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Ethiopia's democratic predicaments

State–society dynamics and the balance of power

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Executive summary

Democratic transition has been an uphill struggle in Ethiopia. Moments of political opening have so far ended with a relapse to variants of autocratic rule, ranging from military dictatorship to electoral and competitive authoritarianism. Scholars have explained democratic failure due to factors related to political culture, party institutions, ideology, elite interest and others. In analysing Ethiopia's democratic predicaments, this research outlines the foundational historical, political and security contexts that make autocracy resilient. It specifically amplifies state–society (im)balances of power and the nature of their interactions.

The origins of authoritarianism in modern Ethiopia can be traced back to the era of state expansion, marked by the general lack of favourable structural conditions for the emergence of strong political and economic contenders to the state's hegemonic aspirations. The ensuing huge power asymmetry established between social forces and state agents was then successively enhanced by regimes during times and in zones of political stability. Regimes used party structures to establish denser and more domineering institutional connections with society, co-opt groups and individuals into party/state structures, cultivate dependent and obedient non-party organisations and individuals, and harass, arrest and eliminate critical voices.

This research outlines the foundational historical, political and security contexts that have made autocracy in Ethiopia resilient

However, the regimes, while deepening and refining autocracy, could not always stave off opposition to their rule or the state. Protest movements sometimes contributed to political change, but failed to consolidate democracy for various reasons.

First, the post-protest weakening of the state/party structures impeded an ordered and coordinated political transition, even when there was goodwill at the top. Second, in a state of crisis, the state failed to uphold the rule of law and protect the lives of civilians from other violent actors. Finally, state power can still be swiftly

recuperated and instrumentalised vis-à-vis that of social forces, which are weaker in organisational, financial and penetrative terms. With the recuperation of state power, a domineering imposition of state will over society rebounds.

The most effective resistance to state rule – insurgency – creates the least favourable condition for the emergence of a system that is sustainably responsive to citizens' demands and rights. There are at least three reasons for this: war eliminates the material foundations for establishing a consolidated democracy; it creates justifications for gross state violations of human rights; and contributes to the building of a cohesive and militaristic rebel group that will transfer its authoritarian tradition to the state after and if it captures power, ensuring authoritarian durability.

One way of thinking beyond these predicaments could be to develop a framework that effectively capitalises on the role of elites, without ignoring or negating the significance of structural forces. Since elites would not be expected to democratise the state while they can still remain authoritarian, mechanisms for creating incentive structures need to be developed. Although luring elites is a less effective mechanism than forcing them to liberalise the political space, it is currently the only way available for Ethiopians.

Incentivising elites to open the political space should be part of the upcoming national dialogue in Ethiopia, where elites are expected to craft a new social contract. Among other things, this contract should include recommendations for collectively getting on the democratic track. The ruling party and social forces should agree on a process that could make effective political transition seem like an opportune alternative, and put in place mechanisms for its effective implementation. The first step, however, should be to make the national dialogue process credible, independent, inclusive and participatory.

Acronyms

CoD	Chamber of Deputies
CSOs	Civil society organisations
COCOE	Coalition of Ethiopian Civil Society on Elections
CPJ	Committee to Protect Journalists
EPLF	Eritrean People's Liberation Front
EBC	Ethiopian Broadcasting Corporation
EHRC	Ethiopian Human Rights Commission
EPDM	Ethiopian Peoples' Democratic Movement
EPRDF	Ethiopian People's Revolutionary Democratic Front
EPRP	Ethiopian People's Revolutionary Party
HoPR	House of Peoples' Representatives
MPs	Members of Parliament
NDC	National Dialogue Commission
NEBE	National Electoral Board of Ethiopia
NGOs	Non-governmental organisations
OLA	Oromo Liberation Army
OLF	Oromo Liberation Front
PP	Prosperity Party
TPLF	Tigray People's Liberation Front

Chapter 1

Introduction

One of the most vexing questions in Ethiopian politics is the issue of democratisation.[1] The demand for democracy has formed an important aspect of political and armed struggles in the country for several decades. However, the country has never been a consolidated democracy. Ethiopia has rather remained a bulwark of several variants of non-democratic/autocratic forms of rule. This has negatively affected human rights and the well-being of citizens in general.

What explains the persistence of autocracy in Ethiopia? This monograph develops an argument[2] based on the balance of power[3] between state and social forces[4] and the nature of their interaction (peaceful or violent; stable or contentious, etc.). It argues that in Ethiopia, where state versus societal power has long remained highly asymmetrical, neither state strength nor severe resistance to it by social actors creates a favourable climate for successful democratisation.

> The demand for democracy has formed an important aspect of political and armed struggles but Ethiopia has never been a consolidated democracy

This proposition has four components. First, the modern Ethiopian state grew hegemonic during its expansion, overpowering non-state actors and laying the foundation for persistent authoritarian rule. Second, as long as the state remains significantly unchallenged and enjoys relatively stable hegemony, it tends to not only maintain its autocratic grip on society but also to weaken further the organisational power of social forces and other potentially independent entities.

Third, if the state is exposed to solid but peaceful challenges, such as protest movements, it could get internally divided and hence weakened, triggering a short-lived political liberalisation but not necessarily democratisation. The latter is not achieved because a sustained state–society contestation, usually a necessary condition for democratisation, is precluded as social forces' organisational power is still weaker than the state's. Moreover, anti-democratic practices may persist in the

lower governance system of the divided state, sometimes not sanctioned by the central government, additionally sabotaging a successful transition.

Fourth, the most significant challenge to state hegemony could come from armed groups with vigorous organisational power, but the violent confrontation between the state and insurgent groups further deepens autocracy. Depending on the durability of armed conflict, it may lay the groundwork for future authoritarianism by the rebel victors, perhaps punctuated by a short-lived political liberalisation immediately after rebel victory. This perpetuates the autocratic cycle over time.

Hence, at the heart of Ethiopia's political dilemma lies the fact that neither political stability nor severe political instability serves the cause of full-scale democratic transition. Milder instability through peaceful resistance to autocratic rule may open up the political arena but will not guarantee democratic consolidation. The key to achieving this is to increase social organisational, penetrative and financial power without undermining state organisational and coercive power, although the two scenarios do not usually co-exist.

In the absence of strong state–society contestation, Ethiopians need to consider the softer option of creating incentive structures to mould actors' interests in a democracy-friendly manner. Political elites should thus take advantage of the national dialogue to negotiate 'de-autocratising' policies and commit to their implementation. Most importantly, the national dialogue should be instrumentalised to incentivise the ruling party to reboot the democratisation process.

The importance of other factors to explain authoritarian persistence – party ideology and party institutional arrangement, political culture, ethnic division and elite interest – can be fully appreciated when seen in conjunction with the more fundamental explanations offered here (state–society power asymmetry and the nature of their interaction). These provide the general historical, political and security contexts for understanding the relevance of other variables.

Party ideology and institutions undoubtedly become instruments of domination, but their successful deployment requires an already favourable political and security climate. Political culture supports autocracy, but it explains neither its origins nor the conditions that sustain it. Ethnic division in society may pose a risk to democratic transition by, among other things, triggering civil strife and complicating anti-regime collective mobilisation.

However, ethnic division as a stand-alone argument fails to account for the pre-division origins of power asymmetry in a polity. It also ignores the possibility that division might also infest the state apparatus without necessarily affecting the state's autocratic grip over society in the long run. A focus on ethnic divisions also neglects the role of state actors in deepening rifts, and does not explain the enfeeblement of social actors within particular ethnic groups.

Finally, state elites' interests, aspirations and expectations are shaped by the political and security contexts. This monograph's focus is on the general conditions that usually mould their decisions and courses of action. The recommendation section discusses the role of elites in effecting positive change but notes that an enabling environment is necessary to achieve that.

Although normatively in favour of increasing social power, this research does not assume that non-state actors such as opposition parties, civil society organisations (CSOs), the private sector and the general public are necessarily bastions of democracy. Some might foster autocratic practices. Nor does the study assume that an increase in social power is a sufficient condition for democratisation. Robust rebellion against the constitutional order by a sturdy contender alone may not lead to that end.

The road to democracy is messier and bumpier than that, and requires the confluence of other factors not discussed here. However, extended interaction, contestation and negotiation between empowered non-state actors and the state are usually necessary to arrive at a viably open political space. This contestation will lay the groundwork for their mutual reconstitution and gradually contribute to democratic change, augmented by other economic, social and international factors.

In other words, whether or not social forces are genuinely democratic is of secondary importance to the organised power they put into checking state hegemony and forcing it to concede space to independent centres of power. The plausibility of this proposition is derived from structural and strategic theories of democratisation.[5]

This research does not assume that opposition parties, civil society organisations and the private sector are necessarily bastions of democracy

This monograph delves into the underexplored roots of anti-democratic rules in Ethiopia. It offers fresh perspectives on how asymmetrical power relations between state and society in both stable and unstable political environments thwart democratic aspirations. The analysis moves away from culturalist, intentionalist[6] or institutionalist[7] explanations, toward the forces that surround all these factors and shape and maintain their impact.

Based on this analysis, the monograph suggests broad avenues for future policy directives. These general points can open up opportunities for more fruitful discussions than the simplistic to-do lists that miss the core points. Furthermore, the monograph offers one of the first comprehensive and balanced assessments of

the country's post-2018 democratic status based on first-hand data. Finally, it can serve as a preliminary but comprehensive resource for triggering discussions on democratisation in a national dialogue platform.

This study used an extensive number of primary and secondary sources to substantiate its findings. Interviews were held with several media practitioners working for public and private outlets (both print and broadcast). Almost all major regional and national political parties were consulted, as were key National Electoral Board of Ethiopia (NEBE) workers. Key informants in the justice system participated in the data-gathering process, mainly from the Federal Supreme Court, regional judiciary (Amhara and Oromia) and the Ministry of Justice. CSO leaders and Ethiopian Human Rights Commission (EHRC) officials also took part. Finally, senior government authorities were interviewed extensively.

The remainder of this monograph is structured as follows: it first outlines the major aspects of authoritarian practices in Ethiopia since imperial times, including the full-blown autocracy of the pre-2018 period and the emerging competitive authoritarian system since. Next come the explanatory sections beginning with a discussion of the origins of absolutism, followed by its growth during times of both political stability and upheaval in the country. Thereafter, the democratic predicaments are summarised, and general remarks and recommendations offered.

Chapter 2

Variants of authoritarianism

Like many other African countries, Ethiopia has had several variants of autocratic regimes – from the absolutist monarchy of the pre-1974 era and the military dictatorship of the Derg regime, to the electoral authoritarianism of the Tigray People's Liberation Front (TPLF)-led Ethiopian People's Revolutionary Democratic Front (EPRDF), to the increasingly competitive authoritarian system of the current period. The regimes have differed in their ideology and degree of autocracy, among other factors. Individual regimes have also had their own variations and fluctuations in autocracy during their lifespan. However, common to all has been the persistent lack of democracy as a form of rule.

Era of full-blown authoritarianism, pre-2018

From absolutist monarchy to totalitarian dictatorship, pre-1991

The monarchic regime avoided constitutional or structural affiliations with the core tenets of a democratic state. It did not even officially endorse the framework of a democratic system as an alternative mode of organising state–society relations. Instead, it claimed its legitimacy from the principle of divine rights and the mythology of the Solomonic Dynasty.

> Ethiopia has had several variants of autocratic regimes – from an absolutist monarchy to the current competitive authoritarian system

Haile Selassie's constitutions focused on managing the relationship between the monarchy and the nobility and projecting an aura of modernity in a world where Ethiopia was reasserting itself as an important member. The rights of citizens were acknowledged in passing. The 1931 constitution bestowed upon the emperor absolute powers 'in appointments and dismissals, the rendering of justice, the declaration and termination of wars, and the granting of land and honours.'[8] Article 4 of the 1955 constitution advanced as far as declaring that, 'By virtue of His Imperial Blood, as well as by the anointing which he has received, the person of the

Emperor is sacred, His dignity is inviolable and His power indisputable.'[9] Both documents codified an absolutist monarchy, but the latter constitution invigorated the system, after which the Emperor steadily exhibited sultanistic tendencies.[10]

The military junta that came after it secularised the state, ended the political dominance of the feudal class and formally endorsed aspects of human rights, without declaring the sovereignty of the people at large. Its 1987 constitution incorporated many of the civil, political and social rights of citizens. The constitution also approved some basic tenets of the separation of power, typified in its declaration of establishing a relatively empowered Supreme Court and National Assembly.[11] Nonetheless, the executive's power was lavishly extended, with all ultimate power brought under the President's Office.

The constitution specified that 'when compelling circumstances arise,' the president could appoint or relieve 'the prime minister, the deputy prime minister, and other members of the Council of Ministers; the president, the vice president, and Supreme Court judges; the prosecutor general; the chairman of the National Workers' Control Committee; and the auditor general.'[12] The constitution was, in essence, very similar to dictatorial communist constitutions elsewhere, but the Ethiopian version envisioned an even more centralised governance system.

Their practices even more clearly defined the nature of both regimes. They both frequently and egregiously violated civil and political rights; failed to practically ensure separation of powers at the level of the state; never practised free, fair and universal elections; and, except for a short interlude during the Derg's early period, did not recognise opposition/independent parties or an independent press. They both organised elections, but the domain and actors were restricted to the privileged and were not free. Under Emperor Haile Sellasie before 1955, top officials, emphasising 'that the people were not yet ready for active participation in the political process,'[13] limited electors to the Chamber of Deputies (CoD) to the landed gentry. The 1955 constitution recognised universal suffrage to the CoD in principle but in practice the elections served as a tool for 'self-promotion' of the already powerful class, rather than for popular representation.[14]

The Derg's National Shango (Assembly) was also, in principle, filled through elections, but the centre tightly controlled the process to guarantee the absorption of President Mengistu Haile Mariam's acolytes. A cadre-controlled 'universal' referendum also adopted the 1987 constitution.[15] In both cases, the Parliament was entrusted to loyal officials, and the justice system essentially served the preferences of the head of the executive.

However, the regimes witnessed brief moments of relative liberalisation as well.[16] Most importantly, the imperial regime's end and the military junta's early days saw a relative easing of the political space. Immediately before the downfall of the emperor, a transition to a constitutional monarchy was proposed at the highest

echelon of the ruling clique, and a more liberal constitution was being prepared. The military coup undercut that development with the sudden assumption of state power by members of the armed forces.

The takeover was immediately followed by repressive measures against those who aspired to resume active opposition. The aspiration for democratic change[17] that some groups called for at the time was thus curtailed forcefully. Nonetheless, in its early years, the Derg was harsher towards the feudal elements than the civilian Left. For instance, as late as 1976, there were heated debates in the state newspaper *Addis Zemen* between opposing political groups on fundamental questions of the time, including what 'people's government' was and the extent of democratic rights to be enjoyed by the masses.

Later, the military junta also extended an invitation to all existing political parties to join hands in turning Ethiopia into a socialist state. This proposal was accepted by many parties but rejected by elements in the Ethiopian People's Revolutionary Party (EPRP), paving the way for the soon-to-come showdown and gradual closure of the political space. Confrontation between the regime and social revolutionaries, most importantly represented by the EPRP, precipitated the closing of the political space. After that, the full-blown authoritarianism under Mengistu's rule remained intact until his downfall at the hands of a coalition of insurgents led by the TPLF and the Eritrean People's Liberation Front (EPLF) in 1991, aided by changing international circumstances.

Electoral authoritarianism, 1991–2018

The post-Cold War change of government brought significant shifts in statecraft while maintaining vital continuity. At first, political liberalisation set in, both in principle and in practice. The 1991 Transitional Charter and later the 1995 constitution enshrined democratic ideals and principles. They codified regular elections, a formal parliamentary system, separation of powers and human rights.

Ethiopia also became a party to several international treaties advancing civil and political rights. While these reforms were under way during the transition period, the scope of human freedom expanded. Parties and associations mushroomed (with some critical exceptions), freedom of expression flourished, and political activism for and against EPRDF increased. The scope of media freedom, for instance, was enlarged, leading to the flocking of several anti-TPLF elements into the world of print media, thereby inaugurating the birth of a critical media landscape.

However, the new regime was not meant to be democratic. From the beginning, it issued a ban on incorporating some pan-Ethiopian parties into the emerging political settlement. It also harassed and marginalised some independent ethno-nationalist organisations. Alongside the political liberalisation, repressive measures were gradually taken against opponents, until the regime unleashed a full-fledged

crackdown against Oromo Liberation Front (OLF) members and against Amhara, Hadiya and Somali actors. Ironically, shortly after ratifying the ostensibly democratic constitution in 1995, the Ethiopian state abandoned much of its practical democratic commitments, although the rhetorical endorsement and the façade of democratic institutions continued indefinitely.

In its quarter-of-a-century rule, the EPRDF, informed by its revolutionary democratic ideology, violated basic democratic ideals in terms of protecting human rights, guaranteeing a free media landscape, maintaining separation between the executive and the judiciary, and, most demonstrably, conducting free and fair elections. Independent reports have documented gross human rights abuses throughout the EPRDF's rule.[18] Human rights organisations have indicated recurrent extra-judicial killings, arbitrary arrests, forced disappearances, rapes, torture, wanton destruction of individual properties and other cases of severe repressive measures against opponents or suspects in several regions. Observers consider most of the violations to be centrally and systematically coordinated.

The media faced a complex set of both severe and milder restrictions.[19] These included creating administrative hurdles and taking 'legal' measures against critical and independent media organisations, as well as intimidating journalists with dissenting views and forcing them to flee. The adversarial relationship between individuals in the media and in the government since 1995 was sometimes tolerated but usually forcefully tamed through repressive measures.

After 2005, however, media personnel were among the first and subsequently principal victims of the new anti-terror law. For three years afterwards, the critical private press was effectively silenced. While 2008 saw a slight revival of a few independent voices in print and broadcast media, state repression resulted in the more critical ones fading into oblivion once again. The rise of digital media, especially after 2010, exposed the regime to an unanticipated flood of online onslaughts. However, the state gradually developed the technological means to hit back by jamming websites and throwing accessible online activists into prison.

Although satisfactory on paper, the practical status of judicial independence left much to be desired. Despite the officially upheld principle of the separation of powers, the judiciary remained practically subservient to the executive.[20] Direct and indirect influences from officials at different levels, often in coordination with one another, threatened the judiciary's institutional and personal independence. Judges' recruitment, promotion and transfer often depended on whether they made politically correct decisions.

Specific judges with due 'political orientations' handled political cases to manufacture predetermined rulings. Professional judges frequently received threats about how they administered politically sensitive cases. Hence, although bold and critical judges did exist and at times passed unsettling rulings,[21] that was not the

general trend at the federal and regional levels. Even when such independent rulings were passed, authorities immediately took 'corrective' political measures. For example, the executive used the legislature to invalidate court rulings by tasking members of Parliament (MPs) to enact laws that could overturn the court's rulings.[22] Furthermore, the judiciary lacked autonomy in securing funds, administering human resources and evaluating performances. In addition, quasi-judicial executive bodies were entrusted with investigating cases that courts were, in principle, supposed to handle or at least review on appeal.[23]

The quality of elections has varied over time, but all were exercises in electoral authoritarianism.[24] Local and national elections since 1992 were neither free nor fair. The primary arbiter, the NEBE, was firmly under the EPRDF's control, and the judiciary was subservient to the whims of the party. Independent election observers and local electors affirmed each time after elections that the pre-election periods were marred by grave irregularities, including harassment, intimidation, arrest or co-option of both opposition party candidates and of local residents suspected of favouring the opposition. Funds and media-time allocation for parties always clearly favoured the ruling party.

> By racking up 99.6% and 100% of votes in the 2010 and 2015 polls, the EPRDF proved its obsession with retaining power despite its narrow support base

During voting, officials tampered with the electorate's choices directly or indirectly. They also rigged vote counts through surrogates and did not tolerate peaceful post-electoral protests. Although the 2005 elections kicked off in a significantly opened-up political environment with a more equitable distribution of airtime to parties, the aftermath turned out to be bloodier than in previous years and foreshadowed that the worst, in human rights terms, was yet to come.

Followed by a storm of repressive laws, the most contested elections churned out the most abusive state reactions to electoral processes. By controversially racking up 99.6% and 100% of the votes in the last two elections (2010 and 2015), the Front decimated any competition and again proved its 'obsession with retaining power in spite of its narrow popular base.'[25]

In violating freedoms and narrowing the political space, the regime took extra-legal measures but also instrumentalised the law. The most draconian legal instruments of oppression surfaced from 2006, when the increasingly frantic regime[26] codified the anti-terror and CSO regulations, among others. Several journalists, activists and opposition politicians were thrown into jail and tortured, accused of terrorist crimes. Many organisations working on governance, democracy, human rights and conflict

resolution were either closed down or harassed for violating the CSO rules. Conditions deteriorated over time until protest movements rocked parts of the country and activated an intra-regime split, causing political change by 2018.

Towards competitive authoritarianism,[27] post-2018

The year 2018 ushered in a new era of democratisation – or so it seemed. The new government led by Prime Minister Abiy and his reformist colleagues from the EPRDF unlocked the political space again. The initial measures taken were striking. They included releasing thousands of political prisoners, inviting back exiled political groups and individuals, putting independent personalities in positions of influence, and broadening the practical domain of freedom of expression and association. The speed and intensity of the shift from an entirely closed political system to an extensively expanded one stunned Ethiopians from all walks of life, ideologies and identities.

Legal reforms

Seemingly enduring transformations were effected in the area of legal reforms. Most EPRDF-inspired legal frameworks that undermined human and institutional freedom and independence in the judiciary, elections, human rights, the media and CSOs were overturned, amended, revised or replaced to fit into a liberal democratic framework.

Legal reform pertaining to judicial independence aimed to strengthen both the institutional and personal autonomy of the judiciary and the judges, respectively.[28] Reforms in the judiciary include ensuring budgetary and administrative independence. Accordingly, the judiciary has gained formal autonomy in the budget approval process, scrapping the previous practice of involving the executive. Further, human resource management is no longer governed by civil service regulations, giving courts the freedom to allocate more appropriate budgets to staff recruitment and promotion.

More importantly, the judiciary's highest administrative body, the Judicial Administrative Council, has been restructured and has more judges than before, hence empowering professionals over executive representatives. The Judicial Reform Programme, spearheading the reforms at the Federal Supreme Court, also developed new regulations with clear criteria to guide the recruitment and removal of judges. To safeguard the personal autonomy of judges, it also devised a code of conduct for judges and circulated it to relevant bodies.[29]

State electoral and human rights institutions have also been transformed. The NEBE has been re-created into a more independent institution with more core staff, most recognised for their professional competence. Though disputed by some parties,[30] board members were appointed through 'an open process that includes public calls for nominations, a screening process by a select committee, and confirmation

by parliament.'[31] The legal reforms provided the electoral board 'with new rules of appointment and ethical behavior, and made it more accountable, with judicial review of administrative action.'[32] It also gained full power to issue directives for conducting elections.

Progress in terms of reforming the EHRC is also notable. There are more commissioners and the Commission's salary scale is no longer determined along civil service parameters; it has the liberty to hire any professional at the Chief Commissioner's discretion. It is also in a more favourable political environment to conduct investigations and publish regular and ad hoc reports. Although it still faces limitations in pushing for the implementation of its recommendations, some regional and federal officials have collaborated and taken corrective actions in addressing human rights violations.[33]

Laws aiming to protect citizens from the abuse of rights have also been put in place. For instance, the infamous anti-terror law was replaced by one that is more liberal and more attuned to the principles of human rights. The new Federal Prison Proclamation of 2019 'indicates a positive shift towards rehabilitation, reintegration, and protection of human rights.'[34] Finally, the Federal Administrative Procedure Proclamation has in principle made administrative authorities subject to judicial review. The law aspires to provide access to justice for citizens with respect to administrative officials who violate their rights or negatively affect their enjoyment of those rights.[35]

Media law reform amended prior obstructive legislation that limited freedom in that sphere. It decriminalised defamation, clarified and limited conditions for criminalising speech, envisaged a more independent regulatory organ, and made press licensing more straightforward.[36] Lastly, CSOs obtained a liberal legal environment to operate in, with the transformation of the law defining their rights and roles. The new CSO proclamation rectified restrictions related to fundraising and areas of operation, and allowed ample space for CSO participation.

Autocratic practices

Despite these legal and institutional reforms, however, autocratic practices have persisted in post-2018 Ethiopia. They are most visible in the domains of elections, media, human rights and the judiciary – all quintessential aspects of a democratic order.

Elections

After being postponed twice due to COVID-19-related and logistical challenges, the June 2021 elections were held in unfavourable security[37] and political environments that affected their timing and quality. They were further postponed or cancelled in dozens of constituencies, as well as in the entire region of Tigray.

Despite this, the elections were qualitatively different from many of those in the pre-2018 period, mainly because a relatively empowered and professionally staffed electoral board was officially in charge.[38] However, evidence demonstrates that it failed to run a free and fair electoral process. This highlights that, in politics, institutional reform within an independent organisation cannot guarantee the professional execution of plans outside it. External factors heavily influence the implementation process.

Almost all opposition political parties noted irregularities in the pre- and post-election periods, as well as during the election. Some of the critical cases were confirmed by the NEBE and other state and ruling party officials.[39] This suggests a pattern in the irregularities that affected the overall quality of the electoral process, which was neither free nor fair. According to senior NEBE staff, the electoral process involved a constant battle with state authorities, and the board did not always succeed in its efforts.

In the pre-election period, parties reported intimidation of their candidates or their families by officials, denial of meeting halls, arrests of supporters and candidates, the closing of party offices, ballot gathering, making safety net disbursal dependent on voting behaviour and political inclination, registration of non-resident voters in some localities, and dolling out bribes to encourage Prosperity Party (PP) voting.[40]

In politics, institutional reform within an independent organisation cannot guarantee the professional execution of plans outside it

The parties also complained 'about the ruling PP's misuse of state resources and abuse of office for campaigning purposes at the kebele up to the federal level.'[41] Major parties in Oromia claimed that their members were intimidated and/or arrested and offices closed. This led to their withdrawal from the elections, paving the way for an uncompetitive election in the region.[42] Voters in some areas reported that kebele officials had warned them that if they did not vote PP, they might be denied basic services at the kebele and wereda levels.[43]

NEBE officials complained that authorities in different positions had violated electoral principles, such as trying to sneak into ballot stores, forcefully disbanding training workshops for polling officers, taking party members to the NEBE to be trained as poll officers, arresting voter educators, intimidating poll officers and withdrawing security protection for the transport of ballots.[44] A few party officials also directly interfered in the board's work. Some senior board workers were privately 'exhorted' not to 'favour the opposition', triggering a sense of unbecoming state intervention in their tasks. At one point, staff were also 'encouraged' not to

comply with the Supreme Court's decision about the candidacy registration case of one detained politician.[45] The NEBE flouted the latter suggestion, however, and endorsed the court's ruling.

During the voting period, all parties complained that kebele and wereda officials tried to influence the decisions of queueing voters. In many instances, opposition party observers were absent or forced to leave polling stations. NEBE officials also reported that they had seen supporters of the ruling party coordinating elections wearing T-shirts bearing the PP logo. The board noted 'various activities that undermine the scale of political competition during the election process,' including 'attempts by government agencies in the lower echelons … to interfere in the process, partisan report[ing] in public and private media, etc.'[46] In the post-election period, in some areas votes were counted without the presence of opposition party observers, and in other areas, observers from certain polling stations were forced to sign off counts in stations they did not observe.[47]

The NEBE worked with the government to resolve some of these issues. It succeeded with certain issues, such as the release of detained candidates. However, parties and individuals filed so many complaints that the NEBE could not address or sort them out in time, if at all. According to one NEBE official, there were so many irregularities involving officials at different levels that the board was overwhelmed.[48] Although state authorities do not deny some of these irregularities, they question their ubiquity. Some also blame lower-level 'unruly' officials for the 'anomalies.'[49]

These irregularities were more pronounced in some regions than in others. Rural areas were the most affected, with Addis and other major cities having fewer irregularities. Similarly, Oromia region saw more harassment (in number and intensity) of party members than other regions in the pre-election period, but less during the elections, since the elections there were not competitive.[50] NEBE officials claimed that Amhara, Southern Nations, Nationalities and People's Region, and Somali Regions also witnessed pervasive irregularities before and/or during elections.[51]

In general, evidence from diverse sources indicates that the irregularities were not just isolated incidents. As a National Democratic Institute report notes:

> The arrest of several prominent Oromo political leaders and other problems resulted in political party boycotts and a significant number of HoPR [House of Peoples' Representatives] elections featuring only one candidate in Ethiopia's most populous state. Intimidation and harassment of opposition party candidates and their supporters limited their ability to participate in the electoral process. Though the NEBE introduced new measures regarding campaign finance, disparities in access to funding remained problematic, and the advantages of incumbency and use of

government resources gave disproportionate advantage to the ruling party. As a result, the campaign was relatively subdued and dominated by the ruling party.[52]

The media

The media landscape has also changed over time, but legacies of the past remain. In 2018, Ethiopia's ranking increased in the World Press Freedom Index,[53] but has dropped since. In 2022, the index ranked the country 114th, 13 levels lower than its status only one year before.[54]

State media have increasingly turned into mouthpieces of the ruling party. While diverse opinions were broadcast and printed early in the transition, this has dwindled over time. Journalists working for state(-affiliated) TV stations, for instance, reported that regular talking points come from party-affiliated officials outside the media house, and media authorities passed these on to the editors-in-chief and editors[55] to guide their reporting and shows. Editors claimed that editorial vetting is not very different to that in the past – constraints remain, and journalists are commanded to fall in line with single narratives while covering political matters.[56]

In covering the public's administration-related grievances, media authorities instruct journalists to focus less on the grievances and more on what the government is doing to curb or ameliorate them. As one state media editor put it, 'everything here revolves around the government's/party orbit.'[57] Some independent professionals have left their positions in state-controlled media because they do not want to toe the official line. Others remain, respecting editorial rules officially, but anonymously publishing critical materials in private outlets.[58] Some independent and opposition personalities were appointed to sit on the board of state-run media entities such as the Ethiopian Broadcasting Corporation (EBC). However, they maintain that the board meets rarely[59] and their influence has been negligible. Some reported that they do not have any say on editorial and technical matters.[60]

The government's record of handling private media freedom is mixed. While some private media journalists and managers believe the landscape now is generally free as long as journalistic professionalism is maintained,[61] others report direct and indirect attempts to shape journalists' thinking and influence the content of their work. Most of these attempts come from senior officials who provide 'advice' to producers/journalists to 'behave appropriately', 'help the government' and 'protect their professions and their country' by doing so.[62] The producers consider such approaches 'harassment' and 'unwarranted interventions'.

Other journalists reported receiving harsh warnings for reporting on 'negative stories' such as conflict dynamics rather than on the government's achievements. They stated that officials accuse them of 'sinister motives' for covering such stories. The officials also contact close acquaintances of the journalists to impress on them

that 'now is not the right time to report on such issues' and that 'they could be detained if they refuse to heed the advice coming from above.'[63]

At the height of the Tigray war and during the campaign against armed groups in Amhara in 2022, the government's treatment of critical journalists took a new turn. More stringent media control was introduced, including harsher measures against national and foreign journalists, ranging from forcing specific narratives to revoking licences. Senior state officials in some regions gathered journalists and instructed them to either support the government or stop obstructing it, referring to any critical commentary on the war.[64] Arrests were frequently reported, too.

As the Committee to Protect Journalists (CPJ) notes, 'Journalists and commentators expressing dissenting views, or doing independent reporting, became vulnerable to arrest, threats, expulsions, and other forms of attacks.'[65] Since the start of the war, authorities have arrested 63 journalists.[66] While many have been released without being formally charged, they claim to have gone through human rights violations while in custody.

Finally, another major reversal of media reform was the prime minister's nomination – approved by Parliament in April 2022 – of nine board members for the Ethiopian Media Authority, the highest state authority in charge of media affairs. The nomination was widely criticised for being in contravention of the Media Proclamation,[67] which provides for an open nomination process involving the public. In addition, some members were ruling party members, again contrary to the Proclamation. Several independent bodies censured the nomination, including the Ethiopian Mass Media Professionals Association, which noted its 'utter non-compliance with the law' and affirmed that the move 'undermines public confidence in the legislature.'[68]

Human rights in general

Human rights violations have remained shockingly high over much of the last four years. In just one year (July 2021–July 2022), the EHRC documented numerous cases of severe violations, including mass extra-judicial killings, arbitrary arrests and forced disappearances, and abuse of detainees.[69] Reports have highlighted evidence of property destruction, gang rapes and forced exaction of money. Victims have accused both state and non-state actors of violations.[70]

All regions have witnessed abuses of civil and political rights, but Oromia, Tigray, Benishangul, Amhara, Afar and Addis Ababa are among the worst affected. Most of these abuses occurred in contexts of conflict. In some instances, government forces clashed with armed and non-armed opposition groups, injuring civilians and their property in the ensuing confrontations. In other situations, intercommunal tensions resulted in the violation of rights. In all cases, from a human rights point of view, the government failed to protect citizens from its own forces or from other abusive groups.

Status of judicial autonomy

Judicial independence has improved but challenges remain. The federal judiciary has made significant strides in securing both personal and institutional independence. According to federal court judges at different levels, direct executive attempts to influence court rulings are no longer common, as in the past.[71] While some judges noted instances when political cases were still referred to be handled by judges who had received 'political orientations', this may not be a general trend.[72] In a few cases, judges passed rulings that could be construed as contrary to the expectations and wishes of the executive, without any negative consequences.[73] Judges thus appear to have attained a level of personal autonomy.

Structurally, too, many of the legal reforms effected in areas such as budget allocation and court administration have been approved by the Parliament and are currently in effect. These protect the judiciary as an essential and autonomous branch of the government. Moreover, interviews with senior officials at the Supreme Court and the Ministry of Justice revealed a gradually emerging competitive relationship between the federal judiciary and the executive, which was absent in the past.[74]

> Electoral processes, the media, judicial landscapes, and human rights situations are infused with non-democratic practices

However, these reforms and changes do not mean that judicial autonomy is consolidated in Ethiopia. Significant issues remain and continue to hinder the full independence of judges at various levels. Regional courts are worse in this regard than federal ones. In some regions, such as Amhara and Oromia, while personal loyalty to court authorities factors heavily in judicial decision-making, frequent direct and indirect executive intervention also occurs.

Judges complained that the authorities hold regular evaluation sessions with them to ensure that they comply with the authorities' wishes.[75] Court presidents claim they hold these meetings to safeguard courtroom professionalism, but judges perceive it as serving the opposite goal of securing personal dependence on them. Judges claim transfer to preferred courts is usually based on informal networks, and, when effected, is used as leverage to maintain influence over judges.[76]

Whether regional executives play a role in this is contested, but informants believe they do. In regional council meetings, executive officials request court presidents to take measures against 'unruly' judges.[77] External intervention takes other more direct forms, too. For instance, police officers sometimes request senior figures in

the regional judiciary to handle 'sensitive' (political) cases.[78] Moreover, officers sometimes threaten independent judges for their decisions, seriously affecting their professional integrity.[79] But more usually, they fail to respect court decisions in releasing suspects. The executive and Federal Supreme Court informants, as well as judges, believe such problems threaten judicial independence.

Ministry of Justice authorities noted that when police flout court decisions, it is sometimes because of judges' unprofessionalism with regard to corruption or ethnic favouritism. The authorities also claimed that in some cases suspects are forced to remain in custody after a release order from the courts, when police file an appeal against the courts' decisions. Nevertheless, the officials acknowledge that judicial autonomy should be upheld in all cases.[80]

Another threat to judicial independence in some regions stems from non-state forces. In Amhara, for instance, after a lull in the Tigray war, Fano groups took control of many Amhara territories, establishing quasi-judicial organs, competing with the prerogatives of ordinary courts and overturning some of their decisions. Non-state armed groups have rearrested some detainees released by order of the courts.[81]

The Federal Supreme Court, in line with the federal arrangement, has not had much say in the operation of regional courts and violations of judicial autonomy.[82] Currently, it can only raise its concerns in the Federal Supreme Court Plenum, without necessarily ensuring their enforcement.[83]

At the federal level, judges also indicated that soft influences occasionally come from court authorities with respect to the promotion, assignment and transfer of judges to their preferred locations.[84] In some instances, ethnic and personal networks within the court system appear to influence judicial rulings. According to federal judges, attempts to satisfy court presidents take precedence in the process of case investigation and the passing of rulings. Officials at the Ministry of Justice emphasised that the ethnic partisanship of judges, and their lack of professionalism and competence threaten the actualisation of judicial autonomy.[85]

In sum, indicators show that Ethiopia today is not a democracy. It has an elaborate set of formal democratic features in some areas, but the political system as a whole exhibits core elements of authoritarian rule. Electoral processes, the media, judicial landscapes and human rights situations are infused with non-democratic practices.

Chapter 3

Understanding the origins and growth of autocracy

Why is democratic transition such an uphill struggle for Ethiopia? One major hurdle in transitioning to the rule of law and a political system that upholds the rights of citizens – core elements of a democracy – has historically been the lack of structural conditions for the emergence of strong political and economic contenders to the state's hegemonic aspirations.[86] This results in weak contestation.

Moreover, the power asymmetry between the state and other forces is a path dependent[87] factor explaining the democratic deficit. Regimes use inherited state structures of domination and control to maintain and escalate the absolutism of the state, especially in times and zones of political stability. However, resistance to state hegemony has occurred repeatedly in the modern era and at times has succeeded in triggering political change, although it has never led to democratic transition. The failure to build the groundwork for this is explained by the power asymmetry in peaceful protests, and the ramifications of violent resistance in the case of civil wars. These structural conditions have debilitated the possibility of a successful political transition.

Origins of state hegemony

Historically, the state has seldom wilfully conferred on its subjects the protection of rights and the rule of law. The rights of citizens have often been taken away through contestations between the state and (semi-)independent forces. The history of Western countries now widely regarded as paragons of democratic governance confirms this assertion. These countries were under feudal and absolutist monarchies only a few centuries ago. The emergence of democratic governance was largely a by-product of state-making.

As renowned historian and sociologist Charles Tilly notes, in those European countries where 'capitalized coercion' prevailed, democracy developed out of 'the contentious and conciliatory relations among the state, the bourgeoisie, the aristocracy, and the peasantry' resulting from state expansion.[88] As the state pushed its frontiers, fighting off its neighbours, it was forced to negotiate with those

forces already under its suzerainty to get concessions from them, including finance and human resources. The state also acted as a 'protection racket', selling to its subjects security from aggression by other states in a world where state expansion prevailed.[89]

The process resulted in two unintended consequences: bureaucratisation and political liberalisation. Tilly's oft-quoted aphorism exemplifies the first process: 'War made the state, and the state made war.'[90] The state continued building institutions, organising its activities and becoming increasingly formidable. However, the state also learned to reconstruct itself more inclusively, representing and protecting the rights of at least some sections of the population that had hitherto been unshielded from its unbridled power.

State concession to provide representation and to recognise rights is a significant outcome of the existence of strong contenders to power – mainly the capitalist class, which itself was an outcome of urbanisation and the commercialisation of agriculture. The bourgeoisie emerged as a robust independent class capable of forcing the state to concede to sharing political privileges and being bound by some form of law.[91]

The Ethiopian imperial expansion had both similarities with, and notable differences from, Europe's imperial past in the area of state-making

The aristocracy sometimes allied with the bourgeoisie, thereby mustering more power to challenge state authority, with notable success. When this was not possible, the landlords were wiped out by the impending capitalist production. This bourgeois revolution resulted in the abolishment of all vestiges of the feudal political economy, paving the way to capitalist democracy. Hence, democratisation developed in congruence with state-making, in a context where capitalism reigned supreme and the bourgeoisie emerged as a powerful class.

The Ethiopian imperial expansion had both similarities with and notable differences from Europe's imperial past in state-making. On the one hand, as in Europe, the state made war, and war went on making the state. The Ethiopian state has deep indigenous roots; it has existed for a long time and has emerged through intense and continuous warfare. These factors have rendered it more robust in coercive, organisational and penetrative terms than the average postcolonial African state, which is largely a colonial creation. However, this process did not engender any significant democratic move on the part of the state. Arguably, this is because the state was not confronted by strong contenders demanding either representation or limited government.

In Ethiopia, the aristocracy was relatively weak in relation to the Crown and the bourgeoisie was almost non-existent. Unlike European feudalism, where the aristocracy had a strong resource base – landed and hereditary tribute-collecting – and was later organised as well (e.g. the lords that formed the House of Commons in England), the aristocrats in core Abyssinia were generally guaranteed only tributary rather than land-holding rights. In addition, the tributary rights were not automatically hereditary; they had to be willed by the Crown, which then would become *riste-gult*. With some limitations, peasants were the owners of the land.[92]

Under normal circumstances, the monarch had the power to allocate resources and sources of livelihood for the aristocrats. Although the aristocracy and the nobility traditionally owned armies and contributed to the 'national' war-making project, this diminished with the acquisition of arms from abroad during the reigns of Kings Yohannes and Menelik, and this power of the aristocracy was later scrapped in the post-1941 period. The landlords were by no means helpless, though, and at times rebelled against and obstructed important steps toward state centralisation and bureaucratisation. However, the state usually succeeded, leaving the landlords in a precarious position as they depended on the state for their existence as a class.

The four emperors from 1855 onwards – Tewodros, Yohannes, Menelik and Haile Selassie – worked successively on reducing the administrative powers of the landlords, to the point of restricting the granting of titles. Over time, the Crown built its power, which overshadowed that of the nobility. Haile Selassie's major concern after taking over state administration was to curb the power of the nobility and centralise power in his own hands.

> Post-imperial incumbents inherited the structures of a centralised, absolutist state, reinvigorated them, and took state hegemony to a new level

This effort culminated in the promulgation of the 1931 constitution, which accorded a clear advantage to the monarchy over the nobility. By making them sign a constitution stipulating that 'The traditional nobility could no longer sign treaties with foreign states, nor receive arms or decorations, without permission from the emperor,'[93] he secured an affirmation from the nobility of their own 'political death-warrant.'[94] The 1955 constitution then consolidated the power of the Emperor to the extent of giving him supernatural sanctity.

In the south, unlike the north, after Menelik's conquest, aristocratic entrenchment became more intense. But there the experiment was relatively short-lived, and there were internal divisions within the aristocracy that undercut any potential to pose a danger to the emperor's hegemony. Furthermore, the state, represented by the

emperor, was the ultimate owner of all lands, and the aristocrats had *gult* and *riste-gult* rights, at least officially.

Conditions for the emergence of capitalism were unfavourable in the country. The aristocrats were uninterested in technological advancements (due to the nature of their relationship with the land) and depended on trade, not production, as their source of wealth.[95] They were highly parasitic. Their European counterparts (mainly in England), in contrast, developed commercial interests and used their financially uplifted class benefits as a bulwark against the prerogatives of the royalty.[96]

Ethiopian peasants also shunned technological advancements in agriculture due to the disincentives associated with the tradition of tribute-taking in the country. In the absence of an equivalent to what was in Europe called 'custom of the manor,' what was taken from the peasants in imperial Ethiopia was arbitrary and at times immense.[97] Without any strong motivation for investment and technological advancement on the part of the landlords and the peasantry, the production process did not lend itself to capital accumulation. There were no notable moves toward commercialisation and urbanisation to help grow a strong bourgeoisie.

Commercialisation of agriculture began in the 1950s and the aristocracy got actively engaged in it, but it was too brief to bring about a vigorous and independent bourgeois class. Urbanisation was very weak, and when urban centres emerged in the eighteenth and nineteenth centuries, they simply became seats of local nobles who skimmed off production from the countryside. This was contrary to the European urban centres that emerged as self-governing communes, with lords generally having no control over them.[98]

In addition, in Ethiopia, relative international isolation until the twentieth century was a barrier to the growth of a strong middle class. When the country opened up in the post-1941 period, the manufacturing and international trade sectors were heavily controlled by foreigners. Hence, no indigenous bourgeoisie emerged.[99]

As the state expanded, it was not compelled to make concessions in ways that could facilitate political liberalisation. In the process, the state – to be more specific, the Crown – amassed enormous power weathering contending forces and became robust. It managed to paralyse the aristocracy and the middle class, centralise its rule, and culminated in establishing an absolutist state. The foundations for post-imperial autocratic rule were firmly established.

Enhancing state hegemony

Post-imperial incumbents thus inherited the structures of a centralised, absolutist state, reinvigorated them, and took state hegemony to a new level. They enhanced the state's repressive, penetrative and controlling power and gave it additional missions to accomplish. Each time, Ethiopia has attained an impressive degree of state capacity by the standards of African states, although in absolute terms, its

level of control over its territories (such as parts of the lowland peripheries) has long been incomplete.

Regimes have enhanced the state's hegemony over society during times of volatility, but more so during periods or spatial zones of relative political stability. Although state repressive tactics sometimes foster stability, the reverse is also true: stability could nurture autocracy. Under successive regimes and usually using party infrastructure, the state has: established denser and more domineering institutional connections with society; co-opted groups and individuals into the party/state structures; cultivated dependent and obedient non-party organisations and individuals; and harassed, arrested and eliminated critical voices. While the military regime has also employed some of these mechanisms to entrench autocracy, they were effectively used during the EPRDF's more stable rule until after 2015.

The Derg and its hegemonic manoeuvres

Informed by its Marxist-Leninist ideological orientations, the military clique established urban dwellers associations and peasants associations right after the promulgation of the 'land to the tiller' reform in 1975. These structures were to serve economic and political purposes. Peasant associations incorporated the country's agricultural areas into a 'national administrative structure'. By doing this, the regime not only organised peasants to protect their gains in the land reform, but also 'captured' them in 'a way that subjected them increasingly to state control.'[100]

More controlling schemes had to wait for 1978 and after, when the embattled regime emerged victorious over internal (ruling class) and external (opposition groups) foes and began enjoying relative stability. Christopher Clapham notes, 'the Derg felt able to consolidate its power' by creating 'centralized and hierarchical institutionalized mechanisms intended to bind the peripheries into a permanent and subordinate relationship with the state.'[101] These mechanisms included state economic institutions that extracted rents from peasants' agricultural production, and social engineering schemes such as resettlement and villagisation programmes.

Partly put in place as a response to drought and famine, the schemes entailed large-scale movement of people from overpopulated areas to planned villages (resettlement) and concentrating peasants into designated villages (villagisation). Such measures amplified the regime's authority over the peasants, who could now easily be 'taxed, conscripted' and investigated for any 'illegal' activity. After 1984, the newly established Worker's Party of Ethiopia carried out these measures from the top, with regional and provincial administrators as 'auxiliaries'.[102]

Further, the Derg expanded the domain of controlled mass political participation, and through it, worked to cultivate the loyalty and dependence of the people. The '"broad masses" (as they are usually termed) have been brought into politics

through measures such as land reform and the abolition of private rented housing, through frequent meetings of kebelles, peasants' associations and other mass organisations, and through the expansion of education and literacy.'[103] The mass organisations, which included 'trade unions, and women's and youth associations,'[104] served the purpose of incorporating targeted groups into the Derg's worldview and institutional politics.

While these measures were under way, dissent was severely punished. At times, the very institutions created to provide basic services to the people and to serve as mechanisms of control also helped in weeding out dissent by force. 'Killer squads' attached to kebele and peasant associations, as well as formal security branch structures, frequently perpetrated gross human rights violations in their attempt to silence opposition.

With the advent of a new powerholder in Ethiopia in 1991 – the EPRDF – the capture of social actors and the public accelerated

While none of these measures completely wiped out opponents, especially armed ones (discussed later), they enhanced the state's domineering approach and institutions, frustrating the possibility of a democratic dispensation either during the military rule or after it.

EPRDF's acceleration of control

With the advent of a new powerholder in Ethiopia in 1991, the capture of social actors and the public accelerated. One of the drivers of the TPLF's political engagements, derived partly from its Maoist principles but also from its autocratic sensibilities, was bypassing alternative political elites and reaching out to the people directly.

As victory over the Derg became imminent, one of the first assignments the TPLF and its allies took on was to send affiliates into marginalised communities in Ethiopia to establish unmediated relations with the local population. This sometimes created friction with other political parties, such as those from the Southern nations and Oromia. These connections gained impetus over time and turned into efforts at mobilising and exercising power over people.

Development works in particular played a key role in this regard. Wereda and kebele structures were beefed up as public service providers and controlling mechanisms, but society was also penetrated through other institutions that were even closer to the people. For instance, 'mengistawi budin' (government groups/teams, the 'lowest level of the state') were 'established at every 50 rural households, and lemat budin (development groups/teams)' brought 'together 10–15 households.'[105] While

this marked the EPRDF's new mechanism of getting closer to the people, it created a loss of autonomy among peasants.[106]

Robust connections with the people have facilitated the co-option of individuals into existing political institutions. Early on, TPLF and Ethiopian Peoples' Democratic Movement (EPDM) recruited many future party members of the EPRDF through their respective networks. They were mainly teachers and civil servants at the local level, in addition to war captives. With the establishment of the EPRDF, each constituent unit mobilised the locals and filled in the rank and file of its respective party structure in all regions.

By 2005, the ruling party had 760 000 members across the country. This was negligible, however, compared to the Front's membership of more than five million by 2010. After the 2005 electoral challenge, the party felt pressed to boost its size upon realising its grip over society was vulnerable. A greatly enhanced party system extended local councils by hundreds, putting every major family affair within reach of the ruling party's tentacles. Through expanded party outreach, connection with and domination of the masses was reinforced. At the lowest party structure, cells of five households were brought together at the local level and made to work for the party.[107]

> The EPRDF's soft and hard mechanisms of maintaining an authoritarian grip complemented each other and worked well during times of stability

The party also worked to cultivate obedience and political correctness in the wider population. Mass associations and youth cooperatives flourished across the country, involving as many citizens as possible. State and party institutions focused on the youth in particular by facilitating opportunities for 'young citizens to claim social and economic rights in invited spaces primarily through co-operation and co-optation strategies.'[108] The post-2007 period, Sarah Vaughan noted, saw a 'dramatic expansion of the numbers of Ethiopians who are … involved in one or another governmental, political, economic or developmental association, structure or bureaucracy which can in some sense be regarded as a part of EPRDF's "coalition with the people".'[109]

The party also helped establish alternative organisations to replace independent ones, outflank critical narratives, and engulf or mould popular imaginations and activities. This move was apparent in the creation of government-affiliated governance and advocacy CSOs, relief organisations and political parties. The 'mass-based and development associations generally lack political independence' and 'tend to collaborate closely with sector ministries and bureaus, and government

bodies often view them as implementing agencies rather than independent actors that represent the interests of their members.'[110] Some of them even recruit members for the EPRDF. Affiliate 'opposition' parties worked to cultivate 'good citizenship' among people, thereby legitimising the political order shaped by the state. As Abadir rightly pointed out:

> Millions of Ethiopians – EPRDF members, farmers, pastoralists, students, teachers, professors, prison inmates, civil servants, religious leaders, judges, journalists, soldiers – have to attend regular publicly-, and sometimes Bretton Woods-funded trainings, seminars and meetings that reinforce the ideologies of revolutionary democracy. These 'trainings' function as a means of ridding public institutions of potential critics/independents, recruiting new EPRDF members, as well as normalizing the current regime by making its practices and ideologies part of society's values.[111]

The private sector was largely tamed and co-opted or forced out. The ruling party dominated and overwhelmed the business arena by establishing its own companies in almost all industries to match competitors. Additionally, it 'generate[d] support by awarding its members from the business community with economic benefits, thereby exchanging economic patronage for political loyalty.'[112] The ruling party then 'expect[ed] its clients in the business sector to contribute financially to both party and major governmental programmes.'[113] According to its ideological toolkit, the EPRDF also vowed to sponsor the private sector only if it abided by the principles the party determined. Digressions were met with punishments, ranging from threats to arrests.

Even such an imposing and paternalistic state must constantly fight dissenting voices in society to ensure survival and control. When co-option and cultivation fail, repression is the answer. Thus, the EPRDF-led state frequently resorted to intimidation, harassment, arrests, torture and elimination of its opponents in the media, CSOs, religious groupings and labour unions, as well as in the arenas of political activism and party politics. As noted, it enacted laws and deployed extra-legal repressive measures to silence adversaries, including armed groups, in a context where they were perceived as law offenders. The soft and hard mechanisms of maintaining an authoritarian grip complemented each other and worked well during times of stability, and seemed, until 2015, to augment further stability in the overall polity.

Once established, power asymmetry between state and society tends to be consolidated through successive state/regime policies and actions. Political stability enhances and helps create new ways of maintaining that consolidation. The specific ways of doing this and the motives behind them may differ from one regime to another. For instance, the state's pervasive societal penetration during EPRDF was

largely shaped and informed by its ideological principles, such as its revolutionary democratic ideology and its vanguardist tenets. However, it is worth emphasising the general and more fundamental political context that encouraged political elites to believe in the workability of that ideology and that created favourable conditions for the successful realisation of the state's vision of exercising authoritarian control over social forces. It is precisely that structural factor that this paper explores.

Protest movements, state fragility and autocracy

If stable state hegemony helps entrench autocracy, resisting state power may seem the first logical step to democratisation. That is not necessarily the case in Ethiopia, however. Civil/peaceful and violent confrontations with the state, even when successful in challenging state power, may not guarantee successful democratisation.

Resistance movements to state rule have occurred repeatedly in Ethiopia, but their power to effect change has varied widely, depending on many factors. The hegemonic state has eliminated many of them, but a few (both peaceful and violent) have succeeded in bringing about or contributing to regime change.

> Protest movements have occasionally occurred in Ethiopia, notably in the 1970s and 2010s, but haven't been a panacea for the democratic deficit

Peaceful protests have generally succeeded in this task when they have critical collaborators within the regime. However, the weakness of their structures as they move into the new political system has made them unable to withstand government repression at a later stage. Hence, their democratic potential has remained minimal. Although favourable conditions may allow violent groups to develop stronger organisational and penetrative power, and force a radical form of regime change and restructuring, these groups do not tend to be harbingers of democratisation. The structural developments that accompany civil war further dent that possibility.

Protest movements have occasionally occurred in modern Ethiopia, most notably in the 1970s and the 2010s – contributing to a fracture within the regime as well as political change. Yet, they have not been a panacea for the democratic deficit. They could not establish the basis for a favourable contestation to pave the way for sustainable political restructuring. This is largely because state power can be swiftly recuperated and instrumentalised compared with that of social forces, which are weaker organisationally, financially and penetratively. Furthermore, in some instances, the post-protest weakening of the state/party structures impeded an ordered and coordinated political transition, even when there was goodwill at the top.

Unruly state personnel continued to use their state power to the same autocratic ends. Moreover, in a state of crisis, the state fails to uphold the rule of law and protect the lives of civilians from other violent actors. Finally, as protest movements advance, human rights abuses at the hands of government forces often intensify.

Anti-imperial protests and the Derg

The *ancien régime* of pre-1974 Ethiopia began to be infested with structural crises long before that year. The contradictions between the personal and modernising state ambitions of the Emperor, and more generally between the ossified political system and the emerging ideological and political dynamism in society, generated tensions towards the end of the 1960s. At the same time, the integrationist visions for the empire clashed with the emerging separatist tendencies among some identity groups.

At the height of these contradictions, different sections of society started to protest against the regime and its policies, cumulatively challenging the power and drives of the imperial state. Taxi drivers and teachers were later joined by students, who chanted revolutionary slogans and agitated 'resistance against the government.'[114] These extended protests and strikes triggered a crack in the regime. Radical elements in the armed forces, perhaps initially in collusion with the then prime minister, supported the protests and finally defeated imperial rule. Even though the regime tried to suppress student opposition, the protests and strikes were too widespread to be effectively suppressed by the decaying dynasty, which was fast losing critical elements of its coercive apparatus.

The new power-holders turned out to be not the civilian Left but portions of the armed forces with superior organisational advantage. Although better organised than social forces, the Derg did not develop a truly cohesive body in the beginning. In fact, it harboured intense disagreements among key political elites on questions of ideology and practical dealings with other groups, such as independent political organisations. The active power struggle ran its course through multiple assassinations, to finally bring about a more cohesive leadership under the tight control of Mengistu.[115]

Mengistu's control led to complete autocratic rule. As noted, with the assumption of power in 1974, the military junta targeted many of its opponents. But its full-swing repressive measures against the organised Left had to wait until 1977, when Mengistu emerged victorious against his competitors in the Derg. Until then, the political space was slightly freer for nascent intellectual and political groupings. There are two explanations for this short-lived, relative toleration of independent voices.

On the one hand, the Derg had to wait to clean up its own house and deal with its enemies. An internally divided elite did not have the confidence or capacity to attack

its opponents. On the other hand, the junta might also have wanted to seek the legitimacy of Ethiopian revolutionaries and gain their trust. When that did not happen, and when the revolutionaries proved unrelenting in their opposition to the political establishment, the time to fight back had arrived. The two factors are not mutually exclusive.

Hence, protest movements during the last days of Haile Sellasie resisted his vision and power, eventually contributing to internal divisions in the state and leading to a rupture in political administration. The incoming government continued to suffer from internal division and a sense of insecurity. The developments led to a slight opening of the political space. The final outcome was not democracy, however, but totalitarian dictatorship. While the ideological underpinnings of the Derg and of other political groups played a role in producing this outcome, ultimately, the disparity in power between the new state agents and the social forces created the opportunity for the continuation of authoritarian rule.

Even when the Derg's rulers were not cohesive, they were better organised than civilians and had at their disposal all the viable instruments of the state – for propaganda works, resource extraction, mobilisation of people and coercion. The protesting youth[116] had coalesced under another repressive regime before the Derg, which depleted their ability to match the stamina of the junta. Peaceful protests under autocracy have a loose and underdeveloped organisational structure, which may work for a while but may not prove resilient in the face of the onslaught of a robust state. The power gap was clear, and the Derg-opposition struggle's outcomes were predictable.

Anti-EPRDF/TPLF protests and post-2018 developments

Other important anti-regime protests that triggered cracks in the regime, leading to a short-lived political opening, were the protests that began in 2011 and intensified between 2015 and 2018. The tensions between EPRDF's rhetorical and practical response to ethnic division, autocratic control and the increasing economic downturn led to popular grievances, generating a struggle between the state and various nationalist forces.[117]

Until 2011, 'the tight grip of the TPLF/EPRDF over the state worked quite well to maintain a visibly stable political order.'[118] The party's ideology and policies 'reigned supreme from top to bottom, and coercive tactics kept a facade of order when digressions occurred.'[119] Since 2015, however, anti-regime protests brought suppressed grievances to the surface, helped by divisions within the ruling party, increased urbanisation and the use of cyber-technology.

Across the country, but primarily in Oromia and later Amhara, loosely networked cells proliferated. They overcame previous organisational challenges. As social movement activists gained sympathisers within the regime, they were able to use

party structures for anti-regime operations, opening up much-needed political opportunities. Contradictions inside the EPRDF intensified as protests escalated, as some Front members questioned the TPLF's hegemony and shifted their support to the social movements. Meanwhile, human rights violations took a sharp turn with the arrest and killing of activists and protesters. Eventually, the TPLF lost power over aspects of the EPRDF's institutional levers. This resulted in a resounding victory for a group of 'soft-liners', bringing about the political liberalisation measures already outlined.[120]

With liberalisation came the further[121] weakening of state and party structures.[122] In these developments, Ethiopia echoed the experiences of authoritarian-led multinational federations elsewhere in the world. The dissolution or weakening of state authority in a centralised but ethnically federated state opens up a Pandora's box of unbridled ethno-nationalist sentiments and movements. Conversely, the nature of the protest movements also contributed to this outcome of state fragility. Ethnically organised, and connected into regime units along ethnic lines, the social movements fractured the EPRDF along its ethnic components. Since 2018, the state and party institutions have lacked autonomy and unity of purpose.

> The state leadership has struggled to gain the full cooperation of its local government officials, both on law enforcement and reformist policies

Lack of state autonomy manifested in the blurring of lines, in some regions, between state/party structures and protest networks that had previously pushed the government to liberalise its politics. Over time, the state has worked to regain its autonomy, but elites with dual loyalties (to the ruling party and to opposition movements) still remain within its structures.[123]

Moreover, internal division along philosophical, methodological and visionary lines persisted within the ruling EPRDF, which was composed mainly of ethnic parties. The parties were also pulled apart by different and contending ethnic constituencies, further eroding the unity of purpose among members. While the Front transformed itself into a single national party called Prosperity Party in 2019, and has since gradually improved its internal harmony, especially since the outbreak of the Tigray War, its internal cohesion is still questionable. Many members doubt whether there is an idea or ideology that bonds them together.[124]

The top leadership in the state apparatus has so far struggled to gain the full cooperation of its officials at local government levels, both in law enforcement and execution of reformist policies. Party members confirm that higher-level officials exercise minimal control over lower-level party cadres. As a senior member

remarked, many cadres agree that interests and networks within PP are 'spotty', or lack unity.[125] Much of the lower structure operates in a similar way to in the pre-2018 period. Some observers believe this continuity has the blessing of higher-level officials, which may be true in certain areas and arenas.[126] But it is farfetched to assume every elite action at the zone, wereda and kebele levels is hierarchically coordinated from the top. The party has not yet attained that level of organisational compactness.

State fragility/strength and autocracy

The degree of state fragility in post-2018 Ethiopia is related to the democratic/autocratic transition in three ways. Whatever the intentions of the new state, the initial political liberalisation was imperative because the state was not in a position to instantly reclaim its weakened hegemonic status. While the new power elites might have wanted to win the hearts and minds of Ethiopians, they were not in a position to weed out potential and actual opponents even if they wanted to, given the divided and weaker party and coercive structures at their disposal.

The initial political liberalisation was imperative because the state was not in a position to instantly reclaim its weakened hegemonic status

The reconstitution of the state and party apparatuses brought more authoritarian behavious, such as the harassment and arrest of opponents. Human rights violations, especially in Oromia, Amhara and Addis, increased sharply after the establishment of a structurally more unified ruling party, the growing efforts to disentangle the party from societal actors, especially in Oromia, and the revamping of the security apparatus, including reforms within the military and the police, and the formation of the Republican Guard.

Coinciding with these changes, some senior officials have also changed their rhetoric around human rights in law enforcement. As an EHRC officer noted, federal-level authorities have communicated that they initially 'tried the softer' way of imposing order but that it is now time to get 'harsher' since 'Ethiopians need it to behave properly.'[127] According to the officer, this thinking underlies some of the human rights abuses in the country.

State fragility also explains the persistence of autocracy at the local level, sometimes even against the will of the top leadership. While there have been some successful efforts to make party and state structures cohesive, it has not been satisfactorily attained so far. This has serious implications for human rights, electoral processes and judicial independence.

According to informants, not all autocratic practices by government officials are necessarily orchestrated and coordinated centrally.[128] For instance, EHRC informants believe that some human rights violations in Oromia may not have top-level sanction. Officials in the region frequently take illegal actions against civilians to restore order or simply to protect their prerogatives. The same occurs in other regions such as Benishangul, Afar and the Southern Nations, Nationalities, and Peoples' Region. Abuse of minorities at the hands of security officers in certain regions are localised violations, according to EHRC informants. Political leaders give orders to stop the abuse of rights, but security officers occasionally defy them.[129] Regional authorities sometimes bar EHRC teams from carrying out their tasks.

In some cases, federal-level officials act as whistleblowers for violations in the regions. Accountability systems have not been established, especially at regional level. This does not, however, mean that all violations are committed without the consent of federal authorities. Several cases of mass arrests in Oromia, Amhara and Addis Ababa, especially after the eruption of the civil war, were justified or explained away by federal executives.[130]

Some election-related irregularities were perpetrated by lower-level party operatives. NEBE administrators believe that officials at the local level wanted to protect their power and fought hard to prevent free and fair elections in different regions.[131] This was done by arresting candidates, disallowing meeting halls for opposition parties and other unfair practices in the lead-up to the elections.

After receiving many complaints at the local level, NEBE staff communicated with regional presidents to rectify the unfair practices. NEBE staff were informed that some zonal-level officials were too recalcitrant to take constructive action.[132] Some lower-level authorities directly threatened board officers and told them, 'we will see if you can get the arrested candidates released.'[133] The board had to resort to requesting the federal government's support.

State fragility also explains the persistence of autocracy at the local level, sometimes even against the will of the top leadership

Government informants admitted that local government administrators had committed unfair acts.[134] They said that reforms had not yet reached many state institutions. Although accusations of interfering in the NEBE's work reached all the way up to the federal level, senior party members claimed that their top-level leaders were in favour of retaining the NEBE's independence. As an important achievement of the regime, it could have political benefits.[135] However, they added that local-level elites had compromised this possibility.

A third way in which state fragility is relevant to democratisation concerns the rule of law. A hallmark of post-2018 Ethiopia is the proliferation of violent conflicts. These conflicts have both horizontal and vertical dimensions. In both instances, government forces have demonstrated notable failure to protect civilians from attacks by non-state actors. Taking coordinated, determined and swift action is vital for ensuring stability, but government forces have not managed this.

Although several ideological, economic and institutional factors have contributed to the rise of tensions in the country, internal divisions within party/state structures have undermined efforts to prevent conflicts and arrest perpetrators. Moreover, harbouring state agents with dual loyalties as well as a weakening chain of command and control within the security apparatus, especially initially, left the state unable to ensure the safety and security of citizens.

As argued earlier, post-2018 autocratic turns, rather than a successful democratic transition, were partly enabled by the weaker position of key social actors. Thus state and societal fragility co-exist in Ethiopia today, but even the weakened state has an edge over societal forces. The latter do not benefit from a favourable organisational legacy and lack current opportunities that accompany state power.

Other factors such as ethnic division and low geographic interconnectedness have also weakened societal actors by making collective action a formidable challenge. Moreover, at various times, social-level activists have triggered authoritarian responses by posing challenges not necessarily encumbered by the framework of constitutionalism. Hence, autocracy is in a sense a mutually constituted outcome between diverse forces. Nevertheless, by using all the resources at its disposal, the ethnically divided party reconstituted itself, conquered divided society-based actors and minimised the possibility of further contestation.

From a normative standpoint, as much as state fragility is not the answer to the democratic deficit, even when the democratic record is bleak, social fragility is not the answer, either, even if social entities contribute to democratic regression. If anything, social fragility has helped activate and actualise the state's autocratic appetite.

Social fragility, post-2018

Societal forces that contributed to the political change remained influential after 2018 but lost the little organisational power they had had. Orchestrated underground, under the watchful eye of a repressive EPRDF-led state, the protest movements had sprung up haphazardly to air their grievances against the state. They were organisationally fragile. After capturing state power, the new ruling class gradually worked to fracture and overpower them. For instance, major actors in the Oromo and Amhara youth movements were easily co-opted, arrested or dispersed, especially after 2019.

The anti-Abiy momentum that had once caught the attention of many observers largely evaporated with well-timed and minimal state effort. Even when both the state and societal forces were weak and ethnically divided,[136] the wide gap in actual and potential organisational power between them would have made this outcome predictable. In fact, as in the past during the EPRDF's reign, the current regime has effectively taken advantage of ethnic division in society to protect itself against unified opposition to its rule.

Other post-2018 non-state actors have suffered from severe institutional weaknesses.[137] Political parties, for instance, entered into the electoral competition either with a new set of institutions or with severely underdeveloped and fractured ones, due partly to the legacy of the past. They failed to pose any serious electoral challenges to the ruling party,[138] which not only inherited the institutional legacies of the EPRDF but is also in charge of the state apparatus, strengths the opposition lacks.

Societal forces that contributed to political change remained influential after 2018 but lost the little organisational power they had

Opposition parties' campaign outreach, candidacy deployment rate, vote-observing capacity and fundraising capacity were severely limited. NEBE informants stated that opposition parties failed to prevent the ruling party from manipulating the elections mainly because of underdeveloped institutions and networks.[139] For example, the board gave a list of hundreds of thousands of poll officers to opposition parties, seeking their opinion about the candidates' credibility. However, party leaders could not comment because they did not have the mechanisms to do such investigations. According to NEBE authorities and party leaders, this enabled many PP affiliates to join as NEBE officers in rural areas.[140]

Moreover, opposition parties could not match the financial capacity of the ruling party. Opposition leaders reported that business people are still hesitant to finance opposition parties.[141] Financial constraints severely limited their capacity, while the ruling party collected a significant amount from diverse individuals and organisations in the private sector.

CSOs in 2018 were in the limelight following the legal reform that resuscitated them. However, swift reactivation was nearly impossible, especially for those working on governance and political issues. Past trauma, fear and insecurity about the present, financial constraints, organisational crises and other issues impeded them from making significant strides. A few tried to impact the reform process, but they were not very successful.

For instance, a coalition of 67 CSOs, Coalition Of Ethiopian Civil Society On Elections (COCOE) was formed in 2019 to educate the electorate and monitor the election throughout the electoral cycle.[142] The coalition dispatched close to 114 observers in different areas, stationing close to 68% of them in urban areas. Only around 30% were sent to the rural areas, mainly because COCOE could not find adequate non-governmental organisations (NGOs) with footholds in remote areas. Hence, due to lack of capacity, COCOE could not effectively monitor polls in areas where fraudulent practices might typically be anticipated.

Independent state institutions also suffer from feeble organisational structures. The NEBE and the EHRC were totally recreated after 2018. Due to their frail institutional capacity, they needed the support and collaboration of the executive to discharge their duties.

The NEBE had difficulties controlling the electoral process in many remote areas and was affected by both the unwanted intrusion of party officials into its work, and the withdrawal of much-needed support from other officials. For instance, the board failed to pay some of its poll officers in time, which opened the gates for government co-option of officers through bribery.[143] According to a board staff member, the professional existence of the institution is still dependent on a few individuals, whose departure could risk the demise of the institution as we know it.[144]

Post-2018, after a wave of liberalisation under a weak ruling structure, the state continues to pose a threat to democratic transition

The NEBE also 'experienced significant operational challenges during voter registration, candidate registration, and preparing for election day voting and counting that resulted in additional postponements of the elections.'[145] These issues are partly an outcome of 'the institution's low execution capacity'[146] at the time the new leadership took over, necessitating simultaneous institutional reform and election preparation within a short period. This problem was compounded by the 'Board's limitations regarding human resource capacity and relevant experience to undertake such a major event across the country.'[147]

The EHRC, for its part, faced the problem of non-compliance by some senior authorities, impeding its plan to conduct more investigations in certain regions.[148] Its reports were often ignored by the state media, and the organisation could hence not influence the public in demanding more robust rights protection.

Thus, in post-2018 Ethiopia, after a wave of liberalisation under a weak ruling structure, a subsequently better-constituted party and state structure, as well as an

incompletely revamped set of party institutions, continue to pose a threat to democratic transition. The organisational stamina of the state has a significant edge over societal organisations, a factor that, among other things, successfully facilitated a relapse to authoritarianism.

War and autocracy

The most consequential resistance to state hegemony comes from insurgent groups. Yet, the fiercest anti-state challenge paradoxically constitutes Ethiopia's biggest threat to democratic transition.

As will be demonstrated, civil war or insurgency has impeded Ethiopia's democratisation in three ways: it eliminated the foundations for establishing democracy; created justifications for state violation of human rights,[149] including criminalising internal dissent; and contributed to the building of a cohesive and militaristic rebel group that would deepen authoritarianism after it captured power.

Insurgency warfare has proved to be the most formidable challenge to state rule. Protest movements usually succeed, especially in Ethiopia, when there are political opportunities.[150] This highlights the asymmetrical power balance between the state and non-state forces, and the need for cooperation from state actors for protests to bear fruit. These political opportunities may not be necessary in the case of armed conflicts, which are essentially different in their oppositional and mobilisational methodology.

The intensity, durability and/or success of anti-regime armed resistance depend heavily, but not solely, on the organisational capacity of the insurgents. Insurgents with a 'cohesive leadership, and tight and centralized command structure are better able to produce disciplined and skilled fighters, effectively coordinate and exploit existing resources, and thus conduct efficient battles against the state or other non-state contenders.'[151] The EPLF and TPLF (1974–1991) are representative examples from recent Ethiopian history.

On the contrary, insurgents with 'weak organizational capacity – divided leadership and loose organizational structure – fail to effectively exploit, mobilize, and coordinate their constituencies, resources, and insurgent activities. Thus, they become vulnerable to the repression of their enemies, and are, as a result, dismantled shortly or forced to keep dragging on their wars with lower intensity.'[152] Typical examples are the Somali Abo Liberation Front, Western Somali Liberation Front and OLF. While more dated research has cited many other variables, more recent studies have emphasised this factor.[153]

Accordingly, in a country like Ethiopia with a history of relatively robust statehood and autocracy, a viable route for society to build the organisational capacity to challenge the state is to form an insurgent group and insulate itself from the state's influence to the extent possible. Once acquired, this resource can compensate for

what is usually lost on society in terms of the power to outflank the state and perhaps even bring about the demise of a regime, as the TPLF and EPLF did in 1991, with the help of other external factors.

But building strong organisational power is not a simple matter for armed groups. Although rebel leaders' actions and decisions matter, improving organisational capacity can be complicated by factors outside of their immediate control. For example, structural and institutional considerations – such as the existence or absence of a pre-existing collective identity among the populations they work in, or the elites' shared sense of institutional belonging – have an impact on whether rebel organisations are strengthened or weakened.

Insurgency against the Derg and authoritarian deepening

Some well-organised Ethiopian insurgents have succeeded in pushing the state to its limits. However, the resistance has not contributed to democratisation but rather to authoritarianism, both in the process of contestation and in the long term after rebel victory was achieved. The Derg-time civil war is a spectacular example of this.

First, the brutality of the war decimated all major structural factors that could have facilitated the birth of democracy. This severely impeded the possibility of an initial transition to democracy, and, had it occurred, would have made sustaining democracy extremely difficult. The economy was badly hit and remained in shambles until 1991.[154] The war destroyed human and material resources, disrupted transactional flows, diverted public expenditure to military goals, prevented people from saving as they were constantly asked to contribute to these goals, and forced businesspeople to shift their human, physical and financial assets out of the country.[155]

A large section of the emerging middle class, opposition groups, urban and rural infrastructures, and marketplaces were destroyed in several key provinces in the country. This destruction meant that any hope of democratic transition, not just during the war but after it, when another power-holder took over, was gravely compromised.[156] By the time the TPLF/EPRDF controlled Addis, Ethiopia was not structurally ready to make a reliable move to democracy.

Second, the general climate of war and totalitarian statecraft could not allow the emergence of any independent voices on sensitive matters anywhere in the country. A generally cowed population was cultivated. This mass psychology continued to inform post-1991 attitudes towards war in some areas of the country, creating an opportune environment for the reinstatement of autocratic rule without much opposition. The popular need in these areas was political stability at any cost.

Third, the war further solidified the internal centralism and despotism within the military ruling clique and criminalised dissenting voices as 'betrayals'.[157] Some colleagues of Mengistu, who called for rapprochement with insurgents, were killed

with impunity, and those who shared an ethnic identity with the rebels were viewed with suspicion.

Fourth, the insurgents fighting the regime were bound internally by 'blood and bones', and marched to victory by sacrificing their lives en masse. Such a bond and sense of sacrifice contributed, after 1991, to the victors seeing state power as a deserving trophy, not to be abandoned or shared with anyone outside the group. The sense of entitlement to rule and to rule from the top was evident among TPLF stalwarts. They justified the concentration of power in their hands by relying on the fact that 'they [had] borne the brunt of the struggle to overthrow the Mengistu regime' and hence 'should be entitled to the lion's share of the booty.'[158]

Finally, the militarism and centralisation emblematic of insurgent institutions that were also brutal in managing dissent were transplanted into the party/state system after 1991. While the adoption of democratic rhetoric in 1991 eased the authoritarianism within the party system, the EPRDF's autocratic and hierarchical style of in-party management of internal affairs remained intact throughout and was embodied in its approach of democratic centralism.

> The civil war further harmed Ethiopia's possibility of political transition and left a deeply damaging legacy for its political future

Hence, the civil war further harmed Ethiopia's possibility of political transition and left a deeply damaging legacy for its political future. Although the EPRDF briefly liberalised politics in its early days, partly to gain legitimacy and partly for foreign consumption, it fully exploited the autocratic tendency in the political climate.

War in post-2018 Ethiopia and attendant authoritarian practices

Post-2018 Ethiopia offers further examples of the democratic costs of civil war. The Tigray war has been ongoing since November 2020. While the warring parties signed a peace deal in November 2022, the agreement is in its initial stage of implementation. There is also no end in sight for the Oromo Liberation Army (OLA) insurgency, which involves the state.

Given their much shorter duration than the pre-1991 conflicts, the negative impact on democratisation of these current wars is nowhere near that of the previous civil war. Nonetheless, they have had severe ramifications, especially on human rights. Extensive human rights violations have taken place in different regions of Ethiopia during the Tigray war. According to several local and international reports, both the Ethiopian government (and its allies) and the Tigrayan forces have committed extreme and widespread atrocities.[159] The crimes include killing hundreds of

civilians, gang rapes, sexual slavery, persecution and torture, ethnic profiling, wanton destruction of infrastructure and property, forced induction into the rebel army and ethnic cleansing.

After a pause in the war towards the end of 2021, and the commencement of a campaign against the Fano in Amhara, the government again engaged in a wave of arrests, especially targeting journalists with critical viewpoints.[160] While most of the journalists were later released without charges, the sense of intimidation and harassment of independent voices was widely felt. Some reported having gone through inhumane conditions while in custody.[161]

Human rights abuses in Oromia in connection with the OLA insurgency started to attract international attention from early on,[162] but escalated as the war intensified. Reports have documented extra-judicial killings, arrests, torture and other forms of abuse.[163] Locals blame both government forces and OLA fighters for the abuses.[164] Ethnic minorities have repeatedly been targeted by armed groups.[165]

The government does not deny that human rights violations have been rampant during these wars.[166] It acknowledges that it could not keep up the momentum of the reform as it was in 2018. However, it blames what it calls 'spoilers' for forcing it to take 'inappropriate' measures, especially regarding human rights.[167] Government informants single out the TPLF for playing the role of the spoiler in the reform process, even forcing the government to deploy anti-democratic mechanisms to win the war. One senior cabinet member noted that 'it takes two to tango' when working towards political transition.[168]

Chapter 4

Summary of democratic predicaments and recommendations

Predicaments

The preceding discussion underscored several dilemmas with respect to Ethiopia's disinclination to democratise. Based on the literature on the importance of a viable state for any transition to democracy,[169] some may see Ethiopia's functioning state as a source of hope for maintaining order and enforcing the rule of law. However, this 'resource' has also proven to be a recipe for democratic disaster. With heightened coercive and organisational power, the state has consistently refused to discipline itself democratically.

This paradox leads to another. Partly because it has long been widely seen as illegitimate, at least in democratic-representative terms,[170] it has had to constantly fight its internal enemies to ensure its survival and domination. Hence, neither the long tradition of statehood, nor the domineering disposition of the state, has helped it to reliably and sustainably ward off strong opposition, although it has enjoyed some stable interludes in its long history. However, such opposition movements have not so far succeeded in squeezing democratic discipline out of it.

Milder opposition such as social movements fail to establish the groundwork to achieve that goal, partly because of the legacy of social weakness that the movements have inherited from the past. This means that even when they contribute to regime change, protests cannot delink themselves from the shadow of the robust authoritarianism they fought against in the past, or withstand the power of the new autocracy they helped bring to power.

Furthermore, just as an organised and centralised autocracy has been inimical to political reform, so too has a divided one. Even when central state figures have wished to see progress in political reform, unmanageable autocrats at the lower echelons of power have helped maintain authoritarianism within the system to protect their prerogatives.

The strongest and sometimes the most effective attempt to bring down a regime (i.e., violent resistance) has usually been the most detrimental panacea for autocracy as it, for one, kills all foundations for such an antidote. In addition, those who resisted the state's power violent resistance, those who resisted the state's power at gunpoint were a new brand of autocrats in the making. As soon as they captured power in 1991, their primary cause was to maintain and then enhance the autocracy they fought against and inherited from their past enemy.

To avoid such an autocratic turn of events, one would assume that avoiding strong resistance to power would be a better course of action since it would give the regime a chance to self-reflect and reform itself. However, that may not be a viable solution either. The more stable the political environment, the more the state has worked towards autocratic consolidation. In short, Ethiopia's democratic dilemma boils down to the dialectics of and the power balance in state–society interaction.

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Finally, the preceding dilemmas raise another critical paradox and problem for policy recommendation. Ideally, the route towards democracy should not involve the weakening of state power, but rather imposing on the state certain constraints to limit its undesirable ambitions. Such constraints could come from the society and independent forces not controlled by the executive. But exerting their power under the state's watchful eye is a daunting responsibility for these actors.

Recommendations for national dialogue

Given the structural complexity of achieving democracy in Ethiopia, providing solutions is not easy. Hence, the upcoming recommendations tend toward a different assumption from that followed so far, without necessarily contradicting it. Although the earlier analysis emphasised the structural context that has made democratisation exceedingly difficult, it has not denied the agency of elites.

While the interests and calculations of political elites are usually shaped by broader forces, it is not necessarily determined by them. At the same time, elites – especially state elites – would not reasonably be expected to spontaneously or ideologically become democratic while conditions are fertile for autocratic consolidation. Therefore, it might be worthwhile to explore the possibility of incentivising leaders to choose a different path from what they have followed so far.

The literature lends support to this proposition. Studies on political transition show that authoritarian regimes democratise either when they are forced to do so or

when they are incentivised.[171] The analysis in this monograph, and in most other studies to date, examined the former. Unfortunately, in Ethiopia, the contestation route to democratisation has not been successful. Thus, despite its limitations, it may be more realistic to try the second option – incentivise the parties involved to change course sustainably. This should be tested thoroughly.

Research shows that some regimes succumbed to democratic pressures from below when they felt that they did not have anything or much to lose by doing so. They tried the democratic way when they felt assured that their achievements were significant enough to win them majority support.[172] A variant of this could be applied in Ethiopia. One option is to make demonstrable democratic commitment a central requirement for participating in elections. Parties should reach a consensus on this in a national dialogue process before the election. Once they achieve consensus, all parties, CSOs, media, the private sector and others should educate the broader public on democracy and mobilise to follow progress.

These efforts will create a context for shaping the ruling party's priorities. Economic breakthrough seems unachievable in the short term and ideological, nationalist or mega-project efforts are unreliable. As a result, the ruling party could emphasise the legal reforms it has spearheaded so far, and take practical steps to cleanse its institutions and actions of undemocratic practices, facilitate independent institutions, and galvanise support accordingly. Once the national dialogue process ends and electoral campaigns take off, the ruling party may not have sufficient time to prove its worth in this respect. Therefore, one of its priorities now should be to start taking measures towards that end, on the assumption that participants will agree to this electoral plan in the national dialogue process.

> Studies on political transition show that authoritarian regimes democratise either when they are forced to do so or when they are incentivised

In the meantime, CSOs, the private sector, opposition parties and independent state institutions should make use of the possible opening of political space to build organisational, financial and penetrative power while remaining loyal to the emerging social contract. Importantly, CSOs, labour unions, religious groups and the private sector should envision for themselves a role that goes beyond their immediate goals (community development, spirituality, welfare, investment, etc.) and perhaps collectively strive to widen the domain of independent citizen action.

The new social contract emerging from the national dialogue platform should deal with critical issues with direct relevance to democratisation. This platform is ideal for generating, negotiating and agreeing on policy ideas and securing at least partial

commitment to implement them. The dialogue process could lay out the measures that the government and social actors need to take to boost their respective power while remaining within the confines of democracy.

A collective effort could then follow to reach agreement on why past efforts have failed and what needs to be done to make progress in sustaining political liberalisation, with an end goal of democratic transition. At the same time, concrete steps need to be designed and assignments allocated for each set of actors, within an agreed accountability framework.

Specific recommendations for different stakeholders before and during the national dialogue are outlined below.

For the ruling party

The ruling party should undergo two major transformations: exercise more control over its party structure and members; and show more commitment to its political framework, organisational culture and institutional dynamics in accordance with a democratic system. These two processes should proceed simultaneously, as they feed into each other and will have a knock-on effect on other proposed changes in society.

> The ruling party should exercise more control over its structure and members, and show more commitment to its political framework

The party should create institutional mechanisms to bring all party members into its fold and to establish strict accountability. It should develop clear ideational and institutional frameworks to create an opportune internal environment for members to take democracy seriously. All members should then undergo educational and accountability procedures that help to nurture democratic commitment at different levels in the party structure.

For state institutions

State institutions need to boost their coercive and infrastructural capacity, while at the same time disentangling themselves from partisan party interests. On the one hand, the state should continue to revamp its security apparatus with a particular focus on the police force and regional special forces, whose constitutionality and specific roles need to be determined. These forces should, among other things, develop early warning and rapid response mechanisms, avoid dual loyalties, strengthen command and control within their systems, and develop strict accountability mechanisms for their officers.

As these efforts are ongoing, the government must take professionalising these institutions more seriously. The apparatuses should be divested of party partisanship through various educational, monitoring, leadership and answerability techniques. All these measures are meant to contribute to the prevalence of the rule of law or legitimate stability in the country.

At the same time, the state should boost its capacity to formulate and implement economic, social and other policies. This step should be balanced, however, with avoiding excessive intrusion into local development practices and should give enough space for people's autonomy. The state's role in transforming the economy and ensuring social well-being should be defined carefully in ways that balance the requirements of fast-paced development with personal and group freedom at the local level. The two should dovetail both theoretically and in practice.

The democratic taming of the state (and the party) and its uniformity in that regard should practically reflect itself in the way it deals with non-state actors and independent institutions. The state's relationship with these groups and institutions should be thoroughly restructured. Thus, all direct or indirect influences from officials aiming to unfairly subdue private media must cease. Laws governing state media should undergo a thorough reform process to forestall the ruling party's partisan influence on them.

Courts' independence should be enhanced in the regions and consolidated at the federal level. In this respect, judicial vetting needs to be enhanced to ensure the professionalism and autonomy of judges. Authorities should establish a healthy competitive environment for the full operation of opposition parties. A new rebalancing measure should be crafted to redress the stark financial imbalance between opposition parties and the ruling party, an inheritor of huge advantages from the past. Electoral and human rights institutions should be given genuine autonomy and freedom to discharge their responsibilities. State authorities should also provide full support whenever these institutions require it.

For civil society

Civil society organisations and other actors need to constantly work on building capacity while showing commitment to a constitutionally sanctioned order. The foundations for this could only come about through a credible national dialogue process. Once that is achieved, societal forces should abide by it. Within those confines, organisational, financial and penetrative power should be enhanced. Thus, CSOs should step up coordination of efforts, peaceful activism and popular mobilisation in the areas of democratisation and peace.

The private sector should get organised and push for a business-friendly political atmosphere and venture into multiple joint schemes. CSOs and the private sector also need to establish forums for the protection of rights and to push the limits of

freedom and autonomy. Opposition parties should accept each other's legitimacy according to the agreed-upon new social contract, and learn to keep ideological comradeship separate from transcendent democratic solidarity. They should collectively fight for the protection of the rights of their antagonists, not just their members and constituencies.

For warring parties and vital stakeholders

While this may not be a national dialogue agenda, it should be mentioned here as an important condition to make all other processes work. A key factor impeding democratic transition is war. For reasons already discussed, it is almost impossible for Ethiopia to continue the path to democracy while it is at war, especially with itself. Hence, a priority should be to end the war in the north and the insurgencies in the west, and support the implementation of the peace agreement in ways that sustain peace.

Ethiopians and regional and international actors need to reject nationalist rhetoric and immediate material interests, as well as political apathy and negligence regarding the violence. They should acknowledge the multiple negative ramifications, including consolidating autocracy in the short and long terms. More concerted, coordinated and consistent efforts should be made, both locally and internationally, to resolve disagreements not just between the parties to the conflict but among their respective members, followers and supporters. All advocates of human rights and democracy need to help in this process, and stay on the task until reliable peace is established.

> Concerted efforts should be made to resolve disagreements between the parties to the conflict and their respective members and supporters

Although it would be helpful for stakeholders to brainstorm some of these recommendations, there is no guarantee that they will be implemented. State and societal actors could renege on their promises, as they have done repeatedly in the past. Hence, in addition to creating incentive structures to gain their loyalty to agreements, participants must strive to create stringent mechanisms for monitoring and evaluating the implementation process. A representative body should oversee the process and be assigned independent enforcement tools. The current National Dialogue Commission (NDC) proclamation may need to be amended to integrate these recommendations.

If broad consensus is reached in the national dialogue process, each party has commited to respecting it, the monitoring and evaluation mechanisms are

established, the incentive structures put in place, and the population better mobilised and educated on democratic matters, the cost of disloyalty for the ruling party could be higher than it was in the last election.

The key platform to achieve these goals is the national dialogue; its credibility is thus essential. The government should do everything in its capacity to ensure the national dialogue process is widely seen as inclusive, participatory and independent. Government and the NDC should jettison the assumption that the commission, already established, is a *fait accompli* and that all its activities should be considered legitimate.

While the government should sit down and negotiate with critics on questions around the process of establishing the NDC, NDC commissioners should reflect on what could be done to satisfy all parties, not just with respect to their upcoming work, but also with the NDC's constitution and composition. A national dialogue process that is overseen by a legitimate organ is the first necessary step toward forging a new social contract that reliably governs relations among citizens, groups and institutions. Authorities and commissioners should support and steer the process.

The recommendations presented here have assumed that one of the issues to be covered in the new social contract will be the challenges to democratisation in Ethiopia. Thus, the analyses provided in this paper could serve as preliminary resource material to trigger discussions and negotiations and reach a final roadmap, along with enforcing mechanisms, for tackling Ethiopia's democratic deficit. The national dialogue platform will serve as both a site of negotiating solutions to the problem, and as a platform to incentivise actors to commit to the realisation of proposed solutions.

Notes

1 Democracy is here understood in its 'procedural minimum' sense, which includes free, fair and competitive elections along with full adult suffrage; protected civil rights such as freedom of speech, association and the press; and absence of higher organs (such as milit ary or clergy) constraining the authority of elected officials. See RA Dahl, *Polyarchy: Participation and opposition*, , New Haven: Yale University Press, 1971.

2 The literature on Ethiopian politics has identified several factors causing and deepening authoritarianism. Mostly focusing on the EPRDF period, scholars have studied these factors: institutional (formal and informal, e.g. J Abbink, Discomfiture of democracy? The 2005 election crisis in Ethiopia and its aftermath, African affairs, 105: 419, 2006, 173-199); ideological (N Bach, Abyotawi democracy: Neither revolutionary nor democratic, a critical review of EPRDF's conception of revolutionary democracy in post-1991 Ethiopia, *Journal of Eastern African Studies*, 5:4, 2011, 641–663); socio-cultural (T Hagmann and J Abbink, Twenty years of revolutionary democratic Ethiopia, 1991 to 2011, *Journal of Eastern African Studies*, 5:4, 2011, 579–595; S Vaughan and K Tronvoll, *The culture of power in contemporary Ethiopian political life*, Stockholm: SIDA Studies 2003); and international (Getachew Metaferia, *Ethiopia and the United States: History, diplomacy, and analysis*, New York: Algora Publishing, 2009). Some of these and other studies have tended to combine factors to explain political outcomes.

   While the studies have enhanced our knowledge on the topic, they suffer from several limitations. Most importantly, many studies do not dig into the structural roots of autocracy in Ethiopia. They do not explain the broader forces that influence the institutional and ideological developments and shape their respective outcomes. Socio-cultural and international explanations also cannot pass the test of comparative authoritarian/democratisation studies, which disclose the prevalence of varying modes of rule in ethnically divided settings and internationally unfavourable political climates.

   Moreover, most of the studies have focused on the EPRDF regime. While this is understandable (given the introduction of regular elections and the official commitment to democracy during this time), the problem should also be assessed in the grander scheme of things. What general factors impede democratisation in Ethiopia, without focusing on a specific and limited time frame? In other words, what hampers political transition to democratisation in the long term, not just during one regime? The current study grapples with these questions and tries to fill these gaps.

   For their part, theories of democratisation or its absence range from structural ones, to strategic and social forces-based ones. See J Teorell, *Determinants of democratization: Explaining regime change in the world, 1972–2006*, New York: Cambridge University Press, 2010. Alternatively, the authoritarian durability literature has emphasised institutional adaptation, state power, natural resources, and international factors to explain the persistence of autocracy. This work combines structural and state-based approaches to explain the failure of democratic transition. It demonstrates how structural forces give rise to a hegemonic state that afterwards works indefatigably to enhance its authoritarian control over society. It also accounts for the structural effects of some state–society relations, such as civil war in relation to autocratic consolidation. It does not, however, deny the importance of voluntarist approaches; it just focuses on the broader conditions that shape elites' interests. Within the state-based theories, it negates one variant that construes the weakening of that very state as a precursor of democracy (L Way, *Pluralism by Default*, Baltimore: John Hopkins University Press, 2015). The current research contends that neither state enhancement of power alone nor serious resistance to and weakening of that power could lead to democratisation. The normative implication is that while state power should be enhanced, it should also be disciplined and make room for non-state actors to bloom.

3 The power or capacity of states and social forces refers to their organisational, coercive (for states and insurgents), financial and penetrative ability. Organisational power primarily is the degree of cohesion within an entity; coercive power is its ability to deploy force to execute its plans; financial strength pays attention to the amount of material resources it can galvanise to meet its objectives; and penetrative ability refers

to its capacity to navigate through society horizontally and vertically to secure obedience and support. These capacities interact in multiple ways, and one proves more important than another in different circumstances. It is beyond the scope of this research to analyse those aspects of the indicators.

4 These include opposition groups and parties, CSOs, the private sector and the middle class, labour unions, social movements and others.

5 See the discussion under 'Origins of State Hegemony. For strategic theories, see D Rustow, Transitions to Democracy: Toward a Dynamic Model, Transitions to democracy, New York: Columbia University Press, 1999]. Rustow argues that democratic transitions take place when elites leading struggles by mobilising social forces decide to negotiate and compromise. As Rustow (p.355) argues, 'the dynamic process of democratization is set off by a prolonged and inconclusive political struggle. To give it those qualities, the protagonists must represent well-entrenched forces (typically social classes), and the issues must have profound meaning to them.' The struggle would then lead to a 'deliberate decision on the part of political leaders to accept the existence of diversity in unity and, to that end, to institutionalize some crucial aspect of democratic procedure.' The outcome, as he calls it, would be the 'Great Compromise'.

6 These are explanations that strongly attach democratic/autocratic shifts and consolidation to the intentions and wills of agents – individuals or groups.

7 This study does dwell on an institutionalist analysis of party and state systems but it does not stop there. It situates institutions in state–society interactions and also delves into the structural roots of autocracy in Ethiopia.

8 Bahru Zewde, A history of modern Ethiopia, 1855–1991. Ohio University Press, 2002, 143.

9 https://www.eisa.org/pdf/eth1955constitution.pdf

10 'Sultanistic regimes' are regimes where the cult and presence of the person of the autocrat is taken to the extreme. Power concentrates heavily in his hands, and he usually exercises it unbound by any rule, not even his own. Ideology may or may not exist but loyalty to the autocrat is the overriding matter that makes the regime work. While there are no perfectly sultanistic regimes, there are many with such tendencies. See H Chehabi and J Linz (eds), *Sultanistic regimes*, Baltimore: John Hopkins University Press, 1998.

11 Ethiopian Constitution, 1987, https://chilot.files.wordpress.com/2011/04/1987-ethiopian-constitution1.pdf.

12 Ethiopian Constitution, 1987, Art. 87.

13 Bahru Zewde, *A history of modern Ethiopia, 1855–1991*, Athens: Ohio University Press, 2002, 141.

14 Ibid., 207.

15 M Meier, Ethiopia, in Dieter Nohlen, Bernard Thibaut and Michael Krennerich (eds) *Elections in Africa: A data handbook*, Oxford: Oxford University Press, 1999, 373–386.

16 P Gilkes, Ethiopia: A real revolution?, *The World Today* 31:1, 1975, 15–23; A Tiruneh, *The Ethiopian revolution 1974–1987: A transformation from an aristocratic to a totalitarian autocracy*, Cambridge: Cambridge University Press, 1993.

17 These demands had socialist orientations, but they were democratic in nature and were named as such by the groups. For instance, elements in the student movements and some anti-Dergue army units called for the protection of democratic rights (including freedom of speech, writing, demonstration, assembly and organizing political groups), the distribution of land to the 'tiller', the launching of a planned economy and the establishment of a democratic people's government" (Tiruneh, 1993: 73-74).

18 See Human Rights Watch, Ethiopia: Human rights developments world report, 1999, https://pantheon.hrw.org/legacy/worldreport99/africa/ethiopia.html; Human Rights Watch, Suppressing dissent: Human rights abuses and political repression in Ethiopia's Oromia region, www.hrw.org/report/2005/05/09/suppressing-dissent/human-rights-abuses-and-politicalrepression-ethiopias-oromia; Human Rights Watch, Ethiopia: Crimes against humanity in Gambella region, 23 March 2005, www.hrw.org/news/2005/03/23/ethiopia-crimes-against-humanity-gambella-region; Human Rights Watch, Collective punishment: War crimes and crimes against humanity in the Ogaden area of Ethiopia's Somali regional state, 12 June 2008, www.hrw.org/report/2008/06/12/collective-punishment/war-crimes-and-crimes-againsthumanity-ogaden-area-ethiopias; Human Rights Watch, Development without freedom: How aid underwrites repression in Ethiopia, www.hrw.org/sites/default/files/reports/ethiopia1010webwcover.pdf; Human Rights Watch, Word report 2012: Ethiopia – Events of 2011, www.hrw.org/world-report/2012/country-chapters/ethiopia; Human Rights Watch, Ethiopia: Protest crackdown killed hundreds – free wrongfully held detainees, independent inquiry needed, 15 June 2016, www.hrw.org/news/2016/06/15/ethiopia-protest-crackdown-

killed-hundreds; Human Rights Watch, Ethiopia: Year of brutality, restrictions – Restore rights, address grievances, 12 January 2017, www.hrw.org/news/2017/01/12/ethiopia-year-brutalityrestrictions.

19 Interview with a veteran journalist, July 2022, Addis Ababa.

20 Interview with federal judges, July–August 2022, Addis Ababa.

21 One example is Judge Birtukan's 2001 decision to release with bail former TPLF senior member and then defence minister, Seye Abraha.

22 Assefa Fiseha, Relations between the legislature and the judiciary in Ethiopia, *Stellenbosch Handbooks in African Constitutional Law*, Oxford: Oxford University Press, 2016; CM Fombad and C Manga (eds), *Separation of powers in African constitutionalism,* New York: Oxford University Press, 2016.

23 Assefa Fiseha, Relations between the legislature and the judiciary in Ethiopia, *Stellenbosch Handbooks in African Constitutional Law*, Oxford: Oxford University Press, 2016, 278. 'Many laws have been enacted by the legislature that take powers away from courts and deal with issues such as urban land lease, government-owned houses/buildings, foreclosure of defaulting debtor's property, and taxation disputes arising from these matters are by virtue of the respective laws placed in quasi-judicial bodies within the executive.'

24 Merera Gudina, Elections and democratization in Ethiopia, 1991–2010, *Journal of Eastern African Studies*, 5:4, 2011, 664–680; T Lyons, Closing the transition: The May 1995 elections in Ethiopia, *The Journal of Modern African Studies*, 34:1, 1996, 121–142; J Abbink, Discomfiture of democracy? The 2005 election crisis in Ethiopia and its aftermath, *African Affairs*, 105:419, 2006, 173–199; K Tronvoll, The Ethiopian 2010 federal and regional elections: Re-establishing the one-party state, *African Affairs*, 110:438, 2011, 121–136.

25 Al Samatar, The Ethiopian election of 2005: A bombshell & turning point?, *Review of African Political Economy*, 32:104/105, 2005, 5.

26 Due to the strong challenge posed against it in the 2005 elections.

27 Competitive authoritarian regimes, according to Way and Levitsky, are 'civilian regimes in which formal democratic institutions exist and are widely viewed as the primary means of gaining power, but in which incumbents' abuse of the state places them at a significant advantage vis-à-vis their opponents. Such regimes are competitive in that opposition parties use democratic institutions to contest [seriously] for power, but they are not democratic because the playing field is heavily skewed in favor of incumbents' S Levitsky and L A Way, Competitive authoritarianism: Hybrid regimes after the Cold War, Cambridge: Cambridge University Press, 2010, 4. I posit that the post-2018 regime features many aspects of such a system, albeit with less competition than is seen in some other competitive authoritarian regimes. There are two caveats, however: the EPRDF exhibited features of competitiveness a few times, especially during the 2005 elections. Moreover, the Prosperity Party-led regime also displayed aspects of full-blown electoral authoritarianism in some regions (e.g. Oromia) during the June 2021 elections. Generally, however, the EPRDF regime's was electoral authoritarianism, while the PP-led government's appeared to be competitive authoritarianism.

28 Interview with senior officers at the Federal Supreme Court, July–August 2022, Addis Ababa.

29 Ibid.

30 Some opposition party leaders believe that the appointment process was not as open as it seemed to be. State officials influenced the process to ensure a predetermined outcome, they noted. Interview with a party member, July 2022, Addis Ababa.

31 NDI, Ethiopia June 21, 2021 National Elections Report, August 5, 2021, 9, www.ndi.org/sites/default/files/LEOME%20Report%20of%20the%20June%2021%20Elections.pdf.

32 Ibid., 8.

33 Interview with EHRC senior staff, July 2022, Addis Ababa.

34 www.unodc.org/documents/easternafrica/ETHIOPIA/UNODC_Ethiopia_Prison_Factsheet_FINAL_14_June_2021.pdf.

35 Abduletif Kedir and Minilik Assefa, Justiciability of administrative actions in Ethiopia: Appraisal of the Federal Administrative Procedure Proclamation in light of the right to access to justice, in Abadir Ibrahim and Sisay Yeshanew (eds), *Righting human rights through legal reform: Ethiopia's contemporary experience*, Ethiopian Human Rights Law Series, XII, Addis Ababa: Addis Ababa University, 2020.

36 Mesenbet Assefa and Solomon Shiferaw, Reflections on Ethiopia's media law reform,in Abadir Ibrahim and Sisay Yeshanew(eds), *Righting human rights through legal reform: Ethiopia's contemporary experience*, Ethiopian Human Rights Law Series, XII, Addis Ababa: Addis Ababa University, 2020.

37 Civil strife was rampant in different parts of the country, including an active war in the north. Political polarisation has remained a challenge as well. See the NDI report for a full description of the political, legal and security contexts in which the elections were held. NDI, ETHIOPIA JUNE 21, 2021 National Elections Report, August, 2021, www.ndi.org/sites/default/files/LEOME%20Report%20of%20the%20June%20 21%20Elections.pdf

38 Even though many informants agree that the NEBE is now staffed with professional personnel, its independence is in dispute. Some party leaders believe that the NEBE, while not fully independent, can still be considered more independent than it was in the past. A few leaders, however, do not see any change in terms of autonomy. One party leader noted that 'the NEBE now is fully compromised and serves the interests of the regime' (Interview, Addis Ababa, June 2022).

39 Interviews with several regional and national opposition party leaders, June–August 2022, Addis Ababa; Interview with two NEBE senior staff, July 2022, Addis Ababa; Interview with a senior government official, July 2022, and party member, August 2022, Addis Ababa. Some of the irregularities are also noted in the official electoral report of the NEBE. See the 10 July 2021 report, https://nebe.org.et/sites/default/files/Final%20Report%20English.pdf.

40 Interviews with several party leaders, June–August 2022, Addis Ababa.

41 NDI, ETHIOPIA JUNE 21, 2021 National Elections Report, August 2021, 15 www.ndi.org/sites/default/files/LEOME%20Report%20of%20the%20June%2021%20Elections.pdf

42 Interviews, March and June 2022, Addis Ababa.

43 Interview with residents in Burayu, August 2022, Addis Ababa.

44 Interview, July–August 2022, Addis Ababa.

45 Interview with NEBE official, June 2022. This is the Eskindir Nega case, leader of the Balderas Party in custody at the time. The NEBE had initially denied him the right to register as a candidate, but that decision was overturned by the Federal Court.

46 See the NEBE report of 10 July 2021, 5, https://nebe.org.et/sites/default/files/Final%20Report%20 English.pdf.

47 NEBE staff, June and August 2022, Addis Ababa.

48 Ibid.

49 SInterview with senior government official, August 2022, Addis Ababa.

50 As Terrence Lyons and Aly Verjee note, although in general non-competitive, the degree of competitiveness also varied from region to region. While Amhara and Addis Ababa saw slightly better competition among parties, elections in Oromia were utterly uncompetitive. T Lyons and A Verjee, Asymmetric electoral authoritarianism? The case of the 2021 elections in Ethiopia, *Review of African Political Economy*, 49:172, 2022, 1–16.

51 NEBE staff, August 2022, Addis Ababa.

52 NDI, Ethiopia June 21, 2021 National Elections Report, August 5, 2021, 3. www.ndi.org/sites/default/files/LEOME%20Report%20of%20the%20June%2021%20Elections.pdf

53 Reporters Without Borders then increased Ethiopia's ranking by 40 places. See, Journalists in Ethiopia say press freedom is at 'crossroads', *VOA*, 4 May 2022, www.voanews.com/a/journalists-in-ethiopia-say-press-freedom-is-at-crossroads-/6555567.html.

54 Ibid.

55 Interview with a journalist at ENA, June 2022, Addis Ababa.

56 Interview with news editor at ENA, June 2022, Addis Ababa.

57 Ibid.

58 Interview with journalist in private print media, June 2022, Addis Ababa.

59 Interview with an opposition party member appointed to the boardof one state-run media, June 2022, Addis Ababa.

60 Ibid.

61 Interview with a journalist that worked for private broadcast media, June 2022, Addis Ababa.

62 Interview with a journalist working for private broadcast media, August 2022, Addis Ababa.

63 Interview with a journalist working for private digital media, August 2022, Addis Ababa.

64 Ibid.

65 M Mumo, Journalists face growing hostility as Ethiopia's civil war persists, *CPJ,* 1 August 2022, https://cpj.org/2022/08/journalists-face-growing-hostility-as-ethiopias-civil-war-persists/.

66 Ibid.

67 Media Proclamation No. 1238-2021, https://chilot.me/wp-content/uploads/2021/04/Media-Proclamation-No.-1238-2021.pdf.

68 Ethiopian Mass Media Professional Association, 9 April 2021, www.facebook.com/permalink.php?story_fbid=513324847108818&id=100231195084854

69 For more on violations, see the section 'War and Autocracy' in Chapter 3. Extra-judicial killings in Oromia have attracted widespread attention. Senior officials have at times come out defending the practice. A case in point is the killing without due process of Amanuel Wondimu by state security officers in Wollega in May 2021. Although the incident was widely condemned, a government spokesperson justified it thus: 'On those who commit killing, any type of measure should be taken at any time.'[this doesn't read like a justification?] See, Security forces in Western Oromia arrest mourners at Amanuel Wondimu's home, the teenage executed in public, *Addis Standard*, 12 May 2021, https://addisstandard.com/news-security-forces-in-western-oromia-arrest-mourners-at-amanuel-wondimus-home-the-teenage-executed-in-public/.

70 Interview with local residents in Wollega, December 2020, Wollega.

71 Interview with federal judges at different levels, June–August 2022, Addis Ababa.

72 Interview with a federal judge, July 2022, Addis Ababa.

73 See endnote 45 on Eskindir Nega as one instance.

74 Officials at the Supreme Court and Ministry of Justice, July–August 2022, Addis Ababa.

75 Phone interview, August 2022, Amhara Region.

76 Ibid.

77 Ibid.

78 Ibid.

79 Ibid.

80 Senior official, Ministry of Justice, August 2022, Addis Ababa.

81 Interview with a former judge in Amhara region, August 2022, Addis Ababa.

82 Although it formally has the power of cassation on issues that violate the federal constitution.

83 Interview with officials at the Federal Supreme Court, June–July 2022, Addis Ababa.

84 Federal judges, interview, June–August 2022, Addis Ababa.

85 Senior official, Ministry of Justice, August 2022, Addis Ababa.

86 These are usually non-state contenders such as the middle class, labour unions, CSOs, religious groups, the private sector and opposition parties. But one set of classes closely associated with state power, the aristocracy and the nobility, which in some Western countries historically played a critical role in the transition process by challenging the hegemony of the Crown, was generally weak in Ethiopia too.

87 Path-dependence, very broadly, means, "that what happened at an earlier point in time will affect the possible outcomes of a sequence of events occurring at a later point in time." W Sewell, Three temporalities: Toward an eventful Sociology, in, T McDonald (ed), *The Historic Turn in the Human Sciences,* Ann Arbor: University of Michigan Press, 1996, 262-3.

88 C Tilly, *Coercion, capital, and European states, AD 990–1990*, Cambridge, MA: B. Blackwell, 1990, 151 ff; Semir Yusuf, Rethinking transitology: Structural influencers of political change in Ethiopia, in M Desta et al. (eds), *Ethiopia in the wake of political reforms*, Los Angeles: Tsehay Publishers, 2020, 62.

89 C Tilly, War making and state making as organized crime, inP Evans et al. (eds), *Bringing the state back in*, Cambridge: Cambridge University Press, 1985, 169–191.

90 C Tilly, Reflections on the history of European State making, in C Tilly (ed), *The formation of ational States in Western Europe*, Princeton: Princeton University Press, 1975, 42.

91 B Moore, *Social origins of dictatorship and democracy: Lord and peasant in the making of the modern world*, Vol. 268, Boston: Beacon Press, 1966.

92 The assertions about land-holding rights of the aristocracy in imperial Ethiopia are disputed by some scholars. See, for instance, S Bekele (ed.), *An Economic History of Modern Ethiopia*, Dakar: CODESRIA, 1995. His arguments, however, are deemed controversial. See D Crummey, An Agrarian Economy, The Journal of African History, 38:1, 1997, 141–43.

93 Bahru Zewde, *A history of modern Ethiopia, 1855–1991*, Athens: Ohio University Press, 2002, 143.

94 Ibid.

95 D Donham, Old Abyssinia and the new Ethiopian empire: Themes in social history, in D Donham and W James (eds), *The southern marches of imperial Ethiopia: Essays in history and social anthropology*, Cambridge: Cambridge University Press, 1986, 3–48.

96 C Tilly, *Coercion, capital, and European states, AD 990–1990*, Cambridge: Blackwell, 1990.

97 D Donham, Old Abyssinia and the new Ethiopian empire: Themes in social history, in D Donham and W James (eds), *The southern marches of imperial Ethiopia: Essays in history and social anthropology*, Cambridge: Cambridge University Press, 1986, 3–48.

98 B Moore, *Social origins of dictatorship and democracy: Lord and peasant in the making of the modern world*, Vol. 268, Boston: Beacon Press, 1966.

99 J Markakis and Nega Ayele, *Class and revolution in Ethiopia*, Nottingham: Spokesman, 1978.

100 C Clapham, Controlling space in Ethiopia, in J Wendy (ed.), *Remapping Ethiopia: Socialism and after*, Athens: Ohio University Press,, 2002, 15.

101 Ibid., 17–18.

102 Ibid.

103 Ibid.

104 Ibid.

105 S Vaughan, Revolutionary democratic state-building: Party, state and people in the EPRDF's Ethiopia, *Journal of Eastern African Studies,* 5:4, 2011, 619–640.

106 Loss of autonomy sometimes produces peasant non-compliance and subversion, which is occasionally domesticated through clientelistic networks. See R Emmenegger, S Keno and T Hagmann, Decentralization to the household: Expansion and limits of state power in rural Oromiya, *Journal of Eastern African Studies*, 5:4, 2011, 733–754.

107 S Vaughan, Revolutionary democratic state-building: Party, state and people in the EPRDF's Ethiopia, *Journal of Eastern African Studies,* 5:4, 2011, 619–640; J Markakis, *Ethiopia: The last two frontiers*, Vol. 10, New York: Boydell & Brewer, 2011.

108 Eyob Balcha, The politics of developmentalism, citizenship and urban youth in Addis Ababa, Ethiopia, PhD dissertation, University of Manchester, UK, 2017, 5.

109 S Vaughan, Revolutionary democratic state-building: Party, state and people in the EPRDF's Ethiopia, *Journal of Eastern African Studies*, 5:4, 2011, 634.

110 Carnegie Endowment for International Peace, Surveillance and state control in Ethiopia, 2017, https://carnegieendowment.org/2017/05/18/surveillance-and-state-control-in-ethiopia-pub-69960.

111 A Ibrahim, Ethiopia's "revolutionary democracy" as an Authoritarian-Neoliberal Discourse, *International Journal of Ethiopian Studies*, 12:1, 2018, 28, https://www.jstor.org/stable/27026536

112 J Abbink and T Hagmann (eds), *Reconfiguring Ethiopia: The politics of authoritarian reform*, London: Routledge, 2016, 9.

113 Ibid.

114 Andargachew Tiruneh, *The Ethiopian revolution 1974–1987*, Cambridge: Camridge University Press, 1993, 39.

115 Ibid.; C Clapham, *Transformation and continuity in revolutionary Ethiopia,* Vol. 61, CUP Archive, Cambridge: Cambridge University Press, 1990.

116 Some of these youth later became urban guerillas under the Ethiopian People's Revolutionary Party. In addition to their weaker position vis-à-vis the state, their choice of insurgency as a mode of struggle contributed to the demise of any chance for democratic transition. The section in this monograph headed 'War and Autocracy' outlines the repurcussions of civil war on democratisation.

117 Religious groups, in the case of Dimtsachin Yisema of 2011.

118 Semir Yusuf, Drivers of ethnic conflict in contemporary Ethiopia, *Institute for Security Studies Monographs*, 2019, 202, 9.

119 Ibid.

120 Ibid.

121 The protest movements contributed to the weakening of the state, due to which it was forced to display a (short-lived) string of liberalisation measures. But the liberalisation also furthered state fragility as competing nationalisms and elites vied for influence at both the federal and regional level.

122 Semir Yusuf, Drivers of ethnic conflict in contemporary Ethiopia, *Institute for Security Studies Monographs*, 2019, 202

123 Interview with PP member and MP, August 2022, Addis Ababa.

124 Ibid.

125 Ibid.

126 Discussions with a former senior state official and an opposition party leader, October and November 2022, Addis Ababa.

127 Interview with EHRC official, June 2022, Addis Ababa.

128 Interviews with EHRC official and staff, June and July 2022, Addis Ababa.

129 Ibid.

130 For example, see C Anna, 'Clean out our insides': Ethiopia detains Tigrayans amid war, *Associated Press,* April, 2021, https://apnews.com/article/africa-ethiopia-race-and-ethnicity-health-coronavirus-5f22a5aea128cbd659fbf4f810aac973.

131 Interview, June and July 2022, Addis Ababa.

132 Interview with NEBE worker, July 2022, Addis Ababa.

133 Ibid.

134 Interview with a cabinet member, July 2022, Addis Ababa.

135 PP member and MP, July 2022, Addis Ababa.

136 Both the state and societal forces in 2018 and thereafter were internally ethnically divided, and in this regard they both had critical weaknesses. But the disparity in terms of both self-reconstitution and then realisation of collective will at the expense of the other is remarkable, despite this weakness.

137 With the glaring exception of armed groups, most notably the TPLF. And the federal–Tigray antagonism finally led to a civil war that added another layer of complication to the political trajectory.

138 Opposition political parties failed to press the state to remain confined to the constitutional and electoral rules, or to present a strong show-up to make the elections genuinely competitive.

139 Interview with NEBE officials, July 2022, Addis Ababa.

140 Ibid.

141 Zelalem Degifie, Party-Political Financing, Democracy, and Constitutionalism in Ethiopia, in C M Fombad and Nico Steytler (eds.) *Democracy, Elections, and Constitutionalism in Africa*, Oxford: Oxford University Press, 2021, 293.

142 Interview with COCOE staff, June 2022, Addis Ababa.

143 Interview with NEBE official, June 2022, Addis Ababa.

144 Interview with NEBE staff, July 2022, Addis Ababa.

145 NDI, ETHIOPIA JUNE 21, 2021 National Elections Report, August 2021, 4, www.ndi.org/sites/default/files/LEOME%20Report%20of%20the%20June%2021%20Elections.pdf

146 NEBE, Sixth General Election Result, 10 July 2021, 6, https://nebe.org.et/sites/default/files/Final%20Report%20English.pdf

147 NEBE, Sixth General Election Result, 10 July 2021, 5, https://nebe.org.et/sites/default/files/Final%20Report%20English.pdf

148 Interview with EHRC official, June 2022, Addis Ababa.

149 Protest movements or any other civil challenges have also been used to justify state repression. But in the case of civil wars, the repression is stepped up to an unprecedented level.

150 John D McCarthy and MN Zald, Resource mobilization and social movements: A partial theory, *American Journal of Sociology*, 82:6, 1977, 1212–1241.

151 Semir Yusuf, Insurgency in ethnically divided authoritarian-led societies: A comparative study of rebel movements in Ethiopia, 1974–2014, PhD thesis, University of Toronto, Canada, 2018, 256.

152 Ibid., 257.

153 Ibid.

154 For an in-depth assessment of the economic cost of war in Ethiopia, see Alemayehu Geda, Does conflict explain Ethiopia's backwardness? Yes! and significantly, Making Peace Work Conference at WIDER, Helsinki, 2004.

155 These effects of civil war are derived from P Collier, On the economic consequences of civil war, *Oxford Economic Papers*, 51:1, 1999, 168–183.

156 For classical theoretical discussions about the importance of such factors for democratisation, see the works ofB Moore, *Social origins of dictatorship and democracy: Lord and peasant in the making of the modern world,* Vol. 268, Boston: Beacon Press, 1966 and S M Lipset, Some social requisites of democracy: Economic development and political legitimacy, *American political science review* 53:1, 1959, 69-105.

A massive corpus of literature has assessed the value of especially Lipset's argument and has come up with divergent perspectives. The most important and most obvious critique is that such explanations just capture the 'causes', not the 'causers' (i.e. agents) of democratisation (S Huntington, *The Third Wave: Democratization in the late twentieth century*, Vol. 4, Norman: University of Oklahoma Press, 1993). Some critical research has shown that these structural factors do help sustain democracy but may not be a necessary requirement to make the initial transition to that system (A Przeworski et al., *Democracy and development: Political institutions and well-being in the world, 1950–1990,* No. 3, Cambridge: Cambridge University Press, 2000). Acknowledging that agents matter in any political transition, my emphasis in this work is the broader conditions that sustain autocracy. And as modern Ethiopian history has repeatedly shown, when conditions are fertile for autocracy, ruling elites, even when more liberal initially, tend to capitalise on the conditions and turn more autocratic later in their reign.

157 Andargachew Tiruneh, *The Ethiopian revolution 1974–1987*, Cambrige: Cambridge University Press, 1993.

158 Olaanaa Abbaaxiiqii, Meles Zenawi is dead, long live "who?!", *Opride*, 22 August 2012, www.opride.com/2012/08/22/meles-zenawi-is-dead-what-s-next-for-ethiopia/.

159 Human Rights Watch, Ethiopia: Unlawful shelling of Tigray urban areas, 11 February 2021, www.hrw.org/news/2021/02/11/ethiopia-unlawful-shelling-tigray-urban-areas; AL Dahir and T Hicks, Fleeing Ethiopians tell of ethnic massacres in Tigray war, *The New York Times*, 9 December 2020, www.nytimes.com/2020/12/09/world/africa/ethiopia-tigray-sudan.html, archived from the original on 10 December 2020, retrieved 15 February 2021; Ethiopian Human Rights Commission, Rapid investigation into grave human rights violation in Maikadra: Preliminary findings, 24 November 2020, https://ehrc.org/ethiopian-human-rights-commission-rapid-investigation-into-grave-human-rights-violation-maikadra-preliminary-findings/; S Nebehay and Dawit Endeshaw, Joint UN, Ethiopia rights team: All sides committed abuses in Tigray, *Reuters*, 3 November 2021, www.reuters.com/business/cop/un-ethiopia-rights-commission-release-report-abuses-tigray-2021-11-03/.

160 At least 19 journalists were arrested during this time, according to the EHRC. According to *The Guardian*, Daniel Bekele, Chief Commissioner of the EHRC, 'described the arrests of the journalists as a "new low". "Ethiopia's media law clearly prohibits pre-trial detention for any alleged offence committed through media, and all detained media personnel should be released," he said'. The Guardian, More than 4,000 arrested in Amhara as ethiopia cracks down on militia, 30 May 2022, www.theguardian.com/global-development/2022/may/30/more-than-4000-arrested-in-amhara-as-ethiopia-cracks-down-on-militia.

161 Interview with a journalist, August 2022, Addis Ababa.

162 Amnesty International, Ethiopia: 'Beyond law enforcement' – Human rights violations by Ethiopian security forces in Amhara and Oromia, 29 May 2020, www.amnesty.org/en/documents/afr25/2358/2020/en/.

163 For example, Human Rights Watch, Ethiopia's other conflict, July 2022, www.hrw.org/news/2022/07/04/ethiopias-other-conflict. Extra-judicial killings have become rampant in Wollega, and have at times been justified by Oromia officials. See the section headed 'Towards Competitive Authoritarianism' in Chapter 2.

164 Interviews with locals in Wollega, December 2020.

165 https://reliefweb.int/report/ethiopia/least-300-killed-ola-firearm-and-artillery-attack-villages-wollega-ethiopia-saturday-18-june.

166 Interview with senior official and a cabinet member, August 2022, Addis Ababa.

167 Ibid.

168 Ibid.

169 J Teorell and A Hadenius, *Elections as levers of democracy: A global inquiry*, Baltimore: John Hopkins University Press, 2008; J Møller and S Skaaning. *The rule of law: Definitions, measures, patterns and causes*, London: Palgrave, 2014.

170 But also because sometimes political entities want to displace the regime that controls it.

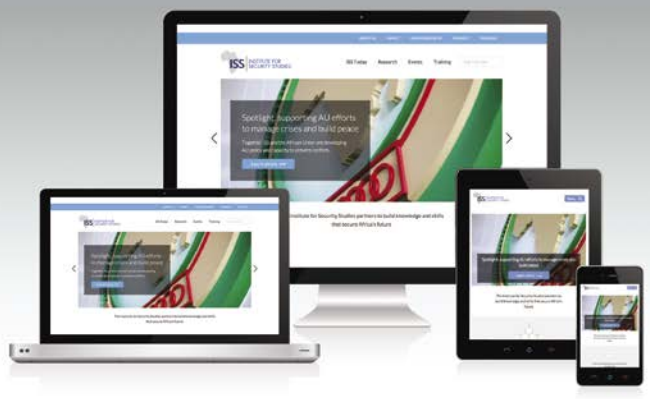
171 RB Riedl et al., Authoritarian-led democratization, *Annual Review of Political Science*, 23:1, 2020, 315–332, https://doi.org/10.1146/annurev-polisci-052318-025732.

172 J Wong and E Friedman (eds), *Political transitions in dominant party systems: Learning to lose*, London: Routledge, 2008.

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Despite differences in the nature and programmes of successive regimes, Ethiopia has remained authoritarian throughout its modern history. This monograph explains this persistence through the lens of state–society dialectics and power asymmetry. It traces the origins of this form of rule to the era of state expansion. Since then, authoritarianism has been buttressed by the post-imperial regime capture of citizens, usually accompanied by political stability. Resistance to the state has not helped in consolidating democracy. While peaceful mobilisation may help change regimes and sustain political liberalisation, armed confrontation usually further entrenches autocracy.

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