

ADDIS ABABA UNIVERSITY  
SCHOOL OF SOCIAL SCIENCE



THE AFRICAN CHARTER ON DEMOCRACY, ELECTIONS, AND  
GOVERNANCE (2007) AND DEMOCRATIZATION IN ETHIOPIA:  
PROSPECTS AND CHALLENGES

BY

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ADDIS ABABA, ETHIOPIA,

DECEMBER, 2018

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**A THESIS SUBMITTED TO SCHOOL OF GRADUATE STUDIES ADDIS ABABA  
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## **Dedication**

To the oppressed People in  
Fight against  
The injustice of the State

I declare that the thesis titled “*The African Charter on Democracy, Elections, and Governance (2007) and Democratization in Ethiopia: Prospects and Challenges.*” is my original work and has not been presented for in any other university, and that all sources of material used for the thesis have been duly acknowledged.

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## Abbreviations and Acronyms

AU	African Union
ACDEG	African Charter on Democracy Election and Governance
AEUP	All Ethiopian United Party
AGA	African Governance Architecture
AGRIII	African Governance Report III
APRM	African Peer Review Mechanisms
APSA	African Peace and Security Architecture
AUC	Africa Union Commission
AUEOT	Africa Union Electoral Observing Team
CEDAW	The Convention on Political Rights of Women
CSOs	Civil Societies
CUD	Coalition for Unity and Democracy
DDPEGG	Declaration Democracy, Political, Economic and Corporate Governance
EDP	Ethiopian Democratic Party
EHRC	Ethiopian Human Right Commission
EPRDF	Ethiopian People Revolutionary Democratic Front
EU	European Union
EUEOM	The European <i>Union</i> Election Observation Mission
FDRE	Federal Democratic Republic of Ethiopia
FPTP	First past the Post
HPRs	House of Peoples Representatives of Ethiopia
GDP	Gross Development Programs
GERD	Great Ethiopian Renaissance Dam
IDEA	International Institute for Democracy and Electoral Assistance
IPSS	Institute of Peace and Security Studies
MDG	Millennium Goal of Development
MOE	Ministry of Education
MEDREK	Ethiopian Federal Democratic Unity Forum

NGOs	Non- Governmental Organizations
NEPAD	New Partnership for Economic Development
NEBE	National Electoral Board of Ethiopia
OAU	Organization of African Unity
OFDM	Oromo Federalist Democratic Movement
PR	Proportional Representation
PSIR	Political Science and International relations
RECs	Regional Economic Communities
SDG	Sustainable Development Goal
UEDF	United Ethiopian Democratic Front
UN	United Nation
UNESCO	United Nations Educational, Scientific and Cultural Organization
WHO	World Health Organization
UDHR	Universal Declaration of Human Rights
VOA	Voice of America

### **Ethiopian Names**

<i>Dergue</i>	<i>Military council which governed Ethiopia since 1967-1991</i>
<i>Kebele</i>	<i>The Lowest Electoral Constituency in Ethiopia</i>
<i>Mederek</i>	<i>Forum, an Ethiopian opposition party</i>
<i>Mircha</i>	<i>Election</i>
<i>Wereda</i>	<i>District</i>

## **Abstract**

*Political leadership in Africa after the colonial era has been followed by factors like single Parties, personal-coercive military, coup d'états which do not allow sustainable electoral democracies or sustained governance. After AU replaced OAU it has opted to put various mechanisms to bring democratic transition and consolidation by producing various mechanisms likewise Democracy Charter to assist member states. Even though, the member states are hybrid regimes or electoral authoritarians most of the member states have made commitment to form democratic leadership. One of the member states Ethiopia has signed ratified and deposited to be governed or ruled by the charter since 2007. After the down fall of Dergue the state has hold five elections since 1991, and subsequently signed the charter as well as had held two more elections under the protocol. Besides signing the agreement taking lesson from the most competitive election and post electoral violence of 2005 the government had enacted laws that curtailed the political culture and that has developed the tendency towards authoritarianism. The study has two distinct objectives but interrelated objectives. On the one hand it examines the structural and institutional challenges in governing the democratization process and on the other hand it examines implementation of AU's principles in practice and AU's activity in governing the democratic election. The research study uses both primary and secondary data. In corroborating the analysis theories of democratization like transition theory and exogenous influence and integration alliance theories were employed. In conclusion the study found out the Ethiopian government had achieved success in the women representation, formation of political systems and democracy institutions and has slightly and systematically violated the agreements with regard to violation of some of the agreements in the past elections however the actor or elite exchange has delivered opportunities towards democratic transition. The research also reveals the gaps, weakness, strength of the Ruling party, weakness of oppositions, CSOs, and presents possible opportunities towards democratization in Ethiopia in compliance with ACDEG.*

**Keywords:** *Political leadership, Democratic Charter, Authoritarianism, Hybrid Regime, coup d'états*

# Chapter One

## Introduction

### 1.1. Background of the study

African Union and its Member States are in search for strong stable, secured and democratic governance in the continent (Makinda & Okumu, 2007). The search is demonstrated by applying and adopting various brief instruments to achieve continental agendas such as Democratic Charter 2007 and Agenda 2063 (Mutsi & Kassim, 2013). In addition, previously, Africans had formed intergovernmental organizations like OAU to realize common continental democratic features. At the time, OAU was full of challenges in democratization and conflict resolution as well as it had failed to maintain peace and promote democratization due to its principles of non-interference in internal affair of Member States. Consequently, OAU was not able to lead the protection of civilians in grave incidents, abuse of human rights in the Member States by incumbents or their opponents (Baimu .et al, 2003). Then after many courses of discussions and procedures, it was replaced by African Union (Ibid). OAU's replacement by AU was marked the start of new era towards Africa's peace and security.

After the birth of AU as new intergovernmental organization, it has introduced a new direction for Africa's democratization and development. AU with the application of its objective has been executing its objectives and principles likewise; the execution of Millennium Goal of Development (MDG), Sustainable Development Goals (SDG), African Peace and Security Architecture (APSA), New Partnership for Economic Development (NEPAD), Sustainable Development Goal (SDG), African Charter of Democracy, Election and Governance( ACDEG), African Solution for African Problems( AFSOL) . At the same time, the efforts to practice and apply basic theoretical legal frame works of AU to deepen and broaden democratic governance ; peace and security in the continent was regarded partially in-effective measured by sets of indicators from groups like MO- Ibrahim foundation, Freedom House, Amnesty International and others. Besides, AU and its member's failure to establish or execute the legal procedure has systematically contributed in creating stagnant democracy, failed states and weak states in the continent.

Paradoxically, there are efforts made to plan and execute legal documents aforementioned to transform Africa from its endless challenges such as pseudo-democratic activities, disputed

elections, political instability, lack of democracy, lack of good governance and authoritarianism. Many studies indicate the above efforts are pre-mature as well as the results measured by various indicators and tools show regression of values or stagnant democratic development. The challenges are followed by civil war, force based transitions, violent conflicts, refugee crises. As well, the efforts are not able to produce the imagined stable and secured; equally shared Africa by shared efforts, in combination of diverse African values since its foundation. Therefore, transforming the continent to Agenda 2063 needs to work spearheaded by a single blueprint instrument or mechanism. It should be on consensus in between Member States and AU. Since acceptance and implementation accords and instruments in the continent can avoid re-current drawbacks observed through African States governance, election and democratization and it could remove hindering the achievement for the success of the anticipated agendas throughout Africa (Wachira, 2017).

AU has been constantly planning different instruments to achieve what is lacked earlier to build democratic governance in the region, building on Lagos Plan of Action (Abuja Treaty, 1980), NEPAD (2000), APSA (2002) and Agenda 2063 (Union, 2015). When it comes to execution of instruments and treaties of AU by its Member States, there are many empirical findings indicating major shortcomings in the management of controlling mechanisms and assisting the execution of treaties implementation by AU and its Member States (Hellman, 2000). It is because of various factors like; first, AU's incompetent capacity in addressing, controlling and measuring the protocols it produced whether in peer review or enforcing the instrument as well as limited in its monitoring activity; secondly, the member states commitment to comply with international or regional protocol is not consistent apart with the interest of external organs or states. In addition, the geo-political roles played by the member states in the continent and globe have allowed to revert from paving way to democratization and its development.

Further, AU's instruments or mechanisms could be achieved through Member States' commitment and efforts. The efforts also need cooperation and common understanding in between the stakeholders. And another priority of the Union is to work or to install its protocols by expanding its capacity and techniques of monitoring and controlling to strengthen the integration (See at, African Union strategic plan 2014-2017). In summary, AU has been producing many Norms, Principles, Mechanisms, Plat Forms (Architectures), and instruments to strengthen promotion of democracy. Not surprisingly, the Members States compliance to the regional agreements has not

become realistic and complete. Following such incompetency's AU has adopted the African Charter of Democracy, Election and Governance (from now on 'ACDEG') since 2007.

ACDEG is a charter which obliges Member States to comply with its objectives, principles and articles in promoting good governance, democracy and elections (Democratic Charter, 2007). Because, the charter enforces Members States to comply very strongly, there are small numbers of countries which signed and ratified it. Since March 2017, 46 States, 30 States, 10 States, 26 States had signed, ratified, never signed and hasn't ratified (deposited) the charter respectively (AU, 2017). In line with this, AU's obligatory document is not effective (Democratic Charter, 2007). To the contrary, hybrid regimes which practiced frequent pseudo democratic elections have used legal frameworks to retain their position and gain legitimacy placing democratic transition in siege. As well, there are many Member States practiced illiberal, flawed democracies formally with authoritarian features which gave less support to agendas that undermines their power base by allowing for more democratic freedom and opening up the political field for opposition parties, civil parties (Engel, 2016). On reflecting on the implementation of the Agreement and non-implementation of its compliance mechanism countries likewise Ethiopia, Burundi, Senegal, Burkina Faso, Gabon, Kenya, Egypt and Madagascar violated the Charter as well.

Further, empirical findings conducted by different scholars suggest Members States are not only expected to sign the Charter but also need to work for the implementation of the Charter. Neither Signing nor Ratification of the document allows a given State to comply with the Charter. Besides, AU's roles as intergovernmental organization have to be proper regulation and promotion of its principles (AU, Newspaper, 2017)<sup>1</sup>. As a matter of long quest and aspiration to realize democratic governance in applying the principles and objectives of the Democratic Charter; it is up to Member States and AU believe and to transform the Member States and AU towards democratic socially cohesively sustainable political culture (Ibid).

Overall, in changing the early experience of Authoritarian or undemocratic political leadership in Africa needs great exertion. As it is known the continent has deep electoral Authoritarianism and behaviors. The political development is nurtured with political leadership likewise one-man rule, dominant party, and personal-coercive military. Sometimes even if there are protocol's preventing

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<sup>1</sup> see at [https://au.int/web/sites/default/files/treaties/7790-sl-african\\_charter\\_on\\_democracy\\_elections\\_and\\_governance.pdf](https://au.int/web/sites/default/files/treaties/7790-sl-african_charter_on_democracy_elections_and_governance.pdf) (accessed on 15 March 2018)

activities which cause political decay such as *coup d'états* and electoral disputes, the practice of democratic governance is less (Mangu, 2017)

In assessing Member Countries implementation, Ethiopia has taken the leadership in signing and ratifying and depositing the Charter. However, it held two elections very apart from the objectives of its constitution and AU's charter. Even more disparities in the political development and process is created bi-polar judgment among stakeholders after the most competitive National election in 2005. The 2005 Election (In Amharic *mircha 1997*) was of two kind of comments; opponents and observers assert that it was an election that ended with post- electoral violence and it was a reversal from democratic liberalization to a one party led political decay. The opponents also assert that EPRDF has narrowed the political field (Merara, 2010), crafted "Reversal from democracy" (Abbinik, 2006), and placed democracy in "Stuck in transition" level signing the Charter of AU .On the other hand EPRDF and its supporter hail the elections and appreciate the development brought to establish democratic political economy in the federation. (Costantinos, 2015).

Scholars like Merara critique the two National elections (2010 and 2015) were undemocratic, un-participatory in its applications with legal regimes and narrowed democratic spaces (Merara, 2015).As a result ,the failure to run democratic elections has resulted the emergence of one party's dominance, electoral authoritarianism, and high fusion of state and political party (Ibid). Besides, AU's invitation to be an observer of the election was debatable and too argumentative; it leads to support EPRDF's value of bilateral determinism or detrimental relation existed in between Regional organization and member States.

Therefore, when discussing the process of democratization or transition in Member State of AU, the paper seeks to assess the compliance of Ethiopia towards the Charter. Equivalently, making analyses on integration of structural and institutional challenges as causes of hybrid regime and developmental democracy is essential. This study attempts to determine the nature and extent Ethiopia's compliance with the Charter, whereas the Ethiopian government shifts towards electoral authoritarianism during the course of the elections revealed that, when faced with the real threat of being ousted from power, EPRDF was determined to stay in power by all means (Rocha et. al, 2008). This strategy of EPRDF fails to be compatible with international or regional agreements. Along with, this study assesses the role of AU in monitoring (Observation) of its mechanisms. Therefore, to explore challenges to transition and consolidation through election, this assessment

centers on the role of political institution and procedures such as electoral commission, electoral system, civil societies, independent media and gender representation. It helps the effort how the political and opposition parties worked to stand firm in the development. As well, it focuses on assessing the role of AU ability beyond reporting the compliance of the state to the Charter. It also looks forward to put prospects in democratization.

## **1.2. Statement of the problem**

After the down fall of the Military Junta *Dergue* or Mengistu, EPRDF had taken power. It has produced new constitution that allowed forming institutions likewise multiparty political system, decentralized or regional administration with the federation and built democratic and human right institutions, established election-board, Ethiopian Human Right Commission, and independent media. Then after, there were elections carried out, with significant setbacks left the country with weak opposition under control of EPRDF and hold elections as a formal process than devoid of content (Aalen & Tronvoll, 2009). After the “Window dressing” election 2005(Ibid) considered as the most competitive and participatory ended with post conflict Ethiopian government was grouped under the Hybrid regime by liberal democratic measures (Freedom House, 2016).In other words Ethiopian democracy was assumed in regression towards to authoritarianism. Despite the incumbent has opposed accusations made by the opponents and civil societies.

Since the end of the window dressing election (election 2005), two elections were held in 2010 and 2015 under the watch of limited groups, organizations and parties. The incumbent had signed, ratified and deposited numerous protocols which enforce consolidation of democratic governance. In congruence there are empirical studies indicated that EPRDF has tailored electoral process to install to form reversal democracy institutionalized democracies. The struggles to permanently stay in power are placed through narrowed political culture, political polarizations, and manipulation of umpires.

Likely stating challenges there are empirical studies conducted about Ethiopian democratization. And most studies indicate that democratization in Ethiopia is hybrid (Rocha et. al, 2008, Tronvoll, 2010). The challenges to transition results from weakness of political actors and democratic institutions the other hand (Shimelise, 2017).In addition other researches argue that democratization process is wit in flaw in Ethiopia because the link where the Ethiopian government has developed deepened soft diplomacy with EU, USA or China and leverage or the diplomatic interactions and

pressure the state have silenced the exogenous powers from support. Therefore, not being an oracle of domestic politics limitation, the process of democratization, farther is dependent on the democratic groups effort and international stakeholders.

There is no doubt that exist many empirical studies conducted with regard to Ethiopian political development, election or governance. In review of literature to comply with the study most studies conducted about the Democratic Charter are much examined. Amina (2017) examines how ACDEG promotes compliance of States to democratic principles. As well, it assesses the impact of the ratification of the ACDEG of African states. Further it investigates the roles of AU institutions in addressing violations of fundamental rights necessary for democracy. Another scholar Maphunye (2014) studied the opportunities and dilemmas for democratization in Africa. It examines the contribution of the democratic charter to Africa' electoral democracy and the will of African political leaders to promote sound governance including support for impartial election management bodies and democratic culture.

Kassahun Berhanu (2003) on his article on *Party politics and political culture in Ethiopia* mentioned the political system developed and planted in Ethiopian Electoral system till 2003. And he gave emphasis on democratic performance of the ruling party and the political culture of the State and indicated the interaction between political parties, mass organizations, and civic associations was weak because of deep-rooted exclusionist policies of EPRDF and weak oppositions with less durability of alliances and internal faction originated from traditional Ethiopian political culture. Merara in his article *elections and democratization in Ethiopia, 1991-2010*, indicates that the core problem for maintenance of the revolutionary democracy based on democratic centralism, hegemonic aspiration and fusion of party and states. In his finding he stated that elections haven't led to development of democratic consolidation (2011).

Study conducted by Zemelack titled "*EPRDF's 'menu of institutional manipulations' and the 2015 regional elections.*" basically stresses on the basis of electoral manipulations in local elections. Zemelack (2015) identified the electoral Umpires or Political manipulations which mitigated the realization of political democratization. As his findings show the government has developed umpires of manipulation to stay in power at any cost. Tronovol (2009), in his article, "*The End of Democracy? Curtailing Political and Civil Rights in Ethiopia*", has assessed political developments

in Ethiopia after election 2005. The conclusion of his work is that Ethiopia has trained itself in the return towards Authoritarianism.

As previously mentioned studies indicate, Ethiopia has stuck itself in grey zone or hybrid regime or “Regressive Authoritarianism” (Tronvoll, 2017) and EPRDF proclaimed victor registered better economic solutions in the country with socio- economic transformation. “The Actors and institutions failed to consolidate towards sustained democracy. In addition researches conducted by Alagaw Ababu (2015), indicate that most of the failures emerge from the incumbents less willingness to apply impartial election and deepen democratic elections. While Alemneh Mekonen (2017) in his book titled “Political Economy and Ethiopia’s Renaissance” supports the achievements by EPRDF in the political economy through the democratic and political achievement. Hence, it is necessary to make analyses on democratization of Ethiopia and AU’s role in order to bring consolidated democracy in compliance with regional organization’s agreement.

Despite an increased interest in democratization and democratic process, it is surprising that so little empirical research has actually been conducted to enumerate Ethiopian democratization in compliance to AU’s instruments. As well; there is gap from the perspective of AU’s role and its pivotal members’ domestic political commitment towards democratization. Except, to some of them aforementioned above few studies, only have focused either on democratization or compliance to regional mechanisms like APRM. Thus, it is essential to study the process of democratization in Ethiopia nexus in compliance with AU’s Democratic Charter principles and Guidelines in administering elections. As a result it helps to identify, find out and make analysis on major structural and institutional challenges mitigated the process of democratic transition and helps to make reviews on existing interaction, protocols, laws and political culture. Further studies like this could foster the electoral reforms in the coming election by providing new practice as well as it helps to boost the role of external actors in supporting democratization processes. Therefore, conducting study on electoral practices or democratization of Ethiopian government in conformity to AU 2007 principles is very essential to bring the social, economic and political change and sustained democracy. Thus, this thesis makes analysis on structural and institutional challenges that has been hindering in governing the democratic elections as well as it foresee prospects to turn down the crossroads.

### **1.3. Research Questions**

The overall research question of this study is to examine Prospects and challenges of the African Charter on Democracy, Elections, Governance (2007) and Democratization in Ethiopia.

**Specifically, this study attempted to answer the following questions as well:**

- ❖ What are the structural and Institutional challenges that delay the implementation of democratic charter hitherto elections in the democratization of Ethiopia?
- ❖ How have the principles of ACDEG applied in the Ethiopian National Elections?
- ❖ What are the roles played by AU in governing Ethiopian practice of Democratic Election?
- ❖ What prospects do exist in implementing the principles of democratic charter?

### **1.4. Objectives of the study**

#### **1.4.1. General objective of the study**

Generally, this study aims to find out the Prospects and challenges the African Charter on Democracy, Elections, Governance (2007) and Democratization in Ethiopia.

#### **1.4.2. Specific objectives**

The Specific Objective of this study is to:

- Examine structural and institutional challenges that delay the implementation of democratization in Ethiopia.
- Assess the intersections and the way the principles been put into effect during the elections.
- Identify the activities played by AU in Ethiopian Democratic election.
- Explore the prospects that exist in implementing the principle of Democratic Charter in to effect in Ethiopia

### **1.5. Scope of the study**

Nowadays there are many studies being conducted on democratization, compliance and elections. This study attempts to assess, discuss and outline Ethiopian government's election 2015 implementation with respect to AU's 2007 democratic charter principles and guidelines as well as possible prospects. It deeply assesses the Ethiopian government's compliance with democratic charter 2007 and Africa Unions participation as observer. Nonetheless, ethnic politics, intraparty politics, regional instability or geo-politics are not part of the analysis.

## **1.6. Significance of the study**

The finding of this study aids and contributes for policy framers, politicians, CSOs, Media, Organizations, and stakeholders to contribute to Ethiopia's democratic governance and effort towards compliance with different instruments. It also add in examining on the role of international or continental organizations in democratization of Member States. It could also be used as a basis and elucidation or reference to additional studies to be conducted in relation to the ACDEG and Ethiopian Elections. Generally, this study gives general views with reference to the process of democratization interacted with ACDEG principles and guidelines implementation challenges within the past two elections and existing opportunities.

## **1.7. Limitation of the Study**

At the current state of affairs there are many studies conducted about Governance, Election and Democracy in the field. The researcher faced different challenges. The big challenge the researcher faced is lack of access to meet the public officials whom found important to supply information. The topic of discussion in hand has two sided groups of participants. Pro- EPRDF and oppositions; it was difficult to find a bridging paper. The availability of electoral documents was one of the difficulties. Here again reference books were one of the challenges in the area. Thus the study has much dependency on contents from empirical studies, reports and web sources. And Access to AU was too difficult during the data collection period because the concerned representatives were too busy with continental and regional activities. The event or the elections had happened thus, the study had more focused on the secondary documents and experts thought.

## **1.8. Research Design and Methodology**

### **1.8.1. Approach and Methodology**

The research design or strategy is a part that justifies the logic, structure and principles of the research methodology and methods and how these relate to the research questions (Mason, J., 1997). These strategies of inquiry (Denzin & Lincoln, 2011) are types of inquiry used in order to describe as a case study. In this study, the research methodology used is primarily qualitative to the four specific questions stated. Qualitative research is a kind of study that examines aspects of social process that includes allows of collection of detailed information in a relatively close setting (Denzin and Lincoln, 2011). Therefore, the rationale of using qualitative researches is opted a means for exploring and understanding the meaning individuals or groups make ascribe the

Ethiopian democratic ill-maturity. Therefore, this study is an exploratory of its kind in examining the performance of different stakeholders per se as well as it assesses the compliance to the AU charter to makes analyses and evaluates the role of AUEOM.

### **1.8.2. Methods of Data Collection**

Methodology is a map of a research to be processed to get a finding (Kothari, 2004). This study used both primary and secondary data collection methods that it was conducted on producing necessary data to answer the research questions based on primary and secondary sources. Besides, reading and making discussion on materials relevant to the analysis and finding, primary sources likewise legal documents, journals, protocols such as electoral documents, constitutions are largely used in the study. In strengthening the study, structured and unstructured interviews were conducted with key informants. The key informants were from Department of Political Affair of AU (An expert on ACDEG), National Electoral Board of Ethiopia, Independent Media, and Civil Society representatives, and lecturers from University. Here the researcher has used interview guide line. Each interview lasted from 25- 50 minutes with the key informants. In addition to this the document analysis included document analyses from the NEBE, CSOs, HoPRs.

### **1.8.3. Document Review**

For the purpose of this study, much detailed content analysis is made; all available documents obtained were analyzed. As aforesaid, reading was made to get the necessary data. The data collected through the primary sources were triangulated through secondary sources review of relevant documents, journals, articles, published reports, magazines, books, newspapers, and conference proceedings, unpublished documents, online and legal documents. The data collected focused on the historical, contemporary implementation of Ethiopian government's performance regarding election, electoral governance and democratic governance (ACDEG). All available documents obtained from NEBE, CSOs, and EHRC, political parties discussion had been analyzed and integrated in this study.

### **1.8.4. Data Analysis and Interpretation**

The data generated through key informant interview and discussion was translated into English. The interviews were conducted to supplement the document analysis. Then, the interview was arranged to different themes of the discussion and thematic areas. Then according to the themes these were coded and transformed into distinct chapter, after writing the first text, it was presented to key

informants and to peers for feedback. Then it was converted to the final thesis. For the purpose of this study, qualitative technique of data analysis was used to make the analysis clear and sound.

### **1.8.5. Ethical considerations**

With the permission and consent of the participant audio record is used to make the interviews and discussions. The informants who participated in the discussion who needed to have anonymity are indirectly named rather; they are referred as Key Informant (Code 01) 1, Key-Informant 2(Code 02), and Key Informant 3 (Code 03). Furthermore, the interview is transcribed from the record based on thematic classification of responses and is analyzed mutually and together with the literatures and available documents. While the study was on process, Media control was regularly followed and it was made daily by the researcher, weather, any kind of changes could occur in the field of the study. In addition, the information collected through the interview is presented with the current state of affairs. There are many researchers conducted about governance, election and democracy in the field of humanities and social sciences. Then this research focuses only in examining /assessing the performance of FDREs democratic governance by taking the election in 2015 general elections as sample to assess the compliance of Ethiopia with ACDEG.

## **1.9. Organization of the study**

This study has six units .The first chapter of the study includes introduction, statement of the problem and research question, objective and research methodology. The second chapter includes the conceptual and theoretical framework of the study. When we go third chapter it is about the African perspective about democracy and its principles during pre-colonial, colonial and post-colonial era and the change from OAU to AU with application of new instruments. In chapter four the paper analyzes findings of the paper while the fifth chapter puts prospects in the study. At the last chapter the researcher delivers conclusion and forwarded recommendations to stakeholders.

## 1.10. Review of Operational Terms

1. **Electoral Authoritarian Regimes:** These regimes do allow multiple parties to compete in elections but the implementation is unfair in its nature. And sometimes put barriers on oppositions activity through institutions and the incumbent uses the play field to consolidate and win in wide margins (Diamond, 2002)
2. **Hybrid Regime:** They are regimes which combine democratic characters like elections with autocratic one in their practice like political intimidation and harassment .Besides many scholars group them under grey zone of institutional uncertainties .Mostly they are in between authoritarian and democrats (Gagne, 2015).
3. **Transition Period:** It is a period which involves acceptance by all participants to subordinate their political behavior to the rules. This period is the formation of considerable agreement among elites regarding the rules of the democratic game and value of democratic institutions (Burton, Gunther, and Higley, 1992).
4. **Liberalization:** It involves a passive and voluntary connection between individuals and groups who are permeated not compelled by authorities to engage in certain forms of free behavior commitment than coercive behavior( Schmitter, 2004)
5. **Democratic Consolidation:** It consists in transforming the accidental arrangements, prudential norms and contingent solutions that emerged during change from transition to institutions (Schmitter, 2004) democracy becomes consolidated when political actors in town accept to play only with the only game in town (with democracy) the legitimacy of democracy and no actor seeks to act outside democratic institutions for both normative and self-interested reasons (Sorensen, 2008). The process becomes routinized institutionalized and normal .If any one acts out of the rule or violates the resultant or the negative political scandal.

## Chapter Two

### 2. Conceptual and Theoretical Frameworks

The conceptual and theoretical ground of this study is framed in this part. In addition to the discussion of democracy, its procedural requirements, institutional arrangement or structure in embracing the rule of law, Election and the process of democratization and integration of AU with its member states in its mechanisms it produced is assessed.

#### 2.1. Defining Democracy

Democracy is a highly contested concept (Gallie, 1956). It has no agreed theoretical and empirical definition for it or no consensus is reached on what democracy means (Reynolds, 2002). “Democracy”, derived from two Greek words, refers to rule by the people or a method or procedure of government rather than as a commitment to any particular set of social and economic objectives (Schmitz, 2006). Schumpeter (1950) asserts, democracy is an institutional arrangement to make political decisions in which citizens could decide whom to take power, office and administer in a competitive struggle for the people's vote. The liberal democrats qualify the value of popular rule by recognizing a set of liberties such as the ideal of free and equal human beings, freedom of thought, speech, press, association and religion and so on (Rawls, 1971).

In addition, in defining democracy, there is a dichotomy grouping of Nations into two groups: The Minimalists and the Maximalist. The earlier group define democracy as ‘A system where rulers acquire the legitimacy to rule through regular, competitive election and universal suffrage as constitutive elements of democracy’ (Przeworski, 1999) whereas the maximalists definition embraces the concept of democracy to include justice, social justice and economy (Ibid). The definition of democracy is too complicated with disagreements on what kind of democracy and degree or practice of democracy (Sartori, 1987; Neilson, 2008) because some scholars propose the minimalist models of democracy concentrating on elections while the other scholars add rule of law on the minimalists view.

The above various definition of Democracy indicates that democracy has a dichotomous and continuous measure or indicators. The dichotomy could be about political system characterized by regular free and fair election with transparent competition; civil and political liberties and justice in

social welfare or socio-economic aspect. This indicates there exists empirical and normative differences in the definition of democracy. Some states could be democrats while the others belong to non-democracy. Additionally, States democratic transition and consolidation could be measured in variety of indicators and scales. According to some empirical studies, likewise, Freedom of House reports, MO-Ibrahim a large number of countries are in gray zone that are not fully democratic nor fully authoritarian (Sorensen, 2007). The result reveals most of the countries in the referred grey zone are ranged in either electoral democracy or electoral authoritarian group; Exceptional to some nations like Ghana in Africa. Most of the countries in the gray zone are still practice pseudo-democracies (Ibid).

Therefore, from the above information it can be framed that democracy has two dimensions: one, the binary classification of democracies either complete or incomplete democracies or full democracy with range of quality. Rustows (1970) and Sorensen (2007) conditions, that there are many steps or phases to the occurrence of democratization or teleology. It begins from breaking down of Authoritarian regime to consolidation. Taking, Rustows (1970) explanation for the purpose of this study democratization could result with phases one after another; national unity, breakdown of authoritarian regime, election or democratic consolidation one after another. But most of African countries have stationed democracy at its first stage, or second stage and routine periodic elections, hence, the African states have formed political institutions without autonomy allowing illiberal democracies (Zakaria, 1997) to stay in power. In other hand most African leaders prevent to work with regional organizations' and mechanisms to depict a good picture of democratic achievement.

## **2.2. Conceptualizing Democratization**

Democratization refers to different things to different people and the difference between democracies from non-democratic regimes is not well demarcated. For some people or governments, it could be an either a process to shift from one phase to the other phase or a change from undemocratic regime to democratic regime (Haerpfer al, 2009); or else it could be a transformation from semi-democratic system to fully democratic system. Further, it could be creation of institutions and procedures to apply the three aspects: political democratization that allows competition, political participation and civil and political liberties (Sorenson, 2008). It could also be also a measure of democratic performance variation from the Minimalists to Maximalists

division. Therefore the present work has set out to demonstrate the process of compliance of regional document ratified and its integrity towards democratic political leadership. Further this process is assumed to achieve and succeed democratization guarantee, political participation and liberties.

Minimalists suggest that if democratization needs to occur then, liberalization have to take place. Different groups which even have no a common shared ideology merge to remove an authoritarian regime at any peaceful or public protest even sometimes major course of force based upheavals could occur to overthrow, compromise or pave platform for coalition governance. At this phase the act of different groups could yield ultimate removal of an authoritarian from incumbency. It has been majorly argued in most undemocratic nations the transition pattern could be hampered by different predictable product of negative or positive forces of the democratic transition phase. Therefore, in order to sustain the first phase (liberalization), there needs to employ efforts not to miscalculate lagging efforts or power that could bend the process of democratic transition. It is sadly apparent in Africa most democratic startups (Liberalizations) were hijacked by military personnel. Many political scientists as well as experts believe this to be true. At this stage many of democratic institutions likewise electoral boards, constitutional amendments other institutions could be installed (Huntington, 1991). Initially, it is at this stage where two or more elections should take place in order to avoid punitive practices that impede the move at the backdrop of liberalization.

It was at this crucial stage where many most African and Asian countries have struggled to break down Authoritarian governments; however, their struggles were sometimes captured by military leaders and other dictators and bloody rulers (Sorenson, 2008). In addition the maneuvers of liberalization signaled failure of the process in many of these aforementioned nations. A good example of such ill-practice of governance occurred in Zimbabwe, Egypt, Madagascar and Ethiopia. For instance Ethiopia has installed different institutions of democracy since 1991 even if they are not working to the interest of the People. Here it fails to match the sovereignty of the people. Besides, of many pre-conditions to the emergence of democratization; the effort of removing Authoritarians from office; changing hybrid regimes to democratic; from dominant parties to multi-party is of course too substantial.

On the other hand there are many triumph full accomplishments by African to open the gate to deploy democratic governance and escape from murderous regimes and bring down political leaders

or parties that blatantly violate human rights of their citizen with no justice. The Jasmine revolution of Arab countries was a good model of the up to conceptualization of democratization. In the Arab spring experience, Egyptians tight grip leader, Hosni Mubarak was ousted from office by public outrage exacerbated by corruption, lack of democracy, pseudo democratic process. Following that, Mursi from Muslim Brother Hood was one to take control of Egyptian democracy. His party and his failure to govern and push the country towards to democracy through participatory political leadership had instigated involvement of the military to “Capture the transition” Nonetheless it was a debacle in the democratic effort of the citizens. At the time, AU was inefficient to sanction and also lost no opportunity to regional hegemony countries in Africa of reminding such as Egypt its obligation under the AU constitution and ACDEG of 2007. The inability of the Union shows inability of monitoring and controlling its rules and protocols.

In contrast, Tunisia had undertaken instant transition to democracy because of noninterference from the military. The measure of the newly formed government from authoritarian towards to early democracy through election was a subject of difference for its identification (Sorenson, 2011).

If a possible phase of liberalization is installed in a given country, transition of democracy takes its place. Transition is the second next phase to political transition where democratic activities are commenced. Indicators like civil and political rights, political competition, freedom of assembly, political participation are basic essence of this period. The transition to democracy from authoritarian and its consolidation depends on variety of factors and the change doesn't permit mono-causal explanations. It needs many factors to assess such efforts. Many African nations are stuck in this stage because, they grow propensity to stay in power without any challenger (Petersen, 2008).

Followed by the transition period, ‘consolidation’, that is an establishment of sustainable democratic regimes occurs. Democratic transitions may not necessarily result in successful consolidation. Emergence of reversal to Authoritarianism, electoral Authoritarian (Hybrid Hegemony) occurs if proper institutionalization were not employed (Schedler, 2002). The Hybrid regimes allow elections for the benefit of the incumbent as well as elections are presented in regular and periodical time. However, in these regimes, the opposition is prevented from getting much seats or powers. They are neither fully autocrat in their nature nor fully democrat. They can be called illiberal democracy (Zekaria, 1997), delegate (O'Donnel, 1994), Hybrid (Diamond, 2002). These

countries have theoretical democratic institutions and allow civil and political rights. However, authoritarian traits such as prevention and intimidation, vote rigging and harassment during election period are manifestation of the groups. As Carothers (2002) imparts the electoral activities made based on minimalists definition were taken as determinants of democratization, but the formation and regeneration of hybrid regimes have questioned the assumption elections set up.

Further the outcome of democracy can be consolidation from authoritarian regimes to democratic regime or in turn could be reversal (Sorenson, 2009). Afterwards, at the breakdown of Authoritarian regime, there is probability of installing democratic regime or reversal (Sorenson, 2011). If there are drawbacks, reformed Authoritarian system emerges (Ibid). The reversal may occur as a result of declines or political decays in rule of law, corruption and so on. Though, if efforts put in place the way to consolidate to democracy is possible. But some Institutions phenomenon states could transform to institutionalized and consolidated democracies (Linz & Stepan, 1996) or the only game in town (Sorensen, 2009).

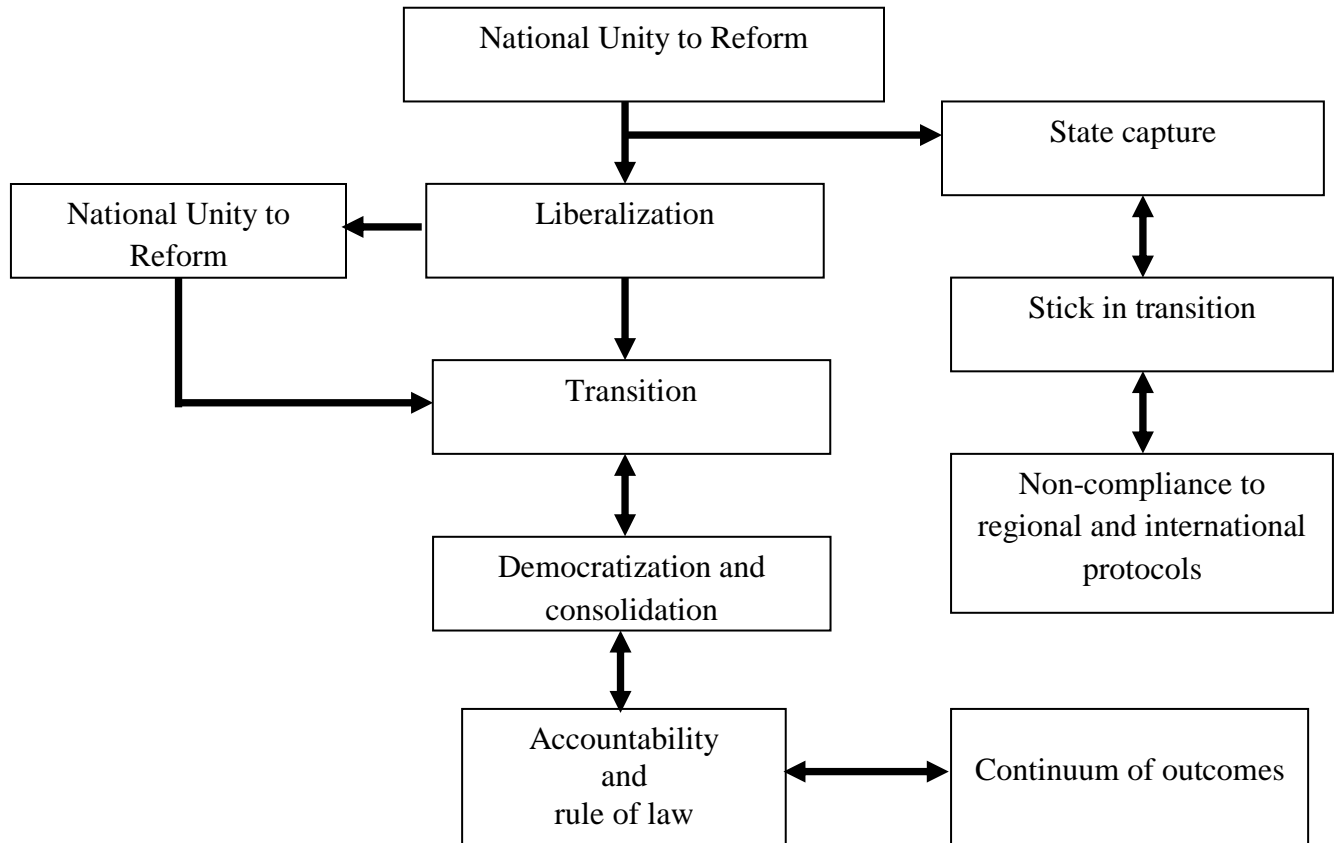
Democratization should be beyond election. Nowadays there are many empirical studies in support of shared responsibility or accountability (Rakner, 2007). The accountabilities are of three magnitudes. The first accountability should be vertical accountability. The electoral will hold the political leaders to account through the electoral channel at given sets of points (Ibid). In second place, O'Donnell (1996) discloses, there have to horizontal accountability and interaction in a state. Government structures are required to be placed to monitor, assist, control, check, supervise and sanction any violation of unlawful actions by the any branch of government. Thirdly, societal accountability has to be nurtured. The media, civic societies have to independently work (Schedler, 1999). This will be explained in the fifth chapter of the study.

Largely, there are some preconditions and approaches for the emergence of democracy. Scholars have identified different factor or prerequisite or requisites for the emergence of democracy in a given state. There are countless ways to address challenges of democratization that can be explained concisely established on transformation theories. Therefore the following four theories of democratization are used to make analysis.

Democratization, above all, is a means of building democratic states. It's more than introduction of election. It helps to avoid manipulation of fear, marginalization and psychological brainwashing of

people .In addition; it is a process aids in creating ordered, rational and predictable states at least to their citizenries.

### Conceptual Framework for Analyzing Democratization



Source: Author Compiled

## **2.3. Theoretical framework of the study**

This part of the study terrain in to the theories that are the foundation of the study. It discusses the theoretical framework that could be taken as basis of the study. Besides the study has opted multi-disciplinary approaches of theoretical framework to examine and understand the study at hand with comprehensive analysis. Hence, theories of democratization and the neo-neo debate are preferred to study such a topic even though there is no any single theoretical framework to embrace democratization.

There are of course many literatures, empirical studies and normative approaches about democratization. In addition there are many international and regional indicators such as Freedom House report, Polity IV, Democracy Index. (CIPE, 2012). Additionally , all these indices are valuable to researchers and policy makers but no single stastic data can truly show the kind of democratic governance is being applied in a country (Ibid) .There are also many empirical and normative studies, analyses, anthology of documents conducted to assess , support and ordeal theories of democratization. Groups like Amnesty international, human right, European Union, IDEA, and AUEOU are groups which participate, assist, assess in electoral activities, observation and report. And their aim is to develop an analytical explanation of how state and regional organization could work together and make analyses with existing practice and future arrangements.

### **2.3.1. Theories of Democratization**

The study of democratic transition takes the political scientist deeper in to history than he has commonly been willing to go. There is no any single theory of democracy to contain all the approach or focuses in democratization. Democracy as an analytical point and social, political phenomenon remains contested. Even if there are many theories of democratization, they attempt to explain the democratization and highlight aspects in democratization since the transition and consolidation has not causal explanations than correlations. Samuel Huntington (1991) lists possible independent variables such as level of civil violence, economic wealth, low inequality, community homogeneity or heterogeneity, elite desire for democracy, strong middle class, traditions of law and order within a given society as prerequisites and requisites. Thus what strategies are possible to bring democratization in a country to deepen democratic governance through election can be explained briefly based on approaches towards democratization in line with continental, international principles and guidelines or commitments. Thus the, then following five approaches

are identified and discussed below based on Rostow (1979) model that indicates the origin of democracy where it starts with a single background condition –National Unity.

### **2.3.1.1. Cultural Prerequisites**

Based on this approach, many of theorists claim that society's democratization is cultural prerequisites of a state. As a requirement to push or pull a state to and fro democratization there is an argument that establishment of democracy either have dependency or puts preconditions on the cultural environment of a given state (Hadenius, & Teorell, 2005). Some cultural and religious factors and previous experiences with democratization are taken as prerequisite to democratization. Some religions and cultures are incompatible with liberal democracy (Huntington, 1991). In other words, some religions are not compatible or hostile and to think democracy without culture is a misleading appearance of study. Grugel (2013) asserts that some religious and cultural stereotypes or values have been taken as impediment to democratization (Ibid). In comparison Protestant is taken as much conducive to democratization because it proposes individualism than other religions such as Islam or Confucius (Huntington, 1991).

The culture- democracy compatibility besides varies from place to place and region to region. Good evidence in it is references with large number of Islam countries like Saudi Arabia are governed in Kingship in the today's 21<sup>st</sup> century. But After the King (Salman) came to power there are step by step efforts to lessen authoritarian practices by employing some features of democracy like women rights. But then again countries like Egypt that has associated itself the best of democracy in the Arab league have practiced two more election and have witnessed electoral democracy in order to deepen and strengthen its soft power with its global allies like United States of America. However, Egypt's authoritarian government was overthrown by the force based protest for its consequence of lack of good governance and lurking hid in military power. It was also difficult to classify countries to be under non-democratic, some evidences in Muslim countries like Indonesia could void the approach that declares a given states culture and religion impede democratization. Indonesia, which is none-Arab Majority Muslim country, practices good democratic governance. And then, of course, there are hypothetical variations in these assumptions.

### **2.3.1.2. Modernization Theory**

It is a theory where change to democracy requisites economic and social change. This approach to democracy was codified by Lipset (1959) and draws on a mix of Weberian notions of the 'modern'

state and the preoccupation of classical sociology with describing the social transitions from feudalism to capitalism, from traditional to modernity promoted by scholars like Diamond (1999). They propose the locus *classicus* link between democracy and modernization or the relationship between high levels of economic development and democracy as a requisite. Lipset (1959) has put modernization as a priority or requisite and suggests “*The better to do a nation, the greater the probability that it will sustain democracy.*” Lipset, (1959) claims ‘Poor countries need to modernize then make transition to democracy, (Ibid).

The proponents of modernization theory proclaim that ‘Socio-economic developments like industrialization, urbanization, wealth, education could bring an open class system or large middle class to make democratic transition or democratic stability. It is because when there are more communications, consumptions and capitalism, having these preconditions then democratization emerges. In summary Lipset (1959), Almond and Verba (1963) Moore (1966) suggested that a modernization approach to democratization occurs in countries with developed socio-economic as a process oriented approaches to transition to democracy.

According to this approaches economic prosperity, urbanization and education allow establishment of social classes like Middle income class. Hence, Middle Income Class could be part of democratic process. It is possible; however, the Authoritarian regimes that are very rich like Republic of China could not allow multiparty democratic practice. As Przeworski (2000) notes development makes democracies endure, but it doesn’t make them more likely to emerge and economic prosperity is nearly determinant for democracies survival.

Protuberant among abnormalities selecting economic performances as one the factors in producing the preference for democratic state building was the conviction that the American and European experience was directly applicable to Africans, Asians and Latin Americans. The abnormalities also allow criticism in making judgment or being ‘Oracle of modernization’ exposes influence of Eurocentric option towards to democratization. Within this instance, India, with almost 1.2 billion citizens and 1,000 USD GDP per capita, is considered ‘Stable democracy’ in comparison to World’s second largest economy China. China is non-democratic nation led by a communist party, which is primarily charged with economic boom than democratic right. No doubt that China has economic development, it has no place for European tailored political development, and it is with no ‘electoral democracies’ or constitutional democracy of the Western World. It is also often argued

that rich countries in Arab Gulf States, that own, high per capita income are authoritarian and stand still without any preparation to change towards democratization (Peterson, 2008). Good models for this “No-Change” political curb in this theory can be United Arab Emirati (UAE) and Kuwait Republic.

The debate on development and democratization is also a primacy of African politics. Hirschman(1963) argued that a country can best launch in to phase of growth not by slavishly imitating the example of nations already industrialized ,but rather by making the most of its particular natural and human resources and fitting these accurately in to international division. Leftwich (1996) offers the wide contemporary restatement of modernization. He applies it only to developing states. He argues that economic development, whether in a democratic political setting or not, will inevitably produce democracy in the long term. Besides, he suggests the West to support only those dedicated and determined developmental elites whether *democratic or not* ( Leftwich ,1996 italics in the original)

The debate among the Euro centered scholars and Africanist do not abridged the gap in between the preference of nuance development first or Democratization first. Moreover, some Africans states grapple to the rhetoric of, ‘Choose development prior to democracy’. Peterson (2008), notes that democracy is not caused not by income per se but other forces of changes that accompany development (Peterson, 2008). To the contrary Rakner et. al (2007), states economic prosperity and democracy have correlation and it doesn’t mean causation. They add that when there is a robust economy likewise Saudi Arabia own, we may not find democracy while as India could be best consolidated democrat country (ibid). Since economic development is not the only means to transition, this approach is sidelined. Similarly it is possible to note that, a country is likely to attain democracy not by coping of the laws and practices of some previous democracy, but rather by honestly facing up to its particular conflicts and devising effective procedures for their accommodation (Hirschman, 1963). In summary, this theory identifies capitalism, education, consumption as set of standard of modernity and requisite to democratic order emergence. However, its implication to African states compliance is semi-valued.

### **2.3.1.3. Historical Sociology (Structuralism)**

It is a kind of ‘macro history’ approach; this method is used to ascertain numerous trajectories of state development or paths to modernity, in instances, like, war of revolution (Skocpol, 1979, Tilly, 1990, Messay, 2011). In structuralism approach most of the scholar are interested in how the changing relationship between the state, understood in the Weberian sense of ‘*a human community that claims the monopoly of the legitimate use of physical force within a given territory*’ (Ibid, italics in the original). Besides this theorists trace transformation of the state through class conflict over time, in order to how democracy which they see as state transformation –has sometimes emerged.

Historical sociology accentuates the centrality of the no observed structures of class for understanding any political order (Grugel, 2002).As well; it correlates the emergence of democratization with the development of an articulate, self –conscious and organized working class or other social movement (Ibid). According to this theory and scholars such as Moore, and Ruchemeyer (1992) call, the changing relationship in between the state and classes shape the political system.

One of the prominent Historical Sociologist, Moore and his modified works note that three ways to modernity. They are a bourgeois revolution, leading to capitalism and democracy; revolution from above, leading to industrialization and fascism; revolution from below, leading to communism (Ibid). The Bourgeois Revolution is conceptualized as the transformation of the pre-modern state in to a democracy as a result of two stages. First the reduction in size of peasantry and end to organic dependence on the landed classes and second a rearrangement of upper class interests around the dominance of commercial and industrial interests (Grugel,2002).Revolution from above is path of conservative modernization. It is combination of development of capitalism in agriculture and industry by state directed progressive revolution. It occurred in Japan and Germany with the emergence of commercially minded landed classes (Peterson, 2008).

The third route of modernity according to Moore is a revolution from below. It was identified as a path to modernity through peasant revolution and communism. It depended on an absolute state, weak landed class. This theory with its emphasis on history, conflict, class and the state can contribute to explanations of partial or incomplete democratization. Since democratic consolidation is affected by development related socio-economic factors, the contagion effect of democratic

neighbor and inflation explanations of democratization should contextualize and situate with in structural perspective in order to understand political change (Haggard and Kaufman, 1997, see also Power (1998)). However, these richly grounded and explanatory approaches have a number of criticisms. This approach is helpful to elucidates post- transition system.

#### **2.3.1.4. Transition Approach**

Transition or Agency approach suggests that democracy can be created by conscious, committed actors, independent of the structural context (Grugel, 2002). Agency theory offers political explanation to the emergence of democratization canceling sociological and historical explanation, that means, democracy is not, therefore, a question of waiting for economic conditions to mature or the political struggles. Agency studies indicate that, it differs from the above three because the other schools argue or focus on the roles of actors, structure, culture and class relations in democratization and regime change. In this school of thought the study of democracy is given is situated within mainstream of Political science methodologies and epistemologies.

For Agency approach, Democracy is a process. Przeworski (1991) established a rational choice to describe transition process and focuses on interactions of elites. However, they were criticized for being overly elitist and excessively empirical. Nowadays it is greatly is chosen to analyze the complex process of regime decay and political change and is responsible for the emphasis in contemporary studies on the creation of institutions, choice of electoral systems.

In summary Transitologists use the game theory to model strategic interactions between the players and make predictions about the democratic process with variety of circumstances. In line with this the emphasis of leadership and individual leaders are extremely important for democratizations. The most prominent leader Mandela of South Africa who led to reconciled and organized democratic elections are models taken within these theory. Transitology has contributed a lot in creation of different political institutions (Przeworsk, 1986) and have emphasized stage of democratization (liberalization, transformation and consolidation).

#### **2.3.1.5. Regional Integration and Democratization**

Globalization is getting much wider in the today's' world. It could be manifested by creation of global capitalism, global norms and culture (Grugel, 2002). Globalization can provide opportunity for democracy. Democratization is a distinct set of changes within the global order is directly

related with global political economy in paving road to the emergence of institutions of global governance and other related networks (Ibid).With the emergence of globalization, regional integrations have emerged in different part of the world with their instruments of political, economic and social values. These interactions created in each continent pertinently have presented state to engage or take part in developing consolidating programmes of political (nowadays democratic governance and elections, economic and social factors) perspectives as part of their goal and promotion of global human rights. The return of Greece, Spain and Portugal in 1990's, African socialist states in 1990's shift to 'Democratic one' was the effect of the regionalism that was promoted through, diffusion (Huntington, 1990) or snowballing, contagion actors, and deliberate conditionality's of Aid .And had major role in the process of transition of many African countries to democracy. In particular, regional instruments such as APRM, NEPAD and Democratic Charter play major support of democratization.

The diffusion of democratic values is not only a matter of economic exchanges or of the emergence of new architecture of governance but it has become a way of demanding more commitment to political change and social justice (Zakarai, 1997). In addition, it is a growing unease at the rapid spread of multiparty elections in the authoritarian states controlled from modest offenders to near tyrannies. Naturally there are growing illiberal democracies settling in to substantial degree of illiberalism. The Freedom House, (2017) points that most African nations are semi-democratic with one dominant party system that make their elections ratifications of power rather than genuine contests. Zakaria (1997) also argues that the African countries 'have levels of human rights abuse that are incompatible with the consolidation of liberal democracy even if the practice was rapid'. Besides, surveys and empirical studies indicate that African and Asian states have setbacks for freedom in many countries. The over emphasized number of multiparty elections have also neglected the basic tenets of liberal governance. As a result, not being reasonably free, the result is strong executives, weak legislatures and judiciaries, and a few civil and economic liberties (Ibid). This could also be inherited as justification to the study at hand next.

Historically, the unchecked authoritarian regimes in Africa have been the enemy of liberal democracy and constitutional liberalism. In addition, they undergo their process in a legitimate process. It is known that elections have facilitated the emergence of democratic governance in some third world countries like Benin, Cape Verde, Ghana, Senegal and South Africa (IPI, 2011). To the

contrary, high profile electoral crises in Kenya (2007-2008), Zimbabwe (2000 and 2008) have ended in violence (Human Rights Watch, 2008). Therefore, in order to minimize such challenges application of different efforts that strengthens regional integrations in Africa are too supportive.

Democracy and commitment to such international agreements are largely difficult in their nature. In the today's liberal democratic governance making commitment or pact in order to be abide is very challenging. It is because, that liberalism refers to a conception of a given state that faces juridical limits on its power and functions and once it made to comply with the pact, it could demonstrate either development of political culture or respect for law (Tocqueville, 1969).

Furthermore the liberal integration has emerged with various sorts of integration approaches. Thus looking on the regional integration process is very advantageous in its approach in order to make a good possible analysis in forthcoming chapter of this study. The Neo- Functionalism is an integration theory proposing a model to achieve establishing a political community at the end of the process. It creates a link in between economic and political integration .This kind of integration pursues for a federal or confederate State at the end like EU (Ernest, 1968). Living in the democratic age, the states are expected to abide by the commonalities of their commitment. Thus, in order to assess the two interactions or regional integration the choice of Neo- Neo debate is used in this study.

### **Neo-Neo Debate**

Waltz (1979, in Scott Burchill, 2005), theories of Neo-Neo debate explain the laws of international politics or recurrent patterns of nation-state behavior. These two extreme debates are the Neo-realism and Neo- idealism. Both views have long established variances among them however they co-exist in comparative politics. Both schools influence the level of a given nations compliance towards a regional international law or the compliance towards bilateral diplomatic relation among states. Studying the differences among needs a short explanation of the two schools of thought in the following section.

The debates of Realists focus on constraints on politics imposed by human selfishness and absence of international government (Gilpin, 1986). Or international politics consists of like units duplicating one another's activities (Waltz, 1979). Realism maintains that universal moral principles can't be applied to the actions of the states (Morgenthau, 1973).Anarchy and egoism greatly impede

cooperation (Donnelly, 2005). According to Waltz (1979) states preserve their position while they make cooperation and seek wealth advantage and flourishing (1993), peaceful coexistence (1979), peace and prosperity (1979) to protect their sovereignty, autonomy. As Norms and institutions have structure to create hierarchy of power and differentiation of function, it is reflected internationally. Realists believe that one state as international legal persona has a full power in a given pact. Thus, state play a major role in determining a given nations commitment to an agreed sets of instruments.

To the contrary to realism school of thought, idealism takes the second place in assessing the international diplomatic relation among states and unions or international organizations. The globalization efforts have allowed in reducing the gap in between countries. The world has registered interdependence among one another. Therefore, the states have created a common interest in their economic, political and social interaction. According to this school of thought states work to resolve their difference in a peaceful way than conflict or by building a commonly agreed economic and political integration to benefit the state and the integration or the union mutual advantages (Mitrany, 1948). Keohane and Nye (1977) assert that states can broaden their perspectives from 'self-interest' or 'individualism' to 'cooperation' or 'integration' in order to benefit from wide geographic economy. Thus the efforts to make pact in between Supra national and Member States will likely influence the democratic integration in the 21<sup>st</sup> century.

According to Rawls (1993), the traditional views on the ability of democratic state to make international commitments can be of three kinds. The first perspective comes from the dictate of structural realism that internal organization is not necessary to the external behavior of states. In this view, states make demands on the distribution of power in the archaic international system. They need the commitment to be geared by domestic interaction. Rawls second arguments dictates that democratic states are less capable of making strong commitments and there is also an assertion from Machiavelli (The prince) that a long tradition of skepticism regarding the usefulness of internal democracy for external relations in general and in particular about the ability of democratic states to make external commitments. Here Thucydides' reference to the possibility that other state might be more willing to enter in to agreements with the oligarchy of the Four hundred than with the inconstant commons expresses this notion. The third view of Rawls sees democracies as well as able to enter in to long term commitments "Republican" forms of governments of Kant's

philosophical description will be united by bonds of trade and shared norms or else Kant's regime of 'asocial sociability,' could rise in between democratic states.

This debates followed by agreement to comply ,compliance with the rules of intergovernmental regional organizations could avoid the sovereign domestic law, narrow national interest, and weakens the appeal of state sovereignty (Ibid).Liberal intuitionist also believe that cooperation between states should be organized and formalized with in institutions. The term '*Compliance*' refers to a magnitude a country obeys to an overt provision in an international agreement (Young, 1979). Compliance has procedural agreement such as reporting, substantive obligation compliance with the spirit of the agreement (Weiss and Jacobson, 1998). The international and regional institutions codify regional interests and power in agreement to arrive at a goal however most of the agreements are violated due to an autonomous significance on sovereign behavior (Mearshiemer, 1995).The states make agreements more of when it affects their advantage. The international institutions facilitate reciprocity and reputation and impose constraints on states' compliance behavior (Dai, 2007).Further Governments comply with agreements for reasons of reputation, fear of retaliation and effects of precedents (Keohane, 1984).

Once institutional or alliance integration reached the institutions develop power to encourage states to behave according to the laws ,regulations, ratifications .Here there are two schools of to enforce or support states with regards to their response to compliance. The Enforcement school is identifies states as rational actors. As realists positioned states as rational actors, and make a cross benefit analysis of the agreement; they see the cost of the implementation and consequences of the violations. If the cost of the compliance exceeds the benefit of comply and basically they suggest if there is no sanction that would act to the cost of compliance, states would not comply and promote compliance by sanctions and penalties. The managerial school sees states as much more innocent. States don't comply with the integration has small capacity, too little set in the agreement and lack of clear compliance to the agreement and promote compliance by facilitation by building the capacity, providing resources, technical assistance and facilitate the implementation to a perspective country. Here the enforcement and implementation process are very crucial in determining the integration in between Regional Unions and member states.

Enforcement is set procedures to be employed when a party or a country is found not be in compliance with its treaty obligations. For multilateral political or social continental shared values

like AU's Agenda 2063; however, the need to police treaty commitments has gained greater focus because of the increased importance of the subject matter: Tenacious regional integration problems as diverse as democratization, electoral systems, integrated activities of civil societies and the political values. Some integrated unions like European Union have created outwardly effective enforcement mechanisms and control systems. To the contrary African Union hasn't applied readily applicable control mechanisms to multilateral agreements.

Implementation is a set of actions taken to achieve compliance according to the codes of agreement. To enforce compliance there are different mechanism applied by the actors. Such as trade bans (example) the Montreal protocol, withdrawal of benefits by preventing the violator from getting the benefits stated in the protocol or suspension of rights will be applied .And mostly naming and shaming is basically a politically embarrassing states violating conventions, agreements and protocols through different ways and expressing the country for its failure or deficit or inability and sometimes human right violation is way to shame and enforce countries. For instance there are international groups such as human right, Amnesty international have been applying naming and shaming on counties violating international agreements such as intimidation of opposition party members by force.

As a result the 'Naming and shaming' could make the violating government at list to develop efforts to or induces the government to enhance future compliance or improve immediately and reveal the quality or effort sometime the degree of the government to the world. As well it enlightens the domestic players such as oppositions, civil society and a stakeholder as the government is non-compliant to international obligations. In addition financial penalties could happen when there are violations. From the perspective of assisting or facilitating a state non-compliance to return to comply or agreement supports are made. The managerial school of compliance encourages providing assistance to build institutional capacities, providing financial and technical support and prevents the state from withdrawing from the compliance.

Over all picking theory as a prerequisite or requisite is very impossible in relation to democratization .The challenge of comparative politics regarding transition and democratization are multifaceted units of study with lots of diverse variables. These variables which dependent and independent such as GDP, socioeconomic development, literacy rate, urbanization ,cultural, ethnic or religious homogeneity and heterogeneity and many more. These theories of democratization are

used with common approaches and are used to assess democratic process in a given country in intersection with AU's principles and guidelines. In line with this to assess AU's activities in the election as external partner the neo- neo debate approach is preferred. Therefore, the analysis uses the theoretical approach to analyze the challenges and prospects in democratization of Ethiopia in line with AU agreement and AU's Role.

The principal questions in this study mentioned in the research question part whether African Charter on Democracy, Election and Governance (ACDEG) and its Member Nations are committed to instruments signed, ratified and deposited are properly complied in theory and practice of the pact. In this case study method of many integration model Neo-functionalism is selected to study and analysis the AU-Ethiopian integration. Further, it lensed the functions of treaty enforcement and institutional deterrent sanctions, obstacles to the effective deployment of institutional deterrent sanctions in response to noncompliance.

## Chapter Three

### 3. African Perspective on Democracy and its Process

Africa is four times the geographic size of the United States and with its approximately one billion people. Africa has significant natural resource wealth (Rodrik, 2016). It is home to world's largest arable landmass, second and largest rivers like Nile and Congo are also in it (Ibid). It is rich for its immense untapped mineral wealth; the 30 % global mineral reserves are found in Africa. For example, it owns 7 % natural gas and 8% oil reserves from the world stock. Nonetheless, Africa has long history of massive human right abuses (Elvy, 2010). In addition, Africa has obstacles in realizing its potentials and is known due to internal and external nature of political leadership. This hampered the need (behavior) to achieve democratic governance. The weaknesses of institutions were weak in support for of human security, consistent investment and development of good governance (Ibid). Thus, application of such frameworks such as ACDEG must be strengthened to change the distribution of the production.

In an empirical study made in thirty seven African countries confirmed the need for democracy ranged to 67% from citizens (Mattes and Bratton, 2016). In addition, composite public demand for democracy increased by 15% from 36% in 2002 and to 67% in 2018 (Ibid). As well, the demand for democracy was found to be the popular form of government among Africans and African institutions and their normative framework highest in Africa (Ismail, 2018). However, democratization and elections are not regulated well by regional organizations and Member States. Further this has created direct impact on the Peace and Security of the continent (Ibid).

Hence, in order to see the causes of political democratic challenges and the institutions of democratization in Africa this chapter is divided at the first part in studying the classification of the chronological eras (pre- colonial, colonial and post-colonial) and secondly it addresses the instruments applied to strengthen electoral authoritarianism and implementation by Africans and their governments and AU. Thirdly it addresses the institutions of democratic consolidation.

To start the discussion of democracy and democratization, and the role of AU there needs to see the classification of the process in pre-colonial, colonial, and post- colonial eras.

### **3.1. The pre- colonial era**

Africa had real-world institutions of its own before the colonial era. Pre-colonial Africa had diverse social and political landscape (AGR III, 2013). They had ethno-linguistic heterogeneity and variegated landscape of socio- political organizations (Ibid). There were institutions of governance, money, governance, democracy and economics (Ayittey: 1983). Plus, Africa had empires, kingdoms, and states in its culture of leadership. For instance, the tribal groups existed as separate political entities and governed themselves autonomously. These groups had their chiefs but governed themselves peacefully while tribes that dispense with chiefs but governed themselves peacefully were the stateless societies which were tributary( Ibid).

Nonetheless, the pre-colonial Africa was perceived and explained as tribal and non-state entities, Africans had been trading, administrating and self-governing freely before the colonialists arrived (Ayittey, 1983). However, despite the self-rule of Africans by their own leaders the traditional rulers were not able to protect the strategic invasion and colonization of Europeans (Ibid). By the 15 and 16<sup>th</sup> century, most African societies or kingdoms had created contact with the outside world. The imperialism in Africa had three rationales such a rationale political (strategic) cultural (ethnocentrism), Economic (resource, wealth, trade and cheap labor) (Settles , 1996). The interaction commenced by trade in equal degree in between the Africans and the outsider was later changed to colonization.

### **3.2. The colonial era**

There are at list four main points worth commenting about the political leaderships in Africa. This era was the stage of horrific exploitation by the Westerners. The Berlin conference (1884- 1885) was the beginning of the scramble for African States without consulting and exclusion of Africans (Hargreaves, 1960). Consequently, Europeans had colonized African states forcefully (Ibid). In this way, Europeans were able to exploit traditional and long-standing rivalries in between African states and conquer. It was repressive, undemocratic, and divisive and was based on exploitative natural resource (Van der Linden, 2017).

The colonial era was known for the struggle of independence of Africans by Africans. The movement was triggered from Africa and by African movements from outside. African nations beginning from the end of 19<sup>th</sup> century had made great battle, combats, strife and revolts on the

colonizers (Young, 2006). Africans had coordinated different independence movements. There were guerilla wars, peaceful demonstrations, armed conflicts and overthrow of the colonizers. It was a period political parties were formed to struggle from colonization emerged.

In line with this, Pan Africanism movement was also developed in the late 19<sup>th</sup> century. It is a political and cultural ideal and movement aimed at against domination, oppression, discrimination (Winston, 2004). It was linked to African Nationalism or struggle for independence that allowed realization of postcolonial Africa.

### **3.3. Post- Colonial Period**

The post-colonial politics in Africa is an enduring event in progress (Harbeson & Rothschild, 2017). The history of post- independence African politics has largely centered on the struggles and travails of African states (Evans, 1985). After, political decolonization was cleared across Africa with emergence of freedom (1950s to 1970s) the third wave of democratization that began to roll across sub-Saharan Africa in the early 1990s, resulted in transitions from one party or military regimes to multi-party systems (Lynch and Crawford, 2011) .After a decade of political liberalization the virtual miracle of “*Profound of flaws*” (Herbst, 2001) categorizing countries in “*democracy with adjectives*” (Livistky, 2002) implemented the predominant modernist concept of industrialization and democratization if the right institutions and policies were put in place (Ibrahim , 2015).

Whilst most African states preferred to implement African Socialist Leadership system to build prosperous, stable States to overcome underdevelopment (Harbeson & RothChild, 2017). Although unfortunately, this new political leadership was challenged by remnants of colonial legacies, economic influence of the hegemons and their institutions like World Bank (WB) and International Monetary Fund (IMF) and largely Cold War. Shivji (2003) argues institutions like World Bank and IMF were causes of shortfall nor helpful in strengthening democratic governance, since they opted to support a centrist developmental states (Kesal, 2008).

After the 1950’s ,the first three decades of post-independence in Africa were notable for the high incidence of military *coups* and military regimes and largely was exposed to various military plots and *coup* attempts (McGowan, 2003).As result the continent had no sustained governments. At the period political instability appeared with enormous range of variant obscured with the authoritarian and was followed with series of *coup* and counter *coups* (IPI, 2011). The Meta-game of Regime transitions or a struggle between the defenders of the status quo (ruling elite) and ante-regime

reformers was not realization of social contract. It was rather power or office time, and need to be served.

The further likely crux component and feature of Post-Colonial African democratic stagnation is neo-patrimonialism .It is considered with the prevalence of imposing dictatorial personalities and neo-patrimonialism (Bratton & Walle, 1997; Ibrahim, 2015).The practices of neo-patrimonialism, furthermore, causes chronic fiscal crisis and make economic growth highly problematic (Sandbrook, 1984) that could end up due to top to bottom or bottom up mass protest. Neo-patrimonial is both a pretext to even more client- patron distributing relation, clandestine rents, licenses and proceeds of corruption in return to loyalty and political support that impeded democratic leadership (Diamond and Platter ,2010) as well as it is patriarchal nature of political culture and neo-patrimonial economic interaction (Schatzberg ,1993) that the continent Africa is tailored with it.

When it comes to other kinds of African Governance practices, there are many of kinds. Africans had developed different theories of African ways of Governance. African Socialism was a radical form of African socialism. It was influenced by Marxism-Leninism which rejects the capitalism as alien culture and tradition (Mouffe, C., 1995). Julius Nyerere of Tanzania was one of the prominent theorists of Ujamaa (Brotherhood) who campaigned for African Socialism detailed. It was about egalitarian way of developing African society rejecting capitalism and socialism. Besides it sought to develop non- economic distribution in between brothers (Habtamu, 2017, unpublished). The Ujamaa was a one party led power structure which allows all members of the society to live equally.

Claude Ake a Nigerian scholar notes that African elites have used Africa as their own property. They were not eager to develop the society. He imparts that African leaders have marginalized the African people. And he argues that the failures of development were due to the absence of true will to develop. And the Africans hadn't included proper development in their agenda (Habib Mudane, 2018). He advocated popular development in which the citizens are the end, agent and means of development and popular democracy which emphasizes political, social and economic rights.

Another Ghanaian scholar Daniel Osabu-Kle (2000) notes that indigenous African Political culture was basically democratic and consensual, since the rulers are given accountability from the people. He adds that a modernized form of Africa's traditional or indigenous political culture should be

placed. He further states if the democratic system is compatible with African political, economic and cultural environment the political culture could be developed.

Mueni wa Muiu (2009), argues that a new viable and modern African state based on five political entities; first the states of Africa should be built on the functional remnants of indigenous African political culture and the institutions should be established on African values, traditions and culture.

The independence leaders had also opted to employ different political leaderships; after independence the ideology of development adopted by most African rulers were dictatorships of development than democratization of development (Adejumobi, 2000). Consequently the set-up of '*feck-democracy*' (Carothers, 2002) or '*pseudo-democracy*' (Diamond, 2002) or '*Illiberal democracies*' (Zakaria, 1997), the search for constitutional democracies and its features of development (Richard Joseph, 2016) are point of rhetoric and in search of legitimacy in African politics. In addition, factors for impeding the process of democracy in Africa emerged from authoritarian modernization in production of socio-outcomes than democracies (developmental authoritarianism) and from giving less attention towards to political activities outside the formal institutions and to forces which emerge to bring substantive democracy (See Joseph, R. (2014)).

The Economic Development notion and Democratic leadership had ensured deepened relation with its contestation (IDEA, 2017). The developmental authoritarianism is regarded as most suitable course for poor African countries than systems grouped in excessive rent-seeking and competitive clientalism to some African leaders (Stiglitz et al., 2013). However, after the end of superpower competition fell away after USSR collapsed the political scene was directly changed in Africa. The practice of multiparty, civil society, human rights, constitutionalism and other new political orders and transition towards opening wide political spaces with constitutionally provisioned civil and political rights heralded the installment of democracy. Actively, the multiparty form of the government in its content of the practice was not reliable and valid based on different empirical studies.

In most African nations as aforementioned above the notion of nation building (national unity) was used to eliminate and silence opposition parties. In addition, African governments had held some irregular election and elections within one party with small range of alternatives. The one-party elections were held to grant extended terms of office. Following this, demands for democratic reform have risen against one party that made these parties too outdated.

Despite the euphoria of practicing routine elections, the content of democracy was not able to practice participatory and free and fair elections. Therefore, it could be said, Africans were not able to be part of the democratization during the 1970's and 80's (Zagel, 2010). The process, the strategies of authoring the constitutions and institutionalizing to turn it in to living document was similarly one of the challenges. It was because the constitutional engineering was only technical and legalistic affair without political inclusion (Ibid). In recent time some states were found in effort to change or violate the constitutions to adhere power or third termism. Recently African leaders in Uganda (Presidents Museveni), Congo-Brazzaville (Denis Sassou Nguesso) and Burundi (Pierre Nkurunziza) changed their constitution to tenure their office time and has resulted flawed elections as well as had crushed oppositions (Economist, 2016) and threats to democratic rule in Africa are growing, but time and demography are against the autocrats(Ibid).

In some parts of Africa authoritarian governments dominated by one Ethnic group shaped, forced the oppositions and imprisoned their members. For example, Kenyan Uhuru Kenyatta and his supporters are accused for crushing their oppositions with 1,300 deaths. The Kenyan case illustrates how the international community was not able to prevent the slide into violence (Leonardo and Odhiamobo, 2009) Zimbabwe and Mozambique the opposition is also forced or crushed forcefully. Because, African states benefit from the income they generate from the vicious cycle of benefits developed from "Winner takes all." or "This is our turn to eat" from the redistribution of the national resources of the national budget. Besides they were characterized by manipulating political institutions, deepened informal interplay with their clients and constitutional amendments.

### **3.4. Transformation from Non-interference to Interference**

As stated in the introductory part, OAU was full of failures .It including its inability to stop or prevent human rights violations (Elvy, 2012). This principle of non- interference in intrastate conflicts had grave circumstances because state sovereignty was enshrined as a holy principle of OAU (Taylor, 2013). Latter the member states of the OAU elected to overhaul the OAU (Elvy, 2012). Then OAU issued the Sirte declaration in 1999 calling for the establishment of a new African Union. In search of strong organization, there were many progressive activities conducted. For example, Lagos Plan of Action (LPA) and Final Act of Lagos (1980), the 1991's Abuja Treaty, Cairo Agenda for Action (CAFC) (1995) were some of the activities made to strengthen the newly established AU. Besides, this effort had finally produced AU with the principle of non-indifference. In all these progressions to the contrary unconstitutional changes, intra-wars, one-man rules,

external /world/ powers involvement and poverty were persistent challenges of good political democratization establishment in Africa.

AU missioned to build new organs to deepen and widen the process of integration in Africa, support the empowerment of African states in the global economy and address the various social, economic and political problems is facing the continent (Tieku, 2007). Automatically many new significant structures, both at the level of major organs and through a range of new technical and committees were organized with new platforms. These organized platforms promote, protect the political and socio- economic integration, human and people rights. At present, AU has organized different instruments such as Agenda 2063 in which Africans aspire to reach in the future (see at Agenda 2063).

In assessing AU's function and efficiency, AU's objective is to work to unite and deepen cooperation of African states by producing numerous kinds of platforms and architectures to integrate its member states. They are expected to comply with these progressive charters. Furthermore, the efforts to advance efficient execution of AU Organs decisions and norms can be measured through popular participation and citizens' commitment to successful achievement of African shared values by African states, leaders, RECs and AU itself. When these different mechanisms produced to bring democratic governance, are certain, it could create possible sustainable, peaceful and stable continent. On the other side, the continental Union has emphasized on finding solutions to electoral violence, problems of incumbency, stolen elections and ensures electoral support grounded in political realism effectively combining technical and diplomatic support.

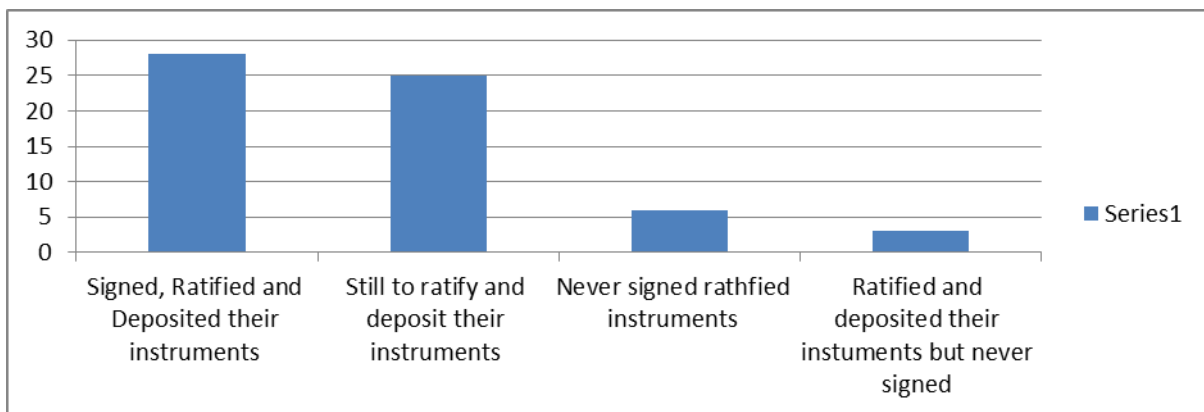
### **3.4.1. African Charter for Democracy, Elections, Governance (ACDEG)**

Most African countries used to face multiple complex challenges due to instability and fragility in Political democracy and governance. Besides most of the African States leaders came to power with weak institutions, institutional performance, civil instability, *coup d'état* than the true will and persuasive voice of the people in competitive democratic transformation of power (Mangu, 2012). Timely, Africa has begun to move towards formation of multiparty from one party by regulated and periodic elections (Maphunye, 2013).

At the hour of its entry into liberal democratization African Union Member States adopted ACDEG in 2007 to promote democracy and its principles. Though it was admitted that there were exceptions

of countries in realization, it came in to force on 16 February 2012.ACDEG that is a protocol derived from the axiom and beliefs that broaden and widen democratic practices in Africa is highly strong instrument to achieve democratic governance and Agenda 2063. Such a fundamental community of interest was held to eventuate in the African community well-being commitment to the principles of law by supremacy of the constitutions and its order (ACDEG- Article 2.1).Besides, the practice of free and fair democratic election in a given member state as instrument to democratic representation of legitimate authorities .As a sequence, AU had proposed and endorsed this legal instrument (ACDEG) to promote democratic governance, consolidate democracy and raise the living standard of citizens (Ibid). Founded on a simple concept of liberal democracy, Wachira (2014) asserts rejection of ACDEG implementation could be a flaw in the democratic development envisioned in Agenda 2063 (Wachira, 2014).

While at first glance Charter may be essential since it work based on AUs’ legal frame works to offer a rational governance and democratic governance in the whole region. This charter has also incorporated NEPAD, APRM, Declaration Democracy, political, Economic and corporate Governance (DDPEGG) (Heyns and Killander, 2007). However, its strength has made slow membership of AU Member States for these reasons the number of signatories, ratifying and depositing Member States is very small.



**Figure 1 Ratification status of ACDEG by AU Member States**

As mentioned above, from the nature of the charter, and its influence and obligation have made Member States to sign and ratify the charter slowly. As the nature of the Charter, Member States are obliged to achieve the objectives and principles of the charter ( John, 2016).The charter is the most important strategic document in the three areas of democratization, Election and Governance (Ibid).

Democracy charter sets out standards and norms on good governance and democracy in Africa. And draws inspiration from several AU Declarations, Charters and instruments including the AU constitutive Act, which declares the importance of democratic governance and provides for the imposition of sanctions in case of unconstitutional changes of governments. State parties are also obliged to comply with the charter obligations, which include reporting on the legislative, or other relevant measures taken with a view to giving effect to the principles and commitments of the charter (Article 49) (ACDEG Charter, 2007)

The Charter contains eleven (11) chapters and its main objectives are to reinforce AU Member States commitment to democracy, rule of law, human rights, Peace and Socio- economic development (AU- news Paper, 2017). The provisions of the democracy charter establish minimum standards for ensuring, promoting and protecting democratic governance principles and practices. The charter is divided into six main thematic areas of focus. Democracy, rule of law and human rights; the culture of democracy and Peace, democratic institutions: Democratic elections; sanctions in case of unconstitutional change of government. Article 45 (c) and 49 of the Democracy Charter obliges the AU commission with members of to submit the compliance and implementation of the charter by states parties. In addition report up on the agreement to reaffirm their commitments, report efforts undertaken, measure progress, identify obstacles and challenges encountered.

### **3.5. Elections in Ethiopia pre-1991**

Ethiopia is one of the oldest nations in Africa with a civilization that dates back three thousands of years. The political culture dichotomy that emerged in widespread eve of national projects and nation building was contested. It was contested because there were different groups come to exist in the political system after the modern state found; there were widespread democratic struggles in the country. The demand for control of state and ethno-national identity grown has developed crisis-ridden situation of today. In Modern Ethiopia, the power structure emerges in variety of ways. It is assumed from, ‘God given’ or ‘held by forceful, or *coups*’ against the leaders and their rivals with support of the Church in Abyssinia (Yemane, 2010) while traditional power is transferred through “*Gada*” Oromo structure that is age grade system whereby the power to administer the community was transferred to the fourth age grade every eight years (Asmerom, 1973). But the transitions were hardly inclusive in their nature. The earlier used to apply class oriented leadership while the later was incorporated by other dominion. Thus, it could be said that Ethiopian State has not developed

democratic power transfer and development. It was not dependent likewise to any other African countries on democratic election (Abraha, 2008).

“*La grande tradition etatique*” (Bayart, 2013) is the best in-hand concept to describe the Ethiopian political interaction and constitutional democracy (Assefa, 2015). A strong dosage of authoritarianism has permeated the classical Ethiopian state and its monarch to enjoy extensive, absolute, power over life and property (Bahru, 2008). Besides, constitutionalism in Ethiopia existed in traditional and postmodern way of exercise. The book of Kibra Nagast (Glory of the Kings) before the arrival of Menelik II shows existence power division in Ethiopia in different parts of the feudal traditional Abyssinians and newly incorporated parts. Further, some argue, the political system had practiced decentralized leadership or devolutionary approach of his predecessor (Bahru, 2008). In the last years of 19<sup>th</sup> century Emperor Menelik II incorporated the today’s political Southern part in to an empire which became the modern state of Ethiopia (Young, 1996). Menelicks conquests have highly introduced heterogeneous state centered on quasi feudal traditional Abyssinian political system and a process of modernization, bureaucratization and militarization (Markakis, 1998). This political system became Menelick’s successor, emperor (King of Kings) Haile Selassie’s since 1930 (Ibid).

The Emperor Haile Selassie (r. 1930-35, 1941-74) who monopolized political power, vanished regional concessions (Bahru, 2008) and exercised the power at the center through a coterie hand-picked retainers and the Abyssinian aristocracy continued to administer the country (Markakis, 1999). While the shift in power, political system and advanced on the other hand. Contrary to give response to people’s representation, the emperor put a new constitution that is the same in practice to the 1933 constitution with regards to political system and representation in 1955. The emperor’s regime had organized two houses constitutionally: Upper house and lower house. Minasse (1997) states that the upper house (or senate) representatives were hand-picked by the king while the lower house is full of bureaucrats came to take office on socio-economic quality among regime’s political beneficiaries. The imperial client patron leadership administrations decline in its *Weberian* state or leadership of ‘functional State’ was latter busy in suppressing uprisings and rebellions in Somali, Arsi Oromo’s and Gojjam peasants, the victims of manifold exploitation at the hands of provincial Ethiopian bureaucracy (Markaksi, 1999). The regime was labeled for its lack of democratic practices to change political leaders, however, it supplied undisputed power to the king (Yemane,

2010).Further, the exercises of democratic institutions were not potential real politic and dictated for absolute dictatorship. The regime of the emperor's regime had total absence of civil liberties and democratic rights of citizens with unequal treatment of citizens (Merara, 1997, Hagos, 2006, Yemane, 2010).

The military intervention turned in to a veritable social revolution which ended not only the demise of the era of *ancien* regime in 1974 by *Dergue* (1974-1991) that shook the country in 1974 and created the momentum for social as well as demanded a new social order. Dergue, a committee of representatives from various branches of the armed forces, not only worked on socioeconomic reform like the sweeping land reform that eliminated the Land lordship and tenacity, but also dissolved the ethnic and class conjunction .The new military regime constitution declared and guided by Marxism-Leninism found the National Parliament or *Shengo* (Kassahun, 2003) which rejected the principle of National self-determination (Markakis, 1999). The Marxist ideology deepened the state's exercise ever tighter control of its subjects, assumed leviathan proportions under the totalitarian leadership.

The constitution of *Dergue* permeated only the candidates to the National *Shengo* to be nominated by the Workers Party of Ethiopian (WPE) organs: mass organizations, military units and other bodies entitled by law. According to Hagos (cited in Yemane, 2010) the military had failed to promote multiparty political system or no room was left for democratic exercise and participation. The elections held during Dergue period had failed as *the preceded failed* and *Dergue* had *raison d'etre* of the one party system (Kassahun, 2003) .The *Dergue* period was a time where Civil Liberties and Democratic rights were not placed and people were under dictatorial leadership. Eritrean Peoples Liberations Front, Oromo Liberation Front, Tigray Peoples Liberation Front and others were political groups fought and challenged *Dergue* in violent political culture.

After *Dergue* was defeated and ousted by EPRDF and the *nouveau regime* (EPRDF) captured the state in war like its predecessors in 1991, it has tried to reform the political system. Supporters of EPRDF acclaim major political reforms to shift the country from long single party leadership to multiparty (Kassahun, 2003). However, it subsequently, was trapped by authoritarian upheavals and political culture. To some observers, it appears that EPRDF had profited from a bitter backlash Transitional Government of Ethiopia against the OLF and increasing consideration of 'sacrifice of an Ethiopian National identity and effective central governments (Amhara political leaders, 1993)

.To the contrary, this historical meeting between contenders of powers in peaceful political culture and endorsed the TGE charter to govern the country as an interim constitution. EPRDF that followed ethnic identity and road to political reconstruction had acknowledged its existence than denying or suppressing it because suppression of ethnicity causes calamitous social, political and economic repercussions (EPRDF, 2005).

TGE had comprised of 87 representatives. The major power holders were EPRDF, 32; OLF, 12 and other parties which were at some level related with EPRDF had taken around 30 seats off the seats in Council of Representatives (Kassahun, 2003). However, the division of seats was not democratic and right from its inception. When the real practice of constitutional leadership started it ended with bloody exclusion and separation among the TGE at the time occurred. OLF and prominent parties and fronts were excluded.

After FDRE constitution (1995), Ethiopia had five National and local elections. The first local and regional assemblies' election was held in 1992 decentralization of governance (Merara, 1997, Clapham, 2002, Kassahun 2003). The election was carried out in a context of fear and armed clashes in several parts of the country (Tronovoll, 2009). Even the country was not ready in political, logistical to carry out such political activities (Ibid). Beginning from this election EPRDF had developed the aspiration to incite withdrawal of OLF and other political parties by narrowing the political spaces. OLF withdrawn from the multiparty election had processed the restitution of one political belief to governmental structure. It had triggered deepening of development of violent political culture as well as EPRDF had created formation of a dominant party or a kind of micro nationalist spearheaded state then after.

The 1995 election was the first election held under the design of multi-party in the history of Ethiopia. The election lacked electoral values like integrity, free and fair competing space that initiated process towards democratic society (Tronvoll and Aadland, 1995 as cited in Kassahun, 2003). The main contending parties were weakened and in-able to compete rather withdraw from competition and by boycott.

The vicious democratic belittling was cycled in the 2000 election too. The election in 2000 lacked inclusiveness due to political polarization and denial of opposition candidate's equal opportunities to campaign. The 2000 election had some challenges in some parts of the Southern part followed with repression, harassment, public grievance and imposition. The oppositions had not been able to

compete and had the slightest chance of competing with EPRDF but they used to boycott the elections (Yemane, 2010).

Despite the previous elections, the 2005 elections were pictured as “window dressing”. In 2005 EPRDF had allowed the most competitive election and notable election (Lyons, 2010). There were two major opposition coalitions, UEDF and CUD. The pre-election period had witnessed unprecedented participation (Carter Center, 2008). However, the post-election was a debacle and cynical followed with death of more than 200 civilians and detention of many thousands. The political context after 2005 election crisis is worrisome and yielded a one party dominant rule (Tronvoll, 2010). The controlled freedom, the ideological orientation of developmental state, fragmented opposition, soft power (Diplomatic relations) played by the central polity of EPRDF, newly produced laws and regulations had regressed the effort to liberalize the Republic and establish consolidated democratic governance in the region.

**Table 1: Summary of the three governments with constitutional election practice:**

	Regime			
	Imperial Regime	Dergue	EPRDF	
Political System	Monarchy	Communist System	Parliamentary System	
Structure of parliament	Bicameral	Bicameral	Bicameral	
Parliament Term	-----	----	5 years	
Affiliation periods	1962	1975	1991	
Statutory number of members			547	
Electoral Quota for women	No	No	Yes	
Electoral System	Single party	Single Party	FPTP	
Regime Characteristics	No parties allowed	Single party	Multiparty	
Election Result	All candidates win	All Candidates win	Dominant win by the incumbent	

## **Chapter Four**

### **4. Analysis and Assessment of ACDEG (2007) and the nature and extent Ethiopia's Compliance with the Charter**

#### **4.1. Structural and Institutional Challenges as Causes of Hybrid Regime**

This chapter and the next chapters are main plants of the analysis and parts of the study. The previous parts, the introduction, the concepts, the theoretical frame works and the literatures about the nature of African democracy and institutions (instruments) have paved way to the next analysis made in whether the implementation of the two elections of Ethiopia in 2010 and 2015 were comply with the principles of Democratic Charter or not is observed /assessed/. In this Part of study, reflections on one National election, challenges towards compliance with the charter and the role of AU is assessed. In fact, it can be said the process of democratization have got various challenges, this study will specifically focus on assessing institutional challenges and impediments of the process of democratization in Ethiopia and AU's role is investigated from multi angular views.

#### **4.2. Presentation and Discussion**

From key informant's interview, key research participants as well as document analyses, it was found that the factors that hinder the implementation of Democratic Charter and the process of democratization are analyzed and are presented in sequence as follows.

The Ethiopian government has different commitment and protocols to meet in the conduct of its elections. FDRE has APRM as well as ACDEG ratified to work and articulate international standards for democratic elections to operate according to AU electoral observation legislation and include universal, equal suffrage; respect for civil and political rights; respect and equal treatment of political parties, and collaboration with media.

This part of the paper analyzes the challenges in the democratization of Ethiopia in submission to the principles of African Charter 2007. Hereafter, this part uses the constitution of Ethiopia, and ACDEG Protocol to make comparison because contains civil and political rights in it; implementation of regional laws, freedom of speech and media, gender streaming , independence of judiciary, freedom of association, application of electoral systems, formation of NEBE and appointment of NEBE heads. However, there are many laws, proclamations and directives produced

in which they strike with the constitution and the Democratic charter after the debacle of 2005 election.

#### **4.2.1. Discomfitures of Democratic Transition**

It is necessary to note that, Democratization after the most competitive Ethiopian National election 2005 was under strict autocracy and has started to show records of failure (Abinik, 2006). It affirms, the Ethiopian elections are to gain legitimacy and composed of much silenced and rejected majority voters. It is democracy without constitutionalism (Key informant , Twelve).As Gills (2000) notes ‘transition’ to democracy is not only with focus on the role of political actors and elites but also it takes different array of social forces. The aftermath of 2005 elections in Ethiopia were due to the broader political and historical context and view the post-election political crisis with a longer term perspective that incorporates the country’s political culture (Abinik, 2006).In many empirical studies it was found out that, the hindrance of democratic process since 1991 were : the nature of elite rule, Ethiopian political tradition, weakness of civil society, lack of countervailing middle class, involvement of external actors and lack of national unity among different actors to consolidate participatory democracy.

The EPRDF had conducted not less than five national and regional regular elections in Ethiopia as well as has used them to sustain the dominion of it .Not being sidliner, EPRDF in its behavior have deepened need to control formal democratic institutions for the party’s benefits , for its deepened neo-patrimonial network structures. Due to that elections in Ethiopia haven’t permeated the active application of liberal democratization with formal institutions (Key informant, eight). The elections were conducted in a place where there are no implementation teleological principles of democratization and National reconciliation in a manner where there is deepened antagonism among the incumbent and oppositions.

Nominally, the democratic processes were not only full of dearth to international and regional sets of democratic assessments (EUEoM, 2010) and have no equal level of political spaces (Merara, 2010). These parceled sets of allegations shock less likely the EPRDF. It is witnessed with easy response by the gatekeepers of the Political Front that such allegations from Western Groups such as European Union originate from the difference in “Ideological or world view”. With regards to this the long time Chair of EPRDF Meles Zenawi and his successor Hailemariam Dessalegn had criticized that, reports on democratic elections for being manufactured and fake. In addition Meles

argued that, “EU’s reports are not politics rather they were reflections of western neo-liberals” (VoA, 2010) while the latter also claimed the same response either.

Democracy is a political system offering greater advantages like formulating policies for competing parties to gain or lose power. Nevertheless, democratic efforts in Ethiopia are enthusiastic initiative with increased control of power, control of police, army and finances in order to retain position by the incumbent party with diluted opposition parties (Key Informant , Six ). The elections have been majorly instruments of controlling the executive power and exclusion of diverse discourses as one of its mode of operations. The evidence is that EPRDF won elections in high disparity with the weak and fragmented oppositions. As result, 89.9% in 1995, 88.1% in 2000, and 59.7% in 2005, 99.8 % in 2010 and 100% in 2015 respectively was reflections of the discomfiture of democratic transition (Key informant, five). The result was refused recognition from different international groups. Human Right watch (2016) quoted it “Zenith of the government's strategy of systematically closing down space for political dissent and independent criticism.” EUEOM and USA also condemned the poor performance of the election for its less electoral quality. As well as, scholars likewise Merara (2011) commented that the 99.6% winning were achieved by clampdown, passage of series of news laws to block any kind of political space to contenders.

Further, EPRDF was similarly accused for not only for formulating policies that support it succeed in elections but also framing policies to win elections. The refusal to democratic transition was evidently shown with tactics like exclusion of the already weak and marginalized opponent political parties and saturation of sponsored oppositions (Key informant, Thirteen). These EPRDF manufactured parties were used to form dilute election through the words of Tocqueville “tyranny of the majority” missing the very essence of democratic government to gain absolute sovereignty of the majority.

After EPRDF signed and ratified the ACDEG representing the country, it has been wisely and tactically undergone nature and cosmetic of liberal democracy however, the distinctive preferences in democratic political culture were suppressed (Key informant, one). It is in this circumstance where the 2015 election was held and counted in order to respond and comply with the international community and protocols signed (Ibid). In the words of Powell the political drama that marked establishment of electoral authoritarian regimes was to render elections instruments of authoritarian rule, rather than ‘Instruments of democracy’ (Powell, 2000). The practice was often described as

staged performance with theatrical qualities; purposeful masquerade or what Joseph a political theorist (1998) calls it ‘deception.’ occurred to keep legitimacy in the nation.

Moreover, the aforesaid theatrical masquerade has opened the Pandora box than consolidate democratization. Exceptions to AU electoral observers, others were not allowed to take part as observers in 2015 National General Election. The EPRDF’s revolutionary democracy philosophy approach which is anti-thesis to liberal democracy, further, contributed a striking tendency not to render challenges of the Pandora box. The choice of this aforesaid ideology is centrally driven by the hegemonic aspirations of the EPRDF leaders with its operation of system “democratic centralism’ (Merara, 2011). As a result, EPRDF neither gained the legitimacy from the sovereign people nor from other considerable regional organizations (Key informant, Ten-code:1) .

Anonymous informant comments that, EPRDF has failed for second time to meet requirements likewise establishment of strong civil societies, independent electoral boards, independent media and inclusive democratic performance. It is considerable resultant of fusion in between the party and leadership of the institutions. Besides, the AU, too, contributed to the weakness of Ethiopian democratic transition (Key Informant, eleven-code: 2). because, the after immediate of the 2015 election was a chaos in whole country. Given the fact AU effort fully could have agreed to take part in observation and convinced EPRDF to apply liberal democratic process than masquerade election. Besides, different group have condemned the electoral process of *Mircha, 2007*(Election 2015) for its lack of political spaces due to newly produced proclamations.

Following to the declaration of the election different Independent organizations have measured and released the electoral performance of Ethiopia. According to Mo- Ibrahim foundation, in 2015 Ethiopia had scored political participation and Human rights data Ethiopia has the following scores.

**Table 2 Participation and Human rights data**

<b>Participation and Human Right</b>	<b>2000</b>	<b>2005</b>	<b>2010</b>	<b>2015</b>	<b>Discrepancy</b>
Participations	35	33.4	26.4	27.0	-6
Political rights ( FH)	33.3	33.3	16.7	16.7	-17
Political Participations ( EIU)	64.1	64.1	57.0	71.2	+6
Free and Fair Elections ( BS)	22.2	22.2	22.2	11.1	-11.1
Free and Fair Executive Elections(IREEP)	33.3	25.0	25.0	25.0	-8.3
Effective Power to Govern (BS)	22.2	22.2	11.1	11.1	-11.1

**Source:** Author compiled, 2018

According to the above table Ethiopian government has only shown positive performance only on political participation .However, this too was not true under the tones of continuations of strongly repressive political activity in Ethiopia. As the data above indicates, there exists too much fall out of democratic values. The decreased political participation could yield fragile or failed state and hampers the transition of the state. Similarly, political right of Ethiopian has shown high decrease which is almost less than half it used to be in 2000 while the political participation increased more than ten percent. In same token Ethiopia has achieved less in election and effective power to govern.

This is a point of argument the weak opposition out cried in the past for implementation of effective participation of the oppositions. Despite the flaws of the elections, limitations and challenges in the elections there were many modes of sustaining power of the Party and way of reproducing one dominant party (Key informant, Ten Code:01). In argument made EPRDF with its omnipresence in rural area and predominant functioning with strong intra party alliance and party discipline different from the existing traditional political culture by applying Members performance evaluation (*Gimgema*) and networking had easily controlled the seats (Key Informant, Seventeen). Similarly, EPRDF had executed strategies and political agendas such as Millennium Development Goals and Transformation plans deepened popular participation and promoted it as ‘fruit’ of party and its supporters only in order to gain legitimacy through it. This mode of argument as a winner of development was related with Lipset’s theory that proposes development before Democratization.

The fact is that Ethiopia held parliamentary election after signing the Democratic Charter 2007 of AU, after 2010 big conquest over opposition they have gained distrust to the electoral process. EPRDF defended the result as “... national support for the benefit and development from citizens and peoples support to its policy and strategy (VOA, 2010)”.However the elections were total renunciation from the earlier democratic achievements regarding inclusion and management of diverse voices (Key Informant, 12). This indicated that AU hasn’t ensured commendable political transition away from mono-party, one group regimes towards multiparty governance by giving necessary support, assistance and observing whether a given state is holding of regular elections or electoral governance to put in place fairly legitimate and credible governments.

Moreover, African Union was not truly committed to “Name and Shame” or “Put preconditions” before taking part as observer .AU’s purpose not only stands for an event but also it stands for the

wider democratic process and consolidation of democracy throughout the continent. It could have commented on the sedative (series) of laws enacted that clampdown liberal democratization. The most challenging new proclamations passed by the Parliament(HPR) that curtailed the effectiveness of opponent parties and deepen electoral authoritarianism were the “Amended Electoral Law Proclamation” (HPR, No 532/2007), the “Political Parties Registration Proclamation” (HPR,No.537/2008),the “Freedom of the Mass Media and Access to Information Proclamation” (HPR,No.590/2008), the “Anti-Terrorism Law”(HPR, No.652/2009), the “Registration and Regulations of Charities and Societies Proclamation” (HPR,No.621/2009) and the “Electoral Code of Conduct for Political Parties” (HPR,No.622/2009)

In summary of this part, it is possible to suggest that the political liberalization is plummeting the region back in to authoritarian rule very apart from the Union’s charter like Democratic Charter.

The next part of the analysis shows the unfavorable conditions to democracy in Ethiopia at present. They are fragmentation of political arena, weakness of civil society, imbalance of power due to institutions and domestic laws against the backdrop of ACDEG.

#### **4.2.2.NEBE’s Impartiality**

The search for institutionalization, social justice and equality has been a big point of discussion in Ethiopian political history and culture (Bahru, 2008a, Henok, 2015). After the down falloff the Marxist *Derg* regime, Ethiopia has planted constitutional government in which most opposition parties declare its implacability and umpire of governance. At first glance, it was conceived a transition period from one dictatorial group to a new chapter of democracy. It was an era were evolution of democratic culture where all political players, parties, organized interest groups accept as a way to consolidate democracy. Nonetheless, latter, it wit, that the emergence of hybrid regime in the country.

Furthermore, a healthy democracy requires more than election if not, the process results for hybrid or illiberal democracy. That is why most democracy promotion and assistance groups and institutions focus on vibrant independent organizations to support outcomes by ensuring fairness, legitimacy, and compliance. NEBE was the principal institute of the elections. Theoretically the NEBE was supposed to guide electoral process impartially with legal procedures and with wide inclusion of variety of voices in the elections in fair treatment. In addition NEBE, which is

organized with the purpose of enhancing capacity of the electoral board to organize free, peaceful and credible elections, was controlled by the strong executive branch of the state in order to fudge the election results ( Key informant, Seven ). As a result, it has supplied examples where there NEBE's impartiality, formation, performance are questioned because quality of elections are largely corrupt. Its belittled and too weak independence impacted the quality of electoral process. It is an issue of argument whether it was 'independent body' or it was 'means of manipulation'.

The foundation of modernist institutional practices as aforesaid earlier in review part Kant's "Republic" could have expressed the popular conceptions of the meaning of democracy and its transformation. However, the democratic institutions likewise NEBE were controlled by loyalties of EPRDF and hampered the expected the outcomes. This institutionalization of a de facto one-party state has prevented the practice of free, fair and universal elections (Key-informant, Three). Likewise, the lack of independent institution has resulted in shortcomings and reversals of positive developments (Zemelack, 2017).

In the same vein, NEBE is given the power to issue regulations, directives and accountable for electoral process mandated in the constitution of the republic. It is an electoral management body in Ethiopia where it presumed reason to implement credible and legitimate election towards electoral integrity. After the Ethiopian Government signed the ACDEG Article 17 (1) that requires, "establishment and strengthening independent and impartial national electoral bodies of EMB", there were many challenges observed in its *modus operandi* by internal opposition parties (Key informant ,Six).On the other hand, the incumbent had declined allegations made against the neutrality of NEBE. However there was high question of independence of NEBE during given accusations made in previous election.

ACDEG's article 17(1) requires a given AU member state *to organize an independent EMB*. Further, the Democratic Charter's article 3 (4) states that state parties shall implement the Charter in agreement with promotion of human and democratic principles" and "Holding regular, transparent free and fair election." Additionally, by law, the Ethiopian constitution Article 102 stipulates "NEBE to be independent of any influence, to conduct in an impartial manner free and fair election in federal and state constituencies." (FDRE constitution, 1995).However the absence of transparency in the electoral management led to suspicion and growth of distrust that fraudulent activities took place due to the client-patron relation. Regarding, constitutional stipulation; it is

argued that, the challenges in Ethiopian elections were caused due to lack of independence of institutional and elite representation. The elites (the political and economic) behaviors have major impositions on the impartiality of the umpire (Key Informant, Five).

It has become widely understood that independence of NEBE is really a matter of consolidating democratic governance as well as it is very important and practical usefulness of fully charged an independent and impartial sort of institutional mechanism. In line with this, Key informant eight states that to consolidate democratization in a given state the EMBs have to work way beyond competitive, free and fair multiparty, universal suffrage. Election shouldn't be about form but it ought to take substance in it (Key informant, Two). Their needs genuine competitive election, and if NEBE lacks integrity and partisanship it is an impediment to consolidate electoral democracy because if there is question of integrity or partisanship not only the consolidation of democracy is harmed but also disputes could rise and democracy can stagnate with unfortunate consequences. In sequence, democratic teleology or transition gets stuck and regression to authoritarianism might emerge. This is what happened with the public protest after 12 month that triggered public protest in some part of the country.

The quality of a democratic process and election is also frequently damaged by formation of EMBs. Yet, more tormenting than the concentration of state institutions power per se is the imbalance of power between the Executive branch of the state and NEBE leadership. The EMB's nomination that originated with persistent and pervasive corruption in line with its *Weberian* roots as a 'type of authority, not a type of regime' (see at, Pitch, 2009; Lynch & Crawford, 2011) has developed direct link to reciprocities between patron and client or among EPRDF and EMBs respectively. In support of this, Key informant Three asserts that "the nomination of the board members of NEBE is an individual based decision making to win or take power in legitimate framework." And ads, "the previous boards were nominated for the support of the EPRDF's regime because the legal foundations were used to preserve power with continuum of authoritarian tendencies implicitly (April 25, 2018, Addis Ababa: Interview)." Similarly arguments can be drawn from the opposition and exogenous actors' allegation that, NEBE is one of institutional manipulations subverted for Machiavellian ends through state bias (Key Informant, Fourteen).

In contrast to the above arguments, Key informant Four states that the constitution grants the Prime Minister the right to choose the head of NEBE plus the nomination had followed the requirement stated on the proclamation 532/2007 Article 6. Thus, after sufficient consultation of forum with political groups those have seats in HPRs to ascertain the nominee's impartiality in order to keep quality of the procedure (Key Informant 4, April 16, 2018).

With regards to Nomination of EMBs, Key informant Five detail how the “Constitutional manipulations” is personalized power. He reveals that there exists a debacle to be abridged and asserts that;

Based on the legislature, the chair of one party (For this case, ‘EPRDF’) nominates to the legislative full of one-party and appoints the Board members. Procedurally speaking one may suspect or may have his or her personal reservation regarding how independent this institution can be given the fact that the executive is a matter of one-party affair. Unless or otherwise, it is said that the prime minister is holy or without any political interest, it is fair to question how independent member of the board would be given that the procedure that is followed for the appointment. And needs to look for better procedures to appoint board members ’’ (Key Informant 5 - April 15, 2018 Addis Ababa: Interview).

Having the nomination procedure the role of the NEBE theoretically is to apply or to correct violations of procedural rules. To the contrary, in practice it used to interfere systematically for two (2) reasons. First it had supported dilute votes by giving recognitions to dissenting groups as legal parties. Secondly, as an instrument of EPRDF for its purpose enlarging minor challenges occurring in between the dissenting problems, ambiguities of the oppositions and their inability to host multiparty than one dominant culture (Musse ,2002). However, EPRDF had installed the hybrid regime and had struggled to hold power with everything it could, taking every legal possibility to deepen its legitimacy.

There were also arguments towards to the weak autonomy and independence given to the board as institution. For example, Negasso Gidada, and Gebru Asrat were candidates of Medrek (or Forum party) in 2010 national election and both stated that, “NEBE hasn’t played its responsibility to encourage and promote political party as long as it strengthens the peaceful democratic process.”(As cited in Yared, 2012). In counter argument defender of NEBE at the regime, Wondimu Gola (Deputy Chairman of NEBE in 2017) asserted that, “NEBE is an institution that equally serves

all parties and it is delivering proper service.” However empirical studies indicate NEBE was considered as menu of manipulation by oppositions and CSOs from the reputation it had afterwards to 2005 national election (Zemelack, 2017).

According to scholars and different study participants and opposition party candidates in election 2015, the board was overwhelmingly supported by the government and meets its standard in human and material resources but NEBE’s main role of holding impartial and providing on equal field of electoral competition was a missed opening towards democratization. Supporting this summary Key informant 17 argued that,

‘There was high degree of doubts, because the board was led by political elites or people who were supporters of the authoritarian regime to implement a single party win over the others. One of the chairmen of NEBE was sent as diplomat of Sweden for his loyalty in which the incumbent grants such position for loyal party members. It is totally a client patron relation (Key informant 17, March 29, 2018, Addis Ababa: Interview).

In evaluating compliance of the EPRDF regime with regards to ACDEG and CCPR; the NEBE’s performance isn’t conclusive whereas the Nomination of EMBs breaches the fulfillment of international obligations. It occurred as a result, the political governance wasn’t able to acculturate easily or maximize the status of holding regular, free and fair election due to the nature of domestic institutions. In addition, the existing political culture and the interplay developed in between the ruling party and opposition parties were characterized by hostility and mistrust than cooperation (Kassahun, 2003) contributed a lot in democratic stagnation.

At the core of the argument it is the fact that the Charter obliges Ethiopia to make elections free, fair inclusive transparent and accountable (Article 12 (1), and Article 17 (1). Obviously absence of independence of the board has tackled the longing for democracy Ethiopians are aspiring to achieve as the plan of regional Agendas. It is thus the noncompliance was instigating disputes or force based protest from bottom to top because of the board’s impartiality. The lack of impartiality manifests the behavior of the elite to reproduce a dominant role and escape the competition it could face from the oppositions. And it exposes the incumbents less effort to share power or impasse democratic transition.

In the discussion that holds the independence of NEBE the ideas from both sides reveal that there exists partiality of the institution and its board members. As independent Electoral board is the

fulcrum of electoral governance for building strong institutional legal and political framework of regulations for competitive party and electoral process, it must be very independent. From the assessment held most key informants and scholars do not agree on the impartiality of NEBE. Thus, it can be said that Ethiopian government has violated Democratic Charter.

In line with aforementioned, information it can be framed that, ACDEG's article 2 (1), (3), article 3 (1), (3), (4), (7), (11) article 4 (1), (2) article 11 article 12 (1 and 2) article (13), article 15 (1) , (2) (3), article 17 (1,2,3,4) are not well implemented in FDRE. The board was also inefficient in applying the power vested to it in the constitution and proclamation. From theoretical perspective as the neoliberals argue EPRDF executive branch created institutions are expected to improve the informational environment and reduce the opportunities for cheating and manipulation. In other hands the incumbents should cooperatively work with international instrument work to create strong EMB to maximize mutual gains and minimize insecurity caused due to weak institutional umpire and distrust. To ensure mutual cooperation in between AU and FDRE the Ethiopian government has to deepen ways to develop the integrity of NEBE.

#### **4.2.3.Financial Supports to Political Parties**

The extents to which election-related contributions and expenditures admit of regulation depend on legal and political culture. Resources are critical to electoral outcomes with strong regulatory regimes and electoral management bodies to reflect the will of citizens in a given country (AGR III, 2017). As well Democracy cannot function properly without enough support of finance to the political parties (Teshome, 2009). The Democratic charter's chapter seven stipulates *support to be made to political parties*. Two decades after the implementation of multiparty system NEBE's supports made to political parties based on Proclamation No. 573/2000 is debated. The proclamation obliges political finance, the supplier and the way how it is divided. Contrary to norms, the government was the only source of electoral fund. As a result, the state funding was delivered to registered political parties and candidates for operational expenses on the basis of seats they have got in the parliament. While, system of supplying the public fund is alleged for preventing newly developing competent political parties' financial sources.

In gaining electoral assistance from regional organizations, Ethiopian government had only invited AU to be part of the electoral observation. In fact, Ethiopian government has funded NEBE and all

political parties as much as possible and elections were well funded in material and operational fund.

On the other hand In the course of election, election 2015, the new code had limited the number of voters in a constituency to be 1,000(Proclamation No. 532/2007 Article 22(6) and political parties to be limited only to 12 in a given constituency, even though the number of political parties was around 23 nationally. Subsequently, the major opposition parties like Blue Party in 2015 were not able to compete to participate in all constituencies. On the other hand the political parties were not able to present their observers due to the large number of constituencies which is near to 43,000 (Key informant, Fourteen).The increased number of constituencies had made the weak and diluted opposition un participants in most places(Ibid). EPRDF equipped with its 5 million members was massively winning them. Further the opposition parties were not able to generate finance to participate well. Key Informant Twelve said one of the systems EPRDF applied to stay in power is limiting the financial source of parties from foreign countries or groups.

To the contrary the weak opposition political parties were means of forming dilute vote than compete strong coalition (key informant Two). They were unable to work in alliance to use their given resource effectively. AUEOM (2015) noted that the campaigns were generally peaceful through not largely visible, especially the debate on media and increased electoral campaign at the last hour. On other view EUEoM in 2010 had considered the efforts made to allow electoral campaign in free and fair, protected environment from intimidation, harassment, violent cases was less. AUEOM was not able to make open discussion with EPRDF and refuse the restriction or narrow political spaces. AU was in able to criticize the financial supply which was inefficient.

In overall view, the data collected shown that, there was no equal distribution of electoral resources. In addition, the incumbent had accessed the formula of distributing the budget which is less in comparison to the number of political parties, their candidates and area in which they run. In a second place, EPRDF was able to gain and access its money-spinning sources such as business men, interest groups, State owned offices throughout the country. Notwithstanding, the supply to political parties financially to campaign, the procedure had created violation of Democratic Charters. It specifically Article 3(11), Article 15(4), Article 32(6), (7) and especially Article 17(3) which states fair and equitable access by contesting parties.

#### **4.2.4.Campaign on Media**

Access to the information and equity is one of the democratic or electoral principles or way of ensuring political parties to present their candidates, platforms and election programs through the media to create a “Well informed election”. Regarding the Campaign Air time distribution of Ethiopian election political parties were given time to campaign and debate on state and private radio stations. Ethiopian Broadcast Authority was responsible to provide the campaign air time all political parties. The media had neutral coverage of the main political campaign with supplying 50 % program to cover electoral campaigns with enough amount of debates EUEoM (2010).

The distribution of the air time was proportioned according to the political parties’ seat in HoPRs and the number of candidates for the election. For instance, 90 hours of Television Broadcast, 495 hours of radio air time, and 849 pages of Newspaper were provided to the election campaigns based on three strategies. The first 25 % of the time or newspaper pages were shared equally to all participants. Second 55 % was shared to political parties based on the number of seats they have in the House of Representatives and the rest 20 % were dividend to the number of candidates the political parties contribute.

The prime time was issued in lottery system. Opposition parties had not only complained that the nine televised debates had shortfall of time for unequal state-owned resources but it was dictated by party affiliated hosts(Gadion, 2015).The EUEom(2010) commented that the broadcasted debates weren’t live and were censored. The censors were made to avoid inflammatory speeches, and fewer impacts. Further, the opposition were not able to have right to use state owned meeting halls. Along with it they were asked and challenged by security forces even with the given permission to campaign in public places. Surprisingly the journalists were able to deny opposition candidates from forwarding their idea freely (Gadion, 2015).

Regarding the Electoral debates in 2010 and 2015 the debate were purposely selected. The debates were very different from the previous 2005. They were about infrastructure, education, Health affair federalism and decentralization foreign relation, good governance, human right and supremacy of law democratic system and multiparty system urban and industry development, agriculture, land possession and development (Fortune May 4, 2010(minutes) as cited in Yemane, 2010). Besides, Election 2015 political parties had debated on nine selected agendas. Despite the fact that the narrow political culture of campaign involved censorship, opposition’s arrest, intimidation, vote buy

the election was appreciated by the government and AU. The development or economic achievements were also used to undermine the opposition's parties and label them as "Messengers of the Westerners", "Anti-peace", "Anti-development", "forces of destruction", "enemy of the Ethiopian people" (EPRDF, *Addis Raey*, EPRDF Program, 2016) and were used to picture EPRDF as the only last option to save and vanguard of the nation (Ibid).EPRDF had presented itself as requisite for modernization. As Levistky and Way (2010 as cited in AGR III) state, campaign disparities in elections emerge due to autocratic behavior and partisan distribution of state resources. In relation to this; EPRDF had formed client- patron interrelations with promises of constructing universities, clinics, roads and houses (Key informant, five). This was a violation of AU's effort to deepen democratic political culture and good governance. It reflected deterioration of democratic process and increase of developmental authoritarianism.

The spending on rural projects such as "*Safety-net*" or "*migib lesira*" projects was another means of deepening patrimonial relation with high cost of spending during election(Key informant, eight).

In examining the compliance of Ethiopian government to the charter, Article 59 of the Ethiopian electoral law stipulates that political organizations and candidates' supporters are entitled to free access and use of state media. And Media have to play the role of making electoral processes competitive and free however, there were many restrictions on the opposition and denied access to the state resources equally. And the government called the accusations of opposition party's fabrications and manufactured. AU's Electoral Observation Mission could have discussed improvements to be made on the challenges reported from the opposition parties. As the Charter is starkly important treaty to reduce undemocratic activities AU had such great opportunity to try to push efforts on FDRE. The mission has also stated that the Ethiopian Broadcast compliance to the code of conduct in regulating media. It was a wonderful effort made in preventing conflict during electoral period. However, the mission commended NEBE, the ministry of Information and the state Broadcast Authority for allocating 600 hours of free columns in the state-owned print media and 700 columns in the state-owned print media for all for all political parties participating in the elections.AU Mission has called electoral stakeholders to be cognizant of part IV (8) of the Declaration, which prohibits individuals and political parties from using abusive language and /or incitement to hate or defamatory allegations and provocative language. AU's effort was critical to deepen the integration and enhance applications of capabilities.

Thus the installation of the law is to protect the nation; to prevent the partisanship of in the press and media .Nevertheless, the media from both sides were involved with personal attacks and character assassinations during the elections. The private should report in factual matters without bias. Over all the great deception or violation of treaty is the Proclamation 532 itself collides with the constitution article 29 of FDRE, which prevents application of ACDEG’s Article 17 and UDHR article 25. Thus, it doesn’t agree with the ratified law. It should be improved in discussion with the Journalists, concerned regional and international stakeholders.

#### **4.2.5.Code of conduct**

Developing countries like Ethiopia in transition from one party to multi-party systems have to install codes of conduct which are very essential to guarantee the rights and institutional framework for periodic and free and fair elections in accordance with international law or relations (Gill, 1998). After the troubled transition or election 2005 (Lyons, 2006) or period of uncertainty (Smith, 2006, as cited in Merara, 2010) National Election EPRDF had produced new legislations and codes for political parties’ campaigns and electoral registrations.

EPRDF had produced the laws to curtail the oppositions (Ibid).One of the proclamation is “Electoral Code of Conduct for Political Parties”. The Electoral Code of Conduct for Political parties( ECCPP) was a positive establishment of the ruling party and oppositions to pact one another with certain minimum rules for the election campaign and creates joint council for the political councils(JCPPs) (EUEOM,2010). The proclamation number 662/2009 or Electoral Code of Conduct for Political parties were established as a joint council in accordance with its Article 16 to enforce the law. And NEBE’s official Merga Bekana in 2010 stated that ‘the directive was prepared to enable election observers to discharge accountability rendering to the constitution and election law.’ The political parties since election 2010 were only allowed to work in theoretical mandate of the code of conduct, procedures of the election and cross- party committees (Barry Malone, 2009 as cited in Tronovoll, 2010). The committee was mandated to review grievances, violence, illegal detentions with three political parties (Ibid). Signing the code of conduct was one of the requirements of political parties involved to take part in elections of 2010 and 2015.

When it comes to the application which obliges AU member states to hold transparent, free and fair elections in accordance with AU’s declaration on the principles governing democratic elections in Africa Article 17(4) formation of Code of Conduct governing legally recognized political

stakeholders, government others is very necessary. This charter is good in prevention of electoral disputes. But, the code of conduct was rejected by the main opposition parties in the two elections. *Medrek* (EFDUF) at first instance had frequently discussed, negotiated and challenged the ruling party to improve the political space (Merara, 2010). EPRDF had rejected the purpose of the code of conduct at the beginning but latter signed and ratified as the law of the electoral process. As well the coalition or *Medrek* asked for renegotiation of political culture and space and further *Medrek* had asked for more bilateral talks before signing the code of conduct (Ibid).

According to Merara( 2010) EFDUF or *Medrek* had challenged the incumbent to renegotiate the electoral scenery, on the procedure of election , rule of law, release of political prisoners, reform of electoral law, independence of NEBE, access to state owned media. Despite the fact, *Melese Zenawi* said that “The document would mean that parties could contest peacefully and legally in fair competition.”(VOA, 2010) However, it was rejected by oppositions for its deliberate preparation to gain features of legitimacy (Tronvoll, 2010). Gebru Asrat commented “The code of conduct is discussed with parties that endorse EPRDF’s activity as well as EPRDF has nor negotiated with strong parties. As far as it is a plot to show the diplomatic community how EPRDF encompasses with parties”( VOA, 2009)<sup>2</sup>. International Crisis group also commented in its report that “EPRDF had made promises to apply multiparty elections however the contradiction of de-facto one- party is a reality” and government called ICG’s report “Malicious Propaganda” further, the ruling party was able to maintain the process of the election, solve challenges and grievances by the binding code of conduct it solely produced. In contrary, opposition made around 251 complaints regarding intimidation of candidates to with draw from candidacy (See. at EUEOM, 2010), lack to access meeting halls as well as destruction by politically motivated and organized youth. Thus, having formation of a committee of Joint committee for political parties under a common agreed code of conduct was a nice start towards achieving Article 17(4) of the charter.

However, the withdrawal of the strong oppositions from it pushed EPRDF to deal with weak political parties and had effective limitation of the election. And the enactment of the code as law enforced political parties which were not part of consensual and voluntary agreement. As *Medrek* became part of the election without signing code of conduct, the enacted law had enforcement on

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<sup>2</sup> <https://www.opride.com/2009/11/01/can-ethiopias-electoral-code-guarantee-fair-elections/>

the non-voluntary but participating political parties prevented public demonstration at the time. For procedural democratic transition it might benefit the political parties in the game, however it was used as a means to prevent strong political parties from calling assembly, demonstration in public and take issue or problems to courts (Key Informant, Three ).Its impartiality and rationale of formation is disputed and problematic .

As aforementioned somehow, AU was very active in supporting the electoral codes of conduct endorsed by political parties as mentioned in Article 17(4) of the charter. AU could have sent strong messages to political parties engaged in reversal of efforts to achieve undemocratic power hold and worked hand in hand with deepening real practice of code of conduct in the elections.

#### **4.2.6. Civic and Voter Education**

Voter and Civic Education are crucial that all participants to understand their rights, the political system, the system of election and voting<sup>3</sup>(UN, 2009) .Plus it is very necessary to manage pre-election and post electoral challenges as well as it helps to manage the democratic culture.

In examining implementation of Ethiopian civic Education and voter education in democratization, the Charter's Article 12 (4) provisions “State parties shall integrate civic education in their educational curriculum and develop appropriate program and activities. Since, the course helps to develop the democratic processes and political pluralism to enhance democratic values. It also aims to convey knowledge of the political system and context (Sens, 2004). The Ethiopian Ministry of Education (MoE) has also included the subject as part of the curriculum from grade five. But the course is critically opposed for its partial predisposition to support the ideology of the incumbent even if the subject has enlightened the society's knowledge (Key informant, Six). In counter argument Key informant argues, the subject is supposed to be given to develop well oriented citizens whereas the government sponsored education is partial. Civic education should be neutral and accurate and should be partial not be in favoring any party of candidate (Levine & Bishai, 2010).

In document review by EHRC (2007) during election period and campaign the voters were given lessons with some tactical intimidations. At an instance during election 2010, 2015 citizens were obliged to register for ballot cards and needed to participate in the election. The ruling party

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<sup>3</sup> <http://www.un.org/womenwatch/osagi/wps/publication/Chapter5.htm>).

officials and supporter also had told citizens to participate. Plus, there were many intimidations in different parts of the nation. For example, in Arsi Zone Oromiya Regional State in some Kebeles there were tactical intimidations (Ibid). These intimidations might be the only one recorded by government sponsored institute nevertheless there many intimidations because of the high quest for high voter registration and propaganda (Key Informant, Ten ;Code one).

According to Human right report, voters were pressured to join the ruling party in response to be beneficiary of incentives likewise access to seeds, fertilizers, tools, loans. And, if the voters refused to do so they are denied from access like public sector jobs, educational opportunities and different benefits. This is mostly remarked as the leverage of the client- patron relation. In response EPRDF haven't accepted the naming and shaming by Human Right Watch. Rather accused them for relentless negative campaign.

When it comes to electoral education, 2015 the NEBE has taken the responsibility to make information available and accessible to all constituents by NEBE itself. The Amended Proclamation of Electoral Law Article 89 (1, 2, and 3) allows NEBE to make agreements with stake holders who are able in promoting, teaching and creating awareness. As election is common good NEBE should have issued license to other bodies engaged in civic and vote education, follow and supervise the licensed organs based on the merit of proclamation No. 532/2007 Article 7 (4) such as CSOs. As a result, it could have advantaged from the civic and electoral /voter/ education as well as minimized subsidies made to produce, recruit and implement the education. In reality NEBE had carried out continuous voter education since 2010 mainly on the legal framework and produced manuals and teaching material in numerous languages of the country (Freedom House, 2015). It has helped NEBE to reach out voters in different places .In addition it has worked together with CSOs in collaboration to design and produce voter education materials (Ibid).

NEBE could have benefited more with involvement of CSOs and concerned groups. Because, they were given the opportunity to reach different parts taking factors such as high rate illiteracy, based on the Proclamation 532/2007 Article 7 (4). Plus, NEBE should operate effectively work on the social media, and traditional means of communication such as television networks and Radio. Thus, the achievements of Article 12(4) were very respectable for the benefit of the regime and have helped the state to comply with the Charter theoretically. In enhancing the application of voter education AU should have engaged itself in deepening and mobilizing its support structures.

#### **4.2.7. Electoral System and Ethiopian Practice**

The electoral system is one of the great challenges in many African states government formation. The choice of electoral system is one of the most important institutional decisions for any democracy because they translate votes cast into seats won by parties and candidates (IDEA, 2005). In addition the electoral system in a true democratic system grants three main tasks. First, it helps to translate the vote's casts in to seats won in a legislature chamber in which in this case the Ethiopian Parliament. Second, it is to act as the conduit that allows the aforesaid democratically elected leaders to be held accountable to the people. The third task is to give the incentives to parties or competing groups. To an extensive degree Ethiopian leaders of the Transition Government and especially the producers of the constitution of the "1995 FDRE constitution" However, entertained the application of First Past the Post (or FPTP) constitutionally. Basically, the choice of the electoral system is to address the country's political cleavages by accepting the basic conflict triggering causalities and dissimilarities between political parties in order to forward proportional election outcomes as well as strong local district representation. But, the leaders of EPRDF have deliberately inserted the FPTP system. According to the late HPRs House of Speaker Dawit Yohanes, the FPTP was chosen for the purpose of formation off strong government to solve problems effectively because the PR was assumed unhelpful to solve challenges..." (Cited from Yared Ayele, 2017: Addis Ababa: Interview) In this regard, the electoral representation was not inclusive .Several other factors also appear to be more significant in explaining the challenges with FPTP implementation in the following section.

Further, the differences in national projects, political ideology and state building between the incumbent and opposition parties likewise OLF which was tagged "Oromo Nationalist" or "Oromo Separatist" were referred as "Separatists of the Republic" and "Terrorists Groups" and on the other side "the Chauvinist Parties" or the so called Ethiopian Nationalists was implied on formation of unitary governance, picturing the incumbent the only savior of the republic .Identification of opposition parties was deliberate and aggressive target in order to overcome competitive advantage over them (Key Informant, Eight). The reality, however, is that while the Political parties and liberation movements has indeed deepened difference in political belief and great degree of opposition and lack of common ground, at the same time it has developed infinite obstacles and debacles to any change or evolution in sharing the imagined value of liberal peace and democratization aspired by domestically and regionally. The political culture difference also put

less communication among them in political market and widened political polarization. The political polarization caused due to ideological and historical difference has tested increased repression and state terrorism (Key Informant, Twenty). It also manifested that the political parties have developed high suspicion on elections held with sets of less inclusion and narrowed political field (Gudeta and Alemu, 2014, Shimelise, 2017).

Subsequently, major opposition parties like *OLF*, *Ginbot 7* and *ONLF* were drifted in to armed insurrection and were banned from regular election, even if there were elections held under the dominance of *EPRDF* in participation of diluted opposition. Evidently seeking to capture the populist spirit of ethno nationalist groups' votes further, the prominent political party leaders, public figures were arrested and excluded. However, the *AU* was invited to observe the election. As a result the implementation of *FPTP* electoral system resulted composition of one Front controlled house of parliament of the Nation in 2010 and 2015 National elections. Thus, there needs to make analysis on the Electoral system nexus the Compliance of the performance.

#### **4.2.8. Electoral System**

Gadion (2015) asserts that, electoral system across the globe include; plurality system majoritarian (*FPTP*), *PR* and *Mixed* system. Likewise, Democratization is much intertwined with political democracy and electoral systems (Reynolds, 1997; Beza, 2015).

Historically Ethiopia had one party political culture before the arrival of *EPRDF*. The early system of political culture has no any legal framework that effectively allows for political party pluralism and liberal democratization. As well has little requisite to democratic culture and strong restrictions were placed on the exercise of formation of any other political parties. As a result due to lack of national reconciliation and Machiavellian ultimate advice Dergue was with no objective but war or beat the competition of power. The newly emerged party since 1991, *EPRDF* has implemented the plurality electoral system as the working system for elections in Ethiopia (Zemelack, 2017). Empirical studies conducted indicated that the majoritarian system is not good at representing a variety of social divisions and social interests compared to other electoral systems and, especially it was debacle in Ethiopian election 2010 and 2015 (Yared, 2017). Since, it is deliberately chosen by the political actors in order to maximize political legitimacy, it has affected the process of democratization process (As noted in Reynold, 2000).

Merara (2002) also argues that, the electoral system in political representation in Ethiopia since TGE is FPTP which is stated in sole-authored constitution in 1995, the constitutional engineering by the ruling party with lack of national consensus among competing parties and elites of the country has resulted in Force based Protest after the AU observed election. As a good reflection there were gaps in examining the international regime's (AU's) ontology: the existing characteristics of its member states participants and interstate system that presumes a process that transforms the nature of the sovereign national actors and Epistemology: the evidence gathered to monitor the electoral processes that focus primarily on dramatic political events or up on prosaic activities (Key Informant, Three) and AU report. Indeed the Ethiopian government was also wary of allowing the other independent agents to monitor and when necessary, enforce the agreement, but, it was wit in delegating AU only. Following AU's involvement as "Observer", there was a decline in political trust and on it as supra-national role.

Even if the Force Based Protest obliged to make shift in party leadership, yet, the party fully controls the HPRs. Tesfay (2017) asserts that FPTP was opted to stay in power grip by applying 'Divide and rule' with constitutional design as well as to take full political control at the national level, with small symbolic democratic presence and discourse at HoPRs (Tesfay, 2017). This could be a background to say, electoral systems play major roles in nurturing and holding back democratization or violence. By law, FDRE's constitution Article 56 stipulates that: "A political party or a coalition of political parties that has the greatest number of seats in the House of Peoples' Representatives shall form the Executive and lead the country." Besides Article 54 (2) provisions: "Members of the House shall be elected from candidates in each electoral district by a plurality of the votes cast."

In addition, Proclamation No. 532/2007 article 25 states "A candidate who received more votes than other candidates within a constituency shall be declared the winner." However all this is clinched fist against the backdrop of the Article 25 of the ICCPR General comment of UNHCR, which states that, "...Every citizen shall have the right and the opportunity..." as well, the ACDEG Charter that stipulates the implementation of its principle and obligation that promotes a system of government that is "Representative" (AU, 2007, Article 3.3). ACDEG, Art.2 and 32 provisions, political pluralism and promotion of representative systems of government" .With regards to such comments; EPRDF suggests the system is for good in its simplicity and cost-effectiveness while the

oppositions ask for reformation for wastage of minority votes. Dismantling it is a very necessary and a means for democratic transformation.

As electoral system is a pillar of deepening democratization through real constitution building, the Ethiopian political leadership has blindly missed an opportunity that would reliably ensure the effort of addressing political cleavages and differences between parties can be contained through inclusive system of political representation (IDEA, 2007). The ill designing of the electoral system has allowed exclusion of political parties from the time of crafting the system. Its symptoms are also seen in electoral system that was not discussed as equal as the quarrelsome constitutional drafting and ratification process.

In examining Ethiopian government’s electoral system conformity with Democratic Charter principles (3), which states “State Parties should promote principles of promoting a system of government that is representative (AU, 2007) there are shortcomings clearly pointed out due to FPTP and its critical ignorance to deliver inclusion of minorities. Quite clearly, in practice it is a major withdrawal from exercising representative election, came under attack from the oppositions, their affiliates, non-state actors and other critics. Despite the fact that Ethiopia’s government and constitution allows using “First Past the Post (FPTP)” in elections at all levels in Ethiopian Republic, there were effects on non-compliances with the Charter. For instance, the 2010, Ethiopian election which involved six political parties but victor EPRDF won 99.6 % of parliamentary seats and created Electoral autocracy than transition to democracy.

**Table 3 Ethiopian HoPRs election 2010 result**

Political Party/Coalition	Total Votes Won	Parliamentary Seats Won	Percent of Total Votes Won	Percent of Seats
EPRDF	26,508,774	545	92.2	99.6
Medrek	1,353,157	1	4.71	0.18
EDP	201,382	-	0.7	-
AEUP	346,375	-	1.2	-
CUD	85,335	-	0.3	-
Others/ including Independent Candidates	234,662	1	0.82	0.18
Total	28,729,705	547	100	100

**Source: Cited from Yared Alemu, 2017;**

It was pronounced very incompetent and manipulative (The Guardian, 2010). EPRDF had secured 499 out of 547 seats in which it took all the seats alone. Further, the oppositions had not shown

enough coalition to challenge the ruling party. The most competent *Medrek* scored 4.71 % even though it argued the challenges *Medrek* complained on the intimidation and harassment by the government forces. Here again, the international regimes role conceived less sanctioning with account of limited influenced. Subsequently, the same resulted was seen in 2015 election. It indicated the absence of serious sanctioning power and AU’s inability to forward relevant electoral process assistance and recommend better options.

**Table 4 Ethiopian HoPRs election 2015 result**

Political Party/Coalition	Total Votes Won	Parliamentary Seats Won	Total Votes Won in %	Percent of Seats
EPRDF	30,985,209	547	91	100
Blue Party	395,271	-	1.16	-
Medrek	1,048,772	-	3.1	-
EDP	74,479	-	0.22	-
CUD and UDJ	100,499	-	0.29	-
Others/ including Independent Candidates	1,405,068	-	4.13	-
Total	34,009,298	547	100	100

**Soruce Cited from Yared Alemu, 2017;**

During 2015 election there were many critics against the 100 % result. It was commented “Tragic demise of multiparty system” by an independent Ethiopian press (Addis Standard, 2015). If the electoral system of 2015 was proportional system, with 9 % of the votes, the opposition could even have survived. Unluckily they were swept out of the parliament. Eyob (2011) suggested if the electoral system employed during the 2010 national elections , out of 30, 181,686 votes casted at the national level, votes casted for EPRDF would be around 14,903,716( 49.38%) and the oppositions could have taken 270 chairs from the 547.

Added that, electoral systems have great role in changing votes in to seats and shaping HoPRs. As well as the debate should include the electoral systems outcome and its reforms within the context of making free, fair and universal suffrage to deepen political democracy (Key Informant, Fifteen). Because free and fair elections are indispensable elements of democratic governance. As a result, in Ethiopian context the FPTP has helped EPRDF to concentrate power centrally and had shifted the young democratic political culture in to one dominant party (Key informant, One). The adaptation stage to democracy is seized by deep authoritarian values. Therefore, it differentiates the electoral system in Ethiopia as EPRDF’s menu of institutional manipulation (Zemelack, 2015).

Despite FPTPs identification and impact on changing the voice to representation, minorities and oppositions choose the execution of proportional electoral system. Ethiopia, a home for diverse ethnic groups could opt to apply the proportional system of election since it allows electoral stability, reduces wastage of votes and inclusion of diversity. It could also result in political instability, difficulty to form government, difficult to standoff transition especially in a place where there is no political negotiator and, generate a coalition government (Key informant, Eight). Conversely, FPTP could create presence of two dominant party, permanent losers and permanent winners. For example, let's assume the 50% of the voters or closer choose the winning party and the other 50% may vote in 30% and 20% for other parties as a result the plurality system wastes the votes (Ibid).

However, PR or Mixed electoral system could bear better inclusion of diversity than FTPT. Thus, making reform on the electoral system and political space is possibility to consolidate democratization and begin peaceful political culture (Key Informant, Fourteen). As well as employing free and fair elections are one of the ways of ensuring accountability and providing an institutional framework for peace and stable political culture. Even if violent conflicts associated with elections are indications of other deeper social, political and economic problems which could not be solved by reforms made to electoral systems (AGR III, 2013).

Ethiopian government should re-consider the likelihood to set up the proportional system in elections to represent diverse ethnic based political parties and guarantee or ensure the votes received and the seat allocated to them. If not, as Ndulo (2003), argues without effective representation, a majority will have little incentive to address the grievances of the minority. The winner takes all in Ethiopian 2010 and 2015 election had created the instrumentality of the process with 99.6% and 100% full control of the HoPRS respectively. As mentioned above the system (FPTP) has led to total exclusion of the oppositions from the HPRs. They were 100 % removed out at 2015 election. Thus, it can be said, Ethiopia has less performed in ensuring direct representation. The plural majority system (FPTP) applied had less practice of ensuring representation, accountability, inclusiveness, party development. To cure this challenge, application of the Mixed Electoral System (MES) could be a panacea or it can be used as a trade of electoral advantage to accomplish political goals. Because the MES gives voters maximum alternatives flexibility; since

the voters are able to make choices to the candidates, they like rather than suffering to make a choice and give too much alternatives and minimizes the challenges occurring due to PR or FPTP.

The electoral system reform should be fixed to comply with the Charter in forming a democratic political system in which there is a multi-party system. At the beginning of this part of the study aforesaid three purpose of election in liberal democracy likewise accountability of representatives, support to parties and division of seats could be deepened and widened to answer to power issues (or high politics ) and welfare issues (low Politics) and allow to reach up on a common interest if reform is made. Effective reform enhances participation of minorities, creates functional equality and minimizes systematic discrimination and breaks the circle of socio- economic inequality (Vertischel, 2010; Beza, 2015). The electoral system reform also minimizes ethnic conflicts, and avoids the chronic and severe deficit of political freedom the Ethiopians suffer (Gadion, 2015). To implement true representation and multiparty politics and avoid winner takes all practice, and sustaining diversity through elections, there needs avoidance of Hegemonic and competitive electoral authoritarianism applied by EPRDF.

In conclusion, the assessment exposed Ethiopia's violation of the Democratic Charters' Articles 2(3), (11); Article 3(3), (4) and other international agreements which obliges the practice of exercising democratic representation of different political parties. Further all these interconnected issues of electoral system selection and challenges require the political will of the actors and the institutions to reform. Thus as Yared (2017) notes the introduction of new electoral system to accommodate and minimize votes is delighting change, there needs complete application of constitutionalism and interface in between institutions and changed attitude from inside .

### **4.3. Electoral Process**

#### **4.3.1. Electoral and Democratization in Authoritarian Ethiopia**

Electoral competitiveness is one of the preconditions to a realization of democracy (Lyons, 2010). The competitive authoritarianism is also about the capability of ruling party to provide a democratic competition and preventing any spectrum of challenges to power (Schedler, 2006). But after the cold war, many African leaders have adapted to international environment of non-substantive democracy (Donno, 2012). As well as the electoral conducts and procedures of such groups are not in line with international conduct of democratization. There is an insightful disjuncture between the

democratization challenges facing developed and developing countries .Even if the latter countries conducted the elections, they are not genuine and tactically suppressed.

In the context of Ethiopian Elections, FDRE's Constitution, Article 38, sub Article 1 (a, b, c) 2 and 3 defines the possibility of implementing multiparty democracy. But the EPRDF used the TGE and constitution to consolidate itself and had used diversity versus multi party but latter ended up in enhancing its de facto political hegemony. The EPRDF which theoretically included political liberal principles like federalism and multiparty system had stuck in practice in formation of one dominant party because of its aspiration to build up Hegemony. The Hegemonic aspiration build up was followed by signing and ratification of ACDEG Article 12 (2) declares that “State parties shall strengthen political democracy and peace.” It was accepted to maintain the appearance democracy without exposing the “Reverse Wave” of democratization.

Scholars like Merara (2010), argue, the adoption of hegemonic aspiration to play elections as “House of Card” was manifestation of the tendency to form and fall at the shore of “Scandal Ocean “flagging electoral autocracy”. The Ethiopian government held multiparty elections in competitive basis with its mode of operation since 1995 constitutionally (Kassahun, 2003) however this elections were held not to portray a miserable and gloomy picture of the ruling part (Key- Informant, Two). By contrast, it has profoundly permitted security challenges and perennial threats of intra-state violence, ethnic violence, poverty, political instability and disorder.

As a result, it was opposite to teleological theories of democratization. Specifically elections held in 2005, 2010 and 2015 were reversal of the transitional societies and backslide of the process or “regression to authoritarianism” (Ibid). After 2005 election the playing fields for the elections were too narrow because the incumbent had produced many legal frameworks (Merara, 2010). The frameworks supported EPRDF to picture the process of the election appear genuine and comply with regional and other international commitments. However, changing the theory in process had breaches in accordance with the commitments aforementioned. Thus it has created violations of rights, commitments.

The propensity to produce such proclamations and regulations emerged from various factors. Mainly, the revolutionary parties or liberations inherit behavior claim representing the will of their people (Clapham,2012) or build up on the national unity to form strong feeling towards

once own country. These parties present themselves as the only option to the people. In addition these parties control democratic institutions systematically unlike their promises they developed *fallacy of electoralism* (Kornegay, 2000; Constanos, 2015). Related with Ethiopian electoral behavior, empirical studies finding indicate further. For example, Abera (2015) asserts that EPRDF had produced many barriers which made the democratic transition stand still. Obstructions like stocking institutions, institutional manipulations, psychological impacts were formation of political parties, narrowing the political space and undermine opposition parties, use the National Electoral board, use and control political institutions such as NEBE, Media (National Television and Radio stations), stuffing ballot boxes, increased number of constituencies.

Even if the electoral process in 2010 had shown major improvements, it had failed international commitment, notably its transparency of the process and level of playing (EUEOM, 2010). During election period of 2010 and 2015 EPRDF won the opposition in landslide win. It has signaled the regime's level of control over the political space. Even if observers like "AU" called the elections free and fair as well as the fragmented opposition was not able to secure two or more chairs. Having a narrowing political space and they being unable to bring new strategies to compete EPRDF with alternatives was small. Here again EPRDF had been mostly portrayed itself as the savior of the nation. Rumors were also allegedly spread in the community. The rumor had created developed hate and uncertainty towards the opposition parties. Additionally, the opposition parties were weakened by the incumbent strong desire to get high vote and avoid the strong political parties. The public who needed to support them was strategically diluted (Key informant, Five). The opposition was virtually non-existent and made incompetent and lacked coalition, for lack of convincing policy proposal and good organization. For instance *Medrek* (FORUM) was coalition of different parties played off by the government (Guardian, 2010) even though it had strong national support (Open democracy, 2010).

In addition, the oppositions themselves in their nature or formation were afraid of political strife inside them and they understand the next move by NEBE. Opposition had developed co-opted to weaken one another, and had been tied up in high marginal campaigns. As well, during campaigns dilute vote or formation of Gerry-mandery was used to drive out oppositions from HoPRs in formation and participation of variety of political parties (Key Informant, Eight).

The political ideology of EPRDF (revolutionary democracy) has helped to grow economic boom. As well, the developments achieved put the ruling party to prime on the nation. Ethiopia under EPRDF had much influence on efforts made in the peace and security of the region (Ibid). Since the party anchors its legitimacy in state or party- led national economic development and service delivery than democracy. According to key informant five, political democracy is not a priority to Ethiopia, even though elections in Ethiopia had open support towards a function of one-party regime and boycotted by oppositions.

To contrary EPRDF basis its claim to rule and legitimacy in material developmental achievements attained the MDGs, SDG progress; economic expansion and Double digit GDP growth, infrastructure development , agrarian and industrial growth, export increase-, and certainly much was achieved; however solid political and civil practice aspirations were not primarily included. The political space must be widely enough to voters. Voters should be provided political programs based on program and harmonized by own interests and preferences (Zerihun: 2017).

In investigating efforts made to secure EPRDF's Political dominance and authoritarian democratic culture, the party had developed to enjoy electoral dominance and control in the legislation and executive since the 2005 general election explicitly. The incumbent had made an organized electoral preparation with the electoral, legislative, judicial, media and other institutions were so heavily skewed in favor of current power holders (The Economist, 2015). The democratic institutions existed in form not in substance (Ibid). There were efforts to deepen political dominance because the tendencies to reverse the process of democratization were due to the exhibited nature of office hold. The government had applied many measures against any independent forces in Ethiopia to ensure its aspiration to stay in power for unlimited power (Abbink, 2009). It is expressed in its excessive use of force on oppositions, the denial of assembly in post- election 2005, production of sedative laws and so on.

There are also arguments for its authoritarian behavior; lack of interest to liberalism and polarized standpoints like foundational ideology (Revolutionary- democracy) of ruling party to exercise hegemonic electoral practice. In addition, EPRDF's electoral authoritarian behaviors were prominently seen in electoral processes. Because, the political space was characterized in deepening ethno-regional structures, pervasive corruption, politics of fear, high controlled voter turnout, and restricted protests (Key Informant, Seven). To all these it has applied high degree of forceful and

tactical repression and legal frame works. For instance, during pre- election period of 2015, Ethiopian Federal Democratic Unity Forum (MEDREK) had asked to make demonstrations. However, the municipality of the capital had rejected, and had accused the forum and demonstrators in outrage against the constitution, rioting and inciting terror and chaos (Birhane, 2016). In relation to protests and political polarization, EPRDF stated oppositions as sponsors of color-revolution in Ethiopia.

Here as well EPRDF had played historical accounts as significant means to preserve power. For example, EPRDF compared itself with reference to *Derg* regime in Campaigns and political debates made during election 2010, 2015. The incumbent also referred the role, and economic achievements in the nation building process as it is the only options a head in the campaigns and debates. Consequently, EPRDF had presented itself as the only strong party to exclude other oppositions from the power circle. Consequently, it used labeling Opposition parties as messenger of the western- liberal institution (Tronvol, 2009). In addition, the authoritarian rule of EPRDF after land slide victory in election 2010 and 2015 used its international engagement to increase its domestic legitimacy.

In contrast, it is undeniable the changes EPRDF brought politically and economically. However, the party used elections in order to gain legitimacy and elections were taken as a ritual performance missing their objective and creating a dominant party except to the cosmetic changes in terms of liberal reform and measures affecting legal and constitutional provisions, formal procedures and mechanisms; no political transitions were expected to take place (Key- Informant, 17). In attempting to form procedural legitimacy on democratic procedure on elections and rule based mechanisms for handing over power or on mechanisms for the implementation of policies; it has gone considerable lengths to operate within the a legalistic framework ( Code 11).

EPRDF had developed an imperfect hegemonic aspiration (Ibid). EPRDF was also able to exceed a range of pretexts to stay in power and had been accused by opposition for manipulating the political field with the legal regimes. In addition, it had fortified the domestic opportunities by adopting major legal regime such as counter terrorism proclamation; the revised political parties registration Proclamation No. 573/2008, Charities and Societies Proclamation No. 612/2009, Freedom of Mass media and Access to Information Proclamation No. 590/2008, Anti-Terror Proclamation No.

652/2009. The adoptions of different proclamations were misused to diminish opposition parties (Key Informant, Three).

Thus, in relation to the behavior of EPRDF, it can be said that the party should move towards democratic governance. In deepening democratic culture and political pluralism, the constitution of FDRE supports the implementation of multiparty political system in the state. FDRE's Article 38, sub Article 1 (a, b, c) 2, 3 defines the possibility of implementing multiparty democracy. As well as ACDEG Article 12 (2) also states that "State parties shall strengthen political of democracy and peace."

In conclusion to the behavior of EPRDF, it can be said that the party should move towards democratic governance in democratic culture and political pluralism. The constitution of FDRE stipulates the practice of multiparty in the republic. To the contrary in which there are a number of legal instruments which limit the activity of the political parties in various forms such as political parties' registration proclamation No. 573/2008, Candidate registration, Directives, Proclamation of Media, CSOs Proclamation No.621/2009, and Anti- Terrorism Proclamation No. 652/2009 doesn't set aside different stakeholders to get involved. In order to bring participatory political culture the prerequisites have to be National unity, legitimacy and performance, viable civil societies, strong political institutions much interacted economic and strong political interactions: this could be expressed through: first highly opened voice and accountability to allow citizens form government through process of election .They should be granted freedom of expression, association and access of media; second, widening political stability and absence of violence by preventing any unconstitutional take over; third reforming political institutions reforms. Over all the behavior of EPRDF is the most contested and needs to move towards the ACDEG compliance by keen activity towards multiparty system.

#### **4.4. Separation of Power and Democratic Accountability in Ethiopia**

ACDEG chapter three describes the principle of democracy, election and governance Article three (3) of the charter declares that "Separation of Powers which obliges the state to make separation of power in between the three branches of government." In addition article 2 (5) states that "There should be promotion and protection of independence of the judiciary". In the interaction in between the legislative and executive branches of the government sometimes the judiciary challenges are visible due to a rough balance of power in between the three branches. According to Key

informant, the strong executive influence had mitigated the effort in consolidating democracy. In addition, the EPRDF takes all decisions to its communist committee and to its executive committee (Key Informant eight; March 29, 2018). The fusion emerged due to revolutionary democracy allows blending in the role of the party and state (Merara, 2012). For instance if any decision is made at the central committee of the ruling party, the other lower structure is expected to accept it without any hesitation (Key Informant, Eight). Likewise a key informant imparted the executive takes unlimited power than the legislative especially since it was controlled by the executive. It also pursues strategies from top to bottom. And regularly it silences the legislature from asking, debating or being functional in representing marginalized groups or excluded parties (Key Informant, Six).

According to Woldegiorgis (2010), EPRDF's control over the judiciary and legislature and lately on the executive has influenced the Policies and the practice of multiparty. Merara (2010) argues also that a de facto one party dominance EPRDF's philosophy of Revolutionary Democracy is its *modus operandi* to democratic centrism unlike liberal democracy; therefore this has created fusion in between the government and the party. The Democratic centrism has also allowed EPRDF to deepen its Revolutionary leadership which centralist in its behavior. This could be assumed for the growing aspiration of electoral Authoritarianism. Putting development as prerequisite for democratization which is undeniable correlation to a society, differently has resulted astonishing development achievement but has hindered transition from authoritarian regime to its early democratization accompanied by election. According to Key informant 13, the fusion in between incumbent party and state possibly occurred because of parliamentary political system. And its structure from top to bottom; *Kebele* administrations', the police, school directors, and every other administration was a party member. All this shows the bureaucracy and the political party are completely merged in to one." (Key Informant Five May 3, 2018)

In Ethiopian Democratization process the fusion in between the party and the state was reality. An anonymous key informant (as cited in Ababu, 2015) describes the fusion has been obvious in use of resources of the government in election campaigns and government buildings used for incumbents party activities. The *cadres* at *woredas* and *kebeles* had also developed inseparable the government and the incumbent party while neglecting the oppositions. This was one of the observed challenges in separation of party from the state.

Further absence of strong opponents in the HoPRs had allowed EPRDF to manipulate the legislature which is weak due to its formation efforts. So, according to the Charters Article 15(2): State parties did not ensure independence or autonomy of the said institutions and guaranteed by the constitution were not fulfilled possibly. Thus, to separate the fusion possibly, it is better to create a democratic culture in the election and beyond.

#### **4.5. Political Representation of Women**

Different documents in addition to Democratic Charter are produced to accelerate the gender equality, for instance the UDHR, 1948; The Convention on Political Rights of Women (CEDAW), 1952; Beijing Platform for Action of the Fourth World Conference on Women, 1995; Optional Protocol to CEDAW, 1999; are instruments to gender mainstreaming equal representation of both genders. Further than embracing the majority in terms of population, women play major roles in making out peaceful and successful Africa (Tsion: 2017)<sup>4</sup>. Despite their contribution, women are behind the area of political processes (Ibid). In addition, women's parliamentary representation has its own political value. Any effort to increased number of women representatives in legislatures is also becoming part of measuring the effort towards democratization.

Besides, Ethiopia has made different agreements to empower women. The Democratic Charter is one of the instruments signed by Ethiopia to empower women since AU's charter provisions "*Women's effective and efficient participation in political process and in the field of political participation to make decisions and represent to close the existing policy making.*" ACDEG also proposes "All women to be entitled to have the necessary conditions for their full and active participation in the process of decision-making structures and process at all levels including encouragement to participate in electoral processes."

AUEOM had shown its satisfaction due to an increased number of women elected in The HoPRs in both elections. As well the supports made financially in funding for women candidates from 10 % in 2010 to 15 % in 2015. Even if the HoPRs was fully controlled by one party AUEOM had commented FDRE to ratify and implement the Maputo Protocol on Women. AU noted further measures to be taken to achieve gender parity within party structures and elective offices

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<sup>4</sup> See at AGA newsletter 2017 [https://au.int/web/sites/default/files/treaties/7790-sl-african\\_charter\\_on\\_democracy\\_elections\\_and\\_governance.pdf](https://au.int/web/sites/default/files/treaties/7790-sl-african_charter_on_democracy_elections_and_governance.pdf)

In efforts made towards advancing women's political empowerment the consolidation of democracy there are proliferation of women's inclusion and affirmative activities. A range of movement groups are strengthening the shift towards multiparty systems such as civil society and actors are working to put women in leadership (Ndlovu and Mutale, 2013). Ethiopia has achieved many goals in benefiting women and uplifting women's from their day today challenges (Key Informant 18, 2018). In counter argument an opposition party leader in previous elections states;

The socio-cultural barriers, political participation, in effective implementation of laws have marginalized the women's representation even if their representation was basically ethnic based representation and neo- patrimonial culture. Women were participants to portrait EPRDF as Democratic Party in external actors' agreement. It is nice of EPRDF to apply the 30 % quota if it was not to fake. During election 2010 and 2015 women were needed to enhance its electoral hegemonic aspiration. Women from opposition were not included as well as less represented in comparison to 2005(, Key informant, One, April 15, 2018, Addis Ababa: Interview).

EUEOM also stated that women representation during 2010 Election was under representation in most political parties in comparison with 2005 election. Further, different scholars and writers had opposed EPRDF's carefully employed legitimating strategies with democratic discrepancies. As Lipset (1959) notes, a political system's ability to maintain the belief that existing political institutions are the most appropriate or proper ones of the society EPRDF is accused for using the participants In general, Ethiopia was seen as a case which demonstrates how elections can be instrument umpire of political control rather than devices of liberalization (Aalen and Tronvoll: 2009). Refusing the statement raised above Key-Informant 14 argues on the efforts to be made as follows;

There needs to work towards a parliament in which both men and women could work to alleviate the problem of the women. The women should be supported and empowered from the top to lower governmental structures. The women in HoPRs are on board because the regime wants to portrait itself as it is strict to gender issues or empowerment of women, so it should be beyond the numbers. The women who represent should be there to represent allocate the plight of women (May 5, 2018, Addis Ababa)

The aforementioned international and regional instruments call for equity between men and women. According to Universal Declaration on Democracy (1997) Principle No.4, the achievement of

democracy presupposes the mutual partnership between men and women in the conduct of society in which they work equally and thus it could be said it is a promising change to see the number of women participating only 12 to increase to approximate number of 39 %. In a document analyzed women in the first constitutional parliament were almost 11(2%) representing half of the society but in the second parliament their number has increased to 42(7.68%) with major changes almost near to five times increase in number.

In fact stronger presence of women in parliament allows pushing for new women right engagement. Inclusion of women is one of the requirements in creating women to be at the front line of developing democratic development. It helps to identify challenges and answer plight of women (April 14, 2018). Efforts must be put in strategic policies of the nation to address the challenges through systemic political and economic transformation for women (Tsion, 2017). Meaningful engagement of women in the political spaces increases democratic transition by promoting gender sensitive policy issues and the overall women's political participation should be to realize the full political empowerment of women (Ibid). In a discussion with key informant 16 argues;

The increased number of woman is a good but it should be about the gains women achieved. It should be about women's to contribute to the development and democratic values in the states. In empirical studies women are given the soft power or position such as women and youth federation, ministry of culture and sometime house of speakers but they can be empowered to work towards the places which are reserved to the males such as defense ministry, the Prime Minister, deputy Prime Minister and President. (April 15, 2018, Addis Ababa)

In a document review, the addition of women seats in quota could escalate the efforts made to involve the women in the house but to achieve that threshold Ethiopian Parliament needs to advance the number of women in the parliament compared to countries like Rwanda standing first with 61.8% (See Index Mundi, 2016).

**Table 5 Female House of Federation Representatives in Three African countries**

<b>Country</b>	<b>Total number of seats</b>	<b>Total women</b>	<b>% women</b>	<b>% point of change</b>
Sudan	54	19	35.2	24.3
Ethiopia	153	49	32.0	15.7
Burundi	43	18	41.9	-4.5

**Source: Author produced. Cited from Afro bar, 2017**

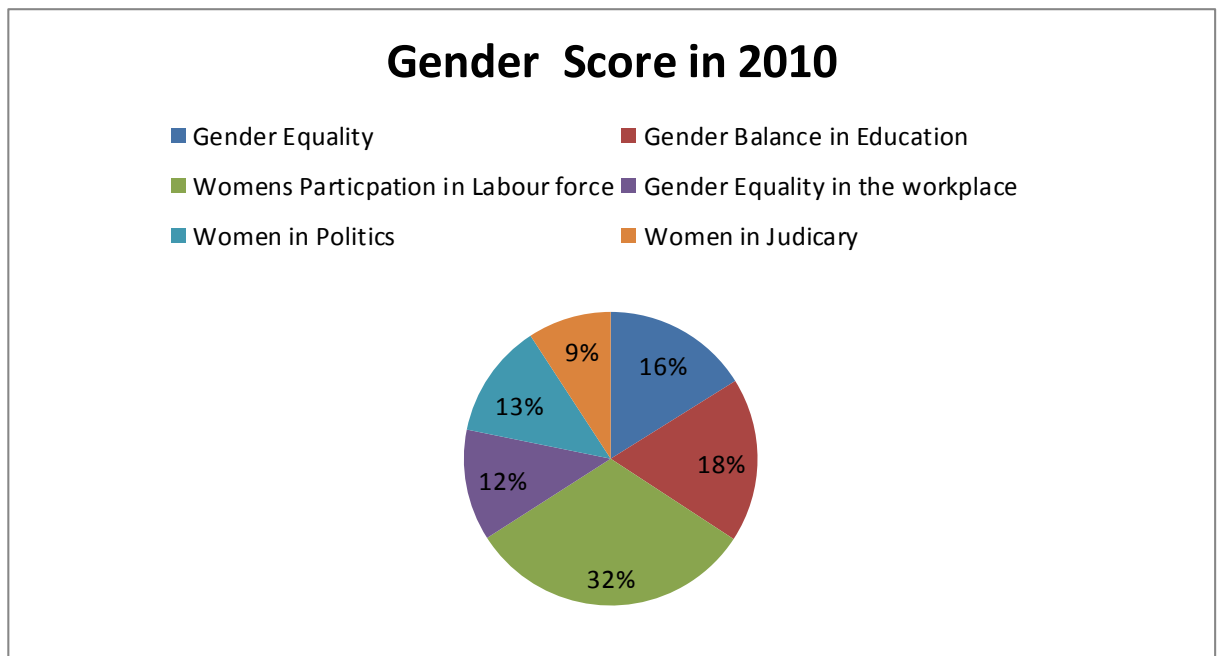
In other corner women in the house of Federation also have progressed in achievements compared with the previous election in comparison to two Burundi and Sudan.

In constitutional reference, The Ethiopian constitution articles 14 and 35 provisions the women and men have equal rights. Equal inclusive elections can benefit both genders in decision making. For example; candidates who competed for house of representatives in 2015 were almost 1828 of whom 1527 were men with small number of women who exceed almost 301(16.5%) with 70.4% success in winning by the given quota. Meheret, (2017) appreciates the magnitude that the participation of women in the parliament has totally increased from 2 % to 38 %, nevertheless she opposes the electoral set up that the parliaments are mostly filled with only single party women. Women from the opposition are not included in the parliament; due to the political nature of the winning party (Ibid). The increasing number of women in house of representatives should contribute to the women or gender empowerment and equal opportunity to women.

A key Informant Nineteen from Parliament Member from House of Representatives comments that

There are more women participants than earlier time in the house of people's representatives, with improved laws like, maternity leave increased from 45 days to three month; revision of family law is approved and revised, women are allowed to administer property but much is needed to yet to satisfy the equality ( Key Informant May 4, 2018)

According to MO-Ibrahim foundation Ethiopia has scored the following result in Gender



**Figure 2 Gender representation in Ethiopia in 2010, Author Produced, MO-Ibrahim foundation**

The Ethiopian government must produce initiatives to create favorable environment for the enhanced women's role in political empowerment agenda. Having the improvements recorded previously, EPRDF and political parties should institute special quotas for women. The NEBE also needs to close the gap obliging quota presentation. In other edge, the political leadership of women in progress needs to increase the real participation in the executive branch or in structures of government including the judiciary, executive and local governance. If not, full political engagement of women would be only a made-up zero sum game. Thus, to consolidate democratic, inclusive leadership meaningful participation of half of the population, there needs to employ proportional and fair distribution and reliable representation. AU is also expected to encourage the efforts in promoting democracies in Ethiopia in particular focus in intensifying efforts in women's protection, political participation, representation and leadership at all levels of decision making to achieve ACDEG's goals objectives and African Agenda 2063.

Overall, it can be said that it should not be about gender. The election should be about the qualities of equal representations. There needs to make effective promotions and supports to bring more women in to the political spaces. Since, there are many women who have much effective and demonstrable capacity to generate to the democratic governance and development of the nation. In

reference to its compliance to the democratic charter, Article 29, Ethiopia needs to broaden the democratic space and empower women in playing their rightful roles in political and decision making process. In addition the socio- cultural barriers of and the political culture should be revisited. The representation of the women in quota should not be a play card to take legitimacy of the incumbent.

#### **4.6. Limitations on Independent Media**

Mass Media is an instrument to make free and fair election processes and is part and parcel of the political interaction in between citizens and state in election (Costantinos, 2015). It is a political space where citizens can deliberate, mediate, form political cells and mobilize for exercise without any threat or intimidation. Freedom of expression is a right discussed in major human right treaties such as UDHR ,Article 19 ; African Charters and Domestic Constitution and must be protected to enable citizens to govern themselves and as the fourth eye of political system. The Media have to be non-partisan and get to promote such electoral issues of a country. Internationally, *UDHR Article 19* states; “Everyone has the right to freedom of opinion and expression of press freedom.” It is one of the fundamental freedoms to make exchange of information to any one without interference.” *The African charter on Human and peoples’ Rights* which ratified on June, 1998 also guarantees the right to freedom of expression in Article 9. In line with this, *Ethiopian constitution Article 29 (4)* stipulates everyone to hold opinion without interference (Sub Article 1) and in sub article everyone has the right to freedom of expression without any interference. This article of the constitution shows the interdependence in between freedom of expression and democratic governance. However, Ethiopia has adopted the proclamation for Freedom of the Mass media and Access to Information Proclamation, in 2008. It is a proclamation determined to promote and consolidate the values of transparency and accountability according to the government. However, it was much sedative law to the journalists and there are many allegations and claims made between government and oppositions.

The legal regime has made proclamation of Freedom of the Mass Media and Access to information proclamation 590/2008 and the anti-terrorism Proclamation 652/2009 used in restricting the Journalists from reporting without any basic regular reports about the government or against constitutionally established legislative and, executive or judicial authorities (Trocy, 2010). It was also against United Nations General Assembly 1946 Resolution No.59 (1) stating ‘freedom of

information is fundamental human right and... the touchstone of all the freedoms to which the UN is considered.

In the discussion about the enacted proclamation and its implementation Key Informant two explains as follows;

“The Defamation clause is very restrictive of its kind to the media, because one who accuses of being defamed doesn’t have to show that he or she has sustained some kind of harm to alleged defamation and that has allowed shutting down newspapers and bloggers. At the same time, it doesn’t mean the media is honest, acts in an honest, professionally and ethically. Some of the News is manufactured or false stories. Those have to be also checked and assessed. The bloggers or writers should not be left unaccountable. Therefore it is better to presuppose responsibility and accountability.” (Key informant five, April 10, 2018).

Furthermore documents analyzed revealed that one of the reasons EPRDFs’ government accused the independent media was the hidden agenda of state capture by opposition in election 2005 and after. This was mark of divorce from non-state actors. In addition, the executive condemned private media as well as journalists who reported and disseminated unbalanced reports to the public (The Guardian, 2015). Later, the government, unflinching by the private media acted against the political field and narrowed the political space (Trocy, 2010). According to Freedom House (2015), “Ethiopian government has prepared and used press freedom linking journalism with terrorism. The government uses the anti-terrorism Proclamation to charge whom it called not legal and threaten the safety of the nation in reverse it threatened public safety for writing, about human right.” In a different view Key Informant Fourteen argues:

“The proclamations are good or needed to keep the state protected. To the contrary the Anti-terror law is used by EPRDF wrongly. The anti-terror law is needed because the federation is the target of extremism, but EPRDF overdid excessively applied this laws even to curb out the oppositions which are working in legal or legitimate way in electoral process.” (May 5, 2018, Addis Ababa)

In explaining the proclamation, the government had expressed the new proclamation as a means to curb unprofessional reporting and clear impediments and obstacles to the operation of media (Najum, 2008). To the contrary, the liberal preambles of the proclamations are taken as a cover but the press law is a means to restrict the media from criticizing any legislature, executive and

judiciary (Trocy: 2010)

“The government has taken the ability to make direct interference in exchange of information and ideas and the Press Law was threatened if any kind of reporting is made on government institutions and officials since it impedes the right to get information from the journalists(Ross,2010). In supporting Ross’s point of discussion Key Informant Fourteen discloses;

“The opposition and the civil society oppose the laws because it substantially helps EPRDF to take the advantage over the oppositions. The Laws enacted are accused by the opposition because it is prepared in the design to fit EPRDFs’ purpose .The media law, the Civil Society law and the other laws are produced to fit EPRDF’s interest and allow it to remain in power without strong opposition.”(May 5, 2018, Addis Ababa)

In a discussion made with Key informant Nine: he imparted “The causes for the formulation to enact proclamation 590/2008 were unprofessionalism and unprecedented support of independent to the oppositions. The newspapers and weekly journals were accused for manufactured or false stories. He accuses that the oppositions for conspiring to overthrow the government with the help of foreign powers. Some were accused for creating instability in the nation. He mentions both at home and abroad there were two groups. The domestic government prisoned Journalists likewise Dawit Kebede, Eskindir Nega, Riyot Alemu and others because they challenged the EPRDF by heretical writings at the same time Western Institutions like Pen America, CPJ, UNESCO has rewarded the journalists with honor they did to the Journalism (Key Informant Seven ,April 19, 2018, Addis Ababa, Ethiopia).

Regarding the features of professionalism, Key Informant 8 televised discussion on Fana Television a government representative reveals that, Journalism, activism and political membership have to be demarked. Journalism and activism should be clearly identified..” (See at you tube Fana Zureya Mlash, 2018).A writer on Aiga-forum which is pro EPRDF supporting the proclamation speaks the following;

“The Mass media and freedom of information Proclamation allowed the prosecutors to stop any print publication that threatened national security with punishment of 10,000 birr. The Media outlets work on misinforming the image and activities of the Nations Democratic governance especially in election and reporting electoral process. We don’t say, our process is 100% free from challenges, but we consider it is very transparent and indeed supportive of democratic Governance.”

According to Freedom House Ethiopia has used the draconian antiterrorism law and other legal measures to put pressure on journalists<sup>5</sup>. It adds that the government applies various mechanisms to hold flow information likewise, outright censorship, newspapers, internet, arbitrary detention, intimidation and heavy taxation on publishers. Ethiopia has ranked 142th from 180 countries in 2015 (Reporters without borders, 2016).According to Afro-baro meter, (2010) Ethiopia the constitutionality of the Acts could be challenged but this can only be done by the House of federation and Ethiopia scores 3.3 in which it doesn't meet the indicator<sup>6</sup>Ethiopia is signatory of different instruments at the time violation of ICCPR's Article 19(1,2,3(a & b)),UDHR Article 19, ACHPR Article 9(1&2).

In addition ,UDHR's, Article 25 and ACDEG's Article 12(2), Article 15 (1, 2, 3, 4) Article 19(2), 27 (7, 8) and Ethiopian constitution Article 25, 29, 30, 31, and 32 all state that the independent media should be cultivated and promoted. In this regard Ethiopia violates the agreements. However, EPRDF states, implementation of the law are to protect the nation's peace and stability.

#### **4.7. Civil Societies**

Civil Societies are means of deepening popular rule and participation in a democratic field (Ibrahim, 2016).CSOs shouldn't be instruments or extension of governments (Ibid).According to Archer, (1994) the integration in between state and CSOs could bring cyclical stability, equity and growth in the political economy.Following the regression from reversal EPRDF prepared itself legally and had imposed legal restrictions on Civil Societies. Making assessment on 2005 electoral experience and CSOs involvement, it had proved to use CSOs as instruments of government and accused some CSOs for their role in criticizing, denouncing government during election 2005 and displayed support during political competition in support towards opposition party coordination.

The Democratic Charter as part of the regional protocol CSOs have to be included in the process of democratization.Further the constitution of FDRE stipulates the provisions of human and democratic rights in article 31 and gives freedom of association of their choices. Civil Societies in Ethiopia are theoretically entitled favorable conditions to endure and function with the given constitutional right. In Ethiopian context, comprehensive legislations governing CSOs were

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<sup>5</sup><https://freedomhouse.org/report/freedom-press/2016/ethiopia>.

<sup>6</sup>[http://www.fesmedia-africa.org/uploads/media/AMB\\_Ethiopia\\_2010\\_web.pdf](http://www.fesmedia-africa.org/uploads/media/AMB_Ethiopia_2010_web.pdf).

provided. As such, it was thought it could solve the gap in regulation and its framework to manage and monitor operation of CSOs since then (Sisay, 2012). However, it was debatable in its nature and mutual benefit.

In line with this the Democratic Charter binds Ethiopia to oblige at list in three articles. The first agreement is Article 12(3)) obliges a signing states creates conducive conditions for civil society organizations to exist and operate within the law. However after the Ethiopian government began slow reversal of democratic gains, and had enacted the CSOs Proclamation 621. Subsequent to the proclamation's enforcement, there were some CSOs closed for challenging or working with the oppositions in 2005. Some CSOs had the role of in enhancing political competition and opposition party coordination in the past (Carnegie Endowment, 2016), For instance Ethiopian Human Right Commission had closed its 10 countries to three offices and its assets were froze (Zelege, 2010), while CSOs like Social Justice in Ethiopia (SJ) were forced to change their permission from human right to social development (Abadir, 2016).

Furthermore, the new proclamation allowed the formation of CSOs directory and monitoring the activity of the CSOs. Nonetheless, it had banned foreign based CSOs from any kind of engagement in democratization and human right campaigns. Second, Democratic Charter's Article 27(2) engages the state to foster popular participation and partnership with civil society organizations. In contrast to the agreement the law had hindered the interaction. The ban on the CSOs had decreased the number of CSOs from 20 % to 50 % (Tjonneland and Tostensen, 2011). And in developing local NGOs GONGOS were formed to compete with the already weakened CSOs (Abadir, 2016). At third account, Article 28 states "State Parties shall ensure and promote strong partnerships and dialogue between government, civil society and private sector. The incumbent needs CSOs to address the frightening crisis occurring in the humanitarian and development sector.

According to Zemelack (2017) the law includes many provisions that limit on the operations of CSOs. Some of the provisions are strict registration, licensing requirements, government inspection .The Proclamation had created a government agency called Charities and Societies Agency with power vested to investigate, inspect and be involved in the internal affairs of CSOs. After election 2005, Ethiopia has enacted a new proclamation to register and regulate Charities and Societies under proclamation, No. 621/2009. As aforementioned above following the CSOs Proclamation many have perished. Ethiopia has prepared strong law to protect the Ethiopians from any foreign

nation's involvement and creating influence on such foreign interest directly or indirectly in the democratic and human right. Supporting this idea Key informant Fourteen discloses;

“It is not good idea to see any civil society supported by any foreign state or organization to have a political supposition because it will influence and impose foreign policies, every fund derived from foreign sources can have its own short or long term desire on a given state.” (May 5, 2018, Addis Ababa).

In support of the financial limit made Key informant Two states “...civil societies sponsored or financed by foreign states or organizations to have a political supposition ...every fund derived from foreign can have its short and long term desire in a given states.” The proclamation is to withdraw CSOs from the prism of socio-political exclusion and poverty (Henock, 2015). In another argument soliciting funds from different foreign based organization, since such organizations expect the CSOs funded to report to the funding organizations or State. This could lead to the movement of State Capture or *Coup* (Key informant 10 April 6, 2018). In further discussion Key Informant 21 from CSOs, discloses that, “The law facilitates the realization of the freedom of association and the roles of CSOs in the nation's development processes”. Most of closed civic Societies don't have social foundation in the society (Director of CSOs Agency, 2017).

Government official argues that some CSOs were conspiring to overthrow the government in unconstitutional way because the civil societies were biased in support of opposition. In a document analyzed about CSOs, EPRDF officially decree the inevitability of civic societies in its rhetoric but they are given narrow political space and minimal role (Melaku, 2006 as cited in Henock, 2015). The two elections were the product of the combined effects of oppressive ruling party intervention, internal divisions and exclusion of opposition parties with range of legal and institutional reforms to restrict the political space for independent voices. Informant Twenty one supplements stating;

“The Civil Societies in Ethiopia do a lot of portion in the socio-economic development than Political and Democratic development; however, if Civil Societies are involved without any difference abided by law to be part of the democratic development is very holy. The problem here is, there are CSOs which have a mission to surpass the law of the state and implement their political values and culture. Even some deliberately plan to state capture and create Public violence.”

Melaku (2006; cited in Henock , 2015) states that government’s policy asserts the necessity of CSOs but practically doesn’t involve CSOs to participate in public affairs and policy makings. According to indicator developed by Mo- Ibrahim foundation (2016)<sup>7</sup>, in measuring the civil society space in Africa Ethiopia has a deteriorated political space to civil societies to operate.

**Table 6 MO- Ibrahim foundation: Measuring Civil Society Space: Indicator trends over the last decade 2006-2015<sup>8</sup>**

Country	Civil Society Participation		Freedom of Association and Assembly		Freedom of NGOs	
	Trend	Score	Trend	Score	Trend	Score
Ethiopia	-18.4	15.5	-2.0	17.4	-8.3	16.7
Mali	-23.9	26.5	-17.4	70.1	-33.3	41.7
Niger	-17.9	60.7	+8.3	69.4	-50.0	50
Angola	-17.8	15.5	-10.4	17.4	0.0	16.7
Gambia	-16.7	25.5	+0.0	25.0	-16.7	25.0
Burundi	-16.0	18.5	-23.6	28.5	-25.0	8.3

**Source:** Author produced

Ethiopia’s rank has deteriorated participation with countries such as Mali(-23.9), Ethiopia(-18.4), Niger(-17.9) Angola(-17.8), Gambia (-16.7) and Burundi (-16.). Ethiopia has only step Mali in CSOs participation with the less score 15.5. In second place in implementing the signed and constitutionally granted rights Ethiopia has scored the list trend with -2.0 and scored 17.4 as equal as Angola. Thirdly Again Ethiopia has achieved the list from the group in freedom of NGOs with trend of -8.3.

The drivers of the Laws enacted had their own consequences and responses (Carnegie, 2016), the law had weakened human rights group from participating in advocacy, service delivery and capacity- building. The local groups have been also challenged for the lack of proper funding and fund shortage even forced to cut back and reshape their objectives. Thirdly, the legal restrictions had undermined the civic actors and vertical actors from forming coalition in human and democratic governance to debate or influence policy makings. The government responded defending the law prepared with justification. In response influence are clearly observed especially from the liberal

<sup>7</sup><http://mo.ibrahim.foundation/news/2016/measuring-civil-society-space>

<sup>8</sup><http://mo.ibrahim.foundation/news/2016/measuring-civil-society-space>

political groups on the local organizations with the banner of promoting Democratic and Human rights, Peace and security. Likewise, Authorities stated that the proclamation has given opportunities to develop local mass-based organizations rather than promoting foreign based ones. In addition to the laws have hampered the efficiency CSOs. The Civil Societies had less performance and influence; the laws have to be re-visited.

In addition the Donor Dependency which have created strong challenge in the civil societies existence because the CSOs must struggle with a dependency on donor funding. Most CSOs were closed because they search for short time advocacy than creating long term missions. And some conclude the law is to dry the financial resource or supports to made to the oppositions. Thus the CSOs which lack money to fund themselves from the donors and private sectors, are advised to look for fee-for service activities, donor and private sector grants, endowments, cost-risk sharing partnerships, Natalie Ross( 2010 ) suggested moving away from a model of organizations being sustained by grant money for grant-specific activities and instead shifting to a model of investing to create local trust funds that will sustain organizations as a solution (Ryan Musser, 2014). Thus it is better to reconsider the activities and contribution of CSOs which can add to the development the nation. In conclusion, it is found that Ethiopian state have violated Article 12(3),27(2) and Article 28 at some aspects.

#### **4.8. Africa Unions Electoral Observation and Democratic Assistance in national elections**

The end of cold war which changed the diplomatic leadership from bipolar world leadership to unipolar had forced nondemocratic governments to flourish elections and exercise multi-party elections. In Africa, democratic transitions occur in elite negotiation, compromise, contingency (Burton, Gunther, 1992). The African Union member states as aforementioned are enthusiastic in agreement to liberal democracy theoretically however the practice has yield challenges. Most of African states maintain elections with their deficits. In addition African member states do make elections for two reasons; to sustain power or gain legitimacy as well as elections at regular intervals but thus far unable to consolidate their generic democratic structures.

As regional integrations the AU has produced strong mechanisms to deepen and broaden democratic governance in Africa. And it has an important role to play in promoting and deepening

democratic consolidation in Member States because it can have approaches like leverage and linkage with its member's states. In addition AU needs to work with member states to meet international electoral quality in developing domestic constituency. For instance AU's observing group mandate with the aforementioned had been to Ethiopia to observe election 2015. But the Union has done a little in context of promoting and rewarding best performing institutions in the election as well as in naming and shaming the defecting force in the election. If such supports or critics are not in place the effort to experience consolidated democracy could not be met.

In addition AU had developed mechanisms to deal with members' states electoral practices to check standard of election, quality and replication. One of the mechanism or agreement is making electoral observation in member states through its mandated electoral observing groups (AUEOM). AUEOM was mandated to observe the Elections in conformity with the provisions of the Constitutive Act of AU 2002, ACDEG AHD/Declaration 1 XXXVIII and AU guide-lines for election observation and monitoring Missions. This mechanism plays significant role in changing the incumbent's role and behavior. When a given state is in hybrid regime, AU is supposed to encourage practice of democratic transition or consolidation through cultivation or pressure on the state to improve their democratic performance. The deployed AU election observation mission comprised 50 short Term Observers and Nine Long term observers drawn from Pan African Parliament, Election Management Bodies, Civil Society Organizations, Human Right Institutions, Think Tanks and experts from different African countries( AU,2015).In addition, they were led by former Namibian President Hifikepunye Pohama. It was very limited in its size and number. For instance, Ethiopia 2015 election had 36.8 million voters, and 43,000 constituencies, nevertheless the number of observers AUEOM deployed nine long term observers and 50 short term observers which covered about 356 stations across the state was unmatched to the size of the constituencies. It was very un-proportional in size too.

The implementations of Election monitoring are expressed in APRM and ACDEG in Africa. As Geisier,(1993) state most election early period was monitored weather it is free, fair without paying without paying attention to structural biases. However, the practices of different instruments have developed treachery and non-compliance for some opposition. The first reason is the polarized nature of African states political systems that complicates the "regression" or "Stagnation of democracy." Aside being external force AU's criticism might be rejected but use of APRM to put

peer pressure could initiate states with hybrid regime. Ethiopia had acceded to the APRM and subjected itself to voluntary assessment. Ethiopian government had invited AUEOM to observe the election in 2015. The invitation was too much criticized by the oppositions. Because the election was sought with weakened oppositions, unlevelled political field, with existence of sedative laws such as Proclamation 632/2008 or Anti-terror Law. AU's effort is appreciated but AU could have used its strong member states to peer pressure the Ethiopia counterpart. In addition, AU's observation was counted as only "ceremonial." than significant practice (VOA, 2015) by the opposition. In addition, the opposition had criticized AU's inability and lack of potential to demand or enforce the government (VOA news, May 20, 2015) or make critics against the FDRE through political and diplomatic development to play the role of negotiator in between political parties.

When it comes to ACDEG which is an enforceable mechanism was violated by Ethiopian government in some cases as shown in previous chapter. AU as owner of the charter should have genuinely worked to shape the host country to come back to the compliance. However, it was a missed opportunity to convince Actors.

AU being the only external observer unit in election 2015 was unable to involve a wide range of electoral observers. The longtime observers of AU had visited 20 districts in eight regions nevertheless the strong oppositions had rejected the presence of AU (VOA, May, 2015). The strong observers of Ethiopian political prospect were doubtful how much AU could negotiate with the ruling party to level the political field (Key informant, Eight) as of its arrival AUEOM in its preliminary report had worked hand in hand with the government.

The spokesperson of Blue party had also denounced the elections quoting "AU is not considered as international observer somewhat it is a legitimacy of dictatorship and cover for its authoritarianism." (Ibid). Even though, AU was unable to discuss the deficits of the conduct of the election. And it has reported;

"The process was very "Calm, Peaceful and credible." The Ethiopian people were given opportunity to express their choices at the polls. The election was organized and conducted with the constitutional and legal provisions guidelines on the conduct of Election in Africa. NEBE had played effective role to conduct the election. It had irregularities including voter coercion and inconsistent poll hours. And there were no major violence or problems"

As AU's report assessed it was found that AU was very hesitant and reluctant to questions election

related challenges in strong or big member states. Observers in 2015 election used their way of pronouncement “Our way” or African way of democracy. In fact, AU had no courage to speak the election was or was not “free and fair” rather AU had opted to pronounce the election with three adjectives” Calm, peaceful and credible.” (Custentinos, (2015) , different to many theories of democratization. Plus The Ethiopian government has also got praises by the international community as a success. The effort made to equate women in the HoPRs as success.

AU had the chance to amply justify and defend integrity of democratic process and the principles of free and competitive elections and advance democracy across Africa. As a regional institute the observance Mission has been ineffective even in “Naming and shaming”. As international organizations involved in the area of human right work in naming and shaming to improve or stop undemocratic activities, AU could have used naming and shaming to improve the behavior of Ethiopian ruling party. It can publically criticize governments which are leveraging their pivotal representation of geopolitical and security leverages to silence their opponent. For instant, the Ethiopian government was being accused for unequal political field by the oppositions. Then observer groups’ discussion and hearing from the interlocutors was not satisfying to real support of democratization.

The mission of AU also had noted the concerns raised by political parties and interlocutors on the subject of legal and constitutional frameworks and their constraining sections but there were convincing changes made. The oppositions had argued the laws had prevented the rights to effective participation in the political activities. Because there were many skirmishes activities by the government and the insulation to foreign groups had prevented from taking political risk with the downward democratic election (Key informant, 11 code 01).

Further, AU had been informed about Anti-Terror Proclamation and its challenges, article 14, 17, 18 and 22 by the interlocutors. AU told how the articles cause harm to rights of privacy had discussed with the incumbent and it was responded by state the reason to enact and was that “The ATP is to prevent terrorist activities because the state is in volatile geo-political area.” In line with this, AUEOM urged for balance in between individual rights and national security. Because, the ATP takes more care and has seriousness to national security than individual freedom. Further, AUEOM had drawn its attention to check the compliance of Ethiopian government with FDRE’s constitution Article 29, ICCPR article 19 and ACHPR’s article 9. Having these all nothing was done

to pact the gap in between the political contenders. AU could have functioned better but it was not effective at democracy even at the level of addressing the issue.

AUEOM had also noted that the interaction in between CSOs and AU itself was less or very limited. AU's criticism of its prevention from working with CSOs should not be left to final report. AU should develop the courage to enforce Ethiopian government to submit itself to the alliance integration through different mechanisms. As Bruce Gilly<sup>9</sup>the presence of strong civil societies helps to create healthy democracy in a given state. The CSOs will not only support or strengthen implementation of free and fair election in a given country but also deepen the democratic standards of good governance and cultivate the political conditions to enhance democratic process (Ibid). The prevention of CSOs from election had reflected the extent and the power or courage AU has to challenge some strong pivotal states to behave according to laws, regulations and signatories. AU should have criticized or commented the excessive restrictions on CSOs working in human right, good governance and democratization

Henceforth, states that hold elections without the presence or participations of civil societies was considered as a mechanism to prevent or escape accountability .Because, CSOs could play major role in struggling against repressive a laws, corruption after election in the political governance. AU as the only involved observer of the 2015 election had missed the target to enforce or pressure to involve the civil societies. According to the economic and social Council off the UN(2009) as cited from Yemane(2010)) most African democratic regimes exclude, marginalize or diminish the role of different social and economic groups.

The challenge towards the constant move in hybrid regime in the presence of AU and its electoral observing group was of two causes. The first is as aforementioned the political lesson EPRDF took from the 2005 election or lessons from the debacle not to repeat the same mistake and the second origins from AU's commitment to apply or enforce the violating state to comply the law. AU has been producing many documents in the continent but it hasn't got the "good will" and "spirit" to discuss and convince or criticize the performance of the state.

AU had made much worthy advancement in many of its institutional capacities and operational

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<sup>9</sup><http://www.web.pdx.edu/~gilleyb/CivilSocietyDemocracyElections.pdf>

systems and procedures<sup>10</sup>. Nevertheless, there are many challenges in AU to make or observe free and fair all inclusive elections. One of the challenges is “lack of good will” and “Spirit of bringing democratic governance.” to enforce member states to comply with agreements. This is why the electoral per se to achieve the objectives of Democratic charter, APRM and other demanding mechanisms is alleviated by Member states with remarks and responded, “Elections are a sovereign responsibility which shouldn’t be imposed by any other external stakeholder”. In line with this , AU’s institutional capacity sending observation and the monitoring group of elections have good implications and plays important role to ensure the electoral process and check the free and fairness than calling a regressive election “Calm, Peaceful and Credible”<sup>11</sup>

AU’s report also lacks courage to assess and deeply criticize the level of playing field and the content of the elections. AU’s observing unit was the only group observed the election in Ethiopia in 2015 but it was not able to comment and criticize the process of the election for the rationale that of its composition in quantity is small.

AU’s electoral observing group requires boldness in their action to criticize the ruling and opposition parties as well as to have certain degree of impudence. In a situation where the observing group came to embrace and protect the incumbent from critics was a reflection of electoral authority it was version of weaker supply-side of democracy that violates normative commitment ACDEG, constitutive Act of AU (2002).

AU had missed to discuss and recommend different points at the electoral observation. The comments AU gave were very soft to deepen democratization in monitoring and evaluating compliance to agreements made especially to the articles violated with smart tactics in administering democratic election. AUEOM could have contributed to the election if recommended the following to FDRE’s ruling party of the day; To strengthen the independence of NEBE by appointing impartial and non –partisan representation , in reviewing the financial fund distribution especially in administering campaign resources to avoid incumbency advantage or misuse of resources, create more level playing field widening the political culture and space, to convince CSOs participation; Besides it should have recommended NEBE to give or provide longer and more

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<sup>10</sup><https://au.int/en/au/priorities/institutional-capacity>

<sup>11</sup>[https://www.ipinst.org/wp-content/uploads/publications/ipiepubelections\\_in\\_africa\\_2\\_.pdf](https://www.ipinst.org/wp-content/uploads/publications/ipiepubelections_in_africa_2_.pdf).

comprehensive implementation of voter education involving CSOs, forwarding other countries experience to deepen diversity in the administration Besides surprisingly AU was part of the international community that maintains promotion of democracy but it had shown the integration and pacts to stay in the circle of domestic and regional political stability and economic growth than real exercise of democratization that meets international merits. With this perspective, AU had been invited as the only foreign observer with the APRM agreement made. Even US that had strong leverage and link with EPRDF told its regret for the denial of accreditation and prohibition from formally observing electoral process (VOA, 2015).

In contrast AU was not able to shame and avoid the weak performance of the electoral fallacy. As well AU has missed the opportunity to persuade the elite or EPRDF leaders to accommodate and deepen compliance behavior .AU in its response told that, “it wants to be guided by the pronouncement and judged that the election was “Peaceful, calm and credible” than pushing boldly to make free and fair election (VOA, 2015). It was clear those CSOs, Diplomats and other international groups tended to convince and pressure the government of the time to comply with different laws it agreed to bind itself. However, there were rejections of reports and pressure with the framework of sovereignty. For instance, EU had critically reported Ethiopian government to improve its deficits of democracy in 2010 however, the report and other disagreements had led EU to be prevented from electoral observation in 2015.

Along with AU being observer in 2010 and the only external observer in 2015 had been purposely chosen by political leaders and groups to win elections to hold on to legitimacy and survival strategy or cover. Here, strong criticizer of the electoral performance of NEBE and EPRDF, the European Union and its observers’ exclusion are referred as justification of the above statement. Thus NEBE which was distrusted for the lack of independence from EPRDF had only invited AU with the agreement of APRM “Voluntarily”. Although, AU’s invitation in 2015 was less likely accepted by the contenders of the regime because AU has less ability to shape or convince the elite of EPRDF to reform electoral system and rules enacted purposely( Key informant,13 ).

## Chapter Five

### **Prospects for Implementing Principles of Democracy, Election and Governance and the Process of democratization**

The three concepts in Democratic Charter; Democracy, Election and Governances are very interrelated concepts. These concepts can frame work the process of political democratization in one context. That is why AU has proposed, norms, institutions and to network the different organs of AU. In addition, Member States are expected to report according to commitments in the protocol within two year period to the intergovernmental union (AU, 2007).

Most indicators of Democratic Charter from 2007-2018 assessed by the citizens of member state of AU describe advances in democratization in countries like Ghana, Gambia, Somalia, Angola and Liberia as well as reversals and regression in Kenya, Zimbabwe and Ethiopia had occurred( Afro bar meter, 2018) . In Ethiopia the approach is beyond reversals after election 2005. For opposition political elites it is democratic stagnation (Tronvoll, 2015). It could be quoted as “Regression to Authoritarianism.” There could be, perhaps, some hope and certain challenges to implement not only the protocol but a new beginning (Key informant, Sixteen). According to Afro- bar (2017) for some people democratization has got a recession by the people on power. The revolutionary party leaders did not like to step down and give power to oppositions, rather they preferred to use the legal regime to stay in power and weaken the rivalries (Key informant, Two). Because, these leaders benefit from the income they generate from the vicious cycle of benefits developed from “Winner takes all.” and “This is our turn to eat” from the redistribution of the national resources of the national budget to buy votes<sup>12</sup> as political culture (Harrington, &O’Hare, 2014).

In contrast, at the same rate and speed the reliance on participatory leadership, democratic governance and its installation has been growing highly by various social groups and individuals. As well as, the public support for democracy and has increased with the declaration of different normative such as Democratic Charter , NEPAD, APRM and yet, most citizens are asking for more democratic process and deepened transition and consolidating democratic culture( Bratton, 2016).

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<sup>12</sup> See at Hope Sr, K. R. (2014). Kenya's corruption problem: causes and consequences. *Commonwealth & Comparative Politics*, 52(4), 493-512.

In particular, nowadays, uprisings and protests against incumbent governments which might seem the opening towards “Fourth Wave” are the dominant forms in Africa (Ismail, 2017). When sufficient conditions to be satisfied for the purpose of democratization are rejected by ruling parties and their leaders for various substances hope in many African countries has decreased. Truly, there are many reasons likewise third term, hegemonic aspiration, corruption, fundamental belief or interaction of client- patronage, geo-politics and claim of distrust, lack of independence or impartiality of institutions. In Ethiopian case the failure to separate party and state; continuation of the hegemonic control in the political culture; failure to appreciate complexity of local culture, aspirations interests are principal threats to be mentioned (Turton, 2006). In addition, causes to trigger violence’s in Ethiopia are arbitrary ruling, youth bulge, economic disparities, poor governance, horizontal and vertical inequality, mismanagement of diversity, mismanagement and manipulations of democratic institutions by the actors and the overall dynamic geo- politics could be mentioned at minimum (Ibid).

Further the consolidation of Democratic Leadership, however, like most other changes, has received more regression in Ethiopia. The application of ACDEG in Ethiopia is also a vanguard for continuum of democratic governance. It decreases occurrence of forced political transitions, violent conflicts, and unconstitutional change of government and violation of international treaties. As well, the practice of election based political transitions or democratic process could be deepened as panacea.

In this regard, Ethiopia has adopted many regional and international treaties, protocols. Most of them are voluntary and formal and the Protocol of Democratic Charter which is very sensitive has been ratified and deposited since 2007. But most of the charters’ principle or agreements are not translated in to policy practice. FDRE’s constitution Article nine (9) stipulates that all international agreements ratified by Ethiopia are an integral part of the law of land. Thus it is a possible to check or examine the compliance of the ACDEG in Ethiopia as it is directed constitutionally. In line with this, AU and others needs to develop to avoid fear of cheating and develop trust to work in cooperation with its Ethiopian allies. In fact, AU could work in preventing trial of creating institutional umpires through different mechanisms. AU should have information about FDRE’s institutions information. It can also generate trust. In previous election, AU was passive due to weak behavior of enforcement while the Ethiopian government manipulated the circumstance by providing adequate information and selecting observing groups. Many of previous elections had low

level of trust in democratization process and the institutions were in fact under the umpire of the incumbent. Thus AU and other intergovernmental and Non-state actor groups can have the chance to be part of electoral and identify the way to engage with hybrid regimes.

### **5.1. Opportunities of Political Transition towards True Multiparty**

Democratization entails a plural set of political organizations to determine the generic rule of the political game (Costantinos, 2015). This is manifested through constitutional, legislated and administrative rules. In the absence of these general sets of rule true multiparty is a dream. As elections are one requirement to consolidate democracy even if they are not enough to bring democracy, the exercises of multi-party political competition have to be at minimal to abide by generic rules (IDEA, 2016). The exercise of multi-party politics requires different sets of political institutions to promote, practice and monitor rules for political participation, competition (Ibid).

In so far as opportunities missed by rooted ambition to hold power of the incumbent for long time, the forced political transitions (FPTs) has occurred in Ethiopia (Ismail, 2016). It could be a cross road to transform or intersection EPRDF's behavior and the politics of the nation to consolidated democracy from where it was stacked earlier in the previous elections. Formerly, EPRDF had envisioned staying in office for long term with weak or no competition or through the Hybrid regime giving development priority to democratization and choosing own form of democratization. Nevertheless, the political violence and control from the bottom to the top have crippled the party and the state (Key informant 11, code Two). Further, the portrayal of oneself as a haven of economic progress and stability (Fourie, 2011) was also followed by grievances for its disparity among the citizenries and it was not able to stop the revolution (Key Informant, Two). The public led revolution has furiously made the breakdown of the Authoritarian regime and had replaced actors change in office. This is one of the key variables in democratization of a state or be counted as one way of opening to democratic transition. As aforementioned in the theoretical part, the elite change has opened the political space from regression of democracy to liberalism. The transition is demonstrated by numerous transition openings. The transition pattern instigated with the release of political prisoners and suspects of terror (Key informant, 22). Similarly, the strong political parties which chose violent Political struggle to fight the current ruling power for narrowed opportunities and less ground to compete and hold office likewise Ginbot 7, OLF and ONLF are

allowed to claim power in peaceful struggle to narrow the political polarization<sup>13</sup>. Currently the rebels negotiated and agreed to be part of the effort of building multiparty election in the state. Therefore, these look as if it is one of the opportunities towards free, fair and inclusive democracy.

As learned from participant's discussion, the transition on advancement from authoritarian to democratic political leadership in Ethiopia could take assorted steps to create suitable governance. For instance, the implementation of FPTP had mitigated changes to political leadership resulting 99.8 % and 100% win of the HoPRs seats in 2010 and 2015. And this system is conventionally regarded as cause of violent and non-violent conflicts (See at Khable Matolsa, 2003). Thus, talk of transition is possible if new strategies are applied to exercise true- democracy. If not the majority contesting groups and minority votes are wasted and still crafts rows among political parties and their followers. The Oppositions and non-state actors have made excessive claims on behalf of Mixed Representation or Proportional Representation. They have been seduced by this tempting line of thought: if there needs true application of multiparty then the votes of weather winner or loser must be counted and if the new leadership is ready to hold all inclusive election that could allow participation of all voices, then each of the parties should be discussed to bring out the best set of electoral-system.

Appreciating the incumbent's voluntary power (office) or forced power transition relinquish to the new elites (Actors) has barred the Pandora Box which could cause instability, vigorous repression, declined political rights and partial civil liberties democratic fragility and even state failure (Key informant, Eight). This effort of EPRDF have to be credited in its effort to open to democratic culture. Have-not EPRDF rejected the elite determination; the political symptom could have killed democracy.

In similar discussion, the political reform could de-escalate inter-ethnic competitions and conflicts within the ruling party internally and their supporters (key informant, eight) and the rivalry to control the state .Besides, such competitions may escalate comparable divisiveness supported by client-patron relation and upheavals. The Ethno-National aspiration or the dichotomy of "Us and Them" needs to be handled carefully because; the structural organizations that worked to change the

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<sup>13</sup><https://www.aljazeera.com/.../ethiopia-olf-onlf-ginbot-7-terror-list-180630110501697..>

existing political system are proudly claimed by the mantle of elites behind to partake in power. When elites are in able to access power, they could develop tendency to seek it through violence. In order to prevent the propensity for us versus them conflict then national strategies must be on table. To move the agenda on the table one step ahead, and avoid suspicion and conflicts, the stakeholders (Local, regional and others) have to work on allegiance to widen the legitimacy of the state plus the institutions have to make concession, autonomy and power share.

The government, non-state actors and opposition parties need to build up on solidarity of the ethno-national cultural marker built in the past because if not it could exacerbate destabilization and insecurity. To avoid the *Pax-Romana* that could emerge if the reform not handled well, the way forward to civic liberalization must be worked in coordinated way than any time. Therefore, the government, elite' needs to diffuse the ethno-national activities in order to save the reform from broken bargain and inability to do so is "Shooting democracy on its leg."

To some observers, it appears that the dichotomy of "Settlers and Indigenes" could also establish reductive results if the political parties could not rich on political reconciliation before any move. The divisiveness built on discourses, hate speeches, dehumanizing hatreds and resource disputes among the Ethnic groups built to 'Access Power" should be sorted out if it is needed to strengthen social bonds .As a result for any positive result, victimization and revenge is mitigated. However, the opposite will create dysfunctional state opposite to Weberian thought. The new Leadership could put Africa Governance Architectures Cluster that is Human Rights and Transitional Justice in order to protect and promote Human and people rights by organizing independent nominees as well as implement mechanisms to reparation programs, institutional reforms, prevent further conflicts.

Moreover, the New-Leadership have to with draw lesson from its precede one and prevent Orwellian Sounding system of National Cooperation to restrict media pluralism, civil society, dependence of judiciary and ought to creation of liberal institutions which could sustain the democratic peace of the Republic. When the new Political leadership works to such degree and extent, it offers little grounds for optimism. These efforts could also void of laissez-faire policy that makes the effort to shared values and shared future viable.

It could also deepen commitment to democratic norms and principles especially to the constitution and regional protocols (Ibid). Within this frame work, the possibility of restoring the transition paradigm of installing multiparty system can become reality if plat forms and norms are produced

and conducted in participatory, free and fair political space and culture in line with the democratic approach of agency. Particularly, shifts to democratic consolidation from the liberalization opening could grow but the question is how: To expand in both depth and breadth to democratic consolidation, the Country needs to maintain web of institutions, norms and rules that makeup it effort fully.

Furthermore in the transition from hybrid model (foundation of Hegemonic aspiration) to the democratic consolidation incumbent's, there is a good prospect to create agenda of democratization in the state to excavate multi-party democracy with reformed institutions and elites. Hereafter, the progress in process of democratization is beyond preserving multiparty election. It is a bridge or an opportunity to turn the state from one party legislature to see diverse representation in the next elections of Ethiopia. It also needs change in electoral system from FPTP to much inclusive ones .Because, as aforementioned in the discussion, Dawit the late house of Speakers has revealed that the choice of FPTP was to formation of strong government .It has affected the transition. Thus any discussion or reform could enhance the public's democratic participation. It should be the choice either between PR, MR or FPTP even if the constitution doesn't allow.

Therefore, at this stage first, The Ruling Front and the opposition parties should develop working together for a common purpose of ending the peril on democratic institutions and norms: "Liberalization –Transition and democratic Consolidation". The ruling party and oppositions have to develop political commitment to be committed in the rule of the town "Democratic Election." However, it might face mounting pressure from confrontational opposition's pressured by structural challenges and socio-economic factors. Beyond this, it may be time for Ethiopian Democratization to compete and coexist itself for a prolonged period of Machiavellian political system or else shift to more aggressive shift to illiberal democracy.

Given the fundamental aversion to the core of precept of democratic leadership, EPRDF had installed institutions. But, these institutions were accused for derailing budding opposition alliances by casting them as cynical and unprincipled coalitions with only common interest power and in compliance to international laws by opponents previously for series of surprising setbacks that ousted oppositions and have dissipated the oppositions from taking part in elections before. Therefore, the whole institutional system should be designed to encourage democratic change and minimize conflict. Moreover, EPRDF or the opposition parties should develop the tendency to work

together by avoiding what the political culture fossilized. They have to work to avoid exclusion (see at Kassahun, 2003). The political parties shouldn't see as enemy one another if their aim is to the development of democracy. EPRDF's its opposition's previous antagonistic hate one to another should halt and develop the profit of earning civil political interaction to gain from the democratic election.

## **5.2. Opportunities to Political Institution Reforms**

Political culture and democratic development is driven from at least three sets of factors. It depended on socio-economic structures, perspective of democratic development from elite's factions, initiatives of individual leaders and emergence of supportive sets of political institutions (Costantinos, 2015). Institutions are repeated and valued patterns of political behavior. And its approach (Institutional approach) calls for democratic changes to analysis of political parties in terms of autonomy, capacity, complexity, cohesion and their total combination to achieve a common goal. The notion of institutional reform could be realized through stages or phases to involve acceptance by all participants of a political game. At the very list NEBE, the judiciary, the media and other institutions have to be granted autonomy to subordinate their political behavior to the rules or make transition.

Further, consolidation needs institutionalization of rules of the political games that fully guarantee political participation and political competition (Custentinos, 2016) such transition could advance with inclusive and people-driven institutional reforms. With, institutional guarantee of impartiality and independence are ways to straightforward transitions. In re-organizing institutional foundations, Ethiopian constitution supports considerable civil and political rights. There is also support of political leadership rights to develop culture of tolerance, inclusive political structure, and participatory identity (Ethnic) management in it. In deepening and broadening democratization; reshaping or modification on the nature of government structures and institutions the already exiting practice is an opportunity that advances to develop democratization in the state. In addition to as Tocqueville(1969) asserts ,it allows elimination of illiberal democracy or hybrid regimes, leads to juridical checks and balances to limit on its power and functions and permits development of political culture with rule of law.

The institutional reform needed in NEBE is wide. As NEBE is an institution vested with power to manage the electoral process in Ethiopia. As noted in the constitution article 102 (1) and (2) and

proclamation it legally can manage the change or possible modification. Improving NEBE's gaps observed in the last elections could also strengthen political transition, rule of law, tolerance and accountability in the nation. It could lessen the patron-client interaction and prevents authoritarian traits like intimidation, vote rigging, and harassment during elections. Thus it could block efforts made on formation and regeneration of hybrid regimes.

When it comes to institutional formation, Electoral politics have long been a lagging indicator of social change. Since the time of Ethiopian state formation, the process of election was full of flaw and implemented with irregularities. NEBE is also required to redress, identify barriers that diminish liberalization and fight for inclusion of marginalized groups to consolidate democracy in independent manner with strong executive or any opposition's pressure. NEBE's deepening fault line had discouraged the democratic process previously. So the role of NEBE to deepen and expand constitutional democracy have to serve all human abstractions like ideology, religion, economic power, civil societies, and mainly political parties. Critics of NEBE argue that it must take three steps to change its institutional approaches. The first is nomination of the Head of EMB: It shifts the hand-picked nomination to merit based nomination and controls exposure emanating due to rent seeking (Client-Patron) relation. The second is modernization of electoral system: Making the voter registrations in producing ID card digitalized way makes it accessible to candidates by giving trainings can support to avoid manipulations. This is very helpful to void ghost voters. At the third place, institutionally, NEBE should be featured for its increased consensus in its composition. Formerly, its composition of the nine cabinets was distrusted for its bias to EPRDF or installed client patron relation (ECADF, 2015). It has to represent various social groups to accept legitimacy (Key informant, 12). Besides; its composition should be inclusive of different sect of the society since, applying citizen driven politics could mitigate electoral related conflicts more than small elite' supremacy. Procedurally, selection of the head of NEBE by the new political administration is a big step according to qualifications enlisted in Article 6 (3) a, b, c and d of the 532/proclamation.

Fourth, in promoting NEBE's independent single-track model of establishment, NEBE should become free from the independence of finance on the incumbent. Since the dependence of the board finance on government could expose to its manipulation (key Informant, 5) .Here the interaction in between the incumbent and NEBE has to be clearly demarcated. If not, the commitment to make free, fair and inclusive election will be uncertain. Further, NEBE's board positions should not be filled by sole power nomination by the prime minister or party leader and consultation of political

organization as stated in FDRE's constitution Article (2) and Article 14 and 15 (1, 2, 3) of the proclamation position rather it is advised if the board members are placed in merit, competitive, transparent, inclusive and integrity. To give the position to the best candidate needs to render public debate (as recommended in AGR II, 2016) and guarantee period of office and procedure for removal. As well as, AU should work towards producing political party funding to ensure fair political democracy and support small political parties. AU is also loud in stating its effort in making exertion to finance and prevent misuse of money in politics to reduce corruption with prolonged approaches through effective design and oversight, compliance with political finance regulation bill and transparency.

Ethiopia has constitutionally, National laws included making democratic elections regularly to nurture and have signed the international Covenant on Civil and Political Rights (ICCPR) Article 25 and ACDEG Article 17 the state is expected to re-affirm its commitment to make free and fair elections as aforementioned. The Ethiopian government is required to comply with ACDEGs' principles by working towards placing trusted heads of NEBE. Thus NEBE needs and have the opportunity to develop integrity (non-partisan manner), Impartiality, independence, transparency and efficiency by appointing board members permanent and temporary electoral officials have to be selected in lottery system and staff trained to implement the election.

To enhance and promote electoral integrity as Khambale (2011) noted, quality of collaboration of between NEBE and other institutions; clear demarcation of responsibilities; finance and strength and character of NEBE's heads /cabinets could be factors for independence and effectiveness of electoral commissions (AGR III, 2016). The electoral integrity should be manifested as much as possible to decrease violence related in election and increases transparent and accountable governance (Ikubaje, 2017). Thus Board members are expected to install autonomy, integrity and professionalism. It should be supported in developing the capacity of the professionals with trainings. Thus, if impartiality is needed, the outcome and public confidence could broaden the process.

AU as a regional organization could also provide support in capacity building because the Democratic Charter gives mandate AU to provide electoral support to NEBE. Even, with the reformations occurring nowadays, AU could bring its partners working in electoral assistance. AU as electoral observer have to commit itself to support democracy and promote human rights. When

intergovernmental organizations like AU engage in building citizens ownership of political governance and fight against any fraudulent and intimidation and violence integration in between the state and Union could grow.

Concerning the electoral system there could be an opportunity to modify or make advancement to PR or MP to create representation of various minority groups in the parliament even if the electoral system FPTP enshrined in Article 56 of the constitution and 532/2007 Article 25 stipulates the winner takes all. And changes made to electoral system could be a good opportunity to agree with different charters. The government had announced in 2016 to reform the country's electoral laws to form more inclusive governance. It was agreed to give 20 percent of seats in the lower house in proportional vote (Zemelack, 2017). Secondly there is an accord to increase the number of seats in the parliament. The constitutional amendment based on FDRE's Article 105 could take place to redesign electoral system. The application of MP than FPTP and PR alone in hybrid helps to create link between representative and their electoral constituencies and provides inclusive, equitable distribution of seats.

Concerning the financial support to make to political parties, there needs to identify the problems with the system placed earlier. If the political field is leveled in which political parties can participate in electoral activities, then all political parties could gain equal access to state fund

The deployment of observers in election 2010 and 2015 had their own very high limitations. With the mandated to Ethiopian government could invite different Domestic and international observers. The proclamation allows Ethiopian government to do so. They can bring various opportunities to Ethiopia. Ethiopia could profit through increased credibility of election process, gains technical assistance from the observers, get service from the observers in mediating disputes (Teshome, 2008). Ethiopian government could also improve its electoral rate taking their findings, report and get recommendations to improve the next elections and to cultivate and consolidate the political change determination made to true multiparty election. The comments and findings could contribute to the socio-economic development and to the achievement of African Agenda such as Agenda 2063. The Electoral assistance and support could help to deepen political participation and governmental accountability after election; make elections the only way to hold power, minimize corruption and brings democratic reforms and much worthy in changing the one dominant party existence and occurrence of post electoral violence's.

Besides, the observers could witness the electoral process implementation (its transparency and credibility). As, AU's unit AUEOM has already mandate to observe the upcoming elections in conformity with relevant provisions of ACDEG and AU Durban Declaration on the principles Governing Democratic Elections in Africa (AHG/Decl.1(XXXVIII)) and other international instruments governing elections observations, FDRE constitution and laws in it. Therefore, FDRE should make preparations to be opportune by broadening its self-interest to integration in order to benefit from wide geographic economy. AUEOM could also deepen the integration in between AU and Ethiopia in making assessment on the compliance of regional, continental and international standards. Plus, it could also show AU's curiosity and momentousness to backing Ethiopia's Election, democratization and good governance as its seat as a model. AU could work with FDRE to assess all aspects of electoral process. It could discuss the legal framework, the restrictions of constituencies to build confidence of the public

### **5.3. Opportunities to Horizontal accountability**

The constitution of FDRE Article 50 ensures formation of institutions in order to address democratic challenges. To install the horizontal accountability, and minimize the fusion in between the ruling party and state the use of government services and materials for incumbency during electoral period used to an everyday experience as aforementioned .The legislature could take constitutionally mandated role. As role of courts should be in abducting election related disputes (Gadion, 2015) they have to be given the mandate to check horizontally. In contrast, the executive have the opportunity to allow the independence and formation of competent and independent judiciary to depend and broaden Horizontal accountability. Proclamation No 532/2007 in its chapter eight Articles 92-100 are important instruments to hold transparent and accountable election which is free from executive dominance. Reinforcement of the judiciary independently is also an opportunity to implement corruption free peaceful election and non- violent free election (Getachew, 2015).

In addition the legal regimes could solve malpractices in elections which occur in violation of electoral law, weak electoral administration, improper procedure and abuse of power of incumbency /executive dominance/ to take unfair advantage (Leonard, 2010). Further, as indicated in AGR III, Ethiopia have an opportunity as Nigerian and Sierra Leone's experience to solve electoral disputes requiring adjudication formation of special courts or election tribunals. The

opposition parties should develop their trust on courts independence and impartiality (Getachew, 2015). Oppositions have to develop to abide them to code of conduct and have to bring real documents or witness to adjudicate election related complaints to courts.

AU could also take the ability of arranging international commitment to build democratic state, with strong commitment as Thucydides' asserts to the possibility of making long term commitments or Kant's regime of "asocial sociability" with free will to submit the sovereign domestic law, narrow national interest, and weakens the appeal of state sovereignty.

#### **5.4. Opportunities of Vertical Institutions**

CSOs are able to play roles in holding various governments' horizontal and vertical accountable electoral process (AGR III, 2013). Further, on the case at hand ACDEG Article 12 sub-article 2 provisions the entrenchment of culture of democracy and peace. Therefore, participation of CSOs with a given legal boundary is addition to the democratization.

To strengthen political institutions and the instrument chapter nine (9) calls to involve CSOs in governance and development process through appropriate structures in Article 27 (2). Thus the proclamation No 621/2009 has decreased the interplay to exist in between should be feature in limiting CSOs. From the current political transition the Prime Minister has also began new discussions with stakeholders to revise the proclamations. The reformation started could help much involvement of CSOs in the human right and good governance .And creation of active CSOs could help well informed citizens. Concerning the voters' education and civic education there are efforts to educate the society to participate in the elections. The implementation of civic education and is great in creating responsible empowered citizens, but efforts are needed to improve the quality of the education. The subject matter should be impartial (Key informant, fourteen). While the voter education mandated on the bases of Article 90 (4) of the electoral establishment only allows of civic organizations licensed either to offer voter education or participate in observation had mitigated civil organizations from generating human and material source in the last elections. Thus, it is better to bring new grounds to widen the voter education.

Regarding Mass Media the new political administration has widened the political culture. It is great opportunity to deepen and work based on proclamation No 532/2007 Article 59 (1), (2), (3) and (4), Article 60 and FDRE's constitution Article 29 (2) ensures mass media to operate legally in agreement with local laws. Furthermore, various international and intergovernmental instruments

encourage to viable access to information and freedom of access to media. For example, UDHR Article 19, ICCPR Art 19 (2), African people, Human Right Charter (ACPHR) Article 9 stipulate the freedom of expression and access to information. On the counter argument, the media is expected to enhance impartial reporting because the new social and stream media is becoming field of party propaganda, Hate speech, revenge and disinformation (Key- Informant 5). This is discomfiture to the process of democratization.

In addition, there is an opportunity to contain provisions needed to electoral codes and media regulation to protect against party and state media from exacerbating conflict and deliberately inflame matters in electoral disputes identifying acts of defamation. The Ethiopian Broadcast Authority, HoPRs and other sectors could work to come up with agreement and monitoring in utilization of Media during electoral period. For example, the Nigerian Media houses have formed a coalition to combat fake news in election. The journalists are expected to share research notes, fact checked reports to the public to fight misinformation.

Article 29 (5) Requires that any media financed by or under the control of the state shall be operated in a manner ensuring it's capacity to entertain diversity (Gadion, 2015). In deepening and broadening, the state owned mass- media such as radio, TV and newspapers should be used with the existing proclamation 532/2007 Article 59 (1). Since the Article provision the equal right of political parties in accessing state owned mass media during elections (Ibid). In the future elections, debates between the ruling party and oppositions on political agenda and policy issues in electoral campaign should be treated equally. Further in the campaign debates the host (journalists) should be impartial (key Informant). even if there are misconducts by the political parties and their representative the public prosecutors could sue the violators (Gadion, 2015).

Democratization without effective participation of women is a challenge on the effort made to equal representation and accountability. Women representation and increased participation in electoral institutions, government's structures comprising the executive and it's cabinets, The sustained progress of women occurred due to quota have to accompanied by societal support for women's representation and structural change in the political system. The political transition have resulted half the cabinet to be filled by women. It is so encouraging. Normative frameworks to women's political participation are supported by Convention on the Elimination of all forms of Discrimination against women (CEDAW), Maputo Declaration on gender mainstreaming, AU

Declaration on Gender equality, Programs and instruments such as NEPAD and APRM are available to equate women in political representation with Men.

And AU is playing major role in encouraging its member states to adopt, ratify, implement and domesticate treaties, conventions and decisions at regional levels (Olga martin, 2017). AU has efforts to build a closer partnership with RECs, CSOs to strengthen the gender support. The current effort of Ethiopian government is very good as well as it could be taken as one of the models, for nominating 50 % of the cabinets of the executive to women. Surprisingly hard powers are given meanwhile. The electoral law should be enshrined provisions for women's quotas in political parties and parliament. Experience of Malawi, South Africa could be taken as a model (reference) to operate as pre- siding officers of parliament and the government structures (AGR III, 2013).

## **Chapter Six**

### **Conclusion and Recommendations**

#### **6.1. Conclusion**

At the beginning of this study, there were four research questions asked to examine the compliance of the African Charter on Democracy, Election, Governance and the process of Democratization in Ethiopia. The overall research question of this study asked at the beginning of this study was to examine prospects and challenges of the African Charter on Democracy, Elections, Governance (2007) and Democratization in Ethiopia. In addition, the specific questions attempted to answer were as follows:

- What are the structural and Institutional challenges that delay the implementation of democratic charter hitherto elections in the democratization of Ethiopia?
- How have the principles of ACDEG applied in the Ethiopian National Elections?
- What are the roles played by AU in governing Ethiopian practice of Democratic Election?
- What prospects do exist in implementing the principles of democratic charter?

Based on the aforementioned four questions the conclusion is made as follows. The discussion showed that various structural and institutional factors have affected Ethiopian democratic transition. After EPRDF came to power it has solely crafted the constitution with inclusion of civil and political right as well as it has made major reform-openings likewise democratic politics, liberalization, decentralization of the existing centralized state autocracy in federation. However the democratic institutions and political system was not substantiated because of discomfitures of democratic transitions made in the state. In fact, the constitutional features and articles were theoretically inclusive of liberal democratization. It was also found that, EPRDF, for its part, hasn't conducted the desired election for the reason that it hasn't credible aspiration to bring democracy in Ethiopia. The fact that, according to discussions conducted, most of the empirical studies and observers considered the political practice, space and settlement as "Perilous threat" and affirmed failure of democratic governance, including, the implementation of democratic election of African Union, 2007.

In the reckless aftermath of the Ethiopian 2005 National election, Ethiopian government ratified one of the strongest instruments of African Union, 'Democratic charter 2007'. On the other hand

the Government of Ethiopia had already enacted different laws and passed them to be effective. It showed the signature and ratification of Democratic Charter was an election that cannot be applied and must be used to gain legitimacy. It also showed the weakness of the observer of charter's implementation which is an obligatory and very liberal in its formation.

The hybrid regime which signed the charter had invited AU based on APRM voluntary peer review mechanism to observe and AUEOM observed the weakness and strengthens. In 2015 AU was the only external observer and had appreciated the election with three adjectives. Here , EPRDF has committed itself to rules of the game at best ( instrumental) .Most critiqued, AU's observation for lack of ability to name and shame or accuse the performance. AU's inefficient impartiality was also criticized by the oppositions. AU could have functioned better but it was not effective at the level of addressing the issue.

Electoral system is the major cause of most electoral activities in Africa. Here in Ethiopia the stuck in transition or illiberal democracy have been caused due to idiosyncratic reasons. These different issues need to have reforms and further studies. The strengthening of the legal procedure to regulate the election; strengthening NEBE; strengthening contending parties, and widening the political culture and space, controlling the campaign process and financial fund, involvement of CSOs in deep advocacy, and increased media coverage could stop the U-turn from democracy. In line within the government had institutionalized competent, non- partisan and professionally non-acculturate institutions to meet envisioned standards.

Further according to the FDRE constitution NEBE is vested power to administer election as independent body. As well there is question of integrity on the nomination of the head of NEBE and its members. Plus, NEBE hasn't demarcated line of any interference or pressure on it. The head of the electoral management have to be selected distinctly in qualification and competition. And it was found out that lack of neutrality of board members needs to be solved to comply with AU's guidelines for African Union Electoral observations and monitoring missions (AUEOM) since AUEOM stipulates member state governments to establish impartial, all- inclusive, competent and accountable national electoral body.

The public relation activity of NEBE was limited in previous elections so as to improve the limitation NEBE should coup up in owning radio and television station to address political parties and the nation. NEBE has to work hand in hand with governments and other stakeholders. In order

to offer right information to the public at the electoral process the board has to equip itself with necessary technological advancements.

Regarding the Electoral system First Past the Post had helped EPRDF to utilize the legislatures without strong contenders. The exclusion of the opposition in many of the electoral constituency in 2012 and 2015 had impacted the effort made towards multiparty democratic consolidation. It was also discussed that the electoral system was one of the means to exclude the opposition. In managing national elections of Ethiopia there were challenges due to the political culture (narrow political space), flawed legal framework and distrust to NEBE. Its distrust comes from its composition and demarcated relation. The formation of NEBE is also one of the disputing reason is hindering factors as far as democratization is concerned.

In addition the legal regime governing election in Ethiopian comprises FDRE constitution, the amended Electoral law of Ethiopia NO.532/2007, the revised Political Parties Registration Proclamation No. 573/2008, the revised criminal code Articles 466-476, the revised political parties' registration proclamation No. 573/2008, Electoral code of conduct for political parties, proclamation No. 662/2009, Directive No. 1/2009, Directive No. 2/2009, Directive No. 6/2010 and others were considered good but the challenge comes that the laws hinder and are constraint factors outweigh the opportunities. As most scholars like Merara (2010) and Abbink (2015) suggest application of democratic or multi party in Ethiopia provisions free and fair equal level of political playing with effective impartial legal and institutional frameworks. The independent Media needs to be nurtured as well the CSOs too because they could increase accountability.

The Media freedom according to Afro-bar report (2017, working paper, 170) Liberal democratic beliefs have considered media freedom necessary for the deepening of democracy (Gunther & Mughan) and mitigates democratic reversals (Teorell, 2011). The television debates were a good and appreciable means of deepening with deficits like censorship and short time allocation and selection of debating topics to oppositions. However due to the regression from the democracy the journalist were capable of exposing electoral fraud, provide information into stakeholders especially in electoral observation to oppositions, public, civil societies and observers. This has led why EPRDF has made proclamation to restrict and censor the reports and manipulate the media.

And it was analyzed that media manipulations can be an obstacle and makes citizen less exposed to the electoral performance. But if the government makes leveled political field, its reputation will

grow. Thus, the Media have to devote supplementary in providing voters with non-partisan information and subsidies voter education, NEBE and other stakeholders have to work hand in hand, work to avoid the newly increasing social media battle during election period to lessen chances of violence and add more on the previous experience, strategies should be placed to strengthen to encourage balanced report and allow the stakeholders specially the media to take the role of Watch dog.

In Ethiopia the government has to work with CSOs to bring transition .The current legislation at work has three barriers, barriers to entry (registration), barriers to operational activity and free speech, barriers to resources. In order to achieve political transition, CSOs have to work in creating vibrant civil society necessary conditions for democratic consolidation. And to benefit from the major roles CSOs play in transition and democratization they have to be institutionalized. The foreign based donor CSOs should be cognizant of the negative diffusion effects of their respective states foreign policies.

To achieve goals like MDG, SDG and different instruments, the involvement of women in the parliament has become very crucial. The political parties should maximize the role of internal democracy to include women in balanced approach. As the proportion earlier and at the transition is much progressive and mostly appreciated in creating advocacy and networking or interface in the state predominantly members of the ruling party had benefited through the efforts made to empower women to beer much comprehensive achievements with high involvement of women in the political structure. To the contrary the formation of the political system hasn't included diverse voices.

The elite resolution had also brought new political leadership; it could have great opportunities to drive the state towards democratic consolidation. The ongoing progress could realize true competitive democratic leadership. If the true implementation of democratic implementation is not at its place, the country could not only satisfy to comply with the continental agreement or see sustained democracy.

## **6.2. Recommendations**

### **6.2.1. Recommendation to Ethiopian government**

- NEBE has to be independent and impartial to gain trust. Thus, amendment on proclamation 532/2009 have to in its place by the parliament to commit itself to ACDEG's article 17.1 to establish and strengthen independent and impartial national electoral management bodies. And comply with ACDEG's article 2 (1), (3), article 3 (1), (3), (4), (7), (11) article 4 (1), (2) article 11 article 12 (1 and 2) article (13), article 15 (1), (2) (3), article 17 (1, 2, 3, 4).NEBE should create a platform in which it could deepen its integration with its stakeholders through the mainstreaming media and social media too.
- To provide the necessary information to the community NEBE needs to equip it-self with different digital and print media. As we are leaving in the digital NEBE is also expected to develop the digital website in offering necessary information to public. And in countering overwhelming challenges any false data or information on social media NEBE have to be very accessible in revealing the right information by building coordinated effort to manage and foster transparency and accountability in the electoral management and prevent election related conflicts. The transparency and accountability ensure the confidence of the board. NEBE could build on the election electronically to minimize lack of transparency, and avoid negative impacts on confidence in the process improved accessibility to voting, or to deter fraud and minimize invalid ballots.
- Contending political parties , the opposition and the ruling need to avoid hate speech and stop glorifying what is being done at the expense of government and disparaging the opposition and widen political space , both sides and the observer off the Ethiopian politics should develop tolerance and show maximum respect for the process and minimize the tendency of viewing as enemies.
- The second point to be improved is electoral campaign. The political parties should be supported to enhance the capacity of electoral competition and public participation. Broadly speaking there needs to provide and monitor financial campaign and in second place the government necessitates to equally at list to use state owned media, places to politically. In addition hard work is needed to comply with Democratic charters' Article 3(11), Article 15(4),

Article 32(6), (7) and especially Article 17(3) which states fair and equitable access by contesting parties.

- Voter Education should be given a longer and more comprehensive implementation of it. As aforementioned in the study civic and voter education was provided and conducted by the NEBE. Even though NEBE was able to license concerned bodies such as CSOs, it has denied them from voter education. Due to electoral law 532/2007, art7 (4), 19 (4), and 89 gives right t to NEBE and its regional branches to rise to public awareness and offer civic and voter education. Thus , It is recommended to do the following:
- In Ethiopia the government has to work with CSOs to bring transition. Over all, the CSOs Proclamation 621/2009 has to be improved and EPRDF have to take advantage of involving them to support as memorandum of understanding to develop a binding the CSOs and the government. Therefore, the Ethiopian government has to try to comply with Article 12(3), Article 27(2) and Article 28 of the charter. Further the involving CSOs have to be part of APRM review committee members, and use ACDEG to evaluate countries compliance. Because, review or the assessment could help to deepen the interplay in between state-civil society, regional and continental organizations democracy.
- In Promoting independent Media, Ethiopian government have to comply with UDHR's Article 25 and ACDEG's Article 12(2), Article 15 (1, 2, 3, 4) Article 19(2), 27(7, 8) and Ethiopian constitution Article 25, 29, 30, 31, and 32 all state that the independent media should be cultivated and promoted to enhance public trust in election. The Independent Media have to develop mechanism to evaluate itself and the governments have to form a common platform with them. In addition the Media should also integrate to work in a professional way. .
- Women should be helped through different paves. For instance, in creating advocacy and networking or interface with different organizations like AU and EU to develop financial support, training; the Government should work strategic planning to involve women and prepare them to politics in training, exposing and schooling politics. In sequence, support and strengthen programs and initiatives aimed at empowering women to breed healthy education as well as convince the dominant political culture leader to support and involve (Patriarchies) in education, training and other means to involve women, thirdly supply political parties with funding with arranged quota. Whether the incumbent or the opposition have to involve women at a given rate

voluntarily and if they don't comply with the respective quota the public fund have to be withheld as a key leverage point to enforce affirmative action. Fourthly, support and strengthen civil society organizations especially independent women organizations to increase number of women participating in election and political leadership.

To advance the integrity and legitimacy of the electoral process, the system of the electoral process and structure the formation of the electoral system reformation from FPTP to Mixed Representation. Implementation of the electoral system FPTP is with n a country where there are a number of political parties with ethnic support and national identity including around 23 party or contenders is an obstacle in the effort made towards democratization. Thus to comply the Charter the Ethiopian government have to consult and reform the system. As aforementioned Placing political systems with FPTP and PR or Mixed one is recommended.

### **6.2.2. Recommendation to AU**

- AU could have functioned better in assessing and observing Ethiopian Election 2015. And its assessment had regressed compared to 2005 with in 2010 and 2015. Election. AU could have also functioned better but it was not effective at democracy even at the level of addressing the issue and the gaps. Thus AU and its observing groups have to have the courage and boldness to be serious at faults found to improve electoral results.
- AU and other international communities have to be careful in implementing electoral assistance. Considering the local or domestic socio economic drives and need of the locals. And should challenge or criticize any mal practice.
- AU should develop the good will to change its principles in practice. The diplomats, the representatives, electoral observers should be courageous, audacious in the process. Because it helps them create alliance or integration with the state.
- AU should learn to name and sometimes to shame countries which violate its agreements or accords when the member states only do activities to apply electoral fallacies. And AU should not cooperate even if it is invited by the state because it hinders its trust by Africans. Au should gain to shame; enforce states to make political spaces equal and participatory if a given state needs to gain assistance of AUEOM. Rather it exposes AU to manipulation of strong and pivotal states of the Union.

- AU is supposed to plan to put approaches compulsory to convince states violating agreements and maintain cooperation by improving dispute resolution procedures, by providing technical and financial assistance and increase trust with a given state.
- The AU should work with Press to inform citizens and work with civil societies to develop standards for drafting public safety and NGO legislation that adequately protects citizens without infringing on their constitutionally-guaranteed rights. This legislation should include judicial oversight of surveillance, strict regulations on how long suspects can be detained without charges, and protections for media outlets to publish stories about terrorism.
- The African Union, along with the regional economic communities, should include efforts to strengthen democracy and governance in their economic development and integration strategies.
- AU leaders should also publically condemn any attempts to change, circumvent or violate established term limits, just as they do when military coups take place in the region.
- AU and the ACDEG have to work towards enhancing the effectively of its mechanism and instruments in working effectively and procedurally to bring accountable and democratic leadership in each member state.

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**Appendix I**  
**Addis Ababa University**  
**School of Graduate Studies**  
**Center for African and Middle East Studies**

**I. Basic Guidelines to interview questions to Key informants**

**Dear interviewee**

I am conducting M.A Thesis on the title, “African Charter On Democracy, Election, Governance and Democratization in Ethiopia” .Hence, the following interview questions are designed to collect primary data to triangulate with content analysis. Your sincere response and discussion is believed purposeful and very essential to corroborate the study at hand. I there, appreciate your honest response.

**Thank you for your cooperation**

**II. Interview questions on the democratization process in Ethiopian election in line with AU’s principles.**

1. What are the major institutional and structural challenges of democratic governance in Ethiopia?
2. How the new controversial laws passed by the legislature do support or mitigate the democratic transition? What negative roles do exist with the news laws enacted beginning 2006?
3. What are the roles of the actors in the transition process?
4. What kind of Electoral system shall be taken if any reform is opted?
5. What could be the implication of electoral reform?
6. Are there free, fair, impartial non -partisan electoral institutions in Ethiopia?
7. What are the roles of AU instruments in democratization of Ethiopia?
8. Is Ethiopia meeting the different protocols or agreements it signed, ratified to consolidate to democratization?

## Appendix II

### List of Key Informants

Key Informant	Organization	Position	Date of Interview	Place
One	Media	Journalist	April 20, 2018	Addis Ababa
Two	AAU	Lecturer	April 15, 2008	Addis Ababa
Three	Opposition party	Party Leader	April 25, 2018	Addis Ababa
Four	NEBE	-----	April 16, 2018	Addis Ababa
Five	AAU	Lecturer	May 3, 2018	Addis Ababa
Six	St. Mary	Lecturer	May 6, 2018	Addis Ababa
Seven	Opposition	Member	April 13,2018	Addis Ababa
Eight	AAU	Lecturer	April 19,2018	Addis Ababa
Nine	EPRDF	Member	April 12,2018	Addis Ababa
Ten	Anonymous(Code 1)	-----	April 6, 2018	Addis Ababa
Eleven	Anonymous(Code 2)	-----	May 10, 2018	Addis Ababa
Twelve	CUD	Retired Member	March 29,2018	Addis Ababa
Thirteen	Blue party	Opposition candidate	May 11,2018	Addis Ababa
Fourteen	AAU	Lecturer	May 5,2018	Addis Ababa
Fifteen	NEBE	-----	April 25,2018	Addis Ababa
Sixteen	AU	PDA staff member	April 15, 2018	Addis Ababa
Seventeen	AAU-Student	PHD candidate	April 10,2018	Addis Ababa
Eighteen	EPRDF	Party member	April 14,2018	Addis Ababa
Nineteen	MP	Code Three	May 4, 2018	Addis Ababa
Twenty	Communication offic	Code Four	March 10 ,2018	Addis Ababa
Twenty-one	CSO Agency	Code five	March 12, 2018	Addis Ababa
Twenty-two	EHRC	Ahmed Diri	April 15, 2018	Addis Ababa
Twenty three	Anti- corruption	Communication Expert	April 8, 2018	Addis Ababa

### **Appendix III**

#### **African Charter on Democracy Election and Governance**

#### **AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE**

##### **PREAMBLE**

We, the Member States of the African Union (AU);

**Inspired** by the objectives and principles enshrined in the Constitutive Act of the African Union, particularly Articles 3 and 4. Which emphasize the significance of good governance, popular participation, the rule of law and human rights;

**Recognising** the contributions of the African Union and Regional Economic Communities to the promotion, nurturing, strengthening and consolidation of democracy and governance;

**Reaffirming** our collective will to work relentlessly to deepen and consolidate the rule of law, peace, security and development in our countries.

**Guided** by our common mission to strengthen and consolidate institutions for good governance, continental unity and solidarity;

**Committed** to promote the universal values and principles of democracy, good governance, human rights and the right to development;

**Cognizant** of the historical and cultural conditions in Africa;

**Seeking** to entrench in the Continent a political culture of change of power based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies;

**Concerned** about the unconstitutional changes of governments that are one of the essential causes of insecurity, instability and violent conflict in Africa,

**Determined** to promote and strengthen good governance through the institutionalization of transparency, accountability and participatory democracy;

**Convinced** of the need to enhance the election observation missions in the role they play, particularly as they are an important contributory factor to ensuring the regularity, transparency and credibility of elections'

**Desirous** to enhance the relevant Declarations and Decisions of the OAU/AU (including the 1990 Declaration on the political and socio-economic situation in Africa and the fundamental changes taking place in the world, the 1995 Cairo Agenda for the Re-launch of Africa's Economic and Social Development, the 1999 Algiers Declaration on Unconstitutional Changes of Government, the 2000 Lome Declaration for an OAU Response to Unconstitutional Changes of Government, the 2002 OAU/AU Declaration on Principles Governing Democratic Elections in Africa, the 2003 Protocol Relating to the Establishment of the Peace and Security Council of the African Union);

**Committed** to implementing Decision EX.CL/Dec.31(III) adopted in Maputo, Mozambique, in July 2003 and Decision EX.CL/124(V) adopted in Addis Ababa, Ethiopia, in May 2004 respectively, by the adoption of an African Charter on Democracy, Elections and Governance;

##### **HAVE AGREED AS FOLLOWS: Chapter 1 Definitions Article 1**

In this Charter, unless otherwise stated, the following expressions shall have the following meaning:

“AU” means the African Union;

“African Human Rights Commission” means the African Commission on Human and Peoples' Rights;

“African Peer Review Mechanism” APRM means the African Peer Review Mechanism;

“Assembly” means the Assembly of Heads of State and Government of the African Union;

“Commission” means the Commission of the Union;

“Constitutive Act” means the Constitutive Act of the Union;

“Charter” means the African Charter on Democracy, Elections and Governance: “Member States” means the Member States of the African Union;

“National Electoral Body” means a competent authority, established by the relevant legal instruments of a State Party, responsible for organizing and supervising elections;

“NEPAD” means the New Partnership for Africa's Development;

“Peace and Security Council” means the Peace and Security Council of the African Union;  
“Regional Economic Communities” means the regional integration blocs of the African Union;  
“State Party” means any Member State of the African Union which has ratified or acceded to this Charter and deposited the instruments for ratification or accession with the Chairperson of the African Union Commission; “Union” means the African Union.

## **Chapter 2 Objectives**

### **Article 2**

The objectives of this Charter are to:

1. Promote adherence, by each State Party, to the universal values and principles of democracy and respect for human rights;
2. Promote and enhance adherence to the principle of the rule of law premised upon the respect for, and the supremacy of, the Constitution and constitutional order in the political arrangements of the State Parties"
3. Promote the holding of regular free and fair elections to institutionalize legitimate authority of representative government as well as democratic change of governments;
4. Prohibit, reject and condemn unconstitutional change of government in any Member State as a serious threat to stability, peace, security and development;
5. Promote and protect the independence of the judiciary;
6. Nurture, support and consolidate good governance by promoting democratic culture and practice, building and strengthening governance institutions and inculcating political pluralism and tolerance;
7. Encourage effective coordination and harmonization of governance policies amongst State Parties with the aim of promoting regional and continental integration;
8. Promote State Parties' sustainable development and human security;
9. Promote the fight against corruption in conformity with the provisions of the AU Convention on Preventing and Combating Corruption adopted in Maputo, Mozambique in July 2003;
10. Promote the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs;
11. Promote gender balance and equality in the governance and development processes;
12. Enhance cooperation between the Union, Regional Economic Communities and the International Community on democracy, elections and governance; and
13. Promote best practices in the management of elections for purposes of political stability and good governance.

## **Chapter 3 Principles**

### **Article 3**

State Parties shall implement this Charter in accordance with the following principles:

1. Respect for human rights and democratic principles;
2. Access to and exercise of state power in accordance with the constitution of the State Party and the principle of the rule of law;
3. Promotion of a system of government that is representative;
4. Holding of regular, transparent, free and fair elections;
5. Separation of powers;
6. Promotion of gender equality in public and private institutions;
7. Effective participation of citizens in democratic and development processes and in governance of public affairs;
8. Transparency and fairness in the management of public affairs;
9. Condemnation and rejection of acts of corruption, related offenses and impunity;
10. Condemnation and total rejection of unconstitutional changes of government
11. Strengthening political pluralism and recognising the role, rights and responsibilities of legally constituted political parties, including opposition political parties, which should be given a status under national law.

**Chapter 4**  
**Democracy, Rule of Law and Human Rights**

**Article 4**

- 1.State Parties shall commit themselves to promote democracy, the principle of the rule of law and human rights.
- 2.State Parties shall recognize popular participation through universal suffrage as the inalienable right of the people.

**Article 5**

State Parties shall take all appropriate measures to ensure constitutional rule, particularly constitutional transfer of power.

**Article 6**

State Parties shall ensure that citizens enjoy fundamental freedoms and human rights taking into account their universality, interdependence and indivisibility.

**Article 7**

State Parties shall take all necessary measures to strengthen the Organs of the Union that are mandated to promote and protect human rights and to fight impunity and endow them with the necessary resources.

**Article 8**

1. State Parties shall eliminate all forms of discrimination, especially those based on political opinion, gender, ethnic, religious and racial groups as well as any other form intolerance
2. State Parties shall adopt legislative and administrative measures to guarantee the rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons and other marginalized and vulnerable social groups.
3. State Parties shall respect ethnic, cultural and religious diversity, which contributes to strengthening democracy and citizen participation.

**Article 9**

State Parties undertake to design and implement social and economic policies and programmes that promote sustainable development and human security.

**Article 10**

1. State Parties shall entrench the principle of the supremacy of the constitution in the political organization/Of the State.
2. State Parties shall ensure that the process of amendment or revision of their constitution reposes on rational consensus, obtained if need be, through referendum,
3. State Parties shall protect the right to equality before the law and equal protection by the law as a fundamental precondition for a just and democratic society.

**Chapter 5**

**The Culture of Democracy and Peace**

The State Parties undertake to develop the necessary legislative and policy frameworks to establish and strengthen a culture of democracy and peace.

**Article 12**

State Parties undertake to implement programmes and carry out activities designed to promote democratic principles and practices as well as consolidate a culture of democracy and peace.

To this end, State Parties shall:

1. Promote good governance by ensuring transparent and accountable administration.
2. Strengthen political institutions to entrench a culture of democracy and peace.
3. Create conducive conditions for civil society organizations to exist and operate within the law.
4. Integrate civic education in their educational curricula and develop appropriate programmes and activities.

**Article 13**

State Parties shall take measures to ensure and maintain political and social dialogue, as well as public trust and transparency between political leaders and the people, in order to consolidate democracy and peace.

## **Chapter 6 Democratic Institutions**

### **Article 14**

1. State Parties shall strengthen and institutionalize constitutional civilian control over the armed and security forces to ensure the consolidation of democracy and constitutional order.
2. State Parties shall take legislative and regulatory measures to ensure that those who attempt to remove an elected government through unconstitutional means are dealt with in accordance with the law.
3. State Parties shall cooperate with each other to ensure that those who attempt to remove an elected government through unconstitutional means are dealt with in accordance with the law.

### **Article 15**

1. State Parties shall establish public institutions that promote and support democracy and constitutional order.
2. State Parties shall ensure that the independence or autonomy of the said institutions is guaranteed by the constitution.
3. State Parties shall ensure that these institutions are accountable to competent national organs.
4. State Parties shall provide the above-mentioned institutions with resources to perform their assigned missions efficiently and effectively.

### **Article 16**

State Parties shall cooperate at regional and continental levels in building and consolidating democracy through exchange of experiences.

## **Chapter 7**

## **Democratic Elections**

### **Article 17**

State Parties re-affirm their commitment to regularly holding transparent, free and fair elections in accordance with the Union's Declaration on the Principles Governing Democratic Elections in Africa.

To this end, State Parties shall:

1. Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections.
2. Establish and strengthen national mechanisms that redress election-related disputes in a timely manner.
3. Ensure fair and equitable access by contesting parties and candidates to state controlled media during elections.
4. Ensure that there is a binding code of conduct governing legally recognized political stakeholders, government and other political actors prior, during and after elections. The code shall include a commitment by political stakeholders to accept the results of the election or challenge them in through exclusively legal channels.

### **Article 18**

1. State Parties may request the Commission, through the Democracy and Electoral Assistance Unit and the Democracy and Electoral Assistance Fund, to provide advisory services or assistance for strengthening and developing their electoral institutions and processes.
2. The Commission may at any time, in consultation with the State Party concerned, send special advisory missions to provide assistance to that State Party for strengthening its electoral institutions and processes.

### **Article 19**

1. Each State Party shall inform the Commission of scheduled elections and invite it to send an electoral observer mission
2. Each State Party shall guarantee conditions of security, free access to information, non-interference, freedom of movement and full cooperation with the electoral observer mission.

### **Article 20**

The Chairperson of the Commission shall first send an exploratory mission during the period prior to elections. This mission shall obtain any useful information and documentation, and brief the Chairperson,

stating whether the necessary conditions have been established and if the environment is conducive to the holding of transparent, free and fair elections in conformity with the principles of the Union governing democratic elections.

#### **Article 21**

1. The Commission shall ensure that these missions are independent and shall provide them with the necessary resources for that purpose.
2. Electoral observer missions shall be conducted by appropriate and competent experts in the area of election monitoring, drawn from continental and national institutions such as, but not limited to, the Pan- African Parliament, national electoral bodies, national legislatures and eminent persons taking due cognizance of the principles of regional representation and gender equality.
3. Electoral observer missions shall be conducted in an objective, impartial and transparent manner.
4. All electoral observer missions shall present the report of their activities to the Chairperson of the Commission within a reasonable time.
5. A copy of the report shall be submitted to the State Party concerned within a reasonable time.

#### **Article 22**

State Parties shall create a conducive environment for independent and impartial national monitoring or observation mechanisms.

### **Chapter 8**

#### **Sanctions in Cases of Unconstitutional Changes of Government**

#### **Article 23**

State Parties agree that the use of, *inter alia*, the following illegal means of accessing or maintaining power constitute an unconstitutional change of government and shall draw appropriate sanctions by the Union:

1. Any putsch or coup d'Etat against a democratically elected government.
2. Any intervention by mercenaries to replace a democratically elected government.
3. Any replacement of a democratically elected government by armed dissidents or rebels.
4. Any refusal by an incumbent government to relinquish power to the winning party or candidate after free, fair and regular elections; or
5. Any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government.

#### **Article 24**

When a situation arises in a State Party that may affect its democratic political institutional arrangements or the legitimate exercise of power, the Peace and Security Council shall exercise its responsibilities in order to maintain the constitutional order in accordance with relevant provisions of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, hereinafter referred to as the Protocol.

#### **Article 25**

1. When the Peace and Security Council observes that there has been an unconstitutional change of government in a State Party, and that diplomatic initiatives have failed, it shall suspend the said State Party from the exercise of its right to participate in the activities of the Union in accordance with the provisions of articles 30 of the Constitutive Act and 7 (g) of the Protocol. The suspension shall take effect immediately.
2. However, the suspended State Party shall continue to fulfill its obligations to the Union, in particular with regard to those relating to respect of human rights.
3. Notwithstanding the suspension of the State Party, the Union shall maintain diplomatic contacts and take any initiatives to restore democracy in that State Party.
4. The perpetrators of unconstitutional change of government shall not be allowed to participate in elections held to restore the democratic order or hold any position of responsibility in political institutions of their State.
5. Perpetrators of unconstitutional change of government may also be tried before the competent court of the Union.
6. The Assembly shall impose sanctions on any Member State that is proved to have instigated or

supported unconstitutional change of government in another state in conformity with Article 23 of the Constitutive Act.

7. The Assembly may decide to apply other forms of sanctions on perpetrators of unconstitutional change of government including punitive economic measures.
8. State Parties shall not harbour or give sanctuary to perpetrators of unconstitutional changes of government.
9. State Parties shall bring to justice the perpetrators of unconstitutional changes of government or take necessary steps to affect their extradition.
10. State Parties shall encourage conclusion of bilateral extradition agreements as well as the adoption of legal instruments on extradition and mutual legal assistance.

#### **Article 26**

The Peace and Security Council shall lift sanctions once the situation that led to the suspension is resolved.

### **Chapter 9**

## **Political, Economic and Social Governance**

#### **Article 27**

In order to advance political, economic and social governance, State Parties shall commit themselves to

1. Strengthening the capacity of parliaments and legally recognised political parties to perform their core functions;
2. Fostering popular participation and partnership with civil society organizations;
3. Undertaking regular reforms of the legal and justice systems;
4. Improving public sector management;
5. Improving efficiency and effectiveness of public services and combating corruption;
6. Promoting the development of the private sector through, inter alia, enabling legislative and regulatory framework;
7. Development and utilisation of information and communication technologies;
8. Promoting freedom of expression, in particular freedom of the press and fostering a professional media
9. Harnessing the democratic values of the traditional institutions; and
10. Preventing the spread and combating the impact of diseases such as Malaria, Tuberculosis, HIV/AIDS, Ebola fever, and Avian Flu.

#### **Article 28**

State parties shall ensure and promote strong partnerships and dialogue between government, civil society and private sector.

#### **Article 29**

1. State parties shall recognize the crucial role of women in development and strengthening of democracy.
2. State parties shall create the necessary conditions for full and active participation of women in the decision making processes and structures at all levels as a fundamental element in the promotion and exercise of a democratic culture.
3. Stated parties shall take all possible measures to encourage the full and active participation of women in the electoral process and ensure gender parity in representation at all levels, including legislatures.

#### **Article30**

State parties shall promote citizen participation in the development process through appropriate structures.

#### **Article31**

1. State parties shall promote participation of social groups with special needs, including the Youth and People with disabilities, in the governance process.
2. State parties shall ensure systematic and comprehensive civic education in order to encourage full participation of social groups with special needs in democracy and development processes.

#### **Article32**

State parties shall strive to institutionalize good political governance through:

1. Accountable, efficient and effective public administration
2. Strengthening the functioning and effectiveness of parliaments
3. An independent judiciary

4. Relevant reforms of public institutions including the security sector.
5. Harmonious relationships in society including civil- military relations;
6. Consolidating sustainable multiparty political systems.
7. Organising regular, free and fair elections; and
8. Entrenching and respecting the principle of the rule of law,.

#### **Article 33**

State Parties shall institutionalize good economic and corporate governance through, inter alia:

1. Effective and efficient public sector management;
2. Promoting transparency in public finance management;
3. Preventing and combating corruption and related offences;
4. Efficient management of public debt;
5. Prudent and sustainable utilization of public resources;
6. Equitable allocation of the nation's wealth and natural resources;
7. Poverty alleviation;
8. Enabling legislative and regulatory framework for private sector development;
9. Providing a conducive environment for foreign capital inflows;
10. Developing tax policies that encourage investment;
11. Preventing and combating crime;
12. Elaborating and implementing economic development strategies including private-public sector partnerships;
13. An efficient and effective tax system premised upon transparency and accountability.

#### **Article 34**

State Parties shall decentralize power to democratically elected local authorities as provided in national laws.

#### **Article 35**

Given the enduring and vital role of traditional authorities, particularly in rural communities, the State Parties shall strive to find appropriate ways and means to increase their integration and effectiveness within the larger democratic system.

#### **Article 36**

State Parties shall promote and deepen democratic governance by implementing the principles and core values of the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance and, where applicable, the African Peer Review Mechanism (APRM).

#### **Article 37**

State Parties shall pursue sustainable development and human security through achievement of NEPAD objectives and the United Nations Millennium Development Goals (MDGs).

#### **Article 38**

1. State Parties shall promote peace, security and stability in their respective countries, regions and in the continent by fostering participatory political systems with well-functioning and, if need be, inclusive institutions;
2. State Parties shall promote solidarity amongst Member States and support the conflict prevention and resolution initiatives that the Union may undertake in conformity with the Protocol establishing the Peace and Security Council.

#### **Article 39**

State Parties shall promote a culture of respect, compromise, consensus and tolerance as a means to mitigate conflicts, promote political stability and security, and to harness the creative energies of the African peoples.

#### **Article 40**

State Parties shall adopt and implement policies, strategies and programmes required to generate productive employment, mitigate the impact of diseases and alleviate poverty and eradicate extreme poverty and illiteracy.

#### **Article 41**

State Parties shall undertake to provide and enable access to basic social services to the people.

#### **Article 42**

State Parties shall implement policies and strategies to protect the environment to achieve sustainable development for the benefit of the present and future generations. In this regard, State Parties are encouraged to accede to the relevant treaties and other international instruments.

#### **Article 43**

1. State Parties shall endeavour to provide free and compulsory basic education to all, especially girls, rural inhabitant minorities, people with disabilities and other marginalized social groups.
2. In addition, State Parties shall ensure literacy of citizens above compulsory school age, particularly women, rural inhabitants, minorities, people with disabilities, and other marginalized social groups.

### **Chapter 10**

#### **Mechanisms for Application**

#### **Article 44**

To give effect to the commitments contained in this Charter:

##### **1. Individual State Party Level**

State Parties commit themselves to implement the objectives, apply the principles and respect the commitments enshrined in this Charter as follows:

- a) State Parties shall initiate appropriate measures including legislative, executive and administrative actions to bring State Parties' national laws and regulations into conformity with this Charter;
- b) State Parties shall take all necessary measures in accordance with constitutional provisions and procedures to ensure the wider dissemination of the Charter and all relevant legislation as may be necessary for the implementation of its fundamental principles;
- c) State Parties shall promote political will as a necessary condition for the attainment of the goals set forth in this Charter;
- d) State Parties shall incorporate the commitments and principles of the Charter in their national policies and strategies.

##### **2. Commission Level**

###### **A. At Continental Level**

- a) The Commission shall develop benchmarks for implementation of the commitments and principles of this Charter and evaluate compliance by State Parties;
- b) The Commission shall promote the creation of favourable conditions for democratic governance in the African Continent, in particular by facilitating the harmonization of policies and laws of State Parties;
- c) The Commission shall take the necessary measures to ensure that the Democracy and Electoral Assistance Unit and the Democracy and Electoral Assistance Fund provide the needed assistance and resources to State Parties in support of electoral processes;
- d) The Commission shall ensure that effect is given to the decisions of the Union in regard to unconstitutional change of government on the Continent.

###### **B. At Regional Level**

The Commission shall establish a framework for cooperation with Regional Economic Communities on the implementation of the principles of the Charter. In this regard, it shall commit the Regional Economic Communities (RECs) to:

- a) Encourage Member States to ratify or adhere to this Charter.
- b) Designate focal points for coordination, evaluation and monitoring of the implementation of the commitments and principles enshrined in this Charter in order to ensure massive participation of stakeholders, particularly civil society organizations, in the process.

#### **Article 45**

The Commission shall:

- (a) Act as the central coordinating structure for the implementation of this Charter;
- (b) Assist State Parties in implementing the Charter;
- (c) Coordinate evaluation on implementation of the Charter with other