



ETHIOPIA

CAPITAL: Addis Ababa

POPULATION: 72.4 million

GNI PER CAPITA: \$100

SCORES

ACCOUNTABILITY AND PUBLIC VOICE: 1.88

CIVIL LIBERTIES: 2.83

RULE OF LAW: 2.06

ANTICORRUPTION AND TRANSPARENCY: 2.76

(scores are based on a scale of 0 to 7, with 0 representing weakest and 7 representing strongest performance)

Jeffrey Clark

INTRODUCTION

May 2005 marks the 14th anniversary of the toppling of the Derg regime—a brutal military junta headed by Mengistu Haile Mariam and aligned with the Soviet bloc—the end of its 17-year reign of terror in Ethiopia, and the concurrent assumption of power by the Ethiopian People’s Revolutionary Democratic Front (EPRDF) coalition.¹ It is a milestone offering considerable disappointment: Despite early economic gains, per capita income has started to fall;² the specter of famine still looms as basic food security has eroded; and hopes for democratic advancement have been thwarted by a ruling party that stubbornly monopolizes political space. The opposition is harassed and intimidated, civil society suppressed, the media tightly controlled, and independent voices stifled. The government brands those who propose alternative

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policy approaches as illegitimate, if not terrorists. It labors to reverse the acute poverty that afflicts millions of citizens but quells aspirations of increasingly competent nongovernmental entities poised to facilitate the development process. The government constructs systems meant to appease donors and their demands for broader participation, then uses them to extend control.

In Ethiopia today, the government's accountability to the people is minimal, as is the ability of citizens to register a voice as public policies are being considered and programs implemented. Civil liberties are respected on a haphazard basis. Rule of law is more rhetorical than real. The country benefits from the fact that large-scale corruption has not become ingrained, but the lack of transparency threatens that advantage.

The government of Ethiopia fares well in any comparison to the predecessor regime, as its officials boast. That, of course, is not much of an achievement. The country's strategic role in the fight against international terrorism allows the government to avoid donor-government scrutiny that would reveal the disappointingly meager steps toward genuine democratization that have characterized EPRDF's tenure in office.

May 2005 will also bring the third round of parliamentary elections since the end of Mengistu's brutal dictatorship. If these elections can be more participatory than previous rounds, hope will remain in play for the nation's transition from autocracy to nascent democracy. Fair elections would almost certainly see retention of power by the EPRDF—albeit at lower levels of dominance of Parliament but with significant gains in perceived legitimacy. Less fair elections have the potential to drown hopes for participatory government and national progress, perhaps even to fan the flames of resistance.

ACCOUNTABILITY AND PUBLIC VOICE – 1.88

Few structures hold government officials accountable to citizens in Ethiopia, and no innate sense of such responsibility tempers arbitrary decision making. The media are closely controlled, the judicial system barely functions, civil society is constricted, and the executive branch of government issues decrees against political opponents and arrests them on dubious charges of corruption or supporting armed rebels. Journalists, academics, and others who question government policies are intimidated and sometimes jailed.³ Incidents tend to be resolved with an eye

more to avoidance of donor-government displeasure than adherence to consistent and transparent systems and procedures.

Under the EPRDF, citizens of Ethiopia have been able to vote in successive rounds of local, regional, and national elections for the first time in the country's history. Interest in these elections has been high, and some positions have been genuinely contested in vigorous campaigns. However, elections held to date have seen the crass manipulation of electoral processes to the advantage of the ruling party. Charges of voter intimidation have been frequent, and opposition rallies and voter education efforts have been disrupted. In some cases, the government does not certify opposition parties or candidates as being eligible to participate. Cumbersome election rules have led to self-defeating boycotts by various parties and candidates and their marginalization.

While the choice of candidates has been heavily restricted, people have been able to vote by secret ballot for the most part. Some independent monitoring of elections has taken place, and voting tabulation has been generally fair. Thus, a foundation has been laid for more genuinely competitive and participatory elections. If recent accords between the ruling party and the opposition regarding the 2005 elections hold, then that foundation will expand.

Writing in 1998, the journalist Marina Ottaway stated that the regime had conducted "three supposedly multiparty elections" in which "political participation has narrowed rather than widened."⁴ One consequence was that Ethiopia's dramatic and fundamental transformation into a federation based on ethnicity was not subject to public debate; it simply was imposed by the EPRDF. That reality has left scars and fissures on the political landscape that have not yet healed.

Since 1998, participation has widened slightly as the EPRDF has been forced into new alliances to counter internal division.⁵ More dissenting views can be heard in policy debates and on radio and television, as well as in newspaper columns—at least in Addis Ababa. Still, the EPRDF and its satellite parties control over 90 percent of all seats in Parliament. Reflections on the improved legitimacy that could be realized through more participatory elections were summarily dismissed.

Campaigning opportunities have not been equal for various contestants in past elections. Access to print and broadcast media has been widely uneven; permits for campaign events have been issued prejudicially; and access to public facilities has been skewed in favor of the

EPRDF and its allies. Few processes are in place that guarantee a more even playing field for the elections slated for 2005. A recent African Development Forum study ranked the independence and credibility of Ethiopia's electoral processes as being exactly half that of the average of the 16 African countries surveyed.⁶

Prospects for genuine rotation of political power in Ethiopia through the electoral process are dim due to the commanding position of the ruling party atop the machinery of government and the multiple weaknesses of the splintered opposing parties. Aspirations of the Oromo population (the largest ethnic group in the country) are thwarted by the branding of the Oromo Liberation Front (OLF)—a former partner in the struggle against the Derg that many now consider to be the main political opponent of the EPRDF—as a terrorist organization and the designation of any dissenting Oromo voice as that of an OLF collaborator. The Oromo People's Democratic Organization (OPDO) affiliation with the EPRDF does not mask growing alienation of large parts of the Oromo population from the government.

Rotation of political power is in fact contrary to the views of national evolution held by the EPRDF hierarchy. At one recent EPRDF congress, members embraced the concept of a 20-year party monopoly on power until the country is ready for democracy.

The ruling party governs with certainty that its insights on policy justify its hold on state power. Ethiopia does not have any effective campaign finance laws or other measures to prevent undue influence of privileged interests, although ideologues pose more danger than oligarchs.

Progress has been realized since 1991 in defining separate branches of government that will at some point allow for checks and balances required to hold the executive, legislative, and judicial branches accountable to each other and to the public. Nevertheless, today both the judiciary and Parliament are subservient to the executive branch. Legislators are handed bills drafted by the executive branch and told to enact them, which they do. Parliament does not defy the Council of Ministers, which is selected by the prime minister and approved by the House of People's Representatives (the lower chamber of Parliament) and which serves as the senior cabinet of the government.

Civil service positions in government ministries are largely filled through open competition. However, low skill levels and antiquated bureaucratic machinery preclude effectiveness. The abysmal salaries paid

civil servants all but require many to occupy second jobs—jobs that keep them away from their government desks for several hours of their nominal workday. A dysfunctional bureaucracy (record keeping is largely not computerized, few civil servants have technical training for the positions they occupy) serves to undermine the public's faith in government and to encourage a rise in petty corruption as officials rely on bribes to subsidize paltry salaries.

Until recently, the registration process for nongovernmental organizations (NGOs) was particularly onerous and consumed vast amounts of time and energy. The legal and regulatory framework that defines the operating space for NGOs and other civil society entities dates primarily from the 1960 civil code,⁷ when no indigenous NGOs existed in Ethiopia. The law's silence on the rights of NGOs combined with the government's general hostility and bureaucratic burdens clearly hamper NGO operations. The executive director of one Addis Ababa-based NGO reports that 70 percent of his professional time is devoted to satisfying bureaucratic demands from various government agencies.⁸ The Ministry of Justice, responsible for registration, has made considerable strides in streamlining the process and lengthening the validity of registration. Complaints by NGOs on the registration process have diminished noticeably. However, governance, democracy, and human rights groups face enormous problems with registration and becoming operational. The Ministry of Justice retains the right to dissolve an organization that it feels is carrying out business unrelated to the purposes specified upon registration. There is little evidence of governmental pressures on local funders of civic organizations, whose contribution is still very small, but the government quite openly tries to steer international resources toward pro-government civil society actors.⁹

Forums convened by various nongovernmental entities, the World Bank, and other players allow limited discussion on public policy by civic groups. Such sessions are not regularized, and the record is mixed in terms of any discernible influence that the civic groups might have. A long-discussed NGO law is indicative: The first draft of the proposed legislation surfaced in 2000, and four years later various drafts were being circulated that reflected some of the changes advocated by the NGO sector while other concepts remained absent. No bill has made it to Parliament, and no hearings before legislators had been scheduled as of September 2004, although current prospects for the introduction of

updating legislation are encouraging. Groups undertaking advocacy or lobbying work are subject to harsh treatment by the government and certainly do not enjoy any assumed right to present their case to government officials.

Media outlets are small, weak, and short on professionalism and therefore easily intimidated. There are perhaps 150 print outlets in the country, one national television broadcaster (a government entity), and only one private radio station and one private news agency. The latter are controlled by the EPRDF through a corporate front. All printing presses are owned by the government, and those presses are periodically unavailable—ostensibly for technical reasons—to newspapers thought to be publishing objectionable stories.

There is no legal protection for the media against government control or censorship. The Broadcast Law enacted in 1999 established a Broadcasting Agency with authority to issue, suspend, and revoke broadcasting licenses. This supposedly autonomous entity, however, reports to the prime minister. And, as of October 2004, it had not issued a single new license.

Various laws allow a high degree of government control over both print and broadcasting media. Vague legal phrases in the constitution and Press Law offer no objective standards for what is prohibited. Moreover, those affected by these laws have no effective recourse to the courts, which are insufficiently independent in any case. The government's interpretation of libel is such that any journalist offering virtually any criticism of government policies or officials is subject to arrest. In April 2003, the editor of *Ethiop* was arrested on a libel charge after earlier printing a story dealing with alleged embezzlement by a public hospital administrator.¹⁰ The paper's deputy editor was detained the next month and charged with libel over an article criticizing the country's former ambassador to France. Even newspaper vendors on the streets of Addis Ababa have been harassed and detained.¹¹

The government tolerates a modest degree of unfiltered reporting but largely succeeds at controlling the slant of the news reported to the public through its direct and indirect ownership of facilities and its intimidation of writers, editors, and publishers. The extremely low level of professionalism—the president of Addis Ababa University uses the term “glaring incompetence”¹²—found in the media leaves reporters

prone to reporting government press releases as documented news. In contrast, free cultural expression is generally respected in Ethiopia.

In 2003, four Ethiopian journalists were imprisoned and the Ethiopian Free Press Journalists' Association was closed.¹³ In April 2004, police arrested two Oromo-language journalists.¹⁴ While the situation is less dire than a decade ago, when 32 journalists were thought to be in jail at one time, it is clear that government control over the media remains firmly entrenched. Journalists have expressed concerns for personal safety due to their reporting.¹⁵

Recommendations

- The government must commit itself to a process for the May 2005 parliamentary elections that will be seen as fair and free by all participants and observers. This requires certification of all legitimate opposition parties, provision of equal access to public facilities by all participating parties, and the end of intimidation of opposition candidates by law enforcement officials.
- Legal reforms must be undertaken to guarantee a free press and freedom of expression; specifically, a press law that is *enabling* of a free press must be put into place.
- A public information campaign should be launched to publicize the role of civil society and a free press in achieving democratization and economic progress.

CIVIL LIBERTIES – 2.83

There is no state terror in the form that took place under the Derg's rule. Unjustified imprisonment is common, and torture, while less frequent, does happen. Protections against such state actions are woefully inadequate in Ethiopia. The entire judicial structure is extremely weak and insufficiently independent from the executive branch. Police forces are poorly trained on the constitutional rights of individuals. Prosecutors are not accountable.

Few human rights monitors are in place to expose or confirm violations, and the government does not permit international groups to operate in the country. A small delegation of officials from Amnesty International (AI) was allowed to visit in March 2004. AI has reported

on six individuals accused of having links with the OLF who were arrested in August 2004 and were allegedly being held incommunicado without charge or trial and were subject to torture.¹⁶ In 2002 AI reported “harsh prison conditions with inadequate medical treatment” for inmates.¹⁷ Human Rights Watch also reported poor prison conditions, torture, and impunity of offenders.¹⁸ Parliament has been considering the establishment of an independent human rights ombudsman since 1998 without taking final action.

Human rights and international news reports are replete with examples of arbitrary arrests. Political activists and journalists operate on the assumption that arrest without charge or for bogus charges is possible. One human rights group claims that more than 10,000 individuals have been detained, then denied due process by the EPRDF government; some allegedly have spent up to 11 years in jail before being offered a trial, only to have the charges dropped due to lack of evidence.¹⁹ A September 8, 2004, letter to the prime minister from Human Rights Watch refers to the re-arrest of four dissenting Oromos one week after their release from jail as ordered by the Federal High Court. It also refers to the mistreatment of one of the detainees.²⁰

Abuses are less widespread than under the Derg’s rule due to processes and procedures that, while weak, offer some minimal degree of protection from abuse. This is more pronounced in Addis Ababa than elsewhere. Abuse by non-state actors is rare.

Since coming to power, the EPRDF has emphasized the rights of women, people with disabilities, people who are vulnerable, and ethnic minorities. For the most part, that stance is sincere, and there have been modest gains, especially in regard to women. Women are theoretically protected under the laws of the country, but in reality they have insufficient guarantees of such protection. Violent behavior directed at them by male family members is common. Women face social prejudice against their participation in public life, although a few women do hold seats in Parliament and in the Cabinet of Ministers. One encouraging sign is the increasing cooperation between the Addis Ababa city government and the Ethiopian Women Lawyers’ Association (EWLA) in providing legal counseling services to abused women in the capital area.²¹

In general, laws to protect women and children are more forcefully adhered to than in past years. The government is taking steps to prevent

trafficking in women and children, and the rape of children is far more likely to lead to an arrest than previously. Policewomen are assigned to each police district in Addis Ababa. However, beyond the major cities, customary laws addressing such issues as inheritance for women remain in place. Worse, the custom of marriage by abduction continues without significant interference by authorities.²²

Ethiopia's primary ethnic groups are the Oromos, the Tigray, and the Amharas. The premise of the ethnic-based system of federation is to ensure that all groups in the country receive equal rights and recognition under the law in order to counter some of Ethiopia's historical inequities. In practice, these guarantees have fallen short due to ingrained social prejudices, the weak judicial system, and underperforming government social assistance agencies. The government's heavy-handed dismissal of the political agenda of large segments of the Oromo population is seen as ingrained bias by many. Tensions between the government, both federal and in Oromia, and the population are increasing. Given demographics—the Oromo constitute over 40 percent of the population—such alienation clearly is not sustainable. The government itself seems less interested in the rights of people in the Somali regions of the country, and there is a deep-seated if unspoken animosity between the people of Tigray and the Oromos. There has been considerable violence and bloodshed between different ethnic groups in the Gambella region of the country in the past few years.

People with disabilities largely fend for themselves in Ethiopia, although those in urban centers receive some assistance from various NGOs with the blessing of the government. Facilities that accommodate the access requirements of people with disabilities are extremely rare—which is not surprising given the acute poverty of the country—and none are required by law. Virtually no effort is made to provide government information to individuals with disabilities. In general, the free practice of religious beliefs is not a major issue in Ethiopia. It is estimated that 45 percent to 50 percent of the population is Muslim and 35 percent to 40 percent is Ethiopian Orthodox, with the remaining population divided among other religions. The rights of Muslims, Orthodox, Catholics, Protestants, and those of other faiths are respected, as are the rights of those without faith. The government does strive to ensure that the leader of the Ethiopian Orthodox Church is not likely to become an opponent of government policies.

Article 31 of the Ethiopian constitution protects fundamental human rights and freedoms and specifically guarantees freedom of association. However, those guarantees are less ironclad in practice. The state exerts subtle pressure for citizens to support various associations, such as the official development associations attached to the various political parties that form the EPRDF. These groups sponsor official fund-raising drives each year to which civil servants and others are expected to contribute; the state-controlled media engage in efforts to boost these fund-raising efforts.

A few civic and private-sector organizations are emerging that demonstrate strength and capacity not witnessed in prior years. The Addis Ababa Chamber of Commerce and the EWLA are perhaps the best examples. These groups have been allowed to organize, mobilize members, and advocate for certain policies and programs. But advocacy is a suspicious activity in Ethiopia and is therefore difficult. In spring 2004, three staff members of HUNDEE, a community development NGO that operates in Oromia, were held in jail nine weeks for allegedly inciting unrest and hatred and for exceeding the stated objectives of the NGO.²³ A number of individuals in Addis Ababa active in promoting human rights or policy alternatives have been in jail at least once since the EPRDF assumed power.²⁴

Labor unions were among the many societal associations co-opted by the Derg regime. Only a small fraction of the workforce is affiliated with any union, as not many individuals are involved in formal-sector wage employment. Unions remain weak but do play a small role as the country struggles with economic development. Their leaders are sometimes intimidated.

The police and other governmental agencies frequently use excessive force in response to demonstrations and protests. Reports from human rights groups bulge with details of individuals being killed or wounded while protesting various issues. For example, in 2002 as many as 200 demonstrators were shot dead in the town of Teppi, in the southwest of the country, while protesting administrative boundary changes; more than 300 others were detained.²⁵ Protests at Addis Ababa University from December 2003 through May 2004 resulted in the deaths of several students. Human Rights Watch reported that state officials acknowledged the deaths of five high school students and the wounding of a

dozen more during protests against educational and economic policies in March and April 2003 in Oromia. The state parliament “justified the police tactics by asserting that the police had no funds to purchase non-lethal crowd control equipment.”²⁶ In August 2004, scores of people were arrested in the town of Agaro, in Oromia, for alleged links to the OLF.²⁷ When American and British diplomats traveled to Oromia in the spring of 2004 to investigate charges of political suppression and violence against citizens by the police, the people interviewed by the diplomats were called in for police interrogation—a clear act of intimidation.²⁸

Recommendations

- Training of police across the country must be upgraded with an emphasis on protection of the constitutional rights of all citizens.
- The long-delayed creation of an independent human rights ombudsman position must be realized.
- Human rights groups must be accepted by the authorities as valid monitors of adherence to international standards of protection.
- Efforts must be redoubled to ensure the rights of Oromo, Somali, and other ethnic groups on the fringes of power and influence.
- Beyond enactment of an NGO law, the government should put into place measures to encourage the growth and empowerment of labor unions and professional associations. A clear signal from the government respecting the right of association established in the constitution is the necessary first step. Authorizing professional associations to act as certifiers of sector (i.e., health, education) standards is also essential.

RULE OF LAW – 2.06

Rule of law is a concept with only tenuous hold in Ethiopia. While the country has made genuine strides over the past 14 years, it lags considerably behind comparable African nations. The African Development Forum survey finds the country falling short in the respect for the rule of law and adherence to human rights principles—its score is approximately half of the average for the 16 countries studied.²⁹ Due process is virtually nonexistent. The court system is used to harass political opponents of the EPRDF and to protect its officials from public scrutiny.

The greatest weakness of the system is its inadequate capacity. Poorly trained judges and court administrators, the large number of vacancies, inadequate physical facilities and information management systems, and the threat of impeachment to officials asserting independence from the executive branch preclude impartiality. There is a critical shortage of skilled prosecutors who understand the nature of their job and the fair application of the law. Especially in rural areas, these low-paying positions cannot attract enough qualified individuals. A 1999 Ethiopian governance assessment found an insufficient number of judges, who had been given only limited training covering only basic legal concepts. It added that many of those appointed through this process were ultimately dismissed for petty corruption.³⁰

Inadequacies in the court system serve to facilitate interference by executive-branch officials in the application of laws. Judges are subject to pressure from local administrators to reflect political views in rendering judgments, particularly at the lower levels of the judiciary. Outright politicization of criminal cases is more common at the local level than the federal. Judges bent on independence are subject to arbitrary dismissal or even the leveling of charges against them. Criminal cases are brought before courts that are predominantly political in nature.³¹

The inadequacies seen in the court system are mirrored in the governance of the *woredas* (the local units of government), in which the administrators frequently have little or no training for the tasks they are asked to perform. The problems associated with these administrators' lack of skill will become more pronounced as governmental decentralization places ever more responsibility for the implementation of the national development agenda in the *woredas*.

A long-term enhancement effort has been supported by the government and funded by various donors. The establishment of the Ethiopian Civil Service College is one manifestation of the attempt to improve the capacity of the judicial system. This entity has basically quadrupled the national output of trained individuals seeking careers in the system.³² However, the starting point is so low in the Ethiopian judiciary and the gaps so wide that significant progress is years away.

Thousands of individuals accused of crimes suffer long periods of incarceration prior to trial without bail and in many cases without in-

dictment for specific crimes. Those accused of crimes can linger in jails years on end without going to trial. Caseloads are overwhelming relative to the number and the skill of court personnel, procedures are outmoded, there is little delegation of authority, and information management systems are poor. Meanwhile, conditions in the country's jails are deplorable, with inadequate food and medical attention. Families of those jailed are expected to cover their needs.

Adherence to judicial decisions is uneven. The issuance of a court order or a verdict in a case is no guarantee of compliance. Arbitrary administrative decisions can effectively negate rulings from the bench. Court personnel have insufficient training and understanding of the rights of the accused. Presumption of innocence is a concept that has not taken root in Ethiopia. Those accused do have the right to engage independent counsel, and there is a public defenders service, but its small size and lack of facilities severely limit its impact. The treatment of individuals before the courts and tribunals varies widely.³³

Public officials and ruling party actors are frequently prosecuted for alleged wrongdoing in Ethiopia. Former prime minister Tamirat Layne is in jail, as is Seye Abrah, a former defense minister. However, in truth what brings an official before a judge is almost always a political misstep rather than an abuse of power or some other wrongdoing. Tamirat Layne is in jail on corruption charges that may very well be accurate; there is some evidence linking him to bank accounts in Switzerland. But in general, officials are charged with corruption or other crimes only when they have crossed the EPRDF leadership.

The police, military, and internal security forces of Ethiopia are tightly controlled by the government and largely do not operate outside the mandates given them under the law. The police and internal security forces are used by the ruling party to stifle dissent and to harass opponents. A number of peaceful demonstrators have been killed in recent years by various police forces. The police as well as prosecutors are clearly involved in the arrest of dissidents and other critics on trumped-up corruption charges. The police force is also subject to petty corruption. The military is more professional and disciplined in nature, with a focus over the past six years on tensions along the border with Eritrea.

With the major exception of land, citizens of Ethiopia are allowed to own property both individually and in association with others. Land

is commonly owned by the people at large; individuals may obtain long-term leases for the use and occupancy of particular tracts of property. The land-ownership question is highly controversial, with critics of the current policy asserting that it all but excludes modernization of the agricultural sector and with government officials insisting it is necessary to prevent speculators from taking advantage of peasants.

Like many questions in Ethiopia, the issue of arbitrary deprivation of property is highly complex. So much private property was confiscated by the Derg that rightful ownership is often hard to prove. The lack of transparency and government officials' addiction to secrecy leads many citizens to assume that revoking of titles of businesses or other property is political in nature. This is true in some cases, but not all. Individuals affiliated with what the government sees as the political opposition are more vulnerable to problems with property titles than others. Most citizens of the country are able to assume and retain title to properties of whatever nature if they can muster the resources for purchases or leases and the wherewithal to deal with government bureaucracies to obtain permits and licenses. The malfunctioning judicial system precludes fair and reliable enforcement of contracts, which impedes growth in the business sector and national development.

The Ethiopian constitution gives official standing to pre-existing customary and religious courts and authorizes their recognition by government agencies. The various customary courts, valid only in civil cases, handle multitudes of minor property disputes across rural areas.

Recommendations

- Orientation in the basic tenets of rule of law will have to be ingrained in the woreda administrators, who are destined to play an ever larger role in the country's administration given the emphasis on decentralization.
- The judicial system enhancement program already in place must be strengthened.
- Opportunities for educating and training judicial system personnel—judges, prosecutors, administrators—must be expanded considerably through greater donor investment.
- The public defenders program should be expanded substantially.
- Unduly long periods of pretrial detention must be eliminated.

ANTICORRUPTION AND TRANSPARENCY – 2.76

Small-scale corruption is found throughout virtually the entire bureaucratic framework that defines the average citizen's interaction with government: Bribes are paid in court cases, in the obtaining of permits and licenses, for the installation of telephones, and in having traffic tickets voided. Structures to ensure transparency in official transactions are almost entirely missing, and there is a strong tradition of secrecy in the conduct of governmental affairs. Thus the possibilities of significant growth in corrupt practices loom. Yet, the belief is common that official corruption in Ethiopia is low in comparison to many other developing countries. Certainly, the pervasive corrupt practices that characterized the Moi regime in neighboring Kenya are simply not found in Ethiopia.

Excessive bureaucratic regulation provides opportunity for the bribery of government officials in attempts to obtain routine permits, licenses, and import authorizations. The Heritage Foundation's 2004 Index of Economic Freedom states that "Ethiopia's cumbersome bureaucracy deters investment. Much of the economy remains under state control, and the evidence suggests that businesses also must contend with political favoritism."³⁴ Thus, the regulatory system is skewed both to provide benefits to enterprises promoted by the ruling party and ample opportunities for the demanding of bribes to secure official approval of routine requests. The Index of Economic Freedom ranks Ethiopia 101st in the world at present on a scale that has North Korea in last place at 167th. The categorization of such a score is "mostly unfree."

The government struggles with reforms and a privatization process that would cut back its excessive involvement in the economy, but it has considerable distance to go to overcome historical legacies and its own ideological inclinations. The government prohibits the ownership of agricultural land, the country's banking system is state owned, and the media are largely government owned. Parastatals control a number of markets. In 1999, according to International Monetary Fund statistics, the government received 17.49 percent of its total revenue from state-owned enterprises and property.³⁵

Guarantees in place to ensure transparency and effective, open bidding on government contracts are weak at best. However, vast corruption

is not involved in such processes, as massive corruption is not ingrained in the culture of the country or in the conduct of official business.

There is some semblance of separation of public office from the personal interests of officeholders in Ethiopia. The blatant gorging at the trough found in many other countries is not in play, and a number of officeholders have been removed for presumably valid accusations of corruption. But a party spoils system allows officials to serve on various boards, on commissions, and in parastatals that effectively subsidize salaries.

No adequate financial disclosure procedures are in place to prevent conflicts of interest on the part of officeholders. The public is not privy to such information, and most journalists would never endanger their careers (or freedom) by pursuing such questions unless the individuals in question had clearly lost political favor in the ruling circles. Although some protection against conflicts of interest in the private sector is offered, it is inadequate and haphazardly enforced. An entrepreneur who has run afoul of the EPRDF is more likely to be investigated for any alleged conflicts than one who has not.

While imperfect in implementation, the processes in place to prevent the corruption of public offices are enforced. The case of former prime minister Tamirat Layne is one example (see “Rule of Law”). Victims of corruption have the right to seek redress in the court system. The underperforming status of the judicial system, however, lowers the prospects for fair adjudication.

Salaries of educators are notoriously low, and working conditions are bleak. In a number of rural areas, community associations and/or individual families attempt to subsidize teachers’ salaries, which can create distortions in the attention paid students. There are numerous reports deemed reliable but not immediately verifiable of instructors at the university level demanding sexual favors from female students for the granting of positive grades.³⁶

Internal audit rules do not ensure fairness and accountability in the tax collection system. The auditing system is neither effective nor free from political influence. Allegations of corruption are investigated somewhat haphazardly. Few citizens feel secure about reporting cases of bribery or extortion on the part of government officials.

The press in Ethiopia is low on standards and high on sensationalism. Thus, allegations of corruption—assuming they are not leveled at

those clearly in favor of the ruling circles—are given extensive airing in the media. Insistence upon ascertaining the truth of the charges is limited. For example, a number of years ago, when tensions between the government and the NGO sector were especially strained, the press felt little hesitation in printing wild accusations of corruption among NGO leaders that were for the most part entirely imagined.³⁷

Officials have only the most limited commitment to government transparency. Ethiopia has no freedom of information law or process, and official information is tightly held. Like officials around the world, Ethiopian officeholders prefer the laxity afforded by secrecy to the accountability and competence forced through transparency, and there is limited pressure on them to alter that mindset. The right and the means to obtain official information largely do not exist in the country.

The budgeting process in Ethiopia is dominated by the executive branch with only cursory engagement on the part of legislators. Nor is the actual expenditure of funds subject to meaningful legislative scrutiny. The government publishes vast volumes of statistics on public expenditures, but the timeliness of such publications is more problematic.³⁸

The Ethiopian government, which is inordinately dependent on international assistance, does not interfere in donor programs and funding expenditures. The country has fought waves of famine and food insecurity over the past three decades and has received literally billions of dollars in food aid, relief supplies, and long-term development project funding from governments, international development organizations, and NGOs.³⁹ In the past, the government signaled a rather naive preference that donor countries should channel the funds generated by international NGOs into its own accounts. That effort has receded in the face of common resistance.

Recommendations

- Freedom of information legislation must be enacted to open official processes to public scrutiny. Before a freedom of information law can be implemented, the government must acknowledge that access to information is a right enshrined in the Universal Declaration of Human Rights.
- The news media must enjoy genuine independence in order to shine light on corruption. Equally needed, however, is extensive training for journalists to end the sensationalism and lack of

verification of accusations or identification of sources commonly observed in the Ethiopian news media.

- Addressing day-to-day corruption citizens experience in the government bureaucracy should be facilitated by civil service and judicial reform. Currently dysfunctional anticorruption systems need to be made to work.

NOTES

- ¹ Derg is an Amharic word with the literal meaning of *committee* and is the common reference to the military junta that ruled the country from 1974 until it was overthrown by EPRDF forces in May 1991. EPRDF is a coalition of political parties with origins in the armed struggle against Mengistu's dictatorship.
- ² Asserted separately in private interviews with the author by economists from the World Bank and the Ethiopian Economic Policy Research Institute; June 2004.
- ³ A September 2004 letter from Human Rights Watch (HRW) to Meles Zenawi, the Ethiopian prime minister, raises questions on the violation of the right to bail in two cases involving political dissidents and journalists. The cases cited are typical of many other such incidents detailed in various human rights reports. Peter Takirambudde, "Letter to Ethiopian Prime Minister Meles Zenawi" (New York: HRW, 8 September 2004), <http://hrw.org/english/docs/2004/09/07/ethiop9320.htm>.
- ⁴ Marina Ottaway, "Africa's 'New Leaders': African Solution or African Problem?" *Current History* 97 (May 1998): 210–11.
- ⁵ In 2001, there was a purge of the "hardliners" within the TPLF (Tigrayan People's Liberation Front), the core of the EPRDF, that forced Meles Zenawi to expand his dealings with other ethnic and political groups, specifically Amharas—long dominant in the affairs of state of Ethiopia prior to 1991.
- ⁶ "Perspectives on Governance with Recommendations and a Plan of Action: East Africa Sub-region" (Addis Ababa: African Development Forum, October 2004).
- ⁷ Beyond the civil code, NGOs are governed by the constitution, tax laws, the Press and Broadcasting laws, and the DPPC (Disaster Prevention and Preparedness Commission) Proclamation of 1995.
- ⁸ "Report on the Enabling Environment for the NGO Sector in Ethiopia" (Addis Ababa: Pact/Ethiopia, November 2004).
- ⁹ Ibid.
- ¹⁰ "Country Profile 2004: Ethiopia" (London: Economist Intelligence Unit), 25.
- ¹¹ Ibid.
- ¹² Interview with the author, June 2004.
- ¹³ "Country Profile" (Economist Intelligence Unit).
- ¹⁴ September 2004 letter from Human Rights Watch to the prime minister.
- ¹⁵ Interviews by the author in June 2004.

- 16 "Ethiopia: Fear of torture/Unlawful detention/'Disappearance'" (New York: Amnesty International [AI], 28 September 2004), <http://web.amnesty.org/library/Index/ENGAFR250102004?open&cof=ENG-ETH>.
- 17 "Report 2002" (AI).
- 18 "World Report 2003: Africa: Ethiopia" (New York: HRW, 2003).
- 19 Ibid.
- 20 September 2004 letter from Human Rights Watch to the prime minister.
- 21 "Report on the Enabling . . ." (Pact/Ethiopia, November 2004).
- 22 "UNICEF Supports Fight to End Marriage by Abduction in Ethiopia" (Addis Ababa: UNICEF, 21 January 2004).
- 23 "Report on the Enabling . . ." (Pact/Ethiopia, November 2004).
- 24 Interviews with the author. The two were charged with inciting students at Addis Ababa University to violence; their cases are pending in the court system.
- 25 Author interview, June 2004.
- 26 "World Report 2003: Africa: Ethiopia" (New York: HRW, 2003).
- 27 "Ethiopia" (AI, 28 September 2004).
- 28 According to off-the-record comments by the diplomatic officers involved.
- 29 "Perspectives on Governance . . ." (African Development Forum).
- 30 "Ethiopian Governance Assessment" (London: UK Department for International Development [DFID], November 1999).
- 31 Ibid.
- 32 Ibid.
- 33 Ibid.
- 34 "Index of Economic Freedom 2004" (Washington, DC: Heritage Foundation).
- 35 Ibid.
- 36 This information provided to the author through an interview by a journalist long resident in Ethiopia.
- 37 See the series of "Enabling Environment" reports published by Pact/Ethiopia between 1998 and 2004 for a discussion on press treatment of the NGO sector.
- 38 "Ethiopian Governance Assessment" (DFID).
- 39 "Ethiopia: Threat of Large Emergencies Still Looming" (Addis Ababa: UN Integrated Regional Information Networks [IRIN], 19 October 2004).

