

Electoral Violence in Africa: Experience from Ethiopia

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Abstract—It is impossible to think about democracy without elections. The litmus test of any electoral process in any country is the possibility of a one time minority to become a majority at another time and a peaceful transition of power. In many countries in Sub-Saharan Africa though the multi-party elections appeared to be competitive they failed the acid test of democracy: peaceful regime change in a free and fair election. Failure to solve electoral disputes might lead to bloody electoral conflicts as witnessed in many emerging democracies in Africa.

The aim of this paper is to investigate electoral conflicts in Africa since the end of the Cold War by using the 2005 post-election violence in Ethiopia as a case study. In Ethiopia, the coming to power of the EPRDF in 1991 marked the fall of the *Derg* dictatorial military government and the beginning of a multi-party democracy. The country held multi-party parliamentary elections in 1995, 2000, and 2005 where the ruling EPRDF party “won” the elections through violence, involving intimidation, manipulation, detentions of political opponents, torture, and political assassinations. The 2005 electoral violence was the worst electoral violence in the country’s political history that led to the death of 193 protestors and the imprisonment of more than 40, 000 people. It is found out that the major causes of the 2005 Ethiopian election were the defeat of the ruling party in the election and its attempt to reverse the poll results by force; the Opposition’s lack of decisive leadership; the absence of independent courts and independent electoral management body; and the ruling party’s direct control over the army and police.

Keywords—Africa, Ethiopia, Election, Electoral violence, NEBE.

I. INTRODUCTION

ONE of the most significant ways people can participate in decisions that affect their lives and hold their elected representatives responsible for results are elections [1, p.2].

According to Deegan [2], between 1989 and 1994 almost 100 elections took place in Africa. In the 1990s alone, as Eid [3, p.2] disclosed, 42 African countries made democratic reforms and held elections. In democracy, elections have three major functions: First, they serve as a means for people to choose their representatives. This can be exercised by electing their representatives to a legislative or an executive office (e.g. Presidency). Second, they are a means of choosing governments. Third, they give legitimacy to the political system [4, p.12].

In many countries, democracy comes at a high price. Hundreds of people lose their lives each year due to competitive elections [5, p.2]. In democratic countries, election-related violence is considered as “*extraordinary and scandalous in a system that is supposed to be, by definition, non violent*” [6, p.1]. Various scholars have attempted to define electoral violence. Laakso [7, pp.224-252] defines it as “*an act motivated by an attempt to affect the results of the elections-either by manipulating the electoral procedures and participation or by contesting the legitimacy of the results.*” For Sisk [8, pp.5-6] election-related violence are “*acts or threats of coercion, intimidation, or physical harm perpetrated to affect an electoral process or that arises in the context of electoral competition.*” Fisher [9, p.4] defines electoral violence “*as any random or organized act or threat to intimidate, physically harm, blackmail, or abuse a political stakeholder in seeking to determine, delay, or to otherwise influence an electoral process.*”

According to Gloor [10, p.293], in post-war societies where democracies are young and fragile the chance for the occurrence of electoral dispute is very high. Electoral disputes could also occur in developed or consolidated democracies such as the United States as witnessed in 2000 where the Democratic candidate Al Gore and the Republican candidate George Bush disputed the election results. However, in such countries the electoral disputes are solved constitutionally through the legal institutions.¹ On the other hand, in emerging democracies, electoral disputes mostly lead to electoral violence since election management bodies, courts, law enforcement organs, army and police are not politically neutral. For scholars like Fischer [9, p.8], Laakso [7, pp.224-252], and Rapport and Weinberg [11] the overall objective of electoral violence is to influence the electoral process. Electoral violence may involve harassment, assault, intimidation, rioting, property destruction, looting, etc. [12, p.5].

Since the late 1980s electoral conflicts have taken place in many emerging democracies [9], [11], [13]—[21]. In order to conduct a free and fair election, a country needs well-founded infrastructure that includes free courts and legal system, a well-functioning bureaucracy, credible state apparatus and corruption-free environment [22, p.4]. According to Horowitz [19], [23]—[27], the design of electoral systems can trigger,

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¹ For Petit [202, p.5] “*election disputes are inherent to elections*”. Therefore, “*challenging an election, its conduct or its results, shouldnot*

prevent or solve conflicts. Kalandadze and Orenstein [28, p.10] have divided the electoral protests in emerging democracies in the post Cold War period into three general categories:

—Repressed cases (e.g. Serbia 1996-1997; Armenia 1996, 2003; Azerbaijan 2000, 2003, 2005; Ethiopia 2005; Togo 2005; and Belarus 2001, 2004, 2006);

—Successful cases which demonstrated some progress towards democratization (e.g. Serbia 2000; Ukraine 2004; Georgia 2003; Kyrgyzstan 2005) and,

—Successful cases which demonstrated no clear progress towards democratization.

In the multi-party elections that took place in Africa since 1991, electoral conflicts have become increasingly common. In Mozambique [10], Ethiopia [29]—[31, pp.119-137], [32, pp.80-95], [33, pp.84-112], Togo [34], Tanzania [35], Kenya [7, pp.224-252], Zimbabwe [36]—[38] etc, the elections were marred by disputes and violence. After conducting a comprehensive survey involving 87 presidential and 116 parliamentary elections in Africa, Lindberg [39], [40] disclosed that 80% of the multi-party elections in the continent were marred by electoral violence. The intriguing point in this survey is the fact that even the elections that were declared “free and fair” by election observers were as bloody as those elections that were rejected by the election observers. Earlier research by Pastor [41] had also revealed similar findings.

In the first (1992) and second (1997) multi-party elections in Kenya, there were electoral conflicts. In both elections, the ruling party, KANU (Kenya African National Union) won. In the third multi-party election (i.e. December 2002), the opposition umbrella called the NARC (National Rainbow Coalition) led by Mwili Kibaki won in a relatively peaceful manner [7, p. 2]. The 2007 election, however, was the bloodiest multi-party election in the history of Kenya, which ignited ethnic conflicts mainly between the Kikuyu and the Luo and led to the death of many people. In Zanzibar, in the first 1995 multi-party election, the opposition CUF party (Civic United Front, i.e. “Chama Cha Wananchi”) refused to accept the election victory of the ruling CCM (Chama Cha Mapinduzi), leading the nation into an electoral conflict [35, p.163]. According to the report of FES & CCR [298], the major causes of electoral and political violence in East Africa are: the perceived or real lack of neutral election management bodies, political greed, political repression, incitement, and poverty. The most common types of political and electoral violence in east Africa include abduction and kidnapping, assault, violent disruption of political meetings and rallies, murder attempts, murder, hooliganism, torture, arson, death threats and threats to violence. In the 1999 Mozambique election, more than hundred people died when supporters of the RENAMO (*Resistência Nacional Moçambicana*)

candidate, Afonso Dhlakama, demonstrated against the declared election winner, Joaquim Chissano, the leader of FRELIMO (*Frente de Libertação de Moçambique*) [10, p.284]. In the presidential election held in Togo in April 2005, about 700 people were killed and about 40,000 fled to the neighboring countries [34, p.2]. In the 1992 election in Angola, Jonas Savimbi, the leader of opposition party of the UNITA (*União Nacional para a Independência Total de Angola*) refused to recognize the election victory of the MPLA (*Movimento Popular de Libertação de Angola*) leader, Eduardo dos Santos. The electoral dispute led them to a bloody war [10, p.283].

II. ELECTORAL CONFLICTS IN ETHIOPIA SINCE 1991

Sisk [8, p.3] categorizes Ethiopia, Burundi, Guyana, Haiti, Kenya, Sri Lanka, and Zimbabwe as countries where electoral processes have been chronically violent ridden. According to Ibrahim [42, p.2], in countries like Cameroon, Democratic Republic of the Congo, Ethiopia, Gambia, Gabon, Kenya, Liberia, Niger, Nigeria, Sierra Leone, Togo, Zimbabwe “*some elections have been so compromised that they have created the basis for major national political crises.*”

2.1. ETHIOPIA'S POLITICAL AND ELECTORAL SYSTEMS

The occupation of Addis Ababa on May 28, 1991, by the TPLF-EPRDF militia marked the end of the *Derg* government (1974-1991). In July 1991, a National Conference of Peace and Reconciliation was held in Addis Ababa. In this conference, selected individuals and 27 political organizations (mainly ethnic-based) discussed the details of the transitional period, and the establishment of a transitional government [43, p.7]. The conference adopted a Transitional Charter (Constitution); established a “Transitional Government of Ethiopia” (TGE); and a transitional legislative council (parliament) known as the Council of Representatives (COR). The COR was composed of 87 seats, which were allocated to the various political organizations [29]. The EPRDF-led transitional government adopted a federal structure which was largely based on language and ethnic lines. The transitional government came to an end in 1994 when a new Constitution was adopted that officially established a federal government. Article 1 of the 1994 Ethiopian Constitution says, “*This constitution establishes a federal and democratic state structure.*” According to the Constitution, the duties and responsibilities of the federal government include: foreign relations, national defense, inter-state commerce, currency, immigration, communication, and inter-state water resources. The duties and responsibilities of the regional states include: draft regional constitutions; administer land and other natural resources; levy taxes and duties on revenue sources reserved for the states; enact civil service laws; and establish state police. The Constitution stipulated the creation of a federal parliament with two Chambers: The House of Peoples’ Representatives (Lower House), and The House of Federation (Upper House) [44, p.20]. The House of Peoples’

be perceived as a reflection of weakness in the system, but as proof of the strength, vitality, and oppress of the political system.”

Representatives (HPR) is the highest authority of the federal government and members of the HPR are elected for five-year terms on the basis of universal suffrage by direct elections.² The Prime Minister is elected from among the members of HPR by the party that holds the majority seat in the parliament. The House of Peoples' Representatives has 550 seats [44, p. 20]. The House of Federation (HF) has 110-seat and is composed of representatives of "nations, nationalities and peoples." Each "nation, nationality or people" are represented by at least one member, and each nation or nationality is represented by one additional representative per each one million of its population [44, p.20]. Members of the House of Federation are chosen by their respective regional councils. The HPR and the HF combine to choose the President who is also the Head of State. The President has honorary and ceremonial powers and serves a six-year term. The Constitution also provides for the formation the Federal Democratic Republic of Ethiopia, comprising nine states (regions). Each state has its own regional parliament (Article 47(1)). The boundaries of the regions are determined based on the criteria of settlement pattern, language, identity and consent of the people concerned (Article 46(2)). According to Dessalegn and Meheret [44, p.20], *"One-party executive dominance is a typical feature of the Ethiopian government and this has meant a weak system of checks and balances among the three organs of government."*

2.2. ELECTORAL VIOLENCE IN ETHIOPIA PRIOR TO THE 2005 ELECTION

The first electoral violence after the coming to power of the EPRDF took place in the 1992 regional and local (*Wereda*) elections. The conflict led to the withdrawal of important political parties such as the OLF³ (Oromo Liberation Front) from the transitional government and the Council of Representatives. The OLF boycotted the election accusing the EPRDF of harassing its members and supporters, in the election campaign process and blocking its access to the state-media [44, p.21], [46], [47, p.6]. According to NDIA and AAI [48, p. 3], the June 21, 1992 election failed to achieve its promised objectives. Moreover, the election was not competitive. Almost all the nascent political organizations did not effectively compete against the EPRDF. *"This stark imbalance left opposition parties vulnerable to EPRDF manipulation, and contributed to the charges and countercharges of intimidation, violence, fraud, detention and administrative malpractice"* [48, p.3]. The departure of these opposition parties opened the way for the EPRDF candidates

to be elected without any competition. Therefore, out of the elected 1,147 regional assembly members, 1,108 or 96.6% were from the EPRDF [48, p.3-4]. Moreover, the 1992 election failed to solve the ethnic problems in the country, particularly in the South [48, pp.3-4]. The OLF, one of the most important ethnic political organizations, not only boycotted the election, but withdrew its fighters from their camps by abrogating its encampment accord with the EPRDF. For some time it was feared that the electoral conflict would lead the country in to another civil war. In the military skirmish that followed, the EPRDF army disarmed the OLF fighters and detained them in camps [48, pp.3-4]. According to Theodore Vestel, who was one of the international observers in the 1992 district and regional elections, the National Election Commission (NEC) systematically put the opposition party contenders and the general public in an information blackout (until the deadline approaches) to neutralize the potential of the opposition contenders so that they would not challenge the EPRDF. Moreover, although the EPRDF-led government established a 21 member Election Review Board in 1992 to redress the election irregularities, the review board failed to make the necessary corrections⁴ [49].

In 1995, the first multi-party parliamentary election for the federal and regional parliaments was held. One of the major weaknesses observed in these federal and regional elections, according to Desalegn and Meheret [44, p.23], was that many opposition and independent candidates boycotted the election making the elections uncompetitive⁵. The opposition parties boycotted the election protesting against the undemocratic practices of the ruling party. Their withdrawal paved a way for a sweeping victory of the EPRDF and its satellite parties [44, p.23], [50]. The opposition parties withdrew from the election, as Joireman and Szayna [51, p.197] claimed, to withhold legitimacy from the EPRDF government; to protest restrictions on the Oppositions' access to the print and television media; and to protest the repression that some opposition parties faced particularly in the remote areas of the country.⁶ The absence of a strong and united opposition and the lack of adequate civic education were the major shortcomings of the election process [51]. In the election, the EPRDF won a landslide victory: It captured 483 of the 537 seats in the Council of Peoples' Representatives. Merera [52, p.135] notes that the EPRDF won 90.1% of the seats in the election. The TPLF-EPRDF won all the seats in the Tigray state assembly and all the state's seats in the Council of Peoples' Representatives. Moreover, all the 92 local assembly seats in the Addis Ababa city administration were won by the EPRDF. The only large opposition party that participated in

² The Ethiopian electoral system is First Past the Post (FPTP) [52].

³ The other opposition parties that withdrew from the elections on June 17, 1992 were: AAPO (All Amhara People's Organization); EDAG (The Ethiopian Democratic Action Group); IFLO (The Islamic Front for the Liberation of Oromia), and the GDPO (the Gideo People's Democratic Organization). According to Merera [52, p.125], three main factors have contributed for the withdrawal of the OLF from the Transitional Government: the harassment and persecution the OLF suffered by the ruling party; failure of the OLF leadership to moderate its demands; and the OLF's overestimation of its military strength.

⁴ Though the members of the Election Review Board were declared to be members of NGOs and civic groups, in reality, they were EPRDF supporters [49].

⁵ Four of the seven national parties withdrew from the election [296]. Regional parties such as the ONLF (Ogaden National Liberation Front) also withdrew from the election. Since then, the ONLF has continued armed resistance in the Somali region of Ethiopia.

⁶ In this election, there had been many allegations of intimidation, voting irregularities and imprisonment of Opposition members.

the 1995 election, the Ethiopian National Democratic Movement (ENDM), contested for 80 seats but failed even to win a single seat [210].

In the 2nd multi-party national election that was held in 2000, none of the major legal opposition parties boycotted the election.⁷ For the first time since the coming to power of the EPRDF government many opposition parties participated in the election [43, p.8]. In this election, the EPRDF and its junior allies won the majority vote- in fact, they won more than 90% of the seats in the federal parliament: the EPRDF won 520 seats in the 547 seat federal parliament. Opposition parties managed to win only 13 seats both in the federal and regional parliaments [53]. According to Merera [52, p. 135], opposition parties, namely the AAPO (All Amhara People Organization), CAFPDE (Council of Alternative Forces for Peace and Democracy), EDP (Ethiopian Democratic Party), ONC (Oromo National Congress) and the SEPDC (Southern Ethiopia Peoples' Democratic Coalition) were able to win only 13 seats.

III. THE 2005 ELECTION AND ELECTORAL CONFLICTS

3.1. BACKGROUND

In May 2005, Ethiopia held the third multi-party national election, which was "the most genuinely competitive election the country has experienced" [54], [55]. Though the pre-election and the Voting Day were remarkably peaceful, the post-election was marred by electoral violence that led to the death of more than 193 people⁸ and the detention of more than 40, 000 people. In the following sections, I will present a detailed account of the events that led to the bloodiest electoral violence in the history of Ethiopia.

On Sunday evening (i.e. 15 May 2005), just hours after the polls were closed, Prime Minister Meles Zenawi declared a one-month⁹ ban on all demonstrations and protests in Addis

Ababa. Effective from Monday, May 16, 2005, he banned all demonstrations in Addis Ababa and put the police force under his command, most probably "fearing the action of the opposition parties"¹⁰ [56], [57]. Then the ruling party claimed victory by making its own projections: on May 16 [58], [59] it released the first official statement claiming election victory¹¹ and on May 23 [60] it released another public statement confirming its victory. The ruling party declared that it won in Tigray, Amhara, Oromia and SNNP regions [61]. Immediately after the ruling party released its first victory statement, opposition parties issued counter claims and announced election victory [62] [63]. For instance, Berhanu Nega, one of the leading figures of the CUD, said, "*The trend so far clearly indicates that the CUD will emerge as the winner with sufficient seats to form a government*" [64]. The EPRDF's victory claim just only a day after the polls were closed and the opposition's counter claim drew criticisms from the international election observers¹² [58]. The EU election observation team (EU-EOM) criticized the ruling party [58] and the opposition parties for their premature victory claims. Anna Gomes, head of the EU Observer Mission in Ethiopia, said: "*the EU election observation mission thinks that these announcements are not proper*" [58], [64], [65]. On the other hand, the NEBE (National Electoral Board of Ethiopia) did not object these premature victory claims by the ruling party and the Opposition. According to the NEBE official, Getahun Amogne, "*Parties have the right to say 'we have won this and we have lost that', but it has to be verified*" [65].¹³ The NEBE

¹⁰ This particular measure of Meles Zenawi had been very controversial. According to critics, the ban was unconstitutional. Opposition parties and Western donors had condemned this measure. In private discussions with the foreign diplomats, the Prime Minister disclosed that the ban was necessary to avoid the possibility of hard liners from his own party attacking the Opposition [99, pp.363-364]. On the other hand, critics argued that the Prime Minister took this action in order to sabotage the vote counting process and manipulate the results. According to Wachter [297], "*.....As it became clear that the ruling party was in danger of losing power, the government stopped the vote counting and moved to manipulate the results*". The major opposition party, the CUD had attempted to challenge the Prime Minister in court, but in vain [93].

¹¹ According to one of the EPRDF officials, Bereket Simon, "*The ruling party has secured its majority in the parliament, so, in general, the Opposition, all in all, does not have more than 180 seats*" [216]. He also claimed that the ruling party won more than 300 seats [216]. Bereket Simon declared, "*These results have confirmed once again that the EPRDF has a clean win, both in the federal parliament and the regional parliaments.....*" [217].

¹² The EPRDF and the Opposition claimed the control of the federal and regional parliament based on projections from the tallies drawn up by party monitors at individual polling stations where results had been already posted [215].

¹³ The failure of the NEBE to stop these pre-mature victory claims had fuelled the political tension in the country in the post-election period. It was alleged that due to its pro-EPRDF stand, the NEBE was not in a position to stop the victory claim of the ruling EPRDF party that started a political propaganda by claiming electoral victory to encourage its members and supporters who were stunned and dismayed by the electoral loss of the high government and party officials. Some of the top EPRDF officials who lost their seats, according to BBC [218], include: (1) Arkebe Okubay (Mayor of Addis Ababa) (2) Hilawe Yoseph (Deputy Mayor of Addis Ababa) (3) Genet Zewdie (Minister of Education) (4) Tefera Walwa (Minister of Capacity Building) (5) Getachew Belay (Minister of Revenue). Moreover, other top EPRDF officials such as Abadulla Gameda (Minister of Defence), Junedin

⁷ To be honest, some of them did not have other alternatives. The country's election regulation (i.e. political parties' registration) did not allow legally registered political parties to skip two consequent elections. For instance, the All-Amhara People's Organization (AAPPO) decided to participate in the 2000 election simply because it could lose its legal recognition if it did not participate in the election. Though the opposition parties were not able to boycott the elections due to legal matters, they had condemned the EPRDF's government for harassing, intimidating and detaining their members and followers during the election campaigns [211], [294]. They also complained that they were not given sufficient time to organize their election campaigns and reach out their supporters in rural areas since they got official recognition from the NEBE (National Electoral Board of Ethiopia) very late [212].

⁸ The death toll is highly controversial. Though the government-designated Inquiry Commission reported a total number of 193 deaths, as I stated elsewhere in this paper, it is highly likely that the commission underreported the total number of deaths. Moreover, Woldemichael Meshesha, the then vice president of the Inquiry Commission, disclosed (after fleeing from the country) that the death toll could well have been higher [213]. According to him, the "figure could be higher because many people were too afraid to speak out" [182]. Moreover, most of the time, governments in many countries deliberately underreport the total number of deaths in election-related conflicts. For instance, in a preliminary analysis of all elections in 2001 conducted by the International Foundation for Election Systems (IFES), the total number of deaths in connection to election in that year was only 300 [9].

⁹ Later on the ban was extended for one more month [214].

argued that “*there is no legislation that stops parties from claiming they have won seats*” [66].

3.2. ACCUSATIONS AND COUNTER ACCUSATIONS OF FRAUD

Although the ruling party and the Opposition accused each other of electoral fraud¹⁴ both in the pre-election period [67], [68] and to a certain extent, in the Voting Day¹⁵, the accusation and counter accusations between the two camps reached its peak in the post-election. The opposition parties accused the government of trying to steal the votes through ballot rigging. For instance, Beyene Petros of the UEDF (United Ethiopia Democratic Front) gave a warning that “grave consequences” would follow if the election results did not reflect the will of the voters [69]. They also threatened to boycott the parliament unless the election frauds were properly investigated jointly by a body that composes representatives of opposition parties, the EPRDF, the NEBE, and international observers [70], [71]. On the other hand, the ruling party accused the opposition parties of photo copying ballot papers for multiple uses, stuffing ballot boxes, and stopping women from voting in two regions [69].¹⁶

3.3. PROVISIONAL ELECTION RESULTS

It was in the midst of these accusations and counter-accusations the NEBE started to trickle the provisional election results. The NEBE began to release the provisional election results¹⁷ as early as 21 May 2005 in constituency level [114] though it was vehemently rejected by the

Opposition¹⁸ [72] and to the surprise of the voters the results showed the early lead of the ruling party [300], [299]. As SABC News [73] reported, the NEBE announced that the EPRDF had won 292 seats and its allied parties won 19 seats for the federal parliament. According to NEBE’s provisional election results, which were released in the first week of June 2005, the ruling party and its allies got 320 seats in the parliament sufficient to form the next government [74].

3.4. THE JUNE 2005 ELECTORAL VIOLENCE AND ITS REPERCUSSIONS

Immediately after the provisional results were released, university students in Addis Ababa started the first major protest against the alleged vote rigging in the polls by the ruling party and defied the demonstration ban of the government [75], [76]. They started the protest on Monday, June 6, 2005, inside the university campuses. On Tuesday (i.e. June 7, 2005) other students’ protests were reported in various regional towns like Bahr Dar, Awassa, Gondar and Jimma – areas that were not under the demonstration ban. According to the Police, the students of the Addis Ababa University were agitated by the CUD¹⁹, particularly the AEUP (All Ethiopian Unity Party) on Sunday, 5 June 2005 [77].²⁰ The Police said

¹⁸ One of the main Opposition leaders, Berhanu Nega, said “*we can not accept results in areas that are still contested....our lawyers are already preparing our case...The evidence of abuse is simply overwhelming, and there is no way the results can be announced in those seats....We are preparing a court injunction to prevent the election board announcing results in those contested seats until all avenues have been explored and investigations complete*” [224], [217]. Another opposition leader, Beyene Petros (UEDF), also said “*some seats the EPRDF has claimed are contested by us....We won’t accept these results until we have a legal ruling on them*” [224], [217].

¹⁹ The CUD was composed of four parties: the All Ethiopian Unity Party (AEUP), the Ethiopian Democratic Unity Party-Medhin (EDUP-Medhin), the Ethiopian Democratic League (EDL), and the Rainbow Movement for Social Justice (Rainbow).

²⁰ According to the Police, before dawn (i.e. Monday, 6 June 2005), some AAU students (at *Sidist Kilo* campus) walked out of their dormitories and disturbed other students in the university campus. Then, in the morning, these “few students” blocked the main entrances of the University and forcefully stopped the employees of the University from entering their offices. They also blocked other students from entering their classes, and chanted slogans “they received from the opposition parties”. The Police blamed the CUD for this conflict [225] and for having a meeting with some of the University students on Sunday, 5 June 2005, (i.e. one day before the eruption of the violence) at AEUP-CUD office attended by CUD officials such as Abayneh Berhanu, Mamush Eshete and Mesfin Aman. In these meetings, according to the Police, the CUD officials agitated the students by accusing the EPRDF and the NEBE of fraud [226].

The CUD was quick to refute the allegations. Berhanu Nega, a top CUD official said “*this violence is intended to terrorize the public. This is a clear strategy to destroy the opposition....*” [123], [227]. He further said, “*Our sense is that the government is deliberately targeting us and fomenting violence to stop the electoral process and then blaming it on the opposition....We have been saying all along that the public must be calm and patient and wait for the outcome of the investigations into the election*” [80]. Similarly, another CUD official, Debebe Eshetu, emphatically denied CUD’s involvement in the riots. He said, “*We’ve been pleading with the public not to go on the streets and strike. We’ve been accused wrongly. We’ve been used as a scapegoat for this*” [94], [81]. The CUD argued that the protests were spontaneous actions from the people [197], [228]. The cause of the violence, according to the opposition parties, was the attempt of the Police to arrest students on Sunday night who had been peacefully demonstrating in the Addis Ababa University campus against the ruling party’s election fraud [99, pp. 378-379]. When the Police tried to physically harass and detain the students,

Sado (President of Oromia regional state), Dawit Yoannes (speaker of parliament), Girma Birru (Trade and Industry Minister) and Bereket Simon (Information Minister and executive member of the EPRDF) were also defeated [99, p.385], [219], [312]. For the ruling party, this dramatic and unexpected electoral success of the Opposition was caused by a “protest vote” against poverty and unemployment especially in Addis Ababa [220]. Alarmed by such shocking defeat the EPRDF government immediately decided to stop the vote counting and chased away the observers of the opposition parties from the polling stations. These meant, starting from Sunday night (i.e. May 15, 2005) the “victory” of the ruling party was a foregone conclusion. The whole process after Sunday night was the drama of the EPRDF that involved rigging of the election, persecution of the Opposition candidates, blocking Oppositions’ media access, full propaganda campaigns against the Opposition in the state controlled media, harassing the independent media and civil society, and so on. To give a legal cover for all its illegal activities the government used the NEBE and the kangaroo courts.

¹⁴ Lehoucq [17, p.223] defines electoral fraud as “clandestine efforts to shape election results.” It encompasses activities like ballot rigging, vote buying, and disruption of the registration process.

¹⁵ For instance, even on the Voting Day the leader of the CUD, Hailu Shawel, had called for his party to reject the results due to massive irregularities [221], [222]. “*There is very, very high possibility for my party to reject the results,*” said Hailu Shawel [56]. Beyene Petros, the leader of another opposition coalition, UEDF, also complained of voting irregularities in the rural areas except Addis Ababa [56].

¹⁶ Bereket Simon, one of the top officials of the ruling party, said “*the conventional wisdom is that the state or ruling party cheats. Now we have found that it is otherwiseWe have ample evidence that the opposition party has rigged the election*” [69].

¹⁷ According to the Carter Center [223], “*With both the ruling party and opposition parties claiming victory, it became important for the NEBE to release provisional results as they were available.*”

that around 370 university students were detained from Addis Ababa University campuses [78]. In protest to the alleged fraud, around 15,000 taxi and minibus drivers also held strikes²¹ starting from Wednesday, June 8, 2005 and paralyzed the city.²² The strikers protested over the provisional results that made the ruling party, EPRDF, the winner of the election [76], [79]. The protestors stoned the extra buses the government assigned to ease the transportation problem. The police and the security forces responded by firing live bullets that left many dead²³ [79]. The riots led to the closure of many

stiff resistance by the students ensued, which later on joined by construction workers and other passer-bys [229].

²¹ Earlier, anonymous leaflets that called for a strike were distributed in Addis Ababa [230], [99, p.379], [100, p.88]. Contrary to the wild speculations, opposition parties were not behind this call for a strike [231]. Though Hailu Shawel, the chairman of the CUD, claimed that his party held internal discussions and had been contemplating to hold peaceful means of protest involving prayer vigils, peaceful public demonstrations and stay-at-home strikes [61], Berhanu Nega [99, p. 378] argued that the Opposition did not have any plan to call for a general strike before the final election results were released by the NEBE and all the legal procedures and diplomatic efforts were exhausted. He also argued that it was not the right time for the Opposition to call for a strike and there was general understanding among the Opposition that the government would use it as a pretext to take a violent measure against the Opposition, and their supporters [99, p.380]. The logical question here is: If the Opposition did not call for a strike, which group did it? Berhanu [99, p.379] claimed that perhaps the secret agents of the government distributed the leaflets to accuse and make the opposition responsible for any incident afterwards. On the other hand, it is highly likely that certain unknown groups decided to take the matter in their hands due to the failure of the opposition parties to give the necessary leadership the situation required [99, p.378], [100, pp. 86-87]. In any case, it is beyond doubt that the Opposition was not ready to give effective leadership in the post-election crises. To be honest, the situation in the post-election period took by surprise not only the ruling party but also the Opposition. As Tamrat G. Giorgis, the editor of Fortune newspaper [262] said, the ruling party was not ready for a defeat and the opposition parties were not ready to for victory. Due to lack of experience the Opposition was unable to control, organize and lead the bulk of their supporters [99, p.379], [100, p.87]. It is also interesting to note that, according to Beyene Petros, the Opposition was highly intimidated by the sabre-rattling tactic of the government sometimes it was difficult to find even a single courageous Opposition leader to read even party declarations in front of TV cameras [232].

²² In order to understand why the taxi drivers immediately held a strike and joined the students, we have to examine the previous events that precipitated the riots. In the biggest demonstration opposition parties held one week before the May 15 election, many taxis and mini buses had showed their support to the opposition parties, particularly to the CUD, by sticking posters denoting the two fingers victory sign of the CUD on their cars. This open support to the CUD had infuriated the ruling party, as observed from the anger-motivated warnings of the Mayor of Addis Ababa, a leading official of the EPRDF. The Mayor warned taxi and mini bus owners to control their employees so that they would refrain themselves from using their cars for "destructive purposes."

However, in an interview with The Reporter, a local newspaper, some taxi drivers opposed the warnings of the mayor pointing out that they did not join destructive forces, but supported a party, which would bring bright future for them and their country. A certain interviewee, for instance, as quoted by The Reporter, said "*I have the constitutional right to stick election campaign poster and CUD's victory sign 'V' on my mini bus*". Another interviewee told The Reporter, "*EPRDF had requested the Addis Ababa Roads Authority to allow it to post election campaign posters on taxis during its rally held last Saturday.*" The Reporter newspaper also quoted another interviewee: "*Unfortunately, due to its failure to win citizen's hearts like the CUD, EPRDF had become aggressive to abuse our rights. We will secure our freedom by electing CUD in a peaceful and democratic manner. We are very sorry with the EPRDF.*" [233].

²³ The election violence and the brutal killings had shocked many people in the country. For instance, Prof. Bahru Zewde, the noted historian, said "we

businesses and to the house arrest of Hailu Shawel and Lideu Ayalew [80], [81], the two top leaders of the CUD. The other opposition leader, Berhanu Nega, was barred at the Bole airport from leaving the country for fund-raising events in Europe [81], [82]. Earlier, Meles Zenawi had threatened to detain opposition leaders without any question and bar them from leaving the country "*if things get hotter*" [83]. In the June 6-8 election riots, at least 36 people were killed and many were detained. According to Bereket Simon, the Minister of Information, 3000 people were arrested in Addis Ababa alone. The violence and the killings also spread to various provinces, leading to more arrests and deaths. In Negele, a town 270 Kms south of Addis Ababa, a newly elected opposition MP (ONC-UEDF) was killed²⁴ [87].

3.5. THE NON-VIOLENCE PACT BETWEEN THE RULING PARTY AND THE OPPOSITION

On June 10, 2005 a non-violence pact was signed in the presence of the UN, EU and other foreign diplomats. For the first time after the eruption of the deadly election riots, the EPRDF and the opposition parties (CUD²⁵ and UEDF) held a talk partly due to the pressure of the donor countries, and signed a joint declaration of commitment²⁶ to legally and peacefully resolve the electoral disputes. In the June 10 declaration, the parties agreed: (1) To deal election complaints in accordance with the country's electoral law and procedures (2) To abide by the decisions of the National Electoral Board (NEBE) (3) To recognize the authorities of the NEBE and the courts concerning election-related cases and accept their decisions (4) To recognize and accept the power of the NEBE in reviewing election related complaints (5) To participate in the investigation of the election-related complaints where the NEBE and international observers would also participate [85], [86], [120].²⁷ They also agreed that the NEBE would

had thought we were over this kind of violence, it was very unexpected. After the last two months, when the country has been enjoying open discussions about elections, this is clearly a set back for all of us" [234], [235]. Ambassador Clarke, the head of the EU in Ethiopia had also voiced his concern. He called for the investigation of the incident and demanded that those who were responsible for the killings had to be prosecuted. He also asked Prime Minister Meles Zenawi to form an inquiry commission to investigate the killings of the demonstrators. See: [236].

²⁴ Six policemen were arrested as alleged killers of the legislator [238]. According to Bereket Simon, the Information Minister, "*The policemen who were involved in this incident are under investigation. If they are found guilty, they will be charged according to the law*" [214].

²⁵ The CUD was represented by Berhnanu Nega and Gizachew Shiferaw and the UEDF by Merera Gudina and Beyene Petros. The ruling party was represented by Bereket Simon.

²⁶ The architect of this agreement was Ambassador Timothy Clarke, the Head of the European Commission delegation to Ethiopia. He achieved this after making protracted and intense negotiations [81].

²⁷ All stake holders, in principle, had supported the peace pact. Hailu Shawel, the CUD leader, said "*we need to stop the violence and we need to get the legal investigations into the election complaints back on track*" [239]. For Bereket Simon, this inter-party meeting was "*an opportunity to restore order and maintain peace*" [239]. The chief of the EU-EOM, Ana Gomes, also said "*these commitments have to be accompanied by stopping the violence and the arrest and harassment of opposition parties. It is also very important that the opposition parties distance themselves from campaigns of ethnic hatred and calling for civil unrest*" [239].

investigate the 299 election complaints lodged by the parties [87]²⁸. Just immediately after signing the truce, another conflict broke out when the CUD chairman, Hailu Shawel, remarked (while being in a house arrest) that the two-page agreement was “*not worth the paper it is written on*” [301]. Moreover, the CUD argued that the signing of this pact was meaningless while everywhere its members were being killed and imprisoned. The CUD declared that it was not able to honor the non-violence pact, since it no longer had the resources to honor and implement the agreement.²⁹ Berhanu

The peace process was full of ups and downs. For instance, one of the stumbling blocks of this negotiation, according to the ruling party, was the CUD's preconditions which were: (1) The immediate release of citizens, students and its members and supporters from detention (2) The release of the top CUD leaders from house arrest (i.e. Hailu Shawel, and Lidetu Ayalew) (3) The stoppage of government surveillance measures against the CUD leadership (4) The establishment of an investigation commission to examine the bloody election clashes [85]. These preconditions, which were declared at the signing ceremony, were opposed not only by the ruling party but also by the EU [100, p.92], [99, pp.401-404]. Ambassador Clarke expressed his disappointment as follows: it was “*a shock to me and to the other parties....which left rather a bitter test in our mouth and rather destroyed the faith and confidence of the parties*” [85]. On the other hand, the CUD insisted that the preconditions were necessary for the future implementation of the declaration. Finally, due to the donors' pressure the CUD dropped its preconditions, paving a way for the signing ceremony. In its announcement the CUD said, “*In signing the declaration, the CUD nowhere put any reservations or conditions or equivocation to its adherence to the spirit and letter of declaration....The CUD regrets any misinterpretation as the signing ceremony and retracts any elements of its statement that may have given this impression....The CUD re-affirms that it will do everything in its powers to support the non-violent transition of society in Ethiopia to a society based up on respect for individual human rights and democratic values*” [240]. However, dissatisfied with the pledges of the CUD, Bereket Simon, EPRDF's representative, announced that “*they have missed the boat because during the signing they attached preconditions to the government. What they are saying does not go far enough. We would like them to announce that they attached preconditions and that was wrong....They shifted the blame to us by saying we have misinterpreted them, but they are just playing with words. They need to announce that it was their mistake and we have not misinterpreted them*” [238]. Bowing to the pressure of the donors, and the ruling party's saber rattling tactics the CUD surrendered to the ruling party's demands [100, p.93]. For further information see [113].

It is interesting to note that in blaming and cornering the CUD at that crucial moment the ruling party was not alone. In addition to the European Union, Beyene Petros, the leader of one of the big opposition parties, UEDF, also condemned the CUD [99, pp. 252-253]. This situation showed the crack of the CUD-UEDF alliance. In fact, in many African countries including Ethiopia, infightings and inter-party conflicts have been the major weaknesses of the opposition parties [241, pp. 1-15], [242, pp. 60-68] that made them vulnerable to the incumbents manipulations.

²⁸ Many critics have argued that the June 10 Pact was the first major capitulation of the opposition parties to the intimidation tactics of the ruling party, and the one-sided pressure of the donor countries. Though in principle, settling electoral disputes peacefully and respecting the decisions of the NEBE and the courts are expected from every legal political party, the absence of non-partisan electoral management body, independent courts, neutral army and the Police in the country made the non-violence pact meaningless. In democratic countries, where such institutions are neutral and independent, legally-registered political parties are expected to abide by the Constitutions and laws. However, in many emerging democracies including Ethiopia, the above mentioned institutions are controlled by the incumbents. In those countries, the participation of opposition parties in elections has no real significance and the incumbents' sole aim in allowing opposition parties to participate in the elections is for international consumption and to get legitimacy.

²⁹ Once again, Hailu Shawel, was put under strict house arrest as soon as the CUD hesitated for the implementation of the peace pact [81], [243]. This measure was taken particularly after the CUD refused to honor the non-

Nega declared: “*We have stated that we will abide by that agreement, but in order to implement it our members have to be released and our leadership allowed to move around, otherwise we can not function*” [87]. Soon, however, the CUD leadership found itself under heavy pressure and was forced by the donors to honor the non-violence pact. This intense diplomatic pressure compelled the CUD leaders to accept the non-violence pact unequivocally and implement it fully.³⁰

In addition to the June 10 Peace Pact, the shuttle diplomacy of Timothy Clarke bore fruit when he was able to arrange a face-to-face meeting between the leaders of the ruling party and the two major opposition parties. The meeting took place on July 28, 2005, at the Prime Minister's Office. The EPRDF leaders, Meles Zenawi and Bereket Simon held a face to face discussion with Dr. Beyene Petros (UEDF) and Dr. Berhanu Nega (CUD) in the presence of Timothy Clarke [88].³¹

In line with the June 10th non-violence pact, the NEBE and the political parties at the Joint Consultative Forum³² decided to settle the election irregularities by forming two bodies:³³ the Complaints Review Board (CRBs), and the Complaints Investigation Panels (CIPs).

3.6. THE COMPLAINTS REVIEW BOARD (CRB)

The CRB was established by the NEBE in consultation with the contending parties in the Joint Forum. The Joint Consultative Forum accepted the proposals of the CUD for the formation a body to investigate the election complaints independently [89] and to restrict the NEBE from releasing election results which were under investigation until they were fully investigated and properly settled ³⁴[246]. At first, the

violence agreement. “*Immediately after the rejection of the agreement, the government observed new activities from CUD aimed at inciting more violence....For this reason the government has denied CUD leaders the opportunity to communicate,*” Bereket Simon claimed [244], [82].

³⁰ Berhanu Nega declared, “*The CUD would like to once more unequivocally and without reservations declare that it accepts all the provisions of the declaration it signed on 10 June 2005. It further undertakes to implement forthwith the provisions of the agreement*” [240].

Satisfied by the CUD's retraction, the EU released a statement. The EU asked, “*All parties to abide by their commitments under the Declaration and to implement it immediately and in a spirit of co-operation and mutual respect, for the benefit of the Ethiopian people who voted with such faith and hope on May 15, 2005*” [238].

³¹ The aim of the meeting, according Bereket, was to conclude the previous discussion on the code of conduct for political parties in the use of the media. However, by using this opportunity, Meles Zenawi requested the CUD and UEDF officials to clarify (within few days) their stand concerning their recent declarations declining to accept the decision of the NEBE. It was reported that he requested them to clarify whether they would respect the constitutional order and other legal institutions of the country. According to Timothy Clarke, Meles promised to meet the Opposition officials in the future after he received their clarifications on these issues [245].

³² The Joint Forum was established in the pre-election period to facilitate election-related discussions among the political parties.

³³ The rules and procedures of both the CRB and the CIPs were developed by ERIS (Electoral Reform International Services) in consultation with the political parties [199].

³⁴ The Opposition forwarded the proposals to check the neutrality of the election board and the independence of the courts. Gizachew Shiferaw, a CUD official, said “*we want to test the efficiency and independence of what EPRDF calls democratic institutions such as NEBE and the Federal Supreme Court. The electoral process is going to proceed with such a legal manner, and our*

CUD advocated for the formation of an independent tripartite complaints investigation committee involving the representatives of the contending parties, the NEBE and the international observers [61]. However, the NEBE announced that in the complaints investigation process it would not allow contending parties to be members of the committee which would be set up in order to avoid any partisan interference.³⁵ Instead, according to Getahun Amogne, public relations head of the NEBE, the NEBE would request four senior judges to investigate the lodged complaints. After intense negotiations they reached at agreement on the duties, activities, and composition of the Complaints Review Board. The Complaints Review Board (CRB) was composed of the deputy chief executive of the NEBE, the acting registrar of political parties (in the NEBE), and qualified lawyers [90].³⁶ The major activities and responsibilities of the CRB were assessing whether each complaint had sufficient supporting evidence to show an election irregularity; and checking whether the irregularity had affected the election outcome.

Around 30 political parties filed a total of 466 complaints in 299 constituencies (roughly 60% of the constituencies)³⁷ [91], [168]. The CUD lodged complaints in 139 constituencies [92]; [70]; the ruling party lodged more than 50 complaints [70]; and the UEDF contested results from more in 79 constituencies [93]. All in all, the political parties lodged 61 types of complaints that include forcing people to vote for a particular party, armed intimidations, disappearances of ballot boxes, stuffing ballot boxes and the number of ballots exceeding the number of registered voters [94]. After reviewing the complaints in the 299 constituencies, the CRB rejected the complaints in 164 constituencies [91], and decided to recommend the complaints in only 135³⁸ constituencies to be investigated by the CIPs [95], [96], [199].

party would accept any result coming out of a fair and accurate investigation, even if it means losing for CUD” [247].

³⁵ This was one of the grave mistakes the opposition parties committed. The NEBE, which was always blamed by the opposition parties for siding with the ruling party, got a free hand in the CRB. It was perhaps from this perspective, one of the top leaders of the CUD, Lidetu Ayallew, blamed his colleagues for capitulation [100, p.95]. (Lidetu was in a house arrest when his party decided to accept the role of the NEBE officials in the CRB). According to Lidetu, his party accepted the role of the NEBE in the CRB not to disappoint the Western diplomats who were facilitating the negotiation between the ruling party and the Opposition. Berhnanu Nega's remorseful revelation [99, pp. 396-398] has also confirmed Lidetu Ayallew's assertion.

³⁶ Due to their suspicion that the NEBE would not be neutral, the CUD opposed the appointment of Tesfaye Mengesha and Mekonnen Wondimu (officials of the NEBE) as Chairs of the CRB, on the ground that the two individuals were pro-EPRDF, and did not have sufficient educational and legal qualifications [248]. On the other hand, UEDF's Vice Chairman, Beyene Petros, accepted the appointment of the two individuals to lead the CRB arguing that they would be assisted by the other members who have legal background: *“I do not think these two individuals could reject objections from various investigation team members. We believe that all of our complaints submitted to the board are sufficient evidence to achieve justice over EPRDF's erroneous vote rigging”*, he remarked [248]. Once again, the two opposition parties took opposite positions paving a way for the ruling party's victory.

³⁷ There were 524 Constituencies in the country in the 2005 election.

³⁸ Of which 69 were filed by the CUD, 31 by the UEDF, 13 by the ruling EPRDF, 6 by OFDM 1 by SHPDO.[314]

According to the NEBE, the sort out was done based on the validity of attached evidences [97]. In this manner, the CRB rejected most of the complaints lodged by the opposition parties on the grounds that the documents and evidences they provided were not adequate [98]. On the other hand, it accepted almost all complaints of the ruling party. According to Berhanu [99, p.417] and Lidetu [100, pp.94-95], by doing so it became clear that the NEBE completely favored the ruling party.

3.7. THE COMPLAINTS INVESTIGATION PANELS (CIPS)

In line with the June 10 pact, the NEBE established 26 [101] Complaints Investigation Panels (CIPs) in the first round, and 18 CIPs [102] in the second round to investigate the complaints in 135 constituencies. Each CIP had three voting members: one from the NEBE (Chair of the panel), one from the complaint lodging party, and the third one from the declared winner in the provisional result [101]. Non-voting international observers [103] were also included in some of the CIPs. If the complaint lodging parties were two or more parties, then the composition of CIPs would be: two members of the NEBE secretariat, representative of the alleged winner party, and representatives of the complaining parties. The responsibilities of CIPs include: (1) Determine the facts whether the alleged irregularities occurred or not (2) Examine witnesses or any other documentary evidence to determine the complaint is a fact or not (3) If necessary, visiting the constituency where alleged irregularity took place [90]. The decision was given on consensus, and when they failed to reach at a consensus decision, a majority vote would be binding [90].

Soon, however, controversies broke out between the ruling party and the opposition parties, and between the NEBE and the opposition parties. The opposition parties accused the government for sabotaging the investigation by restricting the movement of some opposition representatives in the CIPs. Then, Reuters [104] and BBC [302] released unconfirmed reports claiming the withdrawal of the CUD from the CIPs. According to the Reuters [104], Debebe Eshetu, CUD's spokesperson, disclosed the withdrawal of the CUD from the CIPs due to the harassment of its members. He was quoted as saying, *“There is no need for the CUD to be part of the team and it is withdrawing”* [105]. According to Debebe Eshetu, *“Houses of witnesses who testified in favor of CUD in Northern Ethiopia have been burnt down and the land of peasants has been confiscated by government officials”* [105]. However, the claims of the CUD's spokesman were rejected by Bereket Simon as *“a mere excuse for the opposition to shy away from the fact on the ground”* [106]. According to Bereket Simon, *“This should be seen as a crisis deliberately started by the CUD”* [302]. The NEBE also condemned the withdrawal of the CUD.³⁹

³⁹ Getahun Amogne, the spokesperson of the NEBE, said *“they have threatened to pull out from the investigation.....an unfortunate development for*

In a surprising turn of events, Dr. Hailu Araya, the spokesman of the CUD, refuted the reports of BBC and Reuters on CUD's withdrawal from the CIPs. He said, "*The EPRDF wants us to withdraw, but we want to stay in the process as long as possible so that we can compile an overwhelming amount of evidences for our case. So far, the CUD council didn't make any decision about withdrawing from the process*" [107]. In an interview with VOA, another CUD official, Gizachew Shiferaw, also denied plans to quit the CIPs [108]. Though the opposition denied their withdrawal, they complained that the CIPs favoured only the ruling party [109]. According to the CUD, the representatives of the EPRDF's and the NEBE in every CIP voted together against the CUD and UEDF representatives that always ended in 2:1 advantage to the EPRDF [107]. The NEBE responded by reiterating that it had investigated the election complaints in line with its mandate stipulated in the Constitution and the election law.⁴⁰

The head of the EU mission in Ethiopia, Timothy Clarke, also declared that the NEBE did well in the investigation of election complaints despite its constraints, and advised all political parties to work under the constitution of the country [110]. He also expressed his worry that refusing to work under the constitution would lead the country into a crisis.⁴¹ In his

the election process....The board has made it clear that if their representatives have any reservation or disagreement, they could register their difference in the team's minutes, which the board would review for its final decision" [105]. According to the NEBE, some CUD representatives in the Complaints Investigation Panels had withdrawn themselves. These include CUD's representatives in South Wollo, North Shoa and East Gojam Zones in Amhara region [302]. Berhanu [99, p.413] also admitted that many CUD observers withdrew from the CIPs disgusted by the ruling party's unfair activities.

⁴⁰ In its statement, the NEBE made clear that it carried out its activity not to please or displease the CUD and the UEDF. It also confirmed that it had a mandate to investigate election complaints, cancel results and order re-run elections. Moreover, it stressed that the NEBE is accountable to the Ethiopian people in general and to the House of People's Representatives in particular and not to the political parties [88]. According to its statement, its decision to investigate election complaints in the presence of the contending political parties and international observers had clearly demonstrated the independence and the neutrality of the NEBE. It declared that the complaints investigation process was successfully conducted in a short period of time by mobilizing its human and material resources, and with the massive support of the international observers. The NEBE also expressed its disappointment on the constant accusations of the CUD and the UEDF despite its tremendous efforts to solve the problems fairly [249]. Moreover, it requested the opposition parties to stop from defaming its name [250], [251]. The NEBE also announced its plan to file a charge against the CUD and the UEDF for defamation. According to the NEBE, it invited political parties and international observers to participate in the investigation of complaints due to its own free will, though it was entirely the Board's sole authority to do it alone [252]. It said, "*It is being forced to legally counter the destructive campaigns unleashed against it, as well as, the over all electoral process by some opposition parties in a manner that contravenes the code of conduct signed by all contesting political parties*" [253].

⁴¹ Berhanu Nega has attempted to explain why Western donors intended to overlook the incumbent's electoral fraud in Ethiopia. According to him, Western donors have a high regard to institutions like an election management body, courts, etc., thinking that such institutions are independent and neutral. It was from this ground they insisted that all parties should respect the Constitution and the country's laws [99, pp.388-389, 396-397]. Unfortunately, in many emerging democracies including Ethiopia, the election management bodies and the courts are either manned by the members of the ruling party or they are directly or indirectly controlled by the ruling party. Therefore, it

view, opposition parties must work in a constructive manner and take up their parliamentary seats [111]. The election complaints panels (CIPs), according to him, had international observers either from the Carter Centre, or the EU-EOM, or the African Union. Therefore, each and every panel had one international observer. However, he admitted that there were many cases where international observers were not able to monitor the election complaints investigation mainly due their small number [110].

To sum up, the manner in which the NEBE and the CIPs investigated the electoral complaints had greatly frustrated the Opposition. The results of the CIPs' investigation only served the ruling party [99, pp.416-417]. After investigating the complaints in the 135 constituencies, the NEBE decided to conduct re-run elections in some constituencies based on the CIPs investigation result. The opposition parties boycotted the re-run elections and the ruling party's candidates won (in a land slide) without any competition in all constituencies [99, p.418]. It is interesting to not that, as Lidetu [100, p.96] notes, what the CIPs did was offering another chance for the EPRDF candidates who lost the election in the first round⁴² The opposition parties rejected the re-run results and complained that in the constituencies where they applied for re-run, most of their applications were rejected on the ground of "insufficient evidences", while in constituencies where the EPRDF applied, a re-run was decided in its favor [112]. In their joint press statement, they said "*if the peoples' voice is to be respected and peace and stability are made to prevail, the contested constituencies must be re-examined by a neutral body or there should be a re-election in the 299 contested constituencies*" [131].

3.8. FINAL ELECTION RESULTS

Initially the final election result was scheduled to be released on June 8, 2005 [115], [116]; but it was re-scheduled for July 8, 2005 [117], [118]; and then to August 9, 2005 [119]. The NEBE gave various reasons for the delay of the final results. The earliest reasons were technical problems. According to the NEBE, some polling stations were found in very remote areas and it took very long time to reach constituency offices. Moreover, poor infrastructure and communication facilities and the need to get extra time to get the votes from higher learning institutions contributed for the delay [121], [122]. The other reason was the volume of the complaints it had to investigate [123], [124]. According to Mekonnen Wondimu of the NEBE, the delays were necessary because the NEBE needed time to investigate the election complaints⁴³ [118], [125].

would be naïve to expect fairness from such institutions (To understand how the ruling party manipulated the NEBE and the courts, see Wondwosen [84].

⁴² In this manner, almost all the top EPRDF officials including Bereket Simon, and Harka Haroyu (Justice Minister) who lost the first round of the election won the re-vote [184].

⁴³ Getahun Amogne, the spokesman of the NEBE also said, "*NEBE, having investigated the volume of complaints and realizing that it needs more time to investigate, has decided today to extend the result announcement day by one month that is until July 8..... In addition to the volume of the complaints, the*

On the other hand, according to critics, the delays had contributed for the anxiety, tension, and public upheavals. As voiced by Dessalegn Rahmato, the head of the Forum for Social Studies, an independent think-tank, *"Many people feel insecure because we don't know what the results will be and how the parties involved will react to it.... Now we don't know when the final results will be out, maybe sometime in September. We are not sure and this creates a lot of unease"* [126]. The delay had also led to a suspicion that the ruling party was engaged in rigging the election results [127]. The European Union's election observer's team had criticized the delays in light of the fact that on election night the provisional results were announced at many polling stations [71]. The EU election observers' team (EU-EOM) said the delays *"risk increasing the scope for manipulation and consequently putting in doubt public confidence in the process"* [71]. The EU-EOM released a statement criticizing the trickling of the results; the contending parties' conflicting claims of election victory; and the inaccessibility of the state media to the opposition parties. These conditions, according to the EU-EOM, had threatened the entire election process. The EU election team said, *"These practices, taken as a whole, are seriously undermining the transparency and fairness of the elections....."*⁴⁴ [71]. Furthermore, the EU⁴⁵ said it *"regrets the way in which the counting of the votes at the constituency level is being conducted, as well as the way in which the release of results is being handled by the electoral authorities, the government and the political parties especially the EPRDF"* [71].

The NEBE officials strongly defended NEBE's position. Getahun Amogne, the spokesman of the NEBE, said *"we have electoral officers in each constituency and they are responsible for that. We are in control"* [128]. Addressing

NEBE also considered the request by the opposition to extend the result announcement" [254]. To be honest, at first, both the ruling party and the Opposition were in favour of the postponement of the release of the final election results. For instance, Berhanu Nega (CUD) had requested the NEBE to extend the June 8 schedule due to the many unresolved complaints. The NEBE agreed to consider the requests and agreed to postpone it to July 8 [73].

⁴⁴ In addition to the EU-EOM many people were suspicious of the count process and this had fuelled the public anger. It was alleged that the delay was largely caused by the massive election fraud committed by the ruling party.

⁴⁵ On May 24, 2005, eight-page memo of the EU-EOM under the title "Situation Report" was leaked to the international media. The memo severely criticized the count process of the election and said, *"The EU-EOM, and probably the EU political authorities, will have to publicly denounce the situation"..... "Otherwise, the EU, jointly with ex-president Carter, will be held largely responsible for lack of transparency and assumed rigging of the elections"* [255]. The revelation of the memo pleased the opposition parties, which for long had been accusing the NEBE of favoring the ruling party. The damaging criticism in the memo was the one that says, *"The supreme electoral authority, NEBE, does not seem to be in control of the counting operation by the constituency electoral committee and limits itself to passively receiving the reports from a limited number of constituencies including the 23 from Addis Ababa"* [255]. According to the confidential report, *"Ten days after the polling day, the situation is of political uncertainty and informational chaos regarding the results of the election...."* [255]. The EU Confidential report also blamed Jimmy Carter for "his premature blessing of the elections and early positive assessment of the results". Furthermore, the EU report warned that unless there was a *"drastic reverse toward good democratic practice"* the EU election observation would publicly condemn the election counting process [255].

EU's worry about the very slow pace of vote counting, Kemal Bedri, Chairman of the NEBE, said that the vote counting procedure was slow due the high number of contending parties and the poor infrastructure in the country.⁴⁶ *"We have been investigating all of the complaints from the political parties, however frivolous and to do that takes time"..... "The fact that we have carried out these investigations should be seen as a credit and not tarnishing the image of the elections"*, he said [129].

On August 9, 2005, the final result was released [309]. The NEBE announced that the ruling party got a majority vote that would enable it to form a government for the next five years [119]. Therefore, the ruling party secured 296 seats, CUD 109, UEDF 52, OFDM 11 and other parties the remaining seats. The NEBE's announcement was based on the results of 492 constituencies.⁴⁷ After the re-runs were held, and the Somali State election was completed, the ruling party controlled 59% of the 547-seat in the parliament, opposition parties controlled 32% of the seats of which the CUD's share was 20% [130]. The rest was controlled by the so-called allied parties of the EPRDF.

In the election for regional parliaments, according to the NEBE, the ruling party won in Amhara, Tigray, SNNP and Oromiya States. The CUD won in Addis Ababa while the allied parties of the EPRDF such as the ANDP (Afar national Democratic Party) won in Afar, BGPDUF (Benishangul-Gumuz People's Democratic United Front) in Benishangul-Gumuz regional State, SPDP (Somali People's Democratic Party) in Somali Regional State, and GPDM (Gambella People's Democratic Movement) won in Gambella Regional State [134]. Opposition parties, particularly the CUD and the UEDF openly rejected the final election results declared by the NEBE. They said, *"It is disheartening that all our efforts in the review and investigation process have come to naught because the NEBE had throughout unabashedly taken the role of guaranteeing EPRDF's victory"* [132]. On the other hand, the EPRDF strongly claimed that it had won the election without committing any frauds, as it was investigated and confirmed by the NEBE. In an interview with CNN, Prime Minister Meles said, *"We have had such very transparent investigations in the presence of international observers"* [133]. Then the EPRDF proceeded to form four state governments (Amhara, SNNP, Oromia and Tigray), and the federal government [134].

⁴⁶ Responding to EU-EOM's criticisms, NEBE announced that it would properly scrutinize every polling result coming to the Board from each constituency. In light of this fact, according to the NEBE, there was no need to be skeptical of the Board's activity. Kemal Bedri indicated that at constituency level, in line with the Board's procedure, poll results consolidation was conducted in the presence of political party representatives, and observers who signed a note of confidence on the overall process. He further noted that in some constituencies, preliminary results were deliberately delayed in order to properly review complaints from candidates and political parties. [256]

⁴⁷ In this result, the NEBE did not include by-election results, the Somali state election results, and the 32 Constituencies where decision was given to conduct re-run elections [257].

TABLE 1 WINNER PARTIES OF STATE COUNCILS

| State | Total Seats | Party | Seats Won | Winner |
|------------------|-------------|--|-----------------------------|----------------------|
| Addis Ababa | 138 | 1. CUD 2. EPRDF | 137 1 | CUD |
| Afar | 87 | 1. ANDP 2. APDM | 84 3 | ANDP |
| Amhara | 294 | 1. ANDEM/EPRDF 2. CUD | 187 107 | ANDEM/EPRDF |
| Benshangul Gumuz | 99 | 1. BGPDUF 2. CUD 3. Independent 4. EBPDO | 85 11 2 1 | BGPDUF |
| Gambela | 82 | 1. GPDM 2. CUD | 81 1 | GPDM |
| Harari | 36 | 1. HNL 2. OPDO/EPRDF 3. CUD 4. UEDF | 18 14 3 1 | Coalition government |
| Oromia | 537 | 1. OPDO/EPRDF 2. UEDF 3. CUD 4. OFDM 5. GSAP | 387 105 33 10 2 | OPDO/EPRDF |
| SNNP | 348 | 1. SEPDM/EPRDF 2. CUD 3. UEDF 4. SMPDUO | 271 39 37 1 | SEPDM/EPRDF |
| Tigray | 152 | 1. TPLF/EPRDF | 152 | TPLF/EPRDF |
| Somali | 182 | 1. SPDP 2. WSDP 3. Independent | 170 1 11 | SPDP |

Table description: The table shows the election results for state councils as released by the NEBE. It includes the results of nine states and one city administration (i.e. Addis Ababa).

Source: NEBE (National Electoral Board of Ethiopia) [135]

3.9. THE NOVEMBER ELECTORAL VIOLENCE

3.9.1. BACKGROUND

The opposition parties vowed to challenge the NEBE and the ruling party largely in court⁴⁸, and through protests, strikes and the campaigns of civil disobedience [136]. Hailu Shawel, CUD chairman, told AFP: *"It is the most illegitimate process I have ever seen in my life, even in the beginning democracy, where the winner is declared the loser and the absolute loser is declared the winner..... It is not rigging as some call it, is simple burglary. Meles's government has lost the election and we are not going to accept the results declared by the National Electoral Board of Ethiopia"* [136]. The government responded by giving warning to the Opposition. Bereket said, *"As long as they don't try to undermine the judiciary, it is with in their constitutional right to do so.....Those who want to do otherwise had better refer to the constitution wisely before they make any move.....The constitution does not allow any act that will undermine any institution established by law and the constitution has no room for disobedience or similar activities as they are illegal"* [136].

⁴⁸The CUD had attempted to challenge the NEBE in court [308]. The OFDM had also filed charges against the NEBE. The Federal High Court ruled in favor of the OFDM and annulled the official result in four constituencies [258]. Later on, however, the Supreme Court overruled the decision of the Federal High Court and upheld the NEBE's declaration.

3.9.2. OPPOSITION PARTIES' PROPOSAL FOR A NATIONAL UNITY GOVERNMENT

The major opposition parties (i.e. CUD and UEDF) also renewed their proposal [259] to form a national unity government where cabinet posts and portfolios could be allocated to the two largest opposition parties and the ruling party in proportion to their seats in the federal parliament. They also declared that the unity government would establish an independent media commission and a new independent national election board [137]. Furthermore, they said that the unity government would have another assignment, i.e. the establishment of peace and reconciliation commission to finalize and close the legal problems in connection with the crimes committed by the Derg and the EPRDF over the last 30 years. In their proposal, they promised that there would be a genuine separation of power between the executive, judiciary, and the legislative branches of the unity government⁴⁹ [138].

In the proposal, the CUD and the UEDF claimed that the political crisis that engulfed the country could not be solved with the available instruments as it was seen by the failure of the CIPs to solve the election irregularities. The two opposition parties underscored that the CIPs failed to solve the election irregularities largely due to the NEBE's partisan stand. They also noted that the ruling party could not get legitimacy to rule the country and any attempt to do so would lead the country to a violent confrontation. They also declared that they would continue their struggle through demonstrations and other peaceful ways to make the political atmosphere very difficult for the ruling party. Therefore, in order to avoid such political uncertainty in the country, they proposed the founding of a National Unity Government⁵⁰ [99, pp. 426-430].

However, in its August 2005 meeting the Executive Committee of the ruling party rejected the proposal of the CUD and UEDF for the establishment of a "National Unity, Reconciliation and Transitional Government". The EPRDF rejected the proposal arguing that there was no need to form the "National Unity Government" since the election outcome had clearly shown the victory of the EPRDF. The Executive

⁴⁹ In fact, the opposition parties had been advocating for the establishment of a National Unity Government as early as May, particularly after the ruling party unilaterally announced its electoral victory on May 16, 2005. According to Beyene Petros, the EPRDF might not get sufficient seats to form a government and *"therefore there is a need to have a dialogue and talk on how to form a government of national unity"* [260]. The May 2005 call for a Unity government by the Opposition, however, was also criticized by BBC reporter in Addis Ababa, Mohammed Adow, as *"premature"* on the ground that the over all election results and the gain of the Opposition were not yet clearly known [260].

⁵⁰The formation of a coalition government was also advised by the donors' group. According to reports [313], Japanese Ambassador to Ethiopia, Koinjiro, was among 18 of his colleagues in donors group *"who dared to tell Prime Minister Meles Zenawi what many observers contemplate in private: the best way for Ethiopia is a government of coalition."* The idea was also advocated by even some pro-government newspapers like the Reporter which is run by ex- TPLF member [99, p.426]. The proposal of forming a coalition government involving various parties had also got support from prominent individuals like Haile Gebre Selassie, the legendary athlete [311].

Committee also rejected any possibility of further discussion with the opposition parties, particularly the CUD and UEDF until they would openly declare that they would accept the decision of the Electoral Board, respect the Constitution and stop their violence [139]. The proposal for national unity government had also caused a temporary confusion even among the leadership of the CUD. For instance, Lidetu Ayallew, one of the top officials of the party, repeatedly declared that he was not informed about the proposal, though the issue had been the talk of the town for some time⁵¹ [140].

3.9.3. THE ABORTED OCTOBER 2, 2005 OPPOSITION RALLY

In order to urge the ruling party accept their proposal the opposition parties decided to hold a rally⁵² on October 2, 2005. "We plan to hold a public meeting on October 2 to ask the government to accept a government of national unity and restart a dialogue and negotiation", announced Berhanu Nega, one of the top leaders of the CUD [141]. According to Berhanu, "The purpose is to pressure the government to accept a peaceful resolution of the election process" [141]. Merera Gudina, vice-chairman of the UEDF, also announced that "there is a need for a national consensus in this country to bring back on the track the democratic process which has been frozen" [141].

However, Bereket Simon, the Information Minister, warned the Opposition not to hold the October 2, 2005 rally. He told AFP, "We have told them that there is not going to be any negotiation to form a national unity government. Before they organize this type of demonstration, they have to express their willingness to abide by the constitution" [141]. Tesfaye Meresa, the Deputy Police Commissioner also warned the Opposition: "Anybody who organizes demonstrations with the objective of instigating violence and riot and without fulfilling legal procedure will be undoubtedly held liable for any damages" [141]. Prime Minister Meles Zenawi also gave a warning: "The demonstration that opposition political parties are contemplating is part of a serious crime." In a televised speech, the Prime Minister said, "The goals of opposition parties are to dismantle the constitutional order, depose the Ethiopian People's Revolutionary Democratic Front by force as well as change the constitution through intimidation" [142]. He further said, "There should be no doubt that the government will take necessary measures not only to prevent the danger, but also to make sure that it shall never happen again" [143]. According to the government, the planned Opposition rally was an anti-peace movement to dethrone the EPRDF by force. Bereket Simon said, "It is public knowledge that opposition parties have called waves of demonstrations across the country on October 2, to undermine law and order and seize political power in an unconstitutional manner"

⁵¹ Many people believe that Lidetu Ayallew created such confusion to assist the ruling party. There were also rumours that he was spying for the government. For details see Berhanu [99].

⁵² It was the UEDF that hatched the plan for the rally. After some time, the CUD also endorsed it [100, pp.119-120].

[144]. This allegation of the EPRDF was vehemently rejected by the opposition parties. A CUD official, Yacob Haile Mariam, said "we have confirmed time and again that we have no intention to overthrow the government violently" [144].⁵³

Then to sabotage the Opposition rally, the government took a pre-emptive attack in September 2005, and arrested many members and supporters of the Opposition, in various parts of the country after making raids "in search of weapons". The raids were mainly directed against the CUD and the UEDF supporters. The government claimed that in south-central Oromia, in north Shoa zone of Oromia, and in east Shoa zone weapons were captured [145]. Reuters [146] also reported that the Police had arrested many "armed opposition" members in northern Amhara region. The government claimed that "43 members of CUD were arrested while they were in the process of launching an (armed) uprising to overthrow the government" [146]. However, the CUD refuted the government's claim. According to Debebe Eshetu, CUD's spokesman, "Those arrested by police in the four zones of the Amhara region were people manning branch offices as well as guards" [146]. Finally, heavily intimidated by the government and due to the arrest of many of their members, the opposition parties cancelled the October 2, 2005 rally [100, p.120]. Beyene Petros, the Chairman of the UEDF, blamed the government for forcing them to cancel the rally.⁵⁴ According to him, the action of the ruling party was "violating the country's constitution" [144].

3.9.4. THE ABORTED 3-DAY STAY-AT-HOME STRIKE (3-5 OCTOBER 2005)

After canceling the October 2, 2005 rally, the opposition parties called for a peaceful stay-at-home strike for three days starting from Monday, October 3, 2005. The opposition parties' statement says, "We call upon our fellow Ethiopians to stay in your homes for three consecutive days.... to express to the ruling party and the government in unequivocal but peaceful, legal terms your legitimate discontent" [147]. When the opposition declared the stay-at-home strike, tension highly increased in the country and once again Western donors intervened. After making intense efforts to defuse the tension, Western donors were able to initiate a dialogue between Prime

⁵³ The opposition parties had repeatedly affirmed their acceptance of the country's Constitution and vowed not to violate it by force. Berhanu Nega, the CUD official, asked "does the EPRDF accept the constitution not as a propaganda instrument but as a real law of the country?" [143].

⁵⁴ Berhanu [99, p.120] argued that the Opposition cancelled the rally to prevent a violent confrontation with the government and to avoid the unnecessary bloodshed. He further noted that the ruling party had never cared for the well being of the people and the country and it was determined to stay in power by any means.

It is interesting to note that at present many people in Ethiopia have a deep conviction that the TPLF-EPRDF, as a secessionist party, is a reckless organization that would not hesitate to destroy the nation whenever it felt its political power is threatened. Due to this deeply ingrained belief, these days, there are calls from various political groups to save the country from the TPLF's destructive policies by every means including armed struggle [261].

Minister Meles and the CUD-UEDF representatives.⁵⁵ In order to start the dialogue, Prime Minister Meles offered a pre-condition that both the CUD and the UEDF should cancel the stay-at-home strike [100, pp. 120-121]. According to the US Embassy in Addis Ababa, the CUD and UEDF gave a joint statement canceling the strike.⁵⁶ Following the Opposition's statement Prime Minister Meles agreed to talk with the CUD and UEDF representatives. However, after conducting a series of negotiations for few days, the negotiations broke down [148]. The negotiators failed even to agree on setting the agenda. Then on Friday October 7, 2005, the Opposition announced the failure of the negotiations to the public. In their joint statement, the CUD and the UEDF announced, "*We respectfully inform the Ethiopian people and the International community that the negotiations have been discontinued due to the intransigent position taken by EPRDF*" [149]. They declared that though the Opposition agreed to negotiate with ruling party without any pre-conditions, still the negotiation failed because the "*EPRDF reversed its agreement to go into negotiation without limiting the agenda items and rejected a number of items that we wished to present for discussion*" [149]. According to Beyene Petros, the ruling party had rejected an agenda that called for the creation of an independent probe into the June killings [149].

⁵⁵ When the CUD relased the news to the public, it said that the initiative for the dialogue came from the prime minister himself. Learning this, the EPRDF refused to have a negotiation with the Opposition unless they retracted their announcement [99, p.493]. Therefore, the CUD released a clarification signed by the first Deputy Chairperson, Birtukan Mideksa. The statement says, "*We wish to clearly state our commitment to our Saturday, 1 October 2005 statement and retract the statement made on 3 October 2005 that the prime minister initiated the dialogue, rather it was initiated by the international community*" [148]. After the CUD officially retracted its statement the negotiation started between the three parities: EPRDF, CUD and UEDF.

⁵⁶ It was the donors' pressure, and the government's saber-rattling tactic that forced the Opposition to cancel the 3-day stay at home strike. The joint CUD-UEDF statement, released on October 1, 2005 confirmed my argument. The statement said, "*We have been in continual contact with several ambassadors and they have also been in contact with the Prime Minister. As a result of these discussions we have cancelled our stay-at-home strike announced earlier today. We are committing ourselves to press for our objectives through a democratic and parliamentary process. We understand that based on the talks of the International Community with Prime Minister Meles and our declaration the talks will begin as early as tomorrow. We believe this advances the democratic process in a peaceful and constructive manner.*" [306].

It is interesting to note that considerable number of CUD and UEDF leaders and their Diaspora supporters have bitterly condemned Berhanu Nega and Beyene Petros for "capitulation". They argued that due to the donors' pressure and the ruling party's saber rattling, the two leaders capitulated and "betrayed" the popular movement for democracy. On the other hand, Beyene Petros strongly opposed the accusation. He also denied that he participated in the negotiation. According to him, his party was represented in the meeting by Mrerea Gudina. Beyene also stressed that he did not participate in the negotiation since he was chairing another meeting of the SEPDC at that particular moment. However, he admitted that he had read the final draft of the negotiation to the public [232]. Many Opposition supporters, particularly in the Diaspora still believe that the stay-at-home strike could have caused the collapse of the government and the Opposition leaders committed a political suicide by canceling it.

3.9.5. REVOKING PARLIAMENTARY IMMUNITY OF CUD MPS

Disappointed by the NEBE's partisan stand and due to the introduction of new regulations in the parliament that restricted the rights and duties of the incoming Opposition MPs, the CUD and the UEDF threatened to boycott the parliament [150].⁵⁷ and demanded a full investigation of the alleged vote fraud [71].⁵⁸ Alarmed by the opposition parties' threat to boycott the parliament the donor countries started to urge opposition parties to join parliament and take their seats [151]. Therefore, the Ambassadors' Donor Group (ADG) in Addis Ababa released a statement urging the opposition to join the Parliament. The statement says [264] "*the final results of Ethiopia's historic 2005 elections issued by the NEB, including the results of revotes and the Somali Region elections, confirm the Ethiopian Peoples' Revolutionary Democratic Front's majority in parliament.....We urge all parties to take their seats in the National Assembly with good will and mutual respect, to express the interests and views of all Ethiopians in a vibrant multi-party Parliament*"[264]. Disappointed by the ADG's statement the main opposition group, CUD, voiced its objection. According to Gizachew Shiferaw, the ADG should criticize and intensify its pressure on the government and assist the democratization process rather than urging opposition groups to join the parliament. Because, he said, the main issue was not joining or boycotting parliament, but structuring the new parliament in line with the people's vote [152]. The Opposition's plan to boycott the parliament was also criticized by Jimmy Carter, who led the American election observers. He said, "*There have always been abnormalities in elections including in my own country, the United States. My hope is opposition party members would take their seats in parliament and ensure that voters' interests are represented*" [153].

In the mean time, the CUD leadership held a series of consultation meetings with the residents of Addis Ababa and prominent individuals in order to get feedbacks before they decide whether to join or boycott the parliament [99, pp.456-460], [100, pp. 125-127]. According to some reports, the majority of the city's residents told the CUD leaders to boycott the parliament because the people's voices were snatched by the ruling party and joining the parliament meant legitimizing the unfair victory of the EPRDF. The CUD's attempt to hold other consultation meetings with the public in various parts of the country was aborted by the government. Therefore, CUD's plan to conduct a public meeting at Bahir Dar, Gondar, Dessie and some localities in Addis Ababa was cancelled. However, in Dire Dawa, the CUD was able to

⁵⁷ To be more precise, the Opposition started to contemplate the idea of boycotting the parliament as soon as the temporary results were released. Concerning the CUD's threat of boycotting the incoming parliament unless election frauds were properly investigated, Bereket Simon, EPRDF's official said, "*The decision remains in their own hands and the ruling party has no power to influence it. Nevertheless, I assure you that the vote counting and tabulation has so far been conducted in a very good way*" [59].

⁵⁸ Later on, due to various reasons, the UEDF cancelled its earlier threat and decided to join the parliament [263].

conduct its public meeting [154]. Moreover, member parties of the CUD also held separate consultation meetings with the public. One of the member parties, AEUP, also held consultation meetings with various notable individuals, professionals and the residents of Addis Ababa [155]. Finally, after debating for more than two days on the issue of joining or boycotting the parliament, on October 9, 2005, the CUD declared that it would join the parliament if its eight pre-conditions were met by the government. The pre-conditions were: [265]

1) *The legal system must be able to operate independently without any coercion from the ruling party.*

2) *All forms of media should be free and available to all political parties.*

3) *The Election Board needs to be restructured and be able to operate independently*

4) *All political prisoners should be released.*

5) *Opposition party offices that had been closed should be opened.*

6) *Repression and intimidation of opposition party members must be stopped.*

7) *An independent commission to be established to investigate the June 8, 2005 killings of innocent Ethiopian.*

8) *Ensure the police and armed forces do not favor and take sides with the ruling party.*

The government rejected the pre-conditions. Then in its opening session, on October 11, 2005 [156] the new parliament which was dominated by the EPRDF and its allies revoked the immunity of the CUD MPs who refused to join the parliament⁵⁹. Furthermore, the new parliament assigned the old EPRDF administration of Addis Ababa, which was led by mayor Arkebe Equbai to continue administering the city provisionally since the “CUD has failed to take over its responsibilities”⁶⁰ [156]. Though the CUD MPs boycotted the opening session of the parliament, the other opposition groups including the UEDF took up their seats [157], [130].

⁵⁹ In his speech to the new parliament Prime Minister Meles accused the CUD MPs: “*They want to use immunity to crash the constitution.... Immunity is used to defend the constitution, not dismantle it, so this immunity must be removed for the sake of peace and stability in the country*” [157]. Finally, the parliament decided to strip off the immunity of the CUD MPs: some 334 MPs voted in favor of the motion, 35 MPs opposed, and 2 abstained [157]. Many MPs from the opposition parties mainly from the UEDF and the OFDM seriously opposed the parliament’s action. Beyene Petros, for instance, said the decision of the parliament was unconstitutional [157]: “*This House can remove immunity if they are caught red-handed committing crimes. They have not done that. This is a political issue and bad for the country*” [157]. In protest to the decision, around 40 Opposition MPs temporarily walked out of the parliamentary session in a symbolic move to show their opposition to the decision [157].

⁶⁰ The question of administering Addis Ababa was one of the controversial issues in the 2005 election. According to the ruling party, the electoral winner, CUD, refused to take over the city’s administration in line with its decision not to join the federal and the regional parliaments [266] [318]. Lidetu [100, pp.122-123] also confirmed the ruling party’s claim. On the other hand, Bernhau [99, pp.516-518] argued that the government refused to handover the city’s administration to the CUD insisting that all the CUD MPs must join the federal and regional parliaments before taking over the city’s administration.

3.9.6. THE ABORTED NOVEMBER 4, 2005 OPPOSITION RALLY

After the failure of the dialogue with the Prime Minister, and after the parliament revoked the parliamentary immunity of the CUD MPs, the CUD once again decided to call for a general strike starting from November 4, 2005.⁶¹ For Berhan Hailu, one of the EPRDF officials and the newly appointed Information Minister, the action of the CUD was, “*A continuation of street action that aims to undermine law and order and disrupt the peace and security of the country.*” According to him, “*It shows that CUD has taken the patience and magnanimity of the government as a weakness. They have been told to refrain from such street action, but the idea of peaceful struggle has not crossed their mind*” [158].

Though the CUD declared for a general strike to be held on November 4, 2005, before that (i.e., on November 1, 2005), the government took a pre-emptive action that re-ignited the violence [159]. According to the China Post [160], “*The protests began peacefully Monday, when taxi drivers hooted their horns*⁶² *to show support for the opposition. Thirty of the drivers were arrested, which may have sparked protests Tuesday that deteriorated in to deadly clashes*”. As Middle East Times [161] disclosed, “*The unrest worsened after police deployed in several districts to arrest leaders of an opposition party that had called for a variety of peaceful types of protest against elections held in May.*”⁶³ The November protests spread to other towns of the country including Dessie, Gondar, Bahar Dar, Arba Minch, Awassa and Dire Dawa [162]. The Ethiopian government’s press release also confirmed the spread of the riots: “*Similar but very limited violent trends happened in Bahir Dar, Awassa, Gondar, Dessie, and Dire Dawa, these were brought under control after a short while*” [163]. These sporadic protests led to the death of many people in all over the country. According to

⁶¹ This was part of the measures the CUD planned to hold: stay-at-home strikes, peaceful demonstrations, boycotting the products of state-supported businesses, and the state media [158]. The strike call which was read by the VOA on October 29, 2005 [267] Amharic program also included: avoiding any contact with the ruling party’s cadres, stopping ties with all EPRDF-owned businesses; social exclusion including their expulsion from *Idir* and other social association, etc. [267].

⁶² Few days earlier, the Opposition had called for a strike involving a peaceful demonstration through the hooting of car horns in order to show their protest against the African leaders who converged to Addis Ababa to attend the AU conference. The Ethiopian opposition parties were not happy with the African leaders for congratulating Meles Zenawi in his “election victory”. Moreover, the election observers of the African Union had endorsed the election as fair and free, and this had disappointed the opposition parties [31, pp.119-137].

⁶³ Though the government repeatedly accused the Opposition as instigators of the anti-government riots, the Opposition said that the stone-throwing protests were spontaneous and the cumulative effects of the widespread unemployment triggered by the government’s use of force [268]. A day before the eruption of the November violence the leading intellectual and a human-right champion, Mesfin Wolde Mariam told Micha Odenheimer (Jerusalem-based writer), “*The opposition is engaged in peaceful political struggle, but the government is using brute force. Yesterday, the police entered the CUD offices beat people and carted them off. Hundreds are in prison.....For the Ethiopian people, the masses, there is a new awakening. They once believed that God gave you rulers. Now they are beginning to realize that they have sovereign rights*” [159].

government sources, 11 wounded and at least four people were killed in Bahir Dar town [164]. In Debre Markos, as residents reported, two students were killed [165]. According to Sudan Tribune [166] and Reuters [303] at least 42 people were killed, and 2000 including top leaders of the CUD were imprisoned. The Washington Times [167] also reported that as high as 40,000 people were detained in the country. For Information Minister, Berhan Hailu, *“Those killed were those who attempted to assault police with machetes”* [169]. He further said, *“The government has been patient to the extent that four policemen have been killed because of the street action....”* [170]. Many rumors surfaced surrounding the indiscriminate killings⁶⁴ and the brutal acts of the government.⁶⁵ After violently smashing the riots, Meles Zenawi announced that *“the attempts by leaders of the CUD to divide the people along ethnic lines and create social isolation have failed.... Though CUD leaders tried to agitate residents of the Addis Ababa city to join their violent acts, their attempts have failed”* [164].⁶⁶

3.9.7. THE IMPRISONMENT OF CUD LEADERS

The government also detained the top CUD leaders, journalists of the independent media, and some NGOs/CSOs leaders on various charges including “genocide”, “treason” and the “attempt to overthrow the government and the constitutional order by force.” According to Meles Zenawi, *“Out of 60 CUD central committee members, the government decided to arrest only 25 suspected of being involved in violence”* [165].⁶⁷ Meles announced that the detained individuals *“will not be released and they are accused of engaging in insurrection. That is an act of treason under Ethiopian law, they will be charged and will have their day in court....”* [304].

Many human right groups, Western donors and Diaspora Ethiopians strongly criticized and condemned the Ethiopian government⁶⁸. However, the government was adamant and

tried to justify its actions. For instance, Meles Zenawi announced that those detained *“have been charged with crimes, and this is the normal process of the court”* [167]. He also said, *“The CUD leaders are engaged in insurrection”* [171].

In his speech to the parliament, Meles announced that releasing “the hardliners” would embolden them to think *“what ever their action, they will not be held accountable”* [172]. He further emphasized that *“the government has made it abundantly clear that interfering with judicial process for the release of hardliners is out of the question. The government has taken this unwavering position not because of stubbornness or for a lack of willingness to resolve issues through dialogue and negotiation”* [172].

In the mean time, the government paraded the top detainees to the media in order to silence the widely circulated rumor that some of them were mistreated, beaten, maimed or killed during torture. In their first appearance in front of the press, the detained opposition leaders declared that they were “political prisoners”.⁶⁹ One of the detainees, Prof. Mesfin Wolde Mariam, blamed Western countries for not supporting the democratic process in Ethiopia. Referring to Meles Zenawi’s visit to Bonn to attend the German-African Forum hosted by the German President⁷⁰ and Tony Blair’s congratulation message to Meles on his election for a third five-year term, he said, *“It is a mockery of human rights when such leading democratic countries as Germany and Britain greet the leader of a country only a few days after his government was involved in mass murder of demonstrations.”* In October 2005, the Federal Police Commission presented its report regarding the June violence to the parliament. The Police Commission reported that in the conflict six policemen⁷¹ were killed and about 71 policemen suffered heavy and light injuries.

Following the November violence, another protest (ethnic-

⁶⁴ For instance, in Addis Ababa, the wife of a CUD MP was killed while begging the Police not to arrest her husband [206].

⁶⁵ While taking such severe and indiscriminate actions the government kept complete information blackout. Disturbed by such actions the EU delegation head in Addis Ababa, Tim Clark said, *“I think it’s really disturbing... The trouble is there has been a complete blackout on information.... We’ve been hearing from Dedesa camp about atrocities taking place. It’s extremely worrying. We have not witnessed anything like this in Ethiopia before”* [269].

⁶⁶ Perhaps, the major turning point that enraged that Tigrayan-dominated government was the call of the CUD to stop listening to the state media, and isolate those individuals who worked for the ruling party [310]. According to the EPRDF, the call was clear evidence that the Opposition was attempting to create ethnic war in the country.

⁶⁷ The government also detained more than 40,000 people suspected of participating in the riots in various military training centers like Dedesa (400 Kms west of Addis Ababa), *Bir sheleqo, denkoro chakka, hurso, blaten etc.* [238], [167].

⁶⁸ The detention was criticized for being indiscriminate. According to eye witnesses, even pregnant women, children, old or sick people were also imprisoned [270].

Dr. Merera Gudina, first vice-chairman of the UEDF, criticized the government’s brutal actions. He said, *“The government used excessive force.... We are sitting on a time bomb. It exploded yesterday. It could explode again a week later or a month later”* [45], [170]. In order to ease the extremely volatile situation, one of the Opposition umbrella groups, the UEDF

appealed for calm. Beyene Petros, the head of the UEDF said, *“we are calling for restraint and calm, we don’t think that the problems will be solved by throwing rocks.... We are shocked by the way the government responded to this, by the use of excessive force, we are calling for restraint on all sides”* [271].

⁶⁹ One of the detainees, Dr. Berhanu Nega, said *“ours is a political, not a criminal case, and the government is wasting the resources of this poor country”* [272], [273]. Similarly, Hailu Shawel, the leader of the CUD said *“there is no evidence against us”* [272], [273]. Birtukan Mideksa, the vice president of the CUD said, *“There is no crime to charge us with, even the police can’t link our party to the violence, in Addis Ababa”* [272], [273].

⁷⁰ Meles Zenawi’s visit to Bonn at the invitation of the government of Germany (after his government killed many people in June and November electoral conflicts) had enraged many Diaspora Ethiopians. In protest, former Ethiopian Ambassador to Germany, Imru Zeleke, returned the Grand Cross of the Order of Merit Medal which he was awarded with by the German government decades ago [274].

⁷¹ Despite its claim, the government was not able to give concrete evidences that the policemen were killed by the demonstrators. Moreover no autopsies were taken; and there were neither photographs nor death certificates that showed the causes of the deaths. Interestingly, the police attempted to cover the causes of the deaths of some civilians (who were killed by bullet wounds), by producing fake certificates (from the Police Hospital) declaring natural causes such as headache as the causes for the deaths. According to Frehiwot Samuel, *“There were mass killing of prisoners at Kaliti prison with the pretext of ‘escape’”* [180].

based protest) broke out in Oromia region where ethnic Oromo live due to the alleged instigation of the OLF (Oromo Liberation Front). In his report to the parliament, Federal Police Commissioner, Workneh Gebeyehu, accused the neighboring Eritrea⁷² for conspiring with the OLF (Oromo Liberation Front) to incite the protests. The ethnic protests that flared up in many areas of Oromia and Somali region were violently subdued by the government troops.

3.9.8. CUD'S FINAL CALL FOR A STRIKE

After the top CUD leaders were detained, the party once again renewed its call for a strike starting from November 6, 2005 [173].⁷³ The call was scornfully rejected by the government. The Information Minister, Berhan Hailu, said *"the call for a strike by the extremist wing of CUD is a continuation of their illegal means to create unrest in the country....The public at large has rejected the call for a strike and have started coming back to work"* [174]. The call for a general strike received a mixed response from the public, as Sudan Tribune [175] reported. Bowing to the pressure of the Police, the shop owners and the taxi drivers⁷⁴ gradually resumed their businesses [176].

IV. THE INQUIRY COMMISSION

As soon as the first electoral violence erupted in June 2005, the opposition parties, the international election observers, the donor countries, the EU and the UN demanded for the formation of an independent inquiry commission. For instance, the CUD requested the establishment of an independent inquiry body to investigate the June killings. According to Dr. Hailu Araya, the spokesman of the party, *"An independent inquiry committee is welcomed by CUD to investigate the recent killing in Addis Ababa."* He argued that the *"mass killing should be stopped in the country"*, and according to him, *"The ruling party is responsible for all the*

killing and mass arrest in the country" [177]. Furthermore, he appealed for the participation of the international community in the inquiry committee⁷⁵. Similarly, Beyene Petros, the chairman of the UEDF, told the BBC that the government should release those who were detained during and after the electoral conflicts, and should bring to justice those security and police forces who summarily massacred civilians [178]. To pacify the local and the international uproar, therefore, the government promised to investigate the violence by an independent body.⁷⁶

After the November violence, a proclamation (No. 478/2005) to establish the Inquiry Commission was issued [179]. According to Article 2 of the Proclamation, the Inquiry Commission was established to investigate and report to the House of Representatives (parliament) the disorder and its consequence in Addis Ababa and some parts of the country that occurred on June 8, 2005; November 1-10, 2005, and November 14-16, 2005. The powers and the duties of the Inquiry Commission, as stipulated in Article 5(1) of the proclamation, were to investigate: *"a. Whether the force used by the security force to control the disorder was excessive or not, b. Whether the handling of human rights in matters related to the problem was conducted in accordance with the constitution and the rule of the law, c. the damage caused to life and property as the result of the incident."*⁷⁷ The Commission was empowered (according to Article 5:2) to: (1) Consult any necessary document that is under the possession of any organization or an individual (2) Summon any individual for questioning (3) Get the assistance of the police in forcing unwilling individuals and organizations to appear (4) Request professional and material assistances necessary to the investigation from any organization. According to the

⁷² According to the Ethiopian government, *"The government of Eritrea had dispatched members of the rebel Oromo Liberation Front (OLF) in some parts of Ethiopia to foment violence"* [275]. The OLF, in its November 14, 2005 press release, as cited by Sudan Tribune [276], admitted that it had organized various protests in Oromia region, and various educational institutes. The ONLF had also claimed a similar protests in the Somali region and blamed the government troops for killing 30 prisoners and civilians in Qabri-daharre. However, the Ethiopian government played down these protests. According to the government's statement, *"It is important to make clear that the incident is simply one that can happen any time and at any place and it has nothing to do with either the prevailing current situation or any issue of the security in general....Although the attempts of the OLF are nipped in the bud by the concerted efforts of the people and security forces, the OLF is engaged in disseminating baseless allegations in its usual way, as if there is instability in the Oromia regional state....There is no nationwide protest as alleged by the rebel group. The reality is that the country is peaceful"* [277].

⁷³ Unnamed CUD official told Reuters [278], *"This is a continuation of the protest measure we asked our supporters to follow to show the government cheated in the elections. According to the unnamed CUD official, "The purpose of the strikes is to force the government to meet our demands..."* [173].

⁷⁴ In the previous night, the government had threatened the taxi and other business owners in the capital to resume work or risk the revocation of their business licenses [173].

⁷⁵ He disclosed that in order to bring peace and stability in the country the CUD had proposed three important points to the government. These were: (1) Bringing those individuals who ordered the June killings to justice (2) The release of those who are detained without any condition and (3) Conducting the investigation of election complaints properly in a democratic process. *"If the government is not willing to implement these three points, it will be responsible for any crises that might occur in the country"*, he warned [177].

⁷⁶ Bereket Simon, the spokesman of the government, said *"...we have built a system where an independent system, ordered by the parliament, takes place and these independent bodies report back to the parliament. And based on the findings and recommendations of these inquiry teams, the government takes action.We need, to make sure that the system has an inbuilt mechanism to investigate and redress problems,"* [198]. After the outbreak of the November conflict Meles Zenawi also announced that an independent inquiry would be launched. *"Although they /police forces/ had to use force, they are not required to use excessive force...An independent body will conduct investigations to ascertain whether excessive force was used"*, he said [307].

According to Meles, *"The EPRDF has no enemies and has not intention to conduct a vendetta against anyone."* He said, *"We will complete the election process by carrying out a totally transparent and fair investigation into the alleged irregularities and redress wrongs"* [279]. According to Prime Minister Meles, it was not the intention of the government to crash the riots by force, but the action of *"criminal elements forced the security people to use force* [81].

⁷⁷ In general, the commission was assigned to prepare a report concerning the total number of deaths, the amount of property damage, human right violations, and constitutional violations. The commission also got a power to summon any one including top government officials. However, the commission had no power to prosecute the suspects [280]

Proclamation, the Commission would have 11 members⁷⁸ (Article 6:1), and the chair person, deputy chair person and other members would be nominated by the Legal and Administration Affairs Standing Committee of the parliament and would be appointed by the House of Peoples' Representatives (Article 6:2).

The Inquiry Commission conducted its investigation for about seven months. It also interviewed more than 1300 witnesses and examined about 16,990 documents about the crises. Finally, on July 3, 2006, the Commission prepared its report and voted to submit it to the parliament. Out of the ten members of the Inquiry Commission who were present during the voting, eight of them voted to confirm that the government Police and security forces had used excessive force, while the remaining two decided in favor of the government saying the action was not excessive. The commission also disclosed that in the crises 193 civilians and few policemen were killed and 763 civilians were wounded by bullets⁷⁹. It also concluded that property valued at about 4.5 million Birr was destroyed [180], [181]. Before the Commission formally submitted its findings to the parliament, the government somehow managed to get the overall idea of the report and created technical problems to sabotage the report from reaching the parliament.⁸⁰

For obvious reasons the July 3rd 2006 decision of the Commission did not please the government. Therefore, the government's high officials including the Prime Minister pressured the commission and threatened the members in various ways [180]—[182]. Fearing for their safety, the president of the Commission, Frehiwot Samuel, and other members such as Woldemicael Meshesha (Vice Chairman of

the Commission) and Mitiku Teshome left the country to seek political asylum in Europe and America. After the flight of the president of the Commission and some other members, the government managed to change the original report by forcing the other members [180], [181]. In October 2006, the revised version was presented to the parliament. The report, which was written according to the wishes and whims of the government, declared that there was no excessive force used by the police and the security, and it exonerated the government from human rights violations. The EPRDF-dominated parliament (i.e. the House of Peoples' Representatives) referred the report to its Legal Affairs Standing Committee with 276 votes in favor, 116 against and six abstentions [183].

V. DISCUSSION

As I have tried to demonstrate, in addition to many other factors, electoral violence arises when the legal system and the election management bodies are weak and vulnerable to manipulation by competing political parties. According to Matlosa [185, p.189], three factors determine the success of managing election-related violence: the nature of the electoral system⁸¹; an accommodative political culture; and the unequivocal commitment of the competing parties to peace, reconciliation and stability. Hoglund [5, p.12] and Chiroro [12, p.1] argue that the electoral system and election administration could be incentives or disincentives for electoral violence. For instance, in the 2005 Ethiopian election, as I have attempted to explain, the perceived or real lack of NEBE's neutrality [30, p.184], [99, p.390], [100, pp. 87-88], [186, p.18], [49] and its failure to effectively and fairly solve the election complaints submitted by the opposition parties have contributed for the eruption of the June and the November electoral conflicts. As Chiroro [12, p.6] said, political parties should have a trust on the election management body in order to have violence-free election. Otherwise, *"Any suspected impartiality by the electoral management body can lead to high levels of violence when the results are announced."* According to Chiroro [12, p.1], when opposition parties felt that the electoral system of a country would not allow them to win, they would be compelled to use non-democratic or violent tactics.

Electoral violence could occur at different stages of the electoral process, i.e. in the pre-election, Voting Day, or in the post-election. In the 2005 Ethiopian election, the worst violence took place in the post-election period, though there had also been accusations of harassments in the pre-election period and the Voting Day. When violence erupts in any of

⁷⁸ In line with proclamation 478/2005 (article 6), the legal and administration affairs standing committee of the parliament nominated the following individuals to be members of the Commission: Frehiwot Samuel, Shiferaw Jammo, Bishop Elsay, *Sheik* Elias Redman, Abel Mussie, Rev. Dereje Jemberu, Hikmat Abdela, Dr. Gemechu Megersa, Tamirat Kebede, Woldemichael Meshesha, and Abdudua Ibrahim. There were protests from Opposition MPs who doubted the neutrality of the individuals. Beyene Petros, the Opposition MP said, *"We have great concern about their neutrality because they have served in various capacities. That was why we voted against them"* [280].

The Ethiopian parliament endorsed the 11 members of the Inquiry Commission despite the protest of the Opposition MPs in the parliament with 334 votes for, one against and 72 abstentions [275]. In the meantime, due to the sensitive nature of the situation and unable to resist the pressure from the government, four of them (Bishop Elsay, Hikmet Abdella Mefek, Tamirat Kebede and Abel Muse) resigned on "health grounds." Therefore other five members were added (Beluy Haddis, Mitiku Teshome, Dr. Meknoen Dissasa, Haregewoyin Tassew, and Bishop Ewostatewos). Once again from the new members, Beluy Haddis resigned, and the rest continued their assigned activity (see the testimony of Woldemichael Meshesha [181]).

⁷⁹ According to the testimony of Frehiwot Samuel at the US House of Representatives on 16 November 2006, the government had executed many civilians in the Kaliti prison with the pretext of attempting to escape. After fleeing the country, Woldemicael Meshesha, the chairman of the Commission, announced that the report of the Inquiry Commission confirmed the massacre of the protestors [213]. *"This was a massacre.....These demonstrators were unarmed, yet the majority died from shots to the head. There is no doubt that excessive force was used,"* he said [281].

⁸⁰ According to the testimony of Frehiwot Samuel [180] and Woldemichael Meshesha [181], the government forced the parliament for summer recess before receiving and discussing the Commission's report.

⁸¹ According to Norris [282] the FPTP (First Past the Post) electoral system has the tendency of highly increasing the shares of the seats for the leading party, and penalizing smaller parties. Chiroro [12] argues that theoretically, *"Proportional Representation (PR) systems are believed to bring about qualitatively democratic free and fair elections than the First Past the Post Majoritarian system. The elections in PR systems are much more peaceful and violent free than in majoritarian systems where the contest is 'a do or die' affair as the 'winner takes all'."*

the three stages, sometimes it is assumed that the root cause of the violence is the election itself. Due to this erroneous assumption, some scholars such as the Chinese scholar, He Wenping, declared that the “*Western-Style democracy does not fit in Africa*” [187]. According to Wenping, “*It is impossible to build and fortify democracy in Africa with one try.....And ‘democracy’ is not a magic cure for all ills that works everywhere. It has to be based on a fully developed society, economy and democratic political culture*” [187]. In fact, these days, it has become a routine for African electoral autocrats to deliberately start electoral violence and then claim that democracy should not be imposed on Africa from outside. One of those African electoral autocrats is Prime Minister Meles, who said “*we believe democracy cannot be imposed from outside in any society...To impose it from outside is inherently undemocratic. Each sovereign nation has to make its own decisions and have its own criteria as to how they govern themselves*” [188], [189].⁸² For Muammar Gaddafi of Libya, “*Multi-party democracy in Africa leads to bloodshed*” [190]. Speaking at the AU summit in Ethiopia in 2009, he said, “*Africa was essentially tribal and political parties became tribalised, which led to bloodshed*” [190].

According to Höglund [5, p.2], electoral violence affects the outcome of elections in various ways. In emerging democracies, “*Candidates sometimes campaigned by making threats to return to war if they lost the election*” [191, p.4]. Such threats could be implicit and coded, or sometimes they could be quite explicit [191, p.4]. One case to cite is Liberia, where election voters in 1997 were intimidated and forced to vote for the most dangerous candidate, Charles Taylor. Similar threats were made in Ethiopia in the 2005 election. The voters were told implicitly and sometimes explicitly that the country would disintegrate if the ruling EPRDF was not elected⁸³. Moreover, to frighten the voters the ruling party, which controlled all the state media, accused the opposition parties that they were planning *Interhamwe* type genocide in the country [192]. However, the difference between the 1997 Liberian election and the 2005 Ethiopian election was that in

Liberia the scaring tactic of Charles Taylor was successful while in Ethiopia it was a total failure. The ruling party in Ethiopia lost the election despite its attempt to intimidate the electorate [316], [317].

According to the Ethiopian government, the Opposition had three major objectives in fomenting the riots in the 2005 election. The first objective was to snatch political power by force. In an interview with Radio Fana, Addisu Legesse, the Deputy Prime Minister, accused the opposition parties for aiming to snatch political power by force and abolishing the constitution of the country.⁸⁴ He argued that the opposition leaders entered the election keeping this secret plan in their mind [193]. Prime Minister Meles Zenawi also accused the election-rioters for trying to imitate the “*rose*” and “*orange*”⁸⁵ revolutions of Georgia and Ukraine respectively. “*This is not your run-of-the-mill demonstration. This is an orange Revolution gone wrong*”, he said [194]. According to Meles Zenawi, “*When an unconstitutional grab of power is attempted, every government has the right and obligation to stop it*” [195].

The second objective of the rioters, according to the government, is looting public and private properties [123], [315]. For Information Minister Berhan Hailu, the rioters were ‘hooligans’, and he blamed them for attacking the public buses, banks⁸⁶ and business centers. During the outbreak of the June violence Bereket Simon announced: “*Today, some of their followers and some who wanted to use this opportunity for looting-have gathered in some parts of Addis and disrupted the smooth functioning of life*” [196]. He also declared, “*There had been an attempt by a group of people to break and loot shops*” [197]. Bereket also defended the action of the security forces as it was necessary to prevent “*robbers and hooligans*” from ransacking and robbing properties and blamed the opposition parties, particularly the CUD for instigating the violence [197].

According to the government, the third objective of the rioters was to create ethnic-wars in the country. According to Bereket, the government forcefully crashed the riots because the opposition parties were agitating to create ethnic conflicts in the country. “*The alternative was strife between the different nationalities of Ethiopia which might have made the Rwanda genocide look like child’s play*”, he said⁸⁷ [98].

⁸² It was due to this reason Meles Zenawi opposed Western donors’ threat to impose sanction on Kenya and Zimbabwe unless they democratically settle the electoral violence in their countries [188], [189].

⁸³ These kinds of blackmails are still going on. Recently, some top officials of the ruling party have repeatedly threatened that if there were attempts to change the TPLF-EPRDF-authored constitution, the TPLF-EPRDF would restart its guerrilla war in the country. In his interview with the Ethiopian Forum for Political Civility (Pal Talk) on 28 May 2007[293], Sebhat Nega, one of the architects of the ruling TPLF party and the so-called “Father of Tigray”, openly declared that the TPLF would resume a guerrilla war and would rekindle the civil war in the country and Ethiopia would disintegrate if the opposition parties attempted to change the existing constitution. This meant, even if opposition parties won election constitutionally, they would not have any right to legally change or modify the constitution. During the 2005 election, for instance, the EPRDF urged the regional leaders of Harari, Beniishangul-Gumuz, Afar, Gambella and Somali states to give warnings to the CUD and UEDF that any attempt to reverse the federal system of the government was unthinkable [237]. It is interesting to note that in their political programs most of the legally- registered non-ethnic parties such as the AEUP, and the UDJ have declared that they would change some articles (such as Article 39 that allows secession) from the Constitution if they are elected.

⁸⁴ He blamed the opposition parties for planning insurrection and strikes and warned that those attempts would not be successful because their tactics were old-fashioned and would be countered decisively by the EPRDF, the government and the public [193].

⁸⁵ The color revolutions have alarmed many electoral autocrats in many countries including Ethiopia. For instance, President Alexandr Lukashenka of Belarus said, “*In our country, there will be no pink or orange, or even banana revolution....All [those] colored revolutions are pure and simple banditry.*” On the other hand, according to NED [283, p.12], “*The color revolutions are increasingly invoked and exploited by repressive regimes to portray democracy assistance as a form of “regime change by stealth” and to justify clamping down on allegedly subversive activities.*”

⁸⁶ However, according to the testimony of Frehiwot Samuel [180] at the US Congress, the Inquiry Commission, which was set up by the government concluded that no attempts of robbery of banks had taken place.

⁸⁷ According to reports, there were hand-written leaflets distributed secretly at nights, inciting the people to rise up and attack Tigreans, the co-ethnic of

Though all political parties were officially forbidden from playing ethnic cards in their election campaigns, there were reports from various sources that some political groups or individuals attempted to use ethnic politics to satisfy their political motives.⁸⁸

According to the government, the death toll in the 2005 election riots was high because the rioters attacked and killed many policemen with guns and hand grenades and forced the Police to take a defensive measures [175]. Moreover, the government alleged that due to the magnitude and the nature of the riots the government was forced to use untrained forces which contributed for the high death toll. Werkeneh Gebeyehu, Commissioner of the Federal Police Commission, told the local media that the government was forced to use a security force which was untrained for controlling public riots [198], [295]. He noted that due to the unwillingness of the demonstrators to accept the warnings and the restraining measures of the anti-riot Police⁸⁹, coupled with the insufficient number of the riot Police to control the “angry and unruly demonstrators,” the government was compelled to use untrained security force. According to him, “As the situation proved to be beyond the capacity of the riot police, it became mandatory to control things using an untrained force and citizens have lost their lives in the process” [295]. For Meles, the “extraordinary restraint the police showed at the beginning of the riot, emboldened the rioters to take more aggressive actions” [81]. Therefore, according to him, “Things were beginning to get out of control....it was prudent to stop this with forceful action.” Asked why water canons or tear gases were not used instead of live bullets⁹⁰, Bereket replied that the Police used water cannons and tear gasses, but

the protesters were beyond the power of the riot police⁹¹ [198].

VI. CONCLUSIONS

In the last fifteen years, many elections in Africa have turned into severe conflicts. At present, conducting free and fair elections in Africa is getting increasingly difficult. This is because:

First, according to Mbugua [200, p.24], elections by their very nature are full of uncertainties. Election-related violence can be ignited when there is high uncertainty about the result of the election, particularly when the margins of electoral victory are very close. In such situations, the allegations of fraud would lead to frustrations and violent clashes would erupt⁹² [8, p.11]. Again, in such circumstances, the incumbents could attempt to maintain their grip on power (especially when they fear the possible majority support for opposition parties) by resorting to violence [8, p.11].

Second, in some countries, particularly in conflict prone societies, “The stakes involved in losing or winning elections are fundamental to the well being of entire communities” [8, p.9]. As Sisk [8, p.9] argues, “When winning a state office is the key to livelihood not just for an individual, but for their entire clan, faction, or even ethnic group, the stakes involved in prevailing in electoral competition are incredibly high.” In ethnically divided societies where ethnic identities have become politicized getting electoral victory can be a matter of survival, particularly for ethnic-parties [5, p.10]. This is particularly true if the ruling ethnic-party is convinced that it would be ruined by an Opposition victory⁹³. Furthermore,

the ruling party [99, p.449]. In its press statement, the CUD [231] condemned the action of those unknown individuals or groups who were agitating for inter-ethnic violence. It said, “This is a vicious message that can come only from those who do not wish to see free, secure and stable Ethiopia” [231], [99, p. 450]. Though it is difficult to be certain, there were suspicions that the government security forces were responsible for circulating such inciting papers with the aim of framing the Opposition [99, pp. 449-450].

⁸⁸ Alarmed by the hate speeches in the election campaigns, the Ambassadors’ Donor Group (ADG) had expressed its “abhorrence of ethnic race-baiting” [284]. In a statement signed by the then United State’s Ambassador, Stephanie Gompertz, the ADG said, “We abhor ethnic race-baiting and call on all leaders to prevent such activities and call on all Ethiopians to reject such politics of hate. All sides need to put the interests of Ethiopia first or the democratic progress this country has made in recent years could be lost” [284]. Though the government had repeatedly accused the opposition parties of playing ethnic cards [164], [285], there were circumstantial evidences that implicated the ruling party [286].

⁸⁹ It is interesting to note that Bereket Simon had also blamed the then UN General Secretary, Kofi Anna, and the US Congressman, Mike Honda. According to him, the opposition parties emboldened the protesters by telling them that Kofi Annan and the US congressman, Mike Honda, had warned Prime Minister Meles not to shoot a single bullet. For him, this kind of propaganda had made them not to be contained by the anti-riot police [287].

When the EU-EOM criticized the NEBE and the ruling party for failing to properly handle the conflict, the government also blamed the EU-EOM, particularly Ana Gomes as one of the instigators of the electoral conflict [288].

⁹⁰ Surprised by the heavy handed measure of the Ethiopian government and the loss of many human lives in the riots, the New York Times [206] posed a question: “Has Meles never heard of tear gas?”

⁹¹ The use of excessive force to crash the riots has seriously tarnished the image of Prime Minister Meles Zenawi and his government. Moreover, it has seriously damaged the country’s democratization process. However, according to Meles, the violence has damaged only the image of his government, and the democratization process has not been derailed. He said: “The violence has marred the image of Ethiopia...but as far as the process of democratization is concerned I don’t think it has had an impact on the country” [171]. Bereket Simon has also admitted that the crisis has damaged the image of his government and insisted that his government’s actions were necessary to contain the crises before engulfing the country. In an interview with Andrew Heavens, Bereket Simon argued that though the high death toll might tarnish the image of the country, this single event should not be used as a measurement stick: “I don’t think that Ethiopia deserves to be judge by this isolated event....If one has to judge Ethiopia on what it deserves, it needs to look into the whole picture....for the last 14 years, Ethiopia has changed a lot and in the right direction. We have democratized the country. We have introduced the free market economy system. We have arranged a federal system of administration. We have decentralized power. We have been fighting corruption”, he argued [289].

⁹² In the case of the 2005 Ethiopian election, as I have already stated, the first episode of the electoral violence occurred in June where the political atmosphere was fully tense due to the uncertainty of the election outcomes. The NEBE’s delay in releasing the poll results had further increased the tension.

⁹³ In the 2005 Ethiopian election, the Tigrayan-dominated ruling party, TPLF-EPRDF, was panicked when preliminary reports showed the increasing victory of the Opposition. In the preliminary vote counts, the Opposition completely won Addis Ababa, the capital of Ethiopia and the seat of the federal government. Moreover, in various zonal and regional towns, many of the ruling party candidates and high government officials suffered stunning defeats in the hands of the Opposition candidates. Things became more complicated when the ruling TPLF-EPRDF party thought that it was going to

election-related violence could be severe in emerging democracies where patronage politics⁹⁴ is the dominant form of politics. In such situations, elections are usually seen as opportunities to engage in corruption and economic rent-seeking [5, p.10].

Third, democratic processes such as election require a tolerant political culture, which is absent in many of those traditionally one-party states or in dominant party systems in Africa [12, p.7]. The old political system i.e., the one-party state's intolerant political culture is still alive in many African countries and the old socialist culture where the Opposition was blamed as "anti-peace", "reactionary", "remnants of the former regimes" etc, is still practiced in many emerging democracies. For instance, in Ethiopia, the current ruling party, TPLF-EPRDF, used to be a staunch follower of Albanian Communism until the end of the Cold War [201, pp.576-577], [305, p.167]. In 1991, when the socialist camp collapsed, the TPLF-EPRDF changed its communist mantle overnight and declared itself a champion of democracy, primarily to get economic and political supports from the United States and other Western donors. However, most of the TPLF cadres are still communist diehards. The refusal of the government to privatize land and its monopoly over the telecommunications is the indicator of the ruling party's nostalgia with communism.

Fourth, in many African emerging democracies, election management bodies, courts, police, army, etc are highly politicized, and are the instruments of the ruling party. Therefore, the perpetrators of electoral violence (who usually are members of the ruling party)⁹⁵ get away with it, and opposition party members and supporters who are the victims of the violence, end up in jail as the case of Ethiopia in the 2005 election clearly showed.

According to Petit [202, p.5], there are various models of settling election disputes: (1) through election management bodies mandated by election laws (2) through administrative bodies (3) through electoral courts that are established to settle election disputes⁹⁶, and (4) through ordinary courts. In certain cases, election-related violence can be mitigated by a pre-election power-sharing pact. Pre-election power-sharing pact is necessary, particularly if there is a danger of election

boycotts by powerful or large parties ahead of the election. Power-Sharing can also be necessary in situations in which people are expected to vote for their identity i.e. to their own ethnic party. Power sharing, in this case, has a real chance to prevent election-related violence by giving incentives to the "ethnic entrepreneurs." As Sisk [8, p.12] pointed out, in the contemporary world, ethnic outbidding and the mass responsiveness to 'playing the ethnic card' are acute problems because a *"modern multi ethnic center is often unable to sustain itself against the centrifugal forces unleashed by the heated rhetoric of ethnic chauvinism"*. Therefore, the best measure some countries took to manage the tendency where party politics contribute to ethnic enmity is banning political parties that represent ethnic, tribal, or racial identity [8, p.12].

In the 2005 Ethiopian election, the deliberate manipulations and rigging of the election results by the ruling party [203]; the failure of the NEBE to properly handle the post election crises; the incompetence of the CRB and CIPs to settle the electoral complaints; and the opposition parties' lack of effective leadership were the major factors that aggravated the post-election crises [28, p.15], [31, pp. 119-137], [32, pp.80-95], [33, pp.84-112].

Though Huntington [204, p.174] claims that *"elections are not only the life of democracy, they are also the death of dictatorship"*, in the case of emerging African democracies such as Ethiopia, this is hardly true. As Lyons [191, p.5] said, in countries such as Ethiopia, Uganda and Rwanda, the victorious insurgents held elections not to bring democracy but just to get legitimacy to their rule and to get economic and political support from Western donors. Elections in those countries were not democratic because opposition parties were either banned or had boycotted the elections. *"These elections"*, says Lyons [191, p.5], *"Therefore served to consolidate the power of the victorious insurgents but did little to introduce electoral legitimacy through process of competitive multiparty elections and voter choice"*. Though the EPRDF held three multi-party national elections what the country achieved so far is the establishment of a different type of dictatorship. The country held a transition from the military dictatorship of the *Derg* to the dictatorship of ethnic Tigrayans. The opposition parties are allowed to participate in the election but are not permitted to win. As Edozie [205, p.9] notes, *"The distinction between Zenawi's predecessor's regime and his own current regime is not simply one of authoritarianism versus democracy..... Some Ethiopians regard the Zenawi regime as being just as brutal as the Mengistu regime."* Moreover, as the New York Times [206] remarked, *".... Meles is in favor of democracy only when people are voting for him"*.

In conclusion, as Chiroro [12, p.9] notes, *"When elections are marred by violence as a result of vote rigging, poor electoral administration and general disaffection in the governance institutions, voters lose confidence in the electoral process and the value of elections to democratization is lost."* This is exactly what is happening in Ethiopia today. The 2005 electoral violence and the severe government repression killed

lose the election and the Tigrayans who occupied many key positions in the country's political, military and economical sectors since 1991 would lose their privileges. In fact, as Tesfaye Gebreab, a former TPLF official recently disclosed, the ruling party would never be willing to peacefully transfer political power even in cases of electoral defeats [290, p.88].

⁹⁴ "Patronage politics" is *"a system in which politicians are gang-like bosses that control resources (such as access to jobs and income) and disperse public services such as housing health care, or lucrative government contracts"* [8, p.10]. Recently, the pro-government newspaper, the Reporter [291], which is run by a TPLF member, reluctantly admitted that some high Ethiopian government officials have become collaborators with certain mafia type bosses.

⁹⁵ According to Lindberg [292], electoral violence perpetrators could be government forces (police, army, security), supporters of government, incumbent party, or opposition parties, rebel groups, criminals, ordinary citizens etc.

⁹⁶ This model is used in Central America, South America, Eastern Europe and countries like Greece [202]

the hopes and the expectations of the people regarding democratic elections. As a result, in the 2008 *woreda* (district) elections, not many people participated [207]—[209, pp.111-120] and the elections were not competitive. Moreover, in the election, the ruling party run almost alone after many opposition parties boycotted the election due to unprecedented harassment, and “out of 3.6 million seats, opposition parties won three” [203]. The local elections heralded not only the derailment of the country’s democratization but also the re-emergence of the Soviet style elections.

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