

**Proceedings of Panel Discussion on the
Ethiopian Electoral Law in the Light of International Standards
and Principles of Democracy**

Organized by

Ethiopian Lawyers' Association

&

Ethiopian Young Lawyers' Association

Ghion Hotel May 2, 2015



Forward

On Saturday May 2nd, 2015 the Ethiopian Lawyers' Association (ELA) jointly with the Ethiopian Young Lawyers' Association (EYLA) conducted a panel discussion on "Ethiopian Electoral Law in the Light of International Standard and Principles of Democracy". The panel discussion aimed at investigating the existing electoral law vis-à-vis internationally accepted standards of free and fair election, and principles of democracy and how existing laws can be used to nurture democracy in this country.

It is self-evident that electoral process is all law-woven. It is set in motion by law and is expected to be conducted in accordance to law. Any disputes arising from election are settled by law. At individual level, lawyers can facilitate the electoral process in various capacities and have a role to play in pre-election, ballot day, and post-election. Even more they "could add their voices, individually or collectively, in debates on knotty legal issues as they affect the electoral process once the issues are not sub-judice". ELA organized the half-day panel discussion on the Ethiopian electoral law with the objective of:

- Familiarizing ELA's members with the legal regime regulating national and regional legislative election, the electoral process and their role;
- Creating opportunities for consensus among legal professionals who espouse different views on how the existing electoral law can be used to advance democracy and in so doing to influence political actors; and
- Strengthening the democratic process using existing electoral law whilst at the same time identifying its limitations and gaps.



The organizers of the panel discussion are of the opinion that the panel discussion conducted on the electoral laws on May 2, 2015 has contributed, among other things, to increasing the awareness level of participants concerning the actors involved in the electoral process indicating who plays what role, and the rule of the game within the frame work of the existing electoral law. All the more, the panel discussion also helped to identify gaps, as well as areas which are inconsistent with international standards and practices and that need amendments to ensure the rule of law.

No less importantly, the panel discussion also provided opportunity to members of ELA and other practicing lawyers who partook in the panel discussion to gain insight on the basics of electoral laws, which in turn will enable them handle election related cases among other things. ELA and EYLA are grateful to all state and non-state actors who sent their representatives, as well as participants of the panel discussion for showing keen interest on the subject and contributing to stimulating the debate. ELA and EYLA are also highly indebted to the Ethiopia - European Union Civil Society Fund II (CSF II) for funding this timely and important discussion, as part of the two-year project focusing on Access to Justice. We are also thankful to the panelist Dr. Gedion Timotiwwos, lecturer at AAU, College of Law and Governance, the discussant, Dr. Getachew Assefa, Dean, AAU College of Law and Governance, and the moderator Ato Beshada Gemechu, President of the Ethiopian Bar Association, and all the participants and stakeholders without whom the panel discussion would not have been successful.

Tamrat Kidanemariam
President of the Ethiopian Lawyers' Association



I. Introduction

The Ethiopian Lawyers' Association organized a half-day panel discussion under the theme "Ethiopian Electoral Law in the Light of International Standard and Principles of Democracy" on May 2, 2015 at the Ghion Hotel. A total of 67 participants partook in the half-day panel discussion of these participants 12 were women. While Dr. Gedion Timotios and Dr. Getachew Assefa, Presenter and the Discussants respectively were from the Addis Ababa University School of Law and Governance, Ato Beshada Gemechu from the Ethiopian Bar Association moderated the deliberation. Among others, representatives from the House of Peoples' Representatives, the Council of Constitutional Inquiry, the Human Rights Commission, the Office of the Prime Minister, the National Election Board, the Government Communication Affairs Office, the Ministry of Justice as well as members of ELA, EYLA and invited NGOs participated in the panel discussion.

II. The Presentation on Ethiopian Electoral law in Comparative Perspective

i) Overview about Election

Prior to setting out his speech, Dr. Gedion informed the audience that the topic of his presentation is modified as the "Ethiopian Electoral law in Comparative Perspective", and thereafter highlighted the decisive role election plays in introducing and consolidating democracy in a county. In his explanation the presenter emphasized that not all elections are democratic in their spirit and practice as self-styled elections are common across countries. In line with this thesis, Dr. Gedion identified varieties of regimes having semblance of democracy. According to him, electoral democracy, totalitarian and hybrid/competitive authoritarian and organized democracy are among the types of elections having their respective distinct attributes.

The presenter remarked that in electoral democracy although election takes place, you do not find a consolidated democracy. When it comes to totalitarian democracy, the presenter noted, people are granted the right to vote, but have little or no participation in the decision making process of the government. The Presenter also described the nature of competitive authoritarian



model as one that sets up institutional façade of democracy, but in practice it undermines the electoral process through severe and systematic manipulation using media censorship, and voter intimidation. The presenter also discussed briefly the defining characteristics of organized democracy by saying it is a type of government in which power and civic responsibility are exercised by all adult citizens, directly, or through fair, free and competitive election. Dr. Gedion noted, organized democracy is based upon the principles of majority rule and individual rights; where citizens have both rights, and the responsibility to participate in the political system that, in turn, protects their rights and freedoms

ii) Conditions to be satisfied for a democratic election

The Presenter went on explaining three important elements that should be satisfied in the conduct of free, fair and competitive election. According to him, the first condition that should be satisfied is to fully recognize and implement universal adult suffrage, a suffrage for all adults who are not disqualified by the laws of the country. Universal adult suffrage, according to him, refers to the removal of all kinds of restriction on the exercises the vote for adults of voting age be it on grounds of race, gender, class, etc. The speaker noted that the principle of universal adult suffrage ensures that every adult citizen is entitled to cast his/her vote in all elections unless that citizen is 'convicted of certain criminal offences, or 'deemed unsound of mind'. The other element picked up by the presenter and viewed as crucial for a democratic election is the right to freedom of expression. In this connection, Dr. Gedion pointed out that political parties should be given equal airtime on public and private media in the campaign period, and equally the media should be impartial in the treatment of political parties and candidates during the electoral campaign. One more condition mentioned by Dr. Gedion that need to be satisfied is ensuring freedom of association and assembly in the context of election as both are tools vital for individuals and groups to participate during the election period and between elections.

iii) Electoral systems

Dr. Gedion also highlighted the various forms of electoral systems with regard to deciding the outcome.



According to him, the commonly known electoral systems across the globe include; plurality system/simple majority system, proportional representation systems, first past the post, and mixed systems. Dr. Gedion noted that plurality system is a system where a candidate who polls more votes than any other candidate is elected. In his view, under plurality system /simple majority system the party or candidate winning more than 50 percent of the vote in a constituency is awarded the contested seat. Proportional representation system, according to the Presenter, is a system that seeks to create a representative body that reflects the overall distribution of public support for each political party. Clarifying the salient feature of the First Past the Post electoral systems otherwise named winner-takes-all election, the Presenter said it is a type of electoral system where candidate receiving more votes than any others wins and all other votes count for nothing. On the other hand, mixed electoral system, is a system that attempt to combine the positive attributes of either plurality/majority (or other) and proportional representation electoral systems. The Presenter pointed out that Ethiopia adopted First Past the Post electoral system with parliamentary form of Government.

iv) Parliamentary and Presidential form of government

Dr. Gedion remarked that it would be erroneous to conclusively say that parliamentary form of government is better than the presidential form of government or the other way round as both forms of government have their own strengths and limitations.

v) Increasing role of Courts

Nowadays, courts in many countries including Africa are increasingly regulating elections. There were instances in Ghana and Kenya where cases on election related disputes had been brought before supreme courts. This indicates that the role of courts is steadily increasing in adjudicating election related disputes.

vi) The Legal regime governing election in Ethiopia

According to Dr. Gedion, the legal regime comprises, inter alia, the FDRE Constitution, Amended Election Law of Ethiopia No. 532/2007, the Revised Criminal Code Articles 466-476, the Revised Political Parties' Registration Proclamation No. 573/2008, the Electoral Code of Conduct for Political Parties, Proclamation No. 662/2009, Directive No. 1/2009: on the Registration of candidates; Directive No 2/2009: on the registration of voters; Directive No. 6/2010: on Election Reporting Code of conduct of



the Media and Journalists, not to mention relevant international human rights instruments to which the Ethiopian state is a party. Having listed down the legislations that are in place, the presenter concluded that adequate laws are in place with respect to election.

vii) Salient features of the Ethiopian electoral law in a comparative perspectives

The Presenter attempted to compare and contrast some of the salient features of the Ethiopia Electoral law with reference, mainly, to European countries in the following aspects:

a) The right to participate as electorate and candidate

Dr. Gedion highlighted that the Ethiopian election law set requirements to participate as voters and candidates in national or local elections. According to him, the law prescribes for a person to qualify for voting, he/she should be a citizen, with sound mental health, minimum of 18 years of age (and for candidates 21 years) at the day of registration. Comparing the Ethiopian election law vis-à-vis Austria and Italy Dr. Gedion said in Austria and Italy the criteria for sound mental health is not considered for both categories(voters and candidates). Another equally important difference Dr. Gedion raised is the criteria of citizenship. According to him, although it is not uncommon in many countries' electoral law, particularly in European Union, a German national may participate in local election conducted, say, in France.

The Presenter further noted that except the state of Israel, Germany, Japan, and few more countries, in many jurisdictions crime is a ground for barring citizens from participating as a voter or candidate and added that this is also true for the Ethiopian electoral law. Regarding registration the Ethiopian electoral law is much more lenient since it tolerates voters to get registered by showing any document that confirm his/ her identity. ID card and passport are acceptable irrespective of their validity. Even if the elector has no I.D. card, any document such as a driving license residence permit, a military discharge document, a refugee card issued by the UN bearing a recent photograph of the elector are adequate to get registered as a voter. According to the presenter, one more requirement that needs to be satisfied for qualifying as voter is to reside in the constituency for six months.



With respect to candidates, Dr. Gedion pointed out that in the State of Arizona (USA), and Latvia speaking the language of the polity is condition precedent for candidature although this is a debatable issue. The Presenter remarked that there are people who favor the rejection of a candidate who does not speak the language of the polity, while others view this requirement as discriminatory and suggest that the matter should be left to the electorate. The presenter noted that the Ethiopian electoral law sets requirements that should be met by candidates including attaining 21 years of age, being a resident for two years in the constituency, and versed in the working language of the regional state or the area of his/her intended candidature among other things. Dr. Gedion also mentioned that a private candidate is required to secure 1000 endorsement signatures for a candidature as well.

When it comes to the determination of the number of candidates in a constituency, the presenter noted that the law capped the number of candidates running for election to the House of Peoples' Representatives to 12 in any given constituency. If the political parties' nominees exceed 12, the law gives priority to maximum of six parties that received the highest votes in the previous election. According to him the electoral law stipulates lots to be drawn to determine who will be running for election from among the remaining political organizations.

b) Electoral law and political parties

Dr, Gedion remarked that international experience in the past shows electoral laws had never considered political parties as a major player in the electoral process. According to him, modern electoral laws give more importance to political parties than private candidates. Dr. Gedion invoking Art. 46(3) of Proclamation No. 532/2007 said that the provision obliges private candidates to produce endorsement signature no less than 1000 from local residents in addition to other requirements.

Drawing on the experiences of African countries, the Presenter pointed out that restriction is imposed on political parties from organizing along religious and ethnic lines. Dr. Gedion referred to Article 38(2) of the FDRE Constitution which guarantees the right of everyone to be a member of his own will in a political organization and in his view the provision has made no specific reference to either the proscription or authorization of organizing parties along ethnic or religious lines. The Presenter picked up Proclamation No. 573/3009 on Registration of Political Parties and highlighted some of its main



features. According to the presenter under Article 4(2) of the Proclamation No. 573/2008 any Ethiopian aged 18 or above shall have the right to membership of a country-wide or a regional political party. On the other hand, Article 11 (5) of same Proclamation bars religious organizations from registering as political organization. The presenter also noted that the Proclamation recognizes, among others, the rights of political parties to present candidates for election, the financial support to be extended to political parties by the state, etc. Emphasizing on the scheme of states financing, Dr. Gedion remarked that as it stands now states financial support to political parties is not mandatory, and political parties cannot claim it as of right, either. The Presenter, however, commented that financial support to political parties should not be left to the will of the state; rather it should be part of state's obligation. The Presenter also highlighted, number of candidates deployed during election time, and the number of seats political parties secured in the House of Peoples Representatives and state councils in the Previous election are factored in the calculations of state subsidy to political parties.

The Presenter also raised the issue of accessibility of mass media and mentioned that access to state controlled media and mode of utilization is clearly laid down in the legislation. According to him, allocation of media time is calculated on the basis of number of seats in the parliament (55%), as well as the number of candidates (20%) and the remaining 25% is apportioned equally among the parties. The Presenter, however, suggested that with regard to access to state owned mass media, a system that curbs the ruling party's disproportionate utilization of state media should be in place.

Dr. Gedion mentioned the role of the Electoral Board in the settlement of intra-party disputes and division and noted that the Electoral Board passes its own decisions whenever such incidents occur. He also added that courts are also empowered to see disputes arising within political parties if the case is brought before them. Citing the recent decision of the Electoral Board on an intra-party dispute, Dr. Gedion commented that at times the Electoral Board's justification for its decision seems unsound and suggested that the Board needs to set clear standards for its decisions.

The Presenter also highlighted some of the legal grounds for the dissolution of political parties including failure to participate in two successive general elections, fraud committed during political party registration, failure to submit report to the Board, change the party statute and logo without notifying the



Electoral Board. The Presenter found some of the transgressions stated as offences and the consequent disproportionate punishment faulty, and urged that the lop-sided punishment particularly imposed for offences such as changing party statute and logo should be reviewed.

Dr. Gedion mentioned that in addition to the Electoral Board, courts are also empowered to dissolve political parties provided that the latter violate the Political Party Registration Proclamation, and the Constitutions. On another note, Dr. Gedion raised his concern on the lack of specificity of the alleged violations that could likely result in the dissolution of political parties. Another point raised by the Presenter was that the Political Party Registration Proclamation imposes restriction on political parties with respect to soliciting funds from religious institutions, and foreign sources /organizations, as well as disclosure requirements, and underscored that such restrictions are not unique to the Ethiopian electoral law.

c) Establishment of election coordinator

Dr. Gedion also spoke on the establishment of election coordinator and mechanisms for ensuring its impartiality. According to him, in a well-functioning democracy, election coordinators are accountable to the Ministry of Internal Affairs and they carry out their work impartially. When it comes to the third world countries since election coordinators are established by a party who has got majority seat in the parliament, there is a lot of concerns on its impartiality ,and these concern need to be considered and addressed.

III. Reflection/remarks by Dr. Getachew Assesfa

The Discussant set out by explaining the meanings of “fair”, “free”, and “universal” key concepts in the lexicon of electoral politics. According to him, election should be free in the sense that citizens will have the political space not only to freely organize themselves in associations, as well as in political parties, but also assemble to advance their cause and express their views on what they believe or think is right. The notion of “fair”, according to the discussant, refers to the rightness of the entire electoral process, not to mention that the way vote counting is managed/handled, etc. According to Dr. Getachew, the concept of “Universal” pertains to all persons of voting age have got the right to participate in the electoral process as voters or candidates.



Reinforcing what has been raised by the presenter on the types of electoral systems, Dr. Getachew said plurality/ majority, proportional representation, first the past the post and mixed systems are the most commonly practiced electoral systems across counties. He also noted that in a country where diversity is overriding, proportional representation electoral system is most preferable.

Dr. Getachew also mentioned that the Ethiopian electoral law shares many aspects of related laws of other countries'. The discussant further noted that, language, which is set as one of the criteria for qualifying as a candidate in the election law is a contentious issue. He went on saying that putting in place language requirement for candidature has constitutional implication simply because Article 38(1)(c) of the FDRE Constitution accords safeguards to the right to be elected at periodic elections to any office at any level of government without any discrimination of sex, language, religion, political or other opinion or other status. Citing the petition lodged to the House of the Federation by a candidate from the Benshangul-Gumuz regional state and the subsequent decision that barred the complainant from competing for the regional council seat on the ground of language requirement, the Discussant questioned the constitutionality of the decision. He further commented that the decisions of the House of the Federation seems to modify the Proclamation No. 532/2007 Article 45(1)(b) that require the candidate either to be “versed in the working language of the Regional State or the area of his intended candidature”

The Discussant also highlighted that the election law prefers political parties to private candidates, and indicated that the position taken by the legislature is justifiable. Proclamation No. 532/2007 gives extensive coverage to the commencement and process of vote counting, as well as announcement of results. With respect to electoral complaint, Dr. Getachew indicated that the electoral law enshrined provisions on how to lodge complaints if disputes arising from the electoral process including denial of registration as an elector, lodging complaint to the Board on registration of a person who is not eligible, and how to appeal to the Woreda Court if dissatisfied with the Board decision. The Discussant also commented on Article 92(6) of the Proclamation No. 532/2007 which prohibits civic education organizations from appealing to the Federal Supreme Court to challenge the decision or order given by the Board and questioned the wisdom of preventing civic organization from appealing to the Federal Supreme Court and the purpose it serves.



IV. Question and answers

Comments, opinions, and questions were forwarded to the Presenter and the Discussant in three rounds. While one of the participants severely criticized lawyers as opportunists who service as lynchpins for different regimes ruling the country, another participant commented that it would have been good if the presenter probed the extent of the independence of the Electoral Board. The rest of the participants raised question pertinent to the theme that had been discussed during the morning. Some of the questions that have been raised and the answers given are presented below.

Q. *The law accords power to the media outlets to restrict the transmission of messages if they think that the message violates the Constitution; how do you view the constitutionality of this power of the media? And where is the venue for lodging complaint on the media outlets?*

An. Broadly speaking access to media as articulated in the Constitution is not time bound or is not limited to election. Article 29(5) of the FDRE Constitution, for instance, stipulates that any media financed by or under the control of the State shall be operated in a manner ensuring its capacity to entertain diversity in the expression of opinion. This mandatory clause should be reflected in all subsidiary legislations including laws regulating the mode of utilization of state-owned mass media such as radio, TV and newspapers. The bottom-line is that the law regulating the mode of utilization of state-owned media cannot and should not go against the spirit of the Constitution at all. On the other hand, Article 59(1) of Proclamation No. 532/2007 states that political organizations and sections of the community that are in support of a candidate shall be entitled to equal access to state-owned mass media including radio, TV and newspapers. This provision exclusively talks about the right of political parties in accessing state-owned mass media during election time. As a matter of fact utilization of state owned media goes beyond election time as these state owned media outlets are out there to serve the people, not merely for the implementation of the government objectives. Be that as it may, since 2010 election positive changes have been observed. Electronic media hosts debate between the ruling party and the opposition parties from time to time on different political agenda and policy issues and this has to be encouraged. Opposition parties statements, activities, and point of views should be accommodated fairly and on a regular basis.



Q. The message that the political parties transmit in the electronic media is routinely filtered/censored. Similarly, during the political parties' debate the host (journalist) forces the debater to quit his speech; how do you see that?

An. Under the FDRE Constitution and other subsidiary legislation censorship is explicitly prohibited. The practice of reviewing the campaigning message and forcing political parties to amend their message is patently censorship. It is obvious that this is not the mandate of the media outlets. If the campaigning message is illegal, it is up to public prosecutor to sue the violator. Censorship is the greatest obstacle for the realization of the right to freedom of expression. I am not saying that the media outlets should turn a blind eye and broadcast all campaign messages including messages that call for violence and riot, encourage felonious actions. The media has got the right to stop the broadcasting of such kind of messages. As things stand now the enforcement of the right to freedom of expression leaves much to be desired. It needs a lot of improvement. Ethiopia's performance in enforcing the right to freedom of expression begs many questions.

R. Q. In a constituency where 12 party candidates are registered the election law stipulates drawing lots among political parties as a remedy to the problem. Instead of using lots would it not be fair to conduct rerun election to the top two?

The electoral law stipulates that if the number of political party nominees exceed 12 priority will be given to not more than six political parties that received the highest votes in the previous election and the fate of the remaining political organizations will be determined by lots. Obviously there is compelling policy reason for imposing the restriction. No doubt the law imposes more restriction on private candidate than political parties. But again restrictions on the constitutional rights of citizens will definitely raises fundamental questions including: What is the policy rationale for the restriction? And what purpose does the restriction serve? Is there any sound correlation between the policy objective and the mechanism in place to implement the restriction? Is the restriction proportionate to the goal to be achieved? We cannot simply say all restrictions are unconstitutional solely because it curbs some rights. I believe that capping the number of candidates to 12 promotes public interest. Unless restriction is imposed on the number of nominees, it would be difficult to manage the electoral process. Another equally important reason is if the



number of candidates exceeds 12, electorates will face dilemma. The fundamental question is as to how to select the 12 candidates and exclude the remaining from candidature. The existing electoral law gives precedence to political parties' past performance and chance is also given to play significant role in determining nominees' fate of staying in the electoral process. This means that parties that have no track record in the previous election and are unable to win a lot will be disqualified from the electoral process and I don't think this is a sane way of doing things, as there is no correlation between the policy rationale for the restriction and the way the restriction is implemented. If a new party that enjoys popular acceptance appears in the election landscape it will definitely be a prey of this system. In other words, candidates of new parties are highly likely to be barred from the electoral process on the ground that the party has no track record in the previous election and the only redeemer from being left out from the electoral process is chance (lots) and this makes the implementation mechanism in place arbitrary.

Q. What is the extent of the role of courts in adjudication election related complaints? Considering the undue influence it may have on lower courts that are empowered to review the Board's decisions; is it not problematic to elect the Chief Justice of the country in the Electoral Board?

The task of courts is mostly to review the decision of the Electoral Board. They do not start from the scratch. They frame issues based on the decision of the Board. It can be said courts honor to some extent the findings of the Board. If the political party in question and the Electoral Board have smooth relationship this will obviously have its own bearing on the decision of the court. Consequently, the Electoral Board's perception, administrative decision or the position it takes on an issue has got direct impact on courts. On another note, opposition parties are unenthusiastic to lodge their complaints and grievances to courts; all the same, it is not uncommon to hear them complaining that the ruling party and the government are violating their rights. They hardly lodge their complaints to court simply because their level of trust on the impartiality and integrity of courts is an all-time low. As a result, only a small number of cases have been filed in the past by opposition parties. As things stand now if anyone who aspires to conduct study and determine on ,say, the modus operandi of courts, the procedures they follow, and , the jurisprudence they apply in the determination of allegations brought before courts by a political parties he/she will not get adequate information. Seldom, public



prosecutor institute charges when individuals commit minor violation of law during the electoral process. As a matter of fact serious and highly controversial issues related to election are not submitted to courts. It is desirable for courts to rule independently and impartially when they examine and adjudicate election related disputes to build trust. For courts to play their legitimate role as an umpire, they should not only be impartial and independent per se but also need to be perceived as independent and impartial by all parties. In reality since opposition political parties believe that courts are prejudiced we do not see them playing the role their counterparts play in democratic societies.

Q. How fair is the restriction imposed on political parties in accessing funds from foreign sources?

An. These restrictions are in place in almost all democratic countries to manage and hold political parties accountable. Therefore, the restriction imposed on political parties' access to foreign funding is not an exception to Ethiopia. In principle this law should not be perceived as a problem. Yet, seen from the vantage point of Ethiopian political culture and context the problem opposition political parties' face is understandable. Any venture in Ethiopia is connected in one way or the other with the government. The project you are implementing is contingent on the goodwill of the government. Assuming that you are a business man and you may contemplate to donating money to one of the competing political parties. In reality you will not do that for fear of the retaliation of the ruling party in the form of putting on you undue pressure. As a result of our political culture which is fixated with fear, the law might have its own toll in shrinking political parties' income coming from the business community, supporters, and other organizations.

Q. Electoral Board prohibits civic organization who may engage in voter education from involving in election monitoring. Is it possible to annul citizens' constitutional rights through directive?

Article 90(4) of Proclamation No. 532/2007 prohibits an organization which is licensed to offer voter education in an election from participating in observation of the same election. The law imposes on organizations to choose either of the two. It is unclear what the policy rational is and the purpose it serves.



Participants of the panel discussion also raised few more questions including to know the policy reason why the law resorted to rationing airtime to political parties instead of allocating equally to all contesting political parties, the threat posed by the ever increasing number of political parties and the possibility of seizure of state power by small parties, the appropriateness of setting language as criteria for candidature in the light of the Article 38 of the FDRE Constitution, and whether or not an election meets international standards in the absence of free press, strong political parties, and civil society organizations.

V. Action points

During the half-day panel discussion a wide array of issues have been raised and discussed. Some of the findings that emerged during the deliberation and that calls for future actions including research and advocacy works are presented below.

- ***Conflict between Constitutional principle and subsidiary legislation:*** There is a conflict between the principle laid down under Article 38 of the FDRE Constitution which accords safeguard to citizen from being discriminated from partaking in the electoral process on the ground of language, among other things and the requirement of knowledge of the working language of the Regional State or the area of his intended candidature as stipulated under Article 45(1)(b) of the Electoral law.
- **Divorce between Constitutional principle and operational reality:** There is a disconnect between the right to freedom of expression under Article 29(5) of the FDRE Constitution which imposes on media financed by or under the control of the State to operate in a manner that ensure diversity in the expression of opinion and Article 59(1) of Proclamation No. 532/2007 which restricts access to state owned media (for opposition political parties) to election.
- **Past performance and lots posing risk to new entrants in the electoral process:** Article 49(3) of Proclamation No. 532/2007 which uses dubious criterion, notably, previous election results and lots to determine who will stay in the electoral process and thereby rewarding only political parties with past



track record and excluding less experienced or new political parties from the electoral process. Both factors exclude less experienced or new political parties from the electoral process.

- **Opposition parties' perceptions of courts:** Opposition parties' trust on courts is an all-time low as they are skeptical to their independence and impartiality. As a result, they rarely lodge election related complaints at court of law.
- **Restrictions on CSOs involvement in electoral process and appeal right:** For no apparent reason CSO which is licensed to offer voter education in an election is barred from participating in election observation of the same election. Equally, civic education organizations are debarred from appealing to the Federal Supreme Court to challenge the decision or order given by the Electoral Board.
- **Grounds for the dissolution of political parties:** Violation of the Political Party Registration Proclamation and the Constitutions are said to be grounds for the dissolution of political parties by courts. Explicit reference has not been made to the specific Constitutional and statutory provisions that call for the dissolution of political parties. In addition, light offence such as changing party's statute and logo entails disproportionate punishment, i.e., dissolution of political parties.

