

# **Antidemocratic system of governance in Ethiopia under absolute dictatorship of TPLF regime**

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## 1. Introduction

Governance is the traditions and institutions by which authority in a country is exercised. It includes how governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them (Kaufmann et.al. 2009). This definition is fully applicable to a democratic system of governance but it is partly applicable to a non democratic system. Pillars of democratic government include sovereignty of the people, rule of majority with rights of minority, guarantee of basic human rights, free and fair elections, constitutional limits on government, respect rule of laws, socio-economic pluralism, multi political party, tolerance, pragmatism, and cooperation. These pillars differentiate democracy from totalitarianism and/or authoritarianism.

“Authoritarianism is a form of government in which the ruler is an absolute dictator (not restricted by a constitution or laws or opposition, etc). It is a principle of unqualified submission to authority, as opposed to individual freedom of thought and action. As a political system, authoritarianism is antidemocratic in that political power is concentrated in a leader or small elite not constitutionally responsible to those governed. It differs from totalitarianism in that authoritarian governments usually lack a guiding ideology, tolerate some pluralism in social organization, lack the power to mobilize the whole population in pursuit of national goals, and exercise their power within relatively predictable limits (BCE, 2009).” In context of Cold War totalitarian regimes were invariably communist. Where conditions are not yet ripe for democracy, there are relative advantages to authoritarianism (Alison, 2009).

Development of democratic governance system is the result of positive processes. It may last years or decades depending on effective commitment of political groups and freedom of the society. If the process of development of democracy is governed by fears its end result could be dictatorship. “As society becomes more fearful, many individuals yearn for the safety and order promise by strong, controlling leaders...fear creates the conditions under which such individuals gain control (Alan Hall, 2010).” Positive development of unripe democracy should be measured by quality of governance of a government exercising democracy. Quality of a government can be measured by respect to human rights, rule of law, level of human development, accountability, regulatory institutes, control of corruption, and political stability.

Current government of Ethiopia is functioning under the leader ship of Tigray People Liberation Front (TPLF) since 1991. TPLF regime has replaced totalitarian regime in 1991 after 17 years of armed struggle. It is considered as one of the governments exercising democracy in Africa. It has adopted revolutionary democracy as a doctrine to propagate its politics. Its revolutionary democracy is well sponsored by foreign aids in billions of dollars through investment in military, technical, and development sectors. The regime’s ability to deliver democratic system of governance in Ethiopia was under big questions from the very beginning because it excluded systematically independent political organization like Oromo Liberation Front (OLF) from participating in election process of June 1992.

The study is conducted based on literature reviews to know whether a democratic or dictatorial governance system is evolved in Ethiopia out of 36 years intensive financial and diplomatic supports to TPLF from foreigners. The review gives descriptive overviews of indicators of absolute dictatorship of the TPLF regime and general information about restriction of independent multi-dimensional activities of Non Governmental Organizations or Civil Societies Organizations (NGOs / CSOs) in Ethiopia. Strategic political plans of the regime behind formulation of laws to restrict activities of NGOs / CSOs and to fight terrorism are critically analyzed to know whether formulation and adoption of the Charities and Societies Proclamation (CSP) and Anti-terrorism proclamation (ATP) reflect genuine commitment of the regime to protect the sovereign authority of the people of Ethiopia or to protect and sustain monopolistic ownership of its military, political, and economic powers through justification of injustice.

## 2. Indicators of absolute dictatorship of TPLF regime

TPLF regime is known as Marxist Leninist League of Tigray (MLLT) in early 1970s and as Ethiopian People Revolutionary Democratic Front (EPRDF) since late 1980s. EPRDF is a pseudo multi-ethnic political party under strict control of the regime. It is in reality the TPLF because it is neither a unitary nor a coalition of political parties. It is an instrument of ethnic political organization that totally adopted political program of the TPLF (Berhe, 2005). It is guided by principles of divide and rule system of colonial governance. The regime is known by its fake names like Amhara National Democratic Movement (ANDM), Oromo People Democratic Organization (OPDO), South Ethiopian People's Democratic Front (SEPDF), and etc in Amhara, Oromia, Southern Ethiopia, and other administrations, respectively. These surrogate ethnic political organizations are nothing but they are simply representatives of the regime in other parts of Ethiopia. These fake organizations are unconstitutionally imposed on peoples of Ethiopia through the rule of gun in violation of sovereign rights of civil people, the rights to organize and elect their own political organizations freely. Thus the regime has institutionalized its brutal governance system with insignificant challenges of opposition political forces to its authority. Absolute dictatorship of the regime is demonstrated by human rights violation, inciting ethnic conflicts, corruptive manipulation of political system, stagnant poverty, and poor quality of governance.

### 2.1. Rebellion against the civil people (human rights violation)

TPLF regime is well experienced in carrying out rebellion. It has been employed the tool during 17 years of civil war to topple the communist military junta under dictatorial leadership of Colonel Mengistu Haile Mariyam. Rebellion activities of the regime from 1974 to 1991 against communist junta could be justified because there has not been other alternative instrument rather than armed struggle to change brutal practices of totalitarian governance system of Ethiopia. The regime also continued its rebellion activities after 1991 to suppress non-violent political struggle of the civil people. Peaceful struggle of multi nations and nationalities of Ethiopia for justice, peace, freedom, democracy, and stability is constitutionally legitimate right of the people. However the regime has been undermining constitutional civil rights by routinely practicing human rights violation. Its rebellion activities against the civil people include extrajudicial killings, long imprisonment without independent trial, torching, rapping, etc.

Inhuman atrocity of the regime is characterized by **(I) Extra-judicial killings and disappearances:** 3981 extra-judicial killings and 943 disappearances of civilians suspected of supporting groups opposing the government have been documented since 1994 (OSG, 2008) ; **(II) Massacring innocent civilians:** Security forces of the regime has been intensively massacring innocent civilians, for example: (i) Murdering of peaceful demonstrators of 92 Oromo civilians on 25<sup>th</sup> of March 1992 in Eastern Oromia, 67 Oromo civilians on 10<sup>th</sup> of February and April 1995 in Eastern and Western Oromia, 20 Oromo students in March and April 2002 in western and central Oromia, 105 Oromo civilians in November 2005 to April 2006 in Oromia, and 19 Oromo civilians detainees in February 2007 in Eastern Oromia; (ii) Murdering of peaceful demonstrators of 200 Sheko and Mezenger civilians on 10<sup>th</sup> of March 2002 and 46 Sidama civilians on 24<sup>th</sup> of May 2002 in Southern Ethiopia; (iii) Murdering of 430 Anuak civilians from December 2003 to April 2004 in Gambela; (iv) Murdering of peaceful demonstrators of 193 civilians in August and November 2005 in Addis Ababa town, and (v) Massacre of thousands of innocent Ogadeni civilians in Eastern Ethiopia since 1992; **(III) Detention without trial:** At least 25,000 peoples were in prison in year 2001 in Oromia federal state alone; **(IV) Increasing refugees:** Thousands are quarterly seeking refuge in neighboring countries and **(V) Suppression of free media:** Independent media is totally paralyzed because most of independent journalists are languishing in prison and others were forced to escape to abroad in fear of brutal mistreatment (HRW, 2005 and UOSG, 2007).

Human rights watch (HRW) reported dozens of cases of severe abuse by Ethiopian troops in the Ogaden including gang rapes, arson and what it is called "demonstration killing" including hangings and

beheadings meant to terrorize the civil people (HRW, 2008a). Many of the Oromos interviewed reported family members had been killed or were missing or “disappeared” for many years under the TPLF regime (AHR, 2009). Human rights violation is one of the instruments effectively institutionalized by the regime to guard its brutal governance system through diffusion of fears into civil societies across each corners of the country.

## 2.2. Inciting ethnic conflicts

Conflict at local level is mainly originated from the dispute seasonally raised by shortage of grazing land and water for livestock in rural areas. The regime either orchestrated or manipulated the conflict to implement its anti peace strategy. It has been frequently inciting ethnic conflicts between Oromo and Somali, Sidama and Oromo, Oromo and Afar, Amhara and Oromo, Tigre and Oromo, Oromo and Gurage, Gumuz and Oromo, and others to destabilize peaceful relation between different ethnic groups in Ethiopia. Hundreds of innocent civilians have been lost their life and thousands are internally displaced seasonally as a consequence of regime`s manipulation of local conflicts since 1991. Some of the recent reports include the following as example: **(I) Conflict of Oromo and Somali in Southern Oromia** has killed 135 and internally displaced about 100 thousands of people in August 2005; **(II) Conflict of Oromo and Somali in Eastern Oromia** has killed 73 and internally displaced about 85 thousands of people in August 2005; **(III) Mobilization of Gumuz militia by the regime against Oromo in Western Oromia** has killed 400 and internally displaced thousands of Oromo people on May 17 to 19 / 2008; **(IV) Conflict of Sidama and Oromo in southern Ethiopia** has killed 140 and internally displaced 30 thousands of people from April 2 to 7/2008 and on May 31/2009; and **(V) Conflict of Afar and Oromo in Eastern Oromia:** has killed 35 and internally displaced thousands of people on May 20 to 29 /2009 (IDMC, 2005; Sudan tribune, 2008; OLF, 2009a to 2009e; and Megalommatiss, 2009).

Inciting ethnic conflicts is the second most important instrument that the regime is effectively employing to sustain its brutal governance through destabilization of peaceful and mutual coexistence between different ethnic groups of Ethiopia.

## 2.3. Corruptive manipulation of governance system

Governance system of the TPLF regime is mainly characterized by corruptive manipulation of political and military powers. The regime has been experienced with misuse of rule of law, security apparatus, military force, election board, diplomatic mission, public media, and every segments of the bureaucracy. The following parameters show corrupt governance system of the regime: **(I) Power differentiation between legislative and executive organs does not exist:** the regime is dictating every aspects of the country without boundary; **(II) Governance transparency and accountability does not exist:** For example, regime`s financial report in year 2008 has shown deficit (misuse) of 192.5 million birr in 20 institutes and 560 million birr from Revenue Authority and 121.9 million birr from the Ethiopian Customs Authority have not been backed up by any documents (Etana, 2009); **(III) Principle of free market economy is distorted with violation of constitution and civil code:** the regime has accumulated illegally huge amount of wealth through practice of governmental business monopolies, systematic ownership of public assets, development of unethical institutions, unfair competition with private business sectors, and wide spread of corruption (Mulataa, 2009); **(IV) Imbalance of competition between governmental and private firms:** the competition is not effective because many industries seem to be segmented into state-owned, endowment-owned, policy priority, etc sectors as the result of which stagnant growth of private sector is observed (Figure 1); and **(V) Manipulation of food aid to gain and protect political power:** For example Mr. Seeye Abraha (2010) stated that “as a veteran politician and an ex-commander of an insurgent army that brought down the military regime, I know relief aid could be misused to purchase ammunition, weapons, spare parts, fuel and other materials and in addition grain and cooking oil can be converted into cash to buy anything including voting cards”.

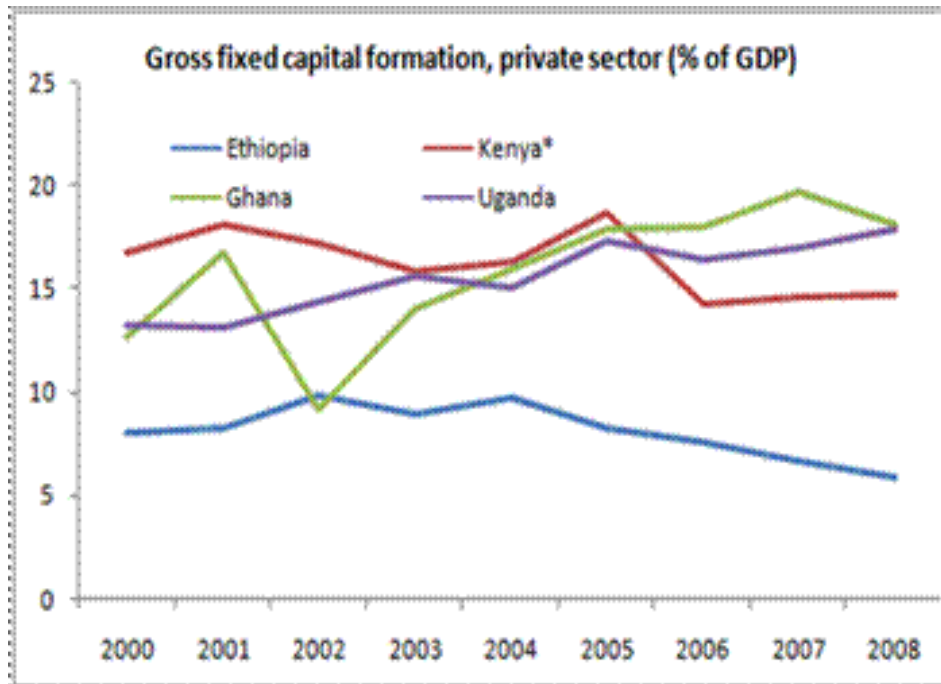


Figure1: Private investment (% of GDP) for Ethiopia & 3 other African countries (Ken, 2010)

The regime is one of the most corrupt regimes in Africa. Corruptive manipulation of governance system is effectively exercised by the regime through unlimited subjugation and exploitation of the peoples of Ethiopia to guard and sustain its illegitimate governance powers.

#### 2.4. Stagnant poverty

Ethiopia is a direct dependant of foreign aids for more than half a century. It received a total of US \$ 600 million in aid from USA, USSR, and the World Bank from 1955 to 1970 (Keller, 1991). The USSR provided extensive amounts of aid predominantly in the form of either military aid or ideological education from 1974 to 1991. Aid flow from the Western world to Ethiopia was minimized since the mid of 1980s. Large aid inflows resumed in early 1990s after collapse of communist junta to reconstruct and stabilize political landscape. Infant democracy of the country has been sponsored with multiple of grants and loans from the US Agency for International Development, Britain's Department for International Development, the World Bank, the European Union, individual European countries, Japan, and African Development Bank. Ethiopia becomes one of the highest foreign aid recipient countries in the world. Its foreign aid has tripled since 2000 amounted to US \$ 1.6 billion in 2001 and US \$ 3 billion in 2008, which is the 1<sup>st</sup> in sub-Saharan Africa (IPI, 2009 and Helen, 2010). Since 1991 TPLF regime has received a sum of US \$ 26 billion in development aid from Western donors (Helen, 2010). Despite decades of development policies, Ethiopians remained in the most wretched poverty (The Economist, 2007).

Ethiopia is one of the 20 countries with the lowest Human Development Index (HDI) in the world. "The basic purpose of development is to enlarge people's choices. In principle, these choices can be infinite and can change over time. People often value achievements that do not show up at all, or not immediately, in income or growth figures: greater access to knowledge, better nutrition and health services, more secure livelihoods, security against crime and physical violence, satisfying leisure hours, political and cultural freedoms and sense of participation in community activities. The objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives (UNDP, 2008)."

Majority of peoples in Ethiopia are still living below poverty line even though billions of dollars has been frequently granted by the wealthiest countries of the World. Stagnation of poverty is reflected by the following parameters: (I) **Poor status of human development:** Ethiopia is 169<sup>th</sup> out of 177 countries in the world with very low HDI record of 0.406 (UNDP, 2008); (II) **Poor level of human health:** Ethiopian ministry of health reported adult HIV/AIDS prevalence rates of 4.4% and the WHO reported over one million children orphaned by the disease; and (III) **Food insecurity:** According to Humanitarian Requirements Document released in June 2008 by the government of Ethiopia and its partners, there are an estimated 4.6 million people who require emergency food assistance through November 2008 and there are also an estimated additional 5.3 million chronically food insecure people being assisted through the Productive Safety Net Program (WFP and USAID,2008). Majority of the peoples of Ethiopia live within boundary of food insecurity (Figure 2).

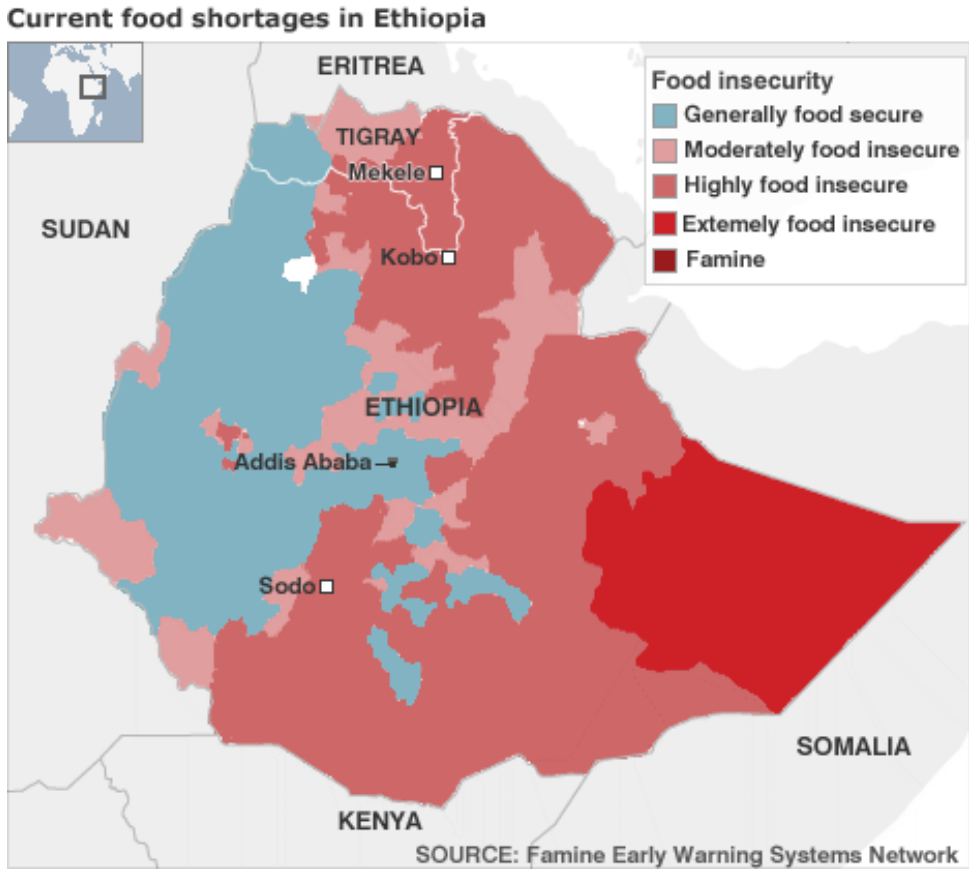


Figure 2: Geographical distribution of food insecurity in Ethiopia (BBC, 2009)

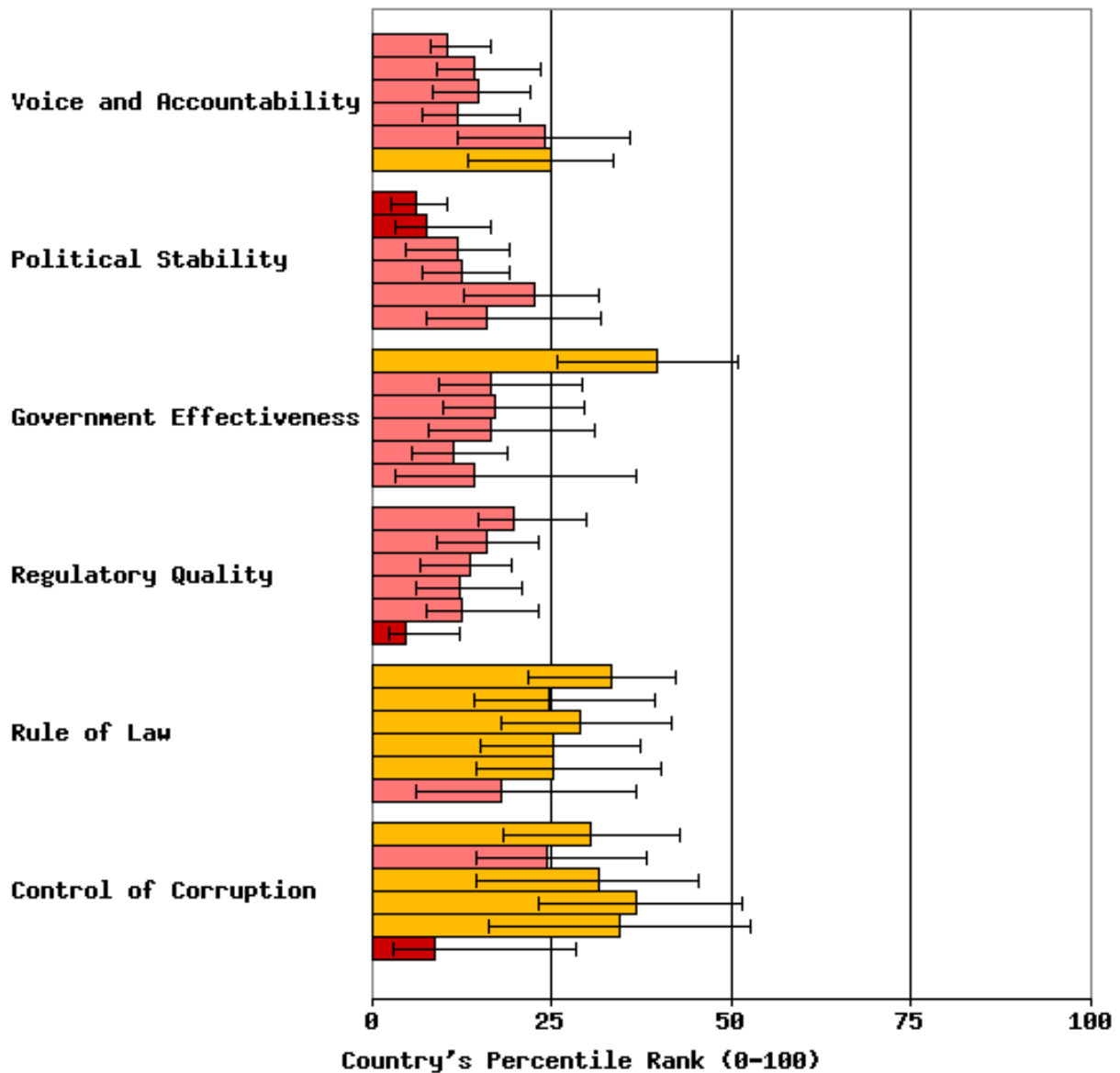
The regime is neither qualified nor has a moral capacity to liberate Ethiopia from frequently depending on food aids. It employed poverty as the best instrument to protect its cruel governance system.

**2.5. Poor quality of governance**

Governance quality is indicated by five major parameters: voice and accountability, political stability, government effectiveness, regulatory quality, rule of law, and control of corruption (Kaufmann et.al. 2009). Low percentage of each of the indicators means low governance quality while high percentage of each of the indicators shows good governance quality of a country. In most cases the governance quality of Ethiopia is below 25%. It is listed among the countries of poor governance quality in the world according to 1996 to 2008 governance quality measurement (Figure 3).

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Comparison between 2008, 2005, 2003, 2002, 1998, 1996 (top-bottom order)



Source: Kaufmann D., A. Kraay, and M. Mastruzzi 2009: Governance Matters VIII: Governance Indicators for 1996-2008

Note: The governance indicators presented here aggregate the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These data are gathered from a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The WGI do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent. The WGI are not used by the World Bank Group to allocate resources.

Figure 3: Indicators of governance quality of Ethiopia (Kaufmann et. al. 2009)

Qualitative improvement of governance system is not an interesting subject for the TPLF regime because the regime is a continuation of cruel governance systems in Ethiopia. As it had been happened in the past the government of Ethiopia under absolute dictatorship of Emperor Meles Zenawi is neither inclusive nor participatory; neither representative nor accountable; and neither transparent nor responsive to the aspirations and expectations of the majority of the peoples it is claiming to govern. Dealing with governance quality is a risky and dangerous business for the monopolistic ownership of military, political, and economic powers that has already acquired by the regime.

### **3. Restriction of multi-dimensional humanitarian activities of CSOs (NGOs)**

38.7% of peoples of Ethiopia live below poverty line according to estimation of physical year 2005/6 (CIA, 2010). Livelihoods of about 85% of 84 million peoples in the country depend on subsistence agricultural economy. Thus millions of the poorest of poor in rural and urban areas need social, economic, and human rights assistances of independent CSOs (NGOs). Participation of these organizations in struggle to fight poverty may have significant contribution to achieve sustainable development. Therefore their independent actions to implement strategies of poverty reduction should be encouraged by governments of poor countries with reasonable system of control.

#### **3.1. Historical background**

Regulatory framework of NGOs and community-based organizations related to registration and establishment, in Ethiopia, is embodied in the civil code of 1960; regulations 321/66; and proclamation 4/1995 (UN, 2004). Regulations 321/66 for registration of associations requires annual financial statements of all CSOs (NGOs) to be audited and an annual report submitted to the office of associations within a prescribed period. In 1995 Early Warning and Disaster Prevention Commission (DPPC) formulated a guideline based on the proclamation of CSOs (NGOs). In 1999 the guideline has updated by ministry of justice and DPPC. It has guided the CSOs (NGOs) to prepare financial statements to show true and fair views of their programs and projects in all material aspects in line with generally accepted accounting principles. Governmental and self regulations of projects and programs of CSOs (NGOs) are basic formulas to increase effectiveness of implementation of development activities in order to improve their positive impacts on livelihoods of direct beneficiaries. All stakeholders, both the government and non-governments, are equally responsible to bring positive changes through multi dimensional humanitarian activities that independently conducted under fair control system.

Strict regulation of CSOs (NGOs) has started in 1970s during the reign of Marxist junta named as *Derg* (military committee). During the famine crisis of 1984 to 1985, these organizations were catapulted into highly prominent roles as they visibly provided hundreds of thousands of people with the means of survival but *Derg* authorities struggled to keep them under tight control because their activities reflected Western values and economic abundance (Clark, 2000).

On 6<sup>th</sup> of January 2009 parliament of the TPLF regime enacted new law known as Charities and Societies Proclamation (CSP). The regime claims that the CSP is formulated to ensure greater openness and financial probity on the part of CSOs (NGOs) but instead it places such severe restrictions on all human rights and governance-related activities as to make most of such work impossible, in violation of fundamental rights to freedom of association and expression provided by the Ethiopian constitution and international human rights law (HRW, 2009a). The law allows severe criminal penalties to be imposed, including fines and imprisonment for even minor breaches of its provisions.

#### **3.2. Charities and Societies Proclamation**

The CSP defines foreign CSOs (NGOs) as any organization that receives more than 10% of its income outside of Ethiopia. It is stated by the regime as a tool to enhance transparency and accountability of CSOs (NGOs). However it restricts development activities related to human rights, democracy building, gender, children`s rights, conflict resolution, or justice if the CSOs (NGOs) obtain substantial funding from international partners, many of whom work through local partners (Draft law, section 2.4, 14.5). It would criminalize human rights related activities of foreign organizations while at the same time making it impossible for domestic human rights organizations to operate either effectively or independently



(HRW, 2008b). Therefore it is instrumental to limit independent involvement in programs and projects related to human rights and governance improvement.

The regime defends its position of imposing strict control on activities of independent CSOs (NGOs) by comparing their humanitarian projects with its local organizations. Its organizations like Tigray Development Association (TDA), Amhara Development Association (ADA), Oromo Development Association (ODA), and Southern Ethiopian People Development Association (SPDA) have been taking parts in poverty alleviation with supports fully contributed by their members and transparent project implementations which most of the other CSOs (NGOs) are lacking (Molla, 2009). However establishment and function of these organizations are not guided with universal principles of CSOs (NGOs). While independent humanitarian organizations are guided with principles like voluntary organization, commitment to serve marginalized sectors of society, non-profit, and free from ideologically marginalizing humanitarian services; the CSOs (NGOs) of the regime, as organs of politics, are forcefully organized, profit oriented, dependant, and involved in politically discriminatory services (Mulataa, 2009). Therefore they are dependant to compare them with independent CSOs (NGOs).

The regime also lists the following reasons to support its decision to execute strict regulations of multi-dimensional projects of independent organizations: (I) CSOs (NGOs) are managing their activities at low level of transparency and accountability; (II) they are becoming family (private) organization; (III) they pay their employees an exaggerated amount of money (up to 50,000 birr monthly salary) that could be the salary of more than 50,000 peoples in Ethiopia; (IV) contrary to objectives of their establishment money they collected in the name of Ethiopian people is accumulated in hands of a few individuals; and (V) peoples requested the government to carry its responsibility in respecting their rights and keeping the law and order of the country (Molla, 2009).”

The regime is trying to show its commitment to fight corruption and to protect the sovereignty of Ethiopia. The CSOs (NGOs) have been practicing self regulation on top of respect to governmental regulations even though they are one of corrupt organizations in the world. For example on 5<sup>th</sup> of March 1999 a total of 165 local and international CSOs (NGOs) endorsed and signed a code of conduct based on a guideline formulated in 1995 by Commission of Early Warning and Disaster Prevention. The code of conduct is designed to strengthen self regulation of independent organizations with major focuses on conducting their activities with care, transparency, and accountability. Such progressive development to improve their management put under question the credibility of listing reasons to support formulation of strict law to limit multi-dimensional programs of independent humanitarian organizations.

The regime is directly owned about 30 fake CSOs (NGOs) like TDA, ADA, ODA, SPDA, and etc and on top at least 25 major industrial companies organized under five fake endowment organizations namely EFFORT, ENDEAVOUR, TEFOD or DINSCHO, and WENDO Trading PLC to support technically and financially its political activities (Mulataa, 2009). Moreover it has successfully banned opposition political parties from owning CSOs (NGOs) and profit-seeking business in order to protect and sustain absolute monopolization of governance powers. These governmental CSOs (NGOs) and companies (endowment) are one of the major instruments of the regime to sustain its anti-democratic system of governance. These politico-economic tools must be protected at any cost. Therefore the CSP is strategically designed to protect position of fake CSOs (NGOs) to the political advantage of the regime by limiting either direct or indirect access of opposition political parties to assistances of independent organizations that in long term may have positive contribution to change governance powers through peaceful and democratic struggle.

### 3.3. Political function of Charities and Societies Proclamation

The TPLF regime states objectives of CSP formulation as follows: “(I) to restrict participation of foreign citizens in political and human right activities; (II) to increase CSOs (NGOs) budget share of project activities by more than 70%; (III) to overcome chaos which could be the consequences of corrupt activities of CSOs (NGOs); (IV) to avoid development of a convenient sectors for groups of rent collectors that creates strong intimacy among themselves to help one another in caring out their corrupt activities; (V) to stop the movement of organizations that sponsoring terrorist groups; (VI) to stop the support CSOs (NGOs) are giving for political parties opposing government; and (VII) to protect the sovereign right of the people of Ethiopia through full restriction of the sponsorship of democracy by foreigners (Molla, 2009).” These political strategies are generally implemented in process of practicing the CSP to manipulatively monitor emergency, rehabilitation, and development programs or projects of independent organizations. Thus the new law is systematically inviting independent organizations either to sponsor the regime’s political activities or not to try independent projects and programs related to human rights and governance quality.

The regime organized a Charities and Societies Agency (CSA) to execute the law. The CSA is established to control the management and general conduct of CSOs (NGOs) in Ethiopia (Draft law, sections 4.5). It has broad powers related to surveillance and direct interference in the management and operations of independent organizations to limit border of their political impacts. The CSA is equipped with enormous discretionary powers to refuse to accord legal recognition, to disband those organizations that have already been legally recognized, and to subject them to intrusive patterns of surveillance. It is absolutely authorized to refuse an organization in cases where “the proposed charity and society is likely to be used for unlawful purposes prejudicial to public peace, welfare or good order in Ethiopia (Draft law, section 70.2). The regime is well known in criminalizing acts of human rights-related protest and criticism as “anti development or anti-people” activities. The regime expelled for example the International Committee of the Red Cross (ICRC) from Somali Regional State in 2007 after accusing it of supporting Ogaden National Liberation Front (ONLF) forces (HRW, 2008a). It has also regularly accused both Amnesty International (AI) and Human Rights Watch of working to support various anti-government, pro-terrorist, or pro-rebel agendas.

The regime is well aware of the political impact of activities of independent organizations. During the famine crisis of 1980s some donors were involved in cross-border operations, despite bitter resistance and resentment by the *Derg* authorities. By 1984, control was harder to maintain as the number of CSOs (NGOs) increased dramatically, their expanded operations became ever more critical, and their presence became the clear key to securing international assistance and the *Derg* regime was forced to allow an increasing number of these organizations to operate more broadly (Clark, 2000). The decision has benefited directly or indirectly the TPLF to successfully defeat the *Derg* regime. Today if independent organizations are broadly operating in the country the opposition political parties will be indirectly benefited. But this is against political interest of the regime that wishes to reign forever.

The regime has designed political local CSOs (NGOs) at the end of 1970s to channel financial, material, and technical supports of the international donor communities for aid and development programs in the areas under its control during the civil war of 1974 - 1991. It is the first regime in history of Ethiopia to organize and run its own political local CSOs (NGOs) (Mulataa, 2009). It has been directly benefited from input of the external donors channeled through local organs. The advantages were included mainly improvement of the following major purposes: peasant-based supports, legitimacy expansion among the civilian population, efficient use of resources for organizational structures, and quantitative capability in feeding the armies called fighters for freedom (URD, 2002). Thus humanitarian aids of the international donors channeled via local CSOs (NGOs) were the decisive factor not only for the survival of the rebel regime during 1984 – 86 crises but also for the victories achieved over the military of communist junta

(*Derg*). The regime has been restructured its local organs as mass organizations after end of the civil war and ethnically multiplied to forcefully organize civil populations across Amhara, Oromia, southern and other parts of Ethiopia under its control to politically sustain its military victory (Mullataa, 2009).

The regime has designed its CSOs (NGOs) as an instrument to suppress peaceful transfer of political power on top of other effectively misused governance instruments like security apparatus (police and military), election commission, legal system, and other bureaucratic institutes to safeguard its anti-democratic system of governance. It is systematically implementing political strategies through its CSOs (NGOs) to protect monopolistic governance powers for unlimited periods of time. These strategies mainly include monopoly of credit scheme, financing political activities of its cadres, sabotaging free and genuine activities of independent organizations, formulation of law to limit multi-dimensional function of independent organizations, and distortion of free market policy. For example millions of beneficiaries of credit scheme are not free to vote for opposition political parties during electoral seasons because their livelihood is directly depend on CSOs (NGOs) of the regime (Mulataa, 2009). Therefore formulation of the CSP is timely and very important to protect monopolistic position of the regime otherwise broad operation of independent organizations is a treat to political functions of its fake CSOs (NGOs).

#### **4. Manipulation of anti-terrorism proclamation**

“Terrorism is systematic use of violence to create a general climate of fear in a population and thereby to bring about a particular political objective. It has been practiced by political organizations of both rightist and leftist objectives, by nationalistic and religious groups, by revolutionaries, and even by state institutions such as armies, intelligence services, and police (EB, 2008).” Credibility of the TPLF regime to fight terrorism is under question because of records of its human rights violation. Rights of the peoples of Ethiopia to change government by election has been limited by the regime through acts of: unlawful killings, arbitrary arrest and detention, torture, beating, abuse, detention without charge, lengthy pretrial detention, poor prison conditions, police and judicial corruption, infringement on citizens` privacy rights (illegal searches), restrictions on freedom of the press (arrest, detention, and harassment of journalists), restrictions on freedom of assembly and association, ... etc (HRW, 2005 and AI, 2008).

##### **4.1. Definitions of terrorism by the TPLF regime**

*Terrorism action* is defined as “ activities of anyone with the purpose of advancing a political, religious or ideological cause and intending to influence the government; intimidate the public or section of the public; or to destabilize or destroy the fundamental political, constitutional, economic or social institutions of the country and commits an act that causes death or serious injury; creates risk to the safety or health of the public; kidnapping or hostage taking; serious damage to property; damage to natural resources, the environment, or the historical or cultural heritage; or endangers, seizes or puts under control, causes interference or disruption of any public service is subject to punishment by rigorous imprisonment from 15 years to life or with death (ATP art 3).”

*Terrorism organization* is defined as “ a group, association or organization which is composed of not less than two members with the objective of committing acts of terrorism or plans, prepares, executes acts of terrorism or assists or incites others in any way to commit acts of terrorism (ATP art 2.4). Membership to it will subject a person to 5 to 20 years rigorous imprisonment (ATP art 7.1).

*Terrorism supporter* is defined as “an individual who provides moral support or advice” or makes available any property in any manner to an individual accused of a terrorist act (ATP art 5.1).” It stated further as “whoever writes, edits, prints, publishes, disseminates, shows, or makes any promotional statements to be heard to encourage, support or advance terrorist acts or objectives of a terrorist organization is punishable with rigorous imprisonment from 10 to 20 years (ATP art.6).”

#### **4.2. Expansion of executive power**

ATP gives unlimited powers to the security organs of the TPLF regime (HRW, 2009b).

It empowers police with absolute power of arrest, search, and seizure (ATP art 16 & 17.1).

It grants the police to make arrests without a warrant, as long as the officer reasonably suspects that the person is committing or has committed a terrorist act (ATP art 19).

It gives the police unlimited authority to order a suspect in their custody to provide samples of blood and other body fluids, handwriting, hair, fingerprints, and undergo medical tests, and it states further that "if the suspect is not willing for the test, the police may use force (ATP art 21).

It provides the national intelligence and security services unlimited authority to intercept or conduct surveillance on the telephone, fax, radio, internet, electronic, postal, and similar communications of a person suspected of terrorism (ATP art 14.1).

Indirect evidences produced by security institutes can be admitted in court without any limitation i.e. official intelligence reports can be admitted even if the report does not disclose the sources or methods of information gathering (ATP art 23.1 &2).

ATP directives would not be independently exercised on base of professional disciplines because the executive and legislative organs are running their activities under absolute dictatorship of the regime in order to implement its political sabotage trough legitimatization of crimes against humanity.

#### **4.3. Political function of Anti-terrorism proclamation**

Terrorism is one of the deadly enemies of civil societies in the world. ATP may potentially limit activities of terrorism in Ethiopia. However the above listed local definitions and directives are not convincing because TPLF regime is one of the states that have been employed terrorism as an instrument to achieve political objectives and to protect governance powers. The regime is morally not qualified to execute anti terrorism law because its security forces have long been implicated in murdering, arbitrary arrest, detention, and torture of innocent civilians suspected of supporting opposition political organizations. It is frequently practicing human rights violation to sustain fears in the civil society.

If a non- violent public demonstration disrupt public services by blocking traffic it could qualify as a terrorist act and subject a participant to 15 years to life in prison, or possibly death penalty (ATP art 3). A group of two or more individuals who engage in peaceful political activities that differs from the regime`s politics could be considered as a "terrorist organization" and membership to it can subject a person to 5 to 20 years rigorous imprisonment (ATP art 7.1). A journalist interviewing an opposition politician and publicizing views of the interviewee could be expressed as act of encouraging terrorism. Someone who advised, or offered water and food to a political protester might find themselves charged with crime of terrorism supporter that can subject a person to rigorous imprisonment from 10 to 20 years (ATP art.6).

The regime can legitimatize its acts of human rights violation by executing the ATP systematically. It manipulates ATP easily as an instrument to limit citizen`s non-violent activities of challenging the absolute dictation of the regime. It can simply criminalize activities related to peaceful political movements like civil demonstration and public critics of its policy as support of armed political organizations. Therefore it can easily protect its dictatorial governance powers by implementing ATP.

## 5. Conclusion

TPLF (rebel) regime is not practically different from repressive regimes (its predecessors), totalitarian/communist (1974 to 1991) and monarchy/nobility (before 1974) even though it is considered by its sponsors as pioneer of democracy in Ethiopia. Neither the nobility nor the communist regimes in the past nor the rebel regime at present is qualified as a government to respond positively to the aspirations and expectations of majority of the peoples of Ethiopia. Governance powers illegally acquired by the regime are mainly characterized by human rights violation, inciting ethnic conflicts, corruption, stagnation of poverty, and poor quality of governance. Thus absolute dictatorship of the regime is directly reflected by misuse of military, political, and economic powers.

The brutal and unconstitutional behavior of the regime is clearly demonstrated by its unwillingness to respect the constitution it has formulated, covenants of international human rights it ratified, and the treaties it signed. For example from 1991 - 1995 it ratified four international human rights treaties: the convention against torture, the international covenant on civil and political rights, the international covenant on economic, social and cultural rights, and the convention on the rights of the child. However violations of constitution and international treaties are objective acts of the regime to protect its anti-democratic system of governance.

For example the regime formulated charity and society proclamation to limit or stop independent activities of local and international CSOs (NGOs) related to improvement of governance quality. The restriction violates UN declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms that adopted by the general assembly in 1999. Articles 13 and 14 of the declaration guarantee everyone the right to solicit, receive, and utilize resources for the express purpose of promoting and protecting human rights through peaceful means. Most CSOs (NGOs) in Ethiopia are heavily dependent on donations and support from outside because the country is the first highly populated nation among the poorest 20 countries in the world. The regime restricts source of fund to effectively limit activities of independent organizations in order to protect illegal action of the regime from being exposed by positive impacts of independent involvement in development of human rights and governance quality.

Humanitarian involvement of independent organizations in struggle against poverty is required in the poorest countries like Ethiopia to achieve the ultimate goal of poverty reduction, i.e. sustainable development. There are three major dimensions of struggle against poverty: social, economic, and political developments. Respects for human rights and good governance quality are the two major elements of political struggle to defeat poverty. Thus multidimensional humanitarian operation of independent organizations is one of the positive instruments that in long term may gain potentiality to shift peacefully a dictatorial to a democratic system of governance. However independent concern to reduce poverty is against the political interest of the TPLF regime because poverty is employed as a tool by the regime to protect its anti-democratic system of governance. Therefore the CSP and ATP are formulated mainly to avoid CSOs (NGOs) involvement in political dimension of struggle against poverty.

Formulations of non-credible and illegitimate laws demonstrate that the regime is neither inclusive nor participatory; neither representative nor accountable and transparent to the peoples it claim to govern. The constitution is well manipulated to formulate the CSP and ATP to safeguard monopolistic ownership of military, political, and economic powers by the regime. These laws are formulated to easily overcome political challenges imposed by non-violent struggle of the peoples of Ethiopia on absolute dictatorship of the rebel regime. The regime is extremely manipulated the legal institutes to protect its brutal and corrupt governance system through bureaucratic restriction of peaceful transfer of governance powers. It is effectively institutionalized crime against humanity by execution of its recent tools, CSP and ATP, based on manipulation of sovereign authority and terrorism to justify injustice.

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