

Memorandum on Averting the Looming Constitutional and Political Crisis in Ethiopia



**The Government of Regional state of Tigray
Ethiopia, Tigray Mekelle
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Introduction

Ethiopia is the second most populous country in Africa with more than 115 million people. It is located at the center of the Horn of Africa sub region and is culturally, linguistically and geographically interwoven with all the eight countries in the neighborhood. Its proximity to the Red sea and privileged position as a gate way to Africa intersecting Asian, Arab and African civilizations, has since time immemorial made it a center of international interest and rivalry. It withstood and foiled successive attempts by foreign powers to colonize and subjugate its people. As a result, Ethiopia is considered a symbol of independence and resistance by Africans and people of African descent all over the world. As the Headquarters of the OAU and later AU, it has also been the center of African politics since the 1960s. It is also host to many international organizations including UNECA and third largest diplomatic community in the world.

The other side of Ethiopian history is not, however, that glamorous. Ethiopia was a country incapable of managing the diverse identities and aspirations of the more than eighty nationalities in the country and as a result its modern history was mired by civil war, drought and underdevelopment. Ethiopia of the 70's and 80s was synonymous with fratricidal war and famine. After seventeen years of bitter armed struggle, the Dergue's military dictatorship was overthrown on 28 May 1991 and Ethiopian People's Revolutionary Democratic Front (EPRDF), a coalition of four armed democratic forces, took the mantle of power. Ethiopia ushered a new bright chapter after long history of dictatorship and misery. The construction phase of the new Ethiopia was not, however, easy.

After thirty year long struggle for independence, the Eritrean People's Liberation Front (EPLF) victoriously entered Asmara a week before the fall of Addis Ababa in the hands of EPRDF forces. Eritrea's status, however, was determined through referendum under international observation in which the overwhelming majority of Eritreans opted for independence. The government of Ethiopia respected the decision of the Eritrean people and recognized Eritrea as a sovereign and independent state. During this challenging transition period, more than seventeen armed organizations inside Ethiopia with a secessionist agenda had also to be convinced not to take the Eritrean path and to give a chance for a new Ethiopia under Federal constitutional order. More than half a million soldiers of the

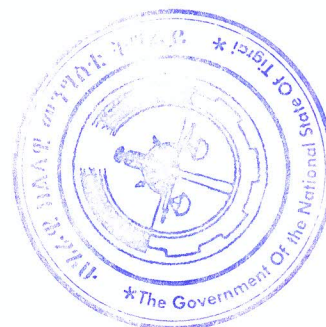


military regime had to be demobilized, rehabilitated and integrated in to the society. The economic and social malaise of the country was even more daunting. The EPRDF government had to launch an ambitious economic agenda if the country was not to descend into an economic and social chaos and eventually disintegrate under the weight of abject poverty, illiteracy and social ills.

A month after it assumed power, EPRDF, convened a multi-party peace conference and adopted a transitional charter on the basis of which a transitional administration was instituted. Subsequently, after a wide range of public participation and deliberations all over the country, a constituent assembly adopted a federal constitution in 1995. The new constitution incorporates individual rights enshrined in the Universal declaration of human rights of the UN charter and extends to group right, including the rights of people to self-administration up to secession. That was the formula that reconciled the demands of the extremists on both the secessionist and unitary camps. It was not a perfect formula but was the only realistic formula if the country was to stay together. On the basis of the new Constitution, Ethiopia held its first ever democratic national election in 1995 and five more elections have been held since.

Ethiopia's performance in the economic front was even more impressive. Since the early 2000, it registered double digit growth for fifteen consecutive years and had the honor of being placed as one of the few fastest growing economies in the world. The infrastructural boom literally transformed the trajectory of the country's social and economic development. Ethiopia is one of the few countries in the developing world that met the MDG goals in all sectors including health, education and poverty reduction.

But the galloping development was not without challenges. Despite the impressive growth, poverty remained formidable challenge. Political clientelism and maladministration became rampant. The ruling party was not able to open enough political space to accommodate the new social forces and their attendant social, political and governance demands. It became, so to say, the victim of its own success. EPRDF, the then ruling party, publicly admitted its failings and among other things changed its leader in the hope of rectifying its past mistakes and building on its achievement. But it was not to be.



Change and turmoil

The new administration led by Prime Minister Abiy, came to power with promises of reform, reconciliation and building a national unity. It was received with enthusiasm by wide spectrum of the Ethiopian people and was widely acclaimed by the international community for the initial reform measures it undertook.

The success of any reform program, however, hinges upon broad consensus among all stakeholders, including political parties, national regional states and the public at large. The democratization process in the country, however, has neither an agreed roadmap nor a semblance of participation. It became an exclusionary, partisan and a haphazardly unilateral undertaking on the part of the new leadership. As a result, the political trust among political forces plummeted, government institutions were deliberately rendered dysfunctional, rule of law and the constitutional order at large fell apart and the security situation of the country deteriorated. With three million internally displaced people (IDPs), Ethiopia surpassed Syria and Afghanistan as the country with a largest IDPs. This was a complete reversal of fortune for a country known for being one of the safest and biggest refugee recipient countries in the world.

The current administration's foreign dealings have been personalized and non-transparent. The nature and purpose of its secretive rapprochement with Eritrea and other countries with incompatible foreign policy objectives with that of ours have put our sovereignty and national interest in jeopardy. The government's cuddling with dictators and warmongers has been a source of insecurity and concern to many Ethiopians and Tigreans in particular.

In the last two years, Tigray Peoples Liberation Front (TPLF) leaders, members of Federal Parliament representing Tigray, Tigrean Intellectuals and the public at large were, on many occasions, on record expressing their concern on the flagrant violations of the constitution by the regime and had repeatedly warned that violating the constitution would not only jeopardize the democratic order but also unravel the country and endanger its survival. A region wide demonstration in July 2018, supporting and calling for transparency in the Ethio-Eritrean rapprochement, was held all over Tigray. Similarly, on December 2018, region wide rally was held in defense of the constitution and reminding the new leadership the danger of tramping on the constitution that held the country



together. TPLF has also on many occasions, expressed its position with respect to its opposition to the violations of the constitution and its concern regarding the deteriorating security situation of the country and absence of the rule of law. But the regime, contemptuously, turned a deaf ear to the many appeals.

The dissolution of the EPRDF and the unconstitutional takeover of power by Prosperity Party (PP) were tantamount to a blood less coup. Had it not been for the responsible manner TPLF and other major political actors handled the matter, such illegal usurpation of power from a democratically elected organization could have led to a constitutional and political crisis. But the group in power took such political wisdom for a weakness and has continued deconstructing the hard won constitutional democratic order with unbridled zeal and brute force. It has continued unabated to institutionalize an autocratic and a one man dictatorial rule. It has literally dismantled the federal states and is appointing, replacing, reshuffling officials both at the states and federal level at will. It has now unilaterally postponed the 2020 national elections and has eventually started manipulating the constitution, it has demeaned for so long, with the intention of indefinitely prolonging its reign in power. It has rendered all federal institutions, including the parliament, the courts, the media and the security apparatus into mere instruments to consolidate the one man rule of the Prime Minister.

The recent unilateral decision of the Federal Parliament to literally revoke the constitution and assume the right to interpret the constitution to suit the political ambitions of the regime to rule beyond the limits of its five year term is the last straw at the back of the constitutional order. It is simply a constitutional cover and manipulation for the regime's ambitions to cling to power indefinitely, postpone elections and eventually revoke the constitution and demolish the multi-national federal democratic order. Article 83 of the constitution clearly stipulates that it is only when 'constitutional disputes' arises that the article is invoked. Article 54, 58 and 93, that are tabled for interpretation are plain and uncontroversial. Any attempt to give them any other meaning than what they are simply reveals the hidden political intentions of the group in power. Article 54 clearly states;

Members of the House of Representatives shall be elected by the people for a term of five years on the



basis of Universal suffrage and by direct free and fair elections held by secret ballot.

Similarly, Article 58 (3) of the constitution clearly stipulates the fact that the five year term constitutional provision has no room for misinterpretation. It says,

The House of people's representatives shall be elected for a term of five years. Elections for a new House shall be concluded one month prior to the expiry of the House's term.

The issue now is not, therefore, about a dispute on any part of the articles of the constitution; it is about looking for a legal cover to manipulate a clearly stated constitutional provision to suit the political ambitions of the ruling group. If such political manipulation is allowed to succeed, it will literally render the constitution irrelevant and there will not be any magic glue that will hold the country together. It will make a mockery of the constitutional order and the whim of a political leader will be supreme to the constitution. Article 9 of the Ethiopian constitution, however, underlines the supremacy of the constitution as follows,

The constitution is the supreme law of the land. Any law, customary practice or a decision of an organ of a state or public official which contravenes this constitution shall have no effect.

The other article of the constitution that the government has tabled to parliament for 'interpretation' is Article 93 that deals with the Declaration of State of Emergency. The spirit of the article is about restricting rights during emergency situations and says nothing about extension of a term of a government in power. Neither Article 93 nor any single word in the constitution talks about extension of a term of an elected government. Article 93 (1- A) simply says,

The Council of Ministers of the Federal Government shall have the power to decree a state of emergency should an external invasion, a breakdown of law and order which endangers the constitutional order and which cannot be controlled by the regular law



