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The Pretoria Agreement: Reflections on its Essence, Implementation Status and the Way-Forward

Assefa Leake Gebru Dr.
Mekelle University, Ethiopia, visitassie@yahoo.com

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The Pretoria Agreement: Reflections on its Essence, Implementation Status and the Way-Forward

Abstract

In 2018, the political landscape of Ethiopia experienced a profound metamorphosis with the ascension of Prime Minister Abiy Ahmed, igniting aspirations for democracy and enduring peace. Yet, this promise was soon overshadowed by escalating tensions between the new leadership and the Tigray People's Liberation Front (TPLF), ultimately plunging the nation into the tragic depths of the Tigray war, which erupted in November 2020. This war reached a pivotal moment with the signing of the Pretoria Agreement on November 2, 2022.

This study endeavors to critically assess the efficacy of the Pretoria Agreement and its implementation, scrutinizing its alignment with the foundational principles of successful peace accords. It raises essential inquiries regarding the agreement's essence, its success metrics, and the myriad factors that shape its outcomes. Employing a comprehensive literature review alongside Critical Discourse Analysis (CDA), the research explores the text of the agreement and the intricate political dynamics surrounding its execution.

The findings reveal that while certain objectives have been achieved, significant provisions remain inadequately addressed. Challenges persist, notably in political commitment and the influence of external forces. The ambiguity and lack of inclusivity in key provisions impede effective implementation. This study underscores the importance of trust, inclusivity, and robust mechanisms for monitoring and compliance within the agreement. It advocates for heightened international support and reevaluation of the agreement's terms to forge a path toward lasting peace in Ethiopia.

Keywords

Pretoria Peace Agreement, Tigray War, Tigray Genocide, Ethiopia, AU, Humanitarian Crisis.

1. Introduction

1.1 Background

The political landscape of Ethiopia witnessed a momentous change in 2018 when Prime Minister Abiy Ahmed assumed office, arousing hopes of a reinvigorated political environment defined by democracy, democratic transition and promotion of good governance. The Prime Minister's efforts to bring an end to the long-standing impasse and hostility with Eritrea earned him popular acclaim and support from various segments of Ethiopian society. However, his relationship with the leadership of the Tigray People's Liberation Front (TPLF), which played a crucial role in the Ethiopian People's Revolutionary Democratic Front (EPRDF), soured soon afterward, leading to a prolonged and acrimonious political fallout. This ultimately culminated in the catastrophic Tigray war on November 3, 2020, with the active involvement of regional special forces of all regional states of the Federal Democratic Republic of Ethiopia, Amhara paramilitary, Amhara vigilante group (Fano), the Eritrean National Defense Forces and the Ethiopian National Army (Leake, 2023).

The conflict has been characterized by some as genocidal, while others view it as a unique or total war. Meanwhile, the federal government has labeled it as a law enforcement issue. Regardless of the debate surrounding its nature, the war has had a devastating impact on both human and material resources, making it one of the most destructive conflicts of the 21st century. The two-year-long civil war led to the loss of hundreds of thousands of lives and the displacement of millions of people (Abate, 2023). The conflict expanded beyond the Tigray region to the nearby Amhara and Afar regions. This expansion has had far-reaching effects on the security situation of the country and beyond. Moreover, the country's social fabric has been severely weakened. Human rights violations have been reported throughout the civil war, ranging from war crimes to crimes against humanity, with anticipated post-conflict trauma (ibid). Furthermore, the war's economic impact proved detrimental to Ethiopia's financial resources, with the redirection of resources towards the war effort serving as a significant drain on its finances (ibid).

In response to the widespread damages and casualties, the international community, particularly the African Union (AU), has facilitated negotiations between the warring parties, resulting in the signing of the Pretoria agreement on 2nd November 2022. The agreement was further strengthened by implementing modalities on 12th November 2022 in Nairobi, Kenya. External actors, including the AU High Representative for the Horn of Africa (HoA), the U.S. Special Envoy to the HoA, and the EU Special Representative, played a critical role in mediating the process (Mabera, 2023).

The agreement's signing was widely praised by prominent figures, peace advocates, and the regional community. UN Secretary-General described it as a critical first step towards ending the brutal conflict (Gutierrez, 2022). Similarly, AU and IGAD praised it as a significant milestone demonstrating the effectiveness of “African solutions to African problems” (Mekonen, 2023). In view this, the study examines the Pretoria agreement along its implementation.

The study sets forth a comprehensive research agenda to assess the Pretoria agreement and the status of its implementation. The general objective of the study is to holistically evaluate the Pretoria agreement, a pivotal peace accord aimed at resolving a complex conflict. To achieve this overarching goal, the researchers have outlined several specific objectives. First, the study seeks to examine the Pretoria agreement in the context of established principles and criteria for an effective peace agreement. This analytical approach will shed light on the agreement's design and its alignment with recognized standards for successful conflict resolution. Second, the study will provide a critical analysis of the success and failure narratives surrounding the implementation of the agreement, assessing the extent to which it has met its stated objectives. Third, the study aims to identify and highlight the key strengths and weaknesses of the agreement, as well as the major challenges encountered during the implementation process. Finally, it intends to inform future policy decisions and peacebuilding efforts in Ethiopia, while also contributing to the broader academic discourse on the dynamics of peace agreements.

To realize these objectives, the study poses a series of research questions. These include: What is the nature of the Pretoria agreement when evaluated against the recognized principles and standards for a workable peace agreement? What is the documented record of the agreement's implementation in terms of achieving its intended objectives? What are the critical factors, both facilitating and hindering, that have shaped the success or failure of the Pretoria agreement? And how can the findings of this study be leveraged by policymakers and peacebuilding practitioners to guide future decision-making and conflict resolution efforts in Ethiopia and similar contexts? By addressing these research questions, the study seeks to provide a comprehensive and multidimensional understanding of the Pretoria agreement, its implementation trajectory, and the lessons that can be drawn to enhance future peacebuilding initiatives in the region.

1.4. Methodology of the Study

Methodologically, the study employs a comprehensive review of relevant literatures, including research articles, books, media and institutional reports, and official statements etc. International conventions and practices governing treaties are taken into account. The authors' personal observations, as lived experiences, are included to elucidate the analysis. More importantly, Critical Discourse Analysis (CDA) is employed to examine the agreement in and of itself, official communications and to examine the agreements implementation. CDA examines how social and political power, dominance, and inequality are enacted and resisted through language and communication (Van Dijk, 2001).

CDA aims to uncover the social and political dimensions of discourse by analyzing how language shapes and is shaped by societal structures and power relations (Tenorio, 2011). It views language use as central to social actions and aims to critique hidden ideological assumptions in discourses. Thus, it can help analyze text of the agreement, related statements, and discourses to understand how they shape power relationships between signatories, non-signatories, and guarantors, and its implementation. Specifically, applying Fairclough's model for CDA involving three interrelated processes of analysis fits well to the analysis of the agreement in and of itself, the discourse about and the dynamics of implementation of the agreement.

First, the object of analysis, which includes the text, verbal and visual texts, and the pre-existing discourse that led to and the accompanying discourse around the agreement. Second, the processes by which the agreement is produced and received, such as the drafting and writing, speaking (the negotiation), reading, listening, and viewing which pertains to how the agreement was received and interpreted by each party, spoilers and guarantors. Third, the contexts of war, security and political dynamics that governed the process of making the agreement (Janks, 1997).

According to Fairclough the three dimensions requires a different kind of analysis: text, statement and visual texts analysis (description), processing analysis (interpretation), and social analysis (explanation). These three dimensions and corresponding processes of analysis are interconnected and reinforce each other. By analyzing the agreement in and of itself, how it is produced and received, and the dynamics of war and security, and the political context in which it is situated, CDA can uncover the power dynamics and interests that are embedded within the discourse about the agreement (ibid).

1.5. Significance of the Study

The study critically examines the peace agreement, identifying factors for success and failure. Insights on trust, confidence, inclusivity, and commitment among stakeholders are provided. Technical flaws and challenges within the agreement are identified, emphasizing the need for clarification and stronger provisions. Recommendations for comprehensive peacebuilding with effective implementation, monitoring, and dispute-resolution offer useful insights for policymakers, negotiators, practitioners and academics. The research critically examines the agreement along its implementation offering recommendations to rectify problem which denotes the significance of the study.

2. Literature Review

This section examines pertinent literature on peace agreements, exploring their nature, and reasons for the success and failure of agreements. An analysis is made to identify key factors for the successful implementation of a peace deal via identifying optimal modalities for successful agreements which guides subsequent discussions.

2.1. Peace Agreement in Essence

A peace agreement is a legally binding accord signed by parties involved in an armed conflict to cease hostilities and promote peaceful resolution. Agreements typically contain provisions for Disarmament, Demobilization, and Reintegration (DDR) of combatants alongside restructuring armed forces and security institutions. Key aspects of successful agreements include comprehensively addressing issues, inclusively involving all stakeholders, establishing clear timelines and deadlines, and devising resolution mechanisms. The primary objective is addressing underlying conflict causes and establishing sustainable foundations for a lasting peace (Richmond, 2009).

2.2. Negotiation Process and Peace Agreements

The negotiation process and resulting agreement determine the success of peacebuilding initiatives. Factors impacting outcomes include inclusivity, transparency, balanced power, clarity and feasibility of agreements, adequate support, dispute resolution, and commitment (Anderlini, 2004). It is crucial to ensure participation of all stakeholders and cultivate trust. Additionally, addressing root causes and establishing feasible objectives focusing on core issues are necessary. Adopting comprehensive peacebuilding approaches, effective implementation and monitoring mechanisms, and seeking international support as needed are also fundamental to realize comprehensive conflict resolutions (ibid).

2.3. Nature and Perspectives of Agreements

The nature of peace agreements impacts their success. Successful agreements have precise wording, feasibility, and a detailed implementation schedule. They also have international legitimacy and serve as a comprehensive blueprint outlining steps for each party. Unsuccessful agreements commonly lack clarity and have unrealistic expectations. Political will alone cannot sustain an agreement, and sometimes a series of partial agreements works better. Agreements can fail due to lack of trust between parties, absent power-sharing, insufficient support, and missed solutions to key concerns. Thus, agreements require addressing vital interests upfront, building trust, incorporating power-sharing, and sustained support (Arnault, 2006). Given this, nature of agreements can be seen from two perspectives. Perspectives on good and bad agreements suggest that they have essential defining features that contribute to their effectiveness.

One perspective, the “constitutive” view, emphasizes the importance of the substance of the agreement towards the overall process. According to this view, a good agreement is characterized by precision in wording, technical feasibility, international legitimacy, and a detailed implementation timetable. It serves as a comprehensive blueprint outlining the steps each party must take to attain desired outcomes like ending war, institutional reform, national reconciliation, and consolidating democracy. On the other hand, the “instrumental” view does not consider the agreement itself paramount. Instead, it focuses on the broader peace settlement process as a whole. In certain cases, a series of partial or minimal formal agreements may yield more success. However, the instrumental view acknowledges that key substantive demands must be solved to make a settlement viable (ibid).

2.4. Gender and Women in Peace Agreements

Women's participation in peace negotiations is crucial for sustainable and inclusive agreements. The reasons for the failure of peace agreements can vary, but some common factors include the exclusion of women from the negotiation process. Various literatures highlight that women bring unique perspectives and insights that can enhance peace negotiations. They often focus on practical issues related to human security and have a holistic approach to conflict resolution. Women's inclusion can also help address the differential impact of decisions on men and women and ensure that women's rights are considered in post-conflict reconstructions. Additionally, women's participation can contribute to building trust, empathy, and more inclusive peace process. Accordingly, various writers suggest strategies for women peacebuilders to overcome obstacles and promote their inclusion in peace negotiations and agreements (Anderlini, 2004).

2.5. Linking Mediation and Peacebuilding

Linking mediation and peacebuilding highlights the importance of successfully implementing peace agreements. Previous analyzes of conflict resolution and civil wars emphasized mediating agreements and long-term peacebuilding, with little focus on short-term implementation. Linking these areas shifts the focus to successful implementation, where critical challenges emerge. Successful mediation leads to agreements, signifying reduced conflict. However, it is imperative to also focus on short-term agreement implementation. Successful implementation creates a critical linkage between mediation and long-term peacebuilding (Stedman, 2001). This shifted focus is essential to understanding challenges and complexities of negotiated settlements achieving sustainable peace.

Agreements should include impartial third-party mediators, peacekeepers, clear guidelines and consequences for non-compliance to enhance trust and deter parties from renegeing on commitments. In view of this, there are key determinants of successful peacebuilding efforts. It depends on international commitment of adequate support, addressing hostile neighbors, secessionist wars, and spoilers to agreements. Established researches also recommends prioritizing civilian security through police and judicial reform, and building local capacity for human rights and reconciliation (ibid)

2.6. Challenges of Implementing Peace Agreements

Implementing peace agreements often faces challenges due to over commitment or underestimation of requirements. Lack of trust and difficulties with power-sharing can also contribute to failure. While United Nations mediation, monitoring, and verification efforts provide assistance, their impact has limitations. Relying too heavily on external parties' risks weakening commitments. However, success factors include establishing early partnerships with donors, limiting the scope of UN involvement, and prioritizing initial implementation efforts to avoid delays are critical. Sustained outside support that addresses core issues proactively while incorporating power-sharing structures likewise provides benefit (Arnault, 2006). Agreements can phase in aid in alignment with absorptive capacity avoidance frontloading. The 1991 Cambodia Accords stipulated international aid be introduced over a realistic timeframe with acknowledgement of political and technical considerations. It recognized launching funding at the appropriate juncture helps ensure success. The sequenced, phased approach utilized by the EU-PEACE Funds in Northern Ireland demonstrates adapting funding levels to evolving needs and conditions (Molloy, 2019).

2.7. Factors for the Failure of Peace Agreements in Africa

Peace agreement failures in Africa often stem from common factors. One is leadership violations where political leaders dismantle key elements of agreements to consolidate power, as seen in Burundi and the Democratic Republic of Congo. Another is weak oversight when regional and international partners do not enforce violated provisions. Countries emerging from conflict usually have weak institutions, making them vulnerable to challenges of new norms and past malpractice. Additionally, non-enforcement of provisions highlights guarantors' indispensable role years after agreements. Restrictions on civil liberties like media or CSOs may threaten implementation. Strengthening leadership commitment, robust oversight, institutional strengthening, addressing violations through guarantors and avoiding civil liberty restrictions are critical to ensure successful implementation and sustainability of agreements in Africa (Nantulya, 2018).

2.8. Revitalizing Agreements

Revitalizing stalled or failing peace agreements requires careful analysis to develop impactful interventions. Traditional recommendations include addressing grievances, effective implementation, trust-building, international support, flexibility, and adapting to context changes. Parties should identify root causes, understand stakeholder concerns and aspirations, and establish trusted implementation (Adetula *etal*, 2018). Regional and international actors like the UN provide leverage, resources and expertise to facilitate dialog and mediate impartially. A flexible approach allows revisiting and modifying the agreement. Thus, identifying success and failure factors, and addressing concerns upfront are vital in revitalizing peace agreements (ibid).

3. The Pretoria Agreement: Evaluation of Features and Implementation

3.1. The Agreement: An Overview

The “Agreement for Lasting Peace through a Permanent Cessation of Hostilities” was signed on November 2nd 2022 between the Government of Ethiopia and the TPLF. The agreement aims to resolve the devastating war through cessation of hostilities and political resolution. Both parties recognize the conflict's destructive effects and commit to peaceful resolution per African ideals. The agreement establishes a comprehensive blueprint for resolution, including restoring order in Tigray. The parties commit to a peaceful, lasting resolution within the framework of permanent cessation monitored by verification mechanisms. The main

agreement has 15 articles covering objectives, principles, disarmament, demobilization, reintegration, confidence-building measures, re-establishing federal authority over Tigray, controlling borders and facilities. It also prescribes transitional arrangements and procedures for monitoring, verification and compliance. The agreement can be amended if needed and requires good-faith implementation.

3.2. The Context of the Peacemaking

Given the context, both parties showed commendable resolve in signing the peace deal. For Tigray, ending the destructive war through political means was the sole practical option. The third war waged for over two months by the joint forces had multidimensional impacts due to a year-long siege and prior military operations. Significant challenges included inadequate weapons, medical supplies, food shortages, numerical imbalance, and technological disparities in arms. Civilian casualties were also staggering. The agreement thwarted plans to destroy remaining infrastructure in cities like Mekelle.

The prolonged war posed severe burdens for the national economy from the federal perspective. The government aspired to minimize further human and material losses. It also faced enduring international pressure calling for a political solution. Domestic turbulence in regions like Oromia further tested national stability. Under such circumstances, both parties showed praiseworthy political will in reaching an agreement.

AU has integrated the Responsibility to Protect principle into its charter, though it regressed to non-interference in the Tigray conflict. The AU chair deemed Ethiopia's incursion as "legitimate" despite reports of atrocities. Consequently, the AU remained quiet on mediation efforts. However, due to wide criticism, former Nigerian president Olusegun Obasanjo was appointed AU High Representative for the Horn of Africa (HoA) in August 2021, with a mandate on Ethiopia (Abate, 2023). Initially, Obasanjo faced challenges gaining TPLFs' trust. However, with U.S. pressure and additions of Uhuru Kenyatta and South Africa's Mlambo as co-mediators, the AU garnered TPLF acceptance. Kenyatta's and Mlambo's participation and the persistent U.S. support were vital to the Pretoria agreement. Negotiations involved TPLF's 15-18 month phased peace proposal versus the government's immediate peace demand to facilitate aid. This may indicate the process lacks time for trust-building and stakeholder inclusion.

3.3. Critical Review of the Provisions of the Agreement

The Pretoria agreement aims to achieve lasting peace in Tigray, Ethiopia. However, certain provisions may undermine this goal. Article 1(1-11) outlines objectives such as immediately ending hostilities, restoring constitutional order, rejecting violence, ensuring security, and creating stability through reconciliation, recovery, and addressing political differences in a political means. The principles of the permanent cessation of hostilities outlined respecting Ethiopia's sovereignty and territorial integrity, constitutional norms, fundamental human rights, protecting civilians, democratic principles as per African Charter on Democracy, Election and Governance, and accountability and justice according to the FDRE constitution and the AU Transitional Justice Policy Framework. Besides, the principles outlined unhindered humanitarian access, and using aid exclusively for humanitarian purposes, promoting reconciliation and rehabilitation, and relief and reconstruction, and implementation of the agreement in good faith.

The cross-provision analysis between the principles and the objectives of the agreement exhibits symmetry and harmony that could be helpful for the implementation of the agreement. Especially the reference to continental Charter and Transitional Justice Policy framework provides accountability to both national and continental platforms that entails vital role of continental actors, laws and platforms in the implementation of the agreement. This connotes the vitality of providing clear provisions on the roles of continental actors to ensure the implementation and respect for African values in line with the principle of African solutions for African problems enshrined in the preamble of the agreement.

Unfortunately, this is missing that undermine the role and jurisdiction of continental actors to mere monitoring and verification. One criteria of analyzing the agreement is looking at the internal constituency and harmony of the provisions of the agreement. In this regard, multiple issues can be identified. One issue is obvious contradictory provisions of the agreement. In Article 1(2) of the objective of the agreement it has different connotation: Restoration of the constitutional order disrupted due to the conflict in Tigray implies national level application contrary to the provision of Article 3(4) that articulates limited jurisdiction for the application of the provision of Article 1(2) stating “the restoration of constitutional order in Tigray region”.

The contradictory connotation of the two provisions has far reaching implications on the implementation of the agreement. While Article 1(2) implies restoring all laws, practices and the constitutional order and institutions disrupted all over the country including but not limited to all laws, forces, administrative structures, jurisdictions and boundaries created after the war by both federal and

regional organs and external forces. The provision of Article 3(4) limits the implementation of the provision of Article 1(2) only to Tigray region which contradicts the provision for the removal of non-ENDF and external forces from and the restoration of the occupied territories of Tigray status quo ante. This contradiction also affects other provisions by connoting that the constitutional order was disrupted only in Tigray and denoting the blame on Tigray.

Ambivalence of the provisions is another dimension of analyzing the text of the agreement in and of itself. Good agreements avoid equivocal meanings by explicitly stating and naming the provisions and actors to avoid challenges during implementation. In this regard, the agreement fails to explicitly name Eritrean and Amhara forces, of diverse compositions, and instead refers to them as external forces. This overlooks their involvement alongside the joint forces fighting against TDF. Despite the critical need to mention both Eritrean and Amhara forces and acknowledge their role in the conflict, the document regrettably falls short.

Article 3 (1-5) of the agreement outlined the commitment to an immediate and permanent cessation of hostilities, disengagement of forces or armed groups, and the cessation of overt and covert acts of violence, laying of mines, sabotage, airstrikes, and other forms of violence. Additionally, the cessation involves stopping all forms of hostile propaganda, rhetoric, and hate speech. It aims to pave the way for the restoration of the constitutional order in the Tigray Region, foster political dialogue, and restore the presence of federal authority in Mekelle to ensure the safety of the city's inhabitants. The entry into Mekelle by the Ethiopian National Defense Force (ENDF) and other relevant Federal Institutions is to be expeditious, smooth, peaceful, and coordinated, facilitated by established communication channels between senior commanders of the parties as per the Agreement.

These provisions are designed to bring about an immediate and lasting cessation of hostilities, restore constitutional order, and create a peaceful and coordinated transition in the region. While majority of the provisions can be considered in line with the principles and objectives of the agreement, the provision under Article 3(1) only addresses the disengagement of armed forces under the control of the parties leaving out the mechanisms for the disengagement and repatriation of EDF from territories of Tigray and Ethiopia. As African mechanism are already empowered to have a role, continental modality for the disengagement and repatriation of EDF should have been part of this provision to curb the spoiler role of EDF. Article 3(4) have contradictory connotation to the provision under Article 1(2) discussed above. Besides, it does not unequivocally provide the issues of political dialogue between the parties. It does not provide for the role of continental instruments and mechanisms in the political dialogue as provided under Article 2(e) of the agreement

Well-crafted peace agreements include clear and actionable schedules which is missed in the Pretoria agreement. This absence caused issues like repatriation of IDPs and refugees, and restoration of Tigray's territorial integrity and constitutional order. The agreement instructs the federal government to oversee IDPs and refugee repatriation with no schedule. It states to return IDPs and refugees when the security situation allows, but this remains subjective. Who bears accountability for inaction or unresolved issues if security fails? Only one provision addressing DDR withstands this limitation, even this provision lacks a realistic nature that opens realistic postponement of the implementation of DDR which could be a bad example for the implementation of other issues.

Another shortcoming of the agreement is its lack of inclusivity in the negotiation process, resulting in a chain reaction mirrored in the final treaty document. A well-crafted agreement requires inclusivity, ensuring that pertinent stakeholders are involved in the negotiation process and their concerns are represented in the final deal. However, the Pretoria agreement ends-up being exclusionary failing to include primary stakeholders. Despite the need for the agreement to be victim-centered, and inclusive, it falls short attributing to mass dissatisfaction. Furthermore, the agreement lacks critical components that are essential to a comprehensive peace effort, including the development of strong mechanisms to overcome potential obstacles in the implementation process, and mechanisms outlining consequences for noncompliance. Furthermore, the document fails to identify potential partners to provide required resources to implement key provisions corresponding to DDR and IDPs. Despite the promises of achieving lasting peace, the agreement is deficient in establishing peacebuilding mechanisms like peace commissions: peace monitoring commission and commission for lasting peace. The absence of these key elements may ultimately undermine efforts to maintain long-term stability and its proper implementation.

3.4. Implementation of the Agreement

The success of any agreement can be measured in terms of the objectives it aspires to achieve. Thus, the implementation of the Pretoria agreement needs to be seen in view of achieved objectives. The agreement has outlined 11 objectives in its Article 1. Intent wise, they are critical to restoring peace and order, and to lay the foundations for enduring peace. However, only two provisions under sub-articles 1 and 3 are going well providing intermittent hope for a lasting peace to be materialized. These provisions are aspiring to “reach an immediate and permanent cessation of hostilities with a view to silencing the guns and creating a conducive environment and laying the foundation for sustainable peace”, and the one aimed

to “reject violence as a method of resolving political differences”. The rest objectives are either under slow implementation or remained untouched.

Another way to evaluate the success of implementation of the agreement is to analyze the extent to which the governing principles have been adhered during the year-long implementation period. Article 2 outlines the principles that guide the permanent cessation of hostilities. Content wise, they are imperative to play a pivotal role in the implementation process. However, most of the principles are often compromised by either one or both parties, or confronted by external forces. TPLF is failing to fulfill its responsibilities to protect civilians from ongoing crimes, uphold justice, respect basic human rights as outlined in the FDRE, and to ensure that humanitarian aid is used solely for humanitarian purposes.

Correspondingly, there have been raised concerns regarding the failure of the FDRE to respect specific principles, including the respect for constitutional norms and principles enshrined in the FDRE Constitution, the preservation of FDRE's sovereignty, territorial integrity, and unity, the protection of civilians, and the appropriate use of humanitarian aid. Eritrean forces are undermining the sovereign independence of the FDRE while Amhara forces are controlling areas in Western and Southern parts of the Tigray region (Gebrehiwot, 2024). Despite laying out critical provisions to establish the credibility of the peace agreement, the existing challenges are causing significant disruptions to the agreement's realization on the ground.

Looking at the success-failure story of the agreement from the vantage point of other critical and core provisions of the document depicts similar trends. In this respect, Article 3 of the agreement dealing about the “Permanent Cessation of Hostilities” is a case in point. The provisions under this article are either fully implemented, partially implemented, or not implemented at all. For instance, the disengagement of external armed forces from Tigray regional territory was not implemented by the Federal government failing to demobilize Amhara special forces and the attempt of which also triggered fresh war with the Amhara region. While TPLF has complied by implementing partial demobilization, the federal government however is not helpful even to demobilize TPLF combatants. Sub-article 2 and 3, the cessation of all forms of hostility is compiled by TPLF; however, the federal government continues defying these provisions by making hostile and provocative statements and engineering political schism within the politics of Tigray and TPLF (Plaut, 2023). The provision under sub-article 4 is not implemented at all, despite the contradictory content of the sub-article regarding the restoration of constitutional order as provided by Article 1(1).

Political dialogue has not been tabled for implementation at all. The only sub-article considered fully implemented is the sub-article 5 which provides for the reinstatement of federal authorities and resumption of basic services in Tigray region. Considering the dire situation in the Tigray region, provisions of the agreement under Article 4 and Article 5 are relevant, addressing the "Protection of Civilians" and "Humanitarian Access," respectively. Sub-articles 1 and 2 of Article 4 requires the parties to uphold the human rights of civilians and to comply with applicable International Humanitarian Law Instruments to which Ethiopia is a party, while condemning acts of sexual and gender-based violence, violence against children, girls, women, and the elderly, and the recruitment of child soldiers.

This explicit mention and recognition of the need for protecting civilians has been well-received by the peace-loving Ethiopians, international community, and those affected by the conflict. Tragically, the obligations of these provisions have faced significant challenges from spoilers such as Eritrean and Amhara forces, casting doubt on the agreement's effectiveness to ensure the protection of civilians. Similarly, article 5 of the agreement outlines four crucial provisions aimed at ensuring the successful and unhindered delivery of humanitarian aid to the Tigray region. Notwithstanding some efforts, recent reports from various sources indicate violations of this provision is going unabated. According to the regional media channels and official public statements, humanitarian aid is being looted by five actors; including the Federal government, the regional authority, the Eritrean government, humanitarian workers, and IDPs center coordinators (Africanews, 12th June 2023).

Arguably, the most crucial provision of the agreement is the one pertaining to DDR stated under Article 6 of the agreement. The document elaborates it in a considerable detail and imposes a limited timeframe for implementation. Regrettably, despite some early efforts, most of the provisions have not been acted upon. The agreement specifies that both parties commit to completing the disarmament of TPLF combatants and to submit including light weapons within 30 days of the agreement's signing. However, implementing DDR remained a failure even after a year had passed.

It is undeniable that some provisions of the article were implemented in the immediate periods of the signing of the agreement. This includes disarmament of heavy weapons while recognizing that the FDRE has only one defense force. However, major tasks of DDR remained unrealized. The failure of the FDRE to concurrently help withdraw external forces from the regional territory is one of the most critical factors responsible for the slow implementation of this provision.

Another notable provision is related with confidence-building measures detailed under Article 7. The implementation of this article is by far better than others for most of the provisions are well implemented. However, Article 7 sub-article 2 (D) that says “mobilize and expedite humanitarian assistance for all those in need in the Tigray region and other affected areas, and ensure unhindered humanitarian access” remained under critical strain. Article 8 of the agreement focusing on the international boundaries and federal facilities mandated the deployment of the ENDF along the international borders to safeguard the sovereignty, territorial integrity, and security of Ethiopia from any incursion or provocation resulting from foreign aggression. The ENDF is also required to ensure that there will be no incursion or provocation into the country from either side of the border.

The Federal Police, ENDF, and other federal security organs are tasked with taking full control of the national airspace, aviation safety, and security, and all federal facilities, installations, and critical infrastructure such as airports, highways, and other strategic assets within the Tigray Region. Accordingly, Federal forces have control of the relevant institutions and are deployed along the international boundary as per the agreement. Regrettably despite its critical nature, the federal government failed to help safeguard its boundaries alongside Eritrea, resulting in uncertainty and a surge in military activities along the borders. This stark reality underscores the pressing importance of addressing security concerns in border regions. The Eritrean forces' presence within Ethiopian sovereign territory has provoked widespread regional discontent, demanding full compliance with and respect for the agreement's terms (Gebrehiwot, 2024). Article 9 of the agreement discusses the restoration of federal authority in the Tigray region and representation of the region in federal institutions. The article mandates the restoration of federal authority in the Tigray region, which includes gaining control over federal institutions and agencies.

The Federal government is also required to ensure that the region is fully represented in federal institutions, including the House of Federation and the House of Peoples' Representatives, in accordance with federal laws and the FDRE Constitution. Implementation of this provision is found interesting except for its sub-article 2 which demands reasonable time for regional election to be conducted. Tigray remained however unrepresented in the federal system in any formal and informal ways which demands political dialogue. One notable achievement displaying well implementation of the agreement is the establishment of “Inclusive” Interim Regional Administration in Tigray as per the dictates of Article 10 of the agreement, like terrorist resignation of the TPLF, following which basic services like Bank and air transport are resumed (Mekonen, 2023). The federal government

released the required regional budget from the signing of the agreement. However, this commendable aspect of the implementation is clouded by TPLF's trivial trick inhibiting the establishment of genuinely inclusive regional administration and triggering political schism within TPLF.

4. Challenges and Consequences

4.1. Challenges of Implementation

The challenges facing the proper implementation of the agreement are daunting and complex, with numerous factors intertwined and contributing to a slow-moving process. Among the most critical stumbling blocks is lack of political commitment among the parties. As detailed in Article 12 of the treaty document, good faith implementation requires a strong sense of political determination and commitment. The Vienna Convention on the Law of Treaties (1969) reinforces the critical importance of such a commitment, emphasizing *pacta sunt servanda*-the requirement that agreements must be kept¹. In this respect, even both parties are responsible, given the power imbalance, the sharp critics is tilted towards the federal government.

Regrettably exclusive concerns of the parties have hampered the implementation process. Both parties have been preoccupied with their own exclusive concerns, causing them detached from the original focus. The political rift within the TPLF owing to power struggle, and its leadership crises, have seriously undermined its ability to engage fully as a political agency (Plaut, 2023). Similarly, the federal government has been contending with various issues, including persistent economic crises, inflation, and civil wars in different parts of the country. Notwithstanding this, there are also indications of deliberate procrastination and postponement of the implementation process by the Federal government which has further crippled the outcome of the peace deal.

Another challenge can be explained in relation to the document of agreement in and of itself. The agreement contains significant flaws, including the lack of implementation timelines. This shortcoming has had a detrimental effect on

¹ The principle of "*pacta sunt servanda*" in international law underscores the importance of honoring treaty obligations in good faith. It is enshrined in Article 26 of the Vienna Convention on the Law of Treaties, emphasizing that every treaty in force is binding on the parties and must be executed in good faith. This principle applies to peace agreements between governments and subnational actors, reinforcing the legal obligation of all parties to uphold the terms of the agreement, promote reconciliation, and support sustainable peace efforts.

the implementation's progress, further compounded by a lack of clearly stated noncompliance measures for breaches of the agreement. Moreover, the absence of enforceable mechanisms reflected in terms of absence of an independent, viable, and capable institution to oversee the treaty and resolve any disputes has debilitated implementation progress.

It is a matter of utmost concern that external forces, specifically Amhara chauvinists and Eritrean forces, are working tirelessly to undermine the peace deal. Both have control of areas in the Tigray region that contravene the agreement. Despite its critical importance, the international community appears to be reluctant to lend the necessary support to ensure the treaty's success. Moreover, the current international issues, such as the situation in Ukraine and Palestine and the geopolitical rivalries of major powers in the HoA have further clouded the implementation process. Thus, above mentioned factors and associated predicaments of the document itself have significantly impeded the Implementation progress.

4.2. Consequences

The consequences of the slow implementation of the agreement have been significant, creating and perpetuating national and regional crises that have produced ripple effects on the existing regional context. The delayed implementation of the agreement has led to a multitude of complex concerns. These includes economic hardships in the region explained in terms of persistent food shortages, high unemployment rates, and widespread poverty. Sources indicate that about 68% of deaths in the Tigray region in post Pretoria agreement is attributed to starvation (Mekonen, 2023). Currently, a significant majority of the population, exceeding 91%, is faced with critical dangers of starvation to death (News Wires, 2023).

Another notable consequence is the creation of political instability and fragile regional security. The region is governed by a single-party system known for its oppressive rule, widespread human rights abuses, and limited political freedom for opposition parties and CSOs. Current tensions between the party and the Interim regional administration have exacerbated the unpredictable political environment with security implications. Once known for its secure regional context, the region has turned into highly insecure, marked by lawlessness, weak law enforcement, and a surge in criminal activities (Leake, 2023).

The infiltration of Eritrean forces along the borders, and the proliferation of arms trade and illicit activities like human trafficking and forgery, have further contributed to the deteriorating politico-security situation of the region (Gidey,

2024). Furthermore, degeneration of sociocultural norms is flaring up. The region has witnessed an alarming rise in social issues such as prostitution, substance abuse, alcoholism, and drug consumption among the youth, as a means of coping with desperation and trauma exacerbated by the recent conflict and poor health conditions (ibid). The situation has driven many young people in the region to consider migration as a best resort (Leake, 2023). These consequences have triggered an interlinked set of resultant challenges which are discussed herein below.

The ethnic Tigrians currently living in occupied territories are enduring severe living conditions. They are subjected to extrajudicial killings, torture, sexual abuse, and dehumanizing treatments. The situation is leading to widespread suffering and potential annihilation of people under the oppressive rule of occupying forces, Eritrean and Amhara. This may have global implications in perpetuating a culture of impunity. The situation is also perplexing even in the areas under the control of the Interim administration. Evidence reveals a sharp increase in mortality rates and humanitarian crisis in IDPs centers in the region as the agreement's implementation remains delayed. Particularly, women, children, the disabled, and the elderly among IDPs are enduring unprecedented suffering. The death toll due to insufficient and irregular humanitarian aid including food, shelter, and medical supplies is rising alarmingly. The multidimensional problem is resulting in profound mental and psychological disorders, which may lead to irreversible social crises in the region (ibid).

Another notable challenge is explained in relation to constitutional crisis. It challenges the government's ability to address political and security issues when its constitution is perceived as inadequate. During the war, constitutional order was disrupted in Tigray and it was assumed to be resumed after the agreement. However, slow implementation of the agreement undermines trust between parties and increases the chance for the parties to resolve crises through unconstitutional means. Such trends encourage other parties to also use unconstitutional methods for political differences, setting a bad precedent. Thus, failing to timely implement the agreement tends to exacerbate the political crisis and the potential for renewed war. Similarly, delayed implementation may lead to a conflict between the federal government and Eritrea, internationalizing the crisis. As a result, it will disrupt and exacerbate conditions at regional and sub-regional levels, further intensifying humanitarian crises within the conflict area and broader region.

The slow implementation of the agreement is resulting in unnecessary competition for resources between host communities and the IDPs. This competition for limited employment opportunities, economic resources, and access to essential services such as healthcare and education is likely to fuel conflict between host communities and IDPs as their tolerance threshold is strained by the

delayed (Gidey, 2024). The trend is bearing far-reaching implications, like socio-political upheavals, and security crises with significant national repercussions. Moreover, delayed implementation of the agreement has emerged as a challenge for the Interim regional administration. Existing governance crises are likely to be further exacerbated, fueling more public discontent. The delayed implementation of the agreement, especially regarding DDR, is expected to increase frustration among TDF members leaving them uncertain about their future (ibid). This situation carries implications such as potential rises in criminal acts, suicides, anti-social behaviors, and security issues.

5. Conclusions and Recommendations

The Pretoria agreement was signed on 2nd November 2022, following two years of civil war in Ethiopia that had devastating impacts on the country and its people. AU Representative for the Horn of Africa along with U.S. Special Envoy and EU Special Representative played a critical role in mediating the peace process. The AU, in particular, facilitated negotiations between the warring parties, resulting in the signing of the Agreement. The agreement is a crucial landmark in the quest for peacebuilding and conflict resolution in Ethiopia. Through the critical analysis of its essence, the research provides valuable insights into the factors debilitating the success of the agreement. Accordingly, it identifies the importance of trust, confidence, inclusivity, and commitment among relevant stakeholders, which are missed elements, and outlines the technical flaws within the agreement. Besides, the study critically examines the process of implementing the agreement and identifies success and failure stories in the last year. The study has identified the challenges in effectuating the agreement alongside the identification of consequences and provides key recommendations. Lastly, the implications of the study for policymakers and peacebuilders in Ethiopia and beyond cannot be understated. Overall, the study adds to the existing literature on peacebuilding, conflict resolution, and international relations and deserves consideration by all stakeholders in the pursuit of lasting peace and security. With this, the study recommends the following.

Frist, Tigray must make maximum effort to successfully implement the peace deal by creating a political environment where all stakeholders contribute. The regional and international communities should remind TPLF that problems exceed its capacity and encourage opening the political space for constructive participation. This is critical as TPLF faces leadership crisis and internal struggle while unable to gain public support. Contribution from CSOs, opposition parties, academics, citizens and public is needed. The international community should strengthen regional civil components. Citizens should engage in public diplomacy for the same effect.

Proper and timely implementation of the agreement presupposes the principle of “Good faith implementation”. For this to come true, the existing monitoring, verification, and compliance team should be reinvigorated to play a constructive role. Besides, major powers who supported the signing of the agreement, and pertinent International actors and community should help empower and reposition the AU and its peace and security architecture which has a workable framework for engagement with the EU and UN Security Council. Sub-regional organizations like IGAD should practically support the cause and the conclusion of the agreement.

Both parties to the agreement must adhere to its provisions and ensure its wording is precise, feasible, and realistic with a detailed implementation schedule. The international community should provide sustained support while the UN contributes through mediation and verification. Addressing critical concerns, incorporating power-sharing, trust, and continuous international support is required for successful implementation. These elements are critical for a good, realistic agreement but were missing, requiring amendment per Article 15. Finally, international assistance should help end the war, institute reforms, and promote reconciliation. Employing these recommendations can realize comprehensive, sustainable solutions.

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