

OBSERVING THE 2005 ETHIOPIA NATIONAL ELECTIONS

CARTER CENTER FINAL REPORT

December 2009

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EXECUTIVE SUMMARY

Upon the invitation of the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia, The Carter Center observed the country's May 15, 2005, elections for the national and regional parliaments. The May elections marked an historic event in the country, as Ethiopia witnessed its first genuinely competitive campaign period with multiple parties fielding strong candidates. Unfortunately, what began with a comparatively open period of campaigning and an orderly voting process on election day was followed by flawed counting and tabulation processes in many areas; repeated incidents of serious postelection violence, including the killing of many dozens of people during electoral protests; a significant delay in finalizing election results; and an ineffective complaints review and investigation processes. In spite of the positive pre-election developments, therefore, The Ca

Pre-election Period

The pre-election period witnessed unprecedented participation by opposition parties and independent candidates and an unmatched level of political debate in the state-dominated electronic and print media and at public forums held across the country. Po

by CRB1 were then appealed to the CRB2, which approved 29 more complaints for review by 18 new CIPs. 179 constituencies were affected.

During the complaints review process, while the CRB/CIP process went forward, the NEBE's tabulation processes continued simultaneously. At the start of the CRB/CIP process, the only official results had the opposition winning an unexpected 29 out of 40 seats. However, further into the complaint review process, preliminary results were released on July 26 that indicated that the opposition controlled 172 seats of the announced 435, a significant shift from percentages indicated by the early partial results. The delayed release of results and the problems that emerged during the complaints process combined to create further tensions in the political environment.

Based on extensive observations of the CRB/CIP processes, the Center ultimately concluded that while the CRB/CIP processes provided important space for electoral dispute resolution processes, overall the NEBE's complaints and review processes did not provide an adequate means for resolving serious disputes. (See Carter Center statement dated Sept. 15 in Appendix F.)

August Rerun and Somali Region Elections

Based on the results of the CRB/CIP processes, the NEBE decided to rerun elections in 31 constituencies on Aug. 21, 2005, the same day as the Somali region elections. The Carter Center observed both elections. Although 26 of the 31 revotes were held in constituencies provisionally won by opposition candidates, the ruling EPRDF won all 31 seats in the revote.

In addition to a few minor administrative problems, Carter Center observers reported a series of serious flaws in the Aug. 21 polling. These included credible reports of the presence of an unnecessarily large security force and intimidation of opposition candidates and supporters. Overall, it seemed clear that many opposition candidates surrendered the contested seats, resulting in a sweep by the EPRDF coalition, even overturning previous defeats in five constituencies.

Voting in the Somali region was chaotic and disorganized and included reports of significant irregularities. Individual clan leaders held complete authority to decide the political parties listed on the ballots in their constituencies. While this appears to have been common accepted practice in the region, Carter Center observers reported serious concerns about the integrity of the process.

Final Results

The NEBE announced final election results on Sept. 5, 2005, with the ruling EPRDF winning 327 seats, or 60 percent of the total vote; government-affiliated parties claiming an additional 45 seats, or 8 percent of the total vote; and opposition parties winning 174 seats, or 32 percent of the total vote. Opposition parties rejected the results, citing the various irregularities and the flawed complaints review process.

On Sept. 15, the Center released a final overall statement on the elections, which noted that while the pre-election period was laudable, the postelection period was marked by a series of problems,

delays in vote tabulation, protests and violence, serious electoral complaints, and a prolonged dispute resolution process. The Center concluded that the CRB/CIP process did not provide an adequate means for a fair resolution of disputes. In addition, while a majority of the 547 individual constituency results appeared credible, there were a considerable number of results that had significant problems and about which the credibility is in question. Whether the outcomes of this smaller group of constituencies were sufficient to change results at the national or regional level could not be determined based on the evidence available to The Carter Center. Finally, in its statement, the Center called on dissatisfied parties to file appeals to the high court.

Unfortunately, political tensions continued to increase, and some members of the opposition decided to boycott the seating of parliament in October. This was followed by a series of protests and another outbreak of political violence throughout the country in early November. According

BACKGROUND ON ETHIOPIA

Ethiopia, one of the largest countries in Sub-Saharan Africa and the oldest independent nation on the continent, is home to a diverse population encompassing more than 80 ethnic groups and three world religions—Christianity, Islam, and Judaism. It is also one of the few countries never colonized by European powers in Africa. It remains one of the poorest countries in the world, periodically threatened by famine and drought. Three fundamentally different political regimes ruled Ethiopia throughout most of the 20th century, a period in which the country went through protracted internal conflict, with several ethnic groups claiming their right to self-determination.

Brief History

Ethiopia's last monarch, Haile Selassie I, ruled from 1930 to 1974. Determined to modernize the country, he granted the country's first limited constitution that provided for both a parliament and judicial system. Nevertheless, formal, absolute power remained with the emperor. His achievements included limited land reform, the emancipation of slaves, creation of a pan-Ethiopian economy and modern communications, and a revised constitution that provided for limited reforms, including universal suffrage. However, progressive individuals within the government argued that these reforms were insufficient, if not empty. To realize Haile Selassie's nation-building agenda, he created a strong bureaucratic administration and a centralized state, but the process severely restricted Ethiopia's democratic development.

The emperor's last decades were beleaguered with drought, famine, war, and poor governance, resulting in great civil unrest. In September 1974, the monarchy was overthrown by a self-proclaimed Marxist group known as the Derg, led by junior army officers. The group eventually killed Haile Selassie and 59 members of the royal family, as well as other government officials.

The Derg installed a Soviet-style military dictatorship, suspended the constitution, and ruled by a series of military decrees until the constitution of the People's Democratic Republic of Ethiopia was promulgated eventually in 1987. Led by Mengistu Haile Mariam, the Derg instituted a command economy, making radical reforms, nationalizing most industries, and confiscating agricultural land.

As the Derg struggled through the 1970s to consolidate their rule, Eritrean separatists resumed a guerilla campaign in 1977. In addition, Somalis invaded the Ogaden desert in 1977, which they claimed as their own. The Derg regime held onto power only with massive intervention of Soviet and Cuban troops. The rise of Mengistu also unleashed a wave of brutal suppression that intensified during 1977–78 when thousands of “suspected enemies of the state” were tortured or killed in a genocidal campaign called the Red Terror.

Despite strong military support from the Soviet Union and Cuba, by the 1980s Mengistu faced not only the Eritreans, but several regional guerilla armies as well. With Soviet support gone by the end of the decade, the government's vulnerability increased further with the loss of Massawa—Ethiopia's principal port—to Eritrea in 1990, and another major famine that ravaged the country. The Derg's ideologically driven economic policy combined with internal divisions within the party further weakened the junta.

By 1989, the Tigrayan People's Liberation Front (TPLF) merged with other ethnically based opposition movements to form the Ethiopian People's Revolutionary Democratic Front (EPRDF). This rebel coalition overthrew the Derg in 1991 and Mengistu fled to Zimbabwe.

Mengistu's fall from power in May 1991 marks the beginning of Ethiopia's early transition. The Transitional Government of Ethiopia was formed in July 1991 through a National Peace and Democracy Conference attended by 27 political and ethnic groups. An 87-member Council of Representatives was elected through the conference to govern the country for a transitional two-year period to culminate in free, democratic elections. The council members were mostly from the resistance movements, with EPRDF holding 32 seats and the Oromo Liberation Front, 12. The conference also ratified the Transitional Period Charter for Ethiopia to serve as an interim constitution.

In parallel, the Provisional Government of Eritrea (PGE) was established in 1991 with its independence being approved by the Eritrean people in a referendum in April 1993. Formal recognition by Ethiopia followed in May of the same year. Meanwhile, ethnically based political parties continued to mushroom in Ethiopia, numbering more than 100 by 1993.

The four-year transition period was characterized by violent clashes between competing political and ethnic groups throughout the country. At one point military clashes between the EPRDF and OLF (the two main factions in the Transitional Government of Ethiopia) severely threatened the transitional regime.

A fragile truce brokered by the United States and the Provisional Government of Eritrea enabled the transitional government to hold local and regional elections in June 1992. Although most political parties, including the OLF, petitioned for elections to be postponed, the council did not heed their request. Consequently, the OLF pulled out from the ballot and withdrew from the transitional government shortly afterward. Most international observers regarded the elections as noncompetitive.

In the ensuing period, a series of efforts by the major opposition parties to steer the transition process in a different direction failed—cementing EPRDF's control over the transitional government and further polarizing the political environment.

Citing intimidation and harassment the major opposition parties boycotted the Constituent Assembly elections in June 1994. EPRDF candidates won 484 seats in the 547-seat Constituent Assembly. The new assembly met in October and the draft constitution was ratified in December. The first elections for federal and regional assemblies under the new constitution took place in May 1995, with subsequent national elections held in 2000, and both processes were dominated by EPRDF.

Structure of the Government

Ethiopia is a federal parliamentary republic with both federal and state institutions holding legislative, executive, and judicial powers. The president is elected by parliament and is the head of state, though he serves more of an honorary position as opposed to holding executive powers.

Parliament is composed of an upper chamber, the House of Federation with 108 seats, and a lower chamber, the House of People's Representatives with up to 547 seats. Members are elected to the House of Federation by regional assemblies and serve five-year terms. Members to the House of People's Representatives are directly elected by popular vote from single-member constituencies to serve five-year terms. The prime minister is then elected by the House of People's Representatives.

Legal Framework for the Elections

The primary domestic legal mechanisms governing the 2005 electoral process were the 1994 constitution, the 1995 electoral law with amendments made by proclamation no. 438 in 2005, and regulation no.1 issued by NEBE. The basic human and democratic rights of freedom of expression, association, assembly, movement, and rights to vote and contest elections are all stipulated in the constitution. Electoral offenses are listed under Title V of the 1957 penal code and include disturbance of meetings or assemblies, impersonation, falsification of results, breach of the secrecy of voting, and

PRE-ELECTION OBSERVATION

In January 2005, The Carter Center received an i

International observers were invited and their freedom of movement was assured. Although the government reported that the allegations of misconduct during the 2000 elections were investigated with responsible parties held accountable, the opposition was not satisfied that investigations had been fully implemented.

1 The Carter Center assessment team found the country's political condir



Ethiopians participate in a voter education session.

The NEBE was composed of seven members selected by the House of People's Representatives and mandated to be an apolitical independent body. Opposition parties, however, questioned its neutrality and called for its complete restructuring. Of particular concern was the fact that NEBE Chairman Kemal Bedri was also the head of the Supreme Court, which the opposition charged was an irreconcilable conflict of interest that would be especially problematic should it be necessary for the Supreme Court to review any election complaints.

Although the NEBE typically maintained only a skeleton administration of several hundred at its national headquarters in Addis Ababa, the number of personnel increased as the elections approached. For 2005 there were some 33,000 polling stations, and each station required five polling officials. As in the past, many election administrators were individuals on temporary assignment from other government offices.

According to electoral regulations, there were to be Constituency Electoral Committees established in each of the country's 547 constituencies, composed of three civil servants on secondment. Polling Station Committees in each of the more than 33,000 polling stations were to be composed of five polling station officials, generally civil servants. Polling stations also were to have a three-member Grievance and Complaint Committee chaired by the chairperson of the Polling Station Committee, five electoral observers elected by the local community, and up to two observer representatives per candidate.

Although this system enabled Ethiopia to use existing civil servants to conduct elections, opposition parties complained that the overwhelming majority of election administrators were drawn from the ruling party. For 2005, the NEBE made clear that ruling-party members should not be appointed as election administrators. It reported that prior to voter registration some 500 election administrators were dismissed for this reason. After voter registration another 87 were replaced after the opposition parties identified the individuals as having been associated with flawed elections in 2000.

The NEBE also adopted other measures designed to increase transparency for the 2005 elections. It created a Web site (www.electionsethiopia.org), which included information about the NEBE, election news, basic documents, and statistics. The NEBE convened regularly in closed session, but the results of its deliberations were announced at scheduled press conferences presided over by Chairman Kemal. The NEBE also prepared an administration manual in Amharic and English, made available prior to polling day to all parties. The manual included a detailed description of the voting process, the roles of each polling official, the vote counting and tabulation process, as well as the procedures for making electoral complaints.

Training of polling staff was conducted in the weeks prior to the election, with some training programs occurring one week before the election. In most of the areas visited by Carter Center LTOs, regional and zonal NEBE heads appeared technically prepared, and administrative plans appeared to be on track. However, a lack of transportation and telecommunications resources affected their ability to reliably perform some logistics and reporting tasks in some areas of the country.

Joint Consultative Committees (JCC, but also often referred to as Joint Political Party Forums), composed of NEBE staff and political party representatives, met regularly across the country to resolve campaign-related complaints. The JCC appeared to function effectively at the national level, but its performance at the regional and subregional levels was mixed. Such meetings served an important and much-needed function in a highly polarized political environment, facilitating constructive dialogue between the parties in the lead-up to the election. JCCs provided valuable space for party dialogue and negotiation around critical election issues in 2005 and could play a similar role in future elections.

Election Offenses

Previous elections witnessed instances of harassment and intimidation of opposition candidates and supporters. Although action had been taken against some offenders in the past, the overall climate was one of impunity. For the 2005 elections, the NEBE indicated it would take a more proactive role in responding to party complaints of election abuses. Judges and prosecutors were trained to deal rapidly with election offenses and separate benches of the court were established to deal expeditiously with election-related cases.

According to the NEBE election manual made available to all political parties, a Complaints Committee would be established at the polling station and constituency levels. The polling station Complaints Committee would have 24 hours to render a decision on polling-day complaints. The constituency level Complaints Committee would have 48 hours to render a

decision on vote counting. Any complainant dissatisfied with the decision could appeal to the competent court.

members who had been detained. Carter Cent

EPRDF, the issue of state ownership of land, and the conduct of Ethiopian policy with regard to Eritrea. Local civil society groups and Addis Ababa University sponsored televised debates on public policy issues. The frequency and openness of these debates were significant for political dialogue in Ethiopia.

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Voting Procedures in Ethiopia

Based on Ethiopia's election laws, voting hours run from 6 a.m. to 6 p.m. unless the NEBE determines otherwise. To vote, each voter must present his or her voter card first, which should be checked against the voter roll. Once the voter's identity has been verified, the voter signs the relevant column of the voter roll. Before receiving ballot papers, each voter's thumb must be marked by indelible ink to prevent double voting. Candidates are selected by either marking with an X or fingerprint in the box corresponding to the desired candidate's symbol. Voters are eligible for assistance in marking their ballot papers and placing it in the ballot boxes.



An election worker inks a voter's finger to prevent double voting.

and stamping ballots throughout the day as voting occurred, which could have contributed to confusion with vote counting at poll closing.

During election day, the environment throughout most of the country was calm and peaceful,

polling day, however, opposition parties' headquarters submitted a list of problems and allegations to Carter Center staff.

Poll closings were chaotic in some stations visited by the Center's STOs, who noted the overwhelming number of ballots to be counted in each polling station. Polling station officials recounted ballots in some stations to ensure that the numbers were accurate. Many constituency offices observed by Carter Center STOs deviated from election regulation by not publicly posting election results.

As preliminary but unconfirmed results from political parties began to circulate, it became apparent that the opposition would likely win a comparatively large number of the 547 seats in the People's House of Representatives (versus the 12 seats won in the last election). These reports caused increased scrutiny of the process and contributed to a breakdown of procedures on the part of some election officials.

POSTELECTION OBSERVATION

Complaints Investigation Process OYP 902

observer had signed the final tally sheets affidavit (Form 8) confirming the effective operation of the vote and the count, then the complaint was automatically not recommended for investigation.

A second controversial use of the polling station forms in the CRB1 screening process concerned a review of about 40 CUD complaints which had in common a claim that CUD party observers were not present at the polling stations. In the CRB1 review, one of the polling station opening forms was found to contain information establishing the presence of party observers at the commencement of polling activities there. On that basis, the CRB1 rejected claims that CUD agents were not present, and none of the 40 claims were recommended for investigation.

The CRB1 completed its work June 21. On June 22, Carter Center and EU observers were called to the CUD offices to discuss the complaints process. CUD's lawyers told the observers they believed there were many problems with the results of NEBE's work in the CRB1s, most importantly regarding the use of the summary checklists. The lawyers argued that the CRB1's summary checklists did not indicate all of the irregularities that were contained in the opposition's actual complaints, and that the issues that were included on the checklist were those for which CUD had produced the least evidence. As a result, they argued, if the summary checklists were used by the Complaints Investigation Panels (CIPs) to guide the review process, then the majority of CUD complaints would not be heard.

Complaints Review Body 2 (CRB2)

Those complaints that were not approved for investigation by CRB1 were submitted to a second complaints review body, the CRB2, which was formed within a month of the end of the CRB1 review process. The NEBE instituted this new layer of review in response to opposition concerns regarding the CRB1 review outlined above. The CRB2 provided an opportunity for parties to show that there were errors in the CRB1 review, or that additional facts existed to prove that investigation of the complaint was warranted.

In addition, the CRB2 also considered a small group of complaints from the CUD that did not go through the CRB1 due to a lack of evidence at the time. These complaints were considered by CRB2 by which time the CUD had gathered evidence for the complaints.

The CRB2 panel, differing from the CRB1 panel, was chaired by independent former judge (and member of a civil society organization) Debebe Hailegebriel, assisted by two NEBE executives. Each complaint was scheduled for a one-hour hearing in which the complainant was allowed to bring evidence and make arguments that the complaint should be investigated by one of the CIPs. The hearings were held in the press room of the NEBE campus, which had been converted into a small courtroom-like venue. The CRB2 hearings took less than two weeks to complete. The sessions were administered with a strict adherence to time limits and relevance of evidence presented.

The CRB2 panels reviewed more than 100 of the 232 complaints that were rejected by the

On election day, Carter Center observers reported a generally calm environment, but noted an almost total absence of opposition participation in the re-elections, plus a widespread presence of armed military, militia and regional police presence, contrary to electoral regulations. According to Ethiopian election regulations, polling station security is the responsibility of NEBE officials, who can request the presence of police when the need arises. With the exception of police, persons with weapons are not allowed within 500 hundred meters of the station. Unfortunately, however, most Carter Center observers reported that security personnel were observed in close proximity to and inside polling stations.

In all but one constituency visited by Carter Center observers, the opposition was absent on election day. Opposition party representatives or observers reported intimidation and harassment. In Addis Alem, opposition representatives relayed first hand stories of having lost their jobs and having their salaries withheld. Their homes were reportedly fired upon or stoned and the UEDF candidate was ultimately evicted from his home. Many party agents withdrew from the re-votes, with some reporting they had difficulty obtaining observation credentials and others reporting their credentials were taken away.

From a purely procedural perspective, the elections went relatively smoothly, albeit with several minor irregularities and deviations. Several polling stations opened late and closed early and voter IDs were not consistently checked. Also, at many polling stations election officials did not count the ballots prior to opening, which led to confusion during counting. Some incidents of underage voting were observed, as well as some J0.0002 Tc -0.0008 Tw -19.63 onblso, rl[cs. Several polng boot

Carter Center observers reported evidence of bribery and ballot box stuffing, among other irregularities. Overall, therefore, the Aug. 21 re-elections were seriously flawed.

Not surprisingly, the re-elections resulted in EPRDF gaining control of all 31 contested seats even though 26 of the seats were constituencies where complaints had been filed by the opposition. In addition, some of the seats were in constituencies where the government's defeats in the May 15 election were fairly substantial.

Somali Region Elections Observation

Due to the infrastructural and communication challenges, the Somali region elections were scheduled to take place later than the rest of the country. The elections for the 26 Somali region seats were held on Aug. 21, and coincided with the re-elections that the NEBE called following the June-July complaints review process regarding disputes over the May 5 elections.

For the Somali region, The Carter Center deployed a total of four observer teams to Shinele, Erer, Gode and Jijiga towns to observe the political and security environment during the week preceding and election-day. The teams met with NEBE officials, opposition candidates and supporters, and the members of the electorate.

Key Observation Findings

Similar to the findings regarding the re-elections held in other parts of Ethiopia on the same day, Carter Center observers reported that the polling environment in the Somali region was calm, but that there was a large presence of armed militia and military personnel, who were present in polling stations and in some cases in the polling booths. The opposition withdrew in most constituencies, but domestic observers from the Ethiopian Human Rights Council (EHRCO) and the Islamic Council were present in the majority of polling stations.

Carter Center observers reported a series of other problems, including unfair campaigning on the part of the SPDP on election day. SPDP members seen were wearing t-shirts and caps and holding posters with their party logo around polling stations. Officers and militiamen were also seen wearing such t-shirts in some polling stations. In West Gode the ruling party's candidate's poster was hanging above the desk of the polling station staff.

In addition, Carter Center observers witnessed serious procedural irregularities on a large scale. In most stations observed, voter IDs were not checked, and voters' fingers were not checked for indelible ink. Polling stations opened late and closed early in some areas. Blank registration cards were being sold in some markets, and underage voting was observed in most polling stations.

The lack of access to vehicles hindered not only NEBE's ability to execute its duties but also opposition party ability to campaign and provide voter and civic education. Indeed, one observer car was impounded because of the dire need for vehicles. One rural polling station never opened because voting materials were not delivered. Officials had no way of reaching the NEBE to rectify the situation and voting did not take place there.

Clan-based Social Structure and Somali Region Elections

The Ethiopian Somalis are predominantly nomadic pastoralists, with some settled agricultural communities along the Awash River and Tigrayan highlands. The Somali social and political structures are dominated by a highly intricate and strong clan-based patrilineal structure. The indigenous governance structures involve political power balances negotiated between the clans, and important decisions made largely by the male elders.

Given this societal structure and the decision-making power of clan elders, as well as the fact that it was already clear that the EPRDF would form the next government, it is not surprising that all 23 parliamentary seats in the Somali region were won by the ruling party SPDP. The results were for all intents and purposes a forgone conclusion, especially given the lack of opposition participation in the process.

Although most Somalis did not appear disturbed by the many serious irregularities, the Center's observers reported a fundamentally flawed electoral process in the Somali region. For future elections the Ethiopian government and electoral authorities should take strong steps to ensure a more genuinely democratic process in the Somali region, and should ensure that Somalis are able to vote on the same day as the rest of the country.

Final Results and Carter Center Sept. 15 Statement

The NEBE announced final election results on Sept. 5, 2005, with the ruling EPRDF winning 327 seats (60 percent of the total vote), government affiliated parties claiming an additional 45 seats (8 percent of the total vote) and opposition parties winning 174 seats (32 percent of the total vote). Opposition parties rejected the results, citing the various irregularities and the flawed complaints review process.

On Sept. 15, the Center released a final overall statement on the elections, covering the entire process, including an extensive review of the CRB/CIP complaints and investigation process, as well as observations of the Aug. 15 re-elections and Somali region elections.

The Center's statement noted that while the pre-election process was laudable, the postelection period was marked by a series of problems, including irregularities during the counting and vote tabulation processes, protests and violence, serious electoral complaints, and a prolonged and ineffective dispute resolution process. The statement concluded that the CRB/CIP process did not provide an adequate means for a fair resolution of disputes. The statement also noted while a majority of the 547 individual constituency results appeared credible, there were a considerable number of the constituency results that had significant problems and whose credibility was in question, including many of those involved in the CRB/CIP processes. Finally, the statement called on dissatisfied parties to file appeals to the High Court.

POSTELECTION DEVELOPMENTS THROUGH NOVEMBER 2005

As noted above, the postelection period in Ethiopia suffered from a series of critical problems. Throughout the prolonged electoral process, tensions between the government and opposition remained high. The outgoing government-dominated Parliament altered the rules of procedure making it increasingly difficult for the opposition to add items for debate to the agenda.

CONCLUSION

The May elections marked an historic event in the country, as Ethiopi

The Government of Ethiopia

The government of Ethiopia is responsible for the overall safety and security of the people of Ethiopia as well as ensuring that the rule of law, the exercise of political rights and freedoms are upheld. The opposition faced intimidation and harassment in many areas and these actions limited participation and undermined the legitimacy of the vote. Following the security force killings during public protests on June 6-8, the government of Ethiopia adopted excessive security measures, exacerbating tensions.

The National Election Board of Ethiopia

The NEBE greatly suffered in the conduct of the 2005 elections as it demonstrated an inability to administer effectively key parts of the election, particularly the tabulation and election dispute phases of the process, and resisted comprehensive scrutiny and observation of all phases of the election process by domestic observers and political party agents. It should be noted that the most serious problems occurred with the regional and local NEBE officials and that the national level NEBE personnel appeared more eager to respond to observer concerns and address the problems that emerged.

The Political Parties

The competitive aspect of the pre-election period illustrates the potential for improvements in future elections in Ethiopia. The ruling EPRDF's attempt to create an internal party code of conduct was commendable. However, Carter Center observers witnessed and received many reports that the line between government's actions and those of the EPRDF tended to blur in areas outside of Addis Ababa. While it is impossible to eliminate the advantages of incumbency, the EPRDF should ensure that government resources are not co-opted for campaign purposes and curb the actions of partisan supporters who hold public positions of power.

The opposition parties alleged large-scale intimidation and harassment by government. While Carter Center observers found credible evidence to support these claims in several instances, the opposition displayed a tendency to report intimidation and other problems without solid evidence to back up many of their claims. The opposition's withdrawal from key parts of the process, while understandable in light of the context of violence and intimidation, only served to further undermine the prospects of a sustainable political settlement. This was especially true with regard to the potential to take final appeals to the courts, which the opposition refused to do, arguing that the courts would not provide a fair hearing since the president of the Supreme Court had also served as NEBE chairman. (The chairman recused himself from any election-related court cases that emerged during the

Government Security Forces

The security forces and the government are both to be condemned for the severity and brutality with which they cracked down on opposition protesters resulting in a large number of deaths and widespread arrests of many others.

RECOMMENDATIONS FOR FUTURE ELECTIONS

Based on Carter Center election observation mission findings and in the spirit of supporting Ethiopia's democratization process, the Center offers the following recommendations as critical steps to improve future elections in Ethiopia.

The government of Ethiopia should ensure that all Ethiopians are able to exercise freely their political rights and freedoms necessary for genuine democratic elections. Political parties, candidates and civil society groups should enjoy their rights to participate freely in the electoral process.

Public officials and security officers must refrain from intimidation or coercion, and the ruling party should not use the advantages of incumbency against the opposition for unfair or brutal purposes. This includes control over the security forces, judiciary, and distribution of resources to intimate threaten or harass citizens into voting a certain way. Such behavior undermines the legitimacy of the government serving to provide its people with a safe and secure environment.

The code of conduct agreed to by all parties in 2005 should be put into place for all future elections, as should continuation of the joint political party forums which proved a useful mechanism for promoting party dialogue. Efforts should be made to ensure such forums are regularly held at the regional and local levels. In addition, political parties should adopt a Non-violence Pact for future elections. Party members at the national, regional, and local levels should be made aware of and called to comply with its provisions.

The composition of the NEBE and Secretariat, and the process for selecting it should be reviewed, with the aim of ensuring its genuine independence from government, both legally and operationally. A transparent and genuinely consultative selection process would serve to increase confidence in the body. Further, NEBE should function with transparency at every level, and should provide regular access to information for political parties and observers at each stage of the process.

To support transparency, NEBE and Ethiopian authorities should provide an open invitation to international observation organizations, and should guarantee full accreditation and freedoms of operation for observers. This should include freedom of movement, access to key stakeholders and electoral information, and the freedom to issue public statements throughouce forovemn and freedolISpn o0 Tw -14.n1.15 TdrurI7u-0.00tatemntss thro access tonava pelesge of (g)6if l shouldbgceriontbuioul(g)6inandfreedAparfPacj6(Type/Psurectin/ Snte

capacity of domestic observer groups and political party agents to conduct professional observation activities.

Increased media time available to all parties should be institutionalized and strengthened for future elections. Priority should be placed on ensuring there is a level playing field for multi-party competition.

Future elections in Ethiopia should be held on the same day in all regions of the country, including the Somali region.

Polling station results should be posted at all polling stations and also at constituency centers for a set period of time after the election, and the process of communicating results from the polling station to the constituency to the national levels should be improved. Polling station and constituency level results also should be made available on the NEBE website, so that observers, party agents, and other interested parties can cross check the results collected at poll closings. As a first step, detailed results for the 2005 election should be made public, including polling station level results.

The NEBE should conduct random audits at polling stations around the country to increase confidence for future elections. The audit process and reports should be open to observation by political parties, domestic observers, and international observers.

All stakeholders, including government, opposition, and NEBE authorities need to develop and authorize improved election dispute processes to handle election complaints, and all parties and the general public should be made aware of such procedures. The dispute processes should provide for clear and realistic procedures and timelines, and should include structures that ensure impartiality, fairness, and timeliness. In addition, the processes should include the ability to appeal decisions. If appeals are to be directed to the High Court, it is important to ensure that there are not conflicts of interest between election authorities and the court.

HISTORY OF CARTER CENTER ACTIVITIES IN ETHIOPIA

In addition to observing the 2005 electoral process in Ethiopia, The Carter Center has a long history of involvement in the country—spanning the areas of health, human rights, development, and promotion of peace and democracy.

In September 1989, President Carter presided over peace negotiations between the Ethiopian government and the Eritrean People's Liberation Front (EPLF). This was the first time that the

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APPENDIX A

Observation Delegation Ethiopia Parliamentary Elections 2005 May 15, 2005

Delegation Leaders

Jimmy Carter, 39th President of the United States of America
Rosalynn Carter, Former First Lady of the United States of America
Ketumile Joni Masire, Former President of Botswana
Joseph Warioba, Former Prime Minister of Tanzania
John Hardman, President and CEO, The Carter Center, USA

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**Observation Delegation
Complaints Investigation Panel
June–August 2005**

Delegation Members
Silvina Silva Aras,

Observation Delegation
Aug. 21, 2005 Somali Region Elections

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APPENDIX B

Acknowledgements

The Carter Center would like to express appreciation to the Ethiopian government for inviting the Center to observe the elections, and to the

David Pottie provided comments on various drafts. Final revisions and editing were made in

APPENDIX C

Ethiopia Elections: Postelection Statement, May 16, 2005

FOR IMMEDIATE RELEASE

Samantha Aucock

In Addis Ababa, 09-47-20-65

Addis Ababa, Ethiopia...The Carter Center thanks the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia for its invitation to observe the May 15, 2005, national elections and all those who welcomed us and took the time to contribute to our understanding of Ethiopian politics and the electoral process.

Under the leadership of former U.S. President Jimmy Carter, his wife Rosalynn, former Botswana President Sir Ketumile Joni Masire, and former Prime Minister of Tanzania Judge Joseph Warioba, the Center deployed 50 international observers from 17 countries to seven

Some reports of intimidation and harassment continue. Many allegations were difficult to substantiate and at least some were exaggerations. We will continue to monitor the investigation of these claims.

We regret the NEB's initial directive to restrict the types of domestic organizations that could receive credentials for election observation, but congratulate the manner by which legal appeals were pursued and the rapid and professional response of the NEB following the Supreme Court's decision. Domestic election observers, with their intimate familiarity with the country and their presence throughout the electoral process, have an important role to play and their future role should be encouraged.

Voting Day

Openings around the country occurred relatively smoothly and on time, with most delays only lasting 20 minutes to an hour. All election officials were present and electoral materials accounted for at the time of openings. Any delays in openings seem simply to have been caused by election officials taking care to carry out procedures properly and the extensive time it took to sign and stamp all ballots. Many polling stations commenced voting before the total ballot count was completed. As a result, some stations were counting and stamping ballots throughout the day.

The environment throughout most of the country was calm and peaceful. Voter turnout was overwhelming, and while citizens had to wait in extremely long lines, they showed remarkable patience. In the late afternoon, the NEB announced that all citizens who were in line at 6 p.m. would be allowed to vote, which alleviated some concerns. Thus, citizens who wished to vote were able to do so.

Some irregularities in procedures did occur, the most notable being that ID cards were not always checked. While officials consistently asked for voter cards, they failed to be equally diligent on the presentation of ID documents. As mentioned before, ballots were not all counted and marked before openings. Limited accounts of underage voting were reported.

Party representatives and domestic and community observers were present in most of the polling stations, though more so in urban than in rural areas. Remarkably, there were almost no reports of problems from such individuals, although opposition party headquarters did submit a list of problems and allegations to Carter Center staff.

One area of particular concern was in Hossana, where unrest occurred in the rural areas of Soro and Bure. In Bure, officials were not checking

Conclusion

We have made observations across Ethiopia and trust that the NEB counting, tabulation, and verification will be completed in a careful and expeditious manner. Final results will not be announced for quite some time. We call on all parties, candidates, and voters to be patient and wait for the process to reach its conclusion. All concerns or complaints about the process should be pursued through the processes established within the NEB and the courts. We call on all parties to avoid inflammatory statements. Now is the time for private citizens and party leaders to demonstrate patience and restraint so that the important advances of election day can be preserved.

We will keep a small staff in country and will continue to observe in the aftermath of the election. After election results have been finalized we will issue a final report which will be shared with the NEB, in compliance with Ethiopia's Code of Conduct for International Observers.

APPENDIX D

Postelection Statement on Ethiopia Elections, June 3, 2005

FOR IMMEDIATE RELEASE

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ADDIS ABABA, ETHIOPIA...The Carter Center's May 16 postelection statement, based on observations of the polling process in Addis Ababa and selected locations in eight regions, expressed some concerns and noted that for the first time in history the majority of Ethiopian voters were presented with choices when they went to the polls. The overwhelming turnout on voting day demonstrated the vibrancy of democratic yearnings by the population, and the Center hopes these gains will be reinforced to provide stronger democratic institutions in Ethiopia. The Center, though, is concerned with reports it has received about the vote counting and tabulation process and has investigated a number of these reports from regional polling places and constituencies. So far, our teams have concentrated travel to 36 constituencies in three regions where we have heard reports of problems, and so they do not represent a random set of national observations.

In places we have found evidence that ballot boxes have been moved improperly, were improperly secured, or that party agents were barred from polling stations or were not allowed to watch the entire count. Our observers have received, and in some cases have been able to confirm, reports of election day and postelection intimidation and harassment. In some cases our observers report that NEB personnel have been slow to mobilize in investigating charges of electoral problems. In addition, in some of the areas visited in the postelection period, observers have experienced difficulty accessing information from local NEB officials.

We do not have the capacity to investigate every allegation nor is this a purpose of an electoral observation mission. It is the obligation of the electoral authorities to provide a fair and transparent process including the counting and tabulation. The question is not whether international observers or political parties "prove" that the count was improper, but whether the National Election Board can demonstrate the voting, counting, and tabulation processes were fair and transparent and all legitimate complaints were properly addressed. We have shared our observations with the NEB chairman and have been assured by him these issues will be investigated and that all NEB staff are expected to act in a transparent manner at all times.

Ethiopia stands at a critical juncture where the tremendous strides toward democracy made this year either may be seized upon and institutionalized or wasted. We call upon all concerned-the contending parties, media, civil society organizations, and the international community-to support the NEB in bringing this historic election to a fitting conclusion. Where inevitable disputes arise, we call for their peaceful resolution through appropriate legal channels.

As the election process includes a pre-election period, polling day, and a postelection period, the Center has not yet made a final assessment. Once the entire process is completed, the Center will issue a comprehensive report on our findings.

APPENDIX E

Carter Center Postelection Statement on the Ethiopia Elections, June 9, 2005

We call upon all concerned, including the government, ruling party, and the opposition parties, to reaffirm their commitments to peaceful participation in the entirety of the elections process.

This is the Carter Center's third postelection statement. The Carter Center established an observation field presence in Ethiopia March 19, 2005.

APPENDIX F

Final Statement on the Carter

International Observers. Ultimately, it is the citizens and voters who determine the credibility of their elections.

The 2005 Elections. The May 15 parliamentary elections were Ethiopia's third national elections following elections in 1995 and 2000. The 2005 elections took place in a highly contested environment and in a diverse country where regional considerations are influential and with the majority of voters in rural areas.

In contrast with previous national elections, the 2005 elections were sharply contested and offered Ethiopian citizens a democratic choice for the first time in their long history. The ruling party took the initiative to negotiate with the opposition and level the playing field, and agreed to a number of important electoral reforms that created conditions for a more open and genuinely competitive process. The early negotiations between parties were, in and of themselves, a step forward for the democratization process in Ethiopia.

The National Election Board of Ethiopia (NEBE) implemented these reforms and adopted other important measures to increase transparency and responsiveness to political parties. Civil society organizations contributed greatly to the electoral process by organizing public forums, conducting voter education training, and deploying domestic observers. Most importantly, the Ethiopian public demonstrated their commitment to democracy through their active and enthusiastic participation in the May 15 poll. As a result of these efforts and others by diverse Ethiopian actors and institutions, the overwhelming majority of Ethiopians had the opportunity to make a meaningful choice in the May 15 elections. This significant accomplishment has the potential to lead to further democratization and to consolidate multiparty competition.

While pre-election and election day processes were generally commendable, the postelection period was disappointing. The period following May 15 was marked by highly charged political tensions, several days of protests and electoral violence, delays in vote tabulation, a large number of electoral complaints, and a prolonged and problematic electoral dispute resolution process.

The Center's key concerns during the post-May period relate to the conduct of the ad hoc CRB and CIP complaint resolution processes. The June 10 agreement to establish the complaints process was agreed to by all parties and was important in order to provide a cooling off period after the violence and arrests of early June and a mechanism to resolve electoral disputes. However, in retrospect the CRB/CIP process did not provide an adequate means for a fair resolution of all electoral disputes. A significant number of cases reviewed by the CRB in appeal included a dissenting opinion arguing that there was sufficient evidence to approve the case for investigation in a CIP. The CIP process was not executed in a uniform fashion across constituencies, with potentially consequential inconsistencies in the application of rules for the admission of evidence and witnesses.

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the High Court. Therefore, it is incumbent upon dissatisfied political parties to file appeals to the High Court in an expeditious manner in those cases where they feel that there is credible evidence. If parties decide not to file court appeals, the NEBE's announced results should be

In spite of these many positive developments, the Center also noted several concerns, some of which were reported in our Postelection Statement of May 16, 2005.

Carter Center observers heard and investigated many allegations of violence and intimidation during the campaign and pre-election period, some of which proved to be credible while others were exaggerated. In the instances where claims of violence or intimidation were credible, our observers noted a climate in which candidates felt constrained to campaign and voters to choose without fear of repercussions.

The campaign started out at a high level, focusing on issues rather than personalities, but degenerated in its final weeks into charges and countercharges of engaging in ethnic “hate speech.”

Allegations of opposition plots to undermine the election even as it participated were disturbing, as were continued threats of opposition withdrawal throughout the campaign, the complaints process, and the re-elections.

The NEBE imposed severe restrictions on domestic election observation. On the eve of the election the Supreme Court overturned the NEBE’s regulations on the types of domestic organizations it was prepared to grant credentials for election monitoring, but by then it was too late for domestic observers to deploy widely. Observer reports by these groups might have helped to reduce the complaints and confusion that emerged during the election.

Three US-based nongovernmental organizations (NDI, IRI, and IFES), which could have provided invaluable assistance to the electoral process, were expelled which were repor dC /C20 1 cover

On election night, in the context of the highly charged atmosphere among both opposition and ruling party supporters in the capital city, the Prime Minister imposed a one month ban on demonstrations in the capital city.

May 15 Postelection Period

Starting May 16 the quality of the electoral process in many ways declined rapidly.

When disturbing reports were received about the vote counting and tabulation process, observation teams were redeployed to 36 constituencies in Amhara, Oromiya, and SNNP regions.

Our observers received and in some instances were able to confirm credible reports of election-day and postelection intimidation and harassment. In several constituencies at the polling station level we found evidence that ballot boxes had been improperly moved, were improperly secured, or that party agents had been barred from polling stations or not allowed to watch the entire count. Generally, inquiries made to the NEBE in Addis Ababa were responded to quickly, but obtaining information from field offices was sometimes difficult. In Amhara and SNNP regions, observers experienced difficulty in accessing information from local NEBE officials.

In the days following the election, it became clear that the ruling party had lost by a landslide in Addis Ababa and most urban and peri-urban areas in the country. Election results trickled in, but there was no authoritative information on outcomes for rural constituencies. Both the ruling and opposition parties claimed victory. The opposition accused the ruling party of fraud and rigging the election, while the ruling party accused the opposition of carrying out an orchestrated plot to destabilize the country and subvert the constitution. Opposition parties no longer had access to state-owned media, which had been available during the campaign period.

The NEBE faced a difficult and challenging situation in the late May-early June period. With both the ruling party and opposition parties claiming victory, it became important for the NEBE to release provisional results as they were available. However, finalizing elections in more than half the country's constituencies became mired in unresolved complaints. As the scheduled June 8 date for the announcement by the NEBE of provisional results approached, it became apparent that the deadline was not going to be met.

At dawn on June 6 Addis Ababa university students demonstrated at their campus, resonating opposition complaints that the election had been rigged. Hundreds of students were soon arrested, and rumors of a general strike were heard around the city. On June 8 a transportation strike spread throughout Addis Ababa. Violence and gunfire broke out in several areas of the city. Official reports placed the number of shooting deaths during this June 6-8 period at 37, with hundreds injured.

Following the protests, opposition party leaders and supporters were rounded up and arrested, or placed under house arrest. Opposition leaders claimed these acts were political persecution, while the government blamed the opposition for inciting the violence.

On June 9 The Carter Center issued a public statement condemning excessive use of force by security personnel and the harassment of political leaders. The Center called on all parties to use legal mechanisms to address any election related disputes.

Complaints Review and Investigation Processes

Carter Center personnel followed the negotiations that led to the adoption by the ruling and major opposition parties of the ad hoc complaints resolution process to deal with the numerous complaints that were not resolved through established complaints resolution processes. The ad hoc process was structured to include two Complaints Review Boards (CRB) and 44 Complaints Investigation Panels (CIPs).

The Carter Center followed the operations of the first CRB, which screened the initial

Complaints Review Board (CRB). The Carter Center followed parts of the CRB process and conducted a review of the CRB data and the decisions provided by the NEBE. From the available information, it appears that the initial CRB adequately handled the cases reviewed, with an appropriately permissive threshold for sending the complaints forward based on either quantity or quality of evidence. The second CRB referred an additional 25 cases for investigation. However, the Center noted that the outside legal expert on the CRB dissented in 14 cases in which the CRB voted 2-to-1 to reject the complaints because parties were bringing evidence of irregularities at additional polling stations within the same constituencies. The basiscaT*re2 TwEM-

Center found either individuals not willing to talk to the CIP for fear of reprisals, witnesses who appeared frightened or intimidated while testifying in front of the panel, or credible evidence of intimidation and harassment, including beatings and bribes, in the areas around the Panel sites.

create internal mechanisms for presenting credible evidence in a timely manner within the established parameters.

August 21 Re-elections

As a result of the CIPs, the NEBE conducted re-elections in 31 constituencies on August 21. The opposition party Coalition for Unity and Democracy (CUD) unsuccessfully challenged the re-voting in court, claiming that the NEBE had not justified its decisions on which constituencies deserved new polling.

Carter Center observer teams were deployed to 11 of those constituencies for the August 21 ballot, visiting 94 polling stations. The Center's observers reported that election administration ran smoothly in most polling stations. In some places identification (ID) cards were not checked,

It also should be noted that the NEBE was planning for the Somali elections at the same time it

evidence. If parties decide not to file court appeals, the NEBE's announced results should be accepted as final and legitimate. The Carter Center stands ready to assist Ethiopians and observe any other electoral processes as appropriate.

The NEBE is entering polling station level results into a database, aggregating these results and comparing them to the constituency level results. This is an essential procedure, which should be completed soon, and will provide important polling station data for all parties to cross-check results. The opposition CUD claims to have polling station level data proving it won more seats in parliament than the official NEBE results indicate. It is incumbent upon parties to bring data and evidence of discrepancies to the NEBE as soon as possible.

On May 15 an overwhelming number of Ethiopian voters stood in line for long hours to express their democratic right to elect their leaders. They exhibited faith in a process and a desire for