

Ethiopia: Election 2010 and its Challenges

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I am honored to be participating at this event as a speaker representing SOCEPP Canada to talk about our position on the general human rights conditions and the planned May 2010 national election in Ethiopia.

Elections are not new phenomena in Ethiopia: they have been held during the era of Emperor Haile Selassie, the military regime (The Derg) and a number of times under the present regime. Marginalization of the voting public and the absence of the basic elements of free and fair election have and continue to be two major similarities between all three.

Since the EPRDF/TPLF came to power in 1991, Ethiopia has conducted at least three “national and regional elections”. In all of these, the ruling party “won” by landslide mainly because it was running by itself and against itself. Because of the many obstacles that are in place, all these elections proved to be extremely restrictive and highly uncontested. When the political space opened, like in the 2005 election, the opposition attempted to mount vigorous challenges to the ruling party, their supporters and members were brutally repressed, killed and/or “disappeared”.

During the runoff to the May 2005 election, as a result of immense pressure from the donor community and from the opposition, the ruling party EPRDF/TPLF was forced to open up the political space. May 2005 was unprecedented and unparalleled in the election history of the country.

At the time, there was relatively more opening of the political space which resulted in assertive participation of the voters and opposition parties alike. Opposition parties were provided relatively more access to the government controlled media to air their points of views. They were allowed to organize and hold public rallies. Just a week before the election, over two million people came out on the streets to support the opposition. The independent media got actively involved in reporting the activities of all political parties and their contesting visions. Some civic organizations like Action Aid carried out voter education.

On Election Day, hundreds of thousands lined up before sunrise to cast their vote. About 90% of the eligible registered voters came out in droves and cast their votes. It was truly a remarkable outpouring. When the vote results began to unfold, it became clear that the governing party was in danger of losing its power. PM Meles then went on public TV and announced a state of emergency. The crackdown began in earnest shortly thereafter.

In the days and weeks that followed, the streets of Addis and other cities witnessed one of the most brutal repressions ever. About 200 peaceful demonstrators were killed and tens of thousands including opposition leaders were detained the majority of who were taken to concentration camp- like prisons and places like Dedesa and dealt with utmost brutality outside the scrutiny of the diplomatic community in Addis. Opposition leaders were release after two years thanks largely to the unswerving efforts of the people and the international community.

In the eyes of over whelming number of Ethiopians, the opposition won the elections. The ruling group rigged the elections and awarded itself the political power that truly belonged to the opposition.

Since then, the political space has narrowed extremely:-

- Repressive laws such as the NGO Law restricting civic society, the so-called “anti- terrorism” law that criminalizes dissent and creates a pretext for suppressing any political opposition have been passed. The opposition parties have been unable to function in any meaningful manner, their members and supporter are jailed, disappeared, tortured and their offices closed/destroyed.
- The free press has been decimated and many independent journalists forced to exile, jailed or have simply given up and/or exercise fear-induced self censor.
- As variously reported by Human Rights Watch, Genocide Watch and others, the government has and continues to be involved in serious human rights violations and crimes against humanity including a possible genocide.
- The government on the other hand has been preparing for the upcoming national election in May 2010. Through the use of illegal state power, bribing, intimidation, etc., it has been reported that the ruling party may have already secured every vote to be cast in the election in advance of the election itself.
- Highly undemocratic practices by the ruling group are currently keeping the opposition not only from the possibility of winning the election but also running freely in the election itself. As recently reported by MEDREK (the coalition of 8 political parties excluded from the ongoing negotiation), their offices are closed, their movements restricted, and their supporters harassed, imprisoned and/or “disappeared”.

If past practices of the regime tell us anything, it is clear that the ruling party will go to great lengths to circumvent the results of the upcoming election when faced with possibilities of losing at the ballot box. As a recent report compiled by the International Crisis Group (ICG) stated: “The EPRDF did not feel threatened until the 2005 federal and regional elections. The crackdown that year on the opposition demonstrated the extent to which the regime is willing to ignore popular protest and foreign criticism to hold onto power”. (Ethiopia: Ethnic Federalism and Its Discontents, Africa Report N°153 , 4 September 2009) .

Such an outcome will not be acceptable to the Ethiopian people, the opposition and many in the international community. It will only aggravate the existing conflicts between the ruling group and the opposition/ the general public.

This will not be in the interest of the Ethiopian people, the opposition, the ruling group, neighboring countries and the international community. As clearly stated by the ICG, without genuine multi-party

democracy in place, the tensions and pressures in Ethiopia's politics will only grow, greatly increasing the possibility of a violent eruption that would destabilize the country and region" (Ethiopia: Ethnic Federalism and Its Discontents, Africa Report N°153 , 4 September 2009) .

In SOCEPP Canada's own assessment, we unequivocally say that Ethiopia is indeed at a critical tipping point now more than any time else in the last 18 years. Failure to democratize will only deepen the already existing wide spread dissatisfaction towards the governing group and force people in to extreme actions. As clearly expressed by Bronwyn E. Burton, of the International Affairs, in her article of October 2, 2009 ;" Public dissatisfaction with the government is high in the wake of the 2005 elections and a violent explosion is not out of the question".

To avert such a tragedy of greater magnitude, SOCEPP Canada believes that Ethiopia has to go through the process of National Reconciliation whereby all stakeholders come together and find a workable solution, or at a minimum, the upcoming election must be free and fair in all its aspects.

This could materialize only if one confronts the root cause of the problems of democratization in the country and finds a meaningful comprehensive solution for the respect of Human and Democratic Rights as well as the supremacy of the rule of law in the country.

Free and fair election cannot materialize in a vacuum. The prevailing political climate, human rights practices, the rule of law and the role of the army must be critically examined and serious steps taken to remove the many barriers in place.

In this regard, the "Election Code of Conduct" signed by the ruling party and the three other groups on November 2, 2009 not only lacks the basic elements which facilitates free and fair election and a level playing field for the groups that are party to the agreement, but also serves as a political barrier for all others that are not party to it and may even impede the possibility of national reconciliation in the country. Some of the major shortcomings of this agreement include the following:

(1) Lacks inclusiveness and legitimacy

The process that led to the final code of conduct was exclusionary. A major coalition of eight opposition parties known as the forum (MEDREK in Amharic) that functions legally in the country did not participate in this process. All banned opposition parties including the OLF, ONLF, EPRP (D), Ginbot 7, members of UEDF, EPRP and others continue to be excluded from the political process at home.

Such an act only replicates one of the problems similar to the 2005 and previous elections. A case in point is the partnership deal between the ruling party and the OLF. Shortly after EPRDF/TPLF came to power in 1991 and after excluding many national political parties, they patched up and declared a Transitional Charter and controversial constitution.

The back room deal between the selected few did not last long. In just a short year or two, the partnership collapsed and OLF was also forced out. The constitution and all the agreements signed by OLF and the ruling party did not protect the members and supporters of the OLF and other political parties from human rights abuse. It is difficult to see how things would be different this time around with the

signing of the “Election code of Conduct” with few parties that are for the most part very friendly with the EPRDF it self..

(2) The “Election Code of Conduct” is narrowly focused

The Election Code of Conduct attempts to address the election issue in a narrow and isolated manner. It looks at the election as an isolated case separate from the complex factors and historical events that contributed to the absence of free and fair election in Ethiopia in the last 18 years. The existing structural and institutional factors that contribute to the violation of rights, denial of justice and the rule of law are either ignored or not addressed properly. For instance, on the one hand, the document speaks about the right to organize, the right to freely express opinions etc but, on the other, the facts on the ground show that thousands of political prisoners still languish in prison and many more are joining them as we speak today. Members of the free press continue to be harassed and exiled. Opposition leaders, members and supporters have been and continue to be beaten, imprisoned, tortured and killed. The issue of political prisoners, of the “disappeared”, and the issue of ongoing denial of justice, including justice for those who were massacred following the May 2005 election, were never acknowledged.

(3) The “Election Code of Conduct” lacks a meaningful enforcement mechanism

As the International Crisis Group (ICG) report referred above states: “The constitution was applauded for its commitment to liberal democracy and respect for political freedoms and human rights. But while the EPRDF promises democracy, it has not accepted that the opposition is qualified to take power via the ballot box and tends to regard the expression of differing views and interests as a form of betrayal”.

As one Ethiopian political scientist and constitutional lawyer has argued: “... anyone who bothers to read the Constitution of the Federal Republic of Ethiopia will no doubt be overawed by the panoply of political rights and due process guarantees in it.” “Indeed” adds the writer and concludes: “the reader may be left with the distinct impression that this constitution describes not Ethiopia, but Utopia’ (Prof Al Mariam, Constitutional Rights and Constitutional Wrongs: Justice System Reform through Accountability in Ethiopia, paper presented at the CPOC-SOCEPP Canada sponsored round table on Human and Political Rights in Ethiopia, May 2007, Ottawa)

In the context of the upcoming election, if the regime is to exercise a free and fair election, then a mechanism that is independent and has the power to enforce the rules must be put in place. To do this, a major reform is required to ensure that the election commission is free from political biases and interferences.

The current commission is controlled by the ruling party. As a result of its partisan politics, as seen in the past, the commission has lost credibility both in the eyes of the public and the opposition.

The judiciary is another problem for it has mainly been a political tool of the ruling party. For the past 18 years, its decisions have been ignored by the ruling party and the security forces. Prisoners ordered to be set free by the courts have been kept in jails (Example: Mr. Abera Yemaneab, one of the leaders of the

former opposition coalition – COEDF). The case of the UDJ leader Miss Bertukan Mideksa is another example of a repeat victim of political intervention in the legal system. The court's order to allow more visitors continues to be denied by the security forces /political power except for her 4 year old daughter and elderly mother. Yet another example of political intervention includes the PM's direct orders to members of the enquiry commission who wrapped up their reports into the killings of 200 demonstrators during the 2005 election to change the report sanitizing it from incriminating the government and its security forces. A number of these commissioners including the head of the inquiry commission were forced into exile and their report was completely changed thereafter exonerating the ruling party.

The partisanship nature of the army and all of the security forces is the next major hurdle. The fact that it is the guerrilla force of the EPRDF/TPLF that was transformed into the current national army is no secret. As such, the top officials of the army continue to be members of the guerrilla force as well as the ruling TPLF/EPRDF. Reports indicate that overwhelming majority of the current army's high-ranking officers are members of the ruling party. This surely creates a major obstacle for democratization and for free and fair election in the country. This is an issue that has to be addressed as a matter of great urgency.

For any democratization to take place in Ethiopia, at a minimum, a new mechanism has to be put in place to make sure that the army is restricted from any partisan intervention. It is not enough to say that it will be impartial and will remain impartial during the election. Time and again, it has proven to be otherwise.

Looking ahead and moving forward

If the regime is serious about opening up the political space, SOCEPP Canada strongly believes that the following steps need to be taken:

A direct and meaningful negotiation on substantive issues has to be initiated with all political parties to pave the way for free and fair election in the country. While negotiation and agreement on election code of conduct is an important step, it is not the crucial element in the democratization process.

An enforcement mechanism must be negotiated and put in place to make sure that any agreement is followed by change on the ground without any interference of the ruling group and its military and/or the opposition. In this regard, reforming the election commission becomes an immediate task. There are at least two steps that could be taken to help in this regard. a) At a minimum, remove the head of the election commission and replace him with an impartial and competent person, b) add additional independent members to the election commission. This could send a clear message for a new beginning and a new era in the works of the election commission.

The absence of the rule of law in the country is another major concern for Ethiopians in this election and in their daily lives. If anyone is truly interested in enshrining and safeguarding the rights of the Ethiopian people, rule of law is where serious change needs to take place. As a starter, a negotiated mechanism should be put in place to begin asserting the independence of the legal system and the non interference of the security forces in the upcoming election.

The government must show its seriousness and commitment for democratization by releasing all political prisoners including the UDJ leader Bertukan Mideksa; it must disclose the whereabouts of the “disappeared” such as the leaders of the EPRP (Tsegaye Gebre Medhin & his compatriots), and many others.

The reforms that are required to guarantee free and fair election in Ethiopia are massive and surely time consuming. As such, it may be advisable for all parties to look at the possibility of extending the election timetable say by six months instead of rushing to meet an artificial deadline of May 2010 without meaningful reform that facilitates free and fair election.

What can the international community, in particular Canada, do in this regard?

SOCEPP Canada recommends that Canada and Canadian NGO’s engage in the following areas:

- As a matter of urgency, we urge Canadian Parliamentarians to engage in a formal discussion regarding the situation in Ethiopia and provide a principled political leadership. A good place to start would be a hearing in the parliamentary Foreign Affairs Committee on the situation in Ethiopia.
- We suggest that Parliamentarians debate and pass a resolution highlighting the concerns regarding the status of human and democratic rights in Ethiopia in support of free and fair election, the release of political prisoners, freedom of speech etc
- We believe that Canada should support genuine engagement and national reconciliation in Ethiopia which could pave the way for sustainable peace in the country. In the interest of promoting justice, we also believe that Canada should provide support for the opposition and civic society groups for capacity building in these and related areas.
- Canadian parliamentarians could engage their counterparts in the EU, US Congress and Australia to develop a strategy and create synergy towards enhancing the prospect of democratization in Ethiopia.
- We sincerely believe that Canadian NGO’s should play significant role in highlighting and/or advocating for democratization and the need for free and fair election.

- If the ruling party fails to democratize, Canada, in collaboration with other donor countries, should suspend all direct budgetary support, except for humanitarian assistance, and use every possibility to demand the respect of human and political rights in the country.

In closing, I would like to quote a recent report by the ICG, an organization led by The Hon. Louise Arbour, a distinguished Canadian and former Justice of the Supreme Court of Canada, a one time Chief Prosecutor

of the ICC for the former Yugoslavia and Rwanda, and the former head of the UN Human Rights Commission, who wrote:

The international community should take Ethiopia's governance problems much more seriously and adopt a more principled position towards the government. Without genuine multi-party democracy, the tensions and pressures in Ethiopia's politics will only grow, greatly increasing the possibility of a violent eruption that would destabilize the country and the region.

I have no doubt that Canadian government officials, members of parliament, the International community, NGOs and human rights groups will heed this call and do the right thing. A true multi party democracy, the rule of law, free and fair election are the basis for creating stability, reducing poverty, ending the vicious cycle of violence, corruption, perennial hunger and starvation in Ethiopia. These are in the best interest of Canada, the international community and, of course, the people of Ethiopia.

Thank you