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## INTRA PARTY DEMOCRACY IN ETHIOPIA: TOWARDS A REGULATORY REGIME

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### Abstract

*In Ethiopia, political parties are argued to have problems in their internal functioning: non-adherence to party internal rules, dominance of party leaders, disengaging party members in party decision making and governance, little institutionalization of party functions and weak party organization. These internal problems are also believed to have resulted in weak political parties that do not provide viable political choices to the electorate. This Article investigates whether intra-party democracy (IPD) is adequately regulated in Ethiopia and seeks to establish the need for a sufficient regulatory regime to promote IPD. For this purpose, the author examines the pertinent provisions from the FDRE Constitution, relevant subsidiary laws and bylaws of three purposively selected political parties. Besides, relevant research works are used to address the matter. Accordingly, the finding suggests that intra party democracy is not adequately regulated in Ethiopia. As it is evident in the FDRE Constitution and party laws, party regulation in Ethiopia is more inclined to the external behavior of parties than their internal operation. The Constitution and party laws contain few provisions regulating limited aspect of internal behavior of parties. In addition, despite the claims under the bylaws of parties to adhere to democratic principles, there is democratic deficit in their internal functioning leading them to an endless cycle of disintegration, merger and re-constitution. This Article therefore calls for a full-fledged regulation of IPD to promote democracy within parties. It is important that the government enacts a detailed law intended at enforcing internal democracy in political parties.*

**Keywords:** *cultures of democracy, intra party democracy, political parties, party regulation, multi-party system*

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## I. INTRODUCTION

Political parties were considered as private organizations and, hence, party regulation was thought to be beyond the mandate of states.<sup>1</sup> Later on, people's discontent on emerging behavior and poor performance of political parties, introduction of state financial support, and a desire to protect democratic order resulted in an increased interest to regulate internal behavior of parties.<sup>2</sup> To this end, states (mainly in Europe) have provided regulatory rules demanding parties to be internally democratic.<sup>3</sup> There is now an expectation and need both from the state and the parties themselves to be democratic in their internal functioning: in deliberation, decision making, candidate nomination, leadership selection, empowering underrepresented groups (women, language and ethnic minorities) and use of finance.<sup>4</sup> Parties' internal democracy has multiple advantages. It promotes stable and vigorous political parties which can offer a well-articulated program to the electorate, and promotes culture of democracy among the wider society beyond the parties themselves.<sup>5</sup> Moreover, while parties' own regulation of IPD is essential, external regulation is the most effective mechanism to implement IPD.<sup>6</sup>

This Article investigates whether intra-party democracy is adequately regulated in Ethiopia and seeks to establish the need for a full-fledged regulatory regime against the internal functioning of parties to promote IPD. A content analysis of the FDRE Constitution and other laws is made to study whether IPD is provided as desired behavior for parties and whether parties in Ethiopia are adequately regulated for this. The bylaws of the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF), Ethiopian Democratic Party (EDP) and Blue Party are also studied to see the place and commitment political parties have given to the principles of internal democracy. The parties are selected purposively as they represent generation of parties in Ethiopia. Besides, while EPRDF is the ruling party, EDP and Blue Party can be considered to

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<sup>1</sup> Ingrid van Biezen & Daniela Romee Piccio, *Shaping Intra-Party Democracy: On the Legal Regulation of Internal Party Organizations* in *THE CHALLENGES OF PARTY DEMOCRACY* 27-48, 27 (William P. Cross and Richard S. Katz eds., Oxford University Press, 2013) (*herein after*, Ingrid van Biezen & Daniela Romee Piccio). See also Gary Johns, *Desirability of Regulating Political Parties, and Agenda*: 8(4) *A JOURNAL OF POLICY AND ANALYSIS AND REFORM*. 291, 291 (2001).

<sup>2</sup> *Id.*, Ingrid van Biezen and Daniela Romee Piccio.

<sup>3</sup> *Id.*, at 28.

<sup>4</sup> Susan Scarrow, *Implementing Intra-Party Democracy in Political Parties and Democracy in Theoretical Perspectives* 20 (2005), available at [https://www.ndi.org/sites/default/files/1951\\_polpart\\_scarrow\\_110105\\_5.pdf](https://www.ndi.org/sites/default/files/1951_polpart_scarrow_110105_5.pdf), (Accessed on 7 August, 2018). See also Salih, M.A. Mohamed, 'The Challenges of Internal Party Democracy in AFRICA: IN UNDP HANDBOOK ON WORKING ON POLITICAL PARTIES, 54-55, (Gretchen Luchsinger Sidhu eds., UNDP, New York, 2006). Also see Chris C. Ojukwu and Tope Olaifa, *Challenges of Internal Democracy in Nigeria's Political Parties: The Bane of Intra-Party Conflicts in the People's Democratic Party of Nigeria*, 11(3) *GLOBAL JOURNAL OF HUMAN SOCIAL SCIENCE* 25, 28 (2011). And See Jeroen Mimpen, *Intra-Party Democracy and Its Discontents, Democratization in a Volatile Political Landscape, 2005*, available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.581.8569&rep=rep1&type=pdf> (Accessed on 15 March, 2017).

<sup>5</sup> Josh Maiyo, *Political Parties and Intra-Party Democracy in East Africa – from Representative to Participatory Democracy* 23(2008), available at <http://www.ascleiden.nl/Pdf/thesis-maiyo.pdf>, (Accessed on 6 August 2018).

<sup>6</sup> Marcin Walecki, *Regulating Politics: The Role of Internal and External Oversight in at Europe*, available at [www.legislationline.org/.../Walecki\\_IFES%20paper\\_Regulating\\_Politics\\_in\\_Europe](http://www.legislationline.org/.../Walecki_IFES%20paper_Regulating_Politics_in_Europe), (Accessed on 17 May, 2018).

have a considerable public presence. A study of the practice of internal democracy in the political parties is also made to assess if regulation of IPD is necessary in Ethiopia.

The remaining part of this Article is structured in seven sections. Section II discusses about parties and their roles in/for democracy. Section III addresses the theoretical discourses relating to the meaning, elements and importance of IPD. Section IV discusses the progressive development of regulation of political parties in general and their internal functioning. In particular, it emphasizes discussing regulation as mechanism to promote IPD. It further explains on how and what aspect of internal activities of parties may be regulated. It also discusses the specific legal instruments used to implement IPD. Section V investigates the regulation of IPD in Ethiopia by studying the contents of the FDRE Constitution, other relevant subsidiary laws, and the bylaws of three selected political parties. Section VI presents the practice of internal democracy in political parties in Ethiopia through analysis of different researches. Finally, section VII provides some concluding remarks. In this Article, terms such as “Intra-Party Democracy”, “Intra Party Democracy”, “Internal Party Democracy”, and “IPD” are used interchangeably throughout the text.

## II. POLITICAL PARTIES AND THEIR ROLES IN DEMOCRACY

The American founding fathers had considered political parties as ‘ominous’ capable of undermining, perverting or usurping the popular will of the majority.<sup>7</sup> In addition, the party splits which often commanded the US Congress to a political deadlock including on key policy issues has yet kept the anti-party reaction alive in America.<sup>8</sup> Similarly, trust and confidence in political parties also remain low in Latin America.<sup>9</sup> Contrary to this, liberal theorists have explained parties as quintessential to representative democracies<sup>10</sup> where the latter is impossible without the participation of the political parties.<sup>11</sup> Political parties make democracy workable by acting as bridges between the electorate and government.<sup>12</sup> They act as bridges through articulating and aggregating public interests, formulating public policy, recruiting political leaders, mobilizing

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<sup>7</sup> NORRIS PIPPA, *BUILDING POLITICAL PARTIES: REFORMING LEGAL REGULATIONS AND INTERNAL RULES* 3 (Stockholm: IDEA, 2005), (*herein after*, NORRIS PIPPA). James Madison, for instance, described political parties as dangerous vice that tainted public administration. See Kate O’Regan, (Justice of the Constitutional Court (1994 – 2009)), *Political Parties: the Missing Link in our Constitution*, Corruption Watch, (2015), *available at* <http://www.corruptionwatch.org.za/political-parties-the-missing-link-in-our-constitution>, (Accessed on 18 May, 2018).

<sup>8</sup> *Id.*, NORRIS PIPPA.

<sup>9</sup> See generally Linz Juan J., *Parties in Contemporary Democracies: Problems and Paradoxes in POLITICAL PARTIES: OLD CONCEPTS AND NEW CHALLENGES* 291, 291-317 (Richard Gunther, Jos’e Ram et al, eds., Oxford University Press, 2002). See Noam Lupu, *Brand Dilution and the Breakdown of Political Parties in Latin America*, 1(2012), *available at* [http://americo.usal.es/iberoame/sites/default/files/lupu\\_BrandDilution\\_confInsti.pdf](http://americo.usal.es/iberoame/sites/default/files/lupu_BrandDilution_confInsti.pdf). (Accessed on 18 May 2018).

<sup>10</sup> NORRIS PIPPA, *supra* note 7.

<sup>11</sup> SCHATTSCHEIDER, E. E., *PARTY GOVERNMENT* 1 (Holt Rinehart and Winston, New York :) (1942).

<sup>12</sup> JOHN H. ALDRICH, *WHY PARTIES? THE ORIGIN AND TRANSFORMATION OF POLITICAL PARTIES IN AMERICA* 3 (University of Chicago Press, Chicago) (1995).

citizens to participate in election, and forming the parliament and government.<sup>13</sup> Thus, in democracy, parties must exist to have a government in place.<sup>14</sup>

Because political parties are the major vehicles for the expression of an essential feature of democratic process, a political system is barely deemed democratic without the central assignment of political parties in its process.<sup>15</sup> A consensus also exists among political scientists that parties and competitive party systems are central to democracy and are essential agents of democratization.<sup>16</sup> The indispensability of parties in democracy is also evident from the fact that there is no democracy in the modern world that is able to function without political parties.<sup>17</sup> Number of parties contesting elections worldwide has increased since 1974 signifying their indispensability in the contemporary political process.<sup>18</sup> Moreover, political parties are forums for the exercise of individuals' fundamental rights to association and expression.<sup>19</sup> While competing for power, parties would also check the incumbent and contribute for improved political governance in a given country.<sup>20</sup> This is particularly significant in democracies where there is weak and ineffective system of checks and balance.<sup>21</sup> Last but not least, political parties can play significant role in the continuity and peaceful transfer of power.

### III. INTRA PARTY DEMOCRACY

#### A. Meaning and Elements of IPD

Intra party democracy is democracy within the party and the extent to which a party pledges and commits itself to the basic and universal principles of democracy.<sup>22</sup> It is a comprehensive concept unfolding very broad-range of approaches and procedures for engaging party members in intra-party deliberations and decision making process.<sup>23</sup> As such, IPD lacks a one size fits all approach. Internal party democracy is about the degree to which a party is democratically organized and functions.<sup>24</sup> Unlike the “big democracy” or the “democracy at state level”, IPD

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<sup>13</sup> NORRIS PIPPA, *supra* note 7.

<sup>14</sup> Currently, there is no other viable means to coordinate elections and formation of political power other than parties. See generally Steven Levitsky & Maxwell A. Cameron, *Democracy without Parties? Political Parties and Regime Change in Fujimori's Peru*, 45(3) LATIN AMERICAN POLITICS AND SOCIETY 1, 1-33 (2003).

<sup>15</sup> TYODEN SONNI GWANLE, PARTY RELATIONSHIP AND DEMOCRACY IN NIGERIA (1992).

<sup>16</sup> Peter Burnell, Promoting Parties and Party Systems in New Democracies: Is There Anything the 'International Community' Can Do? in CHALLENGES TO DEMOCRACY 188, 188., (K. Dowding et al. (eds.), Political Studies Association, 2001).

<sup>17</sup> Jan Teorell, *A Deliberative Defense of Intra-Party Democracy*, 5(3) PARTY POLITICS 363, 363 (1999).

<sup>18</sup> Per Nordlund, External Regulation and Internal Functioning of Political Parties: An Introductory Overview, 1(2006), available at [www.idea.int](http://www.idea.int). (Accessed on 19 May 2018)

<sup>19</sup> Steven Levitsky and Maxwell A. Cameron, *supra* note 14, at 7.

<sup>20</sup> JOHN H. ALDRICH, *supra* note 12, at 3.

<sup>21</sup> Steven Levitsky and Maxwell A. Cameron, *supra* note 14, at 4.

<sup>22</sup> Chris C. Ojukwu, Tope Olaifa, *supra* note 4 at 27.

<sup>23</sup> Scarrow Susan, *supra* note 4, at 3.

<sup>24</sup> Goran Cular, Organizational Development of Parties and Internal Party Democracy in Croatia, (unpublished, Paper presented at the ECPR Joint Session of Workshops, Lisbon, 2009), at 6-7.

should be taken as a neutral term and be valued only if it contributes to the quality of the former".<sup>25</sup> IPD is thus not a standalone concept having separate purpose.

Scholars have combined a number of elements of IPD. These include members' equal participation in decision making (including in selection of leaders and candidates, policy making, and assuming leadership role in the party), representation of underrepresented groups, institutionalization of internal party activities, and appropriate use of party fund.<sup>26</sup> These elements are briefly elaborated below.

### **1. Equal Participation of Members**

A party that allows equal participation of members in the decision making process is considered internally democratic.<sup>27</sup> Members must be able to equally influence the decision making process in the party including in the formulation of party program, and selection of candidates and party leaders. In addition, members must have equal rights to assume leadership in the party. Their equal participation ensures a deliberative decision making which is critical to develop an informed party program, and select appealing party leaders and candidates.<sup>28</sup> The empowerment and recognition of equality of members in the political party would also reduce dominance of party figures or elites in the party. Besides, it could minimize the possibility that candidates are selected on the basis of clientelism and unequal representation of all interest groups.

In a party where members are empowered in decision making, the General Assembly assumes powers on crucial matters in the party politics.<sup>29</sup> Contrarily, in a party where decision making is centralized, the executive committee usually assumes huge role in the party's decision making.<sup>30</sup> Open and equal participation of members in all aspect of party's internal functioning is therefore a viable means of creating cohesive and robust parties.<sup>31</sup> Internal cohesion of parties, in turn, is crucial for parties to win the hearts of the electorate.<sup>32</sup>

### **2. Participation and Representation of Disadvantaged Groups**

An attempt to accommodate party members such as women, persons with disabilities and language and ethnic minorities in the party's decision making and leadership role is noted as one element of IPD.<sup>33</sup> While there is no agreement on the best way to ensure participation of these groups in the political parties, provision of affirmative measures such as quota is widely adopted across countries.<sup>34</sup> A number of countries have legislations requiring parties to apply a quota

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<sup>25</sup> *Id.*

<sup>26</sup> Scarrow Susan, *supra* note 4.

<sup>27</sup> Jeroen Mimpen, *supra* note 4, at 2. Also see Chris C. Ojukwu, Tope Olaifa, *supra* note 4 at p.28.

<sup>28</sup> Jeroen Mimpen, *supra* note 4, at pp. 1-2.

<sup>29</sup> Scarrow, *supra* note 4.

<sup>30</sup> *Id.*

<sup>31</sup> Chris C. Ojukwu, Tope Olaifa, *supra* note 4, at 28.

<sup>32</sup> *Id.*

<sup>33</sup> Salih, M.A. Mohamed, *supra* note 4 at 54. See Jeroen Mimpen, *supra* note 4, at 4.

<sup>34</sup> Jeroen Mimpen, *supra* note 4 at 7.

scheme for these groups of party members.<sup>35</sup> The creation of a specific “women’s section” or “gender division” of a party is occasionally used as an instrument to encourage gender equality.<sup>36</sup> This contributes to ensure women’s participation by allowing them an opportunity to discuss issues of common concern and serve as a forum for expertise-building activities.<sup>37</sup>

### 3. *Institutionalization of Internal Activities*

Institutionalization of internal party activities is the other element of IPD.<sup>38</sup> This refers to the extent to which internal party activities are performed in an established systems or procedure.<sup>39</sup> It is also about the availability and potency of party organizational structure to effectively and efficiently respond to all party matters. A decentralized party structure and the existence of a party organ for conflict resolution are also indicators of party institutionalization.<sup>40</sup> However, a decentralized internal party structure does not necessarily entail party institutionalization.<sup>41</sup> The National Democratic Institute (NDI- a nonprofit, nonpartisan organization working to support and strengthen democratic institutions worldwide), in its minimum standard for democratic party functioning, stressed that the existence of a conflict resolution body in a party is important for free deliberation and debate on ideas within the party.<sup>42</sup> This is because, in any democratic party, it is both inevitable and desirable that dedicated and ambitious politicians will have clashing perspectives about which policies and approaches are in the best interests of the nation, and of the party.<sup>43</sup> Institutionalized parties are generally considered predicable, and capable of establishing a stable government at state level.<sup>44</sup>

### 4. *Appropriate Use of Party Fund*

As already said, there is an increasing trend that governments allocate money for political parties. It is also common that parties could solicit money from other sources permitted by the law. As a result, how parties must use this money has become a concern for governments. Use of party fund is believed to have many distorting effects including corruption, buying of votes and

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<sup>35</sup>*Id.* also see Methods of Implementing Internal Democracy in Political Parties, the Electoral Knowledge Network (ACE), at p.1, available at <http://aceproject.org/electoral-advice/archive/questions/replies/110615365>, accessed on April 4, 2018.

<sup>36</sup>The OSCE and the Venice Commission, Guidelines on Political Party Regulation, (2011), available at <https://www.osce.org/odihr/77812?download=true>, (Accessed on 22 May, 2018)

<sup>37</sup>*Id.*

<sup>38</sup> Scarrow, *supra* note 4, at 6-7

<sup>39</sup>*Id.*, at 6.

<sup>40</sup>*Id.*, at 15-16.

<sup>41</sup>There can be cases internally decentralized parties are weakly institutionalized. Scarrow, *supra* note 4, at 16.

<sup>42</sup>*Id.* See also the National Democratic Institute, Minimum Standards for the Democratic Functioning of Political Parties, 8(2008), available at [www.ndi.org](http://www.ndi.org). (Accessed on 22 May, 2018)

<sup>43</sup> *Id.*

<sup>44</sup> Okechukwu Ikeanyibe, *Internal Party Democracy, Party Candidature, and Democratic Consolidation in Nigeria's Fourth Republic*, 42(5) POLITICS & POLICY 769, 775-777(2014). See generally Political Parties in Afghanistan: A Review of the State of Political Parties after the 2009 and 2010 Elections, Washington, DC: National Democratic Institute (NDI), 2011, available at <https://www.ndi.org/sites/default/files/Afghanistan-political-parties-july-2011.pdf>, (Accessed on 6 August, 2018).

clientelism.<sup>45</sup> Internal transparency and accountability on the use of party fund ensures that party funds are used to advance party goal.<sup>46</sup> It limits the possibility that party leaders acquire illegitimate funds to boost their personal standing in the party or to be inappropriately elected for the party position.<sup>47</sup> As such, lack of accountability and transparency in party finance can be a challenge to democratic functioning of parties internally.<sup>48</sup> As political parties are generally regarded as source of corruption, transparency and accountability on the use of party fund can prevent corruption in political parties.<sup>49</sup> The 2003 United Nation Convention against Corruption and the 2003 African Union Convention on the Prevention and Combating of Corruption have also stressed the importance of enhancing transparency into the funding of political parties to fight corruption.<sup>50</sup> Party fund has thus become a subject of state regulation to control the potential distorting effects of use of the funds by the parties.

### B. The Case for Intra Party Democracy

It has been said that the primary function of political parties is to link the citizenry with the government.<sup>51</sup> To meet this responsibility, they must adhere to institutional guarantees such as IPD.<sup>52</sup> Political parties have to provide opportunities for effective participation of their members and leaders in their decision making processes. Unlike any other form of associations, the claim for democracy in political parties is stronger as parties are prospective institutions which may form government at state level. Contrary to the case in the older democracies where parties were deemed to assume private role, the participation of political parties in the political process is in the interest of the formation of the political will of the people.<sup>53</sup> In this respect, The German Party Law, for instance, defines political parties as associations which are freely established to perform public function.<sup>54</sup> As such, their internal functioning is strictly regulated in Germany both under the Basic Law and other party laws.

The relationship between parties and democracy should reflect the parties' adherence not only to democratic goals and actions, but also to internal democratic structures and practice.<sup>55</sup> Scholars such as Mersel argued that parties' failure to subscribe to legitimate political goal customarily causes the dissolution of the same, and a democratic deficit in their internal activities must cause parties to a similar consequence.<sup>56</sup> Mersel argued that there is interdependence

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<sup>45</sup> GRINER S. & DANIEL ZOVATTO (eds.), *FUNDING OF POLITICAL PARTIES AND ELECTION CAMPAIGNS IN THE AMERICAS* 19 (OAS and International IDEA, San José) (2005).

<sup>46</sup> National Democratic Institute, *supra* note 42, at 9-10.

<sup>47</sup> *Id.*

<sup>48</sup> Salih, M.A. Mohamed, *supra* note 4.

<sup>49</sup> Kate O'Regan, *supra* note 7.

<sup>50</sup> The United Nation Convention Against Corruption, 2003, Art. 7(3), and the African Union Convention on the Prevention and Combating of Corruption, 2003, Art. 10(B).

<sup>51</sup> Giovanni Sartori, *Party Types, Organisation and Functions*, 18(1) WEST EUROPEAN POLITICS 5, 11 (2005).

<sup>52</sup> Jan Teorell, *A Deliberative Defense of Intra-Party Democracy*, 5(3) PARTY POLITICS 363, 364 (1999).

<sup>53</sup> The Basic Law of Germany, 1949, Article.21 (1).

<sup>54</sup> Political Parties Act of Germany, 1967: Section I and II.

<sup>55</sup> Yigal Mersel, *The Dissolution of Political Parties: The Problem of Internal Democracy*, 4(1) INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW 84, 87-88 &97, available at <https://doi.org/10.1093/icon/moi053> ( Accessed on 6 August, 2018)

<sup>56</sup> *Id.*

between political parties and democracy. He further stated that it is likely that a political party which is not democratic internally can be externally undemocratic as the internal agenda and predispositions would influence the party's external attitudes and activities.<sup>57</sup> This emphasizes that a political party which does not commit itself to democratic values internally cannot logically hope to form democracy at state level. In other words, a party cannot normally respect oppositions in the wider political realm if it is intolerant of internal differences. The German Constitutional Court, in its ruling on the constitutionality of the *neo-Nazi Sozialistische Reichspartei*, also stated that there is logical relationship between the concept of free democratic order and the democratic principles of party organization.<sup>58</sup>

A party which follows democratic procedures internally possesses a chance of winning election.<sup>59</sup> This is because the party could, assisted by the democratic procedures, present an appealing candidate who can win the hearts of the electorates. It could also relate to the fact that the electorate develops trust and confidence on such a party given that it is habituated to democracy. Contrarily, a political party which does not follow democratic procedures such as, for instance, which restrains deliberation or repress dissenting views obviously lack a solid base to compete for and occupy state power. Such parties are rather assessed to suffer from a risk of disintegration.<sup>60</sup> Party's presentation in front of the electorate as fractured, on the other hand, would noticeably put the party in a position of losing the electoral competition. The risk of disintegration resulting from the undemocratic internal functioning of political party would in particular become dangerous if such party gets chance to hold state power. For this reason, internal party democracy is regarded as commendable to form cohesive and stable government at state level.<sup>61</sup> Again, IPD allows for representation of the views of the electorate, creates a place for different views to mushroom, and can attract more party members.<sup>62</sup>

Moreover, in any constitutional democracy where democracy, accountability and transparency are proclaimed as fundamentals of the system, political parties cannot become exceptions to disregard democratic values in their internal functioning. These fundamentals can reasonably give the state legitimate power to impose external regulation on party democracy where there is no constitutional prescription to this effect. Last but not least is the importance of party democracy to nurture cultures of democracy both within the political parties and in their relationship with the outside world, and at societal level.<sup>63</sup> Forbidding deliberation and dissenting opinions, factionalism, discrimination among members, breaches and non-compliance to party rules and regulation and other similar undemocratic activities in a political party apparently reinforce a pattern of weak culture of democracy at state and societal level.

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<sup>57</sup>*Id.*, at 97.

<sup>58</sup> Schneider Carl, *Political Parties and the German Basic Law of 1949*, 10(3) THE WESTERN POLITICAL QUARTERLY 527, 536 (1957).

<sup>59</sup> Scarrow, *supra* note 4, at 21.

<sup>60</sup> Okechukwu Ikeanyib, *supra* note 44, at 774.

<sup>61</sup>*Id.* See Chris C. Ojukwu, Tope Olaifa, *supra* note 4.

<sup>62</sup>Jeroen Mimpem *supra* note 4, at 3.

<sup>63</sup>Josh Maiyo, *supra* note 5, Scarrow, *supra* note 4, at 3, Okechukwu Ikeanyibe, *supra* note 44.



In continents such as Africa, where it is perceived that there is hardly a culture of democracy, IPD is indicated to have a particular significance in promoting the culture from inside the political parties to the societal level.<sup>64</sup> In such polities where levels of civic awareness are low, IPD provides opportunities to expand civic education and awareness through participation while at the same time devolving power and decision making processes to broader sections of the society.<sup>65</sup> Moreover, in Africa, where political parties are perceived more as means of assuming power than vehicles for democracy, IPD is likely to improve the overall effectiveness of the party against its competitors.<sup>66</sup> As stated before, it should, however, be noted that IPD should always be designed and valued in terms of its relevance to the democracy at state level. The benefits of IPD also depend on the specific democratic procedures adopted, implementation method, and interaction within the political context.<sup>67</sup>

#### IV. REGULATING INTRA-PARTY DEMOCRACY

Political parties have long been regarded as private entities entitled to compete freely in the electoral marketplace and determine their own internal structure and process.<sup>68</sup> As a result, regulating how parties must behave and function internally was considered a contravention to parties' internal affair.<sup>69</sup> So far, in countries such as the US, United Kingdom and Australia, regulation is largely considered against the liberal understanding of parties as non- state agencies.<sup>70</sup> In these three countries, there is, however, slow progress in introducing regulatory frameworks on political parties. In the US, party regulation has increasingly become the norm though its constitution makes no mention of political parties.<sup>71</sup> The US Supreme Court has also ruled that freedom of association is not absolute and states can regulate certain aspects of political parties, including their internal government structure and nominating process, if they can demonstrate an interest in the regulation that corresponds to the severity of the regulation imposed.<sup>72</sup> In UK, too, after persistence in considering parties as free institutions, the Tony Blair's Government effort to modernize the British Constitution has seen an effort to bring parties under some type of control.<sup>73</sup> In Australia, while regulation of external activities of

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<sup>64</sup>Josh Maiyo, *Id.*

<sup>65</sup>*Id.*

<sup>66</sup>*Id.*

<sup>67</sup>Jeroen Mimpen, *supra* note 4, at 2, See Yigal Mersel, *supra* note 55, at 108.

<sup>68</sup>Ingrid van Biezen & Daniela Romee Piccio, *supra* note 1.

<sup>69</sup>*Id.*

<sup>70</sup> ALAN WARE, *CITIZENS, PARTIES AND THE STATE* 92 (Princeton University Press, 1987). Anika Gauja, *Enforcing Democracy? Towards a Regulatory Regime for Implementation of Intra-Party Democracy*, available at [https://www.researchgate.net/publication/241042635\\_Enforcing\\_democracy\\_Towards\\_a\\_regulatory\\_regime\\_for\\_the\\_implementation\\_of\\_intra-party\\_democracy](https://www.researchgate.net/publication/241042635_Enforcing_democracy_Towards_a_regulatory_regime_for_the_implementation_of_intra-party_democracy). (Accessed on 18 May, 2018).

<sup>71</sup> Sarah John, *Resisting Legal Recognition and Regulation: Australian Parties as Rational Actors*, in *PARTY RULES?: DILEMMAS OF POLITICAL PARTY REGULATION IN AUSTRALIA* 37, 40-42 (Anika Gauja and Marian Sawer eds.), ANU Press, 2016).

<sup>72</sup>See *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958)), available at <https://supreme.justia.com/cases/federal/us/357/449>, (Accessed on 6 August, 2018).

<sup>73</sup>Scott Bennett, *Australia's Political Parties: More Regulation?* 10(2002), available at <http://www.apf.gov.au/binaries/library/pubs/rp/2001-02/02rp21.pdf>, (Accessed on 8 August 2018).

parties has long been a reality,<sup>74</sup> only the state of Queensland has officially adopted IPD regulations.<sup>75</sup> Indeed, a substantial number of case laws regulating internal life of political parties have developed over time throughout Australia.<sup>76</sup> A discussion on the need for greater transparency and accountability of political parties through party laws has also long been underway in Australia.<sup>77</sup>

Party regulation was necessitated by the fear of come-back of past despotic regimes and communism, peoples' discontent on the behavior of parties, and the introduction of state finance of political parties.<sup>78</sup> Party regulation has progressively dominated the understanding regarding parties and their role in the political process. The demand and suggestion for party regulation from politicians, partisan, policymakers and non-governmental organizations has increased over time.<sup>79</sup> Despite the absence of a global normative standard in the form of a binding legal instrument for party regulation<sup>80</sup>, countries have progressively engaged in party regulation both in their internal and external activities. A large majority of European countries<sup>81</sup> and countries in Africa and Latin American<sup>82</sup> have now regulated IPD. External regulation of political parties is gradually seen in many countries as fundamental safeguard against the monopolization of political power, a means to empower the public to have control over the government, and a manifestation of democratization and institution-building.<sup>83</sup> Political competition under unregulated conditions is regarded as equivalent with 'inviting two people to participate in the race in sport, with one participant turning up with a bicycle, and the other with a sports car.'<sup>84</sup>

More than before, organizations like the European Commission for Democracy through Law (Vince Commission) and the National Democratic Institute also advocate for party regulation. The Vince Commission has emphasized on the need for IPD regulation.<sup>85</sup> These organizations have also provided normative, though soft, standards for party regulation.<sup>86</sup> For the

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<sup>74</sup> Anika Gauja, Keeping the Party under Control: The Legal Regulation of Australia's Political Parties, Review of Public Affairs, 2005, available at <http://www.australianreview.net/digest/2005/07/gauja.html>, (Accessed on 17 May, 2018).

<sup>75</sup> Anika Gauja, *supra* note 70, at 2.

<sup>76</sup> Anika Gauja Dilemmas of Party Regulation: Hands-on Courts versus Hands-off Legislators? in PARTY RULES?: DILEMMAS of POLITICAL PARTY REGULATION IN AUSTRALIA 173, 183-184 (Anika Gauja and Marian Sawyer eds.), (ANU Press, Australia, 2016).

<sup>77</sup> See *supra* note 73.

<sup>78</sup> Ingrid van Biezen and Daniela Romee Piccio, *supra* note 4 at p.27.

<sup>79</sup> *Id.*, at 28.

<sup>80</sup> Despite international conventions and other instruments establish a set of basic principles that recognize the qualified right of parties to exist and to contest elections, significant normative disagreements exist surrounding the desirability of parties as electoral actors, qualifications upon freedoms of association, the extent to which parties should be supported by the state, the nature of party competition, and the extent to which equality interferes with the freedoms of political expression and association (and vice versa). There is hence wide divergence on the content and degree of regulation. See Anika Gauja, *The Legal Regulation of Political Parties: Is There a Global Normative Standard*, 15(1) ELECTION LAW JOURNAL: RULES, POLITICS, AND POLICY, 1 (2016).

<sup>81</sup> Ingrid van Biezen and Daniela Romee Piccio, *supra* note 4, at 30-31.

<sup>82</sup> ACE, *supra* note 35, at 3.

<sup>83</sup> Anika Gauja, *supra* note 68.

<sup>84</sup> KEITH D. EWING, MONEY, POLITICS AND LAW 15 (Oxford University Press, 1992).

<sup>85</sup> Ingrid van Biezen and Daniela Romee Piccio, *supra* note 4, at 28.

<sup>86</sup> See generally the OSCE and the Venice Commission, Guidelines, *supra* note 36. See also NDI, *supra* note 42.

relevant mainstream international laws, however, though they have provisions addressing elections and the right to vote, this is not generally the case as regards political parties. Both UDHR and ICCPR have not specifically addressed political parties.<sup>87</sup> However, latter in 1996, the Human Rights Committee, in its comment under Article 25 of the ICCPR, had come up with the comment that freedom to join or form association is fundamental to the right to participate in periodic elections (guaranteed by the covenant) hinting that political parties as one necessary association.<sup>88</sup> Under paragraph 26 of its comment, the Committee specifically stipulated that political parties and membership in parties play a significant role in the conduct of public affairs and the election process and, hence, states must ensure that political parties (in their internal management) respect the applicable provisions of Article 25 to enable citizens exercise their rights there under.<sup>89</sup>

Customarily, party's internal rules claim to regulate internal democracy though parties lose the motivation to practically implement party democracy. Thus, external legislative regulation which forces them to commit to practicing internal democracy is important. While a regulation is necessary, it is equally important that a potent enforcement system is put in place to critically follow up the implementation of the requirements of the law. Problems related to the implementation of regulatory provisions are, for instance, reported in many African countries due to weak enforcing institutions.<sup>90</sup>

#### **A. How and What will be Regulated?**

Experience of countries dictates that regulation of party democracy could be made in different ways. As it is discussed below, the regulation can be made either for both content and form or for one of the two. In terms of regulating content, laws may stipulate certain rights which parties must guarantee to party members. In terms of form, laws may regulate parties to follow certain procedure or adopt a certain internal organizational structure. Moreover, regulation could involve both positive and negative forms of regulation. The positive regulation is by way of incentivizing parties which uphold some behaviors required by the state.<sup>91</sup> This kind of regulatory scheme is usually applied to encourage parties to ensure equal participation of unrepresented groups. On the other hand, the negative regulation is by way of demanding parties to act according to a certain prescribed procedure or behavior, and failure to comply would result in certain legal responsibility.<sup>92</sup>

Regulation of intra party democracy in the European countries, for instance, takes different forms. In some states, party democracy is regulated by way of generally requiring political parties to be abided by the principle of democracy while leaving the details to be addressed by

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<sup>87</sup>Marian Sawyer and Anika Gauja, Party rules: Promises and pitfalls, in *PARTY RULES?: DILEMMAS OF POLITICAL PARTY REGULATION IN AUSTRALIA* 1, 2 (Anika Gauja and Marian Sawyer eds.), ANU Press, 2016).

<sup>88</sup>The Human Rights Committee (HRC) 'General Comment on Art.25, adopted at the Fifty-seventh Session of the Human Rights Committee, 1996, paragraph 12, available at <http://www.refworld.org/docid/453883fc22.html>. (Accessed on 20 September, 2018).

<sup>89</sup>*Id.*, paragraph 26.

<sup>90</sup>ACE, *supra* note 35, at 3.

<sup>91</sup>*Id.*, at 1.

<sup>92</sup>*Id.*

the parties' statutes.<sup>93</sup> In others, it is regulated through stipulating specific democratic principles and procedures which parties must uphold in dealing with internal matters.<sup>94</sup> The democratic principles or procedures stipulated refers to the specific rights for party members, specific procedures for party decision making, procedure for the selection of party leaders and candidates, types of organizational structure that parties must adopt, and manner and purpose for which party fund must be spent and disclosure. In a more stringent regulation, in countries such as Finland and Czech Republic, party democracy is provided as precondition for party formation.<sup>95</sup> A party which wishes to register as political party must show that it will apply democratic principles in its internal functioning. In Czech Republic, political parties with undemocratically elected leader and undemocratic statutes are unqualified both for the establishment and operation as a political party.<sup>96</sup>

## **B. Regulation of Intra Party Democracy by A Constitution and Party Laws**

### ***1. Constitutional Regulation of IPD***

Constitutions are hardly cited as sources of party regulation laws in the literature. This could, as mentioned in this Article, relate to the long standing understanding of political parties as free institutions. This is, in fact, still true for the constitutions of older democracies such as the US constitution. As discussed earlier, the US constitution is devoid of a provision mentioning the word political parties let alone to regulate parties. The same goes true for the constitutions of older democracies in Europe such as Denmark, Belgium, Ireland and the Netherlands.<sup>97</sup> Following the constitutionalization of political parties and party democracy in Germany in 1949, 28 European countries have now constitutions addressing political parties.<sup>98</sup> In Africa, the Nigerian and Kenyan constitutions can be cited as an example for constitutional recognition of parties and party democracy.<sup>99</sup> The Nigerian constitution, beyond acknowledging the place of parties in the political process, has provided specific regulatory statements on internal party democracy. It, for instance, requires political parties to undertake a periodic and democratic election of its leadership.<sup>100</sup> The Constitution of Kenya, which is referred to as the 4<sup>th</sup> wave of African Constitutions,<sup>101</sup> has in particular addressed political parties in separate section and with greater depth. Part three of this constitution provides a list of requirements for political party formation and requires them to practice democracy and abide by principles of good governance

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<sup>93</sup> Ingrid van Biezen and Daniela Romee Piccio, *supra* note 4, at 38-39.

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*, at 31.

<sup>98</sup> *Id.*, at 30.

<sup>99</sup> ACE, *supra* note 35, at 3.

<sup>100</sup> *Id.*

<sup>101</sup> Gedion T. Hessebon, *The Fourth Constitution-Making Wave of Africa: Constitutions 4.0?*, 28 TEMP. INT'L & COMP. L.J. 185 (2014).

internally.<sup>102</sup> It also empowers the parliament to make laws which further regulates political parties in both their internal and external behavior.<sup>103</sup>

## 2. Regulation by Party Laws

Apart from the constitutional regulation, which usually set the principles, states may also provide other subsidiary laws that further regulate internal behavior and practice of parties.<sup>104</sup> These laws may generally refer to the statutory laws that regulate party registration laws, electoral laws, campaign finance laws, and party code of conduct laws.

## V. REGULATION OF INTRA PARTY DEMOCRACY IN ETHIOPIA

### A. Constitutional Regulation of IPD

Like the constitutions in the older democracies, the FDRE Constitution lacks a provision defining political parties.<sup>105</sup> Except mentioning the name “Political Parties” or “Political Organizations” here and there, the Constitution does not prescribe their special roles, privileges and responsibilities in the political process. In fact, a close reading of the provisions of the FDRE Constitution such as Articles 9, 31, and 38(2) & (3) unfolds that the Constitution rather regards political parties as ordinary associations than as unique associations which assumes a public role.

Under Article 31, the FDRE Constitution prohibits formation of associations and political organization in violation of the relevant law and for the purpose of subverting the constitutional order. Article 9 of the Constitution also requires every form of associations including political parties to ensure observance of the Constitution and to obey it. These regulatory provisions are interested in how parties must operate within the framework of the constitutional system, and hence are directed at the external behavior of parties. However, as Article 9 generally requires associations including political parties to obey the Constitution, one may argue that this would equally oblige parties to obey and respect in their internal operations the constitutional provisions such as the equality and non-discrimination clauses under Article 25 and rights of women under Article 35. It has to, however, be noted that private application of constitutional provisions is generally arguable in Ethiopia. Whether citizens can directly claim constitutionally protected rights in a private setting (outside state machineries) is not yet clear. This ambiguity requires a promulgation of subsidiary laws that enforces the rights in the Constitution.

Under the FDRE Constitution, the only explicit provisions regulating IPD are sub-articles 2 and 3 of Article 38. Article 38(2) guarantees everyone a right to join in any associations including political parties as long he/she meets the membership requirement of the respective associations or political party. While this is a general reference to all associations, the power to determine the membership requirement is still left to the respective association or party. More directly to the issue of IPD, Article 38(3) requires election to a leadership position in all forms of associations to be made in a free and democratic manner. Accordingly, irrespective of the

<sup>102</sup>See Part III of the Constitution of Kenya, 2010.

<sup>103</sup>*Id.*

<sup>104</sup>Ingrid van Biezen and Daniela Romee Piccio, *supra* note 4, at 38-39.

<sup>105</sup>Political parties are, in one way or another, mentioned in the Constitution under Art.9(2), Art 31, Art 38(2)&(3), Art.51(15), Art.56, Art.60(2)&(5) and Art.73(2).

freedom of association which is guaranteed under Article 31 of the Constitution, political parties cannot act arbitrarily to elect a person for a leadership position internally.

In nutshell, there are thus no clear and adequate rules in the Constitution regulating how political parties should function internally, whether their internal systems should be democratic, how they should manage their relationship with their members, nor does the Constitution require auditing or disclosure of their finances. It can be argued, however, that in the absence of an explicit constitutional prescription of IPD and clear mandate to the government to regulate IPD, Article 38 of the Constitution should give the government a legitimate reason to enact a law to regulate party democracy. Besides, Article 51(15) of the Constitution has empowered the federal parliament to make laws governing political parties any time as it thinks necessary to enforce the political rights of citizens. Accordingly, if the government believes that lack of IPD and arbitrariness in the political parties' internal functioning is negatively affecting political rights of the citizen protected in the constitution, it can enact a comprehensive law regulating IPD. The state regulation of internal activities of charities and societies may be cited as a perfect precedent towards regulating parties. The parliament has enacted this specific law regulating every aspect of internal functioning of association and charities irrespective of the freedom of association guaranteed under Article 31 of the FDRE Constitution and in the absence of specific constitutional delegation to regulate internal affairs of association.<sup>106</sup> The precedent is significant for the case at hand given that the Constitution has described political parties as associations.

## **B. Regulation of IPD under the Party Laws**

Party laws refer to the subsidiary laws that regulate parties as to how they must act and behave both internally and externally. These refer to both laws with permissive and obligatory provisions against parties' behavior and practice. In this category, the relevant laws in Ethiopia include the Party Registration Proclamation, the Electoral Law Proclamation, and the Proclamation to Provide for the Electoral Code of Conduct.<sup>107</sup>

### **1. Political Party Registration Law**

The Party Registration Proclamation No. 573/2008 contained seven chapters addressing the different set of issues ranging from how parties must be formed, operate, and dissolve, to the rights of members (Articles 4-41). It also addresses legitimate sources of party fund and how it should be consumed (Articles 42-56). In addition, it stipulates the respective legal responsibilities of parties for failing to respect the condition provided in this law and other laws of the country (Articles 49, 52(2 &3), 53, 56(4), 57). Most of the provisions in this proclamation, however, regulate parties' external behavior: what goals that parties must and must

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<sup>106</sup> *The Proclamation to Provide for The Registration and Regulation of Charities and Societies*, No. 621/2009, FED. NEGARIT GAZETA, 15<sup>th</sup> year No. 25<sup>th</sup>, Addis Ababa, 13<sup>th</sup> February, 2009.

<sup>107</sup> *The Revised Political Parties Registration Proclamation* No. 573/2008, FED. NEGARIT GAZETA, 14<sup>th</sup> Year, No. 62, Addis Ababa, 24<sup>th</sup> September, 2008, *The Proclamation to Amend the Electoral Law of Ethiopia* No. 532/2007, FED. NEGARIT GAZETA, 13<sup>th</sup> Year No. 54, Addis Ababa, 25<sup>th</sup> June, 2007, and *The Proclamation To Provide for the Electoral Code of Conduct for Political Parties* No. 662/2009, FED. NEGARIT GAZETA, 15<sup>th</sup> Year No. 8 Addis Ababa, 28<sup>th</sup> August, 2009.

not champion, and legal rules that they must adhere in promoting their goal. Only few provisions are available guiding limited aspect of internal behavior and operation of parties such as Articles 8(2(f)), 15(1(I)) & (2), 28, 31(2) and 42-56.

In fact, Article 16 of the Proclamation specifically provides for independence of political parties in their internal affair. Article 15(3) provides that the bylaws of every political party shall be drawn pursuant to the principle provided under Article 16 i.e., independence of political parties in their own internal affairs. Accordingly, political parties are free to determine the procedures of adopting and amending their political program and holding meetings, internal organizational structure, and to determine on establishing branch offices. As a result, specific procedure on how parties must operate internally is not explicitly provided by the Proclamation. A general requirement for parties to be guided by democracy internally is not also stated.

Indeed, the Proclamation contains few provisions regulating limited aspect of internal democracy. These provisions address rights and obligations of members in political parties, and source and use of party fund. Regarding members' right, the Proclamation has provided a right to participate in party meetings, to vote and be elected (Article 28). The manner of participation of members in meeting and the procedure of decision making is yet subject to the bylaws of parties (Article 28). While determining procedures for participation of members in the parties' decision making, parties cannot, however, abridge rights or revoke responsibilities of members as citizens of the country (Article 15 (2)). Besides, party statutes are required to include details as to the equality of votes between members (Article 15(1(I)). As part of the requirement for registration, the Proclamation also puts a prerequisite for political parties to present documents showing that the leaders of the party are elected by the general assembly (Article 8(f)). This requirement has a tone of impliedly requiring that positions for party leadership to be made in election and among party members (the General Assembly) than a veiled selection by the informal party lines.

The Proclamation also provides a right for members to relinquish their membership any time (Article (31(3))). While political parties can expel members from party membership in accordance with the bylaws of the party, the law has guaranteed members a right to challenge the decision before the Federal High Court (Article 30(2)).

A more detailed regulation, however, is provided in the Proclamation concerning political parties' use of state allocated fund and other funds from legitimate sources indicated in the Proclamation. Articles 42-56 of the Proclamation talks about the legitimate/illegitimate source fund for political, on access to government fund, proper use of party fund, a requirement to keep books and accounts, financial report to the Election Board of Ethiopia, and the respective penalties and liabilities of political parties for failure to respect the rules on the use of fund.

In addition to the abovementioned, the Proclamation has empowered the National Election Board of Ethiopia to oversight the operation and decide on the registration and dissolution of political parties (Articles 7, 8, 9(1-17), 37, 38, and 39). The decision of the Board on cancellation of registration and dissolution is subject to revision by the Federal High Court upon application by the party (Article 39(3)). The Federal High Court has also the power to dissolve a political party on the grounds of criminal charges or party's act in violation of the Constitution and the Registration Proclamation (Article 40).

In a nutshell, the party registration law, though it guarantees political parties independence, has provided regulatory provisions guiding only some aspect of their internal life. However, it is difficult to assert that the Proclamation has regulated IPD. For one thing, The Proclamation regulates only limited aspect of parties' internal life as part of IPD. It lacks full-fledged provisions regulating all features of IPD. For the other, the Proclamation does not proclaim IPD as guiding principle for parties' internal functioning.

## **2. *The Electoral Law (Amended) Proclamation No.532/2007 and Proclamation to Provide for Electoral Code of Conduct No. 662/2009.***

These proclamations are less relevant to the issue of regulation of internal functioning of parties. The Electoral Law (Amended) Proclamation No.532/2007 rather addresses parties' relationship with the Board and the electorate. In addition, the Proclamation to Provide for the Electoral Code of Conduct No. 662/2009 addresses the kind of behavior that parties must show externally during election campaign such as respecting the constitutional order in general, other parties and their candidates, the electorate, the media, election administrators, other government bodies and etc.

### **C. IPD Regulation under the Bylaws of Political Parties**

IPD can be regulated internally under the bylaws/statutes of political parties. The bylaws of three selected political parties are assessed to see if parties have addressed IPD. The purpose of this is only to see if parties have at all incorporated the concept of IPD or have provided rights, specific democratic procedures and organs relevant to IPD. It is not to make comparison among the parties as regards the inclusion of IPD, but to support the argument on the need for a regulatory regime in the internal functioning of parties in Ethiopia.

The selected parties are the Ethiopian People's Revolutionary Democratic Front (EPRDF), The Ethiopian Democratic Party (EDP), and Blue Party. The bylaws are assessed based on the basic features of IPD which are already discussed above.

#### **1. *Adoption of IPD as Guiding Principle***

The bylaws of the three parties have declared democracy as guiding principle of their internal functioning. The bylaw of the EPRDF has in particular addressed IPD with great importance. Under its bylaw, IPD is described as guiding principle for party activities and as precondition for party membership and for the survival of the coalition. The bylaw has emphasized that the realization of the party's political ideology i.e. Revolutionary Democracy, is very much dependent on internal democracy.<sup>108</sup> EPRDF would accept a political party as a member if such a party has leaders that are elected based on a democratic participation of its members, and that it is committed for members' freedom to freely express their opinion.<sup>109</sup> It is also provided that party democracy is indispensable for the survival of the party as coalition.<sup>110</sup> Moreover, the

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<sup>108</sup> Bylaw of EPRDF September 2006, Preamble & Section II- Organizational Principle Number Seven (7) available at <http://www.eprdf.org.et/documents/10184/324318/STATUTE+english.pdf/1f87f164-8fde-4831-8341-0c0fbcec1444>, (hereinafter, Bylaw of EPRDF)(Accessed on 20 May, 2018).

<sup>109</sup> *Id.*, Section II of the Organizational Principle Number Seven (7).

<sup>110</sup> *Id.*, Section II, the Organizational Principle Number Nine (9).



statute has pledged that the party will perform its activities on the basis of the principle of transparency and accountability.<sup>111</sup>

Under the bylaw of the Blue Party, it is stated that ensuring a democratic relationship among party organs and members is one of the purpose of the bylaw.<sup>112</sup> More specifically, it is provided that the internal functioning of the party will depend on the basis where rules and regulations are respected; rights' of members to freely express their view is esteemed; and where there is no domination of party personalities.<sup>113</sup> There are also statements acknowledging democracy as guiding principle under the bylaw of EDP. The bylaw, in its preamble, provides EDP is party that struggles for democracy allowing all segment of the society to be a member irrespective of differences on sex, race, language and social status.<sup>114</sup> The preamble also provides that the bylaw is necessitated to ensure a democratic relationship and functioning within the party.

## 2. Institutionalization of Internal Party Activities

The Statutes of the three political parties have provided a list of organs and champion for more decentralization through establishing branches at regional and district level- denoting a commitment for decentralized decision making. The parties generally have bodies: The General Assembly/Congress (the highest party organ), the Party Council (a council of representatives selected from members of the General Assembly, and is the next highest party organ), the Executive Council, the Party Chairman/President, Party Watch-dog/ Conflict Management Body, and other lower level organs.<sup>115</sup> The bylaws of EDP and Blue Party have espoused to establish branches at regional level.<sup>116</sup> As regards EPRDF, it already has regional representation as it is a coalition of four regional parties.

Most important is that all the parties have established a watch-dog or conflict management body. This body (herein after the Commission) is named as Audit and Investigative Commission in the Blue Party; Audit and Inspection Commission in EDP, and Inspection Commission in the EPRDF.<sup>117</sup> As discussed earlier, having a watch-dog or court-like body to inspect activities of the party and to manage and resolve party conflicts is one manifestation of party institutionalization and is crucial to ensure democracy within a party. Though it is significant that all the political parties under investigation have established this form of body, most crucial is the power endowed to it and its relative independence as an arbitrator of conflict or as watch-dog body.

In the Blue Party, the Commission is elected by and accountable to the General Assembly.<sup>118</sup> The powers of the Commission include interpreting the party statute, controlling

<sup>111</sup> *Id.*, Article 7(3).

<sup>112</sup> Bylaw of Blue Party, Preamble available at <http://semayawiparty.org/themes/garland/images/baylaws.pdf>, (hereafter Bylaw of Blue Party) (Accessed on 22 May 2018).

<sup>113</sup> *Id.*, Article 4(1-6).

<sup>114</sup> Bylaw of Ethiopian Democratic Party January 2000, Preamble available at <http://edponline.org/wp-content/uploads/2012/11/FinalDenb2001.pdf>, (hereinafter Bylaw of Ethiopian Democratic Part) (Accessed on 22 May 2018).

<sup>115</sup> Bylaw of EPRDF, Art. 17, Bylaw of Ethiopian Democratic Party, Art. 7, Bylaw of Blue Party, Art 8.

<sup>116</sup> Bylaw of Blue Party, Art. 14-18, Bylaw of EDP, Art. 13-17.

<sup>117</sup> Bylaw of the Blue Party, Art. 11, Bylaw of EDP, Art. 10.

<sup>118</sup> Bylaw of the Blue Party, Art. 11.

the proper use of party fund, making final decision on disciplinary matters among members or leaders, creating forums to resolve conflicts among the Executive and Party Council (if any), gathering the General Assembly for a meeting when it believes party rules and regulation has not been properly respected by Party Council or the Executive Council.<sup>119</sup> In EPRDF, the Commission is formed by equal representatives of each member parties to the EPRDF and is accountable to General Assembly.<sup>120</sup> The Commission has powers such as to investigate the violation of rights of individual members in the party and to provide recommendation on the possible measures, control the proper use of party fund and resources, take disciplinary measure on members, and call the General Assembly for a meeting after securing support from 1/3<sup>rd</sup> of the party Council.<sup>121</sup> The Commission is required to work collaboratively with the Executive and Party Council. While the accountability of the Commission is to the General Assembly, decision made by the former is equivalent to decision of the Executive Council.<sup>122</sup> The Statute states that on matters that the Commission has differing opinion/decision than the Executive Council, the matter must be referred to the Party Council.<sup>123</sup> The decision of the Council on such matters will be final and binding until the next General Assembly.<sup>124</sup> Moreover, unlike the case in the Blue Party, the Commission is not given a power to interpret the party statute which is a very important power for such bodies to have.

In EDP, members of the Commission are elected by the General Assembly and are accountable to the same.<sup>125</sup> The Commission has powers such as to follow up and control the use of the party fund and resources, in collaboration with other concerned bodies, to make sure that mistake as regards policy and regulation of the party are rectified, and when it becomes difficult to rectify, to call the General Assembly to pass a final decision.<sup>126</sup> However, the Commission lacks a specific mandate to interpret the bylaw of the party and resolve conflicts in the party. Matters related with disciplinary issues are rather set to be entertained by the Party Council.<sup>127</sup>

In nutshell, looking at the bylaws of the parties, it can generally be said that the parties possess the structure to regard them as institutionalized. However, more important is whether these structures practically exist and function. This is because institutionalization is not only about design but, most importantly, it is also about implementation. The next section discusses the practice that whether the parties have the structure in place and that it functions as designed under the bylaws.

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<sup>119</sup> *Id.*, Art. 11(1-12).

<sup>120</sup> Bylaw of the EPRDF, Art. 23(1).

<sup>121</sup> *Id.*, Art. 23(2( A, B, C, & H)).

<sup>122</sup> Bylaw of the EPRDF, Art. 23(2(D)).

<sup>123</sup> *Id.*

<sup>124</sup> *Id.*

<sup>125</sup> Bylaw of EDP, Art. 10.

<sup>126</sup> *Id.*, Article 10(10.1, 10.2, & 10.3).

<sup>127</sup> *Id.*, Article 9(9.4.11) & 9(9.4.12).

### 3. *Equal Rights of Members and their Role in the Party's Decision-Making Process*

The Statutes of Blue Party and EDP have guaranteed a right to their respective party members to elect (on the basis of one person one vote), to be elected, to express ones' views in meetings, and to request for information and explanation on matters of the party.<sup>128</sup> In EPRDF, rights are rather provided to the member parties than individuals as it is a coalition.<sup>129</sup> To this end, member parties have rights such as equal rights to assume a leadership role in the party, to provide candidates for party leadership positions which will be filled by election, to hold and express opinions in accordance with rules and procedures of the party, to pass decisions on matters of the EPRDF and to equally use resources of the EPRDF.<sup>130</sup> With the exception to the statute of EPRDF where withdrawal of member parties is allowed with condition (up on fulfillment of certain withdrawal procedures),<sup>131</sup> members are allowed to withdraw any time without any prior condition in both the bylaws of EDP and Blue Party.<sup>132</sup>

One of the issues concerning the role of party members in decision making relates to the power of General Assembly. It is said that party members are significantly empowered in decision making when the General Assembly assumes a great deal of power. To this end, in the Blue Party, the General Assembly assumes huge power including powers to elect the Party President, members of the Party Council, and members of the Audit and Investigative Commission.<sup>133</sup> It also has the power to decide the party's emblem, anthem, policy and program.<sup>134</sup> In EDP too, the General Assembly assumes largely similar power, except the power to elect the Party President who is to be elected by the Party Council.<sup>135</sup> In EPRDF, the General Assembly has powers like to approve, amend or repeal the party's statute, set national policies, decide numbers of members of the Party Council and Executive Council, and hear and decide reports presented by the Party Council and the Commission.<sup>136</sup> Unlike the other two parties, the General Assembly in EPRDF lacks the role of electing the Party Leader, members of the Party Council and members of the Commission. Members to the Party Council and the Commission are assigned by each coalition parties from their respective Central Committee.<sup>137</sup> Powers like electing the Party Chairman and Vice Chairman, interpreting the party statute, approving the party's budget, and suspending member parties are reserved to the Party Council.<sup>138</sup>

<sup>128</sup> *Id.*, Art. 5, 5.2(5.2.1, 5.2.2, 5.2.3). Bylaw of Blue Party, Art. 6, 6.1(1, 2, 5, 7).

<sup>129</sup> Bylaw of the EPRDF, Art. 8 through Article 15.

<sup>130</sup> *Id.*, Art. 11(1, 2, 3, 6, &7).

<sup>131</sup> A member party to the EPRDF which wants to withdraw from membership must first get approval from its own General Assembly, and must arrange a forum for other member parties to discuss on the matter. See The Bylaw of EPRDF, Art. 13(2(A, B, & C)).

<sup>132</sup> Bylaw of the Blue Party, Art. 6, 6.1(8), and The Bylaw of EDP, Art. 5, 5.2(5. 2.6).

<sup>133</sup> *Id.*, Bylaw of the Blue Party, Art. 9, 9.2(1-5).

<sup>134</sup> *Id.*

<sup>135</sup> Bylaw of EDP, Art. 8, 8.3(8.3.1 -- 8.3.11).

<sup>136</sup> Bylaw of EPRDF, Art. 3(A - G).

<sup>137</sup> *Id.*, Art. 19(1) &23(1).

<sup>138</sup> *Id.*, Art. 19(2(A -K)).

#### 4. *Provision of Democratic Procedures for Decision Making*

The parties under discussion have also tried to provide some degree of democratic principles/procedures guiding limited aspect of their internal actions. Examples of these are the provisions of term office and the secret ballot.

In the Blue Party, a 3 years term office is set for members of the General Assembly, the Commission and for the Executive Committee members including the party president.<sup>139</sup> The party president can serve for another term of 3 years only, yet the party leader can compete for the position after recession of one term period.<sup>140</sup> In EDP, 2 years term office for members of the General Assembly and the Commission is provided.<sup>141</sup> However, despite the bylaw, it is dispatched on the news that the party, in its fourth general assembly, had decided to limit the term of the party's president to a maximum of two years.<sup>142</sup> In EPRDF, members of the Congress/General Assembly stay as permanent members until the next Congress,<sup>143</sup> which is set to meet every two years and six months (the term can be extended up to six months up on the decision of the Party Council).<sup>144</sup> However, regarding members of the Party Council and the Executive Council, member parties possess exclusive powers to sack or replace their respective delegates anytime.<sup>145</sup> In terms of providing term office for the Chairman of the Party, despite discussion and interest towards that, nothing is said in the bylaw of the party.<sup>146</sup> Apart from term office, EDP and Blue Party have provided secret ballot as procedure for the selection of members for the Party organs.<sup>147</sup>

#### 5. *Inclusion of Disadvantaged Groups*

In addressing disadvantaged groups of party members, much is not said in the bylaws of the three parties. Yet, some statements and bodies are provided addressing women as one segment of disadvantaged groups. EPRDF and Blue Party have established a women committee or body to reflect on women issues and to influence the parties' internal activities to be responsive on gender issues.<sup>148</sup> In EDP, there is no such specific organ to advocate on matters of the women in the party than a provision stating that special effort will be made to see women are represented in the Party Council.<sup>149</sup> More relevant to the case at hand, EPRDF has introduced a voluntary party

<sup>139</sup> Bylaw of the Blue Party, Art. 9(8), 11(12), 13(13).

<sup>140</sup> *Id.*, Art. 13(13).

<sup>141</sup> *Id.*, Art. 8, 8.3(8.3.11) & 10(10.6).

<sup>142</sup> Bruck Shewareged, *Ethiopian Democratic Party (EDP) limits term of office*, (2009), available at [http://nazret.com/blog/index.php/2009/02/09/ethiopian\\_democratic\\_party\\_edp\\_limits\\_te](http://nazret.com/blog/index.php/2009/02/09/ethiopian_democratic_party_edp_limits_te), (Accessed on 21 May 21, 2018). The Author could not find a term office provided for the president in the bylaw of the party issued on January 24, 2001 Ethiopian Calendar which is still posted in party website.

<sup>143</sup> Bylaw of EPRDF, Art. 18(1(C)). The expression in English version of the by law is stated in certainty that the members will be replaced by the next Congress meeting.

<sup>144</sup> *Id.*, Art. 18(1(A)).

<sup>145</sup> *Id.*, Art. 19(1(C), & 20(1(B))).

<sup>146</sup> See generally the bylaw of the EPRDF.

<sup>147</sup> Bylaw of the Blue Party, Art. 25(5) and Bylaw of EDP, Art. 19(19.1(19.1.4)).

<sup>148</sup> Bylaw of the EPRDF, Art. 27 and Bylaw of Blue Party, Art. 35.

<sup>149</sup> Bylaw of the EPRDF, Art. 9(9.2.1).

quota system for women candidature though this is not clearly provided in its bylaw.<sup>150</sup> This is a peculiar experience which other parties need to replicate.

### **6. Appropriate Use of Fund**

Along with the specific provisions requiring parties to appropriately use party fund and make a disclosure, the bylaws under investigation have also provided mechanisms that ensure transparency of the same. As discussed, all of the three parties have, for instance, empowered their respective Commission to inspect and audit the proper use of party fund and resource. They also have made general reference to the provisions of the law to be guided by the same.

In general, while it is one thing that parties claim to adhere to party democracy in their bylaws and have provided some level of democratic procedures, there is yet a problem in relation to adequately addressing all elements of IPD. Besides, resulting from the absence of law that regulate IPD, there is a difference in the degree each of the above parties has adopted democratic principles and procedures guiding IPD in their respective bylaws.

## **VI. INTERNAL DEMOCRACY IN THE POLITICAL PARTIES IN ETHIOPIA: DO PARTIES PRACTICE DEMOCRACY INTERNALLY?**

Despite their proliferation,<sup>151</sup> political parties in Ethiopia are critiqued for their failure to play multi-party function in the political process. Both the incumbent and opposition political parties are believed to have failed to play a multi-party function in the democratic process. This especially has become more evident in the current 100% a single party and its affiliate federal parliament. While different legal, political and cultural issues could have caused this paradox (i.e. political parties without multiparty system), nonexistence of internal democracy in political parties could certainly be one of the reasons. As shown below, studies on party practice in Ethiopia have generally reported a democratic deficit in the internal functioning of the parties. This finding works equally for parties in the opposition and the incumbent.

Despite parties' claim, in their bylaws, to adhere to IPD, studies prove democratic deficit in political parties functioning in Ethiopia such as the following.<sup>152</sup>

- Non-compliance with Bylaws- while all political parties have bylaw underlying the organizational and philosophical framework underlying their operation, there is a problem of non-compliance with their bylaw

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<sup>150</sup>This quota system employed by the ruling party has played a significant role for the raise of numbers of women in the parliament in Ethiopia. See Mekdes Tadele & Tesfaye Abate, Women's Political Participation and Constitutionalism in Ethiopia, (paper presented on a Policy Dialogue on Constitutionalism and Human Rights, organized by a Project on Advanced Academic Partnership for Legal and Human Rights Education between KF University of Graz, Addis Ababa University Human Rights Center and Ethiopian Civil Service University (Mekelle, Nov.6-11, 2017).

<sup>151</sup>The Election Board reported 79 registered political parties to compete for both the regional and federal houses., available at [www.electionethiopia.org/en](http://www.electionethiopia.org/en), (Accessed on May 2017).

<sup>152</sup> Political Parties in East Africa: Diversity in Political Party Systems, (Report Prepared for the Institute for Democracy and Electoral Assistance(IDEA) as part of its Global Programme on Research and Dialogue with Political Parties 2007), at 44-48. Also see Kassahun Berhanu, Beleaguered Opposition under a Dominant Party System, at p. 7-8, available at <https://www.cmi.no/file/?1315>, (Accessed on 6 February, 2018).

- Dominance of Party leaders- accordingly, major decisions are made at party leaders level than decentralized decision making involving party members
- Less institutionalized- because party leaders assume huge political role, there is little institutionalization of party function.
- There is a problem of ensuring that members are constantly involved in party decision making and governance.

In his observation on party democracy in Ethiopia, Kassahun Birhanu noted that the number of complaints filed at the National Election Board and the Federal High Court by several party members alleging violations of party laws can prove the democratic deficit in the internal functioning of parties in Ethiopia.<sup>153</sup> He mentioned, as an instance, the cases of the Council of Alternative Forces for Peace and Democracy in Ethiopia on the question of who is eligible to lead the party, the case of the All Amhara People Organization in relation to the change of the nomenclature and its program, and the case of EPRDF when a split occurred in its top leadership on the issue of dealing with the Eritrean aggression in 2001.<sup>154</sup>

Others also made specific observation against the lack of internal democracy both in the oppositions and the ruling party. To start from the opposition, parties are often described as having weak and fragile organizational structure, vulnerable to endless internal infighting and conflict, formed by and largely depend on charismatic appeal of individuals than party institutions, and decision making is centralized on the hands of the party personalities.<sup>155</sup> Accordingly, political parties in the opposition are always characterized by mergers, splits and complete disappearances.<sup>156</sup> Some describe such party fragmentation is probably unseen anywhere in the world.<sup>157</sup> Party splits such as the split of Coalition for Unity and Democracy into two faction following the disputed election in 2005, the split of Oromo Nationalist Congress (ONC) into ONC and Oromo People's Congress (OPC), the split of All Ethiopia Unity Party's into another dozens of parties are among the various splits occurred in the oppositions.<sup>158</sup>

There is also strong criticism against the ruling party for its lack of internal democracy. EPRDF is criticized for its centralized decision making process where the leader allegedly is a key agent in formulating and executing party decisions. This is argued to be especially true during the late Prime Minister's (Meles Zenawi) party administration.<sup>159</sup> Meles Zenawi's influence and role in the party had even made the party to sometimes be referred by the name of

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<sup>153</sup> *Id.*, Kassahun Berhanu, at p. 7.

<sup>154</sup> *Id.*.

<sup>155</sup> Kassahun Berhanu, *The Ethiopian Transition in Regional Perspective, Election processes, Liberation movements and Democratic change in Africa*, a paper presented in conference Maputo 8-11 April 2010, CMI and IESE, 2010, at 3&8, available at <https://www.cmi.no/file/21007>, (Accessed on 17 May, 2018) See also Assefa Fisseha, *Endless Cycle of Infighting and Disintegration of Ethiopia's Opposition Parties*, August 25, 2013, Tigary online, available at <http://www.tigraionline.com/articles/ethio-opposition-quarrel.html>, (Accessed on May 16, 2017)

<sup>156</sup> *Id.*, Kassahun Berhanu.

<sup>157</sup> Assefa Fisseha, *supra* note 155, at p.83

<sup>158</sup> *Ibid.*

<sup>159</sup> International IDEA, *supra* note 152 at 78.

the former.<sup>160</sup> The leadership vacuum, which the party claims to have occurred after his death, depicts the position which the Prime Minister had in the party. Gebru Asrat, former Head of Tigray Regional Government and now in the opposition, argues that EPRDF's self-evaluation of the party leadership in place following the death of Meles as weak proves the democratic deficit in the party.<sup>161</sup> He further argues in a party where there is an internal democracy, there is no chance a leadership vacuum or a weak leadership could occur.<sup>162</sup>

The often critic posed against the internal democracy in EPRDF is related to the relationship among its member parties. The EPRDF's bylaw underlies the equality of member parties of the coalition in all matters of party decision making.<sup>163</sup> It also notes that the survival of the coalition depends on the recognition of equality of member parties.<sup>164</sup> However, contrary to what is stated in the bylaw, critics often note the existence of unequal power and influence among members of the coalition in practice.<sup>165</sup> It is usual to find literatures denoting the dominance of TPLF in the coalition.<sup>166</sup> The past two years' unrests in parts of Amhara and Oromia Regional States are also said to be associated with the perceived dominance of TPLF.<sup>167</sup> The EPRDF's Executive Council, in its 17 days meeting of evaluation of the current situation, has also attributed the lack of IPD in the party as one of the causes of the crisis.<sup>168</sup> The following bold statements in relation to lack of IPD were noted in the party's press release concerning the 17 days party evaluation meeting:

Absence of IPD has been exacerbated at every level of the leadership, particularly among the top level leadership. And this has hindered and relegated the environment for free deliberation of ideas in party, and as result, it has become difficult for the party's top leadership to reach into consensus of thought and action. The party further noted that the

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<sup>160</sup> *Id.*

<sup>161</sup> *The EPRDF that I knew: Interview with Gebru Aserat*, REPORTER NEWS PAPER, August 27, 2016, available at <http://www.thereporterethiopia.com/content/eprdf-i-knew>, (accessed on 19 May, 2018).

<sup>162</sup> *Id.*

<sup>163</sup> See Section II, General Organizational Principles, number 9 of the EPRDF Bylaw and its preamble.

<sup>164</sup> The whole message of the principle reads as follows: "EPRDF will protect its unity and realize its political programme where there is equality among member organizations. As a front political organization, the relationship among the member organizations will be based up on the principle of equality. Therefore, all members of the Front possess same rights and obligations including a right to consult equally on common issues; participate in decision making processes and to be represented equally in the leadership." See *Id.*

<sup>165</sup> Freedom House Country Report- Ethiopia, available at <https://freedomhouse.org/report/freedom-world/2016/ethiopia>, (Accessed on 18 June, 2018). See also Meles and the Plotters, *The Economist*, March 22, 2001, available at <http://www.economist.com/node/541137>, (Accessed on 18, June 18, 2018).

<sup>166</sup> *Id.*, See also Salih M. A. Mohamed, and Per Nordlund, *Political Parties in Africa: The Challenge for Sustained Multi-Party Democracy*, Africa, Regional Report Based on Research and Dialogue with Political Parties, (International Institute for Democracy and Electoral Assistance, 2007, Stockholm Sweden, 2007), at 62.

<sup>167</sup> See BBC's Report on what is behind Ethiopia's wave of protests?, available at <http://www.bbc.com/news/world-africa-36940906>, See Ethiopia: Ethnic Nationalism and the Gondar Protests available at <http://www.aljazeera.com/indepth/features/2017/01/ethiopia-ethnic-nationalism-gondar-protests-170102081805528.html>, Also watch the discussion with senior EPRDF executive members, broadcasted by EBC, available at <http://www.habesha2day.com/watch.php?vid=04fc02b32>, (Accessed on May 18, 2018)

<sup>168</sup> The EPRDF has been conducting a detailed evaluation of the country's current situation at party level for 17 days from December 12 to 30. As result, it has presented the public of its evaluation during the meeting. See EPRDF's Executive Committee statement, the Ethiopian Herald, available at <http://www.ethpress.gov.et/herald/index.php/editorial-view-point/item/10478-eprdf-s-executive-committee-statement>, (Accessed on 02, January 2018)

problem that occurred mainly in relation to the wrong view and abuse of authority not only has weakened the democratic principles within the party, but has also posed a threat to our journey to make sure that that authority is only to serve the people.<sup>169</sup>

Seife Hailu, investigating the endurance of EPRDF, argues:

Given that the party still retains its Leninist party structure and discipline principles, intra democracy is increasingly under erosion despite the party's loud rhetoric about democratic reforms. More democratic and transparent nomination and selection systems are not being encouraged at all levels of governance. Even in the election of party leaders and committees to different levels, it is now becoming increasingly common to see democratic ethos and principles are lacking.<sup>170</sup>

The EPRDF's cardinal principle of "democratic centralism", which is embedded in the party bylaw, which entail that a point once agreed upon is unchallengeable, is another problem which would make IPD unthinkable in the ruling party.<sup>171</sup> Opposition and dissenting views on what has been agreed upon by the party decision making bodies are not welcomed. For instance, in 2003, those who opposed the group led by Meles Zenawi were thrown out of government.<sup>172</sup> The influence of the founding leaders and party discipline also supposedly make the party more of personalistic.<sup>173</sup> The party discipline, in particular, which is often labeled as "strong"<sup>174</sup>, is highly unlikely to allow free debate and dissenting opinions in the party. A rigid party discipline and IPD do not normally go together. If a political party becomes internally democratic, it means that its power to discipline its members is limited. In other words, the more rights and power enjoyed by party members, the fewer incentives they have to respect party doctrine. The existence of rigid party discipline obviously indicates the existence of restrictive environment for party members to express their views or hold dissenting views.

Following the 2 years of antigovernment strife in Ethiopia, a change in chairman has occurred in EPRDF. On the last week of March 2018, Dr. Abiy Amhed was elected as chairman of EPRDF with 108 votes out of 169 council members who voted.<sup>175</sup> The election of the new

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<sup>169</sup>*Id.*

<sup>170</sup> Seife Hailu, *Is the Ethiopian People's Revolutionary Democratic Front Rule Sustainable in Ethiopia?* "A Critical Reflection, 4 (11) PUBLIC POLICY AND ADMINISTRATION RESEARCH 64, 68 (2014).

<sup>171</sup>*Id.*

<sup>172</sup> Young and Medhane, *TPLF: Reform or Decline?*, 30(7) *JOURNAL OF REVIEW OF AFRICAN POLITICAL ECONOMY* (2003), available at <http://dx.doi.org/10.1080/03056244.2003.9659773>, (Accessed on April 9, 2018).

<sup>173</sup> Alefe Abeje, *The Role Of The Federal System On The Structure And Operation Of Political Parties In Ethiopia*, *EUROPEAN SCIENTIFIC JOURNAL* 515, 515(2004).

<sup>174</sup> Temesgen Zewdie, 'One Year of Experience with Democracy in the Ethiopian Parliament,' in *DEMOCRACY AND THE SOCIAL QUESTION: SOME CONTRIBUTIONS TO A DIALOGUE IN ETHIOPIA*, (Ulrich Muller-Scholl ed., Addis Ababa University, 2009). Assefa Fiseha Legislative-Executive Relations in the Ethiopian Parliamentary System: Towards Institutional and Legal Reform, at 22-23, available at, <https://dullahomarinstitute.org.za/constitution-making-in-africa-conference/constitution-building-in-africaconference-papers/Assefa%20Fiseha%20-%20Legislativeexecutiverelationsinethsafricachapter.pdf>, (Accessed on April 11, 2018).

<sup>175</sup> Dr. Abiy Ahmed Becomes A Prime Minister, The Legacy EPRDF Fought Against To The Bitter End. What Went Behind the Closed Doors And How Could That Shape His Premiership?, *Addis standard*, April 2, 2018, available at <http://addisstandard.com/analysis-dr-abiy-ahmed-becomes-a-prime-minister-the-legacy-eprdf-fought-against-to-the-bitter-end-what-went-behind-closed-doors-and-how-could-that-shape-his-premiership>, (Accessed on 8August, 2018).



chairman was unusual in the history of the party's leadership selection trend. The selection was not open to the public and also, unlike the previous times, no one was able to predict who would be elected. Some suggested that the process of the election of Dr. Abiy has wrestled out the previous influence of TPLF in the party and party's leadership selection process.<sup>176</sup> Yet critiques speculate that the election of the new chairman was not immune in itself from influence and behind door talks. Last minute decision of the Chairperson of the Amhara National Democratic Movement Party to withdraw from the competition was a display that there had been backdoor dealings behind the election.<sup>177</sup> The withdrawal of the Chairperson was said to be deliberate and orchestrated to back push TPLF's pressure to have the candidate of its penchant got elected.<sup>178</sup> Despite the speculation, the then head for the EPRDF's Office of Secretariat confirmed the press gathering that the process was transparent and went according to the party rules.<sup>179</sup> The election was made in secret ballot following debate on the nomination of the candidates.<sup>180</sup>

While it is very rush to judge internal democracy in EPRDF since the new leadership came to power, the sort of rival and words of war we are hearing among TPLF and the Dr. Abiy administration speaks unhealthy relationship in the coalition denoting fracture and risk of disintegration. As such, practices and widening of IPD is critical more than any time before. As long as EPRDF exist as party, and more importantly as a ruling party, equal participation in the decision-making by member parties plays critical role in securing the party and of course the country from another round of disorder.

## VII. CONCLUSION

Practices such as centralized decision making, dominance of party figures, non-adherence to party rules and a weakened party institutionalization are reported to be the major features of the democratic deficit in the internal functioning of political parties in Ethiopia. If the multi-party system and the democracy in Ethiopia have to prosper, it is important that there are institutionally and pragmatically strong political parties. Besides, it is equally important that there are internally cohesive, sustainable and predictable political parties. This can, however, be true if the political parties manage to become internally democratic. The behavior of parties internally (whether they are democratic or not) certainly affects the democracy at state level. A political party, which does not behave and practice democracy internally, is hardly committed to establish a democratic system at state level. A political party, which does not behave in accordance with the party rules or does not respect party institutions internally, would lack the courage to respect rules and institution at state level. Moreover, a political party which is not habitude to respecting dissenting opinions internally would not easily accept oppositions and critics against its administration at state level. Internal Party Democracy is therefore important to develop a culture of democracy in political parties.

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<sup>176</sup>*Id.*

<sup>177</sup>*Id.*

<sup>178</sup>*Id.*

<sup>179</sup>Watch the full press release at <http://www.hahudaily.com/top/watch.php?vid=516561a1c>, (Accessed on 8 August, 2018).

<sup>180</sup>*Id.*

Regulation, on the other hand, is a good institution which guarantees implementation of IPD. The regulation, either by prohibiting undemocratic practice or encouraging the practice of democracy internally, has an advantage of shaping the behavior of the parties through time towards adopting the norms of democracy. The democratic behavior of parties internally would in turn have a trickle up effect in forming a democratic government at state level.

Despite putting the tone of IPD in their statute, political parties in Ethiopia have actually failed to be abided by democratic principles in their day to day activity. If parties are regulated to follow the elements of IPD, they would not have a choice, but to implement IPD. Regulatory laws may also put IPD as a prerequisite for party formation. Accordingly, there would not be a political party formed without wishing to be democratic internally or without stipulating democratic procedures in their statute for party functioning internally. As it is the case in some European countries, regulation of IPD may even be adopted as ground for party cancellation. A political party which does not abide by or which violates the democratic principle may be subject to cancellation or other forms of responsibilities. As a political party cannot be established or function in the country while having a goal to subvert the constitutional order, the regulation of IPD would likewise make creation and operation of internally undemocratic parties impossible.

In addition, although the statutes of parties studied included some democratic principles to guide their internal activity, the scale the principles are incorporated in the statute of the parties varies considerably. Such variation has obviously come from the absence of a state law that set common standard for all parties. Setting a common standard through a law has a potential to promote IPD across all parties. This, in turn, could contribute in creating a level playing field among all parties in the electoral competition. The legal regulation of party democracy is also crucial to promote culture of democracy among all parties and their respective supporters.

Therefore, in Ethiopia, first, it is important that the Election Board follow up the implementation of some of the regulatory provisions already in place in the FDRE Constitution, the party registration law and the bylaws of political parties. Second, it is very important that there should be a comprehensive law that champion party democracy as a required behavior for political parties, and that it specifically regulates all aspects of internal democracy. The enactment of such a law would also give the Election Board of Ethiopia a clear mandate to inquire specific internal activities of political parties and hence to take corrective measures. It is equally important to build up the capacity of the National Election Board to follow up the implementation the requirements of the law.

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