Forum on the Conflict in Tigray, Ethiopia

Tigray's Complex Emergency, Expulsions and the Aspirations of the Responsibility to Protect

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Abstract

This article observes that with the intensification of humanitarian crisis in Tigray and the Horn of Africa region, an important question re-emerges: how could the international community, in cooperation with national and local actors, provide protection to vulnerable civilian populations against state repression? How could this be even possible when international practitioners face the threat of expulsions and the local human rights groups face possible retaliation. The violent civil war raging in Tigray once again reveals that the responsibility to protect (R2P) norm often encounters a paradox – state sovereignty vs international community's responsibility.

Keywords

Tigray – sexual violence – displacement – R2P – United Nations

October 2021 began with another distressing turn in the Tigray crises. Ethiopia expelled seven United Nations (UN) senior officials amidst international criticism of escalating conflict in this northern Ethiopian region. The officials who were declared 'persona non-grata' included the UN deputy humanitarian chief,

the deputy humanitarian coordinator (OCHA), and the UN Children's Agency (UNICEF) country representative. For decades, recurrent drought and food (in) security have contributed to increasing tensions in Tigray. Without exception, the humanitarian and development service providers in the region were required to comply with the Ethiopian government's willingness to allow them to operate in the region.¹ Similar to other complex emergencies, this often meant working quietly without broadcasting success stories, shielding important qualitative nuances and highlighting quantitative results, and carefully managing public relations with the authorities. The two international non-governmental organisations (NGOs) that were the most outspoken about Tigray – the Norwegian Refugee Council (NRC) and the Dutch section of Médecins Sans Frontières (MSF) – were barred from working in Ethiopia since August. Readers of *GR2P* might also recognise parallels with another recent emergency in Myanmar.² With expulsions and blockades, suffering of people will intensify further.³

After a year of de facto government blockade and detention of the UN and NGO staff, the humanitarian crisis in Tigray has intensified. A joint investigation by the Ethiopian Human Rights Commission and the United Nations Office of the High Commissioner for Human Rights concluded that there are 'reasonable grounds to believe that all parties to the conflict in Tigray have, to varying degrees, committed violations of international human rights, humanitarian and refugee law, some of which may amount to war crimes and crimes against humanity'.⁴ The war between Prime Minister Abiy Ahmed's

1 Alex de Waal observes that Ethiopia is 'highly regulated and government bureaucrats are obsessed with procedural minutiae'. *The Real Politics of the Horn of Africa: Money, War and the Business of Power*, (Malden, MA: Polity Press, 2015), p. 155.

2 In that context, humanitarian and development practitioners adopted an approach that unintentionally condoned the genocidal violence against the Rohingya. For details see, Volume 12, Issue 1, 2020: Special Issue: the Rohingya Crisis and Implications for Myanmar's Peace Process edited by Adrian Gallagher, Charles T. Hunt and Cecilia Jacob.

3 Ethiopian analyst Mengistu Assefa observes, "[The expulsions are] an indirect message to the US government and the EU" [...] and shows how far Ethiopia is willing to go to defend its sovereignty "whatever the punitive policy lines the US government and its allies... might follow". Cited in Maria Gerth-Niculescu, 'Expulsions, Blockade Thwart Tigray Relief as Fresh Offensive Launched', 11 October 2021, https://www.thenewhumanitarian.org/news/2021/10/11/humanitarian-expulsions-blockade-relief-thwarted-Tigray-offensive-launched?utm_medium=social&fbclid=IwAR1aprnQQm_YZEbkDMXgAFpLFKO4ixH6hhjWDVS2y_ATS2AsYZjCEVfYsjA, accessed 11 October 2021.

4 While most violations over the last twelve months recorded by the UN were committed by Ethiopian and Eritrean forces, since then, there had been an increase in offenses by Tigrayan forces, as well as continuing abuses by the Ethiopians and Eritreans. Report of the Ethiopian Human Rights Commission (EHRC)/Office of the United Nations High Commissioner for Human Rights (OHCHR) Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by all Parties to the Conflict in the Tigray

government and rebels is now threatening his hold on power, with a coalition of opposition groups advancing on the capital, Addis Ababa.⁵ An important question re-emerges, how could the international community, in cooperation with national and local actors, provide protection to vulnerable civilian populations against state repression? How could this be even possible when international practitioners face the threat of expulsions and the local human rights groups face possible retaliation. The violent civil war raging in Tigray once again reveals that the responsibility to protect (R2P) norm often encounters a paradox – state sovereignty vs international community's responsibility. In this forum, the contributors share their thoughts on Tigray's crises and a whole range of protection concerns. These conversations in academia are crucial. While Tigray's serious, yet invisible conflict is being widely reported in media, little academic insights have been published. This forum is a modest effort to provide some snapshots of the conflict through the lens of R2P.

The biggest challenge in mobilising urgent international action as a response to the escalating armed conflict and famine is the lack of reliable data in Tigray. On a personal note, in the process of bringing this special forum together, there were methodological hurdles of reporting and writing about Ethiopia. For local researchers and practitioners, fear of harassment and the danger of 'falling out' with the authorities were indeed very real and contributed to self-censorship of information. Two potential contributors turned down the invitation despite the assurance that an academic journal behind a paywall might dissuade unwanted attention. Three other contributors to this special forum pulled out in August. It was professionally impossible for them to write as they have direct ties either with international agencies or had families in Tigray. Despite these challenges, we hope that this special forum offers much-needed perspectives on a range of issues including: regional impact on the East and Horn of Africa, responsibilities of social media platforms, famine, the blind spots and limits of UN Security Council resolutions, and internal displacement in Ethiopia.

R2P as endorsed by the UN General Assembly was reaffirmed in the Security Council Resolution 1674 (2006).⁶ While endorsement of R2P does not give the doctrine legal status, such broad acceptance gives it some crucial normative

Region of the Federal Democratic Republic of Ethiopia. 3 November, 2021. <https://www.ohchr.org/Documents/Countries/ET/OHCHR-EHRC-Tigray-Report.pdf>. Accessed on 8 November 2021.

5 A new alliance including the Tigray forces who are fighting Ethiopian and allied forces, as well as the Oromo Liberation Army fighting alongside Tigray forces and seven other groups are seeking a political transition and Abiy Ahmed's exit.

6 [https://www.un.org/ruleoflaw/files/S-Res-1674%20on%20protection%20civilians%20in%20armed%20conflict%20\(28Apr06\).pdf](https://www.un.org/ruleoflaw/files/S-Res-1674%20on%20protection%20civilians%20in%20armed%20conflict%20(28Apr06).pdf), accessed 11 October 2021.

force. At a broad level, this also means there is consensus. Three fundamental questions arise in thinking about civilian protection in Tigray: who has a responsibility to protect? To whom is the responsibility owed? And finally, what does the responsibility involve? With humanitarian needs increasing in neighbouring regions of Amhara and Afar, the Under-Secretary-General of the UN for Humanitarian Affairs and Emergency Relief Coordinator, Martin Griffiths, stated that 'we need to change the circumstances that have led to the slow movement of aid – we need the conflict to stop'.⁷

As Africa's largest contributor of personnel to the United Nations and African Union peacekeeping operations, Ethiopia enjoys a great deal of international and regional support. Abiy Ahmed became Ethiopia's prime minister in April 2018. A Nobel laureate, with a PhD in Peace and Conflict Studies, Abiy's governing Ethiopian People's Revolutionary Democratic Front (EPRDF) coalition, despite its success, has also been accused of repression, silencing of journalists, and curtailing freedom of expression.⁸ Abiy's rejection of external mediation with the Tigray People's Liberation Front (TPLF) has further compounded the crises. An African Union mission has arrived in Ethiopia to try to broker a peace deal that would require concessions neither side seems willing to make.

The various enunciations of the R2P as articulation by many important contributions in this journal are consistent in proscribing primary responsibility to a sovereign state to protect its citizens from avoidable catastrophes. Most sovereign states have a government or a leader who by varying degrees of popular acceptance and/or the mere fact of power govern and represent a state. In such cases R2P can be imputed to the recognised government or leader. However, the question in Tigray is how does the R2P apply in relation to Ethiopia because those who claim to govern lack sufficient will and power to provide protection to its people. The R2P is a function of both the proper exercise of power and authority and the capacity to exercise that power and authority.

With expulsions of UN and international NGO staff, the aid blockade and restriction, the international community's capacity to offer protection is limited by both resource and access constraints and at the mercy of the government of Ethiopia. To make matters worse, the complexity of the situation in

7 United Nations Office of the Coordination of Humanitarian Affairs (OCHA), Press Statement on the ERC's visit to Ethiopia', 4 August 2021, <https://www.unocha.org/story/press-statement-erc%E2%80%99s-visit-ethiopia>, accessed 11 October 2021.

8 *Country Information Report: Ethiopia*. August 2020. Department of Foreign Affairs and Trade (DFAT), Australia.

Tigray, disagreement about the best course of action both in Ethiopia and beyond, vested interests, and a lack of political will is influencing a slow response from the international community and a dangerous discharge of its responsibility to protect the civilians in Tigray.

The systematic destruction of civilian infrastructures including schools, hospitals, and water systems and the dire humanitarian situation in Tigray⁹ is rapidly spiralling into a widening civil war and a collapse of the government of Ethiopia that could destabilise the Horn of Africa. More than 5.2 million people across Tigray – more than 90 per cent of the region's population – require life-saving assistance, including nearly 400,000 people already facing famine-like conditions.¹⁰ Hunger has been deployed as a weapon with forced starvation of children, crops burnt and food aid blocked in Tigray.¹¹ Humanitarian needs are also increasing in neighbouring Amhara and Afar, as the conflict spills over into these regions.

Women and girls had endured rape and sexual violence in Mekelle, Freweyni, and elsewhere. Women also reported their children being killed in front of them.¹² In August, based on 63 interviews with victims, Amnesty International published a report noting that members of the Eritrean Defence Forces (EDF), the Ethiopian National Defence Force (ENDF), the Amhara Regional Police Special Forces (ASF), and Fano, an informal Amhara militia group, have allegedly raped hundreds of women and girls during the Tigray war, subjecting some to sexual slavery and mutilation.¹³ While the exact prevalence of gender-based violence is unknown, the estimates are horrifying.

9 Secretary-General's remarks to the Security Council on Ethiopia. 6 October 2021. <https://ethiopia.un.org/en/150847-secretary-generals-remarks-security-council-ethiopia>, accessed 8 November 2021.

10 OCHA humanitarian update. See for details, UN Office for the Coordination of Humanitarian Affairs, 'Ethiopia – Northern Ethiopia Humanitarian Update Situation Report, 30 Sept 2021', https://reliefweb.int/report/ethiopia/ethiopia-northern-ethiopia-humanitarian-update-situation-report-30-sept-2021?fbclid=IwARoR7-cbD847ZTkRowWk5E7kYD6RCSwz3hhX-FO2bRG9MGZZ_Gfiw82MgeU, accessed 11 October 2021.

11 Giulia Paravicini and Katharine Houreld. 'UN official accuses Eritrean forces of deliberate starving Tigray'. Reuters Report, June 15, 2021. Available at <https://www.reuters.com/world/africa/exclusive-un-official-accuses-eritrean-forces-deliberately-starving-tigray-2021-06-11/>. Accessed 8 November 2021. For details also see, *Starving Tigray: How Armed Conflict and Mass Atrocities have Destroyed an Ethiopian Region's Economy and Food System and Are Threatening Famine*. 2021. World Peace Foundation Report.

12 Personal conversation with the author with anonymous, Mekelle, July 2021.

13 'I don't know if they realized I was a person': Rape and sexual violence in the conflict in Tigray, Ethiopia. August 2021. Amnesty International Report. Index Number: AFR 25/4569/2021. Available at <https://www.amnesty.org/en/documents/afr25/4569/2021/en/>. Accessed 11 October 2021.

Amnesty Report notes that the health facilities in Tigray registered 1,288 cases of sexual violence from February to April 2021, alone. From November 2020 through June 2021, a total of 2,204 survivors reported sexual violence to health facilities across the Tigray region.¹⁴ One of the one-stop centres reported that the victims in over 90 percent of cases were underage girls and estimated that visits to the centre had quadrupled since the conflict erupted a year ago. The UN experts also noted that in some case, women and girls were raped because of their 'perceived or actual political affiliation, to pressure them to reveal the whereabouts of their male relatives, or as acts of revenge.'¹⁵

UN Security Council Resolution 1888 calls upon the UN Secretary-General to take appropriate measures in situations of sexual violence in armed conflict. UNSC Resolution 2467 emphasises monitoring and Resolution 1960 calls to enhance data collection on patterns of rape and other forms of sexual violence to assist the Council's consideration of appropriate action. Given the scale of the crises, it is urgent that the international community also comes forward to take gender-sensitive and gender-responsive action. The Joint Investigation report emphasised that the authorities must ensure victims are offered full support and redress, and perpetrators are brought to justice.¹⁶ The UN human rights experts expressed grave concern about the widespread sexual and gender-based violence committed against women and girls by parties to the conflict.¹⁷

By the time this special forum is going into print, the situation has escalated in Ethiopia. The reaction of the international community reveals that until there is a greater agreement for rapid and effective implementation of the R2P to alleviate human suffering and prevent escalating crises these will be fraught with disagreement and inaction. Previous international experiences of Darfur in 2004 and Myanmar in 2008 and 2017 show that international inaction eventually costs local communities. As this special forum's contributors hope, perhaps Tigray would provide a crucial opportunity to chart out relative responsibility of different actors in the international community, particularly as between the UN, African Union, and the individual states, and the scope of the subsidiary responsibilities to prevent, react, and rebuild. Recognising that in an international community suspicious of self-interested and pre-emptive interventionism in the wake of Iraq and Afghanistan, the price of consensus

¹⁴ 'Tigray conflict: UN experts call for urgent action to stop violence against women', 3 December, 2021. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27899&LangID=E>, accessed 5 December, 2021.

¹⁵ Ibid.

¹⁶ See footnote 4.

¹⁷ See footnote 14.

on the R2P in the UN was a narrowing of the threshold criteria, the omission of the criteria for intervention, and limited recognition of the responsibility to prevent and responsibility to rebuild. This was a price too high for people of South Sudan, Burma/Myanmar, Iraq, and Afghanistan. Perhaps the international community can mobilise in Tigray to avert a future Rwanda, this is yet to be seen.