

# **Ethiopia: A Transition Without Democratization**

**By**

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Since the change of regime in 1991 Ethiopia has been undergoing a political metamorphosis that is hoped to fundamentally transform the Ethiopian state and society. This study is about the problematic of democratising the multi-ethnic state of Ethiopia under a condition of rising ethnic nationalisms where state transformation is informed by the dynamics of the competing ethnic nationalisms.

The key elements in the political metamorphosis are political pluralism and a decentralization of power based on ethnic – linguistic criterion. As such, the twin objective of the Ethiopian transition is effecting a dual transition, i.e. a transition ‘from an ethnic dominated empire to an ethnically egalitarian nation-state of equals and from authoritarian rule to democracy’. As a result a new conjuncture has emerged where on the one hand, the ascendancy of ethnic nationalism and on the other the resurgence of the quest for democracy have precipitated a new dynamics of ethnic polarization and mobilization in the country with far-reaching implications for the Ethiopian State and the various peoples inhabiting the country.

According to its sponsors, the said transition is a democratic reconstitution of the state and society by ending authoritarian rule and creating an ethnically egalitarian nation-state of equals. And, in what appears to be a planned transformation, several policy initiatives have been taken by the new regime. To this end, the transitional Charter, which cleared the ground for the transitional process was decreed in 1991; a National Constitutional was proclaimed in 1995; four major elections were held in 1992, 1994, 1995 and 2000. What is more, along side the construction part, clearing the imprints of the old order such as transforming the bureaucracy and liberalizing the command economy were undertaken to open the way for the new order. However, contrary to the expectation of many students of Ethiopian politics, after eleven years of experiment, much of what is said to have changed is cosmetic, there is very little institutionalization of democracy and many students of Ethiopian politics still ask one critical question: Is the Ethiopian State democratizing?

As this study and several other studies before it clearly identified the central problem is the contradictory policy of the TPLF/EPRDF regime, which has been decentralization on paper and centralization in practice. Motivated by the propensity to dominate and the imperatives of recreating the Ethiopian state and society according to its own image, the strategy of the ruling party has been along side the introduction of political pluralism, a liberal national constitution, decentralization of the state structure to promote self-rule,

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etc., it has been centralizing through the structures of the omni-potent ruling party. To be sure, what is at the center of such a strategy is the introduction of PDOs as instruments of central control, which not only negated the various decentralization initiatives but has complicated the relationship between the locally initiated political groups and the ruling party's satellites in much of the country. Put differently, the PDOs have been used by the ruling party to impose its hegemonic agenda on a reluctant or even a hostile population. No less frustrating for the ruling party is the failure of its scheme to popularize and legitimize the PDOs through exclusive elections in June 1992 and 1994, May 1995 and 2000, which failed to produce the desired political result. As argued in this paper, the elections, rather than enhancing the political image of the PDOs and legitimating them, seem to have tarnished their image and have further eroded the basis of their legitimacy. Despised by the very people they claim to represent and with less than junior status in the ranks of the ruling circle, many of the PDOs officials tend to be undisciplined and corrupt, which occasionally resulted in massive dismissals and demotions. Consequently, central to the TPLF/ERDF failure to implement the decentralization of power from above is the PDOs failure to be a catalyst for it. Conspicuously missing is a real democratic devolution of power to the self-governments in practice. Instead, the EPRDF, which controls the central government through a crude form of political manipulation, has assigned its PDOs to be in charge of the local governments. Critics hold that the cadres, who have neither the professional skill nor a popular support base of their own, nevertheless run most local governments - and do so quite poorly

This paper thus argues, despite some measures related to political liberalization, ending of a command economy, etc., the Ethiopian state has generally remained authoritarian and repressive. According to this study there are several pitfalls in the attempt to democratize the Ethiopian state. Firstly, human and civil rights were enshrined in the national constitution, but there have been well-documented violations of them. Secondly, civil society organizations and independent press are allowed to operate, but they have been working under a very precarious condition. Thirdly, the right of association and multi-party democracy are constitutionally guaranteed, but some parties declared illegal while those that are allowed to operate are placed under serious pressures. Fourthly, several elections were held, but so far all of them have been seriously flawed. Fifthly, there are constitutionally recognized rights for ethnic groups and a decentralization of power policy was initiated for their practical application, but the reality on the ground is a new 'ethnocratic state' under command of a Tigrayan minority. In fact, a result of this both intra- and inter-ethnic conflicts have continued in much of the country. Sixthly, on paper, there are all the trappings of constitutional-rule such as: the separation of powers that include the existence of an independent court to ensure respect for the rule of law. However, extra-judicial detentions and killings are frequent occurrences, and the executive branch under the omnipotent party controls the other branches of government. Lastly, the country's economy is claimed to be freed from the old style of command. But the ruling party is controlling it through dubious mechanisms and has simply replaced the classic state-controlled strategy with its own party-controlled business empire.

This study further argues that in the same way the 'nation-building' project of the imperial regime for much of the 20th century and the 'garrison socialism' of the military regime in 1970s and 1980s failed to produce the desired result, the attempt to democratize the Ethiopian State and society to end ethnic domination and authoritarian rule is foundering because of the hegemonic aspirations of the now dominant Tigrayan élite. Central to such a failure in the TPLF/EPRDF- sponsored 'democratic transition' is the continued adherence of the TPLF to what the regime calls 'revolutionary democracy', which is essentially based on Mao's dictum: 'power comes from the barrel of the gun' and its refusal to submit to the verdict of the ballot box - an essential precondition for any successful democratic transitions. Put simply, the Ethiopian novelty, which is a hybrid of the Westminster model of liberal democracy and the Leninist design of 'empowering nations and nationalities' falls considerably short of meeting any of the cardinal principles central to any democratic transitions: institutionalisation of participatory as well as competitive political structures, and above all a government installed to power by the consent of the electorate. The end result is a new type authoritarianism, which if less kindly judged is tyranny of a minority over majorities and other minorities.

The study concludes: both the multi-party initiative and the ethnic-based federalization effort to resolve the crisis of the Ethiopian state is compounded with several problems. One of the most critical problems is overemphasis of differences, which undermine national consensus, than promoting the historically evolved shared commonalties. Another major problem is lack of a democratic base for the emerging political structures, especially the federal structure, which has been more a divide-and-rule instrument in service of the hegemonic aspirations of the minority ruling élite than empowerment of the hitherto marginalized ethnic groups. Accordingly, we are driven to conclude that the fate of the hoped for Ethiopian 'democratization' is in the balance, and turns on a transformation without democratisation. Hence, this paper suggests for the frozen democratic transition to come back to track, it is critical that the contending political forces reach a national consensus on the political rules of the game and the pitfalls are genuinely addressed in time, especially the hegemonic aspirations of the now dominant elite. In a nutshell, this study underlines a need for a political will on the part of the contending forces as well as national as well as international pressures on the dominant elite to salvage the foundering process.

Methodologically, the paper used a comparative approach where the attempt to democratize the Ethiopian state and society is empirically analyzed by way of comparison both against the country's authoritarian past and the wider democratic experiment in Africa in light of the universally accepted theories and practices of political transitions.

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## **Introduction**

The EPRDF, whose leading core is the TPLF, following its military victory achieved in comradeship with the EPLF in 1991, quickly moved to translate its military victory to a political one. And, in what appears to be a coordinated move to consolidate power captured through the barrel of the gun, it immediately started to undertake several measures, chief of which are: a house-cleaning operation to pre-empt the possible galvanization of the opposition against itself; establishment of a quasi-military administration supported by equally quasi-military Peace and Stability Committees at the local level across the country. The house-cleaning work was aimed at overhauling the Ethiopian State apparatus, establish new institutions of control and, as far as possible, staff them with political loyalists. The security and military structures of the old regime were also thoroughly dismantled and the commanding officers were sent to concentration camps, most of which had been military training centres of the old regime.

Parallel to the thorough house-cleaning political surgery, there had been the construction part - laying the foundation of the new political structure. But, unlike the house-cleaning drive, construction proved a more difficult and complex part, and even now some of the new institutions are in a state of flux - under the political atmosphere of continued tension between the promises made on paper and the reality on the ground. Consequently, such tension has led the new hegemonic élite and the opposition to a seemingly endless confrontation. Central to this tension is the contradiction between a) the officially declared multiparty democracy, whose introduction demands the opening up of the political space to all the contending forces, and b) the hegemonic aspiration of the militarily victorious élite, which stifles the political opening up. The objective of this paper is to empirically examine the experiment of the EPRDF against the background of its policy initiatives and the reality on the ground by way of comparison with the wider African experiences in democratic transitions.

## **Theoretical Background: Comparing Democratic Transitions**

Following the end of the Cold-War, which Fukuyama (1992) dubbed the 'end of history', in what initially seemed to have ended the era of authoritarianism in Africa, the continent's most brutal dictators, Siad Barre of Somalia, Mengistu of Ethiopia, Mobutu of Zaire and Doe of Liberia as well as milder authoritarian leaders such as Kaunda of Zambia were removed from power. These waves of attempts at democratization have

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created a condition where democracy can be studied both in theory and practice - as events unfold. In this regard, Bangura (1991), in a serious attempt to analyse the problems of the African democratic transitions around 1990, has identified three inter-linked processes in the African democratization drives. They are: 'the demilitarization of social and political life; the liberalization of civil society; and the democratization of the rules governing political and economic competition' (1991: 2). According to him, they involve assuring 'the supremacy and regulation of civilian governmental authority, ... the democratization of the state apparatus and the relative freedom of civil organizations and ... the capacity to democratically manage conflicts in civil and political society and economic practices' (*Ibid.*).

Bangura (1998:11), building upon his earlier work, has further concretized the essential elements of democratic transitions around five focal areas of democratization processes, i.e. 'constitutionality, electoral reform, civil liberties and political pluralism, power sharing, and decentralization.' Furthermore, using these parameters, Bangura has made the following pertinent remark by way of drawing a balance sheet for what has been achieved to date and what remains to be done in Africa's democratization initiatives:

There is still much arbitrary rule in many parts of Africa, including in countries that have made significant progress in instituting the rule of law as a cardinal principle of statecraft....Much remains to be done in the crucial area of separating ruling parties from the institutions of the state, the organization of free and fair elections, and the alternation of governmental power by the political parties. (1998: 23).

In the same vein with that of Bangura, Bratton and Van de Walle (1997) and Diamond and Plattner (eds.) (1999) have summed up here under, the diverse democratization experiences of the African continent as a whole, which are very helpful in relating the theoretical discourse on democracy in general to the more specific problem of democratic transition. They write:

...democracy is... a form of political regime in which citizens choose, in competitive elections, the occupants of the top political offices of the state. According to this definition, a transition to democracy occurs with the installation of a government chosen on the basis of one competitive election as long as that election is freely and fairly conducted within a matrix of civil liberties, and that all the contestants accept the validity of election results. (1997: 12f)

Bratton and Van de Walle emphasize the importance of the 'matrix of civil liberties', which according to them, include: civilian control over the military, independent legislatures and courts, viable opposition parties and voluntary associations, plus a free press.' In this regard, they go on to say:

election must be conducted within a matrix of civil liberties. In practice, civil liberties guarantee that politics will be genuinely competitive. Before

elections, all potential candidates must have the opportunity to offer themselves for office, to express their political views openly, and to form political associations to aggregate support behind their bid for power. At the same time, citizens must be equally free to obtain political information, to move without hindrance to political meetings, and to opt for political associations of their choice. (*Ibid.*)

A very helpful contribution of Bratton and Van de Walle is their distinction between 'political liberalization' and 'democratization'. To be sure, the study of democratic transition is frequently hampered by a confused use of these terms. Their description runs as follows:

Political liberalization entails the reform of authoritarian regimes. It comes to pass when public authorities relax controls on the political activities of citizens. Often described as a political opening, political liberalization involves official recognition of basic civil liberties. In such openings, governments restore previously repudiated freedoms of movement, speech, and association to individuals and groups in society. Examples of political liberalization include the release of political prisoners, the lifting of government censorship, and the relegalization of banned political parties. As an analogue of economic liberalization, political liberalization reduces government intervention in the political market, breaking up monopolies of authority and allowing a plurality of opinions and organizations. In short, political liberalization broadens political competition. (Bratton & Van de Walle, 1997: 159)

Turning to the democratization problematique, which according to them can only come after the maturity of genuine political liberalization, they succinctly put:

Democratization involves the construction of participatory and competitive political institutions. The process of democratization begins with political challenges to authoritarian regimes, advances through the political struggles over liberalization, and requires the installation of a freely elected government. It concludes only when democratic rules become firmly institutionalized as well as valued by political actors at large. (*Ibid.*)

According to them ' a transition to democracy can be said to have occurred only when a regime has been installed on the basis of a competitive election, freely and fairly conducted within a matrix of civil liberties, with results accepted by all participants' (1997: 194). In their distinction of the political liberalization - democratization continuum, they emphasize that 'Liberalization...commonly occurred without democratization, but the opposite did not hold. Democratization is theoretically and practically impossible without liberalization because democratic institutions can flourish only in a context of civil liberties' (1997: 195). Bratton and Van de Walle's conceptualization of political liberalization and democratization as two distinct stages of

the same democratic transition process clears a lot of confusion that surrounds the democratization problematic, and identifies a minimalist but very useful objective criteria to assess democratic transitions. As such, the distinction they have made and the parameters they have established are indeed very helpful tools to assess the Ethiopian transition as such - the progress made to date and the pitfalls - and in a wider comparative perspective.

In the other work, edited by Diamond and Plattner (1999), the former (p. x) who bases his classification on Freedom House ratings distinguishes four regime types in Africa - liberal democracies, electoral democracies, pseudo-democracies and authoritarian regimes. According to his explanation, liberal democracies are countries whose governments are voted to office through free and fair elections and also rated 'free' by the Freedom House; electoral democracies are those which fulfil the 'fair and free' election criteria but not rated as free by the Freedom House. In his scheme, pseudo-democracies (which includes Ethiopia) are countries that conduct 'multi-party competitive elections that fall short of international standards of free and fair competition'. (*Ibid.*) The many countries that have not moved towards democracy in any form are classified by them as authoritarian regimes.

Using the above general discourse as parameters of judging democratic transitions, what follows is the empirical assessment of the nature of the Ethiopian transition.

### **The New Basis of Reordering the Ethiopian State and Society**

The Tigray People's Liberation Front (TPLF), which has been the commanding real core of Ethiopia's ruling party since 1991, used a mix of Tigrayan nationalism and Marxist mobilization strategy (Young J., 1997). The latter was 'officially' discarded and replaced by 'liberal democracy' after the capture of state power by the group in 1991, while the former has been promoted to the level of the ideological foundation of the new regime. The move away from Marxist-Leninist ideology as ideological cover of Tigrayan nationalism was deemed necessary mainly because of the imperatives of the new 'World Order' whose twin criteria for legitimacy are based on political pluralism and the sanctity of free enterprise. The TPLF, with its narrow ethnic support base in the North has to outflank other contending forces in securing support from the Western powers, especially from the Americans. Hence, the TPLF leadership pays lip service to liberal democracy to get the necessary legitimacy and the leverage to obtain external support for itself while denying the opposition groups access to such support. In other words, the TPLF pragmatically used Marxism-Leninism in the arduous struggle for power and once power was won, shifted to 'liberal democracy' to consolidate that power. (1) On both counts, the ultimate goal has been to ensure the centrality of Tigrayan nationalism in the reordering of the Ethiopian State and society (Leenco, 1999; Merera, 1994b). To this end, 'the right to self-determination and secession' has been carefully married to Tigrayan nationalism, which is further integrated with 'democratization' of the Ethiopian polity and the decentralization of power thereof.

To put more specifically, a closer look at the TPLF/EPRDF experiment clearly demonstrates that what is being implemented since 1991 are the programmes of the TPLF/EPRDF with minor modifications. For instance, the basic principle in the Charter, 'the right to self-determination...' has been one of the cardinal political commandments both in the TPLF and EPRDF programmes. By the same token, the ethnic-based decentralization formula and the consequent restructuring are also the logical product of the TPLF's philosophy of 'national struggle first' while the

democratization initiative as a whole seems to be guided by the EPRDF's 'revolutionary democracy'. Here, 'Revolutionary democracy' (2), which seems to inform the TPLF/EPRDF experiment, has been neither well articulated by its authors nor fully become clear to the public. What one can understand from EPRDF's 'revolutionary democracy' is that its philosophical foundation can be traced back to Mao's 'new democracy' and it appears that it is a leftover from the TPLF/EPRDF's Marxist-Leninist past. In fact, the anomaly associated with this type of 'democracy' in the emerging Ethiopian situation and the source of the contradictory behaviour of the TPLF/EPRDF leadership can be partly attributed to this past. In a nutshell, the EPRDF-sponsored experiment at multiparty democracy is informed by 'revolutionary democracy', which overtly subscribes to the principles of liberal democracy but covertly adheres to the fundamentals of democratic centralism – a central element in the practice of Marxist-Leninist parties. The sole purpose of such a behaviour is to ensure the hegemony of Tigrayan élite in the political environment of competing ethnic nationalisms. Ethnic nationalism, which thus has become the new base for the restructuring of the Ethiopian State, is now serving the contradictory goals and the hegemonic interest of the victorious Tigrayan élite under the guise of a formally declared 'multiparty democracy'.

### **The Charter and the Policy Initiatives During the Transitional Period**

The TPLF/EPRDF marched to power in May 1991 with the motto of 'national struggle first' rather than class struggle, despite its adherence to revolutionary Marxism-Leninism. Upon capturing state-power, it moved fast with the wind of the day to embrace the philosophy of multiparty democracy more by the post-Cold War imperatives than faith in the ballot box. Contrary to popular expectation, its principle of 'national struggle first' not only remained under the new situation but has become the base of state transformation. Accordingly, the July Conference of 1991 became the first major practical translation of the TPLF/EPRDF programmes into reality.

The July Conference was needed to establish a 'legitimate, broad-based' transitional government that can prepare the country for a smooth democratic transformation as agreed at the American-brokered London Peace Conference (Cohen, H. (1991). The EPRDF leaders, keen on the consolidation of their hard-won victory, made sure to selectively invite weak parties most of which were created overnight, and selectively excluded the actual or potential real power contenders from the process. Not surprisingly, the more than two dozen political groups invited to attend the conference had neither strength nor an agenda of their own, except the OLF, which negotiated a junior partnership and the right to independently mobilize its own political support base (*Africa Confidential*, 1991).

The EPRDF as the sole sponsor of the conference and agenda setter swiftly moved to the real business - securing approval for its agenda, adoption of the Charter as well as the establishment of the transitional government along with the decision to accept the *de facto* independence of Eritrea (Transitional Charter, 1991). The Charter, approved with little or no resistance, was designed to serve as the supreme law of the land for the transitional period. For the practical implementation of the Charter, an 87-seat Council of Representatives (COR) was created mainly out of the representatives of the participating political groups according to a pre-determined quota set by the EPRDF itself. Of the 87 seats, the EPRDF took a lion's share (32 seats) and distributed the remainder as handouts



to the more than two dozen political groups. The Council was empowered to make laws for the whole transitional period and except the OLF, which was able to secure 12 seats, other parties mostly received one or two seats and had little, if any, political influence. With crude political manipulation, supported by a military muscle and the blessing of the Western powers, especially the Americans, who were delighted with the demise of Mengistu's regime, the EPRDF easily achieved two of its main political objectives. These were the approval of the Charter and the establishment of a transitional government that could be comfortably controlled (Merera, 1994a; b).

The EPRDF-authored Charter provided a façade of legality. It contained detrimental provisions for the country's quest for democracy. On the positive side it stipulated the new regime's commitment to respect the Universal Declaration of Human Rights by the United Nations, especially the 'freedom of conscience, expression, association, ... peaceable assembly, ... right to engage in unrestricted political activity and to organize political parties'. It also contained the provisions that promised to address the historical grievances of the hitherto marginalized ethnic groups. But with a benefit of hindsight we must conclude that the negative side of the charter far outweighed the positive side while even the positive provisions on paper are negated in practice. For instance, the controversial 'right to self-determination...' neither has led to the empowerment of marginalized ethnic groups nor created any harmonious relations among the ethnic group generally (Harbeson, 1998; Merera, 1994a & b). This provision, later canonized as Article 39 in the national constitution of 1994, has brought out more controversy than the solution it provided. The more detrimental provisions were the ones that cleared the political ground for both the EPRDF-led Transitional Government and the permanent government, which came in 1995.

The second major act of the TPLF/EPRDF in its march to absolute power came during the regional elections of 1992. As the stakes in the June 1992 elections were high for both the incumbent government and the major opposition groups, the already existing atmosphere of distrust and suspicion easily turned to that of confrontation. The OLF, the then major contending party, was forced to withdraw from the election process at the eleventh hour (Leenco, 1999). The withdrawal of the OLF was precipitated by both the pressure of the new regime, which determined to consolidate power at any cost as well as the folly of the OLF leadership, which failed to moderate its demands and over-estimated the organization's military capability. At any rate, with the boycott of the legally registered parties like IFLO, AAPO, the Southern Ethiopian groups and the exclusion of older parties like the EPRP and MEISON, the June 1992 election turned out to be an affair of the ruling party. As a result, according to the NDI/AAI Report of 1992 (NDI/AAI, 1992: 3) EPRDF and its affiliates won 96.6% of the seats. Not surprisingly, in the eyes of a greater part of the Ethiopian public and foreign observers, the June 1992 elections were neither 'free and fair', nor did they help the institutionalization of multiparty democracy in the country. The Report of the NDI/AAI succinctly sums up the extent to which the process was flawed:

To the disappointment of many Ethiopians and their friends in the international community, the June 21 elections represented a sterile,

surreal and wholly formalistic affair. Voter registration occurred but it did not serve the goal of placing on the voter rolls the vast majority of eligible voters in an open and transparent process. Candidates were designated for specific offices but [there was] no genuine competition among candidates and parties. Ballots were printed, but no meaningful control was exacted regarding their distribution. Voters went to the polls, some waiting in the inevitable long lines, but few understood the significance of the elections or the difference between these elections and those that occurred during the previous regime. For election officials and voters alike the June 21 elections did not serve as an educational exercise. (NDI/AAI, 1992: 6f)

The authors of the report conclude:

Given the shortcomings, the June 21 elections did not contribute directly to Ethiopia's development as a democratic state. At best, the elections were premature, especially for the southern half of Ethiopia. Less kindly judged the elections were ill conceived, dubious and counter-productive in their contribution to the democratization of Ethiopia. The elections, moreover, exacerbated existing tensions, reinforced the hegemony of the EPRDF while marginalizing other fledging parties and were a central factor in the withdrawal of the OLF from the TGE and the return to war in the Oromo region. Finally, the elections created new 'political facts'...the EPRDF dominated regional and district assemblies...that will remain controversial in regions where the elections are mired in doubt and suspicion. (*Ibid.*: 7)

To many observers of the Ethiopian political scene, the EPRDF was referee and player in one, and the main purpose was to institutionalize a *de facto* one-party state. After the June 1992 elections the EPRDF quickly moved to set up local governments, which were neither democratic nor autonomous. Thus, in what seemed to be a new style of authoritarianism, TPLF ensured its domination over Tigray while the rest of the EPRDF's constituent parts, the OPDO, EPDM and the pro-EPRDF Southern Ethiopian group established a monopoly of power over the Oromo, Amhara and Southern Ethiopian regions respectively (NDI/AAI, 1992; Pausewang, 1992; Hovde, 1994; Vestal, 1994). Addis Ababa was given to the trusted cadres of the new regime while the rest of the regions were mostly given to the new political surrogates of the regime. In sum, the June 1992 elections served the covert goal of the ruling party, i.e. consolidation of power through a semblance of 'democratic' elections (Vestal, 1994; Ottaway, 1995).

According to the agenda set in the Charter, what was to follow the June 1992 elections was the constitution-making process, which was central to both the consolidations of power and legitimacy for the ruling élite. To this end, the EPRDF-controlled Council of Representatives (COR) appointed a Constitutional Drafting Commission in 1993 pursuant to Article 10 for the transition period (Charter, 1991). To ensure the loyalty of the Commission to the incumbent regime, members of the Commission were mostly selected from members of the EPRDF-dominated Council of Representatives while the

few Commission members who were appointed outside of the Council were subject to the approval of the same body (Merera, 1994a; b; 1999). And, although national consensus is crucial for a national constitution, the TPLF/EPRDF single-handedly continued with its top-down approach by proceeding to the election of the Constituent Assembly, a body entrusted by the Transitional Charter to approve the new national constitution. As once again the major opposition parties were forced to boycott the election through the *de facto* ruling party's politics of exclusion, the EPRDF won a comfortable majority of more than 89% of the seats - even more if one adds the seats of the EPRDF affiliates. (3) The national constitution, which was thus solo-authored by the EPRDF cadres, was put to the vote of a Constituent Assembly controlled by the same force in December 1994 (Pausewang, 1994). Not surprisingly, every article of the draft constitution was approved unanimously or with one or two dissenting voices in the 547-member Constituent Assembly. As a result, in the eyes of many observers the new national constitution of Ethiopia is a replica of the EPRDF programme in both letter and spirit (EHRCO, 1995; Leenco, 1999). The making of the national constitution was the attempt by the TPLF core

democratic debate, nor even of a process towards developing a democratic society. (Tronvoll & Aadland, 1995: 59f)

Judged by the above, my own observation and many studies, the hard reality of the May 1995 elections is that it fell significantly short of being a mid-wife of a new democratic order. Several interviews and academic studies have indicated serious pitfalls in the Ethiopian transition (Ottaway, 1995; Vestal, 1994; 1999; Harbeson, 1998; Joseph, 1998). For instance, an American academic has drawn up the following similar balance sheet, even before the May 1995 elections were held:

With the last phase of the transition at hand, what shows on the balance sheet of the TGE? Assets include the maintenance of a generally peaceful and stable society and the beginning of economic recovery sparked by development aid from donor nations and international organizations. On the other hand, liberal democracy has not taken root and attempts at democratization have been failed by authoritarian actions. Deficits of democracy are apparent when one compares the significant steps of transition with normative standards: 'Between the idea/And the reality/Between the motion/And the act/Falls the shadow'. Ethiopia, alas, is 'wandering between two worlds, one dead, the other powerless to be born'. ...

A critical mass of Ethiopians share a sacred hunger for democracy ... Ethiopia, having completed its transition, limps on, wearing the thick boot of authoritarianism at the end of one leg, and the iron of ethnic hatred on the other. (Vestal, 1994: 202)

Although some observers such as Lyons (1996) blame the opposition too for the setbacks, it is in the context of this flawed transition that the EPRDF has moved to post-transition construction and institution building.

One of the TPLF/EPRDF constitutional engineering to ensure the continuity of its domination has been the introduction of the winner-takes- all electoral system. Such an initiative was proved useful to the ruling party, especially during the May 2000 elections, in which some opposition parties participated for the first time. To begin with, because of harassment, intimidation and outright blocking of nominations the opposition was unable to field candidates for about 50% of the constituencies. Secondly, even where the opposition competed the combined strategy that includes the first-past-the-post system, harassment, intimidation and outright election rigging were used to block successful opposition candidates. Conscious of what it planned to do, from the very beginning the ruling party refused to negotiate over the reconstitution of the Election Board, the presence of the international observers and timely access to the media by the opposition. (4) And, although the opposition and members of the independent media have welcomed some of the positive moves by the ruling party such as the national debate during the campaigns, the ruling party conceded only thirteen out of 547 Federal Parliament seats to

the known opposition parties. Notwithstanding some positive signs, the process appears to be as flawed as ever. In this connection a volume discussing the elections notes:

Large segments of the population characterize the process of democratization in Ethiopia since 1991 as little more than window dressing. They asseverate that the true intentions of EPRDF are to stay in power, and to that end, they apply a policy of 'divide and rule'. In the contemporary world, one-party states are no longer accepted as "partners" in cooperation or development aid. The TPLF/EPRDF changed its Marxist rhetoric in 1989/90 during the last phase of the struggle against the Derg regime, and opened up for multiparty democracy and market economy. However, Ethiopians from different walks of life still argue that the change was only in rhetoric, and not in substance. (Pausewang & Tronvoll (eds.), 2000: 177)

The article goes on to say:

what we may have been witnessing was the emergence of a new pattern to preserve full political control at the national level, while allowing a symbolic democratic discourse to go on and providing an opening for opposition parties in certain urban centers and a few rural zones. ...

This scenario hinges on one crucial observation, which was hinted at in the 1994 election report, and thematized in the 1995 report: we observed a pattern of a re-established control over the peasantry through the rural *Kebele*, the instrumentalization of peasant associations for putting peasants under a system of dependency, reinforced when necessary by coercive measures and physical intimidation.

There are strong indications that this scenario is not just a product of foreigners' "over-interpreting" the empirical data, but a real danger. Peasants have been complaining on a grand scale of threats and intimidation, particularly in places where local authorities are afraid of strong opposition candidates. The conditions for an open process towards democracy are thus far from being met, and vigilance remains necessary. (*Ibid.*: 179)

This is a keen observation that identifies and fairly sums up the major pitfalls in the TPLF/EPRDF-sponsored pseudo-democracy, a façade, which even the public relations exercise by the regime is unable to hide. To grasp this political reality it is enough to compare the seats held in the legislature, an institution theoretically designed ten years earlier on the Westminster model.

## **The Federal Formula and the Decentralization of Power**

Another, more controversial, divisive and polarizing issue - one with a far more pervasive effect on the country's body politic - is the introduction of the ethnic-based federal formula, which was initiated during the transitional period but gained permanency through the constitutional engineering of 1994. As we have already seen partly above, this innovation by the EPRDF regime neither met the demands of the hitherto marginalized groups nor neutralized the old dominant group.

According to the regime's statements, the underlying principle of the Ethiopian decentralization is to resolve the perennial problem of national inequality in the country. Here, it is important to note that, the popularization of the national question to the wider Ethiopian public goes back to the pre-revolution days of the Ethiopian Student Movement (ESM) and the rise of national liberation movements in the 1960s and early 1970s. Since then the various political forces in the country and the military regime made some attempts to provide a lasting solution to it. The demise of the military regime and the marginalization of the other contending forces have left the TPLF/EPRDF to experiment its own political programme on the larger Ethiopian society. The TPLF/EPRDF was able to translate its programme into the Charter of the transitional period, which recognized 'the right to self-determination to nations, nationalities and peoples, including secession' and the regionalization policy based on ethnic/linguistic criteria. Not content with that, TPLF/EPRDF have actually incarnated its programme in practice (Vestal, 1999; Merera, 2000).

As indicated above, the Federal Democratic Republic of Ethiopia was inaugurated following the approval of the new national constitution by the Constituent Assembly in December 1994 and the elections held six months later. The elections were held in May 1995 under the EPRDF-sponsorship and an EPRDF-led government took office three months later. The fundamental provisions in the federal constitution on which both the federal formula and the decentralization of power were based reads as follows:

Every nation, nationality and people in Ethiopia has an unconditional right to self-determination, including the right to secession. Every nation, nationality and people in Ethiopia has the right to speak, to write and develop its own language to express and to promote its culture, and to preserve its history.

Every nation, nationality and people has the right to a full measure of self-government in the territory that it inhabits and to equitable representation in regional and national governments. (Ethiopian Constitution, 1994)

At the practical level, however, only 9 states were created, a reduced number compared to the transitional period. Some states have a core nationality, which determines the identity of the given state - Oromia, Tigray, Amhara, Somali and Afar are good examples of this group. In other cases more than two ethnic groups were lumped together by the consent of the concerned people or administrative fiat. Benishangul and Gumuz, and

Gambella states are constituted by two or three groups while the Southern Nations, Nationalities and Peoples State (SNNPS) was formed by a political surgery that has lumped together several dozen diverse ethnic groups more for political expediency. Such lumping together of the Southern Ethiopian peoples seems to be motivated both to create a counter-weight to the most populous and vast Oromia region that can cast its shadow across the country and administrative convenience for central control.

Addis Ababa was designated as special region, while Dire Dawa, a commercial and industrial city claimed by Oromia and the Ethiopian Somalis, was given a separate administrative status. According to many critics, the most serious anomaly in Ethiopian government's regional arrangement is however the Harari State, which has exposed some of the absurdities of the EPRDF regionalization policy. The historic Harar city-state, a commercial centre and a melting pot in eastern Ethiopia, after its incorporation into the expanding empire-state of Ethiopia in 1887 evolved as administrative centre for the Hararghe region where the bulk of the population were Oromos and Somalis. Furthermore, as a commercial centre for eastern Ethiopia it has attracted thousands of people outside of the region, especially Amharas and Gurages. The city continues to display the historical imprint of Hararis (Adares) who now constitute only 9,734 out of the total population of 131,139, of whom 68,564 are Oromos and 42,781 are Amharas, the remainder are from other ethnic groups. (5) Despite its being an island within Oromia, because of the political loyalty and/or historical considerations, the ruling élite arbitrarily created a regional state that bears the name of the Hararis who constitute about 7% of the region's population. Furthermore, for the same political considerations the ruling party promoted a political group constituted by this 7% of the population to rule the rest of the 93% of the population through what amounts to be a quota system. According to the quota, the Oromos can get elected to public office and share power as a junior partners while the Amharas and the rest of other ethnic groups can only vote and are not eligible for office. Incidentally, this paradox of Ethiopian 'democracy' is not limited to the Harar region alone. Ethnically speaking, the constituency of the Tigrayan élite, who rules the country as a whole is less than 6% of Ethiopia's population - lower than the percentage of the Hararis in Harar. At any rate, the Hararis arrangement, judged by the core principle of democracy - 'one man, one vote' - seems to be more primitive than democracy in the days of Aristotle, where certain sectors of the population such as the slaves were not considered citizens, and thus not allowed to vote.

Theoretically, decentralization of power based on a federal formula is a devolution of power from the centre to the constituent parts whereby the latter are constitutionally empowered to make decisions regarding their own affairs, allocate resources as they wish and use them without central interference. On paper, except some anomalies such as the Harari case the Ethiopian federal constitution bestows upon the regions these substantive autonomy rights (Constitution, 1994). In fact, the Ethiopian federal constitution is not only charitable in bestowing these substantive autonomy rights on paper to the regional states, it even allows them to enact their own parallel constitutions and the right to secede. (6) However, as even fundamental democratic rights of lesser scope than autonomy have not been respected, the provisions in the constitutions both at the federal

and regional levels seem to be of paper value only. Arguably, as will be shown below, the origin of the problem is the hidden political agenda of the authors of the constitution.

The politics of federalizing Ethiopia and the decentralization of power, as already indicated, revolves around the EPRDF political programme that apparently inspired the authors of the national constitution. The same political programme seems to breathe in the political programmes of the PDOs, which in turn have formed the basis of the regional constitutions, all of which are the replicas of the mother constitution. (7) All the regional constitutions also contain the controversial Article 39 - 'the right to secession'.

Several studies on the EPRDF-initiated decentralization of power based on ethnic and/or linguistic criteria cast serious doubt on the sincerity of the EPRDF leaders and the wisdom of such a federal formula for a country of over seventy ethnic groups whose élites are advancing contradictory agendas. Most authors argue that the ethnic-based federal formula has been engineered for political control rather than a genuine desire for decentralization of administration whereby marginalized groups would be empowered to administer their own affairs (Ottaway 1995; Vestal, 1999). But the EPRDF is getting caught in a net of its own making in the nation-wide issue of decentralization versus centralization (Merera, 1994a; b; and recent observation). The hegemonic aspiration of the Tigrayan élite and the local need for self-administration cannot go together because a genuine decentralization of power demands genuine empowerment of the varied ethnic groups (Aklilu, 2000). The EPRDF paper policy of decentralization and practice of centralization has thus created more problems than solutions to the inter-and intra-ethnic contradictions. Especially the introduction of PDOs as instruments of control not only negated the various decentralization initiatives but has complicated the relationship between the locally initiated political groups and the ruling party's satellites in the regions. For instance, the tensions between the OLF and the OPDO as well as ONC and OPDO in the Oromo area, between SEPDC and its EPRDF-controlled counterpart, between the ONLF and the EPRDF-affiliated Somali SPDP are all products of the EPRDF decentralization initiative.

The central problem in the federal formula based on the PDOs is that the PDOs have been trying to impose the ruling party's hegemonic agenda on a reluctant or even a hostile population (Merera, 1994a; b). The attempts to popularize and legitimize the PDOs rule through exclusive elections in June 1992 and 1994, May 1995 and 2000 failed to produce the desired political result. These elections, rather than enhancing the political image of the PDOs and legitimating them, seem to have tarnished their image and have further eroded the basis of their legitimacy. Especially the debates during the May 2000 elections forced them to face both the opposition and the people where in certain areas of the South they resorted to the use of bullets (EHRCO, 2000a). Despised by the very people they claim to represent and with less than junior status in the ranks of the ruling circle, many of the PDOs officials tend to be undisciplined and corrupt, which occasionally resulted in massive dismissals and demotions. Despite his sympathy to the TPLF/EPRDF cause, Young (1997: 211f) argues that 'legitimacy has not been achieved by the other EPRDF components, which were established much later at the behest of the TPLF', and they are 'weak, corrupt, captured prisoners of war with low education'. And, even by the



government's own admission, corruption runs from the famous case of the ex-Prime-minister from the Amhara PDO down to regional officials and judges. Not surprisingly, the Ethiopian government-owned media report that in 1997, 549 Zonal and *Wereda* executives from Oromia and Amhara regions were dismissed. (8) Rampant corruption and ignorance of the inept cadres, and local resistance against them have further contributed to the failure of the government decentralization initiative. Even government officials and cadres admit the existence of failures at implementation level, although they insist that the government's decentralization policies as such are sound.

Consequently, central to the TPLF/ERDF failure to implement decentralization of power from above is the PDOs failure to be a catalyst for it. Conspicuously missing is a real democratic devolution of power to the self- governments in practice. Instead, the EPRDF, which controls the central government through a crude form of political manipulation, has assigned its PDOs to be in charge of the local governments. Critics hold that the cadres, who have neither the professional skill nor a popular support base of their own, nevertheless run most local governments - and do so quite poorly (Aklilu, 2000; Aalen, 2000). What is more, the ploy of the TPLF/EPRDF can easily be demonstrated by the number of seats held by each of the EPRDF constituent parts following the May 2000 elections. In these elections, TPLF gained 40 seats, ANDM got 146 seats, the Southern Ethiopian group of the EPRDF affiliates about 112 seats and the OPDO roughly 183 seats, while the EPRDF –affiliated SPDP holds 19 seats. The most serious anomaly in this arrangement is that the smallest group is occupying the central position while parties which have 106 seats more, e.g. ANDM, or 143 seats more, e.g. OPDO, are playing a secondary role. No less serious is the systematic inflation of the Tigrayan seats in the federal parliament compared to the other major ethnic groups, especially the Oromo and Amhara. If we take Tigray as a base, in terms of seats per population, the Oromo region has lost 54 seats; the Amhara region lost 30 seats; SNNP lost 14 seats and the Somalia region lost 21 seats. In the case of the Oromos, the ground was prepared when the number of *Weredas* was reduced from 305 during the period of the military regime to 180 under the present regime. The reduction of the number of *Weredas* also involves loss of other federal government resources including capital budget subsidy allocation.

The most ominous aspect of the EPRDF regime's decentralization policy is the continued intransigence to curb its more blatant anti-democratic aspects. More specifically, as the result of the atmosphere of distrust that blocked smooth communication between the governors and the governed, inter-ethnic clashes in many parts of the country are readily sparked off and confrontations between the population and government security forces becomes frequent. The clash between Guji Oromo and Gedeo people in early 1999 and the Walayta disturbances of 1999, which was provoked as a result of the government cadres imposition of a language by administrative fiat on the local population were both the outcome of the ill-conceived government policy. The same is true of the recent Hadiya killings and detentions resulted from the harassment related to the May 2000 elections, the recurrent clashes between the Gerri Somali and Borana Oromo, and the 1999 confrontation between the Ambo students and government security.

In line with its political decentralization initiative, the EPRDF regime has also initiated a fiscal decentralization policy. Fiscal decentralization is implied by the political fundamentals of empowering the 'nations, nationalities and peoples' of the country to administer their own affairs as enshrined in the new constitution. In principle, regional governments have the right to collect certain taxes, receive grants from the central government and finance their own socio-economic development. Like the political decentralization initiative, many observers argue, the fiscal decentralization policy is more political than economic, and there is a vast discrepancy between the needs of regions and their capacity; corruption is rampant and tolerated for reasons of political expediency in most regions. Allocation of resources to the regions lacks transparency and the home base of the ruling party receives a disproportionate share of the national cake both directly and indirectly through the ruling party's business empire. (9)

In sum, the ethnic-based model of federalization of the Ethiopian State and the concomitant decentralization of power has neither satisfied the hitherto marginalized ethnic groups nor pacified the privileged groups of former years. Judged less kindly, it has created a lot of problems rather than solved the existing ones. And, as a result of a hidden agenda of imposing a new type of central control by the new hegemonic élite, the decentralization initiative falls far short of empowering the subaltern groups. Moreover, the new ruling élite's divide-and-rule policy has led to series of clashes between people cohabiting the same or adjacent regions e.g. between Oromos and Somalis in the Borana region, Guji Oromos and Gedeos in the same area, Oromos and Amharas in several areas. The ruling party's decentralization drive carries in itself the tendency of heightening the competing ethnic nationalisms, which have further provoked intra- and inter-élite rivalry across the board. The rise of movements pro and contra the governing party in Oromo, Amhara, Somali, Afar, and southern Ethiopian group areas are all part of these intra- and inter-élite rivalry. The policy has also had the tendency to discriminate regional minorities, especially non-indigenous minorities, in education, employment opportunities and election to public office. Moreover, as the main objective of the ethnic approach to state restructuring has been to ensure the hegemony of the sponsoring élite rather than genuine decentralization of power, it badly hurts the democratization of the Ethiopian State and society as a whole. Hence, the end result is pseudo federation, designed to facilitate central control rather than to bestow genuine local autonomy to the diverse peoples of Ethiopia.

PDOs are not limited to political parties. Independently existing civil society organizations such as the Ethiopian Trade Union and Ethiopian Teachers' Association have been marginalized by the government-created Trade Union and Teachers' Association. More curiously, what can be characterized, for want of a better term, as GONGOs (Governmental Non-Government Organizations) have been initiated to marginalize the work of independent NGOs and to rechannel international resources to the ruling party (see Merera, 1999). To be sure, the GONGOs have pervasive impacts both on the country's economy and politics; and they are part of the grand design to reorder the Ethiopian state and society in the image of and control of the TPLF/EPRDF. Some of the TPLF GONGOs such as REST and TDA were created while the organization was fighting to capture state power and useful in rechanneling international

resources for the military objective of the organization. EFFORT came in 1995 to reinforce the older ones.

Another strategy in the TPLF/EPRDF plan to reorder the Ethiopian State is the continued use of democratic centralism. It is a carry-over from the TPLF Marxist-Leninist past and its effective use made it possible to build up a monolithic party organization and a relatively disciplined army (Merera, 1996; Leenco, 1999). For instance, former TPLF leader, Aregawi confided to me that there was a 'gang of four' within the TPLF leadership before the Ethio-Eritrean conflict of 1998 and it was this group, which was making real decisions for a long time. TPLF politburo decisions are passed down to the EPRDF politburo, itself TPLF-dominated, for formal approval and then passed down to ministries, the non-independent court system and the PDOs in the regions for implementation (Aklilu, 2000; Aalen, 2000).

An additional strategy of the TPLF has been a public relations exercise with the donor community regarding the reality on the ground both to secure support and isolate its opponents. This is usually done through reminding them of the time needed to build a democratic society, the lack of alternatives on the part of the opposition, complaining about the problem of implementation and by exaggerating the formal structure and principles on paper. In this regard, especially the Americans, who wanted to see more of the type of Museveni in the Horn of Africa, blindly supported the TPLF/EPRDF leaders until the Ethio-Eritrean conflict caught them by surprise (Githong, 1998). All of these strategies, reinforced by the Ethiopian authoritarian past, stand in the way of building a

Once upon a time African radical intellectuals thought 'True Independence' was that which came through the barrel of a gun. The other type was fake, or 'flag' independence. In an otherwise brilliant analysis, Fanon (*The Wretched of the Earth*) undoubtedly placed prime value on violence as a political therapy to rejuvenate a colonial people. Well, since then we have had half a dozen examples of 'national liberation' through the barrel of a gun.

The gun itself has not performed the task of a purgative. Liberators have turned tyrants and continue to tyrannize through the barrel of a gun. (Shivji, 1991: 79)

The message of Shivji is clear. It is to bring home the bitter truth that unless the liberators leave the freedom to decide to the masses in whose name the wars of liberation were fought, the hoped-for liberation never comes. Conversely, when the liberators of yesterday begin to decide on the behalf of the people what is good for the people, the outcome is tyranny. Informed by the synergy of Tigrayan ethnic nationalism and revolutionary democracy, a leftover of Mao's New Democracy, what is happening to Ethiopia is the 'turning of liberators to tyrants, who are tyrannizing the people' - the inevitable result is derailment of the much-publicized 'democratic transition', which we call for want of a better term: a transformation without democratization.

## Endnotes

1. To many observers, including myself, Tigrayan nationalism has been more of resurgence nationalism - to regain the centrality of Tigray in the Ethiopian State - which the Tigrayan élite lost to the Amhara élite in the second half of the 19<sup>th</sup> century.
2. The TPLF/EPRDF leadership formulated revolutionary democracy based on Mao's New Democracy. The anomaly came when revolutionary democracy formulated for a socialist revolution was made to serve the cause of liberal democracy and free enterprise. The most serious pitfall in the Ethiopian democratization enterprise is, therefore, the Marxist-Leninist philosophy of revolutionary democracy being made to guide a liberal democratic transformation.
3. These figures are calculated from 2001 CSA Population Census Estimate for the year 2000 and the seats allocated to each region in the May 2000 elections, said to be based on population size.
4. Most opposition parties, AAPO, CAFPDE, EDP and ONC, demanded a serious negotiation with a ruling party over the rules of the game for the conduct of 'free and fair' elections during May 2000. The ruling party, fully conscious of the implications, has remained adamant to the end.
5. The statistics are taken from *The 1994 Population and Housing Census of Ethiopia*, Vol. 1 Statistical Report, June 1998 (Addis Ababa).
6. See the Constitutions of the Nine States comprising the existing Ethiopian federation.
7. Compare the available constitutions of the regional states with the federal constitution.
8. 'Corrupt Executives Sacked', *The Ethiopian Herald*, 21 June 1997, (Addis Ababa). There have been numerous reports of corruption and dismissals of the PDOs officials. Several papers of the independent press widely reported on these incidents. See *Tomar*, 7<sup>th</sup> Year, No. 50 (12 Hamle 1992 E. C.), *The Reporter* Vol. IV, No. 199 (28 June 2000).
9. An unofficial, secret report regarding the financial affairs of the ruling party demonstrates an existence of a real business empire of the TPLF/EPRDF regime. (See 'Ethiopian In Non-Governmental Buisness: A Preliminary Survey with special emphasis on companies controlled by or associated with EPRDF-Member Organizations and The Al-Amudi Family, Part I, September 1996 & Part II, September 1997).

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