PN-ABZ-710

ELECTIONS AND DEMOCRATIZATION

IN POST-MENGISTU ETHIOPIA

John W. Harbeson

City University of New York

Report prepared for

The United States Agency for International Development

project on Elections in War-Torn Societies

September, 1996

TABLE OF CONTENTS

I.	COUNTRY CONTEXT	3
1.1.	Socioeconomic	3
1.2.	Nature of the Conflict	9
1.3.	Political Chronology	22
1.3.1	Ethnic Regionalism .	24
1.3.2.	Encampment and Security Forces.	26
1.3.3.	Election Preparations	28
1.4.	Political Scene at the Time of the Elections.	30
1.5.	Human Rights Situation	34
2.	ELECTIONS	36
2.1.	Initiative	36
2.2	International Electoral Assistance	38
2.3.	Electoral Institutions	42
2.4	Conduct of Elections	49
2.4.1.	Overview.	49
2.4.2.	Voter Registry	50
2.4.3.	Electoral Committees.	51
2.4.4.	Candidate Registration	52
2.4.5.	Balloting	52
2.4.6.	Civic Education.	54
2.4.7.	Appeals	54
2.4.8.	General Administration	54
2.5.	Election Outcome.	57
2.6.	Effects of International Assistance	62

3.	CONSEQUENCES FOR DEMOCRACY AND GOVERNA	NCE	66
3.1.	Executive Branch.		66
3.2.	Representative Bodies	67	
3.3.	Electoral Authorities and Future Elections.		68
3.4.	Local Authorities.		68
3.5.	Judiciary		69
3.6.	Political Parties		69
3.7.	Mass Media		70
3.8.	Civic Organizations		71
4.	CONSEQUENCES FOR RECONCILIATION PROCESSE	S	72
4.1.	Implementation of Peace Accord		72
4.2.	Demobilization and Resettlement		73
4.3.	Repatriation and Return of Displaced Persons		73
4.4.	Ethnic/Religion/Regional Cleavages		74
5.	Strategic and Technical Lessons and Recommendations		76
5.1.	Context		76
5.1.1	Take the time to do the elections right.		76
5.1.2.	Elections to consolidate, not create peace agreements		78
5.1.3	Use electoral assistance for diplomatic leverage		79
5.1.4.	Integrate war repair and election planning		79
5.1.5.	Civic education for demobilizing soldiers		79
5.1.6.	Pact-like negotiations essential		80
5.1.7.	Post-war pacts to institutionalize peaceful competition		80
5.2.	Security		81
5.2.1.	Fashion comprehensible, sustainable peace agreements		81
5.2.2.	Amend legislation for USAID assistance to combatants		82
5.2.3	Relate free and fair elections to U.S. interests	82	

5.2.4.	Calibrate assistance to degree of electoral fairness sought		82
5.2.5.	Calibrate diplomatic leverage to electoral objectives	83	
5.2.6.	Stress establishment of neutral police force		84
5.3.	Elections		84
5.3.1.	Emphasize converting armies to parties		84
5.3.2.	Assist interparty negotiations on electoral rules	84	
5.3.3.	Lengthen tours for some international observers		85
5.3.4	Establish appeals procedures before election campaigns	85	
5.4.	USAID Assistance		86
5.4.1	Focus, Process, Duration		86
5.4.2.	Constitutional Models		88
5.4.3	Reconciliation Strategy		91
5.4.4.	Democracy Support		92
5.4.5.	Expertise Sustainability		94
5.4.6.	Cost Effectiveness		96
5.4.7.	Donor Coordination		96
5.5.	Conclusions and Priorities		96
5.5.1	Treat elections as part of multiple transitions		97
5.5.2.	Contextualize sequencing of elections in democratization		97
5.5.3.	Emphasize pro-active, sustained diplomatic engagement		97

ELECTIONS AND DEMOCRATIZATION

IN POST-MENGISTU ETHIOPIA

John W. Harbeson

City University of New York

Executive Summary

The Ethiopian People=s Revolutionary Front (EPRDF) overthrew the military dictatorship of Mengistu Haile Mariam in May, 1991. Just over one year later, the interim EPRDF administration conducted regional elections which defined the whole future course of the Ethiopian political transition and the nature and extent of its democratic outcomes. These elections were to be crucial events shaping Ethiopia=s quest for democratic governance in the wake of nearly two decades of authoritarian rule. This report considers the context and conduct of these 1992 regional election processes and their consequences for democratic governance and the long quest for a post-imperial state in Ethiopia . . . The report offers strategic recommendations, based on the Ethiopian experience for the conduct of initial democratic elections in war-torn societies.

1. Context

Ethiopia confines to be one of the world=s very poorest countries by almost every conventional measure. It also is one of the oldest, continuously functioning polities in the world with historical roots dating well into pre-Christian times. Few countries exhibit greater cultural diversity. Particularly, in the twentieth century, Ethiopia has been an African empire held together by emperors skillfully employing the country=s historic identification with Coptic Christianity, blending elements of modernity with deeply ingrained tradition, quasi feudal political and economic structures and practices. Civil war, famine and pestilence have combined to create both diasporas within and outside the country.

Twice within a generation Ethiopia has attempted a transition from authoritarian rule. An incipient revolution in 1974 ended the reign of Ethiopia=s last emperor, Haile Selassie I. A 120 man committee of middle and junior level military officers seized leadership of this revolution-in-the-making and charted a transformation from the quasi-feudal inegalitarianism of the emperors to some form of socialism. But this revolutionary upsurge metastasized into seventeen years of military dictatorship under Mengistu Haile Mariam. Mengistu=s regime inflicted its authoritarian rule on Ethiopians at the grass roots to an unprecedented degree. This and its unflinching insistence on military solutions to the problem of Eritrean secession and to state-centric development fueled a civil war led by the Tigre-based Ethiopian People=s Democratic Revolutionary Front (EPRDF) which overthrew Mengistu in 1991. That takeover was consummated by a conference of the major combatants in London which elicited official U.S. endorsement for the EPRDF=s takeover of the capital, Addis Ababa, and the government. After the takeover, an all party conference produced a Transition Charter to guide Ethiopia=s second attempt at a transition to a democratic post-imperial state.

The Transition Charter committed the signatory parties to the formation of a post-imperial democratic state that would radically decentralize political power from the central government to regional and subregional governments whose boundaries had been redrawn along ethnic lines. Subnational governments were to retain the right to secede if in their judgment such a course was necessary in the interests of preserving their exercise of self-determination. The EPRDF authored and gained approval of this plan in the belief that was the only viable option for preventing the Balkanization, particularly in the wake of Eritreas successful war of independence against Ethiopia. While some, notably among the Amhara, believed this ethnic regionalism would indeed lead to Ethiopias dismemberment, the Oromo Liberation Front and some other ethnically based parties strongly favored the plan but was skeptical that a Tigre-led EPRDF would implement it in good faith.

2. The Conduct of the 1992 Regional Elections

The Transition Charter also committed the parties to holding regional elections within a few months, before national elections and before the drafting of a new constitution had even begun. In essence, the elections took place before the politico-military movements that overthrew Mengistu had made peace among themselves, the Transition Charter notwithstanding. Demobilization of armies was incomplete by the time of the elections and, more serious, secure encampment agreements had not been implemented. The EPRDF=s armies acted as a surrogate police force, failing the establishment of a neutral civilian force. In addition to seeming to its opponents to violate thereby the spirit of the very fragile encampment agreements, the EPRDF according to credible reports took advantage of real and supposed political insecurity to harass its opponents, especially the OLF. The OLF and other opposition parties, however, were not blameless. Thus, the EPRDF appeared to undermine the integrity of its own proclaimed plans for grassroots-based democratic election processes and for a post-imperial state. In combination with its earlier decision to organize ethnic-based affiliate parties to compete against its erstwhile ethnically-organized partners in the war to overthrow Mengistu, the EPRDF-s actions convinced its former partners that it sought domination rather than democracy. The OLF and other opposition parties withdrew from the elections leaving the field to the EPRDF, and the OLF unsuccessfully challenged the EPRDF militarily by ending the encampment of its soldiers.

3. International Electoral Assistance

Twenty bilateral donors plus the United Nations and the Organization of African Unity (OAU) contributed just over U.S.\$ 5,000,000 for the elections to the NEC in direct cash contributions, in-kind contributions, and support for teams of international election monitors. The components included approximately 240 observers from twenty countries plus the OAU and the United Nations of which the United States provided the largest number (75). Other components included in-kind contributions valued at U.S. \$1.917 million and cash contributions

of about U.S. \$2.115 million, and staff for the Joint International Observer Group.

.4. Consequences

The basic argument of this report is that these June 1992 regional elections profoundly and adversely affected the course and outcomes of the Ethiopian political transition. As a result of the 1992 regional elections, the EPRDF inherited/established a de-facto one party state which continues at present, notwithstanding numerous mediation efforts following the elections. Multiparty consensus has been shattered on basic rules of the game for processes democratization and for peaceful multiparty political competition. Consequently, the EPRDF=s *subsequent* writing and ratification of the new constitution and its comprehensive revision of its electoral laws has been of little immediate significance of multiparty democracy, especially combined with its abuses of its own revised legislation in the constituent assembly and parliamentary elections.

4. Lessons and Recommendations

Three major lessons for assisting the conduct of initial multiparty elections in war torn societies emerge from the Ethiopian experience. First, political transitions symbolized by initial multiparty elections need to be undertaken with due regard for their relationship with other transitions anticipated in societies emerging from civil strife, including demobilization of armies, the conversion of armed movements into political parties, the rebuilding of civil society and other political institutions and restoration of wartorn economies.

Second, it follows that the sequencing and timing of phases of democratization processes should be tailored to country circumstances. The Ethiopian experience suggests strongly that the 1992 elections should have been further delayed, that more detailed and sustainable accords among the politico-military movements should have been established first, and possibly that these elections should have been delayed until *after* the ratification of the new Constitution.

Third, donors should calibrate the scale of their commitments of diplomatic and financial resources to the importance they ascribe to democratic elections for the realization of their foreign policy interests. It is not clear that the United States did so in this case

GLOSSARY

- A.A.I African-American Institute
- AAPO All Amhara People=s Organization
- BPRDM Beni Shangul People=s Liberation Movement, an affiliate of the EPRDF based in western Ethiopia
- DEU Donor Electoral Unit, formed by donors to monitor the 1995 election campaigns as well as the elections themselves
- DG Democracy and Governance
- EOC Ethiopian Orthodox Church
- EPLF Eritrean People=s Liberation Front (now the People=s Front for Democracy and Justice
- EPDM Ethiopian People=s Democratic Movement, an affiliate of the EPRDF based in northern Ethiopia, principally among the Amhara
- EPRDF Ethiopian People=s Revolutionary Democratic Front
- EHRC Ethiopian Human Rights Council
- ERI Electoral Rules of Implementation issued by the NEC in early June to clarify and explicate the provisions of Proclamation 11 which established the basic guidelines for the election
- GPRDM Gambela People=s Revolutionary Democratic Movement, an affiliate of the EPRDF based in southwestern Ethiopia
- kebelle Local urban and rural community organizations, of perhaps a 1000 persons on average, created by Mengistu=s rural and urban land reforms as the most local unit of government
- JIOG Joint International Observer Group
- NDI National Democratic Institute for International Affairs
- NEBE The National Election Board of Ethiopia, NEC=s successor under revised electoral legislation
- NEC National Election Commission
- OAU Organization of African Unity

OLF	Oromo Liberation Front
OPDO	Oromo People=s Democratic Organization, an affiliate of the EPRDF
PDM	People=s Democratic Movements. Similar to PDOs in most cases.
PDO campa	People-s Democratic Organizations, auxiliaries of the EPRDF in electoral igns
PFDJ	People=s Front for Democracy and Justice (new name for the EPLF since 1994)
SDA overth	State Defense Army, essentially the EPRDF army under a new name following the row of Mengistu
	The Southern Ethiopia People=s Democratic Congress, and opposition party major region of support lies in the multiethnic region created by the amalgamation southern regions into one.
SPDO Ethiop	Sidamo People=s Democratic Organization, an EPRDF affiliate based in southern ia
SPO Mengi	Special Prosecutor=s Office, responsible for organizing the genocide trials of stu era officials
TGE	Transitional Government of Ethiopia
TPLF based i	Tigre Peoples Liberation Front, the core and original constituency of the EPRDF in the northern region of Tigre
UNDP	United Nations Development Program
UNEAS	United Nations Electoral Assistance Service
USAID	United States Agency for International Development
wereda	Administrative districts located between the regional and kebelle levels
WPE	Workers Party of Ethiopia, the Mengisu regime-s pseudo-civilian political party

ELECTIONS AND DEMOCRATIZATION IN POST-MENGISTU ETHIOPIA

John W. Harbeson

City University of New York

The Ethiopian People-s Revolutionary Front (EPRDF) overthrew the military dictatorship of Mengistu Haile Mariam in May 1991. Just over one year later, the interim EPRDF administration conducted regional elections which defined the whole future course of the Ethiopian political transition and the nature and extent of its democratic outcomes. The basic argument of this report is that these June 1992 regional elections profoundly and adversely affected the course and outcomes of the Ethiopian political transition.¹ The reasons have to do not only with the election campaign and processes themselves but with the flawed strategic planning and preparations for the elections that preceded holding them.

This report will draw lessons from this experience not only for Ethiopia but for the conduct of elections in war torn societies elsewhere in Africa and beyond. The Ethiopian case melds important singular features with circumstances and parameters common to war-torn societies. More than in many other cases, the issue in Ethiopia to date has been how to reconcile partners in a fragile coalition of victors on the course and conduct of the transition rather more than achieving a modus vivendi between victors and a defeated government. At the same time, in Ethiopia as in other war-torn societies, initial elections following hostilities have had an important bearing on the future shape of the postwar polity. In the Ethiopia case, none but fringe elements will defend the vanquished Mengistu regime. However, among the government-s most significant opponents are those who ardently defend national unity and a strong central government, upheld by the Mengistu regime, as more in keeping with the historic working definition of the Ethiopian than the new regime-s vision of an ethnically decentralized, almost confederal, vision of a post-imperial Ethiopian state. This report will detail how the preparations for, conduct and outcomes of the 1962 regional elections affected crucially not only the course of the transition but one of its most important outcomes: the initial shape of the post-imperial Ethiopian state.

This report will examine the foregoing thesis by considering: (1) the overall country context, (2) The 1992 regional election processes, (3) the consequences of the election, given the context, for democracy and governance, and (4) the consequences of the election, given the context, for reconciliation processes and outcomes. The report will conclude by outlining the strategic and technical lessons and recommendations that follow from this review of the Ethiopian experience, and it will propose a set of priorities for implementing them.

¹ My thanks and appreciation to Terry Lyons of the Brookings Institutions for hiscareful and helpful comments on an earlier draft of this report. Remaining errors of fact and interpretation are mine alone.

I. COUNTRY CONTEXT

1.1. Socioeconomic

Ethiopia remains one of the poorest countries in the world. It also is one of the most populous in Africa. Two decades after Mengistu Haile Mariam and his colleagues ended the rule of Emperor Haile Selassie, ostensibly to liberate the people of Ethiopia from penury perpetuated by feudalism and autocracy, little if anything has changed. While the new EPRDF government has recently reported encouraging rates of macroeconomic growth, these must be sustained and widespread before ordinary Ethiopians will begin to experience real improvements in their standards of living. The per capita income of Ethiopia-s approximately fifty-five million citizens is the third lowest in the world, at approximately U.S. \$100. The vast majority of Ethiopians live a day=s walk or more from the nearest all-weather road where most scratch out a living by farming and/or herding using pre-modern era technologies. Access to print and electronic media is heavily concentrated in a few major cities, principally the capital city of Addis Ababa. Access to educational and health facilities is among the most restricted in the world, and these two resources are similarly concentrated in the capital and a few other major cities. One of the few positive achievements of the Mengistu government (1974-1991) was some expansion in literacy levels and in school facilities, if not notably in the quality of education at any level. Ethiopia-s economy is more agricultural than any other in the world, at 60%, most of it dependent upon the most rudimentary technology.

Ethiopia is one of the oldest, continuously functioning polities in the world with historical roots dating back well into pre-Christian times. For much of its long history prior to 1974, Ethiopia was governed by monarchs presiding over a quasi-feudal socioeconomic structure. It is one of two countries in Africa that European countries failed to colonize fully, notwithstanding their diplomatic machinations to that end, apart from Italian occupation during World War II and colonization of the now independent country of Eritrea. Indeed, Ethiopia has itself been an African empire, for perhaps three quarters of its present land area and a substantial majority of its population are regions incorporated into Ethiopia by the conquests of Emperor Menelik II (1886-1913). Consequently, Ethiopia has been a land of enormous cultural diversity, much of it only partly examined by anthropologists even to this day.² Superimposed on this cultural diversity has been religious diversity: Ethiopian Orthodox Christianity (EOC), the now disestablished official religion of the Ethiopian emperors, may claim the adherence of perhaps 40 percent of the population; a large proportion --possibly a majority-- of the population confesses Islam, particularly in the regions brought into the empire by Menelik-s conquests. The vast

². The present regime tends to use the term **A**nationalities@to describe ethnic communities. To avoid confusion, this chapter will use **A**ethnic communities@, reserving the term **A** nationality@for whatever degree of pan-ethnic political identity may exist within Ethiopia=s currently recognized international boundaries. This choice of terms implies no downgrading of the significance of ethnic communities= desires --or of their eligibility-- for political self-determination.

majority of Ethiopian Moslems have been of a politically and religiously moderate Sunni persuasion, though the present Ethiopian government worries about the possible incursion of Islamic fundamentalist influences from Sudan and Somalia.

The EPRDF government of Prime Minister Meles Zenawi is presently conducting a comprehensive census, the first of its kind in more than a generation. Consequently, detailed current demographic as well as socioeconomic data are in short supply, and what is available should be used with caution. With that caveat, the Oromo peoples are probably the most numerous at perhaps 30% of the population, followed by the Amhara at around 20%, and the Tigre at 10%.

In modern times (i.e., since 1851), it is fair to observe that ethnic spheres of influence have been somewhat more permeable than has been the case in much of sub-Saharan Africa.³ This has been the case despite the imposition of predominantly Amhara armies on the lands conquered by Menelik, and the forced resettlement of Tigreans and other northern Ethiopians in these same regions under Mengistu. Long distance markets have brought together peoples as diverse as the Christian, agricultural Tigre and the semi-nomadic, nominally Islamic Afar at the Mekele market During Haile Selassie-s reign some voluntary migration brought peoples from in Tigre. overpopulated, agriculturally marginal lands in Tigre to more promising regions in southern Agricultural workers from highland Ethiopia staffed commercial agricultural Ethiopia. enterprises located in the lowland homelands of the Afar and other pastoral peoples. And at elite levels, there was a discernible and singular tendency during these times for non-Amhara peoples, notably among the Oromo communities, to acquire the language, religion, and culture of the Amhara, thereby assimilating and identifying themselves with the elite, politically hegemonic ruling community.⁴

These and other examples of ethnic intermixing, though significant, must not obscure the underlying reality of an empire in which Amhara (and to some extent Tigre and other peoples) peoples retained clear political and socioeconomic predominance over other ethnic communities, most of which were brought into the empire by Menelik=s conquests. It is worth noting that while the Tigre, who now predominate in the present ruling coalition, are generally considered to have been part of the ruling coalition in modern times, many among the Tigre felt themselves to

³. Between 1775 and 1851, the writ of the central government virtually disappeared for historical reasons that are beyond the scope of this study. Emperor Tewodros (1851-1869) restored central government authority. He and his successors --Johannes 1869-1883, Menelik 1886-1913, and Haile Selassie 1930-1974-- expanded and consolidated the empire and began grafting elements of socioeconomic and political modernization on those of autocratic rule and quasi-feudal socioeconomic structures. Thus, the Amodern@ history of Ethiopia is conventionally considered to have begun with Tewodros=reign.

⁴ This is not to suggest that Amhara or the other ethnic communities were homogeneous. They were not. Among the Amhara, for example, Gojjami, Shoan, and Welo Amhara have remained conscious of their distinct political and cultural identities within the larger Amhara ethos.

be junior partners in that coalition and to have something in common with the peoples conquered by Menelik=s armies. As section 1.2 below will explain, these underlying ethno-political realities have become more visible and explicit since the era of the emperors. Mengistu Haile Mariam exploited ethnic divisions in waging unrelenting war against the Eritrean People=s Liberation Front and exacerbated them by his forced resettlement initiatives.⁵ And the EPRDF government has given ethnicity still greater salience in the course of attempting to design a post-imperial Ethiopian state that substitutes substantial ethnic governmental self-reliance and interethnic equality for historic patterns of ethnic domination.

The issue of displaced and refugee populations is a complex and, to some extent, subjective one. First, there is the matter of *internal* potential refugees and displaced persons. As just observed substantial population movements, forced and voluntary, have long been a part of Ethiopia=s history. Some of these peoples may have been twice displaced: from their original homes as a consequence of forced resettlement, and again as refugees from the sites to which they were involuntarily transported, particularly during the Mengistu years. Whether some of these categories of historical internal migrants, or their heirs, feel themselves to be displaced persons and refugees will be a function in substantial part of the effects of the newly designed structure of the Ethiopian state. The EPRDF government has redrawn the country-s political map to create ethnically defined regions, each of which is to enjoy substantial governmental autonomy and to retain the option of secession if it finds itself unable to be self-determining. Ethnically defined subregions within these regions are to acquire similar powers. To the extent that these subnational levels of government acquire the economic and political instruments to exercise these powers, much will depend on how these subnational governments decide to treat ethnic minorities historically resident within their spheres of influence. These minorities will consider themselves to be displaced to the extent that they experience discrimination, and hostility; they will consider themselves to be refugees to the extent that they lose claims to land or benefits of citizenship in their original home areas as a result of long absence. It is still too early whether or to what extent these tendencies will emerge.

Second, there are *regional* displaced persons: those who moved across Ethiopia=s borders to neighboring countries to flee famine, civil war, and/or destitution. Many of these migrated into Sudan from bordering Ethiopian regions. Others found refuge in Kenya. Some have been semi-nomadic pastoralists for whose herding activities the Somalia-Ethiopian border has little meaning and/or who experienced harassment and worse from the Mengistu government because of their ethnic affinity to peoples on the Somalia side of the border

Third, there is the matter of *external* refugees and displaced persons who have fled beyond the Horn of Africa. There have been thousands of Ethiopians who have sought refuge in many countries. They fall into several distinct categories: (1) those who left soon after the fall of Haile Selassies government and who feared for their livelihoods and/or security under a new regime; (2) those who were relatively apolitical but experienced and/or feared persecution for their real or

⁵ A 1987 **A**constitution@issued by the Mengistu government purported to offer Ethiopian peoples a measure of ethnic-based self-determination, but on paper only.

perceived ties to the *ancien regime*; (3) those active opponents of, or dissenters from the Mengistu regime who also experienced and/or feared persecution for their opposition; (4) those who may fit in one of the preceding categories and who fear persecution for their roles in, or associations with, the Mengistu regime; and (5) those, who may also fit within one of the preceding categories, who distrust or oppose the new EPRDF regime for differing, even conflicting, reasons and therefore fear persecution by it. This last category of refugees and displaced persons has remained politically significant under the EPRDF government. Many in this group have been associated with political parties actively and vociferously opposed to the new regime, noisy evidence of the alienation from the new regime of many of its former partners in overthrowing Mengistu.

A fourth category includes the peoples of *Bete Israel* (the house of Israel), better known as *falasha*, who were evacuated from Ethiopia to Israel. Long the object of real and/or alleged persecution under both the imperial and Mengistu regimes, they adhered to an ancient form of Judaism while living in the heartland of Ethiopian Orthodox Christianity, and fairly recently recognized as Jewish by Israel rabbinical authorities, the peoples of *bete Israel* were transported to Israel to escape Mengistu=s harshness. The U.S. government and Sudanese authorities collaborated to arrange this exodus while the Mengistu government essentially looked the other way. The *Bete Israel* are perhaps not properly considered refugees or displaced persons but rather permanent, voluntary emigrants fully prepared to settle permanently in Israel.

1.2. Nature of the Conflict

The present conflict in Ethiopia has been multifaceted, complex, profound, and rooted deeply in the country=s modern political history.⁶ Fundamentally, it has been a conflict about the definition of the Ethiopian state itself. At issue have been (1) the empire created by the conquests of Menelik II, (2) the relationship between the central government and the component communities dramatized by the Eritrean war, (3) the underlying socioeconomic foundations of the political order, (4) whether and how to democratize, and (5) how to effect a political transition that results in creating at least minimal working consensus on the foregoing issues.

The election of 1992 shattered a provisional broad multiparty consensus on these issues these parties established following the overthrow of Mengistu in 1991. While the EPRDF government subsequently succeeded in establishing fairly firm control of the country, it does not necessarily follow that it has successfully imposed viable long term settlements of the foregoing issues upon the country. The 1992 Ethiopian regional elections have been a dramatic reminder that more is involved in democratic transitions than democratic elections, notwithstanding the

⁶ Among the principal sources on the evolution of the post Haile Selassie Ethiopia are Christopher Clapham, *Transformation and Continuity in Revolutionary Ethiopia* (London: Cambridge University Press, 1988); John W. Harbeson, *The Ethiopian Transformation: The Quest for the Post-Imperial State* (Boulder, Colorado: Westview, 1988); and Edmond Keller, *Revolutionary Ethiopia: From Empire to People*-*s Republic* (Bloomington, Indiana: Indiana University Press, 1988)

electoral focus, until fairly recently, of the academic literature.⁷ Appearances to the contrary, pre-election working consensus on the foregoing elements of the Ethiopian conflict had not been achieved prior to the elections. Thus, the election process served to destroy rather than strengthen fragile bases for working consensus, and multiparty democracy was a casualty rather than an outcome of these elections.

How did all this come about?

The key is to appreciate that an Ethiopian political transition has been in process for nearly four decades. During this period the foundations of the *ancien regime* have unraveled like an artichoke over the aforementioned dimensions of conflict. Assembling of a *nouveau regime* representing minimally viable consensus on these issues has been frustrated and may still remain elusive over the long term.

1. First, Emperor Haile Selassie decided to employ his estimable skills in patrimonial personal rule to abrogate the painfully negotiated, United Nations-sanctioned, post-World War II federation of Eritrea with Ethiopia in favor of that region=s full incorporation into Ethiopia as part of the emperor=s general strategy of achieving increased centralization. Essentially, he purchased the votes needed to win the Eritrean parliament=s acquiescence in that outcome in 1961. In so doing, the Emperor unraveled a compromise between Eritrean independence and incorporation that loosely conformed to a historical basis of the Ethiopian polity: a tacet compromise involving de jure centralized authority in the person of the emperor and substantial de facto allowance of decentralization, affording substantial day-to-day self-determination for regionally based potentates. The result was the birth of the Eritrean liberation movement which three decades later won its independence on the battlefield, under Eritrean People=s Liberation Front (EPLF) leadership, against the armies of Mengistu Haile Mariam.

2. Second, Haile Selassie allowed his government to ignore and attempt to cover up a devastating famine concentrated in the Tigre and Wollo regions of northern Ethiopia in 1972 and 1973. Brought to the world=s attention by a BBC television documentary, it ignited a torrent of international outrage and the revulsion of modernizing civilian and military groups within the country against the failure of the Emperor=s government not only to deal with the famine but to curb inflation, provide for the material requirements of ordinary soldiers and citizens, and prevent civil servants from helping themselves to significant salary increases in these circumstances. A wave of demonstrations and strikes over these grievances early in 1974 forced the resignation of the emperor=s cabinet, an event unprecedented in the country=s political history. Rather than quell the protests, it emboldened the demonstrators and strikers to attack the foundations of the

⁷. The United States Agency for International Development guidelines have tended to broaden this emphasis somewhat to include establishing the rule of law as well promoting free and fair elections. See, for example, United States Agency for International Development, **A** Democracy Implementation Guidelines,@January 14, 1994.

emperor=s regime itself: autocratic rule resting on inegalitarian quasi-feudal socioeconomic foundations that were unacceptable in a continent engulfed by populist nationalism, African socialism and one party democracy. Also fueling the expanding scope of protest was a general sense of a weakening as well as corrupt and ineffective government, a sense stimulated by two emerging realities: (a) the emperor=s advancing age and (b) the emperor=s failure to win further military assistance on his last visit to the United States, in whose new detente era foreign policy of **A** even handedness@ toward Israel and the Arab world Ethiopia=s staunch anticommunism and pro Israeli stance was less vital.

3. Third, the 1974 protests took on the dimensions of a genuine grassroots revolution, especially in urban areas, animated in general less by African socialism and one party democracy than by the ideals of western-style liberalism: individual civil, political, and property rights and democracy. As they did so, a 120-man committee of military officers formed to assume leadership of the revolution, with apparent tacit popular consent, animated not only by its themes but by concern over the integrity of the nation (it proclaimed the goal of *Ethiopia Tikdem*, or Ethiopian First). It was particularly concerned about unresolved tension with secessionist Eritrea and irredentist Somalia over the future of the Somali-inhabited Ogaden region of southeastern Ethiopia.

To cut a long story short, the *derg* (Amharic for **A**committee@), as the military committee was known, supervised the dismantling of the emperor=s government, culminating in his removal from power in September 1974, and the installation of a **A**transitional@ administration pledged to eradicate the quasi-feudal socioeconomic foundations of the old regimes of the emperor and his long line of predecessors before overseeing a return to civilian rule. The *derg* was led initially by a popular general, hero of successful campaigns in the Ogaden against Somalia, who capitalized on his Eritrean roots to initiate promising dialogue on resolving the Ethiopian-Eritrean conflict.⁸

Over the next four years, the *derg* metastasized into Mengistu=s military dictatorship, the result of continual, bitter, violent conflict over the issues of principally of (a) negotiated versus military solutions to the Eritrean conflict, and (b) immediate versus deferred civilian rule---both within the *derg* itself and between the *derg* and civilian groups that had led and supported the popular uprising. Mengistu=s violent insistence on the latter course in each case prevailed.

Simultaneously, Mengistu attempted to convert profound socioeconomic reforms --notably rural and urban land reforms-- animated initially by a spirit of democratic socialism and local level self-determination into experiments in Soviet-style collectivization and statist **A** development. Perhaps ideologically inspired initially, this metamorphosis became a means to

⁸ Some have claimed that General Aman Andom=s ethnic heritage was wholly or partially Sudanese.

⁹ While Mengistu evidently impressed the Brezhnev government of the Soviet Union with his Marxist-Leninist zeal, there is some anecdotal evidence to suggest that his Soviet advisors counseled more caution in pursuing this experiment than Mengistu evinced.

more immediate military imperatives: Somalia=s military demarche to reclaim the Ogaden in 1977 that required major Soviet military assistance to rebuff, and the growing costs of sustaining the military campaign against an increasingly effective EPLF liberation armies during the 1980s.¹⁰ The Mengistu regime=s militarization of **A**economic development@ in the service of an increasingly, costly, demoralizing and unsuccessful (from its perspective) Eritrean campaign was a major contributor to the emergence of the EPRDF and its ultimately successful effort to unite most of the country behind the overthrow of Mengistu in 1991.

With the benefit of hindsight, it is now nearly universally agreed by Ethiopian and non-Ethiopian students of Ethiopian politics that Mengistu hijacked the popular revolution and aborted the promised political transition, papering over his brutal, self-destructive dictatorship with a facade of civilian one-party democracy analogous to that of constitutional monarchy that Haile Selassie conjured up in the 1950s and 1960s. But it was and remains much clearer what this revolution was *against* than what it was *for*, and what the transition was *from* than what it was *to*. Vaguely suggested, but always inchoate, was the idea that civilian rule would be civilian *democratic* rule and an end to feudalism would mean some form of *post-imperial state*.¹¹

4. Fourth, the victory of the EPRDF and its allies precipitated the country-s present

 12 APact-like@because these agreements differed from pacts introducing democratic transitions in Latin America and in South Africa. The United States was effectively a party to the first Apact@in London unlike those in Latin America and South Africa where foreign governments

¹⁰ The Somali war crystallized a unique Cold War **A**do-si-do@, Somalia= eviction of the Soviet Union as its military patron which then became the patron of Ethiopia and; Ethiopia=s dismissal of the United States, for over twenty years its principal source of military and economic assistance, which then gradually gravitated to support of Somalia against Soviet-supported Ethiopia.

¹¹ I use the term state Amore@selectively than many analysts. I think of the term as implying self-determination, though not necessarily on a democratic basis. Thus, I think of the European-governed Acolonial state@as an oxymoron. In this sense, particularly in the modern era, the degree to which Ethiopia, as an *African* empire harbored elements of stateness differentiating it from African colonies, is problematic. That issue is at the heart of the problem of Ethiopia=s current transition under EPRDF leadership. Similarly, my study of Ethiopia has strengthened my dissent from a common propensity among academics and practitioners to equate the terms Astate@and Agovernment, @particularly in the context of discussions of democratization. In my view, Astate@properly denotes the Aorganizing principles@(following Rothchild) or the A fundamental rules of the game@*within which* governmental structures and governments of the day operate. This distinction is fundamental to democracy, and analytically necessary especially in African circumstances where the *state*, so understood, has been pervasively and demonstrably fragile while *governments* have been characteristically overextended and overbearing. Specifically, one cannot understand the dynamics of Ethiopian politics, at least since Haile Selassie=s era, without maintaining this distinction.

political transition in which the 1992 regional elections have proved to be *the* defining event to date. Two pact-like agreements defined the course the transition was supposed to take.¹² On the eve of the EPRDF-s victory, its representatives met in London with the residual legatees of Mengistu, who by then had flown to exile in Zimbabwe, under the auspices of then Assistant Secretary of State Herman Cohen. At that conference, Secretary Cohen chose to bless the inevitable, the EPRDF-s capture of Addis Ababa and the country in the interests of preventing bloodshed --successfully as it turned out-- when the capital fell. Claiming to have been invited to the meeting by Secretary Cohen, the Oromo Liberation Front (OLF) was bitterly disappointed to be told that the EPRDF-s military predominance on the ground took precedence over a coalition conquest that would establish a foundation for coalition transitional governance. In effect the OLF claimed that the importance of the Oromo people to the successful formation of a post-imperial state was greater than the relative importance of its military contribution to the victory over Mengistu. At the same time, he signaled to the EPRDF it would enjoy continued United States support only on condition that it undertook to democratize Ethiopia. ANo democracy, no cooperation@was his message.

The second pact took place in July 1991 between the victorious EPRDF and its coalition partners, most notably the OLF which purports to represent a family of peoples in southern Ethiopia who together may constitute a plurality of the country-s population, certainly at least a plurality of those people brought into the empire by Menelik-s conquests. EPRDF hastily formed other Aparties@ to Arepresent@ peoples in regions outside its own core base. These A parties,@often identified as people=s democratic organizations (PDOs) were to function as satellite parties of the EPRDF in the forthcoming regional elections. Their participation burnished appearance of the conference, and the pact it produced, as multiparty achievements. In fact, however, they were to function as auxiliaries of the EPRDF facilitating its emergence of a de facto single party transitional and post-transitional regime. The formation of the Oromo People=s Democratic Organization (OPDO) prior to the end of the war contributed powerfully to what has proved to be an irreconcilable fissure between the EPRDF government and the OLF.

On the other hand, cadres of Mengistu=s Workers Party of Ethiopia were excluded. Parties that had warred with the TPLF/EPRDF during the military campaign, as well as Mengistu in the early years of his regime, were excluded. Prominent Amhara attended as individuals, though the major party formed to represent Amhara interests came into being only after the conference. Thus, the Amhara communities lacked an organized voice at this crucial conference to press their prevalent opposition to the EPRDF=s vision of an ethnically decentralized, confederal vision of the post-imperial Ethiopian state.

This Addis Ababa conference produced the Transition Charter which was to guide

albeit influential were not strictly Aparties[®]. Apart from U.S. participation, the subsequent Addis Ababa Apact[®] was essentially forged by the victorious parties in the war against Mengistu rather than between the sitting regime and its opponents as in Latin America, South Africa, and Mozambique, and Namibia.

political developments for precisely two and one-half years, i.e., until January 1994. The Charter reconstituted the participants as a transitional government, organized as a Council of Representatives in which all the political movements were represented roughly in accord with the estimated size of their essentially ethnically defined constituencies. The interim head of state was to be Meles Zenawi, the military and political leader of the EPRDF, and he and his administration were to be answerable in general but largely unspecified ways to the Council of Representatives.

Many features of these two pacts deserve underlining. (A) While there is no evidence that the EPRDF bristled at Secretary Cohen=s Ano democracy, no cooperation@ injunction, it remains unresearched to what extent the EPRDF at the time shared a desire for a *democratic* political transition in Ethiopia, given its previous endorsement of Albanian socialism only a short time earlier. Nevertheless, the transitional structures implied at least formal democratization, and the constitution subsequently developed, ratified, and launched is unambiguously democratic in content. Moreover, elections *subsequent* to the focal 1992 regional elections, constituent assembly elections in 1994 and parliamentary elections in 1995, have been conducted under the terms according revised electoral codes to which international consultants involved have given high marks.¹³ However, Donor Election Unit (DEU) monitoring units reported significant violations by the EPRDF in observing the democratic prescriptions of those codes and of the Constitution itself which the EPRDF itself had authored.

(B) The Transition Charter, to which all participating parties subscribed, committed the country for the first time to the formation of a post-imperial state. Existing power, centralized to an unprecedented extent under Mengistu, was to be dramatically decentralized to allow regions reconfigured essentially along ethnic lines to enjoy self-determination up to and including the right of secession. This ethnic-based decentralization, verging on ethnic *con*federation, would supplant Amhara political and ethnic domination, instituted most dramatically by Menelik=s conquests, in favor of genuine interethnic egalitarianism. Significantly, however, the Charter did not specify what steps toward this end, if any, the *transitional* EPRDF administration should undertake as distinct from those that were to be left to the *post-transitional* government installed on the basis of national democratic elections. In fact, the EPRDF preempted constitutional debate on this formula for a post-imperial state by proclamations it issued before a constitutional commission had even been established.

(C) The Transition Charter affirmed Ethiopian adherence to the full range of internationally defined basic human rights, with particular emphasis on freedoms of expression, association, and Aunrestricted political activity and to form political parties, provided the exercise

¹³ Parliamentary elections in the Ogaden were delayed because of persistent unrest. A radical Islamic group campaigning for support in the region has argued that when they were belatedly held they were rigged to favor a party supportive of EPRDF rule. The group has claimed responsibility for terrorist bomb attacks on two Addis Ababa hotels in February, 1996 and for a failed assassination attempt on the minister, a Moslem, who attempted to broker peace in the region.

of such right does not infringe upon the rights of others.[®] Also noteworthy was a provision that the transitional administration was to **A**provide the mechanism to ascertain the fair and impartial application of the mass media.[®] At the same time, the conferees did not articulate any recognition of the magnitude or importance of preparing themselves in particular, and the Ethiopian people generally, for effective exercise of those rights and of democratic political participation. At the time, the groups which joined in ordaining the Charter were politico-military movements with bases of support---except to some extent the EPRDF-- heavily concentrated in regionally located ethnic communities. Before them lay the unacknowledged task of converting themselves from armed ethnic movements into civilian political parties capable of attracting support across ethnic/regional boundaries into nationally competitive political parties. Included in this task was that of defining the rules of the game for political party *competition* and mechanisms for mediating and arbitrating political conflict. Similarly, the importance and magnitude of the task of strengthening private print and electronic media, civic education, and civic and interest group formation apparently went unrecognized.

(**D**) Foreign countries, led by the United States, mounted a large and capable team of international observers to monitor the 1992 elections. Mechanisms for coordination among donors interested in democratization evolved in Ethiopia as in other democratizing sub-Saharan African countries. Yet, as a result of the London conference, no formal multi-donor structure was created to monitor progress in Ethiopian adherence to Secretary Cohen-s admonition of **A**no democracy, no cooperation@ that self-evidently carried the implicit warning of general donor, as well as United States, country sanctions for non-compliance.

In any such formation, the United States would almost certainly have played a leadership role. Nor was their any clear recognition by either the United States or the EPRDF of the historical significance of Secretary Cohen=s endorsement. The OLF saw it, however, not only as an implicit return to Ethiopian acceptance of the United States as its principal international patron as had been the case under Haile Selassie, but as US support once again for an essentially **A** northern@ regime, also reminiscent of Haile Selassie=s. USAID promptly launched one of the first and largest of its democracy and governance assistance programs in Ethiopia. However, there is little evidence of strong United States bilateral diplomatic leadership among donors --or by other bilateral donors-- in holding Ethiopia accountable to Secretary Cohen=s **A** no democracy, no cooperation@ injunction during the troubled times that were to follow.¹⁴ The US and other donor countries, however, were very active diplomatically in seeking to help ensure the success of the

¹⁴ This observation is in no way to be understood as a criticism of USAID=s Democracy and Governance Advisors, Steve Morrison until mid-1993 and Steve Tucker thereafter, who in this author=s judgment, have displayed extraordinary skill, dedication, and energy in implementing the mission=s Democracy and Governance Project under sometimes very trying circumstances.

¹⁵ One long time expatriate observer of Ethiopian politics has gone so far as to suggest that the U.S. Government never intended to put diplomatic or financial muscle behind Secretary Cohen=s injunction, suggesting that its main concern was to see a stable, less dictatorial regime

beginnings of the transition, and of the 1992 elections in particular--albeit with what would prove to be limited success.¹⁵

(E) The two pacts created some consensual foundation for the political transition to follow, and for 1992 the regional elections as one key event in that process. At the same, they also sowed the seeds of the profound interparty dissensus that was to be a major outcome of the now formally completed transition. At the London conference, the OLF resented what it interpreted as Secretary Cohen=s judgment that the military realities on the ground dictated an EPRDF takeover of the capital and the country, preempting the possibility of a coalition government that would include the OLF. Implicitly, it argued that the importance of the Oromo community in a stable post-Mengistu Ethiopia state was significantly greater than the importance of its armies in defeating Mengistu. Secretary Cohen=s endorsement of the EPRDF=s advance on Addis Ababa generated noisy demonstrations in the capital protesting what they called **A**Cohen=s coup.@

The subsequent Addis Ababa conference was a testimony to the EPRDF=s organizational capacities in bringing together some twenty politico-military movements that had shared in the campaign to overthrow Mengistu.¹⁶ The EPRDF=s dominance of the conference, however, represented the other side of the coin: particularly with the benefit of hindsight, it is clear that the conference did more to confirm EPRDF political control of the country than it did to cement future multi-movement political cooperation. But given the reality of EPRDF military predominance, beginning the transition on any other more egalitarian basis would have required far lengthier and more complicated negotiations. The OLF, for example, would have needed to compose a dissensus within its own ranks over strategy that has continued today.

(F) As the next section will explain, the 1992 regional elections were *the* watershed event of Ethiopia=s just formally completed political transition. Their unfortunate conduct and consequences shaped the remainder of the transition in ways that have left open to continuous vigorous debate, among Ethiopian participants and international observers alike, the issue of whether and to what extent the Ethiopian political transition has produced either real multiparty democracy or the post-imperial Ethiopian state.

1.3. Political Chronology

established in this mercurial region. The facts suggest to me, however, that the U.S. objectives in promoting Ethiopian democracy were limited, perhaps short term, rather than non-existent.

In human and financial terms the U.S. clearly committed to successful 1962 regional elections, though with the benefit of hindsight, perhaps along with other donors, not as comprehensively as the situation demanded.

¹⁶ As noted above, some of these politico-military movements were of its own creation, precursors of PDOs that would be the EPRDF=s political auxiliaries subsequently.

The chronology of political events leading up to the June 1992 regional elections properly begins with the writing of the Transitional Charter at the July 1991 Addis Ababa conference. The Transition Charter provided that elections for local and regional councils Ashall be held within three months of the establishment of the Transitional Government, wherever local conditions allow.^{d/7} The rationale for almost immediate regional elections, when national elections were to be deferred until after a new constitution was in place, has not been explicated. It would appear that it related to the conferees= determination to entrench the principle of regional self-determination as a matter of high priority. The OLF appears to have been particularly insistent on early elections and to have resented the EPRDF=s postponement of them to June 1992 as a ploy to allow the EPRDF to strengthen its military and political position. With the benefit of hindsight, it is a reasonable hypothesis that the EPRDF and OLF may indeed have had quite different objectives: the OLF to establish a foundation for regional self-determination, the EPRDF to further consolidate its politico-military control of the country.

The chronology of the eleven months between the Addis Ababa conference and the June 1992 regional election outlines the fracturing of the multi-movement consensus, expressed in the Transition Charter, over three intertwined issues: election preparations, encampment of movement armies, and implementation of the ethnic-based self-determination that the Charter had proclaimed.

1.3.1 Ethnic Regionalism.

In November 1991 as part of its program for the transition, the EPRDF issued a map portraying administrative regions dramatically reconfigured along ethnic lines. In so doing the EPRDF went beyond what the Charter *expressly* provided but quite possibly not beyond what was *implied*. The Charter called for ethnic self-determination, though not specifically for this objective to be realized within regions reconfigured along ethnic lines. It called for prompt local and regional elections but not specifically that these should be in effect conducted on an ethnic, communal basis.¹⁸

Two of the map-s provisions were particularly salient. One grouped into one AAmhara@

¹⁷ In addition, the Charter provided for elections for a Constituent Assembly to ratify the draft Constitution for the new Ethiopian state and national parliamentary elections under provisions of the new constitution. The latter were to be held at the conclusion of the transition to be held no later than two and one-half years after the July, 1991 conference.

¹⁸ Administrative regions previously had not been drawn so specifically along ethnic lines, although it is of interest that the one that clearly had been so drawn was Tigre, though it included Afar peoples whose homeland was divided among several regions. The new Afar region included for the first time the agriculturally rich Setit-Humera area over strong Amhara objections. Mengistu administration established a Nationalities Commission to research and design alternative mechanisms to give effect to the objective of ethnic self-determination, one of which the EPRDF chose. The Mengistu administration gave lip service to this objective as a way of coming to terms with Eritrean self-determination but never implemented any of the Commission=s recommendations.

region Amhara peoples who had previously developed some sense of distinct identity based on residence in four different long-established administrative regions. A second created an **A**Oromo[®] region that surrounded the Addis Ababa municipal region, strongly suggesting the idea that the seat of largely Amhara-based political power was now in the grip of the Oromo whom Menelik=s armies had conquered a century earlier.

The EPRDF=s map proved highly controversial for conflicting reasons. Amhara communities objected strenuously to the plan as a blueprint for the Balkanization of Ethiopia. They resented being obliged to emphasize their Amhara identity at the expense of their Ethiopian identity, conveniently glossing over their political dominance under the emperors. Nor were they pleased with the placement of the capital even though it was to be a separate region in itself.

The OLF, for its part, remained skeptical that the EPRDF was genuine in its commitment to ethnic self-determination, a skepticism that in important ways was to be realized--and to some degree become self-fulfilling. Thus, for their antithetical reasons, neither the Amhara nor the Oromo communities resonated to the EPRDF=s argument that a post-imperial, pan-ethnic Ethiopian state could be founded only on the basis of such ethnic regionalism.

Little noted at the time was the long term effect of the EPRDF=s new administrative map on prospects for multiparty democracy at the national level. In establishing administrative regions to coincide in general terms with the ethnically defined identities of the politico-military movements that overthrew Mengistu and formulated the Transition Charter, the EPRDF in effect reinforced a preexisting barrier to *nationally-based* competitive political parties. It discouraged existing ethnically defined politico-military movements from (a) transforming themselves into national political parties for the purpose of (b) reaching across ethnic lines to build national coalitions and (c) developing issues along lines that crosscut ethnic divisions. Conversely, the EPRDF encouraged all existing politico-military movements, including the EPRDF itself, to remain as such, i.e., as what they had been on the battlefield.

1.3.2. Encampment and Security Forces.

The second issue, the encampment of movement armies, obliged all the existing politico-military movements to address an issue the Transition Charter failed to address, at least formally: the restoration of civil order upon which *inter alia* the successful conduct of the regional elections critically depended. With the collapse of the Mengistu regime, the country was left without a civilian, politically neutral police force. In its place were the armed forces of the politico-military movements, notably the EPRDF and the OLF, joined only by the objective of overthrowing Mengistu and by mutual acceptance of the Charter. Thousands of soldiers from Mengistu-s fallen armies were at loose ends, and the country was awash in weapons easily accessible to anyone with a little money. The Charter contained no language on the formation of a civilian police force nor on creating either an ethnically integrated police force or army.

On January 27, 1992, the Council of Representatives issues a proclamation to address the problem of security with a particular view to establishing the viability of regional governments and to establishing civil order in time for the regional and subsequent national elections. Proclamation

9 of 1992 provided for the establishment of, and elections to, *wereda* (district) and *kebele*(local community) governments below the regional level; the creation of police and security forces **A** armed with the participation of the people residing in the locality@, and --most important-- that **A** the State Defence Army and the armed personnel of organizations shall be confined to proper camps and shall be barred from day-to-day police and administrative activities.@ Section 25.1 of the Proclamation, however, stipulated that *Aexcept those assigned on regular duty*, other members of the State Defense Force shall....be kept in military camps allocated to them.@ (emphasis mine)

Not until April, after several false starts, did the OLF and EPRDF reach sufficient agreement on encampment on implementation of Proclamation 9 to permit the regional elections to be held. In February 1992, for example, the EPRDF and the OLF, recognizing the need to strengthen their cooperation in terms of the provisions of Proclamation 9, agreed to a bilateral Joint Declaration.¹⁹ The Joint Declaration reaffirmed their shared general commitment to work together to effect the political transition and referred to the parties **A**having developed mechanisms for joint consultation, and the involvement of neutral parties[®] in order to avoid obstacles and misunderstandings. It articulated a commitment to free and fair elections in accordance with guidelines to be established by the Council of Representatives.

The most important provision of the Joint Declaration dealt with the task of ensuring A security and . . . peace as precondition[s] for free and fair political competition and overall stability.[@] To achieve this goal, the EPRDF and the OLF agreed to the Agarrisoning [of] *all* armies as soon as possible in accordance with the decisions of the Council of Representatives with the necessary guarantees.[@](emphasis mine)

Proclamation 9 and the Joint Declaration established the legal basis for what were to become irreconcilable differences between the EPRDF and the OLF. The two documents directly conflicted with one another, in several ways, on the critical issues of establishing civilian security forces and encamping armies. First, while the Joint Declaration decreed the encampment of *all* armies, implicitly including the EPRDF, Section 25.1 of Proclamation 9 created an exception for certain units of the State Defense Force (Aexcept those assigned on regular duty@). And Proclamation 8, issued a few days earlier, gave the State Defense Army the power to define and bring under control any Amajor subversion . . . endangering the Charter . . . @ Second, Proclamations 8 and 9 made no provision for the *interrelationship* between security forces at the national, regional, and district levels--or for the interrelation defined a distinction between civilian police and state defense force functions, effectively leaving the EPRDF army (recast as the State Defence Army in the absence of long term ethnic integration) to blend both roles.

As the subsequent section will explain, these legal ambiguities over the encampment of

¹⁹ The Joint Declaration Agreement Between the Ethiopian People_s Revolutionary Democratic Front(EPRDF) And The Oromo Liberation Front(OLF), signed by representatives of both organizations on February 20, 1992.

armies and formation of security forces fueled bitter misunderstandings that were to be instrumental in prompting the OLF and other politico-military movements to withdraw from the regional elections. Their withdrawals were to be the prelude to what has become the enduring estrangement of the EPRDF from its former Transition Charter partners and from the processes and outcomes of the transition as a whole.

1.3.3. Election Preparations

In preparation for the elections, the EPRDF acted decisively to define its Transition Charter partners, notably the OLF, and other politico-military movements as electoral opponents. Having defined the elections in ethnic terms by redrawing the country-s regional boundaries, and having placed its army in a preferred position vis-a-vis the forces of the other movements, the EPRDF intensified a strategy of creating auxiliary ethnically defined political organizations to compete with its erstwhile collaborators that it had begun in the later stages of the military campaign. A prime example was the EPRDF-s formation in 1990 of the Oromo People-s Democratic Organization(OPDO). Created as a means of extending the TPLF-led EPRDF-s military position in the countryside, the EPRDF employed the OPDO as an electoral organization to rival the OLF in elections as it had on the battlefield. Similar People=s Democratic Organizations (PDOs)--or People-s Democratic Movements(PDMs)-- were established in other The OPDO and other PDOs were to enjoy the organizational, ethnically defined regions. military, and financial muscle of the EPRDF in this electoral competition, creating gross inequality in the political arena commensurate with preexisting inequalities on the battlefield.

From one perspective, it is possible to view the formation of the PDOs as *creating* multiparty competition that might not otherwise have formed within ethnically defined regions, or as an alternative to *sub-ethnic* political formations within these regions. But there is no reason to believe that such was the EPRDF=s intention. Certainly it was not the outcome, as subsequent sections will detail. The reality was that the EPRDF acted to establish itself via the PDOs as the sole *national* level political party as well as to consolidate its military and administrative grip on the country, while completing the consignment of its former partners/now electoral rivals to the status of ethnically defined *regional* movements.²⁰

Apparently designed as a strategy for ethnic self-determination and interethnic equality in a post-imperial Ethiopian state, the EPRDF transformed the formula of ethnic regionalism into a vehicle for its hegemony as the ruling party in a de facto one party state. Thus, as subsequent sections will detail, the regional elections did not establish the grassroots foundations of multiparty democracy at the national level but rather the political foundations of EPRDF rule as a single, hegemonic party.

²⁰ This is not to imply that there have not been tensions between the EPRDF and these auxiliaries. There have been, but to date they have not escalated into serious fissures threatening the EPRDF=s military, administrative, and political dominance.

1.4. Political Scene at the Time of the Elections.

The preceding sections have established the macro-level parameters defining the countrys political scene at the time of the elections. These parameters may be summarized briefly at follows:

A. The EPRDF was in the process of consolidating its military and political hegemony over all rivals by the time of the elections, but it had not yet fully realized that objective. Sporadic fighting with OLF forces, reportedly tripled in size from about 8000 to more than 24000 troops, was a major reason prompting the EPRDF to delay the elections from October to June. Superficially demobilized Mengistu troops were readily available to the OLF, since many had been Oromo, but also to other militias and PDOs. On the eve of the election, the newly created National Election Commission(NEC) still encountered security problems that forced it to postpone elections in three regions (Afar, Somali, the city of Harar) and parts of others (Gambela, Kefa, Oromo, and Southern Regions). The EPRDF took advantage of predictable electoral logistical difficulties to further consolidate its political hegemony throughout most of the country, it-s real and perceived abuses contributing to the opposition parties= withdrawal from the elections. Even today, the quicks and of clan and subclan politics in the Ogaden and elsewhere in eastern Ethiopia, fueled by the same dynamics in Djibouti and Somalia, has denied the EPRDF full military and political of the country. An attempt on the life of a minister from the region, who has taken the lead in trying both to mediate and to strengthen the EPRDF position in the region, and two bomb attacks on Addis Ababa hotels in 1996, reflect the continuing insecurities in this area.

B. Prior and immediately subsequent to the regional elections, the EPRDF consolidated its military hegemony at the expense of the armies of its former partners in overthrowing Mengistu. Arrests of OLF soldiers occurred prior to the elections. After the election, in protest of alleged EPRDF violations of the encampment agreement --at least some of which election observers believed to be justified-- the OLF withdrew its troops from the camps. The EPRDF=s armies decisively defeated the OLF forces in July and early August, imprisoning thousands of OLF troops and alleged sympathizers.

C. Beyond the defeat and imprisonment of OLF armies, the EPRDF faced the task of integrating ex-combatants. Beyond demobilizing and reeducating Mengistu troops, which the EPRDF had begun to do at least superficially, the task was a function of two long term processes scarcely begun by the time of the elections: (a) creating an ethnically integrated Ethiopian national army, and (b) stimulating processes of economic development to create civilian employment for former soldiers. The EPRDF complicated the electoral process by barring from electoral participation all former members of the Workers Party of Ethiopia (WPE) --the Mengistu regime=s pseudo civilian ruling party--, and members of Mengistu=s Asecurity or armed forces who [had] not undergone the reeducation process of the Rehabilitation.@ Beyond objections some lodged on human rights grounds, the interpretation of these strictures on the ground by *kebelle* election commissions may have resulted in disproportionate disenfranchisement of OLF soldiers given their disproportionate numbers of Oromo in Mengistu=s armies.

D. At the time of the elections, the status of demobilization and disarmament was a matter of intense political controversy. The OLF viewed the role of the EPRDF army, recast as the State Defense Army (SDA), as in gross violation of the encampment proclamation and the Joint Declaration. The EPRDF justified the SDA=s intervention in terms of the proclamation=s small print and its distrust of the OLF=s capacity to actually enforce the encampment of its own armies.

E. The politico-military movements of the campaign against Mengistu and to establish the Transition Charter commenced the largely unarticulated and unaided process of converting these movements into political parties for electoral purposes. At a minimum, the conversion process was incomplete by the time of the regional elections, and its status even today is open to debate with respect to all parties including the EPRDF.

F. Civic organizations were and remain weakly articulated. Churches have shown no inclination to play the active roles they have in other countries such as Kenya and South Africa. Establishing the independence of trade unions had scarcely begun by the time of the regional elections and remains in doubt even today. The Ethiopian Human Rights Council (EHRC) had begun to establish itself at the time of the elections, though its chair labored until threats of indictment by the EPRDF. The EPRDF, and even some donor organizations, viewed the organization as having an Amhara-centric agenda because of the career of its chair, a distinguished emeritus geography professor at Addis Ababa University. Other civic organizations began to form but they were and remain weak. They were organizationally wholly inadequate for the task of providing civic education at the time of the regional election. While some have gained strength and become quite energetic, they continue to be weak en toto.

G. The distribution of civic education activities, officially and private sponsored, was unequal. In regions where there was relatively little competition, notably in Addis Ababa and many northern regions, energetic and well-received civic education activities did occur. The continued insecurity found in much of the rest of the country greatly diminished the opportunities for such civic education. At the national level, NDI and the Inter-Africa Group (IAG) conducted a one day symposium for members of the Council of Representatives in January 1992 that centered upon organizational and security dimensions of the forthcoming elections.

H. Development of print and electronic media was embryonic at the time of the election and remains so today. While numerous private print media emerged, mostly subsequent to the regional election, they remain skeletal organizationally and financially and daunted by the task of establishing countrywide circulation. Print media organizations remained badly splintered among themselves well into the transition, a result of mutual distrust over real or alleged affiliations to the Mengistu and EPRDF regimes. Private electronic media remain all but nonexistent. The size of the audience for radio was probably substantial but of unknown specific size. The audience for television is certainly very much smaller.

I. Ethiopian citizens as a whole lacked formal experience in democratic politics, at least at the national level. In a country where life expectancy has been on the order of 50 years, only older citizens would have distantly recalled experience with parliamentary elections in Haile Selassies time, and they would scarcely have acquired much sense of civic competence from elections that did little to modify the governing practices of the Emperor. Infrequent elections under Mengistu were carefully managed to conform to preordained outcomes. In possible disconfirmation of some recent academic literature on the subject, there has been little evidence that experience with relatively meaningless elections in the preceding non-democratic regimes has had any real bearing on behavior in the post-Mengistu era elections to date.²¹

1.5. Human Rights Situation

At the Transition Charter conference and for a few months thereafter, many observers noted an atmosphere of tolerance without precedent during the nearly two decades of Mengistu regime assaults on basic human rights. Even today, many opposition parties concede that the situation is better under the EPRDF than it was under Mengistu, though not necessarily than what it was under Haile Selassie. But the bitter pre-election conflict between the EPRDF and its opponents erased much of that atmosphere of tolerance largely as a result of the encampment, PDO, and ethnic regionalism issues explained above. Since the regional elections, the EPRDF has compiled at best a very mixed record in observing basic human rights in the opinion of the EHRC, Amnesty International, and the Department of State.

²¹ See, for example, the contention of Michael Bratton and Nicholas van de Walle, **A** Neopatrimonial Regimes and Political Transitions in Africa, 46 <u>World Politics</u> 4, 1994, pp.453-489

2. ELECTIONS

2.1. Initiative

As explained in preceding sections, regional and national elections were included in the provisions of the Transitional Charter with the consent of all participating parties/movements. All agreed that regional elections should be held within three months of the Transition Charter conference if possible. All parties appear to have tacitly accepted subsequently that this was an unrealistically optimistic scheduled and to have acquiesced in their postponement from October 1991 to June 1992, although the OLF vigorously objected at the time.

Clearly, the EPRDF sought and achieved political dominance in the regional elections and used the elections to strengthen its administrative hegemony, matching its preexisting military. What the other movements expected to achieve is less easy to discern. The OLF, for example, does not appear to have offered much objection to the new administrative map, as distinct from doubting the EPRDF-s genuineness in implementing what it implied. The OLF, however, did harbor the idea of an independent Oromia following the Eritea example, an idea the EPRDF emphatically disallowed. The depth of the OLF and other parties= commitments to multiparty democracy can be questioned. The OLF and other erstwhile military partners of the EPRDF, now cast as electoral opponents, seemed to support multiparty conduct of the transition in line with at least the formal implications of the Transition Charter. In retrospect it is clear that none of the other political movements qua parties were in position to rival the EPRDF *nationally* in electoral It may, then, follow that what the OLF and the other parties anticipated was that the terms. regional elections would be in effect plebiscites confirming their regional hegemony and strengthening their political credentials for co-management of the political transition with the EPRDF. In creating the OPDO and other auxiliaries, the EPRDF in effect sought not only to dominate its erstwhile military partners in national level politics but to undermine their regional bases of power as well, an initial instrumental in deepening the breach between the EPRDF and the OLF in particular.

While USAID played an active role in strengthening electoral law and civic education principally *after* the 1992 regional elections, there is no evidence that the EPRDF responded to the urgings of foreign powers in the original scheduling, or subsequent rescheduling, of the 1992 regional elections. In response to the United Nations Electoral Assistance Service (UNEAS) representative=s entreaties, the EPRDF did delay the elections from June 6 to June 21, but the EPRDF turned down a last minute bilateral and multilateral proposal for a further delay, in order to entice the OLF and other opposition parties back into the election process, on the grounds of an impending rainy season that would make electoral logistics even more difficult.

Former President Jimmy Carter was instrumental in putting President Meles in touch with the National Democratic Institute (NDI) which sent a three-person team to Ethiopia in November 1991 to outline a strategy and the requirements for mounting successful regional elections and to indicate areas of possible international assistance. From the beginning, all parties appeared to welcome the prospect of a substantial team of international observers to monitor the elections.²²

The NDI-AAI (African-American Institute) evaluation of the regional elections plays tribute to the role of then U.S. Charge, Marc Baas, in helping to mediate an encampment agreement between the OLF and the EPRDF upon which the holding of the regional elections critically depended.²³

2.2. International Electoral Assistance

The first point to be made about the June 1992 elections is that they took place at three different levels. On June 21, Ethiopians voted both for regional councils and for *wereda* (district) councils within those regions. Prior to June 21, elections were also held at the *kebelle* level for members of election commissions to supervise the elections at the local community level. Civil insecurity, opposition party skepticism about processes alleged to be dominated by the EPRDF, logistical difficulties, and invalid procedures combined to prevent certifiable kebelle elections in 150 of 600 *weredas*. While international observers were on hand to monitor the regional and wereda elections, many of the kebelle elections occurred prior to their arrival.

Twenty bilateral donors plus the United Nations and the Organization of African Unity (OAU) contributed just over U.S.\$ 5,000,000 for the elections to the NEC in direct cash contributions, in-kind contributions, and support for teams of international election monitors.²⁴ USAID/Ethiopia=s midterm evaluation of its Democracy and Governance Project estimated SAID contributions to the June 1992 elections at US\$ 1.375 million.²⁵ USAID project obligations for the 1992 elections plus US\$500,000 for *post-election* civic education represented 50% of funds for the Mission=s Five Year Democracy and Governance (DG) project prior to its amendment and enlargement in 1995.

There were several components of the international assistance for the 1992 elections. One major component was the provision of foreign observers. Of approximately 240 observers from twenty countries plus the OAU and the United Nations, the United States provided the largest number (75), followed distantly by the United Nations (24), and the OAU and Germany (18 each). The observers were mostly from abroad, but about 95 were local residents. The observers were in the field for approximately two weeks. Eleven countries provided about 120 vehicles, led by the United States contribution of 75. Nine countries plus the United Nations made in-kind contributions having an estimated total value of approximately US\$1.917 million.

²² <u>Election Trip Report: NDI Elections Advisory Team</u>, November 19-26, 1991

²³ National Democratic Institute and the African-American Institute, <u>An Evaluation of</u> the June 21, 1992 Elections in Ethiopia (Washington, D.C., 1992)

²⁴ <u>Ibid</u>. The table compiled in this study is included as Appendix B. This conflicts with the figures of the mid-term evaluation of USAID/Ethiopia=s Democracy and Governance Project which reports total contributions of about US\$ 3.45 million from five sources, including USAID. The mid-term evaluation=s calculations are also included in Appendix B. <u>Evaluation Report:</u> <u>Ethiopia Democracy/Governance Support Project(633-0007)</u>, May 10, 1994

²⁵. This figure appears to conflict directly with NDI-s estimate of about US\$ 850,000

Sweden and Norway provided US\$ 800,000 and US\$400,000, respectively, in tents. Three countries, including the United States, provided radios. The United States and the European Union provided computers. Germany, Netherlands, Russia, the United Kingdom and the United Nations provided staff to the Joint International Observer Group (JIOG) which coordinated external electoral assistance. The United States provided rations. Nine countries extended cash contributions of approximately US\$ 2.115 million to the JIOG and the NEC, led by Sweden (US\$700,000), the United States (US\$350,000) and the United Nations (US\$300,000).²⁶

The much larger contribution to the electoral effort recorded by USAID=s midterm DG evaluation included US\$677,000 in support for the NEC (some of it funneled through the United Nations Development Program-UNDP) for ballot papers and the cost of observers, US\$526,000 to AAI for the cost of observers and for reports on the election, and US\$172,000 to UNDP primarily for vehicles.

The choice of assistance areas reflected priorities identified by the November 1991 NDI study as refined and modified by the JIOG. The EPRDF government and all parties welcomed the deployment of the large election observer contingent. The initiatives of the EPRDF government and donor assistance together addressed most of the issues and requirements identified by the NDI report. The quality and effectiveness of these initiatives will be considered in a later section.

Local participation in assistance implementation of the assistance included not only locally resident observers, led by twenty-four that the United Nations engaged, but the efforts of local civic groups. Chief among these was the Inter-Africa Group, a respected NGO that undertook its own study of the 1992 elections, having returned to the country following the overthrow of the Mengistu regime.

The Joint International Observer Group (JIOG) provided coordination of donor assistance to the Ethiopia election effort. It consisted of twenty-three donors and eight international organizations. Within that group twelve donors plus the UNDP and the OAU constituted what was known as the **A**Restricted Donor=s Group@ which met at least every three weeks, chaired by the Canadian high commissioner. These groups supported the Donor Contact Working Group that met several times each week. Chaired by the United Kingdom high commissioner, the group included in addition the United States, Sweden, and the UNDP resident representative. The Donor Contact group directed the work of the JIOG secretariat head by the United Kingdom deputy chief of mission.

As succeeding sections will explain, the 1992 Ethiopian regional elections must be considered a failure with respect to the goal of consummating the transformation of a war-torn society, in which all political movements have been absorbed in military campaigns, to a civilian one organized alone multiparty democratic lines. The withdrawal of the opposition parties,

²⁶. NDI, <u>op cit</u>., p. 154

whether by choice or by necessity, rendered these elections effective single party plebiscites for the EPRDF and its satellite PDOs and PDMs, heralding the collapse of multiparty democracy for the remainder of the formal transition and since. The EPRDF used the military and organizational superiority it gained over all other forces during the pre-transition period to further consolidate its hegemony during the election at the expense of its rivals. There was some evidence that in the few areas where the OLF prevailed, it resorted to similar tactics, suggesting that the underlying problem was less the absence of an underlying level military and organizational field, than the failure of all major political groups to commit to, and complete a transition from military to civilian, democratically organized political life.

Observers generally judged the regional elections to have been significantly less than free and fair, and to have fallen considerably short of the goal of instituting political competition according to the precepts of democracy and the rule of law.²⁷ However, the international community appeared generally to be prepared to continue working with the government to effect a democratic transition. Specifically USAID continued with other dimensions of its Democracy and Governance Project and gave no serious consideration, of which I am aware, to reconsidering its obligation of project funds for this purpose as a result of the 1992 elections. From my own extensive involvement with the U.S. Embassy and USAID/Ethiopia from 1993 to 1995, it is my impression that Ethiopia continued to be regarded as a Aspecial case, A in part because of its somewhat unique status as a war torn country.²⁸ In effect, the U.S. appears to have called Astrike one@on Ethiopia for its performance in the regional elections but to have been deterred by what it regarded as promising initiatives in other areas from calling the country Aout@on strikes.

2.3. Electoral Institutions

The National Election Commission (NEC) came into being in December 1992. Composed of members of ten members of the Council of Representatives, selected so as to be representative the major political groups within the Council, the NEC oversaw all aspects of the 1992 elections. The EPRDF promulgated Proclamations 9 and 11 of 1992, which established the legal and institutional framework for the 1992 elections. The NEC then issued a comprehensive set of rules for implementing these proclamations.

Proclamation 9 established the administration foundations for the election, provisional administrations at regional, wereda, and kebelle levels that were to function pending the formation of permanent governmental organs at each of these levels. It established guidelines for the disbanding and disarming of the remnants of Mengistu=s armies, for the registration and encampment of armies attached to political movements represented in the Council of Representatives, for the creation of police and security forces at regional levels, and for the arrest

²⁷ One valuable source of observer comment are the several reports gather in the August 1992 special edition of the Friends of Ethiopia Newsletter, published in Washington D.C. by a group then headed by Paul Henze and former U.S. Charge in Ethiopia, David Korn.

²⁸. My predecessor as Regional Democracy and Governance Advisor in REDSO/ESA, Dr. Joel Barkan, specifically called for lifting Ethiopia=s protection as a Aspecial case.@ Trip Report, February, 1993

of those refusing to surrender arms or be encamped. The members of the provisional administrations were to be elected in accordance with the directives of electoral executive committees composed of representatives of Aconcerned organizations@ and members of Aneutral@ organizations.

Proclamation 11, released on February 8, 1992, established the electoral structures and regulations for the regional and wereda levels. This proclamation instituted electoral commission at the regional, zonal, wereda, and kebelle levels below the NEC. Along with the NEC itself, these bodies were to be accountable to the Council of Representatives. It defined not only the powers and duties of these commissions but also (a) the eligibility requirements for candidates and voters, (b) procedures for voter registration, (c) candidate nominations, and (d) campaigning guidelines. Under the proclamation, the salient powers of these commissions, to be exercised at various levels, were to:

-transmit election documents

-issue Adirectives necessary for holding elections@

-explain the electoral process to citizens

-organize registers of polling places and candidates

-register candidates

-register voters and issue voter cards

-@facilitate the nomination of candidates, ensure that they have obtained the necessary support@

-ensure that elections **A** are held in accordance with the [Transition] Charter[@]

-@ensure free and fair elections are conducted and that rregularities are rectified@

-@examine and decide on irregularities and grievances arising in connection with elections...@

-keep from the premises of the polling station **A**members of armed guards[@] and armed voters

-count the votes

Proclamation 11 also specified voter eligibility: 18 years of age, Ethiopian citizenship, two years residency in the constituency where s/he expected to vote **A**except where he had left

that constituency as a result of political persecution, or to engage in an armed struggle against the previous regime or to study or work elsewhere.[®] Barred from voting were former members of the Mengistu regime=s pseudo-civilian party (the WPE), and any member of the **A**security or of the armed forces who has not undergone the re-education process of the Rehabilitation Commission,[®] in addition to those serving sentences or certified as insane.

A key provision of the voting registration procedure was the requirement that citizens state their Anation/nationality,@ i.e., ethnicity. Although a senior EPRDF official sought to overrule the decision of some Addis Ababa electoral committees to disallow the registration of those who responded that they were **A**Ethiopian,@ election observers noted that such disallowances occurred elsewhere. The incidence of this voter response, if it could have been established with some precision, would have provided a good indication of the scale of citizen resistance to the EPRDF=s vision of a post-imperial Ethiopian state insofar as it implied altering the definition of citizenship to emphasize ethnicity at the expense of nationality.²⁹

Proclamation 11 ordained barriers to candidacy that were identical to those for voting. However, it added more restrictive Apositive@ qualifications: (a)21 years of age; (b) ability A communicate in the language of the nation/nationality in which he seeks to become a candidate,@ and (c) residency in the constituency for five years rather than two. Candidates were required to obtain 500 signatures for wereda level candidacies and 1000 for regional candidacies, subsequently reduced dramatically to 350 and 50, respectively, in the middle of the campaign. Originally, candidates were to be required to register 30 days in advance level, but observers reported that this requirement effectively vanished with candidacies being accepted right up to election day, at least in some areas. A similar fate, thus, befell the requirement that candidacies be publicly confirmed via the media 20 days in advance of the election and the provision for appeal of rejected candidacies at least 10 days prior to the election.

Proclamation 11 gamely set forth guidelines for campaigning. It barred campaigning by A candidates, their duly appointed representatives, or political organizations@until after the final list of candidates is posted. This implied a very short three week campaign process, leaving somewhat unclear the effect of appeals by rejected candidates. It decreed that Acampaigning shall be carried out in accordance with the relevant provisions of the Charter openly and with no restrictions.@ In what appeared to have been an effort to discourage negative campaigning, Proclamation 11 decreed that campaign speeches and literature Ashall not affect the rights of other candidates,@the nature of these Arights@being left unspecified.

Finally, Proclamation 11 made violations of the foregoing regulations subject to penal law.

²⁹ Again, for reasons of clarity, I use Anationality@to refer to pan-ethnic, country-level citizenship and Aethnicity@where the EPRDF uses Anation@. One could read the EPRDF=s use of the term Anation@to imply the non-existence of any pan-ethnic sense of political identity, as some regime critics have alleged. While clearly choosing to emphasize the importance, even the primacy of regional citizenship by the use of Anation@in this sense, I am not yet persuaded that the EPRDF means to take its establishment of the post-imperial state to this extreme.

The first stage of the election process was the holding of **A**snap elections[@] in about 450 of 600 weredas at the kebelle level where public meetings were to be held to elect representatives of the two major political forces in each to administer elections at that level.³⁰ From the kebelle committees, similarly composed wereda committees were to be elected and, from the wereda committees, regional ones Opposition parties complained loudly that the EPRDF took advantage of obvious logistical difficulties, compounded by attempted hasty implementation, to establish its dominance at the kebelle and wereda levels in ways that grossly violated the provisions of its own Proclamation 11. In support of this claim, the OLF, for example, pointed to the outright refusal of the EPRDF to accept the results in areas the OLF controlled or even to participate in electoral committees in areas where the OLF was dominant. The OLF accused the EPRDF of refusing to deliver election materials in these areas.

In response to these Aproblems,[@] the NEC issued AElectoral Rules of Implementation[@] (ERI) to establish greater clarity and specificity in the provisions of Proclamation 11. These rules were not issued until early June, only a few days before wereda and regional elections were to be held. The ERI sought to Afix[@] several problems that emerged during the Asnap elections[@] and in preparations for the wereda and regional elections on June 21. First, with respect to the wereda committees, the ERI limited the number of members to three where previously the size was left to the NEC=s discretion. In recognition by that time that some opposition parties were declining to participate in processes they felt were unshakeably controlled by the EPRDF, the ERI provided for kebelle members to elect members of the committees, implicitly without regard to the strength of party forces.³¹ By the time of the ERI=s appearance, however, a high percentage of the kebelle elections had taken place, though some were subsequently quashed because of irregularities.

Second, the ERI provided for guides to explain voting procedures, presumably for voters who were confused by the whole exercise.

Third, the ERI reduced the nominating signatures required of candidates, as explained above from 1000 to 350 for wereda candidates, and 500 to 50 for kebelle candidates. It reduced the lead time for candidate registration from 30 to 18 dates and the advance public disclosure of candidate lists from 20 to 10 days.

Fourth, the proclamation modified campaign rules to further limit their duration from 20

 $^{^{30}}$ Use of the term **A**snap election@ in this context differs from its genus, national level parliaments where the ruling party may choose to call for parliamentary elections on short notice when it calculates it can gain by so doing. The application is unfortunate in the Ethiopian setting in carrying the implication, which the opposition parties loudly voiced, that the EPRDF called and sought to manage these elections for exactly that purpose.

 $^{^{31}}$ The ERI suggested that in such cases **A** representatives of other alternative reserve political forces in the kebelle@would fill slots designated for non-participating major parties.

days to 10. While authorizing political rallies **A**without further permission with constituencies,[@] the ERI added that political organizations and individual candidates **A**must accept and obey the decisions of the electoral organs,[@] an open-ended and potentially significant vehicle for circumscribing freedom to campaign (Art.44.5). The ERI clarified that the rights of candidates included mutual respect for their persons and their literature. It prohibited **A**disparaging, insulting or slandering [of] other candidates or political organizations.[@]

The ERI on its face appeared to be a serious and carefully thought out effort to clarify election procedures. As the next section will detail, it proved to be a largely futile effort. Both the ERI and Proclamation were unrealistic in attempting legally to define the duration of the campaign. ERI was issued too far late in the overall electoral process (from the kebelle elections to the wereda/regional elections) to change the dynamics significantly, with the notable exception of loosening the nominating requirements for candidacies. Article 44.5 did appear to provide cover for some of the heavy-handed EPRDF behavior, criticized by the opposition parties, in the estimated 90% of the country where the EPRDF and its auxiliaries did in fact enjoy political hegemony.³² Moreover, by the time the ERI appeared, the opposition parties were already becoming seriously alienated --as the ERI itself tacitly recognized-- and they were not prepared to accept the NEC=s bona fides in issuing these clarifications.

2.4. Conduct of Elections

2.4.1. Overview.

Five factors governed all phases and processes of the election: (a) the major logistical difficulties of mounting an election in such a large country with minimal transportation and communications infrastructure; (b) the nonavailability of sufficient lead time to complete electoral preparations and processes effectively---for a variety of reasons; (c) insufficient progress in demilitarizing the countryside *prior* to the beginning of electoral activity (d) the insufficient transformation of all militarized movements into civilian political parties *prior* to the beginning of electoral processes; and (e) insufficient civic education for voters and local election officials alike concerning election regulations and processes. A critical aspect of point (d) was the failure of the political organizations to reach consensus on rules of political competition approximating those laid down formally in election proclamations and regulations.

Before turning to the interplay of each of these factors in each phase of the electoral, two of them require some further consideration, one included in the foregoing list and one not. Point (c) is an implicit argument as well as analytic observation, to be explored further later: despite the urgent importance of generating democratic participation in transition processes, it is probably futile to attempt to do so before demobilization of armed forces has reached an advanced stage, and at least some preliminary steps have been made to construct neutral and integrated security forces. The Transition Charter process and document should have provided sufficient

³² NDI, <u>op.cit</u>., p. 37

pre-election democratic legitimacy for these purposes.

Point (f), not made, could have been a conclusion that the parties lacked sufficient commitment to multiparty democracy. Such a charge could apply especially to the EPRDF based upon the ideological pedigree of the Tigre People=s Liberation Front (TPLF) --the core and original constituency of the EPRDF-- and upon credible evidence that the EPRDF (and its PDO satellites) violated the provisions of its own proclamations and regulation in managing the election. But election observers also noted similar instances of nondemocratic behavior on the part of opposition parties, notably the OLF. But the interplay of all the other five factors lent sufficient cover to the EPRDF=s administration of the election to allow it to conceal its true motivations from unambiguous empirical examination. To a lesser extent the same observation may apply to the OLF and other opposition parties.

The problems and difficulties chronicled, their negative political consequences for Ethiopia=s democratic transition were most prominent in Region 4 where the EPRDF and its affiliate, the OPDO, tangled with the OLF. Although similar problems occurred in other regions in the south and west, their dynamics and implications were somewhat different. In northern regions, and in Addis Ababa instances of these difficulties appeared to be milder and less frequent. Given its singular importance for the course of the country=s transition and the future of the envisaged post-imperial state, the following observations center particularly on Region 4.

2.4.2. Voter Registry.

No complete, national voter register was ever compiled for the 1992 regional and regional elections. Logistical difficulties plus allegations and confirmed incidents of EPRDF intimidation would have rendered any complete registry of doubtful value and legitimacy. Voter registration books were late arriving in many places, and the instructions were often lacking. Election officials experienced difficulties in determining which of those individuals associated with Mengistu=s security forces or his WPE had been rehabilitated and were, therefore, eligible to vote. Observers noted numerous instances of EPRDF intimidation of voters suspected of affiliation with the OLF. Women lacked cultural encouragement to participate in some communities, though there was little evidence that electoral officials did anything but encourage women=s participation. In some areas hardest hit by fighting, however, the percentage of women voters was much higher relative to that of men. Voters identifying themselves as **A**Ethiopian@ rather than by their ethnic affiliation were denied registration whether because of honest but legalistic election officials= interpretations or because of an unwritten policy to exclude those ignorant of, or opposed to the EPRDF=s vision of ethnic federalism.

A much later voter registration effort, conducted by the National Election Board of Ethiopia (NEBE) --- the NEC-s successor under revised electoral legislation--- produced a total

³³ USAID/DG Mid-term Evaluation, <u>op.cit.</u>, p.69, quoting NEBE sources

registration of 13, 462, 256 within 503 parliamentary constituencies.³³

2.4.3. Electoral Committees.

The impartiality and competence of the electoral committees at kebelle and wereda levels were severely undermined by irregularities during the snap elections: the suspected EPRDF affiliations of Aindependent@ members, instances of EPRDF harassment of voters and dominance of the public meetings, and opposition party withdrawal in the face of alleged EPRDF intimidation. In areas where kebelle elections could not be held or the elections were thrown out for process violations, committees were assembled in an ad hoc fashion. Nominally they were elected by voters without regard to party balance as stipulated by the regulations, but reportedly often simply installed by the EPRDF. In some areas electoral committees formed so late that they were in effect nonfunctional.

2.4.4. Candidate Registration

Screening of candidates with respect to Proclamation 11 criteria proved impossible in many regions, not least because the requirement for candidate certification well in advance of the elections all but collapsed in some areas. The same confusion regarding interpretation of Proclamation 11 strictures with respect to Mengistu-era personnel that tarnished voter registration also afflicted candidate registration. No formal list of candidates was ever assembled, meaning that the legality of the candidate rosters under Proclamation 11 guidelines remained highly suspect and unverifiable. Observers recorded numerous instances where Aprospective candidates were challenged on trumped-up charges and denied permission to register as candidates.^{$@^{34}$}

2.4.5. Balloting.

To its credit, the NEB relied upon locally manufactured pouches rather than convention wood or metal ballot boxes. Observers reported the pervasive presence of campaign propaganda in the vicinity of polling places. They noted the intimidating presence of EPRDF security forces in and near voting places in several regions, Athus raising questions about the significance of the turnout figures. e^{35} In some areas, out of confusion and insecurity concerning the voting process, A voters were seen entering the ballot booth in groups and filling out their ballot cards after collective discussion. e^{36} Observers noted scattered instances of unauthorized handling of ballot cards.

³⁵. NDI, <u>op.cit</u>., pp 32-33

³³ USAID/DG Mid-term Evaluation, <u>op.cit</u>., p.69, quoting NEBE sources

³⁴ NDI, <u>op.cit</u>, p.29

³⁶ <u>Final Report of the African-American Institute on the Ethiopian Local and Regional</u> <u>Elections Observation Mission</u>, (cooperative agreement 623-0007-A-2042-00, submitted to the U.S. Agency for International Development, October 10, 1993), p.11.

Allocation of symbols to parties and candidates was a subject of great controversy between the EPRDF and opposition parties over the impartiality of the distribution process.

Numerous errors occurred in marking ballot cards, including signing between two candidate symbols, switching of wereda and regional ballot cards, and returning of ballot cards unmarked out of confusion over how to use them.

Balloting was impeded by long lines and lengthy delays, lack of adequate election materials for the electoral committees, and the use of Amharic in areas where other languages predominated and knowledge of Amharic was limited. In the spirit of the EPRDF=s vision of the post-imperial Ethiopian state, additional money and more time might have enabled the NEC to have these materials translated at least into major local languages.

Although there were few serious complaints about post-election handling of the ballot boxes, procedures for transmitting them to central locations were extremely loose, opening up the entire process to potentially unchecked corruption.

2.4.6. Civic Education.

ACountry-wide civic education efforts were more the exception than the rule/ e^{37} It appears to have been the case, too, that such civic education as did take place was conducted primarily by the local election committees. Where they were organized, observers recorded that they were **A** well attended, although in several instances the local election commission distributed outdated or incorrect instructions. e^{38}

2.4.7. Appeals

Proclamation 11 and the ERI established appeals procedures for both candidates and voters from alleged election irregularities. The Council of Representatives ordained a procedure for voters to signal irregularities by nullifying their voters, but this procedure was communicated too late to be effective on election day. President Meles offered to redo elections where a hastily established national appeals board found certifiable error, but opposition parties distrusted this maneuver as they did all phases of the election process and did not make extensive use of it.

2.4.8. General Administration

There appeared to be a **A**direct correlation between the degree of electoral competition and the level of imprisonment, harassment, misuse of authorities and materials, namecalling and cheating.^{®³⁹} In practice this correlation translated into an imbalance between northern areas of

³⁷ NDI, <u>op.cit</u>., p 30

³⁸ <u>Final Report</u>, <u>op.cit</u>., p.7

³⁹ NDI, <u>op.cit</u>., p.36

the country where the elections went smoothly, and other regions of the country where they went much less well.⁴⁰ AInterestingly,@the NDI report observes, Amuch of the logistical confusion that bedeviled areas closer to Addis Ababa, appeared to have less impact on the more remote, EPRDF-dominated localities.@⁴¹

In the eyes of the international observers as well as opposition parties, the EPRDF failed to establish a clear but very difficult distinction between its obligatory role as an above-the-political-fray guardian of the embryonic multi-party democratic election process and its role as the dominant participant in it. Given the logistical difficulties, some of this ambiguity was perhaps an inescapable path of least resistance, as in the sending of registration materials to opposition parties locally through the EPRDF-dominated provincial administration. And such logistical difficulties also derived from the insufficient lead time to establish civil order and prepare adequate electoral processes. But the EPRDF appears to have been strongly motivated to use the electoral processes to consolidate further its military and administrative dominance to the point of unchallenged hegemony without regard to the consequences for viable and legitimate multiparty political competition. Particularly with respect to the OLF, the EPRDF demonstrated that the distrust between these movements was reciprocal even before the overthrow of Mengistu, as in the creation of the OPDO and using the OPDO to challenge the OLF in areas it claimed as the core of its political base.

The EPRDF created a Police Force Organization Commission to organize a politically neutral police force to guard the electoral processes. This force was not fully operational in all regions on election day. But the presence of EPRDF troops during and preceding election day, often in clear violation of hard-won encampment accords overshadowed the effects of this initiative. Voters and candidates, especially of opposition parties, distrusted, feared, and were intimidated by their presence.

The withdrawal of opposition parties, led by the OLF, shortly before election day decisively and adversely affected the regional elections. Even before formally withdrawing at the national level, opposition parties declined to participate in many kebelle election processes, signaling their mounting alienation from the whole process. To some extent the opposition parties may be fairly criticized for withdrawing from elections in which they recognized they could not prevail, perhaps even losing ground beyond their limited official positions in the Transition Charter conference and the Council of Representatives. But to an equal or greater extent, observer-certified violations by the EPRDF of its own proclamations and regulations gave the opposition substantial additional grounds to believe that EPRDF dominance of the election machinery denied them the opportunity to compete with the EPRDF on a level playing field. Clear instances of such EPRDF behavior included its refusal to accept some local election results favoring the OLF and its refusal to participate in election committees where the OLF enjoyed strength.

⁴⁰ Final report, <u>op.cit</u>., <u>passim</u>

⁴¹ NDI, <u>op.cit</u>., p.37

Thus, credible evidence of widespread intimidation of voters, candidates, and parties marred the entire electoral process, leading observer groups to regard the elections as less than free and fair. While some of these allegations applied to the OLF within the limited areas its cadres, by far the bulk of these allegations and of the credible evidence of intimidation applied to the EPRDF. While the EPRDF played a prima facie neutral role befitting a transitional administration in the formal structures and procedures it established for the elections, in its actions it played a far more partisan role. In its implementation of the election procedures, it placed its interests in consolidating its political control of the country ahead of the presumed interests of all parties in free and fair elections and the advancement of democracy for the country as a whole. The EPRDF=s use of the electoral processes to consolidate further its military and political hegemony overstepped its own electoral laws and regulations to such an extent as to call seriously into question its commitment to multiparty democracy.

2.5. Election Outcome.

The withdrawal of opposition parties from the regional elections foreordained the outcome: the overwhelming victory of the EPRDF and its allies. The EPRDF and its associate parties swept 1099 of 1147 seats in the wereda and regional elections.⁴² The breakdown was as follows:

EPRDF Coalition		1099 (95.8%)
OPDO	433 (37.7%)	
EPDM	279 (24.3%)	
TPLF	243 (21.2%)	
EPRDF	81 (7.1%)	
SPDO	36 (3.1%)	
KPRDO	27 (2.3%)	
GPRDM		9 (0.8%)
BPRDM		17 (1.5%)
Independents		14 (1.2%)
Other		8 (0.8%)

Opposition parties and individual voters questioned the independence of the Aindependents[®] in several instances. At the same time, both the Gambela People=s Revolutionary Democratic Movement and the Beni Shangul People=s Revolutionary Democratic Movement, of southwestern and western Ethiopia respectively, have cooperated closely with the EPRDF although careful to insist that they are independent of it.

⁴² These tallies differ slightly from those presented in NDI, <u>op.cit</u>. The difference is that the Gambela People=s Revolutionary Democratic Movement (GRPDM) as well as the Beni Shangul People=s Revolutionary Democratic Movement (BPRDM) should be regarded as independent of the EPRDF, although closely associated with it.

The results demonstrate the extent to which the EPRDF is a coalition. The seats won by the TPLF and the EPRDF itself, the core of the EPRDF coalition, amounted to less than one-third of all the seats won by the coalition. To date there have been few indications of serious fissures between the core parties and their affiliates, but the potential for them is clearly present in the very structure of the coalition. To the extent that the EPRDF government allows its ethnic regional vision of the post-imperial Ethiopian state to take root, the potential exists for centrifugal decentralization to take place *within* the EPRDF itself. The implicit possibility that the core elements of the EPRDF may find themselves outvoted and isolated within the coalition reveals an important reason why these core constituencies might resist *both* real multiparty democracy *and* realization of ethnic regionalism.

Since the opposition parties withdrew from the election, technically their acceptance or non-acceptance of the outcomes was a moot point. Despite their widespread, fundamental, and vociferous protests against real and supposed EPRDF electoral abuses, the parties continued their boycott of the elections by dismissing formally available appeals processes as similarly biased. But in a larger and more important sense, their withdrawal precipitated their refusal to accept the legitimacy of the entire transition, including the elections held during this period. Fundamentally, they accused the EPRDF of violating the collegial management of the transition they hoped and thought they had established in formulating the Transition Charter.

The international observers were in agreement that the conduct of the election had been A flawed. $@^{43}$ But the observers were divided as to the causes and implications of these flaws. The mildest criticism of the process attributed the flaws principally to the daunting array of logistical difficulties involved conducting elections in a poor, war-torn country, noting that post-Mengistu Ethiopia was still a freer more democratic place than it had been under the *ancien regime*. The harshest critics viewed the flaws as reflective of the EPRDF=s determination to win at all costs, thereby perpetuating the same northern-based imperialism that the EPRDF claimed to be eradicating. Intermediate between those positions were those who faulted the EPRDF for allowing these flaws to occur but stop short of impugning its motives. In a separate statement for its 16 observers, the Heinrich Boll Foundation of Germany concluded that the results of the election in the areas they observed **A**should not be taken as a free and fair reflection of the democratic will of the people. $@^{44}$

Reflecting on the 1992 elections, NDI concluded that they A did not achieve their proclaimed objectives[@] which included: (a) competitive participation; (b) overcoming of logistical problems to viable elections, the failure to do so resulting in a Aseriously impaired . . . electoral process[@], (c) moderation of ethnic differences; and (d) Aeducation of a majority of the population regarding the nature of genuine, multiparty elections.^{@45}

⁴³ NDI, <u>op.cit</u>., p.74.

⁴⁴ Statement incorporated as Appendix VI of NDI, <u>op.cit.</u>, p.108

⁴⁵. NDI, <u>op.cit</u>, p.4

The 1992 elections catalyzed increased conflict rather than the institutionalization of democratic means of conflict resolution. Indeed, the most dramatic and immediate outcome of the elections was the decamping of the OLF armies, prompting a short civil war in which the EPRDF all but destroyed the military capacity of the OLF. In effect, therefore, the relative civil peace that has prevailed since the elections is perhaps more a function of the EPRDF=s achievement of military and administrative hegemony than it is a function of the institutionalization of democratic processes via the elections.

Although the conduct of the 1992 regional elections dealt a devastating blow to multiparty democracy and to ethnic and political reconciliation, neither the EPRDF nor the government appeared to regard the wounds as fatal at the time. On the one hand, despite their alienation, the opposition parties continued to press for reconciliation with the EPRDF for at least the next 18 months, i.e., up to the 1993 Addis Ababa Peace and Reconciliation Conference. Despite the post-election mini civil war with the OLF, the EPRDF sent quiet signals that it differentiated between the OLF, which it regarded as an ally in the campaign against Mengistu, and other opposition parties it considered to be reactionary. And lengthy behind-the-scenes negotiations did take place between representatives of the EPRDF and those of at least some factions within the OLF. But the terms were too high on both sides: the OLF would not agree to renounce violence as a *pre*-condition for rejoining the transitional government. Although there were no specific actions of the EPRDF that the OLF wished to undo, the EPRDF would not accept the OLF requirement of restarting the transition. Both the opposition and the EPRDF continued to base their positions on interpretations of the Transitional Charter: the OLF wished to restore the collaborative transition management the Charter appeared to ordain, and the EPRDF believed its stewardship of the transition to be well within the letter and spirit of the Charter-s provisions.

On the other hand, many other important steps toward a full democratic transition took place in the three years following the 1992 elections. Many of these developments, to be discussed in the following section, occurred independent of --or perhaps in spite of-- the outcomes of the 1992 elections. But such development may be regarded fairly as an outcome of the 1992 elections. With the benefit of outstanding international consultants, the EPRDF undertook a major revision of its electoral laws and regulations such that the consultants themselves and international donors such as USAID gave the resulting legislation high marks. The EPRDF conceded no guilt with respect to the 1992 elections, but it did recognize the existence of logistical and legal flaws meriting revision.

As a consequence the subsequent national elections---the Constituent Assembly elections of June 1994 and parliamentary elections under the newly ratified constitution in June 1995-were far better organized in legal and administrative terms. However, neither of these national elections provided a true test of the efficacy of the new legislation and procedures since the opposition parties continued to boycott these subsequent elections. Ominously, however, even though it enjoyed virtually unchallenged electoral dominance in these elections, Donor Electoral Unit(DEU) reports on the conduct of the 1995 elections documented significant instances of EPRDF non-adherence to the prescriptions of the Constitution and legislation it had drafted including arrests of opposition politicians, blocking the opening of opposition party offices. The post-1992 reform of the electoral laws took place against a background of unwillingness on the part of both the parties and the donors to concede that the 1992 elections had aborted the birth of multiparty democracy in Ethiopia. Lacking the *practice* of multiparty democracy, the important legal reforms represented no more than polishing a veneer of democracy bearing more than a passing resemblance to that created by Haile Selassie in the later years of his reign. Whatever the EPRDF=s long term intentions may have been, and may still be, the donors supported these reforms in the hope that multiparty democracy in Ethiopia would yet be reborn. The opposition parties, of course, were not eligible to participate in these revisions given their enforced alienation from the transitional government. But they offered few if any objections to the substance of the post-1992 reforms of electoral legislation and regulations.

2.6. Effects of International Assistance

Simply put, international assistance made it possible for Ethiopia to conduct the 1992 regional elections. The most visible aspect of this assistance was the provision of the legions of international observers, the keys to confirming the legitimacy or illegitimacy of the processes in the eyes of the EPRDF, opposition parties, the donors themselves, and perhaps to some extent Ethiopian voters as well. In principle, Ethiopia could have conducted the election in some fashion without the observers. But given the country=s endemic poverty and its general postwar disarray, Ethiopia would have been hard pressed to mount the election process without the ballots, radios, vehicles, computers, and the direct financial and staff support that the donors supplied. At a minimum the already daunting, and only partially surmounted, logistical obstacles would have been even greater and less effectively overcome.

Beyond the observers and the material and technical assistance, donor diplomacy proved valuable as well. What NDI describes as U.S. Charge Marc Bass=s Ainstrumental@importance in brokering the encampment agreement that held for the duration of the election process was indispensable. Simply put: no encampment, no election. UNEAS intervention with the EPRDF to secure the two week election delay from June 6 to June 21 was valuable, in the context of an election effort that was clearly mounted too hastily to begin with.⁴⁶ UNEAS also helped persuade the EPRDF to lower the clearly unrealistically high number of signatures for candidate nominations. Former President Jimmy Carter was very helpful in putting President Meles in touch with NDI whose initial assessment helped set the parameters of assistance required and tasks to be accomplished. The joint NDI-IAG seminar for Council of Representatives members helped enable the Council to play a constructive role. Finally, mounting the observer mission was a monumentally difficult task, and the members of the JIOG in particular deserve recognition for their success in this effort.⁴⁷

⁴⁶ I have no information that diplomatic initiatives factored in postponement of the elections from October to June.

⁴⁷ I happened to be in Ethiopia in the first days of June 1992 and was in a position to observe the work of USAID/Ethiopia=s first Democracy and Governance Advisor, Steve Morrison, and to see first-hand how this complex and difficult task was executed with such dedication and effectiveness.

Because the 1992 regional elections were mounted so hastily, and because bilateral aid programs were barely launched, much of the donor assistance to Ethiopian capacity building for democratic elections and other aspects of democratic governance transpired *after* these elections rather than before. Certainly that was the case for the United States. USAID/Ethiopia=s Mission Director approved the project only on May 16, 1992, barely a month before the regional elections. The United States and the Transitional Government did not sign the Project Grant Agreement until September 28, 1992, three months after the elections. Although approximately 40% of funds for USAID/Ethiopia=s Democracy and Governance Project were expended on the 1992 elections, USAID/Ethiopia disbursed most of the funds for this purpose before the project itself technically came on-line. Indirectly through a grant to UNDP, USAID/Ethiopia supported the consultants who worked with the TGE on strengthening the electoral legislation. In addition the USAID/Ethiopia DG project funded the National Democratic Institute to provide civic education for Ethiopian voters.

Without question, Ethiopia needed and seemed to welcome the post-election, electoral capacity building assistance. Ethiopia now has the legal and infrastructural capacity to conduct multiparty elections free, fairly, and effectively----if and when multiparty democracy returns to Ethiopia to put this capacity to the test. The magnitude and importance to real democracy of such an event would merit some further assistance, though not on the scale provided for the 1992 elections. Post 1992 external assistance has clearly increased Ethiopia capacity to conduct country-wide elections by an order of magnitude above what it was in June 1992.

As the next section will explain, the only positive democratic momentum generated by the electoral experience was donor recognition and EPRDF acceptance of a need for electoral In and of itself, the elections did not generate Ethiopian momentum for capacity building. broader and deeper democratization. Further democratization did occur in building the institutional structures appropriate to a democracy. They transpired not because of the elections but because of commitments implicit in the Transitional Charter, TGE policy priorities, and donor The United supported democratization in such areas as constitution formation and interest. judicial strengthening. USAID did not commit obligated project funds to support regionalization, and initiatives in strengthening private media bore little fruit. Norway invested substantially in the Council of Representatives while the Netherlands and the United Kingdom supported the development of a national police force. Particularly notable externally assisted democratization initiatives included the (a) Special Prosecutor=s Office(SPO) which carefully built capacity for the trials of Mengistu era officials on genocide charges according to all the major requirements of the rule of law, and (b) a high level and influential constitutional symposium featuring both international and Ethiopian experts which stimulated the work of the constitutional commission.

3. CONSEQUENCES FOR DEMOCRACY AND GOVERNANCE

This section explores the direct and indirect effects of the 1992 regional elections on other dimensions of democratization in Ethiopia. A normative assumption that initial democratic elections *should* build democratization momentum and an empirical hypothesis that elections *do* generate such momentum underlie this exploration. A further premise also underlies this examination: that host country political actors also desire and expect democratization momentum to arise from initial multiparty elections. In the case of the 1992 Ethiopian regional elections, the normative assumption went unrealized while the empirical ones went unconfirmed. For these elections to have had these desired and intended effects, they would have had to be certifiably free and fair in the eyes of all or most Ethiopian participants which they manifestly were not. The EPRDF, by its credibly documented abuses of its own laws and regulations, and the opposition parties, by their credibly documented forced withdrawal from the elections, diminished existing Ethiopian momentum and energy for democratization. As the preceding section explained, further democratization did occur but largely with reference to the legal structure of elections rather than their actual conduct. This section briefly amplifies these observations.

3.1. Executive Branch.

If anything the 1962 elections *reduced* the legitimacy of the executive branch, at least in the eyes of opposition parties, as a result of the EPRDF=s credibly documented violations of its own electoral laws and regulations. More fundamentally, these abuses undermined the legitimacy of the *entire transition* in the eyes at least of the opposition parties. By contrast, however, the EPRDF *strengthened* the stability of the executive branch, not by virtue of the electoral experience, but through its use of the electoral processes to increase its military and administrative hegemony throughout most of the country. With the exception of continuing instability in the Ogaden and parts of eastern Ethiopia, it is clear that civic order was stronger after the elections than before but because of the EPRDF=s military and administrative demarche rather than because of the electoral process.

The inclinations of the EPRDF transitional administration to undertake other political and economic reforms contemplated by the Transition Charter appear to have been largely unaffected. Insofar as the Charter contemplated conscientious observance of the full range of internationally mandated basic human rights, the EPRDF=s adherence to Charter commitments diminished from what it had been in the early months after the overthrow of Mengistu. Many observers commented on the atmosphere of tolerance that suffused those days, but the EPRDF=s human rights record deteriorated to a generally poor level in the months after the election, and it continues to remain substandard. With respect to fulfilling the Charter obligations to prepare and ratify a new democratic constitution, the EPRDF moved expeditiously, although the effects of the opposition withdrawal from the elections extended to the composition of the Constitutional Commission as well. The EPRDF=s commitment to economic liberalization appeared to remain unaffected. Some observers have remained troubled, however, by the EPRDF=s disinclination to break sharply from Mengistu-era land reform policies.

3.2. Representative Bodies

The Council of Representatives was an interim body, the Transition Charter conferees in another form, which remained in existence for three years after the 1992 regional elections. It was replaced in June 1995 by the first parliament elected under the terms of the newly ratified constitution. The Council of Representatives lost importance after the elections as the alienation of the opposition parties led most of them to withdraw from the Council in March 1993, and the one which chose to remain --the Southern Ethiopia People=s Democratic Congress (SEPDC)--was expelled. The Council, which demonstrated some initiative in the organization of the electoral effort, declined in status to that of a **A**rubber stamp@ composed of the EPRDF and its affiliates. While there has been some external assistance to build the organizational capacity of the new parliament, the continued one-party dominance of its membership diminishes prospects that it will realize its potential for democratic governance for the foreseeable future.

The post-1992 election strengthening of Ethiopian election structures occurred more or less independently of the influence of the Council. The Council, however, did amend the draft constitution in minor ways, and it did stage a spirited debate on alternative secession provisions presented by the Constitutional Commission.

3.3. Electoral Authorities and Future Elections.

As explained earlier, donors worked effectively with the TGE following to strengthen electoral laws and structures following the 1992 regional elections. The 1992 elections brought to light structural flaws in legislation and procedures which lent focus to the post-election capacity building effort. Donors, at least, agree that the reformed laws and structures meet a fairly high standard though they are yet to be tested by true multiparty competition. In effect, however, the negative lessons rather than any positive democratization momentum from the elections animated this post-election capacity building.

3.4. Local Authorities.

The regional elections installed one-party dominance, notably by EPRDF affiliates, in all the regional assemblies. The roles of chiefs and elders has appeared to remain unchanged. Donor support has strengthened Ethiopian capacity for civic education, although much remains to be accomplished. The EPRDF human rights record has suggested that it does little more than tolerate the growth of civil society and donor support to this end.

The EPRDF has followed through on ethnic regionalism in formal terms. The new Constitution broadly enshrines the concepts set forth in EPRDF transition-era proclamations. At the same time, it has declined to restructure access to the countrys tax resources in order to remove a clear inherited imbalance in favor of the national government. By the end of the transition, the EPRDF had given little apparent thought to the important organizational details standing in the way of effective implementation.

3.5. Judiciary

While donors have continued to support some strengthening of the judiciary and for NGOs concerned with the rule of law and human rights, these initiatives have been unrelated and

largely unaffected by the 1992 regional elections. The work of the Special Prosecutor=s Office (SPO) has begun to come to fruition as the genocide trials continue in progress.

3.6. Political Parties

The 1992 regional elections destroyed interparty relations, at least with respect to relations between the ruling EPRDF and opposition parties, but not fatally. Opposition parties continued to seek bases for a rapprochement with the EPRDF that would allow them to rejoin transition management as equal partners with the EPRDF, but to no avail as explained above. The opposition parties themselves distanced themselves further from the EPRDF at a conference in Paris in March 1993, which resulted in the withdrawal of most of them from the Council of Representatives -- and the expulsion of the SEPDC. Their cooperation among themselves reached its apex to date in a Conference on Peace and Reconciliation they organized and attended in Addis Ababa in December 1993. The EPRDF declined an invitation to attend and arrested several individuals who arrived to participate on the grounds that they were subject to arrest for Mengistu-era crimes.

Momentum for further interparty cooperation since December 1993 has, if anything, diminished, while there has been little evidence of negotiations between opposition parties and the government over bases for true multiparty democratic competition. Former President Jimmy Carter mounted an intensive effort to bring the parties together during 1993 and 1994 that produced no progress.

External political opposition, some of it very strident and suggesting possible resort to violence, has continued to diminish possibilities for *internal* negotiations between opposition parties and the ruling EPRDF. Some of this external opposition includes Mengistu era parties which declared themselves the enemy of the EPRDF before and after it succeeded in leading the overthrow of the Mengistu regime. The bases of this opposition are complex, but they include opposition to ethnic regionalism, and ideological differences with the EPRDF both before and after *-*-and because-- it softened its previous publicly declared commitment to Albanian style socialism just as the Cold War was ending.

3.7. Mass Media

The transition spawned numerous private print media. But these embryonic media have been afflicted by intense internal rivalries, largely rooted in alleged or real association of some of its entrepreneurs with the Mengistu and/or EPRDF regimes. These divisions ultimately led USAID/Ethiopia, for example, to abandon its effort to support for the development of a media association. All of the new print media have experienced the greatest difficulty in achieving economic sustainability in circumstances where minimal communication and transportation infrastructure greatly impede the development of adequate circulation levels. Finally, the EPRDF has engaged in persistent intimidation, and arrests of editors and journalists on grounds of morality or sedition to a degree sufficient to impede development of a flourishing free and private media but insufficient to date to provoke donor sanctions. The very limited electronic media remain almost entirely government owned and managed. These developments have been essentially unrelated to the 1992 or subsequent elections.

3.8. Civic Organizations.

With some support from USAID/Ethiopia and other donors, civic organizations have developed slowly during the Ethiopian transition, but in general Ethiopian civil society remains weak, poorly articulated, and with only limited national scope. Civic education during the 1992 elections appeared to have been organized primarily by the election committees. Similarly, the Constitutional Commission initiated well-intentioned and useful albeit limited public discussion of constitutional issues in the course of preparing its draft. The EPRDF=s generally poor human rights record has not encouraged the development of civil society, even though Ethiopia continues to enjoy more de facto civil and political freedom than under it did under Mengistu--rather faint praise, indeed.

The 1992 elections had little influence on the subsequent development of Ethiopian civil society.

4. CONSEQUENCES FOR RECONCILIATION PROCESSES

This section examines the implications of the 1992 elections for reconciliation. Again, underlying this examination is a normative premise that initial democratic elections *should* inspire political reconciliation in war-torn societies, and an empirical hypothesis that they *do*. The 1992 elections *undermined* reconciliation between the two sides in the war: between the

government and opposition parties who had in most cases been its partners in overthrowing Mengistu and, on balance, among ethnic communities. It is clear that these elections disappointed Ethiopians as well as donors and external observes.

4.1. Implementation of Peace Accord

The EPRDF in general carried out the policy agenda set forth in the Transition Charter but unilaterally rather than in the spirit of multiparty collaboration generally exemplified in its formulation. The 1992 elections crystallized what proved to be the permanent alienation, to date, of the opposition parties from the entire transition. They destroyed whatever spirit of multiparty collaboration the Transition Charter stimulated, and it was the restoration of this collaborative management of the transition, in spirit and in substance, that the opposition parties made their bedrock terms for post-election reconciliation with the EPRDF. The opposition parties regarded the EPRDF=s terms, renunciation of violence as a precondition for formal talks, as the equivalent of unconditional military surrender--and unacceptable.

Ethiopia=s de facto one-party democracy since the 1992 elections has not created an atmosphere for the public articulation by societal groups of policy initiatives and reforms of any nature, whether or not animated by Charter provisions.

4.2. Demobilization and Resettlement

Creation of an integrated national defense force has been a slow, gradual process that has not been noticeably affected by the 1992 regional elections. Despite the alienation of the opposition parties from the EPRDF in particular and the transition in general, there has been no clear evidence of discrimination against the ethnic communities they represent predominantly, at least below political levels. The short civil war against OLF armies following the elections resulted in the imprisonment of thousands of Oromo troops and alleged sympathizers. In this respect the reintegration of former combatants was delayed by the aftermath of the elections. However, the numbers of these prisoners have declined very sharply since mid-1992. Absent major EPRDF initiatives in the areas of housing and rural land reform or employment generation, there has been no clear discernible evidence of electoral effects on the economic circumstances of troops in the various armies.

Significantly, the revised electoral legislation has dropped provisions barring those associated with the Mengistu regime armies and quasi-civilian single party from running for elective office or voting, provided they are not under indictment by the SPO for crimes of genocide during that regime.

4.3. Repatriation and Return of Displaced Persons

Resettlement has not been actively pursued by the EPRDF government and has been unaffected by the 1992 elections. The brutal, forced resettlement undertaken during the Mengistu era, in addition to forced villagization, made it difficult for any successor regime to revisit this issue. Existing electoral law continues to allow exceptions to residency requirements for those unavoidably displaced prior to Mengistu=s overthrow, but each succeeding election will diminish the numbers of citizens requiring this dispensation, assuming that residency requirements are not increased and there is no increase in displacement-causing internal insecurity.

4.4. Ethnic/Religion/Regional Cleavages

The effects of the 1992 elections on ethnic, religious, and regional polarization have been somewhat difficult to disaggregate from those surrounding the EPRDF=s implementation of its vision of a post-imperial Ethiopian state founded on ethnic-based regionalism and self-determination. The EPRDF=s constitutional formula has generated opposition and skepticism that has tended to follow ethnic lines, as explained in an earlier section. Implementation of the formula has raised ethnic tensions because of uncertainties and disputes over the drawing of ethnic-based administrative boundaries below the regional level. It may have stirred the already muddy waters of clan and sub-clan politics in the Ogaden and parts of eastern Ethiopia not only because of boundary disputes but because of the omnipresent clan and subclan political controversies emanating from beyond Ethiopia=s borders in Somalia and Djibouti.

Interfaith tensions have appeared to remain at a relatively low level, partly because all religious communities appear to have accepted the separation of church instituted by the aggressively secular Mengistu regime. The major exception to this general is again in the Ogaden region, where divisions within the world of Islam have further complicated the already complex world of clan and subclan politics. Sudanese Islamic fundamentalism has worried all the other governments in the Horn of Africa, notably Eritrea which has broken diplomatic relations with Sudan over its alleged use of returning Eritrean refugees to spread Islamic fundamentalism.

The 1992 regional elections did exacerbate these continuing sources of ethnic, regional, and religious tension in Ethiopia. The EPRDF=s aggressive, frequently extralegal efforts to extend its hegemony at the expense of other parties exacerbated ethnic tensions because of the degree to which party and ethnic identity have coincided with one another. By its behavior in these elections, the EPRDF undermined one of its central proclaimed policy objectives: the elimination of previous longstanding patterns of ethnic domination by Amhara, and to some extent Tigrean communities, in favor of interethnic equality and comity. Beyond these demonstrable effects of the 1992 elections lie difficult-to-substantiate but prevalent rumors of official favoritism for Tigreans at the expense of all other communities in governmental employment.

To some extent, the EPRDF=s character as a multiethnic coalition, because it is a coalition of predominantly ethnic-based parties, may have complicated ethnic tensions by creating or exacerbating tensions *within* the larger communities. This may well have been one effect of the creation of predominantly ethnic-based affiliate parties such as the OPDO, particularly in the

context of the 1992 regional elections. While the EPRDF, as a coalition of predominantly ethnic-based parties, may have fostered some interethnic accommodation and cross-fertilization, there is no clear available evidence to support any such contention.

5.STRATEGIC AND TECHNICAL CONCLUSIONS AND RECOMMENDATIONS

5.1. Context

5.1.1 <u>Take the time to do the elections right</u>.

The 1992 regional elections in Ethiopia were postponed once but should have been delayed still further. The Meles regime understandably resisted diplomatic entreaties for a second postponement on the grounds that the approaching raining season would soon make it impossible to conduct the elections. But in retrospect, as well as in prospect at the time, it would have been better to have postponed the elections until after the rainy season. The encampment accords between the EPRDF and at least the OLF were too fragile and insecure to permit organizing properly for the elections in many areas of the country. But those same areas were the very ones where the legitimizing, conflict regularizing properties of elections were most needed and were, therefore, most important. Consequently, the preparatory steps in those areas were conducted haphazardly or not at all in the most important areas. Whether or not the EPRDF welcomed, hid behind, or even engineered continuing instability in order to strengthen its position, the circumstances on the ground made it possible for the EPRDF to do so and created the perception that it had done so. Consequently, the EPRDF prevailed in the most controversial areas but did so at the cost of lost electoral legitimacy for the transition as a whole, lost legitimacy in those areas for the regime itself, and potentially even for its grand constitutional plan of ethnic regionalism.

A better plan is, and would have been, to build electoral and regime legitimacy for the long term by postponing these regional elections until encampment and ancillary agreements had been reached between what were still contending armies. The regime articulated good theory in emphasizing the importance of citizen participation in organizing and preparing the elections. But it did a very poor job of putting theory into practice to the substantial degree that these processes were shortcircuited by EPRDF heavyhandedness, which it rationalized on the conveniently available grounds of political and military instability.

The donors did lobby for postponing the elections but they should have positioned themselves to exercise more leverage earlier than they did. This is more easily said than done, particularly in this case. It is not easy to suspend disbursement of election assistance, or to threaten to do so, once it has begun to flow. It was not clear that either the United States, or at least some of the other donors, were prepared to impose conditionality: do the elections right or risk loss of aid. Understandably wanting the EPRDF to be successful in instituting democracy appeared to shade imperceptibly into apparent *commitment* to this regime. Certainly, the United States in particular would have had to distance itself from the regime rather dramatically to

⁴⁸. Reasonable minds can surely differ on the fairness of this charge. On the one hand, the EPRDF surely was the dominant politico-military force and certain to be the dominant power

overcome a perception, deeply held in some Ethiopian circles, that the EPRDF had benefitted unfairly in relation to other politico-military movements from AC ohen=s coup. $@^{48}$

Notwithstanding the difficulty of exercising diplomatic leverage on the timing and conduct of electoral preparations, the donors should have insisted that election preparations *follow* rather than take place more or less *simultaneously with* implementing peace agreements. In the Ethiopian case, the strength of the modus vivendi between the contending politico- military movements in formulating the Transition Charter was insufficient to accomplish the secure demobilization and encampment of the rival armies. It was clear in the Ethiopian case that the processes of electoral preparation did relatively little to advance the peace and, to a greater degree, were undermined by the lack of preexisting implementation of a peace agreement.

5.1.2. <u>Electoral preparations should be used to consolidate peace agreements, not to create</u> them, among warring and/or contending politico-military movements in war-torn societies. This recommendation follows from the preceding paragraphs.

USAID and other donors should promise future electoral assistance as an incentive to creating reconciliation among warring and contending politico-military movements but withhold disbursement until stable peace agreements have been negotiated and successful implementation of them has at least begun. While some electoral planning may occur simultaneously with the fashioning and implementation of peace agreements, all the grassroots participation in electoral preparations---which is indispensable--should await considerable progress in successful implementation of peace agreements.

5.1.3 <u>USAID and other donors should use the carrot of substantial electoral assistance to</u> leverage agreement from at least all the major politico-military movements on a realistic schedule for implementing electoral preparations.

In addition to their own in-house expertise, embassies and USAID missions should draw on such outside expertise as is needed to establish what is realistic in this regard. In the case of the Ethiopian regional elections of 1992, it is not clear that the donor countries themselves had realistic assessments of what was required when they entered into negotiations with the EPRDF administration on electoral assistance. It is fairly evident that both the EPRDF and its opponents lacked a realistic appreciation of the difficulties that electoral preparations would involve. Experts financed by donors to appraise these requirements should work jointly with the

in claiming final victory over Mengistu and in forming a new government---with or without the blessing of Secretary Cohen. And endorsement of the EPRDF very possibly did spare Addis Ababa prolonged bloodshed at the conclusion of the war. Others have argued that this very inevitability made any such endorsement superfluous. More seriously, some have contended that the endorsement was unduly counterproductive in that it unnecessarily weakened the essential but fragile modus vivendi among all the forces determined to overthrow Mengistu, both at the London conference and afterward. On balance, I am inclined to this latter view.

contending parties as well as the donors to arrive at a consensus on realistic electoral plans. In these negotiations, issues and points of contention can be anticipated and resolved in advance.

5.1.4. <u>While they should be largely sequential rather than simultaneous processes, war repair and election preparations should be linked in policy planning and implementation.</u>

Demobilization and encampment of troops should be linked not only to employment-generated programs and reforms but to political participation. Troops should see demobilization as a means not only to civilian employment but to real political involvement. It is especially important for the armies of rival political movements to make the transition from military to peaceful civic competition. The greater the success in helping combatants to make this transition, the greater the prospects for secure peace and successful democratic consolidation.

5.1.5. <u>Demobilization initiatives should include civic education centering on equipping military</u> personnel for political as well economic participation.

It may be inescapable in some circumstances that initially civic education is conducted under official auspices. But active, tangible, official encouragement for the development of civic NGOs and their use in the later stages of demobilization should be *de rigeur*. Early and particularly capable military graduates of demobilization-centered civic education initiatives should be recruited to help lead the later efforts.

5.1.6. <u>Pact-like negotiations for ending conflict between ruling regimes and opponents and/or among opposition politico-military movements are probably essential</u>.

The cases in this volume present two different African models for such pacts: the Mozambique model (a pact between ruling and opposition politico-military movements) and the Ethiopian case (where negotiations are needed among the victors as well as between the victors and the vanquished). In retrospect it appears that the London negotiations preceding the removal of the Mengistu regime centered more on effecting as peaceful a regime transition as possible rather more than on helping to strengthen a *modus vivendi* among the victorious parties. There should have been more emphasis on the latter dimension of pact-making in the London negotiations, recognizing that the political importance of political movements to a successful democratic transition may be greater than their preceding military contribution to removing an *ancien regime*.

5.1.7. <u>Postwar pacts should focus not only on consolidating an end to hostilities but on</u> institutionalizing subsequent peaceful political competition and helping the parties to prepare for reconstructing the state itself as well as for effecting a regime transition.

Almost by definition political transitions in war-torn societies require the participating parties to engage in reconstructing the polity itself, not just to effect regime transition. The victorious parties in the Ethiopian civil war recognized this need in achieving the formulation of the Transition Charter, but more diplomatic support for this process, particularly in London would have been helpful. Such support plus further postponement of the elections, as

recommended above, might have caused the work of the U.S. ambassador in helping to broker an encampment agreement between the OLF and the EPRDF to have more lasting impact.

5.2. Security

5.2.1. <u>Take the time necessary to fashion viable, sustainable peace agreements among the warring and contending politico-military movements.</u>

Armies, even those allied with each other, seldom if ever have a really easy relationship with one another. Negotiations, at least among the armies, probably with acceptable international mediation, should be initiated as early as possible, even before the outcome of the military conflict is as inevitable as it was at the time of the London negotiations.⁴⁹ For example, serious differences and tensions between the OLF and the EPRDF emerged on the battlefield, well before the London negotiations. Earlier mediation should center on (a) discussion of post-conflict objectives, (b) modalities for peace agreements involving all parties, (c) encampment strategy, (d) the post-conflict size of the various military forces, (e) agreed upon spheres of influence for contending armies prior to full demobilization and encampment, (f) modalities for constructing or reconstructing a neutral police force and an integrated national army, (g) approaches to building a new neutral civilian police force and an integrated national army, and (g) identification of realistic and acceptable conflict-mediation venues and approaches

5.2.2. <u>Amend U.S. legislation as necessary to facilitate diplomatic and USAID assistance in</u> working with contending parties on all the subject areas identified above.

5.2.3 <u>The United States should determine at a high level how important successful formulation</u> and implementation of peace agreements and subsequent free and fair elections in any given country are in terms of its interests and calibrate its electoral assistance accordingly.

Both during the era of detente and as the Cold War waned and ended, the degree of Ethiopia=s importance to United States interests appeared to be less clearly established than during the height of Cold War tensions. The high visibility of U.S. participation in the London negotiations appeared to indicate that Ethiopia retained, or had regained, a fairly high level of strategic importance to the United States. To the degree that was, and remains, the case, the United States should have been prepared to commit the higher level of diplomatic and financial assistance implied in the preceding recommendations. It should continue to be prepared to make similar commitments in other countries which enjoy high priority in terms of United States= interests.

5.2.4. <u>The United States should define gradations of freeness and fairness in elections and degrees of comprehensive peace agreements that may be sought, determine what levels should be</u>

⁴⁹ In this case, this recommendation implies that the U.S. should perhaps have sought more active, if informal, contact with opponents of the Mengistu regime earlier in the day.

sought in terms of its interests, and calibrate its diplomatic and financial assistance to war-torn societies=peace agreements and postwar elections accordingly.

Implied in this recommendation is the observation that the degree of pro-activeness in helping war-torn Ethiopia achieve peace and institutionalized peaceful electoral competition was perhaps not commensurate with the countrys status as of prime importance to U.S. interests. If Ethiopia was, perhaps is, of less than preeminent importance to U.S. interests, then satisficing rather than optimal levels of achievement with respect to the peace and the elections should have been more explicitly defined. There are, of course, important limitations on how explicitly these gradations can be explicitly and publicly articulated.

5.2.5. <u>The greater the importance to United States of peace and free and fair elections in a given</u> country to United States, the more it should be prepared to monitor and exercise leverage to prevent and penalize violations of peace agreement and agree-upon electoral plans.

This recommendation, again, is far easier to articulate than to implement. The underlying conundrum, of course, is that the more United States interests are involved, the greater the stakes in U.S. attempting to sanction violations of peace and electoral agreements; conversely, the less important the country involved, the less justification for the effort involved to impose them. Nor is it a simple matter to suspend or cancel elements of assistance once the flow of resources has begun, even assuming that the United States (alone or in concert with other donors) can identify leverage adequate to sanction effectively.

Nevertheless, a pattern of abuses on the part of all parties in the 1992 Ethiopian elections, but particularly by the EPRDF, leading observers to find the elections to be something less than free and fair, took place throughout the campaign preceding the elections themselves. While it is possible that greater abuses were prevented by whatever diplomatic representations may have occurred, to all appearances these representations were relatively ineffective in preventing abuses of election processes to which substantial donor resources had been committed. One possible sanction might include extra **A**level playing field@assistance to non-offending parties. Depending on the importance ruling and opposition parties place on international certification of elections as free and fair, withholding of international observers might be one effective sanction that could be imposed late in the run-up to election day.

5.2.6. <u>Enough progress in postwar training and deployment of a neutral police force to oversee</u> elections is essential to the appearance, and often the fact, of free and fair elections.

The 1992 Ethiopian elections suffered from reliance upon the troops of the EPRDF whose impartiality was at open to question, at a minimum. An alternative or supplement to a reconstituted neutral postwar police force might be some basic training for local security personnel known to, and identified by the community as individuals of integrity.

5.3. Elections

5.3.1. <u>An essential step in the transition from war to peaceful electoral competition in war-torn</u> societies is the conversion of politico-military movements to genuine political parties.

The major participants in the 1992 Ethiopian regional elections had made at best incomplete transitions from politically driven armed forces to electorally-centered political parties. Free and fair elections cannot be conducted to the extent that the competing organizations conduct the campaigns as though they were armies at war. The objectives, the organizational structures, the behavior, the strategy and the tactics of politico-military movements all need refashioning to effect such transitions. Among the most important aspects of such organizational transformations are likely changes in leadership cadres from individuals who excel in directing military campaigns to those with greater skills in leading political parties. Politico-military movements need both time and assistance in effecting such transitions.

5.3.2. In addition to constitutional and legislative changes to electoral codes that may be necessary, parties need to conduct successful negotiations and reach agreement among themselves on what represents free and fair electoral competition.

Implicit in this recommendation is the proposition that what is **A**free and fair@ is not simply a matter of applying international defined standards but of gaining agreement among competing parties themselves on the meaning of that the term. Supplementary provisions or some modifications of these international standards may be appropriate in the circumstances of individual countries. Quite apart from inadequacies in the Ethiopian legislation at the time, and the problems caused by insufficient implementation of encampment agreements, the ruling and opposition parties in the 1992 Ethiopian elections never really engaged each other --let alone reach agreement-- on what they meant by free and fair electoral practice. This lack of communication and agreement among the parties was instrumental in the pattern of events leading to elections that fractured, seemingly irretrievably, the interparty consensus achieved with the Transition Charter.

5.3.3. <u>At least some observers should be present for several weeks prior to elections and for a time afterward in order to monitor the entire process</u>.

Experience has reinforced the commonsense observation that abuses perpetrated during the course of the election campaign, and in post-election challenges, deprive honorable election day procedures of their significance.

5.3.4 <u>Appeals procedures and venues, acceptable to all parties, should be established before election campaigns begin</u>.

Hastily established post-election appeals procedures were ineffective in the 1992 Ethiopian regional elections. By the time of the elections themselves, the degree of distrust and hostility among the competing parties had become unbridgeable. Only previously acceptable appeals procedures, available during the election processes themselves, might have lessened the likelihood of this outcome.

5.4. USAID Assistance

5.4.1 Focus, Process, Duration

5.4.1.1. Technical Assistance in revising electoral legislation should to the extent possible precede the holding of the first national multi-party elections in war torn societies. Largely as a consequence of the overhasty Ethiopian regional elections, the outstanding assistance Ethiopia received in revamping its electoral laws occurred after these elections and, as apparent in retrospect, after the possibility that the ruling and opposition parties could agree on terms of political and electoral competition had disappeared.

5.4.1.2. Technical assistance in revamping electoral laws should be provided in the negotiations on peace and subsequent multiparty elections. Follows from the preceding point.

5.4.1.3. Abandon a prevalent, tacit assumption that elections by themselves will jump start democracy. Only careful, integrated planning and negotiations on the terms of peace, demobilization and processes and stages of democratization will increase the prospects of political stability and sustainable democratization in war-torn societies.

5.4.1.4. Electoral assistance to war-torn societies should include extensive support for enabling politico-military movements to make the transition to viable political parties. See point 5.3.1 above.

5.4.1.5. It is at least arguable that initial national multi-party elections in war-torn societies should follow rather than precede constitutional revision. Most of the Ethiopian parties did achieve a modicum of constitutional consensus in the Transition Charter. However, subsequent events quickly made clear that the depth and breadth of this consensus was inadequate to the challenges that were to confront the parties during the subsequent year leading up to the regional elections. It is possible to argue that if negotiations on a full constitution had been undertaken first, immediately following formation of the Transition Charter, the alienation of the ruling and opposition parties that was to emerge could have been significantly diminished. An alternative might have been to hold earlier elections for a constituent assembly to draft a constitution rather than earlier elections for governance of the country. Obviously, the timing and sequencing of democratization steps rests with the host country. However, USAID and U.S. embassies should be proactive in advising ruling and opposition parties on the relative merits and demerits of particular sequencing. USAID and embassies retain the option to calibrate the nature and extent of electoral assistance based on the degree to which it finds the host country-s plans realistic and viable.

5.4.1.6. It is at least open question whether war-torn countries should be encouraged and supported to undertake initial regional elections prior to initial national elections. The rationale for conducting regional elections first in post-Mengistu Ethiopia was clear and understandable: most of the parties were convinced that the realization of a post-imperial state in post-Mengistu Ethiopia depended upon radical decentralization along ethnic lines. Conducting regional elections first represented an important down payment on the implementation of that plan, at the risk of encouraging undue parochialism and endangering national unity. To question this strategy, however, is to pose one of the most divisive and fundamental political issues in the life of the new Ethiopia: whether such radical decentralization along ethnic lines would lead to the preservation or the sacrifice of Ethiopia as a single polity. Possibly holding national elections in close temporal proximity to the regional ones would have been a viable means of balancing the contending equities on this issue.

5.4.2 .Constitutional Models

5.4.2.1. Consider whether particular circumstances indicate the wisdom of conducting initial multiparty elections later rather than earlier in the democratization process. The experience of war-torn Ethiopia with regional elections in 1992 was not shaped in any way by any constitutional framework, because there was no working constitution in place at the time.

The Transition Charter was a hastily constructed constitutional surrogate intended to play that role until the drafting and ratification of a real and complete constitution. But the consensus on the provisions of that Charter did not include the Amhara community, many of whom objected profoundly to the EPRDF-s vision of the post-imperial state, specifically the provisions for substantial ethnically-based regional autonomy. It is at least arguable in such circumstances that the first elections should have been for a constituent assembly charged with hammering out a A fundamental rationale for democratic elections, indeed consensus on a constitution. democracies themselves, is that they legitimize peaceful political competition thereby diminishing chances that political divisions will lead to armed conflict. But, at least in war torn countries, elections for the governance of a country before the basic constitutional rules of the game have been codified may well produce the opposite result. This risk is magnified greatly where, as in Ethiopia, elections occur before even the basic foundations of post war civic order have been put in place: (1) the encampment of rival armies, (2) the beginnings of their demobilization, and (3) the establishment of security forces, recognized as acceptably neutral, to undergird electoral processes. With hastily established electoral procedures, ungrounded in working consensus on the basic rules of the game, the parties lacked any civil basis for appealing each other-s alleged violation of those rules. In this instance, the parties lacked an appeals process as well until after the elections. Nightmarish logistical problems only increased risks and prospects for misunderstanding among the parties, actual abuses of power, and thus unraveling of the transition itself from civil war to a stable democratic state. Consequently, the fundamental outcome of the elections was a seemingly unbridgeable gap between the regime and its opponents over the terms of peaceful political competition, the processes of democratization, and the design of the post-Mengistu, post-imperial Ethiopian state.

Were there to be reconciliation among the parties by somehow repairing the damage that the 1962 election processes were very instrumental in inflicting, there is likely to be little about the new constitution that has been ratified that would impede the conduct of free and fair elections. Moreover, the revision of Ethiopia=s electoral laws *after* the 1962 regional elections has been exemplary, leaving only one or two significant issues unresolved, e.g., the residency requirement.

As explained above, a good case can be made that at least in some circumstances initial elections, either in war-torn societies or societies that have not been ravaged by war, should occur later rather than earlier in the processes of democratization. In retrospect, as explained above, had the spirit of cooperation that seemed in general to animate the almost all-party conference

which produced the Transition Charter been channeled to working out a full constitution, the outcome of these first elections might have been different. Wiser heads, more mature reflection and the benefits of expert external assistance that Ethiopia later did enjoy all might have produced agreement on rules of the game sufficient to comprehend the challenges of establishing the post-imperial Ethiopian state. Assuming *arguendo* the good faith of the EPRDF--a rather heroic assumption, the distrust and conflict that emerged between the EPRDF and its opponents might have been preempted or at least greatly diminished.

5.4.2.2. Encourage adaptation of constitutional provisions to the circumstances of the country, including those relating to elections. Ethiopia is one of the best examples of following that precept. Regardless of the merits of the concept, the radical regional decentralization written into the Ethiopian constitution is singularly innovative. By extension the design of the upper house, as in essence the guarantor of this new confederal system, is also creative. But Ethiopia=s following of this precept has relatively little bearing on the issue of election processes, except perhaps that the possibly fragile constitutional balance between centralization and decentralization might be enhanced by the suggestion made earlier that regional and national elections be held in close proximity to one another.

5.4.2.3. Simplify constitutional documents by confining electoral provisions to basic principles, leaving to legislation the fleshing out of details. Here again, Ethiopia has followed this precept as well as or better than many other African countries, not least because the revisions to electoral laws were accomplished *before* the constitution was formulated and implemented. In general many of the new constitutions include more procedural detail than should be necessary, one reason apparently being an implicit concern among drafters that constitutionalizing such detail is the surest guarantee against governmental transgressions of democratic principles.

5.4.2.4. Assist countries in formulating democratization sequences appropriate to the circumstances, including the timing of initial elections and the sequencing of national and sub-national elections. As suggested above, one way to assist countries in this regard is to give priority to helping them ameliorate the conditions that most produce distrust and fear of the political future. In the Ethiopian case, that might have meant securing firm agreements on demobilization of armies, encampment of armies, and the transformation of military-politico movements into political parties possibly even before constitution formation processes are set in motion and before elections take place. As explained above, the major shortcomings of the Ethiopian 1992 elections appear to have resulted in part from sequencing of democratization processes that were less than optimal in the circumstances.

5.4.3 Reconciliation Strategy

5.4.3.1. In the interests of successful postwar democratization, including the institutionalization of free and fair election processes, reconciliation processes in war-torn societies should be undertaken before the outcome of the conflict is a foregone conclusion. By the time of the London conference, the outcome of the Ethiopian civil war was a foregone conclusion. The fragile relationship between the EPRDF armies and its erstwhile opponents, notably the OLF, had already been strained over battlefield strategies and movements. Although

donor democratization assistance to countries at this stage may well be unrealistic, diplomatic initiatives to help the parties overcome these strains and stresses with a view to post-conflict democratization would be useful.

5.4.3.2. Donor assistance to reconciliation processes should focus on helping the parties to formulate stable, lasting agreements on processes of demobilization and transformation from military conflict to peaceful political competition. The U.S. ambassador does deserve credit for his efforts to effect stable encampment agreements in time for the regional elections. But more comprehensive and pro-active diplomatic initiatives beginning not only before the London conference but extending through the Transition Charter conference might usefully have been attempted with this precept in mind. More thoroughly agreed-upon procedures, more venues for conflict resolution and for appeal of grievances, stronger safeguards to mitigate political and military vulnerabilities felt by the parties, even some side-payments to secure trust and compliance, might have borne fruit.⁵⁰ Non-responsiveness on the part of the parties or considered donor opinion that the processes being followed were potentially harmfully unrealistic could have then been reflected in subsequent donor commitments for election assistance.

5.4.4. Democracy Support

Within the framework of the preceding strategic recommendations, how might the focus and extent of USAID assistance for democratization be altered so as to improve prospects for free and fair elections? What lessons can be drawn from what is on-balance the unhappy Ethiopian experience of 1992?

5.4.4.1. More non-governmental civic education. In the circumstances, there was little alternative to primarily official civic education centered on the elections. No one would claim that it was sufficient in either quantitative or qualitative terms, or that heavy reliance on officially sponsored civic education is adequate or appropriate. If the sequencing and timing of elections within the framework of overall democratization processes had been adjusted as suggested above, there would have been more opportunity and time to build civil society capacity to conduct civic education with external assistance as needed.

5.4.4.2. Greater emphasis on army- to- party transformation. An irony of USAID assistance for sub-Saharan African democratization has been that training of political parties has in general been inadequate to what has been expected of them in initial multiparty elections and afterwards. A corollary with respect to war-torn societies, for which Ethiopia has been a case in point, is that too little attention has been given to the complexities of the task of helping combatant armies make the transition to competing political parties. To do so requires recognition that: (a) as in Ethiopia, the warring armies may often be in effect politico-military

⁵⁰ If **A**side payments= seem to Machiavellian, consider the monumental side payments worth millions of dollars from several donors to keep Renamo in the game in Mozambique=s, post-war election processes.

movements; and (b) these politico-military movements must be ready to embark on such a transition. For that to happen, demobilization and encampment agreements must be more secure before elections than they were in Ethiopia. The politico-movements must reach stable accommodation with each other, often with external assistance. As suggested above, effective external assistance in the service of these objectives requires a more sustained diplomatic initiative, beginning earlier and continuing longer, than occurred in the Ethiopian case.

5.4.4.3. media training in connection with elections. Realistically media capacity in the early stages of democratization, especially in war-torn societies, is a given for the short to medium term. Whatever capacity exists, public or private, electronic or print, should be utilized to strengthen civic awareness and enable the parties and candidates to project their messages. But it is probably unrealistic to think that often very limited capacity, notably in Ethiopia, can be strengthened in time to be of increased value to initial elections, even if they are held later in the democratization process as recommended.

5.4.4.4. More emphasis on bureaucratic reorganization. Again, if adjustments in the sequences and timing of democratization processes are undertaken as suggested above, there will be more opportunities and time to reform and/or rebuild election organizations from the grass roots to the central level. Inadequate, incomplete, often haphazard and greatly distrusted efforts to accomplish this task in Ethiopia contributed significantly to the unhappy political outcomes of the 1992 elections.

5.4.5. Expertise Sustainability

How can war-torn societies sustain and build upon domestic and external expertise made available to them for the conduct of free and fair elections? I am not in a position to make recommendations based upon the deployment of financial and material assistance to Ethiopia in 1992. I have two recommendations with respect to the deployment of international observers and others based on electoral technical assistance given Ethiopia *subsequent* to the 1992 elections.

5.4.5.1. The more it is apparent that ruling and opposition parties place importance on the verdict of international observers on the fairness of the elections, the more USAID and other donors should use the possibility of canceling international observation late into the campaign process as a means of exercising leverage on host country actors. This point has been explored above. The visit of international observers would appear to be one of the few resources over which donors can retain control for leverage purposes late into an election campaign.

5.4.5.2. Emphasis should shift from comprehensive donor coverage of elections during and just before election day to longer term pre- and post- election observation even at the expense of less comprehensive coverage of all election zones. This point has been made by others. The potential for free and fair procedures on election day to place a gloss on overall campaign seasons of an opposite quality has been widely observed. To the degree that cost and other considerations restrict the scale of international observer missions, trading longer observation of campaigns in fewer districts for numbers of district campaigns covered should be considered.

5.4.5.3. A key to sustainable structures and information preservation is ensuring that This maxim has enjoyed such long and justifiable importance in all parties have a stake in it. USAID and the donor community at largely that it scarcely needs restating. And yet, in the Ethiopian case, the chasm of political distrust separating the EPRDF and its opponents in 1992 in effect made following this precept difficultly. Again, if the preceding recommendations regarding the timing and sequencing of democratization are followed, there will be more time and for externally agreements opportunities assisted negotiated from the competing parties/military-politico movements to be struck. And stronger such agreements are a necessary precondition for engaging all parties in the formation of electoral rules and procedures that are fair and seen to be fair by all.

5.4.5.4. Greater use of computers and training in computerization. Computers were a significant element in donor assistance to USAID Ethiopia. I have no specific recommendations with respect to their deployment or with respect to training for their use. I accept apriori that more extensive work in this area is both predictable and desirable.

5.4.5.5. Emphasis on electoral administration as a career. It is wholly understandable, particularly when time is short and resources are finite, that the emphasis of electoral assistance should be on a particular electoral event. However, to the extent possible there should be greater emphasis on helping host countries to develop career paths in electoral administration. While volunteers are indispensable and properly predominant in terms of numbers, it does appear that there may be benefits in placing greater emphasis on training of a small cadre of electoral

professionals for such tasks as maintaining and computerizing electoral records, training volunteer electoral officials, maintaining registration records, organizing registration campaigns, managing of electoral financial resources, organizing and operating election appeals processes, providing electoral legal advice, and managing election logistics.

5.4.6. Cost Effectiveness

I am not in position to make specific recommendations on ways and means of increasing cost effectiveness in the delivery of donor electoral assistance. Well known elements in any strategy for improving cost effectiveness include *inter alia* (a) cultivating local commercial capacity for producing election materials; (b) helping both government and civil society to build capacity for training volunteers and officials for managing election processes, including local election observers; and (c) building local capacity to plan and organize elections well in advance of the events themselves

5.4.7. Donor Coordination

In general, it has appeared to me that donor coordination for electoral events and for other purposes has been gaining strength, though I am not in position to comment specifically on donor coordination in the case of the 1992 Ethiopia regional elections.

5.5. Conclusions and Priorities

Priorities in implementing the preceding recommendations include:

5.5. <u>Treat elections in war-torn societies as enmeshed in multiple, simultaneous and interrelated transitions</u>.

These include demobilization and reintegration of armies, rebuilding political institutions as a whole, rebuilding civil societies, and rebuilding war-torn economies

- 5.5.2 <u>Reconsider in specific contexts the sequencing and timing of aspects of democratization</u> processes and employ diplomacy and external resources to help host countries consider what the sequencing and timing should be.
- 5.5.3 <u>Assistance to electoral processes in war torn countries should be accompanied by more</u> pro-active, sustained, and broad-gauged diplomatic engagement to help contending military-politico movements to reach accommodation with one another.

Key specific priorities include:

a. Take the time to do the elections right.

b. Electoral preparations should be used to consolidate peace agreements, not to create them, among warring and/or contending politico-military movements in war-torn societies.

c. It is at least arguable that initial national multi-party elections in war-torn societies should follow rather than precede constitutional revision

d. In the interests of successful post-war democratization, including the institutionalization of free and fair election processes, reconciliation processes in war-torn societies should be undertaken before the outcome of the conflict is a foregone conclusion.

e. Greater emphasis on army- to- party transformation.

f. Emphasis should shift from comprehensive donor coverage of elections during and just before election day to longer term pre- and post- election observation even at the expense of less comprehensive coverage of all election zone.

BIBLIOGRAPHY

- African-American Institute, *Final Report of the African-American Institute on the Ethiopian Local and Regional Elections Observation Mission*, (cooperative agreement 623-0007-A-2042-00, submitted to the U.S. Agency for International Development, October 10, 1993)
- Michael Bratton and Nicolas van de Walle, **A**Neopatrimonial Regimes and Political Transitions in Africa, 46 *World Politics* 4, 1994, pp.453-489
- Christopher Clapham, *Transformation and Continuity in Revolutionary Ethiopia* (London: Cambridge University Press, 1988)
- Friends of Ethiopia Newsletter, August 1992. Special edition on the Ethiopian Elections John W. Harbeson, *The Ethiopian Transformation: The Quest for the Post-Imperial State* (Boulder, Colorado: Westview, 1988)
- The Joint Declaration Agreement Between the Ethiopian People=s Revolutionary Democratic Front(EPRDF) And The Oromo Liberation Front(OLF), signed by representatives of both organizations on February 20, 1992.
- Edmond Keller, *Revolutionary Ethiopia: From Empire to People Republic* (Bloomington, Indiana: Indiana University Press)
- Gilbert Kulick, **A**Ethiopia=s Hollow Election: Observing the Forms,@*Foreign Service Journal*, September, 1992, pp 41-45
- Terrence Lyons, AThe Transition Toward Democracy in Ethiopia: Observations on the Elections in Welega, June 1992.@Testimony prepared for presentation to the House of Representatives Foreign Relations Subcommittee on African Affairs hearings, September 17, 1992.
- Terrence Lyons, ATransition in Ethiopia,@CSIS/Africa Notes, August 27, 1991
- J. Stephen Morrison, AEthiopia Charts a New Course,@3 Journal of Democracy 3, 1992
- National Democratic Institute for International Affairs *Election Trip Report: NDI Elections Advisory Team,* November 19-26, 1991
- National Democratic Institute and the African-American Institute, An Evaluation of the June 21, 1992 Elections in Ethiopia (Washington, D.C., 1992)

Transitional Government of Ethiopia, *Transition Charter*, Proclamation No. 1 of 1991 United States Agency for International Development, ADemocracy Implementation Guidelines, January 14, 1994 United States Agency for International Development, Ethiopia Mission. <u>Evaluation Report:</u> <u>Ethiopia Democracy/Governance Support Project</u>(633-0007), May 10, 1994