



**THE SCOPE OF TOLERANCE AND POLITICAL PLURALISM UNDER  
THE FDRE CONSTITUTION: THE LAW AND THE PRACTICE**

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THE FDRE CONSTITUTION: THE LAW AND THE PRACTICE**

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This thesis titled “The Scope of Tolerance and Political Pluralism under FDRE Constitution: The Law and the Practice” by Mr. Birehanu Regassa is approved for the degree of master of Laws (LLM)

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I, the undersigned, have been supervising this thesis. I declare that this paper is original and has not been presented for a degree in any other university. All sources of materials used have been properly recognized.

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## ***Abstract***

*The FDRE government consistently denied human right violation allegation raised by many international human rights advocacy groups. For instance; Human Rights Watch, Amnesty International, CPJ, Freedom House and the like, and also many legal and political scholars and practitioners were blamed it for its alleged human right violations that intentionally committed on individuals and groups who have dissent political views.*

*But recently, the FDRE government, which is led by the group that is born from the ruling party itself and who climes itself as a “reformist”, was acknowledged all such alleged human rights violations committed by the government and shown its commitment to make a major reforms that possibly avoids government’s acts of human right violations. Furthermore, the FDRE government (which is led by the group who describe itself as reformist group) officially acknowledged the fact how individuals and groups were exposed for human rights violation for the mare reason that they were attempted to enjoy their naturally endowed rights and freedom, and how such acts of human right violations were contributed for the narrowed political space created in the country, and how such situation needs a substantive reform.*

*Despite such a good start and political willingness shown from the FDRE government side , it is still important to enquire why the FDRE government was intolerant of political dissent and also failed to establish a vibrant pluralistic political system in the country, in view of the fact that there is a constitution that acknowledges and stipulates, in a fairly detailed manner, bill of rights and claims to create a one political polity which is embraced with democratic order (something unthinkable to achieve without promoting and enhancing political pluralism).*

*Hence, this study is intended to enquire and identify the reason why the FDRE government was intolerant of political dissent and also failed to establish vibrant pluralistic political system in the country, in view of the fact that there is a constitution that acknowledges and stipulates, in a fairly detailed manner, bill of rights and intends to create a one political polity that entertain democratic order.*

*Key words; Tolerance, Political Tolerance, Political Pluralism, and Revolutionary Democracy*

## **Abbreviations/ Acronyms**

ACHPR	African Charter on Human and People’s Right
CCI	Council of Constitutional Inquiry
CPJ	Committee for Protecting Journalism
CSCO	Civil Society and Charity Organization
CSO	Civil Society Organization
EHRC	Ethiopian Human Right Commission
EIO	Ethiopian Institution of Ombudsman
EPRP	Ethiopian People’s Revolutionary Party
EPRDF	Ethiopian People’s Revolutionary Democratic Front
FDRE	Federal Democratic Republic of Ethiopia
FSC	Federal Supreme Court
HoF	House of Federation
HPR	House of People’s Representative
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICJ	International Court of Justice
MEISON	All Ethiopia Socialist Movement
NEBE	National Election Board of Ethiopia
OHCHR	Office of High Commission on Human Rights
OLF	Oromo People’s Liberation front
TPLF	Tigrrian People’s Liberation Front
UDHR	Universal Declaration of Human Rights
UNDPT	United Nations Declaration of Principle of Tolerance
WPE	Workers’ Party of Ethiopia

# Chapter One

## Introduction

### 1.1. Background of the Study

This research is conducted in Federal Democratic Republic of Ethiopia (hereinafter Ethiopia). Ethiopia is found in the Horn of Africa. It is a land locked country which is bordered by Eritrea to the north, Djibouti and Somalia to the east, Sudan and South Sudan to the west, and Kenya to the south<sup>1</sup>. According to the 2007 Census, which is the latest census report that officially declared by Ethiopian Central Statistic Agency, the country has 73,918,505<sup>2</sup> number of population. But, in 2016, World Bank estimated that the country has 102 million populations and that makes the country the second populous nation in Africa, next to Nigeria.<sup>3</sup>

Ethiopia is also known by its ethnical and cultural heterogeneity. That is to say that the country is a home for more than 80 ethnic nationalities and also for more than 82 languages. Such ethnical and cultural heterogeneity can immensely contribute for the existence of diverse political views in the country. No matter how that is so, unfortunately, Ethiopian modern political history tells us that Ethiopian rulers and their governments were intolerant of such diverse views. They took many actions that were suppressed and silenced dissent opinions that created a weak culture of political tolerance.

Without the need to transport back to the pervious Ethiopian governments, the FDRE government (the ruling party) is blamed for being intolerant of its opponents or those who challenges its way of life or policy. For instance, Human Right Watch (in its Ethiopian Human Right Review Report of 2016<sup>4</sup> & 2018<sup>5</sup>) is illustrated the human rights violations which were committed by the FDRE government and that may signify or demonstrate the intolerant behavior of the FDRE government. These includes; continued arbitrary arrest, harassment, torture and

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<sup>1</sup> Ethiopian Ministry of Foreign Affairs, *Location and Boundary*, May 2012 (accessed February 2, 2018); available from [www.mfa.gov.et/diplomatic-hub-of-ethiopia/-/asset.../location-and-boundaries](http://www.mfa.gov.et/diplomatic-hub-of-ethiopia/-/asset.../location-and-boundaries).

<sup>2</sup> Ibid

<sup>3</sup> *Ethiopia Overview- World Bank Group*, October 2016 (accessed June 04, 2018); available from [www.worldbank.org/en/country/ethiopia/overview](http://www.worldbank.org/en/country/ethiopia/overview).

<sup>4</sup> *World report 2016: Ethiopia /Human Rights Watch*, August 2016 (accessed June 04, 2018); available from <https://www.hrw.org/world-report/2016/country-chapters/ethiopia>.

<sup>5</sup> Ibid

prosecution (politically motivated prosecution) of opposition political party members and leaders, Journalist (Bloggers), Activists (human right and political) and individuals who expresses their dissenting view that oppose or may possibly oppose government's action or political ideology. The report further states that such violations were intended to avoid or silence dissenting views, especially those views that may endanger and undermine government's effort to create a conformist mass of the society that accepts political outlook of the ruling party.

No matter how there were so many reports and research findings that affirms the validity of such allegations and thereby urges the FDRE government to make reforms, the FDRE government is persistently denied such allegations. Though, after the persistent denial of such alleged human right violation, the FDRE government, recently, accepted all such alleged wrong doings and thereby shows its huge political commitment to redress such wrong doings with the primary motive of widening the narrowed political space. Accordingly, it has taken some actions that can create a glamorous hope that the government is committed for changing its intolerant behavior and actions.

While acknowledging such government's effort to tolerate the free flow of dissent political views or actions, it is still important to know why the FDRE government had exhibited a poor record in tolerating dissent political views in such a way that ensures the establishment of politically pluralistic democratic system, which its constitution claims for (unlike that of previous Ethiopian constitutions). So, this study is intended to identify the reason why the FDRE government exhibited such failures, provided that there is a constitution that acknowledged democratic rights that has paramount significance in an effort to establish pluralistic political system in Ethiopia. And above all, it is intended to determine the scope and nature of political tolerance that the FDRE government ought to practice, in order to realize what its constitution claims for, i.e. pluralistic political system.

## **1.2. Statement of the Problem**

After its consistent denial of alleged human right violation, the FDRE government and the ruling party, recently accepts its entire wrong doings that immensely contributed in creating narrowed political space in the country, which inevitably hinders the free flow of dissent opinions.

Hence, the FDRE government officially promised to widen such narrowed political space and thus takes some corrective actions accordingly. Some of such actions were includes; freeing almost all political prisoners, canceling some political parties from terrorist labeling or list, offering all political groups (including those who were involved in armed straggle and/or exiled) to participate in a periodic election and thereby compute for government power, and starting an amendment or repealing process of proclamations that were considered as government's tools that were used to suppress and silence dissent views.

Such government's actions may create optimistic views as to its willingness or openness to tolerate dissent views and thus extend the enjoyment of fundamental rights and freedom for those who have dissent views in a way that ensures the establishment of politically pluralistic democratic system in the country. But it is still unclear as to why FDRE government failed to tolerate dissent political views in a manner that hinders the establishment of politically pluralistic democratic system while having a constitution (the FDRE Constitution) that recognized fundamental rights and freedom that includes the right to freedom of expression, association and press.

In addition, it is also unclear that to what extent the FDRE government (as a government calls itself "Democratic and Republic") obliged or expected to tolerate dissenting views or actions that considers wrong, immoral or threat to the public good. So, these are a research problems that this study is intended to explore in a way that indicate the extent of tolerance which is desperately important for the proper realization of politically pluralistic democratic system in Ethiopia.

### **1.3. Research Questions**

- ✓ To what extent that the government (the ruling party (EPRDF)) is obliged or expected to tolerate ideas, interests, identities or actions which it considers alien, wrong or threat to the public good
- ✓ Are there any instances that justifies government's intolerant action that can puts a limitation on ideas, interests, identities or actions which it considers alien, wrong or threat to the public good?
- ✓ Is the government expected to tolerate the intolerants?
- ✓ Does modern Ethiopian government's have culture of political tolerance?
- ✓ What are the major ideals or essentials of virtue of political tolerance and political pluralism embraced under FDRE constitution? And does these ideals are practically implemented?
- ✓ What are the reasons behind government's intolerance towards those who have dissenting views and its failure on establishing of politically pluralistic democratic system in Ethiopia?
- ✓ And to what extent FDRE government or the ruling party (EPDRF) expected to tolerate individuals or groups who have computing or different political opinions or ideologies?

### **1.4. General Objective of the study**

Identifying and describing the reason why the FDRE government failed to tolerate dissent political views and thereby hinders the establishment of politically pluralistic democratic system in Ethiopia, in view of the fact that there is a constitution (FDRE Constitution) that recognizes all fundamental rights and freedoms of the people.

### **1.5. Scope of the Study**

The research intended to analyze the scope of tolerance as a political virtue or value and not as ethical value which is usually evaluated from individual's relationship perspective. So, the research is limited to analyze the nature and scope of tolerance (political tolerance), i.e. required from the government or ruling party, to establish vibrant pluralistic political system in Ethiopia. This study is conducted based on the data collected at federal level in a manner that shows the overall functionality of pluralistic political system in the country.

## **1.6. Methodology**

It is a socio-legal research which is qualitative research in its type. It is qualitative because the study intends to investigate and analyze the law and the practice, which inevitably requires analyzing data qualitatively in a way that helps the researcher to determine the manner in which the law was implementing.

Hence, different primary and secondary sources of data, that are tenable and have direct relevance, can be employed. Such primary sources of data include laws (domestic and international) and data collected from personal interview and questioners. A secondary sources of data includes books, researches, articles, reports and other relevant written materials.

The sample can be selected based on sample design tool known as “purposive sampling”. This mode of research sample selection helps to identify specific and tenable subjects of the research. Accordingly, the Political Parties, civil society organization that involves in human right advocacy services, Journalists (Bloggers) who actively write on political issues, Human right and political Activists, and Political Science scholars are selected as a research sample, purposely. This is because such subjects of the research are main actors that actively participating in establishing and consolidating democratic political system that ensures the proper functioning of pluralistic political system in Ethiopia. Hence, the researcher assumed them as right respondents who can gave an essential data.

So, from political parties, chair or deputy chair persons or spokes persons (both the ruling and opposition parties) are a potential interviewee or respondents. This is because they are the political practitioners who actually practicing in Ethiopian politics and so that it is logical to assume that they are better faction of a society who properly understand and articulate what political pluralism and political tolerance mean, both theoretical and practically. Hence, they are purposely selected as a sample.

Among 75 regional and national political parties functioning in our country, the researcher determines to collect data through an interview and questioners from those political parties who

are registered as a national party. These parties will be taken as a sample unit of the research. In preferring national political parties than regional parties, the researcher assumes and make his own judgment that those who are registered as a national party works nation-wide and thus possibly have better experience, on the research issues at hand, than that of regional one. These parties are 23 in number. Then from this sample unit, the researcher selects (through random sampling technique) 12 parties as a sample of the research which represents the rest of the members of sample group. So, we have at least 12 persons who will be interviewed or questioned, i.e. one person from each parties. Their interview can be recorded and presented in audio form.

In addition, based on the personal determination of the researcher, minimum of 2 persons (from each remaining research unite stated above) will be taken as a respondents. So, from the entire research unit (political parties, civil society organizations, Journalists, Bloggers, Activists, and Political Science scholars), there will be 22 respondents who will be selected as a research sample.

## Chapter Two

### Theoretical framework: Political Tolerance and Political pluralism

#### Introduction

Diversity is inescapable reality of our world. Especially today “plurality arises in large part from the very dynamics of modernity.”<sup>6</sup> Even some think that “though cultural diversity is sometimes portrayed as the product of atavistic attachments and pre-modern civilizations that have curiously, if occasionally disturbingly, survived into today's globalizing world, modernizing processes have also enhanced poly-ethnicity and multiculturalism.”<sup>7</sup> So, diversity is a reality that strongly attached to daily humans experience and therefore there can be no means to escape from it rather than accepting and appreciating. If not, it may possibly cause disagreement that may extend to a war that threatens peace and security of our world.

Threat that can emanate from diversity can be changed in to opportunity only if the virtue of tolerance practiced and utilized in such a way that can avoid disagreement. This is to say that since tolerance is an attitude that enables someone to respect, accept and appreciate the rich diversity of our world's cultures, our forms of expression and ways of being human, it inevitably helps one to avoid or minimize the possible causes of disagreement that may emanate from such diversity. Thus why, tolerance is expressed as “a virtue that makes peace possible, contributes to the replacement of the culture of war by a culture of peace.”<sup>8</sup>

The word tolerance can be explained from both the perspective of ethical value and political virtue. But under the chapter that deals with theoretical frame work, tolerance will be explained from the perspective of political virtue (i.e. political tolerance) due to the reason that such expression is directly related with the research issues at hand. So, the concept of political tolerance will be discussed in the next sub-topic under this chapter.

In another way, political pluralism is a system that requires an acknowledgment of the fact that human beings are naturally diverse in their appearance, situation, speech, behavior and values

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<sup>6</sup> Richard Bellamy, *Dealing with Difference: Four Models of Pluralist Politics*, September 2015 (accessed February 02, 2018); available from [www.reading.ac.uk/AcaDepts/ce/GSEIS.../Content/.../plurpaff.pdf](http://www.reading.ac.uk/AcaDepts/ce/GSEIS.../Content/.../plurpaff.pdf), p1.

<sup>7</sup> Ibid

<sup>8</sup> See article 1 (1.4) of Declaration of Principles on Tolerance, adopted by the General Conference of U N E S C O at its twenty-eighth session in Paris, on 16 November 1995.

and therefore creates a platform in which such diversity can be entertained. Such a platform mainly involves granting the enjoyment of the rights, like, freedom of expression, the right to assembly and peaceful demonstration, and the like. Hence, acknowledging the diverse nature of humanity is an essential attribute for the implementation of the ideals of political tolerance and political pluralism. So, under this chapter, an attempt can also be made to describe the concept of political pluralism.

## 2.1. Political (in) Tolerance

While recognizing many articulations of the concept of political tolerance, which were forwarded by political science and sociology study and discourse, the definition developed by well-known researchers in the area (Sullivan, Pierson, and Marcus) is suitable and tenable for the research topic at hand and can give us a general understanding about the concept of political tolerance. They define political tolerance as a “willingness to permit the expression of those ideas or interests that one opposes”<sup>9</sup>. They further explain that “one is tolerant to the extent one is prepared to extend freedoms to those whose ideas one rejects, whatever these might be”<sup>10</sup>. However, “under circumstances where one does not approve of these ideas, one’s abstract support for democratic norms is challenged and one is assumed to be politically tolerant if one is still willing to extend the civil liberties supported at an abstract level to these groups.”<sup>11</sup> so, to be politically tolerant one may not be expected to accept or approve actions or ideas that he/she considers wrong or immoral and rather it is enough for he/she to show his/her willingness to extend fundamental rights to those who he disapproved their action or view.

As quoted by George, John, Marcus Sullivan James Pierson, Crick expressed tolerance from regimes perspective that a tolerant regime, then, like a tolerant individual, is one that allows a wide berth to those ideas that challenge its way of life”<sup>12</sup>.

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<sup>9</sup> Margaret Tyson, *True Tolerance: A Reexamination of Political Tolerance Survey Methods*, 1<sup>st</sup> ed., (Columbia: Columbia University press, 2013), 5. Available from [blog.narotama.ac.id/.../2014/.../True-Tolerance-A-Reexamination-of-Political-Tolerance-Survey-Methods.pdf](http://blog.narotama.ac.id/.../2014/.../True-Tolerance-A-Reexamination-of-Political-Tolerance-Survey-Methods.pdf)

<sup>10</sup> Ibid

<sup>11</sup> R.K. Tromble, *Political Tolerance and Direct Democracy*, November 2014 (accessed April 10, 2018); available from <http://d.gex-collet@umail.leidenuiv.nl>, p. 4.

<sup>12</sup> George E, John. Marcus, Sullivan, James Pierson, “An alternative conceptualization of tolerance: Illusory Increases 1950s-1970s”, *the American Political science review*, vol. 73, issue 3(1979): 784.

So, politically tolerant regime can be defined by the degree of its commitment in allowing a free flow of dissent views no matter how such dissenting views criticized its policy. Its commitment manifested by its actions that essentially involves promoting, protecting and respecting fundamental rights and freedoms of those persons who have dissenting opinion. This is because, the concept of political tolerance, as Patricia affirms, as quoted by S. T. Akindele, Olaopa and Salaam, essentially involves accepting and respecting the basic rights and civil liberties of persons and groups whose viewpoints differ from one's own<sup>13</sup>.

In another way, in order to properly understand what political tolerance constitutes, it is important to see what constitutes political intolerance. As quoted by Xunwu Chen, Immanuel defines political intolerance "as the lack of respect, acceptance and accommodation for others in the events of exercising openly their rights and freedoms."<sup>14</sup> He further adds that political intolerance obtains when a group or an individual is not willing to let others act, speak or think differently from the opinion or views held by such an individual or group. So, as to him, in many instances, violence and intimidation is the natural reaction of intolerant people to views they consider inconsistent with theirs.<sup>15</sup>

It is also, important to note that government's lack of impartiality in the whole process of utilization of state machineries and acting being a guardian of specific legal moralism (that involves imposing legal enforcement of morals on minorities or dissents) can be taken as an act of intolerance. Thus why, UN, in its declaration of Principle of Tolerance, stated impartiality as prominent manifestation of tolerance which greatly required from the state in the whole process of state machinery utilization. And further adds that what is required from tolerant regime, i.e. delivering equal opportunity to all persons, ratifying existing international human right conventions, and drafting new legislation where necessary to ensure equality of treatment and opportunity for all groups or individual in a society.<sup>16</sup>

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<sup>13</sup> S. T. Akindele, Olaopa and Salaam, "Political Intolerance as a Clog in the Wheel of Democratic Governance", *African Journal of Political Science and International Relations* 3, no. 8(2009): 368.

<sup>14</sup> Xunwu Chen, *Toleration: The Ambivalent Obligation, Value, and Virtue*, August 2013 (accessed March 2, 2018); available from <http://colfa.utsa.edu/philosophy-classics/faculty/chen/pdf>, 55.

<sup>15</sup> Ibid

<sup>16</sup> *Supra*, n. 9, art.2 (2.1) Tolerance at the State level requires just and impartial legislation, law enforcement and judicial and administrative process. It also requires that economic and social opportunities be made available to each person without any discrimination. Exclusion and marginalization can lead to frustration, hostility and fanaticism.

Similarly, Catriona McKinnon (ss quoted by Xunwu Chen) explained what constitute tolerance at state level. It is noted: the State should refrain from repression and discouragement as they are inherently or explicitly intolerant. But, the State should not only refrain from oppression and intolerance, it should also promote participation and inclusiveness, by ways of equal opportunity policies.<sup>17</sup> So, he proposes a sort of continuum of state action (when it comes to toleration) that ranges from refraining from “repression” and “official discouragement”, to “toleration” proper, “political inclusion”, and ending with “official promotion”.

So, from all the above stipulations we can define political tolerance as a sense of openness (mainly manifested by acceptance, political inclusion, official promotion and the like) to allow persons who have dissent views to express themselves.

## **2.2. Why Political Tolerance?**

Diversity is a profound color of our world. This is to say that diversity is inescapable reality of any contemporary political polity. This is because of the factual phenomena that human beings are naturally diverse in their appearance, situation, speech, behavior, values, and culture.

In another way, diversity is the source of the strength of democratic communities, but also source of challenges. This is because diversity constitutes the inner contradiction that can drive democratic community forward or threatens to tear down democratic communities because it may be a source of unconstrained social conflicts.<sup>18</sup> As a world history affirms, many disagreement and conflicts were born out of an act of intolerance or non appreciation of diverse ideals, interests and identities.

For instance, during the World War II, the Nazi party (the right-wing political extremism) ideological indoctrination started in Weimar Germany, were highly propagated anti-Semitism and from the wrong political narration commonly known as “Super Race” or “Arian Race” which is intolerant of ethnic and other diversity and thus discriminated and intended to avoid Jewish and thereby ended up by killing approximately 5.7 million Jewish people and causing a

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2.2. In order to achieve a more tolerant society, States should ratify existing international human rights conventions, and draft new legislation where necessary to ensure equality of treatment and of opportunity for all groups and individuals in society.

<sup>17</sup> Supra, n. 14, p.372

<sup>18</sup> Supra, n. 15 p.64

horrible war and great disaster in human history.<sup>19</sup> Even after the end of World War II, the Cold War rivalry movements, between two giant opponent groups (the Communist and Capitalist camp), had been posed a great danger on humanity. So, we can count many bad experiences which were emanated from being intolerant of diversity.

Tolerance has been served and serving as a prominent means to avoid such disagreements or conflicts and thus, for the last two decades (since the United Nations published Declaration of Principles of Tolerance), toleration has become the distinctive political approach to the profound reality of our time, i.e. diversity. It has become wisdom of our time.<sup>20</sup>

It has become wisdom of our time, because it is a best and preferable core value that serves as an instrument that makes a smooth interaction and integration possible in a pluralistic society and thus ensures harmony in such a way that secures peace and stability. Accordingly, it can possibly change risks that emanated from diversity in to opportunity.

Walzer pointed out and explained this issue in the following clear and loud wordings. It is noted: “Toleration makes difference possible; difference makes toleration necessary.”<sup>21</sup> As to him, toleration is necessity in a diverse society because it is the unifying force for a pluralistic social-political community.

Confucius also pointed out the adventure of tolerance that “toleration makes possible for a kind of mutually cooperative relation to exist among members (the mass) of a social-political community amid diversity. That members of a community can cooperate with each other is necessary for them to extend their lives together.”<sup>22</sup>

Habermas, similarly, affirms that, “tolerance protects a pluralistic society from being torn apart as a political community by conflicts over world views.”<sup>23</sup> So, all of them signifies how tolerance is desperately important to avoid or minimize conflicts in a way that ensures co-existence of diverse society.

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<sup>19</sup> *The Holocaust 1933-1941-1945, Wichertten Have and Maria van Haperen*, June 2006 (accessed April 02, 2018); available from [www.worldcat.org/title/holocaust-and-other...an.../827925825](http://www.worldcat.org/title/holocaust-and-other...an.../827925825), P.16.

<sup>20</sup> Aaron J. Abbarno , “The Behavioral Consequences of Political Tolerance” (PHD, diss., Pittsburgh University 2013), p. 19

<sup>21</sup> Ibid, p.62

<sup>22</sup> Ibid, p.63

<sup>23</sup> Ibid

### **2.3. How can political tolerance be realized?**

Here, while acknowledging the fact that developing a culture of tolerance needs a long term undertaking that removes the roots of intolerance, the researcher tried to state some major points that help to implement the virtue of political tolerance. These includes a legal and institutional set up that is mainly important to implement an abstract articulation of political tolerance ideals. The first approach is related with education and political Participation. That is to say that Education and political participation are a major means that can create an enabling environment that ensures the birth and development of culture of tolerance. So, there has to be an educational curriculum that promote and ensures the cultivation of tolerance among citizens. To this end, the government shall take a policy, legal and institutional set up consideration that ensures the development of culture of tolerance, in general and culture of political tolerance, in particular.

With regard to creating enabling environment that enhances citizen's political participation (in a manner that contribute for development of culture of political tolerance), there must legal and institutional set up that can create a political arena which entitles and enables individuals or groups to freely express themselves. To this end, the government shall be committed "(...) to eliminate discrimination and hatred by promoting dialogue with minority and vulnerable groups"<sup>24</sup>. This is because, "citizens who have more opportunities to practice and observe tolerance are more appreciative of and committed to tolerance and respect for others' rights"<sup>25</sup>.

Secondly, guarantying freedom of expression as one of fundamental human right which entitles individuals or groups to freely express themselves is a paramount step to an effort that intends to enhance culture of political tolerance. This is because, guarantying freedom of expression is a precondition in creating a culture of tolerance that involves debate and dynamic exchanges of opinions and arguments, whereby people can learn from others, get closer to the truth, and benefit from a vital public life.

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<sup>24</sup> Election Watch X, *Political Tolerance*, February 2014 (accessed March 02, 2018); available from [www.ElectionWatch.7e.2.pdf](http://www.ElectionWatch.7e.2.pdf), P. 1.

<sup>25</sup> Ibid

In addition to mere acknowledgment of such right, there must be a legal and institutional framework that can avoid actions that unjustly restrict the enjoyment of such right. This is because, “a society in which freedom of expression is not guaranteed hinders political tolerance. Open dialogue and a diversity of political opinions are made possible by and reinforce a culture of tolerance.”<sup>26</sup>

The last one is media. As we all know, media has non substitutable importance in its role of creating and enhancing culture of tolerance. So, government has “(...) a duty to allow a pluralistic media to flourish and present diverse and critical views”<sup>27</sup>. This is because, “encouraging a wide array of ideas and beliefs among individuals and institutions builds an equitable and non-discriminatory environment that enhances political life”<sup>28</sup> and thereby inevitably creates culture of political tolerance.

#### **2.4. Political Pluralism**

The concept of political pluralism presupposes the existence divergent political views or ideas in one political polity or community and also the functionality of a political system in which such diversity entertained. And therefore the concept often expressed as “it refers to a component of democracy where a multiplicity, diversity or plurality of opinions exists and where groups are free to express themselves within a political system.”<sup>29</sup>

Political pluralism is seen as a key component of democracy. This is to say that, as European Court of Human Right authoritatively said in its many decision, “*there can be no democracy without pluralism*”<sup>30</sup>. This is mainly because, “ideally, pluralism requires that no single group has a special claim to be heard before any others or to silence any others. In this sense, democracy affirms that all groups and opinions in a society must be free to compete for attention and for followers.”<sup>31</sup>

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<sup>26</sup> Ibid

<sup>27</sup> Ibid

<sup>28</sup> Ibid

<sup>29</sup> Konrad-Adenauer Stiftung, *Political Pluralism, Democratic Participation and Representation at Local Government Level in Uganda*, August 2009 (accessed February 12, 2018); available from [WWW.Kas.de](http://WWW.Kas.de), p. 17.

<sup>30</sup> Melhik Abebe Bekele, “Counter-terrorism and the suppression of political pluralism: An examination of the Anti-terrorism Proclamation of Ethiopia”, (LL.M, diss., University of Ghana, 2010), p. 10-11.

<sup>31</sup> *Supra*, n. 30, p. 17

Since the concept of political pluralism presupposes the existence of divergent opinions in one political community, political pluralism mainly demonstrated by multi political parties participation in an elections and governance. This is because the existence of divergent views inevitably offers the means that enable one to forward such dissents in a market place where such different ideas can be brought for sale. Among many mechanisms that can create a platform to forward such different political views, having multi-party political system is a prominent one. Thus why, some states that “the practice of genuine political pluralism manifested in the embedment of a full-blown multi-party political dispensation at all levels of that society.”<sup>32</sup>

Of course, there is more to political pluralism than the proliferation of political parties in election and governance. And therefore the concept also articulated as a system in which there is a balance of power among overlapping groupings, each with some voice in shaping socially binding decisions and has adjustments which encourage conflict within established channels and allows disagreements to dissolve into compromise solutions.

So, we can possibly defines political pluralism as a system that helps to create a political platform in which different groups can peacefully battle to shape policy decisions in such a way that conforms to their views or political ideologies. A battle to shape policy decisions may not be limited to political parties involvement rather it may also be entertained through Civic Societies Organization (in the form of advocacy and agenda setting), Medias, Political activism or other democratic institutions or means.

Hence, “as a system, political pluralism is said to promote, more effectively than any other known alternative, a plurality of private and public ends and benefits society by providing for the means to channel important interests to governmental arenas for dialogue and resolution.”<sup>33</sup>

Accordingly, the concept can be understood as “the representation of and participation by numerous and competing groups organized around class, racial, ethnic, cultural, and other political interests.”<sup>34</sup>

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<sup>32</sup>Supra, n. 31, p. 9

<sup>33</sup> Supra, n. 31, p.10

<sup>34</sup> Supra, n. 7, p.1

## **2.5. How do we bring about political pluralism?**

Since pluralistic political system presupposes a political system that acknowledges the existence of diverse opinions and therefore creates a platform in which an individual or groups can freely express themselves, an effort to built a pluralistic political system has to involves a legal and institutional framework that creates an enabling environment in which dissents are recognized as a blessing and thereby ensures the free flow of such diverse views. So, in order to properly demonstrate how pluralistic political system can be realized, it is important to see how the legal and institutional frameworks of the government function. Here, when we talk to institutional framework, it is important to see how those institutions (often expressed as democratic institutions, especially those who their impartiality and independence strictly required) should establish and function.

This is to mean that there must be national laws that can create an institutional structure that enables individuals or groups to freely express themselves and also form a political party and thereby compute for government power. This is because institutions are prominent procedural and administrative tools that can serve as a means to promote, respect and protect the enjoyment of those rights guaranteed under the law. Hence, there must be an institutional structure that can create a platform (Medias, Civic Society Group or Civil Society Organization and the like) in which an individual or groups freely express themselves, and above all amplify or sale their dissent views through institutional means, i.e. through political parties and CSO's.

Hence, alongside acknowledging the rights that entitle individuals or groups freely express themselves, it is important to establish an institution that can creates a means in which such rights can be enjoyed. Such institutions are often known as democratic institutions.

Accordingly, it is better to discuss, first, about the institutions that can help an individual or groups to freely express themselves, in such a way that ensures the establishment of functional pluralistic political system.

Here, it is better to began with Free Press and Media. Establishing free press or media institutions (that ensures media pluralism), is a paramount for creating a functional pluralistic political system that can immensely contributes for an effort to establish vibrant democratic political system in one country. Free press or media institutions can only be created by letting

media institutions to fully enjoy media freedom, which mainly involves “editorial independence, the protection of journalists and the unrestricted public access to information.”<sup>35</sup> So, in order to establish free press or media institutions, there must be an institutional framework that can prohibit censorship and interference, protect journalists from politically motivated prosecution or arrest, promote the right to access to information, avoids monopolistic ownership of media and stringent government control.

In addition, there must also be an institutional structure that can create pluralist media platform which is mainly manifested by citizens “access to a range of sources, views and opinions and that no single media player has an overwhelming influence over the political agenda”<sup>36</sup>. So, for there to be a pluralist political system that allows and creates a means in which an individual or groups freely express themselves, there must be a government structure that is suitable for creating free press or media institutions that ensures diversity of content, of source, and of distribution platform.

The other important institutional platforms, in creating a means that allows an individuals or groups to freely express themselves, are civil society and charity organizations. That is to say that an individuals or groups who have some sort of dissenting views can come together and form civil society organizations with intended motive to express their shared view in group. For instance, in a country “X” (in which majority of its populations are dogmatic) girls who have feminist tendency or view may form a civil society organization, with an intent to express their feminist concern that may be considered immoral or wrong by critical mass of country’s X population.

So, establishing such civil society organization can help an individuals or groups to stand together and unite their effort and resources to express and amplify their view (which may be disproved by others) in such a way that becomes dominant view. In addition, “they can create meeting spaces for people, enable dialogue and communication in society, represent group

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<sup>35</sup>European Broadcasting Union, *Media Freedom and Pluralism*, 2013 (accessed March 15, 2018); available from [WWW.Ebu.ngov](http://WWW.Ebu.ngov) 17 Ebuviewpointel en.pdf, p.1

<sup>36</sup> Ibid

interests in consultations and public debate and inform political decision, defend human rights, scrutinize and monitor the effects of public policy.”<sup>37</sup>

In another way, CSOs are institutional means that help “give a voice” to people on issues that matter to them, gives an advice to policy makers, and advocate policy agendas and programs. So, there has to be an intuitional set up that allows them to have an access to government’s policy making process in a way that makes them active stakeholder that have a say in consultations and political dialogue. This makes them an agent that can voice dissenting views, challenge and shape policy decision in a manner that consolidate pluralistic views. Of course, it may be unrealistic to expect institutional set up or regulation that enables all CSO’s represented in policy making process, but what is very important here is that there must be “Remiss Procedure” that can minimizes or avoids undue influence that may come from the government in shaping the representation of CSO’s.

Accordingly, other than having legal framework (that guarantee the rights to freedom of association and assembly and other related fundamental freedoms), there has to be institutional and regulatory environment that can create a civil space, which mainly ensures enabling environment for civil society. And thus why, “the UN Human Rights Council has repeatedly emphasized that undue restrictions of civil society space have a negative impact on implementing international human rights standards”<sup>38</sup>, which mainly involves those above stated fundamental rights and freedoms (which are a necessary preconditions to establish pluralistic political system).

The other institutional set up is political party. Political parties are a major institutions that can serve as a means for an individuals or groups express themselves, voice and amplify their dissenting views, and avails their view for the market, and if they succeed in selling their view to the majority of the population and they can hold a government power and thus can got a chance

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<sup>37</sup> Concord, European NGO Confederation for Relief and Development, *Analysis and recommendations on the promotion of civic space and enabling environment in EU external action*, September 2018 (accessed June 20, 2018); available from [http://www.ohchr.org/Documents/Issues/FAssociation/ General Principles Protecting Civic Space.pdf](http://www.ohchr.org/Documents/Issues/FAssociation/General_Principles_Protecting_Civic_Space.pdf)

p. 3.

<sup>38</sup> FRA, European Union Agency for Fundamental Human Rights, *Challenges facing civil society organizations working on human rights in the EU*, June 2017 (accessed July 01, 2018); available from <http://europa.eu>, p. 13.

to use state machineries to execute their views through government policy tools. That is why the practice of genuine political pluralism is manifested in the embedment of a full-blown multi-party political dispensation at all levels of the society.

So, alongside guarantying the right to association and assembly and other related rights, there must be legal and institutional framework that allows the establishment and functionality of different political parties that can genuinely represents political views of each and every sect of the society. Such legal and institutional frameworks should create an enabling regulatory environment that avoids entry restrictions (by simplifying regulatory requirements in a manner that ensures those requirements are not unduly burdensome), uphold fair game rule, widen political space or playing field, and obliged and enable the government to discharge its duty of fulfilling, respecting and protecting fundamental rights and freedoms of those who are registered and functioning as a political party.

Finally, beside creating an enabling environment that helps and promotes political parties to freely involve in a periodic elections, it is important to have an institutional set up that avails access (for such political parties) to participate in a government policy making process, at least to voice their dissenting view or forward their remark and recommendation. Such access has an importance to create a space in which dissenting opinions forwarded and thereby pluralistic views are entertained in a manner that realize the establishment of pluralistic political system.

## **Chapter Three**

### **Political Tolerance and Political Pluralism in Ethiopia**

#### **Introduction**

Here, an attempt can be made to describe a historical overview of culture of political tolerance and efforts which have been made to build politically pluralistic form of government in Ethiopia. In addition, a description can be made on virtue of political tolerance and political pluralism manifested under the FDRE constitution. To this end, the chapter contains two major topics. The first topic is intended to give a highlight on historical overview of culture of political tolerance and political pluralism in Ethiopia. The second one is left to discuss the nature and scope of political tolerance and political pluralism prompted under the FDRE constitution.

#### **3.1. A brief Overview of Culture of Political Tolerance and Pluralistic Political System Establishment in Ethiopia**

The discussion under this topic can be made with an intent to give a highlight, to the readers, on how government's culture of political tolerance and an effort to establish pluralistic political system in Ethiopia looks like, in a modern Ethiopian political history. To this end, it is better to begin our discussion from Emperor Hailesilase's regime (1936-1974 A.D, the time in which the first modern written constitution introduced in Ethiopian modern political history).

Hailesilase's Imperial regime is a feudal regime that had a unitary form of government structure, which its political-economy mainly described in its major features; tenant-land-lord, government and subject relationship. The emperor was claimed and also constitutionally recognized as an "Elect of God" and that his power is originated from Devin power. He was the sole and ultimate source of all government power. And his power was indisputable and inalienable. These can be seen, especially, from art.5 & 6 of the 1931 and art. 26-36 of the 1955 (revised) imperial Constitutions.

Hence, His majesty's rule and his regime's constitutions denied the free flow of political dissent and thus was tolerated no political parties – not even a single governing party – because these would represent a source of power independent of the throne.<sup>39</sup>

The regime was known for its repressive actions that were intended to silence dissents. For example, peasant rebellions which were occurred in Somali (initially led by Kahin Abdi), Bale (led by General Wako Gutu), Gojjam, Yejju in Wello (led by Qegnasmach Melaku Tayye and certain Unda Muhammad), and Gedeo (which were born out of different economic, social and political claims) were not tolerated by the regime and thus addressed through the means of gun and force.<sup>40</sup> Hence, such uprising was ended with total defeat of the peasants and causes the death of massive number of peasants and their leaders (in some places their leaders were publicly flogged on a market-day).<sup>41</sup> In addition, the political questions which were related with the right to self-rule (seeking to enjoy autonomous Eritrea) were raised by Eritrean nationals, especially by those who were partisans of independence. But such political questions were not tolerated by regime and thus “Tadla Bayru, the chief executive in Eritrea and who represent the power at the center while Eritrea was part of Ethiopia through Federation, take high-handed measures to stifle political opposition and plurality of views.”<sup>42</sup>

To add more, the regime had been take similar repressive actions (that affirmed its intolerant political culture) on students who were mounted anti-government demonstrations. For example, in February 1965, relying on the guarantee of the right of peaceful assembly in Article 45 of the Ethiopian Constitution, the students gathered outside the parliament building, while the parliament were debating on land reforms bill, and held a demonstration against the feudal land tenure system and the government and the university administration reacted to this by banning the student union and suspending nine students for organizing a meetings.<sup>43</sup> Again in April 1967,

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<sup>39</sup>, Christopher Clapham, “Ethiopian Development: The Politics of Emulation,” *Commonwealth & Comparative Politics* 44, No.1(2006): 113.

<sup>40</sup> Bahru Zewde, *A History of Modern Ethiopia (1855-1991)*, 2<sup>nd</sup> ed. (Addis Ababa: Addis Ababa University Press, 2002), p. 216-217

<sup>41</sup> Ibid

<sup>42</sup> Ibid, p.219

<sup>43</sup> Colin Drach, *The Ethiopian Student Movement in straggle against Imperialism, 1960-1974*, September 2002 (accessed July 2, 2018); available from <http://scholarship.law.wm.edu/wmborj/vol1/iss2/4>, p. 8-9.

the students planned a march through the streets of Addis Ababa, which was immediately banned.

Here again, the government followed similar approach that as the demonstrators left the university grounds, army units set upon them and then occupied the campus. The Emperor threatened to suspend all financial support to students who criticized the government. Student leaders were suspended and some were killed, and many students were arrested, and the university stayed closed for three weeks and article 45, in the meantime, was to all intents and purposes rendered a dead letter by the Detention Act, in effect a ninety-day detention law.<sup>44</sup> In addition, in 1968, the students publication, which was called “Struggle” (Tagel in Amharic), was banned by the imperial government with a very motive to silence students who had dissent opinion.

So, the above stated examples of imperial government’s actions can show how the imperial regime’s was intolerant towards those individuals or groups who had dissenting views. In addition to this, the regime was tolerated no political parties-not even a single governing party – because these would represent a source of power independent of the throne. Hence, the regime is known in its zero effort of establishing pluralistic political system in the country.

As far as the Dergue Military Regime was concerned, it was a regime that was born out of the 1974 revolution. As it is often happened, the revolution can create tendency and a favorable condition to solve every problem through forceful means. Likewise, the Dergue utilized the revolutionary momentum as a means to construct its legitimacy. So, from early stage of its birth, the Dergue had taken brutal action (that shows its intolerant behavior) on its own founders (who had dissenting views) and its political opponents (especially old imperial regime’s officials) under the guise of revolutionary rhetoric. Bahru Zewde has expressed such an incident in the following way;

*On 24 November the Darg announced to a shocked national and international audience that it had shot its chairman, Aman Andom, and executed some sixty people it had held in detention, most of them dignitaries and high functionary of imperial regime. The general had died (either killed or committing suicide) after a tank assault on his residence. His crime according to the official*

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<sup>44</sup> Ibid

*announcement, including (...) Showing dissent within the Darg (...) unofficially, the general elimination attributed disagreements between him (...) the first vice chairman Mengistu, over the handling of the Eritrean question (...)*<sup>45</sup>

Form Such above stated tragic mass killing and others similar successive mass killings committed by the Dergue, we can see that how the Dergue had been taken brutal actions (starting from early time its birth) on those who had shown their dissention (even its members) and who considered them as a persons who might have dissention, like for instance high officials of imperial regime. For example, “on February 3 1977, the Dergue (when Mengistu Haile Mariam’s took control of the *Dergue*), eliminated the faction within the Dergue (especially those moderate wing formed around Alemayehu Hailu, Moges Wolde Mikael and Tafari Bante) by shooting them during a meeting of its Standing Committee, accusing them of plotting a ‘counter revolutionary ‘coup d’état’ ”<sup>46</sup>.

And such tragic incident “spelt the end of the *Derg*’s era of contradictions and accommodations; opposing views could no longer be aired within the military regime. Under Mengistu’s chairmanship a more radical *Derg* emerged, unwilling to tolerate dissent and prepared to violently “pluck out” and “liquidate” its opponents.”<sup>47</sup>

When we see how the Dergue had been reacted against those civil political organizations, which were born at the early age of the revolutionary period, it clearly affirms the fact that how the Dergue government was intolerant of any political or other dissents and also had a little commitment for establishing a pluralistic political system in Ethiopia.

Early at the birth of Dergue regime some political organizations were united in their opposition to military rule and their demands for a “provisional people’s government”. However, in early 1975, Meison’s was suspended its opposition by offering the *Derg* an alliance and critical support that didn’t last long<sup>48</sup>.

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<sup>45</sup> Supra, n. 41, p. 328

<sup>46</sup> Jacob Wiebel, “Let the Red Terror intensify : Political vViolence, Governance and Society in Urban Ethiopia, 1976-78”, *International journal of African historical studies* 48, no. 1 (2015). p. 8-9.

<sup>47</sup> Ibid, p.9

<sup>48</sup> Supra, n. 47, p.6

In April 1976, following the EPRP's rejection of the regime's "Program of the National Democratic Revolution", which represented a last attempt to co-opt opposition as much as a roadmap for revolutionary Ethiopia's development, violent confrontation appeared inevitable.

Gradually the then Dergue was began a campaign to repress the "anarchist" EPRP, consisting of denunciations, detentions and sporadic executions of suspected regime opponents. Accordingly, on 23 March, the Dergue was launched its first comprehensive *Asesa* ["search campaign"] in the capital of Ethiopia. Such search claimed the lives of several prominent EPRP leaders. And again counter insurgency strategy adapted in March 1977 consisted of so-called "mass-confession" or "public-exposure" sessions. In such "mass-confession" or "public-exposure" sessions "government ministries, public utilities and all major organizations, [which were] required to 'cleanse' themselves by the exposure of 'reactionaries' within their midst. Such and other successive strategy, that was intended to identify and eliminate "anarchists", were adopted by the Dergue paved the way for the climax of state violence which was officially declared in November 1977, i.e. "Red Terror"<sup>49</sup>.

Among many tragic and brutal actions which were taken by Dergue, under Red Terror Revolutionary measures, the May Day mass massacre was the most horrific one, and also it was an incident that embarked the end of Meison and Dergue alliance.

Hence, the final fate of such prominent civil political organizations were winded-up with bloodshed that caused many thousands to death and that was contrary to what a Dergue government's popular slogan of such a heady time, i.e. "Ityopiya tikdem/yala mimin dem" – "Let Ethiopia progress/Without any bloodshed"<sup>50</sup>.

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<sup>49</sup> Ibid, p. 6-20

<sup>50</sup> Donald N. Levine, *ETHIOPIA'S MISSED CHANCES–1960, 1974, 1991, 1998, 2005–AND NOW: II An Ethiopian Dilemma: Deep Structures Wrenching Processes*, August 2007 (accessed July 10, 2018); available from <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.863.4520&rep=rep1&type=pdf>, p. 6.

So, the Dergue government was ruled the country for thirteen years (from 1974-1991 AD), without having the formal constitution, through means of gun-rule in a way that resulted one-man dictatorial military regime.

Mean while, after eliminating political groups stated above and others (for example Woz Ader League, Echa'at, and MALERID), in 1987, the regime, came up with the constitution (the 1987 Constitution of People's Republic of Ethiopia (hereinafter "the 1987 constitution") which was legitimized the already existed system, i.e. a political system that was allowed only one vanguard political party as a sole political organ that can hold government power and therefore de-legitimized other alternative sense of authority or political dissent.

Under the preamble of this constitution, the constituent body of the constitution (the Working People of Ethiopia) was clearly indicated their intent to transform Ethiopia in to a socialist state.<sup>51</sup> This is not a surprise, because, the constitution only gave recognition to Marxists-Leninist political ideology, which the Dergue was already baptized with (immediately after its birth) and was already devoted all its efforts and resources to baptize the whole nation with such socialist political ideology (an ideology that requires a constitutional legitimacy for one governing political party).

According to article 6 (1) of the 1987 constitution<sup>52</sup> stipulated that the People's Workers Party, which is guided by Marxism-Leninism, as a vanguard party which is dedicated to serve the ultimate interest of the working people. Article 3(1)<sup>53</sup> also reserved all government power to working people and thus excluded other faction of the society from computing for government power.

In addition, under article 5<sup>54</sup>, it is stated that every individual, groups or organization obliged to observe socialist legality and thus they were constitutionally prohibited from questioning the legality of socialist ideology and providing other alternative ideology to it. Above all, under

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<sup>51</sup> See, the Preamble of the Constitution of the People's Democratic Republic of Ethiopia, Proclamation No.1, Negarit Gazette, vol.47, No.1, Addis Ababa, 1987.

<sup>52</sup> Ibid, See art 6(1)

<sup>53</sup> Ibid, See art 3(1)

<sup>54</sup> Ibid, See art 5

article 8<sup>55</sup> of the constitution, it was clearly indicated that the ultimate end of development of Ethiopian political system was establishing socialist state that all the government power is at the hand of working people.

So, it is unreasonable to expect a political system which can create a enabling platform for the establishment and functioning of multi-political party that can offer an alternative political ideology or government policy that might challenge the very objective of Ethiopian political system the of the time, i.e. establishing Ethiopian socialist state which all interests of the working people were protected through the means of implementing Marxist-Leninist political ideology. To add more, under article 4 (1) the 1987 Constitution, government organs were obliged to observe the principle of Democratic Centralism. Here, if the democratic centralism didn't decent, it creates a platform that is conducive to suppress dissent opinions and even party factions.

So, many individual or groups who had dissenting opinions were forced to leave the country (for instance, members and leaders of those above stated civil political organizations) or established or kept to armed struggle through liberation Front (for example TPLF and OLF), and thereby some were succeeded on withdrawing the Dergue regime (after a long war that caused the death of hundred thousands).

After the falling down of the Dergue Military Regime, the EPRDF (one of the wining rebel group) was battled to lead and manipulate all the transitional process (which mainly involves forming a transitional government, drafting a constitution, and holding elections) in such a way that enabled it to control and legitimize its power. The means employed to achieve these ends, however, signify that the EPRDF remains bound by its authoritarian past and is unable and unwilling to accommodate, much less nurture, any progress in democratic governance<sup>56</sup>.

Meaning, in accordance with the agreement reached at the London Peace Talks (peace talk made among the three winning groups; EPRDF, EPLF and OLF), a "Democracy Conference," aimed at creating a transitional government that would organize a new constitution and multi-party

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<sup>55</sup> Ibid, See art 8

<sup>56</sup> Alemante Gebre-Selassie, "Ethiopia: Problems and Prospects for Democracy," *Wm. & Mary Bill Rts. J*, Vol.1 (1992):213, available from <http://scholarship.law.wm.edu/wmboj/vol1/iss2/4>

elections was held from July 1-5, 1991. More than twenty political fronts, organizations, and movements, as well as representatives of various nationalities and numerous local and foreign observers, gathered together to establish the transitional government and to help chart the course of Ethiopia in a sea of burgeoning democratic movements around the world<sup>57</sup>.

But such a conference had major flaws that signified EPRDF's exclusionist approach that provides further evidence of the foregoing conclusions regarding the EPRDF's empty commitment to tolerate dissent political opinions in such a way that ensure the establishment of pluralistic political system, in particular, and democratic order, in general.

First, "the conference was solely and exclusively organized and sponsored by the EPRDF. It called the conference, prepared the agenda, and drew up the National Charter. In addition, prior to the meeting "[...] the EPRDF made agreements with several other delegations over seat allocations.<sup>58</sup>" Second, "Rather than devising consensual, clear, open, and impartial criteria for admission to the conference and creating a democratic body to apply these standards, the EPRDF unilaterally determined the right to participate in the political process. Political parties and groups that disagreed with the EPRDF's political and constitutional preferences were excluded.<sup>59</sup>" Third, "the EPRDF put some delegates in the unenviable position of having to request a postponement of the conference in order to inform themselves on the matters to be discussed, as the agenda and the proposed Transitional Charter were not distributed to most of the delegates until the first day of the conference"<sup>60</sup>. Forth, neither the basis for allocating council seats nor the EPRDF's insistence that the Council not exceed eighty-seven members was ever fully explained. What is clear, however, is that the EPRDF split itself up into its four constituent parties for the purpose of acquiring seats. Although the TPLF agreed to take only ten seats, it retained its dominant position by association with the other three parties that comprise

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<sup>57</sup> Ibid

<sup>58</sup> Ibid,p.218

<sup>59</sup> Ibid, p.219

<sup>60</sup> Ibid

the EPRDF. Practically, politically, ideologically, and organizationally, the TPLF and its three partners comprise a single and cohesive entity<sup>61</sup>.

In light of all the above stated facts, it is possible to conclude that the foundation that resulted the transitional charter, transitional government and constitutional drafting committee were manipulated by EPRDF's in such a way that excluded Political parties and groups that disagreed with the EPRDF's political and constitutional preferences. This action instantly minimized any opposition to its dominance in the new government. Such exclusionist approach signified how EPRDF was intolerant of political dissent and thus excludes such dissent in such a way that shown its poor commitment for inclusive transitional process.

The constitutional making process, which was taken place during transitional period (1991-1995), is also expressed as ill-drafting process that puts the legitimacy of the constitution in question and therefore undermined its credibility. For example, Teguadda Alebachew, in his study conducted on the title named "When Constitution Lacks Legitimacy in the Making: The Case of Ethiopia", stated the major flaws of constitutional making process. It reads;

*In Ethiopia, constitutions had never been the product of negotiation of factions and the people. The new constitution, although it is incomparable with its predecessors, had yet failed to be all-inclusive. The whole constitutional making process was in short of multiplicity of views. The Transitional Charter, which makes up the interim governance and laid important rule to the constitutional process, was drafted by handful EPRDF members. It was also approved by EPRDF dominated Conference where EPRDF used to possess the larger seats based on prior furtive meetings not yet clear how. All vibrant oppositions including WPE which had had an articulated political career and considerable public support was deliberately excluded from the scene. The rest of the participants, on the other hand, which were tiny ethnic groups and created only for the sake of the Conference were not in position to provide both viable choices and compete the giant EPRDF political preferences. The Conference also principally symbolized the views in line with EPRDF ethnic policy.<sup>62</sup>*

So, the making process of the FDRE constitution had a limitation in allowing the involvement of all interested groups (in a non-discriminatory way), in properly and exhaustively consulting with the public, and in getting approval from publicly praised organ.

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<sup>61</sup> Ibid, p. 219

<sup>62</sup> Teguadda Alebachew, "When Constitution Lacks Legitimacy in the Making: The Case of Ethiopia" (LL.M, diss., Addis Ababa University, 2001), p. 79.

While acknowledging the potential negative impact that such limitations have on the legitimacy of the constitution, the researcher is argued against those who downgraded the constitution as a mere EPRDF's party program. This does not mean that the researcher is arguing as such problematic making process didn't leave any room for EPRDF to endorse and include its party program. For instance, it was stated by Teguadda and that the researcher also agreed with, the content of the constitution that deals with ethnicity driven self-determination and the land policy are among the predominant provisions which TPLF, in particular, had been fighting for.<sup>63</sup> But the researcher couldn't demonstrate ERPDF's party program in those constitutional stipulations that acknowledged the fundamental rights and freedoms and that their full enjoyment requires a government which is tolerant of dissent political views and committed to uphold pluralistic political system.

However, there were progresses to some extent in different aspects, the FDRE government is blamed for its tendency to maintain the old legacy of authoritarian culture of politics, which is mainly expressed by violent actions that were intended to eliminate or silence dissenting opinions. So, no matter how the FDRE constitution is beautifully worded and acknowledged political rights (which their implementation inevitably requires governments' openness and willingness to extend such rights to those who have dissent opinions), the FDRE government (the ruling party EPRDF) blamed for its violent actions which were targeted dissent opinion holders.

Thus why, some, for instance Jon Abbink, indicted that "The post-1991 reform agenda was promising, with party formation and elections allowed, more press freedom, [.....]. Progress was made on all fronts in the first ten years"<sup>64</sup>, and that time also expressed as it was a time of "blocked democracy" that an Elections did not give the opposition a chance<sup>65</sup>.

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<sup>63</sup> Ibid, p. 80

<sup>64</sup> Jon Abbink, "The Ethiopian Revolution after 40 Years (1974–2014)," *Journal of Developing Societies* 31, no.3 (2015): 8.

<sup>65</sup> Ibid, p.11

So, many scholars expressed the general election that took place in 2005 was seen as a remarkable political incident that gave a glamorous hope at its beginning. Meanwhile it ended with tragic incidents that negatively affected the enhancement of culture of political tolerance and curve a chance to establish pluralistic political system in Ethiopia.

For example, Abbink has expressed the 2005 election in the following way; it reads;

*Elections did not give the opposition a chance; that is, until 2005, the most free round ever seen, but which was spoiled by deep controversy and rigging. The 2005 elections saw remarkable opposition gains and opened up the prospect of a coalition government and thus of real democracy (i.e., whereby a party could be voted out of office – an unthinkable idea for the EPRDF). But the results were deeply contested and quickly “revised”, and EPRDF and its prime minister declared themselves the sole winners. This was a turning point, away from the path of democracy, and full-blown monopolistic power was reinstated by the ruling party.<sup>66</sup>*

From this politically historical incident which had been properly tasted government’s sense of openness and political commitment to extend all the political rights, which are stated under its constitution, to those who had dissent opinions.

During this election period, initially, the government was seem tolerant of dissent political opinion and committed to conduct free and fair election. And thus one year before the election, in 2004, for the first time since coming to power, former Prime Minister Meles Zenawi was removed from ‘Reporters Without Borders’ annual list of “Enemies of the Free Press.” The government decided to make the 2005 election a surge toward political pluralism. Opposition parties for the first time had access to the media, and televised debates between representatives from opposing parties were aired. The elections were monitored by international bodies, including representatives from the European Union and the Carter Center, who called the elections fair in many respects, yet noted serious irregularities before and after the Election Day. The election outcome saw opposition groups leap from 15 to 180 members of parliament and sweep into control over the city of Addis Ababa<sup>67</sup>.

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<sup>66</sup> Ibid

<sup>67</sup> Supra, n. 51, p. 8

However, such a promising commitment of the government was changed after the result of the election had shown the opposition parties were won one third of the Parliament's seats in such a way that enables them to challenge the ruling party. So, Ethiopia experienced fresh outbreaks of violence and stirrings of hatred. Compounding the June killings, the November demonstrations brought total fatalities to nearly two hundred. Tens of thousands were carted off to prison. The government incarcerated more than a hundred dissident political party officials, civil society leaders, and independent journalists. Their long detention during court procedures judged to be flawed exacerbated animosities between the two sides. Resulting polarization weakened the new government's claim to legitimacy and damaged its efficacy<sup>68</sup>.

After such remarkable incidents onward, the government takes successive measures that undermined culture of political tolerance in such a way that hindered an effort to create pluralistic political system in Ethiopia.

According to the report of ICJ, 2009 and Lyons, 2011, arbitrary arrest was taken place in manner that served as a powerful tool for the repression of political dissent. For example, ICJ and CSIS reports have claimed that more than 30,000 persons detained in November 2005 following the large scale anti-government demonstration<sup>69</sup>. Most of the arrested and detained persons were released without trail. As the result of the unrest, many of opposition leaders, human rights defenders, journalists, publishers and ordinary citizens were charged with offenses such as genocide, treason and attempt to overthrow the constitutional order through the use of force. Similarly, according to the report of Amnesty International (AI) 2009 Ethiopian Human Right Review Report<sup>70</sup>, in some of the peripheral areas, especially areas known for insurgents, police enjoy wide discretions in arresting members of the opposition political parties.

In the year 2008 & 2009 (three and four years after 2005 election), the government utilized the state machinery (the HPR, the parliament) to enact laws that can curtails the full enjoyment bill of rights stated under the FDRE constitution, especially the right to freedom of expression,

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<sup>68</sup> Ibid

<sup>69</sup> Molalign Tsegaye, "Implications of Anti-terrorism Law of Ethiopia on Freedom of Expression and the Media" (LL.M, diss., Addis Ababa University, 2016), p. 61.

<sup>70</sup> Ibid

association and press. For example, in the year 2008, The Revised Political Parties Registration Proclamation No. 573 and Freedom of the Mass Media and Access to Information Proclamation No. 590 were enacted by the parliament, and in the year 2009, Charities and Societies Proclamation No. 621 (hereinafter CSP) and Anti-Terrorism proclamation No. 652 (hereinafter ATP proclamation) were enacted by the parliament. Those laws were dominantly criticized by legal and political science scholars, human right advocacy organizations and other local and international organizations for being repressive laws that can curtails the full enjoyment of those above stated democratic rights, in such a way that undermines political pluralism, in particular, and democratic order, in general. As it was cited, as cited by Mizanie Abate (PHD), in his article wrote under the title “*The Implications of 2009 Ethiopian CSOs Law on the Right to Freedom of Association*”, international human rights groups were criticized the CSP as follows;

*Amnesty International and Human Rights Watch regarded the Proclamation as repressive which clearly aims not only to undermine and frustrate the work of independent civil society organizations in Ethiopia, particularly the work of human rights defenders and CSOs, both Ethiopian and international but also to bar foreign non-governmental organizations. Both of them argued that the Proclamation contravenes fundamental human rights guaranteed by international law and by Ethiopia’s constitution, notably the right to freedom of association.*<sup>71</sup>

Again, Molalign Tsegaye, in his research that was conducted on the title “Implications of Anti-terrorism Law of Ethiopia on Freedom of Expression and Media” argued that “the ATP has gone too far in restricting Freedom of Expression and media freedom”<sup>72</sup>. The reasonability of such argument can be affirmed from the fact that most of the journalists and political leaders were prosecuted for alleged violation of ATP. For example, in April 2014<sup>73</sup>, six bloggers and three journalists were detained and charged (under Article 4 of the ATP) and on August 4, 2014<sup>74</sup>, the Ministry of Justice has brought charges against one newspaper (*Afro Times*) and five magazines (*Jano, Fact, Enqu, Lomi, and Addis Guday*) for alleged violation of ATP.

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<sup>71</sup> Mizanie Abate Tadesse, “The Implications of 2009 Ethiopian CSOs Law on the Right to Freedom of Association,” *Journal of Ethiopian Law* 27, No.1 (2015):1.

<sup>72</sup> *Supra*, n. 101, p.69

<sup>73</sup> *Ibid*, p.56

<sup>74</sup> *Ibid*, p.60

Most of human rights reports, which was provided by international human right groups, can give us an inference as to the fact that how things become hell (after ATP's enactment) for people who have dissent political opinion. For example, "according to the report by Human Rights Watch, since 2010 (after one year of ATP enactment), at least 60 journalists fled the country and another 19 languish in prison."<sup>75</sup>, "Ethiopia ranked 142<sup>nd</sup> in the 2015 international press freedom index released by the Paris-based Reporters without Borders, and in 2016 annual report on political rights and civil liberties Freedom House categorized Ethiopia into the "not free" list."<sup>76</sup>

Again, to add more, Human Rights Watch in its Ethiopian Human Right Report of 2016<sup>77</sup> & 2018<sup>78</sup> stipulated different human right violations committed by the government (the ruling party). These includes; continued arbitrary arrest, harassment, torture, and prosecution (politically motivated prosecution) of opposition political party leaders and their members, journalist (Bloggers), activists and individuals who expresses their views that oppose or may possibly oppose government's (ruling party) action or political view. The report further argues that such human right violations were committed by the government with intent to avoid or silence dissenting political views in a way that ensures the dominance of its political ideology.

In addition, many Ethiopian political observers and scholars argued that there was no change of old conspiracy politics in EPDRF Ethiopia. For example, as cited by Abbink, Messay Kebede has noted the continuation of poor political culture in the following way. It reads; "The autocratic mentality bequeathed by past rigid political culture [...] and the tendencies that uphold the politics of command [...] are very much alive today, as they were during imperial and revolutionary times."<sup>79</sup>

So, in a regime that autocratic mentality prevails and tendencies of politics of command very much alive, it is a mere ambition to expect the existence of government's political culture that promote and uphold political pluralism.

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<sup>75</sup> Ibid, p.59

<sup>76</sup> Ibid, p.52

<sup>77</sup>Supra, n. 3, p. 1

<sup>78</sup>Supra, 4, p. 1

<sup>79</sup> Supra, n. 65, p.8,

Above all, the FDRE government itself, more recently, acknowledged, after many years persistent denial, such alleged human rights violations and thereby officially requested public apology for such wrong doings. The leader of the “reformist groups” (who were born out of the ruling party) Prime Minister Abiy Ahimed (Dr.), in one of his speech to the parliament, was expressed human right violations, which were committed by the FDRE government, as an act of terrorism and which is unconstitutional and that should not be done and should not be repeated again in the future<sup>80</sup>.

Again, in his speech to Ethiopian Diaspora, in Minnesota (US), in 12 November 2018, has expressed that the last 27 years of Ethiopian under EPRDF in the following way. It reads; “last 27 years, it is a time when many wrongdoings were take place. The government is responsible for such wrongdoings, the same that of claiming for its achievement. And the EPDRF was officially asked apology for the wrongdoings committed in the last 27 years, for Killings, torturing, and forced you to leave your country.”<sup>81</sup>

Furthermore, Attorney General of FDRE government, Ato Birehanu Tsegaye,<sup>82</sup> in a press conference made in his Office, was stipulated horrific human right violations, which were committed, in the last 27 years, by high government officials and government officers/employee, on those persons have or expressed dissent political opinion or members of opposition political party. According to his statement, human right violations were committed, by government officials, on citizens who have dissent political opinion. Mainly, on those who are suspected for alleged terrorism crime stipulated under Anti-terrorism proclamation no. 652/2009. Those suspected persons who were arrested by Ethiopian National Intelligence Service Authority officials and officers were detained in secret prisons. He adds that there are 7 and more secret prisons in Addis Ababa and other places. These secret prisons were not legally known. Such

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<sup>80</sup> *FDRE Prime Minister Abiy Ahimed's (Dr.) inaugural speech at the Ethiopian parliament*, March 2018 (accessed November 7, 2018); available from <http://www.youtube.com/watch?v=wJnczaX4jp8YpsMokX9k>.

<sup>81</sup> *FDRE Prime Minister Abiy Ahimed's (Dr.) public meeting with Ethiopian Diaspora in US, Minnesota*, September 2018 (accessed November 7, 2018); available from <https://WWW.youtube.com/Watch?V=e7KpmbIqvSc>.

<sup>82</sup> *Mereja TV, Ethiopian Attorney General Birehanu Tsegaye Press Conference on the Arrest of Senior Government Officials*, 2018 (accessed November 7, 2018); available from <WWW.youtube.com/watch?V=DNgsphwc4s>.

secret prisons were preferred with a motive to create conducive place for biting and torturing, to hide information about their detention, and to escape from accountability.

He further expressed that how inhuman acts of human right violations were committed in such a secret prisons. These includes, forcing political party members to withdraw from political party membership or forcing to sign for being they are the owner of armaments which were not actually theirs' and if they refuse to do so they were exposed to massive biting and due to such acts of human right violation there are persons who were killed and disappeared. Acts of human right violations committed in such places, which were listed by him, includes; electric shocking, torture, exposing to high humidity and sun rise for long time, leaving naked in the forest, imprisoning with beast, denying the sun light for long time, exposing to starvation, and Raping (committed on both gender, sometime raping repeatedly and gang rape also had been done). He also stated the damages, which were resulted from such acts human right violations, sustained on persons who were under their custody. These involve physical, psychological and political damages. Physical damage involves lose of eye and teeth, unable to breed, foot and hand cracking and others. According to him, their violent acts were not only limited on persons who are under their custody, rather it extends to their family. Meaning, such person's family were forced to leave from the house they were rented, and denied and excluded from social service which is rendered by the government organizations.<sup>83</sup>

Worst of all, those Intelligence officials or officers were also involved in covert mission of intentionally creating ethic-conflicts. And due to such conflicts there were citizens who were dead and disappeared. In addition, they were planted some materials (like opposition political party or rebel groups Logo, symbols, emblem and the like) under the custody of persons who were suspected and prosecuted by terrorism charge with a motive of making an evidence brought against them in a court of law.

Surprisingly and tragically, all such human right violations were committed under the order and direction of Ethiopian National Intelligence and Security Service Authority (ENISSA) officials, and such act of violations were taken as usual and formal jobs and duties of the institution and

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<sup>83</sup> Ibid

thus their performance were measured and continually carried out based on an addition direction given by high intelligence officials.

Since the investigation is still continued, many more acts of human right violations, which were committed by intelligence and other government officials, are expected to be disclosed in the future.

Here, it is important to note what PM Abiy's<sup>84</sup> recently, in his message to the public, stated as to by whom and how such human right violations were committed. He noted that citizens were exposed to human right violations due to ethnic national identity they owe and political thinking they had, and for being they were merely enjoyed their naturally endowed rights. And all the acting of such tragic drama was done by such wrong doers in such a way that they were played multiple roles, i.e. as an investigator, arrester, prosecutor, attorney, witness and, at the same time, a Judges.

So, from the PM's statement above, it is clear that those who were prosecuted were prosecuted and punished for the mare reason that they do have dissent political views, especially those who were prosecuted and sentenced based on Anti-terrorism proclamation no. 652/2009 (a proclamation which is believed, even by the government, as a law that curtails the enjoyment of bill of rights), brought before justice system which all its actors were non partisans and who were jointly worked for one end, i.e. making liable (not letting free) all persons under their custody and who were prosecuted and brought before them. Hence, all persons who have dissent political views were sentenced by the nominal and fake justice system that intended to jail all political dissent holders.

To add more, the PM himself acknowledged the fact that there is a narrowed political space in the country that needs to be changed. In his inaugural speech to Ethiopian parliament, PM Abiy was acknowledged the existence of diverse views as a good opportunity that prominently

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<sup>84</sup> Ezega.com, *We Will Bring Criminals to justice- Ethiopian PM Abiy Ahmed*, December 2018 (accessed on December 16, 2018); available from <https://www.ezega.com/News/NewsDetails/6826/We-Will-Bring-Criminals-to-Justice-Ethiopian-PM-Abiy-Ahmed>.

contributes for an effort to establish democratic system in Ethiopia, and thus the winding of a narrowed political space, in a manner that allows a free flow of different political views, is a must.<sup>85</sup>

Accordingly, his administration takes a successive reform that intended to widen such a narrowed political space. To state some of the major reforms as an example; releasing all political prisoners, offering all opposition political groups (including those rebel groups who were labeled as a terrorist organization) to take part in the upcoming election, freeing mainstream and other Medias to broadcast dissent political views, reconsidering the issue of repealing or amending laws that are often expressed as a law that was curtailed the full enjoyment of fundamental rights (ATP, CSCP and others), starting peaceful dialogue and consultation with opponent political parties, and bringing, those government officials who are considered responsible for human right violation, to justice. Many opponent political parties were seeing such initial reforms optimistically but consciously.

Hence, such a promising measures can contribute a lot for an effort to change the long existing conspiracy politics, which is believed that still alive in Ethiopian politics, and of course poor culture of political tolerance.

### **3.1.1. Political Tolerance and Political Pluralism under the FDRE constitution**

Tolerance at state level requires securing impartiality within all state machinery activities. This is because, as discussed above, State is considered as politically tolerant if and only if strongly committed not to be a guardian of specific moral and thereby turns itself into a suppressor that imposes legal enforcement of morals on minorities or dissents. So, for there to be a state which has tolerant government, the government should refrain from setting government-level value judgment of the ideals of minorities and thereby make itself guardian of specific legal moralism. In this regard, there is no single constitutional stipulation, under the FDRE constitution, that signifies the fact that the government is allowed to safeguard and impose specific ethics or morals that in effect turns the state in to ethical state.

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<sup>85</sup>See, Supra, n., 81

In addition to this, when we see some constitutional stipulations of FDRE constitution, from the very perspective of notion of political tolerance and political pluralism, it is true to say that there are constitutional stipulations that their proper implementation inevitably requires the existence of culture of political tolerance and pluralistic political system.

Before going to see what the constitution contains on fundamental rights and freedom, it is worth nothing to quote the following from the preamble of the FDRE constitution, in order to show what is stated as major objective of the constitution and as an ambitions of the “authors” or “constituent body” of the constitution. It reads;

*We, the Nations, Nationalities and Peoples of Ethiopia: Strongly committed, in full and free exercise of our right to self-determination, to building a political community founded on the rule of law (...), guaranteeing a democratic order, (...); Firmly convinced that the fulfillment of this objective requires full respect of individual and people's fundamental freedoms and rights, to live together on the basis of equality' and without any sexual, religious or cultural discrimination;*<sup>86</sup>

From the wording of the quote stated above, the “constituent body” of the constitution was expressed their very interest to establish a political polity which can guarantee democratic order. They also acknowledged that fact that such a political polity can only be certain if and only if fundamental rights and freedoms of individuals or groups are fully respected. To this end, the constitution contains a chapter that deals with individual and people’s fundamental freedoms and rights. In addition, under art.9 (4)<sup>87</sup> of the constitution, it is stated that all international agreements ratified by Ethiopia are an integral part of the law of the land.

So, it is vital to review those constitutional articles that acknowledged and entitles an individual or groups to enjoy fundamental rights and freedoms, especially articles that have direct relevance to in creating a government which is tolerant of political dissent and in establishing a pluralistic political system. These mainly involves articles that deals with freedom of expression, association and assembly, Press and Media rights, rights related with peaceful demonstration and petition and rights to vote and to be elected.

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<sup>86</sup> See the preamble of the Federal Democratic Republic of Ethiopia, Proclamation No. 1, Federal Negarit Gazette, Addis Ababa, 1995.

<sup>87</sup> Supra, n., 87, art.9(4)

Such constitutional commitment are essentially established on acknowledging the fact that one is free to adhere to one's own conviction because of the fact that human beings, naturally diverse in their appearance, situation, speech, behavior and values, have the right to live in peace and to be as they are. This is the core essence of the ideals of tolerance which mainly evolves from an attitude and sense of openness to accept and appreciate the multicultural nature of human being. Hence, such constitutional stipulations will be stated in the following way.

Under constitutional article that deals with freedom of religion, belief and opinion (i.e. article 27<sup>88</sup>), everyone is (without any form discrimination) allowed to hold or to adopt a belief of his choice, and also to manifest belief of his choice through observance, practice and teaching. Here, this constitutional guarantee presupposes the entitlement that everyone's right to be tolerated in holding a belief of his choice and in manifesting such belief through any means of communication and practice.

Similarly, article 29 of FDRE constitution<sup>89</sup> (*Right of Thought, Opinion and Expression*), entitles everyone "to hold and express opinions of any kind" (at least in principle) without any interference. This entitlement includes freedom to seek, receive and impart "information and ideas of all kinds", regardless of frontiers. This constitutional stipulation also put negative obligation on everyone (including government) to tolerate opinions of any kind and so that refrain from interfering in the utilization of such right. Accordingly, the government bodies are obliged to tolerate or not to interfere everyone's right to hold and express any dissent opinion.

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<sup>88</sup> Ibid, *Article 27;- Freedom of Religion, Belief and Opinion*

1. Everyone has the right to freedom of thought, conscience and religion. This right shall include the freedom to hold or to adopt a religion or belief of his choice, and the freedom, either individually or in community with others, and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

<sup>89</sup> Under article 29 of FDRE constitution (*Right of Thought, Opinion and Expression*), everyone is entitled to hold opinions (any kind at least in principle)

1. Everyone has the right to hold opinions without interference.

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

3. Ibid, Freedom of the press and other mass media and freedom of artistic creativity is guaranteed

Again, article 31 of FDRE constitution<sup>90</sup> entitles everyone to form an association of one's choice for "any cause or purpose". Here, individual or groups are allowed to form any form of associations (for example CSO) with a motive to advocate or advance their interest. Based on such constitutional guarantee, CSO can be formed and thereby contributed a lot in enhancing and upholding culture of political tolerance and pluralistic political system formation. Again here, everyone (including government officials) is expected (has a negative duty) to tolerate an interest or action to establish an association which may intend to manifest dissent political or other opinions.

In addition to the right to hold and express all kind of ideas and to form an association of one's choice, article 38 of FDRE constitution<sup>91</sup> (to extent of utilization of such rights) also guarantees everyone to vote and to be voted. Such constitutional guarantee prohibited any form discrimination that includes discrimination bases of political view or other kind of opinion. So, this constitutional stipulation sets a baseline for there to be public participation in public affair, through different civic or other associations, in such a way that ensures the functioning of vibrant pluralistic political system of government in Ethiopia.

Here, citizens are allowed to participate in government directly or through representatives. This is again a major precondition to have politically plural system of government in Ethiopia. This is because, "citizens 'free participation' in government directly or through representatives, guaranteeing of the right to vote and the findings of election observers are all central to the functioning of a society that is politically plural as they are instrumental in encouraging and channeling conflicts and allowing them to dissolve into compromise solutions through dialogue."<sup>92</sup>

Hence, such constitutional guarantees embarked the beginning of a new political chapter that ensured the establishment of political system that allows multi-party system in Ethiopia, for the

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<sup>90</sup> *Art 31*, Every person has the right to freedom of association for any cause or purpose. Organizations formed, in violation of appropriate laws, or to illegally subvert the constitutional order, or which promote such activities are prohibited.

<sup>91</sup> *Ibid*, See art. 38

<sup>92</sup> *Supra*, n. 12, p.15

first time in a modern political history of the country. As pointed out by the UN<sup>93</sup>, the participation of more than one political party in elections and governance is one and major facet of political pluralism. This is because “in the case of freedom of association, the link with political pluralism is evident in that, unless people are allowed to associate freely into groups and organizations to voice their positions on policies, the society cannot be said to be politically plural.”<sup>94</sup> If so, such a constitutional guarantee can contribute a lot in creating a platform (pluralistic political system) that can create a suitable political condition in which political dissent’s can flow freely in such a way that enables an individual or groups to solve any political problems or questions through democratic approach (election, political dialog, negotiation and consultation) than that of gun.

In addition, all such constitutional stipulation entitles the rights and benefit to everyone. This is very important because, at state level, tolerance requires the state not give preference to one group over another in the distribution of rights, privileges and benefits.

In another way, the fact that everyone is entitled to enjoy such rights without any interference (at least as a principle) and impartiality is expected from government does not mean that the government is not allowed to interfere in any means rather the government is exceptionally allowed to interfere and to be intolerant of the improper and illegal utilization of such right and thus it is justified to take actions against those right holders. As discussed under the part which deals with scope and definition of tolerance, the government is allowed to be intolerant in exceptional cases.

For example, in art 29 (6), the government is allowed to be intolerant those persons who are holding and expressing an opinions which endanger well-being of the youth and the honor and reputation of individuals and thus justified to interfere through legal limitations which is laid down with the mare motive to protect the well-being of the youth, and the honor and reputation of individuals. In addition, according to this article, the government intolerant behavior is justified if it is intended to avoid any propaganda for war as well as public expression of opinion

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<sup>93</sup> Melhik Abebe Bekele, “Counter-terrorism and the suppression of political pluralism: An examination of the Anti-terrorism Proclamation of Ethiopia” (LL.M, diss., University of Ghana, 2010), p. 3.

<sup>94</sup> Ibid, p.16

intended to injure human dignity. This kind of interference predominantly taken as legitimate action of the government, by contemporary philosophers and legal theorists, and cannot be taken as an intolerant action of the government that turns it to intolerant regime.

There are also considerable numbers of contemporary philosophers and legal theorist who argues for non restricted free speech and thus claim constitutional protection even for hate speech and so that they consider any action of restricting such right as act of intolerance that undermine individual autonomy. Here, for instance, proponents of the autonomy argues for defending of free speech (influential liberal political philosophers and legal theorists like Ronald Dworkin, Charles Fried, David Richards, Thomas Scanlon, Thomas Nagel, and others) pointed out that restrictions on hate speech would violate individual's right to autonomy.<sup>95</sup>

Similarly, there is also unsettled debate among academician and legal practitioner on the ability or possibility of drawing a line between two commutative interests, these are; public interest (national security, reputation and other interests) and freedom of speech, in a way that serves both interests. No matter how such complex and wide debate was continuing, the international, regional and national jurisprudence affirms that there should be a limitation (like the one which is stated under the above stated article) which justifies government interference or intolerance. You can see article 19(3) & 20 of International Covenant on Civil and Political Rights<sup>96</sup> and General comment no.22 & 34 of OHCHR<sup>97</sup>, to look in to international jurisprudence, and article 9(2) of African Charter on Humans and People's Right<sup>98</sup>, for regional jurisprudence.

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<sup>95</sup> Susan J. Brison, "The Autonomy Defense of Free Speech," *Ethics* 108, no. 2 (1998): 320.

<sup>96</sup> See, art 19 (3) & 20 of ICCPR - The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20 General comment on its implementation

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

<sup>97</sup> See, [www.equalrightstrust.org/ertdocumentbank/general%20comment%2022.pdf](http://www.equalrightstrust.org/ertdocumentbank/general%20comment%2022.pdf) & [General comment, https://bangkok.ohchr.org/programme/documents/general-comment-34.aspx](http://bangkok.ohchr.org/programme/documents/general-comment-34.aspx)

<sup>98</sup> See, art 9(2) of ACHPR- Every individual shall have the right to express and disseminate his opinions within the law.

In way that confirms with all above stated discussions, it is logical to say that the bill of rights (especially democratic rights) contained under the FDRE constitution stipulated in such way that obliged the government to be tolerant of political dissent and thus establish pluralistic political system in Ethiopia

In addition to above stated constitutional stipulations, the FDRE constitution is gave an emphasis to establish a significant political institution, human rights institution and a democratic reform. Among others inter alia the following; establishment of election board, human rights commission and Ombudsman institution. The immediate democratic institution established by Transitional Government of Ethiopia was National Electoral Commission in 1992. And this commission was replaced by the National Election Board of Ethiopia in 1992. The National Election Board of Ethiopia was established by proclamation No.64/1992 with the objective of among other, ensuring the establishment of government elected through free, fair and impartial elections held in accordance to the Constitution. The board is established as an independent and autonomous organ for conducting elections having its own legal personality<sup>99</sup>.

On the other hand the FDRE Constitution does require that appropriate institutional mechanism should be in place as a means for implementing human right laws of the country. To this end, the House of Peoples Representatives (HPR) is constitutionally obliged to establish National Human Rights Commission and Institution of Ombudsman with primary function of investigating human rights violation and maladministration respectively. Although, with some delay the HPR established both institutions in 2000 conferring on them to take various measures necessary for human rights protection, promotion of democracy and good governance in the country<sup>100</sup>.

Ethiopian Human Rights Commission establishment proclamation (EHRC) states that the commission is established primarily for the enforcement of human rights as are enshrined in the FDRE constitution. It is designed to act as one of the organs in enforcing rights and freedoms of Ethiopian, with one of the primary functions being ‘to advocate and promote respect for and an

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<sup>99</sup>Shimelis Hailu, “Challenges and Prospects of Democratization Process in Ethiopia,” *An International Peer-reviewed Journal* 40, (2017): 59.

<sup>100</sup> Ibid

understanding of human rights and other beings to advocate the public regarding the nature and contents of such rights'. The commission is also entrusted with the task of investigating cases of violation of human rights enshrined in the constitution, in its own initiatives or upon complaint submitted to it. The commission can also engage in activities aimed at awareness creation and educating people on human rights<sup>101</sup>.

In similar vein, Ethiopia has expanded the human rights regime by providing for the establishment of the institution of Ombudsman. As it is set out in the establishing legislation of Ethiopian Institution of Ombudsman (EIO) which was passed by the parliamentary proclamation No 211/2000; the basic function of the Ombudsman is 'to protect citizens against administrative injustice and bureaucratic oppression and to provide citizens with accessible avenue for complaint when such injustices and oppression occurs'. Meaning, making government organs a duty bound to respect and enforce human rights as are enshrined in FDRE Constitution or any others legislations. The institution can investigate action taken by ministry or department of government or any members of such ministry or departments. In general, this institution is much important especially in redressing human rights violation at work place. Hence, the establishment of election board, human rights commission and institution of Ombudsman are step forward for democratization process in Ethiopia, meaning prospect of democratization process<sup>102</sup>.

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<sup>101</sup> Ibid

<sup>102</sup> Ibid

## Chapter Four

### Data Analysis

#### Introduction

Under this chapter, the researcher will analyze the data (data mainly important to identify the reason why the FDRE government was intolerant of political dissent and failed in its effort to establish pluralistic political system in Ethiopia), discuss and thus reaches at the conclusion and then will provide recommendations. Hence, the chapter contains Data presentation, data analysis and discussion, conclusion, and recommendation parts.

#### 4.1. Data presentation

As indicated in the first chapter of this paper, the data were collected through an interview and questioners provided for those who are purposely selected as a research participant. The researcher tried to make an interview with all the selected participants but most of them were not willing to be an interviewee due to different reasons (mainly busyness) and therefore an interview were made with few participants who were shown their willingness. But, all the remaining participants were approached with questioners. Among 20 selected participants, 4 were interviewed, 15 were approached with questioners and the remaining one selected participant was not participated due to the reason that he is failed to deliver his response for the questioners he had received. The profiles that can show the identity and other profiles of the selected participants provided under the table stated below.

No.	Organization or Institution they represent	Profession, job title, or power	Type of Organization or institution they represent	Educational back ground
1	Ethiopian Unity People's Voice Congress- Congress Party	Chief secretariat and chairman of Congress party secretariat office	Political party	----
2	All Ethiopian political Party	Private accountant and chairman of the party	Political party	Degree
3	Ethiopian Future Youngster Party- Addis Tiwilid Party	Chairman of the party	Political party	----

4	Ethiopian Democratic Party	Chairman of the party and private consultant	Political party	PHD
5	Forum for Democratic Dialogue in Ethiopia- MEDREK	Deputy-chairman of the party	Political party	Professor
6	CUD	Chairman of the party	Political party	Degree
7	United Ethiopia Democratic Party- ANDINET	Spokesperson of the party	political party	-----
8	Zone 9 Bloggers	Human Right Activist	Internet Blog	First degree
9	Zone 9 Bloggers	Human Right Activist	Internet Blog	===
11	EBC	Journalist and chief political editor	Government Media	Masters Degree in International Relation & Diplomacy
12	Fitih Magazine	Managing director	Private print media	-----
13	Ethiop News paper	Managing director	Private print media	-----
14	VECOD	Executive Director of the NGO	Civil Society org.	B.A degree and Law diploma
15	Ethiopian Women's Lawyers Association	Chairman of the association	Civil society org.	=====
16	Ethiopian Bar Association	Member	Civil society org.	=====
17	Justice for all PF	Chairman of the association	Civil society org.	
18	Ethiopian Human Right council	Staff member	Civil society org.	
19	Constitutional Lawyer	Per time instructor at AAU	Academician	PHD
20			Academician	PHD

Table No.1

As one can see from table No.1, participants were selected based on their strong involvement in an organization (institution) which has a critical role in creating culture of political tolerance and pluralistic political system in Ethiopia. These institutions/organizations are Political Parties, CSO's (those who are involved in human rights advocacy and promotion activities), Media, and

Academic and Research institutions (especially those scholars who are engaged on studies related with Ethiopian politics).

All the participants were asked similar questions and their response will be presented in a narrative form, in the place where it is relevant, in analysis and discussion made in the next sub-topic stated below.

#### **4.2. Data Analysis and Discussion**

Here, the researcher will analyze and discuss the responses of research participants, with a motive to find an answer for the research question that intends to identify and inquire the reason why the FDRE government is intolerant of political dissent and also failed to succeed in establishing pluralistic political system (which is a pre-condition to attain an objective stated under the preamble of its constitution, i.e. creating one political polity that entertains democratic order), in view of the fact that having a constitution that contains a constitutional stipulations or provisions that can create enabling condition for an effort to create a government which is tolerant of political dissent.

The Dominant number of the participants (that means 13 respondent out of 19) of the research, while they are giving an answer to the question that asks them to state the reason why the FDRE government is intolerant of political dissent and also failed to succeed in establishing pluralistic political system in Ethiopia, were pointed their finger on the political Ideology in which the ruling party (EPRDF) is governing with, i.e. Revolutionary Democracy. Among such participants, Merera Gudina (professor), expressed Revolutionary Democracy of the Ruling party as “the mother of all problems”<sup>103</sup> and he added that “such a Political Ideology requires fusion between state and party and that avoids the existence of any independent government organ, including those democratic institutions that their independence and impartiality desperately required and thereby avoids separation of state power. And this can be expressed as ‘privatization of the state’. Due to this, there is no independent Judiciary, Parliament, Media, and even Ombudsman.”<sup>104</sup>

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<sup>103</sup> Interview with Merera Gudina (professor), Deputy- Chairman of MEDREK Political Party, on August 7, 2018.

<sup>104</sup> Ibid

In order to verify whether a Revolutionary Democracy political ideology of the ruling party was a main and root cause that mainly contributed for a government's culture political intolerance and also for the FDRE governments failure story made on establishing pluralistic political system in Ethiopia, it is important to properly review an EPRDF's conception of Revolutionary Democracy, how it was implemented, and what was its impact on an effort to ensure pluralistic political system in Ethiopia, in particular, and democratic order, in general.

To this end, it is important to review what a Revolutionary Democracy means, in general and how EPRDF articulated and implemented Revolutionary Democracy in Ethiopia, in particular. These help us to identify whether such an ideology goes against an effort made to create a government which is tolerant of political dissent and in an effort to establish pluralistic political system in Ethiopia.

If so, let see, first, how Revolutionary Democracy is articulated by different scholars.

Jean-Nicolas Bach, in his article titled "Abyotawi Democracy: Neither Revolutionary nor Democratic, a Critical Review of EPRDF's Conception of Revolutionary Democracy in Post-1991 Ethiopia" is stated, by quoting different scholars relevant stipulations, Revolutionary Democracy in the following way;

*The notion of revolutionary democracy came from an opposition to capitalist liberal ideology, and Lenin's revolutionary project. Quite demarcating himself from his Marxian heritage and inspired by the writings of the utopian socialist Tchernychevski, Lenin stressed the necessity for the "enlighten" elites to lead the unconscious masses to the revolution. Lenin's revolutionary strategy and goals were mainly presented in his famous What Is To Be Done? and at the occasion of the First Communist International in March 1919. "Proletariat dictatorship" was considered the antithesis of "parliamentary bourgeois democracy" and the social revolution was expected to be led by a vanguard party in a "democratic centralism" that would not allow any internal factionalism. Thus, revolutionary democracy has been interpreted as a bridge between pre-capitalist and socialist societies.<sup>105</sup>*

According to the above stipulation, Revolutionary Democracy was born from leftist political thinking (Marxists) that undeniably opposes the capitalist liberal ideology. The political ideals, like, political tolerance and political pluralism, are known as a major Liberal Democrat's values

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<sup>105</sup> Steve Troupin, *On the Political Regime of post-1991 Ethiopia: Evidence from the Literature*, April, 2016 (accessed February 3, 2018); available from [steve.troupin@kuleuven.be](mailto:steve.troupin@kuleuven.be), p.9.

that are a pre-conditions for ensuring democratic order. So, if such an ideology came in to existence with a motive of opposing such liberal ideals, it can give us a strong assumption as to its potential danger that possibly hinders an effort to create pluralistic political system, in particular, and democratic system, in general. In addition to this, as it was stated above, such an ideology embraced with an idea of vanguard party system that mainly thought to be realized on the basis of “democratic centralism” and that inevitably undermines political pluralism. If so, again, it can give us an assumption that such an ideology can possibly goes against an effort to create pluralistic political system.

Similarly, Steve was stated, by citing what Vaughan & Tronvoll, and Lafort said, that a major assumptions in which the concept of Revolutionary Democracy stands on it. It reads;

“Central to the revolutionary democratic concept is an assumption as to the purely collectivist character of society, composed of a “homogeneous mass with common needs, interests and political outlook”. Such a mass is “backward, uneducated and unorganized”, and thus prone to capture by self-interested political groups threatening the collective project. In such a view of society, pluralism is not only irrelevant but also a threat.”<sup>106</sup>

He further added what Revolutionary Democracy recommends to avoid the threat emanated from pluralism. His note reads; “to avoid this threat, the undistinguished mass needs guidance by a “vanguard” of “party cadres” shaping the minds, mobilizing, organizing and coordinating social forces towards the collective project and away from individual ones.”<sup>107</sup>

So, as clearly understood from the above quote, the conception suggested indoctrination and mind shaping to create a conformist mass of the society in a manner that ensures the dominance of one political ideology. Such a conception can clearly undermine the liberal democratic values, i.e. individual freedom, pluralism and democracy.

To add more, by quoting what different scholars stated, Steve noted how Revolutionary Democracy understood and defines the concept of democracy, in a manner that deviated from normative meaning of the word. It reads;

*Democracy, in this revolutionary sense, is achieved through vertical discussions among different levels: debates between the vanguard and the mass for the purpose of “arriving at the*

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<sup>106</sup> Ibid, p.8

<sup>107</sup> Ibid, p.9

*information, clarification and persuasion required to reach a consensus” is not totally ruled out. But horizontal discussions among factions at the same level are totally excluded: revolutionary democracy “envisages the party as a vanguard political force, which is not inclined to compromise with opposition forces because it is convinced it has the solution for everything ”<sup>108</sup>*

As one can easily draw from the above quote, the discussion only made on agendas or policies brought in a top-down channel to create a clarification, persuasion and consensus. This clearly goes against the notion of pluralism. And again the party considered itself as a super power that have a solution for all problems. If so, there is no room for making a consultation and dialogue, and seeking alternative policy recommendation from any other sources. That’s clearly undermines pluralism.

If revolutionary democracy articulated and defined, by different scholars, in the above stated manner, it logical to have a strong assumption that such an ideology is antagonistic with liberal ideals that mainly involve individual freedom and democracy.

Having such an assumption in mind, let u see how EPRDF articulate, understood and implement Revolutionary Democracy in Ethiopia.

To this end, the researcher tries to review political documents (which are found in EPRDF’s High Government Officials Training Institution and that are used to train EPRDF’s high officials), articles wrote and studies made by different scholars on EPRDF’s conception of Revolutionary Democracy.

Jon Abbink defines EPRDF’s Revolutionary Democracy as a hybrid ruling ideology derived from Leninism, infused with some democratic principles, and confronted with or applied to ethnic diversity in the country.

As it is viewed by Jon and the general articulation of the concept of Revolutionary Democracy stated above affirms too, the heritage of EPRDF’s Revolutionary democracy linked with Leninism. As stated above, in a Lenin’s revolutionary strategy “Proletariat dictatorship” was considered the antithesis of “parliamentary bourgeois democracy” and the social revolution was expected to be led by a vanguard party in a “democratic centralism” that would not allow any internal factionalism. If so, EPRDF’s Revolutionary Democracy can be articulated in its nature

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<sup>108</sup> Ibid, p.9

that affirms an obsession of creating a vanguard party that can lead the country through democratic centralism approach which mainly requires consensual decision on every agenda delivered through top-down channel. This clearly undermines political pluralism. Contrary to this, EPRDF's conception of Revolutionary Democracy is infused with liberal ideals, like for instance acknowledging a multi-party political system and bill of rights (which their implementation desperately requires a political system that entertains political pluralism), and also it has ethnic-dimension (here we can see, as an example, how regional states were established).

As it was stated on 2010 EPRDF's party statute and similarly affirmed by most of the research participants, EPRDF is known by implementing a democratic centralism within its party and its allies. The statute reads; "All organizations that come under EPRDF umbrella are those which are led by democratic principles and those which respect democratic centralism."<sup>109</sup>

Since democratic centralism undermines divergence of views, it is a notion which is antagonistic with liberal ideals in its nature. This is because, as stated above, in a democratic centralism political cultures, every decision is ought to be decided by consensus and not by majority. This undermines dissent opinions and divergent views that can help for the better choice to be selected and decided.

Bach clearly stated how Democratic centralism reveals in EPRDF's politics. It reads;

*Democratic centralism reveals above all the rigid and hierarchical structure of the EPRDF coalition and is, among others, illustrated by the gem gema. These "polico-administrative evaluations (. . .) allow the appointment and discharge of civil servants and government officials to be manipulated and subverted". "Criticism" and "self-criticism" procedure is thus presented as "an instrument used to reprimand defects and mistakes in members". This practice inherited from the TPLF internal organization during the struggle is now at the centre of the administrative system in which the ruling party finds a powerful way of controlling the affiliated party members.<sup>110</sup>*

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<sup>109</sup> Jean-Nicolas Bach, "Abyotawi Democracy: Neither Revolutionary nor Democratic, a Critical Review of EPRDF's Conception of Revolutionary Democracy in Post-1991 Ethiopia," *Journal of Eastern African Studies* 5, No.4 (2011):647.

<sup>110</sup> Ibid

Such an EPRDF's practice, i.e. Gem Gema, undeniably undermines divergent views and has intent to create a conformist and submissive party members who are desperately loyal to their leaders.

The other nature of EPRDF's Revolutionary Democracy, is its aspiration of creating vanguard party. Bach stated how EPRDF's immensely tried to meet such aspiration. It reads;

*(...) aftermath of the 2005 general elections, the EPRDF pursued the objective of becoming a mass party, estimated at five million in 2010. For that purpose, the party has focused in the past five years on creating "vanguard" or "model" peasants on the one hand, and "middle level effective leadership" on the other hand. At the same time, mass organizations like the Youth League and the Women's League are instructed to play a great role in recruiting new members, confirming the close link remaining between the ruling party and these organizations. According to the party program, these "middle level vanguards" have to occupy and control the kebele and the woreda offices. Every level of Ethiopian society is now organized or reached by party members in a far reaching party state run by EPRDF.<sup>111</sup>*

So, from the Bach's stipulation stated above, one can see how far the EPRDF went to conquer every faction of the society in a manner that enables it to create a conformist population that can only eat and breath revolutionary democracy political thoughts. Its attempt of creating Vanguard party was resulted a fusion between state and party. That is to say, the party planed to occupy and control Woreda and Kebele (government administrative organs that are empowered with massive government power that enables them to provide prominent public service relevant to day to day activities of each individuals of the society) by its middle level vanguards or cadres. Such a move was created a non-partisan public servant that arranges favors for a party members and supporters and discriminate those who have dissent political views. Such a fusion is not only prohibited the existence of divergent views but also goes against the very notion separation of state power.

Bach was stated how EPRDF's move (that intended to create monist sense of authority or Vanguard party) was created fusion between state and party. It reads;

*The state, not distinguished from the ruling party (EPRDF) nor from the government, creates organizations, leaders, and vanguard elites who all spread and impose the party's ideology. EPRDF's top-down policy is presented to both domestic and international audiences as democratic and revolutionary. In order to publicize its democratic credentials and achievements, the EPRDF has to educate people through the intermediary of its own elites who are at the same time party members. In this configuration the public administration has little independence, nor have the civil servants. The latter are regularly required to attend lengthy meetings in the*

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<sup>111</sup> Ibid

*federated regions, in which the party “educates” them about issues such as “globalization” or “development”, which have a touch of indoctrination.*<sup>112</sup>

The need for educating and indoctrinating the mass is rationalized by the party in a very tragic expression in a Party’s statute stated above. It reads;

*In order to enable people to rally behind the objectives of revolutionary democracy and to struggle for their accomplishment, EPRDF is expected to play the role of a vanguard by bracing up its organizational capacity to lead the people in their efforts to raise their consciousness and organize themselves.*<sup>113</sup>

Such conception derived from the wrong perception that undermines human’s thinking ability. The system assumed as it can manipulate human mind and indoctrinate what they wish. This is a barbaric thought.

Such all above stated EPDRF’s move was intended to influence and shape way of thinking of the society at large and thereby create a conformist and monist political culture. Here, it is important to state what one participant of the research, Yonas Tesfa (PhD), said. He said that EPDRF goes to the extent of defining a truth from its revolutionary sense<sup>114</sup>. Such a move was undermined the free flow of dissent opinion and thus hindered the realization of constitutional objective which is stated under the preamble, i.e. creating a political polity in which democratic order is maintained.

Again Lefort is aligned, such EPDRF’s move of controlling all factions of a society and creating conformist political culture, with Chinas Communist Party thought that is expressed and named as “The Three Represents”. These are; the party should represent the advanced productive forces, the advanced modern culture and the interest of the vast majority of the people.<sup>115</sup>

Hence, as stated above too, the obsession of controlling all segments (critical mass of the society), which is a major feature that is manifested on all political system which are embraced by Revolutionary Democracy political ideology, is also a major feature that is manifested in

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<sup>112</sup> Ibid, p.648

<sup>113</sup> Ibid, p.648

<sup>114</sup> Interview with Yonas Tesfa (PhD.), Addis Ababa University Law School per-time instructor, on November 10, 2018.

<sup>115</sup> Rene Lefort, “Powers- mengist- and peasants in Rural Ethiopia: the May 2005 elections,” *f. of Modern African Studies* 45, No.2(2007): 263. pp.253-273

EPRDF's conception of Revolutionary Democracy. Since such obsession intended to avoid any other (other than Revolutionary Democratic Party) alternative sense of authority, in such a way that undermines political pluralism, such EPDRF's conception inevitably undermined political pluralism in Ethiopia. Here, it is important to remind what EPDRF government is recently and reputedly acknowledged, i.e. despite the fact that the government is not disclosed the impact of its conception of Revolutionary Democracy in a creation of narrowed political space in country, the ruling party repeatedly expressed that the political space is narrowed and thus should be changed. Since the proper functionality of pluralistic political system needs a smooth playing field and widen political space, it is logical to conclude that such a narrowed political space was undermined an attempt to create pluralistic political system in Ethiopia.

Though the question whether such EPDRF's move is successful, in creating vanguard party that the party dreamed for, still needs an answer, the undeniable fact is such a move was immensely contributed to the party's result gained in 2014 periodic election, i.e. wining 100% of parliamentary seat. In addition, as many expressed, such result is affirmed the fact that how the narrowed political space avoids dissent political view from the place where expected to be found (the Parliament).

According to the above stated facts, it is clear that EPDRF's conception and implementation of Revolutionary Democracy was created hindrances on having a government which is tolerant of political dissent.

Next, it is vital to see how EPRDF's conception of Revolutionary democracy defines and treats democratic institutions (institutions that have un-substitutable role in creating a pluralistic political system, in particular and democratic order, in general), in order to identify how EPRDF's Revolutionary Democracy conception contributed for FDRE government's failure in an effort to create a vibrant pluralistic political system in Ethiopia.

EPRDF's political document, wrote under the topic "Building a Democratic System in Ethiopia" (in Amharic "የዲሞክራሲ ስርዓት ግንባታ በኢትዮጵያ"), which is used as a training material in EPRDF's government high Officials Training Institution, states the following institutions as democratic

institutions; These are; the Judiciary, the Parliaments, Media, Civil Society Organizations, Human Right Commissions, Ombudsman, and National Election Board.<sup>116</sup> This document takes both, political organ and those institutions that their independency is expected, as democratic institutions. As discussed in chapter 2 of this paper, such kind of definition can be taken as a wider and inclusive definition that defines both social and political institutions as a democratic institution.

Having this in mind, let see how such institutions were articulated and understood and allowed to function in EPRDF's Revolutionary Democracy conception and implementation.

To begin with judiciary (courts), such above stated EPDRF's document stipulated that (in a way that complies with what is articulated under the FDRE constitution) judicial organs must be independent and impartial and it should be protected from external influence and bribe. It also stated that courts must not review any law enacted by the parliament (whatever the law is). And court is only necessary to ensure whether the people are governed by the law or not, and not to replace the parliament and enact the law on its behalf.<sup>117</sup> This shows that EPDRF'S conception Revolutionary Democracy defined and understood the court as a Robot machine that is programmed only for reading and applying what is stated on the law, no matter how it believes such a law is enacted contrary to the supreme law of the land.

The role of interpreting the constitution was given, by the constitution, to HoF, in such a way that manifested the EPDRF's understanding of the role the court stated above. Of course, there is an academic debate on such constitutional mandate and that excludes the courts from their natural job and from playing its check and balance role, through judicial review. Such a debate has little significance for our case and thus the researcher decided not to go further to discuss that. But what should be remind here is that such a constitutional arrangement was criticized by dominant legal and political practitioners and academicians, mainly for the reason that such an organ is a political organ which its impartiality is doubtful. The researcher also agrees with such a critique. That is because the organ that is empowered with judicial power shall be structured in

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<sup>116</sup> ኢህአዴግ ጽ/ቤት, “የዲሞክራሲ ስርዓት ግንባታ በኢትዮጵያ”, *አዲስ ረዕይ*, 15ተኛ ልዩ እትም (2009): 28.

<sup>117</sup> Ibid, p. 29

way that ensures its indecency and impartiality and at same time in a way that should be seen as impartial and independent on the eyes of the public. Here, HoF may function independently and impartially but, at least, it is difficult to be seen as an independent and impartial on the eyes of the public. That is because HoF is a political organ that contains hand-picked political appointees from the ruling political party, which can't be seen, in any ways, as an independent and impartial on the eyes of the public, irrespective of the fact that how practically may perform its adjudication power impartially and independently. In addition, as it was stated by Daniel Klerman and the researcher agreed with, the very notion of separation of state power requires judicial independence which mainly reveled by exclusively empowering the courts with their natural adjudication power.<sup>118</sup> If so, since resolving constitutional dispute is something that clearly has judicial nature, it must be assigned to the court (it may be regular or constitutional court).

Of course, the ideology of legislative supremacy is manifested in excluding courts from giving final say via interpretation of the constitution, on the country's important and national issue. Legislative supremacy is the theory wherein law making organ is more supreme than the other two governmental branches of the government. According to this theory the fact that the judiciary doesn't have the power of a 'final say' on the constitutional dispute and content, does not mean that there is no available remedial strategy that keeps the parliament or congress from passing "unjust and arbitrary laws". Such risk can be mitigated through the institutionalization of the idea of "parliamentary scrutiny". This means, proclamations and statues are directed to be made through a highly deliberative and democratic participation of all the stakeholders that includes civil society and non-governmental organizations. The high degree of scrutiny, legislative oversight and participation is expectedly put in place just to redress the fact that the judiciary will not have an opportunity to review and detect the threat of [un]constitutionality of the laws to be enacted by the parliament.

No matter how that is so, unfortunately, Ethiopia regrettably fails to employ formal technique of *parliamentary scrutiny* that could have possibly mitigated the risk of enacting arbitrary and

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<sup>118</sup> Daniel Klerman, 'Legal Infrastructure, Judicial Independence, and Economic Development', P.6

unjust statutes. And therefore many proclamations that curtail the fundamental rights and freedoms of the people were passed and enacted easily, among such laws ATP, SCO and press proclamation can be taken as an example. This situation exacerbates the need to have independent judicial organ that mitigate such risks.

Since empowering the HoF can undermine an effort to establish democratic order which inevitably requires independent and impartial body that can protect peoples from arbitrary acts (that can violate their rights), which is mainly and often committed by the executive organs of the government.

When we see how EPDRF's understood and express a kind of persons who shall be employed and shall serve as a judge, those loyal to the constitution and laws of country and "above anything else".<sup>119</sup> But contrary to what is stated under the document, judicial independence needs putting judges in a position to act according to their conscience and the justice of the case.

The document further adds that massive work of indoctrination and persuasion was and will be done to make a judges Loyal to the constitution. Accordingly, an attempt was made to assign only those persons who are believed loyal to the constitution as a judge.<sup>120</sup>

So, the EPRDF's government established Legal Training and Research Institution at Federal and Regional Level. Proclamation No. 364/2003 is the law that established a Justice Sector Personnel Training Centre (hereinafter the "Institute"). Similar types of judicial centers were established in major Regional States or units of Ethiopia (Ethiopia is a federal country with 9 regional governmental States). Both federal Statutes and that of the regional States have provided powers and duties<sup>121</sup> for the Institutes to undertake training tasks for justice professionals (judges, prosecutors, registrars, public defenders and others).

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<sup>119</sup> Supra, n., 117, p. 30

<sup>120</sup> Ibid, p. 31

<sup>121</sup> (1)To train professionals who would join the Federal and State institutions of justice as judges, prosecutors, public defenders or registrars and other professionals who would work in areas that have close relationship with the justice system. (2) To provide sustainable and continuous job training to professionals who works in Federal and State institution as judges, prosecutor, public defender, registrars and others working in the justice organs to enhance

In the current era that is characterized by an increasing demand for judicial independence to solve increasingly complex and sensitive issues to be settled by court litigation, the need for judicial training and education is perceived as greater than ever.

Similarly, the value of judicial education can be related to specific outcomes, such as better case management and less costly litigation, as well as greater public confidence and trust in the judiciary. The assumption is that judicial education and training is complementary to judicial independence contrary to the practical realities of how Ethiopian program function. Massive work of indoctrination was done in such training institutions.

To show how such indoctrination was done, it important to see how the principle of judicial independence and accountability seems to have been significantly worsening owing to invisible or systematic reasons that is being channeled through the operation of the training center, content and mode of delivery of the training program.

According to personal experience of the researcher, which is gained when I was a trainer on one of such regional institutions, there was a great concern of indoctrinating trainees in a manner that makes them to interpret the law in a revolutionary democracy sense and thereby ensures the revolutionary project.

The overwhelming content and credit hour of the training and the circumstances in which the trainee spend their time is mainly devoted to learn the political strategy, policies and objectives of the government and existing regimes. The content and substance of the training that these judges are offered during their time at the center is rigorously designed and crafted to produce a politically conditioned mentality in a way that guarantees exclusive political interest of the government in the future. For instance, government policy and constitutional law related

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their professional capacity. (3) To Conduct research on ways and means of correcting existing defects in the system with a view to developing a uniform and reliable working systems and procedures in the justice system that would be applicable in all places in the country, and to submit proposals to this effect. (4) To Discuss on issues concerning the justice system and suggest reform proposals that would strengthen the justice system on its own initiative or in cooperation with local and foreign educational and training institutions. (5)To organize, prepare and distribute the necessary training materials. (6) To perform other functions which would advance the objectives of the center.”

trainings were given by those persons (often political Cadres) who are specifically assigned by the executive. This is contrary to what other countries experience tells us. That is to say that, for example, it is stated in a Consultative Council of European Judges (CCJE), OPINION NO. 4. Paragraph 20 and 21: “It is important that the training is carried out by judges and by experts in each discipline .Trainer should be chosen from among the best in their profession and carefully selected by the body responsible for training, taking into account their knowledge of the subjects being taught and their teaching skills....When judges are in charge of training activities, it is important that these judges preserve contact with court practice.

In addition, the overall leadership of the institute, which is extensively run and controlled by the Ministry of Capacity Building, allows a complete dominance and control over the judiciary through the instrumentality of the training and education. Judicial Training Institute in Ethiopia is governed by a higher body known as the “Council” or the “Board” comprising of Ministry of Capacity Building (at the federal level for the federal training center) and the Vice-President of the Regional State Cabinet (for regional judicial training centers). And such bodies, as I personally know, often evaluated the institution and the trainers in their achievements made in indoctrinating the trainees.

When we see the mode of training a significant amount of training time is devoted to peer-review and scrutinizing each-other’s professional behavior with a motive to shape and share values among one selves. Usually, every team has a leader, who is more often elected on the basis of loyalty to the government, to the constitution and ultimately to the governing party. During the time the candidates are enrolled in the training centers; their behavior and the statements they make are carefully scrutinized and always under surveillance. Those trainees who criticize government policy and have dissent views were advised and convinced to step-down their views and if they are not willing to do so, they will be dismissed for good.

Here, it is easy to imagine what an indoctrinated judge will do while he is seating at the criminal bench and seeing the case of persons who are charged with an alleged criminal act that describes an act that intends to destroy constitutional order and constitutional political system.

And the document adds that despite the appointment was made in such a manner and with an assumption that all will be loyal to the constitution, the training that was given to them had a defect in making them to submit for the constitution<sup>122</sup>. Surprisingly, the institution, in which that I was served as a trainer, was always blamed for its failure of making the trainee to fully believe and abide by the constitution. Here, one thing the readers should have to know is that believing by the constitution is meant that interpreting the constitution and other laws in a revolutionary democracy sense, and in a manner that ensures the success of revolutionary project.

In addition, the document adds that different rent-seeking mentalities, which were seen in the society, is also massively seen among judges and therefore there are significant number of judges who were failed to discharge their duty of protecting constitutional system or order. And some of them were seem never hesitate to let down and throw the government system from inside, by using judicial power they have.<sup>123</sup>

Here, it is important to see what is supposed to mean that “rent-seeking mentality” and “a failure to discharge a duty to protect constitutional system” in this sense. Let see first what rent seeking mean in EPDRF’s conception of Revolutionary Democracy. It is articulated by Vaughan & Gebre-michael and cited by Steve in the following way;

*(...) ‘rent-seeker’ has become “the Ethiopian government’s most common condemnatory insult. [It] denote[s] an individual or group that is simultaneously ‘anti-democratic’ (N.B.: in the revolutionary sense of the word) and determined to stand in the way of national [development] plans.*<sup>124</sup>

As one can understand from the above statement, in EPDRF’s Revolutionary Democracy conception rent-seeking cannot be articulated in its ordinary economic terming of the word, rather it denote an individual or groups who considered or labeled as “anti-democratic” and who stand against revolutionary democratic project by the party. Anti- democratic here is expressed in the revolutionary sense of the word. To understand what does this mean, it is important first to

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<sup>122</sup> Ibid, p. 32

<sup>123</sup> Ibid

<sup>124</sup> Supra, n. 106, p.10

see what democracy means in a revolutionary sense. Vaughan and Tronvoll are expressed how EPRDF's articulation is different from normative meaning of the word democracy. It reads;

*The ruling party has its own understanding of democracy, which differs significantly from the type favored, and ascendant, in the west; the institutions it has created accordingly function differently. Its conception of democracy is not the liberal bourgeois variety based on individual participation, a diversity of interests and views, and plural representation.*<sup>125</sup>

If so, when the party says “anti-democratic”, it gives different meaning that mainly defined from Revolutionary sense. Accordingly, those judges who were condemned as rent-seekers can be understood as anti-democratic (N.B.: in the revolutionary sense of the word) and who stands against the party's revolutionary project.

Again if the EPRDF blamed for not protecting constitutional system of the country, it gives different meaning. This is clearly to mean that they are not willing to convict all persons who are suspected by terrorism criminal allegation which often brought against political party leaders & members, journalists and others who have dissent political opinion.

For example, EPDRF is known for its political discourse that defines person or groups who have different political views (different from Revolutionary democracy) as “enemy”. Bach puts this fact as follows;

*A ‘you are with us or against us’ logic dominates the political arena. Opposition parties are then defined as antidemocratic forces because of their adoption of ‘liberal principles’. (...) As (neo) liberalism is EPRDF's enemy to ‘fight’, the opposition parties to which it is assimilated become a part of the struggle. Abyotawi democracy would ‘fight’ against every ‘enemy’ critical against the Ethiopian government.*<sup>126</sup>

So, the judges , who appointed with the assumption that he/she is loyal to the constitution and guardian of the constitutional system, is expected to convict all persons who the government considers enemy, in above stated sense. And if not he/she is exposed to condemnatory insult (rent-seeker) and thereby taken as an enemy who the party should fight with. This is because eliminating rent-seeking behavior became a natural objective of government, as official EPRDF document attest:

*[Rent-seeking] will be the line of quickest enrichment for private entrepreneurs in a situation of pre-capitalism such as Ethiopia, thus Revolutionary Democracy has explicitly to make rent-*

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<sup>125</sup> Sarah V., Kjetil Tronvoll, *The Culture of Power in Contemporary Ethiopian Political Life*, 2003, p. 117.

<sup>126</sup> Supra, n. 110, p. 649

*seeking difficult*<sup>127</sup>

Hence, we can draw from above statement that EPRDF's revolutionary democracy stated that those judges who are labeled as rent-seekers can be eliminated through revolutionary democratic means. Above all, EPDRF's Revolutionary democracy conception understood some of judges as enemy force that are working against the government and that never hesitate, if they get a chance, to let down and throw the system from inside.

From all the above stated stipulations, one can conclude that EPDRF's Revolutionary Democracy conception needs the court to be a government organ that ensures citizens obedience and submission to the law enacted by the parliament, and to be a defender of constitutional system. To this end, the judges who are appointed must be indoctrinated and persuaded in such a way that ensures their loyalty to the constitution and if not it should be seen as a threat to revolutionary project of the party. In a system that understood the judiciary in such a manner, it is unthinkable to see independent and impartial judicial organ that plays its prominent role in ensuring pluralistic political system, in particular and democratic order, in general.

The other democratic institution that should be seen here is Civil Society Organizations (CSO's). EPDRF's conception of Revolutionary democracy understood and defined CSO in the following manner.

The above stated EPRDF's political document stated that NGO's and Civil Society as Organizations that have basic difference. NGO's shall not be taken as CSO and therefore they don't have any role in advocating civic agendas and human right related activism. But CSO's can participate in such activity and that is because they do represent the interest of the society and citizens. NGO's do not have a democratic norms and behavior and thus they do not have any role in an effort to establish democratic system.

The articulation that defines NGO's as a CSO must be corrected. Taking NGO's as a civil society institution is amount to painting rent-seeking a democratic colure. Even those CSO's who

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<sup>127</sup> Supra, n. 106, p.10

generated 15 and above percent of their income from foreign sources didn't have any importance in an effort to establish democratic system. And therefore such COS's shall not participate in democratic system establishment activities and their importance is also very minimal (cause they can be manipulated to employ the interest of their fund raiser) and thus they must be allowed to involve in an activities that the government believes their participation is important or in any other activities that their participation can't cause any significant damage.

When we see such articulation, it is easy to understand from where the rationality of CSO's proclamation no. 621 is derived from. For example, the EPDRF's conception of Revolutionary democracy understood, as stated above, as NGO's and CSO's (that generated 15 and above percent of their income from foreign sources) have no importance in an effort to establish democratic (democratic in a revolutionary sense of articulation stated above) system in Ethiopia and therefore come up with Charity and Society law that prohibits "citizens to associate with Ethiopian nationals living abroad or foreign nationals to carry out human rights activities. It thus violates an important component of freedom of association: the free choice of individuals to decide with whom they want to associate."<sup>128</sup>

To add one more example, based on the above stated rational (that societies are established to protect the rights and interests of its members' only citizens can form them) such law came up with an article that prohibits non-nationals from enjoying their freedom of association and form an association to protect their interests and rights. This is a clear contradiction to the country's commitments under UDHR art 20, ICCPR arts 2 and 22, ICESCR arts 8 and 2, ACHPR art 2 and 10, the Declaration on Human Rights Defenders and CERD art 5(d) ix) that guarantees the freedom of association to every human being without distinction of any sort including nationality or race.<sup>129</sup>

In general such a proclamation is criticized for its articles that put a restriction on the right to freedom of association, in a way that undermines the role of CSO's have in human right

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<sup>128</sup> Mihret Zeleke, "Civil Society and Freedom of Association Threatened? A Critical Examination of Ethiopian Charities and Societies Law" (Masters of Philosophy, diss., Oslo University, 2010), p. 31.

<sup>129</sup> Ibid

advocacy, promotion and protection, in particular, and in establishing and consolidation democratic system, in general.

For instance, Mihret was expressed the registration related restrictions imposed by the proclamation in the following way;

*The most serious of such measures are the prohibition of advocacy on human rights and democracy by Ethiopian Residents CSOs and Foreign Charities, the 10% limit on external funding of Ethiopian CSOs, the requirement of representation from or offices in five regional states to form nationwide CSOs, the wide discretionary power of the Agency to refuse registration and renewal of license and take any action on CSOs and personnel including suspension and dissolution of CSOs and removal and replacement of CSOs officers.*<sup>130</sup>

So, the finding of this research affirms that the CSO's law which is came up with all above stated restrictions, (that undermined the role that CSO's and NGO's have in an effort to establish pluralistic political system in Ethiopia) were emanated from the articulation and perception (stated above) of EPRDF's Revolutionary Democracy conception.

Similarly, the FDRE government, recently, is acknowledged the fact that such a proclamation had contributed a lot in creating narrowed political space in the country and thus takes a measure to repeal or change it.

To add more, such EPDRF's political document (stated above) is expressed that for civil societies play a determinant role in building a democratic system, they must be supported by the government. This support shall be given through policy, training, knowledge, and through a joint forum. Party (EPRDF) members should be encouraged and supported to be a critical member of such civil society organization and thereby play dominant role<sup>131</sup>.

This is very tragic. That is because, since EPRDF's Revolutionary democracy conception desperately needs controlling every factions of the society, even those (which are established by Ethiopian citizens and generate less than 10% of their income from foreign sources) who were

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<sup>130</sup> Ibid, p.57

<sup>131</sup> Supra, n. 117, p. 33

allowed to participate in civic activities (human right advocacy), were not allowed to function freely.

The other democratic institutions, which are very vital to establish pluralistic political system, are political parties.

The above stated EPRDF's Political document stated political parties as critical actors in an effort to create democratic system in Ethiopia. But after stating this, it says that since democracy can be achieved only through developmental way, political parties who have development political views can only have a significant role in a democratic system establishment process, and such a party is only EPRDF and its ally parties who are embraced with developmental view. And the rest were basically found under a rent-seekers camp. But, no matter how those political parties (which are found in a rent-seekers a camp) are anti-democratic, their existence has an advantage (so long as they are committed and determined to function based the law and the constitution of the country) to fight rent-seekers and thereby ascertain how Revolutionary Democracy wins rent-seekers. So, their relevance for democracy is indirect.<sup>132</sup>

Such EPDRF's Revolutionary Democracy conception of articulation shows how EPDRF is obsessed with creating enemy. It considered other political parties as anti-democratic which their existence have a relative advantage to show how Revolutionary democracy can win "rent-seekers". Such "rent-seekers" are also expected to obey laws and thereby run their activity accordingly. So, the government was enacted Anti-terrorism proclamation no. 652/009 (which makes almost all political activity and free expression of political dissent as an act of crime) and obliged them to be governed by it. And such a proclamation is believed, by the FDRE government, recently, as a law that immensely contributes in creating a narrowed political space in Ethiopia and thus a move to repeal or change such a proclamation is undertaking.

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<sup>132</sup> Ibid

Thus why Bash, by citing what Alen and Ternvoll stated, is argued that “Ethiopia is not an incomplete democracy; it is rather an authoritarian state draped in democratic window-dressing in which manipulated multiparty elections are a means to sustain power.”<sup>133</sup>

The other prominent democratic institution is Media. Such a political document puts Medias in two categories. The first category contains Media who are taken as a non destructive force and the second category contains those who are considered destructive force (in Amharic የጥፋት ሀይሎች). Medias can be used as a Trojan horse for “rent-seekers” motive. So, to make them clear from such forces, legal and economic measures must be taken. Supporting those healthy media is a proper means to ensure a rule of law<sup>134</sup>.

Here, as clearly understood from the statement, the government puts economic and legal restriction or sanction on those Media that labels as not healthy, distractive force and potentially serve “rent-seekers” interest. In other way, it also takes a commitment to support those Media that considers healthy. Such healthy Medias were stated on such a political document. Such Medias are Government Medias and Revolutionary Democracy Medias<sup>135</sup>.

So, in such EPDRF’s Revolutionary Democracy conception, it is illogical to expect an enabling environment that enhances press and Media and therefore promotes pluralism.

The other democratic institutions are Ethiopian Human Right Commission, office of Ombudsman and National Election Board. There is nothing new here. All were blamed for being un-independent institutions that have a party structure. Those who were EPRDF party members were appointed as a chair person of those institution. For instance, Ambassador Sanya Sami was served, in 2013, both as chair-person of office of Ombudsman and member of OPDO’s central committee.

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<sup>133</sup> Supra, n. 110, p. 648

<sup>134</sup> Supra, n. 117, p. 36

<sup>135</sup> Ibid, p. 38

To add more, it is important to see how the performance of Human Right Commission (EHRC), i.e. its performance during GTP one, was measured by the parliament, in a forum arranged that intends to evaluate the performance of democratic institutions. The following were some of the points of measurement that was prepared by the parliament<sup>136</sup>.

- Lack of measuring the performances of the government in light with the constitution and government policies direction which were emanated from the constitution.
- Lack of understanding and giving due consideration to the importance of government's achievement made on education, health, and development, which was resulted from government policies and that alleviated many citizens from long lasted massive poverty.
- Researches which were conducted by itself or in collaboration with other were often vulnerable to neo-liberal attacks.

When we see all the evaluation points (in Amharic “የግንባር ጥቅም”) in which GTP one performance of Ethiopian Human Right Commission is evaluated, it doesn't have any connection with the power and function assigned to the Commission under art.6<sup>137</sup> of its establishment proclamation no. 210/2000. Such points of performance evaluation emanated from EPDRF's Revolutionary Democracy conception that mainly inherited with the need that intends to justify the poor human right protection performance with its success made in economic and social development.

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<sup>136</sup> Evaluation Report prepared by standing committee for Justice and democratic institutions at the HPR

<sup>137</sup> The Commission shall have the powers and duties to:

- 1) ensure that the human rights and freedoms provided for under the Constitution of the Federal Democratic Republic of Ethiopia are respected by all citizens, organs of state, political organizations and other associations as well as by their respective officials;
- 2) ensure that laws, regulations and directives as well as government decisions and orders do not contravene the human rights of citizens guaranteed by the Constitution;
- 3) educate the public, using the mass media and other means, with a view to enhancing its tradition of respect for, and demand for enforcement of, rights upon acquiring sufficient awareness regarding human rights;
- 4) undertake investigation, upon complaint or its own initiation, in respect of human rights violations;
- 5) make recommendations for the revision of existing laws, enactment of new laws and formulation of policies.
- 6) provide consultancy services on matters of human rights;
- 7) forward its opinion on human rights reports to be submitted to international organs;
- 8) translate into local vernaculars, international human rights instruments adopted by Ethiopia and disperse same;
- 9) participate in international human rights meeting, conferences or symposia;
- 10) own property, enter into contracts, sue and be sued in its own name;
- 11) perform such other activities as may be necessary

That is to say, EPDRF's Revolutionary Democracy conception claims an economic development success than that of its poor performance in promoting, respecting and protecting human rights. Bach puts this fact in the following manner. It reads;

*Recently, the causal link seems to have been reversed as the regime increasingly claims an economic rather than democratic legitimacy. In 2008 Prime Minister Meles Zenawi expressed the new economic priority, relegating the democratization process at a simple way in attaining it: The effort to promote democratization in Africa without the transformation of political economy from one pervasive and rent-seeking to one value creation has simply provided democratic to pre-reform zero sum politics all over the continent. It hasn't so far succeeded in establishing stable democracy<sup>138</sup>*

Hence, it is not surprising to see how the parliament evaluates the performance of EHRC from revolutionary democratic sense and from the points that enables it to evaluate the performance of commission's in an effort to implement democratic revolutionary project. If so, such democratic institutions were established in a democratic window-dressing and thus functioned as guardian of EPDRF's revolutionary project.

And thus Vaughnand & Ternvoll, as stated above, is expressed that EPDRF government's institutions as institutions which were established in a western form but functioned differently.

Similarly Bash stated that "Ethiopian particularism can be explained by the coexistence of these "liberal" institutions with those authoritarian inherited from the struggle."<sup>139</sup>

Hence, from all stated facts and arguments, it is logical to conclude that how EPDRF's conception of Revolutionary Democracy defined and understood democratic institutions (which are a pre-condition to establish democratic political system) and thereby allowed them to function in a manner that hinders them to play their non-substitutable in enhancing and promoting an effort to create a government, which is tolerant of political dissent, and a pluralistic political system in Ethiopia.

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<sup>138</sup> Supra, n. 110, p. 650

<sup>139</sup> Ibid

## **Conclusion**

EPDRF conception of Revolutionary Democracy and its mode of implementation is a major extra-constitutional factor that immensely contributed for there to be a government (FDRE government) which is intolerant of political dissent, and failed in an effort to create pluralistic political system in Ethiopia. That is to say that such a conception made a government which was strived to create vanguard party which mainly relied on democratic centralism. EPDRF's democratic centralism undermined dissent and plural views and that was created a government which is intolerant of political dissent.

In the course of having a motive to create vanguard party, the FDRE government created as a kind of government which is strived to control every faction of the society (in such a way that avoids any independent faction of the society) and therefore tirelessly involved in an activities that intended to shape the minds of critical mass of the society, mobilize, organize and coordinate such social forces towards revolutionary project. To this end, the FDRE government was involved in teaching and indoctrinating the mass in such a way that creates conformist political culture and homogeneous mass. Such FDRE government's move was undermined pluralism. In addition, the government is involved in an activity that created fusion between state and party in such a way that undermined separation of power, i.e. a very determinant tool to create democratic order in the country.

Above all, EPDRF's Revolutionary Democracy conception understood and articulated democracy differently, in such a manner that deviate from its normative articulation, and defined democratic institutions in its revolutionary democracy sense. Hence, it was established democratic institutions in such a way that significantly similar with the type favored, and ascendant, in the west. Though, these institutions function differently.

So, such democratic institutions, mainly Media, Political Parties, Human Right Commission, Ombudsman, National Election Board and Judiciary, were established in a democratic institutions window-dressing but practically they were made to serve as determinant tool that can contributed in an effort to realize revolutionary project of the party. And therefore, they were not allowed to play their natural role of enhancing and promoting political pluralism, in particular, and democratic system, in general.

To sum up, despite there is a constitution that was guaranteed the establishment of a multi-party and parliamentary system in which elections and parties are presented as keystones, EPDRF's conception of revolutionary democracy understood democracy and democratic institution in its revolutionary sense. Here it is important to wind up with what Vincent Foucher has noted on the African states, cause it perfectly expresses Ethiopian case: “the regimes have learnt how to play the game of democratization by distorting it in thousands of ways.”<sup>140</sup> Therefore, extra-constitutional factors were determined and manipulated how state machineries and extra-state machinery (like democratic institutions) were established and functioned, despite the fact that there is a constitution and subsidiary laws that defined how such state machineries' and extra-state machinery institutions can be structured, powered and functions.

### **Recommendation**

The research is recommended that the EPRDF (the ruling party) has to change its political ideology, i.e. Revolutionary Democracy, which its heritage derived from Leninism, Marxism and Maoism and which all political ideologies are anti liberal democratic ideals (which mainly includes political tolerance, pluralism, individual autonomy and democracy). This is because the failure story, which was resulted from EPRDF's revolutionary democracy conception, can give a lesson on how the FDRE government was attempted what is impossible to achieve, like an attempt to mix oil with water. That is an attempt to mix liberal ideals with Leninism, Marxism and Maoism.

If it is not possible for the EPRDF to change its political Ideology, the researcher recommends, as an alternative, that the party should make a major reforms in its Revolutionary Democracy conception, like for example what the reformist group (which is lead by the PM Abiy Ahimed (Dr.) and his team) were attempting to take and what EPRDF's promised in its recent meeting held, in January 2019, in Hawassa<sup>141</sup>. In this regard, the researcher recommends the following reforms;

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<sup>140</sup> Ibid, p.646

<sup>141</sup> EPDRF, in its general meeting held, on January 2019, in Hawassa, was decided not to change its political ideology (Revolutionary Democracy) rather it decided to reform and develop. See, <https://www.ezega.com/News/NewsDetails/6906/EPRDF-Exec-Committee-Concludes-Meeting-Lauds-Achievements>,

- EPDRF’s conception of Revolutionary Democracy that created A “you are with us or against us” logic that dominated the country’s political arena must be changed. To this end, the conception that caused to label other political dissent as an Enemy, rent-seekers and anti-democracy must be changed. So, laws that were targeted those persons who were labeled in such a manner, must be repealed or changed. Of course, such a labeling is changing and such laws are changing. That is to say, the leader of the reformist group (PM Abiy) was defined (unlike EPDRF’s Conception of revolutionary democracy) all political dissent or group as a group of citizen who have alternative political opinion. And also such laws (ATP, CSO’s, and other laws) are changing. Such a reform must be maintained.
- Fusion between state and party must be avoided in such a way that ensures separation of government power.
- EPDRF’s aspiration of creating vanguard party must only be achieved through democratic means, i.e. democratic election. So, an attempted to control every faction of the society and shaping the mind of the society in such a way that creates a homogenous mass and conformist political culture must be reformed in a manner that promotes pluralism.
- The articulation of Democratic institutions made by EPDRF’s conception of Revolutionary Democracy, which takes democratic institution as an “enemy” or “rent-seekers”, must be changed in such a way that enables democratic institutions play their natural role of enhancing and promoting political tolerance and pluralistic political system, in particular and democratic order, in general. Especially, judicial organ must be established and allowed to function in a manner that enables them to protect citizens from arbitrary actions of the government (which can violate their fundamental right and freedoms). To this end, it should be established in way that enables them to function independently and impartially, and in a way that should be seen independent and impartial on the eyes of the public. Independent constitutional court must be established accordingly.
- More actions must be taken in order to widen a narrowed political space. To this end, COS’s and NGO’s must be allowed to participate in human right advocacy and in activities that have relevance to ensure pluralistic political system, and political parties must be promoted to play their significant role in an effort to create pluralistic political system in the country.

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Date \_\_\_\_\_

This research question is prepared to collect a data which will be used as a primary data for the research held for the partial fulfillment of LLM degree. So, the researcher is thankful for your corporation and participation.

Occupational \_\_\_\_\_ Organization on behalf \_\_\_\_\_

Educational status \_\_\_\_\_

1. To what extent that the government (the ruling party (EPRDF)) is obliged or expected to tolerate ideas, interests, identities or actions which it considers alien, wrong or threat to the public good? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Are there any instances that justifies government's intolerant action that can puts a limitation on ideas, interests, identities or actions which it considers alien, wrong or threat to the public good? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Is the government expected to tolerate the intolerants? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Does modern Ethiopian government's have culture of political tolerance? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. What are the major ideals or essentials of virtue of political tolerance and political pluralism embraced under FDRE constitution? And does these ideals are practically implemented? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. What are the reasons behind government's intolerance towards those who have dissenting views and its failure on establishing of politically pluralistic democratic system in Ethiopia?\_\_\_\_\_

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7. And to what extent FDRE government or the ruling party (EPDRF) expected to tolerate individuals or groups who have computing or different political opinions or ideologies?\_

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