

human rights records of the Ethiopian government over the past four years. The meticulously documented book highlights serious violations of human rights including killings, kidnapping and disappearances, imprisonment without due process, violation of rulings of TGE's own court, denial of the right to employment and lawful retirement benefits, confiscation of property and unduly prolonged detention of prisoners of war. EHRCO also condemns the role of the west in helping EPRDF's takeover of power in 1991 and the continued support the TGE enjoys from the west.

The ambassador condemned the book as too partisan and unduly critical of the present regime. This, he said, was contrary to the initial agreement, which, according to the ambassador, was for the implementation of a project that would give historical account of human rights conditions in Ethiopia beginning with the days of Emperor Haile Selassie.

In a strongly worded response, EHRCO denied that the book which "incensed His Excellency the Swiss Ambassador", had been motivated by sectarian politics but rather reflected the dismal human rights situation in Ethiopia. In this letter EHRCO said "It is most surprising that statements that Your Excellency interprets as personal invectives and inferences arouse your anger more than the boldest and gruesome facts described in the book". EHRCO said it was outraged by such a "strong and outright

condemnation in such unpolished language because EHRCO holds different views on issues that are theoretical and marginal for foreigners but concrete and fundamental to the Ethiopian people" and promised to pay back the \$ 10,000 provided by the Swiss government as a contribution to the project.

The third case of harassment came when the Ethiopian Commercial Bank blocked EHRCO's current account. In a press release, the organization stated "On March 27, 1995, after the publication of EHRCO's book 'DEMOCRACY, RULE OF LAW AND HUMAN RIGHTS IN ETHIOPIA: RHETORIC AND PRACTICE' and coinciding with H.E. The Ambassador of Switzerland's prejudiced, impetuous and irrational Open Letter on EHRCO's book, the Commercial Bank of Ethiopia, presumably acting on instructions, blocked EHRCO's current account.

The pretext for blocking the account was that EHRCO did not produce a certificate of registration. The EHRCO statement condemned this "illegal action of the Commercial Bank of Ethiopia acting as a political instrument of the regime ... This action simply serves to provide fresh evidence for the fact that the regime's rhetoric has very little to do with its practice". Concluding the statement, EHRCO notified all its friends and contributors everywhere to stop sending money through its old account at the Commercial Bank of Ethiopia.

#### DOCUMENT EXTRACT FROM CAFPDE'S MANIFESTO FOR A NEW DEMOCRATIC BEGINNING (Approved by the Council on 29 April 1995)

The manifesto entitled "For a New democratic beginning: A call made by CAFPDE to all Ethiopian Democratic Forces" begins by stating that "The dream of the Ethiopian peoples to be freed from oppression through a successful transition to democratic governance is being frustrated for the third time in less than three decades because of the arrogance of the present rulers who failed to learn from past mistakes and whose misgivings are blindly supported by foreign powers". After asserting that "the last four years, depicted as the period of transition, have miserably failed to effect commendable accomplishments consonant with democratic aspirations of our society" the Manifesto affirms "The fallacious assertions which claim that the country is attaining democratic governance through democratic elections as expounded by different self promoting quarters can in no way contradict the above stated reality".

In a lengthy critical assessment of elections and the constitutional process in the country over the past 65 years, "from the times of feudal despotism to the

authoritarian rule of the EPRDF" the document notes that all elections were "characterized by deceptions and manipulations and were designed to ensure the prevalence of the politics and ideology of the ruling groups". As a result, the country has failed to experience a Constitution that is universally acclaimed by the rulers and the ruled and thus a situation of assumption and relinquishing of power through the democratic process remained only a dream".

Denouncing the ratified Constitution and the outcomes of the May 7 elections "as the incarnation of a super-imposed ideology and political policies of a minority group determined to commit the sin of excesses in order to perpetuate itself in power", the Manifesto calls for a new beginning in line with "Universally accepted norms and principles with regard to the writing of a democratic Constitution and conducting elections for the establishment of a government based on the rule of law and genuine popular participation".

The Manifesto warns that the coming struggle will be full

of sacrifices for the peoples of Ethiopia and for the country "which will not surrender itself to brazen oppression indefinitely". The years ahead will be difficult and trying because:

1. The more the machinations of the democratic forces are exposed, the greater will be the hyper-sensitivity of the oppressors. The greater the oppression and ruthless brutality of the regime, the greater the resistance against coercive hegemony whereby repression and opposition grow side by side. This is the irrefutable dialectic of the forthcoming struggle.

2. Because, unless we manage to shift the internal balance of forces in favour of democratic forces, we cannot expect significant support from the "alleged pioneers of democracy and constitutionalism" who have already labelled "the farce exercise in writing the constitution as 'democratic'" and who cannot be expected to "join the crusade for democracy, justice and quality in Ethiopia without due consideration for their own interest".

In a moving appeal to the peoples of Ethiopia to be prepared to pay the "required sacrifices which will be costly and bitter" and in what many Ethiopians see as a response to EPRDF's foreign apologists who stigmatize the "maximalist and intransigent attitudes of the opposition" the Manifesto asserts that, these sacrifices are required from our "martyred people": "Not because our peoples are too demanding and asking too much. It might be considered as such only because of the arrogance and lack of vision of the ruling groups whose black designs are condoned, both by commission and omission, on the part of alien forces and powers. What is called for is simply the observance of internationally accepted norms and principles with regard to free, fair and genuine elections and a democratic Constitution.

The Manifesto then elaborates on its proposal for a "Minimum common platform for a new democratic beginning". ADDIS DIGEST presents this part of the historic document dealing with democratic elections and a democratic constitutional process to our foreign readers. This, we hope, will open the eyes of many in the international community who are confused by support of western governments for EPRDF's elections and the constitutional process which fall short of the minimum international norms and standards. We are doing this also because, in the coming years, the objectives of free elections and a democratic Constitution are bound to remain high on the agenda of all Ethiopia's democratic forces.

#### A FREE, FAIR AND GENUINE ELECTIONS

When we demand free, fair and genuine elections, we are not making any demands other than those which are accepted today as international standards and respect of those principles that EPRDF is advancing in theory. The

problem is the political gimmicks of the EPRDF which openly undermine some of the principles, while accepting others in theory but ignoring them in practice.

Furthermore, the sources of the problems are not only the issue of one of the competing parties controlling the army and police force, government institutions, the mass media, public finance and other services as well as the country's diplomatic relations for narrow and sectarian interests. This party which controls the state, as if this were not enough, wants to control the whole electoral process alone and by doing so seriously hinders both the preparation and the process of the election. The result would prevent the election from reflecting the balance of forces in the land as well as the popular will of the people.

Looking at the issues from the above angle, when we say our country's problem should be resolved through the will of the people expressed in free, fair and genuine elections, we mean first that the internationally accepted standards denied by EPRDF must be respected. Secondly, we mean that we cannot stop at saying that the principles must be respected while the EPRDF pays only lip-service to the principles it claims to have accepted. We unequivocally say that elections should be held outside the control of the ruling elite for the first time in our country's history.

In other words, to solve our country's problems through peaceful and democratic means and for the institutionalization of free, fair and genuine election, we will continue our struggle for the following principles:

#### 1st: Establishment of a responsible body to oversee the democratic process and elections

Our efforts have been fruitless to date because the election process was undertaken under conditions which do not comply with respect for human rights: their preparations were carried out by our rulers to suit themselves and their implementation was under their strict control.

Although democracy and the respect for human rights are necessary under all circumstances, in time of elections due emphasis should be given to the prerequisite rights for free, fair and genuine elections in accordance with the universally accepted criteria. Furthermore, if an election is to be accepted as a democratic election, the procedures for conducting, administering and supervising that election cannot be left to a one of the players under any democratic practice.

Therefore, first of all, in order to ensure the prerequisite rights pertinent to elections and to create a general democratic atmosphere in the country, and secondly to ensure a free, fair and genuine election, a responsible body must be established. This body must consist of all main



contenders, or it must be a body whose independence is acceptable to all parties and must include international observers who are mutually agreeable to all parties.

## 2nd: For an Election to be free

Especially today, there is general agreement on the provisions of the Universal Declaration of Human Rights, Article 21/1, which declares that any citizen should be allowed to participate in the affairs of his State either directly or indirectly through his freely elected representatives.

The question of whether a given election is free or not can be measured only when the condition that allows the expression of the free will of the people is met. For an election to reflect the free will of the people concerned and to be defined as free according to universally accepted principles, a given election should be:

- undertaken in a democratic atmosphere where human rights are duly respected, free from both the intervention of the government and other forces;
- undertaken under conditions complying with the universally accepted standards, including the prerequisites for free elections such as freedom of thought, expression, assembly, organization, etc.;
- conducted without intimidation by means of secret balloting. This means more than making declarations to get the approval of the people—it entails broad voter education of the people; respect for the due process of law, and in general supervision of the strict observance of the preconditions for free elections.

## 3rd For an Election to be Fair

The Universal Declaration of Human Rights Article 21/3 declares that for a given election to be fair, the equality of citizens and their participation should be guaranteed. In Article 22 it declares such participation should not be discriminatory on the basis of race, religion, language, colour, political opinion, national identity and class. According to these criteria the EPRDF elections do not meet the criteria of:

- equal participation of citizens
- one man - one vote
- legal and administrative guarantees to all participants, etc.

By openly nullifying the legal and administrative guarantees, the EPRDF which controls the Ethiopian state and is also the only player, has prepared an election, which it controls through creating its own electoral machinery.

## 4th For an Election to be Genuine

The Universal Declaration of Human Rights, Article 21/

3 and other International Conventions on Civil and Political Rights declare that for a given election to be fruitful, it must be genuine. To us, for a given election to be genuine, the basic criteria, currently undermined by the EPRDF, must be met:

- the need for the presentation of alternative choices to the people;
- the need for free presentation of the alternative choices;
- the need for neutrality (independence) of government institutions and
- the need for voter education, etc.

Sadly, these basic criteria for genuine elections have never been fulfilled in all the elections held so far in our country; and the EPRDF, which is forced to accept multi-party democracy in theory, is repeating the same old mistakes.

## B. DEMOCRATIC CONSTITUTION

Regarding this issue too, we demand nothing other than the fulfilment of the universally accepted principles which the EPRDF government openly undermines. Our demands are the inclusion of the following principles in a transparent way in the making of the national constitution:

### 1st: Respect of Fundamental Democratic and Human Rights

To be called democratic, any constitution should be created so as to give constitutional guarantees of the principles enshrined in the Universal Declaration on Human Rights. Like the constitutions of Haile Selassie and that of the Dergue's regimes, the constitution written by EPRDF declares certain principles but does not create the necessary institutional mechanisms to ensure their implementation.

### 2nd: The need for Constitutionalism and Constitutional guarantees

For any constitution to be called democratic there should be an independent supervisory body. This means an independent constitutional court which operates independently and free from any government interference is needed to oversee that the supreme law of the land is implemented and respected. The EPRDF constitution, although it declares the supremacy of the law, failed to create such a mechanism which is free from government control and has the power to pass authoritative decisions.

### 3rd: The Separation of Powers Principle

For any constitution to be defined as democratic there should be checks and balances in the workings of the legislative, executive and judiciary branches of government. The separation of powers should be made to guarantee popular representation and accountability. The

EPRDF constitution, like the constitution of the Dergue, concentrates power in the hands of one branch instead of adopting the principle of separation of powers, and thus contradicts this principle.

## 4th : Respect for the independence of the judiciary

When any democratic constitution decrees the rule of law, a mechanism to guarantee the independence of the judiciary must be created. The independence of the judiciary means the independence of judges. This means the creation of an independent body that guarantees freedom from government interference, supervises the appointment of judges, their dismissals, transfer, promotion and discipline. The EPRDF constitution, like that of the Dergue, accepts the principle of judicial independence in theory, but has no provision for such an independent body.

## 5th Genuine Application of a Multi-party System

To be called democratic, any constitution must be based on the rule of a multi-party system and must enable the realization of such a system. This means the constitution must promote different ideologies, political positions, and social and economic policies (programmes) where parties freely and fairly compete publicly, and those who win a majority should be allowed to seize power in order to implement their policies and programmes. But the constitution that has been sponsored by the EPRDF, similar to that of the Dergue, promotes a minority organization's political position and socio-economic policies.

What is more, the constitution was prepared in a complicated manner so that even if organizations opposing the EPRDF's programme should seize political power by winning the majority support of the electorate, they will be forced to undertake the task of modifying/amending the constitution. Unless this task is accomplished, there is no condition for different parties to operate within the framework of the EPRDF's constitution.

## 6th Democratization of Constitution Making and Amendment Process

For a constitution to be the main law of the land that enjoys acceptance and respect of the society (to be a legitimate national document), it must be drafted and ratified with participation of the whole people. As democratic constitution is one which is written with the consensus of different sections of the society, its amendment also requires popular consent. This means constitutional amendment requires an absolute majority or referendum, not a simple majority. Needless to say, the true face of anti-democratic and dictatorial governments lie here; they do not only make constitutions at their own discretion, they make their constitution in such a way that it would be difficult for the society to amend them.

The EPRDF's constitution is not an exception. The manner by which the constitution was drafted and ratified has made it a document that empowers a minority group and its political programme. What is worse, is the existence of veto power for groups of less than 5% on important issues that may make difficult the amendment of the constitution.

## 7th Realize the Rights of Nations and Nationalities

A democratic constitution is one that guarantees full rights of the nations/nationalities to decide on all matters of their special concern on one hand and advances the sense of unity and brotherhood for their peaceful existence by allowing their full and equal participation in all matters of common national interest on the other hand. In light of this, the EPRDF's constitution is not one that guarantees the rights of nations and nationalities to manage their own affairs. Although the constitution claims to have created a federal structure that enables the peoples' participation on decisions of common national interest, in reality it does not allow the Federal Council, one of the two councils of the bi-cameral parliament, to fully participate in the law-making process of the country.

As has been repeatedly mentioned above, in Ethiopia's political history there has never been a favourable political atmosphere for free and fair elections. The elections that have been conducted under the EPRDF's sponsorship during its so-called transitional period at any rate do not qualify for internationally accepted standards for free and fair elections, save for the EPRDF's rhetoric. Although the EPRDF claims that Ethiopia has never been blessed with such a "democratic situation" still today the country does not have a democratic constitution, nor even one that brings the country a step closer to that goal.

As we take a common stand to struggle together for a democratic beginning, no one should mistakenly suspect our position as sheer lust for power. Without free elections, nowhere in the world has any people expressed its will and achieved its goals. By the same token, there is no way the Ethiopian people could express its will without democratic elections. As there are no people in the world who were able to establish the rule of law and build a better life in peace and a democratic atmosphere in the absence of a democratic constitution, there is no other alternative for the Ethiopian people either.

If there are people who maintain that there is a way other than through democratic elections and a democratic constitution for a democratic transition to be made, let them tell us what it is!

On our part, we say that there is no alternative solution to this method. We believe, that all democratic forces in the country whatever organization they have chosen or whatever the method of struggle they have adopted, share our

stand on this issue. As the struggle is to create a platform where all Ethiopians can determine their fate, and as the aim is not to replace one anti-democratic government with yet another repressive one, we feel that all democratic forces should stand with us for this common cause.

The present source of misery of our people is the failure of all democratic forces to cooperate with the Council of Alternative Forces for Peace and Democracy in Ethiopia

because of minor differences. And this is what has seriously obstructed achievement of the ultimate goal of our people by giving respite for the dictatorial government, thus contributing to the continued suffering of our people.

Therefore, we call on all the democratic forces of the country to cooperate and rally around this minimum common platform for A NEW DEMOCRATIC BEGINNING!

## POLITICS

### CAFPDE: UNDER FIRE AND ON THE OFFENSIVE:

The Council of Alternative Forces for Peace and Democracy in Ethiopia (CAFPDE), an umbrella organization of over 30 political parties and professional associations, is coming under fire from some quarters who are losing faith in the peaceful path of struggle it has advocated since its creation in December 1993. During the last months, its policy of peaceful struggle, including constructive dialogue with the incumbent EPRDF, seems to be losing ground in the face of TGE's reluctance to engage in serious dialogue with the opposition and growing scepticism of large sectors of the population.

Accusing CAFPDE of seeking accommodation with the government and of unduly keeping to the "bankrupt dogma of peaceful opposition", some circles are now urging that the "stillborn peace process initiated by the March 1993 Paris Conference" be abandoned and measures be taken to create a strong and "credible anti-EPRDF front" on the "ruins of the defunct CAFPDE".

During the past month, anti-CAFPDE sentiments surfaced in the independent press, some openly calling "for the phase-out of the Council and its replacement by a new organization capable of providing better leadership for the struggle of the people". (A'IMERO 06/04/95) while others express doubt as to "whether this umbrella organization, whose future is so much in the balance, can last another year". (TOMAR 14/04/95).

It is in line with this trend that a group calling itself the "Coordinating Committee of Ethiopian Unity Forces" is reported to have been set up recently in Washington DC. This group, chaired by Dr. Aklilu Habte, former Vice-President of the World Bank, is said to have contacted leaders of political organizations based in the US. One of the principal actors in this attempt to "create an alternative to the alternative" is said to be Col. Goshu Wolde's organization, Medhin, which has managed to enlist support of small splinter groups which had earlier left COEDF and the Southern Ethiopia Peoples' Democratic Coalition (SEPCD) led by Dr. Beyne Petros, who is also Chairman of CAFPDE.

According to the Addis Abeba weekly, TOBIA, the objectives of the new group are:

1. To stand firmly, unequivocally and publicly for the unity of Ethiopia,
2. To stand for Human Rights and democracy as well as equality and brotherhood among the country's ethnic groups
3. To struggle for a multi-party democracy,
4. To wage an "all round struggle" to overthrow the ethno-nationalist dictatorship of the Tigray People's Liberation Front (TPLF).

It is clear from this that the main difference with CAFPDE is the option the new group is taking in favour of an "all round struggle" which in other words means inclusion of armed struggle against the government.

The Council's leadership, supported by major opposition organizations like COEDF has come out strongly against such attacks and attempts to divide and weaken the democratic opposition. Its Chairman, Dr. Beyne Petros, admitted there were serious differences of views among the member organizations but this by no means suggested a need for dissolving the Council. Another CAFPDE official, Mr. Kifle Abate, also came out emphatically against the "phase-out" call. In a statement to the press, he noted "Political maturity is gauged not by doing and undoing organizations but rather by solving differences through dialogue".

Sources in Addis Abeba close to the Council's leadership say a Task Force has been set up to assess CAFPDE's performance during the past year and to recommend changes in the organization's structure and working methods that could enable it to better serve the cause of peace and democracy in Ethiopia.

At the same time, CAFPDE has approved a document entitled "For a New Democratic beginning" (to be presented at a press conference before the May elections). Many CAFPDE officials say that this "manifesto" will greatly contribute to clarifying the dangerously confused political situation in the country and will help put the Council once