



ETHIOPIA

CAPITAL: Addis Ababa

POPULATION: 77.1 million

GNI PER CAPITA: \$180

SCORES	2005	2007
ACCOUNTABILITY AND PUBLIC VOICE:	1.88	1.85
CIVIL LIBERTIES:	2.83	2.85
RULE OF LAW:	2.06	2.35
ANTICORRUPTION AND TRANSPARENCY:	2.76	2.36

(scores are based on a scale of 0 to 7, with 0 representing weakest and 7 representing strongest performance)

Edmond J. Keller

INTRODUCTION

In May 2005, Ethiopia held its third-ever multiparty parliamentary elections. The first had been held in 1995, four years after the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) succeeded in toppling the Marxist-Leninist regime that had ruled the country since 1974. Over the past decade and a half, the EPRDF regime has made substantial progress in transforming Ethiopian society, but further steps are required. While in some respects the political system is much more open than at any other time in Ethiopia's history, it is far from resembling a liberal democracy.

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When it came to power in 1991, the EPRDF organized a conference that led to the implementation of a transitional charter and government. This was achieved by means of pact-making among the leaders of thirty-one different political movements, most of them based on ethnicity and region. A Council of Representatives in the Transitional Government was created in which the EPRDF had the largest single bloc (thirty-two seats out of a total of eighty-seven), followed by the Oromo Liberation Front (OLF) with twelve seats. The aim of the body was to secure the support of the leadership of the most significant ethnic groups in Ethiopia so that this multiethnic state could hold together. Initially, the most significant ethnic groups in society were given both a stake in the new regime and more regional autonomy than at any time in modern history. However, over the next year the ruling coalition narrowed further until it finally included only the EPRDF and ethnically based regional parties beholden to it, so-called People's Democratic Organizations (PDOs). This was fueled in part by the EPRDF's sense of insecurity; the core of the party is the Tigray People's Liberation Front (TPLF), and the Tigray people make up less than 10 percent of the country's population. Despite a public pronouncement that it was committed to redressing past inequities and injustices toward various ethnic communities, the EPRDF chose to deal with non-Tigray groups only through the PDOs. In retrospect, the EPRDF's decision not to compromise with other leaders, who at the time were perceived as threats, was a grave error.

Very early in its rule, the EPRDF initiated policies designed to demonstrate that it was dedicated to social justice and respect for the country's ethnic diversity. Examples of this could be seen in the creation of a federal system based on what are at least nominally ethnically based states as well as a constitutional provision allowing for "self-determination up to and including separation."¹ Coupled with this was the creation of mechanisms to devolve administrative and political authority from the center to the regional states and subregional governments, including a revenue-sharing formula based on a system of block grants. Notably, the World Bank saw the merits of such a strategy and has over the years been one of the strongest supporters of Ethiopia's decentralization and social-equity policies.

However, politics continues to serve as a significant drag on rapid and steady socioeconomic and political development. For instance, the

regime benefited from widespread support during its 1998 to 2000 war with Eritrea, but after a ceasefire was declared, support turned to criticism. Many in Ethiopian society wanted nothing less than the total defeat of the Eritreans. Hard-liners in the TPLF threatened Prime Minister Meles Zenawi and his supporters from within, while other groups, some today represented in the formal opposition parties Coalition for Unity and Democracy (CUD) and United Ethiopian Democratic Forces (UEDF), criticized the regime from without.

Over the past decade and a half, three nominally democratic national elections have been held in Ethiopia. However, until May 2005, the opposition did not present a formidable challenge to the EPRDF. In the latest elections, opposition parties were able to secure 173 out of a total of 546 seats in the unicameral Parliament, the House of Peoples' Representatives,² up considerably from the meager twelve they held in the previous Parliament. This electoral success seems to have emboldened certain members of the opposition, who to this day continue to cry fraud in reference to the May 2005 balloting, arguing that they should have gained even more seats. The EPRDF has consequently cracked down on internal opposition and seems to be again on a war footing over the situation on the Eritrean border. The EPRDF regime also feels threatened by the designs of Somali Islamists on Ethiopia's southeastern border. Late in 2006, Ethiopia launched a massive invasion in support of the fragile transitional government of Somalia, routing the Union of Islamic Courts forces that had come to control most of southern Somalia.³

Armed opposition to the regime generally manifests itself in low-intensity warfare in regions like the Somali state and parts of Oromia. However, the government has recently become increasingly concerned with the activities of a group calling itself the Ethiopian People's Patriotic Front that operates primarily in the Gondar area of the Amhara state and parts of the Gambella region. The movement is in the early stages of development, and it is unclear whether it will present a formidable military challenge.⁴

Despite the country's continuing political instability, there are prospects in 2007 for important political reforms. For example, in response to the demands of the opposition following the 2005 elections, the Parliament is presently considering an amendment of the proclamation regarding the composition and work of the National Elections Board that would make it more broadly representative. Other proclamations, such

as those regulating nongovernmental organizations (NGOs) and land-related issues, will also be presented to parliament for discussion. Additionally, the parliament is expected to enact a new press law, though critics expect more restrictions rather than an expansion of press freedom.

ACCOUNTABILITY AND PUBLIC VOICE

FREE AND FAIR ELECTORAL LAWS AND ELECTIONS:	1.25
EFFECTIVE AND ACCOUNTABLE GOVERNMENT:	3.25
CIVIC ENGAGEMENT AND CIVIC MONITORING:	1.67
MEDIA INDEPENDENCE AND FREEDOM OF EXPRESSION:	1.25
CATEGORY AVERAGE:	1.85

By the time of the run-up to the 2005 national elections, the EPRDF had begun to successfully tackle some very difficult problems of economic development, such as poverty alleviation and food security. It was receiving considerable support and praise for its performance from international actors such as the United States, the European Union, and the World Bank. At the same time, Ethiopia was being pressured by international donors to further open its political system. The National Election Board of Ethiopia is responsible for organizing elections and for ensuring that the whole process is free and fair. However, entering the 2005 elections, opposition parties felt that the membership of the board had been stacked in favor of the ruling party. They pressed for a more representative board, but in the end were able to win only limited concessions from the regime.

The EPRDF had initially agreed to allow international and national observer groups to monitor the May 2005 elections. However, some would-be international observers, including three U.S.-based organizations—the National Democratic Institute, the International Republican Institute, and the International Foundation for Electoral Systems—that in the early spring of 2005 had been conducting civic education exercises in the country, were ordered in April to leave within forty-eight hours. They were accused of being in the country illegally and engaging in activities that had not been approved by the government. The organi-

zations denied those charges but left amid protests from the U.S. government.

The run-up to the elections was fraught with tensions, despite the fact that the political system was much more open than at any other time in the country's history. For example, opposition parties and candidates had relatively open access to the state media, and the candidates took part in live, televised debates. Both the opposition and the EPRDF held peaceful mass rallies. All of this led to a huge voter turnout, which the Carter Center estimated as high as 90 percent of the country's twenty-six million registered voters.⁵

Even as it was opening up the political system, credible reports indicated that the EPRDF regime was engaging in activities to intimidate, silence, or eliminate some elements in the opposition, particularly in the countryside.⁶ Amnesty International reported that the government had subjected opposition party members to beatings, detention on trumped-up charges, harassment, and disappearances.⁷ Opposition supporters in Eastern Gojjam and other locations were allegedly shot dead by government forces. Additionally, there were claims that prospective opposition voters were illegally dropped from the voting rolls, while EPRDF supporters were given multiple voter registration cards in different locations. In some cases, voter registration cards were even given to children. This pattern continued up to the actual elections in May 2005. While putting on a democratic face for the international community, the EPRDF operated behind the scenes in an unaccountable manner, structuring the elections in its own favor.

Although the government had pledged to make local election monitoring possible, it imposed tough new rules in the spring of 2005 that effectively barred thousands of local observers from monitoring the elections. It was announced that electoral officials would accredit only monitors who were registered as poll observers when their organization was first established. This requirement affected the majority of such groups, as the idea of local monitors had only recently begun to be contemplated and planned for by the country's civil society organizations.

Rather than accepting this as a defeat, several civil society organizations took the matter to the Supreme Court. Just days before the elections, the court declared the new rules to be illegal. This was an apparent victory for the groups, but the last-minute ruling gave them little time to

prepare, and they also faced logistical problems in getting their monitors out into the field.

Despite its best efforts, the EPRDF was forced to come to grips with the dramatic success of the opposition parties at the polls. For its part, the opposition, rather than celebrating its gains, immediately cried fraud. International observers from the European Union and the Carter Center corroborated this charge in at least some places, but the opposition became increasingly strident in its claims, demanding that the results be overturned in some constituencies and the vote rerun in others. The CUD, the largest opposition group, rejected the results, with some members refusing to take their seats in Parliament. In early July, postelection tensions exploded when the government tried to impose a ban on public assemblies. Protesters took to the streets and were greeted with a violent government response. In initial clashes in Addis Ababa, Ethiopia's capital, police and the military killed at least thirty-six civilians and wounded more than 100, while thousands of other protesters were arrested throughout the country. The violence abated somewhat when the government and main opposition parties tried to negotiate a way forward by agreeing on which local elections would be subject to independent review.

These negotiations broke down in November 2005, and protests resumed. This time, at least forty-six people were killed, 200 were wounded, and more than 10,000 were arrested in Addis Ababa and other towns. The government then ordered the arrests of several dozen opposition leaders, journalists, and civil society activists. Those arrested were accused of infractions including outrage toward the constitution, incitement to riot, treason, and conspiracy to commit genocide against the Tigray people. The treason and genocide charges allowed the government to detain those charged indefinitely without trial. At the time of writing, 111 individuals were being detained, with thirty-five more to be tried in absentia. All of those being held maintain their innocence, and, except for three civil society activists, they have refused to put up a formal defense. The treason trial began in May 2006 and at time of writing remained in its early stages. However, in March 2007, the Supreme Court ordered that twenty-five detained journalists be freed. In addition, the prosecution dropped the most serious charges, those relating to genocide.

[UPDATE: During the spring and summer of 2007, a number of journalists and prominent opposition leaders being held in connections with the 2005 protests, including some who had been convicted of various crimes, were released by the government. On April 9, twenty-five opposition members and journalists were acquitted and freed by the High Court. On July 20, an additional thirty-eight opposition leaders who had been convicted were pardoned, while on August 16, thirty-two more opposition members who had been held without charge were released.]

Although the constitution clearly articulates the separation of powers among the various branches and levels of government, the executive branch operates according to its own whims. The Parliament is so heavily dominated by the EPRDF and its PDO partners that it often serves as no more than a rubber stamp for the executive branch. For example, on the eve of Ethiopia's 2005 parliamentary elections, the government coerced Parliament into quickly enacting four articles of the draft press law. On the same day, two new government radio and television stations were approved.⁸ While the judiciary does sometimes issue rulings that do not favor the government's position, the executive has maintained significant power over the judiciary, primarily through hiring and firing practices.

Within the executive branch, the EPRDF regime recognizes the need to professionalize public administration at all levels. However, civil service reform and training have been slow. Although Ethiopia's civil service is fairly independent compared with those of other countries at a similar level of development, it continues to be an area of weakness and inefficiency in the federal system. In a sign of limited progress, the Civil Service College graduated 575 students in August 2006,⁹ but it will take time to train and appropriately place the much-needed administrators.

The government in 2006 allowed open debates over policies, giving citizens at least symbolic access to the decision-making process. The government also uses television and radio to reach out to the population, and claims to make a particular effort to consult with civil society organizations and the private sector. However, overall, civil society and the press have faced a more difficult environment since the 2005 elections and their aftermath. During this time, the EPRDF regime has repeatedly suppressed freedom of expression despite strong pressures from the

donor community, including the curtailment of much-needed development assistance.

Until the preelection period, Ethiopia was developing what many observers felt was a substantial and vibrant civil society, with active groups in all parts of the country. By 2006, there were at least 1,200 nongovernmental organizations (NGOs) in the country, up from about twenty-four in 1994.¹⁰ Particularly in the run-up to the elections, civil society organizations took advantage of Ethiopia's new political openings, engaging in civic education activities and organizing candidate debates on television and radio. Most notable were the roles played by a coalition of thirty-five civil society organizations known as the Election Observation Coalition, and by another group, the Organization for Social Justice in Ethiopia. These two organizations took the lead in bringing the successful Supreme Court challenge to the sudden electoral law changes aimed at barring civil society organizations from providing local election observers.¹¹ Since the elections, however, civil society has fallen on hard times. The new elections law being considered by Parliament in early 2007 would severely restrict opportunities for civil society groups to register as poll monitors.

Most Ethiopian organizations are concerned with economic and social development issues rather than political matters. However, highly active civil society organizations focused on political issues do exist, mainly in Addis Ababa. The most prominent local human rights organization is the Ethiopian Human Rights Council (EHRCO). Even before the events of 2005, EHRCO was routinely accused of being anti-government. As a consequence, its staff members were often subject to government harassment and intimidation. In 2005, the organization's founder, Mesfin Wolde Mariam, was jailed along with others accused of engaging in acts that threatened the stability of the country. Although EHRCO has not been completely shut down, it was less active after late 2005.¹² It is important to note that since the crises of 2005, civil society groups have not vigorously attempted to influence government policies for fear that their members will be harassed or even jailed.

Despite the existence of laws guaranteeing freedom of expression, it is clear that the media's rights are not upheld in practice. By 2006, Ethiopia had dropped twenty-nine places in Reporters Without Borders' World-wide Press Freedom Index following the recent shift away from political liberalization. It now ranks 160 out of 168 countries in the index.¹³

Whereas between 1992 and 2000 there was a movement toward greater political openness and press freedom, in the past five years this trend has been steadily reversed.¹⁴ According to the Committee to Protect Journalists, in 2007 Ethiopia was one of three African countries that, despite some political progress, have turned increasingly repressive toward the press.¹⁵ Still, the independent press has taken advantage of the freedoms of expression that were supposedly guaranteed by the Press Law of 2003, even while complaining about its shortcomings.¹⁶ Ethiopia has eighty-two weekly and thirty-two monthly newspapers, although critics argue that journalists face harassment and imprisonment on a regular basis. In fact, of those currently on trial, fourteen are editors and reporters charged with serious crimes ranging from outrage against the constitution to treason. Even though these journalists are not formally members of the opposition, they are accused of having published articles sympathetic to the opposition as well as interviews with their leaders.

Following the 2005 elections and subsequent civil unrest, the government raided newsrooms, blocked newspapers from publishing, and expelled two foreign reporters. Ethiopia is currently the third-leading jailer of journalists in the world, after China and Cuba. Today, fewer than ten private newspapers are being published in Addis Ababa, compared with more than twenty before the violence in November 2005.¹⁷ The OpenNet Initiative, a group dedicated to open access to websites, charged that the Ethiopian government has gone so far as to censor antigovernment websites and blogs, although the government denies the allegation.¹⁸

Ethiopia's Broadcast Law, which allows private broadcasters, has been in place since 1999, but until April 2006 no privately owned radio stations had actually received licenses to operate. The two stations that were licensed to launch that month were said to have been selected based on their programming and financial status. Many Ethiopians appear to view this as a positive step by the government, but some journalists are skeptical, feeling that the EPRDF regime cannot be trusted to uphold the law. The new stations reach only the Addis Ababa area, leaving out the rest of the country.¹⁹ In late 2005, two foreign radio stations that had a national reach, Voice of America and Deutsche Welle, were ordered to stop operating in Ethiopia because they had broadcast critical reports.²⁰

Recommendations

- The EPRDF regime should make a serious effort to reach accommodation with opposition parties and further liberalize the political system. The government should present a detailed plan for future elections in order to build confidence among opposition parties and the public at large.
- The government should review the past work of the National Board of Elections and broaden its membership to include elements from civil society and opposition parties.
- The Parliament should follow through on passing a new and improved press law in 2007 that grants the media more access to government and legal proceedings and bars censorship of newspapers and internet sites. Lawmakers should systematically engage members of the press during the decision-making process.
- The government should continue to grant licenses to private media and allow closed newspapers to resume operations.

CIVIL LIBERTIES

PROTECTION FROM STATE TERROR, UNJUSTIFIED IMPRISONMENT, AND TORTURE:	2.00
GENDER EQUITY:	3.25
RIGHTS OF ETHNIC, RELIGIOUS, AND OTHER DISTINCT GROUPS:	3.00
FREEDOM OF CONSCIENCE AND BELIEF:	4.00
FREEDOM OF ASSOCIATION AND ASSEMBLY:	2.00
CATEGORY AVERAGE:	2.85

Increased threats to and violations of civil liberties were a consequence of the political tensions that sprang from the flawed 2005 elections. Prior to the elections, the EPRDF appeared ready to allow civil rights to expand and receive legal protection. As early as 1997, the government proposed a National Human Rights Commission, but it was not established until 2004 and did not begin functioning for another year. In its first years, the new commission did not show any signs of vigorously uphold-

ing human and civil rights laws, nor did it actively cooperate with local or international human rights organizations.²¹ In early 2005, the Ministry of Justice registered the Human Rights League, an Oromo human rights organization, some of whose founding members had spent four years in prison before being acquitted of violent conspiracy.²² However, the Human Rights League has remained inactive to date.²³

Starting with the arrests of opposition leaders in November 2005, the government reverted to its traditional practice of denying basic civil liberties. For example, beginning in September 2006, anyone caught with copies of a political manifesto written by CUD's Berhanu Nega, which had been smuggled out of prison and published in Uganda, was detained. Individuals who possessed a so-called civil disobedience calendar, containing pictures of the opposition leaders on trial and calling for nonviolent civil disobedience, were also subject to detention. According to the official report of the government's commission of inquiry into the violence following the elections, 199 people were killed and 30,000 people were arrested during the June and November 2005 crackdowns.

Government repression and violations of civil liberties occurred throughout the country. In Oromia, for example, the government cracked down on the OLF, accusing it of sedition and arresting a number of its leaders. Once arrested, these leaders regularly had their human rights violated. Teshale Aberra, a president of the Oromo Supreme Court who fled to Britain in November 2006 to escape threats and harassment, maintains that illegal detention and torture are commonplace, as do many international human rights groups. The Oromo assert that the central government tends to exaggerate when expressing its concerns about the OLF's armed struggle for secession.

In the troubled Somali regional state there have been growing claims of arbitrary detentions and killings linked to the long-running irredentist sentiment in the region. In Gambella, hundreds of Anuak people have been killed by government forces and local militia since 2003, and others have been detained without trial. Although there was an official inquiry into the 2003 killings, the military received no blame. Since then, arbitrary arrests, rapes, beatings, and extrajudicial killings have continued. For those who are detained, conditions are difficult: Ethiopian prisons are extremely overcrowded and the provision of food and medical care do not adequately meet prisoners' needs.

Article 35 of the 1994 constitution explicitly guarantees gender equity, stating, "Women shall, in the enjoyment of rights and protections provided for by this Constitution, have equal right with men." However, given historical discrimination against women, the full implementation of this pledge will require consistent enforcement by all levels of government over a significant period of time.²⁴

In May 2005, the revised criminal code made female genital mutilation a criminal offense punishable by up to ten years' imprisonment. It also increased the punishment for the traditional practice of abduction for the purpose of marriage from three to as many as ten years in prison, and made the offense subject to punishment as rape, thereby ending the impunity previously enjoyed by suspects who married their victims.²⁵ Other evidence of the government's intent to better protect women's rights can be seen in its efforts to cooperate with the Ethiopian Women Lawyers Association (EWLA). EWLA has been providing training on women's rights issues to the police force, and it has urged the police to combat violence against women.²⁶

Despite these efforts, women continue to be abused and discriminated against in the private sphere. Culture and religion continue to dominate social attitudes about the rights of women, especially in rural areas. There are organizations to assist women and raise awareness of gender-based violence, but they lack public support.²⁷

As in other parts of Africa, women bear the brunt of the HIV/AIDS epidemic because of their general lack of control over sexual relations, as well as a lack of knowledge of the disease and how it is transmitted. Fifty-five percent of individuals living with the disease in Ethiopia are women.²⁸ Girls also continue to lag behind boys when it comes to education. They are less likely to attend school, with only about 16 percent achieving secondary education.²⁹

The U.S. State Department classifies Ethiopia as a Tier 2 country in its annual Trafficking in Persons reports, meaning the government does not meet minimum standards but is attempting to do so. Although anti-trafficking laws exist, enforcement efforts remain insufficient. Ethiopia is not a signatory to the UN Protocol to Prevent, Suppress and Punish Human Trafficking. Women are subject to trafficking for sexual and employment purposes, from rural to urban areas as well as to foreign countries.³⁰

Much of the previously described internal conflict arises from the delicate ethno-linguistic balance in Ethiopia. From the founding of the modern Ethiopian state in 1855, the Amhara ethnic group, with the strong support of the Ethiopian Orthodox Church, was politically dominant. It was on this basis that the imperial state of Ethiopia was created. Present-day Ethiopia has a population of over seventy million, and is evenly divided among Christians and Muslims. However, the largest ethnic group is the Oromo people, who comprise 40 to 45 percent of the population. They are followed by the Amhara, who make up about 25 percent of the population, and the politically powerful Tigray people, who represent about 9 percent. The remainder of the population consists of sixty-seven other ethnic groups. Since the imperial state was built on conquest, groups such as the Oromo and Somalis have resented Amhara (and now Tigray) domination and have increasingly pressed for either first-class Ethiopian citizenship or complete separation. Ethiopia's strongly federal system is an attempted response to this issue.

Eritrea, which was formerly an Ethiopian state, gained independence in 1993, but the two states fought a bloody border war between 1998 and 2000; even after subsequent international negotiations, exact territorial delimitations remain unresolved. Despite a constitutional provision allowing foreigners to acquire Ethiopian citizenship, people of Eritrean origin who were not expelled from the country after the outbreak of the 1998 border fighting have often felt like second-class citizens or stateless individuals. It is now possible for Eritreans to receive a document acknowledging their nationality and allowing them to continue to live and work in Ethiopia, and they have rights beyond those of other foreign nationals, but in practice Eritreans are routinely treated as aliens.³¹

Article 27 of the constitution declares that all citizens have the right to freedom of religion, conscience, and thought. In general, this right is upheld, except when groups opposed to the EPRDF regime on political grounds express their opposition in religious terms. Such has been the case with radical Islamists operating in the Somali regional state. In recent years, supporters of groups opposed to the EPRDF regime have been systematically harassed, subjected to extrajudicial punishment, or even killed. Evangelical Christian groups and smaller sects have also

complained of facing bureaucratic hurdles, especially when attempting to gain access to land to be used for religious purposes.

Freedom of assembly is enshrined in the constitution but problematic in practice, especially since the 2005 postelection crackdown. While that episode provides the clearest evidence of limitations on the ability to protest, it is far from the only time in recent years that security forces have cracked down. The federal police, in particular, are blamed for many violent repressions of public demonstrations. Student demonstrators in Oromia have been subjected to harsh treatment on several occasions; in early 2007, beatings by federal police resulted in at least one death and numerous wounded students.³²

Ethiopia permits the formation of unions, but the government regularly interferes in their operations, harassing and intimidating labor activists. The Ethiopian Teachers' Association (ETA) has a particularly contentious relationship with the government due to its perceived political activism. In recent years, ETA members have been detained on numerous occasions, including several who were held in connection with the postelection protests.

Recommendations

- The Human Rights Commission should be given more independence and authority to investigate government entities so that it can become an effective monitor of human rights.
- Both local and international human rights groups should be allowed to do their work without intimidation or harassment, and all levels of government should protect them from such threats regardless of the political affiliations of the aggressors.
- The government should prioritize affirmative action for women and work with women's rights groups to educate and assist rural women with respect to domestic violence and AIDS.
- The government should broaden and deepen civic education programs so that the civil and human rights provisions of the 1994 constitution are more widely known among the public, in the civil service, and in the military.

RULE OF LAW

INDEPENDENT JUDICIARY:	2.00
PRIMACY OF RULE OF LAW IN CIVIL AND CRIMINAL MATTERS:	2.17
ACCOUNTABILITY OF SECURITY FORCES AND MILITARY TO CIVILIAN AUTHORITIES:	2.25
PROTECTION OF PROPERTY RIGHTS:	1.67
EQUAL TREATMENT UNDER THE LAW:	3.67
CATEGORY AVERAGE:	2.35

The 1994 constitution makes an unmistakable commitment to the rule of law. Article 37, "Right of Access to Justice," states that "everyone has the right to bring a justiciable matter to, and to obtain a decision or judgment by, a court of law or any other competent body with judicial power."³³ However, this commitment is not always observed in practice, partly due to Ethiopia's low human resource capacity and the challenges of operating a truly federal system. Generally, a rule of law culture has not yet developed evenly throughout the country; moreover, the legal system is subject to strong political pressure.³⁴ While at the federal level judges tend to be well trained and professional, at lower levels quality and independence decline. This is particularly true at the local level, where judges are often uneducated, poorly paid or not paid at all, and not fully conversant in the laws they are expected to uphold. Police are also poorly educated, poorly trained, and lacking in legal knowledge. Consequently, bribery and abuse of power are common. Human Rights Watch found that local officials use "social courts" run by untrained EPRDF appointees. The courts act only after very long delays and show little independence or concern for defendants' procedural rights.³⁵

Even in cases where judges are capable, there may be outside interference with court deliberations, depending on the prominence of the individual on trial. High-profile defendants who are seen as threats to the regime are likely to face interventions by federal or local officials. Amnesty International has reported that in recent years a number of judges have been relieved of their duties when they were seen to have

delivered judgments unfavorable to the government.³⁶ Judge Teshale Aberra, the president of the Oromo Supreme Court who fled to the United Kingdom in November 2006, maintains that the government is appointing a large number of friendly judges to the courts. Furthermore, although Article 20 of the constitution gives criminal defendants the right to counsel, defendants often decline to exercise this right in the face of intimidation, or meet with obstruction when they try.

Nonetheless, the government touts the recent implementation of its Justice System Reform Program, which aims to improve training and judicial administration, as evidence of its commitment to judicial independence.³⁷ In January 2007, the Federal Supreme Court handed down judgments against former members of the deposed Marxist-Leninist regime who were accused of crimes against humanity and genocide dating back to the infamous Red Terror of the late 1970s. The government said that even though it took years to reach verdicts, the pursuit of the cases was necessary and demonstrated the diligence of the Office of the Special Prosecutor in ensuring that justice was achieved. The seventy-two defendants on trial had been incarcerated for twelve years; thirty-four were present in court, and another twenty-five—including Mengistu Haile Mariam, former head of the ousted regime—were tried in absentia. Mengistu and eleven of his top associates were sentenced to life in prison.

Further evidence of the improving performance of the Ethiopian court system can be found in Oromia.³⁸ State courts there recently passed judgment on 311,023 cases out of 396,768 filed in 2005, or 78 percent of the year's cases. This has significantly reduced backlogs and delays in the state court system. The Oromia Supreme Court has also been providing short- and long-term training to judges and support staff, and the Oromia state cabinet recently approved a judicial training center. Furthermore, the Federal Supreme Court has for the first time introduced a judges' performance evaluation regulation to provide judicial accountability and monitor judges' independence.

The military has generally remained loyal to civilian authority. However, in August 2006, a dissident Oromo general defected to Eritrea with 100 of his troops and pledged his support for the armed wing of the OLF. This moved the government to begin a systematic purge of soldiers it viewed as potentially disloyal.³⁹ Additionally, in a series of sur-

veys taken in 2005, the public expressed concerns about the “public integrity of the armed forces.”⁴⁰ This concern stems not only from events surrounding the flawed elections of 2005 but also from the way various groups, such as the Anuak, Somalis, and Oromo, have been treated by military forces called in to put down popular unrest.⁴¹ Accountability for abuses perpetrated by the security forces is rare. An example is the commission of inquiry on the 2005 postelection violence: although in the end the commission officially exonerated the security forces of using “excessive force,” it soon emerged that an earlier commission vote had found that excessive force was indeed applied.

Article 40 of the constitution upholds the rights of all citizens to own private property, except for land, which is exclusively owned by the state in common with Ethiopia’s various peoples. The government may also appropriate private property in the interest of the public good. Judges are often too inexperienced, and the system is often too understaffed, to properly enforce existing commercial and bankruptcy laws.⁴²

Recommendations

- The government should continue the implementation of the judicial reform program and expand it to include all local courts.
- Efforts to improve the training of police and judicial officials should be stepped up, and the training and retraining of civil service employees in legal matters should be given higher priority.
- The authorities should grant NGOs or international observers access to “prisoners of conscience,” so as to demonstrate their commitment to transparency in the application of the rule of law. Officials should also uphold the constitutional rights of the accused to a fair and speedy trial.
- The government should ensure the full implementation of the judicial performance evaluation regulation that was recently issued by the Supreme Court.

ANTICORRUPTION AND TRANSPARENCY

ENVIRONMENT TO PROTECT AGAINST CORRUPTION:	2.40
EXISTENCE OF LAWS AND ETHICAL STANDARDS BETWEEN PRIVATE AND PUBLIC SECTORS:	3.00
ENFORCEMENT OF ANTICORRUPTION LAWS:	1.75
GOVERNMENTAL TRANSPARENCY:	2.29
CATEGORY AVERAGE:	2.36

By the standards of some countries in Africa, public corruption in Ethiopia is not overwhelming. However, it has been on the rise in recent years. There is evidence of some institutional corruption, with the public citing graft by certain government officials, as well as petty corruption, in which individuals report having to pay bribes to receive services.

Transparency International's 2005 Global Corruption Barometer found that Ethiopian respondents perceived corruption to be widespread.⁴³ The most corrupt public institutions were said to be taxation agencies (3.8 out of 5, with 5 representing the most corrupt). Business and private sector groups, also with a score of 3.8, are viewed as part of the problem. The Ethiopian public was similarly concerned about corruption involving political parties (3.6), the police (3.7), and the judiciary (3.7). Respondents felt that the least corrupt institutions were civil society organizations and religious bodies, which scored 2.5 and 2.4, respectively. Ethiopia has a high incidence of bribery. In the same Transparency International report, 30 percent of respondents said they had paid a bribe in the past year, while about half said they were asked for a bribe. Offering bribes to avoid problems with authorities is common, with nearly half of respondents saying they did so.⁴⁴

Ethiopia's corruption is in part influenced by the difficulties of operating a federal system with a public bureaucracy that is low in human capacity. Officials are underpaid and often unaccountable. Common forms of corruption include bribes to receive certain permits and contracts or to get a public official to act more favorably in the issuing of a license. There is additional evidence that the public is concerned about the number of companies that, because of their political connections, enjoy above-average access to information, contracts, and finance.⁴⁵ Law-

makers regularly consult with business allies while formulating the state budget, though the state has made progress in disseminating budget information to the public.

The government is ostensibly pursuing economic liberalization, but the World Bank found that ongoing state control of the economy has held back the private sector. Some industries have been privatized, but the state still owns the major utilities and dominates the financial sector. Moreover, high-level party officials have undue privileges as business entrepreneurs.⁴⁶

In 2001, the EPRDF unveiled the Federal Ethics and Anti-Corruption Commission (FEACC). It is widely held in Ethiopia that the commission was created principally to pursue powerful figures who had fallen out of favor with the regime. However, the FEACC has recently been active in fighting high-level corruption. For example, twelve senior officials of the Development Bank of Ethiopia were arrested in May 2006 and charged with violations of bank policy and illegal overseas transfers. In a separate reform move, the Federal Inland Revenue Authority (FIRA) in 2006 installed a new tax administration system to help improve the efficiency of revenue collection.⁴⁷ The FEACC also established a mechanism for whistle-blowers to confidentially report cases of corruption and pledged to protect them from retribution; although the testimony of whistle-blowers has indeed been utilized in corruption cases, the politicization of corruption cases may limit their effectiveness. In addition, the lack of media freedom clearly inhibits the press' ability to freely conduct investigative journalism or widely air accusations of corruption in an unbiased fashion.

A January 2007 Economist Intelligence Unit (EIU) report stated that Prime Minister Meles Zenawi in November 2006 had sacked the long-serving federal auditor general, Lema Argaw, for allegedly interfering in politics. According to the EIU, in July 2006 Argaw had reported that some federal money allocated to regional governments had not been properly accounted for. The government declared that in doing this, he had overstepped his authority, since regional funds were not part of his purview. The EIU report suggests that the prime minister did not have the authority to fire Argaw, citing a constitutional provision that gives such power to Parliament.⁴⁸

Ethiopia has an ombudsman, but it is not clear that he is free from political pressure. Human Rights Watch claims that he was appointed

without adequate debate or discussion.⁴⁹ The government's Plan for Accelerated and Sustained Development to End Poverty (PASDEP) includes measures to improve reporting by federal institutions, make this information available to the public, and improve accountability and transparency at the local government level.⁵⁰ Generally, although access to state information has increased, Ethiopia still lacks systematic legislation governing such access. There is no freedom of information law; the draft press law includes a section regarding access to state information, but leaves ambiguous the constraints that the state may place on citizen requests.

Recommendations

- The government should continue reform of the taxation agencies and the current system of tax collection by expanding the workforce and using newly available technologies to improve efficiency.
- Officials must create a more systematic method of granting licenses, permits, and contracts to avoid bribery. This could be done by centralizing such functions or providing improved oversight of lower-level bureaucrats.
- The authorities should focus more attention on fighting corruption at the local level, as increasing local accountability will improve the flow of accurate information to higher officials regarding patterns of corruption.
- Government at all levels should uphold freedom of information in law and in practice, which could greatly improve both accountability and effectiveness.

NOTES

- ¹ In some ways, the EPRDF regime's public commitment could be considered nothing more than a fiction, as not all states are ethnically homogeneous. Three of the nine regional states (Gambella, Beneshngul/Gamuz, and the Southern Nations, Nationalities, and Peoples' Region) comprise several different ethnic groups.
- ² Ethiopia also has the House of the Federation, a deliberative and consultative body of 108 members who represent the various regional states. It is not a legislative body.
- ³ Jeffrey Gettleman, "Ethiopian Warplanes Attack Somalia," *New York Times*, 24 December 2006. It is widely believed that the United States was complicit in this invasion and even provided tactical and logistical support.
- ⁴ See the group's website, <http://www.eppf.net/eppfNews.htm>.

- ⁵ See Carter Center, "Ethiopia Elections: Dispatch from Addis Ababa," news release, 16 May 2005, <http://www.cartercenter.org/news/documents/doc2098.html>; Terrence Lyons, "Ethiopia in 2005: The Beginning of a Transition?" *Africa Notes* no. 25 (January 2006), http://www.csis.org/media/csis/pubs/anotes_0601.pdf.
- ⁶ "Ethiopian Election 2005," BBC Monitoring Service, 13 October 2005, http://andenet.com/Ethiopian_Election_2005_News.pdf.
- ⁷ See Amnesty International (AI), *Ethiopia: The 15 May 2005 Elections and Human Rights—Recommendations to the Government, Election Observers and Political Parties* (London: AI, 29 April 2005), <http://web.amnesty.org/library/index/engaf250022005>.
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- ¹² Human Rights Watch (HRW), "Ethiopia," in *World Report 2007* (New York: HRW, 2007), 5.
- ¹³ Reporters Without Borders (RSF), *Worldwide Press Freedom Index 2006* (Paris: RSF, 23 October 2006), http://www.rsf.org/rubrique.php3?id_rubrique=639.
- ¹⁴ "Ethiopia: Several Bills Before Parliament," *Reporter*, 16 October 2006.
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- ¹⁸ See Associated Press, "Ethiopia Tops List of Countries Where Press Freedom is Deteriorating."
- ¹⁹ "US Jampro to Install FM Towers in Ethiopia," *Sudan Tribune*, 19 April 2006, http://www.sudantribune.com/article.php3?id_article=15136; United Nations Office for the Coordination of Humanitarian Affairs (OCHA), news release, 4 April 2006, <http://www.irinnews.org>.
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