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# Interpreting Ethiopia's Counterterrorism Policies: Machiavellian or Hobbesian?

Yared Ayalew Zemedu

Dissertation Submitted for the Degree of Doctor of Philosophy in  
Political Science and International Studies

Department of Political Science and International Studies,  
Faculty of Social Sciences

December 2023

Interpreting Ethiopia's counterterrorism Policies: Machiavellian or Hobbesian?

Dissertation Submitted to the School of Graduate Studies, Bahir Dar University, in  
Partial Fulfilment of the Requirements for the Degree of  
Doctor of Philosophy in Political Science and International Studies

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December 2023

**Declaration**

I, Yared Ayalew Zemedu, undersigned, certify that this dissertation is my original work that it has not been submitted for any other university's degree program and that all sources of materials utilised in the dissertation have been properly acknowledged.

Signature:  \_\_\_\_\_

Date: 20/03/2024 \_\_\_\_\_

### Approval of Dissertation for Defence

I hereby certify that this dissertation, entitled "Interpreting Ethiopia's counterterrorism Policies: Machiavellian or Hobbesian?" by Yared Ayalew Zemedu, is prepared under my supervision. I recommend that the dissertation be submitted for oral defence.

Supervisor's Name: M. A. R. Mohamed Sahle

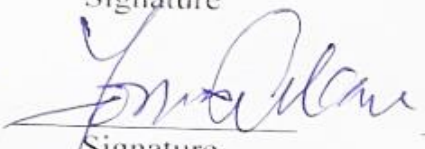


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As members of the board of examiners, we have examined this dissertation entitled " Interpreting Ethiopia's counterterrorism Policies: Machiavellian or Hobbesian?" by Yared Ayalew Zemedu. We hereby certify that the dissertation is accepted for fulfilling the requirements for the award of the Degree of Doctor of Philosophy in Political Science and International Studies.

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## **Dedication**

To the Insecure Majority!

## Table of Contents

<b>Table of Contents .....</b>	<b>vii</b>
<b>Abbreviations and Acronyms .....</b>	<b>x</b>
List of Tables and Figures .....	xiii
Acknowledgement.....	xiv
Abstract .....	xv
<b>Chapter One .....</b>	<b>1</b>
<b>Introduction.....</b>	<b>1</b>
1.1. Background.....	1
1.2. Problem Statement .....	13
1.3. Significance and Relevance .....	14
1.4. Scope.....	15
1.5. Main Objective.....	15
1.6. Specific Objectives .....	16
1.7. Methodology .....	16
1.7.1. Critical Discourse Analysis.....	17
1.7.2. Methods of Data Collection and Analysis .....	21
1.7.3. Ethical Considerations .....	23
1.8. Limitations .....	23
1.9. Organisation of the Dissertation .....	24
<b>Chapter Two.....</b>	<b>26</b>
<b>Conceptual, Philosophical and Theoretical Frameworks .....</b>	<b>26</b>
2.1. Introduction.....	26
2.2. Conceptual Framework.....	26
2.2.1. Conceptualising Security .....	26
2.2.2. Conceptualising Terrorism.....	30
2.2.3. Conceptualising State Terrorism.....	40
2.2.4. Conceptualising Counterterrorism.....	42
2.3. Philosophical Foundations .....	44
2.3.1. Why Contrasting Hobbes and Machiavelli .....	44
2.3.2. The Security versus Liberty Perspectives .....	47



2.4.	Theoretical Frameworks .....	48
2.4.1.	Critical Terrorism Studies .....	49
2.4.2.	Securitisation Theory .....	53
2.4.3.	Human Security.....	55
2.4.4.	Emancipation .....	58
2.5.	Conclusion .....	61
<b>Chapter Three .....</b>		<b>63</b>
<b>The Securitisation of Terrorism in Ethiopia .....</b>		<b>63</b>
3.1.	Introduction.....	63
3.2.	Terrorism in the context of Modern Ethiopia .....	63
3.3.	Terrorism as an existential threat: An Old Practice in A New Discourse.....	67
3.4.	Ethiopia’s Intervention in Somalia .....	69
3.5.	Institutionalisation of the Discourse: Legitimising Repression?.....	72
3.6.	The Anti-Terrorist Proclamation.....	72
3.6.1.	The ‘Terrorist Acts’ in the ATP and the Place of Rights and Liberties.....	74
3.6.2.	The ATP in Comparative Perspective.....	78
3.7.	Prevention and Suppression of Terrorism Crimes Proclamation: New Wine in Old Bottles?....	80
3.7.1.	The ‘Terrorist Acts’ in the PSTCP and the Place of Rights and Liberties.....	82
3.7.2.	The PSTCP in Comparative Perspective.....	87
3.8.	Changes and Continuities.....	90
3.9.	Conclusion .....	95
<b>Chapter Four .....</b>		<b>97</b>
<b>Counterterrorism and Human (In)security in Ethiopia .....</b>		<b>97</b>
4.1.	Introduction.....	97
4.2.	The State and Security: An Oppressed Perspective .....	98
4.3.	The Struggle for Security and Order in the Aftermath of the 2005 Election .....	99
4.4.	Anti-Terrorism Proclamation and Opposition Politics .....	101
4.4.1.	Anti-Terrorism Proclamations and Critical Voices.....	106
4.5.	Who is Being Protected through the Counterterrorism Policies? .....	115
4.5.1.	People and Multi-Polar Insecurity from Counterterrorism .....	116
4.6.	Conclusion .....	125
<b>Chapter Five .....</b>		<b>126</b>

<b>The Making and Unmaking of ‘Terrorist Organisations’ .....</b>	<b>126</b>
5.1. Introduction.....	126
5.2. The Evolution of Making ‘Terrorist Organisations’ .....	126
5.3. The Evolution of Party Politics in Ethiopia: Demonising the Other.....	128
5.4. Ethnic Parties and the Politics of Demonising the other in the Post 1991 Ethiopia.....	131
5.5. The 2005 Election and the Resort to Emergency Power.....	133
5.6. The Anti-Terrorism Proclamation and the Proscription Regime .....	135
5.6.1. The ‘Terrorist’ Making under the EPRDF Regime.....	135
5.7. The Prevention and Suppression of Terrorism Crimes Proclamation.....	142
5.7.1. The ‘Terrorist’ Proscription and Revocation under the Prosperity Party.....	143
5.8. The Quest for Security without Emancipation: the authoritarian dilemma.....	153
5.9. Conclusions.....	154
<b>Chapter Six .....</b>	<b>156</b>
<b>A Perspective on Deconstructing Ethiopia’s Counterterrorism Policies.....</b>	<b>156</b>
6.1. Introduction.....	156
6.2. Counterterrorism: What is in the name? .....	156
6.2.1. Counterterrorism in Liberal Democracies.....	157
6.2.2. Authoritarian Counterterrorism.....	158
6.3. Ethiopia’s counterterrorism: Does it qualify as Counterterrorism? .....	161
6.3.1. Constructed Threats .....	162
6.3.2. Illegitimate Security Referent .....	162
6.3.3. Counter-democracy Practices.....	164
6.3.4. The Use of Terrorist Methods .....	167
6.4. The Domestic failure of the ‘Counterterrorist’ Project .....	168
6.5. Conclusion .....	169
<b>Chapter Seven .....</b>	<b>171</b>
<b>Conclusion and Policy Recommendations .....</b>	<b>171</b>
7.1. Conclusion .....	171
7.2. Policy Recommendations.....	174
7.3. Future Research Trajectory.....	174
<b>Bibliography .....</b>	<b>176</b>

## Abbreviations and Acronyms

ACHPR	African Charter of Human and Peoples Rights
AIAI	al-Itihad al-Islamiya
ANDM	Amhara Peoples Democratic Movement
ATP	Anti-Terrorist Proclamation
AU	African Union
CDA	Critical Discourse Analysis
CSS	Critical Security Studies
CTS	Critical Terrorism Studies
CUD	Coalition for Unity and Democracy Party
DHA	Discourse-Historic Approach
DRA	Dialectical Relational Approach
EDU	Ethiopian Democratic Union
EHRC	Ethiopian Human Rights Commission
ELN	Ejercito De Liberacion Nacional
END	Ethiopia National Displacement
EPRDF	Ethiopian People’s Revolutionary Democratic Front
EPRP	Ethiopian People’s Revolutionary Party
ESAT	Ethiopian Satellite Television
ESDL	Ethiopian Somali Democratic League
FARC	Fuerzas Armades Revolutionarias De Columbia
FDRE	Federal Democratic Republic of Ethiopia
FLN	Front De Libération Nationale

GTD	Global Terrorism Database
GWT	Global War on Terror
HPR	House of People’s Representatives
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDP	Internally Displaced Persons
IRA	Irish Republican Army
LTTE	Liberation Tigers of Tamil Eelam
NAMA	National Movement of Amhara
NEBE	National Electoral Board of Ethiopia
NISS	National Intelligence and Security Service
OAU	Organisation of African Union
OFDM	Oromo Federalist Democratic Movement
OFLO	Islamic Front for the Liberation of Oromia
OHCHR	Office of the United Nations High Commissioner for Human Rights
OLA	Oromo Liberation Army
OLF	Oromo Liberation Front
ONLF	Ogaden National Liberation Front
OPDO	Oromo Peoples Democratic Organisation
PP	Prosperity Party
PSTCP	Prevention and Suppression of Terrorism Crimes Proclamation
SALF	Somali-Abo Liberation Front

SCA	Socio-Cognitive Approach
SEPDM	South Ethiopia Peoples Democratic Movement
TPLF	Tigray Peoples Liberation Front
TTS	Traditional Terrorism Studies
UDJ	Unity for Democracy and Justice
UDHR	Universal Declaration of Human Rights
UIC	Union of Islamic Courts
UK	United Kingdom
UN	United Nations
UNSC	United Nations Security Council
USA	United States of America
WMD	Weapons of Mass Destruction
WSLF	Western Somalia Liberation Front

## List of Tables and Figures

### List of Tables

Table 1 Summary of Generations of Terrorism Conceptualisations .....	39
Table 2 Comparison of the ATP and PSTCP.....	93
Table 3 Attacks perpetrated by proscribed ‘terrorist organisations’ .....	123

### List of Figures

Figure 1 Dimensions of Discourse and discourse analysis .....	19
Figure 2 A four-column table showing generations of terrorism conceptualisations .....	39
Figure 3 A three-column table comparing APT and PSTCP .....	95
Figure 4 Multi-polar insecurities against the people from counterterrorism. ....	118
Figure 5 Graph showing the progression of ‘terrorist’ attacks (1992-2020).....	121
Figure 6 Graph showing the number of ‘terrorist’ attacks perpetrated by different groups .....	122
Figure 7 A three-column table showing attacks perpetrated by organisations proscribed as terrorists ....	123
Figure 8 Diagram showing intrastate wars .....	130

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## Abstract

The use of terror for political ends has been a customary practice throughout the political history of Modern Ethiopia. However, the narrative of terror[ism] as an existential threat to Ethiopia is a new development. The Ethiopian People's Revolutionary Democratic Front (EPRDF)-led government intervened in Somalia by framing the Union of Islamic Courts (UIC) as a threat to the security of Ethiopia. The government materialised this securitisation move in the aftermath of the 2005 contested election by adopting Anti-Terrorist Proclamation in 2009. The proclamation instituted a special Anti-Terrorism Task Force, including Prosecutors, Police, and Intelligence personnel. The preamble of this proclamation stated that its objective was to protect the right of people to live in peace, freedom and security at all times from the threat of terrorism. However, the move was followed by the designation of the Oromo Liberation Front (OLF), Ogaden National Liberation Front (ONLF) and the Ginbot 7 Movement for Justice, Freedom and Democracy as terrorist organisations, and unprecedented detentions and terrorist charges against opposition political figures, civil society organisers, journalists and other independent voices critical of the EPRDF-led government and its policies. The 2018 political reform in the country, however, promised to end the heightened rights abuses and liberty restrictions under the pretext of countering-terrorism. The reformist Prosperity Party (PP)-led government replaced the Anti-Terrorist Proclamation 652/2009 with the Prevention and Suppression of Terrorism Crimes Proclamation 1176/2020 and re-designated the OLF, ONLF and the Ginbot 7 Movement for Justice, Freedom and Democracy as non-terrorist organisations. This time around, the PP-led reformist government, in its turn, designated the Tigray People's Liberation Front (TPLF) and the Oromo Liberation Army (OLA) as terrorist organisations. The terrorist tag was removed from the TPLF following the Pretoria Peace Agreement in March 2023. The rebranding of terrorism (an old practice) as an existential threat to Ethiopia (a new discourse) as well as the existing discrepancy between the theory of Ethiopia's counterterrorism policies that aspired to protect the peace, freedom and security of people from the terrorist threat, and its practice, which put opposition politicians and critical voices under perpetual insecurity, are opaque and paradoxical respectively. Therefore, this emancipatory study seeks to examine the theory and practice of Ethiopia's counterterrorism policies with the objective of unravelling the underlying political use and abuse of the narrative of terrorism as an existential threat to Ethiopia through Critical Discourse Analysis. The analysis reveals that Ethiopia's counterterrorism policies serve as source of physical, psychological and political insecurity to individuals and groups in the country. The study, thus, concludes that the rebranding of terrorism as an existential threat to Ethiopia and the consequent adoption of the anti-terrorist legislation and the amendment are political strategies aimed at maintaining regime security by legitimising state terrorism in the country.



# Chapter One

## Introduction

The world is entering a new era in which the very concept of security will change- and change dramatically. Security will be interpreted as Security of people, not just territory; Security of individuals, not just of nations; Security through development, not through arms; Security of all the people everywhere- in their homes, in their jobs, in their streets, in their communities, in their environment.<sup>1</sup>

### 1.1. Background

The history of terrorism stretches back to the ancient world.<sup>2</sup> However, its emergence as a dominant discourse, a global issue of deep concern, and an academic field in International Relations is a recent development.<sup>3</sup> The 9/11 attack by the Wahhabist Islamist group, Al-Qaeda, against the US brought the terrorism discourse to the stage of high politics, making it the most crucial foreign policy agenda, issue for alliance and antagonism, instrument for political mobilisation, and centre of academic debate and inquiry within the realm of the International Relations and other disciplines.<sup>4</sup> Following the 9/11 attack, the US administration constructed a new reality where terrorism is framed as an existential threat to the American democracy, freedom, way of life, and civilisation that needed extra-constitutional measures to deal with.<sup>5</sup> The USA authorities also framed the ‘modern terrorists’ as ‘barbaric’, ‘demonic’, and ‘insane’ who may even attempt Weapons of Mass Destruction (WMD) in their pursuit to ‘re-establishing Islamic rule in all Muslim lands’.<sup>6</sup>

Counterterrorism as an official discourse and a ‘deterrence strategy’ emerged following the United States of America’s declaration of the ‘war on terror’ and the consequent adoption of Resolution 1373/2001 by the United Nations Security Council.<sup>7</sup> The United Nations Security Council (UNSC) with Resolution 1373/2001 called upon all member states to join the global

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<sup>1</sup> ul Haq, 1995: 115.

<sup>2</sup> Chaliand and Blin, eds., 2007; Law, ed., 2015.

<sup>3</sup> Townshed, 2018; Richards, 2015.

<sup>4</sup> Jackson, 2005; Law, ed., 2015.

<sup>5</sup> Jackson, 2005: 147–71.

<sup>6</sup> Wolfendale, ed. Jackson, 2016: 246–68.

<sup>7</sup> Gomis, 2016.

campaign against terrorism.<sup>8</sup> The then USA President George W. Bush drew a line between states of the world by a single statement- “Either you are with us or you are with the terrorists”.<sup>9</sup> Accordingly, many states joined the Global War on Terror (GWT) adopting counterterrorism policies of different nature as a manifestation of their allegiance to the USA and adherence to the UN global solidarity principle.<sup>10</sup>

Ethiopia officially joined the ‘war on terror’ with its intervention to Somalia in 2006.<sup>11</sup> The country declared war on the Union of Islamic Courts (UIC) of Somalia under the guise of ‘fighting terrorism’ and supporting the Transitional Federal Government of Somalia.<sup>12</sup> Furthering its involvement in ‘countering terrorism’ Ethiopia adopted the first Anti-Terrorist Proclamation (ATP) as a part to its counterterrorism policy in 2009. It instituted a special Anti-Terrorism Task Force including Prosecutors, Police, and Intelligence personnel.<sup>13</sup> The proclamation was amended in 2020, following the introduction of the 2018 political reform in the country.<sup>14</sup>

The conventional knowledge regarding terrorism is highly contestable.<sup>15</sup> It fails to recognise a terrorism perpetrated by states in any systematic manner and the possibility that counterterrorism can be used to suppress political pluralism and ethnic minorities and sustain domination.<sup>16</sup> In this regard, the traditional approaches, in many instances, remain politically biased and function to reinforce and reify the existing political order.<sup>17</sup>

Traditional approaches to the study of terrorism focused on explaining and analysing the evolution, cause and dynamics of terrorism, terrorist groups, their motivations, and evaluation of the success and failure of state response to it.<sup>18</sup> These approaches, with a focus on the actors [terrorist groups], examine structure and agency; however, they fail to recognise the salience of

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<sup>8</sup> United Nations Security Council Res 1373, 2001.

<sup>9</sup> Jackson, 2005.

<sup>10</sup> Jackson, 2005: 147–71.

<sup>11</sup> Zeray, 2007: 666–76.

<sup>12</sup> Allo, 2010: 1–39.

<sup>13</sup> Anti-Terrorism Proclamation 652, 2009.

<sup>14</sup> Prevention and Suppression of Terrorism Crimes Proclamation 1176, 2020.

<sup>15</sup> Jackson, Murphy, and Poynting, 2010.

<sup>16</sup> Jackson, Smyth, and Gunning, eds., 2009; Romaniuk et al., eds., 2017.

<sup>17</sup> Jackson, 2009: 377–92.

<sup>18</sup> Ranstorp, ed., 2009; Psoiu and Hain, eds., 2018.

the act [terrorism] itself.<sup>19</sup> For instance, Deterministic approaches focus on explaining the structural root causes of terrorism and recommend counterterrorism policies aimed at eliminating the root causes of terrorism to drain terrorism. Intentionalist approaches assume terrorists are rational actors running for benefit maximisation. Hence, they prescribe increasing engagement costs and rewards for leaving terrorist organisations as a feasible counterterrorism policy. On the other hand, the Relationalist approach, while recognising both the Deterministic and the Intentionalist assumptions, looks at the evolution of terrorism through the prism of interaction between actors, and recommend advancing the provision of public goods as a panacea for eliminating terrorism.<sup>20</sup> In general, these approaches fail to recognise the historical centrality of the state to the evolution of terrorism itself and also, the actor based examination gives the state immunity and the freedom of abusing human rights in the name of ‘fighting terrorism’. This epistemological bias makes the state immune from legal and moral responsibility for the counterterrorism acts it commits under the guise of countering terrorism.<sup>21</sup> According to Cox, this orthodoxy bias reduces politics to the management of social order without a concern for emancipation.<sup>22</sup> In general, the actor based traditional approach fails to recognise state terrorism and the possibility of power abuse by the state and its ruling elite to advance political interests in the name of countering terrorism.<sup>23</sup>

The state as a product of social contract bears a positive obligation to provide necessary resources to promoting the enjoyment of human rights, and on the other side a negative obligation to refrain from taking actions that can curtail the free exercise of civil liberties.<sup>24</sup> However, national security interest, which is the main concern of counterterrorism, remains in tension with rights and liberties. The existential threat discourse necessitates the expansion of state power with repercussions to human rights, individual liberties, and political pluralism.<sup>25</sup> In

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<sup>19</sup> PISOIU and HAIN, eds., 2018.

<sup>20</sup> PISOIU and HAIN, eds., 2018.

<sup>21</sup> JACKSON, MURPHY, and POYNTING, 2010.

<sup>22</sup> COX, 1981: 126–55.

<sup>23</sup> ROMANIUK et al., eds., 2017.

<sup>24</sup> FOSTER, 2011.

<sup>25</sup> WOLFENDALE, 2006: 753–70.

this regard, studies show that counterterrorism policies violate basic human rights principles, curtail individual liberties, and stifle dissent voices.<sup>26</sup>

States adopt differing counterterrorism policies with divergent social, economic, political, and security interests in mind. For instance, countries like China, Russia, Syria, Egypt and Sri Lanka are known for repeatedly using their counterterrorism policies to delegitimise political opponents and suppress ethnic minorities.<sup>27</sup> China's counterterrorism policies are aimed at clamping down domestic separatist movements, strengthening the control over social order and secure foreign policy gains.<sup>28</sup> Russia defines terrorism as an assault against the state and thus its counterterrorism policies are adopted with the objective of silencing ethno-nationalist movements and Islamist insurgencies so as to preserve and resurrect the imperial state that runs from Moscow.<sup>29</sup> The 'overly militarised' Columbian counterterrorism policy was aimed at militarily eliminating the long existed insurgent groups of the Fuerzas Armadas Revolutionarias De Columbia (FARC) and Ejercito De Liberacion Nacional (ELN) and to some extent control drug movements under the guise of fighting terrorism with the assistance from the USA.<sup>30</sup> The Sri Lankan counterterrorism policy was adopted with the intention to clamp down the Liberation Tigers of Tamil Eelam (LTTE) which has long been a threat to the Sri Lankan regime though it had social base within the Tamils and seen as revolutionary 'freedom fighters'.<sup>31</sup> The Sri Lankan model of counterterrorism, in general, turned a deaf ear to the international community's call to cease fire and adopted the strategy of zero-negotiation, unidirectional flow of conflict information, and keeping neighbours in the loop in its attempt to eliminate the LTTE and maintain regime security.<sup>32</sup>

Moreover, there is a strong evidence-based critique that counterterrorism policies empowered authoritarian regimes to maintain their monopoly of political power, curtailing the possibility for political negotiations by framing political oppositions as terrorists and undermining legitimate

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<sup>26</sup> Romaniuk et al., eds., 2017.

<sup>27</sup> Romaniuk et al., eds., 2017; Gomis, 2016.

<sup>28</sup> Liu and Chang, eds. Romaniuk et al., 2017: 667–91.

<sup>29</sup> Omelicheva, eds. Romaniuk et al., 2017: 515–34.

<sup>30</sup> Delgado, eds. Romaniuk et al., 2017: 295–314.

<sup>31</sup> Gomis, 2016.

<sup>32</sup> Kurtz and Jaganathan, 2016: 94–112.

grievances.<sup>33</sup> Critical terrorism scholars and human rights defenders also argue that counterterrorism policies have curtailed individual liberty and the free exercise of human rights as its discourse reinforces the instrumental rationality of violence as an effective tool of political power.<sup>34</sup>

In general, empirical evidences show that counterterrorism policies are used against human rights, civil liberties, and political pluralism in service of the power interest of the ruling elite;<sup>35</sup> as a foreign policy instrument to get foreign aid in the form of military assistance and other economic benefits while suppressing ethnic minorities, stifling dissent voices and abusing human rights domestically in the name of fighting terrorism, and to ensure public security with an emancipatory objective in some instances.<sup>36</sup> In this regard, the counterterrorism policies of Ethiopia remain the centre of debate among policymakers, human rights defenders and scholars across different disciplines. The debate extends from the theoretical rationality of the counterterrorism policies *per se* to the practice and the ideological neutrality of the discourses that guide both the theory and practice of the counterterrorism policies.

The counterterrorism policies have been criticised for needing to be more consistent between theory and practice. For instance, the preambles of the 2009 and 2020 Anti-terrorism Proclamations state that the objective is ‘to protect the peace, freedom and security of the people’.<sup>37</sup> However, studies show that the practical application of the Anti-Terrorism Proclamation is far from the stated objective. Researches and human rights reports exposed that there are human rights abuses and suppression of political pluralism through the use of counterterrorism policies.<sup>38</sup> Tewodros demonstrated that the anti-terrorism proclamation is a neo-patrimonial instrument by which the regime curbed freedom of expression, monopolised political narrative, manufactured fear and fostered self-censorship to maintain its grip on power.<sup>39</sup>

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<sup>33</sup> Jackson, ed., 2016: 246–68; Gomis, 2016; Romaniuk et al., eds., 2017.

<sup>34</sup> Human Rights Watch briefing paper for the 59<sup>th</sup> session of the UN Commission on HRs; Demirsu, 2017; Jackson, ed., 2016; Foster, 2011.

<sup>35</sup> Kurtz and Jaganathan, 2009; Omelicheva, eds. Romaniuk et al., 2017: 515–34; Liu and Chang, eds. Romaniuk et al., 2017: 667–91; Delgado, eds. Romaniuk et al., 2017: 295–314.

<sup>36</sup> Lindahl, 2017; Roach, ed., 2015; Gomis, 2016.

<sup>37</sup> Anti-Terrorism Proclamation 652, 2009; Prevention and Suppression of Terrorism Crimes Proclamation 1176, 2020.

<sup>38</sup> Zelalem, 2017: 504–39; Wondwossen, 2013: 49–56; 2017; Tewodros, 2019: 1–22.

<sup>39</sup> Tewodros, 2019: 1–22.

Zelalem, after examining one hundred and twenty-three terrorism charges on nearly one thousand individuals concluded that the anti-terrorism law of Ethiopia is nothing more than a showcase for the failure of counterterrorism.<sup>40</sup>

Besides the discrepancy between theory and practice, the external and internal intertextuality of the ATP have also been questioned. Externally the ATP is criticised for transgressing the principles of international bill of rights to which Ethiopia is signatory, and hence, leaving room for human rights abuses and internally, for containing contradicting articles and opaque statements that can be subject to subjective interpretations.<sup>41</sup>

The debate on Ethiopia's counterterrorism policies extends itself to the instrumental rationality of the policies per se. The government and its proponents claim that the country faces a 'clear and present danger' of terrorism as it is located in close proximity to the Middle East, which is deemed to be the origin of international terrorists like Al-Qaeda and within the environmentally and politically unstable horn of Africa which is also home to terrorist groups like Al-Shabaab. Thus, the country, besides its obligation to comply with the United Nations' call to join the 'global war on terror', faces both regional and domestic terrorist threats. Accordingly, Ethiopia's counterterrorism policies manifest its global responsibility to fight terrorism and a response to the terrorism threat posed on the country.<sup>42</sup> On the other hand, studies reveal that the *raison d'être* of Ethiopia's counterterrorism policies is not the extent of the terrorist threat. Rather it is motivated by the regime's interest in exploiting Western concern for security in the horn of Africa.<sup>43</sup> The government used counterterrorism policies as a foreign policy instrument to show its allegiance to the USA in its 'Global War on Terror' campaign, and hence, to secure economic gains and political support from the West to maintain its grip on power.<sup>44</sup> These studies further show that the terrorism discourses that got legitimacy and expressed through discourses do not represent the domestic socio-political and security context and reality; however, used as an

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<sup>40</sup> Zelalem, 2017: 504–39.

<sup>41</sup> Wondwossen, 2013: 49–56; 2017; Getachew, 2020: 1–62; Tewodros, 2019: 1–22; Zelalem, 2017: 504–39; Yohannes, 2014.

<sup>42</sup> Zeray, 2007: 666–76

<sup>43</sup> Ketsela, 2016: 131–44.

<sup>44</sup> Kagwanja, 2006: 72–86; Ketsela, 2016: 131–44; Ingiriis, 2018: 2033–52.

opportunity to suppress political pluralism and contain the increasing ethno-nationalist demands.<sup>45</sup>

There also exists a broad-based debate on the service of the counterterrorism policies. The government and its proponents assert that the counterterrorism policies are aimed at ‘protecting the peace, freedom and security of the people domestically and ensuring regional security against the threat of terrorism.’<sup>46</sup> On the other hand, human rights defenders, opposition party leaders and most scholars argue that the counterterrorism policies are no more than political instruments to discipline political opposition and stifle dissent voices with the intention to monopolise political narratives and maintain the grip on power.<sup>47</sup> The debate on the service of the counterterrorism policies extends beyond the domestic realm. The 2006 Ethiopia’s intervention into Somalia under the guise of fighting a ‘terrorist group’, the UIC has also been interpreted from different perspectives. Some interpret the intervention as motivated by Ethiopia’s long existed anxiety towards the Somali irredentist claim over the Ogaden region and hence aimed at dominating the region of the Horn of Africa.<sup>48</sup> The government and its affiliates on the other hand, argue that the intervention was a response to the ‘clear and present danger’ posed by the UIC terrorist group; thus, nothing more than countering terrorism.<sup>49</sup>

Through the counterterrorism policies, the EPRDF-led government had designated insurgent groups like the Oromo Liberation Front (OLF), the Ogaden National Liberation Front (ONLF), and the Ginbot 7 Movement for Justice Freedom and Democracy as terrorist organisations<sup>50</sup>. It had also detained and charged a number of political figures, journalists, bloggers, activists, civil society organisers and human rights defenders with terrorism.<sup>51</sup> Reports by international

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<sup>45</sup> Wondwossen, 2013: 49–56; 2017; Zelalem, 2017: 504–39; Yohannes, 2014; Tewodros, 2019: 1–22.

<sup>46</sup> Zeray, 2007: 666–76.

<sup>47</sup> Wondwossen, 2013: 49–56; Zelalem, 2017: 504–39; Yohannes, 2014.

<sup>48</sup> Ingiriis, 2018: 2033–52.

<sup>49</sup> Zeray, 2007: 666–76; González, 2013, 76–77.

<sup>50</sup> Wondwossen, 2017; Yohannes, 2014.

<sup>51</sup> Wondwossen, 2017.

institutions and studies, in this regard, showed that there had been rights abuses and liberty restrictions in the name of countering terrorism.<sup>52</sup>

Following the 2018 political reform, the new Prosperity Party (PP) led government under the leadership of Prime Minister Abiy Ahmed re-designated the OLF, ONLF and Ginbot 7 Movement for Justice, Freedom and Democracy as non-terrorist organisations.<sup>53</sup> The new prime minister also boldly admitted before the parliament that the EPRDF-led government, through its intelligence agency and police force, had practiced state terrorism under the guise of combating terrorism.<sup>54</sup> However, the PP-led government in its turn designated its creator- the Tigray Peoples Liberation Front (TPLF), and the Oromo Liberation Army (OLA) whom the government calls *Shanne* as terrorist organisations.<sup>55</sup> The terrorist designation of the TPLF was revoked after almost 22 months in March 2023 by the same parliament that endorsed the proscription.<sup>56</sup>

In general, Ethiopia's counterterrorism policies under the EPRDF and PP-led governments remain contestable both in theory and practice. Despite the noble ambitions stated in the preambles of the anti-terrorism legislations as the objective was to protect the peace, freedom and security of people, and of the region from the terrorist threat,<sup>57</sup> studies reveal that the practice of the counterterrorism policies impinges on the security of individuals and groups. Studies also questioned the very *raison d'être* of the counterterrorism policies- the prevalence of the terrorist threat in the country to the extent that necessitates an emergency power to the general practice of the counterterrorism policies. These studies can be grouped into studies that examined the ATP's *raison d'être*, effect on the free exercise of rights and liberties, internal and external intertextuality, and the motive and effect of Ethiopia's counterterrorist intervention to Somalia. Wondwossen Kassa is among the few scholars who have deeply engaged into enquiring Ethiopia's counterterrorism policies from legal perspective. He, for instance, examined the *raison d'être* of the ATP. He scrutinised both the EPRDF-led government's claim that justified the

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<sup>52</sup> Amnesty International Report, 2011; Human Rights Watch Report, 2018; Wondwossen, 2017; Zelalem, 2017: 504–39.

<sup>53</sup> Reuters, July 5, 2018.

<sup>54</sup> The Reporter, July 7, 2018.

<sup>55</sup> The Reporter, May 8, 2021.

<sup>56</sup> Reuters, March 22, 2023.

<sup>57</sup> Anti-Terrorism Proclamation 652, 2009; Prevention and Suppression of Terrorism Crimes Proclamation 1176, 2020.



adoption of the ATP as a response to the terrorist threat to the country and an international obligation from Resolution 1373, and the opponents' claim that discredited the ATP as the EPRDF's instrument to discipline political opposition and stifle critical voices. The finding of his study concluded that the justifications for the adoption of the ATP were not valid as far as Resolution 1373 and the terrorist threat are concerned.<sup>58</sup> Kassa has also examined the scope of the terrorist definition under the ATP and its external intertextuality to the regional and international counterterrorism instruments. The study used the OAU (Organisation of African Union) Convention on the Prevention and Combating of Terrorism and the International Convention for the Suppression of the Financing of Terrorism in order to evaluate the scope of the 'terrorist act' definition under the ATP. Based on this comparative analysis the study showed that the ATP's 'terrorist act' definition is broader in some respects and narrower in others.<sup>59</sup> In addition, Kassa has scrutinised the effect of Ethiopia's proactive counterterrorism on human rights. In this article, he admits that there is a sound reason for adopting a proactive approach to counterterrorism. However, the study concluded arguing for a precautionary approach aimed at rescuing human rights while practicing a proactive counterterrorism.<sup>60</sup> Kassa's comprehensive work on Ethiopia's counterterrorism policies- 'Contextual Legal Analysis of Terrorism Prosecutions Involving Journalists and Politicians in Ethiopia' revealed the instrumentality of the terrorism charges in service of the political executive against opposition politicians and journalists.<sup>61</sup>

There are also some other studies that have enquired into the impact of the counterterrorism policies on fundamental rights and liberty. Melihik Abebe examined the impact of the ATP on political pluralism from legalist perspective. He criticised the overly broad definition of terrorism in the ATP and argued that the law and its application seriously threatened political pluralism in the country.<sup>62</sup> Henok Abebe, on the other hand, examined the impact of the ATP on freedom of expression in comparison with counterterrorism law standards adopted by South Africa and the Council of Europe. After thorough comparative analysis and findings that indicate the far-reaching negative effects of the ATP on freedom of expression, he concluded that the

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<sup>58</sup> Wondwossen, 2013: 49–56.

<sup>59</sup> Wondwossen, 2014: 371–405.

<sup>60</sup> Wondwossen, 2017: 25–47.

<sup>61</sup> Wondwossen, 2017.

<sup>62</sup> Melihik, 2010.

proclamation falls short of the standards provided by the counterterrorism law of Council of Europe and South Africa.<sup>63</sup> The external intertextuality of the ATP is also studied by Getachew Hailemariam who enquired into the conformity of the ATP to the International Human Rights Law. This study, while pointing to the misapplications and inconformity of the ATP to the international standards, suggests the need to adopt a law that balances security concerns with rights and liberty demand.<sup>64</sup> The external intertextuality of the ATP is also studied by Asmelash Yohannes. In an attempt to understand the external intertextuality of the ATP with anti-terrorism acts of the USA and the UK, Yohannes examined the ATP and its application. This study while indicating that there was no compelling terrorist threat to justify Ethiopia's resort to emergency power concluded that the practice of the ATP severely impinges on human rights.<sup>65</sup>

The effect of Ethiopia's counterterrorism policies on rights and liberty is also studied by some scholars. For instance, Hiruy Wubie studied the effect of counterterrorism law empowered surveillance on the right to privacy. He also examined the conformity of the ATP to the article 17 of the International Covenant on Civil and Political Rights (ICCPR). Hiruy concluded that Ethiopia's engagement in surveillance without a law regulating mass surveillance violates the international counterterrorism surveillance standard conforming to article 17 of the ICCPR.<sup>66</sup> The National Intelligence and Security Service (NISS) is the institution affiliated with most surveillance issues. The institutional independence and partiality of this institution is questioned by some studies. Shimels Belete, in this regard, enquired into the powers of the NISS in the prevention and countering of terrorist crimes. He argued that the NISS lacks the key attributes of a politically independent and functionally autonomous institution, and thus remains the 'untouchable' guardian of the ruling party than the state.<sup>67</sup> With similar legalist approach and method Sekyere and Asare examined the effect of the ATP on freedom of thought, opinion and expression. This study, despite its attempt to unpack the effect of the ATP on fundamental rights and liberties, has tried to scrutinise the rationale for the enactment of the anti-terrorism legislation, and the conformity of the legislation to the international bill of rights. The study

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<sup>63</sup> Henok, 2016: 87–114.

<sup>64</sup> Getachew, 2020: 1–62.

<sup>65</sup> Yohannes, 2014.

<sup>66</sup> Hiruy, 2018: 392–412.

<sup>67</sup> Shimels, 2018: 211–30.

finally concluded that the ATP violates human rights, provides a real potential for the state to crackdown on political dissent and curtails the growth of democracy in the country.<sup>68</sup>

Zelalem Kibret in his article titled ‘the terrorism of counterterrorism: the use and abuse of counterterrorism law, the case of Ethiopia’ examined one hundred twenty-three terrorism charges presented against nearly one thousand individuals. The study found that those charged with terrorism are opposition politicians or journalists who with their legitimate position criticised the EPRDF-led government and its policies. Finally, the researcher concluded that ‘Ethiopia’s anti-terrorism law is a colossal failure for counterterrorism, which only exemplifies how not to counter terrorism’.<sup>69</sup>

In addition to the studies that enquired into the *raison d’être* of Ethiopia’s counterterrorism policies, its effects on rights and liberty, and ATP’s external intertextuality, there are studies that examined Ethiopia’s counterterrorist intervention to Somalia. For instance, Zeray Yihdego examined the legal implications of Ethiopia’s military intervention to Somalia under the guise of fighting terrorism. He discusses the UIC’s relation with the Eritrean government and separatist rebel groups in Ethiopia. Zeray, hence argued for Ethiopia’s right to self-defence against terrorist threat under international law.<sup>70</sup> However, Zeray takes the government’s existential threat narrative and terrorist discourse for granted without any further investigation into the political intention behind the intervention. Awol Allo also enquired into the legality of Ethiopia’s counterterrorist intervention to Somalia. In this study, contrary to Zeray, Allo argued that Ethiopia’s claim for a lawful exercise of its right of self-defence against terrorist threat falls short of the requirements of the international law concerning self-defence.<sup>71</sup> Elsa Gonzalez studied the security issues behind the 2006 Ethiopian intervention to Somalia. In this study Gonzalez made a critical analysis of Ethiopia’s securitisation move and its consequence. This study revealed that Ethiopia’s securitisation of Somalia was aimed at containing the internal political crisis in the aftermath of the 2005 contested election. The securitisation move, Gonzalez argued, has reinforced illiberal practices in Ethiopia.<sup>72</sup> Similarly Newberry has made a critical analysis of

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<sup>68</sup> Sekyere and Asare, 2016: 351.

<sup>69</sup> Zelalem, 2017: 504–39.

<sup>70</sup> Zeray, 2007: 666–76.

<sup>71</sup> Allo, 2009: 202–39; 2010: 1– 39.

<sup>72</sup> González, 2013: 76–77.

Ethiopia's intervention to Somalia. The intervention was framed in terms of the historical-religious conflict between the two states, the extension of proxy war with Eritrea, and counterterrorism. However, Newberry adds one more narrative that framed the intervention as a new development where the Ethiopian political leadership constructed the developments in Somalia as a threat to Ethiopia's national security. This threat framing approach, according to him, remains at the centre of Ethiopia's state building project.<sup>73</sup> The intervention is interpreted by Yonas Mulat as aimed at exploiting western security concern over the Horn of Africa for domestic economic interest.<sup>74</sup> Haji Ingiriis on the other hand traces Ethiopia's intervention back to 1990s and argued it had a root from the historic animosity between the two states. Hence, Ingiriis argues that Ethiopia's agenda is central to understanding why the War on Terror has strengthened and hence midwifed armed militant groups in Somalia.<sup>75</sup>

The above inquiries, although instrumental to historical and legal contexts of Ethiopia's counterterrorism policies, do not represent the general picture of Ethiopia's counterterrorism policies. The studies did not address, for example, the socio-political condition under which the terrorism [discourse] was produced, framed as an existential threat, and expressed in counterterrorism policies. Ingiriis, for instance, employed the historical approach in his quest to understand the roots of Ethiopian intervention to Somalia. This particular study, although instrumental in one's quest to understand the historical factors for the intervention, doesn't help us to understand the domestic condition under which the country framed its counterterrorism policies and joined the counterterrorist project. The studies also did not meaningfully examine the existential threat narrative of Ethiopia with the exception of Gonzalez who to some extent made a contemplated critical analysis of Ethiopia's intervention to Somalia. Gonzalez's critical analysis, although theoretically rich and thoughtful, didn't examine the securitisation move and its security referent beyond the threat construction and the resultant intervention. Most enquiries are adopted from a purely legalistic approach to examine Ethiopia's counterterrorism policies and fail to scrutinise the human security implications and the intended political values of the counterterrorism policies. In general, the previous enquiries, although forwarded important findings concerning Ethiopia's counterterrorism policies, differ in approach and method from

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<sup>73</sup> Newberry, 2021: 255–73.

<sup>74</sup> Ketsela, 2016: 131–44.

<sup>75</sup> Ingiriis, 2018: 2033–52.

this critically informed emancipatory study. This emancipatory project, unlike the previous studies, makes a critical examination of the discourse construction, existential threat narrative, security referent, human security implications and the political value of Ethiopia's counterterrorism policies in general.

## **1.2. Problem Statement**

The state, in the context of social contract bears a responsibility to ensure the security of its people; since security is the most fundamental and overriding desire of individuals for which they surrendered their freedom in the state of nature and instituted the state. Thus, the state is bound to a normative obligation to maintain social order and guarantee security to the people, and refrain from any action that could jeopardise this security, in pursuance of which it was entrusted with absolute power. On the other extreme the state is justified to use any means to acquire and maintain power to ensure its own security. Here, the state is justified to employ even immoral methods, when deemed necessary, against any individual or group, as far as the end is to preserve and perpetuate its security. In this regard, studies show that there is a discrepancy between counterterrorism theory and the practice. In theory counterterrorism policies 'aspire to ensure the security of the people'; however, [in some cases] in practice counterterrorism policies have been used to maintain regime/state security at the expense of the 'security of the people'. Therefore, this study grapples with counterterrorism's inherent tension between policy intentions and practice, contrasting Hobbes-social contract versus Machiavelli pragmatism.

The state bears a positive obligation to provide necessary resources to promote the enjoyment of human rights and on the other side, a negative obligation to refrain from taking actions that can curtail the free exercise of civil liberties. In this regard, Ethiopia's counterterrorism policies, as stated in the Anti-Terrorism Proclamations, aspire to 'protect the right of the people to live in peace, freedom, and security from the threats of terrorism'.<sup>76</sup> However, studies and human rights reports show that counterterrorism policies and the existential threat narrative have been used as an instrument to maintain regime security, while abusing human rights, curtailing individual

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<sup>76</sup> Anti-Terrorism Proclamation 652, 2009; Prevention and Suppression of Terrorism Crimes Proclamation 1176, 2020.

liberties, and suppressing political pluralism.<sup>77</sup> In this regard, this study seeks to examine the context under which terrorism is securitised, compared to human security issues like poverty, migration, conflicts, and environmental degradation on the one hand, and the effect of this securitisation move on human rights, individual liberties, political pluralism, and democratic development, on the other hand.

### **1.3. Significance and Relevance**

Since the enactment of resolution 1317/2001 by the UN Security Council and the call for member states to join the ‘global war on terror’, states have adopted counterterrorism policies depending on their local context. However, studies from different geographies show that the counterterrorism policies of states varied in theory and practice. The counterterrorism policies of some states in theory and practice made the protection of human rights, defence of political pluralism, and citizens’ security at the centre of their action. On the other hand, there are states that use counterterrorism policies to suppress political pluralism and limit the exercise of human rights in pursuit and maintenance of regime security.

Ethiopia officially joined the fight against terrorism with its intervention into Somalia in 2006. The country adopted its first Anti-Terrorism Proclamation in 2009 and instituted a special counterterrorism task force. Since then, political forces have been proscribed by the House of Peoples Representatives as ‘terrorist organisations’ and prominent politicians, journalists, civil society organisers and human rights defenders have been detained and charged with terrorism.

In this regard, the theory and practice of Ethiopia’s counterterrorism policies has not been studied from a critical point of view. Therefore, the significance of this study is that it:

1. Demystifies the opaque, hidden and invisible structures of power and control, dominance and discrimination as manifested in discourses representative of the counterterrorism policies.
2. Brings the voices and perspectives of those proscribed ‘terrorist organisations’ and those who suffered the most as a result of the counterterrorism policies to discussions.

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<sup>77</sup> Zelalem, 2017: 504–39; Wondwossen, 2017; Human Rights Watch Report, 2018, 2020; Gordon et al., 2015.

3. Challenges the orthodox terrorism approaches that focus on the actor-based analysis of terrorism and deals with success and failure of counterterrorism strategies of states than an action-based scrutiny.
4. Contributes to the development of the emerging field of Critical Terrorism Studies (CTS) and hence complements the emancipatory objective.
5. Fills the existing literature gap in the area, serves as a foundation for other academic research projects for students in related fields, and as an input for policy makers.

#### **1.4. Scope**

The study uncovers counterterrorism related developments in Ethiopia between 2001 and 2024. The year 2001 marks the beginning of the Global War on Terror under the leadership of the United States of America and the time the UN Security Council called for member states to adopt anti-terrorism policies and join the global war against terrorism. Since 2001, by most states, terrorism has been framed as an existential threat that necessitated extra judicial measures to deal with. Although Ethiopia officially joined the Global War on Terror with its intervention to Somalia in 2006 and adopted its first anti-terrorism proclamation in 2009, it has showed its alliance to the USA early in September 2001. The period also witnessed a shift in academic scholarship from traditional terrorism studies towards critical terrorism studies. Accordingly, developments regarding terrorism and counterterrorism between 2001 and 2024 are uncovered by this study. On the other hand, thematically the scope of this study includes both the internal and external dimensions of counterterrorism policies to make the study more informative and complete. The external dimension of the study specifically focuses on Ethiopia's intervention to Somalia and its counterterrorist cooperation with western states.

#### **1.5. Main Objective**

The study seeks to examine the theory and practice of Ethiopia's counterterrorism policies with the primary objective of unravelling the underlying political use and abuse of the narrative of terrorism as an existential threat to Ethiopia. To accomplish this goal, the study set out the following specific objectives.

## 1.6. Specific Objectives

- To understand the felicitous conditions under which terrorism was securitised.
- To demystify the narrative of terrorism as an existential threat to Ethiopia.
- To identify the primary referent object of Ethiopia’s counterterrorism policies.
- To examine the human security implications of Ethiopia’s counterterrorism policies.
- To examine the political value of the ‘terrorist’ making and unmaking.
- To examine the emancipatory potential of Ethiopia’s counterterrorism policies.

In line with the above main and specific objectives, this study aims to answer the following research questions.

1. How was the discourse of terrorism as a security threat to Ethiopia produced, framed, and expressed in counterterrorism policies?
2. Is terrorism an existential threat to Ethiopia that needs extra-constitutional measures?
3. Who is the referent of Ethiopia’s counterterrorism policies: people or regime?
4. What are the human security implications of Ethiopia’s counterterrorism policies?
5. What is the political value of making and unmaking ‘terrorist(s)’?
6. Do Ethiopia’s counterterrorism policies have an emancipatory potential?

## 1.7. Methodology

Interpreting the theory and practice of the counterterrorism policies requires a thorough understanding of the nature of terrorism itself as a social fact, and counterterrorism policies as an act of instrumental rationality imposed on particular targets.<sup>78</sup>

Terrorism as a social fact is a discursive construction where cultural-political discourse makes up of a series of narratives, metaphors, predicates, labels, and assumptions.<sup>79</sup> Its status is negotiated through inter-subjective practices involving institutions, authorities, academic experts, and others.<sup>80</sup> The explanation for how and why counterterrorism policies have been devised, legitimated, and practiced needs an examination and analysis of how terrorism was constructed in the first place. Therefore, any attempt to understand counterterrorism policies needs a

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<sup>78</sup> Jackson, ed., 2016: 246–68; Montessori, Farrelly, and Mulderrig, 2019.

<sup>79</sup> Jackson, ed., 2016: 246–68.

<sup>80</sup> Jackson, ed., 2016: 246–68.



methodology that integrates the description of texts, interpretation of power relations and the explanation of the relationship between social contexts and interactions, and their dialectical relationships.<sup>81</sup> According to Fairclough, Critical Discourse Analysis enables description, interpretation, and explanation of texts, power relations, and social contexts and interactions respectively.<sup>82</sup>

### 1.7.1. Critical Discourse Analysis

Critical Discourse Analysis (CDA) is a qualitative analytical approach for critically describing, interpreting, and explaining the ways in which social inequalities are constructed, maintained, and legitimised through discourses.<sup>83</sup> CDA as a social scientific method of investigation is aimed at eradicating delusions, demystifying discourses, and rooting out prevailing social problems with the objective of emancipation and enlightenment.<sup>84</sup>

Critical in CDA [in the context of this study] is to mean ‘not taking things for granted’; demystifying opaque structures of power relations and ideologies, and opening up complexities to reveal the nature of historically situated systems of rules, values and principles taking an explicit political stance and a focus on self-reflection aimed at social transformation.<sup>85</sup>

#### 1.7.1.1. Why CDA?

The selection of CDA as an approach and a method for this study was done after a thorough analysis of the strength and limitation of other methods in the context of the study. The positivist method, for example, may explain a social phenomenon as it is; but doesn’t help us understand, inter alia, the opaque social and political relationships of power and control, dominance and discrimination as manifested in language.<sup>86</sup> According to Jackson, the accepted knowledge about terrorism and counterterrorism is in many ways ideologically motivated and politically biased that it has been used as an instrument to reinforce the existing structures of power.<sup>87</sup> One cannot also understand the opaque power relations, and discriminatory discourses embedded in language

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<sup>81</sup> Van-Dijk, 1993: 249–83; Fairclough, 2003; Wodak and Meyer, 2008.

<sup>82</sup> Fairclough, 2003.

<sup>83</sup> Wodak and Meyer, 2008.

<sup>84</sup> Wodak and Meyer, 2001; Locke, 2004; Jackson, ed., 2016.

<sup>85</sup> Wodak and Meyer, 2001; Locke, 2004.

<sup>86</sup> Wodak and Meyer, 2001.

<sup>87</sup> Jackson, 2009: 377– 92.

through conventional social scientific methods like interview, focus group discussion or content analysis only. Rather, it requires critical description, interpretations and explanations focusing on three dimensions of discourse (texts, social practices and the process of production, consumption and distribution of texts) of discursive practices through the use of multiple inter-disciplinary approaches to uncover power interests embedded within discourses.<sup>88</sup> Moreover, the description, interpretation and explanation in CDA enables us to understand how discursive practices are manifested in language, transformed into social practices and finally operate in the social and political world through the process of production, distribution, and consumption.

In general, CDA as an approach and a method is ideal to critically analysing the theory and practice of counterterrorism policies as it integrates the explanation of socio-cultural practices which focuses on the situation that gave rise to the production of discursive conditions at societal and institutional level; the interpretation of discursive practice which focuses on the production, distribution and consumption of texts; and lastly the description of the ways by which the text discursively positions readers.<sup>89</sup>

#### **1.7.1.2. Approaches to Critical Discourse Analysis**

Critically informed social scientific researches employ one or the other of the three approaches to the study of critical discourse analysis. These are Fairclough's Dialectical Relational Approach (DRA), Van Dijk's Socio-Cognitive Approach (SCA) and Wodak's Discourse Historic Approach.

Fairclough's Dialectical Relational Approach focuses on the linguistic description of the formal properties of texts, interpretation of the relationship between discursive interpretations and texts, and explanation of the relationship between discourse, and social and cultural reality.<sup>90</sup> This approach is known for being relational, trans-disciplinary, and realist. The DRA conceptualises discourse in interlocking senses: as an element of social process, as a language associated with a particular social practice, and as a way of constructing aspects of a social world.<sup>91</sup> The DRA suggests certain steps to follow in CDA. These are a focus on social wrong, identification of

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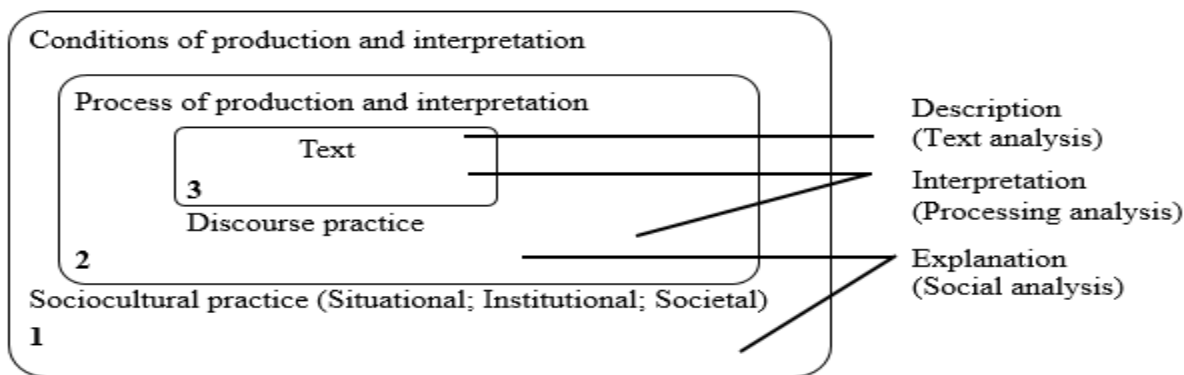
<sup>88</sup> Locke, 2004.

<sup>89</sup> Fairclough, 1992.

<sup>90</sup> Fairclough, 2003.

<sup>91</sup> Catalano and Waugh, 2020.

obstacles to addressing the social wrongs, considering whether the social order needs the social wrong for greater good to exist or not, and identification of texts that could offer alternative imaginaries and oppositional strategies.<sup>92</sup> For Fairclough text encompasses written, conversational, interview and multimodal texts as presented in the following diagram.



**Figure 1 Dimensions of Discourse and discourse analysis**

*Source:* Adapted from Fairclough (2001, Fig. 2.1).

Van Dijk's SCA on the other hand focuses on social cognition as a mediating factor between micro and macro levels of society, between discourse and action, and between the individual and the group.<sup>93</sup> For van Dijk discourse is a form of social representation, social practice, mental representation, communicative activity, cultural product, and economic commodity that can be bought and sold.<sup>94</sup> According to this approach, discourse and communication are mediated by social cognition, and ideologies are viewed as fundamental social cognitions that reflect the aims, interests and values of a group in power.<sup>95</sup> Cognition, he believes, provides a missing link that shows how social structures are instituted, legitimated, confirmed or challenged through discourse.<sup>96</sup> Cognitive power is enacted through persuasion, dissimulation or manipulation to change the minds of others in one's own interests. In this regard, managing the mind of others essentially depends on the discourse which is controlled by the powerful group to limit the

<sup>92</sup> Fairclough, 1992, 1995, 2001, 2003.

<sup>93</sup> Van-Dijk, 1993: 249–83.

<sup>94</sup> Van-Dijk, 1993: 249–83.

<sup>95</sup> Van-Dijk, 1993: 249–83; 2016: 62–85.

<sup>96</sup> Van-Dijk, 1993: 249–83; 2016: 62–85.

freedom of action of the subordinates.<sup>97</sup> In general, Van Dijk asserts that social power (powerfulness) is based on privileged access to socially valued resources and this is also determined by access to discourse which is cognitively mediated.

Wodak's DHA integrates trans-disciplinary social theories in examining discursive, textual, and institutional contexts in which discursive events happen with an emphasis on historical context.<sup>98</sup> This approach emphasises on text immanent critique aimed at finding inconsistencies and self-contradictions in texts, social diagnosis aimed at demystifying manipulative discursive practices, and prognostic critique aimed at social transformation.<sup>99</sup> The approach employs the most complex definition of discourse, as a cluster of context-dependent semiotic practices, socially constitutive and constituted practice, argumentative process, and macro-level practice. DHA, as a problem oriented multidisciplinary, but history focused CDA approach, pays attention to triangulation of methods, theories, perspectives and data as a methodological principle, and suggests for integrating diverse theories and methods with a serious attention to the context of objects under investigation.<sup>100</sup>

The three approaches to CDA are interrelated with some variations of significant purpose. For instance, Fairclough's DRA is important as it allows the description, interpretation and explanation of texts, discourse practice and social practice respectively, which are crucial to understanding the object of the study from different perspectives. Van Dijk's SCA is critical in its analysis of the mediating role of cognitions in the production of inequalities. And also, the approach can inform the study to uncover how values, ideas, beliefs, and practices are represented in counterterrorism policies, and how a discourse is instituted, legitimated and confirmed through cognitive mediation. Thirdly, Wodak's DHA is eclectic in theory and methodology that it helps utilise data from multiple sources with a due consideration to the notion of context. Therefore, the study makes use of the three approaches to CDA in eclectic fashion.

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<sup>97</sup> Van-Dijk, 2016: 62–85; Wodak and Meyer, 2008; Catalano and Waugh, 2020.

<sup>98</sup> Wodak and Chilton, eds., 2005; Wodak and Meyer, 2001, 2008.

<sup>99</sup> Catalano and Waugh, 2020.

<sup>100</sup> Wodak and Meyer, 2001.

### 1.7.2. Methods of Data Collection and Analysis

Studies in Critical Discourse Analysis are multifarious, derived from quite different theoretical backgrounds allowing the use of multiple methods of data collection.<sup>101</sup> Accordingly, data from multiple sources have served the purpose of this study. Primary source data was gathered through in-depth interviews, and secondary source data was secured through the analysis and interpretation of texts and social practice respectively. In-depth interviews with experts and interviews conducted with those who suffered as a result of the counterterrorism policies (from secondary sources) are aimed to complement the data secured through discourse analysis.

#### 1.7.2.1. Interview

CDA as a method of analysis committed at emancipation is interested in exposing power abuses in the form of breaches of laws, rules, justice, equality, and principles of democracy by those who are in power. Thus, in-depth interview as a method of data collection was utilised to gather data from those who are dominated, discriminated or made to suffer as a result of the counterterrorism created power relations, with the objective to understand their perspective.<sup>102</sup> In Ethiopia, following the adoption of the first Anti-Terrorism Proclamation in 2009, political forces like the OLF, ONLF, the Ginbot 7 Movement for Justice, Freedom and Democracy, and recently the TPLF and the OLF-OLA (whom the PP-led government calls Shanne) have been proscribed by the FDRE House of Peoples Representatives as terrorist organisations. Prominent politicians, journalists, political activists, civil society organisers, human rights defenders and other independent voices that were/are critical of governments (the EPRDF and PP-led governments) have also been detained and charged with terrorism. Thus, in-depth interviews were conducted with anonymous individuals affiliated to both the EPRDF and the PP regimes. In-depth interviews conducted with some purposively selected leaders of the political forces designated as terrorist organisations and individuals (political figures, journalists, civil society organizers and human rights defenders) at different times were also gathered from independent media sources and human rights organisations' reports and interpreted with the objective to understand their perspectives. On the other side, expert interviews aimed at gaining field specific insights were held with purposively selected experts from the Ministry of Justice (Organized and

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<sup>101</sup> Wodak and Meyer, 2008.

<sup>102</sup> Wodak and Meyer, 2001; 2008.

Cross-boundary Crimes Prosecutors) and other independent experts with educational backgrounds relevant to the issue under investigation.

### **1.7.2.2. Discourse as a Method of Data Analysis**

Discourse analysis as a qualitative and interpretive method of analysis is used to examine texts and other communicative events to understand their social, political and cultural dynamics.<sup>103</sup> Discourse, in this context, included texts, speeches, transcripts of conversations, interviews, television programs, web pages that represent aspects of the world (physical world, social world and mental world) and the utterances.<sup>104</sup> Discourses play the role of action, identification and representation which are dialectically related. Actions are manifested in relations with others and power; identification is about relations with oneself, ethics and moral subject; and representation is about knowledge and control over things.<sup>105</sup> Accordingly, Anti-Terrorism legislations, explanatory notes on the counterterrorism policies, the 1995 FDRE Constitution, terrorism prosecutions from secondary sources, official speeches, parliament debates and interviews were described, interpreted and analysed.

Texts are internally and externally related to other texts.<sup>106</sup> Accordingly, both first order critique (Immanent Critique) and second order critique have been made. The purpose of the immanent critique, according to Jackson,<sup>107</sup> is to criticise the text on its own terms, and hence destabilise dominant interpretations. This method helped the analysis to expose internal contradictions, misconceptions, and mistakes within the ATP and PSTCP. The second order critique, on the other hand, allowed an examination into the external intertextuality of the ATP and the PSTCP. The external intertextuality of the ATP and PSTCP were scrutinised in comparison to resolution 1373, conventions and international human rights instruments, and to anti-terrorism legislations of the USA and the UK. This is because there is a broad-based claim from the side of Ethiopian authorities that Ethiopia's anti-terrorism legislations are direct copy-paste of the USA and UK anti-terrorism Legislations. This method helped the study to demystify the counterterrorist interests, identities and beliefs that are constructed following the Global War on Terror campaign

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<sup>103</sup> Salter and Mutlu, 2013.

<sup>104</sup> Fairclough, 2003.

<sup>105</sup> Van-Dijk, 1993: 249–83.

<sup>106</sup> Fairclough, 2003; Van-Dijk, 1993: 249–83; Wodak and Meyer, 2008.

<sup>107</sup> Jackson, ed., 2016.

and in the aftermath of the 2005 contested election in Ethiopia, and which finally claimed to be universally valid.

### **1.7.3. Ethical Considerations**

The study strictly adhered to the ethics guideline of Bahir Dar University and other legitimate ethical principles. Accordingly, in the first place, the informed consent of the interviewees was given due consideration that sufficient information was provided to the participants concerning the purpose of the study. However, the issue under investigation is politically sensitive that most interviewees remained insecure. As a result, most interviews were conducted in confidentiality that the privacy of the interviewees is withheld by mutual agreement and data obtained was kept confidential. Thus, in the analysis codes have been given to the interviewees who did not consent to disclose their identity for security reasons.

The study utilised only publications from reputable sources, and thoughts and ideas of academically authorised scholars. Hence, the research findings, thoughts, ideas, official texts, and speeches utilised throughout this study have been duly acknowledged, and intellectual property rights are respected with maximum care.

### **1.8. Limitations**

In Ethiopia people seem highly insecure and the state and its security apparatus is highly accredited for being the source of insecurity. There is a past memory among the public that governments deploy security personnel to spy on individuals suspected of being dissent. As a result, some proposed key informants refrained from giving their perspective. Moreover, issues pertaining to terrorism and the terrorist labelling remained politically sensitive. The EPRDF-led government, for example, demonised the OLF, ONLF and Ginbot 7 Movement for Justice, Freedom and Democracy that calling such names and individuals affiliated to these political organisations was equated with being a terrorist per se. This trend has a new relevance under the reformed PP-led government. For instance, from May 2021-March 2023 the TPLF was publicly demonised that neutral discourses were almost impossible. The issue of OLF-OLA and individuals affiliated to it also remains politically sensitive and closed for neutral political discourses since May 2021. This political atmosphere and the insecurity shaped political culture hindered the researcher's attempt aimed at digging insights concerning the lived experiences and

perspectives of individuals that were/are detained and prosecuted with terrorism. In this regard, my attempt to integrate the perspectives of the top leaders of the TPLF and OLF-OLA couldn't be successful. The security culture of some political party leaders has also hindered the study. For instance, my attempt to bring the perspective of the top leaders of Balderas for Genuine Democracy party to the investigation remained unsuccessful. As a result, I was obliged to use the interview records of these individuals from media sources and reports of international human rights organisations like Amnesty International and the Human Rights Watch.

## **1.9. Organisation of the Dissertation**

This dissertation is structured into seven chapters. The first chapter is an introduction; it introduced the background information, statement of the problem, significance and relevance, scope and methodology of the study.

Chapter two presents the conceptual, philosophical and theoretical framework of the study. It discusses extensive literature related to the concept of security, terrorism, and counterterrorism, and shows the conceptual and methodological gaps. This chapter also discusses the political thought [theory] of Niccolò Machiavelli and Thomas Hobbes as a philosophical foundation of the study and hence delves into the security-liberty debate. Lastly the chapter presents the theoretical frameworks of the study. This section analyses and contextualises the Frankfurt Critical Theory informed critical security theories and perspectives to the issue under investigation.

Chapter three is concerned with the securitisation of terrorism in Ethiopia. The chapter discusses the evolution of terrorism and counterterrorism as dominant discourses in a global and local context. Employing a discourse historical approach, it examines the historical context under which the 'terrorism' discourse is constructed, framed as an existential threat, and expressed in counterterrorism practice. The chapter also examines the security and political factors behind Ethiopia's intervention in Somalia. Lastly, the chapter makes a critical and comparative analysis of the Anti-Terrorist Proclamation 652/2009 and Prevention and Suppression of Terrorism Crimes Proclamation 1176/2020.

Chapter four examines the human security implications of the Ethiopian counterterrorism policies. In doing so, the chapter, through a discourse historical approach, examines the security



culture and context in the country. It, hence, analyses the EPRDF-led government's struggle for order and security in the aftermath of the 2005 election. The chapter examines the EPRDF-led government's resort to emergency power and the consequent rights abuses and liberty restrictions. Lastly, the chapter discusses the multi-polar insecurity against individuals and groups from counterterrorism and interrogates the security referent of Ethiopia's counterterrorism policies.

The fifth chapter examines the making and unmaking of terrorist organisations in Ethiopia. It analyses the evolution of the 'terrorist' proscription regimes at global and local levels. The chapter scrutinises the evolution of party politics in Ethiopia and makes a critical analysis of the intra-party relations during the Dergue and in the post 1991 period until the 2005 contested election in the country. The chapter also unveils the EPRDF-led government's securitisation move in the aftermath of the 2005 election, and the consequent adoption of the Anti-Terrorism Proclamation and its proscription regime. Lastly, the chapter interrogates the efficacy of making and unmaking terrorist organisations in a quest to maintain regime security.

Based on the findings of chapters two, three, four and five, chapter six forwards a perspective on deconstructing Ethiopia's counterterrorism policies. The chapter first examines the ontological status of Ethiopia's counterterrorism policies and goes on making a comparative analysis of liberal and authoritarian counterterrorism practices. Lastly, the chapter deconstructs the Ethiopian counterterrorism practices and makes an argument for emancipatory counterterrorism. The last chapter summarises major findings of the study and forwards policy recommendations

## Chapter Two

### Conceptual, Philosophical and Theoretical Frameworks

#### 2.1. Introduction

This chapter contains three sections. The first part presents the conceptual framework of the study. In this section concepts central to the study: security, terrorism, state terrorism and counterterrorism are discussed in detail. The second section presents the philosophical foundations of the study. In this section the political philosophies of Thomas Hobbes and Niccolò Machiavelli are discussed and contextualised to the issue under investigation with empirical justification. This section also tries to bring the security-liberty debate to critical analysis in the context of contemporary counterterrorism practices. The third section presents the theoretical framework of the study. In this section theories selected to serve the objective of the study are discussed. And the ontological, epistemological, and methodological relevance of these theories to the issue under investigation is analysed and indicated accordingly.

#### 2.2. Conceptual Framework

##### 2.2.1. Conceptualising Security

There has yet to be a consensus among scholars and practitioners as to what security is. However, most scholars from different perspective agree that security is about the alleviation of threats to cherished values.<sup>108</sup> As to what constitutes ‘cherished values’, in this regard, remain the centre of debate and difference among the traditional realists and the emergent critically oriented paradigms. The Realist understood the ‘cherished values’ in terms of sovereignty (political independence) and territorial integrity of a state, and the loosely defined state itself as a security referent.<sup>109</sup> They argue that the political independence and territorial integrity of a state [national security] must be secured against external war and aggression. In this regard, Wæver argues that ‘security problems are developments that threaten a state's sovereignty or independence, particularly in a rapid or dramatic fashion, and deprive it of the capacity to manage itself.’<sup>110</sup> The Realist notion of security is emanated from their understanding of the

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<sup>108</sup> Buzan, 1983; Booth, eds. Hughes and Lai, 1991: 313–26; Baldwin, 1997.

<sup>109</sup> Wæver, 1998: 39–69; Walt, 2017, 1–25.

<sup>110</sup> Wæver, 1998: 39–69.

human nature and the international system, which they depict as anarchic. They assume the ultimate source of insecurity is human nature and the resultant man's desire for power.<sup>111</sup> To the Realist, human beings are inherently egoistic and self-interested to the extent that this self-interest overshadows moral principles. From this point of view, the international system is also characterised by anarchy, where self-interested states compete for power and survival.<sup>112</sup> The security of a state, according to this approach, is measured in terms of a nation's wealth and power; where wealth measured a nation's material possession and power [military power] measured the state's ability to control the behaviour of other states in international relations.<sup>113</sup> Power in this context, is thought to be the route to security; the more a state possesses power, the more secure it will be.<sup>114</sup>

Following the end of the Cold War, the Realist conception of security is criticised for defining security primarily in military terms while ignoring the legitimate concerns of individuals and communities and its failure to explain new challenges facing humanity.<sup>115</sup> For instance, Barry Buzan, with a paradigmatic departure from the traditional approach, broadened security which was hitherto confined to military security into five sectors. He argues that security is primarily about the fate of human collectivities [security referents] in five major, but interwoven sectors: (1) military security (armed offensive and defensive capabilities of a state); (2) political security (organisational stability of a state, system of government and ideologies that give them legitimacy); (3) economic security (access to resources, market, and finance necessary to sustain acceptable levels of welfare and state power); (4) societal security (sustainability of traditional patterns of culture, language, religion and national identity); and (5) environmental security (maintenance of local and planetary biosphere).<sup>116</sup>

Buzan attacks both the Realist conceptualisation of security as 'a derivative of power' and the Idealist generalisation of it as 'the consequence of peace'. For him, security is an essentially

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<sup>111</sup> Walt, 2017, 1–25.

<sup>112</sup> Donnelly, 2000.

<sup>113</sup> Wæver, 1998: 39–69; Donnelly, 2000.

<sup>114</sup> Peoples and Vaughan-Williams, 2018.

<sup>115</sup> Buzan, 1983; Booth, eds. Hughes and Lai, 1991: 313–26; Fierke, 2017, 1–23; Baldwin, eds. Wughes and Meng, 1997.

<sup>116</sup> Buzan, 1991: 431–51.

contested and versatile concept.<sup>117</sup> Buzan conceptualises security as a ‘speech act’ where the speech act is a performative utterance used to elevate an issue from normal politics to an emergency politics, which he called securitisation.<sup>118</sup> Buzan, while broadening the hitherto state centred security agenda to include military, political, economic, societal, and environmental issues, remains sceptical of the deepening move. Wæver takes a similar stance with Buzan in conceptualising security as a speech act, however rejects both the broadening and deepening agendas. He confines security into state security (with sovereignty as its ultimate criterion) and societal security (with identity as its cherished value) where both imply survival.<sup>119</sup> This point will be elaborated under the theoretical frameworks section in this chapter.

Security, according to the Welsh School Critical Security Studies, is the protection of individuals from psychological and physical risks to their safety, dignity and well-being.<sup>120</sup> This Human Security approach designates human beings as individuals and communities as its security referents and aspires to safeguard the ‘vital core’ of their lives from pervasive threats.<sup>121</sup> Security as the ‘absence of threats to cherished value’ from this perspective is understood as both freedom from fear [violence] and freedom from want [poverty].<sup>122</sup> Security, according to this paradigm, is inextricably linked to emancipation. Security as emancipation, according to Booth, is conceptualised as the freeing of people from both physical and human constraints which could stop them from exercising what they would freely choose.<sup>123</sup> Security as emancipation is also understood in terms of the relationship between different actors. This relationship can be positive (absence of something threatening) or negative (involving enabling conditions), where security involves gaining a degree of confidence regarding our relationship that emanate from sharing certain commitment.<sup>124</sup>

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<sup>117</sup> Buzan, 1991: 431–51.

<sup>118</sup> Buzan, 1991: 431–51; Wæver, ed. Lipschutz, 1998: 39–69.

<sup>119</sup> Wæver, ed. Lipschutz, 1998: 39–69.

<sup>120</sup> Tadjbakhsh and Chenoy, 2007.

<sup>121</sup> Hanlon and Christie, 2016.

<sup>122</sup> Tadjbakhsh and Chenoy, 2007; Hanlon and Christie, 2016; Bajpai, 2000.

<sup>123</sup> Booth, eds. Hughes and Lai, 1991: 313–26.

<sup>124</sup> Peoples and Vaughan-Williams, 2018.

This approach broadens security into non-military issues and deepens the political and philosophical foundations of the concept.<sup>125</sup> Unlike the traditional approach and the Copenhagen school where the security referents are states and human communities respectively, the human security approach designates individual human beings and people as its ultimate referent objects.<sup>126</sup> Booth, for instance, argued that without reference to individual human beings, security makes no sense.<sup>127</sup> Proponents of the human security approach reject the Realist conception of placing the state at the centre of security thinking. They argue that placing the state at the centre of our thinking about security is illogical; since the state and its armed forces are a potential source of insecurity to the individual in most cases.<sup>128</sup> To ensure the security of individuals and people, according to this view, mean empowering individuals and people to desist from violating the security of the state, and hence the best strategy to ensure the international security.<sup>129</sup>

In general, the human security approach brings together the freedom from fear and freedom from want schools and hence postulates three assumptions about security: first, human rights violations and underdevelopment are security threats; second, security threats are mutually linked in a domino effect; and third, these linkages and interconnectedness mean that threats should not be prioritised.<sup>130</sup> For instance, human insecurity from political violence may cause underdevelopment, and threats of poverty, disease, or poor governance would cause political violence.<sup>131</sup>

Terrorism remains to be among the major security threats to individuals, communities, states and the international order. However, there exists paradigmatic cleavage among scholars and practitioners as to what terrorism is. The following section brings these divergent views and the dynamism of conceptualisations in different generations regarding terrorism into discussion.

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<sup>125</sup> Booth, eds. Hughes and Lai, 1991: 313–26; Jones, 1999.

<sup>126</sup> Baldwin, 1997; Fierke, 2017: 1–23; Paris, 2001: 87–102.

<sup>127</sup> Booth, eds. Hughes and Lai, 1991: 313–26.

<sup>128</sup> Appiagyei-Atua et al., 2017: 326–50; Fierke, 2017: 1–23.

<sup>129</sup> Tadjbakhsh and Chenoy, 2007.

<sup>130</sup> Tadjbakhsh and Chenoy 2007.

<sup>131</sup> Appiagyei-Atua et al., 2017: 326–50.

### 2.2.2. Conceptualising Terrorism

The word terror, the root word of terrorism, is derived from the Latin verb ‘*terrere*’, meaning to bring someone to tremble through great fear.<sup>132</sup> Schmid traces the word's origin to Jean Bodin’s Six Books of the Common Wealth, where he conceptualised terror as ‘fear caused by excessive violence’.<sup>133</sup> Thomas Hobbes, in his Leviathan has also used the word terror to refer to ‘fear of [violent] death’.<sup>134</sup> However, terror[ism] became a widespread political currency in the aftermath of the eighteenth-century French Revolution. During the French revolution, the word connoted the mass guillotining of the aristocrats by those who controlled state power against groups who have refused to consent to the hegemonic aspiration of the dominant group.<sup>135</sup> In the nineteenth century, terror was associated with anti-state/government violence from below against those in control of state power. In the twentieth century, it was understood as political violence from below in domestic and international settings.<sup>136</sup>

In the 21<sup>st</sup> century, terrorism has become a buzzword and a more controversial concept with contradicting interpretations. The semantic controversy emanates from its elusive nature and the dynamics it experienced in its evolutionary path. The contemporary usage of the concept has been subject to subjective interpretations, the case being ‘a terrorist for one is freedom fighter to the other’.<sup>137</sup> However, most conceptualisations have been derived from the perspective of the hegemon state and ignore the perspective of the non-state groups and the ‘terrorist other’.<sup>138</sup> Currently, according to Schmid’s assessment, there are more than 250 definitions of terrorism in use.<sup>139</sup> In a quest for conceptualising terrorism, scholars and institutions adopted differing approaches with diverse objectives. For instance, Maskaliūnaitė identified five approaches used in conceptualising terrorism:

1. The list-type approach where terrorism is defined based on juridical criteria that identify some acts and actors;

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<sup>132</sup> Chaliand and Blin, eds., 2007: 484.

<sup>133</sup> Schmid, ed., 2011: 1–98.

<sup>134</sup> Hobbes [1651], ed. Widger and White, 2009.

<sup>135</sup> Chaliand and Blin, eds., 2007: 484; Breakfast, Kwitshi and Johnson, 2022: 53.

<sup>136</sup> Nacos, 2019.

<sup>137</sup> Schmid, 2004: 375–419.

<sup>138</sup> Breakfast, Kwitshi and Johnson, 2022: 152.

<sup>139</sup> Schmid, ed., 2011: 1–98.

2. A historical approach where the term is defined in reference to the French Revolution and pre-French revolution usage of the term;
3. Analytical approach where terrorism is distinguished from insurgency, political assassination and other forms of political violence;
4. Normative approach where terrorism is defined using adjectives like illegal, illegitimate act on innocent civilians; and
5. Critical approach where terrorism is defined from the social constructivism point of view.<sup>140</sup>

However, predictably most approaches emphasised listing the attributes of terrorism from the state's point of view. These state-centric conceptualisations of terrorism vary across governments, institutions and scholars. For instance, the UN Panel on Threats, Challenges, and Change defines:

Terrorism is any action that is intended to cause death or serious bodily harm to civilians and non-combatants when the purpose of such act, by its measure or context, is to intimidate a population, or to compel a government or an international organisation to do or to abstain from doing any act.<sup>141</sup>

The definition implicitly claims that people, governments and international organisations are potential terrorist targets. This implicit claim, first, leaves [authoritarian] governments, which are the notorious vanguards of individuals and communities immune; and secondly, blurs the boundary between self-determination movements and terrorist organisations. Besides the UN, the USA Department of State defines terrorism as “premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents”.<sup>142</sup>

This definition fails to recognise, inter alia, the elements of threat and intimidation, and the psychological salience of excessive fear, and non-political motivations for terrorism in its definition of terrorism. The definition also limits the act of terrorism to subnational groups and clandestine agents by concealing the possibility of state terrorism. Parallel to the USA

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<sup>140</sup> Maskaliūnaitė, eds. PISOIU and HAIN, 2018: 26–34.

<sup>141</sup> United Nations High-Level Panel on Threats, Challenges and Change Report, 2004.

<sup>142</sup> The USA Department of State Report, 1999.

Department of State, the United Kingdom Terrorism Act, which was adopted in 2000 and ratified in 2001, described terrorism as:

The use or threat of action designed to influence government or an international governmental organisation, or to intimidate the public or a section of the public, and the use or threat made to advance a political, religious, racial or ideological cause.<sup>143</sup>

The above definition puts insurgent movements and organisations that seek to achieve self-determination through military means in the category of terrorism. The phrase ...action designed to influence government ... makes the government immune from the terrorist label while indicating governments, international organisations and the public as potential targets of terrorism.

The Ethiopia's Anti-Terrorism Proclamation No. 652/2009 and the amended Prevention and Suppression of Terrorism Crimes Proclamation No. 1176/2020 are claimed to be in line with, inter alia, the international bill of rights and the counterterrorism legislations of the USA and UK. ATP No. 652/2009 stipulates the acts of terrorism as:

Whosoever or a group intending to advance a political, religious or ideological cause by coercing the government, intimidating the public or section of the public, or destabilising or destroying the fundamental political, constitutional or economic or social institution of the country: (1) causes a person's death or serious bodily injury; (2) creates serious risk to the safety or health of the public or section of the public; (3) commits kidnapping or hostage taking; (4) causes serious damage to property; (5) causes damage to natural resource, environment, historical or cultural heritages; (6) endangers, seizes or puts under control, causes serious interference or disruption of any public service [numbers added].<sup>144</sup>

On the other hand, the 2020 amended proclamation redefines terrorist acts as:

Whosoever, with the intention of advancing political, religious, or ideological causes for terrorising, or spreading fear among the public or section of the public or coercing or compelling the government, foreign government or international organisation: (1) causes serious bodily injury to person; (2) endangers the life a person; (3) commits hostage taking or kidnapping; (4) causes damage to property, natural resource or environment; or (5) seriously obstructs public or social service [numbers added].<sup>145</sup>

This broader conceptualisation of the terrorist act claims the purpose of the terrorist act to be terrorising. However, terrorising spreading of fear is not the terrorist purpose; these are more

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<sup>143</sup> The UK Terrorism Act, 2001.

<sup>144</sup> Anti-Terrorism Proclamation 652, 2009.

<sup>145</sup> Prevention and Suppression of Terrorism Crimes Proclamation 1176, 2020.



methods by which terrorists aim to achieve their purpose. Moreover, this conceptualisation purports to claim that damage to property, natural resources or the environment is an act of terrorism. However, it doesn't give précising definition to the term 'damage', that is, the clear demarcation between, for instance, cutting trees or extracting gold that is deemed to be normal or terror is subject to arbitrary interpretations for political ends. Conceptualising 'obstruction of public or social service' as an act of terrorism also deviates from the conventional understanding of terrorism. The definition, in general, implicitly holds an assumption that terrorism is an act that is always directed against persons, governments, or international organisations. This actor-based definition conceals state terrorism which is more dangerous and a source of threat to individuals and communities in authoritarian states.<sup>146</sup>

Besides governments and institutions, scholars from across disciplines, ideological orientations, and diverse backgrounds come up with varied definitions of terrorism. For instance, Gibbs defined terrorism from a normative/legalist perspective. To him terrorism is illegal violence or threatened violence directed against human or non-human objects.<sup>147</sup> This definition includes the destruction of property as an act of terrorism and fails to recognise state terrorism carried out by the Weberian entity that monopolised the use of physical force within a defined territory. This definition also doesn't indicate the motivation for an act, that is, political, ideological, or religious, and puts violence targeting combatants in the domain of terrorism. On the other hand, Teichman adopts an analytical approach to defining terrorism. To him, the act of terrorism includes large-scale mercenary, civilian targeted attacks, combatant or non-combatant hostages, torture of innocent or guilty people, mutilation of the dead body and causing terror or panic.<sup>148</sup> This action-based listing, firstly, fails to qualify as a definition, secondly, categorises combatant targeted hostages as terrorism, and thirdly, fails to indicate the motivation and purpose behind terrorism. On the other side, Ben Saul conceptualises terrorism from a normative legalist perspective. To him terrorism is:

A seriously violent criminal act intended to cause death or serious bodily injury that occur outside an armed conflict for political, ideological, religious, or ethnic purpose and that are

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<sup>146</sup> Appiagyei-Atua et al., 2017: 326–50.

<sup>147</sup> Gibbs, 1989: 329–40.

<sup>148</sup> Teichman, 1989: 505–17.

intended to create extreme fear with the goal of intimidating a population or unduly compelling a government to do or abstain from doing an act.<sup>149</sup>

Saul's actor-based definition, as is the case with many orthodox terrorism scholars, fails to recognise acts of terrorism that can be perpetrated by governments. This definition also uncritically excludes grave insecurities and violent deaths which non-combatants may face in between armed conflicts. Another definition of terrorism comes from Weinberg, Pedahzur and Hoefler, who define terrorism as "a politically motivated tactic involving the threat or use of force or violence in which the pursuit of publicity plays a significant role".<sup>150</sup>

This definition satisfies the three defining features of terrorism: violence, political reason and fear.<sup>151</sup> However, this action-based definition doesn't specify the would-be targets of terrorist violence, that is, whether or not it includes combatant targets, and ignores the possibility of non-political motivations, like religious, ethnic, etc. for terrorist act.

In general, lack of a universally agreed definition, in this regard, has resulted in manipulation of the phenomenon for different purposes and left vacuum to both state and non-state actors to abuse it.<sup>152</sup> Cognisant of this semantic impasse, Alex Schmid, a renowned scholar of Terrorism Studies in his seminal work 'Terrorism Research', goes on compiling Revised Academic Consensus Definition of Terrorism (Rev. ACDT), which he believed would inform the terrorism research, as follows:

Terrorism refers, on the one hand, to a doctrine about the presumed effectiveness of a special form or tactic of fear-generating, coercive political violence and, on the other hand, to a conspiratorial practice of calculated, demonstrative, direct violent action without legal or moral restraints, targeting mainly civilians and non-combatants, performed for its propagandistic and psychological effects on various audiences and conflict parties.<sup>153</sup>

Schmid's revised academic consensus definition is a comprehensive action-based conceptualisation that brings together all the defining features of terrorism. However, firstly, the definition is too broad; secondly, it does not specify whether or not the affected audience is its immediate target; and thirdly, Schmid's consensus definition like other definitions is confined at

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<sup>149</sup> Saul, 2008: 190–210.

<sup>150</sup> Weinberg, Pedahzur, and Hirsch-Hoefler, 2010: 777–94.

<sup>151</sup> PISOIU and HAIN, eds., 2018.

<sup>152</sup> Richards, 2015.

<sup>153</sup> Schmid, ed., 2011: 1–98.

defining what terrorism is, but fail to inquire into how certain acts by certain actors are labelled as terrorism while other responses with seemingly the same context and method are counterterrorism than terrorism. Holding this overriding question, this study aligns itself with the Minimal Foundationalist definition of terrorism as: ‘the threat or use of politically motivated violence aimed at affecting a larger audience than its immediate target that is broadly deemed illegitimate’.<sup>154</sup>

#### **2.2.2.1. Generations of Conceptualising Terrorism**

The concept of terrorism has been adapted and contextualised to different developments since the French revolution. During the French revolution it was understood as violence from above.<sup>155</sup> The French revolutionary leaders declared ‘terror’ as an immediate justice and a consequence of the general principle of democracy adopted to respond to the most pressing needs of the mother land, France.<sup>156</sup> Terror in this time was manifested by the mass guillotining of those who are believed to be conspiring against or taking a neutral position about the Jacobins led revolutionary movement.<sup>157</sup> This revolution served as a bench mark for the most first generation conceptualisation of terrorism. The first-generation conceptualisations understand terrorism in terms of violence perpetrated by the state or government. Arendt, for instance, argues that both past tyrants and modern dictators use[d] terror as an instrument to rule masses of people. Arendt presents the German Nazi and the 1929-1953 Russian practice as an illustration of state terrorism.<sup>158</sup> In line with Arendt’s argument Dallin and Braslauer conceptualise terrorism as a state violence in the form of arbitrary use of severe coercion against individuals or groups by the state organs. However, they distinguish between ‘purposive terror’ (terror instituted by policy makers) and ‘situational terror’ (terror as a result of undisciplined behaviour of low-level cadres) in their definition.<sup>159</sup> Terrorism in this context is also conceptualised as a state’s measure aimed at repressing political dissenters;<sup>160</sup> use or threat of violence as a method of governance;<sup>161</sup>

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<sup>154</sup> Toros, 2012.

<sup>155</sup> Nacos, 2019.

<sup>156</sup> Schmid, ed., 2011: 1– 98.

<sup>157</sup> Anderson, 2018: 231–46.

<sup>158</sup> Arendt, 1951.

<sup>159</sup> Dallin and Braslauer, 1970.

<sup>160</sup> Crozier, 1974.

<sup>161</sup> Kossoy, 1976.

systematic production of fear and fright aimed at maintaining regime stability;<sup>162</sup> a state's use or threat of violence for strategic and political purpose;<sup>163</sup> and instrument of governance aimed at preserving order.<sup>164</sup>

The second-generation conceptualisations understand terrorism in terms of revolutionary violence. For instance, Crenshaw, with the focus on the case of Algeria's National Liberation Front (FLN), conceptualises terrorism as a systematic and purposeful method employed by a revolutionary organisation in a bid for political power.<sup>165</sup> According to her analysis revolutionary terrorism is part of insurgent strategy where the aim is to overthrow the existing regime and cause fundamental socio-political change.<sup>166</sup> The late 19<sup>th</sup> century and early 20<sup>th</sup> century Anarchists, Marxists, Nihilists, Racists, and Fascists have employed terrorism as a strategy to achieve their envisioned goals.<sup>167</sup> In similar terms, terror[ism] is understood as a revolutionary violence employed to weaken the government and autocratic institutions of the Russian Tsarist Empire.<sup>168</sup> Wilkins, for instance, defined terrorism as the use or threat of violence against a person or property with the aim of achieving political, social, economic, or religious change by destabilising the existing political or social order.<sup>169</sup> Terror[ism] in a similar fashion is also defined by Iviansky as a system of modern revolutionary violence aimed at sowing disorder and panic to undermine and jeopardise regime security.<sup>170</sup> Terrorism has also been conceptualised as indiscriminate acts of revolutionaries,<sup>171</sup> violent forms of political struggle employed by revolutionary groups to topple domestic regimes;<sup>172</sup> and violence aimed at destabilising order and toppling regimes.<sup>173</sup>

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<sup>162</sup> Wilson, ed. Duncan et al., 2013: 14–31.

<sup>163</sup> Alexander and Sinai, 1989.

<sup>164</sup> Allan, 1990.

<sup>165</sup> Hutchinson, 1972: 383–96.

<sup>166</sup> Hutchinson, 1972: 383–96.

<sup>167</sup> Chaliand and Blin, 2007.

<sup>168</sup> Gross, 1973; Geifman, 1993.

<sup>169</sup> Wilkins, 1992.

<sup>170</sup> Iviansky, 1977: 43–63.

<sup>171</sup> Aron, 1966.

<sup>172</sup> Erlenbusch, 2015: 193–210.

<sup>173</sup> Lynch, 1987: 1–85.

The third-generation conceptualisation of terrorism stems from the Post World War II insurgencies from [ethnic] nationalism, anti-colonialism, and other ideology-inspired movements in a number of Asian, Latin American and African countries.<sup>174</sup> The Post World War II period has witnessed the emergence of many insurgent groups that employed terrorism to achieve their political goal.<sup>175</sup> This phenomenon was instrumental in the conceptualisation of terrorism as insurgent violence. Morrison *et al.*, from this period, define terrorism as events involving bomb plants, sabotage of electrical and transportation facilities, assassinations, and isolated guerrilla activities.<sup>176</sup> For Crozier, it is the use or threat of violence...that may be wielded by rebels [insurgents].<sup>177</sup> Hewitt, on the other hand, preferred to define insurgent terrorism separately. For him, insurgent terrorism is a strategy with the aim of altering the political order by changing public opinion.<sup>178</sup> Similarly, Byman conceptualises ethnic terrorism than terrorism in generic terms. He defines ethnic terrorism as a sub-national ethnic group violence aimed at achieving a separate state or greater autonomy.<sup>179</sup> On the other hand, Boyle gives terrorism a broader definition, however related to insurgent violence. He defined terrorism as a tactic of armed struggle. However, distinct from war or guerrilla warfare, it involves the use or threat of violence directly or indirectly against combatants.<sup>180</sup>

The fourth-generation conceptualisation of terrorism evolved from the appearance of Salafi-Jihadist groups like Al-Qaeda, Islamic State, Hamas, kar-e-Taiba, etc. in the Post-Cold War Period.<sup>181</sup> Jihadism is an ideological movement that seeks to topple secular regimes and establish a global Islamic polity by their interpretation of Islam.<sup>182</sup> The Jihadist movement, inter alia, the 9/11 attacks on the USA (the World Trade Centre and Pentagon) by Al-Qaeda brought a paradigmatic shift in the conceptualisation of terrorism in terms of 'Jihadist violence'. This

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<sup>174</sup> Metz, ed. Rich and Duyvesteyn, 2012: 32–44.

<sup>175</sup> Beckett, 2001.

<sup>176</sup> Morris, Mitchell, and Paden, 1989.

<sup>177</sup> Crozier, 1974.

<sup>178</sup> Hewitt, 1990: 145–70.

<sup>179</sup> Byman, 1998: 149–69.

<sup>180</sup> Boyle, 2008: 191–209.

<sup>181</sup> Richards, Margolin, and Scremin, eds., 2019; Sirgy et al., 2019; Burke, Elnakhala, and Miller, eds., 2021.

<sup>182</sup> Burke, Elnakhala, and Miller, 2021.

doesn't mean that defining terrorism from a religious point of view is the Post 9/11 attack.<sup>183</sup> However, following 9/11 attack it has been common for the media, public officials, and some traditional scholars to associate violence carried out by Muslims as an act of terrorism. In contrast, the same violence by non-Muslims was labelled as an act of crime.<sup>184</sup> From this point of view, attacks to which the jihadist groups claimed responsibility have become broadly conceptualised as 'jihadist violence'.<sup>185</sup>

The fifth-generation conceptualisation of terrorism emerged as a critique of orthodox conceptualisations of terrorism. This generation, while rejecting the objectivist and essentialist paradigm, build on Social Constructivist and Post Structuralist conceptualisation of the phenomenon of terrorism. They focused on the critical analysis of the language of terrorism and argued that terrorism as a category of violence (discourse that legitimises modern state violence for most Post Structuralists) is a social fact and ontologically unstable.<sup>186</sup> Terrorism, from this perspective, is a historically situated category of violence [discourse].

In general, terrorism, since the French Revolution, has been conceptualised as, inter alia, state violence (violence from above), revolutionary violence (violence from below), insurgent violence (sub-national group violence), jihadist violence (religion inspired violence), and a category of violence (social fact). These varied conceptualisations through generations prove its ontological instability. Its ontological instability also supports the basic argument that terrorism is a social fact with political and ideological motivations. For instance, the Jacobin Revolutionaries employed it as a strategy to suppress the perceived anti-revolution forces. In this context terror[ism] was conceptualised as violence from above against non-state actors. The second-generation conceptualisation understood terrorism as violence from below against the state and its officials with the aim of changing socio-political orders and gave it the flavour of revolutionary violence. Terrorism was given a new face with the emergence of anti-colonial and ethnic-nationalist movements. In the post-WWII period, terrorism was widely conceptualised as insurgent violence aimed at achieving liberation and self-determination. Conceptualisations of

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<sup>183</sup> Hoffman, 1997: 1–15.

<sup>184</sup> Nacos, 2019.

<sup>185</sup> Richards, Margolin, and Scremin, eds., 2019; Sirgy et al., 2019; Burke, Elnakhala, and Miller, eds., 2021.

<sup>186</sup> Jackson, 2005; Gunning, 2007: 363–93; Toros, 2012.

this time were influenced by states' proscription of sub-national groups as 'terrorists' while turning deaf ear to state terrorism. Terrorism got a new name as Jihadist violence with the rise of some Islamist groups like Al-Qaeda, Lashkar-e-Taibar, Hamas, Islamic State, etc. This conceptualisation also had a geopolitical undercover besides its clear bias in identifying terrorism with a particular religion following the 9/11 attack. Each of the hitherto conceptualisations clearly reflect the hegemonic interest of each generation besides the ontological instability of the concept of terrorism across time. However, the emergent scholarship, taking the aforementioned ontological instability, conceptualises terrorism as a category of violence and a social fact. In this regard, the ontological instability of the concept should not lead one to conclude that terrorism is only a subjective phenomenon with no objective features. The following matrix presents the generational evolution of conceptualisations of terrorism.

**Table 1 Summary of Generations of Terrorism Conceptualisations**

<b>Main Authors</b>	<b>Foundation</b>	<b>Period</b>	<b>Conceptualisation focus</b>
Arendt, 1951; Dallin and Breslauer, 1970; Crozier, 1974 Kossoy, 1976; Lösche, 1978; Alexander and Sinai, 1989; Allan, 1990; Walzer, 2004	French Revolution	1789 – 1800	State violence
	Russian Revolution	1929 – 1953	
Aron, 1966; Crenshaw, 1972; Gross, 1972; Iviansky, 1977; Wilkins, 1992; Lynch, 1987; Erlenbusch, 2015; Geifman, 1993	Revolutionary movements	1801 – 1917	Revolutionary violence
Crozier, 1960; Morrison <i>et al</i> , 1972; 1987; Hewitt, 1990; Byman, 1998; Beckett, 2001; O'Boyle, 2008; Metz, 2012	Liberation Movements, Ethnic nationalism	Post WWII	Insurgent violence
Jordan and Horsburgh, 2005; Bakker, 2006; Habeck, 2006; Nacos, 2019; Richards, 2019; Sigy et al. 2019; Burke, Elnakhala and Miller, 2021	'Clash of civilisations'	Since 1980	Jihadist violence
Zulaika and Douglass, 1996; Jackson, 2005; Gunning, 2007; Toros, 2012	Global War on Terror	Since 2001	Discourse

**Figure 2 A four-column table showing generations of terrorism conceptualisations**

### 2.2.3. Conceptualising State Terrorism

The scholarship on state terrorism holds contrasting positions. The first position adopts an actor-based definition of terrorism and argues the Weberian entity (the state) that monopolises legitimate use of physical violence within defined territory cannot engage in terrorism.<sup>187</sup> Wight, for instance, argues that since the state monopolises legitimate use of violence, its actions cannot be associated with terrorist action that always involve illegitimate violence.<sup>188</sup> This view, for instance, grants an authoritarian state that relies on the threat or use of politically motivated violence to affect the political behaviour of its population the immunity to maintain the existing illiberal order and domination. Moreover, state monopoly over legitimate use of physical violence doesn't mean any action of any state is legitimate. Legitimacy of a state, in this regard, should be measured in terms of the physical, psychological, and political security it provides to the individuals that founded it and based on the social contract they made. An authoritarian state founded upon the principle of 'survival of the fittest', and therefore an instrument of exploitation and domination, cannot justify its violence against individuals and groups under the guise of the Weberian conceptualisation.

The second position holds a pragmatic approach that recognises the prevalence of state terrorism, but seeks to maintain a distinction between terrorism by the state and terrorism by non-state actors. This approach, thus, refrains from building its position on purely action-based definition of terrorism.<sup>189</sup> Gurr, for example, argued that state terrorism should be judged against some normative standard, not in the absolute terms.<sup>190</sup> The limitation of this argument is that it doesn't view the state as 'a relation of men dominating men'. This paradigm unveils the discourse that is used to label the same action committed by different actors from the actor's position within a particular society than the action committed.

The third position holds the argument that states like any other actor engage in terrorism. This approach builds its analysis on purely action-based definition of terrorism and rejects any distinction made between state terrorism and non-state terrorism.<sup>191</sup> The claim that the state is an

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<sup>187</sup> Hoffman, 2006; Wight, 2018: 58–72.

<sup>188</sup> Wight, 2018: 68-71.

<sup>189</sup> Gurr, 1986: 45–71; Silke, 1996: 12–28.

<sup>190</sup> Gurr, 1986.

<sup>191</sup> Stohl, 2006: 1–25; Blakeley, 2010: 12–27; Westra, 2012; Wilson, 2013: 14–31.



entity with the monopoly over the use of physical force (violence) within a defined territory ignores the foundational source of state power. A state founded upon a binding social contract and at the best interest of the governed is justified to exercise its monopoly over legitimate use of physical violence only to protect the rights and liberty of people. From this point of view, Blakeley argues that a state's monopoly of violence is neither a justification for excluding state terrorism from terrorism studies nor for affording states the right to use violence as they wish.<sup>192</sup> Legitimate (non-terrorist) violence is thus distinguished from other illegitimate (terrorist) violence based on its legal status. Legitimacy, in this regard, is derived from a state's adherence to the domestic and international laws and norms. If its monopoly over the use of physical violence is exercised against its *raison d'être*, domestic and international laws and norm, then it falls in the category of terrorist violence.<sup>193</sup>

A state's use of violence domestically can only be legitimate when it is intended to enforce laws aimed at affecting the behaviour of those suspected of being guilty based on due process of law. In this case, the would-be victims could have avoided the offence by simply refraining from committing acts prohibited by the law. However, state violence directed against innocent individuals or groups for political motive with the intention of communicating political message to the wider audience other than the victim(s) would not qualify as a legitimate violence. The argument here is that (1) the victim cannot escape the violence/punishment by simply adhering to the laws of the state, and (2) the intention is affecting the political behaviour of individuals or groups for political ends rather than maintaining the rule of law or ensuring the security of people.<sup>194</sup> Blakeley, in similar fashion, defined state terrorism as the deliberate targeting of civilians that the state has a duty to protect to invoke terror in a wider audience either in armed conflict or in peace-time. According to her analysis, state terrorism involves: (a) deliberate act of violence against individuals that the state has a duty to protect, or a threat of such an act if a climate of fear has already been established through preceding acts of state violence; (b) violence perpetrated by actors on behalf of or in conjunction with the state; (c) act or threat of violence intended to induce extreme fear in some target observers who identify with that victim; and (d)

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<sup>192</sup> Blakeley, 2010: 13.

<sup>193</sup> Sproat, 1991: 19–29.

<sup>194</sup> Sproat, 1997: 117–50.

target audience forced to consider changing their behaviour in some way.<sup>195</sup> State terrorism, in this regard, is distinguished from other forms of state repression in its instrumentality (the intent of the actor to create extreme fear among an audience beyond the direct victim of the violence).

State terrorism, in general, can be conceptualised as a politically motivated threat or use of violence committed by the government of a state or any of its agents against foreign population (as a foreign policy instrument) or its own civilian (non-combatant) population through range of activities involving forced disappearances, arbitrary arrests, imprisonment without due process, torture, and extra-judicial killings (as an instrument to maintaining order through disciplining political opposition and stifling dissent voices) with the intention of instilling fear on the wider audience and affect their political behaviour accordingly.<sup>196</sup>

#### **2.2.4. Conceptualising Counterterrorism**

The existing knowledge concerning counterterrorism is in many ways contestable. The traditional state-centric approach that takes an actor-based approach in its conceptualisation of the terrorist violence also understands counterterrorism in terms of actions and strategies employed by a state against non-state groups and individuals.<sup>197</sup> Counterterrorism, from the traditionalist point of view, is conceptualised as actions and strategies employed by governments, security agencies, and international organisations to prevent and combat terrorism through intelligence gathering, risk assessment, proactive measure, law enforcement and prosecution, and border security and immigration control.<sup>198</sup> Omelicheva, from this perspective, however, cognisant of the fact that counterterrorism can be considered terrorism if it mirrors terrorist violence, defined counterterrorism as:

A mix of public and foreign policies designed to limit the actions of terrorist groups and individuals associated with terrorist organisations in an attempt to protect the general public from terrorist violence.<sup>199</sup>

This conceptualisation, as it is the case with other state-centric approaches, understands terrorism as non-state violence and thus counterterrorism as state response. The conceptualisation ignores

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<sup>195</sup> Blakeley, 2010: 15.

<sup>196</sup> Stohl, 2006; Blakeley, 2010; Westra, 2012; Wilson, 2013.

<sup>197</sup> Jackson, 2015: 33–54.

<sup>198</sup> Romaniuk et al., 2017.

<sup>199</sup> Omelicheva, 2011:5.

the prevalence of a politically motivated use or threat of violence by a state or its agents against civilians (non-combatants) with the objective to affect the political behaviour of the wider population.

Counterterrorism, in this regard, encompasses varieties of approaches including (1) the criminal justice model (that treats terrorism as an ordinary crime and thus does not emphasise on the political or ideological motive of the act), (2) war approach (that treats terrorism as an act of war or insurgency and thus responds with war), (3) the intelligence model (gathering intelligence information aimed at thwarting the threat or destabilising the terrorist network), (4) the communication model (a persuasive approach aimed at increasing rewards for those who leave the terrorist group, increasing the cost of engagement, public education through constructing anti-terrorist narratives), (5) the preventive model (aimed at target hardening, critical infrastructure protection, and tracking the movement of people, money, goods and services), (6) the human security/human rights model (aimed at protecting individuals from threats to their lives, safety or rights)<sup>200</sup>. Crelinsten, rather than conceptualising what counterterrorism is, engages into listing varieties of approaches to counterterrorism. This approach also implies that terrorism is a non-state violence and thus counterterrorism as state response to the terrorist violence or threat of violence. The approach takes the mainstream framing of terrorism and hence went on listing counterterrorism approaches accordingly without scrutinising its power function and considering the significance of state terrorism. However, unlike most scholars, Crelinsten has given space to the human security model which emphasises the protection of individuals from threats to their lives, safety and rights.

The traditional conceptualisation of counterterrorism serves as an instrument to maintain the existing order and empowers those in the state power to sustain their domination through delegitimising the legitimate demands of individuals and groups for security and freedom. Counterterrorism from this position functions to eliminate those who are perceived to be threats to the existing order and the discourse that gives legitimacy to this order than emancipating people from physical, psychological and political insecurity.

From the Minimal Foundationalist perspective, terrorism is about any politically motivated threat or use of violence against civilians (non-combatants). The potential perpetrators can be the state

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<sup>200</sup> Crelinsten, 2018: 363–73.

or its agents, any group or an individual. If the state and its agents are found to be the source of threats than security to people (individuals and groups), thus people's struggle for security and freedom against the state and its agents should also be considered as counterterrorism. In general, a true counterterrorism is the one that aims to emancipate people (individuals and groups) from any politically motivated threat or use of violence and should provide them physical, psychological and political security.

### **2.3. Philosophical Foundations**

The Philosophical foundations of the study depend on the Hobbesian Social Contract and Machiavellian Pragmatism. The rationale behind building the study upon these two philosophical foundations stems from the perplexing contemporary intention of counterterrorism policies. The following section discusses the rationale behind contrasting Hobbesian social contract and Machiavellian pragmatism in a quest to understand Ethiopia's counterterrorism policies.

#### **2.3.1. Why Contrasting Hobbes and Machiavelli**

Counterterrorism policies differ in the philosophical foundation they are guided by and the model they adopt to pursue their strategy. In this regard, some counterterrorism policies are aimed at responding to the real dangers posed by terrorism and ensuring the right of people to live in peace, freedom. In contrast, others aim at maintaining power and ensuring regime security under the guise of fighting terrorism. These contradicting intentions of counterterrorism policies can reasonably be attributed to Hobbes's social contract where people are the primary referents and Machiavellian pragmatism where regime security remains the alpha and omega of the security policy.

The Social contract theory of Hobbes shows the overriding security interest of the people in the state of nature as a foundation for the legitimate power and action of the Leviathan in the post-social contract political association.<sup>201</sup> The threat of violent death, and insecurity in the state of nature necessitated the social contract where people traded freedom for security.<sup>202</sup> Hence, the security interest of the people (contract makers) serves as a source of power to Leviathan with unquestionable power, however, the Leviathan bears the moral responsibility to ensure the

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<sup>201</sup> Hobbes [1651], ed. Widger and White, 2009.

<sup>202</sup> Hobbes [1651], ed. Widger and White, 2009.

security of the contract makers, in search of which they gave up their unfettered freedom in the state of nature.

Terrorism is a post Hobbes phenomenon that he did not explicitly write about terrorism. However, Hobbes has explicitly described threats to order and was deeply concerned with the question how to maintain and preserve order.<sup>203</sup> Therefore, through a thorough analysis and raising logical questions we can find possible Hobbesian responses to terrorism. Hobbes has forwarded, inter alia three major political works, *The Elements of Law*, *De Cive*, and *Leviathan*. Throughout these great works, he is concerned with the justification, extent, and exercise of the sovereign power.<sup>204</sup> In these works it is obvious that Hobbes prescribed the need for a Sovereign with absolute power to achieve a possible stable order where people could live without fear of being injured and killed.<sup>205</sup> However, on the other extreme he advises the sovereign to maintain order by exploiting this fear of injury and death. Despite his prescription and defence of absolute power, Hobbes has indicated threats to the state (order). These, according to him, are discontent and sedition, inter alia. To prevent discontent and sedition-induced disorder, Hobbes advises *Leviathan* to ensure public contentment and prosperity, provide safety, allow liberty, encourage trade and employment, and ensure equal distribution of offices and taxes to uphold the good of the people. He also advises the sovereign to inculcate proper beliefs upon the young.<sup>206</sup> From this, we can understand that Hobbes prescribes employing both soft and hard methods in the sovereign's quest to maintain order. The Hobbesian cause of disorder has many things in common with the contemporary causes of terrorism, and his prescriptions for preventing disorder can, in many ways be attributed to the current counterterrorism policies. Studies have indicated that discontent has been the motivating factor for the leaders of the reign of terror, instigators of the 9/11, and 'other terrorists' and that terrorism springs from discontent.<sup>207</sup> Despite his advocacy for absolutism, Hobbes recommends the promotion of justice and the common good, inculcating the young with moral beliefs and providing them with sound reasons to help maintain a stable

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<sup>203</sup> Hobbes [1651], ed. Widger and White, 2009.

<sup>204</sup> Anderson, 2018:231–46.

<sup>205</sup> Hobbes [1651], ed. Widger and White, 2009.

<sup>206</sup> Hobbes [1651], ed. Widger and White, 2009.

<sup>207</sup> English, ed., 2021; Chaliand and Blin eds., 2007.

social and political order. Hobbes's recommendations to prevent disorder also remain foundational to the current counterterrorism policies of some states.<sup>208</sup>

Machiavelli has written several texts; however, two of his political writings, *The Prince*, and *The Discourse on Livy*, are the most important and the best known, where he articulated his political thought. As is the case with Thomas Hobbes, terrorism is a post-Machiavelli phenomenon that he did not articulate his thought on it. However, Machiavelli's advice to the Prince in his quest to establish an independent state and maintain power (regime security) signifies his possible response to the contemporary terrorism.

Machiavelli is the first political philosopher to explicitly divorce religion and morality from politics.<sup>209</sup> Throughout his works Machiavelli advocated the importance of using force and fraud in politics so as to maintain power.<sup>210</sup> To him, the end of politics is acquiring and maintaining power, and preserving order, state stability, and general prosperity.<sup>211</sup> Machiavelli's Prince is not part to any contract to provide any public good. The power of the Prince is acquired through hereditary inheritance, conquest, or victory in the battle field.<sup>212</sup> Since his power is derived from neither a social contract, nor the security interest of his people, the Prince doesn't bear any moral responsibility to ensuring peoples' peace, freedom, or security. Even at circumstances the Prince is justified to employ including immoral methods against the security of people under his principality or outside, in his quest to preserve and maintain power.<sup>213</sup>

Machiavellian pragmatism guided by 'the end justifies the means' principle disregards any sort of morality in politics and justifies the adoption of immoral methods if the survival of the state is at stake.<sup>214</sup> This Machiavellian principle goes with the contemporary counterterrorism which necessitated the adoption of extra-judicial methods and justified controversial tactics of interrogation, extraordinary rendition, suspension of habeas corpus, warrantless wire taps, surveillance, torture, and etc., against human rights, civil liberties, and the very standard of human morality and norm.

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<sup>208</sup> Anderson, 2018: 231–46.

<sup>209</sup> Zuckert, 2017.

<sup>210</sup> Machiavelli [C. 1505], Trans. William K. Marriott, 2021.

<sup>211</sup> Hobbes [1651], ed. Widger and White, 2009..

<sup>212</sup> Zuckert, 2017.

<sup>213</sup> Machiavelli [C. 1505], Trans. William K. Marriott, 2021.

<sup>214</sup> Machiavelli [C. 1505], Trans. William K. Marriott, 2021.

A counterterrorism policy could emanate from the actual or perceived security interest of the people concerned. In this case, people remain the referent of that counterterrorism policy and states react with the intention to discharge their responsibility by ensuring the security of their respective people. Contrary to this, a counterterrorism policy could come out of an actual or perceived threat to a regime. In such a case, a regime appears to be the referent of a counterterrorism policy. Counterterrorism policies of such kind serve the power interest of a regime, group or an individual against the mass. In this regard, analysing counterterrorism policies in the context of Hobbes's social contract and Machiavelli's pragmatism would help us understand the actual referent, and hence, the opaque power intention of a counterterrorism policy. From this point of view, the following section discusses the contentious relation between security and liberty in the context of counterterrorism.

### **2.3.2. The Security versus Liberty Perspectives**

The contemporary counterterrorist state grapples with the hitherto un-reconciled security concerns and civil liberty demands where sacrificing one is required for defending the other. In the post-September 9/11 period most states have enacted legislations aimed at responding to the terrorism induced security threats. These counterterrorism legislations, according to studies, curtail the free exercise of individual liberties, which are the building blocks and foundational principles upon which social contracts are made and democratic nations are founded.<sup>215</sup> The existential threat narrative of the counterterrorist state necessitated the use of extra-judicial measures to deal with the 'terrorist threat'. Through the existential threat discourse and in the name of security most governments have normalised the curtailment of civil liberties, detention without trial, derogations and transgression of human rights laws.<sup>216</sup> In this regard, there is a fierce debate as to which one should get priority over the other... security or liberty, or on how to strike a balance between the two. Political authorities and their affiliates claim that in order to contain the threat of terrorism we need to sacrifice some liberty for security. On the other extreme, rights defenders, liberty campaigners, and affiliated civil society organisations stand against the idea of sacrificing liberty for security in the name of 'fighting terrorism'.<sup>217</sup> This group also claims that the terrorism and its existential threat discourse is being used to legitimise

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<sup>215</sup> Golder and Williams, 2006: 43–62; Moss, 2011.

<sup>216</sup> Meisels, 2008; Neal, 2009.

<sup>217</sup> Neal, 2009.

illiberal policies and practice against civil liberties. The third group, mostly scholars sought to strike a balance between the two contending partners. This group claims that security and liberty are ingredients to one another; since the improvement in the protection of civil liberties would improve security by addressing the resentment and grievance of those who could resort to violence.<sup>218</sup>

#### **2.4. Theoretical Frameworks**

The theoretical framework of this study is built on several but interrelated theoretical perspectives. This Pearl-fishing approach is adopted after a thorough analysis of each of the research questions and the general emancipatory objective of the dissertation. The Pearl-fishing is an informal approach, but important to bring different concepts and theories together in an attempt to better understand and explain the complex social world.<sup>219</sup> These Pearl-fished theoretical perspectives included the Frankfurt School Critical Theory, the Welsh School Critical Security Studies, Securitisation theory, and Critical Terrorism Studies. The theoretical perspectives are utilised in the order of relevance than their chronological order. Critical Terrorism Studies as an approach to the study of terrorism builds on the Frankfurt School Critical Theory, the Welsh School Critical Security Studies, and the securitisation theory. The normative commitment of Critical Terrorism Studies for human emancipation is built on the Frankfurt School Critical Theory. Besides this normative commitment, Critical Terrorism Studies rejects the traditional notion of national security that designated the loosely defined state as its security referent. This rejection of the traditional security notion and its adherence to the principles of human security confirms CTS's affiliation with the Welsh School Critical Security Studies.<sup>220</sup> CTS recognise the discursive construction of threats. Securitisation theory, in this regard, conceptualises security as a speech act. Therefore, methodologically securitisation theory's threat analysis informs the ways in which terrorism is uplifted from conventional politics to the status of an emergency politics, and counterterrorism policies are adopted. Accordingly, Securitisation theory, the Frankfurt School Critical Theory (Human Emancipation), and the Welsh School Security Studies (Human Security) are discussed in the context of Critical

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<sup>218</sup> Neal, 2009.

<sup>219</sup> Booth, 2007.

<sup>220</sup> Jackson, 2007.



Terrorism Studies approach. In this regard, attempts have been made to integrate securitisation theory, human security, and human emancipation as a normative goal of the study.

#### 2.4.1. Critical Terrorism Studies

Critical Terrorism Studies (CTS) is an emancipatory and anti-naturalist approach that builds upon the Frankfurt School Critical Theory and the Welsh School Critical Security Studies.<sup>221</sup> Its association with the Frankfurt School Critical Theory and Welsh School Critical Security Studies is reflected in its normative commitment to the emancipation of humanity and in its recognition of individuals and communities as security referents respectively.<sup>222</sup>

CTS as an approach emerged in critique of the traditional approach to the study of terrorism in the post 9/11 period.<sup>223</sup> The Traditional Terrorism Studies (TTS) is an objectivist approach that conceptualises terrorism as a brute fact and a threat to an established state and the international system.<sup>224</sup> This approach, according to Jackson, contains both analytical and methodological gaps.<sup>225</sup> These gaps are reflected in its: (1) failure to develop an agreed definition of terrorism, recognise state terrorism, and undertake primary research;<sup>226</sup> (2) persistent lack of historicity, self-reflexivity and local context;<sup>227</sup> (3) biased assumptions and narratives regarding the cause, nature and response to terrorism;<sup>228</sup> (4) failure to keep distance away from state institutions that manipulate academic researches for political ends;<sup>229</sup> (4) reliance on problem solving approach, and (5) reductionist stance that confines politics to the management of social order without much thought for emancipation.<sup>230</sup>

TTS recognises the state as the basic unit to be secured against the threat of terrorism.<sup>231</sup> It thus posits the existing power structure as natural, legitimate and immutable. As a result, it (1)

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<sup>221</sup> Gunning, 2007: 363–93; Jackson, Smyth, and Gunning eds., 2009; Toros, 2012.

<sup>222</sup> Jackson, 2007; McDonald, eds. Jackson, Breen and Gunning, 2009: 109–23; Dixit and Stump, eds., 2013.

<sup>223</sup> Gunning, 2007: 363–93; Jackson, ed., 2016: 246–68; Dixit and Stump, eds., 2013.

<sup>224</sup> Gunning, 2007: 363–93; Jackson, 2007.

<sup>225</sup> Jackson, 2007.

<sup>226</sup> Jackson, Smyth, and Gunning, eds., 2009.

<sup>227</sup> Jackson, 2007.

<sup>228</sup> Dixit and Stump, eds., 2013.

<sup>229</sup> Jackson, 2007.

<sup>230</sup> Cox, 1981: 126–55.

<sup>231</sup> Dixit and Stump, eds., 2013.

uncritically embraces terrorism and terrorists as framed by the state elite, (2) ignores the perspectives of those framed as terrorists, and (3) avoids the analysis of the fundamental social, political, economic, and historical contexts in which terrorist violence occurs.<sup>232</sup> The approach thus serves as a foundation and justification for the state elites to divide the world into legitimate good (state) and illegitimate evil (terrorist) dichotomies, and hence seeks to explain the ‘terrorist other’ from the state’s perspective aimed at maintaining the status quo.<sup>233</sup> TTS, in this regard, provides an authoritative judgement about those who should be incarcerated, tortured, or killed by the state in the name of countering terrorism.<sup>234</sup>

CTS, on the other hand, is an anti-terror project with a concern for equality, human rights, values, social justice, and ending discrimination, political, or structural violence.<sup>235</sup> CTS moves beyond the narrow state centric security notion towards the wider human security paradigm. It assumes that terrorism and counterterrorism are symbiotic cultural constructs.<sup>236</sup> Thus, it critically enquires into the effect of terrorism and counterterrorism discourses and practice on individuals and communities with an emancipatory objective.<sup>237</sup> CTS seeks to demonstrate that state terrorism is the characteristic of state behaviour worldwide irrespective of a state’s political or economic status, therefore, aims to demystify it.<sup>238</sup> From this point of view, CTS scholars argue that terrorism and counterterrorism should be viewed in context and their salience should not be separated from the main political issues and cleavages.<sup>239</sup>

Apart from critique and deconstruction, CTS focuses on the normative objective of human emancipation. This emancipatory commitment is manifested in its adherence to the fundamentals of human security.<sup>240</sup> CTS, in this respect, holds three principal assumptions. First, it explains the impact of dominant discourses of terrorism and counterterrorism. For instance, if somebody or some group was proscribed as terrorist, this by itself curtails the possibility of dialogue and conflict resolution. Thus, CTS destabilises and deconstructs the dominant discourses that curtail

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<sup>232</sup> Jackson, 2007: 394–426; Jackson, Smyth, and Gunning, eds., 2009; Jackson, ed., 2016.

<sup>233</sup> Jackson, 2007: 394–426.

<sup>234</sup> Jackson, ed., 2016.

<sup>235</sup> Jackson, ed., 2016.

<sup>236</sup> Jackson, ed., 2016.

<sup>237</sup> Gunning, 2007: 363–93.

<sup>238</sup> McDonald, eds. Jackson, Breen and Gunning, 2009: 109–23.

<sup>239</sup> Jackson, 2015: 33–54; Gunning, 2007: 363–93; Jackson, Smyth, and Gunning, eds., 2009.

<sup>240</sup> Jackson, 2005: 147–71.

the possibility for an inclusive dialogue. Secondly, CTS assumes that there are voices silenced by dominant discourses. This assumption illustrates that those framed as ‘terrorists’ are rarely given the space for their voices and opinions to get heard. CTS, in this case, strives to bring these oppressed and marginalised perspectives to debate and discussions. Finally, CTS opens the space for alternative, less dangerous discourses which may help ease counterterrorism induced human sufferings.<sup>241</sup>

CTS adheres to certain set of ontological, epistemological and ethical-normative commitments. It assumes that terrorism is ontologically unstable. Its ontological commitment is entrenched in the belief that terrorism is a social fact rather than a brute fact.<sup>242</sup> This assumption becomes more clearer if one scrutinises the fact that violence is a frequent occurrence in various myriad forms, but the label ‘terrorism’ is reserved for specific types of violence conducted by particular actors in certain circumstances.<sup>243</sup> This doesn’t mean that CTS denies the existence of extreme physical violence as a brute fact; rather its argument is that the wider politico-cultural meaning of terrorism is decided by inter-subjective practices and social agreement.<sup>244</sup> CTS, thus, rejects conceptualisations of terrorism that de-legitimate violence committed by state actors while legitimating violence conducted by non-state actors.<sup>245</sup>

In general, although CTS adopts an action-based definition of terrorism, there exists paradigmatic cleavage among the scholars within tradition. For instance, Poststructuralists deny the nature of terrorism as a social fact and argue that terrorism and terrorists are constituted only through language.<sup>246</sup> To them, terrorism is a mere social construction that to understand it they focus on discourse analysis and prefer to inquire not what terrorism is, but how certain acts become labelled as terrorism and why such labelling matters.<sup>247</sup> Minimal foundationalists, on the other hand, recognise a category of violence that can be understood as terrorism.<sup>248</sup> Minimal Foundationalists, thus, accept the definition of terrorism as: *‘a threat or use of politically motivated violence aimed at affecting a larger audience [non-combatants] than its immediate*

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<sup>241</sup> Holland, 2016: 426–48.

<sup>242</sup> Jackson, 2015: 33–54.

<sup>243</sup> Holland, 2016: 426–48.

<sup>244</sup> Jackson, ed., 2016: 246–68; Jackson, Smyth, and Gunning, eds., 2009.

<sup>245</sup> Jackson, ed., 2016: 246–68; Jackson, Smyth, and Gunning, eds., 2009.

<sup>246</sup> Jackson, ed., 2016: 246–68.

<sup>247</sup> PISOIU and HAIN, eds., 2018.

<sup>248</sup> Lindahl, 2017: 1–30.

*target that is broadly deemed illegitimate*'.<sup>249</sup> In this regard, Minimal Foundationalists accept methods of traditional theory which allows the identification of categories; however, they refrain from equating the world as it appears to us with objective truth.<sup>250</sup>

Epistemologically, CTS accepts the Constructivist and Poststructuralist logic of enquiry. It is argued from this point of view that knowledge about terrorism is socially constructed and linked to power.<sup>251</sup> Cognisant of the impossibility of neutral knowledge, CTS views knowledge as a social process constructed through language, discourse and inter-subjective practices; where it is intimately connected to power.<sup>252</sup> Based on this perspective, CTS claims that the knowledge concerning terrorism reflects the socio-cultural context within which it evolved; succinctly, 'it is for someone and for some purpose'.<sup>253</sup> Accordingly, CTS aims at destabilising those dominant interpretations and demonstrating the inherently contested political nature of the terrorism and counterterrorism discourses.<sup>254</sup>

Methodologically, CTS focuses on deconstructing dominant discourses through CDA. The objective is (1) to denaturalise dominant discourses by revealing them to be cultural and not natural; and (2) to reveal the binaries within dominant discourses such as good and evil based on which actions are justified.<sup>255</sup> In this method language matters for two fundamental reasons. First, language is a prerequisite for policy and politics to emerge within a particular discursive context; and secondly, language enables politicians to mobilise support for their policy by packaging it in certain ways.<sup>256</sup>

In general, in line with its normative commitment CTS seeks to explain (1) the process and context how some actors come to be framed as terrorists and others counterterrorist; (2) how being terrorist or counterterrorist shape their respective actions; (3) how certain community make sense of the events of terrorism or counterterrorism; (4) how some violence are terrorism while

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<sup>249</sup> Toros, 2012; Jackson, Smyth, and Gunning, eds., 2009; Lindahl, 2017: 1–30.

<sup>250</sup> Toros, 2012; Lindahl, 2017: 1–30.

<sup>251</sup> Jackson, ed., 2016: 246–68; Jackson, Smyth, and Gunning, eds., 2009; Dixit and Stump, eds., 2013; Toros, 2012; Lindahl, 2017: 1–30.

<sup>252</sup> Jackson, 2007.

<sup>253</sup> Cox, 1981: 126–55.

<sup>254</sup> Jackson, 2007.

<sup>255</sup> Holland, 2016: 426–48.

<sup>256</sup> Holland, 2016: 426–48.

others are not; (5) how the rhetoric of terrorism and counterterrorism legitimate certain action; and (6) how the meaning of terrorism and counterterrorism changed over time; (7) the extent to which state policies produce and reproduce oppositional political violence and the impact of both state and non-state violence on the security of individuals and communities, (8) the history and local context of the violence by looking at the evolution of the violence, (9) the analysis of how the terrorism discourse is used to discredit oppositional groups and justify state policies, and (10) the condition where all sides are assumed to be part of both the problem and the solution than making a non-state actor a priori to the problem.<sup>257</sup> In line with these assumptions and normative commitment, the following section discusses securitisation theory. Securitisation theory's contribution to the examination of terrorism and counterterrorism is manifested in its conceptualisation of security as a speech act and its analysis of discursive construction of threats.

#### 2.4.2. Securitisation Theory

Securitisation theory is associated with a group of scholars commonly known as the Copenhagen school of thought. Securitisation theory as an analytical framework for the study of security, focuses on the analysis of the methods by which an issue is uplifted from the status of conventional politics to an emergency politics.<sup>258</sup> The theory, unlike the traditional approach, broadens the study of security into five sectors: military, political, environmental, societal, and economic security.<sup>259</sup> It also departs from other critical security approaches. For instance, its departure from the Welsh School Critical Security studies is manifested in its sceptical stance regarding (1) the outcome of the deepening security agenda. and (2) the normative goal of human emancipation.<sup>260</sup> Despite the external paradigmatic differences, there also exists epistemological and methodological diversity within the securitisation theory. The Philosophical securitisation theorists believe in the 'social magic' power of language. They assume security is a speech act,<sup>261</sup> therefore, by saying security, for example, we also perform a particular action related to it.<sup>262</sup> For instance, by uttering security an actor [state representative] moves a particular development into

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<sup>257</sup> Jackson, 2007; Gunning, 2007: 363– 93; Dixit and Stump, eds., 2013.

<sup>258</sup> Buzan, Wæver, and de Wilde, 1998; Wæver, 1998: 39– 69.

<sup>259</sup> Buzan, 1983.

<sup>260</sup> Buzan, Wæver, and de Wilde, 1998.

<sup>261</sup> Buzan, 1983.

<sup>262</sup> Austin, 1962.

the stage of special concern,<sup>263</sup> and hence, claims a special right to use an extra-judicial means necessary to control or block the ‘threat’.<sup>264</sup> On the other hand, the Sociological securitisation theorists understand securitisation in terms of practices, contexts, and power relations that characterise the construction of threat images.<sup>265</sup>

Despite the differences, both variants of the securitisation theory, serve as useful analytical and methodological tools for the examination of the development of threats. Securitisation, from both perspectives, refers to the act of shifting an issue outside the realm of conventional politics into the realm of an emergency politics by presenting the issue as an [existential] threat to some referent object.<sup>266</sup> According to Buzan et al. the exact definition and criterion of securitisation is constituted by the inter-subjective establishment of an existential threat with a saliency sufficient to have substantial political effect.<sup>267</sup> The securitisation move, if successful, gives the actor the legitimacy to claim a special right to employ an extraordinary method to deal with the ‘threat’.<sup>268</sup>

The mere presence of an issue as an ‘existential threat’ doesn’t mean it is securitised; to get successfully securitised, the securitising move needs acceptance from an audience.<sup>269</sup> Acceptance from the audience to the speech act plays a crucial role in achieving successful securitisation. Since issues become security issues not by their innate threatening qualities; rather they are made security issue through successful securitising speech act and acceptance from the audience that the threat is credible.<sup>270</sup> Moreover, for an issue to count as a security issue it has to be staged as an existential threat to the referent object by the right authority under felicitous condition. These felicitous conditions, according to Wæver, include: (1) presenting an existential threat as legitimating the use of extraordinary measures to deal with the threat; (2) the securitising actor should be in a position of authority with a good political and social capital; and lastly (3) the objects associated with the issue should bear historical connotations of harm, threat and

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<sup>263</sup> Wæver, 1998: 39–69.

<sup>264</sup> Buzan, 1991: 431–51; Buzan, Wæver, and de Wilde, 1998; Peoples and Vaughan-Williams, 2018.

<sup>265</sup> Balzacq, 2011.

<sup>266</sup> Buzan, Wæver, and de Wilde, 1998; Balzacq, 2011.

<sup>267</sup> Buzan, Wæver, and de Wilde, 1998.

<sup>268</sup> Buzan, Wæver, and de Wilde, 1998.

<sup>269</sup> Buzan, Wæver, and de Wilde, 1998; Balzacq, 2011.

<sup>270</sup> Buzan, Wæver, and de Wilde, 1998.

danger.<sup>271</sup> The process of securitisation, according to Buzan et al., runs from non-politicised through politicised to securitised.



**Figure 2 Diagram showing the process of securitisation.**

*Source:* Adapted from Buzan et al. (1998, 23).

Securitisation theory's contribution to CTS inspired study of terrorism and counterterrorism is found in its (1) conceptualisation of security, (2) recognition of the discursive construction of threats, and (3) referent analysis. For instance, inter alia, Barry Buzan in his security analysis recognised that the state can be a source of threat to individuals and communities.<sup>272</sup> From this point of view, the following section brings the Welsh School inspired human security paradigm in to the discussion of terrorism and counterterrorism. Human security encompasses issues pertaining to human development, democratic development, human rights, and civil liberties, all categorised into freedom from want and freedom from fear. However, the discussion below emphasises on the 'freedom from fear' aspect of human security from the CTS's point of view.

### **2.4.3. Human Security**

Human security as an idea is not a new phenomenon; it traces its origin from the medieval enlightenment.<sup>273</sup> However, its emergence in public communications and discourse, as a policy tool, and security paradigm is a recent phenomenon. The idea got all its official currency from the 1994 United Nations Development Program (UNDP) Human Development Report that conceptualised it as an issue fundamentally concerned with human life and dignity.<sup>274</sup> The report broadened security into (1) economic security (freedom from poverty), (2) food security (access to food), (3) health security (access to health care and protection from diseases), (4) environmental security (protection from dangers like environmental pollution and depletion), (5) personal security (physical safety from torture, criminal attacks, domestic violence, drug use, suicide, traffic accident, and etc.), (7) community security (survival of traditional cultures and

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<sup>271</sup> Wæver, 1998: 39– 69.

<sup>272</sup> Buzan, 1983.

<sup>273</sup> Sen, 2000.

<sup>274</sup> Martin and Owen, eds., 2014.

ethnic groups), and (8) political security (freedom from political oppression, enjoyment of civil and political rights).<sup>275</sup>

Human security, general, has been conceptualised as the protection of individuals and communities from risks to their physical or psychological safety, dignity and wellbeing.<sup>276</sup> However, there exists two competing, but interrelated approaches to human security; ‘freedom from want and freedom from fear’.<sup>277</sup> The ‘freedom from want’ approach holds natural disaster, hunger, and disease as the sources of human insecurity. On the other hand, the ‘freedom from fear’ approach postulates human security in terms of the absence of insecurities arising from physical or psychological violence. The ‘freedom from want’ approach understands human security as a positive security (absence of threat plus the presence of conditions necessary to human flourishing), whereas the ‘the freedom from fear’ approach understands it (human security) as a negative security (absence of threat).<sup>278</sup> The human security approach, in conclusive terms, postulates three interrelated assumptions that bring together the ‘freedom from want’ and ‘freedom from fear’ approaches. These assumptions are: (1) underdevelopment and human rights violations as threats; (2) threats as inter-linked and interconnected in a domino effect; and (3) therefore, threats should not be prioritised.<sup>279</sup> These three assumptions indicate the logical fact that ‘freedom from want’ and ‘freedom from fear’ are inexorably linked to understanding human security in a meaningful way. To be secure is not about being free from fear, but rather it should be also about the attainment of social, economic, and cultural conditions necessary to sustain humanity in general.<sup>280</sup>

The human security approach departs from the traditional state centred approach in its referent object analysis, the value placed on security, threat analysis, and the method adopted to achieve security. The security referent object, according to the traditional realist approach, is the state, thus building a military might was believed to be the alpha and omega of security achievement. The failure of this paradigm became evident when the number of individuals and communities

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<sup>275</sup> The United Nations Development Program Human Development Report, 1994.

<sup>276</sup> Tadjbakhsh and Chenoy, 2007.

<sup>277</sup> Hanlon and Christie, 2016.

<sup>278</sup> Tadjbakhsh and Chenoy, 2007; Nyman, ed. Shepherd, 2013: 51–62.

<sup>279</sup> Tadjbakhsh and Chenoy, 2007.

<sup>280</sup> Booth, eds. Hudges and Lai, 1991: 313–26; Tadjbakhsh and Chenoy, 2007; Nyman, 2016: 821–39.



facing insecurity from their own governments, intrastate conflicts and wars, ethnic confrontations, forced displacements, migration, extreme poverty, terrorism, and the environment dramatically increased in the Post-Cold War period.<sup>281</sup> The state centred security analysis also fails to unambiguously define whom the state represents. Does the state mean a ruling class, a king, an ethnic group that dominate the state machineries, or numeric majority as it is the case in democratic systems? In this regard, the human security approach puts a strong assertion that there is no *raison d'état* beyond the *raison d'état* of individuals.<sup>282</sup> Individuals as security referents, in the context of this study, are not someone engaged in maximising their self-interest as the liberals assume, but rather as part of a community, embedded within the community, and shaped by the social contexts and collectivity such as ethnicity, gender, class, religion, and etc.<sup>283</sup>

The traditional approach limits the value of security to building power, maintaining sovereignty, ensuring territorial integrity, and defending national independence; all manifested in the national security discourse.<sup>284</sup> Contrary to this, the human security approach places a greater value on the security of the individual. The security of an individual, in this regard, is measured in terms of the physical safety, personal freedom, and human rights protection.<sup>285</sup> Thus, the human security approach holds a firm stance towards emancipating individuals and communities from physical and human constraints; thus, to ensure their dignity, equality, and solidarity.<sup>286</sup>

The traditional approach assumes that security threat to the state is external in nature. It projects the assumption that international system is anarchic that states live under perpetual threat of war and aggression.<sup>287</sup> However, security threats, according to the human security approach, could be from: (1) direct violence, such as international disputes, WMD, gendered violence, dehumanisation, discrimination, etc.; (2) indirect violence, such underdevelopment, natural disaster, environmental degradation, poverty, inequality, sectarian oppression, etc.; (3) threats from identifiable sources, such as state or non-state actors; (4) threats arising from structural

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<sup>281</sup> Tadjbakhsh and Chenoy, 2007.

<sup>282</sup> Booth, eds. Huges and Lai, 1991: 313–26; Tadjbakhsh and Chenoy, 2007.

<sup>283</sup> Jones, 1999.

<sup>284</sup> Walt, 2017: 1–25.

<sup>285</sup> Tadjbakhsh and Chenoy, 2007.

<sup>286</sup> Booth, eds. Hughes and Lai, 1991.

<sup>287</sup> Walt, 2017: 1–25.

sources, such as power relations ranging from family to global economy. Accordingly, the human security approach seeks to emancipate humanity from both physical and human constraints at individual, national and global levels.<sup>288</sup> The approach recognises that threats can be personal, societal, political, environmental, or militaristic in nature that its primary security referents remain individuals and communities. From this point of view, it is believed that securing people [individuals and communities] is the best strategy to secure the state and the international system; and more, ensuring people's security [security of individuals and communities] meant empowering individuals to refrain from violating the security of the state and prevent them from engaging into conflict that could destabilise the global security.<sup>289</sup>

In a nutshell, the traditional approach and human security differ in methods they employ to achieve security. The traditional approach advocates the use of military force, balance of power, and strengthening economic might as a method to achieving security. On the other hand, the human security approach recommends the promotion of human development, human rights, and political development as tools to achieving security at individual, national, and international levels.<sup>290</sup> From the human security paradigm, the following section discusses the Frankfurt Critical School emancipatory approach in the context of terrorism and counterterrorism policies. The emancipatory project, which is the core commitment of the Critical Terrorism Studies, is also at the heart of the Frankfurt Critical Theory and the Welsh School Critical Security Studies. Accordingly, the section integrates the Frankfurt Critical theory, the Welsh School Security Studies, and Critical Terrorism Studies.

#### **2.4.4. Emancipation**

The concept of emancipation traces its origin in works of Emmanuel Kant and Karl Marx.<sup>291</sup> Kant's moral philosophy is aimed at realising emancipation through the transformation of competitive power relations into a cosmopolitan order of perpetual peace.<sup>292</sup> On the other hand, the work of Marx sought to emancipate the working class (Proletariat) from the domination by those who controlled the means of production, through class struggle which, according to him,

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<sup>288</sup> Booth, eds. Hughes and Lai, 1991; Bajpai, 2000; Tadjbakhsh and Chenoy, 2007.

<sup>289</sup> Tadjbakhsh and Chenoy, 2007.

<sup>290</sup> Bajpai, 2000; Tadjbakhsh and Chenoy, 2007.

<sup>291</sup> Ferreira, eds. McGlinchey, Walters, and Scheinpflug, 2017: 42–48.

<sup>292</sup> Kauppi and Viotti, 2020.

will lead to his envisioned perfect society, Communism.<sup>293</sup> Emancipation has also been understood and approached differently by the Frankfurt School of Critical Theory. For instance, critical scholars such as Horkheimer, Cox and Marx focused on the analysis of means of production as a core principle for achieving emancipation.<sup>294</sup> Habermas in his analysis, argued for communication through open dialogue as a central site for achieving emancipation.<sup>295</sup> Others argued for the recognition of identity as a central issue for emancipation.<sup>296</sup> The Frankfurt School Critical Theory, on the other hand, focuses on the emancipation of people from oppression and domination.<sup>297</sup> The School holds emancipation as a normative concept upon which its foundation is built.<sup>298</sup>

Critical oriented works recognise the Coxian argument that *theory [knowledge] is for someone and for some purpose*.<sup>299</sup> From this point of view, the task of any critical inquiry, in the first place, is to critique repressive practices and institutions; hence, unmasking and exposing the class or elite interests that are embedded in these practices and institutions with the objective to generate an emancipatory knowledge aimed at social and political transformation.<sup>300</sup> Critical, in this context, means to stand apart from the prevailing order, and ask how that order came about. Accordingly, a theory is critical if it (1) seeks human emancipation, (2) works to create a world that satisfies the power and needs of human beings, (3) aims to explain and transform all the conditions that enslave human beings, and (4) provides descriptive and normative bases for inquiry aimed at challenging domination and thus realising human freedom.<sup>301</sup>

Critical Terrorism Studies is inspired by Frankfurt School Critical Theory.<sup>302</sup> Like the Frankfurt School Critical Theory, CTS holds emancipation as its normative goal.<sup>303</sup> CTS assumes that

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<sup>293</sup> McDonald, eds. Jackson, Breen and Gunning, 2009:109–23.

<sup>294</sup> Horkheimer, 1972; Cox, 1981: 126–55.

<sup>295</sup> Habermas, 1984.

<sup>296</sup> Linklater, 1990.

<sup>297</sup> Ferreira, eds. McGlinchey, Walters, and Scheinpflug, 2017: 42–48.

<sup>298</sup> Ferreira, eds. McGlinchey, Walters, and Scheinpflug, 2017: 42–48; Fierke, 2017: 1–23; McDonald, eds. Jackson, Breen and Gunning, 2009:109–23.

<sup>299</sup> Cox, 1981: 126–55.

<sup>300</sup> Booth, eds. Hughes and Lai, 1991: 313–26; Jones, 1991.

<sup>301</sup> Horkheimer, 1972; Cox, 1981: 126–55; Ferreira, eds. McGlinchey, Walters, and Scheinpflug, 2017: 42–48.

<sup>302</sup> Jackson, 2007.

identities, threats, and interests are constructed in historically specific contexts.<sup>304</sup> With this assumption, CTS furthers the argument that terrorism as a category of violence is historically situated that the labelling of ‘terrorists’ is a strategy for suppressing political dissent or narrowing the possibility for political debate and deliberation.<sup>305</sup> CTS, thus, raises questions like: (1) who is empowered in defining terrorists, terrorism, and the response to it; (2) whose voices are marginalised or silenced; and (3) how spaces for dialogue are constructed.<sup>306</sup> In general, the task of emancipatory CTS is to denaturalise state and non-state actors and explore how both actors have contributed to the terrorist threat. Based on this assumption, the following section discusses security as emancipation versus security as a mere maintenance of peace and order.

#### **2.4.4.1. Security as Emancipation versus Security as a mere maintenance of Peace and Order**

Security has been widely viewed as the alleviation of threats to cherished values.<sup>307</sup> However, there exists a fierce paradigmatic cleavage among the TSS and CSS scholars as to what constitutes ‘the cherished/essential values’. The ‘cherished/essential values’ to the traditional security scholars constitute political sovereignty and territorial integrity of a state.<sup>308</sup> According to this paradigm, the state is placed at the centre of the security thinking and threats are thought to be external in nature.<sup>309</sup> This approach understands, *inter alia*, domestic security in terms of a mere maintenance of peace and order that it fails to recognise the real source of insecurity to individuals, communities, the state, and the international order. By restricting security threats to military affairs, the approach, ignores what Booth described as the legitimate concerns of individuals and communities.<sup>310</sup>

The imperative here remains that, is it possible to achieve peace and ensure order in a state where individuals and communities live under oppressive political system, with chronic poverty, and threats to their well-being. Booth, in this regard, argues that security threats to individuals,

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<sup>303</sup> Lindahl, 2020: 80–99; McDonald, eds. Jackson, Breen and Gunning, 2009:109–23.

<sup>304</sup> Fierke, 2017: 1–23.

<sup>305</sup> McDonald, eds. Jackson, Breen and Gunning, 2009:109–23.

<sup>306</sup> McDonald, eds. Jackson, Breen and Gunning, 2009:109–23.

<sup>307</sup> Buzan, 1983; Booth, eds. Hughes and Lai, 1991: 313–26; Tadjbakhsh and Chenoy, 2007.

<sup>308</sup> Sussex, eds. Legrand, Clarke, Henschke and Sussex, 2022: 23–52; Kauppi and Viotti, 2020.

<sup>309</sup> Leffler, 1990: 143–52; Clarke et al., eds., 2022.

<sup>310</sup> Booth, eds. Hughes and Lai, 1991: 313–26; McDonald, eds. Jackson, Breen and Gunning, 2009:109–23; Tadjbakhsh and Chenoy, 2007.

peoples and nations are different from the one suggested by the traditional security studies. According to him, security threats to the well-being of individuals, communities, and nations across the world derive from challenges like political oppression, economic collapse, ethnic rivalry, terrorism, and etc.<sup>311</sup> Positive peace and stable order are possible only where people as individuals and groups are freed from physical and human constraints.<sup>312</sup> Galtung in his Peace theory, projecting positive peace as the absence of structural violence, argues that violence is present when human [individual] somatic and mental realisations are below their potential realisations.<sup>313</sup> Galtung's assertion that positive peace is absence of structural violence goes with the CSS argument that postulates that only emancipation [freeing of individuals and communities from physical and human constraints] produces true security.<sup>314</sup> Emancipation, in this regard, is characterised by (1) recognising individuals as ultimate security referents, (2) emphasising on the political underpinnings and implications of security praxis, and (3) normative commitment towards emancipatory transformation.<sup>315</sup>

In general, any security analysis that doesn't identify the real source of insecurity or threat to a referent object, presents a false image of reality and results in flawed policies. For instance, in a state where political repression, economic stagnation, environmental challenges, and structural violence are norms, achieving peace and sustaining order will not be possible.<sup>316</sup> It is illogical to think that people under the yoke of personal and structural violence would allow positive peace and sustainable order within a state. Peace and order that is achieved at somebody's expense would also be potentially unstable. Therefore, a true and meaningful security at state or international level can only be achieved when human-beings as individuals and groups get free from any physical and human constraints, as Booth argued everywhere.

## 2.5. Conclusion

The chapter presented the conceptual framework, philosophical foundation, and theoretical framework of the study in three sections. In the first section concepts central to the study:

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<sup>311</sup> Booth, eds. Hughes and Lai, 1991: 313–26.

<sup>312</sup> Galtung, 1967.

<sup>313</sup> Galtung, 1967.

<sup>314</sup> Booth, eds. Hughes and Lai. 1991: 313–26; Jones, 1999.

<sup>315</sup> Basu and Nunes, 2013: 63–76.

<sup>316</sup> Appiagyei-Atua et al., 2017: 326–50.

security, terrorism, state terrorism and counterterrorism have been analysed from divergent perspectives. The theoretical and methodological gaps within each conceptualisation has also been critiqued. After a thorough examination of the ontological, epistemological and methodological foundations of the concepts, security has been approached as an alleviation of threats to cherished values in the context of the Welsh School Critical Security Studies, and the Minimal Foundationalist definition of terrorism as ‘the threat or use of politically motivated violence aimed at affecting a larger audience than its immediate target that is broadly deemed illegitimate’ has been justified and contextualised to the study. Secondly, Machiavellian Pragmatism and Hobbesian Social Contract theory as the philosophical foundations to the study have been contextualised to the contemporary counterterrorism policies. On the other side, the security-liberty debate, with which the counterterrorist state is grappling, has been elaborated. Lastly, theories selected to frame the study have been examined and contextualised to the issue under investigation. In this regard, the Pearl-fishing method is adopted with the aim to make use of Securitisation Theory, Human Security Paradigm, and Critical Terrorism Studies approaches in an integrated manner.

## Chapter Three

### The Securitisation of Terrorism in Ethiopia

#### 3.1. Introduction

This chapter discusses the securitisation of terrorism in the context of Ethiopia. The chapter strives to answer the question whether terrorism has been an existential threat to Ethiopia or not. In an attempt to achieve this objective, the first part of the chapter delves into examining the appearance of terrorism as a politically motivated threat or use of violence throughout the political history of modern Ethiopia. Thus, the chapter goes on analysing the emergence of an old practice (terrorism) in new discourse as an existential threat to Ethiopia. At this point, the chapter discusses Ethiopia's intervention to Somalia in relation to how the Great Somalia Project, the Somali irredentist claim, and the proliferation of Islamist militants in Somalia have been framed as a threat to Ethiopia's existence. The last part of the chapter brings into discussion the move towards institutionalising the narrative of terrorism as an existential threat to Ethiopia. This part makes a critical and comparative analysis of the Anti-Terrorist Proclamation 652/2009 and Prevention and Suppression of Terrorism Crimes Proclamation 1176/2020, as part to the general counterterrorism policies.

#### 3.2. Terrorism in the context of Modern Ethiopia

The traditional approach to the study of terrorism holds an actor-based definition that associated the phenomenon of terrorism with non-state actors alone. However, history tells us that terror[ism] as 'a form of politically motivated violence or threat of violence against non-combatants' was first practiced during the French Revolution by the Weberian institution that monopolised 'legitimate' use of physical force.<sup>317</sup> In this regard, a thorough examination of the history of Modern Ethiopia would prove that [state] terrorism has been endemic to Ethiopia.<sup>318</sup> Throughout the history of Modern Ethiopia, terror[ism] has been employed as an instrument and a ladder to political power. Historical accounts tell us that military power and the use of terror as an instrument has been the 'two sides of the same coin' and at the centre of individuals' and

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<sup>317</sup> Chaliand and Blin, eds., 2007.

<sup>318</sup> Bulatovic, 1993; Paulos, 1985; Bahru, 2001.

groups' struggle for state power.<sup>319</sup> Leaders of the Modern Ethiopia, inter alia, Emperor Theodros II, Emperor Yohannis IV, Emperor Menilik II, Haile Sellassie I, Mengistu Hailemariam, and Meles Zenawi, have all used 'blood and iron' in their struggle to assume or maintain state power.<sup>320</sup> For instance, Emperor Theodros II, the man accredited for establishing modern Ethiopia, in his way to end the so called the era of *Zamana-Masafint*, and in his quest to maintain his monopoly over imperial power, has used terror marked by the amputation of limbs especially against the people of *Wollo* as a policy of conquest to suppress regional lords.<sup>321</sup> The successor of Theodros II, Yohannis IV has also employed similar policy of terror, but in different context, against the Muslims of *Wollo* who resisted forced conversion into Orthodox Christianity.<sup>322</sup>

Emperor Menilik II, in his southward conquest [expansion] to 'regain' the 'historic Ethiopia', followed a 'carrot and stick' approach. In [t]his conquest, Menilik, on the one hand welcomed the kingdoms and people that opted for a peaceful submission, and on the other hand, employed the policy of terror against kingdoms and people who resisted his conquest and unification agenda.<sup>323</sup> In the period after the Italian occupation (1936-1941) the restored Emperor Haile Selassie has employed terrorist methods to quell peasant rebellions from Raya-Azebo, Bale and Gojjam against his 'divinely ordained' feudal order. The Dergue regime from 1976-1978 has officially declared 'red terror' campaign to terrify the population and eliminate dissent, especially people suspected of their membership to the Ethiopian People's Revolutionary Party (EPRP) and later for being sympathisers of the All Ethiopia Socialist Movement (MEISON in its Amharic abbreviation). In this 'red terror' campaign, though the exact number of victims is not yet known, tens of thousands have been killed without due process. According to Tiruneh in one day, 6<sup>th</sup> of May, 1977, over a thousand youths were executed and their bodies were left in the street and ravaged by hyenas.<sup>324</sup> The reign of Dergue is thus depicted by an Ethiopian history professor Bahru Zewde as 'the heavy and dark winter of terror'.<sup>325</sup>

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<sup>319</sup> Paulos, 1985; Bahru, 2001.

<sup>320</sup> Bahru, 2001.

<sup>321</sup> Bahru, 2001.

<sup>322</sup> Bahru, 2001.

<sup>323</sup> Bulatovic, 1993.

<sup>324</sup> Andargachew, 1993.

<sup>325</sup> Bahru, 2001.



The EPRDF is another group that came to power through ‘blood and iron’ in 1991. The EPRDF was a coalition of three ethnic based organisations/movements (Tigray Peoples Liberation Front (TPLF), Oromo Peoples Democratic Organisation (OPDO), Amhara Peoples Democratic Movement (ANDM)) and one multi-ethnic movement, the South Ethiopia Peoples Democratic Movement (SEPDM). The EPRDF coalitions, where the TPLF is first among equals, have waged a seventeen years war to end the Dergue regime.<sup>326</sup> During the struggle against the Dergue, inter alia, the claim of the TPLF was the right to self-determination aimed at establishing an independent republic of Tigray.<sup>327</sup> However, after it assumed state power in 1991, the EPRDF itself became intolerant of political pluralism and dissent, hence engaged in massive human rights violations.<sup>328</sup> The EPRDF is officially condemned following the 2018 political reform for its confirmed repressions, politically motivated killings, disappearances, torture and detention without trial, and even maiming, and fixing large containers filled with water to the testicles of men and inserting poles into the vaginas of women who are convicted of an affiliation to, inter alia, the OLF, ONLF and Ginbot 7.<sup>329</sup> The ‘reformist’ prime minister of the FDRE, Abiy Ahmed, boldly admitted before the parliament that the EPRDF practiced state terrorism. The Prime Minister argued before the parliament that terrorism is not just an act of trying to forcefully overthrow a government; a government’s [EPRDF’s] unconstitutional use of force to stay in power should also be considered terrorism.<sup>330</sup>

In general, the use or threat of violence against non-combatants for political ends has been a socialised evil throughout the political history of Modern Ethiopia. Individuals and groups have used violence or threat of violence against non-combatants both in their way and after assuming state power. For instance, Kassa Hailu, who was recognised as a *Shifta*, the Amharic word for ‘bandit’ and later crowned as an Emperor, and the TPLF/EPRDF which was labelled as *Amatsiyan*, the Amharic word for ‘rebels’, have exploited violence and the threat of violence

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<sup>326</sup> Aregawi, 2004: 569–92.

<sup>327</sup> Aregawi, 2004: 569–92.

<sup>328</sup> Asafa, 2015: 160–87; Kassa, 2014: 371–405; Zelalem, 2017: 504.

<sup>329</sup> Asafa, 2017: 83–106; Girma, 2018: 346–61.

<sup>330</sup> Prime Minister Abiy Ahmed’s speech to the parliament, 28<sup>th</sup> of June 2018, available at: <https://youtu.be/tvcb5-cjkh0>

both in their way and after assuming state power.<sup>331</sup> However, none of them has ever labelled their action as ‘terrorism’ or themselves as ‘terrorists’.

Although ‘terrorists’ and ‘terrorism’ has been endemic to Ethiopia, labelling an act as ‘terrorism’ and an individual or a group as ‘terrorist’ is a post 9/11 phenomenon (cognizant of the fact that Dergue officially declared ‘red terror’ against the Ethiopian People’s Revolutionary Party (EPRP) and the All Ethiopian Socialist Movement (MEISON) in its Amharic abbreviation. Prior to the 9/11, inter alia, the EPRDF-led government in Ethiopia frequently used securitising terms like ‘anti-peace’, ‘anti-people’ to those who oppose or critique its order domestically and the word ‘terrorist’ to the Eritrean government and some irredentist groups from Somalia.<sup>332</sup> However, in the aftermath of the 2005 contested election, the ‘terrorism’ and ‘terrorist’ discourses became the buzzword and guiding principle in the country’s domestic and foreign relations.<sup>333</sup>

In 2006 Ethiopia crossed the border of Somalia in the name of fighting terrorism, and adopted its first Anti-terrorism Proclamation in the aftermath of the 2005 contested election in 2009. This securitisation move was followed by the proscription of the Oromo Liberation Front (OLF), the Ogaden National Liberation Front (ONLF), and the Ginbot 7 Movement for Justice, Freedom and Democracy, inter alia, as terrorist organisations by the EPRDF dominated FDRE House of People’s Representatives in 2011.<sup>334</sup> Of the proscribed political forces, the OLF and ONLF are ethnic based organisations whose demand was national [ethnic] self-determination, which is the foundational principle of the UN Charter, the 1966 International Human Rights Covenants and the 1995 FDRE constitution. Moreover, the right to national [ethnic] self-determination was the foundational principle of the TPLF and its sister organisations in their struggle against the Dergue regime and also the pillar of the FDRE Constitution.<sup>335</sup> The Ginbot 7 Movement for Justice, Freedom and Democracy, which was born out of the 2007 ‘failed’ election, on the other hand, advocates Social Democracy. The Ginbot 7 Movement for Justice, Freedom and Democracy, accusing the EPRDF for its systemic repression, widespread human rights violation,

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<sup>331</sup> Aregawi, 2008; Bahru, 2001.

<sup>332</sup> Haggmann, 2005: 509–36.

<sup>333</sup> Getachew, 2020:1– 62.

<sup>334</sup> Hiruy, 2018: 392–412.

<sup>335</sup> The FDRE Constitution, 1995; The TPLF Manifesto, 1976.

aspires to establish a democratic political system where people exercise their rights and freedoms, and justice is served.<sup>336</sup>

The new securitisation move remains perplexing at least for two reasons. First, the demands presented by the ethno-nationalist political forces or the social democrat Ginbot 7 Movement for Justice, Freedom and Democracy, are constitutionally justified. Second, the resort to armed struggle is a customary practice as far as the political history of the modern Ethiopia is concerned. The examination of the political history of modern Ethiopia reveals that the use of terror as an instrument to assume or maintain political power is not a 9/11 phenomenon; although, the narrative that ‘terrorism is an existential threat to Ethiopia’ is a new development. Therefore, the following section demystifies EPRDF’s and PP’s securitisation of terrorism in a new discursive narrative, treating their political opposition as an ‘existential threat’ to Ethiopia’s security.

### **3.3. Terrorism as an existential threat: An Old Practice in A New Discourse**

The existential threat narrative has dominated the political, academic and media discourses on terrorism since the 9/11.<sup>337</sup> This narrative depicts modern terrorism as unprecedented and new phenomenon.<sup>338</sup> Modern terrorism was framed as a threat to civilisation and liberal democratic values, something that may swallow civilised liberal democratic values at some point, and so on by mostly Western politicians and scholars. Thus, the fight against terrorism was portrayed as the struggle to death over values.<sup>339</sup> This narrative, informed states the need for extra-judicial measures to deal with the ‘terrorist threat’. Hence, most states amplified the need for extra-judicial measures to deal with the ‘terrorist threat’. The rationale behind this move is that securitisation gives states the legitimacy to claim a special right to use emergency power to deal with the ‘threat.’<sup>340</sup> Accordingly, most authoritarian regimes exploited the opportunity to normalise human rights abuses and liberty restrictions.<sup>341</sup>

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<sup>336</sup> Topical Note Ethiopia, 2012.

<sup>337</sup> Wolfendale, ed. Jackson, 2016: 246–68.

<sup>338</sup> Jackson, 2005.

<sup>339</sup> Michaelsen, 2012: 431–49.

<sup>340</sup> Buzan, Wæver, and de Wilde, 1998.

<sup>341</sup> Meisels, 2008; Neal, 2009.

Terrorism, in general, has been successfully securitised as an existential threat to the liberal democratic values and civilisations of the ‘free society’ following the 9/11.<sup>342</sup> Since then the securitising actors have demarcated an imaginary line between the good and the evil, and the civilised and the barbarian extremists.<sup>343</sup> The Western securitisation of terrorism, although not immune from critique, the 9/11 and the consequent Jihadist messages may serve as a normative and political justification to their narrative of terrorism as an existential threat to their liberal democratic values. From this point of view, the EPRDF-led government’s narrative of terrorism as an existential threat to Ethiopia remains perplexing.

The EPRDF-led government started to frame terrorism as an existential threat to Ethiopia in 2006 when the Union of Islamic Courts (UIC) from Somalia declared Jihad against Ethiopia.<sup>344</sup> The government successfully framed ‘terrorist groups’ from Somalia as existential threats to the security of Ethiopia. The regime used the Somalian irredentist claim and the resultant historic animosity between the two nations as a felicitous condition to its securitisation project.<sup>345</sup> Ethiopia, finally, crossed the border of Somalia under the guise of combatting terrorism in 2006.<sup>346</sup>

Ethiopia’s intervention in Somalia, although debatable, may have some normative and political justification. The Horn of Africa, in addition to its close proximity to the Middle East, which is deemed to be the origin of international terrorists like al-Qaeda, remains a safe haven to Jihadist groups with ties to al-Qaeda.<sup>347</sup> Terrorist groups operating in Somalia, although not necessarily an existential threat, would pose significant security threat to Ethiopia. For instance, (1) al-Itihad al-Islamiya (AlAI) had a record of attacks in Ethiopia; (2) the UIC has declared Jihad against Ethiopia in 2006; and (3) the extension of these groups- al-Shabaab continues to pose a considerable challenge to Ethiopia’s national security.<sup>348</sup> The July 2022 military incursion of al-

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<sup>342</sup> Jackson, 2005.

<sup>343</sup> Jackson, 2005.

<sup>344</sup> González, 2013: 76– 77.

<sup>345</sup> Hiruy, 2018: 392–412.

<sup>346</sup> Zelalem, 2017: 504; Tewodros, 2019: 1–22.

<sup>347</sup> Kagwanja, 2006: 72–86.

<sup>348</sup> Zeray, 2007: 666–76; González, 2013: 76–77; Kagwanja, 2006: 72–86.

Shabaab into the border of Ethiopia, for example, shows its continued interest against Ethiopia.<sup>349</sup> Although such military incursion to the border of Ethiopia is a new development, attempts of attack and terroristic propaganda have been there since Ethiopia's intervention in Somalia. In general, as far as the historical animosity, the Somalia irredentism over Ethiopia's Somali region, and the history of Ethiopia's intervention in Somalia are concerned, the Jihadist in Somalia will continue to pose threats to the national security of Ethiopia.<sup>350</sup>

The existential threat narrative of government (EPRDF and PP) in regards to the domestic security seems politically motivated. The narrative that 'terrorism is an existential threat to Ethiopia' lacks empirical evidence from the real security situation as far as the domestic context is concerned. It is plausible to argue that more than terrorism, human security issues like chronic poverty, political repression, human rights violation, ethnic conflict and violence, internal displacement, bad governance, etc., remain existential threats to Ethiopia.<sup>351</sup> The 2021 Ethiopia National Displacement (END) Report 10 revealed that, in 2018 Ethiopia recorded the third highest number with 3,191,000 Internally Displaced Persons (IDPs) worldwide. These figures are recent and numbers would vary, however, human security challenges have been unrecognised existential threats to the nation throughout its history. Moreover, it should be stressed here that worsened human security situation, inter alia, the denial of political rights and civil liberties would serve as a foundation for the proliferation of terrorists and terrorism. This point is further examined in chapter 4.

### **3.4. Ethiopia's Intervention in Somalia**

Since the 1977 Ogaden War, Ethiopia has been sceptical of political and military movements in Somalia.<sup>352</sup> The Ogaden War was among the biggest inter-state wars in Africa.<sup>353</sup> The war was started when the Somalian government under the leadership of Siad Barre invaded Ethiopia. The

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<sup>349</sup> Weiss and O'Farrell, 2022, accessed from: <https://www.longwarjournal.org/archives/2022/07/analysis-shabaabs-multi-day-incursion-into-ethiopia.php/>

<sup>350</sup> Mussa Adem, interview, Addis Ababa, February 3, 2023.

<sup>351</sup> Ethiopian Human Rights Commission Report, 2021; Human Rights Watch Report, 2018; International Organisation for Migration, 2021.

<sup>352</sup> Ingiriis, 2018: 2033–52.

<sup>353</sup> Gebru, 2000: 635–67.

invasion, according to Gebru Tareke, was aimed at annexing the Ogaden region of Ethiopia.<sup>354</sup> Siad Barre claimed territories in Ethiopia including the whole Hararghe, Bale, Sidamo, and the territory extending to Awash River.<sup>355</sup> Thus, the Barre government in Somalia organised, trained and supported secessionist groups from Ethiopia and irredentist groups, specifically from the Somali region Ethiopia. For instance, the Western Somalia Liberation Front (WSLF), the Somali-Abo Liberation Front (SALF), the Islamic Front for the Liberation of Oromia (OFLO), the Oromo Liberation Front (OLF), among others, were organised, trained, and supported by the government in Somalia against Ethiopia.<sup>356</sup> Somalia also serves as a meeting point for competing geopolitical actors and Ethiopian secessionist forces to advance their interest against Ethiopia.<sup>357</sup>

The ‘Great Somalia’ project and Islam as an organising principle have been central to political and militant groups in Somalia.<sup>358</sup> The ‘Great Somalia’ project, which was the dream of Siad Barre, remains in the memory of almost all Somalis. This project aspires to bring the Somalis of Ethiopia, Kenya, and Djibouti to the mainstream Somalia.<sup>359</sup> Political and militant groups, from al-Itihad al-Islamiya (AIAI) to al-Shabaab, have used the ‘Greater Somalia’ project as an instrument to mobilise support for their objective.<sup>360</sup> The narrative advanced by these groups is also evident among the Somali people. Ingiriis, in this regard, described that the ‘Somalis feel Ethiopia is their traditional enemy’.<sup>361</sup> On the side of Ethiopia, the irredentist claim of the Somali government and groups has always been framed as a threat to the territorial integration of Ethiopia.<sup>362</sup> Successive Ethiopian governments have worked against this ‘perceived threat’.<sup>363</sup>

According to Allo, Ethiopia’s intervention in Somalia was motivated by the historic animosity between the two nations.<sup>364</sup> He further argues that Ethiopia’s national security threat was

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<sup>354</sup> Nkaisserry, 1997.

<sup>355</sup> Gebru, 2000: 635–67.

<sup>356</sup> Gebru, 2000: 635–67.

<sup>357</sup> Zeray, 2007: 666–76; Ingiriis, 2018: 2033–52.

<sup>358</sup> Ingiriis, 2018: 2033–52.

<sup>359</sup> Gebru, 2000: 635–67; Ylonen, eds. Bach et al., 2022: 21–31.

<sup>360</sup> Ingiriis, 2018: 2033–52.

<sup>361</sup> Ingiriis, 2018: 2033–52.

<sup>362</sup> Allo, 2009: 202– 39; Ingiriis, 2018: 2033–52.

<sup>363</sup> Ingiriis, 2018: 2033–52.

<sup>364</sup> Allo, 2009: 202– 39.

exacerbated by the proliferating Islamic militancy in Somalia.<sup>365</sup> This argument has its premise from the AIAI's repeated 'terrorist attacks' in different places in Ethiopia, to which the group claimed responsibility.<sup>366</sup> AIAI was also behind the attempted assassination of Ethiopia's Minister of Communications and Transport, Abdulmejid Hussein.<sup>367</sup> The other felicitous condition to Ethiopia's securitisation move became evident when the UIC's spiritual leader, Sheikh Hassan Daher Aweys, who used to be among the top leaders of the AIAI, officially declared Jihad against Ethiopia.<sup>368</sup> In this regard, the UIC's takeover of Somalia was seen as a threat to Ethiopia for three reasons, among other things. First, as a remnant of the AIAI, and like other political and militant groups, the UIC had a firm stance towards the Greater Somalia project. Secondly, UIC's support for the ONLF and its relations with the Eritrea and Egypt was seen as a dangerous step against Ethiopia. Eritrea by the time was also negotiating with the UIC to secure a foothold to the Oromo Liberation Front (OLF) in Somalia. Thirdly, the UIC was a religious group purporting to realise the Islamic Republic of Somalia.<sup>369</sup> This initiative was not palatable to the government in Ethiopia.

The Great Somalia project and its irredentist claim was framed as a threat to Ethiopia's territorial integration, while the realisation of an Islamic republic of Somalia would mean a doomsday message to Ethiopia, a country with nearly half Muslim population.<sup>370</sup> These felicitous conditions have arguably pushed the Ethiopian audience to give their tacit support to the EPRDF's securitisation move.<sup>371</sup> Although some scholars and political analysts attribute EPRDF's securitisation move and its consequent intervention to Somalia to a pressure from the USA and the interest to secure economic benefits,<sup>372</sup> historical animosity and national security threats also seem to have dominated the securitisation move.<sup>373</sup>

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<sup>365</sup> Allo, 2009: 202–39.

<sup>366</sup> González, 2013: 76–77; Ingiriis, 2018: 2033–52.

<sup>367</sup> Shinn, 2003: 248–53.

<sup>368</sup> Allo, 2009: 202–39; González, 2013: 76–77; Ingiriis, 2018: 2033–52.

<sup>369</sup> González, 2013: 76–77; Allo, 2009: 202–39; Ingiriis, 2018: 2033–52.

<sup>370</sup> Shinn, 2003: 248–53.

<sup>371</sup> Mussa Adem, interview, Addis Ababa, February 3, 2023.

<sup>372</sup> Ketsela, 2016: 131–44; Bamfo, 2010: 55–65.

<sup>373</sup> Allo, 2009: 202–39; Ingiriis, 2018: 2033–52; González, 2013: 76–77; Shinn, 2003: 248–53; Zeray, 2007: 666–76.

### 3.5. Institutionalisation of the Discourse: Legitimising Repression?

Ethiopia adopted its first Anti-Terrorist Proclamation (ATP) 652 in 2009. This proclamation was amended and replaced by the Prevention and Suppression of Terrorism Crimes Proclamation (PSTCP) 1176 in 2020. The following sections discuss Ethiopia's move towards institutionalising its counterterrorism narratives and the way the regimes legitimised state terrorism in proclamations. The first section gives the whole picture of the proclamations and then delves into making immanent and second order critics with the objective to unveil the hidden political motivations within the legislations.

### 3.6. The Anti-Terrorist Proclamation

The Anti-Terrorist Proclamation was drafted by a committee organised with selected members from the House of People's Representatives, high ranking government officials, Public Prosecutors, judges, the National Intelligence and Security Service, and the Police.<sup>374</sup> This draft document was presented to the EPRDF dominated FDRE House of People's Representatives, and endorsed without considerable debate and scrutiny to its contents.<sup>375</sup>

The EPRDF justified the adoption of the ATP with Resolution 1373/2001, by which the UN Security Council called all member states to stand against the threat of terrorism. The EPRDF also argued that Ethiopia faces 'a clear and present danger' posed by terrorism.<sup>376</sup> The EPRDF-led government effectively exploited the Global Campaign against terrorism and the appearance of international 'terrorist' organisations in the Horn of Africa as a justification to convince its audience.<sup>377</sup> The government has also used 'terrorist' attacks carried out against Ethiopia before even the 9/11 and the perceived insecurity from Islamists and the Eritrean government in the Horn of Africa as a felicitous condition.<sup>378</sup>

Finally, the EPRDF's securitisation discourse was materialised and got institutional legitimacy as Anti-Terrorism Proclamation Number 652 in 2009. The preamble of the proclamation begins by stating the objective of the proclamation as 'to protect the right of the people to live in peace,

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<sup>374</sup> Yohannes, 2014.

<sup>375</sup> Yohannes, 2014.

<sup>376</sup> Wondwossen, 2013: 49–56.

<sup>377</sup> Zeray, 2007: 666–76.

<sup>378</sup> González, 2013: 76–77; Kassa, 2013: 49–56.



freedom and security at all times, from the threat of terrorism'. The proclamation, thus, instituted a special Anti-Terrorism Task Force including Prosecutors, Police, Intelligence personnel, and National Anti-Terrorism Coordinating Committee.<sup>379</sup>

The ATP, in general, contains seven parts. Part one of the proclamation is concerned with the nomenclature and giving précising definitions to terms used in the proclamation. Part two defines terrorism and related crimes and goes on criminalising planning, preparation, conspiracy, incitement, attempt of terrorist act, rendering support to terrorism, encouragement of terrorism, participation in a terrorist organisation, possessing or using property for terrorist act, possessing and dealing with proceeds of terrorist act, inducing or threatening witness and destroying evidence, false threat of terrorist act, and failure to disclose terrorist act.

Part three, on the other hand, details preventive and investigative measures, and stipulates the mandate and power of the police and the National Intelligence and Security Service. This part empowers the NISS to gather information by (1) intercepting or conducting surveillance on telephone, fax, radio, internet, postal and electronic communications of a person suspected of terrorism; (2) entering into any premise in secret to enforce the interception; and (3) install or remove instruments enabling the interception, upon a warrant getting court warrant. This part also gives the police the power to conduct sudden and covert search, and arrest suspects without court warrant.

Part four stipulates evidentiary and procedural rules. Here, the proclamation justifies admissibility of intelligence report prepared in relation to terrorism without reference to the methods the report was obtained, and claims for the validity of information obtained from hearsay or indirect evidences, digital or electronic evidences, interception or surveillance by domestic or foreign law enforcement bodies, confession of suspect of terrorism, for court procedures.

Part five sets out measures to control terrorist organisations and property. Here, the proclamation gives the House of People's Representatives the power to proscribe and de-proscribe an organisation as a terrorist organisation. The proclamation, in this part, lists procedures for (1)

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<sup>379</sup> Anti-Terrorism Proclamation 652, 2009.

proscribing terrorist organisation, (2) freezing and seizure of terrorist property, and (3) forfeiture of terrorist property.

Part six identifies institutions, including the personnel that are empowered to follow-up cases of terrorism and details their job description. This part also establishes the jurisdiction for the Federal High Court and the Federal Supreme Court jurisdiction to look over cases of terrorism. Lastly, part seven stipulates issues pertaining to the protection of witnesses, punishment mitigation circumstances, terrorism victims fund, applicability of the law and power to issue regulations.

### **3.6.1. The ‘Terrorist Acts’ in the ATP and the Place of Rights and Liberties**

In its preamble, as mentioned above, the ATP claims that its objective was to protect the right of people to live in peace, freedom and security. Despite this noble ambition, the proclamation carries stipulations that contradict with its proclaimed objective. The self-contradiction begins from article 3 of the law that defined [listed] terrorist acts in a broad and intentionally vague wording as:

Whosoever or a group intending to advance a political, religious or ideological cause by coercing the government, intimidating the public or section of the public, or destabilising or destroying the fundamental political, constitutional or, economic or social institutions of the country:

- a) Causes a person’s death or serious bodily injury;
- b) Creates serious risk to the safety or health of the public or section of the public;
- c) Commits kidnapping or hostage taking;
- d) Causes serious damage to property;
- e) Causes damage to natural resources, environmental, cultural or historical heritages;
- f) Endangers, seizes or puts under control, causes serious interference or disruption of any public service; or
- g) Threatens to commit any of the acts stipulated under sub-articles (1) to (6) of this Article; is punishable with rigorous imprisonment from 15 years to life or with death.

The stipulation also criminalises planning, preparation, conspiracy, incitement, and attempt of terrorist act (article 4); rendering support to terrorism (article 5); encouraging of terrorism (article 6); participation in a terrorist organisation (article 7); possessing or using property for terrorist act (article 8); possessing and dealing with proceeds of terrorist act (article 9); inducing

or threatening witness or destroying evidence (article 10); false threat of terrorist act (article 11); and failure to disclose terrorist acts (article 12).

The above definition, *inter alia*, fails to distinguish terrorism from other forms of political violence. What distinguishes terrorism from other forms of political violence is its instrumentality and indiscriminate targeting of non-combatants, among others. The word ‘person’ denotes any person irrespective his position or occupation. The statement ... “causes a person’s death or serious bodily harm” extends the acts of terrorism to security forces and armed combatants. Thus, the ‘terrorist acts’ definition categorises, for example, violence perpetrated against combatants as act of terrorism. This generalisation brings together any political violence to the domain of terrorism and more conflates terrorism with insurgent violence.

On the other hand, criminalising acts such as planning, preparation, incitement, rendering support to terrorism, encouraging of terrorism, among others, carry a broader and vague meaning, and remain subject to politically motivated interpretations. For instance, in most circumstances planning and preparation could be mental activities and a matter of thought. From this point of view, criminalising such activities would mean an attempt to control the mental activity of a human person. The ‘incitement’ and ‘encouraging’ statements also carry another politically motivated meaning. Inciting or encouraging people or a group for resistance against tyranny and in favour of democracy and human rights could be interpreted as acts of terrorism. The ‘encouragement’ statement is a more illogical and other regarding action. It makes responsible the writer or publisher, if someone understood it in different terms as encouraging terrorism. The ‘rendering support for terrorism’ statement also would criminalise a naïve and innocent individual who provided a drinking water to a ‘suspect terrorist’.

This overly broad and intentionally vague, but also politically contemplated listing of ‘terrorist acts’ had left a loophole against political pluralism, and the free exercise of political rights and civil liberties.<sup>380</sup> For instance, a [serious] damage to property, natural resource, environment, and cultural or historical heritage are defined [listed] as acts of terrorism. This definition [listing] includes property crimes and the disruption of public services, for example, committed without any intent to cause serious bodily injury, death, or hostage takings as ‘terrorist acts’. The stipulation also labels demonstrations, non-violent movements and minor acts of violence

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<sup>380</sup> Tewodros, 2019: 1–22; Zelalem, 2017:504–39.

committed in the form of political protest or activism; which for instance, closed the traffic flow or a strike that resulted in disruption of public services as ‘terrorist acts’ punishable by 15 years to life or death.

The proclamation, under article 6 listed the direct or indirect ‘encouragement of terrorism’ as a ‘terrorist act’. Although ‘encouragement of terrorism’ had not been given a précising definition, the article stated that:

Whosoever publishes or causes the publication of a statement that is likely to be understood by some or all of the members of the public to whom it is published as a direct or indirect encouragement or other inducement to them to the commission or preparation or instigation of an act of terrorism ... is punishable with rigorous imprisonment from 10 to 20 years.<sup>381</sup>

This stipulation criminalises political speeches, debates, and other statements which are deemed to be ‘encouraging terrorism’ or if it was understood by someone as ‘encouraging’ terrorism. This subjective political project overtly violates the right to freedom of expression and thought. A publication in favour of democracy, freedom or equality, but understood by someone or the political cadre as encouraging or inducing terrorism, would expose the speaker or writer to the terrorist charge as per the stipulation. In a state where the ruling elite is determined to maintain its grip on power at any cost, it is inevitable that such an intentionally inserted statement would serve as an instrument to stifle and criminalise political dissent.

The proclamation also gives broad power to the Police and Intelligence Personnel against individuals, groups, and media. For instance, Article 14 of the proclamation gives the National Intelligence and the Security Service to:

- a) Intercept or conduct surveillance on the telephone, fax, radio, internet, electronic, postal or similar communications of a person suspected of terrorism;
- b) Enter into any premise in secret to enforce the interception; or install or remove instruments enabling the interception; and
- c) Install or remove instruments enabling the interception.

According to this stipulation the National Intelligence and Security Service may conduct electronic surveillances on telephone and internet communications of any individual, or organisation. Articles 17 and 18 also give Police a broader power to conduct both covert and overt searches with no regard for confidential information, which is against privacy rights

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<sup>381</sup> Anti-Terrorism Proclamation 652, 2009.

recognised by domestic and international human rights instruments. Police was also empowered to arrest anyone suspected to have committed or committing terrorist act without court warrant.<sup>382</sup>

The proclamation, under Article 25, stipulates procedures for proscribing terrorist organisations. The House of People's Representatives was given the power to proscribe and de-proscribe terrorist organisations upon submission by the government [the executive branch]. This law-making organ, in parliamentary systems, is mostly dominated by a party that secured a majority seat in the house. Thus, in parliamentary systems there is no strict separation of power and check and balance among the three organs of government.<sup>383</sup> In most cases members of the executive committee are also members to the law-making organ. In this context it is inarguable that the political interest of the executive committee- the party with majority seats in the parliament is reflected in the parliamentary decision. It can be inferred from this that decisions passed by parliaments are more of political in nature and lack legal flavour. In the case of Ethiopia, where 98% of the seats in parliament were dominated by the EPRDF, it will be naïve to think that the process of proscribing contenders of the ruling party, and a government by itself would be free of political intentions. Therefore, Article 25, which gave the power of proscribing an organisation as terrorist organisation subjects the proscription to political interests, and transgresses the normative understanding that the legality of an association shall be ascertained by a judiciary organ. The Proclamation under Article 25 lists the conditions by which an organisation can be designated as a terrorist organisation. According to the provision:

Any organisation shall be proscribed terrorist organisation if it directly or indirectly: commits acts of terrorism; prepares to commit acts of terrorism; supports or encourages terrorism; or is otherwise involved in terrorism.

This provision can be questioned both at theoretical and practical levels. The 'terrorist acts' definition that listed damages to natural resources, environmental, cultural or historical heritages, and serious interference or disruption of public service as 'terrorist acts', among others, subjects political movements to the 'terrorist' proscriptions. Moreover, freedom of association, freedom of expression, freedom of movement, the right to privacy, etc., which are curtailed by this proclamation are central to democratic political process, the absence of which makes democratic

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<sup>382</sup> Anti-Terrorism Proclamation 652, 2009.

<sup>383</sup> Persson, Roland, and Tabellini, 1996.

politics inconceivable. The free exercise of civil liberties and political rights remain the alpha and omega of a democratic politics. Thus, systematically curtailing the free exercise of these rights and liberties would mean justifying the use of violence, or terror as an instrument to secure these rights and liberties back. Moreover, the definition that brought both violence perpetrated against combatants and violence perpetrated against non-combatants into the domain of terrorist act, denies a political personality to insurgent groups with legitimate demand.

### 3.6.2. The ATP in Comparative Perspective

There is no universally agreed definition of terrorism or terrorist act to guide the arbitrary and politically motivated terrorist conceptualisation, especially in authoritarian contexts. However, states bear normative obligation from the Universal Declaration of Human Rights (UDHR) and under the international law to adhere to the regional and international human rights conventions, to which they are party.<sup>384</sup> The UDHR, for instance, reminds that member states have pledged themselves to achieve human rights and fundamental freedoms. The 1966 Convention on Civil and Political Rights, *inter alia*, calls on all states party to the convention to discharge their obligation under the United Nations Charter by promoting universal respect for, and observance of, human rights and freedoms.<sup>385</sup> The convention, while recognising the probability for taking measures derogating from obligations under the covenant in times of public emergency, has also indicated certain non-derogable rights. In this regard, ATP's overly-broad and intentionally vague definition of the terrorist act with repercussions to fundamental human rights, deviates from the principles of the International Human Rights Law, although the ATP was claimed to conform to the international human rights conventions to which Ethiopia is signatory and to be a direct copy of the anti-terrorism legislations of the liberal democratic states, specially the UK.<sup>386</sup>

The UN Panel on Threats, Challenges and Change, for instance, defines:

Terrorism is any action that is intended to cause death or serious bodily harm to civilians and non-combatants, when the purpose of such act, by its measure or context, is to intimidate a population, or to compel a government or an international organisation to do or to abstain from doing any act.<sup>387</sup>

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<sup>384</sup> International Covenant on Civil and Political Rights, 1966; International Covenant on Economic, Social and Cultural Rights, 1966.

<sup>385</sup> International Covenant on Civil and Political Rights, 1966.

<sup>386</sup> Wondwossen, 2014: 371–405.

<sup>387</sup> Report of the High-Level Panel on Threats, Challenges and Change, 2014.

This definition clearly points to the ontological status of terrorism as an instrumental threat or use of violence against non-combatants for political ends. The ATP, from this point of view fails to unambiguously show that one of the salient features of terrorism- targeting non-combatants. The ATP's definition of terrorist act generalises any instrumental violence or threat of violence that causes death or seriously bodily harm or injury to a person. Thus, violence perpetrated against combatants is also terrorist act as far as 'a person' is concerned. Here, it becomes clear that insurgent groups fighting against government security forces to compel government for certain political ends are terrorists with this definition. This definition also doesn't criminalise the destruction of natural resource, property, cultural heritage, and the disruption of public service. Moreover, planning, preparing, conspiring, incitement and attempt to commit terrorist acts are not included in the 'terrorist' definition of the UN Panel on Threats, Challenges and Change.

The USA Department of State, on the other hand, defines terrorism as a "premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents".<sup>388</sup> This definition although actor based, it captures the salient feature of terrorism, i.e. politically motivated violence against non-combatants. The ATP, as it has been discussed above, purposefully fails to distinguish terrorism from other forms of political violence, and even imprecisely labels non-violent movements like disruption of public service and property crimes as acts of terrorism.

There was a claim made by the EPRDF-led government, in an attempt to calm the wide critics from different institutions and scholars, that the ATP is a verbatim copy of the UK Terrorism Act. According to the UK Terrorism Act (2000), terrorism means:

The use or threat of action designed to influence government or an international governmental organisation, or to intimidate the public or a section of the public, and the use or threat is made for the purpose of advancing a political, religious, racial or ideological cause .... (a) involves serious violence against a person, (b) involves serious damage to property, (c) endangers a person's life, other than that of the person committing the action, (d) creates a serious risk to the health or safety of the public or a section of the public, or (e) is designed seriously to interfere with or seriously to disrupt an electronic system.

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<sup>388</sup> The USA State Department Report, 2001.

The ATP, in this regard, is not a ‘verbatim’ copy of the TA of the UK; rather some statements have been either revised or contextualised to the domestic political interest. In both cases terrorism was defined in terms of violence perpetrated against both combatants and non-combatants referred to as persons (the TA excludes the person who perpetrates the violence), damage to property, and risk to the health of the public or section of the public. The ATP, inter alia, contextualised the ‘disruption of an electronic system’ in TA to ‘disruption to public service’.

The TA and ATP carry an overly-broad and vague definition of terrorism and terrorist acts respectively. Terrorism, in both legislations, is extended to include violence perpetrated against combatants and crimes of property. These provisions conflate terrorism with other acts of political violence, including minor violence from political activism or protest against government’s engagement in, for instance, human rights violation or terrorism. The provisions are open to subjective interpretations and hence manipulation of ‘terrorism’ and ‘terrorist act’ for political ends against the free exercise of rights and liberties. The TA and ATP also empower police and intelligent agents against the rights and liberty of individuals and communities. From these legislations, minor differences remaining constant, it can be concluded that maintenance of [public] order was the overriding concern for the UK, which has always been accredited for being the heart of liberal democracy and Ethiopia, which is a proudly authoritarian state.

### **3.7. Prevention and Suppression of Terrorism Crimes Proclamation: New Wine in Old Bottles?**

The ATP, which inarguably served the power interest of the EPRDF for about eleven years is amended and replaced by the Prevention and Suppression of Terrorism Crimes Proclamation 1176/2020 following the 2018 political reform in the country. The new leadership boldly admitted the ‘terrorism of the counterterrorism’ in the country. The Reformist Prime Minister, Abiy Ahmed, in a rare and candid admission before the HPR, said that the Security institutions of the country committed torture and ‘terrorist acts’ against citizens. He further argued that ‘our constitution doesn’t allow it, but we have been torturing, causing bodily harms, and even putting



inmates in dark prison cells; ... these were terrorist acts committed by us, and using force just to stay in power is a terrorist act too'.<sup>389</sup>

The 'Reformist' PP-led government, thus, adopted a new Prevention and Suppression of Terrorism Crimes Proclamation (PSTCP) 1176/2020. In the preamble, it stated that the old proclamation had substantive and enforcement loopholes which produced a negative effect on the rights and freedoms of citizens within the previous proclamation; thus, justifies the need for a law that enables adequately to protect rights and freedoms of individuals and prevalence of accountability of law enforcement bodies.<sup>390</sup> This law, as does its predecessor, stresses on the seriousness of the terrorist threat to the peace and security of Ethiopia and the international community in its preamble.

The PSTCP is organised into seven parts. Part one begins with naming the legislation and goes on giving précising definitions to terms. Part two defines terrorist acts and criminalises intimidation to commit terrorist act, planning and preparation for commission of terrorist act, conspiracy to carryout terrorist acts, false threat of terrorist act, rendering support to terrorist, incitement, possessing property associated with terrorist crime, obstructing the function of whistle blowers and witness, obstructing the function of judiciary and executive organs, destroying evidence, failure to notify and aiding a suspect, and the participation of judicial person in crime. Part three stipulates the conditions, process and procedures for proscribing an organisation as a terrorist organisation and revocation. The proclamation gives the House of People's Representatives the power to proscription and revocation. This stipulation criminalises participation in organisations proscribed as terrorist organisations by heading the organisation, being membership and taking training. Part four stipulates police power, and details 'preventive mechanisms' such as surprise search, rescuing persons exposed to terrorist acts, obligation of lessor and accommodation provider, obligation to provide information, and prevention of terrorism ideas and extremism. Part five stipulates roles and accountability of the Federal Police, National Intelligence and Security Service, Federal Attorney General, National Anti-terrorism

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<sup>389</sup> Prime Minister Abiy Ahmed's speech to the parliament, June 28, 2018, available at: <https://youtu.be/tvcb5-cjkh0>

<sup>390</sup> Prevention and Suppression of Terrorism Crimes Proclamation 1176/ 2020.

Coordinating Committee, and other relevant organs. Part six sets out procedures for the conduct of special investigation mechanism and finally, part seven deals with miscellaneous stipulations.

### 3.7.1. The ‘Terrorist Acts’ in the PSTCP and the Place of Rights and Liberties

The PSTCP, in its preamble, pointing to the seriousness of the terrorist threat to Ethiopia and the international community, asserts that government has the responsibility to maintain peace and security of the country. ‘The country’, a term mostly understood as an area of land with particular physical features and associated with particular people, is in most cases different from the state- which is a highly organised political institution. The proclamation, unlike the ATP that made its referent people at least in theory, refrains from clearly stating its security referent object. The PSTCP, hence goes on to defining terrorist acts as:

Whosoever, with the intention of advancing political, religious or ideological causes for terrorising, or spreading fear among the public or section of the public or coercing or compelling the Government, Foreign Government or International Organisation:

- a) Causes serious bodily injury to person;
- b) Endangers the life of a person;
- c) Commits hostage taking or kidnapping;
- d) Causes damage to property, natural resource or environment; or
- e) Seriously obstructs public or social service; is punishable with rigorous imprisonment from ten years to eighteen years.

In this definition, inter alia, the tautological description that states ... whosoever, with the intention of advancing political, religious or ideological causes for terrorising, ... makes a logical fallacy. Terrorism has never been an end objective of any individual or organisation. It is only a tactic employed to achieve even sometimes for a democratic or an emancipatory objective. Terrorising or terrorism as a tactic may be employed with the intention of advancing political, religious or ideological cause, but not advancing political, religious or ideological cause for terrorising.<sup>391</sup>

The proclamation criminalises intimidation to commit terrorist acts (article 5), planning and preparation for commission of terrorist acts (article 6), conspiracy to carry out terrorist acts (article 7), false threat of terrorist acts (article 8), rendering support (article 9), incitement (article 10), possessing property associated with terrorism crime, among others. A serious obstruction of public or social service is terrorist act as stipulated under article 3(e). In this regard, a statement

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<sup>391</sup> Romaniuk et al., eds., 2017.

calling for a strike by, for instance, an opposition politician or a statement that warns the government of the possible danger of upheaval, or a likelihood of revolution may be interpreted as an intimidation to commit terrorist acts. For instance, Eskinder Nega's analysis of the Arab Spring and its implication to Ethiopia and his Happy New Year Wish was interpreted as an act encouraging or incitement of terrorism.<sup>392</sup> In similar fashion Andualem Arage's New Year Wish was also interpreted as a speech inciting and encouraging acts of terrorism.<sup>393</sup> The stipulation that criminalises planning and preparation for commission of terrorist acts also remain open for political manipulations. This stipulation intends to criminalise a mental activity or thought- a state of thinking. The stipulation does not put methods and mechanisms by which to engineer whether someone is planning to commit terrorist acts or not. The 'rendering support' stipulation criminalises, inter alia, the provision of technical, counselling or professional support. In this regard, a scholar of terrorism studies that engaged in researching successful terrorist tactics would indirectly provide professional assistance to a terrorist group. This statement also carries an interpretation that would serve the political interest of the ruling minority against the opposition and critical voices.

The 'incitement' clause, on the other hand, criminalises publication, production, distribution, selling, and storing of statements, writings or images that are deemed by someone as intended to incite terrorist act. For instance, unexpectedly Johan Galtung's Peace Theory or Amartya Sen's Development as Freedom may be understood by someone as inciting terrorist act; especially Galtung's idea of structural violence may seem inciting [encouraging] terrorist act against those who exploit and control the national wealth.

In general, the above definition of 'terrorist acts', although claimed to avoid the overly broad and vague definition presented in the ATP, the problem persists with ostensibly salient changes. As it is the case with the ATP, this proclamation extends terrorist acts to attacks perpetrated against combatants. The statements- "causing serious bodily harm to a person" and "endangers the life a person" brings the terrorist act issue to include attacks perpetrated against combatants and non-combatants. This definition fails to conform to the UN Panel on Threats, Challenges and Change definition of terrorism where it is conceptualised as the attack perpetrated against civilians and

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<sup>392</sup> Amnesty International Report, 2011.

<sup>393</sup> Amnesty International Report, 2011.

non-combatants.<sup>394</sup> The definition also contradicts with the USA State Department's definition, which in similar tone with the UN Panel on Threats, Challenges and Change, defined terrorism as a premeditated violence against non-combatants.<sup>395</sup>

In the definition, among others, '...compelling the government' for political ideological, or religious causes is also labelled as a 'terrorist act'. This remains unclear and imprecise as far as the statement 'seriously obstructing public or social service' is concerned. Compelling or pressuring a government to do or abstain from carrying out a certain task through a 'serious' strike or any other non-violent means has been a norm and manifestation of a functioning democracy since the evolution of democratic governance.<sup>396</sup> From this point of view, categorising the practice of compelling or pressuring government as a 'terrorist act' would mean the official divorce against the fundamental principle of popular sovereignty. This 'definition' curtails the movement of political activists, political parties, and pressure groups. The provision gives the government the status of the Hobbesian Leviathan, where people traded security for freedom and left the sovereign with unquestioned power.<sup>397</sup>

The PSTCP, unlike the ATP, which unconditionally labelled damages to property, natural resource, environment, and the obstruction of public or social service as 'terrorist acts', stipulates exceptions to obstruction of public service caused by a strike, when the obstruction is related to the institution or profession of the strikers or if the obstruction of public service happens while exercising rights recognised by law such as demonstration, assembly and similar rights. However, this stipulation leaves a new loophole by putting perplexing statements subject to political decision. For instance, framing whether certain obstruction of public or social service is caused while exercising rights recognised by law or not remains subject to political decision. The exception clause leaves the exercise of rights recognised by the constitution subject to arbitrary framings by the government and its agents. The obstruction of public or social service as a result of demonstrations or assembly against the government or its interest may be labelled as 'terrorist acts', while obstruction of public or social service as a result of demonstrations in support for the government are acknowledged as rights recognised by the law.

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<sup>394</sup> Report of the High-Level Panel on Threats, Challenges and Change, 2004.

<sup>395</sup> Report of the High-Level Panel on Threats, Challenges and Change, 2004.

<sup>396</sup> Laski, 1919.

<sup>397</sup> Hobbes [1651], ed. Widger and White, 2009..

The PSTCP has replaced ATP's vaguely-worded stipulation of 'encouragement of terrorism' with a specific political language 'incitement'; however, it goes on criminalising freedom of expression and expression in the more politically contemplated statements under article 10(2):

Whosoever in clear manner incites by statement, writing, using image or by any other conduct to cause the commission of any acts [terrorist acts], or publish, produce, communicate, distribute, store, sell, or make available to the public through any means anything with substance of such kind shall be punishable with rigorous imprisonment from three year to seven years, provided that the crime was attempted or committed.<sup>398</sup>

The 'incitement' clause, although specific and clear when compared to the 'encouragement of terrorism' clause, it remains problematic as far as freedom of expression and thought is concerned. Freedom of expression is a fundamental right essential for the enjoyment of a wide range of human rights and recognised under the UDHR, ICCPR and the FDRE Constitution.<sup>399</sup>

The Universal Declaration of Human Rights (UDHR), for example stated under Article 19:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The 1966 International Covenant on Civil and Political Rights also affirms Freedom of Speech in similar words under Article 19(2):

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

The right of thought, opinion and expression has also been given due emphasis under the 1995 FDRE Constitution Article 29. The Constitutions under Article 29 (2) stipulates that:

Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice.

The ICCPR and the FDRE Constitution have stipulated the circumstances by which Freedom of Expression can be restricted to some extent. The FDRE Constitution, for example, puts limitation on the Freedom of Speech when a speech is deemed to impinge on the well-being of the youth,

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<sup>398</sup> Prevention and Suppression of Terrorism Crimes Proclamation 1176, 2020.

<sup>399</sup> Universal Declaration of Human Rights, 1948; International Covenant on Civil and Political Rights, 1966; The FDRE Constitution, 1995.

and the honour and reputation of individuals. This prohibition does not necessarily reflect the ‘incitement’ clause under the PSTCP. Since one cannot think of democracy and civilised political dialogue in a country where freedom of thought, expression, and opinion are censored and restricted by law.

The PSTCP, like its predecessor, gives the power of proscribing and de-proscribing [terrorist] organisations to the House of People’s Representatives upon the recommendation and approval of the Federal Attorney General and the Council of Ministers respectively. However, the puzzle here is that, the proclamation gives the executive organ an immunity to keep the recommendations for proscription confidential. Even under circumstances where the House of People’s Representatives are unable to pass resolution based on the general information provided; some members of the parliament may be selected to look into the confidential matter with an obligation imposed upon them to keep the issue confidential.<sup>400</sup> This practice runs the risks of false outcomes and also jeopardises the right of access to information and the customary legal and normative principle of equal treatment.

The Proclamation, however, lists conditions for proscribing an organisation as a terrorist organisation under Article 19. According to this stipulation an organisation may be proscribed as a terrorist organisation if:

- a) It operates by carrying terrorist crimes as its objective; or
- b) The management or the decision-making body of the organisation practices or officially accepts the crime or leads its operation; or
- c) The crime defines the organisation through its operation and conduct or most of its employees carry out its activities with knowledge of the crime.

The proclamation asserts that ‘the House of People’s Representatives may undertake act of proscribing a terrorist without requiring prosecution or punishment of an organisation in court of law’ (Article 18(3)). This bold assertion, despite its overt transgression of the judicial jurisdiction, supports the argument that terrorist proscriptions had and have been serving the power interest of the ruling minority.<sup>401</sup>

This legislation also gives broad power to the Intelligence Personnel and Police Force. Police is empowered to conduct a warrantless ‘surprise search’ upon the permission by the Commissioner

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<sup>400</sup> Prevention and Suppression of Terrorism Crimes Proclamation 1176, 2020.

<sup>401</sup> Tewodros, 2019: 1–22; Getachew, 2020: 1–62.

General of the Federal Police Commission, and employ special investigation techniques including:

- a) Intercepting or conducting surveillance on postal, letter, telephone, fax, radio, internet and other electronic devices exchange or communications of a person suspected of terrorism.
- b) Conducting surveillance or installing camera, audio or video recording devices.
- c) Infiltrating and collaborating the suspect's group and follow up their activities.
- d) Creating simulated communication.

This provision goes far against individual, group or organisational privacy. In doing so it violates both the international human rights stipulations and domestic constitutional principles. Empowering the Intelligence Institutions and the Police Force against individuals, groups and organisations contradicts with the very stated objective of the proclamation itself and the general counterterrorism policies. It will be a fallacious to argue that the legislation that veiled freedom of thought, speech, expression, movement, and association, aspired to protect the security of people against the threat of terrorism. In general, it can be argued that the Prevention and Suppression of Terrorism Crimes Proclamation is a 'new wine in old bottles', by which the government traded its responsibility to protect the rights, liberty and security of people for its narrow and selfish power interest.

### **3.7.2. The PSTCP in Comparative Perspective**

The PSTCP, in its preamble, stresses the need to cooperate with other countries having anti-terrorism legislations and implement international treaties to which Ethiopia is party and resolutions adopted by the United Nations.<sup>402</sup> Accordingly the following section examines its intertextuality to the international bill of rights, regional convention to which the country is party and to the anti-terrorism legislations of some purposively selected states.

The PSTCP definition of the 'terrorist acts' includes both the intentional and physical elements. The intentional element describes the intention of advancing political, religious or ideological cause for terrorising ... and the physical element included causing bodily harm or injury to a person, endangering the life of a person, hostage taking or kidnapping, damage to property, natural resource or the environment, and the obstruction of public or social service. This

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<sup>402</sup> Prevention and Suppression of Terrorism Crimes Proclamation 1176, 2020.

definition, for instance, contradicts with the UN Panel on Threats, Challenges and Change definition of terrorism as discussed in relation to the ATP above. This definition stressed on the instrumentality of the terrorist violence and the targeting of non-combatants. The PSTCP's definition of 'terrorist acts' while recognising the instrumentality of the terrorist violence, fails to reflect the instrumentality feature in the definition. The victims of terrorism are not the terrorist's direct targets.<sup>403</sup> A non-state group violence that targeted a state security forces (combatants), for example, fails to qualify the instrumentality element. Thus, while the definition of the UN Panel on Threats, Challenges and Change excludes non-state actors, which use violence against combatants in their struggle to achieve certain political objective, the PSCTP understands violence perpetrated by these groups against, inter alia, combatants as a terrorist act.

The PSCTP's definition of the 'terrorist act', however, conforms to the 1999 OAU's Algiers Convention on the Prevention and Combating of Terrorism, which defined 'Terrorist act' as:

Any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage.

This convention also criminalises intimidation, the disruption of any public service and creation of a general insurrection in a state, any promotion, sponsoring, command, aid, incitement, encouragement, conspiracy, and organising or procurement of any person, among others. The PSTCP, in number of ways, conforms to the Algiers convention. Both the Algiers convention and the PSTCP extend the terrorist act to [any] person, which includes combatants and non-combatants. They also include damages to property, natural resources and environmental to the domain of the terrorist act, and criminalise intimidation, disruption of public service, incitement, and conspiracy, among others. However, there exist minor differences between the convention and the PSTCP. For instance, the PSTCP refrains from including the damage to cultural heritage and violence against the physical integrity of a person in the definition of the 'terrorist act'. It should be noted here that causing serious bodily injury may not incorporate violence against the

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<sup>403</sup> Blakeley, 2009.



physical integrity of a person, which refers to torture and other inhuman or degrading treatments or punishment.<sup>404</sup>

The USA has been the champion of the campaign against terrorism and has influenced the production and reproduction of the terrorism and counterterrorism discourses in unprecedented way. The counterterrorism discourse of Ethiopia is also inarguably imitated from the US Global War on Terror campaign. However, the ‘terrorist act’ definition of the ATP as well as the PSTCP deviates from the USA Department of State definition of terrorism. As it has been discussed above, the 2006 definition of USA Department of State understands terrorism in terms of a “premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents”, although institutions throughout the USA adopt different and sometimes contradicting definition of terrorism.<sup>405</sup> The USA Department of State definition, although actor based, points to the instrumental targets of the violence, i.e. non-combatants. This contradicts with the overly broad and vague definition of the PSTCP which extended the terrorist violence to combatants.

On the other hand, the 2001 Terrorism Act of the UK, as it was the case with the ATP, agrees with the PSTCP understanding of the terrorist acts. In both cases, terrorism is referred to as the use or threat of violence designed to compel government or an international organisation with the intention to achieve political, ideological or religious objective. The legislations define terrorism or terrorist act as involving serious violence against a person, property, and violence that endangers the life of a person. However, the PSTCP, while contextualising ‘serious disruption to the electronic system’ to serious disruption to public or social service’, refrains from including acts that create serious risk to the health and safety of the public into its terrorist act list. The 1974 UK’s Prevention of Terrorist act, for example, defined terrorism as “the use of violence for political ends and includes any use of violence for the purpose of putting the public or any section of the public in fear”. This definition, although short, remains vague and subject to diverse interpretations. It doesn’t specify the target other than the intention of the violence. UK’s anti-terrorism legislations, which are claimed to influence Ethiopia’s anti-terrorism legislations,

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<sup>404</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987.

<sup>405</sup> Lumina, 2007: 35–67.

remain silent about distinguishing combatants from non-combatants. The case might be UK's counterterrorism had always been directed against the [separatist] Irish Republican Army (IRA) and the Overseas colonies that claimed liberation; and these entities were armed combatants.<sup>406</sup> From this point of view, it can be argued that the UK's extension of terrorism to violence perpetrated against combatants and the Ethiopian imitation of the same thing was/is aimed at suppressing separatist and liberation movements under the 'terrorist' banner. In general, Ethiopia's ATP and the amended PSTCP, the Canada Anti-Terrorism Act (2001) and the Australian Anti-Terrorism Act (2005) use the similar wording with the UK's Terrorism Act (2000). As it is the case with the UK's Terrorism Act (2000), the terrorism definition of Canada and Australia also fail to distinguish combatants from non-combatants. Despite minor differences regarding the proscribing institution or authority, their proscription regimes also resemble to a greater degree.<sup>407</sup>

### 3.8. Changes and Continuities

The ATP and PSTCP, inter alia, used the term 'person' which was/is précised as a 'physical or juridical person' and a 'Natural Person' or 'Juridical Person' respectively. The term 'person' is thus intended to denote both combatants and non-combatants.<sup>408</sup> Both proclamations understood terrorist act in terms of violence, threat of violence or [damage] perpetrated against a person [combatants and non-combatants], among others. The overly broad and vague definitions under both proclamations extend terrorist acts to include property crimes, damage against the natural resource and environment, and the obstruction of public service. Although the PSTCP introduced minor changes,<sup>409</sup> it plays politically contemplated semantic games, although, these semantic games appear poorly sophisticated. For instance, the expression "whosoever, with the intention of advancing political, religious or ideological causes for terrorising ..." fails to objectively conceptualise 'terrorism' or 'terrorist act'. No 'terrorist' or 'terrorist group' has its objective as 'terrorising'; rather 'terrorising' is the tactic adopted in pursuit of certain political, ideological or religious interest.

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<sup>406</sup> Demirsu, 2017.

<sup>407</sup> Jarvis and Legrand, 2018: 199–215; McGarrity and Williams, eds. Jarvis and Legrand, 2019: 36–60.

<sup>408</sup> Worku Yimer, interview, Addis Ababa, February 1, 2023.

<sup>409</sup> Abraham Getaneh, interview, February 2, 2023.

According to the ATP, for instance, [whosoever] endangers, seizes or puts under control, causes serious interference or disruption of any public service, commits terrorism is punishable with rigorous imprisonment from 15 years to life or death. Public Service is précised under article 2(7) as “electronic, information communication, transport, finance, public utility, infrastructure or other similar institutions or systems established to give public service”. Therefore, workers strike, temporary obstruction of public bus, a serious damage to police cars or bill boards with a political message during public demonstrations intending to advance political or ideological cause by coercing government are also acts of terrorism; thus, punishable with rigorous imprisonment from 15 years to life or death. This stipulation obviously curtails the free exercise of people’s democratic rights.

The PSCTP also stresses on the similar provision: [whosoever] ‘seriously obstructs public or social service’ intending to advance political or ideological cause by compelling government is punishable with rigorous imprisonment from ten years to eighteen years. However, the PSTCP provides an exception in the following manner:

Obstruction of public service caused by a strike and the obstruction is related to the institution or profession of the strikers or exercising rights recognised by law such as demonstration, assembly and similar rights shall not be deemed to be a terrorist act.

The ‘exception’ statement creates a new loophole in “...a strike, and the obstruction is related to the institution or profession of the strikers”. Since this exception clause doesn’t concern with the strike and obstruction outside the strikers’ institution or those demonstrators gathered from different institutions and professions with similar objective. The exception clause made minor revision, although remained vague and subject to subjective interpretations.

The ‘incitement’ clause within article 4 of the ATP, where it is stated as “planning, preparation, conspiracy, incitement, and attempt of terrorist act” are criminalised, has been replaced by the ‘incitement’ article, where it is stipulated in a more repressive language that intends to criminalise freedom of expression and press in the following way:

Whosoever in clear manner incites by statement, writing, using image or by any other conduct to cause the commission of any of the acts provided for under Article 3 of this Proclamation or publish, produce, communicate, distribute, store, sell, or make available to the public through any means anything with substance of such kind shall be punishable with rigorous imprisonment from three year to seven years, provided that the crime was attempted or committed.

This article, in a subtle way, criminalises statement, writing, using image, ... publication, production, communication, distribution, storing, selling, or making available to the public. For instance, a statement or writing that incited workers to strike or hold demonstration in a way that obstructs public bus or any other social service amounts to terrorist act. Although such democratic rights are exempted, the exception clause doesn't precisely address the incitement case.

The 'rendering support' to terrorist(m) clause also introduces a seemingly semantic game change. The ATP, for example, stated "whosoever, knowingly or having reason to know that his deed has the effect of supporting the commission of a terrorist act or a terrorist organisation ...". On the other hand, the PSTCP stated "Whosoever knowingly supports or assists directly or indirectly the commission of a terrorist act or with the intent to support a terrorist Organisation ...". These tautological changes between 'knowingly' and 'having reason to know' is a showcase for the intended political outcome from the legislations. However, this is not to camouflage the change that the PSTCP made with regard to humanitarian aid given by humanitarian organisations engaged in providing aid and a support made by a person who has legal duty to support others.<sup>410</sup>

The 'encouragement of terrorism' clause under the ATP Article 6, for example, stated:

Whosoever publishes or causes the publication of a statement that is likely to be understood by some or all of the members of the public to whom it is published as a direct or indirect encouragement or other inducement to them to the commission or preparation or instigation of an act of terrorism stipulated under Article 3 of this Proclamation is punishable with rigorous imprisonment from 10 to 20 years.

This article intends to criminalise an individual by what others could understand from her/his publication other than the message the writer intended to deliver. The article is rather a showcase for how totalitarian regimes exploit anti-terrorism legislations to curtail freedom of expression, thought and press. The PSTCP, in this regard, has totally avoided the 'encouragement of terrorism' article.

In general, although the PSTCP introduced minor changes from the past, it has also included new articles with repercussions to the free exercise of rights and liberties. For instance, the 'incitement' clause that criminalises inciting by statement, writing, image, production,

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<sup>410</sup> Frezer Worku, interview, Addis Ababa, February 2, 2023.

distribution, publication, etc. presents an amended danger to freedom of expression, thought and press, as it has been discussed above. The amended proscription regime, unlike its predecessor, denies the organisation being proscribed access to the ‘confidential matters’. The PSTCP also provides independent articles concerning crimes committed against the judicial and executive organ, and whistle-blowers.

**Table 2 Comparison of the ATP and PSTCP**

	<b>ATP</b>	<b>PSTCP</b>
Objective	To protect the right of people to live in peace, freedom and security	To maintain peace and security of the country
Terrorist act	<p>Whosoever or a group intending to advance political, religious or ideological ... :</p> <ol style="list-style-type: none"> <li>1. Causes a person’s death or serious bodily harm;</li> <li>2. Creates serious risk to the safety or health of the public or section of the public;</li> <li>3. Commits kidnapping or hostage taking;</li> <li>4. Causes serious damage to property;</li> <li>5. Causes damage to natural resource, environment, historical or cultural heritages;</li> <li>6. Endangers, seizes, or puts under control, causes serious interference or disruption of any public service</li> </ol>	<p>Whosoever, with the intention of advancing political, religious or ideological causes for terrorising, ... :</p> <ol style="list-style-type: none"> <li>1. Causes serious bodily injury to person;</li> <li>2. Endangers the life of a person;</li> <li>3. Commits hostage taking or kidnapping;</li> <li>4. Causes damage to property, natural resource or environment; or</li> <li>5. Seriously obstructs public or social service <ul style="list-style-type: none"> <li>➤ obstruction of public service caused by a strike ... in exercising rights recognised by law such as demonstration, assembly and similar rights are excluded</li> </ul> </li> </ol>
Criminalises	<ul style="list-style-type: none"> <li>• Planning, preparation, conspiracy, incitement, and attempt of terrorist act</li> </ul>	<ul style="list-style-type: none"> <li>• Planning or preparation for commission of terrorist act</li> <li>• Conspiracy to carry out terrorist</li> </ul>

	<ul style="list-style-type: none"> <li>• Rendering support to terrorism</li> <li>• Encouragement of terrorism</li> <li>• Participation in a terrorist organisation</li> <li>• Possessing or using property for terrorist act</li> <li>• Possessing and dealing with proceeds of terrorist act</li> <li>• Inducing or threatening witness or destroying evidence</li> <li>• False threat of terrorist act</li> </ul>	<p>act</p> <ul style="list-style-type: none"> <li>• Rendering support</li> <li>• Intimidation to commit terrorist act</li> <li>• Incitement</li> <li>• Possessing property associated with terrorism crime</li> <li>• Destroying evidence</li> <li>• Failure to notify and aiding a suspect</li> <li>• Targeting executive and judiciary organ, whistle blowers and witness</li> <li>• False threat of terrorist act</li> </ul>
Proscription and de-proscription power	The House of People’s Representatives may proscribe an organisation as terrorist organisation or de-proscribe	The House of People’s Representatives may proscribe an organisation as terrorist organisation or de-proscribe
Conditions for proscribing	<p>Any organisation shall be proscribed as terrorist organisation it directly or indirectly:</p> <ol style="list-style-type: none"> <li>1. Commits acts of terrorism</li> <li>2. prepares to commit acts of terrorism;</li> <li>3. supports or encourages terrorism; or</li> <li>4. is otherwise involved in terrorism</li> </ol>	<p>An organisation may be proscribed as a terrorist where:</p> <ol style="list-style-type: none"> <li>1. It operates by carrying terrorist crimes as its objective; or</li> <li>2. The management or the decision making body of the Organisation practices or officially accepts the Crime or leads its operation; or</li> <li>3. The crime defines the Organisation through its operation and conduct or most of it employees carry out its activities with knowledge of the Crime.</li> </ol>

Gathering Information	<p>NISS may, upon getting court warrant:</p> <ol style="list-style-type: none"> <li>1. intercept or conduct surveillance on the telephone, fax, radio, internet, electronic postal and similar communication of a person suspected of terrorism</li> <li>2. enter into any premise in secret to enforce the interception; or</li> <li>3. install or remove instruments enabling the interception</li> </ol>	<p>Police may, upon getting court warrant:</p> <ol style="list-style-type: none"> <li>1. Intercepting or conducting surveillance on postal, letter, telephone, fax, radio, internet and other electronic devices exchange or communications of a person suspected of terrorism.</li> <li>2. Conducting surveillance or installing camera, audio or video recording devices.</li> <li>3. Infiltrating and collaborating the suspect's group and follow up their activities.</li> <li>4. Creating simulated communication</li> </ol>
Police power	<p>Police may conduct:</p> <ul style="list-style-type: none"> <li>• Sudden search (upon the permission of the Director General of the Federal Police): and</li> <li>• Covert search (upon getting court warrant in writing or telephone)</li> </ul>	<p>Police may conduct:</p> <ul style="list-style-type: none"> <li>• Surprise search (upon permission by the Commissioner General of the Federal Police Commission)</li> <li>➤ For 'urgent conditions' police may gather evidences through special investigation techniques without the authorisation of the court</li> </ul>

**Figure 3 A three-column table comparing APT and PSTCP**

**3.9. Conclusion**

The modern political history of Ethiopia shows that terrorism has been practiced by individuals and groups in their struggle to acquire and maintain political power. However, terrorism has never been framed as an existential threat to Ethiopia. The EPRDF imported and contextualised

the existential threat narrative against the old geopolitical rivals and emergent domestic contenders. Ethiopia's intervention in Somalia had its root from the historical animosity between the two countries. Ethiopia for long had viewed the Great Somalia Project, the irredentist claim over the Ogaden region, and the proliferation of Islamist militants in Somalia as a threat to its territorial integration and national security. Thus, the EPRDF exploited the Global War on Terror campaign and the Western concern in the Horn of Africa as a felicitous condition to securitise its geopolitical rivals. Domestically, the securitisation move and the consequent adoption of the ATP were intended to avert heightened opposition and waves of protests that questioned its ideological foundation and legitimacy in the aftermath of the 2005 contested election. The government thus used the ATP to designate contending political forces as terrorist organisations and stifle critical voices. On the other hand, the 'reformist' PP-led government introduced minor and politically contemplated amendments with major repercussions for the free exercise of rights and liberties. The PSTCP is argued to be 'a new wine in old bottles'. In general, the narrative of terrorism (an old practice) as an existential threat to Ethiopia (a new discourse) is a discursive strategy employed to serve the power interests of the ruling minority by legitimising state terrorism in the country.



## Chapter Four

### Counterterrorism and Human (In)security in Ethiopia

We are seeing an increasing use of what I call the “T-word”—terrorism—to demonise political opponents, to throttle freedom of speech and the press, and to delegitimise legitimate political grievances.<sup>411</sup>

We had been terrorising the people. Terrorism is not just an act of trying to forcefully overthrow a government; unconstitutional use of force to stay in power should also be considered terrorism.<sup>412</sup>

#### 4.1. Introduction

This chapter examines Ethiopia’s counterterrorism Policies from the Human Security perspective. Unlike the traditional national security approach that placed the state at the centre of its security analysis and prioritised its territorial integrity and national independence, the Human Security approach embraces individuals, communities and people as its security referents and emphasises on their safety and well-being. Although the Human Security approach encompasses seven different, but interrelated sectors, this chapter utilises the personal and political dimensions of human security framework to examine the counterterrorism induced personal and political insecurities in Ethiopia. Accordingly, the first section brings into discussion the instrumentality of the state in individual’s quest for security at conceptual level and questions the very security understanding and culture of the political elites and people in Ethiopia. The second and third sections interrogate the human security challenges from the counterterrorism policies and unpack the political and personal insecurities posed against opposition politicians and dissent voices that are critical of the regime. The fourth section delves into scrutinising the counterterrorism induced threats to individuals, communities and people in general and examines the security referent object of Ethiopia’s counterterrorism Policies.

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<sup>411</sup> UN Secretary General Kofi Annan, Speech to the Security Council Ministerial Meeting, January 20, 2003.

<sup>412</sup> Prime Minister Abiy Ahmed, Speech to the Parliament, June 28, 2018.

## 4.2. The State and Security: An Oppressed Perspective

The state, for most Ethiopians, is a God-given entity. This belief has its root from the Bible and is entrenched in the teachings of Ethiopian version of Christianity, among others. Christianity teaches that leaders of any style are appointed upon the will of God. For instance, Apostle Peter in his first letter 2:18 commands servants [people] to obey masters of any form with all fear. This biblical teaching orders people to obey even the order of Tyrants as God sometimes may use them to punish the sin of the people. This Biblical teaching had been exploited by the successive Emperors and Kings as an instrument to maintain the security of their order at the expense of the people until the end of the group proclaimed Solomonic Dynasty in 1974. The tactic of using religion as an instrument to maintain regime security was even institutionalised during the reign of Emperor Haileselassie I. The constitution that declared his ordination by God imposed a burden upon the Ethiopian subjects to bow down to the order of the emperor. Disobeying the power and order of the emperor was seen as disobeying God himself. This ‘super natural’ political order and the parochial belief has been successfully challenged and deconstructed since the emergence of the Ethiopian Student Movement, although the movement didn’t emancipate the people from the renewed systematic oppressions.

The state of Ethiopia, throughout its contested history, has also experienced catastrophic inter and intrastate wars.<sup>413</sup> These wars, in one way or the other, have shaped the security culture of successive governments [Kings] and people in the country; however in different terms.<sup>414</sup> To the people, the cherished value, in the past and present, remains to be the territorial integrity and political independence of [their] state from external aggression.<sup>415</sup> Regimes and the ruling elite, on the other hand, understood security in terms of the alleviation of threats to the stability of [their] order from external aggression, internal contenders for power, and surprisingly from the people.<sup>416</sup> The security apparatus, in the context of Ethiopia, has been organised with a normative objective to safeguard rulers against contenders for power and the people.<sup>417</sup> Kings and rulers also had a tacitly recognised right to punish and execute those whom they perceived threats to

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<sup>413</sup> Fage, ed., 1978; Sergew, 1972; Hall, 2003; Abir, 1980.

<sup>414</sup> Belachew, 2014.

<sup>415</sup> Bahru, 2001; Sergew, 1972.

<sup>416</sup> Sergew. 1972; Bahru, 2001; Paulos, 1985.

<sup>417</sup> Asafa, 2015: 160–87; Sergew, 1972; Bahru, 2001.

their power. The old and widely used Ethiopian adage ‘the King cannot be accused, as the sky cannot be ploughed’ seems very expressive of the practice. This knowledge has been pervasive among the Ruling Class, the Army and Police, and the People at large in different stages of history.

To the Ethiopians, security as an emancipation of individuals and communities from physical and human constraints is a new, but blurred development. The Ethiopian Student Movement opened the ‘Pandora’s Box’ of Ethiopia in 1960s.<sup>418</sup> The student radical Walelign Mekonnen brought the hitherto taboo ‘question of nationalities’ to the stage of academic discussion and political instrumentality in the 1960s. This movement vehemently opposed the ‘oppressive’ imperial regime and openly demanded for the emancipation of ethnic communities in the country. This emancipatory movement paved the way for the proliferation of liberation struggles that stamped a lasting legacy on the political discourse and practice of the country. The TPLF and the ONLF, which are the products of the Ethiopian Student Movement, went on securitising the imperial Ethiopia and the dominant culture with the objective to mobilise their respective audiences. For instance, the TPLF in its 1976 manifesto framed its struggle as the struggle against ‘the Amhara domination’.<sup>419</sup> This proliferated ‘Liberation Fronts’ constructed a utopian reality where securitising an ethnic community was adopted as a felicitous condition to mobilise own audience for emancipation. This illiberal approach ignored the universality of a true and meaningful security. Since one will not enjoy a meaningful security while others are in the state of nature; a true security will be achieved only when everyone gets emancipated.<sup>420</sup> Based on this discussion, the following section will analyse the struggle of opposition politicians and critical voices for security and the EPRDF’s strategy that aimed at maintaining order by disciplining the opposition and silencing dissent voices in the aftermath of the 2005 election.

### **4.3. The Struggle for Security and Order in the Aftermath of the 2005 Election**

The liberal democratic counterterrorist state grapples to balancing state security and individual liberty.<sup>421</sup> The Security-Liberty debate seems inappropriate framework to capture the concern and contradiction under the authoritarian counterterrorist state. Since arguably there is no

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<sup>418</sup> Bahru, 2001; Andargachew, 1993.

<sup>419</sup> The TPLF Manifesto, 1976.

<sup>420</sup> Booth, eds. Hughes and Lai, 1991: 313–26.

<sup>421</sup> Moss, 2011.

authoritarian government that grapples to balance national security and individual liberty. It is evident that people in authoritarian states live with grave political and personal insecurities, among other things, that they inarguably struggle for security and emancipation. On the other extreme, authoritarian regimes struggle to maintain order and regime security against the insecurity of their subjects. In this regard, empirical evidences also confirm that counterterrorism has been exploited for the selfish power interest of the ruling minority against the majority. From this point of view, it is argued here that, the authoritarian state only grapples with the elite interest aimed at maintaining order [regime security] and the demand of the insecure majority for, inter alia, political and personal security.

The state of Ethiopia, for instance, remains to be ‘an artificial man’ engaged in maximising its own interest against those in whose name it claims international recognition and legitimacy. Regime security has been the prime concern of the rulers in the past and present.<sup>422</sup> In the name of national security, successive governments have exploited the patriotism of the insecure majority to maintain order against the legitimate security demands of people at grassroots.<sup>423</sup> For instance, the Anti-Terrorist Proclamation N<sup>o</sup> 652/2009 was devised to discipline political opposition and stifle dissent voices that questioned the legitimacy and shook the power base of the EPRDF during the 2005 election.<sup>424</sup> Alarmed by the 2005 election where people, especially in urban areas expressed the widespread discontent, the EPRDF went on framing terrorism as an existential threat to Ethiopia and hence devised the Anti-Terrorism Proclamation.<sup>425</sup>

The adoption of ATP was accompanied by a series of terrorism charges against opposition party leaders and members. For instance, in November 2011 only, about 107 opposition party leaders and members were arrested and charged with terrorism.<sup>426</sup> These series of arrests and prosecutions, according to Amnesty International, indicate the systematic use of the anti-terrorism legislation and the pretext of the counterterrorism to crackdown on political opposition. Most of the detainees were vocal in criticising the EPRDF-led government publicly for its grave human rights violations, mal-administration and undemocratic practices. The counterterrorism

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<sup>422</sup> Bahru, 2001; Zeray, 2007: 666–76.

<sup>423</sup> Bahru, 2001; Andargachew, 1993.

<sup>424</sup> Wondwossen, 2017.

<sup>425</sup> Wondwossen, 2013: 49–56; Zelalem, 2017: 504–39; Getachew, 2020: 1–62.

<sup>426</sup> Amnesty International Report, 2011.

policies, in general, targeted opposition political leaders and members, journalists and independent voices that are critical of the government and its policies. The counterterrorism induced political insecurities will be examined in the following section.

#### **4.4. Anti-Terrorism Proclamation and Opposition Politics**

The modern human ideas like pluralist democracy, rule of law, human rights, liberties, etc. have been alien to the political dictionary of Ethiopia. The country experienced a long history of pervasive autocratic and authoritarian political tradition.<sup>427</sup> However, the EPRDF-led government, upon its seizure of state power in 1991, heralded the end of tyranny and promised to constitutionally ensure the free exercise of political, social, economic and cultural rights. The 1995 FDRE Constitution granted ‘citizens and people’ what it described as inalienable and inviolable human and democratic rights. These rights according to the constitution ‘shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and International instruments adopted by Ethiopia’.<sup>428</sup> The Constitution also granted all ethnic communities in the country unconditional right to self-determination including secession, which even cannot be suspended during state of emergency (Article 39; 93(4c). The new regime also constitutionally recognised multi-party politics, although under revolutionary democratic framework. Despite these noble promises, authoritarian culture continues to have a pervasive effect on the *modus operandi* of the state, and violation of rights and restrictions on liberty remained customary practice.<sup>429</sup> Moreover, the intention of the EPRDF-led government to maintain its grip on state power became evident in the aftermath of the 2005 parliamentary election. The 2005 election demonstrated a high-level opposition where the EPRDF’s intention to use election to systematically consolidate its rule faced unexpected resistance.<sup>430</sup> In the election, inter alia, the Coalition for Unity and Democracy Party (CUD) secured an overwhelming victory in the capital city, Addis Ababa, and recognisable

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<sup>427</sup> Ali, 2009: 665–72.

<sup>428</sup> The FDRE Constitution, 1995.

<sup>429</sup> Aalen and Tronvoll, 2009: 193–207; Ali, 2009: 665–72.

<sup>430</sup> Lyons, 2010: 107–21.

victories in other towns.<sup>431</sup> However, the EPRDF unilaterally declared its victory over the election before the counting was over.<sup>432</sup>

The EPRDF-led government jailed the CUD leaders who claimed victory over the election and forcefully suppressed demonstrators that called for democratic transition.<sup>433</sup> The aftermath of the 2005 election, in general, marked the re-emergence of insecurity to opposition political leaders and members, journalists, and independent voices which are critical of the government and its policies.<sup>434</sup> However, the intensified repression of the opposition leaders and members got legal and institutional recognition in 2009 when the state adopted the ATP.

Following the adoption of the ATP, the EPRDF-led government proscribed the OLF, ONLF, and Ginbot 7 Movement for Democracy and Justice as terrorist organisations; hence, started charging prominent opposition political party leaders and members, journalists and independent voices that are critical of the government and its policies with terrorism.<sup>435</sup> Berhanu Nega and Andargachew Tsege, who were among the CUD leaders during the 2005 election and co-founders of the Ginbot 7 Movement for Justice and Democracy upon their release from detention with ‘pardon’, were charged with terrorism and sentenced to death in absentia.<sup>436</sup> The government also arrested and prosecuted opposition political party leaders like Andualem Arage, Bekele Gerba, Zerihun Gebre-Egziabher, and Habtamu Ayalew, among others, with terrorism.<sup>437</sup> Most of the opposition politicians and journalists were arrested and charged with terrorism for alleged affiliation with the proscribed terrorist organisations, publicly criticising the government, and calling for political reform. In this regard, opposition politicians and journalists of the Oromo, Amhara, and Somali origin were mostly arrested and prosecuted for their alleged involvement with the OLF, Ginbot-7 and ONLF respectively.<sup>438</sup>

The profiles of the convicted opposition politicians show that the individuals had been prominent figures in the struggle for democracy and human rights in the country. For instance, the evidence

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<sup>431</sup> Lyons, 2010: 107–21.

<sup>432</sup> Yinebeb, 2020.

<sup>433</sup> Abbink, 2006: 173–99.

<sup>434</sup> Abbink 2006: 173–99.

<sup>435</sup> Amnesty International Report, 2011.

<sup>436</sup> Amnesty International Report, 2011.

<sup>437</sup> Amnesty International Report, 2011.

<sup>438</sup> Wondwossen, 2017.

brought against Andualem Arage (the leader of Unity for Democracy and Justice Party) fails to qualify the definition of a terrorist. Andualem as a legally registered political party leader involved in the production of the Unity for Democracy and Justice (UDJ) party newspaper, which is known for being critical of the government policy and practice. He also issued a press statement including UDJ's New Year message that wished the Ethiopian New Year 2004 to be 'a year of legal and peaceful struggle, and a year that brings freedom to Ethiopians'.<sup>439</sup> However, he was arrested on 10 November, 2011 and convicted of establishing clandestine relations with the agents of the terrorist group [Ginbot 7] in Eritrea, developing terrorist plans, receiving and disseminating materials advocating uprising and terrorism, leading meetings that had terrorist missions, and undertaking activities for terrorist ends.<sup>440</sup>

The then Oromo Federalist Democratic Movement (OFDM) Deputy Chairman and an English Teacher at Addis Ababa University, Bekele Gerba is known for his bold critics of the EPRDF government. Bekele Gerba was arrested and charged with terrorism immediately after he met with the Amnesty International's agents in Addis Ababa University in August 2011. The charge presented against Bekele also accused him for his alleged links with the proscribed terrorist organisation-the OLF, public incitement, encouraging violence, as well as causing the death of innocent civilians and property destructions in cities such as Ambo and Adama.<sup>441</sup> Bekele Gerba had also been arrested and prosecuted with terrorism related crimes following the assassination of the popular Oromiffa Singer- Hachalu Hundessa in 2020.<sup>442</sup>

Zerihun Gebre-Egziabher, the leader of Ethiopian National Democratic Party, was arrested on 8 September, 2011. Zerihun was known for his critical statements on the policy and practice of the government. He was arrested immediately after his attempt to stage a rally against the government.<sup>443</sup> Zerihun Gebre-Egziabher was thus prosecuted for establishing a secret coalition aimed overthrowing the constitution and the constitutional order of the country through organised terrorist act in collaboration with Ginbot 7, OLF, and ONLF.<sup>444</sup>

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<sup>439</sup> Amnesty International Report, 2011.

<sup>440</sup> Wondwossen, 2017.

<sup>441</sup> Addis Standard, April 22, 2016.

<sup>442</sup> Reuters, September 19, 2020.

<sup>443</sup> Amnesty International Report, 2011.

<sup>444</sup> Wondwossen, 2017.

Habtamu Ayalew, a spokesperson of the opposition Unity (*Andinet*) Party, is another opposition politician, arrested and convicted of terrorism. Before he joined the opposition Andinet party, Habtamu used to be among the EPRDF Cadre and the leader of EPRDF's Addis Ababa Youth League. However, the time he left the EPRDF, he had been subjected to harassment, intimidation and surveillance by intelligence personnel.<sup>445</sup> Finally, Habtamu was arrested on 8 July, 2014 and charged with terrorism for allegedly collaborating with Ginbot 7 Movement for Democracy and Justice. In prison he was subjected to torture and other inhuman and degrading treatments including denial of access to toilet facilities. As a result Habtamu developed an 'excruciating' haemorrhoid, for which he was also denied access to medical care.<sup>446</sup>

The other individual to face terrorism charge under the Prosperity Party-led government was Jawar Mohammed. An activist, a media mogul-turned politician, and a member of the opposition Oromo Federalist Congress, Jawar Mohammed, had been an instrumental figure in the Oromo protests that brought Abiy Ahmed to power in 2018. Jawar became a critic of Abiy Ahmed when he perceived the new Prosperity Party has failed to protect the interest of the Oromo people.<sup>447</sup> Jawar's critic against Abiy Ahmed and his government increased when the national election was postponed 'due to the Covid-19 pandemic'. However, Jawar was arrested in June 2020 and charged for violating the anti-terrorism law, inter alia, following the assassination of a popular Oromiffa singer Hachalu Hundessa that sparked violent protest across Oromia.<sup>448</sup>

The state, despite being the product of social contract, is a terrain and outcome of social and political struggle.<sup>449</sup> Thus, any agent of the state [government] only generates its legitimacy from the will of the governed in a democratic case.<sup>450</sup> On the other hand, where the government is not based on the will of the governed, opponents do have a morally justified right to challenge the authoritarian foundation. For instance the German Constitution, as Murer pointed in his argument, stipulated that the source of all state authority is the people; however, it also gives citizens the right to resist if anybody seeks to abolish the constitutional order.<sup>451</sup> In this regard,

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<sup>445</sup> Voice of America, March 15, 2017.

<sup>446</sup> Voice of America, March 15, 2017.

<sup>447</sup> Addis Standard, April 22, 2016.

<sup>448</sup> Addis Standard, April 22, 2016.

<sup>449</sup> Jarvis and Lister, 2014: 43–61.

<sup>450</sup> Murer, 2014: 125–44.

<sup>451</sup> Murer, 2014: 125–44.



the political program affiliated to the aforementioned opposition political leaders as well as their personal activities indicate that their quest was for a democratic order where rights and liberties are respected and practiced in a meaningful way. Andualem's wish to see a new year where there is a 'legal and peaceful struggle, and freedom to Ethiopians' can be by no definition a message that incites terrorism. The New Year message fails to qualify as the act of terrorism even when examined from the ATP's overly broad definition, where terrorist intentions are indicated as:

Whosoever intends to advance a political, religious or ideological cause by coercing the government, intimidating the public or section of the public, or destabilising or destroying the fundamental political, constitutional or, economic or social institutions of the country.

Therefore, the analysis reveals that counterterrorism policies have been used as an instrument to discipline political opposition and consolidate the grip on state power, even in the absence of a convincing legal and moral justification. The anti-terrorism legislations are nothing more than political instruments designed to discourage opposition politics and independent voices that can challenge government's patrimonial foundation and the monopoly over state power.<sup>452</sup> The individuals accused of committing terrorism are opposition politicians who expressed their positions against the government and its policies. As leaders of a legally registered political party criticising government policies and practice, calling people to stage a rally, expressing their thought, or delivering speeches that criticise the government remain their legitimate task as far as democratic principles and the FDRE constitution are concerned.<sup>453</sup>

In the name of countering terrorism, the state, as Murer succinctly argued, declaring opponents to be terrorists, denies them their political and social character, and thus places them beyond humanity in an attempt to justify the use of the most inhumane form of violence against the opponents.<sup>454</sup> In this regard, the terrorism charges against opposition politicians reveal the prevalence of the counterterrorism induced pervasive political insecurity in the country. Political security is concerned with the external recognition or internal legitimacy to the structures, processes, institutions, and power of a state or a government.<sup>455</sup> Politics, according to the realist, is a continuous struggle for power. From this point of view, political security and insecurity is determined through the denial or support of recognition and legitimacy. Legitimacy can be

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<sup>452</sup> Wondwossen, 2017.

<sup>453</sup> The FDRE Constitution, 1995; Munck, 2018: 1–26.

<sup>454</sup> Murer, 2014: 125–44.

<sup>455</sup> Buzan, Wæver, and de Wilde, 1998.

contested externally or internally. Internal threats to political security, among other things, emerge when the units (individuals, groups, and communities) challenge the legitimacy of the political structures, processes, institutions, and power of a state or a government and its attempt to establish order.<sup>456</sup> This condition is common among authoritarian states where the political entity lacks a binding social contract between the government and the governed. In [weak] authoritarian states the authority and legitimacy of the government is frequently challenged by individuals, communities or people in general.<sup>457</sup> Authoritarian regimes, especially with fading legitimacy, view opponents to their policies and approaches as threats to the state and give them the label ‘terrorist’ with the intention to justify their use of violence aimed at eliminating the opposition as legitimate and use to protect the security of the state. They use the state of exception to kill, arrest, or detain their potential contenders in the name of state security.<sup>458</sup>

Individuals, communities or people challenge the power and legitimacy of their state or government when they are faced with threats to their cherished values. However, the arrests and prosecutions against legally registered opposition political party leaders show the government’s intention to induce extreme fear in a target audience and force them to consider changing their behaviour, and stop contending its hegemonic aspiration.<sup>459</sup> The guiding principle here is that security [political] or to have a democratic order is a fundamental human right; therefore, it can be argued that individuals, groups and communities in any form of legal association do have a moral, political and legal right to struggle for the realisation of their political, economic, social, and cultural rights, and participate in the decision making processes which directly or indirectly affect their lives.<sup>460</sup>

#### **4.4.1. Anti-Terrorism Proclamations and Critical Voices**

The systematic repression against opposition politics continues to subordinate the free exercise of rights and fundamental freedoms to the political will of the same ruling elite in different regimes under the guise of countering terrorism. The state of exception has been systematically

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<sup>456</sup> Buzan, Wæver, and de Wilde, 1998.

<sup>457</sup> Buzan, 1983.

<sup>458</sup> Murer, 2014: 125–44.

<sup>459</sup> Jackson, Murphy, and Poynting, 2010.

<sup>460</sup> Booth, eds. Hughes and Lai, 1991; Hanlon and Christie, 2016; Hendricks and Keïta, 2017: 1–12.

used to physically and psychologically eliminate independent voices and citizens that refuse to succumb to the authoritarian political order.<sup>461</sup> In this regard, among many others, Eskinder Nega has been the victim of Ethiopia's counterterrorism policies under two governments of the same system. Eskinder Nega is a prominent journalist, blogger, and since 2019, founder and leader of the legally registered opposition party, Balderas for Genuine Democracy. He has been one of the leading advocates of press freedom and freedom of expression. Eskinder is known for publishing articles critical of the EPRDF-led government for its bad human rights records.<sup>462</sup> Eskinder has received a 'Freedom to Write' Award from PEN America in 2012, and the International Press Institute's 69<sup>th</sup> 'World Press Freedom Hero' Award in 2017.<sup>463</sup>

Eskinder has been placed in detention in eight different periods. This didn't stop him from continuously publishing articles critical of the government and his advocacy for freedom of press and speech. He also engaged into examining the Arab Spring protests in Egypt, Libya and Tunisia, and the possible implications of such protests to the situation in Ethiopia.<sup>464</sup> However, Eskinder remained principled advocate of non-violence and peaceful struggle until he was [forced] to join [organise] the Amhara Popular Force (Fano), which is engaged in armed struggle against the government.<sup>465</sup>

The EPRDF government charged Eskinder with terrorism immediately after he gave a lecture on press freedom concerning Ethiopia and published an article titled 'Debebe Eshetu's Arrest and New Year'. In the article Eskinder expressed his wish for the Ethiopian New Year 2004:

Look at what had happened in the world in 2003, and it's easy to complain about the things we do not have. No freedom! Rising inflation, Rising unemployment, Rampant corruption, A delusional ruling party, An uncertain year ahead of us. And the list could go on.

But consider the exciting prospects:

2004 could be the year when we, too, like the majority of our fellow Africans, will have a government by the people, for the people.

2004 could be the year when we will finally stop killing each other for political reasons.

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<sup>461</sup> Getachew, 2020: 1–62; Zelalem, 2017: 504–39; Wondwossen, 2013: 49–56.

<sup>462</sup> Human Rights Watch Report, 2013.

<sup>463</sup> Pen America, 2022.

<sup>464</sup> University of Minnesota Working Group, 2012.

<sup>465</sup> Pen America, 2022.

2004 could be the year when there will be no more tortures in our prisons.

2004 could be the year when Ethiopians will no more be incarcerated for their political convictions.

2004 could be the year when Ethiopians will no more have reasons to flee to exile.

2004 could be the year when freedom of expression and association will be respected.

2004 could be the year when we could take justice for granted.

And again, the list could go on.

The gist of the matter is that there are ample reasons to hope. Tyranny is in retreat everywhere. It has lost one of its two last great bastions, the Arab world. The momentum is now on the side [sic] freedom.

Freedom is partial to no race. Freedom has no religion. Freedom favours no ethnicity. Freedom discriminates not between rich and poor countries. Inevitably, freedom will overwhelm Ethiopia.

And with the advent of a new year, we are one step closer to freedom. It's wonderful to be alive!

Happy New Year!<sup>466</sup>

Eskinder Nega was finally arrested and prosecuted for 'planning, preparation, conspiracy and incitement of commission of terrorist acts, and affiliation with Ginbot 7 Movement for Democracy and Justice', which was proscribed as a terrorist organisation by the government.<sup>467</sup> Accordingly, Eskinder was sentenced to 18 years in prison in July 13, 2013.<sup>468</sup> He was pardoned after he has served prison almost seven years. Upon his release, Eskinder founded an opposition political party called Balderas for Genuine Democracy. However, following the assassination of a popular Oromiffa singer Hachalu Hundessa, Eskinder was arrested and again charged for violating the anti-terrorism law on 10 September, 2020.<sup>469</sup>

The other journalist, Reeyot Alemu, used to be an English teacher at private school. She was a writer to the Feteḥ Newspaper and the Ethiopian Review, a USA based online web page. Her writings had been critical of the EPRDF-led government and its wide spread human rights violations. Reeyot, inter alia, had been critical of the anti-terrorism proclamation in her writings. She argued that the real purpose of the anti-terrorism proclamation was to enable the EPRDF

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<sup>466</sup> Fekadu, 2012.

<sup>467</sup> Wondwossen, 2017.

<sup>468</sup> Pen America, 2022.

<sup>469</sup> Pen America, 2022.

regime to comfortably rule without any criticism, opposition or competition.<sup>470</sup> As a result, Reeyot was arrested and convicted of violating articles 3, 4 and 7 of the ATP and having established a secret coalition and cooperation agreement with the proscribed ‘terrorist organisations’ like Ginbot 7, OLF and ONLF to overthrow the constitution and the constitutional order of the country through organised terrorist act.<sup>471</sup>

Despite this conviction in terrorism, Reeyot Alemu has won the 2013 UNESCO-Guillermo Cano World Press Freedom Prize, which is annually awarded in recognition of one’s notable role in defending freedom of expression, and the 2012 International Women’s Media Foundation Courage in Journalism Award, while she was in prison.<sup>472</sup>

Journalists, Elias Kifle (editor of the Ethiopian Review), Woubshet Taye (Deputy Editor of the Awramba Times Newspaper), Mesfin Negash and Abiye Tekle-Mariam (Writers to the independent news website, Addis Neger), and the Zone-9 Bloggers had been critical of the government and its policy and practice. Moreover, exposing government’s human rights violations, they strived for the press freedom and freedom of speech against the anti-terrorism proclamation.<sup>473</sup> However, these journalists and bloggers had been arrested and convicted of planning, preparing, conspiring, and inciting to execute terrorism, some in absentia.

The anomaly of the EPRDF’s ‘terrorist’ making is that, as it is the case with Eskinder Nega and Reeyot Alemu, some of these journalists have won prestigious international awards for promoting and defending press freedom and freedom of speech. For instance, Woubshet Taye, the deputy editor of Awramba Times has won the 2012 Hellman-Hammett Award from the Human Rights Watch. The writer to the Addis Neger, Mesfin Negash was the co-winner of the 2013 Press Freedom Award 2013 from the Reporters without Borders.<sup>474</sup>

Empirical evidences show that arrests and terrorism charges against opposition politicians and journalists also continued in the post-reform period under the Prosperity Party-led government and the emended new Prevention and Suppression of Terrorism Crimes Proclamation that replaced ATP652/2009. The discussion under counterterrorism and opposition politics has

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<sup>470</sup> Amnesty International Report, 2011.

<sup>471</sup> Wondwossen, 2017.

<sup>472</sup> Wondwossen, 2017.

<sup>473</sup> Amnesty International Report, 2011.

<sup>474</sup> Wondwossen, 2017.

revealed that the opposition politician Bekele Gerba had been convicted of terrorism crime under both the EPRDF and Prosperity Party regimes. The other prominent journalist and currently opposition politician Eskinder Nega had also been convicted of terrorism crimes under both regimes and both proclamations. The PP-led government also released a list of politicians and journalists whom it accused of organising clandestine movements to dismantle the Amhara regional state and engaging in terrorist activities in April 2023. The list included veteran opposition figure, Lidetu Ayalew, a university lecturer and founder of the Ethio-Nikat YouTube-based media platform- Meskerem Abera, the USA-based Ethio-360 YouTube-based Media platform founders and journalists (Habtamu Ayalew, Minalachew Simachew, Biruk Yibas and Eyerusalem Tekletsadik) and other pro-Amhara activists and journalists in and outside the country.<sup>475</sup> Before this episode, journalist Meaza Mohammed and Gobeze Sisay were arrested and convicted of transgressing the amended anti-terrorism proclamation. Meaza Mohammed (founder and chief editor of the privately owned YouTube-based news channel-Roha Media), and Sisay Gobeze (founder and chief editor of the privately owned YouTube-based news channel-The Voice of Amhara) are repeatedly arrested and convicted of having links with the TPLF (during the civil war between the federal government and the TPLF) and attempting to terrorise the public by disseminating information that supports the ‘terrorist group’-the TPLF.<sup>476</sup> Meaza and Gobeze had been critical of the civil war between the federal government and the TPLF. These journalists challenged the very rationale of the civil war and exposed information regarding the operation to the public. Meaza, upon her release on bail, is awarded the International Women of Courage Award on 8 March, 2023 in the White House, USA.<sup>477</sup>

Gobeze Sisay was arrested and convicted of terrorism crimes after having reported through his social media platform from the Kobo front that the Federal Army had withdrawn for non-tactical reasons. Gobeze Sisay was then immediately dismissed from ESAT and convicted of allegedly collaborating with the TPLF. However, after the PP-led federal government and the TPLF normalised their relations, Gobeze Sisay who was released on bail, was in the list of the ‘wanted’ dozens of politicians and journalists accused of organising clandestine movement to dismantle

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<sup>475</sup> Addis Standard, April 28, 2023.

<sup>476</sup> Addis Standard, September 9, 2022.

<sup>477</sup> Voice of America, March 12, 2023.

Amhara regional state government and engaging in terrorist activities, and finally, extradited from Djibouti on 6<sup>th</sup> of May 2023.<sup>478</sup>

Freedom of expression and press has been an essential foundation of a democratic society. Besides being the embodiment of individual liberty, these freedoms promote people's right to information and enable the discovery of truth, and support the endeavour to have an open and transparent government.<sup>479</sup> However, these freedoms may be restricted when it is believed that the exercise of such freedoms will infringe on the right of other individuals, public morality, or national security.<sup>480</sup>

The journalists and bloggers convicted of violating the anti-terrorism legislation 'using their constitutional right to freedom of expression as a cover' did not use their freedom of expression to the extent that infringes on the right of other individuals, or against public morality or in a way that poses threat to national security. Criticising the government and its officials for their undemocratic practices and bad human rights records does not fit to the category of acts that infringe on the individual liberty, public morality, or national security. Similarly, the critic against government and its officials or the analysis that contextualised the Arab Spring and the protests in Egypt, Libya, and Syria to the situation in Ethiopia cannot be understood as 'planning, preparing, conspiring, or inciting terrorism' as per the anti-terrorist proclamation. These actions do not fit to the ATP's definition that conceptualised terrorist act in terms of:

Whosoever or a group intending to advance a political, religious or ideological cause by coercing the government, intimidating the public or section of the public, or destabilising or destroying the fundamental political, constitutional or, economic or social institutions of the country.<sup>481</sup>

The New Year messages that wished the end of political, social and economic impasse in the country, the Arab Spring analysis and the contextualisation of it to the situation in Ethiopia, the critic against government's repressive practices and human rights violation, do not qualify the definition of terrorism adopted by different states, international organisations or Ethiopia itself. Critic against the government, its officials, policies and practice has been a democratic norm and a civilised practice. However, in states like Ethiopia where the old adage 'the king cannot be

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<sup>478</sup> Addis Standard, April 28, 2023.

<sup>479</sup> Foster, 2011.

<sup>480</sup> Foster, 2011.

<sup>481</sup> Anti-Terrorism Proclamation 652, 2009.

accused, as the sky cannot be ploughed' is pervasive, officials may interpret opposition and critic against their order as terrorism. Terrorism, in this context is inextricably conflated with opposition politics and journalism for instrumental reasons, against the very essence of universally recognised democratic principles and fundamental rights and freedoms.

In general, the state of Ethiopia remains the greatest threat to human security both under the former and the current regimes. Opposition politicians, journalists, human rights defenders and independent voices that are critical of the government remain subject to arbitrary detentions, surveillances, disappearances, torture, and other inhuman degrading treatments in detention centres.<sup>482</sup> For instance, in the words of Habtamu Ayalew, the detainees in the notorious Maekelawi and Kilinto detention centres face solitary confinement under very narrow, dark and extremely cold rooms, and extremely brutal torture techniques during interrogations.<sup>483</sup>

### **3.1.1. Torture and Inhuman Degrading Treatments in Detention Centres**

The right to freedom from torture and other inhuman and of degrading treatments is an absolute right that derives from the inherent dignity of the human person.<sup>484</sup> Torture, according to Watson, is the archetypal form of state terror which indicates that a regime of terror is operating in a high level.<sup>485</sup> When governments employ torture and other degrading treatments, as Jackson, Smyth and Gunning also argued, they resort to the tactics of terror.<sup>486</sup> The 1987 Convention against Torture and other Cruel, Inhuman Degrading Treatment or Punishment, to which Ethiopia is signatory, defines torture as:

Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is

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<sup>482</sup> Human Rights Watch Report, 2018.

<sup>483</sup> Voice of America, March 15, 2017.

<sup>484</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987.

<sup>485</sup> Watson, eds. Gillian Duncan et al., 2013: 1–13.

<sup>486</sup> Jackson, Smyth, and Gunning, eds., 2009.



inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.<sup>487</sup>

The Convention under article 2(2) stipulates that ‘no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture’. It also urges states party to the convention to take effective administrative, legislative and judicial measures to prevent acts of torture in any territory under their jurisdiction.

However, torture and other inhuman and of degrading treatments have been normalised practices in detention centres throughout Ethiopia against opposition politicians, journalists, other independent voices critical of the government that are convicted of ‘terrorism’ crimes and individuals suspected of having a link to those designated as ‘terrorist organisations’ under the guise of countering terrorism.<sup>488</sup> The torture techniques practiced in detention centres included solitary confinement, beating, genital torture of men, stress positions, water torture, and etc. For instance, in his interview with the Voice of America (VOA)-Amharic program journalist Solomon Kifle, an opposition politician Habtamu Ayalew, who was convicted of terrorism and spent two years in detention, shared his memory about the torture in Maekelawi:

In Maekelawi detainees are kept in solitary confinement in extremely narrow, cold and dark rooms. The detainees are allowed to use latrines only twice a day as scheduled by the detention centre. The interrogators use different torture techniques which are even difficult to imagine for the consciousness of man. For example, there is a plank of wood where they hang the detainee and tie a bottle filled with two litres of water to his testicles. The other torture technique is that they tie together arms and feet of the detainee behind back and pull his testicles tied to an electric cable...and then the interrogator forces the detainee for confession. They also use an electronic device to make you lose your consciousness....<sup>489</sup>

According to Habtamu Ayalew, the tortures and other degrading treatments in Maekelawi have left a physical and psychological scar on him and other detainees. He also testifies that many detainees have their testicles damaged and bodies injured. Due to the extremely limited access to

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<sup>487</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987.

<sup>488</sup> Human Rights Watch Report, 2018.

<sup>489</sup> Voice of America, March 15, 2017.

toilet Habtamu also developed ‘excruciating’ haemorrhoids, for which he was also denied access to medical care.<sup>490</sup>

Torture and other degrading treatments had also been practiced in Jigjiga Central Prison which is conventionally known as ‘Jail Ogaden’ in the regional state of Ethiopian Somali. The detention centre got its name- ‘Jail Ogaden’ most probably from the majority Ogaden ethnic community to which most of the detainees belonged. The detainees in Jail Ogaden are mostly those convicted of the affiliation to the ONLF, which is among the political forces designated by the Ethiopian government as terrorist organisations. According to the 2018 report by the Human Rights Watch, Jail Ogaden represented a horrific reality of constant abuse and torture, with no access to adequate medical care, family, lawyers, or even, at times, food.<sup>491</sup> The torture techniques in Jail Ogaden included beatings, solitary confinement, tying up penis or testicles to heavy weights, water bottles, or bottles of sand, immersing the detainee up to his chest in a container filled with water until he is about to faint, tying in uncomfortable position for long periods of time, and rolling in hot ash, among others. The other inhuman and degrading treatments included forcing to inflict abuse on fellow detainees, forcing the detainees to appear naked and hold each other’s genitals and then press tightly, and taking women at night outside of the detention centre for rape and other sexual abuses. The humiliation also included ordering men and women to strip in front of the detainees and stand for interrogation or verbally abuse each other. These inhuman and degrading treatments, according to the report, were practiced to shame the detainees before their close relatives and friends who respect each other.<sup>492</sup>

In general, the inhuman and degrading treatments in detention centres represent the prevalence of counterterrorism induced grave threat to the personal security of individuals, groups and people in the country. In this regard, it should be noted that no other right or security is so important to individuals as their right to freedom from torture and other inhuman and degrading treatments or their security from physical violence.<sup>493</sup>

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<sup>490</sup> Voice of America, March 15, 2017.

<sup>491</sup> Human Rights Watch Report, 2018.

<sup>492</sup> Human Rights Watch Report, 2018.

<sup>493</sup> The United Nations Development Program Human Development Report, 1994.

#### 4.5. Who is Being Protected through the Counterterrorism Policies?

The objective of Ethiopia's counterterrorism Policies, as it is clearly stated under both anti-terrorism proclamations, was/is to protect the peace and security of the people [the country].<sup>494</sup> The PSTCP also rightly reminds that the government bears the moral and constitutional responsibility to maintaining the peace and security of the country.<sup>495</sup> In contrary to these noble promises the above analysis revealed that the practice of the counterterrorism policies impinges on the political and personal security of individuals, communities and people in general.

The counterterrorism discourse empowered both the EPRDF and PP governments to use extra-constitutional powers against individuals and groups whom they perceive[ed] as a threat to their order. Consequently, legitimate demands of individuals, groups and people, which are deemed to be against the power interest of the ruling elites, have been repressed under the guise of combating terrorism. State repression, as argued in the previous sections, remained the cardinal feature of Ethiopia's counterterrorism policies.<sup>496</sup> The counterterrorism practice presented a more serious threat to the security of individuals, groups, and people than what terrorism could have posed. In the name of countering terrorism, grave political and personal insecurities have been imposed on individuals, groups and people.<sup>497</sup>

The counterterrorist state [Ethiopia] remains the source of insecurity than security to people in the past and present.<sup>498</sup> It is evident that the identity of Ethiopia has been maintained through the dissemination of fear and coercive subjugations, where people's insecurity remained a necessary condition for the stability and security of regimes in different times.<sup>499</sup> Moreover, counterterrorism helped the EPRDF and PP led governments to legitimise and institutionalise the already existing and normalised state repression in their quest for maintaining regime security, while imposing a perpetual fear and insecurity on people.<sup>500</sup> This authoritarian counterterrorism, more than being source of insecurity to people, has sustained a subject political culture where

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<sup>494</sup> Anti-Terrorism Proclamation 652, 2009; Prevention and Suppression of Terrorism Crimes Proclamation 1176, 2020.

<sup>495</sup> Prevention and Suppression of Terrorism Crimes Proclamation 1176, 2020.

<sup>496</sup> Zelalem, 2017: 504–39; Tewodros, 2019: 1–22.

<sup>497</sup> Getachew, 2020: 1–62; Wonwossen, 2017: 25-47; Zelalem, 2017: 504-39.

<sup>498</sup> Getachew, 2020: 1–62; Zelalem, 2017: 504–39; Tewodros, 2019: 11–22.

<sup>499</sup> van Veen, 2016.

<sup>500</sup> Belachew, 2014; Getachew, 2020: 1–62.

people even fear to anonymously express their feeling and thought to independent researchers. For instance, the Afrobarometer survey of 2014 revealed the Ethiopia anomaly when 86% of the Ethiopian interviewees ‘uncritically’ responded that [their] government was perfectly democratic.<sup>501</sup> The Afrobarometer attributed the ‘uncritical’ political culture that made Ethiopians remain subjects than citizens to the Feudal Monarchic and Leninist One Party System legacy.<sup>502</sup> However, the responses do not necessarily indicate the ‘uncritical’ nature of the interviewees. Rather, it can reasonably be attached to the interviewees’ perception that there would be an invisible hand of the government behind the Afrobarometer researchers. It is public knowledge among Ethiopians that governments use invisible agents to spy individuals. From this point of view, it can be argued that Ethiopia’s counterterrorism policies have been a source of fear and insecurity with a lasting effect on the political culture of the people.

#### **4.5.1. People and Multi-Polar Insecurity from Counterterrorism**

The practice of Ethiopia’s counterterrorism policies fails to have a positive intrinsic value. While labelling legally registered peaceful opposition politicians and unarmed critical voices as ‘terrorists’, governments fail[ed] to discharge the responsibility of protecting the peace and security of people from real dangers of ‘terrorism’. For instance, the data from the Global Terrorism Database (GTD) shows that civilian fatalities and injuries from ‘terrorist attack’ increased after the country adopted its first anti-terrorism legislations in 2009.<sup>503</sup> The GTD data from February 17, 1992 – December 23, 2020 revealed that there were 2651 fatalities and 1341 injuries within twenty-eight years. The data also showed that, of the 3992 civilian casualties, 1895 fatalities and 551 injuries, a total of 2446 casualties were recorded between August 2009 and December 2020. The number of casualties from ‘terrorist’ attack has been more than doubled within eleven years (2009-2020). This evidence contradicts with the governments’ claim that the objective of Ethiopia’s counterterrorism policies was/is to protect the peace, freedom and security of the people. People face a multi-polar fear and insecurities from the government and its agencies, and domestic and Trans-boundary armed groups, and the proliferating mob groups in the country, in addition to the already existing insecurities from unemployment, lack of food,

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<sup>501</sup> Mattes and Teka, 2016.

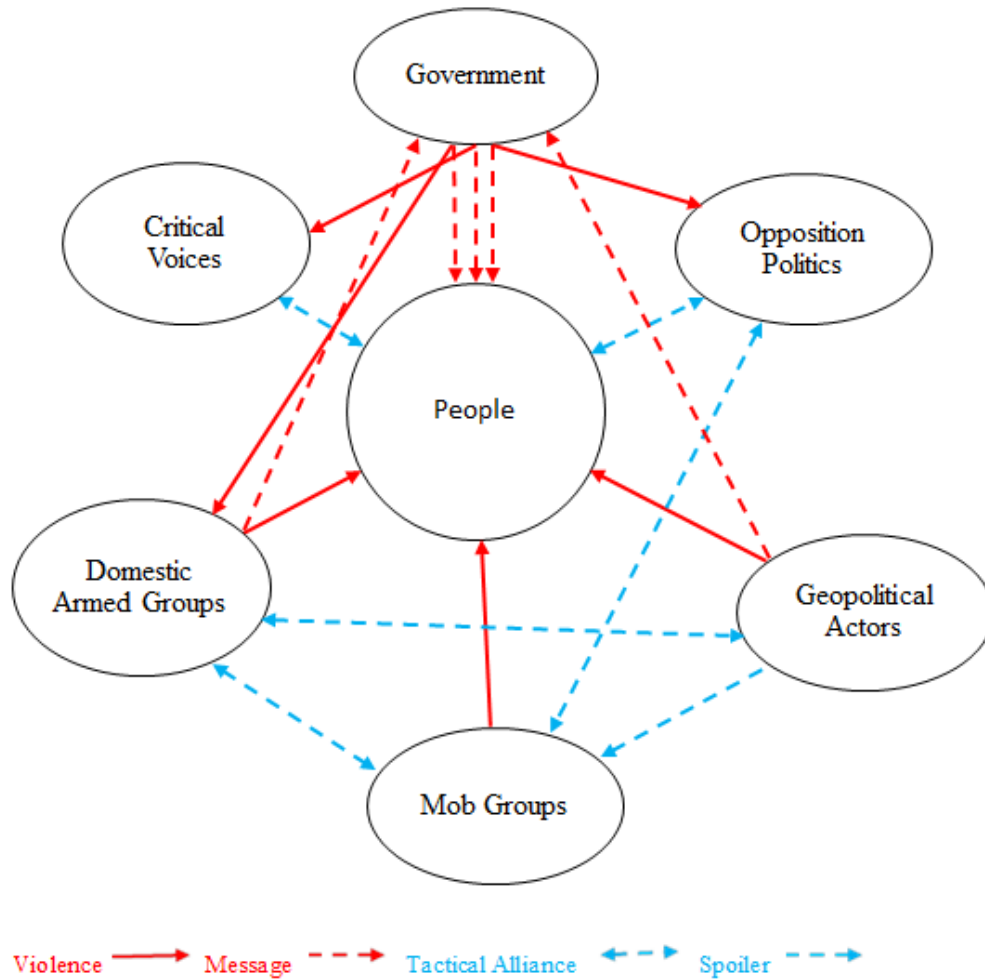
<sup>502</sup> Mattes and Teka, 2016.

<sup>503</sup> Global Terrorism Database, 2022.

diseases, and environmental degradation.<sup>504</sup> Government employs differing tactics in its quest to maintaining regime security. For instance, by employing excessive violence against opposition politicians and critical voices it sends a message [fear] to the public to refrain from opposing its order. Domestic armed groups also employ the similar tactic in their quest to challenge the order of the government. They employ violence [terror] against civilians, and thus send message to the government and seek recognition from geopolitical actors. These struggles and competitions for power and hegemony use peoples' insecurities as instruments of communication and felicitous conditions to achieve desired objectives. This complex network of state, non-state and geopolitical actors, as described in the diagram below, shows how different hegemonic aspirations and the struggle for power use people as instrument of communication and pose a multi-polar insecurity on the people.

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<sup>504</sup> International Organisation for Migration Report, 2019.



**Figure 4 Multi-polar insecurities against the people from counterterrorism.**

*Source:* Developed by the author, January 2023

The state, non-state and the geopolitical actors, as shown in the diagram, use insecurity as a medium of exchange in their pursuit for political gains. The probability of getting the desired political commodity highly depends on the magnitude of the insecurity they pose on the target people. The more insecurity an actor poses against a politically active group or community, the greater will be its chance for achieving the desired political aspiration. In this regard, it can be argued that imposing a serious threat to the security of a politically active group or community is believed to increase an actor’s bargaining power. It is with this assumption that the PP-led federal government and the proscribed ‘terrorist organisations’- the TPLF and OLA use(d) insecure people as bargaining chip in their quest for a significant share of the ‘donated’ public pie. People in parts of Tigray, Amhara and Afar had been under grave insecurity during the war

between the PP-led federal government and the TPLF. The federal government and its affiliates, for example, tried to communicate the TPLF through the use and threat of violence against civilians.<sup>505</sup> The TPLF, in the same manner, tried to communicate the federal government through the use and threat of violence against non-combatants.<sup>506</sup> During the war, imposing insecurity (political, personal, economic and health, among others) on non-combatants was followed as a strategy for one to become victorious over the other. The geopolitical actors like Eritrea, Turkey, the UAE, among others, have also participated directly or indirectly as insecurity entrepreneurs in the ‘counterterrorist’ war.

The war between the PP-led federal government and the OLA in parts of Oromia (especially in West Wollega) also demonstrate similar strategy. The OLA uses imposing a maximum possible insecurity on the civilian ethnic Amharas and government affiliates as a strategy to communicate the federal government and other geopolitical actors with similar interests.<sup>507</sup> The federal government also uses violence against the OLA and its perceived civilian sympathisers with the objective to communicate the broader mass (civilians) with ostensibly similar political demand.<sup>508</sup> The federal government and the OLA, for example, have been blaming each other for the massacre committed against the ethnic Amharas in West Wollega. However, reports from independent international organisations and interviewees confirm that both the government (federal and regional) and the OLA have been using violence and threat of violence against civilian ethnic Amharas and the perceived sympathisers as an instrument for political communication.<sup>509</sup>

The complex network of state, non-state and other geopolitical actors is eloquently described in de Waal’s thoughtful work titled ‘The Real Politics of the Horn of Africa’ which depicted the Horn of Africa as the ‘political marketplace’ where violence is used as a tool for extracting rent and loyalty is exchanged for political service.<sup>510</sup> The ‘political market place’ theory best describes the situation in Ethiopia where imposing the maximum possible insecurity on civilians

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<sup>505</sup> Ethiopian Human Rights Commission and Office of the United Nations High Commissioner for Human Rights Report, 2021.

<sup>506</sup> Ethiopian Human Rights Commission Report, 2021.

<sup>507</sup> Interviewee Four, Addis Ababa, January 24, 2023.

<sup>508</sup> Interviewee Four, Addis Ababa, January 24, 2023.

<sup>509</sup> Amnesty International Report, 2020; Human Rights Watch, 2022.

<sup>510</sup> de Waal, 2015.

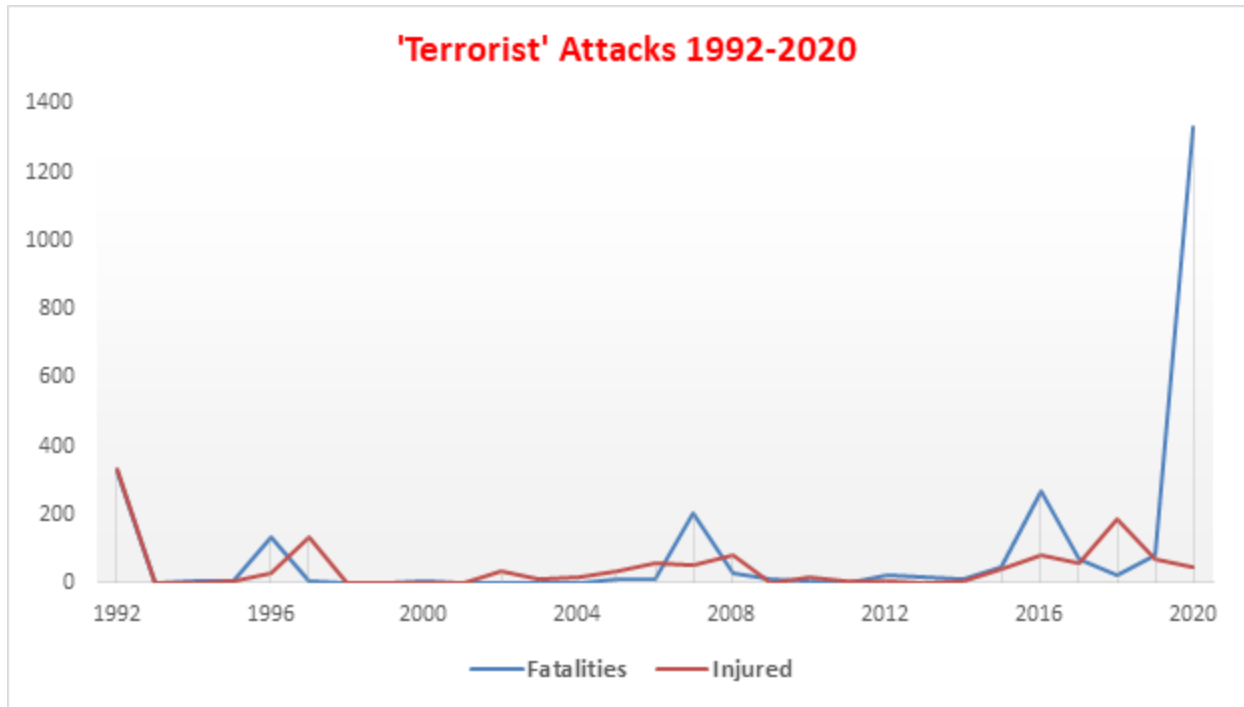
is seen as a leverage to secure one's desired political demands. The state and non-state actors (both organised and armed) remain rational actors looking to maximise their group interest based on the magnitude of insecurity they impose upon the unorganised and unarmed civilians. The anomaly here is that the state, like any other non-state actors, appears to be an insecurity entrepreneur, disregarding its responsibility for providing security to individuals and communities which was the prime justification for its existence.

The data from the GTD, in this regard, demystifies the counterterrorist discourse of 'protecting the peace and security of people from the threat of terrorism'. The GTD data shows the increasing grave insecurity against people and the failure of the state to provide physical, psychological and political security to individuals and communities.<sup>511</sup> The number of violence, which the GTD categorised arguably as 'terrorist attack' has been increasing at an alarming rate since the adoption of the counterterrorism policies in 2009. The increasing number of violence perpetrated by different actors other than the proscribed 'terrorist organisations' shows the incapability of the state to monopolise the legitimate use of physical force within its territory (state failure) and its contested legitimacy than the prevalence of the terrorist threat to the extent it is narrated by the governments as an existential threat to Ethiopia as illustrated in the following graph.

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<sup>511</sup> Global Terrorism Database, 2022.





**Figure 5 Graph showing the progression of ‘terrorist’ attacks (1992-2020).**

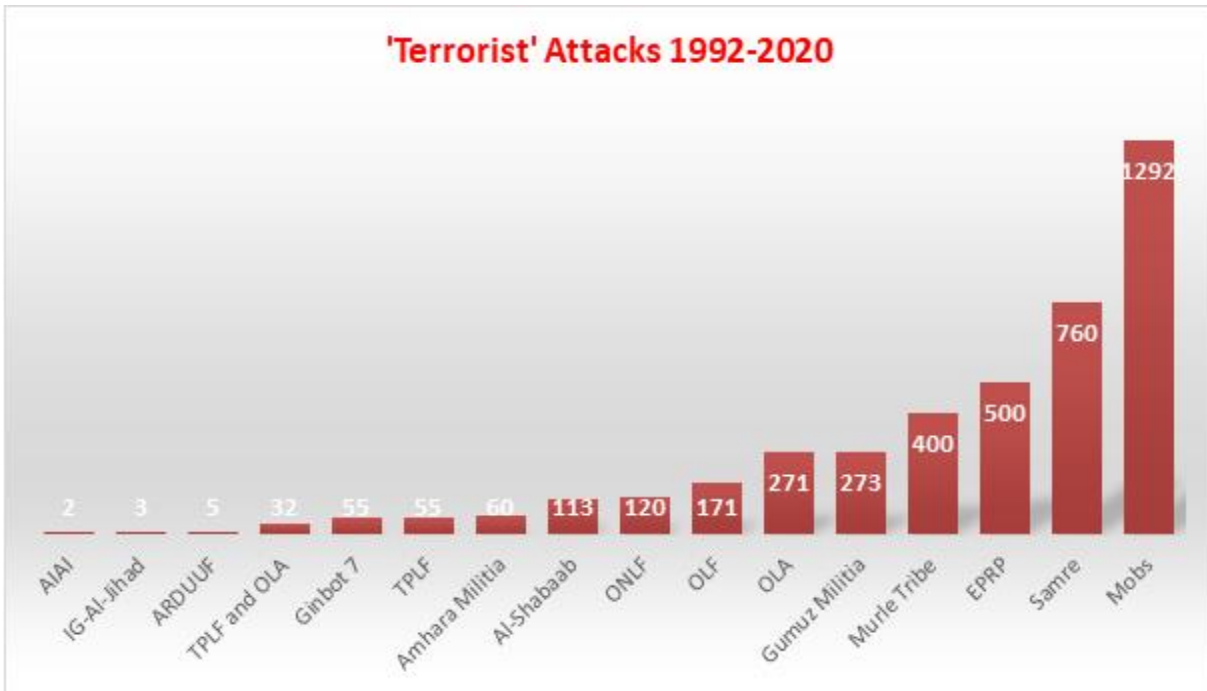
*Source:* The Global Terrorism Database, 2022

The GTD data also shows that the attacks alleged to be perpetrated by organised political forces which are also designated as ‘terrorist organisations’ are insignificant when compared to the attacks carried out by unorganised groups of mobs in different parts of the country.<sup>512</sup> The large number of casualties from the attacks perpetrated by unorganised mob groups also indicates the prevalence of state failure or governments’ reluctance to protect citizens from violent mob attacks, and to bring law and order to its place. Horizontal violence perpetrated by the unorganised mobs in different parts of the country have targeted the ‘ethnic others’.<sup>513</sup> Although the political motivation behind the mob groups is indisputable, the categorisation of the mob attacks as terrorism is fairly debatable. This actor-based and indiscriminate understanding of terrorism misses the very feature of the terrorist violence that may distinguish it from other forms of political violence. However, it helps to deconstruct the narrative of terrorism as an existential threat to Ethiopia in its own terms, and shows that the state is source of insecurity to individuals

<sup>512</sup> Ethiopian Human Rights Commission Report, 2020; Human Rights Watch, 2022.

<sup>513</sup> Ethiopian Human Rights Commission Report, 2020.”

and communities than non-state actors. The following graph shows fatalities and injuries perpetrated by different non-state actors against combatants and non-combatants.



**Figure 6 Graph showing the number of ‘terrorist’ attacks perpetrated by different groups**

*Source:* The Global Terrorism Database, 2022

The above data from the GTD (1992-2020) disproves the governments’ narrative of terrorism as an existential threat to Ethiopia. Moreover, the significant number of casualties perpetrated by groups that are not proscribed as terrorist organisations by the government and unorganised mob groups with no confirmed affiliation to the designated ‘terrorist organisations’ shows the political nature of the terrorist proscription and the seriousness of horizontal [ethnic] violence to the security of the nation than terrorism respectively. It should also be noted that the proscribed ‘terrorist organisations’ have not claimed responsibility for the attacks perpetrated in their names, except the ONLF which officially claimed responsibility for the terrorist attack it carried out against civilians in Abole, Godey. The following table presents fatalities and injuries perpetrated by the proscribed ‘terrorist organisations’, according to the GTD data.

**Table 3 Attacks perpetrated by proscribed ‘terrorist organisations’**

No.	Perpetrator	Fatalities and Injuries	Remark
1	OLF	171	Did not claim responsibility, except for attacks that targeted combatants
2	ONLF	120	Claimed responsibility for only 74 fatalities in Abole, Godey
3	Ginbot 7	55	Did not claim responsibility, except for attacks that targeted combatants
4	TPLF	55	Did not claim responsibility, except for attacks that target combatants
5	OLA	271	Did not claim responsibility, except for attacks that target combatants

**Figure 7 A three-column table showing attacks perpetrated by organisations proscribed as terrorists**

*Source:* Global Terrorism Database, 2022

In general, the attacks perpetrated by groups that are not designated as terrorist organisations and mob groups outnumber the attacks perpetrated by the organisations that are proscribed as ‘terrorist organisations’ by the government. These findings reveal that the terrorist proscriptions have been politically motivated, and are not reflections of the security situation on the ground. This finding does not conceal the grave insecurity people have been facing in the country; rather it informs the inquiry into the real source of insecurity to individuals, groups and communities in the country.

People in Ethiopia are engulfed with health, environmental, economic, personal and political insecurities, among others.<sup>514</sup> However, the state remains the main source of insecurity to individuals, groups and communities. Threats from the state, according to Barry Buzan, may

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<sup>514</sup> UNICEF Report 2021; Daley, 2015; Ibrahim Index of African Governance, 2023; Ambel, Mehta, and Yigezu, 2015; Ethiopian Public Health Institute Demographic and Health Survey, 2021.

arise from (1) domestic law making and enforcement, (2) direct political action, (3) struggle over control of state power, or (4) external security policies.<sup>515</sup> The state of Ethiopia remains to be a Hegelian entity that does not ask for the opinion or consent of the governed, but rigorously demanding obedience. This political culture has always been accompanied with blood and iron, and a persistent struggle over state power for hedonistic group interests. In a quest to sustain these hedonistic group interests, successive regimes have designed mechanisms ranging from institutionalising partisan group interests to securitising differences and dissent.<sup>516</sup> Thus, demands made by individuals, groups and communities for rights, liberties, and democracy in general terms, have been responded with arbitrary detentions, prosecutions, and lethal violence in most cases.<sup>517</sup>

The state of Ethiopia, in general, remains the source of insecurity to individuals, groups and communities than terrorism in many ways. Firstly, groups that control the state power institutionalise draconian legislations in their quest to maintain partisan group interests against the legitimate demand of the majority. Groups in control of state power, hence, establish and indoctrinate the police, intelligence and military to safeguard the partisan group interests. Thus, opposition politicians and independent voices that criticise the ruling group and its partisan interests have been detained arbitrary, prosecuted and labelled as traitors and terrorists.<sup>518</sup> Secondly, groups, in their struggle to maintain or acquire state power use people (civilians) as an instrument of political communication and bargaining chip. For instance, the wars in Tigray and parts of Oromia have resulted in millions displaced, thousands massacred, and tens of millions starved, among others.<sup>519</sup> Thirdly, the state being an instrument of partisan political interest fails to play its role as a trusted legal arbiter. The state order affiliated to a particular ethnic community was/is perceived as a threat to the other ethnic community. In this respect, the Ethiopian state and its counterterrorism policies have been the source of insecurity to individuals,

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<sup>515</sup> Buzan, 1983.

<sup>516</sup> Aregawi, 2008; Yinebeb, 2020; Vaughan, 2003; Wondwossen, 2013: 49–56; Zelalem, 2017: 504–39.

<sup>517</sup> Wondwossen, 2017; Zelalem, 2017: 504–39; Human Rights Watch Report, 2018; Amnesty International Report, 2011.

<sup>518</sup> Yohannes, 2014; Yinebeb, 2020; Zelalem, 2017: 504-39; Wondwossen, 2017.

<sup>519</sup> International Organisation for Migration Report, 2019; Ethiopian Human Rights Commission Report, 2020; Ethiopian Human Rights Commission and Office of the United Nations High Commissioner for Human Rights Report, 2021.

groups and communities. The counterterrorism policies, as it has been unpacked above, serve as an instrument to sustaining the ruling group's partisan political interest while denying physical, psychological and political security to individuals, groups and communities.

#### **4.6. Conclusion**

The chapter interrogated Ethiopia's counterterrorism policies from the human security perspective. In an attempt to show the pervasive insecurities in the country, the historical aspect of the state and security in the context of Ethiopia have been briefly discussed. In this regard, the chapter has showed that the security-liberty contradiction with which the contemporary liberal democratic counterterrorist state is grappling with fails to serve as an analytical framework to the authoritarian counterterrorist state, which struggles to dominate the political, social, economic and cultural life of individuals and groups for the sake of maintaining regime security under the guise of fighting terrorism. From this point of view, an immanent critique has been made to destabilise the government position and discourse that postulated the very objective of Ethiopia's counterterrorism policies as to protect the peace and security of the people. The analysis showed that the government used its counterterrorism discourse to discipline political opposition and stifle dissent voices that are critical of the government and its policies. The analysis has also unpacked the political and personal insecurities which the opposition politicians, journalists, bloggers and other independent voices had faced and the intertwined multi-polar insecurities posed against people from the institutions of government, geopolitical contenders, domestic armed groups and unorganised mob groups. Lastly, it is argued that Governments, being the greatest threat to the security of people in the country have exploited the counterterrorism discourse for maintaining regime security. However, the emerging scholarship on security stresses that a true security can only be achieved through addressing the human security challenges, and hence through the realisation of human emancipation.

## Chapter Five

### The Making and Unmaking of ‘Terrorist Organisations’

#### 5.1. Introduction

This chapter examines the political interests informing the making and unmaking ‘terrorist organisations’ in Ethiopia. Accordingly, the first section of the chapter delves into examining the evolution of making terrorist organisations at the global level. The second section goes on scrutinising the evolution of party politics in Ethiopia and makes a critical analysis of the intra-party relations during the Dergue and in the post 1991 period until the 2005 contested election in the country. The third section examines the EPRDF’s resort to emergency power in the aftermath of the 2005 election, and the consequent adoption of the Anti-Terrorism Proclamation and its proscription regime. Lastly, after a thorough analysis of the proscriptions and revocations, the section goes on interrogating the efficacy of making and unmaking ‘terrorist organisations’ in a quest to maintain regime security.

#### 5.2. The Evolution of Making ‘Terrorist Organisations’

The practice of outlawing organisations that are deemed to be threats to national security dates back to the ancient time.<sup>520</sup> It was practiced in Pre-Christian Rome, and in medieval Britain against the anti-monarchy Yorkists, among others.<sup>521</sup> In modern times, for example, Canada has outlawed the Front de Liberation du Qubec under the War Measures Act in 1970, and Australia has banned the Communist Party in 1950.<sup>522</sup> The Turkish constitutional council has banned Kurdish political parties repeatedly since 1990.<sup>523</sup> Sri Lanka proscribed the Liberation Tigers of Tamil Eelam (LTTE) in 1998.<sup>524</sup> And Spain has a record of proscribing number of pro-liberation organisations and political parties as terrorist organisations.<sup>525</sup> The proscription practice got a contemporary relevance following the 9/11 terrorist attack against the USA and the consequent

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<sup>520</sup> Jarvis and Legrand, 2018: 199–215.

<sup>521</sup> Jarvis and Legrand, 2018: 199–215.

<sup>522</sup> McGarrity and Williams, eds. Jarvis and Legrand, 2019: 36–60; Jarvis and Legrand, 2018: 199–215.

<sup>523</sup> Demirsu, 2017; Sentas, 2018: 298–317.

<sup>524</sup> Nadarajah, 2018: 278–97.

<sup>525</sup> Bourne, 2018: 318–35.

‘War on Terror’ campaign.<sup>526</sup> The USA’s securitisation move was accompanied by the UNSC Resolution that urged all member states to join the global campaign against terrorism.<sup>527</sup> The move empowered states to adopt extra-constitutional measures to respond to the ‘terrorist’ threat. These especial legislations provided the power to outlaw, inter alia, organisations deemed to engage in terrorist activities.<sup>528</sup> For instance, currently the USA has 61 organisations listed as ‘Foreign Terrorist Organisations’; the UK has 71 organisations designated as ‘International Terrorist Organisations’; Canada has 53 organisations listed as ‘Terrorist Entities’; and Australia has listed 24 organisations as ‘Terrorist Organisations’.<sup>529</sup> The proscription powers varied across states; although, the ‘terrorist’ designations depend on the political will of governments.<sup>530</sup>

Ethiopia’s securitisation move, as it has been discussed in chapter three, was materialised in 2009 when it adopted its first anti-terrorism proclamation. Following this move, in 2011, ten years after the 9/11 attack; the EPRDF-led government designated the OLF, ONLF and Ginbot 7 Movement for Democracy and Justice as terrorist organisations.<sup>531</sup> The OLF and ONLF had been tactical allies of the EPRDF in the struggle against the Dergue regime and immediately after EPRDF’s seizure of state power respectively. Ginbot 7 for Democracy and Justice, on the other hand, is the outgrowth of the CUD in the aftermath of the 2005 contested election in the country. The designation on the OLF, ONLF and Ginbot 7 for Democracy and Justice was revoked following the 2018 political reform in the country by the new-found Prosperity Party-led government. The PP-led government has in turn designated the TPLF, which was first among equals within the EPRDF coalition and OLA (whom the government calls Shanee), which is alleged to be the military wing of the OLF, as terrorist organisations.

The analysis of the making and unmaking of ‘terrorist organisations’ in Ethiopia needs a thorough examination of the political culture and the way opposition politics and dissent have been understood by the political elite. Accordingly, in an attempt to understand the contemporary dilemma of making and unmaking ‘terrorist organisations’ the following section will examine

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<sup>526</sup> Jarvis and Legrand, 2018: 199–215.

<sup>527</sup> United Nations Security Council Res 1373, 2001.

<sup>528</sup> Jarvis and Legrand, 2018: 199–215; Romaniuk et al., eds., 2017.

<sup>529</sup> Jarvis and Legrand, 2018: 199–215.

<sup>530</sup> Romaniuk et al., eds., 2017.

<sup>531</sup> Wondwossen, 2017.

the historical context under which opposition politics and the culture of securitising the other emerged and internalised as a guiding principle in one's quest for political power.

### **5.3. The Evolution of Party Politics in Ethiopia: Demonising the Other**

The imperial Ethiopia experienced a subject political culture where political power was acquired through inheritance or blood and iron, and power struggle was limited to the aristocratic circles who were seeking, in the words of Merera- 'the mandate of heaven'.<sup>532</sup> Party politics entered the country only after the downfall of the imperial order and the rise of the military junta to power.<sup>533</sup> When Dergue seized state power in 1974, it was according to Markakis, 'innocent of ideology and bereft of political program'.<sup>534</sup> To fill this literacy gap, the Dergue sought an alliance with the radical Marxist intelligentsia who were among the loosely organised Ethiopian Student Movement.<sup>535</sup> By the time, there were the All-Ethiopia Socialist Movement (MEISON, in its Amharic acronym) and the Ethiopian People's Revolutionary Party (EPRP), which are the two off-springs of the Ethiopian Student Movement and that pioneered both the birth and antagonism of political parties in the country.<sup>536</sup> The off-springs of the same movement divided when MEISON agreed to cooperate with the Dergue, while EPRP opted to continue the struggle against the Dergue.<sup>537</sup> The notable difference between the two Marxist political organisations was only over the Eritrean question.<sup>538</sup> However, a serious antagonism emerged when the EPRP began to assassinate the leading members of the Dergue and Fikre Merid, a leading MEISON and the Dergue cadre.<sup>539</sup> In response the Dergue officially declared 'red terror' against EPRP's assassination campaign which Colonel Mengistu labelled as a 'white terror' in 1976.<sup>540</sup> The Dergue also turned its bullet against MEISON when it swept away EPRP from Addis Ababa. Despite Dergue's eventual 'red terror' campaign against both MEISON and EPRP, these off-springs of the same movement framed each other as a threat and assassinated each other in the

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<sup>532</sup> Bahru, 2001; Merera, 2007: 1–25.

<sup>533</sup> Merera, 2007: 1–25.

<sup>534</sup> Markakis, 2020.

<sup>535</sup> Vaughan, 2003.

<sup>536</sup> Merera, 2007: 1–25.

<sup>537</sup> Merera, 2007: 1–25.

<sup>538</sup> Vaughan, 2003.

<sup>539</sup> Vaughan, 2003.

<sup>540</sup> Bahru, 2001.



course of the campaign.<sup>541</sup> The EPRP labelled MEISON members as ‘*bandas*’ (meaning traitors) and MEISON labelled the EPRP members as ‘anarchists’.<sup>542</sup>

There had also been a fierce antagonism between the EPRP, which claimed to represent Ethiopians in general for the self-determination of all nationalities, and the TPLF that stood for the self-determination and of secession of the ethnic Tigrayans.<sup>543</sup> Both the EPRP and TPLF had the right to self-determination as the alpha and omega of their struggle. These Marxist organisations have also framed Ethiopia as ‘the prison of nationalities’ whose freedom can only be attained through democratic framework. The point of divergence is that the former focused on insurrections from the urban area while the later believed in waging a protracted armed struggle from the rural area.<sup>544</sup> This difference in military strategy led the organisations to securitising each other. The EPRP framed the TPLF as ‘the enemy of the revolution’ while the TPLF framed the EPRP as a ‘petit bourgeoisie chauvinist party no better than the ruling class that oppressed Tigray’.<sup>545</sup> Finally, the two organisations went on fighting battles over discourses, despite the devastating war they were facing from the Dergue.

The decades 1970s and 1980s in Ethiopia witnessed what Hobbes termed as ‘the war of all against all’. The other war fought during this time was between the TPLF and the Ethiopian Democratic Union (EDU). The EDU was the only rightist political organisation fighting against the Dergue regime. The EDU was led by Ras Seyoum Mengesha Yohannes, the grandson of the Emperor Yohannes IV. This organisation was framed by the TPLF as a reactionary force aiming to reinstate the old monarch.<sup>546</sup> The TPLF and EDU fought battles that ended in the final defeat of the EDU.<sup>547</sup> The TPLF was alleged to have massacred all the members of its senior political organisation, the *Ginbar Gedli Harinet Tigray*, which had been fighting against the Dergue regime for the liberation of Tigray.<sup>548</sup>

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<sup>541</sup> Bahru, 2001.

<sup>542</sup> Merera, 2007: 1–25.

<sup>543</sup> Aregawi, 2008.

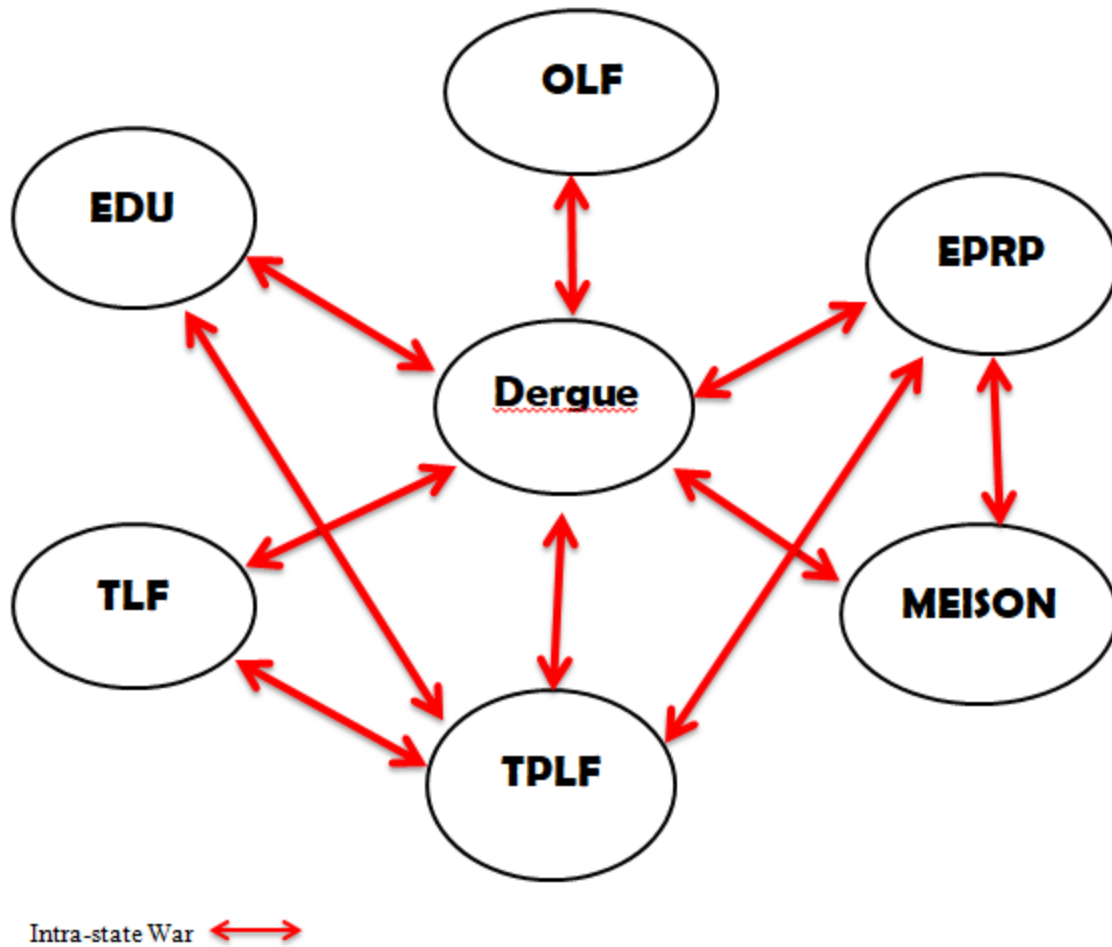
<sup>544</sup> Aregawi, 2008.

<sup>545</sup> Aregawi, 2008.

<sup>546</sup> Aregawi, 2008.

<sup>547</sup> Aregawi, 2008.

<sup>548</sup> Gebru, 2000: 635–67.



**Figure 8 Diagram showing intrastate wars**

*Source:* Developed by the author, January 2023

In the course of their struggle against the Dergue, the TPLF, OLF, ONLF and other ethnic based fronts had somewhat tactical and uneasy relations. The TPLF, inter alia, had a culture of labelling any political organisation that doesn't correspond to its ideological orientation as a 'reactionary' and 'anti-people'.<sup>549</sup> Merera, in this regard, argues that [not only the TPLF], party politics in Ethiopia in general has been characterised by polarisation, fragmentation, sectarianism, conspiracy and political intrigues since its birth in 1970s.<sup>550</sup> To bring more insight in support of the above argument, the following section will delve into examining the intra-party relations among ethnic based political parties in the post 1991 Ethiopia.

<sup>549</sup> Aregawi, 2001: 1–18.

<sup>550</sup> Merera, 2007: 1–25.

#### 5.4. Ethnic Parties and the Politics of Demonising the other in the Post 1991 Ethiopia

In Ethiopia, prior to the 1991, despite the ethnic diversity in the country, there was no formally organised political party along ethnic line.<sup>551</sup> In 1991, following the downfall of the Dergue regime, the TPLF led coalition of ethnic based fronts assumed the state power and ethnicity reached the status of both political and legal recognition. Consequently, the country was restructured into ethnic-based federal arrangement which ostensibly gave ‘autonomous’ rights to regional states.<sup>552</sup> The new constitution also allowed all regional states to have their own flag, executive government, legislature, judiciary, and police; choose their own working language; and finally unconditional rights to self-determination and including secession which even cannot be suspended during a state of emergency.<sup>553</sup> Following this move, according to the National Electoral Board of Ethiopia, 79 political parties were registered as per proclamation number 573/2008, and of these 79 political parties 50 were ethnic based political parties.<sup>554</sup>

The construction of an existential threat narrative has been the foundational principle of ethnic parties in Ethiopia. For instance, the hand written TPLF Manifesto of 1976, framed its struggle as an anti-Amhara national oppression, anti- imperialism, and anti-petit bourgeoisie struggle.<sup>555</sup> Despite its vertical struggle against the Dergue, the TPLF had been in horizontal struggle against the *Ginbar Gedli Harinet Tigray* (the organisation mainly composed of ethnic Tigrians), EPRP, and EDU. As its founding member Aregawi Berhe described the TPLF had the culture of framing those outside its domain as ‘reactionary’ and ‘anti-people’.<sup>556</sup> This securitising culture had been manifested after it assumed state power in 1991. The TPLF and its sister organisations under the EPRDF umbrella have used the old tactic of demonising other competing forces.<sup>557</sup> The TPLF and OLF had a tactical alliance in their struggle against the Dergue regime.<sup>558</sup> They were in a leading position during the establishment of the transitional government. However, they

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<sup>551</sup> Siraw, 2015: 49–54; Berhanu, 2007.

<sup>552</sup> The FDRE Constitution, 1995.

<sup>553</sup> The FDRE Constitution, 1995.

<sup>554</sup> Zemelak, 2014: 89–115.

<sup>555</sup> The TPLF Manifesto, 1976.

<sup>556</sup> Aregawi, 2008.

<sup>557</sup> Asafa, 2011: 1–15; Hagmann, 2005: 509–36.

<sup>558</sup> Vaughan, 2003.

started blaming and securitising each other when they disagreed on ‘who should get the biggest share of the public pie’.<sup>559</sup>

The organisational discourse of the OLF revolved around deconstructing the political history of Ethiopia and framing others as threats to its sacred objectives of emancipating the Oromo and founding the state of Oromia. The OLF holds a colonial thesis, framing the southward expansion of Menilik II as a colonial extension that put the Oromo under the Abyssinian yoke of subjugation.<sup>560</sup> In this regard, the OLF in Marxist fashion, had framed the ‘successive Amhara regimes’, the colonial settlers- whom they call ‘*naftagnas*’, the Oromo feudal class that collaborate with the *naftagna*, the Neo-Gobanists- the Oromo that collaborate with the Ethiopian state and other ‘chauvinist’ organisations, and the TPLF ruling elite whom they referred to as a ‘new Amhara’ as threats to the emancipation of the Oromo.<sup>561</sup>

The ONLF had a history of tactical alliance with political organisations having similar interests against the state of Ethiopia.<sup>562</sup> It had, for instance, tactical relations with the OLF, the TPLF, and other ethnic based political organisations from Ethiopia working to claim the right to self-determination and including secession. It also had a strategic alliance with irredentist groups from Somalia other geopolitical actors from the Middle East.<sup>563</sup> The ONLF framed the Abyssinian state and the Pan Ethiopia nationalists as a threat to the emancipation of the people of Ogaden and the establishment of the state of Ogadenia.<sup>564</sup>

In general, the organisational discourses of almost all ethnic parties remain securitising other communities and groups as threats to their existence. These political organisations also view the unionists and moderates as reactionaries working against the emancipation of their respective community. On the other extreme, for example, the Ginbot 7 Movement for Democracy and Justice framed ethnic based political parties as threats to the national integration of Ethiopia. This sentiment has been shared by almost all Pan-Ethiopia nationalists. The logical fallacy committed by both ethno-nationalists and the Ethiopia-nationalists is that security is universal in

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<sup>559</sup> Vaughan, 2003.

<sup>560</sup> Yinebeb, 2020.

<sup>561</sup> Yinebeb, 2020.

<sup>562</sup> Yinebeb, 2020; Ylonen, eds. Bach et al., 2022: 21–31.

<sup>563</sup> Ylonen, eds. Bach et al., 2022: 21–31; Hagmann, 2005: 509–36.

<sup>564</sup> Yinebeb, 2020.

nature and emancipation will not be achieved at the expense of somebody or some group.<sup>565</sup> However, the culture of securitising difference and dissent among the political parties in Ethiopia was taken to the highest stage in the aftermath of the 2005 contested election. In light of the above discussion the following section will demystify the post-election state violence and the consequent resort to emergency power.

### **5.5. The 2005 Election and the Resort to Emergency Power**

The start of the 2005 election was a promising one for the people that dreamed of democracy and democratic transition for so long. For the first time in the contested history of the country, public debates were held between high profile candidates of the main political parties on controversial and important issues including land ownership, education and language policy, economic development, and the right to self-determination and of secession.<sup>566</sup> The election was hoped to bring the fresh winds of democracy to the proud authoritarian state. However, the hope became a nightmare when the EPRDF declared victory before vote counting was complete.<sup>567</sup> The EPRDF resorted to violence when the CUD refused to enter into the new parliament, and called for rounds of peaceful demonstrations that call for new elections in the contested constituencies and condemn the alleged election fraud.<sup>568</sup> The EPRDF-led government, hence, detained opposition figures, members and protesters, and opposition demonstrators were brutally dispersed by the security forces leaving an estimated number of 200 dead.<sup>569</sup> When the government realised that protests are getting stronger amid the mass detentions and killings, it started to frame the protest and peaceful demonstrations as ‘undermining the constitutional order’.<sup>570</sup>

The EPRDF-led government, hence, detained 111 high profile opposition leaders, journalists and bloggers, civil society organisers, human rights defenders and 30,000 protesters.<sup>571</sup> Most of the detained CUD leaders were sentenced to life in prison, while journalists, bloggers and some civil

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<sup>565</sup> Booth, ed. Hughes and Lai, 1991: 313–26.

<sup>566</sup> Smith, 2007.

<sup>567</sup> Smith, 2007.

<sup>568</sup> Arriola and Lyons, 2016: 76–88; Smith, 2007; Lyons, 2010: 107–21.

<sup>569</sup> Arriola and Lyons, 2016: 76–88; Smith, 2007.

<sup>570</sup> Abbink, 2006: 173–99.

<sup>571</sup> Smith, 2007.

society representatives were sentenced to eighteen months to eighteen years in prison.<sup>572</sup> The crackdown on opposition and dissent remains the norm in the political process when governments since the Dergue perceive their order is being threatened. Sara Vaughan and Tronvoll in this regard bring an excellent insight into discussion. Opposition political parties are relatively free in conditions where they present no significant challenge to the ruling party; but when they are thought to be competitive, they find their offices closed, their candidates detained and their supporters warned against voting for them.<sup>573</sup>

The aftermath of the 2005 parliamentary election, in general, saw an intensified crackdown on political opposition, a serious restriction on civil and political liberties and an intolerant behaviour against any kind of dissent.<sup>574</sup> In addition to the CUD and other participants of the election, the OLF, ONLF and people affiliated to these political organisations were targeted, intimidated, harassed and taken to jail in some circumstances.<sup>575</sup> In rural Ethiopia farmers that voted for opposition political parties were targeted and denied access to fertilisers, seeds and other government supplied inputs.<sup>576</sup>

The EPRDF-led government, before its resort to the emergency power, had already started framing peaceful protests and legitimate demands as ‘undermining the constitutional order’. However, the post-election public anger and the consequent waves of protests were beyond control under conventional ‘law and order’ rhetoric. From this point of view, it is plausible to argue that the EPRDF-led government’s resort to adopting the 2009 anti-terrorism legislation was aimed at disciplining the booming opposition, rescuing the fading legitimacy and maintaining regime security under the guise of combating terrorism. To textually support this argument, the following section will present Anti-Terrorism Proclamation 652/2009 and the amended Prevention and Suppression of Terrorism Crimes Proclamation 1176/2020 and make first order and immanent critique on both proclamations.

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<sup>572</sup> Smith, 2007.

<sup>573</sup> Vaughan and Tronvoll, 2003.

<sup>574</sup> Arriola and Lyons, 2016: 76–88; Abbink, 2006: 173–99; Smith, 2007.

<sup>575</sup> Smith, 2007.

<sup>576</sup> Smith, 2007.

## **5.6. The Anti-Terrorism Proclamation and the Proscription Regime**

The ATP 652/2009 was drafted by a committee composed of government high ranking officials, selected members of the FDRE House of People’s Representatives, the public prosecutor, judges, the police force, and the National Intelligence and Security Service (NISS).<sup>577</sup> The committee did not include members from the opposition political parties or independent legal experts outside the government domain.

Section five of the proclamation stipulates the proscription regime. In this section the proclamation gives the power to proscribe or de-proscribe to the FDRE House of People’s Representatives upon the submission by the government. It also stipulates issues regarding the freezing, seizure and forfeiture of the properties of the proscribed terrorist organisation. However, it didn’t provide a detail for the de-proscription process. The proclamation under article 25(2) stated that:

Any organisation shall be proscribed as terrorist organisation if it directly or indirectly: commits acts of terrorism; prepares to commit acts of terrorism; supports or encourages terrorism; or is otherwise involved in terrorism.

The acts of terrorism listed under article 3(1-7) of the proclamation included: causing a serious bodily harm or injury to a person, creating a serious risk to the safety and health of the public or section of the public, kidnapping or hostage taking, causing serious damage to property, causing damage to natural resources, environmental, historical or cultural heritages, endangering, seizing or putting under control, causing serious interference or disruption of any public service, or threatening to commit any of the acts mentioned above.<sup>578</sup>

### **5.6.1. The ‘Terrorist’ Making under the EPRDF Regime**

The FDRE House of People’s Representatives, based on the above procedure, accepted the recommendation presented by the Federal Attorney General, and approved by the Council of Ministers, to designate the OLF, ONLF and the Ginbot 7 Movement for Justice, Freedom and Democracy as terrorist organisations in 2011. The following section examines the designation of these political forces as terrorist organisations.

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<sup>577</sup> Yohannes, 2014.

<sup>578</sup> Anti-Terrorism Proclamation 652, 2009.

### 5.6.1.1. The Oromo Liberation Front: a betrayed ‘terrorist’

The OLF was established in 1973 by those who opposed the Haile Selassie I regime and the mainstream Pan-Ethiopianist political discourse.<sup>579</sup> To the OLF, Ethiopia is a state built upon Menelik II’s colonial conquest that brought the Oromo and other nations from the south into the mainstream Abyssinian Empire.<sup>580</sup> The OLF presents the Oromo case as a ‘delayed decolonisation’, and sought to end the ‘Abyssinian colonialism’.<sup>581</sup> The Front, thus, claimed for the right to self-determination with the goal of establishing an independent state of Oromia. To this end, the OLF has fought, inter alia, against the Dergue regime, in collaboration with the TPLF and other like-minded separatist ethnic organisations since its establishment.<sup>582</sup> In 1991, when the Dergue regime was toppled, the OLF was among the victorious ethno-nationalist fronts and part of the Transitional Government of Ethiopia with four ministerial positions.<sup>583584</sup> However, in 1992 it withdrew from the government when it felt the Transition Government is TPLF dominated. Since its withdrawal from the Transitional Government, the OLF had been labelled as an ‘anti-people’, ‘anti-peace’ force, and blamed by the EPRDF Government for several attacks that targeted civilians, government officials, and properties in the country. For instance, the OLF was blamed for bomb attacks that took place in Ethiopia-Djibouti railway, Tigray Hotel in Addis Ababa in 2002, and Bishoftu in 2004; but it did not assume responsibility, except for the attacks on government installations and military targets.<sup>585</sup> The OLF was finally designated as a ‘terrorist organisation’ by the FDRE House People’s Representatives in 2011. In 2012, after almost 40 years of armed struggle for the ‘independence of Oromia’, the OLF adopted a new political program declaring that it has dropped its core demand to secede from Ethiopia and establish an independent state of Oromia. The front, instead proclaimed its new commitment to work with all peoples and political forces that accept democratic principles and rule of law towards the realisation a new Federal Democratic Republic of Ethiopia where the Oromo people fully exercise their right to self-determination under the *Gada* System, live in

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<sup>579</sup> Yinebeb, 2020.

<sup>580</sup> Asafa, 2017: 83–106.

<sup>581</sup> Asafa, 2017: 83–106.

<sup>582</sup> Vaughan, 2003.

<sup>583</sup> Yohannes, 2014.

<sup>584</sup> Yohannes, 2014.

<sup>585</sup> Yohannes, 2014.



peace, freedom and prosperity, and both Amharic and Oromo language serve equally as official languages.<sup>586</sup> The new political program [intentionally] leaves ambiguous statements that might be subject to contradicting interpretations. For instance, it defines issues pertaining to citizenship, national defence force, and foreign relations in a context that embrace Confederation than federalism. However, this move did not bring an end to its proscribed status as a ‘terrorist organisation’ till the 2018 political reform.

The OLF claims to represent the Oromo majority that occupied strategic and the most fertile land in Ethiopia.<sup>587</sup> Moreover, it has been honoured as the icon of the Oromo struggle for self-determination, and hence a legitimate political force in the eyes of the people as well as other political forces, except the Oromo People’s Democratic Organisation (OPDO).<sup>588</sup> In this regard, OLF’s political discourse and secessionist demand together with its broader social foundation among the Oromo had been a threat to the TPLF minority which aspired to have a dominant position within the EPRDF coalition and maintain its grip over state power.<sup>589</sup> However, by designating the OLF as a ‘terrorist organisation’, besides curtailing the overt movement of the organisation as a political force, the EPRDF was empowered to detain political figures, journalists and activists, whom it perceived sympathisers of the OLF and potential threats to its order.<sup>590</sup> Through this tactic, the EPRDF had managed to maintain itself as a dominant party and thus, monopolised state power for almost three decades. On the other hand, by de-securitising the OLF, the PP has effectively presented itself as a vanguard of peace and *Medemer* (the political ideology of Abiy Ahmed) to the people of Oromo in particular and Ethiopia in general; and has effectively used this image to mobilise support for the 2021 regional and national elections. The party has also managed to control potential threats from armed struggle to its security by delisting the OLF. In a nutshell, it can be argued that the struggle for state power and hegemonic aspirations remain the central political values in the making and unmaking of the OLF as a terrorist and non-terrorist organisation.

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<sup>586</sup> Political Program of the Oromo Liberation Front, 2012.

<sup>587</sup> Asafa, 2017: 83–106.

<sup>588</sup> Asafa, 2017: 83–106.

<sup>589</sup> Vaughan, 2003.

<sup>590</sup> Asafa, 2017: 83–106.

### 5.6.1.2. The Ogaden National Liberation Front: from regional leadership to a ‘terrorist group’

The ONLF was founded in Kuwait on August 15, 1984, by six former West Somalia Liberation Front (WSLF) leaders.<sup>591</sup> The WSLF was an irredentist movement backed by the then Somalia government, whose demand was part of the ‘Greater Somalia’ project.<sup>592</sup> Unlike its predecessor that had an irredentist claim over the Ethiopian Somali region, the ONLF demanded the independence of the Ogaden people from what it described as the ‘Abyssinian Colonialism’.<sup>593</sup> In the beginning, the ONLF did not see itself as an Ethiopian insurgent; rather, it presented the Ogaden case as a colonial case where the people of Ogaden were annexed by foreign power-Abyssinians.<sup>594</sup> The political program of the ONLF begins with a statement: “we the people of Ogaden ... our country [Ogaden] has been colonised against our will and without our consent by Ethiopia”.<sup>595</sup> The ONLF, in this manifesto, declares its struggle as a struggle to liberate the ‘state of Ogadenia’ from the ‘Ethiopian colonisation’, and rejects all discourses that conflate the issue of Ogaden with the border dispute between Ethiopia and Somalia or the Somalia irredentism.<sup>596</sup>

In 1991, following the downfall of the Dergue regime, the ONLF agreed to take part in the Transitional Government, and hence has participated in the 1992 regional council election where it won over 80% of the seats in the regional parliament of the then Region-5 (Ethiopian Somali Region). After controlling the majority of seats in the regional council and establishing regional government under the FDRE, the ONLF initiated a formal procedure to exercise the right to [external] self-determination for the Ogaden people as per Article 39 of the FDRE 1995 Constitution. This move was unanimously approved by the regional council to hold a referendum aimed at the secession of the Ogaden Region. However, this secessionist movement faced a fierce resistance from clan minorities within the Somali region and the federal government and resulted in the forceful dismissal of the ONLF from the regional leadership.<sup>597</sup> The moderate ONLF affiliates continued with the new EPRDF’s preferred regional satellite party, Ethiopian

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<sup>591</sup> Yinebeb, 2020.

<sup>592</sup> Yinebeb, 2020.

<sup>593</sup> Yinebeb, 2020.

<sup>594</sup> Yohannes, 2014.

<sup>595</sup> Political Program of the Ogaden National Liberation Front, 1984.

<sup>596</sup> Political Program of the Ogaden National Liberation Front, 1984.

<sup>597</sup> Ylonen, eds. Bach et al., 2022: 21–31.

Somali Democratic League (ESDL). The ONLF ended its formal participation in the regional politics in 1994 and went back to the armed struggle.<sup>598</sup> Upon its return to the armed struggle the ONLF and its sympathisers posed a serious security challenge to the ESDL leadership.<sup>599</sup> The ESDL and EPRDF led government in Addis Ababa started to label the ONLF as an ‘anti-peace’, ‘anti-people’ force that works with the enemies of Ethiopia against the territorial integration of Ethiopia. To control the worsened security situation in the region, the ESDL under the guidance of the federal government, established a Special Police Force (Liyu Police), which had been accused of committing grave human rights violation in the region.<sup>600</sup>

The ONLF, on April 24, 2007, claimed to have killed nine Chinese and more than 60 Ethiopian workers in Abole, the Chinese-run oil exploration camp in Ogaden.<sup>601</sup> Following this incident, the government, in response fashioned arbitrary arrests, disappearances, torture, and extensive detentions without prosecution in the region.<sup>602</sup> Eventually, the ONLF was designated as a ‘terrorist organisation’ by the FDRE House of People’s Representatives in 2011, although it was allegedly in negotiations with the EPRDF-led government to silence guns and abandon its secessionist demand and work within the federal constitutional framework for the betterment of socio-economic and political conditions in the Ethiopian Somali region.<sup>603</sup> This move was attributed to the increased counterterrorism measures by the government, draining resource and support from the local community and the diaspora, and the break up within its leadership.<sup>604</sup> Whatever the case, finally, the ONLF was removed from the terrorist list on July 5, 2018 following the 2018 political reform in the country.<sup>605</sup>

Since its appearance as a political force, ONLF’s secessionist agenda had been depicted as a threat to Ethiopia’s territorial integrity.<sup>606</sup> Moreover, its landslide victory in the 1992 regional election and the consequent move had a negative message to the EPRDF.<sup>607</sup> In the eyes of most

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<sup>598</sup> Ylonen, eds. Bach et al., 2022: 21–31.

<sup>599</sup> Hagmann, 2005: 509–36; Ylonen, eds. Bach et al., 2022: 21–31.

<sup>600</sup> Human Rights Watch Report, 2018.

<sup>601</sup> Yohannes, 2014.

<sup>602</sup> Ylonen, eds. Bach et al., 2022: 21–31.

<sup>603</sup> Ylonen, eds. Bach et al., 2022: 21–31.

<sup>604</sup> Ylonen, eds. Bach et al., 2022: 21–31.

<sup>605</sup> Ylonen, eds. Bach et al., 2022: 21–31.

<sup>606</sup> Hagmann, 2005: 509–36.

<sup>607</sup> Hagmann, 2005: 509–36.

Ethiopians, the EPRDF was seen as an illegitimate ethno-nationalist coalition working to execute Ethiopia's disintegration.<sup>608</sup> It was blamed for conspiring against the territorial integrity of Ethiopia, following Eritrea's secession that left Ethiopia a landlocked country. However, the EPRDF curbed this 'perception' when it dismissed the ONLF from the regional government position and curtailed its movement by designating it as a 'terrorist organisation'. The move has helped the EPRDF to show its commitment to the territorial integrity of the country, and rescue its fading legitimacy in the aftermath of the 2005 contested election. The designation also empowered the EPRDF to control the political activities in the region through labelling and detaining political dissenters and activists as members and supporters of the ONLF.<sup>609</sup> On the other hand, ONLF's agreement to stop armed struggle and continue within Ethiopia's Federal framework, among other things, has ended the long-existed threat to Ethiopia's territorial integrity. The success has been presented as the product of PP's leverage. In addition, by removing the ONLF from the terrorist list, the PP led government has built its image as the champion of peace and *Medemer* which it used as a political currency for claiming support and legitimacy, especially during the 2021 elections.

#### **5.6.1.3. Ginbot 7 Movement for Justice, Freedom and Democracy: 'Terrorist' from Election?**

The Ginbot 7 Movement for Justice, Freedom and Democracy was born out of the 2005 'failed' election. Ginbot 7 is a group that split from the Coalition for Unity and Democracy (CUD), known in Amharic as *Qinijit*, in the aftermath of the 2005 contested election.<sup>610</sup> The split occurred when some prominent members of the CUD agreed to take the parliamentary seats they secured from the elections, despite the election fraud by the EPRDF. Those who rejected the election result called their supporters to protest against the self-proclaimed victory of the EPRDF.<sup>611</sup> This move was followed by a forceful reaction from the EPRDF led government. More than 30,000 protestors and opposition leaders were taken to jail, and many were killed.<sup>612</sup> Inter alia, the senior leaders of CUD including Professor Berhanu Nega (the founder of Ginbot 7) were charged with terrorism [inciting people to overthrow the government and violating the

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<sup>608</sup> Aalen, 2006: 243–61.

<sup>609</sup> Human Rights Watch Report, 2018.

<sup>610</sup> Arriola and Lyons, 2016: 76–88.

<sup>611</sup> Yinebeb, 2020.

<sup>612</sup> Yohannes, 2014.

constitutional order]. The charge sheet, according to Yohannes Teklu, stated ‘...the leaders made speeches and distributed materials through newspapers that encouraged people to follow the examples of the ‘Orange Revolution’’.<sup>613</sup> Finally, Ginbot 7 was designated as a ‘terrorist organisation’ in 2011. The movement asserted that its struggle was ‘to create the conditions where power is obtained through the expressed will of the people in a peaceful, legal and democratic manner, thereby making the current dictatorship the last in Ethiopia's history’.<sup>614</sup>

Ginbot 7 declared its suspension of armed struggle upon the call made by FDRE Prime Minister Abiy Ahmed to all political forces for a peaceful struggle and reconciliation following the 2018 political reform in the country (BBC News, June 22, 2018). Upon its return, Ginbot 7 merged with other like-minded political forces to form the Ethiopian Citizens for Social Justice Party (EZEMA, in its Amharic abbreviation). The Chairman of Ginbot 7 and designated ‘terrorist leader’, Professor Berhanu Nega, is currently the leader of EZEMA and Minister of the FDRE Ministry of Education.

Since its establishment in 2008, Ginbot 7 had mobilised a large number of Ethiopians in the diaspora and at home. It had a secret network organised into cell structure called *quatero* (secret cell) throughout Ethiopia, especially within colleges and universities.<sup>615</sup> The movement had its own Television broadcasting service called the Ethiopian Satellite Television (ESAT) which was an influential source of information for many Ethiopians at home and the diaspora.<sup>616</sup> The designation in 2011 curtailed movements and support for Ginbot 7, including the restriction on the ESAT, which was labelled as a terrorist media. Political figures, activists, bloggers and journalists who are critical of the government and its policies were all labelled as ‘Ginbot 7 terrorists’, then jailed without due process of law, tortured, and treated inhumanely.<sup>617</sup> The designation, in general, has empowered the EPRDF to employ extra-constitutional measures to dismantle the secret networks and crack down on political dissent. It can be argued that the designation has served as an instrument to ensure the short-term survival and security of the regime. On the other extreme, by removing Ginbot 7 from the ‘terrorist’ list, the PP-led

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<sup>613</sup> Yohannes, 2014.

<sup>614</sup> Topical Note Ethiopia, 2012.

<sup>615</sup> Topical Note Ethiopia, 2012.

<sup>616</sup> Mesfin, 2019.

<sup>617</sup> Zelalem, 2017: 504–39.

government has strategically contained armed threats to its order. The evidence of this argument comes from the practical support pledged by most EZEMA members and its leader Berhanu Nega to the PP-led government and its leader, Abiy Ahmed. The PP government has also used the de-proscription as a manifestation of its commitment to the *Medemer* philosophy and a political currency to claim for legitimacy and support in the 2021 elections.

### **5.7. The Prevention and Suppression of Terrorism Crimes Proclamation**

The amended Prevention and Suppression of Terrorism Crimes Proclamation, in a similar fashion, gives the power to proscribe or de-proscribe an organisation as terrorist organisation to the FDRE House of People’s Representatives upon the recommendation of the Federal Attorney General and the submission by the Council of Ministers. According to this proclamation article 19(1):

An organisation may be proscribed as a terrorist where: it operates by carrying terrorist crimes as its objectives; the management or the decision-making body of the organisation practices or officially accepts the crime or leads its operation; or the crime defines the organisation through its operation and conduct or most of its employees carry out its activities with knowledge of the crime.<sup>618</sup>

According to this proclamation an act is a ‘terrorist act’ if it: causes serious bodily injury to person, endangers the life of a person, commits hostage taking or kidnapping, causes damage to property, natural resource or environment, or seriously obstructs public or social service.<sup>619</sup> Unlike the ATP this proclamation provides an exception where obstruction of public or social service is in exercise of rights recognised by law like demonstration and assembly.

The proclamation states that the recommendation for proscription, which is to be submitted by the Federal Attorney General, may not include confidential matters in detail. This stipulation, although gives the organisation to be proscribed the right to know and access evidence, denies the access to what is coded as ‘confidential matters’.<sup>620</sup>

The PSTCP provides an article for the revocation of the proscription. According to article 24 of the proclamation, the House of People’s Representatives may revoke a proscribed terrorist

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<sup>618</sup> Prevention and Suppression of Terrorism Crimes Proclamation 1176, 2020.

<sup>619</sup> Prevention and Suppression of Terrorism Crimes Proclamation 1176, 2020.

<sup>620</sup> Prevention and Suppression of Terrorism Crimes Proclamation 1176, 2020.

organisation if the terrorist organisation ceases to engage in terrorist activities and when [confirmed] known that it may not engage in such activities, upon the recommendation of the Federal Attorney General and the approval of the Council of Ministers. This stipulation provides similar procedures for the revocation of a proscription.<sup>621</sup>

### **5.7.1. The ‘Terrorist’ Proscription and Revocation under the Prosperity Party**

The PP-led government revoked the terrorist proscription against the OLF, ONLF and Ginbot 7 Movement for Justice, Freedom and Democracy. These revocations have been discussed above in relation to the proscriptions. The following section examines the terrorist proscriptions against the Tigray People’s Liberation Front (TPLF) and the Oromo Liberation Army (OLA-Shanee).

#### **5.7.1.1. The TPLF from State Power to a ‘Terrorist Organisation’: Securitising the Referent?**

TPLF is an ethno-nationalist liberation front that waged seventeen years war against the Dergue regime in a quest for the ‘liberation’ of Tigray.<sup>622</sup> In the words of Aregawi Berhe, who is among the founders of the TPLF, the ethno-nationalist consciousness of the TPLF was generated from the cumulative grievances of Tigrayans against the successive central governments of Ethiopia.<sup>623</sup> The political goal of the TPLF, from the beginning, was aimed at establishing an independent republic of Tigray.<sup>624</sup> However, it dropped this agenda when it assumed state power in the name of the EPRDF Coalition in 1991.<sup>625</sup> The EPRDF coalition, where the TPLF was first among equals, with a fundamental paradigmatic shift from the past, adopted a new constitution that granted basic political and civil rights and allowed all ethnic communities in the country unconditional right of self-determination including secession which even cannot be suspended during state of emergency.<sup>626</sup> However, the claim for these constitutional rights had always been responded with repression. Individuals, groups and organisations who claimed to exercise the rights stipulated in the constitution were labelled as ‘terrorists’ and charged with ‘terrorism’. For

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<sup>621</sup> Prevention and Suppression of Terrorism Crimes Proclamation 1176, 2020.

<sup>622</sup> Aregawi, 2008.

<sup>623</sup> Aregawi, 2004: 569–92.

<sup>624</sup> The TPLF Manifesto, 1976.

<sup>625</sup> Aregawi, 2008.

<sup>626</sup> The FDRE Constitution, 1995.

instance, OLF's claim for proportional representation and 'self-determination', ONLF's claim for the self-determination and secession of the Ogaden, and CUD's demand for 'democratic transition', inter alia, were all labelled as 'terrorist act'.<sup>627</sup> Political figures, journalists and ordinary individuals who are critical of the government and its policies were also charged with terrorism and taken to the notorious Maekelawi detention centre, where they were tortured and treated inhumanely.<sup>628</sup> In general, the TPLF-led EPRDF regime used politically motivated violence and threat of violence as an instrument to repress ethno-nationalist demands, stifle political dissent and freedom of expression in the name of 'countering terrorism' throughout its reign.

The TPLF lost its dominant position following the waves of protests ignited in different parts of the country and the consequent resignation of Prime Minister Hailemariam Dessalegn. The new prime minister, Abiy Ahmed, from the country's ethnic majority- the Oromo, embarked on unprecedented reforms. Abiy's new government made a promise to implement the Algiers Peace Agreement, proclaimed privatisation, called for opposition political forces in exile to return home, released political prisoners, and more importantly, delisted the OLF, ONLF and Ginbot 7 from the 'terrorist list'.<sup>629</sup> The new leadership also called for the merger of the EPRDF coalition, including the four satellite parties to form a national party.<sup>630</sup> However, the TPLF refused to join the merger proposal that gave birth to the Prosperity Party in November 2019. The TPLF, hence, questioned the legitimacy of the PP-led federal government, and went on unilaterally holding election in Tigray region, which the PP-led federal government temporarily suspended at national level due to the Covid-19 Pandemic.

The confrontations were materialised and turned into war when the TPLF attacked the National Defence Force under the Northern Command in Tigray region on the 4<sup>th</sup> of November, 2020 (Reuters, December 17, 2020). Although the TPLF officially denied the attack, it was admitted by one of its leaders, Sekutire Getachew, in his interview with the *Dimitsi Woyyane* TV (DW), when he said, "We demobilised the Northern Command within four hours taking a thunder-like strike". In this interview, Sekutire argued that Tigray faced 'a clear existential threat' from Abiy

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<sup>627</sup> Hagmann, 2005: 509–36.

<sup>628</sup> Zelalem, 2017: 504–39.

<sup>629</sup> Asnake, 2020.

<sup>630</sup> Lyons, 2021: 1051–63.



Ahmed and Isaias Afwerki.<sup>631</sup> (The point here is not to investigate how the civil war in Tigray broke out, but to show how the securitising move came about).

Securitising discourses, thus, emerged immediately after the attack. The PP-led government and the TPLF securitised each other as an existential threat to Ethiopia and the people of Tigray respectively. The Federal government labelled TPLF as “Junta”,<sup>632</sup> while TPLF in turn labelled not the Federal government verbatim, but ‘the group led by Abiy Ahmed’ as “Fascist *Gujjille* Abiy Ahmed” meaning ‘Fascist group of Abiy Ahmed’.<sup>633</sup> The Federal government accused the TPLF of treason and collaborating with Ethiopia’s historic enemies to destabilise the country. The TPLF, on the other side, accused the government in Addis of collaborating with external forces [Eritrea] to destroy Tigray. This securitising move was materialised when the FDRE HPR approved the resolution passed by the Council of Ministers to designate the TPLF as a ‘terrorist organisation’ on the 6<sup>th</sup> of May 2021.<sup>634</sup> However, according to Redwan Hussien, the National Security Affairs Advisor to the Prime Minister, the designation of the TPLF was not a response of to TPLF’s denial of the federal government’s authority, or its attack against the National Defence Force, or its unilateral regional election, but rather an action intended to empower the federal police and national intelligence and security service to control the political and economic capabilities of the organisation.<sup>635</sup>

The war in Tigray, Amhara and Afar regions, according to the Ethiopian Human Rights Commission (EHRC), has resulted in the death, and physical and psychological injury of thousands of civilians.<sup>636</sup> A report by the same institution in November 2020 revealed that civilians were massacred in Maikadra and Axum by the TPLF armed Samre group and the Federal government-affiliated groups respectively. The report also confirmed mass burial sites and human bodies scattered on streets in Maikadra. The joint report of the EHRC and Office of the United Nations High Commissioner for Human Rights (OHCHR) also revealed mass

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<sup>631</sup> Dimtsi Woyyane Television, November 14, 2021.

<sup>632</sup> Fana Broadcasting Corporation News, July 24, 2021.

<sup>633</sup> Statement from the Central Command of the Government of Tigray, September 20, 2022.

<sup>634</sup> The Reporter, May 8, 2021.

<sup>635</sup> Redwan Hussein, Speech, March 22, 2023. <https://youtu.be/boLkkOKTy2E>.

<sup>636</sup> Ethiopian Human Rights Commission Report, 2021.

killings, torture, forced disappearances, sexual violence, and other grave human rights abuses committed against civilians by the TPLF and the Federal government and its affiliates.<sup>637</sup>

However, securitising each other ended and de-securitising started following the African Union (AU) brokered Peace talk in Pretoria. Immediately after the Pretoria Peace Accord, by which the TPLF rendered its tacit recognition to the PP-led government and agreed for disarmament, securitisation discourses like ‘Junta’ and ‘terrorist’ were transformed into ‘Tigray rebels’, and finally back to its original position, the TPLF. The TPLF and its media discourses are also transformed from ‘*Gujjille* Fascist Abiy Ahmed’ to the federal government immediately after the Pretoria Peace Agreement. Finally, the same parliament that proscribed the TPLF as a terrorist organisation re-designated it as a non-terrorist organisation in March 2023. The following section, thus, examines the intention and political value of re-designating the TPLF as a non-terrorist organisation.

#### **5.7.1.1.1. The Re-designation of the TPLF as a Non-Terrorist Organisation: A Showcase for a Politicised Counterterrorism**

The FDRE House of People’s Representatives that designated the TPLF as a terrorist organisation in May 2021, re-designated it as a non-terrorist organisation in March 2023.<sup>638</sup> The proposal to re-designate the TPLF as a non-terrorist organisation was presented by the Government Chief Whip, Tesfaye Belijige. According to the Government Chief Whip, the TPLF was designated as a terrorist organisation for (1) it operated by carrying terrorist crimes as its objectives, (2) its decision-making body practiced and officially accepted the crime and led the operation, and (3) terrorism crime defined the organisation through its operation and conduct. In justifying the proposal for re-designating the TPLF as a non-terrorist organisation, he argued that through a concerted effort of the [PP] government, the National Defence Force, and the people, TPLF’s terrorist agenda has been foiled and the organisation is forced to accept peaceful conflict resolution methods presented by the government. Hence, the Government Chief Whip briefed to

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<sup>637</sup> Ethiopian Human Rights Commission and the Office of the High Commissioner for Human Rights, November 3, 2021.

<sup>638</sup> House of People’s Representatives, Proceeding, March 2023. <https://youtu.be/boLkkOKTy2E>.

the parliament that the TPLF has agreed to refrain from committing terrorist acts and return to peaceful struggle as per the constitution.<sup>639</sup>

The proposal to re-designate the TPLF as a non-terrorist organisation was questioned by some opposition political party members in the parliament. For instance, Desalegn Chanie, the National Movement of Amhara (NAMA) representative, opposed the proposal indicating that the TPLF has not fully implemented Disarmament, Demobilisation and Reintegration as per the Pretoria Peace Agreement. Desalegn Channie also stressed that ‘to remove the TPLF, which is the culprit of insecurity, in this time is not a contemplated decision’. The other NAMA representative in the parliament Christian Tadele also criticised the de-proscription proposal for ignoring the TPLF committed crimes against humanity that are confirmed by the reports of the Ethiopian Human Rights Commission. Christian Tadele, hence, argued that to remove the organisation that [transgressed the International Law] by committing crimes against humanity from terrorist list is not the mandate of the parliament. Gedion Timothewos, the Minister of Justice, in countering Christian Tadele’s argument said ‘the designation of the TPLF as a terrorist organisation had nothing to do with the crimes it has committed’. The minister further argued:

The TPLF had in the beginning denied recognition to the federal government, including this parliament ... declared the federal government and its institutions as illegal and illegitimate. It has also instituted illegitimate institutions, conducted election and lastly attacked the national defence force ... these all could have been countered without the resort to a terrorist designation. ... Indeed, the federal government had controlled Mekelle before the TPLF was designated as a terrorist organisation. ... The terrorist designation was not simply for political or propagandistic consumption ... it was rather, intended to empower the law enforcement agencies including the police investigator and the prosecutor with the power needed to curb the political and economic capabilities of the TPLF.<sup>640</sup>

Gedion Timothewos’ argument was also echoed by Redwan Hussien that contextualised the English adage ‘Don’t throw the baby with the bathwater’ and the Amharic adage ‘ለምጥዱ ሲበል አይጥሩ ትለፍ’ meaning ‘for the sake of the pan let the mouse pass’ to the TPLF case. Redwan argued that TPLF’s designation as a terrorist organisation was aimed at controlling the security

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<sup>639</sup> House of People’s Representative, Proceeding. <https://youtu.be/boLkkOKTy2E>

<sup>640</sup> House of People’s Representative, Proceeding. <https://youtu.be/boLkkOKTy2E>

threats in the country by curbing its political and economic capabilities.<sup>641</sup> The ‘curbing the political and economic capabilities’ argument of Gedion Timothewos and Redwan Hussien contradicts with Tesfaye Beljige’s briefing based on article 19 of the PSTCP which stipulates that an organisation may be proscribed as a terrorist organisation if (1) it operated by carrying terrorist crimes as its objectives, (2) its decision making body practiced and officially accepted the crime and led the operation, and (3) terrorism crime defined the organisation through its operation and conduct.<sup>642</sup> The argument ‘curbing TPLF’s economic and political capability’ justification fails to show ‘terrorist acts’ committed by the organisation as per article 3 and the conditions for proscription as stated under article 19 of the PSTCP. Moreover, reports by different national and international organisations have showed that both parties to the conflict committed grave human rights violations and targeted non-combatants in their attempt to succumb one another.<sup>643</sup> The operation, in this regard, lacked a counterterrorist feature. Since, unlike counterterrorist operations that aim at providing physical, psychological and political security to people, the parties to the war used the insecure civilians as a bargaining chip in their quest to achieve their selfish group political interests.

In general, the designation of the TPLF as a terrorist organisation or its re-designation as a non-terrorist group has been rather accompanied by the conventional struggle for power and hegemonic aspirations. TPLF’s deviance to join the merger proposal, refusal to recognise the PP-led federal government and the consequent resort to unilateral [illegitimate] actions remained instrumental in triggering the federal government’s resort to the terrorist designation. The re-designation as a non-terrorist organisation followed the Pretoria Peace Agreement where the TPLF agreed to respect the [constitutional] authority of the PP-led federal government, among other things.<sup>644</sup> Therefore, it is argued here that the designation and re-designation of the TPLF as a terrorist and non-terrorist organisation respectively is nothing more than a showcase for the politicised counter(terrorism).

#### **5.7.1.2. The Oromo Liberation Army (OLA): The Heir to the Proscription?**

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<sup>641</sup> House of People’s Representative, Proceeding, <https://youtu.be/boLkkOKTy2E>

<sup>642</sup> Prevention and Suppression of Terrorism Crimes Proclamation 1176, 2020.

<sup>643</sup> Ethiopian Human Rights Commission Report, 2020; 2021; Ethiopian Human Rights Commission and the Office of High Commissioner for Human Rights Report, 2021.

<sup>644</sup> Pretoria Peace Agreement, 2022.

The Oromo Liberation Army (OLA) is alleged to be the military wing of the OLF, which is a legal registered political party upon its return from Asmara and the consequent revocation of the terrorist proscription. However, OLA claims its institutional independence from the OLF.<sup>645</sup> The OLA in its political manifesto 2023 indicated that it used to be the military wing of the OLF. When the OLF became ‘legally, politically, and operationally impotent’, the OLA *Kora Sabaa* (General Assembly) declared institutional independence by forming an OLF-OLA High Command, a legitimate politico-military entity empowered to direct the OLA.<sup>646</sup>

The OLA returned from Asmara, Eritrea based on the unsigned agreement with the Ethiopian government to terminate hostilities, de-securitise the politics and usher a new age of peaceful political contestation. The agreement, hence, included the establishment of a joint committee aimed at working on the Disarmament, Demobilisation and Reintegration (DDR) of the OLF combatants into the security and/or the civilian sector.<sup>647</sup> However, according to the OLA, the government failed to implement the ‘Asmara Agreement’ and made a political calculation not to allow any form of political contestation in Oromia.<sup>648</sup>

The OLA blames the PP-led Ethiopian government for desecrating the ‘bittersweet victories of the Oromo national movement’ and trying to restore ‘the worst aspects of Ethiopia’s autocratic legacy’ and assert that they “... will fight to the last drop of our blood to overcome the threat to our survival ...”<sup>649</sup> The OLA framed what they described ‘a nostalgic vision of a unitary state with centralised power structure’ as a threat to the self-determination and emancipation of the Oromo.

The OLA has been blamed by the government for, inter alia, committing waves of genocidal crimes against the ethnic Amharas residing especially in West Wollega and the waves of artillery backed attacks on *Attaye* (a rural town in Amhara region). A statement from the Office of the Prime Minister indicated that Shanee is responsible for the attacks that have been perpetrated against civilians and resulted in loss of innocent lives, displacements and destruction of public

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<sup>645</sup> The Oromo Liberation Army Political Manifesto, 2023.

<sup>646</sup> The Oromo Liberation Army Political Manifesto, 2023.

<sup>647</sup> The Oromo Liberation Army Political Manifesto, 2023.

<sup>648</sup> The Oromo Liberation Army Political Manifesto, 2023.

<sup>649</sup> The Oromo Liberation Army Political Manifesto, 2023.

infrastructure for political purposes. The statement also described the danger and fear being faced by people, and its possibility to undermine people's trust in the government.<sup>650</sup>

The OLA counters such allegations by asserting that they have never adopted such a retributive approach which emasculates others of their inalienable rights. They further claim that the Amharas and other ethnic minorities living in Oromia are citizens of Oromia.<sup>651</sup> The OLA, while recognising the genocidal crimes being committed against the ethnic Amharas in West Wollega and other parts of Oromia, makes the government responsible for such crimes. The OLA argues that the government has been engaged through its counterfeit OLA into committing heinous atrocities against the Oromo and non-Oromo residents in Oromia with the objective of delegitimising the OLA in the eyes of the Oromo and the international community.<sup>652</sup>

Reports by independent international observers show that the OLA has been perpetrating attacks against civilians. For instance, a report by the US State Department showed that the suspected OLA fighters killed 54 ethnic Amhara residents of *Gawa Qanqa* on November 1, 2019, and 4 other civilians in *Wagari Buna* locality of West Wollega Zone on May 29, 2019.<sup>653</sup> The OLA has also been blamed for the kidnapping of 17 ethnic Amhara Dembi Dolo University students.<sup>654</sup> The status of the students remains unknown since September 2019.

The Oromo Liberation Army (Shanee) is eventually proscribed by the FDRE House of People's Representatives as a 'terrorist organisation' on the 6<sup>th</sup> of May 2021.<sup>655</sup> The proscription has not yet brought a considerable impact on OLA's movement and operation. However, arguably the designation has brought a considerable political value to the Oromo Prosperity and the PP-led government in general terms. The waves of genocidal attacks perpetrated against ethnic Amharas in West Wollega, to which the OLA did not claim responsibility, and the government's reluctance to discharge its responsibility of protecting people's lives had declined people's trust in government and increased the suspicion that the Oromo Prosperity is working with the OLA to change the demography of West Wollega.<sup>656</sup> Although the trust in government crisis and the

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<sup>650</sup> Office of the Prime Minister, Press Statement, May 01, 2021.

<sup>651</sup> The Oromo Liberation Army Political Manifesto, 2023.

<sup>652</sup> The Oromo Liberation Army Political Manifesto, 2023.

<sup>653</sup> USA State Department Report, 2020.

<sup>654</sup> USA State Department Report, 2020.

<sup>655</sup> The Reporter, May 08, 2021.

<sup>656</sup> Interviewee One, Addis Ababa, January 24, 2023.

suspicion may persist, the PP-led government has curbed such attitudes to some extent by designating the OLA as a terrorist organisation.

The OLF, the political father of the OLA, is believed to have considerable support from the Oromo people, including the elites and diaspora. These supporters and sympathisers also see the OLF as their senior and legitimate political force in the Oromo's struggle for self-determination. On the other the OPDO which transformed itself into the Oromo Prosperity following the political reform, still faces legitimacy crisis.<sup>657</sup> In this regard, there was/is a palatable allegation that the OLF, after having legally registered by the Ethiopian National Electoral Board (NEBE), is still giving command to the OLA as its military wing from Addis Ababa. Local conspiracy theorists believe that this could have increased OLF's bargaining power in Finfine. Thus, by designating the OLA as a terrorist organisation, the PP-led government has managed weaken Wollega, which is believed to be the strong hold of the OLF, under the guise of fighting the 'terrorist' OLA.<sup>658</sup> The PP-led government has also used the 'terrorist card' to divide the OLF and its leaders into two different political organisations, both claiming legitimacy to inheritance. For instance, Mr. Kejela Merdasa, who used to be the OLF communication head and currently the minister for the FDRE Ministry of Culture and Tourism, once said "we had been warning Dawud Ibsa [the leader of the OLF] to stop with one foot in Fifiinne [Addis Ababa] and the other in Wollega". Through these contemplated tactics the Oromo Prosperity-led regional government has managed, inter alia, to become the only candidate for the 2021 election in Oromia region.

The TPLF and OLA were designated as terrorist organisations by the FDRE House of People's Representative in the same session on the 6<sup>th</sup> of May 2021. The government that re-designated the TPLF as a non-terrorist organisation has not yet reached at a similar decision to remove the OLA from terrorist list. However, the president of the Oromia regional government Shimelis Abdissa in his speech to the *Coffee Oromia*, has called the 'OLA-Shanne' to join peaceful politics. This call has been echoed by some parliamentarians from Oromia that blamed the AU for failing to broker a peace talk between the federal government and OLA as it did for the TPLF and the federal government.<sup>659</sup> Prime Minister Abiy Ahmed spoke to the parliament that his government has already started peace talks with Shannee [the OLA]. The OLA in response, in its

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<sup>657</sup> Interviewee Two, Addis Ababa, January 24, 2023.

<sup>658</sup> Interviewee Two, Addis Ababa, January 24, 2023.

<sup>659</sup> The Reporter, February 25, 2023.

official website, has claimed that the premier's statement in the parliament 'do not accurately represent the situation regarding peace talks'. The OLF-OLA argued that the government's attempts to meet OLA officials were not sincere attempts aimed at starting peace talks, rather subtle attempts to persuade individual OLA leaders to surrender.<sup>660</sup> Despite the continued suspicion, the OLF-OLA has met the PP delegates in April and November 2023 for peace talk in Tanzania.<sup>661</sup> However, the hoped-for two-rounds of peace-talks failed to produce agreement due to the irreconcilable interests between the two actors.

The federal government, through its delegate to the peace talk, for the first time has referred to Shanne by its preferred name OLF-OLA.<sup>662</sup> The government asserted the desire to silence the guns and put an end to the horrific harm and destruction, but blamed OLF-OLA for the failure of the peace talk to produce the desired outcome. The OLF-OLA called for an all-inclusive peace talk that brings together all actors from Oromia to the peace talk and stressed the need for a transitional government. The government focused solely on arrangements with OLA and criticized OLF-OLA's demand for an all-inclusive transitional government as 'being stagnant to old thoughts.'<sup>663</sup> In its press statement, the OLF-OLA reiterated its stance in the following manner:

The country needs independent institutions that hold power to account, empower the public to determine their fate, and set the stage for the efficient utilisation of our human and natural endowments. While we recognise that institution-building is an ongoing process, a historical opportunity to take a leap in the right direction has been lost because of Ethiopian government failed to course correct.<sup>664</sup>

Although the possibility for a negotiated settlement is there, the political process to re-designate the OLF-OLA as a non-terrorist organisation will not be an easy task as with the TPLF. The PP-led federal government-TPLF peace process was allegedly influenced by the USA.<sup>665</sup> The USA is argued to have its own political interest aimed at sustaining the geographic integrity of Ethiopia; thus, has forced both parties to the conflict to reach a permanent cessation of hostilities agreement through the AU brokered Pretoria Peace Accord. The USA has not yet showed a

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<sup>660</sup> See OLF-OLA's statement, available at: <https://www.olf-olahq.org/>

<sup>661</sup> Ethiopian News Agency, May 3, 2013.

<sup>662</sup> Addis Standard, November 21, 2023.

<sup>663</sup> Ethiopian Broadcasting Corporation, November 21, 2023.

<sup>664</sup> OLF-OLA, "Press Statement," November 21, 2023.

<sup>665</sup> Interviewee Four, Addis Ababa, February 06, 2023.



similar political interest (although it is there behind the Zanzibar Peace Talk) to force the two competing Oromo organisations (the Oromo PP and OLA-OLF) to come into terms of agreement. The Oromo Prosperity and the OLA-OLF compete against each other and claim legitimacy to represent the interest of the Oromo mass. In the eyes of the Oromo Prosperity midwived Prosperity Party, to remove the OLA from the terrorist list as it has done to the TPLF, would mean to open Pandora's Box, for the second time, against its fragile foundations.

In general, the designation of the TPLF and OLA under the reformist PP-led government remains 'new wine in old bottles'. Although the re-designation of the OLF, ONLF and Ginbot 7 from terrorist list and the new prime minister's bold reaction against the EPRDF's abuse of counterterrorism policies before the parliament was seen as a remarkable departure from the past, the designation and re-designation of the TPLF as a terrorist and non-terrorist organisation respectively and the designation of the Shannee [OLA-OLF] as a terrorist organisation showed a politicised counterterrorism and the continued relevance of making 'terrorist organisations' in the political process of Ethiopia.

### **5.8. The Quest for Security without Emancipation: the authoritarian dilemma**

Successive Ethiopian regimes have tried to build a stable order through different ideological and political mechanisms.<sup>666</sup> Haile Selassie tried to maintain the security of his regime through the twin policies of centralisation and modernisation.<sup>667</sup> However, the project collapsed when it failed to address the booming demands for emancipation. The Dergue on the other hand, endeavoured to maintain its socialist order through abolishing tenancy, and nationalising industry, finance, plantations, agricultural lands, urban land and extra houses of urban dwellers.<sup>668</sup> These reforms, although radical when compared to the situation under the ousted feudal system, couldn't address the worsened human security challenges and keep the socialist order of the Dergue.

The TPLF dominated EPRDF government, upon its ascent into the state power in 1991, tried to sustain its grip on power through devising ethnic federalism, granting all ethnic communities in the country the right to self-determination and including secession, and allowing nominal

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<sup>666</sup> Abbink, 2009: 3–28; Merera, 2007: 1–25; Andargachew, 1993; Bahru, 2001.

<sup>667</sup> Bahru, 2001.

<sup>668</sup> Andargachew, 1993; Bahru, 2001.

elections. When it realised that all these political tactics failed to bring the desired regime security, the EPRDF-led government went on devising the counterterrorism policies and securitising difference and dissent. However, utilising the counterterrorism policies to disciplining the opposition political parties and stifling dissent voices didn't serve long the objective of maintaining the developmental state order under the dominant EPRDF party leadership. And even what is surprising is that bringing the old communist adage “the revolution eats even its own children” to practice, the TPLF itself lastly became the victim its own counterterrorist conspiracy.

In general, prior empirical evidences have also shown that a true security can only be achieved through addressing the human security challenges, and hence through the realisation of human emancipation.<sup>669</sup> From this point of view, it is argued here that there will be no regime security that can be achieved through securitising the opposition political parties, oppressing legitimate demands, stifling dissent voices, rights abuse, exploitation, marginalisation, indignity, cultural destruction. Indeed these illiberal practices would serve as a foundation for the proliferation of real danger of terrorism against the overall security.<sup>670</sup>

## 5.9. Conclusions

The chapter examined the political value of the making and unmaking of ‘terrorist organisations’ in Ethiopia. In an attempt to uncover the discursive and political practices that gave rise to the proscription regimes, the chapter has traced the practice to its origin. Accordingly, the evolution of banning political organisations deemed threats to national security and the emergent practice of making and unmaking ‘terrorist organisations’ at the global level has been scrutinised. From this point of view, the evolution of party politics in Ethiopia and intra-party relations has been critically examined. This discussion revealed that securitising each other had been a conventional practice among the political parties in Ethiopia. An emphasis has been given to the ethnic based political parties and their foundational discourses and the resultant intra-party relations in the post-1991 Ethiopia. In this regard, the 2005 contested election has been taken as a turning point where the EPRDF-led government was forced to strip-up its democratic veil. Thus, the analysis has showed that the consequent resort to emergency powers and the institutionalisation of the

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<sup>669</sup> Hendricks and Keïta, 2017: 1– 12; Booth, eds. Hughes and Lai, 1991: 313–26.

<sup>670</sup> Marsella and Moghaddam, 2004: 1931; Callaway and Harrelson-Stephens, 2006: 679–702.

counterterrorism policies were aimed at sustaining regime security through disciplining the opposition and dissent under the guise of combating terrorism.

The political value of making terrorist organisations is that the label ‘terrorist’ has been used as a justification to delegitimise the legitimate demands of the designated groups. And this label has been used to detain and convict political figures, activists, journalists, and even ordinary people who were/are critical of the government and its policies (during the EPRDF and now under PP) for their alleged affiliation with, membership to, or support for the designated terrorist organisations. This cunning method has somehow helped the EPRDF to monopolise the state power, although it didn’t last long. On the other extreme, unmaking terrorist organisations has brought both domestic and international support to the PP government. The PP has used this political currency successfully to claim legitimacy and support for the 2021 elections. Moreover, it has managed to alleviate threats from armed struggle to its order, with other things remaining constant. However, lastly the chapter indicated that the EPRDF as well as its political heir- PP could not maintain the hoped-for regime security through making and unmaking ‘terrorist organisations’. True security can only be achieved through addressing the human security challenges and hence through the realisation of human emancipation.

## Chapter Six

### A Perspective on Deconstructing Ethiopia's Counterterrorism Policies

#### 6.1. Introduction

This chapter forwards a perspective on deconstructing Ethiopia's counterterrorism policies based on the findings of the previous chapters. The chapter contains three interrelated sections. The first section examines the ontological aspect of counterterrorism from the minimal foundationalist point of view, although with minor revisions. The nature of terrorist violence is recapitulated here with the objective to unpack what counterterrorism is and what it is not. The second section delves into making a comparative analysis of the liberal democratic and authoritarian counterterrorism practices. In an attempt to triangulate the theoretical claims to the practices on the ground, the analysis looks into purposively selected instances of counterterrorism. Employing a deductive approach, the third section goes into questioning the ontological status of Ethiopia's counterterrorism. Lastly, chapter four, discussing the failure of the counterterrorism policies to achieve the intended political objective, and forwards a perspective on deconstructing Ethiopia's counterterrorism policies.

#### 6.2. Counterterrorism: What is in the name?

Terrorism, in this study, is defined as a politically motivated threat or use of violence against civilians (non-combatants). This Minimal Foundationalist definition, with minor revision, indicates that what makes terrorism different from other types of political violence is its instrumentality, tactic, and target.<sup>671</sup> From this point of view, counterterrorism can be conceptualised in terms of protecting non-combatants from psychological fear or physical violence, or as the countering of violence or threat of violence directed against non-combatants for political ends.<sup>672</sup> From this point of view, it can be argued that counterterrorism is about providing physical, psychological and political security to civilians (non-combatants).<sup>673</sup> By this definition, conventional state activities that are not primarily aimed at providing physical, psychological or political security to non-combatants cannot be considered as counterterrorism.

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<sup>671</sup> Lewis, 2017: 3–38.

<sup>672</sup> Lewis, 2017: 3–38.

<sup>673</sup> Lewis, 2017: 3–38.

Therefore, any state activity that makes its people (individuals and groups) physically, psychologically or politically insecure, under any circumstance, qualifies as state terrorism.

Counterterrorism, in some circumstances, may provide physical, psychological and political security to own people by countering deliberate violence, threats of violence, and political demands made via threats of violence, while posing physical, psychological or political insecurities on the other group(s) of people. Such conventional state activities may also be labelled as state terrorism.<sup>674</sup> A state may perpetrate a terrorist act domestically against its own people or against the people of other state.<sup>675</sup> For instance, the USA counterterrorism operation in Afghanistan, where it aspired to provide security to its ‘good’ and ‘civilised’ people, while putting the Afghans under a state of nature, would serve as a good indication of state terrorism.<sup>676</sup> To give a more insight on this and related practice, the following section will examine counterterrorism in liberal democratic and illiberal (authoritarian) contexts.

### **6.2.1. Counterterrorism in Liberal Democracies**

The liberal democratic counterterrorist state, although with some imperfections, grapples with the security concerns in one hand, and liberty demands on the other hand.<sup>677</sup> In this context, security is understood in terms of the security of people (especially the physical integrity and safety of individuals), not the mere integrity and security of the state and its institutions.<sup>678</sup> The national security- blue moon in the sky, is not a concern here. Rather, the concern is how to balance people’s right to have protection against threats to their wellbeing-which is the right that emanates from the social contract, and their right to enjoy liberty- which is the foundational principle of liberal democracy. In this regard, trading liberty for security would mean increasing the power of government, which has always been the ‘liberal fear’.<sup>679</sup> On the other hand, trading security for liberty would mean going back to the state of nature- a hypothetical condition where men exercised unfiltered freedom, but remained with fear and violent death. The Hobbesian

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<sup>674</sup> Lewis: 2017: 3–38; Jackson, Murphy, and Poynting, 2010.

<sup>675</sup> Jackson, Murphy, and Poynting, 2010.

<sup>676</sup> Jackson, 2005: 147–71.

<sup>677</sup> Meisels, 2008.

<sup>678</sup> Meisels, 2008.

<sup>679</sup> Meisels, 2008.

social contract, in this regard, prescribes to surrendering liberty in favour of security.<sup>680</sup> This absolutist notion highly contradicts with the minimal state foundation of liberal democracy. In his analysis of this contradiction, Meisels argued that limiting liberty in times of heightened terrorist threat is also warranted by liberalism; since security and safety are preconditions for the free exercise of freedom.<sup>681</sup>

In general, despite the continued debate on which to prioritise when faced with the terrorist threat, the liberal state serves as a means to the security and liberty of individuals. The protection and guaranteeing of security and liberty remain the alpha and omega of the liberal counterterrorist state.<sup>682</sup> However, this doesn't mean the liberal counterterrorist state adheres to the same principle in its international counterterrorism operations. For instance, the USA, in its Global War on Terror campaign had been blamed for employing illiberal methods against suspect terrorists and non-combatants.<sup>683</sup> The USA had been the champion of deploying illiberal discourses that divide the world into the 'good American' and 'bad others'.<sup>684</sup> Similarly, United Kingdom, which is known for being the heartland of liberal democracy, bears the record for using illiberal methods against non-citizens and suspects of terrorist act in its fight against terrorism.<sup>685</sup> Other western counterterrorist liberal states have also been blamed for employing illiberal methods against non-citizens and terrorism suspects in their Overseas counterterrorism operations, directly or through their proxies.<sup>686</sup> Despite these illiberal practices, which even qualify the definition of terrorism itself at circumstances, the liberal counterterrorist states inarguably engage in counterterrorism aimed at protecting the peace and security of their respective population.

### **6.2.2. Authoritarian Counterterrorism**

An authoritarian state, in theory or practice, is not the product of binding social contract between the ruler and the ruled. Its origin can reasonably be attached to either an evolutionary or conquest

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<sup>680</sup> Hobbes [1651], ed. Widger and White, 2009.

<sup>681</sup> Meisels, 2008.

<sup>682</sup> Lewis, 2017: 3–38; Meisels, 2008; Moss, 2011.

<sup>683</sup> Bigo and Tsoukala, 2008; Jackson, 2007: 394–426; Nadarajah, 2018: 278–97.

<sup>684</sup> Jackson, 2005: 147–71.

<sup>685</sup> Demirsu, 2017; Jarvis and Legrand, 2018: 199–215.

<sup>686</sup> McGarrity and Williams, eds. Jarvis and Legrand, 2019: 36–60; Nadarajah, 2018: 278–97.

theory of the state.<sup>687</sup> Power, in this case, is acquired through, inter alia, hereditary inheritance, defeat in the battle field or coup.<sup>688</sup> From this point of view, security meant to preserve and maintain power through any means from external threats [war] and internal opposition.<sup>689</sup> The state and its security apparatus remain source of insecurity than security to the people, and surprisingly, people are perceived as source of insecurity to the ruling minority. Thus, the security apparatus is, most of the time, indoctrinated and trained with a mission to safeguard the ruling minority against the people of the country.<sup>690</sup> In this context, national security is understood in terms of regime security- the physical, psychological and political security of the ruling minority.<sup>691</sup>

The Authoritarian ‘counterterrorism’ derogates the very essence of counterterrorism- which is the countering of deliberate violence, threats of violence, and political demands made via threats of violence against non-combatants. Thus, it fails to provide the necessary physical, psychological and political security to people (non-combatants). Moreover, the discourse of counterterrorism is used as a pretext to curb legitimate political opposition, curtail the free exercise of rights and liberties, stifle dissent voices and more importantly securitise self-determination demands of communities.<sup>692</sup> For instance, China adopted the counterterrorism discourse as an instrument to stifle the Uighur community’s demand for self-determination. Prior to the emergence of the counterterrorism discourse, the Uighur community’s demand for self-determination was labelled as a ‘separatist’ question, and their violence was treated with criminal law.<sup>693</sup> Following the emergence of the counterterrorist discourse, China re-framed the Uighur and other similar group demands in terms of terrorism, and hence, curtailed peaceful activities and expressions of rituals, cultural identity, religion, art, literature and other related activities which are perceived to be against the interest of the ruling Communist Party of China under the

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<sup>687</sup> Bluntschli, 2000.

<sup>688</sup> Machiavelli [C. 1505], Trans. Mariott, 2009; Bluntschli, 2000; Bahru, 2001.

<sup>689</sup> Aboziad, 2022; O’Rourke, 2002; Bahru, 2001.

<sup>690</sup> Aboziad, 2022; O’Rourke, 2002; Wondwossen, 2013: 49–56.

<sup>691</sup> Aboziad, 2022; Lewis, “Conceptualizing State Counterterrorism.”

<sup>692</sup> Delgado, eds. Romaniuk et al., 2017: 295–314; Omelicheva, eds. Romaniuk et al., 2017: 515–34; Fabe, eds. Romaniuk et al., 2017: 635–48; Liu and Chang, eds. Romaniuk et al., 2017: 667–91; Mwangi, eds. Romaniuk et al., 2017: 1041–54.

<sup>693</sup> Liu and Chang, eds. Romaniuk et al., 2017: 667–91.

guise of countering terrorism.<sup>694</sup> In similar fashion, Russia framed the Chechen demand for self-determination as terrorism since 1999. It however, started to legitimise its operation in Chechen indicating that the USA and it have common foe. Thus, Russia went on using disproportionate force against the Chechen, who demanded the right to self-determination- which is recognised by the international bill of rights.<sup>695</sup> The other case where the counterterrorism discourse is exploited for the political objective is in Egypt. Egypt has been known for its infamous counterterrorism policies and bad human rights records. It had a long history of declaring prolonged state of emergency and using anti-terrorism decree in an attempt to contain deviating political demands. Since the 9/11 the country has been persistently using its counterterrorism policies to discipline political opposition and stifle dissent voices that are critical of the government. Egypt's counterterrorism policies were, as Aboziad argues, devised to serve the power interest of the ruling elite against the legitimate demands of the people.<sup>696</sup> The Sri Lankan case represents a special relevance in an attempt to demystify the counterterrorism discourse. The Liberation Tigers of Tamil Eelam (LTTE) were securitised by both the Western liberal democracies and the Sri Lankan government. In this process, the Western liberal governments engaged in securitising and de-securitising the LTTE, although the LTTE had no record of attacks against the Western states or their interest in Sri Lanka. For example, the UK which from the beginning was reluctant to put the LTTE in its terrorist list, citing that it had good relations with the LTTE affiliated British Tamil Forum and the Global Tamil Forum, went on securitising it.<sup>697</sup> Other liberal democrats like Canada and Australia also pursued the same path. During the war between the Sri Lankan government and the LTTE, the west sided with the authoritarian government.<sup>698</sup> The Sri Lankan government used the counterterrorist discourse to stifle the LTTE's demand for self-determination. The western states, in this regard, were conditioned by their bounded national interests irrespective of their most chanted liberal internationalism.

In general, it can be argued that the practice framed as 'counterterrorism', mostly by authoritarian states lacks the ingredients of a true counterterrorism. These discourses and practices are, inarguably, not aimed at protecting the physical, psychological of political security

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<sup>694</sup> Liu and Chang, eds. Romaniuk et al., 2017: 667–91.

<sup>695</sup> Omelicheva, eds. Romaniuk et al., 2017: 515–34.

<sup>696</sup> Aboziad, 2022.

<sup>697</sup> Nadarajah, 2018: 278–97.

<sup>698</sup> Nadarajah, 2018: 278–97; Fabe, eds. Romaniuk et al., 2017: 635–48.



of non-combatants. Rather, these discourses and practices remain the source of physical, psychological, and political insecurity to the unarmed individuals, groups and people, while serving the power interest of the ruling minority. The authoritarian state violence, that is framed as ‘counterterrorism’, but not counterterrorism in practice, has been directed against political opposition, dissent voices and most importantly against groups that demand the right to self-determination.

In this regard, the Weberian notion that ‘the state claims a monopoly over the legitimate use of physical force’ cannot be necessarily applied to justify the authoritarian state violence. The Weberian definition is so subtle to include the term ‘legitimate’ to its conceptualisation. This definition tacitly indicates that there could be an illegitimate use of violence by the state. The first point is that, the authoritarian state is not, in most cases, founded upon a binding social contract between the rulers and the ruled. Therefore, its use of physical force cannot be legitimate as far as it is not the reflection of the general will. Secondly, most governments in the developing world, especially in Africa, ascent to state power through blood and iron. As a political party, which came to power through election has no constitutional or moral ground to frame election as illegitimate, by reason, a group that seized state power through violence cannot have a moral ground to label other’s use of violence for the same purpose as illegitimate. And thirdly, violence directed against non-combatants with legitimate or sometimes with incoherent demands cannot be justified as a legitimate one. In general, the authoritarian state practice that is being carried out in the name of ‘counterterrorism’ fails to qualify as counterterrorism. From this point of view, the following section will delve into making a critical examination of Ethiopia’s counterterrorism practices.

### **6.3. Ethiopia’s counterterrorism: Does it qualify as Counterterrorism?**

The above sections examined the ontological status counterterrorism and its (mis)application in liberal democracies and authoritarian states. Here it becomes an imperative, first to recapitulate the ontological status of Ethiopia’s counterterrorism, and secondly, to make a critical analysis of Ethiopia’s counterterrorism. To this end, the following sub-sections will demystify the existential threat narrative, scrutinise the legitimacy of the security referent object, critic the ‘terrorist’ labelling, and unpack the torture practices in an attempt to show that the analysis is empirically supported.

### 6.3.1. Constructed Threats

Chapter 3, 4, and 5 have revealed that domestic terrorism has not been a threat to Ethiopia. The potential threat from its close proximity to the Middle East and the irredentist Somalia is considerable. However, international terrorist threat could have been countered through the conventional national security defence strategies. The threat from irredentist terrorist groups in Somalia is already being countered through conventional national defence methods since 2006. More importantly, it does not necessarily need an extra-constitutional power to deal with. The EPRDF's discourse of [domestic] terrorism as an existential threat to Ethiopia was politically motivated. This argument has logical evidence from: first, the counterterrorism policies were initiated in the aftermath of the 2005 contested election, where the EPRDF faced a serious resistance and legitimacy crisis.<sup>699</sup> Second, the terrorist threats from the irredentist groups in Somalia have already been countered through conventional methods of national defence including intervention.<sup>700</sup> Thirdly, empirical evidences and the analysis in chapter four and five has inarguably showed that legally registered opposition political party leaders and members, journalists and bloggers, civil society organisers, human rights defenders, pro-democracy activists, and other independent voices that are critical of the government were victims of the counterterrorism policies.<sup>701</sup> In general, the existential threat narrative of the regimes does not reflect the security situation and context on the ground. More than terrorism, environmental degradation, lack of access to nutrition, unemployment, inter-ethnic conflicts, displacement, mob violence, bad governance, and rights violations, among others, remain existential threats to the country. Therefore, the discourse of terrorism as an existential threat and the consequent production and legitimation of the counterterrorism discourse lacks empirical justification.

### 6.3.2. Illegitimate Security Referent

The ultimate objective of a true counterterrorism should be geared towards providing physical, psychological and political security to non-combatants.<sup>702</sup> Counterterrorism should protect individuals, communities and people (civilians) from threat or violence perpetrated in pursuit of

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<sup>699</sup> Lyons, 2010: 107–21; Zelalem, 2017: 504–39; Wondwossen, 2013: 49–56.

<sup>700</sup> Ingiriis, 2018: 2033–52; Allo, 2009: 202–39; Zeray, 2007: 666–76.

<sup>701</sup> Amnesty International Report, 2011; Zelalem, 2017: 504–39; Yohannes, 2014; Wondwossen, 2017.

<sup>702</sup> Lewis, eds. Romaniuk et al., 2017: 3–38.

a certain political goal. The preambles of the two anti-terrorist proclamations also affirm that the objective the counterterrorism policies was/is to protect the peace and security of the people, among other things. The above discussion, in this regard, challenged the existential threat narrative of the EPRDF and its political heir-the PP-led government. Now the imperative is- if domestic terrorism was not an existential threat, then what necessitated the adoption of the counterterrorism policies, and who is being protected through the counterterrorism policies and from which threat. At this level, based on the discussion in chapter three, four, and five, there is evidence showing that, in practice people have not been protected through the counterterrorism policies. The previous examinations, in this regard, have revealed that opposition political leaders and members, journalists, bloggers, civil society organisers, human rights defenders, independent critical voices, and people as individuals and communities, face grave insecurities from the state and its agencies. Among others, people as individuals and communities remain violent political communication channels between the ‘terrorist’ and ‘counterterrorist’ contestants for state power. Innocent millions have been displaced, thousands have been migrated, and hundreds have been killed as a result of violence perpetrated by both the state and non-state actors.<sup>703</sup> The ruling elite, which claims legitimacy on different grounds, engages in trading people’s insecurity for acquiring power and maintaining order in Machiavellian terms.

The previous chapters have revealed that the adoption of the counterterrorism policies was motivated by the need to legitimise the already existing repressive practices against the political opposition and dissent voices, and hence, to maintain regime security under the guise of countering terrorism. Threats have been framed in a way that sustains the security of the order. For instance, the EPRDF framed all opposition political parties that do not subscribe to revolutionary democracy as their guiding ideology, ethnic federalism as the panacea for Ethiopia’s impasse, and the 1995 constitution as the alpha and omega of the land, as threats to the country. The regime also associated the survival of Ethiopia with its survival; concluded that Ethiopia will survive as far as the EPRDF is in power, revolutionary democracy is at office, ethnic federalism is in place, and the 1995 constitution is mind. Thus, security has been conceptualised in terms of the security of the EPRDF.<sup>704</sup> This discourse framed opposition

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<sup>703</sup> Amnesty International Report, 2011; Human Rights Watch Report, 2018; Global Terrorism Database, 2022.

<sup>704</sup> Yinebeb, 2020.

political parties, dissent voices and alternative discourses in general as threats to the survival of the state. The ‘you will survive as far as we are in power’ discourse served as the foundational principle of the counterterrorism practice in the country. Counterterrorism in the country, is aimed at providing physical, psychological and political security to the ruling elite than to those civilians who sought security in their daily lives. This shows that regimes remain the ultimate referent of Ethiopia’s counterterrorism practice. In general, it is plausible to argue that Ethiopia’s counterterrorism fails to qualify as counterterrorism as it served as the source of physical, psychological or political insecurity than security to individuals and groups (non-combatants).

### 6.3.3. Counter-democracy Practices

The designation of the OLF, ONLF and Ginbot7 Movement for Justice, Freedom and Democracy, as discussed in chapter five, presents a case noteworthy. The OLF and ONLF claimed for the right to self-determination of their respective people. The right to self-determination has also been the cardinal principle of the ethnic fronts including TPLF and OLF in their struggle against the Dergue regime.<sup>705</sup> It is the right recognised by the international bill of rights, the African Charter of Human and Peoples Rights, and the 1995 FDRE constitution. The right to self-determination is stipulated under the ICCPR and ICESCR as “the right of all peoples to determine their political status and freely pursue their economic, social and cultural development”.<sup>706</sup> The African Charter of Human and Peoples Rights also recognised the right to self-determination as an unquestionable and inalienable right of people to exist.<sup>707</sup> In a more unambiguous word, the 1995 FDRE Constitution grants all ethnic communities in the country the right to self-determination including secession which even cannot be suspended during state of emergency.<sup>708</sup> This stipulation, among others, contradicts with the designation of groups that demanded the right of self-determination as terrorists. Moreover, from emancipatory point of view, the self-determination of one group cannot be justified as a threat to the security of the other; for security is universal. The discourse that framed the self-deterministic demands of the OLF, ONLF or any other as a threat to the territorial integrity of Ethiopia lacks a moral and legal

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<sup>705</sup> Aregawi, 2008.

<sup>706</sup> International Covenant on Civil and Political Rights, 1966; International Covenant on Economic, Social and Cultural Rights, 1966.

<sup>707</sup> African Charter of Human and People’s Rights, 1983, Article 20.

<sup>708</sup> The FDRE Constitution, 1995.

justification. It is the denial of such undeniable rights that could be a potential source of insecurity than allowing people to exercise their claimed right.

The Social Democrat Ginbot 7, as an outgrowth of the 2005 contested election, had been appealing that its aim is to build a democratic system where justice is served to its best and people enjoy fundamental rights and freedoms.<sup>709</sup> The struggle for building a democratic system where people take part in decisions that could affect their social, cultural, economic and political life is purely a human idea. Although some groups may employ the terrorist tactic to achieve a democratic and emancipatory goal, the discussion in chapter four, based on the data from the GTD has showed that there was no violence perpetrated by Ginbot 7 against non-combatants.<sup>710</sup>

The ‘terrorist’ designation, in general, lacks a contemplated and convincing justification. For instance, the OLF had been blamed for number of attacks perpetrated against civilians in different parts of the country. However, first, the OLF did not claim responsibility for such attacks. It should be noted here that instrumentality and publicity are crucial for the terrorist operation.<sup>711</sup> Violence perpetrated against government installations and security forces, to which the OLF claimed responsibility, on the other hand fails to satisfy the definition of terrorism.<sup>712</sup>

The ONLF, for instance, claimed responsibility for the violence it perpetrated against Chinese and Ethiopian non-combatants in Abole, Ogaden. This indeed satisfies the definition of terrorism; however, whether employing terrorist violence for legitimate reason is morally justified or not is an issue for take away. To project a single case justification for the prevalence of domestic terrorist threat and taking steps to frame terrorism as an existential threat to the country also would be exaggeration of the fact for political ends. The other ‘terrorist’ violence to which Ginbot 7 claimed responsibility fails to satisfy the definition of terrorism adopted by this study. Because Ginbot 7’s violence targeted government security forces, not civilians.

The TPLF’s case presents a special form of irrelevance to the terrorism scholarship. The civil war between the PP-led federal government and the TPLF started by the time the TPLF attacked the military-base under the Northern Command in Tigray. The TPLF’s violence against members

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<sup>709</sup> Topical Note Ethiopia, 2012.

<sup>710</sup> Global Terrorism Database, 2022.

<sup>711</sup> PISOIU and HAIN, eds., 2018.

<sup>712</sup> Lewis, eds. Romaniuk et al., 2017: 3–38.

of the National Defence Force, although inarguably an act of treason, but is not the act of terrorism. The TPLF's violence, in the first place, targeted combatants, not civilians. The 'law enforcement operation' as well as the civil war bear own names as are called by the federal government; thus, not the case for terrorism or counterterrorism. However, the analysis recognises the terrorist violence perpetrated by the TPLF affiliated Samre group against Ethnic Amharas in Maikadra and the surroundings of Humera- this was indeed the real showcase for terrorist violence.

The OLA, although has not yet claimed responsibility for the waves of violence perpetrated against the ethnic Amhara in West Wollega zone, reports by international independent organisations indicate that the OLA have been engaged in committing the violence. OLA's politically motivated violence against non-combatant ethnic Amharas also fit to the definition of terrorism. Despite its counterterrorist operations against the OLA, the federal government fails to provide physical, psychological and political security to non-combatant ethnic Amharas in the region. This failure questions the ontological status of the operation against the OLA as a counterterrorism.

The EPRDF-led government had engaged in counterterrorist operations against the OLF, ONLF, and Ginbot 7. More recently the PP-led government conducted a claimed counterterrorist operation against the TPLF and is now in continued fight against the OLA. However, both the former and the later operations fail to deliver the necessary physical, psychological and political security to non-combatants. For instance, during the EPRDF's war with the OLF, ONLF, and Ginbot 7, non-combatants were the main targets and victims of the counterterrorism operations than the designated groups. Legally registered opposition political leaders and members, and critical voices had been detained and tortured for the alleged affiliation with the designated groups.<sup>713</sup> PP-led government's ambiguous 'counterterrorist' operations against the TPLF and the OLA had claimed, and have been claiming thousands of civilian lives and have imposed persistent grave insecurities on civilians.<sup>714</sup> In these operations non-combatants have been made physically, psychologically and politically insecure than secured. Therefore, it is plausible to

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<sup>713</sup> Asafa, 2015: 160–87; Amnesty International Report, 2011; Human Rights Watch Report, 2018.

<sup>714</sup> Ethiopian Human Rights Commission Report, 2020; 2021; 2021; Ethiopian Human Rights Commission and Office of the High Commissioner for Human Rights, 2021.

argue that Ethiopia's counterterrorism served the political interest of the ruling minority against democratic development.

#### 6.3.4. The Use of Terrorist Methods

Terrorist violence intends to cause physical, psychological or political insecurity against civilians. Contrary to this, counterterrorism intends to provide physical, psychological, and political security to non-combatants.<sup>715</sup> Thus, any counterterrorism policy that employs the terrorist methods and tactics fails to qualify as counterterrorism. For instance, the use of violence against the physical integrity of a person is prohibited by the United Nations General Assembly Resolution number 39/46 of the 10 December, 1984, to which Ethiopia is signatory.<sup>716</sup> The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1 defines torture [violence against the physical integrity of a person] as:

Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

Against this convention, the EPRDF-led government had been committing torture and other inhuman or degrading treatments. Prime Minister Abiy Ahmed boldly admitted before the FDRE House of People's Representatives that the state security forces, to which he was also among the top leadership, committed torture.<sup>717</sup> As it has been admitted by the prime minister, torture had been a normalised terrorist method throughout the detention centres in Ethiopia. Different torture techniques were employed against the detained opposition politicians, journalists and other dissent voices who are convicted of affiliation to the groups designated as 'terrorist organisations', especially in the notorious Maekelawi and Jail Ogaden detention centres.<sup>718</sup> The torture techniques, for example, included tying up containers filled with water to the testicles of

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<sup>715</sup> Lewis, eds. Romaniuk et al., 2017: 3–38.

<sup>716</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987.

<sup>717</sup> PM Abiy Ahmed's Speech to the Parliament, 18 June, 2018.

<sup>718</sup> Human Rights Watch Report, 2018; Voice of America, March 15, 2017.

men and inserting poles to the vaginas of women detainees.<sup>719</sup> What could be more terroristic than this?! Based on this authoritative evidence, it can be argued that the Ethiopia ‘counterterrorism’ had been source of insecurity than security to the physical and psychological wellbeing of individuals, groups and people; therefore, it doesn’t qualify as a counterterrorism.

#### **6.4. The Domestic failure of the ‘Counterterrorist’ Project**

Ethiopia has not experienced any major terrorist attack from foreign terrorist networks when compared to other states in the Horn of Africa.<sup>720</sup> The country has successfully foiled attempted terrorist attacks from the al-Qaeda affiliated al-Shabaab and other terrorist groups based in Somalia.<sup>721</sup> This success has been attached to the authoritarian nature of the regimes, strength of the security apparatus, the primacy of politics over military, and the criminal justice system, and the nearly balanced religious composition, among others.<sup>722</sup> These external success stories fail to acknowledge the insecurity individuals and groups faced under the guise of external terrorist threat narratives. For instance, the establishment of the *Liyu Police* which has been cited as an achievement in the fight against external terrorist threats, had repercussions to the domestic political opposition, independent critical voices and the ordinary Ethiopian Somali population.<sup>723</sup> The authoritarian nature of the Ethiopian regimes and their continued primacy of politics over military and the justice system have been source of counterterrorist failure than success domestically. Moreover, the repressive practices which have been carried out under the banner of counterterrorism do not qualify the most important features of a genuine counterterrorism. The other impasse is that the repressive practices that have been legitimated in the name of counterterrorism fail to achieve both the proclaimed theoretical and the intended practical objectives. In theory, it was claimed that the objective of the legitimised repressive practices was ‘to protect the peace and security of the people’. The discussion under chapter four and five has astonishingly revealed that the legitimised repressive practices remain source of insecurity than security to individuals, communities and people. On the other hand, it has been argued based on the findings of the previous chapters that the legitimised repressive practices were intended to

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<sup>719</sup> Asafa, 2015: 160–87; Human Rights Watch Report, 2011; Voice of America, March 15, 2017.

<sup>720</sup> Nyambura, 2011: 97–101; Torbjörnsson, 2017: 4.

<sup>721</sup> Interviewee Three, Addis Ababa, January 23, 2023.

<sup>722</sup> Nyambura, 2011: 97–101; Torbjörnsson, 2017: 4; Tadele, 2015.

<sup>723</sup> Hagmann, 2005: 509–36; Human Rights Watch Report, 2018; Ylonen, eds. Bach et al., 2022: 21–31.



serve the power interest of the ruling minority under both regimes. However, it has also been uncovered that both EPRDF-led government and its political heir- the PP-led government failed to achieve their intended objective through legitimising repressive practices in the name of counterterrorism.

In this regard, it is evident that a group in charge of state power may resort to legitimising such a repressive practice (state terrorism] for selfish or altruistic ends.<sup>724</sup> For instance, it could be argued in such a way that a ‘state of exception’ is intended to eliminate separatist groups which are believed to be threats to the territorial integrity of the state, and hence to ensure national unity. This ‘the end justifies the means’ adage fails to cope up with the reality in the contemporary world order. Prioritising the state as an end by itself ignores the very referent to which the state is institutionalised. On the other hand, legitimising repressive practices with the intention to maintain the security of the ruling minority upon the insecurity of the mass would not ensure the hoped-for regime security.

The EPRDF and PP-led governments’ resort to legitimising repressive practices [state terrorism] in the name of counterterrorism might be interpreted from Machiavellian point of view as either aimed at ensuring the territorial integrity of the state by disciplining and eliminating separatist groups and dissent voices, or aimed at maintaining its selfish group interest and hegemonic aspiration. However, the hitherto examination shows that the attempt to sustain the territorial integration of the country against the legitimate demands of groups and communities, or the subtle political calculation to remain in power by disciplining the opposition and stifling dissent voices, fail(ed) to achieve the intended political objective. It is these uncritical approaches that brought irreversible insecurity than security as it was intended, to the order of the EPRDF, and relapsing insecurity to the order of the PP-led government. Since, both approaches ignore the universality of security and the hegemonic argument that a true and lasting security will only be achieved when everyone gets emancipated.

## **6.5. Conclusion**

The chapter was aimed at deconstructing the Ethiopia ‘counterterrorism’ policies. It adopted the minimal foundationalist definition of terrorism with minor revisions; and hence has examined the

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<sup>724</sup> Demirsu, 2017; Lindahl, 2020: 80–99.

ontological status of counterterrorism. Accordingly, counterterrorism has been conceptualised as the countering of deliberately violence, threats of violence, and political demands made via threats of violence. Thus, it is argued that state counterterrorism should aim at providing physical, psychological and political security to non-combatants. This theoretical claim has been examined in light of the security-liberty debate within and outside the liberal democratic counterterrorist state spectrum. The examination has also been contemplated with empirical evidences and comparative analysis of the practice of counterterrorism policies in purposively selected liberal democratic and authoritarian states. The analysis, in this regard, showed that the liberal democratic state, while internally practicing counterterrorism although with some imperfections, employs terrorist methods against non-citizens in its overseas operations. The analysis questioned the ontological status of the authoritarian counterterrorism. Based on this assumption, the chapter has examined the ontological status of the Ethiopia's counterterrorism policies practice. A thorough analysis and recapitulation of the findings in chapters 4 and 5 revealed that what is framed as 'counterterrorism' fails to satisfy the definition of counterterrorism. Finally, the chapter ends by attaching the failure of the EPRDF and PP-led governments to achieve their intended objectives to their partisan and anti-emancipatory approach.

## Chapter Seven

### Conclusion and Policy Recommendations

#### 7.1. Conclusion

The study interpreted Ethiopia's counterterrorism policies with the primary objective of unravelling the underlying political use and abuse of the narrative of terrorism as an existential threat to Ethiopia. Research questions were developed in a manner that could generate insights concerning the discursive construction existential threat narrative, referent object, human security implications, and the intended political value of the counterterrorism policies. Methodologically, the study employed Critical Discourse Analysis both as a theory and method. Data were secured from both primary and secondary sources through in-depth interviews and the analysis of political discourses, political programs, manifestos, anti-terrorism proclamations, terrorism charges, speeches, reports, and other relevant literature.

The study utilized the Frankfurt Critical Theory inspired Critical Terrorism Studies, Emancipatory Realism and the Copenhagen Securitisation theory to frame the investigation into the theory and practice of Ethiopia's Counterterrorism. It has also utilized the Machiavellian Pragmatism and Hobbesian Social Contract theory as a philosophical foundation to guide the analysis.

The investigation into the political history showed that threat or use of instrumental violence against non-combatants for political end has been endemic to Ethiopia. Individuals and groups have employed such terrorist methods either in their struggle to ascent to state power, or in an attempt to maintain their grip on state power throughout the history of Modern Ethiopia. The study also revealed that the struggle for state power has been accompanied with narratives that securitize both the horizontal and vertical rivals to state power. This old practice was discursively fashioned with counterterrorism narratives that framed terrorism as an existential threat to Ethiopia and justified the need for extra-constitutional power.

The study, questioned the discursive narrative that framed terrorism as an existential threat to Ethiopia. It revealed that Ethiopia's close proximity to the Middle East and its historical animosity with Somalia, where terrorist groups with irredentist claim over the Ogaden region and

Islamic State agenda are found, makes it susceptible to the terrorist threat. On the other hand, threats from domestic terrorism were insignificant, although the felicitous conditions remain there. The study claimed that as far as threats from domestic terrorism were insignificant, threats from international terrorism could have been countered through conventional national security defence mechanisms without resorting to emergency power.

The EPRDF-led government's narrative of [domestic] terrorism as an existential threat to Ethiopia, and the consequent adoption of counterterrorism policies were intended to avert the heightened opposition and waves of protests that questioned its ideological foundation and legitimacy in the aftermath of the 2005 contested election. The EPRDF-led government, thus, used the counterterrorism policies to proscribe political forces, which are perceived to be threats to its revolutionary democratic order, as terrorist organisations; and hence, exploited the 'terrorist' discourse to delegitimize and blur their political demands. Moreover, legally registered opposition political party leaders and members, journalists and bloggers, inter alia, were detained and prosecuted with terrorism for their alleged affiliation to the proscribed terrorist organisations. However, the investigation showed that the opposition political party leaders were detained and charged with terrorism after they have released statements that criticised the government and planned to stage a rally; and journalists and bloggers were detained and charged with terrorism after having published articles that criticised the EPRDF-led government and its policies. The analysis, in this regard, has unpacked the political and personal insecurities which the opposition politicians, journalists, bloggers and other independent voices had faced and the intertwined multi-polar insecurities posed against people from the counterterrorist state, geopolitical contenders, domestic armed groups and unorganized mob groups. Lastly, it is argued that Governments, being the greatest threat to the security of people in the country, have exploited the counterterrorism discourse for maintaining regime security. From this point of view, showed that the security-liberty contradiction with which the contemporary liberal democratic counterterrorist state is grappling with, fails to serve as an analytical framework to the authoritarian counterterrorist state, where the ruling minority struggles to ensure its hegemonic control over the political, social, economic and cultural life of individuals and groups under the guise of fighting terrorism.

The political value of making terrorist organisations is that the label 'terrorist' has been used as a justification to delegitimise the legitimate demands of the designated groups. And this label has

been used to detain and convict political figures, activists, journalists, and even ordinary people who were/are critical of the government and its policies (during the EPRDF and now under PP) for their alleged affiliation with, membership to, or support for the designated terrorist organisations. This cunning method has somehow helped the EPRDF to monopolize the state power, although it didn't last long. On the other extreme, unmaking terrorist organisations has brought both domestic and international support to the PP government. The PP has used this political currency successfully to claim legitimacy and support, and alleviate threats from armed struggle to its order, however for short period of time.

In general, the analysis has showed that the securitisation moves during the EPRDF-led government and currently under the PP-led government and their counterterrorist discourses are produced in the aftermath of the 2005 contested election and the reform-resistant political turbulences respectively, and not as a response to existential threats from terrorism to the country. The securitisation moves while exploiting people's insecurity for regime security ignored the legitimate security concerns of individuals, groups and people. Moreover, the EPRDF and PP led regimes and their armed counterparts used people's insecurity as a bargaining field and a felicitous condition for successful securitisation. The regimes and their armed contenders use presenting a maximum possible insecurity as a strategy to force the other party accept or recognise the presented political demands. The making and unmaking of terrorist organisations, in this respect, has been informed by the regimes political interest aimed at security political orders and maintaining a group hegemonic status.

Lastly, based on the findings, the study questioned the ontological status of the Ethiopia 'counterterrorism' policies. A thorough analysis and recapitulation of the findings in chapters three, four and five revealed that what is framed as 'counterterrorism' fails to satisfy the criteria for genuine counterterrorism policies. A genuine counterterrorism aims at emancipating people from fear and insecurity; contrary to this hegemonic argument, the regimes and their counterterrorism policies remain source of fear and insecurity to individuals, groups and communities in the country. Therefore, finally it argues that the narrative of terrorism as an existential threat to Ethiopia and the consequent adoption or amendment of the anti-terrorist legislations, are political strategies aimed at maintaining regime security by legitimising state terrorism in the country.

## 7.2. Policy Recommendations

The study showed that the EPRDF-led government, although tried its best to maintain its regime security through the use of counterterrorism as an instrument, it did not achieve the aspired goal of sustaining its hegemonic status. The use of counterterrorism policies as an instrument to detain and prosecute opposition politicians, journalists and independent voices that are critical to its order and policies, or proscribing political forces that pose a serious threat to its hegemonic aspiration as terrorist organisations, did not give it legitimacy or the aspired security to its regime. The PP-led government also repeated the mistake of its predecessor and thus, has been experiencing similar failure. The failure of this approach teaches us that a true security can only be achieved through addressing the human security challenges, and through the realisation of human emancipation; not through disciplining political opposition or stifling dissent voices. This study recommends that the PP-led government should strive to addressing the human security challenges if it seeks to maintain a stable order. The quest to maintain a stable order in the state of nature, where everyone lives under perpetual fear and want, would mean absolute political ignorance.

People in Ethiopia face threats from poverty, structural violence, disease, environmental degradation, bad governance, ethnic conflict, intra-state war, displacement and state failure, to mention but a few. From this point of view, it is evident that Ethiopia remains the land of insecure majority. This situation hinders any attempt at realising order and security. Therefore, this study recommends the PP-led government to work for the emancipation of individuals and groups, rather than designing and devising instruments of exploitation and suppression to ensure regime security in Machiavellian terms.

## 7.3. Future Research Trajectory

The history of modern Ethiopia shows that the country faces persistent instability under changing orders. The country experienced the Feudal Monarchic, Marxist-Socialist, Revolutionary Democratic and currently the 'home grown' *Medemer* ideologies. Kings, presidents and prime ministers, have all sought to build stable orders in the state of nature where the majority lives under perpetual fear and insecurity. Successive regimes have not learned from the failure of their predecessors that they have also failed as their predecessors. The puzzle is that, security is

understood in old terms as the security of the imprecisely defined national security. The national security concept has been exploited for the selfish power interest of individuals or a ruling minority against the legitimate security demand of individuals, groups and communities.

The failure of the Ethiopian state order under successive regimes can be reasonably attached to their misunderstanding of security in terms of regime security. The failure of their nation-building projects is also a direct outcome of the misunderstanding of what a true security is. The EPRDF and the PP sought to build regime security under the guise of countering terrorism. However, these attempts have not yield any of the aspired outcomes. Governments, being the source of insecurity to people, have also ignored the horizontal insecurities to individuals, groups and communities from poverty, the environment and ethnic violence. In a state, where people grapple with both horizontal and vertical insecurities, any attempt aimed at ensuring state/regime security would be a blue moon in the sky. A true security is human security, and this can be achieved only through human emancipation. Therefore, based on this empirical evidence, I recommend research projects to focus on the human security aspect of security in any attempt to understand Ethiopia's political impasse.

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## **Interviewees**

1. Abraham Getaneh, Legal Expert, Addis Ababa, February 2, 2023.
2. Frezer Worku, Legal Expert, Addis Ababa, February 2, 2023
3. Interviewee One, Addis Ababa, January 24, 2023
4. Interviewee Two, Addis Ababa, January 24, 2023
5. Interviewee Three, Addis Ababa, January 23, 2023.
6. Interviewee Four, Addis Ababa, January 24, 2023
7. Mussa Adem, President of the Afar People's Party, Addis Ababa, February 3, 2023.
8. Worku Yimer, Legal Expert, Addis Ababa, February 1, 2023

## **Interview Questions**

1. What do you think is the foundational philosophy of Ethiopia's counterterrorism policies?
2. What do you think could explain the EPRDF-led government's resort to emergency power?
3. What major events rationalised the adoption of extra-constitutional power?
4. Do you believe that terrorism is an existential threat to Ethiopia?
5. What do you believe is the source of insecurity to individuals/people in Ethiopia?
6. How do you see Ethiopia's counterterrorism policies from the Human rights perspective?
7. Who do you believe is protected through Ethiopia's counterterrorism policies?
8. Do you believe that proscribing political forces as terrorist organisations or de-proscribing as non-terrorist organisations have political value?
9. How do you see the FDRE Government's counterterrorist operations against the TPLF and OLF-OLA? Did the operations bring security to individuals/people?
10. Do you believe that the political forces proscribed as 'terrorist organisations' were/are really terrorists?
11. What changes and continuities do you see in the counterterrorism policies of the reformist PP-led government when compared to the counterterrorism policies of the EPRDF-led government?