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Constitutionalism and Electoral Authoritarianism in Ethiopia: From EPRDF to EPP

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1. Introduction

Ethiopia has had little experience of democratic political systems. For centuries it was a monarchy, ruled by successive emperors who traced their political authority to divine sources as opposed to the people.¹ Although Emperor Haile Selassie promulgated Ethiopia's first constitution in 1931, which was revised in 1955, it was meant more to constitutionalize his autocratic rule rather than entrench a democratic system. Indeed, the constitution established a bicameral parliament with a chamber of deputies (the lower house) and a senate (the upper house).² The house of deputies was composed of elected representatives; however, the elections were held on non-partisan basis, since forming a political organization was not then allowed. Moreover, only those owning property in the relevant electoral districts could run as candidates in the elections to the chamber of deputies.³ The Emperor retained the prerogative to select members of the senate.⁴

The Derg, the military junta that overthrew and abolished the monarchy, ruled Ethiopia for 14 years without a constitution. It decimated political groups that emerged immediately before and after Haile Selassie's removal from power, and in 1989 promulgated a constitution in which it declared the Workers Party of Ethiopia (WPE) as the only party with the right to exist in the country, thus formally establishing a one-party system.⁵ The lack of democratic governance, among other things, led to decades of civil war, which ended when the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) assumed power in May 1991.

¹ This is clear from the full title of Ethiopia's emperors: 'The Conquering Lion of the Tribe of Judah, King of Kings of Ethiopia, Elect of God'.

² Revised Constitution of Ethiopia 1955, article 96.

³ *Ibid*, article 102.

⁴ *Ibid*, article 101.

⁵ Constitution of the People's Democratic Republic of Ethiopia 1987, article 6.

The EPRDF pledged to introduce multiparty democracy, and, after a transitional period of four years, oversaw the promulgation of the 1995 Constitution.

The 1995 Federal Constitution envisages a multiparty democracy and contains constitutional principles that are vital for such a system. This competitive multiparty democracy is, however, yet to be realized. The country remained a *de facto* one-party system in which the EPRDF enjoyed exclusive political authority.⁶ Indeed, several national, state, and local elections have been held and numerous political parties have participated in them. Opposition parties and/or independent candidates had some representation in parliament and regional councils in the first three elections. Their representation, however, dropped sharply in the 2010 elections and fell to zero in the 2015 elections. The latter resulted in the EPRDF and its affiliate parties assuming complete dominance of councils at all levels of government. The regime in Ethiopia is thus often described as electoral-authoritarian in nature.⁷

The exclusion of diverse political views from any form of representation was among the factors that in 2015 led to unprecedented anti-regime public protests which continued for three years. The protests turned into ethnic violence in Somali, Amhara, and Oromia states and, as a result, hundreds of people lost their lives, while close to three million were internally displaced. Accompanied by the destruction of public and private property, the protests and internal displacement reached such proportions that the federal government was forced to impose two states of emergency in less than two years. The crisis also led to disputes and power struggles within the ruling party, which culminated in April 2018 when the premiership was assumed by Abiy Ahmed, who is now, at the time of writing, overseeing various political and legal reforms.

Against this backdrop above, the chapter raises and discusses the following issues:

- Is the EPRDF's electoral dominance a result of a flaw in the constitutional design of the country's political system?
- What are the problems in the electoral processes that have contributed to the present situation?
- What are the underlying factors that drive the EPRDF to exclude other political groups or to be a dominant party?

⁶ As will be discussed in later, the EPRDF has changed its name into the Ethiopia Prosperity Party (EPP) and assumed a new structure and ideology. Yet it still enjoys exclusive control of all levels and structures of government.

⁷ Zemelak Ayitenew Ayele, 'EPRDF's "Menu of Institutional Manipulations" and the 2015 Regional Elections' (2017) *Regional and Federal Studies* 1; Jon Abbink, 'Paradoxes of Electoral Authoritarianism: The 2015 Ethiopian Elections as Hegemonic Performance' (2017) 35 *Journal of Contemporary African Studies* 303.

- What reforms are on the table to change this situation, and what promise do the ongoing reforms hold for bringing about vibrant multiparty democracy?

This chapter argues that the 1995 Constitution contains principles and framework elements that are vital for competitive multiparty democracy. In particular, it establishes multilevel government and requires that each level and unit of government be organized on the basis of democratic principles. It also guarantees civil liberties and political rights, including freedom of expression and association that are critical for multiparty democracy. However, there has not been competitive multiparty democracy in the country. Instead, an electoral authoritarian system has been instituted in which the EPRDF and its affiliates exercised exclusive control over every level and unit of government.

This is so because, among other things, even if the domestic and global dynamics that were at work when the EPRDF came to power in the 1990s left it with no choice but to constitutionalize multipartyism, its violent history, its vanguardist self-perception, and the developmental-state paradigm it later endorsed, and have it driven into electoral authoritarianism. The various formal and informal mechanisms that it put in place, the socioeconomic structure of the country, and the minimal international pressure that it faced to democratize have allowed it successfully to retain its incumbency for more than two decades. However, new domestic and international political factors are putting pressure on it to open up the political space and allow genuinely competitive multiparty democracy, as envisioned in the Constitution.

The chapter discusses the constitutional and legal framework for electoral democracy in Ethiopia, followed by a brief description of the national, regional, and local elections that have been held since 1991. Thereafter, the chapter explains why the EPRDF resorted to electoral authoritarianism and how it has managed to retain its dominance for two-and-a-half decades. Finally, the chapter discusses emerging trends in Ethiopian politics.

2. Constitutional and Legislative Frameworks for Electoral Democracy

2.1 Democracy and the 1995 Constitution

The 1995 Constitution of Ethiopia deals with democracy at a symbolic, human-rights, and institutional level. At symbolic level, the country's formal name—the Federal Democratic Republic of Ethiopia—contains the words 'democratic' and 'republic', signifying the people's aspiration for the attainment of democracy. Likewise, the first paragraph in the preamble to the Constitution affirms the commitment of Ethiopia's 'peoples' to a democratic order. The Constitution

also requires that the national anthem reflect ‘the commitment of the Peoples of Ethiopia to live in a *democratic order*.⁸

The Constitution guarantees civil liberties and political rights that are vital for a functioning democracy. The Bill of Rights of the Constitution has two parts; one of them, entitled ‘democratic rights’, guarantees several rights and freedoms that are indispensable for electoral democracy. For instance, it guarantees freedom of thought, opinion, and expression, freedom of assembly, and peaceful demonstration and petition, freedom of association, freedom of the press and other media, and the right to vote and to be elected.⁹ The Constitution explicitly links the protection of these rights with democracy. For instance, it states plainly that the press is legally protected as an institution ‘in the interest of the free flow of information, ideas and opinions which are essential to the functioning of a *democratic order*.¹⁰ The right of peoples to democratic self-rule is also one of the ‘national policy principles and objectives’ that guide the implementation of the Constitution and other laws.¹¹

Given that it is a federation, Ethiopia has a multilevel system of government. The Constitution establishes a federal government at the centre and **nine** states and a federal city at the periphery, requiring that all levels of government have to be constituted through democratic elections. At the federal level, the Constitution establishes a bicameral parliament. The House of Peoples’ Representatives (HoPR), the lower house, has 550 seats, which are held by members who, according to the Constitution, are elected by the people for a five-year term on the basis of universal suffrage and in direct free and fair elections held by secret ballot.¹² The Constitution also requires the ~~nine~~ states to structure their governments in a manner that best advances ‘a democratic order’, a prescription that clearly involves establishing representative institutions and holding periodic elections.¹³ More explicitly, it provides that each state has a state council, without, however, defining the size of the council.¹⁴ This is indeed defined in the respective constitutions of the ~~nine~~ states and in other pieces of legislation. There are a total of 1,989 seats at state level. With 537 seats, Oromia’s *Caffee*¹⁵ is the largest state council, while Hareri’s state council, which has only 36 seats, is the smallest.

Local government is not explicitly mentioned in the federal constitution as an autonomous level of government, albeit that article 50(4) enjoins the states to

⁸ Article 4.

⁹ Articles 29–31.

¹⁰ Article 29(4).

¹¹ Article 88(2).

¹² Article 54(1) and (3). It is up to each state to determine how those representing it in the House of Federation (HoF), the upper house of the federal parliament, are elected or selected.

¹³ Article 52(2)(a).

¹⁴ Article 50(5).

¹⁵ This is the official name of the state council in Afaan-Oromo.

establish a democratic local government system.¹⁶ Accordingly, the states have used their constitutions and laws to create hundreds of urban and rural local government units with elected local councils. The Constitution provides that all levels of government have a parliamentary form of government, implying that only members of the HoPR and state and local councils can be directly elected by the people and that the executive is elected only indirectly by the people.¹⁷

The Constitution does not specifically require that elections at any level of government be based on a multiparty system, even though several provisions in it imply as much. For instance, article 51(15) authorizes the HoPR to enact ‘all necessary laws governing political parties and elections.’ Moreover, it provides that the federal executive is formed and led by the party or coalition of parties with the greatest number of seats in the HoPR.¹⁸

The Constitution provides that the plurality electoral system is used in national elections, given that members of the HoPR are elected from single-member constituencies by a plurality of votes cast.¹⁹ It also reserves 20 seats for minority ethnic communities that cannot be represented in the HoPR through the normal electoral process, requiring instead that they be represented through a special procedure, notwithstanding that it is unclear what the ‘special procedure’ is.²⁰ For the purpose of national elections, electoral districts each of which has a population of about 100,000.²¹ Every voter in each constituency casts his or her vote for a party or an independent candidate, if any, to the HoPR. The Constitution does not prescribe a specific electoral system for state and local elections. At any event, a version of the plurality system that uses multi-member constituencies is used in these elections.²²

Finally, the Constitution provides for the establishment of an independent election board that would be in charge of administering elections.²³ Members of the board are, in terms of the Constitution, appointed by the HoPR upon nomination by the Prime Minister.²⁴

2.2 Legislative Framework for Elections

As mentioned, the federal government has exclusive power to legislatively regulate all matters to do with elections and political parties. The HoPR accordingly has

¹⁶ Zemelak Ayitene Ayele and Yonatan Tesfaye Fessha, ‘The Place and Status of Local Government in Federal States: The Case of Ethiopia’ (2012) 58(4) *Africa Today* 89.

¹⁷ Article 45.

¹⁸ Articles 56 and 73(2).

¹⁹ Article 54(2).

²⁰ Article 54(3).

²¹ Amended Electoral Law of Ethiopia Proclamation 532/2007, article 20(1).

²² Article 25.

²³ Article 102(1).

²⁴ Article 102(2).

issued several proclamations that directly or indirectly regulate or impact on elections. The Amended Electoral Law of Ethiopia Proclamation 532/2007 regulates elections and electoral processes, while the Revised Political Parties Registration Proclamation 578/2008 regulates the registration or de-registration of political parties; Proclamation 662/2009 deals with codes of conduct that are binding on political parties.²⁵

2.2.1 Election Law

Proclamation 532/2008 provides for two types of elections: general and local elections. Elections to the HoPR (national elections) and state councils (regional election) fall into the category of general elections.²⁶ All sub-regional elections, including the elections to the city councils of Addis Ababa and Dire Dawa, are held as part of local elections.²⁷ National and state elections are held every five years, on the same day.²⁸ The National Electoral Board of Ethiopia (NEBE) is authorized to set a registration timetable and the date for holding local elections based on state laws and constitutions, which implies that states can hold local elections at different times.²⁹ In practice, local elections are held simultaneously in all states, unless a lack of security or other reason prevents this in a particular state.

The Proclamation also defines the minimum age and other requirements for voting and candidacy. The requirements to be a voter are Ethiopian nationality, a minimum age of 18 years, and residency in the relevant constituency for a minimum of six months.³⁰ One may be excluded from voting if one has a mental disorder or has been judicially interdicted.³¹ The criteria for candidacy include Ethiopian nationality, a minimum age of 21 years, two years of residency in the relevant constituency, and being versed in the ‘working language’ of the council of intended candidature.³²

²⁵ The three proclamations were recently merged into a single proclamation—Ethiopian Election, Political Parties Registration, and Election Ethics 1162(2019)—with various amendments introduced to them. A separate proclamation was also enacted in regard to the National Election Board of Ethiopia (NEBE). At the time of writing, these are yet to be implemented in relation to the sixth national elections. See further discussion in section 5 of this chapter.

²⁶ Electoral Law of Ethiopia, article 28.

²⁷ Elections for Addis Ababa City Council were previously held in general elections. This has changed since the 2005 general election, and now the elections of the two federal cities form part of local elections. The last elections for the city councils of the two cities were held as part of the 2013 local election. Ashenafi Endale, ‘Local Elections Get Underway’, Addis Fortune (Addis Ababa, 14 April 2013).

²⁸ Electoral Law of Ethiopia, article 28(2), authorises the NEBE, with the approval of the HoPR, to conduct national and regional elections at different times, if the former deems necessary. To date, this has not happened.

²⁹ Article 16(12).

³⁰ Article 33.

³¹ Article 33(3).

³² Article 45. The language requirement was a cause for constitutional litigation in the 2000 general elections. Proclamation 111/1995, the electoral law at the time, required a candidate to be versed in a local language of a regional state, regardless of whether or not any of the local languages were the working language of the state government. Individuals who sought to stand for election in Benishangul-Gumuz region were thus barred from doing so on the basis of this law in that they could not speak any of the local languages. After they challenged the constitutionality of the requirement, the HoF decided

2.2.2 Laws Regarding Political Parties

Proclamation 578/2008 provides that a political party may be formed as regional party if more than 60 per cent of its founding members are residents of a single region. If at least 60 per cent of its founding members are residents of four different regions, regardless of the former's ethnicity, the party can be established as a national party.³³ The Proclamation also provides that two or more political parties can come together to form a coalition (a temporary merger of political parties), a front (a merger of political parties in which the constituent units do not lose their legal existence), or a union (a party formed as a result of a full merger of two or more parties).³⁴

There is also a proclamation on the electoral code of conduct for political parties (Proclamation 662/2009). The code of conduct was initially prepared as an agreement between the EPRDF and opposition parties before the 2010 general elections. Some of the opposition parties, including the Ethiopian Democratic Party (EDP) and Coalition for Unity and Democracy (CUD), signed the agreement, whereas the Ethiopia Federal Democratic Unity Forum (known by its Amharic acronym, Medrek) refused. Later, the EPRDF had the agreement enacted by the HoPR as a proclamation, making it binding on opposition parties which had declined to be part of the agreement. The proclamation provides for a code of conduct that parties have to respect during election as well as post-election periods. The proclamation does not seem to be problematic, in that its aim is to make the electoral process a smooth one and ensure that judicial and electoral administrative organs are given due respect; it also provides for dispute-resolution mechanisms. However, opposition parties that were not signatories to the initial agreement view the proclamation as an imposition since the ruling party simply used its dominance in the HoPR to enact the agreement as a law.

As mentioned, political parties did not exist under the monarchy as they were not permitted, but several, mostly leftist, were indeed formed shortly before and after Haile Selassie I was deposed—among the most prominent were the Ethiopian Peoples' Revolutionary Party (EPRP) and All-Ethiopia Socialist Movement (commonly known by the Amharic acronym, MEISON). However, the Derg forced most of them out of the country, with some continuing to operate in exile. It was also the case that, once it assumed power, the EPRDF refused to allow certain of these parties, especially the EPRP and MEISON, back into the country. Since 1991, more than a hundred parties have nevertheless come and gone.³⁵ There are presently 68

that being versed in a local language cannot be a requirement for candidacy. However, being versed in the working language of a region may be a condition for one to stand for election to the state council.

³³ Articles 5 and 6.

³⁴ Article 2(7) and (9).

³⁵ For more on the formation of political parties, see Asnake Kefale, 'The (Un)Making of Opposition Coalitions and the Challenge of Democratization in Ethiopia, 1991–2011' (2011) 5 *Journal of Eastern African Studies* 681.

registered political parties, of which 25 are national parties and the rest, regional ones.³⁶ The EPRDF itself was a ‘front’-formed from four ethnic-based regional parties.³⁷ It has been the ruling party at federal level since the transitional period, with its member parties controlling Amhara, Oromia SNNP [Southern Nations, Nationalities, and People’s Region], and Tigray states. The other five states were under the control of regional parties affiliated to, even created by,³⁸ the EPRDF.³⁹ As will be discussed later, EPRDF, by merging together its former members and affiliates, with the exception of Tigray People Liberation Front (TPLF), has transformed itself into a single political party called Ethiopian Prosperity Party (EPP).

The rest of the parties are opposition groupings, most of which are regional and local ethnic-based organization that operate either alone or in regional or national coalitions. Medrek and the Ethiopian Justice and Democratic Forces Front (EJDFF) are currently the strongest of the coalitions.⁴⁰ A few political parties also purport to have a supra-ethnic outlook and multi-ethnic membership, among them the Ethiopian Democratic Party (EDP) and recently established Ethiopian Citizens for Social Justice Party, or E-Zema, as it is acronymized in Amharic.

3. Elections in Ethiopia from 1991 to 2015

Six national, regional, and local elections have been held in Ethiopia since 1991, the first of them during the transitional period (1991–1995) and the rest coming after the promulgation of the 1995 Constitution.

³⁶ There are more than a hundred political organizations; however, only 68 have been registered by the NEBE.

³⁷ These are the Tigray People Liberation Front (TPLF); Oromo People’s Democratic Organization (OPDO); Amhara Nation Democratic Movement (ANDM); and Southern Ethiopian Peoples’ Democratic Movement (SEPDM). In 2018 ANDM and OPDO briefly changed their names into Amhara Democratic Party (ADP) and Oromo Democratic Party (ODP). For the sake of clarity, these two regional parties will be referred to in in this article in their former acronyms—ANDM and OPDO.

³⁸ In the early 1990s, the EPRDF mobilized the ethnic communities of southern Ethiopia into small ethnic-based political parties. Each of these parties has in its title the name of the ethnic group it claims to represent, followed by the phrase, ‘people democratic organization’ (PDO). These parties are hence commonly referred to as PDOs. Sara Vaughan, ‘Responses for Ethnic Federalism in Ethiopia’s Southern Region’ in Turton D (ed), *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective* (Addis Ababa University Press 2006) 181.

³⁹ The affiliate parties were the Afar National Democratic Party (ANDP); Somali People’s Democratic Party (SPDP); Benishangul Gumuz People’s Democratic Party (BGPDP); Gambela People’s Unity Democratic Movement (GPUDM); and Harari National League (HNL). Asnake (n 35).

⁴⁰ Members of this coalition are the Ethiopian Social Democracy-Southern Coalition Unity Party (ESD-SCUP); Oromo Federalist Congress (OFC); Union of Tigrayans for Democracy and Sovereignty (UTDS); and Sidama Liberation Movement (SLM). The EJDFF is composed of the Ethiopian Democratic Union (EDU), Unity of Southern Ethiopian Democratic Forces (USEDFF) and Oromia Liberation National Party (OLNP). The USEDFF in turn is a regional coalition made up of the Wolayta People’s Democratic Front, Gamo Democratic Union, and Gomofofa Peoples Democratic Union, which are local ethnic-based political parties operating in the SNNP.

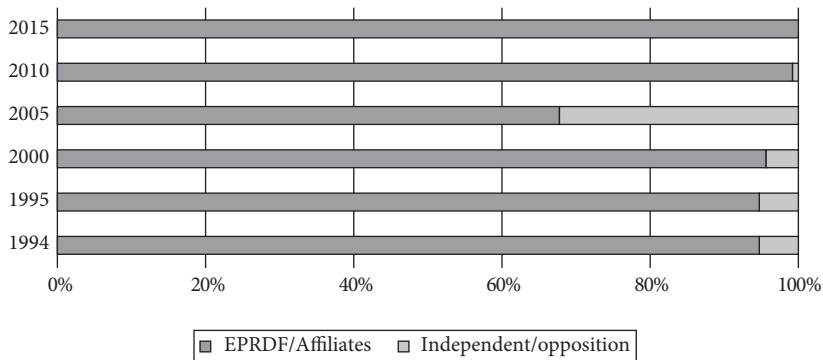


Figure 7.1: General election results in Ethiopia (1994–2015)

Source: NEBE

3.1 National Elections

After the promulgation of the 1995 Constitution, national elections were held in 1995, 2000, 2005, 2010 and 2015. As Figure 7.1 shows, the EPRDF and its affiliates have emerged victorious in all the national elections held thus far. However, the first post-Derg national elections were held in June 1994, when members of the Constituent Assembly, the body that endorsed the 1995 Constitution, were elected. During the transitional period, there was indeed a national legislative body, called the Representative Council, but it was composed of 87 unelected representatives of the EPRDF and other ethnic-based rebel groups which the latter invited to this body.⁴¹ Opposition parties boycotted the June 1994 elections to the Constituent Assembly. The EPRDF thus won 484 of the 547 seats and the rest of the seats went to affiliate parties and individual candidates.⁴² This gave the EPRDF near-exclusive control of the Constituent Assembly.

The then-major opposition also boycotted the 1995 national elections as a show of protest against the harassment and restrictions that its candidates and supporters allegedly faced when campaigning for the elections.⁴³ The EPRDF and few independent candidates stood in these elections. As can be seen from Figure 7.1, the EPRDF and its affiliate parties were declared the winners, with more than 90 per cent of the seats in the HoPR coming under their control.

Next were the 2000 national elections. Several opposition parties took part in them, including the Oromo National Congress (ONC), the EDP, the All Amhara

⁴¹ Asnake (n 35).

⁴² Terrence Lyons, 'Ethiopian Elections: Past and Future' (2010) 5 *International Journal of Ethiopian Studies* 107, 112.

⁴³ *Ibid.*, 130.

People Organisation (AAPO), and the Southern Ethiopian Peoples' Democratic Coalition (SEPDC).⁴⁴ Except perhaps for the SEPDC, most of the opposition parties contested the elections only to avoid being de-registered by the NEBE, as the latter was authorized to cancel the registration of any party that skipped two consecutive elections. The parties hence fielded but a handful of candidates simply as a formality.⁴⁵ The EPRDF and its affiliates again claimed victory, winning 95 per cent of the seats in the HoPR—the opposition secured a mere 2 per cent of the seats.

The 2005 national elections, the third after the promulgation of the Constitution, were the most contested in the history of the country. Initially many opposition parties threatened to boycott these elections if repression and harassment against them continued. This threat, along with pressure from the international community, compelled the EPRDF 'to open up the political space in a manner previously unknown in Ethiopia.'⁴⁶ Meles Zenawi, the late Prime Minister, announced that his party and government were committed to making the elections 'taintless'. The opposition parties entered the 2005 electoral contest under two major coalitions—the CUD, a coalition of four national opposition parties, and the United Ethiopian Democratic Forces (UEDF), a coalition of several ethnic-based regional parties. The elections started off well, with outdoor campaigning, massive public rallies, and vigorous political debates that were broadcast live on television and radio; they ended up disastrously, however.

The CUD and UEDF between themselves secured more than 32 per cent of the seats in HoPR in the 2005 national elections; in fact, the initial results showed they had won even more seats than this. The candidates of these two parties also unseated heavyweight EPRDF politicians, including Bereket Simon (then Minister of Information) and Abadula Gameda (then Minister of Defense). Having conceded losing more than one hundred seats to the opposition, Zenawi declared, however, that his party had won a sufficient number of seats to form a government—a declaration he reportedly made even before 50 per cent of the votes had been counted.⁴⁷ Opposition parties alleged that electoral fraud had denied them a majority in parliament,⁴⁸ accusations that culminated in post-election violence in which hundreds of people were killed. Leaders and several members of the CUD declined to join parliament. Several of them were arrested, convicted, and jailed, remaining in prison until their release two years later under a presidential pardon.⁴⁹

The two post-2005 national elections were the least competitive ones. Indeed, opposition parties, many of which were organized under two coalitions—the

⁴⁴ Merera Gudina, 'Election and Democratisation in Ethiopia, 1991–2010' (2011) 5 *Journal of Eastern African Studies* 664, 670.

⁴⁵ Asnake (n 35) 684–85.

⁴⁶ Gudina (n 44) 670.

⁴⁷ *Ibid.*, 670.

⁴⁸ *Ibid.*, 672.

⁴⁹ For more on the 2005 elections, see Jon Abbink, 'Discomfiture of Democracy? The 2005 Election Crisis in Ethiopia and its Aftermath' (2006) 105 *African Affairs* 173.

Medrek and the EJDF—took part in these elections. In the 2010 elections the EPRDF and its affiliates won all but two seats in the HoPR. The latter went respectively to a pro-EPRDF independent candidate⁵⁰ and an opposition party, but in the 2015 elections, even they went to the EPRDF. This party and its affiliates now enjoy exclusive control of the HoPR.

3.2 Regional Elections

The first post-Derg regional elections were held in June 1992. Although they were supposed to be a multiparty affair, the then major opposition parties, such as the Oromo Liberation Front (OLF) and AAPO boycotted them, with the result that the EPRDF and affiliates claimed 96.6 per cent of seats in the regional councils.⁵¹ As mentioned, opposition parties also boycotted the 1995 general elections, a boycott which thus extended to the regional elections as well. Nevertheless, independent candidates managed to win a few seats in some of the state councils.

In the 2000 regional elections, opposition parties such as the AAPO and EDP won a total of 53 seats in the Addis Ababa City Council⁵² and Amhara, Somali, and Benishangul-Gumuz state councils.⁵³ This number was negligible all the same, considering that close to 2,000 seats were contested in the regional elections. In the 2005 general elections, however, opposition parties enjoyed unprecedented success not only in the national but also the regional elections. The CUD and the UEDF in particular performed well in Addis Ababa, Amhara, Oromia, and SNNP. The CUD won 137 of the 138 seats of the Addis Ababa City Council, with the remaining seat going to the EPRDF by default since none of the opposition parties had fielded candidates in the relevant constituency. The CUD also won a total of 196 seats in Amhara, Oromia, SNNP, and Benishangul-Gumuz,⁵⁴ while the UEDF won 143 seats in Oromia, Hareri, and SNNP.⁵⁵ These electoral results were unparalleled even though they would not have enabled opposition parties to hold a majority of seats in any of the nine state councils.

⁵⁰ This was Ashebir Woldegiorigs, the current president of the Ethiopian Olympic Committee. In the 2015 elections, the EPRDF fielded a candidate in the constituency where Ashebir had sought once again to stand for election as an independent candidate. He complained that it was unfair of the EPRDF to put up a candidate there, since he himself he was a supporter of the party, even if not a member.

⁵¹ Edmond Keller, 'Remaking the Ethiopian State' in Zartman W (ed), *The Disintegration and Restoration of Legitimate Authority* (Lynne Rienner Publishers 1995) 125, 136.

⁵² Before the 2005 elections, the Addis Ababa City Council election was held as part of the general election.

⁵³ African Elections Database, '14 May & 31 August 2000 Regional State Council Elections in Ethiopia' <http://africanelections.tripod.com/et_2000state.html> (last accessed 25 January 2017).

⁵⁴ African Elections Database, '15 May & 21 August 2005 Regional State Council Elections in Ethiopia' <http://africanelections.tripod.com/et_2005state.html> (last accessed 25 January 2017).

⁵⁵ Ibid.

Table 7.1 May 2015 regional election results

State	No. parties	Winner	Votes received	Percentage	Seats won	Total no. seats in the state council
Tigray	6	TPLF	2,374,574	99.39	152	152
Afar	9	ANDP	817,107	99	93	96
		OPDO	8253	1	3	
Amhara	13	ANDM	7,314,564	93	294	294
Oromia	16	OPDO	10,877,190	93	537	537
Somali	6	SPDP	2,621,088	99.97	273	273
BG	5	BGPDP	222,790	81	99	99
Gambella	1	GPRDM	195,335	100	155	155
SNNP	21	SEPDM	5,836,849	93.74	345	345
Hareri	5	HNL	19,791	19.1	18	36
		OPDO	84,097	80.9	18	
Total			30,371,638			1989

Source: NEBE 2015

As was the case in the national elections, the next two regional elections resulted in the complete dominance of the EPRDF. Table 7.1 shows that the TPLF, OPDO, ANDM, and SEPDM assumed exclusive control of the regional councils of Tigray, Oromia, Amhara, and SNNP. Similarly, the EPRDF affiliate parties enjoyed full control of the respective regional councils.

3.3 Local Elections

The first post-Derg elections were local elections in which provisional local administrators were 'selected' in a 'snap election' held at public meetings and supposedly on a non-partisan basis. The provisional administrators were put in charge of facilitating the June 1992 regional elections. The next local elections were conducted in 1997, 2002, 2008, and 2013. The sixth local elections were supposed to have been held in May 2018, but a lack of security forced the NEBE to twice postpone them; at the time of writing, it is still unclear when, and whether, they will take place.

Local elections thus far have been held with barely any involvement by opposition parties, which routinely boycott them on the grounds of alleged

intimidation by EPRDF officials. After the 2005 national elections, and immediately before the 2008 local elections, the EPRDF decided that every local council should have between 200 to 400 seats, thereby increasing the number of the seats in local councils to 3.6 million.⁵⁶ The party argued that this was meant to enhance grassroots public participation, but it made it all but impossible for opposition parties contest local elections. Now the EPRDF and affiliates control all 3.6 million local council seats.

4. Constitutionalism versus the EPRDF's Electoral Authoritarianism

It is clear from the discussion so far that Ethiopia has representative councils at multiple levels of government and that elections are held more or less regularly. The Constitution provides the framework necessary for competitive multiparty democracy; it requires that all levels of government be run by democratically elected officials; and it guarantees civil liberties and political rights that are indispensable in competitive electoral democracy. Moreover, opposition parties have a constitutional right to exist, further to which dozens of them contest almost every national election. But, as is apparent, elections in Ethiopia are far from competitive, and the EPRDF and its affiliate parties have been dominant in all the elections held to date.

There is general agreement among observers of the country's politics that Ethiopia is a textbook example of electoral authoritarianism.⁵⁷ Indeed, since the early 1990s some have warned that it was descending into electoral authoritarianism, even though it was only in the post-2005 elections period that the EPRDF's tendencies in this regard became bluntly apparent. The tell-tale signs of authoritarian tendencies were discernible as early as 1992, however, the year when the EPRDF excluded several political parties from the National Peace Conference that adopted the Transitional Period Charter. As was mentioned, in the first local elections, those who were to run local administrations were supposed to be selected in public meetings and on a non-partisan basis, but according to Pausewang et al, the EPRDF ensured that individuals loyal to it were installed in each local government.⁵⁸ The June 1992 regional elections, administered by these same local authorities, 'began, ostensibly at least, as a multiparty affair [and] ended in, what appeared

⁵⁶ Lovise Aalen and Kjetil Tronvoll, 'The 2008 Ethiopian Local Elections: The Return of Electoral Authoritarianism' (2008) 108(430) *African Affairs* 116.

⁵⁷ Abbink (n 7); Leonardo R Arriola and Terrence Lyons, 'Ethiopia: The 100% election' (2016) 27 *Journal of Democracy* 76.

⁵⁸ Siegfried Pausewang, Kjetil Tronvoll, and Lovise Aalen, 'A Process of Democratisation or Control? The Historical and Political Context' in Pausewang S, Tronvoll K, and Aalen L (eds), *Ethiopia Since the Derg: A Decade of Democratic Pretension and Performance* (Zed Books 2002) 26.

to be, the consolidation of one-party rule.⁵⁹ The party reportedly later forced out other parties from the transitional government on various pretexts.⁶⁰

This raises the question of why the EPRDF bothered to constitutionalize a multiparty system if it had no intention of allowing it to function properly. Why not simply constitutionalize a one-party system instead? Granted, there is no available evidence that the EPRDF ever considered this, and several internal and external factors would have prevented it from establishing a one-party state even if it had sought to do so. Having endured the Derg's military dictatorship for 14 years and its one-party system for three years, the Ethiopian people were already averse to such a scenario. Moreover, the EPRDF had waged a 17-year-long civil war against the Derg in the name of establishing multiparty democracy and a system that grants ethnic communities the right to self-determination: when it assumed power, it had no choice but to establish a multiparty political system. It is also the case that the EPRDF itself was not a single party: it was a 'front' made up of ethnic-based regional parties, each of which has a separate legal identity and the political inclusion of which presupposes the existence of a multiparty system.

In addition, like most electoral authoritarians, the EPRDF ascended to power immediately after the Cold War ended and the Soviet bloc collapsed. With the Soviet Union disintegrating, socialist authoritarian states lost their only source of political and economic support. In any case, the EPRDF viewed the Soviet Union as a 'social imperialist' and 'enemy' for the support it gave the Derg.⁶¹ It was therefore unlikely that it would have either sought or obtained support from the Soviet Union. It was not likely that it would have found support from Western countries either if it tried to establish a one-party system. Indeed, Western countries supported authoritarian states that were opposed to communism, and the EPRDF had declared that it was no longer a communist party when it reached Addis Ababa. However, with communism no longer a threat, Western governments were under pressure from their citizens to cease economic assistance to authoritarian states. As a result, they not only stopped supporting authoritarian states but began requiring that they introduce democratic reforms.

The combination of these factors led to what Samuel Huntington called 'democracy's third wave', one that engulfed numerous African and Asian countries in the 1990s.⁶² The EPRDF assumed power in such a global context. Even before it took control of Addis Ababa, Herman Cohen, the then US Assistant Secretary of

⁵⁹ National Democratic Institute, *An Evaluation of the June 21, 1992 Elections in Ethiopia* (Washington, DC 1992) 3–4 quoted in Terence Lyons, 'Closing the Transition: The May 1995 Elections in Ethiopia' (1996) 34 *The Journal of Modern African Studies* 121.

⁶⁰ Asnake (n 35).

⁶¹ John Young, *Peasant Revolution in Ethiopia: The Tigray People's Liberation Front, 1975–1991* (CUP 1997) 155.

⁶² Samuel P Huntington, 'Democracy's Third Wave' (1991) 2 *Journal of Democracy* 12.

State for African Affairs, reportedly warned its representatives in London that if they did not introduce democracy, they should not expect the cooperation of the United States. As he put it, ‘No democracy—no cooperation.’⁶³ Considering the domestic and global political context described above, the EPRDF had no choice but to constitutionalize multipartyism.

Three explanations can be given as to why the EPRDF resorted to electoral authoritarianism after having constitutionalized multipartyism. The first concerns the party’s ‘violent origins’. Studies show that parties that assume power through coups, revolution or civil war often end up being electoral authoritarians, if not totalitarian dictatorships.⁶⁴ They tend to be ‘cohesive’ thanks to ‘the norms, identities, and organizational structures generated during periods of violent conflicts’;⁶⁵ yet while violent origins give these parties cohesiveness and durability, they also predispose them to authoritarianism due to ingrained ‘militarised structures’ and ‘military-style internal discipline’.⁶⁶ Moreover, violence ‘hardens partisan boundaries’ to the extent that opposition parties are viewed as ‘historic enemies’ that could be justifiably excluded from the political process.

The EPRDF certainly had violent origins, given that it came to power after 17 years of gruesome civil war. Not only did it have hierarchical structure and militaristic discipline, it also often linked opposition parties with former regimes. EPRDF leaders have referred to opposition parties as ‘forces of destruction’, ‘anti-peace elements’, ‘anti-development’ ‘enemies of the Ethiopian people’, and ‘vestiges ... of the old systems.’⁶⁷ This history of violence and the ensuing political polarization seems to underpin the EPRDF’s electoral authoritarianism.

The second explanation of the EPRDF’s authoritarian tendencies had to do with its perception of itself as a vanguard party.⁶⁸ A vanguard party, in Marxist-Leninist doctrine, is a party established by ‘class conscious’ members of the working class which has the right to exist to the exclusion of other parties; the latter, if allowed to exist, are expected to play merely a complementary role. Each of the leftist parties that sprang from the Ethiopian Students Movement of the 1970s saw itself as a vanguard party and sought to crush its competitors. The brutal fights between members of the EPRP and MEISON are a case in point.

The founders of the TPLF, the core of the EPRDF, who were also ex-members of the EPRP or the MEISON, espoused the notion of vanguardism, claiming that only it had the right to represent the Tigray people and chasing the EPRP and others out

⁶³ Terence Lyons, ‘Closing the Transition’ (n 59) 122.

⁶⁴ Luis Alain Oquendo, ‘Violent origins and the Emergence of Electoral Authoritarianism’ (unpublished PhD thesis, 2016).

⁶⁵ Steven R Levitsky and Lucan A Way, ‘Beyond Patronage: Violent Struggle, Ruling Party Cohesion, and Authoritarian Durability’ (2012) 10 *Perspectives on Politics* 869, 871

⁶⁶ *Ibid.*

⁶⁷ Merera (n 44) 675.

⁶⁸ For more on this, see Ayele (n 7); Abbink’ (n 7) 308.

of Tigray.⁶⁹ In the early 1990s, OPDO emerged (allegedly created by the TPLF), claiming to be the vanguard party of the Oromo, which angered the OLF since the latter also had the ‘conviction that [it] alone had the right to lead the Oromo’.⁷⁰ This led to civil war between the EPRDF and OLF, the result of which was that the latter was driven out of Oromia. Each of the constituent units of the EPRDF viewed itself as the vanguard party of a specific ethnic community, while the EPRDF saw itself as a vanguard party at the national level. This was clearly indicated in the party’s programme:

In order to enable people to rally behind the objectives of revolutionary democracy and to struggle for their accomplishment, EPRDF is expected to play the role of a vanguard by bracing up its organizational capacity to lead the people in their efforts to raise their consciousness and organize themselves.⁷¹

Based on its vanguardist self-understanding, the EPRDF categorized political parties into pro-people and anti-people parties, with the party’s ideology sanctioning the exclusion from the country’s political life of those in the latter category.⁷² Opposition parties, to the extent that they were allowed to exist, were expected—as the EPRDF’s officials were often heard saying—to serve merely as a mirror through which the EPRDF could see its own defects and self-correct.⁷³ What they were *not* expected to be was viable opponents that could unseat the vanguard party in competitive elections.

The third explanation is that, in the early 2000, the EPRDF declared that it would follow the ‘developmental state paradigm’, which entails the state’s active involvement in the economic sector until the economy is transformed from an agricultural base to an industrial one. Meles Zenawi is credited with articulating the arguments in favour of the developmental paradigm in his various writings, including in his master’s thesis.⁷⁴ The central arguments are, first, that there cannot be a truly competitive democracy where there is pervasive poverty and that, secondly, state power is the only way to accessing the economic resources redress that poverty. In such a political economy, Meles argues, electoral democracy would be a

⁶⁹ Gebru Asrat, *ሉዓላዊነት እና ዲሞክራሲ በኢትዮጵያ [Sovereignty and democracy in Ethiopia]* (Addis Ababa 2008 Ethiopian Calendar (2016)) 181.

⁷⁰ Lyons, ‘Closing the Transition’ (n 59) 126.

⁷¹ EPRDF, *Program: Introduction* <www.slideshare.net/Bereh11/eprdf-program> (last accessed 18 April 2017). Emphasis added.

⁷² Gebru (n 69).

⁷³ When, in a conference, Bereket Simon made a remark about the role of opposition parties as mirrors of the EPRDF, Lidetu Ayalew, an opposition party leader, reacted angrily by saying that comments such as those went to show that the EPRDF does not take opposition parties seriously. The full video of the conference is available at <www.youtube.com/watch?v=pkHjaWImbpc&t=47s> (last accessed on 25 April 2018).

⁷⁴ Meles Zenawi, ‘African Development: Dead Ends and New Beginnings’ (Dissertation: Erasmus University).

‘no-choice democracy’. Elections would become a contest between political groups for the chance to embezzle the state. Political parties and civil society organizations would simply be ‘patronage mechanisms, rather than the basis for a true associational political culture.’⁷⁵

Before a truly competitive democracy can be achieved, Meles goes on to say, a developmental state would ‘have to transform the political economy of patronage and rent-seeking’ into one that is ‘value-creating’. To achieve this, the developmental state should have a strong centre capable of mobilizing the people and the country’s resources to achieve economic transformation, which in turn requires ‘a strong, cohesive and centralised party.’⁷⁶ Once economic transformation is achieved, the developmental state dies a natural death and is replaced by liberal democracy.

Indeed, Meles claimed that in multi-ethnic countries like Ethiopia, development cannot be achieved without democracy. However, it is unclear what kind of democracy he meant since, clearly, he did not mean competitive democracy.⁷⁷ In fact, different authors maintain that Meles was of the view that competitive democracy had to be ‘postponed’ until Ethiopia became a ‘middle-income country’. Medhane Tadesse writes:

Arguably, Meles seem[ed] to have decided to delay, or probably ignore altogether, the process of democratization for the sake of solidifying the developmental state. He believed practicing the details of Western democracy stands in the way of fully implementing the fundamentals of such a state. He argued the new economic structures and institutions required their own political organization such as a hegemonic party.⁷⁸

To summarize, the 1995 Constitution guarantees multiparty democracy and the right of opposition parties to exist and take part in the political process of the country. The EPRDF could do away with opposition parties without demonstrably violating the Constitution that it authored. Yet its violent origins and militaristic character, its vanguardist self-perception borne of an ideology of revolutionary democracy, and its developmental-state paradigm together impelled it into electoral authoritarianism.

⁷⁵ Alex de Waal, ‘Review Article: The Theory and Practice of Meles Zenawi’ (2012) *African Affairs*.

⁷⁶ Assefa Fiseha Yeibyo, ‘Development with or without Freedom’ in Brems E, van der Beken C, and Yimer S A (eds), *Human Rights Development: Legal Perspective from and for Ethiopia* (Brill Nijhoff 2015) 101.

⁷⁷ De Waal (n 75) writes: ‘[T]o those who condemned his measures against the political opposition and civil society organizations, [Meles] demanded to know how they would define democracy and seek a feasible path to it, in a political economy dominated by patronage and rent seeking?’

⁷⁸ Medhane Tadesse, ‘Meles Zenawi and the Ethiopian State’ (Aiga Forum) <<http://aigaforum.com/articles/medhane-on-meles-zenawi-and-power.pdf>> (last accessed 17 April 2018).

4.1 The EPRDF's 'Menu of Institutional Manipulation'

As has been shown, the EPRDF did not have the option of instituting a one-party system when it assumed power in the 1990s, as the internal and external political dynamics of the time would not have allowed this. It thus had to constitutionalize multiparty democracy; yet, for the reasons described, it did not fully democratize the country, but instituted electoral authoritarianism. The EPRDF began paving the way for its electoral authoritarianism during the transitional period. It controlled how this period would progress and set the rules for the post-transitional political game, which helped it remain dominant for more than two decades.⁷⁹ The party had a 'menu of institutional manipulation' from which it draws to ensure favourable electoral outcomes, a menu that includes a favourable electoral system, an election administration organ which is under its control, and several pieces of legislation that impose severe restrictions on the media and civil society organizations (CSOs).⁸⁰

The plurality electoral system, according to Merera Gudina, a scholar and prominent opposition leader, was simply 'constitutional engineering' designed to ensure the EPRDF's continued dominance.⁸¹ The reason is that the plurality electoral system distorts electoral outcomes in favour of a dominant party, and as a dominant party, the EPRDF could easily reach the thresholds that are required for winning in such a system.⁸² Moreover, while all versions of this system distort electoral outcomes in favour of a dominant party, the version used in Ethiopian subnational elections is even worse. As Pauswang et al write, in Ethiopia, in a constituency that sends, for instance, six delegates to a local council, the ruling party may win all six seats with just six more votes than the other parties.⁸³

The NEBE, the country's election administration organ, was evidently under the ruling party's thumb. Its lack of independence was due in part to the fact that the Constitution empowers the Prime Minister, who has been the chairperson of the EPRDF, to nominate the nine members the NEBE, who are then confirmed by an EPRDF-dominated HoPR. The political neutrality of the NEBE's head and other members was thus suspect. Moreover, although the opposition had been demanding a say in the selection of the members of the NEBE, the EPRDF rejected this, in addition to which several reports indicate that the NEBE lacked neutrality. The European Union Election Observation Mission, in its report on the 2010 general elections, states that NEBE staff, at federal, state, and local level,

⁷⁹ Terence Lyons, 'Closing the Transition: The May 1995 Elections in Ethiopia' (1996) 34 *The Journal of Modern African Studies* 121.

⁸⁰ For more on this, see Ayele (n 7) 17–20.

⁸¹ Gudina (n 44) 669.

⁸² A Reynolds, B Reilly, and A Ellis, *Electoral Design: The New International IDEA Handbook* (International Institute for Democracy and Electoral Assistance 2005), 44. See also Abbink (n 7) 307.

⁸³ Pauswang et al (n 58) 17.

were government employees and civil servants, persons who were often members of the ruling party.⁸⁴ The Mission further observed that local authorities, who were evidently members of the ruling party, served as electoral authorities in certain areas.⁸⁵

The HoPR had also passed several pieces of legislation, especially after the 2005 elections, that the EPRDF ‘openly and effectively used ... to block any repetition of the 2005 scenario.’⁸⁶ These include the Freedom of the Mass Media and Access to Information Proclamation 590/2008, the Anti-Terrorism Proclamation 652/2009 and Charities and Societies Proclamation 621/2009. Proclamation 590/2008 contains various restrictions on the print and other media, including a defamation clause, that limit voters’ access to information. Proclamation 652/2009 criminalizes publishing ‘a statement that is likely to be understood by some or all of the members of the public to whom it is published as a direct or indirect encouragement or other inducement to them to the commission or preparation or instigation of an act of terrorism’.

The print media enjoyed relative freedom in the 1990s, with several newspapers critical of the government in existence; the latter also served as the only platform on which opposition parties could communicate their programmes to the public. But, under various pretexts, the government shut many of them down; with the enactment of the proclamations above, it now had legislative justification to shut almost any newspaper that was critical of it. Electronic and broadcast media were until recently monopolized by the state. While every radio and TV show disseminated the EPRDF’s programme year in, year out, and reported on the economic success achieved under the party’s leadership, opposition parties were allowed to access these same media platforms for only a few minutes during pre-election periods.

Furthermore, Proclamation 621/2009 contained several provisions that had the effect of restricting the operations of CSOs, including strict registration and licensing requirements, and an intrusive government inspection regime.⁸⁷ Having divided CSOs into Ethiopian, Ethiopian-resident, and foreign CSOs depending on their membership and origin of their funds,⁸⁸ the Proclamation bars CSOs in

⁸⁴ European Union: Election Observation Mission—Ethiopia 2010 House of Peoples’ Representatives and State Council Elections, *Preliminary Statement* (25 May 2015).

⁸⁵ *Ibid.*

⁸⁶ Merera (n 44) 673.

⁸⁷ The proclamation creates a government agency, called the Charities and Societies Agency, which has the authority to grant or withhold a licence to a CSO as well as exercise wide supervisory powers over CSOs that allow it to interfere in their internal affairs.

⁸⁸ A CSO is deemed Ethiopian if it is established by Ethiopian nationals under Ethiopian law. A CSO that raises more than 90 per cent of its funds from within the country is also considered an Ethiopian CSO. CSOs formed by residents of Ethiopia and which receive more than 10 per cent of their revenue from foreign sources are considered ‘Ethiopian residents’. A foreign CSO is one established by foreigners, under a foreign law. Proclamation 621/2009, article 2(2)–(4).

the latter two categories from raising political issues and advocating human rights, democratic participation, and the like.

Finally, the EPRDF, as electoral authoritarians are wont to do, employed local authorities as an indispensable ‘apparatus of control’. Local authorities have been very useful in ensuring favourable electoral outcomes for the EPRDF, in that they use local police forces and other security apparatuses to harass opposition supporters by preventing them from holding public rallies, demonstrations, or public meetings.⁸⁹ As is alleged, local authorities harass members and candidates of the opposition, often forcing the latter to withdraw from elections.⁹⁰ Moreover, given that public receives most of the state services from local authorities, members, and supporters of opposition parties, or those localities that vote for opposition parties, are often denied such services. So important are local authorities for maintaining its incumbency that the ruling party took several measures to ensure that local government remains under its exclusive control. A case in point is increasing local council seats from 600,000 to 3.6 million to prevent ‘any opposition party from gaining influence’ at the local level, seeing as no party other than the EPRDF could field such numbers of candidates in local elections.⁹¹

4.2 Opposition Parties

The electoral victory of authoritarian regimes, as Schelder argues, is due not solely to their strength but to the ‘ineptitude’ of the opposition.⁹² This is also true in Ethiopia, where the EPRDF’s electoral dominance was due in part to the weaknesses of opposition parties. The latter are extremely fragmented despite the similarity of their ideological orientations and political programmes.⁹³ Indeed, they enter into coalitions around election time, but these seldom last more than a single electoral cycle. More usually, they contest against each other in every electoral district, or eliminate one another even before voting begins.⁹⁴

⁸⁹ Merera (n 44) 675.

⁹⁰ Kjetil Tronvoll, ‘Briefing: The Ethiopian 2010 Federal and Regional Elections: Re-Establishing the One-Party State’ (2011) 110 *African Affairs* 1, 8.

⁹¹ Bertelsmann Transformation, *Index Ethiopia: Country Report* (Bertelsmann Gütersloh Stiftung 2009).

⁹² Andreas Schedler, ‘Election without Democracy: The Menu of Manipulation’ (2002) 13(2) *Journal of Democracy* 36, 42.

⁹³ Arriola and Lyons (n 57) 78.

⁹⁴ Article 49(1) of Proclamation 573/2008 provides that no more than 12 candidates (parties) may contest a single electoral district. If the number is higher, independent candidates are eliminated; if the number of candidates is still above 12, the six parties that received the highest number of votes in the previous elections are retained and the participation of the rest is determined by lots drawn by the NEBE. Three candidates of the Blue Party, including Yilikal Getnet, its then chairman, were eliminated from the 2015 national elections due to this rule. Neamin, ‘Ethiopia: Candidates in Addis Ababa Reduced to 276 from 328’ *The Reporter* (Addis Ababa, 2017) <<http://archiveenglish.thereporterethiopia.com/content/candidates-addis-ababa-reduced-276-328>> (last accessed 15 April 2017).

Opposition parties also suffer from acute financial constraints, as they raise little revenue from member contributions and other internal sources. They are prohibited by law from engaging in businesses or receiving donations from foreign sources.⁹⁵ The EPRDF, on the other hand, had immense financial resources, along with government property and institutions at its disposal such as community halls, vehicles, and state radio and television. Moreover, while the NEBE receives considerable donor funding meant to encourage electoral democracy in the country and disburses it among the parties, these monies are simply grants and may be available in one electoral period but not in the next; in addition, the amount that a party receives depends principally on the number of seats it has in the HoPR. This means in effect that the EPRDF gets the lion's share of this funding. For instance, in the 2015 elections, it received half of the USD 1,316,907 that the NEBE made available; it also received 27 per cent of the total amount simply for controlling all the seats in the 2010–2015 parliament.⁹⁶

Furthermore, opposition parties take little part in subnational elections. They have fielded few candidates in regional elections, and boycotted all six local elections. Harassment by ruling-party officials, electoral irregularities, the NEBE's lack of impartiality, and unfavourable electoral systems are among the reasons they give for these boycotts—they would seem to have good grounds for boycotting local elections, given that they participate in national elections notwithstanding the challenges they face. Indeed, the post-2005 reforms, especially the increase in the size of local councils, have made it almost impossible for them to participate in local elections. Nor do they have much financial incentive to take part in local elections, as those supporting them financially (especially Ethiopians in the diaspora) require them to focus on national elections.⁹⁷ In this regard, the underlying strategy of opposition parties appears to be based on the idea of seizing control of the centre and using this as a means to control the periphery thereafter.

5. Emerging Trends

5.1. Public Protests and the Rise of Abiy Ahmed to Power

For more than two decades, the EPRDF faced neither any unmanageable domestic resistance nor strong external pressure to democratize. The domestic resistance was weak partly because the country had little previous experience of democracy against which to compare the current system—autocratic rule seemed the

⁹⁵ Proclamation 532/2007, article 52(1).

⁹⁶ National Electoral Board of Ethiopia, 'Government Financial Support for the Purpose of Election to Competitive Political Parties' (2015) <www.electionethiopia.org/en/> (last accessed 1 February 2017).

⁹⁷ Wondwosen Teshome, 'Ethiopian Opposition Political Parties and Rebel Fronts: Past and Present' (2009) 9(1) *International Journal of Social Sciences* 60.

natural order of things.⁹⁸ The EPRDF's democratic record was also immeasurably better than its predecessors; an absolute autocracy and a military dictatorship. The country's socio-economic structure—in which a large proportion of the people were poor and uneducated—appears to have aided the EPRDF's electoral authoritarianism as well.⁹⁹ As Lefort argues, Ethiopian rural communities, poor and dependent on public services, generally refrained from antagonizing the party.¹⁰⁰

The EPRDF's success in bringing about economic development and an expansion of social services also helped it maintain its dominance.¹⁰¹ The economy saw successive double-digit growth for about 15 years. As a result, absolute poverty, which was more than 50 per cent when the EPRDF assumed power, reportedly decreased to 23.5 per cent.¹⁰² The gross enrolment in primary school, only 23 per cent in the 1990s, rose to 97 per cent by 2015, putting Ethiopia among the countries that have exceeded what was required under the Millennium Declaration.¹⁰³ In the 1990s, only a handful of universities existed in the country; now there are more than 40 state universities, churning out thousands of graduates every year. The EPRDF milked its successes in this respect to justify its exclusive hold on power.

In addition, the EPRDF faced little pressure from Western countries to democratize.¹⁰⁴ Quite the contrary: under the EPRDF, Ethiopia became a 'donor darling', mainly because it was a strategic partner of the West in the 'war on terror'.¹⁰⁵ It also played an indispensable role in maintaining stability in the Horn of Africa, an extremely volatile part of the continent. Ethiopia thus received annual development aid in excess of USD 3 billion from Western countries, making it one of the largest recipients of development aid in sub-Saharan Africa.¹⁰⁶ For Western governments, it seemed, it was sufficient that the EPRDF appeared democratic enough to allow

⁹⁸ René Lefort, 'Power—*Mengist*—and Peasant in Rural Ethiopia: The May 2005 Elections' (2007) 45(2) *Journal of Modern African Studies* 253.

⁹⁹ A socio-economic structure in which a large section of the people is poor and uneducated is generally considered conducive to electoral authoritarianism. Michael M Miller, 'The Strategic Origins of Electoral Authoritarianism' (2017) *British Journal of Political Science* 1. When the EPRDF assumed power, the country's economy was in shambles due to 17 years of civil war, chronic drought, and the command economy of the *Derg*. Over half the population was living below the national poverty line. The rate of illiteracy was 77 and 55 per cent for women and men, respectively. More than 80 per cent of the population, and more than 90 per cent of the poor, lived in rural areas where there was no easy access to alternative information, making them easy to control. Federal Democratic Republic of Ethiopia (FDRE): Ministry of Finance and Economic Development (MoFED), *Ethiopia: Sustainable Development and Poverty Reduction Program (SDPRP)* (2002) 3.

¹⁰⁰ Lefort (n 98).

¹⁰¹ Arriola and Lyons (n 57) 78.

¹⁰² Federal Democratic Republic of Ethiopia National Planning Commission, *Voluntary National Review on SDGs: Government Commitment, National Ownership and Performance Trends* (2017), 11.

¹⁰³ *Ibid.*

¹⁰⁴ Arriola and Lyons (n 57) 78.

¹⁰⁵ Emanuele Fantini and Luca Puddu, 'Ethiopia and International Aid: Development between High Modernism and Exceptional Measures' in Hagmann T and Reyntjens F (eds), *Aid and Authoritarianism in Africa Development without Democracy* (Zed Book 2016) 91.

¹⁰⁶ Rita Abrahamsen, 'Discourses of Democracy, Practices of Autocracy: Shifting Meanings of Democracy in the Aid—Authoritarianism Nexus' in Hagmann T and Reyntjens F (eds), *Aid and Authoritarianism in Africa Development without Democracy* (Zed Book 2016) 21, 36.

them to justify the development aid to their taxpayers. So it was that when, just before Barack Obama's official visit to Ethiopia in 2015, Susan Rice, his National Security Advisor, was asked whether the country is a democracy, she replied, 'One hundred per cent,' even though she was unable to control her laughter after responding.¹⁰⁷ While in Addis Ababa, Obama himself called the Ethiopian government 'democratically elected.'¹⁰⁸

Things began to change soon after the 2015 elections. As mentioned, the government was faced with unprecedented public protests that went on unabated for close to three years and escalated into violent inter-ethnic conflict, resulting in the internal displacement of more than a million people in the Somali, Oromia, and Amhara regions; this in turn forced the government to declare nationwide states of emergency twice in less than two years—the second was imposed less than six months after the first was lifted. The international community also started upping the ante. European countries and the United States began applying strong pressure to the government. For instance, the US Embassy in Ethiopia, having criticized the imposition of the second state of emergency, called for political reforms.¹⁰⁹ In addition to this, the US Congress passed House Resolution 128, which among other things urged the Ethiopian government 'to respect the right to peaceful assembly and guarantee freedom of the press' and to repeal the antiterrorism proclamation as well as proclamations regulating CSOs and the press.¹¹⁰

Moreover, political divisions arose within the EPRDF. The OPDO in particular began pushing for a better role and position in the party and government. The discord worsened due to alleged heavy-handedness of the military—the leadership of which was often associated with the TPLF—in dealing with the protests in Oromia and Amhara. The party thus seemed to be on the verge of breakdown. Federal and state government institutions, which had no life independent of the party, also became inept in the face of the popular resistance, which was unprecedented both in extent and intensity in the past two decades.¹¹¹ These factors led to political change of seismic proportions. In February 2018, Haile Mariam Dessalegn, who succeeded Meles as Prime Minister, 'voluntarily' resigned from his position and was replaced by Abiy Ahmed from the OPDO faction of the EPRDF.

Abiy initially posed as a reformer. In his inaugural address to parliament as well as in other speeches he gave subsequently, he reached out to opposition parties.

¹⁰⁷ The video is available at <<https://www.youtube.com/watch?v=IXFXl4avLVw>> (last accessed 16 March 2020).

¹⁰⁸ Arriola and Lyons (n 57) 78.

¹⁰⁹ 'U.S. Embassy Statement on the Ethiopian Government's Declared State of Emergency' (US Embassy in Ethiopia) <<https://et.usembassy.gov/u-s-embassy-statement-ethiopian-governments-declared-state-emergency>> (last accessed 24 April 2018).

¹¹⁰ House Resolution (H.Res.) 128—Supporting Respect for Human Rights and Encouraging Inclusive Governance in Ethiopia <www.congress.gov/bill/115th-congress/house-resolution/128> (last accessed 17 April 2018).

¹¹¹ Zemelak Ayele, 'Reforming the Ethiopian Polity: Another False Dawn or a Hopeful Start?' *Constitutionet* (20 June 2018).

He invited several political organizations previously forced to operate in exile, including the OLF, branded a ‘terrorist organization’ by the HoPR, to return home and many of them accepted the invite and returned back to the country pledging to engage in peaceful political activities. The laws on elections, CSOs, political parties, and terrorism that were deemed to inhibit multiparty democracy were revised, even if this was not to the satisfaction of everyone.¹¹² TV and radio stations, including those owned by the state or ruling party, began broadcasting programmes not necessarily flattering to the regime and inviting on air individuals less than gracious to the ruling party—things unheard of in the past. The NEBE has been reformed and is now headed by Birtukan Mideksa, a former opposition leader who had been jailed for several years under Zenawi’s regime.

Abiy also ended the ‘no-peace-no-war’ situation that had prevailed between Ethiopia and Eritrea after the 1998–2002 border war between the two countries. He flew to Asmara on 8 July 2018, after 20 years of diplomatic rupture between the two countries, where he was warmly received by the people and leadership of Eritrea.¹¹³ Isaias Afewerki, the President of Eritrea, reciprocated with a visit to Addis Ababa a week later. Considering his domestic reforms and the efforts he made to resolve the Ethio-Eritrean disputes, on 10 December 2019, the Norwegian Nobel Committee awarded Abiy the Nobel Peace Prize.¹¹⁴

5.2. From Revolutionary Democracy to *Medemer*: A Return of One-man Rule?

The hopes that the rise to power of Abiy brought are however increasingly turning into despair. There is a growing ethnic polarization and breakdown in law and order in different parts of the country. This is partly because the three-year public protests have dismantled local institutions creating power vacuum in different

¹¹² The EPRDF had indeed negotiated with some opposition parties on certain legislative reforms even before Abiy came to power. In a forum known as the Joint Council of National Political Parties, the EPRDF negotiated the revision of the Anti-Terrorism Proclamation (652/2009), the Electoral Code of Conduct Proclamation (662/2009), and the Revised Political Parties’ Registration Proclamation (573/2008). The draft laws were, however, never submitted to parliament. The party also agreed to introduce a mixed electoral system in which 80 per cent of members of parliament would be elected under the old electoral system and the rest under a proportional-representation system. To this effect it agreed to amend the Constitution. The parties also agreed that the HoPR would have an additional 110 seats to ensure broader representation. The ruling party further agreed to involve opposition parties when appointing members of the NEBE. Abiy apparently decided to put all these agreements aside and start afresh, something with which the political parties that took part in the negotiations are less than delighted.

¹¹³ ‘Ethiopia’s PM Abiy Ahmed in Eritrea for Landmark Visit’ Al Jazeera (8 July 2018) <<https://www.aljazeera.com/news/2018/07/ethiopia-pm-abiy-ahmed-eritrea-landmark-visit-180708083000438.html>> (last accessed 29 May 2020).

¹¹⁴ ‘Award Ceremony Speech’, The Nobel Prize (10 December 2019) <<https://www.nobelprize.org/prizes/peace/2019/ceremony-speech/>> (last accessed 29 May 2020).

parts of the Oromia and Amhara states. The breakdown in law and order was so severe that local elections have been postponed twice, as has the national population census, which has to be conducted before the sixth general elections.¹¹⁵ Most importantly Abiy Ahmed, who initially acted as a reformer and pledged to bring a democratic order to the country, is now displaying authoritarian tendencies.

Abiy rebranded the EPRDF in the name of bringing a degree of legitimacy to the party and ‘rebuild’ its ‘fractured image’ even though his real motive appears to be seizing the full control of the party.¹¹⁶ The rebranding process, which began with ‘superficial reforms’ such as renaming the constituent parties and changing their logo, culminated with transforming the party into a single non-ethnic, centralized, and ‘pan-Ethiopian’ party with a new name, the **Ethiopian Prosperity Party (EPP)**, which also incorporated the affiliate parties. Indeed, the constituent parties of the EPRDF barely enjoyed any political autonomy in the past, despite having legal existence separate from the coalition, since the EPRDF operated based on democratic centralism. This was however changing after the 2015 elections and they were beginning to assert some degree of autonomy. With the transformation of the EPRDF to EPP, the constituent units simply became sub-national branches of the latter and, thus, lost both their legal existence and political autonomy. Abiy implemented this reformation despite strong protests from many members of OPDO, including Lemma Megersa, the former OPDO Chairman, and the TPLF which views this act of transforming the EPRDF as illegal and thus has refused to dissolve itself and join the EPP.¹¹⁷ It should be noted that EPRDF had set a direction to transform itself into a single party long before Abiy came to power which was supposed to take place progressively. Abiy however sped up the process and side-lined the TPLF and his other opponents in the party and seized full control of the party and the government.

The EPP has abandoned the revolutionary democracy ideology of its predecessor and adopted as its guiding principle the Prime Minister’s philosophy called ‘*medemer*’.¹¹⁸ Abiy has been mentioning the word ‘*medemer*’, an Amharic word which is translated as ‘synergy’, in his speeches beginning from his inaugural speech in April 2018 without however clarifying what it meant. In October 2019, he launched a book he authored, titled *Medemer*, in which he discussed his philosophy of *medemer* which, according to Rene Lefort, is informed by what the Prime Minister calls ‘Ethiopian values’ and his ‘fervent and strict’ protestant

¹¹⁵ ‘Ethiopia Delays Census Again Despite Looming Election’ Reuters (10 June 2019) <https://af.reuters.com/article/topNews/idAFKCN1TB1PN-OZATP> (last accessed 24 September 2019).

¹¹⁶ Awol Kassim, ‘Why Abiy Ahmed’s Prosperity Party Could be Bad News for Ethiopia’, Al Jazeera (5 December 2019) <<https://www.aljazeera.com/indepth/opinion/abiy-ahmed-prosperity-party-bad-news-ethiopia-191204130133790.html>> (last accessed on 24 March 2020).

¹¹⁷ Ibid.

¹¹⁸ Prosperity Party ርዕዮተ-ዓለሞች እና አካላዊ ግብዓቶች [Ideologies and their implications] (February 2020).

religious beliefs.¹¹⁹ The word ‘prosperity’ in EPP’s name is also linked to the ‘prosperity gospel’ to which the Prime Minister supposedly subscribes.¹²⁰ In any case, federal, state and local officials are required to purchase and read this book and disseminate the philosophy of *medemer* to the public. The party has published four booklets in which its political, economic, social programmes and ideological direction are linked to the *medemer* philosophy and analysed in light of it. Moreover, the state owned Ethiopian Radio and EPP’s Fana Radio have been ordered to present the audio of the book and they have begun doing so. In short, not only has Abiy rebranded the EPRDF and seized full control of it but also begun using the party structure and the state machinery to impose his personal philosophy as the philosophical/ideological guidelines of the party, if not of the nation.

Abiy’s authoritarian tendencies are also visible in decisions he took in relation to the postponement of the sixth national elections. The elections, which many expected would be the litmus test of whether Ethiopia was becoming a democratic state, were scheduled for August 2020.¹²¹ However, on 31 March 2020, two weeks after the first case of the Novel Corona Virus (COVID-19) was confirmed in the country, the NEBE declared that it would not be able to administer the elections as per the original schedule.¹²² Yet, the term of the current parliament would expire on 10 October 2020 and the Constitution, which simply limits the term of parliament to five years, is silent on how the country should be governed when elections are postponed due to emergency situations.¹²³ Opposition parties were divided on the issue.¹²⁴ Some of them were of the view that the current government should continue governing until such time that it is possible to hold the elections. Others, notably the TPLF, the OFC, and the OLF, were adamant that there was no a constitutional ground allowing EPP to continue governing on its own after 10 October 2020 and that it should consult with them and find a political solution on how to co-govern until the sixth elections are held.¹²⁵ TPLF in fact vowed to hold regional elections within Tigray should the federal government decide to postpone

¹¹⁹ Rene Lefort, ‘Preaching Unity but Flying Solo, Abiy’s Ambition may Stall Ethiopia’s Transition’, *Ethiopian Insight* (25 February 2020) <<https://www.ethiopia-insight.com/2020/02/25/preaching-unity-but-flying-solo-abiy-ambition-may-stall-ethiopia-transition/>> (last accessed on 29 May 2020).

¹²⁰ *Ibid.*

¹²¹ Normally, elections are held in the month of May in Ethiopia. However the security situation in the country did not allow the NEBE to make the necessary preparation and conduct the election in May. It thus rescheduled this to August 2020.

¹²² Elias Meseret ‘Ethiopia Postpones Major election because of Corona Virus’, *Associated Press* (31 March 2020) <<https://apnews.com/88507f6723c54d64f5a8608b0b50578e>> (last accessed 29 May 2020).

¹²³ Articles 54(1) and 58(3).

¹²⁴ Morris Kiruga ‘Ethiopia: Indefinite Postponement of Polls Raising Political Temper’, *The African Report* (25 May 2020) <<https://www.theafricareport.com/28418/ethiopia-indefinite-postponement-of-polls-raising-political-tempers/>> (last accessed 29 May 2020).

¹²⁵ ‘Opposition Parties Statement on Election Postponement’ *Ethiopian Insight* (4 May 2020) <<https://www.ethiopia-insight.com/2020/05/04/coalition-of-democratic-federalism-statement-on-election-postponement/>> (last accessed 29 May 2020).

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the elections.¹²⁶ There are also others who proposed that a transitional government of national unity should be established.

In any case, the Prime Minister, after conferring with certain constitutional lawyers, came up with four options for averting the impending constitutional crisis and presented them to opposition parties. These were: dissolving parliament and establishing a caretaker government; declaring a state of emergency; amending the constitution; and seeking constitutional interpretation from the House of Federation (HoF)—the second chamber of the parliament which is in charge of constitutional interpretation.¹²⁷ Finally, he unilaterally selected the fourth option and, through the HPR, asked the Council of Constitutional Inquiry (CCI)—the organ that provides expert opinion to the HoF on how a constitutional issue should be resolved—for constitutional guideline on how the country should be governed and what the fate of the current parliament and government should be in the interregnum. The CCI recommended that the term of the current state councils and parliament should be extended and the government should continue administering the country until, based on the opinion of national and international health organs, parliament determines that the COVID-19 is no longer a threat to public health.¹²⁸ On 10 June 2020, the HoF approved these recommendations.¹²⁹

There are several problems with the option the Prime Minister chose. First, the HoF is a political organ that the EPP almost fully controls and thus was not expected to approve a recommendation of the CCI that the Prime Minister dislikes.

The TPLF kept its promise in this respect. The Tigray state council adopted a regional electoral law established a regional election board. On 8 September 2020, Tigray held its own regional elections in which five regional parties, including the TPLF, participated. The federal government initially threatened the Tigray state with intervention should the latter go ahead with the elections, to which the Tigray state responded that it would consider as a declaration of any attempt from the federal government to thwart the elections. In any case, in an extraordinary meeting it held on 5 September 2020, the HoF simply declared Tigray's election as unconstitutional, and all actions taken and decisions were made in accordance with this. Yet, to the relief of many, it refrained from ordering the federal government to intervene into the state or withhold block grants that the federal government provides to the state. 'House declares Tigray elections unconstitutional' Addis Fortune (5 September 2020) <<https://addisfortune.news/news-alert/house-declares-elections-in-tigray-state-unconstitutional-illegitimate/>> (last accessed 7 September 2020).

¹²⁷ 'Political Party Leaders Discuss Alternatives toward Conducting Election', Ethiopian News Agency (29 April 2020) <<https://www.ena.et/en/?p=14104>> (last accessed 29 May 2020).

¹²⁸ FDRE Council of Constitutional Inquiry Recommendations on Constitutional Issues that the House of Peoples Representatives Sent to the CCI in Relation to the Postponement of to the 6th General Elections due to COVID-19 (Addis Ababa: May 2020) [የኢ.ፌ.ድ.ሪ የሕግ መንግስት አጣሪ ጉባኤ የኢ.ፌ.ድ.ሪ የሕዝብ ተወካዮች ምክር ቤት በሀገራችን በኮቪድ-19 ወረርሽኝ ምክንያት ፈጅው ጠቅላላ አገራዊ ምርጫ አስመልክቶ ለሕግ መንግስት አጣሪ ጉባኤ በላከው የሕግ መንግስት ትርጉም ጥያቄ ላይ የቀረበ የውሳኔ ሃሳብ (ኢዲሰ አበባ: ግንቦት 2012)].

¹²⁹ FDRE the House of Federation: The Permanent Committee for Constitutional Interpretation and Identity Affairs *Draft Resolution on the Constitutional Interpretation by the Council of Constitutional Interpretation (CCI) on the Constitutional Issues Arising from the Postponement of the Sixth General Elections on Account of the Emergence of the COVID-19 Pandemic* (Addis Ababa; 10 June 2020) [በኢ.ፌ.ድ.ሪ ፌዴሬሽን ምክር ቤት የሕግ መንግስት ትርጉም ማንነት ጉዳዮች ቋሚ ኮሚቴ የሕግ መንግስት ጉዳዮች አጣሪ ጉባኤ በአገራችን በኮቪድ-19 ወረርሽኝ ምክንያት ፈጅው ጠቅላላ አገራዊ ምርጫ ስለማራዘም አስመልክቶ ለምክር ቤቱ በላከው የሕግ መንግስት ትርጉም ጉዳይ ላይ የቀረበ የውሳኔ ሃሳብ (ኢዲሰ አበባ 3 ሰኔ 2012)].

In fact, after referring the matter to the CCI, and before the latter sent its recommendation to the HoF, the Prime Minister gave a televised speech stating that his party will continue governing the country until the COVID-19 is under control and until it is possible to hold the sixth national elections; a not too subtle indication of the kind of constitutional interpretation he sought from the CCI/ HoF.¹³⁰ Secondly, the HoF has an interest in the manner the relevant constitutional provisions are interpreted since it would mean extending its own term. Thirdly, not only has the HoF resolved that the term of parliament should be extended beyond 10 October 2020, but also authorized parliament, which is almost fully controlled by the EPP, to determine whether the COVID-19 is no longer a public health threat and, therefore, if and when the sixth national elections could be held. Fifthly, the HoF put no limitation on the powers that the government can exercise during the extended period and, thus, has allowed it to act as if it is within its term. Finally, the HoF did not require inclusiveness from the government in the sense of enjoining it to consult opposition parties and other stake holders when making decisions on public matters during the extended period. In short, the HoF simply gave to parliament and the Prime Minister a blank cheque to decide when to hold the elections and how to govern the country in the interregnum.

6. Conclusion

The 1995 Constitution contains democratic principles, establishes representative institutions and protects civil liberties and political rights that are essential for a competitive democratic system. It establishes multiple levels of government and institutionalizes a multiparty democratic order. Political parties are constitutionally guaranteed the right to exist in the country and to participate in democratic elections at all levels of government. Moreover, local, regional and national elections have been held regularly, both before and after the promulgation of the Constitution. However, the competitive multiparty democracy that the Constitution envisions remains a pious wish. The EPRDF has instituted a system of electoral authoritarianism which allows it and its affiliates to exercise exclusive political authority. The ruling party has used various formal and informal mechanisms to retain its incumbency, and has succeeded thus far in staying in power.

This has not been without causing disgruntlement among a large section of the Ethiopian populace. The dissatisfaction that arose from political exclusion and the ensuing corruption and lack of accountability led to unparalleled

¹³⁰ 'PM Abiy Issues Warning of Decisive Actions to Protect Country, Constitution; Says gov't to Stay Put until Elections', Addis Standard (7 May 2020) <<http://addisstandard.com/news-pm-abiy-issues-warning-of-decisive-actions-to-protect-country-constitution-says-govt-to-stay-put-until-elections/>> (last accessed 29 May 2020).

anti-regime protests that forced the EPRDF to change its leadership and introduce democratic reforms. Abiy Ahmed, the current Prime Minister, has initiated several political and legal reforms meant to remove laws and policies that made competitive elections unachievable. However as of late, he is showing the tell-tale signs of authoritarianism and harbingers of one-man rule. The country is likely to descend into another round of political crisis if he continues on with this road. The situation might even get worse unless the sixth national elections are held soon and, unlike the previous five elections, these elections are free and fair.

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