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ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES
COLLEGE OF LAW AND GOVERNANCE
CENTER FOR FEDERAL STUDIES

**THE CHALLENGES OF MULTIPARTY
DEMOCRACY IN ETHIOPIA: WITH
PARTICULAR EMPHASIS ON ELECTORAL
ADMINISTRATION**

BY YOHANNES AWOKE MULUSEW

June, 2014

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EMPHASIS ON ELECTORAL ADMINISTRATION

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*“The Challenges of Multiparty Democracy in Ethiopia with
Particular Emphasis on Electoral Administration”*

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List of Acronyms and Abbreviations

AAPO-All Amhara People's Organization

AEUO- All Ethiopian Unity Organization

AU- African Union

EDP- Ethiopian Democratic Party

EMBs- Electoral Management Bodies

EPRDF- Ethiopian Peoples' Revolutionary Democratic Front

EU- European Union

FDRE- Federal Democratic Republic of Ethiopia

FPTP- First Past The Post

HoF -House of Federation

HPR- House of Peoples Representatives

IDEA- Institute for Democracy and Electoral Assistance

NEBE- National Electoral Board of Ethiopia

NGOs- Non Governmental Organizations

ONC- Oromo National Congress

UDHR- Universal Declaration of Human Rights

UDJ- Unity for Democracy and Justice

UN- United Nations

WSLF- Western Somali Democratic Front

Abstract

In democratic systems people participate in decision making directly by themselves or through their elected representatives. When they participate through their elected representatives, the way they elect their representatives matter. Representatives should be elected freely and fairly. In this regard the electoral administration plays a pivotal role in ensuring electoral integrity. The electoral administration is primarily guided by the constitutional and legal framework and the institutional arrangements of electoral management bodies.

In Ethiopia the practice of democracy and multiparty elections is a recent experience. It has been started in 1991. Since then four general elections have been carried out in 1995, 2000, 2005, and 2010. The results of these general elections indicate that the ruling party has dominated overwhelming majority in both federal and regional parliaments. The elections have been usually tied with accusations and controversies, and sometimes to conflicts (as in the 2005 general election). The opposition political parties and some civil societies raise questions on the independence of the National Electoral Board of Ethiopia (NEBE) and its administration of elections. Therefore, this research study analyzes the challenges of multiparty democracy in Ethiopia with special emphasis on the electoral administration. It assesses the legal and institutional framework of the Ethiopian electoral system and how the NEBE managed previous elections.

In general the research study has concluded that there are some loopholes in the legal framework that should be addressed with some changes in the constitutional and legal provisions. In electoral administration the NEBE had some drawbacks in managing some activities of the electoral process especially in post electoral activities. With this regard the Board has to improve its administration and maintain its independence.

Key words: Multiparty democracy, electoral administration, electoral management bodies

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CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

The practice of democracy can be traced back to the civilizations of ancient city states of Greece. The history of democracy indicates that the first working democracy was said to appear in Sparta in the 7th century BC.¹ Since this ancient development, democracy has passed in to different paths and phases. It has been also exercised in various civilizations of the world. However in its modern sense, democracy has been widely practiced especially since the aftermath of the Second World War.

Even if democracy is widely practiced in today's world, there is very little consensus on its definition. It has been defined in different ways by various scholars at different times. According to Goodwin Gill

*“there may be little consensus in the democracy debate, other than on the unfinished nature of the process, but there is certainly now an international consensus on the building blocks of democracy, and on free, fair and genuine elections as a central feature in the construct”.*²

What we can see from Goodwin Gill's statement is there is more consensus on the building blocks of democracy than on its definitions. By taking free, fair and genuine elections as features of democracy we can broadly define democracy as a system of government established by the free consent of the people. This broad definition indicates that a democratic government is one established by the free will of the people.

¹ http://answers.ask.com/Society/Other/what_is_a_democracy_government accessed on 15/07/2013

² Guy S. Goodwin Gill (2006). Free and Fair Elections, New Expanded Edition. Inter-parliamentary Union. Geneva. P. 72

Among the key characteristic of democracy is the continuing responsiveness of the government to the preferences of its citizens.³ In line with responsiveness of the government democracy can be seen as a system which ensures the right of people to participate in the political process. Even if people can participate directly in decision making by themselves, for various reasons indirect (representative) democracy is the most preferable form of democracy in today's world. One of the main pillars of this form of democracy is the election of representatives where people delegate their power to a person or body that keeps their interest in decision making.

In the election of representatives the electoral system and the process of election (electoral administration) are important in order to ensure democracy. To elect representatives different countries use different electoral systems. Electoral System is a system that is followed by a country based on election and representation to establish a government that represents the consensus and interest of the majority of the people. It is a system by which the votes are changed in to seats. There are many variations of electoral systems in the world but can be summarized in to three major Electoral System families. These are: Majority System, Proportional Representation System and Mixed System⁴.

The distinguishing feature of plurality/majority systems is that they usually use single-member districts. In a First Past The Post (FPTP) system (sometimes known as a plurality single-member district system) the winner is the candidate with the most votes but not necessarily an absolute majority of the votes⁵.

The rationale underpinning all Proportional Representation (PR) systems is to consciously reduce the disparity between a party's share of the national vote and its share of the parliamentary seats. Thus, if a major party wins 40 per cent of the votes, it should win approximately 40 per cent of the seats, and a minor party with 10 per cent of the votes should also gain 10 per cent of the legislative seats⁶.

³ Robert, A. Dahl, *Polyarchy: Participation and Opposition*, New Haven: Yale University Press, 1971. P 1.

⁴ Charles King 2000, George Town University and NEBE, Ethiopia's Electoral Systems www.electionethiopia.org;
pdf document, downloaded on 10 August 2012

⁵ IDEA (2005). Electoral System Design: The New International IDEA Handbook. Stockholm. Page 28-29

⁶ IDEA (2005). Electoral System Design: The New International IDEA Handbook. Stockholm. Page 28-29

Mixed systems use both a PR element and a plurality/majority (or other) element running independently of each other. There are different variations of the Mixed systems. There are also other electoral systems which do not fit neatly under any one of the above-mentioned categories⁷.

In addition to the electoral system adopted in a country, the electoral administration is also equally important in the election of representatives as well as in the process of building a viable democratic system. That means whether the electoral system is plurality/majority, PR, Mixed, or any other system the way the election is conducted (the electoral administration) is crucial in promoting the development of a multiparty democratic system. Unless the election is conducted freely and fairly where the people as well as the political parties freely participate, the electoral system will have very little meaning. Therefore, analyzing how the elections are administered will have a paramount importance in looking at the development of a multiparty democracy.

With regard to the Ethiopian context the history of elections for parliament can be traced back to the Imperial Regime of Emperor Haile Selassie. Based on the 1931 Constitution of Ethiopia the first Parliament was formed in 1931 (1924 E.C) which was functional until the 1935 Italian invasion. During this period the participation of Ethiopian people in electing the parliament was limited as the parliament members were elected by the king and the nobility. It was in 1956 (1948 E.C) that the people of Ethiopia have got the right to elect their representatives for the congress. During this period there were no political parties.

Since the Imperial Regime lacked genuine democratic qualities, it faced serious public resistance in different parts of the country. Finally, it was overthrown by a popular revolution in September 1974. However, following the overthrow of the Imperial Regime, the military junta (the Dergue) has controlled the political power and started to rule the country as a Provisional Government. Later on the Dergue continued to rule the country as a provisional government and gradually it appeared as a dictatorial government led by Socialist doctrine. During the Dergue Regime elections were not conducted or allowed until 1987 (1979 E.C). The 1987 Constitution of the Dergue Regime declared elections to be conducted. However, candidacy was only from Workers Party of Ethiopia (WPE). This period was marked by a one party system.

⁷ IDEA (2005). Electoral System Design: The New International IDEA Handbook. Stockholm. Page 28-29

The elections under these two systems lacked democratic character. In a similar vein the military dictatorship could not escape the opposition from the public. Thus, in 1991 the military rule was toppled by an armed struggle. After the downfall of the military rule Ethiopia entered in to a new phase of political development. The 1991 Charter of the Transitional Government of Ethiopia (TGE) was ratified by a Peace Conference attended by various political groups. Based on the Charter of the TGE an Electoral Commission was established by Proclamation No. 11/1984 E.C. Thereafter, attempts have been made to make the electoral system and the whole governance democratic. This commission was later replaced by the National Electoral Board of Ethiopia (NEBE). Currently the NEBE is responsible for conducting all types of elections in the country: *General Election, Local Election, By-Election, Re-election, and Referendum*⁸. Even if the purposes of conducting these elections vary, the principles they are governed are more or less the same. All these types of elections are conducted or administered by the NEBE.

In addition to the post 1991 election that was immediately conducted after the downfall of the military regime, four general elections have been conducted in 1995, 2000, 2005, and 2010. In these elections controversies have been common between the ruling party and opposition political parties regarding the pre election processes, the situations during the election day, the post election results, and complaint handling procedures of the NEBE. The main theme of this research study is thus assessing the challenges of multiparty democracy in Ethiopia with particular emphasis on the legal and institutional aspects of electoral administration. With this regard the performance of the NEBE in managing general elections is part of the assessment.

1.2 Statement of the Problem

The 1995 Federal Democratic Republic of Ethiopia (FDRE) Constitution stipulates that Ethiopia is a federal republic with a parliamentary form of government⁹. It has a bicameral parliament namely the House of Federation and the House of Peoples Representatives. The House of Federation (HoF) is composed of representatives of the nations, nationalities, and peoples of Ethiopia. As declared in the constitution members of the House of Federation can be elected by the state councils or directly by the people. In practice the members of HoF are represented by

⁸ See Proclamation No 532/2007 of FDRE

⁹ Article 1 and Article 45 of FDRE Constitution

state councils. On the other hand, the House of Peoples Representatives (HPR) is the main legislative organ of the Ethiopian State. Members are elected directly by the people based on the principles of free and fair election.

The type of electoral system that is adopted in Ethiopia is the First Past the Post (majority) system where a candidate who wins more votes than the other candidates will be declared as a winner. The Amended Electoral Law of Ethiopia, Proclamation No. 532/2007, Article 25 clearly puts that a candidate who received more votes than other candidates within a constituency shall be declared the winner. The Constitution of FDRE states that a party or coalition of parties that win the highest number of seats in the HPR will take the political power and leads the executive. Therefore, the Constitution and the amended Electoral law emphasize that the country follows the majority system or first past the post system, under which the candidate who receives more votes than any competitors within a constituency is declared the winner.

When we look at the electoral practice in Ethiopia, after the establishment of the National Electoral Board four general elections have been carried out¹⁰. These four general elections have been full of controversy. Especially the results notified by the NEBE have been always full of complaints and sometimes even leading to violent conflicts¹¹. In addition, the number of seats won by the ruling party and various opposition political parties shows a great discrepancy or difference. The ruling party takes always the majority of seats in both federal and regional legislative organs. As a result, there are suspicions both on the public as well as opposition political parties on the independence and impartiality of the NEBE's electoral administration. Some of the opposition political parties claim that there is no free, fair and impartial procedure in conducting elections as well as handling post election complaints. They always blame the NEBE for being inclined towards the ruling party. This has not been the idea of opposition parties only. Some organizations as well as writers have stated that the elections were not free and fair.¹² On the other hand, the ruling party claims that it has won majority of seats in a democratic process.

¹⁰ These are general elections conducted in 1995, 2000, 2005, and 2010.

¹¹ The May 2005 Election was considered as the most contested election in Ethiopian history. The aftermath of the election was not good, because there were protests and conflicts in many parts of the country.

¹² See the Carter Center Election Observation Mission Final Report on the 2005 Ethiopian Election as well as the EU Election Observation Mission Final Report on the 2010 Ethiopian Election to the House of Peoples Representatives and State Councils. See also Merera Gudina (2011): Elections and democratization in Ethiopia, 1991-2010, *Journal of Eastern African Studies*, Vol 5, No.4, pp664-680.

It disregards the complaints of opposition political parties and other bodies. It also accuses opposition political parties that they are trying to hide their own weaknesses. In a similar vein the NEBE declares that it is doing its business as an independent institution. It reports that elections are conducted peacefully, freely and fairly. It claims that there is no any support given by the board to any political party.

There are criticisms on the adopted electoral system of FPTP because it is regarded as winner takes all. It gives advantage to a winner party and smaller parties will be disadvantaged. On the other hand, there are complaints on the administration of electoral processes. Thus, the main focus of the research will be assessing the challenges of multiparty democracy of Ethiopia giving a particular emphasis to electoral administration. The research focuses on the constitutional and legal provisions as well as institutional framework of the Ethiopian electoral system in promoting a multiparty democracy. Based on this general focus, the following research questions have been formulated.

1. Are there proper constitutional and legal provisions for multiparty democracy in the Ethiopian electoral system?
2. Does the National Electoral Board of Ethiopia conduct its activities effectively?
3. How did the National Electoral Board of Ethiopia conduct previous multiparty democratic elections?
4. What are the legal and institutional limitations in administering multiparty democratic elections in Ethiopia?

1.3 Objectives of the Study

The general objective of the study is to assess the challenges of multiparty democracy in Ethiopia with particular emphasis on electoral administration. Based on this general objective, the research paper will have the following specific objectives.

To assess the Ethiopian electoral administration in regard to promoting free and fair competition among the various political parties.

To analyze the constitutional and other legal provisions as well as the institutional framework of the Ethiopian electoral system in promoting multiparty democracy.

To analyze major drawbacks associated with administration of previous multiparty elections.

To identify the problems and limitations in the National Electoral Board of Ethiopia in administration of multiparty democratic elections.

1.4 Significance of the Study

The exercise of free, fair, and participatory elections will be fundamental in establishing a democratic system. Democracy is the basis for establishing good governance. In general the research will be helpful in the process of building a viable multiparty democratic system which in turn promotes good governance. Therefore, the findings of the study will have the following significances.

It will have an importance of clarifying the blurred picture of the Ethiopian Electoral system in promoting multiparty democracy.

By identifying major legal and institutional drawbacks for multiparty democracy, it will be important for improving the administration of Ethiopian electoral process.

The findings of the study may be useful to political parties and the National Electoral Board of Ethiopia.

The findings of the study can also be used as bases for conducting further research studies in the topic.

1.5 Scope of the Study

The research deals with the challenges of multiparty democracy in Ethiopia with particular emphasis on electoral administration. Even if there are controversies whether Ethiopia should apply First Past the Post or Proportional Representation or a Mixed System,¹³ this study deals

¹³ See John Ishiyama (2007). "Examining the 2005 Ethiopian Parliamentary Election Results Under Alternative Electoral Rules", a paper presented at the 4th International Conference on Ethiopian Development Studies, August 3-5, 2007, Western Michigan University, USA.

only on the constitutional and legal provisions and institutional structures of the existing electoral system in promoting multiparty democracy.

Thus, for the purpose of manageability the study is confined to assess the constitutional and legal provisions and the institutional set up of the Ethiopian electoral administration in promoting multiparty democracy. Other aspects such as the press, civil societies, political parties, etc may have impacts on the development of multiparty democracy. But these issues have not been included in this study. In addition the study will only be confined to the practices of the general and local elections that have been carried out in 1995, 2000, 2005, and 2010. The respondents for the study are those party leaders and some higher education students who are residing in Addis Ababa. Regional political parties have not been included in the study.

1.6 Limitations of the Study

The research has its own limitations. The first limitation is in terms of financial capacity. The amount of money allocated for the research was too small. This had an impact on reaching as many institutions as possible. The second limitation is time invested in conducting the research. Even if I have taken extra time to write this thesis, I was doing it while I am working as a full time worker. This has made the number of people interviewed to be limited. The third limitation was some political parties were not accessible as their offices are unknown and the telephone numbers that they have given to the National Electoral Board are not functional.

1.7 Research Methodology

1.7.1 Data Collection

The data required for this study are collected from primary and secondary sources. The major data is the primary data, which is gathered through in-depth interviews with selected focal persons and partially structured questionnaires with some supplementary open-ended items. Interviews were held with the NEBE official and leaders of opposition political parties. Totally six interviews have been held.

The questionnaires were distributed mainly to students who are randomly selected from higher education institutions in Addis Ababa. The students were selected from law, sociology, social

anthropology, political science, and management departments in three institutions. All the institutions were from Addis Ababa. These are Addis Ababa University, Unity University, and St. Mary University. These universities were selected as they are easily accessible for the researcher. A total of 78 questionnaires were distributed to be filled by students. However, only 55 questionnaires were returned and five out of these were not properly filled. Therefore, the responses of the 50 questionnaires have been analyzed. The attempt to include educators was not successful as many of them were not willing to fill the questionnaires giving several individual reasons.

The other type of data is a secondary data which is gathered from different documents, publication, and reports made by the NEBE, political parties, civil societies, and other institutions.

1.7.2 Data Analysis

Elklit and Reynolds have raised several points to be included in analyzing electoral administration¹⁴. Therefore, by modifying the model used by Elklit and Reynolds to analyze electoral administration, I used the following three factors in my analysis of Ethiopian electoral administration¹⁵.

1. *Organizational structure of NEBE*: How is the Board organized and structured? What is the day to day reality in its operation? How are the members of the NEBE recruited? How is the NEBE recruits other election administration personnel in different regions?
2. *The level of independence of NEBE from the political forces*: How much is the NEBE independent from different political forces? How do political parties perceive the independence of the Board? How much is the NEBE legally and operationally independent? What is the general image of the NEBE in terms of its independence?
3. *EMB's transparency*: The level of transparency in the work of the NEBE is another important factor in analyzing electoral administration. How does the NEBE make

¹⁴ For more detail see Jorgen Elklit. and Andrew Reynolds (2000), *The Impact of Electoral Administration on the Legitimacy of Emerging Democracies: A new Research Agenda. Page 7*

¹⁵ Elklit and Reynolds have additional factors such as Internal EMB Motivation, EMB Staff Motivation,

decisions? How is the NEBE transmit information about itself and its activities? How does the NEBE address election related issues to the public?

1.8 Organization of the Paper

The thesis is organized in to five chapters.

Chapter One- Introduction - Deals with the introductory sections of a research study. It consists of Background of the study, Statement of the Problem, Objectives of the Research, Significance of the Study, Scope of the Study, and Limitations of the Study. It describes the method employed to conduct the research. It outlines methods of data collection and analysis.

Chapter Two- Elections, Democracy, and Electoral Systems- This chapter (as part of review literature) discusses on the concepts of elections, democracy, and electoral systems.

Chapter Three- Electoral Administration and Electoral Management Bodies (EMBs) – this chapter (as part of review literature) discusses on major concepts related to electoral administration and EMBs. The legal and institutional framework of the Ethiopian electoral system has also been discussed in this chapter.

Chapter Four- Ethiopian General Elections- deals with the previously conducted four general elections. A discussion of the impacts of these elections is included in this chapter. In this chapter the information obtained by interviews and the questionnaires (administered for political parties, students, and educators) have been analyzed.

Chapter Five- Ethiopian Electoral Administration - Deals with the administration of general elections in Ethiopia. It tries to analyze the effectiveness of the National Electoral Board of Ethiopia (NEBE) in managing the previous general elections. In this chapter the information obtained by interviews and the questionnaires (administered for students and educators) have been analyzed.

Finally-Summary, Conclusions, and Recommendations- This part makes summary of the research. It draws conclusions and makes respective reflections and recommendations.

CHAPTER TWO

ELECTION, DEMOCRACY, AND ELECTORAL SYSTEMS

2.1 Elections and Democracy

Elections are the distinguishing institution of democracy, translating individual voter preferences into collective choices that can in some sense be said to reflect them. Elections are important instruments in exercising modern representative democracy. It is impossible to exercise modern representative democracy without elections. In the following sections I will discuss the concept of democracy, elections and democracy, multiparty democracy and political parties.

2.1.1 The Concept of Democracy

Democracy is derived from the Greek words of *demo*, which means people and *kratia* (*kratos*), which means rule or government.¹⁶ Thus the etymological definition of the word democracy implies rule by the people or government of the people. This concept of democracy, however, has grown through time.

Apart from this old definition, democracy has been defined differently by different authors/scholars. The differences in the definitions of democracy are partly attributed to the differences in the perceptions, beliefs, and ideological orientations of the authors. For example, Zimmermann states that the basic definition of democracy means "rule by the people." But democracy is defined in many ways – a fact that has caused much disagreement among those leading various democracies as to how best to run one¹⁷. Democracy is a form of government in which all eligible citizens participate equally – either directly or through elected representatives – in the proposal, development, and creation of laws¹⁸. It encompasses social, economic and cultural conditions that enable the free and equal practice of political self-determination.

¹⁶ Wikipedia, <http://en.wikipedia.org/wiki/DEMOCRACY>, Accessed on August 5, 2012.

¹⁷ Kim Ann Zimmermann, (2012). What is Democracy? <http://www.livescience.com/20919-democracy.html> accessed on 15/07/2013

¹⁸ <http://www.ask.com/wiki/Democracy> accessed on 15/07/2013

On the other hand, Abraham Lincoln who was a former US President defined democracy as government of the people, by the people, and for the people. Here what has been stressed is the people's role in building a democratic system. Accordingly he tried to show that democracy is a government which is established by the free will of the people and the government always works to promote and fulfill the best interests of its people. People are the sources of power for the government and they are beneficiaries of the government activities. Based on this definition a government that claims itself as democratic should first get the free will of the people and then in all its activities it should promote the interest of its people.

Another widely used definition of democracy is that "it is a system of government in which the supreme political power resides in the people." This definition indicates that people are the ultimate sources of government power and they should have a say in government actions and decisions. People can delegate their power but still have their own control on government actions. In this sense democracy makes government officials accountable to the people.

Another explanation of the concept of democracy comes from Bujra and Buthelezi who tried to see democracy at state and organizational level. They state that democracy denotes "the ability of the citizens in society or participants in an organization to effectively take part in the choice of their representatives or leadership and to effectively participate in the decisions made on issues that affect them or society in general. They have added that democracy as a system, should be biased in favor of social justice and equality of access to national resources" (2002:1).¹⁹

The participation of the people in various affairs that directly or indirectly affect their life is essential in making democracy viable. In a situation where people have no interest to participate in decision making democracy cannot work well and its development will be seriously hampered. In this sense democracy is a system where there is a widespread public participation. Thus in a democracy everyone should have the right to participate in decision making. According to Zimmermann, compared to dictatorships, oligarchies, monarchies and aristocracies, in which the people have little or no say in who is elected and how the government is run, a democracy is often said to be the most challenging form of government, as input from those

¹⁹ Bujra, A. and Buthelezi, S. (eds).2002. *Leadership, Civil Society and Democratisation in Africa: Case Studies from Southern Africa*, UNECA, Addis Ababa: P1

representing citizens determines the direction of the country.²⁰ This shows that in a democratic system people have a say in decision making and they will also decide who is going to rule them. This in turn makes democracy challenging as it requires discussions, consensus, and compromising various interests.

Schmitter and Karl have stated that "Modern political democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives."²¹ Thus in democracy the government is accountable to the people who give power through their free choice. A simple way to explain democracy is that it is a form of government which is controlled by the people²².

The idea of building democracy is now becoming a major goal for many countries. Today many countries and international organizations are working hard to achieve a sustainable democratic system. For example the United Nations, The European Union, The African Union, The Organization of American States, and other regional organizations have exerted a great deal of their effort in building democracy. In many cases the donors have policies that require democratization efforts in order to give loans or grants. This is because democracy is perceived as the best system of government as compared to the others. This is because democracy gives guarantee for the prevalence of rule of law and the protection of fundamental rights and freedoms of people. It also limits the power of the government and as many people argue that it is the right path for ensuring peace and development. The results of many of the studies conducted on the relevance of democracy to development support the "compatibility" theory rather than the conflict theory, which states that democratic institutions have a net positive effect on economic development.²³ The older thinking that development is a prerequisite for building democracy has been changed. For example, Bahgwati explained that the quality of democracy

²⁰ Kim Ann Zimmermann, (2012). What is Democracy? <http://www.livescience.com/20919-democracy.html> accessed on 15/07/2013

²¹ See Philippe C. Schmitter & Terry Lynn Karl (1993), "What Democracy is and is not" in Larry Diamond & Marc F. Plattner (eds.), *The Global Resurgence of Democracy*, p.40.

²² http://answers.ask.com/Society/Other/what_is_a_democracy_government accessed on 15/07/2013

²³ The conflict theory proposes that development is best suited for authoritarian regimes as development requires decisive policy choices. Besides ethnic and group conflicts which are obstacles for development are better handled in authoritarian governments. For more detail see Adam Przeworski and Fernando Limongi. 1993. *Political Regimes and Economic Growth. Journal of Economic Perspectives* 7 (3):51-70.

greatly affects the quality of development.²⁴ Therefore, the idea that democracy facilitates the process of development is getting a much wider acceptance than the older thinking which makes development as a precondition for exercising democracy. That is why many countries, international organizations, as well as international relations and agreements have taken building/promoting democracy as their primary agenda. For instance, the Charters of the United Nations, the African Union, and other international organizations have given due emphasis for the issue of building and promoting democracy²⁵.

With regard to the types of democracy there are many criteria that are used to make classifications. The most commonly used classification is by taking how people participate in decision making, directly or through their elected representatives. Based on this criterion democracy is divided into Direct Democracy and Indirect Democracy. The International IDEA Handbook defines Direct Democracy as an instrument which gives citizens the right to be directly involved in the political decision-making process that may take one of three forms: *referendum; citizens' initiative; or a recall vote*²⁶. Direct democracy is when people directly participate themselves in making decisions without the involvement of a third party or elected representative. It is usually named as a true democracy because it enables people to use the power in making decisions by themselves. This form of democracy was mainly exercised in very small population size. But even in today's modern democratic systems, where the population of states is too large and the function of states is extremely complex, there are arrangements that are designed to facilitate the direct participation of the public in general. With this regard the Swiss federal system has special features as it allows the public to decide on important issues through referendum²⁷.

On the other hand, indirect democracy is a system by which people participate in decision making through their elected representatives. With the growing size in population and expansion of government activities indirect democracy becomes the most preferred and highly exercised form of democracy. This form of democracy is widely used in almost every country that claims

²⁴ Bhagwati, Jagdish. 1995. "New thinking on development" *Journal of Democracy*, Vol. 6, No. 4.

²⁵ See the Charters of the UN, the 1948 UDHR of the UN, the 1966 ICCPR, etc

²⁶ International Institute for Democracy and Electoral Assistance (IDEA) (2006). *Electoral Management Design International IDEA Handbook* (Stockholm). P 329

²⁷ See Electoral Systems Design, The New International IDEA Handbook (2005). Stockholm. P.150

itself as democratic. In this form of democracy elections become the pillars of the system. The Constitution of FDRE gives recognition to both direct and indirect forms of democracies. As outlined in Article 8 the people have the supreme political power and they can exercise it directly by themselves or indirectly through their democratically elected representatives²⁸.

2.1.2 Multiparty Democracy

The institutions and processes of democracy must accommodate the participation of all people in homogeneous as well as heterogeneous societies in order to safeguard diversity, pluralism and the right to be different in a climate of tolerance²⁹. Thus, in order to enhance the participation of all people the institutions of democracy (such as legislative organs) and processes of democracy (the electoral process) should incorporate diversified views and groups. This justifies the exercise of multiparty democracy. Multiparty democracy or multiparty election has been widely exercised in many countries of the world. Especially in third world countries multiparty democracy was highly propagated following a post independent one party dictatorial rule. For instance, between 1990 and 2003, forty-four of the forty-eight sub-Saharan African countries introduced multiparty electoral competition³⁰.

“A multiparty democracy is a system of governance in which multiple political parties have the ability to gain rule of the government independently or in coalition with another party.”³¹ A Multi Party System is found in countries in which more than two parties successfully compete to seize public offices. It is different from a one party and two-party systems. Proponents consider that a multiparty system does a better job than a two-party system in representing the variety of interests that exist in modern democratic societies, while others who criticize multiparty democracy argue that a multiparty systems lead to unstable coalition governments and this, in turn, is a hindrance to coherent policy-making. A multiparty system can lead to unstable governments, as in the Fourth French Republic (1946- 58), or the representation of fringe parties

²⁸ See FDRE Constitution.

²⁹ See Universal Declaration on Democracy, Adopted by the Inter-Parliamentary Council at its 161st session (Cairo, 16 September 1997)

³⁰ See Bratton, M. and van de Walle. (1997). *Democratic Experiments in Africa*. New York, Cambridge University Press and Lindberg, S. 2006. *Democracy and Elections in Africa*. Baltimore: Johns Hopkins University Press.

³¹ See <http://www.ask.com/question/what-is-a-multiparty-democracy-government> accessed in August 2013

in the legislature, and sometimes even in the government, as was sometimes the case in Israel. Nonetheless, countries such as Belgium or Switzerland show that fragmented party systems can coexist with relatively stable governments and moderate policies.

With regard to the importance of multiparty democracy there are different views. For instance Sisk and Reynolds as well as LeBas clearly state that many African elites and some scholars argue that multiparty elections exacerbate ethnic conflicts and polarize societies in the region.³² In support of this idea Mbatia P., Bikuru & Nderitu argued that "due to the escalating waves of violence, multiparty democracy is increasingly weakening African States by reducing them to fragile states."³³

In some cases multiparty democracy has threatened the national integrity of some African states. For instance, as it has been observed in Kenya, Zimbabwe, Zambia, Sierra Leone, Cote d'Ivoire, and Nigeria, multiparty elections has resulted in conflicts that has seriously challenged the existence of the states³⁴. However, it seems very simplistic to argue that multiparty elections are always sources of conflicts in Africa. The social, political, economical, and cultural settings as well as the democratic culture of the states are crucial to make such a conclusion. Moreover, the way multiparty democratic elections have been conducted also determines the Here it would be worth to mention the idea of George Anderson who writes on conflicts. He stated that:

*"In federations with deep regional cleavages along ethnic, linguistic, or religious lines, stability can be enhanced if the culture goes beyond mere tolerance of diversity to the active embrace of diversity as part of what defines the country and gives its value."*³⁵

A mere adoption of multiparty political environment cannot be by itself a source of conflict. Here what we can understand from Anderson's conclusion is that there should be tolerance of diversity and the system should embrace such diversity.

³² For more detail see Sisk, Timothy D. and Andrew Reynolds, eds. 1998. *Elections and Conflict Management in Africa*. Washington: United States Institute of Peace Press, and read LeBas, Adrienne. (2006). "Polarization as Craft: Explaining Party Formation and State Violence in Zimbabwe." *Comparative Politics* 38: PP419-438.

³³ Mbatia Paul, Kennedy Bikuru & Peter Nderitu (2009). The Challenges of Ethnicity, Multiparty Democracy and State Building in Multiethnic States in Africa. <http://thefutureofafrica.wordpress.com/feed/> accessed on 12/08/2012

³⁴ Mbatia Paul, Kennedy Bikuru & Peter Nderitu (2009). The Challenges of Ethnicity, Multiparty Democracy and State Building in Multiethnic States in Africa.

³⁵ George Anderson. (2008). *Federalism: An Introduction*. Oxford. Oxford University Press. P.81-82

In a number of African countries, the adoption of multiparty democracy heightened ethnic consciousness and precipitated ethnic conflict and violence. While multiparty democracy has enlarged democratic space, protected human rights and freedoms, the rising cases of ethnic violence, particularly during and after elections, tend to dilute the potential benefits of multiparty democracy which is a new political system of governance.

With regard to measurement of multipartism different indices have been used by different political scientists. For example, Rae uses a large number of indicators of multipartism-such as the total number of parties contesting in an election, the total number of elected parties to the legislature, the vote and seat shares of the largest party, and the vote and seat shares of the two largest parties combined, but his most important and comprehensive measure is the fractionalization of the party system, which is sensitive to both the numbers of parties and their relative sizes.³⁶ However, Lijphart after analyzing Rae's measurement has preferred to use *the effective number of elective parties* (instead of legislative parties) as an indicator of multipartism³⁷. The goal of democracy is promoting diversity and pluralism. Thus, the number of parties simply doesn't indicate multiparty democracy. The question should be -How much the parties are effective in representing different factions of the society?

With this regard if we see multiparty democracy in Ethiopia in terms of the number of elective parties there are numerous parties that compete for regional and federal parliamentary seats. The system has no problems in having too many political parties at both federal and regional levels. But the strength of the parties is very weak except for very few parties which have relatively better structure and organization. On the other hand, if we look at Ethiopia's multiparty democracy in terms of the legislative parties and how well the elected parties represent and defend the interest of the electorate the situation is different. Many of the opposition political parties simply exist by name. They do not have clear political programs and as a result have very little support. These political parties simply enter in to elections and usually they do not get seats especially in the federal parliament. Therefore, we cannot take effective number of elective parties as a measure of multiparty democracy in Ethiopia as the number of parties is very high.

³⁶ Rae, Douglas W. 1971. As cited in Arend Lijphart 1990. The Political Consequences of Electoral Laws 1945-85. *The American Political Science Review*, Vol. 84, No. 2. June, 1990. P 483.

³⁷ Arend Lijphart (1990). The Political Consequences of Electoral Laws 1945-85. *The American Political Science Review*, Vol. 84, No. 2. June, 1990. pp. 481-496.

2.1.3 The Role of Elections in Democracy

Elections are the distinguishing institution of democracy, translating individual voter preferences into collective choices that can in some sense be said to reflect the interest of the electorate in decision making. The key questions about democracy therefore, focus on elections, starting with the aggregation process itself.³⁸ Elections are important ingredients of the indirect/representative democracy. When we think of the practice of indirect (representative) democracy, we are also thinking about elections. Modern democracy is built mainly through the exercise of free and fair elections.

When we look at the roles of elections in democracy, there is no doubt that elections remain central in promoting democracy, and genuine democracy definitely requires substantially more than democratic elections³⁹. This means that democracy is not only determined by the exercise of elections. A mere presence and exercise of elections does not guarantee the existence of democracy in that country. With this regard Odhiambo Owuor has explained the exercise of elections in Africa as follows:

It is axiomatic that, recognizing the interests exhibited by development partners and the international community on elections, most ruling elites have reduced elections in Africa to a mere formality which is held not as a means to democratic consolidation, but as a reassurance to the international donors that the country is democratic.⁴⁰

From this we can understand that in many post independence African political systems elections are carried out in order to build their own image as a 'democratic state' on the international community and more particularly on the donors of that state. Thus, we can justify that elections by themselves are not the only determining factors for exercising democracy. In order to be a base for democracy, the elections need to be based on democratic principles which will be explained in later paragraphs of this section. By citing examples of elections in Nigeria (2003

³⁸ Michael D. McDonald and Ian Budge (2005). *Elections, Parties, Democracy: Conferring the Median Mandate*. Comparative Politics Series. Oxford University Press. P.1

³⁹ See Aliyu, N. Adamu (2009). Concept of Democratic Elections under International Law. *Research Journal of International Studies* - Issue 10, April, 2009. P. 16

⁴⁰ Odhiambo Owuor (2011). Elections and Democracy in Africa: Democracy assistance, spaces for improvement. *A Paper Presented at a Regional Conference: CMI and Makerere University on 30th May to 1st June 2011 at Jinja Uganda.*

and 2008), Zimbabwe (2000, 2005, and 2008), Kenya (2007), Zanzibar (2005 and 2010), and Uganda (2011) Odhiambo has strengthened the idea that elections are not the only ingredients of building a democratic system. Nominal elections that are conducted in Africa cannot guarantee democracy. Odhiambo states that “*better a sham election than no election at all has taken the center stage*”⁴¹. Many states conduct nominal elections. Having undemocratic elections is better than having no elections.

On the other hand, in his work Dahl offers a definition of democracy that looks specifically at the electoral contest. Accordingly, he suggests that democracy presents opportunities for effective participation, equality in voting, gaining enlightened understanding, exercising final control over the agenda and inclusion of adults. A successful democracy consists of electoral contests that represent the will of the citizens⁴². According to Michael McDonald and Silvia Mendes elections are important in a democratic system and they state that:

*Elections specify the median (majority) preference of the population, plus the overall policy structure or space within which it is embedded..... Election results both empower the median position. The electoral process therefore, if it functions properly in democratic terms, creates the ‘necessary correspondence’ required by normative democratic theory ‘between acts of governance and the equally weighted felt interests of citizens.*⁴³

According to Mainwaring, democracy must meet three criteria. First, democracies must have open, competitive elections that determine who establishes public policy. This means that election results cannot be determined by fraud, coercion, or major proscriptions. Second there must be nearly universal adult suffrage. Until recently, this criterion was debatable because some nations that were usually considered democracies excluded a large part of the adult population (for example, Switzerland excluded women). Third, there must be guarantees of traditional civil rights such as freedom of speech, freedom of organization, due process of law, etc⁴⁴

⁴¹ Odhiambo Owour (2011). Elections and Democracy in Africa: Democracy assistance, spaces for improvement. A Paper Presented at a Regional Conference: CMI and Makerere University on 30th May to 1st June 2011 at Jinja Uganda.

⁴² Pereira Lucilia (2006). Free and Fair: The Politicization of Election Monitoring Reports. A Thesis Submitted to the University of Saskatchewan (unpublished) p. 13

⁴³ Michael McDonald and Silvia M. Mendes (2001) Elections, Parties, Democracy: Comparative Politics. Oxford: Oxford University Press. P 10

⁴⁴ See Scott Mainwaring (1990) Presidentialism, Multiparty Systems, and Democracy: The Difficult Equation Working Paper #144 - September 1990 P. 2

Ali Mazrui (cited in Merara Gudina, 2011:665) notes four fundamental goals of democracy which include to make the rulers accountable for their actions and policies; to make citizens effective participants in choosing those rulers and in regulating their actions (with free and fair elections as the instrument); to make society as open and the economy as transparent as possible; and finally to make the social order fundamentally just and equitable to the greatest number possible⁴⁵.

The combination of illiberalism with regular, competitive multi-party elections lends itself to considerable cynicism about the latter. Some observers have described this as the fallacy of electoralism the notion that these elections constitute meaningful political exercises in giving citizens meaningful choices over the distribution of power and resources.⁴⁶ Therefore, elections are the fundamental blocks of building democracy. In order to meet this requirement, elections should be free and fair where citizens have the freedom to make their choices.

Powell distinguishes between two visions of elections as instruments of democracy namely accountability and representation models⁴⁷. The Accountability model tries to use elections to bring the power of the people, directly to bear on policymakers. Elections offer citizens a periodic opportunity to change the policymakers. Citizens will have a control because they will be able, at least occasionally, to reject elected officials who are doing the wrong thing. Powell taking the accountability model argues that anticipation of possible public rejection shape the policies of the incumbents. Thus, competitive elections create a pressure on all incumbents to be worried and think about the next elections and shape their policy. On the other hand, the representation model emphasizes on equal treatment of citizens in public policy making. It states that democracy should require proportional representation of the full range of citizen opinion, not just an electoral majority opinion, in deliberation about policy making⁴⁸.

⁴⁵ See Merera Gudina (2011): Elections and democratization in Ethiopia, 1991-2010, *Journal of Eastern African Studies*, Vol 5, No.4, pp664-680.

⁴⁶ See Nicolas van de Walle (2000). The Impact of Multiparty Politics in Sub Saharan Africa, a paper delivered at the Norwegian Association for Development Research Annual Conference, 'The State under Pressure', 5-6 October, 2000, Bergen, Norway. <http://democracy.stanford.edu/Seminar/Walle.htm> accessed on September 26, 2012

⁴⁷ See Powell, G. Bingham.2000. *Election as Instruments of Democracy*. New Haven: Yale University Press.

⁴⁸ See Powell, G. Bingham.2000. *Election as Instruments of Democracy*. New Haven: Yale University Press.

Considering the role of elections, Ali Mazrui (as cited in Merara, 2011:665) argues that there is a need to distinguish between fundamental rights and instrumental rights. For Mazrui, the right to vote . . . is an instrumental right designed to help us achieve the fundamental right of government by consent⁴⁹.

In defining the concept of democracy Robert Pastor describes that a consensus emerged on the definition of democracy as a system of government by which the people choose their leaders in a free election, and those leaders have effective power under the rule of law⁵⁰. He argues that democracy should be more than just free elections, but it cannot be less⁵¹. This justifies that conducting free elections is a minimum standard but not a sufficient condition for exercising modern democracy. Democracy can be more than the conduct of free elections but a system which doesn't ensure the exercise of free elections can't guarantee the exercise of democracy.

2.1.4 Political Parties and Multiparty Democracy

Political parties are vital political institutions for the functioning of a modern democracy. They are essential for the organization of the modern democratic polity and are crucial for the expression and manifestation for political pluralism.⁵² Political parties are presumed to be central to the democratization of any state. Political parties are organizations whose prime objective is to mobilize its supporters to assume a leadership role, a political party of any significance is viewed or views itself in terms of providing alternative policy platforms, ideological direction, as well as redefining the agenda of government.⁵³ With regard to the functions of political parties Beyme has explained that political parties fulfill four basic functions namely: Identification of goals, articulation and aggregation of social interests, mobilization and socialization of the general

⁴⁹ See Merera Gudina (2011): Elections and democratization in Ethiopia, 1991-2010, Journal of Eastern African Studies, Vol 5, No.4, pp 664-680.

⁵⁰ See Robert A. Pastor (1999). The Role of Electoral Administration in Democratic Transitions: Implications for Policy and Research, Democratization, Vol.6, No.4, Winter 1999. Frank Cass. London. pp.16-27

⁵¹ See Robert A. Pastor (1999). The Role of Electoral Administration in Democratic Transitions: Implications for Policy and Research, Democratization, Vol.6, No.4, Winter 1999. Frank Cass. London. pp.16-27

⁵² See Sabit Makara. The Challenge of Building Strong Political Parties for Democratic Governance in Uganda: Does multiparty Politics have a future? IFRA, Les Cahiers, No. 41, pp. 43-60

⁵³ See Sabit Makara. The Challenge of Building Strong Political Parties for Democratic Governance in Uganda: Does multiparty Politics have a future? IFRA, Les Cahiers, No 41, pp. 43-60

public within the system, and elite recruitment and government formation.⁵⁴ Therefore, political parties are essential in promoting an aggregated interest of the public thereby facilitating public participation.

In terms of the necessity and importance of political parties there are different views among scholars. Some people emphasize the negative effects of political parties. For instance George Washington and some other United States founders believed that parties were antagonistic to building democracy because they split people along unprincipled and selfish interests which could have injured the unity of the young nation⁵⁵. In a similar way other modern writers on political parties have argued that political parties promote an oligarchy instead of popular democracy. Robert Michels has noted that "A party is an organization which gives birth to the domination of the elected over the electors, of the mandataries over the mandators, of the delegates over the delegators. Who says organization says oligarchy."⁵⁶ Michel tried to show that political parties create the subordination the electorate by the few elected representatives.

Many recent writers on political parties, on the other hand, believe that parties are inevitable for a democracy to work effectively. They argue that democracy works at its best through the political parties. With this regard David Apter conceives political parties as instruments of modernization in developing polities. He argues that "the political party is such a critical force for modernization in all contemporary societies that the particular pattern of modernization adopted by each is quite often determined by its parties"⁵⁷.

2.2 Types of Electoral Systems

An electoral system is the method used to calculate the number of elected positions in government that individuals and parties are awarded after elections. In other words, it is the way that votes are translated into seats in parliament or in other areas of government (such as the

⁵⁴ Vone Beyme (1985). *Political parties in Western Democracies* (Translations by Eileen Martin). Gower Publication Company. P-13

⁵⁵ Allen Schick & Adrienne Pister (1975), *American Government: Continuity and Change*, New York: Houghton Mifflin, p.69.

⁵⁶ Robert Michels (1962), *Political Parties: A Sociological Study of the Oligarchic Tendencies of Modern Democracy*, New York: Free Press, p.15.

⁵⁷ See David Apter (1967). *The Politics of Modernization*, University of Chicago Press; Chicago

presidency)⁵⁸. There are different types of electoral systems that are used by different countries around the world, and even within individual countries, different electoral systems may be found in different regions and at different levels of government. That means within one political entity different electoral systems are employed for different elections. The choice of electoral systems involves consideration of several social, historical, political issues. But the choice of electoral systems may also depend on political actors.

There are various ways of classifying electoral systems, which are again divided into different families. Some scholars divide electoral systems into three broad categories: the plurality electoral system, the majority electoral system, and the proportional representation electoral system⁵⁹. Other scholars divide electoral systems into four broad families such as majority/plurality systems, proportional representation systems, mixed systems, and others⁶⁰. The international IDEA Handbook classified electoral systems into three categories which is similar to the second category, namely, plurality/majority systems, proportional systems, and mixed systems. It also indicates that some electoral systems are difficult to properly categorize under the three systems.⁶¹ On the other hand as Arend Lijphart has described electoral systems are conventionally divided into two categories, majoritarian and proportional representative.⁶²

On the other hand, according to Andrew Reynolds and Ben Reilly, there are four main types of electoral systems: *majoritarian* formulas (including second ballot, preferential ballot and alternative voting systems); plurality formulas (e.g. First-Past-the-Post); *semi-proportional* systems (such as the cumulative vote and the limited vote); and *proportional representation (PR)* (including open and closed party lists using largest remainders and highest averages formula, the single transferable vote, and mixed member proportional systems)⁶³

⁵⁸ Michael Gallagher and Paul Mitchell (2005). Introduction to Electoral Systems in Michael Gallagher and Paul Mitchell (Eds) *The Politics of Electoral Systems*. Oxford. Oxford University Press. P 3

⁵⁹ Charles King (2010) <http://www.georgetown.edu/html> document retrieved on August 20, 2012 and see also LeDuc, Lawrence, Richard G. Niemi and Pippa Norris (eds) (2002), *Comparing Democracies 2: New Challenges in Elections and Voting* SAGA Publications London. pp40-45

⁶⁰ Reynolds, A et al *Electoral Systems Design: The New International IDEA Handbook: International IDEA 2005*. Stockholm p.6

⁶¹ See *Electoral System Design: The New International IDEA Handbook* (2005).

⁶² See Arend Lijphart. 1999. *Patterns of Democracy*. New Haven: Yale University Press.

⁶³ Andrew Reynolds and Ben Reilly. 1997. *The International IDEA Handbook of Electoral System Design*. Stockholm

Electoral systems have different effects especially on political party organizations and the nature and stability of government. Given a set of votes, an electoral system determines the composition of the parliament.⁶⁴ The type of electoral system adopted will greatly affect important political elements of that state. With this regard Gallagher and Mitchell pointed out that:

*Electoral systems may make a big difference to the shape of the party system, to the nature of government (coalition or single-party), to the kind of choices facing voters at elections, to the ability of voters to hold their representative(s) personally accountable, to the behavior of parliamentarians, to the degree to which a parliament contains people from all walks of life and backgrounds, to the extent of democracy and cohesion within political parties, and, of course, to the quality of government, and hence to the quality of life of the citizens ruled by that government.*⁶⁵

In many cases PR electoral system leads to coalitions in order to get the required majority in the legislative. From this we can understand that the choice of an electoral system will have impacts on other elements of the political sphere. These elements will have also an impact on the process of building a democratic system. But the electoral system is not the only factor in determining these aspects. In addition, the electoral system might also have an impact on the internal life of the political parties themselves. Aspects of the electoral system might generate intraparty conflict, or might enhance the power of specific actors within the party⁶⁶. Posusney has discussed the impact of the electoral systems as:

*“Electoral systems affect electoral outcomes, even under conditions of controlled contestation. Authoritarian executives have many resources at their disposal to ensure a loyalist legislative majority, but electoral rules influence the size and cohesion of that majority”*⁶⁷.

An election can produce different outcomes based on the type of electoral system adopted. That means the winner in one type of electoral system may give his/her place for another candidate when a different electoral system is employed. With this regard electoral systems can have an impact on the composition of the legislative bodies. The composition of the elected body under, for instance, FPTP system may be different if a PR or Mixed system is employed.

⁶⁴ See Michael Gallagher and Paul Mitchell (2005). Introduction to Electoral Systems, In the Politics of Electoral Systems. Michael Gallagher and Paul Mitchell (Eds).Oxford University Press. Oxford. P. 3-4

⁶⁵ See Michael Gallagher and Paul Mitchell (2005). P. 4

⁶⁶ See Michael Gallagher and Paul Mitchell (2005). P. 20-21

⁶⁷ Marsha Pripstein Posusney (2002) Multi-Party Elections in the Arab World: Institutional Engineering and Oppositional Strategies. *Studies in Comparative International Development*, Winter 2002, Vol. 36, No. 4, p34-62.

CHAPTER THREE

ELECTORAL ADMINISTRATION AND ELECTORAL MANAGEMENT BODIES

3.1 Electoral Administration and Electoral Management Bodies (EMBs)

Vidar Helgesen, Secretary-General of IDEA, in an introductory remark has explained that electoral frameworks, including the choice of electoral system and the design of an electoral administration, determine both the outcomes and the credibility of electoral processes and thereby trust in democracy⁶⁸. In a similar manner Robert Pastor argues that the character, competence, and composition of Electoral Management Bodies (EMBs) can determine whether an election is a source of peaceful change or a cause for serious conflict and instability⁶⁹. Thus, the electoral management body is an important ingredient of ensuring the credibility and integrity of elections. Thus, in the next sections I will discuss electoral administration and electoral management bodies.

3.1.1 Electoral Administration

Electoral administration is the organization and conduct of elections to elective public (political) office by an electoral body⁷⁰. Electoral administration in general involves carrying out various activities of the electoral process which can be grouped in to three broad categories namely Pre Election, Election Day, and Post Election activities.

Electoral administration as argued by Robert Pastor⁷¹ is neglected by many researchers for many years. He emphasizes that electoral administration is one of the most essential ingredients of election. In all types of EMBs, in any type of electoral system, in federal or unitary states, or in parliamentary or presidential systems, the significance of electoral administration is very high.

⁶⁸ IDEA (2006). Electoral Management Design: The New International IDEA Handbook. Stockholm. P.III

⁶⁹ See Robert A. Pastor (1999). The Role of Electoral Administration in Democratic Transitions: Implications for Policy and Research, Democratization, Vol.6, No.4, Winter 1999. Frank Cass. London. P 5

⁷⁰ See Adele L, Jinadu (1997). Matters Arising: African Elections and The Problem of Electoral Administration. *African Journal of political Science* (1997), Vol. 2 No. 1, p 2

⁷¹ See Robert A. Pastor (1999). The Role of Electoral Administration in Democratic Transitions: Implications for Policy and Research, Democratization, Vol.6, No.4, Winter 1999. Frank Cass. London. pp.16-27

3.1.2 Electoral Management Bodies (EMBs)

Electoral management bodies are important ingredients of in the electoral processes especially in achieving integrity of elections. In emphasizing the role of EMBs Robert Pastor argues that the character, competence, and composition of Electoral Management Bodies (EMBs) can determine whether an election is a source of peaceful change or a cause for serious conflict and instability⁷². The outcome of the elections is partly determined by the functions of EMBs. If they carry out their functions properly the election would become a means of peaceful transition of power and if they fail to fulfill their duty violence and civil war would follow. In a similar manner the Global Commission on elections, democracy, and security explained that the competence and popular perception of EMBs and their staffs can shape overall perceptions of, and confidence in the integrity of the election⁷³. Therefore, in ensuring the free and fairness of elections EMBs are important institutions.

3.1.2.1 The Meaning of Electoral Management Bodies

Electoral management bodies (EMBs) refer to institutions that have a direct role in the management of the whole or part of the electoral process. In order to ensure the credibility of elections on all sides including the public, opposition political parties, and the international community, etc. electoral management bodies should be neutral and impartial in their electoral administration. The organization of electoral management bodies vary from country to country. In some countries a single institution is considered as EMB of the state. In other countries different institutions may share different activities of the electoral process.

3.1.2.2 Types and Nature of Electoral Management Bodies (EMBs)

The electoral management bodies should conduct elections in a free, neutral, and unbiased manner. Otherwise, the election may become a source of conflict and chaos. This has been observed in many transition democracies especially in Africa.

⁷² See Robert A. Pastor (1999). *The Role of Electoral Administration in Democratic Transitions: Implications for Policy and Research*, Democratization, Vol.6, No.4, Winter 1999. Frank Cass. London. pp.16-27

⁷³ Global Commission on Elections, Democracy, and Security (2012). *Deepening Democracy: A Strategy for Improving the Integrity of elections Worldwide*. September 2012 Report p. 21

In terms of the nature of EMBs, different electoral management bodies may be established for different electoral processes. In some countries such as Mexico and Poland, the electoral management body is responsible for both presidential and parliamentary elections. On the other hand, in Lithuania, one electoral management body deals with presidential elections and a separate one with parliamentary elections. In the UK, the arrangements for the conduct of elections and referendums are totally different from each other.⁷⁴ This shows that the institutions that are responsible for leading the electoral processes have different names, structures, and operation depending on the socio-political situation of a state.

While there are many variations for each model/category, there are three broad types or models of electoral management ó the Independent, Governmental and Mixed Models⁷⁵.

The Independent Model of EMB exists in those countries where elections are organized and managed by an EMB which is institutionally independent and autonomous from the executive branch of government, and which has and manages its own budget. Under the Independent Model, an EMB is not accountable to a government ministry or department. It may be accountable to the legislature, the judiciary, or the head of state. They are composed of members who are outside the executive while in EMB office. Many new and emerging democracies including Armenia, Australia, Bosnia and Herzegovina, Burkina Faso, Canada, Costa Rica, Estonia, Georgia, India, Indonesia, Liberia, Mauritius, and Nigeria have chosen the Independent Model of electoral management⁷⁶.

The Governmental Model of electoral management exists in those countries where elections are organized and managed by the executive branch through a ministry and/or through local authorities. Where EMBs under the Governmental Model exist at national level, they are led by a minister or civil servant and are answerable to a Cabinet minister. Their budget falls within a government ministry and/or under local authorities. Countries whose EMBs fall into this model

⁷⁴ For details see IDEA (2006). Electoral Management Design: The New International IDEA Handbook. Stockholm. P.5-6

⁷⁵ See IDEA (2006). Electoral Management Design: The New International IDEA Handbook. Stockholm. P. 7

⁷⁶ IDEA (2006). Electoral Management Design: The New International IDEA Handbook. Stockholm.P.7

include Denmark, New Zealand, Singapore, Switzerland, Tunisia, the UK (for elections but not referendums) and the United States⁷⁷.

In the Mixed Model of electoral management, there are usually two components of EMBs, and dual structures exist: a policy, monitoring or supervisory EMB that is independent of the executive branch of government (like an EMB under the Independent Model) and an implementation EMB located within a department of state and/or local government (like an EMB under the Governmental Model). Under the Mixed Model, elections are organized by the component governmental EMB, with some level of oversight provided by the component independent EMB. The Mixed Model is used in France, Japan, Spain and many former French colonies, especially in West Africa, for example Mali, Senegal and Togo⁷⁸.

All types of EMBs have their own advantages and limitations. Thus, it is very hard to identify one best form of EMBs. In general, according to the 2006 survey of the International IDEA on electoral management in 214 countries and territories worldwide nearly 55% followed the Independent Model, 26% the Governmental Model and 15% the Mixed Model (the remaining 4% corresponds to countries that do not hold national-level elections)⁷⁹. Therefore, the Independent Model is the most widely exercised form of EMBs.

When we see the National Electoral Board of Ethiopia it is categorized under the independent model. According to Article 102 of the FDRE constitution and Proclamation No 532/2007 the NEBE is an independent institution⁸⁰. It is accountable to the House of Peoples Representatives of FDRE.

Robert Pastor argues that EMBs can be located in or outside of government; they can be partisan or non-partisan, and composed of judges, bureaucrats or scholars. He identified five different models which are similar to what has been identified by International IDEA Handbook. These are: (1) Election Office within the government: (2) Election Office within a government ministry

⁷⁷ IDEA (2006). Electoral Management Design: The New International IDEA Handbook. Stockholm. P.8

⁷⁸ IDEA (2006). Electoral Management Design: The New International IDEA Handbook. Stockholm. P.8

⁷⁹ For detail read IDEA (2006). Electoral Management Design: The New International IDEA Handbook. Stockholm.

⁸⁰ Article 102 of FDRE Constitution states that there shall be established a National Election Board independent of any influence, to conduct in an impartial manner free and fair election in Federal and State constituencies. Members of the Board shall be appointed by the House of Peoples Representatives upon recommendation of the Prime Minister. Particulars shall be determined by law. See also Proclamation 532/2007 of FDRE

but supervised by a judicial body. (3) An independent election commission staffed by experts and directly accountable to the Parliament. (4) A multiparty election commission composed of representatives of the political parties. (5) A non-partisan election commission composed of distinguished individuals from a list proposed by the president and legislature, reduced by a veto by the political parties, and selected by a group of judges⁸¹.

If we see Pastor's argument and classification an election commission which is partisan and run by a government may be effective in running credible elections in developed democracies. In these countries (developed democracies) the well-developed culture and deep rooted experience of rule of law and the independence of the judiciary as well as the integrity of the civil service will support the function of partisan EMBs. However, in transition democracies such type of EMBs cannot be effective and they will not get the confidence of the opposition political parties

Even if there are various types of EMBs with their own strengths and limitations, they have to conduct elections in a way that can ensure the free expression of the people. This increases the integrity of elections and helps the peaceful transition of political power. It also ensures the credibility of the EMB. To achieve their purpose EMBs have to be governed by certain principles. "No matter which model is used, every EMB should be certain that it can ensure the legitimacy and credibility of the processes for which it is responsible"⁸². This can be done if electoral management is founded on fundamental guiding principles. The principles include Independence, Impartiality, Integrity, Transparency, Efficiency, Professionalism, and Service-mindedness⁸³. These principles are essential for every type of EMB. An EMB that doesn't follow these principles will not be trusted by the political actors and the public in general. This will in turn lead to questions on credibility of election results and to post election conflicts. In emphasizing the role of EMBs in building a democratic system Goodwin Gill has described as follows:

⁸¹ See Robert A. Pastor (1999). *The Role of Electoral Administration in Democratic Transitions: Implications for Policy and Research*, Democratization, Vol.6, No.4, Winter 1999. Frank Cass. London. pp.16-27

⁸² IDEA (2006). *Electoral Management Design: The New International IDEA Handbook*. Stockholm. P.22

⁸³ See International IDEA Handbook on Electoral Management Design page 22

*'The consolidation of democracy requires that the institution that manages the electoral process be independent, competent, and perceived as completely fair by all the candidates and parties participating in the process.'*⁸⁴

The guiding principles are interrelated because if an EMB fail to meet one of the principles, it would be very difficult to maintain the other. For instance, an EMB which cannot maintain its independence or impartiality would become unable to win integrity. Now let me briefly describe the guiding principles of EMBs.

i-Independence

The independence of EMBs is one of the most essential principles that guide the activities of election officials in election administration. However, there is still no clear, accepted view on what EMB independence really means⁸⁵. This is because partly the term 'independence' embraces two different concepts – that of structural independence from the government and that of the 'fearless independence' expected of all EMBs, no matter which model is used⁸⁶. This means that in their decisions EMBs should not bend to any side and should always resist those groups and situations that could affect and influence their decisions. The legal or structural independence has to be properly exercised in practice.

ii-Impartiality

To establish the integrity and credibility of electoral processes and promote the widespread acceptance of election results, it is critical that an EMB not only conducts electoral events in a fearlessly independent manner, but that it is impartial in its actions⁸⁷. To maintain its impartiality every EMB is expected to manage elections impartially by treating all election participants equally, fairly and even-handedly, without giving advantage to any political tendency or interest group.

EMBs should be seen as being impartial by the general public as well as by the political contenders. The best way to achieve impartiality of EMBs is through transparent actions backed

⁸⁴ Guy S. Goodwin Gill (2006). Free and Fair Elections, New Expanded Edition. Inter-parliamentary Union. Geneva. P. 125

⁸⁵ See International IDEA Handbook on Electoral Management Design page 22

⁸⁶ See International IDEA Handbook on Electoral Management Design page 22-23

⁸⁷ See International IDEA Handbook on Electoral Management Design page 23

by vigorous marketing and public relations efforts. When EMBs are regarded as independent and impartial election results would be easily accepted and that will facilitate peaceful transition of power. Otherwise, the results will be questioned and sometimes losers and their supporters would go in to violence. This is what happened in the 2005 Ethiopian general election.

iii-Integrity

The EMB is the primary guarantor of the integrity and purity of the electoral process and EMB members have the direct responsibility for ensuring this. Integrity may be easier to maintain if the EMB has both full independence of action and full control of all essential electoral processes. Electoral integrity is important because it helps EMBs to win the confidence and trust of the various actors.

iv-Transparency

Transparency is the way EMBs communicate with the various political actors. It is the mechanism and procedures of information flow on the administration of electoral activities at different levels including frequent media briefings and releases, website posts, and stakeholder consultations. Transparency is a basic good practice for all EMB activities⁸⁸. It can assist an EMB to combat perceptions of and identify actual financial or electoral fraud, lack of competence or favoritism towards particular political tendencies, and can enhance the EMB's credibility⁸⁹.

v-Efficiency

Governments and the public expect that funds for elections will be used wisely and services delivered efficiently. In the face of expanding and ever more expensive technological solutions, and demands for increased effort in high-cost areas such as voter education and information, EMBs have to be careful that their programs sustainably serve electoral efficiency, as well as integrity and modernity.

⁸⁸ See International IDEA Handbook on Electoral Management Design page 24

⁸⁹ See International IDEA Handbook on Electoral Management Design page 24

A successful EMB is one that has displayed integrity, competence and efficiency. These qualities help to generate public and political party confidence in election processes. The legal framework can assist by defining efficient standards for electoral and financial management. However, sometimes members of an EMB may be unfamiliar with electoral practices and procedures; at other times they may be unused to dealing with contracting for equipment and materials in a cut-throat corporate environment. The resulting inefficiency in election organization may be confused with corrupt and fraudulent behavior, leading to more serious challenges to the EMB's credibility.

vi-Professionalism

EMBs need to ensure that all election officials, whether core staff or temporary workers, are well trained and acquainted with the necessary skills to apply high professional standards in the implementation of their technical work. Professionalism is not only based on adequate and frequent trainings to upgrade skills of electoral administration but also on the attitude of every member and secretariat staff person.

Visible professionalism in an electoral management body also gives political parties, civil society, voters, donors, the media and other stakeholders the confidence that electoral managers are capable of undertaking their tasks effectively. A lack of visible professionalism in electoral management, on the other hand, will lead to public suspicions of inaccurate and perhaps fraudulent activity, and a lack of trust.

vii- Service-Mindedness

Like the other organizations every EMB should always target in meeting the acceptance of various political actors. The service mindedness of EMBs includes the provision of timely services and conducting electoral administration with regard to the designed time table. With this regard IDEA has stated:

“EMBs do not only have a responsibility to provide service to their stakeholders – it is the major reason for their existence. Developing and publicizing service delivery standards for all their activities provides both internal motivators for EMB members and staff to provide high quality service and external yardsticks for stakeholders to assess the EMB’s performance.”⁹⁰

3.2 Overview of Elections and Multiparty Democracy in Ethiopia

The historical background of exercising elections for national government institutions in Ethiopia can be traced back to the 20th Century, i.e, during the reign of Emperor Haile Selassie I. In 1931 the first written constitution of the country was promulgated. Accordingly, the first Parliament was established in 1931. The parliament was a bicameral which included the Chamber of Deputies and the Senate⁹¹. The people had no right to elect their representatives. Rather the representatives were elected by the king and the higher nobility.

The 1931 Constitution of the Imperial Regime was revised in 1955. This constitution has made very little changes from its predecessor. One of these changes that has relevance to the political development of the country was the election of the members of the Chamber of Deputies by the people. Of course, members to the Chamber of Deputies were mostly from the highly paid segments of the civil service, feudal lords, and rich merchants. The elders used to meet at the district level and elect the landed aristocrats as members of the senate⁹². There were five elections from 1955 to 1974. In all these elections it is very hard to think of adequate democratic principles. This is because of several factors such as the absence of willingness within the ruling elite, the low level of awareness of the public to participate, the traditional seizure of power through kinship, the widespread poverty and illiteracy etc.

After the Italian occupation the monarchical rule of Emperor Haile Sellassie has faced several oppositions from peasants in different parts of the country such as Tigray, Bale, Gojjam, Gedeo, Yejju, etc. The peasant uprisings were fragmented and poorly organized. Thus, the Emperor was successful in forcefully crushing all peasant uprisings as well as other forms of resistance. However, in the 1970s the resistance against the Emperor was not simple. It became more

⁹⁰ See International Idea Handbook on Electoral Management Design

⁹¹ <http://www.electionethiopia.org/en/ethiopian-election.html> accessed on August 20, 2012

⁹² <http://www.electionethiopia.org/en/ethiopian-election.html> accessed on August 20, 2012

organized and widespread. Finally the Imperial regime was overthrown in 1974 by the popular revolution, which was first instigated by university students.

After the overthrow of the Imperial Regime, the military junta known as The Dergue has controlled the political power as a provisional government. It has suspended the 1955 Revised Constitution of the Imperial Regime and started to rule the country with series of decrees and proclamations. The Dergue has nationalized land and other major production enterprises. In 1987 a new constitution was drafted and ratified in the name of public participation. Even if it was stated to be ratified by public participation, the people were not free to have a full participation. When we look in to the elections during the Dergue Regime they did not meet democratic principles. Members to the unicameral assembly or the National Shengo were elected from the Workers Party of Ethiopia (WPE). People had no freedom to participate in the election. In May 1991 the Dergue Regime was overthrown by an armed struggle led by the Ethiopian Peoplesø Revolutionary Democratic Front (EPRDF).

Immediately after the overthrow of the Dergue, a peace conference was held in Addis Ababa and a Transitional Government was established which consisted of political organizations and National Liberation Movements that endorsed a Transitional Charter in June 1991. Following the establishment of the Transitional Government many political parties have flourished to play in the political field. There was also a rising intention of individual candidates to participate in the political affairs. However, many of the political parties were ethnic based and poorly organized to seize political power.

Based on the Charter of the Transitional Government an Electoral Commission, which was accountable to the House of Representatives, was established by Proclamation No 11/1984 E.C. In February 1984 E.C. the Electoral Commission conducted the election for transitional administration committee members at the Woreda and Kebele levels. In May of the same year it conducted elections for National, Regional and Woreda Councils.

General elections have been carried out in 1995, 2000, 2005, and 2010 where many political parties have participated. In all these elections the ruling party (EPRDF) has won the majority of the seats in the House of Peoplesø Representatives. Consequently, it established a government

both at the federal level and in four Regional states⁹³. The elections have been full of allegations and complaints by opposition parties against the ruling party.

Currently there are five different types of elections carried out in Ethiopia. These are General elections, By-elections, Re-elections, Local elections, and Referendum.⁹⁴

3.3 The Legal Framework of the Ethiopian Electoral System

Legal framework refers to the collection of legal structural elements defining or influencing an *electoral process*, the major elements being international agreements, constitutional provisions, electoral laws, other national and state legislations impacting on electoral processes, such as political party laws and laws structuring legislative bodies, subsidiary electoral rules and *regulations*, and codes of conduct⁹⁵. When we look in to the legal framework of elections in different countries there are variations among states. Since states have different social, political, and economical backgrounds they adopt an electoral legal and institutional framework that best suits to their needs. Sometimes electoral laws may also depend on the philosophical and ideological orientation of leaders and the political and educated elite.

In some states that adopt federalism there are two types of electoral laws, one by the Federal government and the other by constituent units. But in the Ethiopian federal system there is only one electoral law that applies to all types of elections at different levels. That means elections for both the Federal Houses and Regional councils are carried out based on the same legal provisions. Of course, the number of representatives and time of local elections is determined by the respective state councils.

Basically, elections in the FDRE are governed by the Constitution of the FDRE and a number of proclamations which have been made at different times. These proclamations include the Amended Electoral Law (Proc. No. 532/2007), the Political Parties Registration Proclamation (Proc. No. 573/2008), the Electoral Code of Conduct for Political Parties (Proc. No. 662/2009),

⁹³ The ruling party has got overwhelming majority in all elections, except the 2005 election where opposition parties have got relatively better representation in Ethiopian history. Even in the 2005 election EPRDF has claimed majority seats at federal level and in the state councils of Tigray, Amhara, Oromiya, and Southern Nations, Nationalities and Peoples.

⁹⁴ See Proclamation No 532/2007 of FDRE.

⁹⁵ See International Institute for Democracy and Electoral Assistance (IDEA) (2006). *Electoral Management Design* International IDEA Handbook (Stockholm:), P 332

the Proclamation to Establish the Procedure for Peaceful Demonstration and Public Political Meeting (Proc. No. 3/1991), the Freedom of the Mass Media and Access to Information Proclamation (Proc. No. 590/2008) and provisions of the 2004 Criminal Code. There are also several directives and regulations issued by the National Electoral Board of Ethiopia (NEBE), such as the Directive on the Registration of Candidates (Proc. No. 1/2009), the Directive on the Registration of Electors (Proc. No. 2/2009), the Directive on Voting, Counting and Announcement of Results (Proc. No. 5/2010), the Regulation concerning the Procedure for Determining the Apportionment of Government Financial Support to Political Parties (Proc. No. 5/2009), the Regulation on the Organization and Procedure of Grievance Hearing Committees Established by the Board at every level during elections (Proc. No. 1/2009) and the Regulation on the Code of Conduct for the Mass Media and Journalists for Reporting on Elections (Proc. No. 6/2010).

Besides these legal provisions, the Registration and Regulation of Charities and Societies Proclamation (Proc. No. 621/2009) and the Anti-Terrorism Law (Proc. No. 652/2009) are also tied with the conduct of elections. This is because the government accuses some of the opposition political parties and their leaders as intentionally working to create terror and chaos. On the contrary some of the opposition parties claim that the ruling party is using the Anti Terrorism Law to intimidate and coerce them. In the same vein the government blames some charity organizations as interfering in political affairs and trying to trigger conflicts.

In the forthcoming paragraphs I will describe important aspects of the legal framework of elections in Ethiopia which includes Universal and Regional commitments, Constitutional Provisions, the Electoral law, the Electoral Code of Conduct for Political Parties, and the Political Parties Registration Proclamation.

3.3.1 Universal and Regional Commitments

The FDRE has ratified a number of international and regional human rights instruments and treaties which have pertinent provisions for elections as well as the rights of persons to participate. The most relevant ones are the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the 1966 International

Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the 1952 Convention on the Political Rights of Women (CPRW), the 1981 African Charter of Human and Peoples Rights (ACHPR), the 2002 African Union Declaration on Principles Governing Democratic Elections in Africa, and lately the 2007 African Charter on Democracy, Elections and Governance. All these universal and regional declarations and charters have provisions that ensure and protect the right of people to participate.

3.3.2 Constitutional Provisions

The Constitution of FDRE is the fundamental legal document for all types of laws including the electoral process. One of the basic principles of the constitution, i.e, Supremacy of the constitution, declares that all laws and practices should conform to the constitution. Thus all other statute laws are based on the constitution. Similarly, the FDRE Constitution has recognized international human rights instruments and agreements that Ethiopia has ratified.

The Preamble of the FDRE Constitution clearly puts emphasis on the need and importance of building a democratic system. When we look at particular provisions of the constitution that are directly related to election we can start from Article 8 of the FDRE Constitution, Sovereignty of the people, which proclaims that "all sovereign power resides in the Nations, Nationalities and Peoples of Ethiopia"⁹⁶. Thus, the nations, nationalities, and peoples of Ethiopia are regarded as the ultimate sources of political power. It further explains that "their sovereignty shall be expressed through their representatives elected in accordance with this Constitution and through their direct democratic participation"⁹⁷. Therefore, the constitution confirms that the participation of people can be carried out in both direct and indirect forms of democracy.

Another provision, Article 9 of the Constitution of FDRE (Supremacy of the Constitution), declares that the Constitution is the supreme law of the land. Accordingly all citizens, organs of state, political organizations, other associations as well as their officials have the duty to ensure observance of the Constitution and to obey it. It also further states that to assume state power in any manner other than that provided under the Constitution is prohibited. Moreover, this article makes all international agreements ratified by Ethiopia as an integral part of the law of the land.

⁹⁶ See FDRE Constitution Article 8

⁹⁷ See FDRE Constitution Article 8

With this provision all international laws that pertain to elections and ratified by Ethiopia are part and parcel of the national legal framework.

Article 10 of the FDRE Constitution, Human and Democratic Rights, in general terms declares that human and democratic rights of citizens and peoples shall be respected. This provision guarantees that all human and democratic rights that are listed under chapter three of the constitution should be respected. By referring to what is stated under Supremacy of the Constitution all other rights enshrined in international agreements that are ratified by Ethiopia are also protected. Thus, the constitution gives strong protection to human and democratic rights.

Other important rights of people are indicated under Articles 30 and 31 of the Constitution of FDRE. Article 30 (The Right of Assembly, Demonstration and Petition) ensures that everyone has the right to assemble and to demonstrate together with others peaceably and unarmed, and to petition. Similarly, Article 31 (Freedom of Association), states that every person has the right to freedom of association for any cause or purpose. But it imposes a limitation by stating that organizations formed, in violation of appropriate laws, or to illegally subvert the constitutional order, or which promote such activities are prohibited. There is no as such a serious limitation on the rights to assembly, demonstration, petition, and association.

Article 37 of the FDRE Constitution, Right of Access to Justice, justifies that everyone has the right to bring a justiciable matter to, and to obtain a decision or judgment by, a court of law or any other competent body with judicial power. Implicitly this provision provides that political parties and individual candidates of election have the right to bring any complaints regarding elections to the court and the right to get justice.

Article 38 of the FDRE Constitution, The right to vote and to be elected, provides that every Ethiopian national, without any discrimination based on color, race, nation, nationality, sex, language, religion, political or other opinion or other status, has the right to take part in the conduct of public affairs, directly and through freely chosen representatives. It guarantees every Ethiopian, on the attainment of 18 years of age, has the right to vote and to be elected at periodic elections to any office at any level of government. With this regard elections shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression

of the will of the electors. Elections to positions of responsibility with any of the organizations shall be conducted in a free and democratic manner. This provision shall apply to civic organizations which significantly affect the public interest. Therefore, the general principles of a democratic election are constitutionally accepted to be applied not only to federal and state parliaments but also to other positions that need elections including civil societies.

Article 56 of the FDRE Constitution (Political Power), declares that a political party, or a coalition of political parties that has the greatest number of seats in the House of Peoples Representatives shall form the Executive and lead it. Thus, political power is held only through winning the highest number of seats in the House of Peoples Representatives as compared to the other political parties or coalitions. In a similar vein state power is held by winning the highest number of seats in the State Council.

With regard to institutional setup Article 102 of the FDRE Constitution (Election Board), states that there shall be established a National Election Board that is independent of any influence, to conduct in an impartial manner free and fair election in Federal and State constituencies⁹⁸. It adds that members of the Board shall be appointed by the House of Peoples Representatives upon recommendation of the Prime Minister. Thus, the constitution has empowered the HPR to appoint the national electoral board. But this legal provision has its own limitation in ensuring the independence of the board. This is because the Prime Minister has the mandate to make recommendations on the members of the board. This might be a possible source of loss of confidence on losing opposition political parties.

In addition to what has been mentioned so far, there are also other provisions of FDRE Constitution such as Article 25 (Right to Equality), Article 29 (Right of Thought, Opinion and Expression), Article 27 (Freedom of Religion, Belief and Opinion), etc which are linked with the right of persons to freely participate in the political affairs of their country.

3.3.3 The Electoral Law of Ethiopia

The Constitution of FDRE has given the mandate to the legislative body to issue laws on elections particulars. Based on this provision, the House of Peoples Representatives has made

⁹⁸ See FDRE Constitution Article 102.

several electoral laws at different times such as in 1995, 2000, 2005, and 2007. The current electoral law of the country which is in practice has been issued in 2007 by the House of Peoples Representatives of FDRE as Electoral Law of Ethiopia Proclamation No 532/2007.

The proclamation describes the rationale for the amendment of the law is to have an electoral law based on international standards and to have an electoral system that promotes free, fair, and democratic elections. In addition it also mentions the necessity of establishing a joint political parties forum and other bodies that give administration decisions to resolve disputes that occur during the election process.

Part two of the proclamation mainly deals with the establishment of the National Electoral Board of Ethiopia (NEBE) which claims it as an independent and autonomous body accountable to the Parliament. Even if the Board has been established previously by Proclamation No 64/1993, it has been reestablished under this proclamation. The structure, powers and duties of the board and its organs are described. It imposes a duty on the board members to act as independent body. It states that any board member shall discharge his responsibility impartially, freely and in good faith; not directly or indirectly support or oppose any political organization or private candidate participating in the election; refrain from any act that in any way damages the credibility, impartiality and independence of the Board or its members.

Part three deals with elections and electoral process. It states that a candidate who received more votes than other candidates within a constituency shall be declared as the winner. Thus, it adopts a First Past the Post system. It also sets the general principles of election and describes the different types of elections carried out in the country. The principles are described as follows:

1. Any election shall be conducted on the basis of universal suffrage and by direct and secret ballot through which the electors express their consent freely without discrimination with equal participation.
2. Any Ethiopian whose electoral rights are not legally restricted shall be eligible to elect or to be elected.
3. Each vote shall carry equal weight.
4. No Ethiopian shall be compelled to elect or be elected.

The proclamation further describes five different types of elections which are held in the Ethiopian electoral system. These are:

General election- means elections to the House of Peoples Representatives and Regional State councils conducted in accordance with relevant laws. The HPR has total seats which does not exceed 550. On the other hand the number of seats of regional states is determined by regional laws. The election of both members of HPR and State Councils are carried out at the same time.

Local election- means elections to Woreda, City, Municipality, Sub City, or Kebele councils conducted in accordance with relevant laws. The number of seats covered under local elections is determined by respective regional legislations.

By-election- means elections conducted to fill in vacant seats of members whose mandates are terminated due to recall or any other reason.

Reelection- means an election to be conducted upon the decision of the Board where candidates get equal votes and becomes impossible to determine the winner.

Referendum- means a system of voting conducted when decided in accordance with the Constitution of the FDRE to assess public interest and to know the decision of the public.

Even if there are different types of elections with different purposes, they are more or less held based on similar rules and principles. They are also administered by the same institution, the NEBE. The NEBE is responsible for all types of elections carried out in the country.

The proclamation also addresses registration of voters. It sets the criteria of eligibility as a voter. It is not different from what is common in most international instruments. Any Ethiopian citizen, who is 18 years and above, has the right to be registered as a voter⁹⁹. Besides he/she has to live at least for six months in the constituency. It also explains registration of candidates. It points out the criteria of eligibility for candidature. It rules out some people to participate as candidates. With this regard any judge, soldier or policeman shall resign from his post if he runs for election as a private candidate or candidate of a political party. Moreover, any judge, soldier and

⁹⁹ See also FDRE Constitution Article 38

policeman may not participate in political campaigning through speeches, writings and the like in support of any candidate.

With a view to effectively carry out campaigning activities, government organs and officials at any level shall have the obligation to create conducive condition to provide, both for candidates and their supporters, equal access to such facilities as radio station, meeting halls and newspapers that are under their respective authority.

The fourth chapter of part three deals with election campaigning. It describes the code of conduct for election campaigning. It also contains provisions regarding the use of mass media. The electoral law puts an obligation on government organs and officials to allow and facilitate election campaigning. But there are prohibited areas for conducting election campaigning. Campaigning activities shall not be carried out at the following places: a) churches; b) mosques; c) military camps and police stations; d) within 500 meter radius of educational institutions during the conduct of classes; e) within 500 meter radius of official market places in rural and urban areas where marketing takes place daily or during some fixed days f) governmental and public institutions during working hours; g) places and areas where public meetings are being conducted.

Chapter five and six of part three explains voting and the voting procedures including voting hours, casting of votes, the voting process, complaints on voting, etc. It also points out vote counting and announcement of results of the election.

Chapter seven states the rights and duties of election observers, representatives of candidates, agents of the media, and voter education. It states how representatives and observers can get a license, what rights and duties they have, how agents of the media report the election process, etc

Chapter eight deals with complaints and disputes arising from the electoral process. It outlines the procedures to be followed by different actors of the electoral process in resolving disputes that arise at different levels. Under chapter nine there are lists of prohibited acts which are believed to have an impact on election results and can also be sources of conflicts. These include *illegal printing and possession of election documents, removing of election advertisement, prohibition of election forecast, etc*

Chapter ten addresses the General Principles of Election Code of Conduct. It tries to briefly state the code of conduct to be followed particularly by political parties and private candidates. It forces political parties and candidates to respect the authority of the board and its members, to protect the security of journalists, etc. It also imposes a duty on everyone not to pretend to be someone else (such as a member of the board, licensed observer, etc) and to give bribe or other benefits in relation to elections.

Part four of the proclamation contains miscellaneous provisions including budget, duty to cooperate, penalty for being against the law, repealed laws, etc. Thus, as described under Article 109, Proclamation No 532/2007 has repealed several preceding proclamations such as the Proclamation to Ensure the Conformity of the Electoral Law of Ethiopia with the Constitution of the FDRE (Proclamation No.111/1995), Amended Proclamation to Ensure the Conformity of the Electoral Law of Ethiopia with the Constitution of the FDRE (Proclamation No. 187/2000), and Amended Proclamation to Ensure the Conformity of the Electoral Law of Ethiopia with the Constitution of the FDRE (Proclamation No. 438/2005).

3.3.4 The Electoral Code of Conduct for Political Parties

Another legal document that is currently effective is the Electoral Code of Conduct for Political Parties Proclamation No. 662/2009. This proclamation became a law based on the initial terms of agreement of four political parties including the ruling party EPRDF. After the agreement of the four political parties the other parties were invited to discuss on the document. Finally, the House of Peoples Representatives has made the regular deliberation process and issued it as a law. There are some opposition parties that didn't take part in the discussion and they claim it as a law given by the ruling party. This law is a controversial legal document. Some political parties including Medrek claim mainly the procedure as the power to make laws is in the hands of the NEBE and not on individual political parties.

The proclamation in its preamble emphasizes the necessity of setting an electoral code of conduct for political parties, candidates, members and supporters of political parties to ensure that subsequent elections which draw lessons from previous elections are transparent, free, legitimate, fair, peaceful, democratic and acceptable by the people. This shows that the previous elections have their own flaws and more particularly the 2005 election was the most contested

and the results were more controversial than the preceding ones. In addition the preamble stresses on the importance of working together of political parties and their vital role in strengthening multi-party democracy and democratic culture in good faith, tolerance and through the principle of give and take

The proclamation clearly declares that the legitimacy of a government elected through a democratic multiparty election shall rest on some principles. These principles include the ability of voters to make an informed decision based on the information they obtain during the electoral campaign regarding the policies of political parties and character of candidates; the ability of voters to vote freely, without any interference, fear, undue influence or bribery. Besides it forces all parties to ensure that elections are expressions of the free and legitimate decision of voters and the decision of the electorate choice will be respected by all. Thus, it forces all parties to accept and respect the election results.

In general the proclamation prevents any political party to take unlawful actions against the other political parties, media personnel, election administrators, voters, candidates, etc. Thus any political party or candidate should not harass or obstruct journalists. In addition, he/it should not disrupt, destroy or frustrate the campaign efforts of any other party; deface or destroy the posters of other parties and candidates; prevent or hamper any other party from holding rallies, meetings, marches or demonstrations;

The other provision of the proclamation is the formation of a joint council. The joint council is established at both national and regional levels by political parties that participate in the subsequent elections. The main duty of the joint council is to serve as a common forum to enable political parties discharge their constitutional duties guided by the Proclamation to ensure that elections are free, fair, transparent, democratic, credible and peaceful as well as to serve as a forum for dialogue, consultation and control on matters that may arise in relation to the process or results of elections and generally all matters that may arise in interparty relationships and amicably resolve problems in accordance with election laws.

3.3.5 The Revised Political Parties Registration Proclamation

A political party can operate in Ethiopia only upon registration by the NEBE and upon receipt of a certificate of legal personality in accordance with Proclamation No. 573/2008 which is named as "The Revised Political Parties Registration Proclamation" promulgated by the House of Peoples Representatives of FDRE. The proclamation in its preamble stresses on the necessity to regulate by law the conditions by which citizens using their freedom of association in accordance with the Constitution for participating in peaceful and lawful political activities to assume political power. It also emphasizes the necessity of providing the right and duty of citizens when forming political parties and acting as members of political parties, and also by providing basic principles to be followed by political parties to enable the political parties to act upon having legal personality. Finally, it underlines the importance of providing the manner by which political parties are able to act by forming union or front or coalition. From this we can see that the rationale for the proclamation is to give a legal basis for a peaceful participation of citizens under political parties. It also aims at making the political party formation, coalition, union, or front conform to prescribed legal provisions.

When we look at the political party formation, the proclamation declares that every Ethiopian shall have the right to form a political party or to be a member of a political party and any Ethiopian aged 18 or above shall have the right to membership of country-wide or regional political party. With this it respects the right of everyone for association more specifically based on the principle of universal adult suffrage.

However, the law puts certain criteria on how countrywide and regional political parties can be formed. For instance a countrywide political party is formed when it has at least 1,500 founding members who are eligible to vote; and not more than forty percent (40%) of its founding members are residents of the same regional state. Besides, the remaining founding members should be residents of at least four of the Ethiopia regional states (each region having not less than 15% of the founders). On the other hand, a political party shall be formed as a regional political party when it has at least 750 founding members who are eligible to vote; and more than sixty percent (60%) of the founding members are residents of the same regional state. Thus when we look in to these provisions of party formation, there is no any prohibition on political parties

to be formed on ethnic or religious basis. That means the only thing in nationwide political parties is to have founding members in different regional states. Otherwise there is no requirement to have members from different ethno-linguistic groups. There is no any minimum requirement for women inclusion too. Besides, the capacity of founding members is essential as the party is expected to raise funds from its members. Here we can take lessons from other states including the neighboring states of Kenya and Tanzania.

In Kenya, for instance, a political party shall not be founded on a religious, linguistic, racial, ethnic, gender or regional basis or seek to engage in advocacy of hatred on any such basis. The registration of the Islamic Party of Kenya was rejected in 1992, on the ground that it was a religious group subject to foreign interests. With regard to gender Kenya's political parties are required to meet minimum women membership.¹⁰⁰ In addition, the Bulgarian legislation permitted the banning of parties based on religious or ethnic principles¹⁰¹. In a similar way the Ghanaian regulations prohibited the use of signs, symbols or slogans which identified groups with any particular region, ethnic origin, religion or profession¹⁰².

Another evidence on avoiding ethnic based parties comes from the works of Paul Mbatia, Kennedy Bikuru & Peter Nderitu (2009). They have pointed out that in making African states strong and comfortable to exercising multiparty democracy, part of state building should entail dismantling all networks and associations that promote and perpetuate negative ethnicity. With this regard states should craft laws and regulations that discourage or undermine flourishing of political parties formed along ethnic lines¹⁰³. Therefore, the Ethiopian electoral law has a limitation as it has no any restriction on the formation of political parties on ethnic, religious, and gender lines.

The registration of political parties in accordance with Proclamation No. 573/2008 shall be the authority of the Board. In order to enable persons/groups having opposition against a political

¹⁰⁰ National Council for Law Reporting (2010). The Constitution of Kenya, Article 91. Pdf document www.kenyalaw.org, Retrieved on 12/01/2011

¹⁰¹ Commonwealth Observer Group Report on Elections in *Kenya 1992*, p 6, as cited in Goodwin-Gill, G. S. (2006), *Free and Fair Elections: New expanded edition*. Inter-Parliamentary Union, Geneva 2006.

¹⁰² Commonwealth Observer Group, *Ghana 1992*, 6-7, as cited in Goodwin-Gill, G. S. (2006),

¹⁰³ Mbatia, Paul, Kennedy Bikuru & Peter Nderitu (2009). *The Challenges of Ethnicity, Multiparty Democracy and State Building in Multiethnic States in Africa*. <http://thefutureofafrica.wordpress.com/feed/> accessed on 12/08/2012

party requesting for registration, the Board shall notify the public submission of the application for registration. Consequently, a person/group having opposition against registration of a political party shall present such opposition to the Board within 14 days from the date of notification to the public. The proclamation further explains that a group or body which 1) aims to foment conflict and war by preaching hatred and enmity among nations, nationalities and peoples on the basis of differences in race, religion and the like, in violation of the Constitution of the Federal Democratic Republic of Ethiopia; 2) organized to advance its political objectives by force of arms; 3) aims to take over political power by overthrowing the government by armed force; 4) having members of foreign nationals; 5) formed for the purpose of pursuing unlawful activities; and 6) formed to break down the Constitutional order by way of illegal means shall not be registered as a political party.

The Proclamation underlined that some organizations or associations may not be registered as political parties which include:

- 1) Associations or organizations formed for the purpose of carrying on commercial and industrial activities pursuant to the Commercial Code or the Civil Code or other relevant laws;
- 2) Associations or organizations formed for nonprofit making or for welfare purposes;
- 3) Communal associations, trade unions and professional associations;
- 4) Mutual help associations;
- 5) Religious organizations;
- 6) Social formations such as idir, equb, and the like.

Finally, a party requesting for registration by application shall pay a registration fee, and fee for revision of basic documents made from time to time in which the amount shall be determined by the Board.

The rights of political parties include independence in their own affairs including determining their own bylaws, having designation and emblem of the party exemption from income tax, establishing branch offices, etc. On the other hand the obligations of political parties include the duty to submit reports, to provide information, to notify leading members, to keep documents of the party, to assign auditor of the party, etc

The designation of any political party shall be the sole designation of the party and shall not be similar to or create confusion with the designation of another political party or commercial and industrial organization or social institution or individual. In addition, the emblem and flag of the party shall not have to be similar with the emblems and flags of other political parties; create hatred and conflict among nation, nationalities, race, religion; convey messages of war and other unlawful activities; not be similar with the flag or emblem of Ethiopia or with those of the various international organizations or with the symbols of religious organizations; not be against ethics or public morality or other similar public interests.

A political party may be cancelled when the party, according to its by-laws, consent and request to be canceled; when the Board decides on basis of law; or when the court decides the registration of the political party to be canceled.

Another important issue in relation to political parties is their source of income. Accordingly, the income source of a political party may be: a) membership dues collected from members; b) donations or grants by Ethiopian nationals and companies in accordance with the limit to be set by the Board on the basis of its study; c) the grant and support to be given by the government. The support to be granted to political parties by the government shall be rendered equitably and without discrimination. The political parties shall follow transparent and accountable principle in order to notify that the support granted by the government has been utilized properly and for the intended purpose. According to the proclamation every political party is prohibited to accept donation or grant from the following persons or bodies: a) foreign nationals; b) foreign government or foreign political party; c) welfare organization or non-governmental organization; d) religious organization; e) prisoners of law; f) an organized group or person assuming state power in a manner other than that provided under the Constitution; g) terrorist organization; h) donation or grant having unknown source; i) government organization; j) donation or grant from anybody or person for the execution of any future object conferred inappropriate benefit or for receiving unlawful benefit.

In general the proclamation strictly limits and weakens the financial strength of the political parties. Especially those parties which have no seats or very small number of seats in the federal and state parliaments will be financially weak. This is because the support to be granted to

political parties shall have to be apportioned on the basis proportional to their number of seats in federal or state houses. Those parties without seats will not get government support for conducting their day to day activities. They only get donation allocated for the purpose of conducting election that is apportioned based on the number of candidates including women candidates.

3.4 The Institutional Framework of the Ethiopian Electoral System

Every country has its own institutional setup that comprises different electoral bodies or institutions which are directly or indirectly involved in the electoral process. The function and institutional strength of these bodies highly determines the effectiveness of the electoral system. In this section I will describe the institution that is directly involved in the electoral process of Ethiopia, namely the National Electoral Board of Ethiopia (NEBE).

3.4.1 The National Electoral Board of Ethiopia

The main responsible body in conducting and organizing local and national elections in Ethiopia is the National Electoral Board of Ethiopia (NEBE) which consists of two components: the National Electoral Board and the Secretariat. The NEBE was first established, as a free and neutral institution, based on proclamation No. 64/1993 (64/1985 E.C.)¹⁰⁴. It replaced The National Election Commission, which was established in 1991. The existence of the Board as a neutral independent body has been also reinforced by Proclamation No 532/2007 (532/1999 E.C.)¹⁰⁵. The NEBE is composed of two bodies: the Board and the Secretariat¹⁰⁶.

3.4.2 The Board

The Board is composed of nine members and they are appointed by the House of Peoples Representatives upon recommendations by the Prime Minister and in consultation with political parties who have seats in the parliament. The Board consists of a Chairman, a Deputy Chairman

¹⁰⁴ See proclamation No. 64/1993. Electoral Law of Ethiopia, Negarit Gazette, 23 August 1993. Addis Ababa

¹⁰⁵ This Proclamation is named as the Amended Electoral Law of Ethiopia. See Proclamation 532/2007, Federal Negarit Gazzeta 13th Year, No. 54, Addis Ababa 25th June, 2007

¹⁰⁶ NEBE (2010) <http://www.electionethiopia.org/en/about-nebe.html> accessed on August 20, 2012

and seven members. The Chief Executive of the NEBE is a non-voting member and secretary of the Board. The Board is a policy-making and oversight body, responsible for the overall supervision and regulation of the process of the elections. It is responsible for the preparation, organization and the adoption of all necessary measures to ensure the freedom and fairness of the elections.

The mandate of NEBE include establishment of the legal, regulatory and operational framework for the conduct of free, fair and peaceful election including the use of public media by political parties, Supervision of the NEBE in the organization and conduct of the elections; recognize and register political parties, registration of parties and candidates for election; establishment and conduct of Joint Political Forum, deciding or referring complaints, disputes, and challenges; inviting national electoral observers, as it deems appropriate, and overseeing that elections are conducted in a free and fair manner and accordingly certifying, announcing, and facilitating the implementation of, election results, as well as facilitating any transfer of power.

3.4.3 The Secretariat

The Secretariat is the operational branch of NEBE. The Secretariat is headed by the Chief Executive and is responsible for all activities relating to the preparation and conduct of the electoral process. The Secretariat has a structure organized at the headquarters and at permanent and temporary branch offices from federal down to polling station level. Each office is responsible for the planning and administration of the process at its respective level, following the directives and guidelines prepared by the Head Office. The Chief Executive has two Deputy Chief Executives: a Deputy Chief Executive responsible for Organizational Support and a Deputy Chief Executive responsible for Services and Relations.

The Board has established 11 permanent Regional Branch Offices, one in each State of the Federation or in each of the Federal Cities, Addis Ababa and Dire Dawa. The Head of the Regional Branch Office, who reports to the Chief Executive through the Deputy Chief Executive (Services and Relations), is responsible for the planning and administration of the process at the regional level, following the regulations and directives prepared by the national headquarters. Other staffs at the regional level include administration, planning, training, information and public education officers.

Objectives of the Board

According to Revised Electoral Law of Ethiopia Proclamation No 532/2007 (532/1999 E.C), the Board has the following objectives:-

1. Ensure the establishment of a Government elected through free, fair, and impartial elections held in accordance with the Constitution.
2. Ensure the existence of an electoral system that enables political parties and private candidates, which respect the constitution and institutions established by it, compete equally and impartially.
3. Enable citizens to exercise their constitutional democratic right to elect and be elected¹⁰⁷.

There are around 43,500 polling stations in the country; however the number is not constant because of the growing number of voters. A polling station is organized for 1000 voters assumed. The increase in the number of polling stations does not increase the number of constituencies¹⁰⁸.

3.4.4 Regional Offices

The Board established a temporary Constituency Office with a three member Election Execution Committee, headed by the Chief Electoral Officer of the constituency, for each constituency at each election. The Election Execution Committee is responsible for the overall supervision of the election in the constituency, for registering candidates, consolidating votes collected from polling stations and announcing result at that level. A constituency represents one seat in the HPR/parliament/. There are 547 seats in the house of people's representatives.

The Board is accountable to the HPR and is an independent and autonomous organ for conducting elections having its own legal personality¹⁰⁹. The board is comprised of nine members who are nominated by the Prime Minister of FDRE and appointed by the House of Peoples Representatives¹¹⁰. The composition of the nine members of the board takes into

¹⁰⁷ Proclamation No. 532/2007 of FDRE. Federal Negarit Gazeta, Addis Ababa June 2007

¹⁰⁸ NEBE (2010) <http://www.electionethiopia.org/en/about-nebe.html> accessed on August 20, 2012

¹⁰⁹ Proclamation No. 64/1993 of FDRE. Federal Negarit Gazeta, Addis Ababa 23 August 1993

¹¹⁰ Proclamation No. 532/2007 of FDRE. Federal Negarit Gazeta, Addis Ababa June 2007 and NEBE 2010 <http://www.electionethiopia.org/en/about-nebe.html> retrieved on 26/6/2012

consideration the national diversity, gender representation and includes legal professionals. Members of the NEBE are expected to be loyal to the Constitution, be non-partisan, be professionally competent, and be known for their good conduct. The Board has a Secretariat headed by one Chief Executive and two Deputy Chief Executives. The Chief Executive is accountable to the Board while the Deputy Chief Executives are accountable to the Chief Executive.

The Board shall have permanent employees working at the head office and regional branch offices of the Secretariat. In addition it has temporary electoral officers recruited from various governmental and non-governmental organizations who assist the Board during elections. Currently the Board has 547 constituencies and around 43,500 polling stations.

CHAPTER FOUR

ETHIOPIAN GENERAL ELECTIONS AND OUTCOMES

The history of elections in Ethiopia can be traced back to the Imperial Regime. But the conduct of multiparty democratic elections in Ethiopia is a history of nearly two decades. The first multiparty election has been carried out in 1995. Since then four different general elections have been conducted in 1995, 2000, 2005, and 2010. How much these general elections promoted multiparty democracy in the country? How many of the political parties have got seats in the parliament? How much were the seats of the opposition significant to protect the interest of the electorate? In the following sections I will briefly present and discuss the results of the elections.

4.1 The 1995 General Election and its Outcomes

The first general election has been conducted in 1995. According to NEBE at that time 64 political parties were legally registered¹¹¹. Among them 57 political parties has contested and 43 of them were able to secure seats in the Federal parliament and State Councils. Even if the NEBE declare that the EPRDF has won more than 90% of the seats in the Federal Parliament in a free competition, the opposition parties were not strong enough and the election lacked democratic qualities. With this regard a Norwegian election observer group (as cited in Merera, 2011) concluded that the 1995 elections could not be termed as “free, fair, and impartial”. As the Norwegian report noted, “Conducting elections as a mere formality and claiming democracy without having any democratic public debate is a futile exercise.”¹¹² In addition Merera has cited other commentators such as Ottaway and Vestal, for concluding that there was lack of democratic debate in the election process of 1995¹¹³.

The results of the 1995 General Election showed that the EPRDF has won an overwhelming majority and very few opposition parties have won parliamentary seats. This time was purely a transition from military dictatorship to a multiparty system. Therefore, as it was an emerging

¹¹¹ NEBE (2010). Election 2010 Special Edition. Page 10

¹¹² Merera Gudina (2011). Page 669-670

¹¹³ Merera Gudina (2011). page 670, and see also Tronvoll, and Aadland (1995). The process of Democratization in Ethiopia: An Expressions of Popular Participation or Political Resistance? *Human Rights Report No. 5*. Oslo: Norwegian Institute of Human Rights, University of Oslo.

democracy and the people had very little trust on ballots the results will not be highly criticized. But there were some complaints from the opposition political parties that the EPRDF has made intimidations and coercion in the electoral processes. As a result some opposition political parties boycotted the election including the Western Somali Democratic Front (WSLF) and the All Amhara People's Organization (AAPO). Those boycotting opposition parties accused the ruling party for intimidations and even in some cases arresting party leaders and members.

Therefore, based on the results as well as the situations that have prevailed during the elections the 1995 general election was short of democratic qualities. As a new institution the NEBE has showed an improvement from previous electoral administrations. However, it could not administer the election freely and fairly based on the requirements of a democratic election.

4.2 The May 2000 General Election and its Outcomes

The second general election has been conducted in May 2000 in a relatively developed and better political environment than the 1995 elections. The opposition political parties became better organized and the public had a better understanding and a positive attitude towards political participation. In the Second General Elections 49 political parties contested with the fielding of 700 candidates for the federal parliament and 2,052 candidates for the regional councils.

When we see the results the opposition political parties had only 13 seats. Relatively independent candidates had a better chance of winning seats because independent candidates had a better representation. The results indicate that the EPRDF with its allies (affiliated parties) had almost total control of the Federal parliament. The number of seats won by the opposition political groups was very small to be significant in the decisions of the HPR.

Table 1 May 2000 Ethiopian General Election Results

Political Party/organization	Seats won to HPR	Remark
EPRDF	487	
Somali People Democratic Party	13	
Afar National Democratic Party	8	
Benishangul Gumuz Peoples Democratic Unity Party	9	
Harari National League	1	
All Amhara People Organization	1	
Oromo National Congress	1	
Oromo Unity Liberation Front	1	
Sidama Hadicho Peoples Democratic Organization	1	
Ethiopian Democratic Party	2	
Southern Ethiopia Peoplesø Democratic Coalition	2	
Hadiya National Democratic Organization	3	
Council of Alternative Forces for Peace and Democracy	1	
Gambella People Democratic Front	3	
Siltie People Democratic Unity Party	1	
Independent	13	
Total	547	

Source: Adapted from NEBE Report

4.3 The May 2005 General Election and its Outcomes

The Third General Election was conducted in May 2005. It was the most contested election in the history of the country. The opposition political parties appeared better organized and united. There was also a heightened interest in the public to participate in the election. There were strong pre election debates among political parties (including live transmissions) which attracted the public for active participation in casting their votes.

Table 2 Election Results of the 2005 General Elections

Political Party	HPR by Political Party	HPR by Regional Allocation of seats		Winners in State Councils
EPRDF	327	Tigray	38	TPLF/EPRDF
CUD	109	Afar	8	ANDM
UEDF	52	Amhara	138	ANDM/EPRDF
OFDM	11	Oromiya	178	OPDO/EPRDF
BGPDUF	8	Somali	23	SPDF
ANDP	8	Benishangul Gumuz	9	BGPD
GPDM	3	SNNPR	123	SEPDEF/EPRDF
SPDP	24	Gambella	3	GPDO
HNL	1	Harari	2	Coalition
ANDO	1	Dire Dawa	2	Unclear
Independent	1	Addis Ababa	23	CUD
Total	547		547	

Source: Adapted from NEBE Report

In the 2005 general election, even if there were many opposition political parties, two very strong coalitions of opposition parties emerged as major threats to the power of the ruling party. These were The Union of Ethiopian Democratic Forces (UEDF) and The Coalition for Unity and Democracy (CUD). The UEDF was composed of different opposition political parties, including the Oromo National Congress (ONC) and the Southern Coalition. The CUD, on the other hand, was composed of four opposition parties. In addition there were individual opposition parties outside the two opposition coalitions, including the Oromo Federalist Democratic Movement (OFDM).

The election passed peacefully where many people casted their votes waiting for many hours patiently. Immediately after the election both the opposition and the ruling party claimed victory to assume government power. In Addis Ababa the opposition political party (CUD) has won total victory both for the Federal Parliament and the City's Council. The EPRDF accepted that the opposition's victory in Addis Ababa and claimed that it has got victory in the four regional

states¹¹⁴. On the other hand, the opposition encouraged by their victory in Addis Ababa claimed that they have won a victory in other regional states too. The official result, however, indicated that the ruling party has got victory in the four regional states. When we see the results the EPRDF has got 327 seats, CUD has got 109 seats, UEDF has got 52 seats, SPDP has 24 seats, and OFDM has won 11 seats. The rest were held by other parties. For the third time the ruling party has won majority of seats to form government at Federal and in four regional states.

The pre electoral activities were carried out peacefully with very few complaints. The campaigning was peaceful very tough as both the ruling party and the opposition tried to win the support of the public. However, as the election day approached there were unnecessary accusations and blames. As described by the Carter Center

While the campaign started out at a high level, focusing on issues rather than personalities, it degenerated in the final week into charges and countercharges of engaging in "hate speech." The EPRDF's likening the opposition to Rwanda's interhamwe is as, or more, regrettable as are some opposition slurs against the Tigrayans in the ruling party.¹¹⁵

After the election there was a political turmoil. The Prime Minister declared a state of emergency especially in Addis Ababa prohibiting peaceful demonstrations and outside gatherings. This has been followed by protests in Addis Ababa where some students of Addis Ababa University were arrested. The unrest has been a little bit culminated until it again started after some opposition groups denounced the official result notified by NEBE and refused to take their seats in the HPR. Of course, there were divisions among the opposition political parties themselves whether to take parliament seats or not. The protest has taken the lives of many people. Finally, the protest ended with detention of some opposition political party leaders in to jail with the crime of treason.

With regard to the election administration the NEBE was unable to handle post electoral activities of the 2005 general election. Election observers have declared that the NEBE failed to carry out its activities properly. For example the Carter Center Observers have described as:

¹¹⁴ Amhara, Tigray, Oromiya, and Southern Nations Nationalities and Peoples Regional states

¹¹⁵ Carter Center Post Election Statement May 16, 2005. (Cited in the Carter Center Final Report of the 2005 Ethiopian Election page 52)

The NEBE greatly suffered in the conduct of the 2005 elections as it demonstrated an inability to administer effectively key parts of the election, particularly the tabulation and election dispute phases of the process, and resisted comprehensive scrutiny and observation of all phases of the election process by domestic observers and political party agents.¹¹⁶

In a similar manner the EU election observers rated the counting and tabulation process as very slow (nearly at 22%). In addition The EU Election Observation Mission expressed that it regrets the way in which the counting of the votes at the constituency level is being conducted as well as the way in which the release of results is being handled by the electoral authorities, the government and the political parties, especially the EPRDF¹¹⁷. The Carter Center made a final conclusion that:

In spite of the positive pre-election developments, therefore, the Center's observation mission concludes that the 2005 electoral process did not fulfill Ethiopia's obligations to ensure political rights and freedoms necessary for genuinely democratic elections.¹¹⁸

4.4 The May 2010 General Election and its Outcomes

The Fourth General election has been carried out in May 2010. The election result has indicated that almost the opposition political parties have lost what they have got in previous elections. The ruling party has won 99% of the seats in the Federal Parliament. There was only one seat for the opposition political parties¹¹⁹ and another one seat for an independent candidate. The other seats were held by EPRDF and its affiliated parties.

¹¹⁶ Carter Center Final Report on Ethiopian General Election of 2005. Page 39

¹¹⁷ EU Observer Mission Statement, May 24, 2005

¹¹⁸ Carter Center Final Report on Ethiopian General Election of 2005. Page 38

¹¹⁹ The Ethiopian Federal Democratic Forum (Medrek) has won the only opposition seat in the HPR

Table 3: The May 2010 Election Results

Political party/organization	Seats won in the HPR	Remark
EPRDF (Ethiopian Peoples Revolutionary Democratic Front)	499	
Afar National Democratic Party	8	
Somali People Democratic Party	24	
Benishangul Gumuz Peoples Democratic Party	9	
Harari National League	1	
Argoba People Democratic Organization	1	
Ethiopian Federal Democratic Unity Forum	1	
Independent	1	
Total	547	

Source: Adapted from NEBE Report

As compared to the 2005 general election the fourth general election experienced weaker campaigning and competition. The post election conflicts of 2005 general elections have lowered the strength of the campaign. With regard to the electoral administration there were improvements as compared to the previous general election. For example the number of polling stations has been increased to reduce the long queue which makes voting a burden. However, the electoral administration has certain drawbacks. The EU-EOM has described the situation as follows:

While several positive improvements have been introduced, the electoral process fell short of certain international commitments, notably regarding the transparency of the process and the lack of a level playing field for all contesting parties..... The separation between the ruling party and the public administration was blurred at the local level in many constituencies. The EU EOM directly observed some cases of use of state resources for ruling party campaign activities¹²⁰.

The ruling party has won the election securing almost 99 percent seats in the HPR and almost total domination in the four regional state councils.

¹²⁰ EU-EOM (2010). Ethiopia's 2010 House of Peoples Representatives and State Council Elections. Preliminary Statement. June 25, 2010. Addis Ababa www.eucom-ethiopia.org accessed in January 2014

4.5 Overall Consequences of Ethiopia's Multiparty Elections

The development of multiparty democracy in Ethiopia is at its infancy. It has nearly twenty years of experience. Throughout this time four general elections have been carried out. These elections and the results have their own consequences and implications in the overall political development of the country. The practice of the elections by itself is a beginning of the path for democracy. In the long Ethiopian history, there was almost no practice of conducting modern elections. There was an absolute monarchy for many years followed by a seventeen years rule of military dictatorship. Thus, having general elections for a highest legislative body is an important political development. In line with conducting elections different political organizations having their own political goals and programs have been formed in the short lifespan of the country's multiparty democracy.

However, these political achievements should be strengthened and meaningful. A mere practice of general elections will not be a base for democracy unless the elections are free, fair, and peaceful. The votes of the people should be meaningful. With this regard Odhiambo Owour stated that elections should not be mere formalities. He added that *"better a sham election than no election at all has taken the center stage"*¹²¹.

In a democratic system elections should promote representation of various interests and political groups. In this sense the four general elections have given very little chance of representation for opposition political parties. It was only in the Third General Election of 2005 that the opposition political parties have won meaningful parliamentary seats. On the other hand, the Fourth General Election of 2010 was an election in which the ruling party has got total domination. In the HPR the ruling party (EPRDF) has controlled 99 percent of the seats. In regional and woreda councils the same thing happened. The incumbent parties (EPRDF members or its affiliated parties) have been efficient in winning majority seats in regional and woreda councils. This shows that Ethiopian multiparty democracy is moving towards a dominant party system.

¹²¹ See Odhiambo Owuor (2011) P 6

In general, although periodic elections have been regularly held every five years in Ethiopia as the constitution as well as the electoral law of Ethiopia stipulate, however, they are conducted under full of election irregularities followed by rejection of election results and boycotts by the major opposition groups. Even if there are some improvements that can be observed since the 1995 General Election where a multiparty election has been started, still there are many things that need to be tackled to ensure the development of a multiparty democratic system in the country. In the capital city there is a better degree of openness, as the government allowed some political space to opposition leaders to conduct rallies. However, in most rural areas, the opposition and their supporters faced restrictions and harassment by local officials and cadres¹²²

Therefore, as the results of previous elections and particularly the 2010 General Election revealed Ethiopia is entering in to a dominant party system. If this continues in future parliamentary elections, there will be too many political parties which are unable to get seats in both Federal parliament and regional councils. This will in turn negatively affect the development and consolidation of a multiparty democratic system in the country.

4.6 Election Observers in Ethiopia

Election observers are those individuals and institutions that participate in monitoring the process of election whether it meets basic international standards of free and fair elections. Election observers follow up whether the electoral administration has been carried out following legal provisions and persons and parties are freely participating in the election process. The level of participation of election observers varies as some observers try to observe the whole process of election and while others oversee the polling (voting) on the election day.

The participation of election observers helps in ensuring that the electoral process was free and fair thereby increasing the confidence of the public as well as political parties. As described by Goodwin Gill the presence of observers, both foreign and domestic, can enhance the electoral

¹²²See Tronvoll, (2009). "Ambiguous elections: the influence of non-electoral politics in Ethiopian Democratization," In *Modern African Studies*. No. 47, Vol.3, Cambridge University Press. pp. 449-474;

process.¹²³ Election observers increase the integrity of election and the confidence of political actors in the election administration as well as EMBs.

When we see the participation of election observers in Ethiopia the NEBE described that the election observers play a vital constructive role in ensuring fair, peaceful, free and democratic election. They can observe the election process conducted at the constituency and polling stations, representing various public organs¹²⁴.

According to the Electoral Law of Ethiopia (Proclamation No. 532/2007), there are four different types of election observers in Ethiopia¹²⁵. These are:

1. Domestic Election Observers
2. Foreign Election Observers
3. Public Election Observers
4. Representatives of Political and Private Candidates.

4.6.1 Domestic Election Observers

Interested domestic observers may observe the Election process upon the issuance of license from the Board and fulfilling the requirements proclaimed in articles 79, 80, and 81 of the Electoral Law of Ethiopia.

The participation of domestic local observers in Ethiopia's multiparty democracy has been limited. In the first and second general elections which have been carried out in 1995 and 2000 the domestic election observers were limited as there were very few civil societies as well as limited experience of civil societies participation in election observation. In the third general election of 2005, the participation of domestic election observers had been limited. The main reason was that the NEBE has banned many of the civil societies that request to take part as

¹²³ See Guy S. Goodwin Gill (2006). Free and Fair Elections, New Expanded Edition. Inter-parliamentary Union. Geneva. page 156

¹²⁴ NEBE website visited on April 24, 2014

¹²⁵ See Proclamation No 532/2007 of FDRE

domestic election observers at first and then with the late permission by the court decision many of those organizations resign due to a limited time for preparation¹²⁶.

4.6.2 Foreign Election Observers

According to Articles 78/2 and 81/2 of the Election Law, the government may invite International Observers as deemed necessary and the eligible foreign observers must perform their duty in full compliance with the laws of the country, by respecting the sovereignty of the state and in accordance with the directives issued by the Board. Some of the commonly participating foreign election observers are the African Union, the European Union, the Carter Center, and individual country observers and diplomats.

The practice of the foreign election observers in Ethiopia is sometimes controversial. This is also a common practice in other countries too. For instance according to Goodwin Gill ó í foreign observers run the risk of controversy, either because they are perceived as interfering, or because they do their job too well, or not at all.¹²⁷ With this regard the 2005 election report of the EU election observation mission was controversial as the report criticized the ruling party for election fraud and irregularities. The ruling party on its behalf rejected the report and blamed the leader of the EU óElection Observation Mission as irresponsible, corrupted, and supporting the opposition¹²⁸. According to VOA news:

Former Prime Minister Meles Zenawi described the EU Election Observer Mission report as "useless trash that deserves to be thrown in the garbage". He is quoted as saying the report was not about Ethiopia's election, but was "just the view of some Western neo-liberals who are not happy about the strength of the ruling party".¹²⁹

¹²⁶ See Carter Center Election Observation Report of 2005 and EU-Election Observation Mission Report of 2005 Election

¹²⁷ See Guy S. Goodwin Gill (2006). Free and Fair Elections, New Expanded Edition. Inter-parliamentary Union. Geneva. page 156.

¹²⁸ <http://www.thereporterethiopia.com/index.php/interview/item/1305-%E2%80%9Cthe-situation-in-post-2005-election-in-ethiopia-got-worse-in-terms-of-democratic-space%E2%80%9D> accessed on June 12, 2014

¹²⁹ <http://www.voanews.com/english/news/africa/east/Meles-Clashes-with-EU-about-Elections-Report-108136234.html> accessed on June 12, 2014

4.6.3 Public Election Observers

Each constituency shall have three public observers elected in accordance with Article 20(4) of the Electoral Law of Ethiopia. Polling stations shall have five public election observers elected by the public in an official meeting. The Board shall invite in writing political organizations and private candidates running for election to be present during the election of public observers.

The role of public election observers is crucial in ensuring whether the election process has been free and fair or not. Since they are found in every polling site they are in a better position to oversee the electoral process. But they may be easily manipulated by different actors. With this regard Reilly has described that in many cases in developing countries the efficiency of internal election observers is questionable because there are many ways to defraud an election, thus observers need to be highly trained to detect all but the most blatant forms of electoral fraud¹³⁰.

4.6.4 Representatives of political organizations and private candidates

According to the Election Law of Ethiopia any political party that has fielded a candidate may assign one fixed representative to the constituency for which he runs and one fixed representative to each polling station under the constituency for which he runs.

In a similar way any private candidate may assign one fixed representative to the constituency he runs and one fixed representative to each polling station under the constituency he runs. In addition each political organization or private candidate may assign not more than 5 mobile observers to a constituency.

When we see the role of representatives of political parties and private candidates, there is no doubt that they are very essential. But when we look in the practice the opposition political parties are unable to assign their representatives in all polling stations as well as election constituencies especially in the rural areas.

¹³⁰ Reilly, Benjamin (2003). International Electoral Assistance: A Review of Donor Activities and Lessons Learned. Working paper 17, *Working Paper series*. Netherlands Institute of International Relations p. 23.

CHAPTER FIVE

ANALYSIS AND DISCUSSION OF ETHIOPIAN ELECTORAL ADMINISTRATION

The establishment of a democratic system is achieved with the full participation of the people. Democracy is associated with freedom and having alternatives. Thus, people have different alternatives while they are living in a democratic system. With this regard Goodwin Gill stated that democracy, in practice, which requires choice between alternatives needs at least two competing political parties¹³¹. In addition to having different political parties there should be a level playing field for all political parties so that the choice that people have will be meaningful. According to a report of the Commonwealth observer group in Kenya having a level playing field for all political actors is a crucial element in a transition from one party rule to a multiparty democracy¹³².

The main purpose of this research study is assessing the challenges of multiparty democracy in Ethiopia with a particular emphasis on electoral administration and to identify major obstacles in the development of a multiparty democratic system in Ethiopia. With this regard detailed interviews were conducted with political party representatives and officials of the NEBE. In addition, questionnaires were administered to students to assess the views of the political actors in terms of multiparty democracy development in Ethiopia. Therefore, in the following sections I will present the data that has been gathered through questionnaires administered to students of higher institutions. For the purpose of convenience I have divided the information in to two major themes: issues related with *the legal framework and the institutional framework (the NEBE and its electoral administration)*. In line with the presentation of the data in tables, discussions are also made on relevant issues. The main ideas of interviewees are also included in the discussion.

¹³¹ Guy S. Goodwin Gill (2006). Free and Fair Elections, New Expanded Edition. Inter-parliamentary Union. Geneva. page 141

¹³² Commonwealth Observer Group, *Kenya 1992*, p 7. (As cited in Goodwin Gill (2006) page 136)

5.1 The Legal Framework and Multiparty Democracy

The development of a democratic system of any country is primarily founded on the legal framework. Without having adequate legal provision it would be very hard to conduct free, fair, and periodic elections which are essential requirements of modern democracy. In general active public participation is possible and meaningful when there is adequate legal framework. Therefore, the legal framework is one of the essential requirements to have a multiparty democracy. When we see the Ethiopian legal framework of the electoral process, it is composed of the constitution, various laws made by the HPR, and directives made by the NEBE. Since the directives are too many, analysis has been made on the electoral laws that are made by the HPR.

Table 4. Students and Educators Response on the Electoral Legal Framework

	Questionnaire Items	Strongly Agree		Agree		Neutral (no idea)		Disagree		Strongly disagree	
		No	%	No	%	No	%	No	%	No	%
1	The electoral law of Ethiopia expresses the will (interest) of the majority of the political actors	4	8%	13	26%	15	30%	11	22%	7	14%
2	The electoral law of Ethiopia is impartial, neutral, and comprehensive.	5	10%	15	30%	12	24%	14	28%	4	8%
3	The electoral law of Ethiopia promotes free competition and participation among citizens	6	12%	14	28%	12	24%	12	24%	6	12%

As we can see from Table 4 above 30% of the respondents have replied that they are neutral or they have no idea about the electoral law of Ethiopia whether it expresses the free will of the various political actors. This might be due to the knowledge gap about the law of the country or they are not willing to judge the law in terms of this criterion.

Around 40% of the respondents are in favor of the impartiality and comprehensiveness of the electoral law. In a similar way 40% of the respondents support that the electoral law of Ethiopia promotes free competition and multiparty democracy in the country. On the contrary less than 20% of the respondents claim that the electoral law of Ethiopia is not neutral and comprehensive as well as it does not express the interest of the political actors and

consequently it does not promote free competition and multiparty democracy. In general, there is a relatively good feeling towards the legal framework.

In my interview Ato Wondimu has explained that the electoral law is neutral and impartial and it serves all the political actors equally. There is no unfair support or favor to a certain political group. He added that our electoral legal framework is best¹³³. Similar responses have also been reflected in the political parties. For example Ato Chanie, one of my interviewees, has explained that the problem is not with regard to the laws rather in the implementation of the laws. He stated that as an opposition political party we have no any claim on the legal framework except on the government financial subsidy apportionment (55 percent for seats in the HPR and state councils) and the first past the post electoral system which has given an advantage for the ruling party. He added that our concern is on the implementation of the laws at different levels of the electoral process. There is always a problem on implementation of the electoral laws¹³⁴.

A similar idea has also been reflected by the interviewees of other political parties including the ruling party. Ato Sileshi Feyissa has said that we have no any complain or reservation on the laws in general but we accuse the ruling party for abusing these laws¹³⁵. According to his idea the laws are not equally implemented for the ruling party and the opposition political parties. In a similar manner Ato Yeæyobzer added that opposition parties are blamed and penalized when they violate the electoral laws but when the ruling party is accused for violation of the laws, the NEBE declares that it is superficial and without sufficient evidences¹³⁶. In the same way Engineer Gizachew has explained that there is no a such a big deal with regard to the laws on the paper. We don't have any serious complaints on the legal framework. However, the laws are not fully exercised including the Constitution¹³⁷. He explained that both the NEBE and EPRDF do not respect the laws. He mentioned an example

¹³³ Interview with Ato Wondimu Golla Deputy Executive of NEBE and head of public relations on 19/12/2013 at the Head Office of the Board

¹³⁴ Interview with Ato Chanie Kebede, President of Ethiopian Democratic Party(EDP) on 18/12/2013 at the party's Head Office

¹³⁵ Interview with Ato Sileshi Feyissa, the Deputy Chairman of Blue party on 27/12/2013 at the Party's Head Offices and with the Public Relation of AEUO Party on 26/12/2013 at the Party's Head Office

¹³⁶ Interview with Ato Abebaw Mehari, President of AEUO Party on 04/01/2014 at the Party's Head Offices and Ato Yeæyob zer Zewdie, the Public Relation of AEUO party on 26/12/2013 at the Party's Head Office

¹³⁷ Interview with Engineer Gizachew Shiferaw, Chairman of Unity for Democracy and Justice Party (UDJ) on 08/01/2014 at the Party's Head Office

that the NEBE has been mandated to issue directives but the code of conduct for political parties has been first made by some political parties and particularly the ruling party.

With regard to the electoral law of Ethiopia in promoting a multiparty democracy it gives free participation for all citizens. It doesn't set unfair or unreasonable limitations. However, as compared to other countries' experiences there are very few gaps that I have identified. The law doesn't make women participation on political parties obligatory. In my interview I find no woman at leadership positions of political parties. Thus, political parties are not legally required to meet a minimum level of women participation. With this regard the Kenyan Constitution declares that not more than two-thirds of the members of elective public bodies shall be of the same gender and fair representation of persons with disabilities¹³⁸. What we can see from the Kenyan experience is that elected bodies should be representative of the whole population.

In Ethiopia there is no any legal provision to guarantee the participation of women and persons with disabilities. For example, in the fourth general election of 2010 women candidates comprised only 12% for the HPR and 15% for state councils. The only provisions to ensure representation is the twenty seats in the HPR reserved for minority nations and nationalities and a formula for government subsidy to political parties taking women elected members. The government subsidy is very weak to promote women participation as it applies to a small proportion of the total fund allocated. In terms of representation of minority nations and nationalities -who is going to be represented in the reserved twenty seats of the HPR?- is not clearly indicated. As long as we are concerned to ensure equality the participation of women and persons with disabilities should have been be guaranteed with legal provisions. The EPRDF follows a principle of 30% women candidates which is promising and should be followed by other parties.

The other gap on the electoral legal framework is on the formation of political parties based on ethnic and religious lines. Even if the law doesn't clearly state that political parties should be following ethnic lines the practice shows that many of the political parties in Ethiopia are founded on a particular ethnic group. Consequently, their program will not be more than

¹³⁸ See The Constitution of Kenya Article 81

protecting the rights and interests of that particular ethnic group. These types of parties will have very little significance for alternating state power in the country. That means they are very small and have public support from a very small portion of the society. As a result, they cannot be strong competitors for the ruling party. In addition ethnic based political parties have a potential of exacerbating ethnic conflicts. The law should prohibit the formation of political parties following ethnic lines so that they will reflect multi-ethnic characters. This enhances the political competition among parties.

If we take the experiences of other countries the Kenyan Constitution states that a political party shall not be founded on a religious, linguistic, racial, ethnic, gender or regional basis or seek to engage in advocacy of hatred on any such basis¹³⁹. Besides political parties have to work on the principle of national unity. In a similar way other countries such as Bulgaria and Ghana prevent the formation of political parties based on ethnic and religious backgrounds. This will have an impact on the development of multi party democracy by reducing the number of political parties and making them strong competitors for state power. In addition it will also reduce societal factions and conflicts. When political parties are established on ethnic or religious lines the faction within the society becomes wider and different religious and ethnic groups will enter in to hostile relationships. Therefore, in the Ethiopian electoral legal framework the formation of political parties based on a single ethnic or religious group should be prohibited. There is no any legal limitation on the law whether a political party can be established based on religious thoughts. According to Ato Wondimu still now we have not been faced with such type of request, but if it comes it may require a further legal interpretation¹⁴⁰.

Democracy is known for ensuring equal participation among citizens. Thus, in a democratic system the participation of women, persons with disabilities, and minority groups is given due attention. In some countries special legal provisions and practical measures are taken to increase the participation of these groups of people. With this goal of democracy the Ethiopian electoral law has made some twenty seats in the HPR to be reserved for minority nations and nationalities. Women and persons with disabilities are not yet given special

¹³⁹ The Constitution of Kenya Article 91

¹⁴⁰ Interview with Ato Wondimu Golla Deputy Chief Executive of NEBE and Head of Public Relations of NEBE

provision in the electoral legal framework. For example, the Kenyan constitution outlined the major principles of the electoral system of the country. These principles include “Not more than two-thirds of the members of elective public bodies shall be of the same gender” and “fair representation of persons with disabilities”¹⁴¹. This can be taken as an experience to promote participation of women and persons with disabilities. The very weak legal provision is the financial support to political parties taking women candidates as one criterion. This is a small portion of the financial support.

5.2 The Institutional Framework and Multiparty Democracy

The institutional framework of an electoral system is important in maintaining the integrity of electoral outcomes¹⁴². This in turn helps to maintain credibility and trust on the system. The institutional framework includes the electoral management body and the electoral administration. The electoral administration is one of the most important elements in building a sustainable democracy. The institution that administers elections (Electoral management body) should always serve all political actors in a fair, independent, and professional way. Otherwise it will not get the trust and confidence of the political actors as well as the public in general. As a result elections managed by such partisan and incompetent EMB will inevitably become sources of conflicts. This has been observed in many emerging democracies.

In Ethiopia the NEBE is the main EMB which is charged with the responsibility of administering all types of elections in the country. Therefore, in the following section the independence, impartiality, and transparency as well as overall function of the NEBE as it is observed by various actors is discussed.

Independence of the Board

The NEBE is composed of nine members appointed by the House of Peoples Representatives, to which it is accountable, upon the recommendations of the Prime Minister. Even if the law states that members of the Board must have no political party affiliation and be selected on the basis of their professional competence and loyalty to the Constitution there

¹⁴¹ See Chapter Seven of the Constitution of Kenya

¹⁴² See <http://aceproject.org/ace-en/topics/ei>

is very serious suspicion on the opposition political parties. While the ruling party and the NEBE declare that the Board is independent and impartially serves all political groups, the opposition political parties claim that the NEBE is inclined to the ruling party.

According to NEBE what we have now in this country is an Electoral Board established with the involvement and consent of political parties¹⁴³. The Board is composed of nine members of which three members were initially proposed by the oppositions and later approved by the consent of the ruling party and the remaining six members initially proposed by the ruling party and later approved by the opposition political parties¹⁴⁴. This has been done in order to make the Board representative of various political groups. Simply the Prime Minister could have selected the Board members. But to ensure confidence of the opposition parties they have been given the opportunity to nominate three members. Accordingly, the NEBE declares that it is independent and has the confidence of the political parties.

With this regard the opposition political parties have a different view. For example, Ato Abebaw explained that we don't know the participation of the opposition political parties in selecting or nominating the Board members¹⁴⁵. He added that it might be those parties which are very close to the ruling party that have been given this chance. Engineer Gizachew on his behalf said that the current Board is organized while I was in prison. He concluded that he doesn't know anything about that and probably EPRDF affiliated opposition political parties may have been invited to do that. He said that whatever the case the NEBE is not independent of the ruling party¹⁴⁶. He explained that the Board has a limited capacity to reach the rural areas. Even we are unable to reach rural areas due to the intimidation and harassment of local level EPRDF officials.

On the other hand Ato Sileshi and Ato Yeyejobzer explained that the NEBE is independent by law or simply on the paper. They added that the Board is not independent in practice. They claim that members of the Board are appointed by the ruling party and they are truly

¹⁴³ See NEBE (2010). Election 2010 Special Edition. Addis Ababa May 2010. Page 15

¹⁴⁴ *Ibid.* It explains that Honorable Bulcha Demksa, one of the opposition leaders was made to play a chairmanship role in collecting the names of all possible candidates proposed by each party. Finally 12 lists were forwarded to the Prime Minister who finally submitted nine of them to the HPR.

¹⁴⁵ Interview with Ato Abebaw Mehari, President AEUO Party on 04/01/2014 at the Party's Head Office

¹⁴⁶ Interview with Engineer Gizachew Shiferaw, Chairman of UDJ Party on 08/01/2014 at the Party's Head Office

supporters and sometimes members of EPRDF. They justified their accusation by saying that there was a person who participated as a candidate of the ruling party in the 2005 General Election and later this person was appointed as a member of the NEBE after the election. In this sense, they conclude that "how can we say that the Board is independent of the ruling party?"¹⁴⁷ I have tried to ask representatives of other political parties and they replied that she was assigned as a Public Relation of the NEBE.

Another vindication of the problem of the NEBE in maintaining the independence of its members has been observed in the 2005 General Election where the Board and the Federal Supreme Court were headed under one person, Ato Kemal Bedri. This has brought a limitation on the opposition political parties to take their complaints to the court¹⁴⁸. A political party or an individual candidate who has complaints should proceed following the procedures set by NEBE. The last step is taking the case to the court. Thus, the assignment of one person as the leader of the NEBE and the Federal Supreme Court signals questions whether the court gives impartial decisions.

Engineer Gizachew has explained that the NEBE is not capable to train and assign election officials throughout the country. This is a huge task for the NEBE especially in terms of finance and logistics. He claimed that this is totally done by the ruling party. In the regional states, he added, the election officials are mainly members of the ruling party¹⁴⁹. In addition Ato Abebaw has stated that there is no separation of election officials and EPRDF cadres in the regional states. He said that it is EPRDF members who are assigned as independent election officials.

The EU Election Observation Mission has explained that from the outset, the NEBE did not enjoy the confidence of the opposition parties because in the political context of Ethiopia,

¹⁴⁷ Interview with Ato Sileshi Feyissa, Deputy Chairman of Blue Party on 27/12/2013 at the Party's Head Office and Yeşeyobzer Zewdie, Public Relations Officer of AEUO Party on 26/12/2013 at the Party's Head Office.

¹⁴⁸ See EU-EOM Final Report of the 2005 General Elections.

¹⁴⁹ Interview with Engineer Gizachew Shiferaw, Chairman of UDJ Party on 08/01/2014 at the Party's Head Office

where Parliament was dominated by one party, the appointment procedure of the Board by the legislative is not likely to inspire full confidence of all stakeholders¹⁵⁰.

Impartiality of the Board

In its function the Board states that it properly serves all political parties impartially. It gives immediate responses to the complaints of political parties. It rejects even electoral results if there is an electoral irregularity supported with sufficient evidences. As Ato Wondimu described the Board has gone even beyond its boundary of authority. For instance it deals with the police on claims of arrested members and supporters of opposition political parties¹⁵¹. We deal with the police on such claims because if it is true it may affect the election process. He accuses that the opposition political parties file cases without sufficient evidences¹⁵².

On the other hand, opposition political parties accuse the board for not being impartial in its activities. For example, Ato Abebaw has explained that the Board usually does not respond on our claims. It rejects many of our appeals¹⁵³. He explained that we usually write letters to the NEBE. But it prefers to be silent. Giving no response is a systematic approach for not answering our questions and concerns.¹⁵⁴ He added also that when we complain on different election related issues, it rejects our accusation as not supported by evidences. In support of this accusation the Carter Center concluded as follows:

*NEBE officials failed to fully ensure impartiality in their efforts in the Complaint Investigation Panels.On several occasions, Carter Center observers witnessed decision-making by the NEBE Chairs that seemed arbitrary and at times biased.*¹⁵⁵

The other major criticism on the impartiality of the NEBE is on fund allocation which is an important element in preparing a level playing field. As Sarah Birch has explained òas much as electoral competitors differ in their ability to raise funds, the ñlevel playing fieldñ that is supposed to underlie democratic elections is tilted in favor of the richö (2003, 32). Even if the

¹⁵⁰ See the EU-Election Observation Mission 2005 Final Report page 15

¹⁵¹ Interview with Ato Wondimu Golla Deputy Chief Executive of NEBE and Head of Public Relations on 19/12/2013 at the Head Office of the Board

¹⁵² Interview with Ato Wondimu Golla Deputy Chief Executive of NEBE and Head of Public Relations on 19/12/2013 at the Head Office of the Board

¹⁵³ Interview with Ato Abebaw Mehari, President AEUO Party on 04/01/2014 at the Party's Head Office

¹⁵⁴ Interview with Ato Abebaw Mehari, President AEUO Party on 04/01/2014 at the Party's Head Office

¹⁵⁵ See Carter Center (2009). Final Report on the 2005 Ethiopian General Elections, P. 32

Board stated that there is a fair and equitable allocation of government's subsidy, some opposition political parties claim that the Board gives more money to political parties that are affiliated with EPRDF. According to Ato Abebaw Mehari the apportionment is not fair because more money is allocated to very small parties and less money is given to larger parties. A similar idea has also been reflected by Ato Chanie Kebede explaining that the formula favors the ruling party¹⁵⁶. Engineer Gizachew on his behalf claims that those EPRDF affiliated small parties get a better subsidy where as strong parties which are not aligned with EPRDF get very small amount of money¹⁵⁷. He added that:

The smaller political parties have no clear ideological basis and political programs. These parties are simply organized mainly following a particular ethnic or language group. But the Board provides more money to these small parties if they make themselves very close to the ruling party¹⁵⁸.

In addition Ato Endeshaw in his interview with the Reporter (Ethiopian private newspaper) accuses the NEBE for giving unfair subsidy to very smaller parties who aligned themselves with EPRDF¹⁵⁹. He added that this is unfair and weakens stronger political parties. Engineer Gizachew has also blamed the ruling party for using state properties without any limit including the media.

Table 5 Students and Educators Response on the National Electoral Board of Ethiopia

	Questionnaire Items	Strongly Agree		Agree		Neutral (no idea)		Disagree		Strongly disagree	
		No	%	No	%	No	%	No	%	No	%
10	The Electoral Board of Ethiopia is neutral and impartial in practice	4	8%	7	14%	6	12%	25	50%	8	16%
11	The Electoral Board of Ethiopia is inclined towards the ruling party	22	44%	10	20%	7	14%	7	14%	4	8%

As it can be observed from Table 5 nearly 66% of the respondents have believed that the NEBE is not neutral and independent. Whereas about 22% of the respondents agreed that the

¹⁵⁶ Interview with Ato Chanie Kebede, President of EDP on 18/12/2013 at the party's Head Office

¹⁵⁷ Interview with Engineer Gizachew Shiferaw, Chairman of UDJ Party on 08/01/2014 at the Party's Head Office

¹⁵⁸ Interview with Engineer Gizachew Shiferaw, Chairman of UDJ Party on 08/01/2014 at the Party's Head Office

¹⁵⁹ Ethiopian Reporter (Amharic Newspaper) July 28, 2005 E.C

NEBE is neutral and free from partiality in practice. In its legal framework as stated in the FDRE Constitution the Board is neutral, impartial, and independent of any influence from the government. But as it can be observed from this response the NEBE lacked such independence in practice. This has been also reflected by leaders of opposition political parties. They claim that the ruling party twists the hands of election officials at different levels. According to Engineer Gizachew the Board is unable to manage electoral activities especially in the countryside where the opposition political parties are also unable to reach.

Transparency of the Board

Every EMB is expected to be transparent in its activities and decisions. When an EMB does its activities in a more transparent way it increases the confidence of the political parties as well as the public in general. When we look in to the functions of the NEBE in terms of this principle of EMBs there are several criticisms against it.

In my interview and the reports of International Observers, the Board is not strong enough to ensure transparency in its functions. The Board has problems of transparency in allocation of funds to political parties, allocation of air time for campaigning, and post election complaint handling procedures.

In terms of allocation of funds some of the opposition political parties claim that the Board's apportionment of the fund to political parties lacks transparency as they justified that some political parties get better subsidy than the other political parties¹⁶⁰. In addition the Board is not implementing its own rules in a transparent way especially in terms of air time allocation. The opposition political parties claim that the Board has directive on both fund and air time allocation. But they claim that the Board controls the opposition political parties only. The ruling party on the other hand takes much of the air time and it also uses all state owned media without any limit including live radio and television transmissions of annual meetings and conferences. With this regard the EU Election Observation Mission has also criticized the

¹⁶⁰ Interview with Ato Abebaw Mehari, President AEUO Party on 04/01/2014 at the Party's Head Office and Interview with Engineer Gizachew Shiferaw, President UDJ Party on 08/01/2014 at the Party's Head Office

ruling party for using much of newspaper headlines especially as the election day approaches during the 2005 General Election¹⁶¹.

The other major criticism on transparency of the Board is associated with complaint handling procedures. The opposition political parties claim that how the Board makes decisions on complaints (especially on post election activities) is not clear. It investigates and makes decisions that are not logically convincing to political parties¹⁶². The Carter Center argued that *“On several occasions, Carter Center observers witnessed decision-making by the NEBE Chairs that seemed arbitrary and at times biased”*¹⁶³. In a similar manner the EU- Election Observation Mission has also reported that:

*In 25% of observed polling stations copies of results forms were not given to party agents and in nearly half, results were not posted outside the polling station, thereby compromising the transparency and credibility of the counting process*¹⁶⁴.

From these criticisms the NEBE lacks transparency in the allocation of funds, air time, and complaint handling procedures. The questions of transparency are important in ensuring independence and impartiality as well as the confidence of opposition political parties upon the NEBE and its electoral administration.

¹⁶¹ See the EU- Election Observation Mission to Ethiopia (2005) Final Report

¹⁶² Interview with Ato Abebaw Mehari, President AEUO Party on 04/01/2014 at the Party's Head Office and Interview with Ato Chanie Kebede, President of EDP on 18/12/2013 at the party's Head Office

¹⁶³ See Carter Center (2009). Final Report on the 2005 Ethiopian General Elections, P. 32

¹⁶⁴ See the EU- Election Observation Mission to Ethiopia (2005) Final Report page 15

SUMMARY, CONCLUSION, AND RECOMMENDATIONS

Summary

This research study has attempted to assess the challenges of multiparty democracy in Ethiopia with particular emphasis on electoral administration. It focused on the legal and institutional frameworks. It has analyzed how the four general multiparty elections have been administered. It has attempted to examine the legal framework and investigated the functions of the NEBE in terms of independence, impartiality, and transparency principles.

Several factors can be mentioned that can affect the development of multiparty democracy. These factors include the choice of the electoral system, the electoral administration, the organization of political parties, the existence and operation of civil societies and free press, the democratic culture of the society, etc. All these factors have their own contribution for the development of a multiparty democratic system in one country. But the focus of this research paper is on electoral administration.

In countries that exercise democratic systems people elect their representatives for different levels of government offices using an electoral system that is considered to be important and suitable for the country. With this regard Ethiopia follows a First Past the Post System where a candidate who gets the most votes as compared to the others is declared as a winner. Like that of other electoral systems the FPTP electoral system has its own advantages and disadvantages. Many of the opposition political parties of Ethiopia have repeatedly criticized the adoption of this electoral system because they reason out that it weakens and eliminates smaller parties. But in any type of electoral system the electoral administration plays a key role.

In terms of electoral administration the nature of EMBs and how they manage electoral activities at different stages of the electoral process is significant in determining the outcomes and final consequences of every election. In general EMBs can be divided in to three categories: The Independent, The Government, and The Mixed Models. Even if the EMBs follow different models their core activities and the general principles they are governed are more or less the same. All EMBs follow the guiding principles of *Independence, impartiality,*

integrity, transparency, efficiency, professionalism, and service-mindedness. They are also responsible partly or as a whole for pre electoral, election day, and post electoral activities. The way EMBs administer elections is a determining factor for the development of multiparty democracy, peace, and stability in a country.

In Ethiopia's history the development of multiparty democracy is nearly a two decades experience. It has been started after the downfall of the military rule of the Dergue Regime in 1991. Since then the NEBE has been established as an independent electoral board and four general elections have been carried out. In all these elections there were controversies before, during, and after the elections. Sometimes the controversies escalated to conflicts that took the lives of Ethiopian citizens. Many of the opposition political parties complain on the NEBE and its electoral administration. They raise questions of independence and transparency against the NEBE.

Therefore, this research paper has tried to analyze the challenges of multiparty democracy in Ethiopia with particular emphasis on the electoral administration using a modified form of Elklits and Reynold's Model. The research tried to assess the legal framework pertinent to elections and how the NEBE has managed the previous multiparty democratic elections of Ethiopia. Elklits and Reynold's Model of analyzing EMBs uses several factors for analyzing EMBs and their electoral administration. However, in this study three factors such as Independence, Impartiality, and Transparency of EMBs have been used to analyze the NEBE and its electoral administration.

For this purpose data were collected using interviews and questionnaire. Interviews were held with officials of the NEBE and leaders of opposition political parties. In addition, a semi structured questionnaire was administered to students of higher education institutions. A total of 78 questionnaires were distributed to be filled by students. However, only 55 questionnaires were returned and five out of these were not properly filled. Therefore, the responses of the 50 questionnaires have been analyzed. In addition secondary sources have also been used. The data have been organized and interpreted accordingly. Based on the assessment the researcher has made some conclusions.

Conclusions

The electoral administration is crucial in determining the results of the election. It is very essential component of elections as it helps to achieve credibility of elections. It also helps to win the confidence of the various political actors and the public in general. With this regard after looking at the legal framework and how the Board functioned in the previous elections, the following conclusions are made.

As far as the Ethiopian electoral legal framework is concerned, there is no as such a big problem with regard to promoting multiparty democratic system in the country. The leaders of the opposition political parties that I have interviewed have agreed that the law has no as such a big gap in promoting multiparty democracy. But in my own observations, the legal framework has certain limitations.

The first limitation is on the formation of political parties based on ethnic and religious lines. The law doesn't make any sanction on the formation of political parties based on ethnic and religious lines. This may create a suitable condition for some terrorist groups and religious fundamentalists to be registered as legitimate political parties. This may be a problem for a peaceful administration of elections. Secondly, the legal framework has no provisions to ensure the participation of women and persons with disabilities. The law has reserved some twenty seats for minority nations and nationalities to be represented in the HPR. In a similar manner the Ethiopian electoral law should have made a provision to ensure the inclusion of women and persons with disabilities. Thirdly, the assignment of members of the NEBE should have a participation of political parties. There should be a meaningful and legally recognized role of opposition political parties in the assignment of board members to the NEBE.

With regard to overall electoral administration what I have observed is the NEBE has showed almost a mixed performance. The Board managed some of the electoral activities effectively where as it has drawbacks in other activities. The Board had a good performance especially in most pre-election activities such as registration of voters, voter education, organization and dissemination of logistics, etc. By taking the various barriers in to consideration, the Board usually extends registration of voters as well as candidates. In addition, with a limited budget the NEBE allocates available resources to election constituencies and polling stations.

Election materials are timely distributed to all regional centers and constituencies. On the other hand, the NEBE had major problems in managing some activities that are carried out in time of election. In addition the Board had major problems in post electoral activities such as in counting of votes, tabulation, communicating election results, complaint handling procedures, etc. These issues have raised questions of credibility on election results and on the independence of the Board itself.

With regard to the independence of the NEBE, it failed to get the confidence of the various political actors and international organizations. The Board had a constitutionally recognized independence from different political forces. But in practice the board members as well as some subordinate election officials (those at woreda and kebele levels) fail to maintain their independence and neutrality. They are unable to fearlessly resist the influence of the ruling party.

As dictated by my interviewees and independent election observers, the NEBE had shortcomings in maintaining its impartiality. The Board had been unable in implementing electoral laws as well as its own rules and regulations fairly. It mainly forces the opposition political parties to respect those laws, rules, and regulations. However, it had problems in enforcing the laws on the ruling party.

In terms of ensuring transparency, the NEBE had major weaknesses. It failed to keep the principles of transparency in allocation of air time, allocation of subsidy to political parties, the counting and tabulation of votes, and complaint handling procedures.

Recommendation

Based on the aforementioned conclusions, the following points are forwarded as recommendations to improve the electoral administration of Ethiopia. Some of these require, of course, a constitutional amendment.

1. The law should clearly ban the formation of political parties following religious and ethnic lines. The legal provision has no any sanction on the formation of political parties based on religious or ethnic grounds. With this regard the experiences of other countries such as Kenya, Bulgaria, and Ghana may be helpful. In my view the case of

Muslim Brotherhood in Egypt may also be taken as a good example to the formation of religious fundamentalists as political parties.

2. The inclusion of women and persons with disabilities should have a legal recognition. With this regard the law should put a minimum women participation in both federal and regional houses. The law should also set a minimum requirement on political parties to have women as their members. Similarly the political parties should determine minimum women participation in their bylaws. Like that of the twenty seats for minority representation in the HPR, a similar provision should be included for persons with disabilities.
3. In order to increase the independence of the NEBE and the confidence of various political stakeholders, the currently applied method in the appointment of members of NEBE needs to be modified. The Board has to include some representatives of political parties. The nomination of board members by the Prime Minister and final appointment by the HPR, which is dominated by one party, will raise questions of independence. Thus, in order to have the confidence of the public in general and the opposition political parties, the composition of the Board should reflect representation of opposition political parties. With this regard, some effort has been made to include nominees of opposition parties in the appointment of the currently operating Board. This has to be strengthened and done in a more transparent way as some of my interviewees replied that they do not know this procedure.
4. The NEBE should improve its electoral administration especially in post electoral activities. To make such improvements the Board should properly exercise its legitimate authority. Especially in the rural areas, the NEBE should give special emphasis because at woreda and kebele levels the boundary between the party and government functions becomes more blurred. As described by the EU-Election Observation Mission "The overlap intermingling of government officials and the electoral administration was particularly evident in rural areas"¹⁶⁵. Thus election officials at these levels may fail to exercise their legitimate power. Thus the Board should support these officials to keep their independence. In addition, application of a database for political parties as well as voters list is essential. The NEBE should also

¹⁶⁵ EU Election Observers Mission, Preliminary Statement on Ethiopian Election, May 17, 2005

seek advanced technology that makes communication with remote election constituencies simple. This will in turn make notification of timely election results possible.

5. In terms of media coverage (air time) and financial support to political parties, the Board has to make fair and transparent distributions. As opposition political parties indicated some political parties who aligned themselves with the ruling party get unfair financial support. In terms of media coverage the Board has to restrict the use of state media for the purpose of the ruling party.

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Appendix I
Questions for an interview

1. Does the electoral law reflect the will (interest) of the majority of the political actors? Why?
2. Is the electoral law impartial, neutral, and comprehensive? Why?
3. Does the law clearly define the roles and responsibilities of all actors in the electoral system? Why?
4. How do you see the legal framework of the Ethiopian electoral system in promoting multiparty democracy?
5. Does the electoral law promote free competition and participation among citizens?
6. In your opinion what are the major weaknesses of opposition political parties?
7. Do the opposition political parties have the capacity to win government power from the ruling party in a democratic process?
8. How do you see the participation of Ethiopian civil societies in election observation?
9. How do you see the role of national and international media in previous Ethiopian elections?
10. How do you see the role of international election observers in Ethiopian elections?
11. How do you see (express) the Electoral Board as a neutral and impartial electoral management body?
12. Does the legal framework provide for the National Electoral Board of Ethiopia to be constituted as well as to function as an independent and impartial institution?
13. Does the Board follow fair procedures:
 - a. Before
 - b. During and
 - c. After the election? If not, what are the reasons?
14. Does the National Electoral Board of Ethiopia have sufficient time to organize electoral events effectively?
15. Does the National Electoral Board of Ethiopia have sufficient and timely funding to manage its functions and responsibilities effectively?
16. In your opinion what is missing in the Ethiopian electoral process in promoting multiparty democracy?

Appendix II
Research Questionnaire
ADDIS ABABA UNIVERSITY
School Of Law and Governance
Center for Federal Studies

Questionnaire for Students/educators

The main purpose of this study is to assess the effectiveness of Ethiopian Electoral System in Promoting Multiparty Democracy particularly on the legal and institutional framework and to make possible recommendations. Your information will have a significant value for the study. All the information that you provide is confidential. Therefore, you are kindly requested to give genuine information for each item included in this questionnaire.

Thank you for your cooperation in advance!

General Information

- A. Age *A. 18-25* *B. 26-35* *C. 36-50* *D. 50 and above*
- B. Sex A. Male B. Female
- C. Educational Level _____
- D. Marital Status _____

Part I: For the Statements Presented below alternatives are presented rated from 1 to 5.

Please mark your position by circling from the given alternatives.

	Questions	1= Strongly Disagree	2= Disagree	3= Have no idea	4= Agree	5= Strongly Agree
1	The electoral law of Ethiopia expresses the will (interest) of the majority of the political actors	1	2	3	4	5
2	The electoral law of Ethiopia is impartial, neutral, and comprehensive.	1	2	3	4	5
3	The electoral law of Ethiopia promotes free competition and participation among citizens	1	2	3	4	5
4	Opposition political parties are divided in to factions among themselves	1	2	3	4	5
5	Opposition political parties have no clear agenda/program	1	2	3	4	5
6	There are major difference among the programs/strategies of political parties	1	2	3	4	5
7	The ruling party wins previous elections by its own strengths	1	2	3	4	5
8	The ruling party wins previous elections by the	1	2	3	4	5

	weaknesses of opposition political parties					
9	The Electoral Board of Ethiopia is neutral and impartial in practice	1	2	3	4	5
10	The Electoral Board of Ethiopia is inclined towards the ruling party	1	2	3	4	5
11	The media is free in promoting and investigating previous elections	1	2	3	4	5
12	The election observers have free access to monitor previous electoral processes	1	2	3	4	5
13	The previous elections were competitive	1	2	3	4	5
14	Previous elections were free from intimidation	1	2	3	4	5
15	Previous elections were free from fraud (cheating)	1	2	3	4	5
16	The Ethiopian Electoral system promotes multiparty democracy	1	2	3	4	5

Part II For the following questions you are kindly requested to give short answers

1. In your opinion what is missing in the Ethiopian electoral process in promoting multiparty democracy?

2. What problem(s) did you see in the Ethiopian National Electoral Board in managing elections?

3. In your opinion what are the major weaknesses of the Ethiopian opposition parties in challenging the ruling party?

Appendix III

List of Interviewees

1. Ato Wondimu Golla, Deputy Chief Executive of National Electoral Board of Ethiopia (NEBE)

The interview was held on 19/12/2013 at NEBE Head Office

2. Ato Chanie Kebede, President of Ethiopian Democratic Party (EDP)

The interview was held on 18/12/2013 at the Party's Head Office

3. Ato Abebaw Mehari, President of All Ethiopian Unity Organization (AEUO)

The interview was held on 04/01/2014 at the Party's Head Office

4. Ato Yeşeyobzer Zewdie, Public Relations Officer of All Ethiopian Unity Organization (AEUO)

The interview was held on 26/12/2013 at the Party's Head Office

5. Ato Sileshi Feyissa, Deputy Chairman of the Blue Party

The interview was held on 27/12/2013 at the Party's Head Office

6. Engineer Gizachew Shiferaw Chairman of Unity for Democracy and Justice Party

The interview was held on 08/01/2014 at the Party's Head Office