



# **የኢትዮጵያ ዲሞክራሲያዊ ኃይሎች ኅብረት (ኢ.ዲ.ኃ.ኅ) UNITED ETHIOPIAN DEMOCRATIC FORCES (UEDF)**

## **UEDF - POLITICAL PROGRAM**

### **III SECTION TWO**

#### **2. THE TRANSITIONAL PROCESS TO A DEMOCRATIC AND STABLE SOCIETY**

As is evident in the famine and poverty reality it is also true that when we raise the issues of peace and democracy Ethiopia is in the grips of oppression, conflict and instability. Our society has had to suffer numerous and interminable wars emanating from the power struggle of the rulers, from the struggle waged by ethnic groups and the whole people for their basic rights and in other times resisting foreign invaders of all sorts. This has meant that the society has been victimized by time and history as it never got the chance and time to enjoy peace and to develop a democratic culture.

This troubled and painful history clearly shows that for at least three centuries the power struggles of the powerful have led to incessant wars and if there ever was a decade of relative peace it was one imposed by the victor over the vanquished, devoid of reconciliation and not a result of negotiation and agreement. This long period of instability and turmoil has brought on our society more than the economic and social debilitation and humiliation that we observe today. It has resulted in the prevalence of the damaging culture of resorting to violence as the basic and main choice for resolving political differences. The tendency to refuse to seek other alternatives other than resorting to violence to deal with political differences, the designation of any and all opposition as an enemy, the inability to tolerate any slight difference of opinion, to consider any open declaration of dissent as a call to arms, etc are all reflections of this damaging heritage.

In order to do away with this pernicious culture, we the patriotic and democratic forces of Ethiopia, have resolved to undertake the necessary cultural and vision revolution on ourselves and to struggle for a situation that favors peace which would not be one resulting from a victory by arms but from the victory of the whole society through negotiation, dialogue and reconciliation. Though we have resolved to bring about such a peaceful change through the peaceful popular struggle and not through armed actions, we know a long and arduous struggle awaits us as we have to confront retrograde forces that have not undergone such a change of mentality. This is particularly true because the government that was expected to do the lion's share in assisting the effort to come out of the culture and vicious circle of violence did itself come to power through the old way of violence, has imposed the stifling peace of the victor that has forced our people to shed tears of blood, has resorted to repression and killings as a necessary choice to maintain the illegal power it gained through violence. Hence, our struggle is made even more complicated and arduous by the fact that the existing regime ignores the lessons of

history and is unconcerned by the fate of the coming generation having consciously opted to fertilize the vicious circle and culture of violence.

Our people are chained to the chains of hunger and poverty and unable to decide its own destiny or to have a stable and prosperous society free from the culture of violence because of the absence of democracy. Therefore, the focus of our struggle must be to assure the establishment of a democratic constitutional system and through this to transit to a stable society. To realize this noble objective, the UEDF presents the following alternative for the peaceful and popular struggle we are waging to transit to a democratic system on the one hand and to explain the tasks awaiting us to assure national reconciliation, tolerance and fraternity so as to rebuild our country.

## **2.1 The Tasks of the Democratic Transition**

### **2.1.1 Towards a Democratic Constitutional System**

The existing Constitution is one that was drafted by a minority, has denied on political and linguistic grounds the right of some seven million citizens to elect or be elected, approved by a partisan body elected in a process that trampled on the tenets of a free and fair election, has decreed the political, economic and ideological choices of the minority group as the country's supreme law and is thus a document that is rejected by the people as an alien and partisan document.

As a consequence the Ethiopian people have been subjected to an anti democratic document that has been made by a minority force and is beyond any amendment or change by the majority of the people. This document violates the basic cornerstone of a democratic constitution regarding the separation of powers and has, based on the theory of a monolithic power, rendered power unto one high government authority which is in reality one ruling party. The document goes against the independence of the judiciary, permits the ruling party to be both judge and robber, denies the rule of law and the control by a free and non partisan constitution and has ensconced the members of the ruling group to be above the law. Thus, it is necessary that the one party constitution gets replaced by a multi party constitutional system and to assure this transition the UEDF shall proceed as follows.

#### **2.1.1.1. The Basic Tenets of a Democratic Constitution**

2.1.1.1 It must accept and respect all the agreements/conventions signed by Ethiopia be it in Africa or at the international level regarding basic human, political and social rights.

2.1.1.1.2 Nullify the concept of a higher State authority, making state power subservient/accountable to the Constitution and separating it between the legislative, the executive and the judiciary whose independence shall be assured;

2.1.1.1.3 The existence of judicial review body that shall be independent of all the three bodies and whose existence and power shall be guaranteed by the Constitution so that it can control whether the Constitution which is supreme has been respected or not;

2.1.1.1.4 It must be a document of all Ethiopians and not one that shall reflect or favor the political, economic and ideological beliefs or choices of one group be it the EPRDF or any other;

2.1.1.1.5 Though, it shall be a common document of the people based on the agreement and support of the society there will be the need to adopt it to changing situations and thus the process of amending the Constitution should avoid being cumbersome and a hindrance to democracy and change and should also include/envisage the exercise of referendum.

### **2.1.1.2 THE PROCESS TO FOLLOW TO REALIZE A DEMOCRATIC CONSTITUTION**

2.1.1.2.1 To engage in a vast explanatory and diplomatic campaign and engage in an educational/informative drive to show how and why our democratic vision is better as we expose the anti democratic content of the EPRDF constitution and how much it is dangerous and stands against the national unity we aspire for and against the stable development and progress yearned for by the people and that the philosophical base of this Constitution is rejected by most countries in the world and adhered to only by a handful;

2.1.1.2.2 Since the democratic Constitution our country needs has to be a result of a national dialogue held and agreement reached between/by various political and ideological forces, trade unions, cultural and other groupings, etc a national discussion forum shall be organized to enable the various groups to discuss in front of the people;

2.1.1.2.3 To give the necessary financial, material and moral support to the NGOs, to the human rights and citizen groups to engage in the educational campaign vis-a- vis the above mentioned democratic tenets and criteria for a democratic constitution as well as the content of the basic political, economic and social conventions and agreements signed by Ethiopia;

2.1.1.2.4 In relation to the above to proceed as follows in a legal, democratic and organized manner to amend the Constitution in accord with the document's article 54/4,articles 104 and 105,article 60/1 and article 60/3

2.1.1.2.4.1 The EPRDF Constitution stipulates in articles 104 and 105 that if two third of members of the Federal Parliament or the House of Representatives or one third of the members of the Kilil councils table an amendment the people shall discuss the issue. Even though article 104 states that the people can discuss an amendment if the above bodies present one, there should be no restriction the basic right of the people to demand and discuss any amendment idea of its own. Moreover, even if article 105 poses an obstacle to deny this right of the people this same document states in article 54/4 that the members of parliament shall be governed "by the Constitution, the will of the people and

their conscience" and thus there can be no political or constitutional obstacle to block the will of the people from expressing itself and to initiate and discuss amendments;

2.1.1.2.4.2 Hence, a referendum shall be held to determine if the people, expressing its will to the representatives, wants the Constitution to continue as is, to amend it as explained above, and to decide on the issue.

2.1.1.2.4.5 If by the said referendum the people of Ethiopia decide that the EPRDF Constitution be amended to include the above mentioned democratic concepts/tenets then a second round of broad based national discussion shall be held by including all political forces, civic organizations, trade unions, youth and women's associations, etc on whether there are more democratic tenets to be included, whether to adopt a federal or unitary structure, if federal what kind (presidential or parliamentary?) and other such basic and detailed issues;

2.1.1.2.6 After this broad and national discussion the parliament shall be disbanded according article 60/1 in order to organize for a new election. Various Political groups and forces shall (according to article 60/3) run for election six months after the disbanding of the parliament and they shall be represented according to the votes they gain in a new parliament that shall have legislative powers as well as the power to amend the constitution.

2.1.1.2.7 The draft Constitution agreed upon by this parliament shall be presented for a referendum and in accord with this Ethiopian democratic Constitution a multi party election shall be held.

## **2.1.2 To Establish Democracy in the Society and to Strengthen Popular Participation**

So long as we seek a democratic and stable society we must assure a process that affirms that all basic human and democratic rights--the right to organize, freedom of the press, of belief, the right to work, to health care, not to be subjected to discrimination on the basis of sex, race or political belief, etc...-- shall be guaranteed without political bias or restrictions. We are certain that, given the opportunity our people will, through institutions they themselves set up and control, our people can be mobilized all over the country to assure a democratic transition. To give full chance to all these potentials, we believe that a democratic government can play a pivotal role by providing the necessary legal and administrative groundwork and by giving full non partisan support to the forces striving to make a democratic society a reality.

The EPRDF government has recognized verbally many human and democratic rights while in reality we observe its direct and indirect repressive measures against the free press. It claims to recognize the right to get organized but in reality it impedes and blocks people from organizing and sets up its own satellite "people" groups under the control of its cadres. In this respect, the UEDF will take the following measures in order to make

democracy supreme in the society and to strengthen the popular participation that is essential for progress.

2.1.2.1 To proclaim a law that recognizes the full and unrestricted right of the people to get organized freely on the basis of trade, interest , patriotic sentiment, etc...

2.1.2.2 To reject the draft document presented by the by the ministry of Justice of the EPRDF which, under convenient phrases like "national security", "the interest of the people", "national unity, etc , which can be construed as one likes, is attempting to curtail the right to organize or be organized, to give the government the right to ban an organization or close its bank account with a court order, to give the government to search and seize offices and properties of NGOs without any warrant or court order and to replace this document with a law that affirms the right to organize based on a discussion that takes the alternative proposal/document presented by the representatives of the NGOs last year as a starting point.

2.1.2.3 To reject the draft Press Law presented by the EPRDF, a draft that has earned deserved international condemnation and approbation and to replace it with a democratic press law that accords with accepted international standards and to do this with the direct and active involvement of the professionals or those directly or indirectly involved in the press and media field.

2.1.2.4. To put an end to the control of the State over the media and to establish a neutral " Media High Council" to plan and pout into practice the means and ways by which the media shall be free from the control of the State or any political or economic force so as to play its constructive educational and informative role in the struggle to extricate the country form its myriad problems.

2.1.2.5 All the policy change we proposed in the previous pages so as to pull our country out of the vicious circle of crisis will be of no consequence and their being implemented shall have no guarantee so long as there is no platform that assures the full participation of the concerned people organized in various forms and levels. Thus, in order to eliminate the handicaps the peasants must be freely organized free from **any interference and control by cadres, women must be supported to freely** organize to deal with their problems, parents, teachers and students should play a big role in the formulation and implementation of policies on education, and the unemployed must be organized to be part of the process of tackling the problem of unemployment. The state should give material, financial and moral support to intellectuals organized as NGOs to render help to the people and the country, to ecologist groups, to civic associations organized on the basis of national agendas, human rights and civic education as these are the ones who play a role in amending the policies or in implementing the ones in whose formulation they have played a part.

## **2.2. THE PATH OF NATIONAL RECONCILIATION FOR A STABLE SOCIETY**

In addition to the blood and tears shed over the centuries Ethiopia has, in the last thirty years, shown itself to be the real victim of horrible actions. Over these years, Ethiopia has had to endure official and personal vendettas in times of revolutions and upheavals, suffer crimes by the military regime and the TPLF in the war fronts, bloody conflicts between political groups, external aggression and violence from secessionist groups and forces. When we call for national reconciliation we are not demanding that all these gets shelved aside, forgotten without any legal scrutiny of what had happened over the years. What we are calling for is a country wide discussion of all the violent past so as to examine the causes for the tragedy and to seek, as a people and a society, the lessons that can be learnt from all this so as to avoid the reoccurrence of such a situation.

When we call for national reconciliation we are not negating the necessity of giving legal punishment to the criminals and redress/solace to the victims. We want to put an end to the usual and damaging habit of sending the winner to the palace and the defeated to prison". We want to assure a situation and a process that will strengthen the spirit of national reconciliation and the rule of law, in which no one will be considered above the law , in which all shall be judged equally and no discrimination shall be made on the victims, and in which all suspects shall have their legal, human and democratic rights respected . Based on this, we are faced with two tasks as we seek to end the destructive path and process of the past by learning from the experience we try to build a stable and confident Ethiopia. On the one hand we must dismantle the EPRDF's "Special Prosecutor's Office" which is the agency for perpetuating the past and horrible process and on the other we must establish a special commission for national reconciliation.

## **2.2.1. To Dismantle the Illegal Special Prosecutor's Office**

### **2.2.1.1 On the illegality of the Office**

The Penal Code (1957) article that is used by the SPO to charge people with genocide, that is to say article 281, is against international laws and the Constitution of Ethiopia itself. This article gives genocide a meaning that is contrary to the one given it by the UN (January 1951). The UN Convention document defines genocide as an act aimed at destroying in whole or in part any nation, race or ethnic and religious group. Article 281 of the Penal Code adopted during Emperor Haile Sellasie's time has included the above definition and added to it "an act aimed at destroying in whole or in part, a political grouping". Hence, article 281 goes contrary to the UN convention and is consequently illegal and inapplicable.

### **2.2.1.2. On the Political Role of the Office**

It is possible to realize from the preface of the decree that set up this office, Proclamation no 22/1984 that the Office is based on the age old thirst fro vendetta by the winners. Thus, the Office has no right to investigate the crimes of the ruling group as if they did not commit atrocities against peasants, did not murder their own followers and comrades, did not commit war front atrocities and as if, after they took over power, did not commit

untold crimes against our people. This Office is set up not to punish ALL those who committed crimes against our people but to selectively punish the officials of the fallen regime, the cadres and leaders of associations. If this is contrasted with the practice we saw in South Africa, a process in which not only the officials of the Apartheid regime but also that of the ANC were under examination we can not the fallacy of the process in Ethiopia.

Moreover, in a country where the independence of the judiciary is a farce the Office is, according to its proclamation article 2/2, directly under the control of the Prime Minister. Hence from the outset, it goes to contrary to the basic judicial principle that one side cannot both judge and jury (*Audi alter am par tem*). In addition, the Office is set up not only to quench the thirst for vendetta but also to threaten and cow any existing or possible dissent as only "suspicion" on the part of the Office is enough to land anyone in prison for many years. Many human rights bodies have condemned this Office by taking into account its illegal basis and partisan political role. The Working Group on Arbitrary Detentions, in a report published in 1997, has exposed that the Special Prosecutor's Office goes against articles and principles of numerous international conventions and agreements such as articles 9 and 10 of the 1949 International Human Rights Convention, articles 9 and 14 of the International Agreement on Citizenship and Political Rights, sub articles 2,4,9,10,32,37and 38 of Resolution 207 (62) adopted by the UN Social and Economic affairs body to protect the rights of prisoners.

### **2.2.1.3 On its Being an Obstacle to the National Reconciliation Process Needed by the Country**

This illegal office has not given any precise reply to the question of what genocidal crime the former regime committed against any particular nationality, ethnic or religious group as the regime was repressive against all the people. The crimes committed by the former regime against the people were horrible enough and do not need the exaggerated label of genocide to describe. The proclamation that set up the Office does state that there is the "historical need to teach the fact that such a system should not ever see the light of day again" but the practice and ongoing practice of the regime itself militates against any possibility of noble objectives being realized under an Office set up for giving cover to the continuing war against the society.

At present, the fundamental task facing us is to travel on the path of national reconciliation and to build a democratic society on the basis of equality and the rule of law. This Office which deals with "past" crimes but has no power to look into the crimes of the victors, which deals with "past" crimes but has no intention of looking at the crimes being committed presently against the people has to be dismantled for the sake of national reconciliation and the need to build a democratic society.

## **2.2.2 TO SET UP A NATIONAL RECONCILIATION COMMISSION**

In the past 30 years, many countries have attempted to end the regimes of war and tyranny and to transit to a peaceful and democratic system. We can cite South Africa, Chili, Cambodia and Spain as examples of countries that have ended decades of conflict and tyrannical rule and followed the path of national reconciliation to open a new era of a peaceful and democratic national reconstruction. Others like Ethiopia and Rwanda have failed to follow such a path even though there may seem to be relative and precarious condition of peace in both. But this peace remains to be without reconciliation as the whole society and not only the defeated are expected to pay the price for the victors and their sacrifices. This being the case, it has not been possible to heal the wounds of the past and to realize a society of hope and confidence.

National reconciliation and building a stable society demand the existence of democracy while these forces are anti democratic, it demands the rule of law while these forces are seeking to assure their supremacy as victors, it calls for fraternity and unity while these forces try to perpetuate their rule through divisions and by spreading hatred, and therefore the struggle waged in these countries for national reconciliation is part of the struggle for democracy, the rule of law and fraternity amongst peoples. Hence, we the democratic and patriotic forces of Ethiopia who believe that a national reconciliation process is vital for the establishment of democracy in our country, have resolved to work for the formation of a National Reconciliation Commission to realize this noble objective.

### **2.2.2.1 TASKS OF THE NATIONAL RECONCILIATION COMMISSION**

2.2.2.1.1 To register all the war crimes committed by the Derg regime, the opposition and individuals and the crimes committed by the EPRDF, its institutions, by political groups and individuals since the EPRDF took over power.

2.2.2.1.2. In addition to gathering testimonies from the perpetrators and victims of the crimes, the Commission will examine in depth the historical, cultural and political reasons/causes that exposed the society to such a situation and it shall plan and present for national dialogue the national reconciliation strategy.

2.2.2.1.3 As the culture of solving all differences through reconciliation and negotiations is present in all nationalities and regions of Ethiopia, several studies show that at present more disputes are solved outside of court through reconciliation and negotiations. Hence, the Commission will study this culture and make sure that its national reconciliation strategy is based on it.

2.2.2.1.4 The Commission shall also base its strategy by taking into account he failed and successful national reconciliation practices in the world.

2.2.2.1.5 The Commission shall not only draft a strategy but will also find ways and means of reestablishing those people whose lives have been ruined because they had been

accused and imprisoned for years by the illegal Special Prosecutor's Office prior to their release for being found innocent.

2.2.2.1.6 Until the issue of amnesty is studied and resolved after a thorough discussion by the society, the Commission shall present a proposal to the government calling for the immediate release of all those prisoners who are unable to defend themselves before a court of law due to advanced or for health reasons, those imprisoned for political reasons and those who were not adults at the time of the commission of the crime.

2.2.2.1.7 The commission shall study and propose measures to help the victims and to avoid the repetition of the vendetta politics of the EPRDF that labeled people wholesale as members of the ruling party, army, security or police forces of the defunct regime and denied them their rights as citizens or their pension rights and exposed them to untold sufferings and to make sure that such measures are not taken on the members and supporters of the present ruling party.

2.2.2.1.8. It is clear that one aspect of national reconciliation policy concerns the amnesty policy for those who did commit crimes. However, for amnesty to help in bringing peace and stability, prior to the imposition of such a decision by the government, the parliament or any other force it is necessary to realize it primarily concerns the victims of the crimes. The Commission shall organize a national dialogue in this spirit by involving the victims themselves as an amnesty that does not get the support of the victims will erode the justice and reconciliation spirit that should prevail.

#### **2.2.2.2. MEMBERS OF THE NATIONAL RECONILIATION COMMISSION**

To enable the Commission to properly fulfill its tasks it must include the various civic and political groupings, intellectuals and professionals with proficiency in the field, respected elders from all regions and others who can contribute to the task. A limited list of such members of the Commission follows:

1. Representatives of the lawyers' union and selected members of the faculty of the Law School;
2. Citizens from the universities and research institutes who have made studies in the field of politics, history, peace and related subjects;
3. Representatives from the workers, peasants, teachers and other trade unions or associations;
4. From the EHRCO and other human rights NGOs;
5. From women's, youth's and other mass organizations
6. From the Chamber of Commerce;
7. From various religious institutions;
8. From elders elected from the various regions;
9. From the Ethiopian Patriotic Associations/ Union of Ethiopian Patriots/;
10. From various political organizations including the EPRDF

אברהם