

109TH CONGRESS
1ST SESSION

H. R. 4423

To encourage and facilitate the consolidation of security, human rights,
democracy, and economic freedom in Ethiopia.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2005

Mr. SMITH of New Jersey introduced the following bill; which was referred
to the Committee on International Relations

A BILL

To encourage and facilitate the consolidation of security,
human rights, democracy, and economic freedom in Ethiopia.

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 “Ethiopia Consolidation
5 Act of 2005”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 It is the policy of the United States to support the
8 advancement of human rights, democracy, and economic
9 freedom in the Federal Democratic Republic of Ethiopia,
10 in concert with United States security interests, in order

1 to better enable Ethiopia to play a leading role in partici-
2 pating with the United States and other countries in fos-
3 tering stability, democracy, and economic development in
4 Africa.

5 **SEC. 3. SUPPORT FOR HUMAN RIGHTS IN ETHIOPIA.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) Despite improvements in its human rights
9 record, as noted by the Department of State in its
10 2004 Country Reports on Human Rights Practices,
11 the Government of the Federal Democratic Republic
12 of Ethiopia continues to violate the internationally-
13 established rights of its citizens, including unlawful
14 killings by security forces (including the June 2005
15 shootings by government security forces of more
16 than 40 election demonstrators), arbitrary or politi-
17 cally-motivated arrests, long detentions without
18 charge or trial and beatings and torture, with
19 human rights violations increasing in the aftermath
20 of the May 15, 2005, elections and subsequent pro-
21 tests of suspected election fraud.

22 (2) According to the 2004 Country Reports on
23 Human Rights Practices, the Ethiopian judiciary
24 has demonstrated encouraging signs of independ-
25 ence, but the justice system—from the police to the

1 courts to the prisons—remains inadequate and does
2 not effectively uphold the human and civil rights of
3 the citizens of Ethiopia.

4 (3) According to the Department of State’s
5 International Religious Freedom Report for 2004,
6 Ethiopia generally provides for freedom of religion,
7 although local authorities continue to infringe on
8 this right.

9 (4) The Committee to Protect Journalists re-
10 ports that Ethiopia continues to imprison journalists
11 and the Government of Ethiopia continues to refuse
12 to revise a repressive media bill that further endan-
13 gers the right to free speech.

14 (5) Because literacy in Ethiopia is less than 50
15 percent, broadcasting is a key source of information
16 for citizens, but the Ethiopian Government has de-
17 layed accepting licenses for private radio or tele-
18 vision since a licensing law was passed in 1999, leav-
19 ing the Ethiopian Broadcasting Service as a radio
20 and television monopoly and infringing on freedom
21 of information.

22 (b) SUPPORT FOR HUMAN RIGHTS TRAINING.—The
23 President, acting through the Administrator of the United
24 States Agency for International Development, shall revise
25 the Agency’s country plan for Ethiopia to provide support

1 for capacity building for more effective independent
2 human rights monitoring operations in Ethiopia and pro-
3 vide training for government officials on international
4 human rights standards.

5 (c) TRAINING FOR POLICE, SECURITY, AND PRISON
6 PERSONNEL.—The President, acting through the head of
7 the International Criminal Investigative Training Assist-
8 ance Program of the Department of Justice, shall provide
9 necessary training for Ethiopian police, security, and pris-
10 on personnel in recognizing and maintaining international
11 standards for arresting and interrogating suspects and
12 otherwise handling prisoners and detainees.

13 (d) TRAINING FOR COURT SYSTEM PERSONNEL.—
14 The President, acting through the Administrator of the
15 United States Agency for International Development, shall
16 support programs directed at increasing the independence
17 and competence of the Ethiopian judicial system, espe-
18 cially training for Ethiopian court personnel on handling
19 suspects and defendants throughout the pre-trial and trial
20 process in order to ensure their human and civil rights
21 as defined by international accords.

22 (e) FREE MEDIA.—The President, Secretary of
23 State, and other relevant officials of the Government of
24 the United States, shall encourage the Government of
25 Ethiopia to abide by its own laws and ensure the open

1 and transparent licensing of independent radio and tele-
2 vision and use all available means to support the establish-
3 ment of independent radio and television as means of
4 broadening the access of average citizens to information.

5 **SEC. 4. SUPPORT FOR DEMOCRATIZATION IN ETHIOPIA.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) The ruling Ethiopian People’s Revolu-
9 tionary Democratic Front has held power through
10 three improving general elections since the overthrow
11 of the government of President Mengistu
12 Hailemariam in 1991.

13 (2) Human Rights Watch has reported the har-
14 assment, detention, and even torture of critics of the
15 Government of the Federal Democratic Republic of
16 Ethiopia, especially in the Oromia region of Ethi-
17 opia, ostensibly to silence political opponents.

18 (3) The European Union election observers in
19 the May 15, 2005, elections accused the Government
20 of Ethiopia of employing “hate speech” and listed
21 acts of violence and intimidation in a letter to the
22 National Electoral Board.

23 (4) The Government of Ethiopia on March 30,
24 2005, expelled three internationally respected United
25 States nongovernmental organizations—the Inter-

1 national Republican Institute, the National Demo-
2 cratic Institute, and the International Foundation
3 for Electoral Systems—that were promoting demo-
4 cratic development, ostensibly due to their failure to
5 register for such activities.

6 (5) Complaints about the conduct of the May
7 15, 2005, elections were lodged by the main opposi-
8 tion coalition and the ruling party in 299 of Ethio-
9 pia’s 547 constituencies, but more than 90 percent
10 of opposition party filings were thrown out by the
11 Ethiopian agency investigating electoral complaints,
12 while only 10 percent of ruling party complaints
13 have been found to be unsubstantiated.

14 (6) International election observers reported the
15 turnout of millions of eligible voters in the May 15,
16 2005, elections, further confirming the desire of the
17 citizens of Ethiopia to express their political will
18 through the ballot.

19 (7) The Government of Ethiopia failed to meet
20 its stated July 8, 2005, deadline for releasing full
21 results of the May 15, 2005, elections and continues
22 to refuse to release customary detailed results of bal-
23 loting, creating ongoing uncertainty and suspicion
24 about the validity of the election.

1 (b) TRANSPARENCY OF ELECTION RESULTS.—Con-
2 gress urges the Government of Ethiopia to allow and fa-
3 cilitate a transparent review of the May 15, 2005, election
4 results and to support a legal review of those results that
5 are credibly shown to be questionable.

6 (c) READMITTANCE OF UNITED STATES DEMOCRACY
7 ORGANIZATIONS.—Congress urges the Government of
8 Ethiopia to readmit the International Republican Insti-
9 tute, the National Democratic Institute, and the Inter-
10 national Foundation for Electoral Systems which were ex-
11 pelled prior to the May 15, 2005, elections and expedi-
12 tiously work out any legitimate issues involving their reg-
13 istration.

14 (d) TRAINING OF POLITICAL PARTIES AND CIVIL SO-
15 CIETY ELECTION OBSERVERS.—In order to better ensure
16 continued progress in the conduct of the electoral process
17 in Ethiopia, the President, acting through the Adminis-
18 trator of the United States Agency for International De-
19 velopment, shall revise the Agency’s country plan for Ethi-
20 opia to provide support for training political parties on
21 organization building and message development and for
22 training political parties and civil society groups in elec-
23 tion monitoring.

24 (e) FACILITATION OF EQUITABLE ELECTORAL ENVI-
25 RONMENT.—As part of its support for democratization in

1 Ethiopia, the President, acting through the Administrator
2 of the United States Agency for International Develop-
3 ment, shall provide assistance to facilitate ongoing com-
4 munication between political parties and the Government
5 of Ethiopia through the National Electoral Board in order
6 to address issues involving delimitation of constituencies,
7 voter registration, party registration, candidate registra-
8 tion, and related matters to ensure the credibility of the
9 next election in Ethiopia.

10 **SEC. 5. SUPPORT FOR ECONOMIC DEVELOPMENT IN ETHI-**
11 **OPIA.**

12 (a) FINDINGS.—Congress makes the following find-
13 ings:

14 (1) According to the World Bank Institute’s
15 governance ratings for 2004, the rating of the Fed-
16 eral Democratic Republic of Ethiopia is measurably
17 worse than its last rating in 2002 in government ef-
18 fectiveness, regulatory quality, and control of corrup-
19 tion, which examine a government’s capacity to for-
20 mulate and implement economic policies.

21 (2) The 2005 Index of Economic Freedom
22 ranks Ethiopia’s economy as mostly unfree, largely
23 due to a cumbersome bureaucracy that deters invest-
24 ment, a judicial system that does not offer sufficient

1 protection of property rights, and a system of higher
2 tariffs on imported products.

3 (3) The U.S. and Foreign Commercial Service
4 reports in its 2005 country commercial guide for
5 Ethiopia that Ethiopia's continuing refusal to alter
6 its policy of considering all land to be public prop-
7 erty that can only be leased and not owned prevents
8 financing of ventures in which land would be collat-
9 eral for a loan and also makes investors vulnerable
10 to smallholders claiming the right to use part of
11 their land.

12 (4) Members of the Ethiopian diaspora in the
13 United States have accused the Government of Ethi-
14 oopia of failing to live up to promises of repatriation
15 of property confiscated by the Mengistu government,
16 and in some cases, allowing others to profit from
17 these seized properties.

18 (5) According to Ethiopia's poverty reduction
19 strategy paper, its per capita income is among the
20 lowest of even least developed countries, and poverty
21 is widespread, affecting nearly half the country's
22 population in both urban and rural areas.

23 (6) Lack of water is a major reason for the
24 cause of famine, but the dire situation in Ethiopia's
25 agriculture sector is exacerbated by Ethiopian Gov-

1 ernment policies, including its refusal to allow pri-
2 vate ownership of land, excessive taxation of farm-
3 ers, and the high cost of fertilizer sold by companies
4 affiliated with the Ethiopian Government.

5 (b) ECONOMIC POLICY ASSISTANCE.—Utilizing train-
6 ing and other technical assistance programs offered by the
7 Department of the Treasury, the Office of the United
8 States Trade Representative, and the Department of Jus-
9 tice, the President shall assist the Government of Ethiopia
10 in developing policies that will address key economic obsta-
11 cles, including such areas as budgeting, taxation, debt
12 management, bank supervision, and anti-money laun-
13 dering, that inhibit private sector development and limit
14 participation in donor programs such as the United States
15 Millennium Challenge Account.

16 (c) RESOURCE POLICY ASSISTANCE.—The President,
17 acting through the Administrator of the United States
18 Agency for International Development, shall provide as-
19 sistance for sustainable development of Ethiopia’s Nile
20 and Awash River resources, including assistance to help
21 Ethiopia with the technology necessary for the construc-
22 tion of dams, irrigation systems, and hydroelectric power
23 that might prevent future famine.

24 (d) FINANCING FOR UNITED STATES–ETHIOPIAN
25 COMMERCIAL VENTURES.—The President shall use all

1 available financing programs to provide adequate financ-
2 ing of United States and Ethiopian commercial ventures,
3 including programs of the United States Agency for Inter-
4 national Development, the Small Business Administration
5 (including the Export Express and Export Working Cap-
6 ital programs), the Overseas Private Investment Corpora-
7 tion (including the Small Business Center and the Small
8 and Medium Enterprise and Structural Finance pro-
9 grams), and the Export-Import Bank of the United States
10 (including the Short-Term Africa Pilot Program).

11 **SEC. 6. ENSURING GOVERNMENT SUPPORT FOR HUMAN**
12 **RIGHTS, DEMOCRACY, AND ECONOMIC DE-**
13 **VELOPMENT.**

14 (a) FINDINGS.—Congress makes the following find-
15 ings:

16 (1) The Federal Democratic Republic of Ethi-
17 opia is an important United States partner in the
18 Horn of Africa region, whose stability is vital to
19 United States interests in East Africa and the Mid-
20 dle East.

21 (2) Ethiopia has been a strong United States
22 ally in the fight against global terrorism by its par-
23 ticipation in the coalition of the willing in Iraq.

1 (3) Ethiopia has a strong military, which has
2 been involved in international peacekeeping oper-
3 ations since the Korean conflict in the 1950s.

4 (4) Two ethnically-based opposition groups—
5 the Oromo Liberation Front and the Ogadeni Na-
6 tional Liberation Front—have been committed to
7 waging an armed struggle against the Government
8 of Ethiopia, but the incidence of actual armed at-
9 tacks has been limited and sporadic.

10 (5) Historically a nation with a large Christian
11 majority, Ethiopia has experienced significant
12 growth in its Muslim population, and Christians and
13 Muslims for the first time are nearly equal in num-
14 bers, which places this key East African nation on
15 a religious fault line that will require proactive ef-
16 forts to minimize conflict.

17 (b) SUSPENSION OF JOINT SECURITY ACTIVITIES.—

18 (1) SUSPENSION.—The President shall suspend
19 all joint security activities of the Government of the
20 United States with the Government of Ethiopia, in-
21 cluding activities through the U.S. East Africa
22 Counterterrorism Initiative until such time as the
23 certification described in paragraph (2) is made in
24 accordance with such paragraph.

1 (2) CERTIFICATION.—The certification de-
2 scribed in this subsection is a certification by the
3 President to Congress that the Government of Ethi-
4 opia is observing international standards of human
5 rights and enforcing the principle of the rule of law,
6 especially by conducting a credible investigation of
7 the killing of civilian protesters by security forces, as
8 well as trying or releasing detainees and granting
9 access for detainees to their families, counsel, and
10 the International Red Cross.

11 (c) RESOLUTION OF THE ETHIOPIA-ERITREA
12 BOUNDARY DISPUTE.—

13 (1) DECLARATION OF POLICY.—Congress de-
14 clares that the current stalemate in the border dis-
15 pute between Ethiopia and Eritrea has the potential
16 to lead to conflict and must be addressed.

17 (2) PROHIBITION ON ASSISTANCE.—

18 (A) PROHIBITION.—Except as provided in
19 subparagraph (B), funds available to any de-
20 partment of agency of the Government of the
21 United States may not be made available for
22 assistance for the central Governments of Ethi-
23 opia or Eritrea unless the Secretary of State
24 certifies and reports to the Committee on Ap-
25 propriations of the House of Representatives

1 and the Committee on Appropriations of the
2 Senate that the central Government of Ethiopia
3 or Eritrea, as the case may be, is taking steps
4 to comply with the terms of the Algiers Agree-
5 ments.

6 (B) EXCEPTION.—Subparagraph (A) does
7 not apply to assistance for democracy, rule of
8 law, peacekeeping programs and activities, child
9 survival and health, basic education, and agri-
10 culture programs.

11 (d) DEMOCRACY ENHANCEMENT.—

12 (1) ASSISTANCE.—United States technical as-
13 sistance for democracy promotion in Ethiopia may
14 be made available to the ruling party as well as op-
15 position parties in Ethiopia.

16 (2) RESTRICTION.—

17 (A) IN GENERAL.—Non-essential United
18 States assistance may not be made available to
19 the Government of Ethiopia if the Government
20 of Ethiopia acts to obstruct United States tech-
21 nical assistance for opposition parties in Ethi-
22 opia.

23 (B) DEFINITION.—In this paragraph, the
24 term “non-essential United States assistance”
25 means assistance under any provision of law,

1 other than humanitarian assistance, assistance
2 under emergency food programs, assistance to
3 combat HIV/AIDS, and other health care as-
4 sistance, including assistance for fistula treat-
5 ment, health service planning, training, delivery
6 and reporting, post-partum hemorrhage, safe
7 motherhood, and abandonment of harmful tra-
8 ditional practices.

9 (e) SUPPORT FOR OLF REINTEGRATION.—In light
10 of recent reports that the Oromo Liberation Front in
11 Ethiopia may be prepared to abandon its armed struggle
12 and participate in the democratic process, it is the sense
13 of Congress that the Government of the United States
14 should encourage the Government of Ethiopia to take ad-
15 vantage of this opportunity to enter into discussions with
16 the Oromo Liberation Front to bring them into full par-
17 ticipation in the political and economic affairs of Ethiopia,
18 including their legalization as a political party, and the
19 Government of the United States should provide such as-
20 sistance as is warranted and necessary to help achieve this
21 goal.

22 **SEC. 7. REPORT.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the President shall transmit a report
25 to Congress on the implementation of this Act, including

1 a description of a comprehensive plan to address the secu-
2 rity, human rights, democratization, and economic free-
3 dom concerns that potentially threaten the stability of the
4 Federal Democratic Republic of Ethiopia.

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There are authorized to be appro-
7 priated to carry out this Act \$10,000,000 for each of the
8 fiscal years 2007 and 2008.

9 (b) AVAILABILITY.—Amounts appropriated pursuant
10 to the authorization of appropriations under subsection (a)
11 are authorized to remain available until expended.

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