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# Ethiopia

## SILENCING DISSENT

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Ethiopia's longtime ruling party, the Ethiopian People's Revolutionary Democratic Front (EPRDF), together with its allies, claimed a historic victory in the May 2015 parliamentary elections, winning 100 percent of the seats. Although the EPRDF's sweep at the polls may seem surprising, the ruling party and its affiliates had been almost equally successful in the previous elections in 2010, claiming 99.6 percent of parliamentary seats and ceding just one seat to an opposition-party member and one to an independent. These landslide victories did not come out of nowhere. Both elections were carefully orchestrated so that no independent institutions could affect the outcome.

A year ahead of the 2015 contest, Ethiopia's government moved to squelch all critical voices, suspending or refusing to renew the licenses of civil society organizations (CSOs), denying access to international election observers (except for those of the African Union), and muzzling independent media. Perhaps the most widely known part of this crackdown was the arrest on terrorism charges of three journalists and six members of the Zone 9 blogger collective, which was formed in 2012 "in response to the evisceration of the independent press and the narrowing of space for free expression."<sup>1</sup> Five magazines and one newspaper were also charged, and more than forty journalists fled the country in 2014 in order to escape the same fate. The remaining media outlets in the country, both local and international, must severely censor themselves.

This was all part of an ongoing strategic and systematic government effort to suppress opposition that began a decade ago in the wake of the May 2005 general elections, the most contested in Ethiopia's history. The balloting that year was preceded by open public debates between ruling-party and opposition candidates, relatively free media campaigns, and the presence of independent election observers—all of which created an atmosphere of hope and dynamism. Roughly 20 million people voted in 2005, and early results showed opposition forces performing well.

In contrast to the optimism of the campaign period, however, the postelection period was marred by allegations of vote-rigging and other irregularities, a nearly three-month-long vote-tabulation process, two waves of opposition protests in June and in November, and their brutal repression. The months after the elections saw the killing of 193 civilians by the Ethiopian police, the injury of 763 more, the arrest of roughly 20,000 protesters, and the arrest and trial for treason and attempted genocide of up to 150 opposition leaders, aid workers, and reporters.<sup>2</sup>

Thus began the government's campaign against dissent. In order to crack down on opposition groups, independent media, and civil society, the government took steps that trampled on the constitutional freedoms of expression and association. One of the first victims of repression was the free press, which had been slowly expanding since the EPRDF came to power in 1991. Immediately after the 2005 elections, the government shut down more than half the country's newspapers and magazines and imprisoned some fifteen journalists and media owners, accusing them of being part of an opposition conspiracy to overthrow the "constitutional order."<sup>3</sup>

## Repressing Civil Society

The postelection government clampdown also targeted CSOs that had been active during the elections—for example, by leading or promoting grassroots voter-education and election-monitoring efforts—or that were suspected of supporting the opposition and the postelection protests. Two prominent human-rights lawyers, Daniel Bekele and Netsanet Demisse, were among the first to be jailed on charges of conspiracy and incitement to overthrow the government during the mass arrests in November 2005. In 2007, they both were sentenced to two and a half years in prison.

In the following years, the government continued to take drastic measures, culminating in the 2008 Mass Media and Freedom of Information Proclamation (which updated the country's 1992 media law) and the adoption in 2009 of both the Proclamation to Provide for the Registration and Regulation of Charities and Societies (CSP) and the Anti-Terrorism Proclamation. All three are interrelated tools that enable the government to eliminate any dissent in the country and to crack down on journalists and civil society organizations that are critical of the regime. These laws have severely curtailed freedom of speech and crippled

human-rights work in Ethiopia. They have forced media organizations either to shut down or to impose high levels of self-censorship, and have compelled civil society organizations to eliminate programs, close offices, and downsize their staffs.

The CSP forbids advocacy organizations from drawing more than 10 percent of their budget from foreign sources. This restriction is aimed at stopping foreign assistance for conflict resolution, judicial-reform work, or activities advocating the advancement of human rights or the rights of women, children, and disabled persons. Organizations that wish to work on such issues must raise more than 90 percent of their funding from sources within Ethiopia.<sup>4</sup> Yet Ethiopia's civil society—which really emerged during the 1984 famine, when numerous international charities flocked to the country—has always relied on external support.

The legislation thus hit a number of CSOs hard, and most of those dependent on foreign funds have since had to close their offices. The CSP has prevented most human-rights organizations from reaching society's most vulnerable people, leaving them to suffer on their own. The Ethiopian Women Lawyers Association (EWLA) is a good example of the CSP's far-reaching consequences. According to Amnesty International, in the year before the law was adopted, EWLA provided free legal aid to more than 17,000 women and conducted other activities that benefited countless more. With the 2009 adoption of the CSP, however, EWLA lost all its funding and now barely survives, providing only limited legal aid.<sup>5</sup>

Raising funds in-country in Ethiopia is nearly impossible. For one thing, it is difficult to find organizations or individuals capable of consistently funding organizations such as EWLA. Even if such persons or entities could be found, they would risk their livelihoods by becoming associated with controversial issues and organizations, and therefore would probably choose not to donate. Moreover, even efforts by CSOs to self-fund run into legal obstacles. EWLA tried to raise funds domestically by selling small items, but was thwarted by one of the implementing directives of the CSP (Directive 7-2003), which imposes a number of onerous and costly requirements on the profit-generating activities of NGOs.<sup>6</sup>

In addition to the foreign-funding restriction, new rules on administrative and operational costs are also causing headaches for many of the surviving civil society organizations. According to Article 88(1) of the CSP, "Any charity or society shall allocate not less than 70 percent of the expenses in the budget year for the implementation of its purposes and an amount not exceeding 30 percent for its administrative activities."<sup>7</sup> Although the intention behind this provision may sound good, it defines "administrative costs" broadly and loosely. Expenses that were previously considered operational costs are now considered administrative costs.<sup>8</sup> A group wanting to conduct capacity-building trainings for women or journalists needs to rent a training space, purchase or print training materials, and pay a trainer. Before the CSP, these expenses

would have been considered project or operational costs; now, however, all such expenses count toward an organization's administrative costs, which are capped at 30 percent of its annual budget. These restrictions have dramatically altered Ethiopia's NGO sector. According to one study, the number of federally registered local and international NGOs dropped by 45 percent (from 3,800 to 2,059) between 2009 and 2011.<sup>9</sup>

Many civil society organizations working on human-rights and democracy issues shut down in 2010. Some managed to endure by changing their activities and adopting internal survival mechanisms. For example, Pastoralist Forum Ethiopia, a prominent NGO that used to work on pastoralists' rights and conflict-resolution issues, has had to scale back its efforts, limiting itself to organizing small workshops. Currently there are no civil society organizations in Ethiopia actively addressing issues of human rights, democracy, or gender empowerment. Not only are the country's most helpless populations even more vulnerable now, but problems such as poor governance, corruption, and weak rule of law are worsening in the absence of viable CSOs working to mitigate them.

### **Muzzling the Media**

Ethiopia's criminal code and press law, which had long been highly restrictive, have only worsened in recent years. The 2008 Mass Media and Freedom of Information Proclamation, which purported to broaden press freedoms, in fact included many provisions that did the opposite. For example, the law enabled prosecutors to "summarily impound any print publication deemed a threat to public order or national security"; granted the government the right to prosecute defamation cases, even when the "defamed" official chose not to press charges; raised defamation fines to roughly US\$10,000; and upheld the government's power to "register and issue certificates of competence" to the press, to monitor the activities of the media, and to control the publicly owned Ethiopian News Agency."<sup>10</sup>

The repression of the media became even more organized and systematic after Ethiopia adopted the Anti-Terrorism Proclamation in 2009, ostensibly to counter security threats. Whether the real intention of the law is to respond to security threats or to attack dissent is debatable. But it is certainly true that the law has given legal cover to the institutionalization of restrictions on press freedom and the criminalization of dissent. Since its adoption, it has been used only against political activists and the media. The biggest problem with the law is its ambiguous definition of terrorism, which allows for broad interpretation: "Terrorism is a danger to the peace, security and development of the country and a serious threat to the peace and security of the world at large."<sup>11</sup>

These legal restrictions just add another layer of repression on top of the longstanding tactic of economically weakening independent me-

dia. In Ethiopia, broadcast media are under state control, leaving only the print media to provide independent news. But publishers struggle to pay expensive office rent and high printing fees that keep rising due to double taxation on paper and ink, making it hard for publications to expand their circulation beyond the capital city. As a result, most people are never exposed to any independent media and get their news entirely from government-controlled radio and television. If an independent media outlet does somehow manage to increase its circulation and gain popularity, it automatically comes under government threat.

The arrest in late April 2014 and subsequent imprisonment of three journalists and six bloggers with the Zone 9 collective (whose motto is “We write because we care”) illustrate just how scared the government is of popular voices. According to the Committee to Protect Journalists, the initial charges against the group included working with international human-rights organizations and taking part in email-encryption and digital-security training.<sup>12</sup> The government ultimately failed to make its case against the reporters and bloggers, however, and by October 2015 all nine had been cleared of charges and released from prison. Nevertheless, their arrest and brutal detention left many bloggers, journalists, and ordinary Internet users afraid to write anything critical of the regime.

This fear has driven many media institutions and CSOs in Ethiopia to self-censorship. By attacking journalists and bloggers with the antiterrorism law, the regime sent a warning to all who might dare to criticize it. Likewise, the two-and-a-half-year imprisonment of human-rights lawyers Daniel and Netsanet showed the consequences for crossing the government’s red line. As a result of these constraints, countless educated and productive citizens have left Ethiopia, and those who are unable to leave choose safer lines of work, thus impoverishing the media and civil society sectors. Some journalists and activists, however, have sought to continue their work but evade government restrictions by using diaspora-based platforms such as digital media. Even though only 1.9 percent of Ethiopia’s population has Internet access, many among them seek online sources of information.

Why does a ruling party that controls all the levers of government and every seat in parliament need to exercise such tight control over civil society and the media? The answer lies in the 2005 elections. Despite probable electoral manipulation and a questionable tallying process, the official result still gave the opposition 32 percent of the vote and 174 seats. In other words, when the political space was more open, the EPRDF’s grip on power was shown to be tenuous.

The regime justifies its repressive measures by telling citizens that the country is in danger of ethnic strife and that maintaining law and order requires a firm approach. The independent press is a threat to stability, the government says, and civil society is an instrument for challenging state

power. In reality, the EPRDF regime is afraid that it could lose legitimacy in the eyes of the people if a free press exposed state corruption, and that its power could erode if citizens banded together to demand certain rights or to promote democracy. Like most autocratic regimes, the EPRDF worries that the more informed and connected the people are, the more empowered they will be to hold the government to account. In other words, Ethiopia's attempt to gag the media and to choke civil society is not a sign of the government's strength but rather of its weakness.

## NOTES

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