

**THE ETHIOPIAN HUMAN RIGHTS COUNCIL  
AND  
HUMAN RIGHTS  
By  
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## **1.INTRODUCTION**

The Ethiopian Human Rights Council (EHRCO) is often severely condemned and vilified by the regime and its media. This is of course to be expected from such a regime which wants the world, especially the west to believe all is right in Ethiopia. But the strange fact is that most western diplomats in Addis Abeba are collaborating with the regime to vilify EHRCO. The Ambassadors of Switzerland, of the United States of America and others have made pronouncements to the effect that EHRCO is politically oriented.

In fact, the representatives of the diplomatic community in Addis Abeba made up of Canada, Switzerland and Norway discussed the matter with representatives of EHRCO twice. Their suggestion was that EHRCO remove the democratic process and the rule of law, from its three objectives and concentrate on individual human rights. In the interest of accuracy it must be stated that the Norwegian representative was not sure how the democratic process could be removed from human rights without affecting the over-all concern for human rights. Nevertheless, the Executive Committee of EHRCO seriously and sincerely re-examined its objectives in view of the suggestions of the diplomats. It decided to continue with its original objectives.

The second proposal of the diplomats was that the chairperson of EHRCO should be changed. This was a purely internal matter, and the right of the members of EHRCO to decide on who their chairperson should be. This suggestion naturally aroused the indignation of many members. The chairperson was willing to resign because he felt that the interests of EHRCO should not be sacrificed as a result of his being unpopular with the regime and its foreign supporters. He had more than once argued that it is important to be firm on principles but not on personalities. EHRCO has many individuals who could be effective chairpersons. That issue, therefore, could be easily resolved by changing the chairperson. But the feeling of most members of the Council was that that action will be taken when the members decide and not by being dictated by forces from outside.

It must also be stated that EHRCO's resolute action to return the \$10,000.00 to the Ambassador of Switzerland was not well received by most diplomats. It was not accepted as an act of redeeming our self-respect and dignity as a group and as a people but as an arrogant act. It suggests the abyss of degradation into which we are relegated. We are not even allowed to preserve a little of our sense of decency and dignity.

I submit that EHRCO's stand on human rights is an accurate one. In the following pages I will explain EHRCO's position as clearly and as briefly as I can.

## **2. EHRCO'S POSITION ON HUMAN RIGHTS IN GENERAL**

2.1. HUMANITY IS UNIVERSAL. Whether human beings are distinguished by race, colour, religion, language or any other cultural characteristic, they remain one and essentially the same. Before they are anything else, all humans are human beings. That is the simple but fundamental fact that EHRCO asserts. Human beings share with all other animals the same basic needs for food and shelter as well as the need for self-preservation. But in addition, they have other common needs and aspirations. They have fundamentally the same intellectual and spiritual needs to explain their own existence and of the world they live in. The intellectual and spiritual drives are the same although the forms may vary with particular situations and circumstances. In a fundamental sense, humanity's valuation of justice, freedom and equality is universal. Humanity is also fundamentally the same in its sense of the past and in its anticipation of and preparations for the future.

Therefore, human rights as a concept expressing the concern of a human being for another human being is also universal. This concern of a human being for another human being transcends all forms of barriers such as culture, religion, language, nationality or even sovereignty. The Preamble of the Universal Declaration of Human Rights establishes that the "recognition of the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world" and that "disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind..." It further states that the "advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people." the General Assembly of the United Nations proclaims that the Universal Declaration of Human Rights serves, "as a common standard of achievement for all peoples and nations."

Sovereignty is a much abused term. Every fascist, racist and repressive regime claims it as a private domain into which no trespassers are allowed for anything other than serving the installed tyranny. In fact sovereignty resides in the people and not in the regimes or governments the people are supposed to control in a democratic system. Those who usurp the power of the people want to use sovereignty as a shield to protect themselves from any ideas that will help liberate the people.

2.2. HUMAN BEINGS ARE CITIZENS OF DIFFERENT STATES. This is a fact that is very much like bees inhabiting different hives. It involves a different set of direct relationships. When the Preamble of the Universal Declaration of Human Rights declares that "Member States have pledged" to promote "universal respect for and observance of human rights and fundamental freedoms" it is at once confirming the universality of humanity and the fact that it is made up of citizens of different states. It is important to note that the Universal Declaration of Human Rights is not merely asserting that states respect human rights, but that they "have pledged" to achieve "the promotion of universal respect for human

rights." This means, even though humanity is made up of different citizens of different states, their concern for each other's human rights stems from their common humanity and from common aspirations as human beings. The fact of universal humanity precedes the fact of variegated citizenship. Whether it is race, colour, language, religion, or culture in general, or citizenship--all are subject to change or mutation. Humanity is the fundamental fact which is the origin of our concern for each other wherever we live. It is no longer possible to ignore the suffering, oppression and exploitation of other peoples who happen to live in distant areas and under tyrannical regimes. It is morally wrong as it is practically disastrous. Driven by their imagined invincibility sooner or later dictatorships outgrow their original boundaries and overflow to other regions. They generate instability and conflict which will touch us all. It is in this context, in the context of the Universal Declaration of Human Rights and the spirit behind it, that EHRCO has formulated its three objectives which I will discuss briefly.

### **3. EHRCO'S OBJECTIVES**

#### **3.1. THE DEMOCRATIC PROCESS:**

EHRCO promotes whenever and wherever possible the democratic process which it envisages as the empowerment of the people, freedom of expression and association, free and unhindered development and active participation of political parties, a government based on the will of the people and not on force and violence. The Ethiopian people must be allowed to make the transition from the traditional violent overthrow of dictatorial regimes to an open and peaceful political combat. That is the why EHRCO is opposed both to the violence of those who hold state power and to all armed struggles initiated and contemplated. EHRCO rejects violence both as a means of staying in power and as a means of acquiring state power. Both means trample on the right and freedom of the Ethiopian people to make a choice.

Article 21 of the Universal Declaration of Human Rights asserts:

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government,...

These are democratic rights which are also human rights. These are the rights that most western diplomats in Addis Abeba in collaboration with the regime want to deny us. Only the Swiss Ambassador had the candour to tell us that we are still "primitive" and not ready for these rights. Our rulers felt complimented by the almost racist and degrading views expressed by the Swiss Ambassador. His views which were insulting to the Ethiopian people were given wide coverage on the Ethiopian media totally controlled by the regime while EHRCO's views were as always totally shut out. What is closed to Ethiopians is open to the west and, therefore, all is well.

The American Ambassador, Mr. Hicks, too made tangential remarks on EHRCO

whose officials he has NEVER met. The following was his pontification based on what was told to him by the high officials of the regime when he gave an interview to the Amharic monthly, Tobbya:

It is necessary to establish and promote strong and independent non-governmental institutions, including those who monitor human rights violations properly. The ability of such an organization to gain fame and respect is closely related to its role of monitoring human rights violations successfully by investigating the situation diligently and in depth without partiality and with truthfulness. I believe, however, that the Ethiopian Human Rights Council, by crossing the boundary separating impartiality from political argumentation, is weakening its own effectiveness. I am sorry for this. I cannot comment on the leadership of EHRCO and on the blocking of its account by the Bank. The first issue must be resolved by the members of EHRCO, and the second is an issue between the Bank and EHRCO, perhaps also an issue that must be resolved by the courts.

When the American Ambassador was talking about "strong and independent non-governmental institutions," he had in mind almost the opposite of what he stated, unless he meant strong in financial terms. EHRCO is morally strong and completely independent, and he should know that is the problem. As for the "boundaries" of human rights he did not delineate it for EHRCO, except to say that it crossed it. In part EHRCO's response to him was the following:

His Excellency, the US Ambassador does not seem to understand the difference between being partial to persons or groups and being partial to principles. Shall we quote from Thomas Jefferson, or George Mason, or from the famous American Declaration of Independence to explain to His Excellency, Mr. Hicks, about these principles? Or shall we quote from DuBois, from Martin Luther King? We will settle by reminding him of the Freedom Pledge of American children. We had wrongly hoped that Mr. Hicks, as an Afro-American, would have a natural tendency to discern oppression.

If EHRCO shows any kind of partiality to persons, or groups, or organizations, the Ambassador would have done some service to his moral and intellectual rectitude, and to EHRCO. Moreover, his courage to slash EHRCO with empty hearsay is as remarkable as his lack of it to condemn extrajudicial killings and torture. Principles could easily be sacrificed for advancing one's career, especially if one's government is so inclined.

Obviously, the State Department of the US Government, following the views of its Ambassador, included a malicious hearsay in its so-called human rights report for 1995. It stated twice that the Ethiopian Human Rights Council is considered by the government and by "many observers" to be a political organization. Like its Ambassador who did not find it necessary to explain how EHRCO crossed the boundary between human rights and politics, the State Department, too, did not find it necessary to explain how EHRCO is a political organization. Commitment to the principles of freedom, justice, equality and all the ideals and procedures of democracy is partiality. Don't the State Department and its Ambassador know

this?

How can EHRCO explain to such important and powerful governments that Article 21 of the Universal Declaration of Human Rights is clearly proclaiming the political rights of citizens. Democracy is not the diktat of one armed party. Democracy is about empowering the people; it is about institutionalized power sharing. The mere fact that EHRCO deals with these political rights does not and cannot make it political. If democracy is outside human rights, then neither democracy nor human rights have any meaning. The problem seems to be not with the concepts of democracy and human rights, but with the apparent reluctance to accept our humanity. In another context I had said the following: ...how is it that Westerners who are apparently so much interested in providing us with massive relief assistance, that is to say, meeting our food needs, do not seem to see at all our other needs? Or shall I put Paul Tillich's question in his *Courage To Be*: **"Have not the means swallowed the ends, and does not the unrestricted production of means indicate the absence of ends?"** In answer to my question some will probably say that Westerners do not conceive Ethiopians as human beings. Others may say that there is more profit in dealing with food needs than with higher needs. We may reject these notions on whatever grounds. But how else are we to explain the obvious concern of the West for the animal needs of Ethiopians and their almost total indifference to, sometimes verging on denial of, the higher human needs of Ethiopians. As Len Doyal and Ian Gough put it autonomy is a basic need for the individual. Autonomy is defined as the ability of the individual to make significant choices, to have the freedom to initiate action, and to have opportunities to do all of these. "Those who are denied them have their freedom and their autonomy artificially constrained and are unable to explore some of their capacities as people... More than anything else, it is this that makes tyranny so abhorrent." The problem is that the west believes that this human need for autonomy is only a peculiar characteristic of the western world. The rest of humanity have only animal needs. We are forced to come to the conclusion that either the west is determined to keep Ethiopia and perhaps all of Africa under oppressive and dictatorial regimes, provided they are friendly enough to ensure their interests, or the west still has the racist hangover when it comes to black people.

**EHRCO's book, DEMOCRACY, RULE OF LAW AND HUMAN RIGHTS IN ETHIOPIA: RHETORIC AND PRACTICE**, was criticised by some western embassies for raising some issues of policy. It is puzzling for us why these ambassadors consider policies sacrosanct; or why discussion of policies automatically makes a person or an organization political. Hitler's policy to exterminate Jews, South Africa's apartheid, and segregation in many southern states in the US were policies vehemently opposed by many individuals and groups. All these groups and individuals were not politicians or political. Journalists who write on policy issues every day, professors who discuss policy issues in the classrooms every day are by no means politicians or political. EHRCO made statements on regionalization, the constitution and the land policy of EPRDF. These statements did not go into the substance of the issues, but on

the procedures. For instance, on regionalization EHRCO's statement is that no one "can impose a criterion for regionalization without the express will of the people." Moreover, there is also clear discrimination between language groups in allocating administrative hierarchy the present regionalization.

The statements that EHRCO made and continues to make on the constitution and the state ownership of land is that these have not been based on the will of the people after all views have been freely and fairly debated. These policies are the diktat of the party in power and imposed on the Ethiopian people. EHRCO has never made a statement on the substance of these policies. The continuation of Derg's policy of state ownership of land by EPRDF affects the lives of nearly all Ethiopians, especially the peasants. It is not the right to property that EHRCO is concerned about; it is the right to of the people to determine whether land should be under private ownership or under state ownership. In a peasant society to control land means to control the peasants. The Ambassadors of Switzerland and of the United States would like to instruct EHRCO that it is crossing the bounds of human rights and venturing into politics when it raises the issues of the will of the people.

### **3.2.THE RULE OF LAW**

The promotion of the rule of law is one of the three objectives of EHRCO. One would never believe that western governments or at least their representatives in Addis Abeba consider the question of the rule of law, like the democratic process, outside the range of human rights. It is one of the boundaries that EHRCO is accused of crossing into the realm of politics. Yet the Preamble of the Universal Declaration of Human Rights states categorically that "human rights should be protected by the rule of law." Moreover, Articles 6 to 11 are all about the rule of law. As Atiyah observed, "Any government which systematically permits the state's own laws to be violated, and protects those guilty of the violations, clearly has little respect for the Rule of Law."

Unless the west is sending a subtle message that Ethiopians are not yet capable of enjoying the rule of law as well, it is extremely difficult to see the basis of their objection. If there is no rule of law, how is it possible to talk about human rights? How is it possible to talk about human rights in a system that defies court orders? How is it possible to talk about human rights in a system that has no respect for the laws, the courts or judges? How is it possible to talk about human rights in a system that violates its own laws and the rights of the citizens with impunity? As an outstanding British lawyer put it "the basic requirements of a democratic system should be observed, if a country claims to be subject to the rule of law." Democracy and the rule of law are as inseparable as are human rights and the rule of law. EHRCO's attempt to bring to the attention of the regime and the public any signs of breakdown of the rule of law is a positive contribution. It cannot be taken as a politically motivated action. Irrespective of the motives of EHRCO, the basic question should be: does EHRCO produce factually inaccurate reports? If so, the rule of law and due process is the answer; vilifying EHRCO does not.

### **3.3. HUMAN RIGHTS**

The promotion of human rights is of course the central concern of EHRCO. It must be pointed out, however, that EHRCO's problem with the regime and its supporters is not related to EHRCO's promotional function of human rights. That is rather innocuous. The problem is with monitoring human rights violations. EHRCO monitors and reports gross human rights violations such as extrajudicial killing, torture, involuntary disappearances and illegal detention. EHRCO never deals with rumours, speculations, or second-hand sources of information in its reports. EHRCO's reports deal with completely verified facts: names and addresses, places and dates. In certain cases, for torture, for instance, EHRCO has sufficient photographs of victims, including women and children. Therefore, anyone interested in checking anything in these reports has all the necessary information. If there were such reports about some countries the US State Department would feast on it in its so-called human rights reports. When it comes to Ethiopia, as per instruction from the officials of the regime, they completely ignore EHRCO's reports. More than once EHRCO has invited Embassy officials to interview some victims of human rights violations, and they have done so. But they never mention them.

In fact it seems the so-called human rights reports of the State Department are written for themselves. The 1994 report, for instance, flatly stated that there was no "officially sanctioned extrajudicial killing" in Ethiopia in 1993. The wording itself clearly shows that it is not a lie: it is a deliberate attempt to misinform and to mislead themselves and others and to encourage the perpetrators by covering up their gross crimes. One would not want to believe that the State Department authors of the so-called human rights did not consider those victims of extrajudicial killing in 1993 as human beings.

The latest report of the State Department employs a different tactic: it quotes profusely from the EPRDF's constitution as if these provisions are operational and could prevent violations, or even lead to an investigation. EHRCO recently reported the case of an official who is accused of killing three persons, including an old woman. He still sits in the so-called house of representatives and is, ironically, a member of the legal committee. Does it help the victims or the Ethiopian society to quote from such an ineffectual constitution? We are treated like small children. Well it is for us to demonstrate that we are perfectly capable of thinking for ourselves and that we know what democracy is about, what the rule of law is about and what human rights mean.

### **4. CONCLUSION**

Let us assert simple but irrefutable facts:

#### **4.1. CIVIL OR POLITICAL RIGHTS ARE HUMAN RIGHTS.**

It is impossible to think of human rights without political rights. A people that is not administered by officials that are accountable to them cannot hope to have

their human rights respected. Political rights are, therefore, basic human rights. To insist on this is not to have a political but a human agenda. It is precisely because there are no genuine representatives of the people and of the various interest groups that the freedom of expression is so stifled, that the public media (radio, television and public newspapers) are the monopoly of the party in power, that independent journalists are continually harassed and thrown in jail, that the freedom of association is on the verge of disappearing as the paralysed condition of the Ethiopian Teachers Association and of the Confederation of Ethiopian Trade Unions clearly testifies. The many political parties that are rendered ineffectual by constant intimidation and harassment are other concrete manifestations of the dwindling freedom of association. EHRCO remains unregistered as a civil organization to this day and its bank account has been illegally blocked for over a year. The problem of blocked accounts is true for the Ethiopian Teachers Association as well as for the Confederation of Ethiopian Trade Unions.

It is because the people have no representatives that extrajudicial killing, torturing and maiming of innocent persons, involuntary disappearances and illegal detention continue with impunity. As indicated earlier even suspected criminals are sitting in high offices. Our insistence on the democratic process is a demand for the most fundamental right of the empowerment of the Ethiopian people enshrined in Article 21 of the Universal Declaration of Human Rights. Those who try to convince us otherwise, or attempt to buy us with a promise of financial assistance are certainly not friends of freedom and justice, nor friends of Ethiopia. As I said some two years ago "we are not morally poor as we are financially." We challenge them and we are prepared to face them in a public debate anywhere. But we know they will never come out public with their quaint perception of human rights.

#### 4.2. RULE OF LAW IS THE SUBSTRUCTURE OF HUMAN RIGHTS.

It is less than naive to believe that human rights can be respected where there is no rule of law. For the last five years the judicial system has been deteriorating at a very fast rate. The best trained and qualified and the most experienced judges were dismissed en mass and replaced by incompetent and ill-equipped ones. The Prime Minister himself, forgetting that the ultimate responsibility is his, castigated these judges in the harshest possible language. Now, with the so-called reforms the situation has deteriorated even further. In a condition where judges are dismissed or transferred by the whims of high officials, in a situation where judges can be arrested while sitting on the bench and thrown in jail by the police who are supposed to obey their order, what is the meaning of human rights? As the Universal Declaration affirms "human rights should be protected by the rule of law."

#### 4.3. IT IS SOLELY THE RESPONSIBILITY OF ETHIOPIANS AS HUMAN BEINGS AND AS CITIZENS TO RECLAIM THEIR RIGHTS.

We have learnt enough about the best ideals of the western world. Those of us who were taught by Americans and Canadians have imbibed the best in their culture. I remember reciting by heart the full speech of Patrick Henry who concluded by saying, "as for me give me liberty or give me death." We have studied the beautiful documents of the Declaration of Independence, the Rights of Man and the American Constitution. We were never told, though, about Chief Justice Taney who in the Dred Scott Decision in 1857, full seventy years after the Constitution of the United States was put into effect, ruled that when the Declaration of Independence states that "all men are created equal" and when the constitution and the other documents talk about man, they did not mean non-whites. Chief Justice Taney rejected the equality of American citizens and declared black people in the United States are neither citizens nor members of the "sovereign people" of the United States. In his own words:

...that they are not included, and were not intended to be included, under the word "citizens" in the constitution, and can, therefore, claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States. On the contrary, they were at that time considered as a subordinate and inferior class of beings...

Even after we discovered such institutionalized bigotry, we could not question whether the best ideals white Americans cherished were also sincerely wished for us by them. We were allowed to imbibe those ideals of freedom, justice, equality and democracy so that we could admire them, not so that we could emulate them.

Judge Taney said something else which is extremely instructive to us Ethiopians at the present time when the United States of America is so negatively involved in Ethiopia. He said that black people "had no rights or privileges but such as those who held the power and government might choose to grant them." Is this not what we are being told today, that we should silently enjoy only the rights and privileges that our rulers, with American advice, will be good enough to provide? Neither the USA nor Europe will help us be free before we free ourselves, individually and collectively.

After all is said, America remains the land of freedom and opportunity. The American people are perhaps the most humane and the most generous in the world. There is something American that we all value and seek to emulate and the opportunity to cherish. It is something that I learnt in my student days in America and something that has been reinforced during my visits. In fact some thirty years ago I had written a poem in Amharic about the three young men who were killed in Mississippi, but it was published only in 1974. These three young men--- black, Jew and white--- who went to Mississippi to campaign for the registration of black voters, represent the best in America while their murderers represent the worst in America. In that poem I tried to express my deepest feelings about America which I call "the High Priestess of Democracy" and the mother of twins: Heaven and Hell which could also be interpreted as truth and lies, or good and evil. That is what I would call the American Spirit. One may not love America. But one cannot hate America.

I understand the American Spirit as a total commitment to freedom, justice, equality and the democratic ideals; it is a Spirit of solid self-confidence to be one's own agent now, and to be effective in shaping the future. The American Spirit undoubtedly draws both the best and the worst in human beings. Individual liberty is the American bedrock. But the American Spirit is also a firm conviction that the best in man will ultimately triumph and that, therefore, it is neither rational nor practical to stifle the best with the worst in human beings. That is the best thing we can learn from America. We must make that Spirit our own. America, then will be forced to recognize our humanity. The ball is in our court.

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