

Free and Fair: The Politicization of
Election Monitoring Reports

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ABSTRACT

Democracy development techniques such as international election monitoring have increasingly become commonplace. Monitors are sent to far off locations to scrutinize the electoral processes and determine whether or not they have met the free and fair standards as established by their mandates. The term free and fair however, has become a catchphrase amongst many of those involved in the election monitoring and democracy development fields. The phrase is often interpreted loosely and is rarely clearly defined. Despite the recognition of the term's often differing interpretations, it remains a commonly used standard. The 2005 Ethiopian Elections demonstrate that free and fair, when interpreted differently by international electoral observers, can have consequential results.

The thesis provides a political analysis of the Carter Center's and European Union's international election monitoring final reports of the 2005 Ethiopian elections. Following the 2005 Ethiopian elections the Carter Center's and the European Union's electoral observation reports became highly politicized. In the post election period, the two organizations came to different conclusions in regards to the validity of the electoral process. At the core of these differences were the organizations' differing conceptions of what constitutes free and fair electoral practices. In the post election period the European Union's and Carter Center's reports have been pitted against one and other as those concerned with the election results seek to make sense of the reports.

This thesis is significant because it asks relevant questions about the consequences of differing understandings of free and fair. The thesis seeks to provide

insight into international election monitoring and provide recommendations to improve the process.

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Chapter One:

Introduction

Introduction

Election observation has become a common trend among development agencies and donor countries. These groups send contingents of individuals to monitor elections in the developing world to ensure that the electoral process has proceeded according to a standard of “free and fair.”¹ Development literature suggests that genuinely competitive elections are the most significant dimensions of a liberal democracy.² Essentially, the purpose of election observation is to ensure that an election has been conducted in a free and fair manner, that political legitimization has been established and that democratic consolidation has made necessary progress. It is on this note that the election observation mission has become the quintessential legitimizing tool for development aid. Aid donors have come to insist that a country adopt Western political standards of democracy and good governance in order to receive political and social development aid. The devil however, has been in the details.

Often, election monitors evaluate an election, declaring it free and fair while other observers will claim that there were too many electoral discrepancies for the election to be considered valid. This was the case in May 2005. The Ethiopian government invited international election observers to monitor the electoral process and assess the democratic nature of the election. Both the Carter Center and European Union (EU) responded to the invitation and sent observers to the nation. Both organizations set up an office in Addis

¹ The concept of free and fair must be defined for the purpose of this paper. By free and fair, I am referring to electoral practices that meet the most basic requirements of a national electoral code. More specifically, I am referring to electoral practices that work to increase democratic indicators as well as assist in the general capacity building of a nation’s political system. These practices include but are not limited to: an independent and non-partisan electoral commission, equal access to government owned/operated resources for incumbent and opposition, accessibility of electoral polls to voters, freedom granted to opposition to campaign, universal voter registration, and strict regulations and consequences for vote rigging and gerrymandering.

² This thesis is not examining African concept of Democracy. Instead, this work is looking at Western democratic concepts and how they apply to international democracy development initiatives.

Ababa prior to the elections. Both groups also engaged in pre-election monitoring activity. Although the EU's group was larger in number (160 observers) than the Carter Center's group (50 observers), the organizations both maintained a strong presence in the nation. The EU had access to more resources and was able to visit more polling stations. The Carter Center concentrated its efforts in the urban centers of Ethiopia. Following the closure of the polls, the Carter Center and EU produced their final electoral observation reports. To the disbelief of many, the organizations came to very different conclusions.

Purpose of this Thesis

The purpose of this thesis is to demonstrate the flexible definition of free and fair electoral practices by two observer missions- the Carter Center and EU. In the case of the Ethiopian May 2005 election, the EU and the Carter Center came to different conclusions in regards to the validity of the electoral process. The Carter Center noted some minor discrepancies in the electoral process but declared the election to be the most democratic Ethiopia has ever held. The EU recorded significantly more electoral problems and concluded that the elections were far from meeting international free and fair standards. The difference between the Carter Center's and EU's reports point to the organizations' differing mandates and methods of assessment. The Carter Center compared the 2005 election to past Ethiopian national electoral contests and produced a relatively favorable assessment of the elections. The EU held the election to international principles and values and produced a document that established that more democracy development work would be needed within the nation. These differing conclusions have contributed to the post election political and social chaos. Opposition parties and their supports have looked to the Carter Report as inaccurate while rallying behind the conclusions of the EU. The

ruling party and its supporters have embraced the Carter Report and have turned to the document to legitimize the Ethiopian People's Revolutionary Democratic Front (EPRDF) regime. This thesis examines the politicization of electoral observation reports in light of the malleable and somewhat subjective standards for free and fair electoral practices in the electoral monitoring field.

Importance of the Thesis

This thesis will contribute to the literature on electoral observation because it explores the serious nature of election monitoring in nations struggling for democracy. This thesis will show that there can be grave political and social implications when election monitoring and observing is conducted according to different mandates and different understandings of key democracy-development principles. As will be discussed in chapter 3, organizations develop their own definitions and understandings of important democracy development principles. For instance, elections are assessed on whether or not they were conducted in a free and fair manner. Because there is no over-arching international standard as to what constitutes a free and fair election, organizations are able to use their own understandings of free and fair to assess an election. Problems arise however, when organizations' understandings of free and fair differ greatly. The thesis suggests that electoral observation cannot be understood in isolation from broader international factors. In Ethiopia, the Carter Center and EU were operating under different understandings of free and fair. The result was the release of very different conclusions about the 2005 elections. This thesis will point to the politicization of the differing reports issued by the two organizations and evaluate the need for clear international standards and cooperation in the democracy development field.

Methodology:

This thesis was written using three types of sources. Firstly, a discussion of development policy was found to be necessary. There is a seemingly endless supply of development and good governance literature. For the purpose of this thesis, I will limit my use of this material to concentrate primarily on democracy promotion and the importance of free and fair elections. Secondly, current literature on election monitoring and observing will be referenced to provide an understanding of the processes and criticisms associated with these democracy development initiatives. Thomas Carothers, Ron Gould and Amanda Sives have written a number of pieces on the processes and problems associated with election monitoring. Lastly, information on the May 2005 Ethiopian elections will be used to gain an understanding of the situations surrounding the election monitoring process. Information from journal articles and newspapers will be the primary sources used to develop this section of the thesis.

Chapter Outline

These three themes have been broken down into four chapters and a conclusion. The thesis begins with a chapter that outlines the theories surrounding election monitoring and its benefits in terms of democracy development and promotion.

Chapter 2: Democracy Promotion and the Rise of Election Monitoring

Chapter two looks specifically at democracy development and good governance literature. The purpose of this chapter is to establish how upholding ‘free and fair’ elections often constitutes the most important component of good governance policy. Those involved in democracy promotion often look to elections as key indicators of democratic development. This chapter seeks to explain that there is more to democratic

development than simply holding free and fair electoral contests. Also, found in this chapter is a description and explanation of the phrase free and fair. As election monitoring purpose is to establish whether an election was free and fair, this is an important concept to understand.

Chapter 3: The Practice of Election Monitoring

Chapter three seeks to explain electoral observation as a commonly used democracy development initiative. This chapter explains different types of election monitoring and discusses the common criticisms and problems associated with the practice of electoral observation. This chapter will give clarity to the terms utilized by election observers and monitors. This chapter will also introduce the key players involved in the electoral observation of the 2005 Ethiopian Elections as the Carter Center's and EU's election observation programs are discussed. The Chapter concludes with an explanation of the common criticism made of electoral observation.

Chapter 4: The Case of the 2005 Ethiopian Elections

The 2005 May elections in Ethiopia provide a provocative look into the international electoral monitoring process. These elections marked the first time the Ethiopian government had made a commitment to transparency in the electoral process by inviting international monitors. This chapter describes political climate within Ethiopia prior to and during the election. This chapter also outlines the EU's and the Carter Center's involvement in Ethiopian and seeks to introduce the differences in these organizations electoral monitoring approaches.

Chapter 5: The Politicization of the Election Observation Reports

Chapter five seeks to flush out the implications of the EU's and Carter Center's reports. In the post-election period, the most interesting aspect of the political and social fallout has been the politicization of the electoral observation reports. The Carter Center's report in particular garnered a great deal of domestic and international attention and has received a great deal of criticism. This chapter is important to this thesis because it details the problems that arise when election monitoring is inconsistent and the standards of free and fair are not clearly defined.

Chapter 6: Conclusion

Chapter 6 concludes the thesis by highlighting the key findings of this report. The Ethiopian Elections provide a provocative look into the practice of election monitoring. Looking at the post election chaos that has since consumed Ethiopia, it is clear that there exist a number of flaws in current international election monitoring initiatives. This chapter seeks to make a number of recommendations that would contribute to greater democratic development and productivity of election monitoring initiatives.

Chapter 2

Democracy Promotion

Introduction

Both the International Monetary Fund (“IMF”) and World Bank now argue that it is only with good governance that the developing world will achieve economic growth, poverty reduction, sustainable development, and social justice.³ While the world has come to embrace these goals, a number of factors have prevented the development of a formula capable of immediately actualizing them. The general elusiveness of good governance has allowed for a countless number of development initiatives to emerge, all of which have hoped to foster the necessary social, political and economic conditions that would bring to fruition these development goals. While a number of initiatives have come, gone and failed, democracy promotion has remained the cornerstone in the plethora of development variables. And it is within this category that election observation has surfaced and become one tool available to those involved in the international business of democracy promotion and development. As Thomas Carothers notes, “Election observation is the best-established, most visible and often best funded type of democracy-related assistance.”⁴

Election observation and monitoring are not new phenomena. Many have pointed to the international expansion of democracy or the “Third Wave” of democratic transition as the force that brought monitoring to the foreground. The number of democratically governed nations began to increase in the 1970’s only to swell in the 1990’s with the collapse of the Soviet Union. This dramatic and rapid expansion of democratic governments led to an overwhelming prominence being placed on elections.

³ Jon Abbink, “Rethinking Democratization and Election Observation.” In *Election observation and Democracy in Africa*, edited by Jon Abbink and Gerti Hesselting (New York, St. Martin’s Press, 2000) 1.

⁴ Thomas Carothers. “The Observers Observed.” *Journal of Democracy* Vol. 8 No. 3 July 1997. 18

Elections have been looked upon as more than simply reflecting the will of the people in their choice of government. In newly formed democracies and in nations with turbulent democratic records, free and fair elections are promoted as a legitimizing feature and the international donor community has come to assume that elections can encourage further democratization.⁵ In conflict ridden nations, elections are believed to be capable of resolving long-standing quarrels.⁶ Elections have become one of the defining institutions of modern democracy. Free and fair elections have become an increasingly critical requirement for governments to gain international legitimacy.

The following is a discussion of good governance and democracy development theory. Beginning with a discussion of democracy and the differences between the processes of democratization,⁷ this chapter will outline and detail concepts that are essential to the understanding of the process of election monitoring. As election monitoring is a product of democracy development and good governance discourse, it is important to see how the dialogue between good governance theorists and democracy promotion analysts has evolved and developed into a tool that the international community has come to perceive as vital. Election monitoring roots are deep although the process is a relatively recent initiative.

Democracy Defined

Election monitoring is viewed as a process that can enhance the quality of democracy within a nation. Ensuring the validity of an election is of particular

⁵ Marina Ottaway, *Democracy Challenged: The Rise of Semi-Authoritarianism*, (Washington: Carnegie Endowment for International Peace 2003), 222.

⁶ This is often argued in the case of Mozambique. It is said that the 1994 election brought to an end a long civil war that had ravaged the country since its independence.

⁷ Democratization is often referred to as the adoption of democratic governing principles and the ensuing process of democratic consolidation.

importance because a genuine democratic election is viewed as a true articulation of sovereignty. In theory, an election belongs to the people of a country and represents “the free expression of whose will provides the basis for authority and legitimacy of government.”⁸

Democracy is built on a foundation of rights and virtues. Democratically governed nations should value and respect the rights of individuals to act according to their own belief systems; to challenge political authority; and to have access to equality, liberty, justice and suffrage.⁹ Democratic virtues include the ability to compromise, participate fairly, and act according to tolerance.¹⁰ Democracy theorists have come to understand that these rights and virtues permeate democratic governance. Some theorists however, have placed greater emphasis on one of these features over all others.

Robert Dahl suggests that the key characteristic of democracy is the “continuing responsiveness of the government to the preferences of its citizens.”¹¹ In a later work entitled *On Democracy*, Dahl offers a definition of democracy that looks specifically at the electoral contest and he provides a five pronged model. Democracy, he suggests, presents opportunities for effective participation, equality in voting, gaining enlightened understanding, exercising final control over the agenda and inclusion of adults.¹² Dahl’s conception is based on an understanding that the key characteristic of a democracy is the electoral contest.

⁸ Carter Center, Declaration of Principles for international Election Observation and Code of Conduct for International Election Observers, Commemorated at the United Nations, New York on 27 October 2005. Retrieved on line at <http://www.cartercenter.org/documents/2231.pdf> on 27 February 2006.

⁹ Steven Hood, *Political Development and Democratic Theory: Rethinking Comparative Politics*, (New York: M.E. Sharpe Inc, 2004), 21.

¹⁰ Hood, 23-24.

¹¹ Robert A Dahl, *Polyarchy: Participation and Opposition*, (New Haven: Yale University Press, 1971), 1.

¹² Robert A Dahl, *On Democracy* (New Haven: Yale University Press, 1998), 38.

Elections are at the forefront of democracy development rhetoric. As Dahl's definition implies, a successful democracy consists of electoral contests that represent the will of the citizens. While Dahl's definition of democracy is easily understood and widely accepted, it leaves out the fine details. A democracy consists of more than well conducted elections. A functioning democracy involves an entrenched and adhered to constitution, strong democratic institutions,¹³ an accountable public administrative apparatus, the rule of law, mechanisms capable of checking the power of political officials and the willingness of the political elite to adhere to democratic values and principles. It should be recognized that a democracy involves more than simply holding clean elections.

Good Governance

Democracy promotion literature premises many of its goals on the importance of establishing good governance. Many have interpreted the concept of good governance to represent and be indicative of democratic processes. People have come to understand good governance in terms of a nation's ability to adhere to and practice democratic principles and values. Recently however, good governance has been interpreted in a more encompassing manner. Good governance is the term given to political processes that are conducted in a manner that ensures accountability, transparency, governmental responsiveness, and legitimacy. Such an understanding of good governance focuses on quality management and administration. Essentially, good governance is the effective and responsible administration of a given territory.¹⁴

¹³ These institutions include at the very least a legislature, a judiciary, and an administrative apparatus.

¹⁴ Francis Deng and Terrence Lyons, "Promoting Responsible Sovereignty in Africa," in *Africa Reckoning: A Quest for Good Governance* edited by Francis Deng and Terrence Lyons, (Washington: Brookings University Press, 1998), 1.

The World Bank however, has identified good governance as the ability of a government to provide good policy. According to the World Bank, good governance is “the manner in which power is exercised in the management of a country’s economic and social resources for development.”¹⁵ The World Bank has interpreted good governance to mean efficiency in the public service, an effective judiciary sector, respect for human rights and a pluralistic institutional structure.¹⁶

The UN has used good governance as an organizing concept for its involvement and intervention in a number of fields.¹⁷ The United Nations defines good governance according to an eight point model. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. According to this model, the UN “assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making.”¹⁸ The UN has interpreted good governance in a manner that allows the concept to be viewed synonymously with democracy but can include other forms of government.

Good governance has been interpreted in a number of ways by international organizations and academics. However, what is important to know is that good governance has four main components. First, good governance rests on the foundation of constitutionalism. A strong, entrenched constitution and the rule of law are at the heart of good governance. The second component is good management and sound administrative

¹⁵ World Bank, *Governance and Development*, (Washington: World Bank, 1992) 3.

¹⁶ Laura Zanotti, “Governmentalizing the Post Cold-War International Regime: The UN Debate on Democratization and Good Governance” in *Alternatives* 30 (2005), 468.

¹⁷ Zanotti, 469.

¹⁸ United Nations, United Nations Economic and Social Commission for Asia and the Pacific, Human Settlements, “What is Good Governance?” retrieved on line at <http://www.unescap.org/huset/gg/governance.htm> on 2 April 2006.

practices. Good governance rests on efficient and effective public management, the absence of corruption and overtly partisan bureaucratic behavior. The third component is the formation and implementation of policies that reflect the will of the populous. Lastly, good governance is based on a governing structure that reflects the popular will. Elections are viewed as the most common element to ensure that the government is representative and accountable. Good governance is reflective of democracy.

Democratization versus Democracy Promotion

Democracy development assistance programs usually take one of two forms, civil or governmental. Democracy promoters target civil society because it is believed that with education and support, people will prefer democracy. On the other hand, governments are targeted and requested to make commitments to democratic tenets under the assumption that institutional reform and good faith in the governing body will lead to transition.¹⁹ It is the latter form of democracy development assistance that gains the most attention in international relations. It is also within this category that election monitoring and assistance falls.

One must be cautious when referring to democratic development assistance. While there are many names for this type of programming (democracy assistance and nation building) it is important not to confuse it with the process of democratization. Democratization is a political transition, moving away from an authoritarian form of governing toward democracy. Democracy development assistance refers to international and domestic efforts to “encourage, support or influence democratic change and political

¹⁹ Steven Shoofs and Jeroen de Zeeuw. “The future of Democracy Assistance: Seminar Report.” (Nairobi: Netherlands Institute of International Relations, April 2005) 5. Retrieved on line at http://www.clingendael.nl/publications/2005/20050428_cru_proc_nairobi.pdf on 20 February 2006.

reform in countries.”²⁰ This distinction is important for several reasons. First, it is important to realize that democratic assistance programs may not result in significant or drastic democratic progress or change within a nation and the ultimate outcome is not always democratization. As argued by Marina Ottaway, the semi-authoritarian form of government is a common product of democracy development assistance. Second, if democracy development assistance contributes to increases in democratic indicators and the process of democratization, it is possible that without continued assistance a nation may revert back to old undemocratic ways. Third, if the organization or nation responsible for administering democracy assistance is motivated by institutional or strategic pressures, meaningful democracy promotion may become subverted by institutional requirements, and democratization may not ensue.²¹ Despite a number of positive examples in which assistance programs resulted in meaningful change, there are many examples in the developing world that have not had successful results. Election monitoring can encourage notions of democracy while contributing only cosmetically to a sense of democratization.

It should be recognized that although election monitoring is intended to facilitate the process of democratization, “elections are only one of the institutional prerequisites for democracy and that they are not in themselves sufficient to grant the title of

²⁰ Eric Bjornlund. *Beyond 'free and fair': Monitoring Elections and Building Democracy*. (Washington: Woodrow Wilson Center Press, 2004) 9.

²¹ This has been said of the Carter Center’s involvement in Ethiopia’s May 2005 elections. The Carter Center is a significant donor of aid in a number of areas, including health and citizen education. The Center declared that the 2005 elections in Ethiopia occurred in a free and fair manner. This declaration ran contrary to the reports made by a number of other electoral observers of the election including the European Union’s electoral observer team. This leads one to question why the Carter Center declared the election as valid. Some would argue that the Carter’s center mandate induced the declaration because of the Centers involvement in other, non-political areas in Ethiopia.

democratic to an entire political regime.”²² With this in mind we must take election monitoring for what it is. Election monitoring does not directly bring about democratization. Instead, the primary purpose of an election monitoring mission is to ensure the integrity of an election.

An election conducted according to international and domestic standards is an expression of the popular will. Without a free and fair election, this process is compromised. In countries that have faced electoral difficulties or are transitioning, properly conducted election monitoring and observation missions can, in theory, ensure that the popular will is respected and reflected in selecting a government. The determination of whether or not an election has been conducted according to a free and fair standard has become an election monitors’ primary goal. The question that remains is what is this free and fair’ standard?

What is Free and Fair?

The credibility of elections has had a turbulent history in Africa. Beginning with founding elections, electoral discrepancies and fraud have been prevalent. While some, such as Osabu-Kle, have attributed these phenomena to the lack of culturally compatible forms of democracy²³ others, such as Chebal and Daloz, have suggested that this simply reflects a trend toward the informalization of politics.²⁴ Regardless of the cause, the notion of ‘free and fair’ has gained significant importance as the validity of elections in Africa has come to rest on the free and fair criterion. In Africa, founding elections were

²² Commission of the European Communities, “Communication from the Commission on EU Election Assistance and Observation.” Retrieved on line at http://europa.eu.int/eur-lex/en/com/cnc/2000/com2000_0191en01.pdf on 19 March 2006.

²³ Daniel Osabu-Kle, *Compatible Cultural Democracy: The Key to Development in Africa* (Peterborough: Broadview Press, 2000), 13-29.

²⁴ Patrick Chabal and Jean-Pascal Daloz, *African Issues, Africa Works: Disorder as Political Instrument*, (Bloomington: Indiana University Press, 1999), 1-31.

closely scrutinized by the international community and although many regimes were reluctant, international donor pressure increased the prevalence and reputation of election monitoring. According to Bratton and Van de Walle, between 1989 and 1994 twenty-one founding elections out of twenty-nine countries studied, were deemed to have held free and fair electoral contests.²⁵

It is important to recognize that in democracy promotion literature and in democracy development assistance discourse, the term free and fair has become a necessary and important electoral standard. The term, however, has become a catch phrase used by journalists, politicians, democracy promoters and political scientists. Rarely is it clearly defined. Critics of the phrase free and fair suggest that it has come to be used in a purely subjective manner.²⁶ The lack of a clear and concrete definition allows for an open interpretation of basic democratic values and distorts the line between what is legitimate in terms of democratic values and principles and what is not. This is of particular importance because democracy development assistance providers often have differing mandates and agendas. In the case of election monitoring groups, this is especially true.

Critics of the term free and fair often argue that it is easier to identify what is not free and fair than to actually establish what is.²⁷ They claim that the term has no substance as it can be manipulated to meet organization mandates and pressures. Despite

²⁵ Michael Bratton and Nicolas van de Walle, *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*, (New York: Cambridge University Press, 1998), 197. The countries studied that were deemed to have held a 'free and fair' election were: Namibia, Cote d'Ivoire, Comoros, Cape Verde, Sao Tome, Benin, Zambia, Mali, Congo, Angola, Ghana, Madagascar, Niger, Lesotho, Burundi, Seychelles, Central African Republic, South Africa, Malawi, Guinea-Bissau, Mozambique. Countries that did not hold free and fair elections included: Burkina Faso, Mauritania, Cameroon, Kenya, Nigeria, Togo, Gabon, Guinea.

²⁶ Guy Goodwin-Gill, *'free and fair' Elections: International Law and Practice*, (Geneva: Inter-Parliamentary Union, 1994) 2.

²⁷ Guy Goodwin-Gill, 2.

this powerful warning, international organizations including the Inter-Parliamentary Union and Transparency International, have sought to provide clarity to the concept rather than allowing it to simply fall into the wastebasket.

According to the Inter-Parliamentary Union, free and fair elections require the recognition and affirmation of three sets of rights. These include: voting and election rights (these establish universal, indiscriminate suffrage, secret balloting and the right to individual appeal in situation where individual rights are compromised); candidature, party and campaign rights (these establish that everyone has the right to participate in government, to express political opinions, to campaign, to have equal access to the media, to be free from political violence and to the protection of the law); and the rights and responsibilities of the state (these establish the state as responsible for the establishment of an effective, impartial and non-discriminatory process for registering voters, providing education on electoral procedures, and ensuring a non-partisan electoral commission exists).²⁸ It should be noted that these three sets of rights are premised on the Universal Declaration of Human Rights Article 21.3:

*The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.*²⁹

The Universal Declaration of Human Rights serves as the foundational document in the academic debate about what constitutes a free and fair electoral contest

Transparency International (TI) has taken a significantly different approach to defining the free and fair standard. According to TI, electoral legitimacy is of paramount

²⁸ Inter-Parliamentary Union, *Declaration on Criteria for 'free and fair' Elections Unanimously adopted by the Inter-Parliamentary Council in Paris, 26 March 1994*, (Geneva: Inter-Parliamentary Union, 1994).

²⁹ Universal Declaration of Human Rights *Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948* Retrieved on line at <http://www.un.org/Overview/rights.html> on 25 March 2006.

importance in ensuring a stable political environment. In defining what makes an election free and fair, emphasis is placed on independent electoral commissions and transparency of polling mechanics. With an independent electoral commission, the ability of incumbents to manipulate the electoral process is greatly reduced. In regards to transparency, the polling process should be scrutinized by all parties. TI argues for sophisticated electoral procedures that include tagging electoral material with serial codes and closely recording the number of voters to ensure the free and fairness of the electoral contest.³⁰

The European Union (EU) suggests that in order for an election to be deemed free and fair, it must reflect basic human rights. In regards to elections the EU argues:

To be truly ‘free and fair’ they must be conducted in an atmosphere which is respectful of human rights. The right to take part in government through freely chosen representatives is enshrined in the Universal Declaration of Human Rights (article 21) and the International Covenant on Civil and Political Rights (article 25).³¹

The EU however, has recognized the inherent ambiguity of the phrase and has moved toward measuring whether or not an election has been conducted according to democratic standards.³² In the *Handbook for European Union Election Observation Mission*, free and fair is referred to as a “sound bite for narrow assessment of an electoral process” and is no longer promoted as a standard suitable to evaluate elections.³³ This has become a common phenomenon as groups such as the Commonwealth have come to similar

³⁰ Jeremy Pope, *Confronting Corruption: The Elements of a National Integrity System* (Berlin: Transparency International, 2000) 166.

³¹ Commission of the European Communities, “Communication from the Commission on EU Election Assistance and Observation.” Retrieved on line at http://europa.eu.int/eurlex/en/com/cnc/2000/com2000_0191en01.pdf on 19 March 2006.

³² European Union, *Handbook for European Union Election Observation Mission*, (Sweden: The Swedish International Development Cooperation Agency, 2002), 3. Retrieved on line at http://europa.eu.int/comm/external_relations/human_rights/eu_election_ass_observ/docs/handbook_en.pdf on 19 March 2005.

³³ *Ibid.*

conclusions. The Commonwealth currently assesses elections in terms of whether or not the “will of the people has been expressed.”³⁴ The Commonwealth has argued this approach allows the observer group to note electoral abuses but still conclude whether or not the election had reached an international standard.³⁵

Although there have been a number of international forums and initiatives dedicated to establishing a clear description, free and fair remains a blanket term used to imply electoral validity. As Elklit and Svensson suggest: “the phrase free and fair cannot denote compliance with a fixed, universal standard of electoral competition: no such standard exists, and the complexity of the electoral process makes the notion of any simple formula unrealistic.”³⁶ However, in order to provide an evaluation of election monitoring, a conception of the most basic standards of free and fair must be established.

In a very comprehensive analysis titled “What Makes Elections Free and Fair,” authors Elklit and Jorgen set out to establish the most basic prerequisites for a free and fair electoral process. The authors argue that the freedom dimension should include “elements relating to voter’s opportunity to participate in the election without coercion or restrictions of any kind.”³⁷ In regards to the fairness of an election, the authors refer to the notion of a level playing ground.³⁸ Elklit and Jorgen have developed an extensive checklist for the criteria of free and fair that can be applied before, during and after the election day.³⁹ While Elklit and Jorgen delineation provides a clear depiction of free and

³⁴ Amanda Sives, “Election observation and Deepening the Common Wealth” in *The Round Table* Vol. 361 2001, 511.

³⁵ *Ibid*, 511.

³⁶ Jorgen Elklit and Palle Svensson, “What Makes Elections ‘Free and Fair’?” in *Journal of Democracy* Vol. 8 No. 3 1997, 43.

³⁷ *Ibid*, 35.

³⁸ *Ibid*.

³⁹ Refer to Annex 1

fair, it is important that we establish a clear understanding of the phrase and how it applies here.

In a general sense, it can be assumed that free and fair electoral practices are those that meet the most basic requirements of a nation's electoral code. More specifically, these are electoral practices that work to fulfill the demand of democratic indicators as well as assist in the general capacity building of a nation's political system. These practices include but are not limited to: an independent and non-partisan electoral commission; equal access to government owned/operated resources for incumbent and opposition parties; accessibility of electoral polls; freedom granted to opposition to campaign; universal, efficient and accessible voter registration, and strict regulations prohibiting and punishment of vote rigging and gerrymandering. It is only with a basic conception of free and fair that one can begin to explore and evaluate electoral monitoring.

Conclusion

Democracy theorists and the democracy development literature have placed a great deal of importance on electoral contests. Elections are deemed to be at the epicenter of democracy and free and fair elections are viewed as integral to the success of the democratic development of a nation. Election observation is premised on ensuring the quality of democracy. The literature suggests that with cleaner elections, the governing body becomes truly representative of the citizens will. Good governance should thus be the result of such an endeavor. The problem however, is that in many developing nations good governance does not necessarily follow. Despite increased international pressure and the presence of election monitors in nations deemed to be holding critical elections,

many nations fall into chaos after the election results are released. In some situations despite the grant by observers that the election met a standard of free and fair, citizens take to the street, opposition revolts and violence ensues. Election observation, although it can be a step in the right direction toward increasing democratic indicators, must work to ensure that the electoral contest indeed is conducted in a clean and fair manner and when discrepancies occur or problems arise, election observers should act as the vehicle in which those inconsistencies are revealed.

Chapter 3

The Practice of Election Monitoring

Introduction

Election observation belongs to a set of development policy initiatives thought to facilitate good governance and democratic institutions in states struggling with democracy. However, election observation works primarily to promote both the citizens and the international community's confidence in not only the electoral process but also in the ensuing government. In its infancy, election observations scope was limited as it was centered on gauging whether or not an election was conducted in a free and fair manner.⁴⁰ Election observation builds citizens' confidence in the electoral process and it assures doubting parties that the election had been conducted according to the electoral code. This also works at the international level as the global community is able to gain confidence in the regime and believe that the election results reflect the will of the people. By establishing national and international confidence in the election, observers contribute to acceptance of the results and ensuing government.

Democracy development promoters prescribed election monitoring in situations where the election is deemed to be of significant importance to the development of the nation's democratic progress or when the election is perceived to be threatened by potential forces of manipulation. Election monitoring is designed to ensure that the election meets a free and fair standard and that it accurately reflects the will of the people. International and domestic monitoring is becoming an increasingly common and popular democracy development initiative that continues to garner more media attention than ever before. There is no standard formula that election monitors must follow; however, there are a number of international and domestic guidelines available. Because

⁴⁰ Jon Abbink, "Rethinking Democratization and Election Observation," In *Election observation and Democracy in Africa*. edited by Jon Abbink and Gerti Hesselting. (New York, St. Martin's Press, 2000), 4.

of the diversity associated with monitoring it is important to clearly identify the differences.

This chapter will begin with a description of the differences between monitoring and observing. Following this discussion is a report of domestic and international monitoring initiatives. There are many organizations involved in election monitoring initiatives. Organizations such as the European Union, the United Nations and the Carter Center are looked at to explain the different mandates and organizational structures of some international election monitoring initiatives. The Chapter ends with a discussion of the common criticisms that are made of election observers. In this section, criticisms surrounding the duration, the quality and the actual contributions of monitoring initiatives are discussed. Although election monitoring is intended to facilitate democratic development and peace, many critics claim that it has become a form of political tourism.

The Difference between Election Monitoring and Observation

There are three conditions that, when in place, contribute to the effectiveness of electoral observation. First, monitors who scrutinize the entire electoral process increase the effectiveness of electoral monitoring because they become fully aware of the political and social climate and are better able to assess the validity and legitimacy of the election. Second, when the incumbent is concerned about international legitimacy, monitors' leverage comes from their access to world media and foreign governments. Jennifer McCoy states that "if an incumbent does not seek international approval, the monitors' leverage is considerably reduced."⁴¹ Third, when international donors have a commitment to democracy and free and fair elections, observers wield more power. The problem

⁴¹ Jennifer McCoy, "Monitoring and Mediating Elections in Latin America" in *Electoral Observation and Democratic Transitions in Latin America*, edited by Kevin Middlebrook, (San Diego: Center for U.S.-Mexican Studies), 1998, 61.

however, is that many democracy development assistance agencies engaged in election monitoring are interested in ensuring the free and fairness of an election, but little else.

It is important to draw a distinction between election monitoring and observation. Monitors are those who have witnessed and scrutinized the entire electoral process while observers are those who appear only on election day and leave immediately thereafter.⁴² At the core of this distinction are the roles which the observer and the monitor play. Observers are those who are invited to audit an election, and observe the host nation's democratic practices and institutions.⁴³ The election monitor, on the other hand, is to evaluate the electoral process and assess its validity in terms of national and/or international standards.

Typically observers are sent on short term missions. Because of their brief stays in the nation, they are only available to report blatant examples of electoral fraud such as ballot box stuffing, intimidation at the polls, and the accessibility of polling stations. Monitors are dispatched for a long-term mission and often arrive in the nation months prior to election day. Monitors have a broader mandate that encompasses a range of activities that go beyond scrutinizing the mechanics of an election. Long-term monitors may be involved in reporting incumbent behavior including legislative or constitutional changes; government sponsored violence and intimidation; and incumbent control and domination of the media.

Monitoring missions are able to identify electoral manipulations that require investigation, time, and diligence to discover. Monitors typically meet with all parties involved in the election including the electoral board. They listen to grievances and

⁴² McCoy, 60.

⁴³ This may include studying foreign election in order to improve elections at home. Common practices that are learned from this include new advancements in ballot tracking technologies.

attempt to uncover fraudulent practices. A monitor watches for the registration of deceased voters, underage registration and candidates who encourage and facilitate double voting. Often, monitors closely scrutinize electoral boundaries in opposition zones, paying particular attention to whether or not boundaries have been drawn fairly and reflect equal population sizes. Monitors may also identify whether or not women have been granted a fair opportunity to be registered to vote. They may also pay attention to the media and analyze whether or not opposition and incumbent parties have received equal access to such resources. Also, an election monitor may monitor legislation, watching if laws have been passed or actions have been taken that would prevent opposition parties from campaigning freely. Monitors may also investigate whether or not internally displaced people, if present in the nation, have been given the opportunity to register to vote. Internally displaced people often make up a considerable percentage of the population and have often become disenchanted with the current governing regime. Without their vote, the quality of the election in terms of its ability to produce an outcome that truly reflects the popular will is greatly affected.

Election monitors engage in tasks that must be undertaken prior to election day. While observers are able to report electoral fraud, their work lacks the thoroughness that only time prior to the election can afford. While both monitors and observers serve important purposes, the length of their missions and their mandates can lead them to draw different conclusions about the election.

The Types of Monitoring Initiatives

Election monitoring has caught the attention of the international community and become a prominent form of democracy assistance. Election monitoring can be found in

the mandates of national, inter-governmental, and non-governmental democracy development assistance platforms. Many states choose to act through international organizations (both governmental and non-governmental) such as the European Union or the United Nations, while others choose to act through national agencies such as the Carter Center in the United States. It is important to recognize that a wide range of actors have become involved in the business of monitoring elections and that each organization's access to resources affects the manner in which its missions can be considered successful. For the purpose of this paper, the focus will be on two types of monitoring/observation missions: international (missions conducted by governments, multilateral organizations or international non-governmental organizations), and domestic (missions conducted by non-partisan, non-governmental organizations and civic groups). Beginning with a look at international initiatives, the European Union, the United Nations and the Carter Center are excellent examples of modern organizations involved in monitoring. All three of these organizations differ in their mandate and their international reach.

International Election Monitoring

The EU is active in not only Europe, but also, around the globe. The EU has recognized the importance of international involvement in democracy assistance initiatives, and has become a supporter of international election monitoring missions. Since 2000, the EU has been involved in over thirty-five missions that have taken observers all over the world.⁴⁴ The EU has acknowledged that democracy development assistance, and in particular election monitoring, provide a valuable and much needed

⁴⁴ European Union, "EU Election Assistance & Observation: Missions." Retrieved on line at http://europa.eu.int/comm/external_relations/human_rights/eu_election_ass_observ/archive.htm, on 12 March 2006.

service to the international community. Looking at the EU Election Assistance and Observation programs' mandate, this is clear.

During the last decade the process of democratization has manifested itself in many countries by the holding of multiparty elections for the first time. In some parts of the world, however, there have been clear reversals for democracy as well as dramatic and massive violations of human rights. Nevertheless democracy remains a universally valid system of governance, albeit one which needs to be backed up by constitutionally guaranteed rights so as to prevent apparently democratic elections from giving rise to 'illiberal democracy'...

The promotion of genuine democracy and respect for human rights is therefore not only a moral imperative: it is also the determining factor in building sustainable human development and lasting peace. Actions in support of democratization and respect for human rights, including the right to participate in the establishment of governments through free and fair elections, can make a major contribution to peace, security and the prevention of conflicts⁴⁵

The European Parliament (EP) plays a significant role in determining the extent of EU participation in election monitoring. The general rule of thumb for EU involvement in election monitoring is that the EP should "examine the possibility of sending an observer mission even if this is requested only by a minority, by part of a minority or by a consolidated association of citizens."⁴⁶ Essentially, the EU is mandated to at least examine any request for electoral assistance, world wide. However, it is important to note that the EP and its members reserves the right to determine the size, composition and level of involvement it will sponsor.⁴⁷ This would explain why the EU, second only to the United Nations, is one of the largest international participators in election monitoring.

The UN Electoral Assistance Division (EAD) acts as a coordinator of election observers and monitors by working closely with national, inter-governmental and non-governmental organizations. The EAD is responsible for establishing a small secretariat

⁴⁵ European Union, "The EU's Human Rights & Democratization Policy, EU Election Assistance & Observation." Retrieved on line at http://europa.eu.int/comm/external_relations/human_rights/eu_election_ass_observ/ on 12 March 2006.

⁴⁶ European Union, "EU Election Assistance and Observation: European parliament resolution on the commission communication on EU Election Assistance and Observation (COM(2000)191-C5-0259/2000-2000/2137 (COS)) in Official Journal of the European Communities Vol. 44 No. 343 (2001) 273.

⁴⁷ *Ibid.*

in the requesting country to help coordinate and provide logistical support to international election observers.⁴⁸ United Nations participation is based on the particular needs of the requesting country. There is no standard prescription for the type of participation in which the UN will engage. In terms of electoral observation, the EAD is responsible for establishing a Joint International Observer Group (JIOG). A JIOG consists of UN member states, as well as intergovernmental and non-governmental organizations.⁴⁹ The cost of a JIOG is covered by contributions from member states that are sponsoring observers. According to the EAD, there are two advantages to this type of participation.

The United Nations retains a low political profile while providing support to an important political process, and the approach is least intrusive of national sovereignty while at the same time providing the benefits of a coordinated international observation exercise.⁵⁰

The UN's involvement in electoral assistance is far greater than simply coordinating monitor activities. The UN is also active in providing technical assistance that includes assisting with voter and civic education; training of electoral officials; election budgeting; review of electoral laws and regulations; logistics; procurement of election materials; coordination of international donor assistance; electoral dispute resolution; computerization of electoral rolls; and boundary delimitation.⁵¹ Countries often prefer the UN to regional bodies because the UN is seen as impartial and detached from regional and local politics.⁵²

The Carter Center, a privately funded institution unlike the UN and EU, has greater limitations in terms of its international participation in election monitoring. The

⁴⁸ United Nations, "United Nations Electoral Assistance: Main types of Assistance." Retrieved on line at http://www.un.org/Depts/dpa/ead/ea_content/ea_types_of_assist.htm, on 12 March 2006.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² Beyond Intractability, Eric Graham, "Election Monitoring" (September 2004) Retrieved on line at http://www.beyondintractability.org/essay/election_monitoring/ on 19 March 2006.

Carter Center was established by former President and First Lady, Jimmy and Rosalynn Carter of the United States. The Center, based out of Atlanta, is committed to “advancing human rights and alleviating unnecessary human suffering.”⁵³ The organization not only provides electoral assistance, it also provides a wide range of development programs. The Carter Center’s mandate is broad and includes: “waging peace, fighting disease, and building hope by both engaging with those at the highest levels of government and working side by side poor and often forgotten people.”⁵⁴ In Africa alone, the Carter Center has been involved in twenty-nine countries and has provided a wide range of programming. In Ethiopia, the Carter Center has established a Public Health Training initiative which involves a number of programs including those designed to control Trachoma and River Blindness, to eradicate Guinea Worm Disease, to increasing food production, to mediate conflict, and to intervene for Human Rights.⁵⁵

Domestic Observation

Domestic observer groups are those composed of individuals from the country hosting the election. They may be representatives of political parties or of civil society organizations that are committed to issues of democracy or human rights.⁵⁶ Domestic observer groups can also be composed of individuals from professional associations, social services organizations, or of university students.⁵⁷ Together, domestic observers encourage fairer election rules, better campaign practices and a more informed

⁵³ Carter Center, “About Us” Retrieved on line at <http://www.cartercenter.org/aboutus/aboutus.htm> on 7 March 2006.

⁵⁴ *Ibid.*

⁵⁵ Carter Center: “Activities by Country: Ethiopia” Retrieved on line at <http://www.cartercenter.org/activities/showdoc.asp?countryID=31&submenu=activities>, on 12 March 2006.

⁵⁶ Carothers, (1999), 26.

⁵⁷ Bejornlund, 39.

electorate.⁵⁸ Domestic observers are able to contribute to the quality of monitoring missions because they not only understand the language and culture of the nation, but also are well aware of the political situation in which the election is taking place. While some would question domestic observers on the grounds that they may lack impartiality and the necessary tools to successfully assess an election, domestic observers contribute to the broader entrenchment of democratic values and principles within a society. The sustainability of democracy is dependent on the presence of a strong civil society and an engaged and active citizenry. Domestic observers are able to contribute to the general democratic development of a nation in an important way.

In terms of resources, such as training and funding, international election monitors have distinct advantages over domestic groups. Firstly, donor support for domestic monitors has been significantly limited in comparison to international monitoring initiatives. Thomas Carothers argues that this has been the case because “donors still doubt the ability of domestic observers to be nonpartisan and because they prefer to spend their money on sending their own teams on what are usually popular, interesting trips to foreign locales.” International monitoring initiatives typically have the ability to draw upon non-partisan, educated and well trained individuals to act as observers. They are usually well funded and precisely planned. They have greater logistical capacity and typically possess greater technical expertise. However, in terms of long term entrenchment, and even movement toward democratic consolidation, domestic observers’ efforts are superior.

⁵⁸ *Ibid*, 210.

Criticisms of Election Monitoring

There is often a disconnection between the intentions of election monitoring and actual applications. As has been discussed, election monitoring in theory works to encourage democratic development and maintain adherence to democratic tenets. However, in practice, election monitoring has shown its weaknesses. There are several types of criticisms associated with election monitoring. The most common are those that deal directly with the duration of the monitoring mission. This criticism suggests that election monitors are not present in the observed country long enough to have a solid understanding of the political situation. The next criticism deals directly with the quality of the monitoring mission. Such criticisms argue that monitors are unable to fulfill their duties because of cultural barriers. The last type of criticisms deals with the monitors' inability to make constructive contributions to nations' democratic development because of institutional problems within the observed nation.

Duration of Monitoring

In order for election observers to report their findings and to pass a verdict on the election, they must be able to weigh all the aspects of the electoral process. Often this is a difficult challenge because the observation mission has not been in the country long enough to have a comprehensive understanding of the electoral environment.⁵⁹ Observers dispatched for short stints must rely on information gained prior to the mission to make their decisions. For instance, the Commonwealth Parliamentary Association (CPA), a group that dispatches short term electoral observation missions, recommends that their observers gain as much information as possible before they visit the polling station.⁶⁰ The

⁵⁹ Gould and Jackson, 1.

⁶⁰ *Ibid.*, 2.

CPA *Guide for Election Observers* suggests that information should be gleaned from foreign affairs departments and diplomatic missions, political party representatives, non-governmental groups, the ‘man on the street’ and the media.⁶¹ This presents somewhat of a problem. By relying on diplomatic reports and the media to gain an understanding of the electoral environment, the monitoring mission lacks the necessary attention to details required of quality election monitoring. For instance, the information gained prior to the election may not deal directly with how the political or social climate within the nation pertains directly to the success of a free and fair electoral contest. Also, relying on the media to gain information about the electoral atmosphere may result in biased, personal opinion based reports to go unchecked as facts.

The electoral process begins prior to the actual election. In many nations, it is during the pre-election period that the greatest electoral problems arise and monitors should be present within the nation to identify these electoral malfeasances. A positive example is the 2006 Haiti election. The presence of election monitors prior to the election day mobilized both regional and international attention and made known that there were a number of electoral problems such as election-related kidnappings.

In December, several Provisional Electoral Council employees were abducted, as were 14 children from a school bus. Based on police reports, 30 kidnappings were reported in Haiti in November and another 30 during the first week of December alone.⁶²

Without the presence of election monitors prior to the election an accurate depiction of the electoral process and general political climate can not be gained. This is why many

⁶¹ *Ibid.*

⁶² USAID: Transition Initiatives: USAID/OTI Haiti Field Report, December 2005. Retrieved on line at http://www.usaid.gov/our_work/cross-cutting_programs/transition_initiatives/country/haiti/rpt1205.html on 20 March 2006.

election observer groups, including those assembled by the CPA, have received a great deal of criticism.

It is also argued that observers tend to pay a disproportionate amount of attention to the events of election day.⁶³ When emphasis is placed on election day, the observer tends to produce favorable assessments. This is because most modern elections experience very little fraud at the polls. It is during the pre-election and post-election periods that the majority of problems occur. As argued earlier, election day is only one part of the electoral process. The pre and post-election periods are just as much a part of the electoral process. As Jorgen Elklit and Palle Svensson suggest, “observation missions consisting of short stays around the election day are fundamentally flawed.”⁶⁴ These two scholars suggest that the pre-election period is the most important to monitor because it is at this time that the election observer is able to determine whether the electoral law and constitution guarantee the freedom of the voters. This period is also significant to monitor because it can provide information important in determining whether or not there has been disproportionate access to media and other resources by the incumbency and the opposition.⁶⁵ Electoral fraud goes beyond blatant displays of manipulation at the polling station. There are a number of games that the incumbents can play to inhibit the electoral success of the opposition. These games range from simple practices such as scheduling of elections at advantageous times, complicating voter registration processes and limiting the number of polling stations in ridings likely to elect opposition members, to full out

⁶³ Thomas Carothers, “The Rise of Election Monitoring: The Observers Observed,” in *Journal of Democracy* Vol. 8 No. 3 July 1997, 22.

⁶⁴ Jorgen Elklit and Palle Svensson, “What Makes Elections ‘free and fair’?” in *Journal of Democracy* Vol. 8 No. 3, 1997, 36.

⁶⁵ *Ibid.*, 36.

manipulating the constitution and other political institutions to ensure electoral victory.⁶⁶ All of these manipulations occur prior to the election and monitors should be in place to report and broadcast their findings.

In the post election period, the potential for electoral manipulation is also present. When observers leave the nation immediately or even shortly after the polls close, they are unable to witness and be present at the vote aggregation and tabulation processes. These processes are known to be susceptible to manipulative practices such as the unlawful disposal of ballots, ballot box stuffing and fraudulent vote counting. With such an understanding, it is clear why criticisms have been mounted against organizations that dispatch short term observers.

The Quality of Monitoring

Another common criticism of election observation is that there exist barriers that prevent election monitors from accurately observing the election. Critics who comment on the quality of observation missions often point to cultural barriers such as language comprehension skills as major flaws in some electoral observation programs. Some critics have gone so far as to suggest that cultural barriers have caused some observation missions to “resemble political theater more than a serious attempt to evaluate an election.”⁶⁷ A monitor who observed the 1993 election in Morocco noted:

Most foreign observers do not know the language in which the elections are conducted, and are thus dependent either on translators provided by the local government, or on conversations with the people who speak their language.⁶⁸

⁶⁶ Ottaway, 139-157.

⁶⁷ Henry Munson, “International Election Monitoring: A Critique Based on One Monitor’s Experience in Morocco” in *Middle East Report* (Winter 1998), 37.

⁶⁸ *Ibid.*, 37.

Understanding the language is of great importance to the election monitoring mission. Without basic language skills, the monitor is unable to gain an accurate picture of the electoral contest. Election monitors should be able to understand the local news media, understand local radio and television broadcasts and talk with citizens about the electoral processes. Without such skills, an observer is unable to assess the quality of the election, the role of the incumbent and the position of the opposition. More important, without language skills a monitor is unable to understand the ballots, the electoral codes and the electoral procedures. While a monitor can employ the assistance of interpreters this raises financial issues. It is far more costly to hire observers and interpreters than to simply employ individuals who speak the language and understand the political environment. Groups that send individuals to foreign locals to monitor elections should recognize the importance of language comprehension in electoral observation. Without language skills, the observer is susceptible to misunderstanding information, overlooking major electoral problems, and in general, misevaluating the electoral process.

Some have also suggested that international monitors often do not have an understanding of the cultural and political situation of the nation and are unable to differentiate major from minor discrepancies. Observers are sent to monitor elections in nations that have different cultural practices. It may be hard for an observer to understand political activities that differ greatly from practices found at home. Misunderstanding the observed nation's culture could cause the monitors to evaluate the election in a harsh manner. It is on this ground that domestic observers are promoted as contributing the most to election monitoring initiatives. Not only does the presence of domestic monitors contribute to the general capacity building of the nation, but also, domestic observers

understand the language and culture and are more able to accurately report electoral discrepancies or triumphs.

Another criticism made is that observers are not qualified for the positions that they hold. This criticism is aimed at groups that recruit individuals with little to no experience with democracy promotion and even less experience understanding election processes. Individuals that would fall into this category inhibit the electoral monitoring process because they are unfamiliar with acceptable and unacceptable electoral standards. It should be noted that this criticism can not apply to all observation missions. For instance the Commonwealth Observers Group claims that it composes its membership base from a group of “respected, qualified, experienced people who have an understanding of, and background in, elections, politics, law or the judiciary.”⁶⁹ In fact, many of the Commonwealth’s observers are prominent public and government officials. For instance, the Commonwealth Observer team for the 2003 Nigerian election was led by the former Tanzanian Prime Minister, Dr Salim Ahmed Salim. The same observer mission included Ron Gould (Former Deputy Chief Electoral Officer, Canada), Mr Gabriel Mukele (Vice-Chairman Electoral Commission, Kenya) and Mr M A Syed (Chief Election Commissioner, Bangladesh).⁷⁰

Another general type of criticism that has been made of some observation missions is the amateur nature of some groups. While there are a great number of organizations that provide quality monitoring missions and that have well established mandates,⁷¹ there

⁶⁹ Amanda Sives, “Election Observation and Deepening the Commonwealth” in *The Round Table* Vol. 361 (2001), 512.

⁷⁰ Commonwealth Secretariat, “Former Tanzanian Prime Minister to lead Commonwealth Observer Group for Nigeria. Retrieved on line at <http://www.thecommonwealth.org/Templates/Internal.asp?NodeID=35043> on 29 May 2006.

⁷¹ The OSCE, OAS, EU, UN, just to name a few, are all well known international organizations that provide monitoring missions. These organizations have well established mandates and they have large

is also an array of international organizations that create ad-hoc monitoring missions, without long term mandates and inadequate access to resources. Organizations belonging to this second group have been described as mere “dabblers who come in for high-profile elections, with short-term, poorly prepared delegations.”⁷² These are often organizations that are mandated to promote human rights and human development. These organizations often have only a vague understanding of electoral processes and an even vaguer understanding of monitoring. These are groups that do little for the reputation of election monitoring. Often, they deliver hasty post-election statements that can not possibly represent an actual depiction of the electoral process. An example of such a group can be drawn from the 2004 Ukraine presidential elections. In 2004 a group of former American Democratic congressmen observed the vote. These individuals declared that the election had been conducted in a free and fair manner and that the processes had been “geared toward the finest methods of ensuring fairness and accuracy.”⁷³ The former Congressmen’s positive assessments ran counter to those of most other observer groups, including the American State Department and a coalition of European monitors, who all cited widespread electoral discrepancies.⁷⁴ Prior to the Ukraine mission, this group had not been active in electoral monitoring.

Organizations that engage in democracy development assistance as well as a number of other political, economic and social development missions have also been criticized. Some organizations are criticized because of their ad-hoc, poorly funded

constituents that ensure a significant degree of accountability. These organizations also have access to a large array of resources and have the ability to provide a high level of service world wide.

⁷² Carothers (1997), 22.

⁷³ David Ottaway, “Funding of Election Monitors a Concern,” *Washington Post* Saturday, November 20, 2004, A01.

⁷⁴ Carothers (1997), 23.

election monitoring. Other organizations have come under attack because their evaluations are perceived to be guided by other factors. For instance countries that are deemed to be of strategic importance and to which institutions identify interest are often given wider leeway as to what constitutes free and fair electoral practices. Needless to say the quality of international monitoring missions has experienced heightened scrutiny.

Constructive Contributions

A common criticism is that despite the presence of monitors, electoral malfeasance still occurs. As Thomas Carothers notes,

Although international election observation has developed considerably over the last decade and has helped improve elections in many countries, it is not a cure-all. Flawed or even fraudulent elections still occur frequently despite the presence of international observers.⁷⁵

By virtue of the political situation and the structural and institutional obstacles evident in the governing structure, election observers are limited in what they are able to do. Although observers can add a sense of legitimacy to the electoral process, observers can not ensure that polarized political factions cooperate, they can not counter the “deeply anti-democratic instincts of strongmen intent on holding on to power”⁷⁶ nor can they ensure that anything meaningful will be done if they do find electoral frauds. Marina Ottaway makes clear that many nations around the world are riddled with these structural obstacles and democracy development assistance, in particular election monitoring, can do little to contribute to the consolidation or even further democratization of the nation.

Ottaway discusses the relevance of structural conditions in the democratization process. She argues that there exist economic, political and cultural realities that hinder democracy development in nations around the globe. She is careful to explain that these

⁷⁵ Carothers (1997), 21.

⁷⁶ *Ibid.*

forces “do not depend on the choices made by specific regimes or leaders.”⁷⁷ These are trends that would influence the political process under any leadership.

The most significant of the structural problems identified by Ottaway involve the various problems associated with state formation. Ottaway argues that democracy promoters focus more attention on the political system than on the actual process and problems associated with state formation. Semi-authoritarian⁷⁸ regimes emerge because there is an absence of institutions capable of checking the power of leaders. In semi-authoritarian states “power is not generated through formal political institutions and processes” but is instead held in the individual.⁷⁹ Ottaway notes that elections in such states do little to change this situation. Also, in many nations the political elite are not strongly embedded nor do they represent the vast majority of the population. As elites play an integral role in politics, Ottaway argues the key to “initiating further [political] change in semi-authoritarian states is to make democracy relevant to the rest of the population.” While international election observation can assist democratic development in a nation it can do little for actual democratic consolidation.

Conclusion

Both election monitoring and observation have become tools utilized and promoted by the international community. It should be recognized that although election monitoring is intended to facilitate the process of democratization, “elections are only

⁷⁷ Ottaway, 161.

⁷⁸ The semi-authoritarian state is not simply an unconsolidated or imperfect democracy. Rather, the semi-authoritarian regime is one in which the leaders have consciously chosen to limit the amount of democratic transformation. The limitations are based on personal interest and are designed to maintain the power structure. Ottaway claims “semi-authoritarian leaders already do much of what the most widely used democratization projects encourage: They hold regular multiparty elections, allow parliaments to function, and recognize, within limits, the rights of citizens to form associations and of an independent press to operate” (Ottaway 2003, 6). The semi-authoritarian regime is able to give the outward impression of democracy; however, the leader is able to maintain control.

⁷⁹ Ottaway, 176.

one of the institutional prerequisites for democracy and that they are not in themselves sufficient to grant the title of democratic to an entire political regime.”⁸⁰ Election monitoring does not directly bring about democratization. Instead, the primary purpose of an election monitoring mission is to ensure the integrity of an election.

Internationally, Western Democracies have contributed to the democratic development of nations around the world. With the practice of election observation, in many instances, the international community has been able to legitimize the electoral process by voicing findings and sharing them with the global community. There are, however, problems. The duration, quality and contributions of monitoring initiatives have come under attack and their flaws have been broadcast. However, election monitoring is still a highly valued initiative in the democracy development field. Since competitive elections remain the most significant dimensions of a liberal democracy, that one can argue that election observation missions will continue to serve as a legitimizing tool.

There is a problem with the current international discourse on election monitoring. Democracy promoters have preferred to send international observers rather than to support domestic groups. This is representative of a larger problem in foreign assistance, the tendency to focus on short term outcomes.⁸¹ Domestic observation contributes to the capacity building of the nation as citizens become actively engaged in holding the electoral process accountable.

In the following chapter, a detailed discussion of an election monitoring mission is studied. In May 2005, Ethiopia held its third set of national elections. The Ethiopia case

⁸⁰ Commission of the European Communities, “Communication from the Commission on EU Election Assistance and Observation.” Retrieved on line at http://europa.eu.int/eur-lex/en/com/cnc/2000/com2000_0191en01.pdf on 19 March 2006.

⁸¹ Bjornlund, 252.

is unique because of the international election monitoring involvement. Both the Carter Center and the European Union monitored the elections, however, each organization came to different conclusions about the validity of the elections.

Chapter 4

The Case of the 2005 Ethiopian Elections

Introduction

On 15 May 2005 Ethiopia held its third general election since the adoption of its democratic constitution in 1994. Ethiopians went to the polls to elect 547 members for the House of Peoples' Representatives. At the same time, the electorate cast ballots for the nine Regional State Councils and two City Councils.⁸² With a population of 72 million people, approximately 25, 605, 851 million Ethiopians 18 years of age and older were registered to vote.⁸³ Throughout the nation more than 32, 000 polling stations were created. The voter turnout was high –with approximately 82 per cent of registered voters casting ballots for more than 36 political parties that were registered to participate in the election.⁸⁴

The Ethiopian government invited members of the international community to observe and monitor the elections. The European Union (EU), the African Union, the Carter Center and the Arab league were all present. These four reputable organizations with clear monitoring mandates followed the pre and post-election political and social climate. Each group worked independently of the others and determined the size and scope of their own missions. The Carter Center and the EU both had a sizable presence in the nation sending a combined total of more than 200 observers. In the post election period and after the publication and announcement of very different reports on the validity of the electoral process and outcome, a great deal of criticism arose regarding the

⁸² The nine Regional States are the Afar, Amhara, Benishangul-Gumuz, Gambella, Harar, Oromia, Somali, Tigray Regions and the Southern Region. The two City Councils are Addis Ababa and Dire Dawa. Amnesty International, *Ethiopia: The 15 May 2005 Elections and Human Rights*, April 2005. Retrieved on line at <http://www.web.amnesty.org/library/index/engaf250022005> on 9 May 2006.

⁸³ This figure does not include registered voters in the Somali Region because the Somali elections did not occur until 21 August 2005. The reasons for the delay included political unrest, and flooding. African Elections Data Base, Elections in Ethiopia, Retrieved on line at http://africanelections.tripod.com/et.html#2005_House_of_Peoples_Representatives_Election on 9 May 2006.

⁸⁴ John Harbeson, "Ethiopia's Extended Transition" in the *Journal of Democracy* Vol. 16 No. 4 October 2005, 150.

accuracy of each report. Charges were made against the Carter Center for reporting favorably on the election despite mounting evidence pointing to gross electoral manipulation and fraud. The Center also came under attack for declaring the elections as free and fair prior to release the election results. The EU was criticized by the incumbent regime and the National Electoral Board of Ethiopia⁸⁵ for issuing a report that was too harsh and unreflective of the election. The electoral board went so far as to declare the EU report as “highly biased, self-contradictory and thus very destructive.”⁸⁶ The 2005 Ethiopian elections provide a provocative look into problems associated with international election monitoring. Paying particular attention to the reports issued by the Carter Center and the European Union, the political and social consequences of election monitoring are revealed.

This chapter will begin with a brief political history of Ethiopia with particular emphasis on the nation’s struggle for democratization. Looking at the nation’s 1995 and 2000 elections it is clear that this has been a long and shaky process. In 2005 there were great expectations surrounding the elections. 2005 would mark the first time the government would openly invite the international community and those involved in democracy promotion to closely scrutinize the electoral process. This would also be the first time the nation would experience a truly multiparty election.⁸⁷ Although the 2005 elections were touted as the most democratic the nation had ever seen, more than one year later it appears that these elections faced a number of electoral problems. The pre-

⁸⁵ The National Electoral Board of Ethiopia will be referred to as the electoral board to avoid confusion.

⁸⁶ Office of the National Electoral Board of Ethiopia, “Statement by the National Electoral Board of Ethiopia on EU EOM’s Latest Report,” 28 August 2005. Retrieved on line at http://www.electionsethiopia.org/PDF/ELECTORAL_BOARD%20statement.pdf on 14 November 2005.

⁸⁷ The elections held prior to 2005 had suffered from a lack of competition. As will be detailed later in this chapter, the 1995 and 2000 elections saw little competition or opposition to the incumbent EPRDF regime.

and post-election day periods were riddled with discrepancies. While both the Carter Center and the EU reported many of the same electoral inconsistencies, the two organizations came to very different conclusions.

History

Ethiopia has had a turbulent political history. By the end of the nineteenth century, the Italians had established Eritrea as a coastal enclave and were interested in acquiring Ethiopia as a colony. To their disappointment, Ethiopia managed to stave off European occupation and became the only African nation to successfully defend itself during the scramble for Africa.⁸⁸ By the 1930s Benito Mussolini was determined to construct an African empire and take Ethiopia once and for all. In 1936, following a seven month campaign, the capital city of Addis Ababa fell to the Italians and the Ethiopian Emperor, Haile Selassie fled to the United Kingdom.⁸⁹ In 1941 Emperor Selassie was able to return to Ethiopia and regain his throne with the assistance of the British. He remained in power until 1974.

By the 1970's popular discontent for Emperor Selassie began to grow. The Emperor was accused of failing to address the famine and drought crisis that had plagued the country's Wollo region. Also, Selassie had refused to name an heir despite his old age and near-senility.⁹⁰ After a series of army mutinies and civilian protests, Selassie was dethroned by the Derg⁹¹ and by 1975 the monarchy was formally abolished. As the Derg dismantled the Selassie government, Mengistu Haile Maryam rose to the highest ranks of

⁸⁸ Martin Meredith, *The State of Africa: A History of Fifty Years of Independence* (Toronto: The Free Press, 2005), 4.

⁸⁹ *Ibid.*, 5.

⁹⁰ G.C. Last, "Ethiopia," in *Europa Regional Surveys of the World: Africa South of the Sahara 2006* 35th Edition, (New York: Routledge, 2005), 448.

⁹¹ The Derg was a military committee composed of junior military officers. They formed a committee that was made up of 108 representatives chosen by units of the armed forces. Their slogan was "Ethiopia Tikdem" which is Amharic for Ethiopia First.

the organization and emerged as the nation's new leader.⁹² Maryam's dictatorship lasted for 13 years until he was overthrown in May of 1991 by the Ethiopian People's Revolutionary Democratic Front (EPRDF). The EPRDF was a coalition of opposition forces that had deep allegiances to Marxism and socialist thinking.⁹³ Rather than citing class and economic oppression as the major source of unrest in the nation, tense ethnic relations were perceived to be the largest problems plaguing Ethiopia.⁹⁴ At the National Conference of Peace and Reconciliation held in June of 1991, the strongest of the opposition forces, the Tigray People's Liberation Front (TPLF) set the terms for the transition.⁹⁵ Meles Zenawi, the leader of the TPLF would play a significant role.

Ethiopia had long been a recipient of Western assistance. In particular, the United States and the European Union have taken a special interest in the nation. In 1991 the Western donor community, under the leadership of the United States, facilitated the political transition from the Mengistu reign to that of the EPRDF's regime. Mengistu was exiled to Zimbabwe to prevent those loyal to the former dictator from rioting and perpetuating violence within the capital city of Addis Ababa. With the United States' approval and support, the EPRDF led the provisional government with Meles Zenawi as the Prime Minister.⁹⁶

In 1991 the transitional government began the reorganization of the Ethiopian administrative apparatus. Twelve regions and two cities were established and each had

⁹² John Harbeson, "Ethiopia's Extended Transition" in the *Journal of Democracy* Vol. 16 No. 4 October 2005, 147.

⁹³ The EPRDF was a coalition of the Tigray People's Liberation Front, the Amhara Nation Democratic Movement, the Oromo People's Democratic Organization, and the Southern Ethiopia People's Democratic Movement.

⁹⁴ Jon Abbink, "The Organization and Observation of Elections in Federal Ethiopia: Retrospect and Prospect" in *Election Observation and Democratization in Africa*, edited by Jon Abbink and Gerti Hesselting (New York: St. Martins Press, 2000), 151

⁹⁵ Ibid.

⁹⁶ Theodore Vestal, *Ethiopia: A Post-Cold War African State*, (Westport: Praeger Publishers, 1999), xiii.

been granted the same political status. The lines for these divisions were drawn on the basis of ethnicity. Each region was given power over their own security, budget, language, and cultural affairs.⁹⁷ The transitional government recognized that very few political groups existed and that ethnic issues were the source of civil strife. According to Terrence Lyons, “rather than denying ethnic or national differences or trying to bolster a sense of pan-Ethiopian identity, the EPRDF chose to construct a political system that reflected the on going realities [of the nation].”⁹⁸ The problem however, was that these boundaries, drawn to be as ethnically homogenous as possible, became the subject of controversy. Many elites and some political leaders felt as though the attempt at ethnic federalism sacrificed the historical Ethiopian national identity and sense of pride.⁹⁹ Many ethnic groups, including the Oromo people of the South and the Somali people felt ‘ethnic federalism’ was an attempt to co-opt them into a Northern dominated government. The result was a series of secessionist movements and further political turmoil that led up to the 1994 instatement of a constitution.¹⁰⁰ The Constitution was designed to bring an end to the instability of the nation. However, the installment of the constitution resulted in two consecutive terms of EPRDF dominated government.

Many observers declared that the 2005 elections served as a bench mark in terms of Ethiopia’s democratic development. Despite two previous national elections in 1995 and 2000, Ethiopia had never experienced a truly competitive, multi-party electoral contest.¹⁰¹ During the 1995 elections opposition parties boycotted the process allowing

⁹⁷Ibid., 9.

⁹⁸ Terrence Lyons, “Closing the Transition: The May 1995 election in Ethiopia” in *The Journal of Modern African Studies* Vol. 34, No. 1 1996, 124.

⁹⁹ Ibid., 125.

¹⁰⁰ Ibid., 126.

¹⁰¹ Refer to Annex2

the EPRDF to maintain its stranglehold on Parliament. The 1995 elections resulted in Ethiopia remaining a single party state as the EPRDF took 483 seats out of 548. In 2000 the EPRDF again won a parliamentary majority and Zenawi began his second official term. The 2000 elections results proved that the EPRDF was determined to maintain its control. The party won 481 seats out of 547 and parties that were closely affiliated with the EPRDF took 37 seats. The remaining seats went to independents.

The 2005 elections marked the first genuine multi-party contest in Ethiopia's history. The EPRDF had opened up enough political space to allow a number of opposition groups to organize and create a significant presence in the nation. Opposition groups had been able to garner popular support and participate in political debate. An opposition coalition was established that would prove to be the EPRDF's biggest political threat, the Coalition for Unity and Democracy (CUD). The CUD was composed of members from the Ethiopia Democratic League, the All Ethiopian Unity Party, the United Ethiopian Democratic Party (Medhin Party), and Rainbow Ethiopia: Movement for Democracy and Social Change. The United Ethiopian Democratic Forces (UEDF) also posed a serious challenge.

Officially, in 2005 the CUD captured 109 seats out of the 547 seats available.¹⁰² However, in the post election period many speculated that the actual number of seats won in the election by the CUD was actually significantly higher. Some believed that the CUD had actually won the elections and allegations mounted against the electoral board

¹⁰² The House of People's Representatives of Ethiopia, "Political Parties and Their Seats in the Third Tenure of the House of People's Representatives, 2005-2009." Retrieved on line at www.ethiopar.net/English/hopre/hoprep.htm on 14 May 2006.

for acting as a puppet of the EPRDF.¹⁰³ Of course the official electoral records show that the EPRDF won the election, winning 327 seats out of the 547. Despite the allegations of gross electoral manipulation, the EPRDF took up their seats and continued to dominate in the Ethiopian House of People's Representatives.

In 2005, the remaining seats were assigned as follows. The UEDF gained fifty-two seats in the House. The Somali People's Democratic Unity Organization captured twenty-four seats. The Oromo Federalist Democratic Movement gained eleven seats, the Benishangul-Gumuz People's Democratic Unity Front won eight seats, the Afar National Democratic Party also won eight seats, the Gambela People's Democratic Movement took three seats, the Sheko and Mezenger People's Democratic Unity Organization won one seat, the Harari National League also took one seat, and the Argoba National Democratic Organization gained one seat. There was also one independent elected.¹⁰⁴

Prior to Election Day

In the months leading up to the May 2005 elections, political parties prepared for the upcoming contest. During this time, both international and domestic observers began the process of monitoring the pre-election political climate. The government of Ethiopia had promised that it would uphold its commitment to facilitate a truly free and fair election. However, prior to the election a number of questionable events occurred that pointed to the manipulation of the electoral process and the means by which it would be monitored.

¹⁰³ The Ethiopian Reporter, "Observing the Observers, Apology Should be Offered, Inquiry Should be Set Up," 10 March 2006. Retrieved on line at <http://www.ethiopianreporter.com/modules.php?name=News&file=article&sid=3799> on 9 June 2006.

¹⁰⁴ Refer to Annex2 for a table of the 1995, 2000 and 2005 election results.

A number of domestic observer groups were disqualified from participation by the Electoral Board before the election began. The Electoral Board determined that local non-governmental organizations that had not established electoral observation or monitoring within their mandates would be barred from observing and reporting on the election. Although this decision was eventually overturned by the Supreme Court, the decision came late in the election. This prevented some groups from mobilization and hindered the development of a large and well organized group of domestic observers.¹⁰⁵ It was clear that the Zenawi government was not going to allow groups to monitor the election that did not have a clear mandate to do so.

Also, six weeks prior to the election, six United States government funded groups assisting in the preparations necessary for the May elections were expelled from the nation. The International Republican Institute, the National Democratic Institute, and the International Foundation for Elections Systems were among the groups asked to leave. The Zenawi government claimed that these institutions had been “interfering in local matters” and were working without permits.¹⁰⁶ Officials from the groups claim that they had gone through the appropriate measures and that the Ethiopian government was well aware of their work prior to their start dates. Some of the groups expelled were providing administrative and financial support to opposition groups.¹⁰⁷ Despite the EPRDF’s commitment to transparency and international observation, the Zenawi government made clear that Ethiopian affairs were not to be interfered with.

¹⁰⁵ European Union Election Observation Mission Ethiopia 2005, “Preliminary Statement,” Hilton Hotel, Addis Ababa, 17 May 2005. Retrieved on line at http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/ethiopia/pre_stat_17-05-05.pdf on 3 November 2005.

¹⁰⁶ “International News: “U.S. Poll Watchers Without Permits Ordered Out of Ethiopia” April 14-April 20, 2005, *The New York Amsterdam News*, 2.

¹⁰⁷ Ibid.

Also, about a month before the election, the EPRDF began to crack down on the political space of the opposition and to change its tone regarding opposition parties campaigns. For instance, the EPRDF claimed and publicized that the opposition was determined to engage in ethnic genocide, and referred to opposition candidates as individuals comparable to those who belonged to the *Interahamwe*.¹⁰⁸ The name *Interahamwe* was used to invoke the memory of the Rwandan genocide and compare opposition parties to groups of individuals willing to engage in gross crime against humanity. Also, a number of CUD party poll watchers and supporters were arrested and given jail sentences.¹⁰⁹ On 13 May 2005, the CUD along with other opposition parties gave a joint press conference urging the EPRDF to allow citizens to vote freely. Also prior to the election, opposition members made numerous reports to international observers as well as the national electoral board regarding alleged intimidation sponsored by the ruling EPRDF. A number of opposition candidates claimed that the ruling party was using coercive measures to disrupt the electoral process. In Zenawi's constituency UEDF candidates claimed that they were forced to drop out of the race after receiving death threats.¹¹⁰

Due to security issues, elections for the Somali region were scheduled three months after the general elections on 21 August. Immediately before the August elections, opposition candidates from the Western Somali Democratic Party, the Coalition of Somali Democratic Forces, and the Dall-Wabi People's Democratic movement threatened a boycott. Opposition groups claimed that their supporters had been

¹⁰⁸ Berhanu Nega, "Ethiopia is Struggling for Democracy" 25 July 2005 *Taipei Times* Retrieved on line at www.ethiomeia.com on 30 July 2005.

¹⁰⁹ Ibid.

¹¹⁰ Neamin Zeleke, "What's Next? Opposition Leaders, Please Stand Up!," 18 May 2005, Retrieved on line at http://ethiomeia.com/newpress/poll_victory.html on 23 May 2005.

threatened; voter cards had been stolen; and voter cards could be found for sale in local markets.¹¹¹ In July, tensions surrounding the Somali region elections exploded and five people were killed in a grenade attack.¹¹²

The pre-election period witnessed mounting political tension between opposition groups and the ruling EPRDF government. The incumbent, losing security in its ability to maintain political control, reverted to undemocratic techniques. Expelling international observers, limiting domestic observation, and engaging in intimidation were actions that constituted only the beginning of a long list of electoral irregularities. In the post election period, this list would grow, as some of the most shocking and undemocratic electoral maneuvers would be revealed.

The Post Election Period

Following the closing of polls on 15 May 2005 an approximately four week long vote tabulation process commenced. The official election results were to be released on 8 June however two days after the polls closed the EPRDF claimed an electoral victory.¹¹³ This came as a shock too many. All parties involved in the elections had agreed to wait until the national electoral board released all of the results to make any electoral claims. As the vote counting process was slated to take several weeks, the EPRDF had disregarded the pact in order to reclaimed power within the House of Peoples' Representatives.

Prime Minister Zenawi also issued a thirty day prohibition against mass demonstrations in the capital of Addis Ababa. This was an illegal move on the part of the

¹¹¹UN Office for the Coordination of Humanitarian Affairs, "Ethiopia: Opposition Parties to Boycott Somali Region Elections," 11 May 2006, Retrieved on line at IRINnews.org on 11 May 2005.

¹¹²"Controversial Results: EU Condemnation" in *African Research Bulletin: Political, Social and Cultural Series*, Vol. 42 No. 8, 2005, 16320.

¹¹³ "Letter to Dr. Condoleezza Rice and Ethiopians in the United States," 21 May 2005, *Ethiomediamedia.com*.

government. According to Ethiopian law, freedom of assembly can only be compromised during a declared state of emergency.¹¹⁴ The Zenawi government declared that this measure would prevent confrontations and violence within the city.¹¹⁵ Shortly after the declaration on 17 May 2005, police opened fire on a group of demonstrators who were alleging the elections had been manipulated. More than 35 people were killed.¹¹⁶ Also, opposition party support staff and officials were arrested following the election. Ahilu Shawel, Chairman of the CUD and Lidetu Ayalew, a senior CUD official, were placed under house arrest.¹¹⁷

Election results, scheduled to be released on 8 June were officially postponed because, according to the electoral board, it had received an overwhelming number of complaints.¹¹⁸ Kemal Bedri, chairman of the electoral board declared that due to the scale of the complaints a month long delay was necessary.¹¹⁹ The Electoral board received a variety of complaints that included a number of polling stations allegedly closing their doors prior to the designated poll closing time.¹²⁰ Also, allegations were made that in some constituencies, the number of ballots exceeded the number of registered voters.¹²¹

¹¹⁴ European Union Election Observation Mission Ethiopia 2005, *Final Report on the Legislative Elections 2005*, 22. Retrieved on line at http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/ethiopia/2005_final_report.pdf on 1 June 2006.

¹¹⁵ Ibid.

¹¹⁶ Nega.

¹¹⁷ Ibid.

¹¹⁸ "Ethiopia: Hundreds of Complaints Delay Release of Poll Results," *New York Amsterdam News*, June 9-15, 2005, Vol. 96 No. 24, 2.

¹¹⁹ Kemal Bedri is also the President of the Federal Supreme Court and Chairman of the Constitutional Council. Allegations have been made by a number of opposition groups that Bedri is closely affiliated with the EPRDF and the Zenawi government. Charges have been made that the ELECTORAL BOARD and Bedri serve the ruling regime.

¹²⁰ Anthony Mitchell, "Widespread vote rigging feared," 21 May 2005, *Ethiomediamedia.com*.

¹²¹ "Ethiopia: Hundreds of Complaints Delay Release of Poll Results," *New York Amsterdam News*, June 9-15, 2005, Vol. 96 No. 24, 2.

Opposition groups accused the EPRDF and its supporters of destroying ballot boxes that would be needed for possible recounts in disputed constituencies.¹²²

In the absence of international and domestic observers and the media in rural constituencies, charges alleging widespread fraud were made.¹²³ Activities such as preventing opposition party agents from being present at the polls and disposing of ballot boxes was said to be common place.

The charges laid by the opposition groups triggered conflicting accusations from the ruling party.¹²⁴ Spokesperson for the EPRDF, Simon Bereket claimed that the ruling party had evidence that opposition groups had “stuffed ballot boxes, photocopied ballot papers for multiple use and tried to stop women from voting in two of the most hotly contested regions.”¹²⁵

In the months following the May election, reports of intimidation, coercion and violence sponsored by the EPRDF were reported by Human Rights Watch. Peter Takirambudde, director of Human Rights Watch's Africa Division, noted that the ruling party had been engaging in “intimidation, arbitrary detentions and excessive force in rural areas of Ethiopia to suppress post-election protests and all potential dissent.”¹²⁶ Human Rights Watch also noted that “the Ethiopian government is violently suppressing any form of protest and punishing suspected opposition supporters.”¹²⁷

The political situation within the nation also deteriorated. The EPRDF majority in the House of Peoples Representatives revised the House’s ‘Provisions of Parliament

¹²² Beyene Petros, “Ruling Party destroys ballot boxes: UEDF” 22 May 2005, *Ethiomediamedia.com*.

¹²³ Andinet Semere, “Meles: The Master of Deception has to be Stopped,” 26 July 2005. *Ethiomediamedia.com*.

¹²⁴ Anthony Mitchell, “Widespread vote rigging feared,” 21 May 2005, *Ethiomediamedia.com*.

¹²⁵ *Ibid.*

¹²⁶ Human Rights Watch, “Ethiopia: Hidden Crackdown in Rural Areas: Independent Inquiry Should Investigate Rural Violence,” 13 January 2006. Retrieved on line at <http://hrw.org/english/docs/2006/01/12/ethiop12417.htm> on 8 June 2006.

¹²⁷ *Ibid.*

Procedures.’¹²⁸ This act reduced the role of opposition Members in the House by allowing only the governing party to introduce bills that deal with financial issues.¹²⁹ Also, the Speaker of House was given the sole authority to determine the legislative agenda and determine which proposed opposition items would be heard.¹³⁰

Reviewing the pre and post election climate in Ethiopia illustrates the EPRDF’s determination to maintain order and control. These periods were scrutinized by the international observer community. Both the Carter Center and the European Union were present in the nation, however, each group had its own mandate and set of operating procedures.

The Carter Center

The Carter Center has a long history of involvement in Ethiopia and with the Zenawi government. Beginning in 1992, the Center’s political involvement consisted of assisting and facilitating the drafting of a constitution.¹³¹ The Center has also assisted in arranging war crime trials.¹³² After accepting an invitation from the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia, the Carter Center sent a preliminary assessment team to the nation in January of 2005. Shortly after the preliminary mission, the Carter Center opened an office in Addis Ababa on 19 March 2005. In total the Carter Center dispatched fifty monitors to Ethiopia. The delegation was led by Jimmy Carter and co-lead by former President of Botswana Ketumile Joni Masire

¹²⁸ European Union Election Observation Mission Ethiopia 2005, *Final Report on the Legislative Elections 2005*, 24. Retrieved on line at http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/ethiopia/2005_final_report.pdf on 1 June 2006.

¹²⁹ Ibid, 25.

¹³⁰ Ibid, 24.

¹³¹ Jimmy Carter, *Ethiopia Trip Report: May 11-17, 2005: Ethiopia National Parliamentary and Local Elections—May 11-17, 2005*, 19 May 2005. Retrieved on line at www.cartercenter.org/printdoc.asp?docID=2102&submenu=news on 25 October 2005.

¹³² Ibid.

and former Tanzanian Prime Minister Joseph Warioba. According to Carter, the observer team had “unimpeded access to opposition leaders, polling sites and other aspects of the electoral process.”¹³³

The delegation was present in Addis Ababa, Dire Dawa and seven other regions. In Addis Ababa, the team visited approximately 40 polling stations. In the Center’s Trip Report, the only polling site problem occurred in the eastern area of Addis Ababa. According to Carter, local election officials had assigned “more than 4,500 voters to each of a half dozen voting places in violation of the electoral board 1,500 person limit per site.”¹³⁴ The Center resolved the situation by notifying the electoral board and having them announce that voters waiting in line when the poll closed would still be able to vote. The Center’s delegation was also present for some of the polls closing and counting procedures. Carter declared that these processes were carried out without “noticeable incidents.”¹³⁵

As early as 19 May 2005 the Carter Center made clear that the 2005 elections represented a bench mark in terms of democratic development for Ethiopia.

While there were serious problems in the run up to the elections, many positive strides were made. Depending on the transparency and fairness of the tabulation and publication of results, the election could represent a quantum move forward in democratization for Ethiopia.¹³⁶

These sentiments were carried further in the Center’s Final Statement published 15 September 2005 after the vote tabulation process was complete and the results were made public.

¹³³The delegation met with US Ambassador Aurelia E. Brazeal, Prime Minister Meles Zanawi, members of the National Electoral Board, Ministers of Foreign Affairs and Information, the first lady, opposition party leaders civil society leaders, other international observers and the press corps. (Brazeal has since been replaced by Vicki Huddleston). Ibid.

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ Ibid.

In contrast with previous elections, the 2005 elections were sharply contested and offered Ethiopian citizens a democratic choice for the first time in their long history. The ruling party took the initiative to negotiate with the opposition and level the playing field, and agreed to a number of electoral reforms that created conditions for a more open and genuinely competitive process. The early negotiations between parties were, in and of themselves, a step forward for the democratization process in Ethiopia.¹³⁷

The Center noted minor discrepancies and post-election problems in its final statement.

The problems noted by the Center were those concerning the electoral complaints resolution process.

According to the Carter Center, the Complaints Review Board (CRB) and the Complaints Investigation Board (CIB) established after violence broke out in June 2005 did not provide an adequate or fair mechanism to hear grievances. The Carter Center observed minor irregularities concerning the CRB and its decisions to reject complaints from polling stations in constituencies that were already under review. The most significant observation made by the Carter Center concerning the complaints process related to the CIP. According to the Center, the “CIP process was not executed in a uniform fashion across constituencies, [and there were] potential consequential inconsistencies in the application of rule for the admission of evidence and witness.”¹³⁸

The Carter Center concluded its final report by discouraging Parliamentarians, especially those belonging to opposition parties, from engaging in a boycott or harboring animosity.

We urge the leaders of the new parliament, both ruling party and opposition, to work together to devise new rules and practices to ensure that all voter’s interests

¹³⁷ Carter Center, *Final Statement on the Carter Center Observation of the Ethiopian 2005 National Elections, September 2005*. Retrieved on line at <http://www.cartercenter.org/documents/2199.pdf> 25 October 2005.

¹³⁸ Ibid.

are represented in parliament, and that the upcoming 2006 Woreda and 2010 national elections build on the gains made during the 2005 elections.¹³⁹

The Carter Center declared the 2005 Ethiopian elections to be legitimate and representative of the popular will. The Carter Center encouraged Ethiopians and the international community to accept the results and declared the election to be representative of a significant step toward the further democratization of the nation.

The Carter Center election observation mission has sparked international attention. The United States' State Department has accepted the Center's assessment and evaluation of the elections. The State Department has since based its policy toward Ethiopia on the Center's recommendations.¹⁴⁰

The European Union

The European Union election observation mission lead by Ana Gomes deployed 160 observers to Ethiopia. A core team of nine staff members arrived in the nation on 18 March 2005, approximately two months prior to the scheduled election day. The EU deployed an additional fifty long term observers in mid April and another 100 short term observers in early May. The mission's mandate was to "be present in all regions of the country and cover the election campaign, polling and the counting of ballots up to the announcement of the official results."¹⁴¹

On the 24 May 2005, the EU released an updated mission statement. In this document the observer team offered a message of regret.

The European Union Election Observation Mission regrets the way in which the counting of the votes at the constituency level is being conducted as well as the way

¹³⁹ Ibid.

¹⁴⁰ Solomon Terfa, "To the Carter Center: The Silence is Deafening," *Ethiomeia* 10 May 2006. Retrieved on line at www.ethiomeia.com/carepress/carter_center_050906.html on 11 May 2006.

¹⁴¹ European Union Election Observation Mission Ethiopia 2005, *EU Election Observation Mission to Ethiopia Deployed*, 18 March 2005. Retrieved on line at http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/ethiopia/ip05_331.htm on 1 June 2006.

in which the release of results is being handled by the electoral authorities, the government, and the political parties, especially the EPRDF.¹⁴²

The EU pointed to four events that caused them great concern, namely the illegal claim of victory by the incumbents on 16 May 2005; the slow release of electoral results by the electoral board; EPRDF dominated media; and the failure of the media to report the EU's critical comments about the election.¹⁴³

According to the EU, the conduct of the Ethiopian Government, the Electoral Board and EPRDF officials had undermined the transparency and fairness of the election and increased the opportunity for manipulation.¹⁴⁴ In the EU's Final Report, the observers declare that "the election fell short of international principles for genuine democratic elections."¹⁴⁵ The observers again pointed to the lack of transparency in the voting, counting and aggregation processes, and the inability of the appeals process to remedy complaints. However, in the final report the EU went further and discussed "serious concerns" regarding Ethiopian electoral practices and electoral law.¹⁴⁶ Constituency sizes, restrictions on the number of candidates, vagueness in electoral law regarding vote counting and aggregation and the publication of results were raised as issues of concern. The EU also pointed to criminal legislation relating to the media as an area that the Ethiopian government needed to address in order to develop more democratic tenets.

¹⁴² European Union Election Observation Mission Ethiopia 2005, *Mission Statement, 24 May 2005, Assessment of Vote Counting and Release of Electoral Result*, 1. Retrieved on line at http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/ethiopia/stat_24_may_05.pdf on 1 June 2006.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ European Union Election Observation Mission Ethiopia 2005, *Final Report on the Legislative Elections 2005*, 3. Retrieved on line at http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/ethiopia/2005_final_report.pdf on 1 June 2006.

¹⁴⁶ Ibid. 6.

The EU also discussed the conduct of the electoral board. The EU suggested that the electoral board “did not enjoy the confidence of opposition parties... and it contributed to the significant delays in the counting and aggregation process.”¹⁴⁷ Like the Carter Center’s report, the EU also noted that there were problems with the Complaints Investigation Panels. However, the EU report was more thorough and discussed its concerns for the relatively poor training offered to, and received by, election officials. The EU found that lower level election commissioners were insufficiently trained and were susceptible to pressure from EDRDF officials. The EU also noted conflict of interest issues, suggesting that many of the election officials were also government officials.

The gravest of all EU concerns was for the government sponsored human rights abuses that became frequent and commonplace in the post-election period. Following the election the EU noted that the government engaged in repressive practices, detaining more than 500 students and journalists between 5 June and 7 June.¹⁴⁸ By late June the EU reported that the Federal Police had detained 3,132 individuals. On 12 June, Tesfaye Adane Jara, a newly elected opposition official, was gunned down by the police. Other opposition candidates were harassed and some were “put under house arrest without legal authorization and prosecution.”¹⁴⁹ The EU also reported individuals affiliated with the EPRDF had targeted civil society organizations. The EU reported that members of the Ethiopian Human Rights Council were arrested.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid, 23.

¹⁴⁹ Ibid, 46.

The EU concluded its report by stating that “the elections fell short of international principles for genuine elections.”¹⁵⁰ The EU made a long list of recommendations that included adjusting the legal framework for conducting future elections, rectifying the electoral administration issues, cleaning up the complaints review process, insuring freedom for the media, and further encouraging the participation of women. Unlike the Carter Center’s report, the EU final statement was not received well by Ethiopian authorities.

The re-elected Zenawi government was quick to condemn the EU report. On August 29th, Zenawi made a public statement declaring the EU observation reports as “a pack of lies.”¹⁵¹ He went so far as to call Ana Gomes a “self appointed colonial Viceroy.”¹⁵² Zenawi has insinuated that relations between the EU and Ethiopia would deteriorate as a result of the report.¹⁵³ In response to the European Union’s Electoral Observation Final Report, the electoral board was also quick on the defensive. The Electoral Board denied allegations of partisan activity and the failure of its Complaints Investigation Panels.¹⁵⁴

Conclusion

The 2005 Ethiopian election provides an insightful look into the nature of election observation. Between the Carter Center and the European Union, more than 200 international election observers monitored the election. This marked monumental

¹⁵⁰ Ibid., 2.

¹⁵¹ “Controversial Results: EU Condemnation” in *African Research Bulletin: Political, Social and Cultural Series*, Vol. 42 No. 8, 2005, 16320.

¹⁵² UN Office for the Coordination of Humanitarian Affairs, “Ethiopia: Ruling Party Named Winner in Final Result of Disputed Poll,” 11 May 2006 Retrieved on line at IRINnews.org on 11 May 2005.

¹⁵³ Ibid.

¹⁵⁴ National Electoral Board of Ethiopia, “Statement by the National Electoral Board of Ethiopia on EU EOM’s Latest Report,” Released 28 August 2005. Retrieved on line at http://www.electionsethiopia.org/PDF/ELECTORAL_BOARD%20statement.pdf on 1 June 2006.

progress for the nation as this was the first time in its history that the government had invited officials to scrutinize the electoral process. However, democratic development would not unfold in Ethiopia the way many had speculated. In the post election period protest broke out and government violence and repression ensued. Ethiopia, a nation with a proud political history, fell into the throws of disorder. In an attempt to regain legitimacy, the EPRDF sided with the Carter Center's assessment of the election and refuted the harsher and more critical report issues by the European Union. Opposition supporters on the other hand looked to the European Union report as a message of hope. In the post election period the two reports have been used as political fuel in the struggle for political power in Ethiopia. Chapter six details the politicization of the Carter Center's and EU's electoral observation reports.

Chapter 5

The Politicization of the Election

Observation Reports

Introduction

The 2005 Ethiopian elections stand out in Ethiopian history as the first truly multi-party, democratic contest the nation had ever witnessed. The elections were also supposed to kick start the stalled democratization process. International monitors were invited to the nation to verify the elections and report on whether or not the elections met the criterion of free and fair. While the reports of both the Carter Center and the EU did attempt to assess the validity of the electoral process, their differing conclusions have left a lasting legacy.

The final statements of the Carter Center and EU have become part of Ethiopian history for very uncommon reasons. Although the reports were intended to be unbiased, impartial evaluations of the electoral process, they have instead become highly politicized with the governing EPRDF rallying behind the Carter Report and opposition parties pleading internationally for the endorsement of the EU's recommendations. Both the Carter Center's and the EU's final statements have become tools used by the opposing parties to make claims about the legitimacy of the election. In their quest for political authority, democratization and international support, Ethiopians have looked to the reports as major sources of contention. In disbelief, Ethiopians and members of the international community have been left to wonder about the validity of each organizations' reports. In light of the current political and social situation it is safe to insinuate that the Carter Center's report may not have adequately reflected the Ethiopian situation or addressed all the relevant and important aspects of the 2005 elections.

This Chapter will begin with a discussion of the current political situation in Ethiopia. Since the self-declared electoral victory by the EPRDF, the Meles Zenawi

government's democratic legitimacy has been called into question. In the post election period the EPRDF ruled with an iron fist. Government-sponsored human rights abuses such as imprisonment, extrajudicial killing, and prosecution of opposition members and supporters became commonplace. The media has increasingly become censored and those that speak out publicly against the atrocities of the Zenawi regime are prosecuted and charged with treason. These crimes have not gone unnoticed as international concern for Ethiopia and its political situation has swelled. The EU, remaining steadfast in its assessment of the election, continues to advocate for peace and reconciliation within Ethiopia and has condemned the government sponsored human rights abuses. The Carter Center, however, has not released an official response regarding the post-election situation. Opposition supporters, Ethiopian academics, the Ethiopian diaspora and concerned global citizens alike continue to plea for peace and legitimate democratic governance within the nation. This chapter will conclude with a discussion of the politicization of the EU's and Carter Center's electoral observation reports.

The Current Situation

In the post election period, the EPRDF has engaged in repressive tactics in its attempt to establish itself as the legitimate ruling party of Ethiopia. The EPRDF has begun to limit the rights and freedoms of Ethiopians as it has begun to threaten the nation's commitment to democracy. While it is well known that a democracy entails holding regular elections at set intervals and that these elections are suppose to reflect the will of the people in their choice for government, it is less known that one of the fundamental values underling democracy is valuing and respecting the rights of

individuals.¹⁵⁵ The EPRDF's failure to respect the citizens of Ethiopia and embark on a tyrannical path has not gone unnoticed.

As of May 2006, both the political and human rights situations have not improved within Ethiopia. The government continues to detain supporters of opposition parties and those that speak out against the EPRDF and the Zenawi government. Local and international human rights advocacy groups have begun to pay close attention to the crimes committed by the ruling party and its supporters. The Ethiopian Human Rights Council has been active in reporting and broadcasting cases of human rights abuses. The Human Rights Council has begun to publish the names of individuals who have been detained or murdered for political reasons in the post election period.¹⁵⁶ Internationally, Human Rights Watch also has begun to report blatant acts of repression and violence. In March of 2006 Human Rights Watch requested that the EPRDF government put an end to extrajudicial killings after reports of students being murdered by police officers in the Oromo region were broadcasted internationally.¹⁵⁷ Amnesty International has also become an international advocate encouraging the end to violent and repressive government sponsored practices. Amnesty International has focused its attention predominantly on Ethiopian prisoners of conscience. On 15 May 2006, Amnesty International gave a presentation to the European Parliament calling for the European Union's help in addressing the human rights situation. Amnesty International asked the European Union to assist in the effort to entice the Ethiopian government to release

¹⁵⁵ It may be useful to review the section of this thesis entitled "Democracy defined" for a more complete understanding of democracy.

¹⁵⁶ Ethiopian Human Rights Council, "Latest Updates..." Retrieved on line at <http://www.ehrco.org/> on 30 March 2006.

¹⁵⁷ Human Rights Watch, "Extrajudicial Execution of Youths Must be Investigated: Human Rights Watch Letter to Ethiopian Minister of Federal Affairs" 23 March 2006. Retrieved on line at <http://hrw.org/english/docs/2006/03/28/ethiop13089.htm> on 8 June 2006.

prisoners of conscience; to encourage the Ethiopian government to make a commitment to upholding human rights, including the right to free speech; and to more actively investigate and report the human rights situation within the nation.¹⁵⁸

Sine the 2005 elections, the Government of Ethiopia has engaged in activities orchestrated to hinder freedom of speech and expression and the freedom of the press. The government has endeavored to block access within Ethiopia to political blogs and other websites that speak out against and criticize the government.¹⁵⁹ Some opposition party web sites have also been electronically blocked and citizens within the nation no longer have access to these mediums.¹⁶⁰ The International Freedom of Expression Exchange (IFEX) has noted and made public the actions of the Ethiopian government in terms of its actions toward local and international journalists attempting to cover the post election situation. In an article entitled “Crackdown on Media amid Electoral Controversy” the IFEX notes that some journalists working for foreign news agencies have had their accreditation revoked and some foreign journalists have been accused by the government of producing “unbalanced reports.”¹⁶¹ IFEX has also published that in June of 2005 Associated Press reporters had their cameras confiscated and memory cards

¹⁵⁸ Amnesty International, “Ethiopia: Amnesty International’s Presentation to the European Union Parliament on Human Rights in Ethiopia” 15 May 2006. Retrieved on line at <http://www.amnesty.org/library/print/ENGAFR250182006> on 20 June 2006.

¹⁵⁹ “Ethiopia Blocks Opposition Blogs,” 24 May 2006, *Sudan Tribune*. Retrieved on line at http://www.sudantribune.com/article.php3?id_article=15831 on 9 June 2006.

¹⁶⁰ Ibid.

¹⁶¹ The IFEX has reported that Teman Aman and Berket Teklu, journalists from the Voice of America and Tadesse Engidaw and Assegedech Yiberta of Germany’s DEuropean Unionsche-Welle were among those journalists accused by the Ethiopian Government. International Freedom of Expression Exchange, “Crackdown on Media amid Election Controversy,” 20 June 2005. Retrieved on line at <http://www.ifex.org/en/layout/set/print/content/view/full/67340/> on 11 May 2006.

removed from their digital cameras.¹⁶² Reports of local journalists arrested and detained without charges have also been made public by IFEX.¹⁶³

The government of Ethiopia has also begun to limit political freedoms. As of 31 May 2006, Hailu Shawel, leader of the CUD, stands on trial for treason. In Ethiopia this charge is punishable with the death penalty. Shawel is accused of causing unrest after the polls closed in May of 2005.¹⁶⁴ Despite calls from the international and aid communities to release political prisoners, the Zenawi government is relentlessly perusing the prosecution of those believed to have incited political protests.¹⁶⁵ The trial of opposition leader Shawel points to the repressive nature of the Zenawi government and its determination to maintain political control.

The Network of Ethiopian Scholars has declared the month of May to be Ethiopia's Special Democracy Month.¹⁶⁶ Members of the organization, including imprisoned Mayor of Addis Ababa, Dr. Berhanu Nega, call for the true realization of democracy within the nation as well as a new election that would accurately reflect the will of the people.¹⁶⁷

Many independent observers, the Ethiopian people and the opposition believe that the election [was] rigged. The only way that trust, public confidence, honesty and

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ "Ethiopia Continues to Present Videotape Evidence in Opposition Trial," 1 June 2006, *Sudan Tribune*. Retrieved on line at http://www.sudantribune.com/article.php3?id_article=15961 on 9 June 2006.

¹⁶⁵ Ibid.

¹⁶⁶ Network of Ethiopian Scholars, "May 2006- Ethiopia's Special Democracy Month," 30 April 2006. Press Release No.29. Retrieved on line at http://www.Sudantribune.com/article_impr.php3?id_article=15364 on 20 May 2006.

¹⁶⁷ Dr. Berhanu Nega was arrested along with a number of CUD members. He is being held on charges of treason. In Ethiopia, this offense is punishable by death. New School for Social Research, "Jailed Addis Ababa Mayor Receives Distinguished Alumnus Award" 26 May 2006. Retrieved on line at http://www.ethiomeia.com/carepress/berhanu_nega_award.html on 8 June 2006.

integrity of the election process can be restored is by undertaking an early re-election, in any case much earlier than the next scheduled re-election in 2010.¹⁶⁸

The month of May will serve as a symbol of the failure of the EPRDF government to recognize the democratic will of the Ethiopian people. Throughout the month, the Network of Ethiopian Scholars encouraged Ethiopians world wide to engage in peaceful rallies, democratic workshops, and cultural events to encourage solidarity and call for democracy. According to the Network of Ethiopian Scholars, the 2005 elections signified a betrayal of the Ethiopian people's confidence. The Network of Ethiopian Scholars is one of many groups calling for the end to of the EPRDF's tyrannical reign.

In the aftermath of the 2005 elections, the reports issued by both the Carter Center and the European Union have left a legacy within Ethiopia. The Carter Center acknowledged a great deal of electoral discrepancies and fraud. However, the organization commended Ethiopia on its efforts. On the other hand, the European Union staunchly argued that the elections did not meet international standards and were marred with too many discrepancies to accurately reflect the will of the people. The result of these two differing reports has not only led to political and social unrest within Ethiopia it has also led to the questioning of the legitimacy and merit of international election monitoring.

International Pledges of Support

In reaction to the post-election political and social situation in Ethiopia, members of the international community have requested that the EPRDF stop the repressive and undemocratic techniques that have become common place within the nation. In the

¹⁶⁸ Network of Ethiopian Scholars, "May 2006—Ethiopia's Special Democracy Month" Press Release No. 29, 30 April 2006. Retrieved on line at http://sudan.tribune.com/article_impr.php3?id_article=15364 on 8 June 2006.

months following the election, the American State Department requested that opposition members take up their seats within the House of Peoples' Representatives and put an end to the violence. Sean McCormack, spokesmen for the State Department commented: "we deplore the use of violence and deliberate attempts to invoke violence in a misguided attempt to resolve political differences."¹⁶⁹ He requested that the government of Ethiopia "release political detainees, including opposition supporters, and said senior leaders arrested...should be treated humanely."¹⁷⁰ Almost a year later, American Congressman Chris Smith noted that the government's human rights record has "remained poor and has worsened in some areas."¹⁷¹ These areas include alleged political killings, beatings and abuses, poor conditions for prisoners, detention without charge, infringement of privacy rights and government restrictions on freedom of assembly.¹⁷²

The international aid donor community has also reacted to the Ethiopia dilemma. The African Development Bank and the World Bank both publicly announced that they were "collectively reviewing development modalities to Ethiopia."¹⁷³ This decision came after protests broke out in the streets of Addis Abba that left 48 dead.

The Ethiopia Diaspora has been a guiding light publicizing the political turmoil and social unrest within Ethiopia. Rallies were held all over the world. In Washington DC several thousand Ethiopian immigrants rallied in front of the State Department on 26

¹⁶⁹ "US Urges End to Ethiopian Turmoil" *Sudan Tribune*, 2 November 2005. Retrieved on line at http://sudantribune.com/article_impr.php3?id_article=12374 on 28 November 2005.

¹⁷⁰ Ibid.

¹⁷¹ Chris Smith, *Ethiopia's Troubled Internal Situation*, Opening Statement of the House Subcommittee on Africa, Global Human Rights and Operations. 28 March 2006. Retrieved on line at http://www.house.gov/international_relations/109/smith032806.pdf on 29 March 2006. 2.

¹⁷² Ibid., 3.

¹⁷³ "Donors Review Foreign Aid to Ethiopia." *Sudan Tribune*, 11 November 2005. Retrieved on line at http://www.sudantribune.com/article_impr.php3?id_article=12474 on 28 November 2005.

May 2005.¹⁷⁴ Protesters were encouraging the President to get involved. One protestor commented “We want Americans to know that Meles is a fascist, he’s killing people, women, [and] democratic leaders in prison.”¹⁷⁵ Temesgen Tesfaye claimed in reference to the Zenawi government that the “US President is supporting terrorists in Ethiopia right now.”¹⁷⁶

Despite the allegations of biased electoral observation and unfounded conclusions, the European Union’s opinion on the 2005 election has not faltered. On 15 May 2006, the anniversary of the 2005 elections, Ana Gomes issued a message of solidarity, sympathy and encouragement to the people of Ethiopia. She apologized for the crimes and human rights abuses committed by the Zenawi government and assured the people of Ethiopia that she along with the European Parliament would continue to fight for democracy within the nation. She stated that the people of Ethiopia’s “voices were loud and clear, they wanted change.”¹⁷⁷ Ana Gomes along with the other members of the European Union election observation team are no longer welcome in Ethiopia.¹⁷⁸

The Carter Center however, has not made any commitment to address the political fallout. While the Carter Center has encouraged the Zenawi regime to reconsider its actions against those who have been imprisoned as the result of political protests, the Center has not made a commitment to provide support or assistance to rectify the situation. The Carter Center’s democracy development mandate in Ethiopia ended with the release of the 2005 May elections.

¹⁷⁴ “Thousands at Washington Rally Against Ethiopia’s PM,” *Sudan Tribune*, 15 November 2005. Retrieved on line at http://sudantribune.com/article.php3?id_article=12585 on 28 November 2005.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

¹⁷⁷ Ana Gomes, “Message of Solidarity,” Speech. London, 15 May 2006. Retrieved online at ethiomeia.com on 30 May 2006.

¹⁷⁸ Ibid.

The Politicization of the Electoral Observation Reports

More than a year later, the Carter Center's report continues to be a source of contention. While the Zenawi government looks to the document as a source of legitimacy, members of opposition groups, academics and concerned citizens publicly criticize the Carter Center for coming to illogical conclusions, making recommendations that contradict its findings and acting in a manner that goes well beyond the Center's mandate.¹⁷⁹

Since the release of the Carter Center final report on the May 2005 elections, the Carter Center has encouraged the opposition parties to take up their seats in the House of People's Representatives and work within the majority EPRDF government. The Center acknowledged the claims made by the opposition parties that they had actually won a majority during the 2005 elections but has responded by stating that according to their evaluation, the EPRDF did indeed win the election.¹⁸⁰ During the 2005-2006 Conversations series at the Carter Center in Atlanta, Jimmy Carter stated that the Center had not taken an official position on the EPRDF's margin of victory.¹⁸¹ Although the EPRDF has clung to the Carter Center's report as a source of international legitimacy, the Center has not issued a statement on the official electoral results. Also, the Carter Center has not taken direct responsibility for its assessment nor has the Center attempted to officially defend its rulings on the election. Since the release of its final report, the Carter

¹⁷⁹ Solomon Terfa, "To the Carter Center: The Silence is Deafening!," 10 May 2006. Retrieved on line at http://www.ethiomeia.com/carepress/carter_center_050906.html on 11 May 2006.

¹⁸⁰ Jimmy Carter and Rosaline Carter, "Watch Conversations Webcast with Jimmy and Rosalynn Carter," 21 September 2005. Webcast. Retrieved on line at <http://www.cartercenter.org/doc2205.htm> on 21 June 2006.

¹⁸¹ Jimmy Carter and Rosaline Carter, "Watch Conversations Webcast with Jimmy and Rosalynn Carter," 21 September 2005. Webcast. Retrieved on line at <http://www.cartercenter.org/doc2205.htm> on 21 June 2006.

Center has commented on the electoral fallout but has not addressed allegations that its report was unreflective of the actual electoral situation.

The Carter Center's report has become fuel used by those opposing the EPRDF government to garner international support. Solomon Terfa, a professor of political studies at Alcorn State University in Mississippi, has attempted to discredit the Carter Center's assessment, pointing to the weaknesses and flaws in the Carter Center's report in a number of newspaper articles. Terfa has suggested that the Center did not engage in an unbiased evaluation of the electoral process but instead acted as an agent of the American Government to grant support to an illegitimate regime that served and continues to serve as a "lynchpin in the fight against terrorism in the Horn of Africa."¹⁸² Terfa has encouraged the Center to respond to the political and social crisis that has arisen in Ethiopia and comment on its electoral report in light of the current situation.

This is not the first time the Carter Center has received criticisms surrounding its electoral observation overseas. In 2004 the American Thinker published an article on the Carter Center's involvement in Venezuela in 2004. The author of the article, Mora Leon, commented that the Carter Center missed many tell tail signs of electoral manipulation.

The Carter Center skips over discrepancies in areas showing that the number of vote cast exceeded the number of registered voters. And [Carter's] statement on the auditing process in particular is a beauty: Carter said everything was observed free and clear, except for what went on 'in the central totalization room.'¹⁸³

The reports issued by the Carter Center have a history of facing criticism and becoming politicized.

¹⁸² Solomon Terfa, "To the Carter Center: The Silence is deafening!," 10 May 2006. Retrieved on line at http://www.ethiomeia.com/carepress/carter_center_050906.html on 11 May 2006.

¹⁸³ Mora Leon, "Carter, Observed: An American Thinker Exclusive," *The American Thinker* 30 September 2004. Retrieved on line at http://www.americanthinker.com/articles_print.php?article_id=3887 on 15 December 2005.

Election monitoring is intended to promote and further cultivate democratic ideals and tendencies within a nation struggling with democracy. Monitors are dispatched to provide an unbiased assessment of the electoral process and report their findings impartially. Their findings should also work to ensure peaceful political processes by verifying or condemning the official electoral results. The monitor should provide a third party analysis that should be used to address concerns surrounding the electoral process and the actual electoral results. The differing reports issued by the Carter Center and the EU have skewed this process and have contributed to the unstable political situation that currently faces Ethiopia. The two organizations produced reports that would be pit against each other amid the post election frustrations and protests.

Conclusion

The reports issued by the Carter Center and the EU have had the unexpected result of bringing the validity of international election observation into question. As Ethiopians and concerned global citizens alike reflect on the Ethiopian situation, it is clear that the difference between the reports of both the Carter Centre and European Union will leave a lasting legacy on electoral observation missions. The EPRDF has rallied behind the Carter Center while condemning the European Union mission and declaring it to have produced an inaccurate depiction of the electoral environment. Opposition parties have clung to the EU report as they call upon the international community to assist them in their fight for their fair share of seats in the House of Peoples Representatives and for democracy. The Ethiopian case illustrates how electoral reports intended to facilitate democratic development can be spun into levers maneuvered by political elite to give validity to their causes.

Chapter 6

Conclusion

Election observation has become a very common democracy development initiative. The international democracy development community has come to view monitoring as a significant test in terms of evaluating a nation's democratic development. Throughout the world, monitors have been dispatched to evaluate and scrutinize elections thought to be threatened by the possibility of manipulation or rigging. Monitors have also been sent to nations where the elections are thought to be crucial in terms of the nation's democratic development and internal peace.

Election monitoring is a process that has grown out of good governance ideologies and values. It is thought that a free and fair election allows a nation to build a government that represents and embodies popular will. Election monitoring facilitates this process by evaluating whether or not the election has met the free and fair standards as established. The problem however, is that the free and fair standard is vague and malleable. Some monitoring groups choose to evaluate elections in terms of clearly delineated and outlined international guidelines, while other organizations prefer to look to the nation's own electoral codes, and assess the election in terms of the nation's democratic history. In simple terms, this was the case in Ethiopia during the 2005 elections. The EU and the Carter Center both had different conceptions of free and fair electoral practices. The Carter Center chose to evaluate the elections according to Ethiopia's past electoral standards. The EU on the other hand evaluated the election according to international standards.

The differences between the Carter Center and EU while observing the 2005 Ethiopia elections were far more complex than utilizing differing free and fair standards. The EU embarked on an electoral observation mission that was to be thorough and assess

as many aspects of the election as possible. The EU looked at the media and its representation of the ruling and opposition parties. It also took into consideration the human rights situation and the legislation surrounding the elections. Of course, the EU was present at many of the polling stations, and assessed the vote count, aggregation and appeals processes. The Carter Center focused its attention on the media and polling station activity. The Carter Center had fewer monitors than the EU, and the Carter Center concentrated the majority of its presence in urban centers. These differences help account for the differing electoral observation conclusions. Both groups set out with the best intentions, not knowing of the political chaos that would ensue in the post-election period. The continued politicization of the reports more than a year after the elections has painted a poor picture of election monitoring. Also, the inconsistencies in the recommendations and conclusions between the Carter Center report and the EU report has blemished the reputation of international election monitoring.

International election monitoring is an important tool in the democracy development field. It will continue to serve an essential role in legitimizing political regimes and electoral results. However, changes need to be made to the process. Ad hoc, go it alone strategies, seem to be more harmful than beneficial to democracy development. Co-ordinated efforts are key to the success of electoral monitoring. In the case of Ethiopia, if the Carter Center and EU pooled their resources and shared their mandate and goals, the potential for the post election fallout would have been greatly reduced. The Carter Centre legitimized the EPRDF while the EU questioned the electoral process and the ruling party. If the two organizations worked side by side, it would have been possible to have conducted an election observation mission that had a farther reach

in terms of the number of polling stations it could have visited. Also, if the two organizations worked together, more resources could have been given to specific tasks such as monitoring the media and human rights situations. The reports would have been more thorough and complete with a coordinated effort.

The Ethiopia case also points to the necessity of a clear understanding and definition of electoral standards. As discussed in chapter two, free and fair has limited use. It is vague and often used as a sound bite to signify electoral validity. Guidelines must be set and determined before electoral monitoring begins in a nation. Again, international coordination is needed to facilitate this process. It should be noted that this does happen and is often the practice when large organizations, such as the UN, become involved in observation. The UN acts as a coordinator. This process needs to be in place at all elections being observed. The establishment of an independent international election monitoring guild or organization would be useful. This organization would serve as an official certifier of monitors and help put together detailed election observing mandates for particular nations. Without such an organization or body, election monitoring will continue to be hit and miss.

In order to promote quality democracy development within a nation, the capacity of the nation must be built. In nations struggling on the path of democratization, independent domestic observation should be promoted and encouraged. It has been noted that election monitoring has become, for some organizations, a form of political tourism. Nations and organizations will send small groups of individuals to a nation to monitor an election without the necessary resources or skills to conduct quality monitoring. As mentioned in chapter three, some monitors do not have the language skills, are unfamiliar

with the political histories of the nation or are unaware of practices that impair the legitimacy of an election. These individuals are unequipped to evaluate an election. It would be prudent to train and support local peoples to scrutinize the electoral process. Nationals know the language and should be familiar with the current political situation. With the appropriate training, they would be able to identify questionable practices, while at the same time increasing the self-sufficiency of the nation. The goal of democracy development is to share with and instil democratic tenets into a nation. With an informed and active citizenry this becomes a reality.

Democracy development can be a very time consuming process. Democracy development initiatives should not expect quick results. Often, it takes years and even decades to transition. Democracy development promoters recognize this. It is important to make a long term commitment in order to see positive change. Organizations that engage in numerous development initiatives, whether they be social and human development or actual democracy promotion, should recognize the long term commitment that often is required. In the case of the Carter Center, the organization is involved in many development initiatives. The organization engages in health and human development projects as well as in democracy development. In the case of Ethiopia, the Carter Center has made only a small commitment to the democratic development of the nation and has focused significant attention on human development such as building schools and providing supplies, eradicating Guinea Worm Disease and Trachoma, and increasing food production. These are all very important initiatives. The problem however, is that the organization is multi mandated and limited in terms of its commitment to all areas in which it has chosen to participate. In the post election period,

the Carter Center did not offer further support when chaos and political protests broke out. The Center's commitment was limited. Democracy promotion is not an overnight process. Groups wishing to participate should be in for the long haul if they are truly committed to change.

One may also wonder whether the Carter Center was inclined to verify the EPRDF victory to protect its development interests within the nation. The Carter Center has a long history within Ethiopia. In 1988 the Jimmy Carter presided over the peace negotiations between the Mengistu Haile Mariam government and the Eritrean People's Liberation Front. In the early 1990's the Carter Center played an integral role in the establishment of the nation's human rights protection mechanisms.¹⁸⁴ In the early 1992 and 1993 the Carter Center worked with some of the Ethiopian ministries to prevent human rights violations. The Center has had a close and cooperative relation with the Zenawi government. To declare the election invalid would likely sever the relationship between the Center and the EPRDF. One is left to wonder if the human development component was weighted as a higher priority than the Center's democracy development initiative.

Also, one is left to wonder if the Carter Center ruled the election to be valid because of the American interests within the nation. In the past the EPRDF has been ready and willing to cooperate with the American government on issues regarding terrorism as the Ethiopian government has worked along side the Americans to monitor and keep a lid on terrorist efforts emanating from neighbouring Somalia.

¹⁸⁴ Carter Center, Activities by Country: Ethiopia, "Intervening for Human Rights." Retrieved on line at <http://www.cartercenter.org/activities/showdoc.asp?countryID=31&submenuname=activities#> on 21 July 2006.

It is interesting to note the policy implications of the Carter Center's and European Union's actions and reports. The Ethiopian case brings to light a distinction between American and European democracy development initiatives. This case points to the determination and fervour of the European Union to act according to its clearly established and publicised principles. The Ethiopian example also, points to the Carter Center's willingness and determination to maintain peaceful and cordial relations with the Ethiopian government and to maintain its interests within the nation. The European Union has been willing to act according to its findings even at the cost of cutting relations with the EPRDF government. The Carter Center's interpretation of the electoral environment and process alludes to the organization's willingness to adopt conclusions that suit the organization's and perhaps even the greater American interests. It would be interesting to further investigate the difference between American and other international organizations, including the European Union's, approach to electoral observation to verify whether or not American democracy development promotion agencies do work under the auspice of a greater agenda.

Lastly, one is left to ponder why there was so little international involvement during the 2005 Ethiopian Election. In 2004 the Ukraine held a second round of national elections that saw an unprecedented number of monitors descend on the nation. It is apparent that dictatorial regimes will not be permitted in Europe. One is left to wonder why democracy is more important in Europe than in Africa. Ethiopia, a nation known to have a history of political instability and social maladies, was left to fend for itself. In recent years there has been an increase in the amount of attention African politics have received. On a continent with so much potential, the international community should step

up to the plate, and assist the social and political development of nations struggling with democracy development.

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Annex 1

Jorgen Elklit's and Palle Svensson's Free and Fair Table

	Dimension	
Time Period	<i>"Free"</i>	<i>"Fair"</i>
Before polling day	Freedom of movement	A transparent electoral process
	Freedom of speech (for candidates, the media, voters, and others)	An election act and an electoral system that grant no special privileges to any political party or social group
	Freedom of assembly	Absence of impediments to inclusion in the electoral register
	Freedom of association	Establishment of an independent and impartial election commission
	Freedom from fear in connection with the election and the electoral campaign	Impartial treatment of candidates by the police, the army, and the courts of law
	Absence of impediments to standing for election (for both political parties and independent candidates)	Equal opportunities for political parties and independent candidates to stand for election
	Equal and universal suffrage	Impartial voter-education programs
		An orderly election campaign (observance of a code of conduct)
		Equal access to publicly controlled media
		Impartial allotment of public funds to political parties (if relevant)
		No misuse of government facilities for campaign purposes
On polling day	Opportunity to participate in the election	Access to all polling stations for representatives of the political parties, accredited local and international election observers, and the media
		Secrecy of the ballot
		Absence of intimidation of voters
		Effective design of ballot papers

		Proper ballot boxes
		Impartial assistance to voters (if necessary)
		Proper counting procedures
		Proper treatment of void ballot papers
		Proper precautionary measures when transporting election materials
		Impartial protection of polling stations
After polling day	Legal possibilities of complaint	Official and expeditious announcement of election results
		Impartial treatment of any election complaints
		Impartial reports on the election results by the media
		Acceptance of the election results by everyone involved

Annex 2

1995, 2000 and 2005 Ethiopian House of People's Representative Election Results

1995 House of People's Representative Election

Held on 7 May, 18 and 28 June

Registered Voters	21, 337, 379
Voter Turnout	20, 068, 508 (94.1%)

<u>Party/Coalition</u>	<u>Number of seats (548)</u>
Ethiopian People's Revolutionary Democratic Front (EPRDF)	483
Independents	08
Others	46
Unconfirmed	11

(Opposition groups boycotted the election)

2000 House of People's Representatives Election

Held on 14 May and 31 August

Registered Voters	21, 834, 806
Voter Turnout	19, 607, 841 (89.8%)

<u>Party/Coalition</u>	<u>Number of Seats (547)</u>
Ethiopian People's Revolutionary Democratic Front (EPRDF)	481
<i>Oromo Peoples Democratic Organization (OPDO)</i>	<i>183</i>
<i>Amhara National Democratic Movement (ANDM)</i>	<i>146</i>
<i>Southern Ethiopia People's Democratic Movement (SEPDM)</i>	<i>112</i>
<i>Tigray People's Liberation Front (TPLF)</i>	<i>40</i>
Ethiopian People's Revolutionary Democratic Front—Affiliated Parties	37
Others	16
Independents	13

2005 House of People's Representatives Election

15 May and 21 August

Registered Voters 25, 605, 851
Voter Turnout Approximately 82%

Party/Coalition **Number of Seats and %**

Ethiopian People's Revolutionary Democratic Front (EPRDF)	327 (62%)
<i>Tigray People's Liberation Front (TPLF)</i>	38
<i>Oromo Peoples' Democratic Organization (OPDO)</i>	110
<i>Amhara National Democratic Movement (ANDM)</i>	87
<i>Southern Ethiopia People's Democratic Movement (SEPDM)</i>	92
Coalition for Unity and Democracy (CUD)	109
<i>Ethiopia Democratic League</i>	2
<i>All Ethiopian Unity Party</i>	43
<i>United Ethiopian Democratic Party-Medhin Party</i>	36
<i>Rainbow Ethiopia: Movement for Democracy and Social Change</i>	8
United Ethiopian Democratic Forces (UEDF)	52
Somali People's Democratic Unity Organization (SPDP)	24
Oromo Federalist Democratic Movement (OFDM)	11
Benishangul-Gumuz People's Democratic Unity Front (BGPDUF)	08
Afar National Democratic Party (ANDP)	08
Gambela People's Democratic Movement (GPDM)	03
Sheko and Mezenger People's Democratic Unity Organization (SMPDUO)	01
Harari National League (HNL)	01
Argoba National Democratic Organization (ANDO)	01
Independent	01

As of February 20th the number of the Members of the House was 526. The remaining 20 seats were not taken up.