and you have to work with them.

You cannot ask them to step down now, as Mr. Vestal is saying, go back to square one and have a national conference. That is unrealistic. And no plan that is based on that is going to work. Let us have a plan that is based on the real power situation in Ethiopia.

Mr. JOHNSTON. Well, as usual, you do not sugarcoat your answers, Ambassador, and I appreciate that. Let me go to Judge Hastings.

Mr. HASTINGS. Mr. Chairman, yesterday you and I sat in the House of Representatives and witnessed two men manifest a peace accord in King Hussein and Prime Minister Rabin, who had for any number of significant years stridently opposed each other with every available means or thought that they could bring together.

When we talk about morales, we don't have to go far in Africa, no further at least than to South Africa, and to see the bold steps taken by President Mandela and Mr. de Klerk, who, at some point in their lives, had to hate each other as much as the Oromo liberation front hates the EPRDF. I just wonder, is anybody listening?

And I am not talking about just on Ethiopia but around the world. I mean, what the hell is going on? Are people mindful, and Professor, Ambassador Cohen is absolutely correct, you have to start somewhere. And everybody has to somehow or another be willing to sit down and talk. Failure to talk, we just go around and around speculating on what people might do, could do, should have done, and in the long haul, if I had to do an assessment in my limited way in the short time that I am here, the TGE has done a fairly good job with what they inherited which was an extremely bad situation.

Now, would people want to go back to Mengistu? Would they want to go back to Haile Selassie? I mean, where does it end? In the final analysis you have to start somewhere, and, therefore, I would think that not President Carter but President Clinton might very well wish to call an appropriate policy conference that would allow for all sides who wish to participate to participate, and if they fail to, then doggone it, then they are out of the loop. It is just that simple.

I mean, you can go on and on and around and around and around on all of this, but we will not get anywhere. We will be back here the next year and we will be back here the next year discussing the exact same problems.

And I could say to you, Mr. Chairman, if in the morning everybody in the EPRDF was dead, somebody would take over. And I will guarantee you whoever takes over will meet some of the same resistance from some people around the community. I mean, so when does it stop? You have to at least want to get on with the business of peace and stabilization.

Now, Ethiopia has a lot of people that are interested in it, and I for one on the Black Caucus have adopted Ethiopia as a country. But I just want to announce, because there are people in this room who are on both sides, or all 21 sides of the variety of issues that are here, that I want to listen to everybody, because I want to try to bring some consensus to this.

And I appreciate so much Professor Vestal and Mr. An-Na'im and Mr. Cohen for their clarity on these issues. They have not been anything more than forthright in their views. Yes, there are human rights problems in Ethiopia, but I am getting a little bit tired of us getting ready to dictate the terms for Ethiopia when I can take you to Belgrade in my district and show you some human rights violations, and Human Rights Watch can come travel with me to Harlem and I will show you some human rights violations.

So if that is the case, then there are human rights violations everywhere in the world and we need to figure out a way to stop

human rights violations regardless of who is perpetrating them, and I don't think there is anybody that has clean hands in any of these operations.

I was in Bosnia recently and I did not talk with anyone that was not wrong. Everybody was wrong. And somehow or another all of them thought that they were right. And that is a part of a problem that this great country has. We are always right, everybody else is always wrong. It is our way or else we ain't going to do it no way.

If we want to help this country, and I know we do, and I know this committee does, then the best thing that we can do is probably get beyond these individuals here and get on with hearing from the people of Ethiopia and I don't need a response. Thank you.

Mr. JOHNSTON. Professor Vestal, you have listed five things of your definition of democracy. Does Ethiopia or the Government of Ethiopia meet any of the five requirements? On Page 4.

Mr. VESTAL. They have tried. The rule of law is something that is going to take some time to develop, I am afraid, because of the historical situation. Civil liberties guaranteed by law have not been met.

Mr. JOHNSTON. Let me go back to an independent judiciary. Can you tell me—or Mr. Carroll is not here now—can you tell me the setup of the judiciary and how judges are appointed in Ethiopia today?

Mr. VESTAL. That fine report that you referred to earlier in the hearing demonstrates the problems, the fact that the judiciary is not independent, it is basically appointed and nominated by the TGE, and that is the EPRDF. So that the selection process is not the type that would make for an independent judiciary.

The representative government, again, has the problem of a limited electorate, a very small democratic base being involved in the elections themselves.

The bureaucracy is not necessarily responsible to elected public officials. It tends to be like many bureaucracies in other countries, nominated by people who once they have their appointment use their power indiscriminately.

The dispersion of economic resources is highly problematic. There are not that many economic resources to disperse at the present time but the government does control most of the wealth. So in answer to your question; I see very little that the TGE has done to move in the direction of liberal democracy.

Mr. JOHNSTON. Is there any prospect of expanding the Constituent Assembly in order to allow participation in the opposition groups? Or is that, is it big enough as it is?

Mr. VESTAL. It is actually passing from the scene, isn't it, very shortly, with the new constitution being adopted? So the question arises what kind of parliament will come from the new constitution?

Many of us would like to see the constitution in English. It has been something of a secret document in the United States and we would like to see copies to see exactly what is planned.

Mr. JOHNSTON. Congressman Payne, do you have any questions or opening statements or closing statements?

Mr. PAYNE. No, other than to apologize for some very serious conflicts that I had today. You know, I have a very strong interest

in Ethiopia, but there were some meetings that were scheduled in the district that I could not avoid. They say that politics is a little bit local so I had to deal with that first.

But I just might have a question. I know that there have been some recent elections and I am wondering if anyone would like to respond whether the parties, any of you, had an opportunity to review the recent elections and to give an evaluation of whether they were free and fair or freer and fairer than the ones held maybe a year ago?

Mr. VESTAL. I observed the elections in 1992, and was with that group that stated the 1992 elections were not free and fair. The problem with the 1994 election was that, once again, the dominant party won an overwhelming majority. There were independent candidates, but some people questioned how independent those independent candidates were. Were they really members of the EPRDF in disguise or were they truly independents?

The evaluation of the 1994 elections by independent groups would state that the procedures were followed and that the elections were free and fair. That, again, looks at what happened in the election process itself but does not get to that point before the election when people were so discouraged or intimidated from participating that opposition groups simply were not allowed to take part in the elections.

Mr. PAYNE. What about in the rural regions? Actually, in Addis and in the urban areas, the elections even in 1992 were considered a little better done. But as we got into the more outlying areas it was felt that they were not, they were certainly a lot to be desired.

Did you find the same kind of pattern in this election as was in 1992?

Mr. VESTAL. I think Mr. Cohen indicated that the procedures were indeed better this time around. They learned, the National Election Commission learned from its previous mistakes as far as the mechanics of the election goes. In the provinces, the domination of the main party and its satellite parties is even more forceful and straightforward than in Addis Ababa. So in terms of procedures, the election was improved but again in terms of the lack of meaningful opposition, meaningful competition in the election, the elections were disappointing.

Mr. PAYNE. Since from what I understand from representatives of the TGE, the Transitional Government of Ethiopia, I have heard that the government is more representative of other various ethnic groups, that they have made an attempt to have a multiethnic cabinet and persons in authority and different departments of the government.

Can anyone speak to whether in fact that is occurring or whether the government itself seems to be dominated by the EPRDF?

Mr. VESTAL. To my observation, sir, the EPRDF does tend to dominate. There is representation of various ethnic groups, but they belong mainly to satellite parties or subparties, if you will, of the EPRDF. So I am not sure they represent the mainstream of the ethnic groups that in theory they should be representing.

Mr. PAYNE. I understand that there has been a move to demilitarization. Trying to get someone to say that something is happening right.

Has there been a strong move toward a demilitarization? Has there been a downsizing of the army and has there been an integration in the new army or is there a new army?

Mr. AN-NA'IM. On this I would, unfortunately, have to again be on the negative side, to say, in fact, that the army, which is supposed to be a national army, which I pointed out in my introduction and in my written testimony is in fact not a national army, it is almost exclusively an EPRDF army and it is deployed throughout the country. There have not been integration of other elements in the national army, as was supposed to happen.

Mr. PAYNE. Well, I don't have any additional questions. I will read your testimony and—maybe I will just ask a final question, if anyone could maybe try to answer this one.

If you took Ethiopia 5 years ago, conditions, the economy, human rights, abuses or nonabuses, and you evaluated the situation today, do you think that Ethiopia is better off, worse off or about the same? I am talking about the Mengistu period as opposed to the post revolutionary period. Maybe each of you can respond.

Mr. VESTAL. Five years ago was virtually the hate era. That was hell. So anything would be better at the present time.

Mr. AN-NA'IM. I would agree that we have a magnificent improvement from 5 years ago, but I am extremely worried about 5 years down the road, whether we will be back to worse than what we were 5 years ago.

Mr. COHEN. I would say I would agree there is a tremendous improvement over 5 years ago, and I think Ethiopia is moving into the same category as a number of other countries, like Ghana, Uganda, which probably will move faster on economic reform than on political reform, but slowly, through fits and starts, improve the political situation in accordance with their own traditions.

Mr. PAYNE. So, then, you can expect that eventually, though, that the other part—they were telling me with MFN and China, that if you let the economics go, then the people's way of life will improve?

Mr. COHEN. I think so, yes.

Mr. PAYNE. But it might take a long time.

Mr. COHEN. Yes. I think with some of the criteria mentioned here today about whether democracy exists in Ethiopia, I think if we applied them to the United States the United States would not be eligible for USAID.

Mr. PAYNE. I agree. Thank you, Mr. Chairman.

Mr. JOHNSTON. Mr. An-Na'im, how many languages are spoken in Ethiopia? You said the army is at a loss because in many of the regions they cannot speak the local language.

Mr. AN-NA'IM. Yes. To my knowledge there are 82 ethnic groups in Ethiopia and at least close to 50 languages and dialects. But someone here I am sure would dispute that. But it is a huge number of languages, but the dominant languages are, of course, Amharic and Tigrayan, and so on, but there are also dialects.

And, actually, if I may make a point on this relation to the reunification program, and this point I should have made earlier, where you have two ethnic groups in only 14 regions, you are bound to have various serious tensions in some of the regions where a large number of minorities will not have full representation in their own

regional governments. And for that reason, the question of language and the question of ethnicity, because each of the regions has the power to decree its own language and its own culture, in terms of unification, and taking particularly the local language. But when they do not have equal political representation at the regional level, the choice of language of instruction in schools, for example, is going to be imposed on 10, 15 ethnic groups within the region, and that is bound to identify tensions, I think.

Mr. JOHNSTON. Ambassador Cohen, I would never take issue with you on Ethiopian history, since you wrote the London conference and actually wrote the peace agreement between Eritrea and Ethiopia. But in my visit to Addis, and talking to President Meles, he did state that there were other ethnic groups that helped tremendously in the war against Mengistu, particularly when they moved south through Amhara toward the capital.

The only thing that I would make an observation and take slight issue with my good friend, Judge Hastings, is, and there is the prose, a rose is a rose is a rose, but human rights violations are human rights violations regardless of the extent to which they are inflicted.

It is like Professor Asrat, who Congressman Payne and I ate lunch with a year ago, and we said, where are you going after lunch? And he said, probably to jail. And he did, and he is still there, see. And Abera of COEDF, who got off the plane and went to jail. To them, a human rights violation does not matter if it is inflicted upon him by President Meles or by Mengistu, it is still a human rights violation.

And while we deal in flagellation of our own country here, whether it be Harlem or Belgrade or Newark, we still have, I think, an independent judiciary and certain judicial relief and things of that nature, whereas I do not think they do in Ethiopia. And they are still one of the largest recipients of aid from the United States.

And while I am the first to agree we should not inflict on any country of Africa our definition of democracy, and I think yours is too severe, Professor. I still think there are some very serious human rights violations there. There should be some corrections. And I am hoping that a year from now that life in Ethiopia will be better than it is today.

I sincerely appreciate it. You all have been very, very helpful, and, as usual, I am very indebted to the knowledge that you impart to the committee. Meeting is adjourned.

[Whereupon, at 4:20 p.m., the subcommittee was adjourned.]

A P P E N D I X

OPENING STATEMENT OF THE HON. HARRY JOHNSTON, CHAIRMAN HEARING ON ETHIOPIA: THE CHALLENGES AHEAD JULY 27, 1994

I would like to welcome you to the Subcommittee on Africa's hearing on "Ethiopia: The Challenges Ahead." Ethiopia is the second largest recipient of US assistance and the Subcommittee closely follows developments in this major African nation.

Since the July 1991 Conference, Ethiopia has achieved significant progress on both the political and economic fronts. Over the past year, the Transitional Government of Ethiopia (TGE) devalued the Ethiopian Birr by 58 percent, streamlined export-import license regulations, enacted a wide-range of tax reform measures, passed sweeping investment codes, and eliminated wasteful government subsidies. Some important positive steps have also been taken in the political sphere by the Transitional government, though serious concerns persist. After decades of civil strife,

Ethiopia today is largely peaceful and stable.

However, human rights conditions have begun to deteriorate after a previously impressive commitment by the Transitional Government. Politically motivated detention of opponents, delays in bringing prisoners to trial, harassment of journalists and editors, and interference in the judicial process have risen in recent months. In fact, Ethiopia may have the largest number of political prisoners in detention in the Horn of Africa. Although some people may choose to compare human rights conditions to that of the Mengistu era, I strongly believe that the Transitional Government should be judged on its own publicly stated commitment to human rights.

I fully recognize that it will take time to experience the fruits of reforms, especially in Ethiopia--a country that suffered years of brutal dictatorship, civil strife, and devastating famine. If Ethiopia is to succeed in its reform efforts, all segments of the society must constructively contribute toward these efforts. Most

importantly, opposition groups that are currently in the political periphery should participate constructively in rebuilding their country. As for my part, I offer the following suggestions to improve and strengthen the transition process as Ethiopia enters a new era in its political history.

--While important progress has been made over the past two years, the transitional process appears to be closing and the government's base is narrowing. A significant number of opposition parties have been expelled or forced out of the Transitional Government over the past two years. The TGE should expand the government's base and should engage in a constructive dialogue with opposition groups.

--I am generally pleased with the TGE's economic reform efforts, although I am concerned about lack of progress in some areas. The TGE must create an attractive

economic and political environment in order to improve private sector development. The U.S. government should closely monitor this issue and encourage the Ethiopian government to adopt a policy that will contribute to long-term economic growth and food security.

--There is greater press freedom in Ethiopia than under previous regimes, although reporters and editors are routinely harassed and intimidated by government authorities. I have witnessed the flourishing of a free press over the past two years. Yet radio and television continue to be under the control of the government. Opposition groups should be allowed full use of the mass media.

--The political problem in Ethiopia has not been solely created by the TGE. Opposition groups are also responsible. Opposition groups have not articulated a clear alternative to Ethiopia's

political and economic problems. Some are intransigent and not constructive. Ethiopian opposition groups must engage in a constructive dialogue with the government and halt their harmful rhetoric.

I would like to sum up my statement by saying that Ethiopia is currently a nation of great contradictions, which makes any general evaluation of progress very difficult. Especially given Ethiopia's troubled history, I am encouraged. Yet a more inclusive political process and greater attention to human rights must become integrated into the transition process--if Ethiopia is to fully join the family of democratic nations.

This afternoon we will hear from The Hon. George Moose, Assistant Secretary of State for Africa; The Honorable John Hicks, Assistant Administrator for Africa at the Agency for International Development; Ambassador Herman Cohen, Global Coalition for Africa; Professor Theodore Vestal, Oklahoma State University; and Abdulahi An-Naim of Human Rights Watch/Africa.

I look forward to learning more about Ethiopia from our witnesses this afternoon and hope that this hearing will contribute to a constructive US engagement in moving Ethiopia toward a democratic path.

TESTIMONY OF ASSISTANT SECRETARY OF STATE

GEORGE E. MOOSE

BEFORE THE HOUSE SUBCOMMITTEE ON AFRICA

ON

ETHIOPIA

JULY 27, 1994

Mr. Chairman, Members of the House Foreign Affairs
Subcommittee on Africa:

Three years ago, the long struggle of the Ethiopian people to overthrow the brutal Marxist dictatorship of Col. Mengistu Hailemariam was successfully concluded. After Mengistu's flight from Addis Ababa, the Transitional Government of Ethiopia (TGE), with Meles Zenawi as president, took power. The United States Government helped to ensure that the change of governments would occur with as little violence as possible. We also made clear--as stated by my predecessor, Mr. Herman Cohen--that we were prepared to work cooperatively with the TGE provided that we saw continued progress in critical areas, especially democratization and human rights. In addition, we have emphasized economic development and reform. These policies remain the basis of U.S. activities in Ethiopia.

We did not then, and do not now, expect miracles or sudden transformations in these areas. Ethiopia is, after all, one of

the oldest independent states in the world. For centuries, it was governed by a monarchy often founded on the dominance of a particular ethnic group. The Ethiopian people, most of whom were and are small farmers or pastoralists, had little say in their government; and the greatest hope many of them had was to be left alone. The monarchy's fall in 1974 began a 17-year period of escalating centralized control and terror unprecedented in Ethiopia's history. This campaign corrupted or destroyed most of the institutions of civil society and brought Ethiopia's fragile economy close to ruin. In addition, as the Mengistu regime crumbled, Eritrea won its 30-year struggle for independence, leaving Ethiopia landlocked. These were the conditions that the TGE faced when it came into office.

The TGE's tenure has presented some serious problems, about which we have made our views clear both publicly and privately. There have also, however, been some notable successes, and there is reason for hope in the areas we have most emphasized: democratization, economic reform and development, and human rights. U.S. assistance and the general state of U.S.-Ethiopia relations are also important.

Democratization

In its second election in recent decades, Ethiopia on June 5 chose most of the 547 members of the Constituent Assembly, which will meet later this year to review and ratify a permanent constitution. Our principal concern in this

election, which was boycotted by a number of opposition groups, was to see a reasonably level playing field for candidates not affiliated with the governing Ethiopian People's Revolutionary Democratic Front (EPRDF) and to help the National Electoral Board construct a viable election management system.

Although the results were mixed, there was clear progress over the seriously flawed regional elections in 1992. Of course, with the boycott, the expected outcome occurred: EPRDF-affiliated parties won 442 of the 514 seats so far chosen. (The remainder will be elected later this month and in August.) This was not, however, a universal sweep; non-EPRDF candidates took 10 of the 22 seats in Addis Ababa, for example.

More importantly, there were notable procedural gains. After fits and starts, non-government candidates had access to government-controlled broadcast media for the first time. They could hold rallies and distribute materials as well. In assessing this process, independent observers came to similar conclusions. The European Union said the June 5 elections were "satisfactory from a technical point of view" and represented "progress in the democratic development of the country." Assessments by observers from nongovernmental organizations, including the Ethiopian Congress for Democracy (assisted by the National Democratic Institute) and the International Foundation for Electoral Systems (IFES) generally agreed with this view, which paralleled assessments by the U.S. Embassy in Addis Ababa.

While evaluations of the June 5 elections noted procedural gains, they also emphasized the need for improvements. Greater civic education on such issues as ballot secrecy and more training of election personnel are required. Other technical improvements, such as a simplified ballot form, are needed. More substantially, the TGE needs to make clearer to local officials and party functionaries that harassment of non-EPRDF candidates and of voters is wrong and will not be tolerated. Such incidents were particularly observed in areas dominated by the EPRDF-affiliated Oromo People's Democratic Organization (OPDO). This group, which originated among ex-soldiers in the Mengistu-era armed forces, has had serious problems adapting to democratic practices. We have discussed this problem with the TGE and will continue to press it.

Most importantly, serious attempts must be made to bring boycotting groups back into the political process. To secure the widest participation, the TGE should redouble its efforts to ensure that non-EPRDF candidates and parties are able to organize and campaign freely and without harassment. For their part, groups that wish to affect events in Ethiopia must realize that they need to become involved in peaceful politics there, rather than primarily in agitation abroad. Neither exclusionary attitudes by those in power, nor boycotts by those in opposition, serve the cause of democratization. We are making these points with the TGE and others, and we will reemphasize them in the run-up to national legislative elections--expected to occur in the first half of next year.

U.S. Assistance

I will defer detailed comment on assistance matters to my colleague from the Agency for International Development (AID). However, I wish to make one or two general points on this issue.

Although AID's overall program in Ethiopia, at about \$150 million for FY 94, is relatively large, over \$110 million of this sum is humanitarian assistance in the form of food aid to cope with Ethiopia's food deficit of over 1 million metric tons this year. Most of the remainder is assistance through the Development Fund for Africa (DFA). The major elements of DFA funding involve basic education (\$15 million), agriculture and private market development (\$11.5 million), and democracy and governance (\$2.5 million). Most of these amounts are conditional on economic reforms being undertaken; they are not handouts to the TGE.

Though substantial for Africa, these sums are small relative to Ethiopia's size. Projected FY 95 DFA funding, for example, is \$3.00 per person in South Africa and Mali, \$2.00 in Ghana, \$1.75 in Uganda, and 59¢ in Ethiopia.

Human Rights

The human rights situation in Ethiopia is inherently controversial--hard to measure exactly in an environment where unbiased information is difficult to find, and subject to

distortion by various groups to further their own purposes. On this issue, the TGE's record over the last three years is mixed, as the following points suggest, but with hopeful aspects.

-- The TGE has issued some 200 press licenses, and independent journals are more numerous in Ethiopia than ever before. At the same time, more than 40 journalists have been arrested under a vague and restrictive press law, of whom five have not yet been charged or released on bail.

-- With U.S. encouragement, the TGE has closed detention camps at Hurso and Didessa and released over 4,000 ethnic Oromos captured since the Oromo Liberation Front (OLF) "declared war" on the TGE in 1992. The Special Prosecutor's Office, however, has not yet begun charging and trying some 2,500 persons accused of Mengistu-era crimes, of whom about 1,400 are detained--some since 1991. We understand that the Special Prosecutor expects to begin charging people in September, with initial trials beginning in October.

-- The courts are gaining authority and independence, and rulings against the government are more common. But many suspects are kept long periods without charge, and establishing the rule of law remains one of the TGE's greatest challenges. Like many other human rights problems in Ethiopia, this issue relates directly to the TGE's severe resource and capacity restraints--in this case, the limited ability of the courts to process cases quickly--at least as much as to any ill will. The U.S. is making a major contribution to strengthening the

legal system and helping to bring to Ethiopia, for the first time in its history, the rule of law.

It should be noted that the TGE faces something of an internal security/human rights conundrum. Groups such as the OLF, the Medhin Party, the Ethiopian People's Revolutionary Party (an element of the Coalition of Ethiopian Democratic Forces), Al-Ittihad in the Ogaden area, and possibly even a covert wing of the All Amhara People's Organization (AAPO) are engaged in armed struggle against the TGE--in some cases avowedly. Yet these groups also contend through their political wings that when their members are detained, they become "prisoners of conscience."

The human rights situation is one of the major topics of our ongoing discussions with the TGE at all levels. It has also been the subject of many of our public statements over the last year. Ambassador Baas dwelt extensively on human rights concerns in press conferences in December 1993 and April 1994, the Voice of America broadcast an editorial on the question of press freedom in April, and I commented on the issue in an interview with the Ethiopian Review earlier this year.

In assessing the human rights situation, we should recall that the TGE, for the first time in decades, has brought general peace and stability to Ethiopia. Though not sufficient, these conditions are essential for progress in many

areas, including human rights.

From the difficult tangle of the human rights situation, we conclude that we should maintain a critical attitude within a context of general cooperation. This does not suggest unconcern about Ethiopia's human rights problems; this issue will continue to be one of our most important concerns in Ethiopia. But it does suggest we continue to hope for improvement and are willing to work with the TGE to achieve it.

Economic Reform

In March, the World Bank acknowledged Ethiopia's progress in improving allocation of foreign exchange, removing many restraints on private investment, and shifting expenditures from defense to social services. A further bright spot was the recent liberalization of the financial services sector, as a result of which several private banks and insurance companies plan to open for business this year. At the same time, however, privatization has made little progress, and the TGE has promulgated an urban land lease program that has greatly discouraged private investment. This policy deserves serious reconsideration, which in fact is under way. Instances of failure to compensate persons whose property was seized under Mengistu are also troubling. In this area as in others, the TGE's policies, though often beneficial, need more work.

U.S.-Ethiopia Relations

The advent of the TGE in 1991 marked a major change in the state of relationships between the U.S. and Ethiopia. During the Mengistu period, relations had become so embittered that we no longer maintained an ambassador in Addis Ababa. The TGE, however, has maintained a strongly pro-Western foreign policy since its inception. As a result, good working relationships have been established that have been of great value on numerous regional concerns, including Sudan, Somalia, and Rwanda.

These relationships have also given the Embassy excellent access within the TGE, making it an effective advocate for U.S. policy--including our efforts to promote U.S. business. The Embassy was very active over the last year, for example, on behalf of a U.S. bidder for a contract to construct a major sugar factory in Ethiopia--a contract the U.S. firm apparently will receive. We can also be effective on other issues, such as human rights and democratization, through similar channels.

We recognize that Ethiopia will always be controversial, and that the performance of any government under such difficult conditions will be mixed. We will continue to support movement there toward improved observance of human rights, democratization, and economic reform. We believe that this attitude--critical, but willing to cooperate--will best serve U.S. goals, the Ethiopian people, and the region.

STATEMENT OF JOHN F. HICKS
 Assistant Administrator of the Bureau for Africa
 - U.S. Agency for International Development
 before the
 Subcommittee on Africa
 House Foreign Affairs Committee
 U.S. House of Representatives
 Washington, D.C.
 July 27, 1994

Mr. Chairman and members of the Committee, I am pleased to be with you today to discuss democracy/governance issues in the context of the U.S. assistance program in Ethiopia. Our experience in Ethiopia as well as other Horn countries has taught us a valuable lesson - that nations can never hope to develop and feed their own people without peace and stability. Consequently, a critical goal of our portfolio is an increasingly stable and democratic Ethiopia. I would like to take this opportunity to describe our development strategy and the role that democracy/governance plays in that strategy.

PRESIDENT CLINTON'S INITIATIVE ON THE HORN OF AFRICA

In response to the existing political and food-related crises in the Greater Horn of Africa, the President of the United States sent a delegation, led by USAID Administrator J. Brian Atwood, to discuss appropriate short-, medium- and long-term responses with affected countries and key donors to call international attention to the situation.

This delegation recognized that there is strong economic and political interdependence in the Horn. Conflict in one nation has the potential to destabilize its neighbors. Food shortfalls in one nation may cut off traditional cross-border trading practices in another. Therefore, the delegation determined that it was not enough to meet the needs of one country but rather to look at development of the entire region. Given Ethiopia's population of 54 million, including ethnic groups that share ties with Djibouti, Eritrea, Sudan and Somalia, and its location in the center of the Horn, events in Ethiopia can profoundly impact its neighbors. If Ethiopia can successfully make the transition to democracy and a free market economy, it could become a model of peace and stability in a troubled region. If it fails, it will be difficult for other Horn nations to succeed in the long-term.

While it is obvious that we must meet the urgent humanitarian needs in the region, the delegation found that this was not enough. In order for the region to attain food security and stability, donors, host countries and the NGO community need to look beyond relief to recovery and development assistance. In the medium-term, assistance is needed to help African nations

overcome the effects of war and famine and begin the transition from crisis to development by creating democratic institutions that are capable of responding to the needs of their people. In the long-term, addressing the causes of food insecurity requires a strategic focus on sustainable development in the region to help governments increase agricultural yields, decrease population growth, and promote stable democratic institutions.

But there is much that can be accomplished in between the extremes of humanitarian emergency assistance and long-term sustainable development. We will work with other donors, recipient governments and NGOs to develop a strategy for linking the "relief-recovery-development" activities. We believe we can jointly deliver old types of assistance in ways which avoid exacerbating the root causes of disaster. For instance, relief feeding should be done in ways to keep recipients productive on the land instead of building dependency in feeding camps; at the same time, long-term development programs must address the recurring food insecurity to prevent food crises. This "relief to recovery to development continuum" is the guiding principle behind USAID's strategy in Ethiopia.

BEGINNING AGAIN: THE USAID STRATEGY IN ETHIOPIA

The U.S. and Ethiopia have a long history of economic assistance cooperation dating back to the days of Haile Selassie. Ethiopia has historically been one of the largest recipients of U.S. aid in Africa, due to the need for significant levels of emergency assistance. From 1984 to 1991, the U.S. provided almost a billion dollars of food and humanitarian assistance to Ethiopians in what is now Eritrea, in Ethiopia and to refugees in Sudan and Kenya. This effort undoubtedly saved many lives but did not contribute to national productivity, stability or development. This entire relief effort was carried out under extremely difficult circumstances and would have never succeeded without the commitment and untiring efforts of our NGO partners and other private organizations who carried out distribution and relief programs throughout the country.

With the fall of the Mengistu regime and the establishment of the Transitional Government of Ethiopia (TGE) in 1991, the United States was offered the unique opportunity to help one of the continent's most troubled nations rebuild and potentially become a model of stability in the war and famine-racked Horn of Africa. After years of providing hundreds and thousands of tons of food aid, USAID could work with the new government to address the root causes of Ethiopia's chronic food shortages. These shortages are caused by a number of factors, including poor agricultural policies, a degraded natural resource base, runaway population growth and civil strife.

In early 1992, USAID started the transition from relief to recovery, following the removal of Brooke Amendment restrictions imposed during the Mengistu era. Unfortunately, humanitarian assistance must continue and has significantly increased again after a year of mediocre rains. Our first projects in Ethiopia focussed on recovery from the effects of war, dictatorship and poor economic policies. USAID provided funds for demobilization assistance as part of an international effort to help the TGE successfully disarm and decamp hundreds of thousands of former combatants. Recognizing the inherent importance of movement toward a democratic society in Ethiopia, USAID development assistance to the Transitional Government has been directly linked to its efforts to build up and nurture democratic institutions and structures. One of the first development projects initiated in 1992 was the Democracy and Governance Support project, which has provided funding to establish the basic institutions and processes of a democratic society and good governance in Ethiopia.

Under the highly collaborative multi-donor Emergency Recovery and Reconstruction Program, donors, including the U.S., provided almost \$650 million in cash and commodities to restart the economy. While progress on economic restructuring and the return of ownership and control of production to primarily private hands continues, the TGE has accomplished solid results on macro-economic stabilization. Inflation has been brought under control, the currency has been heavily devalued, and foreign currency reserves are at a respectable level. The basics are in place on the economic side for the kind of private sector-led economic growth desperately needed to improve the lives and futures of the majority of Ethiopians.

In 1993, USAID moved further toward recovery and development in Ethiopia. The enormity of this challenge in Ethiopia is reflected in the title of USAID's assistance strategy for Ethiopia, "*Back to the Future*". The title is inspired by the tragic need to bring Ethiopia back to the standard of living it enjoyed in the early 1970s. The strategy focuses assistance on four major objectives, with a recognition that timely humanitarian assistance, properly integrated and linked with the development assistance program, will be needed for some years to come. These objectives, which closely reflect the Administration's priorities, are:

- increased staple food production;
- key aspects of the rural health-care delivery system rebuilt and reoriented;
- improved quality of primary education in an expanded system; and
- increased access to and participation in a conciliatory democratic transition process to a permanent Government of Ethiopia.

USAID is currently active in some manner in four of the five areas of focus (Agriculture, Health, Democracy/Governance and Humanitarian Assistance), and will be initiating a program of assistance in basic education within the next two months. USAID will be expanding assistance to basic preventive health services, population control and AIDS prevention by the end of this calendar year, and completing a strategic framework for assistance to increase food security early in the next fiscal year. We are convinced that USAID can and must make a major effort to help move Ethiopia to a path of sustainable increases in the production of basic food requirements.

This year we are providing \$32.4 million in development assistance to Ethiopia, plus an additional \$117.7 of food aid. P.L. 480 resources are critical to meeting short-term and structural food deficits and supporting food security. Our development strategy has specifically supported the on-going demilitarization and political transition of Ethiopia through a \$5.0 million program of Assistance for Reintegration and Rehabilitation of Former Government Soldiers, an \$11.5 million bilateral Democracy and Governance Support project, as well as central resources for electoral support. Moreover, our long-term assistance for agricultural development and expansion of health and education services are helping strengthen civil society and empower all Ethiopians to participate more fully in their political, economic and social development process.

PROGRESS TO DATE

Slow, but important, progress continues to be made in improving agricultural sector policies and performance. The transport system is gradually being liberalized and the number and the level of independence of non-governmental truckers is increasing. Private sector involvement and its share in fertilizer distribution, and to a limited extent importation, has been established. Private sector activity during this cropping season will be a critical test of this initiative and government intentions.

Steps to restructure the trade and handling of basic grains continue, along with the creation and strengthening of safety net mechanisms to protect the large numbers of vulnerable urban and rural poor. Proposals to expand and improve these measures are under discussion in connection with an amendment of the Title III program and the preparation of a longer-term strategy for improved food security.

The two-year-old AIDS Control and Prevention project (AIDSCAP), which will be incorporated into the new health activity, has performed well and the availability of protective measures and awareness about AIDS and sexually transmitted diseases has expanded.

A number of steps have been made towards building the institutions necessary for democratization and good governance. A national election for members of the Constituent Assembly was conducted in June, receiving good assessments from observers on its organization and management, but with more critical reviews on the low level of opposition participation. USAID support to the process of drafting a constitution and reform of the judiciary has also been welcomed by the TGE. We have decided to extend our Support for Democracy and Governance project and refocus it to respond to the greatest areas of emerging need and opportunity - promoting the rule of law, strengthening the emergence of civil society and providing support to regionalization efforts.

THE 1994 FOOD SHORTAGE

The worsening food situation is not unexpected. The past several decades have left Ethiopia's poor and food-vulnerable groups with little margin between adequate subsistence and deprivation. This year's poor rains, after two years of unusually good weather and record crops, have put large segments of the population at risk, and pushed the relief system to its limits.

The approach of the TGE to the food shortage is in sharp contrast to the Mengistu government, which consistently distorted or concealed information about the extent of food shortages. The government has been open and active in its relief efforts, and has used well-publicized trips by senior officials and considerable media attention to mobilize public awareness and improve responses to the situation. The food shortage is being treated as a national crisis to be dealt with, rather than as a failure that is to be hidden or blamed on outside causes.

USAID and the Transitional Government's ability to sustain progress on development efforts while responding promptly to the humanitarian crisis is being strongly tested. Thus far USAID has been able to continue development of key programs in its strategy at the same time that humanitarian and food assistance has been expanded and food deliveries accelerated. If the need for emergency assistance increases, our attention will need to be diverted to the humanitarian program, and the international community and TGE may be faced with a disaster that may not be manageable.

The stress on medium- and longer-term crisis prevention in the Horn of Africa Initiative is a welcome and necessary adjunct to strong national disaster response and mitigation efforts. The longer-term dimension and regional scope of the Initiative offers a more appropriate context to deal with the truly regional aspects of transport and logistics problems and to encourage inter-country ventures to improve overall regional food security.

USAID'S ROLE IN SUPPORTING DEMOCRACY AND GOOD GOVERNANCE

USAID strongly believes that Ethiopia's prospects for stability, economic recovery and sustainable development depend on the progressive liberalization of the political system. For this reason, democratization is a mission objective. We believe that the opportunity exists to have a constructive impact and dialogue in this critical area.

At the same time USAID remains aware of the starting point of Ethiopia's transition. The obstacles to overcome are substantial. Resource constraints, both human and material, and a historical legacy of centralized and authoritarian rule and intense civil conflict pose significant impediments to a rapid and smooth transition to democratic governance. Historically, throughout the world, democratization has been a long-term process. Ethiopia will be no exception but this is no excuse for complacency.

We share your concerns on the mixed progress in the area of human rights. Most notably we are disturbed by reports of harassment of the media, lengthy detentions without charge, and the lack of participation by the opposition. The TGE's ability to address these concerns is a key component in determining our development assistance levels. In our recent budget allocation review, we have decided to hold Ethiopia's development assistance levels steady until we have a clearer picture on how Ethiopia is progressing towards democracy.

We do feel, however, that the most effective way to address these concerns is to be actively engaged, both with the current government, the NGO community and other organizations supportive of democracy. Taking a longer-term perspective, USAID is interested in the development of democratic institutions and practices, the strengthening of the rule of law and protections for basic human rights, and in the development of a vibrant and engaged civil society capable of playing an active role in governance.

To support the transition to democracy, USAID has authorized a six year, \$11.5 million "Support for Democracy and Governance Project." This project was targeted to support:

- (1) the establishment of a viable electoral administration system;
- (2) the drafting of a new constitution;
- (3) judicial reform for the protection of human rights and the institutionalization of the rule of law;
- (4) the promotion of an independent and responsible media; and
- (5) the development of increased capacity for regional self-government.

A major cross-cutting theme has been the strengthening of civil society by building effective civic associations. We have attempted to use indigenous NGOs whenever possible, not just in the areas of democracy/governance but in the social sectors as well, in order to build up Ethiopian's capacity to bring about political, social and economic change themselves. In addition, coordination with other donors is facilitated by the existence of several ongoing working groups of which the United States is recognized as a leader.

In two years since its inception, the project has been active in the electoral, Constitution, and judicial/human rights areas, working, where possible, through or in collaboration with indigenous and international NGOs. Experience in the area of D/G assistance, briefly discussed below, has varied considerably between areas, but suggests the utility of continued effort.

Election Support

Following the failure of the 1992 elections, and based on the USAID-funded analysis of that experience by the National Democratic Institute (NDI), USAID has focused on promoting civic education, improvements of the legal and political frameworks governing elections, the strengthening of technical capacity to administer elections, and the development of indigenous NGO monitoring capacity. USAID acted with other donors to strongly encourage the TGE to replace the National Electoral Commission (NEC). This has taken place and an independent National Election Board (NEBE) was established. The project is currently working in the electoral area with three U.S. and two local NGOs. Efforts are concentrated on stimulating increased public awareness via civic education and providing technical assistance to increase the technical and administrative capacity of NEBE. NEBE's administration of the June 5 Constituent Assembly election suggests that considerable technical progress has been made since the 1992 elections.

USAID continues to be concerned with the non-participation of significant elements of the organized political opposition and continues to urge the TGE to encourage the re-engagement of the opposition within the political process. USAID also continues to engage the opposition urging them to not dwell on the past and instead to look towards the future.

Constitutional Development

USAID has been involved since early 1993 in assisting the Commission charged with the drafting of the new Ethiopian constitution. Working in conjunction with the Carter Center and an indigenous NGO, the InterAfrica Group, the project has provided a wide range of expertise on questions critical to the drafting process (i.e., constitutional law, comparative federal

systems, international and comparative human rights law) and sought to promote wide public discussion of constitutional issues. A successful symposium on the constitution was organized in May 1993; the Inter-Africa Group has translated and distributed issues papers and the draft in a variety of local languages as well as organized a variety of public discussions on the draft document and major issues being debated in the process of drafting.

Judicial and Human Rights

The major activity under this project element has been the provision of technical assistance via the Carter Center to the Office of the Special Prosecutor (SPO), charged with documenting and prosecuting crimes committed by officials of the former regime. This is a massive and complex undertaking and one which may constitute the most extensive human rights trials since Nuremberg. It was felt that the manner in which past violations of human rights were addressed would have a significant impact on the institutionalization of the rule of law in Ethiopia.

Support has included the provision of legal and organizational expertise to the SPO and the services of a team of forensic experts who have carried out exhumations and analyses of several mass graves dating from the Dergue era. USAID continues to monitor closely the SPO's activities and remain concerned to see the SPO move expeditiously to charge or release those who remain in detention on suspicion of past abuses. At the same time, USAID and observers from the international human rights community feel that the careful preparation of cases and conformity with international standards are also essential. The balance between quick action and conformity with international standards is not an easy one to weigh. The difficulty of this is even more evident when one realizes that the process began literally in a room stuffed with papers and no structure, nor staff to handle the process. USAID assistance has been aimed at enhancing the capacity of the SPO to meet these demands.

Many of the criticisms directed at the TGE concerning detainees stem from a lack of resources - both physical and human. Our project will address the judicial training needs of central and regional courts and explore the possibility of providing assistance to the newly constituted Office of the Public Defender. This effort will likely involve local NGOs, the Law School of Addis Ababa University, a recently created Institute of Law and Economics, and the Central and Regional courts. A variety of grants made under the Democracy and Human Rights Fund (116e), and several USIS programs have also addressed the changing needs of the legal system.

Media

A variety of significant and fundamental changes in the media environment have occurred since the project was designed. On the basis of a new Press Law issued in October 1992 a wide range of private publications started. It is estimated that 3-5 new press organs start each week. Many of them have been and continue to be highly vocal in their criticism of the TGE and its policies.

Relations between the TGE and emerging private publications have been strained. Reacting to what it has interpreted as seditious and misleading reporting, the TGE has periodically arrested and tried journalists, mainly from the private side but also including several government journalists. Although the government claims to be only enforcing the law, the arrests are widely viewed as harassment of political opposition and the private press. Many new publications fail and disappear quickly, in part because they lack the financial base, publishing experience and readership required to establish themselves in a competitive market. Others allegedly fail due to official pressures. In addition there are presently three separate press associations. Few journalists have any formal training; many of those who did received it in Eastern Europe. Further, there is no code of journalistic ethics nor a system of peer review to judge journalistic performance outside the criminal justice system.

This environment has had a clear impact on project implementation and consequently the media work actually undertaken has been more limited in scale and differs substantially in content from that foreseen in 1992. The project has contributed to the financing and organization of several successful training workshops for journalists in conjunction with other donors. It has also commissioned surveys of media firms and readership and an analysis of the legal environment.

Regionalization

Donor activity in this area has been limited by the fact that the structures and functions of regional and municipal governments remain in a state of flux and have not yet been clearly analyzed. USAID has felt that insufficient data existed on the character and progress of the regionalization exercise to allow effective programming. Indeed, the only donor providing assistance for the TGE's decentralization reform is the UNDP, which has been primarily involved in a long-term needs assessment and training. Certain aspects of the regionalization component have begun to be addressed via other project elements and will be addressed in each of our new project designs in health, basic education and agriculture. For example, a judicial training program for justices of the regional courts is presently in the planning stage.

The TGE's regionalization program reflects a desire to make government more responsive to the needs and desires of local populations and to local conditions. USAID is supportive of that approach and is supporting this process.

Civic Organizations/NGOs

It has become apparent to us that the strengthening of nongovernmental organizations, which have political or social avocations, can have a significant long-term impact on the development of Ethiopia. The emergence of a strong and vibrant civil society constitutes one critical element of successful transitions. Elsewhere in Africa the liberalization of the political environment engendered a flowering of NGOs and civic action and interest groups. The flowering in Ethiopia has been modest, with the establishment of approximately a dozen NGO players in the democratic transition. To a limited extent they have begun to define an agenda in civic and human rights education, election monitoring and policy analysis. However, their efforts are hampered by a lack of capacity.

To help build that capacity, civic associations and certain non-governmental organizations (human rights associations, civic action-oriented NGOs) have been used as implementing agents where possible. In addition, three 116(e) grants are being implemented with local NGOs, and one local NGO grant action is in process. The project is currently supporting several local NGOs. For example, under the elections component, NDI has focused on civic education, and in carrying out its activities has developed a strong partnership with a local NGO, A-BU-GI-DA (The Ethiopian Congress for Democracy). A-BU-GI-DA was established in June 1991 to promote grassroots education in democratic governance and human rights, and is not affiliated with any political party. Its programs typically center on civic education, human rights and humanitarian law education, democratic leadership, policy training, and development. Relatively small inputs of NDI staff time and project resources have had a marked effect on A-BU-GI-DA's effectiveness as a partner. Additional efforts in strengthening indigenous organizations like A-BU-GI-DA will continue.

CLOSING

In closing, Mr. Chairman, we share your concern for the democratization process, which is a critical and challenging prerequisite for the development of Ethiopia. There is clearly room for progress in the areas of greater participation of the opposition, swiftly bringing to trial or releasing detainees and taking needed measures to help reduce growing ethnic tensions. After 17 years of civil war, Ethiopia has a chance at a lasting peace but only if it is able to overcome the legacy of authoritarian rule, allow for full and fair participation of all

ethnic groups in the political process, and allow its citizens to work out their differences peaceably. Rwanda is a tragic example of what can happen if these issues are not addressed. Let me assure you that USAID will use its resources to further this process along. Despite our concerns with certain aspects of the democratization process in Ethiopia, we think that there has been sufficient progress and there exists sufficient commitment for the U.S. to remain engaged and continue to encourage political and economic reform for a stable, democratic and peaceful Ethiopia can act as an anchor for stability in the Horn of Africa.



Congress of the United States
 House of Representatives
 Washington, DC 20515-0923

STATEMENT OF CONGRESSMAN ALCEE L. HASTINGS
 SUBCOMMITTEE ON AFRICA
 "ETHIOPIA: THE CHALLENGES AHEAD"
 WEDNESDAY, JULY 27, 1994

THANK YOU MR. CHAIRMAN FOR ORGANIZING THIS HEARING ON AN ISSUE THAT IS OF UTMOST IMPORTANCE TO THE GREAT HORN OF AFRICA AND THE CHALLENGES THAT LIE AHEAD. TODAY AS WE ASSEMBLE HERE TO EVALUATE THE CURRENT SITUATION IN THE COUNTRY OF ETHIOPIA, I AM ENCOURAGED BY THE FACT THAT THERE ARE SO MANY INDIVIDUALS WHO ARE CONCERNED ABOUT THE STABILIZATION OF THIS GREAT NATION.

AS DEVELOPMENTS IN ETHIOPIA CONTINUE TO UNFOLD, I BELIEVE THAT IT IS INCUMBENT UPON US, AS LEADERS IN THE WORLD COMMUNITY, TO CALL ATTENTION TO THIS OFTENTIMES OVERLOOKED COUNTRY. ALTHOUGH THE NEW GOVERNMENT HAS SPED UP THE PROCESS OF ECONOMIC REFORM AND THE GROSS DOMESTIC PRODUCT OF THE COUNTRY HAS GROWN SUBSTANTIALLY, WE MUST FOCUS ON OTHER AREAS - TO HELP CREATE A BETTER ETHIOPIA.

MR. CHAIRMAN, NOW THAT THEY HAVE FINISHED THIS FIGHT, THERE ARE STILL MORE VICTORIES TO BE WON. TODAY, THE CITIZENS OF ETHIOPIA ARE NOW ENGAGED IN A NEW BATTLE: ONE THAT TEARS AT THE VERY HEART AND SOUL OF THE PEOPLE WHO ARE STRUGGLING TO MAKE DEMOCRACY SUCCEED. NO LONGER MUST THEY WORRY ABOUT OBTAINING DEMOCRACY, BUT NOW THEY ARE FACED WITH THE AWESOME RESPONSIBILITY OF MAINTAINING THE DEMOCRACY THAT THEY HAVE RECEIVED. ONE OF THE PRIMARY OBJECTIVES THAT THE GOVERNMENT OF ETHIOPIA HAS UNDERTAKEN TO ACHIEVE THIS GOAL IS THE DEMOBILIZATION OF THEIR MASSIVE MILITARY MACHINE. THEY ARE ON THEIR WAY TO ACHIEVING THIS GOAL BY SUBSTANTIALLY DECREASING THE MILITARY'S BUDGET. WE RECOGNIZE THE FACT

THAT THESE ARE INDEED VERY LAUDABLE EFFORTS, BUT THE WAR TO REVITALIZE ETHIOPIA IS STILL FAR FROM OVER.

NOT ONLY DOES ETHIOPIA HAVE TO DEAL WITH SUCH RESPONSIBILITIES AS MILITARY DEMOBILIZATION, BUT THEY MUST ALSO CONTEND WITH THE FACT THAT MOTHER NATURE HAS AFFLICTED THEM WITH A DEVASTATING DROUGHT AS WELL. SOME 7.5 MILLION INDIVIDUALS MUST NOW RELY UPON RELIEF AID FROM VARIOUS HUMANITARIAN ORGANIZATIONS SIMPLY TO STAY ALIVE.

MR. CHAIRMAN, WE MUST NOT LET THIS HAPPEN! I IMPORE YOU AND THE MEMBERS OF THIS COMMITTEE TO THOROUGHLY EXAMINE THE SITUATION IN ETHIOPIA, SO THAT TOGETHER, WE CAN HELP TO FACILITATE A POSITIVE, PRODUCTIVE CHANGE.

THANK YOU.

Herman J. Cohen
Statement Before the Sub-Committee on Africa
House Committee on Foreign Affairs
July 27, 1994

The Situation In Ethiopia

Mr. Chairman, thank you for inviting me to exchange views with the Sub-Committee on the situation in Ethiopia.

First, I want to say that the views I will express are my own, and are not necessarily those of the Global Coalition for Africa. The GCA is a north-south policy forum that concentrates on development issues. However, I should point out that the governing board of the GCA invited Ethiopian President Meles Zenawi to participate in its annual Advisory Committee meeting this past June. Such invitations are extended only to African heads of state considered to be "democratic".

Mr. Chairman, as you know, I presided over the London Conference of May, 1991 which has since become a historic event in Ethiopian politics. What struck me about that period, was the short time it took after the defeat of the hated Mengistu regime for Ethiopian politics to become polarized. Looking back three years, I have the feeling that EPRDF forces were in Addis Ababa only about 24 hours before concerted efforts were started to delegitimize the provisional government. I remember receiving letters from members of Congress representing significant Ethiopian-American populations expressing fears for the safety of their constituencies if they went back to Ethiopia. They suggested that we seek to relocate the national reconciliation conference of July 1, 1991 to a venue outside of Ethiopia, and that I be the chairperson. And ever since then, for the past three years, I have found the absence of real political dialogue in Ethiopia to be a strong disappointment.

The Government consistently accuses the opposition, especially those outside of Ethiopia, of planning to use violence to destabilize the transition to a democratic system. The opposition accuses the transitional government of insincerity about its declared objective of bringing democracy to Ethiopia. I feel that very little dialogue has taken place among political leaders about the future of Ethiopia, its laws, its institutions and its economic orientation. I do not feel that the Government is doing enough to reach out to opposition groups, especially the intellectuals inside Ethiopia. EPRDF leaders tell me that they are concentrating on the peasantry which is understandable since the vast majority of Ethiopians are in that category. Nevertheless, I feel that intellectuals, merchants and other city dwellers have an important contribution to make at this crucial moment in Ethiopian history. I have the feeling that the EPRDF leaders continue to be influenced by the strong anti-bourgeoisie sentiments they developed while they were fighting in the bush.

When I read opposition literature, I get the feeling they are fixated on convincing the international community that the Transitional Government of Ethiopia is no better than the regime that preceded it. I see very little debate about the political and economic policies of the TGE. I was happy when Ethiopian political groups in exile sought to engage the Ethiopian Government in dialogue through President Jimmy Carter. The failure of that effort was particularly disappointing, but in retrospect not surprising. The next step that did not take place was supposed to be a formal negotiation between the government and the exile groups. That would have given the exile groups a status of quasi-equality with

the government and placed them at a higher level than other political groups working inside Ethiopia. The EPRDF, after all, did win the war over the DERGUE, and did restore law and order to most areas in a relatively disciplined manner. They deserve a degree of appreciation and respect for winning that struggle which I have not yet seen coming from opposition groups.

I am wondering if it isn't time for Ethiopians to re-think the purpose of transition and to consider how they can build a meaningful dialogue among Ethiopians without resorting to outsiders for assistance and support for particular political objectives. I would like to see the EPRDF send a message to the opposition that says, "sure, we did most of the fighting and dying in the struggle against the DERGUE, but those who lived in Ethiopia during that period, and those that lived in exile also had to pay a high price. Let's get together and work to build a new Ethiopia." The opposition response should be something like "the entire Ethiopian nation honors you for persisting in your armed struggle against the DERGUE. We want to join you in building a new Ethiopia on the basis of equality for all Ethiopians regardless of their region, ethnic group, or political orientation."

There are two issues which should deserve ventilation at this point: the renunciation of violence and the prosecution of "war criminals." The renunciation of violence is particularly relevant for politically active Ethiopians living in exile. The TGE claims that some groups and individuals have preached violence against the government in their speeches, interviews and writings. They want these individuals to renounce violence before they can be allowed to return to Ethiopia. There is a big difference between preaching violence and actually engaging in it. While Ethiopia in the immediate aftermath of the DERGUE is not the same as the United States, I feel the Government should be magnanimous and drop the requirement of renunciation of violence and just invite all Ethiopians to come home. Let no one feel humiliated in the act of returning to his own country.

With respect to the issue of prosecution of "war criminals", I have just returned from a week in South Africa where I was very favorably impressed by the process of national reconciliation that is now underway. South Africa has enacted a general amnesty for criminal acts committed for political reasons before a specific cut-off date. The Ethiopian leadership tells me that there cannot be amnesty for criminal acts committed by the DERGUE and its agents, as well as by those who were leaders of the "red terror" in 1974-1975. I have asked myself the question, "If South Africa can do it, why not Ethiopia?" I ask everyone's forgiveness for trying to compare two horrible regimes, the DERGUE and apartheid. But I have reached the conclusion that the DERGUE was in a category for which amnesty cannot be justified. Political murders were committed in far greater numbers in Ethiopia than in South Africa, and the motivation was often pure terrorism, or the settling of personal scores or punishment for perceived opposition. An analogy between the DERGUE and the Stalinist period in the Soviet Union would be perfectly appropriate. I agree, therefore, with the TGE's refusal to grant amnesty, but I must emphasize the need to be guided by the most precise and narrow definition of "war criminal" so as to make sure that innocent functionaries of the DERGUE do not get caught up in that net. The fact that American Bar Association experts are working with the Ministry of Justice to establish a procedure for prosecution is a good sign in this respect. Again, I want to emphasize that there can be nothing positive said about the horrible apartheid system, but one can understand the relevance of amnesty in the case of South Africa.

Now, I would like to turn to a brief discussion of Ethiopian Government policies which is what dialogue is all about.

First, there is the policy of decentralization of government. When it comes to large countries with a high degree of ethnic diversity, especially in Africa, I believe decentralization of power to provincial, regional and district levels is indispensable to democracy and stability. The super-centralization of the African one-party state was highly alienating to populations in provincial areas, causing most people to

feel they had no stake in the system. They found it increasingly hard to identify with the government as the euphoria of the independence movements began to fade. I have a positive feeling therefore, about the decentralized system foreseen by the draft Ethiopian constitution. The devolution of power to the regions is, in my view, the only way to keep Ethiopia united. If Emperor Haile Sellasie had not abrogated the autonomous status of Eritrea in 1962, I believe Eritrea would not have fought a war of secession for 29 years.

Among Ethiopians whose opinions I respect, I hear strong misgivings about the identification of Ethiopian decentralized regions with specific ethnic populations. Let me say right here that I do not agree with those who say that ethnicity should be suppressed. On the contrary, I believe that ethnicity is a strong force that deserves recognition, is a source of pride and dignity, and should be channelled in positive directions. The problem in Ethiopia is not the empowerment of ethnic populations. It is, on the contrary, the potential for abuse by majority regional populations against minorities in their midst.

I have heard disturbing reports about the Oromo region, for example. According to those reports, some Oromo political interests want to enact legislation prohibiting regional government employment for non-Oromos, including those living in the area for many generations. I gather there is also a tendency to outlaw languages spoken by regional minorities which makes it difficult for those minorities to take appropriate advantage of the court system to settle disputes. Human rights abuses committed by regional governments are no less abusive than those committed by central governments. As we recall from the 1960s in the United States, the fight for racial justice was waged against abuses committed in the name of "states rights." My advice to American policy-makers is to encourage the TGE and the Constituent Assembly to build safeguards into the constitution and to enact appropriate legislation to protect minorities from potential abuses from all governmental levels.

The second area of concern is the makeup of the security forces. The Ethiopian army continues to be dominated by the same EPRDF fighting troops who marched into Addis Ababa during the last week of May, 1991. Although the peace-time conduct of these troops has been exemplary, it is not healthy for the military to represent only one region of Ethiopia. I spoke to President Meles about this at the GCA conference in June. He told me that he agrees with this point of view, and that the diversification of the army will start very soon. He said that the "EPRDF boys" are anxious to return home after so many years of active duty, and that a highly representative group would be brought into the military as the veterans depart. On this subject, my advice to policy-makers is to see how assistance resources can be utilized to make this transition take place smoothly.

Third, I believe that the TGE's economic policy is currently on the right track. Some economic reform actually started in the last 18 months of the Mengistu regime, and the TGE has really taken to structural adjustment with gusto. The World Bank and the other donors are rewarding these policies with considerable assistance levels. All government-owned enterprises have independent boards of directors who have been informed that all government subsidies have been eliminated. These companies now have to sink or swim. Most of them are profitable. Investment, both foreign and domestic, is encouraged. The rule of law has returned. The court system is self-administered and independent. Ordinary people can now have their disputes adjudicated in their own languages which was not always the case before. The peasantry is getting the major share of the benefits of devaluations. In addition, I am very pleased with the joint decision of the Ethiopian and Eritrean Governments to establish an economic union with a common external tariff structure. I hope this paves the way for a larger economic union encompassing a greater East Africa.

My major concern with respect to economic policy is the issue of land tenure. The right to own, sell and buy land is still not granted to the Ethiopian citizenry. A farmer is assured that he will be able

to keep his land for life, and that he will be able to pass it on to his children. But he cannot sell it. I have asked members of the Ethiopian Government how such a system can provide incentives to farmers to invest in upgrading their land. If they cannot sell their land, how can they hope to recuperate their investments? I was told that a farmer who wants to quit farming can always lease his land at a rental commensurate with the improvements he has made. The memory of absentee feudal landlords oppressing the peasants into grinding poverty apparently persists, thereby making it politically necessary to prevent the buying up of land. I hope the theory of leasing to recuperate investments works, but I have my doubts. We shall see. I would hope that the international financial institutions and donor agencies will track the results of this policy carefully so as to develop an objective view.

To return to the issue of political dialogue, Mr. Chairman, I sometimes say that the dialogue of the deaf that exists among Ethiopian intellectuals is irrelevant. What really counts is what goes on within the 90% of the population that lives in the rural areas. In that respect, I am told that President Meles spends a lot of time among the peasantry ascertaining their views. If that is true, and I believe it is, then I am relatively optimistic about the future of Ethiopia.

To all those who oppose the current government, both inside and outside of Ethiopia, I say that the time has never been more ripe for the beginning of a constructive dialogue. Boycotts and organizing for violence are not what Ethiopia needs right now. I ask them to give dialogue a chance. If it turns out that the Government is not sincere about wanting to dialogue, then the whole world will know it, and will act upon that knowledge. The Government needs to be tested. The friends of Ethiopia need to see the Government being tested. I urge them to accept the challenge.

Thank you, Mr. Chairman for giving me time to express my views.

HUMAN RIGHTS WATCH/**AFRICA**

Formerly Africa Watch

Human Rights in Ethiopia

Testimony of Abdullahi An-Na'im, Human Rights Watch/Africa

before the Subcommittee on Africa of the House of
Representatives Committee on Foreign Affairs
Wednesday, July 27, 1994

Thank you, Chairman Johnston, for holding this important hearing on Ethiopia, and for inviting me to testify. My name is Abdullahi An-Na'im and I am the executive director of Human Rights Watch/Africa (HRW/Africa), formerly known as Africa Watch, a division of Human Rights Watch.

Human Rights Watch is the largest US based non-governmental organization concerned with monitoring and advocacy on human rights issues throughout the world. In addition to its five regional divisions (Africa, Americas, Asia, Helsinki and Middle East), HRW fulfills its mandate through four thematic projects on the rights of women, children, prisons and arms.

My testimony is based on HRW/Africa's research over the years, and a recent five-weeks mission by two of our research staff. The following testimony also draws on information obtained by Mr. Paul Hoffman, a consultant for HRW/Africa, and his three assistants, during a two-weeks visit to Ethiopia focusing on accountability for previous human rights violations.

Introduction: The Need for Preventive Action

In May 1994, Ethiopia celebrated its third year of peace under the Transitional Government (TGE), after three decades of war and famine. But the country is clearly at a crossroads with a real risk of slipping back into conditions of civil war and famine unless decisive action is taken to end mounting political polarization and restore the confidence of all major segments of the population in the present government and its commitment to genuine democratization and protection of human rights.

HRW/Africa is therefore calling for decisive action by the TGE, and for constructive response by the opposition parties, to avert another catastrophe. If it is to retain the confidence and cooperation of the international community in its efforts to achieve political stability and economic development, the TGE must demonstrate greater willingness to honor its commitments to genuine democratization and protection of the fundamental human rights of all its citizens. While the initiative for reconciliation and broad political participation should come from the government, opposition parties and groups must also show willingness to cooperate in a national project of reconstruction and rehabilitation.

Ethiopia is an old empire historically ruled chiefly by the Amhara nation, which imposed its language, monophysite Orthodox Christianity, and the highland "Abyssinian" culture over kingdoms, sultanates, principalities and other communal entities that it conquered and annexed since the time of King Youkuno Amlak in the 13th century. In reality, Ethiopia is a multi-ethnic and multi-cultural state, with about 82 different ethnic groups with many languages and dialects, class divisions, and four major religions. The two dominant groups have historically been the Amharas and Tigreans, but the Orimiya nation of the Oromo people is the largest in the country, both in area and population.

Given their recent history of devastating civil war and famine, all Ethiopians clearly appreciate the benefits of peace and respite from large scale abuses of human rights that occurred under the previous Mengistu regime, including forced conscription, imprisonment, torture, maiming, disappearances, killing and the disruption caused by exile, displacement, and separation. But they also want to see peace translated into concrete action to implement the reforms that would bring about a democratic system of government for the first time in the country's history, as promised by the Ethiopian People's Revolutionary Democratic Front (EPRDF) when it assumed power in May 1991.

The EPRDF, generally believed to be a creation of the victorious Tigrean People's Liberation Front (TPLF), consists of four organizations: the Amhara National Democratic Movement (APDM), the Oromo Peoples Democratic Organization (OPDO), the Ethiopian Democratic Officers Revolutionary Movement (EDORM) and the TPLF itself. The Oromo Liberation Front (OLF), a founding and initially influential member of the Transitional Government of Ethiopia (TGE), withdrew from the government in 1992, charging that the regional governments elections of that year were fraudulent. Most of the leaders of OLF went into exile, leaving some 20,000 of its former troops and civilian members behind in prisons, and the EPRDF in complete control of the TGE.

In 1991, the TGE adopted a Transitional Charter to govern a transitional period of 30 months (expired in January 1994) which guaranteed freedom of expression and association, a free press, multi-party democracy and respect for human rights and the rule of law. The TGE also established an independent National Constitutional Commission to draft a constitution, and a National Electoral Board to conduct elections. The draft constitution was debated publicly, and general elections for the 547-strong constituent assembly to enact the

final draft were held in early June. Results were announced by early July 1994, declaring the EPRDF and its allies winner of more than 90% of the seats in the constituent assembly.

Several major opposition parties and groups did not participate in the 1994 elections.¹ Thirty nine political organizations were declared by Voice of Ethiopia to have participated in the June 1994 elections. It would thus seem clear from the results of the elections that the EPRDF has managed to exclude from the electoral process those parties which carry real political weight, and sought to camouflage that by involving minor parties which appear to have very little or no political support. Another round of general elections under the new constitution is expected to take place by early 1995.²

The TGE also established a Special Prosecutor's Office (SPO) to prosecute more than 1000 ex-officials of the Mengistu and members of its defunct party (the Workers Party of Ethiopia - WPE), suspected to be responsible for mass murder, war crimes and crimes against humanity. This process is an extremely important part of the process of democratization and national reconciliation but, as explained below, HRW/Africa has serious concerns about the unacceptable delay in charging and trying the SPO detainees. This delay threatens the integrity of the entire process.

Despite attempts at democratic reform, there is a climate of instability and suspicion. Some of the reforms introduced by the government, such as ethnic federalism -- including the right to secession for any "nationality" which wishes to do so (Article 39 in the draft constitution), proclamation (No. 80/1993) on urban land, together with controversy over secularization of governments at federal and regional levels, are apparently perceived as sources of tension and conflict.

Opposition parties allege that the TGE, which they see as a transitional administration consisting of a conglomeration of a few organizations which extended its 30-months initial mandate, has acted in an autocratic manner which is no different from that of the previous

¹ The five political organizations which were expelled or walked out earlier from the Council of Representatives and did not participate in June 1994 elections for political reasons are: the GLF, Member Organization of Southern Ethiopian Peoples Democratic Coalition, Ethiopian Democratic Union, Agew Peoples Democratic Union, and Ethiopian Democratic Action Group.

Another organization, the Council of Alternative Forces for Peace and Democracy in Ethiopia (perhaps the strongest opposition organization operating inside the country), also boycotted the June 1994 elections.

A new organization, the Ethiopian National Democratic Party, an amalgamation of five organizations from within the Council of Representatives, did not participate in the June elections for technical rather than political reasons.

² Given the delay in holding the June elections for the constituent assembly in Somali Region 5 until the middle of July, the next round of elections will probably take place around March 1995, rather than earlier in the year, because of the expected delay in adopting the new constitution under which elections are supposed to be held.

regimes. According to this view, the TGE has neither the constitutional right nor popular mandate to undertake fundamental long-term policies which affect all parts of the country and its population. Particular objections is raised to the policy of ethnic federalism, which is seen by some Ethiopians as an attempt by the EPRDF to justify conceding the independence of Eritrea without the intention of applying it equally to other parts of the country.

Moreover, charging the TGE with harassing its members and seriously obstructing their right to organize and campaign, the OLF, All Amhara People's Organization (AAPO), the Ethiopian Democratic Union Party (EDUP) and other opposition parties boycotted the June 1994 general elections.

The Ethiopian Army and security forces are both staffed chiefly by TPLF personnel. This is resented by many Ethiopians as a means of control by the Tigreans from the North. Most of the TPLF troops are of peasant background, young and with little or no education, who do not speak the language of the people they serve in the regions. The TGE claims to be aware of the disparity and states that it intends to solve it in accordance with the principle (now embodied in Article 87 of the draft constitution) of creating a professional and impartial army that includes all of the nationalities in Ethiopia. Any delay in implementing this important principle compounds the risks of conflict and confrontation, as in the case of Ogaden discussed below.

Moreover, the presence of soldiers moving about in civilian communities is one of the factors fueling a sense of insecurity. The EPRDF, primarily TPLF, "national army" is not restricted to the border areas or areas presenting high security risks as contemplated in the TGE's own Proclamation on Deployment of the State Defence Army. These soldiers are in most cases fully armed, often without any form of identification or full military uniform. Though the EPRDF soldiers are generally reported to be more responsible than soldiers during the Derg regime, reliable accounts of intimidation, harassment, and other forms of abuse nevertheless abound. The fact that a good number of the soldiers do not speak the language of the community where they dwell has led to increased tension, fear, abuse and misunderstanding.

In the interest of a free, fair and smooth transition to democracy, the government must consider the adoption of regulations to govern the powers and conduct of its military. The government should also consider as a matter of urgency, the restriction of EPRDF soldiers to designated camps and limitation of their movement in civilian areas, except in such cases where they are performing absolutely vital state functions.

The TGE cannot resolve all of these problems by itself, and should be able to draw on the cooperation of other significant political forces inside Ethiopia, and on the support of the international community, as appropriate. Nevertheless, the TGE must exercise leadership and demonstrate good faith and commitment to genuine democratization and protection of human rights before it can expect the level of cooperation and support it needs. Local opposition parties and groups should also show commitment to a national project, rather than

maintaining a passive or hostile posture. The international community should pressure both sides to cooperate in the processes of reconstruction and rehabilitation.

Current Human Rights Conditions

In addition to such positive changes as the adoption of the Transitional Charter, and the establishment of the Constitutional Commission and the SPO, the TGE has also ratified major international human rights instruments and allowed for the emergence of more political parties and other associations than ever before in the history of Ethiopia. Similarly, about 192 licenses have been issued for independent newspapers, magazines and journals. These measures represent considerable improvement from human rights conditions during the Mengistu Regime. Yet, it is increasingly renegeing on its human rights commitments.

Members of the opposition parties suffer intimidation, harassment and other abuses particularly at the hands of local officials. In many areas political opponents do not have the chance to organize freely. The Peaceful Demonstration and Public Political meeting Proclamation No. 3/1991, which guarantees the right to peaceful demonstration and public political meeting, has been ignored or totally misinterpreted.

For example, although this proclamation does not require political parties to obtain permission for holding public meetings, but only to notify the administration, permission is required in practice. Furthermore, permission requested by opposition parties (that is, other than the EPRDF and its allies) has on a number of occasions been refused or delayed to such an extent that the applicant party had no time to organize effectively or to inform the public of their activities. Some opposition political parties have had their meetings totally surrounded by security personnel who could be seen in the streets advising people not to attend such meetings.

The harassment of political opponents extends to personal intimidation and harassment of party members and officials. In Addis Ababa, Mr. Abera Yemane Ab, of the Council of Ethiopian Democratic Forces (COEDF), was arrested in December 1993 when he arrived in the country for a peace conference and is still in prison. Though the charges against Mr. Abera have been dismissed by the court, he is now detained indefinitely under a fresh order by a lower court authorizing his continued detention. At least six members of the AAPO, including its Chairman Professor Asrat Woldeyes, are currently serving prison terms of 2 years each at the Addis Ababa Central Prison. At least one thousand members, and possibly as many as two thousand, of the Oromo Liberation Front (OLF), are still detained in Hurso, a military camp in eastern Ethiopia.

Outside Addis Ababa and a few other major cities, political activities are minimal and in some regions the local government officials do not abide by the guidelines given by the EPRDF. Supporters of opposition parties are often regarded as enemies of the government. In the Tigray region, members of the Ethiopian Democratic Union Party (EDUP) complain of intimidation and harassment.

Contrary to article 4(1) of Proclamation 6/1994 on state-owned mass media, equal access to the mass media has been denied, especially during the period leading to the general elections of June 1994. Out of over one hundred political parties existing in Ethiopia, only sixty-two were given air time by a decision of the Council of Representatives. Every other party was entitled only to "campaign time" (available only during the campaign period). Some parties were specifically denied air time because the Council believed that this privilege was being abused. The current practice is arbitrary and liable to be abused, thereby raising the risk or perception of unfair competition between political parties.

Fairness of the political process continues to be a cause for concern. It has become increasingly difficult to distinguish between EPRDF as a political party and EPRDF as the government in power. Opposition parties lack equal opportunities and facilities to compete effectively with the government in power. In some regions the government administrative building also houses an EPRDF party and security men in military uniform guard EPRDF party offices in some regions.

The government's ongoing clamp-down on the press has heightened the feeling of anxiety, fear and confusion in the country. According to the EFJA-Update (of the Ethiopian Free Press Journalists Association - EFJA), by the end of April 1994, the editors of Fendisha, Muday, Wakt and Dewel, as well as the publisher of Dewel, were still in detention. By the middle of July 1994, at least 58 journalists, including several editors, were either in detention without charges, sentenced to prison, fined or awaiting trial or were recently acquitted. Mesfin Shiferaw, the editor of Twaf, has been missing since February 18, 1994.

Several factors have contributed to the current problems of the press, including inadequate training and professional standards for journalists and the lack of a tradition of free press. But the provisions of the press law itself and the government's apparent disposition to secrecy are certainly major contributors to the problems facing freedom of the press in Ethiopia today. According to EFJA, the press law is "ambiguously worded, leaves the door wide open for those in power to harass and intimidate the editors, on vague charges like inciting social or ethnic unrest, de-stabilizing peace, encouraging dissension, disseminating false information."

HRW/Africa believes that there is good reason for this criticism. The press law is in fact being used to repress the fledgling press in the country. This campaign of harassment and intimidation, started by TGE in November 1993, has had a profound impact on the press. A number of private newspapers have shut down as a result.

Many prisoners of war are still being held in detention without charge or trial; many are members of the OLF who were arrested in 1992; others are former soldiers of the Mengistu regime who were arrested in 1990 during the war in Ethiopia. In 1992, some 19,000 OLF members were arrested and detained at Hurso and Didessa following clashes with government troops. In February 1993, the government released some 16,500, and

another approximately 3,000 have been released since then. Currently, between 100 and 500 OLF members are still in detention.

Though ethnic hostilities have decreased in intensity and frequency since the TGE government was formed in 1991, they nevertheless continue despite, and perhaps because of, the adoption of the policy of ethnic federalism. This is largely due to failure of the TGE to expressly provide for the protection of minorities and ethnic groups dwelling outside their home regions. Inflammatory remarks by the government and local officials including the allusion to some ethnic groups, especially the Amhara, as "the oppressors" continues to perpetuate ethnic tensions and hostilities in the country.

It is imperative that the government review its policies on land and language, which have contributed to loss of life and increased ethnic tensions in the country. The government must adopt specific policies to protect ethnic minorities, define the rights of ethnic groups in divided communities and provide protection for dispersed groups and persons living outside their ethnic base.

A key factor in establishing confidence is the right of human rights organizations to monitor. The TGE has generally been very open to the monitoring of human rights by foreign-based organizations. Human rights monitoring by indigenous human rights groups and private individuals is more difficult. Several human rights and development organizations now exist in the country, but they are required to obtain a permit which must be renewed annually. Some organizations have not been able to procure this license, and there are often extensive delays in granting the required permit.

Only one organization in Ethiopia is seriously involved in receiving complaints, documenting and publicizing human rights abuses. Unfortunately this organization -- the Ethiopian Human Rights Council -- is at odds with the government. The government has accused the organization of siding with the opposition, being ethnic oriented and failing to report accurately. The chairman of the organization, Prof. Mesfin Woldemariam, has sometimes been the target of verbal attacks by the government. In 1993 he was detained and has since been released on bail but has not been charged or taken to court yet.

Human Rights Conditions in the Somali Region (Ogaden)

What is now called Region 5 or Somali used to be known as Ogadeni District of Hararge Province. The region is inhabited by 13 clans (ethnic groups) in addition to the Ogadeni clan which is part of the Darot, a bigger clan within the State of Somalia.

Since Emperor Menelik killed the then-leader of Ogaden, Sayed Mohamed Abdella Hassen in 1886, the region has been at constant war with the governments in Addis Ababa. According to Mohamed Ayanle Farah, better known as "Bermuda," Representative for the Ogadeni National Liberation Front (ONLF), "neither the ONLF nor Ogadeni people want regional autonomy, but total liberation. Ours is a colonial question." Bermuda also told

HRW/Africa about the disappearance and killing of ONLF members, including high ranking regional government officials, by EPRDF security forces in the Somali Region.

Thus, many Ethiopians in the Somali Region 5 consider EPRDF troops as an occupation force, rather than a national security force, in Region 5: since the notion of ethnic federalism has included an option of secession for those who wish for it, ONLF and other groups in the region claim to exercise that right. The TGE, on the other hand, is resisting that claim on the ground that Ogadeni is only one of 13 clans in the Somali Region. Bloody battles are currently being fought since April 1994 between EPRDF soldiers and combatants of the Itihad, an Islamic revivalist army believed to be the military wing of the ONLF, and also supported by El Tadamoun, the propagation arm of the Ogadeni Struggle for Independence.

The ongoing struggle for secession in this Region continues to cause bloodshed and threatens future peace and stability in Ethiopia. It also provides a worrying picture of the problem which will face the country if the issue of secession is not settled. The 1991 Charter guarantees a right to secession of a people if they are "convinced that their rights are denied, abridged or abrogated". This notion is also included in the draft constitution, despite popular expression of the fear that it might lead to the disintegration of the country. Yet, as can be seen in the case of the Somali Region 5 noted below, it remains unclear how secession can be peacefully accomplished in Ethiopia under the new policy.

Accountability for Previous Human Rights Abuses

As noted earlier, there are now more than 1,000 former officials of the Mengistu regime and its defunct party (the Workers Party of Ethiopia - WPE), awaiting trial for mass murder, crimes of war and crimes against humanity. The Special Prosecutor's Office (SPO) was established to prosecute these cases. Most of the SPO detainees have been in detention for more than three years or more without charge.

HRW/Africa is very supportive of the aims of the SPO as an effort to implement the fundamental principle of accountability for human rights abuses. As such, that process is not only of utmost importance to Ethiopia, but also to the international community at large. Internationally-recognized guarantees of due process of law and fair trial are, of course, integral to the principle of accountability, and must be rigorously complied with. We are concerned, however, that the credibility of the whole process, both inside Ethiopia and with the international community at large, is now at serious risk.

Despite our concerted effort to monitor this process for some time now, including a special mission to Ethiopia in March 1994 and close follow-up since then, we are unable even to establish the exact number of detainees. Many more questions regarding the law to be applied in these cases, reasons for the unacceptable delay in formal filing of charges and scheduling of trials, and the prospects of full compliance with due process of law remain

unanswered by the SPO and TGE. We have expressed our serious concerns to the Special Prosecutor himself in two recent letters, dated April 12 and July 20, 1994.

In the meeting in Addis Ababa with representatives of HRW in March 1994, Mr. Girma Wakjira, the Special Prosecutor, indicated that charges against at least some of the SPO detainees would be brought in May or June. No charges have yet been filed, neither have any of the other issues and concern about this process been clarified to date.

For example, there is a draft, or perhaps more than one draft, Proclamation regarding the use of international law as the basis for charges against the SPO detainees. Although this draft, or an earlier version thereof, was circulated for comments inside and outside Ethiopia more than a year ago, and many specialists, including HRW, have responded, the current status of this Proclamation is still uncertain. It is not clear whether the Council of Representatives has already enacted or considered it, or if it will do so in the near future.

HRW believes that it is appropriate and desirable that some of the charges be based on international law. In particular, we believe that, where appropriate, defendants may be charged with war crimes and crimes against humanity. It may also be possible to charge defendants with violations of other accepted international human rights norms. If the international legal standards are used, they must include international standards regarding defenses and penalties. While these norms should not be applied retroactively, in many cases it appears that the allegations against the detainees constitute crimes under international standards in existence at the time of the events in question. The use of international standards would not only enhance the credibility of these proceedings to the international community, but also ensure fairness for the defendants.

Similarly, we are aware of a new draft Code of Criminal Procedure that has been circulating for several months, but have not been able to verify its current status, and whether it will be enacted in the near future, and apply to the upcoming trials of the SPO detainees. Whatever procedural law applies, as state party to the International Covenant on Civil and Political Rights, Ethiopia is obliged to respect and enforce all guarantees for fair trial provided for under Article 14 of the Covenant.

There are many issues that may arise in the context of the upcoming trials relating to the rights of the defendants. For example, though it appears that there may be enough defense counsel in Addis Ababa, it is possible that defense counsel will be stretched beyond existing capacity, especially if there are mass trials at the early stages.

The Ethiopian government and the international community must provide adequate defense resources for those charged with serious crimes in this process. The new Public Defenders office must receive adequate support, but it will also be essential to utilize the services of private defense lawyers. All defense counsel will need to have access to the information compiled by the SPO and enough time and resources to prepare an adequate

defense. This should include access to the computer data-base created by the SPO with the assistance of the international community.

We believe that trials in places other than Addis Ababa may raise additional due process concerns. Given the difficulties the court system has had organizing itself even in Addis Ababa, it is possible that the logistical and other difficulties surrounding trials outside Addis would raise serious fair trial concerns, including access to interpreters and other language-related problems in courts outside Addis.

Despite these concerns, we still believe that the SPO process should be strongly supported and encouraged by the U.S. government and the international community. Besides exploring ways of providing material and technical assistance, we call on the U.S. government to negotiate an extradition treaty with Ethiopia so that the two dozen or so former Ethiopian officials wanted by the SPO now living in the United States can be sent back to stand trial for war crimes or crimes against humanity. The U.S. government should also encourage Italy and other European countries to negotiate the return of former officials to stand trial in Ethiopia for similar crimes. All extraditions, of course, must be conditional upon securing sufficient guarantees that the accused persons will receive fair trial.

At the same time, the U.S. government and international community must send a strong message that their good will and support cannot be taken for granted. The process of trying the SPO detainees must begin as soon as the courts open in September 1994 (the courts are closed in July and August for the rainy season.) While fully understanding the difficulties and limitations facing the SPO and the TGE in this process, there is no justification for holding more than a thousand detainees indefinitely without trial. As very close observers of this process, we are aware of no reason why those SPO detainees in custody should not be charged as soon as the courts open in September, and tried as soon as their defense counsel have had adequate opportunity to prepare for trial.

U.S. Policy

The U.S. has moved from unequivocal support of the TGE to more cautious expressions of solidarity and support, but stops short of seriously criticizing the government on human rights. Generally, the U.S. government appears reluctant to stigmatize the government that it helped set up or to deal with the mounting complaints by opposition parties.

The U.S. government provides significant foreign assistance to Ethiopia, and should use that leverage to encourage human rights improvements. After South Africa, Ethiopia is the largest recipient of U.S. aid in sub-Saharan Africa. As of May 25, in FY 94 the U.S. has provided \$135.69 million in economic aid (\$37.31 million in the Development Fund for Africa; under PL480, \$55.80 under Title II and \$42.50 million under Title III), as well as \$100,000 in IMET and \$70,000 in small projects, including democracy and human rights programs. The U.S. has also supported the constitutional commission and the SPO.

The U.S. Embassy in Addis Ababa has not been a forceful proponent of human rights, and has refrained from criticizing the government for its human rights record. The U.S. Ambassador to Ethiopia, Marc Baas, noted in a May 1994 interview with The Ethiopian Herald, a government-owned English language daily, that the U.S. was concerned about the number of people detained without charge. He went on to applaud the government for some recent releases and said: "I believe a large part of the problem is simply that no infrastructure exists for the processing of persons suspected of crimes." When asked about the conduct of the private press, the Ambassador again answered so as to excuse the government's actions: "I remain concerned about the unintentional signal that the transitional government may be sending by arresting and prosecuting journalists."

Similar cautious approaches are used by the State Department. In February 1994, Assistant Secretary of State for African Affairs, Ambassador George Moose, gave an interview to The Ethiopian Herald in which he was asked about the state of human rights in Ethiopia. His only vaguely critical response was that: "[w]e recognize, however, that there are still improvements to be made. We intend to continue making our views known, as in the annual human rights report and in our ongoing discussions with Ethiopian authorities."

U.S. officials continue to give rhetorical support to the need for respect for human rights. In a press conference in December 1993, Ambassador Baas stated that "[s]upport for democratization, as I said earlier, is the keystone of U.S. policy toward Ethiopia, in addition to promotion and respect for human rights and the development of economic reform program."

Testimony Before the Committee on Foreign Affairs, Subcommittee on Africa
House of Representatives, 27 July 1994

by
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Mr. Chairman and members of the committee, I thank you for providing me with an opportunity to testify before you today, and I bring you greetings from Oklahoma State University (OSU), the American university with the longest continual relationship with Ethiopia, dating back to 1952, when OSU operating under one of the first Point Four programs, established Alemaya Agricultural University, Jimma Agricultural High School, the Agricultural Research Center at Debre Zeit, and the nation's first agricultural extension service. Since 1957 Ethiopian students have been enrolled at OSU, and the university continues to be involved in education in Ethiopia with faculty currently serving in the Department of Forestry at Alemaya.

With the transitional period set up under the Transition Period Charter in 1991 coming to an end with the adoption of a new constitution, it is an appropriate time to evaluate the democratization process carried on under the rule of the Transition Government of Ethiopia (TGE). To their credit, the TGE and its leaders have made a functioning polity from a devastated country and have made sufficient economic progress to attract bilateral and multilateral development aid from donor nations. Under the leadership of the Ethiopian People's Revolutionary Democratic Front (EPRDF), the TGE announced its commitment to such democratic ideas as multiparty elections, a pluralist society with a free press, respect for human rights, and the rule of law with equal status for all peoples of the nation. The TGE's initial progress was encouraging, and political, economic, and human rights situations began to improve shortly after the EPRDF came to power. The beginning assets of the TGE were eroded, however, by the accrued liabilities clustered around the government's later authoritarian actions that ran counter to democracy. I have provided your committee with a detailed analysis of the democratic deficits in the transitional process, but I would like to briefly describe the main problems that I have observed.

After a brief honeymoon period following the fall of the DERG, it became clear that the new EPRDF-directed government had no intention of sharing political power. From the

start, the distinction between the TGE and its dominant party, the EPRDF has been blurred. For party leaders, conducting domestic politics has not been an exercise in compromise and consensus building among fellow citizens. Instead, the EPRDF has used battlefield skills in leadership and discipline to divide and conquer political foes. Central to the plan of battle was the downplaying of nationalism and the fostering of social fragmentation by emphasizing ethnicity. Under the TGE, both government and civil society have been reorganized on the basis of ethnicity. The state is administered by newly drawn, decentralized, ethnically-based regions. The socioeconomic substructure has been transformed into a web of ideologically "correct" organizations subservient to the party. EPRDF cadre have infiltrated and manipulated many of the institutions and mass organizations of public and collective life, such as trade unions, peasants commissions, professional bodies, grass-roots "action committees," workers grievance committees, and local governments. While these front organizations project an image of pluralism, they are part of an EPRDF-controlled power structure.

When party dominance of an institution or organization was challenged, the EPRDF had the means to harass and intimidate opposition until it withdrew--using force if necessary. Organizations carefully vetted by the EPRDF ensured party dominance on official boards and commissions constituted by the Council of Representatives (COR), such as the Constitution Drafting Commission and the Election Review Board.

ELECTIONS IN 1992 AND 1994

The EPRDF's methods of subjugation were evident in the district and regional elections of 1992 and in the June 1994 election of a Constituent Assembly. The party controlled all of the significant groups involved from the National Election Commission (NEC) down to the kebele level. While election rules appeared to be fair, the EPRDF always enjoyed a headstart in possessing a preponderance of politically relevant resources, including wealth, communications, organization, and control of the armed forces. The lack of competitive, pluralistic elections illustrates the EPRDF's "box within a box" tactic: party-controlled local organizations elect intermediate organizations, which elect national organizations, which appoint executives, boards, commissions, and other public bodies from social organizations dominated by the party. Non-EPRDF parties that have attempted to work within the system



have been killed softly by low-level repression discreet enough not to draw condemnation of countries bankrolling Ethiopia.

Those protesting TGE policies have been silenced or curbed. The military's killing of protestors at Addis Ababa University (AAU) and of worshipers at Gonder had a chilling effect on those who would challenge the government. Institutions that did not waffle before government pressures to conform were squelched as seen in the summary firing of 42 AAU professors and administrators and in the TGE's "restructuring" of Ethiopian Airlines. In addition, a fledgling free press was repressed with critics of the TGE harassed out of business. Other human rights violations, including the imprisonment of more than 2,000 individuals without due process, also have scarred the record of the TGE.

THE "INS" AND "OUTS" OF THE OPPOSITION

Opponents of the TGE were a badly divided Greek chorus waging their own infighting. The Oromo Liberation Front (OLF) and the Ogaden National Liberation Front (ONLF) claim the right to secede, while other anti-Charter groups object to the right to secede. Some groups pressed for the administrative division of the country along ethnic lines, while others feared that this would jeopardize the unity of Ethiopia as a nation.

The opposition parties finally made some efforts to present a united front by holding Peace and Reconciliation Conferences in Paris and in Addis Ababa in 1993. The Council of Alternative Forces for Peace and Democracy in Ethiopia (CAFPDE) was organized and sought entry into the transition process.

CARTER CENTER INITIATIVES

In December 1993, former U.S. president Jimmy Carter met with representatives of opposition groups and negotiated a proposal for the formation of a new broad-based transitional government, the restructuring of the police and the military, and the postponement of June elections. Carter laid the ground work to mediate talks between the TGE and opposition groups in Addis Ababa in March 1994, but the proposed peace talks were rejected by President Meles. This appeared to be the last opportunity to expand the base of participation in the transition. Meles, meanwhile, declared that the TGE would not yield to efforts to reverse the

transitional process or change its programs and structure.

WHAT IS DEMOCRATIZATION?

"Democratization" is the transition from an authoritarian system to a form of government that ensures civil liberties and provides its citizens with means to influence or attempt to influence policy officials. If successful, this process produces an open contest for public office, without a preordained winner. If the voters, rather than the transitional incumbents control the final outcome of this competition, then the transition can be called democratic. The transition under the TGE has not produced this result.

What are the requirements for a "liberal democracy?" Post Cold-War political theorists postulate five such requirements: 1) dominance of rule of law (with an independent judiciary to interpret the law); 2) extensive civil liberties guaranteed by law (including freedom of expression, freedom of the press, freedom to form and join organizations--sufficient to ensure the integrity of political competition and participation); 3) representative government (simultaneously representative, accountable, and powerful); 4) a bureaucracy that is rule-bound, merit-based, and responsible to elected public officials; and 5) a system of some dispersion of economic resources (by disseminating economic resources, there is less chance that political rights will be a prerogative of wealth, especially where it is concentrated in the hands of the government). The TGE has failed to establish these basics of democracy or to lay the groundwork for their eventual development.

POLICY RECOMMENDATIONS

The U.S. should use its leverage in providing development aid to Ethiopia to improve the human rights situation and to bring about a broadening of the political base of the government. This process can begin with a conference of all serious parties involved in the Ethiopian political scene: the TGE and the opposition (as was attempted by President Carter's initiative). Unless the opposition at home and abroad is brought into the governing process, the government of Ethiopia will be further alienated from the nation's people, and an increasingly threatened regime may become overly repressive in an attempt to survive. That will invite a return to civil strife, quite possibly compounded by another devastating famine.

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