



## Declaration on Free and Fair Election in Ethiopia

15<sup>th</sup> May 2009

WHEREAS 15<sup>th</sup> May 2009 marks the fourth anniversary of Ethiopia's ill fated election, in which elected parliamentarians were thrown to jail; at least 193 innocent individuals were killed; an unknown number of people were injured and exiled; over 40 000 supporters of opposition groups were imprisoned in remote internment camps; and the actors of this and other crimes against humanity continue to operate with impunity;

CONCERNED that Ethiopia is entering the May 2010 election without fulfilling the minimum requirement for *free* and *fair* election; and without resolving the critical problems that led to the crisis of May 2005;

CONVINCED that a national *free* and *fair* election is a priority for forging national unity, peace and promoting good governance; and consistent to the widely held view that political pluralism, toleration of dissent and the right and ability to hold *free and fair* elections, unfettered by fraud or violence, is a requisite for accountability and democratic governance;

WHEREAS for an election to be *free*, citizens must have the right and the opportunity to freely choose from candidates and parties; and must have the freedom to assemble, associate, move and speak; in a political environment that is free from harassment, intimidation and imprisonment;

WHEREAS for an election to be *fair*, the election must have accurate and honest balloting and counting, and the process should be administered by an independent and competent election administration authority; and in governance systems where separation of powers is not assured and the civil service is not staffed by professional personnel, special care must be taken to ensure that an incumbent administration does not determine the process and the outcome of the election;

WHEREAS *fairness* requires a level playing field; there can be no misuse of public resources for the gains of a particular party;

CONCERNED that credible local and international human rights reports continue to indicate the existence of political prisoners and prisoners of conscience, whose number is estimated to be in tens of thousands, and this figure includes prominent leaders like Miss Birtukan Mideksa;

AWARE of the fact that the revised electoral law of 2007, articles 4, 6, 14, 33(3b), 45(1e and 1f), 47(1), 59, 78(2) and article 92, do not ensure *free* and *fair* election; and worse the law was promulgated without involving the major protagonists of the failed May 15, 2005 election;

CONCERNED that the Tigray People Liberation Front's (TPLF's) and Ethiopian Peoples' Revolutionary Democratic Front's (EPRDF's) draconian law of 2008 on local nongovernmental

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organizations (NGOs) is yet another attack on civil society organizations that advocate for the respect of civil and political rights, transparent administration, social welfare, economic development and *free and fair* election;

**NOTING** that even by the regime's own ballot counting of May 2005 election, the opposition had won 173 of the 547 seats; and if the 2010 election is *free and fair* the TPLF will be unable to control key government portfolios with its 7%  $=[(38/547)*100\%]$  representation in the House of Peoples Representatives. In addition, the regime will face the difficult mission of winning in the regions of Amara (138 seats), Oromo (178 seats), the South (123 seats), Addis Ababa (23 seats) and Somali (23 seats,) if *free and fair* election is held in these regions. Worse still, in a *free and fair* election in Tigrai, TPLF is even more than likely to lose its 38 seats allocated to Tigrai region;

**COGNIZANT** of the fact that the Marxist Leninist League of Tigrai (MLLT,) the ideological cabal in the EPRDF ethnocracy, continues to resist *free and fair* election, and instead it has continued to advance ethnic politics, using it as a ploy, and its guiding philosophy is none other than a version of the ideology of the now defunct Albanian Communist Party, as revised under the mantle of so called revolutionary democracy - developmental State, to hood wink donor governments and the international social democratic network; hence the age old harmony of the Ethiopian polity continues to be redesigned as a federation of tribes, each competing against the other, to ensure MLLT's willingness to sustain a State, at any cost, under a neo-apartheid ideology;

**ABHORRED** by the dehumanization of certain ethnic groups, causing disastrous results in which thousands of people were killed, wounded and displaced in various parts of the country, including but not limited in Addis Abeba, Ambo, Arba-Gugu, Assosa, Bedeno, Begemder, Borena, Chelenko, Gambela, Gojam, Hawassa, Hosaana, Ogden, Shewa, Somalia and elsewhere as a result of which the international human rights organization - Genocide Watch - has recently submitted a formal request to the United Nations Commissioner for Human Rights, to investigate the MLLT/TPLF/EPRDF leadership for crimes of genocide, crimes against humanity and wanton destruction;

**CONCERNED** that EPRDF's inability to open the political space is preventing peaceful transition, and contributing to discrete violence in various parts of the country, over the past 19 years; and in the event that the war fatigue in the army leads to a coup d'état, *free and fair* election is more than likely to be postponed indefinitely;

**NOTING** that the former Coalition for Unity and Democracy (CUD) party had an 8 point proposal for resolving the previous election crisis, and many of them are still relevant today as they were in May 2005;

**RECALLING** the shameful initial statements that were made by the African Union and the Carter Center on matters related to the May 15, 2005 election; the deafening silence of the Pan African Parliament and the Inter Parliamentary Union on the crisis, and worse the eventual appointment of Prime Minister Meles Zenawi to Pan African institutions of good governance, such as the New Economic Partnership for African Development (NEPAD) and African Peer Review Mechanism (APRM);

**ENCOURAGED** by the successful elections that were recently held in Ghana and South Africa, and having taken lessons from the tragic experiences of Ethiopia, Kenya, Uganda and Zimbabwe;

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**REAFFIRMING** the guiding principles of *free* and *fair* elections, as enshrined in international protocols, including but not limited to the African Charter on Democracy, Elections and Governance, and confirming the resolutions of Ethiopians at the beginning of the New Millennium, as documented in **The Citizens Charter for Democratic Ethiopia: A Common Cause for Freedom, Prosperity and Social Renaissance**, as amended;

We the members of Ethiopian civil society organizations, in association with our members and chapters in Ethiopia and throughout the world, have made this DECLARATION ON FREE AND FAIR ELECTION IN ETHIOPIA. The document sets the minimum conditions that are required for conducting *free* and *fair* election in 2010 and beyond. The document is non partisan; it is a result of an honest assessment of the prevailing situation in the country. Members and supporters of civil organizations throughout the world are hereby requested to adopt this document in full or in part, and use it as voter education document. It will be translated into various Ethiopian languages and disseminated as widely as possible. We call upon both the ruling party and opposition political parties, legal and clandestine, to unequivocally state and/or reaffirm, as a matter of urgency, the necessary conditions for *free* and *fair* election so that the crisis of 2005 gets resolved, new conflicts are prevented, and the election itself is not annulled or boycotted.

### **NECESSARY CONDITIONS FOR FREE AND FAIR ELECTION IN ETHIOPIA IN THE YEAR 2010**

1. Universal and equal suffrage, including for Ethiopian citizens in the Diaspora;
2. The unconditional release of all political prisoners and prisoners of conscience; and making peace with armed and clandestine groups;
3. A secret ballot with an impartial and independent election administration. The National Election Board of Ethiopia; which purports to have been reformed in accordance to the revised (2007) electoral law, in its present form, cannot ensure *free* and *fair* election in 2010. Articles 4, 6, 14, 33(3b), 45(1e and 1f), 47(1), 59, 78(2) and article 92, among others, must either be modified or repealed or put on hold, and reconciled with preconditions that are already stated, and new preconditions that might be stated;
4. Ensure that registration is open to all eligible voters and that the process of casting a vote shall be made convenient and simple, voting counting should be done at the polling station level; in the presence of party representatives and mutually agreed independent local and international observers;
5. *Freedom* from coercion, so that voters are not coerced through force, threats, monies, jobs, land tenure, fertilizers, seeds or other favors/coercions in making their choices;
6. *Freedom* of expression and association, so that citizens can participate in electoral debate;
7. Equitable, transparent and timely share of State resources, including the State owned media, State services, donations and other resources. In this respect, it is important to note that the business sector in Ethiopia is unique in that the ruling party owns big businesses and receives donations from certain business tycoons that enjoy favors from the government that is led by EPRDF. Hence, the *unfair* playing field must be corrected long before the actual election date;
8. A jointly agreed list of independent and credible local and international election monitoring observers should be present at both urban as well as rural polling stations. Every effort must be made so that competent observers are on the ground well in advance of the Election Day. The dismal performance of the African Union election observer team in May 2005 and the role played by certain African governments in legitimizing the stolen election in Ethiopia puts the profession and the African Union into disrepute.

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9. An independent election dispute resolution mechanism that is also efficient and just, should be established;
10. A carefully designed voter education programme that is agreed upon by political parties and civil society organizations is necessary. While maintaining the principles of *free* speech, political leaders must show restraint from advancing hate speech, ethnic politics, and statements that deliberately or inadvertently incite people against specific cultural groups and minorities, or compromise the sovereignty of the country;
11. Unless national invasion occurs at the borders, the army and security will not take instruction from the ruling party that has a stake in the outcome of the election. The army and security establishment must be under a joint command. The army's top brass is at present mono-ethnic. This has to change, as a matter of urgency. It shall not, whatsoever, be involved in the suppression of internal dissent and obstruct *free and fair* election.
12. Armed and clandestine groups that wish to work within the framework of the civil society declaration must be given the necessary support so that they abandon violence, and participate in the election. In return armed groups must declare cease fire and prepare a roadmap so that they participate in the election;
13. It is a fact that the MLLT/TPLF/EPRDF core leadership is being investigated by a number of human rights organizations, the United Nations and by the victims' own representatives. The alleged crimes are horrific and gigantic, and among others might involve the International Criminal Court and the Security Council. This matter cannot be ignored. It requires due care. To the extent that it is related to the 2010 election and the political process in Ethiopia, the ruling party and the opposition face the delicate problem of handling what is hovering around the individuals that are holding the nation's highest office;
14. With respect to the contributions of the international community and the Ethiopian Diaspora towards *free and fair* election in Ethiopia and in the region, the adopters of this DECLARATION pay their highest respect for those individuals, governments, parliamentarians, election observers, civil society organizations, rights advocacy groups, community associations and individuals that exposed the irregularities of the May 15, 2005 election, and urge them to continue their contribution for *free and fair* election in Ethiopia and elsewhere.

May Civil Societies Join Hands to Speak and Act in Unison!  
May God Bless Ethiopia With a *Free and Fair Election!*

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