



Reflections on Expanding Ethiopia's Democratic Space

Aspirations, Opportunities, Choices

Contributions by:
Mohamed Salih
Andreas Eshete and Samuel Assefa

November 2018

- This publication is the outcome of a conference jointly organized by the Friedrich-Ebert-Stiftung Ethiopia (FES) and the United Nations Economic Commission for Africa (UNECA) in September 2018.
- It presents deliberations of three distinguished experts reflecting on aspirations, challenges and opportunities of the democratization process in Ethiopia.
- In doing so, the report considers different policy areas like Media, Civil Society, Gender and Equality Issues as well as Electoral and Judicial System.

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The overall objective of the study is to contribute intellectually to the enhancement of the democratic process by advancing civic engagement and a national conversation aiming at expanding the democratic space for participation. The study critically examines the current movement towards expansion of Ethiopia's democratic space.

The study was authored by Andres Eshete, Samuel Assefa and Mohamed Salih. Valuable contributions and comments were made from participants at the Expert Group Meeting held on September 2018.

FES hopes this study will stimulate others to widen the national dialogue and contribute to the current emerging political debate in managing transition in Ethiopia.

I take this opportunity to thank Constantine Grund, FES Country Representative for lending this project much needed institutional and personal and thank through him all FES team engaged in the design and production of the Report. This report is a testimony to their dedication and unfailing support.

Jalal Abdel Latif

Head Governed and Human Security Cluster
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Foreword

The recent political developments in Ethiopia open a new chapter in the countries' rich history. After feudal governance structures and a military junta, Ethiopia joined the family of democratically organized countries in the 1990's. Many observers argue that only since the election of the new leadership in the year 2018 (GC) Ethiopia's path towards democracy will be brought to higher levels.

In order to allow decision-makers an informed discussion on current and prospective political challenges, the Friedrich-Ebert-Stiftung and the United Nations Economic Commission for Africa (UNECA) jointly invited distinguished experts in September 2018 (GC) to discuss the most important political issues that urgently need to be addressed. This publication is the outcome of those deliberations.

The Friedrich-Ebert-Stiftung is convinced that this résumé depicts an enriching and unique perspective on Ethiopia's democratization process and the fundamental question how the democratic space can become more open and integrating, in order to strengthen the social cohesion in the country. It is our sincere belief that policy makers as well as practitioners will find helpful knowledge and suggestions worth of consideration in this edition.

The Friedrich-Ebert-Stiftung expresses its profound gratitude to the authors and the inspiring discussants for their excellent collaboration all along the way.

Constantin Grund

Resident Representative
Friedrich-Ebert-Stiftung

Expanding Ethiopia's Democratic Space: Aspirations, Opportunities, Choices

Mohamed Salih

1 Executive Summary

1.1 Preamble

Ethiopia's political and economic reforms have brought about unprecedented democratic opening hailed across the country and beyond. The initial results of the reforms have already begun to show mainly the reduction in unrests which threaten to paralyze normal life and produced much insecurity and fear. More significantly, the most ardent critics of government for stifling the freedom of expression, banning peaceful protests and return of peaceful and non-peaceful opposition from exile, have generated much debate and optimism. These and other reforms have created a sense of normality laced with unabashed contemplations of a peaceful, prosperous and democratic future.

However, the debate on the current political reforms in Ethiopia has focused, and rightly so, on a broad spectrum of issues pertaining to reforming the state institutions and the legal, administrative and policy frameworks which contributed to the past three years of political anomaly. This Report argues that these political reforms will not realize their expected objectives without engaging and ensuring a broad civic engagement for an expanded democratic space. Therefore, without creating a public space for civic engagement in the political reforms process, the reforms will not be politically, socially or culturally embedded, peoples-centered and owned or potentially fall-short of meeting the national aspirations for sustainable peace and development.

Therefore, for the political reform process to be successful, government and major political forces (such as civil society, media, women, youth, professionals, workers and peasant associations, among others), must go beyond canvassing the opinions of officially appointed committee members, experts, and opinion leaders. The democratic space for democratic engagement must be expanded to ensure civic organizations participated in the political reform process. Creating institutionalized channels for citizens' and civic organizations participation in debating and making submissions to various reform committees rather than espousing political reforms based on top-down proclamations and directives.

The Report consists of ten sections. Executive summary and background and a section elucidating the differences and similarities between political reforms and political transition in the Ethiopian context. Five sections follow, where each section includes particular questions on the imperative of the participation of the media, NGOs and civil society, gender equality, electoral system reforms, and judicial system reform. The materials presented in these five sections are further developed in three sections elucidating aspirations, opportunities and the choices available to the Ethiopian people and government in pursuing people-centred political reform process. The Report ends with a conclusion which sums up the Report findings and the gist of the message it attempts to convey.

1.2 Objectives

The overall objective of the Report is to engage the debate on how to expand the democratic space for civic engagement in the political reform process in Ethiopia. It addresses pertinent civic engagement issues about the role of the media, NGOs and civil society, gender equality activism, electoral system reform and the judiciary system reform. Furthermore, another objective of the report is to elucidate the aspirations, opportunities, and choices available to the Ethiopian people and Government to steer the destiny of their country to a brighter future.

1.3 Expanding the Democratic Space for Civic Engagement

The Report reserved five sections focusing on the primacy of citizens' participation in the reform process, highlighting five cross-cutting issues. These are as follows:

The media: In democratic states or states aspiring to nurture democratic norms, the media are recognized as a form of public discussion and debate, a source of information about citizens' concerns and the operations of government, and a voice for the voiceless. This section poses three questions with direct relevance to Ethiopia media reform: What are the main fault lines in the state-media relations, how to address them in the current media reform process? Moreover, how to make the reformed media institutional and policy frameworks citizen-centred and ensure the emergence of self-governing media organizations?

Civil Society and NGOs: Civil society are critical not only for the debate on democracy and the development and sustenance of democracy both as a catalyst in creating citizens' spaces for social, economic and political mobilization and participation. From this perspective, it is plausible to argue that civil society is a boon for democracy by creating and energizing popular participation, consultation, inclusion, and accountability.

One of the main questions raised is whether it is possible to retain some of the positive aspects of the Civil Society and charities Code of Conduct (1998) which opted for self-regulating civil society and charities. It is proposed that an orientation towards self-regulation is consistent

with democratic ethos capable of expanding the democratic space, ensuring much broader civic engagement and participation.

Gender Equality Issues: A 2015 ¹Assessment of the impact of gender policy in Ethiopia reveals that progress has been made in all 11 dimensions of gender assessment per: health status, social and economic status, access to opportunities, level of political participation, access to resources, access to science and technology education, access to and use of technology, decision-making in knowledge society sectors, participation in science, technology and innovation systems and access to lifelong learning. However, the Report also illustrates that much is still needed to be done to foster gender equality. The Report also provides critical comments on the areas such as the control of assets, domestic violence and the persistence of some old traditions which hinder gender equality.

During the writing of this Report, the government reshuffle introduced gender equality to the highest level in Ethiopia by appointing women in 50% of the cabinet. Gender parity and the level of the presidency and the political executive is an unprecedented political development in Africa. In a sequence for a week, Ms. Sahle-Work Zewde appointed the first Ethiopian President and Measa Ashenafi appointed first woman President of the Federal Supreme Court of Ethiopia. It is hoped that, when assessed in the future, these appointments would have made a difference in Ethiopian women's' lives and gender equality.

Electoral System Reform²: This section traces the evolution of Ethiopia experiences with electoral system and practices and raises questions about what electoral system is best for Ethiopia First-Past-the-Post (FPTP), Proportional Representation (PR) or a Mixed System (MS); Who should form the membership of National Election Board of Ethiopia? Also, should political parties participate in the electoral system design and the Election Board reforms? A more critical question is what modalities have been put in place to ensure citizen participation in the electoral reforms process both concerning active involvement, making submissions or getting orientations on the differences between the old and new electoral system.

Judicial System Reforms: The section shows that the EPRDF government had attempted to conduct judicial reform policies whose findings and recommendations should be of interest to the current judicial reform processes. At least three substantive and one procedural question must be in the minds of those involved in the political reform process vis-a-vis the judicial system reform process and beyond: First, what was the role of the Judicial Administration Commission in the administration of justice? Second, if previous attempts to reform the judicial system had not realized positive results, why should the Ethiopian people trust that this time

¹ Beyene, Helina 2015. National Assessment: Ethiopia Gender Equality and the Knowledge Society Report, for the Swedish Authority for International Development (Sida).

² This section includes several excerpts from Mohamed Salih and Per Nordlund 2007. Political Parties in Africa: Challenges for Sustained Multiparty Democracy: Africa Regional Report Based on research and dialogue with political parties, International Institute for Democracy and Electoral Assistance (IDEA), Stockholm.

around, it is different and that the new the reforms will be genuinely implemented? Third, judiciary system reforms have much broader implications for social, economic and political development and, therefore, embody questions such as the role of citizens in the current judicial system reform and how they have been involved?

1.4 Policy Oriented Issues: Aspirations, Opportunities, Choices

Three crucial policy-oriented issues inform three sections of the Report delineating aspirations, opportunities, and choices. These can be summed as follows:

Aspirations: Although aspirations differ in different civic engagement sphere, there are at least three that are specific to all of them: Political stability, peace, and security, the rule of law and inclusion. Generally, Ethiopia is no longer the scene of massive violent unrests which contributed to the death of hundreds, destruction of property, factories and development enterprises. Also noticeable is the disappearance of mass political arrests and the release of thousands of political prisoners after the lifting the last state of emergency in June 2018. Considering these positive developments, *Political stability, peace, and security* is an overwhelming aspiration of all Ethiopians: To be sure, the celebrations of the lifting of the state of emergency, the inauguration of the reformist Prime Minister Abiy Ahmed and the Peace Agreement with Eritrea have produced much optimism and has been largely seen as a partial fulfilment of a greater aspiration for sustained political stability, peace and security

The rule of law has long been an aspiration of the Ethiopian people, although it rates better than most African countries in this respect. The tarnished image of some elements of the security and intelligence forces and the emergence of allegations of torture and human rights abuses became consistent reminders and source of fear of the return of these forces to their old ways. The mass arrest and indoctrination of over a thousand youth accused of participating in arrests in the capital and environs was a grim reminder of past abusive practices.³

The aspiration of ethnic minorities' is inclusion and representation because of fear of being yet again marginalized and dominated by the majority ethnic groups under the new orientation towards liberal democracy. Evidently, minorities will cling to ethnic federalism as a safeguard against a centre dominated by the majority ethnic groups. In a sense, ethnic federalism has offered the minorities a modicum of inclusion and political representation both at the centre and the periphery.

People aspiration for authentic participation and inclusion in the ongoing political reform process: Political reforms based on consultations with professionals and opinion leaders in the reform process will not compensate or substitute for civic associations' engagement - NGOs, civil society organizations and opposition political parties, gender equality activists, media

³ A statement by Addis Ababa's police commissioner Major General Degefe Bede claimed that nearly 3,000 youths were arrested in the capital Addis Ababa and that 174 would be charged and 1,200 others would be detained at the Tolay Military Camp for a "rehabilitation education."

organizations and journalists and legal associations). For the political reforms to successfully realize their intended results and ensure the expansion of the democratic space for civic engagement, they must eventually secure the full-participation of the critical social forces introduced in this Report.

Opportunities: *The current political environment in Ethiopia offers opportunities for expanding the democratic space* relative to where it was before the seismic political opening which ensued since April 2018.⁴ The web of legal and administrative directives, regulations and policy frameworks which is undergoing unprecedented scrutiny by independent and open-minded experts in their respective fields, is encouraging. It is an opportunity to be seized upon and not be allowed to falter.

An unprecedented opportunity is available for disciplining the heavy-handed tactics and arbitrary detention orchestrated by the security and intelligence operatives against political opponents. There is every possibility that opting for the rule of law, due process, tolerating legitimate critique of the government by the opposition, NGOs and civil society organizations opens, intellectuals and the media could open the political space for civic engagement. Expanding the democratic space will be difficult, almost impossible without the separation of power and the independence of the judiciary.

An opportunity for a peaceful resolution of the fundamental issues defining the national question and the future form of government structure (federalism, ethnic federalism or confederalism) is within grasp with the return of the opposition groups which opted for arms struggle to press their demands for democracy and civil and political rights.

Reaping the peace dividend with Eritrea is an opportunity for consolidating peace and security in Ethiopia and the Horn of Africa. Externally,⁵ as well as internally, by offering a better environment for peaceful political dialogue between the Government of Ethiopia and the opposition, as well as reducing the hostility between Eritrea and Ethiopia. It offers an opportunity for shifting resources from preparation for war to development.

Choices: The choices available to the Ethiopian people and government to steer the destiny of their country to a better future, are determined by the aspirations, opportunities and the socio-economic and political conditions available to them. However, not all choices are easily obtainable, nor are they impossible to achieve as some choices will remain aspirational and therefore take much longer time and effort to realize: These choices are as follows: *An obvious choice is*

⁴ Ethiopian Prime Minister Abiy Ahmed's articulated his programme for political reform in his Inaugural Address April 3, 2018, in which he declared the democracy, freedom and the rule of law should apply the tenets of the relationship between state and society, including the peaceful and armed opposition.

⁵ the 6 September 2018 Peace Agreement between Eritrea and Ethiopia, called for ending the state of war between Ethiopia and Eritrea and opening a new era of peace and friendship, and ensuring political, economic, social, cultural and security cooperation that serves and advances the vital interests of their peoples; and jointly endeavor to ensure regional peace, development and cooperation.

staying the course to ensure that the current political reforms are not thwarted or derailed. This choice is the only alternative to the status-quo.

The demand for expanding the democratic space for political participation is one of the fundamental choices informing the political reforms currently underway. The reforms are undoubtedly inspired by people aspiration for a democratic system that is politically inclusive, and all-encompassing of an open society based on authentic representation, accountability and the rule of law.

Enhancing civic engagement as a means of expanding authentic participation in the political reforms and for ensuring a sustainable human flourishing: In a sense, there is no choice between expanding the democratic space for political participation, enhancing civic engagement and vice versa. They are two faces of the same coin. Those who risked their lives to make the political reforms possible, their aspirations will not fall short of the demand for an equitable and just society and that society is hardly imaginable without enhancing civic engagement.

Fostering peaceful co-existence between Ethiopia people, nations and nationalities and equal treatment of citizens regardless of race, religion, region or creed: Ethiopia would have never been able to realize the levels of economic growth and improvements in health, education, drinking water supply, physical infrastructure, without peace and security. Likewise, Ethiopia will not be able to sustain her tremendous development gains without peace and security.

Convening a Comprehensive National Dialogue (CND) for all major political parties and social forces is the only credible choice over indulging in debates and press releases which are important in expressing the positions and opinions of political parties but cannot in themselves be a substitute for an *institutionalized and binding programme of action*. To be sure, instead there is *an urgent need for roadmap devoted for charting a peaceful and development-oriented future destiny for Ethiopia*.

1.5 Conclusions

One of the most challenging tasks in any political reforms process is how to create a space for civic engagement and political participation in the reform process. This Report has attempted to address four civic space-specific and a fifth space (the judiciary), if it is upheld, will guarantee the vibrancy and amicable implementation of the other four. The four civic spaces of significance for the ongoing political reform process which the Report elaborates are: the media, civil society, gender, and electoral reforms. The cross-cutting issue such as the judicial sector reform, which commenced since 2002 is yet to fulfil its promise. In the past two decades, while improving gender equality and participation in political life has not contested. All other four issues (the role of the media, NGOs and civil society engagement, party system reform and the separation of power, including the independence of the judiciary) were contested between government and opposition questioning whether practice and policy are congruent. The Report concludes each section with a set of questions and observations that should benefit the debate on expanding the civic space for participation in the electoral reform process.

Having probed the constitutional, legal, administrative and policy frameworks which influence civic engagement in the political reform process, the Report delineates three major policy-oriented issues pertaining to aspirations, opportunities, and choice. It is evident that aspirations, opportunities, and choice are mutually reinforcing and concomitantly determined by the socio-economic and political conditions available to the Ethiopia people and government.

2 Background

Since 1991, Ethiopia has been governed by the Ethiopian People's Revolutionary Democratic Front (EPRDF), a coalition of four political organizations joined together during the liberation struggle against the defunct regime of Mengistu Hail Meriam. The constituent members of the EPRDF coalition are Amhara National Democratic Movement (ANDEM now Amhara Democratic Party, ADP), Oromo People's Democratic Organization (OPDO, now Oromo Democratic Party (ODO), Southern Ethiopia People's Democratic Movement (SEPDM) and Tigray People's Liberation Front (TPLF). The 1995 Constitution which shaped the machinery of government (executive, judiciary and legislative) and a myriad of laws and proclamations informing state-society relations in Ethiopia, was promulgated during the EPRDF reign.

Three distinct strategic doctrines define the edifice of EPRDF political and economic orientation are worthy of a brief mention because of their centrality in the ongoing political reform process: First, "Ethnic Federalism", whereby Ethiopian Constitution provides for the creation of nine ethnic-federal governments to accommodate ethnic groups' cultural, linguistic, and political claims.⁶ Ethnic federalism is highly relevant to the current debate on the political reform process. The debate is energized by a) Ethiopianists who spouse Ethiopianness and shun the current ethnically-based federalism. b) secular federalists who opt for a genuinely democratic federal (or confederal system) and c) sub-nationalists who opt for the continuity of the current ethnically based-system of government in fear of being dominated by the larger ethnic groups, mainly Oromo and Amhara). The supporters of ethnic federalism are inclined to use Article 39 of the 1995 Ethiopian Constitution⁷, which allows for self-determination, as a bargaining chip vis-à-vis the larger ethnic groups. This debate is located within the passionate and most divisive debate on constitutional reform.

Second, "Revolutionary Democracy" which has thus far enabled the EPRDF to play a leading role in the process of popular mobilization of the entire people to realize its Revolutionary Democratic Program, it is imperative to have a lasting unity of ideas and practice between EPRDF and its member organizations from top to bottom. This leads us towards the development of mature consensus through the democratic struggle within ideas by creating a lasting democratic environment within the EPRDF organization. Because of this political orientation, it is stipulated that all organs and members should assume the highest awareness of the EPRDF political programme details and struggle towards its realization.⁸ This orientation carries the insignia of a vanguard party that projects the state as an apparatus created to carry out its political programmes.

⁶ 1995 Constitution, Article 47 Member States of the Federal Democratic Republic of Ethiopia.

⁷ 1995 Constitution, Article 39/1 Rights of Nations, Nationalities, and Peoples stipulates that: "Every Nation, Nationality, and People in Ethiopia has an unconditional right to self-determination, including the right to secession."

⁸EPRDF Statute 2006:1. <http://www.eprdf.org.et/documents/10184/324318/STATUTE+english.pdf/1f87f164-8fde-4831-8341-0c0fbcec1444>.

The current debate in Ethiopia in general and within the EPRDF coalition members is centered on the need or otherwise for a political reform aiming to establish a liberal democratic orientation. The opponents of revolutionary democracy argue that it has for 27 years united the party and the state and therefore left meager if any democratic space for opposition political parties to part-take. Questions have also been raised about the tolerance of revolutionary democracy towards critical media, civil society, primacy of the rule of law and election integrity because of proximity to the revolutionary democratic party to the state.⁹ This Report articulates these and shows that some reforms (positive or negative) have ensued during the EPRDF reign, only that in most cases the practice has not matched the practice.

Third, EPRDF adopted a "developmental state" doctrine within a market economy model in which the state is the driving force of the economy supported in some sectors by national and foreign private sector. Economic planning in the form of five-year plans known as the Growth and Transformation Plans (GTP1 and GTP2) which were crafted to transform the country towards Agricultural Development-Led Industrialization (ADLI).¹⁰ Under the developmental state model, Ethiopia sustained economic growth is evident in making it one of the fastest growing economies in the World, but also in the relatively steady improvements in infrastructure, booming construction in Addis Ababa, the national capital and the capitals of the regional states.¹¹ There have also been modest developments in the social sector, particularly health, education, and clean water.¹² Lie and Mesfin (2018:4), captured these developments succinctly in arguing that: "Thanks to the relative peace and stability it has enjoyed over the last decade and a half, the government has managed to govern effectively and allocate about 60% of the national budget to sectors that favour poorer people, such as agriculture, education, and health. Ethiopia is seen as having taken strong ownership of the Millennium Development Goals (MDGs), integrating them into national policies for poverty reduction since 2005. Except for MDG 3 on promoting gender equality and women's empowerment, and MDG 5 on maternal health, Ethiopia has been successful regarding the MDGs (NPC and UN 2015). The Agenda 2030 including the Sustainable Development Goals (SDG) have also been integrated into the current GTP2".

The relevance of the developmental state doctrine to the debate on economic and political reforms stems from the tension between democracy and state-led development. It poses the iconic question as to whether the Ethiopian state (or any state for that matter), can be both developmental and democratic as the EPRDF claims that it has propagated the seeds of a "democratic development state." Another essential debate in Ethiopia economic reform is how to reduce the state control over the economy, created opportunities for the private sector to invest in areas such as Ethiopia Telecommunication, Ethiopian Airlines and the privatization of inefficient state-owned enterprises. This debate centers on whether to preserve the prominence of

⁹ Hagmann and Abbink 2011.

¹⁰ Growth and Transformation Plans (GTP2 2010-2015)

¹¹ World Bank 2017. Ethiopia Economic Update and World Bank 2015.

¹² UNDP 2014. Ethiopia MDGs Report.

the developmental state, which has been successful in delivering development to the people, or usher in the neoliberal free market economy dominated by the private sector both national and foreign? The choice between either of the two requires a complete overhaul of the developmental state model which traverses the economic and political structures of the state. It is also a debate within the realm of the relationship between property right and the rule of law.

Current political and economic reforms comprise responses to the three pillars of post-1991 Ethiopian state: Ethnic federalism, revolutionary democracy, and the development state. They are likewise propelled by the mismatch between endearing economic growth and lagging democracy and the rule of law. Together contrived to produce resentment among those who feel excluded, or made to sacrifice their lands, for little compensation in the name of development and angry unemployed youth.

3 Political Reforms or Political Transition?

Political reforms aim at opening the democratic space of civic participation and involve comprehensive reforms of the state institutions and the constitutional, legal and policy frameworks which shaped the relationship between citizens and the state. Political transition, on the other hand, implies regime change and often associated with the transition from military or civil authoritarianism to democratic, competitive political systems. In 1991, Ethiopia experienced the political transition from the authoritarian military-socialist regime of Mengistu Haile Meriam to the Transitional Government of Ethiopia. The aim of the transition then was to ensure, "all the institutions of repression installed by the regime are dismantled, regional prejudices redressed, and the rights and interests of citizens safeguarded by a democratic government by and accountable to the people." The post-Mengistu Haile Meriam transition was codified in 1995 Constitution which laid down the Federal Democratic Republic of Ethiopia as outlined earlier in the Background to this Report.

The present political reforms in Ethiopia can be distinguished from political transition in that; they do not aim at dismantling the state institutions created by the EPRDF, but rather to reform these institutions within the confines of the current political developments. Moreover, what is taking place is not a political transition because it does not satisfy the full thrust of a full-fledged process. For example, political transition could mean political transformation, commencing from a given political regime that for many reasons became inadequate or unable to live up to its institutional tasks and culminates in another constituting a break from the past political life of a country.¹³ As the EPRDF ruling coalition is still in power, Ethiopia is at an early stage of a political reform process that would undoubtedly reform and retain most of the positive characteristics of the current regime rather than sweeping it away in the manner the EPRDF swept away the Derg regime in 1991.

¹³ Nifosi 2004: 80.

In contrast, *the overall objective of political reforms* is to make the government more accountable and responsive to citizens' concerns and aspirations. It involves guarantying democratic rights and the rule of law employing embedding the ethos of participation and inclusion, freedom of association, freedom to compete for political office, freedom of expression, free media, the right to vote in competitive free and fair elections and the separation of power.

Conventionally, political reforms are explained against two major related factors: economic shocks combined with mismanagement of the economy leading to economic decline. When citizens experience unmanageable economic hardships and hold the state responsible for their demise they agitate for political change, which is limited in scope. In some cases, the quest for political change may herald demands for much broader political reforms that include economic reforms. In Ethiopia, the national economy has been praised as one of the fastest growing in the World,¹⁴ per capita income has tripled in a quarter of a century,¹⁵ poverty reduced, and the number of people vulnerable to famine reduced¹⁶, as well as health, education, and infrastructure, transport and telecommunications have improved.

The second factor which propels reforms is political as a response to both internal and external pressures. Clearly, in the case of Ethiopia, the demand for reforms is internal but diaspora engagement has replaced donors and global actors (initially, seem reluctant to be openly engaged), which makes its experience of citizen demand for political reform different. Politically, the demand for reform that made the government yield to internal pressure is not the classic revolt of the opposing political elite. It is preferably the revolt of the earth trodden, excluded, unemployed youth and the peasantry, who would probably be the least to reap the economic dividend of the political reforms they unleashed as the case of the Arab Spring and other similar reforms which were not accompanied by non-structural change nor full-fledged socio-economic and political transformation.¹⁷

With this brief introduction, it is safe to argue that, this Report is not about economic reforms or the relationship between economic and political reforms. It focusses on the primacy of citizens' participation in the reform process, highlighting the five cross-cutting issues which we alluded to earlier. The Report commences with the media and proceeds to the other four civic engagement spaces (civil society, gender, judiciary, and media) and their significance for the success of any attempt towards democratic renewal and authentic reforms. Likewise, the Report probes the aspirations, opportunities, and chances available to the Ethiopian people.

¹⁴ World Bank 2017.

¹⁵ UNDP 2016.

¹⁶ Ibid. 2016.

¹⁷ Mohamed Salih 2015.

4 Media Reforms

In democratic states or states that aspire to nurture democracy, the media are recognized as a form of public discussion and debate, a source of information about citizens' concerns and the operations of government, and a voice for the voiceless. On the other hand, party-affiliated or party-inclined media are used to bolster party ideology, values, socio-economic political and development programmes. Likewise, opposition media has a critical role in monitoring the government's follies, exposes weakness and report on political and economic corruption. Likewise, investigative journalism does not restrict itself only to government malpractices but also addresses fundamental social, political, economic and environmental issues and injustices committed by government agents against citizens. Alternatively, when the state infringes or abuses the citizens' rights enshrined in the Constitution and supported by legal and administrative instruments promulgated with the intent to protect citizens' social, economic, political and human and civil rights.

The drafters of the Ethiopian Constitution (21 August 1995), were mindful of the role of the media in transforming society from the dark days of the dictatorial regime of Mengistu Haile Meriam to what was perceived as a new democratic dispensation informed by the nascent ideological orientation of the EPRDF. Article 29 of the Ethiopia Constitution on "Right of Thought, Opinion, and Expression," states that:

1. Everyone has the right to hold opinions without interference.
2. Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any media of his choice.
3. Freedom of the press and other mass media and freedom of artistic creativity is guaranteed. Freedom of the press shall specifically include the following elements:
 - a) Prohibition of any form of censorship.
 - b) Access to information of public interest.
4. In the interest of the free flow of information, ideas and opinions which are essential to the functioning of a democratic order, the press shall, as an institution, enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions.
5. Any media financed by or under the control of the State shall be operated in a manner ensuring its capacity to entertain diversity in the expression of opinion.
6. These rights can be limited only through laws which are guided by the principle that freedom of expression and information cannot be limited because of the content or effect of the point of view expressed. Legal limitations can be laid down to protect the well-being of the youth and the honor and reputation of individuals. Any propaganda for war as well as the public expression of opinion intended to injure human dignity shall be prohibited by law.

7. Any citizen who violates any legal limitations on the exercise of these rights may be held liable under the law.

In sub-article (2) above, the use of his instead of his/her could be considered lack of gender sensitivity on part of the drafters of the Constitution and should, therefore, be revised when (and if) Constitutional Reform ensues.

Like any other democratic Constitutions, Article 29, sub-article (6) emphasizes that the "Right of Thought, Opinion, and Expression," should not infringe or limit other citizens' rights. It purports:

Legal limitations can be laid out to protect the wellbeing of the youth and the honour and reputation of individuals. Any propaganda for war, as well as the expression of public opinion intended to injure human dignity shall be prohibited by law.

Here again, it is noticeable that the Constitutional provisions to protect the wellbeing of the youth, among others, also protects the individual rights so that the media are not used for defamation and the propagation of unfounded allegations or incite violence (propaganda for war) against fellow citizens or groups of citizens.

Table 1: Media reforms: Major constitutional, legal and policy frameworks, reviews of practice and questions related to 2018-reforms

Civic domain	Legal and policy frameworks since 1991	Major reviews	Questions relevant to 2018 reforms
Media reforms	1992, "Press Law," Ethiopia Constitutions 1995 article 29, 1997", "Ethiopia News Agency". 1999, "Broadcasting Proclamation." 2007, three amendments of the press laws; 2008 "Freedom of the Mass Media and Access to Information" proclamation.	2015 Human Rights Report entitled: Journalism is not a Crime", Freedom House Report on Freedom of the Media in Ethiopia and several national and international reviews and academic literature.	The need to probe the discrepancy between policy and practice? What are the main fault lines and how to address them in the media reforms? Is the current institutional and policy framework citizen-centred and how to make it so, if it is not?

Sources: All sources mentioned in this table are inserted in the Reference.

Table (1), shows the constitutional and legal frameworks and amendments since 1991. In October 1992 (before the promulgation of the 1995 Constitution), a press law was promulgated, focusing on the print media, leaving the allocation and utilization of radio waves to be determined by a law promulgated in June 1999.¹⁸ The Broadcasting Proclamation was promulgated in June 1999 and provided for the establishment of a Broadcasting Agency, vested with the power, among other things, to issue broadcasting licenses.

The main "Broadcasting Service Proclamation No. 533/2007" declares that: "broadcasting service plays a significant role in the political, economic and social development of the country by providing information, education and entertainment programs to the public. Moreover, that broadcasting service plays a major role in exercising the basic constitutional rights such as freedom of expression, access to information and the right to elect and be elected. It is essential to ensure proper and fair utilization of the limited radio wave wealth of the country and to clearly define the rights and obligations of persons who undertake broadcasting service. To these ends, declares the Proclamation, it has become necessary to revise the existing law on broadcasting services following Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia. It proclaimed that articles pertaining to application registration, the establishment of a Broadcasting Authority, licensing, Categories of Broadcasting Service Licenses.

Proclamation (No. 590/2008) on the "Freedom of the Mass Media and Access to Information." It provide for freedom of the mass media and access to information, noting that, by prohibiting censorship, the Constitution promotes a free mass media and reaffirms the constitutional principle that restrictions on freedom of expression and the mass media shall only be based on laws which secure and preserve the wellbeing of the youth, honor, and reputation of persons, national security, public order, and other overriding rights.

The discrepancy between Constitutional, legal and policy frameworks and practice (1991-2018): Although Ethiopia has the most liberal Constitution in respect to the media, reality defies the principles. As table (1) shows, Reports by international and national media and academic assessments of the relationship between State and media in Ethiopia have reached the following conclusions. First, while the freedom of information, including the freedom of the media, has been one of the hallmarks of the Ethiopian Constitution and the various proclamations and amendments, in practice, these have not lived to their promise as several independent reports expose the discrepancy between theory and practice. Second, although independent media boards have been implemented there is palpable unease in the country that these boards are far from autonomous, neither concerning licensing, offering freedom of expression guarantees

¹⁸ 1997 witnessed the amendment of the Proclamation for Ethiopia News Agency Establishment, Proclamation NO. 74/1997 which amended Proclamation No.1 15/1995 articles dealing with salaries, reimbursements, and allowances, but never changed the essence of the content of the Proclamation. Proclamation 73-1997 Ethiopia Radio and Television Agency Establishment and Proclamation 74-1997 Ethiopia News Agency Establishment were also amended leaving intact the essence of these Proclamations.

or accept dissent. Third, the existence of both government, party-affiliated media and private media together with the expansion of the latter deserves much attention and would probably increase as the democratic space is expanded. Fourth, the global nature of the media and the proliferation of national and diaspora media will continue to play a pivotal role in the political reform. They can be both an element of expanding the democratic space by adhering to responsible media practice or a destabilizing force if decided not to operate within the reformed media legal and administrative policy reforms. Fifth, there are high expectations that any effort to reform the media should be consonant with the media operators in their various media outlets. Those who are at the receiving end of past experiences of the anomalous state-media relations (Table (1) poses three questions with direct relevance to any media reforms efforts: What are the main fault lines in the state-media relations, how to address them in the media reforms? And how to make the reformed media institutional and policy frameworks citizen-centered and ensure the emergence of self-governing media organizations?

5 Civil Society and NGOs

Civil society is critical not only for the debate but also for the development and sustenance of democracy both as a catalyst in creating citizens' spaces of social, economic and political mobilization and participation. From this perspective, it is plausible to argue that civil society is a boon for democracy by creating and energizing popular participation, consultation, inclusion and accountability.

By-and-large, straddles the space between state and society, espouses the ethos of voluntarism and therefore non-profit. As an arena for contesting injustice, side with the disfranchised groups of society and protect them from arbitrary state intervention and market failure, civil society is a cite of resistance, disruption and dissent. The primacy of civil society and democracy's self-reinforcement is exemplified by their mutuality, whereas democracy is an essential ingredient of a vibrant civil society, civil society is the protector and grantor of democratic growth. Democratic flourishing avail to civil society the necessary spaces for deliberation as an entity autonomous from the state and therefore makes it possible for people to shape their destiny jointly and serve the interest of its members.

With these opening remarks in mind, it must be recalled that an all-encompassing form of civil society as the one described above is rather recent, although fragments containing some notions of civil society had existed albeit in a rather limited for during the imperial era. Consider for example the professional and student associations and community development organizations which preceded the 1980s, during the Derg regime' a limited expansion of civil society organizations and NGOs which focussed on service delivery, emergency relief, HIV, family planning and the like.

The coming of age of civil society organizations was spurred by the overthrow of the Derg regime in 1991 and the onset of the EPRDF era. It is safe to argue that the period from 1991 to

1998 has witnessed the coming together of non-governmental organizations (NGOs) and civil society movement. These civic associations were tolerated because of their support of the poor and famine victims where some of them worked closely with the Cross-border operations. They also championed the campaign against the use of food as a weapon of war. This period can be described as the laisses reasonable period of the growth of civil society organizations.

Table (2) shows the legal and policy frameworks enacted since 1998 which marked by the institutionalization of civil society and NGOs operations and the enactment of the NGOs Code of Conduct (1998).¹⁹ It also shows NGOs and civil society organizations related legal and policy frameworks since 1991, reviews of the discrepancy between policy and practice and questions relevant to 2018 reforms.

Table 2: Civil society and NGOs: Major legal and policy frameworks since 1991, reviews of the discrepancy between policy and practice and questions relevant to 2018 reforms

Civic Sphere	Legal and policy frameworks since 1991	Evaluation of state response to civil society and NGOs activities	Pertinent questions to 2018 reforms
Civil society and NGOs	1998, NGOs Code of Conduct, the brainchild of the Inter-Africa Group (IAG). 2011 Ethiopia Charities and Societies Agency. 2009, Charities and Societies Proclamation. 2011, Ethiopian Charities and Societies Agency. 2013, Ethiopian Charities and Societies Forum (ECSF). 2018, an Amended Charities and Societies Law. 2011 Users' Manual for the Charities and Societies Law.	Human Rights Watch ((2009), Northwestern Law (2009). Amnesty International (2012), UNDP (2014) Save the Children Fund (2015). Development Assistant Group (2012).	Should some of the positive characteristics of the civil society and charities Code of Conduct (1998) be retained? How different are the current consultations and do these create a space for charities and societies (Forum) among others?

Sources: All sources mentioned in this table are inserted in the Reference.

¹⁹ The NGOs Code of Conduct was the brainchild of the Inter-Africa Group (IAG) which organized more than six workshops for consultation, involving in total over 2000 people.

The NGOs Code of Conduct is unique in that it sought self-regulation rather than command and control method for regulating their activities. The Code defined a set of norms, principles, and values to standardize the conduct, action, and behaviour of NGOs. It is divided into two parts: the first sets out the standards of conduct which the NGOs must observe. The second part of the Code was entitled, "Code Observance, deals with the mechanisms and procedures for ensuring compliance."

Two bodies are designated to ensure code adherence and code compliance. These are the General Assembly, and the Code Adherence Committee was established. The first is to provide that the NGOs activities are people-centred and the second is to foster peoples' participation and self-regulation. The Code Adherence Committee was to ensure that the NGOs community compliance with the Code. For many NGOs and civil society organization both Ethiopian and foreign partners, the Code has provided an unprecedented policy framework in democratizing NGOs and civil society organizations by assigning to them the responsibility to regulate themselves under benign government monitoring to ensure that NGOs implement the programmes they promise.

However, a counter-narrative shifted from self-regulation to regulation by the government under the suspicion that foreign and even some national NGOs are mere watchdogs for the opposition and their foreign detractors. In 2008, the Government enacted the Charities and Societies Proclamation (621/2009) which recognizes three types of charities and civil society organizations, which may be established either as charities or societies. These are meant to be "Ethiopian Charities or Societies," "Ethiopian Resident Charities or Societies," and "Foreign Charities or Societies." Charities and societies as categorized under Article 2 of the Proclamation as follows:

1. Article 2(2): "Ethiopian Charities" or "Ethiopian Societies" shall mean those charities or societies that are formed under the laws of Ethiopia; all of whose members are Ethiopians; generate income from Ethiopia and are wholly controlled by Ethiopians. An organization can be considered Ethiopian Charity or Ethiopian Society "if not more than ten percent of its income is received from foreign sources."
2. Article 2(3): Ethiopian Resident Charities or Ethiopian Resident Societies shall mean those charities or societies that are formed under the laws of Ethiopia, and that consist of members who reside in Ethiopia, and that receive more than 10% of their funding from foreign sources.
3. Article 2(4): Foreign Charities shall mean those charities that are formed under the laws of foreign countries or which consist of members who are foreign nationals or are controlled by foreign nationals or receive funds from foreign country sources.

An organization receiving funds from a foreign source could be classified as foreign charity even if none of the other criteria apply. The classification of NGOs and charities raises a question about precise differences between Ethiopian Resident Charities and Foreign Charities. It is worth

noting that the designation of "Ethiopian Resident Charities and Ethiopian Resident Societies" was introduced in the draft CSP as a compromise to labeling Ethiopians as foreign.²⁰

In August 2018, an Advisory Council²¹ is determined to amend laws considered restrictive to citizens' rights to form organizations such as the charities and societies. The committee mandate is to review the charities and societies Proclamation address the provisions that restrict civil society organizations' operations. A public consultation forum on the draft Proclamation on charities and societies was organized. The Chairman of the Committee, Debebe Woldegebriel was reported as purporting that: "The country has failed to comply with the international laws and treaties to which the nation is a signatory due to the law." Furthermore, he added: "The 2009 Proclamation on charities and societies focused on regulating and controlling the civil society organizations but did not provide for ensuring the rights of citizens to organized under various charities and societies".

The amendment of the proclamation is intended to enable the civil society organizations to be administered in a transparent and accountable manner and governed by an independent board as well as allowing them to open a bank account, make investments, build assets and transfer their property to a third party. The draft proclamation permits the civil society organizations to receive and provide financial resources, have rights to take up grievances to the court of law, form consortia, set 20% of their income for administrative expenses and allow 80% for operational costs.

As Table (2) shows, the 2009 proclamation has come under considerable critique notably from Human Rights Watch (2008); Northwestern Law Journal (2009), Amnesty International (2012), UNDP (2014) and Save the Children Fund (2015). The critique was centered on the restrictive nature of the Charities and Societies Proclamation (2009) which described as having shrunk the public space for NGOs participation.

In short, the establishment of an Advisory Council to investigate and remedy the shortfalls of the 2009 Proclamation is a step in the right direction.²² What remains to be done is to ascertain

²⁰ IAG 1998. Ethiopian NGOs Code of Conduct 1998 as followed by the Proclamation to Provide for the Registration and Regulation of Charities and Societies (Proclamation 62/2009).

²¹ The justice and legal affairs Advisory Council is composed of 13 members, was established at the end of June to review laws that have been criticized for restricting political space and freedom of expressions and propose amendments.

²² According to Debebe Hailegebriel, the now Chair of the newly established Advisory Council, "Immediately after the 2005 National Election, the tone of the Government toward CSOs changed. The Government began denying not only the role and contribution of CSOs in the economic and democratic process but also the foundational principles of the sector. The Prime Minister and other government officials repeatedly asserted that only "mass-based organizations" such as women, youth, trade unions, etc. can play roles both in the democratization and economic development of the country. On the contrary, government officials blamed NGOs for being "rent seekers" and for contributing to the economic crisis of Africa. The ruling party, the Ethiopian People Revolutionary Democratic Front (EPRDF), has indicated its hostile position towards NGOs since the 2005 National Election. In its policy document, the EPRDF questions the

whether Advisory Council will revisit and retain some of the positive characteristics of the civil society and charities Code of Conduct, which was in step with the democratic ethos which offers a welcome space for civil society and NGOs participation, consultation and self-regulation.

6 Gender and Equality Issues

Gender equality policies and legislation against the discrimination against Ethiopia women are somewhat recent although the first nation-wide organization was the Ethiopian Women Welfare Association, set up in 1935. The Association was founded under the patronage of Empress Menen with membership drawn mainly from the upper echelon of urban society in Addis Ababa.²³ Its activities were limited mainly to raising funds and sponsoring projects for urban women.²⁴ The relationship between men and women, indeed the gender relations and "women's place in the public, the political sphere may be marginal, but it is always present and has increased with changing political systems."²⁵

In 1953 the organization was chartered and given legal recognition, and at this time it had forty branches throughout the country. Another women's organization called the Armed Forces' Wives Association was formed in this era with the objective of providing support to widows and the children of soldiers who died in the war. The Ethiopian Young Women's Christian Association was also formed around the same time. These associations were established to serve the interests of women from individual families, and they did not have either the capacity or the organizational structure to mobilize most Ethiopian women. Their activities came to an end under the rule of the Derg when the regime nationalized all their property.²⁶

Under the Derg mass participation was channelled under "the alliance of the working people" which consisted of peasant associations, trade unions, and professional associations, the Revolutionary Ethiopia Youth Association (REYA) and Revolutionary Ethiopia Women's Association (REWA)²⁷ It was established on July 16, 1980. Although women benefitted from the Association were limited, they began to have a political voice through that early call for equality between men and women and their participation in all programmes that required mass mobilization. Sadly, also women activists against the Derg did not spare the wrath of its brutality.

role of NGOs in the development process and describes NGOs as patronage networks distributing "policy rents," receiving big salaries and benefits without bringing concrete results, spending 60% of their budgets on administrative matters, strengthening a rent-seeking political economy, and thereby negatively affecting the development of the country".

²³ Burgess 2013.

²⁴ Sida 2015. A Profile on Gender Relations: Towards Gender Equality in Ethiopia.

²⁵ Ibid. 2015.

²⁶ Dessalegn, Rahmato 2002.

²⁷ REWA was established in pursuance of the decision of the Commission for Organizing the Party of the Working People of Ethiopia (COPWE) by the Provisional Military Council.

Table (3), shows the constitutional, legal and policy frameworks which privileged gender equality in Ethiopia since 1991.

Table 3: Gender equality: Major legal and policy frameworks since 1991, review of the discrepancy between policy and practice and questions relevant to 2018 reforms

Civic Sphere	Legal and Policy Frameworks since 1991	Analysis of the practice of gender policy	Pertinent questions to 2018 reforms
Gender Equality	1991, National Policy on Ethiopian Women. 2005, Ministry of Women Affairs. 2010, Ministry of Women, Children and Youth Affairs. 2005-2010 National Action Plan on Gender equality (NAP-GE), 2005-2010.	1998 World Bank. 2001, Central Statistic Authority. 2008, UN-FPA. 2014, Gender Profile for Ethiopia. 2015 SIDA Report on Gender Equality, among others.	Despite improvements, some pertinent issues persisted: health status, social and economic status, access to opportunities, level of political participation, access to resources and access, use, participation, decision-making Would there be a commission to review the progress made and design an action plan for achieving better results?

Sources: All sources mentioned in this table are inserted in the Reference.

The 1991 Transitional Government of Ethiopia introduced a National Policy on Ethiopian Women and set up a structure of Women's Affairs Offices at the Prime Minister's Office. It established Women Affairs Office within each government department at the federal level as well as created regional women's bureau. The main objectives of the National Policy on Ethiopian Women are as follows:

1. Facilitating conditions to the speeding of equality between men and women so that women can participate in the political, social and economic life of their country on equal terms with men and ensuring that their right to own property as well as their other human rights are respected and that they are not excluded from the enjoyment of the fruits of their labour or from performing public functions and being decision makers;
2. Facilitating the necessary condition whereby rural women can have access to essential social services and to ways and means of lightening their work-load; and

3. Eliminating, step by step, prejudices as well as customary and other practices that are based on the idea of male supremacy and enabling women to hold public office and to participate in the decision-making process at all levels.

One of the elements of the Policy Content of the National Policy on Ethiopia Women (content 7, page 14), is an intent to "incorporate women's affairs into the government structure and entrusting a government body with it as well as establishing branches thereof in all ministries and governmental organization." This body was later established as the Ministry of Women Affairs, became the Ministry of Women, Children and Youth Affairs in 2010 and the Ministry of Women and Children Affairs in 2018.²⁸

Despite its laudable objectives, the National Policy on Ethiopian Women was assessed in 1998, with the damning conclusion that: the interventions for women mostly consist of ad hoc and unconnected self-standing projects, which, if continued, will remain gender neutral and ineffective in delivering benefits to women. It also added that the biggest challenge faced by the regional governments is that top-down activities do not reach women effectively due to lack of institutional capacity at the sub-regional level and because of lack of participation in delivery assistance services. Moreover, the development plans for women were not demand-driven and therefore failed to recognize substantial variations across regions. The policies resulted in women being disconnected from all development interventions.²⁹

Proclamation (471 /2005) redefined the organization, powers, and duties of the executive organs of the Federal Democratic Republic of Ethiopia which established the Ministry of Women Affairs. It was followed by Proclamation (691/2010) on the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia which established the Ministry of Women, Children and Youth Affairs, among other Ministries. The Ministry of Women, Children and Youth Affairs succeeded the Ministry of Women Affairs. Women activists claimed that the merger of the Ministry of Women Affairs with children and youth affairs has diluted and reduced the significance of women affairs jeopardized its rightful place in the structure of government. On its part, the government claimed that women affairs contain cross-cutting gender issue in respect to youth and children.

In 2005, the Ministry of Women Affairs published a five-year National Action Plan on Gender equality (NAP-GE), 2005-2010. The Action Plan was integrated into Ethiopia Second Sustainable Development and Poverty Reduction Program-Annual Progress Report (PASDEP) The NAP-GE

²⁸ TesfaNews 16 October 2018. <https://www.tesfanews.net/ethiopian-announce-new-half-women-cabinet-members/>.

²⁹ Published in *Findings* (World Bank, Africa Region, No. 119, September 1998) reports on ongoing operational, economic and sector work carried out by the World Bank and its member governments in the Africa Region. *Findings* are published periodically by the Knowledge Networks, Information and Technology Centre on behalf of the Region.

provides a framework within which the Ethiopian government will advance its commitment to gender equality; employing the gender mainstreaming approach introduced in 1995.³⁰

One of the most comprehensive assessments of gender equality, with has direct relevance to the achievement of the impact of Ethiopia gender policies and national action plan was published in 2015.³¹ The assessment shows progress in all 11 dimensions of gender assessment per: health status, social and economic status, access to opportunities, level of political participation, access to resources, access to science and technology education, access to and use of technology, decision-making in knowledge society sectors, involvement in science, technology and innovation systems and access to lifelong learning.

The Report also provides critical comments as to the finding that Ethiopian women expend more time than men in providing uncompensated labor both inside and outside the home, while men tend to get paid and earn more for their productive work. The Report also concluded that most work traditionally associated with men and masculinity also remains out of reach to women. The control of assets is also gendered, whereby women in both rural and urban settings exercise more control over small-scale assets while men have more authority over vehicles and farm equipment. There is less gender gap in asset and resource ownership in urban areas. Some of the revealing findings of the Report purports that Ethiopian women's presence in government has been growing in the last decade. In the 2015 fifth general election cycle, 21.8% of the candidates running for office were women.

According to Beyene assessment (2015 for Sida): During the fourth general election cycle, women accounted for 25.5% of seats in parliament. Women accounted for a little over 30% of professional workers, with higher representation among health professionals and information and communications technology professionals. Women are almost absent among professional workers and technical workers in the science and engineering field, however. While the number of Ethiopian women in managerial positions in the knowledge economy is low overall, it varies by sector. It also comes with a positive assessment as to women's employment in the agricultural, service, and industrial sectors are growing. They made up 45% of the farm labor force in 2014. Women dominated the service sector, constituting 65% of the labor force in 2013. In the industrial sector, they made up 46% of the workforce in 2013, although in industrial subsectors such as construction, they reached roughly 21% while in manufacturing they accounted for over 60% of the employed. In professional, scientific, and technical subsectors connected to the industrial sector, women accounted for 30%.³²

³⁰ The NAP-GE offers a framework within which the Ethiopian government will promote its commitment to gender equality; employing the gender mainstreaming approach proposed in Beijing+5 update and informs the PASDEP.

³¹ Beyene, Helina 2015. National Assessment: Ethiopia Gender Equality and the Knowledge Society Report, for the Swedish Authority for International Development (Sida).

³² Beyene for Sida 2015.

Ethiopian women's participation as information technology workers is growing. Women accounted for 41% of the computer, electronic, and optical manufacturing sector labor force in 2013. At Ethio-Telecom, the state-owned and largest ICT employer, female employment in 2015 was slightly more than 25%, although, in highly technical lines of work such as networking, they accounted for only 8%. The share of Ethiopian women in science and technology programs in higher education has been low, but the government's policy to stream 70% of all university entrants into the science and technology track is beginning to increase into these fields. In 2013, females accounted for 27% of students enrolled in science and technology studies.³³

At a larger synthesis, the assessments of gender equality and women rights in Ethiopia has been mixed (Table (3)), but more positive than negative relative to 1995. By and large, although the period from the enactment of the National Policy on Ethiopian Women in 1995 to date, Ethiopia has witnessed considerable achievements concerning gender equality, there is a lot to be done for improving gender equality in Ethiopia. Some issues have persisted that we should not lose sight of these achievements. These can be summarized as follows: health status, social and economic status, access to opportunities, level of political participation, access to resources and access, use, participation, decision-making in the knowledge society, innovation systems and access to lifelong learning. Traditional areas of gender inequality and discrimination against women that we should not lose sight of are female genital mutilation, violence against women and reproductive rights.

During the writing of this Report, the government reshuffle introduced gender equality to the highest level in Ethiopia by appointing women in 50% of the cabinet. This level of gender parity at the presidency and the political executive is an unprecedented political development in Africa. Ms. Sahle-Work Zewde appointed the first woman President of Ethiopia and Ms. Measa Ashenafi appointed as first woman President of the Federal Supreme Court of Ethiopia. It is hoped that, when assessed in the future, these appointments would have made a difference in women's lives and gender equality.

7 Electoral (System) Reforms³⁴

According to the National Electoral Board of Ethiopia, there are 79 political parties at national and regional levels registered and competed at the elections either as individual political parties or as fronts, coalitions or unions. During the last round of national elections, the ruling party won 500 seats out of 547 parliamentary seats, while the Stakeholders Party won the remaining 47 seats from the five regional states (Afar, Benishangul, Gambella, Harari, and Somali). This

³³ Ibid. 2015.

³⁴ This section includes several excerpts from Mohamed Salih and Per Nordlund 2007. Political Parties in Africa: Challenges for Sustained Multiparty Democracy: Africa Regional Report Based on research and dialogue with political parties, International Institute for Democracy and Electoral Assistance (IDEA), Stockholm.

victory of the ruling party can be explained by several factors: the first-past-the-post electoral system, the progressive economic and social developments achieved by the coalition as well as the severe division among the opposition political parties. In the last election in 2015, nearly four million people have voted for the opposition but failed to secure the majority votes required to win a seat.

Elections, therefore, are an essential instrument in the democratic process. In Heywood's words, the conventional view is that elections are a mechanism through which politicians can be called to account and forced to introduce policies that somehow reflect public opinion. Elections are, also, means through which governments and political elites can exercise control over their populations, making them more quiescent, malleable and, ultimately governable.³⁵ Without elaborating further on these crucial aspects, elections have at least seven significant functions: recruiting politicians; making governments; providing representation; influencing policy; educating voters; building legitimacy; and strengthening elites.³⁶

An election is a process vote casting which determines how a democratic government and party politics unfold following the election, including the type of government formed (majority, minority, coalition, etc.). Because elections are contested by political parties, political organizations, and individuals (also called independent candidates), there will always be a conjuncture between party systems and electoral systems.³⁷

An electoral system consists of a set of rules that govern the conduct of elections. In general, African electoral systems can be divided into majoritarian and proportional. Majoritarian systems also called plurality/majority systems, which are complex. These are systems in which larger parties typically win a share of seats in parliament that is out of proportion to the percentage of votes they gain in the election. Proportional electoral systems secure a more equitable relationship between the number of seats won and the number of votes obtained in the election. In Africa, the proportional electoral systems defy the conventional wisdom that proportional representation (PR) makes the dominant-party rule less likely and that PR systems are often associated with multiparty systems and coalition governments.³⁸

Ethiopia electoral system can be classified as First-Past-the-Post system in which the party or coalition of parties that get the majority vote for the government and there for obtain power to control the state, the resources, and personnel of the state. Electoral systems are essential parts of the democratic process. Depending on what electoral systems are used, they are vehicles for ensuring that parliament, the leading representative institution and the face of the nation is representative. The current electoral system in Ethiopia (FPTP) or the winner takes all is a majoritarian system with potential for conflicts in countries with severe social cleavages.

³⁵ Heywood 2002: 230.

³⁶ Mohamed Salih and Nordlund 2007.

³⁷ Ibid 2007.

³⁸ Mohamed Salih 2003.

First-Past-the-Post (FPTP) is potentially divisive even in a democratic, competitive system for its exclusionary nature, to the extent to which parliament is representative, FPTP is not capable of reflecting the diversity of interests, ideologies, concerns of the political forces of a given country. It jeopardizes the possibility of offering an inclusive platform for legislation, legitimacy and conflict management through peaceful means.

Electoral reforms are therefore essential instruments for creating a more inclusive parliamentary system and a prudent instrument for conflict management in severely divided societies. It is through electoral systems in conjunction with political party systems that could be sufficiently prepared to ensure inclusiveness and representation.³⁹ Decisions to change, or indeed to keep in place, an electoral system are often affected by one of two circumstances: a) the political actors lack basic knowledge and information so that the choices and consequences of different electoral systems are not fully recognized; b) or, conversely, political actors use their knowledge of electoral systems to promote designs which they think will work to their partisan advantage.⁴⁰

Electoral reforms are forms of electoral system design which share the same criteria as defined in IDEA Handbook of Electoral Design (2005). The requirements are as follows: Providing representation; making elections accessible and meaningful; providing incentives for conciliation; stable and efficient government; holding the government accountable; holding individual representatives accountable; encouraging political parties; parliamentary opposition and oversight; making the election process sustainable and considering 'international standards'.⁴¹

Table (4) shows that the debate on electoral system reform in Ethiopia is not new and attempts to amend and consolidate the election law could be described as periodic.

³⁹ Mohamed Salih and Norlund 2007.

⁴⁰ Electoral System Design: The New International IDEA Handbook.

⁴¹ Ibid. 2008: 9-14.

Table 4: Electoral law reforms: Major legal and policy frameworks since 1991, review of the discrepancy between policy and practice and questions relevant to 2018 reforms

Elections Governance and Accountability sphere	Legal provisions since 1991	Analysis of the electoral practice	Pertinent questions to 2018 reforms
Electoral Law	1992, The National Election Board of Ethiopia. 1995, consolidated Election Laws of EFDR Ethiopia 2005, Proclamation to amend the Election Law. 2009, Proclamation on the Code of Conduct of Political Parties. 2010, the Code of Conduct for the Mass Media and Journalists on the Manner of Reporting about Elections Regulation. 2015, Proceedings of Panel Discussion on the Ethiopian Electoral Law in the Light of International Standards and Principles of Democracy.	EU and Carter Centre Election Observation Missions or Statement on the elections (2005, 2010, 2015). African Union as the only Election Observation on the Ground (2015). Human Rights Watch (2010, 2017), Journal of Democracy. (2016), Open Democracy (2010).	What electoral system is best for Ethiopia First-Past the -Post or Proportional Representation). Who should form the membership of National Election Board of Ethiopia? Should political parties participate in the electoral and election board reforms and what modalities have been put in place for citizen participation to be part of the reform process.

Sources: All sources mentioned in this table are inserted in the Reference.

In short, the materials provided here are not exhaustive, but they are essential in offering an opening for posing some questions that loom large in informing Ethiopia current electoral reform process:

1. We recall, the September 2017 debate that has taken place between the ruling party, Ethiopian People Revolutionary Democratic Front (EPRDF) and the opposition. The EPRDF proposed a mixed electoral system by adding proportional representation to the current plurality electoral system. The opposition parties preferred the full implementation of proportional representation. The question which pertains is what is the most appropriate electoral system and what are its advantages and drawback?

2. Who designs the electoral system and who are the stakeholders in the process. The electoral system reform expands well beyond the electoral system per se. Who should the Election Reform Commission involve?
3. Can an electoral reform take place without reforming the National Electoral Board and who should be members of this Board: political parties and organizations as proposed by some opposition parties or independent (i.e., creating an Independent National Electoral Board).
4. Is there a need for reforming the constituency boundaries given the latest changes of Regional Boards and what will happen to the contested regional boundaries? It should be recognized that these disputed boundaries could be flashpoints for electoral violence.

Table (4) also shows some critical questions about what electoral system is best for Ethiopia First-Past-the-Post (FPTP) or Proportional Representation (PR); Who should form the membership of National Election Board of Ethiopia? And should political parties participate in the electoral system and election board reforms, which is the thorny issue, that we are not aware of political party representatives are active as Board members, in the institution which is supposed to be an independent electoral board. A more pivotal question is what modalities have been put in place to citizen participation in the electoral reforms both regarding making submissions or getting orientations on the differences between the old and new electoral system.

8 Judicial System Reform

Historically, Ethiopia has undergone several judicial reforms during the Imperial period and during the Derg regime which sought to change the fabric of Ethiopia society, politics and economics. The Derg proclamations to transform the imperial regime were unrelenting and in no small extent alien to Ethiopia of that time. Likewise, the EPRDF regime turned its attention to judicial reform by embarking on what was then known as creating a judiciary suited to democratic opening.

Table (5) shows the constitutional, legal and policy frameworks espoused to ensure the primacy of the rule of law in Ethiopia. The Table also indicates some reviews of the discrepancy between policy and practice and questions relevant to 2018 judicial system reforms.

Table 5: Judicial system reform: Major legal and policy frameworks since 1991, review of the discrepancy between policy and practice and questions relevant to 2018 reforms

	Legal Provisions since 1991	Review of judicial performance	Questions relevant to 2018 reforms
Judicial system reforms	Federal Judiciary Administration Commission was established in 1996. Judicial system reform programme (2002). Justice System Reform Program (JSRP 2005). Growth and Transformation Plan (GTP 2, Section 7.3, 2010-2014/15)	2004, World Bank: Ethiopia Legal and Judicial Sector Assessment (2004). 2009 World Bank (2009, 2011). <i>Journal of East African Studies</i> , Special Issue on Ethiopia Justice System "2011). Ethiopian Lawyers Association and Ethiopian Young Lawyers Association 2016. Assessment of Ethiopia's Justice Sector Reform Components in GTP I and GTP II	Is the Judicial Administration Commission's genuinely independent? If the previous reforms of the judicial system have not yielded positive results, why it will succeed now? Would all components of the judicial system be reformed? Has the role of civic engagement included as an essential part of the judicial system the reform process?

Sources: All sources mentioned in this table are inserted in the Reference.

The Ethiopian Constitution (1995), provides for the rule of law and judicial independence, with the preamble declaring the coming together of a "political community founded on the rule of law." The Constitution guarantees an independent judiciary (Art. 78/1) and states that judicial powers are vested in the courts (Art. 79/1). According to Article 79(2), "Courts of any level shall be free from the interference of influence of any governmental body, governmental official or any other source." Article 79(3) further guarantees judicial independence by providing that "Judges shall exercise their functions in full independence and shall be directed solely by law."

A Federal Judiciary Administration Commission's establishment Proclamation (24/1996), under the Constitution of the Federal Democratic Republic of Ethiopia. The Commission is considered "one, and the major, of the fundamental factors that help to realize the constitutionally guaranteed independence of the judiciary, is to have judicial administration directed in a way free from the influence of Government organs or officialdom; in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia.

Article 5 elucidates the powers and duties of the Commission as follows:

1. to select, those who qualify for the judgeship under Article 8 of this Proclamation from among candidates nominated by members of the Commission;

2. to forward its opinion on the list of Regional Supreme and High Court candidate- judges, submitted to it by a Regional Judicial Administration Commission pursuant to article 81 (4) of the Constitution;
3. to issue the Disciplinary and Code of Conduct Rules for federal judges;
4. to decide on the transfer, salary, allowance, promotion, medical benefits and placement of federal judges;
5. To examine and determine, following Article 79 (4) of the Constitution, matters presented to it under article 9 herein. It may suspend a judge until the decision is approved by the House of Peoples' Representatives, subject 'to details to be determined in the Disciplinary and Code of Conduct Rules.

In 2002, the Government of Ethiopia embarked in an ambitious programme aiming at judicial system reform. Therefore, it is safe to argue that the current judicial reform is a continuation of the 2005 Justice System Reform Program (JSRP). Comprehensive Justice System Reform Programme's objective is to deal with three problems which were considered prominent in the Ethiopia justice system. These are

1. Gaps in accessibility and responsiveness to the needs of the poor,
2. inadequacy of "serious steps to tackle corruption, abuse of power and political interference in the administration of justice;" and
3. inadequate funding of the judicial system which "aggravates most deficiencies of the administration of justice."⁴²

It identified four core components and a fifth crosscutting component of comprehensive Justice Sector Reform: (a) lawmaking and revision; (b) the judiciary; (c) law enforcement (includes prosecutors, the police and the penitentiary system); (d) legal education and research; and (e) information flow within and outside the justice system.⁴³

The issues of judicial system reform became so vital that it was integrated into the Federal Democratic Republic of Ethiopia, Growth and Transformation Plan (2010/11- 2014/15). Section 7.3 of GTP I (2010/11- 2014/15) deals with the justice sector. It states the following *strategic directions* of the justice sector: "The overall strategic direction for the justice sector is to contribute to establishing a stable democratic and developmental state. Contributions made by the justice sector will be used to establish a system to make it possible for citizens to access legal information and ensure that the justice system is more effective. Steps will be taken to ensure that implementation and interpretation of laws conform with the Constitution; where they are not, they will be amended. The independence, transparency, and accountability of courts, and of the judicial system, will be assured. Law enforcement agencies will be strengthened by strengthening human resource skills and adequate equipment".

⁴² Capacity Building (2005) Comprehensive Justice System Reform Programme.

⁴³ Ibid. 2005.

Therefore, it is stipulated that the *objectives* of Ethiopia's justice sector are "to strengthen the constitutional system and ensure the rule of law, make the justice system effective, efficient and accessible as well as more independent, transparent and accountable". The objectives further included consolidating "the process of creating a democratic, stable and strong federal system that ensures peace and security of citizens". Within this remit, six targets have been identified: (i) full establishment of a system that enhances transparency and accountability; (ii) establishing a mechanism to evaluate the effectiveness of the professionals; (iii) making ethical principles known and so that they can be fully implemented by the professionals involved; (iv) strengthening complaint handling offices; (v) establishing and implementing effective and cost-saving resource management system; (vi) establishing strong monitoring, evaluation and support systems; and (vii) putting in place hearing process in fully open courts.⁴⁴

The objectives enshrined in various judicial system reforms (2002 and 2005) are still relevant to today's debate on political reforms, including the Constitution and those identified in the Growth and Transformation Plan (GTP2 of 2010/11- 2014/15). It is also obvious that, the current debate and processes which would hopefully lead to an authentic judicial system reform in Ethiopia had started a long time ago, and now is the time when the political will should prevail.

At least three substantive and one procedural question must be in the minds of those involved in the political reform process vis-a-vis the judicial system reform process and beyond: First, what was the role of the Judicial Administration Commission, and whether it was truly independent, and if it is why it has not implemented the raft of powers and mandates bestowed upon it by the Constitution. And if it wasn't independent, how can its independence be ensured in the future? Second, if previous attempts to reform the judicial system has not realized their potential, why should the Ethiopian people trust that this time around, it is different, and the reforms can be indeed implemented? Third, judiciary system reforms have much broader implications for (a) lawmaking and revision; (b) the judiciary; (c) law enforcement which includes prosecutors, the police and the penitentiary system; (d) legal education and research; and (e) information flow within and outside the justice system. The question is what role can citizens play or have already been playing in the current to reform the judicial system? Procedurally, but also equally important is how to change the composition of the Judicial Administration Commission to make it more transparent and be held accountable for not fulfilling its Constitutional and its establishment mandate?

9 Aspirations, Opportunities, Choices

Below, the report explores three policy-oriented issues which if articulated will assist in defining the choices which the Ethiopian people and government can decide to determine the future destiny of the country. These are explained below, in turn:

⁴⁴ Growth and Transformation Plan (GTP 2, 2010/11- 2014/15).

9.1 Aspirations

Although aspirations differ in different civic engagement spheres, there are at least three that are specific to all of them: Political stability, peace, and security, the rule of law and inclusion. Generally, Ethiopia is no longer the scene of violent unrests which contributed to the death of hundreds, destruction of property, factories and development enterprises. The mass demonstrations of the past three years, the arrest and imprisonment of thousands of protesters were released after lifting the last state of emergency in June 2018.⁴⁵

Political stability, peace, and security is an overwhelming aspiration of all Ethiopians: The celebrations of the lifting of the state of emergency, the inauguration of the reformist prime minister and the peace agreement with Eritrea have produced much optimism. However, in a short time, a different type of violence between ethnic groups erupted.⁴⁶ Two non-Ethiopian events have shaken the country: The attempted assassination of the Prime Minister⁴⁷ And the march of Special Forces to the Prime Ministers' office claiming that they were petitioning for higher wages and better work conditions.⁴⁸

The debate on how to maintain the balance between the newfound freedoms and the responsibilities that come with it and security looms large, considering the stalled disarmament or demobilization of the armed liberation movements who entered the country with their arms.⁴⁹ The Peace Agreement between Ethiopia and Eritrea has also played a significant role in paving the way for the return of the armed groups which used Eritrea as a base to mount attacks against Ethiopia.

⁴⁵ In October 2016, the state of emergency was declared for six months and extended in March 2017 for another four months, following massive protests in the Oromo and Amhara. The state of emergency was also declared again in February 2018 and lifted by Prime Minister Abiy Ahmed in June 2018.

⁴⁶ September 13, 2018 - Members of Ethnic Oromo have faced stiff resistance from residents of Addis Ababa, mostly the youth, while the former attempted to replace the Ethiopian flag with Oromo Liberation Front's (OLF) flag in some parts of the capital. At least 23 people have been killed in ethnic violence near Addis Ababa where organized mobs attacked residents and looted businesses in the Burayu district, located in the Oromia region that surrounds the capital. Ethnic clashes in Gedeo and West Guji region in southern Ethiopia and the Oromia-Somali border region displaced close to 1 Million people. The number of displaced people fleeing the attack and violence by armed gangsters in Benishangul Gumuz regional state has jumped to 9000, with ten people killed and 38 injured.

⁴⁷ In October, several hundred Ethiopian Special Forces *marched* on the *office* of Prime Minister Abiy Ahmed to demand pay rises and asked him to "review the structure and operations of the *military*. In *Parliamentary question time*, the Prime Minister disclosed that the *marched soldiers were in a mission to kill him*.

⁴⁸ An *assassination attempt* occurred on June 23, 2018, during a support rally. *Ethiopia* charged five suspects from the Oromo Liberation Front with terrorism over the assassination attempt.

⁴⁹ The OLF and some other *armed opposition groups* have returned to *Ethiopia* from their base in Eritrea *after* they had reached a *peace deal* with the government. The discussion about disarming the groups is ongoing, which sparked fears among some sectors of the population.

Attaining the rule of law has long been an aspiration for the Ethiopian people. Although Ethiopia rates better than most African countries in this respect, latest revelations about a lapse in the rule of law, does not make for a good reading. The tarnished image of some elements of the security and intelligence forces and the emergence of allegations of torture and human rights abuses became consistent reminders and source of fear of the return of these forces to their old ways. As the charges were not substantiated, the mass arrest and indoctrination of over a thousand youth accused of participating in arrests in the capital and environs was a grim reminder of past abusive practices.⁵⁰

The aspiration of ethnic minorities' is inclusion and representation because of fear of being dominated by the majority ethnic groups under the new orientation towards liberal democracy to replace the current ethnic federalism and revolutionary democracy doctrine, which offered the minorities a modicum of inclusion and political representation at the periphery. The minorities fear that an alliance between the two largest ethnic groups (together the Oromo and Amhara make up about 70% of the total population), under the likelihood of ethnic voter behavior, may contribute to the development of the tyranny of the majority. The only viable safeguard against majoritarian tyranny is the emergence of secular political parties based on candidature's merit rather than ethnic origin combined with thriving cross-ethnic civic associations and organizations. The federal security forces' ouster of the President of the Somali Regional State was conducted to maintain peace and order after sporadic clashes with forces; it was erroneously interpreted as an example of the things to come under majoritarianism.⁵¹

People's aspiration for authentic participation in the ongoing political reform process. Civic associations (NGOs, civil society organizations and opposition political parties, gender equality activists, media organizations and journalists and legal associations), are of the view that, consultations with professionals and opinion leaders dominate the reform process. For the political reforms to achieve their intended results and ensure the expansion of the democratic space for civic engagement they must eventually secure the full-participation of critical social forces introduced in this Report.

⁵⁰ A statement by Addis Ababa's police commissioner Major General Degefe Bede claimed that nearly 3,000 youths were arrested in the capital Addis Ababa and that 174 would be charged and 1,200 others would be detained at the Tolay Military Camp for a "rehabilitation education."

⁵¹ Article 5/14 of the Ethiopia Constitution (1995) provides that the Federal Government: "shall deploy, at the request of a state administration, Federal defense forces to arrest a deteriorating security situation within the requesting State when its authorities are unable to control it. Regional States Article 51/9 of the Constitution stipulates that the Regional State is: "To establish and administer a state police force, and to maintain public order and peace within the State."

9.2 Opportunities

The current political environment in Ethiopia offers opportunities for expanding the democratic space relative to where it was after the seismic political opening which ensued since April 2018.⁵² The web of legal and administrative directives, regulations and policy frameworks which is undergoing unprecedented scrutiny by independent and open-minded experts in their respective fields, is encouraging. Prime Minister Abiy Ahmed government aims to reform all major institutions of government and remove those articles and clauses which were designed to shield the regime from its critics and opponents. It should also equally be recognized that the range of the current political reforms is no comparison to the EPRD reforms which occurred during the transition from the rogue regime of Mengistu Haile Meriam - in politics everything is relative!

An unprecedented opportunity is availed with the disciplining the heavy-handed tactics and arbitrary detention orchestrated by the security and intelligence operatives against political opponents. There is every possibility that opting for the rule of law, due process, tolerating legitimate critique of the government by the opposition, NGOs and civil society organizations open, intellectuals and the media could open the political space for civic engagement. Expanding the democratic space will be difficult, almost impossible without the separation of power and the independence of the judiciary. Unrestricted freedom of expression creates a space for opposition political parties, gender equality activists, media organizations and journalists and legal associations to operate freely and within the restraints of the constitutional and myriad of legal instruments, directives, regulations, and policies. The dawn of this new political reality has created an enabling environment for civic engagement that should be nurtured and consolidated.

An opportunity for a peaceful resolution of the fundamental issues defining the national question and the future form of government structure (federalism, ethnic federalism or confederalism) is within grasp with the return of the opposition groups which opted for arms struggle to press their demands for democracy and civic and political rights. The armed movements which moved inside the country have ushered in the sense of guarded optimism as some of the armed groups have not been disarmed, and the promise to integrate some of their fighters into the national army has not yet materialized.⁵³ So far, the returning armed movements seem to be testing the ground and are yet to engage in an all-encompassing national dialogue to

⁵² Ethiopian Prime Minister Abiy Ahmed's articulated his programme for political reform in his Inaugural Address April 3, 2018, in which he declared the democracy, freedom and the rule of law should apply the tenets of the relationship between state and society, including the peaceful and armed opposition.

⁵³ Amhara Democratic Forces Movement (ADFM), Arbengoch Ginbot 7 Movement, Ogaden National Liberation Movement (ONLF) and Oromo Liberation Front (OLF) are among the armed opposition parties whose forces will benefit from government-funded reintegration program. Leaders of these armed-movements reached an agreement with the government of Prime Minister Abiy Ahmed to end their armed struggle, return to Ethiopia and embark on a peaceful effort to achieve their political goals.

determine the future political development in Ethiopia. They have not rejected the idea of holding such a national dialogue either, which is a cause of optimism. As the 2020 election draws nearer the urgency of holding the national dialogue becomes an unavoidable imperative.

Reaping the peace dividend with Eritrea is an opportunity for consolidating peace and security in Ethiopia and the Horn of Africa. Externally, for example, the possibility of Eritrea re-joining the Inter-governmental Authority for Development (IGAD)⁵⁴ Internally, The Peace Agreement created a better environment for peaceful political dialogue between the Government of Ethiopia and opposition. The Peace Agreement also means that the armed groups which were based in Eritrea will no longer be able to conduct military operations against Ethiopia from that country. Since the opening of the border between Eritrea and Ethiopia families are united after twenty years, trade has flourished, and road and air transport are open culminating in an informally integrated free trade zone where the currencies of both countries (Ethiopia Birr and Eritrean Nakfa) are used in both sides of the border. Talks to formalize Ethiopia use of Eritrea port of Assab on the Red Sea are at an advanced stage.⁵⁵

9.3 Choices

The choices available to the Ethiopian people and government to steer their destiny to a brighter future, are determined by the aspirations, opportunities and the socio-economic and political conditions available to them. However, not all choices are easy obtainable, nor are they impossible to attain as some choices will remain aspirations and therefore take much longer time and effort to achieve than others. Likewise, we cannot provide a wish-list of all choices but confine ourselves to those located within the limited scope of this Report. In this section, these choices will be teased out as has been purported in the preceding sections of this Report: These choices are as follows:

An obvious choice is staying the course to ensure that current the political reforms are not thwarted or derailed is the only alternative to the status-quo. Political reforms as a process and not an event with inception and end day and, therefore, they are continuous processes> They are imperative fraught with success and failure and have always been part of the political process in Ethiopia since 1991. Tables 1 to 5 in the Report show that there were reforms and policy amendments taking place in Ethiopia almost every four or five years. In often cases, during the process, and before implementation, comes the realization that there are still some loose ends

⁵⁴ The 6 September 2018 Peace Agreement between Eritrea and Ethiopia, called for ending the state of war between Ethiopia and Eritrea and opening a new era of peace and friendship. It also calls for ensuring political, economic, social, cultural and security cooperation that serves and advances the vital interests of their peoples; and jointly endeavor to provide regional peace, development, and cooperation.

⁵⁵ A task force consists of members from the Ministry of Transport; Ethiopian Maritime Affairs Authority and Ethiopian Shipping and Logistics Services Enterprise is established to follow the implementation of the agreement between the Presidents of Eritrea and Ethiopia to open Assab port to be used by Ethiopia (Ethiopia News Agency Addis Ababa July 17/2018).

or uncharted territories to be explored. A clear choice here is that reforms should not be rushed, they require broader consultations and the participation of the major social forces that have agitated for change in the first place.

Expanding the democratic space for political participation is one of the fundamental choices informing the political reforms currently underway. The justification of this choice emanating from the objectives that motivated the government to embark in the political reform process and what energized the Ethiopia people protests which covered most of the last three years. Citizens, opposition parties and armed movements regardless of ideological orientation or ethnic belonging, have based their struggle on the aspiration to create a freer and more democratic Ethiopia. No wonder that for all democratic forces, expanding the democratic space for civic engagement is inviolable and the cardinal of their political and armed struggle, regardless of social, ethnic, religious and ideological cleavages.

Enhancing the civic engagement as a means of expanding authentic participation in the political reforms. In a sense, there is no choice between expanding the democratic space for political participation or enhancing civic engagement for expanding the political space or vice versa. They are two faces of the same coin. Furthermore, the engagement of reform committees, subject experts and party officials cannot compensate for the need for direct involvement of civic association representatives in the ensuing debate on the political reforms. A large part of this Report explains the mismatch between constitutional, legal and policy frameworks and practice in respect to civic engagement (particularly the role of media reforms, NGOs and civil society, gender equality, judicial system reform and electoral system reforms) in a democratic society. Although some of the committees and experts entrusted with the political and legal reforms are at different stages in the process, it is too late for institutionalizing the stakeholders' role in the reform process.

Fostering peaceful co-existence between Ethiopia people, nations and nationalities and equal treatment of citizens regardless of race, religion, region or creed. Ethiopia would have never been able to realize the levels of economic growth improvements in health, education, drinking water supply, physical infrastructure, without political stability, peace and security. It is only by recognizing that conflict is the antithesis of development that the Ethiopian people be able to continue to improve and consolidate the current levels of socio-economic development towards achieving the cherished goal of poverty eradication.

Convening Comprehensive National Dialogue (CND) for all major political parties and social forces is the only credible choice. Political leaders' debates and press releases can only express the positions and opinions of political parties are important but cannot by themselves become a substitute for an institutionalized and binding programme of action or be it a roadmap charting for the future destiny of Ethiopia. There also seems to be a semblance of a stalemate with some major national issues have not been tackled; 1) should ethnic federalism doctrine continue to be bases of the structure of government? 2) Is the development state model still applicable as Ethiopia is aiming at a new political orientation towards a free market economy under neoliberalism? 3) Take, for example, political parties and election law reform; rolling out

new economic and political reform policies governing issues critical to expanding the democratic space as alluded to in this Report (media reforms, NGOs and civil society, gender equality, judicial system reform and electoral system reforms).

It is important to point out in concluding this section of the Report on aspirations, opportunities, and choices that, the Report has benefitted a great deal from the half-day workshop organized by Friedrich Ebert Foundation on "Political reforms in Africa and its relevance to Ethiopia" in Addis Ababa on 17 September 2018. The workshop assisted in shaping the content of the sections on opportunities, aspirations and choices. We hope, this section has echoed the passion and enthusiasm of the of the Ethiopian participants in the workshop and beyond.

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Reflections on Expanding Ethiopia's Democratic Space

Andreas Eshete and Samuel Assefa

1 Background

Since imperial days, Ethiopians continually waged struggles to find release from authoritarian rule and a stifling public culture. Of late, in the wake of protracted public protests and a change in the leadership of EPRDF, there are signs, warmly and widely welcomed, of a turn to a more open and freer political space, among them: the release of imprisoned dissident journalists and leaders of the political opposition, a relaxation of restrictions on public expression, decriminalization of opposition parties, and a public commitment to honor human rights.

These steps, bold as they are, aim at rectifying glaring faults of the past. It is important to ascertain that they are also expressive of a standing aspiration to create an enduring democratic space of wider scope. Does the release of dissidents and the decriminalization of opposition parties demonstrate a full commitment to the rule of law, essential to the creation of a free and open democratic space?

To understand the importance of this question it would be useful to take a glance at change and continuity in Ethiopian political life. All who previously proclaimed change in Ethiopia set free dissidents and other prisoners deemed unjustly victimized by their predecessors. These acts, however, did not usher in a new dispensation where similar abuses became uncommon, much less unthinkable. It also helps to recall significant moments under EPRDF rule that may well have given rise to expectations of a new era of respect for the rule of law: the reasonably fair trial of senior members of the military regime, the flourishing press during the transition, the vigorous electoral contests of 2005.

What, then, is required by way of institutional design and public engagement to create a lasting public democratic space that is not hostage either to the magnanimity of public authorities or to transient passions of the populace?

2 Aspirations, Possibilities, Choices

Political pluralism requires rights and capacities to free expression and a free press as well as unrestricted assembly and organization of citizens and groups. The law should guarantee free and impartial play of vigorous political opposition and contestation. There is no doubt a great deal that can be done in this regard, starting with revision of draconian legislations, now already

underway. Yet, the most enduring support for democracy is likely to come from institutional checks and balances on governmental authority.

An independent and impartial judiciary enjoying public legitimacy is a basic requirement of a democratic Ethiopia. Tight executive control over the judiciary, both through calculated appointments of loyalists to the bench and through laws or directives that curtail the powers of the judiciary, has for long been a linchpin of authoritarian rule in Ethiopia. Overcoming this legacy, then, requires a system for the selection of judges and terms of their tenure that would effectively shield the courts from executive power. In addition, it calls for restoration of judicial powers that, over the course of nearly half a century, have been placed under government administrative jurisdiction. In this connection, the arrangement whereby the legal administration is headed by an attorney general answerable to the prime minister should perhaps be revisited in order to ensure that it does not unduly compromise the judiciary's capacity to check the executive.

A meaningful realization of the rule of law would also require that the country's poor and culturally marginalized are confident that their rights will be vindicated by the judicial system. Many will be eager to see legal arrangements guaranteeing that their land will not be appropriated or their houses torn down by political and administrative fiat. These provisions are important not just for personal security, but to create citizens not beholden to incumbent political parties. The establishment of the rule of law matters not just to impose principles and institutional limits on the powers of government, but also to create a sense of citizenship and belonging to the political community unmediated by political affiliation or membership in ethnic communities.

Building an efficient and independent judiciary, however, is a longer-term endeavor. In view of the fast approaching general elections, there is pressing need for bold measures to boost the independence and stature of the National Election Board, including procedures for robust public vetting of its officials. The same holds for other key constitutional institutions such as the Human Rights Commission and the Institution of the Ombudsman.

Are these steps for greater political pluralism, fair and impartial elections and a robust rule of law practicable under present circumstances? In other words, is it possible for the ruling party to carry out these ambitious aims without incurring risks of fostering instability or loss of power? To sustain the requisite commitment to see the democratization process through, the ruling party will need some assurance that this is not a high-risk undertaking, either in terms of its continued incumbency or the country's stability.⁵⁶

⁵⁶For an illuminating examination of the circumstances that motivated dominant parties in three Asian authoritarian developmental states to democratize, see "The Strength to Concede: Ruling Parties and Democratization in Developmental Asia", David Slater and Joseph Wong, *Perspective on Politics* 11 (3), 2013.

Here it is important to remember that the current leadership of EPRDF rose to ascendance as a result of the prolonged public unrest in the two most populous regions of Ethiopia. The new leadership's ascent to national power was welcomed as an end to the public protest which appeared to threaten overall political stability. Thus, if anything, embarking on measures to enhance political competition and the rule of law are likely to be seen as, not weakening, but rather strengthening the political stability secured by the rise of the new leadership from the regions which were formerly the source of instability. Moreover, in view of the absence of a viable, alternative national coalition at the present time, such reforms may not pose a high risk to the dominance of the ruling party in the immediate future, rather serving to enrich its political legitimacy across regions and among citizens.

Should the ruling party embark on this path to stretch the democratic space, it is worth noting that there are choices the party can make in order to make these reforms more or less ambitious. For instance, a judiciary with greater independence and public legitimacy may require courts that adjudicate disputes of constitutional rights, now generally left to the Commission of Constitutional Inquiry and the House of Federation. More ambitiously, the ruling party may consider the possibility of establishing a standing constitutional court – a measure that would require constitutional change. Given that the House of Federation will sit in judgment over disputes in which its presiding members have stakes, and that the decisions will be majoritarian favoring larger states, it may be wise to consider a standing constitutional court. The rise in numbers and intensity of regional and interregional disputes magnifies the liabilities of the House of Federation as the final court of adjudication.

There are other checks and balances on public authority that would further expand the democratic space. Previously, on account of democratic centralism in the ruling party, the legislature was by and large a rubber stamp for decisions of the ruling party and the executive. A more expansive democratic space would need a legislature that can serve as a meaningful check on the executive. Otherwise the gains from political pluralism and fair elections for a more open and freer democratic politics would be marginal. In order to strengthen the legislature, its deliberations and decisions, it would be important to hear more diverse voices from the ruling party itself. In the interest of a more expansive democratic space, can the ruling party not only allow more room to the opposition but also encourage pluralism within its own ranks?

The risk to the ruling party of relaxing the rigorous discipline of democratic centralism would now be mitigated by the fact that the emergent leadership has a strong chance of commanding a plurality and, in coalition with others, a reliable majority of the seats in parliament. Accordingly, in these circumstances, the possible threat to the party's dominant power would be compensated by gains in political legitimacy owing to the growth of democratic space in parliament.

Thus far, the suggestion is that the majoritarian assets of the ascendant leadership of EPRDF would enable extension of Ethiopia's democratic space without sacrifice to political stability or the powers of the ruling, dominant party. There are, however, extensive powers accorded by the Constitution to cultural communities, including many minority communities, that can serve as a firm check on political authority, and, hence, as a firm basis for a free and open democratic

space. Beyond linguistic and cultural autonomy, Ethiopian federalism confers extensive powers of self-government on regional states. On account of the division of sovereignty between federal government and regional states, there is a great deal that the central government cannot do in the regions. And much of what the federal government seeks to accomplish in the regions requires the cooperation of regional governments.

Moreover, in an impoverished population, federalism allows citizens with limited capacities and competence for democratic citizenship to enjoy their entitlements to free expression, deliberation and decision in their own communities, using their own languages and with a leadership that is directly elected and answerable to them. Federalism, therefore, serves to limit the power of government while opening democratic space for ordinary citizens, under otherwise unfavorable conditions, for a democratic public life.

Here, too, the ruling party would face choices which would make for a more or less robust federal arrangement. For example, if federalism is allowed freer play so that some regional states are ruled by parties in opposition to the dominant party or by coalitions which include opposition forces, the democratic space as a whole may grow richer than before.

The above remarks stress the importance of limits on public authority for principled, standing expansion of the democratic space. It should be clear that the limits imposed by institutional constraints and public engagement will prove effective with growing release of citizens and communities from the incapacities of poverty. So the fate of democratic expansion in Ethiopia in the end turns on success in the fight against poverty. In sum, in the absence of a resolute commitment to development, the hope for a democratic Ethiopia is ultimately hollow.

3 Obstacles and Challenges

On offer, so far, is a comparatively benign scenario of the path toward a more democratic space. Are there any foreseeable circumstances where a more expansive democratic space would jeopardize either the dominance of the party or public peace and security?

The chief obstacles and challenges would come from populisms animated by rival nationalisms, and their possible entanglements with organized politics. It is important to remember that the present leadership of EPRDF was propelled to power by a populist youth movement marching under the banner of Oromo nationalism. The present leadership also enjoyed the support of another youth movement stirred by Amhara nationalism. The new leadership, in turn, embraced a form of pan-Ethiopian nationalism, helping consolidate its legitimacy as a national authority. The three nationalisms were held together for a time by a shared rejection of what was characterized as TPLF hegemony within EPRDF. But with the marginalization and self-marginalization of TPLF, the harmony among the three types of nationalisms seems to prove short-lived.

The emergent state of affairs indicates a growing divide among the nationalist populisms and an effort by regional parties or their rivals to win the support of populist movements. For

instance, the new leadership, despite its championing a form of pan-Ethiopian nationalism, in order to assure its base in its party, ODP (formerly, OPDO), and to ensure the continuing support of the youth movement, is obliged to turn more towards Oromo nationalism. In this new effort it also faces competition from its rival, OLF. The ruling party in the Amhara region, ADP (formerly, ANDM), is compelled to placate the Amhara youth movement in order to stay in power in the region. The Amhara regional party also faces competition from a newly arrived rival, Ginbot 7, which upholds pan-Ethiopian nationalism that may prove attractive to Amhara nationalist populism as well as to Ethiopia's comparatively small cosmopolitan population.

It is not easy to tell where these ties, contests and conflicts among political parties and varied populist, nationalist movements will lead. However, it is plain that a more expansive democratic space and a resultant vigorous electoral contest would encourage the political parties to vie for the allegiance of more inflamed populist movements.

For example, the Amhara ruling regional party, ADP, could be hostage to the "Amhara first" populist movement gaining ground in the region, initially prompted by deep hostility to perceived TPLF hegemony, including border disputes with the Tigray region. Similarly, the fate of ODP and of OLF in Oromia may well depend on their success at winning the support of Oromo nationalist populist movements. Finally, the particularist populist movements in these regions may face a contest with pan-Ethiopian nationalisms, chiefly from Ginbot 7, but also from the newly emergent EPRDF leadership. This strand of nationalism may find itself at odds with other cultural communities such as those of the border regions. The impact of illiberal, populist nationalisms may well be greater polarization among the constituent parties of EPRDF with a rising possibility of fragmentation and even confrontation. The upshot might be a challenge to EPRDF dominance or, indeed, its viability.

These threats to EPRDF will have wider consequences for the country as a whole and its significant standing commitments. With many regions turning inward and with hostility towards other regions, the federal arrangement which held the country together would be increasingly strained. And should this trend go far enough, it is not obvious how the center can hold. Moreover, it is not clear how one could avoid the sacrifice of Ethiopia's developmental ambitions on the altar of these disintegrating impulses.

4 Beyond Populism

Against this grim backdrop, how can EPRDF secure its survival? To answer this question, EPRDF has to take stock of its standing in Ethiopia's present political landscape.

As the elections approach and EPRDF proceeds to cobble together its electoral platform and strategy, it needs to take a measure of its assets and liabilities. For instance, despite the commendable expansion of the democratic space, and the resultant invitation to hitherto illegal parties to join the contest, there is little likelihood that the elections would yield a viable alternative to EPRDF as a ruling national coalition. Indeed, it seems the greater threat to EPRDF's survival arises not from its competitors but from within its own ranks. Each regional party

appears to be preoccupied with its own fate at the expense of EPRDF's collective fate, and even Ethiopia's collective fate.

In this connection, perhaps most alarming, is the influence exercised by populist nationalist movements on constituent parties of the EPRDF coalition. As indicated above, these forces tend to polarize members of the coalition and thus fragment EPRDF as a whole. In preparing for the elections, EPRDF, in the interest of self-survival, must check or tame the populist movements. It is important to remember that the present EPRDF leadership rose to power and won initial public approval because it was widely believed this would serve to stem the popular unrest of the populist movements. A resurgence of the populist movements is likely to undermine EPRDF's fortune and legitimacy in the forthcoming elections.

Despite EPRDF's large institutional and organizational capacity, to tackle this challenge effectively may prove difficult and delicate. The use of unrestrained power would undermine the very aspiration to extend the democratic space. It may also draw the public to EPRDF's regional competitors. Further, the elections are too near to expect liberal institutional constraints to be in place to safeguard against illiberal tendencies of the populist movements.

In order to guard against these liabilities, EPRDF may have to rely on rather limited assets. For one thing, the leadership gradually can make clear that it does not countenance or acquiesce in the extremes of populisms. It could also be significant if EPRDF's electoral platform and strategy gave greater focus to the interests rather than the passions of the public, particularly by giving due stress to Ethiopia's pressing developmental agenda.

Though, no doubt, of central importance to check rising populism, this shift of focus to interests may prove problematic for the present EPRDF leadership. The present leadership seems ambivalent about the developmental agenda. It often avoids the subject or undervalues the significant achievements made so far. This ambivalence is palpable in EPRDF's most recent Congress where it proclaimed its commitment to something called "all-rounded prosperity".

There are many reasons for this ambivalence. One may be a relic of the Cold War whereby any advance in democracy is regarded as a retreat from concerns about material inequality. Another may be the new intensified strategic alliance forged with the West, which may not welcome a developmental state. In any case, the new leadership's ambivalent stance towards development is a sharp departure from Ethiopia's recent past such that it might be regarded as ushering a post-left era.

All post-imperial Ethiopia has manifested an explicit commitment to do away with hunger, poverty and gross material inequality. EPRDF, especially after it embraced the idea of a developmental state, is distinctive within this tradition by freeing Ethiopia from prolonged economic stagnancy. The state under EPRDF extended wide public services in education, health, communications, and infrastructure to the rural population. These contributions together with extensive modern inputs and extension services to the agrarian sector opened the hope for eventual structural transformation and industrialization. Accomplishing this following persistent

stagnation, and in the wake of a devastating civil war, won EPRDF national and international recognition and acclaim.

A noteworthy aspect of this achievement was to temper nationalist passions. It would be a pity to squander these achievements of EPRDF and to underestimate the great potential in restraining nationalist passions and in building national cohesion. It would also be a tragedy to abandon Ethiopia's commitment to the poorest, the marginalized, and the determination to do away with the indignities of poverty.

Beyond the Cold War, it is essential to remember release from poverty and the promotion of material betterment and equality is critical for a genuine, sustainable democracy. Furthermore, without a focus on development, a democracy in an impoverished country would lack substance, a shared common ground and a basis for public deliberation and reasoned, open debate. Put differently, rivalry among desperately poor cultural communities and militant nationalist movements cannot be a fertile ground for cultivating a democratic public culture.

It is often observed that the politician looks to the next election, the statesman to the next generation. In Ethiopia's present peculiar conditions, fixing on a vision of development, and hence on the next generation, might be the optimal path to a sober and meaningful election, as well as to a result that would safeguard the political and material fortunes of the nation's future generations.

A recommitment to development would now have to contend with a transformed distribution of power between federal and regional governments. The transition to democracy and political pluralism will very likely yield a more devolved federal arrangement as hitherto dormant constitutional powers of the regional states begin to acquire real significance. Consensus building, both within EPRDF and in the general public, is vital to strike a balance between federal and regional power that is sufficiently mindful of the country's developmental agenda.

Striking such a balance may not be so straightforward. For example, though it may seem counter-intuitive, the inclusion of the emergent regional parties as full-fledged members of EPRDF, and, hence, of the federal government, could bolster the support of a strong federal state, and this for two reasons. First, these peripheries have been historically marginalized from central government and may therefore prize their role in federal decision-making. Second, the said regions rely heavily on support from the federal government such that they cannot easily be advocates of diminished federal power.

There are of course other more immediate steps that may help to constrain populist movements and passions. One such step would be to encourage and support a lively free press that can clearly and openly report on the beliefs, deeds, and misdeeds of the populist movements. Limited media coverage of recent pogroms and dislocations of large populations has already created public apprehension, in both urban and rural areas, over the impact of populist nationalism, which may help to check populism's sway.

Finally, it should be clear to EPRDF's constituent parties seeking the support of the populist movements that winning regional power at the expense of EPRDF's survival would be a hollow,

Pyrrhic victory. More generally, it may prove essential to move away from the question of identity, "Who truly represents Ethiopia", and turn to the rather existential question "What can ensure Ethiopia's survival and flourishing". This is no doubt a burning concern not only for EPRDF, but for all political parties. Accordingly, well before the elections, there should be a consensus within EPRDF and among the electoral competitors that the electoral process and its outcome would in no way compromise the survival of the Ethiopian state, a cause for which all its nationalities have sacrificed greatly.

In addressing these challenges, one should avoid a parochial perspective which regards these problems as merely local afflictions. Of late, the United States and much of Europe have come under the sway of diverse populist nationalisms. We witness a growing tendency to demonize, and to display open hostility, to migrants, refugees and minorities across the West, thereby manifesting a loss of confidence in a deep formative and background value of modernity and democracy: toleration.

Institutions of limited government - toleration, rule of law, checks and balances - are indispensable to create, over time, enduring democratic reform. In the meantime, for a political authority that champions such arrangements to emerge from the approaching elections, organized political groups must find independence from populist movements, with little regard for the public values upheld by such arrangements.

