

110TH CONGRESS
2D SESSION

S. 3457

To reaffirm United States objectives in Ethiopia and encourage critical democratic and humanitarian principles and practices, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 9, 2008

Mr. FEINGOLD (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To reaffirm United States objectives in Ethiopia and encourage critical democratic and humanitarian principles and practices, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Support for Democracy
5 and Human Rights in Ethiopia Act of 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Despite progress and an estimated annual
9 growth rate of nearly 10 percent, Ethiopia remains
10 one of the poorest and most famine-prone countries

1 in the world, with more than half of the population
2 of 78,000,000 living on less than \$1 per day.

3 (2) Since the collapse of the Derg and over-
4 throw of the Mengistu regime in 1991, the Ethio-
5 pian Peoples' Revolutionary Democratic Front
6 (EPRDF)-led government has overseen the introduc-
7 tion of a multiparty system and the drafting of a
8 new constitution that guarantees economic, social,
9 and cultural rights and states that "human and
10 democratic rights of peoples and citizens shall be
11 protected."

12 (3) Ethiopia and Eritrea fought a bloody border
13 war between 1998 and 2000, and, despite the Al-
14 giers Accord ending the conflict and the agreement
15 to abide by the final and binding Ethiopia-Eritrea
16 Border Commission (EEBC) arbitration, the Gov-
17 ernment of Ethiopia has refused to comply with the
18 final physical demarcation of the border and the
19 Government of Eritrea has virtually expelled the
20 United Nations peacekeeping force, resulting in a
21 high risk of renewed fighting and regional insta-
22 bility.

23 (4) Following high turnout and marked im-
24 provement in pre-election campaigning and voting in
25 the third general elections of the Government of

1 Ethiopia held on May 15, 2005, widespread charges
2 of violations in the finally tallying and inadequate
3 response to opposition complaints resulted in ob-
4 server findings that the elections failed to satisfy
5 international standards.

6 (5) Subsequent opposition progress led to a
7 crackdown by EPRDF security forces in which 763
8 civilians were injured and 193 killed, and thousands
9 more opposition party leaders and their followers
10 were detained, 112 of whom were not released until
11 the summer of 2007.

12 (6) In its 2007 “Countries at a Crossroads” re-
13 port, Freedom House noted that “[i]ncreased
14 threats to and violations of civil liberties were a con-
15 sequence of the political tensions that sprang from
16 the flawed 2005 elections.”

17 (7) In December 2006, military forces of the
18 Government of Ethiopia came to the aid of Soma-
19 lia’s Transitional Federal Government against the
20 Islamic Courts Union (ICU) and continue to serve
21 as the primary security force for the United Na-
22 tions-backed transitional government in Mogadishu.

23 (8) Credible nongovernmental organizations re-
24 port widespread violations of human rights and
25 international law by the Ethiopian military in

1 Mogadishu and other areas of Somalia, as well as in
2 the Ogaden region of Ethiopia.

3 (9) According to the Department of State's
4 2007 Country Reports on Human Rights Practices,
5 "human rights abuses [in Ethiopia] . . . include:
6 limitation on citizens' right to change their govern-
7 ment during the most recent elections; unlawful
8 killings, and beating, abuse, and mistreatment of de-
9 tainees and opposition supporters by security forces;
10 poor prison conditions; arbitrary arrest and deten-
11 tion . . . use of excessive force by security services
12 in an internal conflict and counter-insurgency oper-
13 ations; restrictions on freedom of the press; etc."

14 (10) The Department of State's 2007 Country
15 Reports on Human Rights Practices also stated that
16 "[Ogaden National Liberation Front] ONLF forces
17 . . . were responsible for widespread human rights
18 abuses, including killings and the diversion of food
19 supplies resulting in the displacement of thousands
20 of persons."

21 (11) In June 2007, in response to this violence,
22 including the deadly April 2007 attacks on a Chi-
23 nese oil exploration site in the Ogaden and at a May
24 2007 political rally, the Prime Minister of Ethiopia,
25 Meles Zenawi, announced that the Government of

1 Ethiopia was launching a “political and military op-
2 eration to contain the activities of the ONLF,”
3 which, according to credible reports, has resulted in
4 the displacement of thousands of civilians to govern-
5 ment-designated “protection zones,” while thousands
6 more have fled across Ethiopia’s borders.

7 (12) Although the Government of Ethiopia has
8 legitimate security concerns in the Ogaden, and, ac-
9 cording to the Department of State’s 2007 Country
10 Report on Terrorism, “Ethiopian forces [also] coun-
11 tered Somali-based extremists who attempted to con-
12 duct attacks inside Ethiopia,” a number of credible
13 media accounts, human rights organizations, and
14 humanitarian agencies have documented the
15 ENDF’s unjustifiably brutal tactics against its own
16 citizens there, as has been previously been reported
17 in other regions of the country including Oromiya,
18 Amhara, and Gambella.

19 (13) In May 2008, the Government of Ethiopia
20 circulated a draft law that claims to be a tool to en-
21 hance the transparency and accountability of civil
22 society organizations, but if enacted, is instead likely
23 to create a complex web of onerous bureaucratic
24 hurdles, draconian criminal penalties, and intrusive

1 powers of surveillance that would further decrease
2 the political space available for civil society activities.

3 **SEC. 3. STATEMENT OF POLICY.**

4 It is the policy of the United States—

5 (1) to support the efforts by the people and
6 Government of Ethiopia—

7 (A) to achieve a participatory multiparty
8 democracy, an active and unhindered civil soci-
9 ety, rule of law and accountability, judicial ca-
10 pacity and independence, freedom of the press,
11 respect for human rights, and economic devel-
12 opment; and

13 (B) to combat extremism and terrorism in
14 their country and the region;

15 (2) to promote stability, democracy, account-
16 ability, social and economic development, human and
17 political rights, humanitarian assistance, the rule of
18 law and accountability, and counterterrorism efforts
19 in Ethiopia and the wider Horn of Africa;

20 (3) to seek the unconditional release of all polit-
21 ical prisoners and prisoners of conscience in Ethi-
22 opia;

23 (4) to prohibit United States funding to any
24 unit of the Ethiopian security forces if there is cred-
25 ible evidence that a unit of the security forces has

1 committed gross violations of human rights, unless
2 the Secretary of State has determined and reports to
3 the appropriate congressional committees that the
4 Ethiopian government is taking effective measures
5 to bring the responsible members of the security
6 forces unit to justice; and

7 (5) to contribute to regional peace and stability
8 by urging the Government of Ethiopia to comply
9 with the EEBC arbitration decisions on border de-
10 marcation, urging the Government of Eritrea to per-
11 mit a United Nations peacekeeping presence, and
12 pressing both Governments to ensure that they are
13 playing a productive role in helping to bring about
14 stability along the border and throughout the Horn
15 of Africa, including in Somalia.

16 **SEC. 4. SENSE OF CONGRESS.**

17 It is the sense of Congress that the United States
18 Government should—

19 (1) build on successful diplomatic efforts that
20 contributed to the October 2007 release of political
21 prisoners in Addis;

22 (2) urge the Government of Ethiopia to protect
23 the constitutional rights and freedoms of all Ethio-
24 pian citizens;

1 (3) encourage the Government of Ethiopia to
2 enter into discussions with political groups interested
3 in reconciliation in order to bring such groups into
4 full participation in the political and economic af-
5 fairs of Ethiopia;

6 (4) call on the Government of Ethiopia to allow
7 human rights and humanitarian groups and the
8 media to undertake their work in all regions of Ethi-
9 opia without intimidation or harassment while ensur-
10 ing they are protected from any threats regardless
11 of their political affiliations;

12 (5) encourage and assist the United Nations
13 and other independent organizations and the media
14 in investigating credible reports of grave violations
15 of human rights or international humanitarian law,
16 publishing any evidence of serious abuse, and send-
17 ing strong and consistent messages to the Govern-
18 ment of Ethiopia that the continuation of such viola-
19 tions or impunity for the perpetrators of crimes in
20 the Ogaden region, Ethiopia more generally, or in
21 Somalia carry consequences; and

22 (6) encourage the Governments of both Ethi-
23 opia and Eritrea to take steps to lessen tensions,
24 physically demarcate the border in accord with the

1 EEBC decision, and promote normalization of rela-
2 tions between the two countries.

3 **SEC. 5. SUPPORT FOR DEMOCRACY AND HUMAN RIGHTS IN**
4 **ETHIOPIA.**

5 (a) **AUTHORITY.**—Subject to subsection (b) and not-
6 withstanding any other provision of law, the President
7 should take additional steps to support the implementa-
8 tion of democracy and governance institutions and organi-
9 zations in Ethiopia consistent with the provisions of the
10 Ethiopian Constitution of 1994 and related national law,
11 including—

12 (1) to support democracy development in Ethi-
13 opia, including developing the capacity of govern-
14 ment and civil society organizations to undertake
15 free, fair, and peaceful elections, strengthen good
16 governance practices, and encourage transparency
17 and accountability, in accordance with international
18 norms and standards;

19 (2) to support the autonomy and fundamental
20 freedoms of national and international civil society
21 organizations to effectively pursue these objectives
22 without excessive government regulation or intima-
23 tion;

1 (3) to promote and bolster the independence of
2 the judiciary in Ethiopia, including developing ca-
3 pacity at the national, regional, and local levels;

4 (4) to support programs to defend and protect
5 the human rights of all the people of Ethiopia, espe-
6 cially women and minorities;

7 (5) to expand programming of the Voice of
8 America and other independent media in Ethiopia
9 and ensure they are able to broadcast without inter-
10 ference;

11 (6) to support efforts of the international com-
12 munity to gain full access to the Ogaden and other
13 conflict-affected regions throughout the country to
14 provide humanitarian and development assistance;
15 and

16 (7) to support a United Nations Special Envoy
17 to launch a comprehensive dialogue process that
18 seeks to bring about the normalization of economic
19 and political relations between Ethiopia and Eritrea
20 and works with the governments of both countries to
21 address issues of stability both along their shared
22 border as well as more broadly across the Horn of
23 Africa, including in Somalia.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$20,000,000 for fiscal year
3 2009 to carry out this section.

4 (c) CONDITIONS.—

5 (1) IN GENERAL.—Assistance provided pursu-
6 ant subsection (b) shall be allocated and dispersed in
7 a fully transparent manner.

8 (2) CONGRESSIONAL NOTIFICATION.—Funds
9 made available to the Government of Ethiopia under
10 subsection (b) and all other nonessential funds made
11 available to the Government of Ethiopia under any
12 other provision of law shall be subject to the regular
13 notification requirements with respect to the appro-
14 priate congressional committees.

15 (3) DISCONTINUATION IN EVENT OF GOVERN-
16 MENT OBSTRUCTION.—The President shall cease the
17 provision of assistance provided under subsection (b)
18 if the Government of Ethiopia acts to obstruct such
19 assistance.

20 (d) REPORT.—Not later than 180 days after the date
21 of the enactment of this Act, and annually thereafter, the
22 Secretary of State shall prepare and submit to the appro-
23 priate congressional committees a report that describes
24 the activities undertaken pursuant to subsection (a), in-
25 cluding a description of amounts committed, and the

1 amounts provided, to Ethiopia during the reporting pe-
2 riod.

3 **SEC. 6. OFFSETS.**

4 Of the amounts available to the National Aeronautics
5 and Space Administration for fiscal year 2009,
6 \$20,000,000 shall be available to carry out the provisions
7 of this Act.

8 **SEC. 7. DEFINITIONS.**

9 In this Act:

10 (1) The term “appropriate congressional com-
11 mittees” means—

12 (A) the Committee on Foreign Relations
13 and the Committee on Appropriations of the
14 Senate; and

15 (B) the Committee on Foreign Affairs and
16 the Committee on Appropriations of the House
17 of Representatives.

18 (2) The term “non-essential United States as-
19 sistance” means assistance authorized under any
20 provision of law, other than humanitarian assist-
21 ance, food aid programs, assistance to combat HIV/
22 AIDS and other healthcare assistance, and peace-
23 keeping assistance.

○