


2018

The Security and Human Rights Dilemma: An Inquiry into U.S.-Ethiopia Diplomatic Relations 1991-2012

Seife Ayalew

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/njihr>

 Part of the [Human Rights Law Commons](#), [International Law Commons](#), and the [National Security Law Commons](#)

Recommended Citation

Seife Ayalew, *The Security and Human Rights Dilemma: An Inquiry into U.S.-Ethiopia Diplomatic Relations 1991-2012*, 16 Nw. J. Hum. Rts. 65 (2018).

<https://scholarlycommons.law.northwestern.edu/njihr/vol16/iss1/4>

This Article is brought to you for free and open access by Northwestern Pritzker School of Law Scholarly Commons. It has been accepted for inclusion in Northwestern Journal of Human Rights by an authorized editor of Northwestern Pritzker School of Law Scholarly Commons.

The Security and Human Rights Dilemma: An Inquiry into U.S.-Ethiopia Diplomatic Relations 1991-2012

Seife Ayalew

INTRODUCTION

In the post-1991 U.S.-Ethiopian diplomacy, the use of foreign policy as a framework to advance the cause of human rights has faced several challenges rooted in the way human rights is defined and the intricate interests vested in the U.S. foreign policy establishment. This article elucidates the limitations and challenges of diplomatic machinery as a framework for advancing the cause of human rights. First, human rights in the U.S. foreign policy machine have been given a marginal or subordinate place in diplomatic priorities. Second, the Government of Ethiopia's (GOE) resistance and tough diplomatic measures and Ethiopia's strategic importance to the U.S. have alienated or narrowed the space for active human rights diplomacy in Ethiopia, making it a highly politicized undertaking rife with claims and counterclaims of sovereignty, national interest, power politics, and manipulation. However, effective advancement of human rights using the foreign policy framework is limited not only to the choice of U.S. foreign policy makers/diplomats, but also equally important is the domestic political context. Finally, this article will show how GOE has evaded active human rights diplomacy, but done so in a way that serves the overall U.S. strategic foreign policy.

A. The Emergence of Human Rights in U.S. – Ethiopia Relations

Human rights concerns became an integral part of U.S. foreign policy objectives during the Carter administration.¹ The Carter administration pledged to restrict aid to military regimes that engaged in gross human rights violations.² According to David Shinn, former U.S. Ambassador to Ethiopia, the “terrible human rights record” of the Derg military regime in Ethiopia became an impediment to the bilateral relationship until the revolution of 1991.³

The end of the Derg period marked the revival of Ethiopia-U.S. relations, which have subsequently been strengthened. The U.S. had a renewed interest in the region, and the Ethiopian government needed diplomatic, political, and economic assistance. After 1991, the new regime declared a democratic style of governance, adopted a constitution that enshrined fundamental human rights and promised free, fair, and periodic elections.⁴ The Transitional Government of Ethiopia (TGE) declared its commitment to the Universal Declaration of Human Rights

¹ Sandy Vogelgesang, *Diplomacy of Human Rights*, 23 INT'L STUD. Q. 216, 224-25 (1979).

² Edmond Keller and Ruth Iyob, *U.S. Policy in the Horn: Grappling with a Difficult Legacy*, in EAST AFRICA AND THE HORN: CONFRONTING CHALLENGES TO GOOD GOVERNANCE 101, 105 (Dorina A. Bekoe ed., 2006).

³ Interview with David Shinn, former U.S. ambassador in Ethiopia from 1996 until 1999. (Dec. 22, 2010 – Dec. 24, 2010) (He is currently an Adjunct Professor of International Affairs, George Washington University.).

⁴ Interview with Dr. Solomon Mebere, in Addis Ababa, Eth. (Oct. 11, 2010).

(UDHR), pledging to respect individual and human rights, to bring an end to civil war, and to transfer power to an elected federal and regional government.⁵

In the following years, the U.S. branded the leaders of this new government the “Young Democratic Leaders,” and proclaimed Ethiopia a “frontline state”⁶ in the fight against Islamic fundamentalism in the region, and a “key strategic partner” in the post-9/11 “war on terror.”⁷

B. Ethiopia’s Strategic Importance to the U.S.

Despite being one of the world’s poorest nations and a landlocked state, Ethiopia has been said to have many “selling points” that make it an attractive partner for the U.S.⁸ Geographically, as a large country that borders all the other countries in the Horn of Africa, Ethiopia contributes to the stability—or instability—of the entire region.⁹ As an anchor state, Ethiopia commands great influence, either negatively or positively.¹⁰

The Horn of Africa’s deteriorating security dynamic has made Ethiopia’s relative strength central to the stability of the region where,¹¹ as one commentator notes, “Somalia is a dangerously failed state, the Sudan and Eritrea are pariahs, and Kenya has troubles of its own.”¹² Besides this, external factors have added to Ethiopia’s significance in terms of U.S. interests in the region. Sudan and Somalia were accused of harboring transnational terrorist groups and hosting training camps that produced terrorist operations like the attempted assassination of Hosni Mubarak in Addis Ababa in June 1995.¹³ Following the bombing in Nairobi, the biggest al-Qaeda cell in the region at the time was allegedly found in Sudan, with the Sudan government accused of providing the group with financial support.¹⁴

⁵ THEODORE M. VESTAL, ETHIOPIA: A POST-COLD WAR AFRICAN STATE 8 (1999).

⁶ Ethiopia, Eritrea and Uganda were part of the “frontline states” in an effort that was underway during the Clinton administration. It began in 1995 to put pressure on Sudan for policy or even regime change. ROBERT P. SKINNER, THE 1903 SKINNER MISSION TO ETHIOPIA AND A CENTURY OF AMERICA—ETHIOPIAN RELATIONS 68, 69 (Yalemzewd Worku ed., 2003); *See also*, Dan Connell, *Eritrea: On a Slow Fuse*, in BATTLING TERRORISM IN THE HORN OF AFRICA 70 (Robert I. Rotberg ed., 2005).

⁷ ROBERT P. SKINNER, THE 1903 SKINNER MISSION TO ETHIOPIA AND A CENTURY OF AMERICA—ETHIOPIAN RELATIONS 68, 69 (Yalemzewd Worku ed., 2003).

⁸ *Ethiopian and the United States: A loveless liaison*, THE ECONOMIST (April 3, 2008), <http://www.economist.com/node/10979876>.

⁹ Shinn, *supra* note 3.

¹⁰ *Id.*

¹¹ Interview with Theodore Vestal, Professor Emeritus of Political Science, Oklahoma State University, (Dec. 23, 2010-Jan. 24, 2011).

¹² *Ethiopian and the United States: A loveless liaison*, *supra* note 8.

¹³ The bombings claimed the lives of hundreds of Kenyans, Tanzanians, and a handful of U.S. citizens. *See* David H. Shinn, *Al-Qaeda in East Africa and the Horn*, 27 J. CONFLICT STUD. (2007); *See also* Chau Donovan C, *Political Warfare in Sub-Saharan Africa: US Capabilities and Chinese Operations in Ethiopia, Kenya, Nigeria, and South Africa* 4 (2006); Press Release, Security Council, Security Council Demands Sudan act to extradite suspects in assassination attempt of Egyptian President by 10 May, or Face limited sanctions, U.N. Press Release SC/6214 (April 26, 1996).

¹⁴ Jessica R. Piombo, *Terrorism and U.S. Counter-Terrorism Programs in Africa: An Overview*, (Jan. 2007), <http://www.nps.edu/Academics/centers/ccc/publications/OnlineJournal/index.html> (according to Jessica R. Piombo, the groups from Somalia and Eritrea were formally associated with Islamic Army Shura having link with groups in Uganda and West African states. The U.S. interest in the region —especially on counterterrorism efforts—have increased because the Sudan’s National Islamic Front (NIF) government, Hassan al Turabi, used to have links with Osama bin Laden and the various Al-Qaeda links and presence in East Africa.).

Ethiopia also has a strong military tradition and institutions that make it a dependable security partner.¹⁵ From its strategic geographical location, Ethiopia can serve as an important base for military operations to collect intelligence information and conduct security operations throughout the region, and the U.S. is likely very much aware of the solid military and security cooperation Ethiopia can deliver. As a result, the U.S. has no alternative but to cooperate with the Ethiopian government to ensure peace and stability in the region.¹⁶

In terms of political leverage, Ethiopia has built a highly respectable position both continentally and internationally from which U.S. policy makers can draw support to “buttress their security interest not only regionally, but also globally.”¹⁷ Addis Ababa is the headquarters for the African Union, which means Ethiopia can play a significant role in influencing other states’ policies. According to Siaye Abraha, any country that wants to influence African policy should appoint a senior diplomat in Addis Ababa and maintain good relations with the GOE.¹⁸

C. *The U.S. and Ethiopia’s Intersecting Security Concerns*

Ethiopia has historical security concerns revolving around separatist groups in Ogaden fueled by irredentist claims from Somalia, like al Itihaad al Islamiya in the 1990s.¹⁹ This transnational security threat stretches from Ogaden to mainland Somalia.²⁰ Particularly after war broke out between Eritrea and Ethiopia in 1998, the threat of a proxy war through Islamic forces with irredentist claims increased. According to Terrence Lyons, “Ethiopia is embedded within a network of conflicts that links Somalia, Ogaden, and Eritrea.”²¹ More significantly, Al-Ittihad Al-Islamiya’s goal of creating an Islamic state with an Ethiopian-Somali population is a direct threat to the national security of Ethiopia and the U.S. concern for regional stability.²² For instance, in 1997, it was reported that, during a military operation in Somalia, some dead Afghans and Arabs were found with Al-Ittihad Al-Islamiya fighters.²³ The U.S. has been fighting to prevent—or counteract—Somalia’s use as a breeding ground for terrorists and a base for

¹⁵ Interview with Dr. Okobazgi, Professor, Political Science Department of University of Louisville, (Dec. 22, 2010-Jan. 24, 2010). Okobazgi argues that, for over a century, Ethiopia has earned a highly respectable position both at home and abroad, allowing American policy makers to draw on Ethiopian support to buttress their security interest not only regionally, but also globally.

¹⁶ Ethiopia’s strategic importance to U.S. security interests in the region is described as having no parallel in the region. Ethiopia occupies a very important geo-strategic location in the Horn of Africa, which serves both as a gateway into Black Africa and a monitoring station of the Middle East. Okobazgi, *supra* note 15.

¹⁷ *Id.* More importantly, Ethiopia’s strategic significance to the U.S. and the west security interest in the region is hailed by senior senators and generals. For instance, General Ward commanders of the U.S. European Command (EUCOM), U.S. Africa Command (AFRICOM), and U.S. Joint Force Command said: “Ethiopia remains a friend, a partner in our efforts to help produce stability in the region.” *Senior U.S. Senators and Gen Ward recognizes Ethiopia as the main stabilizing force in the Horn region*, available at http://www.aigaforum.com/news/Senior_US_Senators_and_Gen_Ward

¹⁸ Interview with Siaye Abraha, Former FDRE Ministry of Defense, in Addis Ababa (Dec. 8, 2010).

¹⁹ Bronwyn E. Bruton, *Ethiopia, Somalia, international peace and security; U.S. policy shift needed in the horn of Africa*, Council on Foreign relations 1-3 (Aug. 2009). See also John Prendergast and Colin Thomas–Jensen, *Blowing the Horn*, Foreign Affairs (March/April 2007), <https://www.foreignaffairs.com/articles/east-africa/2007-03-01/blowing-horn>.

²⁰ Kirubel Tadesse, *Ruling Party sees in ONLF an image of itself: US Embassy Cables*, KIRUBEL’S BLOG (Feb. 18, 2011), <https://kirubel.wordpress.com/2011/02/18/ruling-party-sees-in-onlf-an-image-of-itself-us-embassy-cables/>.

²¹ Terrence Lyons, *Ethiopia’s Convergence of Crisis*, Current History (2008) at 159.

²² David Shinn, *Ethiopia: Governance and Terrorism*, in *BATTLING TERRORISM IN THE HORN OF AFRICA* 93, 101 (Robert I. Rotberg ed., 2005).

²³ Ted Dagne, CONG. RESEARCH SERV., RL 31247, *AFRICA AND THE WAR ON TERRORISM* (2002).

transnational terrorism operations and other transnational jihadist groups.²⁴ Consequently, the threat of international terrorism has become a common cause for Ethiopia and the United States, signifying the important role Ethiopia can play in the region.²⁵

In order to ensure stability and security as well as fight terrorism, the U.S. has tried to strengthen security cooperation with Ethiopia. During the Clinton administration, Ethiopia was among the “frontline states” sponsored by the U.S. The U.S. organized Ethiopia, Eritrea, and Uganda to force Sudan “either to bring policy or regime change”²⁶ to counter Islamic fundamentalism in the Horn.²⁷ After the Ethio-Eritrea war, Eritrea’s relations with the U.S. soured²⁸ leaving Ethiopia as the U.S.’ most significant ally in this effort.

The U.S.’s 2002 National Security strategy stated that “America is now less threatened by conquering states than we are by failing ones.”²⁹ U.S. strategic calculation aimed to bar access to the region for al-Qaeda and its operatives from the Arabian Peninsula, in view of the fact that Somalia was a failed state and could not control its own territory.³⁰

The U.S. has significantly increased military aid to Africa and conducted a large number of joint military operations on the continent since 9/11.³¹ More significantly, a regional joint force with a U.S. military base with more than 2000 military personnel was launched in Djibouti in 2002.³² The U.S. military base in the Horn and the Combined Joint Task Force in Djibouti (CJTF-HOA) is meant to fight and defeat the international terrorist groups that pose a threat to the U.S. and its allies, including Ethiopia.³³ Consecutive high delegation visits in Washington and Addis Ababa in 2002³⁴ marked the strengthening of cooperation and the security partnership between Ethiopia and the U.S. in the fight against terrorism. As a result, Ethiopia became a beneficiary of the \$100 million aid program that was designed to boost the military capacity of the states in the Horn to fight terrorism.³⁵

According to Major General John F. Sattler, Commander of CJTF-HOA, Ethiopia is a “valued partner in our mission to detect, disrupt, and defeat terrorists who pose an imminent

²⁴ Bronwyn Bruton, *U.S. Policy Shift Needed in the Horn of Africa*, in COUNCIL ON FOREIGN RELATIONS (Aug. 6, 2009).

²⁵ Robert Berschinski, *AFRICOM’S Dilemma: The “Global War on Terrorism,” “Capacity Building,” Humanitarianism, and the Future of U.S. Security Policy in Africa* at 45-47, STRATEGIC STUDIES INSTITUTE (Nov. 2007), available at <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=827>.

²⁶ Theodore Vesal, *ETHIOPIA: A POST-COLD WAR AFRICAN STATE, 195-96* (Greenwood, 1999).

²⁷ *Id.*

²⁸ Interview with Siaye Abraha, Former FDRE Ministry of Defense (Dec. 8, 2010) in Addis Ababa (on file with author).

²⁹ The White House, *NATIONAL SECURITY STRATEGY OF THE UNITED STATES OF AMERICA* (2002), available at <http://www.state.gov/documents/organization/63562.pdf>.

³⁰ Brennan Kraxberger, *The United States and Africa: Shifting Geopolitics in an “Age of Terror”*, 52 *AFRICA TODAY* 47, 48 (2005). See also Martin Plaut, *The U.S. fails to break Somali Islamist*, BBC NEWS (Jan. 1, 2009), <http://news.bbc.co.uk/2/hi/africa/7807291.stm>, stating that it has been The U.S. security priority in the region is mainly focused on the nexus between failed states and terrorism.

³¹ *Id.*

³² *Id.* at 58.

³³ ROBERT P. SKINNER, *THE 1903 SKINNER MISSION TO ETHIOPIA AND A CENTURY OF AMERICA—ETHIOPIAN RELATIONS* 72 (Yalemzewd Worku ed., 2003). See also David Shinn, *Ethiopia: Governance and Terrorism*, *supra* note 119.

³⁴ *Id.*

³⁵ ROBERT P. SKINNER, *THE 1903 SKINNER MISSION TO ETHIOPIA AND A CENTURY OF AMERICA—ETHIOPIAN RELATIONS* 69 (Yalemzewd Worku ed., 2003), *supra* note 33.

threat to our coalition partners in the Horn of Africa.”³⁶ Analysts argue that the U.S. counterterrorism policy has extended “unconditional support to the Ethiopian government.”³⁷ Increases in U.S. military aid to Ethiopia reflect this support. For instance, according to the World Factbook, between 1999 and 2001, U.S. military aid to Ethiopia totaled just \$928,000 USD, which translated to a rank of 110th among states that receive U.S. military aid.³⁸ Three years later, post-9/11, military aid increased to \$16.8 million USD and Ethiopia ranked 66th.³⁹ This is a clear indication that security cooperation between the two countries has increased and strengthened since 9/11.⁴⁰

The Islamic Courts Union (IUC) in Somalia further deepened the security threat to the Ethiopian government by broadening its power base in central and southern Somalia,⁴¹ and later claiming the Ogaden Somalia region of Ethiopia.⁴² The group’s hardliner members gained the upper hand and declared a holy war against Ethiopia, which was then used as a justification for Ethiopia’s military involvement in Somalia in 2006, when Ethiopian troops entered Somalia to assist Somalia’s Transitional Federal Government (TFG).⁴³ The Ethiopian military managed to defeat IUC forces, but many of Somalia’s Islamists scattered, engaging in a vicious insurgency against the Ethiopian-backed TFG.

The senior U.S. envoy to Africa, Jendayi Frazer, publicly said that the IUC was controlled by members of al-Qaeda: “The top layers of the Courts are extremists. They are terrorists.”⁴⁴ There were reports of U.S. military air strikes and oft-mentioned intelligence and military cooperation with the Ethiopian military in Somalia.⁴⁵ It has also been documented that U.S. forces trained elements of the Ethiopian military, supported the invasion with intelligence information, and carried out air strikes on suspected al-Qaeda targets.⁴⁶

³⁶ Erich Marquardt, *Al-Qaeda’s Threat to Ethiopia*, THE JAMESTOWN FOUNDATION (Feb. 9, 2005), http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=27524&tx_ttnews%5BbackPid%5D=180&no_cache=1#.VP0zFEJ-ybB.

³⁷ John Prendergast and Colin Thomas, *Blowing in the Horn*, 86 FOREIGN AFFAIRS 59, 65 (2007).

³⁸ Marina Guevara, *Ethiopia Reaps U.S. Aid by Enlisting in War on Terror and Hiring Influential Lobbyists*, THE INTERNATIONAL CONSORTIUM OF INVESTIGATIVE JOURNALISTS (May 22, 2007), www.icij.org/projects/collateraldamage/ethiopia-reaps-us-aid-enlisting-war-terror-and-hiring-influential.

³⁹ *Id.*

⁴⁰ ROBERT P. SKINNER, THE 1903 SKINNER MISSION, *supra* note 130, at 75 (stating that in order to see the U.S. increasing military aid to Ethiopia it is interesting to note the 2001 and the proceeding years. In 2001 there was no U.S. military grant and/or loan, no U.S. military education and training program in Ethiopia. But interestingly enough, in 2002 U.S. authorized \$250,000 in low interest loan and reached \$750,000 in 2003. And commercial sales reached 285,000 in the same year.).

⁴¹ Solomon Dersso, *Somalia Dilemmas: Changing Security Dynamics, but Limited Policy Choices*, Institute for Security Studies 5 (Oct. 2010).

⁴² Mohammed Adow, *Ogaden Draws in Tension Once More*, BBC FOCUS ON AFRICA (Oct. 2006), <http://news.bbc.co.uk/2/hi/africa/5383012.stm>.

⁴³ Martin Plaut, *U.S. Fails to Break Somali Islamists*, BBC NEWS (Jan. 2009), <http://news.bbc.co.uk/2/hi/africa/default.stm>.

⁴⁴ *See id.*

⁴⁵ U.S. Congress, Senate, Committee on Foreign relations, *AL Qaeda in Yemen and Somalia: A Ticking Time Bomb*, A Report Committee on Foreign relation. 111th Cong., 2nd sess., *January 21, 2010 (Washington, GPO, 2010)*, 37-39, accessed on http://fas.org/irp/congress/2010_rpt/sfrc-aq.pdf 21-22

⁴⁶ Robert G. Berschinski, *AFRICOM’S Dilemma: The Global war on Terrorism, Capacity building, Humanitarianism, and the Future of U.S. Security Policy in Africa*, STRATEGIC STUDIES INSTITUTE 42 (Nov. 2007), <http://www.StrategicStudiesInstitute.army.mil/>. Similarly, there were also reports in The New York Times in April that the U.S. allowed the GOE to purchased arms from North Korea despite the UN sanction on N. Korea. The report states that the U.S. has let the GOE to purchase arms from N. Korea to strengthen the GOE military offensive

Ethiopian troops have been crucial in helping the TFG maintain power in the face of an offensive by Al-Shabab, especially after the Eritrean government was accused of supporting Al-Shabab.⁴⁷ Ethiopia's status as an important ally to the U.S. increased further after the U.S. recognized the TFG as a legitimate government and branded Al-Shababa a terrorist organization.⁴⁸ This unified Ethiopia and the U.S. in their support of the TFG and their shared interest in keeping the country intact and the region stable.

It is evident that Ethiopia and the U.S. government were working very closely on the Somalia war to fight terrorist organizations operating in the region. For instance, Vicki Huddleston,⁴⁹ Chargé d'affaires at the U.S Embassy in Ethiopia at the time of the war, urged the opposition parties in Ethiopia to support the GOE war in Somalia,⁵⁰ and there was a strong argument from the GOE that the IUC posed an imminent and serious threat to the national security and territorial integrity of Ethiopia.

U.S. officials remain deeply concerned with the overall security situation in the Horn, particularly the increase in insurgency and trans-boundary terrorist attacks.⁵¹ This is especially true since the attack in Kampala, Uganda, on 11 July 2010, and reports of the mushrooming Al-Qaeda operation in Yemen,⁵² which indicated that Al Shabab was becoming a growing threat as a "global jihadist movement" beyond the borders of Somalia.⁵³ For better or for worse, U.S. policy makers see Ethiopia as a "bulwark of stability" in the region.⁵⁴

II. UNITED STATES AND GOE DIALOGUE ABOUT HUMAN RIGHTS

A. U.S. Human Rights Diplomacy in Ethiopia

The language of human rights has become common parlance for Western diplomats, and it is used as a means of negotiation and diplomatic communication.⁵⁵ Concerns about alleged

against the Islamist Militias' in Somalia. See Roger Middleton, *Ethiopia's Somalia Dilemma* (Dec., 2008), <http://news.bbc.co.uk/2/hi/americas/default.stm>.

⁴⁷ Al-Shabab was said to be the military wing of UIC until the defeat UIC in 2007 by TFG and Ethiopian military operation. As a result Al-Shabab emerged as a separate military insurgency force against TFG and the Ethiopia forces. Solomon Dersso, *Somalia Dilemmas: Changing Security Dynamics, but Limited Policy Choices*, Institute for Security Studies 5 (Oct. 2010).

⁴⁸ *Id.*

⁴⁹ Huddleston is a former U.S. Deputy Assistant Secretary of State for Africa (2009-2011) and Chargé d'affaires ad interim in Ethiopia (2005-2006).

⁵⁰ Interview with Dr. Yacob Hailemariam, retired Professor of Bus. Law, Norfolk State Univ., in Addis Ababa, Eth. (Feb. 21, 2011) (notes in Amharic and on file with author); Interview with Dr. Merera Gudina, Leader of the Oromo People's Cong., in Addis Ababa, Eth. (Feb. 9, 2011) (notes in Amharic and on file with author). Dr. Yacob said: "she [Vicki Huddleston] was actively advocating for the support of the GOE's military operation in Somalia," despite the opposition parties in the parliament voting against the war.

⁵¹ Solomon Dersso, *Somalia Dilemmas: Changing Security Dynamics, but Limited Policy Choices*, 218 Institute for Security Studies 14 (2010).

⁵² Interview with K-4 (Sept. 9, 2010) (on file with author).

⁵³ *Id.*; *supra* note 147 (Solomon in his article also argues that Al-Shabab is becoming an increasing threat as it is transforming a largely nationalist insurgency into a global jihadist movement).

⁵⁴ Interview with Terrence Lyons, Assoc. Professor, George Mason Univ., in Addis Ababa, Eth. (Jan. 22, 2011) (on file with author).

⁵⁵ Interview with Dr. Solomon Mebere, in Addis Ababa, Eth. (Oct. 11, 2010) (notes in Amharic and on file with author); JULIE A. MERTUS, *BAIT AND SWITCH: HUMAN RIGHTS AND U.S. FOREIGN POLICY* 9 (2d ed. 2008); See also CLAIR APODACA, *UNDERSTANDING U.S. HUMAN RIGHTS POLICY: A PARADOXICAL LEGACY* 179, 195 (2006).

violations are communicated through diplomatic channels via reports, press releases, embassy communiqués, and delegations that employ either public or quiet diplomacy. It is now difficult to think of Western diplomacy without its language of democracy and human rights. This is partly because individual liberty and freedom are part of the U.S. legal and political tradition, but it is also because this lingua franca is an important diplomatic tool for negotiations.⁵⁶

Former U.S. Ambassador to Ethiopia, David Shinn, describes the human rights agenda as the most “contentious dialogue” in U.S.-Ethiopia relations.⁵⁷ The U.S. State Department’s annual Human Rights Report are said to have caused “considerable consternation in Addis Ababa”⁵⁸ since the U.S. re-engaged with the Ethiopian government during the early period of the TGE. This pejorative point of view was amplified by the U.S. ambassador’s critical interviews with the opposition press in the 1990s.⁵⁹ For instance, during Secretary of State Warner Christopher’s visit to Addis Ababa in 1996, he expressed concern and unhappiness over the arrest of journalists and restriction of press freedom.⁶⁰ The U.S. also expressed interest in expanding the political space for free and fair political contests and ending political arrests throughout the 1990s.⁶¹

Since this time, the U.S. has been using the language of human rights to deal with the GOE, driven by the policy rationale of establishing a stable, viable, democratic country—friendly to the U.S.—in the Horn of Africa. The U.S. has persistently expressed concern over human rights abuses and the progress of democratization. As Shinn describes, “the U.S. understood that this takes time but regularly expressed its impatience.”⁶² U.S. human rights and democracy goals in Ethiopia include “lowering of political and ethnic tension, improving human rights, broadening representation and participation in Parliament, boosting the credibility and capacity of the National Election Board and increasing access to the media and the quality of public information.”⁶³

1. The Annual State Department Report

The annual State Department Human Rights Reports for Ethiopia between 1994 and 2010 indicate human rights abuses in a variety of categories. The category with the highest number of

Important discussion has been made in *Bait and Switch*, and, according to Julie A. Mertus, universal human rights is the language of the day for the many diplomats, Pentagon spokesmen, and U.S. state department employees’ and other government officials’ public pronouncements.

⁵⁶ See DAVID P. FORSYTHE, *HUMAN RIGHTS IN INTERNATIONAL RELATIONS* 160 (2d ed. 2006) (arguing that human rights are squarely equated with “personal freedoms” as it is found in the U.S. Bill of Rights, lacking the complex conception of human rights in international instruments. *see also* Interview with Dr. Solomon Mebere, in Addis Ababa, Eth. (Oct. 11, 2010) (notes in Amharic and on file with author); *see also* similar discussion regarding the sidelining of ESCRs in the U.S. in JULIE A. MERTUS, *BAIT AND SWITCH: HUMAN RIGHTS AND U.S. FOREIGN POLICY* 230 (2d ed. 2008).

⁵⁷ ROBERT P. SKINNER, *THE 1903 SKINNER MISSION TO ETHIOPIA AND A CENTURY OF AMERICA—ETHIOPIAN RELATIONS* 68 (Yalemzewd Worku ed., 2003).

⁵⁸ *Id.* See also U.S. DEP’T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *HUMAN RIGHTS REPORTS* (the Country Reports on Human Rights Practices are submitted annually by the U.S. Department of State to the U.S. Congress in compliance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (FAA), as amended, and section 504 of the Trade Act of 1974, as amended).

⁵⁹ ROBERT P. SKINNER, *THE 1903 SKINNER MISSION TO ETHIOPIA AND A CENTURY OF AMERICA—ETHIOPIAN RELATIONS* 68 (Yalemzewd Worku ed., 2003).

⁶⁰ *Id.*

⁶¹ Theodore M. Vestal, *Ethiopia: A Post-Cold War African State 196-97* (1999).

⁶² *Id.* at 67.

⁶³ U.S. Dep’t of State, *Supporting Human Rights and Democracy: The U.S. Record 2005-2006*, Publication 11333, 26 (2000).

reported incidents is “Respect for the Integrity of the Person and Freedom,” including: “Arbitrary or Unlawful Deprivation of Life; Disappearance; Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; Arbitrary Arrest or Detention; Denial of Fair Public Trial; Arbitrary Interference with Privacy, Family, Home, or Correspondence.”⁶⁴ The other category, “Respect for Civil Liberties,” includes: Freedom of Speech and Press; Freedom of Peaceful Assembly and Association; Freedom of Association; Freedom of Religion; and violation of “Elections and Political Participation” rights.⁶⁵ Despite the predominance of violations like intimidation, alleged political killings, and mistreatment of detainees, the language of human rights in U.S.–Ethiopia relations is more or less reduced to a discussion of civil and political rights focusing on individual freedoms.⁶⁶

The public release of the annual report is part of the public diplomacy that the U.S. conducts to advance the human rights agenda with Ethiopia. Recently, following the establishment of the Communication Affairs Office, the GOE has started responding to this public release.⁶⁷ The government has reacted strongly, objecting to the report’s findings as “inaccurate and lacking objectivity.”⁶⁸ As a result, the human rights agenda has become one of the most controversial issues in U.S.–Ethiopia diplomatic relations, and the annual human rights report has been described as “an inevitable source and annual irritant in the otherwise excellent relations between the US and Ethiopia.”⁶⁹

According to the preface to the 2013 Country Reports on Human Rights Practices, it is clearly stated by Secretary of State John F. Kerry that the U.S. government considers the annual report an important diplomatic engagement.⁷⁰ However, the report is also subjected to political maneuvering and negotiations. Some interest groups—including, perhaps most prominently, Human Rights First⁷¹—have criticized the State Department for taking politics into account while drafting the final report. According to the Lawyers Committee for Human Rights, in the reports’ introductions, overall human rights conditions are frequently termed “better” regardless of the objective facts, and especially if the country is deemed friendly or strategically important to the U.S.⁷² The country reports for Ethiopia are criticized for their selective reporting and carefully crafted phrases, which are of “dubious authenticity” in describing the human rights

⁶⁴ U.S. Dep’t of State., Bureau of Democracy, H.R., and Lab., Country Reports on Human Rights Practices: Ethiopia (1994-2010) (looking at the reports between the period 1994-2010, violation against the Respect for the Integrity of the Person and Freedom is presented as the most prevalent violation).

⁶⁵ *Id.*

⁶⁶ JULIE A. MERTUS, *BAIT AND SWITCH: HUMAN RIGHTS AND U.S. FOREIGN POLICY* 28 (2d ed. 2008). *See also* DAVID P. FORSYTHE, *HUMAN RIGHTS IN INTERNATIONAL RELATIONS* 169-170, 184 (2d ed. 2006).

⁶⁷ Interview with K-1 Senior Official, FDRE Ministry of Foreign Affairs (Mar. 15, 2011) (on file with author).

⁶⁸ *Id.* (My informant stated that the government has made an official response after conducting field researches and other important investigations on the alleged violations.)

⁶⁹ Press Release, FDRE Ministry of Foreign Affairs, The U.S. State Department Human Rights Report on Ethiopia: Not Honorable or Accurate (Mar. 4, 2008).

⁷⁰ Press Release, John Kerry, Secretary of State Remarks on the Release of the Human Rights Report (April 19, 2013). Available on: <https://2009-2017.state.gov/secretary/remarks/2013/04/207791.htm>

⁷¹ Formerly known as the Lawyers Committee for Human Rights.

⁷² Lawyers Committee for Human Rights, *Holding the Line, A Critique of the Department of State’s Annual Country Reports on Human Rights Practices*, 4 (2003).

situation.⁷³ The objectives seem at least somewhat political, and the report paves the way for the U.S.'s extended assistance to Ethiopia and strengthens U.S. strategic ties.

The U.S. Department of State has also been criticized for depicting the GOE in the most favorable light possible through its reports.⁷⁴ According to Theodore Vestal, Professor Emeritus of Political Science at Oklahoma State University, “for eight years after the Ethiopian Peoples Revolutionary Democratic Front (EPRDF) came to power in 1991, the annual human rights report conveyed the impression that the Ethiopian government was committed to improving human rights and to the democratization process.”⁷⁵ The Lawyers’ Committee maintains that human rights abuses by state were frequently “understated, simplified or unreported, or *used in a manner that implies the context of the abuse.*”⁷⁶ The drafters of the report have been criticized for attaching justifications such as “combating terrorism” or “insurgency,” which are meant to “diminish state responsibility in a way that gives leeway.”⁷⁷

This is particularly true for the human rights reports of 2005 and 2009.⁷⁸ The 2005 report, for instance, revealed the fact that the GOE forces had been conducting “low level” operations against the Ogaden National Liberation Front (ONLF), the Somalia-based Al Ittihad Al Islamiya terrorist organization, and the Oromo Liberation Front (OLF).⁷⁹ In the same paragraph, the report states that there were “some instances in which elements of *the security forces acted independently of government authority* and members of the security forces committed serious human rights abuses.”⁸⁰

The 2009 human rights report discloses similar allegations of human rights violations because of the conflict between the ONLF⁸¹ and government forces, including local militias.⁸² The report qualifies its criticism, suggesting that “despite the general effective control of the

⁷³ Press Release, Oromia Support Group, Human Rights Abuses in Ethiopia, (Jan.-Feb. 1998); *see also* U.S. Dep’t of State., Bureau of Democracy, H.R., and Lab., Ethiopia Country Report on Human Rights Practices for 1997, 17-20 (1998) for a description of the human rights situation in Ethiopia.

⁷⁴ Interview with Theodore Vestal, Professor Emeritus of Political Science, Oklahoma State University, (Dec. 23, 2010-Jan. 24, 2011) (Vestal similarly argues that the atrocious prison conditions, the regularity of detention in unofficial centers, and the brutality experienced by detainees in these centers was similarly glossed over in the Reports from 1991-1998. And argue that the U.S. Department of State’s 1999 through 2009 *Country Reports on Human Rights Practices* in Ethiopia are far more candid accounts of human rights abuses than were their predecessors. The 1999 report stated that “the Government’s human rights record generally was poor.” The 2000-2005 reports admitted that “the Government’s human rights record remained poor.” In the 2006-2009 reports, the lengthy rehearsing of human rights abuses makes such a soft reproach redundant and unnecessary.

⁷⁵ Interview with Theodore Vestal, Professor Emeritus of Political Science, Oklahoma State University (Dec. 23, 2010-Jan. 24, 2011) (similar information has also been drawn from interviews with Dr. Terrence Lyons (Jan. 21, 2011); Dr. Yacob (Feb. 21, 2011) (notes in Amharic and on file with author); and Dr. Merera Gudina (Feb. 9, 2011) (notes in Amharic and on file with author).

⁷⁶ Holding the Line, A Critique of the Department of State’s Annual Country Report on Human Rights Practices, 10 [emphasis added].

⁷⁷ *Id.*

⁷⁸ BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2005 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: ETHIOPIA (2005), <http://www.state.gov/j/drl/rls/hrrpt/2005/61569.htm>.

⁷⁹ *Id.*

⁸⁰ *Id.*; BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2009 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: ETHIOPIA (2009) (emphasis added), <http://www.state.gov/j/drl/rls/hrrpt/2005/61569.htm>.

⁸¹ Ogaden National Liberation Front (ONLF) is an ethnically based, nationalist, insurgent movement operating in the eastern part of Ethiopia. *Political Background of the Ogadenia Struggle*, OGADEN NATIONAL LIBERATION FRONT, http://onlf.org/?page_id=12.

⁸² BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2005 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: ETHIOPIA (2006), <http://www.state.gov/j/drl/rls/hrrpt/2005/61569.htm>.

security forces, there were numerous instances in which elements within those forces *acted independently of government authority*.⁸³ The fact that state security forces act independently without direct government agency order does not necessarily exempt the government from responsibility for human rights violations committed. The government should both guarantee the security of the people living in its territory and hold perpetrators of human rights abuses accountable. Therefore, according to Vestal, the report is only a soft reproach, and more to the point are the findings that “some local officials and members of the security forces committed human rights abuses.”⁸⁴

The State Department’s guideline requirement that “[a]ctions by governments taken at the request of the United States or with the express support of the United States should not be included in the report”⁸⁵ is an attempt to formalize U.S. policy with respect to the reporting of human rights practices, which includes the sanctioned concealment of certain abuses due to political considerations. Even though this requirement was dropped in the 2003 report, the Lawyers’ Committee argues that political pressure from the host country’s U.S. embassy or Washington remains an issue.⁸⁶ Here, it is worth noting that a report’s initial draft is prepared by the U.S. embassy in Addis Ababa then sent to Washington for review.⁸⁷ The U.S. Bureau of Democracy, Human Rights and Labor, in cooperation with other State Department bureaus and offices and federal departments and agencies, takes part in the preparation of the final report.⁸⁸ Throughout this process, the report is assessed in the context of various political considerations, and altered through diplomatic maneuvering and negotiations.⁸⁹

2. Other Aspects of U.S. Human Rights Diplomacy in Ethiopia

In addition to the State Department’s annual human rights report, the U.S. also employs other tools to conduct diplomacy related to human rights. For example, U.S. embassy officials, most importantly the Ambassador, reach out to GOE authorities, opposition leaders, NGOs and other stakeholders.⁹⁰ An official document⁹¹ from the State Department also reveals that U.S. officials frequently meet with opposition leaders concerning allegations of torture, harassment, and illegal detention of their members and supporters.⁹² The Ambassador has also been active in engaging with the National Election Board and government officials in public and in private.⁹³

⁸³ *Id.* (emphasis added)

⁸⁴ Interview with Theodore M. Vestal, Professor Emeritus of Political Science, Oklahoma State University, (Dec. 23, 2010-Jan. 24, 2011); BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2005 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: ETHIOPIA (2006), <http://www.state.gov/j/drl/rls/hrrpt/2005/61569.htm>.

⁸⁵ Lawyers Committee for Human Rights, *Holding the Line, A Critique of the Department of State’s Annual Country Report on Human Rights Practices* (2003), www.ichr.orgpage.iii.

⁸⁶ *Id.* at iv.

⁸⁷ Confidential Interview with K-4 (Sept. 9, 2010) (on file with author).

⁸⁸ United States Department of State, *Supporting Human Rights and Democracy: The U.S. Record 2005-2006*, Department of State Publication 11333, Bureau of Democracy, Human Rights and Labor, Bureau of Public Affairs (April 2000), Sec1:IV.

⁸⁹ *Id.*

⁹⁰ BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, *SUPPORTING HUMAN RIGHTS AND DEMOCRACY: THE U.S. RECORD 2004-2005: AFRICA* (2004-2005), <http://www.state.gov/j/drl/rls/shrd/2004/43108.htm>.

⁹¹ United States Department of State, *Supporting Human Rights and Democracy: The U.S. Record 2005-2006* (2005-2006), ii.

⁹² *Id.* at 28.

⁹³ *Id.* at 27.

The Ambassador, accompanied by officials from other foreign embassies, has met regularly with the Prime Minister regarding human rights abuses alleged by the opposition and concerns about democracy.⁹⁴

U.S. embassy officials and appointed ambassadors often made overtures both in private conversation and through public diplomacy concerning human rights issues in Ethiopia.⁹⁵ After the 2005 election, in particular, there were behind-the-scenes discussions and a series of dialogues about release of “political prisoners”⁹⁶ as well as claims by the U.S. government that the democratic space was narrowing because of stringent new legislation on the media, civil society, political parties, and other segments of society. Before and after the 2005 national election, U.S. embassy officials also held a series of dialogues with opposition parties on “the intimidation and harassment of their supporters and members and [the opposition’s] serious concern on the government abuse of human rights.”⁹⁷ U.S. officials’ common response to the opposition parties’ criticism of U.S. wariness to put pressure on the GOE was that “we don’t beat drums but we are quietly engaging the government on various human rights concerns the U.S. has.”⁹⁸

In 2007, Assistant Secretary of State, Barry Lowenkron, also raised concerns about the human rights situation, focusing on the release of the jailed opposition leaders.⁹⁹ The White House had accused the GOE of “failing to create an environment conducive to free and fair elections” and further invalidated [the 2010 Ethiopian national election] as “fall[ing] short of international commitments.”¹⁰⁰ State Department Spokesman Philip J. Crowley also tried to send a clear and direct message that the GOE should take steps to improve democratic governance and institutions.¹⁰¹ In the period following the 2010 election, the National Security Council’s spokesman, Mike Hammer, made an official statement about U.S. concerns with regard to the restriction of independent observation and the harassment of journalists, and criticized the GOE for narrowing the political space for the opposition parties and weakening civil society in contravention of the government’s human rights obligations.¹⁰²

In addition to dialogue, the U.S. government has provided support for human rights projects and capacity building for the Ethiopian government and civil society sector. Under the capacity building program, the U.S. Embassy and the U.S. Agency for International

⁹⁴ *Id.* at 26.

⁹⁵ *Id.*

⁹⁶ THE GUARDIAN, *U.S. Embassy Cables: U.S. Urges Ethiopia to Back Copenhagen Climate Accord*, Feb. 2, 2010, <http://www.guardian.co.uk/world/us-embassy-cables-documents/246644/>.

⁹⁷ Interview with Dr. Yacob Hailemariam, retired Professor of Business Law, Norfolk State University, in Addis Ababa (Feb. 21, 2011) (notes in Amharic and on file with author).

⁹⁸ THE GUARDIAN, *supra* note 45; *See also* Interview with Dr. Yacob Hailemariam, retired Professor of Business Law, Norfolk State University, Addis Ababa (Feb. 21, 2011) (notes in Amharic and on file with author), and Terrence Lyons, Associate Professor, George Mason University, in Addis Ababa, Ethiopia (Jan. 22, 2011) (on file with author); House Committee on Foreign Affairs, Africa and Global Health Subcommittee Hearing, 114th Cong. (Oct. 2, 2007) (statement of Jendayi E. Frazer, Assistant Secretary for African Affairs).

⁹⁹ VOA, *U.S. Official Testifies On Global Human Rights Problems*, VOANews.com (Nov. 1, 2009) <http://www.voanews.com/content/a-13-2007-05-03-voa1/348086.html>.

¹⁰⁰ VOA, *Ethiopian Leader Says “Rough Stretch” in Ties with U.S.*, VOANews.com (Aug. 10, 2010) <http://www.voanews.com/content/ethiopian-leader-says-rough-stretch-in-ties-with-us-over-100484749/155581.html>.

¹⁰¹ VOA, *U.S. Cautions Ethiopia on Election Flaws*, VOANews.com (May 25, 2010) <http://www.voanews.com/content/us-cautions-ethiopia-on-election-flaws-94958534/118373.html>; *See also* Daily Press Briefing, Philip J. Crowley, Assistant Secretary for Public Diplomacy and Public Affairs, Office of Press Relations (May 26, 2010), <http://www.state.gov/r/pa/prs/dpb/2010/05/142254.htm>.

¹⁰² Support for Democracy and Human Rights in Ethiopia Act, S. 3757, 111th Cong. § 2-12 (2010).

Development have held various workshops, seminars, and trainings designed to make a “constructive intervention” to promote human rights.¹⁰³ The U.S. Embassy has also actively advocated for press freedom, engaging journalists to support media freedom and the freedom of speech in Ethiopia.¹⁰⁴

Several additional diplomatic tools—viewed as purely “symbolic”—were also used to advance the cause of human rights¹⁰⁵ or to show the U.S. government’s disapproval of GOE measures. For instance, U.S. officials and the ambassador’s assistants regularly attended the trials of opposition leaders, journalists and civil society organization (CSO) leaders.¹⁰⁶ President Obama’s 2015 trip to Ethiopia and consecutive meeting with high-level civil society representatives could also be seen a symbolic diplomatic gesture to show solidarity with the human rights organizations and civil society organization that had been severely weakened as a result of the restrictive Charities and Societies law.

This shows how the human rights agenda has been publicly and quietly advanced through U.S. diplomacy. One may conclude, however, that the human rights agenda in U.S.-Ethiopia relations is generally limited to low-key diplomatic interactions meant to quietly engage GOE authorities. In public, the U.S. government conducts capacity-building trainings and issues the annual human rights report, only occasionally resorting to more blunt public criticism.

B. The Ethiopian Government’s Stance on Human Rights in U.S.-Ethiopian Relations

Ethiopia’s stance on human rights pressure exerted through diplomatic channels is best summarized by Prime Minister Meles’s speech in Parliament: “[I]t is futile to assume that if we do not believe in something as a matter of principle, a donor will force us to do so, it is not in our tradition to bow down to pressure.”¹⁰⁷ To reaffirm this, the government’s position is clearly demonstrated in the prime minister’s speech:

Ethiopia certainly believes it has a lot to learn from the experiences of its partners. It doesn’t however want outsiders to entertain the idea that they can play a central role, be it political or economic. That will always be an illusion, as the operation of Ethiopia foreign policy underlines. On this basis, the Ethiopian government wants to maintain relations with countries based on the principles of mutual respect and the promotion of mutual interest.¹⁰⁸

The GOE maintains that a foreign government should not try to twist its arm by making aid conditional. Ultimately, the government has declared that it will not submit to foreign

¹⁰³ U.S. Dep’t of State, U.S. Human Rights and Democracy Strategy: The U.S. Record 28 (2004-05).

¹⁰⁴ *Id.*

¹⁰⁵ Interview by Ambassador Yamamoto with Dr. Yacob Hailemariam, Professor of Bus. Law, Norfolk State Univ., Addis Ababa, Eth. (Feb. 21, 2011).

¹⁰⁶ *Id.*; Interview with Sisay Agena, former Editor-in-Chief, Eth. Amharic Weekly Newspaper (Mar. 1, 2011).

¹⁰⁷ THEODORE M. VESTAL, ETHIOPIA: A POST-COLD WAR AFRICAN STATE 196 (1999).

¹⁰⁸ Embassy of the Federal Democratic Republic of Ethiopia, Ethiopia’s Foreign Policy: The Core Aim and Intentions (2005).

pressure out of fear of aid or assistance restrictions.¹⁰⁹ The government believed that it should strive to reduce dependency on foreign aid in order to ensure its own autonomy.¹¹⁰

The GOE also believed that protection of human rights and democratization should not be imported from abroad through foreign coercion, but rather should emerge through grassroots and local initiatives, and that this is a time-consuming process.¹¹¹ The Ethiopian government has a tendency to treat human rights issues and democracy as part of the domestic political domain, where foreign interference is not appropriate or acceptable.¹¹²

Policy statements and recent government measures also demonstrate this government's stance. For instance, one Ethiopian foreign policy document¹¹³ specifically identified the major threat to Ethiopian national security and survival as "economic backwardness, the desperate poverty together with the need for democracy, good governance and respect for human rights."¹¹⁴ Ethiopia has also declared that poverty eradication, sustainable development, good governance, human rights, and democracy are commitments that Ethiopia shares with the United States.¹¹⁵ But at the policy level, the human rights agenda is subordinated to achieving rapid economic growth.

The Ministry of Foreign Affairs has clearly stated "[p]arties whose partnership facilitates the achievement of rapid economic development are the friends whose relationship has the greatest significance for Ethiopia's viability as a nation."¹¹⁶ Shinn argues that unlike the previous regimes, the EPRDF is interested in maintaining close ties with the United States and other superpowers in order to obtain development assistance and economic support and is less interested in military aid and assistance to maintain its territorial integrity and security.

Despite the Ethiopian government's insistence that it welcomes dialogue and engagement based on accurate and objective study,¹¹⁷ the government tends to staunchly defend its position concerning its domestic policy on human rights and democratization, reiterating its firm position that "Ethiopia is not a country where the government bows to pressures[.]"¹¹⁸ The Ethiopian government's stance regarding the pressure from foreign governments was clearly stated during a U.S. diplomats' meeting with the prime minister in 2010. The prime minister stated,

¹⁰⁹ The government believes that the bilateral relationship should not be dictated or high-handed: "we [GOE] have our own stand and don't try to tell us what to do rather [the U.S.] should respect our decision" that the GOE marked this as a "red line." Interview with K-2 (Feb. 8, 2011) (on file with author).

¹¹⁰ Interview with K-5 (Feb. 20, 2011) (on file with author).

¹¹¹ See Press Release, Embassy of the Federal Democratic Republic of Ethiopia, Historical Election Concludes in Ethiopia (May, 2010). See also Viewing cable 09ADDISABABA1318, Understanding the Ethiopian Hardliners, 8 June 2009, 12:33, secret section 01 of 04 Addis Ababa.

¹¹² Embassy of the Federal Democratic Republic of Ethiopia, Prime Minister Meles's Post-Election Press Conference (27th June 2006), Addis Ababa, Ethiopia .

¹¹³ Ministry of Information Press & Audiovisual Department, The Federal Democratic Republic of Ethiopia Foreign Affairs and National Security Policy and Strategy 10-11 (Nov. 2002).

¹¹⁴ See *supra* note 108.

¹¹⁵ FDRE Ministry of Foreign Affairs, Embassy of the Federal Democratic Republic of Ethiopia, Core Principles of Ethiopia's Foreign Policy: Ethiopia-United States Relations (2005).

¹¹⁶ *Id.*

¹¹⁷ FDRE Ministry of Foreign Affairs, The U.S. State Department Human Rights Report on Ethiopia: Not Honorable or Accurate 2 (Mar. 4, 2008).

¹¹⁸ See Government Communication Affairs Office, Ethiopia's Response to the U.S. State Department Report on the Human Rights Situation in Ethiopia 48 (2009).

[A]s evidenced by the statement they issued [diplomatic corps of foreign allies] demanding the release of opposition politicians upon their arrest in 2005 [and also] today . . . foreign embassies are inadvertently conveying the same message, that they will protest the jailing of opposition leaders and potentially take action against the Ethiopian government to secure their release.¹¹⁹ . . . the GOE [Ethiopian government] has made clear to both opposition and EPRDF leaders that nothing can protect them except the laws and constitution of Ethiopia, the GOE will clamp down on anyone who violates those laws.¹²⁰

Bearing this in mind, the Ethiopian government's response to the State Department's human rights report will be discussed in the following subsection.

1. The Ethiopian Government and the State Department's Annual Human Rights Report

The Ethiopian government views the annual human rights reports as an "inevitable and annual irritant in the otherwise excellent relations between the U.S. and Ethiopia."¹²¹ The Ministry of Foreign Affairs has entirely dismissed the report as inaccurate and based on unfounded allegations aimed at ruining Ethiopia's image¹²² because the government believes that it adversely affects the country's reputation and has misled the international community about the "truth and objective situation in present day Ethiopia."¹²³ The GOE's response states that past allegations are "groundless fabrications" intended to "tarnish Ethiopia's image."¹²⁴ According to a senior official in the Ministry of Foreign Affairs, the government has chosen to ignore all past allegations as largely unfounded lies, but has decided to respond to current State Department reports in order to set the record straight. The GOE has noted that past allegations have affected the national image and has complicated relations with the U.S., UN bodies and other donors.¹²⁵

According to the GOE, one of the most significant flaws in the reports is the nature of the sources, as the GOE says most information is derived from open sources with very little "on the ground" research to back it up. According to Ethiopia's Response, the primary sources of reported information are opposition groups and websites,¹²⁶ Gazette reports, NGO reports, and personal complaints, both written and oral. He contends that those in the opposition who fail in the democratic political competition conspire to bring their cases under the guise of human rights abuses.¹²⁷ In connection with this, the GOE believes that the local NGOs have an "intrinsicly unhealthy" relationship with the U.S. (and other foreign donors) because NGOs often exaggerate

¹¹⁹ *U.S. Embassy Cables: U.S. Urges Ethiopia to Back Copenhagen Climate Accord*, THE GUARDIAN (Feb. 2, 2010, 8:30 PM), <http://www.theguardian.com/world/us-embassy-cables-documents/246644>.

¹²⁰ *Id.*

¹²¹ *Supra* note 117 at 2-3.

¹²² *Id.* at 2.

¹²³ *Supra* note 118 at 3.

¹²⁴ *See id.*

¹²⁵ Confidential Interview with K-2, (Feb. 8, 2011) (on file with author). According to an unanimous informant, the human rights reports can be used to substantiate other allegations and to establish a kind of fact to accuse the GOE of gross human rights violations setting a very bad human rights record which the government is trying to deal with them.

¹²⁶ GOV'T COMM. AFF. OFF., *supra* note 116 at 3.

¹²⁷ Interview with Akililu Shekata and Confidential Interview with K-2 (Feb. 8, 2011) (on file with author).

and politicize the human right issues in order to guarantee their survival based on financial support they get from the U.S.¹²⁸

The GOE also argues that the annual report is generally a direct replica of reports from the previous year with minor modifications.¹²⁹ The government further contends that until recently, it had rarely been consulted or asked for explanations about some of the alleged human rights violations.¹³⁰ One MOFA informant said that the drafters of the report do not seem to put a lot of effort into it, simply rushing to organize some fabricated and unfounded allegations.¹³¹

The Ethiopian government has also taken the position that human rights should not be used as a pretext to advance other economic and political agendas. For example, the 2009 annual report mentions restrictions on internet access as a violation of freedom of expression and the press.¹³² The GOE rejected “the criticism leveled under the guise of human rights abuse is nothing but blatant political and economic interest.”¹³³ The GOE argues that such allegations are made because the government has made a policy decision to retain the telecom service under “public ownership” rather than denationalize it.¹³⁴ On the other hand, the GOE notes “the U.S. government uses its annual report to express its support of Ethiopia’s struggle against terrorism, unequivocally condemning the terrorist bombers and their dangerous destabilizing activity.”¹³⁵

Prime Minister Meles’s statement summarizes the Ethiopian government’s position:

“There are issues on which the officials in the United States feel strongly and differently, and there are issues on which we feel strongly and differently from those of the United States. We will agree to disagree on those we do not agree on, and we agree to work together on issues of common interest.”¹³⁶ The common interest between the U.S. and Ethiopia is clearly security and regional stability. The Ethiopian government’s policy towards the U.S. also suggests that ensuring its diplomatic and political support is of paramount importance to achieve the peace and security objectives of the GOE. Accordingly, continuous dialogue and consultation is important to bridge differences “in the context of the strategic value of the relationship.”¹³⁷ According to senior officials in the MOFA, even though the GOE has no legal obligation to respond to the U.S. human rights report, the Ethiopian government does not want to simply dismiss American concerns, because the GOE wants to improve its bilateral relationship with the U.S.¹³⁸ As a result, the GOE has managed to arrange mechanisms of dialogue with the U.S. government on

¹²⁸ GOV’T COMM. AFF. OFF., *supra* note 116 at 3.

¹²⁹ Confidential Interview with K-3, (Apr. 10, 2011) (on file with author).

¹³⁰ Interview with Akililu Shekata (Feb. 8, 2011) (notes in Amharic and on file with author).

¹³¹ Confidential Interview with K-3 (Apr. 19, 2011) (on file with author).

¹³² The GOE has been accused of restricting access to the Internet and blocked opposition websites, including the sites of the OLF, ONLF, Ginbot Seven, and several news blogs and sites run by opposition diaspora groups, such as *Nazret*, *Ethiopian Review*, *Cyber Ethiopia*, *Quatero Amharic Magazine*, *Tensae Ethiopia*, and the *Ethiopian Media Forum*. See also State Department, *supra* note 24.

¹³³ GOV’T COMM. AFF. OFF., *supra* note 116, at 56.

¹³⁴ *Id.* at 55.

¹³⁵ *Id.* at 10.

¹³⁶ *Ethiopian Leader says Rough Stretch in Ties with US Over*, VOICE OF AMERICA NEWS (Aug. 10, 2010), <http://www.voanews.com/content/ethiopian-leader-says-rough-stretch-in-ties-with-us-over-100484749/155581.html>.

¹³⁷ The Ethiopian foreign policy approach suggests that differences between the two countries should be dealt strictly adhering to “*strategic values of the relationship to separate the major issues from those which are not so important towards the U.S.*” (emphasis added). See Ministry of Info. Press & Audiovisual Dep’t, *supra* note 111, at 148.

¹³⁸ Confidential Interview with K-2 (Feb. 8, 2011) (on file with author) (Further argues that it would also be politically incorrect as it might have many repercussions affecting the bigger bilateral relations).

various human rights issues whenever these issues are raised, but the GOE often advises more focus in the discussion on common interests and concerns.¹³⁹

2. Ethiopian Human Rights Measures

The GOE took both hard and soft measures to enforce its own policies and government positions discussed above. These include, for instance, the jamming of the Voice of America News (VOA) Amharic program, the charging of two journalists along with opposition leaders after the contested 2005 national election, and the CSO legislation enacted in 2009. Currently, as a result of the Charities and Societies Proclamation restriction, in Ethiopia, most donors and aid agencies are forced to shift into development assistance and non-rights related work.¹⁴⁰

As previously stated, the GOE has often pointed to the unhealthy relationship between the NGO sector and foreign donors. In fact, the Ethiopian government believes that NGOs and the foreign community are “blindly” supporting the Ethiopian opposition,¹⁴¹ advancing a hidden political agenda that lacks genuine concern for human rights and democracy. More importantly, the GOE argues that democracy should “develop organically” in Ethiopia;¹⁴² it is only Ethiopian citizens who should organize and defend their rights, and there should not be a “spoon-fed democracy.”¹⁴³ For these reasons, in part, the GOE enacted legislation to make the sector accountable to its own members and constituency, rather than to foreign entities.¹⁴⁴ But the other equally important rationale behind the Charities and Societies Proclamation is the government policy of resisting foreign pressure of any type.¹⁴⁵ Thus, the law prevents most foreign-funded NGOs from working in the areas of human rights, democracy, and conflict resolution.¹⁴⁶

¹³⁹ *Id.*

¹⁴⁰ See Art.14(2) (J-O) Charities and Societies Proclamation, No. 621/2009 (2009),

<http://www.molsa.gov.et/English/Resources/Documents/Charities%20and%20Societies%20Proclamation.pdf>

¹⁴¹ See *Understanding the Ethiopian Hardliners*, Wikileaks (June 8, 2009),

http://www.wikileaks.org/plusd/cables/09ADDISABABA1318_a.html.

¹⁴² THE GUARDIAN, *supra* note 94.

¹⁴³ *Id.* The BBC has also reported on this, citing the prime minister's spokesman, Bereket Simon, who said that “Ethiopia needed foreign NGOs to help with poverty alleviation and development, but the political realm had to be left for Ethiopians.” Elizabeth Blunt, *Ethiopia Fears Over Aid Clampdown*, BBC (Nov. 26, 2008), <http://news.bbc.co.uk/2/hi/africa/7736417.stm>.

¹⁴⁴ THE GUARDIAN, *supra* note 94.

¹⁴⁵ Critics like Getachew Metafirai also argue that “the lives of CSOs in most cases depend on the funds and the resources they receive from overseas. They also challenge human rights abuses in Ethiopia and expose the government’s shortcomings. In order to weaken them, the government has chosen to cut their lifeline.” Interview with Dr. Getachew Metaferia, Professor of Political Science, Morgan State University (Jan. 9, 2011- Feb. 14, 2011). Also, all the GOE officials that I managed to talk to are skeptical about the NGO operation and see such sector as a conduit for foreign interference. This is because during my interview with government officials I got the impression that the GOE is skeptical about the activity of the NGO sector partly because such sector is dependent on foreign funding that tends to often exaggerate and fabricate human rights abuses and/or have hidden political agenda. Confidential Interview with K-1, Senior Official, FDRE Ministry of Foreign Affairs (Mar. 15, 2011) (on file with author), and Confidential Interview with K-2, (Feb. 8, 2011) (on file with author).

¹⁴⁶ It has also been reported that because of the newly enacted CSO law that would eventually close down many projects funded by the U.S. government, David Kramer, Assistant Secretary of State for Democracy and Human Rights, came to Ethiopia to discuss concerns with the GOE. Elizabeth Blunt, *Ethiopia Fears Over Aid Clampdown*, BBC (Nov. 26, 2008), <http://news.bbc.co.uk/2/hi/africa/7736417.stm>.

GOE claim that VOA's Amharic programming raises serious concerns for the Ethiopian government¹⁴⁷ because the GOE believes that "VOA is biased and gives a platform for extremist elements."¹⁴⁸ The GOE has accused VOA of seeking "to report only what is anti-government or lend support for the opposition," and therefore lacking neutrality.¹⁴⁹ As a result, in 2010 the GOE jammed the VOA Amharic program in Ethiopia.¹⁵⁰

III. DRAFT HUMAN RIGHTS BILLS IN THE U.S.:¹⁵¹ A LITMUS TEST TO ADVANCE HUMAN RIGHTS IN FOREIGN POLICY SCHEMES

The U.S. draft legislation HR-2003 is a controversial bill that emerged following Ethiopia's 2005 national election. The debate over HR-2003 demonstrated the complexity of using foreign policy as a framework to advance the cause of human rights. The intricate interests involved in the foreign policy machinery, competing foreign policy goals, and the limitation of possible diplomatic tools to advance human rights can all be clearly illustrated by examining the draft bills.¹⁵²

HR-2003 was proposed through Congressman Donald Payen with the Ethiopian diaspora and human rights advocacy groups lobbying in favor of the bill.¹⁵³ Post-2005 election violence mobilized the Ethiopian diaspora, critics of the Ethiopian government, and human rights advocacy groups to reach out to members of Congress and influence the U.S. policy-making process on the basis of alleged gross violations of human rights by the GOE.¹⁵⁴ The draft legislation primarily aimed at "supporting democracy and human rights in Ethiopia," proposing technical and financial assistance as well as threatening to take punitive diplomatic measures that would restrict U.S. security assistance to Ethiopia.¹⁵⁵ The bill tried to strike a balance between the various policy goals. It proposed to support the advancement of human rights and democracy, the independence of the judiciary, freedom of the press, peacekeeping, capacity building and economic development, to foster stability and supporting humanitarian assistance, but also to

¹⁴⁷ FDRE Ministry of Foreign Aff., *supra* note 67.

¹⁴⁸ Wikileaks, *supra* note 139. (Similarly, Internet websites like Ethiomedia, nazretet.com and others have also been blocked to be read in Ethiopia. It should be noted that two journalist of VOA were charged with opposition leaders in the aftermath of the 2005 election).

¹⁴⁹ *Id.*

¹⁵⁰ *Amharic Broadcasts Jammed in Ethiopia*, VOICE OF AMERICA NEWS (Mar. 3, 2010),

<http://www.voanews.com/content/voa-amharic-broadcasts-jammed-in-ethiopia-86339587/153515.html>

¹⁵¹ HR 2003 was sponsored by Congressman Donald Payen in 2006 and the a draft bill entitled as *Support for Democracy and Human Rights in Ethiopia Act of 2010* introduced in the U.S. Senate in 2010 by U.S. Senators Feingold and Leahy. H.R. 2003, 110th Cong. (2007).

¹⁵² Previously Ethiopian Human Rights Bill (H.R.5680), also known as the Ethiopian Freedom, Democracy and Accountability Act of 2006, authored by Rep. Chris Smith, a Republican from New Jersey. Despite support from members of the U.S. Congress, the bill failed to appear on the House floor because of the lobby against the bill financed by the current government of Ethiopia, the EPRDF. Because of the continued pressure by Ethiopians and the support they garnered from Congressman Donald Payne (Democrat from New Jersey), Chairman of the Subcommittee on Africa and Global Health, another version of the bill, the Ethiopia Democracy and Accountability Act, also known as H.R. 2003, was introduced in July 2007. See Getachew Metaferia, *Ethiopia and the United States, History, Diplomacy and Analysis* 109-111, (2009).

¹⁵³ Interview with Terrence Lyons, Associate Professor, George Mason University, in Addis Ababa, Ethiopia (Jan 22, 2011) (on file with author).

¹⁵⁴ Terrence Lyons, "Ethiopia's Convergence of Crisis," *Current History*, A journal of Contemporary World Affairs 107:708 (April 2008): 160

¹⁵⁵ *Ibid*

enable collaboration with Ethiopia in the Global War on Terror.¹⁵⁶ By drafting it this way, proponents intended to make this law serve the human rights agenda as well as maintain other equally important security and stability interests.

Subsequently, a draft bill entitled the “Support for Democracy and Human Rights in Ethiopia Act of 2010” was introduced in the Senate by Senators Feingold and Leahy.¹⁵⁷ This bill proposed punitive measures restricting assistance¹⁵⁸ and called for conditionality in the U.S.’s assistance to Ethiopia unless the GOE allowed civil society to operate in the area of human rights, guaranteed political freedom and released political prisoners, allowed VOA and other independent media to operate, and held the security forces accountable for human rights violations.¹⁵⁹ According to the drafters, these goals were based on the U.S. government’s findings about “ongoing and serious human rights abuses against civilians in the Somali Region” of Ethiopia.¹⁶⁰

The Ethiopian government’s severe restrictions on freedom of expression, freedom of association, peaceful assembly, and the right to a fair trial were put into place through newly enacted legislation in the run-up to the 2010 elections such as the Charities and Societies Proclamation and the Anti-Terrorism Proclamation.¹⁶¹ This 2010 bill in the U.S. also mentioned the detention of opposition leader Birtukan Mideksa and the repeated intimidation of political party leaders and their supporters.¹⁶² Like the Ethiopia Democracy and Accountability Act of 2007, the 2010 bill also declared U.S. support for the people and government of Ethiopia in the effort “to achieve . . . multi-party democracy” and “respect for human rights, and economic development,” “to combat extremism and terrorism,” “to promote peace and stability,” to provide “humanitarian assistance regardless of gender, ethnicity, or political views,” and to ensure transparency and accountability.¹⁶³

¹⁵⁶ U.S. Congress, *H.R.2003 -- Ethiopia Democracy and Accountability Act of 2007 (Referred in Senate - RFS) HR 2003, Con.*, 11th, 2nd sess. (Washington, DC, October 3, 2007) 191-192, accessed on accessed on file:///home/LegislativeData.php?&n=BillTex.

¹⁵⁷ See Support for Democracy and Human Rights in Ethiopia Act of 2010, S. 3757, 111th Cong. § 1 (2010).

¹⁵⁸ Support for Democracy and Human Rights in Ethiopia Act of 2010, S. 3757, 111th Cong. § 5 (2010).

¹⁵⁹ *Id.* at § 5(a)(1). Sec.5 Restrictions on Assistance (a) Conditions-(1) Prohibition of Fund- Notwithstanding any other provision of law, assistance may not be provided to the Government of Ethiopia unless the Secretary of State certifies annually that the Government of Ethiopia has taken demonstrable steps—(A)-(F) and This document also underlines the need to free all political prisoners including Birtukan Mideksa, and to repeal, or at least amend, the Civil Society Proclamation, the Anti-Terrorism Proclamation and the Mass Media and Freedom of Information Proclamation to fully “protect the constitutional rights and freedoms of all Ethiopian citizens.” *Id.* at § 4.

¹⁶⁰ Support for Democracy and Human Rights in Ethiopia Act of 2010, S. 3757, 111th Cong. § 2(6).

¹⁶¹ See *id.* at § 2(7).

¹⁶² *Id.* at § 5(a)(1)(B).

¹⁶³ *Id.* at § 3. An excerpt of Section3 of the Support for Democracy and Human Rights in Ethiopia Act of 2010 is as follows:

It is the policy of the United States (1) to support and encourage efforts by the people and Government of Ethiopia--
 (A) to achieve a participatory multiparty democracy, an active and unhindered civil society, rule of law and accountability, judicial capacity and independence, freedom of the press, respect for human rights, and economic development; and
 (B) to develop a comprehensive strategy to combat extremism and terrorism in a manner consistent with international law;
 (2) to promote peace and stability, equal access to humanitarian assistance regardless of gender, ethnicity, religion, or political views, and good governance, transparency, and accountability;
 (3) to seek the unconditional release of all political prisoners and prisoners of conscience in Ethiopia, and the repeal of laws that enable politically motivated arrests without due process;

The Ethiopian government in both instances criticized the draft bills as interference with the sovereignty of the state. The GOE argued that the proposed legislation would “undermine regional stability in the Horn of Africa by jeopardiz[ing] vital security cooperation between the United States and Ethiopia.”¹⁶⁴ When the Ethiopia Democracy and Accountability Act of 2007 was passed in Congress, Samuel Assefa, Ethiopia’s ambassador to the U.S., called the draft bill “irresponsible” and said it would “undermine regional stability.”¹⁶⁵ Consequently, the GOE hired DLA Piper to block the bill and keep it from becoming law in the U.S.

In 2007, the government of Ethiopia also hired DLA Piper¹⁶⁶ to stop a proposed human rights bill on the Ethiopian government in U.S. Congress. In a memo prepared and disseminated by these lobbyists, the Ethiopian government challenged the draft bill, arguing that the security and national interests of both countries would be threatened if it became law.¹⁶⁷ The memo argued that prohibition of security assistance to Ethiopia was against both countries’ interests because of the high risk of insecurity and regional instability.¹⁶⁸ It also argued that the U.S. was obtaining intelligence information and defense cooperation from Ethiopia, which is both “strong and the only democratic ally in the region.”¹⁶⁹

Despite Washington’s call for more open elections with independent international observers, the GOE reasserted its position that foreign interference is not welcome. This position was made manifest in the 2010 *Note Verbatim* to foreign embassies and diplomats in Addis Ababa, which restricted travel outside of the city from May 10 through June. The former Ethiopian Prime Minister confirmed that “the foreign ministry (MOFA) talked to those embassies and indicated to them that it would not be welcome for them to contravene the guidance set by the government with regard to [election] observation by diplomats.”¹⁷⁰ As a result, U.S. embassy officials and those of other Western governments were barred from travel during elections.¹⁷¹

(4) to prohibit funding to any unit of the Ethiopian security forces if the Secretary of State has credible information that such unit has committed a gross violation of human rights

Id. at § 3.

¹⁶⁴ *US targets Ethiopia for sanctions*, BBC NEWS (Oct. 4, 2007), <http://news.bbc.co.uk/2/hi/africa/7027481.stm>.

¹⁶⁵ *Id.*

¹⁶⁶ GETACHEW METAFERIA, *ETHIOPIA AND THE UNITED STATES: HISTORY, DIPLOMACY AND ANALYSIS* 134 (2009).

See also Interview with Dr. Getachew Metaferia, Professor of Political Science, Morgan State University (Jan. 9, 2011- Feb 14, 2011). (DLA Piper is a Washington, D.C.-based lobbying firm that is hired at \$50,000 a month to block the HR-2003 bill.) According to Dr. Getachew Metaferia, the firm has political heavyweight lobbyists such as the former House Majority Leaders Richard Arney, a Republican from Texas, and Richard Gephardt, a Democrat from Missouri).

¹⁶⁷ Marina W Guevara, *Allegiance Rewarded Ethiopia Reaps U.S. Aid by Enlisting in War on Terror and Hiring Influential Lobbyists*, THE CENTER FOR PUBLIC INTEGRITY (May 22, 2007, 12:00 AM), <http://www.publicintegrity.org/2007/05/22/5746/allegiance-rewarded>.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ Zenawi, *supra* note 62. It should also be noted that in the 2005 national election, the GOE unexpectedly expelled the National Democratic Institute (NDI), the International Republican Institute (IRI), and IFES, all of whom were allowed by the GOE to be part of the multi-donor fund for election support, which was managed by the UN Development Program (UNDP) in 2005. According to this U.S. official document, the U.S. government undertook a program of support for the national legislative and regional council elections held in May 2005. The program included a cooperative Institute (IRI), IFES to Ethiopia, a contribution to a multi-donor fund for election support managed by the UN Development Program (UNDP), and a grant to permit the Carter Center to respond to the government’s invitation to observe the elections. United States Department of States, *supra* note 15.

¹⁷¹ Meles Zenawi, *Meles’s Mind: PM Opines, Plans Post-Election*. In the 2010 *Note Verbatim*, which was distributed to all embassies and consular affairs, the Ministry of Foreign Affairs stated that no embassy and

Strong opposition to the first bill (HR 2003) came not only from the Ethiopian government, but also from several key officials in the African Bureau of the State Department who believed the bill would interfere with U.S. security interests. In the State Department's foreign office, civil servants seemed more inclined to serve the established interests, and most notably, the counterterrorism agenda.¹⁷² For instance, Assistant Secretary of State for African Affairs, Jendayi Frazer, opposed the bill and expressed her concern that it would constrain U.S. government interests in the region.¹⁷³ In their article "Don't Turn on Ethiopia," Vicki Huddleston¹⁷⁴ and Tibor Nagy¹⁷⁵ argued that the bill was against U.S. security interests and called Ethiopia "one of our closest allies."¹⁷⁶ They argued, "Congress is poised to fuel the march toward war by passing a bill that threatens to cut off technical assistance to Ethiopia, one of our closest allies By singling out Ethiopia for public embarrassment, the bill puts Congress unwittingly on the side of Islamic jihadists and insurgents."¹⁷⁷ They also accused the Eritrean government and some Middle Eastern countries of financing and training armed insurgents in Ogaden.¹⁷⁸

The draft bill also directly contradicted the interests of another important organ in the U.S. government: the Pentagon. The Pentagon has a strong interest in boosting the military capacity of the Ethiopian government in order to fight terrorism and insurgency in Somalia, but HR-2003 proposed travel restrictions on *any* government official involved in human rights abuses and restrictions on security assistance.¹⁷⁹ Such diplomatic tools may not bring the desired results of

diplomatic mission should travel outside of Addis Ababa without providing due notice to the government. The *Note Verbatim* further ordered that prior permission should be given to foreign staffs to travel outside of Addis. In this regard, the GOE position was reaffirmed in the Prime Minister's interview with journalists. According to Prime Minister Meles, "There were some reports that some embassies were violating this decision by the government. The foreign ministry talked to those embassies and indicated to them that it would not be welcome for them to contravene the guidance set by the government with regard to observation by diplomats." See Embassy of The Federal Democratic Republic of Ethiopia, Prime Minister Meles's Post-Election Press Conference 27th June 2006 Press Conference, Addis Ababa.

¹⁷² Interview with Dr. Getachew Metaferia, Professor of Political Science, Morgan State University (Jan. 9, 2011-Feb. 14, 2011). See also Interview with Theodore Vestal, Professor Emeritus of Political Science, Oklahoma State University, (Dec. 23, 2010-Jan. 24, 2011).

¹⁷³ Janine Zacharia, *Letter from Washington: War on terror trumps promoting Ethiopian democracy*, N.Y. TIMES (Oct. 16, 2007), http://www.nytimes.com/2007/10/16/world/americas/16iht-letter.1.7910126.html?_r=1&sq=Human%20right%20in%20Ethiopia%20and%20the%20war%20on%20terrorism%20U.S.&st=cse&scp=1&pagewanted=print.

¹⁷⁴ Served as an ambassador from 2002-2004.

¹⁷⁵ Served from 1999 until 2002.

¹⁷⁶ Vicki Huddleston & Tibor Nagy, Opinion, Don't Turn on Ethiopia, N.Y. TIMES (Nov. 15, 2007), <http://www.nytimes.com/2007/11/15/opinion/15huddleston.html?adxnnl=1&adxnnlx=1425261618-U7VBj0Qw0Hrf7XJw/fljhQ&pagewanted=print>.

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ Ethiopia Democracy and Accountability Act of 2007, H.R. 2003, 110th Cong. § 5(2)(A)(ii) (2007). An excerpt of section 5 of the 2007 Act is as follows:

Ensuring Government Support For Human Rights, Democracy, and Economic Development in Ethiopia.

(a) LIMITATION ON SECURITY ASSISTANCE; TRAVEL RESTRICTIONS —

(1) LIMITATION ON SECURITY ASSISTANCE

(A) In General. — Except as provided in subparagraph (B), security assistance shall not be provided to Ethiopia until such time as the certification described in paragraph (3) is made in accordance with such paragraph.

(B) EXCEPTION. — Subparagraph (A) shall not apply with respect to peacekeeping assistance, counterterrorism assistance, or international military education and training for civilian personnel under section

policy change or reform, but may instead turn out to be counterproductive.¹⁸⁰ Some even argue that the humanitarian aid the U.S. gives to Ethiopia only has limited leverage as a diplomatic tool to put pressure on the GOE. According to a senior Western diplomat, as reported by the BBC, because aid is largely humanitarian, the U.S. has “few levers of influence.”¹⁸¹ Humanitarian aid should not be used as a political weapon “when millions of people are at risk because of hunger, poverty and disease.”¹⁸²

In fact, the U.S. has been very wary about enacting such a bill because of the established belief among foreign policy makers and in bureaucratic circles that such punitive measures may not only have unintended consequences, but may “undermine or destabilize the regime” in Ethiopia.¹⁸³ This is because Ethiopia is often seen “as a rock of stability in an otherwise troubled region.”¹⁸⁴ Those who support the regime and its policies in the U.S. government raise the issue of security cooperation. According to Vestal, “even carefully drafted legislation (which attempts to balance U.S. security interests with the human rights and democratic issues) will be difficult to pass without strong White House support.”¹⁸⁵

541 of the Foreign Assistance Act of 1961 (commonly referred to as ‘Expanded IMET’). Peacekeeping or counter-terrorism assistance provided to Ethiopia shall not be used for any other security-related purpose or to provide training to security personnel or units against whom there is credible evidence of gross human rights abuses or violations.

(2) TRAVEL RESTRICTIONS. — Beginning on the date that is 60 days after the date of the enactment of this Act and until such time as the certification described in paragraph (3) is made in accordance with such paragraph, the President shall deny a visa and entry into the United States to —

(A) any official of the Government of Ethiopia —

(i) who has been involved in giving orders to use lethal force against peaceful demonstrators or police officers in Ethiopia; or

(ii) against whom there is credible evidence of gross human rights abuses or violations;

(B) security personnel of the Government of Ethiopia who were involved in the June or November 2005 shootings of demonstrators;

(C) security personnel responsible for murdering Etenesh Yemam; and

(D) security personnel responsible for murdering prisoners at Kaliti prison in the aftermath of the election violence in 2005.

Id. at § 5.

¹⁸⁰ Interview with Dr. Solomon Mebere and Confidential Interview with K-4 (Sept. 10, 2010) (notes in Amharic and on file with author).

¹⁸¹ Peter Biles, *Diplomatic pressure grows on Ethiopia*, BBC NEWS, <http://news.bbc.co.uk/2/hi/africa/4418936.stm> (last updated Nov. 9, 2005); *see also* Interview with David Shinn, former U.S. ambassador in Ethiopia from 1996 until 1999. He is currently an Adjunct Professor of International Affairs, George Washington University, (Dec. 22, 2010 – Dec. 24, 2010); Interview with Theodore Vestal, Professor Emeritus of Political Science, Oklahoma State University, (Dec. 23, 2010-Jan. 24, 2011).

¹⁸² *Id.*

¹⁸³ Bronwyn E. Bruton, *U.S. Policy Shift Needed in the Horn of Africa*, COUNCIL ON FOREIGN RELATIONS <http://www.cfr.org/ethiopia/us-policy-shift-needed-horn-africa/p19982#> (last updated Aug. 6, 2009).

¹⁸⁴ *Id.* *See also* *Senior US Senators and Gen Ward recognizes Ethiopia as the main stabilizing force in the Horn region*, AIGAForum, http://www.aigaforum.com/news/Senior_US_Senators_and_Gen_Ward.htm (last updated Mar. 11, 2010).

¹⁸⁵ Interview with Theodore Vestal, Professor Emeritus of Political Science, Oklahoma State University, (Dec. 23, 2010-Jan. 24, 2011); *see also* Terrence Lyons, *Ethiopia’s Convergence of Crisis*, 107 CURRENT HIST.: 154, 159 (2008) (Washington’s call for democratization and human rights has been criticized as unpersuasive because of U.S. support for the GOE cooperation in the war on terror. U.S. policy makers identify the GOE as a “key strategic partner”); Interview with Dr. Okobazgi, Professor in the Political Science Department University of Louisville, in Louisville, KY (Dec. 22, 2010-Jan. 24, 2010); Interview with Dr. Getachew Metaferia, Professor of Political Science, Morgan State University (Feb. 14, 2011); Interview with Professor Terrence Lyons, Associate Professor, George Mason University, in Addis Ababa, Ethiopia (Jan. 21 2011) (on file with author) (all argue in favor of this

U.S. foreign policy regarding the Horn of Africa has been left to the African Bureau of the State Department and to the national security bureaucracy, both of which seem interested in routine bureaucratic matters rather than change.¹⁸⁶ According to Vestal, State Department personnel do not want to “endanger their careers,”¹⁸⁷ and Schraeder asserts that foreign service officers are typically most concerned with maintaining good relations with their “African clients” and may fear antagonizing them by raising the issues of political reform and aid conditionality.¹⁸⁸ Human rights concerns often complicate good relations and have the potential to create irritation.¹⁸⁹ This is a clear indication that unless a high-level intervention is made, foreign policy staff in the State Department’s African Bureau will not have an incentive to act in favor of human rights by taking measures against the government.¹⁹⁰

Terrence Lyons argues, therefore, that the legislation is “more symbolic than substantive,” with only a slight nuisance effect on the Ethiopian government and the officials of the Department of State.¹⁹¹ Although the 2003 bill had White House support, the State Department and the Pentagon opposed it, and the President may have ultimately vetoed it for national security reasons.¹⁹² Extreme measures such as economic sanctions have never been seriously considered in the case of Ethiopia under the EPRDF. Restriction and suspension of aid are considered to be too punitive and perhaps contrary to U.S. interests.

idea).

¹⁸⁶ PERTER J. SCHRAEDER, UNITED STATES FOREIGN POLICY TOWARDS AFRICA: INCREMENTALISM, CRISIS AND CHANGE 182 (Steve Smith et. al eds., 1994).

¹⁸⁷ Interview with Theodore Vestal, Professor Emeritus of Political Science, Oklahoma State University, (Dec. 23, 2010-Jan. 24, 2011); Interview with Terrence Lyons Associate Professor, George Mason University, in Addis Ababa, Ethiopia (Jan. 21, 2011) (on file with author).

¹⁸⁸ Schraeder, *supra* note 181, at 257.

¹⁸⁹ Interview with Theodore Vestal, Professor Emeritus of Political Science, Oklahoma State University, (Dec. 23, 2010-Jan. 24, 2011); Interview with Terrence Lyons, Associate Professor, George Mason University, in Addis Ababa, Ethiopia (Jan. 22, 2011) (on file with author).

¹⁹⁰ Schraeder, *supra* note 183. Critics argue that foreign policy bureaucracies of the State Department are career officers who do not have any “incentive or penalty” to actively advance the cause of human rights in U.S. diplomacy. African Bureau of the State Department for instance has been criticized as “reluctant in pursuing an active human rights agenda because foreign service officers usually preoccupied with protecting the already established good working relations and sometimes representing the interests of the host states in the U.S. government- which often referred by critics as “clientism.” See CLAIR APODACA, UNDERSTANDING U.S. HUMAN RIGHTS POLICY: A PARADOXICAL LEGACY 64-65 (2006); Schraeder, *supra* note 181, at 181-182. But this whole argument is highly refuted by Okobazgi as an “apologia” concealing the reality of the U.S. foreign policy towards Africa and Ethiopia in particular. The lack of high-level attention in U.S. foreign policy to the African foreign policy bureaucracy is because of the very fact that Africa (particularly Ethiopia) does not have sufficient influence to attract high-level U.S. foreign policy priority. This is because we do not have domestic American constituency strong enough to influence both formulation and implementation of American foreign policy towards the continent. Also, Ethiopia (and Africa in general) individually lacks leverage critical to playing hardball with the United States in ways that would actually grab American attention. Ethiopia and other African countries remain less important to American policy-makers in relation to other strategically hot-spot places, such as Egypt, Israel, Turkey, or Indonesia. And the Human rights agenda is not an end by itself, but a means to achieve various strategic interests of the U.S. See Interview with Dr. Okobazgi, Professor in the Political Science Department University of Louisville, in Louisville, KY (Dec. 22, 2010-Jan. 24, 2010).

¹⁹¹ Lyons, *supra* note 21, at 160.

¹⁹² Interview with Terrence Lyons, Associate Professor, George Mason University, in Addis Ababa, Ethiopia (Jan. 22, 2011) (on file with author). Lyons, Shinn, and Metaferia all argued that the executive has never seriously targeted Ethiopia for aid cut or sanction based on human rights agenda. Interview with Dr. Getachew Metaferia, Professor of Political Science, Morgan State University (Jan. 9, 2011-Feb. 14, 2011).

Therefore, the proposed bills, above all, project the intricate interests, the various political considerations, the different interest groups within the U.S. government, and the challenges of using U.S. foreign policy schemes to advance the cause of human rights in Ethiopia. They also show that U.S. foreign policy declarations or expressions of concern over human rights violations do not equate to the actual implementation of such standards through foreign policy machinery. The U.S. has rhetorically declared its commitment to human rights, but any implementation has been subject to various political considerations, negotiations, maneuvering and re-prioritization, one after the other.

IV. APPRAISING U.S.-ETHIOPIAN DIPLOMACY'S SUCCESS IN ADVANCING THE HUMAN RIGHTS AGENDA

The discussion in the previous sections provides evidence of the existence of human rights issues as a discernible element of U.S. foreign policy in Ethiopia. Despite the many parallel objectives of U.S. foreign policy, human rights are considered one goal and a permanent element of the diplomatic undertaking. Indeed, foreign policy machinery is often employed to advance various goals that may be competing. The U.S. has consistently declared foreign policy as a vehicle to advance the cause of human rights,¹⁹³ but varying degrees of attention and levels of importance are assigned to this issue at the policy level as well as in actual implementation.

In relation to this, it is also imperative to take into consideration the factors that influence and shape the choice of diplomatic tools. The U.S. diplomatic investment in the advancement of human rights is subject to cost-benefit analysis, taking into account the overall strategic foreign policy, the nature of the relationship, the level of alleged human rights abuse, the predominant interest of the U.S. at a particular time and other factors. All of these factors determine the role of U.S. foreign policy as a framework to advance human rights in Ethiopia.

A. The predominance of security and stability interests is important in determining the place given to human rights. The U.S. interest during the early period of the EPRDF was to maintain peace and stability in Ethiopia and the region. The threat of Islamic fundamentalism as well as the war on terror emerged as important issues. The U.S. is consistently trying to balance its interest in regional stability and Ethiopia's role in this regard with its concerns over improved human rights in Ethiopia.¹⁹⁴ In this regard, the Ethiopian government has a strong reputation and credibility in the eyes of the West as a dependable ally.¹⁹⁵ The GOE has used its significant political leverage on a number of important occasions, demonstrating the country's indispensability for regional peace and security issues. Ethiopia played a vital role in brokering peace between Juba and Khartoum, contributed their military to the joint United Nations–African Union mission in Darfur (UNAMID) and in 2011, Ethiopian forces were deployed under UN

¹⁹³ U.S. Dep't of State, Bureau of Democracy, H.R. and Lab., Supporting Human Rights and Democracy: The U.S. Record 2005 – 2006 4-5(2006).

¹⁹⁴ David Shin, *Walking the Line: U.S. Security Policy in East Africa and the Horn*, WORLD POLITICS REVIEW (Feb. 20, 2013), <http://www.worldpoliticsreview.com/articles/12722/walking-the-line-u-s-security-policy-in-east-africa-and-the-horn>; See also Interview with David Shinn, former U.S. ambassador in Ethiopia from 1996 until 1999. He is currently an Adjunct Professor of International Affairs, George Washington University, (Dec. 22, 2010–Dec. 24, 2010)

¹⁹⁵ *Europeans Tracks U.S. on East Africa, but Remain Reluctant to Sanction Eritrea*, THE TELEGRAPH (Feb. 2011), <http://www.telegraph.co.uk/news/wikileaks-files/somalia-wikileaks/8302251/EUROPEANS-TRACK-U.S.-ON-EAST-AFRICA-BUT-REMAIN-RELUCTANT-TO-SANCTION-ERITREA.html#mainsections> [hereinafter *Europeans Tracks U.S.*, The Telegraph].

Interim Security Force for Abyei (UNISFA). As a result, the U.S. has constantly attempted to balance its political interests in Ethiopia and is reluctant to press hard on human rights issues. U.S. policy makers do not want to antagonize the GOE and potentially lose an ally in the region.¹⁹⁶

B. U.S. foreign policy schemes are not solely used to advance the cause of human rights but have other competing foreign policy goals that the U.S. wants to achieve. Human rights goals by their very nature are “universal aspirations.”¹⁹⁷ In the case of U.S.-Ethiopia relations, respect for human rights is not a foreign policy goal that is pursued irrespective of other competing interests. HR-2003 revealed the policy dilemma between security interests and the human rights agenda, and demonstrated that the former prevails. Human rights is not an independent variable in U.S. diplomacy towards Ethiopia, but rather subordinate to security objectives and other strategic goals of the U.S.

C. The strength of the relationship the U.S. has with the Ethiopia government is also an important consideration. Because the U.S. has good relations with the EPRDF, it is much more difficult to be critical about the regime’s human rights record or to engage in a tougher diplomatic undertaking. As a result, the human rights agenda is given much prominence during election season, usually focusing on civil and political rights. The human rights agenda is sometimes a public diplomacy tool used to portray the U.S. as on the side of Ethiopians who aspire for freedom and liberty. U.S. policymakers do express concerns about the state of human rights in Ethiopia from time to time, and the emphasis of those concerns has varied based on the degree to which the government in power and the opposition forces confront each other (which is often during and after elections).

Tough diplomatic measures could undermine the overall strategic goals of the U.S., antagonizing a friendly regime and an ally in the region. In the final analysis, U.S. interest is with the political force that is going to form a government in Ethiopia.¹⁹⁸ Under these circumstances, the U.S. is bound to have to walk a tightrope by not antagonizing that government while at the same time appearing to support the promotion of human rights in Ethiopia.

According to Shinn, it would have been much simpler for the U.S. government to use human rights abuses against the former military regime.¹⁹⁹ This ultimately shows that “human

¹⁹⁶ Interview with Dr. Okobazgi, Professor in the Political Science Department University of Louisville, (Dec. 22, 2010-Jan. 24, 2010) (“[T]he major concern for American policy-makers is that they would not want to antagonize the GOE and lose its participation in the coalition of the willing.”); Interview with Theodore Vestal, Professor Emeritus of Political Science, Oklahoma State University, (Dec. 23, 2010-Jan. 24, 2011).

¹⁹⁷ Kraxberger, *supra* note 30, at 49. (“Human rights are aspired globally as a universal agenda but other goals in foreign policy like security interest are place-dependent, trade, counterterrorism . . . and the like are “place dependent and specific to a given geographic space” demanding for special dealing in the diplomacy that is closely linked with national self interest.) *See also* JULIE A. MERTUS, BAIT AND SWITCH: HUMAN RIGHTS AND U.S. FOREIGN POLICY 9 (2d ed. 2008).

¹⁹⁸ The U.S. always intends to ally or maintain good relations with the government that is in power. In the post 2005 national election, U.S. “policy makers [were] not confident about the ability of the opposition to mount a decisive counter-offensive against the regime in power.” As a result, pushing the GOE on human rights and actively advocating for respect for human rights by the Ethiopian government might turn out to be an important factor to constrain relations between the two counties. Interview with Dr. Okobazgi, (Jan. 3, 2011); *see* Interview with Dr. Getachew Metaferia, Professor of Political Science, Morgan State University, 1/9/2011-2/14/2011; Interview with Terrence Lyons, Associate Professor, George Mason University, in Addis Ababa, Ethiopia (Jan. 22, 2011) (on file with author).

¹⁹⁹ Interview with David Shinn, former U.S. ambassador in Ethiopia from 1996 until 1999. He is currently an Adjunct Professor of International Affairs, George Washington University, (Dec. 22, 2010 – Dec. 24, 2010).

rights abuse” can be easily tagged to a state that is “unfriendly” or inimical to the U.S. Human rights violations, and a state can be manipulated as a political tool to demonize a regime that is perceived as unfriendly to U.S. interests. Therefore, one may infer that the human rights agenda is conflated with U.S. self-interests and the degree of relationship it has with another government. More than anything, this proves that the human rights agenda is not an issue that is dispassionately and indiscriminately applied; rather it is used as a political tool to advance U.S. foreign policy objectives.

D. The level of alleged human rights abuses can also be a factor that influences U.S. diplomatic investment with regard to actively advancing the human rights agenda in Ethiopia. If violations of human rights reach a level that threatens peace and security in the region, the political cost of ignoring it or keeping quiet might be greater than the benefits the U.S. gets from the relationship. In this context, the U.S. might have an incentive to gear foreign policy machinery to react to human rights violations.²⁰⁰

This seems possible only if a high-level intervention is led by the President. The “State Department and the Department of Defense (“DOD”) seem to oppose any change in policy towards Ethiopia” and favor maintaining good relations.²⁰¹ The African Bureau of the State Department and the DOD are much more inclined to serve the U.S. interest in fighting terrorism and stabilizing the region.²⁰²

The Africa Bureau of the State Department and the DOD raised serious objections to the draft bills proposed by Congress. In more extreme cases, the African bureaucracy of the U.S. government was tied up with its own parochial interests and sidelined human rights issues.²⁰³ For instance, the DOD is said to have been working to boost the military and security capabilities of Horn of Africa countries, and particularly Ethiopia, to fight terrorism. The DRL bureau of the State Department is mandated to put human rights at the forefront, but has been said to have strained relations with the rest of the State Department despite a strong base in Congress and among human rights advocacy groups in the U.S. The White House has not taken the lead role in dictating U.S. foreign policy to advance human rights issues in Ethiopia. All of this combined

²⁰⁰ A clear instance of such incidence is the recent development in Egypt that the National Democratic Party and the Hussein Mubarak leadership was a strategic ally to the U.S. But his friendship proved to be a political liability that popular outrage and risk of instability was at stake and the U.S. had to support the democratic movement in Egypt. In such instance the U.S. mobilized the foreign policy machinery to act in favor of the “Revolution”/ popular movement to advance the cause of human rights and democratic values.

²⁰¹ Interview with Theodore Vestal, Professor Emeritus of Political Science, Oklahoma State University, (Dec. 23, 2010-Jan. 24, 2011); Terrence Lyons, Associate Professor, George Mason University, in Addis Ababa, Ethiopia (Jan. 22, 2011) (on file with author), and Interview with David Shinn, former U.S. ambassador in Ethiopia from 1996 until 1999. He is currently an Adjunct Professor of International Affairs, George Washington University, (Dec. 22, 2010 – Dec. 24, 2010). See also *Ethiopia and the State of Democracy: Effects on Human Rights and Humanitarian Conditions in the Ogaden and Somalia*, HUMAN RIGHTS WATCH (Oct. 2007), <http://www.hrw.org/news/2007/10/01/ethiopia-and-state-democracy-effects-human-rights-and-humanitarian-conditions-ogaden>.

²⁰² Theodore Vestal and Shinn also agrees with the argument that especially after 9/11 the Pentagon have been said to have taken the lead role in dictating and executing U.S. relations with Ethiopia which is oftentimes accused of trying to maintain the status quo and keeping the good relations with African governments and downplaying human rights issues. Interview with Theodore Vestal Jan. 25, 2011; Interview with Shinn.

²⁰³ Schraeder, *supra* note 181, at 182. (As Peter J. Schrader rightly pointed out “White house has increasingly deferred to the African specialists within the state department, the pentagon and the CIA.... As a result the bureaucratic interpretation of national interest as perceived through the parochial filters of bureaucratic missions will serve the primary guides for the evaluation of the US Africa policies.”).

with the increasing strategic importance of Ethiopia, makes the human rights agenda a secondary issue.

E. The other important factor that determines which diplomatic tools the U.S. employs to advance human rights goals is *Ethiopian government policy and reaction* to criticism advanced in foreign policy machinery. The GOE has tried to assert its position that economic development and stability are the long-term strategy; this is what the government gives precedence to and wants to achieve.²⁰⁴ Significant developments in GOE policy suggest that diplomatic tools should be geared towards support for economic development, with the clear message that foreign diplomacy that supports the economic development of the country is given priority.

The Ethiopian government invokes sovereignty, independence and mutual respect in any diplomatic undertaking. The GOE believes that the human rights agenda as it is being advanced through U.S. diplomacy via the annual report is not based on accurate evidence. As a result, the government responds to “put the record straight” and takes measures to assert its independent position concerning domestic policies. These measures are a clear reflection of the government’s policy of asserting autonomy and resisting perceived and actual foreign interference.

The reason for GOE resistance and rejection of some of the human rights issues advanced through diplomatic machinery is also due in part to suspicion. The GOE is skeptical about the human rights agenda being pursued as a foreign policy tool. The GOE’s skepticism also emanates from diminished U.S. credibility as a legitimate voice to advance the cause of human rights following the U.S.’s actions after 9/11.²⁰⁵ The Ethiopian government’s official response to the human rights report of 2010 points out “Guantánamo prison” as an example of U.S. human rights violations.

These and other similar measures have narrowed or closed the avenues for diplomatic undertakings on human rights. Measures such as the promulgation of the Proclamation to Provide for the Registration and Regulation of Charities and Societies, which limits foreign funding and NGO activities, marked a buffer zone to avoid foreign pressure and put a roadblock up to stop any potential pressure coming from foreign sources. As the Council of Foreign Relations report states, the Ethiopian government’s tactics isolate international organizations and many local NGOs.²⁰⁶

For all of these reasons, the U.S. diplomatic machinery used to advance the human rights agenda in Ethiopia is overwhelmingly complicated. The factors range from the nature of human rights violations to the practical constraints at the policy and implementation levels.

V. CONCLUSION

Human rights have become an international concern and a major topic in international law and politics. As part of this international wave, especially since the Carter period, a great deal of remarkable work has been done to institutionalize foreign policy machinery as a framework to advance human rights. Despite clearly stating this foreign policy objective, the U.S. faces several challenges and limitations in its efforts to use the diplomatic machinery to advance the cause of human rights in Ethiopia.

²⁰⁴ *Europeans Tracks U.S.*, The Telegraph, *supra* note 193.

²⁰⁵ Emeritus, *supra* note 191, at 246.

²⁰⁶ Bruton, *supra* note 181, at 8-9.

In the post-1991 period, this use of foreign policy has faced challenges embedded in the way human rights is defined and advanced, and in the intricate vested interests involved, especially among U.S. foreign policy bureaucrats. The effort to advance human rights through diplomatic channels has been in constant negotiation and compromise with security and political interests. In effect, human rights have remained a subordinate and marginal agenda. Since the human rights agenda is a marginal concern, the role of foreign policy as an effective tool to advance this cause is challenging and problematic. Even in limited diplomatic engagements, the human rights agenda has been selectively advanced, mainly with regard to the protection of civil and political rights, and with quiet diplomatic tools and approaches employed.

The Ethiopian political context must also be taken into account when examining the role of foreign policy as a framework for advancing the cause of human rights in that country. Diplomatic tools are not employed in a political vacuum; rather, the political context of Ethiopia and the GOE both play a significant role in determining the force and viability of the pressure. It is not only U.S. interests and the foreign policy bureaucracy that determine the way foreign policy machinery is engaged and the diplomatic tools used to advance human rights. The political setting in Ethiopia is equally important in this regard. Indeed, the political setting in the U.S.-Ethiopian context abounds with diverse interests and competing foreign policy goals, requiring the balancing of political forces. The U.S. has vital security and political interests in Ethiopia and wants to maintain the 'political goodwill' of the Ethiopian government.

In this regard, the U.S.'s strategic policy of advancing human rights using low-key diplomatic tools both maintains and ultimately serves U.S. interests. The foreign policy machinery is mobilized to gauge the degree of relations, the balance of forces between the GOE and its opposition [and less significantly, the civil society sector]. Since human rights are not an end in and of itself in U.S. foreign policy, the use of foreign policy machinery to advance the cause is calculated in terms of overall strategic foreign policy objectives.

The U.S.'s cautious approach to advancing the cause of human rights in Ethiopia seems clearly related to the GOE's policy of tough resistance and rejection. As a result of the Ethiopian government's harsh measures, important venues for human rights dialogue, information dissemination and mobilization have been significantly reduced. Therefore, despite its potential capability to internationalize the human rights agenda, the foreign policy machinery has been politicized and obscured by various national interest claims, sovereignty assertions, security and political interests. Despite its attractiveness, the foreign policy framework tends to politicize human rights violations in ways that challenge its effectiveness and fail to meet the need for a more sober discussion and engagement.

The lack of principled engagement and inconsistency of the U.S. diplomatic approach to advance the cause of human rights has undermined the potential success of human rights diplomacy in Ethiopia. Advancing human rights issues in a bilateral relationship is a very difficult balancing act that is often times misused, misrepresented, and manipulated to serve a narrow political interest. This illustrates that the bilateral diplomatic scheme has an intrinsic challenge and is not adequate as an effective means for advancing the cause of human rights.