

*Addis Ababa
University*

(Since 1950)



**SCHOOL OF GRADUATE STUDIES
DEPARTMENT OF POLITICAL SCIENCE AND
INTERNATIONAL RELATIONS**

**THE PRACTICE OF UPHOLDING CIVIL AND POLITICAL
RIGHTS IN ETHIOPIA AND BOTSWANA: CHALLENGES AND
PROSPECTS**

BY

ALEMU ARAGE

JULY, 2020

ADDIS ABABA, ETHIOPIA

**ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES
COLLEGE OF SOCIAL SCIENCE
DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL
RELATIONS**

**THE PRACTICE OF UPHOLDING CIVIL AND POLITICAL RIGHTS IN
ETHIOPIA AND BOTSWANA: CHALLENGES AND PROSPECTS**

**BY
ALEMU ARAGE**

**ADVISOR
KASSAHUN BIRHANU (PROFESSOR)**

**A THESIS SUBMITTED TO THE SCHOOL OF GRADUATE STUDIES OF
ADDIS ABABA UNIVERSITY IN PARTIAL FULLFILMENT OF MASTERS OF
ARTS IN INTERNATIONAL RELATIONS AND DIPLOMACY**

**JULY, 2020
ADDIS ABABA, ETHIOPIA**

Declaration

I hereby declare that the thesis entitled: The Practice of Upholding Civil and Political Rights in Ethiopia and Botswana: A Comparative Analysis, submitted to award of the Degree of Master of Arts in International Relations and Diplomacy at Addis Ababa University, is my original research work that has not been presented anywhere for any degree. To the best of the researcher's knowledge, all sources of material used for the thesis have been fully acknowledged.

Name: Alemu Arage

Signature: _____

Date: July, 2020

**ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES
COLLEGE OF SOCIAL SCIENCE
DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL
RELATIONS**

**THE PRACTICE OF UPHOLDING CIVIL AND POLITICAL RIGHTS IN
ETHIOPIA AND BOTSWANA: CHALLENGES AND PROSPECTS**

**BY
ALEMU ARAGE**

APPROVED BY BOARD OF EXAMINERS

_____ ADVISOR	_____ SIGNATURE	_____ DATE
_____ EXAMINER	_____ SIGNATURE	_____ DATE
_____ EXAMINER	_____ SIGNATURE	_____ DATE

ACKNOWLEDGMENTS

First and for most, my deepest gratitude belongs to my advisor Professor Kassahun Birhanu whose valuable comments and support that he gave me to complete this research thesis. This thesis is completed because of the full support of my advisor!

Secondly, credit goes to my older brother (Shambel Arage) who lost his life before two weeks for his all over vision, support and guidance in my life journey. .

Finally, the brotherhood assistance of my friends (Dejen Yemane, Dagnachew Terefe, and others) contribute to the completion of this thesis

TABLE OF CONTENTS

Contents	Pages
ACKNOWLEDGMENTS	i
TABLE OF CONTENTS.....	ii
ACRONYMS.....	iv
ABSTRACT.....	vi
CHAPTER ONE	1
INTRODUCTION	1
1.1 Background of the Study.....	1
1.2 Statement of the Problem	3
1.3 Core Argument.....	6
1.4 Objective of the Study.....	7
1.5 Research Questions	7
1.6 Research Methodology and Methods.....	8
1.6.1 Methodology.....	8
1.6.2 Methods of Data Collection.....	8
1.7 Scope of the Study.....	9
1.8 Significance of the Study	9
1.9 Limitation of the Study	10
1.10 Organization of the Paper.....	10
CHAPTER TWO	11
THEORETICAL PERSPECTIVES AND LITERATURE REVIEW	11
2.1. Conceptual and Theoretical Understandings of Human Rights	11
2.1.1. The Debate over Understanding and Implementing Human Rights: Universalist versus Relativist Approaches	16
2.1.2. Historical Development of International Human Rights Law	19
2.1.3. Regional Human Rights System.....	22

2.2. Review of Literature.....	24
CHAPTER THREE	31
THE PRACTICE OF UPHOLDING CIVIL AND POLITICAL RIGHTS IN ETHIOPIA AND BOTSWANA.....	31
3.1. Upholding Civil and Political Rights in the ‘Democratic Developmental State?’ of Ethiopia	31
3.1.1. The Role of National Institutions in Upholding Civil and Political Rights in Ethiopia.....	47
3.1.2. The Role of Civil Society in Upholding Civil and Political Rights in Ethiopia.....	51
3.1.3. The Role of the Governing Party in Upholding Civil and Political Rights in Ethiopia	54
3.2. The Practice of Upholding Civil and Political Rights in Botswana.....	62
3.2.1. The Role of National Institutions in Upholding Civil and Political Rights in Botswana.....	80
3.2.2. The Role of Civil Societies in Upholding Civil and Political Rights in Botswana	83
3.2.3. The Role of the Governing Party in Upholding Civil and Political Rights in Botswana.....	86
CHAPTER FOUR.....	90
THE CHALLENGES AND PROSPECTS OF ETHIOPIA AND BOTSWANA IN UPHOLDING CIVIL AND POLITICAL RIGHTS.....	90
4.1. Challenges in Upholding Civil and Political Rights in Ethiopia.....	90
4.2. Challenges against Upholding Civil and Political Rights in Botswana	93
CONCLUDING REMARKS.....	96
REFERENCES	101
APPENDIX I	I
APPENDIX II.....	II

ACRONYMS

APAP	Action Professional's Association for People
BDP	Botswana Democratic Party
BMD	Botswana Movement for Democracy
BNF	Botswana National Front
BOPA	Botswana Press Agency
BTI	Bertelsmann Stiftung's Transformation Index
CSO	Civil Society Organizations
CUD	Coalition for Unity and Democracy
EHRC	Ethiopian Human Rights Commission
EHRCO	Ethiopian Human Rights Council
EIO	Ethiopian Institute of Ombudsman
EMB	Election Management Body
EPRDF	Ethiopian People's Revolutionary Democratic Front
EWALA	Ethiopian Women's Lawyer's Association
FDRE	Federal Democratic Republic of Ethiopia
GTP	Growth and Transformation Plan
HRW	Human Rights Watch
IBI	International Bill of Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IEC	Independent Electoral Commission
NEBE	National Electoral Board of Ethiopia
NGO s	Non- Governmental Organization

NHRI	National Human Rights Institution
OLF	Oromo Liberation Front
OSJ	Organization for Social Justice
TPLF	Tigray People Liberation Front
UDC	Umbrella for Democratic Change
UDHR	Universal Declaration of Human Rights
UN	United Nations
UPR	Universal Periodic Review
USDS	United States Department of State

ABSTRACT

The central focus of this study is to examine the practice of upholding civil and political rights in Ethiopia and Botswana. Specifically, the study attempts deal with the status of respecting, protecting, and promoting the right to political participation, freedom of opinion and expression and freedom of assembly and association rights. Moreover, the study asses the role of human rights institutions, civil society organizations, the governing party and finally the challenges faced by both Ethiopia and Botswana. To have a deep understanding, the study sheds light on the role of the state ideology of a democratic developmental state in both countries. In doing so, the study attempts to answer the following questions: what is the experience of Ethiopia and Botswana in upholding civil and political rights? What is the status of institutions in protecting and promoting civil and political rights in Ethiopia and Botswana? What are the challenges for adhering to the principles of international human rights principles? The study employed a qualitative methodological approach. To answer the stated research objectives and research questions, both primary and secondary sources of data collection were employed. Primary data were collected through in-depth interviews with key informants whereas secondary sources of data are gathered from books, journals, magazines, newspapers, institution reports, and both published and unpublished materials. After examining the practice of upholding civil and political rights in Ethiopia and Botswana through key informants, assessing various institutional reports, the study has come up with the following findings: even though Ethiopia registers better in terms of economic growth under the guise of a state ideology of democratic developmental state, serious human rights violations were also committed. While Botswana has been achieved a commendable economic development and a good human rights record even though with some shortcomings. Moreover, institutions responsible for protecting and promoting civil and political rights could not execute their responsibilities in both countries. The governing parties in both countries could not respect, protect and promote civil and political rights. For the better practice of these rights, several challenges faced both countries that manifest in various aspects. Finally, the study concludes that serious human rights violations have been committed in Ethiopia as compared with that of Botswana and hence Ethiopia can take a lesson from Botswana in respecting, protecting and promoting civil and political rights and in employing it to attain economic development.

Keywords: Practice, Upholding, Human Rights, Human Rights violations, International Human Rights System, Developmental State, EPRDF, BDP, Ethiopia, Botswana

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

Ethiopia and Botswana have signed and ratified many international and regional human rights laws and enshrined these human right principles in their respective domestic laws. Ideologically, both Ethiopia and Botswana follow a democratic developmental state model that gives priority for economic issues while putting democracy to a secondary status. However, according to different literatures and reports including the Freedom House and Amnesty International (2017), difference on the actual implementation of human rights principles in Ethiopia and Botswana is observed. Hence this study aimed at comparing the two countries on the basis of implementation of human rights principles by using different international, regional and domestic human right laws as a framework.

Following the end of WWII, the UN adopted a declaration on human rights known as Universal Declaration of Human Rights (UDHR) to be used as a standard for judging the performance of nations and governments on matters related to human rights issue. After this period, the concept and practice of human rights began to be included into a number of international and regional laws, treaties, protocols, and other documents. With this, countries across the globe signed many treaties, protocols and included human rights issues in their domestic laws (Ghai, 2001).

In line with the Universal Declaration of Human Rights (UDHR), covenants like the International Covenant on Civil and Political Rights are established by giving more emphasis to political and civil rights of citizens across the world. Under the civil and political rights category the rights that are catalogued include; the right to life, the right to participate in one's government either directly or through freely elected representatives, freedom of opinion and expression, the right to liberty and security of persons, freedom from torture and other cruel, inhuman and degrading treatments or punishments, right to privacy, freedom of thought, conscience and religion, right to assembly and freedom of association. This category of rights are enshrined in Articles 3-21 of the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights (UDHR and ICCPR respectively), as well as in the

normative instruments of regional human rights systems (General Assembly Resolution, 1948 & 1966).

For ensuring better performance of human rights globally, in addition to international human rights laws and instruments, regional human rights instruments like the European human rights system, the American human rights system and the African Charter on Human and People's Rights were introduced (Ogechi , 2012). Accordingly, many African countries are state member of international human rights instruments in general, and the African Charter on Human and People's Rights in particular. Hence Ethiopia and Botswana are also countries that became state parties to many international human rights laws and instruments like UDHR, ICCPR, ICESCR etc. and the African Charter on Human and People's Rights. As a result, these countries have the obligation to respect the human rights of their respective citizens (IJRC, 2017).

Ethiopia is an ethnically diverse and landlocked country located at the center of Horn of Africa sharing borders with Eritrea, Somalia, Djibouti, Kenya, Sudan and South Sudan and maintained its independence by defeating colonial ambitions. Ethiopia is also a state party to a number of human rights treaties and instruments. However, the country began to enshrine some sort of human rights issues when it enacted the Revised Constitution of the imperial government in 1955. The 1987 Constitution of the military regime also included civil and political rights including economic, social and cultural rights. However, during the reigns of both imperial and military regimes, serious human rights violations were experienced. With the coming to power of EPRDF regime in 1991, a new state structure and ideological disposition was developed in Ethiopia. The 1995 Constitution of the Federal Democratic Republic of Ethiopia (FDRE) includes a number of civil and political rights which also reflected a major breakthrough in terms of human rights (Adem, 2011).

Since the 2005 Ethiopian national elections, the governing regime of EPRDF launched the democratic developmental state model as a defining feature of socio-economic and political governance in the country (Eyob, 2015). However, different human rights institution reports and various literatures indicated that there are gross human rights violations in Ethiopia deepened particularly following the May 2005 national elections. Even though there are some writers who claim that the country achieved a better economic growth following the adoption of state ideology of democratic developmental state (Solomon, 2017; Tamirat,2013) there are others

who stated that gross human rights violations took place in the post-2005 Ethiopia (Asnake, 2011; Fesseha and Abtewold, 2017).

Botswana is also a landlocked and ethnically diverse country with a population of nearly 2.1 million (CIA, 2014). It borders four Southern African countries namely Zimbabwe, South Africa, Namibia and Zambia (Parson, 1984). It became independent from colonial rule in 1966 and began to practice multiparty democracy since this time (Bauer & Taylor, 2011). In addition to this, the constitution of Botswana article 3-19 contains human rights issues including those civil and political rights enshrined in international and regional instruments.

Since the country's independence from colonialism in 1966, Botswana became accountable for some human rights violations, but also got recognition by many international and regional human rights institutions for better performance (Amnesty International, 2017/2018; Freedom House, 2018). Ideologically, Botswana follows a democratic developmental state model and some writers took the country as a miracle in Africa in terms of better achievement in a number of economic, political, social and human rights issue (Cook & Sarkin, 2010). Accordingly, Botswana gained overall a positive image and track record as regards respect for human rights.

Accordingly, the existing variations in human rights practices of the two countries is the concern of the research where it compares the experiences, institutional roles, the role of the governing parties', state obligations, and the challenges of Ethiopia and Botswana which in turn requires to draw a better and comparative understanding of effective human rights protection and promotion in the two countries.

1.2 Statement of the Problem

Human rights conventions or covenants are legally binding for those states that have ratified them, once they have entered into force after obtaining sufficient number of ratifications (General Assembly Resolution, 1948). However, there are limitations in executing the responsibility of respecting human rights of citizens in some countries. This problem is also manifested in many African countries that includes Ethiopia and Botswana. At present, some African countries are also following a state ideology of democratic developmental state. Among these, Ethiopia and Botswana are countries that follow the ideology of democratic developmental

state model and have signed and ratified various international and regional human rights laws. In line with this, many writers and international human rights institution reports (Freedom House 2018, Amnesty international, 2017/18) blame Ethiopia for various human rights violations while others appreciate Botswana for a good record of human rights protection and promotion. This variation happened in countries that follow a state ideology of democratic developmental state and signatories to similar international and regional human rights laws.

For Ethiopia, as per the 1995 FDRE Constitution, all international agreements ratified by the Ethiopian Parliament became an integral part of the law of the land. Mainly in view of provisions of UDHR, the constitution incorporates civil and political rights including the right to life, prohibition of torture, right to privacy, liberty of persons, freedom of association, freedom of assembly, freedom of opinion and expression, the right to vote, etc. In this regard, the 1995 FDRE Constitution stresses the need for building a polity “founded on the rule of law” to guarantee “a democratic order, and advancing...economic and social development”. The constitution also underlines that “respect of individual and peoples’ fundamental freedoms and rights” is a necessary condition for the achievement of better socio-economic and political development in Ethiopia.

However, the EPRDF government under the leadership of the then Prime minister Meles Zenawi launched the ideology of democratic developmental state in the post- 2005 national elections. In line with this, the FDRE (2010) Growth and Transformation Plan (GTP) holds that the aim is “to become a country where democratic rule, good governance and social justice reign, upon the involvement and free will of its peoples”. Under the umbrella of a democratic developmental state, Tamirat (2013) and Muleta (2015) argue that Ethiopia is the only democratic developmental state in Africa that by and large satisfies the prerequisites covering issues of land ownership system, corruption incidences, income equality, reduction of extreme poverty, and most importantly, the presence of development-oriented leadership and the adoption of long term development plan. They also stated that the role of the developmental state in achieving better economic growth is enormous. However, these writers failed to raise the issue of human rights as a major concern in their studies and instead lent more emphasis to the role of developmental state in attaining better economic growth. Solomon (2017) also studied the emergence of Ethiopia as a democratic developmental state and raises the poor performance of the country in regard to

respect for civil and political rights. However, he fails to raise the role of EPRDF regime and its ideology of democratic developmental state relating to the poor performance in promoting civil and political rights.

Tamirat (2013) and Muleta (2015) and Solomon (2017) give more emphasis to the role of democratic developmental state in achieving economic growth. Hence they didn't give more concern regarding the practice and fate of human rights in a country that follows a democratic developmental state that is expected to respect and promote these rights under international and regional human rights laws.

On the other hand, various writers (Bayenew, 2011; Asnake, 2011; Fisseha & Abtewold, 2017) stated that gross human rights violations were committed by state and non-state actors in post-2005 Ethiopia. Fesseha & Abtewold (2017) stated that despite the constitution's prohibition to assume state power in any manner other than through constitutional means, the regime of EPRDF committed a bad human rights record by stifling freedom of expression and limiting political participation. Particularly, following the 2005 Ethiopian elections, the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF), adopted several prohibitive laws that target the principal democratic entities like the opposition political parties, the media, and civil society organizations (CSOs) disregarding the substantive limits on the law making powers of the legislator imposed by the human rights and other provisions of the constitution (Adem, 2012). In the 2010 and 2015 Ethiopian national elections, various human rights violations were also committed. According to a comprehensive human rights report by the US Department of State (USDoS, 2017), a range of human rights problems were observed in Ethiopia including arbitrary killings, torture, restrictions on freedom of speech, assembly, association, press, etc. These violations are also admitted by the incumbent Ethiopian prime minister in the parliament recently (Grinberg, 2017).

As regards Botswana, Sebudubudu (2017) stated that Botswana was hailed as a shining example of democracy in Africa where political and civil rights and freedoms of individuals including rights relating to race, colour or creed, tribe, place of origin, national or ethnic identity, social origin, political opinion, sex, language, freedom of expression, freedom of assembly and religion are guaranteed under the Constitution. According to many international human rights institutions and writers, Botswana has managed to maintain a 'good' record of human rights protection

standards or at least a semblance thereof, when compared with most African countries (Freedom House, 2017; Cook & Sarkin, 2010-2011). Moyo (2016) also claims that since independence, elections in Botswana have been deemed free and fair even though the Botswana Democratic Party (BDP) has won all the elections.

Cook and Sarkin (2010) added that the record of good democratic practices in Botswana were described in some quarters as the beacon of hope in Africa as a result of which it gained fame in promoting peace and democracy around the world. However, Amnesty International (2018) reported that Botswana has limitations in regard to freedom of expression, promotion of women's rights and inability to establish national human rights institutions. In accordance with the research outputs of the aforementioned studies, Botswana achieved commendable human rights records and better economic performance with the state ideology of democratic developmental state.

Mesgna (2015) undertook a study on the challenges and prospects of building a developmental state in Ethiopia and Botswana and recommended that Ethiopia should take a lesson from Botswana in its effort of building a developmental state emphasizing on economic matters. However, he didn't address the role and experience of democratic developmental state in terms of respecting human rights.

Though various scholarly works on human rights practices of Ethiopia and Botswana (Shimels, 2014; Bayenew, 2011; Tsegaye, 2009; Cook & Sarkin, 2010; Alem, 2018) exists, they lack a comparative coverage. Even those comparative studies on Ethiopia and Botswana are solely focused on the economic performance of the developmental state in Ethiopia and Botswana that fail to raise the issue of human rights practices. In order to bridge this gap, this study attempts to examine the human rights (civil and political rights) practices in Ethiopia with that of Botswana.

1.3 Core Argument

The core argument of this study is that there is difference in respect of civil and political rights between Ethiopia and Botswana. Even though with limitations, Botswana have registered better performance in respecting human rights, while Ethiopia has serious limitations in this regard and hence it can draw lessons from the experience of the former.

1.4 Objective of the Study

The overall objective of the study is to compare the practice and challenges surrounding civil and political rights in line with international human rights laws in Ethiopia and Botswana. Based on this, the study seeks to address the following specific objectives:

- To examine the experience of Ethiopia and Botswana on their human rights performance
- To study the status of institutions and state obligations in respecting human rights of citizens in Ethiopia and Botswana
- To investigate the challenges faced in adhering to the principle of human rights in Ethiopia and Botswana
- To draw lessons from the experience of Ethiopia and Botswana and suggest possible solutions that could address encountered real problems

1.5 Research Questions

The core research question of this study is that how much civil and political rights are promoted and protected in line with international standards in Ethiopia and Botswana? Based on this, the study seeks to answer the following research questions:

- What are the national legal institutions that protect and promote human rights of citizens in Ethiopia and Botswana?
- What is the role of civil society organizations and international institutions in respecting human rights of citizens in Ethiopia and Botswana?
- How do the governing regimes of Ethiopia and Botswana treat human rights in line with the international human rights laws?

1.6 Research Methodology and Methods

1.6.1 Methodology

Research methodology aims at systematically addressing the research problem and scientifically guides the way through which research is undertaken (Kothari, 2004). Qualitative research approach is used to obtain data that cannot be adequately expressed quantitatively and provides insights into the setting of a problem, generating ideas through developing explanations of social phenomena for understanding of the social world in which we live (MacDonald and Headlam, 2008). Hence, the study employs qualitative approach to make deep investigation about the human rights (civil & political) experiences of Ethiopia and Botswana.

The rationale behind employing qualitative approach is due to the fact it helps to explore, investigate and understand events, theories and human behaviors (Creswell, 2003) by looking at phenomena and experiences from the perspectives of individuals and groups based on various social, political and economic dimensions. Thus, the subject matter of most qualitative research is how people construct their understandings of the social world and how they view them (Creswell, 2003). Accordingly, this study employed qualitative research approach.

As mentioned above, this methodology aims to examine the experiences of Ethiopia and Botswana in upholding human rights and the challenges they faced in due course. In this regard, this comparison could be clearly understood through critically analyzing written documents, reports and conducting interviews with experts and officials. This approach enables to obtain clear image through interviewing experts, officials and by examining the experience of the two countries.

It is envisaged that the listed research objectives and questions can be addressed by using qualitative approach, and hence qualitative methodology best suits to this study.

1.6.2 Methods of Data Collection

For understanding a comparative study of Ethiopia and Botswana, primary and secondary methods of data collection are employed. With regard to primary sources, key informant in-depth-interviews are conducted with officials and experts based at the Ethiopian Human Rights Commission, Program Coordinator of Ethiopian Human Rights Council, Director of Legal

Affairs of the Ethiopian Office of Ombudsman, Communication Director of National Election Board of Ethiopia and the Embassy of Botswana in Ethiopia. Moreover discussions were held with journalist Eskindr Nega, Branch Manager of Amhara Mass Media Agency, political party leaders of All Ethiopian Unity Party, Blue Party, National Movement of Amhara, Ethiopian National Movement, Ginbot-7, Ethiopian People's Revolutionary Front experts, and Monitoring and Supporting Directorate Director of Federal Charities and Societies Agency of Ethiopia. Selection of key informants was undertaken using purposive sampling technique on the bases of predefined criteria like knowledge ability and access to information on the subject.

To substantiate the data collected from primary sources, document review and analysis were conducted. Secondary sources of data include different national, regional and international human rights reports, documents, books, journals, magazines, newspapers and internet sources.

1.7 Scope of the Study

The thematic focus of the study is on the implementation of the principles of civil and political rights (the right to political participation, freedom of opinion and expression and freedom of association and assembly), institutional roles, and role of the governing regime and challenges in Botswana and Ethiopia since 2005. Other second and third generation human rights like economic, social and cultural rights, the right to development and clean environment, etc. are not covered in this study.

1.8 Significance of the Study

As discussed above, the study deals with the comparative human rights practices in Ethiopia and Botswana that follows the democratic developmental state model and signatories of various international and regional human right instruments. Accordingly, this study helps to bridge knowledge gaps on the status, experience and challenges of civil and political rights in Ethiopia and Botswana. The study also helps for drawing lessons to implement human rights principles in both countries, which in turn may have policy implications. In addition, it is hoped that the study will serve as a reference for those who need to conduct further research on the subject under study.

1.9 Limitation of the Study

In conducting a comparative study of implementation of civil and political rights in Ethiopia and Botswana, financial limitations hampered the effort to contact many concerned bodies especially in Botswana. Especially, even though I tried my best to found concerned bodies on behalf of Botswana, Botswana embassy stakeholders refused to do so. Hence, I couldn't found interviews on behalf of Botswana and obliged to rely on secondary sources of data collection. Bureaucratic hurdles also pose difficulties to get some source of information on some Ethiopian institutions like Ethiopian Human Rights Commission.

1.10 Organization of the Paper

This study is organized into five chapters. Chapter one is the introductory section comprising background of the study, statement of the problem, objective of the study, research questions, methods and methodology of the research, significance of the study, scope of the study, limitation of the study and organization of the study. Chapter two is devoted to literature review, conceptual framework and the theoretical framework of the study. Chapter three deals with the practice of upholding civil and political rights in Ethiopia and Botswana whereas, the challenges and prospects of Ethiopia and Botswana in respecting civil and political rights and concluding remarks is covered in chapter four.

CHAPTER TWO

THEORETICAL PERSPECTIVES AND LITERATURE REVIEW

In this chapter, the concept of human rights, its historical evolution, theoretical views and the surrounding debates on the position of universalists/relativists is discussed. Second, the development of international and regional human rights law and instruments is briefly examined. Finally, literature on the practice of upholding civil and political rights in Ethiopia and Botswana is reviewed and analyzed.

2.1. Conceptual and Theoretical Understandings of Human Rights

Throughout its long historical evolution, the term human right comes up with various definitions and understandings. Accordingly, there is abundant literature on the origin, definition and understanding of human rights. As regards the historical evolution and understandings of the concept, Marks (2016) advances four approaches of which three that have relevance to this study are discussed. The first is on the origin of human rights that goes back to the ancient religious and philosophical concepts of compassion, charity, justice, individual worth, and respect for life, which are also found in Christianity, Islam, Hinduism, Judaism, Buddhism and Confucianism. The precursors of human rights are found in declarations in the ancient codes of Hammurabi in Babylon (about 1772 BCE), edicts of Ashoka in India (about 250 BCE), the Charter of Cyrus the Great in Persia (about 535 BCE), and rules and traditions of pre-colonial Africa and pre-Columbian America (Marks,2016 ; Micheline, 2008). Others trace the origin of human rights thought to the European natural rights philosophy, the age of Enlightenment and the struggle against absolutism (Sano, 2000; Davidson, 1993). However, Dieser (2010) demonstrated that while particular rights emanate from Western Enlightenment, similarly the idea of human rights also existed in other non-Western traditional societies. Thus, human rights thought originated both in Europe and other continents including Africa.

Second, the origin and development of human rights is related with tracing the emergence of natural law theories in ancient Greece and Rome and Christian theology of the Middle Ages that culminated in the rebellions of 17th and 18th century Europe, the philosophers of the Enlightenment and the Declarations launched by the French and American revolutions including

other social movements (Hunt, 2007). According to the natural rights theory, human rights are inherent in the very nature of human beings. Humans possess these rights by virtue of being human, a whole, and a master of itself and of its acts by natural law (Maritain, 1943). Thomas Aquinas in the Thirteenth Century revived and expounded the classical doctrine that human dignity sets moral limits to political rule (cited in Maritain, 1943). Thomas Hobbes in Leviathan (1651) also stated that all individuals possess simple freedoms and liberties which are correlated with duties and obligations on the part of others. The other natural right theorist, John Locke stated;

Man being born with a little perfect freedom and to an uncontrolled enjoyment of all the rights and privileges of law of nature, equally with any other man hath by nature not only to preserve his property, his life, liberty and estate against the injuries and attempts of other man by nature but to judge and punish the breaches of law in others (cited in Joshi, 2006).

Accordingly, the natural rights approach of the seventeenth century, associated primarily with John Locke, founded the existence of such inalienable rights as the rights to life, liberty and property based on social contract marking the end of the difficult conditions of the state of nature (cited in Shaw, 2008). All the above mentioned scholarly views and natural rights theories about natural rights lend great emphasis to human freedom that results from being human, which is also the great concern of the international community today mainly as part of civil and political rights.

However, during the nineteenth and twentieth centuries, natural rights theories became unpopular and were criticized by legal scholars and philosophers (Rajawat, 2001) like Jeremy Bentham as a result of which positivist theories reigned. According to Bentham (1907), rights were determined by law and the people. To him, it was the people who made laws, which later became rights. Unlike natural rights theories, Positivism as a theory emphasized the authority of the state and as such left little room for rights in the legal system other than specific rights emanating from the constitutional structure of that system (Liyod, 1979). These theorists believed that people would be bound to obey the law if it was created by appropriate legislative authority or sovereign irrespective of its being reasonable or otherwise. They regard human rights as an outcome of a formal norm-creating process, by which we mean an authoritative formulation of the rules by which a society (national or international) is governed. While

“natural rights” are derived from natural order or divine origin, they are inalienable, immutable, and absolute. On the other hand, rights based on “positive law” are recognized through a political and legal process that results in a declaration, law, treaty, or other normative instrument (Marks, 2016). In the nineteenth century, the positivist doctrines of state sovereignty and domestic jurisdiction reigned supreme. Virtually all matters that today would be classified as human rights were at that stage universally regarded as located within the internal sphere of national jurisdiction. This is with the exception of the treatment of wounded soldiers and prisoners of war which had some sort of international legal consideration mainly expressed in the formation of the League of Nations (Marks, 2016). Today, the issue of human rights is endorsed in many declarations, treaties, and laws including other normative instruments.

On the other hand, the Marxist doctrine although based upon the existence of certain unchangeable historical laws governing the development of society, denied the existence of rights outside the framework of the legal order (Shaw, 2008). The Marxists do not conceive the rights of individuals as distinct from the right of society as a whole. According to them, only by achieving the need of the society or community, the higher freedoms of individuals can be achieved. Thus, according to this theory, even satisfactions of basic needs of individuals are contingent on realization of social goals. In their view, notion of individual rights is a bourgeois illusion. They regard concepts of law, morality, democracy, freedom, etc. as historical categories whose content is determined by the conditions of life in society or community (Shaw, 2008).

Third, Marks raised the endorsement of human rights in the 1945 United Nations Charter drawing on President Roosevelt’s Four Freedoms, the impact of the Universal Declaration of Human Rights of 1948, subsequent national constitutions, foreign policy and international treaties and declarations as the origin of human rights (Lauren, 1998). Accordingly, the term 'human rights' came into usage after the Second World War by replacing the phrase ‘natural rights’ particularly with the founding of the United Nations in 1945 (Byrne, 2005).

With the aforementioned as backdrop, it is imperative to look at the schema of modern human rights from the perspective of international human rights law and other scholarly works. The UN defined human rights as those rights that are inherent in our state of nature and without which we cannot live as human beings (Mishra, 2000). One of the International Bill of Rights, the International Covenant on Civil and Political Rights (ICCPR) also defines human rights that

human rights are generally perceived as rights that derive from the inherent dignity attached to every human being (ICCPR, 1966).

In addition to the above legal definitions, scholars like Rao (2005) stated human rights are the inherent dignity and inalienable rights of all members of the human family recognizing them as the foundation of freedom, justice and peace in the world. On the other hand, some scholars defined the concept in line with individual-state relations. For instance, Davidson (1993) defined human rights as closely connected with the protection of individuals from the exercise of government authority in certain areas of their lives. For Davidson, it is also directed towards the creation of social conditions by the state in which individuals can develop their fullest potential (cited in Biswal, 2006). This indicates that in addition to respecting human rights, the state is expected to establish a favorable environment for the execution of these rights. To strengthen this definition, Tomas (2005) discusses human rights in the context of his argument for human rights based approach to development. He defines human rights as “universal legal guarantees that belong to all human beings and that protect individuals and/or groups from actions and omissions of the state and some non-state actors that affect fundamental human dignity.”

Henkin (1989) asserted that the idea of human rights is related, but not equivalent to justice, good governance, and democracy. It is a political notion with a moral foundation which defines the relationship that should exist between the individual and society. Henkin (1981) explained elsewhere that:

Human rights are claims asserted and recognised as a right, not claims upon love, or grace, or brotherhood, or charity... They are claims under some applicable law. They are rights upon society as represented by the government and its officials. The good society is one in which individual rights flourish and in which their protection and promotion are the fundamental objectives of government. From these definitions, one can deduce that human rights are inherent in human nature and should be protected by the state without distinction of any sort.

According to the UN Handbook on Parliamentarians (2016), human rights contain the following principles: universality, inalienability, inviolability, indivisibility, and interdependence. Human rights are universal since they are achieved irrespective of colour, religion, sex, age, social origin, etc. If human rights are owed to a human being solely because he/she is a human being, then they are owed to every human being (Naglik, 2014). The inalienability of human rights derives from their inherence. If human rights are owed to everyone solely because of the fact that

someone is a human being, then until the end of his/her life a human being is a subject of these rights, notwithstanding any of his/her or anybody else's behavior. Thus, inalienability indicates the impossibility of the transfer, renunciation or deprivation of human rights (Piechowiak, 1999). The other human rights principle is the interdependence and indivisibility of human rights. Human rights are entitlements to certain goods connected with all aspects of human life, which is integral. Therefore, it must be recognized that "for the comprehensive development of the human person it is necessary to take into consideration all the aspects of the human being constituting all the physical, psychological, moral and spiritual both in the individual and social context" (Piechowiak, 1999).

As aforementioned, even though various definitions and understandings are provided by various scholars at different times, the world today has accepted the notion that all human beings are entitled to and are empowered for exercising dignified existence. This is due to the fact that human rights are rights that belong to any individual as a consequence of being human, independently of acts of law (Piechowiak, 1999). Accordingly, it is a common phenomenon that human beings everywhere, demand the realization of diverse values to ensure their individual and collective well-being. However, these demands or rights are denied by using various means including exploitation, oppression, persecution, etc. in many countries of the world (Weston, 1984).

At present, the concept of human rights also includes civil and political, economic, social and cultural rights including solidarity rights like right to development, environment, and self-determination that are also categorized under three generations. The first generations of human rights are civil and political rights that include rights relating to physical integrity (rights to life; freedom from torture, slavery, arbitrary arrest, or detention; and the right to humane treatment of persons under detention). Other rights relate to the individual's autonomy of thought and action (freedom of thought, conscience and religion; freedom of expression; and the right to privacy). While other civil and political rights relate to participation in civil society (freedom of assembly, freedom of association, and as an exception to free speech, the prohibition of war propaganda, and hate speech constituting incitement). The final considerations of these rights are rights relating to political participation (namely, the right to hold public office, the right to elect and be elected to office, equal access to public service and generally free, fair and 'genuine' periodic

elections) (UDHR,1948). These civil and political rights are also known as ‘negative’ rights due to their quest of the willing of the government for implementation (Symonides, 2002). Accordingly, one can deduce that it is the state's responsibility to protect and promote these civil and political rights. It is also the duty of the government to create conditions for peaceful co-existence, which enable these first generation rights to be enjoyed by every individual in that state.

In the context of the present study, human rights can be defined as those rights which human beings inherited by virtue of being human who should live with dignity, freedom and justice in any nation or state regardless of colour, place of birth, ethnicity, race, religion or sex, political view, or any other such considerations and the state is obligated to respect, protect and promote these rights in areas under their jurisdiction (Byrne, 2005). When such rights are undermined either by state or non-state actors, the act constitutes human rights violations. For the sake of this study, human rights violation (civil and political) is used to mean serious and large-scale violations conducted by the state or non-state actors to individuals or groups of people, which is contrasted with the principles of international and regional human rights law. Thus, human rights violations are also manifested through arbitrary killings, oppressive legislations, torture, and arbitrary arrests that are committed by state and non-state.

It is in this context that the principles and practice of civil and political rights are examined in Ethiopia and Botswana in order to understand and investigate the practice of upholding these rights in line with international and regional human rights law.

2.1.1. The Debate over Understanding and Implementing Human Rights: Universalist versus Relativist Approaches

“Human rights are foreign to no culture and native to all nations; they are universal” (Annan, A speech addressed at the University of Tehran on Human Rights Watch day 10 December, 1997).

One of the most important issues facing the international human rights movement is the claim that human rights are universal values and not culturally specific, and thus can be used to understand, evaluate, and influence global actors (Silye, 1994). For proponents of this position, human rights are universal since they belong to every human being without any distinction of ethnicity, race, gender, religion, or type of government (Byrne, 2005). Historically speaking,

human rights arose from our growing awareness of great wrongs and human suffering caused by religious wars, mass killings, arrest, slavery, injustice and other cruel activities (cited in Cook & Sarkin, 2010). By using this understanding, Mc Farland (2015) demonstrated that because the horrors that humans face in their long history were universal suggesting there should be human rights legal regimes that are intended to prevent abuses.

On the other extreme, cultural relativists view human rights as closely allied with ethics and morality which question their universality. Early anthropologists like Boas and Benedict (1965) identified vast differences between cultures in their values and world outlook. Proponents of this view hold that all values that individuals hold are derived from their culture and for that reason, there can be no values that are objectively applicable to for all cultures and hence no universal moral values exist. As a middle ground regarding these debates, the study conducted by the International Affairs Advisory Council of UN (1998) stated that although there are great similarities between the various cultures, when it comes to human rights their acceptance of the universality of human rights norms does not mean that they have to be applied uniformly in all cases. This means that human rights must be implemented in their regional and national contexts or specificities. However, these debates arose mainly because of the use and abuse of both 'universalism' and 'tradition' since both are tied to distinct social and political visions, among other things. They were propagated by the political and related purposes of both proponents. Some scholars stated that the Universalist argument hides western hegemonic aspirations (Mohan & Holland, 2001), while the discourse of traditionalism/relativism has been used by careless regimes and/or local people to resist external scrutiny and persist with practicing violations (Murray, 2000).

Others also used the cultural invocation to silence societal criticism and to stay in power by oppressing opposition groups (UN Advisory Council on International Affairs, 1998). The other source of debate on human rights inclusion and implementation emanates from the stand of liberals and socialists in third world states. This debate mainly arose as regards with the priority given for civil and political rights and economic, social and cultural rights. The liberals defend the principles of competitive individualism, private property, and market ethics. They cherish individual liberty, development and human progress through the functioning of these principles. While the socialist approach gives more importance to social rights than the individual rights,

third world countries have their own problems, values and culture. Therefore, they give more importance to socio- economic equality and development (Camur, 2017).

After understanding the debate over the conception of human rights, looking at the nature of and quest for civil and political rights under this debate is important. As discussed earlier, Nowak (2000) stated that characteristic instances of political rights are equal access to public service, the right to vote, and take part in government, while civil rights relate to securing individuals spiritual, physical, economic and legal existence. However, this universalist/relativist debate on the practice of civil and political rights faces resistance in developing countries from various directions (Shaw, 2008). First, there is the argument that these rights hinder economic development and growth. Moreover, it was stated that if the poor has a chance to choose between enjoying political freedoms and providing economic needs, they will invariably choose the latter. Finally, it is argued that the concepts of democracy and political freedom are particularly “western” concepts that specifically go against “Asian values”, which are supposed to be more concerned with discipline and order than freedoms (Sen, 1999).

Accordingly, the practice of civil and political rights tended to lose their priority in the concerns of Third World States. Of particular interest is the tension between the universalism of human rights and the relativism of cultural traditions. This led to arguments by some proponents of relativism that human rights can only be approached within the context of particular cultural or religious traditions. This trend criticizes the view that human rights are universal or trans - cultural. However, states that violate human rights despite becoming parties to human rights treaties, as well as being bound by relevant customary international law, might seek to justify their actions by invoking cultural differences (Sen, 1999).

In line with these arguments, countries across South East Asia and Africa try to adopt different state ideologies by referring to economic development and the issue of political freedom. This is manifested in countries like Malaysia, Singapore and Taiwan that accord priority to economic development at the expense of civil and political rights (Alem, 2018). On the other hand, some African countries like Botswana and Mauritius practice both economic development and political freedoms at the same time by adopting the ideology of democratic developmental state (Mkandawire, 2001). By expressing poverty as the main enemy of the people and democracy as

the means of survival for the country, Ethiopia also launched a democratic developmental state ideology after the 2005 national elections (Fesseha & Abtewold, 2017).

2.1.2. Historical Development of International Human Rights Law

As regards the legal codification of international human rights law, one can take the formation of UN in 1945 as a milestone. Accordingly, it is worthwhile to discuss the development of international human rights law starting from the establishment of the UN and the proliferation of other international and regional human rights laws and instruments.

The UN Human Rights System

After the Second World War, the United Nations brought human rights firmly into the sphere of international law in the UN Charter in 1945. The purpose of the UN as stipulated in article 1(3) is related with the promotion and encouragement of human rights and fundamental freedoms. Under articles 55 and 56, member States are committed to ‘joint and separate action’ to create ‘conditions of stability and well-being’ across the world, including the promotion of ‘universal respect for, and observance of, human rights and fundamental freedoms for all without distinction in terms of race, sex, language, or religion’. Scholars maintained that the post-1945 era saw a dynamic promotion of human rights. As a consequence, human rights instruments were codified on a scale unprecedented before (Cassese, 2005).

Thus, from 1945 onwards it became clear that human rights could no longer be characterised as domestic concerns hidden by the cloak of state sovereignty. To execute its objectives, the UN became instrumental in the process of standard setting with creating treaties and other documents that set out universally recognised human rights norms enshrined in the ‘Universal Declaration of Human Rights’ (UDHR) in 1948. The UN charter also established international institutions for the supervision of human rights implementation like the Human Rights Council and its Universal Periodic Review (Sarah & Adam, 2010). Accordingly, as members the of UN, both Ethiopia and Botswana are subjected to the oversight of various UN human rights bodies, including the Human Rights Council and its Universal Periodic Review and thematic special procedures. As parties to specific universal human rights treaties, the policies and practices of Ethiopia and Botswana are monitored by UN treaty bodies (IJRC, 2017).

a) The Universal Declaration of Human Rights (UDHR)

As discussed in the foregoing, developments in the eighteenth century established the foundation for a new relationship between the individual and the (nation) state. The Universal Declaration of Human Rights of 1948 created the foundation for a new relationship between the individual and the global political order. Adoption of UDHR on December 10, 1948 by the United Nations heralded an era of international obligation of states to respect human rights (Alem, 2018). Hence it is clear that UDHR placed more emphasis on civil and political rights by mainly ascertaining the right of citizens should have regarding electing their representatives and the inalienable rights of enjoying freedom and liberty in the immediate post World War II period.

The Declaration recognizes that the inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world. It thus recognizes fundamental rights that are inherent to every human being including, inter alia, the right to life, liberty and security of the person, freedom of opinion and expression, political participation, freedom of thought, conscience and religion, and freedom from torture and degrading treatment. These inherent rights are to be enjoyed by every man, woman and child throughout the world, as well as by all groups in society (UDHR, 1948). After its establishment, UDHR has had significant impact on the development of both international and national human rights laws. Virtually all human rights treaties adopted by UN bodies since 1948 elaborate principles to be adhered in the Declaration. Moreover, regional human rights system and that of many countries modeled clauses of their constitutions and statutes on the UDHR, and national courts have invoked these as statutory norms. Even though there was optimism on the adoption of UDHR for better protection, promotion and enforcement of human rights, adoption of the Universal Declaration has not averted human rights abuses already since its coming into force (Byrne, 2005). Seventy years later, the world is experiencing serious violations of basic human rights expressed in censorship, discrimination, political imprisonment, torture, slavery, disappearances, genocide, extrajudicial killings, arbitrary arrests and killings, and poverty, etc.

It is clear that many African countries are state parties to UDHR. Ethiopia and Botswana are also state parties to this Declaration and they adopted the document in to their domestic legal system. Accordingly, they are obligated to respect, protect and promote civil and political rights in

accordance with the principle enshrined in the UDHR. Hence this study attempted to examine the practice of civil and political rights by using UDHR as the one (but not the only) framework.

b) International Covenant on Civil and Political Rights (ICCPR)

Following acceptance of the Universal Declaration in 1948, the necessity of transforming human rights into legally binding obligations arose. However, it became clear that a single treaty cannot be sufficient to cover all issues imbued with different characteristics due to the ideological division between the former communist systems and the liberal democratic countries. Hence it is impossible to apply the declaration since each was insisting on rights focusing over specific issues of interest (Bouandel, 1997). As a result, the development of human rights conventions is often described consisting of three generations. Among these, the first generation of human rights which comprised civil and political rights is the concern of this study. The adoption of these subsequent covenants of International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights in 1966 (that came into force in 1976) was a gradual but immense stride towards completing what later came to be known as the regime of the International Bill of Rights (IBR). Through these and other important instruments, the UN has discharged its responsibilities to set normative standards governing human rights while also working with specialized UN bodies to develop mechanisms for monitoring and ensuring better implementation of rights (Tsegaye, 2009).

Thus, ICCPR is a primary multilateral global treaty adopted by the United Nations General Assembly on 16 December 1966. This is devoted to what is dubbed as “first generation” human rights (Simmons, 2009). The preamble of the ICCPR covenant stated that the State parties to the Covenant should be considered in accordance with the principles proclaimed in the Charter of the United Nations and principles enshrined in the Universal Declaration of Human Rights. As the name indicates, this Covenant is replete with discussions on civil and political rights. For instance, article 25 of the Covenant deals with rights of political participation. Participation entails an obligation to guarantee that all citizens have the right and opportunity to take part in public affairs, through political parties, civil society organizations, and other citizen initiatives (IDEA, 2014). ICCPR also guarantees the right to freedom of association (article 25) and assembly. Accordingly, all persons have the right to free association, which extends to the creation of political parties and other forms of civic organizations (IDEA, 2014). Article 19 sets

forth the right to freedom of opinion, expression and information. Paragraph 1 asserts the absolute right to hold opinions "without interference" and Paragraph 2 states the positive content of freedom of expression: namely, the "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 other media of choice. Article 7 of the Covenant also stated that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.

2.1.3. Regional Human Rights System

After the adoption of UDHR in 1948, many regional human rights systems were established including the American human rights, the European human rights and the African human rights systems with supervisory commissions and courts that could lend particular importance in a regional context. But for the sake of the present study, solely the African human rights system has been examined.

a) The African Human Rights System

When examining the evolution of international human rights law, human rights as a legal concept and codification of human dignity were late comers in Africa. Its evolution in the continent is to be seen against the background of the dynamic development of human rights within the United Nations system and that of international law. The impetus of this evolution is attributed to the struggles within African states in the colonial and post-independence eras (Bosl & Deischo, 2009). To focus on Africa as impetus for the evolution of human rights concepts, Grutto (1991) demonstrated that in pre-colonial Africa, colonial regimes destroyed the civil and political rights of African peoples and this led to the further struggle of Africans against the colonizers. Prempeh (2007) also stated that the struggle for democratic governance and human rights are not new phenomena in post-colonial Africa, since they are the most significant reasons for the anti-colonial struggle waged in Africa and provided 'a powerful mobilizing rhetoric for Africa's post World War II anti-colonial movement.

Nevertheless, the Charter of the Organization of African Unity (OAU) was adapted in 1963 to, among others, 'achieve a better life for the peoples of Africa' and to 'eradicate all forms of colonialism from Africa'. The preamble to the OAU Charter reaffirmed adherence to the Charter of the United Nations and the Universal Declaration of Human Rights (UDHR), even though the

main focus of the OAU was to eliminate colonialism in African states. However, after attaining this goal, the organization resorted to developing a regional system to respect, protect and fulfill human rights in Africa. Accordingly, the Assembly of Heads of State and Government of the Organization of African Unity adopted the African Charter on Human and Peoples' Rights in 1981, which entered into force in 1986. The Charter subsequently established supervisory bodies like the African Human Rights Commission (ACHPR, 1981). In addition, many regional economic communities also set up their own organizations and instruments aiming at promoting human rights in their respective regions by enshrining human rights principles (Bosl & Deischo, 2009).

In the preamble of ACHPR which is the main instrument of human rights in the continent, it clearly put that “freedom, equality, justice and dignity are essential objectives for achieving the legitimate aspirations of the African peoples”(ACHPR 1981). In article (1) of the Charter, clearly stipulated that “every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnicity, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status (ACHPR, 1981). In line with International Bill of rights, ACHPR also covers civil and political rights including the right to liberty and security of a person. Articles 6 and 9 underscore the right to freedom of expression and opinion, while articles 10 and 11 deal with the freedom of association and assembly. Article 13 of the ACHPR also emphasizes that everyone has the right to freely participate in the government of his/her own country either directly or indirectly and the prohibition of torture is guaranteed under article 5 of the Charter. For better protection and promotion of the abovementioned rights and others, article 25 obliges state parties to "promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter" and ensure that the rights as well as corresponding duties are clearly understood.

However, in parallel with the usual international laws primary focus on the protection of individual human rights, as can be observed in UDHR since 1945, in recent years, however, more attention has been given to various expressions of the concept of collective rights in the African human rights system though it is often difficult to maintain a strict differentiation between individual and collective rights (Shaw, 2008). Shehab (2018) also asserted that the

ACHPR is of special importance among similar international conventions due to the particularity of the issues of human and peoples' rights in Africa.

While some rights such as the right to life or freedom of expression pertain to individuals, others are necessarily expressed collectively. These include freedom of assembly or the right to manifest one's own religion (Shaw, 2008). However, the question of balancing the legitimate rights of the state, groups and individuals is in practice crucial and sometimes not sufficiently considered. Hence these actors have legitimate rights and interests that should not be ignored. All living within a state have interest for ensuring the efficient functioning of that state in a manner consistent with respect for the rights of groups and individuals, while the balancing of the rights of groups and individuals may itself prove difficult and complex (Shaw, 2008). However, to provide for human rights is one thing, to observe and implement them is another. One does not need to make much effort to notice that the situation of human rights in Africa is yet critical, with millions of people living under horrible conditions as a result of the violation of some of their fundamental human rights (Kabange, 2013).

2.2. Review of Literature

Nowadays all African countries accept the view that respecting, protecting and promoting human rights within their societies is mandatory. In one way or another, they all have human rights instruments. In addition, numerous pieces of human rights legislation have been endorsed as domestic law in all African countries (Kabange, 2013).

At present, the relationship between economic development and the observance of human rights are major concern for scholars and leaders in Africa and other developing nations. For the better performance of both economic development and human rights practice, countries across the globe adopt different kinds of state ideologies. Alem (2018) stated that different political and economic ideologies, in consideration of societies preferences and cultural contexts contributed to the large accumulation of concepts and legal regimes on human rights and ultimately to its dynamism. From this assumption, one can understand that both political and economic ideologies of states play a significant role for the protection of human rights and practicing human rights law. For Lipset (1960), there is a positive relationship between economic development and political rights. He asserts that for poor countries to achieve higher level of

economic development, political leaders should adopt democratic policy that provides political rights to their people. In contrast to this, however, leaders in some countries want to sustain their monopoly on political and economic power. Their lust for power faces severe resistance from ordinary people who feel alienated. On the other hand, Donnelly (1999) argues that authoritarian leaders limit political rights of ordinary people to further economic development. Accordingly, rulers argue that guaranteeing these rights not only hampers economic development but also leads countries to chaos.

In line with the aforementioned arguments of economic development and human rights, some countries across the globe adopt different kinds of state ideologies. Accordingly, countries in south East Asia and some African states adopt a developmental state model that has both direct and indirect impact on the practice of civil and political rights. For some scholars like Edigheji (2005) issues such as democratic governance, human rights and a developmental state are not contradictory but rather, complementary that reinforce each other. According to him, the democratic developmental state is one that needs forming broad-based alliance in society that ensures popular participation in governance and transformation processes. Whatever governmental system states pursue they should be guided by the goals of coherence and authoritative governance, accountability, inclusiveness, stability, ability to generate consensus, and popular participation (Edigheji, 2005).

However, there are states that practice authoritarian systems of governance by suppressing civil and political rights under the rubric of a state ideology of developmental state. For Mkandawire (2001) the first generation of developmental states were authoritarian. Abbink (2011) added that many autocratic systems in Africa and beyond permit and enhance economic development that is often accompanied by human-rights abuse. China with significant economic success continues to suppress human rights while Ethiopia, Angola and Equatorial Guinea can be considered as examples of developmental autocracies in Africa. To make these assumptions logical, Sklar (1986) stated that the experiences of developmental dictatorship was not successful. Thus, developmental democracy in Africa has to take up the challenge of development where dictatorship has failed. Unlike developmental autocratic states, the new developmental states need to be democratic. It is encouraging that the two most cited examples of such democratic developmental states are both African – Botswana and Mauritius (Mkandawire, 2001) that are

also famed for better human rights records. From this, one can deduce that some countries that follow the developmental state model were known for their violation of human rights. While some states that adopt a democratic developmental state scheme have better performance in human rights protection and a commendable economic development, others do not.

Ethiopia officially claims to be a democratic developmental state since over the last two decades as reflected in various policies of the country (Beres, 2015). According to Fesseha and Abtewlod (2017), the EPRDF regime, during its notable second reform appraisal, held in the aftermath of the 2005 national elections, concluded that the utmost priority of the government should be realizing fast and sustainable economic growth that fairly benefits its citizens short of which the very existence of the country cannot be guaranteed. Though there is an increase in economic growth that accompanied the unfolding of the democratic developmental state model, gross human rights violation in the form of mass killings, arbitrary arrest, limitation of freedom of expression and the right to political participation, etc. (Fesseha & Abtewold, 2017; Asnake, 2011). As Merera stated this suggests that the purposive adoption of the democratic developmental state ideology is aimed at ensuring regime survival and stay in power for a long period of time by suppressing civil and political rights (cited in Mesgina, 2015). Asnake (2011) explained that:

After the debacle of the May 2005 elections in which EPRDF victory was controversial and the crackdown on opposition parties, civil society, and the media, the Ethiopian government seeks to strengthen its legitimacy on the sustained high rate of growth and infrastructural development that were witnessed in the country in the last several years.

It is clear that the aforementioned problems faced by opposition parties, civil societies, and media are expressions of lack of guarantee of civil and political rights in general and mainly right to freedom of expression, political participation, assembly, etc. in particular. In addition, Asnake (2011) also stated that this systematic cracking down of opposition parties, civil societies and the media after the 2005 controversial elections, led EPRDF to claim a dominant party status at the expense of democracy and freedom. Solomon (2017) in his study, ‘ *The emerging democratic developmental state in post 1991 Ethiopia*’, mentions that societal and political culture, the history and nature of the ruling party are responsible for the poor performance of Ethiopia regarding protection of civil and political rights. He also stated that Ethiopia performs

well in registering better economic growth while the country has a poor record in human rights protection. To strengthen this Asnake (2011), Fesseha and Abtewold (2017), CIHRLA (2018) and Amnesty International (2017) stated that serious human rights violations were committed after EPRDF regime launched a democratic developmental state project in the aftermath of the 2005 national elections. During the 2010 Ethiopian national elections, EPRDF and its allies won 545 seats in the 547 member parliament (Asnake, 2011). In the same manner as the previous elections, the 2015 national elections was also concluded by EPRDF's claim of winning all parliamentary seats by abusing the electoral system contrary to international and regional human rights law principles of free and fair exercise (Arriola & Lyons, 2016).

Bayenew (2011) appraised the state of human rights enforcement in Ethiopia by emphasizing the situation of civil and political rights and concluded that there were serious human rights violations across the country perpetrated by state and non-state actors. However, civil and political rights including freedom of expression and opinion, freedom of assembly and association and the right to political participation etc. were not included in his study. Hence this study attempted to give emphasis to these rights. On the other hand, the Center for International Human Rights Law & Advocacy (CIHRLA) (2018) deeply studied human rights violations in Ethiopia beginning from the coming to power of EPRDF in 1991 up to the measures taken by the current PM Abiy Ahmed to improve existing inadequacies.

While the role of institutions that are responsible for protecting and promoting human rights are supervised by the UN and ACHPRs, Ethiopia have established a human rights commission in accordance with international and regional human rights instruments. According to Yemsrach (2010), there was a gap in the compliance of Ethiopian human rights institutions with the Paris principles resulting from lack of independence, accessibility, operational efficiency and accountability. The UNDP (2014) stated that the Commission has admitted some human rights challenges relating to freedom of expression, freedom of the media and assembly.

The other institution responsible for protecting and promoting human rights in Ethiopia is the Parliament. Esete (2012) examined 'the impact of party dominance on the role of parliamentary oversight on the protection of human rights in Ethiopia.' In this study, the dominance of one party (EPRDF) in parliament is reported as having negatively affected the role of the legislature

in monitoring the protection of human rights. As a result, Parliament failed to hold administrative officials accountable for human rights violations (Esete, 2012).

The 20 years' experience of human rights violations generally and the recent protests against the governing regime since 2015 indicate existence of problems in upholding civil and political rights in the country. Accordingly, this study attempted to examine the experiences of Ethiopia in upholding civil and political rights, the status of implementing international and national instruments in respecting of civil and political rights, the role of the EPRDF and the challenges faced in this regard as compared to the experience of Botswana.

Literature sources dub Botswana as a stable democracy with good human rights records (Mapodisi, 2014) and a successful 'developmental state' (Leftwich, 1995; Edge, 1998; Maundeni, 2001; Taylor, 2003; Sebudubudu, 2005). Soest (2009) argues that Botswana appears to be an exception; as a "deviant" (Charlton, 1990; Kloeden et al. 2004) or a "special case" (Hansohm 2001) compared to countries in the rest of Africa. Some also call Botswana the "African miracle" (Samatar 1999). For Maiposi (2009), Botswana is often cited as the foremost example of a stable multi-party democracy in Africa, which upholds freedom of speech, press and association and most importantly property rights and rule-based governance. The Judiciary in Botswana is also independent of both the legislative and executive branches (Maiposi, 2009). In practicing civil and political rights, Botswana is ranked 'free' by Freedom House (HRC, 2011). Freedom House also ranks Botswana as one of only 8 'free' countries among the 48 states of sub-Saharan Africa, with high scores for both political and civil rights (HRC, 2011). Subsequent Freedom House Reports (2016, 2017 & 2018) also categorized Botswana as 'free' in terms of practicing civil and political rights.

To strengthen the above claims, Armah (2015) stated that it cannot be denied that political tensions exist in Botswana and Mauritius despite the fact that the two countries are very much committed to entrench workable and pragmatic democratic institutions that promote free and fair elections, free press, and robust legislatures and constitutions. This indicates that some of the principles of civil and political rights like free and fair elections, and free press are practiced better in Botswana and Mauritius.

On the other hand, there are other sources that blame Botswana on the practice of civil and political rights. They stated that although elections have been widely noted as free, fair and genuine, there is a problem due to the regime's suppression of freedom of press and problems affecting opposition political parties. Accordingly, scholars raise the motto of 'free, peaceful, and fair' elections that are questioned by the opposition and served as a contentious issue by the political opposition and analysts alike (Sebudubudu and Botlhomilwe, 2010). IDASA'S democracy index (2012) reported that although the regime permits the formation of political parties without restrictions, the regimes legitimacy is contested by political parties on the issue of funding which the regime uses public resources at the expense of other competing political parties. Some raise the results of 2014 elections as a manifestation of an increase in electoral competition signaling the end of the era of one dominant party. More importantly, it indicates that citizens are free to choose the government both at national and local levels (Moyo, 2016), which is one of manifestations of practicing civil and political rights. However, although international observer missions call the 2014 election peaceful, free and fair, both the Media Institute of Southern Africa (MISA, 2014) and the SADC Lawyers' Association (SADCLA, 2014) were concerned by the uneven reportage by the state-owned media that favoured the ruling party (OSISA, 2017).

As regards other civil and political rights of freedom of expression and media related issues, Farks (2009) argued that although fundamental freedoms are enshrined in the Constitution of the Republic of Botswana, there are concerns expressed about the erosion of the freedom of the press (BTI, 2008) and freedom of expression. However, despite some shortcomings, Botswana continues to enjoy media diversity across all media platforms— print, broadcast and digital (AFRO, 2014). Nevertheless, most recent analysis show that while most Botswanans see their country as exemplary in practicing democracy and human rights, satisfaction with the way democracy works; they perceived freedom of speech as sharply declined over the past decade (AFRO, 2014). This leads mainly due to the ruling party's monopoly over state media (AFRO, 2015).The AFRO (2014) report also indicates that although Botswana periodically conducts free and fair elections which are one of the principles of political rights and taken as a forerunner of democracy in the African continent, it is losing exemplary status.

There have been repeated calls on Botswana to establish a national human rights institution (NHRI), which complies with the Paris Principles (Mapodisi, 2014; UNGAR 48/134, 1993). In favour of this, Dinokopila (2012) concluded that both the legal and institutional framework is inadequate to protect human rights and that there is no institution in Botswana that has been established according to the Paris Principles.

Sebudubudu and Botlhomilwe (2010) blame the independent electoral commission's organization since its administrative officers are elected by the President of the Country. Botswana, however, ensures that civil society enjoys the right to operate in the country without hindrance or harassment by the State (Maundeni, 2005). Ranging from registration to day-to-day operations, there is minimal state interference in civil society activities (Kaunda, 2008). However, others claim that despite the Botswana's government views of civil society as partners (African Governance Forum, 2007), Botswana's civil society organizations are described as weak and apolitical, despite the aforementioned (Farks, 2009).

CHAPTER THREE

THE PRACTICE OF UPHOLDING CIVIL AND POLITICAL RIGHTS IN ETHIOPIA AND BOTSWANA

Many African countries entrenched the International Bill of Rights within their domestic legal system that is a significant advancement at least at the level of rhetoric. This is reinforced especially by the existence of the UDHR, ICCPR, and ACHPR and its enforcement machinery, the African Union Commission and the African Court. However, beyond this formal entrenchment, studying what has been done practically is important. In spite of this, Ethiopia and Botswana are among the countries that ratified the aforementioned international and regional human rights laws. Furthermore, African countries adopted various state ideologies that are compatible with the practice of their economic and political policies. Hence in addition to incorporating international and regional human rights conventions to their domestic laws, state ideologies that are adopted by various African countries had positive or negative impacts. Ethiopia and Botswana follow the ideology of democratic developmental state model as expressed by government officials and many writers despite the existing debates.

3.1. Upholding Civil and Political Rights in the ‘Democratic Developmental State?’ of Ethiopia

When assuming state power in 1991, the EPRDF promised to implement an ambitious program of political reforms that endorse democratic standards and principles for the upkeep of human rights (de Waal, 1992). Promises in this regard were followed up by a process of accession to international instruments of human rights including ICCPR which implies that the government is obliged to draft and implement policies that adhere to international human rights standards (Tronvoll, 2008). Accordingly, the 1995 FDRE Constitution reconfirmed this in Articles 8-44. Accordingly, Article 13(2) “shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and other human rights instruments adopted by Ethiopia” (Tronvoll, 2008).

Consequently, among the set of human rights that offered recognition and protection under both the TGE and the 1995 Constitution include civil and political rights or first-generation rights comprising the right to political participation (right to vote , and participate in the activities of government, etc.), freedom of speech and expression, and right to assembly and association.

After the 2005 national elections, the EPRDF officially announced shift in state ideological orientation. Under the leadership of the late Prime Minister Meles Zenawi chairperson of EPRDF, the government adopted a political and economic ideology known as “Democratic Developmental State” (Fesseha & Bizuayehu, 2017). In explaining this state ideology, Meles emphasized economic growth and building of democracy as a means of state survival. In an interview with one of the government- sponsored media, Ethiopian Television, in 2010, Meles noted that:

Democracy is the founding block of the country's existence. In its absence, the country would end up in civil war, and the substance of the state as a state would be jeopardized. Thus, democracy is non-negotiable. However, realizing democracy is not an end in itself. These days, our greatest enemy is poverty, not any other and, poverty could be reduced, and if possible eliminated, so long as we adopt a good policy that organizes its people to work. Though the utmost priority of a developmental state is to realize economic development, democracy is also vital to our existence. Thus, we are a Democratic Developmental State (cited in Fesseha & Bizuayehu, 2017)

Meles's emphasis on democracy as the cornerstone of the country's development signifies the necessity to implement democratic principles like freedom of opinion and expression, free and fair elections, the right to vote, freedom of assembly and association that are also enshrined in international and regional human rights laws and the constitution of Ethiopia. In employing this state ideology, Fesseha & Bizuayehu (2017) insisted that Ethiopia, unlike some other countries, didn't just adopt the “East Asian Model” but rather adopted a hybrid of two ideologies i.e. “Democracy” from the West and “Developmental State” from the East. This makes Ethiopia peculiar from other East Asian tigers in the sense that both democracy and economic development matter, as one without the other is impossible. At the level of rhetoric, Meles' explanation of the concept is also similar with Sen's (1999) and Uvin's (2007) indication of complementarities between democracy and development.

Accordingly, adopting the developmental state ideology has taken democracy as a means of achieving economic development. Fesseha & Bizuayehu (2017) further stated that the adoption

of “Democratic Developmental State ideology” into Ethiopia’s political system is the only possible means for defeating poverty (see also Solomon, 2017). Ethiopia has currently registered the world’s fastest double-digit economic growth by building upon the ramifications of this ideology during the last decade (Fesseha & Bizuayehu, 2017; Solomon, 2017). Clapham (2004) also stated the enormous progress Ethiopia made in both political and economic fields when compared with the previous governments, even though he is cautious in telling whether it will be possible to bring the political and economic progress to completion and how long these might take. Nevertheless, Teshome (2016) further noted that as a result of Ethiopia’s disposition favouring the democratic developmental state ideology and paying equal attention to both economic development and democracy, the country realized remarkable economic development and democracy during the last two decades.

Despite the positive achievements made under the EPRDF regime under the guise of its ‘democratic developmental state ideology’, there are scholarly writers and institutional reports that question the nature of the ideology itself, the government’s endorsement intention and its practicability in upholding civil and political rights. During his speech to Parliament in 2010, Meles admitted that this might go against the principles of the constitution since “naturally, the developmental state needs a given party or government to stay in power for a long time to realize economic objectives” (Capital, 2017). On the other hand, the FDRE constitution under Article 9 (3) stated the prohibition of assuming state power in any manner other than the provision stipulated in the Constitution. Nonetheless, Fesseha & Bizuayehu (2017) defend this assumption by arguing, Meles assumption of the party to stay in power for long so far as citizens are free to establish opposition political parties with the freedom to express their opinions peacefully and legally through peaceful demonstration, the mass media, and hold democratic elections.

Some writers (Eyob, 2015; Matfess, 2015) criticize the government’s disposition favouring the ideology of democratic developmental state since the regime employs it as a tool to suppress civil and political rights and as a means to survive in power for a long period. According to Merera, EPRDF’s preference for democratic developmental state is due to the regime’s ideological crisis during the 2001 TPLF split and its electoral failure in the 2005 elections (cited in Mesgina, 2015). For him, EPRDF’s adoption of this ideology is to stay in power by deceiving the public (cited in Mesgina, 2015). However, Kassahun, by supporting the strong role of the government in the economy and developmental state as a proper means for economic

transformation, he questions the need to define what a developmental state in Ethiopia that it is not an established system yet in Ethiopia (cited in Mesgina, 2015). Kassahun focused on the need to define the government's role as regards the trend of cracking the opposition and become a dominant actor or to bring growth. Hence advantages and disadvantages of the role of the state should be articulated clearly (cited in Mesgina, 2015).

For Matfess (2015), Ethiopia's disposition towards the democratic developmental state ideology is a means of legitimizing "authoritarian rule of strong men" and hence it is simply an ideology of a "developmental authoritarianism" rather than being "democratic". Intentionally, the EPRDF's adoption of the ideology of 'democratic developmental state' is to create minority dominance and a means to survive in power for a long period.¹ As a result of employing this ideological feature, the government found a premise to violate citizen's right both legally and in practice, since rulers of developmental states care more about their power by devising various mechanisms through which they can maintain their hold on power for long (Matfess, 2015). According to Assefa (2015), despite the constitution's giving equal weight for all generations of human rights, the ideological shift of the government towards a developmental state resulted in focusing more on economic growth and less on civil rights and political freedoms. This contradicts the government's argument regarding complementarity of economic growth and respect for human rights.

As a result, this trend of economic growth first and civil and political rights later is contradictory to the spirit of the constitution (Assefa, 2015). These arguments are also against Thornton's (2008) assumption of a just and sustainable development that could be best achieved when economic and political priorities are balanced. Nevertheless, despite the existing constitutional and legal frameworks, Ethiopia faced serious challenges in protecting human rights and building a democratic system (UNDEF, 2012). As Clapham (2004) noted, Ethiopia is not a democracy still and has yet to pass the acid test of peaceful change of government as a result of free and fair elections and it seems unlikely to do so soon. According to various international and domestic observers and human rights organizations, the situation of upholding human rights in Ethiopia has deteriorated in recent years, particularly after the disputed 2005 elections (Aalen & Tronvoll, 2009; Merera, 2011; UNDEF, 2012; Amnesty International, 2017). Up until 2018 also, ideas that

¹ Interview with Eskindr Nega, a Journalist and Human Right Activist, on May 12/ 2019, Addis Ababa, Ethiopia

challenged the state and its approaches were not welcome, and politicians, academics and journalists were jailed for expressing alternative views (Melisew & Cochrane, 2018).

From the above debate of the complementarity of human rights and economic development on one hand and the anti-human rights stand of the ideology of the developmental state on the other hand, this study examined Ethiopia's practice of upholding civil and political rights following the adoption of ideology of democratic developmental state. However, due to the existing gaps and various constraints, the study gives much emphasis on civil and political rights covering the right to political participation, freedom of opinion and expression, and freedom of assembly and association.

A. Upholding the Right to Political Participation in Ethiopia

The right to political participation is one of the fundamental components of human rights. International and regional human rights instruments guarantee citizen's right to political participation in the affairs of their government.

Article 21 (3) of the Universal Declaration of Human Rights underlined that the will of the people shall be the basis of the authority of government and this shall be expressed in periodic and genuine elections that shall be expedited through universal and equal suffrage held by secret vote or by an equivalent free voting procedure. Similarly, the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples Rights (ACHPR) also state the need to uphold the citizen's right to political participation (ICCPR, 1966, ACHPR, 1983). The FDRE constitution in Article 10 (2) also provides citizens with the right to change their government peacefully in periodic elections. As stated by Tshosa and Tshosha (1994), the main elements of the right to political activity includes participation in government, the sovereignty of the people and free and fair elections, which are also mentioned under article 21 of UDHR. For Gibson (1992), political tolerance, rights consciousness, support for an independent media, and support for dissent have also a direct bearing on the exercise of freedom of political activity.

As stated by Kassahun (2003), as a result of the offering of the freedom of association to be enjoyed by the citizenry by the interim supreme law of the land i.e. 'Transitional Period Charter' and the incumbent 1995 FDRE Constitution, many ethnic-based and some multi-ethnic political parties proliferated. Not only constitutional guarantee but also, the Ethiopian state has set its

vision on entrenching democratic rule, a system of good governance and social justice based on the free will of the people in the Growth and Transformation Plan (GTP) of the government (GTP, 2010 & 2015). The constitution also insists that “respect of individual and peoples’ fundamental freedoms and rights” is a necessary condition for the achievement of the above-mentioned objective (FDRE Constitution, 1995). This indicates that the people’s political participation is a *sine qua non* for the attainment of the goal of economic and social development in a polity founded on the rule of law (UNDP, 2012). Here, it should be underlined that in line with the constitution, in both of the two GTP plans (GTP 2010 & 2015) also focused on the free will of the people and participation in the affairs of the country’s overall development.

Nevertheless, after the 2005 national elections, the EPRDF regime officially ushered in a state ideology that may have positive or negative impacts for the exercise of the right to political participation that this study examined. As indicated by Tronvoll (2008), Merera (2011), Adem (2012) and Matfess (2015), in post 2005 elections, the EPRDF ruling party applied various legal instruments including the Anti-terrorism law, the Civil Society Organizations law (CSO law), the Media Proclamation that have negative effects on the right of the citizenry to participate in the political affairs of their country.

According to Udogu (2014), Ethiopia has never had a peaceful change of government and the ruling EPRDF and its allies have dominated the government and its institutions at present. Moreover, although the constitution provides citizens with the rights to freely join political organizations of their choice, these rights were often restricted practically through the efforts of the agents and agencies of the government.² He further stated that all state machinery and apparatus including local police, local militias and their institutions engaged in persecution and arrests, and perpetrating physical threats and violence. As a result of these acts, the human rights of citizens were regularly abused and violated (Udogu, 2014). Birhanu (2019)³ further stated that political participation in Ethiopia is met by intimidation, killings, arrests, etc. According to him, rights became a luxury for citizens under EPRDF since the right to life was also violated.

² Interview with Enginer Yilkal Getinet, Former President of Blue Party of Ethiopia and now President of National Movement of Ethiopian on May 06/ 2019, Addis Ababa, Ethiopia

³ Interview with Birhanu T/Yared, Formerly among the leaders in Blue Party of Ethiopia and later member of Ginbot-7, on May 12/2019, Addis Ababa, Ethiopia

As regards, citizen's participation in the affairs of government, human rights experts and scholars agree that competitive elections epitomize democracy and that the right to vote is one of the essential requirements of such a system of governance through which people take part in the running of government activities either directly or through freely elected representatives (Tshosa & Tshosha, 1994). The African Charter on Human and People's Rights also provides that "Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives by the provisions of the law".

In the same vein, the FDRE Constitution guarantees citizens above 18 years of age the right to vote for electing their representatives. Furthermore, Kassahun (2003) stated that Ethiopians above the age of 18 can form a political party upon drawing up internal regulations and organizing a political program. As stated by various international human rights instruments, the question of free and fair elections is also one of the elements in practicing the right to political participation. The UDHR provides that the will of the people shall be the basis of the authority of government and shall be determined by secret vote or equivalent free voting procedures (UDHR, 1948). Accordingly, the EPRDF ruling party, by establishing a parliamentary republic of "revolutionary democracy," conducted national elections in 1995, 2000, 2005, 2010 and more recently in 2015. Many Ethiopians participated in electing their representatives and there were 79 political parties in 2000 (Arriola, 2005) and currently more than 100 registered political parties exist. According to Tesfalem⁴, both the number of political parties and the competitiveness of the elections have increased from time to time.

In the 1995 elections, EPRDF secured more than 90% seats in the Parliament, while oppositions and individual candidates own the remaining seats (Merera, 2011). Kassahun (2003) stated that over 18 western governments declared the election as 'free, fair and participatory', although other organizations including the Norwegian Observers Group (Tronvoll and Aadland, 1995) were reluctant to endorse the elections as 'free, fair, and impartial' due to drawbacks like lack of inclusiveness and absence of 'free competition between all legal and political alternatives'.

With this contestation over the 1995 election outcomes, as Kassahun (2003) stated, compared to previous past election exercises, the May 2000 elections could be noted for relative improvements expressed in some of the opposition parties winning some seats in a few of the

⁴ Interview with Tesfalem Abay, Communication Director of Electoral Board of Ethiopia, on May 10 /2019, Addis Ababa, Ethiopia

regional and national legislatures. Nevertheless, it couldn't be immune from criticism due to the mode and manner of conducting the elections. As cited by Kassahun (2003) from Pausewang and Tronvoll (2000), who lamented the situation by citing the failure of the government to open up a process of inclusive exchanges and debate by inviting all parties and arguments (excluding those disposed towards violence and hatred). Pausewang et al., (2002) added that the ruling party won a large majority of the vote by using oppressive tools to control the electorate and preventing the opposition from taking part in the process on a level playing field in this national election in question.

As regards the 2005 national elections, many scholars and analysts wrote more about the good opportunities and its disputed results. Some scholars including Clapham (2005), Harbeson (2005) and Lyons (2006) label the 2005 election as 'founding', 'formative' and 'genuine' for democracy in Ethiopia because of the initial conduct of smooth campaigns and polling, which indicated that a fundamental change was taking place in the Ethiopian political culture. As stated by Tronvoll (2008), the 2005 election campaigns differed from previous ones in many ways that gave a reason for optimism in the steady move towards democracy. For the first time, all contending parties were able to campaign and disseminate their programs through government - owned national media and public campaign rallies (European Union Election Observation Mission, 2005). In the pre-election period, the capital hosted large mass rallies in favour of the two major competitors, the CUD and the EPRDF leading to an unprecedented level of openness that had a big impact on people's consciousness about the elections (Tronvoll, 2008). Despite the irregularities confirmed by election observers and the deteriorating security situation, the Electoral Board announced the official results in which the EPRDF claimed to have won 327 of the 527 (59.7%) of seats of parliament (Lyons, 2006) and the opposition won 137 of 138 (99.27 %) seats of the Addis Ababa City Council, 106 of 294 (36 %) in the Amhara region Council, and 150 of 537 (27.9 %) in the Oromia regional state Councils (African Elections Database, 2006). This election made it clear that the opposition had done better than at any time in Ethiopian history (Tronvoll, 2008).

As regards the 'free and fairness' of the election, reports from international observer teams confirmed that the elections did not meet international standards as irregularities took place on a massive scale in the re-election and counting processes (EU-EOM, 2005). As indicated by Freedom House (2008), suspicious voting results prompted widespread accusations of fraud and

public demonstrations ensued and security forces responded by killing 42 protesters and arresting over 4,000 people, including opposition leaders, human rights activists, and journalists accused of anti-constitutional crimes. According to Aalen & Tronvoll (2009), to contain the protests, the federal police and armed forces arrested tens of thousands of youngsters and the police fired live ammunition into crowds, leaving 193 civilians and nine politicians dead. Moreover, the aftermath of the elections led not to more democracy but more authoritarianism because of the regime's excessive clampdown on the political opposition and civil society. This was coupled with the launch of new and repressive laws and the expansion of local structures of control and coercion (Aalen & Tronvoll, 2009). Between 2000 and 2008, although regular elections were held, the hegemony of the ruling EPRDF has not been fundamentally challenged and the human rights situation has remained fragile, and an increase of reported violations has been observed. As a result of these human rights violations, the African Commission on Human and Peoples' Rights issued a statement that condemns the violations and police brutality in the crackdown on opposition members and sympathizers. Accordingly, supported by a growing body of literature on electoral authoritarian regimes Ottaway (2003) and Schedler (2006), Ethiopia is seen as a case that demonstrates how elections can be instruments of political control rather than devices of liberalization.

In the 2010 and 2015 elections, the EPRDF again perpetrated an array of repressive practices to fortify its control (Winsor, 2015) and was able to win 99.6 and 100 % of parliamentary seats respectively. Amnesty International (2011) and the US State Department (2017) reported that the EPRDF regime won the elections in the context of intimidation and harassment. The report further added that state resources, assistance, and opportunities were used repeatedly as leverage to pressure citizens to leave opposition parties. Besides, education opportunities, civil service jobs, and food assistance were often contingent on membership of the ruling party (Amnesty international, 2011). On the other hand, opposition political parties faced difficulty to open offices and conduct public meetings due to preventive measures by government agents (USDS, 2010). Furthermore, Mamushet⁵ stated that before the election the EPRDF regime arrested opposition party leaders and members. It is under such circumstances that the EPRDF was able to win in the 2010 election by controlling 99.6% of parliamentary seats (USDS, 2011). As a result, the European Union (EU) Election Observers reported that elections held in the country

⁵ Interview with Mamushet Amare, President of All Ethiopian Unity Party, on May 8/2019, Addis Ababa, Ethiopia

fell short of international norms like transparency and did not provide a level playing field for opposition parties (USDS, 2010). At the end of the year, there was a presence of an unknown number of political prisoners including journalists, activists, and political opposition members charged with terrorism and outrage against the constitution or the constitutional order (USDS, 2011).

During the 2015 national elections, the EPRDF and affiliated parties won 100% of all the 547 seats (USDS, 2017 and NEBE, 2015). During the said election, six rounds of broadcast debates preceded the elections involving slight editing. The debates included all major political parties (USDS, 2017) and independent journalists reported facing little trouble covering the election, including developments in the polling stations. Nevertheless, only the African Union was invited to observe the elections declaring the election as very “free, fair and periodic” (USDS, 2016). Other independent observers were restricted by the government. However, contrary to the African Unions election report, opposition party observers reported interference, harassment, and extrajudicial detention by the local police including intimidation of opposition candidates and supporters (Mamushet, 2019). Yilkal (2019) argued that the 2015 elections were meaningless, since opposition party members, journalists, and other participants were arbitrarily arrested and the political space was completely constrained. Besides, several laws, regulations, and procedural guidelines were introduced since the 2005 national elections. These created a clear advantage for the EPRDF throughout the electoral process (USDS, 2017).

As a result of these election-related mistakes and other government punitive measures against civil and political rights, the Economist Intelligence Unit (2017) ranked Ethiopia 125th in the list of democratic nation out of 167 nations in its 2016 Democracy Index. In doing so, it stated that lack of electoral pluralism, political participation, and civil liberties qualified Ethiopia as an authoritarian regime. Similarly, Freedom House categorized Ethiopia as Partly Free in 2006 and after the 2015 elections, Ethiopia was categorized as Not Free, in 2016 (Freedom House, 2017). Accordingly, the trajectory of the EPRDF’s share of parliamentary seats went from 94 % in the 1995 elections, 88 % in 2000, 67 % in 2005, 99.6 % in 2010 and 100 % in 2015 (Abbink, 2017).

For better performance in upkeep of civil and political rights especially during elections, the role of the Electoral Boards is significant. The National Election Board of Ethiopia (NEBE) is mandated to supervise national elections that should be conducted in free, fair and peaceful

manner (NEBE, 2007). The Board has sole responsibility for voter education and broadcast radio segments and distributed manuals on voter education in many local languages (USDS, 2017).

However, there are scholarly and institutional reports on the problems surrounding respecting and protecting citizens' rights. The first and foremost drawback is it's being politically dependent on, and nominated by the executive branch (USDS, 2017). As a result, rather than conducting free and fair elections and facilitating the efforts of political parties, the board is used as an instrument of the ruling party to sustain its power (Mamushet, 2019).

Similarly, the media is prohibited from reporting on the election process without a license from the Board (Proclamation no 532/2007). Furthermore, the Proclamation governing the registration and operation of political parties also limits the sources of income of political parties only from membership fees and donations, and government grants, etc. raised only from Ethiopians and Ethiopian companies (Revised political parties' registration no 573/2008).

B. Upholding the Right to Freedom of Opinion and Expression in Ethiopia

The respect and promotion of fundamental rights and freedoms are one of the most important conditions for the existence of a democratic society. Among these rights, the right to freedom of opinion and expression is considered the very foundation of a democratic government and society. Marcus and Spitz (1998) noted that the exercise of democratic self-government requires the capacity of citizens to make informed judgments about how they are to be governed. To do this, an extensive and participatory debate, which in turn, requires also free and open access to all available and relevant ideas and policies, is needed (Marcus & Spitz, 1998).

Article 19 of the Universal Declaration of Human Rights which stated that:

Everyone has the right to freedom of opinion and expression that includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers (UDHR, 1948).

Similarly, Article 9 (1) of the African Charter on Human and Peoples' Rights (ACHPR) in and the International Covenant on Civil and Political Rights in Article 19 (1 and 2) restate the preceding views in a similar way (Udogu, 2014).

By taking the aforementioned human right instruments as a premise, the FDRE constitution article 29 highlights the issues of freedom of speech and the press as follows:

Everyone has the right to hold opinions without interference and these rights shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any media of his choice (FDRE Constitution, 1995).

From the aforementioned legal instruments, it is clear that the right to freedom of opinion and expression considers not only the substance of ideas and information but also their form, their carriers, their means of transmission and reception.

With the disposition of these legal grounds, various reports and writers indicated that there were good beginnings of freedom of expression and media outlets that proliferated in the early periods of EPRDF and most importantly during 2005 elections. Clapham (2004) stated that the emergence of a genuinely independent press is one of the key developments in Ethiopia since 1991. Tronvoll (2008) further noted that after its seizure of power, the EPRDF regime liberalized the media sector and permitted for the emergence of a broad range of independent, privately-owned newspapers and magazines. As a result, 2 to 300 newly established private newspapers exposed the public to information in a manner never before experienced by Ethiopians (Skjerdal & Lule, 2009).

Despite the aforementioned principles and legal instruments, criticisms indicate the government's failure to respect, protect and promote civil and political rights in Ethiopia. As Tronvoll (2008) stated, most of the media, both government and private, were subsequently accused of lacking professionalism and adequate ethical principles. For Eskinidr (2019), the EPRDF regime violates freedom of expression by using various instruments including the Media Law, the Anti-Terrorism Law, etc. The 2008 'Mass Media and Freedom of Information Proclamation' law further legalized the restrictive policies that the government had been practicing since 2005 (Tronvoll, 2008). Ibrahim (2015) also asserted that the mass media proclamation has been used to target critical dissent and free expression by giving the state the prerogative to decide whom to allow to be licensed or punish for being too critical. Furthermore, the new press law also restricts media ownership by preventing non-Ethiopian citizens from owning media outlet (Tronvoll, 2008). Moreover, in the period following 2005, private newspapers accounting for over 80 % of those in circulation had been shut down (Freedom House, 2009).

Against this argument, Setegn (2019)⁶ stated that the Media proclamation of 2008 didn't restrict the right to freedom of opinion and expression. On the other hand, journalist and human rights activist Eskindr Nega (2019) stated that the EPRDF regime is authoritarian and against the right to freedom of opinion and expression with its instrument of revolutionary democracy that suppressed freedom of speech. Nevertheless, in addition to the ramification of the Press regulation, as various reports indicated, the regime continued to arrest, harass and prosecute journalists, publishers and editors. EPRDF controlled almost all broadcast media, including the sole state owned television station and this monopoly helped the administration to present its views to the society despite the displeasure of opposition parties. Furthermore, privately-owned newspapers and government journalists routinely practiced self-censorship in order not to incur the wrath of the government (Udogu, 2014; Simegnish, 2016).

Amnesty International (2011) also stated that the new laws that were introduced in the first half of 2008 limited the practice of the right to freedom of association and expressions and the activities of human rights groups. As a result, human rights defenders were harassed, with some fleeing the country to avoid arrest and detention (Amnesty International, 2011; Simegnish, 2016). Eskindr (2019) also noted that the government labels journalists and other right groups using the Anti-Terrorism law by associating them with outlawed groups like Ginbot-7, OLF etc. As a result, the Committee to Protect Journalists prison census found the country to be among the top five worst jailers of journalists worldwide (cited in Bayenew, 2011).

For Grinberg (2017) authoritarianism in Ethiopia is constraining citizens' rights of political and digital expression with a state's monopoly on digital services. To reach its ambitious plan of attaining national development, Ethiopian officials increasingly deployed surveillance to mitigate the problem he refers to as the "Authoritarian Dilemma" through pervasive monitoring, intimidation, and targeted censorship. Within this circumstance, the one-party state is seeking to simultaneously promote growth and stifle digital dissent while these chilling effects of surveillance also damage the prospects for sustainable development and further marginalize the voices of disaffected political groups and critics (Grinberg, 2017). The 2017 US State Department report indicated that the government periodically and increasingly restricted access to certain content on the internet and blocked numerous websites, including blogs, opposition websites,

⁶ Ato Setegn Abahoy, Manager of Amhara Mass Media Agency, Addis Ababa Branch, on April 19/2019, Addis Ababa, Ethiopia

websites of Ginbot 7, the OLF, and the ONLF, and news sites such as Al-Jazeera, the BBC, and Real Clear Politics (USDS, 2017).

With an admirable beginning of the EPRDF's regime regarding upholding the right to freedom of expression and the proliferation of media outlets, however, violation of the right to freedom of opinion and expression has been experienced particularly after the disputed 2005 elections.

C. Upholding the Right to Freedom of Peaceful Assembly and Association in Ethiopia

The rights to freedom of assembly and association are fundamental rights by which individuals can freely express their views on all issues concerning their society. International human rights instruments including UDHR also guarantee the right to freedom of peaceful assembly and association. Article 21 & 22 of the International Covenant on Civil and Political Rights affirms that:

The right of peaceful assembly shall be recognized and no restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary and Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests respectively (ICCPR, 1966).

In line with these, the FDRE Constitution in article 30 & 31 states that:

Everyone has the right to assemble and to demonstrate together with others peaceably and unarmed, and to petition with regulations and every person has the right to freedom of association for any cause or purpose not to be against the constitutional order, etc.

Accordingly, the principle of freedom of assembly and association underlines that individuals that seek to associate and form political parties should be free from interference (Leake, 2017) while states have the duty to enact laws that are necessary for the practical exercise of the right of citizens to freely associate and form political parties (Leake, 2017).

After the coming of the EPRDF regime to power, the right to freedom of assembly was practiced relatively in a better manner than under the previous regimes. As per existing regulations, organizers of large public meetings or demonstrations must notify the government 48 hours in advance and obtain a permit. Nevertheless, there were many peaceful demonstrations in the post-1991 Ethiopia and among other times and situations have been practiced during the 2005 elections. As stated earlier, the campaign for the 2005 elections gave ground for optimism to the

steady move towards democracy when all contending parties were able to campaign and announce their programs through public rallies.

However, there are critics on Ethiopia's upholding of the right to peaceful assembly and association. According to opposition party leaders, in the regional states, including the Addis Ababa City Administration and other administrative units, right violations that are manifested through reluctance to grant approval or provide security for huge gatherings abound (Mamushet, 2019; Yilkal, 2019). These are further expressed by the fact that authorities interfered in most of gatherings and changing the dates or locations of several of the protests and rallies. Local government officials, who are largely EPRDF members, controlled access to municipal halls and other meeting venues (USDS, 2017). Moreover, Mamushet (2019) stated that in different regions of the country, there is a difficulty in accessing offices, meeting halls, etc. to conduct public meetings and demonstrations. Besides, the local cadres harass, arrest and prohibit these kinds of facilities (Yilkal, 2019).

According to various reports and writers, the government's violations against the right to demonstration go up to killing demonstrators. Temesgen Desalegn, on *Feteh Magazine* (August 9, 2019), stated that the regimes right violation of peaceful demonstrators went back to the 1993 Addis Ababa University student's demonstration staged against the secession of Eritrea to which the government responded with intimidation, killing, and detention. He further recalled the death of various citizens in Hadiya Zone as a result of the 2000 elections. As a result of the 2005 election outcomes, more than 193 (The Reporter, 2006) demonstrators were killed and over 5000 were arrested and detained while large number of demonstrators were also injured (Tronvoll, 2008). According to Temesgen (2019), permissions for staging peaceful demonstrations were banned between 2005 and the death of Meles Zenawi in 2012 and thereafter. The 2017 US State Department report also stated that due to the government's failure to respect freedom of assembly, numerous protesters were killed, injured, detained, and arrested throughout the year. As regards the 2016/2017 protest, the Ethiopian Human Rights Commission (EHRC) in its April 2017 report appealed to the parliament that 669 persons died and more than a thousand persons were injured in the 2016 protests in Oromia, Amhara, and SNNPR. Numerous protesters were arrested and injured including opposition party leaders and others during the protest (USDS, 2017).

As regards the right to freedom of association, compared to the situation with the situation under previous regimes, various associations' especially non-governmental organizations have flourished in the aftermath of EPRDF's coming to power. Numerically, there may have been 4,000 registered NGOs by 2007, which raised the number roughly by sixty fold since the fall of the military regime (Tjønneland & Tostensen, 2011). Accordingly, there were associations that engaged in the promotion of democracy and human rights, such as the Action Professionals' Association for People (APAP), Ethiopian Human Rights Council (EHRCO), and the Ethiopian Women Lawyers Association (EWLA), that were highly active and influential in their respective fields of engagement (Ibrahim, 2015).

There are also critics of the government as regards execution of the right to freedom of association. The 2017 U.S State Department report stated that although the law provides for freedom of association and the right to engage in unrestricted peaceful political activity, the government severely limited this right except if an association's activities recognize and express the contributions of the ruling party had made for the Ethiopian public. At the beginning of the post-2005 democratic regression, the EPRDF closed down or suspended some NGOs and arrested or convicted some of the leaders who were active in the election-related denunciation of the acts of the government (Ibrahim, 2015). Moreover, the government introduced the controversial Charities and Societies Proclamation to prevent a repeat of similar challenges of 2005 from the NGO sector (HRW, 2010) by limiting the foreign resource of NGO's to 10% if they seek to engage in right based-advocacy. Besides, the regulation also prohibited exchanging information or having contact with a foreign government or NGOs in a manner that undermines national sovereignty and security. This in turn reduced communication between local and international organizations and also banned anonymous donations to NGOs and political parties. To express the danger of the law could pose to the operations of associations, the 2013 report by the UN special rapporteur on the rights to freedom of peaceful assembly and association stated, "the enforcement of these provisions has a devastating impact on individuals' ability to form and operate associations effectively" (USDS, 2017)). As a result, CSOs like the Ethiopian Human Rights Council, the Ethiopia Women Lawyers Association, Organization for Social Justice and others were obligated either to close their offices, change their area of activities while others faced difficulties to sustain their survival (Human Rights Watch, 2010; USAID, 2011; Amnesty International, 2012).

Furthermore, after enacting the prohibitive CSO law, the government passed numerous directives to further restrict the financial viability of civil society organizations, especially those that work on human rights and democratization (USAID, 2011). Yeshiwas (2019)⁷ stated that particularly, the government's coercive acts were severed on those associations that engaged in human rights promotion allowing the government to force them to change their activities from human right promotions to other areas like service delivery. The 2012 Amnesty International report also indicated that the impact of the government's measures against human rights NGOs has made NGO employees to be afraid of even talking about their situation to human rights organizations or journalists for fear of adverse repercussions.

3.1.1. The Role of National Institutions in Upholding Civil and Political Rights in Ethiopia

It is widely believed that extending constitutional recognition and protection is one way of discharging states' international obligations in terms of codifying human rights principles and standards in their national constitution (Bayenew, 2011). Besides, by enshrining human rights in different documents, states have to establish institutions committed to human rights protection that is compatible with international and regional human rights laws (Bayenew, 2011). Hence human rights institutions in their respective capacities are the primary objects of the duty that states must discharge for promoting and protecting human rights. Furthermore, Cole (2005) mentions that "national human rights institutions have emerged as a potentially key player in closing the gap between rhetoric and compliance". As Bayenew (2011) stated, rendering legal protection without installing institutional frameworks is meaningless and thus the proper functioning of such institutions is very important.

Ethiopia had accepted international standards and establishes national human rights institutions that take the responsibility to respect, protect, and promote human rights. According to Andreas (1993), after the fall of Ethiopia's tyrannical military regime in May 1991, there is more than ever a commitment to create institutions that embodies popular sovereignty, political equality and pluralism. Accordingly, Article 55(14 & 15) of the FDRE Constitution empowers the House of People's Representatives to the establishment of two institutions of the Human Rights Commission and the Office of Ombudsman. This materialized in promulgating two

⁷ Interview with Yeshiwas Eshete, Program Coordinator at Human Rights Council, on April 12/2019, Addis Ababa, Ethiopia

proclamations: “Ethiopian Human Rights Commission Establishment Proclamation No. 210/2000” and “Institution of the Ombudsman Establishment Proclamation No. 211/2000” defining their respective mandate, and powers (Bayenew, 2011). As clearly stated in the 1995 ‘UN handbook on *the Establishment and Strengthening of National Human Rights Institutions*’, Human Rights Commissions have been targeted for assuring the protection and observation of human rights while the Office of Ombudsman engages in controlling government officials and protection of the rights of individuals who are alleged to be victims of maladministration.

The Ethiopian Human Rights Commission (EHRC) is established with extensive mandates to promote, protect, and work towards the realization of human rights in Ethiopia. As per its stated objectives, EHRC’s engages in educating the public to be aware of and claim its rights, ensures that the human rights are protected, respected and fully enforced, investigates complaints of human rights violations, and recommends remedial measures. Moreover, UNDEF (2012) stated that the Commission’s tasks include ensuring that laws and policies respect human rights, making recommendations for the revision of existing laws, encouraging enactment of new laws and formulation of policies, providing consultancy services on matters of human rights, and forwarding opinions on human rights reports to be submitted to international organs.

Various government reports indicated that the Human Rights Commission plays a significant role in promoting human rights. As indicated in the 2009 reports, EHRC has undertaken various activities regarding promoting and protecting human rights including awareness creation, reviewing legislation and complaint handling since inception. According to the Commission’s 2010 report to the House of Peoples Representatives (HPR), the Commission has organized different training workshops for lawmakers, judicial organs, Women’s associations, Sheria courts, election boards, and police officers. In terms of monitoring, the Commission undertakes this on prison and police station areas, orphanages and the players in election management to prevent human rights violations. Moreover, the Commission engaged in consultancy and participated in international human rights conferences, etc. (Yemsrach, 2010).

By acknowledging these positive activities undertaken by the Commission, according to Ethiopian and international human rights experts, it has so far not been as proactive as it should be in the exercise of its mandate to promote and protect human rights (cited in Yemsrach, 2010).

As Woyinshet (2019)⁸ argues, the Ethiopian Human Rights Commission failed to execute its responsibility of protecting and promoting human rights. Likewise, the 2012 Netherlands Institute for Human Rights Annual Report indicated that although the FDRE constitution provides for the protection of human rights and the country has established a Human Rights Commission, however, there are failures on implementation and compliance in some respects. Woyinshet (2019) further argues that neither the Commission knows the victims of human rights violation, nor the victims know the Commission role of upholding human rights in terms of practice. For Woyinshet, the Commission didn't make any effort to contact the victims and discharge its responsibility. Moreover, human rights institutions are instruments of government's repression mechanism rather than being independent institutions that advocate human rights protection and promotion (Birhanu, 2019).

Besides, Ethiopian human rights institutions faced problems of independence, accessibility, accountability, and operational efficiency (Yemsrach, 2010). As regards independence, Birhanu (2019) argues that government-sponsored Ethiopian human rights institutions are instruments of the EPRDF regime to cover its repressive measures. Birhanu lamented "when my hand and leg have been tied together, the Commissioner of Human Rights looked at me and left without any solution". As a result, no state institution is non-partisan in Ethiopia and all are dependent on the government (Birhanu, 2019). In authoritarian governments like EPRDF, human rights institutions couldn't play any role rather than serving as instruments of suppression (Yilkal, 2019). For Belete (2019)⁹, in the civilized world, institutions are instruments for the protection and promotion of human rights. Hence in Ethiopia, practically, there are no independent human rights institutions that are committed to the protection of human rights in practice.

As regards the commission's role in legislation review, the 2013 Netherlands International Human Rights annual report stated that the anti-terrorism legislation was used, on several occasions, as a pretext to arrest and prosecute human rights NGOs in Ethiopia. Moreover, restrictive rules that prevent to obtain more than 10% of funding from foreign sources hampers NGO's to execute their activities. Hence the commission didn't undertake any legislation review to improve this situation. The UNDEF (2012) further stated that the EHRC has not begun to

⁸ Interview with Woyinshet Molla, Former Council Member of Blue Party of Ethiopia, on 26 April, 2019, Addis Ababa, Ethiopia

⁹ Belete Molla, Vice – President of the National Movement of Amhara, on April 22/2019, Addis Ababa, Ethiopia

exercise its mandate to review the consistency of laws and policies with Ethiopia's commitment of implementing human rights principles like commenting on the 2009 CSO and Anti-Terrorism law that restricts the practice of human rights. Furthermore, the EHRC faces serious institutional constraints like lack of adequate and skilled human resources that are essential requirements for better performance in upholding human rights (UNDEF, 2012).

Besides, Ethiopia has expanded its human rights regime by providing for the establishment of the Institution of the Ombudsman. As indicated in the enabling legislation of the Ethiopian institution of the Ombudsman (EIO), the basic function of the Ombudsman is to protect citizens against administrative injustices and bureaucratic oppression. This is because of making government organs obliged to respect and enforce human rights as enshrined in the constitution or any other legislation is also one form of the state's responsibilities to organize its agents (Bayenew, 2011). As Yemsrach (2010) stated, currently the Office of Ombudsman also includes ensuring the protection and implementation of a proclamation on media and information freedom.

Furthermore, the Office of Ombudsman can investigate actions taken by any Ministry or department of Government, any local authority, and institution controlled directly and indirectly by the state or any statutory body (Bayenew, 2011). As indicated by the 2010 report to Parliament, the Office works towards enhancing public awareness by using various instruments and panel discussions on good governance and human rights with the different sections of society-executive organs, school communities, compliant receiving committees, and the parliament. Mengstu (2019)¹⁰ argues that the Office conducts various activities to protect and promote human rights like upholding human rights of government employees or civil servants. According to him, there are reports on the expulsion of teachers and other civil servants from their work and denial of salary due to their political participation. The 2010 U.S. Department of State report also indicated that numerous teachers and other government employees have also been expelled from their jobs due to their political opinions or allegiances.

Accordingly, there are serious criticisms on the Office's role in protecting and promoting human rights as per its stated objectives. Yemsrach (2010) asserted that the Office has failed to monitor the practice of upholding human rights in other government organs due to the existing undue

¹⁰ Interview with Mengistu Kegne, Director of Legal Affairs at Ethiopian Office of Ombudsman, on April 25/03/2019, Addis Ababa, Ethiopia

political influence. This might be also due to appointees are government-affiliated and the offices budget dependency. Mengistu (2019) further indicated that the executives influence on the office's work highly hinders the Ombudsman's effort to protect and promote human rights. For him, the decisions passed by the Office are not fully implemented by the concerned bodies. However, according to Eskinr (2019), the problem does not lie the institution's performance capability but rather on the nature of the governing regime of EPRDF. He argues that in a country where there is no democratic system of government, it is difficult to build free and independent institutions. Hence the problem is not the presence/ absence of institutions but rather systemic (Eskinr, 2019).

Accordingly, although there are efforts made by human rights institutions to protect and promote civil and political rights, limitations are faced in accomplishing their stated objectives and responsibilities.

3.1.2. The Role of Civil Society in Upholding Civil and Political Rights in Ethiopia

The protection and promotion of human rights is one of the most significant and critical issues in modern democratic governments and societies. To this end, a vibrant and robust civil society is expected to stimulate political participation, monitor human rights, strengthen the rule of law, observe elections and the democratic process, and conduct human rights education (Diamond, 1999). As a result, different civil society organizations endorse the issue of human rights in their objectives and activities either directly or indirectly (OHCHR, 1993).

With the EPRDF's seizure of power in 1991, a new era in the life to civil society was brought and a new relationship between civil society and democratization reemerged (Ibrahim, 2015). According to Clapham (2004), the period since 1991 has been characterized by a burgeoning of independent organizations that covered the more prominent Addis Ababa –based ones (like the Ethiopian Human Rights Council and Ethiopian Women's Lawyer's Association), extending widely into provincial towns and beyond. Accordingly, as compared to the situation under previous regimes, the number of civil society organizations has increased in the post-1991 period.

Accordingly, civil society organizations have played a significant role in the protection and promotion of human rights. CSO's like the Action Professionals' Association for People

(APAP), Ethiopian Human Rights Council (EHRCO) later named Human Rights Council, and the Ethiopian Women Lawyers' Association (EWLA) have significantly engaged in the promotion of human rights and democracy. The Ethiopian Human Rights Council, which publishes periodic reports of human rights practices in the country, is the most outspoken organization in its field that has had its fair share of confrontation with the regime (Rahmato, 2002). As Yeshiwas (2019) stated, the Council has played a significant role during all stages of the 2005 elections and in the pre-election period by educating the public, during elections time by observing the progress of the election, and in post-election years. It had involved in investigating election results. Yeshiwas stated that the Council has also released various reports concerning the practice of upholding human rights in the country.

Particularly, during the 2005 elections, some human rights-oriented organizations like the Organization for Social Justice (OSJ), has been highly engaged and confronted the ruling party in ways that implicated its hold on power (IRIN, 2005). According to IRIN (2005), OSJ had involved in condemning the government's actions by suing the government and finally won the right to observe elections. Another organization called "CRDA", at the time an umbrella of 334 NGOs, also engaged in condemning the EPRDF's campaign in which the latter likened the opposition with the "Interahamwe" of Rwanda (Teshome, 2005). Teshome further argues that NGOs, including the CRDA, also played a significant role in criticizing the government's post-election clamp down and human rights violations like the restrictions on the right to freedom of demonstration or assembly.

Despite the aforementioned role of civil society organizations in promoting human rights, institutional reports and scholarly works stated that the government had conducted a massive assault on democracy and human rights CSOs. As regards to labor unions, Rahmato (2002) argues that although the EPRDF government has been much less violent than the Derg, but equally unwilling to tolerate an independent trade union movement by favoring tactics to force a split in trade unions considered hostile to its policies and then give its support in favor of leaders friendly to it. Moreover, independent-minded leaders have been harassed, arrested, or forced to flee their country by the EPRDF (Rahmato, 2002). This was experienced when the government highly suppressed teachers association leaders that confronted the regime as the association criticized the new educational policy and threatened to call a strike if teachers' salaries and benefits were not adjusted in 1991 (HRW, 2010). Nevertheless, although labor unions and

teachers' associations initially sought to be independent of the regime and even criticized it, later, they were coercively dealt with and replaced with those that fully support the regime (Ibrahim, 2015).

Moreover, the government's harsh measure became severe during the post-2005 elections. As Tronvoll (2008) stated, since the polls of 2005 the government has taken measures against Ethiopian civil societies. Simegnish (2016) asserted that in the post-2005 election years, the government targeted CSOs particularly those that had been active during the elections in promoting electorate political rights by leading or promoting grassroots voter-education and election-monitoring efforts or those that were suspected of supporting the opposition and the post-election protests. Besides, in post-2005 elections, the government continued to take drastic measures, culminating in the adoption of the Proclamation to Provide for the Registration and Regulation of Charities and Societies (CSP) and the Anti- Terrorism Proclamation in 2009 and the 2008 Mass Media and Freedom of Information Proclamation which are interrelated tools that enable the government to eliminate any dissent in the country and to crack down on journalists and civil society organizations that are critical. These laws have compelled civil society organizations to eliminate programs, close offices, and downsize their staffs (Simegnish, 2016; Yeshiwas, 2019).

According to the 2017 US State Department report, the government was generally distrustful and wary of domestic and international human rights groups and observers. Only Ethiopian Charities and Societies are allowed to work on human rights issues, while international organizations are prohibited from doing so (Dutch Council for Refugees, 2016). Yeshiwas (2019) also stated that organizations that engaged in promoting human rights are not positively treated by the government. Despite this, Hailemichael (2019)¹¹ disagreed with this and argues that the government had encouraged associations to involve in promoting human rights. According to Brechenmacher (2017) also, there are prohibited activities like involving in areas of advancing human and democratic rights. Accordingly, the law severely curtails civil society's ability to raise questions of human rights, good governance, and transparency (USDS, 2017).

Furthermore, raising funds domestically is impossible due to the difficulty of finding organizations or individuals capable of consistently funding CSOs such as EWLA. Even if such

¹¹ Interview with Hailemichael G/Selassie, Monitoring and Supporting Directorate Director at Federal Charities and Societies Agency of Ethiopia at May 5/2019, Addis Ababa, Ethiopia

persons or entities could be found, they would risk their livelihoods by becoming associated with controversial issues and organizations, and therefore would probably choose not to donate. Hailemichael (2019) is also convinced the challenges faced by organizations as a result of CSO law that prevents only more than 10% of funding from abroad. As the 2012 Amnesty International report stated EWLA tried to raise funds domestically by selling small items but the effort was thwarted by one of the directives of the CSP (Directive 7-2003), which imposes several costly requirements on the profit-generating activities of NGOs. As a result, many civil society organizations that work on human rights and democracy issues were closed down in 2010 (Simegnish, 2016; Yeshiwas, 2019). Other local NGOs also were forced to either cease advocacy work (so that they may accept funding in above of the 10 percent limits) or register in a different area of focus not subject to this restriction. As Simegnish (2016) claims, some NGOs managed to endure by changing their activities and adopting internal survival mechanisms and currently, there are no civil society organizations in Ethiopia that actively address issues of human rights and democracy.

The Ethiopian Human Rights Council, which is one of the exemplary organizations that highly engaged in promoting human rights, has been one of the victims of the law and other governmental measures. Due to the CSO's law requirement of funding related issues and others, the Council was obliged to close down offices, laid off its staff, and its assets were frozen by the Charities and Societies Agency (HRW, 2010; Yeshiwas, 2019). The Organization for Social Justice in Ethiopia that played a significant role in protecting and promoting human rights was forced to change its area of activity (Amnesty International, 2012). According to Ibrahim (2015), the 2010 elections show how the crackdown on NGOs is part of the government's bigger scheme of a "100 ways of putting pressure". During both election periods of 2010 and 2015, there was no any significant involvement of civil society organizations in promoting election-related rights (Tsefalem, 2019; Yeshiwas, 2019).

3.1.3. The Role of the Governing Party in Upholding Civil and Political Rights in Ethiopia

After taking state power in 1991, the EPRDF regime both during the Transitional Charter and after enshrined various human rights principles and promised to respect, protect and promote these rights. As a result, there are appreciations to the regime because of the inclusion of these human rights principles in domestic laws, and due to its initial performance. According to

Andreas (1993), the EPRDF's move towards transition to constitutional democracy and the liberalization of politics is the most popular and positive move. Unlike the non-partisan imperial regime and the one-party military regime, EPRDF established a transitional government by which several political parties participated (Adejumobi, 2007; Teshome, 2009). It was only after the EPRDF's seizure of power that legal sanctions allowed for the establishment of political parties by which citizens are entitled to form associations, including political parties, as long as they observe the conditions and fulfill the requirements as stipulated by the pertinent laws (Kassahun, 2003).

However, from the outset, there were criticisms against the regime's intention of endorsing human rights principles that altercate with its state ideology of revolutionary democracy, later, democratic developmental state. Eyob (2015) argues that the regime was compelled to adapt its ideology and moderate its political rhetoric in its attempts to quest donor aid and financial support from international funding agencies such as the IMF and the World Bank. He further noted the progressive abandonment of democratic principles to the ideological roots of revolutionary democracy. Moreover, the inclusion of human rights in the constitution is simply a matter of formality (Markakis, 2006). In order to understand the EPRDF's role in upholding civil and political rights, it is important to examine the nature of the regime's ideology and its impact on upholding human rights.

It is clear that after the 2005 elections, EPRDF officially rolled out the state ideology of a democratic developmental state. Nevertheless, according to Assefa (2015) and Solomon (2017), there were some indicators as the EPRDF's started to articulate and employ this concept towards the early 2000s. As discussed in section 3.1.1, a developmental state might be authoritarian, as well as democratic. But, for Ethiopia, to lead the transformation emphatically in an authoritative and binding manner, the state should work on the democratization and developmental agenda without prioritizing one over the other (UNDP, 2012). This is because of human rights and development as well as democratization are far from being mutually exclusive, and hold significant potential for complementing each other and for achieving shared objectives (Brems, Van & Solomon, 2015) which were also expressed in 2010 Melese's Parliament speech and through government media machinery in various times.

However, there are suspicions on the difference between EPRDF's revolutionary democracy and democratic developmental state. This might be true when one refers to the regimes 1993 document that states:

To the EPRDF, the only way that the organizations of revolutionary democracy and its unique elements can survive at present in a national and international context is through the present name of a democratic developmental state. This is due to the fact that revolutionary democracy expresses the historical emergence while developmental democracy manifests the present-day essence of revolutionary democracy as well as the true face of its emergence and realization (cited in Eyob, 2015).

This statement, bold in its intent, is a declaration by the leadership of the EPRDF that developmental democracy is a new form of revolutionary democracy. Furthermore, the political processes that have been seen as necessary to ensure the hegemony of developmentalism is similar to the previous that seeks to safeguard the dominance of revolutionary democracy (Eyob, 2015). As regards the practice of human rights, the document also stated the need to execute rights like the right to express one's view, freedom to organize at any level and any form, the right to strike in accordance with the law, and the right to express one's opposition even the revolutionary-democratic government (EPRDF, 1993). However, executing the rights of the people means benefiting the great majority of the population (EPRDF, 1993). This system of human rights handling and practice by itself raises a question of the nature of the regime towards its view on human rights.

Nevertheless, with the existing ideological understanding and debate, since or before democratic developmentalism was adopted as the official policy of the EPRDF, the country has achieved an annual growth rate close to 11% that has led to significant social welfare gains for the population as a whole (Assefa, 2015; UNDP, 2012; Fesseha & Bizuayehu, 2017). Various scholarly works and institutional reports also expressed Ethiopia's achievement of the fastest economic growth under EPRDF's democratic developmental state ideology. According to Million (2019)¹², the state ideology of revolutionary democracy or democratic developmental state is suitable for achieving the fastest economic growth and to uphold civil and political rights by which the regime is able to register better performance in both aspects as compared to the military regime.

¹² Interview with Million Abraham, Head of EPRDF Political and Ideological Affairs, on April 28/ 2019, Addis Ababa, Ethiopia

However, in contrast to the achievements of the regime in economic and welfare gains, notwithstanding the holding of regular multiparty elections, many political analysts argue that it has become increasingly authoritarian and oppressive, and there has been a progressive erosion of civil and political rights (Merera, 2011; Bach 2011; Lefort 2010; Tronvoll 2010; Aalen & Tronvoll, 2009; Asnake, 2011; Vaughan 2012; Eyob, 2015). As discussed earlier, Solomon (2017) stated that despite Ethiopia's achievement of commendable economic growth, poor record of performance in upholding civil and political rights has been also registered. As Clapham (2018) noted, there is a general lack of attention by the international community to Ethiopia's "very poor democratic and human rights record". In its quest to establish developmental hegemony over the social and political order with its strong commitment to economic development to the detriment of civil rights and political freedoms, the EPRDF has become increasingly authoritarian and repressive and along with this, there has been a serious violation of civil and political rights (Assefa, 2015; Eyob, 2015).

Before the disputed 2005 elections, government harassment of politically active groups like opposition members, the media and CSOs were largely in violation of existing laws, but later, it adopted repressive laws for suppressing any opposition. As a result, the conception of revolutionary democracy and developmental state rhetoric has created a mismatch between a liberal Constitution and an illiberal political ideology that creates the need for government to use everything including law as an instrument to ensure that the ruling party stays in power by winning elections as a result of which rule by law becomes a necessary and attractive means to winning elections before they happen (Adem, 2012). Accordingly, the EPRDF has adopted several major laws like Anti-terrorism law, CSO law, and the Media Proclamations law that legalized its measure by targeting the premises for human rights promotion (Adem, 2012). According to Arriola and Lyons (2016) and Simegnish (2016), the human and political rights of citizens have been grossly violated by legislation which labels and criminalizes all dissenters as terrorists that led to the incarceration of opposition party leaders, journalists, bloggers, and activists. The 2015 Human Rights Watch further indicated that the media, journalists, and bloggers are closely monitored with dissenting voices being charged for supporting terrorism or committing treason.

As regards the right to political participation, individuals who wish to pursue different pathways, such as not participating in government programs, have experienced disenfranchisement,

exclusion or even imprisonment (Shimelis & Mamo, 2015; Cochrane & Tamiru, 2016; de Waal, 2015). When opposition political parties are allowed to form, they are strongly controlled and their leaders are often detained for a long period (Abbink, 2017). Mamushet (2019) expressed the usual trend of arresting opposition party leaders for a long period as a tactic by the regime to win elections. As a result, elections have been a sham; with the 2015 election resulting in a 100% win for the ruling party coalition (Clapham, 2018; Melisew & Cocharne, 2018).

In addition to the repressive laws, Eyob (2015) argues, EPRDF employs instruments against its counterparts including a “carrot and stick” approach in its attempts to promote democratic developmentalism, rewarding those who toe the party line (through job creation and the development of small businesses), and punishing those who dissent or who propose alternative approaches to economic development. Ibrahim (2015) further argues that the government’s attempts to control the lifeline of Ethiopians through the control of the Kebeles and farmers’ associations responsible for the distribution of food and other social services by which the overall effect of these measures has been reflected in the amount of pressure exerted by the EPRDF on all aspects of life and the swelling of its membership.

According to the 2010 U.S. Department of State report, there were “frequent and credible reports” that local authorities tell citizens to renounce any other political connections and become party members of the EPRDF if “they wanted access to subsidized seeds and fertilizer, food relief, civil service job assignment, promotion, retention, student university placement and postgraduate employment, and other benefits controlled by the government.”. In this endeavor, the EPRDF recruited farmers, workers, as well as educated but economically poor members of society, such as teachers, to establish the PDOs and to make them the “forces of revolutionary democracy” (EPRDF, 1993). Besides, other social institutions like community-based organizations, and religious and educational institutions have also been targeted as instruments through which revolutionary democracy might be advanced (EPRDF, 1993).

As far as elections are concerned, EPRDF’s political vision for the next decades claims a vanguard party role and consequently the policy of the developmental state remains consistent to achieve the developmental goals that obviously will put the possibility for multiparty elections in the shadow and could lead to a scenario of ‘economic growth first and rights next’ (Assefa, 2015) and particularly this has been evident following the 2010 national elections. Among all of

the nearly five elections held between 1995 and 2015, various kinds of electoral irregularities have been reported. As a result, the 2010 national elections show that Ethiopia's transition to genuine multiparty democracy and the respect for civil and political rights is far from achieved due to mainly the ruling party's aggressive campaigns emanating from fears related to the 2005 election crisis, advantages of incumbency, better organizational structure down to grass root level, and relatively improved service delivery at grass roots level that resulted in 99.6% wining of the governing regime among other things.

Accordingly, the 20 years of EPRDF rule in Ethiopia resulted in a new system of authoritarian rule in which the ballot box has become an instrument of legitimization rather than a tool of democratic expression (Merera, 2011). Furthermore, since June 2011, more journalists and members of opposition political parties, who are known for being critical of the government have been arrested after being accused of organizing terrorist networks associated with OLF and Ginbot-7 that are labeled as 'terrorists' by Parliament. According to Eyob (2015), repressions have been used as a tool to ensure the dominance of the ruling party's ideology, and eliminate political opposition which might stand in the way of its quest to build a democratic developmental state. This authoritarian and repressive trait can be attributed to the fact that the ideology of democratic developmentalism represents an untransformed version of its earlier ideology of revolutionary democracy that was based on the notion of democratic centralism and was both undemocratic and intolerant of political opposition (Eyob, 2015). As a result, due to the 2010 elections and related human rights violations, for the first time, Ethiopia was classified as "not free" by the 2011 Freedom House report. The Economist also classified Ethiopia as an "authoritarian" regime in its 2010 Democracy Index.

When considering the 2015 elections, the EPRDF was able to win 100% of the Parliamentary seat. As Yilkal (2019) noted, EPRDF's winning of the 2015 election with a 100% seats has been finalized before the election date. Abbink (2017) also argues that the 2015 elections in Ethiopia had a predictable outcome, showing an entrenched system of one-party dominance that self-referentially enacts the political order created by the EPRDF since 1991. Accordingly, other than the African Union election observers, the oppositions' and other institutional reports indicated the irregularities of the election results that were against international and regional human rights laws (USDS, 2017).

As a result of the aforementioned human rights violations and other factors, protests brought in the country mainly starting from 2016, a state of emergency and the coming on the scene of a new Prime minister and various measures of reform.

3.1.4 Post-Reform Practice in Upholding Civil and Political Rights in Ethiopia

As Tronvoll (2008) stated, the closing of political space and the governments undermining of the options of peaceful means of struggles since 2005 obligated the oppositions to look for another alternative means of political struggle that might include violent resistance. Similarly, Assefa (2015) claims that although in the short run, civil rights and political freedoms seem to be sacrificed in favor of economic development, in the long run, it may be difficult to sustain the ongoing political system which necessitates a political reform. Accordingly, he argues that in Ethiopia, the state will not only be developmental but also ‘democratic’.

Surprisingly, after 25 years of EPRDF’s rule, the regime faced most serious protest mainly due to the human rights violations that were committed by the government other than other factors that coincided with the period of the parties’ declaration of a 100% wining of the parliamentary seats in 2015 elections (Tronvoll, 2008). As Alem (2018) stated, the protests that began in 2016 have shown that the government’s legitimacy no more relies solely on economic achievements but also on its democratic record, a more open political space and respect for civil and political rights. During the time of the protests which started in 2016 and continued up for 3 years, the government declared a state of emergency that lasted for over six months. The security forces used deadly firepower, and demonstrators raised accumulated grievances including ethnic discrimination and long-standing exclusion from the political process. As many as 1,000 people may have been killed, and more than 11,000 were detained under a state of emergency declared in October 2016 (Freedom House, 2017). According to the 2017 Amnesty International Report, there was a gross human rights violation against those who participated in the political affairs of their country, journalists, and others, against their right to freedom of expression and association.

In response to three years of protests, the EPRDF stated that the party conducts various reforms within the party and across the country. The reforms taken by the government include installing a reform-minded prime minister, the lifting of the state of emergency, the release of political prisoners and journalists, and the creation of space for more public discussion on political issues (Freedom House, 2019). Moreover, the EPRDF announced the party is ongoing with reforms that

include improvements on upholding of civil and political rights including the invitation of political organizations that were charged for ‘terrorist’ acts, and promised to improved some repeat repressive rules and regulations including the anti-terrorism law, the Electoral law, CSO law, etc. Similarly, the government took measures of changing leaders of some institutions that have a vital role for the promotion of civil and political rights like the NEBE, Office of Ombudsman, Human Rights Commission, etc. For Asnake (2018), the current change of regime was a response to a long-overdue response to the quest of the Ethiopian people for democracy, human rights, and human dignity. He further argues that the relaxation of the political climate, the release of almost all political prisoners, the presence of a conducive environment for opposition parties, and the invitation of parties that operate outside the country could be taken as the most significant changes.

Despite the aforementioned positive developments of post-reform Ethiopia, there are criticisms on the practice of upholding civil and political rights. Asnake (2018) stated that the period of transition is a period of fluidity and within this situation the old political order has not been completely changed as well a new political order is not yet established. Moreover, there is not even consultation and negotiation about the ideology and structures of the new government (Asnake, 2018). For Yilkal (2019), the authoritarian EPRDF regime exists in power and the current reform is also another continuity of the repressive nature of the regime. He further argues that practically there is suppression on freedom of opinion and expression and the right to assembly on those who criticize the ongoing ‘change’ like journalists and human rights activists such as Eskindir Nega. Amnesty International (2019) blames the government’s suppression against journalists. Getachew (2019) in ‘Ethiopia’s’ Newspaper stated that the right to freedom of opinion and expression practiced currently is similar to early periods of the Derg regime, EPRDF rule in 1991, and the 2005 elections. He further noted that currently, although there are some relative freedoms, there are signs of suppression of the right to freedom of opinion and expression and arresting of journalists, Setegn (2019) asserted that all media organizations are not treated equally at the federal level and there is discrimination especially against those that are not invited by the Prime minister office to cover news and events.

In conducting political activities, Belete (2019) argues that currently, political parties can’t organize their supporters in different corners of the country due to the existing political system and ethnic politics. He added that party members in different parts of the country are arrested and

harassed by the cadres and surrounding youths. According to Birhanu (2019), since local areas in the country are administered by the youth groups who have no legal personalities and are out of the government structures, political parties can't conduct their political affairs smoothly in all regions of the country. Similarly, for Mamushet (2019), conducting political mobilization in all regions of the country is difficult due to the existing ethnic- oriented political structure that makes speaking the local language of the areas under operation mandatory. According to the 2019 Human Rights Council report, members of the National Movements of Amhara, Oromo Federalist Congress, OLF, activists, journalists, and others are arrested by the government and this, in turn, raises question on upholding civil and political rights.

3.2. The Practice of Upholding Civil and Political Rights in Botswana

Usually, many writers and institutional reports praised Botswana as a country that scores a good record in upholding human rights, practicing democracy and achieving admirable economic development. The Constitution of Botswana has also a bill of fundamental rights and freedoms (which guarantees civil and political rights) and everyone is entitled to these fundamental rights and freedoms irrespective of race, sex, political opinion, etc.

Stedman (1993) posited that Botswana became an exception that disproves of generalizations of African politics and stood out alone as an example of a good performer in economic development, functioning governance and liberal multiparty parliamentary democracy that makes the country an exemplary model for other African societies. Hence Botswana offers an antidote to Afro-pessimism and represents how Africans can realistically disprove the prophets of doom (Samatar, 1999). According to the 2010 African Charter on Human and Peoples Rights, since its independence in 1966, Botswana had conducted successive elections that have been deemed to be free and fair that makes the country a model for a functioning multiparty democracy.

Furthermore, Botswana has been one of the few African countries which had not succumbed to a military regime, war or political violence and was considered to be, "an election success story in Africa and beyond" (Sebudubudu & Botlhomilwe, 2010). It is for these reasons that Botswana is commonly depicted as "an African miracle", an "African growth economy" as well as a successful African Democratic Developmental State (Routely, 2012). In this regard, Botswana is

often cited as also, "the longest-surviving democracy in Africa" (Sebudubudu & Botlhomilwe, 2010).

Moreover, even though there has yet to be an alternation of power between parties, respect for term limits and smooth transition of power between leaders, albeit of the same party, have been consistent in a continent characterized by unconstitutional transitions and extension of presidential term limits (Routely, 2012). As Botlhomilwe, Sebudubudu & Maripe (2011) argues, Botswana has been regarded as a political and economic model that has been largely praised for the resilience of its democratic institutions, respect for civil liberties, high degree of political tolerance and an economic success story by African standards. To this extent, Botswana has been perceived as exceptional compared to most African countries and boasts a good human rights record, and has demonstrated good governance (Sebudubudu, 2009). Maudeni (2012) also mentions Botswana's election success story because of the declaration of all of the 10 general elections as free, peaceful, credible and legitimate. Besides, Botswana has experienced three presidential changes, all within a legal and constitutional framework (IDASA, 2012). The Ibrahim Index of African Governance, which is dedicated to promoting good governance in Africa, also showed Botswana consistently among the top three performers in the continent in terms of good governance that includes participation and human rights as sub-indicators (IDASA, 2012). Hence citizens enjoy certain freedoms, enshrined in the constitution that are often termed 'first-generation rights', such as the right to freedom of association (IDASA, 2012).

Despite this, for most writers, although Botswana's democracy is not in question, however, the challenge lies in agreeing on the quality or depth of the democracy that indirectly affects the practicability of civil and political rights. Botlhomilwe et al. (2011) argue that the quality of Botswana as Africa's democratic success story is questionable. For Good (1996), Botswana's democracy is 'authoritarian liberalism'. Furthermore, others characterize it as a minimalist democracy (IDASA, 2012; Good & Taylor, 2003). From these characterizations of Botswana's democratic system, some shortcomings are responsible for the absence of the well-performance of rights including the right to political participation, freedom of opinion and expression, freedom of assembly and association, etc. Accordingly, to understand the practice of upholding civil and political rights in Botswana, it is important to examine the state ideology that the government and the country pursue.

3.2.1. Upholding of Civil and Political Rights under a 'Democratic Developmental State?' of Botswana

Although there are arguments that question the efficacy of a democratic system to implement human rights, the world experience shows that human rights are performed in a good manner in countries that follow a democratic system of government. Accordingly, examining what type of ideology the state and the government follows would be helpful to understand the practice of upholding human rights.

Many scholars argue that Botswana is a developmental state (Leftwich, 1995; Tsie, 1998; Maundeni, 2000; Hwedi, 2001; Mkandawire, 2001; Taylor, 2003; Mbabazi & Taylor, 2005; Maphunye, 2009; Sims, 2012). According to Edge (1998), Botswana is a developmental state that is comparable to those of the Asian Tigers' and 'replicable in Southern Africa'. Similarly, Tsie (1998) concurs with Edge and others asserted that Botswana's democratic developmental state is built on promoting rapid economic growth and capitalist development concurrently with democratic norms and practices. It is clear that democratic norms and practices like participating in the political process, freedom of opinion and expression, freedom of peaceful assembly and association are practiced comprehensively with rapid economic growth. Likewise, Taylor (2003) posited that 'Botswana belongs to a category of countries outside Asia whose phenomenal levels of growth have earned them the label so-called "development states"'. According to Maipose (2008), this is because of the fact that the institutional context of rapid growth in Botswana is a multi-party democratic system of government that offers a sharp and refreshing contrast to authoritative and undemocratic regimes elsewhere, which do not have a history of democratic institutions until quite recently if at all.

Accordingly, Botswana is depicted as an "indigenous developmental state," with political elite (that has electoral support since independence) that has pursued growth-promoting policies, developed or modified, and maintained viable inherited traditional and modern institutions of political, economic, and legal restraint. As stated by BIPDA (2012), Botswana is a democratic developmental state by which the state is at the center of socio-economic change and actively directs the country by promoting national development through policy interventions guided by the National Development Plans (NDPs). In his comparative study of Angola, Botswana, Malawi, Mauritius and Zambia, Hwedi (2001) argues that only Botswana and Mauritius are

successful development states. The same view that Botswana is a successful developmental state in Africa is shared by Kieh (2015).

However, other scholars have disagreed with the claim that Botswana is a developmental state. Hillbom (2012) argues that Botswana cannot be called an 'African developmental state' only by consideration of its exceptional economic growth and social development. To say this, Hillbom reasoned that:

From the 1930s until the present, Botswana has experienced a state structure by natural resource dependency, lack of economic diversification, a dual society, selective social development and a close connection between the economic and political elite.

Accordingly, even though Botswana's socio-economic development is not in doubt, its achievement is better understood as the efforts of a development-oriented gate-keeping state rather than a developmental state.

For others, with its better achievement in economic development and political stability, in general, Botswana suffers from shortcomings on upholding human rights. While Botswana is a party to many international treaties and conventions, it also often shows only limited support for the human rights agreements that it has signed and ratified (Lindholt, 1997). For example, it never submitted a state report to the African Commission on Human and Peoples' Rights as required by Article 62 of the African Charter on Human and People's Rights (ACHPR Botswana Mission Report, 2005). Accordingly, the Commission condemned this failure in its 2005 visit to the country. Furthermore, the government of Botswana has yet to enact many of the treaties it has signed into domestic law, including the International Covenant on Civil and Political Rights ("ICCPR"), and the Convention against Torture (UN, CCPR, 2008). As regards, the U.N. Human Rights Committee ("HRC") noted that the ICCPR is "not directly applicable" in domestic laws and that the laws of the country do not contain several of the rights contained in the Convention. It has also noted that Botswana entered numerous reservations to the ICCPR.

According to Botlhomilwe, Sebudubudu & Maripe (2011), despite Botswana's international acclaim as an African 'success miracle', there is limited freedom and growing intolerance of dissenting views by the political leadership. Moreover, there is a reluctance of the state to provide institutional infrastructure to support the protection of human rights (Mapodisi, 2014). Accordingly, until the country takes action to address these essential shortcomings of violation of

freedoms, Cook & Sarkin (2010) argues that the international community should refrain from referring to Botswana as the 'Miracle of Africa'.

However, according to Good and Taylor (2008), any sensible discussion of Botswana's democratic credentials needs digging deeper into the country's political history. Moreover, there should be a concern on how the deviant democracy of Botswana, whilst staking out a distinct difference with its undemocratic and autocratic neighbours at independence and in unfavourable conditions, still managed to entrench an elite minority who behave in a manner very different from what one might expect from the 'African Miracle' (Good & Taylor, 2008). They further asserted that while Botswana no doubt experienced a transition to minimal democracy at the time of independence under deviant circumstances, the consolidation of its electoral democracy has been challenged by very low participation rates, a killed civil society, and increasing illiberalism. Accordingly, while the international community hails Botswana as a beacon of democracy, mainly human rights issues threaten this exemplary country (Somolekae, 1998). In terms of population distribution, although many other ethnic groups live in Botswana, the Tswana have long-dominated the political realm. As a result, not all of Botswana's people benefit from the fruits of the country's successes. Hence democracy and human rights are protected for only so many in Botswana (Sebudubudu & Hwedie, 2004).

Despite this, since Botswana provides a model to follow, other countries can certainly learn valuable lessons from Botswana in many regards (Cook & Sarkin, 2010). The exemplarity of the country's economic policies (Cook & Sarkin, 2010) and the regularity of elections (Molutsi & Holm, 1990) since 1966 is commendable (Hwedie & Sebudubudu, 2004). Many of the Freedom House Reports categorize the country mostly as 'free' in terms of practicing civil liberties and political rights.

Hence Botswana's successes have been the result of the hard work of the country's leadership (Lewis, 2006), good fortune of the country including the country's unique Protectorate experience (Saugestad, 2001), perceived homogeneity (Tsie, 2003), and diamond resources (Economist, 1998). Accordingly, it is problematic to call as "Africa's success story" or "Africa's miracle" based simply on consideration of national economic performance and political stability, which are so flippantly used to describe Botswana (Samatar, 1999). This is because of the assumption that since the country experiences economic growth and regular elections, the

protection of other basic human rights is not important (Cook & Sarkin, 2010). Consequently, they argue that a country that denies many basic human rights should not be regarded as Africa's "Miracle" hence a definition of "Miracle" sets the standard too low.

With the aforementioned general understanding of the practice of civil and political rights under a democratic developmental state of Botswana, now it is important to examine the experience of Botswana in terms of practicing civil and political rights.

A. Upholding the Right to Political Participation in Botswana

The right to political participation is taken as the most fundamental human rights. As stated earlier, many of the international and regional human rights instruments including the UDHR, ICCPR, and the ACHPR stated everyone's right and opportunity to vote and be elected at genuine elections.

Botswana in its constitution encourages political participation by allowing any person to vote for, form or join a political party of own choosing without any hindrance on the part of the state (BTI, 2015). As Sebudubudu (2010) argues, Botswana's constitutional provision for the protection of individual freedoms and rights extend up to the right to freely associate with a political organization of one's choice and the right to vote and these rights are generally enjoyed by all since the country's independence. The 2018 BTI report indicated that in Botswana, there is a consensus that the right to govern is decided through the ballot box. Accordingly, it should be clear that elections are about the freedom to choose representatives and influence public policy (Harrop & Miller, 1987). Furthermore, elections have been viewed as a rational notion that voters use to identify what is in their best interest and the 'right' people to manage their affairs for a given period (Harrop & Miller, 1987).

According to the aforementioned assumptions and international human rights law principles, this study examines the experience of the right to vote and participate in the political process and other related political rights in Botswana. For many, Botswana has consistently held free and nonviolent elections under its constitution and with the active participation of the opposition in all elections without having to resort to unconventional means to seek political office (Sebudubudu, 2010; BTI, 2018). The 2011 World Bank report indicated that in Botswana, free and fair elections were regularly held. Accordingly, the citizens exercised their right to change

their government through free and fair elections that are provided by the constitution and other laws (USDS, 2018).

According to Good and Taylor (2008), Botswana has managed to establish an electoral democracy at a time when much of the African continent was under authoritarian rule. This has been witnessed with the holding of 10 peaceful and successful elections that were declared 'free and fair' since independence (Fakir, 2011). However, Botswana's multi-party-political system has been completely dominated by one party, the Botswana Democratic Party (BDP), having been re-elected into power by every election since the 1965 pre-independence elections (Bauer & Taylor, 2011). Accordingly, Botswana has experienced peaceful succession and handover from each of the four presidents elected to date (Sebudubudu, 2010). Despite the party's dominance, as Molomo (2008) stated, Botswana provides enough political space for political parties, particularly opposition parties to publicize their view without fear of intimidation and arrest.

As the 2011 US State Department report indicated, in Botswana, political parties have operated without restriction or interference. Cowen and Laasko (2002) characterize elections in the country as relatively competitive, experienced a moderate degree of party competition, and opposition parties have won a substantial proportion of the popular vote. For example, in the most recent 2014 general elections, the BDP won only 47% of the popular vote, down from about 53% in 2009. Nevertheless, as regards the exercise of the citizens right to politically participate in various affairs of the government and openness of the political space, the Freedom House report 2006 declared Botswana as 'partly free' and mostly then after declared as 'free' continuously (Freedom House Report, 2008,2009....2014...2018).

The basic premise for multi-party democracy in Botswana is enshrined in the constitution that allows free political activity on the part of political parties irrespective of their ideological position (Molomo, 2008). There is a Code of Conduct for political parties which covers a broad spectrum of 'dos and don'ts', including the prohibition of any form of intimidation, the carrying of weapons, hate speech, disfigurement of the environment, preventing any person from attending the meeting of another party and disrupting other parties' rallies. In addition to the Code for political parties, the country also has a well-defined media regulatory framework that is contained in the Code of Conduct for Broadcasters as set out in the Broadcasting Act (1998). The Code encourages equitable and professional treatment of political parties and independent

candidates by the media during elections. These provisions have generally been adhered to, even though they are guidelines and have no legal force (IDASA, 2012).

However, there are suspicions and official criticisms on the limitations of Botswana in ensuring the right to political participation under international and regional human rights instruments. The 2007 edition of The Economist Intelligence Unit's Index of Democracy noted Botswana very low that employs political participation and political culture as democratic indicators. This causes a disturbing decline in Botswana's performance on 'voice and accountability', which, in terms of the World Bank's Worldwide Governance Indicators, measures the extent to which a country's citizens participate in selecting their government and enjoy the freedom of expression, association and free media. According to this assessment, Botswana ranked number two in sub-Saharan Africa in 2003 and 2004 with a score of 85%. The country dropped to number three in 2005 (65%), then stood at number seven in 2006 (50%), number six in 2007 (50%) and number five in 2008 (55%) (World Bank Institute, 2003–2008). However, for Molomo (2008), this decline might be due to factors like the limited capacity of citizens, particularly in illiterate and marginalized communities, to make their voices heard beyond the ballot box.

The other area of contention is on the practice of the right to political participation in Botswana related to the "fairness" of elections. Although Botswana's elections have been widely declared as 'free' and peaceful' by observers; institutional reports, opposition party leaders and other critics question the 'fairness' of these elections as specified in the constitution and other laws. According to Mogalakwe (2015), the most critical issues of fairness during elections include : Botswana's EMB reliance on public officers who are bound by the Public Service Act to be loyal to the government of the day, lack of equal access to public media, the abuse of public officers working for the state/public media as propagandists for the ruling party, and the choice of election date which is the prerogative of the President or his minister and therefore which favors for the ruling party. According to the 2015 BTI report and the 2018 US State Department Report, the first hindrance that hampers the 'fairness' of elections in Botswana is the monopoly of the ruling party over state media. However, it is clear that media freedom is one of the basic conditions for a pluralistic and democratic society, and an essential ingredient for fairness in elections since it ensures equal access of all contestants to publicly owned media for campaign purposes (Mpabanga & Rakner, 2007) which is also a good instrument for a better performance of political rights. In this regard, the media provides a crucial and essential channel of

information between the contestants and the public by informing voters on the policies of the candidates and the parties they represent which in turn enables voters to make informed decisions when they cast their ballots (OSCE/ODIHR, 2012).

Despite this, the Botswana Democratic Party (BDP) has assumed complete control over state media through the state-owned Botswana Press Agency (BOPA), which uses to further its image and serve as a mouthpiece during election time (World Audit, 2001; Mfundisi, 2005). Most importantly, as civil servants, BOPA staffers are expected to be loyal to the government of the time and are inclined to always present government activities, and by extension, the activities of the ruling party in a positive light (Mogalakwe & Sebudubudu, 2006). On the other hand, opposition parties and government critics are not given fair media coverage during the election period (BTI, 2015). Furthermore, although privately-owned media outlets have emerged since the mid-1980s, they do not have as much a broad reach as state-owned media, particularly within rural areas, and are even heavily censored by the government (Molomo & Somolekae, 2000; Freedom House Report, 2014).

Concerning the "fairness" of elections in Botswana, the other area of criticism is related to funding for election campaigns. In Botswana, there is no state funding for political parties during election campaigns (Jager & Meintjes, 2013). Further compounding the situation is the fact that no laws are compelling political parties to publicly reveal their donors (IDASA, 2012; BTI, 2015). Because of this, Botswana's political parties must rely on their ability to attract private funding for their electoral campaign activities (Jager & Meintjes, 2013). Accordingly, opposition parties and other critiques argue that the BDP's ability to better attract funding for its election campaigns has further "created an uneven political playing field" and has disadvantaged prospective candidates and opposition parties (IDASA, 2012).

Accordingly, the BDP on its past experienced no difficulty in attracting the needed funding for its electoral campaigns from private companies such as De Beers who enthusiastically offer up large donations to be in the ruling party's good favour given its diamond mining interests with the Botswana government (BTI, 2015). To do this, all business people are also aware of the enormous spending power of the government. For example, the government's share of diamond revenues alone amounts to 40% of GDP and it controls a network of parastatal and mining companies (Sebudubudu & Botlhomilwe, 2013), which are beneficiary in raising funds for the

ruling party. Furthermore, because of many company's consideration of their interests to be on the BDP's good side, the BDP obtains most of its funds from private sponsors (Good, 2011). Not only domestic funds but also, the BDP has had an unfair advantage of receiving funding from external sources over the years (Molomo, 2000).

Jager and Meintjes (2013) stated that opposition parties obtain resources through membership fees, voluntary contributions, and private funding. Opposition parties also hold fundraisers and sell party documents, and sometimes receive funds and technical assistance from foreign institutions like the Westminster Foundation in Britain (Jager and Meintjes, 2013)). As regards foreign funding, opposition parties have come out strongly against this clandestine foreign funding indicating that it could expose the country to manipulation by external powers (cited in Molomo, 2000). However, this is not sufficient, and so opposition parties indicate that their main sources of funding are friends, family, and their own pockets. The absence of state funding for election campaigns puts the opposition at a severe disadvantage, especially in a vast country that is costly to navigate; political parties face high operational costs to conduct effective political mobilization and to reach some of the remote areas (Jager & Meintjes, 2013). To show the severity of the problem, Lucas (2010) stated that Botswana is 'a democracy that has survived by impoverishing opposition members. To understand more about election-related practices of rights in Botswana, discussing the two recent elections of 2009 and 2014 is important.

During the 2009 election, the ruling BDP won the majority of parliamentary seats that were deemed generally free and fair by observers (USDS, 2012). The BDP held 39 seats in parliament, the new Botswana Movement for Democracy (BMD) party took six seats, the BNF controlled six seats, the BCP had five seats, and one seat by the independent candidates (USDS, 2011). During and immediately after the election, there were no reports of political prisoners or detainees (USDS, 2012). However, according to Motseta (2011), uneven access to media is particularly evident at election time. He further noted that in the pre- 2009 elections, Radio Botswana and Botswana Television frequently aired a presidential address on 'the current affairs of the BDP'.

The latest election in Botswana was held in 2014. Many reports and observers have expressed the election as 'free, fair and credible'. The Kenya Human Rights Commission concludes that the elections were transparent and credible with respects to human rights like the right to vote through secret ballot, and right to freely choose representatives as stipulated in Article 25 of the

ICCPR and other instruments. During this election, President Ian Khama, who has held the presidency since the resignation of former president Festus Mogae in 2008, retained his position and the BDP has held the presidency and a majority of National Assembly seats since independence (USDS, 2014). However, according to the 2018 BTI report, BDP was able to secure the lowest popular vote in its history, and although international observers declared the election as free and entirely fair. Nonetheless, there were no prison reports as a result of the election-related cases. Most of the US State Department reports indicated that there were no reports of political prisoners or detainees in Botswana as a result of election-related reasons (USDS, 2011. 2014 ... 2018). Even when going back to Botswana's elections, Molomo and Somolekae (2000) stated that since independence, the country has held elections every five years as per the constitution and never had political prisoners, while human rights record has remained relatively well.

Furthermore, to understand Botswana's experience of upholding the practice of political rights, looking at the role of the electoral board is also important. International and Regional Human Rights Institutions recommend that states should establish Electoral Boards for the better performance in upkeep of human rights. Accordingly, to strengthen and sustain the democratic process, the Botswana government established the Independent Electoral Commission (IEC) in 1997 with the mandate to manage the electoral process and provide civic education (IEC, 1997). Since its establishment, Botswana's IEC has successfully conducted three national elections, numerous by-elections, and a national referendum. The national elections in 1999, 2004, 2009 and 2014 were declared peaceful and free of violence (Mogalakwe, 2015). He further argues that the regularity of elections in Botswana has convinced some observers to present Botswana as an exemplar of democracy and good governance in Africa. This perception is reinforced by the formal existence of an electoral management body IEC, with a mandate to ensuring that elections are conducted efficiently, properly, freely and fairly. This assessment was endorsed by other stakeholders, such as election observers, who commended the commission for delivering credible elections (Mogalakwe, 2015).

Nevertheless, although the constitution entrusted the IEC to ensure that elections are conducted 'fairly', some critics argue that in practice, the IEC has neither the authority nor the power to create the electoral playing field, and to ensure election fairness, efficiency and proper management (Mogalakwe, 2015). This weakness of Botswana's electoral body emanates from

the narrow legal and political framework within which the IEC operates and the weaknesses of the country's democracy (Mogalakwe, 2015). Tsie (2003) further argues that the election process in Botswana was historically tainted by the public did not perceive the Supervisor of Elections as an independent.

Moreover, the suspicion on the independent role of the Botswana Electoral Commission emanates from the power of the Presidents to appoint the Secretary to the IEC as per Section 66 of the Constitution (as amended). It is also only the President who can remove or suspend the Secretary of the IEC from office, by the recommendations of a tribunal. Accordingly, the procedure for the appointment of the IEC Secretary has raised suspicions of opposition parties. However, there are also some supporters of the appointment process in the sense that since the Secretary executes his responsibility independently there should not be suspicion on the appointment procedure. Mosojane (2010) further argues that it does not matter how the IEC chief executive is appointed, as long as he/she has the security of tenure and is answerable not to the appointing authority, but to the IEC. He posited that only the IEC can question the IEC's chief executive relation to his/her day to day responsibilities and that the Constitution of Botswana and, in particular, Section 66(3) on the functions of the Secretary of the IEC, is supreme. Although the IEC is an oversight institution that manages national elections, its credibility and the integrity of the electoral process remain a political issue (IDASA, 2012). Moreover, the IEC does not issue a writ of elections whereas the president does. This has become an issue of public debate because the president and the Minister of Local Government are interested parties (IDASA, 2012).

The other contention relate to the participation of all members of the society during election times. Although the Constitution and the Electoral Act (1968) guarantee all citizens of 18 years and older the right to vote in regular popular elections for any legislature, however, the electoral law does not provide voters with special needs, such as the aged and infirm or those in hospitals because of that they are expected to go to polling stations, a requirement which effectively disenfranchises them (IDASA, 2012). Besides, the Electoral Act does not give employees the right to time off work for voting which denied employees in the private sector their full right to vote. Furthermore, the special vote categories should include registered persons who are unable to reach their voting stations on Election Day because they are temporarily absent on holiday or business, for example (IDASA, 2012). As stated earlier, in Botswana's IEC, there is no public

funding of political parties that causes inequalities among contesting political parties and limits the scope of democracy. With the uneven ability and the absence of regulations that govern the funding behavior of political parties, the IECs role of creating an even political playing field for all political parties is questionable (IDASA, 2012).

According to Mogalakwe (2015), the legal and political framework within which Botswana's Election Management Body (EMB) operates would not have the ability or leverage to create a level playing field by ensuring the fairness of elections. Generally, the Botswana EMB can only ensure that elections are conducted efficiently, properly and freely, but cannot fulfill the fourth component of its mandate, namely, the 'fairness' of elections. Finally, Mogalakwe (2015) observed that neither the Botswana Constitution nor the Electoral Act expressly guarantees the independence of the IEC.

B. Upholding the Right to Freedom of Opinion and Expression in Botswana

The right to freedom of opinion and expression fall under the fundamentals of human rights. According to Maripe (2003), the right to freedom of opinion and expression can be meaningfully enjoyed if there exists an accessible forum for the free exchange of ideas and information. This role is largely played by the press that promotes debates on public issues, providing information to the public, and thereby enabling the general populace to make informed decisions, and generally influence political choices. However, it should be clear that while the role of the media is acknowledged, the free flow of information and free speech generally are not absolute, since they are hedged by the limitations and restrictions that are usually brought to bear in the context of constitutional provisions and legislative enactments (Maripe, 2003).

The Constitution of Botswana guaranteed individuals with the protection of freedom of opinion and expression and confirmed that:

Except with his consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence (Constitution of Botswana, 1966).

For Fombad (2011), the political stability in Botswana allows the operation of a relatively free media due to the absence of hindrances like in other African countries. In doing so, Botswana

has a commitment to freedom of the mass media in contrast to most African countries (Fombad, 2011). The 2014 US State Department report stated that the constitution and the laws provide for freedom of speech and press, and in turn, the government respected it. Furthermore, the report added that there were no government restrictions on access to the Internet or credible reports that the government-monitored e-mail or Internet chat rooms. Accordingly, individuals and groups could engage in the expression of views via the Internet, including e-mail. Botswana's 2008 report to the UN General Assembly also indicated that there is freedom of speech, association and reasonable access to information in Botswana. For the 2018 BTI report, there is no complete censorship or media shutdowns in the country.

To regulate the operation of the media and to promote the right to freedom of opinion and expression, the government of Botswana passed the Media Practitioners Act in 2008 (Media Practitioners Act, 2008). According to this Act, the media should be under the supervision of the Media Council and the council on its behalf shall operate without any political or other bias or interference, and shall be wholly independent and separate from the government and any political party or any other body' (Media Practitioners Act, 2008). As the 2008 US State Department report stated, the Media Practitioners Act, which established a Media Council, is aimed to register and accredit journalists, promote ethical standards among the media, and receive public complaints. Moreover, the Media Council is supposed to preserve media freedom, uphold standards of professional conduct, and promote good ethical standards and discipline among media practitioners (Botlhomilwe, Sebudubudu & Mapire, 2011). As indicated in the 2008 report to the UN General assembly, the Botswana government has established a Media Consultative Council with representation from the private media and other stakeholders with the primary mission of promoting and preserving the media in the public.

According to the Media Practitioners Act (2008), the Media Council provides the foundation to further promote the right to freedom of expression.

However, there are many suspicions and official criticisms on the role of the Act in upholding the right to freedom of expression. For some, their criticism is due to too much political interference especially from the Minister of Presidential Affairs and Public Administration mainly in electing committees and related issues. For example, the Minister alone appoints the Complaint and Appeals Committee (Media Practitioners Act, 2008). The Act further states that

the Minister can dissolve the Executive Committee of the Media Council if it fails to submit its annual report and replace it with an interim Executive Committee appointed by him/her. Furthermore, the Minister may make regulations 'relating to the registration and accreditation of non-resident media practitioners' and may also dissolve the Executive Committee and direct that a new executive committee be elected (Media Practitioners Act, 2008). According to Botlhomilwe, Sebudubudu and Mapire (2011), the Media Council, a supposedly independent body, should be controlled by the Minister to the extent that he or she can even make regulations on how it should conduct business is intended to control and curtail freedom of press rather than enhance rights promotion.

Furthermore, the government's measure of imposing a statutory press council in the country has been further aimed to control the media and as much as possible to subordinate complaints to the wishes of the state (Mndaweni, 2008). In this regard, the task of the press council will be to adjudicate complaints against the media (Cook & Sarkin, 2010). Similarly, some NGOs, including MISA, independent media, and opposition members of parliament continued to criticize the law for restricted press freedom and due to the passing of the law without debate after the collapse of consultations between the government and stakeholders (USDS, 2014).

The media operates in a restrictive legal environment with certain laws stated in such a way as to limit freedom of speech and public access to information (Good & Taylor, 2007). An outdated and 'draconian' National Security Act (1986) remains in place, now supposedly to aid the global fight against terrorism, but has been used only against journalists and trade unionists (Good and Taylor, 2007). Furthermore, the Act forbids the publication of information relating to national security and generally restricts access to information and there is no legislation on freedom of information and the public does not have access to government documents (USDS, 2007). Since there is no legislation freedom of information in Botswana, the government continues to accuse the private press with biased and irresponsible reporting (Botolwe, Sebudubudu & Mapire, 2011). Additionally, the government has been known to intervene and censor the media when it covers sensitive topics (Good, 2003) including the cancellation of live radio panel discussions on state-owned broadcasting (African Media Barometer, 2006). According to the 2007 U.S. State Department report, government journalists are often obliged to engage in self-censorship.

As aforementioned, some government activities seem to work contrary to international human rights instruments and the constitutional provisions of the country. The administration appears to be intolerant of a critical private media that exposes government excesses and secrecy. In the past few years, Botswana journalists have experienced some police harassment and unlawful detention (IDASA, 2012). In 2005, the government deported at least two foreign journalists (USDS, 2005). As the 2015 Freedom House report indicated, journalists faced harassment and intimidation under Khama's government. In April of 2015, security personnel physically prevented journalists from covering the return of national athletes to Sir Seretse Khama International Airport near Gabarone (Freedom House, 2015).

According to the 2018/19 Amnesty International report, journalists continued to be intimidated and harassed by the authorities. On 8 March 2017, three journalists from the INK Centre for Investigative Journalism who tried to access the new home of President Khama on corruption-related cases were briefly detained and threatened by security agents. The report further emphasized that on 19 April 2017, a teacher who challenged his dismissal from employment on the grounds that it violated his constitutional right to freedom of expression and Outsa Mokone, editor of the Sunday Standard, had faced human rights violation of their right to freedom of expression (Amnesty International, 2018/19; USDS, 2017). Another issue of concern to which the Botswana government is intolerant to criticism and its efforts to eliminate disparagement of the government from public discourse is the deportation of Kenneth Good, who had spent fifteen years teaching at the University of Botswana (BBC news, 2005).

Accordingly, the opposition's lack of access to state media and the increasing attempts to control the private media by the government are worrisome enough to register with international watchdogs such as IDASA (2012) and Freedom House (2011) that recently downgraded Botswana's 'Freedom of the Press' rating to 'partly free' (Jager & Majester, 2013). The government-owned Botswana Press Agency that dominated the print media through its free, nationally distributed newspaper, Daily News, and two state-operated FM radio stations. These state-owned media are also characterized by reporting those news that are favorable only to the government and were susceptible to political interference (Jager & Majester, 2013). Moreover, the Office of the President has direct control over the Daily News, and public officials are forbidden to talk to the press (Good, 2003). Opposition political parties also claimed that state media coverage heavily favored the ruling party (USDS, 2014).

According to the 2016 Vision Botswana Performance report, lack of Setswana language newspaper and community radio stations may limit information flow, particularly in rural areas, thus adversely affecting citizens meaningful participation in public hearings, review of official documents, development of public policy and decision-making processes, as well as the Botswana political sphere generally (IDASA,2012). This will be against the interest of the public since as Cook and Sarkin (2008) stated, a significant number of Botswana's citizens are interested in public affairs and discuss politics 'frequently' on public and private radio stations, as well as in the print media. As a result, most citizens contend that lack of access to information and a general lack of transparency on the part of public institutions limit full participation including political life. This is compounded by the non-existence of effective forums for holding public servants and elected officials directly to account, apart from elections (IDASA, 2012).

C. Upholding the Right to Peaceful Assembly and Association in Botswana

The right to peaceful assembly and association is protected under the International Bill of Human Rights including Article 20(1) of the Universal Declaration of Human Rights (UDHR), Article 22(1) of the International Covenant for Civil and Political Rights (ICCPR) and Article 10(1) of the African Charter for Peoples' and Human Rights that provides for everyone's right to freedom of association. Moreover, section 13(1) of the Constitution of Botswana states that:

Except with his consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his interests.

Accordingly, the right to peaceful assembly is central to constitutional democracy and a very idea of the government implies a right on the part of its citizens to meet peacefully for consultation in respect to public affairs and to petition for a redress of grievances (Lekgowe, 2014). Furthermore, the importance and instrumentality of the right to peaceful assembly cannot be overstated since it gives a voice to the powerless and it is one of the principal means by which ordinary people can meaningfully contribute to the constitutional objective of advancing human rights and freedoms (Lekgowe, 2014).

According to Lekgowe (2014), in Botswana, the right to peaceful assembly and association rapidly gained attention mainly because of a growing discontent by the electorate with the government's failure to deliver services, tertiary students' dissatisfaction with their treatment by

treatment from education authorities; the very lively trade union movement and new players in the political ring. The exercise of the right to peaceful assembly and association is governed by the Public Order Act of 1967. The Act sets specific procedures to be followed and requirements to be met before one can exercise the right. It regulates certain public meetings and public processions and defines penalties for violation of provisions in respect to meetings and processions. According to the Act, anyone who wishes to conduct a public meeting or to form a public procession within a controlled area to apply for a permit that is submitted to the regulating officer of the controlled area, who should grant a permit unless if he is satisfied that such public meeting or public procession is unlikely to cause or lead to a breach of the peace. The provision further states that unless the regulating officer is satisfied, such public meeting or public procession is likely to cause or lead to a breach of the peace, he shall issue a permit (Public Order Act of Botswana, 1967). Furthermore, the Act empowers the Minister by order published in the Gazette, to declare any area of Botswana to be a controlled area and to specify the regulating officer for any controlled area and also to extend the meeting to 90 days (Public Order Act of Botswana, 1967).

As regards practicality, the 2018 BTI report indicated that association and assembly rights are widely enjoyed and guaranteed by virtue of the law as per the constitution and there are no evident intrusions or arbitrary constraints. Moreover, the 2014 Freedom House report noted that freedom of assembly is guaranteed by the constitution and at the same time also largely upheld in practice. Although there were some restrictions on the right to collective bargaining, freedom of association was generally respected in Botswana (USDS, 2013).

However, for the better practice of the right to assembly and association, the Public Order Act has been taken as an obstacle by various writers and opposition political party leaders. According to Lekgowe (2014), the requirement of permission to convening a public meeting or procession is a limitation to exercise the right to associate and assemble. This hindrance is because, in many situations, the application for a permit is either turned down or delayed since the intention to hold demonstrations is ultimately abandoned (Lekgowe, 2014). The Botswana National Front (BNF) secretary-general Moeti Mohwasa (2016) stated that the Public Order Act which suggests that citizens quest for 'permission/permit' from an administrative officer to exercise their right to assemble, is incompatible with participatory democracy and active citizenry. He further added

that the requirement of the Act seems to suggest that the leaders hold the rights of the public in trust and only deposit it with them when it wishes to.

Lekgwe (2014) has discussed further the limitations of the practice of upholding the right to assembly and association. He argues that whilst the constitution protects the right to association and peaceful assembly in Botswana, there are also broad limitations imposed by it and subject to abuse. He asserted that both the requirement to obtain a permit to exercise the right to peaceful assembly and the power of the Minister to suspend the right to peaceful assembly in cases of serious public disorder are unconstitutional. The 2014 Freedom House report stated that the constitutionality of this clause has been questioned in the past and permission at times has been denied on unclear grounds by the police. Lekgwe (2014) also contended that the provision that empowers the Minister to suspend for a period extending to 90 days is against the freedom of individuals conferred by the Constitution and it is thus unconstitutional. Generally, he criticizes the Act which fails to define vital terms and also lacks clarity ((Lekgwe, 2014). Mohwasa (2016) condemned strongly, the violations of basic fundamental freedoms by state security apparatus in Botswana. He opposes what he has witnessed an insatiable appetite on the side of state organs to disperse peaceful gatherings by meting violence on peaceful protesters. Mohwasa further said, "It must be a concern to all of us when state security apparatus resorts to violence against its people and thereby trampling upon basic freedoms to associate and to assemble".

Furthermore, the 2018 BTI report indicated that relations between the government and the public-sector unions, particularly those that fall under the auspices of the Botswana Federation of Public Sector Unions (BOFEPUSU), have been uneasy since a two-month strike in 2011. Tensions between the two resulted in BOFESUSU declaring its support for the opposition UDC in the 2014 elections (BTI, 2018). Since the 2011 public employees strike, the government and BOFEPUSU have mainly resorted to resolving their differences through the courts, by which various cases have been registered (BTI, 2018).

3.2.1. The Role of National Institutions in Upholding Civil and Political Rights in Botswana

For many, Botswana is a stable democracy with a good human rights record (Molomo, 2000; Sebuudubudu, 2010; Mapodisi, 2014). It has been ranked 'free' by most of Freedom House reports on performing political and civil rights. Freedom House ranks Botswana as one of only

8 'free' countries among the 48 states of sub-Saharan Africa with high scores for both political and civil rights (cited in Mapodisi, 2014). To safeguard these better performances of human rights, the emerging international trend is to constitutionally establish independent institutions. For this response, according to Mapodisi (2014), Botswana has established institutions namely the Electoral Commission, the Directorate of Corruption and Economic Crime, and the Ombudsman.

However, against the international human rights law order, in Botswana, there is no independent institution that is mandated to deal with human rights issues that have been established in line with the Paris Principles. Accordingly, notwithstanding the commendable human rights records, there have been repeated calls for Botswana to establish a National Human Rights Institution (NHRI) which complied with the Principles (UN General Assembly Resolution, 1993). The United Nations Human Rights Commission (2008) and African Commission on Human and Peoples Rights (2005) also called for the establishment of an independent national human rights institution in accordance with the Paris Principles with a specific mandate to advise government and any other competent bodies concerning the promotion and protection of human rights, promote and ensure the harmonization of national legislation and practices with international human rights practice, encourage ratification, accession and implementation of international human rights instruments, contribute to the reports that states are required to submit to the UN bodies and committees and regional institutions, cooperate with the UN and any other organization in and other national human rights institutions, assist in the formulation of programmes for the teaching and research into human rights and take part in their execution, publicizing human rights through education and the press, and promote and protect human rights. Thus the absence of NHRI with these responsibilities has therefore been cited as the cause of human rights concerns that have been noted to exist in Botswana (Mapodisi, 2014).

As regards the above shortcomings, Botswana has accepted the recommendation to establish an independent NHRI for the promotion and protection of human rights at its UPR session in 2008. Hence the government of Botswana is still engaged in the process of establishing the institution that signifies the recognition of the presence of an institutional gap that hampers the promotion and protection of human rights (Maudosi, 2014).

Despite this, the Office of Ombudsman has been presented by the government of Botswana to the international community as an institution with a mandate to promote and protect human rights (HRC, 2008). However, the Office was established by the Ombudsman Act of 1995 (Fombad, 2001) charged with a mandate to investigate alleged acts of maladministration perpetrated against members of the public by the government or authority in which government is a major stakeholder. In the 2008 UPR country report, Botswana submitted that the Ombudsman's jurisdiction extends to the investigation of alleged violations of constitutionally enshrined fundamental rights and freedoms. Similarly, the 2005 African Commissions Convention on Human and Peoples' Rights revealed that the Office has the mandate to deal with human rights issues. Thus so far, it has been witnessed that the Office report investigations on respect for prisoners' human rights (Cook & Sarkin, 2010).

However, there are criticisms against the Office's mandate in protecting and promoting human rights. Cook & Sarkin (2010) argue that the Office of Ombudsman's mandate to investigate human rights violations is nonetheless. Rather as Mapodisi (2014) stated, the Office which is perceived to have the mandate to protect human rights, does not have such a mandate, as well as, there are financial, human, and expertise capacity limitations to handle human rights issues. The 2014 U.S State Department report stated that the Office had inadequate staff and public awareness of the office and its services was low. Accordingly, the effectiveness of the office is questionable (Cook & Sarkin, 2010). In addition to the inadequacies, the other concern is related to the issue of impartiality. Since the Office of the Ombudsman (which ought to undertake the protection of human rights) is overly concerned with civil service matters, it has been ignored by the executive when it raised uncomfortable questions (IDASA, 2012).

Furthermore, the President's appointment of the Head of Ombudsman and the governments funding the position makes the appointee unlikely to be impartial (Fombad, 2001) especially when governments' are guilty of human rights violations (Cook & Sarkin, 2010). That is why by acknowledging the Office of the Ombudsman, the UN Human Rights Committee (2008) and ACHPR (2010) found that there were no national human rights institutions and therefore called on Botswana to establish such an institution in line with the Paris Principles or elevate the Office of Ombudsman to look into cases of violations of human rights by non-state actors.

Similarly, in addition to the aforementioned human rights institutions, there are national legal institutions that are charged with human rights protection and promotion including the legislature, executive and judiciary organs. As Mapodisi (2014) noted, the High Court has been the main mechanism for the protection of human rights since independence as specified under section 18 of the Constitution of Botswana.

3.2.2. The Role of Civil Societies in Upholding Civil and Political Rights in Botswana

Civil society organizations that struggle for government responsiveness to their members have a great role in citizen's involvement and influence on modern democratic states. Hence, this interaction of organizations and the government constitute the core of modern civil society (Holm, Molutsi & Somolokae, 1996). In Botswana, Civil society was almost nonexistent in the late 1980s, but it developed rapidly in size and influence in the decade that followed. By the turn of the century, an active, vibrant and influential civil society emerged (Carroll & Carroll, 2004). At the end of 1999, civil societies consisted of approximately 150 indigenous NGOs, around 50 Community-Based Organizations, some 23 trade unions, and a handful of business associations (Carroll & Carroll, 2004).

There has been involvement of civil societies with various aspects to promote human rights. In doing so, the country created a playing field that ensures civil societies to enjoy freedom to operate without hindrance or harassment by the State (Maundeni, 2005). Practically, there is a minimal state interference from registration to their day-to-day operations (Kaunda, 2008). According to the 2013 U.S State Department report, numerous domestic and international human rights groups operated without government restriction by investigating and publishing their findings on human rights cases. Furthermore, government officials were cooperative and responsive to domestic NGO views on most subjects and provided financial support for some of these organizations. Organizations including the Botswana National Youth Council, the Botswana Association of Local Authorities (BALA) and the Emang Basadi (a women's development) have over the years, undertaken activities like voter education initiatives to encourage active participation of by citizens in political life. Notwithstanding the existing constraints, some CSOs have played a significant role in promoting human rights in Botswana like the Ditshwanelo, Emang Basadi, trade unions, and the Media particularly the independent media (Mogalakwe & Sebudubudu, 2006).

The Ditshwanelo (Botswana Centre for Human Rights) has conducted appreciable activities and has been at the forefront of advocacy for human rights, especially to the rights of the marginalized since its formation in 1993. Moreover, Ditshwanelo engaged in educating, researching, counsel, and mediating on human rights issues with particular reference to people who are marginalized and disempowered' that have a vital role to promote the right to political participation in the affairs of own country (www.ditshwanelo.org.bw). On the other hand, the Emang Basadi, which was formed in 1986, to champion women's rights was originally directed to applying pressure on the Botswana government to amend all laws that discriminated against women (Somolekae, 1998). However, they were generally excluded from the governing process of the country due to their stand at the forefront of lobbying government to take women's rights seriously especially since the Beijing Conference in 1995 (Somolekae, 1998). However, as stated by Mogalakwe and Sebudubudu (2006), some institutions of civil society, such as human rights or women's organizations are doing relatively well in sharp contrast to others like labour unions and the independent media that have been tightly controlled by the governing regime.

Nevertheless, the 2010 IDASA study indicated that despite the efforts of civil society institutions, there is a weak civil society in Botswana due in part to lack of any meaningful 'struggle' for independence and the concomitant absence of a tradition of questioning (Taylor, 2003) that may have resulted from historical domination by the chiefs and other elites (Swatuk, 2005), among other reasons. On the other hand, Good (2003) argues that since public opposition to the ruling party is frowned upon as aggressive, confrontational styles of political activism, Botswana's NGOs are hesitant to address controversial issues like human rights, gender equity, capital punishment, political education, and democracy. Moreover, the absence of issue-based politics hinders the extent to which civil society fills the void left by Botswana's weak opposition parties. Most civil society organizations also prefer to stay out of politics as they believe that it is in their best interest to do so (Sebudubudu & Hwedie, 2005). Holm (1996)) laments that the unreliable access to government leaders, resource limitations mainly relating to skilled personnel and finance, and more importantly, 'the narrow Tswana view of politics' are the factors that work against the positive influence and institutional capacity of civil societies to promote human rights in Botswana.

The 2018 BTI report indicated that in Botswana, a strong culture of civic participation in public life has yet to develop, mainly due to hindrances of government policies (i.e. legislative hurdles)

that work against the development of strong civil society organizations especially those that are considered a threat to the government. Even, some members of civil society organizations alleged the government occasionally censored stories in the Media it deemed undesirable (USDS, 2014). As Mogalakwe and Sebudubudu (2006) stated, although Botswana has regularly held elections since its independence in 1966, its relationship with civil society reveals that some of the institutions of civil society such as labour unions and the independent press/ media have been tightly controlled in sharp contrast to others, like human rights or women's organizations. For them, this is because of the view of dividing institutions as a threat to the status quo and as compliant and playing only a legitimizing role (Mogalakwe & Sebudubudu, 2006). Accordingly, those institutions like Emang Basadi and Ditshwanelo, chose to work within the set boundaries, are successful in most cases because they do not pose a threat to the interests of the state and are perceived as compliant and playing only a legitimizing role. On the other hand, institutions like trade union movements and the independent media that try to cross government-hedged boundaries and to bring about a 'new order' are perceived as a threat to the status quo. The independent press dubbed the 'fourth estate', is also in the list of threats to the status quo and emerged as the worst (Mogalakwe & Sebudubudu, 2006).

While the system in Botswana is praised for its minimal interference in the activities of civil societies, it does the minimum to consolidate them. For instance, since a civil society policy was adopted by parliament in 2002 (Government of Botswana 2002), to date it has not been put into practice. This leaves relations between civil society and the state largely undefined and thus state-centered. A perusal of the policy shows further that the state has overlooked the fact that civil society organizations exist for reasons other than service delivery – for example, as pressure groups. The fact that the state prefers to see these organizations as agents of service delivery, and will only work with them if they are registered with the state, betrays a bias towards those elements of civil society that can be controlled by the government (Government of Botswana, 2002). Moreover, the government recently refused to register the organization Lesbian, Gays, and Bisexuals of Botswana (LeGaBiBo) that indicates since the law forbids homosexuality in Botswana, LeGaBiBo cannot deliver services to its constituency, even though that constituency certainly does exist.

3.2.3. The Role of the Governing Party in Upholding Civil and Political Rights in Botswana

Botswana gained its independence from the United Kingdom in 1966. It is a tri-cameral democracy based on the separation of legislative, executive and judicial powers. The President is both the head of state and government that is elected by the National Assembly for a five-year term and restricted by the constitution to serve no more than two full terms in office (UNDP, 2009). Moreover, Botswana is known for experiencing the longest surviving multi-party democracy with a developmental aspect (Sebudubudu, 2005).

According to Cook and Sarkin (2010), Botswana has enjoyed much success especially, in comparison to many post-colonial African nations. It has evolved from one of the poorest countries in the world to a symbol of political stability, economic growth, international investment, and development in Africa (Taylor & Mokhawa, 2003). Since its independence, Botswana has held free and fair elections every five years and maintained well-developed democratic institutions in comparison to its African neighbors. In November 2008, Former President of Botswana, Festus Gontebanye Mogae, received the Ibrahim Prize because of being a democratically elected former African head of state who has served within the limits set by the domestic constitution (Mo Ibrahim Foundation, 2010). The Mo Ibrahim Index (2010) further indicated that Botswana has marginally improved in achieving citizen's participation and human right practices, among other things. Thus the international community has spent several decades by praising Botswana for these achievements (Cook & Sarkin, 2010). Nevertheless, these achievements were registered mainly under the leadership of the Botswana Democratic Party (BDP) (Cook & Sarkin, 2010) since the country's independence BDP is in power for over 53 years continuously.

For many scholars and analysts, notwithstanding these commendable achievements, Botswana has fallen short of its image as the "African Miracle" in various aspects. According to Good (2003), the label of 'success' in Botswana has led to inadequate questioning of what occurs beneath the façade. Accordingly, to dissent the myth of Botswana 'Miracle' and to expose the limitations of human rights practices, several scholars are devoted to their work. On the poor performance of upholding human rights, the problems they cite include the dominance of the ruling party, unchecked presidential power, limited freedom of expression, and economic disparities that are among the worst in the world (Cook & Sarkin, 2010). Botolwe, Sebudubudu

and Mapire (2011) further stated that Botswana, what has long been described as an 'African Miracle' is quickly degenerating into an autocracy manifesting itself in the form of personalized rule, abuse and/or misuse of power, and intolerance of divergent views that has implications for the democratic principle of freedom of press and expression. As regards, these governing party's characters have a negative impact for the poor performance in terms of civil and political rights.

Cook and Sarkin (2010) further asserted that the government of Botswana (GOB) has failed to address many issues that seek a great deal of attention like government's aversion to criticism, limitations on civil society and the media, the dominance of a single political party, and extensive executive authority, among others. Accordingly, the organization that helps to facilitate civil and political rights like civil society, the media, etc. is not treated by the governing regime in a good manner. The governing party's executive domination hampers the better exercise of civil and political rights. As regards the character of the ruling party system, Botolwe, Sebudubudu and Mapire (2011) further argue that Botswana's unique functioning democracy occurs within the context of a dominant party system. For Molomo and Sebudubudu (2005), the continued dominance of the party is not only a factor of its popularity but also of 'deep-seated structural problems in Botswana's polity and electoral system'. Consequently, this predominant party system seems to have encouraged the emergence of a culture of arrogance and lack of accountability on the part of the ruling elites (Botolwe, Sebudubudu, Mapire, 2011).

According to Botolwe, Sebudubudu and Mapire (2011), the aforementioned problems are partly attributed to the extensive powers that are constitutionally bestowed on the presidency. Notwithstanding other reports on Botswana, the 2010 ACHPRs remained concerned by the President's very vast and unchecked power in expelling non-nationals out of the country and in branding an individual as dangerous to peace and order. It is on these premises that it is no longer accurate to regard Botswana as an 'African Miracle' given that new democratic regimes such as Namibia and South Africa seem to have surpassed Botswana in upholding basic democratic principles (Botolwe, Sebudubudu & Mapire, 2011).

Furthermore, it is known that the Botswana Democratic Party (BDP) has dominated other political parties in every election since independence. However, debates on the factors that account for the dominance of the BDP generally fall under lack of party funding, the electoral system the country follows, and the advantages of incumbency enjoyed by the ruling party is

widely mentioned among other reasons. On the other hand, Seabo & Molebatsi (2017) argue that BDP's dominance is attributable to its good performance in governance and economic management. They further stated that Botswana's citizens are rational voters, whose voting intentions are based on a careful assessment of the economic performance of BDP government attitude towards corruption level and trust in institutions. Moreover, Botlhale (2016) posited that the government derives its legitimacy from the consent of the governed. For White (1998), such a political system like in Botswana have been tested through regular elections and by the competing interests of organized civil societies and the effectiveness of such a system is in "maintaining the coherence, authority, and capacity for long term decision making".

However, Cook and Sarkin (2010) noted that regular elections are not enough to indicate a functioning democracy. Although trust was high for the ruling party previously, now it has decreased and even though low previously, there is an increase of trust for opposition parties (Seabo & Molebatsi, 2017). Moreover, there is also BDP's impartiality, which is hindered by the fact that "in a country where the ruling party has been so dominant for a long period, the distinction between party and government interests is blurred "(Taylor, 2003).

Political campaigning is another major issue that helps to understand the role of the governing party in upholding civil and political rights. Scholars consistently note the opposition's unequal access to state media as a key disadvantage in their competition with the ruling party. The state-controlled media in Botswana are considered uncritical of the government and acting as a 'mouthpiece of the ruling party' (Mfundisi, 2005) while with 'slanted reporting' when it comes to the opposition (Ntuane, 2012). The 2007 U.S. State Department's report on Botswana, expresses its concern about BDP candidates' "preferential access to state-owned television during much of the campaign that indirectly violates the political rights of opposition and others. Furthermore, the private media is not considered objective but instead, tend to be skewed in favor of the opposition (Sebudubudu & Hwedie, 2010). While private media sources abound, they are mostly dependent on advertisements for their survival and have a much smaller readership than the state-funded media (Freedom House Report, 2011). More importantly, only the state media effectively reaches and covers rural areas that help to dominate the political landscape (Mfundisi, 2005) and causes a key disadvantage for the oppositions, because the public media is an organ that is so believable (Lucas, 2010). Nevertheless, the governing party of Botswana (BDP) is not only discouraging the right to political participation during election campaigns, but also, for a

long period, violates the right to freedom of opinion and expression by its regulation of the Media Practitioners Act of 2008 as discussed earlier.

Related with election campaigns, another problem that questions the role of the ruling BDP in promoting political participation is the issue of 'funding' for political parties. Most recently, it was revealed that the ruling party has, over the years, rejected various calls for public funding of political parties, while simultaneously receiving secret funding from multinational corporations. At every election, the ruling Botswana Democratic Party (BDP) is always awash with financial resources. Since there is no regulation for state funding of political parties, this, in turn, leads to the difference on equal political participation among political parties. Accordingly, this shortcoming will result in violation of political rights.

Another area of contention that questions the role of the governing regime in Botswana is the issue of 'fairness' of elections. While it is true that Botswana has regularly held elections every five years since its independence, there is a need to reconsider the 'fairness' of these elections. According to the 2018 BTI report, the last elections in 2014 were contested by three political factions – the Botswana Democratic Party (BDP), Umbrella for Democratic Change and the Botswana Congress Party. However, similar to previous elections, although the BDP has won at the 2014 national elections, it was with a reduced popular vote of 47%. Moreover, during this election, there was a continued trend of giving an uneven playing field for the ruling BDP and this, in turn, resulted in undue advantage over opposition parties, casting doubts as to the fairness of the electoral process (BTI, 2018).

CHAPTER FOUR

THE CHALLENGES AND PROSPECTS OF ETHIOPIA AND BOTSWANA IN UPHOLDING CIVIL AND POLITICAL RIGHTS

The rapid transition to multi-party democracy of many African countries since the early 2000s has been one of the most positive developments in the continent. In every parts of the continent, there are now states where it is now normal for citizens to participate in elections every four or five years, during which they are free to vote for the party or individual of their choice. In due course, the victory in those elections of an opposition party often leads to a peaceful change of government (Clapham, 2004). However, there are challenges faced by African countries in adhering to principles of international human right laws. In this regard, Ethiopia and Botswana are countries where this problem is encountered.

4.1. Challenges in Upholding Civil and Political Rights in Ethiopia

Following its seizure of state power in 1991, EPRDF has promised to respect, protect and promote human rights in Ethiopia. To this end, it proclaimed a Charter for the Transitional Period that enumerated various freedoms, policies and rights to be upheld (Merera, 2011). In doing so, as aforementioned earlier, Ethiopia adopted various international and regional human rights instruments and expressed its commitment to implement these by incorporating them in its constitution and by establishing institutions that are responsible for implementing them. In spite of these, there are challenges that are experienced at present. Solomon (2017) argues that although there could be other factors, poor performance on the protection of civil and political rights that affects Ethiopia impeding it from transforming into a democratic developmental state is mainly responsible. Besides, after EPRDF began to undertake reforms since 2018, many political prisoners, human rights defenders, etc. have been released from detention and institutional reforms that are manifested in various forms have been undertaken. Repressive legislations like the CSO Law, the Anti-Terrorism Law, etc. have been revised and other laws that are vital for the better practice of civil and political rights are in the process of being developed. Despite this, there are still hurdles impeding effort towards upholding civil and political rights both in the pre and post-reform periods.

Accordingly, there are various challenges that affect implementation of international human rights principles in the country. Belete (2019) argues that the political culture of the country highly challenged the practice of upholding civil and political rights in Ethiopia. Moreover, the absence of the culture of legal enforcement of rights enshrined in past constitutions adversely affects the performance of civil and political rights in Ethiopia (Andreas, 1993). This is due to the fact that under previous regimes, representative institutions were largely forums where the political leadership explained its actions and political participation of peasants, workers, women, and the youth was stifled and important social groups did not develop the organizational capacity to mobilize their constituencies for public action (Andreas, 1993). For Solomon (2017), the poor performance regarding the protection of civil and political right is related to the societal political culture as well as problems associated with lack of good governance.

Clapham (2004) stated that throughout the period prior to 1991, Ethiopia has never had any regime with the slightest plausible claim to democracy as a result of which it lacked much of the basic experience that took shape in other parts of the continent. Even though elections were held to be represented in a powerless House of Representatives in the period between 1957 and 1973, no political party was allowed to be formed. It was only after 1991 that Ethiopia held elections to be contested between different parties. Accordingly, no Ethiopian government has ever assumed power by election and over the last century and a half succession to power has almost invariably been determined by force (Clapham, 2004). Clapham added that ways of thinking about issues of power and authority are often deeply entrenched profoundly affecting how politics works in any parts of the world. Even the idea of voting against the government is, for many Ethiopians, especially in rural areas, a strange and disturbing factor. For many officials, whose primary responsibility has always been the maintenance of obedience to the established order, criticism is considered tantamount to subversion. It has been extremely difficult to express opposition to the existing authorities, without implicitly challenging the quest for preserving the status quo. As a result of espousing the idea of a 'loyal opposition' that seeks to displace the government by peaceful and constitutional means, it has been equally difficult for the opposition to grasp the viewpoint of either the government itself or its detractors. Merera (2011) opined that the hegemonic aspirations of the EPRDF are confirmed and reinforced by the legacy of an inherited authoritarian political culture.

Besides, others associate the challenges Ethiopia faces in the effort to adhere to uphold civil and political rights to the authoritarian nature of the ruling EPRDF. According to Eskinr (2019), the main reason for the prevailing human rights violation in Ethiopia and the challenges in implementing international human rights law is the authoritarian nature of the regime in power. As Solomon (2017) stated, due to the societal culture in general and political culture in particular including the character of some of the actors of democracy and the divergent views of political elites, Ethiopia's performance in the protection of civil and political rights remains low. In addition, the authoritarian nature of the regime including its state ideology of revolutionary democracy is highly detrimental to citizen's quest for exercising their rights (Merera, 2011; Eyob, 2015; Lyons, 2019). Furthermore, the regime's ideology of revolutionary democracy has been used to neutralize opposition parties, journalists, and political activists (Eyob, 2015). For Merera, ideologically, the regime's employment of the developmental state notion is a means to survive in power for long (cited in Mesgina, 2015). To this end, some scholars and politicians express the developmental state poses challenges against efforts to adhere to international and regional human rights instruments including the country's constitution.

The existing politicized ethnic-federalism also contributes to the violation of human rights and implementation of international principles (Mamushet, 2019). Mamushet further added that in all over parts of the country, due to the existing politicized ethnic federal structure of the state, political parties cannot smoothly operate by mobilizing citizens to participate in the political process, express their opinions freely, and organize themselves under different political and other civic associations. Besides, lack of strong institutions poses challenges against application of human rights instruments to protect and promote human rights as specified legally. Belete (2019) asserted that although institutions play a significant role in the protection and promotion of human rights, in Ethiopia, there are no strong institutions that enforce international human rights instruments. Furthermore, lack of autonomy and weak capacity of institutions of democracy are also factors that adversely affect efforts to implement human rights principles as specified in various instruments (Solomon, 2017). Even the already existing institutions such as the Human Rights Commission, the Office of Ombudsman, the Election Board, the Judiciary, etc. are employed as instruments for violating human rights by the regime (Yemsrach, 2010; Bayenew, 2011; Eskinr, 2019; Birhanu, 2019).

Moreover, for some scholars and politicians, the electoral system in the country impedes the practice of upholding civil and political rights. The winner-takes-all electoral system that excludes the voices of citizens highly affects performance in upholding political rights. As Solomon (2017) stated, even though millions have been supporting opposition parties, the majoritarian electoral system helped the ruling party to win almost all parliamentary seats in the 2010 and 2015 national elections. This trend pushed opposition political parties and their supporters to express their grievances in an unconstitutional manner (Solomon, 2017). As regards the right to freedom of opinion and expression, lack of full information by all government sectors and officials hinders its full implementation (Setegn, 2019). Setegn further noted that the unequal treatment of government officials including the Prime Minister's Office that selects media organizations unfairly is highly challenging the full exercise of the right to freedom of opinion and expression.

Concomitant to these, the various rules and regulations adopted by EPRDF in aftermath of the post-2005 national elections including the Anti-Terrorism Law (2009), the Registration and Regulation of Charities and Societies Proclamation' (CSO law) (2009), the Amended Electoral Law Proclamation (2007), etc. adversely affects performance in protecting and promoting civil and political rights (Merera, 2011; Arriola, 2011; Eyob, 2017; Alem, 2018; Eskindr, 2019; Mamushet, 2019).

4.2. Challenges against Upholding Civil and Political Rights in Botswana

As discussed earlier, Botswana is a state party to various international human rights instruments and could be taken as an exemplary country in terms of upholding civil and political rights acknowledged by different institutional reports and scholarly works. Despite this, there are indications that the country faced several challenges in respecting, protecting and promoting civil and political rights in line with international and regional human rights laws and conventions.

For most scholars and political practitioners, the main challenge against people's participation in government affairs coincided with the accountability and nature of the ruling party. It has been mentioned in various criticisms that representatives in Botswana go to parliament and council only to further their interests and needs (Tshosa & Tshosha, 1994). In doing so, the dominant position and role of the government in the electoral process by which the ruling party commanded an overwhelming majority in parliament since independence rendered the very foundation of constitutional political plurality meaningless. Moreover, the rules governing the electoral process are run and administered by the government to the exclusion of other political parties including in

terms of deciding on holding general elections after gauging the political climate and the mood of the electorate (Tshosa & Tshosha, 1994).

Most significantly, the Supervisor of Elections entrusted with the responsibility of monitoring the electoral process is appointed (Tshosa & Tshosha, 1994). This is because, as per the constitution, the Supervisor of the Election is appointed by the President to ensure the impartiality of the institution. The Supervisor is supposed not only to be independent but is also expected to be independent in the sense of supervising elections in such a way that no political party gains, or appears to gain, an unfair advantage over others, and his final appointment should not be left solely to the President (Tshosa & Tshosha, 1994). Accordingly, the ruling Botswana Democratic Party dominated the political scene and the electoral process by using the administrative apparatus and financial resources that placed it on a better footing than its political opponents (Tshosa & Tshosha, 1994).

Furthermore, Botlhomilwe, Sebudubudu, and Maripe (2011) stated that the political leadership of the country has been highly responsible for the limited performance of Botswana in terms of enjoying freedom and tolerance of divergent views and the independent press. For the political leadership, institutions like the media serve only the interests of the ruling government rather than accommodating divergent and competing views of the country's political forces. This is partly attributed to the extensive powers constitutionally vested on the presidency (Botlhomilwe, Sebudubudu & Maripe, 2011). Accordingly, the extensive powers of the presidency in influencing and controlling various activities highly impede the right to popular participation and openness of the political system (Good, 1996). While Botswana is widely recognized for holding uninterrupted successful elections beginning from its independence in 1966, analysts have long pointed to low levels of political participation and a weak civil society as barriers on the path toward entrenched a strong democracy (cited in AFRO, 2018; Holm, Molutsi & Somolekae, 1996). Furthermore, lack of strong institutions that protect and promote human rights highly affects Botswana's performance in implementation of international human rights instruments and the enjoyment of freedoms by the citizens. This is further manifested in the absence of an independent national human rights institution (Mapodisi, 2014).

For most scholars and politicians also, the electoral system of the country (winner-takes-all) contributes more to the poor performance of the country in terms of upholding civil and political rights. For Tshosa and Tshosha (1994), despite having introduced significant electoral reforms,

Botswana has continued to hold an electoral system that distorts electoral outcomes and produce a parliament that is disproportionate to the popular vote.

As a result, the BDP took a disproportional number of seats compared to its popular vote since independence. For example, in 2009, the party's 53% of the popular vote gave it 78% of the seats (45 out of the total of 57) (IEC, 2010). Furthermore, women and the youth are less likely to be elected to the legislature under the FPTP system (Molomo, 2005). Accordingly, the opposition parties and civil society organizations continue to argue against the FPTP system, since it distorts the truth about each party's popular support. The electoral system in its present state thus encourages the entrenchment of a dominant party system and exaggerates the weaknesses of opposition parties (Molomo, 2005). Hence, the political system in Botswana exhibits inbuilt tendencies of authoritarianism rather than rule by consensus (Molomo, 2005).

Besides, according to various scholars, another challenge for Botswana's upholding of civil and political rights is the existence of a weak civil society. According to Holm, Molutsi, and Somolekae (1994), civil society in Botswana is weak compared to the state (Molome & Somoleke, 2000). With the absence of strong civil society organizations, despite being one of the oldest democracies in Sub-Saharan Africa, voters in Botswana are yet to be educated about their civic rights and responsibilities as well as their political entitlements (Molome & Somoleke, 2000). Until recently, voter education initiatives have been limited and sporadic and only Emang Basadi and the recently established IEC have undertaken sustained voter education campaigns (Molome & Somoleke, 2000).

According to Tshosa and Tshosha (1994), the crisis in the ranks of the opposition, the uneven political playing field, the inaccessibility of government media, and lack of political party funding posed challenges for ensuring the fairness of elections in Botswana. Furthermore, the existence of immigration laws, the National Security Act (1986), the Media Practitioners Act (2009), the Cinematography Act (1972), and several other restrictive policies have contributed to less enjoyment of freedom of expression (Good, 1996; IDASA, 2012). Moreover, the Public Order Act of 1967 posed challenges against practicing the right to peaceful assembly and related matters. For the ACHPRS (2010) report, resource constraints also have largely been responsible for Botswana not being able to meet all of its human rights obligations. The report also indicates that the high rate of HIV infection has obliged the Government to shift resources to fight the AIDS pandemic.

CONCLUDING REMARKS

Both Ethiopia and Botswana are state parties to various regional and international human rights conventions and instruments including International Conventions on Civil and Political Rights, Universal Declaration of Human Rights, and the African Charter on Human and People's Rights that are incorporated in their respective constitutions. On the Ethiopian side, this is a significant and commendable development that took place in the post-1991 years unlike Botswana where it commenced in 1966. However, despite the legal endorsement in both cases, there is a clear gap between the principle and the reality on the ground.

EPRDF adopted revolutionary democracy and later officially introduced a democratic developmental state notion as an overarching ideology in post-2005 years. Accordingly, Ethiopia is a late comer in adopting the democratic developmental state ideology as compared to Botswana. Ethiopia's performance in the practice of upholding civil and political rights under the state ideology of the democratic developmental approach is not as satisfactory like Botswana. However, although it has made of progress on the economic field, its performance on the implementation of civil and political rights nevertheless is far from satisfactory. The purpose of adopting the developmental state ideology by itself is to assure the perpetuation of the ruling party in power for long rather than upholding civil and political rights.

In upholding the right to freedom of opinion and expression also, Ethiopia has developed legal standard mechanisms and also registered positive performance in the early periods of EPRDF's seizure of power. Various press coverage were witnessed especially during the 2005 national elections and journalists and other stakeholders were able to conduct their right to freedom of opinion and expression in a relatively better manner. However, this good beginning couldn't last long. The government violated citizen's rights to freely express their views and access to found information and exercise press freedoms. This notwithstanding, critical journalists and others were killed, arrested, and forced to flee the country. Furthermore, legislations like the Anti-terrorism Law contributed to violating freedom of opinion and expression. As a result, unlike Botswana, there were various records of human rights violations on upholding the right to freedom of opinion and expression in Ethiopia.

Furthermore, the right to freedom of assembly and association also found constitutional recognition in line with international and regional human rights principles. As a result, many Ethiopians were able to establish and join political parties and other citizens associations. Although the legal recognition could be appreciated, the practices on the ground remained low. Unlike Botswana that registered better performance, students, opposition party leaders, and others were killed, harassed, arrested, etc. when conducting demonstrations and due to their membership to associations that the regime views negatively. The right to associate especially in the post- 2005 years was violated due to the oppressive Charities and Societies Law enacted in 2009. Most importantly, civil society's were forced to divert their involvement from the human rights and advocacy issues to provision of other social services. Unlike Botswana, in Ethiopia, various civil society organizations especially those involved in human rights issues were subjected to oppression.

Although the establishment of institutions could be taken as a positive move, the performance of Ethiopian human rights institutions mainly the Ethiopian Human Rights Commission and the Office of Ombudsman was far from adequate in terms of on executing their stated objectives. On the other hand, although there were some positive trends as regards the engagement of civil society organizations in promoting human rights issues, these were reversed in the post-2005 period. Due to the coming into force of the 2009 Civil Society law, various civil society organizations engaged in advocacy and rights-based issues were obligated to close their offices or divert their areas of activity. Furthermore, concerning the upholding civil and political rights, the EPRDF regime has formally allowed citizens' right to participate in political process as stipulated in TGE Charter and the 1995 constitution. However, the nature and ideology of the regime are not suitable to practice these rights in practice.

In upholding civil and political rights, there are many challenges faced by Ethiopia. The main challenge in protecting and promoting civil and political rights is attributed to the prevailing political culture in the country, the authoritarian nature of the ruling party, lack of strong institutions, the problems that opposition parties face, the majoritarian electoral system, etc. Furthermore, the different legislations adopted by the regime including the impacts of Anti-terrorism Law, CSO Law, the Media and Electoral Laws, etc. also adversely affected the full implementation of civil and political rights.

The protests in 2016 also indicate the government's disregard for upholding civil and political rights. However, in the Post- 2018 years, even though, there are positive developments expressed in the release of prisoners, the amendment of some restrictive laws, and initiatives aimed at broadening the political space. Accordingly, the country has embarked on the path of opening up the democratic space for the practice of civil and political rights, reform or changes the nature of the governing system, and builds strong and independent institutions. To ensure the promotion and protection of civil and political rights, the ruling party and the government should design an ideological direction that is favorable for entrenching a democratic system and ensuring smooth state-society relations.

Like in Ethiopia, civil and political rights comprising the right to political participation, freedom of opinion and expression, and assembly and association got legal recognition in Botswana. As regards the state ideology of 'democratic developmental state', Botswana's experience has lasted for more than half a century. However, in contrast to Ethiopia, Botswana is a country that succeeded in building a democratic system premised on state system. Under this state ideology, Botswana registered positive results both in economic growth and upholding civil and political rights simultaneously.

Concerning the right to political participation, unlike Ethiopia, elections in Botswana are relatively unabridged. However, there are problems as regards the 'fairness' of elections due to the ruling party's monopoly over the media and other state resources. The problems associated the 'fairness' of elections emanating from the ruling party's dominance of state resources has similarity with the situation in Ethiopia even though to a lesser degree. Although there is one-party dominance in Botswana, opposition parties and civil society organizations are free to mobilize and participate in the political process. On Upholding freedom of opinion and expression in Botswana in contrast to Ethiopia, where there are many prison reports and other rights violations, better performances in Botswana is dubbed "free" by Freedom House reports. However, the Media Practitioners Act and the Public Order Act affect the full implementation of the right to freedom of expression and assembly in Botswana.

Beginning from the country's independence since 1966, the Botswana Democratic Party (BDP) still remains in power and has registered commendable progress. Although the party was able to

win all elections since 1966, opposition groups were able to win many seats that are better especially as compared with the 2010 and 2015 Ethiopian elections. However, there are problems with the ruling party in promoting civil and political rights resulting from a tendency of authoritarianism, domination and monopoly over state resources, and absence of state funding for political parties.

As regards the role of institutions in protecting and promoting civil and political rights, Botswana has registered good performances in terms of the operation of the judiciary. However, in Botswana, there is no national human rights institution that is established in line with the United Nations Human Rights System. The activities of the Office of Ombudsman responsible for dealing with human rights issues are limited to administrative and civil service-oriented matters. Accordingly, Botswana lacks an independent national human rights institution dedicated to following human rights issues unlike Ethiopia that has formed a formally independent national human rights institution. Unlike in Ethiopia, on the other hand, Botswana's civil society organizations played a significant role in protecting and promoting civil and political rights. The government of Botswana created a favorable environment for CSOs. From registration up to embarking on operations no incidence of CSOs is witnessed in Botswana since they vastly engage in educating the public, especially during election times. In upholding civil and political rights, however, Botswana faced several challenges that include lack of a national human rights institution and a majoritarian electoral system, and limited observance of civil and political rights. The absence of an even electoral playing field, restricted and monopolized media, a weak civil society, etc., also hamper respect and promotion of civil and political rights in Botswana.

In contrast to Ethiopia, which largely relied on achieving economic growth at the expense of civil and political rights, Botswana has simultaneously addressed the need to promote economic growth and better implementation of civil and political rights. Accordingly, Botswana adopted and implemented a democratic developmental state that upholds respect for human rights that resulted in the conduct of free and fair periodic elections. As a result, when compared with Ethiopia, the general experience in the practice of upholding civil and political rights in Botswana is highly commendable that has assured it is capable of protecting the civil and political rights and registers a commendable economic development at the same time. This can

be a lesson to Ethiopia as governments rather than being autocratic, can achieve better economic growth and respect, protect and promote civil and political rights in a complimentary manner.

Accordingly, Ethiopia should protect, respect and promote civil and political rights that are vital for attaining economic development. With its limitations, this practice has been manifested in Botswana. Moreover, institutions, civil society organizations, the ruling party etc. should also execute their responsibility in upholding civil and political rights. However, if situations are going like the past 28 years, civil and political rights will be in a danger. On Botswana side, although better economic development has been achieved with a relative better performance in complement with civil and political rights, the dominant nature of the ruling party and the absence of human rights institutions including strong civil society organizations may impede the implementation of international human rights instruments.

REFERENCES

- Aalen, L. and Tronvoll, K . (2009). The End of Democracy? Curtailing Political and Civil Rights in Ethiopia. *Review of African Political Economy*, 36 (120), 193-207.
- Abbink, G.J. (2011). Democracy deferred: Understanding elections and the role of donors in Ethiopia. *African dynamics journal*, 213-239. Retrieved from <https://openaccess.leidenuniv.nl/handle/1887/31868>.
- Abbink, J. (2017). Paradoxes of Electoral Authoritarianism: The 2015 Ethiopian Elections as Hegemonic Performance. *Journal of Contemporary African Studies*. Retrieved from <https://www.tandfonline.com> › 02589001.2017.1324620.
- Adem Abebe. (2011). Human Rights under the Ethiopian Constitution: A Descriptive Overview. *Mizan Law Review*. 5 (1).
- Adem, Abebe. (2012). *Rule by law in Ethiopia: Rendering constitutional limits on government power non-sensical*, CGHR Working Paper 1, Cambridge: University of Cambridge Center of Governance and Human Rights. Retrieved from <https://www.cardeth.org>.
- African Charter on Human and Peoples Rights .(2010). *Consideration of Reports submitted by States Parties under the Terms of Article 62 of the African Charter on Human and Peoples' Rights, Concluding Observations and Recommendations on the Initial Periodic Report of the Republic of Botswana*, in Banjul, Gambia.
- African Commission on Human and People's Rights. (2005). *Mission Report to the Republic of Botswana*. Retrieved from [http://www.achpr.org/english/lMissionjreportsmission %/20reportLBotswana.pdf](http://www.achpr.org/english/lMissionjreportsmission%20reportLBotswana.pdf)

African Media Barometere. (2014). *Botswana*. Friedrich-Ebert-Stiftung (FES) fesmedia, Africa : Windhoek, Namibia.

African Media Barometer. (2018). *Citizen Engagement in Botswana: Beyond Voting. How much interest in participation?* Dispatch No. 230. Retrieved from <https://afrobarometer.org>.

African Media Development Initiative. (2006). *Botswana Country Report: Context 9*. Retrieved from http://downloads.bbc.com.uk/worldservice/trust/pdf/AMDIT/botswasna/amdi_botswanai3_media-_health.pdf.

Alem Asmelash. (2018). Developmental State and Protection of Human Rights in Africa: A Comparative Study of Botswana and Ethiopia. Retrieved from <https://www.meleszenawi.com/african-development-dead>.

Alexander, K. and Kaboyakgosi, G. (2012). *A Fine Balance: Assessing the Quality of Governance in Botswana*. published by IDASA, Pretoria.

Amnesty International. (2011). *Dismantling Dissent: Intensified Crackdown on Free Speech in Ethiopia*. London: Author (report).

Amnesty International Report. (2017/18). *The State of the World's Human Rights*. Retrieved from <https://www.amnesty.org/en/documents/pol10/6700/2018/en/>.

Andreas, E. (1993). Implementing Human Rights and a Democratic Constitution in Ethiopia. *A Journal of Opinion*, 21 (1/2), 8-13.

Armah, R. (2015). *Botswana and Mauritius: A Comparative Analysis of an Economic and Political Success Story in the Most Unlikely Region* (MA thesis). Minnesota State University, Mankato. Retrieved from <https://cornerstone.lib.mnsu.edu/cgi/viewcontent>.

- Arriola, L. (2005). *Ethnicity, Economic Conditions, and Opposition Support: Evidence from Ethiopia's 2005 Elections*. International Conference on African Development Archives. Paper 85. Retrieved from http://scholarworks.wmich.edu/africancenter_icad_archive/85
- Arriola, L. and Lyons, T. (2016). The 100% Election. *Journal of Democracy*, 27(1), 79-80. Retrieved from <https://www.journalofdemocracy.org/sites/default/files/Arriola-27-1.pdf>.
- Asnake Kefale. (2011). *Narratives of Developmentalism and Development in Ethiopia: Some preliminary explorations*. Paper Presented at the 4th European Conference on African Studies, Uppsala, Sweden. Retrieved from scholar.google.com.
- Asnake Kefale. (2011). The (Un) Making Of Opposition Coalitions and The Challenge of Democratization in Ethiopia, 1991–2011. *Journal of Eastern African Studies*, 5 (4), 681-701.
- Asnake Kefale. (2018). Discussing the 2018/19 Changes in Ethiopia. *Nokokopod*, Institute of African Studies, Carleton University: Ottawa, Canada.
- Assefa Fiseha. (2015). Ethiopia: Development with or without Freedom? In Human Rights and Development: *Legal Perspectives from and for Ethiopia*, ed. Eva Brems, et al., BRILL.
- Bach, N. (2011). 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 (4), 641-663.
- Bayenew Lisanework. (2011). *An Appraisal of the Enforcement of International and Regional Human Rights Obligations in Ethiopia* (MA thesis). Addis Ababa University: Addis

- Ababa, Ethiopia. Retrieved from <http://etd.aau.edu.et/bitstream/handle/123456789/4151/Bayenew%20Lisanework.pdf?sequence=1&isAllowed=y>.
- Bentham, J. (1907). *An Introduction to the Principles of Morals and Legislation*. Oxford: Clarendon Press, originally published in 1789.
- Beresä Abera. (2015). *Ethnic Federalism and Democratic Developmental State in Ethiopia: Some Points of Contradiction*. *International journal of political science and governance*, 3(7), 291-300.
- Biswal, T. (2006). *Human Rights Gender and Environment*. New Delhi: Viva Books Private Limited.
- Bosl, A & Deischo, J. (2009). *Human Rights in Africa: Legal Perspectives on their Protection and Promotion*, Macmillan Education Namibia.
- Bothomilwe, M., Sebudubudu, D., Maripe, B. (2011). Limited Freedom and Intolerance in Botswana. *journal of contemporary African studies*, 29(3), 331-348.
- Bouandel, Y. (1997). *Human Rights and Comparative Politics*. Dartmouth Publishing.
- Brems, E., Van , D. B. C., & Yimer , S. A. (Eds.). (2015). *Human Rights and Development: Legal Perspectives from and for Ethiopia*. BRILL. Retrieved from <http://ebookcentral.proquest.com>.
- Bertelsmann Stiftung. (2018). *Botswana Country Report*. Gütersloh: Bertelsmann Stiftung.
- Bertelsmann Stiftung. (2018). *Ethiopia Country Report*. Gütersloh: Bertelsmann Stiftung.
- O'Byrne, D. (2005). *Human Rights: An Introduction*. Published by Routledge.

Botswana. (2014). *The World Factbook*, Central Intelligence Agency.

Kabange, C. (2012). The Challenges for the Advancement of Human Rights and Democracy in Africa in the 21st Century. *Sacha Journal of Human Rights*, 2 (1), 15-32.

Kloeden, D et al. (2004): *Botswana—Strengthening Revenue Administration and Establishment of the Botswana Unified Revenue Service*. Report of Tax Administration Technical Assistance Mission (17.-28.05.2004). Washington, DC: International Monetary Fund (IMF), Fiscal Affairs Department.

Camur, E. (2017). Civil and Political Rights vs. Social and Economic Rights: A Brief Overview. *Journal of Bitlis Eren University*, 6 (1), 205-214.

Cassese, A. (2005). *International Law* (2nd ed). Oxford University Press; New York.

Center for Human Rights. (1995). *A Hand Book on the Establishment and Strengthening of National Human Rights Institutions, for the Promotion and Protection of Human Rights*, Professional Training Series # 4, Geneva, p 7.

Center for International Human Rights Law and Advocacy. (2018). *Divide, Develop, and Rule: Human Rights Violations in Ethiopia*; University of Wyoming, College of Law.

Charlton, R. (1990). Exploring the byways of African political corruption: Botswana and deviant case analysis. *Corruption and Reform*, 5(1), 1-27.

Constitution of the People's Democratic Republic of Ethiopia, adopted 22, February, 1987.

Cook., A & Sarkin. J. (2010). Is Botswana the Miracle of Africa? Democracy, the rule of law, and human rights versus economic development. *Transnational Law & Contemporary Problems*. Vol. 19, 453.

- Creswell, J. W. (2003). *Research design: Qualitative, Quantitative, and Mixed Methods Approaches* (2nd ed). Thousand Oaks, CA: Sage.
- Davidson, S. (1993). *Human Rights; Law and Political Change Managing Work and Organizations Series*. Open University Press.
- Dershowitz, A. (2004). *Rights from Wrongs: The Origin of Human Rights in the Experience of Injustice*. Basic Books Publisher.
- Diamond, L. (1999). *Developing democracy: Toward Consolidation*. Baltimore, MD: Johns Hopkins University Press.
- Dinokopila, B. (2012). Bringing The Paris Principle Home: Towards the Establishment of National Human Rights Commission In Botswana. *University of Botswana Law Journal*, Vol. 14, 45.
- Donnelly, J. (1999). Human Rights, Democracy and Development. *Human Rights Quarterly*, 21 (3), 608-632.
- De Waal, A. (1992). Ethiopia: Transition to What?. *World Policy Journal*. 9 94), 719-739.
- Edge, W. (1998). *Botswana: A developmental state; Botswana Politics and Society*. Pretoria: Van Schaik.
- Edigheji, O. (2005). *A Democratic Developmental State in Africa?; A Concept Paper*, Research Report, Center for Policy Studies, Johannesburg, South Africa. Retrieved from www.rrojasdatabank.info.
- Encarnación, G. (2000). Tocqueville's Missionaries: Civil Society Advocacy and the Promotion of Democracy, *World Policy Journal*, Vol. 17, 6–18.

- Esete, B. (2012). *The Impact of One-Party Dominance in Parliamentary Oversight of Human Right Protection in Ethiopia* (MA Thesis). University of Pretoria.
- European Union - Election Observation Mission. (2010). *Ethiopia Final Report House of People's Representatives and Council Elections May 2010*. Brussels: EU-EOM.
- European Union- Election Observation Mission. (2005). *Ethiopia Legislative Elections 2005, Final Report*. Brussels: EU-EOM.
- Evans, P. (1995). *Embedded Autonomy: States and Industrial Transformation*. New Jersey: Princeton University Press.
- Eyob, B. (2015). The Carrot and Stick of Ethiopian Democratic Developmentalism: Ideological, Legal, and Policy Frameworks, In the Democratic Developmental State: *North-South Perspectives*, Ed. Pogge, Published By the Deutsche National Bibliothek.
- Fakir, E. (2009). *The Impact of Democracy in Botswana: Assessing Political, Social and Economic Developments since The Dawn Of Democracy*. Center for Policy Studies, Johansburg South Africa, Research Report 121.
- FDRE Institute of Office of Ombudsman. (2010). *Report Submitted to Legal and Administrative Committee in the House of Peoples Representatives*. Addis Ababa, Ethiopia, P.9.
- Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia*. (2009) A Proclamation to Provide for the Registration and Regulation of Charities and Societies. Proclamation no. 621/2009, 15th Year, no. 25, Addis Ababa, Ethiopia.
- Federal Negarit Gazeta*. (1995). The Constitution of the Federal Democratic Republic of Ethiopia. Addis Ababa.

- Fesseha, M and Abteuold, M. (2017). Ethiopia: A Democratic Developmental State?. *ILIRIA International Review*, 7 (2), 10-26.
- Fombad, C. (1995). *The Enhancement of Good Governance in Botswana: A Critical Assessment of the Ombudsman Act, 1995*, 27 J. S. APR. STUD. Vol. 57, 57.
- Fombad, C. (2011). *Media law in Botswana*, London: Kluwer Law International.
- Freedom House Report. (2008). Retrieved from <https://freedomhouse.org/report/freedom-world-2008>.
- Freedom House Report. (2015). *Freedom in the World*. Retrieved from <https://freedomhouse.org/report/freedom-world-2015>.
- Freedom House Report. (2018). *Freedom in the World*. Retrieved from <https://freedomhouse.org/report/freedom-world/freedom-world-2018>.
- Getachew Haile. (2019, March 7). *Journalism, Government and People*. Ethiopis, Weekly Amharic News Paper, No, 29.
- Ghai, Y. (2001). *Human Rights and Social Development toward Democratization and Social Justice, democracy, governance and human rights program*. United Nations Research Institute for Social Development. Geneva, Switzerland.
- Ghebremusse, S. (2018). Good Governance and Development in Botswana, The Democracy Conundrum. *Land and development review*, 11 (2), 913-938.
- Gibson, J. (1992). Democratic values and the transformation in the Soviet Union. *The Journal of Politics* 54 (1), 329-371.

- Good, K. (2003). *Bushmen and Diamonds: (un) Civil Society in Botswana*, Uppsala: Nordiska Africa institute.
- Grinberg, D. (2017). Chilling Developments: Digital Access, Surveillance, and the Authoritarian Dilemma in Ethiopia. *Surveillance & Society*, 15(3/4), 432-438.
- Growth and Transformation Plan (GTP)*. (2010). 2010 /11- 2014/15 Draft, Ministry of Finance and Economic Development, Retrieved from http://www.ethiopians.com/Ethiopia_GTP_2015.pdf.
- Growth and Transformation Plan II (GTP II)*. 2016. (2015/16-2019/20), National Planning Commission, Retrieved from https://europa.eu/capacity4dev/resilience_ethiopia/document/growth-and-transformation-plan-ii-gtp-ii-201516-201920
- Grutto, S.B. (1991). *Human and Peoples Rights in Africa: Myths, Realities and Prospects*. Current African Issue 12, Nordiska Africainstitutet, Sweden.
- Gubbay, A. (1997). The Protection and Enforcement of Fundamental Human Rights: The Zimbabwean Experience. *Human Rights Quarterly*, 19 (2), 22-254.
- Hansohm, D. (2001). *Integration and Development through Good Economic Policies and Institutions—The Case of Botswana, Africa's Reintegration into the World Economy*. Part A: Basic Issues. Hamburg: Lit. 8, 293-316.
- Harbeson, John W. 2005. Ethiopia's Extended Transition. *Journal of Democracy*, 16(4), 144–58.
- Henkin, L. (1981). Rights: Here and There. *Colombia Law Review*, 81 (8), 1582-1610.
- Henkin, L. (1989). The Universality of the Concept of Human Rights, *The Annals of the American Academy of political and social Science*, Vol. 506, 10-16.

- Human Rights Commission. (2010). *Compilation of five years annual Report for the House of Peoples Representatives*. Addis Ababa, Ethiopia, 19-20.
- Human Rights Watch. (2010). *Ethiopia: Repression Rising Ahead of May Elections*. New York.
- Human Rights Watch. (2015). *Ethiopia–Country Summary*. Retrieved from www.hrw.org/sites/default/files/related_material/ethiopia_6.pdf.
- Hunt, L. (2007). *Inventing Human Rights: A History*. New York: W. W. Norton & Company.
- Ibrahim, A. (2015). *The Role of Civil Society in Africa's Quest for Democratization*. Springer International Publishing.
- International Justice Resource Center. (2017). *Country Factsheets: Regional + Universal Human Rights Obligations*. Retrieved from <https://ijrcenter.org/country-factsheets/>.
- Institute For Democratic And Electoral Assistance. (2014). *International Obligation for Elections. Guide Lines for Legal Frameworks*, Stockholm, Sweden.
- International Convention on Civil and Political Rights 1966*. United Nations General Assembly Resolution 2200 A (XXI) of December 1966, entry into force on 23 March 1976 .
- Joshi, S. (2006). *Human Rights, Concepts, Issues and Laws*. New Delhi: Akansha Publishing
- Kabudi, P. (1995). *Human Rights Jurisprudence in East Africa: A Comparative Study of Fundamental Rights and Freedoms of the Individual in Tanzania, Kenya and Uganda*. Published by Baden-Baden: Nomos Verlagsgesellschaft.

- Kassahun Birhanu. (2003). Party Politics and Political Culture in Ethiopia. In *African Political Parties: Evolution, Institutionalizations and Governance*, ed. Mohamed M.A. Salih, 115-47. London: Pluto Press/Addis Ababa: OSSREA.
- Kaunda, J. M. et. al. (2008). *The Progress of Good Governance in Botswana*. Gaborone: Bay Publishing.
- Kofi, A. Former Secretary-General of the United Nations, Address at the University of Tehran on Human Rights Day, 10 December 1997.
- Lauren, P. (1998). *The Evolution of International Human Rights: Visions Seen*. University of Pennsylvania Press.
- Leake, M. (2017). The Right to Political Party Membership in Ethiopia: On the Freedom to Join and Resign. *Mizan Law Review*, 11, (12).
- Leftwich, A. (1995). Bringing Politics Back In: Towards a Model of the Developmental State. *The Journal of Developmental Studies*, 31 (3), 400-427.
- Lindholt, L. (1997). *Questioning the Universality of Human Rights: The African Charter on Human and Peoples' Rights in Botswana, Malawi and Mozambique*. Published by Dartmouth Pub Co.
- Lipset, S. (1960). *Political Man: the Social Bases of Politics*. Doubleday, Garden City, New York.
- Lyons, T. (2019). *The Puzzle of Ethiopian politics*. Retrieved from www.reinner.com.
- MacDonald, S and Headlam, N. (2008). *Research Methods Handbook: Introductory Guide to Research Methods for Social Research*. Centre for Local Economic Strategies.

- Mapodisi, T. (2014). *Towards the Establishment of a National Human Rights Institution in Botswana: Lessons from South Africa and Zimbabwe* (LLM Dissertation). Published by the University of Cape Town. Retrieved from <https://pdfs.semanticscholar.org/966e/26ed63ee7059724773f3f138c2f56a7cb78f.pdf>.
- Maritain, J. (1943). *The Rights of Man and Natural law*. Charles Scribner's Sons, New York.
- Marks, S. (2016). *Human Rights: A Brief Introduction*. Center for Health and Human Rights. Harvard University. Retrieved from <https://cdn1.sph.harvard.edu>.
- Matfess H. (2015). Rwanda and Ethiopia: Developmental Authoritarianism and the New Politics of African Strong Men. *African studies review*, 58(02), 181-204.
- Maundeni, Z. (2001). *State Culture and the Botswana Developmental State*, A Paper presented to the Department of Political and Administrative Studies, University of Botswana.
- Maundeni, Z. (2005). *40 Years of Democracy in Botswana, 1965–2005*. Gaborone: Mmegi Publishing House.
- Media Institute of Southern Africa. (2014). *Statement from the Media Institute of Southern Africa Election Observation Mission in Botswana*. Gaborone, Botswana. Retrieved from <https://misa.org/news/statement-from-the-misa-election-observer-mission-in-botswana/>
- Members of the Advisory Council on International Affairs. (1998). *Universality of Human Rights and Cultural Diversity*, No, 4.
- Meles, Z. (2006). *African Development: Dead Ends and New Beginnings*. Preliminary Draft.

- Melisew, D. & Cochrane, L. (2018). Ethiopia's Developmental State: A Building Stability Framework Assessment. *Development Policy Review*, Overseas Development Institute, 37 (S2), 1-18.
- Merera Gudina. (2011). Elections and Democratization in Ethiopia, 1991–2010. *Journal of Eastern African Studies*, 5 (4), 664-680.
- Micheline, I. (2008). *The History of Human Rights*. University of California Press.
- Mesgna Gebretensae. (2015). *The Challenges and Prospects of Building a Developmental State in Africa: A Comparative Study of Botswana and Ethiopia* (MA Thesis, Addis Ababa University, Addis Ababa, Ethiopia). Retrieved from <http://etd.aau.edu.et/bitstream/handle/123456789/340/mengna%20gebretensae.pdf?sequence=1&isAllowed=y>.
- Mishra, P. (2000). *Human Rights Global Issues*. Delhi: Kalpaz Publications.
- Mkandawire, T. (2001). Thinking about Developmental States in Africa. *Cambridge Journal of Economics*, 25 (3), 289-313.
- Mndaweni, K. (2008). *The Press Council of SA's Annual General Meeting in Johannesburg*, Retrieved from <http://www.presscouncil.org.za/pages/posts/the-presscouncil-of-sarsquos-annual-general-meeting-in-johannesburg-on-august-14-and-15-200815.php>.
- Mo Ibrahim Foundation. (2010). Terms of Reference for the Ibrahim Prize. Retrieved from <http://www.moibrahimfoundation.org/en/termsofreference/the-ibrahim-prize/terms-of-reference.html>.
- Mogalakwe, M. & Sebudubudu, D. (2006). Trends in State-Civil Society Relations. *Journal of African Elections*, 5 (2), 207-224).

- Mogalakwe, M. (2015). An assessment of Botswana's electoral management body to deliver fair elections, *Journal of Contemporary African Studies*. 33 (1), 105-120.
- Mohan, G. & Holland, J. (2001). Human Rights and Development in Africa: Moral Intrusion or Empowering Opportunity? *Review of African Political Economy*, 28 (88), 177–196.
- Molomo, M. (2005). Electoral systems and democracy in Botswana, in Maundeni Z (ed.), *40 Years of Democracy in Botswana 1965–2005*. Gaborone: Mmegi.
- Molomo & Somolekae. (2000). *Sustainable Electoral Democracy in Botswana*. International IDEA Conference towards Sustainable Democratic Institutions in Southern Africa. Retrieved from archive.idea.int › 22_s_africa › elections.
- Moyo, T. (2016). *Restraining the Developmental State? A Comparative Institutional Study of Botswana and Namibia* (MA thesis, University of the Witwatersrand, Johannesburg) .
- Muleta Yirga. (2015). The Role of Developmental State in Development: The Case of Ethiopia. School of Public Leadership (SPL); Stellenbosch University. South Africa. *International Journal of African and Asian Studies*; Vol.14, 2015.
- Murray, R. (2000). *The African Commission on Human and Peoples' Rights and International Law*. Hart Publishing: Oxford.
- Musamba, C. (2010). The Developmental State Concept and Its Relevance for Africa. In Peter, Meyns and Charity, Musamba (eds.) *the Developmental State in Africa: Problems and Prospects*. INEF Report 101. Institute for Development and Peace.
- Nickel, J. (1987). *Making Sense of Human Rights: Philosophical Reflections on the Universal Declaration of Human Rights*. Berkeley: University of California Press.

- Nowak, M. (2000). Civil and Political Rights in J. Symonides (ed), *Human Rights: Concept and Standards*.. UNESCO Publishing.
- Office of the High Commissioner for Human Rights. (1993). *National Institutions for the Promotion of Human Rights*, UN Human Rights Fact Sheet 19, P. 3.
- Ogechi, O. (2012). *The African Regional Human Rights System: Comparing the African Human Rights Law System and the European and Inter-American Human Rights Systems within a Normative and Institutional Framework* (MA Thesis. Eastern Mediterranean University, Gazimagusa, North Cyprus). <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.1005.7932&rep=rep1&type=pdf>.
- Parson, J. (1984). *Botswana: Liberal Democracy and the Labor Reserve in Southern Africa*. Boulder, CO: Westview Press.
- Piechowiak, M. (1999). *What are Human Rights? The Concept of Human Rights and Their Extra-Legal Justification*. Retrieved from <https://www.academia.edu>.
- Prado, Schapiro, & Coutinho. (2016). The Dilemmas of the Developmental State: Democracy and Economic Development in Brazil. *Land and Development review*, 9(2), 369-410.
- Prempeh, HK. (2007). Africa's constitutionalism revival: False start or new dawn? *International Journal of Constitutional Law*, 5 (3), 469- 473.
- Rajawat, M. (2001). Burning Issues of Human Rights. N. 7, 37-38. Retrieved from <https://shodhganga.inflibnet.ac.in/bitstream>.
- Republic of Botswana Constitution 2002. Gaborone: Republic of Botswana.(2002).
- Revised Constitution of the Empire of Ethiopia 1995. Proclamation No. 149 of 1955.

- Samatar, A. (1999). *An African Miracle. State and Class Leadership and Colonial Legacy in Botswana Development*. Portsmouth: Heinemann.
- Schedler, A. (2006). *Electoral Authoritarianism: the Dynamics of Unfree Competition*. Boulder, CO and London: Lynne Reinner.
- Sarah . , J. and Adam , M. (2010). *Research Handbook on International Human Rights Law*. Published by Edward Elgar Publishing Limited, UK.
- Seabo, B. & Molefe, W. (2017). The Determinants of Institutional Trust in Botswana's Liberal Democracy. *African Journal of Political Science and International Relations*, 11(3), 36-49.
- Sebudubudu, D. (2005). *The Institutional Framework of a Developmental State in Botswana*. Retrieved from <https://www.codesria.org>.
- Sebudubudu, D. (2017). Factors that Impede Democratic Consolidation in Botswana. *Taiwan Journal of Democracy*, 13, (1), 137-153.
- Sebudubudu. D. & Botlhomilwe, M. (2010). The Management of Elections: The Case of Botswana. *South African Journal For Political Science and Public Administration*, 29(1), 65-77.
- Sebudubudu, D & Hwedie, B. (2010). In permanent opposition: Botswana's other political parties. *South African Journal of International Affairs*, 17(1), 85-102.
- Sen, A. (1999). *Development as Freedom*. Oxford: Oxford University Press.
- Shaw, M. (2008). *International Law*. Cambridge University Press, New York.

- Shehab, M. (2018). The African Charter on Human and People's Rights at a Glance. *Studies in Human Rights*. Retrieved from www.sis.gov.et › *Human Rights English issue* › 8.pdf.
- Simegnish Yekoye. (2016). Ethiopia Silencing Dissent. *Journal of democracy*, 27 (1), 90-96.
- Sklar, R. (1986). Democracy in Africa, in Chabal, ed., *Political Domination in Africa: Reflections on the Limits of Power*. Cambridge: Cambridge University Press.
- Simmons, B. (2009). Civil Rights in International Law: Compliance with Aspects of the International Bill of Rights. *Indiana Journal of Global Legal Studies* 16(2), 437-481.
- Skjerdal, T and Lule, H. (2009). Uneven Performances by the Private Press in Ethiopia: An Analysis of 18 Years of Press Freedom. *Journal of Communication & Language Arts*, 3 (1).
- Soest, C. (2009). *Stagnation of a "Miracle": Botswana's Governance Record Revisited*. GIGA Research Programme: Legitimacy and Efficiency of Political Systems, working paper 99/2009. Retrieved from [www.giga-hamburg.de/working papers](http://www.giga-hamburg.de/working_papers).
- Solomon Gebreyohans. (2017). *The Emerging Democratic Developmental State In Post 1991 Ethiopia*. LAP LAMBERT Academic Publishing, Germany.
- Symonides, J. (2002). *Human Rights, Concepts and Standards*. New Delhi: Rawat Publications.
- Tamrat Dejene. (2013). *The Emergence of Democratic Developmental States in Africa: The Ethiopian Experience*. Retrieved from [www. Aiga forum.com](http://www.Aigaforum.com).
- Taylor, I. (2003). As Good as It Gets? Botswana's 'Democratic Development', in: Melber, Henning (ed.), *Limits to Liberation in Southern Africa. The Unfinished Business of Democratic Consolidation*. Cape Town: HSRC Press, pp. 72-92.

- Temesgen Dessalegn. (2019, August). Meles and Chenawi. Fete, Amharic Weekly Magazine, No, 40.
- Teshome, A. (2016). *Economic Development and Democracy in Ethiopia: Performances and Challenges*. Retrieved from <https://www.hebrezema.info/files/Ethiopia-democracy-and-economic-development.pdf>.
- The African Commission on Human and Peoples' Rights. (2005). *Resolution on the Situation of Human Rights in Ethiopia*, 38th ordinary session, Banjul, Gambia.
- The Economist. (1998). *Diamond Country*. Retrieved from <http://www.highbeam.com/doc/1G1-20486940.html>.
- Thornton, S. (2008). *Development without Freedom: The Politics of Asian Globalization*. Routledge, Taiwan.
- Tomas, A. (2005). *A Human Rights based Approach to Development: Primer for Development Practitioner*. Retrieved from <http://www.unifem.org.in/PDF/RBA%20Primer%20.pdf>.
- TPLF's/EPRDF's Strategies. (1993). Retrieved from http://www.enufforethiopia.net/pdf/Revolutionary_Democracy_EthRev_96.pdf.
- Tronvoll, K. (2008). Human Rights Violations In Federal Ethiopia: When Ethnic Identity Is A Political Stigma. *International Journal on Minority and Group Rights*, 15 (2008), 49-79.
- Tronvoll, K. (2011). The Ethiopian 2010 Federal and Regional Elections: Re-establishing the One-Party State. *African Affairs* 110 (438), 121-36.

- Tronvoll, K. and Aadland, O. (1995). The process of Democratization in Ethiopia: An Expressions of Popular Participation or Political Resistance? *Human Rights Report No.5*. Oslo: Norwegian Institute of Human Rights, University of Oslo.
- Tsegaye, Arrarsa. (2009). Making Legal Sense of Human Rights: the Judicial Role in Protecting Human Rights in Ethiopia. *Mizan Law Review*, 3 (2), 289-330.
- Tshosa, B. & Tshosha, OB. (1994). Freedom of Political Activity: Law and Practice in Botswana. *the Comparative and International Law Journal of Southern Africa*, 27(3), 371-383.
- Tsie, B. (1996). The Political Context of Botswana's Development Performance. *Journal of Southern African Studies*, 22 (4), 599-616.
- United States Department of State. (2006). *Country Report on Human Rights Practices: Botswana (2007)*. Retrieved from <http://www.state.gov/g/drl/rls/hrrpt/2006/78720>.
- United States Department of State. (2011). *Country Reports on Human Rights Practices – Ethiopia*, Retrieved From <https://www.refworld.org/docid/4fc75aa0c>.
- United States Department of State. (2017). *Country Reports on Human Rights Practices*. Retrieved from <https://www.state.gov/reports/2017-country-reports-on-human-rights-practices/ethiopia>.
- Udogu, E. I. (2014). Examining Human Rights Issues and the Democracy Project in sub-Saharan Africa: A Theoretical Critique and Prospects for Progress in the Millennium. Retrieved from <http://ebookcentral.proquest.com>.
- United Nation General Assembly Resolution 217A (III), 10 December 1948.

United Nation General Assembly Resolution 48/134 of December 20, 1993. Retrieved from <http://www2.ohchr.org/english/law/parisprinciples.htm>.

United Nation Development Program. (2014). National Human Development Report Ethiopia. *Accelerating Inclusive Growth for Sustainable Human Development in Ethiopia*. Addis Ababa, Ethiopia. Retrieved from [hdr.undp.org › sites › default › files › nhdr2015-ethiopia-en](http://hdr.undp.org/sites/default/files/nhdr2015-ethiopia-en).

United Nations Democracy Fund. (2012). *Enhancing The Functional Protection of Human Rights In Ethiopia*. Provision For Post Project Evaluations For The United Nations Democracy Fund Contract No. Pd:C0110/10, ET-08-227.

United Nations General Assembly. (2008). Human Rights Council Working Group on the Universal Periodic Review, National Report Submitted in Accordance with Paragraph 15 (A) Of the Annex to Human Rights Council Resolution 5/1 * Botswana Third session Geneva, 1-15.

United Nations Human Rights Committee; Consideration of Reports Submitted By State Parties Under Article 40 of the Covenant, Concluding Observations of the Human Rights Committee, Botswana, 24 April 2008, Paragraph 9. Retrieved From <http://www.Refworld.Org/Docid/48c4f4b32.Html>.

Universal Periodic Review .(2011). *Report of the Working Group on the Universal Periodic Review: Ethiopia*. Retrieved from [https://www2.ohchr.org › engish › bodies › hrcouncil › docs](https://www2.ohchr.org/engish/bodies/hrcouncil/docs).

- Uvin, P. (2007). *From the Right to Development to the Rights-based Approach: how 'Human Rights' entered Development*, *Development in Practice*, 17 (4), 597-606. Routledge publisher.
- Vincent, R. (1986). *Human Rights and International Relations*. Cambridge University Press. Windhoek, Namibia.
- Winsor, M. (2015). *Ethiopia Elections 2015: Ruling Party Declares Historic 100 Percent Victory In Parliamentary Polls*. Retrieved from <http://www.ibtimes.com/ethiopia-elections-2015-ruling-party-declares-historic-100-percent-victory-1979220>.
- Weston, B. H. (1984) Human Rights. *Human Rights Quarterly*, 6 (3): 257-83.
- Yemsrach Endale. (2010). *The Roles and Challenges of Ethiopian National Human Rights Institutions in the Protection of Human Rights in Light of the Paris Principles* (LLM thesis, Central European University, Hungary) .www.etd.ceu.hu › [kidane_yemsrach..](#)

APPENDIX I

Persons Interviewed

- ✓ Eskindr Nega, a Journalist and Human Right Activist, on May 12/ 2019, Addis Ababa, Ethiopia
- ✓ Yilkal Getinet, Former President of Blue Party of Ethiopia and now President of All Ethiopian National Movement, on 06/2019, Addis Ababa , Ethiopia.
- ✓ Birhanu T/Yared, Formerly among the leaders in Blue Party of Ethiopia and later member of Ginbot-7, on May 12/2019, Addis Ababa , Ethiopia
- ✓ Tesfalem Abay, Communication Director of National Election Board of Ethiopia, on May 10 /2019, Addis Ababa , Ethiopia
- ✓ Mamushet Amare, President of All Ethiopian Unity Party, on May 8/2019, Addis Ababa , Ethiopia
- ✓ Setegn Abahoy, Manager of Amhara Mass Agency, Addis Ababa Branch, on April 19/2019, Addis Ababa , Ethiopia,
- ✓ Yeshiwas Eshete, Program Coordinator at Human Rights Council, on April 12/2019, Addis Ababa , Ethiopia.
- ✓ Woyinshet Molla, Former Council Member at Blue Party of Ethiopia, on 26 April, 2019, Addis Ababa , Ethiopia.
- ✓ Belete Molla, Vice – President of National Movement of Amhara, on April 22/2019, Addis Ababa, Ethiopia.
- ✓ Mengistu Kegne, Director of Legal Affairs at Ethiopian Office of Ombudsman, on April 25/03/2019, Addis Ababa , Ethiopia.
- ✓ Hailemichael G/Selassie, Monitoring and Supporting Directorate Director at Federal Charities and Societies Agency of Ethiopia at May 5/2019, Addis Ababa , Ethiopia
- ✓ Million Abrham, Head of EPRDF Political and Ideological Affairs, on April 28/ 2019, Addis Ababa, Ethiopia.

APPENDIX II

Interview Questions

1. For the Office of Ombudsman and Association of Ethiopian human rights council

- 1.1 Could you tell me the experience of your organization in protecting civil and political rights?
- 1.2 Is there a human rights violations report for your organization?
- 1.3 How your organization responds for these violations?
- 1.4. How do you explain the role of your organization in the protection and promotion of human rights?
- 1.5. Is there any challenges to the roles of your organization in order to protecting human rights?
- 1.6. What do you suggest to layout from these problems?

2. For National Election Board of Ethiopia

- 1.1. Could you tell me the role of the election board on protecting and promoting the political rights of political parties since 2005?
- 1.2. Did you believe the election board executes its obligation of fulfilling the right of political parties?
- 1.3. What are the problems of the board to fully execute its obligation for political parties?
- 1.4. What do you suggest the possible ways to layout from these problems?

Possible problems: domination by ruling regime, problem of funding, recognition, problems in preparation, during elections, and in the post-election times etc.

3. For Media Organizations

- 3.1. Could you tell me the experience of your organization as regards with fulfilling freedom of opinion and expression?

- 3.2. Is there a human rights violation as regards freedom of opinion and expression?
- 3.3. How the press regulation performs in this organization?
- 3.4. How do you measure the organizations role of serving all political parties without prejudice?
- 3.5. Is there any challenge for the organization to execute its responsibilities freely?
- 3.6. What do you suggest the possible ways to layout from this problem?

4. For EPRDF ruling party

- 4.1. Could you tell me the experience of EPRDF in protecting and promoting civil and political rights since 2005?
- 4.2. How the governing regime and opposition political parties operate in the country?
- 4.3. Is there an influence that comes from the governing regime on the opposition political parties?
- 4.4. Do you believe all national institutions equally serve both EPRDF and opposition political parties?
- 4.5. Could you tell me the EPRDFs effort of supporting opposition political parties?
- 4.4. Could you tell me the challenges of the EPRDF to protect and promote civil and political rights since 2005 Ethiopia?
- 4.5. What do you suggest the possible ways to layout from these problems?

5. For Civil Society Organizations

- 5.1. Could you tell me the experience of your organizations in protecting and promoting civil and political rights?
- 5.2. How do you explain the role of the organization in protecting and promoting civil and political rights?
- 5.3. Is there a human rights violation report by your organization?

5.4. How do you respond for these problems?

5.5. What are the possible challenges that you faced in your involvement to protect and promote civil and political rights?

5.6. What do you suggest to layout from these problems?

6. For opposition Political Parties

6.1 How do you explain the experience of Ethiopia's post 2005 political party movements and the execution of their civil and political rights?

6.1. Could you tell me your experience in practicing your right to political participation and state response?

6.2. Did you have faced any violation of rights on your day to day political participation (either on yourself or at party's level)?

6.3. How do you explain the role of responsible national institutions in supporting your party's political activity?

6.4. Could you tell me any challenges of the opposition political parties which prevent them from to have a better practice of their rights?

6.5. Could you tell me the way out from these problems?

7. For Journalists

7.1. Could you tell me your experience of practicing freedom of opinion and expression and other media related rights?

7.2. How do you explain the role of national institutions in protecting and promoting the human right of freedom of opinion and expression?

7.3. How do you explain the governing regimes status in protecting and promoting freedom of opinion and expression in the country?

7.4. What are the possible challenges to execute freedom of opinion and expression?