University of Gondar
School of Law

Franchise As a Political Participation Right of Employees Residing in Alage Agricultural Technical Vocational Education Training College Camp: A Comparative Analysis

By: Dereje Nigusie Wakjira

Advisor: Wondwossen Wakene (Assistant Professor of Law)

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Declaration

I, Dereje Nigusie, hereby declare that this thesis is my original work and has never been presented in any other institution. I also declare that all material sources and information’s used for the thesis has been duly acknowledged.

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For any fault I take full responsibility.
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACHR</td>
<td>American Convention on Human Rights</td>
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<td>AfCHPR</td>
<td>African Charter on Human and Peoples’ Rights</td>
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<td>ANDM</td>
<td>Amhara National Democratic Movement</td>
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<td>ATVET</td>
<td>Agricultural Technical Vocational Education Training</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of Discrimination against Women</td>
</tr>
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<td>CRPD</td>
<td>Convention on the Rights of Persons with Disabilities</td>
</tr>
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<td>CSA</td>
<td>Central Statics Authority</td>
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<tr>
<td>ECHR</td>
<td>European Convention for the Protection of Human Rights and Fundamental Freedoms</td>
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<tr>
<td>EPRDF</td>
<td>Ethiopian Peoples’ Revolutionary Democratic Front</td>
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<td>FDRE</td>
<td>Federal Democratic Republic of Ethiopia</td>
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<tr>
<td>HoPR</td>
<td>House of Peoples Representatives'</td>
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<td>HoF</td>
<td>House of Federation</td>
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<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<td>ICERD</td>
<td>International Convention on the Elimination of Racial Discrimination</td>
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<tr>
<td>IDEA</td>
<td>Institute of Democracy and Electoral Assistance</td>
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<td>NEBE</td>
<td>National Electoral Board of Ethiopia</td>
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<tr>
<td>OPDO</td>
<td>Oromo Peoples’ Democratic Organization</td>
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<td>SNNPR</td>
<td>Southern Nation Nationality and Peoples Region</td>
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<td>SEPDM</td>
<td>Southern Ethiopia People's Democratic Movement</td>
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<tr>
<td>TPLF</td>
<td>Tigrayan Peoples’ Liberation Front</td>
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<tr>
<td>UDHR</td>
<td>United Nation Declaration on Human Rights</td>
</tr>
<tr>
<td>UNGA</td>
<td>United Nation General Assembly</td>
</tr>
</tbody>
</table>
Table of contents

<table>
<thead>
<tr>
<th>Content</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Declaration</td>
<td>3</td>
</tr>
<tr>
<td>Acknowledgements</td>
<td>4</td>
</tr>
<tr>
<td>List of Abbreviations</td>
<td>5</td>
</tr>
<tr>
<td>List of Tables</td>
<td>10</td>
</tr>
<tr>
<td>Abstract</td>
<td>11</td>
</tr>
</tbody>
</table>

**Chapter One: Introduction**

1.1 Back ground of the study                        12
1.2 Operational Definitions                         15
1.3 Description of the Study Area                   17
1.4 Statement of the Problem                        19
1.5 Research Questions                              19
1.6 Objectives of the Study                        19
1.7 Scope of the Study                              20
1.8 Limitations of the Study                       21
1.9 Significance of the Study                       21
1.10 Methodology                                   21
1.11 Data Analysis and Interpretation               23
1.12 Overview of Chapters                          24

**Chapter Two: Election and Democracy: Conceptual Framework**

Introduction                                        26
2.1. Election and Democracy                         26
     2.1.1 Concepts of Democracy                     26
2.1.1.1 Basic Principles of Democracy ........................................... 27
2.1.1.2 Types of Democracy ....................................................... 30
2.2.2 Concept of Election ......................................................... 31
   2.2.2.1 Purposes of Election .................................................. 33
   2.2.2.2 Franchise or Suffrage ............................................... 35

Chapter Three: Right to Vote as Political Participation Rights of Citizens

Introduction .................................................................................. 39
3.1 Right to Political Participation: Introductory Remark .................. 39
3.2 Legal Framework of Participation Rights: Particular Emphasis on Right to Vote .... 41
   3.2.1 Legislative Protection of Participation Rights under International Human Rights
       Conventions ........................................................................ 41
   3.2.2 Right to Participate under Regional Human Rights Protection Regime .......... 43
   3.2.3 Right to Political Participation under FDRE and Sub-national Constitutions .... 45
3.3 The Distinctive Features of Right to Vote: Particularly in relation to its limitations .... 50
3.4 Legal Obligation of State in Enforcing Right to Vote .................... 52

Chapter Four: Ethiopian Electoral Law and Citizens' Participation in General Election of Ethiopia

Introduction .................................................................................. 57
4.1 Some Observations on Ethiopian Electoral Law ........................... 57
   4.1.1 The NEBE ...................................................................... 57
   4.1.2 Types of Election and Electoral Principles of the Country ............... 59
   4.1.3 Citizens' Representations ................................................. 62
      4.1.3.1 Representation and Election ...................................... 62
      4.1.3.3 Electoral System and Citizens Representation in Federal Houses and
               Regional State Councils ................................................. 64
   4.1.4 Delimiting Electoral Districts and Polling Stations ...................... 71
4.2 Citizens Participation in General Elections ................................................................. 84

Chapter Five: The De-facto existence of Franchise in Camps, during General Election of the Country: The Case of Employees’ Residing in Alage ATVET College Camp

Introduction ......................................................................................................................... 88

5.1 The De-facto Existence of Franchise in Wonji Shewa Sugar Factory Institution, Agarfa and Alage ATVET College Camp: Comparative Analysis ....................................................... 89

5.2 The Implications or Impacts of Losing Right to Vote .................................................. 114

Chapter Six: Summary, Conclusion and Recommendations

6.1 Summary ................................................................................................................... 119

6.2 Conclusion ............................................................................................................... 122

6.3 Recommendations .................................................................................................. 124

Bibliography .................................................................................................................... 128

Annexes .......................................................................................................................... 135
List of Tables

1. Table-1 Citizen's participation in post 1991 general election as registered voters and casted ballot

2. Table-2 The state administration location of the Alage ATVET College

3. Table-3 The Wonji Shewa Sugar Factory Institution Employee's participation in general election, through giving vote.

4. Table-4 Agarfa ATVET College employee's participation in general elections, through giving vote.

5. Table-5 The condition of Alage ATVET College employee's participation in general election, through giving vote.
Abstract

Election is a visible democracy. It has different players like carnival events. Among which, eligible voters take the front line of participation in election, through giving vote.

Though its freeness and fairness were contestable, Ethiopia even after 1991 has held five multi-party elections, including the last 2015 general election of the country. However, quite contrary to other institution camps residing employees, the Alage ATVET College Camp residing employee’s were not made to be participant within such general elections of the country, through giving vote.

Accordingly this work by using qualitative research methods, has clearly spell out that the determination and existence of major premises of participation, such as State administration, constituency as well as appropriate and convenient ordinary polling stations during general election has enabled the Wonji Shewa Sugar Factory Institution and Agarfa ATVET College Camp residing employee’s to be actively participant in general election of the country, through giving vote. Whereas, the Alage ATVET College camp residing employee’s though they are right holders as like the above mentioned employee’s; but are excluded from participation in general election, through giving vote, due to the place Alage outside from State administration and constituency of the country as well as absence of established polling stations to employee’s during general election of the country. Thus, lack of commitment on the part of the government, as far as discharging its legal obligation of creating equal opportunity to vote to these employee’s as per human right laws, has resulted the right to vote of these groups of people to be disfranchised, practically. In connection of losing such latter right, they are disabled also to enjoy indirect participation through representatives and other expressive values of participation.

Therefore, Alage ATVET College camp residing employee’s to be participant in general election through giving vote meaningfully and without any inconvenience, the author inter alia suggested mainly the HoF and NEBE, based on their mandate to determine and establish effectively the major premises of participations, such as State administration of Alage and its constituencies as well as proper and convenient polling stations during election of the country.

Keywords: ATVET, Camp, Constituency, Disfranchise, Franchise, Polling stations, General election.
Chapter One: Introduction

1.1 Back ground of the Study

Free and fair elections are essential in assuring the consent of the governed, which is the bedrock of democratic governance. Elections serve as the principal mechanism for translating that consent into governmental authority.\(^1\) Democracy requires that each individual to be free to participate in the political community of self-government. In all, for existence of democracy, among other thing, principles such as popular sovereignty,\(^2\) political equality of citizens and free and fair election are quite essential.\(^3\)

Moreover, the pillars of any democratic political system, whether considered fragile or established, remains undoubtedly to be election which can simply be taken as the most critical and visible means through which all citizens can peacefully choose or remove their leaders.\(^4\) In other words, elections are principal instruments that compel or encourage the policy makers to pay attention to citizens.\(^5\) However, at this point it has to be known that, elections in themselves do not fulfill the requirement of modern democracies; unless, they are free, fair, and sufficiently frequent.\(^6\) But, it is difficult to imagine democracy without election. Hence, this makes election as central or core for the existence of democratic system or governance.

Besides to the significance of election in respect of enabling voter to select their own leaders and to hold them accountable to their performances in office, election has also a self-actualizing purpose, particularly by confirming the worth and dignity of individuals citizen’s as human beings.\(^7\) This means whatever other question citizen’s have, participating citizen’s in election

\(^5\) Ibid
\(^6\) The Concept and Fundamental Principles of Democracy,(n2) P.12
enable them to strength their self-esteem and self-respect. Because, election create much more conducive opportunity for the people to express their political attitude.8

In connection, the United Nations Office of the High Commissioner for Human Rights (OHCHR)9 has pointed that lack of political right is both a cause and consequence of poverty. The office further explained that, socially and politically excluded people are more likely to become poor, and the poor are more vulnerable to social exclusion and political marginalization.10

However, history tells us that almost in different parts of the world, though the citizen’s satisfy the minimum condition to give vote, all people/citizen’s of the different parts of the countries were not made to be participate in their own countries’ national elections in equal manner.11 Nevertheless, after, World War II, the trend was to abolish voting rights based on a discriminatory manner. Basically, this trend expressly indicated on the UDHR,12 art 21(3) which states universal suffrage is decisive in which the will of the people is manifested. ICCPR has come up with and certified such right nearly in the same tone with declaration but as a binding force on the signatory’s states.13 This the latter document, it briefly recognizes the rights of every citizen’s to take part in conduct of public affairs, among other thing, through voting.14 Furthermore, the right to vote is protected under several regional human rights instrument, including article 13 of the Africa Charter on Human and Peoples’ Rights (AfCHPR), and protocol of the European Convention on Human Rights under art. 3.15 Right to vote imposes a positive obligation on states. Meaning, the states has to adopt legislative and other effective

8Ibid
9Is a United Nation Agency that Works to Promote and Protect human rights that are guaranteed under international law and UDHR, 1948
11 For instance, in USA, male African Americans were denied the right to vote, until the passage of the 5th Amendment; Women were excluded from franchise prior to the passage of the Nineteenth Amendment, See for more Chad W. Flanders,What is the Value of Participation?, 66 Okla. L. Rev. 53 (2017), P. 63
12 It’s a soft law i.e a declaration, but, currently due to for long time application by the states without objection as if a binding document and at the same time, most States willingness of incorporating its provisions in their own domestic constitutions, inter alia, has made this declaration to have a customary law status (the most people stand)
13 ICCPR, art 25
14 Ibid
measures to ensure that every one is able to exercise their right to vote.\textsuperscript{16} States however, are at liberty to limit universal suffrage based on only objective and reasonable grounds by their respective domestic legislations.\textsuperscript{17} Based on the above different instruments, guaranteeing the right to vote and enabling all citizens to participate in public and political affairs is the principal responsibility of the states. Otherwise, other rights, even the most basic become illusory, if the right to vote is undermined.

In Ethiopia, basically, starting from 1955 Revised Constitution up to the present Federal Democratic Republic of Ethiopia Constitution (here in after FDRE Constitution) has a specific constitutional provision which deal about election, including right to vote of the Ethiopian nationals.\textsuperscript{18} Ethiopia is also a party to international human right conventions, such as ICCPR, AfCHPR which ensure the right to political participation of citizens'. Beside to this, the government to enable those military, civil personnel and students who are far from their original constituency, in very recent time has come up with a law to facilitate for the above mentioned groups of individuals to exercise their right to vote during national periodic election.\textsuperscript{19} Accordingly, though the country democratic values and peaceful transfer of political power through the secret ballot system is at infancy stage, the country has an experience of five multi-party elections, even after the establishment of federal form and parliamentarian system of government in the country.\textsuperscript{20}

States for accomplishing among other things, certain socio-economic and military policy and strategy throughout their territory, establish here and there different institutions which run these objectives of the country to be implemented. The same is true in Ethiopia. The Ethiopian

\begin{itemize}
\item \textsuperscript{16} General comment No 25, on the right to participate in public affairs, voting rights and the right of equal access to public service, art 25, adopted by the committee(CCPR) in Fifty seventh session on July 12/1996, para. 4 ( here in after General Comment No. 25)
\item \textsuperscript{17} Ibid, for instance, in Ethiopia, minors, non-Ethiopian citizen’s, legal interdicted persons, judicially interdicted persons and those not registered for voting at a time of registration are excluded from universal suffrage, see for more art. 33 of Amended Electoral proclamation of Ethiopia No. 532/2007.
\item \textsuperscript{18} See art 95,50 and 38 of the 1955 Revised Constitution of Ethiopia, PDRE, Constitution and the present FDRE, Constitution, respectively.
\item \textsuperscript{19} Amended Electoral Proclamation No. 532/2007, Article 24. This specific provision of the proclamation, extend election through special polling station for those military, civil personnel and higher institution students who are farfrom their original constituency. Moreover, though in reality there are civil personnel and others who are residing in camps/institutions in Ethiopia, but, the law does not want to make establishing special polling station at time of election for camp residents as mandatory task of National Electoral Board of Ethiopia, because it used ‘may’ than ‘shall’ for this purpose (for more see art. 24(1) of the proclamation)
\item \textsuperscript{20} In 1995, 2000, 2005, 2010 and more recently in, 2015. For more visit, \url{www.electionethiopia.org}.
\end{itemize}
governments, in order to accomplish different projects, for instance, in agricultural field, hydroelectric power generation and for other socio-economic reasons, has been establishing different institutions, together with residential houses and other facilities but, far from towns, as a form of camp.\(^{21}\) It’s undeniable fact that, those established institutions would be functional only if, essential employees based on the purpose of the institution are hired and placed them in near the project or the area of work.

In nut shell, the present day Alage ATVET College has been established by government before fifteen years of today for promoting national technical vocational training in agricultural field. Though the employee's of the study area are there for well function of the institution; however, practically they were not made to be participant in the periodic election of the country, which have been conducted even after, 1991 in which this incumbent government came to power.

1.2 Operational Definitions

**ATVET (Agricultural Technical Vocational Education Training):** first of all TVET is a provision of technical and vocational education and training in any occupation, based on the country's education and training policy, which is below higher education level through formal or non-formal means of training, education.\(^{22}\) Thus, ATVET is educational process in agricultural fields that involve the study of technological and related sciences and acquisition of practical skills and knowledge aimed at discovering and developing individuals for employment mainly in agriculture.\(^{23}\)

**Camps:** for this research, camps are like compounded places in which employees and others residents live together in governmental established residential houses and other facilities, since they are far from towns. Notwithstanding to this, we may classify camps in to two, depending on the employee's stay in given specific camp concerned. The first are those employee's who came in a given camp from different part of the country, but for certain "durational time. "Most of the time, these employees came to the camp to do some specified works or to take trainings. Here we

\(^{21}\) Alage and Agarfa ATVET College camps as well as different sugar factory institutions, including Wonji Shewa Sugar Factory institution can be mentioned as instance.

\(^{22}\)Technical and Vocational Education and Training Proclamation No. 954/2016, art. 2(1)

\(^{23}\) Chaluma Feyissa, 'Assessment of Factors Affecting the Quality of Education in Agricultural TVET: The Case of Alage College', unpublished MA thesis (Mekele University, May/2015) P. 8 and 20
can mention those employee's who came in a given camp for construction of buildings or dam or for purpose of taking some military and other practical oriented trainings. These employees may exist in this camp, becoming far from their original places during national election of the country. However, after they finalized their work or training they will be back to their original places or constituencies. The others are those employees who came in a given camp from different corners of the country, but they came not for durational stay, like the first employees. In other word, they came to stay in this given camp, for specifically unknown time. They consider this camp as their principal or original resident place, as like cities and towns. Here, in this second classification of camp residents, we shouldn't also forget the existence of those employees who are born, grown and hired in that specific camp institution. Moreover, these employees, unlike the first classified camp residents, its unknown where they will go after they left the institution camp. Therefore, this thesis, unless specifically mentioned, want to address only the issues of participation of this secondly classified employee's in general election, through giving vote. The researcher has unshakable belief that Alage, Agarfa ATVET College as well as Wonji Shewa Sugar Factory Institution camp residing employees fall under this secondly classified employees. Moreover, unlike the first classified camp residing employee's, for purpose of enabling them to exercise their right to vote during general election of the country, ordinary polling station is relevant and meaningful for them.24

**Civil Personnel's:** are non-military employees who are residing in specific places or camps for discharging different activities based on the employment relation what they have with institutions. Since these employee's have only a durational stay in the given camp, are the beneficiaries of special polling station as per art.24 of proclamation no. 532/2007. In general, fulfill the above noted characteristics of the first classified camp residing employee's.

**Constituency:** shall mean an electoral district established by dividing the nation’s territory in accordance with the law and in manner conducive for execution of elections and for the people to elect their representatives.25

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24To know more about the distinction between the special and ordinary polling stations, see chapter five discussions, which is made in relation to polling station.
25See art, 2(13) of Amended Electoral Proclamation No. 532/2007
**Franchise:** is a right to vote granted to individuals during general or local elections. It has also similar meaning with enfranchise.

**Disenfranchise:** is all about taking away the power or opportunity to vote of citizen's.

**Special Polling Station:** mean a polling station established by the board for the purpose of enabling military and civil personnel who are live in camps far from their constituency as well as students of higher institutions, including Agricultural Training Colleges Students’ or Trainers’.

### 1.3 Description of the Study Area

Alage ATVET College is located 215 km South of Addis Ababa in Rift Valley and bordered by Oromia and SNNPR states. However, more specifically it enters 32 km from main road i.e from Addis Ababa to Hawassa, at Bulbula Town. The geographic location of the college is 432208 to 440908m East of longitude and 835777 to 842894m North of latitude. The today Alage ATVET College at first was established as an Orphan Care Centre (የሀበሻ ሀዳር), in 1980 and served this objective till 1998. In 1998 the institution was converted to Rehabilitation Centre for Soldiers Victimized during the war with neighboring Eritrea. However, again with different objective, this latter institution transferred to the present day Alage ATVET College in 2002, when the government took initiative to promote the National Technical Vocational Training Program. Under this program the knowledge and skill attained by the trainees specifically in agricultural discipline.

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30 File no.n80-հեառ2/02/4 and March, 29/1992 E.C which came from office of prime minister affirm this fact( See Annex four of the thesis)
31 Ibid
32 File no.n80-հեառ8/01/10 and March, 04/1993 E.C official letter which came from Ministry of Labour and Social Affairs transferred the institution from Alage Soldiers Rehabilitation Centre to the present day Alage ATVET College.( See Annex four of the thesis)
The College is established on 4200 ha.\textsuperscript{33} All the campuses and the associated villages are interconnected by 44km long weather gravel road.\textsuperscript{34} Though the institution is administered by the Federal government more specifically by Agricultural and Natural Resource Minister, but not yet, the college land neither bordered to Oromia nor to SNNPR states for administration (as per the knowledge of the researcher) Anyhow, its contestable issue to which State that the land of the college bordered administratively.

The total population of the college is not clearly known. But, one study which is conducted by Water Works Design and Supervision Enterprise, after identifying the possible numbers of household within the residential villages of the college, through field trip, attempted to estimate the whole number of the population that are residing in the college compound.\textsuperscript{35} Accordingly, this latter study before four years ago identified the existence of 1,236 households within 12 villages of the college. The household size estimated for the bordering Woredas is in the order of 6.4 persons per household while the average values for rural households of Oromia and Southern Regions was estimated, as per the census made by CSA in 2007 at 5.0 persons per household.\textsuperscript{36} The study in general, by including the college students' estimated more 10,000 people are residing within the college compound.\textsuperscript{37} In connection, without adding the temporary civil servants, who are working in different farms of the college, currently, the college has 1697 supportive staff and instructors, including those employees who are born and hired in the college.\textsuperscript{38} These all makes the college the greatest of all ATVET Colleges which have been established in the country by a federal government.

1.4 Statement of the Problem

When conducted in fair and inclusive manner, election can pave the way for peace, national reconciliation and good governance. Those people who have been residing in camps for

\textsuperscript{33} Alage ATVET College, from Children Care Center to Agricultural College (1973--2003 EC) Pamphlet, printed by Beir, (2003EC)
\textsuperscript{34} Water Works Design and Supervision Enterprise (n.29) P. 24
\textsuperscript{35} Ibid, P. 54
\textsuperscript{36} Ibid
\textsuperscript{37} Ibid
\textsuperscript{38} The recent i.e May/2017 human resource internal report letter confirms the existence of such number of permanent employees' in the study area.
discharging of the policies and strategies of the government are since part and parcel of Ethiopian citizen’s, opportunities of political participation including election(voting) which have been extended to all legible voters of the country citizen’s likewise has to be extended to them. However, not yet the Alage ATVET college residents, particularly employees of the college not made to be participant in periodic elections which have been conducting in the country, unlike the students of the college and some other counter parts institutions employee's. Often the college employee's questioned why they are not made to be participant in the country periodic election, particularly by giving vote to any political parties candidate in which they desire. Moreover, they raise and discuss this issue at every meeting of the college, particularly in political meetings.

1.5 Research Questions

For effective accomplishment of the objective of the research, the researcher will ask the following basic questions throughout the study.

➢ What are the factors which impede the study area employee's to participate in the national periodic election by exercising their right to vote?
➢ What kind of mechanisms should be designed in order to enable those employee's of Alage ATVET College to be participant in general election of country through giving vote?
➢ Which polling station is relevant in order to make Alage ATVET College employee's to be participant meaningfully in election, through giving vote? Special or ordinary polling station?
➢ What are the implications or impacts of non-participation in general election, through giving vote?

1.6 Objectives of the Study

Principally the aim of the study has general and specific objectives.

1.6.1 General Objective

The main objective of the study is to explore the hindering factors of the Alage ATVET College Camp residing employee's from exercising their right to vote during national periodic election of the country.

1.6.2 Specific Objectives
In order to achieve the major objective of the research effectively, the following specific issues have been examined and discussed throughout the study.

➢ Discuss conceptually the basic foundation of participations, such as democracy and election.
➢ Examine the participation rights of citizens, by giving emphasis on right to vote of citizen's as well as the legal obligation of State in enforcing such right.
➢ Critically examine the laws which allow special polling station registration for civil personnel who are far from their original constituency in light of the facts of the study area.
➢ Investigate similar institution experience other than the study area as far as participating their employee’s in general election, through giving vote.
➢ Examine representation of citizens in light of relevant laws of the country.
➢ Explain drawing and re-drawing of constituencies and polling stations based on other countries experience and Ethiopian laws in this regard.

1.7 Scope of the Study

It is well know that political participation right is a wide right. It includes any form of engagement in the political and public life of a community including seeking and holding public office, participating in the work of political parties or opposition groups and voting and standing for election. Though the study area employees have such political participation rights, the study doesn’t examine all the above mentioned manifestations of the right. Hence, for the purpose of convenience, the researcher only intends to see in legal and practical perspective the right and the opportunity to vote of Alage ATVET College residing employees and other purposively selected institution. However, it does not mean, some theoretical discussion on election and democracy as well as elements of political participation rights will never be examined. They will be examined along the discussion as if they found necessary.

The study doesn't also cover the college students and other non-employees who are residing within the college compound/ camp. Nevertheless, all employees inclusively will be covered by the study. This mean, they will not be excluded from this study based on the employment relation what they have with college, like as permanent, contractual, and temporary, as long as they have stayed in the college for more than three years.
There are different types of election, namely General, Local, By Election, etc. The study does not intend to deal all the above types of election. Hence, it only focuses on general election of the country. Accordingly, the research will give emphasis to those general elections which have been held, after 1991.

1.8 Limitations of the Study

Most research studies have their own limitations; like-wise this study couldn’t also be free from limitations.

➢ Due to job and other personal reasons, the respondents of the study could not be available in their office in all time, hence, I may face difficulty to gather data’s from them in due time.
➢ Time, financial, and geographical constraint or limitations may create hurdle to come up with full and comprehensive result.
➢ Possible change of electoral laws of the country, may contribute for the delay of the research. Therefore, I kindly request the reader's to consider these above noted limitations of the research.

1.9 Significance of the Study

The study will have the following benefits:-

➢ The National Electoral Board of Ethiopia vision among other thing is to see the realization of strong constitutional system wherein the peoples of the country exercise their right of electing. Since, this study more specifically focuses on the right and opportunity to vote of Alage ATVET College employee's, the finding of the study will have its own input or share for the achievement of the board vision.
➢ The finding of the study can be taken as a base for conducting further research on the area, if any.
➢ The research tries to suggest possible positive measures to be taken by the concerned bodies. Mainly, it forward recommendations to concerned bodies to take positive measures as regards to fulfilling essential premises of participations as well as to re-consider some provisions of the law.

1.10 Methodology
In order to make the research more comprehensive and to respond the issues of the research in well manner, above all, since the study was used the experience, knowledge and perception of the concerned bodies on the law and practice, the researcher in general employed a qualitative approach as a methodological frame work. In addition, since the study more specifically focus on the case or issue of right to vote of employee's who are residing in the camps mainly in the Alage ATVET College Camp, the researcher used a qualitative approach type of a Case Study strategy of inquiry.

1.10.1 Population of a study

So as to gather valid and relevant firsthand information for the study, the researcher targeted on the following population:-

➢ Concerned officials/ employee's of National Electoral Board of Ethiopia and House of Federation.
➢ Concerned officials/ employee's of Alage, Agarfa ATVET Colleges and Wonji Shewa Sugar Factory Institution
➢ Those employees who are residing in the Alage, Agarfa ATVET and Wonji Shewa Sugar Factory Institution

1.10.2 Sampling

When a research focuses on a large population, drawing a sample from the total population is mandatory, basically for the purpose of managing the study in well manner. Thus, here below, how many subjects have been needed or sampled from targeted population (sample size) and strategies or techniques of selecting thereof (sample techniques) has already been independently estimated and determined respectively.

• Sample size

There is no constant or fixed rule for sample size in qualitative research. However, qualitative research studies typically have much smaller samples than quantitative research studies;
usually 20 to 35 participants. However, the researcher among purposively sampled employees of the institutions used 40 participants from each of them.

- Sampling Technique

Briefly, the researcher employed purposive sampling of non-probability nature. This is because, the research is qualitative in its nature on the one hand and the selection of the population is based on particular attribute, knowledge and experience on the other hand. Thus, Agarfa ATVET College and Wonji Shewa Sugar factory Institution have been made as the population of the study in addition to study area, among other things, because of much similar institutional attribute what they have with the latter. However, employees who came from other parts of the country concerned, the study does not used all. Rather, only those employees who have been stayed for more than three years have been used for the study.

1.10.3 Data Collection Techniques and Tools

- Primary sources

For the purpose of taking primary sources, interview and questionnaires were used as data gathering instruments/tools. Accordingly, semi-structured interview questions were used to gather data’s from concerned officials/ employees of House of Federation (HoF), National Electoral Board of Ethiopia (NEBE) as well as from other relevant persons. On the other hand, questionnaires were distributed only to those employees who are residing in Alage, Agarfa ATVET and Wonji Sugar Factory Institutions. For this purpose, open ended and /or cloth ended or tailored questions were employed as means, for gathering data’s based on this tool. Personal observations have also been used, on some issues.

Furthermore, international, regional and national human rights instruments, including the FDRE and Sub-national Constitutions and other subordinate electoral laws, such as proclamation, regulation and directives of the country were consulted as primary sources based on their relevancy to the issues of the study.

- Secondary sources

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40 However, for the other populations of the study, the researcher has a believe that sample size is not essential, since their number is minimal and easily determined beforehand.
41 This is made for the purpose of acquiring accurate data, by using their respective experience of the employees, in relation to their local participation in election, through giving vote.
42 For full interview lists, see the Bibliography of the thesis.
In similar fashion, books, journals/articles, internet sources and other unpublished documents have also been used as secondary sources throughout the study.

1.1 Data Analysis and Interpretation

As far as analyzing the data's concerned, as we know quantitative and qualitative data's are not analyzed in the same method. In fact, there are different types of qualitative data analysis, though there applicability is much depend on the research topic, personal preferences of the researcher and time, equipment and the availability of finance. Therefore, since this research is qualitative type in one end and to analyze the qualitative data's of the research comprehensively in other end, the author analyzed the overall data's of the research by using thematic and comparative types of analyses. In the same logic, after the data's analyzed based on the latter type of qualitative analysis, it also interpreted by using qualitative method. Meaning, the collected data’s were arranged or classified based on their attributes and finally, interpreted based on logic and deductive reasoning/inference.

1.12 Overview of chapters

In order to address the main and specific objectives of the thesis, the work is organized in to five (5) chapters, including this introductory chapter.

Chapter Two- for purpose of creating a good foundation for subsequent discussions of the thesis, this chapter tried to explain the concepts of democracy and election, as important pillars of participation. Accordingly, under their respective sub-sections, attempt is made to canvass the basic principles of democracy, types of democracy and purposes of election. Theories of franchise are also discussed within this chapter.

Chapter Three- this chapter is focused on the framework of participatory rights under human right treaties. Accordingly, with in this chapter, I describe the normative framework of citizen's political participation rights, by giving due emphasis on the right to vote. Therefore, the chapter, at first, made attempt to see exhaustively, the recognition and protection of citizen's participatory right, including right to vote at global and regional human right treaties as well as in the domestic affairs. Secondly, the chapter is also tried to examine some basic features of human rights in general and distinctive features of right to vote in particular. Moreover, the states' legal

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44 These two types of qualitative data analysis can be used together for the same research project, for more see Ibid, P. 120
obligations in enforcing right to vote, in conjunction with triple states' obligations of enforcing human rights, is also within the purview of this chapter.

**Chapter Four-** this chapter mainly intend to address some issues of Ethiopian electoral laws, such as the NEBE objectives, types of election, electoral principles, citizens representation, delimitation of electoral districts (constituencies) and polling stations, in one hand and citizen participation in general elections of the country, in the other hand. Basically, the latter section attempted to discuss the historical account of Ethiopian citizens’ participation in general election starting from emperor period up to the present Federal state.

**Chapter Five-** This is the core of the thesis. Because, it attempt to analyze the whole information which have been obtained through interview and questionnaires from concerned respondents'. Accordingly within this chapter, the practical existence of franchise in those selected institutions, i.e Wonji Shewa Sugar Factory Institution and Agarfa ATVET College as well as in the study area, Alage ATVET College camp has been discussed in light of basic themes of the research.

**Chapter Six:** This is the last chapter of the thesis. Thus, this chapter tries to summarize, conclude and finally wind up the overall work by forwarding ideas what should be done or as to how the Alage ATVET College Camp residing employee's will enjoy their cherished right to vote in future general election of the country, meaningfully and practically.
Chapter: Two

Election and Democracy: Conceptual Framework

Introduction

Election, democracy, and human rights have a conceptual as well as a practical link. Meaning, they have some what a symbiotic relationship. The existence of democracy within a given state would have invaluable contribution for the existence of public election, though the later existence not as such clearly guarantee or prove the former. In turn, the summation existence of democracy and elections in proper sense, would have also pivotal role for materializations of human rights, particularly political rights of citizens (right to vote and to be elected).

Here in this chapter, for the purpose of making a conceptual discourse, I will made theoretical discussion on the aforementioned concepts of election and democracy by raising their core features, principles, purposes and types. In connection, some attempt also made to discuss relevant theories of franchise, just for the purpose of understanding their views and contributions.

2.1. Election and Democracy

2.1.1 Concepts of Democracy

Democracy is the term and concept with a long and convoluted history.\textsuperscript{45} It is also a highly contested, the most promiscuous word in the world of public affairs and also ever changing notion of our time. Hence, for better understanding of the concept it is imperative to look first, the historical development of the concept.

Early Western scholars embraced the definition of democracy as government of the people, by the people, and for the people, which was first advanced by President Lincoln (United States) in his Gettysburg Address in 1863.\textsuperscript{46} This is similar with the literal meaning of democracy, as indicated by its etymological origin in ancient Greek that is “the power or rule of the people.”

Later on, other scholars offered different interpretations of democracy. They start to see...\textsuperscript{47}


\textsuperscript{46}Brendalyn P. Ambrose, Democratization and the protection of Human Rights in Africa, (1995) p. 16
democracy as a system which allows citizens to control those who govern or considered as a way of determining who shall govern.\textsuperscript{47} However, when we speak of democracy in today's world, it is not simply to mean rule by the people, but of liberal or constitutional democracy has a dual character or a kind of hybrid regime, one that tempers popular rule with anti-majoritarian features. For while it seeks to ensure the ultimate sovereignty of the people, at the same time it limits the day-to-day rule of the majority so that it does not infringe upon the rights of individuals or minorities. Accordingly, for a regime to be considered as democratic, it also must protect the rights of the latter.\textsuperscript{48}

When we see its main characteristics, we can understand that democracy is more than just a set of specific government institution; it rather rest on a well understood group of values, attitudes, and practices. The following considered as some core democratic characteristics or manifestations. Accordingly democracy/ies:

- Is a government in which power and civic responsibility are exercised by all adult citizens directly or indirectly through their freely elected representatives.
- Rests upon the principle of majority rule, which means that decisions are made by majority and have to be accepted by all but, minority view points are respected and protected.
- Guard against all powerful central governments and decentralize government to regional and local levels, understanding that all levels of government must be as accessible and responsive to the people.
- Conduct regular free and fair elections open to all citizens of voting age etc\textsuperscript{49}

\textbf{2.1.1.1 Basic Principles of Democracy}

Apart from the above mentioned features, democracy has also closely related principles in which modern democratic countries virtually adhered and explained democracy. Herein some of them are discussed.

\textbf{1. Citizens Participation}

\textsuperscript{47}Ibid
\textsuperscript{48} Marc F. Plattner (n. 45) p. 84
\textsuperscript{49} Angelika Klein(Dr.) et.al, Concepts and Principles of Democratic Governance and Accountability, Guide for Peer Educators, konrad-Adenauer-Stiftung,(2011), p. 4
One of the most basic signposts of a democracy is citizen participation in government. Participation is the key role of citizens in democracy. Briefly, this means that citizens are part and parcel of what happens in their society or country. The citizens participation could be manifested in different forms, for instance, standing for election, voting in elections, becoming informed, debating issues, attending community or civic meetings, being members of private voluntary organizations, making protest. Citizens' participation could also be expressed by fulfilling their national duty what they have, as the citizen of that particular country. Notwithstanding to other duties of citizens in a given state, mostly citizens duty in one nation expressed through paying taxes properly to concerned body. Hence, participation of citizens in a given state shouldn't only be seen as rights of citizens, it also a duty of them.

2. Equality

A democratic society emphasizes the principle that all people are equal. This principle is the core element of democracy, most notions of democracy has been expressed through this tenet of democracy. For instance, Mahatma Gandhi has explained the notion of democracy by raising equality of opportunity of individuals. He said that

"My notion of democracy is that under it the weakest should have the same opportunity as the strongest." 53

And hence for him the notion of democracy is equal opportunity regardless of socio-economic and other disparities between individuals. Simply, equality mean equality before law, equality of opportunity in realization of individual capacities without regard to one's race, gender, ethnic background, religion or whatsoever, since all individuals valued equally. However, in democracy individuals and groups still can maintain their right to have different cultures, personalities, languages and beliefs.

3. Accountability

Since democracy recognizes the sovereignty of the people, elected leaders or public officials have to answer to the common citizens regarding their actions, decisions or indecisions during

51 Ibid
52 (1869-1948), a leader of India and non-violent fighter for freedom.
54 Angelika Klein(Dr.) et.al,(n. 49) p.5
the time they are or were occupant of the public offices. The people account or control the elected officials, save to other mechanisms mainly through elections. Meaning that those officials who perform to the required standard of the public, will be rewarded by the people itself other additional "public will" to stay in office, while those found to be lacking in one way or another will be made to stay out from the public office what they previously occupy. Hence, Officials must make decisions and perform their duties according to the will and wishes of the people, not for themselves, to save their respective seats in which they obtained from the public itself.

4. Free and Fair election

As it has been explained under accountability principle of democracy, elections are the major instruments in which the people use them for expressing their will or controlling the elected officials. And hence, democracy insists that these election has to be free and fair. Meaning, intimidation, corruption and threats to citizens during or before an election are against the principles of democracy. A democratic government with the assurance of free and fair elections--is itself an essential element in the full enjoyment of a wide range of human rights. In this respect, the General Assembly of the United Nation stressed that:

Periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that as a matter of practical experience, the right of every one to take part in the government of his/her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights.55

Thus, all adult citizens shouldn't be impede to vote and to be candidate in elections.56 It has to be known also that democracy involves more than periodic election. Concerning to this in 1991 the United Nation Secretary General also stated that:

Election in and of themselves do not constitute democracy. They are not an end but a step, albeit an important and often essential one on the path toward the democratization of societies....... 57

5. Human Rights

55General Assembly Resolution 46/137 Dec. 17/1991, para. 3. Genuine election is not a simple and narrow concept as we may think in the affairs of election. Rather it comprise two main elements. Accordingly, election said to be genuine, when that election is periodic, and respect and protect equality and universality of suffrage and secrecy of the ballot in one hand and when that election reflect the free expression of the will of the electors in the other hand. See also Hand Book on the Legal, Technical and Human Rights Aspects of Election, Professional Training Series No. 2, United Nation, New York, and Geneva, (1994), p. 12
56The Concept and Fundamental Principles of Democracy (n.2), p. 12
57 See Report of the Secretary-General A/46/609 and Corr.1, Para. 76
Democracy emphasizes the value of every human being. Hence, all democracies give respect and protect human rights, which ensure the values of human beings. Inter alia these rights include, the right to freedom of association, freedom of expression, to take part in the conduct of public affairs, directly or through freely chosen representatives and to vote and to be elected at periodic elections. In nut shell, it is possible to say that the right of all adult citizens to participate in the affairs of their government is one of the cornerstones of democracy. Perhaps the most fundamental form of participation is voting in free, fair and regular elections.\textsuperscript{58}

2.1.1.2 Types of Democracy

As far as the classifications of democracy concerned, scholars use various criteria's to classify democracy. However, the widely known and acceptable base of classifications of democracy is by taking how people participate in decisions directly or through their elective representative. Accordingly, based on such criteria democracy has been divided as participatory and representative democracy.

In the participatory(direct) democracy, citizens without the intermediary of elected or appointed officials can participate in making public decisions. Thus, this type of democracy reduces the distinction between government and the governed and between the state and civil society; briefly it is a system of popular self-government.\textsuperscript{59}Because of this, it has been named as true democracy. Quite contradictory to today world scenario, the participatory democrat argue that all individuals must be consulted in the making of laws that will affect them. If they are not consulted, the laws should be considered invalid.\textsuperscript{60}This form of democracy was mainly exercised in very small population size. For instance, this form of democracy was applied in full context in Greek, Athens Assembly during sixth and fifth centuries.\textsuperscript{61} But, it does not mean that in contemporary world some concepts of direct democracy is not practiced. Mostly this type of democracy, currently has been manifested under Referenda and recall.\textsuperscript{62}


\textsuperscript{59} Report of the Secretary-General (n.58)

\textsuperscript{60}The Principles of Democracy,(Chapter three) p.63, available at www.sjsu.edu/people/ken.nuger/courses/pols120/ch-3-principles-of-democracy.pdf , accessed Oct 15/2017

\textsuperscript{61} The central political institution of Athenian known as Assembly was open to all adult citizens with the exception of women, slaves and foreigners. However, quite remarkably, as far as the leaders of the Assembly concerned, since the Athenian considered all citizens as capable to hold position, the leaders of the Assembly were not elected but, chosen by lot, see for more Angelika Klein(Dr.) et al (n. 49) p. 2

\textsuperscript{62} Angelika Klein(Dr.) et.al,(n.49) P.4
Due to the complexity of the current world mainly in relation to the existence of large population, it become hardly possible to apply direct democracy, as in previous time. Hence, looking other form of democracy is mandatorily necessary which fit to the current world scenario. Then the world today come up with the second form of democracy known as representative democracy in which the citizens elect officials to make political decisions, formulate laws, and administer programs for the public good. This type of democracy is limited and indirect. It is limited in the sense that popular participation in government is infrequent and brief, being restricted to the act of voting every few years. It is indirect in that the public do not exercise power themselves; they merely select those who will rule on their behalf. Hence, for this form of democracy election is used as a basic instrument for citizens to select their representatives.

Both forms of democracies have been clearly recognized under FDRE Constitution. Because, this very constitution, basically on art. 8(1) has declared that all the sovereign power has been given to the Nations, Nationalities and Peoples of the country. Along with this, the constitution has also stated the mechanisms through which the sovereignty of such people will be expressed. Accordingly, the peoples can express its sovereignty through their representatives elected in accordance with this constitution and through their direct democratic participation.

2.2.2 Concepts of Election

The word 'election' derives from the Latin verb eligere, meaning to pick out, to choose. Based on such meaning, election may be defined as the formal process through which people are chosen by discrete collectivities to fill office. Election can also be conducted for private affairs. But, most people tend to associate them with public decision making and with state governance. In this respect, elections are events in which societies express their will in public affairs.

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63 Ibid
64FDRE Constitution, art. 8(3) and see also the preamble of Amended Electoral Proclamation No. 32/2007 (The first paragraph) and art 32 of the same. For more see also, the international human right instruments in which the country is a party, such as, art. 25 of ICCPR.
66 But, this study is limited to deal only participation in public election.
67 Encyclopedia of Democracy Thought(n.65) p. 302
Elections illustrate a collective and individual element (character). The former character of election is directly goes to the essence of sovereignty belonging to the people, who have the right to self-determination, including the right to freely determine their political status and freely pursue their economic, social and cultural development through participation in government and public affairs, directly or through their freely chosen representative.\(^6\) This element of election, mainly ascertain the assertion that elections belong to the people collectively. Mostly, the rights of self-determination executed by referendum, which is one type of election. The second element i.e individual character of election is all about understanding elections as electoral context which are mostly addressed by international human rights instruments, as individual rights.\(^6\)

Though elections are not the sole and sufficient determinant factor for democracy, however, electoral process is one of the bulwarks of democracy with voters as major stakeholders in the process. This is because, if the people lose confidence in the process, democracy as a system of populace participation in government will become a sham.\(^7\) Here I can say that election processes among other things are essential conditions for blooming of democracy in one state.

In democracy, the ideal is seeking the consent and mandate of the citizens for any leader to be accepted as legitimate, and hence citizen participation in the choice of their leaders is important. Elections as the means of filling public offices by competitive struggle for the people’s vote has become synonymous with democracy as it empowers the common citizens with the right to choose their leaders.\(^8\) Moreover, elections provide examples of human rights in practice. Achieving a genuine, democratic electoral process is part of establishing a system of government that can ensure respect for human rights, the rule of law and the development of democratic

\(^6\) Ibid, see also art. 25 of ICCPR. Here I don’t mean that art 1(1) and art 25 of ICCPR are non-distinct. They are distinct but they are related rights, for more see, Human Right Committee General Comment No. 25 on political participation rights. (Art. 25) of ICCPR. As far as, other related political participation rights which have been enshrined under various international, regional and national human rights instrument concerned, see the subsequent chapter discussion.
\(^7\) Bassey James Ejue and Samuel Asuquo Ekanem, Voter Rights and Credible Election in Nigeria: The Imperative of Rethinking the Content of Citizenship Education, International Journal of Humanities and social science vol. 1 No. 19; (2011) P. 286
\(^8\) Angelika Klein (Dr.) et.al,(n.49) P.19
institutions.\textsuperscript{72} For better understanding the concepts of election, here below the purposes of election have been discussed.

\subsection*{2.2.2.1 Purposes of Election}

Though arguable, but, I can say virtually all systems and strategies has been introduced to the society with some justification and purpose. Meaning, all happen with reason. Likewise, elections as core element of democracy have been practiced regularly in majority of states, since ancient time, just to attain some objectives. Thus, herein I will discuss them basically in perspective of human rights and the benefit it bestows to the people.

1. Accountability

As it has been discussed somewhere above, elections are understood mainly as mechanisms for choosing representative. As result, the people through this mechanism control or check the action of their representative, whether the latter perform their given mandates accordingly or not.\textsuperscript{73} This in turn ensures the sovereignty of the people and thereby will make the rulers to be in line with the public interest than forwarding their private gain and satisfaction.

The accountability function of election is not similar in the two well-known democratic views called Majoritarian and consensus or proportional models.\textsuperscript{74} In the former model or system, the single most important function of election is the selection of the government. Moreover, under this model, when the people are in disagreement and have divergent preferences, the government should primarily be responsive to the majority of the people. Hence, in this model elections are an accountability mechanisms, mean that the electorate make their vote choice on the basis of their evaluation of the performance of the incumbent government. If they are satisfied with that performance, they will vote for the party or parties in government; if they are dissatisfied they will "throw the rascals out." Whereas, in consensus view or proportional system the major function of election is to elect the members of the parliament, who together should be as representative as possible of the electorate as a whole. From this one can say that unlike the previous model, in this model there is no deterministic relationship between the election outcome


\textsuperscript{73} General Comment No. 25 (n.16), Para.9

\textsuperscript{74} Jacques Thomassen, Elections and Democracy Representation and Accountability, Great Clarendon Street, Oxford Ox26DP, (2014), United Kingdom. p. 2
and the formation of the government. Thus, accountability purpose of election in this system is lower than in the majoritarian model.\textsuperscript{75} In nutshell, elections are the principal instrument that compel or encourage the policy makers to pay attention to citizens.\textsuperscript{76}

2. Participation

Elections are one mode of enhancing popular participation. Because, as it has been stated that Periodic and genuine elections are a necessary and indispensable to protect the rights and interests of the governed.\textsuperscript{77} \textit{Inter alia}, from this we can discern that genuine election is imperative for individuals to exercise their own political right which have been recognized under international human rights documents. For instance, to the minimum the existence of election enables the citizens to participate in election by giving a vote to parties or candidate in which they desire. It also facilitate for citizen's to be a representative of the people by being a candidate in the election, as well as by campaigning their chosen candidate/party. In all, elections are the technical means of ensuring and enhancing popular participation in government. It is a means of building support and choosing leaders and policies, as well.\textsuperscript{78}

3. Legitimization

Legitimization is one of the primary purposes of elections in non-democratic countries.\textsuperscript{79} It means that elections are the tools in which the rulers demonstrate to themselves, to the citizenry, and to foreign powers that can compel compliance.\textsuperscript{80} In this respect, some African countries election noted as instance. It has been said that African elections, are in simple term, \textit{window-dressing rituals} with no real political meaning other than the stuffing of the ballot boxes behind closed doors.\textsuperscript{81} They are just administrative formalities which have become standard \textit{signs of good conduct} adopted by African governments to Western States and international institutions on

\begin{flushleft}
\textsuperscript{75}However, major studies have indicated that consensus model, in other respect perform better in almost every respect and provide a “kinder and gentler democracy.” It score better on the best-know indexes of democracy. For instance, under this model, women are better represented in the parliament, turn out is higher, better citizens satisfaction about the political system, lower political conflict,....See, Ibid p. 3
\textsuperscript{76}Berouk Mesfin, (n.4), p. 1
\textsuperscript{77} General Assembly Resolution,(n. 55)
\textsuperscript{78}Bassey James Ejue and Samuel Asuquo Ekanem, (n.70)
\textsuperscript{79}Encyclopedia of Democracy Thought(n.65) p. 304
\textsuperscript{80}Ibid
\textsuperscript{81}Adejumobi, S, Elections in Africa: a fading shadow of democracy? International Political Science Review, 21(1):59–73, 2000, P. 66 as cited by Berouk Mesfin,(n. 4) P. 2
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which they are financially and politically dependent.\textsuperscript{82} This doesn't mean that legitimization is not important in democratic context. For instance, when election conducted democratically, can help the people to believe in the fairness of the political system, its openness to and tolerance of competing views, and the possibility for change through institutional means.\textsuperscript{83} Thus, it's possible to say that democratic elections not as sole but, as one means are imperative to test as litmus the political system of a given state.

No iota of doubt "genuine elections" play important role for confirming the sovereignty of the people. Mainly participation in elections provide popular sanction for appointment to political office, to endow governments with legitimacy and thereby authority, and also provide popular accountability of government.\textsuperscript{84}

\textbf{2.2.2.2 Franchise or Suffrage}

There were some forms of election starting from ancient Greece and Rome. Mainly secular elections date back to the thirteenth century, when members of the English House of Common first began to be returned by their peers.\textsuperscript{85} But, the popular right to vote for parliamentary representatives is a product of the American and French Revolutions, and it was not until the nineteenth century that election to representative bodies had become the norm in Europe and its colonies.\textsuperscript{86} Well into the nineteenth century, it was common for electoral systems to restrict access to the franchise on the basis of property, literacy, gender and other qualifications, and/or to involve weighted franchises that awarded more electoral power to some groups than to others.\textsuperscript{87}

Universal adult suffrage not came to the current world over night. Rather, this principle to be developed in this world a number of phases had to be passed. Mainly in relation to who should have or given franchise? Whether it should be restricted to certain groups of the society (like nobles, lords, property holders, male etc) or it should be given to all without any discrimination.

\textsuperscript{82}Ibid, but, it is difficult to conclude that all the continent elections are made for the aim of this. Because, we have been hearing that some countries of the continent are using election for the purpose of peaceful transfer of political power and for the emergence of democratic governments. For instance, elections have facilitated the emergence of democratic governments in Benin, Cape Verde, Ghana, Mali, Senegal, and South Africa. In general see, International Peace Institute (IPI), Election in Africa: Challenges and Opportunities, 2011
\textsuperscript{83} Encyclopedia of Democracy Thought(n.65) p. 304
\textsuperscript{84} Ibid, p. 306
\textsuperscript{85} Ibid, P. 301
\textsuperscript{86} Ibid
\textsuperscript{87}Ibid p. 303
As regards to this point, there are different views or theories. Since these theories are very essential for the current understanding of franchise, herein, briefly are discussed.

1. **Tribal Theory**: It appeared in the early tribal organization of the Greeks, the Romans, and the Germanic tribes and saw its best development in the Greek city-states.\(^8^8\) This theory regarded suffrage as a necessary attribute of the membership of the state. In other word, the suffrage was not viewed as a right or as a privilege, but as a necessary and a natural part of the active life of every citizen. From this we can understand that membership in the state is carried by the obligation of taking active part in life.\(^8^9\) Therefore, it's possible to say that the modern practice of requiring citizenship as a qualification has been emanated from this theory.\(^9^0\)

2. **Feudal Theory**: This theory considered right to vote as a "vested privilege", mainly attached to occupying a particular status in society, and associated with having ownership of land.\(^9^1\) It can be said that property qualifications for voting are a survival of this theory, which existed until the First World War in Great Britain. Thus, during this time, persons who owned estates in various parts of the country had only the right to vote.\(^9^2\)

3. **Natural Rights Theory**: The foundation of this theory is equality and nature. Since, this theory takes into account that all men are free and equal and possessed natural rights.\(^9^3\) All the establishment of the state and government is based on a voluntary contract led to the doctrine of popular sovereignty. In other word, the people alone could create law, and the government was their agent, receiving its delegated powers from the people who created it. Therefore, the right to take part in government was a natural right by means of which the general will of the people could be discovered and the government kept responsible to the consent of the governed.\(^9^4\)

4. **Legal Theory**: In this theory the electorate is viewed as one of the organs of government whose composition and powers are determined by the laws of the state.\(^9^5\) The question of who may vote and of what the voters may do is decided by each state from the point of view of

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\(^8^9\) Ibid
\(^9^0\) Ibid
\(^9^1\) Ibid
\(^9^2\) Ibid
\(^9^3\) Ibid
\(^9^4\) Ibid
\(^9^5\) Ibid, p. 468
political efficiency. Suffrage, therefore, not natural for this theory, rather a political right which is conferred to people by law. This theory has been taken as a justification for further reform movement of democracy in the nineteenth and twentieth centuries.\textsuperscript{96}

5. Ethical Theory: This theory has linked the desirability of right to vote with human personality and worth. In other word, it considered the right to vote not as a natural right, but as a means for the most complete development of human personality and worth.\textsuperscript{97} So, making the citizen's to be participant in the public affairs enable them to be more interested in public questions as well as to be more intelligent concerning public policy.\textsuperscript{98} Moreover, this theory forward the idea that, giving for citizen's an opportunity to express their political attitude in public affairs, has contribution for citizen's capacity of self-government to grow up and their dignity and self-respect to be enhanced.\textsuperscript{99} In all, this theory can be used to justify the extension of suffrage as a means of political education to groups who are not made to be competent and enabled to exercise it.

It is obvious that though some of the above theories not go with the current scenario, but have their own contribution for the development of the present time universal adult suffrage theory or principle of franchise. Accordingly, this latter principle has been warranted by declarations, treaties, general comments and decisions by international legal fora.\textsuperscript{100}

In this chapter, the concepts of democracy and election have been discussed. Along this discussion, specifically the basic principles of democracy, its types thereof as well as in similar fashion the main purposes of elections and some theories of franchise have also been explained. From the discussions, one can conclude that democracy and elections are core elements of each other. Meaning that democracy is essential for election, as the same time free and fair election is also one of the basic manifestation or pillar of democracy, though alone can't prove the existence

\textsuperscript{96} Ibid
\textsuperscript{97} Ibid
\textsuperscript{98} Ibid
\textsuperscript{99} Ibid
\textsuperscript{100} In general, according to this present day theory, franchise should be given to all adult citizen's without any discrimination on unreasonable grounds. For instance, in order to exercise right to vote, restriction shouldn't be made on the basis of religion, race, caste, wealth, language, sex etc. Anyway, the later chapter of this thesis has made a discussion on the right to political participation, mainly in relation to right to vote of citizen's. Thus, for more about the recognition of franchise under international human right documents as well as at domestic level, see the infra chapter discussion.
of the latter. Moreover, these two concepts are core foundations for the citizen's to participate in the public political affairs by exercising their right to vote and to be elected.
Chapter: Three

Right to Vote as Political Participation Rights of Citizens

Introduction

The question of what is right to vote has perplexed many scholars and courts. But, it has been explained usually as bedrock of different rights. Accordingly, right to vote is mostly expressed as fundamental, the essence of a democratic society and preservative of all rights. As regards to legislative protection, franchise as one political participation rights of citizens has been recognized under many international and regional human right conventions as well as under national laws of almost all states.

Thus, this chapter by taking right to vote as one core right to political participation of citizens will discuss, briefly some concepts of participation rights and its legal framework focusing on right to vote. In the same fashion, the legal obligations of state in enforcing right to vote and its limitations will also be examined.

3.1 Right to Political Participation: Introductory Remark

Political participation is a term which is more than a right to vote and to be elected. To mean, apart from these rights, the term also include any form of engagement in the political and public life of a community, including seeking and holding public office, participating in the work of political parties or opposition groups. In right perspective, right to participation has three components. These are the general right to public participation, the right to vote and be elected and equal access to public service. The correct implementation of these rights has direct implication for democratization and for legitimacy of the government and its policies. Gregory H. Fox, while he was discussing the condition of participatory rights before the 1948, stated that "the sovereign" is a person or group actually wielding political power. However, he said that the

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101 Joshua A. Douglas, the Right to Vote under State Constitutions, 67 Vand. L. Rev. 89 (2014) p. 91
102 Ibid
right to participation rejects this de facto control test by asserting that the mass of citizens is the ultimate repository of sovereignty.\textsuperscript{105}

However historically, like other human rights, participatory rights were traditionally excluded prior to World War II, due to obvious reason of non-development of international human rights law.\textsuperscript{106} Owing to this, individuals were not subjects of rights and duties under international law. However, after World War II most human rights conventions have guaranteed the right to political participation, primarily by requiring signatories to hold fair elections at regular intervals. Now therefore, right to political participation established as a matter of treaty law and national law as well.\textsuperscript{107} As we will discuss later on, but in general, most treaties or conventions suggest that elections must be universal and equal suffrage, by secret ballot, at reasonable, periodic intervals, and may not evidence discrimination against voters or candidates.\textsuperscript{108}

The right to participate in public life is related to, but distinct from, the right of peoples to self-determination which is recognized in both art. 1 of the ICCPR and ICESCR. By virtue of the latter, peoples have the right to freely determine their political status and to enjoy the right to choose the form of their constitution or government. While the former deals with the right of individuals to participate in those processes which constitute the conduct of public affairs.\textsuperscript{109} Which also give effect to the principle which has been enshrined under art. 21 of UDHR, that is the "will of the people is the basis of the authority of the government." Because, this "will" is expressed by periodic and genuine elections which is conducted based on universal and equal suffrage, and by secret voting procedure.

All political participation rights of citizens are closely related as well as require the recognition and effective protection of other complimentary human rights. Simply speaking, we can't imagine the exercise of the right to vote of citizens without recognition and protection of the

\textsuperscript{106} International human rights law is said to be a product events of the Nuremberg Trials, the founding of the United Nations, and the passage of the Universal Declaration of Human Rights (UDHR) by the UN General Assembly(1948), see for more Ibid, p. 545. However, rules concerning political participation were confined to the sphere of domestic legislation, mainly under national constitution, see Compendium of International Standard of Election, (n.72), p. 17
\textsuperscript{107} Ibid, p. 552
\textsuperscript{108} Gregory H. Fox,(n.105), P. 552
right to be elected. Likewise, political participation, both as a voter and as a candidate, is also linked to a number of other substantive human rights, without which it can't meaningfully be exercised. These include the freedoms of assembly, expression, association and movement. For example, there is no meaningful right to participate as a political representative if one's party cannot be registered, one's supporters cannot attend a rally, and one's opinions are not allowed to be published.  

The political participation of citizen's (person) could be manifested in various activities. Among other thing, persons can manifest their political participation mainly in participating in elections either by voting or standing for elections, holding offices at the executive or administrative branch of the government, joining and forming unions, associations or political parties, exercising freedom of expression, participating in public assembly, peaceful demonstration and so on.

3.2. Legal Framework of Participation Rights: Particular Emphasis on Right to Vote

3.2.1 Legislative Protection of Participation rights under International Human Rights Conventions.

a. The Right to Participate under UDHR

As I tried to mention above, following the World War II, there was widespread international support for establishing a comprehensive and binding international human rights treaty. The first, formally speaking, UDHR, is not a treaty, rather a non-binding UNGA resolution. However, it contains a number of norms which have a status of customary international Law. Just like other substantive human rights documents, UDHR recognized participation directly or through freely chosen representative as a norm, under art. 21. However, the latter article recognizes such rights to every person, unlike to other human rights documents which only allow such right to be exercised by citizens of respective states. The declaration in vivid manner has also certified the

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111 See for more, art. 25, 19, 21, 22, 24 of ICCPR and art. 29 of CERD
112 International customary laws have been recognized as one sources of international law, under International Court of Justice Statute, art. 38. Hence, in this respect, we can say that the declaration will have relevance and support for international jurisprudence. But, some say that unlike other provisions of the declaration, art.21 which recognize participation and election, does not appear to be reached the level of customary status. See Compendium of International Standard of Election (n. 72) p. 17
will of the people as the base of the authority of the government. While this will of the people shall be expressed by in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.\textsuperscript{113}

b. The Right to Participate under ICCPR

Article 25 of ICCPR is the principal provision as regards to political rights of citizens in the Covenant.\textsuperscript{114} In general, under this specific provision of the covenant, three distinct but related rights of citizens have been recognized. These are: (1) the right and the opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives; taking part in public affairs directly or through freely chosen representatives are expressed in different manifestations. Accordingly, through direct participation in the conduct of public affairs a person may take part, for instance as voter in elections, as a voter in referenda, as a participant in local decision-making assemblies, as a member of legislative bodies, as a person holding executive office or as a member of a body established to represent citizens in consultation with government. Whereas, participation through freely chosen representatives is exercised through voting processes.\textsuperscript{115} (2) the right and the opportunity to vote and to elected at periodic election, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; and (3) the right and the opportunity to have access to public service.

ICCPR, unlike UDHR, art. 21, refers such above noted rights to "citizens" than to every persons. Hence, we can say the convention has specified and delimited the application of the right. Moreover, art. 25 unlike UDHR refers to the right and the "opportunity" to take part. This right to opportunity clearly implies that states should also guarantee the right to participate practically, not only as de-jure.\textsuperscript{116}

\textsuperscript{113} See art 21(3) of UDHR

\textsuperscript{114} We should also consider other articles of the Covenant which are important and relevant to a citizen's participatory rights, such as those guaranteeing the right to hold opinions (art. 19), the right to peaceful assembly (art. 21), the right to freedom of association (art. 22), the right to freedom from discrimination (art. 24), and the right to equality before the law (art. 26)

\textsuperscript{115} For more see, General Comment No. 25 (n. 16), paragraph 6 and 7.

\textsuperscript{116} For more, see the infra discussion which is made on legal obligation of state in enforcing right to vote about this issue specifically.
A number of elements of election have been identified under ICCPR. These are, the right to vote and the right to stand as a candidate,\textsuperscript{117} genuine as well as periodic elections, universal as well as equal suffrage, secrecy of the ballot and the free expression of the will of the electors.\textsuperscript{118}

ICCPR, is the most widely subscribed and codified treaty which guarantees participatory rights of citizens. Of course true, but it doesn't mean that there are no other special treaties which address the political participations rights of certain specific groups of peoples.\textsuperscript{119}

3.2.2. Right to Participate under Regional Human Rights Protection Regime.

Regional human rights protection regime as one human right protection regime has been developed mainly for the purpose of enforcing human rights in better way by taking the peculiarities of regions. The European, Inter-American and African Regional human rights protection regimes though they have distinction in jurisprudential development; however, are well established than other systems, such as Asia and Arab world.\textsuperscript{120} Here in this specific section the legislative protection of participatory rights of citizens, under European, Africa and Inter-American human right protection regime succinctly will be discussed, in line with their major conventions of the regime.

a. European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its First Protocol

Surprisingly, ECHR doesn't make mention of participation as such, though it has provisions concerning the complimentary political rights, such as every one's freedom of expression, \textsuperscript{119} See art. 25(b) of ICCPR

\begin{itemize}
  \item However, in comparison with art. 21 of the UDHR, the right to stand as a candidate is a new and very important dimension, no longer only implied but made explicit. \textsuperscript{117}
  \item See art. 25(b) of ICCPR \textsuperscript{118}
  \item For instance, art. 41 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families also specifically grants to migrant workers and their Families the right to vote in their country of origin, under both art. 29 of (ICERD) and (CRPD) as well as CEDAW, art. 7 These International Conventions ensure that all the rights set forth in ICCPR can effectively be exercised by vulnerable groups of the society. \textsuperscript{119}
  \item For instance, in Asia there is no comprehensive human right convention at regional level and consequently no specific regionally expressed right to participation with rules on elections. However, there is sub-regional non-binding human right declaration which is signed by only ten states. In this declaration, under art. 25 the right to participation and right to vote has been recognized, but like African Charter, art. 13(1) is accompanied by "national law" claw back clause. See for more Compendium of International Standard of Election (n. 72) P. 39 \textsuperscript{120}
\end{itemize}
association and assembly. However, the first protocol to ECHR, has provided right to free election under art. 3 in this way:

> The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions, which will ensure the free expression of the opinion of the people in the choice of the legislature.\(^{121}\)

As we can see, the protocol merely provides an obligation of state to organize an election than as individual rights of citizens. In other words, the wording of art. 3 does not indicate any individual right to participation in election. In similar fashion, Gregory H. Fox argued that Article 3 is substantially narrower in scope than Article 25 of the Political Covenant, because unlike ICCPR, this provision does not indicated universal suffrage or "genuine" elections, does not prohibit discrimination, and does not mention equal access to public service. And eventually said that, Article 3 does not discuss political participation as an individual right, and therefore it does not appear to grant standing to individuals.\(^{122}\) Nevertheless, the European court of Human Rights (ECtHR) eventually pronounced itself on the matter and interpreted the article as creating an individual right, on the basis of which an individual under the jurisdiction of one of the State Parties can file individual complaints against that state.\(^{123}\)

**b. American Convention on Human Rights (ACHR)**

ACHR, under Article 23 has replicated the language of Article 25 of ICCPR, including the reference to ‘opportunity.’\(^{124}\) However, unlike art. 25 of ICCPR, art. 23 of ACHR, contains its own limitation clause. Accordingly, under this convention, age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings have been taken as grounds of limitation for the exercise the right.\(^{125}\)

**c. African Charter on Human and Peoples' Rights**

\(^{121}\)Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (1952), art. 3

\(^{122}\)Gregory H. Fox (n.105) P.560

\(^{123}\)This interpretation of the ECtHR was given through the leading case of Mathieu-Mohin and Clerfayt v. Belgium (1987).

\(^{124}\)Hence, take note that the earlier discussion which was made on art. 25 of ICCPR is also relevant for this part.

\(^{125}\)See art. 23(2) of ACHR. For further understanding about the limitations of right to vote specifically, see also the infra discussion which is made on the same.
Article 13 of AfCHPR guarantees participatory rights, but the provision lacks enforceable standards its utility remains limited.\(^\text{126}\) It provides that:

\[
\text{[E]very citizen shall have the right to freely participate in the government of his country, either}
\]

\[
\text{directly or through freely chosen representative in the government of his country, either directly}
\]

\[
\text{through freely chosen representatives in accordance with the provisions of the law.}^{\text{127}}
\]

However, unlike ICCPR or the ECHR, as we can see the African Charter fails to stipulate that an electoral choice must reflect the free expression of the electors’ will or the opinion of the people.\(^\text{128}\)

Of course the Charter has recognized participation as individual rights. But quite different from ICCPR, doesn't mention the mechanisms of participation as well as the principles of governing elections, such as universal, equal suffrage, secret ballot and others are not explicitly prescribed. Further, the Charter's reference to national law makes this provision not useful and open for state abuse.

Save to their respective inconsistencies, the above mentioned conventions are essential for ensuring the citizen's right to participation, including right to vote. They are also important and have foundational role in enriching the national electoral laws with basic principles of elections and rights.

### 3.2.3 Right to Political Participation under FDRE and Sub-national Constitutions

Virtually all states of the world don't have the same social, political and economic back ground. And hence, we might not expect from states to come up with the same electoral system or regime.\(^\text{129}\) This could be one reason for existence of varied electoral laws and systems which currently are being practiced in this world. However, as far as the citizens participation rights

\[^{126}\text{Gregory H. Fox(n. 105) p. 569}\]

\[^{127}\text{Art. 13(1) of AfCHPR}\]

\[^{128}\text{Some argue that the absence of such implies the charter support of one party election. see Gregory H. Fox(n. 105) p.569}\]

\[^{129}\text{We can't find under international human rights documents which electoral system that countries should follow. This clearly show the states are at liberty to design an electoral system which is fit to their socio-cultural and political back grounds. Though the international covenants don't impose any particular electoral system, but the electoral system which have been designed by states should protect the participatory rights of citizens which have been enshrined under art. 25 of ICCPR. Hence, states while designing electoral system should consider this participatory rights of citizens. See for more General Comment No. 25, paragraph, 21. See also a later discussion which is made on electoral systems.}\]
concerned, states are expected to adopt laws which don't transgress the citizens' rights of participating in election, including exercising their right to vote.

However, this section not intend to deal all the electoral laws of Ethiopia, rather it look and discuss only the legal recognition of political participation rights of citizens under FDRE Constitution and in very holistic manner under Sub-national Constitutions.

As we know, before the FDRE Constitution came in to force, Ethiopia had an experience of written constitutions. In this regard, the 1955 Revised and the PDRE, Constitutions of 1987 can be noted as instance. Such Constitutions, more or less had declared right to political participation of citizen's, such as right to elect and to be elected.  

1. Right to Political Participation under FDRE Constitution

The FDRE Constitution incorporates several human rights. The recognition ranges from civil and political rights to socio-economic and group or solidarity rights. Numerically, it has been said that the constitution has devoted more than one third to fundamental human and people's right.

Therefore, the Constitution apart from complimentary political rights, such as freedom of expression, assembly, association, the constitution also under art. 38 in black and white term has recognized the citizens political participation rights, including right to vote in the following manner under heading "Right to Vote and to be Elected."

Every Ethiopian national, without any discrimination based on colour, race, nation, nationality, sex, language, religion, political or other opinion or other status, has the following rights:

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130For instance, art. 95 of the 1955, Ethiopia Revised Constitution, says that "All Ethiopia subjects by birth of 21 years of age or more who are regularly domiciled or habitually present in any electoral district and who possess the qualification required by the electoral law shall have the right to vote............" In the same fashion, the PDRE, Constitution under Part Two, art. 50 has clearly recognized the right to elect and to be elected for Ethiopians as usual with certain limitations.

131 Adem Kassie Abebe, Human Rights under the Ethiopian Constitution: A Descriptive Overview, Mizan Law Review Vol. 5 No. 1, (2011) p. 43. But, the FDRE Constitution quite different from International Covenants, has divided Fundamental rights and freedom in to human rights(Article 14--28), and democratic rights (Article 29--44) Some say that this classification is undeserved as well as it doesn't have significant impact.( For more understanding this issue generally look Gedion Timothewose, Freedom of expression in Ethiopia: The Jurisprudential Dearth, 4(2) Mizan Law Review, (2010)

132 Art. 29, 31 of the FDRE Constitution.

133 As far as this specific proviso of the constitution concerned, there is no similarity between the regional constitutions. For instance, the Amhara National State and SNNPR Constitution in similar with FDRE constitution use "Every Ethiopian..." as a proviso, whereas Oromia National State Constitution use for this purpose "Every
(a) To take part in the conduct of public affairs, directly and through freely chosen representatives;
(b) On the attainment of -18 years of age, to vote in accordance with law;
(c) To vote and to be elected at periodic elections to any office at any level of government; elections shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.

As we can see, the constitution, more or less similar with international covenants has declared core elements of election, such as universal and equal suffrage, secrecy of ballot etc. It has also been stated that not only at public election; but in other organizational election conducts too, elections has to be made in free and democratic manner. Moreover, the constitution, unlike ICCPR, has put clearly the proper age in which the citizens can participate in election through giving vote. But, the constitution doesn't provide the legible age to exercise right to be elected or to be candidate in election.

As it has been discussed above, among other thing, ICCPR under, art. 25 has stated briefly right to vote as" right to vote and opportunity to vote." But, the latter right that is "opportunity to vote", as we can see, has not been stated in the constitution clearly.

Those treaties which have been ratified by the country can also be taken as one legal regime of the country. Because, according to art. 9 (4) of the constitution those treaties which have been ratified by the country declared as if integral part of the law of the land. Thus, the political participation rights which have been recognized under international conventions to which the

People of the region." In connection, as regards to sovereignty of the people of region concerned, the latter constitution has given exclusively to " Oromo people" only, hence it seems contradictory to the above participation proviso of the region constitution itself. Whereas the Amhara Constitution has given to the "whole people of the region. "For each see art. 38 and 8 of their respective Revised Constitution (2001)

FDRE Constitution, Art 38(2)

But, The Electoral Board Directive on the registration of Candidate, no. 1/2009 in art. 12(1) C and most regional Constitution, for instance the Oromia and Amhara National State Constitution, under the same article, 38(1) b among other thing, have decided the candidate age to be 21 and above, before registration.

However, the former Federal State of Tigray Constitution, was explicitly stated right to opportunity to vote as one segment of the right. See art 39 of the former Federal State of Tigray Constitution, June, 19/95. However, the amended Constitution of the State, failed to incorporate this right, rather take in verbatim manner the FDRE Constitution participatory right provision. See the amended State of Tigray Constitution, 2001, art. 38.

Among the many human right treaties adopted by the UN, seven are known together with their protocol as the core international human right instruments. Ethiopia is a party to six of the seven core human rights treaties. For instance, the countries become a party to ICCPR, through accession in 1993. For more see, Eva Brems, Ethiopia before the United Nation Treaty monitoring bodies, Ghent University Faculty of Law, Department public law, Africa Focus, Vol. 20(2007), available at, https://chilot.me/wp-content/uploads/2011/01/07-20-12-brems.pdf, accessed Dec. 17/2017
country is a party, besides to its international importance of vindicating the citizens participatory rights, they can also be used as a domestic legal regimes of the country, for the purpose of ensuring the participatory rights of the citizens.

2. Right to Political Participation under Sub-national Constitutions and City Charters

Sub-national Constitutions are not uncommon phenomena in federal arrangement. However, the making of State Constitutions varies not only from state to state, but also from a federal system to another.\(^{138}\) The FDRE Constitution has established a multi-ethnic nation and identified nine states as the Sub-national entities that constitute the Ethiopian Federations\(^{139}\) Accordingly, all these nine States have their own Constitution.\(^{140}\) However content wise, most are similar. For instance, when we see their respective human right provisions, they are similar in many respects. Sometimes even identical to those of the federal constitution.\(^ {141}\) However, before, I directly ramp up to see even in generic manner the protection of right to political participation under Sub-national Constitutions and City Charters, it would be better, if I discuss in this juncture, general question of, why should Sub-national Constitutions and City Charters protect rights, while in same existence of right protection under Federal Constitution? Definitely, this question in general boils down to question of what is the need of having Sub-national Constitutions and Cities Charters?

In Ethiopia as well as in the other country federal system, the need of having or functions of Sub-national Constitutions is similar.\(^ {142}\) Accordingly, among other thing, by far the most important justification for the existence of state constitutions is the protection of the rights and freedoms of state citizens from encroachment by the federal government while also granting the state

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\(^{138}\) For instance, in federation that is formed through aggregation, commonly called in the coming together federations, state constitution often adopted before the federal constitution come into picture. Thus, under this federal system, the state constitution shows a clear variation from the federal constitution. They also tend to be free to mimic the federal constitution text as their model. Whereas under holding together federalism, states take the federal constitution as a model and all its directions. For more see, Tsegaye Regassa, Sub-national Constitutions in Ethiopia: towards Entrenching Constitutionalism at State Level, Mizan Law Review Vol. 3 No.1. March, 2009, p. 40

\(^{139}\) These are State of Afar, Tigray, Amhara, Oromia, Somalia, Benshangul/Gumuz, Southern N/N and Peoples, Gambela, Harari, as well we shouldn't also forget Addis Ababa and Dire dawa as chartered based Cities of the country, for more see art. 46, 47, 49 of FDRE Constitution.

\(^{140}\) They are entrusted by FDRE Constitution, art. 52(2) b.


\(^{142}\) Marks, Jr. Thomas and John Cooper, State Constitutional Law in nut shell, West group, St. Paul Minni, as cited by Tsegaye Regassa, Preliminary Observation, A summary for Bellagio Conference March 22-27/2004, p. 7
governments the implicit power to interpose between the federal government and state citizens to block some intrusions from the federal government.\textsuperscript{143} Sub-national Constitutions are important particularly, for protection of human right through creating second regime protection. Because, sub-national constitutionalism allow for creation of other competing human right protection regime, in addition to the first national regime protection.\textsuperscript{144} From this we can discern that the FDRE Constitution and Sub-national Constitutions have a divergent competence. The former has federal competence, whereas the latter have Sub-national competence or manifestations. In short, when we see logically, the latter apply to respective State citizens. In all, creating second regime or room is important to come up with better protection of human rights, by using the national constitution as a bench mark.\textsuperscript{145} This justification can also be used for Cities, since their Charter's is additional regime, beside to the National Constitution.\textsuperscript{146}

Virtually all states constitutions without reducing and adding in verbatim manner has copied the fundamental human rights chapter of the federal constitution. Specifically, as regards to recognition and protection of political participation rights of citizens concerned, though in principle, states are expected to provide a better protection of rights by adhering to and expanding the federal “minimum standard” for rights, however, some States, such as state of Benshangul/Gumuz, Gambela and Afar strikingly, has not stated participator rights of citizens in their respective constitutions\textsuperscript{147}, unlike other counterpart state constitution in the federation.
FDRE Constitution itself and some other countries state constitutions experience or role in relation to giving legislative protection of right to vote of citizens.\textsuperscript{148}

When we come to at city level, both Addis Ababa and Dire dawa City Charters don't specifically mention right of participation of residents under right of residents provisions of them.\textsuperscript{149} However, both Charters in their respective provisions of them opted to cross refer the Electoral Law of the country for the purpose of conducting election at all levels of City Governments.\textsuperscript{150} Thus, though the Charters don't mentioned the political participation rights of the residents of the cities specifically under their respective right of residents’ provisions, however their cross reference and other subsequent related provisions of them indicate that the Charters have confirmed right to vote of residents. However, Wondwossen Wakene says that the Addis Ababa City Charter enshrines a haphazard election regime, mainly in relation to Sub city and Kebele Council members’ election and the power of electorate, that is recall. In relation to the first, he says that though the residents are entitled to elect the members of the city council, however the charter not made an attempt to declare whether the Sub City and Kebele Councils are electable or not. Moreover, as regards to recall he argues that recall which the power of electorate, unlike FDRE Constitution is and other countries constitutional experience not configured at city level.\textsuperscript{151}

3.3 Distinctive Features of Right to vote: Particularly in relation to its limitations

Historically, though the right to vote has developed as a feature of 20th century liberal constitutionalism, it remains fundamentally distinct from the other rights which form part of the standard constitutional catalogue.\textsuperscript{152} Other civil and political rights, such as freedom of assembly, speech, association function within a liberal democracy is to address deficiencies in democratic

\begin{itemize}
\item \textsuperscript{148} For instance, in USA, the state constitutions go well beyond the U.S. Constitution in discussing the right to vote. In this country, most state constitutions have a separate article specifically dealing with elections and the franchise. For more about USA, State Constitutional protection of right to vote see generally, Joshua A. Douglas, The Right to Vote Under State Constitutions,(n. 101)
\item \textsuperscript{149} See art. 7 of Addis Ababa City Government Revised Charter Proclamation No.361/2003(Addis Ababa City Charter) and art. 6 of Dire dawa Administration Charter Proclamation No.416/2004,( Dire dawa Charter)
\item \textsuperscript{150} See, Addis Ababa City Charter, art. 8, 12(1) and Dire dawa Charter, art. 7, art 11(1)
\item \textsuperscript{151} Wondwossen Wakene Self-governing Addis Ababa, the federal government & Oromia: bottomlines and limits in self-governance, LLM thesis (unpublished), (2010), Addis Ababa University, P.66. However, in this respect the City Charter though not strictly as FDRE Constitution, art 12(3), but indicated the possibility of representatives to be 'discharged from membership of the Council', where the electorates have lost a confidence on them. See art. 12(6) of the Charter. Similarly look also art. 11(6) of Dire dawa Administrative Charter.
\item \textsuperscript{152} Heather Lardy, Is There a Right Not to Vote?, Oxford Journal of legal Studies, Vol. 24 No. 2,( 2004) p. 310
\end{itemize}
process. That is to protect the political freedoms of individuals against the potential incursions of electoral majorities and their chosen governor.  

Briefly, these rights or liberties come up to compensate the features of the electoral system which tend to place particular groups—and the corresponding electoral minorities under threat. However, right to vote not come to give a medicine to a perceived flaw in democratic functioning, though it can. Rather, the core idea of the right to vote however is about ascribing democratic authority to electors; about declaring their formally equal standing as qualified participants.

Right to vote is more qualified human rights than some other human rights which have been enshrined under international and regional human rights treaties. Because, first, virtually all human rights documents as well as states are guaranteed right to vote only to their nationals. However, few states, currently grant voting rights to resident non-citizens in national election. In this respect, New Zealand noted as best experiencing state. In this state, since 1975, resident non-citizens have had the franchise after one year of continuous residence. Secondly, right to vote

153 Ibid
154 Ibid
155 Ibid
156 In fact, virtually all human rights are not absolute. Accordingly, right to vote as human right in general and as political participation right in particular, not immune from restriction. But, the restrictions which are made on the right should be based on only objective and reasonable criteria’s. As far as grounds of restriction concerned, neither ICCPR nor some other regional conventions, in exception to Inter-American Convention, expressly or as implicit manner has listed the grounds of restriction. However, UN Human Right Committee, in his General Comment No. 25, (n.16) Paragraph 10, in non-exhausted manner has listed down not reasonable, but unreasonable grounds of restricting right to vote. Thus, according to the committee recommendation, physical disability, literacy condition or educational or property requirements are unreasonable restriction grounds. Conversely reading, which mean states can come with their own restriction, so long as they opted reasonable grounds of restriction. However, mostly restricting right to vote based on age, mental condition, residency, citizenship, imprisonment grounds are not considered unhealthy.

157 While other so called adjacent/complimentary political rights, such as freedom of association, expression and assembly are guaranteed rights for all people within a State’s jurisdiction. Whereas, the rights to participate in free and fair elections in general and right to vote specifically are generally restricted to citizens. Due to this, some suggest that electoral rights are citizen rights, and not just human rights. See, Julie Fraser, ‘Inclusive Democracy: Franchise Limitations on Non-Resident Citizens as an Unjust Restriction of Rights under the European Convention on Human Rights’ (2017) 33(84) Utrecht Journal of International and European Law 16, P. 24, available at, DOI: https://doi.org/10.5334/ujiel.367, accessed, Dec. 20/2017, See also ICCPR, art. 18, 19, 21, 22 in tandem with art.25 of the same.

158 Besides to New Zealand, there are also several South American nations that grant right to vote to resident non-nationals, for instance, Chile, Malawi and Uruguay. But the period of residency required is considerably longer than New Zealand. See generally, Alexander Reilly and Tiziana Torresi, Voting Rights of Permanent Residents, Thematic: Voting Rights of Permanent Residents, (2016)s International human right are minimum standards, should the state at least comply. And hence maximum protection like as it mentioned above not condemned or illegal, rather encouraged in human right.
is adult right, which means it is only exercised by adults than other human beings, such as children's. In general, the main function of the right is to protect the entitlement of all qualified individuals to cast a vote. Hence, because of this, it differs from other rights which are generally given to individuals without reference to their abilities or qualifications to perform activity protected by the right. To mean, they are universal and hence, anybody can enjoy them, without any additional qualification other than being human being.

Even those who qualified the age and nationality criteria for exercising right to vote, they should also satisfy other requirements, such as residency, though not necessarily and other conditions, as per respective countries electoral law regimes. Due to this, some termed right to vote as "constitutive right." To mean, this right only grants benefit only to some, thereby constituting a special social group of right holders. Thus, voting is a 'relative human right' because it operates only between members within a certain legal community, unlike, 'absolute' human rights which apply universally.

Ethiopia as acceding state to international human rights, such as ICCPR, right to vote in similar fashion has also been restricted on the ground of age, citizenship, residency, mental health condition. In Ethiopia one can register and give vote, in one specific place when the person

- is Ethiopian national,
- age is 18 years or above,
- live in that specific place, for more than 6 month,
- is not serving a prison term,
- not deprived his right to give vote by law (court order)

3.4 Legal Obligation of States in Enforcing Right to Vote

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159 Voting by very nature require responsibility. Logically speaking therefore, citizen's who will give vote in election at least should attain the common majority age of Convention on the Rights of the Child (CRC) that is, 18 years, just for the purpose of making the citizen's to use this right of them responsibly. It seems due to this reason might be that 18 years of age has been taken as a common age for voting by majority of states, though there is no universally agreed minimum age within international laws in this regard.
160 Heather Lardy (n.152) p. 309
161 Ibid, P. 310
163 See, art. 38 (1) b of FDRE Constitution, Ethiopia Electoral Proc. No. 532/2007, art. 33 and directive for the registration of elector’s No. 2,art. 18 and 20
All human right documents are recognizes and protect the rights of individuals as well as groups. Likewise, the aforementioned global and regional human right treaties as it has been discussed more or less has recognized and protected the political participation rights of citizens, including right to vote. Not only recognized mere rights of citizens, they also contain or impose explicit and implicit duties on ratified states.

Moreover, in this regard, United Nation Human Right Committee (HRC), stated that:

> Whatever form of constitution or government is in force, the covenant (ICCPR) requires states to adopt legislative and other measures as may be necessary to ensure that citizens have an effective opportunity to enjoy the right it protects.\(^{164}\)

Obligations under international human rights law traditionally has been reserved for states. The state is the protector of a person’s rights, both from infringements by the state’s own instrumentalities and from other persons within its jurisdiction.\(^{165}\) In sum, in human right law states said to be the primary duty bearers. In fact, human right can be violated by any person or group, as well by non-state actors such as business enterprises, organized criminal groups, terrorists, guerrilla and parliamentary forces etc.\(^{166}\)

Generally, States have a triple human rights obligation. These are duties to respect, protect and fulfill human rights.

**The duty to respect human rights**- is essentially a duty not to infringe directly upon a person’s human rights. This duty prohibit the government, for instance in respect of right to vote, enacting and implementing laws that directly or indirectly disenfranchise or unreasonably restrict the rights of certain groups of people.

**The duty to protect human rights**- involves taking measures to ensure that other entities do not infringe upon the human rights of others. Briefly this to mean that government should prevent third parties, including organizations and individuals, from interfering in any way with the enjoyment of the right to vote. Any abusive interference with registration or voting as well as

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\(^{164}\) General Comment No. 25,(n. 16) Paragraph 1
\(^{166}\) Handbook for Parliamentarians No.26 (n. 104) p. 20
intimidation or coercion of voters should be prohibited by penal laws and those laws should strictly be enforced.\textsuperscript{167} In similar fashion, state should provide a remedy at domestic level for the violation of this right.

The duty to fulfill human rights- requires positive steps to be taken towards the realization of human rights. This duty of the government, mostly expressed in line with socio-cultural and economic rights, basically in relation to the government duty of taking progressive measures towards fulfilling necessary goods and services to citizens.\textsuperscript{168} But, specifically right to vote and other political rights in some respect also impose a positive duty on the government. As a whole, the obligation to fulfill require the government to take positive steps to promote and support the realization of the right to vote, for instance its expected from the government to adopt effective measures to ensure that all persons entitled and eligible to vote are able to exercise right to vote.\textsuperscript{169} Accordingly, states should facilitate registration process, mainly states should avoid obstacles which impede the electors not to be registered and to give vote.\textsuperscript{170} States should take positive measures to overcome also specific difficulties, such as illiteracy, language barriers, poverty, or impediments to freedom of movement which prevent persons entitled to vote from exercising their right effectively.\textsuperscript{171}

Particularly, election officials have an affirmative duty to create an election system that provides an adequate and substantially equal opportunity to vote for all voters.\textsuperscript{172} According to ICCPR, art 25, States have double responsibility as regards to ensuring political participation rights, including right to vote. The first and the primary duty of them is recognizing and taking legislative measures which ensure political rights of citizens. The other core obligation of them is

\begin{footnotesize}
\begin{enumerate}
\item \textsuperscript{167} General Comment No. 25,(n. 16), Paragraph, 11
\item \textsuperscript{168} Most socio-economic rights, such as providing goods and services are called positive rights and require a positive action of the government. But some civil and political rights can also be called positive rights. Because, like the former rights need also positive actions of the government. In this regard, voting and running for political office, are noted as best examples.
\item \textsuperscript{169} General Comment, No. 25(n.16), paragraph, 11
\item \textsuperscript{170} In this respect the location of polling station can be raised as determinant factor. Voters shouldn't be required to travel unreasonably long distance, or shouldn't be required to pay for transport in order to access their designated polling station during election. And hence, nearby polling station has to be established for them, so as to exercise practically their right to vote.
\item \textsuperscript{171} General Comment, 25 (n. 16), paragraph, 12
\end{enumerate}
\end{footnotesize}
creating a conducive or to use the term of the convention, an “Opportunity" for eligible persons to exercise their rights. This convention declaration clearly suggests that states have beyond a de-jure obligation. Meaning states has to provide necessary facilities practically, the right to be effectively implemented on the ground; hence, we can say states have a de-facto obligation, as well. As far as the term opportunity of the convention concerned the Inter- American Court of Human Right had given an elaborated meaning on the case between Castaneda Gutman v, Mexico: according to the court, the term 'opportunity.'

Implies the obligation to guarantee with positive measures that every person who is formally the title holder of political rights has the real opportunity to exercise them.... ............ it is essential that the state create optimum conditions and mechanisms to ensure that political rights can be exercised effectively, respecting the principle of equality and non-discrimination.173

Moreover, the court similarly has also described the necessary conditions that a political rights of the convention to be meaningfully exercised.

The political and other rights established in the convention.. are rights that can't be merely by virtue of the provisions that embody them, because they are, by very nature, ineffectual without a detailed normative regulation, and even without a complex institutional, economic and human right apparatus that endows them with the effectiveness they claim, as rights under the convention; if there were no electoral codes or law, electors' lists political parties, propaganda media and mobilization, polling stations, electoral boards, dates and times for exercising the vote, the right could simply not be exercised, due to its very nature.....174

The necessary conditions which have been mentioned by the court are not exhaustive lists, many more facilities and enabling conditions has to be made by the government in which right to vote and other related political rights of citizens to be effectively implemented. Moreover, even though it's clear that every citizen is endowed to enjoy this right, a simple constitutional or other legislative recognition of the right to vote in a general term may not guarantee the enfranchisement of the citizens. Right to vote as human rights of citizens, states should create the

173 The decision of Inter-American Court, the case between Castaneda Gutman v, Mexico, see also Compendium of International Standard of Election(n. 72) p.37 Be note once again, the existence of similar participation right provision under American Convention on Human Rights with ICCPR, art. 25.

174 Ibid
legal, institutional and procedural conditions to enable the right holders to realize their right to vote fully, without discrimination.

Ethiopia, as acceding states of major international human rights conventions, the development of legal obligation of states under international human rights laws are also relevant for domestic affair implementation of human rights. Hence, the government of Ethiopia required to respect, protect and fulfill necessary facilities for political participation rights, including right to vote to be enforced in the country meaningfully as per the international human right conventions as well as based on supreme of the law of the land, that is Constitution.
Chapter: Four

Ethiopian Electoral Law and Citizens' Participation in General Election of Ethiopia

Introduction

There is no symmetrical economic, social and political environment between states. Accordingly, states in order to meet these varied features of them; they attempt to adopt an electoral legal and institutional frame work that best suits to their needs. However, most of the time, electoral laws of states are highly susceptible to be influenced by philosophical and political orientation of leaders or by a political party in which the country is being administered.

In some states, basically those states which are adopted federalism as their form of government, have two types of electoral laws, one by the Federal government and the other by constituent units. However, in Ethiopian federal system, the federal electoral laws apply to all regional states of the country.\(^{175}\)

It is pretty clear that within electoral law we can find various elements which are related to election, but this chapter doesn't deal all of them. Rather, it canvass briefly only the type of elections, basic electoral principles of the country, electoral system of the country, electoral boundary delimitation or constituency, representation, polling area and the structure and the main objectives of National Electoral Board of Ethiopia (NEBE), in line with the FDRE and Sub-national Constitutions, (Amended) Electoral Law of Ethiopia Proclamation no. 532/2007 and other relevant electoral laws of the country and some other concepts. In respect of participation of Ethiopian citizens in periodic election concerned, this chapter, will have also a say mainly in line with historical account of general elections in the country.

4.1 Some Observations on Ethiopian Electoral Law

4.1.1 The NEBE

Establishing electoral board for the purpose of organizing and executing election conducts is not a new phenomenon for Ethiopia which is began after 1991. Rather establishment goes back to

\(^{175}\)Only Federal government that is mandated to enact electoral laws see art. 51(15) of FDRE Constitution.
the first parliamentary election of the country that is 1948 EC. However, since then the Board was required to closely work with the then Ministry of Interior Affairs, its independence was questionable.\footnote{Office of The National Electoral Board Public Relation, Election 2010 Special edition,(2010), Addis Ababa, p.32}

The NEBE was first established, as a free and neutral institution, based on Proclamation No. 64/1993. However, after adoption of the FDRE Constitution, the existence of the Board has been re-affirmed by Proclamation No.532/2007 art. 4(1), besides to its recognition within the present Constitution of the country.\footnote{The current members of Electoral Board in general and election administrators (executors), in particular are also back bitted by opposition political parties as partisan, and not impartial. See European Union Election Observation Mission, House of People Representative and State Council Election, (2010), available at, http://www.eods.eu/library/EUEOM%20FR%20ETHIOPIA%202008.11.2010_en.pdf, accessed Dec.12/2017}

1. The Structure and the main Objectives of the NEBE

The NEBE is composed of two bodies; the Board and the Secretariat. However, the Secretariat of the Board is accountable to the Board. The former has an operational mandate in relation to execution of election throughout the country.\footnote{Amended Electoral Proclamation No. 532/2007, art 16 and 17}Whereas, the Board is a policy-making and oversight body, which is responsible for the overall supervision and regulation of the process of the elections.

The Board- has nine members appointed by the House of Peoples Representatives upon recommendation by the Prime Minister, in consultation with political parties who have seats in the parliament. The Board consists of a Chairman, a Deputy Chairman and seven members.\footnote{Ibid, art. 6, and art. 102 of the FDRE Constitution}The Board has a role of enhancing citizens’ participation in election through different mechanisms, through creating an enabling environment for the citizen's to exercise their democratic right to elect and to be elected.\footnote{This has been stated as the major objective of the Board. In fact, the Board to discharge this objective effectively, among other thing should establish proper and conducive polling station for citizens, during election. To understand detail objectives and functions of the Board, see also art. 5 and 7 of the Amended Electoral Proclamation No.532.2007} We shouldn't forget also the existence of regional and City administration electoral coordinating offices, which are established to further the board's tasks in their own domain. Accordingly, the NEBE has nine electoral coordinating

\footnote{Office of The National Electoral Board Public Relation, Election 2010 Special edition,(2010), Addis Ababa, p.32}
branch offices, one in each regional state as well as in two City administrations. These branch offices are operating with permanent and temporary staff.\textsuperscript{181}

As whole, the Board to executes its constitutional mandate and to attain its objectives and visions effectively, apart from FDRE Constitutions and human rights treaties in which the country is a party, has to apply also other relevant electoral laws of the country, such as Amended Electoral Law (Proc. No. 532/2007), the Political Parties Registration Proclamation (Proc. No. 573/2008), and so forth.

\textbf{4.1.2 Types of Election and Electoral Principles of the Country}

\textbf{1. Types of Election}

In Ethiopia there are five kinds of election.\textsuperscript{182} These are General Election, Local Election, By Election, Re-election\textsuperscript{183} and Referendum.\textsuperscript{184}

\textbf{General Elections-} are conducted to elect members of the HoPR or the regional state councils every five years.\textsuperscript{185} This type of election is conducted throughout the country simultaneously. Nevertheless, where the NEBE finds it necessary and HoPR accordingly decides, it may be conducted at different time.\textsuperscript{186} As far as the number of representative elected from single constituency to the HoPR is only one.\textsuperscript{187} But, as regards to the number of representative which is

\textsuperscript{181}Office of The National Electoral Board Public Relation (n.176), p. 18
\textsuperscript{182}See, art. 27 of Amended Electoral Proc. no. 532/2007
\textsuperscript{183}These; general election, local election, re-election and by election have been vividly stated as manifestations of election, under art.2(4) of Amended Electoral Proc. no. 532/2007. In short, only these are what election means under the latter law. Therefore, according to this 'specific provision' of the proclamation referendums are not election in strict sense, since this provision of the proclamation has exhaustively listed down what election mean, as pointed above. Rather under definitional provision of the same law, referendums are considered as system of voting than election, see art.2 (9) However, paradoxically, art.27 of the same proclamation has made or considered referendum as one election conduct of the country. In other word, as one type of election( see specifically, the heading of this latter provision of the law)
\textsuperscript{184}In general, be it as system of voting or types of election, referendum has been recognized as significant tool for checking the views or interests of the people on certain points or issues. In fact, here in this thesis, referendum has been discussed as one conduct of election as per art. 27 of Amended Electoral Proc. no. 532/2007, but, with its unique features.
\textsuperscript{185}Amended Electoral Proclamation No. 532/2007, art. 28(1) actually, the two version of this specific provision is not similar. The Amharic version which is superior one want to combine the HoPR and State Council members election by using AND conjunction. Whereas, the English version rather used OR for this purpose.
\textsuperscript{186}Ibid, art. 28(2)
\textsuperscript{187}Ibid, art. 28(3)
taken from specific constituency for state councils shall be determined by respective state constitutions.\textsuperscript{188}

**Local Election**-are held at Zonal, Woreda, City Municipality and Sub-City or Kebele Council levels.\textsuperscript{189} The number of representatives elected in a constituency for a local election and the time when that the election going to be conducted shall be determined by laws of Regional States.\textsuperscript{190} However, it shall be conducted based on regulations and directives issued by the NEBE, in accordance with the electoral proclamation.\textsuperscript{191}

By-Election-This election will be conducted by NEBE, for instance, where the Councilsat different levels request the Board to replace council members whose mandates are terminated due to various reasons or a request for recall lodged in accordance with the law is accepted.\textsuperscript{192} The NEBE, thus has to conduct the election within three (3) month after it received the lodge from the concerned bodies.\textsuperscript{193} However, the Board not obliged to carry out by-election to Council concerned, if the requested council tenure will be elapsed after six month.\textsuperscript{194}

Re-election-This election will be conducted upon the decision of the Board, where candidates get equal votes and become impossible to determine the winner. New candidate and voter registration shall not be made to conduct this election. It is only open for the previous registered electorate and candidates. Making election Campaign is prohibited.\textsuperscript{195}

Referendum- has been stated as one conduct of election under art. 27 of Proc. 532/2007. But, unlike the preceding types of election this election is not conducted for the purpose of choosing the representative of the people concerned. Rather, it is made to assess public interest or make certain decision when decided by a competent body in accordance with the constitution.\textsuperscript{196} For instance, they can be used as last resort for resolving border dispute between regional

\textsuperscript{188} Ibid, art. 28(4)  
\textsuperscript{189} Ibid, art. 29(1)  
\textsuperscript{190} Ibid, art. 29(2) and (3)  
\textsuperscript{191} Ibid, art. 29(4)  
\textsuperscript{192} Ibid, art. 30(1)  
\textsuperscript{193} Ibid, art. 30(2)  
\textsuperscript{194} Ibid, art. 30(3)  
\textsuperscript{195} Ibid, art. 31(1) and (2)  
\textsuperscript{196} Ibid, art. 32(1)
governments. Concerning this, however, NEBE will held referendum based on election law and principles only when the HoF 'delegate' for the same. From this we can discern that conducting referendum is not an inherent task of the Board.

One to exercise his right to vote in this type of election, basically in case of referendum which is related to border disputes, without prejudice to other elections law criteria's, the electorate shall be registered and lived for five or more years in that specific disputable area. Hence, to be participant in referendum through giving vote, the persons minimum of 6 month residence requirement is not suffice, like other types of election. However there is an exception, for instance, a person whose displacement from that disputable area is proved to be due to reason related to the dispute, shall have the right to vote, without the need of fulfilling the above noted residency criteria.

In all, though there are various types of elections with different purposes, they are more or less held based on similar electoral rules and principles. Practically they are also administered by the Board.

2. Electoral Principles of the Country

The Ethiopia electoral law has putted the following self-evident, cardinal and guiding election principles for all election to be applicable.

- Any election shall be conducted on the basis of universal suffrage and by direct and secret ballot through which the electors express their consent freely without discrimination with equal participation.
- Any Ethiopian whose electoral rights are not legally restricted shall be eligible to elect or to be elected.
- Each vote shall carry equal weight. No Ethiopian shall be compelled to elect or be elected.

197 Art. 28(2) and 29(1) of Consolidation of the House of the Federation and Definition of its Powers and Responsibilities Proclamation No. 251/2001
198 See, Amended Electoral Proclamation no. 532/2007, art. 32(2) and see also Ibid, art. 29(4)
199 Proclamation No. 251/2001, art. 30
200 Amended Electoral Proclamation No. 532/2007, art. 26
4.1.3 Citizens’ Representation

4.1.3.1 Representation and Election

Indeed, citizens can participate without distinction directly in the public affairs. Because, there are laws which make citizens right holders in this respect.⁵⁰¹ For instance, citizens can participate directly in public affairs as members of legislative bodies or by holding executive office or in popular assemblies which have the power to make decisions about local issues or in the process of adopting or changing their constitution or by deciding public issues through referendum or other electoral process.⁵⁰² It is possible to say that these all are the attributes as well as the contribution of direct democracy. However, it would be difficult to give decisions in all affairs through direct popular participation, especially when the numbers of the people become large, unless other arrangement will be made. That is why rule by the people usually means "rule by people’s representatives"⁵⁰³ come to the scene.⁵⁰⁴ In such an arrangement citizens choose their representatives who in turn, are actively involved in governing and administering the country. Here, elections come as a best tool of electing the representative of the citizens. Thus, we can say that it is through election that people are represented in decision-making process by individuals or groups. It should be also underlined that every national of the country, apart from right to elect their own representatives, they have also the right to scrutinize, evaluate and judge as well as to withdraw their support and to recall their own deputy, whenever, the latter become incompetent to discharge its duty in line with their interest.⁵⁰⁵ As regards to request for recall concerned, it only be exercised by electors residing within the respective constituency that the deputy represents.⁵⁰⁶ In general, as it mentioned above, though every national of the country has the right to elect their own representatives and to exercise other off-shoot rights which are connected to representation, such as recall; however, logically speaking we can say that those

⁵⁰¹ See art. 25 (a) of ICCPR, art. 38(1)(a) and art. 8(3) of the FDRE Constitution. The latter provision of the Constitution has declared direct participation of the people as one manifestation of their sovereignty.

⁵⁰² Nihal Jayawickrama(n.109 p. 805

⁵⁰³ People's representatives have a number of role, among other thing facilitator-neutral role is noted as one and significant role of representatives. This role mainly related to consulting interest groups and others and performing some services for its constituencies. For more understanding the role of representatives, see J.C. Johari principles of modern political science(n. 88) pp 484-85

⁵⁰⁴ Ibid

⁵⁰⁵ Art. 38(1) a, and 54(7) of the FDRE Constitution and see also art. 3 (1),(2) and (3) of Loss of Mandate of Members of the House of Peoples Representatives Proclamation No.88/1997.

⁵⁰⁶ Art.4(2) of Determination of the Procedure for Expression by the Electorate of the Loss of Mandate of Deputies, National Electoral Board Regulations No. 2/1999.
citizen's who are only enabled practically to exercise their right to vote during election that can have representatives. This implies that being the right holder by mere fact not made the citizen's to have representatives, unless practically enabled to select their own representatives through giving vote during election. Concerning to such kind of issues see the infra chapter discussions.

There are various system/theories of representation for inducting the representatives into legislative organ. Among them, territorial, functional and proportional representations are raised largely in this regard. Thus, here below are discussed succinctly.

**Territorial/ geographical Representation**- briefly this representation implies the existence of territorial division or electoral districts (constituency) for the purpose of holding election. However, the electoral districts may or may not coincide with the administrative districts in to which the country divided. In fact, the constituencies may be either single-member or multi member district. However, care should be given for the number of the people. In other word, for purpose of equal representation of people, though the constituencies how far big or small in respect of the geographical make-up, it is required that they should be roughly equal in respect of the population or the number of the voters.

In Ethiopia such kind of representation has been reflected in the HoPR and State Council's. Because, currently the country has been divided in to 547 constituencies practically. These all constituencies are made to be coincided with the administrative districts (Woreda) of the country. In general, at large they are enclosed within the respective state administrative boundaries. Accordingly, those persons who have been chosen from single-member district are supposed to be representative of their respective constituencies.

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207 J.C. Johari , (n.88) p. 487
208 These are different kinds of constituencies which can be applied in election depending on the electoral system. When only one candidate is elected from given constituency called single-member constituency, whereas when more than one members are elected from a given constituency we call multi-member constituency. These both kinds of constituencies have their own merit and de-merit. For more see Ibid, pp. 476-78
209 Ibid
210 Office of the National Electoral Board of Ethiopia (n. 177) P. 18
211 See art. 2(2) of Proclamation No.88/1997. According to this law, constituency is a Woreda or a combination of Woreda made up of 100,000 inhabitants and includes a designation so made for separate representation purposes as specified in the electoral law. For more about constituencies, look the infra discussion which is made on delimitation of constituencies.
**Functional Representation**-this theory implies that instead of territorial division of the country just on the basis of proportion of population, a census of proportion of population, a census of professions and occupations, particularly the major ones, should be made and then representatives should be made and then representatives should be taken on the basis of functional divisions of the country.\textsuperscript{212} For instance, the working class chosen by the businessmen, the teaching community chosen by the teachers and so on.\textsuperscript{213}

**Descriptive/Mirror Representation**-in this representation the legislature should be to some degree a "mirror of the nation" which should look, feels, think, and act in a way which reflects the people as a whole. Adequately representative legislature would include men and women, the young, and the old, the wealthy and the poor and reflect the different religious affiliations, linguistic communities and ethnic groups within a society.\textsuperscript{214} Generally, this form of representation tilt on the idea that elected representatives should reflect social groups wishing to be represented. Hence, it has recognizable benefit for minority groups.

In this respect, Beza Dessalegne, argues that Ethiopia not "solely" but largely use descriptive form of representation. He substantiates his argument by raising the composition of the upper and lower houses of the country. Meaning, the HoF and the HoPR are supposed to be representative of the various ethnic groups. In this regard, the HoF basically mirror the various ethnic group of the country, because, according to the term of the constitution it is the House of representative of the nation, nationality and peoples.\textsuperscript{215} He further noted also that not only the constitutional guarantee of ethnic representation, but the pragmatic political practice of the country in respect of political appointments itself suggest the country endorsement to this form of representation.\textsuperscript{216}

### 4.1.3.3 Electoral System and Citizens Representation in Federal Houses and Regional State Councils

1. Electoral System

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\textsuperscript{212} J.C. Johari (n.88) p.488
\textsuperscript{213} Ibid
\textsuperscript{214} Ibid, P.10
\textsuperscript{215} Beza Dessalegne Beza, Ethnic Federalism and The Right to Political Participation of Regional Minorities in Ethiopia, (PhD, Dissertation, Unpublished 2016), Addis Ababa University, p. 81
\textsuperscript{216} Ibid
In any sport, we need to follow certain rules. Change the rules and the outcome of the game would be very different. Similarly a game needs an impartial umpire whose decision is accepted by all the players. The rules and the umpire have to be agreed upon before we begin to play a game. What is true of a game is also true of elections. There are different rules or systems of conducting elections. The outcome of the election depends on the rules we have adopted. We need some machinery to conduct the elections in an impartial manner.  

From the above excerpt one can discern that electoral systems are rule of elections, as like rule of the games. They have substantial influence in every conduct of elections, even up to changing the outcome of election results. In all, without exaggeration they have here and there implication in every process of election. For instance, among other thing, they have influence on the way in which district boundaries are drawn, how voters are registered, the design of ballot papers, how votes are counted etc.

Electoral systems can be categorized in to three major families: Plurality-majority, Proportional Representation and Mixed. These different rules of the game can make a difference who will be the winner of the game. They have also varied characteristics, in favouring parties or communities. For instance, some rules favour bigger parties; some rules help the smaller players. Some rules favour the majority community, others protect the minorities. Any way, we can say many things about electoral systems, since they are the most determinant factors in all conducts of election. But herein, only some relevant distinctive features of the above noted electoral systems are discussed.

**Plurality/Majority Electoral System** - this system mostly known by its simplest system called First Past the Post (FPTP). Under this system, one candidate who secures the highest number of votes in that constituency is declared elected. In other word, in the electoral race, the candidate who is ahead of others, who crosses the winning post first of all, is the winner. However, the...
winning candidate need not secure a majority of the votes. The distinguishing feature of plurality-majority systems is that they almost always use single-member districts. One of the main characteristics of the plurality/majority electoral system is that it is based on territorial representation. Accordingly, members of the parliament represent defined areas of cities, towns, or regions rather than just party labels. Thus, unlike to proportional representation system, this system, enable voters to know their own representatives easily and to account in the same fashion. In nut shell, among others thing, this system, is strong in creating cohesive government and ensuring accountability of members at constituency level.

The FDRE Constitution under art. 54(2) vividly declared this system as electoral system only for electing the HoPR members, neither to City Councils nor to State Councils. But, the state constitutions adopted plurality as their electoral system for electing their respective State Council members from single-member district. And hence, the country as adopter of this system, share its good fruit of it as well as take the down side of the same.

**Proportional Representation (PR)**-this system is thought to produce more balanced and representative ticket. As well its allocation of seats mirrors the distribution of popular vote. But, under this system, since representatives are elected on the basis of party lists, there is no one representative who represents and responsible for one locality, unlike to locality representation of plurality electoral system. In PR, seats are often allocated within regionally-based multi-

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221 Indian Constitution at Work (n.215), P. 56-57  
223 See for instance Article 48(2) of the Somali Constitution, Article 50(2) of the SNNP Constitution, Article 50(2) of the Gambella Constitution, Article 48(2) of the Amhara Constitution, Article 48(2) of the Benishangul Gumuz Constitution, Article 46(2) of the Afar Constitution, Article 54(2) of the Tigray Constitution and Article 48(2) of the Oromia Constitution. But, neither the Revised City Charter of Addis Ababa no. 361/2003 nor Dire dawa Administration Charter Proclamation No. 416/2004 has declared electoral system for the purpose of electing their respective City Councils. But, Amended Electoral Proclamation No. 532/2007 under art. 25 without making any distinction of council members election, vividly has recognized plurality as electoral system of the country.  
224 As regards to this, most academician and political parties, usually forward proportional or mixed electoral system as best alternative, by giving due consideration to the existence of diversified interest and views in the country. In related agenda, nowadays, the government is also expressing vividly its stand through mass media to change this old plurality electoral system to mixed one. Therefore, it seems the government has surrendered his hand to amend electoral system of the country, though after long time. For more about Ethiopia electoral system see generally, Gebremeskel Hailu Tesfay, Reforming the Ethiopia Electoral System: looking the best alternative, Oromia Law Journal [Vol 6, No. 1], 2016 ; Abreha Kahsay, Alternative Mechanisms of Electoral Systems for Vibrant Democracy and All Inclusive Representation in Ethiopia (Unpublished Master’s Thesis), Addis Ababa University (2008)  
225 Ibid, p. 4  
226 Ibid, p. 4  
227 Indian Constitution at Work (n.215) p.57
member districts, in a number of countries the parliamentary seat distribution is effectively determined by the overall national vote.\textsuperscript{228} Unlike plurality system, in PR, the link between the members of the parliament and their constituents is so weak. Therefore, voters can't determine the identity of the persons who will represent them and no identifiable representative for their town, district, or village; nor do they have the ability to easily reject an individual if they feel he or she has behaved poorly in office.\textsuperscript{229}

**Mixed Electoral System**-from very name we can understand, this system combines the features of majority/plurality and proportional electoral systems. Similar to the above mentioned electoral systems, has varied forms. These are Mixed Member Proportional System (MMP), Parallel System(PS) and a System of voting and vote counting of the two systems (Integrated approach)\textsuperscript{230} For instance, MMP take the advantages of the plurality and PR. This mean, MMP System create two classes of legislators--one group primarily responsible and beholden to a constituency and another from the national party lists without geographical ties and beholden to the party. Moreover, for translating a vote cast in to seat it used proportional representation. Hence, it can be said that MMP benefited from the two systems merits.

2. Citizens Representation in Federal Houses and Regional State Councils

The FDRE Constitution according to art. 53 declared HoPR and HoF as two independent federal houses. Those states which have been established based on this constitution, so as to assure their self-governance has established their own State Councils in their respective constitutions. In the same fashion, Addis Ababa and Dire dawa city administrations have also City Councils in their respective domain.

There is a presumption that Councils are full of representatives of the citizens. Because, the members of these Councils came to representation through the mechanism of

\textsuperscript{228} The International IDEA Handbook of Electoral System Design (n.223) P. 60  
\textsuperscript{229} Ibid, p. 66  
elected. Accordingly, if these Councils are the home of each citizen's representatives, it is believed that these Councils are the home of sovereign. Or the places in which the sovereign power of the people will be expressed, through its representatives. Herein, representation in Federal Houses, State and City Councils are discussed, in generic form.

Representation in HoPR- Members of this chamber are elected on the basis of universal suffrage and by direct, free and fair election and by secret ballot. Specifically, they are drawn from each electoral district or constituencies which are existed in each regions and city administrations of the country through plurality electoral system. This to mean, apart from each constituency electorate representation, it is possible to say that regional or city administration based representation has been also reflected in the house. Though the FDRE Constitution not stated or indicated how many candidate will be taken from each constituency to the house, however it clearly mentioned, the maximum members of the house that is 550 including the minority representatives. But, this is clearly mentioned under other electoral laws of the country. Accordingly, its only one contestant who gathered a highest number of vote from constituency that will hold a seat in the house or become a member to the house representing that specific constituency. Minorities can also be represented in this house. Because, the FDRE Constitution in order to accommodate minority nationalities, underart.54 (3) has reserved 20 seat for them. In this respect, minority nationality and peoples', however, refers merely to those particular ethnic groups that don't have sufficient number of people that can make up an electoral constituency so as to have their own representatives in the HoPR.

231 Those group of people who are disfranchised due to practical administrative problem or other reasons, are said to be outside from exercising their right to send representative to house. In other word, they are not represented. For more see, the infra chapter discussion of the thesis.
232 See, art. 8(1) and(2) of FDRE Constitution.
233 FDRE Constitution, art. 54(1)
234 Ibid, art 54(2) and(4)
235 Each region and City administrations for instance has pre-determined number of seats at the HoPR. See, Beza Desalgne Beza (n.216) p. 81
236 On paper i.e on legislations, the maximum number of seat in this house and the number of constituencies is similar that is, 550. But, on the ground have negligible discrepancies. Because, in reality, the Board only determined 547 constituencies. Some argued that the remaining three constituencies in future it has to be given to Ethiopian's who are living in abroad (so called Diasporas) See, FDRE Constitution, art. 54(3), in conjunction with Amended Electoral Proclamation No. 532/2007 art.20(1), b. and Electoral Board Registration of Candidates Directive No. 1/2009, art. 8(1), and also see, Office of The National Electoral Board Public Relation (n.176), p.18
237 For more see, Amended Electoral Proclamation No. 532/2007 art. 25,
**Representation in HoF** - this house is composed of representatives of Nation, Nationalities and Peoples, who are elected by State Councils or directly by people. Minassie Haile said that these people regard themselves not as democrats or republican or as persons with one national identity but as "different nationalities and races." Whatever the case may be, in this house, those who qualify nation, nationalities and people’s status will be represented by at least one member. The latter phrase suggests the possibility of each nation nationalities to be represented by more than one member. Accordingly, each nation nationalities will be represented by one additional representative for each one million of its population. Thus, definitely those largest nation, nationalities will have largest seat in the house and hence minority nationalities will be engulfed by the populous ethnic groups in the decision-making process. In addition, unlike the HoPR, there are no guaranteed seats to minority nationalities in this house. In connection, for Addis Ababa residents’ constitutional ticket has not been prepared for getting in to the house, unlike to nation, nationalities of the nine regions.

**Representation in State Councils** - establishing Kebele, Woreda, Zone and State administrations is not for nothing, rather for the objective of enabling the people to effectively participate in their own affairs and to ensure their respective self-governance. Establishing State Councils in each Regional States is not far from this objective. Accordingly, all nine constitutionally established states have established State Councils in their respective Constitutions. As the same time, they also indicated that since the members of the councils are elected by the people through direct, free and fair election, each member of the Councils are the representatives of the people of state. Some State Constitutions even indicated the minority nationalities representations in their Councils, like FDRE Constitutions. In other face of the same coin, City Councils

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238FDRE Constitution, art. 61(1) and(3)
240FDRE Constitution, art. 61(2)
241Ibid, art. 49(4), for more, see also Wondwossen Wakene (n.152) p. 68-69
242See for instance, Article 48(3) of the Somali Constitution, Article 50(3) of the SNNP Constitution, Article 50(3) of the Gambella Constitution, Article 48(3) of the Amhara Constitution, Article 48(3) of the Benishangul Gumuz Constitution, Article 46(3) of the Afar Constitution, Article 54(3) of the Tigray Constitution and Article 48(3) of the Oromia Constitution
243See, Article 48(2) of the SNNPR Constitution, Article 50(2) of the Gambella Constitution, Article 48(2) of the Amhara Constitution Article 48(2) of the Benishangul Gumuz Constitution Article 54(2) of the Tigray Constitution
members of Addis Ababa and Dire dawa are there for representing the City residents of their own.244

However, the State of Harari Constitution is following anomalous in establishing seats as well as electing the regional State Councils (legislature), when we compare with other regional state council elections. Thus, I opted to discuss independently herein.

The State Council of Harari, for the purpose of election and representation has been split in to two Chamber or Assembly.245 The first is Peoples Representative Assembly- for this assembly twenty two(22) seats has been allocated among total 36 seats of State Council.246 These seats are open for competition for the Harar's and other ethnic groups ( mostly Oromo and Amahars)247 However, of these 22 seats, 4 seats are again reserved to Hararis since the constitution provides for a de facto guaranteed representation of the Harari by stating that four members must be elected from Jugol Constituency predominantly inhabited by Hararis.248 The second Assembly is the National Council of Hararis. This Council exclusively has taken the remaining 14 seats of the council.249 Meaning, it has been reserved to Hararis only. In general, the implication is that Hararis will have a total of 18 seats, which is half of the total seats of the State Council of Harari.

Not only the seat allocation, the election procedure for electing the members of National Councils of Hararis is also normal. The State constitution of Harari under art.50 (2) has clearly indicated that the members of the National Councils of Hararis can also be elected from Hararis who are living outside from the regions. This indication of the constitution has resulted special polling stations to be established for Hararis who are living outside from the region. Accordingly, special polling has been establishing for Hararis in areas in which they are predominantly living. For instance, in Asebe Teferi (Chero Kela), Addis Ababa, Dire

244 However, it seems both the Addis Ababa and Dire dawa City Charters are ashamed of saying that the members of the City Councils are the representatives of the residents of the Cities, unlike to FDRE Constitution and virtually all Sub-national Constitutions. Because, neither Charters vividly declare this fact, but, paradoxically both Charters affirmed the members of the City Councils elections through vote of their respective City residents. Hence, I can't dare to say that members of City Council are not representatives of the City residents. See generally, art 12 and 11 of Addis Ababa Revised City Administration No. 361/2003 and Dire dawa Administrative Charter no. 416/2004, respectively.
245 Harari Constitution, art. 49(1)
246 Ibid, art. 49(2)
247 Ibid, art. 50(1)
248 Ibid, art.50(1) a. See also, Christophe Van der Beken, Unity in Diversity-Federalism as a Mechanism to Accommodate Ethnic Diversity: The case of Ethiopia ( Lit Verlag 2012) p. 248.
249 Ibid, art 49(2)
Obviously such kind of arrangement is inconsistent with art. 33(1) (c) of proclamation no. 532/2007. Because, this law require a voter to be a person who has at least resided for six month in the constituency in which he/she is registered to vote. As to me even it doesn't go with establishing special polling station purpose of the same law (see art 24 of the above law). Because, according to the latter provision of the law, certain groups, such as military, students and civil personnel that are far from their original constituency for certain duration of time are only benefited, not all who are outside from the region. But, this polling it seems adopted to look for the" Harar's" who are disappeared once and for all from their own region. Hence, I can dare to say that such kind of experience is special of special polling station to special ones. For more about polling stations see the subsequent discussion which is made on polling station. Anyway, in this regard, Beza Desalegn stated that such special measures have been taken for obvious reason of counterbalancing the numerical deficit and to ensure the dominance of Harari in the region. In all, in this region quite strikingly, half of the regional State Council representatives and the electors are Hararis. This is not done negligently, rather has been done deliberately, as Beza Desalegne said for the purpose of offsetting their minority nationality at regional level.

4.1.4 Delimiting Electoral Districts (Constituencies) and Polling Stations

1. Delimiting Electoral Districts

Delimiting electoral boundaries is all about delimiting geographic territory for electoral purposes. Delimiting electoral boundaries is quite a recent phenomenon. It comes after nineteenth centuries, due to citizens’ demand of franchise. Prior to this century, the composition of legislatures reflected the view that distinct categories of societies, such as towns, the clergy, and the nobility should be represented and not individual citizens. The above mentioned citizens demand of franchise, later accompanied by the belief that "fair" representation entailed an equalization of population per representative.

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250 Beza Desalegne,(n.216) P. 85
251 Ibid
254 Ibid
The necessity of delimiting electoral district is vary from one electoral system to the other. For instance, delimitation of electoral district is common and important for plurality electoral system. Why because, the configuration of districts can affect the partisan, and possibly even the racial, ethnic, religious or linguistic composition of the legislature.\(^{255}\) Whereas, under proportional electoral system, basically under the party list system, electoral districts rarely, if ever, require delimitation, it corresponds to administrative division.\(^{256}\)

Electoral boundary delimitation is constrained by international obligation of equal suffrage. Meaning, district identification process should be in line with international obligation of equal suffrage. This show, care need to be taken when delimitation made, basically the population vote not to be diluted or discount, through delimitation process.\(^{257}\) Moreover, in relation to this the Human Right Committee under its General Comment stated that:

> The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely.\(^{258}\)

Thus, basic information, such as available census data, territorial contiguity, geographic or topographic accessibility and communities of interest has to be taken for drawing a fair electoral district.\(^{259}\)

Of course, electoral district delimitations have a number of issues, but here only certain point of it, will be given a focus. Accordingly, in line with Ethiopian context or laws in this regard and other countries experience, methods of drawing electoral districts, its periodicity of updating and adjusting, the authority who entrusted to delimit electoral districts and the alignments of districts with administrative boundaries will only be canvassed.

**Methods of drawing electoral districts**-there is no clear-cut method for drawing electoral districts. Thus, countries apply different methods for drawing their electoral districts. For some countries, the choice of methods is simply a matter of historical tradition. While others countries

\(^{255}\) Ibid, p. 19  
\(^{256}\) Ibid  
\(^{257}\) International Obligations for Election (n.252) P.77  
\(^{258}\) General Comment(n.16) Paragraph, 21  
\(^{259}\) International Obligations for Election (n.252) P.77
delimit their electoral districts based on variety of factors, such as geographic size of the country, its physical features, or its financial resources.\textsuperscript{260} However, recently countries are taking their political and social context in to account when making decisions on which redistricting practices to adopt.\textsuperscript{261}

The 1995 electoral boundary delimitation of Ethiopia has its own historical account. In this respect, Beza Desalegne by citing the interview response of anonymous senior GIS expert of NEBE, who was also the member of the committee that worked on establishing the electoral map of Ethiopia (Addis Ababa, 4 January 2016), stated that:

\begin{quote}
the preparation of the electoral map of Ethiopia was undertaken by combining the administrative structure (Woredas and vice Woredas) of the country during Emperor Haileselassie and the linguistic map, which was prepared under the Institute for the Study of Ethiopian Nationalities (ISEN). In so doing, an attempt was made to match the linguistic map with that of the administrative units in coming up with an electoral map for the country (in effect electoral constituencies).........\textsuperscript{262}
\end{quote}

From this, we can discern that the country for establishing constituency, applied the synergy of the country history of local administration in one hand and politics and social context of the country on the other hand. Moreover, the number of eligible voter population was also taken for delimiting 547 constituencies of the country in 1995, without prejudice to minority nationalities.\textsuperscript{263}

**Periodicity of updating and adjusting** - electoral district delimitations is not made to serve for undetermined period. They are artificial boundaries will be adjusted along certain period interval. Some States has clearly stated the time interval or the time span in which the previous electoral district will endure. But, here it has to be known that there is no agreed interval period. For

\textsuperscript{260} Even some countries borrowed or adopted the colonial power methods of electoral district delimitation. See ACE Encyclopedia: Boundary Delimitation (n.253) P.9

\textsuperscript{261} Ibid

\textsuperscript{262} Beza Desalegne (n.215), P.98 Here it has to be known also that the borders of Woredas that existed prior to 1974, were also taken as a base for the delimitation of the borders of adjacent National Transitional Self-Government until the details of the geographical borders of each nation, nationality and people clearly known. See, art. 4(2) a. of National/Regional Self-Governments Establishment Proclamation No. 7/1992

\textsuperscript{263} Interview made with Abreham Gedebo, SNNPR National Electoral Board Ethiopia Branch Office Coordinator, Dec.20/2017, Hawassa, in main office.
instance, USA and Japan require delimitation to be made every after ten years.\textsuperscript{264} Whereas other countries not specified the exact period, simply they provided range of years. In this respect Kenya use, eight to ten years while, Botswana five to ten years. The most popular choice for periodic delimitation is ten years. However, common triggers for delimitation other than a specified time period, among other thing are, national census, and changes of administrative boundaries.\textsuperscript{265}

According to art. 103 of FDRE Constitution, though not clearly provided, it seems that electoral district will be made after following the ten or 10\textsuperscript{th} years national census result of the country.\textsuperscript{266} However, not yet adjustment has not been made on the last electoral districts delimitation of the country, though periodical census was there. Hence, the last electoral district delimitation of the country has been enduring as effective for more than twenty years.\textsuperscript{267}

\textbf{The Authority to delimit electoral boundary:} there are different guiding principles to delimit boundaries. Among these, the existence of independent, impartial authority in the delimitation process is one and the core guiding principle.\textsuperscript{268} Here is also there is no constant state practice, as far as which state body should delineate the electoral districts. However, the task assigned to the boundary authority is the same in all countries that is dividing the country in to districts for representative election. Some countries allow legislators to draw their own districts. For instance, in USA, the responsibility for drawing districts rests individually to all fifty states.\textsuperscript{269} In fact, this practice is highly susceptible to so the called gerrymandering.\textsuperscript{270} However, at the other end of the spectrum many common wealth countries opted to grant this authority to neutral or independent commission, in order to remove politics from the process. Another, equally common approach to

\begin{footnotesize}
\textsuperscript{264} ACE Encyclopedia: Boundary Delimitation (n.253) P.34
\textsuperscript{265}Ibid, P. 34-35
\textsuperscript{266} From this one can say that the Ethiopia law is following national census as a triggering factor for conducting redistrict. This is also clearly stipulated under art. 20(1)( a) of Amended Electoral Proclamation no. 532/2007. Thus, the re-arrangement of constituencies in the country highly inter-connected with the national census result of the country.
\textsuperscript{267} Interview made with Abreham Gedebo, (n.263), also see European Union Election Observation Mission to Ethiopia 2010,( n.177), p.9. In fact, among other things, using electoral districts for long time without making significant revision or adjustment no doubt, will have a problem of population inequities across the districts.
\textsuperscript{268} ACE Encyclopedia: Boundary Delimitation (n.253) P. 11
\textsuperscript{269} Ibid
\textsuperscript{270} Gerrymandering is all about dividing electoral districts unfairly and to one's advantage. This practice has a long history in USA. It was started in 1811 by Elbridge Gerry, Governor of Massachusetts. From this Governor name that this practice coined, i.e Gerrymandering. For more see, J.C. Johari, principles of modern political science (n.88) P. 478 and see also Roger Scruton, Palgrave Macmillan Dictionary of Political Thought, 3\textsuperscript{rd}, 2007, P. 274
\end{footnotesize}
delimiting constituencies is the use of election commission.\textsuperscript{271} As far as approval of the district plan concerned, there is no also common approach between states. In similar fashion, some state gives approval of district plan to legislature. Whereas, some limited state give this power to executive branch of their government. Those countries who entrusted a power to draw electoral district to commission, they may make the work of the commission as final and conclusive.

By taking the above state experience as a bench mark, when we see the Ethiopia scenario, delimiting electoral boundaries or constituencies for general election, has not been assigned neither to boundary commission nor to legislature. Rather it has been given to an independent body called NEBE.\textsuperscript{272} However, as far as approval of district plan concerned, it has been devolved to second political house, i.e to HoF.\textsuperscript{273}

**The alignment of districts with administrative boundaries**- electoral boundaries may follow pre-existing administrative divisions, or disregard them partially or entirely. However, in many countries, especially those that employs multimember districts, the boundaries of electoral districts follow the boundaries of existing administrative divisions usually states or provinces.\textsuperscript{274} In other word, respect for clearly established boundary lines is often specified as a criterion for those redistricting to consider when drawing electoral district lines.\textsuperscript{275} These boundaries can include administrative boundaries such as county and municipalities lines and/or natural boundaries created by dominant topographical features such as mountain ranges, rivers or islands. For instance, in USA, congressional boundaries never cross state lines. Possibly however, the most commonly mentioned geographic factor listed by countries is consideration

\textsuperscript{271}ACE Encyclopedia: Boundary Delimitation (n.253), P.28
\textsuperscript{272}FDRE Constitution art. 103(5) and see also Amended Electoral Proclamation No. 532/2007, art. 20(1) e However, art. 20(2) of the latter law, attempted to indicate that the general election constituencies might not be used for all local election. Because, it stated that the latter election constituencies will be determined by taking into consideration the size and the number of deputies to be elected and the electors in accordance with the laws of State governments. Shortly this mean, there might be a situation in which one general election constituency will be split in to two or more local election constituency to meet the above mentioned criteria's for establishing a local election constituency. To more exemplify, for the members of Woreda Council election, the different urban and rural Kebeles serve as constituency. However, for election of Zonal Council members the general election constituencies will have application. For more see art. 8(2) of Registration of Candidates Directive No. 1/2009
\textsuperscript{273}FDRE Constitution, art. 103(5)
\textsuperscript{274}This is not to suggest that single-member districts can never correspond to administrative divisions within a country. Many countries that use single-member districts do emphasis the need to respect administrative boundaries. For more see, ACE Encyclopedia: Boundary Delimitation (n.254) Pp. 23-25
\textsuperscript{275}Ibid, P. 41
for local administrative boundaries. As I mentioned above, such practice is highly exposed to gerrymandering.

Aligning electoral districts with administrative boundaries or divisions has a number of positive implications. For instance, among other thing, it will create a compatibility with entities that administer local governmental function as well as will correspond to social, political arrangements of administrative area. Moreover, it enables the voters to identify their elected representative more easily.

As it mentioned somewhere above, the Ethiopia electoral districts or constituencies was delimited for the purpose of creating a conducive environment for executing elections and the people to elect their representatives, basing on woredas and without crossing state administrative boundaries. Without prejudices to other conditions, both local and state administrative boundaries were taken for drawing electoral districts of the country.

2. Polling Stations

Voting stations are known by a variety of different labels, depending on the country. In Commonwealth countries, for instance, they may be referred to as polling areas, voting or election districts, or election precincts. While the Ethiopian electoral laws use the term polling station. Whatever their name may be, but they have the same purpose and objectives.

Most countries regardless of the type of electoral system employed, delimit polling stations for election administration purposes. Delimitation of polling stations has minimal effect on the outcome of elections, unlike constituencies. But, states have an obligation to protect the principle of ‘one person, one vote ’ mainly by preventing voter impersonation, double voting and family voting.

276 Ibid
277 Ibid, PP. 23-24
278 See, Proclamation no.111/95, art.15 (1) and Amended Electoral Proclamation no.532/2007 art. 20(1) (a) though the former law is repealed, but still it has relevance for constituency delimitation, since the existing electoral districts of the country was established based on such law. However, the latter applicable electoral law of the country has taken also the footstep of the former electoral law in this regard.
279 ACE Encyclopedia: Boundary Delimitation (n.253) P. 79
280 Ibid
281 General Comment No. 25 (n.16) paragraph, 21
This part focusing on polling station shall discuss functions or purposes of polling stations, authority for delimiting polling stations, criteria's for delimiting them, periodicity of redrawing and special polling stations in line with some other countries experience and Ethiopian electoral laws. In this part, for the purpose of making understandable discussion, I classified the polling stations in to two, as ordinary and special polling stations.

**Purposes of Polling stations**-Polling stations are created for the purpose of condensing a number of ICCPR, art 25 obligations into a single activity to ensure the exercise of every voter's political rights. Mainly, polling stations ensure the execution of right and opportunity to vote by easing the voting process. Apart from this, polling stations are also imperative for technical implementation of elections.

Likewise, in Ethiopia, polling stations has been established parallel with constituencies for the purpose of enabling voters to be easily registered and to cast their vote in election. They also serve for counting votes and announcing the result of election to the public. In sum, they are signs which show to the given public the conduct of election. Thus, in this respect, we can say that polling stations have a power of attesting the existence of election in that specific locality.

**Authority for delimiting polling stations**-like constituencies, polling stations also have an authority which establish them. There is no constant body who is entrusted to delimit the polling stations throughout the world. In this regard, some countries give this task to local election officials or to federal election administrators or to election commission. For instance, the election commission in Ghana is responsible for drawing all political boundaries, from electoral district to voting area boundaries.

In Ethiopia the mandate of delimiting or establishing polling stations has been clearly given to the NEBE. The other local election authorities have only the mandate of administering or putting the polling stations at conspicuous places. Thus, it's the sole authority of the Board to establish or even to change the location and to divide an ordinary, mobile and special polling stations as per

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282 International Obligation for Election(n.252) P.239
283 Amended Electoral Proclamation No. 532/2007, art. 22(3) and 23(5)
284 ACE Encyclopedia: Boundary Delimitation (n.253) P. 79
the criteria's set by law.\textsuperscript{285} Based on this mandate, currently the Board has established 43,500 polling stations throughout the country.\textsuperscript{286}

**Criteria's for delimiting polling stations**—the one who is entrusted to establish a polling station inter-alia, should take into account the population size, pre-existing administrative and electoral district boundaries and convenience and accessibility for voters.\textsuperscript{287} In different countries there is a minimum and a maximum number of voters that can be efficiently and effectively served by a single polling site.\textsuperscript{288} This shows, establishing polling stations require a certain threshold number of voters in that specific locality. Because, its unfeasible to establish a polling station to handful voters. In this regard, the Ethiopian electoral law puts 1000, number of voters as a maximum limit in which one ordinary polling site should serve.\textsuperscript{289} However, in case of special polling sites, only 700 number of electorate should be served in each polling station.\textsuperscript{290} From this we can understood that the law does not specified the minimum threshold number of electorates in which one polling station to be established or to accommodate. Thus, the law it seems focused on the convenience of the electorate than their number. As it mentioned above, the other basic criteria for establishing voting area or station is administrative and electoral district boundaries. These boundaries should be taken in to account when creating polling stations, basically ordinary polling stations. Because, these boundaries determine who votes for a particular set of offices and candidates at an election. Polling stations are established in Ethiopia apart from creating a conducive environment for electorate to exercise their right to vote meaningfully, they are also representatives of their respective constituencies. As well, they are inputs and affluent to their respective main streams called constituencies. Thus, in Ethiopia polling stations as a principle

\textsuperscript{285} Amended Electoral Proclamation No. 532/2007, art. 22(1)(2) and (4) and see also art 13 of Electoral Board Electors Registration Directive No. 2/2009
\textsuperscript{286} Interview made with Biruk Nebe, NEBE, Election Operation Directorate, personnel, Dec.2/2017 Addis Ababa, NEBE, main office.
\textsuperscript{287} ACE Encyclopedia: Boundary Delimitation (n.253) Pp. 79-80
\textsuperscript{288} Ibid
\textsuperscript{289} Amended Electoral Proclamation No. 532/2007, art. 22(6)
\textsuperscript{290} Provisional Directive on Special Registration and the Voting Procedure Concerning Students of Institutions of Higher Education, Agricultural Colleges, Training Institutes, Training Institute for Members of Defense Forces and Students Living in Camps/2010. P. 6 (Here in after Provisional Directive for special polling stations/2010) Though the Board is mandated to enact regulation or non-provisional directive as regards to special polling station according to art 24(5) of Amended Electoral Proclamation No.532/2007, however, not yet the Board enacted based on the authority which have been entrusted. Thus, I am Citing this Provisional Directive, since the Board not yet come up with other directive for this purpose as well as the Board currently administering such kinds of election through this provisional directive which was adopted specifically for the purpose of executing the 2010 general election.
are drawn in line with immediate electoral districts and administrative boundaries. But, exceptionally for the purpose of enabling those electorate who are far from their original constituencies, special polling stations 'physically' may be established outside from their immediate electoral districts and administrative boundaries. In all, polling stations have a kind of family bondage with their respective electoral districts and administrative boundaries. For more about special polling stations look the subsequent discussion which is made on the same.

**Periodicity of redrawing** - polling stations may be redrawn, or rearranged, basically whenever there is population or administration changes. For instance, it may be necessary to redraw a polling station if the area's population has grown too large for a single polling site.\(^{291}\) Conversely, they may also be closed when required number of population has lost. The same is holds true when there is administrative boundary changes.\(^{292}\)

In Ethiopia, the Board has a responsibility to re-allocate a polling station depending on different exigencies.\(^{293}\) For instance, when the Board estimates that there are more than one thousand electors in a given polling stations, shall divide them in to two groups, effect wise in to two polling stations.\(^{294}\)

**Special Polling Stations** - are exceptions of ordinary polling stations. Establishing special polling stations are not only practiced in Ethiopia as special. There is also experience in some other countries. Accordingly, most of the time countries use different mechanisms for enabling certain groups of people to be participant in elections. For instance, they facilitate alternative method of voting, such as postal voting, mobile voting or polling stations, specifically for barracked military personnel, hospitalized persons, prisoners, refugees etc.\(^{295}\) In exception to polling stations, in Ethiopia the majority of the latter alternative methods of voting are not tamed. Anyway establishing special polling stations be it in the form of postal voting or polling stations could be taken as one manifestations of creating an opportunity to exercise right to vote, as per the legal obligations of states under art. 25 of ICCPR. Because, this station enable a certain group of people to give vote in general election to a candidate who is competing in their original

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\(^{291}\) ACE Encyclopedia: Boundary Delimitation (n.253) P. 80  
\(^{292}\) Ibid  
\(^{293}\) Amended Electoral Proclamation No. 532/2007, art. 22(4)  
\(^{294}\) Electoral Board Electors Registration Directive no. 2/2009, art. 13(8)  
\(^{295}\) International Obligation for election(n.252) P. 239
constituency, while they are in other far places during election time. What are the unique
features of special polling stations from ordinary polling stations? What are their similarities too?
This is the common question, in relation with polling stations. Thus, the infra discussion
attempted to touch this issue in line with Ethiopian laws.

What are their similarities and differences of these two polls?-as I tried to mention above,
special polling stations are exceptions of ordinary polling stations. This doesn't mean that they
have no common element with ordinary polling stations. As we know, both ordinary and special
polling stations are there to serve citizens that qualify the criteria's which have been mentioned
under art. 33(1) of the proclamation no. 532/2007 and other detail directives of the Board. For
instance, one person to be a legible voter under both polling stations his age has to be beyond 18
years old, an Ethiopian, free from mental health, free from prison detention and reside within the
constituency for at least 6 month. All these criteria's are relevant and functional for both
polling stations. However, as far as the latter criteria concerned, neither the main proclamation
nor provisional directive/2010 clearly mentioned which constituency residence will be taken one
person to be participant through special polling station. The person actually existing constituency
residence or the original constituency residence of the person concerned should be taken? For
this particular interpretation of the law we need to see the target or the focus of the law in this
respect. What is most focus given in order to use special polling station is becoming "far from
original constituency," not being far from regions. Definitely, among other thing, one who
fulfilled such criteria will be benefited from the presumption of the law. Meaning, it seems the
law has taken a conclusive presumption of living for more than 6 month for one who is far from
his original constituency. Taking otherwise stand would be unsound and illogical, which doesn't
go with the purpose of the law. In all, as far as legibility conditions to be an elector concerned, as
we have discussed above, they have a point of similarity. Beside to this, these two polls use
almost the same election procedures as well as are established as the case may be by the board,
as per their respective criteria's which have been mentioned under electoral law of the country.

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296 Amended Electoral Proclamation No. 532/2007, art. 24(3)
297 Art. 18 and 20 of Electors Registration Directive no. 2/2009 and see also Provisional Directives for special
polling station, 2010, P.9
298 See art. 22(1) and (2) of Amended Electoral Proclamation no. 532/2007
These two polls have also many divergent points. Principally, their distinction lay on: beneficiaries, election result notification, geographical distance from electoral districts or administrative boundaries and the maximum limits of electorate to be served in polling stations.

1. **Who are the beneficiaries of these two polls?**

The main difference between the ordinary and special polling station is lay on the beneficiaries for which they are established. We can classify the beneficiaries of special polling stations in to two, based on their attributes: Those military and civil personnel who are living in camps and far from their constituency and those higher learning students who are far from their constituencies.299

For these above noted persons that special polling station will only be functional. In other word, ordinary polling stations are open for every citizen without particularizing individuals or groups, so long as legibility conditions are fulfilled by electors. Thus, special polling stations are endowed, specifically for certain groups reasonably, for the purpose of enabling them to elect their own "right representatives" by exercising their right to vote, while they are in far distance from their lawful constituencies.

In this regard, starting from 2010 national election the Board based on this specific provision has been enabling the militaries to be participant in election through special polling stations. As the same time, through the same law the Board has also enabled, "The Great Renaissance Dam’’ workers to be participant in very recent, 2015 general elections through special polling station.300

However, there are two views in the Board, concerning to those people who came from different parts of the country and living together in camps. Some members of the Board argued that those people who came from different corners of the country and live in camps/institutions since they are nation, nationalities and peoples of Ethiopia, special polling stations should be established for them. They mean that those who came from different parts of the country and live together in camps for a work, like higher learning institution students, they should participate in election by

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299 The Provisional Directive for special polling station/2010. It seems focused on students of higher learning institution, including agricultural colleges and trainees of defense forces who are residing in camps than civil personnel who are living in the same. Because the whole provision of the directive, even the title of the directive itself clearly attest this fact. From this we can draw a conclusion that though the main proclamation gave protection for civil personnel's to be participant in election through special polling stations, this provisional directive not gave an attention. But, there is some practical attempt from the Board to participate employees through channel of special polling station(see the later discussion) See also art. 24(1) of Amended Electoral Proclamation no. 532/2007

300 Interview made with Biruk Nebe(n.286)
using special polling stations, regardless of their real possibility to be back to their original
constituency.\textsuperscript{301} It seems this argument has taken establishing special polling stations as principle
than exception. It would also make representation "symbolic." Whereas other argued that special
polling stations should only be established for those persons who are "far from their
constituency," temporarily but, in the near future meaning after a certain time interval they will
come back to their original constituencies than to those persons who are in camp, but who does
not have a real possibility to be back to their previous constituencies. Further argued that such
latter groups, even if they are in camps, since their real possibility to be back to their original
constituency is minimal or non or even its unknown to which constituency they will go after they
left this resident place of them. And hence, ordinary polling station is relevant and appropriate to
them.\textsuperscript{302} Moreover, even if these groups of people are living in camps, they should be considered
as any citizens of the country who are living in rural, town, and cities. Thus, they should
participate as like other citizen in election through ordinary polling stations by electing their
nearby representatives.\textsuperscript{303} The last argument it seems water-tight as well as based on the
intention of the legislature. Because, the word "far from their constituency" by itself indicate that
those who are either in camps or in certain compounded places have "a real possibility" to be
back to their original place or constituency after a while.\textsuperscript{304} This real possibility of back to their
respective original constituency that make them different from those people who are residing in
that specific locality. In short, these peoples are came to that specific place for certain durational
stay as employee, trainers in military camps and students of higher learning institutions,
including colleges. Therefore, this special polling station treats only those groups who are far
from their original constituencies. Hence, effect wise those people who are born, grown or
employed in that specific places are outside from the benefit of special polling stations, though
they are employee in that camp. Their option is using nearby ordinary polling stations, as a
forum of election. The same holds true for those employees who are in camps but, came from
different parts of the country for the purpose of work and lacks durational stay. Since they are
considered as the residents of that specific area, they are not entitled to use special polling
station.

\textsuperscript{301} Interview made with Abreham Gedebo (n. 263)
\textsuperscript{302} Interview made with Biruk Nebe(n.286)
\textsuperscript{303} Ibid
\textsuperscript{304} Amended Electoral Proclamation No. 532/2007, art.24(1)
In all, special polling station beneficiaries, unlike ordinary polling stations are already designated or particularized by law, for instance, according to Ethiopian electoral laws as we discussed above the civil personnel's, military and students of higher learning institution who are far from their original constituencies are the beneficiaries of special polling stations.

2. **Election result notification**

As I pointed in earlier discussions, polling stations have a triple purpose. To mean they are the place of conducting, counting and announcing election results.  These triple purposes of polling elections are exercised only in the ordinary polling stations. Whereas in the special polling stations only conducting election as well as counting of vote are executed.  Announcing election results is not the mandate of that specific special polling station.  As far as this mandate of announcing election results concerned, it is the main Board task after adding and condensing all the votes which came from different parts of the country constituencies.

3. **Geographical distance from electoral districts or administrative boundaries**

As it has been explained above, polling stations are established as a branches or tributaries of electoral districts. However, all ordinary polling stations are established adjacent to their respective constituencies, as well they are confined within their respective administrative boundaries (e.g Woreda and Regional boundaries at large) Whereas special polling stations are not follow their adjacent constituencies and administrative boundaries, rather they follow the footsteps of the electorates. Thus physically, special polling stations are far from their respective constituencies and administrative boundaries. For instance, we may get special polling stations in Mekele University, which have a link with Oromia Regional State constituencies, as well as polling stations, as long as there are students of Oromia Regional States in this University. Even they can be established in the place where no specific constituency and state and city administration, so long as there are people who have the latter administrations.

4. **Maximum limits of electorate to be served in polling stations.**

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305 Ibid, art.23(3)(5)
306 Ibid, art.24(3) and see also generally Provisional directive for special polling station /2010
307 Ibid, art.24(4) and see provisional directive for special polling station /2010, pp.32-33
308 Ibid
In particular ordinary polling stations, the number of electorate to be served is not more than one thousand. Whereas in particular special polling stations the maximum number of electorate to be served shouldn't exceed seven hundred. Rationale has been provided by Provisional Directive for special polling stations /2010 at p. 7 for latter number of electorate in special polling stations. The provided reason is simply to avoid contestations and thereby finalizing the voting process without delay.

4.2. Citizens Participation in General Elections

General election is the major type of election which decides the fate of the incumbent government to continue as ruling the country or to transfer its power to newly elected political party or parties. Therefore, I can say this type of election have a great implication on the country over all democratization process.

Since the general elections have significant impact on the country politics, each citizen’s participation either through giving vote or as being a candidate for election is expected. The government has also a duty to create a conducive environment to every citizen to be participant in their own national elections without any distinction based on race, color, sex, religion etc.

The modern election history of Ethiopia has relatively old history it was started at the time of the monarchy. Since this time, there were elections regardless of its freeness and fairness. But, it's impossible to say that the level of citizens participation in all these elections were similar. In order to draw some historical picture about citizens participation, this sub-section, shall discuss succinctly the Ethiopian citizens level of participation through giving vote in their national election, starting from Monarchial Period (after 1931 Emperor Constitution), up to present FDRE State.

Citizen’s participation at the period of Monarchial Election- the first written constitution of 1931 didn't fully and expressly recognized the right of the people to elect their own representative. Rather the constitution by raising incapability conditions of the then people to elect themselves, strikingly had made the nobilities (Mekonet) and local chiefs (Shumoch) to
select the deputies to the parliament as a temporary measure. Thus, the people of Ethiopia had to wait patiently until they were proven by the king to have reached on the stage of maturity at least to elect their leaders directly. Mainly the specific district case of Kembata raised as best instance to indicate how the local communities of this time elect their deputies.

The people in the province of Kembata and Lemmo,... assembled...............to elect adupty to the new parliament in Addis Ababa All the personnel from captain to private and from Balabat to Techica Shoum were assembled. A high official told the gathering to select capable persons from among the ordinary people, Balabat and noble men that will elect the deputy you will depend on. The Assembly elected some persons by aclamation, saying that any person who would be selected by those selected persons, shall be considered elected by all of them. The persons assembled elected 39 persons. One of those elected, a senior priest, stood up and said, I will excommunicate you like "Arios" by the authority of Peter and Paul if you are partial to freinds or relatives, or if you divulge secrets of the assembly. I urge you to select a man of good character as Holy Spirit makes it clear to you. The gathering then elected Kegnazemach Worke in Abstentia by majority vote. The electors then informed the people why Kegnazmach Worke was elected. The secretary explained that this person was elected because he is a person who respect his emperor, who loves his country Ethiopia, who is not suspected, and loyal, patient and firm in his religion. when the secretary finished reading the text the crowed showed approval by clapping their hands three times saying, "we agree, be it good."

Minassie Haile by raising the participation of this specific district of Kembata people to elect their deputies, in 1930's, argued that even under the first Ethiopian Constitution of 1931, the people actually participated in electing deputies to parliament. Actually, it's possible to say many things depending on this specific district participation of the people. But for my case point, as whole, I can say that the people of that time were not entitled to elect its own representatives "directly", rather through the hands of other selected persons that the people enabled to select their own deputies.

309See The Emperor Constitution (1931), art. 32. This very provision stated that: “As a temporary measure until the people are capable of electing them themselves, the members of the Chamber of Deputies shall be chosen by the dignitaries (Mekuament) and the local chiefs (Shumoch)."
311Minassie Haile (n. 240) P.15
The people of Ethiopia, however at first time in Ethiopia election history had acquired the right to elect their own representatives in 1949 EC. This was possible due to the adoption of the 1955 Revised Constitution of Ethiopia.\textsuperscript{312} Under this first election history of Ethiopia, a total of 3,784,226 voters were registered out of which 2,542,608 casted their ballots. The numbers of candidate were 602. Out of these candidates, 210 were elected.\textsuperscript{313} Since this time, a total of 5 elections had been carried out, until the monarchy rule deposed from the country in 1967 EC\textsuperscript{314}

**Citizen’s participation at the period of PDRE or Dergue**—during this time the country ruled for many years without having a constitution, through only simple decrees and proclamations. The new socialist constitution comes to the scene after 13 years rule of the government in 1987. This 1987 Constitution of the country among other thing acknowledged the national parliament(Shengo) as the supreme organ of state power.\textsuperscript{315}

Then, based on this constitution election had been held in the regime. Accordingly, election of deputies to the Shengo is based on population and conducted through direct and secret ballot in single-member constituencies. There were 835 seats. As the same time, each deputy represent an average of 75,000 inhabitants in the rural constituency, whereas 15,000 in urban constituencies. The number of registered electors were 15,700,000 while, among these registered persons, 13,400,000 were casted their vote. i.e the turnout approximately, 85.35%\textsuperscript{316}

**Citizens Participation under FDRE State**—After the downfall of dergue regime in 1991, peaceful and transitional conference had been held by most political groups, trade unions and other associations. This conference led to the approval of a Transitional Government and set forth guidelines for drafting a new constitution, establishing a system of regional decentralization, holding democratic elections and ensuring basic human rights.\textsuperscript{317} After establishment of this charter, though not as general election form, but in mid-1992/1984 EC election for Woreda and Kebele interim Administrative Committees and national, regional and district council members were conducted. The Board after established, as independent institution

\textsuperscript{312}Office of the National Electoral Board of Ethiopia Public Relation (n. 176), P.5  
\textsuperscript{313} Ibid  
\textsuperscript{314} Ibid  
\textsuperscript{315} PDRE, Constitution, art. 62  
\textsuperscript{316} http://archive.ipu.org/parline-e/reports/arc/ETHIOPIA_1987_E.PDF accessed on Dec. 14/2017  
were also conducted election for the Constitutional Assembly, in 1994/1986 EC. However, at this period general election at first time was held in 1995, after the adoption of current FDRE Constitution. Since this time, the NEBE has undertaken 5 multi-party elections. The following table show the participation of citizens in general elections of the country starting from 1995-2015.

**Table1. Citizen's participation in post 1991 general election as registered voters and casted ballot.**

<table>
<thead>
<tr>
<th>No.</th>
<th>Year of Elections in E.C/GC</th>
<th>No. of Voters Registered</th>
<th>No. of Voters who casted ballots</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1987/95</td>
<td>21,337,379</td>
<td>19,986,179</td>
</tr>
<tr>
<td>2</td>
<td>1992/2000</td>
<td>21,834,806</td>
<td>19,607,861</td>
</tr>
<tr>
<td>4</td>
<td>2002/2010</td>
<td>31,926,520</td>
<td>30,181,686</td>
</tr>
<tr>
<td>5</td>
<td>2007/2015</td>
<td>36,851,461</td>
<td>33,994,156</td>
</tr>
</tbody>
</table>

Source from: Office of The National Electoral Board Public relation (n.176) P.8; የኢትዮጵያ በሔራዊ ሜርጫ ሜርጫ፣የ2007 ዓ/ም በተለለ የምርጫ ድርጫ ዃ NGO በ2008 ዓ/ም ብ 3
Chapter: Five

The De-facto existence of Franchise in Camps, during General Election of the Country: The Case of Employees’ Residing in Alage ATVET College Camp

Introduction

In Ethiopia, conducting general election has relatively old history of record. It was started, after 1949 EC. Since this time, there were general election, though its freeness and fairness is questionable. Even since the adoption of the FDRE Constitution and the establishment of the Federal Democratic Republic of Ethiopia (Federal State), the country has held five (5) consecutive general elections, including the last 2015 general election, within five year interval period as stipulated by the FDRE Constitution.\(^{318}\) It's hardly possible to say that in these consecutive general elections all eligible voters were participated. However, it's impossible to deny totally, the participation of citizens either as voter or as being candidate in these past general elections of the country, despite the fact that the tournament result were dominated by one political party, EPRDF.

When I come to the issue at hand, as it has been mentioned in chapter one of this thesis, the major objective of this work is to search or explore the hindering factors which impede the Alage ATVET College employee's from participation in general election, through giving vote. To this end, the author has employed interview and questionnaire as appropriate data gathering instruments from concerned bodies of the study. Moreover, so as to give life to the issue as well as in order to draw experience and to see the issue in more comparative manner, data's have also been taken through the above mentioned tools from purposively selected institutions apart from the populations of the study area. Accordingly, the author in order to obtain relevant information to the issues at hand, has made interview with concerned employees or officials of Wonji Shewa Sugar Factory Institution and Agarfa ATVET College, besides to the study area College

\(^{318}\) Art. 54(1) of the FDRE Constitution and see also art.28 (1) of Amended Electoral Proclamation No. 532/2007. In order to show clearly the potentiality of the problem, this research, has given much emphasis to these, post 1991 general elections participation of Alage ATVET College Camp residing employee's, through giving vote.
concerned employee's or officials.\textsuperscript{319} Furthermore, the author has also employed interview as a tool of taking relevant information's from NEBE as well as from HoF concerned officials, as well.\textsuperscript{320} Mainly to corroborate the responses which have been obtained through interview, in the same fashion the author has also presented generic set of questions or questionnaires to above mentioned institutions camp residing employee's. However, so as to take the experience as well as the awareness of the employee's, as regards to practical existence of participation in general election through giving vote within such institutions camp, the author only distributed the questionnaires to employee's of the institutions who have been residing for more than three and above years basically for those employee's who came from different part of the country to institutions camp.\textsuperscript{321} In connection, for purpose of gathering all inclusive information, effort has also been made those employee's who have been born, grown and hired in these respective institutions camp to be respondent of the study, through the same questionnaire.

As whole, this chapter for purpose of making convenient discussion has been divided in to two major sections. Accordingly under the first section, attempt is made to present, to analyze and to interpret the data, based on the selected themes of the research. While the second section in the same fashion attempted to illuminate some impacts of losing right to vote. In fact, in line with the presentation of the data, either in table or as narration form, discussion are also made on relevant issues. As the same time, the main information's of interviewees are also included throughout the discussions.

\textbf{5.1 The de-facto existence of franchise in Wonji Shewa Sugar Factory Institution and Agarfa and Alage ATVET College Camps: Comparative Analysis}

\textsuperscript{319} For the purpose of obtaining better information, the author has made effort to interview particularly those employee's or officials who had close contact with general election conducts or activities within the institutions camp.

\textsuperscript{320} Indeed, effort has also been made to use this tool in order to gather relevant information from person who is neither employee of these above mentioned institutions nor official of NEBE and HoF, basically for the purpose offsetting the general response of the HoF concerned official as far as bordering the land of Alage to State administrative boundaries.

\textsuperscript{321} Here it should be known that, questionnaire were not presented to all employee's of the institutions. Rather the author has decided to present questionnaire only to 40 purposively selected camp residing employees of each institution, since there is no constant or fixed rule for sample size in qualitative research. For more see, Scott W. Vanderstoep and Deirdre D. Johnston (n. 39) P. 188
As stated under chapter one of this thesis, the study area, that is Alage ATVET College Camp, is far only 215 Km in southward direction from country capital Addis Ababa. However, more specifically it enter 32 km from main road i.e from Addis Ababa to Hawassa, at Bulbula Town. This College as being agricultural college has been established in 2002. Before the present status however, the place had served as being Children's Care Centre and as Rehabilitation Centre for Soldiers Victimized during Ethio-Eriteria war, during the period of Dergue and at current regimes, respectively. However, here we shouldn't forget the hitherto existence of some employees who were also the staff of the latter institutions.

Save to above, before I directly ramp up to discuss, the main issues of the research, in light of particular themes, I would like to explain in generic manner the triggering factors in which Wonji Shewa Sugar Factory Institution and Agarfa ATVET College have been chosen. Accordingly, these institutions have been opted, by the author purposively as experience taking institutions, since they have "certain common denominator "with the study area (i.e Alage ATVET College) As we will discuss later on, their main similarity among other things lay on the way of life of the employee's in these particular institutions. Here in these institutions, including the study area, there is like a compounded or camp way of life. Meaning, every necessary facilities, such as residential houses, water and other facilities which assist the employees to exist in that specific place have been provided by the government. Moreover, these places are far or enter some distance from their adjacent towns as well as they accommodate employees as the same time. Mainly, these employees are those who came from different parts the country for work and those who were born, grown and hired in that specific institution. Apart from these communities, with in these institutions, there are also what we call dependants. That means, offspring's or relatives of the employee who doesn't have their own independent life, but live with their families until the latter are there in that camp. But, they could lead their own independent life within the camp, after they are hired in that given institution. In sum, these places are neither towns nor rural areas. But, in population wise, they said to be accommodated all the nation, nationalities and peoples, like most cities and towns of the country. Though these institutions have different objectives but, as institution they are administered by the federal government, not by regional governments.
For the purpose of making effective discussion, I have divided the whole information's of the research in to three main themes. These are location and state administration, constituency or electoral district, polling station and participation of employee's in general election, through giving vote. Thus, within this section apart from the main issues of the employee's participation in general election through giving vote, attempt is also made to discuss essential premises of participation in elections, i.e. bordering area's or places in to state administrative boundaries in tandem with delimitation of constituencies and establishment of polling stations as basic themes of the research. Because, the latter have a lion share for de-facto existence of franchise in a given place as per Ethiopia electoral laws.

To this end, here below, all the collected data's have been classified and categorized under respective themes of the research. In the same fashion, the results of questionnaire's as well as the overall summary of the data have been also presented as tabulated form for the purpose of making comparison between the study area college and experiencing institutions (Agarfa ATVET College and Wonji Shewa Sugar Factory Institution) in relation to the basic themes of the research as per the qualitative techniques of analysis. And finally, the author has interpreted the whole information's and results of the research using a deductive inference/ reasoning method or technique of interpretation.

1. Location and State administration

Some legal scholars clearly argued that in earlier times Ethiopia had experienced de-facto federalism. Apart from such claim, the current FDRE Constitution, in conspicuous manner has declare that the country is a federation of multi-ethnic nation. Accordingly, it created nine States as sub-national entities as well as one federal capital (Addis Ababa City Administration) Language, identity, settlement pattern and consent of the people concerned

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322 Most of these themes of the research have been emanated or drawn from the data's of the research itself.
323 Dr. Assefa Fiseha is the main advocator of such assertion. For more, see generally Assefa Fiseha, federalism and accommodation of diversity in Ethiopia: a comparative study, 2nd edition, 2008.
324 See together art. 1 and 47 of FDRE Constitution.
325 Ibid, art. 47(1) and 49(1). Beside to Addis Ababa, Dire dawa has also been made a federal city, due to intense disagreement between Somalia and Oromia Regional State over the land of Dire-dawa, see generally, The Diredawa Administration Charter Proclamation No.416/2004, particularly the preamble of this law.
are the bases in which state borders are delimited as per art. 46(2) of the constitution. More or less, based on such criteria most places of the country has been bordered to respective state administrative boundaries. However, this doesn't mean that all the border issues of the country has been exhaustively settled.

Moreover, the FDRE Constitution recognized the power of self-governance for member states of the federation. Accordingly, States in order to discharge this rights of them effectively as well as in order to make their people participant directly in the administrative units (local administrations) of State governments, has established other administrative levels as organs of State structures within their Constitutions based on the words of FDRE Constitution, art. 50(4). Therefore, these administrative units, such as Zone, Woreda/Towns and Kebele as the major indicators of State administrations, are confined within the respective State administrative boundaries. From these all, we can discern that bordering a place in to State administrative boundaries is "essential premise" for people participation in the local affairs of the government directly. More importantly, the alignment of the Ethiopia electoral districts with local and State administrative boundaries has also contributed for the relevancy of the latter, for citizen's participation in election. In light of this, let us see the locations as well as the State administrations of Wonji Shewa Sugar Factory Institution, Agarfa and Alage ATVET College Camps, respectively.

A. Wonji Shewa Sugar Factory Institution

Its location and some other relevant descriptions- when we see roughly the above noted institution name, it seems that the name Wonji Shewa has been given to indicate one particular place. But in reality, Wonji and Shewa are different places, though found within one administration. In such places there is a sugar factory, which were inaugurated at different time.

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326 Even before the enactment of the FDRE Constitution, i.e during transitional period, it seems almost the same criteria had been used for delimiting the then borders of National Self-Governments, but with different terms. See, art. 4 of the National/Regional Self-Governments Establishment Proclamation No. 7/1992.

327 See, for instance, the infra discussions, which is made in relation to the land of Alage.

328 See art. 52(1) of FDRE Constitution. Each members of the federations has also right to self-determination in accordance to art. 39 of the same constitution as well as based their respective State constitutions.( See the common art. 39 of the latter)

329 Beside to regional government, virtually all the States of the federation has established Zone, Woreda, Town and Kebele as administrative hierarchies under their Constitutions. For instance, see the common art. 45(1) of Oromia, Amhara and Gambella Sub-national Constitutions.

330 As such, the State powers or functions have also been split to each administrative levels, hierarchically.
Accordingly, Wonji Sugar Factory was inaugurated and started to produce the first bags of Ethiopian Sugar in March, 1954/1946 EC. Whereas Shewa Sugar Factory which is seven km away from Wonji was inaugurated in Nov/1962/1955 EC. As whole, they are located in the central rift valley of Ethiopia in the Awash River Basin, some 110km South-East of Addis Ababa and 10km and 17Km South of Adama (Nazereth), respectively. Thus, Wonji Shewa Sugar Factory Institution is a combination of the above noted two factories and found in Oromia Regional State. Anyway, Wonji Shewa Sugar Factory Institution, as institution has become responsible to Sugar Corporation, since 2011/2003 EC, as like other Sugar industries in Ethiopia. As far as the number of employee's and other communities concerned, currently, the institution has, 7200 regular employees. However, as whole, including dependants and other residents, well over 28,000 people are estimated to be reside within the institution camp, residential houses.

**State administration**- Since this camp is located within the Oromia Regional State, accordingly there is Kebele administration as per art. 90 and the following of Oromia State Constitution, apart from institutional administration. In number, there are three, namely, Wonji, Shewa and Tekel Kefel Kebele administrations. The Kebele administration of the institution as whole accountable to Adama Woreda Council, neither to institution head nor to Sugar Corporation. From this we can understand, the existence of independent Kebele and institutional administration within the institution. To mean, the institution administer its factories and employee's through Labour Proclamation No. 377/2003 in one hand whereas, the Kebele administer its people's on matters which is assigned to perform by Oromia Regional State Constitution in the other hand. But, this doesn't mean that these administrations will never work together on certain common obligation of them. Though they are administering the people based on distinct mandates of them, but, they have also intense cooperation in different aspects, since they are administering the same people.

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331 Ibid
332 Ibid
333 Interview made with Sebsebe Tesfaye, Wonji Shewa Sugar Factory Institution Public Relation Head, Nov. 10/2017, Wonji, main office.
334 Ibid
335 Interview made with Dabessa Kebede, Shewa Kebele, deputy Administrator, (Nov. 13/2017), Shewa Kebele, main office.
336 Ibid
337 Ibid
B. Agarfa ATVET College

Its location and some other relevant descriptions - Agarfa and Alage ATVET Colleges (the study area) apart from other similarities, have also a common objective of producing a middle level agricultural trained professionals. To this end, both colleges have been giving theoretical and practical oriented courses to those students who came from different corners of the country.

Agarfa ATVET College is located in Oromia Regional State in Bale Zone, Agarfa Woreda, at the place known as Amegna Kebele, at a distance of 460 Kilometers from the capital Addis Ababa to the south east direction. Before the present status, initially Agarfa College was established as farmers’ multipurpose training center in 1975 EC. The Center accordingly, provided short term trainings for almost ten years (1975-1982 EC). However, after the down fall of the Dergue regime, by changing only certain curriculum of the previous Center, the college became Multipurpose Development Agents Training Centre in 1983 EC and then in the year 2001, the center was upgraded to present college level status to provide diploma level trainings for development agents, in different agricultural fields. Now a days, the college as education institution similar to the study area college is responsible to Ministry of Agricultural and Natural Resource.

Within the College Camp there are 5 (Five) different "Menders" or residential villages who have more less different accommodations, such as houses, recreational centers. Among other things, there is also ordinary elementary school which is responsible to serve the offspring's of the college employees, but under the control of Agarfa Woreda Education Bureau. In the college compound currently without including dependants and other residents there are 637 supportive staff employees and 115 instructors. As agricultural college, annually it also accept students who came from different parts of the country.

338 The Public Relation Unit, Agarfa Multi-Purpose Agricultural Development Agents Training Center Establishment, Location and Activities, (Pamphlet, 2000), Agarfa Bale, P.17. It's also far from towns, for instance, it's far from Agarfa Woreda about 10 Km.
339 Ibid, P. 18
340 Agarfa ATVET College, RCBP Development Innovation Grant Project Proposal, Project Management Unit, Unpublished (June/2012), Addis Ababa, P.1
341 Interview made with Mengistu Regassa Human Resource Directorate Director (delegate), (Nov.24/2017), in his main office and through phone.
342 Ibid
**State administration**—in fact within this college compound we may not find State based Kebele administration as like Wonji Shewa Sugar Factory Institution. However, this doesn't mean that the college is totally outside from Kebele administration. Because, the employee's of the college have been taking service as well as exercising their participatory rights, such as their right to vote during general election of the country as being the residents of Agarfa Woreda, since the College is fully bordered under the latter Woreda administrative boundary.

C. Alage ATVET College

Alage ATVET College though it share some common element with the above discussed institutions however it has some anomalous matters, as regards to its location and State administration.

**Its location and some other relevant descriptions**—as far as the location of this College concerned, much have been said under chapter one and in the preceding section of this thesis. To reiterate briefly, geographically the College located at 432208 to 440908m East of longitude and 835777 to 842894m North of latitude. Alage ATVET College is located 215 km South of Addis Ababa in Rift Valley and bordered by Oromia and SNNPR states. However, more specifically it enter 32 km from main road i.e from Addis Ababa to Hawassa, at Bulbula Town. Three distinct Woreda’s bordered the college in different direction. These are Adamit Tullu Jido Kombolcha and Arsi Negelle Woreda in side of Oromia regional State in one hand, whereas, in the side of SNNPR State Hallaba Special Woreda bordered the college.

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343 Ibid
344 Ibid, for instance, among other things, the employees of the college have been taking resident ID Cards from Agarfa Woreda Kebele administrations.
345 Interview made with Gebi Tukura, Procurement, Sale and Property Service Directorate Director (his main occupation) and Administration and Student Affairs vice Dean (delegate) of Agarfa ATVET College, Nov. 24/2017. This official had also served as polling station executor of the college, for instance, in 2010/2002EC general election. As far as the participation of the employee's of the college concerned, look the infra discussion, which is made on participation of the employee's of the College in general election, through giving vote.

346 Apart from this, other abnormality also visible mainly in relation to constituencies and participation of the employee's in general election through giving vote. Such abnormalities are discussed under subsequent theme of the research.
347 Water Works Design and Supervision Enterprise, (n. 29) P.23
348 Ibid
349 Ibid
As educational institution this College like Agarfa ATVET College is responsible to Ministry of Agricultural and Natural Resource. Without adding the temporary civil servants, who are working in different farms of the college, currently, the college has around 1697 supportive staff and instructors, including those employees who are born and hired in the college. As far as the whole number of people who are residing within the College compound concerned not clearly known however, by including the college students, more than 10,000 people are estimated to be reside within the college compound. Within the college compound, there are more than seven (7) near and far residential villages.

State administration- as I discussed above, the College land is located at the interface of Oromia and SNNP Administrative Regions. So here logical question comes as far as in which Regional State administration that the land of Alage belong? In state of Oromia or in SNNPR State? I bothered about this questions, since State administration location of certain place is the major premise or imperative for meaningful implementation of right to political participation of the citizen's. Because, as we discussed under chapter four of this thesis in particular, in Ethiopia, constituencies were established mainly by taking the woreda administration as a base and without crossing the state boundaries of each regional states of the country. In other word, this to mean every region has constituency within its confided boundaries. For instance, neither all 172 constituencies of Oromia Regional State, nor 123 constituencies of SNNPR State are found outside their own regions, rather they are confined within their respective boundaries. The same holds true for the other federations of the country. Then;

Whose land is it, administratively? Oromia Regional State or SNNPR State-Indeed, thanks to FDRE Constitution all we are collectively endowed the ownership of the land. Here am not forwarding a question who is the owner of the given land. Rather am asking, in which regional state administration that the land of Alage is found? At least, to attempt to answer this question, I

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350 This Ministry and the Ministry of Livestock and Fisheries were independently established before two years ago by proclamation no. 916/2015, art. 9(7) and (9), respectively. But, very recently the government (HoPR) because of policy reasons has decided these two ministries to be merged together in one ministry called Ministry of Agricultural and Livestock Resource by enacting a new amendment proclamation no. 1084/2018. Thus, I hope hereafter, this study area college and Agarfa ATVET College will be responsible to this newly merged Ministry, after transitional period completed, if any. I heard from, Fana Broadcasting Corporate Radio, afternoon news, April 19/2018

351 The recent i.e May/2017 human resource internal report letter confirms the existence of such number of permanent employees in the study area.

352 Water Works Design and Supervision Enterprise, ( n.29), P.54

353 Interview made with Abreham Gedebo (n. 263)
should back and see the situations of more than twenty years of today. Since, the area is a grey area, as far as to whom regional state it belongs. Mr. Abate Ayano, also said that the area is very confusing to whom regional State it belong, since the land is found at middle of Oromia and SNNP Regional States. He further told me by raising the historical account of Alage. He said that, in previous time, both the surrounding regional state communities of a college were in conflict over the land of Alage. The government by taking this as incident, had held referendum, at the middle of 1985 EC, to give once for all solution over the land question. This referendum was conducted by representatives of the two regional states (SNNPR and Oromia Regional State) and the transitional government delegates (The leader of the committee.) However, the referendum only invited and opened for the then employees of the institution, not to the surrounding communities. Then, both referendum holders, i.e the Oromia and SNNP Regional State representatives illegally made their own campaign, internally. Eventually, at the day of vote, virtually all the then employees of the institution appeared and gave their own vote. However, when the vote of the employees were counted, the majority of vote inclined to SNNPR State. Then the problem comes. The problem comes when the representatives of the Oromia Regional States refused to put their signature on the referendum result. At the middle of this, the Oromia surrounding communities heard the rumors of the referendum result, and then another conflict started to broke out between the two surrounding regional state communities. Then, the then Oromia Regional State President Hassen Ali, additionally ordered the Oromia Regional State representatives of the referendum, not to put their signature on the referendum result. At that time, the claim of surrounding Oromia communities were, how the fate of land was decided by only exogenous groups ( the then employee's of Orphan Care Centre) regardless of their endogenous participation. Finally, the referendum was aborted. In same vein, the then Oromia Regional State representative on the referendum, Mr. Dejene Ayele vividly acknowledged the existence of disagreement between themselves, even on the process of

354 Interview made with Abate Ayano, Adami Tulu Judo Kombolcha Woreda Constituency Election Execution Committee Head, Jan,20/2018, at his home, due to health problem, Batu Town (Zewaye) This person was an employee of the former Orphan Care Centre ( dressing) i.e of today Alage ATVET College, for almost ten(10) years. He was also participant on 1985 EC referendum by giving vote. Besides to his election execution mandate at the time of general and local election, currently he is also serving as a legal officer in Batu Town Municipality. Be note that, Adami Tulu Judo Kombolcha Woreda Constituency is very adjacent to Alage ATVET College.

355 Ibid
356 Ibid
357 Ibid
conducting referendum.\textsuperscript{358} He further noted that, though the former Children Care Centre land (of today Alage ATVET College land) was identified by the then central government as a place where referendum need to be conducted; however, as whole was not conducted successfully, mainly due to the existence of intense disagreement between the then referendum committee members unlike to other place referendum. Eventually, the committee reported this fact to the Central Committee of the time, as its in the presence of the then president of the two regional states (Hassen Ali, Oromia Regional State President and Abate Kisho SNNPR State President.) Thus, in the same fashion, he certified to me that the land of Alage neither decided to be in Oromia nor in SNNPR States, during that time referendum. 

After this scenario that, the federal government decided to establish an institution which is responsible to federal government agencies or ministers like the present one. Had the government failed to take such measure, the situation would be turned to unceasing ethnic conflict between the two surrounding communities.\textsuperscript{359} From this we can understand that the referendum was not held by neutral body as well as not inclusive, which mean, it only heard the interests of then employees of the institution. In sum, had the referendum been conducted by impartial body and inclusive enough, such kind of abortion of referendum would not have been occurred. The problem would not also been unceasingly continued to the present time too.

Notwithstanding to the above, though the House of Federation personnel failed to clearly address specifically the situation of the land of Alage, however, he told me in "generic manner" that such kind of places most of the time administered by federal government.\textsuperscript{360} The incumbent dean of the college, in the same fashion agreed that, the land of Alage neither belongs to SNNPR nor to Oromia Regional State. Quite interestingly, in his word, repetitively resemble the land with "Sandwich". He meant, the "Sandwich" which is existed at the middle of the two states, but, without determination.\textsuperscript{361} Further note that, owing to this problem, now a days the college forced to live in cooperation with the two regional states and city administration (Addis Ababa),

\textsuperscript{358} Interview made with Dejene Ayele, the then Oromia Regional State Representative on the Referendum( among the committee member), Feb. 2/2018, at his home, Bora Woreda (Alem Tena) However, at that time, he was Oromia Regional State, East Shewa Vice Head Administrator.
\textsuperscript{359} Interview made with Abate Ayano,(n.354)
\textsuperscript{360} Interview made with Muluye Wolelaw, FDRE HoF Constitutional Interpretation and Identity Claim Affairs Directorate Director, Nov. 28/2017, main office, Addis Ababa.
\textsuperscript{361} Interview made with Dr. Kebede Beyecha, Alage ATVET College Dean, Jan.15/2018
some sectors in which the college need regional government involvement and assistance, mainly in relation with deployment of police forces, ordinary schools, health care centre and so on.\textsuperscript{362} To express in more detail, currently the college is working in cooperation with Oromia Regional State as far as health related issues. While educational and security affairs concerned, in the same fashion is working in cooperation with Addis Ababa City Administration and SNNPR State, respectively.\textsuperscript{363} Even if the college is under cooperation with the above noted bodies, the college is also facing some problem mainly in acquiring education material and special medicine support services of the same directly supplied to Regions from the Federal Government following the Federal-Regional Administrative links. These issues are more important whenever such goods and services are usually obtained from donors or the Federal Government and are not available on the open market.\textsuperscript{364}

As it mentioned above, within the college compound, there are more than seven (7) near and far residential villages, in which the employees and other dependants are residing. In addition, each "Mender" or residential villages has its own internal village Kebele. As we know, Kebeles are the smallest units of administrations as per State Constitutions. In fact, the FDRE Constitution though not in black white term in name indicate Kebeles as the lowest administrative units, but, recognized the possible existence of "lowest state administrations" as well as stressed adequate power to be given to them, so as to enable the people to participate directly.\textsuperscript{365} Accordingly, as I discussed in the preceding part of the thesis, in each State Constitution, we may find Kebeles, Woredas, Zones/ Town, Liyu Woreda as state structure of governance with certain administrative mandate.\textsuperscript{366} Therefore, we can say that Kebeles have a constitutional base as well as accountable to their respective woredas and to the people of the Kebele.\textsuperscript{367} However, quite surprisingly, the Alage ATVET College Camp kebeles are responsible to vice administrative dean of the college,

\textsuperscript{362} Ibid
\textsuperscript{363} Ibid
\textsuperscript{364} Water Works Design and Supervision Enterprise,(n. 29) p. 57
\textsuperscript{365} FDRE Constitution, art.50(4) and art.52(2) a.
\textsuperscript{366} Almost all State Constitutions has indicated the existence of Kebele administration within their state affairs, for instance, see common art. 45(1) of Harari, Gambela, Amahara, Oromia, SNNPR State constitutions.
\textsuperscript{367} There is distinction between State Constitutions, as far as their respective Kebele Council's accountability. For example, SNNPR State Kebele made each Kebele Council's to be accountable to the electorate of the Kebele, whereas the Oromia State Kebele Council are responsible to people of the Kebele and Woreda. See for more art.104 (2) and 91(3) of their respective constitution. Anyway, Kebeles have a chain with their respective Woreda's
neither to SNNPR State nor to Oromia Regional State adjacent Woreda. Moreover, the Kebele's of the College are using the Alage ATVET College circular official stamp, as its. This clearly underpin also that Alage is out-side from either of the state administration as well as these internal village based Kebele's are not strictly established as per the words of the FDRE and State Constitution. Rather, they are established merely as being "Mender" or village committee, for the purpose of effectively managing the residents of each villages of the college.

Some other studies which have been conducted on the land of Alage, mainly out-side independent institutional studies also called the land of Alage as "buffer zone", which existed at the middle of two regional states or located at the interface of the two regional states. In the same fashion, EBC in its very recent ETV news has certified that the land of Alage doesn't have State administration, but under federal government. In addition, the report attempted to touch certain impacts of lack of State administration on the communities and their children's thereof mainly in relation to the problem in acquiring and getting acceptance from other regions to learn basically preparatory school education and above level education.

The employee’s of the College in their questionnaire responded similarly that the college is neither found in Oromia nor SNNPR State.

Table-2 The state administration location of the Alage ATVET College

<table>
<thead>
<tr>
<th>Question</th>
<th>Item</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>In which regional state that the college is found or located</td>
<td>Oromia Regional State</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>SNPPR State</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Undetermined</td>
<td>36</td>
<td>90</td>
</tr>
</tbody>
</table>

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368 Interview made with Dr. Kebede Beyecha (n. 362)
369 Interview made with Addise Eregena, the former Alage ATVET College Kebele's Coordinator, Feb.15/2018
370 Ibid
371 Water Works Design and Supervision Enterprise, (n. 29) p. 23.
372 ETV afternoon news, March, 30 and 31/2018
As shown on the above table, 36 or 90% of the employee responded that the land of Alage not yet determined, to whom regional state it belong. From this we can discern that the Alage neither administratively belong to Oromia nor SNNPR State. If this so, in which regional state that the community of Alage ATVET is residing? In whose regional state that the communities are represented? Where is their local administration? Those who born in Alage where is their proper regional state? Can we say they are born in both regional state? How could they exercise right to vote and other political rights? These are some of the questions in which they appear directly in to our mind, when we think the state administration location of Alage. Anyway, as far as state administration of Alage concerned, I can't perfectly say that Alage is found either Oromia or SNNP Regional state. But, from the above discussion, I reached on the conclusion that, Alage neither administratively belong to Oromia nor to SNNP Regional State. So, it's a virgin land which is not yet touched by either of the state administration.

To recapitulate, as I said in the preceding discussions bordering the land (places) in to State administrative boundaries is the major premise for meaningful exercise of participation rights. However, as we can easily discern from the above information's, the study area College land is a grey area unlike to the above mentioned counter-part institutions. Meaning, it neither belong to Oromia nor to SNNP Regional State Administration.

2. Constituency or electoral district

For holding election in particular territory, the whole area may be divided in to a number of electoral districts or constituencies.\textsuperscript{373} Indeed, the significance of delimiting electoral districts varies from one electoral system to the other. For instance, delimitation of electoral district is common and important for plurality electoral system of single-member district than to other kinds of electoral systems, due to its nature of producing disproportional election outcomes.\textsuperscript{374} Since the country is adopted the latter electoral system as the rule of the tournament under art.

\textsuperscript{373} J C Johari (n. 88) P. 476
\textsuperscript{374} ACE Encyclopedia: boundary delimitation (n. 253)
54(2) of the FDRE Constitution and other electoral laws, delimiting electoral districts will have much relevancy and significance for conducting election through-out the country.

In connection, it has to be underlined that electoral districts may or may not coincide with the administrative districts of a country. Nevertheless, when we see the Ethiopian electoral districts practically as well as legislatively, they are highly coincided with local administration boundaries. Therefore, all the constituencies of the country at large they are enclosed under each State administrative boundaries.

Accordingly, since the location of the Wonji Shewa Sugar Factory Institution is found in Adama Woreda, Oromia Regional State, the constituency of the institution as the same time found in the Oromia Regional State. As result, Adama Woreda has been divided in to three constituencies, for the purpose of holding general election. These are Adama 01, 02 and 03 constituency. These constituencies, for general election purpose accommodate the people of Adama Town, North of the Town (i.e rural Kebele's) and the institution, including the surrounding rural Kebeles in the South West direction, respectively. Accordingly, Adama 03, Constituency as independent constituency of the institution and the surrounding Kebele's, register candidate who are competing in this specific constituency as per electoral law candidature criteria's and execute other duties which have been given by electoral laws to constituencies. Moreover, the constituency also made connection, for any need with main Board and with Oromia Regional State Electoral Board Branch Office, during general election of the country.

In the same fashion, since the Agarfa ATVET College is found in Agarfa Woreda, Oromia Regional State, the constituency which accommodate this college is the Oromia Regional State constituencies. Thus, this college is found under Agarfa gasera constituency, for the purpose of general election, since its located in Agarfa Woreda as it mentioned above. As we can see, like Wonji Shewa Sugar Factory Institution, however this college doesn't have his own independent constituency. But, included under the above noted Woreda constituency as one station at the time

375 J C Johari (n. 88) P. 476
376 See for instance, Proclamation no.111/95 (Repealed), art.15 (1) and Proclamation no.532/2007 art. 20(1) (a) for more, refer back chapter four of the thesis.
377 Interview made with Endalekachew Bejegu, Adama 03 Constituency, Secretary, Nov.20/2017, Wonji, his main office.
378 Ibid
of general election. Moreover, this constituency by considering the college as one station, has also enabled the college employees and other residents to be participant to elect observers of election as well as election executors of each polling stations which are found in the college. This indicate among the employees and other college communities that the polling station election executors and observers were elected.

However, as like state administration, the constituency of Alage ATVET College not clearly known. The NEBE knows and recognized the place as special polling station, only for enabling the college students to exercise their right to vote during general election. Mr. Abate Ayano, told me that since Alage doesn't have state administration, its constituency also neither found in the Oromia Regional State nor in SNNPR State. Thus, the place neither have its own independent constituency nor included as ordinary polling station in either of the state adjacent Woreda's constituency. So, the same abnormality is visible in the study area college in relation to constituency too, unlike to the counter-part institutions.

2. Polling Station and the employee's participation in general election, through giving vote


Even from cursory view of this self-explanatory quote, we may understand many things. Mainly this quote tell us how far votes are fundamental, foundational and preservative of all. We can also relate it with the right to vote of citizen's during public election. Accordingly, citizen's to have a vote in public elections, at first they have to be enfranchised by law, since their vote is found within their right to vote. Be note that being a mere title holder of the right itself not
enable citizen's to exercise their constitutionally granted right to vote. Then what shall be done next, to exercise right to vote, practically? Here in after, the so called "obligation of creating opportunity to vote to all eligible citizen's of the country concerned" comes in to picture. Thus, those concerned bodies have to discharge this obligation of them effectively, so as to make all eligible citizen's of the country to exercise practically their right to vote. Unless that citizen's don't have a vote. Citizen's don't have a vote mean, they are bared to attack. Because, they lost their cherished right of right to vote which is their preservative right of all. In all, citizens to be protected from violations of socio-economic and political rights at least in principle, they have to be enabled equally and fairly to exercise their right to vote during election. Accordingly, the government should ensure that this is not a dream. It should be a reality.

Of course, in Ethiopia as regards to franchise no doubt, the FDRE Constitution, international human rights treaties in which the country is a party and other subordinate electoral laws of the country, in vivid manner has independently ensured the right to vote of every adult citizen of the country but, with different expression. However, those adult citizen's who are incapable to make decision due to mental disorder, those persons who are in prison serving a sentence and those persons whose electoral rights are restricted by a court order\textsuperscript{384} are not eligible for registration of vote, effect wise they are excluded from exercising right to vote.\textsuperscript{385} From this we can deduce that in exception to the latter person's, all Ethiopian adult citizens are clearly enfranchised by law. So, they can participate in general election as well as in the other local elections of the country by giving vote to any political party candidate in which they desire.

However, it's quite obvious that merely declaring right to vote under legal documents is not suffice so as to make the citizen's of the country to exercise their right to vote practically and meaningfully. Therefore, the country as any member State to international human right treaties, such as ICCPR, has a legal obligation of creating equal opportunity to vote, to all eligible voters of the country. As regards to this UN-Human Right Committee under its General Comment,

\textsuperscript{384} The FDRE Criminal Code 414/2004 has declared electoral offenses from art. 466-476. If courts based on the latter criminal provisions order imprisonment sentence up on the criminal, have also a duty to take concurrently a temporary measure of suspending the criminal public rights, including right to vote of the criminal. Thus, courts are authorized according to criminal law, besides to electoral laws of the country to suspend temporarily the right to vote of electoral offenders. Particularly see, art. 475 in tandem with art.123(A) of FDRE Criminal Code.

\textsuperscript{385} See cumulatively, art. 38(1) b of FDRE Constitution, art.33(1) of Electoral Proclamation no. 532/2007 and art. 25 of ICCPR
stated that State has to take legislative and other necessary measures to ensure that citizens have an "effective opportunity to enjoy the rights to vote" and other rights which have been mentioned under art. 25 of ICCPR. If this is not done properly by the government, the citizens of the country will remain only as a title holder of the right.

Accordingly, the citizen's of the country in order to use their right to vote practically for purpose of choosing their representatives, among other thing the concerned bodies of the government has to establish "appropriate and convenient polling stations." Because, establishing polling station is the very near and important premise for executing right and opportunity to vote of electorate, practically.\textsuperscript{386} In fact, merely establishing non-appropriate polling station would have a potential of creating symbolic representation, even its has the capacity to make citizen's participation futile. In the same vein, non-convenient polling stations can also create cumbersome on the participation of the electorate and thereby not enable perfectly the electorate to exercise their right to vote during election. Therefore the government can be said in line to the words of the covenant (i.e art. 25 of ICCPR) if it established appropriate and convenient polling station to all eligible voters of the country equally.

By taking cognizant of the above discussions, let us see the practically established polling stations, if any and participations of those employee's who have been residing in Wonji Shewa Sugar Factory Institution, Agarfa and Alage ATVET College camps (study area) by giving vote, basically after, 1991 general elections of the country, respectively.

A. Polling station and participation of Wonji Shewa Sugar Factory Institution employee's in general election

As discussed above, during general election this institution has been using Adama 03 constituency. Accordingly, within Adama 03 Constituency, for executing general election, there were around 46 ordinary polling stations during past general elections of the country. Of these, 19 ordinary polling stations were found in the different corner of the institution. More or less

\textsuperscript{386}Because of the important role of polling stations during election we may call them "eyes and ears of election." For instance, in Ethiopia polling stations serve as a forum of registrations of voters, voting and announcing results of election. Therefore, they are eye witnesses for conduct of election in a given place as well as reaches the results of election to the ears and eyes of the electorate, by notifying their specific results of election to a given public (These all, mainly the basic functions of ordinary polling station) For detail understanding in general about the functions of polling stations see chapter four discussion of the thesis.
attempt was made, each polling station to be available in respective camps in which the employees were found.\textsuperscript{387} In addition, Mr. Endalekachew, holds that the polling stations which have been established for employee's during general elections were appropriate and convenient. Since polling stations which have been established for employee's associated or aligned to nearby constituency as well as attempt was made to establish polling station for each camps of the institutions.\textsuperscript{388} Through these established polling stations that the employee's of the institution without inconvenience have been giving their vote in general election, without intermittence, since the establishment of NEBE.\textsuperscript{389} Both employees, i.e those who came from other parts of the country and those who were born, grown and hired, equally were participated to elect a candidates who were registered and competed in this constituency.\textsuperscript{390} Those purposively chosen respondent's also attested in generic manner about their participation in general election by giving vote, while they were in Camp, during general election.

Table-3 The Wonji Shewa Sugar Institution Employee's participation in general election, through giving vote

<table>
<thead>
<tr>
<th>Question</th>
<th>Item</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whether they were participated in general election of the country while they were in Camp/institution, through giving vote</td>
<td>No</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>36</td>
<td>90</td>
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</tbody>
</table>

As shown on the above table, among 40 respondent, who have been staying for more than three years in that specific institutional camp, 36 or 90\% of them responded that they were participant in general election while they were in camp by giving vote, using nearby established polling stations. But, the other four or 10\% were shown their disinterest to be participant in general election of the country, though they had an opportunity to be participant in election.

\textsuperscript{387}Interview made with Endalekachew Bejegu (n.377)
\textsuperscript{388}Ibid, here be note that within the institution camp itself we can find different mini dissected camps, in which relevant employee's are existing.
\textsuperscript{389} Interview made with Dabessa Kebede(n.335)
\textsuperscript{390} Interview made with Endalekachew Bejegu(n.377)
B. Polling station and participation of Agarfa ATVET College employee's in general election

In the earlier discussions, we have said that within this college compound there are 5(Five) "Menders" or residential villages. As a result, all employees and other residents of the college in order to give their vote safely, the whole college has been divided into two polling stations. Namely, polling station \( \mathfrak{u} \) and \( \mathfrak{A} \).\(^{391}\) This doesn't mean that the students can use these polling stations to give their vote at periodic election. Because these polling stations have been established only to serve the employees and other communities who are residing in college camp, not the students of the college. However, the students of the college, as per art. 24 of electoral proclamation no. 532/2007, have their own special polling station.\(^{392}\) So, we can say that the employees of the college and the students of the same has been exercising their right to vote in different channel, but for the same purpose of electing their own representatives. Here it has to be underscored that had vice versa polling stations been provided to employees and students of the college during general election, as to me would not have been sound and meaningful for both of them, as far as electing their own "proper representatives."\(^{393}\) Thus, appropriate polling station play a paramount role for meaningful participation in election through giving vote. In all, without any distinction the whole employee's of the college, though they are living in camp, they were participant in Ethiopia general election by giving their own vote to candidate who was registered and competed in Agarfa gasera constituency by using their nearby ordinary polling stations.\(^{394}\) The employees of the college have also attested this fact in generic manner:

Table-4 Agarfa ATVET College employee's participation in general elections, through giving vote

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\(^{391}\) Interview made with Gebi Tukura, (n. 345)

\(^{392}\) Ibid

\(^{393}\) As we discussed in earlier chapter, basically for the purpose of enabling the citizen's (i.e those groups who are far from their original constituency) to elect their proper representative that exceptionally special polling station has been introduced by the law. Of course, it is true, the students' may fulfill the criteria's to use ordinary polling stations, since this polling station is open to all eligible voters, unlike to the former station. However for the purpose of choosing right or proper representative of them it's advisable for students who are "far from their original constituency" to use the special polling stations which have been established to them within the college compound. Because, they have high possibility to be back to their respective original constituencies, after they completed their education. Moreover, this channel is also important for avoiding symbolic representatives' election or participation.

\(^{394}\) Ibid
As pointed on the above table, among 40 respondent, who have been staying for more than three years in that specific institutional camp, 35 or 87.5% of them responded that they were participant in general election while they were in camp by giving vote, using nearby established polling stations. But, the other three (3) were shown their disinterest to be participant in general election of the country, though they had an opportunity to be participant in election. While the other two (2) respondents though they were indicated their non-participation in general election, but they failed to mention their respective reasons. Except the latter respondents, as to me the other three were participant in election. Because, had not been opportunity of election in their respective locality, they couldn't have been exercise the other side of right to vote. i.e right not to vote.395 The same holds true for those Wonji Shewa Sugar Factory employee's who showed their disinterest to be participant in general election through giving vote. In all, it has to be underlined that those who doesn't have an opportunity of election, even they can't exercise right not to vote, leave alone right to vote. Because of the very logic that one can only express or reflect his disinterest, for example to eat a food, usually whenever the food is either presented physically to him or when asked by inviter whether to eat the food or not. It seems there are no other options than discharging these latter conditions even just to know the position of the invited. In the same logic, polling stations and other important pre-conditions must be made for citizen's either to exercise their right to vote or right not to vote of them, during election.

C. Polling station and participation of Alage ATVET College employee's in general election

395In fact, in strict sense within laws we may not find right not to vote. But, mostly it emanate from an argument on basis of liberty against the use of coercion in relation to voting. Because, compelling people to vote....violate the liberty which the right to vote protects. For detail theoretical and philosophical understanding of right to vote, see in general Heather Lardy (n. 152)
As far as participation of this study area college employee's in general election concerned, basically, those employees who have been stayed for more than three years within the college camp has clearly testified that they were not made to be participant in national periodic election of the country through giving vote.

Table-5 The condition of Alage ATVET College employee's participation in general election, through giving vote.

<table>
<thead>
<tr>
<th>Question</th>
<th>Item</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whether they were participated in general election of the country, while they were in Camp/institution, through giving vote</td>
<td>No</td>
<td>37</td>
<td>92.5</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Not responding</td>
<td>3</td>
<td>7.5</td>
</tr>
</tbody>
</table>

As we can easily understood from above table, quite different from the above sisterly institutions, among 40 respondent, 37 or 92.5% of the employees of Alage ATVET College employees in generic manner indicated their non-participation in general election which have been conducted in the country through giving vote. Along with this, all the above mentioned employees indicated clearly, absence of extended polling station which can accommodate them as citizen within the college compound as one hindering factor for their non-participation in general election. Concerning the non-participation of the employees, Mr. Abate Ayano, added that though these employees are part and parcel of the Ethiopian citizens, however, hitherto in Ethiopian election history they were not made to be participant. He said literally that "Ethiopia election not know them “He meant, they are the forgotten communities from Ethiopian election ambit, for nothing but, for the mere fact of being there.\(^{396}\) We can draw from this assertion simply that, the community itself don't know election, since election not made to know them, as citizen of the country. As a result, their right of citizenship has been taken away, for years, he said. Moreover, EBC in its etv news has given also a coverage or exposed to the public the issue.

\(^{396}\)Interview made with Abate Ayano (n. 354)
of the non-participation of the Alage ATVET College camp residing communities within the
country election, for years.397

To enjoy virtually all human rights, being human being is the only sufficient and core criteria.
However, to exercise right to vote as I discussed earlier, require other additional criteria to be
fulfilled, such as citizenship, age, capacity and free from internment. If these conditions have
been cumulatively fulfilled by certain individual or groups, they have to be enfranchised. In other
word, opportunity of participation has/ve to be given without any kind of precondition. However,
the Alage ATVET College employees done beyond these, to be participant in the past general
elections of the country. As regards to this, Mr. Mesfin Tamene, told me that the employees of
the college in ordinary as well as in different political meetings have been raising relentlessly,
why and how they were excluded from elections of the country. Even they relate their non-
participation with absence of good governance.398 Moreover, even they question their
citizenship, on big meetings, by saying that "really do we are citizens of this country?" 399 This
question of the employee's not simple as we may think. Because, from this question apart from
citizenship question we may also infer other impacts of losing franchise, such as feeling of
alienation or exclusion and inequalities. As far as impacts of losing franchise, see the subsequent
section discussion. Anyway, no doubt, there question is not unexpected, not surprising too.
Because, what they lost is their badge of dignity and personhood400 as well as their proud badge
of freedom.401 In connection to this, Chad W. Flanders, says that the very act of voting itself says
something: among other thing, it says that we are citizens.402 Mr. Mesfin Tamene, further noted
that the college management by taking this as a proper question of employee's, had brought the
issue before the attention of HoPR, permanent standing committee and to Agriculture and

397ETV afternoon news, March, 30 and 31/2018
398 Interview made with Mesfin Tamene, Former Alage ATVET College Administration and Student Affairs vice
Dean, Oct. 30/2017, in his main Office, Alage. This official has served the college for more than 16 years, as being
instructor as well as vice dean administrator of the college. However, suddenly, after I made interview with him, he
left the college and transferred to other institution, after Dec, 30/2010 EC
399 Ibid
400 The South Africa Constitutional Court, which is highest court of the nation on constitutional issues, when it
invalidated a felon disenfranchised law, said that: "The vote of each and every citizen is a badge of dignity and of
personhood", see the case between, August v. Electoral Comm'n 1999 (4) BCLR 363 (CC) at Para. 17
401 The Canadian Supreme Court too, recognizes the fundamental and foundational nature of voting. Among other
thing it says that “The marking of a ballot is the mark of distinction of citizens of a democracy. It is a proud badge of
freedom.” As cited by, Joshua A. Douglas, The Foundational Importance of Voting: A Response to Professor
Flanders, 66, Okla. L. Rev. 81, 2013, P. 88
402 Chad W. Flanders, What is the Value of Participation?, 66 Okla. L. Rev. 53 (2017), p. 58
Natural Minister, political affairs. In addition, he told me that they were also presented the issue to NEBE, Public Relation Directorate. But, not yet, has not given an attention to the issue. This implies, the issue of political participation of the employees in election has lost an owner, for years.

Notwithstanding to this general employees question, specifically those employees who are party member to political organizations, seen their non-participation from vantage point of inability to sympathize their political party candidate, through their vote during general elections of the country. These employee's are also expressed regrettably in their political meetings, how far their vote was missed, during election. In holistic manner, those citizens who are in party organization, have the right to support their parties among other thing through vote of them during election. What if they want to represent the Alage ATVET College community? Since Alage ATVET College doesn't have a constituency, it would be difficult for them to be registered as candidate and represent a community, particularly it would be highly cumbersome for those employee's who have been born, grown and hired in the college and are living in the same.

As far as the hindering factors for the absence of public election within the college concerned, both Mr. Abate Ayano and Mesfin Tamene, agreed that beside to the existence of negligence on the side of NEBE, the place (Alage) non-inclusion under regional system is one of the major hurdle for the employees of the college not made to be participant in general election as the citizen of the country, not yet. Moreover, it has made the place together with it's communities to be out-side from government focus. Mr, Abeyot Girma also share the latter reason as one hindering factor for college employee's to be out-side from national election ambit of the country, in years. No doubt, these could be some of the practical impediments in which the government should remove as per its obligation, so as to enable the employee's of the college to be participant in general election of the country through giving vote.

403 Interview made with Abeyot Girma, Alage ATVET College, Public Relation Director, Oct. 22/2017, in his main office, Alage. He is also working as EPRDF Secretary of Alage ATVET College.
404 Ibid, in addition, Mr. Abeyot, certified to me, the existence of all the main EPRDF regional political organizations within the college camp. That are, OPDO, ANDM, SEPDM and TPLF.
405 One to be registered as candidate, among other thing the person has to be born or reside for more than 2 years in place where he want to be candidate. What if the place in which the person born and is living doesn't have constituency? It seems the directive doesn't have response to such issue. In fact, it need further study on this point. Anyway, See art. 12 of Directive on the Registration of Candidates, No. 1/2009.
In this section, along with conceptual discussion attempt have been made to present the whole information's of the data in respective basic themes of the research. In general, to understand the basic facts of the research succinctly, here under are summarized in tabulated form.

Table-6 Basic information's and results of the research (summary)

<table>
<thead>
<tr>
<th>No.</th>
<th>Institutions/Camps</th>
<th>Basic themes of the research</th>
<th>Results</th>
<th>Possible impediments for participation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Participation of employees in general election through giving vote, post 1991</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Wonji Shewa Sugar Factory</td>
<td>State administration</td>
<td>Adama 03</td>
<td>The employee's were participant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Constituency</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Agarfa ATVET College</td>
<td>Agarfa gasera</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Alage ATVET College/ study area</td>
<td>Doesn't have Constituency</td>
<td>No established polling station</td>
<td>Not made to be participant</td>
</tr>
</tbody>
</table>

As we can see from the above table as well as based on earlier discussions of this thesis, I reached on the point that those employees who are residing in Wonji Shewa Sugar Factory Institution and Agarfa ATVET College, though they are in camp, however they are in reality are exercising their right to vote meaningfully without any kind of obstacle. Meaning they are de-facto enfranchised. Because, all necessary major premises of participation in election, such as State administrations, constituencies and polling stations have been determined and established.
by the government as per its obligation of creating an opportunity to vote to all eligible voters of the country (ICCPR, art. 25 and electoral law of the country) Therefore, the synergized existence of the above noted major premises of participations within each institutions can be said, among other thing contributed for the de-facto exercise of franchise by the employee's. Whereas those employees and other communities who have been residing for years in Alage ATVET College camp, were not known by Ethiopian election, in years, even after 1991 in which participation in election through giving vote is the common activity of the majority of Ethiopian citizens in contrast to in earlier periods of the country. I found that this happen *inter alia*, due to absence of basic synergized premises of participation in election, such as State administration, constituency and polling stations, unlike to the above mentioned counter-part institutions. To summarize mathematically its impediments and results in the study area: No State Administration + No Constituency + No Polling Station = No opportunity to vote = No participation in election, through exercising right to vote/No de-facto franchise.

In fact, had affirmative obligation from the part of the government been taken, the Alage ATVET College Camp residing employee's could have been exercised their cherished right to vote, like their counter-part institution employee's during general elections of the country. Since, legislatively, no problem they have a right to vote during election, as like any other citizen of the country. If this so, I don't mean that, they were disfranchised, as historically blacks, women's in USA and in other parts of world had been disfranchised during those classic and shameful times. Moreover, I don't mean they were also disfranchised legally, like those persons who are in prison or internment. But, I can dare to say that their right to vote has been taken away, due to lack of government commitment in avoiding unnecessary impediments, as per the obligation it has in line with international convention in which the country is a party (ICCPR, art. 25) Consecutively, this resulted de-facto disfranchisement, from the ambit of election, for years. Therefore, these employee's are remained as mere title holders of political rights, mainly right to

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406 These groups by most electoral laws of States are disfranchised, by mere fact of being in prison. For instance, in Ethiopia according to art. 33(3) (b) of Amended Electoral Proclamation no. 532/2007, those who are imprisoned by order of the court in black and white term are disfranchised, while they are in prison. In connection to this, some argue that this specific provision of the law does not expressly exclude remand prisoners. i.e those who are in prison awaiting their conviction and sentencing. Even further argued that in practice, no arrangements are made to ensure that pre-trial detainees exercise their right to vote. For more, see Adem Kassie Abebe, In pursuit of universal suffrage: the right of prisoners in Africa to vote, The Comparative and International Law Journal of Southern Africa, Vol. 46, No. 3(NOVEMBER 2013), pp. 410-446
vote. This implies, one can only enjoy right to vote only if he is not disfranchised by law and whenever that person endowed again his right to vote practically (de-facto enfranchisement) If not, that right only available over the head of that specific person. So that person is only the bearer of the right not the user of the right. In all, what are the implications of losing participation in election, through voting? This will be the basic issue of the subsequent section.

5.2 The Implications or Impacts of Losing Right to Vote

Citizen's may lose their right to vote owing to either de-jure or de-facto disfranchisement. This mean, as I attempted to indicate in the earlier discussions, certain groups of people for instance in Ethiopia those individuals who are in interment (prison) legally not entitled to express their preference through exercising right to vote during election, even if they are adult citizen's of the country. Anyway, we can raise a number of instances or scenario's as regards to de-jure disfranchisement, historically and even in current world. In this respect, women's, and black Africa American's de-jure exclusion, historically for a number of years as well as at present time felony/ ex-felons disfranchisement from participation in election through exercising right to vote is a common practice in USA.407

However, those even legally enfranchised can lose their right to vote, in case where the government failed to take its legal obligation of creating opportunity to vote to all eligible citizen's as per the words of the law. In brief this to mean, the citizen's may face a problem practically to exercise their right to vote, due to de-facto existing impediments. In fact, the impediments could be many things. In this regard, the case of Alage ATVET College Camp residing employee's conditions of franchise can be taken as major instance. Because, as I attempted to illuminate in the preceding section of this thesis, though this employee's as citizen's of the country endowed right to vote; however, owing to practical impediments, they were outside from participation in general election through exercising their right to vote. As result, not in

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407Majority States of USA(United States of America), only deny the right to vote of felony convicted persons, not misdemeanor's. However, one study reveals that because of misunderstanding of each State elections officers mainly about the clear difference between the above noted two types of convictions, have made improperly misdemeanor's to be ineligible to vote for years (de-facto disfranchisement) In fact, in some states an individual who finalize his felony prison sentence simply re-register to vote. However, in a number of states the process is more burdensome and may require a five to ten-year waiting period. For more in general see, Erika Wood and Rachel Bloom, American Civil Liberties Union and Brennan Center for Justice at New York University School of Law, (2008) ; Matthew Cardinale, Triple-Decker Disenfranchisement: First-Person Accounts of Losing the Right to Vote among Poor, Homeless Americans with a Felony Conviction,( 2004)
de-jure but, in de-facto has lost their right to vote. In other word, their right to vote has been taken away practically or de-facto disfranchised.

Whatever the source of disfranchisement may be, here it should be underscored that the impacts of losing right to vote is more or less similar. Since the result is the same, that is losing of right to vote. Here in this particular section attempt is made to see the negative implications or impacts of losing right to vote, by using the Alage ATVET College Camp residing employee's conditions of franchise ( i.e de-facto disfranchisement) as a significant bench mark.

**Autonomy and consent**-all we have what we call an autonomy. Simply this mean, no one can force us to do something, unless we are consented. In other word, we have what we call a self-government so, no one control us without our lawful consent. However, for instance a government who obtained consent from governed can take legitimate act over the consented. To obtain this consent, however the government at "first should ask the consent of the governed." If the government failed to ask the consent of the governed, then the government violated the autonomy as well as the dignity of the governed. After all, the government will not also be considered a legitimate government in the eyes of the governed. I raised this principle of autonomy, to show that how far participation is imperative, even the government to become legitimate and rule the governed. Since through participation that we the governed can only give our consent to the ruler or as a whole to the government. In extreme thinking, for those who are not asked to give their consent or to be participant in election, the legitimacy of the government is questionable. Nevertheless, in this juncture proper question may come to our mind. That is, how could the government ask the consent of the governed, to obtain a consent from the latter? In other word, what are the mechanisms of obtaining consent from governed? Among other thing, in case of public election nothing, but through polls that the government can ask the governed to obtain a consent. If this so, for Alage ATVET College employee's the legitimacy of this government is highly contestable, since the government ever and never asked them to give their consent by providing polling stations to them.

**Participation as expression of citizenship**-participation is a way we can show to others what we think and believe. Chad W. Flanders, nicely put the values of participation, in respect of

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408 Chad W. Flanders,( 402), p. 56
409 Ibid, P. 58
expression, according to him, let alone other thing, even going out to vote is expressive, even if you are not eligible to vote or if your ballot is spoiled.\footnote{Ibid, P.59} Even standing in line to vote is also expressive.\footnote{Ibid} Leaving aside other things, even for this purpose only establishing polling station for a given communities is imperative. Therefore we can say logically that those communities which don't have polling station, like Alage ATVET Camp residing employee's during election, even they can't express their participation by forming a line to vote. Because, no forum is placed for them to do this. When we come to giving vote practically, the very act of voting itself tell you that you are the citizen of that country.\footnote{Ibid} But, inter alia, what if people can't vote, like the people's at hand, because of obstacles, they faced? Chad W. Flanders, in again has a response for this too; he says

\begin{quote}
this send a message about what the government thinks about them---that they are not full citizens or that their opinion do not count. No amount of other means of additional expression can undo this harm to the fundamental value of participation.\footnote{Ibid}[Emphasis added]
\end{quote}

In connection, the employees of Alage ATVET College, have been forwarding a question which suspect their citizenship, owing to their non-participation in general election through giving vote, even if legally they are lawful citizens of the country as per the FDRE Constitution. As I stated above, for instance, the employees relentlessly questioned or expressed in different college meetings that "really do we are citizens of this country."\footnote{Interview made with Mesfin Tamene \cite{398}} In fact, they know it very clearly that they are part and parcel of Ethiopian citizen, legally, but their practical exclusion from participation in election through giving vote triggered them to ask this question. Thus, we can say, this question is emanated from them, due to their deep feeling of inequalities, alienation or exclusion from the country election ambit through exercising their crux citizenship right of right to vote. Nearly in similar way, Mr. Darimolo,\footnote{He was an employee of the institutions which have been established on the land Alage, since 1973 EC. But now, he is excluded from employment, due to retirement, though he is living within the college camp. This information has taken from, ETV Afternoon news, March, 30 and 31/2018.} while he is interviewed by EBC journalist about the existence of election for Alage ATVET College camp residing communities said literary that;
Election has not ever been conducted within this college, we really, have been living in island which is found out-side from Ethiopia (Translation mine)\textsuperscript{416} 

From this particular statement, we may also extract social and economic issues. However from political participation point of view, it seems the interviewee want to underscore that, those communities, including him who are residing within the college camp are not considered as citizen of the country, rather as foreign country islanders.\textsuperscript{417} As whole from participation point of view in his speech, mainly feeling of alienation or exclusion from Ethiopian election is observable, though implicitly. Such kinds of negative feelings, that means, feeling of alienation/exclusion and inequality are not surprising, rather expected from communities who have been ignored from participation in election through giving vote for years. Because, what they lost is a right which makes them politically equal and a full member of democratic community.\textsuperscript{418} In general, participating in election mainly through giving vote has a capacity to prove or express belongingness to certain political community. In contrast, being out-side from participation in election has the capacity to produce suspect ion and denial of citizenship. 

**Equality of treatment**- no doubt participation in election, through voting is the bedrock foundation for everything that follows in a democracy. Therefore, since voting is foundation in democratic regime, the government have an affirmative obligation to remove any obstacle or barriers which impede the citizens to exercise their right to vote equally. What if the government fails to address this equally? Chad W. Flanders, in this respect argues that, when a groups of people who "share a particular characteristic are denied the right to vote, it could be either legally or by obstacle, the wrong of denying them participation gets amplified."\textsuperscript{419} Flanders, further argued that unequal treatment in exercising right to vote ultimately will result feeling of contempt or disregard. 

...denial of right to vote is not just a denial of this person's or that person's right to vote, but is also a violation of equal treatment. And the denial of equal treatment is not only a wrong against the value of equality; it also represents an expressive harm. Not only are certain groups unable to

\textsuperscript{416} Ibid  
\textsuperscript{417} From this ironical speech, we may also infer, the outsideness of the place(Alage) from State administration in particular and from the whole country at large. 
\textsuperscript{418} Heather Lardy (n.152) p. 314  
\textsuperscript{419} Chad W. Flanders (n.402) p. 64
express their opinions, but that exclusion is powerful expression of society's contempt or disregard them.\textsuperscript{420}

As it has been discussed above, the Alage ATVET College employees were denied practically to exercise their own right to vote, due to the aforementioned impediments, unlike to other counterpart institution employee's, even with their own students, even if they share virtually common characteristics. To show in very clear example, students of Alage ATVET College can easily express their preference during national periodic election by using the special polling station which it has been rendered to them, whereas those employee's of the college, even if there are in camp like the students of the college, they were not made to be participant in the country election. We shouldn't also forget to imagine that of the today an employee of the college, was enabled to be participant in election through giving vote while he/she were student in the same college. However, here it has to be underscored that, I don’t mean that these groups are totally one and the same. But we would be blind to reality, if we said that even they do not share a particular attribute.

The same holds true as regards to the existence of institutional difference, as far as exercising right to vote concerned. For instance, those employees who are in Agarfa ATVET College,(which is sister college to the study area College) as we have discussed above they are de-facto-enfranchised, unlike to Alage ATVET College employees. Effect wise this mean one who transferred from Agarfa to Alage would be out-side from Ethiopia election by the mere fact that he/she is there in latter college. Thus, we shouldn't be surprised, Alage ATVET employees welcomed feeling of contempt or disregard. Because, this is the effect of unequal treatment. The only option to avoid this feeling is enfranchise all or disfranchise all equally.

Not enabling citizens to participate in election, through exercising their right to vote, by itself no doubt it is wrong. It can produce also negative implications or feeling as we have seen above. However, notwithstanding to this, it further begets other violation or wrong. Mainly, it has impact on representation. Here below, this impact is discussed.

\textbf{Having no representative}-According to art. 38(1) (a) of the FDRE Constitution and other human rights conventions in which the country is a party, every citizen of the country has right to

\textsuperscript{420} Ibid
take part in the conduct of public affairs, directly and through freely chosen representatives. Yes indeed, participating in election by giving vote is clear manifestation of direct participation. Citizens become participant in election by exercising their right to vote *inter alia*, to elect their own preferred representative. The basic purpose of picking out representatives is to enjoy indirect participation through representatives. Because in representative democracy its hardly possible to participate directly in every affairs. Therefore, those who are enabled to participate in general election through giving vote have their own representative, who reflect the interest of them in representative house of the country (i.e in federal house and state council) Thus, their voice is heard through their representative. They can also make direct participation in their respective local administration. However, those who are not enabled to participate in general election through exercising their right to vote, for our case, Alage ATVET College employees are devoid from representative. No one represent them as well as they can't make any direct participation in local administration. Since, they don't have a local administration. In toto, we can say, Wonji Sugar Factory Institution and Agarfa ATVET College employee's are enjoying direct participation by their own, if they wish as well as indirect participation through their own representatives. Whereas, those employees who are in Alage ATVET College, don't have a place or a local administration to reflect their own woe as well as they don't have a representative who airing their views or woe's before representative houses of the country (HoPR and State Council) From this we can discern that no one is mandated politically to hear their crying, whenever they faced woes. However, be aware, the existence of institutional administrative ladder, which is non-political one (starting from College management up to Agriculture and Natural Resource Minister (at Federal level) and other humanistic support and cooperation from SNNPR State, Oromia Regional government and Addis Ababa City Administration.

**Chapter: Six**

**Summary, Conclusion and Recommendations**

**Summary**

Elections are visible democracies which enable societies to express their "will" in public affairs, through exercising their cherished right to vote. Election, democracy and human rights have a kind of symbiotic relationship. For instance, though elections are not the sole and sufficient
determinant factor for existence of democracy; however, electoral process is one and the major bulwarks of democracy. As the same time, democracies have a major hand for implementation of free and fair election and it also give emphasis for human right values protection. However, in all, genuine elections have a power to make a democratic principles and human rights to be visible and practiced.

Political participation is not a narrow concept as we may think. It is a term more than a right to vote and to be elected. Accordingly, it also include any form of engagement in the political and public life of a community, including seeking and holding public offices, participating in the work of political parties or opposition groups. In right perspective, political participation has three principal components. These are general right to public affairs participation, the right to vote and be elected and equal access to public services. Thus, political participation can be manifested by exercising these rights. These rights have been recognized under international and regional human right treaties in which the country is a party. Furthermore, more or less these rights have also been replicated in the FDRE Constitution and virtually in all sub-national Constitutions as well as in the other electoral law proclamation and directives of the country. Nevertheless, citizen's right to political participations have been recognized in well thoughtful and exhaustive manner under art. 25 of ICCPR and art.23 of ACHR than in any other international human right documents. Because in these conventions unlike to other international treaties, the right has been clearly framed as a form of "right and opportunity." According to these conventions, for instance, as far as citizen right to vote concerned it has been clearly indicated that, citizen's have both the right to vote as well as the right to have opportunity to exercise it practically. The latter right has been mentioned under these conventions not without any purpose. Rather, this right has been stipulated in these conventions for the objective of creating clear duty on the part of the government and thereby to enable the citizens to exercise their participation rights, including right to vote meaningfully. Therefore, the government, beside to respecting and protecting right to vote as human right, has also a legal obligation to create optimum condition and mechanism to enable all eligible voters equally to be participant in general election through giving vote.

The main rationale behind citizen's are made to be participant in national election, among other thing to select their respective preferred representative and to be represented in the State and City
Councils as well as in the federal houses. Citizen's in order to exercise their right to vote, meaningfully, inter alia, there should be legally designated or established constituencies as well as proper and conducive polling stations. These are some of essential premises for discharging right to vote effectively. Basically, for the purpose of having pragmatic and effective representation as well as in order to create compatibility with entities that administer local governmental function and to correspond to social, political arrangements of administrative area, constituencies should be drawn in line with State and local administration boundaries. In other word, citizens participation in election through giving vote become meaningful only if they are enabled to elect their nearby representative which administer them intimately. If not, that participation would be futile. Most of the time, this basic tenet of election has made electoral districts and polling stations to be enclosed or aligned with local and State administrative boundaries.

In Ethiopia, it seems in order to bring such benefit that the country constituencies were drawn by taking the respective local and state administration boundaries as a bench mark. In the same fashion, polling stations of the country, mainly the ordinary polling station has also been delimited by taking the pre-existing administration and electoral district boundaries. Though the ordinary and special polling stations has been established with the same purpose of enabling eligible voters to register and to give vote during election; however, they have divergent points, among other thing, ordinary polling stations are established to serve all eligible voters without making any kind of distinction. In other word, they are open for all eligible voters, who are registered in that particular polling station. Whereas special polling stations, as we can understand from their very name, they have been established during national election for certain particular groups of the people. Accordingly, in Ethiopia special polling station only established, though not mandatorily; for those military, civil personnel and students of higher learning institutions who are "far from their original constituency", during national election of the country. Except these group of people, the other eligible voters are not entitled to use these special polling stations. From this we can discern that special polling stations are exception to ordinary polling stations.

General elections have been using as one type election of the country since 1949 EC. Even after the incumbent government came in to power, i.e after 1991, including the last 2015 general
election, periodically five(5) multi party general elections have been conducted in the country, though their freeness and fairness were contestable and doubtful. The level of turn out in each general election was not similar. However, all these general elections were made by using a plurality electoral system as the rule of the tournament.

Notwithstanding to the above, to explore effectively the barriers which impede the Alage ATVET College employee's from participation in general election through exercising their right to vote, the author has employed interview and questionnaire as important data gathering instruments. Moreover, to give life to the issue in one hand and to see the practical implementation of franchise in more comparative manner in other, the author has also made effort to see the practical existence of franchise in Wonji Shewa Sugar Factory Institution and Agarfa ATVET College Camps, which are more or less similar institutions with the study area college.

**Conclusion**

Over all, based on the aforementioned methods, I found that those employees who are residing in Wonji Shewa Sugar Factory Institution and Agarfa ATVET College camp are exercising their right to vote in general election of the country, since every optimum conditions have been created for them. In other word, every major premises of participation in election, such as State administration and constituency of their respective places have been determined appropriately. In addition, proper and convenient "ordinary polling stations" have also been allocated for each institutions employee's to discharge practically their right to vote during general election of the country. Therefore, those employees who are residing in the above mentioned institutions were de-facto enfranchised during past general elections of the country. In turn this implies that these above noted experiencing institutions employee's are considered as "real citizens of the country." Because, they are enabled to elect their own representatives, in order to be represented in the regional as well as in the federal houses of the country. From this we can further infer that these employee's of the institution as citizens of the country, they are participating directly in their local administration, if they wish as well as they are also enjoying indirect participation through their preferred representatives of them.
However, though Alage ATVET College employee's are residing in camp like the above cited institutions, in quite contradictory manner, were not made to be participant in general elections, through giving vote, even after, 1991 in which participation in election through giving vote is the common activity of the majority of Ethiopian citizens in contrast to in earlier periods of the country. In other word, even if they are the citizens of the country, as per the FDRE Constitution and other detail nationality laws of the country but, they didn't get an opportunity or enabled to express their citizenship through exercising their right to vote during national elections of the country (de-facto disfranchised) Thus, they remained as title holders of the right. This was happen owing to absence of basic synergized premises of participation in election, such as State administration, constituency and polling stations, unlike to the above mentioned counter-part institutions. These impeding factors could have been avoided, if the government had taken affirmative obligation in line with human right laws during in those past general elections of the country.

Losing right to vote by very nature can't be stopped there. Meaning, it has manifold repercussions up on those individuals or groups who lost right to vote either as de-jure or de-facto. For instance, among other things losing right to vote can produce feelings of alienation/exclusion and inequality up on the minds of the losers. It can also be a means for losing the right to have representative, which is important for citizen's to exercise their indirect participation at sovereign houses( i.e in the Federal and State/ City councils’) The following are some of the negative implications/impacts which are sustained on those employees who are residing in Alage ATVET College camp.

✓ The vote of each and every citizen is a badge of dignity, freedom and personhood. Even it can be said that, the marking of a ballot is the mark of distinction of citizens of a democracy. Since the employee's of this college were not made to be participant in the general elections through giving vote till now, their badge of dignity, freedom and personhood has been taken away. In other word, they are not considered as full or real citizen of the country, rather in this regard has been considered as alien.

✓ Since the incumbent government never asked these employees’s to give consent during national election by rendering polls, then it can be said that the government has violated the autonomy of giving consent as well as the dignity of the employee's.
Participating in election, basically through exercising right to vote has the value of expression. This to mean, citizens by exercising their right to vote, they can explain their feeling or preferences. Since participation through vote is one modality of expressing preferences and feeling. Actually citizens participation could be expressed in variety of forms, other than giving vote during election. For instance, by leaving other things, during election citizens can express their participation in election even by standing in line to vote. But, what if the major signals (eye and ears) of elections, that are polling stations are absent in a given locality? In such kind of scenario, it seems no other option than losing expressive value of participation. This indicate even standing in line to give vote require proper polling station. Hence, the employee's of the college has lost this expressive value of participation, let alone giving a vote during national election of the country, since polling stations not made to be available to them, during election.

As I tried to point in the aforementioned discussions, participation in election through giving vote is made by citizens among other thing to select their own representative. This clearly suggests that those who are not enabled to participate in election through giving vote can't choice their own representative. Because of this, the Alage ATVET College employee's are devoid from representative. This in turn implies that these employees’s are neither represented in the state council's nor in the federal representative houses.

No iota of doubt, in normal course, mistreatments or inequality of enjoying human rights, including exercising right to vote ultimately has the power of creating contempt or disregard. Hence, it's possible to say that these employee's has been facing such kind of feeling, since their right to vote has been taken away practically for years, unlike to other counterpart institution employee's.

**Recommendations**

As we have seen through-out this paper, owing to practical impediments those employees who are residing in Alage ATVET College, unlike to other eligible citizens of the country in general and unlike to counter-part institution employees in particular, they were not made to be participant in the past general elections of the country, through giving vote. As any layperson can easily comprehend, the impediments are not God given curses. Therefore, they can be adjusted if the concerned government bodies will be committed to discharge their legal obligations of
creating "opportunity to vote" as per international human right law. Accordingly, the author suggests the following:

1. As I pointed in earlier discussions of this thesis, attempt was made before today to determine in which state administration locality that the land of Alage is found. However, this was not successfully finalized. Therefore, HoF by taking this as bench mark, must strive to finalize exhaustively bordering the land of Alage as per its mandate in consultation with the two Regional State or decide by his own based on sufficient information about the people settlement pattern. If this is not possible, the House must hear the interest of the people, through in all inclusive referendum in cooperation with the Board. However, to bring once for all solution through the latter mechanism, the referendum must hear the interests of those employees who have been residing for some long time, i.e for more than 5 years, as per art. 30 of Proc. no. 251/2001, without prejudice to the electoral laws of the country in one hand, as well as the sound of the surrounding communities Kebele residents. However, as far as the participation of the surrounding Kebele communities concerned, the above law it seems not as such supportive. Because, one to be participant in border dispute referendum, through giving vote, the person concerned should be registered and live for more than five years as a principle within the disputable land. We may say that this last phrase of the law preclude them to be participant in referendum. However, in the other face of the same coin, we can argue that this phrase of the law to be interpreted widely, for the purpose making the major stakeholders to be participant in referendum, through giving vote. I therefore strongly suggest the concerned bodies to make all inclusive referendum, by interpreting the law widely. Since, making inclusive referendum is advantageous, inter alia for two principal reasons. In one thing, it is helpful that the previous mistake not to be happen again and in the other end accommodating the major stakeholders within the referendum is very imperative to obtain once for all solution to the issue. However, the author more strongly support the concerned bodies to follow win-win approach, through consultation than holding referendum for this issue. More importantly, the Board, as having the objective of enabling citizens to exercise their constitutional democratic right to elect, should do prominently with the House, so as to alleviate such barriers of participation.

2. Though the last constituency delimitation of the country which was made nearly before twenty three years of today ; but, has been continuing as effective without modification; even if, there is
dramatic population change and other related new arrangements in the country. Thus, the Board and the HoF by considering new changes and arrangements which are made in the country as well as to comply with equal representation of voters’ standard of ICCPR, must redistrict electoral boundaries as per their constitutional mandate of them. More importantly, the Board should chain these redistricted constituencies with proper ordinary polling stations as well as with state and local administrative boundaries. As the same time, these bodies while redistricting the country electoral boundaries must give due attention to Alage condition. In addition, the Board, to enable the employees of the college to be participant in general election through giving vote, as well should allocate or draw a chained ordinary polling station with adjacent woreda constituency for employees of the college during general election, as per the experience of Agarfa ATVET College Camp residing employees.

3. The citizens to exercise their right to vote practically, merely legislating or recognizing right to vote on laws not suffice, unless the government take its obligation of creating opportunity to vote. In order for the government to take the latter obligation in more vigilant manner as well as for ease of enforcement during election in one hand and for pragmatic implementation of citizens political participation rights as whole in the other hand, it would have been better, had art. 38 of FDRE Constitution been framed in the form of "right and opportunity" to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected at periodic election, like ICCPR, art 25. I, therefore, urge the aforementioned provision of the FDRE Constitution as well as the Sub-national Constitutions to be tuned in line with such international human right document, in this regard.

4. Allocating special polling station pragmatically during general election for those military, civil personnel's and students of higher learning institution students, including for Agricultural Training College students, who are far from their original constituency is no doubt can be said one manifestation of discharging opportunity to vote obligation as per international human right treaties. Though proclamation no. 532/2007 under art. 24 guaranteed the establishment of special polling station to the above mentioned groups during election; however, not explained the matter in more detail, rather preferred the detail particulars to be determined by regulation or directive of the Board. Nevertheless, the Board by giving due consideration, hitherto not enacted a permanent regulation or directive, as per its delegated power by the law, unlike to other issues,
which demand detail directives or regulation as the case may be. Thus, the Board by considering special polling stations as important mechanisms of enabling citizen’s to exercise fully their constitutionally guaranteed right to elect their own representatives, while they are far from their constituency in one hand and to create a common understanding between election executors in the other, should come up with a more explanatory and detail permanent directive which will discontinue the illegal application of a "provisional special polling station establishment directive/2010," which was enacted to administer the 2010 general election only. Furthermore, the above main law is crafted as permissive manner as regards to establishment of special polling stations by the Board during election. Because, it used "may" than shall, for this purpose. Unless the country introduced other alternative method of giving vote, no doubt giving vote through special polling station will endure as effective tool without any option. Besides to this, due to the expansion of higher educational institutions as well as grand projects in the country, definitely their importance will continue even more than today. Therefore, in order to make establishing special polling stations as usual and obligatory task of the Board during election, the softness of the law should be altered and replaced by very strong word "shall." Moreover, adjusting the law in this manner made the law to be in line with opportunity to vote obligation of states’ which have been enshrined under art. 25 of ICCPR.
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Annex: 4 Different Official Letters and Notice
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ফা ১০ তারিখ ২০০৭ চে পাতার প্যাট শিরোনাম এবং প্রথাগত বিষয়গুলো সম্পর্কে বিবেচিত।

নবাবের বিজ্ঞাপন কর্মষ্ট ফিটে B1:B2:C1:C2 জ্যুটি প্রত্যেক মামলায় ফিটে বা হ্রাস করে ফিটে 1/2/3/4 প্র. ফিটে 1/ ৩/৪ হ্রাস প্রদান করে A Type জ্যুটি প্রতি ফিটে C-3 প্রয়োজন সম্পর্কে ফিটে ৫ জ্যুটি প্রত্যেক মামলায় ফিটে 2/৩/৪ প্র. ন্যারো পরিচালন প্রদান করে নির্দোষ পদার্থ শিল্প প্রশিক্ষণ কেন্দ্র খননের জন্য।

নওপাল—

পায়েদা উর্দু সাইন

ফিটে ১/২/৩/৪ প্র. জ্যুটি প্রদান করে যারা পরিচালনা করে।

পায়েদা উর্দু সাইন

ফিটে ১/২/৩/৪ প্র. জ্যুটি প্রদান করে যারা পরিচালনা করে।