

**ETHIOPIA NATIONAL ELECTIONS
THE CARTER CENTER
OBSERVATION MISSION 2005
FINAL REPORT**

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EXECUTIVE SUMMARY

Upon the invitation of the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia, The Carter Center observed Ethiopia's May 15, 2005 elections for the national and regional parliaments. The May elections marked an historic event in the country, as Ethiopia witnessed its first genuinely competitive campaign period with multiple parties fielding strong candidates. Unfortunately, what began with a comparatively open period of campaigning and an orderly voting process on election day, was followed by flawed counting and tabulation processes in many areas, repeated incidents of serious post-electoral violence including the killing of some many dozens of persons during electoral protests, a significant delay in finalizing election results, and an ineffective complaints review and investigation processes. In spite of the positive pre-election developments, therefore, the Center's observation mission concludes that the 2005 electoral process did not fulfill Ethiopia's obligations to ensure the exercise of political rights and freedoms necessary for genuinely democratic elections.

Background. As an international observer mission, The Carter Center sought to provide an impartial assessment of the election process by evaluating the pre-election period, the May 15 voting, counting, and tabulation processes, plus post-election phases including, the complaints investigation process, the August 21 re-elections and the Somali region elections.

Throughout the observation, mission leaders, staff and observers met with government representatives, political party leaders, election officials, civil society members in the capital and at the regional and local levels. Field staff and observers coordinated with the election observation missions from the European Union and African Union in an effort to maximize observation coverage.

Pre-election period. The pre-election period witnessed unprecedented participation by opposition parties and independent candidates, and an unmatched level of political debate in the state-dominated electronic and print media and at public forums held across the country. Political parties agreed to a Party Code of Conduct, committing themselves to compliance with provisions calling for fair play and supporting peaceful political competition.

Ethiopian civil society organizations were active in the pre-election period, observing election preparations and sponsoring a series of televised debates on public policy issues between government officials and opposition leaders.

Domestic observation, however, was hampered by a late National Election Board (NEBE) decision to deny some civil society groups permission to observe polling day. Although the Supreme Court overturned this decision, the ruling came only days before election-day, thereby severely inhibiting domestic observers' ability to deploy widely throughout the country.

Election day. The May 15 voting process progressed relatively smoothly with Carter Center observers reporting that polling was calm and peaceful in the polling stations visited, with only limited incidents of disturbances reported. However, problems began to emerge during the counting and tabulation phases, with significant irregularities and delays in vote tabulation and a large number of electoral complaints.

Preliminary but unconfirmed reports of election results from the political parties began to circulate on election night suggesting that the opposition parties had scored significant electoral gains, especially in Addis Ababa and other urban areas. On the night of the election, Prime Minister Meles Zenawi declared a one-month ban on public demonstrations in the capital and brought the Addis Ababa security forces (soon to be under the command of the opposition that won Addis Ababa) under the control of the office of the Prime Minister.

Post-election results and violence. After unofficial reports circulated in May showing the opposition controlling the majority of seats, preliminary results released over remainder of May and through June indicated the ruling EPRDF controlled a majority of seats. Opposition parties claimed fraud and organized protests, including taxi strikes and student demonstrations at the University of Addis Ababa. On June 3, the Center released a statement (see appendix) on its post-election observation, noting observers' reports of improperly secured ballot boxes, intimidation and harassment of opposition agents, and calling on all sides to pursue legal channels to investigate complaints and resolve disputes.

Tensions continue to spread across Addis Ababa in the following days. On June 6-8, more than 40 people were reported killed by the security forces' crackdown on post-election protestors. The Center released a short statement on June 9 (see appendix) expressing alarm about the death and violence, and calling on the government to curb the extreme measures of the security forces, and urging all sides to pursue peaceful means to resolve disputes.

Complaints review processes. In light of the political violence and killings, controversies over the tabulation process, and the overall deterioration of the post-election environment, the NEBE decided to postpone any further announcement of official results for one month until July 8, to allow a cooling off period and provide space for the parties to agree on an ad hoc election complaints review process. Between June 10-14, the political parties negotiated a multi-phased review process, and after an initial disagreement they signed an agreement on June 14, which established ad hoc Complaints Review Boards (CRBs) and Complaints Investigation Panels (CIPs). Electoral complaints were to be submitted in writing to the NEBE, along with all available evidence and the CRBs would then rule on which complaints to submit to CIPs for further investigation.

During June and July, the Center observed the conduct of the review and investigation processes of the CRBs and CIPs. The first Complaints Review Board (CRB1) reviewed the entire body of complaints. A second review board (CRB2) allowed parties to lodge

an administrative appeal of complaints rejected by CRB1. Following the reviews by the CRBs, the CIPs investigated complaints and recommended a course of action to the NEBE, which made the final decision over the appropriate course of action.

During the CRB/CIP process, 383 complaints from the polling station, constituency level, and general complaints against the NEBE were submitted to the CRBs for consideration. The CRB1 deemed 151 of these to be worthy of further investigation by 26 CIPs. Complaints not approved by CRB1 were then appealed to the CRB2, which approved 29 more complaints for review by 18 new CIPs. 179 constituencies were affected.

While the CRB/CIP process went forward, the NEBE's tabulation processes continued simultaneously. At the start of the CRB/CIP process, the only official results had the opposition winning an unexpected 29 out of 40 seats. However, further into the complaint review process, preliminary results were released on July 26 which indicated that the opposition controlled 172 seats of the announced 435, a significant shift from percentages indicated by the early partial results. The delayed release of results and the problems that emerged during the complaints process combined to create further tensions in the political environment.

Based on extensive observations of the CRB/CIP processes, the Center ultimately concluded that while the CRB/CIP processes provided important space for electoral dispute resolution processes, overall the NEBE's complaints and review processes did not provide an adequate means for resolving serious disputes. (See Carter Center statement of September 15).

August re-run and Somali region elections. Based on the results of the CRB/CIP processes, the NEBE decided to rerun elections in 31 constituencies on August 21, 2005, the same day as the Somali region elections. The Carter Center observed both elections. Although 26 of the 31 revotes were held in constituencies provisionally won by opposition candidates, the ruling EPRDF won all 31 seats.

In addition to a few minor administrative problems, Carter Center observers reported a series of serious flaws in the August 21 polling process. These included credible reports of an unnecessarily large security force presence and intimidation of opposition candidates and supporter. Overall, it seemed clear that many opposition candidates surrendered the contested seats, resulting in a sweep by the EPRDF coalition, even overturning previous defeats in five constituencies.

Voting in the Somali region was chaotic and disorganized, and included reports of significant irregularities. Individual clan leaders held complete authority to decide the political parties listed on the ballot in their constituencies. While this appears to have been common accepted practice in the region, Carter Center observers reported serious concerns about the integrity of the process.

Final results. The NEBE announced final election results on September 5, 2005 with the ruling EPRDF winning 327 seats (60 percent of the total vote), government affiliated

parties claiming an additional 45 seats (8 percent of the total vote) and opposition parties winning 174 seats (32 percent of the total vote). Opposition parties rejected the results, citing the various irregularities and the flawed complaints review process.

On September 15, the Center released a final overall statement on the elections, which noted that while the pre-election process was laudable, the post-election period was marked by a series of problems, delays in vote tabulation, protests and violence, serious electoral complaints, and a prolonged dispute resolution process. The statement concluded that the CRB/CIP process did not provide an adequate means for a fair resolution of disputes. The statement also noted while a majority of the 547 individual constituency results appeared credible, there were a considerable number of the constituency results that had significant problems and whose credibility is in question. Whether this smaller group of constituencies was sufficient to change the outcome at the national or regional level could not be determined based on the evidence available to the Carter Center. Finally, the Center's statement also called on dissatisfied parties to file appeals to the high court.

Unfortunately, political tensions continued to increase, and some members of the opposition decided to boycott the seating of Parliament in October. This was followed by a series of protests and another outbreak of political violence throughout the country in early November. According to an independent commission appointed to investigate the post-electoral violence, the government response resulted in the death of 193 people at the hands of the security forces between June and November along with the arrest of opposition leaders and supporters.¹

Overall, the center finds that in spite of the positive developments in the pre-election period, the 2005 electoral process did not fulfill Ethiopia's obligations to ensure political rights and freedoms necessary for genuinely democratic elections. The period following May 15 was marked by highly charged political tensions, inflammatory rhetoric from all political sides, several days of protests and electoral violence, killings and other human rights abuses by government forces, delays in vote tabulation, a large number of electoral complaints, a prolonged and problematic electoral dispute resolution process, and the resurgence of government and opposition clashes months after the conclusion of electoral activities.

¹ <http://www.washingtonpost.com/wp-dyn/content/article/2006/10/18/AR2006101800242.html>

FULL House of People's Representatives results

Government and Allies: 372

| | |
|--------|-----|
| EPRDF | 327 |
| BGPDUF | 8 |
| ANDP | 8 |
| GPDM | 3 |
| SPDP | 24 |
| HNL | 1 |
| ANDO | 1 |

Opposition: 174

| | |
|--------------|-----|
| CUD | 109 |
| UEDF | 52 |
| OFDM | 11 |
| SMPDUO | 1 |
| Independent: | 1 |

BRIEF HISTORY OF ETHIOPIA

Ethiopia, one of the largest countries in Sub-Saharan Africa and the oldest independent nation on the continent, is home to a diverse population encompassing more than 80 ethnic groups and three world religions – namely Christianity, Islam, and Judaism. It is also one of the few countries never colonized by European powers in Africa. It remains one of the poorest countries in the world, periodically threatened by famine and drought. Three fundamentally different political regimes ruled Ethiopia throughout most of the 20th century, a period in which the country went through protracted internal conflict, with several ethnic groups claiming their right to self-determination.

Ethiopia's last monarch, Haile Selassie I, ruled from 1930 to 1974. Determined to modernize the country, he granted the country's first limited constitution that provided for both a parliament and judicial system. Nevertheless, formal, absolute power remained with the Emperor. His achievements included limited land reform, the emancipation of slaves, creation of a pan-Ethiopian economy and modern communications, and a revised constitution that provided for limited reforms, including universal suffrage. However, progressive elements within the government argued that these reforms were insufficient, if not empty. In order to realize his nation-building agenda, he created a strong bureaucratic administration and a centralized state, but the process severely restricted Ethiopia's democratic development.

The emperor's last decades were beleaguered with drought, famine, war and poor governance, resulting in great civil unrest. In September 1974, the monarchy was overthrown by a self-proclaimed Marxist group known as the Derg, led by junior army officers. The group eventually killed Haile Selassie and 59 members of the royal family, as well as other government officials.

The Derg installed a Soviet-style military dictatorship, suspended the constitution, and ruled by a series of military decrees until the constitution of the People's Democratic Republic of Ethiopia was promulgated eventually in 1987. Led by Mengistu Haile Mariam, the Derg instituted a command economy, making radical reforms, nationalizing most industries and confiscating agricultural land.

As the Derg struggled through the 1970's to consolidate their rule, the Eritreans separatists resumed a guerilla campaign in 1977. In addition, the Somalis invaded the Ogaden desert in 1977, which they claimed as their own. The Derg regime held onto power only with the massive intervention of Soviet and Cuban troops. The rise of Mengistu also unleashed a wave of brutal suppression which intensified during 1977-78 when thousands of "suspected" enemies of the state were tortured and/or killed in an elimination campaign called the Red Terror.

Despite strong military support from the USSR and Cuba, by the 1980s Mengistu faced not only the Eritreans, but several regional guerilla armies as well. With Soviet support gone by the end of the decade, the government's vulnerability increased further with the loss of Massawa – Ethiopia's principal port – to Eritrea in 1990, and another major

famine that ravaged the country. The Derg's ideologically driven economic policy, combined with internal divisions within the party further weakened the junta.

By 1989, the Tigrayan People's Liberation Front (TPLF) merged with other ethnically based opposition movements to form the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF). This rebel coalition overthrew the Derg in 1991 and Mengistu fled to Zimbabwe.

The Early Transition Period 1991-1995

Mengistu's fall from power in May 1991 marks the beginning of Ethiopia's early transition. The Transitional Government of Ethiopia (TGE) was formed in July 1991 through a National Peace and Democracy Conference attended by 27 political and ethnically-based groups/organizations. An 87-member *Council of Representatives* (COR) was elected through the Conference to govern the country for a transitional two year period to culminate in free, democratic elections. The Council members were mostly from the resistance movements, with EPRDF holding 32 seats and the Oromo Liberation Front 12. The conference also ratified the *Transitional Period Charter for Ethiopia* to serve as an interim constitution.

In parallel, the Provisional Government of Eritrea (PGE) was established in 1991 with its independence being approved by the Eritrean people in a referendum in April 1993. Formal recognition by Ethiopia followed in May of the same year. Meanwhile, ethnically based political parties continued to mushroom in Ethiopia numbering more than 100 by 1993.

The four-year transition period was characterized by violent clashes between competing political and ethnic groups throughout the country. At one point military clashes between the EPRDF and OLF (the two main factions in the TGE) severely threatened the transitional regime.

A fragile truce brokered by the United States and the Provisional Government of Eritrea enabled the transitional government to hold local and regional elections in June 1992. Although most political parties, including the OLF, petitioned for elections to be postponed, the council did not heed their request. Consequently, the OLF pulled out from the ballot and withdrew from the transitional government shortly afterwards. Most international observers regarded the elections as "non-competitive."

In the ensuing period, a series of efforts by the major opposition parties to steer the transition process in a different direction failed—cementing EPRDF's control over the transitional government and further polarizing the political environment.

Citing intimidation and harassment the major opposition parties boycotted the Constitutional Assembly elections in June 1994. EPRDF candidates won 484 seats in the 547-seat Constituent Assembly. The new assembly met in October and the draft constitution was ratified in December. The first elections for Federal and Regional

assemblies under the new constitution took place in May 1995, with subsequent national elections held in 2000, with both processes dominated by EPRDF.

STRUCTURE OF THE GOVERNMENT

Ethiopia is a federal parliamentary republic with both federal and state institutions holding legislative, executive, and judicial powers. The President of the Federation is elected by Parliament and is the Head of State, though he serves more of an honorary position as opposed to holding executive powers. Parliament is composed of an upper chamber, the House of Federation with 108 seats, and a lower chamber, the House of Peoples' Representatives with up to 547 seats. Members are elected to the House of Federation by regional assemblies and serve five-year terms. Members to the House of Peoples' Representatives are directly elected by popular vote from single-member constituencies to serve five-year terms. The Prime Minister is then elected by the House of Peoples' Representatives.

LEGAL FRAMEWORK FOR THE ELECTIONS

The primary domestic legal mechanisms governing the 2005 electoral process were the 1994 constitution, the 1995 electoral law with amendments made by proclamation number 438 in 2005, and regulation no.1 issued by NEBE. The basic human and democratic rights of freedom of expression, association, assembly, movement, and rights to vote and contest elections are all stipulated in the constitution. Electoral offenses are listed under Title V of the 1957 penal code and include disturbance of meetings or assemblies, impersonation, falsification of results, breach of the secrecy of voting, and breaches of official secrecy.² Any citizen who is 18 years of age or older is eligible to vote and must have resided in the constituency in question for six months unless on military duty, on study leave, or feared political persecution in his/her constituency.

As a result of the 2005 modifications to the 1995 electoral law, constituencies responsible for electing a representative to the House of Representatives were based on *woredas*, which are an administrative division managed by the local government, similar to a district. Woredas are further subdivided into *kebeles*, or neighborhood associations, which are the smallest unit of local government in Ethiopia.

The official legal complaints mechanism according to the 1995 electoral law states that complaints are first lodged with the woreda election officer. Depending on whether the complaint was related to elector registration, candidate registration, voting or tabulation, the complaint could be appealed to the woreda court. In the case of elector registration and voting complaints, the woreda court made the final decision, whereas candidate registration complaints could be appealed to the Regional Supreme Court, and tabulation complaints appealed all the way to Federal High Court via the NEBE.

² EU EOM 2005 Report p.10

PRE-ELECTION OBSERVATION

In January 2005, The Carter Center received an invitation from the Ministry of Foreign Affairs to observe Ethiopia's May 2005 national elections. At stake were 547 seats in the federal House of Peoples Representatives and some 1600 seats in councils of the nine regional states and the administrations of Dire Dawa and Addis Ababa.³

A Carter Center mission traveled to Ethiopia in mid-January to assess pre-election conditions and determine whether international observation could support an improved election process. The team met with the chairman of the NEBE, representatives of the government and opposition, civil society, parliament, the foreign ministry and donor agencies. All parties contended that the May 15 election was a crucial test for the country's democratic development, and that international observation would help encourage openness and transparency in the electoral process. These elections were to be an historic event in the country with the potential to become the first genuinely competitive democratic elections ever to be held in Ethiopia.

The early pre-election period saw indications of growing space for political competition and dialogue. Prime Minister Meles Zenawi, other government leaders, and opposition leaders met face-to-face to discuss the electoral process and needed reforms, with government agreeing to implement some of the key reforms called for by the opposition.

Opposition parties pressed for reforms of the electoral system rather than boycotting the process as in past elections. They demanded the following reforms: assurance that abuses from the 2000 election would be investigated and those responsible held accountable; the ability to move freely in constituencies (as guaranteed in the constitution); amendment of the electoral law; the presence of international observers; and an overhaul of the NEBE, which they deemed partisan and incompetent.

Many reforms were incorporated into the electoral law through the 2005 amendment to the 1995 law. The requirement that candidates from registered parties needed to collect signatures to get on the ballot was ended. Any government employee except for a judge, soldier or policeman was permitted to run for office without having to resign their post. Candidates were allowed to organize peaceful demonstrations without having to request permission but only by notifying the administration or municipality in writing. Candidates were also granted the right to obtain information from the NEBE.

Although the NEBE was not significantly restructured, term limits of six years were established for members (with a possible second term of 6 additional years). NEBE members were to be appointed by the House of Representatives, upon the recommendation of the Prime Minister. While the government argued that such civil servants could perform election functions with impartiality, the opposition complained

³ The Somali region elections, due to logistical considerations, were to be held August 21, 2005.

that civil servants would be forced to act in the interests of the ruling party to retain their jobs, and that they were subject to undue influence in the performance of their duties.

International observers were invited and freedom of movement was assured. Although the government reported that the allegations of misconduct during the 2000 elections were investigated with responsible parties held accountable, the opposition was not satisfied that investigations had been fully implemented.

The Carter Center assessment team found the country's political conditions conducive for an improved election. The government expressed its commitment to a more open and competitive process. NEBE and government representatives exhibited openness to constructive criticism, and a willingness to consider recommendations for reforms. The opposition appeared ready to participate in the elections, and civil society was positioned to conduct voter and civic education and to observe the process.

Establishing an Observation Field Presence

The Center established an election observation field office in March 2005, with Samantha Aucock serving as the Ethiopia Field Office Director and Sophie Khan as the Deputy Field Office Director. Field staff began meeting with key political, electoral and civil society leaders in Addis Ababa to learn of political developments and finalize observation plans. The field team coordinated observation deployment with the European Union and African Union, which were also observing the election process.

Beginning April 1, The Carter Center deployed six long term observers (LTOs), with interpreters, to eight of Ethiopia's nine regional states, as well as the city of Dire Dawa. Efforts were concentrated in the following areas: Woldiya, Dessie, Bahir Dar, Debre Markos, Gondar, Asela, Gimbi, Ziway, Metu, Jimma, Ambo, Harar, Gambella, Afar, Awassa, Hossaina, Arba Minch, Wolita Sodo, Mekelle and Asossa. LTO assessments were conducted over a six-week period, and in a largely urbanized sample of a vast country.

Carter Center LTOs met with regional and local level NEBE representatives and government officials, leaders of political parties represented in the area, and civil society groups, including representatives of domestic observer groups and groups conducting civic and voter education. LTOs gathered data on electoral conditions outside of Addis Ababa, while Addis-based staff continued to meet with national-level political party leaders, government and NEBE officials, and civil society and donor group representatives.

Key Pre-Election Observation Findings

The National Election Board of Ethiopia (NEBE)

The National Election Board of Ethiopia (NEBE) is responsible for the administration and execution of all elections at the national, regional, and local levels. After the NEBE secretariat's long-serving chief executive, Assefa Birru, resigned due to health issues, the head of the Supreme Court, Kemal Bedri assumed the role of NEBE chair.

The NEBE was comprised of seven members selected by the House of Peoples' Representatives and mandated to be an apolitical independent body. Opposition parties, however, questioned its neutrality and called for a complete restructuring. Of particular concern was the fact that NEBE Chairman Kemal Bedri, was also the head of the Supreme Court, which the opposition charged was an irreconcilable conflict of interest, which would be especially problematic should it be necessary for the Supreme Courts to review any election complaints.

Although the NEBE maintained only a skeleton administration of several hundred at its national headquarters in Addis Ababa, the number of personnel increased as the elections approached. For 2005 there were some 33,000 polling stations, with each station requiring five polling officials. As in the past, many election administrators were drawn on temporary assignment from government offices.

According to electoral regulations, there were to be Constituency Electoral Committees established in each of the country's 547 constituencies, composed of three civil servants on secondment. Polling Station Committees in each of the more than 33,000 polling stations were to be composed of five polling station officials, generally civil servants. Polling stations were also to have a three member Grievance and Complaint Committee chaired by the Chairperson of the Polling Station Committee, five electoral observers elected by the local community, and up to two observer representatives per candidate.

Although this system enables Ethiopia to use existing civil servants to conduct elections, opposition parties complained that the overwhelming majority of election administrators were drawn from the ruling party. For 2005, the NEBE made clear that ruling party members should not be appointed as election administrators. It reported that prior to voter registration some 500 election administrators were dismissed for this reason. After voter registration another 87 were replaced after the opposition parties identified the personnel as having been associated with flawed elections in 2000.

The NEBE also adopted other measures designed to increase transparency for the 2005 elections. A website (www.electionsethiopia.org) was created, which included information about the NEBE, election news, basic documents, and statistics. The NEBE convened regularly in closed session, but the results of its deliberations were announced at scheduled press conferences presided over by Chairman Kemal. The NEBE also prepared an administration manual in Amharic and English, made available prior to polling day to all parties. The manual included a detailed description of the voting process, the roles of each polling official, the vote counting and tabulation process, as well as the process for putting forward electoral complaints.

Training of polling staff was conducted in the weeks prior to the election, with some training programs occurring one week before the election. In most of the areas visited by Carter Center LTO, regional and zonal NEBE heads appeared technically prepared, and administrative plans appeared to be on track. However, a lack of transportation and

telecommunications resources impacted their ability to reliably carry out some logistics and reporting tasks in areas of the country.

Joint Consultative Committees (JCC, but also often referred to as Joint Political Party Forums), comprised of NEBE staff and political party representatives, met regularly across the country in order to resolve campaign-related complaints. The JCC appeared to function effectively at the national level, but its performance at the regional and sub-regional level was mixed. Such meetings served an important and much needed function in a highly polarized political environment, facilitating constructive dialogue between the parties in the lead up to the election. The JCC mechanism provided valuable space for party dialogue and negotiations around critical election issues in the 2005 process, and could play a similar role in future elections.

Election Offenses

Previous elections witnessed instances of harassment and intimidation of opposition candidates and supporters. Although there were instances of actions taken against offenders in the past, the overall climate was one of impunity. For the 2005 elections, the NEBE indicated its intention to take a more pro-active role in responding to party complaints of election abuses. Judges and prosecutors were trained to deal rapidly with election offenses and separate benches of the court were established to deal expeditiously with election related cases.

According to the NEBE election manual made available to all political parties, a Complaints Committee would be established at the polling station and constituency levels. The polling station Complaints Committee would have 24 hours to render a decision on complaints relating to polling day. The constituency level Complaints Committee would then have 48 hours to render a decision related to the vote counting process. Any complainant dissatisfied with the decision could appeal to the competent court.

In the end, an overwhelming number of complaints were lodged about the May 15 elections. Unfortunately, NEBE's established process failed to adequately address the majority of complaints. The ad-hoc post-election dispute resolution system that was created in June, itself became a contentious aspect of the election process. (See the sections below on the Complaints Investigation Process).

Political Parties

The pre-election environment for the May 2005 election witnessed increased participation by opposition parties and independent candidates.

To participate in elections parties must be registered formally with the NEBE. Thirty-seven parties nominated candidates to participate in the May 2005 election. Political parties in Ethiopia generally fall into three categories: the ruling party coalition, regional parties affiliated with the ruling party, and an array of opposition parties.

The ruling Ethiopian Peoples Revolutionary Democratic Front (EPRDF) is composed of the Tigray Peoples Liberation Front (TPLF), the Amhara National Democratic Movement (ANDM), the Oromo People's Democratic Organization (OPDO), and the Southern Ethiopian Peoples Democratic Front (SEPDF). Parties exist in the Afar, Gambella, Harar, Somali, and Benshangul-Gumuz regions that are affiliated with, but not members of, the EPRDF.

For the 2005 elections, two major opposition party coalitions emerged. The Union of Ethiopian Democratic Forces (UEDF) was composed of twelve opposition parties including the Oromo National Congress (ONC) and the Southern Coalition. The Coalition for Unity and Democracy (CUD) was composed of four opposition parties. In addition there were opposition parties outside the two opposition coalitions, including the Oromo Federalist Democratic Movement, which posed an Oromo-based alternative to both the governing OPDO and the opposition Oromo National Congress. (One major opposition movement, the Oromo Liberation Front, boycotted the 2005 elections and remained committed to its strategy of armed struggle.)

The Campaign Period

TCC observers found the campaign period to be one of the strongest aspects of the 2005 election process. A *Code of Conduct on Duties and Responsibilities of Candidates, Political Parties and Members* was developed and embraced by both the ruling and opposition parties. The Code reaffirmed all candidates' and their supporters' rights of freedom of expression and assembly, as well as parties' ability to organize peaceful demonstrations, and to request and obtain appropriate election related information. The code further stipulated that political parties, candidates, and members could not use public funds or resources such as offices, aircraft, vehicles, and personnel for election campaigning purposes. Development of the Code was a significant positive development. In addition, a non-violence pact was signed by some of the competing parties.

During the campaign period both sides alleged some degree of misconduct. Opposition parties reported instances of intimidation by the ruling party, and improper use of government resources for campaign purposes. Some opposition members acknowledged that conditions were more open than previous elections, and more conducive for active campaigning. Ruling party members reported violations of campaigning rules by the opposition, including campaigning in schools, churches and market places.

Carter Center observers found parties more active in Addis Ababa and some of the larger towns with less campaign activities observed in the countryside. The large ruling and opposition party rallies held on the final weekend of the campaign period in Addis Ababa were impressive, clear expressions of popular interest in the elections and the democratic process.

Opposition parties appeared to lack a systematic, well-organized approach to campaign planning. Campaign or rally schedules at the woreda level were rarely publicized in ways that would maximize public attendance. Some of this could be attributed firstly to the fact that these parties hardly existed on the ground in January 2005, and secondly that

opposition parties faced significant resource constraints that limited the printing of campaign materials and activities requiring vehicle transport. However, the leading opposition parties (CUD, UEDF) benefitted from strong ties and some financial support from their organizations outside of Ethiopia, primarily in Europe and the United States.

Comparatively, the ruling party enjoyed the advantages of incumbency. It was highly organized and well-resourced in its campaign efforts. Carter Center LTOs reported an overlap and blurring of the functions of the EPRDF party and government at the regional and zonal levels. EPRDF propaganda was often seen prominently displayed in government offices, and the heads of regional and zone-level bureau oftentimes simultaneously held positions in the regional or local EPRDF bureaucracy.

Intimidation and Harassment

In spite of the improved campaign environment, opposition parties reported numerous instances of intimidation, harassment, detentions, and other electoral abuses.

Carter Center observers found it difficult to verify reports of intimidation, as it was difficult to find witnesses to support one side or the other. There were a number of serious reports of village-level intimidation by EPRDF cadres, village heads, and the militia, threatening negative repercussions for opposition supporters. While Carter Center LTOs found evidence to substantiate several reports, others appeared to be exaggerated. LTOs received credible reports of several cases of physical and verbal assault and threats against civil servants of dismissal and demotion for supporting opposition parties.

In some areas visited, Carter Center LTOs reported that regional and local level NEBE officials did not appear to be vigilant in investigating a number of the more serious opposition party charges. However, in most instances when concerns were reported to the NEBE national headquarters, the reports were investigated.

In addition, opposition parties claimed that their members were detained in large numbers throughout the country. These reports increased in the days leading up to the elections. NEBE officials in some areas reported cases where they visited villages to secure the release of CUD members who had been detained. Carter Center LTOs also investigated cases where the detention of opposition party members seemed unwarranted.

There were also several allegations of politically-motivated killings of opposition party members. While some of deaths reported were confirmed through public reports, LTOs were unable to fully verify whether the deaths were exclusively or primarily election related.

Ruling and opposition parties contravened the spirit of the political party code of conduct with the use of inflammatory rhetoric. The CUD was touted as an “Amhara chauvinist” party and likened to Rwanda’s *interhamwe*, while the ruling party was often referred to as a tool of its Tigrayan leaders. The use of such language in Ethiopia, a country that has

experienced significant internal conflicts and continues to grapple with ethnic tensions, was counterproductive and presented a dangerously destabilizing force in the process.

Domestic Observation

Numerous Ethiopian civil society organizations actively engaged in observation of the voter registration process and in civic education campaigns to increase voter knowledge of the democratic process. Civil society organizations came together under one umbrella coalition to better coordinate activities and to maximize coverage. This was a particularly important development given the existing logistical challenges to mounting broad observation effort for a largely rural voting population.

The domestic observers in Ethiopia had to fight very hard against a system that did not accept their legitimate role. Some 30 domestic organizations planned to field well over 3,000 observers prior to the May 15 election date. However, in the weeks prior to polling day the NEBE issued a directive limiting the types of domestic organizations that could observe the May election, announcing that only those organizations with election observation identified as one of their functions in their registration documents would be granted election observation credentials. Fourteen NGOs challenged the Board's directive in the courts. The High Court ruled that there was no legal basis for the Board's directive and that NGOs should be granted domestic observation credentials so long as such activity was generally consistent with their organizational purposes. Although the Supreme Court upheld the lower ruling that overturned the NEBE decision, the late date of the ruling significantly lowered the number of domestic observers deployed to observe polling day. Still, church groups, the media, and urban based civic groups were able to field observers in many parts of the country.

A broad and effective domestic observation initiative can be a critical contribution to the public confidence in and acceptance of electoral results. Particularly in a country the size of Ethiopia, in which the majority of voters are in rural and less accessible locations, domestic observation efforts are integral as they are able to mobilize larger numbers of observers with greater geographical coverage than international missions. Public international law obligations ratified by Ethiopia guarantees the ability of citizens to participate in public affairs, including those related to the political realm.⁴ Further, good electoral practice, has shown an interpretation of these obligations to support independent domestic observation efforts as part of the citizenry's guaranteed right of participation.

Voter and Civic Education

There was an unprecedented number of voter and civic education campaigns, nationally televised live debates between the parties, and print media features on the election. A coalition of more than 20 local civil society groups conducted civic and voter education programs. However, Carter Center LTO teams reported varying levels of effectiveness in

⁴ ICCPR art. 25(a); ICERD, art. 5(c), African Charter on Human and Peoples Rights, Art. 13(1). The United Nations Convention on the Elimination of All forms of Discrimination against Women extends this right of participation for women (which can be objectively interpreted to mean the population of both sexes) specifically to non-government organizations involved in the political realm. See, CEDAW, Art. 7(c)

the implementation of voter and civic education campaigns. Reach was limited and frequency of programs inconsistent across areas visited. Some citizens interviewed noted that they would have registered to vote if they had been educated regarding the elections process at an earlier date.

The Carter Center found that debates among party representatives that were broadcast live on national television made a significant impression on the voters, a noteworthy exception to the limited impact of other voter education. Public debates saw discussion of policy issues, with the key issues separating parties centering on the concept of “ethnic federalism” championed by the EPRDF, the issue of state ownership of land, and the conduct of Ethiopian policy with regard to Eritrea. Local civil society groups and Addis Ababa University sponsored televised debates on public policy issues. The frequency and openness of these debates were a significant opening of space for political dialogue in Ethiopia.

The Role of the International Community

The Ministry of Foreign Affairs invited a number of international observers for the 2005 elections, reversing the 2000 policy when international observers, apart from those attached to embassies in Addis Ababa, were clearly discouraged and did not have a significant presence. In 2005, more than 300 international observers were deployed throughout Ethiopia, with the European Union fielding the largest observation mission, followed by The Carter Center and the African Union. The involvement of credible international observer missions was a positive development. Regrettably, however, the Ethiopian government expelled respected US-based democracy assistance groups—the National Democratic Institute, the International Republic Institute, and IFES—which prevented them from offering important assistance to the process.

International Organization Expulsion. In early 2005, a consortium of NGOs from the U.S. received funding to conduct two years of activities in support of electoral development. The groups, the National Democratic Institute (NDI), the International Republican Institutes (IRI) and the International Foundation for Electoral Systems (IFES), were accused of having begun their work without having properly registered. On March 30, the government of Ethiopia gave the workers on the project 48 hours to leave the country. Despite intense efforts from diplomats and senior representatives of NDI and IRI, the organizations were never permitted to return to resume the work. The abrupt nature of the ejection of the workers, the fact that the organizations were well-respected in their global governance efforts, the close proximity to the election date, and government’s exclusion of individual members of other observation missions were matters of serious concern and effectively reduced the number of important international groups in the country as the election ran its course.

Summary

The increased political space in the pre-election period was one of the most significant achievements of the 2005 election. Voters were exposed to multi-party debate broadcasts and there was significantly more space for open media coverage and party campaigning, including in rural areas, all of which allowed voters to make more informed choices. For

the first time the Ethiopian electorate experienced a genuine choice between government and opposition parties' candidates, and in an environment more conducive for citizens to express their political opinions.

MAY 15 POLLING DAY OBSERVATION

For election day, The Carter Center recruited fifty observers from 17 different countries to observe the voting and counting process. Leading the mission were President Jimmy Carter and Mrs. Rosalynn Carter, President Ketumile Masire of Botswana and Prime Minister Joseph Warioba of Tanzania.

Short-term observers (STOs) arrived in Addis Ababa on May 10, attended briefings on May 11-12, and were deployed on May 13 in teams of two to the following cities: Addis Ababa, Bahir Dar, Gondar, Dessie, Weldiya/Debre Dabo, Debre Markos, Assela, Ziway, Gimbi, Metu, Jimma, Ambo, Dire Dawa, Harar, Gambella, Awash, Awasa, Hossana, ArbaMinch, Walkita/Dilla, and Mekelle. The delegation covered seven regions, as well as the municipalities of Dire Dawa and Addis Ababa. During the two days prior to election day, STOs conducted pre-election interviews, assessing whether electoral preparations were in place. In Addis Ababa the delegation leadership met with the prime minister, NEBE officials, the minister of foreign affairs, the minister of information, the president, leaders of the ruling and opposition parties, civil society leaders, and representatives of other international observer teams.

Throughout election day, observers reported in to the Center's call-in center, providing staff and leadership with updates on each region. Observers returned to Addis on May 16 and gave in-person reports to the leadership team, and a preliminary statement was released on May 16.

Voting Process in Ethiopia

Based on Ethiopia's Election Laws, voting hours run from 6:00 a.m. to 6:00 p.m. unless the NEBE determines otherwise. In order to vote, each voter must present his/her voter card first, which should be checked against the voter roll. Once the voter's identity has been verified, the voter signs the relevant column of the voter roll. Before receiving ballot papers, each voter's thumb must be marked by indelible ink to prevent double voting. Candidates are selected by either marking with an X or finger print in the box corresponding to the desired candidate's symbol. Voters are eligible for assistance in marking their ballot papers and placing it in the ballot boxes.

Polling Day Observation: Main Findings

On May 15, more than 20 million Ethiopians went to the polls and experienced few problems as they cast their votes. Overall, Carter Center observers found election staff to be well-prepared and working together effectively to ensure an efficient polling day.

Most Carter Center STOs reported that polling station openings around the country occurred relatively smoothly and on time, with most delays only lasting 20-60 minutes. The delays in openings appeared to have been caused by election officials taking care to carry out procedures properly, and the long time it took to verify the number of ballots by signing and stamping them. One solution to the ballot verification problem seen in many polling stations was to commence voting before the total number of ballots was

established. As a result, stations were counting out and stamping ballots throughout the day as voting occurred, which could have contributed to confusion with vote counting at poll closing.

During election day, the environment throughout most of the country was calm and peaceful, with voters in line early in the day. While citizens had to wait in extremely long lines, they showed remarkable patience in doing so. In some areas of the country, particularly in Addis Ababa, lines were so long that voters became restless and agitated. Having received many such reports from Carter Center STO teams, President Carter phoned NEBE Chairman Kemal Bedri to encourage the NEBE to make a declaration ensuring voters they would be allowed to cast their ballots.

In the late afternoon, the NEBE announced that all citizens in line at 6:00pm would be allowed to vote. While this was not a change to the existing regulations, it seemed that many polling station officials had been confused about the issue. The NEBE directive cleared up confusion and Carter Center teams reported that most polling stations they visited allowed citizens in line at 6:00pm to cast their vote.

Carter Center observers reported some minor irregularities in procedures, most notably that ID cards were not always checked. While officials consistently asked for voter cards, they were not consistently diligent regarding the presentation of ID documents. However, in local communities polling officials were often familiar with community members, perhaps making these procedures less essential. Several Carter Center observers reported hearing accounts about citizens trying to vote twice, and of underage voting.

Party representatives, domestic observers, the media and community observers were present in the majority of polling stations accessible to the Carter Center, though more so in urban than in rural areas. There were almost no reports of problems from such individuals on election day. However, subsequent to polling day opposition party headquarters submitted a list of problems and allegations to Carter Center staff.

Closings were chaotic in some stations visited by the Center's STOs, who noted the overwhelming number of ballots to be counted in each polling station. Polling station officials re-counted ballots in some stations to ensure that the numbers were accurate. Many constituency offices observed by Carter Center STOs deviated from election legislation by not publicly posting election results.

As preliminary but unconfirmed results from political parties began to circulate, it became apparent that the opposition would likely win a comparatively large number of the 547 seats in the Peoples' House of Representatives (versus the 12 seats won in the last elections). These reports caused increased scrutiny of the process and contributed to a breakdown of procedures on the part of some election officials.

On the night of the election, Prime Minister Meles declared a one-month ban on public demonstrations in Addis Ababa, privately explaining that he was worried about an

adverse reaction from his supporters within the city, as poll returns showed the EPRDF had lost all seats in Addis Ababa to the opposition. Opposition parties and many in the general public saw this as an unnecessary and overly restrictive act, and as a clear sign that the EPRDF was not willing to accept an electoral loss.

Counting and Tabulation

Though election-day passed without major incidents, the counting and vote tabulation processes were marred by serious problems that contributed to a majority of the disputed election results. Opposition parties reported numerous irregularities, including reports of ballot box stuffing, instances of unattended and unlocked ballot boxes, and denied access to many tabulation centers. Several days after the election, the Center redeployed observers to 36 constituencies in the regions of *Amhara*, *Oromiya* and *Southern Nations, Nationalities and Peoples (SNNP)* from which most of the complaints had been received.

While in some areas tabulation appeared to be proceeding without major incident, there were numerous instances of potentially serious irregularities. Carter Center observers reported several instances of improperly moved and secured ballot boxes. Carter Center observers therefore had some evidence that was consistent with the opposition allegations of ballot tampering.

Opposition parties also asserted that polling station Form 7s (the official polling station aggregate result form) were not sent to the constituency level with ballot boxes as required, and that NEBE officials in some areas did not follow administrative procedures to use forms to provide checks and safeguards in the process. Opposition parties also charged that their party agents, who were supposed to be present in tabulation offices, were barred from polling stations or from watching the entire count, or that intimidation and harassment prevented their participation. Center observers only observed this on a few occasions, but the opposition claimed that the blocking of opposition party agents happened out of the observers' sight,

Carter Center observers reported having difficulty locating and observing tabulation processes, and in receiving adequate responses to various questions about the process.

On June 3, the Center released a public statement expressing concern about the irregularities witnessed by Carter Center observers and staff in the counties and tabulation phases. The statement noted that observers had found evidence that ballot boxes had been moved improperly, or were improperly secured in some polling stations, and that party agents had been barred from entering some stations and tabulation centers.

The Center's statement noted that the burden of proof was not on election observers to prove alleged problems during counting and tabulation, but rather on the NEBE to demonstrate transparency and legitimacy in the entire electoral process. The NEBE failed to do this, raising serious questions about the credibility of the officially announced outcome.

Some 383 election complaints submitted by both the opposition and government surfaced in the post May 15 period, with the potential to affect the results in at least 299 constituencies. Complaints included allegations of misconduct related to the pre-election period, as well as to polling day processes, and to the counting and tabulation phases of the election.

As the NEBE released preliminary election results through May and into early June, the number of seats won by the EPRDF increased significantly and the overall figures suggested that EPRDF would hold a clear majority. The opposition disputed these figures claiming fraud, and political dissidence began to spread throughout Addis Ababa.

Although the complaints review process established prior to the election was supposed to provide a multi-tiered system of addressing reports of irregularities, the established process did not effectively serve its purpose. There were very few instances of actual application of the procedures. Where the process was utilized, the submission of evidence was often insufficient, and in some cases local and regional level NEBE officials did not adequately investigate or forward complaints. In addition, the process allowed only a relatively limited timeframe (48 hours) for submitting complaints.

Early June Political Violence and Killings

During the June 6-8 period unrest erupted across the city, including taxi strikes and student demonstrations at the University of Addis Ababa, with opposition supporters demonstrating against the election results. Security forces reportedly killed more than 40 people. Hundreds of others were injured, and many students were arrested.

Following the protests, opposition party leaders and thousands of supporters were rounded up and arrested, or placed under house arrest. The newly elected opposition leader, Tesfaye Adane Jara, leader of the Oromo National Congress was killed reportedly by police during this period of unrest. Opposition leaders claimed these acts were violent political suppression, while the government blamed the opposition for inciting violence.

The Carter Center released a public statement on June 9, 2005 condemning the lack of restraint by security personnel and the harassment of political leaders resulting in many deaths and serious human rights violations, and which represented a significant break from the spirit of open and peaceful democratic competition during the pre-election period. The statement called on the government to immediately curb the security force's use of extreme measures, but acknowledged that the opposition parties also had a responsibility to help restore a peaceful political climate. Furthermore, the Center urged all parties to use legal mechanisms to address any election related disputes.

In light of the controversy and tensions surrounding the elections and given the problems noted above regarding its existing complaints review process, the NEBE decided to postpone announcing official results for one month (from the initial June 8 deadline), to allow time for the ruling and opposition parties to continue ongoing negotiations, with the assistance of the European Union and others in the international community, to try to devise a way forward, and allow for further review of a full range of electoral complaints.

On June 10 the ruling and opposition parties signed a Joint Declaration that established a four phased complaints review and investigation process focused solely on election-day and vote counting and tabulation related complaints. Immediately after signing the agreement, the CUD denounced the document and provided a list of demands (including the release of all political prisoners nationwide, an end to restrictions on the private media emerging in the post-election period, and the possibility of re-elections in all of the disputed constituencies) as precondition for their continued involvement in the process. The government rejected the opposition's demands and insisted on a full retraction of the opposition's conditions. The opposition CUD ultimately yielded and a new agreement was signed by all of the parties on June 14. In addition to the modalities of the complaints review and investigation process, the parties agreed to accept the final decisions of the NEBE.

As the party in government, the EPRDF had a duty to guide the country through not only the immediate election process, but also the extended post-election period, especially given the uncertainties about official results. At the same time, the opposition had a responsibility to pursue only peaceful and lawful means to resolve complaints and seek remedies.

Complaints Investigation Process Observation

The ad hoc complaints investigation process agreed to by the government and opposition emerged in response to the deteriorating post-election situation, and provided a much needed means to create both political space and judicial mechanisms to resolve disputes about the electoral process. This was especially important given the highly charged and unstable political environment surrounding the protests and killings in early June. The Carter Center chose the complaints process as an area of special focus for the observation mission.

The complaints review and investigation process agreed to by the parties provided for an initial Complaints Review Body (CRB1) to review the entire body of the complaints, and to decide which had substantial enough evidence to be reviewed by Complaints Investigation Panels (CIPs). After the initial CRB process was completed, and due to opposition charges of problems in the CRB1 reviews, the NEBE agreed to establish a second Complaints Review Body (CRB2) to give parties a chance for an administrative appeal of complaints rejected by CRB1. The CIPs investigated complaints and provided recommendations to the NEBE on the appropriate course of action to pursue. If unsatisfied with the NEBE's decisions resulting from the CRB/CIP process, parties could appeal decisions to the court system.

According to the process, electoral complaints were to be submitted in writing to the NEBE, along with all available evidence, assuming the alleged irregularity could affect the results in the disputed constituency. If a complaint was accepted by the CRB1, the NEBE would send a CIP investigative panel to examine the case and decide whether a re-vote was warranted. For rejected complaints, the complaining party ultimately had a second chance through the CRB2 to claim that an irregularity had taken place. In total, the NEBE created two Complaints Review Boards (CRBs) and 44 Complaints Investigation Panels (CIPs) to screen complaints and conduct investigations, respectively, over a two-month period.

More than 383 complaints were filed to the CRB1, including a mixture of polling station, constituency level, and general complaints against the NEBE. Of this total, 151 complaints were selected by the initial CRB1 to be investigated by 26 different CIP panels. Of the 151 complaints reviewed, 53 percent were filed by the CUD and 27 percent by the UEDF, whereas only ten percent were filed by the ruling EPRDF.

The 232 complaints rejected by the CRB1 were subsequently reviewed by the CRB2, with 41 percent filed by the UEDF, 29 percent of them by the CUD, and 9 percent by the EPRDF. In addition, 29 other complaints which had not been considered by the CRB1 due to insufficient evidence were submitted to the CRB2 for review since additional evidence had been gathered. 18 additional CIPs were created to review the new complaints emerging from the CRB2 review. CIP investigation began on July 1.

At the time complaints were filed and ruled upon by the CRBs, the only official election results released to the public indicated the opposition had won 29 out of 40 seats, a

surprisingly strong showing, and larger than expected. Considering that the review process occurred only a few weeks after the shooting of opposition protestors by government forces in early June, the CRB/CIP review process was clouded with suspicions over NEBE's ability to serve as a neutral arbiter in the process.

Complaints Review Body 1 (CRB1)

The CRB1 was a panel of judges and law students associated with the Federal Supreme court. The CRB1 selected for investigation those cases that presented sufficient evidence of an irregularity using a "preponderance of the evidence" standard, seeking to establish that it was more probable than not that an irregularity occurred.

Criteria for Review of Complaints

The CRB 1 received the body of complaints that were accepted by the NEBE and reviewed complaints based on the following criteria:

- *Whether the complaint had been filed in a timely manner, containing enough evidence of an irregularity.
- *Whether the complaint involved irregularities that had taken place on polling day or during the counting and tabulation process at the constituency level.
- *Whether the complaint included a claim of violence or intimidation.
- *Whether any other serious irregularity was clearly established.
- *Whether the complaint had the potential to change the seat in a constituency

The pool of complaints consisted of roughly three categories: deliberate interference with the electoral process, fraudulent activity on the part of those having an official responsibility to administer the election, and procedural deviations from the stated policy of the electoral board.⁵ Complaints were divided by region, and a list of some 62 key allegations and issues was developed (referred to as the summary checklist). Then the CRB1 identified which issues from the list of 62 appeared to have taken place and were possible grounds for ordering an investigation.

Carter Center observers held meetings with the panel members and made periodic visits to observe CRB1 panel deliberations. For the most part, Carter Center observers found that NEBE officials appeared engaged in a good-faith exercise. However, the Center's observers noted that the outside legal expert on the CRB1 dissented in 14 cases in which the CRB voted 2-to-1 to reject the complaint on the grounds that the parties were bringing evidence of irregularities at additional polling stations within the same constituency.

The polling station forms emerged as one of the most important pieces of evidence in the CRB1 review process. If a complaint contained an allegation of any type of irregularity, but the party observer had signed the final tally sheets affidavit (Form 8) confirming the effective operation of the vote and the count, then the complaint was automatically not recommended for investigation.

⁵ Complaints lodged that focused on campaign violations were excluded from the complaints procedure as determined by the ad hoc review mechanism terms of reference.

A second controversial use of the polling station forms in the CRB1 screening process concerned a review of about 40 CUD complaints which had in common a claim that CUD party observers were not present at the polling stations. In the CRB1 review, one of the polling station opening forms was found to contain information establishing the presence of party observers at the commencement of polling activities there. On that basis, the CRB1 rejected claims that CUD agents were not present, and none of the 40 claims were recommended for investigation.

The CRB1 completed its work on June 21. On June 22, Carter Center and EU observers were called to the CUD offices to discuss the complaints process. CUD's lawyers told the observers they believed there were many problems with the results of NEBE's work in the CRB1s, most importantly regarding the use of the summary checklists. The lawyers argued that the CRB1's summary checklists did not indicate all of the irregularities that were contained in the opposition's actual complaints, and that the issues that were included on the checklist were those for which CUD had produced the least evidence. As a result, they argued, if the summary checklists were used by the Complaints Investigation Panels (CIPs) to guide the review process, then the majority of CUD complaints would not be heard.

Complaints Review Body 2 (CRB 2)

Those complaints that were not approved for investigation by CRB 1 were submitted to a second complaints review body, the CRB2, which was formed within a month of the end of the CRB1 review process. The NEBE instituted this new layer of review in response to opposition concerns regarding the CRB1 review outlined above. The CRB2 provided an opportunity for parties to show that there were errors in the CRB1 review, or that additional facts existed to prove that investigation of the complaint was warranted.

In addition, the CRB2 also considered a small group of complaints from the CUD that did not go through the CRB1 due to a lack of evidence at the time. These complaints were considered by CRB2 by which time the CUD had gathered evidence for the complaints.

The CRB2 panel, differing from the CRP1 panel, was chaired by independent former judge (and member of a civil society organization) Debebe Hailegebriel, assisted by two NEBE executives. Each complaint was scheduled for a one-hour hearing in which the complainant was allowed to bring evidence and make arguments that the complaint should be investigated by one of the CIPs. The hearings were held in the press room of the NEBE campus, which had been converted into a small courtroom-like venue. The CRB2 hearings took less than two weeks to complete. The sessions were administered with a strict adherence to time limits and relevance of evidence presented.

The CRB2 panels reviewed more than 100 of the 232 complaints that were rejected by the CRB1. The UEDF and EPRDF withdrew a large number of their complaints submitted to the CRB2 process.

Most of the CRB2 decisions upheld the rejections rendered by the CRB1, with only 25 complaints referred for CIP investigation, necessitating the establishment of additional CIPs. However, 31 cases that were rejected involved decisions with a dissenting opinion by the independent panel member, who believed there was sufficient evidence to approve the cases for investigation in a CIP.

Complaints Investigation Panels (CIPs)

The CIPs included three voting members—a representative of each party alleging an irregularity, a representative of the provisional seat-holder, and a NEBE secretariat official—as well as an additional non-voting member of the NEBE secretariat. The panel could also be attended by representatives of any other political parties and independent candidates contesting the election in the constituency that won more than 5 percent of the valid votes cast in that constituency.

Voting members of each panel judged the submissions of evidence presented by the complaining party and the other interested party, with evidence including documentation of relevant election events and witness testimony. The CIP sought consensus among the voting members. However, where consensus was not possible, a majority vote would suffice. The structure of the CIPs meant that a majority decision would almost always be questioned by the losing party.

CIPs were designed to conduct their processes within three days of commencing work, with an additional three days to prepare recommendations to submit to NEBE headquarters.

Carter Center Observation of the CIP Investigation Process

Center observers were deployed to cover 14 out of the 44 CIPs spanning 49 constituencies, coordinating observation with the European Union and African Union teams.

The mandate of the observers was to assess how closely panel members adhered to the terms of reference and rules of procedure, the overall fairness and effectiveness of the process as a means of resolving disputes, as well as the degree of good faith participation by the parties that had agreed to the process.

At slightly less than half of the CIPs observed by the Carter Center, CIP members were reported to have behaved in ways that created the appearance of political bias including: refusing to hear evidence, not providing clear reasons for decisions, and quickly dismissing opposition arguments.

At the same time, however, many of the opposition's losses in the CIPs were due to their limited legal skills and lack of preparation, or to their withdrawal from the proceedings. In many constituencies, opposition complainants halted the work of the panel in order to subpoena an incarcerated witness.

Carter Center observers noted several instances where intentional delaying tactics and withdrawals by opposition parties slowed the CIPs' work. In two cases, Carter Center observers found that the NEBE chair issued subpoenas to call witnesses for opposition complaints, but then the complainant indicated that they no longer desired the testimony of the subpoenaed individual.

Intimidation and Harassment

Multiple incidences of intimidation and harassment were reported to observers, including verbal and physical assaults, threats to cut off fertilizer and seed supplies, arrests, and the presence of security personnel. Where feasible, Carter Center observers interviewed witnesses to investigate claims of intimidation. Most Carter Center observers were able to secure multiple credible accounts of the incidents reported to them.

Carter Center observers were approached in several instances by opposition witnesses who indicated that they were beaten and harassed. In the Tebela, Selam Ber and Sodo Zuria constituencies, observers noted that intimidation played a major role preventing the opposition from being able to call adequate witnesses. In Gubalofto, Gozamen and Lumame CUD witnesses reported they were threatened by militia and government cadres, and arrested on their way to testify. Observers also witnessed troop movement in and around CIPs in certain areas including Gubalofto and Sodo.

In these cases, the government failed to create a safe environment conducive to a fair CIP process, and the reported incidents of intimidation and harassment by police and security forces constituted a misuse of government authority for political purposes.

In Soro I constituency all twenty-six witnesses (combined total for both sides) were blatantly coached to the extent that the CIP dismissed all testimony, and refused to rule on the complaints. In the end the only complaint ruled on was based solely on documentary evidence.

In one CIP, a group of witnesses told Carter Center observers that they had changed their testimony from one day to the next because one contending side had given them more money to change their testimony than the other side had paid them in the first place.

The Role of NEBE Personnel and Variations in Rules of Procedure

One of the greatest challenges to the CRB/CIP process was the limited time available to implement the dispute resolution mechanism effectively. Due to the ad hoc nature of the process, a considerable amount of time should have been provided to train the sub-national NEBE staff adequately. The lack of training was probably at least partially responsible for the varying interpretations used for the rules of procedures and terms of reference, which tended to disadvantage the complainant party. The terms of reference permitted adjustments to the rules of operation based on a consensus of the panel, which also led to variations in the procedures across CIPs.

An important irregularity reported in nearly 70 percent of the CIPs visited by Carter Center observers related to the dismissal of issues raised by the complainant party that

were not checked on the CRB summary checklist. Through the decision of NEBE chairs (often in agreement with ruling party representatives), the checklist was used as a means of limiting the number of complaints considered, and only allowing evidence relevant to the issues marked on the summary checklist. By restricting the complaints in this manner, the CIPs limited their scope of review, significantly affecting the outcome of some of the panels.

Given the structure of the CIPs, which included complainants and respondents as well as official NEBE representatives, the NEBE official serving as the chair of each of the CIPs had the responsibility of ensuring NEBE's neutrality and clearly articulating the rationale for decisions. In general, however, NEBE officials failed to fully ensure impartiality in their efforts in the CIPs. The fact that NEBE chairs most likely owed their position to the ruling party or affiliate created clear conflicts of interest and served to inhibit the ability of the CIPs to work impartially, and/or be perceived as impartial.

On several occasions, Carter Center observers witnessed decision-making by the NEBE Chairs that seemed arbitrary and at times biased. In Bursa constituency, written documents were used as the main form of evidence. While Carter Center observers were shown documentary evidence by the EPRDF against the complainant party, request to see evidence held by the complainant party against the EPRDF was not granted to Center observers on the grounds that the rules did not permit observers to examine written documents.

In Hegeresalam, the CIP interpreted the rules to allow five witnesses per irregularity as opposed to five per constituency to the benefit of the ruling party, but refused to apply the same interpretation to the Sidama Liberation Movement (SLM) when they asked to bring additional witnesses to strengthen their case.

The refusal to hear evidence, lack of clear explanations of reasoning, and the quick dismissal of arguments all added to the perception that the NEBE was operating under the political influence of the ruling party.

The recommendations of the CIPs were reviewed by the NEBE for a final determination. The NEBE had reserved the power to act independently of the recommendations. However, the NEBE only overturned the recommendation in one case.

Role of the Opposition Parties

The quality of the complaints filed by the parties was inconsistent. Some were mere letters to the NEBE with no additional evidence supplied, others were meticulously detailed to the point that the relevant issues were difficult to find among the editorial comments. Some of the complaints were submitted as numbered packages, or were numbered by the CRB only to be split up between complaints and constituencies later in the process.

The opposition parties, as the complainants in the majority of cases, had to provide evidence to support their claims, often including the challenge of bringing poorly

educated witnesses into an intimidating forum and extracting compelling information that could survive cross examination. The CUD found several lawyers who were able to provide adequate services. In Gubalafto, the perfunctory manner in which the NEBE chairman announced his decision caused great indignation in the CUD lawyers. In this case and several others around the Amhara region, the CUD advocates withdrew from CIP proceedings prior to their conclusion.

Summary

The inability to determine a result nearly three months after the voting engendered widespread distrust of the process and a firm belief among many in the opposition that election results were manipulated by the ruling party and its appointees in the National Election Board. The CIPs formed to determine the facts in disputed seats did not increase the opposition's confidence in the process because the vote of the opposition's single representative in the CIPs lost in many cases to the NEBE's voting with the ruling party. The complaints process succeeded in buying a desperately needed breathing space after the violence and arrests of early June. It did not, however, provide an impartial and effective process for reviewing and investigating complaints. As result, the CIP process did overcome the opposition's fundamental lack of confidence in the electoral process and was not able to deliver an outcome acceptable to key political actors.

In the end, the CIPs re-created the problems of the larger electoral process. The investigations were highly legalistic and EPRDF lawyers with all of the resources and expertise needed to make polished presentations were matched up against opposition supporters with no experience or resources. As during the campaign and original counting procedures, the opposition alleged and observers sometimes verified intimidation of opposition witnesses and representatives. Carter Center observers found credible reports of witness intimidation, as well as apparent partisanship on the part of NEBE officials, and inconsistencies in the application of the rules of procedure. These problems undermined the integrity and effectiveness of the complaints and investigation process in a substantial number of the CIPs.

The CUD withdrew from many of the investigations, allowing the EPRDF case for re-voting to stand unchallenged. Considered in this way, the CIPs reinforced the polarization of the election and hardened the perception among many in the opposition that the EPRDF and its perceived agents in the NEBE would use their positions of power – including the use of violence and intimidation – to prevent opposition from a fair chance at winning.

When the announcement of official results resumed toward the end of the complaints investigation in late July, the government and its allies were certified as winning 262 out of the 435 certified votes at the time, which gave them control over 60 percent of the vote in the House of Representatives. The EPRDF alone won 241 seats giving them control of 55 percent of the House of Representatives.

Based on the CIP process, the NEBE decided to hold re-elections in 31 constituencies on August 21, 2005 (the same day as the elections for the 23 seats in the Somali region).

While 26 of the 31 constituency re-elections resulted from complaints filed by opposition parties, the August re-votes resulted in all 31 seats being won by the ruling party.

August 21 Re-elections Observation

The Carter Center deployed 12 teams of observers to monitor the August 21 re-elections, covering the regions of Amhara, Oromiya, and SNNP. Carter Center election observers were deployed to the following constituencies: Addis Alem, East Gojam, Soro 2, Tula/Gugema, Agere Selam, Bugna, Eteya, Dewa Chefu, Basketo, East Shewa, Dembia and Alem Katema, representing 45 percent of the constituencies with elections. Carter Center observer teams met with NEBE officials, opposition candidates and supporters, and the members of the electorate.

Key Observation Findings

In the days preceding polling day Carter Center observers received multiple reports of arrests, beatings, intimidation, loss of jobs, and harassment of opposition supporters and/or party agents.

On election day, Carter Center observers reported a generally calm environment, but noted an almost total absence of opposition participation in the re-elections, plus a widespread presence of armed military, militia and regional police presence, contrary to electoral regulations. According to Ethiopian election regulations, polling station security is the responsibility of NEBE officials, who can request the presence of police when the need arises. With the exception of police, persons with weapons are not allowed within five-hundred meters of the station. Unfortunately, however, most Carter Center observers reported that security personnel were observed in close proximity to and inside polling stations.

In all but one constituency visited by Carter Center observers, the opposition was absent on election day. Opposition party representatives or observers reported intimidation and harassment. In Addis Alem, opposition representatives relayed first hand stories of having lost their jobs and having their salaries withheld. Their homes were reportedly fired upon or stoned and the UEDF candidate was ultimately evicted from his home. Many party agents withdrew from the re-votes, with some reporting they had difficulty obtaining observation credentials and others reporting their credentials were taken away.

From a purely procedural perspective, the elections went relatively smoothly, albeit with several minor irregularities and deviations. Several polling stations opened late and closed early and voter IDs were not consistently checked. Also, at many polling stations election officials did not count the ballots prior to opening, which led to confusion during counting. Some incidents of underage voting were observed, as well as some stations where voting booths were not covered, inhibiting a secret ballot.

More generally, the electorate appeared unaware of why the re-elections were even being held in their constituency. When queried, some voters responded that they were voting because they were told to do so. In some polling stations voter knowledge of the electoral process was limited.

In Soro 2 and Addis Alem, observers saw ruling party posters in the polling station. Once election officials realized that international observers noticed them, they were promptly removed. Reports of bribery in the form of money, fertilizer and livestock in exchange for votes for the ruling party were reported in Soro 2, Tula, Dembia 1 and Bugna. A Carter Center observer in Bugna witnessed the distribution of grain to voters in a field next to a polling center housing two polling stations.

Carter Center observers also reported evidence of ballot box stuffing in several areas. In Soro 2, observers noted a discrepancy between the volume of torn registration cards and the voter registration records and ballot box. The ballot box was full and the voter registration records indicated that 1000 people had voted, but there were only roughly 250 torn up cards.

Coming in the wake of the seriously flawed complaints review and investigation processes of June and July rejected by the opposition, the August 21 re-elections served only to further undermine the credibility of the 2005 electoral process in Ethiopia. The re-votes took place in the context of a large and intimidating security presence, and amidst credible reports of harassment of opposition members and a near total opposition withdrawal from the process. In addition, Carter Center observers reported evidence of bribery and ballot box stuffing, among other irregularities. Overall, therefore, the August 21 re-elections were seriously flawed.

Not surprisingly, the re-elections resulted in EPRDF gaining control of all 31 contested seats even though 26 of the seats were constituencies where complaints had been filed by the opposition. In addition, some of the seats were in constituencies where the government's defeats in the May 15 election were fairly substantial.

The Somali Region Elections Observation

Due to the infrastructural and communication challenges, the Somali region elections were scheduled to take place later than the rest of the country. The elections for the 26 Somali region seats were held on August 21, and coincided with the re-elections that the NEBE called following the June-July complaints review process regarding disputes over the May 5 elections.

For the Somali region, The Carter Center deployed a total of four observer teams to Shinele, Erer, Gode and Jijiga towns to observe the political and security environment during the week preceding and election-day. The teams met with NEBE officials, opposition candidates and supporters, and the members of the electorate.

Key Observation Findings

Similar to the findings regarding the re-elections held in other parts of Ethiopia on the same day, Carter Center observers reported that the polling environment in the Somali region was calm, but that there was a large presence of armed militia and military personnel, who were present in polling stations and in some cases in the polling booths. The opposition withdrew in most constituencies, but domestic observers from the Ethiopian Human Rights Council (EHRCO) and the Islamic Council were present in the majority of polling stations.

Carter Center observers reported a series of other problems, including unfair campaigning on the part of the SPDP on election day. SPDP members seen were wearing t-shirts and caps and holding posters with their party logo around polling stations. Officers and militiamen were also seen wearing such t-shirts in some polling stations. In West Gode the ruling party's candidate's poster was hanging above the desk of the polling station staff.

In addition, Carter Center observers witnessed serious procedural irregularities on a large scale. In most stations observed, voter IDs were not checked, and voters' fingers were not checked for indelible ink. Polling stations opened late and closed early in some areas. Blank registration cards were being sold in some markets, and underage voting was observed in most polling stations.

The lack of access to vehicles hindered not only NEBE ability to execute its duties but also opposition party ability to campaign and voter and civic education efforts. Indeed, one observer car was impounded because of the dire need for vehicles. One rural polling station never opened because voting materials were not delivered. Officials had no way of reaching the NEBE to rectify the situation and voting did not take place there.

Clan-based Social Structure and Somali Region Elections

The Ethiopian Somalis are predominantly nomadic pastoralists, with some settled agricultural communities along the Awash River and Tigrayan highlands. The Somali social and political structures are dominated by a highly intricate and strong clan-based

patrilineal structure. The indigenous governance structures involve political power balances negotiated between the clans, and important decisions made largely by the male elders.

Given this societal structure and the decision-making power of clan elders, as well as the fact that it was already clear that the EPRDF would form the next government, it is not surprising that all 23 parliamentary seats in the Somali region were won by the ruling party affiliated SPDP. The results were for all intents and purposes a forgone conclusion, especially given the lack of opposition participation in the process.

Although most Somalis did not appear disturbed by the many serious irregularities, the Center's observers reported a fundamentally flawed electoral process in the Somali region. For future elections the Ethiopian government and electoral authorities should take strong steps to ensure a more genuinely democratic process in the Somali region, and should ensure that Somalis are able to vote on the same day as the rest of the country.

Final Results and Carter Center September 15 Statement

The NEBE announced final election results on September 5, 2005 with the ruling EPRDF winning 327 seats (60 percent of the total vote), government affiliated parties claiming an additional 45 seats (8 percent of the total vote) and opposition parties winning 174 seats (32 percent of the total vote). Opposition parties rejected the results, citing the various irregularities and the flawed complaints review process.

On September 15, the Center released a final overall statement on the elections, covering the entire process, including an extensive review of the CRB/CIP complaints and investigation process, as well as observations of the August 15 re-elections and Somali region elections.

The Center's statement noted that while the pre-election process was laudable, the post-election period was marked by a series of problems, including irregularities during the counting and vote tabulation processes, protests and violence, serious electoral complaints, and a prolonged and ineffective dispute resolution process. The statement concluded that the CRB/CIP process did not provide an adequate means for a fair resolution of disputes. The statement also noted while a majority of the 547 individual constituency results appeared credible, there were a considerable number of the constituency results that had significant problems and whose credibility was in question, including many of those involved in the CRB/CIP processes. Finally, the statement called on dissatisfied parties to file appeals to the High Court.

POST-ELECTION DEVELOPMENTS THROUGH NOVEMBER 2005

As noted above, the post-election period in Ethiopia suffered from a series of critical problems. Throughout the prolonged electoral process evolved, tensions between the government and opposition remained high. The outgoing government-dominated Parliament altered the rules of procedure making it increasingly difficult for the opposition to add items for debate to the agenda.

After consulting with their constituencies, many opposition members, most notably top CUD leaders, refused to take their new seats when Parliament reconvened in October. The government responded to the opposition boycott by denying CUD legislators the immunity from criminal prosecution which is granted to MPs. In addition, NEBE refused to officially acknowledge the CUD's proposal to merge its two main factions based on a technicality in the request.

The situation further worsened when the CUD threatened civil disobedience if government refused to acquiesce to the opposition's demand for a "national unity government" that would setup new parliamentary elections. Government called the threats treasonous.

Attempted negotiations collapsed at the end of October, and protests against the election results erupted again in early November 2005, as CUD leaders claimed government rigging of the process. More than 40 people were reported killed, hundreds wounded, and thousands arrested as security forces once again applied excessive force against the protesters. The leaders of the opposition CUD as well as journalists and civil-society leaders were amongst those taken into police custody. Government defended the security forces' actions by asserting that many of the protesters were armed with hand grenades and guns, but their accounts were not independently confirmed.

The Center released a statement on November 5 urging both the government and opposition to show restraint and seek peaceful, constitutional mechanisms for bringing elections disputes to an end. The Carter Center statement also emphasized that the rights of free expression and freedom of association, including peaceful public demonstrations, are essential to all democracies, and that the Ethiopian government has the responsibility to allow such constitutionally protected actions. Opposition parties were called upon to be responsible in exerting influence over their supporters and expressing their dissent in lawful ways.

On November 9 the government announced that the political and civil society leaders would be charged with treason and genocide.

CONCLUSION

The May elections marked an historic event in the country, as Ethiopia witnessed its first genuinely competitive campaign period with multiple parties fielding strong candidates. The reforms enacted prior to the May 2005 election served to level the pre-election playing field for most competing parties in meaningful ways. The ability of parties to field candidates more easily as well as to campaign broadly was a marked improvement for the pre-election period in contrast to previous national elections. As a result, voters had a genuine choice on election day and responded with enthusiasm and high turnout. In May 2005 Ethiopians saw and understood that public policy appropriately receives debate, that public media cover multiple points of view, that voters' choices can result in opposition members of parliament, and that local administration may be in the hands of a party other than the ruling party. This potentially represents a historic sea change in attitudes toward political power and competition in Ethiopia.

Opposition parties and independent candidates competed vigorously during the campaign period with an unprecedented level of political debate in the state-dominated electronic and print media and at public forums held across the country. Political parties agreed to a Party Code of Conduct, committing themselves to compliance with provisions calling for fair play and supporting peaceful political competition. Ethiopian civil society organizations were also active in the pre-election period, observing election preparations and sponsoring a series of televised debates on public policy issues between government officials and opposition leaders.

Domestic observation, however, was hindered by a late National Election Board (NEBE) decision to deny some civil society groups permission to observe polling day. Although the Supreme Court overturned this decision, the ruling came only days before election-day, thereby severely inhibiting domestic observers' ability to deploy widely throughout the country.

Unfortunately, what began with a comparatively open period of campaigning and an orderly voting process on election day, was followed by flawed counting and tabulation processes in many areas, repeated incidents of serious post-electoral violence including the killing of dozens of persons during electoral protests, a significant delay in finalizing election results, an ineffective complaints review and investigation processes, and seriously flawed polling processes in the August 21 re-elections and Somali region elections.

Thus, while a majority of the 547 individual constituency results appeared reasonable, there were a considerable number of the constituency results that had significant problems and whose credibility was in question, including many of those involved in the CRB/CIP processes. Whether this smaller group of constituencies was sufficient to change the outcome at the national or regional level could not be determined based on the evidence available to the Carter Center.

In spite of the positive pre-election developments, therefore, the Center's observation mission concludes that the 2005 electoral process did not fulfill Ethiopia's obligations to ensure political rights and freedoms necessary for genuinely democratic elections.

The Government of Ethiopia

The government of Ethiopia is responsible for the overall safety and security of the people of Ethiopia as well as ensuring that the rule of law, the exercise of political rights and freedoms are upheld. The opposition faced intimidation and harassment in many areas and these actions limited participation and undermined the legitimacy of the vote. Following the security force killings during public protests on June 6-8, the government of Ethiopia adopted excessive security measures, exacerbating tensions.

The National Election Board of Ethiopia

The NEBE greatly suffered in the conduct of the 2005 elections as it demonstrated an inability to administer effectively key parts of the election, particularly the tabulation and election dispute phases of the process, and resisted comprehensive scrutiny and observation of all phases of the election process by domestic observers and political party agents. It should be noted that the most serious problems occurred at the regional and local levels of NEBE officials and that the national level NEBE personnel appeared more eager to respond to observer concerns and address the problems that emerged.

The Political Parties

The competitive aspect of the pre-election period illustrates the potential for improvements in future elections in Ethiopia. The ruling EPRDF's attempt to create an internal party code of conduct was commendable. However, Carter Center observers witnessed and received many reports that the line between government's actions and those of the EPRDF tended to blur in areas outside of Addis Ababa. While it is impossible to eliminate the advantages of incumbency, the EPRDF should ensure that government resources are not co-opted for campaign purposes and curb the actions of partisan supporters who hold public positions of power.

The opposition parties alleged large-scale intimidation and harassment by government. While Carter Center observers found credible evidence to support these claims in several instances, the opposition displayed a tendency to report intimidation and other problems without solid evidence to back up many of their claims. The opposition's withdrawal from key parts of the process, while understandable in light of the context of violence and intimidation, only served to further undermine the prospects of a sustainable political settlement. This was especially true with regard to the potential to take final appeals to the courts, which the opposition refused to do arguing that the courts would not provide a fair hearing since the President of the Supreme Court had also served as NEBE Chairman. (N.B. The Chairman recused himself from any election related court cases that emerged during the course of the election process.)

Opposition parties believed their combined popular support in the 2005 elections should have given them the mandate to govern and that the officially declared results were the product of EPRDF manipulation. The Carter Center was unable to verify every claim of

electoral irregularity but remains, for the reasons detailed in this report, critical of many key aspects of the conduct of these elections. It is perhaps worth noting that even in the highly charged atmosphere of the 2005 elections, the opposition parties increased their representation in parliament from 12 to 174 seats, generating the strongest showing ever in the multiparty politics era in Ethiopia.

Government Security Forces

The security forces and the government are both to be condemned for the severity and brutality with which they cracked down on opposition protesters resulting in a large number of deaths and widespread arrests of many others.

RECOMMENDATIONS FOR FUTURE ELECTIONS

Based on Carter Center Elections Observation Mission findings and in the spirit of supporting Ethiopia's democratization process, the Center offers the following recommendations as critical steps to improve future elections in Ethiopia.

- The government of Ethiopia should ensure that all Ethiopians are able to exercise freely their political rights and freedoms necessary for genuine democratic elections. Political parties, candidates and civil society groups should enjoy their rights to participate freely in the electoral process.
- Public officials and security officers must refrain from intimidation or coercion, and the ruling party should not use the advantages of incumbency against the opposition for unfair or brutal purposes. This includes control over the security forces, judiciary, and distribution of resources to intimate threaten or harass citizens into voting a certain way. Such behavior undermines the legitimacy of the government serving to provide its people with a safe and secure environment.
- The Code of Conduct agreed to by all parties in 2005 should be put into place for all future elections, as should continuation of the joint political party forums which proved a useful mechanism for promoting party dialogue. Efforts should be made to ensure such forums are regularly held at the regional and local levels. In addition, political parties should adopt a Non-violence Pact for future elections. Party members at the national, regional, and local levels should be made aware of and called to comply with its provisions.
- The composition of the NEBE and Secretariat, and the process for selecting it should be reviewed, with the aim of ensuring its genuine independence from government, both legally and operationally. A transparent and genuinely consultative selection process would serve to increase confidence in the body. Further, NEBE should function with transparency at every level, and should provide regular access to information for political parties and observers at each stage of the process.
- To support transparency, NEBE and Ethiopian authorities should provide an open invitation to international observation organizations, and should guarantee full accreditation and freedoms of operation for observers. This should include freedom of movement, access to key stakeholders and electoral information, and the freedom to issue public statements throughout the electoral process.⁶
- Political party agents and civil society observers provide the most effective assurance of accountability and fair conduct of elections. NEBE and other relevant government authorities should take proactive steps to allow maximum

⁶ These and other key guidelines for professional observation are outlined in the *Declaration of Principles for International Election Observation*, which was endorsed in 2005 in a ceremony at the United Nations. See http://cartercenter.org/resources/pdfs/peace/democracy/des/declaration_code_english_revised.pdf

space to Ethiopia civil society groups to engage in election observation, and domestic observers should be allowed access to all aspects of the electoral process. Support should be given to build the capacity of domestic observer groups and political party agents to conduct professional observation activities.

- Increased media time available to all parties should be institutionalized and strengthened for future elections. Priority should be placed on ensuring there is a level playing field for multi-party competition.
- Future elections in Ethiopia should be held on the same day in all regions of the country, including the Somali region.
- Polling station results should be posted at all polling stations and also at constituency centers for a set period of time after the election, and the process of communicating results from the polling station to the constituency to the national levels should be improved. Polling station and constituency level results also should be made available on the NEBE website, so that observers, party agents, and other interested parties can cross check the results collected at poll closings. As a first step, detailed results for the 2005 election should be made public, including polling station level results.
- The NEBE should conduct random audits at polling stations around the country to increase confidence for future elections. The audit process and reports should be open to observation by political parties, domestic observers, and international observers.
- All stakeholders, including government, opposition, and NEBE authorities need to develop and authorize improved election dispute processes to handle election complaints, and all parties and the general public should be made aware of such procedures. The dispute processes should provide for clear and realistic procedures and timelines, and should include structures that ensure impartiality, fairness, and timeliness. In addition, the processes should include the ability to appeal decisions. If appeals are to be directed to the High Court, it is important to ensure that there are not conflicts of interest between election authorities and the Court.

THE CARTER CENTER ACTIVITIES IN ETHIOPIA

In addition to observing the 2005 electoral process in Ethiopia, The Carter Center has a long history of involvement in the country—spanning the areas of health, human rights, development, and promotion of peace and democracy.

In September 1989, President Carter presided over peace negotiations between the Ethiopian government and the Eritrean People's Liberation Front (EPLF). This was the first time that the parties agreed to negotiate without preconditions in the presence of a third party mediator. The negotiations reconvened in November in Nairobi, Kenya. Although progress was made, the parties continued to fight, culminating in the toppling of Mengistu in May 1991. At the request of the Ethiopian government in February 1994, President Carter invited five of the main opposition parties to The Carter Center to facilitate their participation in the nation's political process, including the constitution drafting process.

President Carter also assisted the Ethiopian government on several occasions in helping to incorporate mechanisms for the protection of human rights into the structure of the Ethiopian state. To this end, the Center worked with various Ethiopian government ministries in 1992 and 1993 in an effort to improve human rights institutions. Training and assistance programs focused on rule of law and increasing awareness of human rights issues within the judicial system.

The Center's health programs and activities include the Ethiopia Public Health Training Initiative, eradication of guinea worm disease, and controlling river blindness and trachoma. As part of its Ethiopia Public Health Training Initiative, The Carter Center works with seven Ethiopian universities to prepare health care workers to serve the Ethiopian population through more than 600 rural health centers. The Center's Guinea Worm Eradication program has been successful in significantly reducing the number of cases. The Carter Center started fighting onchocerciasis, commonly known as river blindness, in Ethiopia in 2000. The Center also works on controlling trachoma, the leading cause of preventable blindness and a major public health problem in Ethiopia.

Finally, the Center has helped Ethiopian farmers improve their agricultural production through the Sasakawa-Global 2000 (SG2000) program, a joint venture between The Carter Center's Agriculture Program and the Sasakawa Africa Association.

APPENDICES

- 1) Delegations List
- 2) Acknowledgments
- 3) CC Election Statement May 16, 2005
- 4) CC Election Statement June 3, 2005
- 5) CC Election Statement June 9, 2005
- 6) CC Election Statement September 15, 2005

**Observation Delegation
Ethiopia Parliamentary Elections 2005
May 15, 2005**

Heads of Delegation

Jimmy Carter, 39th President of the United States of America
Mrs. Rosalynn Carter, Former First Lady of the United States of America
President Ketumile Joni Masire, Former President of Botswana
Justice Joseph Warioba, Former Prime Minister of Tanzania
Dr. John Hardman, Executive Director, The Carter Center, USA

Staff Leadership

Rachel E. Fowler, Assistant Director, The Carter Center, USA
Samantha Aucock, Ethiopia Field Office Director, The Carter Center, South Africa
Sophie Khan, Ethiopia Deputy Field Office Director, The Carter Center, Canada
Terrence Lyons, Senior Political Consultant, USA
James H. Polhemus, Senior Political Consultant, USA

DELEGATION

Maria Helena Alves, Electoral Consultant, Portugal
Fareda Banda, Professor, SOAS, University of London, Zimbabwe
Nicholas Beauchamp, PhD Candidate, John Hopkins University, USA
Timothy Carmichael, Visiting Assistant Professor, Addis Ababa University, USA
Georgina Winnie Chikoko, Electoral Consultant, Malawi
Horrance Chilando, Program Advisor, United Nations Volunteers, Zambia
Saran Daraba Kaba, Electoral Consultant, Malawi
Frank Day, Retired, U.S. Foreign Service, USA
Elwood Dunn, Professor of Political Science, University of the South, Liberia
John Fleming, Journalist, USA
Sandra Flores, Electoral Consultant, France
Tiawan Gongloe, Fellow, Carr Center for Human Rights, Liberia
Margot Gould, Project Manager, International IDEA, Sweden/Australia
Ron Gould, Former Assistant Chief Electoral Officer, Elections Canada, Canada
John Harberson, Professor of Political Science, City University of New York, USA
Plezzant Harris, Executive Member of the Liberia Council of Churches, Liberia
Kathleen Hawthorne, MBA Candidate, Wharton Business School, USA
Sheila Jaghab, Electoral Consultant, USA
Derreck Kayongo, Advocacy Field Coordinator, CARE International, Uganda
Sarah Khan, Attorney, Canada

Cecilia Luna Lopez, Lawyer, Ecuador
Daniel Mains, PhD Candidate, Emory University, USA
Jeffrey Mapendere, Assistant Director, Conflict Resolution Program, The Carter Center, Zimbabwe
John Marsh, Medium Term Observer, The Carter Center, USA
Phil Matsheza, Director, Human Rights Trust of Southern Africa, Zimbabwe
Patricia Maulden, PhD Candidate, George Mason University, USA
Simeon Mawanza, Project Officer, Human Rights Trust of Southern Africa, Zimbabwe
Bryan McClure, Retired, Former Agriculture Specialist, USA
Gabriel Morris, Director of Foreign Language Education, Jyve.com, USA
Jean Paul Murezeki, Electoral Consultant, Rwanda
Achille Nisengwe, Electoral Consultant, Rwanda
Paul Nsapu, National President for the League of Voters, DR Congo
Carl Page, Chief Technology Officer and Co-founder, Yahoo! Groups, United States
Larry Page, President and Co-founder, Google, Inc., United States
Fred Rawski, Lawyer, Stroock & Stroock & Lavan LLP, USA
Dawn Del Rio, Adviser, Canadian International Development Agency, USA
Frederick Sadomba, Project Manager, Center for Defense Studies, Zimbabwe
Silvina Silva-Aras, Professor, University of Buenos Aires, Argentina
Mary Regan Simenson, Electoral Consultant, USA
Parvinder Singh, Consultant, Asian Development Bank, India
Nhamo Sithole, Chairman, Fellowship for Reconciliation, Zimbabwe
Themba Sokhulu, Electoral Consultant, South Africa
Chris Stevenson, Arms Trade Treaty Coordinator, Arias Foundation, USA
Arthur Wasserman, Chief Development Officer for Major Gifts and Endowment, The Carter Center, USA

CARTER CENTER STAFF

Bob Ellzey, Advance Officer, USA
Tynesha Green, Program Assistant, The Carter Center, USA
Nancy Konigsmark, Assistant to President Carter, The Carter Center, USA
Roy Manchip, Security Advisor, International SOS, United Kingdom
Jennifer Martin Kohlmorgen, Intern, The Carter Center, Germany/Spain
Olivia Owens, Financial Analyst, The Carter Center, Burundi
Anne Sturtevant, Assistant Project Coordinator, The Carter Center, USA
Kay Torrance, Press Officer, The Carter Center, USA

**Observation Delegation
Complaints Investigation Panel
June-August 2005**

Delegation

Silvina Silva Aras, Professor, University of Buenos Aires, Argentina
Perin Arkun, Assistant Project Coordinator, The Carter Center, Turkey
Cecilia Bylesjö, Electoral Consultant, Sweden
Frank Day, Retired, U.S. Foreign Service, USA
Jorgie Ellsworth, Law Student, Loyola Law School, USA
Sandra Flores, Electoral Consultant, France
Tiawan Gongloe, Fellow, Carr Center for Human Rights, Harvard University, Liberia
Kathleen Hawthorne, MBA Candidate, Wharton Business School, USA
Bruce Hemmer, Doctoral Candidate, University of California, Irvine, USA
Robert David Irish, MSc Candidate, Universiteit van Amsterdam, USA
Jeff Kovick, Electoral Consultant, USA
Bryan McClure, Retired, Former Agriculture Specialist, USA
Jean Paul Murekezi, Electoral Consultant, Rwanda
Achille Nisengwe, Electoral Consultant, Rwanda
Matt Pollard, Legal Advisor, Association for the Prevention of Torture, Canada
Lahra Smith, Adjunct Assistant Professor, Hamline University, USA
Themba Sokhulu, Electoral Consultant, South Africa
Amy Sterner, JD Degree Candidate, New York University School of Law, USA

Carter Center Staff

John Marsh, Field Office Director, USA
Helina Tadesse, Office Manager, Ethiopia
Dagmawit Bekele, Office Manager, Ethiopia
Sirak Deneke, Office Assistant/Driver, Ethiopia
Henock Fantahun, Finance Office, Ethiopia
Mathias Surafel, Program Officer, Ethiopia

Observation Delegation
August 21, 2005 Re-Elections

Staff Leadership

David Carroll, Director, Democracy Program, The Carter Center, USA
Rachel E. Fowler, Assistant Director, Democracy Program, The Carter Center, USA
John Marsh, Field Office Director, The Carter Center, USA
James H. Polhemus, Political and Electoral Consultant, USA

Delegation

Perin Arkun, Assistant Project Coordinator, The Carter Center, Turkey
Beverly Baker-Kelly, Attorney/Adjunct Law Professor, Golden Gate University, USA
Cherdrena T. Brown, MA Candidate, Clark Atlanta University, USA
David Evans, Photographer, Spirit Creative, USA
Kathleen Hawthorne, MBA Candidate, Wharton Business School, USA
Abdoulaye Kourouma, Electoral Consultant, Guinea
Jeffrey Mapendere, Assistant Director, Conflict Resolution Program, The Carter Center, Zimbabwe
Les Margosian, Electoral Consultant, USA
Bryan McClure, Retired, Former Agriculture Specialist, USA
Maria Miller, Attorney and Electoral Consultant, USA
Nomfundo Molefe, Managing Director, Michaelmas Trading Trust, South Africa
Gabriel Morris, Director of Foreign Language Education, Jyve.com, USA
Marc-Etienne Ouimette, MA Candidate, McGill University, French-Canadian
Carleen Pickard, Senior Manager, Global Exchange, Canada
Castle Redmond, Teacher, Oakland Unified School District, USA
Frederick Sadomba, Project Manager, Centre for Defense Studies, University of Zimbabwe, Zimbabwe
Daniel Smith, Associate Professor, Department of Philosophy, Addis Ababa University, USA
Themba Sokhulu, Electoral Consultant, South Africa
Chase Thomas, Independent Consultant, USA
Jorge Troisi-Meleán, Ph.D. Candidate, Emory University, Argentina
Paul F. Turner, Manager, Europe and Eurasia Program, Chemonics, USA
Brian Vogt, Program Manager, Partnership for a Secure America, USA

**Observation Delegation
August 21, 2005 Somali Region Elections**

Delegation

Silvina Silva-Aras, Professor, University of Buenos Aires, Argentina
Timothy Carmichael, Visiting Assistant Professor, Addis Ababa University, USA
Horrance Chilando, Program Advisor, United Nations Volunteers, Zambia
Vu Dang, Assistant Director, Global Development Initiative, The Carter Center, USA
Tiawan Gongloe, Fellow, Carr Center for Human Rights, Harvard University, Liberia
Sheila Jaghab, Electoral Consultant, USA
Achille Nisengwe, Electoral Consultant, Rwanda

Carter Center Staff

Jennifer Martin-Kohlmorgen, Intern, The Carter Center, Germany-Spain
Perin Arkun, Assistant Project Coordinator, The Carter Center, Turkey
Cecilia Bylesjö, Electoral Consultant, Sweden
Paul Mercer, Security Advisor, International SOS, United Kingdom

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The Center is indebted to our medium-term observers: John Marsh, Gabriel Morris, Jean-Paul Murezeki, Achille Nisengwe, Nhamo Sithole and Themba Sokhulu who were deployed for six-weeks, often in difficult circumstances, and also to the short-term observers (STOs), many of whom returned to observe the Complaints Investigation Panels (CIPs) and the August 21 Elections. We are grateful for their efforts.

The Ethiopia field staff deserves special thanks: Our field office director, Ms. Samantha Aucock, and deputy director Ms. Sophie Khan managed the Center's observation efforts until the end of May 2005. Mr. John Marsh directed the project from June 2005 onwards. Local field staff Dagmawit Bekele, Sirak Deneke, Henock Fantahun, Mathias Surafel, and Helena Tadesse played essential roles to support the mission. Our Atlanta staff Anne Sturtevant coordinated the observer delegations for the May 15 elections and Complaints Investigation Panels. Democracy Program interns, Jennifer Martin-Kohlmorgen and Kimberly Karnes provided research and logistics assistance, playing especially important support roles for the August 21 elections. Program assistant Tynesha Green provided administrative and logistical support throughout the mission. Jane Nandy, Tom Eberhart, and Olivia Owens, managed fund-raising and financial reporting for the project.

Democracy Program assistant director, Rachel Fowler was responsible for the overall project from its inception in January 2005, and through follow-up work on the project until 2008, with support from Democracy Program director, Dr. David Carroll. An initial partial draft of this report was prepared by Rachel Fowler, Perin Akun and John Marsh in 2006. They continued working on the report periodically in 2007-2009, while managing other Carter Center projects. Terrence Lyons, James Polhemus, David Carroll, and Democracy Program Associate Director, David Pottie, provided comments on various

drafts. Final revisions and editing were made in 2009 by Carroll, Pottie, Zenobia Azeem, Therese Laanela, and Chris Becker.

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**Ethiopia Elections: Jimmy Carter Trip Report,
Postelection Statement
19 May 2005**

Ethiopia Elections: Postelection Statement, May 16, 2005

FOR IMMEDIATE RELEASE

Monday, May 16, 2005

**Samantha Aucock,
In Addis Ababa, 09-47-20-65**

Addis Ababa, Ethiopia...The Carter Center thanks the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia for its invitation to observe the May 15, 2005, national elections and all those who welcomed us and took the time to contribute to our understanding of Ethiopian politics and the electoral process.

Under the leadership of former U.S. President Jimmy Carter, his wife Rosalynn, former Botswana President Sir Ketumile Joni Masire, and former Prime Minister of Tanzania Judge Joseph Warioba, the Center deployed 50 international observers from 17 countries to seven regions, as well as the municipalities of Dire Dawa and Addis Ababa. In Addis Ababa the delegation leadership met with the prime minister, the National Election Board, the minister of foreign affairs, the minister of information, the president, leaders of the ruling and opposition parties, civil society leaders, and representatives of other international observer teams.

Because election results are still being compiled, The Carter Center can only offer a preliminary statement. A more comprehensive final election report will be published after final results are announced.

The May 2005 elections, the third to be held under the current constitution, showed great promise in the deepening of Ethiopian democracy. For the first time in history the majority of Ethiopian voters were presented with choices when they went to the polls. We believe that Ethiopia has made tremendous strides toward democracy in the last several months, including more open debate, greater political participation, large rallies, and enormously high voter turnout on election day.

The Pre-Election Period

The Carter Center will provide more details on the pre-election period in its final report. However, at this time, we highlight several key observations. There were more open debates, including a long series of widely-discussed live televised debates. Opposition parties benefited from guaranteed access to the state-owned electronic media. Candidates campaigned widely and effectively. Most dramatically, the electoral campaign climaxed in its final week with large and

peaceful campaign rallies.

While the campaign started out at a high level, focusing on issues rather than personalities, it degenerated in the final week into charges and countercharges of engaging in "hate speech." The EPRDF's likening the opposition to Rwanda's interhamwe is as, or more, regrettable as are some opposition slurs against the Tigrayans in the ruling party.

Some reports of intimidation and harassment continue. Many allegations were difficult to substantiate and at least some were exaggerations. We will continue to monitor the investigation of these claims.

We regret the NEB's initial directive to restrict the types of domestic organizations that could receive credentials for election observation, but congratulate the manner by which legal appeals were pursued and the rapid and professional response of the NEB following the Supreme Court's decision. Domestic election observers, with their intimate familiarity with the country and their presence throughout the electoral process, have an important role to play and their future role should be encouraged.

Voting Day

Openings around the country occurred relatively smoothly and on time, with most delays only lasting 20 minutes to an hour. All election officials were present and electoral materials accounted for at the time of openings. Any delays in openings seem simply to have been caused by election officials taking care to carry out procedures properly and the extensive time it took to sign and stamp all ballots. Many polling stations commenced voting before the total ballot count was completed. As a result, some stations were counting and stamping ballots throughout the day.

The environment throughout most of the country was calm and peaceful. Voter turnout was overwhelming, and while citizens had to wait in extremely long lines, they showed remarkable patience. In the late afternoon, the NEB announced that all citizens who were in line at 6 p.m. would be allowed to vote, which alleviated some concerns. Thus, citizens who wished to vote were able to do so.

Some irregularities in procedures did occur, the most notable being that ID cards were not always checked. While officials consistently asked for voter cards, they failed to be equally diligent on the presentation of ID documents. As mentioned before, ballots were not all counted and marked before openings. Limited accounts of underage voting were reported.

Party representatives and domestic and community observers were present in most of the polling stations, though more so in urban than in rural areas. Remarkably, there were almost no reports of problems from such individuals, although opposition party headquarters did submit a list of problems and

allegations to Carter Center staff.

One area of particular concern was in Hossana, where unrest occurred in the rural areas of Soro and Bure. In Bure, officials were not checking ID cards or voter cards, and crowds became agitated with the poor management of the process. As the crowd grew more agitated, voting was suspended between 11:30 a.m. and 2:30 p.m. It is unclear whether the suspension of voting was due to attempts to disrupt voting or because officials were fearful and unable to control the growing crowd. In Soro, Carter Center observers witnessed a large number of underage voters. There also were unconfirmed reports of vote buying. In addition, the bags that the ballots were delivered in were opened one day before voting commenced. Dessie City, Kebele 10, was also an area of concern, where crowds grew restless at an overcrowded polling station and tried to push into the station.

Conclusion

We have made observations across Ethiopia and trust that the NEB counting, tabulation, and verification will be completed in a careful and expeditious manner. Final results will not be announced for quite some time. We call on all parties, candidates, and voters to be patient and wait for the process to reach its conclusion. All concerns or complaints about the process should be pursued through the processes established within the NEB and the courts. We call on all parties to avoid inflammatory statements. Now is the time for private citizens and party leaders to demonstrate patience and restraint so that the important advances of election day can be preserved.

We will keep a small staff in country and will continue to observe in the aftermath of the election. After election results have been finalized we will issue a final report which will be shared with the NEB, in compliance with Ethiopia's Code of Conduct for International Observers.

**Postelection Statement on Ethiopia Elections, June 3,
2005
3 Jun 2005**

FOR IMMEDIATE RELEASE

**CONTACT: Samantha Aucock
In Ethiopia, +251-09-47-20-65
Kay Torrance
In Atlanta, 404-420-5129**

ADDIS ABABA, ETHIOPIA...The Carter Center's May 16 postelection statement, based on observations of the polling process in Addis Ababa and selected locations in eight regions, expressed some concerns and noted that for the first time in history the majority of Ethiopian voters were presented with choices when they went to the polls. The overwhelming turnout on voting day demonstrated the vibrancy of democratic yearnings by the population, and the Center hopes these gains will be reinforced to provide stronger democratic institutions in Ethiopia.

The Center, though, is concerned with reports it has received about the vote counting and tabulation process and has investigated a number of these reports from regional polling places and constituencies. So far, our teams have concentrated travel to 36 constituencies in three regions where we have heard reports of problems, and so they do not represent a random set of national observations.

In places we have found evidence that ballot boxes have been moved improperly, were improperly secured, or that party agents were barred from polling stations or were not allowed to watch the entire count. Our observers have received, and in some cases have been able to confirm, reports of election day and postelection intimidation and harassment. In some cases our observers report that NEB personnel have been slow to mobilize in investigating charges of electoral problems. In addition, in some of the areas visited in the postelection period, observers have experienced difficulty accessing information from local NEB officials.

We do not have the capacity to investigate every allegation nor is this a purpose of an electoral observation mission. It is the obligation of the electoral authorities to provide a fair and transparent process including the counting and tabulation. The question is not whether international observers or political parties "prove" that the count was improper, but whether the National Election Board can demonstrate the voting, counting, and tabulation processes were fair and transparent and all legitimate complaints were properly addressed. We have shared our observations with the NEB chairman and have been assured by him these issues will be investigated and that all NEB staff are expected to act in a transparent manner at all times.

Ethiopia stands at a critical juncture where the tremendous strides toward democracy made this year either may be seized upon and institutionalized or wasted. We call upon all concerned-the contending parties, media, civil society organizations, and the international community-to support the NEB in bringing this historic election to a fitting conclusion. Where inevitable disputes arise, we call for their peaceful resolution through appropriate legal channels.

As the election process includes a pre-election period, polling day, and a postelection period, the Center has not yet made a final assessment. Once the entire process is completed, the Center will issue a comprehensive report on our findings.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. Please visit www.cartercenter.org to learn more about The Carter Center.

**Carter Center Postelection Statement on the Ethiopia
Elections, June 9, 2005
9 Jun 2005**

FOR IMMEDIATE RELEASE

**CONTACT: Kay Torrance
Assistant Director of Public Information
The Carter Center, 404-420-5129**

Atlanta.....The Carter Center joins other members of the international community and Ethiopian citizens in expressing its deep alarm and sorrow at the violence, injuries, deaths, and violations of human rights that have occurred since 6 June in Addis Ababa and elsewhere in Ethiopia in the aftermath of the 15 May national elections. Carter Center observers have been witness to and received reports of acts of violence that appear to be the result of a lack of restraint on the part of some government security forces. The Center calls upon the government to take immediate steps to curb the extreme measures employed by the security forces, which have led to multiple deaths.

The Carter Center acknowledges that the opposition parties have a shared responsibility in the preservation of a peaceful climate in which the elections process can be concluded. Every press statement, public appearance, and action must be weighed in terms of its potential effects on the fragile peace that must be maintained until the announcement of the final results. The opposition parties must honor their commitment to work within the stated parameters of the electoral process as promulgated by the NEBE to realize their electoral gains and move the country forward.

The Carter Center denounces the deaths of more than 20 citizens this week in Addis Ababa as well as the clashes between government security forces and civilians.

The Carter Center strongly regrets the arrests of hundreds of students, which, from reports received by the Center, have included those from high schools as well as universities. We also lament the harassment and detention of some domestic observers and journalists.

We condemn the arrests and other methods of harassment of opposition leaders and members. These actions have led to a severe restriction of their movement and a threat to their personal safety.

The Center believes that access to information is critical at this time and therefore is disappointed with the government's decision to revoke the accreditation of journalists from Voice of America and Deutsche Welle on 7 June. We urge the government to provide all major parties access to the media to appeal for peace.

The Carter Center is hopeful that recent overtures toward compromise on the complaints process will continue. It is our sincerest hope that all parties will continue to seek solutions that mirror the faith in the democratic process that millions of Ethiopians have shown at the polls. The decisions taken in the completion of this year's election must recognize and honor their extreme patience and sacrifice.

We call upon all concerned, including the government, ruling party, and the opposition parties, to reaffirm their commitments to peaceful participation in the entirety of the elections process.

This is the Carter Center's third postelection statement. The Carter Center established an observation field presence in Ethiopia March 19, 2005.

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FOR IMMEDIATE RELEASE Sept. 15, 2005

CONTACT: In Atlanta, Deanna Congileo

deanna.congileo@emory.edu

In Ethiopia, John Marsh

251-1-516-390

**Final Statement on The Carter Center Observation of the Ethiopia 2005
National Elections, September 2005**

Executive Summary

The Carter Center was pleased to accept the invitation of the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia to observe the 2005 parliamentary elections in Ethiopia. The May 15 elections were for 524 of the country's 547 constituency-based seats in the national parliament. The remaining 23 seats in the Somali region were elected separately in votes held on August 21.

After an assessment trip in January 2005, The Carter Center's observation mission opened an office in Addis Ababa on March 19 and has maintained a continuous field presence since that time. The Center deployed observers prior to voting day in early April to areas outside Addis Ababa to assess the political environment, election preparations, and the campaign. For the May 15 elections, the Center deployed observer teams to all regions of the country to monitor voting and counting processes. In addition, teams were redeployed to 36 constituencies in Amhara, Oromiya and SNNP regions to assess post-election tabulation processes.

In late May and early June, the Center closely followed negotiations between the ruling and major opposition parties, which resulted in an agreement on June 10 to adopt an *ad hoc* complaints resolution process to deal with the large number of unresolved electoral complaints. According to the agreement, Complaints Review Boards (CRB) were established to screen election complaints to determine which merited a full investigation. Formal

investigations and hearings were then conducted by 44 different Complaints Investigation Panels (CIPs) in 178 constituencies across the country. The Carter Center reviewed the operations of the CRBs, and sent observer teams to assess the investigation process in 14 CIPs covering 49 constituencies. The CIP processes resulted in a decision by the National Election Board of Ethiopia (NEBE) to hold re-votes in 31 constituencies. The Carter Center deployed teams to observe the re-vote process held on August 21 and the Somali region parliamentary elections held on the same day. In an effort to maximize observation coverage of the several phases of the electoral process, deployment of Carter Center observation teams was coordinated with the observation missions of the African Union and the European Union. This final statement and the more detailed final report to follow are based on Carter Center observation teams' reports on each of these phases of the 2005 election process.

The Carter Center observation has been conducted according to international standards for non-partisan election observation and is in accordance with the Declaration of Principles for International Observers. Ultimately, it is the citizens and voters who determine the credibility of their elections.

The 2005 Elections. The May 15 parliamentary elections were Ethiopia's third national elections following elections in 1995 and 2000. The 2005 elections took place in a highly contested environment and in a diverse country where regional considerations are influential and with the majority of voters in rural areas.

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

The National Election Board of Ethiopia (NEBE) implemented these reforms and adopted other important measures to increase transparency and responsiveness to political parties. Civil society organizations contributed greatly to the electoral process by organizing public forums, conducting voter education training, and deploying domestic observers. Most

importantly, the Ethiopian public demonstrated their commitment to democracy through their active and enthusiastic participation in the May 15 poll. As a result of these efforts and others by diverse Ethiopian actors and institutions, the overwhelming majority of Ethiopians had the opportunity to make a meaningful choice in the May 15 elections. This significant accomplishment has the potential to lead to further democratization and to consolidate multiparty competition.

While pre-election and election day processes were generally commendable, the post-election period was disappointing. The period following May 15 was marked by highly charged political tensions, several days of protests and electoral violence, delays in vote tabulation, a large number of electoral complaints, and a prolonged and problematic electoral dispute resolution process.

The Center's key concerns during the post-May period relate to the conduct of the ad hoc CRB and CIP complaint resolution processes. The June 10 agreement to establish the complaints process was agreed to by all parties and was important in order to provide a cooling off period after the violence and arrests of early June and a mechanism to resolve electoral disputes. However, in retrospect the CRB/CIP process did not provide an adequate means for a fair resolution of all electoral disputes. A significant number of cases reviewed by the CRB in appeal included a dissenting opinion arguing that there was sufficient evidence to approve the case for investigation in a CIP. The CIP process was not executed in a uniform fashion across constituencies, with potentially consequential inconsistencies in the application of rules for the admission of evidence and witnesses.

The majority of the constituency results based on the May 15 polling and tabulation are credible and reflect competitive conditions. However, a considerable number of the constituency results based on the problematic CRB and CIP processes lack credibility. In light of these problems, it is important to note that the CRB/CIP processes were ad hoc mechanisms to review electoral complaints, and that the prescribed legal recourse to challenge these decisions is via an appeal to the High Court. Therefore, it is incumbent upon dissatisfied political parties to file appeals to the High Court in an expeditious manner in those cases where they feel that there is credible evidence. If parties decide not to file court appeals, the NEBE's announced results should be accepted as final and legitimate. The Carter Center stands

ready to assist Ethiopians and observe any other electoral processes as appropriate.

Following is a summary of The Carter Center's observation findings for each phase of the election process.

The May 15 Pre-election Period

Starting in March, the Center maintained a field presence in Ethiopia. Six medium term observers were deployed in early April across the country to observe the political environment, election preparations, and the campaign. In contrast to previous elections, the pre-election campaign period provided sufficient conditions for a credible and competitive electoral process:

- ⌚ The ruling Ethiopian Peoples Revolutionary Democratic Front (EPRDF) and the Government of the Federal Democratic Republic of Ethiopia took the initiative to level the electoral playing field. Electoral law was amended to streamline the candidate nomination process, eliminating the requirement of 500 signatures on nomination papers for party nominees and reducing the residence requirement for candidates from five years to two.
- ⌚ The NEBE demonstrated greater openness and dynamism. It established a system of joint political party forums at the national and sub national level. These provided a partially effective means of resolving problems among the parties and among the parties and the Board. In addition, the NEBE established a website to post the latest election news.
- ⌚ Opposition parties benefited from guaranteed access to state-owned electronic media under the formula devised by the Minister of Information in implementation of the electoral law. Access to the radio appears to have been particularly important as this medium has broad reach throughout the country.
- ⌚ A broad range of civil society organizations conducted civic education and organized a series of widely-discussed live televised debates. Ethiopian citizens saw that government officials could be challenged without retribution.
- ⌚ The competing parties pledged a code of conduct, while the ruling party issued its own comprehensive code to its members, specifically barring many of the abuses that opposition parties had complained of in the past.
- ⌚ Candidates campaigned widely and effectively.

- ⌚ Most dramatically, the electoral campaign climaxed in its final week with large and peaceful campaign rallies by major contenders in Addis Ababa.
- ⌚ International observers were invited to observe the entire electoral process.

The result of these developments was that more than 90 percent of the races for the 547 seat House of Peoples Representatives were contested by both opposition parties and the ruling party in marked contrast to previous elections. For the first time a large majority of Ethiopian citizens was presented with a choice at the polls, and control of the national government hinged on the electoral process.

In spite of these many positive developments, the Center also noted several concerns, some of which were reported in our Post-election Statement of May 16, 2005.

- ⌚ Carter Center observers heard and investigated many allegations of violence and intimidation during the campaign and pre-election period, some of which proved to be credible while others were exaggerated. In the instances where claims of violence or intimidation were credible, our observers noted a climate in which candidates felt constrained to campaign and voters to choose without fear of repercussions.
- ⌚ The campaign started out at a high level, focusing on issues rather than personalities, but degenerated in its final weeks into charges and countercharges of engaging in ethnic “hate speech.”
- ⌚ Allegations of opposition plots to undermine the election even as it participated were disturbing, as were continued threats of opposition withdrawal throughout the campaign, the complaints process, and the re-elections.
- ⌚ The NEBE imposed severe restrictions on domestic election observation. On the eve of the election the Supreme Court overturned the NEBE’s regulations on the types of domestic organizations it was prepared to grant credentials for election monitoring, but by then it was too late for domestic observers to deploy widely. Observer reports by these groups might have helped to reduce the complaints and confusion that emerged during the election.
- ⌚ Three US-based non-governmental organizations (NDI, IRI, and IFES), which could have provided invaluable assistance to the electoral process, were expelled in the months prior to the election.

May 15 Election Day

For election day on May 15, the Center deployed 50 international observers from 17 countries (including Argentina, Canada, France, Liberia, Rwanda, South Africa, Sweden, the United States, Zambia, and Zimbabwe) to seven regions, as well as the special administrative regions of Dire Dawa and Addis Ababa. The delegation was co-led by former U.S. President Jimmy Carter, his wife, Rosalynn, former Botswana President Sir Ketumile Joni Masire, and former Prime Minister of Tanzania Judge Joseph Warioba. Due to logistical constraints, Carter Center observer teams were deployed to largely urban areas. Coverage of the more rural areas of the country was limited.

In a post-election statement released May 16, the Center noted that the environment throughout most of the country on May 15 was calm and peaceful, and voter turnout was overwhelming. While citizens had to wait in extremely long lines, they showed remarkable patience. Irregularities in procedures were observed, but many of these were relatively minor, particularly in Addis Ababa. More serious irregularities were seen in other parts of the country, including instances of failure to check identification cards and of underage voting. Party representatives and domestic and community observers were present in most polling stations observed, especially in urban areas. Remarkably, there were almost no reports of problems from party agents present in the stations, although opposition party headquarters did submit a list of problems and allegations to Carter Center staff.

On election night, in the context of the highly charged atmosphere among both opposition and ruling party supporters in the capital city, the Prime Minister imposed a one month ban on demonstrations in the capital city.

May 15 Post-election Period

Starting May 16 the quality of the electoral process in many ways declined rapidly.

When disturbing reports were received about the vote counting and tabulation process, observation teams were redeployed to 36 constituencies in Amhara, Oromiya, and SNNP regions.

Our observers received and in some instances were able to confirm credible reports of election-day and post-election intimidation and harassment. In

several constituencies at the polling station level we found evidence that ballot boxes had been improperly moved, were improperly secured, or that party agents had been barred from polling stations or not allowed to watch the entire count. Generally, inquiries made to the NEBE in Addis Ababa were responded to quickly, but obtaining information from field offices was sometimes difficult. In Amhara and SNNP regions, observers experienced difficulty in accessing information from local NEBE officials.

In the days following the election, it became clear that the ruling party had lost by a landslide in Addis Ababa and most urban and peri-urban areas in the country. Election results trickled in, but there was no authoritative information on outcomes for rural constituencies. Both the ruling and opposition parties claimed victory. The opposition accused the ruling party of fraud and rigging the election, while the ruling party accused the opposition of carrying out an orchestrated plot to destabilize the country and subvert the constitution. Opposition parties no longer had access to state-owned media, which had been available during the campaign period.

The NEBE faced a difficult and challenging situation in the late May-early June period. With both the ruling party and opposition parties claiming victory, it became important for the NEBE to release provisional results as they were available. However, finalizing elections in more than half the country's constituencies became mired in unresolved complaints. As the scheduled June 8 date for the announcement by the NEBE of provisional results approached, it became apparent that the deadline was not going to be met.

At dawn on June 6 Addis Ababa university students demonstrated at their campus, resonating opposition complaints that the election had been rigged. Hundreds of students were soon arrested, and rumors of a general strike were heard around the city. On June 8 a transportation strike spread throughout Addis Ababa. Violence and gunfire broke out in several areas of the city. Official reports placed the number of shooting deaths during this June 6-8 period at 37, with hundreds injured.

Following the protests, opposition party leaders and supporters were rounded up and arrested, or placed under house arrest. Opposition leaders claimed these acts were political persecution, while the government blamed the opposition for inciting the violence.

On June 9 The Carter Center issued a public statement condemning excessive use of force by security personnel and the harassment of political leaders. The Center called on all parties to use legal mechanisms to address any election related disputes.

Complaints Review and Investigation Processes

Carter Center personnel followed the negotiations that led to the adoption by the ruling and major opposition parties of the ad hoc complaints resolution process to deal with the numerous complaints that were not resolved through established complaints resolution processes. The ad hoc process was structured to include two Complaints Review Boards (CRB) and 44 Complaints Investigation Panels (CIPs).

The Carter Center followed the operations of the first CRB, which screened the initial complaints, some of which were approved for investigation. The Center then followed the second CRB, which was established to provide the opportunity for a second hearing to appeal decisions taken by the first CRB. Parties were allowed to introduce additional evidence into the deliberations of the second CRB. The first CRB consisted of five lawyers and the second CRB consisted of two NEBE officials, and one legal advisor.

Carter Center observers attended 14 of the 44 CIPs that conducted the final phase of the complaints resolution process. As the CRB/CIP processes are the more problematic aspects of the electoral process, this statement includes more background and detailed findings.

Background. The NEBE *Polling Station Handbook*, distributed to all of the polling stations, provided for the establishment of complaints committees at each polling place and outlined further steps for complaints that could not be resolved at that level, including ultimate resort to the Federal High Court. Prior to the elections, judges and prosecutors were trained on election law, and special benches of judges and “fast-tracking” procedures for election cases were introduced.

Carter Center observers saw little evidence of effective use of established complaints procedures in the polling stations observed. The NEBE reported that the ruling party did avail itself of this system. But opposition parties appeared to have difficulty navigating the complaints process. Some opposition complaints were dismissed due to a lack of information or evidence. In other cases, the complaints were not addressed by the relevant

local authority. Ultimately the established complaints resolution process did not prove effective for many of the cases.

By early June, some 380 complaints involving numerous seats in the parliament had been presented to the national level NEBE. Although the NEBE had the authority to dismiss them out of hand, it extended deadlines for submission of evidence, providing complainants with more opportunities to present additional evidence. In an effort to deal with the complaints in a credible manner, the NEBE consulted with the ruling and opposition parties and the international community to devise new procedures. After several days of intense negotiation, on June 10 the ruling party and the major opposition parties signed an agreement to adopt the ad hoc complaints resolution process, accepting the legal authority of the NEBE and the courts and agreeing to abide by their decisions.

Complaints Review Board (CRB). The Carter Center followed parts of the CRB process and conducted a review of the CRB data and the decisions provided by the NEBE. From the available information, it appears that the initial CRB adequately handled the cases reviewed, with an appropriately permissive threshold for sending the complaints forward based on either quantity or quality of evidence. The second CRB referred an additional 25 cases for investigation. However, the Center noted that the outside legal expert on the CRB dissented in 14 cases in which the CRB voted 2-to-1 to reject the complaints because parties were bringing evidence of irregularities at additional polling stations within the same constituencies. The basis for these rejections is not clear given that the complaints process was structured at the constituency level.

Complaints Investigation Panel (CIP). A Complaints Investigation Panel (CIP) consists of a NEBE official as chair and one representative from each of the complainant parties and the party that stood to lose the seat should the complaint be upheld. The CIP was charged with investigating the complaints by traveling to affected areas and calling on and hearing witnesses and assessing the veracity of the claims. Observation teams attended 14 of the 44 CIPs that conducted the final phase of the complaints resolution process. From the some 380 complaints, the two-part CRB screening process identified 178 at the constituency level for investigation by CIPs. The NEBE created 44 CIPs, which fanned out over the country to investigate complaints in 178 constituencies. The Carter Center observed the process in 14 panels covering 49 constituencies.

We observed:

- ⌚ Inconsistencies in the application of rules for the admission of evidence and witnesses
- ⌚ Credible reports of intimidation of witnesses
- ⌚ Apparent partisanship on the part of NEBE presiding officers
- ⌚ Intentional delays on the part of opposition parties
- ⌚ Withdrawals from the process by the opposition parties, resulting in decisions being taken in their absence

Notwithstanding the fact that the CIP's terms of reference (TOR) permitted adjustments to the operating rules based on consensus of the panel, there seemed to be no clear instruction or guidelines from the NEBE regarding acceptable modifications in operation of individual panels. While the flexibility of the rules of procedure was an important factor in allowing the process to go forward, it was undermined by the lack of clear procedural parameters that resulted in inconsistencies in the conduct of the panels.

Per Article 12 of the rules of procedure the complainant and other interested parties can only request a reasonable number of witnesses, in no case to exceed five, for each irregularity alleged. However in observed panels, some only heard testimony from five witnesses, others heard testimony from five witnesses per complaint raised, and still others heard testimony from five persons per polling station. There was a lack of clarity regarding the criteria for deciding whether re-elections should be held only in certain polling stations or throughout the entire constituency. In a third of the panels observed, the CIPs limited the complaints to only those noted on the checklist from the CRB's initial review, even though the rules of procedure state that all issues raised in the complaint should be considered. In the majority of cases the Center observed, witnesses could give testimony without fear of retribution. However in a third of the panels, the Center found either individuals not willing to talk to the CIP for fear of reprisals, witnesses who appeared frightened or intimidated while testifying in front of the panel, or credible evidence of intimidation and harassment, including beatings and bribes, in the areas around the Panel sites.

In slightly less than half of the CIPs observed, the Center found that CIP members behaved in ways that created the appearance of political bias, including refusing to hear evidence, not providing clear explanations of reasons for decisions, and quickly dismissing opposition arguments. Although the terms of reference called for CIPs to operate by consensus,

binding majority decisions were allowed in cases when consensus could not be reached. Reaching consensus in such a highly charged environment proved extremely difficult. Only a third of CIP decisions observed by the Center were made by consensus. In another third of the cases, one or more parties refused to sign the decision. There were far fewer consensus decisions made in the CIP constituencies that the Center did not observe.

Given the complicated task, another factor undermining the process was the time pressure facing the CIPs to complete their work. This was exacerbated by delaying tactics and withdrawals by the opposition. In several constituencies observed by the Center, opposition complainants halted work of the panel in order to subpoena an incarcerated witness. The Center only observed one case where a detained person was not subpoenaed and thus not able to participate in the hearing. However, the Center observed two cases in which the NEBE chair issued subpoenas to call detained witnesses (both for opposition complainants), but where the complainant indicated they no longer desired the testimony of the subpoenaed individuals. The efforts to locate these people delayed the panels for a considerable amount of time. Most instances of intentional delays observed by the Center were caused by opposition parties. In the majority of cases observed, the practice of bringing forward incarcerated persons for testimony appeared to work.

It should also be noted that early in the process opposition advocates and panelists withdrew from the proceedings in some constituencies to protest what they viewed as biased decisions by the CIPs. According to the terms of reference, the panel is to proceed if the party absent is the provisional seat holder, but should drop the case if the party absent is the complainant. As a result, unfortunately, the deliberative purpose of the panel was not possible in the instances of withdrawals.

The Carter Center acknowledges the challenging conditions under which the CIP process was implemented, and that the negotiations and agreements to undertake the CIPs provided a cooling off period in the wake of the early June unrest. In retrospect, however, given the highly charged and distrustful environment, it seems clear that the CIPs were structurally flawed in the sense that the complainants themselves were part of the panel judging the veracity of their own claims. The process relied heavily on the good faith effort of all parties involved to stay engaged in and committed to the conclusion of the process.

Overall, the CIP mechanism did not provide an adequate remedy to ensure a fair resolution of all electoral complaints, and it did not serve to increase general confidence in the election process. It is important to note that the NEBE provided multiple opportunities for dissatisfied parties to bring forward additional evidence. The sheer volume of complaints clogged the system and distracted the NEBE from other operational duties. Looking forward, it is incumbent upon the NEBE to clarify electoral complaint procedures early in the election process, and for parties to create internal mechanisms for presenting credible evidence in a timely manner within the established parameters.

August 21 Re-elections

As a result of the CIPs, the NEBE conducted re-elections in 31 constituencies on August 21. The opposition party Coalition for Unity and Democracy (CUD) unsuccessfully challenged the re-voting in court, claiming that the NEBE had not justified its decisions on which constituencies deserved new polling.

Carter Center observer teams were deployed to 11 of those constituencies for the August 21 ballot, visiting 94 polling stations. The Center's observers reported that election administration ran smoothly in most polling stations. In some places identification (ID) cards were not checked, polling stations opened late and closed early, and voters' fingers were not checked for indelible ink. In almost half of the constituencies observed, voters and community members appeared to lack knowledge as to why the re-election was taking place.

Prior to polling day there were reports of intimidation of opposition members and supporters. Although there were few formal withdrawals from the re-elections, in many places the opposition parties effectively surrendered the field, and opposition party representatives were difficult to find and interview.

Armed militia, police, and/or military personnel were seen outside of polling stations in many areas visited by CC observers, and in some areas also inside the polling stations. Although security personnel can be present inside the station if requested by polling station officials, in the polarized environment surrounding the re-elections, some Center observers reported that the security presence appeared to have an intimidating effect on voters.

The ruling party made a clean sweep of the re-elections, in some cases overturning what had been substantial defeats in the 15 May elections.

August 21 Somali Region Elections

For 2005, elections in the 23 constituencies of the Somali Region were scheduled on August 21. In four constituencies they had to be further postponed because voter registration had not been completed. The period before the election was marked by announcements of withdrawals from the elections by the major regional opposition parties.

Four Carter Center observer teams were deployed into three urban areas in the Somali region to observe the August 21 voting. On election day, Carter Center observers found that polling stations were chaotic, with the voting process extremely disorganized. Observers uniformly witnessed instances of underage voting, multiple voting, heightened security presence (anticipated due to extreme insecure conditions in this region), openly partisan polling officials, and open campaigning on voting day in and around polling stations. Opposition parties did not engage in the process in many areas. While the Somali elections suffered from severe irregularities, the Somali region is somewhat of an anomaly in Ethiopia. The region is clan and tribe-based, a large part of the population is pastoral, and elders are influential in the local communities. Most Somalis did not appear disturbed by the apparent irregularities in the process as it unfolded, and certainly no one tried to hide events from the scrutiny of observers.

It also should be noted that the NEBE was planning for the Somali elections at the same time it was conducting the CIP process, so its resources were heavily challenged. More civic education campaigns are likely needed prior to future elections, as well as a careful review of how best to implement elections in the region.

National Election Board

The NEBE is to be commended for its electoral preparations and successes in implementing the May 15 voting process. The increased transparency and responsiveness of the NEBE was an improvement over previous elections. The NEBE showed remarkable flexibility and responded in an inclusive and timely fashion to the demands to replace the complaints process that had proved inadequate.

However, there are several areas of concern with respect to the NEBE's performance in the course of the election. The focus and dedication to

impartiality that were exhibited by the NEBE at the national level quickly dissipated in some areas outside of Addis Ababa, especially as the complaints process wore on. While NEBE officials reported that some election officials were replaced in response to verified claims of partisan activities, there remains a need to ensure election officials at all levels are accountable and perform their duties effectively and transparently.

Conclusion

The May 15, 2005, elections were Ethiopia's third national election. The 2005 elections were held to choose representatives to fill 547 seats in the parliament in a very diverse country, where regional considerations matter and where regional and local leaders wield a high degree of influence. The elections process demonstrated significant advances in Ethiopia's democratization process, including most importantly the introduction of a more competitive electoral process, which could potentially result in a pluralistic, multi-party political system. Ethiopians saw and understood that public policy appropriately receives debate, that public media cover multiple points of view, that voters' choices can result in the election of opposition members of parliament, and that local administration may be in the hands of a party other than the ruling party. Depending on developments in the coming months and years, the 2005 elections could potentially represent a historic sea change in attitudes toward political power and competition in Ethiopia.

The Carter Center's assessment of the elections suggests that the majority of the constituency results based on the May 15 polling and tabulation are credible and reflect competitive conditions. However, a considerable number of the constituency results based on the CRB and CIP processes are problematic and lack credibility. Within the universe of seats impacted by the complaints process, many of these cases lacked sufficient evidence to warrant challenging the result. However, serious problems were found in parts of the CRB process and in a considerable number of the CIPs. In addition, there were problems in some of the re-election constituencies. In this context, it is important to note that the CRB/CIP processes were ad hoc mechanisms to review electoral complaints, and that the prescribed legal recourse to challenge these decisions is via an appeal to the High Court. It is incumbent upon dissatisfied political parties to file appeals to the High Court in an expeditious manner in those cases where they feel there is credible evidence. If parties decide not to file court appeals, the NEBE's announced results should be accepted as final and legitimate. The Carter Center stands

ready to assist Ethiopians and observe any other electoral processes as appropriate.

The NEBE is entering polling station level results into a database, aggregating these results and comparing them to the constituency level results. This is an essential procedure, which should be completed soon, and will provide important polling station data for all parties to cross-check results. The opposition CUD claims to have polling station level data proving it won more seats in parliament than the official NEBE results indicate. It is incumbent upon parties to bring data and evidence of discrepancies to the NEBE as soon as possible.

On May 15 an overwhelming number of Ethiopian voters stood in line for long hours to express their democratic right to elect their leaders. They exhibited faith in a process and a desire for democracy and sent clear messages to all Ethiopian political leaders that this desire was a will of the people.

In the spirit of the expressed will on the part of the electorate for furthering democracy in Ethiopia, we urge the leaders of the new parliament, both ruling party and opposition, to work together to devise new rules and practices to ensure that all voters' interests are represented in parliament, and that the upcoming 2006 woreda and 2010 national elections build on the gains made during the 2005 elections.

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This is The Carter Center's fourth post-election statement. Previous statements were issued on May 16, 2005, June 3, 2005, and June 9, 2005. *The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. Please visit www.cartercenter.org to learn more about The Carter Center.*