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COLLEGE OF LAW AND GOVERNANCE STUDIES
SCHOOL OF LAW
GRADUATES PROGRAM

Masters of Laws (LL.M) in Constitutional and Public Laws

**LOCAL ELECTIONS IN ETHIOPIA: LAW AND PRACTICE IN
OROMIA REGIONAL STATE**

**A Research Paper Submitted in Partial Fulfillment of the Requirements for
the Master of Laws (LL.M) in Constitutional and Public Laws at School of
Law, College of Law and Governance Studies, Addis Ababa University**

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Addis Ababa, Ethiopia

Declaration

I, YARED LEGESE, hereby declare that this LL.M thesis entitled “*Local Elections in Ethiopia: Law and Practice in Oromia Regional State*” is my original work. It has not been submitted for the award of any degree or examination in any other university. I also confirm that all sources which have been used in the thesis are duly acknowledged.

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Dedication

My dissertation is dedicated to my loving parents, the reasons for what I have become today. A special feeling of gratitude to my father, Legese Kebede whose inspirational and encouraging poems continue to ring in my ears till the day of commencement.

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Acronyms

ACHPR	African Convention on Human and Peoples Rights
ACHR	American Convention on Human Rights
AENM	All Ethiopian National Movement
ANDM	Amhara National Democratic Movement
ANDM	Argoba Nationality Democratic Movement
ANDP	Afar Nation Democratic Party
AOPDP	All Oromo People Democratic Party
ARDF	Afar Revolutionary Democratic Front
APDO	Argoba People Democratic Organization
Art	Article
BGPDP	Benishangul-Gumuz People's Democratic Party
CUDP	Coalition for Unity and Democracy Party
DPDM	Dilwabi People's Democratic Movement
ECSJP	Ethiopian Citizens for Social Justice Party
EDP	Ethiopian Democratic Party
EDU	Ethiopian Democratic Union
EDUM	Ethiopia Democratic Union Movement
EJDFE	Ethiopian Justice and Democratic Forces Front
EPDP	Ethiopian Peace and Democratic Party
EPRDF	Ethiopian People's Revolutionary Democratic Front
ERP	Ethiopian Raie Party
ESPDP	Ethiopian Somali People Democratic Party

FDRE	Federal Democratic Republic of Ethiopia
GPUDM	Gambella People’s Unity Democratic Movement
GSAP	Gada System Advancement Party
HNL	Harari National League
HoPR	House of Peoples Representative
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
IDEA	International Institute for Democracy and Electoral Assistance
NEBE	National Electoral Board of Ethiopia
OFCP	Oromo Federalist Congress Party
OFDM	Oromo Federalist Democratic Movement
OLMP	Oromo Liberation Movement Party
ONC	Oromo National Congress
OPDO	Oromo People’s Democratic Organization
SNNPR	Southern Nation Nationalities and Peoples Region
UDHR	Universal Declaration of Human Rights
UN	United Nation
WPDF	Wolayita People Democratic Front
WSDP	Western Somali Democratic Party

Abstract

In local elections, citizens participate directly by themselves to elect their local representatives. When they participate, how elections are held, and the laws that regulate elections matter. Local elections should be held freely and fairly following the principles of universal, periodic, free, fair, equal, and secret voting procedures. More importantly, the elections should be held competitively and inclusively. In this regard, the laws governing local elections play a pivotal role in establishing a fair level playing field. The laws governing the elections are primarily guided by the standards set by international human rights instruments and national constitutions.

Although not yet realized, in Ethiopia, the reform toward local decentralization and democracy was initiated in 1991. Since then, six national elections and five local elections have been carried out in the country. Particularly, in the Oromia region, local elections have been conducted to elect local representatives to the woreda, kebele, and city administration councils. Though the elections were conducted at a different level, the laws governing local elections in the region do not seem consistent with the standards and principles of election set forth in the international human rights instruments and the national constitution. The laws, in particular, limited the democratic rights of citizens in city council elections by reserving a significant number of seats solely for the dominant groups in the region. In addition to this, the practice of local elections in the region also reveals that elections have not been free, fair, democratic, and competitive and that the ruling party has always dominated the elections. Moreover, the practice also implies that local elections have gotten very little attention from many stakeholders.

Therefore, this study examines the law and the practice of local elections in the Oromia region in line with the standards and principles of elections set by international human rights instruments and the FDRE constitution. By combining doctrinal and non-doctrinal research methodologies with a qualitative approach, this paper advocates for the revision of some provisions in the regional laws and enhancing local election practices in the region.

Keywords: Election, Principles of Election, Local Government, Local Election, Oromia Region.

Chapter One

1. General Introduction

1.1. General Background of the Study

The role of local government as an institution of democracy and development has been recognized in the last few decades.¹ As a result, many states, both federal and unitary, have begun to embrace some sort of local decentralization—a process in which authority is transferred to democratically elected local leaders.² Although not yet realized, in Ethiopia, the reform toward local decentralization and democracy was initiated in 1991 when the EPRDF took power following the overthrow of the Derg regime. Subsequently, a new Constitution was ratified in 1995, establishing the nation as a federal republic with a federal government at the center, two autonomous city administrations, and nine regional states (now eleven with the newly added states of Sidama and Southwestern Ethiopia). To further decentralize power and enhance public participation, among other things, the 1995 Constitution dictates regional states to establish and adequately empower the lowest units of government.³ Based on this constitutional mandate, the Constitutions of the regional states underwent successive revisions since 2000 to establish the structure of local government units within the state’s jurisdiction.⁴ As a result, the regional states have established lower administrative levels such as zones, woredas, and kebeles as found necessary. Moreover, city administrations were also created by the regional statutes as parts of the urban local government structures all over the country.⁵ Accordingly, the revised Constitution of the Oromia regional state established woreda and kebele administrations below the zonal administration as the

¹ Zemelak Ayitenew and Yonatan Tesfaye, ‘The Constitutional Status of Local Government in Federal System: The Case of Ethiopia’ (2012) 58(4) Indiana University Press 89.

² Ibid

³ Constitution of the Federal Democratic Republic of Ethiopia, 1995, Pro. No. 1, Federal Negarit Gazeta, 1st Year No. 1, Article 50/4 (Hereafter called the FDRE Constitution).

⁴ Zemelak Ayitenew, ‘The Politics of sub-national constitutions and local government in Ethiopia’ (2014) 6(2) Perspectives on Federalism 89,95.

⁵ Zemelak Ayitenew, ‘Local government in Ethiopia: still an apparatus of control?’ (2011) 16(1) African Journal of Law Democracy and Development 1, 11-12.

lowest units of government structures in the region.⁶ Besides, city administrations were also found in the region as urban local government units.⁷ To enhance direct public participation in the administration of the lowest government units, some local council elections have been carried out in different parts of the country. Since the coming into force of the FDRE Constitution and the establishment of the Federal Democratic Republic of Ethiopia, six national and five local elections have been held in the country. Despite having elections at both the national and local levels, the democratic standards of elections have been severely questioned at various times. As a result, there was an apparent question regarding the free, fairness, and credibility of the elections. In particular, the standards of local election practices have been subjected to many queries as they receive less attention than national and regional elections.

In Ethiopia, local elections are held every five years to elect representatives to local councils at various levels, including members of the nationalities zone, zone, woreda, city, sub-city, and kebele councils.⁸ Yet, the election for the members of the zonal council is only conducted in the Southern Nation Nationalities and Peoples Region. In the Oromia region, which is the country's largest and most populous region, local elections are conducted to elect local representatives to woreda, kebele, and city administration councils.⁹ To regulate these elections, the regional state of Oromia has adopted some legislations that pertain to local elections. However, local electoral laws, practices, and local democratization, in general, have been rarely investigated in the region. Although the decentralization of political power and administrative competencies is a well-established subject of study, the analysis is often more concerned with administrative aspects than political ones. In other words, the studies are more interested in the local government structures and administrative capacities than assessing the qualities of local council elections. As a result,

⁶ The Revised Constitution of the Oromia National Regional State Proclamation No.46/2001, Art 45. (Here it is called the Revised Constitution of Oromia Region).

⁷ See the revised Oromia Regional State Cities Establishment Proclamation No.195/2016 and its amendment Proclamation No.196/2016.

⁸ Ethiopian Electoral, Political Parties Registration and Elections Code of Conduct Proclamation, 2019, Proc. No. 1162/2019, Federal Negarit Gazeta, 25th Year No. 97, Art 2(7) & Art 8/1(herein after called the Ethiopian Electoral Proclamation).

⁹ The Revised Constitution of Oromia Region, Art 78, 91 see also Proclamation No.119/2006 of the Oromia regional state.

this study is conducted to examine local elections laws and practices in the Oromia region in line with the international and national electoral principles and standards. In particular, the study aims to identify the extent of the legal and practical compliance of the regional local election laws and practices with the international human rights and Ethiopian constitutional legal standards and principles.

1.2. Statement of the Problem

An effective local electoral administration and organization positively impact a country's democratic health and political stability. As a result, it is prudent not only to focus on national events but also on locally managed events as “*in democratizing societies, without a viable system of local elections, the transition to democracy remains incomplete.*”¹⁰ A democratic local election can only be held when the laws regulating the elections and the electoral practices are compatible with the International and national electoral principles and standards. In this regard, the ICCPR is the primary document codifying international standards that pertain to civil and political rights, including the minimum legal norms concerning the promotion and protection of electoral rights.¹¹ Likewise, the electoral rights and the principles have also been clearly stated under several human rights instruments, including the covenant mentioned above.¹² In Ethiopia, these electoral rights and principles have been manifested in the FDRE Constitution and the respective Constitutions of regional states, and the electoral Proclamation.¹³ In particular, such laws expressly recognize the right of every citizen to take part in the conduct of public affairs either directly or through freely chosen representatives without any discrimination based on race, color, sex, language, religion, political or other opinions, or another status. Moreover, these laws also provide for the principles of free, fair, and democratic elections.¹⁴

¹⁰ UN Development Program (Asian Pacific Regional Center), (Report on Promoting Local Election Management as Part of an Electoral Cycle Approach) (February 2013), 3.

¹¹ Oren Ipp and Terence F Hoverter, ‘Identifying International Principles for Resolving Election Disputes’ (2005) 57 Admin L Rev 829, 830-31.

¹² Within the United Nations human rights system, See UDHR, art. 21 and ICCPR, art. 25; and for regional human rights instruments ACHR, art. 23; ACHPR, art. 13 and Additional Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, art. 3.

¹³ FDRE Constitution, Art 38/1/, 54/1/; see also Art 38 of the respective constitutions of regional states.

¹⁴ Ibid

Accordingly, elections as a selection process for those that will represent the interest of the masses¹⁵ must be conducted based on such international and national electoral principles and standards. Most importantly, being immediately relevant to citizens, local elections need to be undertaken based on universally accepted principles of an election. Regarding this, the HRC, in its general comment No.25, clearly stated that “where a mode of direct participation by citizens is established, no distinction should be made between citizens as regards their participation and no unreasonable restrictions should be imposed.”¹⁶

Also, to ensure the consistency of regional laws on local elections, the Ethiopian Electoral Proclamation No. 1162/2019 requires the regional local election laws to conform to the relevant election provisions of the federal Constitution and the electoral Proclamation.¹⁷ However, contrary to these laws and international human rights standards, the rules governing local elections in the Oromia region comprised some provisions that unreasonably restrict the democratic rights, right to equality, right to self-administration, and participation of citizens in the region. The laws, in particular, restricted the democratic rights of non-Oromo residents in cities by reserving a significant number of seats in the city councils to the Oromo nations against non-Oromo residents residing in the city administrations. Furthermore, local election laws in the region have also curtailed citizens’ participation in many ways, particularly in city administrations. Besides this, the practices of local elections in the region have also been reprimanded for failing to comply with the principles of democratic elections in general. Particularly, the pattern of competitiveness and the level of democratic characteristics of the local elections has been severely questioned in the region. As a result, this study is aimed to critically examine the laws and the practice of local elections in the region in line with the international human rights and Ethiopian constitutional legal standards and principles of elections.

¹⁵ Muritala Dauda et.al, ‘Mechanisms towards Free, Fair and Credible Election in Africa: Challenges to Electorates and other Actors of the Electoral Process’ (2019) 16(8) Journal of Social Science and Humanities 1.

¹⁶ HRC, General Comment No.25, The right to participate in public affairs, voting rights and the right of equal access to public service, (Un Doc. Ccpr/C/21/Rev.1/Add.7 1996), Paragraph 6.

¹⁷ The Ethiopian Electoral Proclamation, Article 8/4

1.3. Research Questions

The research mainly aimed at responding to the following questions:

1. What are the election standards under international human rights instruments?
2. What are the national electoral principles and standards under the FDRE Constitution?
3. What are the laws governing local elections in the Oromia regional state?
4. Are the laws and practices of local elections in the Oromia region consistent with the international and national electoral principles and standards?

1.4. The Objective of the Study

1.4.1. General Objective

The study's general objective is to examine the law and the practice of local elections in Oromia regional states in light of the international human rights and Ethiopian constitutional legal standards and principles of election.

1.4.2. Specific Objectives

The study aimed to:

1. To describe the international and national electoral standards and principles that apply to elections, as well as the elements that constitute free, fair, and democratic elections.
2. To assess the laws governing local elections in the Oromia regional state.
3. To critically examine the legal and practical aspects of local elections in the Oromia region in line with international human rights and Ethiopian constitutional legal standards and principles of election.

1.5. Significance of the Study

The study may reveal the extent of adherence to the law and practice of local elections in Oromia regional state with the international human rights and Ethiopian constitutional legal standards. It may provide necessary input to the subsequent elections by putting a way forward to harmonize the laws and practices of local elections in the region with the international and national electoral principles and standards. Moreover, it may also serve as a base for potential researchers to conduct further studies on the subject.

1.6. Scope of the Study

Local democratization is a foundation for regional and national democratization. With this fact in mind, this study is mainly delimited to assessing the laws and practices of local elections in the Oromia region in light of the international human rights and Ethiopian constitutional legal standards and principles of the election. Hence, the scope of this study is limited to assessing the law and the practices of the woreda, kebele, and urban administration councils' elections in the Oromia region.

1.7. Limitation of the Study

The study's primary limitation was the lack of availability and the unwillingness of interviewees to provide information on the subject. The author, in particular, had difficulty reaching and speaking with officials from the reigning political party. On the other hand, the shortage of materials and well-documented and complete data on local elections hindered the detailed consideration. Thus, the above difficulties may be an obstacle to coming up with exclusive and comprehensive results.

1.8. The Research Methodology

To achieve the research objective and answer the research questions, doctrinal and non-doctrinal research methodology is used, accompanied by a qualitative approach. Doctrinal research methodology is used to assess the international human rights instruments, the FDRE Constitution, the Ethiopian Electoral Proclamation, the revised Oromia regional state Constitution, and other regional laws and official documents. Moreover, doctrinal research methodology is used to examine the laws governing local elections in the Oromia region and to look for the compatibility of the laws with international human rights and Ethiopian constitutional legal standards and principles. On the other hand, a non-doctrinal (empirical) research methodology is used to assess the practical implementation of international and national electoral principles and standards in regional local election practices.

1.8.1. Research Approach and Design

The study employed a qualitative research approach to examine the practice of local elections in the Oromia region. A qualitative research approach is selected to assess the perceptions, attitudes, and views of concerned stakeholders regarding local elections in the region. On the other hand,

the researcher also used a descriptive and analytical research design to describe the practice of local council elections in the Oromia region and to make a critical analysis of different materials.

1.8.2. Sampling Technique

Considering the nature of the study, the researcher used a purposive sampling technique. Purposive sampling is selected as the researcher aimed to access adequate data from the informants. Accordingly, the researcher employed a purposive sampling technique to collect data from purposefully selected informants such as the NEBE, the Oromia Regional State Council, the Office of Political Parties, and the Oromia Regional State Urban Development and Housing Bureau. To conduct interviews with the leaders of political parties, three political parties operating in the Oromia region, namely the Oromo Federalist Congress, Oromo Liberation Movement, and the Ethiopian Citizens for Social Justice Party were selected. Accordingly, one informant from each institution and two informants from the Regional State Urban Development Bureau were chosen purposely. Generally, a total of seven informants were enlisted for the study.

1.8.3. Data Sources and Methods of Data Collection

Both primary and secondary data sources to be collected in the following methods were used.

1.8.3.1 Primary Data

1.8.3.1.1. Interview

The researcher employed a semi-structured interview to gather primary data from the above-mentioned informants. Interviews were conducted to obtain broad information regarding local election practices and challenges in the Oromia region. The interviewees were selected purposely as they have been directly or indirectly involved in the electoral process and are likely to generate meaningful data for the study.

1.8.3.1.2. Documents

In addition to the interview, primary documentary sources such as international human rights instruments, the FDRE Constitution, the Ethiopian electoral, political parties registration and elections code of conduct Proclamation No. 1162/ 2019, the revised Constitution of Oromia regional state, and other laws and, regulations of the region as well as official documents and

materials were analyzed to identify the extent of legal and practical compliance of the regional local elections with the international and national electoral standards and principles.

1.8.4. Secondary Data

The study also employed relevant literature, books, journals, and articles as secondary sources.

1.8.5. Method of Data Analysis

The data collected from primary and secondary sources were organized and presented in subsections based on their similarities and relations. As the study employed a qualitative research approach, the thematic analysis method is used to analyze and interpret the data. A qualitative analysis of relevant theoretical concepts, international and national electoral rules and principles, regional local election laws, and other collected data is conducted. The data collected from the key informants through interviews, reports of previous local elections results, and other documents were analyzed qualitatively based on a descriptive analysis method. Moreover, a comparison of facts and views was made to make the findings more reliable and complete.

1.9. Organization of the Study

The study is organized into five chapters. The first chapter covers introductory parts, which contain the general background of the study, statement of the problem, research questions, the objective of the study, research methodology, scope of the study, significance of the study, and limitations of the study. The second chapter looks into the conceptual components of elections and a study of related literature, attempting to address the definition of an election, general principles of elections, types of elections, the concept of local elections, justifications for local elections, and factors affecting local elections. The third chapter addresses the normative frameworks of local government and local government elections in the Oromia region. Specifically, the national and regional legal frameworks governing local elections in the Oromia regional state will be explained in this chapter. The fourth chapter is devoted to critically examining the law and the practice of local elections in the Oromia region. In this chapter, a critical analysis of regional local election laws will be conducted. In addition, this chapter describes empirical data, highlights the regional local election practices, and attempts to present descriptive findings. Finally, the last chapter draws some conclusions and implications.

Chapter Two

Conceptual Framework and Review of Related Literature

2.1. Introduction

Whether national, regional, or local, elections are a means of ascertaining the people's will. Local elections, in particular, are a means of identifying the preferences and choices of local communities by creating an environment in which people actively and directly participate in local decision-making and administration. In the following sections, the concept of election, general principles of the election, types of election in Ethiopia, justifications for local elections, and the factors affecting local elections will be discussed.

2.2. Definition of Election

The word election is derived from the Latin word “eligere” which means “to elect,” and it was used to describe the political process in ancient Rome and Greek.¹⁸ Although there is no specific and universally accepted definition of the election, different writers define the word election differently. One writer defines election as a formal statement of preferences by the governed, which is then collected and translated into a collective decision about who will govern, who should stay in office, and who should be driven out.¹⁹ Another writer also defines election as the process by which people who live in a particular territorial state and are governed by a single institutional state, commonly referred to as electorate or voters, regularly select their government as a clear embodiment of representative democracy.²⁰ Another writer further stated: An election is a decision-making process by which a population chooses an individual to hold a formal office.²¹ It added election is the most common mechanism for modern representative democracy to fill positions in the legislature, executive branch, and possibly in the judiciary and regional and local

¹⁸ Daddy Darmawan, Mahyudin Ritonga, et al, ‘How Elections Can Be Regarded as The Instrument of Democracy’ (2020) 7(11) European Journal of Molecular & Clinical Medicine 1856, 1858.

¹⁹ Ibid, 1856, 1859

²⁰ Khabele Matlosa, ‘Ballots or Bullets: Elections and Conflict Management in Southern Africa’ (2001) Vol 1 (1) Journal of African Elections 2, 5.

²¹ Daniel Chigudu, ‘A Critical Review on the Determinants of a Free, Fair and Credible Elections’ (2016) 4(8) International Relation and Diplomacy 508.

governments.²² From the above definitions, we can understand that the selection of representatives is the core aspect of the definition of the term election. However, for the selection to be meaningful, it has to fulfill the standards of democratic elections.²³ Thus, we can justify that the mere presence and exercise of elections do not guarantee the free expression of the people's will. To be meaningful, the elections need to be conducted based on universally accepted principles which will be explained in the following paragraphs. From the preceding discussion, the writer of this paper concludes that an election is a democratic process of electing representatives at all levels of government based on a set of universally recognized and accepted principles. Therefore, holding elections based on widely recognized principles provides prospects for a free, fair, democratic, and inclusive election that ensures the people's right to free expression of their will in electing their leaders.

2.3. General Principles of Election

Elections are primarily guided by international and national electoral standards and principles. These electoral standards are mainly evolved from treaties, declarations, protocols, and other international and regional legal instruments that safeguard democracy and human rights.²⁴ Hence, electoral standards are universal principles and guidelines that promote a genuine democratic election process.²⁵ These principles are usually traced to the precept that citizens have the right to participate in the government and the conduct of public affairs of their countries.²⁶ To realize this right, several international human rights instruments and national constitutions provided the necessary elements that must be fulfilled in the election and the principles that must apply to electoral laws and practices. The most important of such instruments, the UDHR, presages the basic principles of election and sets a minimum standard that should be fulfilled in the electoral

²² Ibid

²³ Solomon Mebrie, 'Electoral Politics, Multi-partism and the Quest for Political Community in Ethiopia' (2018) 14(2) Ethiopian Journal of the Social Science and Humanities 94,97.

²⁴ International IDEA, International Electoral Standards, Guidelines for Reviewing the Legal Framework of Elections, Stockholm (2002) International Institute for Democracy and Electoral Assistance, 7.

²⁵ National Democratic Institute, 'Applying International Election Standards' < <http://www.ndi.org/>> accessed 22 July 2021.

²⁶ Patrick Merloe, 'Human Rights -the Basic for Inclusiveness, Transparency, Accountability and Public Confidence in Election' in John Harding Young (ed), International Principles for Democratic Elections (Washington DC,2008)1.

process.²⁷ More importantly, the UDHR defines the minimum level of participation in the government in terms of basic principles of the election, which include the principles of a periodic, universal, equal, free, fair, secret, and direct election. Although the UDHR predefined the minimum electoral requirements, the basic principles of election under the UDHR have subsequently been incorporated into numerous international and national human rights instruments, including domestic electoral legislation.²⁸ Also, in Ethiopia, these principles have been established in the FDRE Constitution, the electoral Proclamation, and the regional constitutions.²⁹ Hence, the following section is devoted to the discussion of such principles.

2.3.1. The Principle of Universal Suffrage

The exercise of citizen suffrage is one of the fundamental principles of the electoral process in democratic states.³⁰ The principle of universal suffrage is a central principle of the election that provides all eligible citizens with the right to vote and stand for election and exercise their rights. The primary purpose of this principle is to create appropriate conditions under which citizens can exercise their right to both elect (active suffrage) and be elected (passive suffrage) to public authorities and local governments.³¹ Article 21(3)³² of the UDHR and Article 25 (b)³³ ICCPR provides for the people's will to be expressed in genuine and periodic elections that rely on universal and equal suffrage and are held by secret ballot guaranteeing the free expression of the intention of the electors. Thus, by these international human rights instruments and other national legislations, every adult-acquired universal suffrage. However, the term universal suffrage is not as such absolute; instead, this right is susceptible to certain reasonable limitations based on

²⁷ Universal Declaration of Human Rights (Hereafter called the UDHR), Adopted by General Assembly Resolution A/RES/217A (III) of 10 December 1948, Art 21.

²⁸ See Art 25 of the International Covenant on Civil and Political Rights (ICCPR), Adopted by General Assembly Resolution A/RES/2200A (XXI), of 16 December 1966, entered into force: 23 March 1976.

²⁹ FDRE Constitution, Art 38(1) and 54(1); see also Art 5 of the electoral Proclamation and Art 38 of the respective constitutions of regional states.

³⁰ Svitlana Shestakova, 'Exercise of Citizens Suffrage as One of the Basic Principles of the Election Process in Ukraine and Foreign States' (2021) 24(1) Journal of Legal Ethical and Regulatory Issues 1, 2.

³¹ Ibid

³² UDHR, Art 21(3).

³³ ICCPR, Art 25(b).

requirements such as age, citizenship, residence duration, and legal and judicial incapacities.³⁴ Therefore, based on the above discussions, the writer concludes that the principle of universal suffrage recognizes the right of all adults to vote and stand for election, subject to some reasonable limitations that may limit the rights of certain adults to enjoy the principle.

2.3.2. The Principle of Equal Suffrage

The term ‘equal suffrage’ refers to the equality of the electorates when it comes to voting. The principle of equal suffrage holds citizens’ votes must have a similar weight regardless of their sex, color, ethnicity, wealth, education, faith, political beliefs, and any other background. This principle designates the principle of “One-Man, One-Vote.”³⁵ That is to say, voters should have equal votes at their disposal while voting. Also, the principle of “One-Man, One Vote” has two different and complementary meanings: on the one hand, it signifies the notion of universal suffrage, and on the other hand, it refers to equality of voting counting.³⁶ For this reason, this principle has been considered the bedrock of representative democracy, and there is a deep belief in the equality principle implied in it.³⁷ As established in Article 21(3) of the UDHR and 25(b) of ICCPR, the principle of equal suffrage requires that the people will be reflected through a genuine election that guarantees equal opportunities and participation for all voters. More specifically, the ICCPR provides that every citizen must be given the right and opportunity, without discrimination based on distinctions of race, color, sex, language, religion, political or another opinion, national or social origin, property, birth or another status, and without unreasonable restrictions, to vote and to be elected at genuine periodic elections.³⁸ According to this principle, therefore, each citizen must be given an equal right and opportunity to express their preference, which will be given the same weight as any other citizen in the same state. Thus, in line with the elements of election under the

³⁴ Fana Hagos, *Electoral Law Teaching Material* (Sponsorship of the Justice and Legal System Research Institute 2010) 34.

³⁵ Gezahegn Gashaw, ‘The Need to Reform Electoral Law of Ethiopia’ (LL.M. Thesis, Addis Ababa University School of Law June 2018) 13.

³⁶ Cynthia Boyer, ‘From Disenfranchisement to Citizenship: The One-Person One-Vote Rule Issue and Racial Discrimination in the Trump Era’ (2020) 13 *The Elon Law Journal* 77,91.

³⁷ IAN R. Turner et al, ‘Does the 1 Person 1 Vote Principle apply?’ in Robert Scott and Stephen Kosslyn (eds), (John Wiley and Sons, USA 2015) 1.

³⁸ ICCPR, Art 25.

above human rights treaties, the legal frameworks on elections should also provide an equal right to stand for an election and equality of opportunities to all citizens during the electoral process.

2.3.3. The Principle of Free Suffrage

There is no explicit and uniform definition of free, fair, and credible democratic elections under international law.³⁹ International law only by implication tries to lay down a guide and qualities of what a free and fair democratic election should and what it should not be.⁴⁰ One writer has mentioned that “the notions of a free and fair election are best understood by looking at the underlying premises, which includes ‘free’ refers to participation and choice, while ‘fair’ refers to equality of participation and voting, as well as impartiality and non-discrimination.”⁴¹ Article 21(3) of the UDHR and 25(b) of ICCPR require state parties to hold a genuine election that guarantees the free expression of the will of the voters. Also, the FDRE Constitution provides for the requirement of free expression of the intention of the voters in the election.⁴² In this regard, freeness denotes that all adult citizens must have the right to register and vote and have the right to establish and join parties and campaign freely within the country.⁴³ In particular, candidates and their supporters must solicit votes from any part of the country without any fear of harassment or intimidation by state and non-state actors.⁴⁴ To put it another way, elections must be held in an environment free of pressure and respectful of human rights to be free and fair. Based on this, the writer concludes that, while no specific description of what constitutes a free and fair election exists, the credibility of an election can be measured using the guiding principles and qualities of free, honest, and democratic election as established by international laws.

³⁹ See n 23

⁴⁰ Ibid

⁴¹ Guy S. Goodwin-Gill, *Free and Fair Election* (2nd edn Inter-parliamentary Union, Geneva 2006) 73.

⁴² FDRE Constitution, Art 38/1/ and 54/1/.

⁴³ Sylvia Bishop and Anke Hoeffler, ‘Free and fair elections: A new database’ (2016) 53(4) *Journal of Peace Research* 608, 609.

⁴⁴ Edwin Odhiambo, ‘Can African States Conduct Free and Fair Presidential Elections?’ (2010) 8(2) *Northwestern Journal of International Human Rights* 122, 143-144.

2.3.4. The Principle of Direct Suffrage

The principle of direct suffrage conveys that the right to vote must be exercised solely via the direct participation of the right holders. In other words, this principle provides that no other legal subject can receive a mandate to vote instead of the legal holder of the exercise of this prerogative.⁴⁵ The justification behind this principle is to enable voters to exercise their rights directly by participating in and deciding on elections. According to Article 21(1) of UDHR and 25(a) of ICCPR, participation in the government of a country can be either direct or through freely chosen representatives. Direct involvement in the conduct of public affairs implies that an individual can participate as a voter in elections, a voter in the referendum, a participant in local decision-making assemblies, a member of legislative bodies, or a person holding executive office.⁴⁶ Therefore, citizens' direct participation may take place in elections that are restricted to voters in specific geographic areas, such as local elections.

2.3.5. The Principle of Secret Suffrage

The principle of secret suffrage is a necessary prerequisite for free suffrage. This principle is necessary for people to have practically complete freedom to choose who they vote for and make their own decisions. Article 21 (1) of UDHR and 25(b) of the ICCPR provide that people have the right to participate in elections based on their will through secret voting procedures. The underlying justification behind this principle is the protection of voters from any external pressure that would compromise their freedoms while casting their votes in a secret ballot box. Thus, the secret character of the voting is a means to ensure the protection of the holder of the right, meaning that they could not, under any circumstance, be incriminated or influenced by the society in general and also by the work environment or the attitude of those closer to their political option.⁴⁷ To achieve this, the state authorities must organize secret ballot voting to prevent any threat or interference from the voters.

⁴⁵ Adelin Ungureanu, 'Election Rights' (2015) 4 Logos Universality Mentality Educ Novelty Sec: L 17,21.

⁴⁶ See n 18

⁴⁷ Ungureanu (n 47) 22.

2.3.6. The Principle of Periodic Election

The principle of periodic election implies that a country's legislation should prescribe a certain period after which elections occur. Article 21(3) of UDHR and 25(b) of ICCPR also underline that an election must be held regularly. Accordingly, many countries, including Ethiopia, have specified their election timeframe in their constitutions and electoral laws. One rationale for elections to be held periodically is that, in principle, this allows the electorate to judge and, if appropriate, rid itself of a particular government or legislature.⁴⁸ Put another way, the fundamental purpose of this principle is to allow citizens to re-elect or remove their representatives based on a predetermined rule established before they hold power. Therefore, states are required to hold elections regularly to make a formal judgment regarding who has offices. However, the mere fact that elections are held at regular intervals is not sufficient to ensure democracy at a local level; states must also ensure that the above-mentioned general principles of the election are applied in practice. Besides, the laws governing elections must not impose unreasonable restrictions on citizens' right to vote and be elected. The general conditions for democratic elections must be guaranteed to conduct free, fair, and democratic elections at the local level.

2.4. Types of Election in Ethiopia

Elections, no matter how free and open, are mechanisms for ascertaining the will of the people.⁴⁹ Thus, a country may hold different types of elections to determine the will of the people. Accordingly, in Ethiopia, there are two main categories of elections, general and local elections.⁵⁰ The general election includes the HoPR (national election) and state council (regional elections) held every five years.⁵¹ All sub-regional elections, including elections to the members of nationality zones, zones, woredas, cities, sub-cities, or kebeles, are categorized as local elections.⁵² Also, the election to Addis Ababa and Dire Dawa city councils are considered local elections.⁵³

⁴⁸ Goodwin-Gill (n 43)76.

⁴⁹ Jack Donnelly, *Universal Human Rights in Theory and Practice* (3rd edn Cornell University Press, New York 2013) 22.

⁵⁰ Zemelak Aytenew, 'EPRDF's 'menu of institutional manipulations and the 2015 regional elections' (2018) 28(3) *Regional and Federal Studies* 275, 280.

⁵¹ *Ibid*, see also; Article 7 of the Ethiopian Electoral Proclamation.

⁵² Zemelak (n 52) 280; see also Article 8 of the Ethiopian Electoral Proclamation.

⁵³ *Ibid*.

On the other hand, there are also other elections held in Ethiopia, such as by-elections, re-election, and referendum.⁵⁴ Regarding the type of electoral system used, Art 54(2) of the FDRE Constitution provides for a plurality-first past the post electoral system to be used in federal elections.⁵⁵ However, the Constitution does not prescribe a specific electoral system for sub-national elections and leaves that to be determined by the HoPR through legislation.⁵⁶ According to Art 4(1) of Proclamation No. 1162/2019, which the HoPR enacted to regulate federal and subnational elections, a form of the plurality system that uses multimember constituency is employed in regional and local elections.⁵⁷ Therefore, as per the Constitution and the effective electoral Proclamation, a candidate or candidates (for regional and local council elections) who receives more votes than any competitors within a constituency shall be declared a winner.⁵⁸ As a result, the plurality electoral system is used in all types of elections in Ethiopia.

2.5. The Concept of Local Elections

In practice, the term ‘local’ refers to subnational governments, and there are usually more than one, and often more than two, tiers of subnational governments.⁵⁹ Local elections refer to the institutional forums for which elections are held.⁶⁰ These are often described in terms of executive positions such as mayors, city administrators, ombudsmen, judges, law enforcement officers, etc.⁶¹ Local elections can also occur for legislative functions like city councils, district councils and neighborhood committees, and the like.⁶² Elections to positions within a city or town are often

⁵⁴ The Ethiopian Electoral Proclamation, Article 6

⁵⁵ FDRE Constitution, Art 54(2)

⁵⁶ Zemelak (n 52) 279-280.

⁵⁷ The Ethiopian Electoral Proclamation Art 4(1).

⁵⁸ The FDRE Constitution, Art 54(2); see also Art 4 of the Ethiopian Electoral Proclamation.

⁵⁹ David Hirschmann, ‘Challenges of Managing Local Elections in Transitional and Developing Countries: An Illustrative Essay’ (2001) *Public Admin Dev* 15, 19. <<https://doi.org/10.1002/pad.164>> accessed 27 January 2021.

⁶⁰ Timothy D. Sisk et al, *Democracy at the Local Level – The International IDEA Handbook on Participation, Representation, Conflict Management and Governance* (International Institute for Democracy and Electoral Assistance, Stockholm 2001) 117.

⁶¹ Ibid

⁶² Ibid

known as “municipal elections.”⁶³ Regardless of the position, they are held for, local elections usually comprise a mechanism of directly electing the executive or legislative representatives of the local communities through the direct participation of the local peoples. As a result, in local elections, citizens can personally know the candidates, provide firsthand knowledge and information on the issues, and communicate with elected officials on a more regular basis.⁶⁴ Thus, providing for elected local governments through a local election system while establishing representative government through national elections at a national level is a means of reinforcing democratic values at the local level. However, merely holding national elections with little attention to the system of local elections will fall short of democratic standards for local governments.

In many parts of the world, local elections are held to elect officeholders in local government, such as mayors and councilors.⁶⁵ Also, in Ethiopia, local elections are held every five years to elect local council members at various levels such as members of nationalities zone, zone, woreda, city, sub-city, and kebele councils.⁶⁶ Yet, the election for the members of the zonal council is only conducted in the SNNPR. While local elections are held in the Oromia region to elect members to woreda, kebele, and city administration councils, zonal administrations do not have their councils. Accordingly, except for zonal council elections in SNNPR, which are held due to the region’s diverse ethnic identities, local elections are held in most parts of the country to elect woreda, kebele, city, and sub-city council members. The phrase “local election,” when used in this paper, therefore, refers to all elections to the council of nationalities zone, zone, woreda, city, sub-city, and kebele councils in general, as well as elections to woreda, kebele, and city administration councils in Oromia region in particular.

⁶³ Ibid

⁶⁴ Ibid, 115.

⁶⁵ See n 62

⁶⁶ The Ethiopian Electoral Proclamation, Art 2(7) & Art 8/1

2.6. Justifications for Local Elections

Local governments and local elections are the two essential aspects of modern democracies.⁶⁷ As a result, the existence of local elections is justified from several perspectives. Accordingly, from a political standpoint, the very occurrence of local elections in societies at pre-transition, transition, or consolidation phases of political change is of significance, as they represent a change from appointed local administrators to elected local officials and an alteration from a pattern of accountability to a ministry to one of accountability to the people.⁶⁸ However, all local elections may not have similar significance as their importance is highly determined by the status and the powers allotted to the country's local government units. Yet, in a system with a positive attitude towards local governments, the direct and democratic election of local leaders brings the political process in the country towards a more democratic, transparent, accountable, and responsible political life and administration. While the means of enforcing accountability extends beyond elections, fair and competitive elections are also frequently viewed in the international development context as the foundations of good governance.⁶⁹

From the perspective of development theory, a democratic local political process is essential for effective local government.⁷⁰ This is because substantial decentralization efforts may be unsustainable or weakened by the absence of a political mechanism to hold local officials accountable for their performance. Similarly, from the economic perspective, local politics through local elections encourage competitiveness for developing the local economy.⁷¹ However, this is founded on the idea that local governments have a more significant role in the country's administrative, political and economic elements. Moreover, from the public perspective, local elections bring inclusive societal interests, broader public participation, and public access to state

⁶⁷ Chinwe Nwanna, 'Governance and Local Government Elections in Nigeria's Fourth Republic' in Osita Agbu (ed), *Elections and Governance in Nigeria's Fourth Republic* (CODESRIA, Dakar 2016)53.

⁶⁸ Hirschmann (n 61) 15, 17.

⁶⁹ Zack Taylor, *Good Governance at the Local Level: Meaning and Measurement*, (2016) 26 Institute on Municipal Finance and Governance Paper 1,6.

⁷⁰ Christof Hartmann, 'Local Elections in the SADC Countries: A Comparative Analysis of Local Electoral Institutions' (2004) 3(1) *Journal of African Elections* 160, 161.

⁷¹ Amirullah Tahir, 'The Local Election and Local Politic in Embodying the Democracy' (2015) 44 *JL Pol'y and Globalization* 183.

asset sources.⁷² In this regard, the system of local elections is often seen as more effective than national elections in bringing political representativeness closer to the people, allowing local representatives to understand the needs and concerns of their communities, and channeling people's expectations and aspirations through the policy process.⁷³ Also, when one considers the significance of local elections from the standpoint of their implications for national opposition political parties, local elections are crucial in allowing the national oppositions to control municipalities and regional councils (vertical power-sharing). This may enable opposition parties to get access to resources, prepare their personnel for assuming high public offices, and of course, to better challenge the government by having shown a certain degree of legitimacy and support at the local or regional level.⁷⁴ To this end, local elections give an alternate platform for opposition parties to mount challenges to the long-established dominant parties. In general, local elections create a conducive environment for local democratization, political participation, and socialization.⁷⁵ As a result, local elections serve as a central platform for citizens to exercise some form of political involvement in the democratic process.⁷⁶ Therefore, holding periodical elections of local authorities based on universally recognized principles of election is quintessential of democratic local governance.⁷⁷

2.7. Factors Affecting Local Elections

Elections, as it is often said, are the most complex logistical event to be organized. Local elections are indeed *sui generis* in terms of their resources, pressure groups, political dynamics, voters' preferences, and factors influencing their preferences.⁷⁸ Also, due to their nature and the broad

⁷² Ibid

⁷³ Brechtje Kemp and Melida Jimenez, *State of Local Democracy Assessment Framework* (2013) International Institute for Democracy and Electoral Assistance 35.

⁷⁴ Hartmann (n 72) 160,179.

⁷⁵ See n 69

⁷⁶ Kevin O' Toole and Neil Burdess 'Election and Representation in Local Government: A Victorian Case Study' (2004) 63(2) *Australian Journal of Public Administration* 66,67.

⁷⁷ Zemelak Aytnew, 'Local government in Ethiopia: Adequately Empowered?' (LL.M Thesis, University of the Western Cape November 2008) 16.

⁷⁸ Ihsan Kurtbas, 'The Factors Influencing Voting Preferences in Local Elections: An Empirical Study' (2015) 5 (9/1) *International Journal of Humanities and Social Science* 197.

range of complexities, local elections are often thought to be much more complex to manage than national elections. The first challenge to managing local elections is to differentiate between them, notably their meaning and importance.⁷⁹ This means that the status of local governments in a country and the nature of allocation of power to the various levels of government have a direct bearing on the significance of local elections and how political parties and voters perceive them.⁸⁰ In addition to the challenges of clearly understanding the meaning and importance of local governments and local elections, the consistency of electoral laws, election timing, prevailing security environment, election timing, mandates for running elections, size of municipalities, size of the population, the permanence of electoral management body, electoral management oversight, and coordination mechanisms, complaints mechanisms and other elements including media and stakeholders relation may all have an impact on local elections. Moreover, local democratic practices and the distance a country has traveled down to a decentralized path will also directly impact its local election management capacity and practices.⁸¹ Despite these and other unmentioned factors, local elections are imperative as they are the first steps toward a country's democratization process. As a result, the international community promotes local elections and democratic-building as an essential building block of reconciliation, especially in transitional and war-torn societies.⁸²

⁷⁹ Hirschmann (n 61) 15, 16.

⁸⁰ Ibid

⁸¹ Ibid

⁸² D. Sisk et al (n 62) 118, 217.

Chapter Three

Local Government Structures and Local Elections in Oromia: A Normative Framework

3.1. Introduction

In many federations, the federal government allows subnational units to regulate local governments through their constitutions. As a result, the constitutions and other laws of subnational government entities may significantly impact the structure, composition, organization, and competencies of local governments. In light of this, the manner of constituting local councils and electing local representatives substantively depends on the laws of subnational government units. Hence, this chapter is devoted to discussing the legal foundations of local government institutions and local elections in the Oromia regional state.

3.2. An Overview of Local Government Structures in the Oromia Region

Local governments can be defined as political units or instrumentalities created by law with significant control over local affairs and the power to tax.⁸³ Thus, local governments refer to the institutions or structures established by laws, such as national constitutions, state constitutions, or other ordinary legislation, with extensive jurisdiction over local matters, including taxing authority. In many federal states, local governments are an exclusive competence of subnational units. However, they are barely mentioned in the national constitutions of most federal countries, let alone recognized as an autonomous level of government.⁸⁴ In Ethiopia, the FDRE Constitution makes a fleeting mention of local government, only to instruct and authorize the regional states to adopt a system and structures of local government fitting to their circumstances.⁸⁵ In light of this, the regional state of Oromia is organized into four administrative units with the primary objective of facilitating administrative efficiency and bringing power to the grassroots people. Accordingly,

⁸³ Dumisani Nyalunga, 'The Revitalization of Local Government in South Africa' (2006) 1(2) International NGO Journal 15.

⁸⁴ Zemelak (n 4) 89, 91.

⁸⁵ Ibid

the regional government, zonal, woreda, and kebele administrations are established as administrative units that make up the administrative hierarchy from top to bottom.⁸⁶ Apart from zonal administration, each of the three administrative units in the region has its own elected council. Although, lately, city administrations have been constituted as urban local government units with their councils by regional statute.⁸⁷ However, the problem is that the regional state strongly influences city autonomy and the manner of constituting city councils, as an ordinary rule creates city administrations rather than regional constitutions.⁸⁸ This has been reflected in the regional city establishment proclamations, considered in the following sections. As far as local elections are concerned, the local government councils in the Oromia regional state (save for zonal administrations, which do not have a distinct council) are directly elected by the local people. Also, this study is concerned with the election of the members of such local government councils in the Oromia region.

3.3. Legal Frameworks Governing Local Elections in Oromia Region

3.3.1. The FDRE Constitution and Electoral Proclamation

As the foundation for a country's governmental structure, written Constitutions are often required to provide the basis for the critical elements of its electoral frameworks.⁸⁹ In this regard, the FDRE Constitution has provided the fundamental electoral rights and the basic principles of electoral systems in the country. Such electoral rights and principles have traced back to the cardinal principle that all sovereign power resides in Ethiopia's nations, nationalities, and peoples.⁹⁰ So this principle has established a foundation for the people's right to vote, and it justifies why elections are conducted in general. Based on this principle and within the frameworks of the general tenets

⁸⁶ The Revised Constitution of Oromia Region, Art 45

⁸⁷ A Proclamation to revise Oromia Regional State Cities Establishment Proclamation No.195/2016; see also its amendment Proclamation No.196/2016 (Hereafter called The Revised Oromia Region City Establishment Proclamation)

⁸⁸ Zemelak (n 6) 12.

⁸⁹ International IDEA, International Electoral Standards, Guidelines for Reviewing the Legal Framework of Elections, Stockholm (2002) International Institute for Democracy and Electoral Assistance, 14.

⁹⁰ FDRE Constitution, Art 8(1).

provided in the Constitution, the Ethiopian electoral Proclamation has also clearly laid down the fundamental electoral rights and the principles applicable to elections.⁹¹ Therefore, such general electoral principles under the FDRE Constitution and the effective electoral Proclamation apply to all forms of elections regardless of whether the elections are general, local, or other.⁹² In Ethiopia, local elections are conducted based on regional laws. However, the House of Peoples Representatives may pass legislation related to local elections that sets standards applicable to these elections.⁹³ To ensure consistency in the electoral laws, the electoral Proclamation also requires the regional local election laws to conform to the relevant election provisions of the Constitution and the electoral Proclamation.⁹⁴ As a result, the particulars in the regional local election laws must conform with the general frameworks under the Constitution, electoral Proclamation, and standards set by the house. Such details of regional laws may comprise the terms and compositions of local councils, the number of local council seats, the period of elections, and other specific issues. Therefore, in the discussion that follows, some specifics in the regional local election laws will be considered.

3.3.2.Regional Laws

3.3.2.1. The Revised Constitution of Oromia Regional State

As stated above, the principle of sovereignty serves as the foundation for the people’s right to vote. In other words, the power that the people had “to alter or abolish” their state governments are the foundation of the right to vote. In Ethiopia, the FDRE Constitution vested all sovereign power to the nations, nationalities, and peoples.⁹⁵ Their sovereignty is also expressed through the representatives they elected and their direct democratic participation. Besides, the Constitution also guaranteed the right to self-determination to all nations, nationalities, and peoples of Ethiopia.⁹⁶ However, this right has not been available to the various ethnic groups dispersed through the regions in Ethiopia as they are required to inhabit an identifiable contiguous territory

⁹¹ The Ethiopian Electoral Proclamation, Art 5

⁹² Ibid, Art 3/1

⁹³ Ibid, Art 13(2) & 8/3

⁹⁴ Ibid, Art 8 /4

⁹⁵ Ibid

⁹⁶ FDRE Constitution, Art 39

to claim this right.⁹⁷ In the Oromia region, the revised Constitution of the Oromia regional state conferred all sovereign power to the Oromo nations in the region.⁹⁸ Despite this, the regional Constitution stipulates that: “Every *resident of the region without any discrimination based on their nationality, race, color, sex, language, religion, political or other opinion has the right and the opportunity to take part in the conduct of public affairs, either directly or through freely chosen representatives, including the right to elect or be elected to any government office.*”⁹⁹ Accordingly, in principle, every resident of the region has the right and opportunity to participate in elections equally and without any discrimination based on their nationality, race, color, sex, and other backgrounds. As regards local council election, the regional Constitution only refers to the election of *woreda* and *kebele* council members, albeit the details relating to *woreda* and *kebele* councils are left to be determined by the subsequent regional laws.¹⁰⁰ Hence, the Constitution does not mention city council elections as city administrations are created by ordinary statutes rather than the regional state Constitution. Nevertheless, the regional city re-establishment Proclamation provides that the regular election of city council members shall be made every five years.¹⁰¹ Similarly, as per the regional Constitution, the election of *woreda* and *kebele* councils is held every five years.¹⁰² Accordingly, as a principle, the election of *woredas*, cities, and *kebeles* councils is conducted every five years. However, the regional state council or the “Caffee” may extend or postpone the duration of the elections when it deems necessary.¹⁰³ Regional state councils usually fix the date of the local election in consultation with the national electoral board. In addition to prescribing the terms of local council elections, the regional Constitution also stipulated the manner of election and accountability of the members of the *woreda* and *kebele* councils. Accordingly, the members of the *woreda* council are directly elected by the people from among the residents of each *kebeles* found in the *woreda*.¹⁰⁴ As a result, the members of the *woreda*

⁹⁷ Ibid

⁹⁸ The Revised Constitution of Oromia Region, Art 38 (1)

⁹⁹ Ibid

¹⁰⁰ Ibid, Art 78, 91

¹⁰¹ The Revised Oromia Region City Establishment Proclamation No.195/2016, Art 26, Art 17(1)

¹⁰² Proclamation No. 108/2006 Issued to Amend the 2001 Revised Constitution of Oromia Regional State Proclamation, Art 2 (1) (a)& 2(2) (a)

¹⁰³ Ibid, Art 2 (1) (b)& 2(2) (b)

¹⁰⁴ The Revised Constitution of Oromia Region, Art 78

council are directly accountable to their electorates in the woreda.¹⁰⁵ Likewise, the members of the kebele council are elected directly by the kebele residents, and they are responsible to the people of the kebele and the woreda council.¹⁰⁶ Moreover, as stipulated in the regional city establishment Proclamation, the city council members are directly elected by city residents and are accountable to both their electorate and the regional state council.¹⁰⁷

3.3.2.2. Proclamation No. 119/2006

To regulate the elections of woreda, kebele, and urban administration councils, the Oromia regional state has enacted a Proclamation entitled “ The Proclamation to Provide for the Election of Member of Woreda, Kebele, and Urban Administration Councils No.119/2006” As can be understood from the preamble, this Proclamation was necessitated to conduct the election of members of woreda, kebele, and urban administration councils as per the revised Constitution of Oromia regional state and the urban local government Proclamation. It is also aimed to determine the number of woredas, kebele, and urban administration councils and facilitate the necessary conditions for election. Accordingly, as per this Proclamation, the election of members of the woreda council is carried out based on kebeles found in that woreda, and each council member also represents the residents of the kebele from which he has been elected.¹⁰⁸ Also, three members from each kebeles found in the woreda are selected for the woreda councils.¹⁰⁹ Regarding the election of kebele council members, the Proclamation provides that the election of kebele council members is carried out based on the kebele residents, and each kebele council member represents a minimum of 5 or a maximum of 100 residents.¹¹⁰ It also stipulates that the number of members of the kebele council is between 100 to 300, however, the number may be less than 100 or more than 300 based on the size of the population.¹¹¹ Concerning the election of members of urban administration councils, the Proclamation refers to the urban local government Proclamation

¹⁰⁵ Ibid

¹⁰⁶ Ibid, Art 91.

¹⁰⁷ The Revised Oromia Region City Establishment Proclamation No.195/2016, Art 19

¹⁰⁸ The Proclamation to Provide for the Election of Member of Woreda, Kebele, and Urban Administration Councils No.119/2006, Art 2 (Here it is called Proclamation No.119/2006)

¹⁰⁹ Ibid

¹¹⁰ Ibid, Art 3.

¹¹¹ Ibid, Art 3 (3) & (4).

No.65/2003 and its amendment Proclamation No.116/2006. Nevertheless, these Proclamations were repealed by the new Oromia regional state city re-establishment Proclamation No.195/2016 and its amendment Proclamation. Despite the repealed urban local government Proclamations, the regional state has not yet enacted a new Proclamation to determine the election of woreda, kebele, and the urban administration council. As a result, the current city re-establishment Proclamation is applicable by default, when the Proclamation refers to the urban local government Proclamation. Accordingly, as per this Proclamation and the recent city re-establishment Proclamation, the members of the city council, being odd-numbered, are elected at the city and kebele levels by the city residents through their votes cast freely and secretly.¹¹² Also, the number of members of the urban administration councils as per this Proclamation is between 41 and 81.¹¹³ Each member of the urban administration council also represents 300 to 3000 urban residents.¹¹⁴

Under the repealed urban local government Proclamation, cities in the region were divided into four grades, with elections for members of the urban administration council taking place only in 1st and 2nd-grade cities, while the elections in 3rd and-4th grade cities were considered as kebele elections and participated in the election of members of the woreda council.¹¹⁵ In a similar vein, the current city re-establishment Proclamation, as discussed below, also considered elections in the municipal and growing municipal cities as kebele council elections within the woreda council. On the other hand, in conducting elections in 1st and 2nd-grade cities, Proclamation No.119/2006 requires that consideration be given to the Oromo residents and the rural kebele residents surrounding the respective city administrations.¹¹⁶ As will be discussed below, the current city re-establishment Proclamation also mandates that a specific number of seats in city councils be reserved for Oromo residents and the rural kebeles surrounding the city administrations where the number of Oromo residents is less than other residents in the cities.

¹¹² The Revised Oromia Region City Establishment Proclamation No.195/2016, Art 17/2

¹¹³ Proclamation No. 119/2006, Art 4(6)

¹¹⁴ Proclamation No.119/2006, Art 4(5)

¹¹⁵ Ibid, Art 4 (1) & (2).

¹¹⁶ Ibid, Art 4 (7).

3.3.2.3. The Oromia Region City Re-Establishment Proclamations

In 2003 the Oromia regional state-issued Proclamation No.65/2003 of “Urban Local Government Proclamation of the Oromia” was amended by Proclamation No.116/2006. The Proclamations were principally adopted to define the organization, power, and function of urban local governments based on the principle of self-rule. However, these Proclamations were repealed by the new Oromia regional state city re-establishment Proclamation No.195/2016 with its amendment Proclamation No.196/2016. Like the previous urban local government Proclamations, the new city re-establishment Proclamation also provides for the composition, election, and terms of city council members. As far as the composition and election of city council members are concerned, the initial urban local government Proclamation No.65/2003 stipulated that “the regional executive council may set aside up to 30% of city council seats to the Oromo people in 1st and 2nd-grade cities where the Oromo residents are minorities.” Moreover, the Proclamation has also reserved 5% of the seat in the city councils for the hinterland rural kebeles surrounding the city administration.¹¹⁷ In the same way, the amending Proclamation No. 116/2006 further increased the number of seats to be reserved for Oromo residents in the 1st and 2nd-grade city councils and the kebeles inside the cities. Specifically, the Proclamation under Art 2(4) provides that “when the number of Oromo residents in 1st and 2nd-grade cities is found to be minor or undersized, the administrative council of the national, regional government may consider the number of Oromo people against other people and reserve 50% of the seat in the city council.”¹¹⁸ It also stipulates that the provision applies to kebele councils in the city administrations.¹¹⁹ Furthermore, this Proclamation has also increased the number of seats reserved for the hinterland rural kebeles surrounding the city administration to 20%.¹²⁰

According to the preamble of this Proclamation, the repeated increase in seats reserved for Oromo peoples in cities is meant to address provisions limiting Oromo people's role in adequately exercising their right to self-administration as stipulated in the federal and regional constitutions

¹¹⁷ Ibid, Art 13/4.

¹¹⁸ Proclamation No.116 of 2006 Issued to Amend Proclamation No.65 of 2003, the Urban Local Government Proclamation of Oromia National Regional State, Art 2/4

¹¹⁹ Ibid

¹²⁰ Ibid, Art 2/5

in the cities.¹²¹ Similarly, when it comes to the new Oromia regional state city re-establishment Proclamation No.195/2016, introduced a slight modification and further extended the number of seats reserved for undersized Oromo residents by one percent in the city administration having councils. Article 17(4) of this Proclamation specifically stipulates that “where it is found that the number of Oromo nationals residing in the city administrations having council is less, the Oromia regional state “Caffee” may by comparing the number of Oromo people against other people reserve 51% of the seats in city council to the Oromo people.”¹²² Moreover, the proclamation also states that this provision is similarly applicable to kebele-level city councils.¹²³ Besides, similar to the preceding urban local government Proclamation, the new city re-establishment Proclamation has also reserved 20% of seats to the rural kebeles bordering the city administrations having councils. As can be gathered from the successive revisions of the laws, the number of seats reserved in the city administration council has been repeatedly raised. This begs the question of consistency of the rules with international and national electoral principles and standards. Particularly, reserving such a significant number of seats solely for the dominant groups in the region might raise questions of constitutionality since the Constitution recognized the equal right of every Ethiopian national to vote and to be elected at periodic elections at any level of government. Moreover, such laws also go against the recognized right to equality under the FDRE constitution.

Regarding the type of city administrations having city councils, the revised Oromia regional state city establishment proclamation classified cities in the regional state into seven grades based on their level of development and the criterion set by the proclamation and regulation No.186/2016.¹²⁴ Accordingly, cities in the Oromia regional state are classified as the Regio polis city administration, the principal city administration, the higher city administration, the intermediate city administration, the growing city administration, the municipal city administration, and the growing municipal city administration, in order of their organizational hierarchies from top to bottom. Except for the municipal city and the growing municipal cities, other city administrations

¹²¹ See the preamble of the Urban Local Government Proclamation No. 116/2006 of the Oromia Regional State.

¹²² Revised Oromia Region City Establishment Proclamation No.195/2016, Art 17/4

¹²³ Ibid

¹²⁴ Ibid, Art 5 (1) & (2) see also Art 5 of the regulation No.186/2016 of the Oromia region.

have their council.¹²⁵ As a result, the election of the urban administration council members is only carried out in city administrations having their council. On the other hand, the elections conducted in municipal cities and the growing municipal cities are considered elections carried out at kebele levels and participate in the election of members of the woreda council.¹²⁶ Therefore, by restricting the need to organize city councils in those cities, the proclamation has relegated the municipal and growing municipal cities to kebele status and confined their participation only to district councils. Generally, as far as the election of members of urban administration councils in the Oromia regional state is concerned, the city council members' election is only carried out in city administrations that have their council. In contrast, the elections in city administrations that do not have their council are considered as elections carried out at the kebele level and participate in the election of members of the woreda council.

¹²⁵ Revised Oromia Region Cities Establishment Proclamation No.195/2016, Art 17 (7)

¹²⁶ Ibid

Chapter Four

Local Elections in Oromia Region: The Law and the Practice

4.1. Introduction

The preceding chapter discussed the structure of government and the laws governing local government elections in the Oromia region. This chapter will critically examine the law and the practice of local elections in the Oromia region. Accordingly, the first part of this chapter examines the regional local election laws in line with international human rights and Ethiopian constitutional legal standards and principles. The second part will discuss a critical survey of the last local elections and the practical application of the electoral principles and standards in the regional local election practices. While analyzing this part, the proposed questions and the respective responses forwarded by the respondents will be critically scrutinized. In particular, the periodicity, competitiveness, free, fairness, and credibility of local elections, as well as the general emphasis placed on local elections, will be critically analyzed based on the collected data.

4.2. A Critical Review of Regional Laws on Local Election

4.2.1. The Regional Constitution

As stated in the preceding chapter, the right to vote derives from the people's sovereign authority to change or abolish their governments at all levels. An election is the most effective way for citizens to express their sovereign authority. Some of the regions in Ethiopia have guaranteed sovereign authority to the dominant ethnic group of which the Oromia region is one that vested the Oromo people the sovereign power.¹²⁷ This indicates that the ultimate authority to decide upon the government in the Oromia region resides solely in the hands of the Oromo people. Affirming this, the revised Oromia regional state Constitution stipulates that the sovereignty of the Oromo people is exercised through their elected representatives and their direct democratic participation. Thus, if someone merely follows this principle under the region's Constitution, no ethnic group other than Oromos would have a legitimate right to vote and be elected.

¹²⁷ See Art 8 of the Revised Oromia Regional State Constitution.

However, despite Article 8 of the Oromia Constitution, which states that sovereignty belongs only to the Oromo people, Article 38 of the same Constitution equally guarantees the right to vote and be elected to all Ethiopian citizens in the region.¹²⁸ Yet, as the regional Constitution explicitly linked the right to vote to the principles of sovereignty, the imposition of sovereign authority only to the Oromo people at least substantively breaks the inextricable bond between the voting rights and sovereign authority of other non-Oromo residents in the region. As a result, non-Oromo residents in the Oromia region do not claim their sovereign power to exercise their right to vote. Normally, if particular groups are denied the right to exercise sovereignty at the regional and local levels, the intended sovereignty of the people under the FDRE Constitution could not be fully exercised and meaningful at the national level. Accordingly, the writer's view is that the sovereignty of all peoples in the region should be equally recognized so that all citizens equally claim their sovereign rights under the Constitution and use voting as a means to express their sovereign authority.

As already mentioned, the Oromia regional state Constitution recognized every resident of the region's right and opportunity to vote and be elected at all levels of government. In light of this, every regional resident is empowered to participate in the local council elections equally. Although the details of the rules governing local council elections are found in the regional statutes, the regional Constitution has provided a general framework governing local elections in the woreda and kebele councils in the region.¹²⁹ Nevertheless, the Constitution did not refer to the election of the urban administration councils. This is because urban administrations in the region are created by an ordinary regional statute rather than the regional Constitution. Also, this has paved the way for the region to easily and repeatedly amend the regional laws dealing with city administrations and city council elections, usually to the detriment of the principle of self-administration and the democratic rights of citizens in the region. A glance at the current Oromia regional state city re-establishment Proclamations also shows that some provisions in the Proclamations have limited the constitutional rights of citizens in the region. Therefore, recognizing urban administrations in the regional state Constitution and establishing some general and consistent principles relating to the election of city councils' members can significantly reduce the intrusion on people's

¹²⁸ Ibid, Art 8, 38.

¹²⁹ Ibid, Art 78, 91.

democratic rights and right to self-administration in the cities. Of course, simply recognizing urban administrations under the regional state Constitution may not be enough to enable actual self-government at the city level if the urban administrations are not adequately empowered as promised by the federal Constitution.

4.2.2. The Regional City Re-Establishment Proclamation

As stated elsewhere, the Oromia regional state has adopted some laws to regulate local council elections. Notably, the region has adopted different city Proclamations that have undergone several amendments since 2006. Currently, Proclamation No.195/2016 and its amendment Proclamation No 196/2016 are the working city re-establishment Proclamations in the region. Besides, Proclamation No.119/2006 also regulates the election of woreda, kebele, and urban administration councils and determines the number of local council members in the region. Like the previous urban local government Proclamations, the current city re-establishment Proclamation also comprises provisions that determine city council members' composition, election, and terms. As far as city council elections are concerned, the Proclamation allows the regional state council to reserve 51% of city council seats for Oromo nations residing in the city and 20% for rural kebeles bordering the city when the number of Oromo nations residing in the city administrations with their council is less.¹³⁰ Furthermore, the Proclamation also provides that this provision applies to the kebele level city councils.¹³¹ Similarly, the Proclamation that provides for the election of woreda, kebele, and the urban administration council also provides for such considerations to be taken for the Oromo residents in city administrations where the number of Oromo residents is less.¹³²

Even though the term “less” is used in the city re-establishment Proclamation, it is unclear what number constitutes less. However, the phrase “through comparing the number of the Oromo people with the number of other people in the city” gives the impression that the regional state council may reserve the stipulated number of seats in the city councils where the number of Oromo people is less than 50%. Therefore, according to this Proclamation, if the number of Oromo residents in city administrations having council is less than 50%, 71% of seats in the city council shall be

¹³⁰ See n 127

¹³¹ Revised Oromia Region Cities Establishment Proclamation No.195/2016, Art 17(5)

¹³² The Proclamation No.119/2006, Art 4 (7)

reserved for the Oromo nations residing in the cities and the rural kebeles surrounding the city administrations. Still, the Oromo residents will equally compete with all other non-Oromo residents to share the remaining 29% of seats in the city council. As I mentioned somewhere in this paper, the number of members of the city administration council may range from 41 to 81. If, for instance, the city council has 81 seats, $81 \times 51 \div 100 = 41$ thus, 41 seats will be reserved for Oromo residents in the city, while $81 \times 20 \div 100 = 16$ accordingly, 16 seats will be reserved for the rural kebeles bordering the city. Together, about 57 out of 81 seats in the city council will be reserved for the Oromo nations residing in the city and the rural kebeles bordering the city administration. Yet, the remaining 24 seats in the city council will be shared by all residents in the city administration, including the Oromo peoples. Generally, as regards city council elections, the Proclamation allows for reserving about 71% of seats in the city councils for Oromo residents. The primary justification invoked for reserving seats in cities for Oromo people was to increase the Oromo Participation in cities and ensure that Oromo people could exercise their right to self-determination as stipulated in the federal and regional constitutions. One of the senior higher legal advisors at the Oromia regional state council has stated that: *“The primary reason for reserving a certain number of seats in the city council for Oromo people is to increase the participation of Oromo people in exercising their right to self-administration in cities. Moreover, 20% of seats reserved for the rural kebeles bordering the cities were a means to include the Oromo residents who were pushed to the rural areas due to the growing expansion of the cities.”*¹³³ A close look at the regional city re-establishment Proclamations also reveals that the repeated increase of seats reserved for Oromo people in cities aimed to enhance the representation of Oromo people in cities.¹³⁴ Concerning this, some officials say that the quota established by the Proclamation is intended to strike a compromise between Oromo nations’ right to self-determination and the democratic rights of non-Oromo residents, and hence is not discriminatory.¹³⁵ While the qualities of the elections can be questioned, the local election laws aim to enhance the participation of the

¹³³ Interview with Ambassador Disasa Diribsa, Higher Legal Advisor at Oromia Regional State Council, Addis Ababa, August 25/2021.

¹³⁴ See n 127; see also the Preamble of the Repealed Urban Local Government Proclamation No.116/2006 of the Oromia Regional State.

¹³⁵ Interview with Bayisa Dorsisa, Urban Reform and Public Participation Director at Oromia region Urban Development and Housing Bureau, Addis Ababa, 15 March 2021.

Oromo people while equally recognizing the democratic rights of non-Oromo residents in the city administrations.¹³⁶ Despite the justifications raised, the writer believes that the self-determination rights granted solely to the dominant ethnic groups under the FDRE Constitution have hindered minor ethnic groups in the region, particularly in cities, from exercising their democratic rights fully and equally in city council elections. Moreover, the writer strongly argues that the Oromia regional state government reserved a very significant number of seats in city councils that substantially restricted the democratic rights to equality, participation, and representation of non-Oromo residents in the city council elections. Even though the Proclamation allows non-Oromo residents to vote and be elected in city council elections, it renders the exercise of democratic rights by non-Oromo residents in cities useless by reserving more than 70% of city council seats exclusively for Oromos. It is worth here reiterating that the main reason for reserving the seats in the city council is to increase the representation and participation of Oromo people in the cities where the number of Oromo nations is less than 50%. Nonetheless, the Proclamation in this regard is also undemocratic because it raises Oromo minority representation in city councils against non-Oromo majority residents, resulting in minority rule over majorities in the city administrations.

On the other hand, the Proclamation is not equally inclusive for all citizens and residents of the cities who wish to exercise their right to vote and be elected in the city council elections. By reserving a significant number of seats solely to the Oromo nations in city councils, the Proclamation fails to provide fair and just criteria that provide all participants with equal rights and opportunity in exercising their democratic rights. Despite this, Art 25 of the ICCPR stipulated that every citizen, without distinction and unreasonable restriction, has the right and opportunity to vote and be elected.¹³⁷ Moreover, Article 38 of the regional Constitution provides that every resident of the region without any discrimination has the right and opportunity to vote and be elected.¹³⁸ Undoubtedly, the equal right and opportunity to vote and be elected also extends to equitable representation in city councils. Seen from this perspective, therefore, the Proclamation is inconsistent with the idea of equal rights and opportunity provided under the ICCPR and the

¹³⁶ Interview with Ermias Deneke, Deputy Chairman at Oromia Regional State Urban Development and Housing Bureau, Addis Ababa, 15 March 2021.

¹³⁷ ICCPR, Art 25.

¹³⁸ The Revised Constitution of Oromia Region, Art 38 (1)

regional Constitution. Moreover, the Proclamation is inconsistent with the principles of non-discrimination under the international human rights instruments and the national Constitutions. Accordingly, the author believes that these Proclamations need to be revised to ensure all citizens and residents have equal rights and opportunities in the city administration since everyone affected by the government's collective decision has equal rights and opportunities to exercise their democratic rights. In addition to restricting the rights mentioned above, the regional city re-establishment Proclamation also debilitated the autonomy of some cities and thereby limited the right to self-administration and participation of the people. By reducing the status of the municipal city and the growing municipal cities to the kebele level and preventing the establishment of councils in these cities, the city re-establishment Proclamation has seriously undermined the autonomy of the municipal and the growing municipal cities in the region.¹³⁹ As can be seen from its preamble, the Proclamation sought to increase public participation based on the constitutional principles of the rights of the people to self-administration at different levels.¹⁴⁰ Nevertheless, the Proclamation has limited public participation and self-administration in these cities by reducing the status of the cities and prohibiting the formation of separate councils, which is contrary to the objective sought. In general, although the revised city establishment Proclamation and Proclamation No.119/2006 recognized electoral rights, these Proclamations have limited the equal right and opportunities of non-Oromo residents in cities by reserving a specific number of seats in the city councils to the majority groups in the region. Moreover, as stated above, these Proclamations have restricted the right to self-administration and participation in the municipal and growing municipal cities.

4.3. Local Elections in Ethiopia: A Critical Survey of the Last Local Elections in the Oromia Region

As stated in this paper, Ethiopia has held a series of local elections since EPRDF ousted the military regime in 1991. As a result, some local elections have been taking place at different times in the Oromia region. Although local elections have taken place in the region, the pattern of competitiveness and the level of democratic characteristics of the local elections in the region have not been properly investigated. Accordingly, this calls for scrutinizing local election practices in

¹³⁹ See n 130

¹⁴⁰ See the Preamble of Oromia City Re-Establishment Proclamation No.195/2016

the region in light of international and national electoral rules and principles. With this view, the researcher opts to employ an interview with the concerned personalities concerning local elections practices in the region and collect reports of previous local elections results from the NEBE. Therefore, the following section attempts to analyze the local election practices in the Oromia region based on the data collected. To this end, the proposed questions and the respective responses forwarded by the respondents are critically examined based on the following criteria.

4.3.1. Periodicity or Regularity of Local Elections

As was briefly discussed in chapter two, constitutionally recognized governments should carry out elections periodically and regularly as stipulated in the international and national human rights instruments. Since the EPRDF's ascension to power, some local elections have taken place in Ethiopia. The first local election was held during the transition period in the mid-1992, just a year after the downfall of the Derg regime.¹⁴¹ This election was historic as it was Ethiopia's first step into local democracy. The second local election was conducted in 1996, a year after the first national election.¹⁴² Following this, the third local election was held in 2001. However, the fourth local election that was initially planned to be held in 2006 was not conducted. Some argue that the government's effort to restore confidence and the post-2005 election violence's chilling effect on the country's democratic process were the main reasons for the country's failure to hold local elections in 2006.¹⁴³ Despite the failure to hold local elections in 2006, local elections were conducted in 2008. A new reform that broadens the representatives of local councils was also made in 2008.¹⁴⁴ The need for reform, which dramatically increased the number of local representatives, was driven by a desire to improve people's political participation and representation.¹⁴⁵ However, some writers argue that the reform makes it nearly impossible for opposition parties to win local elections as only the ruling party has the organizational and financial capacity to mobilize millions of candidates.¹⁴⁶ After the 2008 local election, another local election

¹⁴¹ Interview with Mulugeta Negasa, Senior Election Operation Expert at NEBE (Addis Ababa, 4 July 2021)

¹⁴² Ibid

¹⁴³ Ibid

¹⁴⁴ Ibid

¹⁴⁵ Ibid

¹⁴⁶ Solomon Goshu, 'Underrated local elections' Addis Standard (Addis Ababa, 23 September 2017) <<https://www.thereporterethiopia.com/interview/underrated-local-elections>> accessed 10 May 2021.

had also been held in 2013. However, no local election has been conducted in Ethiopia since the 2013 local election. As a result, the last local elections in the Oromia region were held in 2013. Although local elections were planned to be conducted in 2018, the Oromia regional state council postponed the elections, citing the region's situation as uncomfortable to run a democratic election encompassing all citizens.¹⁴⁷ It is worth noting here that this Proclamation postponed local elections for a year, allowing councils and government officials to continue their duties until the new councils are established by the election in 2019.¹⁴⁸ As can be seen from the Proclamation, the elections were not even postponed indefinitely. Although the Proclamation stipulates one year for holding local elections, the Oromia region has not held local elections since 2013. The reasons for not holding elections in the region are mostly related to security concerns and ongoing institutional reforms.¹⁴⁹ In addition to this, the absence of a demographic census might also be another reason why local elections in the Oromia region were delayed.¹⁵⁰ Even if the postponement of elections might be justified on some grounds, the writer of this paper thinks that the regional state council could have at least revised the Proclamation that postponed the elections for a one-year timeframe. In this regard, the failure of the region to hold local elections or revise the Proclamation creates the impression that local elections are either considered inconsequential or forgotten in the region.

Like the Oromia regional state council, the HoPR also postponed the 2018 local elections by a margin of one year with a majority vote in the house. Despite the security challenges that affected the preparations to conduct the elections, the 2018 local elections were postponed due to the alleged reason of reforming and restructuring the national electoral board.¹⁵¹ However, even though local elections were postponed until 2019, they were not conducted and were postponed for the second time. The HoPR decided to postpone the elections with a unanimous vote following the request made by the NEBE to postpone the elections due to the need to recruit, train, and organize election executers and ongoing institutional reforms.¹⁵² The house members also

¹⁴⁷ See the preamble of Proclamation No. 212/2018 of the Oromia Regional State.

¹⁴⁸ A Proclamation to decide postponement of the election periods of Woredas, Cities, and Kebeles councils of Oromia National Regional State Proclamation No.2012/2018

¹⁴⁹ See n 147

¹⁵⁰ See n 139.

¹⁵¹ Ibid

¹⁵² Ibid

expressed that NEBE was going through comprehensive reform and needed time to manage the election process.¹⁵³ Accordingly, the house decided to conduct local elections along with the general election in 2020. Moreover, members of the house also pointed out that conducting local elections and general elections will ensure a free, fair, and democratic election.¹⁵⁴ However, this writer thinks that conducting both elections simultaneously would be difficult, and it could also lead to voter confusion if they cast their votes for both elections at the same time.

Despite the plan to conduct local elections alongside the general election in 2020, the election was postponed to 2021 due to the novel coronavirus outbreak.¹⁵⁵ On the other hand, although local elections were supposed to be held along with the general election in 2021, only the general election was conducted in 2021. Concerning this, the senior election operation expert Mulugeta Negasa stated that *“In 2021, the overall emphasis was given to the national election, and extensive preparation was made to hold the election. There was no preparation to hold local elections in 2021. The regional states had made no request for local elections to be held.”*¹⁵⁶ Despite all the pledges to hold them along with the general election, local elections were left behind and relegated to a secondary role. Also, several causes have been claimed as justifications for not holding elections regularly. Therefore, based on the above discussions, it can be stated that local elections in Ethiopia in general and the Oromia region, in particular, have received little attention. Even the elections that have been conducted failed to follow the principles of periodic election as stipulated in the international human rights instrument and the FDRE Constitution. As a result, the local elections have not been held consistently and lack certainty. Although several factors might be raised for their inconsistency, the writer believes that the absence of strong political will and commitment to organizing local elections is the most significant cause. Despite the unappealing background of local elections, the government plans to hold local elections in 2022. However, given the country’s continuous political upheaval, it remains questionable whether or not the government will hold local elections in 2022.

¹⁵³ Ibid

¹⁵⁴ Ibid

¹⁵⁵ See the Decision of Council of Constitutional Inquiry file no.5216/2012 May 2012 EC.

¹⁵⁶ See n 139.

4.3.2. Competitiveness of Local Elections

There is no doubt that a decent level of competitiveness in local elections is central to the democratization of local governments. The FDRE Constitution entrenches multiparty democracy in which parties organized regionally or nationally, along ethnic lines or otherwise, can participate in democratic elections at all levels of government.¹⁵⁷ Despite the presence of multiple parties, there is essentially no competition in local elections in Ethiopia.¹⁵⁸ Notably, in the Oromia region, local elections are mainly a platform where the ruling political party is dominant, and the role of opposition political parties is very insignificant.¹⁵⁹ Although the level of competition across the regions is almost similar, local elections are somehow better in SNNPR and Addis Ababa.¹⁶⁰ According to the views of persons interviewed, several factors are attributable to the non-competitiveness of local elections. The existence of a high level of government pressure at the local level and the lack of political and economic incentives for the political parties at the local level is the main reason for the non-competitiveness of local elections.¹⁶¹ The absence of free political space and equal participation of all political parties at the local level contributes to the poor competition, participation, and representation of opposition political parties at the local level.¹⁶² The lack of financial and organizational capacities of opposition political parties to participate in local elections is also involved as a factor contributing to the non-competitiveness of local elections.¹⁶³ Even though the lack of political and economic incentives are undeniable factors for the non-competitiveness of local elections, the absence of competition in local elections is also attributable to the poor performance of opposition political parties at the local level.¹⁶⁴ Usually, opposition political parties are not actively participating in local elections and are not entirely

¹⁵⁷ Zemelak (n 52) 294.

¹⁵⁸ See n 147.

¹⁵⁹ See n 139.

¹⁶⁰ See n 147.

¹⁶¹ Interview with Tesema Hunduma, Member of Executive Committee at OLMP, Interview with Desta Dinka, Head of Youth League at OFCP, Interview with Emebet Birara, Secretariat of Party's Affairs at ECSJP (Addis Ababa, April 4/2021)

¹⁶² Interview with Tesema Hunduma, Member of Executive Committee at OLMP, Interview with Desta Dinka, Head of Youth League at OFCP (Addis Ababa, April 4/2021)

¹⁶³ Interview with Mulugeta Negasa, Senior Election Operation Expert at NEBE (Addis Ababa, 4 July 2021)

¹⁶⁴ Ibid

committed to it.¹⁶⁵ They have little interest in running in local elections, and when they do, they choose to run for the specific city administration, limiting their participation to a few cities.¹⁶⁶ Opposition political parties, in particular, are almost non-existent in kebele council elections.¹⁶⁷ Indeed, one may expect substantial pressure from the ruling party as it descends to the lowest level of government. Notwithstanding that, the poor performance of opposition parties is commonly linked to their lack of organizational bases to form a strong opposition against the ruling party and the little significance they attached to local elections.¹⁶⁸ Despite this, local authorities have also played a significant role in limiting the participation of opposition political parties at the local level.¹⁶⁹ In addition to the factors mentioned above, some argue that the electoral system adopted favors the ruling party, as it easily won all constituencies with a simple majority vote and thus can also be regarded as a factor contributing to the non-competitiveness of local elections.¹⁷⁰ Despite the fact that the impact of the electoral system on local council election results has not been well investigated, the author contends that the majority electoral system denies opposition parties representation and decreases local electoral competition. Although the ruling party gained the most seats in local councils, the electoral system ignored the demands that local opposition political groups might have represented. Similarly, as the electoral system works for all types of elections in the country, it left a significant number of votes given to opposition parties unrepresented at the regional and federal levels. As far as the local electoral competitions are concerned, the respondents' views are practically similar, indicating that local elections have always been dominated by the ruling party and have never been competitive in Ethiopia in general and the Oromia region in particular. However, to substantiate the respondent's statement, it is worthwhile to consider some reports of the previous local elections. As a result, the following section is devoted to critically examining the participation of political parties and the results of the last local elections.

¹⁶⁵ Ibid

¹⁶⁶ Ibid

¹⁶⁷ Ibid

¹⁶⁸ Zemelak (n 6) 17.

¹⁶⁹ Ibid

¹⁷⁰ See n 139.

Table 4.1: The 1996 woreda council election results in Oromia

Region	N ^o registered voters	N ^o votes casted	political parties	total n ^o elected representatives			percentage %
				male	female	total	
Oromia	6436367	6,294711	OPDO	31133	610	31743	99.6
			ANDM	7	1	8	
			Individual candidates	88	2	90	

Source: NEBE, 1996.

According to the official NEBE report, 6,436,367 voters registered in the Oromia region for the 1996 woreda council elections. And on the day of the election, 6,294,711 individuals turn out to vote, resulting in a turnout of roughly 97.7%, which is a very high voter turnout. In this election, two political parties and individual candidates were registered to compete for the woreda council elections in the region. Out of the total 31841 elected representatives for the woreda council, 31743 candidates of the ruling party OPDO were elected, while eight candidates from the ANDM and 90 individual candidates (88 men and two women) were elected for the woreda councils in the region. As can be seen from table 4.1, OPDO deployed the most significant number of candidates and won almost all seats in the woreda councils. According to the official election results, OPDO received 99.6 votes casts in the woreda council elections. Moreover, as shown in the table, no opposition political party ran in the woreda council elections in the region. Even though ANDM runs in the elections, the 1996 woreda council elections in the region can only be regarded as a competition between two political parties belonging to the ruling party EPRDF, and do not reflect competition or election of the opposition political party. This implies that local council elections in the region are viewed as a platform for the ruling party to keep control while undermining local political competition among various political groups. Like the woreda council elections, as shown in the following table, the ruling party (OPDO) also fully controls the 1996 kebele council elections in the Oromia region.

Table 4.2: The 1996 kebele council election results in Oromia

Region	political party	total n ^o elected representatives			percentage
		male	female	total	%
Oromia	OPDO	303991	577662	361753	99.9
	Individual candidates	142	X	142	

Source: NEBE, 1996.

As shown in table 4.2, OPDO runs for the 1996 kebele council elections without the participation and competition of different parties. As a result, the ruling political party stood unchallenged and won almost 100% of the votes in the kebele council elections in the region. In 2008, a reform that drastically increased the number of local council seats was introduced.¹⁷¹ Hence, one would rarely expect and hope for competition in the subsequent local elections held in the country. Accordingly, as shown below, the 2008 woreda and city council elections also ended up with the complete dominance of the ruling political party in the Oromia regional state.

Table 4.3: The 2008 woreda council election results in the Oromia region

Region	N ^o woredas	N ^o kebeles	winner	N ^o kebeles won	N ^o woredas won	total seats won	percentage %
Oromia	261	6789	OPDO	6789	261	20067	100%

Source: NEBE, 2008.

The NEBE official report shows that the ruling OPDO won all seats in the woreda councils in the Oromia region in the 2008 woreda council elections. Notwithstanding that, the elections were conducted without the participation of opposition political parties. Despite the ruling party's dominance, the constrained political context and government strategies of intimidation and

¹⁷¹ Lovise Aalen and Kjetil Tronvoll 'Briefing the 2008 Ethiopian Local Elections: The Return of Electoral Authoritarianism' (2009) African Affairs, 111, 116.

harassment led the opposition parties to withdraw from the 2008 local elections.¹⁷² In relation to this, the writer argues that the claim of 100% win in local elections is pointless for the local democratization process in the region, and it merely shows the ruling parties strive to establish a single-party rule in the region. Similar to the woreda and kebele council elections, the 2008 city council election also shows the complete dominance of the OPDO, with the only difference being that the city council election yielded the seat of one opposition. (See below).

Table 4.4: The 2008 city council election results in Oromia

Region	N^o cities	N^o kebeles	winner	N^o kebeles won	N^o cities won	total seats won	percentage %
Oromia	39	165	OPDO	165	39	1807	99.9
			OFDM			1	

Source: NEBE, 2008.

As noted elsewhere in this paper, the 2013 local election was the last local election in Ethiopia in general and the Oromia region in particular. The NEBE official report shows that 31,650,748 voters were registered in Ethiopia for the 2013 local elections, including Addis Ababa and Dire Dawa city council elections. Of all registered voters, women account for 15,381,370 (48.6%), while men account for 16,269,378(51.4%). On the day of the election, 29,313,932 (48.6% women and 51.4% men) come out to cast their votes, which puts the voter turnout at 92.6%, an exceptionally high voter turnout. Although 29 political parties received an emblem to run in the 2013 local elections, only 24 political parties deployed candidates. Moreover, out of the 24 political parties that deploy candidates, one political party withdraw itself from the elections three days before the day of the election. In general, only 9 of the 23 competing political parties and four individual candidates were successful in gaining local council seats at various levels. The ruling EPRDF won 3,504,190 seats in local councils, followed by the BGPDP 47,375, GPUDM 9,101, HNL 795, ANDP 8,889, APDO 240, ANDM 20, ESPDP 72, 481, and ONC with one seat. According to the NEBE official report, 3,504,190 out of 3,643,095 candidates who won local seats

¹⁷² Ibid

are from the ruling EPRDF, accounting for 96.1 % of all candidates. Thus, the 2013 local election recorded unpromising progress in terms of opposition parties or individual candidates' representation in local councils. As a result, the election resulted in the resounding victory of the ruling EPRDF in the woreda, kebele, and city administration councils. Therefore, as shown below, the 2013 local elections brought no change and merely reaffirmed the ruling party's electoral dominance in local elections.

Table 4.5: The April 2013 woreda council election results in the nine regions

No	political parties & individual candidates	Nº candidates	seats won	percentage %
1	EPRDF	48524	48470	82.4
2	ANDP	1770	1770	
3	ARDF	1196		
4	EPDP	54		
5	ANDM	65		
6	CUDP	27		
8	WPDF	4		
9	EJDFE	3		
10	BGPDP	1937	1937	
11	GPUDM	1274	1274	
14	EDU	52		
15	ERP	51		
16	ONC	7		
17	ESPDP	5359	5359	
18	DPDM	16		
19	WSDP	25		
20	Individual	24		
	Total	60,388	58,810	

Source: NEBE,2013.

Table 4.6: The April 2013 kebele council election results in 9 regions (including Dire Dawa)

No	political parties & individual candidates	N ^o candidates	seats won	percentage %
1	EPRDF	3406371	3406371	96.3
2	CUDP	161		
3	EDU	116		
4	BGPDP	44954	44954	
5	GPUDM	7784	7784	
6	HNL	795	795	
7	ANDP	7119	7119	
8	ARDF	3274		
9	APDO	260	240	
10	EPDP	180		
11	ANDM	190	20	
12	ESPDP	66777	66777	
13	DPDM	40		
14	Individual	6	4	
	Total	3538072	3534064	

Source: NEBE, 2013.

As Tables 4.5 and 4.6 show, EPRDF and its affiliates controlled the woreda and kebele council elections in 2013. For the woreda council elections, 60,388 candidates were deployed by the political parties, and out of this, the ruling EPRDF deployed 48,524, while political parties' affiliates to the ruling EPRDF and opposition parties fielded the remaining 11,864 candidates. According to the official election results, the ruling EPRDF won 82.4% of the seats, while the remaining 17.6% of seats are shared between EPRDF-affiliated and opposition parties. Similarly, for the kebele council elections, 3538072 candidates were deployed, with the EPRDF deploying 3406371 and the rest being deployed by EPRDF-affiliated parties and opposition political parties. The official election result shows that EPRDF won 96.3% of seats in the kebele council elections in 2013. As can be seen from the official reports, all candidates fielded by the ruling party won the seats. Moreover, as shown in the tables, the ruling party deployed far more candidates than any

other party. This indicates that only the ruling EPRDF can mobilize such a large number of candidates, whereas other political parties struggle to field candidates for local council elections even when they choose to run. Despite the complete dominance in the woreda and kebele council elections, as shown below, the ruling party also controlled the city council elections in the 2013 local elections.

Table 4.7: The April 2013 city council election results

No	political parties & individual candidates	Nº candidates	seats won	percentage %
1	EPRDF	10058	10058	91.9
2	EJDF	8		
3	WPDF	1		
4	BGPDP	487	487	
5	GPUDM	43	43	
6	ESPDO	345	345	
7	CUDP	71		
8	GSAP	1		
9	WSDP	15		
10	Individual	3		
	Total	11,032	10,933	

Source: NEBE, 2013.

As indicated above, the 2013 city council elections followed the same pattern as the woreda and kebele council elections. The ruling party fielded many candidates and declared all of its candidates a winner. According to the NEBE, the EPRDF won 91.9% of the vote. Besides its victory in all regional city administrations, the EPRDF also won all the 138 seats of the Addis Ababa city council and 114 seats in the Dire Dawa city administration.¹⁷³ Notwithstanding that, it is difficult to consider the previous city council elections in the region as free, fair, and democratic.¹⁷⁴ Generally, as the preceding discussions reveal, local elections in Oromia, if not Ethiopia as a whole, have never been competitive or participatory, and the ruling party has always controlled the elections. Notably, in the Oromia region, the OPDO (a member of EPRDF) has been

¹⁷³ See the NEBE Official Report of the 2013 Local Elections.

¹⁷⁴ See n 141; see also n 142.

declared the winner of all previous local elections. Although local elections are non-competitive, the reasons for this are attributable to both the ruling and opposition political parties in the region.

4.3.3. Free, Fairness, and Credibility of Local Elections

A free and fair election is possible only where the rule of law prevails and respects fundamental human rights.¹⁷⁵ As was noted above, the previous local elections in the Oromia region were held without competition and participation of opposition political parties. Some officials from opposition political parties blame the ruling party for the lack of competitiveness in the elections and describe the previous local elections in the region as unfair and unacceptable.¹⁷⁶ In an interview with officials from different opposition political parties, it was stated that opposition candidates were being intimidated, harassed, and arrested at the local level to run for local council elections.¹⁷⁷ Moreover, local officials routinely threatened, fired, arrested, closed offices of opposition parties, and prevented opposition candidates from registering for local council elections in the region.¹⁷⁸ A primary reason for local suppression of opposition candidates seems to be that so much is at stake in the control of the local government structures.¹⁷⁹

While the ruling party exerted significant pressure on the local council elections, this pressure is not limited to local elections, and there is also considerable pressure and lack of political freedom to run for national elections, forcing us to boycott the 2021 general election.¹⁸⁰ It is also stated that ethnic-based attacks were perpetrated due to ethnic politics, which has been a typical challenge for some opposition candidates trying to participate in local council elections in the Oromia region.¹⁸¹ In an interview with Mr Tesema Hunduma, an executive committee member at OLMP, he stressed that the local people have never been provided with a choice, and the exercise of the right to local self-administration has been a simple wish. Most importantly, Tesema stressed that there had been

¹⁷⁵ Alemayehu Gebremariam, 'Cartoon Democracy: Ethiopia's 2010 Election) 5(2) (2011) *International Journal of Ethiopian Studies*, 27, 35.

¹⁷⁶ See n 167.

¹⁷⁷ *Ibid.*

¹⁷⁸ Interview with Desta Dinka, Head of Youth League at OFCP, Addis Ababa, April 4/2021.

¹⁷⁹ Aalen and Tronvoll (n 177) 111, 116.

¹⁸⁰ See n 184.

¹⁸¹ Interview with Emebet Birara, Secretariat of Party's Affairs at ECSJP, Addis Ababa, April 4/2021.

no free, fair, and democratic local elections in the region because of the government's failure to allow the free participation of all political parties at a local level. Some writers also hold that none of Ethiopia's elections, with the notable exception of the 2005 general election, has offered a real option to most Ethiopians.¹⁸² Generally, the interview conducted with the informants shows that there were several human rights cases of abuse and electoral violations in the previous local elections in the Oromia region. While condemning the ruling party for the human rights violations, practically all concerned political parties established many conditions when asked about their plan to run in the upcoming local council elections.¹⁸³ Notwithstanding this, opposition parties run in national elections even though their established conditions have not been met. This indicates that opposition parties lack a genuine interest in participating in local elections. Although election requirements are always necessary, the writer believes that opposition political parties are merely interested in participating in national elections than local elections, despite the same challenges they face in national elections.

4.3.4. The General Emphasis Placed on Local Elections

It has been stated that the presence of local elections is critically important and valuable in a political system where competition at the national level is highly constrained or circumscribed.¹⁸⁴ Moreover, in a democratic process, local elections are often seen as more effective than national elections.¹⁸⁵ As indicated above, local elections have rarely been prioritized in Ethiopia, particularly in the Oromia region, where local elections are held inconsistently and without competition. In practice, local elections in Ethiopia attract less interest and fewer resources from the government, political parties, and other stakeholders.¹⁸⁶ Some individuals say that local elections in Ethiopia have received little attention due to a lack of political will to make them more appealing and competitive.¹⁸⁷ In this regard, Mr. Mulugeta Negasa, Senior Election Operation Expert at NEBE, noted in an interview that the government placed a low priority on local elections

¹⁸² Lyons Terrence, 'Ethiopian Elections: Past and Future' (2010) 5(1) International Journal of Ethiopian Studies, 107.

¹⁸³ See n 167.

¹⁸⁴ D. Sisk et al (n 62) 119.

¹⁸⁵ Ibid

¹⁸⁶ See n 147.

¹⁸⁷ See n 188.

compared to national elections, and as a result, the NEBE receives minimum support from the government in carrying out local elections. On the other hand, some argue that the NEBE does not promote or give as much attention to local elections as it does to national elections.¹⁸⁸ Even though other stakeholders pay little attention to local elections, the writer believes that the NEBE also rarely promotes local elections compared to the national election. This is especially evident when considering the minimum preparations and limited media coverage provided for local elections. Generally, based on the ideas of informants and the practices on the ground, it can be concluded that local council elections in Ethiopia have received far less attention than they deserve.

¹⁸⁸ Interview with Tesema Hunduma, Member of Executive Committee at OLMP, Addis Ababa, April 4/2021.

Chapter Five

Conclusion and Implication

In the national democratization process, local elections are often seen as more effective than national elections in bringing political representatives closer to the people and allowing local communities to exercise their democratic rights. In reality, however, the effectiveness of local elections depends on the extent of their legal and practical compliance with the international and national human rights instruments and the degree of power decentralization to the local levels. Although not yet realized, in Ethiopia, the reform toward local decentralization and democracy was initiated in 1991. To achieve the objectives of decentralization and democracy, some local council elections have been conducted in different parts of the country.

In the Oromia regional state, the largest and most populous region in the country, some local council elections have been held to elect local representatives to the woreda, kebele, and city administration councils. However, some regional laws have substantially undermined the democratic rights of citizens in the exercise of their rights in the local council elections. On a more fundamental level, the regional Constitution vested all sovereign power to the dominant ethnic groups in the region and excluded other minority groups from asserting their sovereign power recognized by the federal Constitution in the exercise of their democratic rights at the local level. Although the regional Constitution allows all citizens and residents to vote and be elected in the regional and local elections, the Constitution dismantled the traditional link between sovereignty and the right to vote and be elected and rendered sovereign rights recognized to all ethnic groups at the national level meaningless. Backed by the justification of the Oromo nation's right to self-determination, among other things, the Oromia regional state city re-establishment Proclamation reserved more than 70% of city council seats exclusively for Oromo nations in city administrations where the number of Oromos is less than others. By so doing, the Proclamation raised the Oromo minority representation in city councils against non-Oromo majority residents and resulted in minority rule over majorities, which is undemocratic. Moreover, by reserving a significant number of seats in city councils solely for Oromo nations, the Proclamation limited the democratic rights to equal participation and representations of non-Oromo residents in city council elections. In addition to this, the Proclamation is still non-inclusive and fails to establish fair and just criteria that ensure that all citizens and residents of the region have equal rights and opportunities to

exercise their democratic rights at the local level, as recognized by international human rights instruments and national constitutions. Furthermore, by reducing the status of municipal and growing municipal cities to the kebele level and prohibiting the formation of councils in these cities, the Proclamation undermined cities' autonomy and thus limited the people's right to self-administration and participation.

As far as the practice of the elections is concerned, it has been indicated that the past local elections in the region have not been consistent with the standards and principles of democratic elections set by international human rights instruments and national constitutions. As it was discerned from the discussions and reports of previous local elections in the region, local elections have not been periodic and consistent. As a result, no local elections were held in the region between 2013 and 2021. Although the regional state council by Proclamation No. 212/2018 postponed the 2018 local elections for one year, the local election has not been carried out in the region since 2013. To make matters worse, the local elections planned by the HoPR to be held along with the general election in 2021 were left out when the general election was held. Even though the reform process and security situations have been blamed for the delay and inconsistency of the local elections, it has been concluded that the lack of commitment toward local elections and the place assigned to local elections has been the main reasons. It is also indicated that merely holding national elections with little attention to the system of local elections will fall short of democratic standards for local governments.

As regards the competitiveness of local elections, there is no other conclusion to be drawn than considering the elections as completely non-competitive and non-participatory. The reports of previous local election results and the statement of interviewees show that the ruling party OPDO (a member of EPRDF) dominated local elections in the region, and most of the elections were conducted in the absence of opposition parties. The ruling party won between 99 and 100% of local council seats in the last local elections in the region. This indicates that the local people are not exercising their democratic rights. Also, it has been suggested that the absence of competition in local elections mainly originates from three dimensions. Firstly, there is a lack of political will to make local elections more appealing and competitive. There is a closure of political space at the local level, and the ruling political party exerted significant pressure on local opposition parties. Secondly, the rules governing local elections favor the ruling party and lack incentives for the

opposition political parties. Thirdly, opposition parties attach little significance and lack genuine interest to compete in local elections. Moreover, even when they choose to run, opposition parties lack the financial and organizational capacities to participate in local elections actively and mobilize local candidates. Due to the abovementioned reasons, no real competitor to the ruling OPDO in local council elections has been presented in the Oromia region. In addition to the non-competitive patterns of local elections in the region, it has been revealed in this study that the previous local elections held in the Oromia region have not been free, fair, and credible. The conditions that would allow opposition parties to participate and mobilize local communities freely without fear of harassment and intimidation have not been in place. As a result, it has been stated that a wide range of political pressures has been exerted at the local level, forcing opposition parties to withdraw from the local elections. Despite the factors mentioned above, the little emphasis placed on local elections and local democratization in Ethiopia, of which the Oromia region is a part, is another important factor contributing to the unappealing nature of local elections.

To sum up, some of the rules governing local elections in the Oromia region and the practice of local elections in the region have limited the democratic rights of citizens and failed to meet the standards of democratic elections outlined in international human rights instruments and the national Constitution. As a result, the move toward multipartism and political competition at the local level in the region remains unpromising. Therefore, this paper calls for the revision of the rules that limit the democratic rights of citizens at the local level, particularly in city administrations and the conduct of periodic, genuine, and competitive local elections in the region. Moreover, the paper suggests that the legal barriers such as the electoral system need to be changed, all stakeholders including the government, political parties, NEBE, and media must play their role, and the necessary incentives for local elections need to be provided to make local elections in the region more appealing and democratic. Generally, significant attention needs to be given to local elections and their democratization as they immensely contributed to the overall democratization process in the country.

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Interview with Mulugeta Negasa, Senior Election Operation Expert at NEBE (Addis Ababa, 4, July 2021).

Interview with Ambassador Disasa Diribsa, Higher Legal Advisor of Oromia Regional State Council (August 25/2021).

Appendix

Interview Guideline

The participants were chosen using purposive non-probability sampling techniques from the Ethiopian national electoral board, the Oromia regional state council, offices of political parties running in the Oromia region, and the Oromia regional state urban development and housing bureau. The questions are semi-structured interview questions. Semi-structured interviews are the type of interviews in which the interviewer does not follow a rigid form of questions and instead encourages the capture of the respondent's perception from their point of view.

I. Interview questions to Oromia regional state council

1. What are the laws governing local elections in the Oromia regional state?
2. Do you think the provisions of the laws governing local elections in the Oromia region are consistent with the principles of free, fair, periodic, competitive, and inclusive elections? Are they compatible with the principles of election under the FDRE Constitution and International human rights instruments?
3. Do you believe the local election laws of the region equally recognized the democratic rights of all citizens in the region?
4. How do you see Art 17/4 of the Oromia Regional State Cities Re-establishment Proclamation No.195/2016 that reserves a certain number of seats to Oromo residents against other residents in the city administrations that have their councils? What are the legitimate grounds for imposing such restrictions on non-Oromo residents in those cities?
5. How do you see the status of municipal cities and the growing municipal cities in the region in line with the principle of self-administration and public participation at a local level?
6. When was the last time local elections took place in the region? What is the reason for the delay?
7. Do you think robust competition among political parties has taken place during the last local elections?
8. What are the preparations for the upcoming local elections, if any?

II. Interview questions to the national electoral board of Ethiopia

1. How many times have local elections been conducted in Ethiopia?

2. Do you think the previous local elections in the Oromia region were conducted based on the principles of a universal, equal, secret, free, fair, competitive, and periodic election?
3. What practical measures do you take to ensure the implementation of the principles and standards of election in the local elections in the Oromia region?
4. Do you think the local election law of the Oromia regional state well incorporates the standards and principles for the conduct of democratic elections set under the FDRE Constitution and international human rights instruments?
5. So far, do your offices make any activities to review the local election laws and their implementation in the Oromia region? If so, what are the issues that need revision under the local election laws of the region?
6. What are the main challenges relating to local elections in Ethiopia?
7. What are the preparations for the upcoming local elections? If Any?

III. Interview questions to offices of political parties running in the Oromia regional state

1. Do you believe the previous local elections in the Oromia region were conducted following the principles of a universal, equal, free, fair, secret, and periodic election?
2. What are the challenges relating to local elections in the Oromia region?
3. Do you think local election laws in the Oromia region promote democratic and competitive elections?
4. How do you see the importance of local elections?

IV. Interview questions to Oromia regional state urban development and housing bureau

1. How do you see city council elections in the Oromia region in line with the principles of democratic elections under the FDRE Constitution and international human rights instruments?
2. Do you think the city council elections in the Oromia region are made based on equal participation of all residents respecting their democratic rights, and without any distinction?
3. How do you see the status of municipal cities and the growing municipal cities in the region in line with the principle of self-administration and public participation under the FDRE Constitution? Any recommendations for amending the laws in force?