



# **Humanitarian Priorities for Tigray, Ethiopia, after the Cessation of Hostilities**

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## **Summary**

1. This memo outlines elements of the political context of the international response to the immense and immediate humanitarian and reconstruction needs of Tigray and includes suggestions for avenues to be explored for policy and programming.
2. Tigray's humanitarian needs must be met in the context of deep distrust between the Federal and Tigrayan authorities and a sharp decline in confidence among Tigrayans in their political leadership. At federal and regional level, institutions are at best quasi-functional. A 'business as usual' approach is incommensurate with urgent and flexible response. Work arounds will be needed, for example through the use of major NGOs as implementing partners.
3. Tigray needs an overall vision for peace and rehabilitation that captures the extraordinary levels of energy and commitment shown by the Tigrayan people during their resistance. This memo proposes that this energy can be found in communities and civil society, and that assistance modalities should prioritize mechanisms for immediate assistance direct to Tigray, that creates an enabling environment for communities to assist themselves, and which supports civil society, human rights and protection of civilians.
4. Aid funding to reconstruction in the aftermath of state policies of destruction, deprivation and pillage poses ethical and legal dilemmas for international donors. While questions of compensation, restitution and transitional justice cannot be resolved by donors, these issues should be borne in mind in programs and policies.

## **Immediate Context**

5. The urgent humanitarian response to Tigray occurs in the context of massive comprehensive immediate needs, low trust between the Federal Government of Tigray (FGE) and (Interim) Government of Tigray (IGoT), non-functional IGoT institutions, and a risk-averse international humanitarian leadership in Addis Ababa.
6. The rationale for the Tigrayan leadership to sue for peace was the scale of the humanitarian emergency. Regrettably, the lack of engagement with international humanitarian actors and the lack of planning by the IGoT means that the modalities for rapid response to the emergency were neither agreed nor prepared. Among the many weaknesses of the IGoT are poor public diplomacy and over-optimistic assumptions that international humanitarian actors will act expeditiously, generously, and impartially.
7. At the time of writing, Tigrayan confidence in the Pretoria and Nairobi Agreements is dwindling, due to slow delivery of aid, no clear timetable for restoring services, the failure of Eritrean forces to withdraw (and ongoing atrocities), and no immediate prospects for IDPs to return. There is no obvious alternative to persisting with fashioning the Agreement into something that can be implemented. But there is no guiding vision for what peace means for the Tigrayan people. The terms of reference for the monitoring, verification and compliance mechanism (MVCM), agreed and signed in Nairobi on 22 December, has a narrowly restricted focus on the disarmament of Tigrayan forces, with at most marginal attention to humanitarian issues and no mention of protection of civilians.
8. The FGE is persisting with 'business as usual' with a slow and conditional programme restoring basic services and authorizing international humanitarian access. This reflects something close to paranoia within the FGE about Tigrayans' purported capacity for conspiring with international actors. Nonetheless, the FGE is under severe pressure from the U.S. to act, well-aware that it needs an urgent financial bailout, and that excuses for withholding humanitarian aid will not wash.
9. Donors have become accustomed to dealing with a capable state in Ethiopia. Today there is a plausible imitation of a capable state, but levels of corruption and political manipulation in line ministries and government programmes have skyrocketed and efficiency has deteriorated. The degree of state capacity varies widely between regions and is unlikely to improve soon. The UN, World Bank and African Development Bank remain closely tied to, and mandated to work with government partners and have in some cases lost the confidence of local partners and communities. Major service delivery NGOs are a workable alternative.

10. The IGoT has few working institutions for administering an aid programme. This is exacerbated by the rift the Pretoria agreement has sparked between the Tigrayan leadership and influential constituencies at home and the diaspora which contributes to reduced willingness to support and trust Tigrayan official institutions. The bigger contribution will be what people can do for themselves, if IDPs are enabled to return home, and communities and local CSOs can be put to work, and the previously-dynamic private sector can be energized. If the Eritrean and Amhara forces withdraw and security can be provided for returning IDPs, a big step forward will have been taken. If banking, communications and trade are opened up, then diaspora resources will flow to families and employers, providing aid on a scale that will likely surpass foreign assistance, especially to the cities.

### **Modalities for Funding (Federal Level)**

11. Given the lack of trust and a semi-paranoid proceduralism at all levels of the FGE, we cannot realistically expect the flow of funds from the FGE to Tigray to be smooth and sufficient. There are no established practices for international donors to directly fund a regional government in Ethiopia. Nonetheless, a special workaround funding mechanism should be considered. In the short term this could entail:

- a. Earmarking of emergency and rehabilitation funds for Tigray, while monitoring FGE budgetary allocations to regions to ensure that Tigray is not shortchanged;
- b. Focus on programme funding rather than budget support;
- c. Funding UN agencies and NGOs (local and international) in preference to direct governmental channels. Major service delivery NGOs have the experience, capacity, flexibility and accountability, however this is likely to face significant push-back from the FGE.

12. Difficult issues of equity and justice arise (including compensation and restitution), given the very high levels of humanitarian and other needs in many parts of Ethiopia, the deliberate destruction, pillaging and freezing of assets, and the FGE dependence on external funding to meet its needs. Further, it is worth noting that damage assessments which have been conducted by the FGE with support from international partners, largely exclude Tigray and the effects of conflict in 2022. There are no established guidelines for donor reconstruction assistance in a context in which those donors will be paying for items deliberately destroyed by the very same state that is receiving assistance. The drafting of guidelines for such a situation will be neither easy nor quick. The absence of a strong accountability mechanism in the Pretoria agreement is an important factor that complicates the process for coming up with guidelines in favor of victims.

13. In the meantime, some general guiding principles can be considered.
- a. Immediacy of needs. Urgent humanitarian needs should be met regardless of questions of responsibility for criminal acts causing such deprivation.
  - b. Documentation. Assistance and rehabilitation programmes should include documenting acts of destruction, deprivation and pillage. This documentation should be publicly available.
  - c. Inter-regional equity. Federal transfers to Tigray been suspended for more two years. Is Tigray entitled to arrears? What mechanism should be established to ensure that federal transfers to Tigray are fair and expeditious and that the FGE does not offset its obligations by using earmarked donor funds? What kinds of needs assessments are required to begin this process?
  - d. An immediate resumption of interrupted donor funded infrastructure projects. There were 18 asphalt road construction projects and various urban water supply and irrigation dam projects funded by the federal government through donor funds. All were at varying levels of completion and interrupted due to the war. It is assumed that funds earmarked for these projects were pending disbursement as the projects were interrupted. These interrupted projects should automatically resume subject to revised client-contractor negotiations on the remaining works of the projects.
  - e. Compensation funds. Donors have no culpability for the crimes committed in Tigray and should not pay compensation payments as such. However, issues of FGE and Eritrean obligations for compensation, restitution and reparations should be factored into in policy and programming.
  - f. Individual compensation/restitution. Bank accounts have been frozen for 18 months or longer, during which time the real value of the deposits has shrunk due to inflation and lack of interest accruing. What formula for augmenting them will be used? How are beneficiaries of accounts of deceased persons or dissolved entities to be determined?
  - g. Investor compensation/restitution. Commercial assets and infrastructure have been pillaged or deliberately destroyed. Justice demands that the FGE and the State of Eritrea compensate or retribute. Private sector investors may bring cases to court.
  - h. Development partner compensation/restitution. International donors (governments, international agencies, NGOs and private foundations) presumably will not bring court cases against the culprit state. Nonetheless, financial modalities for reconstructing destroyed or looted assets, previously funded by aid monies, should be designed to avoid the moral hazard of rewarding the guilty parties.

- i. Special forex funds set up by donors to enable private sector businesses to resume operations rapidly (see para. 24(b)).

14. The State of Eritrea is responsible for widespread and systematic crimes including pillage and destruction of objects indispensable to the survival of the civilian population. Eritrea is in possession of Tigrayan assets criminally acquired, including donor-funded assets. These considerations should inform international policies towards Eritrea.

### **Modalities for Funding (Tigray Regional Level)**

15. There is a massive need for funds at a time when government institutions in Tigray are either interim or non-functional. There will be a major challenge of ensuring that the funds reach the desired recipients. In due course, most of the rehabilitation funds will need to be channeled through the IGoT and its successor. In the meantime, UN and non-governmental channels should be used as much as possible.

16. There are 78 locally registered CBOs and NGOs in the association of Tigrayan voluntary agencies currently employing over 4100 individuals. This includes many with special expertise on agriculture, health, water, education, women empowerment, physical rehabilitation of disabled and veterans' support. Direct funding to these NGOs is ideal. Basket funds with small quick-disbursement grants with modest reporting requirements will be needed. These funds will have important trickle down/multiplier effects for communities.

17. The programme of demobilizing Tigrayan Defence Force combatants is an opportunity for kick-starting rehabilitation efforts. Many Tigrayan professionals are enlisted in the TDF, including several thousand university graduates (physicians, engineers, other professionals) as well as numerous primary and secondary school teachers, nurses and agricultural extension officers. Their skills are desperately needed in civilian life. The simplest and most effective demobilization/reintegration packages for these individuals is cash in lieu of salary for an interim period.

18. Additionally, members of the TDF can be organized in civil reconstruction brigades and tasked with civil rehabilitation tasks, for example accompanying the return of IDPs, the rebuilding of basic community infrastructure, and the resumption of interrupted road and dam construction projects.

## **Focus on a Societal Enabling Environment**

19. The greatest contribution to emergency response and reconstruction will be the efforts of people themselves. Aid efforts should therefore focus on creating an enabling environment for societal normalization/recovery as a priority. A funding mechanism could have special windows for:

- a. Accelerated rehabilitation of health services, water infrastructure, etc., which will facilitate human security and livelihoods for women including especially survivors of SGBV. Some of these programs have already been designed, for instance by the World Bank, but they could be augmented once implementation begins in earnest in Tigray.
- b. Scaling up physical rehabilitation facilities to address the needs of the large numbers of veterans and civilians who have become severely disabled during the course of the war.
- c. The rehabilitation of rural agriculture and health infrastructure services including the rehabilitation of veterinary clinics and nursery sites at village level.
- d. School feeding programmes will encourage both nutrition and a return to school.
- e. Subsidized seeds and fertilizers for farmers.
- f. It is over three years since the interruption of formal education. Schools were initially closed as a result of the Covid-19 pandemic and later due to the war. During the occupation, most schools were destroyed and higher education facilities completely looted. Anything remaining is by now run down due to lack of maintenance. On the other hand, many TDF members are students who interrupted their high school and university studies. The urgent maintenance of schools and universities and the resumption of education over and above addressing the societal needs can be considered as one important way of demobilizing and reintegrating TDF members into society.

20. Restoring basic financial services has a transformative potential. Prior to the conflict the Dedebit Credit and Savings Institution was estimated to have more than 400,000 customers and a portfolio of over \$100 million. As of end-December, limited banking services have resumed, but with restrictions on withdrawals. People should get unfettered access to their savings as soon as possible.

21. An estimated Tigrayan population of 1.5 million people live scattered throughout Ethiopia. The amount of remittances Tigray received from this population was significant and part and parcel of the regional food security system. Many of the productive adult

members of this population are under arrest and the bank accounts and assets of several thousands of businesspeople are frozen as they were suspecting of supporting the TDF. The prisoners should be released immediately and their asset and bank account restrictions lifted. The lifting of these asset and bank account freezes is important not only because it reinstates the rights of citizens to their property but also strengthens Tigray's food security.

22. Everyone in Tigray is psychologically traumatized to various degrees. Direct victims in general and those victims of sexual violence are particularly the most affected. There is a need for the whole society to pass through a post conflict trauma treatment. There is a need to design for a community wide post conflict trauma treatment strategies and mechanisms.

23. There is a need to expand the services of the community health extension services to include the psychological treatment of women victims of sexual violence. To this end the development of an upgrading training to women community health extension workers on the treatment of trauma should be planned for. The design and delivery of this training should be considered in collaboration with the regional health bureau and the health colleges in the region. The rehabilitation of the victims of sexual violence should include referral systems for further treatment and packages towards the economic rehabilitation of the victims. Again, some of these programs have already been designed, but the scale of need is likely to be much larger than the resources earmarked for this purpose.

24. Prior to the war, the private sector was by far the largest employer along with the public sector, with more than 72,000 people employed by medium and large industries and several times that number employed in the service sector and small and informal enterprises. While most assets have been destroyed or looted, the business owners, managers and trained staff remain, the premises and land remain, many have bank deposits (currently frozen), and their companies only require a renewal of licenses to resume operations. This will have a huge multiplier effect on employment and livelihoods. Options for assistance include:

- a. Revolving loan funds, especially for small business owners who had their assets/property looted or destroyed, or who abandoned their businesses to join the TDF.
- b. Specially designated forex accounts, funded by donors, to enable these businesses to obtain forex for necessary imports to restart their operations. Those businesses could pay Ethiopian Birr to obtain the forex, and the donor would then utilize that local currency fund at its discretion.

## **Focused Support for Civil Society**

25. The dynamism in Tigray lies in society rather than in formal institutions. This energy should be encouraged and harnessed. The FGE and the former ruling party of Tigray had a similar attitude of seeking to control or suppress civil society and community initiative, and it is likely this trend will continue. For this reason, international partners should act immediately to make clear their commitment to a civil society lead role. This involves the following:

- a. Women's empowerment;
- b. Human rights promotion including documenting violations, memorializing victims, and using local, national and international channels for transitional justice;
- c. Independent media (including both local media support and international media access);
- d. Transparency and accountability in the functioning of all institutions.

26. Diaspora assistance is potentially a major contributor to rehabilitation. This is dependent upon opening up telecommunications and financial transfer/banking systems, issuing travel documents and passports to Tigrayans in Tigray and in the diaspora, and guarantees of safe transit of travellers through Addis Ababa airport.

27. Special priority assistance to vulnerable groups is needed, including:

- a. Survivors of SGBV;
- b. Children born of rape and their mothers (an under-recognized group that will need specialized assistance and protection);
- c. Disabled war veterans and civilian survivors of violence/torture;
- d. Separated families and families of Tigrayans detained elsewhere in Ethiopia or purged from their jobs or who have lost businesses and livelihoods.

## **Return of IDPs**

28. The return of IDPs to their homes is the single largest emergency need mitigation measure. There are more than a million IDPs from phase 1 of the war (especially Western Tigray) and a similar number of IDPs from the recent fighting (mostly from North-Western Tigray). The Pretoria Agreement resolves that conditions for the return of these IDPs should be established including the removal of Eritrean and Amhara forces (albeit not mentioned by name) from Tigray and the resolution of boundary issues by constitutional

means (implying a return to the status quo ante prior to the war). In addition to assisting IDP return with material support, donors should engage with the FGE, IGoT, AU, and UN agencies on the implementation of these provisions in the Agreement.

29. The return of IDPs to their origin should be based on their ‘free and informed choice’. This is an international norm, that has been adopted by the Ethiopian government, and should be adhered to when responding to internal displacement in Tigray.

30. The return to the status quo ante in Western Tigray will entail the removal of new settlers who have occupied property and seized land. Donors should carefully consider the merits and demerits of assisting those required to vacate property that they occupied unlawfully but with official encouragement at the time of annexation.

31. Many IDPs are currently occupying schools. For schools to reopen it will be necessary for IDPs to be return home or be rehoused.

## **Protection of Civilians and Other Human Rights Issues**

32. The provisions for protection of civilians (PoC) in the Pretoria and Nairobi Agreements are under-specified. The monitoring, verification and compliance mechanism reports only to the AU High Level Panel and through it to the AU Commission. It has neither mandate nor capability for dealing with any PoC needs. International humanitarian actors should engage with the AU HLP to ensure that other PoC mechanisms (e.g., under the UN) are authorized.

33. The security arrangements provisions leave policing and civilian protection in a limbo. The agreement calls for the return of Federal forces to protect Federal institutions. One may assume that civilian administration along with the regional police will be reinstated once the foreign and the non-ENDF forces are evicted from parts of Tigray to provide the security of civilians and regional institutions. But there is no mention of policing and related civilian administration in either agreement. There is a need to capture this action in subsequent engagements.

34. Many Tigrayan civilians have suffered at the hands of Federal forces and will not see them as protectors in any sense. To the contrary, Federal police and soldiers may need protection from acts of revenge by armed Tigrayans. Numerous female survivors of SGBV enlisted in the TDF and will have access to personal weapons. Their male relatives may also seek revenge on their behalf. This should be considered while determining the deployment areas of the federal security agencies.

35. The Pretoria Agreement makes no mention of international processes of investigation and accountability. The FGE position prior to the negotiations was hostile to any investigations by the UNOHCHR. This has not changed. It would be important for donors to engage both with the FGE and the AU Commission to insist that ongoing processes of human rights documentation and accountability continue and receive facilitation and support from the FGE and AUC.