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WHAT IS LEFT WHEN ELECTION OBSERVERS GO?

THE CASE OF THE EUROPEAN UNION AND ETHIOPIA

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Abstract

This paper offers an analysis of the interaction between international and national politics, through one main instrument: election observation mission. By focusing on what happens once observers leave, the study of the relationship between the European Union and Ethiopia shows how such an instrument is being used to reverse power relations.

Keywords: Election observation, European Union, Ethiopia

Introduction

What is left when election observers go? When studies of democratization focused a lot on the role played by elections, this paper will try to focus on what happens in between, to think beyond free and fair elections¹. Elections are indeed now widespread and Ethiopia did not miss this so called wave of democratization by establishing electoral institutions and holding periodic elections. Its record in terms of electoral politics though is not one that exactly meets international standards. As part of this paper will show, elections do not necessarily serve the purpose they are intended to but it is however a fact that elections are being held. International actors paid important attention to Ethiopia as a poor country and aid flooded for many years, including in support of election process. Through elections and democratic support, international and domestic politics interacted and still do. The most visible part of this interaction is through election observation missions. Observers are invited, come, observe and issue a report with recommendations to implement in order to further and enhance the democratic process of a country. But the invisible part and what receives less attention is what happens when these observers leave and actors on the ground, international and domestic ones, have to carry on and maintain diplomatic relations and cooperation work.

Ethiopia shows its ability to master the rules of diplomatic and international relations game to maintain its position of power. In an interview, the former Prime Minister Meles Zenawi declared that “The question is not whether democracy is advisable for us or not. I think it is a foregone conclusion: we have no other option. (...) The question therefore should be how best do

¹ Eric Bjornlund, (2004) *Beyond Free And Fair: Monitoring Elections And Building Democracy* (Woodrow Wilson Center Press).

to achieve that²". This reveals how starting from 1991, Ethiopia changed discourses of democracy to present a rationale, highly informed by international changes.

The European Union, the second most important donor, conducted two election observation missions independently, the last one in 2010³. Its relations with Ethiopia are marked by periods of close cooperation but also by mutual forms of rejection. Strategies, tactics, changes are at stake and this usually happens in between two elections. In theory, recommendations can embody ways to learn new norms of behavior but are also often used strategically. Both actors develop strategies in between two elections and their presence or absence has consequences. By looking at the EU/Ethiopia relationship, one can identify shifts over time in their diplomatic relations and cooperation.

The literature in international relations usually refers to democracy promotion and election observation more specifically as a 'universal norm'⁴. It posits the universality of such norms and judge failures accordingly. 'Deviant' countries would then be pressured to socialize to the norm and eventually internalize it. This project challenges such a universal pretension and rather stresses the heterogeneity of interpretations which democracy promotion and election observation entail which in turn make pressure on a government more difficult. Ethiopia's government not only consistently fails to be socialized into a norm of fair competitive elections; its defiance entails repeated failed efforts of international observers and other international actors to change this behavior. Moreover, international actors have a curious tendency to remain

² Kjetil Tronvoll Kjetil et T. Hagmann, (2012) *Contested power in Ethiopia -Traditional authorities and multi-party elections*, Brill, African Social Studies Series, 281.

³ The European Union sends 'independent' elections observation missions whose recommendations then form the basis of cooperation and development programs.

⁴ See democratization studies, international relations work (Sikkink: 2011) and more specifically on international election monitoring: Hyde (2010), Kelley (2011), BJornlund (2006), Santa Cruz (2010).

engaged, possibly giving Ethiopia's government even more autonomy to pursue and legitimate their electoral strategies.

Another set of literature refers to election observation and electoral assistance as a problem of sovereignty⁵. Elections are essentially a matter of domestic sovereignty and international actors' involvement is an infringement of this very sovereignty. There is indeed something to it which is puzzling but the question of sovereignty is probably not necessarily the major one as invitation is the procedure, there is no overarching authority to force countries to send or invite a mission. I rather suggest that sovereignty is not infringed when the rules of invitation and displaying of the missions are mastered by the host country. The problem seems to lie more on the nature of the interaction between countries.

Finally, this project also appears as a complement to the comparative literature on democratization and democracy promotion. By taking for face value (and not as a transition phase) a non democratic regime, this project comes as a complement in inserting international actors within democracy promotion studies⁶. The benevolence and homogeneity of international organizations is indeed challenged. Disclosing divisions and weaknesses among these actors as well can help understanding the situation of a given country, such as Ethiopia for instance, where political space is shrinking but never really sanctioned. Why do international actors fail and how does the Ethiopian government maneuvers with it?

Election observation missions represent then an entry point, visibly showing how international and domestic politics interact, in reference to a broader context of cooperation. This paper will first analyze how a country such as Ethiopia established formal liberal institutions and started to hold elections, allowing for the formal intervention of an actor such as the European

⁵ See Santa Cruz on election monitoring (2010), and more generally Grovogui (2002), Snyder (2000).

⁶ The most recent reference being Levitsky & Way's study of competitive authoritarianism (2010)

Union in the national sphere. But we'll see in a second part how this has constantly been contested, redefined as much as wanted and required, especially in between elections. In Ethiopia, both actors, the European Union and Ethiopia displayed different strategies, sometimes using the same tools but showing how the interpretation of democratic governance and human rights can be different and leaves room to maneuver. Finally, it appears that far from based on an international consensus, electoral assistance reveals interdependency of both actors and constant reinvention of political space and diplomatic relations, playing with fragmentation of power, political sensitivity and definition of political order.

1. History of a tentative political dialogue: international requirements and national implementation

Even if election monitoring is presented as a phenomenon which emerged in the nineties, roots for international involvement in domestic political sphere can be found before that and are diverse⁷. The History of Ethiopia reflects this phenomenon as this country, one of the few colonized for a very short time in Africa, has gradually been inserted in the international political scene. Its unique trajectory is indeed one of introduction of formal liberal institutions including the holding of elections and invitation of international actors to observe the process. Yet, at the same time, expressing a strong ownership and gradually reinforcing its ideology and reasserting power.

a) Formal introduction of elections

The first identified form of national elections in Ethiopia appeared under Haile Selassie in 1957. Members of the Chamber of Deputies were elected under universal suffrage but measures

⁷ The first election observation mission dates back to 1857 to supervise a plebiscite in Moldavia and Wallachia.

of choices were limited and remained on an elitist view of democracy. The Emperor kept his position but a sort of independent body was created⁸. The first electoral law was also promulgated during the Imperial era and allowed the creation of a Central Election Board to conduct elections⁹. Elections were held every five years but only as a stamp of approval as the Emperor could not be removed¹⁰. The Derg also maintained elections later in 1987 but again more as a referendum than expression of free political will. Only candidates from the Workers' Party of Ethiopia, the single party, could be elected¹¹.

During these elections, no international actors were involved nor invited in any way. But it does not mean that Ethiopia was an isolated country. Origins of its political system and political culture can be found in these first 'elections' as Abbink¹² noticed that one can read the evolution of state's trajectory through this lens. Devolution of power is complex and elections are regarded as a zero sum phenomenon. However if the meaning of the holding of elections is not to be found in elections themselves, it can be that they also are in a way a signal to the international community. Whereas Haile Selassie held on to power and its divine essence, he also played a role on the international level. Ethiopia was accepted as being part of the League of Nations as early as in 1923, being then the first African country to be accepted. The battle of Adwa and the rebuffing of Italian colonizers is still part of the glorious national memory of the country as being emblematic of the country's ability to defend himself and reaffirm its sovereignty in front of Western powers. All of these phenomena forged a certain sense of autonomy, independence and ownership that informed the way Ethiopia related to the

⁸ Christopher S. Clapham, (1969) *Haile-Selassie's Government*.

⁹ Rahmato Dessalegn et Meheret Ayenew, (2004), *Democratic Assistance to Post-conflict Ethiopia - Impact and limitations*, FSS Monograph Series 3 (Addis Ababa: Forum For Social Studies).

¹⁰ James H Polhemus, (2002), *An action plan for useful donor involvement in Ethiopia's 2005 national elections* (Addis Ababa: Royal Netherlands Embassy - on behalf of the Human Rights Subgroup of the OECD, Ambassadors Group and all stakeholders dedicated to the improvement of the electoral process in Ethiopia).

¹¹ Jon Abbink et Gerti Hesseling, *Election Observation and Democratization in Africa* (Palgrave Macmillan, 2000).

¹² Ibid.

international actors among others. Far from the common image of weak African countries usually conveyed, Ethiopia's History is a different one. This is one of strategic choices in terms of partners and international allies. Electoral history also reflects such a process and shows us how far from being imposed, international influence was also chosen

In 1991 the DERG was overturned by a militia that later formed the core of the EPRDF, the ruling party. It led to the Addis Ababa Conference and the creation of a Federation of Democratic Republic of Ethiopia. New political institutions and a new Constitution were created so as to make Ethiopia a "modern state" and transform their military power into a political one. New Ethiopian leaders operated a discursive shift and adopted liberal practices and forms of democracy. A National Election Commission was then created as well in 1991. The first regional multiparty elections in Ethiopia were then organized in 1992. But calling them multiparty is in a way a shortcut as except for the formation of the party that overtook the DERG, others were either satellite creations of the latter or didn't really have time to establish themselves in the political landscape of the country. Further changes were made to prepare 1994 elections, to elect the Constituent Assembly. It was only in 1995 that the first national general elections were held. But all these seemed to be hastily organized and never really got the population involved, nor real political forces that would offer alternatives and real choices¹³.

The second set of national elections took place in 2000 and showed signs of changes with some opposition parties choosing to participate in the national elections and also a sense of increasing civic awareness¹⁴. But this was undermined by instances of intimidation and ballot

¹³ See Dessalegn (*ibid*)

¹⁴ Polhemus, *An action plan for useful donor involvement in Ethiopia's 2005 national elections*.

box stuffing, as well as constant reinforcement of ideology in relation with the war with Eritrea for instance¹⁵.

In 2001 local elections were organized but once again population involvement was not extensive. Elections were rather marked by repression and the need for a new dialogue. Sort of this new dialogue took place four years later in 2005 and the preparation for the new national elections. 2005 marked a turning point in the Ethiopian electoral History as general participation was higher, opposition parties chose to compete and participate in the campaign and the elections. From this perspective, it seemed then that some necessary instruments were in place for a genuine competition and a process of democratization in Ethiopia. The periodic organization of multiparty elections, the setting up of an institutional framework as well as the increasing involvement of population in the voting process makes it appear as a successful evolution into an electoral democracy. But this would be so only by looking at formal, procedural democracy¹⁶.

The aftermath of these elections led to political unrest and arrests of opponents as well as civilians. Since then, the ruling party tended to reassert its power using different strategies to modify political settings and ideology in the country. What could have been seen as a democratic opening was in reality a reinforcement of the ruling party's hegemony.

The following elections, local ones and federal ones in 2008 and 2010 confirmed this overwhelming majority on the political scene. The ruling party won with more than 90% of the votes, thus crashing any hope for the opposition. It seems then that the evolution of Ethiopia as a formal democracy paradoxically contributed to the formation of a centralized federation. This oxymoron indeed stresses the gap between formal institutions and the way they are used in

¹⁵ Seigfried Pausewang & Kjetil Tronvoll, (2000), The Ethiopian 2000 Elections: democracy advanced or restricted? HR report N3/2000, Norwegian Institute of Human Rights, University of Oslo.

¹⁶ Cf. Dahl (1961), Schumpeter (1942)

practice. This also stresses up to a point how international actors can or cannot inform a domestic process. They provide tools for democratization which can be strategically used to maintain power or even enforce hegemony.

Such a summary of electoral Ethiopia's History implicitly demonstrates attempts of structuring the political scene in Ethiopia by putting in place internationally required institutions. The organization of elections, now periodic and enshrined in the country's functioning, do however not equate with democratization and fair openness of the political game. Whether obstacles come from ethnicity (Vaughan, 2004), authoritarian political culture (Abbink, 2005) or local population's apathy (Lefort, 2005), the connexion with international politics is missing in these stories. One way to look at it is to understand how it is part of a bigger framework informed by international policies, politics and actors playing one against the other. Ethiopia while structuring its political institutions also modified its relations with international actors.

b) Puzzling election monitoring history or the involvement of international actors in a domestic sphere

Ethiopia engaged in the formal process of democratization with a close ally on its side, namely the United States who made it a condition for further cooperation¹⁷. The new structuring of the country formally corresponded to 'international standards' and paved then the way for the organization of 1992 regional elections. The privileged relation between President Carter and Meles Zenawi allowed for the presence of international observers, mainly as the international community made it possible for Ethiopia to hold elections as soon as one year after the promulgation of the Federation of Ethiopia. Invitations were formulated again in 1994 and NDI and IFES sent teams of observers. It didn't improve the quality of elections nor the results as the

¹⁷ See Marcus (2002)

same party, and same elite, remained in power. Structuring of the opposition as well as participation of the population hardly progressed.

In 2000, before the organisation of a new round of elections, Prime Minister Meles Zenawi made a declaration saying that no international observers would be allowed. Or not officially at least: “We are people capable of managing ourselves and our affairs. We have to be able to conduct our elections on our own, as part of our right to exercise self-determination. If there is the assumption that the election is not democratic unless foreign observers monitored the process, this is a distorted outlook¹⁸”. Paradoxically, the very existence of the holding of elections is never put into question.

In 2005 Meles operated a new shift in its policy and decided to allow for international observers to come. This time the European Union sent its first formal observation mission which actually marked its involvement in the electoral process. As Dessalegn states it, “there was no serious EU commitment on government until 2000 but the signing of the Cotonou agreement in 2000 allowed them to intervene in the democratization process¹⁹”. It seemed then that the presence of international observers in some ways modified the electoral playing field. However, on the other end, it also triggered a political crisis as it was involved in the violent aftermath of these elections. International election observers teams from the European Union and the Carter Center issued contradictory reports, shedding confusion on an already sensitive process.

Positive statements present 2005 elections as being held in “a context of transition” stressing the fact that they represented the most competitive elections in the country, enjoyed an “unprecedented voter turnout²⁰” and a significant development towards democracy as well as an

¹⁸ Benalfew, IPS, 1999

¹⁹ *ibid*

²⁰ Election Observation Mission, European Union, « EU 2005 Final report », 2005.

eagerness of citizens. But major critics were formulated on the human rights situation after the elections as well as questioning the neutrality of election administration units such as the NEBE.

The EU deployed one of its largest missions in Ethiopia but its work was severely backlashed as it failed to meet its own standards. A report leaked and created a political crisis as it suggested the final victory of the opposition party and revealed that observers had done quick counting, exceeding thus their original mandate. The violent aftermath of the elections also led to the dismembering of the team and new observers had to come in.

Surprisingly enough though, an invitation was reformulated in 2010 and the European Union accepted it and was only one to do so, despite the already existing criticisms. European involvement in this mission remained high as it comprised about 170 observers from 25 European countries for a budget of 8 million euros (much more than the budget of the delegation in Addis Ababa in terms of democratic governance and electoral assistance). Same methodological problems arose though. It deployed a mission later than expected; a report leaked to the press during the election process and thus questioned again the limits of such missions and their actual capacity to simply evaluate a process. The Ethiopian Prime Minister seized the opportunity and reiterated violent charges against the work of such missions. He refused to issue a visa for the return of the chief Observer to present its final report. This report even came much later than expected, once the Ethiopian government was already formed. No one really paid attention anymore to what the European Union had to say, the ruling party could enjoy a 99.6% victory...

Before that multiple attempts were made, often functioning on ad hoc methodology, and never representing any real unified international actor. In 1995, the donor community set up a Donor Election Unit (DEU) to unify aid which mainly was directed for provisions, computers,

radios, etc. They also set up an “electoral mission” of 50 diplomats. But they functioned more on an ad hoc mission and were mainly politicians²¹. In 2000, as no international observers were formally invited, only a small group of veteran observers sponsored by the Norwegian Institute for Human Rights covered the electoral process. 2005 is then special as it corresponds both on the European side at a time when methodology in terms of democratic governance and electoral assistance was structured and more carefully designed.

The failures in terms of methodology from the European Union in fact also reveal political interests, if not strategy, to preserve a special relationship with Ethiopia. The reaction of the Ethiopian government and the paradoxical decision to invite European Union monitors is also puzzling. But contrary to what Hyde mentions²², it does signify an intention to normalize international relations or to provide a credible signal to hold democratic elections in order to benefit from it. It is a signal of autonomy and power. Even if, formally, Ethiopia seems to meet the ‘international requirements’, it actually represents a good example of the ability to strategically use a norm and make it a powerful resource. The Ethiopian government, or to be more precise its Prime Minister and its government, mingled with observation missions to make their voices heard by for instance choosing the observers themselves, deciding of the length of their stay as well as refusing to issue visa for the presentation of the final report. What to explain are not really the results of these elections more than the process to get there and how actors, both international and domestic, allow themselves to act in their name. Election monitoring is embedded in tactical changes and shifts that in turn give a new direction to the country. Channels of influence are multiple and far from universal consensus, democratic principles and its institutions are constantly reinterpreted.

²¹ Dessalegn et Meheret Ayenew, *Democratic Assistance to Post-conflict Ethiopia - Impact and limitations*, 18.

²² Hyde (2011)

2. In between two elections: displaying strategies and channels of influence internally and externally

a) The European Union from the headquarter to the delegation

Consequences of these two EU election observation missions can be seen on three different levels: different European institutions, member states and the host country, Ethiopia.

On the institutional level, modifications happened at the margins, mainly as a result of the European Union's will to expand its external visibility and embody a diplomatic service. A significant restructuring then happened with the Lisbon Treaty (signed in 2007) leading to the creation of a new External Action Service (EEAS) in charge of election monitoring and assistance reinforced the role of the Parliament. But more specifically with the case of Ethiopia, the 2005 mission had consequences on the overall cooperation. The violent aftermath led the European Union and all the other donors involved in the country to stop general financial support to the government. Rather they decided to function with programme based support and pool fundings. Despite all these events and difficulties with Ethiopian cooperation work on issues related to human rights and governance in general, the European Union surprisingly identified again Ethiopia as a target country for its aid support in 2011. Ethiopia remains a valuable partner in the eyes of the European Union and they launched a project to enhance aid efficiency and harmonization in some countries. General support to the country is then not questioned but officials rather try to improve its efficiency.

As Ethiopia gathers as many as thirteen member states on its territory, it also represents as many different views and programs in terms of cooperation and development, influenced by member states. National strategies impact Ethiopia. 2005 elections acted as a trigger and

revealed strategies of member states, agreements and discordance, challenging the façade unity of the European Union.

Two main shifts can be identified: before and after 2005 elections. Before 2005 elections, it seems that the European Union really started implementing programs dealing with democratic governance, trying to involve institutions and CSO organizations. It launched for instance a vast program on civic and voter education in coordination with NEBE as well as supported inter party dialogues in preparation for the upcoming elections²³. Involvement was significant and involved a large set of actors. But it did not prevent violence to erupt and thus eventually undermined such efforts. As a result, the European Union and its member states operated another shift in terms of policy. Instead of putting constant pressure on the government or even threaten to pull out of cooperation and development activities (as was the case for instance with Zimbabwe), they modified the way they envision cooperation and development in terms of democratic governance.

After 2005 elections and the restructuring of Ethiopia-EU relationships, the European Union mainly worked on coordination and programming with softer policies. So far in terms of programming, the main change between 2005 and 2010 was the implementation of the DIP programme. The Democratic Institution Programme is a 5 years capacity programme supporting 7 institutions. 13 donors are involved since 2008 and whose contribution amounts up to 85% of the institutions' resources²⁴. The European Union contributes to 10% of the budget to which can be added member states financial contributions. Some institutions joined right at the beginning whereas others as the National Election Board joined later. This program is the first coordinated attempt in Ethiopia to launch a large capacity building project on main institutions. But the

²³ See for instance EU CSF and 'Vote in Addis' program led by the British Embassy

²⁴ Interview Addis Ababa, July 2012

program also suffered many critics and donors are pulling out. A report of Human Rights Watch²⁵ revealed how fundings were actually used in some instances to reinforce EPRDF's hegemony and that donors in this sense contribute to its tenure of office. Little is known for instance on the use of financial support by NEBE whereas more successful attempts have been made with the Human Rights Commission or the Anti corruption office. A second phase is under negotiation with the Ethiopian government but a certain number of donors have been pulling out.

The European Union is a bit more successful with its work with CSOs. In between 2005 and 2010 elections, the Ethiopia government proclaimed a new law restricting CSOs activities and notably limiting foreign financial support up to 10% for organizations involved in democratic and human rights related activities. The European Union though conducted negotiations with the Ethiopian government and managed to get its financial aid regarded as a local one, thus not being subject to the new law. This embodies special diplomatic relations the European Union enjoys with Ethiopia. In practice, it is a fact that organizations which benefitted from this fund were less (or almost none) involved in human rights and democracy activities. As an example, only one of the twenty four organizations selected to conduct civic and voter education activities in 2004-2005 is still active in 2012. Is it a result of the European Union withdrawal or the result of the overall Ethiopian change of context? Probably a mix of the two but the fact remains that democratic support from the European Union is decreasing even if officially still maintained. The European Union did not choose to pull out but rather chose to continue "on a low profile basis". "We want to have a policy of dialogue, to continue dialogue on issues that might not be implemented the way it was supposed to. It's a way of hoping for a deeper dialogue²⁶". Between real politik and business as usual, it is a fact that the European

²⁵ HRW (2004)

²⁶ Interview Addis Ababa, EU delegation, June 2012

union commitment in terms of electoral assistance does not meet the theoretical and legal framework it tries to promote all over the world and in Ethiopia.

In Ethiopia, it is translated into three different phenomenons. The first one is that officials tend to think of democratic governance as being a cross cutting issue. Not saying that it does not matter anymore but rather that it should be everywhere. A way then to work on a more diplomatic and discrete way? Or a way to keep their own interests and put a flavor of democratic governance everywhere? The result is anyway that it is not on the forefront anymore. This relates directly to a second tendency that appeared more and more evidently, to be part of pool fundings. This is the case with the DIP, with ESAP and many other programs, which also involves bilateral cooperation. Member states also use this strategy to use the European Union as an umbrella entity. Ambivalence of such a process can give strength as much as it can weaken the very instrument. Finally, a last trend is the development into regions, dating back to a decision taken after 2005. The role of the local levels, kebelles and woredas, in Ethiopia is highly politicized and often under control. Even if organized as a Federation, Ethiopia is not a decentralized country. It comes then as a test for theoretical and legal framework promoted by the European Union when applied to a country which also has its own ideologies, whose leaders develop concept that drives the government and its institutions.

b) Ethiopia's strategy of building a 'strong' state

Ethiopia does not simply mimic the European Union rhetoric discourse and set of practices. It indeed has a long tradition of navigating within the international sphere, choosing its partners according to its own logic, expressing agency. Meles Zenawi was sometimes presented

as a three Janus faced: one for the international community, one for its own party and one for the population²⁷. Its diplomatic relations with the European Union are an example.

The Ethiopian government used the ambivalence of the European Union's position as well as contradictions with its own principles and rules and tried to capitalize on it. The most evident example of that is with the European Union Election observation mission. Both in 2005 and 2010, the Ethiopian government also tried to interfere in the very setting up of the mission, thus reversing the logic. In 2005, it happened throughout the deployment of the mission denouncing the role played by the chief observer, denouncing the leak of an internal report and finally insulting the final report once published. On the European Union-Ethiopia relationship level, it triggered a political crisis. But Meles managed and maneuvered between the interstices receiving congratulations at first from Tony Blair, signing a grant agreement with the European Union Civil Society Fund, being invited to participate in high level political summits, etc. The European Union is a huge machinery and it requires time to go from one step to another and finally make a decision. The Ethiopian government and its leaders are often described as subtle strategists and know how to act in between those decisions. Despite these accusations in 2005 and the complete rejection of the EUEOM report, the Ethiopian government renewed its invitation in 2010 (only to the European Union and to the African Union). But also imposed its own terms. They rejected a first proposition for a chief observer, arguing that the one proposed wouldn't be able to accurately formulate judgments on the electoral process. The chief observer chosen for 2010 had then the task to reestablish confidence within the two parties. He acted as a mediator in international relationships. But once again, the European Union mission failed in its methodology, a report leaked, created another political crisis, reinforced later by the assessment

²⁷ *ibid*

made by the chief observer the day after Election Day. Final report's publication was then not made possible in Ethiopia as it was completely disqualified, defined as being 'garbage'. The government even tried to lead negotiations so as to be able to read in advance the copy of the final report before its presentation in Ethiopia. The European Union refused to do so and its chief observer was then denied access to the country. Meanwhile, the Ethiopian government formed its new government. As a result the European Union's final report was presented and published after the government's formation and was then of very little usefulness. Such ambivalence reflects the will of the Ethiopian government and its former leader Meles Zenawi to actually create its own space on the international scene.

Following the 2005 crisis, the Ethiopian government indeed used these protests and shifted its policy to reassert power on its territory and its population. But rather than simply using armed forces, the government used one of common international weapons: laws. In the span of a few years, three main laws were introduced and considerably challenge international interpretation of democratisation. Three domains were targeted: opponents to the regime, media and civil society. All these new law were implemented between 2005 and 2010. The "antiterrorism law" allowed extra power for the government to arrest and put in jail 'any suspected terrorist'. A new code of conduct for political parties also restricted access to financial resources and participation. The mass media law also restricted freedom of the press and the possibility to express political dissent. Finally, civil society organization were targeted and were allowed to work on human rights and democratization activities only if they registered as local organizations, meaning that they could not get more than 10% of foreign funding. This naturally paved the way for the hegemonic victory of the ruling party on 2010 elections. Only one deputy from the opposition was elected. Any form of foreign interference in the Ethiopian society has to

be carefully controlled and balanced by a reideologization of the party. Thus the Ethiopian regime made it clear that it was more keen on looking at South Asian models such as Singapore to construct its growth and transformation plan and sustain its economy model. Ideologies of the developmental state and revolutionary democracy have recently been activated as possible alternatives.

Post 2005 period corresponds then to a shift in the Ethiopian politics more in terms of internal restructuring. The government reasserted its power on different domains. 2010 up to now marked another shift and the will of an external reinforcement, manifested mainly by the development of governmental structures in regions.

The aftermath of 2005 elections led then to the restructuring of the party, the government, the institutions, the state and the careful supervision of the population. But doing so, they used the same rhetoric and practices as promoted by international actors, using them in a different way, to serve an alternative ideology. The implementation of laws, decentralization, ideology, standardization through manuals are power resources used by international actors such as the European Union, promoted on host countries and implemented in domestic politics but informed differently. Observation missions represent then the entry point for a domestic government to capitalize on their statement but not in the same way as the observers intended it but even to coerce them. In the case of the European Union with Ethiopia, the deployment of an electoral observation mission served the ruling party as a tool to reinforce its hegemony and enhance its state project. The period in between elections became then crucial to reinforce the government's ideology and put it in practice. No direct link can be made between any recommendations formulated by the EU EOM nor some of the work made by electoral assistance programs as it was completely rejected by the Ethiopian government. However, implicitly one can trace sort of

an evolution according to such standards. Nevertheless, none of this tends to a democratization process in Ethiopia, it rather reinforces the initial governmental project.

3. Reversed conditionalitie(s)?

What is then at stake in between elections if results do not make a real difference? The difference is indeed made during this in between when influences of power will shape the trajectory of the next elections. In this sense, to understand democratization process or at least what can be labeled as the trajectory of a state, one needs to look at the European Union and Ethiopia as being interdependent players. Conditionalities can be reversed on both sides, depending on strategies: the European Union needs Ethiopia, Ethiopia needs the European Union.

a) European Union – Ethiopia’s dependency

International actors such as the European Union often face biases that constrain their activity. Kelley²⁸ identifies five major ones that seem to apply to the case of the European Union in Ethiopia. The first one is the “glass house bias” which would restrain an organization to express criticism as its own democratic principles are also questioned. The European Union though developed a whole set of methodology and practices to avoid such criticism. However, we’ve also seen the role played by member states and how they seek for a consensus can undermine critical judgment. The second one is “the subtlety bias” meaning that criticisms against the regime will be mild because it is said to be in ‘transition’. This was a formulation used by the European Union in 2005 but can no more be true. The third one then is called ‘the special relationship bias’ to describe special relationship between countries. This usually happens

²⁸ Judith G. Kelley, (2012) *Monitoring Democracy: When International Election Observation Works, and Why It Often Fails* (Princeton University Press).

with geopolitically important states. This clearly is the case with Ethiopia which knows how to surround itself with specific partners. The European Union holds Ethiopia for an important state as it is a stable country amid an unstable region. All its neighbors are in conflict: Somalia, Eritrea, Sudan and even Kenya. Ethiopia represents then an important geostrategic access and is also the headquarter of the African Union. This is linked to another bias called “the stability bias”, cooperation is conditioned by the risk of violence and conflict. In that sense, for the European Union as for other donors, to keep Ethiopia as a stable country is the most important thing.

The fifth bias is the “progress bias” as an attempt to distinguish the holding of election and the general trajectory of the country towards democratization. Elections might not meet international standards but it does not necessarily undermine the overall process. Such a point of view though assumes that progress means democratization. The European Union does so with Ethiopia as the country for instance met most of all the Millennium Goals and has a double digit growth rate. Ethiopia is an economic driving force and new projects such as the construction of a new dam also make it appear as a regional leader. However no direct link can be made with any form of democratic progress. One has to relate such economic progress to the ideology of the “developmental state”.

These are then among the reasons why the European Union needs Ethiopia and wants to keep it as a partner rather than a challenger. By mentioning these biases, the intention is not to say that EU-Ethiopia’s dependency is based only on real politik but rather that it needs to be recontextualized to explain why some actors like the European Union act in a certain way. Constrains on political development and democratic progress do not necessarily come from the host country only but can rather be informed by constrains on the organizations themselves. If

election assistance programs have to be based on recommendations formulated by the election observation mission, it even reinforces this form of interdependency as in some cases international actors can be at the mercy of domestic politicians to implement recommendations.

b) Ethiopia – European Union's dependency

Why does Ethiopia bother to invite the European Union to observe its elections when the original intention is not holding true democratic elections? Ethiopia is an interesting case as its Prime Minister showed its ability to master the rules of the game to maneuver in between spaces.

One of the first reasons to explain Ethiopia-EU dependency is financial. Ethiopia is highly dependent on foreign aid, and the European Union, with its member states is the second largest donor in Ethiopia (with 644 million euros on the current EDF). In terms of electoral assistance for instance, with the DIP programme coming to an end this December, discussions ran among donors whether to continue it or stop because of supposition of misuses of the fundings. However they know that the Ethiopian government, as it is now, cannot provide enough funds to have efficient institutions, especially with the increase of staff and development of branch offices. The restriction of international fundings for NGOs as well led to the closing of many NGOs previously involved and active in the domain of governance and civic and voter education. The government made a choice and is comfortable with it. However in terms of institutions, it seems that the margins for negotiations are thinner. How could the Ethiopian government sustain its institutions and staff without fundings?

A second reason to explain Ethiopia-EU dependency is on the international scene and in diplomatic relations. Though often criticized, Ethiopia care about its relation with the European Union as an access to its leaders, as with Tony Blair for instance. The Prime Minister knows his

important role in the Horn of Africa, in terms of stability mainly and fight against terrorism, aims to drive its country to an economic success meaning also that it needs commercial partners.

Finally, the European Union is also used in Ethiopia strategically as a point of reference. The state can then justify its absence or its presence as they have a counterpart they can use to justify it. This clearly was the case for instance in manipulating the observation missions so as to use it as a powerful resource. The European Union failed, is not able to behave according to international standards, is biased in so many ways, so the Ethiopian government has an alternative to propose. They reversed conditionalities also by saying that the European Union is the one who does not respect international standards and then should be condemned for that. They think that it's enough if an observation mission evaluates the technical aspects of electoral cycle, counting process and that's it. After that they consider it as political interference (...) they took embassies as hostages, we were trapped and it's clear that opposition parties can be disappointed. They wished the European Union had done better²⁹". Interviews of government officials in Ethiopian newspapers report how they blame the European Union as being at the mercy of neo-liberalism questioning where all these groups draw their authority from and that they should apply the same standards to themselves".

These are among the main reasons why Ethiopia needs the European Union on board, and still hold it as a valuable partner. Its strong ownership then differs with other African countries as Ethiopian leaders clearly have in mind where the limits are in terms of international involvement in domestic affairs. This leads then to a constant process of reconstruction and reinvention of diplomatic relationship based on the balance of independency.

²⁹ Interview Addis Ababa 2012

c) Reinvention of diplomatic relationships through negotiations and bargain: stretching the meanings of democracy, governance and human rights

The paradox emerging from such a situation is that the European Union bases its cooperation in terms of electoral assistance on recommendations formulated by the EU EOM. They decide whether the process meets international standards. But in turn, Ethiopia also gives its approval or not on this assessment and express its national ownership. The main question then is about the origin of the authority of such statements. It seems that the two partners engage in a constant redefinition of their diplomatic relationships according to different strategies. The meanings of human rights, democracy and governance activities are stretched and evolve over time. Interdependence is based on three different forms of ambivalence which leave room for negotiation and competing notions of authority and political power.

The first one is on fragmentation of power and challenges to authority (ies). What the study of the European Union shows is that it presents itself as a unified actor but also experiences internal competing strategies among its institutions, among its member states and with actors on the ground. A host country such as Ethiopia is aware of that and can then play with these contradictions or different visions. As a result, the European Union also tried to work on these weakness by trying to organize itself internally with working groups, joint programming. Part of Ethiopia's strategy being to play one against another, attempts to uniform these positions can transform the rules of the game and thus modify diplomatic relationship as well. In turn, the Ethiopian government and its ruling party also present themselves as unified and strong. It is a fact that in recent years, the government reinforced its power and consolidated its position as well as weakened any potential challenger.

A second pattern is the ambivalent strategy between depoliticization of democratic governance and electoral assistance activities. The European Union presents its work as one of cooperation and development, linked to human rights and working towards democratization. Working groups are technical, technical process is differentiated from political one and the two cannot really be interwoven. As a result the general democratic assistance to Ethiopia, a country where a single ruling party is in power since its creation, can serve technical purposes: the holding of the elections clearly improved in terms of organization, economic growth is increasing and a leading one in Africa, the national electoral board produces manual and documents to uniform its policies, economic and organizational progresses are made visible in Ethiopia.

As a comparison, the Ethiopian government tends to depoliticize everything related to human rights and democratization. This can explain the overreaction at the publication of election missions reports, any reference to them is banned, why foreign actors are limited in their work with NGOs, etc. In terms of human rights and democratization activities, mentioned has already been made of this new law restricting the involvement of foreign actors. The European Union was exempted but the result remains that they anyway avoid to fund 'pure' democratic and governance activities. The European Union presents itself as a neutral actor acting under the disguise of a universal democratic consensus, simply helping in the way to achieve it. However, Ethiopia, even though it officially adheres to these liberal views on democratic regimes and the need to adopt such institutions constantly questions their ability to function in an effective way and rather looks at alternative. Whether these alternatives, being south Asian countries, Developmental state or Revolutionary democracy, are more efficient or more suitable is not

really the main question. It rather shows the need for an alternative as those who promote the model do not necessarily fit these so called international standards.

Finally the overall strategy in between two elections is also to occupy political terrain. Elections are a time when this form of political space is in a way left vacant or at least install some indecision in the process as there might be a change in the leadership. The challenge is then to reinstall its leadership once the elections are over. In this battle for power, the European Union act as a watchdog, constantly referring to its own standards and working with Ethiopia towards that. This was the case with election observation missions reports as well as later with electoral assistance activities such as the DIP. In contrast, the Ethiopian government also tries to make its power as visible as possible. The state displays then strategies of absence and presence so as to make its power more efficient and focus on strategic areas. Elections period seem to embody such pattern. The Ethiopian government for instance intensively used media as a way to reassert its power and reestablish “the truth” after political crisis with the European Union and its chief observer³⁰. The ruling party tried to occupy in many ways political space, and this included having a special tribune in The Ethiopian Herald Tribune dedicated to the EU EOM. Meles Zenawi himself even wrote a 14 pages letter to the editor to share its point of view on the situation and explain why his regime had to respond. In 2010 the strategy differed but followed the same logic of occupying political space left vacant. Once the election observation mission gone, they did not wait until the publication of the report but rather formed a new government in between. Electoral assistance and governance activities at large can then become tools for disorder as a political instrument³¹.

³⁰ See articles from the Ethiopian Herald Tribune

³¹ Patrick Chabal et Jean-Pascal Daloz, *Africa Works: Disorder as Political Instrument* (Indiana University Press, 1999).

Conclusion

What is left when observers go? Looking at the case of the European Union in Ethiopia, it seems to confirm the idea that this is especially when observers go that diplomatic relations are at stake. Far from being universal and based on an international consensus, the process of democratization and electoral assistance is one of constant negotiations, struggles for authority and constant redefinition of diplomatic relationships.

Conditionalities can even be reversed as some international instruments become tools for the so called powerless. The case of Ethiopia shows as well how a country with a strong ownership and sense of autonomy can undermine international standards. Power relations evolve over time through the very interaction between international and national politics.

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