

THE ETHIOPIAN ELECTORAL SYSTEM: ISSUES AND REALITIES AND A REFLECTION ON THE PROBLEMS

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Abstract

In modern democracy, parliamentary representatives need to be elected. However, this may not necessarily warrant all democratic virtues unless the electoral system which translates the votes into seats is crafted rightly to maintain and to encourage fair election, , legitimacy of the government, multipartism and interdependence among rival politicians and the groups they represent thereby promoting inclusive and trustworthy democracy. The latter benefits of democracy are highly demanded in diversified societies and societies with poor political culture of tolerance, like Ethiopia. In this regard, this article investigated the discontents of the Ethiopian electoral system, 'first-past-the-post' (FPPF) taking empirical data from the 2005, 2010 and 2015 general elections. To this end, Key informant interviews with the opposition and the incumbent parties were conducted. The author's own observation together with the available literature was employed. The findings revealed that the FPTP electoral system is ill-designed to Ethiopia as it negatively affects fairness in representation, legitimacy of government, multipartism and the behavior of the political parties.

Keywords: electoral systems, first-past-the-post, representation, proportionality, legitimacy, behavior and political party

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1. GENERAL OVERVIEW

Democracy in a modern complex society necessarily means representative democracy in which elected officials make decisions on behalf of the people. But the question remains as to how these representatives are elected. This task is usually performed by the electoral systems which put a set of methods for translating votes a candidate receives into representative seats that a party or a candidate wins. According to Reynolds, within the range of democratic institutions, there is no more important choice than the electoral system to be used.¹ Electoral systems have long been recognized as one of the most important institutional mechanisms for shaping the nature of political competition. The electoral systems help determine the number of parties, the ease of forming a stable government, the degree of representation and the extent of citizens' interest in politics.² Hence, electoral systems are powerful instruments for shaping the content and practice of politics, especially in pluralistic societies.

The kind of electoral system used in elections plays a vital role in determining the outcome of the elections. For instance, in elections where voters cast exactly the same number of votes for each party, one electoral system may allow a single party government while another may lead to the formation of a coalition government.³ This shows electoral systems can determine the outcomes of elections different from the popular votes. Electoral systems have also an enormous implication on the overall democratization process. In this regard, Getachew Assefa states:

1Andrew Reynolds et al., *Electoral System Design, the New International Idea Handbook*, International Institute for Democracy and Electoral Assistance, 2005 pp.5-6.

2Ibid.

3Ibid.

*The type of electoral system used-whether plurality/majority, proportional representation (PR), mixed systems or some other-would play a critical role in determining the composition and diversity of the representatives to be elected. The ways in which votes cast are translated into parliamentary seats vary substantially depending on the type of electoral system.*⁴

When it comes to the Ethiopian context, the 1995 FDRE Constitution preferred the plurality electoral system. It states “members of the House of Peoples Representatives shall be elected from candidates in each electoral district by a plurality of the votes”⁵ and the Electoral Proclamation corroborates the same idea saying “a candidate who received more votes than other candidates within a constituency shall be declared the winner.”⁶

The basic system of plurality voting or First- Past- the- Post (hereinafter FPTP) in parliamentary general elections is widely familiar; countries are divided into territorial single member constituencies; voters within each constituency cast a single ballot (marked by an “x”) for one candidate; the candidate with the largest share of the vote in each seat is returned to parliamentary office and in turn the party with an overall majority of seats forms the government.⁷ This system does not need to pass a minimum threshold⁸

4Getachew Assefa, Electoral System and Political Pluralism in Ethiopia: A Case for Reform, Vol. VI, Ethiopian Constitutional Law Series, AAU Printing, 2015 p.7.

5The Federal Democratic Republic of Ethiopian Constitution, Federal Negarit Gazette Proc. No.1/1995 Article 54(2).

6The Ethiopian Electoral Law, Federal Negarit Gazette Proc. No. 532/2007 Article 25(1).

7Joseph M. Colomer, Electoral Systems, International Encyclopedia of the Social Sciences (Ed.) William A. Darity, Jr. Vol. 2. 2nd ed. Detroit: Macmillan Reference USA, 2008. Pp. 560-562.

of votes nor does it require an absolute majority to be elected. Rather, all it needs is a simple plurality, that is, one more vote than its closest rival.

This system is primarily defended on the grounds of simplicity and its tendency to produce winners representing a defined geographic area. The system is also praised for it gives single party government. The seat bonus for the largest party common under FPTP means that coalition governments are the exception rather than the rule. This state of affair is celebrated for providing cabinets that are not shackled by the restraints of having to bargain with a minority coalition partner.⁹

However, the FPTP system is blamed for excluding smaller parties from fair representation,¹⁰ in the sense that a party that wins approximately say 15% of the votes should win approximately 15% of the legislature. It also encourages the development of political parties based on clan, ethnicity or region which may base their campaigns and policy platforms on conceptions that are attractive to the majority of people in their district or region but exclude or are hostile to the other.¹¹ Moreover, it leaves large

8 Threshold is the minimum level of support which a party needs to gain representation, thresholds can be legally imposed that can be referred to as formal threshold, or exist as a mathematical property of electoral systems which are normally said (effective or natural threshold).

9 Andrew Reynolds, et al., *Supra* note 1 p. 36.

10 To take an instance, in 1993 Federal election in Canada the progressive conservatives won 16 percent of the votes but only 0.7 percent of the seats, and in the 1998 general election in Lesotho the Basotho National Party won 24 percent of the votes but only 1 percent of the seats. This is a pattern repeated time and time again under FPTP. See Andrew Reynolds et al., *supra* note 1 P. 37.

11 Denis K. Kadima, *Choosing an Electoral System: Alternatives for the Post-War Democratic Republic of Congo*, Paper Presented for the Workshop on Electoral Perspectives and the Process of Democratization

number of wasted votes which do not go towards the election of any candidate.¹² If alienation from the political system increases, extremists can mobilize anti-system movements. Finally, the system is criticized for it gives rise to minority government with the support of minority votes. Besides, in such a situation, the government may lack legitimacy where the total votes cast against the government become majorities. For instance, in seats where the vote splits almost equally into three parts, the winning candidate may get 35% of the votes while the others may get 34 and 31 percent each. Consequently, although two-third of the voters supported other candidates, the plurality of votes is decisive. So, one may question the legitimacy of a government with only 35% support. As will be discussed in the subsequent sections, this system is blamed for obstructing voice representation, multipartism and legitimacy of government.¹³

When we see the Ethiopian context, in the 2010 general election even though 63 political parties have taken part each representing the diverse interests, the Ethiopian Revolutionary Democratic Front (EPRDF) took all the seats except one because of the “winner takes all” system of election.¹⁴ In the same manner, in the 2015 national

in the DRC: Lessons from SADC countries, Kinshasa 21-25 October, 2001 Pp.40-48, retrieved from http://www.eisa.org.za/PDF/Conference_DRC_kadima_eng.pdf as accessed on 29 October 2015.

¹²Ibid.

¹³Practical experience reveals that for the last five elections the EPRDF, which is the dominant party in Ethiopia, won with great majorities. However, the votes are not as much as the seats it has won in the parliament.

¹⁴Getachew Assefa, *supra* note 4, p.30.

election 58 political parties took part; nevertheless, the EPRDF and its allies won all the seats.¹⁵ Hence, there is reasonable suspicion that in the long run, if it continues this way, it will have its own contribution in affecting multipartism in the country. Reeve and Ware supported this idea arguing that “plurality voting in a single ballot system tends to frustrate the development of multiparty.”¹⁶

Furthermore, such an electoral system can also affect the formation and success of parties. For instance, in Britain, the system of FPTP works against the formation of new parties, except where they have territorially concentrated supporters.¹⁷

Against the backdrop of the above arguments, the Ethiopian political parties are not in agreement as to whether the FPTP electoral system is the best choice to the country. While the EPRDF strongly supports the current electoral system, the parties in the opposition firmly oppose this system and seek to see it reformed with the Proportional Representation (herein after PR).

Hence, this paper intends to address the question as to whether the FPTP electoral system is the best to the Ethiopian multi-ethnic Federation. In doing so, it aims to explore the discontents of the ‘*first past the post*’, in the light of the nation’s social and political plurality.

15The Election Report of the Ethiopian National Electoral Board in 2015 and official results of the 24th May 2015 General Election.

16Reeve A and Ware A., *Electoral Systems: A Comparative and Theoretical Introduction* 7, London and New York, Biddless Ltd. 1992.

17 Ibid.

This article presented the framework into two parts. The first part tries to address the basic dichotomies of the electoral systems, the historical and political context of the state where the electoral system is supposed to work and the views and electoral preferences of the existing political parties from the incumbent and the opposition. The second part tries to sort out the discontents of the Ethiopian electoral system from the vantage points of representation of political parties and views, multipartism, behavior of political parties and the legitimacy of the government. Finally, the article winds up by putting some concluding remarks.

2.ELECTORAL SYSTEMS: BASIC DICHOTOMIES¹⁸

Electoral systems may vary along three generic dimensions: “*the ballot structure, the district structure and the electoral formula*”.¹⁹ The ballot structure determines how citizens cast their votes and how their votes are counted. This structure mainly focuses on five distinct features: the entities for which citizens may vote, the number of votes that they cast for these entities, the category of votes casted, the ballot system, and the extent to which relevant vote totals are affected by the votes casted.²⁰ The district structure refers to the numbers, hierarchy and magnitude of the electoral districts used in the system. An electoral district is defined as “*a geographical area within which votes are aggregated and seats allocated.*” There may be one single national electoral district or many. With multiple districts, this structure may be allocated to a single tier or organized

¹⁸For a comprehensive discussion on electoral systems, see Andrew Reynolds et.al, supra note 1.

¹⁹Jan Teorell and Catharina Lindstedt, Measuring Electoral Systems, Political Research Quarterly, Vol. 63 No. 2, p. 435, 2010.

²⁰Ibid.

hierarchically into multiple lower and upper tiers.²¹ Finally, these all define the electoral system/formula which determines the way votes are translated into seats.

By looking how closely the number of seats in the legislature won by party mirrors that party's share of the popular votes and the votes to seats relationship or otherwise the level of wasted votes,²² different writers try to classify electoral systems into different families. For instance, Reynolds and other scholars on the area categorized them into three families: plurality-majority, proportional representation (PR), mixed electoral systems and others.²³ Each of these families of electoral systems also constitutes various different sub-family systems.

The plurality-majority electoral systems are simple to vote and count. After votes have been casted and totaled, those candidates or parties with more votes are declared winners. However, the way this is achieved in practice varies widely. Five varieties can be identified: the FPTP, Block Vote, Party Block Vote, Alternative Vote, and the Two Round Systems. This system is identified with single member districts.²⁴

Unlike Majoritarian System, the rationale underpinning all Proportional Representation (PR) Electoral Systems is the conscious translation of a party's share of votes into a corresponding proportion of seats in the legislature. PR requires the use of

21Ibid.

22The Law Commission of Canada, *Electoral Reform for Canada*, Vol. 30 (2004), retrieved from: <http://www.Heinonline.lawreform.gov> last visited on 5 June 2015.

23Ibid.

24 Andrew Reynolds, *supra* note 1 p.35.

districts with more than one member to be elected as it is not possible to divide a single seat proportionally. Parties' votes will be aggregated nationally or regionally as the case may be and the parties' seat will be determined on the basis of the proportionality to the votes received. There are two major types of PR, the List PR and the Single Transferable Vote (STV).²⁵

The mixed electoral system, as its name indicates, tries to compromise the above two electoral systems using two systems at a time. One of those systems is Majority System using single member district and the other is List PR. The votes casted by the same voters contribute to the election of representatives under both systems. There are two forms of mixed systems. In the first form, the results of the two types of elections are linked; seat allocations at the PR level are dependent on what happens in the single member districts. In this latter form, PR electoral system is employed to compensate the disproportionality that arises at the single member constituency level. Such a system is called a Mixed Member Proportional (MMP) system. Yet, when the two sets of elections are detached and are not dependent on each other for seat allocations, the system is called the Parallel System.²⁶ Mixed electoral system is designed to avoid the disadvantages of the two systems namely, the Majority and the PR systems. It is intended to combine the best result of the two systems.

²⁵Ibid., p.57.

²⁶ Pippa Norris, Choosing Electoral Systems: Proportional, Majoritarian and Mixed Systems, *International Political Science Review*, Vol. 18. No. 3, Sage Publications Ltd. 1997 P. 299, available at <http://www.hks.harvard.edu/fs/pnorris/ Acrobat/Political%20Studies%20Twilight.pdf> as accessed on 10 September 2010.p. 304.

The variations between electoral systems resulted from factors such as history, culture, practices and roles of key actors in each country. The choices are also affected by the same factors.²⁷ Hence, it is proper to highlight the Ethiopian historical and political context in the following subsections, for it has its own contribution on how the FPTP electoral system works.

3. BRIEF HISTORICAL ACCOUNT OF THE POLITICAL CONTEXT OF ETHIOPIA

Highlighting some points on the Ethiopian political history is vital because the design of an electoral system has to be informed by each country's specific context including its history, culture, politics, demographic composition and the views of key political actors.²⁸ The Ethiopian history reveals the fact that power was gained either through heredity as it was during the era of the emperors or by force as it was during the '*Derg*'.²⁹ Political opposition was never permitted. An opposition had either to be clandestine or violent.³⁰ There was nil experience of free and fair democratic elections. During the

27 Denis K. Kadima, supra note 8. See also, Timonthy D. Sisk, Elections in Fragile States: Between Voice and Violence, (2008), retrieved from http://www.humansecuritygateway.com/documents/ISA_electionsinfragilestates.pdf last date visited on 29 October 2015, p. 2; Khabele Matlosa, Electoral Systems, Constitutionalism and Conflict Management in Southern Africa, retrieved from <http://aceproject.org/ero-en/regions/africa/regional-resources-africa/53.pdf> last data visited on 29 October 2015.

28 Denis K. Kadima, supra note 8.

29 Clapham, Ethiopia since the Derg, Xvii (ed.), a Decade of Democratic Pretension and Performances, London Books, 2002.

30 Ibid.

imperial times power was assumed “God given”.³¹ As a result of these, authoritarian and hierarchical attitudes were deeply entrenched in the Ethiopian political environment.³² One can therefore safely conclude that there was no history of tolerance and peaceful coexistence.

Thus, in choosing an electoral system to Ethiopian, the political history and the actual diversity are assumed to have been duly considered. In such contexts where parties might be created on the basis of the diversity, groups may line up behind ethnic-based political parties and might polarize the differences into policy platforms unless the electoral systems give them incentive for interdependence and cooperation.³³

The theoretical discourse and jurisprudence on electoral systems indicate that plurality electoral system is not advised to diversified society with poor political culture of tolerance.³⁴ For instance, Lijphart and Horowitz, leading scholars of democracy in divided societies, agree against FPTP in polarized societies. They both share the same idea when quoting Lewis’s statement that contends “*the surest way to kill the idea of*

31 Ibid.

32 Ibid.

33 Mattijs Bogaards, Electoral Choices for Divided Societies: Moderation through Constituency Pooling and Vote Pooling, 2000, paper presented for the 29th joint session of workshops in Grenoble, France, 6-11 April, p. 2 retrieved from http://aceproject.org/ero-en/topics/elections-security/bogaards.pdf/at_download/file last visited on 4 May 2017.

34 For example, in Northern Ireland first-past-the-post elections helped protestants to convert their numerical majority into political dominance. See, Mattijs Bogaards, Ibid.

democracy in plural society is to adopt the Anglo American electoral system”.³⁵ Reynolds in the same manner asserted “*for ethnically divided societies, the prevailing academic wind clearly blows in favor of proportional representation and against plurality.*”³⁶ Overall, there seems a consensus against ‘*first past the post*’ in diversified societies.

Then comes the main point that Ethiopia is a highly diversified state but it has been using the ‘*first past the post*’ electoral system since the introduction of the 1995 Constitution. Hence, the impact of such an electoral system has to be practically investigated against the political history and the diversity of the nation. The following section tries to examine the impact of the Ethiopian electoral system on representation, multipartism, proportionality and behavior of political parties. Before that, let us have brief discussion on the views and electoral preferences of the current political parties in Ethiopia as a backdrop to the next discussion.

3.1. The Views and Electoral Preferences of the Ethiopian Political Parties

Electoral systems have immense consequences on various political issues.³⁷ For that reason, political parties have different and at times conflicting interests on the choice of electoral systems largely depending on the merits of the system to their partisan advantage. For instance, the stand of the Ethiopian ruling and opposition parties on the

35W. Arthur. Lewis, *Politics in West Africa*, 1965, p 71.

36Andrew Reynolds, *Electoral Systems and Democratization in South Africa*, Oxford University Press, 1999.

37Among others, they have prevailing effects on those who take power, the strength of political parties, behavior of political parties, voter turnout, etc.

current electoral system is contradictory. Dawit Yohannes, a member of the EPRDF and one among the architects of the Constitution, in an interview with the Norwegian Institute of Human Rights, made clear the suitability of plurality electoral system to the Ethiopian polity as follows:

*We debated a proportional system, but in the state that Ethiopia is today, we need a strong government which can handle enormous problems facing us in an effective manner. If we had chosen a proportional system, we would have got a weak government and unnecessary problems. We therefore decided on a constituency (majority based) system as preferable.*³⁸

From this, it is obvious that the EPRDF prefers the existing electoral system. According to Dawit, Ethiopia needs a government that does not devote an extensive time for concession, while it is time to fight against poverty.³⁹ He further states, the weak

38 Tafesse Olika, and Aklilu Abraham, Legislation, Institution and the Post 1991 Elections, Kssahun et al., (Ed.), Electoral Politics, Decentralized Governance and Constitutionalism in Ethiopia, AAU Printing Press, p. 10.

39 Interview with Tefera Walwa, the then Minister of the Ministry of Capacity Building in the Federal Democratic Republic of Ethiopia and Member of the Executive Committee of EPRDF, Addis Ababa 13 April 2008, in Abrha Kahsay, Alternative Mechanisms of Electoral Systems for Vibrant Democracy and All Inclusive Representation in Ethiopia, 2008, Unpublished Master's Thesis, Addis Ababa University, p. 70.

political culture of the parties to concession and compromise has reinforced the choice for FPTP.⁴⁰

When it comes to representation, EPRDF believes that the nation, nationalities and peoples of the country are fairly represented in the political arena of the country.⁴¹ Their argument refers to the constitutional provision which allocates 20 seats for minorities who may be short of forming a constituency owing to their small number of population.⁴² The opposition camp, contrary to the EPRDF, urges for the introduction of Proportional Representation electoral system. The opposition argues that the existing electoral system gives undue advantage to EPRDF, awarding it more seats than it deserves. They further argue that it also punishes the smaller parties by denying them of proportional seats to their popular votes.⁴³ They also maintain the current electoral system leads to the frustration of the parties in the opposition and the electorate behind them.⁴⁴ They contend that a plurality voting is not the right choice to the Ethiopian situation.⁴⁵ The diversity of the nation and the yet fragmented and not consolidated political groupings in the country

40Ibid.

41Ibid.

42Ibid.

43 Interview with Merera Gudina (PhD), Assistant Professor of Political Science and International Relations(Addis Ababa University), Chairman of the Oromo People's Congress(OPC), Member of the Central Committee of 'Medrek'. He was also the Chairman of the Coalition Political Party called 'Medrek' prior to the 2010 election for four months, Addis Ababa, 16 October, 2010.

44 Ibid.

45 Ibid.

are crucial factors for rather bringing a PR electoral system.⁴⁶ The lack of political culture of compromise would have also been rectified by introducing the latter choice.⁴⁷

To generalize, most believe that the different electoral systems are instruments for promoting democracy but they harbor opposing views on the type of electoral system that responds to the current reality of the country. Their preference fits the '*the micro mega rule*' choice of electoral systems⁴⁸ in which the large prefers the small and the small prefers the large. To put it differently, dominant and large parties prefer small assemblies and single member districts that are able to exclude others from competition, typically FPTP. In contrast, small parties prefer large assemblies and large districts that can be inclusive to them, mainly of PR electoral system.⁴⁹

While the EPRDF singled out the virtues of FPTP like governability, the opposition concentrated on the downsides of the system such as its capacity of creating party fragmentation, disproportionality and lack of conciliation. The EPRDF prioritizes

46 Ibid.

47 Interview with Professor Beyene Petros, Chairman of the United Ethiopian Democratic Forces (UEDF), the Southern Ethiopian Peoples' Democratic Coalition and Hadiya National Democratic Organization, Member of the Central Committee of 'Medrek' and he was Chairman of this Coalition at the 2010 election for four months, Addis Ababa, 12 October 2010.

48 Joseph M. Colomer, Political Institutions, Oxford University Press, 2001 p.30.

49 Ibid.

governability as a criterion for choosing the best electoral system but the opposition prioritizes representation.

The EPRDF has formed a solid government in five election periods enabling it to pass any law which has the benefit of organizing EPRDF dominated executive. However, there are various important issues that call attention. Among which, creating an all-inclusive political consensus, enhancing multiparty system, creating a legitimate government which wins the hearts and minds of the majority of the electorate, and avoiding the disproportional results of the existing electoral system are some.

The following section tries to briefly examine the specific problems of the Ethiopian electoral system from practical viewpoints.

3.2. The Discontents of the Ethiopian FPTP Electoral System

As a matter of fact the FPTP electoral system does have strong and weak sides depending on where the system is implemented. But in some countries the strong sides of the system may overweigh its weak sides while in other countries the opposite can be true. What matters most is, therefore, the context where the electoral system is supposed to work. Regard to the Ethiopian context, the following discussion is meant to show the problems of this electoral system.

3.2.1. The impact of the FPTP on representation

Behind the issue of representation there is the metaphor of the mirror, which argues that the government should be a reflection of the society as a whole, showing divergent groups, opinions and traits.⁵⁰ The representation of ideas or groups that had previously been discriminated might help to break down ignorance and intolerance. Specially, in

⁵⁰ Andrew Reynolds, *Supra* note 36, PP. 5-6.

transition and post conflict states, the most important political game is the inclusion of the diversity of views and interests within the legislature. This in effect reduces group alienation and violence, particularly in those divided societies where politics is viewed as zero sum game.⁵¹ Many peace settlements over the last 25 years have revolved around inclusive electoral systems as part of broader power sharing constructs.⁵²

The Ethiopian context reveals that the country has given constitutional recognition to the existing diversity with duly crafted federal arrangement. Accommodating the diverse ethno-linguistic groups is the only viable option to hold the country together.⁵³ Nevertheless, there are questions as to whether it is possible to ensure an inclusive parliamentary representation to the most important views and interests of the state with the existing electoral system. Pursuant to the Ethiopian electoral system, a party which won in each electoral constituency is returned to the parliament. The question still is who represents the electorate whose votes do not go towards the winning candidate? In this

51 Ibid.

52 In view of addressing the diversity and creating efficient governments, South Africa which uses PR is exemplary. The country has got stable government and proportional representation of the parties and the ethnic groups. This has created a better understanding among the people and the parties with some needs of amendment with respect to the gap between the electorate and the MPs. It is also true that this system has the nature of shaping the behavior of parties to compromise. It also enhances the representation of women. Democratization in South Africa has shown that the representation of alienated minorities helps to mitigate anti-system violence and engenders an atmosphere of cooperation. See, Andrew Reynolds, *supra* note 36.

53 Assefa Fiseha, *Federalism and the Accommodation of Diversity in Ethiopia: A Comparative Study*, Forum of Federations 2nd ed., 2007 p.98.

regard, it has been expounded that the plurality electoral system leaves some or often times substantial votes wasted.

To look the actual distortion in representation by the FPTP electoral system, let us have some practical observations from the election results of 2005 and 2010, and such results need to be compared with the PR electoral system. The comparison with PR electoral system is made merely because this system is assumed to be the fairest as far as changing votes to seats is concerned. In the 2005 national election, the whole of Ethiopia is considered while Addis Ababa is taken as a sample in the 2010 national election. The calculation is made with no threshold. When converting the outcome of the plurality election, despite the existence of many variants of quotas, the '*Hare quota*' which uses the largest remainder method is preferred. It is defined as the total valid votes divided by the number of seats. In this regard, the remaining seats will be allotted to the largest remainder votes.

In the 2005 general election, 35 political parties took part. Of which 4 parties from the opposition and one independent candidate have managed to get parliamentary seats. Three of the parties from the opposition are considered in the upcoming discussion while the party with 1 seat like the parties who failed to win seats is not considered.

Let us first take the popular vote polled nationwide in 2005 and compare the results through FPTP system against what would have been through the PR system for the largest four political parties with regard to their vote.

Table 1: Popular vote of 2005 general election and allocation of seats using FPTP vs. PR⁵⁴

No.	Party	Popular vote	Seats on the basis of		Discrepancy
			FPTP	PR	
1	EPRDF	10,260,413	327	274	+53
2	Coalition for Unity and Democracy (CUD)	4,594,668	109	123	-14
3	United Ethiopian Democratic Forces(UEDF)	1,741,670	52	47	+5
4	Oromo Federalist Democratic Movement (OFDM)	454,435	11	12	-1

Source: Abrha Kahsay

⁵⁴Abrha Kahsay, *supra* note 39. Based on the 2005 Ethiopian general election, John Ishiyama had made similar simulations. However, it is intended to see what results it would have if different electoral systems were used and concluded that the opposition parties would have been benefited had the electoral system been the Block Vote. See Ishiyama (2009) ‘Alternative Electoral Systems and the 2005 Ethiopian Parliamentary Election’ 10(4) *African Studies Quarterly* pp.37-56. Nevertheless, this article unlike the former is intended to evaluate the FPTP electoral system on how it affects representation and multipartism among other things using the data from the 2005 and 2010 general elections.

Table 1 shows that EPRDF won 327 seats using the FPTP electoral system. Nevertheless, had the PR electoral system been employed, the EPRDF would have won only 274 seats. In other words, PR Electoral System would have denied EPRDF 53 seats which might have been distributed to other political parties.

Furthermore, the table indicates that Coalition for Unity and Democracy (CUD) would have had secured additional 14 seats had the system been PR. On the contrary, United Ethiopian Democratic Forces (UEDF) would have lost five seats had the system in use been PR electoral system. Therefore, the UEDF is benefited from the FPTP electoral system which might be attributed for having concentrated supporters in some constituencies. On the other hand, the Oromo Federalist Democratic Movement (OFDM) got 11 seats using the exiting electoral system but would have had secured one additional seat had the system been PR.

On balance, 43 seats would have been distributed to the other smaller parties whose names do not appear in the above table, for they failed to get any seat on the basis of the plurality electoral system. This shows the votes polled to the smaller parties which could have secured 43 seats had the system been PR are wasted, and the smaller parties are left highly misrepresented. In other words, in addition to the seats that would have been secured by CUD, UEDF and OFDM, other 43 candidates would have joined the parliament from the small political parties in the opposition and the EPRDF with 274 seats from the total of 547 seats would have won the majority seat for only one seat. Hence, we can appreciate the power of electoral systems in granting or denying seats, with a lot of other implications.

Another comparison needs to be made taking the general election of Addis Ababa City Administration and comparing the results of FPTP against what would have been

through PR system for the largest five political parties. The City Administration is represented by a total of 23 seats in the Federal House of Peoples Representatives.

Table 2: Popular votes of Addis Ababa and the allocation of seats using FPTP vs. PR⁵⁵

No	Party	Popular Vote	Seats on the Basis of		Discrepancy
			FPTP	PR	
1	EPRDF	564,821	22	13	+9
2	Ethiopian Federal Democratic Unity Forum ('Medrek')	380,329	1	8	-7
3	Ethiopian Democratic Party (EDP)	39,786	0	1	-1
4	All Ethiopian Unity Party (AEUP)	19,622	0	1	-1
5	CUD	14,108	0	0	0

Source: the election data computed by the author

The figure in the table indicates that EPRDF obtained 22 seats out of 23 using the FPTP electoral system. But, had PR been used instead, it would have had only 13 seats. EPRDF has benefited 9 more seats as a result of the FPTP electoral system. Generally, EPRDF won 54.2% of the total votes and should have been entitled to 54.2% of the seats while it is 13 seats on the basis of PR system.

55 The National Electoral Board of Ethiopian general election result report of 2010, June 2010.

‘Medrek’, a coalition of different parties secured 380,329 out of 1,041,180 votes which amounts to 36.5% of the total votes, but it received only 1 seat. Nevertheless, had it been a PR electoral system, it would have been entitled to 36.5% or 8 seats.

In the same manner, Ethiopian Democratic Party (EDP) and All Ethiopian Unity Party (AEUP) would have been entitled each to 1 seat had the system been proportional representation. But, owing to the FPTP electoral system, these parties received nothing. The problem in representation is also manifested in the data depicted above. For example, out of a total of 1,041,180⁵⁶ (one million forty one thousand and one hundred eighty) votes, EPRDF received 564,821 (five hundred sixty four thousand and eight hundred twenty one) votes⁵⁷ which accounts to 54% of the total votes. When it comes to the parliamentary representation, the EPRDF obtained 22 out of the 23 seats⁵⁸ which amount to 95.6% of the total seats. On the other hand, the opposition received 476,359 (four hundred seventy six thousand and three hundred fifty nine) votes which accounts to 46% of the total votes casted, but entitled to only 1 seat⁵⁹, i.e., 4.4% of the seats far less than they received. Here, while the EPRDF is over represented by 41.6% of seats, the opposition is underrepresented by 41.6% of the seats. This means 41.6% of voters who voted for the opposition for having different interests and views left unrepresented because of the FPTP electoral system.

Overall, the above discussion reveals that the existing electoral system distorts the allocation of votes to seats and as a result gave raise to misrepresentation. The FPTP

⁵⁶ Election result report, *supra* note 55.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

greatly benefited the EPRDF as compared to others and this is consistent with the theory which indicates the fact that FPTP inherently benefits more the bigger parties and puts the smaller parties and the voting population behind them disadvantaged.

The issue of disproportionality has a meaning more than affecting the allocation of seats. Especially, when it comes to a highly diversified society like ours, the effects are immense. Concerning this issue, Ndegwa has the following to say:

*In many instances political instability and collapse of political order can be traced to inappropriate electoral systems which continue to exclude, under-represent or permanently marginalize segments of population. This is because the plurality and majoritarian systems fail to mitigate patterns of political interaction based on ethnic mistrust and social divisions.*⁶⁰

According to Ndegwa, the choice of an electoral system matters and its political meaning is beyond the disproportionality it creates. Plurality electoral system that works in a single electoral constituency where each electoral district is won by a single candidate is proved to be problematic in ensuring fair representation to the minority voices.

3.2.2. The impact of FPTP on multipartism

Human beings naturally differ from one another in their views and outlooks. As long as there are opportunities that can accommodate the different outlooks, the variety of views will certainly make a good asset for the social, economic and political

60 Ndegwa, N. S, The Relevance of Electoral System, a Simulation of the 1992 Kenya Election, Vol.2, No.1, P. 13. African Journal of Political Science, 1997.

transformation of a society.⁶¹ Using various outlooks for a common good was the rationale behind the commencement of multiparty system in the world.⁶² No wonder, at this period of globalization, multi-party system has been considered a means of fostering cooperation and development.⁶³

Ethiopia has an experience of an infant democracy and that it has been striving to bring about multiparty democracy only since a couple of decades ago. The country had been characterized by the absence of accommodation for almost all of its history.⁶⁴ As a result of this gloomy reality, it was in prolonged civil wars, which were basically the outcomes of the different views that could have been peacefully resolved had there been multiparty system in the country.⁶⁵

These days, Ethiopia is practicing some form of multiparty democracy. But a question still remains i.e., would it be possible to continuously maintain multiparty democracy in the existence of the FPTP electoral system?

In this regard, there are two contesting and incompatible arguments. On the one hand, the ruling party argues that the atmosphere is comfortable for multiparty democracy. The

61 Mohamed Abdurahman et al., *Election* (ed. 2010), Office of the National Electoral Board of Ethiopian Bulletin, Addis Ababa 2010, p. 9.

62 Ibid.

63 Ibid.

64 Ibid.

65 Ibid.

increasing number of parties is presented as evidence for validating this argument.⁶⁶ On the other hand, the opposition rejects this allegation contending quite contrary argument. Their emphasis is not on the number of parties that are being emerging but rather on their strength, viability and feasibility of obtaining seats in the parliament. Looking the issue from this perspective, while there are numerous small and fragmented opposition parties, the parliament is totally controlled by the ruling party in which the opposition is ousted from getting parliamentary representation.⁶⁷ For parties to get realistic representation in the parliament, among others, the electoral system should be accommodative, representative and fair to all. However, it is an established fact that FPTP electoral system is against multiparty democracy in diversified societies.⁶⁸ It rather encourages larger parties at the expense of the smaller ones.⁶⁹

66 Merrera Gudina, *supra* note 43.

67 Close inspection of the election data reveals that the number of political parties that received seats in the federal parliament has diminished from 1 in 2010 election to 0 in the 2015 election. This is serving as a building block, for the argument that multiparty democracy is diminishing in Ethiopia from time to time. Taken from the bulletin of the NEBE, May 2010, *supra* note 61, P. 8.

68 Andrew Reynolds, *supra* note 1.

69 To illustrate this by way of example, let us take the case of New Zealand; New Zealand had long experienced a two party system up until it switched to MMP from the FPTP. Despite its two party experiences, the first contest under MMP has involved 34 parties resulting in the election of 6 and a coalition government. See Pippa Norris, *Supra* note 26.

From the election data presented by NEBE, the number of contending parties is increasing.⁷⁰ Nevertheless, in the latter two elections there was no opposition represented in the parliament except one who managed to be elected in the 2010 general election. Obviously, this trend ultimately affects the multiparty democracy for parties are losing hope of receiving parliamentary seats let alone winning government positions. The lion's share of this problem is contributed by the existing electoral system which punishes smaller parties for the benefit of the larger ones.

3.2.3. The impact of FPTP on the behavior of political parties

Theorists who emphasize on the role of deliberation in democracy suggest that more diverse representation will provide access to more information and will promote trust among distinct groups ultimately enhancing policy outcomes.⁷¹ Conversely, if a system fails to accommodate or else represent the diverse interests, views or groups eventually they will resort to anti-system movements and destabilize the political system. Electoral systems shape the behavior of politicians and the strategies of voters.⁷² In this regard, the plurality electoral system blamed for affecting the parties' behavior, causing them to be

70 In the electoral periods from 1995-2015, the parties contending for election was 57, 49, 35, 63 and 58 respectively; see NEBE bulletin of the 2010 election, supra note 61.

71 Karen Bird, *The Political Representation of Women and Ethnic Minorities in Established Democracies: A Framework for Comparative Research*, (11 November, 2003), working paper presented for the Academy of Migration Studies in Denmark (AMID), Aalborg University, P. 27, retrieved from <http://www.hks.harvard.edu/fs/pnorris/ Acrobat/stm103%20articles/Karen%20Bird%20amidpaper.pdf>. Last visited on 4 October 2010.

72 Scott Mainwaring, *Politicians, Parties and Electoral Systems: Brazil in Comparative Perspective*, 1990 p.3.

disinclined to compromise and negotiation.⁷³ Such might tend to create antagonism among the different political parties thereby negating the fabric of the political system as a whole. Now let us see whether the Ethiopian experience supports this theoretical assertion.

The author's observation and the aforementioned analysis reveals that there exists serious misrepresentation in the Ethiopian parliament. The opposition is left unrepresented despite receiving substantial votes. As a result of the nature of FPTP electoral system where the winner takes all and nothing is left to others, political parties consider each other as adversaries and not allies. Each party preaches itself as 'good' and its competitors as 'evil' during election campaigns. Campaigns are not competitions among programs but inclined to hate mongering propagandas. The incumbent and the opposition parties blame each other for every political failure, even arising from their own problems.

Despite such problems, the EPRDF alleges that it is trying to change the political culture of the country by enabling the opposition to participate in every election which it alleges is a new form of thinking in the history of the country.⁷⁴ It further maintains that it is tolerating the opposition in the process to the extent even when there exists racist and hate mongering propaganda during the election campaigns which could not be tolerated

⁷³Ibid.

⁷⁴Interview with Genenew Assefa, an Advisor to the Ministry of Government Communication and Federal Affairs, October 12, 2010.

anymore even in the developed democracies.⁷⁵ It also views the opposition as agents of the past regime in a new system and hence wishing to draw the country back to where it was.⁷⁶

During the eves of election campaigns, especially during the latter three elections both the ruling and the opposition parties tried to use the power of fear campaign (scare-mongering) than the power of their programs.⁷⁷ Their content of campaign is ‘me’ or ‘never’ which resulted from the desire to take the single seat available in a constituency contemplating the ‘*winner takes all*’ scenario. For this reason, the campaign has a feature of ‘me’ or ‘never’ struggle among the contending parties. If this is taken back to the political history of the state, it is adding fuel to the already polarized political culture.

From the side of the opposition, there is always a different story. They often times blame each other for further fragmentation. They tag some of their own members as ‘*weyanie*’ or otherwise allies of the ruling party. Members of the opposition suspect each other’s affiliation with the ruling party. They deny legitimacy to the government and the institutions created by the latter. Understandably, the weak political culture of tolerance and compromise is one of the causes for such a behavior.⁷⁸ However, such problems might have been handled by a properly designed electoral system engaging some form of proportionality.

⁷⁵Ibid.

⁷⁶Interview with Genenew Assefa, supra note 74.

⁷⁷Abrha Kahsay, supra note 39.

⁷⁸Ibid.

To say the least, the plurality electoral system is mounting the mistrust between and among political parties. Taking the 2005 election as an instance, all parties including the EPRDF had lodged complaints of fraud.⁷⁹ Some of the opposition parties even lodged complaints in places where they had fully won as if manipulated, for they were intensifying to undermine the process.⁸⁰

The boycotts and color revolutions attempted at the same time were scenarios and manifestations of the behavior of political parties in the plurality electoral systems.⁸¹ In this occasion, had there been a feature of proportional representation in the electoral system, conflicts would not have been highly likely as everyone would have been fairly represented.

79 In the 2005 post general election, the CUD had lodged complaints in 139 constituencies; the UEDF had lodged 89 complaints while EPRDF had raised concerns over irregularities in more than 50 seats. These all show that the mistrust between the parties has been so high. See, NEBE Report of the 2005 election.

80Ibid.

81The Kenyan post-election conflict between two dominant ethnic groups, following the declaration of the election result in 2007, is an incident corroborating the problem of the plurality electoral system in diverse societies; The Kenyan experience of the FPTP in which the winner takes all seems to indicate its negative impacts. Because of this system, parties are overrepresented with manufactured seats and others get underrepresented. Negotiations are very hard among the existing parties, because the behavior of the parties is also shaped by this electoral system. The representation of women is very low. All these along with other factors in the political system in Kenya have contributed to an unstable situation in the country in the post 2007 election period. See Abrha Kahsay, *supra* note 39.

From the above discussion, we can see the effects of the existing electoral system on how it affects the already polarized relationship of the political parties in the country.

3.2.4. The impact of FPTP on government legitimacy⁸²

Another point that needs to be discussed pertaining to the Ethiopian electoral system is its effect on legitimacy of government. As we have discussed above, FPTP creates ‘*manufactured majority*’ in which a single party or coalition receives more seats than its popular votes. This negatively affects an elected government, which cannot represent all of the electorate, to eventually question its legitimacy and credibility.

To comprehend the effects of our electoral system on legitimacy of the government, it suffices to look the result of the 2005 general election. In such election, the EPRDF enjoyed a popular vote that would just enable it to form a government under the PR system, but the disproportionality observed indicates that such a system could end up with exaggerated results thereby creating a manufactured majority. In our previous discussion, we have seen that EPRDF undeservedly got 53 additional seats because of the FPTP. EPRDF generally won 50.09% national votes. The post-election violence is one signal showing denial of legitimacy for the elected government.

When it comes to the 2015 general election, EPRDF and its affiliates controlled the parliament without any opposition. However, few months after the victory, there has been

82 In his *Second Treatise of Government*, John Locke (1632-1704) argues that legitimate government is a limited government based on consent in which the majority rules but may not violate people’s fundamental rights. Furthermore, John Rawls, in *Political Liberalism* (1993), accessible on <http://plato.stanford.edu/entries/legitimacy/>, presents legitimacy in this way: On the broadest view, legitimacy both explains why the use of political power by a particular government, or a democratic collective is permissible and why there is a *pro tanto* moral duty to obey its commands.

wide spread opposition protests which threatened the very existence of the state. The EPRDF understood the protest as a ‘protest votes’, for there were problems of good governance and the issue of justice and high development expectation.⁸³ But, in the 2016 protest the higher officials of EPRDF openly admitted the non-representation of the opposition in the parliament as a problem which should be reconsidered even by re-thinking and/or reforming the existing electoral system.⁸⁴

As has been depicted above, FPTP leaves a large number of wasted votes. This can be dangerous because minority party supporters may begin to feel that they have no realistic hope of ever electing a candidate of their choice. It can also be dangerous because, if exclusion from the political system increases, extremists will likely use it to mobilize anti-system movements.⁸⁵

4.CONCLUSION

Ethiopia is a nation with diversity of ethnic groups, languages and cultures. Such a diverse society with history of political intolerance and absence of accommodation needs an electoral system which enable rectify the historical faults and looks forward to ensuring fair representation, political stability, conciliation, legitimacy and multipartism.

83Interview with Bereket Simon, Member of the Executive Committee of the EPRDF and Chairman of the Central Office of the EPRDF, Addis Ababa 12 April 2008, in Abrha Kabsay supra note39.

84 Bereket Simon, an EPRDF key man, addressing on live broadcasting on EBC concerning the mass protests and oppositions, August, 2016.

85Andrew Reynolds et al., supra note 1 p.40.

This article is intended to explore as to whether the current Ethiopian FPTP electoral system is best, considering the actual diversities, historical political intolerance and the current context of the state. To do this, the previous general elections are thoroughly investigated and interviews are conducted with key political figures from the opposition and the incumbent. The author's own observation was also included and relevant scientific publications on the area were deliberated. Generally, the findings proved that the FPTP electoral system is not well-crafted to the existing situation of the country. It specifically has distorted the level of representation benefiting EPRDF with bonus seats while punishing the smaller opposing political parties. It has produced '*manufactured majority*' which in turn impeded the legitimacy of the government, the widespread violence and opposition seen after the 2005 and 2015 general elections in one or the other way manifest public discontent on the government. It has also negatively affected the behavior of political parties by fostering 'me or never' political thinking, for there is a single winner in a constituency, instead of conciliation and cooperation. It aggravates negative tendencies by encouraging parties to see elections as zero-sum contests and thus to act in a hostile and exclusionary manner to anyone outside their core base. It has also hampered the multiparty democracy which the constitution aspires by denying small political parties their fair share of seats proportionate to their popular votes. Hence, Ethiopia needs to reconsider the existing electoral system, for it affects the constitutional promises the county aspires to accomplish. However, as to which electoral system best works in the Ethiopian context is an area for further research.