

Chapter 17 The Funding of Political Parties in Post-2018 Ethiopia: Implications for the Future of Democracy and Constitutionalism

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1. Introduction

Ethiopia has experienced highly contested political reforms since the disintegration of the Ethiopian People's Revolutionary Democratic Front (EPRDF) in 2018. A reformist faction – led by Prime Minister Abiy Ahmed Ali – developed into the now incumbent Prosperity Party (PP).¹ The new government has launched several reform initiatives aimed at addressing legal and policy issues that are believed to have contributed to political discontent over the past three decades.² Reform has included the revision of various areas of law – among them political-party registration law, media law, and electoral law – and the reorganisation of the National Election Board of Ethiopia (NEBE). All of these have had implications for political-party financing.³ Nevertheless, reform's effectiveness in promoting fair political competition and meaningful participation remains a matter of

1 ZA Ayele, "Constitutionalism and Electoral Authoritarianism in Ethiopia: From EPRDF to EPP", in CM Fombad and N Steytler (eds.), *Stellenbosch Handbooks in African Constitutional Law: Democracy, Elections, and Constitutionalism in Africa*, 1st ed, Oxford University Press (2021), pp 188–194. The EPRDF was a coalition of four political organisations: the Tigray People's Liberation Front, Oromo Democratic Party, Amhara Democratic Party, and Southern Ethiopian People's Democratic Movement. In addition, five partner parties – the Afar National Democratic Party, Somali Democratic Party, Benishangul Gumuz Democratic Party, Gambela Peoples' Unity Democratic Movement, and Harari National League – were aligned with it and implemented its policies.

2 G Assefa and SA Yeshanew, "Revamping the Electoral Laws of Ethiopia: Major Areas of Reform and Lessons Learned", in SA Yeshanew and AM Ibrahim (eds.), *Righting Human Rights through Legal Reform: Ethiopia's Contemporary Experience*, Vol. XII, Addis Ababa, Addis Ababa University, School of Law (2020), pp 277–308.

3 SA Yeshanew and AM Ibrahim, "Righting Human Rights through Legal Reform: The Ethiopian Experience from Past to Present", *ibid*, pp 1–15.

contention. Opposition parties demand further electoral reforms, including those regarding party finances.⁴

This chapter analyses the legislative framework for and practice of party financing in post-2018 Ethiopia.⁵ To this end, the author conducted focus group discussions and interviews with political-party leaders, a civil society organisation (CSO), and an expert in the NEEB in order to gather information on the post-2018 political finance situation.⁶ The chapter aims to examine the implications of post-2018 reform for the future of democracy and constitutionalism in Ethiopia.

The next section provides an overview of the theoretical framework for party financing, an account based largely on the author's work previously published.⁷ In particular, it highlights the main issues concerning the funding of political parties, the standards and principles of party financing, and the sources of these standards.

In turn, the third section assesses Ethiopia's post-2018 legislative framework: it considers party-financing principles and standards in order to determine their effectiveness in supporting democracy. As context is always a crucial dimension in discussing political finance, this section describes the particular Ethiopian context in which the political and electoral processes under discussion are conducted. The fourth section examines the practice of political-party financing; the fifth delves into the implications of post-reform regulation for democracy and constitutionalism in Ethiopia. Finally, the chapter discusses the deficits of Ethiopia's party-finance system and proposes reforms for enhancing electoral competitiveness and transparency.

4 Political Parties' Joint Council, "Minutes of a Dialogue between Political Parties on Multiparty Democracy", Addis Ababa, Ethiopia, Inter-luxury Hotel, 5 June 2023.

5 This chapter provides an updated treatment of the author's previous work examining party-political financing, democracy, and constitutionalism in Ethiopia from 1991–2018 and published in the 2021 Stellenbosch Handbook in African Constitutional Law. See Z Degifie, "Party-Political Financing, Democracy, and Constitutionalism in Ethiopia", in Fombad and Steytler, *supra* n. 1, pp 293–327.

6 In August 2024, two focus group discussions were conducted with 13 political parties; interviews were also held with three party leaders, one leader of a civil society organisation, and one expert on the country's election board.

7 Degifie, *supra* n. 5.

2. Party-financing regulation in constitutional democracies

Political-party financing is vital to democracy, but no universally agreed standards for regulation exist.⁸ However, the African Union's 2003 Convention on Preventing and Combating Corruption and the 2005 UN Convention against Corruption provide some guidance for the promotion of transparency in political finance.⁹ This is supplemented by the work of several international organisations which call for standards of transparency, the regulation of private funds, expenditure limits, and public funding.¹⁰ These statements all help to form a normative framework for political finance in the democratic process.¹¹

Private funding sources include membership fees, fundraising activities, and donations.¹² Best practice suggests that party membership dues, local fundraising activities, and small, individual donations by party members and sympathisers are the sources of party financing most compatible with a democracy.¹³ Private donations can threaten democracy by making national politics a "savings club" for wealthy individuals or organisations.¹⁴ International standards and good practices in party finance suggest limitations on the private funding system through banning and capping rules. According-

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- 8 European Commission for Democracy through Law (Venice Commission), *International Standards of Financing of Political Parties and Election Campaigns*, Conference Reports, Astana, Kazakhstan, 1 December 2008, pp 8–14.
- 9 African Union Convention on Preventing and Combating Corruption, adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, 11 July 2003; Article 7(3), United Nations Convention Against Corruption. General Assembly Resolution 58/4, adopted 31 October 2003, entered into force 14 December 2005, 2349 UNTS. 41. See also M Óhman, "Africa", in E Falguera, et al. (eds.), *Funding of Political Parties and Election Campaigns: A Handbook on Political Finance*, Stockholm, Sweden International Institute for Democracy and Electoral Assistance (2014), pp 40–42.
- 10 These organisations include Transparency International, the International Foundation for Electoral Systems, the International Institute for Democracy and Electoral Assistance, the Organisation for Economic Co-Operation and Development, and the European Council.
- 11 Degifie, *supra* n. 5.
- 12 I van Biezen, *Financing Political Parties and Election Campaigns Guidelines*, Germany, Council of Europe Publishing (2003), pp 17–31.
- 13 Y Saffu, "The Funding of Political Parties and Election Campaigns in Africa", in R Austin and M Tjernstrom (eds.), *Funding of Political Parties and Election Campaigns: Handbook Series*, Stockholm, International IDEA (2003), p 22.
- 14 *Ibid*, p 24; A Butler, "Introduction: Money and Politics", in A Butler (ed.), *Paying for Politics: Party Funding and Political Change in South Africa and the Global South*, South Africa, Jacana Media and Konrad Adenauer Foundation (2010), pp 6–8.

ly, donation-banning rules restrict harmful income sources, minimise political influence and corruption, and set donor qualifications.¹⁵ Donation caps set the maximum amount that eligible donors can contribute to political parties, limiting a donor's influence on the political process and reducing the flow of substantial donations into politics.¹⁶

Public funding helps to finance political parties from the state budget. It reduces the effect of financial inequality on the political process; it encourages good behaviour by making access conditional on compliance with reporting and auditing rules.¹⁷ The principle of transparency requires financial information from political parties to be open to scrutiny through disclosure and reporting rules.¹⁸ An independent and professional body is necessary to enforce transparency rules, and this should be supported by civil society and public media.¹⁹ A well-designed legal framework for political-party financing is crucial, and needs to include general principles and norms that recognise the basic rights of political parties in the constitution.²⁰ The constitutionalisation of political parties ensures fair treatment of political parties, restricts majoritarian influence, and levels the political playing field.²¹

3. The design of the party-finance system in post-2018 Ethiopia

3.1 Background and context

The idea of multiparty democracy emerged in Ethiopia after the overthrow of the military regime by the EPRDF in 1991 and was supported by the

15 KH Nassmacher, "Introduction: Political Parties, Funding and Democracy", in *supra* n. 13, pp 42–43; Van Biezen, *supra* n. 12, pp 22–27.

16 *Ibid.*, pp 42–43.

17 Saffu, *supra* n. 13, pp 25–28; Van Biezen, *supra* n. 12, pp 33–36.

18 Öhman, *supra* n. 9, pp 59–62.

19 H Zainulbhai, "Practical Solutions for Political Finance Enforcement", in M Öhman and H Zainulbhai (eds.), *Political Finance Regulation: The Global Experience*, USA, International Foundation for Electoral Systems (2009), pp 86–94.

20 S Choudhry et al., *Political Party Finance Regulation: Constitutional Reform After the Arab Spring*, Center for Constitutional Transitions and International IDEA (2014), pp 8–20.

21 CM Fombad, "Challenges to Constitutionalism and Constitutional Rights in Africa and the Enabling Role of Political Parties: Lessons and Perspectives from Southern Africa", 55 (2007) *The American Journal of Comparative Law*, pp 1–45.

promulgation of the 1995 Constitution.²² Ethiopian politics since 1991 has seen the emergence of various political parties. These can be categorised as ethnic-based parties under the EPRDF; regional ethnic-based parties cooperating with the EPRDF; and multinational or ethnic-based opposition parties.²³ Teshome offers a further categorisation of opposition parties into loyal oppositions (legally registered and participating in elections) and phony oppositions (allegedly created or supported by the incumbent party).²⁴ He points out that the phony opposition parties secretly collaborate with the incumbent ruling party, and receive financial rewards for working to discredit the opposition camp.²⁵ All in all, the Ethiopian party system is nascent and marked by fragmentation, ethnic mobilisation, and polarisation.²⁶

This is the general context in which national elections were held in 1995, 2000, 2005, 2010, and 2015. In each case, the ruling party (the EPRDF) claimed landslide victories.²⁷ Between 1995 and 2004, the freedom and financial capacity of opposition parties was limited, making it impossible for any of them to compete effectively with the EPRDF.²⁸ However, the 2005 election saw a significant increase in the competitiveness of opposition parties on account of the availability of funds from diaspora Ethiopians, local supporters, and international assistance provided by Western donors. As a result, the Coalition for Unity and Democracy (CUD) and United Ethiopian Democratic Forces (UEDF) secured more than 32 per cent of seats.²⁹

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- 22 K Berhanu, "Political Parties and Political Culture in Ethiopia", in MA Salih (ed.), *African Political Parties Evolution: Institutionalisation and Governance*, London, Pluto Press (2003), p 141.
- 23 K Berhanu, "Ethiopia: Beleaguered Opposition under a Dominant Party System", 23 (2009) *Politics*, pp 1–21.
- 24 W Teshome, "Ethiopian Opposition Political Parties and Rebel Fronts: Past and Present", 4 (2009) *International Journal of Human and Social Sciences*, pp 60–68.
- 25 *Ibid.*
- 26 M Gudina, "Party Politics, Political Polarisation and the Future of Ethiopian Democracy", Paper 108 (2007) *International Conference on African Development Archives*, pp 1–17; S Yusuf, *Drivers of Ethnic Conflict in Contemporary Ethiopia*, Monograph 202, Institute for Security Studies (2019), pp 5–10.
- 27 Ayele, *supra* n. 1.
- 28 *Ibid.*
- 29 *Ibid.*; J Abbink, "Discomfiture of Democracy? The 2005 Election Crisis in Ethiopia and its Aftermath", 105 (2006) *African Affairs*, pp 173–198.

Following the 2005 election, the ruling party enacted various laws which abolished many party freedoms and income sources, leading to the EPRDF's 100 per cent and 99.6 per cent victories in the 2010 and 2015 national elections.³⁰ Thanks to the EPRDF's non-competitive elections and effective dominance, Ethiopia became a prime example of electoral authoritarianism in action.³¹ The EPRDF's hegemony was reinforced by its abundance of financial resources and its control of state institutions.³² Opposition parties, by contrast, struggled with fragmentation, financial constraints, and limited resources, with all of this making it difficult for them to challenge the EPRDF's electoral success.³³

In 2018, Abiy Ahmed became the head of the EPRDF and Prime Minister, tabling various reform agendas and pledging to open the political space.³⁴ In November 2019, the EPRDF coalition was dissolved, and a new successor party, the PP, was established.³⁵ Despite some differences in ideology, outlook, and political discourse, the PP maintains significant continuity with the authoritarian characteristics of the EPRDF.³⁶ Indeed, some accuse it of being "EPRDF 2.0".³⁷ As Lyons and Verjee assert, the ruling PP's authoritarian nature and its relationship to elections remain the same as that of the EPRDF.³⁸ As such, the 2021 elections in Ethiopia changed little concerning the ruling PP's hold on power. It won 95 per cent of the federal parliamentary seats where elections were held.³⁹

30 K Tronvoll, "The Ethiopian 2010 Federal and National Elections: Re-Establishing the One-Party State", 110 (2011) *African Affairs*, pp 1–16; LR Arriola and T Lyons, "Ethiopia's 100% Elections", 27 (2016) *Journal of Democracy*, pp 76–88.

31 Ayele, *supra* n. 1.

32 *Ibid.*

33 *Ibid.*; Degifie, *supra* n. 5.

34 International Crisis Group, "Keeping Ethiopia's Transition on the Rails", 283 (2019) *Africa Report*, pp 1–10.

35 SD Dibaba, "The Merger of Ethiopia People's Revolutionary Democratic Front (EPRDF) into Ethiopia Prosperity Party (EPP) and its Impact on the Constitution", 12 (2021) *International Journal of Scientific & Engineering Research*, pp 961–978.

36 T Lyons and A Verjee, "Asymmetric Electoral Authoritarianism? The Case of the 2021 Elections in Ethiopia", 49 (2022) *Review of African Political Economy*, pp 339–354.

37 *Ibid.*

38 *Ibid.*

39 The June 2021 elections were held for 436 seats (for the 547-seat parliament). Elections were not held for 111 constituencies, including 38 in Tigray due to security reasons. See the National Election Board of Ethiopia (NEBE), "6th National Elections Summary Report", <https://nebe.org.et/en/electionresult#undefined> (accessed 4 August 2024).

3.2 The legal framework

The Ethiopian Constitution acknowledges the freedom of association and election to public office, but it does not explicitly recognise political parties as distinct associations with unique rights and responsibilities in the democratic process.⁴⁰ The Constitution lacks specific provisions providing privileges and protections to political parties, including those related to party finance. All in all, political parties have yet to be constitutionalised in Ethiopia.

Ethiopia has no specific law for dealing with political-party financing. This is mainly regulated through political-party registration and electoral proclamations such as Proclamation No. 1162/2019, which has been the main law governing the field since 2019.⁴¹ This law has been supplemented by a range of directives issued by the NEBE.⁴² Other laws, including the National Electoral Board of Ethiopia Establishment Proclamation No. 1133/2019 and the Mass Media Proclamation No. 1238/2021, contain some provisions relating to party finance.⁴³ Consequently, the Ethiopian legislative framework for political-party finance is fragmented and dispersed among various legislative instruments.

Post-2018 electoral law reform aims to address the shortcomings of the previous legislation on elections and political-party regulation.⁴⁴ Proclamation No. 1162/2019 purports to introduce the significant changes that are necessary to institutionalise political parties and improve political partic-

40 Proclamation No. 1/1995, Federal Democratic Republic of Ethiopia (FDRE) Constitution, Federal Negarit Gazeta, 1st Year No. 1, Addis Ababa, 8 December 1994. Articles 31, 38, 54, 56, and 60(5) of the Constitution mention political parties without granting them special rights. For more, see G Hailu and T Alebachew, “The Quest for Constitutionalising Political Parties in Ethiopia”, 2 (2019) *Journal of Citizenship and Morality*, pp 47–49.

41 Proclamation No. 1162/2019, the Ethiopian Electoral, Political Parties Registration and Election’s Code of Conduct Proclamation, Federal Negarit Gazeta, 25th Year, No. 97, Addis Ababa, 16 October 2019. Proclamation No. 46/93 regulated it from 1991 to 2008; from 2008 to 2018, it was regulated by Proclamation No. 573/2008.

42 Directive No. 16/2021, A Directive for Providing Government Funding to Political Parties, NEBE, 25 March 2021, Addis Ababa.

43 Proclamation No. 1133/2019, National Electoral Board of Ethiopia Establishment Proclamation, Federal Negarit Gazeta, 25th Year, No. 71, 6 June 2019; Proclamation No. 1238/2021, Media Proclamation, Federal Negarit Gazeta, 27th Year, No. 22, Addis Ababa, Ethiopia, 5 April 2021.

44 Assefa and Yeshanew, *supra* n. 2.

ipation.⁴⁵ As Assef and Yeshanew claim, the legal reform debates, *inter alia*, focused on enhancing the political participation and inclusion of women and persons with disabilities (PWDs); regulating political-party finance; and addressing state funding issues for political parties.⁴⁶ In effect, Proclamation No. 1162/2019 introduces new criteria for state funding of political parties and stipulates the timing of public funding disbursements.⁴⁷ It also utilises party financing as an instrument to increase the political participation of women and PWDs. In addition, the law clearly outlines the prohibited income sources for political parties and the latter's auditing and reporting obligations.⁴⁸ Hence, the post-2018 framework addresses basic party-financing issues, including funding sources, private and public funding schemes, and transparency, but – as we shall see – it also has potentially negative effects on political competition and the political playing field.

3.2.1 Rules regulating private funding

The legal framework recognises private funding (from membership fees, local fundraising activities, and donations) as a legitimate income source for political parties.⁴⁹ Parties can collect money from their members and engage in public fundraising activities without requiring specific permission from federal, regional, or local authorities.⁵⁰ Additionally, the law sets conditions for the qualifications necessary for donors to be able to support political parties.⁵¹ Only Ethiopian nationals are allowed to make donations.⁵² Many diasporic Ethiopians, despite their Ethiopian origin, do not have rights to Ethiopian nationality.⁵³ Consequently, the nationality requirement restricts a significant portion of the Ethiopian diaspora com-

45 *Ibid.*

46 *Ibid.*

47 *Ibid.*; Proclamation No. 1162/2019, articles 100–113.

48 *Ibid.*

49 Proclamation No. 1162/2019, Article 108.

50 The previous law required the government or regional state administration to grant permission to organise fundraising events. See Proclamation No. 573/2008, Article 51(2).

51 Proclamation No. 1162/2019, Article 109.

52 *Ibid.*, Article 108(1)(b).

53 The FDRE diaspora policy defines the Ethiopian diaspora as comprising Ethiopians and those of Ethiopian origin who live outside of Ethiopia.

munity (foreign nationals of Ethiopian origin) from making financial and material contributions to political parties.

Likewise, the law allows only “companies controlled by Ethiopians” to make financial contributions to political parties.⁵⁴ While the previous law had focused on the nationality of the company, Proclamation No. 1162/2019 determines the eligibility of corporate donations according to the nationality of the shareholders. As a result, political parties can receive donations from non-Ethiopian companies controlled by Ethiopian nationals, but foreign-controlled companies incorporated under Ethiopian law may not provide money to political parties. Shareholder nationality matters more than company nationality in determining the eligibility of the donors. This approach is supposed to prevent foreign influence on national politics, and aligns with the ban on foreign sources of income for political parties.

Ethiopia’s party-finance legal framework prohibits certain donation sources. These include foreign donations; organised interest associations (welfare, non-governmental, and religious organisations); prisoners serving sentences; individuals or groups planning to assume state power unconstitutionally; and designated terrorist organisations.⁵⁵ However, the scope of the illicit funding ban is, in some ways, narrow. It does not mention or indicate possible illegal funding sources such as organised crime, human trafficking, and money laundering.

The law also bans financial support given to political parties with corrupt motives, kickbacks, and *quid pro quo* donations.⁵⁶ The NEBE has broad discretion to determine the lawfulness of a specific donation in the light of this prohibition. However, its discretionary power is open to abuse,

⁵⁴ Companies controlled by Ethiopians are not necessarily “Ethiopian companies”, which was the term used in the previous political-party registration arrangement under Proclamation No. 573/2008. Companies may be considered Ethiopian if they are incorporated under Ethiopian laws, with defining features such as business registration, licensing, and a separate legal personality from their shareholders. Hence, the company’s nationality is determined by its place of incorporation, not by its members or shareholders’ nationality. As such, companies controlled by Ethiopians include Ethiopian companies as well as non-Ethiopian ones with Ethiopian shareholders. Political parties can receive donations from non-Ethiopian companies controlled by Ethiopian nationals. Political parties may not receive donations from companies that are incorporated under Ethiopian law (known as Ethiopian companies) but which are controlled by foreigners. Therefore, the nationality of the shareholders is the most significant factor, rather than the company’s nationality determined by the place of incorporation.

⁵⁵ Proclamation No. 1162/2019, Article 109(1)(a)–(h).

⁵⁶ *Ibid.*

particularly with regard to the selective application of party-finance rules. Indeed, the NEBE is often accused of bias in favour of the ruling party.

To avoid abuse of state resources for partisan ends, the law also bans fully- or semi-government developmental organisations from supporting political parties.⁵⁷ Moreover, and finally, Proclamation No. 1162/2019 outlaws anonymous sources of funding.⁵⁸ As a result, only named and identifiable persons are allowed to make donations to political parties in Ethiopia. While this ban, bolstered by disclosure rules, could enhance transparency and the monitoring of political finance regulations, it poses serious risks to donors who choose to support opposition parties.⁵⁹ In view of that, the post-2018 framework sets ETB 5,000 (about USD 50) as a disclosure threshold, thus allowing political parties to avoid disclosing the identity of donors who make contributions below this threshold.⁶⁰

Some of the bans and prohibitions target the potential funding sources of opposition political parties. Financial support from Ethiopians living abroad and anonymous donations have long been the main sources of income for opposition political parties.⁶¹ Additionally, the identity disclosure requirement serves both symbolic and practical purposes in deterring potential local supporters of opposition parties from making financial contributions.⁶² The ETB 5,000 disclosure threshold introduced by Proclamation No. 1162/2019 is too low to protect potential donors who might otherwise be able to make significant contributions to opposition parties.⁶³

Proclamation No. 1162/2019 imposes a limit on the amount of the private contributions that parties can receive from donors. The NEBE has been tasked with determining the donation limit, but it has yet to set the ceiling for private donations.⁶⁴ As a result, political parties can receive unlimited sums from individuals and companies. The ruling party benefits from this, as it controls the state's political economy and bureaucracy, offering

57 *Ibid.*

58 *Ibid.*

59 Santucci J and Œhman M, “Practical Solutions for the Disclosure of Campaign and Political Party Finance”, in *supra* n. 19, pp 35–40.

60 Proclamation No. 1162/2019, Article 111(2)b.

61 Two focus group discussions with 13 opposition parties’ leaders (Addis Ababa, Ethiopia, the Hub Hotel, 20 August 2024); W Teshome, “Political Finance in Africa: Ethiopia as a Case Study”, 4 (2009) *International Journal of Human and Social Science*, pp 1641–1649.

62 Two focus group discussions, *supra* n. 61; Political Parties’ Joint Council, *supra* n. 4.

63 Proclamation No. 1162/2019, Article 111(2)b.

64 *Ibid.*, Article 108(1)b.

significant incentives for private donors to support it over the opposition parties.⁶⁵ The absence of a donation ceiling heightens the financial disparity between the ruling PP and opposition parties, resulting in an uneven playing field for political competition.

3.2.2 Public funding for political parties

The Ethiopian legal framework provides for public funding of political parties, which is overseen by the NEBE.⁶⁶ This funding is intended for various purposes, including daily operations and election campaigns, as outlined in Proclamation No. 1162/2019 and Directive No. 16/2021.⁶⁷ The legal framework allows direct cash funding, enabling political parties to use the funds according to their priorities and thus enhancing their competitiveness.⁶⁸ It also recognises indirect funding methods, including income tax relief and free access to public facilities such as meeting halls and state-owned media, which Öhman argues may be more effective in ensuring equitable political competition.⁶⁹ As Öhman suggests, indirect funding reduces potential embezzlement and helps ensure that contributions are utilised for their intended purpose.⁷⁰ Free access to public media and spaces increases opposition parties' chances of reaching the electorate, particularly in a dominant-party system where direct funding *per se* might not guarantee media access.⁷¹

The annual public funding distribution is based on the proportionality principle, with several criteria taken into account: votes received in past

65 For instance, the ruling PP raised more than ETB 1.5 billion (USD 15 million) for the 2021 election at a fundraising event which was attended by the Prime Minister, cabinet members, regional state heads, and businesspersons and broadcast live on state-owned media. See International Republican Institute and National Democratic Institute, “Ethiopia June 21, 2021 National Elections Report”, Ethiopia (2021), pp 15–16.

66 Proclamation No. 1162/2019, articles 100–103; Directive 16/2021, articles 9–10.

67 *Ibid.*

68 *Ibid.*; M Öhman, “Practical Solutions for the Public Funding of Political Parties and Election Campaigns”, in *supra* n. 19, pp 67–68.

69 Proclamation No. 1162/2019, articles 44–45, 77, 100(4); Directive No. 16/2021, articles 9, 20–22.

70 Öhman, *supra* n. 68, pp 67–68.

71 *Ibid.*; International Republican Institute and National Democratic Institute, *supra* n. 65, p 18.

elections; matching funds generated from party members and supporters; and representation of women and persons with disabilities (PWDs) in membership, candidates, and leadership positions.⁷² The public funding scheme does not impose specific eligibility criteria for parties to access annual funding, such as securing a minimum share of votes or a certain number of seats in an elected body.⁷³ Consequently, all registered parties can receive funding, provided they meet the conditions outlined in the distribution formula.

Moreover, Directive No. 16/2021 explains how the public funding distribution criteria are weighted and sets thresholds for each criterion. A party receiving five million votes gets ETB 0.5 for each vote; one with more than 5 million votes receives ETB 0.75 for each 5 million votes and ETB 0.5 for remaining votes above the cut-off point of million.⁷⁴ Under this criterion, in order to qualify for funding, parties must meet a threshold of 0.25 per cent or 0.5 per cent of valid votes cast for the federal legislature or state council (except for minority parties).⁷⁵ In addition, the matching fund scheme matches each ETB raised from private donations with ETB 0.3 up to ETB 50,000 (USD 500).⁷⁶ A further 25 per cent (for gender equality) and 7 per cent (for PWDs) of overall funds are also set aside.⁷⁷ While the directive sets the eligibility criteria for receiving gender-targeted public funding, stating that parties must have at least 5 per cent female membership to qualify, there is no specific eligibility condition for inclusion-targeted public funding.⁷⁸ All parties also receive funding in proportion to the extent of their inclusion of PWDs in their membership and leadership.

As Öhman suggests, public funding thresholds and criteria can shape party dynamics, in that they encourage the merging of smaller parties or promote political pluralism.⁷⁹ The appropriateness of the threshold is thus linked to the objectives of the system. A high threshold can encourage mergers, fostering institutionalisation and enhancing electoral competitiveness;⁸⁰ conversely, a low threshold promotes political pluralism, enabling

72 Proclamation No. 1162/2019, Article 100.

73 *Ibid.*

74 Directive No. 16/2021, Article 12.

75 Proclamation No. 1162/2019, Article 100(3); Directive No. 16/2021, Article 12(2).

76 Directive No. 16/2021, Article 13.

77 *Ibid.*, articles 14–15.

78 *Ibid.*

79 Öhman, *supra* n. 68, pp 62–64.

80 *Ibid.*

smaller parties to participate in political discourse and increasing overall political engagement.⁸¹ However, a shallow threshold may impede institutionalisation by encouraging fragmentation and the emergence of non-viable parties.⁸² In this regard, Ethiopia's legal framework, which lacks a specific qualification to access public funds and sets the threshold at 0.25 per cent or 0.5 per cent of valid votes, allows many political parties, including small and minority groups, to access public funding, thereby tending to promote pluralism rather than competitiveness.

The post-2018 system of public funding also influences the behaviour of political parties regarding gender equality, political inclusion, and transparency.⁸³ The funding scheme encourages parties to prioritise gender equality and political inclusion, rewarding those who recruit and nominate more women and PWDs.⁸⁴ The NEBE examines each party's financial statements from the previous year, requiring audits and detailed reports on fund utilisation to approve financial support for the upcoming year, enhancing accountability.⁸⁵ The matching fund criteria incentivises parties to disclose contributions from private sources (improving overall transparency); this also encourages parties to maintain connections with their constituencies and minimises their reliance on state funding. However, the ETB 50,000 matching-funds ceiling is insufficient to prevent excessive matching of large financial contributions by larger parties, particularly the ruling party, thereby preserving their advantage over the smaller parties.⁸⁶

Despite the proportional model intended by Proclamation No. 1162/2019 and Directive No. 16/2021, the NEBE has implemented a hybrid funding system. This allocates an equal portion of the annual funds to each of the registered parties.⁸⁷ The NEBE's allocation of funds does not, in practice, consider previous election votes or the matching fund criteria, a situation that could disproportionately benefit the ruling party over opposition par-

81 *Ibid.*

82 *Ibid.*

83 Proclamation No. 1162/2019, Article 100(2)(c)–(f); Directive No. 16/2021, articles 14–15.

84 NEBE, "The Annual Government Support Granted to Political Parties for the 2022 Budget Year", <https://www.facebook.com/photo/?fbid=275164771387786&set=a.260907382813525> (accessed 3 August 2024).

85 Proclamation No. 1162/2019, Article 103(4).

86 Directive No. 16/2021, Article 13(2).

87 NEBE, "Updates on the Fund Distribution of Political Parties", <https://nebe.org.et/en/node/534> (accessed 20 July 2024); NEBE, "The Annual Government Support Granted to Political Parties for the 2022 Budget Year".

ties.⁸⁸ This decision to modify the allocation formula, made in consultation with political parties, seeks to reduce the ruling party's financial advantages. However, its effectiveness in leveling the playing field remains limited.⁸⁹ In fact, the flat-rate support provided to all registered parties (lacking reasonable thresholds) often promotes the formation of small and frivolous parties.⁹⁰ The NEBE's decision to modify the formula set by Proclamation No. 1162/2019 and Directive No. 16/2021 is deemed to weaken the rule of law and raise legality concerns. This trend may also lead to the misuse of party-financing laws, potentially compromising electoral competition.

The legal framework, particularly Directive No. 16/2021, allows annual public funding to cover daily expenses and some electoral costs, but it lacks explicit provisions for election-specific public funding.⁹¹ Proclamation No. 1162/2019, unlike prior legislation, does not explicitly address the distribution of public funding for election-specific purposes.⁹² Directive No. 16/2021 recognises state funding for election campaigns specifically for the 2021 national elections, but not for future elections.⁹³ As a result, state support for election campaigns in Ethiopia lacks formal legislative recognition, leaving its distribution to the discretion of the incumbent government.

In the 2021 elections, election-specific state funding was distributed based on a hybrid model that combined the principles of equality and proportionality.⁹⁴ Directive No. 16/2021 mandates that election-related funds be disbursed to parties within 15 days of candidate registration.⁹⁵ However, some parties (particularly those with limited financial resources) criticised this timing, arguing that financial support should be provided prior to candidate registration to better support their electoral efforts.⁹⁶

88 For instance, the incumbent's vote share in the 2010, 2015, and 2021 national elections was 94.6 per cent, 94.9 per cent, and 90 per cent, respectively. See B Yimenu, "Continuities and Changes in Electoral Authoritarianism: Evidence from Ethiopia", *2024 Regional and Federal Studies*, pp 12–13.

89 *Ibid.*

90 Nassmacher, *supra* n. 13, pp 14–15.

91 Directive No. 16/2012, Article 10.

92 Proclamation No. 573/2008, Article 42(2).

93 Directive No. 16/2021, articles 17–19.

94 NEBE, "The State Support Allocated for Political Parties for the 2021 National Elections", <https://nebe.org.et/en/node/534> (accessed 20 July 2024).

95 Directive No. 16/2021, Article 27(1).

96 B Abdu, "Elections 2021: Already Favoring the Ruling Party?", *The Reporter*, 31 March 2021, <https://www.thereporterethiopia.com/> (accessed 3 August 2024).

3.2.3 Spending limits

Ethiopia's legal framework does not set a spending limit for political parties. This exacerbates the financial inequality which there already is between rich and poor parties, and contributes to the uneven playing field of political competition. Some opposition party leaders claim that the PP spent about ETB 2 billion (USD 20 million) on nationwide campaigning during the 2021 national election, a figure far in excess of what was available to them (the opposition).⁹⁷ The Ethiopian Citizens for Social Justice (ECSJ) party (the second-largest party in the country) was allocated just ETB 143 million (USD 1.4 million) for its campaigning for the 2021 election.⁹⁸

The absence of a spending ceiling in political systems such as Ethiopia, where the ruling party enjoys better access than others to income sources and has all the advantages of incumbency, undermines the very purpose of public funding: to level the playing field for political contest. As Öhman opines, the financial gap between political parties will not be addressed by providing state funds to financially affluent and poor political parties alike.⁹⁹ It makes little sense to provide public funding without setting reasonable limits on private donations and on actual expenditure, particularly when the state funding scheme cannot bridge the massive differences in funding available to opposition parties as compared to the ruling PP.¹⁰⁰ The lack of a spending cap in Ethiopian politics exacerbates the unevenness of political competition.

3.2.4 Oversight, monitoring, and enforcement

The Ethiopian party-finance framework includes provisions on disclosure, reporting, monitoring, and enforcement.¹⁰¹ Political parties have to disclose detailed financial information, submit annual audit reports, and maintain records.¹⁰² They are also required to make separate deposits for public funding and make sure to provide members with access to their party's

⁹⁷ Political Parties' Joint Council, *supra* n. 4.

⁹⁸ Abdu, *supra* n. 94.

⁹⁹ Öhman, "Getting the Political Finance System Right", in *supra* n. 9, pp 22–23.

¹⁰⁰ *Ibid.*

¹⁰¹ Proclamation No. 1162/2019, articles 82–85, 104–107, 111–113.

¹⁰² *Ibid.*

income and expenditure accounts.¹⁰³ The NEBE oversees political-party financing and requires regular audit reports certified by external auditors.¹⁰⁴ The House of Peoples' Representatives (HOPR) and the Auditor-General also oversee the proper allocation and utilisation of public funding.¹⁰⁵

However, despite these provisions, there are issues with the design and implementation of the transparency rules. For instance, the NEBE has not published the audit reports and financial information of political parties as demanded by law.¹⁰⁶ Nevertheless, the law does not require parties to disclose their incomes and expenditures to the general public. In practice, financial statements from the different parties are not accessible either through publication or from online platforms. This hinders public scrutiny of party finances. While the NEBE has the authority to enforce party-finance rules through various sanctions (funding cuts, returns of improperly utilised funds, official warnings, suspension from elections, forfeiture of unlawful assets, and criminal penalties), its real effectiveness in enforcing the transparency rules is questionable.¹⁰⁷

4. Post-2018 party financing in practice: The trap of old problems?

4.1 Opposition parties' dependency syndrome

Opposition parties in Ethiopia struggle to secure funding for their everyday operations, as they do for election campaigns.¹⁰⁸ Most of them rely on public funding for their income, but this is often insufficient for carrying out political activities, especially during elections.¹⁰⁹ Some parties also rely on financial support from the diaspora community to cover most of their expenditure.¹¹⁰ Opposition parties face challenges in generating revenue

103 *Ibid*, Article 112(3).

104 Proclamation No. 1133/2019, Article 7(4); Proclamation No. 1162/2019, articles 103, 113.

105 Proclamation No. 1162/2019, articles 82(6), 105(3), 107; Directive No. 16/2021, Article 27.

106 *Ibid*, Article 68(9).

107 *Ibid*, articles 98, 106, 110, 142 *cum* 148; Directive 16/2021, articles 25, 30, 31.

108 Two focus group discussions, *supra* n. 61; Political Parties' Joint Council, *supra* n. 4.

109 *Ibid*.

110 B Habtie, M Tsehay, et al., "The Ethiopian Diaspora: Their Role in Nation Building and Political Reformation", 1 (2019) *Mekelle University Journal of Political Science and Strategic Studies*, pp 211–222; interview with Zebiba Ibrahim, former

from membership fees and private donations due to evident concerns about government harassment and repression among their supporters.¹¹¹ Business owners are hesitant to donate to opposition parties due to concerns about government retaliatory measures.¹¹² Some of these fears stem from the post-2005 retaliatory measures and the authoritarian experiences of 10 years of EPRDF rule.¹¹³ The local population's poor economic condition worsens their lack of awareness about the importance of financial support for the opposition.¹¹⁴

All in all, Ethiopian opposition parties lack diverse sources of funding, creating a dependency syndrome on state funding and diaspora support. The dependency syndrome often undermines the autonomy of parties, making them vulnerable to influence by the diaspora or the government. The policies of some opposition parties are over-influenced by diaspora views, resulting in factionalisation.¹¹⁵ Public-funding dependency, in turn, can all too easily result in the co-option of opposition parties, disconnecting them from voters and undermining the formation of the critical perspectives that are necessary to challenge the incumbent government.¹¹⁶

4.2 Electoral market bias and hyper-incumbency advantages

The factors above serve to create a substantial financial disparity between the opposition and the ruling party. The electoral marketplace in Ethiopia is biased towards the incumbent PP, which utilises the state administrative apparatus to deduct and collect membership fees from public servants.¹¹⁷

executive member and candidate of the Balderas for Genuine Democracy Party (Addis Ababa, Ethiopia, ZeHub Hotel, 20 August 2024).

111 Two focus group discussions, *supra* n. 61; Political Parties' Joint Council, *supra* n. 4.

112 *Ibid.*

113 Interview with Abdul-Qadir Adem, chairperson of the Freedom and Equality Party and ex-deputy chairperson of the Political Parties' Joint Council (Addis Ababa, Ethiopia, 3 August 2024).

114 *Ibid.*

115 Habtie, Tsehay et al., *supra* n. 110.

116 T Gashaw, "In Ethiopian Politics, Some Parties are about Monetisation, Not Representation", *IPI Global Observatory*, 27 September 2024, <https://theglobalobservatory.org/2024/09/in-ethiopian-politics-some-parties-are-about-monetization-not-representation/> (accessed 12 November 2024).

117 Two focus group discussions, *supra* n. 61; Political Parties' Joint Council, *supra* n. 4, p 21. See also W Teshome, "Prosperity 'Federalism'?", *The Awash Post*, 1 November

The PP also receives significant financial support from private sources, including businesspeople who are often linked to the ruling elite. They make their donations on the understanding that they will receive privileged access to land for investment and other benefits, such as government contracts.¹¹⁸

The Prime Minister's Office raises resources from private donors and overseas friends or governments for special tourism-related and urban mega-projects.¹¹⁹ The *Gebeta Le'Hager* ("Dine for Ethiopia") initiative was launched in 2019 by the Prime Minister, and raised nearly ETB 4 billion (USD 40 million) from private donations.¹²⁰ Many state-owned and public enterprises (such as Ethiopian Airlines and Ethio-Telecom) have also contributed funds to the mega-projects initiated by the Prime Minister.¹²¹ In addition, the Prime Minister has funded projects from his personal coffers, including a donation to the First Lady's Office for rural school construction in all regions, using the proceeds from sales of his book.¹²² These self-funded and off-budget projects are often presented to the public as exemplifying

2020, <https://www.awashpost.com/prosperity-federalism/> (accessed 10 November 2024).

118 For instance, the PP raised more than ETB 1.5 billion (USD 15 million) for the 2021 election at a fundraising event, while the ECSJ, Ethiopia's second-largest party, planned to hold fundraising events to secure ETB 140 million (USD 1.4 million). See International Republican Institute and National Democratic Institute, *supra* n. 65; "Ezema Set to Compete in 500 Districts of Ethiopia", *New Business*, 6 February 2021, <https://newbusinessethiopia.com/politics/ezema-set-to-compete-in-500-districts-of-ethiopia/> (accessed 20 July 2024); T Gardner, *The Abiy Project God, Power and War in the New Ethiopia*, UK London, C Hurst & Co (2024), pp 208–209.

119 Gardner, *ibid* n. 118, pp 207–210. See B Terrefe, "Urban Layers of Political Rupture: The 'New' Politics of Addis Ababa's Megaprojects", 14(3) (2020) *Journal of Eastern African Studies*, pp 375–395.

120 "PM Abiy Ahmed Pledges Thorough Audit of Non-government-Funded Mega Projects amid Transparency Concerns", *Addis Standard*, 6 July 2023, <https://addistandard.com/?p=35966> (accessed 20 August 2024).

121 *Ibid*. For instance: Ethiopian Airlines (ETB 1.2 billion/USD 12 million); Commercial Bank of Ethiopia (ETB 1.2 billion/USD 12 million); Ethio-Telecom (ETB 1 billion/USD 10 million); Ethiopian Shipping & Logistics Services Enterprise (ETB 200 million/USD 2 million); Ethiopian Development Bank (ETB 150 million/USD 1.5 million); and Ethiopian Electric Power (ETB 100 million/USD 1 million).

122 Ethiopian News Agency (ENA), "Abiy Donates over 110 Million Birr Proceeds of Book for Building Schools", ENA, 7 August 2020, https://www.ena.et/web/eng/w/en_16188 (accessed 3 August 2024).

the success story of the PP, led by the Prime Minister, and can thus be regarded as covert private funding of the incumbent party.¹²³

The ruling PP misuses government resources to gain financial advantage over the opposition by exploiting public resources (such as employees, office supplies, phones, vehicles, and daily allowance payments) to support its election campaigns.¹²⁴ Some opposition parties claim that the incumbency advantage is so deep that it is nearly impossible to distinguish between the government and the party.¹²⁵ The PP's significant private funding and hyper-inc incumbency advantages enable easy election victories, whereas the opposition faces severe limitations in terms of financial and human capital resources. The International Republican Institute and National Democratic Institute joint report on the 2021 election revealed that the PP-led government merged government activities with election campaigning by launching major infrastructure and investment projects during the campaign silence period.¹²⁶ During it, publicity was given to ruling-party government officials who either inaugurated or simply visited national projects such as airports, highways, and factory construction sites.¹²⁷ Such public events undermine the principles of fair campaigning and the notion of a level playing field.

123 In some African countries, many political activities are funded by party leaders themselves, which is considered self-funding in the party-financing literature. It is well regulated, for instance, in Mali, Algeria, and Liberia. See NA Check, et al., "The Integrity of Political Finance Systems in Africa: Tackling Political Corruption", International IDEA Policy Paper No. 20, Stockholm, International IDEA (2019), pp 15–16.

124 International Republican Institute and National Democratic Institute, *supra* n. 65; Political Parties' Joint Council, *supra* n. 4; H Bratt, *Uneven Playing Field: Understanding Abiy Ahmed Manipulation of Democracy in Ethiopia*, Uppsala University (2019/2020), pp 20–25.

125 "Abiy Ahmed's Prosperity Party Accused of Diverting Public Resources for Political Training", *Ethiopia Observer*, 16 September 2024, <https://www.ethiopiaobserver.com/> (accessed 10 November 2024).

126 International Republican Institute and National Democratic Institute, *supra* n. 65. The Ethiopian Electoral Cycle Guidelines state that the silence period, which includes four days before election day, requires political parties and their supporters to stop their campaigns four days before voting day. This includes using the internet and social media and having in-person, door-to-door, or public political meetings. Also, mass media outlets are prohibited from interviewing political-party candidates during this period, and may only transmit information from the NEBE.

127 *Ibid.*

4.3 Inequitable public funding: Reinforcing dominance

The post-2018 public funding scheme did not significantly alter the financial position of opposition parties. The ruling PP remains the primary recipient of public funding for parties both annually and during elections. The NEBE distributed ETB 98 million to 51 political parties during the 2021 national election, with 25 per cent of this distributed on the principle of equality. The first payout was ETB 483,452 (USD 10,998) for parties participating in the election, followed by the second tranche of the remaining three-quarters, which was awarded to political parties at the rate of each registered candidate (ETB 2,643 or USD 60), each woman candidate (ETB 9,982 or USD 227), each PWD candidate (ETB 155,722 or USD 3,542), and each woman party leader (ETB 255,062 or USD 5,802).¹²⁸

Table 1: Parties with significant shares of public funding in the 2021 elections

Name of party	No. of candidates	No. of women candidates	No. of PWD candidates	No. women in leadership	Share of public funds
PP	2,799	1,171	15	5	24%
ECSJ	1,540	183	22	6	12%
FEP	578	80	8	2	4.7%
Enat Party	605	58	4	1	3.6%
United Ethiopia Democratic Party	258	37	6	3	3.3.%
All Ethiopian Unity Organisation	466	38	3	1	2.9%
National Movement of Amhara (NaMA)	510	16	2	0	2.3%

Source: NEBE's Excel Sheet: State Support Allocated for 2021 National Elections

As Table 1 shows, the PP received about a quarter of state funding, but the benefit level has decreased in comparison to the 2015 election, when the then-ruling party, the EPRDF, took 50 per cent of public funds allocated for elections.¹²⁹ The seven parties listed in the table collectively received 52 per cent of total state support for the 2021 election, with the remaining 48 per cent distributed between 44 parties.¹³⁰ Five of these parties received the minimum ETB 483,452 (USD 10,998), distributed based on the equality

128 *Ibid*; NEBE, *supra* n. 94.

129 *Ibid*. See also Degifie, *supra* n. 5, p 348.

130 *Ibid*.

principle (though without nominating a single candidate).¹³¹ In addition, the PP received the largest share of annual public funding allocated to political parties for their daily operations.¹³²

Opposition parties have expressed concern about insufficient public funding and delayed disbursement. Most political parties struggle to pay the rent for their offices, while some claim that state support does not cover even half of their election expenditures.¹³³ The indirect public funding scheme does not explicitly cover free or subsidised access to state buildings or office spaces, and political parties cannot demand this as a right.¹³⁴ The NEBE's role is limited to writing recommendation letters to government agencies such as the Federal Housing Corporation, which results in selective office space allocation for political parties, with most opposition parties receiving little to no support.¹³⁵ However, the ruling PP frequently uses state-owned buildings for its own offices. The indirect public funding package lacks duty-free privileges for political parties, causing them to face higher taxes for vehicle imports.¹³⁶ As a result, most opposition parties have no vehicles with which to reach out to the electorate, and particularly so voters in rural areas.¹³⁷ This is not a problem for the ruling party, however, since it often misuses state resources to carry out both regular political activities as well as election campaigns.

The 2021 election demonstrates that the public funding system is insufficient for most political parties to challenge the ruling party effectively. State support for regular party operations and election purposes favours the PP, despite its being the least in need of additional funding. It contributes to the

131 *Ibid.*

132 The EPRDF received 70 per cent of the state support granted to political parties for their daily activities, while the PP's share is about 20 per cent. See NEBE, "The Annual Government Support Granted to Political Parties for the 2022 Budget Year", *supra* n. 87; Degifie, *supra* n. 5, p 348.

133 Political Parties' Joint Council, *supra* n. 4; Two focus group discussions, *supra* n. 61; Abdu, *supra* n. 96.

134 Proclamation No. 1162/2019, Article 45. They are entitled to claim access to public facilities only during the election period.

135 Political Parties' Joint Council, *supra* n. 4 Two focus group discussions, *supra* n.61; interview with Desta Tilahun, Leader of the Ethiopian People's Revolutionary Party and deputy chairperson of the Political Parties' Joint Council (Addis Ababa, Ethiopia, Inter-luxury Hotel, 15 August 2024); S Sahlu, "Political Parties' Concerns over Federal Housing Corporation's Unfair Office Building Allocation", *The Reporter*, 11 September 2024.

136 Proclamation No. 1162/2017, Article 77; Directive 16/2021, Article 22.

137 Political Parties' Joint Council, *supra* n. 4; interview with Tilahun, *supra* n. 135.

unevenness of the political playing field in Ethiopia, and helps to reinforce the dominance of the ruling party.

4.4 Culture of non-compliance

Few political parties adhere to transparency rules, particularly in financial reporting. The NEBE announced that several parties failed to submit the required financial reports for the 2020/21 fiscal year.¹³⁸ Parties have also been accused of providing inaccurate membership information, including the number of women and PWD members, and engaging in financial fraud such as unauthorised disbursements and unlawful withdrawals.¹³⁹

These failures to adhere to transparency rules can be attributed to a lack of internal capacity; political unwillingness; and unrealistic party-finance rules. Many parties lack the necessary staff and resources to comply with financial transparency rules (such as reporting and auditing).¹⁴⁰ Political parties are also hesitant to disclose their financial affairs to the public due to frequent allegations of illicit funding, corruption, and embezzlement, and hence often keep their financial records from the public eye.¹⁴¹ Moreover, the NEBE has been found to compromise the strict application of certain rules, considering them unrealistic in Ethiopia's political setting. The funding provision requiring parties to disclose their members' age, gender distribution, and place of residence is impracticable in Ethiopia: these demands could not be effectively enforced.¹⁴² The ruling PP claims to have over 7 million members. The NEBE accused certain parties of exaggerating figures on women and PWDs, with some claiming up to 900,000 such members (most parties lack a complete membership list).¹⁴³ The NEBE's

138 NEBE, "Announcement on the Financial Support Granted for the 2020/21 Fiscal Year", 17 May 2022, <https://nebe.org.et/en> (accessed 4 August 2024).

139 S Mengesha, "Election Board Threatens Administrative Action over Exaggerated Party Membership Figures", *The Reporter*, 29 June 2024; S Sahlu, "Election Board Suspends 'One Ethiopia' Party over Financial Fraud Allegations", *The Reporter*, 13 March 2024.

140 Two focus group discussions, *supra* n. 61.

141 Most political-party official pages contain party programmes, election manifestos, and by-laws, but not financial statements.

142 Proclamation No. 1162/2019, Article 78.

143 Mengesha, *supra* n. 139; NEBE, "Announcement for Political Parties: 28 June 2024", <https://nebe.org.et/en/announcements> (accessed 3 August 2024).

questionable ability to verify the accuracy of party membership lists makes the disclosure requirement impractical.

Some political parties use online funding systems to collect income from the diaspora community, but the NEBE rarely checks the permissibility of the contributions.¹⁴⁴ The NEBE has dropped the 5 per cent eligibility threshold for receiving gender-targeted public funding on the grounds that most parties fail to meet it.¹⁴⁵ Alleging equity concerns, it also modified Proclamation No. 1162/2019's public funding distribution formula.¹⁴⁶ Despite their significance, especially for the opposition parties, disregarding clear laws often results in a culture of non-compliance. This undermines the rule of law and facilitates the selective application of party-financing rules based on favouritism.

All in all, the NEBE has not effectively enforced all political finance rules. This is likely due both to its limited capacity as well as to political reluctance.¹⁴⁷ Despite its power to impose sanctions, it has restricted its punitive interventions to further educating parties on transparency and compliance.¹⁴⁸ Only in some instances it has imposed sanctions on political parties for misuse of public funding by suspending, cancelling, or cutting such funds.¹⁴⁹ Since October 2024, the NEBE has suspended several political parties for non-compliance with audits, failure to provide financial support for female members, and failings in general assembly procedures.¹⁵⁰ It is noteworthy that the media and civil society organisations (CSOs) have not prioritised transparency and accountability in party financing as something requiring intervention;¹⁵¹ indeed, CSOs working in the area of

144 Two focus group discussions, *supra* n. 61.

145 Directive No. 16/2021, Article 14(1). See NEBE, *supra* n. 94.

146 Compare Proclamation No. 1162/2019, Article 100 and Directive No. 16/2021, Article 11.

147 Anonymous phone interview with an expert in the NEBE (Addis Ababa, Ethiopia, 20 August 2024). When the NEBE doubts audit reports submitted by parties, it refers the matter to the general auditor for further examination.

148 *Ibid.*

149 Sahlu, *supra* n. 139; Anonymous phone interview, *supra* n. 147.

150 My Ethiopia, "NEBE Suspends Eleven Political Parties for Non-compliance", *My Ethiopia*, 22 October 2024, <https://myethiopia.co.uk/nebe-suspends-eleven-political-parties-for-non-compliance/> (accessed 13 November 2024).

151 This is based on the author's two years of personal observation as a legal and policy advisor at the Ethiopian Civil Society Organizations Council, an umbrella organ representing more than 4,000 CSOs in Ethiopia.

elections often overlook it altogether.¹⁵² As a result, the media and CSOs do not adequately support the NEBE's oversight role on political-party finance, which is there to ensure fair play, accountability, and transparency.

5. Post-2018 party financing: Implications for democracy and constitutionalism

5.1 The uneven political playing field

Democracy requires free, fair, and competitive elections; but it also requires a great deal more than just holding periodic elections.¹⁵³ The essence of democracy lies in the competitiveness of elections, with a reasonably level playing field between incumbents and opposition being an essential component of this.¹⁵⁴ Post-2018 private funding regulation targets the income sources of opposition parties; it avoids the necessary contribution and expenditure caps, and thereby tilts the playing field in favour of the ruling party. The public funding distribution formula favours the ruling PP, with this advantage multiplied by incumbency advantage, including considerable funding from the private sector. In all these ways, the financial inequality between the ruling and opposition parties is exacerbated. Manipulation of state resources and institutions by the PP constrains the activities of opposition parties and works to eliminate their chances of winning elections. Consequently, the fairness necessary for political competition in a multiparty democracy is undermined.

The 2021 national election demonstrates the ways in which lack of resources played a key role in hindering opposition parties. In comparison to the ruling party, the opposition parties are underfunded. As a result, they proved unable to effectively mobilise, organise, and educate the electorate and to publicly articulate their objectives and alternatives. Their campaigns were mostly limited to the capital and main urban areas; no opposition

152 Interview with Abera Haile Mariam, executive director of the Coalition of Ethiopian Civil Society Organizations for Elections (Addis Ababa, Ethiopia, Inter-Luxury Hotel, 15 August 2024).

153 L Diamond, *The End of the Third Wave and the Global Future of Democracy*, Political Science Series No. 45, Vienna, Austrian Institute for Advanced Studies (HIS) (1997), pp 2–20.

154 *Ibid*; CM Fombad, “Constitutional Reforms and Constitutionalism in Africa: Reflections on Some Current Challenges and Future Prospects”, 59 (2011) *Buffalo Law Review*, pp 1020–1027.

party was able to put candidates forward in every corner of the country. Indeed, no opposition party, with the exception of the ECSJ, was able to nominate the minimum number of candidates required to form a government at the federal level.¹⁵⁵ The ruling party ran uncontested in 104 of the 170 constituencies for the HOPR in the Oromia region, with opposition boycotts citing harassment and intimidation.¹⁵⁶ Some parties have reported detention and intimidation of their candidates, leaders, and supporters across the country.¹⁵⁷

Simply put, the legal framework for party financing, combined with its actual practice, does not create equal opportunities for all political parties to compete in elections. The overwhelming strength of the ruling party's finances means the electoral marketplace is far from being free and fair. In every corner of the country, the PP's electoral chances are significantly better than the opposition's whereas the opposition's chances of winning elections are just about non-existent. As a result, Ethiopian elections have become empty symbolic gestures with predictable outcomes, rather than genuinely democratic competitions which would have uncertain results.

5.2 Weak and frivolous political parties

The post-2018 party-finance system significantly affects not only the playing field but also the strength and viability of the political parties themselves. Genuine democracy requires strong, independent, active, and disciplined political parties.¹⁵⁸ The party-financing system in Ethiopia fails to adhere to the necessary principles of equity and transparency, resulting in the weakening and fragmentation of political parties. Underfunding prevents opposition parties from effectively conducting elections, hindering their capacity to mobilise the electorate and nominate candidates for all

155 The PP successfully registered candidates in all 673 constituencies, consequently fielding 2,432 candidates for all regional state councils and federal parliamentary seats.

156 International Republican Institute and National Democratic Institute, *supra* n. 65, pp 13–15.

157 *Ibid.*

158 S Stocker, et al., “The Missing Piece: Political Parties are Critical to Democracy in Africa”, 2024, *Atlantic Council*, pp 1–5.

constituencies.¹⁵⁹ Political parties' rights and privileges are not constitutionally recognised and protected, making them susceptible to self-serving legislation and unfair resource allocation.

Party financing practices are often shrouded in secrecy, leaving even party members and supporters in the dark about the party's funding and expenditure.¹⁶⁰ This contributes significantly to corruption and finance-driven factionalism within opposition political parties, undermining their existence and functions, as well as public trust in them.¹⁶¹ A prominent political leader holds that there are numerous "briefcase parties" run by political entrepreneurs for personal gains.¹⁶² As a result, political parties all too easily become battlegrounds where factions and party leaders fight each for power and over resources.¹⁶³ The public funding system encourages the proliferation of small parties that participate only symbolically in elections and go into hibernation between them.¹⁶⁴ It contributes to the growth of weak and frivolous opposition political parties in ways that hinder democratic transition and consolidation.¹⁶⁵

5.3 Dominant party with unchecked powers

The post-2018 Ethiopian party-financing framework and its application helps maintain the ruling party's financial dominance. It creates an uneven playing field and prevents fair political competition, as was evident in the 2021 electoral marketplace.¹⁶⁶ It creates the conditions for rule by a permanent dominant-party system. The new dominance of the PP, coupled with the non-constitutionalisation of political parties, ultimately undermines the state of constitutionalism in Ethiopia. As Charles Fombad rightly notes, this

159 Political Parties' Joint Council, *supra* n. 4; Abdu, *supra* n. 96; interview with Adem, *supra* n. 113.

160 Interview with Tilahun, *supra* n. 135.

161 The 2021 national election saw relatively competent parties such as the ECSJ, Na-MA, and Balderas for Genuine Democracy, but, post-election, they faced internal crises and factionalism. See Lyons and Verjee, *supra* n. 36.

162 Interview with Tilahun, *supra* n. 135.

163 Anonymous phone interview, *supra* n. 148; Gashaw, *supra* n. 116.

164 As Tilahun opines, most political parties go into hibernation after elections, with only a few remaining active. Interview with Tilahun, *supra* n. 136; Gashaw, *supra* n. 116.

165 Gashaw, *supra* n. 116.

166 See NEBE, *supra* n. 39.

non-constitutionalisation creates the opportunity for incumbent majorities to effect legislation that serves their partisan ends and allows the incumbent party to arbitrarily determine the rules of the political game.¹⁶⁷

The PP's political hegemony also has powerful effects on the proper functioning of such potential constraints on executive power as Parliament, an independent judiciary, and the usual mechanisms of horizontal accountability. Thus, for instance, the Prime Minister defends the lack of transparency around the Addis Ababa beautification mega-projects by claiming that, since they are funded by foreign partners and local fundraising events, Parliament has no mandate to scrutinise them.¹⁶⁸ At the same time, the ruling PP can designate political parties as terrorist organisations and ban them with little opposition from Parliament.¹⁶⁹

Recently, for example, Parliament passed the revised immigration proclamation. This granted the Director General of the Office of Immigration and Citizenship Services the power to prevent individuals from leaving Ethiopia on the advice of the security services.¹⁷⁰ Previously, such power had been granted exclusively to the courts.¹⁷¹ Despite claims about the need to enhance national security and administrative efficiency, the shift from judicial oversight to administrative authority raises major concerns about the potential abuse of power and erosion of judicial checks and balances involved.¹⁷² The PP-dominated Parliament approved this legislation with no serious attention to the views of stakeholders, including numerous human

167 Fombad, *supra* n. 21.

168 Addis Standard, *supra* n. 120; Terrefe, *supra* n. 119.

169 For instance, in May 2021 the HOPR unanimously approved the Council of Ministers' recommendation to designate the Tigray People's Liberation Front (TPLF) a terrorist organisation, whereas it removed it from the list in March 2023 with a majority vote, 61 votes against, and five abstentions. See HOPR, "TPLF and 'Shene' Designated as Terrorists", *Parliamentary News*, May 6, 2021, Addis Ababa, <https://www.hopr.gov.et/en/web/guest> (accessed 4 November 2024).

170 Immigration and Citizenship Service Reestablishment Proclamation No. 1338/2024. The Bill was approved by Parliament in June 2024, but has not yet been published in the Negarit Gazeta.

171 Immigration Proclamation No. 354/2003, Federal Negarit Gazeta 9th Year No. 75, Addis Ababa, 3 July 2003, Article 7.

172 HOPR, "Explanatory Notes on the Immigration and Citizenship Services Reestablishment Draft Proclamation", May 2024, Addis Ababa, Ethiopia (archived at the HOPR).

rights defenders.¹⁷³ As noted, this law is open to abuse and potentially limits the activities of a range of democratic actors, including political parties.

6. Conclusion

Ethiopia's post-2018 party-finance regulations continue to create an uneven political landscape that favours the incumbent PP over opposition parties. The shortcomings in the design of party-financing rules, coupled with their misuse and manipulation in an undemocratic political setting, present obstacles to achieving competitive elections and ensuring equal opportunities for all political parties.

This chapter demonstrates that the legal framework governing party funding introduces bias into the electoral marketplace, making it difficult for opposition parties to secure the funding essential to their operations. Flawed regulations surrounding private donations discourage individuals and businesses from supporting these parties, while the ruling PP benefits from a diverse array of income sources, with no income or expenditure limits. The absence of these limits increases the financial disparity between the ruling PP and opposition parties, causing uneven political competition. It has also obscured the purpose of public funding, which above all is to level the political playing field for the purposes of political competition.

The chapter has also illustrated that, despite the 2018 reforms and the promise they held to promote fair competition and mitigate the dominance of the incumbent party, the political landscape remains largely unchanged in the post-2018 period. The PP continues to exhibit the same patterns of manipulation and dominance previously seen under the EPRDF, benefiting from a significant hyper-incumbency advantage and the misuse of state resources for partisan purposes. This environment severely distorts fair political competition. Furthermore, the existing party-finance system undermines the viability of political parties, leading to a proliferation of underfunded and frivolous opposition parties. The government's tactics of coercion and intimidation further constrain opposition parties' ability to garner support from private sources, resulting in an over-reliance on public funding and diaspora contributions, with these jeopardising their independence.

¹⁷³ During the public hearing, some CSOs and human rights defenders expressed their concerns.

The chapter also underscores an alarming new trend in which political parties flout the transparency regulations, with this fostering an environment ripe for corruption and factionalism (driven by financial interests). This situation is exacerbated by NEBE's weak enforcement of transparency rules and the disengagement of CSOs in ensuring accountability in political party funding.

All in all, the political finance system in Ethiopia has undermined both democracy and constitutionalism by fostering an uneven political landscape that disadvantages opposition parties and skews the electoral marketplace in favour of the ruling PP. This dynamic considerably hampers electoral competitiveness and perpetuates a dominant-party system, posing serious challenges to the prospects for democratic transition and consolidation in Ethiopia.

This chapter therefore advocates for comprehensive reform of political-party financing to ensure a fair playing field and the proper institutionalisation of political parties. It suggests constitutionalising basic political-party rights; setting reasonable limits on private donation and expenditure; placing a reasonable threshold on the allocation of public funding; preventing the abuse of state resources; and enforcing transparency rules. It is essential to make political finance information accessible and to engage CSOs and the media to raise awareness and advocate for transparency and the fair funding of political parties. Overall, a democratic environment with respect for the rule of law is crucial if political parties are to be able to mobilise resources freely.

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