Challenges of Democratic Transition in Ethiopia: Re-evaluating Electoral Laws
Abebe Alemu Melese
Civics and Ethical Studies, College of Social Science and Humanities, University of Gondar, Ethiopia
(Email: abebelm324@gmail.com)

Abstract
It is impossible to think about democracy without free and fair elections. Elections are important as an integral part of the democratic process in every corner of the world. Every modern definition of democracy includes participatory and contested elections as the legitimate procedure for the translation of rule by the people into workable executive and legislative power. With the current wave of democratization globally, a few African countries are embracing democratic governance after years of military and autocratic rule. However, many of Africa’s democratic elections have been marred with extreme controversy and violence. Peaceful handover to opposition parties by the ruling party is rare, while many rulers have become life presidents. Like other African states, after 1991 Ethiopia experienced multiparty elections. However, these elections have often not met the minimal democratic criteria of freeness and fairness. One of the problems of peaceful power transition which hinders peaceful power transition in Ethiopia is restrictive electoral laws. This paper investigates how these restrictive electoral laws hinder peaceful power transition in the three regimes of Ethiopia: The Imperial regime, the Dergue regime, and the current Ethiopian government.

Keywords – Election; Electoral Violence; National Electoral Board of Ethiopia; Constitution; restrictive electoral laws.

Introduction
The concept of democracy is as old as mankind with varied manifestations and conception over time. The word democracy is derived from two Greek words demos and kratia and basically means the rule by the people. This means a governance system by the people for the people as opposed to rule by a despot (autocracy), or a few (oligarchy). Since ancient Greece, the
concept of democracy has remained elusive and despite centuries of democratic governance in various parts of the globe, there is currently no universally accepted definition of the term (Fayemi, 2009). The majority of political philosophers argued that democracy is the rule of the majority. Interestingly, many political philosophers like Plato and John Stuart Mill argued that rule by the mass or mob was not considered desirable.

Despite the continuing disputes to its form and content, democracy can be generally described as a method of organizing government through elections and people’s participation in decision making process of administrative and political issues. Furthermore, people across the world recognize that a democratic system of government is the best model to answer the demands of civil and political rights of citizens. As Neuman (1950) argued “today, everyone seems to favor democracy as it claims who should have a say in governmental power.” In the words of Guy. S (2006), “democracy must prove that it serves the common good and that it is responsive to the will of the people. It must allow real participation in which all are equal and in which there are no privileges.”

One important aspect of democracy is the right of people to elect their political leaders. An election is a formal decision making process by which a population chooses an individual to hold public office. Elections serve as the principal mechanism for translating consent into electorate (Carr, 1966). Elections are thus central to competitive politics because, ideally, they provide the opportunity for yesterday's winners to become today's losers and vice versa. In the words of Carr (1966), “democratic elections are not a fight for survival but an achievement to serve the electorate.”

With the end of the Cold War, which appears to have led to the historic opening that Huntington (1993) has characterized as “The Third Wave of Democratization”, liberal democracy and the growing trend towards what has been termed the

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1 Political rights include the freedom to hold opinions, and to meet and exchange ideas and information. They are central to the consolidation of democratic government and the rule of law.

2 Other aspects of democracy includes: rule of law, political pluralism, independence judiciary and separation of power.

3 Elections have been an integral part of the democratization process globally as they are an institutionalized attempt at actualizing the essence of democracy. The following are significance of election: (a) Elections are a vehicle for the participation of citizens in the democratic process, (b) Elections are part of making democracy deliver a better quality of life by linking voters' interests to the act of selecting a candidate who assumes political power. (c) Elections are a means for managing the potentials for violent conflict and advancing human security.
universalisation of democracy as a system of government became the order of the day. Since then, democracy has attained widespread adherence in today’s mode of political life and has become a criteria for determining the legitimacy of the possession of power. Therefore, due to these and other factors both developed and developing states have been conducting free and fair election.

The new drive towards democracy and good governance is currently sweeping through Africa like a wild bushfire and many African countries recently transitioned from authoritarian to democratic forms of governance in consonance with the global trend. However, many of Africa’s democratic elections have been marred with extreme controversy and violence. Corruption, massive rigging, ballot box snatching and political violence, and the winner takes all electoral system has impacted negatively on the democratic process. In many African countries, violent protests mark the proclamation of election results. Peaceful handover to opposition parties by the ruling party is rare, while many rulers have become life presidents.

Before 1991, Ethiopia was under autocratic and authoritarian regime. Under both the Imperial government of Haile Selassie and the Dergue regime, the ruling elite managed electoral politics despite efforts by students and organized political parties to bring meaningful social and economic reforms. In 1991, the Ethiopian People’s Revolutionary Front (EPRDF) overthrew the military dictatorship of Mengistu Haile Mariam. The year 1991 was the turning point in multi-party politics in Ethiopia. After many years of centralized and one party rule, the country has started to follow multi party system by attempting to modernize Ethiopian multi ethnic society within the ethnic based government system (Merara, 2003). Unlike previous regimes, the post 1991 Ethiopian political system allowed the existence of contending political parties and their participation in periodic election. Since 1991, the country saw four national; elections and different regional elections.

Though it was one step forward in Ethiopian democratization process, often these elections were highly flawed. There are a

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4 Elections before 1991 were not competitive as contending political parties were not allowed to exist. The overall problem of Ethiopia in these time lies on the administration, which is not responsive to the needs of the people. In these time democracy was a word that tyrants and despots use to legitimize their tyrannical rules.
number of reasons for the manipulation of these elections: parties and party systems are weak in Ethiopia; incumbent government is omnipotent, oppositions are divided; electorates were uneducated and poorly informed. Another important factor which is not studied well by scholars which hindered peaceful democratic transition in Ethiopia is restrictive electoral laws imposed by the successive government of Ethiopia.

The aim of this paper is to investigate the continuation of authoritarian rule in Ethiopia by analyzing restrictive electoral laws among three regimes - Haile Selassie, Dergue regime, and the current ruling government. The paper compares and contrasts these restrictive electoral laws used by three consecutive political administrations to control the political system. The article also will try to answer the following major research questions. Is there a difference and similarity in the authoritarian rule in the three regimes mentioned earlier? How elections have been maneuvered in Ethiopia under the three administrations? What are different electoral laws that restricted an election to be fair and free in Ethiopia?

**Statement of the Problem**

The rapid transition to multi-party democracy in a few African countries after end of Cold War has been one of the most encouraging developments in the continent. There are some states where it has become normal for citizens to participate, every four or five years, in elections at which they are free to vote for the party that they wish. In Ghana, Benin, to Botswana, Namibia, South Africa, democracy has taken root. In Nigeria, more than 28 million voters bravely cast their ballots and power transferred peacefully. On the other hand, most elections in Africa undeniably have been obviously undemocratic. Hence, democratic transition is at risk as leaders refuse to step down from power.

In Ethiopia, elections which were held under the Imperial, Dergue, and EPRDF regimes were totally symbolic. This is because all elections in the three regimes fell short of the basic international standards. These elections were merely window dressing probably to placate the international community. The activities of the ruling/political/class have hindered, and are still holding back the development of sustainable democratic culture in the Ethiopia. No Ethiopian government,
consequently, has ever gained power by election, and over the last century succession to power has almost invariably been determined by force. No Ethiopian ruler has ever continued to live peacefully in the country after losing power.

Ethiopian’s democratization process has been mired in seemingly intractable problems for various reasons. The playing field is full of pitfalls for contending political parties; the political space is constricted and the culture of constructive dialogue between political parties is practically non-existent. The role of civil society in democratic transition is almost zero. Another important factor which is not studied well by scholars which hindered peaceful democratic transition in Ethiopia is restrictive electoral laws imposed by the successive government of Ethiopia. The aim of this paper is to investigate the continuation of authoritarian rule in Ethiopia by analyzing restrictive electoral laws among three regimes - Haile Selassie, Dergue regime, and the current ruling government.

Methodology of the Study

As this research is a document analysis, it uses a qualitative research methodology. As Merriam (2009) argued “qualitative research is interested in understanding the meaning people have constructed, that is, how people make sense of their world and the experiences they have in the world.” Qualitative research is concerned with finding the answers to questions which begin with: why? How? In what way? In view of this, this researcher is interested to answer how elections have been maneuvered in Ethiopia under the three administrations? What are different electoral laws that restricted an election to be fair and free in Ethiopia?

Case Study

Case study research is one of those research approaches which can take a qualitative stance. The qualitative approach to case offer a richness and depth of information by capturing as many variables as possible to identify how a complex set of circumstances come together to produce a particular manifestation. According to Yin (2003) a case study design should be considered when: (a) the focus of the study is to answer “how” and “why” questions; (b) the researcher cannot manipulate the behavior of those involved in the study.
As indicated above, there are different reasons for lack of democratization process in Ethiopia. This researcher chose restrictive electoral laws as the case study which hinders peaceful power transition in Ethiopia. This research offered a depth analysis on how electoral laws became stumbling block for free and fair election in Ethiopia. Additionally, the research provided basic reason why the incumbent government of Ethiopia enacted these electoral laws.

**Techniques of Data Collection**

To get qualitative data, the researcher used documenting the observed data. A wide range of written materials on Ethiopian politics have been written by different bodies. These documents give us qualitative data. They can be particularly useful in trying to understand the philosophy of the respective government of Ethiopia. They can include policy documents, constitutions, annual reports, codes of conduct, etc. This researcher, who uses this method of data collection, analyzed the constitution of the Emperor Haile Sellasie, the Dergue and the incumbent government to come up with new body of knowledge. Additionally, different electoral law documents, books and journal articles have been analyzed to substantiate the constitutional documents.

1. **Historical Overview of Elections and Election Administration in Ethiopia**

In its long history, different communities of Ethiopia have witnessed various forms of government and administration. While northern Ethiopia offers few cases of democratic governance in the past, the southern part witnessed certain democratic and egalitarian forms of administration and decision making process. Of these institutions, the *gada* system of the Oromo was perhaps the most famous. As Bahru (2008) discussed, “It was an age-grade system whereby the power to administer the community was transferred to the forth age grade every eight years. The transfer of power was preceded by an energetic election campaign, featuring oratorical skills and traditional wisdom.”

In the northern Ethiopia, on the other hand, the recorded history of Ethiopia shows that the institutions of election and election administration were insignificant. Beginning in the 4th century until the early 20th century, the Ethiopian Orthodox Church was the chief legitimatior of monarchical rule. In

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5 Observation, focus group discussion, unstructured interview are types of qualitative data collection methods.
other words, the rights and obligations of the crown and its subjects were not spelled out in a written secular constitution. In order to strengthen this monarchical rule, the monks of the church developed an elaborate set of codes of state administration in the 13th century. One of the documents was the *Kebra Nagast*. The basic argument of *Kebra Negast* was that the Ethiopia people are the chosen people and the only Ethiopian monarch who could trace their lineage to the house of David through king Solomon of Israel had the right to rule the people of Ethiopia. At about the same time that the *Kebra Nagast* was penned, monks in the church wrote a document, the *Fetha Nagast*, which was designed to spell out clearly the duties and obligations of subjects of the crown. The codes articulated in this document were supposed to have flowed directly from God to the people through the king. Both documents argued that anyone who claimed to be legitimate heir to the throne had to adhere Orthodox Christianity.

Secondly, these two documents served as the precursors to the formal written constitutions of 1931 and 1955.

These documents discussed the power to rule is given to the few selected kings. As Bahru (2008) put “a powerful monarchy and a military elite were not exactly unique to Ethiopia. A strong dosage of authoritarianism has permeated the classical Ethiopian state.” From this, one can conclude the central institution on which the fortune of the country was fastened was the monarchy. The monarchy with its religious ideology and myths of Solomonic line of decent has been described by some writers as the source of its legitimacy and even the key to the survival of Ethiopian state. The monarch has enjoyed extensive and often absolute power over the life and property of his subjects. One can cite the case of medieval emperors like Amda Siyon (r.1314-44) and Zara Yaecob (r.1434-689), who, through a combination of religious fanaticism and political authoritarianism, exercised a terrifying hold over their subjects (Tadesse, 1972).

On the occasions when the nobility posed a challenge to the monarchy, as for instance during the so-called *Zamana Masafint*, (c.1769-1855), the nobility vied for control of the monarchy rather than acting as a corporate entity. The impermanence of the nobility was matched by the virtual absence of the middle class or the bourgeoisie. As the result, Ethiopia has had no democratic

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* The Era of the Princes, also called *Zamana Masafent*, was a brief period of history in Ethiopia that lasted from 1769 to 1855.
revolution. This fact also had a bearing on the fragile nature of civil society in contemporary Ethiopia.

The authoritarian and absolute rule continued even at the end of Zamana Masafint. The history of Ethiopia since about 1850 has been one of a steady move towards ever higher form of centralization. Tewodros (r.1855-68) made a desperate bid to restore the power and glory of the imperial power that has been in decline since the middle of the 18th century. Unlike Tewodros, his successor, Yohannes (r.1872-89) adopted a more federalist approach towards regional rulers. Yohannes was a negusa negast, prepared to delegate authority and bestow the title of negus to at least two of the regional rulers, Menelik of Shewa and Takla- Haimanot of Gojjam.

The next Ethiopian rulers attempted to forge cultural homogenization through state centralization and one-language policy during most of the 20th century. In the span of a century, ethnic social engineering has been attempted in Ethiopia. The first social engineering was designed by Emperor Menelik (1889-1913) but significantly elaborated by Emperor Haile Selassie (1930-36, 1941-74). The two kings attempted to create a unitary state on the basis of cultural assimilation, using Amharic as the sole language of instruction and public discourse and Abyssinian Orthodox Christian culture as the core culture of Ethiopian national identity.

In 1931, as part of his drive to reform and modernize Ethiopia, Emperor Haile Selassie endowed his people with the country's first written constitution. It was promulgated in the spirit of a contract between the Emperor, representing the Solomonian dynasty, and the people as a whole. This constitution, for the first time, mandated the creation of quasi-representative legislative institutions at the national level: the Chamber of Deputies and the Senate. Senators were appointed by the emperor from among the nobility and the local chiefs. Representatives to the chamber were in turn chosen by the nobility and chiefs. There were no definite terms to stay in office and terms of these two houses were 15 to 20 years.

From the above fact one can conclude that the 1931 constitution was nothing more than a document written to provide the monarchy with better domestic and international image. It clearly confirmed that the authority of the crown was absolute. Chapter 1, Article V states:

*By virtue of his imperial blood, as well as*
by the anointing which he has received, the person of the emperor is sacred, his dignity is inviolable and his power is indisputable. Consequently, he is entitled to all the honours due to him in accordance with tradition and the present constitution. This law decrees that any one so bold as to injure the majesty of the emperor will be punished (1931 Ethiopian Constitution, 1931).

From the above fact one can conclude that sovereign power rests with the Emperor. To put differently, the constitution left no room for ordinary citizens to elect their political leaders or to be elected. Apart from this, the document is criticized by many for failing to incorporate concepts like election and the establishment of other democratic institutions. In either case, the Senate and the Chamber of Deputies were not autonomous institutions as they could not make self-enforcing laws. They could only make recommendations to the Crown. It was expected that sometime in the future, the representatives to the chamber would be popularly elected, but this was not required by the new constitution (Keller, 2010). The situation did not change even after the Italian occupation and the return from exile of Emperor Haile Selassie. This written constitution became the model for the future development of anti-democratic electoral laws in Ethiopia. As Clapham (1988) concludes, “the 1931 constitution established a model for Ethiopian constitutions which was to be repeated in 1955, 1987 and 1994.”

Ghelawdewos (2009) properly put the historical repetition of authoritarian rule in Ethiopia as “it is the legacy of a long and deeply entrenched feudal value that shaped the Ethiopian psyche of authoritarian rule. This kind of psychological makeup greatly impedes the blossoming of culture of dialogue, tolerance, and accommodation in the political landscape.”

The Emperor Haile Sellasie was forced to revise the first written constitution of 1931 for a number of reasons. The first reason was the unification of Eritrea with Ethiopia as Eritrea had a more liberal and democratic constitution and the existence of political party in Eritrea which was not the case in Ethiopia. Haile Sellasie wanted to show modernity in his constitution. The other factor was related to international development after Second World War. The

7 If one reads in detail the FDRE-Federal Democratic Republic of Ethiopia- constitution of 1994, he can conclude that how restrictive electoral laws continue in different regimes of Ethiopia. These all constitutions have been an instrument designed to consolidate the power of those who already held it. They consolidate the legitimacy of the respective regimes in the eyes of its principal foreign allies.
United Nation general assembly endorsed the universal declaration of human right which detailed the rights of individuals and the community. So, Haile Sellasie wanted to adopt these principles of civil and political rights in his new constitution.

Although the 1955 revised constitution granted basic freedoms to speak, to assemble and to vote, essentially it was merely symbolic. Bahru argued “the revised constitution was a legal charter for the consolidation of absolutism.”(1991). Article 5 of the revised constitution (1955) expressly spells out the absolute powers of the emperor: “By virtue of His Imperial Blood, as well as by the anointing which he has received, the person of the Emperor is sacred, His dignity… inviolable and His power… indisputable.” Therefore, the 1955 constitution served as little more than a screen behind which conservative positions could be entrenched. Furthermore, the existences of political parties, which provide alternative policy, were not allowed to exist.

As had the 1931 constitution the 1955 constitution placed no formal constraints on the emperor’s power and authority. He could create on his own new governmental institutions, and appoint and dismiss any government offices. Even though he allowed some law making powers to the legislature, the emperor retained the power and authority to make laws independently through executive decrees. Rather a real system of checks and balances, the emperor relative to other branches of government, was all powerful. He could choose if he wished to dissolve the legislature, and he could also dismiss judges if he deemed that to be necessary.

Like the United States constitution, Ethiopia’s 1955 constitution outlined the separation of powers among the three branches of national government: the executive, legislative and judicial branches. Moreover twenty-eight articles in the document dealt with the rights and duties of citizens. For example, it specified the freedom of speech, due process and the religious freedom. The two notable features of the new constitution were the way in which it spelled out the relationship between the Crown and the other branches of the government. The 1955 revised constitution also outlined that the members of Chambers of Deputies would be popularly elected. But in reality their power was limited as an advisory responsibility (Keller, 2010).

The first Chambers of Deputies were elected in 1957 under electoral laws issued in
proclamation 152 of 1952. This law set up a central election board consisting of three members. The board supervised the organization and carried out election in accordance with the requirement of electoral law. Though a number of elections were held at different times, these elections were symbolic.

There were a number of restrictive electoral laws which hindered a free and fair election. In order to qualify as the voter, a person must be an Ethiopian by birth, at least 21 years of age, living in the electoral district for at least one year and must complete the registration requirement. To qualify as a candidate a person must be an Ethiopian by birth, at least 25 years of age and a bona fide resident of his electoral district, and must own property (The Revised Constitution, 1955). To be eligible as a Deputy, the 1995 revised constitution in Article 96 further explains “a person may be an Ethiopian subject who: has reached the age of twenty five years, owner of property in his electoral district and other related requirements.” The property and age requirement in regard to candidates is entrenched in the constitution. The candidate should possesses immovable property valued at no less than Eth.$1,000 or movable property of value no less than Eth.$2,000. Clearly, this disqualifies the vast majority of people, restricting the right to be a deputy to a small and relatively wealthy class of people. At the same time, political parties were not allowed, and the candidates for the legislature ran campaigns based on their personal popular appeals and not the policy they want to achieve. If one refers the revised 1955 constitution of Article 103 regarding the election of the members of the Senate, he/she can get the most undemocratic article. The constitution explains, “to be member of the senate, one has to reach the age of thirty-five year and he has to be a prince or other dignitary.” Clearly this article shows how democratic election was imaginary in the Emperor’s regime.

Due to lack of democracy and good governance, between 1965 and 1974, young intellectuals and students began to question the legitimacy of feudalism and royal absolutism. What came to be characterized as the “student movement” emerged in 1965. University students conducted demonstration on varies occasions before the parliament calling for” land to the tiller”.

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8 In most democratic states any citizen above the age of 18, is legible to elect. In Ethiopia this election law which restricts citizens between 18 and 20 were excluded from participating from electing their representative. It is clear that majority section of Ethiopian people were at that time the youth.
Students called for a radical social, economic and political reform.

In an effort to divert growing discontent in several sectors of society, the regime again made a desperate attempt to reform national political institutions. In August 1974, another national constitution was proposed. This aborted constitution called for the abolition of royal absolutism, the introduction of parliamentary democracy, and the relegation of the Emperor to only a titular status. It was also proposed a separation of powers among the three branches of government, universal suffrage, guaranteed civil and political rights, and complete separation of state and church (Keller, 2010). In the words of Bahru (2008), “were it not for its Christian and Solomonic bias⁹, the draft constitution of 1974 might probably have gone down in history as the best constitution ever drafted for Ethiopia.”

But this constitutional reform was too late. People from different walks of life and from every part of the country were becoming more and more politically embolden. In many areas of the country, tenants and peasants had begun to express their concern publically. In some areas they began to appropriate land and other property claimed by local land lords as well as that of agents of the crown itself. In early September 1974 Ethiopia’s modern imperial regime was toppled by a military coup.

The coup makers who overthrew the system of the imperial rule were not guided by an elaborate ideology. Instead, they claimed that they were mainly motivated by a sense of patriotism. Initially, the new regime adopted as its motto Ethiopia tikidem (Ethiopia first); however, within three years, it had had distanced itself from this nationalist ideology, and began to pursue a variant of scientific socialism.

In 1975, the Dergue proclaimed its Program for the National Democratic Revolution, and its commitment to creating a political system and government based upon the principles of scientific socialism. The document asserted the right to self determination of all nationalities within Ethiopia, including Eritrea. The Dergue regime did not consider democracy, free and fair election and peaceful power transition. The regime created new mass organizations and attempted to consolidate the power around a single person: Mengistu Hailemariam. To realize this regime

⁹ Although it provided for the separation of church and state, it insisted unequivocally that the monarch cannot be of any faith other than the Orthodox Christian.
organized mass organization like peasant associations, urban dwellers association.

The socialist military junta put in place effectively a one party state-Ethiopian Workers Party (WPE) which was established in 1984. With a mandate to be the vanguard of the revolution, one of the WPE’s primary tasks was to lay the foundation for a socialist constitution. In March 1986, a 343-member constitutional commission was formed to draft this document. The commission has its origins in the Institute for the Study of Ethiopian Nationalities,10 which had been established in 1983. The organizational process culminated in the formation of the WPE, which was inaugurated in 1984. At its founding congress, the WPE adopted its own party programme consisting of a draft constitution of a PDRE-People Democratic Republic of Ethiopia, pledged to establish a socialist society. The real power continued in the hand Mengistu Hailemariam. He was the secretary general of the WPE, the chairman of council of ministers and the commander in chief of the armed forces (PDRE Constitution, 1978). The president accumulated as much power as the emperor except the alternation of names and the rhetoric embodied in the constitution.

The referendum to ratify the constitution took place on February 1, 1987, and the result was announced three weeks later. The government reported that 96 percent of the country’s 14 million eligible voters actually voted. Eighty-one percent were said to have endorsed the constitution while eighteen percent opposed it. Significantly, this was Ethiopians’ first national election based on the principles of universal suffrage. However, the fairness and freeness of the election could arguably have been questioned because of heavy security in certain areas and the obvious presence of WPE cadres at certain polling places throughout the country.

Part one of the constitution spelled out the manner in which popular participation is to take place and how the people would exercise their powers through the election of representatives to the national legislature body, the Shengo, and to more local governmental bodies. Article 62 of the PDRE constitution (1987) discuses about the power of the National Shengo: “The National Shengo is the supreme organ of the state power in the PDRE and it has the power to decide on any issue including

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10 The main goal of the institute of Ethiopian nationality was to find solutions to political and social tensions that grew from Ethiopian extreme ethnic diversity.
electing the president of the PDRE.” The candidates of the National Shengo shall be nominated by the organs of WPE, mass organizations military units and other bodies so entitled by law. Article sixty-five argues that “the election of the member of the national Shengo shall be universal, equal, direct, and by secret ballot.” Though the constitution provided for a freely elected national assembly and guaranties civic liberties, in reality only candidates designated by the WPE were elected. After the revolution, Dergue tried to control different mass organizations. As Marcus (1994) put, “though at the beginning peasant associations were autonomous, redistributed land fairly, administered the countryside, they were quickly controlled by the Dergue regime. By 1980, about seven million households were organized into 23,506 associations. As Dergue extended its authority, the peasant associations lost their autonomy and were transformed into organs of the central government.” Hence, from this, one can conclude that members of the National Shengo already won the election before the election date. In sum, the whole thing was one big exercise in heavily monitored democracy.

It is clear that the National Shengo was responsible for electing the president, the vice president of the country, and the vice presidents of the councils of the state. The prime minister, deputy prime ministers, other members of councils of ministers, and the officers in the standing commissions were to be elected on recommendation from the president by the National Shengo. From this one can conclude, the president of the PDRE was granted sweeping political powers. Like the emperor Haile Sellasie, the PDRE president could appoint and dismiss governmental officers at any level, govern by decrees, and in effect, despite the existence of separation of power into the executive, the legislative and judicial branches of government, the president could operate above the law. Rather than operating as an autonomous legislature, the Shengo often found itself in the position of merely ratifying decisions that had already been made by the president.

2. Post-1991 Election Administration in Ethiopia

2.1. Continuation of Restrictive Electoral Laws
The PDRE constitution exited only for four years. A coalition of three ethnic insurgent groups, namely, the Eritrean People’s
Liberation Front (EPLF), Tigray Peoples Liberation Front (TPLF), and Oromo Liberation Front (OLF) overthrew the Dergue regime and set up a civilian government in 1991. With the demise of the Dergue in 1991, the National Conference on peace and reconciliation was held in Addis Ababa which was meant to lay foundations for a transitional period.

However, the manner in which the July 1991 National Conference was held provides evidence of the foregoing conclusions regarding the EPRDF's empty commitment to democracy. The conference was solely and exclusively organized and sponsored by the EPRDF. A major flaw of this conference was the process by which participants were admitted to the conference. Rather than devising clear, open, and impartial criteria for admission to the conference and creating a democratic body to apply these standards, the EPRDF unilaterally determined the right to participate in the political process in Ethiopia since 1991. Political parties and groups that disagreed with the EPRDF's political and constitutional preferences were excluded. This exclusionary procedure is irreconcilable with the EPRDF's condemnation of the Dergue's authoritarianism and its own strident avowal of democracy.

The July conference resulted in the National Charter. The Charter created autonomous regions defined purely in terms of ethnic character so as to allow each ethnic group, or at least the dominant ones, to manifest their identity throughout the region. Additionally, the Charter is committed to respect for collective and individual rights, guaranteeing both kinds of rights without ranking them according to their relative importance.

Until EPRDF adopted the federal constitution in 1994, the government ruled the state by proclamations and Transitional Charter. This Charter defined the power and duties of central government and regional executive bodies. These proclamations and Transitional Charter declared to devolve power from the center to the regional states and local governments. This was billed as a form of devolved federalism without extensive sub-national control over technical policies, laws regulations and taxes. The

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11 Although the basis for the allocation of council seats remains somewhat of a mystery, thirty-two seats were reserved for the EPRDF, twelve for the OLF, and the remaining forty-three seats for twenty-two other groups.

12 The two important political parties which were excluded from July conference were EPRP-Ethiopian People Revolutionary Party and AESM-All Ethiopia Socialist Movement.
1994 Federal Democratic Republic of Ethiopia (FDRE) constitution is the result of the Transitional Charter.

The constitution states that regional states may prepare their own constitution, decide their own official language, develop their own administrative systems, establish separate police force, and collect certain taxes. However, the initiatives for such an arrangement came more from the center than from the constituent units. This means the Ethiopian federalism has been imposed from the top.

In spite of the fact that the constitution granted a great deal of powers and administrative authority to regional states, the overwhelming amount of political power in this system rests with the central government. Because of this, in practice, Ethiopia operates more like a unitary state, with regional states closely following the policy of the central government. At the same time, the central government has set up a devolved system of administration, ostensibly in an effort to bring government closer to the regions and to control the society at each administrative level.

In line to actualize peaceful power transition, since 1991 the country has witnessed five general elections. These elections were held in 1995, 2000, 2005, 2010 and 2015. During this time, Ethiopia experienced national election, local election, by-election and re-election at different times for different purpose. In 1992, the interim EPRDF administration conducted regional elections which defined the whole future course of the Ethiopian political transition and the nature and extent of its democratic outcomes. These elections were to be crucial events shaping Ethiopia’s quest for democratic governance in the wake of nearly two decades of authoritarian rule (Pausewang and Tronvoll, 2000).

In all these consecutive elections, the ruling government used forces and other means to win elections. Though many authors and politicians on Ethiopia politics gave a detailed analysis on the use of forces during election, no one discussed the role of restrictive electoral laws in the continuation of authoritarian rule in Ethiopia. Because of these restrictive electoral laws, EPRDF is in a position to win a landslide victory over the opposition political parties in all consecutive

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13 The 2015 national election has been conducted at the time of writing this article. This researcher has followed the election process meticulously throughout the year.

14 The first general elections to the new federal parliament and regional councils, both for five-year terms, were held in May 1995, but boycotted by the main opposition parties. The second general elections were held in May 2000 and contested in about a quarter of parliamentary constituencies by opposition parties. General elections were followed a year later by local elections at the woreda and kebele administrative levels.
election which will be held in Ethiopia in the foreseeable future. In all next elections, it will not be necessary to use force rather the restrictive electoral laws will serve as a silence means of suppressing contending political parties. This is because the electoral laws are designed to win a landslide victory over the opposition parties.

These restrictive electoral laws are associated with the ratification of 1994 FDRE constitution. A prominent political scientist, Samuel Huntington, came to Addis Ababa in 1993 to advise the leaders of the EPRDF on the writing of the 1994 federal constitution. His advice contributed to the development of the theoretical basis for a dominant party system in Ethiopia and restrictive electoral laws. According to Huntington (1993), “under a dominant party system, there will be one broad based party that has a wide appeal to a number of groups, regularly wins elections and more or less continuously controls government.” This kind of political system allows smaller parties, which reflect particular ethnic, regional, or ideological interests, to participate in a regular election. Nevertheless, these opposition parties could neither control the legislature nor the executive part of the government. Put differently, the key feature of this system is ‘semi-permanent’ ruling party and weak opposition parties. Huntington (1993) suggested “in the Ethiopian situation, there is no large middle class. Hence, EPRDF could play the role of the dominant party as it had broad appeal and a peasant base.” He, moreover, underscored that building a dominant party system under the EPRDF serve two key purposes. First, it would provide political stability needed for economic development and attracting foreign investment. Second, the presence of smaller opposition political parties that compete in elections but can never form a government either individually or collectively provide ‘democratic legitimacy’ for EPRDF’s rule and facilitate the flow of foreign aid (Ibid). But, Huntington forgot one important point. Currently, democratic system and the economic development could not go separately. One cannot exist without the other. Economic development should be supported by the rule of law, peaceful transfer of power, individual freedom and commitment to fight corruption. Even he did not consider the previous Ethiopian dictatorial governments and how their rule prevented the economic development in Ethiopia.
The presence of dominant party is almost similar to the previous regimes of Ethiopia. The pre-1974 Ethiopia politics tells us that the monarch was absolute. The sovereign power is in the hand of the king not on the people. During the Dergue regime, WPE was the vanguard party to lead the revolution. So what is the difference between the vanguard party of WPE, the absolute monarch and the EPRDF’s dominant party which wins elections regularly? From this fact one can conclude, authoritarian rule is the manifestations of all Ethiopian governments from the emergence of Ethiopian state and society. This authoritarian rule will continue for the foreseeable future. In fact, in order to appreciate the emergence of the EPRDF as a dominant party one must pay attention to its authoritarian practices. In this respect, the EPRDF reinvented itself as a vanguard party of the Ethiopian peasantry through authoritarian tactics and restrictive electoral laws.15 Merara (2012), a prominent political scientist, dubbed “after 20 years of rule, no sign of democratic election has yet occurred, and what seems to have been is a de facto one party state with undiminished rule of the EPRDF as a vanguard party.”

In all elections that were held in the post-1991, the EPRDF has been careful not to lose its grip on the local political structure of the country. It is alleged that, even though the first elections were supposed to be held on non-partisan basis, the EPRDF ensured that individuals who were loyal to the party were installed in each wereda and kebele. Between 1992 and 2004, opposition paries either opted voluntarily not to participate or kept out by forces loyal to the EPRDF. But in 2005 election, more than sixty political parties were registered, and two, Coalition for Unity and Democracy (CUD) and United Ethiopia Democratic Forces (UEDF) proved quite competitive against the incumbent regime. Whereas in 2000, opposition parties were only able to win twelve parilamentary seats, in the 2005 election opposition parties won almost two hundred seats out of the total 547 seats. These two strong contending political parties (CUD and UEDF) might have been better represented in parliament and even form new government than ever before, but the EPRDF government used force and

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15 There are also other methods of controlling the people of Ethiopia. In spite of the often-repeated rhetoric about historic bondages that prevail between the EPRDF and the peasantry, the former maintains vanguardship of the latter through the imposition of a strict regime of control. For instance, the ERPDF maintained state ownership of land and established new sub-kebele structures to strengthen its control over the rural areas. Thus, during elections peasants will be coerced to register on time and vote for the ERPDF. In the same way, the government tightly controls the media which could have immensely contributed to the development of democratic culture.
restrictive electoral laws to win the election and continued to control the state power.

Clearly, the outcome of the 2005 election was a severe test for the ruling regime. As soon as the EPRDF leaders recovered from their shock, they started to enact new restrictive laws,16 whose objectives were to narrow down the political space for the opposition political parties (Merara, 2012). The regime introduced new parliamentary rules of procedure requiring the support of 183 members to table an agenda for debate. Previously, it required only 20 members to table an agenda. This completely hampered the opposition political parties. Worse still, time-budgeting was introduced for all parliamentary debates, this being controlled by the ruling party. In the words of Merara (2012) “these measures had a debilitating effect on the workings of parliament as a law-making independent institution, effectively removing the capacity of the opposition to act as a check on the ruling party.” After the introduction of these electoral laws, the ruling government claimed to have won 99.6 percent of the votes in “free and fair elections” in 2010.

The fifth general election which took place on May 24, 2015 has yet again rewarded the incumbents with a landslide victory which showed a continuation of authoritarian rule in Ethiopia. Political parties, political analysts and foreign observers have started to reflect on the fifth general election as soon as provisional results released. Some of the major opposition political parties rejected the results of the election. If provisional results are any indications, the ruling government looks to be gunning for another five years of 99 point something or even 100 percent domination of the Ethiopian parliament. To a larger extent, voting day irregularities was not of focus during this election notwithstanding acute absence of opposition observes in much of the more than 45,00017 polling stations across the nation due to financial shortage and intimidation from the government cadres.

16 The ruling party, to win the next consecutive election, passed the passage of a series of new laws prior to the 2010 election. The most important included the “Amended Electoral Law Proclamation” (HPR-House of People Representative, No. 532/2007), the “Political Parties Registration Proclamation” (HPR, No. 573/2008), the “Freedom of the Mass Media and Access to Information Proclamation” (HPR, No. 590/2008), the “Anti-Terrorism Law” (HPR, No. 652/2009); the “Registration and Regulation of Charities and Societies Proclamation” (CSO Law) (HPR, No. 621/2009), and the “Electoral Code of Conduct for Political Parties” (HPR, No. 662/2009). Each of these laws was openly and effectively used by the EPRDF regime during the 2010 elections to block any repetition of the 2005 scenario.

17 Contending political parties have no sufficient finance and loyal election observers to assess the results of 45,000 polling stations.
The EPRDF’s electoral victories serve to reinforce a one-party regime that undermines the constitutional system of checks and balances. The 1994 constitution established a parliamentary system that ensures the existence of the legislative branch as well as an independent judiciary. In practice, however, the executive power of the Prime Minister is unrestrained. If one looks up the FDRE constitution, he can easily understand how personal rule is the culture of Ethiopia. The most important and power full figure in the country is the Prime Minister, the leader of the ruling EPRDF. The FDRE constitution gave excessive power to the Prime Minister.\textsuperscript{18} There is also a figure head or titular president whose role is mainly ceremonial. What is interesting thing is the tenure of the Prime Minister is not limited. But, the constitution declared the maximum tenure of the president is twelve years. The term of office of the President shall be six years. Negede (2004) supported this idea, “it is true that in the Emperor and the Dergue regime, this all tasks were performed by a single person: Haile Sellasie and Mengistu respectively. History repeats itself is a very important expression for the vicious circle in Ethiopian political dictatorial administration.”

Political scientists argue that term limit is important as it gives citizens an opportunity to choose their leaders in an equal playing field. Scholars like Neuman (1950) argued “limits on term length helps elected officials to be responsive to voters and it is the best mean to fight corruption.” Most democratic countries’ constitutions limit a country’s leader to two terms in office. The logical reason behind it is that being in power for two terms should be long enough for a leader to share his vision and shape his country. In the FDRE constitution, the term limit of the power full person- the Prime Minister- is not given. Hence, one can conclude that in Ethiopia currently there is constitution but no constitutionalism.

\textsuperscript{18} Article 74 of the FDRE constitution lists down the Powers and Functions of the Prime Minister:

- The Prime Minister is the Chief Executive, the Chairman of the Council of Ministers, and the Commander-in-Chief of the national armed forces.
- The Prime Minister shall submit for approval to the House of Peoples’ Representatives nominees for ministerial posts from among members of the two Houses
- He shall follow up and ensure the implementation of laws, policies, directives and other decisions adopted by the House of Peoples’ Representatives.
- He leads the Council of Ministers, coordinates its activities and acts as its representative.
- He exercises overall supervision over the implementation of policies, regulations, directives and decisions adopted by the Council of Ministers.
- He exercises overall supervision over the implementation of the country’s foreign policy.
- He selects and submits for approval to the House of Peoples’ Representatives nominations for posts of Commissioners, the President and Vice-President of the Federal Supreme Court and the Auditor General.
- He supervises the conduct and efficiency of the Federal administration and takes such corrective measures as are necessary.
The Ethiopian constitution is the only law of the land to give the power of interpretation of the constitution to the House of Federation. In other countries it is the independent judiciary that interprets constitutional controversy. The House of Federation, the upper house of parliament, has the authority to settle constitutional questions and interpret the constitution. In Ethiopia, the court system does not have the right to interpret the constitution of the land. The exclusive right to interpret the constitution belongs to the House of Federations which is largely made up of politicians who belong to the ruling party, EPRDF. It is unlikely that the House of Federation to issue decisions contrary to party because its 112 representatives are elected by the EPRDF controlled state councils.

Article 78 of the Ethiopian constitution promulgates the establishment of an independent Judiciary. In reality, the judiciary is the most politicized branch of the government with loyal, hand-picked judges that serve as the hand maiden of the regime. The justice system has been used to prosecute perceived political enemies of the regime. Most Ethiopians have little confidence in the impartiality and neutrality of the judiciary and it is widely regarded as an institution that has become a mere extension of ruling party power. This could be inferred from FDRE constitution. Article 81 of the FDRE constitution (1995) asserts about the appointment of judges. In this task, the power of the Prime Minister is indirectly visible. It argues the president and vice president of the federal supreme court, upon recommendation by the Prime Minister, be appointed by the House of Peoples' Representatives. Regarding other Federal judges, the Prime Minister shall submit to the House of Peoples’ Representatives for appointment. From this fact, one can point out that separation of power, the cardinal principle of democracy, is at bay in Ethiopia.

On the democratic right of citizens (the right to vote and to be elected) the constitution of FDRE, in article 38 asserts every Ethiopian national, without any discrimination based on colour, race, nation, nationality, sex, language, religion, political or other opinion or other status, has the following rights:

(a) To take part in the conduct of public affairs, directly and through freely chosen representatives;

(b) On the attainment of 18 years of age,
to vote in accordance with law (FDRE Constitution, 1994).

On this issue, a number of problems are visible in the democratic election. There is what is called the criteria of speaking local languages to be a candidate. This means if a particular candidate is going to represent strong opposition political party, and he is living in Oromia regional state, to be elected he has to speak the local languages. This article is to exclude potential candidates for the opposition political parties. Assume a person called “X” who is living in Oromia regional state and ethnically he is Amhara who do not speak Oromiffa. If he is going to represent CUD, though he is a potential candidate and well known in the region, clearly the electoral law excludes this person. This electoral law is against Article 21 of the 1948 Universal Declaration of Human Rights and even the FDRE constitution. These two documents assert that every citizen shall have the right and the opportunity, without any of the distinctions.

Consolidated Version of the Election Laws of FDRE (1995) discusses about the number of candidates who could participate in the election. It asserts the following restrictive laws:

1. The number of candidates in a constituency running in an election for the House of People’s Representatives shall not be more than twelve.

2. Where the number of candidates is more than twelve, priority shall be given to political parties to be registered as candidates.

3. Where the number of candidates nominated by political parties is more than twelve priorities shall be given to political parties not exceeding six that obtained the highest vote in the previous election. The rest shall be identified by lot.

4. Where the number of candidates nominated by political parties is less than twelve the remaining spaces shall be filled by private candidates who obtained the highest vote in the previous election. If there is any other space, it shall be identified by drawing a lot.

5. In case, candidates have equal number of votes, they will be identified by drawing a lot.

If one clearly, investigates meticulously the above five electoral laws, he can conclude that they are all antidemocratic and are aimed to exclude the potential newly entrant political parties from participating in election. These restrictive electoral laws
raise many questions. After all, how the National Electoral Board of Ethiopia (NEBE) excludes potential political party by lottery system? Is it electoral board or the people who have ultimate power to exclude parties from participating elections?

From the above fact one can ask the independence of NEBE. It is true that to conduct a free and fair election in any democratic state, there must be an independent, matured, professionalized election management bodies (EMBs). The establishment and operation of such a body must meet the key requirements of credible election administration. One such requirement is the need for the EMBs to be independent of any party and has to develop confidence of all the stakeholders in the electoral process. However, as scholar like Odhiambo (2006) has observed, “the lack of autonomy of EMBs from the government in some African countries is one of the major challenges to the credibility of the electoral process on the continent.” Like other states, in Ethiopia there is an electoral commission: NEBE. The board considers itself as an independent and autonomous institution whose mandate is to administer elections at national and local levels. The opposition political parties argue that the way how election officials are elected is not democratic. Article 102 of FDRE constitution (1994) discusses about an institution to administer national and local elections and how election officials are elected: Members of the Board shall be appointed by the House of Peoples’ Representatives upon recommendation of the Prime Minister. The NEBE board is composed of nine members appointed by the House of Peoples' Representatives, upon recommendation by the Prime Minister (FDRE Constitution, 1994).

From this fact one can conclude that the power of the Prime Minister is strong. He indirectly influences who will be election officials. Moreover, the temporary offices operated by the NEBE in each of the country’s 547 constituencies during electoral periods are largely staffed by local government employees who have proven unable to resolve constant opposition political parties’ grievance concerning the closure of party offices, the detention of their candidates, and the obstruction of campaign rallies.

The NEBE’s biasedness is clearly shown in the allocation of the election campaign budgets. As the example one can examine the unfair nature of budget allocation among
contending political parties. The proposed plan will use three main requirements; these include the number of seats in federal or state houses won in the previous elections, the number of candidates nominated by the political parties and the number of women candidates nominated by the political parties. Out of the total budget, 55% will be given based on the number of seats in federal and state houses taking the result of previous election, 25% on the number of candidates nominated by the political parties, 10% will be allocated based on the number of women candidates nominated by the political parties and the rest will be distributed on the basis of equality.

For example, in 2015 general election, the NEBE released 30 million Birr for parties with a ratio of 40:35:15:10, with 40pc divided on the basis of the number of candidates registered by parties; 35pc allocated based on the number of seats parties hold in the parliament and 15pc based on the number of female candidates. In this arrangement, the ruling party received 14.8 million Br and opposition parties like Medrek[^19], Blue and Ethiopian Democratic Parties received two million, 833,163 and 806, 586, respectively. The remaining sum was distributed to the other 49 parties (Dawit, 2015).

The plan is unfair and does not seem to consider the current Ethiopian political situation. The Ethiopian political system is dominated by one party. Especially, to use the number of seats won in the preceding general election, which is already a done deal, as a criterion is unnecessary as what is ahead is a new election. In the 2010 general election, which was held for 547 seats, 61 parties had participated and EPRDF won 96% of the seats. By the above calculation, the government will take the lion’s share from the proposed budget. Even the budget allocation based on the number of women candidate is not persuasive as it is up to the parties to field competent candidate in each constituencies.

The interesting thing is that ruling party-EPRDF is the richest party in Africa. It controls the economy directly or indirectly. The ruling EPRDF government retains control of a large proportion of available sources of rents and economic levers, including large state-owned enterprises and so-called ‘endowment-owned’ businesses. Put differently,’ business and politics are still strongly entwined in Ethiopia. Party-

[^19]: Ethiopian Federal Democratic Forum.
affiliated endowments have taken many of the business opportunities left for private engagement (Vaughan and Mesfin, 2011). The ruling government, on the other hand, prevents opposition political parties to receive financial support from abroad.

Other aspect of board’s baisdenss is related to time allocation. The Board also apportioned 600 hours of television and radio time and 700 newspaper columns. The media access allocation took place on the basis of 40:40:10:10 ratio. The first two numbers represent the number of seats in parliament and regional councils and the number of candidates registered for the upcoming election, while the remaining two represent the number of female candidates with the rest equally shared. Mushe Semu (2015), a prominent politician, opposes the distribution of time allocation during the debate session as follows:

---when political parties conduct political debate, they have to have equal time allocation. If equal time is not given to both opposition and the ruling political parties, then something is wrong. It is strange for me that time allocation is based on the number of candidate who are fielded. Let us accept the distribution of money based on the number of candidate, how you limit the dissemination of ideas based on the number of candidate who are going to be fielded. You give more time to the EPRDF, you limit the time for contending political parties. How it could be fair? This shows there is less commitment for free and fair elections form the ruling government. You have ample air time that is wasted on non-issue matter like European premier league.

Another strategy used by the EPRDF government to control state power, is the introduction of “winner- takes- all” electoral system to continue its authoritarian rule. Such initiative was proved useful to the ruling party. Article 56 of the constitution discusses about the choices of the electoral system. It discusses “a political party or a coalition of political parties that has the greatest number of seats in the House of Peoples’ Representatives shall form the executive and lead it” (Constitution of 20

Electoral System is a system that is followed by a country based on election and representation to establish a government. There are three major Electoral Systems in the world. These are: Majority System/ the winner take all system/, Proportional Representation System and Mixed System. The choice of system reveals a wide disparity, or even richness, of practice. In many cases, the choice is so much the result of conscious legislative decisions, as the product of a particular historical and political evolution.
FDRE, 1994). In Ethiopia, facts on the ground tell us that the ruling party genuinely does not want a multiparty system in Ethiopia. The Addis Fortune (2015), weekly English newspaper argued, “the level playing field aside, the rules of the game are also under scrutiny; the electoral rule that Ethiopia employs is too restrictive.” Ethiopia currently uses first-past-the-post electoral rule in which the country is divided into various electoral districts/constituencies and parties field candidates in each constituency to win seats in the parliament; and of course form a majority to establish a government. In a single constituency, parties’ candidates would vie for a single parliamentary seats and one candidate/party which obtained the highest votes, even if it is not a majority, would clinch the seat.

The choice of electoral system and its implementation have a direct effect on free and fair election in Ethiopia. The first-past-the-post electoral system is usually preferable in countries where there are two strong contending political parties. In Ethiopia, there are sixty to seventy ethnically organized weak political parties and dominant ruling party. Additionally, scholar like Kuhne (2010) argued so-called “winner-takes-all” or “first-past-the-post” electoral system is popular and advantageous in ethnically and religiously homogenous societies. It is highly problematic for segmented societies like Ethiopia who are divided into various ethnic and religious groups. Usually, the “winner-takes-all” electoral system leads to ethnic and religious divisions into a zero-sum competition. The ethnic and religious groups who lost the election will feel excluded from the political process. The chance of violence and even civil war will be high. For instance, in Ethiopia, for the last twenty years, conflicts among different ethnic groups were observed. Additionally, there are also political parties who are organized to remove the ruling EPRDF from power by military means. Therefore, the debate over electoral systems remains a complex one in Ethiopia.

Scholars like Sartori (1997) argued, “the winner takes all electoral system is criticized as being unrepresentative because the winning party, without winning the largest number of voters, will form the

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21 Under Proportional representation electoral system all major groups and their leaders will continue to have a stake in the system after elections; the risk of groups feeling excluded is much lower. This electoral system encourages issue-based politics and make possible to actualize inclusive representations of the social forces and political opinions prevailing in the society.
government.” Imagine a hypothetical woreda in Ethiopia, eleven political parties are going to compete each other and with the ruling party. The ruling party controls the state machinery, endowment funds, and the structure of the government. Additionally, the ruling government controls the civil service and goes to the lowest level of the local government administrations. With winner takes all electoral system, it is enough for the ruling candidate to win 20 percent of voters and the rest goes to different contending political parties. Hence, politically speaking, the election process has structural problems as it is unrepresentative.

Different scholars and politicians argued that there should be constitutional amendment in favor of proportional or mixed electoral system. In the proportional system, smaller and newer parties have greater chance of gaining something, anything out of the election process; while in the first-past-the-post only bigger stronger parties would stand a chance of winning parliamentary seats.

The government of Ethiopia also uses another strategy to control the society. This is to increase the numbers of zonal, woreda, city, and kebele councils’ seats at the local level. Taking the reason of direct participation of the people of the cardinal principle of ancient Greece democracy, the strategy is to increase the numbers of members of ruling party at lower administrative level: the woreda and kebele level. Furthermore, the ruling party mounted a campaign to increase its membership more than eight fold, in some areas blatantly linking public employment, promotion, and preferment to party membership. The whole strategy worked to curtail the effectiveness of the opposition.

Increasing the number of candidates at woreda and kebele level has a negative implication for the contending political parties. As some writers argue, given the organizational and financial constraints under which opposition parties operate, it seems that they find participating in national elections much easier than participating in local elections. This is because there are only 547 seats to compete for in the parliament. On the other hand, there are more than 3.5 million zonal, woreda, city, and kebele councils’ seats at the local level. The situation became worse for the opposition parties when the EPRDF decided to expand the size of each of the local
councils for the purpose of ‘creating an expanded forum for public participations’. The members of the woreda council increased from 50 to 200, members of the kebele increased from 50 to 500. The opposition parties simply do not have the financial, logistic, and organizational capability to compete for all these local council seats.

Ethiopia at this time has 4.2\textsuperscript{22} million woreda and kebel council members. Addis Ababa alone has 55,000 council members. This number shows one important point: conducting free and fair election in Ethiopia is a difficult task. It is clear that half of Ethiopia people are under the age of 18 who are not legible to elect. Imagine, 4.2 million members of the council have five people who know and can convince to elect EPRDF, the number goes to 21,000,000. This means taking 66 political parties to share the rest of votes, the ruling government could easily win elections.

In addition to the above fact, the government recently issued a restrictive electoral law which prevents civic organizations to act freely. Civil society is occupied by voluntary, semi-autonomous citizen based groups. Ethiopia’s electoral law contains provisions that restrict the involvement of civil society in the electoral process; for instance, civil society organizations are required to choose between voter education or election observation, and they are required to obtain a license from the NEBE to engage in these activities (Arriola, 2011). The government of Ethiopia issued Proclamation to Provide for the Regulation and Registration of Charities and Societies, No. 621/2009. One provision of the CSO law prohibits foreign non-governmental organizations from engaging in activities pertaining to human rights, citizenship rights, conflict and democratic governance. So the key provisions of the proclamation will severely weaken the work of independent civil society organizations.

Taking all these restrictive electoral laws, one can ask the following question; what is election for EPRDF? EPRDF wants to see, at least formally, a competitive electoral process from which it will emerge a victor. The declared interest in a peaceful, free and fair election indicates that EPRDF understands the language of election and the idioms with which it operates in order

\textsuperscript{22} The peculiar thing is that the members of council of woreda and kebele are considered as state; the population amounts some of African states like Liberia, Gabon, Namibia, Botswana and other states.
to effectively secure legitimacy at home and abroad. Tsegay (2015) concludes election for EPRDF as follows:

"...the election thus serves as a ritual of self-authorization to govern the country in the way the EPRDF wants. At every election, EPRDF is confronted by the democracy it always suppressed, the democracy that haunts it as the one yet to come. EPRDF fears the ballot more than the bullet. This fear of the ballot is not totally groundless. It had antecedent in 2005 election. In 2005, EPRDF tried a relatively free election-more out of over confidence that the oppositions have no supporter than interest in democracy as the rule of the humble – they nearly lost it to the opposition. EPRDF’s complete loss in Addis Ababa in 2005 must have taught them a lesson, but the lesson learnt did not prompt them to come up with a set of policies that are more appealing to the electorate. They merely adopted a strategy of attacking their opponents by using their privileged access to the state apparatus-enacting restrictive electoral laws.

3. Conclusions

In recent years, there has been a new wave of democratization process globally and the African continent is witnessing a new drive towards the promotion of democracy and good governance. The new drive towards democracy and good governance is currently sweeping through Africa like a wild bushfire and many African countries recently transitioned from authoritarian to democratic forms of governance in consonance with the global trend. Countries like Nigeria and Namibia conducted a free and fair election and could be taken as exemplary for peaceful power transition.

Though there is a hope of democratic election in some part of Africa, in other African countries elections have been marred with extreme controversy and violence. One can mention Ethiopia where free and fair election is unthinkable in the near future. In Ethiopia, elections which were held under the Imperial, Dergue, and EPRDF regimes were totally symbolic. This is because all elections in the three regimes fell short of the basic international standards. These elections were merely window dressing probably to placate the international community. The activities of the ruling/political/ class have hindered, and are still holding back the development of sustainable democratic culture in the
Ethiopia.

Until the end of Haile Sellasie regimes (1974), elections in Ethiopia were symbolic because no contending political party was allowed to provide alternative policy. Claiming legitimacy as descendants of King Solomon and the Queen of Sheba, successive Emperors ruled Ethiopia for more than two thousand years. The militaristic Dergue regime that assumed political power in 1974 derived its power initially from possession of the instrument of oppression (the barrel of the gun), which it then sought to legitimize by the universality of its socialist theories. It banned any organized political party which could provide alternative policy directions. The WPE was the only vanguard political party to lead the revolution. Hence, the autocratic and totalitarian regimes that ruled Ethiopia until 1991 instilled no democratic tradition in the people.

Although the demise of the Dergue marked a historic moment for Ethiopia, challenges for the democratic transition are still apparent. Currently, peaceful democratic transition in Ethiopia is hindered by an authoritarian tradition of EPRDF. The ruling party has been used different strategies to hinder democratic transition in Ethiopia. Some of them are: banning of competent political parties like EPRP and AESM from participating in the transition process, implementation of restrictive electoral laws and interfering in the internal affair of the contending political parties. The party also engaged in interfering in the affairs of other civic organizations. These problems were aggravated by traditional attitude of society towards politics.

In the EPRDF regime, a number of elections have been conducted and many political parties have been participated. Yet, all elections did not reach their targets. One of the factors that hindered democratic transition in Ethiopia since 1991 is restrictive electoral laws. These restrictive electoral laws have become the silence means of suppressing the day to day activity of the opposition political parties. In the FDRE constitution and respective electoral laws there are articles which are in favor of the ruling government. One of the methods used by the government is controlling the electoral commission. The composition of the NEBE and Secretariat, and the process for selecting electoral system is in favor of the ruling government. Undoubtedly, the first-past-post electoral system is in favor of the ruling party.
The election process in Ethiopia is full of ups and down for contending political parties and smooth for the ruling party. The situation became worse for the opposition parties when the EPRDF decided to expand the size of each of the local councils for the purpose of creating an expanded forum for public participations. Given the organizational and financial constraints under which opposition parties operate, it seems that they find participating in national elections much easier than participating in local elections.

Hence, conducting free and fair election and having democratic transition in Ethiopia is imaginary in the near future.

4. Recommendations

It is clear that democracy is not a luxury for Ethiopia; it is a matter of life and death. There exist diverse interests in a country of over 90 million people. There is also lack of good governance and wide spread corruption. The only way to solve these problems is ensuring the prevalence of democracy in Ethiopia. Though elections alone are not sufficient to make a democracy, no other criteria precede free and fair election to judge for Ethiopia to be democratic. Ethiopia, for the last twenty years, has conducted five general elections. None of these elections were democratic for many reasons. The major hindrance for democratic transition in Ethiopia is the introduction of restrictive electoral laws since EPRDF assumed political power. Based on the analysis given above how electoral laws restrict democratization process in Ethiopia; this researcher offers the following recommendations as critical steps to improve future elections in Ethiopia.

One of the hallmarks of a mature democracy is professionalized, centralized, and nonpartisan election administration. Hence, the composition of the NEBE and the process for selecting officials should be reviewed, with the aim of ensuring its genuine independence from government. A transparent and genuinely consultative selection process would serve to increase confidence in the body. Further, NEBE should function with transparency at every level, and should provide regular access to information for political parties and observers at each stage of the process.
The choice of electoral system and its implementation have a direct effect on free and fair election in Ethiopia. The first-past-the-post electoral system is usually preferable in countries where there are two strong contending political parties. It is also advantageous in ethnically and religiously homogenous societies. This kind of electoral system has no value as there are sixty ethnically organized weak political parties and Ethiopia is divided into various ethnic and religious groups. Hence, to entertain this diversity, proportional electoral system should be implemented.

A democratic election dictates a level playing field where all contending parties are able to freely disseminate their ideas and alternative governance proposals, engage the electorate, criticize the policies and performances of the incumbent party, and field capable candidates. The incumbent ruling party should open the political space so that different contending interests could be entertained.

The 1994 constitution ensure political power is assumed only by free and fair periodic elections. In practice, however, the tenure of the powerful person—the Prime Minister—is not limited. As far as free and fair election is concerned, the tenure of the Prime Minister should not exceed more than two terms. Political scientists argue that term limit is important as it gives citizens an opportunity to choose their leaders in an equal playing field.

The ruling government increased the numbers of members of ruling party at lower administrative level: the woreda and kebele level. This has its side effect on the democratization process. The number of zonal, woreda, city, and kebele councils’ seats at the local level should be limited to a manageable size. There should be clear demarcation between the government and the party.

All stakeholders, including government, opposition, and NEBE authorities need to develop and authorize improved election dispute processes to handle election complaints, and all parties and the general public should be made aware of such procedures. The dispute processes should provide for clear and realistic procedures and timelines, and should include structures that ensure impartiality, fairness, and timeliness.
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Challenges of Democratic Transition in Ethiopia: Re-evaluating Electoral Laws

By Abebe Alemu Melese