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The Global Society of Tigray Scholars  
and Professionals (GSTS)<sup>1</sup>

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***For Immediate Release***

### **GSTS Position Statement on**

**The Agreement for lasting peace through a Permanent Cessation of Hostilities between the Government of the Federal Democratic Republic of Ethiopia and the Tigray People’s Liberation Front (TPLF) signed on 2 November 2022 in Pretoria, Republic of South Africa.**

1. The Global Society of Tigray Scholars and Professionals (GSTS), representing over 5,000 Tigrayan scholars and professionals worldwide, takes note of the Agreement for lasting peace through a Permanent Cessation of Hostilities Agreement (CoHA) between the Government of the Federal Democratic Republic Of Ethiopia and the Tigray People’s Liberation Front (TPLF) signed on 2 November 2022 in Pretoria, Republic of South Africa.
2. GSTS welcomes the Peace Talks and strongly believes that there is no military solution to politically driven problems and a negotiated settlement presents the only viable solution to the world’s deadliest crisis, the war on Tigray, in the 21<sup>st</sup> century.
3. GSTS expresses its appreciation to former President Uhuru Kenyatta of Kenya, former President Olusegun Obasanjo of Nigeria, and former Deputy President Dr. Phumzile Mlambo-Ngcuka of South Africa, as well as the United States of America (USA), Republic of South Africa and the observers for supporting and facilitating the Peace Talks.
4. However, GSTS strongly opposes several provisions of the CoHA that directly contravene the vital interests of the people of Tigray and defeats the stated objective of the CoHA to achieve lasting peace. The vital interests of the people of Tigray have been articulated in [GSTS position statements](#).

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<sup>1</sup>*GSTS is a 501(C) and 33/2011 legally registered non-partisan, not-for-profit network knowledge network operating all over the world. With over 5,000 members, (approximately 1/5 of whom are PhD holders), GSTS is the largest and most active academic and professional association in Ethiopia and the Horn of Africa. Since the onset of the war on Tigray on 4th November 2020, GSTS has been engaged in research-based fact finding; data collection and documentation, legal analysis and interpretation, and humanitarian advocacy surrounding human rights violations, amounting to war of aggression, war crimes, crimes against humanity, and genocide perpetrated against the Tigrayan people.*

5. The CoHA contains the following unenforceable provisions that disregard and violate the inherent rights and will of the people of Tigray including through referendum.

### **Article 6- Disarmament, Demobilization, and Reintegration (DDR)**

6. GSTS believes Article 6 of CoHA is most illogical in terms of sequencing and a uniquely self-defeating provision where the Agreement stipulates TPLF accepted Ethiopian National Defense Forces (ENDF) as a single provider of defense and security of the people of Tigray. By accepting a single armed force, it agreed to the disarmament and termination of Tigray Defense Forces (TDF), leaving the people of Tigray in the hands of forces accused of horrendous atrocity crimes.
7. CoHA recognizes only one Ethiopian defense force - namely ENDF, and this means the delegitimization of the TDF as a sole provider of defense and security in Tigray. For this, the overall disarmament of “the TPLF combatants, including light weapons” is expected to be finalized within 30 days from the signing of the Agreement, 2 November 2022. Accordingly, CoHA stipulates that TDF existence terminates December 2, 2022. On the other hand, the CoHA fails to provide strict deadlines, similar to DDR, for the most urgent task of delivering humanitarian aid and the resumption of public services. The same applies to the safe and dignified return of Internally Displaced Persons and Refugees to their home, land, and properties.
8. Disarmament comes once the very reasons for arming and fighting are addressed. The security of Tigrayans cannot be guaranteed without the Eritrean Defense Force (EDF) and Amhara forces being removed from all constitutional territories of Tigray. TDF should not disarm and should instead be strengthened. ENDF and EDF are accused of genocide against Tigrayans and, therefore, cannot provide security to the same population. Genocidaires cannot offer protection to their victims. They should rather be held accountable.
9. Thus, GSTS totally rejects the disbandment of TDF. For Tigray, security is a survival issue and it has been proven that the TDF is the sole provider of the security of Tigray. TDF is a popular resistance army of Tigray and it is the only guarantor of the non-repetition of genocide against Tigrayans. Led by experienced leadership, nonpartisan, with iron discipline and tight command and control making it an effective security force in the region. TDF has also the potential to become an effective and reliable security partner of peace and security in the Horn of Africa.

### **Article 7- Confidence- building measures and Article 8- International Boundaries and Federal Facilities**

10. Furthermore, CoHA bans Tigray from “any conduct that undermines the sovereignty and territorial integrity of Ethiopia, including unconstitutional correspondence and relations with foreign powers;” Moreover, CoHA stipulates that ENDF is to “safeguard the sovereignty, territorial integrity, and security of the country from foreign incursion and ensure that there will be no provocation or incursion from either side of the border.” CoHA

imposes obligations on TPLF to “refrain from conscription, training, deployment, mobilization, or preparation for conflict and hostilities;” while no similar provision is made on governments of Ethiopia and Amhara regional states who continue to mobilize and arm their populations.

11. CoHA in contrast failed to explicitly state the obligations of Ethiopia to enforce the immediate withdrawal of EDF. In particular, the Agreement failed to recognize Eritrea’s invasion of Tigray and the horrific atrocities it has and continue to commit on the people of Tigray. There is ample evidence to suggest that ENDF is effectively under the command of President Isaias Afewerki of Eritrea. CoHA also fails to recognize the occupation of various parts of Tigray by Amhara forces.

12. As one of the confidence building measures, CoHA failed to include the release of Tigrayan members of the defense and security forces, and political prisoners who have been arrested and forcefully disappeared.

### **Article 9- Restoration of Federal Authority in the Tigray Region and representation in federal institutions**

13. CoHA stipulates that the GoE will “ensure and facilitate the representation of the Tigray region in the federal institutions, including the House of Federation, and House of Peoples' Representatives, in accordance with the FDRE Constitution and applicable laws. Furthermore, article 10 of the COHA aims to establish “an inclusive Interim Regional Administration” within a week of the delisting of TPLF from the terrorist organization, and after dialogue between the Parties. Such imposition of an interim administration contradicts the will of the people of Tigray as expressed in previous elections. These provisions infringe the inalienable rights of the people of Tigray to self determination.

### **Article 10 - Transitional Measures**

14. CoHA stipulates that “a comprehensive national transitional justice policy aimed at accountability, ascertaining the truth, redress for victims, reconciliation, and healing, consistent with the Constitution of FDRE and the African Union Transitional Justice Policy Framework” will be implemented. It is a well-known fact that such a policy was prepared by the Ethiopian government deliberately to preemptively undermine investigation and accountability by the international community. A transitional justice mechanism is a non-starter for atrocity crimes including genocide. CoHA endorses the Ethiopian government’s definition of transitional justice that is used as a technical fog for impunity and abandonment of legal accountability. The Ethiopian proposal for transitional justice will serve the political purpose, not justice, and will lack impartiality to conduct a thorough investigation, fair trial, and effective remedies for victims.

15. GSTS believes that reconciliation is essential for sustainable peace, but only if it is accompanied by legal accountability. Owing to the industrial scale, political nature, military complexity and the systematic execution of the atrocities, a trial of such magnitude

would naturally involve a large number of victims and state-sponsored perpetrators from the two countries.

16. GSTS believes that the Ethiopian justice system including transitional justice has neither political independence nor the institutional capability to dispense fair, free and speedy justice and hold the perpetrators to account. What is more, the overwhelming number of victims, mainly from Tigray, believe Ethiopian justice and judicial institutions are part and parcel of the war on Tigray and the genocide against Tigrayans.

17. GSTS believes that CoHA as formulated now cannot dispense justice to victims of atrocity crimes. GSTS calls on the U.N. Security Council to refer the Tigray situation to the International Criminal Court (ICC) for investigation, or for Ethiopia to accept the ICC's jurisdiction over the crimes committed, or a regional or an international tribunal to be established to try atrocity crimes.

18. CoHA under Article 10 states that "Parties commit to resolving issues of contested areas in accordance with the Constitution of the Federal Democratic Republic of Ethiopia." GSTS believes this provision is in reference to Western Tigray and other territories under the occupied forces. While almost all the provisions of CoHA assert status quo ante to the pre-war positions by restoring the Federal authority and ENDF return to Tigray, however, the Agreement fails to specifically stipulate the withdrawal of Amhara forces and return of all territories of Tigray as provided under the 1995 Ethiopian Constitution.

19. GSTS demands that the CoHA be revised with a view to correct these unacceptable and impractical provisions.

### **Article 11 – Monitoring, Verification, and Compliance**

20. CoHA establishes a Monitoring, Verification and Compliance Mechanism (MVCM) with a Joint Committee (JC) and Team of African Experts (ToAE). JC will be composed of "a representative from each party, a representative from IGAD and chaired by the African Union through the High-Level Panel. The Joint Committee shall be assisted by a team of African Experts. The AU, through the High-Level Panel, shall appoint a team of African experts to monitor the implementation of the permanent cessation of hostilities agreed upon under Article 3 of this Agreement. The Parties shall appoint one expert each to work with the team of African Experts." The USA, European Union (EU), and United Nations (UN), are excluded from the MVCM. For reasons that are not clear, the EU was not invited to observe the Pretoria Talks.

21. GSTS has grave concerns on the composition, and leadership of the MVCM. Such a mechanism requires significant resources, and compliance by the Parties would need all available leverage be employed, particularly the UN, the US and EU. Legally, if not also politically, the USA, EU, and UN cannot fully participate in an initiative of organization of which they are not or cannot be members.

22. GSTS rejects the Monitoring, Verification and Compliance Mechanism (MVCM) as formulated in CoHA. GSTS proposes the Mechanism to be organized as Joint UN-AU Monitoring, Verification and Compliance Mechanism that will allow the full participation of the UN, EU and the US with their leverage and resources. GSTS proposes the Team of African Experts should be empowered not only to monitor and inform the Parties about violations, but also to issue public reports independently.

23. Furthermore, GSTS demands that the EU – one of the few principled organizations and major aid providers- should be invited as an observer in the next phase of the negotiation and implementation.

24. The implementation of CoHA and the upcoming negotiations will determine the future of Tigray, the will of its people and their aspirations. Given that the Tigray people are facing extraordinary threats to their survival, which required extraordinary response and sacrifice by the entire Tigrayan society, the critical importance of the next phases of the talks cannot be overemphasized.

25. To the Government of Tigray: GSTS strongly urges that it officially opens a broad-based inclusive consultation to ensure the vital interests of the people of Tigray before the implementation of CoHA and signing of further agreements.

26. To the International Community: GSTS believes, unless the above-mentioned unacceptable and unenforceable provisions of the CoHA are addressed, the Agreement could undermine the peace and stability it promises, and sows seeds for future conflicts in the region. In the interest of sustainable peace CoHA aims to bring, it is simply imperative to make these fundamental corrections at this early stage.

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