EVALUATION REPORT

ETHIOPIA DEMOCRACY/GOVERNANCE SUPPORT PROJECT (633-0007)

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ABBREVIATIONS

AAI	African American Institute
ABA	American Bar Association
A-Bu-Gi-Da	Ethiopian Congress for Democracy
AAPO	All Amhara Peoples Organization
AHCPD	Ad Hoc Committee for Peace and Development
ALF	Afar Liberation Front
API	Assessment of Program Impact
AREAF	African Regional Elections Assistance Facility
BPLM	Benishangul People's Liberation Movement
CA	Cooperative Agreement
CC	Constitutional Commission
CCEU	Carter Center at Emory University
CJF	Center for Foreign Journalists
COM	Council of Ministers
COR	Council of Representatives
DFA	Development Fund for Africa
D/G	Democracy and Governance Program, USAID
DHRF	Democracy and Human Rights Fund, USAID (116e)
EEC	European Economic Commission
EFEOA	Ethiopian Free Election Observers Group
EFPJA	Ethiopia Free Press Journalists Association
EHRPC	Ethiopian Human Rights and Peace Council (Addis Ababa University Law School)
EJA	Ethiopian Journalist Association
ENA	Ethiopia News Agency
EPLF	Ethiopian Peoples' Liberation Front
EPRDF	Ethiopian Peoples' Revolutionary Democratic Front
FSN	Foreign Service National
GPLM	Gambela People's Liberation Movement
GTZ	German Technical Assistance Agency
IAG	Inter-Africa Group
IFES	International Foundation for Electoral Systems
IFLO	Islamic Front for the Liberation of Oromina
IHRLG	International Human Rights Law Group
INA	International News Agency
JEAA	J.E. Austin Associates, Inc.
JIOG	Joint International Observers Group
LTCA	Long Term Cooperative Agreement
MACs	Mission Accounting Control Services
MCI	Mercy Corps International
MEEC	Ministry for External Economic Cooperation
MER	Monitoring, Evaluation, and Reporting
MOF	Ministry of Finance
MOI	Ministry of Information
MOJ	Ministry of Justice
METC	Management of Economic and Technical Change
NDI	National Democratic Institute
NEC	National Elections Commission
NEBE	National Elections Board of Ethiopia

NGO	Non-Governmental Organization
OLF	Oromo Liberation Front
ONI	Office of New Initiatives (USAID/Washington)
OPDO	Oromo Peoples Democratic Organization
OVI	Objective Variable Indicator
REDSO	Regional Economic Development Support Office
PACD	Project Assistance Completion Date
PDRG	Peoples Democratic Revolutionary Government
PDO	Office of Public Defender
PDO	Peoples Democratic Organization
PIR	Project Implementation Reporting
PMAC	Provisional Military Administrative Council
PP	Project Paper
PSC	Personal Services Contract
RBO	Regional Bureau Office
SAHRE	Society for the Advancement of Human Rights Education
SEPCD	Southern Coalition
SIDA	Swedish International Development Agency
SPO	Special Prosecutors Office
TDA	Tigrayan Development Association
TGE	Transitional Government of Ethiopia
TPLF	Tigrayan Peoples' Liberation Front
USAID	United States Agency for International Development
UNESCO	United Nations Education, Scientific and Cultural Organization
UNDP	United Nations Development Programme
USIS	United States Information Service
VOE	Voice of Ethiopia
WPE	Workers Party of Ethiopia
WSLF	Western Somali Liberation Front

EXECUTIVE SUMMARY

Major Findings

Five major findings underlie the Evaluation Team's recommendations:

1. The Project has made steady progress toward most of its objectives (with the exception of activities in support of regionalization). The anticipated speed of Project activity launching and completion has not been realized. To some extent this is because the original transition calendar envisioned in the Charter has stretched out so significantly. In this regard, the strategic and management flexibility inherent in the Project design has proved useful in this initial period of implementation but it has been costly in terms of D/G Advisor and Mission management time.

2. The provision of D/G assistance to the TGE and its eventual successor will be as important over the next few years as it was when the Project began in 1992. This fact has been emphasized in the Mission's 1993 Concept Paper, which makes democracy and governance a strategic objective (SO), by the new USAID policy priorities which emphasize D/G as an objective of US development assistance, and by the Department of State, which makes D/G its first priority in Africa.

3. Based on changes in the task environment and lessons learned during the first 16 months of Project implementation, it should be possible to better focus the Project's activities, streamline the management of its activities, and increase the probability of the Project having a greater impact on Ethiopians' efforts to promote the rule of law and foster the emergence of a democratic civil society concerned with and influential in the setting of national policies and priorities.

4. The DG/Advisor is a valuable resource whose major role should be substantive rather than managerial. The D/G Advisor should increasingly inform work in the Mission's other program areas, the US Country Team strategy deliberations, and the Donor Governance Groups discussions.

5. The Project, as currently operating, is too reactive. While the ability to respond to events and individuals is, to a certain extent, a highly desirable virtue, it is also necessary to be proactive in developing activities in areas which are new and untested and where there are not already individuals and organizations with ideas ready to go. The reactive modality has also exacerbated the managerial burden of the Mission by requiring the Project staff and Mission support staff to design and negotiate contracts and grants for numerous small activities.

6. At the same time, the aforementioned flexibility must be retained. Focus and proactive stature are essential. But so is flexibility. Indeed, it can be argued that of the activities reviewed in Part IV, the reactive ones (e.g. the SPO activity) have been more successful than the proactive ones (e.g. MOJ training of judges). However, it is possible to design flexible proactive interventions and such activities should be sought more aggressively.

7. Given the difficult, constantly changing task environment and the evolving nature of democracy and governance in Ethiopia, as well as the number of activities being undertaken under the Project, greater attention should be given to the development of appropriate MER indicators (Part V) and the formulation of specific priorities by the D/G Advisor.

8. On the substantive side, as suggested in the last section of Part IV, the Project should give greater emphasis to strengthening the capacity of NGOs and civic associations to facilitate wider knowledge of democratic rules and practices as well as the monitoring and protection of human rights.

Recommendations for Strengthening Project Performance

The major recommendation of the Evaluation Team is that **steps be taken immediately by the Mission to amend the current Project, extending it to the end of September or, preferably, December 1996,** even though it might be contractually easier to end the project concurrent with end of a fiscal year. The current Project PACD is September 30, 1995.[1] The rationale for

[1]. There are conflicting dates in two documents. The Project Agreement date is September 30, 1995, whereas the Project

this recommendation is based on: the delays in the transition process in Ethiopia; the growing body of evidence from elsewhere that a successful transition does not end with the election of a new government; and the findings noted above with regard to Project management and approach.

An extension to the Project, to run through 1996, would allow the Mission to better support what appears to be a longer than expected transitional period and a new government that will continue to be faced with needs to: (a) strengthen its electoral systems; (b) reinforce its progress toward a democratic constitution; (c) organize, staff, and train its emerging institutions of regional government; (d) move its ministries and agencies toward a more tolerant approach toward human rights and the media; (e) promote an environment conducive to the emergence of a civil society rich in local associations and NGOs; and, possibly, (f) build its judicial capacity. An extension would also permit the Mission to resolve some of the procedural and management issues which reduce the effectiveness of the Project by establishing the basis for a single institutional contract with an experienced firm or NGO to assume the responsibility for managing activities funded by the Project.

Between now and the time that the amendment becomes effective (if possible, June or July, 1994), it is recommended that the Mission undertake some additional modifications in Project management and approaches to improve performance. These are clustered in the next section as Project extension recommendations. Some suggestions for what might be included in the amendment, and extension, are made in the following section.

Current Project Recommendations

Table 1 summarizes the Evaluation Team's understanding of the current relationships between Project components, action areas, and implementation agents for Project activities. Table 1 is based on the 1992 Project Paper (Annex IV) the 1993 Mission Concept Paper (Annex V), and its wide-ranging review of the project's past and current activities and needs (March 20-31, 1994).

Based on the Team's Part IV review of progress in each of the areas in Table 4, Part II, several recommendations for immediate modification of the Project's implementation are suggested:

Authorization and the PP Facesheet show the PACD as May 30, 1995.

1. USAID and USIS should agree on a media support strategy that would be operative currently and through the proposed Project extension, and for which USIS would

Table 1 here

Table 1: Recommended Pre-Extension Activities

assume principal implementation responsibility. Grant documents which provide USIS with financial resources from the Project should be prepared for implementation as soon as the overall Project amendment goes into effect. Appropriate monitoring and reporting arrangements (geared to USAID's schedule) should be part of the agreement.

2. The Project and its contractual activities should be supported by the informed oversight of the USAID Mission's Program Office as well as by the Deputy Director (as per the current supervisory arrangement).
3. Pending the outcome of the June 4 Constituent Assembly elections, the IFES grant to the National Election Board should be reviewed and amended, as appropriate, to assure continued support for future election activities: including equipment procurement, commodity purchases, supplies, technical assistance, and funding for international and/or domestic election monitor training and support.

4. The D/G Advisor and the Project Assistant should review their scopes of work in an effort to more clearly delineate their activities and responsibilities and to reflect findings in this evaluation.

   a. In regard to the Long Term Cooperative Agreement (LTCA) described below, the Evaluation argues only for transferring micro-management D/G Advisor activities. Substantive and policy decisions should remain with the Mission and the D/G Advisors, with input from the REDSO D/G Advisor.

   b. The Project Assistant's scope of work, for example, should be revised with regard to the media monitoring responsibilities noted in Part IV, above.

   c. The D/G Advisor should take steps to delegate management responsibilities to the Project Assistant and to free up his own time so that his knowledge and experience can be brought to bear in better understanding the task environment and advising Mission efforts to design programs, the Country Team, and the Donor Strategy Group on substantive democratization and governance matters. The Project Assistant should assume more

responsibility for direct management of the Grants made under 116(e).

5. Studies on two priority topics should be undertaken. The first, focused on regionalization, should be launched as soon as possible and completed before the end of 1994. The second, focused on the relationships between democracy, development, and governance, is a longer term exercise that would of necessity extend into the Project's extension period. If effectively carried out, these projects would provide information important to the Project developing a proactive program in support of regionalization and broader participation and more effective governance at that level.

a. Regional, Wereda, and Municipal Government Study

For the D/G Project and other aid agency interventions in support of decentralization reforms to be effectively implemented and sustained, it is essential that they have a detailed understanding of regional, wereda, and municipal government systems. As noted in Part IV, the Evaluation Team finds current aid agency understanding of these systems to be inadequate, misleading, and, in places, incorrect. Hence, the D/G Advisor should design a research activity that is aimed at: (a) describing existing structures and functions of regional and municipal government; (b) analyzing opportunities and constraints that affect the sub-national governance system; (c) reviewing the possible decentralization models that are under discussion with the TGE; and (d) analyzing the advantages and disadvantages of each model vis a vis development objectives, institutional and human resource capacity, revenue and budgetary requirements, conflict of laws between the center and the regions/municipalities and among regions and municipalities.

b. Democracy, Governance, and Development Study

There is pressing need for the Mission, the Embassy Country Team, and the Donor Coordinating Committee to have a better understanding of the relationship between effective rural based

development and the possibility of establishing and sustaining democracy and improved governance in Ethiopia. Working with these groups, the D/G Advisor should prepare terms of reference for a research team charged with analyzing: (1) the current TGE position on agricultural and rural development policy, as set in a larger macro-economic context; (2) the general trends in agricultural production and basic human services that have marked the 1990s; (3) the position of aid agencies on Government policy and potential support for agricultural development; and (4) the likelihood of the above patterns and trends leading to the significant increase in income and standard of living required to build a sustainable rural base for the promotion of democracy and progressive governance.

The Evaluation Team recognizes that a study with the above terms of reference extend beyond the focus and scope of the current Project design and might, if not carefully designed and contracted, increase the managerial burdens on the D/G Advisor. It also recognizes that such a study might be better carried out under the Mission's emerging agricultural program, with the D/G Advisor assisting where appropriate. However, given the powerful linkage between economic growth and the emergence of democracy and good governance, the Evaluation Team thinks it essential that the Project take the lead in ensuring that this study is designed and contracted by the end of the year so that it can be carried out and completed early in the Project's extension period.

Taking the five steps recommended above should better focus the project and narrow the activities administered by the D/G Project team and the Mission in the short term. It is consistent with the strategy illustrated by Table 2, presented below.

Recommendations for a Project Extension

1. Project Design and Management Recommendations

Table 2 represents an overview of the Team's current conception of the Project's transition from current activities to an extension. It is based on the Evaluation Team's

recommendation that current contract agents be changed and combined under one umbrella contractor under a LTCA to the extent possible, recognizing that recommendations below argue for separate contracts with NDI, IFES and USIS. Further, the Team recommends that the Mission and D/G Advisor retain substantive and policy supervision over all such contracts. More specifically:

a. The current CCEU activities will terminate per agreement in December 1994 and the activities of that cooperator will be assigned to the post-amendment contractor.

b. The current NDI contract will be extended and the scope of work expanded by mutual agreement to the end of the recommended Project extension (the extended PACD).

c. The pre-extension contract with IFES to carry out activities related to the Project's election component.

d. An inter-agency agreement be entered into with USIS to carry out activities under the Project's media component.

e. All institutional contractors selected will be able, legally, to make small grants to civic associations and related NGOs, perhaps hiring a local firm to handle their quarterly accounting and billing requirements. The rationale for this is that the D/G Advisor currently spends considerable scarce managerial time obtaining TGE signature on PIO/Ts, in general, and grants to unregistered NGOs/Civics, in particular.

The Evaluation Team has a rationale for the proposed extension. It is based on the facts that the legal period for the TGE transition to the GOE has passed, the eventual date for a formal transition is still uncertain, and specialists argue that "effective transition periods" extend well beyond changes in a government's legal status and that the success of longer term transition remains critical to an enabling environment for long term economic development.

To be sure, both the Project and Mission Concept Papers hold that the major objective of the Project is to focus on assisting the TGE during the transition process. The Team agrees with this position. However, by the extension and refocusing represented in Table 2 and the recommendations below, the conversion of the Project to a post-transition document is facilitated. Importantly, this revision would allow the Mission to build on the major lesson learned by USAID about supporting D/G initiatives, namely that the process of Democracy

Table 2: Pre and Post Extension Activities by Project Activity

and Governance only begins with the adoption of a constitution and the holding of the first set of elections.[2]

Based on the description and analysis set forth in this Report, the Evaluation Team recommends the following changes in Project design and management:

1. As soon as possible the Project should be extended by amendment from July 1, 1995 to the end of September or preferably December 1996. Further, the Team recommends:

    a. the Cooperative Agreement with CCEU end December 31, 1994, as finalized in the CA Amendment signed off on in April 1994;

    b. the Mission extend the grant to NDI from August 31, 1994 through September of December 1996;

    c. the Mission prepare an RFP to do a Long Term Cooperative Agreement (LTCA) with an experienced firm or organization that allows the contractor to manage subcontracts or sub-grants in four activity areas, running from, July 1, 1994 through late 1996;

    d. the Mission set aside unprogramed funding to expenditure under the contract currently being negotiated with IFES, which provides technical and commodity assistance required for the long term

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[2]. This principle is well articulated in: Joel D. Barkan, "Nurturing Democracy in Africa: Thirteen Lessons From the Field" (Paper Prepared for USAID/REDSO/ESA, Nairobi, 1992), p. 4-6. It is also strongly reflected in his statements to the Congress: "Statement to the Senate Committee on Foreign Relations, Subcommittee on International Economic Policy, Trade, Oceans and Environment" (Paper Presented to the US Senate, Washington, D.C., February 22, 1994); "Statement to the House Committee on Foreign Affairs, Subcommittee on Africa" (Paper Presented to the US House of Representatives, Washington, D.C., February 24, 1994).

institutional development and consolidation of the NEBE, with future election monitoring support, if required, being channeled through the centrally-funded AREAF facility, which for the time being is administered by AAI;

e. the Mission provide funding to USIS to organize and carry out media training and other activities based on a strategic annual plan worked out with the D/G Advisor;

f. additional funding be provided for the DG/A position to assure more effective and efficient management of the Project and DG advice through September 31, 1996.

2. In regard to funding, the Team finds the Project has approximately $500,000 in uncommitted funding (see Annex VIII) and recommends the contract activities set forth in Point 5, above, be reinforced with the $4,000,000 in new allocations, set forth in Table 3, below, with such additional funding being required as a result of the heavy front end expenditure of Project funds on monitoring the June 1992 elections.

3. The Evaluation Team strongly recommends that the D/G Advisor and Project Assistant positions be retained, even if a substantial amount of these additional extension resources, and the management burdens that go with their utilization, are under expended under the proposed LTCA and other contracts, such as those with NDI and IFES. Rationale for this is provided throughout the review. Briefly, the Team recognizes that the D/G Advisor will continue to have substantial overview responsibilities for the extended project and should play a more visible and analytical role in USAID Mission project designs, inter-US Government consultations, and external aid agency community interactions.

4. Additional activities should be undertaken during Project's extension period. It is not in the terms of reference of the Evaluation Team to identify new Project activities. However, to illustrate the more <u>pro-active posture</u> the Team recommends be followed, as well as to illustrate the wide range of additional activities that might emerge if the D/G Advisor had the substantive time to study the complexities, needs, and opportunities found in the task environment, several <u>indicative examples</u> are given of the new types of

Project initiatives the Team expects might emerge. These will be divided into Rule of Law and Civic Associations categories.

Contract	Estimated Contract Budget
Cooperative Agreement with US Firm -- October 1, 1994 to September 31, 1996	2,500,000
Funding for USIS -- (MOU) October 1, 1994 to September 31, 1996	500,000
Extension of NDI Grant -- October 1, 1994 to September 31, 1994	500,000
Unprogrammed Funds for Possible Electoral Support -- October 1, 1994 to September 31, 1996	500,000
Expansion of D/GA Office Management Capacity -- October 1, 1994 to September 31, 1996	500,000
TOTAL REQUIRED PROJECT EXTENSION	4,500,000
Estimated Remaining Unallocated Project Funds as of March 31, 1994	500,000*
TOTAL ADDITIONAL FUNDS	4,000,000

Table 3: Recommended Contracts and Funding Level for Project Extension Through September 31, 1996

* = Annex VIII concludes that $1,233,080 is available for programming. However, as pointed out in regard to CCEU activities under Constitutional Development and Judicial Reform and Human Rights, reimbursement for CCEU activities run through USAID's Paris and Nairobi office and have yet to reach the Ethiopia Mission's accounting office. Based on the assumption that $300,000 of CCEU's Constitutional Development line and $110,000 of its Judicial/HR line have been expended as of March 31, 1994, the fact that the

entirety of both CCEU lines (including Amendment 2 for $127,000 will be expended by the end of June 1994), as well as the about to be concluded contract with IFES for $230,000, is estimated that approximately $500,000 rather than $1,233,000 remain available for programming.

2. Indicative Activities for Project Extension

The indicative activities that the Mission and D/G Advisor should consider carrying out in the extension phase are:

a. New Study of Courts and Legal Profession

b. Consolidation of Laws and Court Regulations Activity

c. Commercial and Civil Code Revision

d. Inventory of Central, Regional, and Wereda Court Capacities and Requirements for Effective Administration and Provision of Justice

e. Enhancement of Lawyer Education at Addis Ababa Law School

f. Judicial Training and Capacity Building

g. Study of Public Expenditure Implications or Regional Economic Devolution

h. Prescriptive Requirements for Decentralized Revenue, Budgetary, and Expenditure Reporting Systems

i. Fiscal Transfers Study

j. Technical Assistance to the Regional Planning Bureaus

k. Seminar for Selected Leaders of Council of Representatives on Role of Legislators in a Democratic Context

l. Establish a Distinguished Speakers Program on Democracy and Governance with Quarterly Public Presentations

m. Invest in the Expansion of 116e and Project Funding of Promising Local NGOs Committed to Building Civil Awareness of the Rights and Duties of Citizens in a Democracy

n. Strengthen the Procedural Capacity of Political Parties Relative to Organization and Electoral Procedures

Each of these indicative activities for the extension period are elaborated in Part VII of this evaluation.

Major Decisions Required of Mission

In sum, the Mission management needs to address the following issues relative to the current Project design and the design of an extension.

1. Whether to support what appears to be a longer than expected transitional period and a government that will be faced with pressing needs, and if so, how to proceed with a Project amendment?

2. Whether to extend the length of the Project, and if so, to what date?

3. Whether to add resources, and, if so, to what level?

4. Which, among the following objectives, should the Project seek to provide assistance to Ethiopia, and in what proportion:

   a. strengthen electoral systems;

   b. institutionalize a democratic political order;

   c. build judicial capacity at central and regional levels;

   d. organize, staff, and develop effective working relationships with emerging institutions of regional government;

   e. develop and institutionalize effective protection (legal and practical) for individual and group rights, including basic human rights and media freedom; and

   f. promote an environment conducive to the emergence of a civil society marked by increasing numbers of local associations and NGOs?

5. Whether to make explicit, through the amendment, the refocusing of project lines initiated with the 1993 Mission Concept Paper?

6. Whether to revise the Project's current management and MER processes as recommended by the evaluation?

7. Whether to tolerate some managerial burdens in order to allow the strategic flexibility and responsiveness essential to a D/G project?

8. Whether to adopt the evaluation's recommendations relative to current contractors so as to deal with the management and performance issues rased by the evaluation?

9. Whether to proceed to devolve major managerial responsibilities to a Long Term Cooperative Agreement contractor, and, if so, what process to follow in regard to preparing RFP and identifying the type of contractor sought?

10. Whether to attempt to renegotiate the rules governing need for TGE signature on virtually all Project actions?

11. If an extension is approved, whether any of the indicative directions recommended by the evaluation should be pursued, and, if any, which ones?

PART I

BACKGROUND TO THE PROJECT

Task Environment and Mission Strategy

In May 1991 forces led by the Tigrayan People's Liberation Front (TPLF) overthrew the repressive government of Col. Mengistu Haile Mariam, promising political and ethnic reconciliation, economic liberalism, human rights and democratic governance. A July 1991 National Conference attended most political groups led to the approval of a transitional government and set forth the guidelines for drafting of a new constitution, establishing a system of regional decentralization, holding of democratic elections, and ensuring basic human rights.

The Transitional Ethiopian Government (TGE) was dominated by the Ethiopian People's Revolutionary Democratic Front (EPRDF), a coalition controlled by the TPLF. Its leader, Meles Zenawi, was named President and charged with leading the country through a transition period legally established in the Conference charter as taking no longer than 2.5 years, with regional elections scheduled for June 1992 and national elections for 1994. Shortly there after, despite the persistence of fundamental problems related to the politics of ethnicity and strategies of economic development, the TGE confidently began to take steps aimed at effectively reaching the above transition objectives.[3]

It was during this period of optimism that discussions were held between the TGE and the US Government aimed at providing support to President Meles' efforts to draft a constitution, hold regional elections, reform the judiciary, promote human rights, support the emergence of an independent media, decentralize power

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[3]. Useful overviews of the end of the Mengistu regime and the launching of the TGE are found in: Paul B. Henze, Ethiopia in 1990 -- the Revolution Unraveling (Santa Monica: RAND Report P-7707, March 1991); "Ethiopia: From Rebels to Rulers," Africa Confidential, XXXII, 11 (1991), pp. 1-3; Paul B. Henze, Ethiopia in 1991 -- Peace Through Struggle (Santa Monica: RAND Report P-7743, 1991); "Ethiopia: Majorities and Minorities," Africa Confidential, XXXII, 14 (1991), p. 1-2; Paul B. Henze, The Defeat of the Derg and the Establishment of New Governments in Ethiopia and Eritrea (Santa Monica: Rand Report P-7766, 1992).

to regions and districts, and encourage the emergence of democratically oriented civic organizations. The outcome of those discussions was the "Ethiopia Democracy/Governance Support Project (633-007)," the objectives of which were:

> "...the establishment of an increasingly stable, pluralistic and democratic Ethiopia within 24 to 30 month transition period (by providing assistance in) defining policy options, rules and procedures, and in strengthening select institutions, governmental and non-governmental, that can support Ethiopia's democratic transition."[4]

The Project Paper contains a lengthy description of: (1) the political, social, and economic context found in Ethiopia in 1991; (2) the relationship of the Project to Mission and other donor strategies and priorities; and (3) the objectives and components of the Project relative to this context and international strategies and priorities.[5] A shorter version of this description is found in the Mission Concept Paper. It is also found in the justification sections of various documents published since 1991 by individuals and institutions connected to the Project.

The Evaluation Team will not repeat this information here, for it is readily available and summarized in Annex I of this report. However, the Team does have several observations on the drafting of the Project Paper that relate to assumptions underlying the Project's design (Part III) and to future project initiatives to be undertaken by the Mission, both in regard to this Project's possible extension and in regard to projects in other sectors.

First, the draftsmen of the paper knew and understood the larger task environment.[6] This understanding appears to have

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[4]. Alan Van Egmond, "Action Memorandum for the Director, USAID/Ethiopia: Ethiopia Democracy/Governance Support Project (663-0007)" (Internal USAID Memorandum, S/GDO, Washington, D.C., May 15, 1992), p. 3.

[5]. USAID, "Ethiopia Democracy/Governance Support Project (663-0007) (Project Paper Prepared by Ethiopia Mission, May 15, 1992); "Project Authorization: Ethiopia Democracy/Governance Support Project" (Internal USAID/Ethiopia Mission Memorandum, Addis Ababa, May 16, 1992), pp. 8-24.

[6]. It is the Evaluation Team's understanding that the paper was largely prepared by Dr. J. Stephen Morrison, the first D/G Advisor whose background is presented in Part VI with assistance from Dr. Joel Barkan, a Political Scientist on leave to serve as REDSO's D/G Advisor.

been primarily generated by direct reporting information from Mission and Embassy sources and a few knowledgeable key informants.[7] Clearly, USAID documents are not academic texts, and there is no need to cite extensive sources. But it would have been useful to know if the large literature on the political, economic, and social aspects of the fall of Haile Selassie's Government, the unfolding revolution, and the Marxist disaster the country suffered had been drawn upon.[8]

This is important because not all Ethiopianists agree on past patterns and future trends.[9] More specifically, it is important because the study of Ethiopian politics and governance is plagued by some fallacies about ethnic domination and regional politics that are repeated, to some extent, in the both the Project Paper and other reports related to the Project's activities, such as the UNDP decentralization paper reviewed in Part IV in regard to "Regionalization."[10] Having said this, it is important to note that the Evaluation Team believes that it is possible for a Mission to test assumptions, locate fallacies, weigh conflicting views, and thereby, in an objective manner, come up with intervention strategies and supporting activities that are substantially in tune with task environment realities and have a high probability of reaching their objectives.

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[7]. In particular, Paul Henze, a former US State Department official who has consistently produced solid analysis of the Ethiopian Revolution, the PMAC-PRDG, and the TGE transition through a research contract with the RAND Corporation.

[8]. Most notably: Christopher Clapham, Transformation and Continuity in Revolutionary Ethiopia (New York: Cambridge University Press, 1988); John W. Harbeson, The Ethiopian Transformation: The Quest for the Post-Imperial State (Boulder: Westview Press, 1988); Edmond J. Keller, Revolutionary Ethiopia: From Empire to People's Republic (Bloomington: Indiana University Press, 1988).

[9]. For a lengthy review of differences among Ethiopianists on the politics of the revolution and its relationship to ethnicity and society during the 1974-90 period, see: Paul B. Henze, "Marxist Disaster and Cultural Survival in Ethiopia," Problems of Communism, (Nov.-Dec. 1990), pp. 66-80.

[10]. This point is well made in: Paul B. Henze, "The Ethiopian Revolution: Mythology and History," Northeast African Studies, XII, 2-3 (1990), pp. 1-15; and his "History and the Horn," Problems of Communism," (Jan.-Feb. 1983), pp. 66-75; As good review of the types of ethnic and local governance fallacies likely to hamper project design and implementation is found in: Clapham, Transformation and Continuity in Revolutionary Ethiopia, pp. 195-219.

Second, it would have been useful to know the degree to which the numerous studies carried out in the 1980s on local level values, organizations, and institutions were consulted.[11] This is not an insignificant point given the focus of the project on elections, civic associations, decentralization, and ethnic aspects of election and constitutional development. The strong macro-focus of the analysis is not well informed by a sense of the grass roots variables that were clearly going to affect the implementation of the Project's components.

Third, there is little doubt that the assumptions underlying the Project conceptualization (Part III), as well as the design of Project components, would have benefited from a critique by acknowledged Western and Ethiopian experts on micro-level aspects of ethnicity, local politics, and grass-roots organizations. Indeed, had this been done Project draftsmen would have been ahead of the recent emphasis on "ground truthing" by local

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[11]. For example: Alulu Abate and Tesfaye Teklu, "Land Reform and Peasant Associations in Ethiopia: Case Studies of Two Widely Differing Regions," Northeast African Studies, II, 2 (1980), pp. 1-51; Alemneh Dejene. Peasants, Agrarian Socialism, and Rural Development in Ethiopia (Boulder: Westview Press, 1987); Aster Akalu, The Process of Land Nationalization in Ethiopia: Land Nationalization and the Peasants (Lund: Gleerup, LXXVI, 1982); Dessalegn Rahmato, Agrarian Reform in Ethiopia (Uppsala: Scandinavian Institute of African Studies, 1984); Fassil G. Kiros, et al, Series of Studies of Wolmera Woreda for the United Nations University and the International Development Research Center (1979-82); and John M. Cohen and Nils-Ivar Isaksson, Villagization in the Arssi Region of Ethiopia (Uppsala: Swedish University of Agricultural Sciences, International Rural Development Centre, Rural Development Study No. 19, 1987); Mengistu Woube, Problems of Land Reform Implementation in Rural Ethiopia: A Case Study of Dejen and Wolmera Districts (Uppsala: Uppsala University, Geografiska Regionstudier, Monograph No. 16, 1986); Michael Stahl, New Seeds in Old Soil: A Study of the Land Reform Process in Western Wollega (Uppsala: The Scandinavian Institute of African Studies, Research Report No. 40, 1977); Steve Franzel, et.al., Grain Marketing and Peasant Production in Ethiopia (Ithaca: Cornell University, Center of International Studies, Rural Development Committee, Occasional paper Series No. 14, 1989); Tesfaye Teklu, Socio-Economic Conditions in Dangella 1977: A Preliminary Baseline Report (Addis Ababa: Institute of Development Research, Research Report No. 28, 1979); Eva Poluha, Central Planning and Local Reality: The Case of a Producers Cooperative in Ethiopia, Stockholm: University of Stockholm, Studies in Social Anthropology No. 23, 1989.

experts spelled out in the new USAID Director's January 10, 1994 Cable (State 007970) on participatory strategies.[12]

In this regard, a lesson that can be learned from a review of the Project Paper's description of the task environment is that a small investment in local or international expert review of the emerging design could have had significant payoff in regard to the Project's effectiveness. To be sure, the early draft related to a political topic. Caution in regard to outsiders is required in such cases. Still, the potential benefits of input from neutral experts into the design of this kind of Project are sufficient to justify such reviews. In this regard, such reviews could be useful to the Project extension recommended in Part VIII.[13]

Ethiopia's Democratic Transition

Optimism for a smooth transition to a democratic government based on a constitution, the rule of law, and broad-based elections rapidly declined as problems emerged. These ranged from the steady withdrawal of opposition parties from the TGE, particularly the Oromo Liberation Front (OLF), and charges of human rights violations to over sensitivity by the government to opposition parties and their supporters in the local press and limited experience and financial resources in government departments charged with implementing the concrete steps required for effective establishment of a democratic government and promotion of market liberalization. As a result, the TGE's formal mandate for the transition period ended in January 1994 and most observers believe it is unlikely a constitution will be adopted and elections for a national legislature held before mid-1995.

The problems faced by the TGE during its nearly three year administration are well documented.[14] Importantly, as spelled

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[12]. Distributed by: Richard Webber, "USAID Participatory Development" (Internal REDSO/ESA Memorandum, February 4, 1994).

[13]. Among the numerous micro-specialists that might be used are: Allan Hoben, Peter H. Koehn, Siegfried Pausewang, Terrence Lyons, Paul Henze, Bonnie Holcomb, Dessalegn Rahmato, James McCann, Mulatu Wubneh, Michael Stahl, Yohannes Abate, Charles McClelland, Donald Donham, Werner J. Langen, Christopher Clapham.

[14]. These problems are documented in such articles as: "Ethiopia: Power-Struggles and the Ethnic Weapon," Africa Confidential, XXXIII, 9 (1992), pp. 6-7; Colin Legum, "Series on Ethiopia" comprised of "Ethiopia: A Unique Experiment in

out in subsequent parts of this evaluation, they have complicated the implementation of the Project and forced a reconsideration of its time period and approach. Nevertheless, the TGE appears dedicated to overcoming these problems as quickly as possible. As recently as March 2, 1994, President Meles Zenawi reaffirmed commitment to constitutional rule and democratic elections in a speech broadcast over the Voice of Ethiopia Network:

> "The main objective of the transitional period is to draft and approve the country's constitution with the full participation of the people and, based on this, to hand over power to a constitutionally elected government. The government is committed to this objective...I want to confirm that the transitional government will take all necessary steps to ensure that the transitional period is democratic and successful and that it will create a conducive atmosphere for parties to participate in the constitutional congress."

In this regard, the Evaluation Team benefitted from a recent evaluation of Ethiopia's democratic transition carried out by Dr. John W. Harbeson, an Ethiopian expert currently working under a PSC as the REDSO D/G Advisor.[15] The executive summary to this lengthy evaluation is presented in Annex II.[16] Harbeson's evaluation facilitated the Team's efforts to identify changed assumptions and changed conditions. These are set forth in Part III. It also provided a basis for reviewing the Project's progress in regard to its major focus activities, which is carried out in Part IV.

Briefly, Harbeson concludes that:

> "The performance by the Transitional Government and, to some extent, by opposition parties and private groups, has been disappointing, notably in the human rights and party system

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Democracy," "The Critical Oromo Factor," and "The Amhara Factor," Third World Reports (August 1992); "Ethiopia: Poacher Turns Gamekeeper," Africa Confidential, XXXIII, 14 (1992), pp. 6-7; "Peasants on Top," The Economist (March 13, 1993), pp. 52-3; "Ethiopia: Meles Dictates the Agenda," Africa Confidential, XXXV, 2 (1994), pp. 3-4.

[15]. John W. Harbeson, "Ethiopia's Democratic Transition: A Preliminary Assessment" (Paper Prepared for USAID/REDSO/ESA, Nairobi, February 26, 1994).

[16]. John W. Harbeson, "Ethiopia's Democratic Transition: A Preliminary Assessment (Executive Summary)" (Memorandum Prepared for USAID/REDSO/ESA, Nairobi, February 26, 1994).

building areas. But USAID assistance to the constitutional Commission and the Special Prosecutor's Office has been high quality, well received, and influential in establishing foundations for the democracy and the rule of law over the long term."[17]

In regard to the evaluation's implications for the Project's extension of the Project, Harbeson states:

> "...the central question is whether there are still significant opportunities for, and Ethiopian receptivity to further external assistance in the democracy/governance area in both the shorter and longer term. I believe an affirmative answer is merited."[18]

Specifically, in the executive summary of the report, Harbeson recommends:

> "The project should be amended, and funds added, to enable AID to do more to support (1) capacity building for the parties and for regional and sub-regional governments; and (2) creation of an environment for democratic political debate through public opinion surveys, training institutes for government and private media, and support for civic-focused NGOs such as human rights groups."[19]

This recommendation results despite Harbeson's conclusion that the TGE is making unsatisfactory progress in regard to three of the six activities receiving assistance from the Project:

"a. Constitutional Development: Satisfactory. Draft expected in March 1994.

b. Judicial Governance/Human Rights: Mixed. Good legal framework, unsatisfactory practice in many areas. Special prosecutor work good.

c. Political Parties: Unsatisfactory. Issues of state reformation and party system development conflated, causing serious, potentially dangerous misunderstandings among the parties.

d. Elections: Mixed. Much improved legal framework and TGE-initiative civil education work under way. But time frame may be too short for process to work well.

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[17]. Harbeson, "Executive Summary," p. 1.

[18]. Harbeson, "Ethiopia's Democratic Transition, p. 3.

[19]. Harbeson, "Executive Summary," pp. 1-2.

e. Media: Unsatisfactory. Responsibility shared by government for suppressing publications and arresting publishers, and by publishers and journalists for squabbling and sometimes unfair competition with each other at expense of strong media sector.[20] Financial resources and markets limited.

f. Regionalism: Unsatisfactory. Critically important area. Creative TGE initiative, but serious misunderstandings and differences among parties remain unmediated and potentially threaten the future of post-Mengistu Ethiopian state."[21]

As will be shown, particularly in Part IV, the Evaluation Team agrees with Harbeson's general evaluation in these area of Project concern. However, this evaluation has tried to get deeper under the evaluation of project activities than does the Harbeson review. This is not to fault that useful study but to reflect the request by the Mission's Deputy Director that the Evaluation Team not repeat the content of the Harbeson report but rather extend its analysis by emphasizing successes and problems relative to the Project's components and management.[22] In addition, the Team goes further than Harbeson by suggesting, in Parts V and VI, how improvements in a Project extension's management, contracting, and monitoring/evaluation system, can increase the probability of a redesigned Project extension having increased impact on its areas of focus.

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[20]. In addition to this, the Evaluation Team notes: that there is evidence of irresponsible journalistic practice and inept management in the private press.

[21]. Harbeson, "Executive Summary," p. 2.

[22]. Interview with Walter North, Deputy Director, USAID Mission/Ethiopia.

PART II

DESCRIPTION OF THE PROJECT AND MISSION CONCEPT PAPERS

Democracy/Governance Project Paper

The design of the "Ethiopia Democracy/Governance Support Project" began in October 1991. A formal request for the Project came from the TGE in May 1992. Final approval for the Project was given by USAID/Ethiopia's Mission Director on May 16, 1992.[23] It was supported by a Project Grant Agreement with the TGE, which was signed on September 28, 1992.[24] Pursuant to Sections 496 and 116 (e) of the Foreign Assistance Act of 1961, these documents authorized the expenditure of $5.0 million over a three year period, with funds provided by the Development Fund for Africa (DFA), with joint authorization under Section 116 (e), which is managed by the Africa Bureau of USAID in Washington, D.C. Authorization under Section 496 underlines the fact that the Project is viewed as having a solid like to long term development objectives.

By virtue of a Waiver issued by the USAID administrator, the TGE makes no direct or indirect contribution to the overall cost of the Project.[25] Authority to waive Brooke Amendment and 620

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[23]. USAID, "Ethiopia Democracy/Governance Support Project (663-0007) (Project Paper Prepared by Ethiopia Mission, May 15, 1992); "Project Authorization: Ethiopia Democracy/Governance Support Project" (Internal USAID/Ethiopia Mission Memorandum, Addis Ababa, May 16, 1992).

[24]. USAID/TGE, "Project Grant Agreement Between Transitional Government of Ethiopia and the United States of America for 'Ethiopia Democracy/Governance Support Project'" (Project Agreement, Addis Ababa, September 28, 1992),

[25]. In providing full funding, the Africa Bureau waived Section 110 of the Foreign Assistance Act of 1961's requirement that the recipient countries receiving aid under Sections 103 and 106 of the Act provide at least 25 per cent of the costs. The waiver was based on Section 124 (d) of the Act, which allows waivers on a case-by-case basis. Justification for the waiver was based on Ethiopia's financial difficulties and strong commitment to democratic government. David Lundburg, "Action

(q) limitations on a bilateral grant agreement between USAID and the TGE was also obtained under the recently enacted Horn of Africa legislation.[26]

Project Objectives

The overaching goal of the Project is:

> "...the establishment of an increasingly stable, pluralistic and democratic Ethiopia within 24 to 30 month transition period (by providing assistance in) defining policy options, rules and procedures, and in strengthening select institutions, governmental and non-governmental, that can support Ethiopia's democratic transition."[27]

The initial 1992 Project Paper (PP) identifies five areas of focus.[28] Implicit in that Paper is a sixth area of focus that cuts across the other five: "civil society and NGOs." By 1994 the titles of five focus areas had shifted somewhat and the former cross-cutting area had become a defacto sixth area of focus had emerged. The titles of the focus areas are compared in Table 4.

The changes in the titles of the focus areas, as well as the gradual emergence of the sixth area of focus, are important. They result from the difficulties the TGE has faced in making the transition to an elected government, the Mission has learned during project implementation, and the opportunities available to the project to promote democracy and governance. More specific reasons for these subtle but significant shifts are found in Parts III and IV.

Memorandum for the Acting Assistant Administrator for Africa: Ethiopia Democracy/Governance Project Waiver of 25 Percent Host country Contribution Requirement" (Internal USAID Memorandum, Washington, D.C., May 14, 1992). The Project Paper states the waiver approval as being April 13, 1992: USAID, "Ethiopia Democracy/Governance Support Project (663-0007)," p. 5.

[26]. See "Horn of Africa Recovery and Food Security Act," Congressional Record: House (April 7, 1992), p. H2342-9.

[27]. Van Egmond, "Action Memorandum for the Director," p. 3.

[28]. USAID, "Ethiopia Democracy/Governance Support Project (663-0007)," pp. 35-50.

FOCUS	CHANGING TITLES OF PROJECT FOCUS AREAS	
	1992	1994
1	Local, Regional and National Elections	Election Support
2	Constitutional Revisions	Constitutional Development
3	Human Rights and Judicial Reform	Judicial Reform and Human Rights
4	Promotion of Independent Media	Media
5	Implementation of Federalism	Regionalization
6		Civic Society and NGOs

Table 4: Project Focus Areas by Title: 1992-94

It should be noted that a more complete title for each of these 6 areas would be an increasingly stable and democratic Ethiopia achieved through: (1) free and fair national and regional elections held; (2) democratic constitution drafted and adopted through a consultative process; (3) independent judiciary functioning in the context of the rule of law; (4) pluralistic, free, and responsible media established and operational; (5) democratic and effective self-government at the regional level; and (6) civil society strengthened by building effective civic associations and NGOs.[29]

Project Completion Date and Extensions

The May 1991 formal TGE request for a project envisioned assistance for slightly more than two years, justifying the request on the ground it would help the TGE reach the:

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[29]. These more substantive titles emerge from the Project funded: Michael Bratton, "Proposed Monitoring and Evaluation Framework for USAID/Ethiopia's Democracy/Governance Support Project" (Paper Prepared for D/G Project, USAID, Addis Ababa, February 25, 1994), pp. 10-16.

"...National Charter's goal of establishing an increasingly stable, pluralistic, and democratic Ethiopia, within the 24 to 30 month transitional period."[30]

This was to be expected because the National Charter's Article 12, as described in Part III below, required the transition to be completed by January 1994. This expectation is reflected in the Project's budget plan, which committed spending approximately $4.5 million of the Project's $5.0 million allocation by the end of 1993.[31]

The current Project PAD is September 30, 1995.[32] Funds have been committed to the Carter Center of Emory University (CCEU) to extend its activities in the area of Judicial Reform and Human Rights to December 31, 1994.[33] In February 1994, the National Democratic Institute for International Affairs (NDI) requested an extension of its civic education Grant to December 31, 1994, which extension has just been signed off on.[34] As reflected in Annex VII of this Report, no action has been taken on this request.

Expenditure and Financing

Details on budget allocations to the Project's areas of focus (components/activities), as well as funded activities in those areas, are set forth in Annex VIII of this Evaluation Report. Table 5 provides a brief summary of these allocations by source.[35]

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[30]. Letter from the Ministry for External Economic Cooperation to the Director, USAID/Ethiopia, May 4, 1992.

[31]. See Annex C of: USAID, "Ethiopia Democracy/Governance Support Project (663-0007)."

[32]. There are conflicting dates in two documents. The Project Agreement date is September 30, 1995, whereas the Project Authorization and the PP Facesheet show the PACD as May 30, 1995.

[33]. Amendment No. 2, to "Constitutional and Judicial Support in Ethiopia" (Cooperative Agreement No. 623-007-A-00-3139-00).

[34]. Letter from Kenneth D. Wollack, President National Democratic Institute for International Affairs, to Stevens Tucker, D/G Advisor, February 23, 1994.

[35]. USAID, "Ethiopia Democracy/Governance Support Project (663-0007)," pp. 55-57. The projected budget expenditure by

Under the PP, implementation and financing tasks are to be carried out by the Mission. Specifically, it retained responsibility for procurement and/or award of technical, material and other services, and goods required under the project. The Paper anticipated that the bulk of financial assistance to be financed under the project would be administered under AID Handbook 13 Cooperative Agreements and/or grants, or that such mechanisms would also support instances where the mission has assessed the capacity of the TGE institution to

COMPONENTS	SOURCE OF COSTS ($'000)		TOTAL
	000	935	
Election Support	2.373	.127	2.500
Constitution Revisions	.200	.235	.435
Human Rights Judicial Reform	.160	.140	.300
Independent Media	.345	0	.345
Implementing Federalism	.180	0	.180
Project Management, Evaluation and Audit	.970	.150	1.120
Contingency Inflation	.120	0	.120
TOTAL	4.348	.652	5.000

Table 5: Planned Source/Origin by Estimated Costs for Goods and Services Procured Under the Project

COMPONENT	METHOD OF IMPLEMENTATION	FINANCING METHOD	AMOUNT ($US)

line items is found in Annex C of this document.

Election Support	HDBK 13 Coop. Ag.	Direct Payment	2.500
Constitution Revisions and Federalism	Direct Contract	Direct Payment	.615
Human Rights Judiciary Reform	HDBK 13 Coop. Ag.	Direct Payment	.300
Independent Media	HDBK 13 Coop. Ag.	Direct Payment	.345
Project Management	Direct Contracts	Direct Payment	.975
Evaluations and Audit	Direct Contracts AID/W or IQCs	Direct Payment	.150
Contingency Inflation			.120
TOTAL			5.000

Table 6: Methods of implementation and AID Financing

directly arrange for support the Mission will issue PILs specifying that AID will make direct payments to suppliers of goods and/or services. Table 6 presents an illustration of the methods of implementation and AID financing arrangements it was assumed the Project would require.[36]

116 (e) Grants Under Democratic and Human Rights Fund

As noted, the Project is funded under the DFA. In addition, it manages grants made under Section 116 (e), which is managed by the Africa Bureau of USAID in Washington, D.C. Such an approach is recommended by the Africa Bureau's General Council in instances where a project is supportive of the development objectives reflected in the DFA, but equally supportive of the overall 116 (e) framework by virtue of its direct linkage to civil and political rights activities. These grants are funded under the Democracy and Human Rights Fund (DHRF), normally supervised by the Political Officer, US Embassy.

[36]. Ibid., p. 68.

The D/G Advisor administers 116 (e) grants, which are not part of the project funding envelope, on behalf of the Inter-Agency 116 (e) Committee, on which he sits. The allocation of 116 (e) funding is governed by guidelines published by joint USAID/State Department cable, and decided by the Committee.

The Committee's strategy has been to use 116 (e) grants only to meet unforeseen requests of a small scale. To date three of these grants have been made. While described in detail in Part IV of this evaluation, they are:

1. Carter Center at Emory University (698-0541-G-00-1001 CA): "Forensic Assistance to Special Prosecutor's Office" for $60,000, September 1993.

2. Law School of Addis Ababa University (698-0541-G-00-3002 LSGA): "Curriculum Development Assistance" for $20,000, September 1993.

3. Ethiopian Human Rights and Peace Center of Addis Ababa University (698-0541-G-00-3003 LSGA): "Human Rights Materials to the Law Library" for $10,000, September 1993.[37]

4, Tigrayan Development Association: "Symposium on Evolution of Legal Systems and Judicial Training" for $25,000, 1994.

Implementation Approach

To implement the Project USAID entered into a direct AID Personal Services Contract (PSC) for a Project Manager and Program Assistant. The terms of reference for the D/G Advisor are set forth in Annex VI. The background of the two D/G Advisors who have managed the Project since its inception, as well as the managerial and implementation problems they face, is described in Part VI of this report. Under the terms of the current D/G advisor's PSC, senior supervisory responsibility rests with the Deputy Director of the USAID Mission.

The details of the Project's Log Frame are presented in Annex IV. The implementation strategies followed in regard to

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[37]. Original grant numbers were: Carter Center (DHR-93-663-01); Law School (DHR-93-663-02); and EHRPC (DHR-93-663-03). These were changed because these numbers were inconsistent with the Washington data system, which requires use of a 16 digit code. "Agreement Number Amendments" (Internal USAID Memorandum, PRM (A/DG/A), February 16, 1994).

each of the focus areas are discussed in detail in Part IV of this report.

Monitoring and Evaluation

One initial comment on an early draft of this report suggested that the Evaluation Team emphasized monitoring and research over such substantive activities as strengthening NGO capacity and working with civic associations.[38] This certainly is not the intention of this evaluation. Nevertheless, it is important for the Team to point out, here and particularly in Part V, the monitoring and evaluation problems that hamper the Project, particularly given the new "reengineering of AID" principles emerging from Washington that put greater emphasis on more effective monitoring of objectives. Specifically, the PP states that:

> "Unlike more conventional AID-financed activities...the Project's impact will be measured by the extent to which it has successfully translated principles articulated in the TGE's Charter into durable changes which rest on consensus, entrench democratic values, minimize confusion and moderate tensions, encourage popular debate, build public confidence, promote transparency, create an environment for independent initiative, and avoid bias towards one political party or organized interest. By implication, the Project's success will be highly dependent upon its ability to promote attitudes, knowledge and behavior essential to establishing a democratic foundation."[39]

Clearly, this impact statement incorrectly places on the Project the burden of ensuring results that are determined largely by the TGE and the opposition parties. This is only the most immediately apparent monitoring and evaluation problem found in the PP. In Part V, the Evaluation Team reviews this and other monitoring and evaluation problems that affect the Project's design and makes recommendations for addressing them during the

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[38]. John W. Harbeson, "Ethiopia Democracy/Governance Support Project Draft Report: Comments on Implementation Recommendations" (Internal USAID Memorandum, Nairobi, REDSO/APD, April 8, 1994), p. 1.

[39]. USAID, "Ethiopia Democracy/Governance Support Project (663-0007)," p. 68.

proposed extension of Project's activities. Here only the planned procedures will be summarized.[40]

Briefly, under the Project design, the D/G Advisor is responsible for day-to-day monitoring of project activities. He is to be supported by collaborating institutions carrying out activities in specific focus areas. They are to meet no less than every three months to discuss progress toward project objectives. Quarterly and semi-annual meetings between the D/G Advisor and the Mission's Management are to take place, largely as part of the regular Project/Program Implementation Review (PIR) process. In support of these monitoring activities, the D/G Advisor is required to ensure collaborative institutions collect primary and secondary data related to their activities and submit them in quarterly reports. These, together with narrative written reports, consultant assessment, field reports, and financial document are to provide the basis for measuring the progress of the project toward its objectives. It was estimated in 1992 that monitoring would take up to 40% of the D/G Advisor's time.

The PP requires two evaluations, of which this is the first. It was scheduled to take place in the fall of 1993 but postponed for a number of reasons. This delay is not seen as a problem by the Evaluation team because: (1) the macro aspects of democracy and governance in Ethiopia were reviewed at length by REDSO's D/G Advisor;[41] (2) the Mission's D/G Advisor has been carefully tracking all activities carried out under the Project; and (3) the Mission's D/G Advisor recognized the problems of measuring project output and commissioned a set of studies[42] which allowed the Evaluation Team to analyze and make recommendations about monitoring and evaluation problems inherent in the PP's specification of logframe indicators (Part V).

Mission Concept Paper Makes Democracy/Governance a Strategic Objective

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[40]. Ibid., pp. 69-72.

[41]. Harbeson, "Ethiopia's Democratic Transition."

[42]. Michael Bratton, "Proposed Monitoring and Evaluation Framework for USAID/Ethiopia's Democracy/Governance Support Project" (Paper Prepared for D/G Project, USAID, Addis Ababa, February 25, 1994); Curt Reintsma, Susan Settergren and Samuel Tadesse, "Program Performance Monitoring and Evaluation Plan" (Report Prepared for USAID/Ethiopia, Addis Ababa, March 1993).

In June 1993 the Mission published a Concept Paper titled "Back to the Future," which among other major positions made democracy and governance a Strategic Objective.[43] The Concept Paper's statement on democracy and governance is set forth in Annex V.

Briefly, the Concept Paper identifies four Strategic Objectives:

1. increased staple food production;

2. key aspects of the rural health care delivery system rebuilt and reoriented;

3. quality in primary education improves in an expanded system; and

4. increased access to and participation in a conciliatory democratic transition process to a permanent Government of Ethiopia.

In support of the fourth Strategic Objective, the Paper notes:

> "The coming months are a critical period in the country's political process...the decisions made over the next 12-18 months will affect the country for years to come...despite serious shortcomings in the democratization process, continued engagement in support of the transitional process in Ethiopia remains vital to USAID's program...Our strategy is based on the broader assumptions that Ethiopia's prospects for stability, economic growth, and general recovery hinge to an overwhelming degree upon concrete progress in liberalizing Ethiopia's historically authoritarian mode of governance...Hence, we must employ a strategy approach that is realistic, incremental, flexible and sustained."[44]

The Mission's Concept Paper language suggests that: (1) the Mission gave democracy and governance greater importance than it did when the design of the Project began in late 1991; (2) the Mission recognized that the transition period was going to take longer than the initially projected 24 to 30 months; and (3) the Mission was committed to a realistic, incremental, flexible and sustained response to the TGE's increasing difficulty in dealing

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[43]. USAID/Ethiopia, Concept Paper: Back to the Future (Addis Ababa: Ethiopia Mission, June 10, 1993).

[44]. Ibid., pp. 9-10.

with the realities of post PMAC-PDRE politics.[45] These points are among the major reasons for the Evaluation Team's recommendations that the Mission's commitment to democracy and governance continue beyond the Project's three year period through a Project extension running through the end of September or December 1996.

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[45]. The post-Haile Selassie government had several names, most notably, the Provisional Military Administrative Council (PMAC), established on September 12, 1974; and the People's Democratic Republic of Ethiopia (PDRE), which replaced the PMAC in September 1987).

PART III

CENTRAL ASSUMPTIONS UNDERLYING PROJECT DESIGN

The following review of initial and changing assumptions related to the Project are based on TGE policy documents, aid agency project papers, and USAID project documents.[46] They are also based on the broad ranging discussions of the Evaluation Team with Government and aid agency officials, as set forth in Part IV of this Evaluation Report.

Assumptions Operating in September 1992

This section reviews the major assumptions TGE policy directions and democracy/governance issues that were operative the D/G Project commenced implementation in September 1992.

1. Goal Level Assumptions

The D/G Project major goal level assumptions about the task environment and government policy directions in September 1992 were:

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[46]. The most important Government document is: Transitional Government of Ethiopia, Ethiopia's Economic Policy During the Transitional Period (Addis Ababa: Government Printer, November 1991). Major USAID Documents are: USAID, "Ethiopia Democracy/Governance Support Project; USAID/Ethiopia, Concept Paper: Back to the Future; and USAID/TGE, "Project Grant Agreement." Other documents used here include: World Bank, Ethiopia's Economy in the 1980s and Framework for Accelerated Growth (Washington, D.C.: Country Operations Division,Eastern Africa Department, Africa Region, Report No. 8062-ET, March 14, 1990); World Bank, "Memorandum and Recommendation of the President of the International Development Association to the Executive Directors on a Proposed Credit of SDR 104.9 Million to Ethiopia for an Emergency Recovery and Reconstruction Project" (Paper Prepared by the World Bank, Report No. P-5702-ET, March 9, 1992); United Nations Development Programme, "Programme Document: Support to Economic and Financial Management" (Paper Prepared by the UNDP Mission, Addis Ababa, n.d.).

a. The TGE would maintain commitment and significant concrete steps to achieve a democratic political system.

b. The transition attempted by TGE was ambitious, risky, difficult to carry out on a sustainable basis, and likely to be ambiguous and contradictory at various stages.

c. Central to an effective transition was the need to liberalize Ethiopia's historical pattern of authoritarian rule and introduce a more tolerant and participatory political system through establishing a rule of law and civil society that was supported by: (a) elections; (b) constitutional revisions; (c) judicial reform; (d) human rights; (e) independent media and professional journalists; (f) devolved and participatory regional and local governance; and (g) representative citizens organizations and NGOs.

d. Ethiopia should be a focus country for the US State Department effort to promote democracy and governance in the late developing countries, there by supporting long term support for these goals by USAID.

e. Transition to democracy could only be accomplished by Ethiopians and aid agencies could only have a minor catalytic effect on the process through the provision of support where needed and appropriate.

f. The TGE recognizes that democracy and governance rest on stimulating economic growth and are prepared to invest in infrastructure and agricultural development, ensure food security, promote the progress and security of the rural and urban poor, introduce effective environmental protection policies, make a transition to a market based economy, improve fiscal, monetary, and budgetary management, and strengthen public investment planning and implementation.

g. The TGE would continue to welcome outside donor support for political and economic reforms.

h. The bilateral and multilateral aid agencies support Ethiopia's emergency economic recovery needs.

i. The National Charter Plan of Action for regional restructuring is viable, promotes democratic forms of political competition, and pursuit of economic development.

j. Structural adjustment initiatives financed by donors are framed within the context of realistic plans and benchmark that include analysis of all sectors.

k. TGE and other political parties and movements maintain efforts to mediate conflicts through non-violent conciliation.

l. Substantial opportunities exist for the formation of interest groups promoting political and economic objectives consistence with democratic principles and good governance.

m. Emerging interest groups would play a substantial role in socializing citizens into an awareness of the rights and duties that accompany democracy and good governance, and aid agencies can assist such groups to communicate effectively with their target populations and to bring their views before government ministries and agencies.

2. Purpose to Goal Assumptions

The significant Project and Mission Concept Papers assumptions in September 1992 on purpose to goal are as follows:

a. The TGE and COR can effectively manage conflicts through non-violent conciliation and without violation of human rights.

b. The TGE and COR will continue to desire outside technical/institutional support of their democracy and governance objectives.

c. Nascent Ethiopian private sector and aid agencies will build and share popular, informal consensus on policies and issues of democratic change.

d. Bilateral and multilateral support for Ethiopia's D/G initiatives will be provided over the transition period.

e. Ethiopians at all levels of society, particularly in leadership, will continue to embrace principles and support norms of accountability and constitutional limits.

f. Fundamental economic, human, political and freedom of expression rights are and will continue to be supported in Government policies and laws.

3. Output Purpose Assumptions

In regard to the five initial substantive areas of the D/G Project focus, the principle assumptions stated in the 1992 PIP and PP documents are:

Election Support

Major assumptions about elections during the project implementation period are as follows:

a. Other bilateral aid agencies will finance elections material support requirements.

b. NEC will want aid agency funding for a wide range of purposes, including technical experts, electoral systems, equipment, supplies and observers.

c. TGE policies will continue to allow freedom of assembly and expression.

d. TGE and NEC will continue to enjoy confidence of public in promoting the emergence of a democratic political system.

e. NEC will continue to desire aid agency assistance and technical support and cooperation in its efforts to design and manage elections.

f. The Aid Agency election task force will continue to effectively coordinate programs of support to TGE and NEC.

g. TGE will request and cooperate with international observers who will monitor election processes. It will also support training and orientation programs for domestic observers drawn from civil society.

Constitution Development

a. TGE will establish a Constitutional Commission or designates similar body with mandate to draft constitution.

b. TGE will continue to desire externally funded technical support and cooperation in the form of constitutional law experts knowledgeable about a wide range of models.

c. The national and regional media can play an important role in informing citizens and stimulating their debate about constitutional issues.

d. Media articles, public seminars, and community meetings on constitutional issues and federal models can effectively inform and stir debate in local languages.

Judicial Reform and Human Rights

a. TGE supports the MOJ's role in promoting human rights and governance understanding.

b. TGE will be able to find suitable candidates for the large number of judges removed from office after the end of the PMAC-PDRE regime.

c. TGE will move toward the establishment of a national human rights commission.

d. Symposiums and workshops can play an important role in building consensus on human rights by initiating processes linking Ethiopian individuals and organizations with each other and international human rights groups, assisting in the definition of human rights, improving an impartial broad-based human rights commission, and building a credible judiciary.

Media

a. TGE will convert the state media monopoly to a genuine public corporation.

b. TGE will allow the establishment of independent media channels/initiatives.

c. TGE is receptive to upgrading professional standards for state-run and independent media personnel.

b. Ethiopian journalists need training programs, the agenda and topics for which can be determined from the by the Center for Foreign Journalists. Journalists surveys.

c. Competent US media organizations can be identified to collaborate in practical training efforts for Ethiopian journalists.

Regionalization

a. TGE regionalization policy is ambiguous and controversial and USAID should develop its program initiatives in this area gradually and with caution.

b. TGE desires external assistance in effectively implementing a new system of regional government, most likely based on federal principles.

c. The final Constitution is likely to have a substantial effect on the structure and functions of the regional government system.

d. TGE will move promptly to establish a Ministry of Regional and Local Government charged with developing policies and basic legislation defining the jurisdiction and procedures to be followed by region based governments and central ministry personnel operating within their boundaries.

e. TGE activities aimed at formulation of regional governments, delineation of boundaries, or drafting of policies and legal provisions governing operations will not be supported by aid agency assistance.

f. TGE will request training assistance from aid agencies for newly elected legislators, regional and sub-regional administrators, and judges.

g. TGE will establish a Ministry of Regional and Local Government to oversee the decentralization reforms and with which the Project can work to

orientate and train selected members of elected regional and wereda assemblies.

Changed Assumptions that Affect Project Design

Some of the above assumptions have generally held up over the past two years.[47] However, as of May 1994, the Evaluation Team finds that during the 1992-94 project implementation a number of political and administrative factors have changed a number of initial assumptions on the task environment and the possibility of progress to democracy and good governance. These are as follows:

1. The transition period has extended by the January 1994 deadline set by the 1991 Transitional National Charter.

2. The Council of Representatives has not been as assertive as expected and the degree to which it is representative has declined for several reasons, the most important of which are the effects of the flawed June 1992 elections, the withdrawal of several major opposition parties, and delays in the drafting and approval of a constitution setting the framework for, among other matters, the election of a national legislature.

3. TGE initially gave attention to policies related to transition to a market based economy and improvement of fiscal, monetary, and budgetary management; however, of late momentum toward these objectives has slowed. Moreover, it has given the expected attention to the

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[47]. The analysis of changed assumptions is based on the Evaluation Teams discussions in Addis Ababa as well as the following selected reports: John W. Harbeson, "Ethiopia's Democratic Transition: A Preliminary Assessment" (Paper Prepared for USAID/REDSO/ESA, Nairobi, February 26, 1994); Louis A. Picard, "Regionalization in Ethiopia: Preparation of a Strategic Action Plan" (Paper Prepared for the United Nations Development Programme, Management Development Programme, New York, May 3, 1993); International Human Rights Law Group, "Ethiopia in Transition: A Report on the Judiciary and the Legal Profession" (Report Prepared by the IHRLG, Washington, D.C., January 1994); Leslie M. Fox, et al, "An Assessment of USAID's Capacity for Rapid Response in Support of African Civil Society" (Paper Prepared by Associates in Rural Development for USAID, Democracy and Governance Program, Washington, D.C., January 7, 1994).

land tenure, agricultural production, and urban employment policies that are necessary to provide a firm foundation for effective democratization.

4. The TGE has issued a number of important laws related to such matters as commerce and medical drugs; however there appears to be considerable lag in their implementation. That is, implementation of policy decisions have has tended to lag.

5. The TGE has laid the foundations necessary for progress toward democratic, accountable, and transparent governance, but many experienced observers are uncertain if these medium and long term goals can be reached.

6. TGE appears to be taking demobilization seriously, with the process beginning in late 1994; however inadequate progress has been made in reconstituting and training police forces distinct from the military, particularly at regional levels.

7. Despite party, media, and transparency problems identified below, there are indicators that a civil society is emerging. In particular:

   a. the number of Ethiopian citizens knowledgeable about democratic processes appears to have increased more rapidly than originally anticipated given problems of literacy, language group, and limited communications infrastructure;

   b. through the efforts of the Constitutional Commission, there has been a limited increase in the flow of information among rural and urban populations about issues related to democracy and governance; and

   c. there has been an increase in the number of organizations and groups seeking to educate and involve Ethiopian citizens in democratization and governance issues and processes; however, they are still largely Addis Ababa based.[48]

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[48]. Harbeson argues that there is inadequate empirical information to support these three points, noting that the NDI workshops and the kebelle constitutional discussions by themselves do not support the generalizations made on this point. "Comments and Implementation Recommendations," p. 2. Nevertheless this was the view gather by the Evaluation Team during interviews.

8. On the other hand, in the absence of any empirical evidence based on surveys and interviews, some observers argue that there has been a decline in the trust Ethiopian citizens, particularly those living in Addis Ababa, have in the commitment of the TGE leadership to a democratic process leading to the government promised by the Transitional National Charter.

9. The political tolerance and democratic competition expected from the National Charter has been less than expected by opposition groups and the aid agencies.

10. The validity of the first election, held for regional and local officials on June 21, 1992 was compromised, largely because: (a) TGE preparation for the elections inadequate and untimely; (b) administrative and logistical shortcomings seriously impaired the electoral process; (c) TGE resolution of emerging problems was poorly handled; (d) competitive participation did not occur; (e) strong ethnic based parties, particularly the OLF, withdrew from the election process; and (f) most of the population did not understand the purpose and rules of multi-party elections.

11. The designation of a Constitutional Commission was delayed raising substantial questions whether the expected June 1994 elections for the Constituent Assembly, charged with deliberating on the Constitutional Commissions draft, could be held on time.

12. Initial progress toward prosecution of officials of the previous government, particularly through the SPO, has slowed down, largely because of the number of cases and complexity of marshalling prosecution evidence, and, paradoxically, because the pressure from the TGE for more rapid prosecution has made it difficult to fully comply international human rights standards.

13. TGE decision making processes, never particularly transparent or open, appear to some observers to be becoming more opaque, particularly in regard to planning documents related to land tenure, agricultural productivity, and regionalization.

14. Conflicting statements about the structure, functions, and legal responsibilities of the forthcoming regional government system have emerged from the Regional Affairs Sector of the Prime Minister's Office and the

Proclamations issued by the President in the Negarit Gazeta, making it difficult for aid agencies to effectively support training needs of recently elected councilors, newly appointed judges, and central ministry officials transferred to regional, zonal, or wereda levels.

15. Serious misunderstandings exist between TGE insiders, central government ministries, and Ethiopian citizens over the legal, administrative, technical, fiscal, and budgetary powers to be granted to all regional government levels. Moreover, this is not just a constitutional and political-line ministry disagreement, conflicting views are found between the major political parties.

16. Withdrawal of major opposition parties from participation in democratic processes, whether due to events surrounding the flawed June 1992 election, TGE policies, or internal political ideology and ambitions, has seriously hampered the Government's efforts to move toward multi-party politics.

17. Emerging TGE controls on the organization, movement, and campaign activities of opposition parties, as well as not so veiled threats of succession and armed struggle from spokesmen of opposition parties, has complicated efforts to establish an effective, competitive multi-party system, compromising efforts to establish agreed rules, procedures for arbitration of disputes, and normative agreement that competitors will accept the results of democratic engagement.

18. TGE officials have not proven flexible, creative, or particularly conciliatory in their dealings with issues raised or actions taken by opposition groups, although it must be recognized that conflict management has largely been carried out through non-violent means.

19. Efforts by international mediators, particularly the Carter Center at Emory University, to bring opposition parties back into the democratic process and future elections has not been successful.

20. Progress by civil society organizations and NGOs in expanding public knowledge of the rights and duties of citizens in a democratic country, through seminars, training institutions, community meeting, and other means, has been slower than expected, particularly in remoter areas of the country; indeed, the expected

flourishing of civic associations and democratic or human rights oriented NGOs has not materialized.

21. Aside from TGE action on the media, where most observers find the Government's performance unsatisfactory, there is disagreement among observers over the extent to which the TGE has shown respect for economic, human, political, and freedom of expression rights. Sufficient evidence exists in support of those with negative views that a changed assumption about TGE behavior appears to exist.

Current Assumptions Related to Project Recommendations by Evaluation Team

The most important assumptions that continue to be valid, and which have influenced the Evaluation Team's recommendations in Part VIII, are:

1. TGE officials continue to request and use a wide variety of technical support and assistance supporting democracy and governance initiatives in regard to elections, constitutional development, judicial reform, human rights, and civil society/non-governmental organization.

2. Adequate progress has been made in preparing a draft constitution for discussion by a Constituent Assembly, when elected, with the draft expected to be made available to the public by the end of April 1994.

3. Given the technical difficulties of registering candidates for the planned June 1994 Constituent Assembly elections, as well as still unresolved administrative and technical problems likely to hamper election processes, the TGE is may have to postpone the elections. It is noted that the Government at present is aiming at holding the elections in as planned despite the position of the donors that it probably should be postponed.

4. Current evidence suggests that most TGE officials, opposition groups, and citizens agree in principle that the future government should be based on democracy, justice, equity and respect for human rights, as well as the rule of law, constitutional limitations, accountability and transparency.

5. TGE respect for human rights has been maintained at a sufficient level of performance to justify continued aid agency assistance to the Government, although some donors and observers argue that substantially more progress should be made by the Government in addressing specific past abuses and ensuring that they do not happen again.

6. TGE Ministries and Agencies related to D/G initiatives continue to openly request and effectively respond to training requests and activities.

7. Despite the withdrawn from the transition process by some major political groups and scattered human rights reports on political restrictions, it appears that the TGE continues to allow freedom of assembly and expression, although there is some evidence that this is only the case for Addis Ababa and that in some restrictions on opposition parties opening offices and campaigning in some regions.

8. The aid agency Governance Group appears to continue to be effective at discussing trends and exchanging information on support for D/G related initiatives and on-going activities.

In Part IV, which follows, a detailed description and evaluation of project activities will be presented. In the process, the review will refer to both initial and changed assumptions relative to the Project.

PART IV

REVIEW OF MAJOR PROJECT OBJECTIVES AND ACTIVITIES

This part of the evaluation reviews the initial five substantive focus areas, as well as the cross cutting topic of civil society (see Figure 5, Part I). Each of these will be reviewed in regard to four topics: (1) objectives; (2) current and completed activities; (3) assessment of progress; and (4) opportunities and constraints. Extensive footnotes are used to support comments in Part IV because of the large number of government, academic, and project related material related to or generated by the Project. Importantly, the statements of objectives are based on three major documents: (1) the May 1992 PP; (2) the September 1992 Project Grant Agreement; and (3) the June 1993 Mission Concept Paper.[49] The statements of objectives are a synthesis of these three basic documents because the details in each document vary.

It should be noted, that in regard to Election Support, Constitutional Development, and Regional Government activities, the Project Grant Agreement contains language that:

> "...concurrence by the TGE will be sought to the terms of reference for (agreements or "buy-ins" with contractors and consultants) pursuant to which activities will be implemented...prior to USAID's entering into such agreement."

The implications of this language for the management of the Project will be reviewed in each section of this part of the Report and in Part VI, which focuses on management issues, and Part VIII, which spells out recommendations, will offer suggestions for simplifying TGE approval and allowing the project to be more proactive, flexible, and timely. The above Agreement terms suggest all D/G Project activities, including an internal

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[49]. USAID, Ethiopia Democracy/Governance Support Project (Project Authorization Paper No. 663-0007, USAID Mission, Addis Ababa. May 16, 1992); USAID, "Project Grant Agreement Between Transitional Government of Ethiopia and the United States of America for 'Ethiopia Democracy/Governance Support Project'" (Project Agreement, Addis Ababa, September 28, 1992); USAID, Back to the Future (Concept Paper, USAID/Ethiopia Mission, Addis Ababa, June 10, 1993).

evaluation such as that carried out by this Team, require TGE approval. If this were the case, it would place an unmanageable burden on the Project's managers.

Election Support

1. Objectives

The original Election Support objectives of the Project are set for the PP and revised by the Concept Paper.[50] These objectives are:

a. provide technical and administrative support to the National Elections Commission (NEC) so as to strengthen its capacity to administer the elections and deal with such technical tasks as voter registration and polling procedures;

(It should be noted that the NEC, which was formed in December 1991, was replaced in November 1993 by the National Elections Board of Ethiopia (NEBE), which plays a similar function in regard to these objectives and the analysis that follows).

b. support NEC's organizational and logistical requirements by providing vehicles, communication equipment, computers, ballot boxes, consumable supplies, and other electoral materials;

c. support efforts by the NEC and other civic associations to inform the public of the procedures of the election process and the rights and duties of voters;

d. facilitate debate among competing candidates and their parties;

e. promote polling efforts at the grassroots level aimed at revealing voters' priority concerns; and

f. support emerging election monitoring initiatives, which are likely to be comprised of local interests (representatives of competing parties, church organizations, non-governmental development and relief

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[50]. USAID, "Ethiopia Democracy/Governance Support Project (663-0007)," pp. 38-41; USAID, Back to the Future, p. 50; USAID, USAID/TGE, "Project Grant Agreement," Annex 1, pp. 2-4.

groups, and academic or other professional bodies) and international aid agencies and embassies.

In setting these objectives the Mission recognized that it would be difficult to define with any accuracy or according to any timetable the extent or type of assistance to be provided. In essence, the Project was expected to meet these needs on an ad hoc basis. In setting these objectives, the Mission strategy was to follow a process model, learning from each assistance provision, and improving its programming over time.

As for expected outputs for this component of the Project, it was expected that:

a. the NEC would establish organizational and logistical requirements for local/regional and national elections;

b. the NEC would design and implement a fair and professional local/regional/national electoral system; and

c. the knowledge of rural and urban voters about elections, voter rights and duties, and priority political concerns would be raised and deepened.

2. Completed and Current Activities

By mid-1993 $2.5 million in Project resources has been earmarked for achieving the above objectives and outcomes. As of March 31, 1994 $1.9 million had been earmarked or expended on seven line items, details of which are set forth in Annex VII. Over half of this amount was committed in support of the June 1992 elections: (1) $24,379 was committed to cover a 1991 National Democratic Institute (NDI) trip to Ethiopia to advise USAID and the NEC relative to the election policy issues; (2) $526,002 was committed to the African-American Institute (AAI) cooperative agreement for managing the American observer delegation and carrying out, through a sub-contract with the NDI a study of the elections; (3) $177,163 was committed to the National Election Commission (NEC) through a contract with the United Nations Development Programme (UNDP) to cover transport costs, distribution of ballot boxes, and other logistic support carried out under a UNDP controlled, aid agency funded "Election Trust Fund" ($177,163): (4) $172,837 was committed for vehicles to be provided through a UNDP contract and used by the NEC and the Constitutional Commission; and (5) $500,000 was committed directly to the NEC for paper and printing required to prepare the ballots for the June 1992 elections. The Paperwork Chart in Annex VII shows an additional $10,101 was expended through a

contract with the Ethiopian Peoples' Liberation Front in December of 1992. The purpose of this grant was to allow the organization to participate in the Tri Partite Commissions deployed around the country as observers. But the Evaluation Team has no report or documentation on this expenditure and it is not a line item in Annex VIII's documentation. The same hold for a $4547 Purchase Order issued in the same month to Laura Harvey for logistical support. The extent to which the funds committed to these six activities was expended is shown in Annex VIII.

The remainder of resources committed to Election Support, $543,368, has been earmarked and committed through a contract with NDI for carrying out programs in civic education, election training, and strengthening of Ethiopia's legal, technical, and logistical system. Annex VIII reflects the Mission's Finance Office statement that only $24,379[51] of the $543,368 earmarked and committed to NDI have been expended, leaving $518,989 in this funding line. However, a memorandum from NDI reports that approximately $225,000 of the larger sum as been spent as of the end of March 1994.[52] Briefly, 65% of this expenditure has been for civic education and civic organization support, 20% for public understanding research, and 15% for political party support. Of the remaining $294,000, NDI plans to spend roughly 45% on a symposium focused on civic education, 40% on continuing civic education activities, and hold the rest for contingency targets of opportunity. NDI has requested an extension of this grant to December 31, 1994 and approval of its shift from a focus on elections to a focus on democracy, rule of law, human rights, and participation of citizens in democratic processes.[53]

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[51]. This allocation funded an initial visit by NDI staff studying the effect of the June 1992 election, and the possibilities for effective provision of support for further progress with the NEC. On the basis of this visit, the NDI grant proposal was drafted and funded under the Project. During this trip, NDI staff also reviewed the possibility working with a national civic NGO on civic education. Unfortunately, the NGO they selected to work with, the Ethiopian Free Election Observers Group EFEOA, was too unstable to work with. As noted elsewhere, NDI is now working with A-Bu-Gi-Da.

[52]. Kevin Johnston, "Summary Notes on NDI Activities and Plans in Ethiopia Under Aid Contract Number 623-0007-G-00-3145" (Internal Memorandum, National Democratic Institute for International Affairs, March 25, 1994).

[53]. The letter stated: The program objectives remain essentially unchanged, with greater emphasis on the basic concepts of democracy such as the rule of law, human rights and participation of citizens in the process, rather than on election related issues." Letter from Kenneth D. Wollack, President, NDI

3. Assessment of Progress

The majority of project resources allocated to this Project component were expended on the June 1992 elections. Because of the problems that marked those elections, the focus and level of Project activities on Election Support has shifted dramatically. Hence, it is important to review progress from two time perspectives: pre and post June 1992.

a. Pre-June 1992

As discussed in detail in the review of Project activities under the Constitutional Development component, the legal basis of the TGE was established by Charter July 22, 1991.[54] Under the Charter, an 87-seat Council of Representatives was appointed. It was selected from among the leaders of the 27 political movements that met at the Transitional Conference and approved the Charter. Hence, there have been no national elections to date.

The TGE was dominated by the EPRDF, controlled by the TPLF and comprised of other ethnic groups, known generally as People's Democratic Organizations (PDOs). The other major group in the TGE was the OLF.

Regional and Wereda Council Elections were called for under Article 13, which stated:

> "There shall be a law establishing local and regional councils for local administrative purposes defined on the basis on nationality. Elections for such local and regional councils shall be held within three months of the establishment of the Transitional Government, wherever local conditions allow."

In anticipation of these elections, USAID funded a November 1991 visit to Ethiopia by the National Democratic Institute for International Affairs (NDI).[55] The trip was arranged in response

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to S. Tucker, D/G Advisor, USAID/Ethiopia, February 23, 1994.

[54]. "Transitional Period Charter of Ethiopia," Charter No. 1 of 1991, Negarit Gazeta, 50th Year, No. 1, July 22, 1991.

[55]. NDI (National Democratic Institute for International Affairs) was established in 1983. Its objectives are to promote, maintain, and strengthen democratic institutions in new and emerging democracies. Since its establishment it has conducted

to a request from President Meles Zenawi to former US President Jimmy Carter, who had visited the country earlier in the month. The NDI team met with the President, major legal advisors, members of the Council of Representatives, leaders of civic organizations and embassy representatives. Based on these discussions and other information, NDI's team prepared a document that: (1) reviewed the difficulties Ethiopia was likely to face in designing and implementing a democratic election system; and (2) outlined the electoral options that should be considered by the Council's Committee on Elections and Nationalities.[56]

In January 1992, NDI joined with both the Inter-Africa Group (IAG), a Ethiopian civic organization,[57] and the newly formed NEC to carry out a one-day symposium for 30 members of the council of Representatives. These discussions centered on issues related to electoral administration, campaign organization, and security. Discussions during evaluation interviews suggest this seminar was achieved its objectives and is considered a valued Project output.

The important connection between NDI and IAG, as well as the activities of IAG relative to elections and civic organizations, will be reviewed, below, in the section on "civil society and NGOs."

The NEC was established in December 1991 and functioned until November 1993, when it was replaced by NEBE. Its commissioners were selected from among the members of the Council

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democratic development programs in more than 60 countries. Its programs focus on: political party training, election processes, legislative training, local government, civil military relations, and civic education.

[56]. NDI, "Ethiopia Trip Report: NDI Elections Advisory Team" (Report Prepared by NDI, Addis Ababa, November 1991).

[57]. The main focus of IDA is to mobilize Ethiopians to participate in the democratic process through group discussions on public policy issues, constitutional development, and the rule of law. The IDA seeks to maintain close ties with the TGE and opposition parties. Because it has deliberately adopted a non-confrontational stance vis a vis the TGE, IAG is sometimes described as being closely identified with the both the TGE and its political positions and activities. However, the organization staff insists that working with the Government to achieve its objectives does not mean that it is controlled, or necessarily identified with, the Government. See the position of IAG on this in: IHRLG, Ethiopia in Transition, pp. I/5-I/8. Strong criticism is made of IAG connections to the TGE in: IHRLG, "Ethiopia in Transition," p. 39.

of Representatives with the objective of reflecting the major political groupings in the Council. It was charged with developing administrative rules and regulations for governing the overdue regional and local elections. Operating out of offices in the Institute of Ethiopian Nationalities, the NEC worked closely with the EPRDF, the Council, electoral commissions established in 14 electoral areas.

The latter were established by Proclamation No. 11 of 1992.[58] It provided for electoral commissions at three jurisdictional levels (zonal, region, and wereda)[59] and set forth the powers and duties of these election commissions, eligibility requirements for voters and candidates, regulations regarding the voter registration process, procedures for nominating candidates, and acceptable forms of campaigning. Unfortunately, it proved difficult for the TGE to establish these commissions, and by the time of the TGE called for elections such commissions, at all three jurisdictional levels, were often missing or non-functional in many parts of the country. Among the problems that plagued the establishment and effective functioning of these commissions were: (1) failure to clear up some jurisdictional boundaries among regions and weredas due to questions of ethnicity and culture; (2) disputes among parties within jurisdictions over the intentions of the TGE relative to its decentralization strategy; (3) limited understanding of democratic electoral practices at regional and wereda levels; (4) unnecessary exclusion of certain

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[58]. "Proclamation to Provide for the Establishment of the National, Regional, and Wereda Councils Members Election Commission," Proclamation No. 11 of 1992, Negarit Gazeta, 51st Year, No. 7 (February 18, 1992).

[59]. As described in the review of the "Regionalization" component of the Project, Proclamation No. 7 of January 14, 1991 established 12 regions based on ethnic identity. It also established 2 regions that could not be subdivided by ethnic identity, the municipalities of Addis Ababa and Harar. These were given numbers and names. In 1993, four of these regions (7, 8, 9 and 10) were collapsed into one region Southern Region. Hence at the moment there are 10 regions. These are divided into weredas, which were administrative subdistricts under Haile Selassie's provincial government system, and, subject to ethnic lines, still have roughly the same boundaries as they did under his regime. There are an estimated 600 weredas. Between the regions and weredas are zones, which also roughly approximate the boundaries of awrajas during the imperial era. To date not all regions have been fully subdivided by zones. In 1973 there were 14 provinces (teklay ghizat), 99 awrajas, and 444 weredas. Imperial Ethiopian Government, Statistical Abstract 1964 (Addis Ababa: Central Statistical Office, 1965), pp. 183-206.

segments of society from the election process; and (5) lack of adequate resources and infrastructure constraints.

These technical problems, as well as deeper political problems, were revealed in the April 1992 "snap elections," which were held in 450 of an estimated 600 weredas.[60] Specifically, in late January 1992 the TGE called for the "selection" of election officials in the approximately 30,000 kebeles, which are sub-units of the weredas.[61] There were no formal campaigns or secret ballets. Those selected at public kebele meetings were supposed to represent members of the two leading political forces in the kebele and to administer polling sites at the forthcoming regional and wereda elections. The opposition parties charged that these snap elections were marked by serious irregularities and led to EPRDF domination of kebele election machinery. The TGE cancelled or disallowed some of the results of these elections. It also claimed to have learned from them and decided to move forward with the scheduled regional and local elections, seeking to hold them in June before the onset of the rainy season.[62]

In early June, to address some of these problems, the NEC issued "Electoral Rules of Implementation." These tried to address ambiguities in Proclamation No. 11 as well as to offer greater specification in regard to the procedures for organizing the commissions, the responsibilities of commissions, and the regulations governing voter and candidate registration, campaign activities, and balloting and counting procedures. These rules were challenged by several opposition parties, most notably the OLF, underlying the fact that the rules of the game were not agreed upon immediately prior to the election.

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[60]. Sources reviewed by the Evaluation Team, including both documents and interviewees, give widely different figures for the number of weredas in the country, ranging from 500 to 676. The reasons for this are covered in the section on "Regionalization."

[61]. In 1974 Haile Selassie's provincial government system had 444 weredas, which were subdivided into 1,339 Miktel Weredas, which in turn were subdivided into different lower level units depending on the cultural patterns of the area. Central Statistical Office, Statistical Abstract 1964, pp. 183-206. Kebeles emerged as a result of the rural and urban land reforms which established peasants associations and urban dwellers associations, both of which came to be called kebeles. See: John M. Cohen and Peter H Koehn, "Rural and Urban Land Reform in Ethiopia," African Law Studies, 14 (1977), pp. 3-62.

[62]. Transitional Government of Ethiopia, Election Commission Bulletin, Issue No. 3 (May 1992).

In May 1992 NDI held discussions with Ethiopian and embassy officials on role it might play in the forthcoming elections. It was decided that USAID would fund 70 American election observers through the African-American Institute (AAI)[63] and NDI would carry out a study analyzing the political context, the election process, the issues and problems encountered, and the steps the TGE should take to further strengthen its electoral system. This study was to be based on government and embassy documents, academic studies, and the experience of AAI field observers.

Even though elections were postponed to June 21, 1992, some 11 months after the approval of the charter, irregularities and grievances were inevitable. The call for elections came in early 1992, when the TGE issued a Proclamation to provide for the election of national, regional, and wereda council members.[64] The major objectives of the TGE in calling for elections was to: (1) provide regional and local governments with a popular mandate and sanction the replacement of non-elected administrators designated by the TGE; (2) facilitate the resolution of simmering armed conflict among different contending ethnic groups, particularly in southern Oromo areas; and (3) demonstrate the commitment of TGE to democratic pluralism.

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[63]. Established in 1953, the AAI's major objective is to strengthen African human resources and to promote understanding between Americans and Africans. It employs representatives in 23 African countries and administers long-term training programs, most notably the African Graduate Fellowship Program (AFGRAD). AAI's major areas of activity are: (1) strengthening human resources development; (2) deepening civil society; and (3) encouraging open, accountable, effective governance. This is does through conferences, exchanges, and other publications aimed at developing viable democratic societies. In the two years prior to the Ethiopian elections AAI has organized an election observer mission to Benin. More to the point, AAI has responsibility for managing USAID's African Regional Elections Assistance Facility (AREAF), which provides funds, inter alia for elections monitoring. This produces a somewhat odd situation in that AAI participates in and administers a pool of resources.

[64]. "Proclamation to provide for the Establishment of the National, Regional and Wereda Councils Members Election Commission," Proclamation No. 6 of 1992, Negarit Gazeta, 51st Year, No. 6, February 9, 1992. It was amended shortly thereafter by: "Proclamation to provide for the Amendment of the Creation of Appropriate Conditions for conducting National/Regional Self-Governments Elections Proclamation." Proclamation No. 12 of 1992, Negarit Gazeta, 51st Year, No. 7, February 18, 1992.

The significant political problems facing the June elections are well summed up in the Project funded NDI study published in after the elections:

> "Planning and Preparation for the elections encountered several formidable challenges. Ethiopia's predominantly peasant society, overwhelming illiterate, has little collective experience with the formal structures of democratic government, exists in a poor state of economic development, and is just emerging from years of war and famine. Additional impediments to creating a meaningful electoral system include: intensified intra-ethnic mistrust and violent conflict; the wide availability of weapons; a gross disparity of power between the EPRDF and all other movements; the lack of genuine, functioning political parties; a public administration woefully ill-prepared to conduct formal elections across Ethiopia's large territory; and perhaps most important, considerable ambivalence regarding the TGE's proposed electoral transition to a new, ethnically-based federalism. Some Amhara political leaders, for example, asserted that the TGE's experiment implied the sacrifice of an Ethiopian national identity and effective central government. Alternatively, certain quarters within the OLF believed that the proposed ethnic federalism would merely co-opt the OLF into yet another northern dominated system, and that Oromos would thereby forfeit an historic opportunity to achieve true sovereign independence for Oromia."[65]

As noted above, in regard to the NEC and Proclamation No. 11 of 1992, the major technical problem with the elections was that the legal foundations for regulating elections and the registration of parties were not widely agreed upon. It would not be until after the April and June elections that a more specific set of laws and regulations would be issued.

Twenty-three countries responded to the request of the TGE for international election observers and funded members of the Joint International Observer Group (JIOG). Of the more than 200 observers provided, the Project funded 70 of them through the AAI cooperative agreement funded by the Project. That agreement also subsidized a local Ethiopian monitoring effort initiated by AAI (the Ethiopian Free Elections Observer Association or EFFOA) and funded the NDI evaluation study of the election process.

The US delegation to the JIOG was co-chaired by US Representative Donald Paine (D-NJ) and Joseph Duffey, President

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[65]. National Democratic Institute for International Affairs and the African-American Institute, An Evaluation of the June 21, 1992 Elections in Ethiopia (Washington, D.C.: NDIIA, 1992), p. 2.

of American University. Interviews suggest the team of observers was only partially selected by AAI, which was ineffective at identifying the required number of qualified people, requiring the Mission to assist in identifying and recruiting a fair number of the observers. The team appears to have been largely qualified for its assignment, and it contained a number of academics and ex-Peace Corps members who were knowledgeable about and experienced with Ethiopian society and culture. AAI appears to have adequately managed the average two week field periods of these observers, particularly given the difficulties of logistics and security involved in placing them in 15 locations spread across the country, though the efficiency of the NGO has to be questioned as a result of the fact that it took more than a year for it to get its accounts straight. The observers generally acquitted themselves well as they met with regional party and election officials, reviewed preparations for the elections, and observed the political environment. The same is true of the Ethiopian Free Election Observers Group's (EFEOG) observers.

It was clear from the beginning that the EPRDF was likely to dominate the elections. The fact that most parties have regional bases increased inter-ethnic tensions, threatening the hopes for fair and broad based elections. Major disputes arose over the encampment of TPLF and OLF forces during the elections. This factor, as much as technical and administrative problems with the election process, contributed to election failure in a number of areas. In Harbeson's words:

> "The June 1992 regional elections were flawed not only for numerous technical reasons but because of the coalition's very insecurity."[66]

The potential for EPRDF domination became increasingly likely when during the run up to the elections a number of opposition parties began to withdraw from transitional institutions and processes. Just before the elections, the OLF and four other opposition groups boycotted them, with the OLF also withdrawing from the TGE and decamping its troops. This withdrawal, compounded by cases of improprieties and harassment of non-EPRDF candidates during voter registration and balloting, resulted in the EPRDF and its affiliated parties winning nearly 97 percent of the seats, resulting in a situation where there is minimal opposition in the newly elected councils.[67] Further, the Southern Coalition (SEPCD) was dismissed from the government after the Paris Conference Declaration in early 1993 and the All Amhara People's Organization (AAPO) emerged to give voice to

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[66]. Harbeson, "Ethiopia's Democratic Transition," p. 24.

[67]. Carter Center at Emory University, "Ethiopia," Newsletter, 1993, p. 4.

growing opposition to the TGE from that ethnic group.[68] As a result, by mid-1993 the political base of the TGE was significantly narrowed.

In regard to the election experience, one of the first useful products of the Project was the preparation and wide distribution of a detailed, well analyzed monograph on these elections, largely prepared by the staff of the NDI.[69] This study outlines in some detail the contextual setting, the national electoral process, differences in that process across regions, the problems that emerged during the election process, and the effects of those problems on the future of electoral democracy and civil society. As a result, the relationship between these patterns and constraints and the activities of NDI and AAI need only be summarized here.

It should be noted that the AAI observer exercise was troubled. But significant lessons were learned through the AAI conflict with the TGE, conflict symbolized by the Government's post-election request that AAI's field director, Professor Edmond Keller, leave the country for undiplomatic statements about TGE-OLF relationships.[70]

Briefly, the June 21 1992 elections did not reach TGE and international community objectives because, in the words of NDI's report: (1) competitive participation, for the most part, did not occur; (2) administrative and logistical shortcomings seriously impaired the electoral process; (3) elections failed to resolve the nagging ethnic problems concentrated in the southern regions of the country; and (4) despite what may have been the TGE's best intentions, the voting exercise did not educate a majority of the population regarding the nature of genuine, multiparty elections.[71] Further, many elections were not effectively carried out until later.[72] Again, the Evaluation Team will not review these problems because the NDI report is published as a

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[68]. In late April, 1994, the AAPO officially announced its transformation to a political party in order to comply with government legislation.

[69]. NDI, An Evaluation of the June 21, 1992 Elections in Ethiopia, passim.

[70]. Ibid., pp. 64-5.

[71]. Ibid., pp. 3-5.

[72]. For example, regional election occurred in: Afar in November 1992, Somalia in January 1993, Benshangul in April 1993, and Harar in May 1993.

paper back and readily available through the Mission or NDI headquarters in Washington, D.C.

After the troubled elections, the TGE issued a subsequent Proclamation establishing an Election Review Board charged with looking into grievances and complaints emerging from alleged irregularities in the regional and woreda elections.[73]

b. Post June 1992

Since the elections and the issuance of the NDI-AAI monograph, two laws central to establishing a democratic electoral system were issued: (1) a Proclamation on the registration of political parties;[74] (2) a Proclamation providing an electoral law for the country;[75] and (3) a Regulations defining the procedures for electoral execution and determination of decisions of National Electoral Board regulations.[76] The first defines political parties and sets rules for the formation, registration, internal governance, and operations of parties. Its most notable provisions ban the registration of parties aimed at fomenting conflict by preaching hatred among peoples on the basis of differences in race, religion and ethnicity, as well as organizations based on commercial or industrial activities, non-profit welfare purposes, trade unions, professional associations, mutual help organizations, religious organizations, and social formations.

The second is a very comprehensive law that seeks to meet Western standards relative to voters, parties, and candidates, and election processes. In this regard, it declares that elections shall be based on free, direct and equal popular suffrage, voting to be secret, and decisions to be based on

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[73]. "Election Review Board Establishment Proclamation," Proclamation No. 21 of 1992, Negarit Gazeta, 51st Year, No. 17, July 30, 1992.

[74], "Political Parties Registration Proclamation," Proclamation No. 46 of 1992, Negarit Gazeta, 52nd Year, No. 37, April 27, 1993.

[75]. "Proclamation to Provide for the Electoral Law of Ethiopia," Proclamation No. 64 of 1993, Negarit Gazeta, 52nd Year, No. 56, August 23, 1993.

[76]. "National Electoral Board of Ethiopia Regulations: Definition of the Procedure for Electoral Execution and Determination of Decisions," Regulation No. 1 of 1994, Negarit Gazeta, 53rd Year, No. 82, April 1, 1994.

majority rule. Provisions are provided for registration of persons over 18 years of age and the eventual establishment of constituency size and boundaries. Among the Proclamation's most important provisions are the specification and registration criteria for candidature, the guarantee of freedom of campaigning, the right of candidates to media access, the rights of recognized parties and NGOs to observe the electoral process, the content of voter registration documents and electoral rolls, the filing of complaints arising from the electoral process.

The April 1994 regulations were issued by the NEBE. they are in essence an election code related to establishment of polling stations, responsibilities of polling station observers, electoral registration rules and processes, registration of registration of candidates, voting, counting and announcement of results, standards for observers and the media, and procedures for grievance hearings. Presumably this draft Legal Notice incorporates the more salient lessons learned from the June 1992 elections.

To ensure the effective and impartial implementation of these and other provisions, the Proclamation establishes a National Electoral Board of Ethiopia (NEBE) to replace the NEC, comprised of 7 members appointed by the Council of Representatives on the basis of national representation, technical competence, integrity, and experience. this Board has legislative and judicial powers to conduct elections, promote public civic education relating to elections, organize and train manpower required for conducting elections, analyzing election results, and recommending revisions in the election laws to the Council of Representatives. Most importantly the Board is given responsibility for interrupting electoral processes or nullifying electoral results where it finds fraud, rectifying electoral irregularities and deciding on complaints, confirming election results, and officially announcing the results.

The passage of these Proclamations, which should have been in place before the June 21 1992 elections, helps clarify the rules of the election process. They will govern the scheduled June 1994 Constituent Assembly elections, which are being held to select a 500+ member body to review and ratify the draft constitution and are described in the sub-section, below, on "Constitutional Development." See also Table 7.

It should be noted that Harbeson reviewed an early draft of the proclamation. Then Messrs. Baxter and Hult worked extensively with the NEC, and subsequently the NEBE, on revisions, concluding that the final product provides a basis for a coherent and fair electoral process.

Still, Harbeson argues that these new proclamations are legally flawed. Unfortunately, the Evaluation Team did not have his September 3, 1993 analysis of these flaws, though his larger evaluation report lists them as:

> "...the requirement of two years residency in a constituency as a voting requirement; inexact definition of constituencies and the possibility that the boundaries could be altered for political advantage; the high number of signatures required for candidate nomination; five year residency requirements for candidates; and a limited window for voter election complaints."[77]

These and other problems were anticipated in 1991 by Paul B. Henze, whose paper "Thoughts on the Formation and Operation of Political Parties in Ethiopia" notes:

> "Dividing a country up into ethnically defined administrative regions can be fascinating, but it can have hideous consequences decades hence, as we see in the ex-Soviet Union. It makes no allowance for population movements that are bound to occur as modernization and development accelerate; it creates entitlement and leads to irrational use of energy and resources."[78]

Harbeson takes Henze's point one step further by correctly noting the relationship between the election law and the eventual constitutional and legal laws on decentralization. Specifically, he states:

> "Underlying the poor condition of the political party system lies a conflation of two fundamental but distinct issues by all parties...(these are) those of redefining the Ethiopian state and establishing rules of the game for a party system to structure party competition during elections and at other hands. The parties need, on the one hand, to reestablish and broaden collaboration and consensus on the design of the new Ethiopian state as expressed in a draft constitution, and, on the other hand, to define their policy differences and the terms of their electoral competition with each other."[79]

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[77]. Harbeson, "Ethiopia's Transition to Democracy," p. 30.

[78]. Paul B. Henze, Cover Letter to Paper on "Thoughts on the Formation and Operation of Political Parties in Ethiopia," November 15, 1991, p. 2.

[79]. Harbeson, "Ethiopia's Democratic Transition," p. 27.

The Evaluation Team will return to the effects of this conflation of issues in the section below on "Regionalization."

The Project is currently working closely with three U.S. NGOs and, through them, with two local NGOs. The International Foundation for Election Support (IFES) is providing commodity assistance to the National Election Board of Ethiopia (NEBE) and contributing to improving its logistic and administrative capacity to run free and fair elections. Specifically, the NDI is actively developing a partnership with a local NGO (the Ethiopian Congress for Democracy or A-Bu-Gi-Da) working in civic education and CCEU is working in partnership with the Inter-Africa Group (IAG) to stimulate discussions and debate related to the drafting of the constitution and other issues. These two activities are described in some detail, below, in the subsection titled "Civil Society and NGOs."

In the Evaluation Teams opinion, the NDI has been slow to get organized and moving, particularly in regard to recruiting someone to manage the project.[80] Interviews by the Evaluation Team suggest that the Mission had to push NDI over a period of months to identify, hire, and put in place its project management team. When it was unable to respond, it proposed an individual with dubious connections in Ethiopia, which had to be rejected. However, once chosen and deployed, NDI local staff appear to have been effective.

It should be noted that NDI team members respond the above Mission criticism by questioning the commitment of the Embassy and Mission leadership to D/G initiatives, suggesting that both were burned by the June 21, 1994 elections and are generally cautious toward efforts to support future election processes and civic education initiatives.[81]

In any case, NDI activities have been revised and delayed. Also time sensitive elements of the grant agreement lost their relevancy and were no longer appropriate. For example, by the time NDI had its team in place EFEOG had more or less dissolved.

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[80]. Kevin Johnston, manager of the NDI activity, did not arrive in Addis Ababa until November 1993.

[81]. Interview with Kevin Johnston of the National Democratic Institute. In interviews with the Director of the Mission and the American Ambassador, the Evaluation Team found strong support for a range of civic education interventions but caution about further involvement in the election process. The Ambassador, Marc Bass, emphasized the need for introducing civic education into primary school curriculum, getting more civic education into the media, and the use of focus groups to design initiatives to train leaders of civic associations.

Hence, it has requested an extension of its grant to December 31, 1994.[82] During this period NDI plans to shift from a focus on elections to a focus on democracy, rule of law, human rights, and participation of citizens in democratic processes, spending roughly 45% on a symposium focused on civic education, 40% on continuing civic education activities, and hold the rest for contingency targets of opportunity.[83] In this regard, NDI is no longer working exclusively with EFEOA, as set forth in its grant agreement. Rather, it is seeking out one or more civic organizations to support and to work with in conducting its civic education activities.

NDI's extension request stated it current activities are focused on:

a. Public Opinion Survey: working with a local polling firm to train moderators and conduct focus groups aimed at generating information that will facilitate the development of civic education materials and train Ethiopian organizations to use the focus group technique.

b. Train the Trainers Workshops: working with leaders of civic associations and other groups to provide training in building an organization, developing civic education programs and materials, and increasing civic participation, aiming at assisting those groups to define their role in a democratic society and provide them with organizational skills to increase the effectiveness of their groups; workshop planned for April 1994 would be for leaders of civic associations, church groups, teachers' associations, and unions and focused on "mechanisms for increasing participation."

In its extension request, NDI proposes dropping the audio-visual campaign component of its initial grant agreement. It also notes that its did not carry out the grant activity related to the July 1993 National Conference on Elections because it did not start up its activities until after than Conference, though an NDI representative did attend. NDI proposes reprogramming funds earmarked for these activities to the above described efforts.

As for the future, it is clear that NDI staff feel the NGO could play an important role in the buildup to the post Constitution ratification elections for the legislative body that

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[82]. Letter from Kenneth D. Wollack, President, NDI to Steve Tucker, D/G Advisor, USAID/Ethiopia, February 23, 1994.

[83]. Interviews with Kevin Johnston and Steve Lutterbeck, National Democratic Institute.

will replace the Council of Representatives, which elections are generally expected to take place in 1995.

Finally, it should be noted in this section that throughout the Project's history, the CCEU in Atlanta has been periodically involved in trying to mediate - or otherwise encourage a dialogue - between the TGE and the opposition parties, most notably the OLF and AAPO. This discontinuous, and at time somewhat superficial effort, has been carried out under its International Conflict Resolution Program. It is based on former President Jimmy Carter's November 1991 meeting with President Meles Zenawi and a subsequent September 1993 request by President Zenawi for Carter Center assistance in promoting dialogue and mediation. The most recent effort by the CCEU, which ended in failure, occurred February 5-8th in Atlanta.[84] In regard to this and previous meetings, there is no question that the D/G Project contributed to the background knowledge of Carter Center specialists trying to promote dialogue and mediation. For example, December 3, 1993, CCEU organized a day-long working group meeting in Boston that focused on facilitating CCEU knowledge about issues, parties, and leaders. Aside from leading Ethiopian scholars, a number of persons connected to USAID/DG and CCEU activities in Ethiopia attended, most notably: Andreas Eshete of Inter-Africa Group, Dennis King of CCEU/Ethiopia, and John Harbeson of USAID/REDSO/DG. In addition, CCEU has been meeting with Professor Edmond Keller, who served as field director of AAI's June 1992 team of election observers, a some of those who were on that team. Clearly, there is a connection between the D/G Project's activities and the knowledge base of a number of those advising the former President Carter on how to facilitate mediation between the Government and the opposition parties.

4. Opportunities and Constraints

With the passage of the Proclamations establishing an Election Board, establishing procedures for party registration,

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[84]. Carter Center, "Carter Center Statement on Ethiopia Negotiations" (New Release by Carrie Harmon, Director, Public Information, March 23, 1994), which noted: "...we have been unable to find a mutually acceptable basis for talks between the government and opposition groups. President Carter has urged all parties to continue to seek a peaceful solution to the problems that divide them so that Ethiopia can achieve sustained peace, democracy, and economic development. President Carter has offered his assistance, and that of the Carter Center, in the future if asked by the major opposition parties and the government.

and putting in place election process ground rules, an excellent opportunity was created for using civic associations and NGOs to educate the Ethiopian people about election procedures and the right and duties of voters. However, as discussed below in the subsection on "Civil Society and NGOs" the Project and its contracting institutions did not immediately attempt to capitalized on this apparent opportunity.

Interviews suggest reasons for this. Specifically, while NEBE was created in November 1993 it undertook no actions until early 1994, when it imposed a time-frame for the CA elections that severely limited the time available for both civic education and effective participation. Given this action, the Project's managers and the Mission decided to keep some distance from the Board and the June 1994 Constituent Assembly (CA) elections, focusing instead on civic education efforts related to broad principles of democratic governance. In part this coolness is justified by the fact that the planned June 1994 CA elections are expected to be moderately contested[85] and much less controversial than the June 1992 elections. Also UNDP funded expert is assisting the NEBE on technical issues related to its organization, systems, and procedures, as well as forthcoming elections.[86]

The Project plans to assist the NEBE to communicate nationwide by providing communications equipment. As noted in Note 4 to Annex VIII, the Mission and D/G Advisor are considering the provision of $100,000 for radio communication equipment, with funding coming out of the "other planned activities" line of the Project budget.

Opportunities remain for assisting the NEBE to establish and operate its election related systems, particularly in regard to the proposed June 1994 Constituent Assembly Elections. Recognizing this, the D/G Advisor is using the International Foundation for Election Support (IFES) to provide commodity assistance to the NEBE and contribute to improving its logistic and administrative capacity to run free and fair elections. Specifically it has recently made a grant, not yet reflected in the financial data shown in Annexes VII and VIII, which will provide funding for: (1) purchase of 10 mobile radio units to facilitate communications; limited technical assistance to the NEBE in the period leading up to the elections; and (3) holding a post-election workshop aimed at drawing lessons from the Constituent Assembly elections.

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[85]. Table 7 suggests 1,447 for 525 constituencies, or roughly 3 candidates for each CA seat.

[86]. This consultant is: Mr. J. Baxter, Register of Elections for Washington, D.C.

Future assistance beyond this will be contingent on a post-election assessment. The administrative and logistic failures associated with the June 21, 1992 election for regional councils is well documented in NDI's report, so the baseline conditions on the NEC exist against which one can measure NEBE's current performance (NEC was replaced by NEBE in November 1993). To date, reports suggest that the implementation stages leading up to the Constituent Assembly elections are at acceptable levels.[87] Specifically, voter registration went fairly well considering the logistics problems, limited abilities of some lower-level election officials, and "official" boycotting of the process by the OLF, AAPO, Southern Coalition and other opposition parties. The NEBE estimates that outside Addis Ababa, where about 50-60% of expected registration levels were reached, 70-80% levels were reached. Candidate registration is was initially delayed but as of early May was carried out satisfactorily and in time to meet ballot printing deadlines.

Table 7 is included because it provides data on the number of voters registering for the June 5 1994 CA election, the number of constituencies, and the number of candidates registered. As such, it can provide a marker for future progress on democratization and the success of the NEBE in strengthening registration processes and numbers.

Opposition parties did not register candidates. But it seems likely that some of those who registered as "independent" are members of these opposition parties, particularly as the number of independent candidates is larger than the number of candidates registered as members of a party. Party registration is also in process, with the deadline for registration being May 26th. Finally, the involved political parties, and individuals identified with parties that have withdrawn from the process, have been meeting with the NEBE and the Ministry of Information to promote fair access to the media during the election campaign for the Constituent Assembly. The results of this dialogue have yet to be seen.

These are all good signs, particularly because equal access to state media is a major condition laid down by the opposition parties as a perquisite to substantive discussions with TGE about the transition process. If the election comes off better than the June 1992 election, then new opportunities for D/G Project involvement in Election Support will emerge.

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[87]. Stevens Tucker, "Election Up-date" (Internal Memorandum to USAID Mission Deputy Director, Addis Ababa, April 13, 1994).

Table 7 here

Constitution Development

1. Objectives

The objectives of the Project for the Constitutional Development component, as set forth in the basic documents are:[88]

a. promote the effective performance of the Constitutional Commission (CC) and to ensure that debate on major issues is open and informed and the resulting Constitution has wide legitimacy and is based on democratic principles, such as freedoms of assembly and speech, protection of human rights, independent judiciary, deconcentration of power, and a democratic legislature and electoral system;

b. provision of technical consultants with expertise in legal drafting and in the development of constitutional models;

c. provision of consultants who are specialists in tax policy and revenue/budgeting issues common to different patterns of decentralized government;

d. assist the CC to design and conduct seminars aimed at assisting Commission members, as well as senior TGE officials, selected regional assembly counsellors, and national lawyers, to better understand such topics as:

(1). the design and historical experience of alternative models of federalism (eg. India, Nigeria, Switzerland, the United States, and the Federal Republic of Germany);

(2). the organization of public input into the constitutional drafting and revision process;

(3). the separation of powers and jurisdiction over different areas of public policy; and

(4). issues of revenue generation and budget formulation and allocation that arise under different types of decentralization;

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[88]. USAID, "Ethiopia Democracy/Governance Support Project (663-0007)," pp. 41-2; USAID, Back to the Future, pp. 49-50; USAID, USAID/TGE, "Project Grant Agreement," Annex 1, pp. 4-5.

e. encourage, largely through sponsoring public fora, local and regional debate on constitutional issues through interventions designed to promote consensus-building and nurture the expression of opinion by a diversity of Ethiopian interests; and

f. support efforts of the Ministry of Information, as well as the media, to disseminate information and provide coverage of debate on constitutional issues to local areas and in local languages, though radio, video, and print media.

The expected outputs to result form the promotion of these objectives were:

a. completion of a draft Constitution by the CC;

b. national and local debate of the draft Constitution by public, media, and Constituent Assembly; and

c. revision and final official TGE and Council of Representatives approval of a Constitution.

2. Completed and Current Activities

To date the Project has earmarked or committed $414,480 of an obligated amount of $435,000. Of this $20,097 was directly expended by the Project to fund three American Experts who provided advice to the CC and interested Ethiopians: (1) Professor James Paul, $5,579; (2) Mr. Paul B. Henze, $4,420; and (3) Professor S. Huntington, $10,098. The remaining $394,383 is funded under a Cooperative Agreement with the Carter Center of Emory University (CCEU), which includes funds for specific activities by the Inter-American Group (IAG).[89] It should be noted that the estimated amount under the CCEU Cooperative Agreement is $496,068, of which $101,685 is to be expended by CCEU under the "Judicial Reform and Human Rights" component of the Project.

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[89]. USAID Mission/Ethiopia, "Cooperative Agreement No. 623-0007-A-00-3139-00" (Contract Agreement Approved in Washington, D.C., June 14, 1993), with a total obligated amount of $496,068. The agreement period is May 11, 1993 to May 15, 1994. An amendment added $38,860 and a second amendment is in process extending certain activities to December 31, 1994. It is anticipated this will amount to $127,920 and used to cover the provision of technical assistance to the Special Prosecutor's Officer and cover additional trips for Professor James Paul who will assist the University to formulate courses in human rights.

In regard to "Constitutional Development, " the Cooperative Agreement's objectives are to provide funds to:

> "...enable the TGE to create and ratify a Constitution with the full participation of the Ethiopian public and with the benefit of the experience of international constitutional experts, and to assist in the training of new judges, and to assist, on an advisory basis, in the coming human rights trials. In addition, these activities will help to bring the new Constitutional and judicial system in conformity with internationally recognized human rights."

This section of Part IV will only deal with the CCEU and IAG's activities in regard to the CC. The "Judicial Reform and Human Rights" component of the CA will be discussed in the next sub-section.

CCEU's CA funds are approved for additional experts, equipment, and symposium aimed at promoting public debate and civic education on such fundamental constitutional issues as ethnic federalism, executive powers, the role of the military, electoral and legislative systems, and the role of parties. To date, the major activity carried out under CCEU's CA focus on the "Constitutional Development" component has been the funding of a May 1993 Constitutional Symposium carried out by the IAG and the purchase photocopy and computer equipment for both the CC and IAG through CCEU.[90]

See Annex VIII for details on actual expenditures under this component of the project. This is only because of delayed financial processing. Based on current information, the D/G Advisor estimates that approximately $30,000 is left in the current CCEU allocation for "Constitutional Development" support. Of this approximately $10,000 of this is programmed for provision of expatriate experts on constitutional law. A request for video equipment ($15,000) was turned down by the D/G Advisor.

Finally, it should be noted that the CC has of late benefitted from the use of two of three vehicles bought for the 1992 elections through a grant to UNDP (see prior sub-section on Election Support component). At least one of these vehicles will be returned to the NEBE shortly for the Constituent Assembly elections scheduled for June 1994.

For the record, it should be noted that CCEU has funding outside the D/G Project from DANIDA for three other related activities: (1) a police training workshop; (2) an ombudsman

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[90]. Expenditures also went for 9 months of salary for IAG's Anders Eshete and for institutional support for IAG, including other salaries, rent payments, and office equipment.

workshop for the CC with funding provided by DANIDA; and (3) a pilot project on lay judge training at the regional level to be undertaken by EHRPC. Other non-USAID funded activities carried out in Ethiopia are: (1) extension advice on Guinea worm to the Ministry of Health; (2) support of an small-holder agricultural production throughout the country through CCEU's Global 2000 Project; and (3) assistance to the TGE for planning a public school of health initiative through Emory University's School of Public Health as part of CCEU's Task Force for Child Survival.[91]

3. Assessment of Progress

The legal basis of the TGE was established by Charter July 22, 1991.[92] The Charter, among other provisions, establishes the structure of the national government, adopts the UN Charter on Human Rights, commits the transitional government to democratic principles, confirms the rights of nationalities to self determination, declares a policy of neutrality in foreign relations, and establishes a structure center-regional relationships.

Specifically, the TGE consists of an 87 member Council of Representatives (COR) and a Council of Ministers (COM) (Article 7). The TGE is to exercise all legal and political responsibility for the government of Ethiopia until it hands over power to a government popularly elected on the basis of a new constitution (Article 8). As such the COR will oversee the selection of a Chairperson, who will be Head of State. This Head of State appoints a Prime Minister, who, subject to the approval of the COR, appoints the members of the COM on the basis of broad national representation, technical competence, and unswerving adherence to the Charter (Article 9 [b-c]). Among other provisions, the Charter calls for the formation of a CC (Article 9 [g]), promote judicial reform and independence (Article 9 [f]), and the establishment of a set of decentralized regional and wereda councils (Article 13).

It should be noted that the transitional government Charter provides a time period of 2.5 years, with an extension of 6 months, to adopt a constitution and establish a Government elected and based on its provisions (Article 12). This period expired in January 1994. Unfortunately, there is no provision in the Charter that allows it to be amended to take care of this delay.

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[91]. Interview with Pablo Henderson of CCEU,

[92]. "Transitional Period Charter of Ethiopia," Charter No. 1 of 1991, Negarit Gazeta, 50th Year, No. 1, July 22, 1991.

The powers of the President, the Council of Representatives, the Prime Minister, the Council of Ministers, central government ministries, agencies, and commissions, and regional, zonal, and wereda councils, were established by subsequent Proclamations issued between August 1991 and November 1993.[93]

The CC was established by Proclamation in August 1992.[94] The Transitional Period Charter, and its supporting Proclamations, provide the basis on which the CC began its deliberations. In this regard, the CC is specifically charged with:

> "(drafting)...in conformity with the spirit of the Charter, a constitution in accordance with which the new democratic Ethiopia shall be established and administered; upon approval by the Council of Representatives to present the Draft Constitution for public discussion, to prepare the final Draft so gathered and, upon approval by the Council of Representatives (and) in accordance with the public opinion of representatives, to submit same to the Constituent Assembly."[95]

Among the supporting powers and duties of the CC are: (1) to promote public discussions about constitutional issues through the media, educational institutions, seminars or symposiums, or other appropriate bodies; (2) to organize the necessary forum and facilities to present the draft constitution for public

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[93]. "A Proclamation to Define the Powers and Functions of the President of the Transitional Government of Ethiopia," Proclamation No. 1 of 1991, Negarit Gazeta, 50th Year, No. 2, August 12, 1991; "A Proclamation to Define the Powers and Duties of the Prime Minister and the Council of Ministers," Proclamation No. 2 of 1991, Negarit Gazeta, 50th Year, No. 3, August 12, 1991; "A Proclamation to Define the Rights and Duties of Members of the Council of Representatives," Proclamation No. 4 of 1991, Negarit Gazeta, 50th Year, No. 6, September 5, 1991; "A Proclamation to Provide for the Establishment of National/Regional Self-Governments," Proclamation No. 7 of 1992, Negarit Gazeta, 51st Year, No. 2, January 14, 1992; "A Proclamation to Define the Powers and Duties of the Central and Regional Executive Organs of the Transitional Government of Ethiopia," Proclamation No. 41 of 1993, Negarit Gazeta, 52nd Year, No. 26, January 20, 1993.

[94]. "A Proclamation to Provide for the Establishment of the Constitutional Commission," Proclamation No. 24 of 1992, Negarit Gazeta, 51st Year, No. 20, August 18, 1992.

[95]. There is a major drafting error affecting the English translation of Article 4. This quote is based on an attempt to make sense of what is most likely a dropped line.

discussion; (3) to communicate comments received on the draft from various sources to the COR; (4) to receive the comments on the approved draft from regional and wereda councils; (5) to publicize and distribute to the public the draft constitution after its approval by the COR (Article 5). The CC is to be comprised of 29 members of equal vote, including 7 members of the COR, 7 members of political organizations, 3 members from trade unions, 3 members from the Chamber of Commerce, 2 members from the Ethiopian Lawyers Association, 2 members from the Ethiopian Teachers' Association, 2 members from the Ethiopian Health Professionals' Association; and 3 women representatives (Article 7).

The Chairman of the CC's Executive Committee (Article 10) is Ato Kifle Wadajo, who was interviewed by the Evaluation Team and is the chief contact for the D/G Advisor, and CCEU representation, in the provision of assistance to the CC.

The CC began its work in March 1993. Since this date it has met frequently, though Harbeson's review states that attendance is poor for reasons not wholly understood.[96] Its Constitutional Concept Paper was endorsed by the COR at its 84th Regular Session. In support of its legal deliberations the CC has drawn upon the discussions at a Project funded constitutional symposium, which took place in May 1993, kebele-level discussions of an issues paper on key constitutional issues and questions drafted by the CC, and a number of special discussions, such as: (1) November 27 seminar for regional committees conducting constitution related discussions; (2) December 1, 1993 seminar for journalists; (3) December 23, 1993 seminar for political and civic organizations, professional associations, and scholars; (4) January 20, 1994 seminar with members of religious organizations and professional associations; and (5) workshop on Islam and constitutional development.

The CCEU-IAG involvement in the constitutional symposium will be discussed shortly. The Project's contractors or grantees have not been involved in any of the other public meetings described above. To some extent this is because such meetings tend to be quickly planned and commenced with little advance notice to aid agencies. Had there been closer advance contacts, technical assistance might have contributed to the kebele-level discussions. For example, technical assistance might have helped improve the documents used in these meetings, a checklist of issues and an issues paper, which are said to have been poorly phrased.[97] On the other hand, the general consensus among observers is that the discussions in the kebele-level meetings

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[96]. Harbeson, "Ethiopia's Democratic Transition, p. 10.

[97]. Ibid., p. 10.

were open, fairly run, and not dominated by the TGE or opposition parties that attended.

Evaluation Team discussions with the CC Chairman suggested that the CC's draft will be submitted to the COR by the first of May 1994. This happened earlier than expected. The draft was submitted to the COR in April. The draft is said to contain 11 chapters and 104 articles, with particularly lengthy sections on human rights as there is little case law on this in Ethiopia and the country cannot wait for it to emerge. Observers note that the India model guides the draft structure proposed, although the constitution will follow the American approach toward length rather than that of India, which is 80+ volumes long.

Reports at the time of completion of this evaluation were that the CC completed the draft Constitution on May 13th and submitted it to the COR through President Meles Zenawi. Preliminary press released state that on the basis of considerable compromise the following important decisions were taken: (1) the name of the country should be The Federal Democratic Republic of Ethiopia; (2) the territorial boundary will encompass what are currently being called "states;" (3) the boundaries of states will follow the ethnic boundary demarcations now in force; (4) the form of government will be a federation with states having the right of self-determination up to secession; (5) the official Federal language will be Amharic while the members of the federation will be allowed to decide their own official language; (6) there will be a prime minister and a nominal head of state; (7) the legislative function will be preformed by two chambers in parliament, namely an upper house, or "Council of Federation," apparently appointed rather than elected, and a lower house, or "Council of Nationalities," comprised of elected representatives; and (8) the language of the document guarantees basic human, democratic, and political rights.

On approval of the draft by the COR, it is to be submitted to an elected Constituent Assembly rather than to the general public as a referendum. This approval body is to be comprised of one delegate elected from each of the country's weredas, which do not overlap entirely with constituencies.

Sources reviewed by the Evaluation Team, including both documents and interviews, give widely different figures for the number of weredas and constituencies in the country. Ato Kifle Wodajo cited 500+; figures in USAID reports range from 600-676. The D/G Advisor reports that part of the problem lies in the fact that there are 22 special constituencies for designated national minorities, which are intended to ensure that these small groups

have some representation. Further, he pointed out that current NEBE figures indicate 548 constituencies, including the 22 for special minorities.

The present date for the election is June 5, 1994. As of mid-May candidates were registered in 527 of the 548 constituencies. Areas without registration are those in the Somali Region. The steps toward this election were reviewed, above, in the section on "Election Support." In this regard it was noted that there are doubts among outside observers in Embassies and aid agencies as to whether holding elections by that date is feasible. These sources apparently believe the elections should be extended to early 1995 or later.

The draft Constitution was not completed by the end of March, as promised. However, late in that month, the CC issued its first newsletter, which was widely distributed.[98] It covered the following topics: (1) names of CC members and their organizations; (2) actions taken to date; (3) description of basic constitutional concepts; and (4) presentation of the major issues to be discussed by the CA. It is assumed that the list of major issues comes from the check list of issues discussed in the Kebele meetings but until now not available in English.

Despite the check list of issues, little is known about the legal structure emerging from CC deliberations and drafting. Harbeson's evaluation suggests the major issues are likely to be: (1) balance of power between center and the regions; (2) right to secede; (3) judicial interpretation and review; (4) scope of economic, social, and individual rights to be incorporated into document; (5) referendum and recall; (6) human rights and their amendment; (7) role of government in the economy; and (8) national and regional language.[99]

The American Government, the Embassy, and USAID have played a major role in the assisting in the process just described. As noted in Part I, the United States Department of State played an important role in the transition from the PMAC-PDRE to the TGE. The D/G Project has provided useful support to the CC as it seeks to establish the legal framework that will allow the TGE to make the transition to a future Government of Ethiopia.

Prior to the commencement of the CCEU's CA, the Project directly funded the visit of three American experts who held discussions with the CC and other interested Ethiopians:

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[98]. Transitional Government of Ethiopia, Constitutional Commission Newsletter, No. 1 (March 1994).

[99]. Harbeson, "Ethiopia's Democratic Transition," pp. 11-12.

Dean James Paul: faculty of Rutgers University Law school, former Ford Foundation funded Dean of Haile Selassie Law School, co-author with Dr. Christopher Clapham on a case book for training law students on the 1952 constitution, and long term scholar focused on constitutional development in Africa.

Mr. Paul Henze: former State Department official with long service at the US Embassy, widely connected to Ethiopians of previous regimes, and RAND corporation consultant who has made major contributions to the political and economic patterns marking the PMAC-PDRE regime and the transition process.

Professor Samuel P. Huntington: Distinguished Government Department Professor, Harvard University, Director of the John M. Olin Institute for Strategic Studies at the Center of International Affairs, and specialist in comparative political systems and the relationship between politics and economic development.

On May 17-21, 1933, the IAG, with funding through the CCEU's CA, organized a well regarded and influential constitutional symposium in Addis Ababa titled: The Symposium on the Making of the New Ethiopian Constitution. It is important to note that other donors contributed to the IAG organized symposium, most notably Norway, Sweden, Canada, The Netherlands, GTZ, Britain, the Ford Foundation, and Oxfam. Most of the expenditures were on travel and per diem for participants. Interestingly, this symposium is not specifically referred to in the recent publication of the CC's first news letter outlining its symposiums and conferences since 1993, though it does state:

> "Much has been gained from sharing the knowledge and expertise of internationally acclaimed experts. The meetings and seminars have often raised controversial issues and discussion have been lively and thought provoking."[100]

The CCEU CA provides terms of reference for this symposium. The Evaluation Team was told by USAID staff and the D/G Advisor (who attended in another capacity) that they judged the symposium to be of great utility. It was also gathered that there were hundreds of panel discussions, numerous informal consultations, and high media coverage of the symposium. Just before completing this report the Team learned that the proceedings were published in April 1994 as "Constitutionalism: Reflections and Recommendations;" however, the Team did not see a copy of this publication.

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[100]. TGE, Constitutional Commission Newsletter, p. 1.

Through accounting reports, the Evaluation Team did see a list of the 18 Western experts who were brought to the symposium at a total cost of $51,087. A partial list of those attending was reviewed.[101] One Team member, who knows most of the specialists on African and Ethiopian law, noted the that none of the acknowledged American specialists on Ethiopian law and governance, and few internationally acknowledged constitutional law specialists, were on the participant list. On the other hand, the Chairman of the CC, Ato Kifle Wodajo, noted that members of the CC benefited greatly from discussion stimulated by some of the participants, most notably Mr. Bhagawati, noting that they stimulated members to think more deeply about certain issues. He also noted that members benefited from the earlier described papers prepared by Professors Huntington and Paul.

In regard to the this symposium, the Evaluation Team heard from several sources, most notably the American Ambassador, that a considerable opportunity was lost by the Project not following up on the momentum created by the symposium. This was generally attributed to the departure of the initial D/G Advisor and the lack of initiative by CCEU and IAG.

Aside from the constitutional symposium, the CCEU, through the IAG, was to: (1) procure equipment required to build a computer-based in-house publishing capacity in the CC; (2) establish a Ethiopian Constitutional Development Program (ECDP) and undertake other activities aimed promoting transparency in the constitutional process; and (3) promote women's participation in constitutional issues and in regard to gender in the document.[102] Further, the CCEU funds channeled through IAG were intended to strengthen it as an organization.

In regard to these activities, it appears CCEU handled the procurement of photocopiers, computer hardware and software, video equipment and reference books on its own.[103] After protracted delay, a knowledgeable professional in Ethiopian culture to serve as an advisor to the CC, as planned in the in the CA, was hired. Dr. Andreas Eshete was funded for 9 months for $27,000 through an agreement with Emory University. The Evaluation Team had no reporting information on Dr. Andreas. The

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[101]. Attachment by IAG to in Dennis King's CCEU quarterly report of August 9, 1993.

[102]. These are described in the unpaginated: USAID, Constitutional and Judicial Support in Ethiopia: Carter Center (Cooperative Agreement No. 623-0007-A-00-3139-00, USAID/REDSO/ES, June 14, 1993).

[103]. See the quarterly reports from Dennis King, CCEU, dated August 9, 1993 and December 27, 1993.

D/G Advisor asserts that at Dr. Andreas has collaborated closely with members of the CC and has assisted them in organizing internal discussions. An interview with Dr. Andres by one of the Team members is covered, below, in the section on "Civil Society and NGOs." It should be noted here that this interview confirmed that the ECDP had not been established, although IAG is acting as a defacto extended secretariat to the CC. Finally, IAG did not fill the position available for a Women's issues consultant, which had been budgeted at $13,500 for 9 months.

In regard to the above CCEU-IAG relationships, the Team notes that IAG has been hampered in its efforts by the absence of sustained CCEU managerial presence in Addis Ababa and by very slow CCEU processing of IAG expense claims, particularly those related to participant travel expenses.

It appears to the Evaluation Team that CCEU's relationship with IAG is no longer functioning, other than the payment of Dr. Andreas salary and some minor office management costs encouraged by the NGO. This is unfortunate, because the Evaluation Team found there to be many opportunities for assisting the CC to open public discussion on the emerging constitution. The CC is open to holding symposiums and conferences on a regular basis. For example, during the evaluation it held a symposium on women's issues in the constitution on March 19th and a conference for Ethiopian elders on March 26-7 focused on how the constitution will take into account local culture. The CC's just published Newsletter demonstrates its willingness to use other channels to broaden discussion on the major issues to be debated and the interests of particular groups of the society. In this regard, it is unfortunate that the CCEU CA plans for the IAG to set up a Ethiopian Constitutional Development Program and undertake other activities aimed promoting transparency in the constitutional process.

CCEU's CA also committed the contractor to recruiting and coordinating:

> "...the participation of academicians, lawyers, political scientists and other knowledgeable individuals to spend from five days to two weeks to hold in-house and public seminars...(aimed at assisting the CC) by providing valuable information and insights into the constitutions and legal systems of other seminars...(and appearing in programs) aired on television and radio, thereby informing a wide audience and stimulating discussion on vital elements of a democratic constitution."[104]

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[104]. USAID, Constitution and Judicial Support, n.p.

The optimism of this task was not fulfilled. The major activities reported by CCEU in regard to "Constitutional Development" activities were: (1) four week study on how the CC can work with the media carried out by Abby Ford; (2) constitutional consultancy by Justice P.N. Bhagwati, who held several seminars for the CC, one of which was invited; (3) constitutional consultancy by Professor Paul, who held public and private seminars for the CC and private meetings with the Dean of Addis Ababa Law School.[105] The Evaluation Team did not see any reports related to these briefly described activities and cannot comment on their effectiveness. However, Dennis King did state in his most recent quarterly report that he had "...strong reservations regarding the usefulness of Ford's August consultancy."

Finally, CCEU has had difficulties with the procurement and clearance of commodities for the CC. Based on discussions with the D/G Advisor and CCEU's acting project manager, it appears CCEU is uninterested in carrying out procurement of such commodities as photocopy machines, computer equipment, and computer software. In regard to the CCEU CA extension agreement, discussed above, the NGO decline taking on any procurement services. This is a problem because doing procurement is one way a CA organization can assist Mission staff with administration. It reflects a lack of awareness on the part of CCEU as to the role of contract implementation firms and organizations.

Further, the CCEU misunderstood the role the grantees and the US Embassy would play in clearing procured equipment and comsumables through Ethiopian customs. This is made clear in CCEU quarterly reports which state that it is sending shipment notices of procured commodities to either the CC or the IAG. But, according to the D/G Advisor, the CA Agreement document makes customs clearance the responsibility of the CCEU. Nevertheless, the acting manager of the CA complained to the Evaluation Team that the task of customs clearance is burdensome and should not be his or CCEU's responsibility.[106]

4. Opportunities and Constraints

Based on the above analysis of performance, the Evaluation Team concludes that the CCEU has not offered intellectual leadership to activities funded under its CA and has not taken a pro-active position relative to the interest the CC

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[105]. See the quarterly reports from Dennis King, CCEU, dated August 9, 1993 and December 27, 1993.

[106]. Interview with Pablo Henderson of CCEU.

shows in having a transparent, widely discussed constitutional process. This is a particularly important conclusion given the fact that CCEU's overhead amounts to 40% of the expenditures for activities carried out. The Team has reluctantly concluded that the services provided by CCEU do not justify the overhead charges incurred. Further, as elaborated in the next section on "Judicial Reform and Human Rights, and in Part IV on management, the Team sees no reason for CCEU to earn overheads for activities it gives minimal administrative support and no intellectual leadership. It is for the above failures in a situation full of opportunity, as well as for problems discussed subsequently in this evaluation, that Part VII recommends not involving the CCEU in the next phase of the Project.

Judicial Reform and Human Rights

1. Objectives

Objectives planned to be undertaken under this substantive activity area are to:[107]

a. provide targeted support for key elements of the Ministry of Justice's (MOJ) proposed project "Human Rights and the Rule of Law in Ethiopia;"

b. design and conduct neutral introductory symposium on human rights monitoring, documentation and advice, and restructuring of the judicial system;

c. raise awareness of, and widen public debate about, judicial reform and human rights through activities aimed at:

(1). training lawyers and judges;

(2). workshops and seminars for senior government officials and political party representatives on governance and human rights;

(3). mass media programs to promote the rule of law;

(4). educational curriculum development on topics related to human rights and legality;

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[107]. USAID, "Ethiopia Democracy/Governance Support Project (663-0007)," pp. 43-5; USAID, Back to the Future, pp. 51-2; USAID, USAID/TGE, "Project Grant Agreement," Annex 1, pp. 5-6.

(5). workshops oriented to local women and community leaders on issues related to human rights and legality; and

(6). producing consensus workshop and seminar statements spelling out concrete future steps required to advance human rights and a credible independent judiciary.

d. stimulate the emergence of effective linkages between the MOJ and other Ministries (especially the Ministries of Education, Information, and Agriculture) and regional or local authorities;

e. use where ever possible faculty members of Addis Ababa University's Law School to carry out the above activities; and

f. establish collaborative relationships with and among independent human rights organizations, academic institutions, private attorneys and other interested individuals seeking to promote the above objectives.

The following outputs are expected to result from the effective promotion of the above objectives:

a. establishment of collaborative relationships between Ethiopian and outside human rights organizations, as well as between such organizations and Ministries charged with promoting the rule of law;

b. widened public debate on human rights and an action plan to continue and expand public fora, seminars, and workshops focused on the rule of law and human rights.

Linked to this activity's objectives and expected outputs, but carried out under the Regional Government activity, is a focus on training regional and wereda judges. This activity is reviewed in that sub-section, below. Briefly, to date nothing has been done with regional or wereda judges, though a pilot program in two regions by EHRPC, with DANIDA funding, is being currently tested. In addition, human rights activities carried out by civic associations and related NGOs is discussed, in a sub-section on that topic, below.

2. Completed and Current Activities

As of March 31, 1994, the Project has earmarked $199,209 of the $300,000 obligated for this component. Of this

$140,545 has been earmarked and committed for CCEU's CA activities on the Judicial Reform and Human Rights Component of the Project.[108] It should be noted that the estimated amount under the CCEU Cooperative Agreement is $496,068, of which $101,685 is to be expended by CCEU under the "Judicial Reform and Human Rights" component of the Project. These funds are used to: (1) hire expatriate legal experts to assist the SPO in identifying appropriate laws on which to prosecute cases and train prosecutors for the up-coming trials; and (2) bring trainers to Ethiopia to assist the Ministry of Justice in training new regional judges.

In addition a $60,000 116 (e) grant was channeled through CCEU, which grant was augmented by an additional $12,000 of Project funding (through the 2nd amendment to the CCEU CA), to hire forensic anthropology experts charged with assisting the SPO in preliminary investigations of past human rights violations and extra-judicial executions. Subsequent work focused on excavation of mass graves and training of AAU medical and anthropology students in forensic anthropology. A third phase may be funded with support from FY 1994 116 (e) funds.

Amendment I to the CCEU's CA added $38,860 for the start-up expenses of a legal advisor (Mr. Todd Howland) to the SPO, including his attendance at the UN Conference on Human Rights in Vienna. A second amendment is in process extending certain activities to December 31, 1994. It is anticipated this will amount to $127,920 and be used to cover the provision of expatriate experts to the Special Prosecutors Officer and the Central Supreme Court through December 1994.

The CCEU Amendment provides for the development of human rights courses at Addis Ababa University Law School. The CCEU is assisted in the training of judicial officials through the Ethiopian Human Rights and Peace Council (EHRPC), which holds two 116(e) grants related to training.[109]

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[108]. USAID Mission/Ethiopia, "Cooperative Agreement No. 623-0007-A-00-3139-00" (Contract Agreement Approved in Washington, D.C., June 14, 1993), with a total obligated amount of $496,068. The agreement period is May 11, 1993 to May 15, 1994.

[109]. The EHRPC was established in 1992. Its Director is Ato Ibrahim Idris, Dean, Addis Ababa University Law School. Among its objectives are: teaching human rights courses in the university, conducting seminars on human rights, holding workshops for teachers, and carrying out training initiatives focused on government officials, judges, lawyers, police and security units, political parties, and other civic organizations. Most of the Center's staff is drawn from the law faculty, typically on a pro-bono basis. Currently, it is still in the

The first, DHR-93-663-02, is aimed at curriculum development assistance to the Law School and provides $20,000 to EHRPC to develop a human rights course aimed at strengthening the status of human rights education in Ethiopia. The agreed completion date of this activity is August 31, 1994. The second, DHR-93-663-03, is for the acquisition of human rights materials in the library of the EHRPC, which at present is housed in Addis Ababa University's Law School's library, where its Head is also the Dean.[110] The materials, to be located in the law library, will be used to: (1) educate law students; (2) train judges, lawyers, professors, diplomats, doctors, members of the police and military forces, policy makers, journalists, and organization leaders in human rights issues; and (3) provide materials for researchers addressing human rights problems in Ethiopia. The completion date is November 30, 1994.

The proposed second amendment to the CCEU's CA makes available a limited amount of funds for Professor Paul and other legal experts to inter alia work with the EHRPC to develop training courses in human rights to be given to newly-appointed judges and curriculum for possible courses on this topic at Addis Ababa University Law School.

In regard to judicial training, it is noted that as of late April 1994 it was unclear if the MOJ gave such activities the priority required for them to be approved and carried out.

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process of establishing offices, archives, and other infrastructure. EHRPC is not to be confused with the Ethiopian Human Rights Council (EHRCO) to which the Project has provided no funding to date. Its founder is Professor Mesfin Wolde Mariam, Geography Department, Addis Ababa University, has kept this NGO at the center of human rights debate in Ethiopia. Its primary focus is on monitoring and documenting abuses of human rights and mobilization the public to protest abuses of human rights by the Government. It publishes reports on human rights and alleged violations, such as detention without trial, denial of due process, disappearances, extra-judicial executions, unfair dismissals, and government misconduct. It was particularly active in pointing out problems affecting the June 1992 elections. Its leaders assert they work with opposition party leaders to urge them to participate fully in the democratization and transition process. Importantly, it is on record as being opposed to ethnic based regional government.

[110]. USAID-TGE, "Human Rights Materials to the Library of the Ethiopian Human Rights and Peace Center of Addis Ababa University" (Limited Scope Grant Agreement, No. DHR-93-663-03, Addis Ababa, August 18, 1993).

Again, as with CCEU activities under the Constitutional Development component, financial data in Annex VIII shows that there has been no expenditure on this line item. But this is due to delays in claims and the MACs processing system and not due to Project management problems. Mission records suggest that all but approximately $30,000 of this line remains to be expended.

The remaining $58,664 is earmarked funds is for a study undertaken by the International Human Rights Law Group (IHRLG), through indirect funding to Merci Corps International, because IHRLG did not want to taint its hands by dealing directly with USAID.[111] This study, as explained below, was controversial, carried out in an undiplomatic fashion, and subject to further negotiation with the Mission. Hence, as of March 31, 1994, funds have not been committed nor expended to pay for it.

3. Assessment of Progress

a. Special Prosecutor Office

The major activity undertaken under this Project component is the provision of technical assistance and equipment to the Office of the Special Prosecutor, established by Proclamation No. 22 of 1992 and operating since early 1993. It is charged with investigating crimes committed by officials of the former regime, particularly the estimated 50,000 extra judicial executions that took place during the PMAC-PDRE's 17 year rule. In this regard, the SPO and USAID hope to see these cases prosecuted under international legal principles as crimes against humanity, which if this occurs will make Ethiopia's trials the most extensive human rights trials since Nuremberg.

This is not an insignificant task. It is estimated that 1,500 to 2,000 former government officials serving under the PMAC-PDRE were arrested after the TGE came to power in May 1991. This number has been reduced to roughly 1,200 since the releases of February-March 1993. These were occasioned because of habeas corpus proceedings and delays in moving toward prosecution. SPO prosecutors still must decide, from a large number of detainees, who to prosecute.

It should be noted that Martin Hill of Amnesty International, London, recently stated that the move toward prosecuting these 1,200 former officials, as well as efforts to obtain the extradition of major senenior officials of the

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[111]. It should be noted that IHRLG does accept funding from such agencies as DANIDA and SIDA.

Mengistu regime, including the junta leader himself, is "a major triumph for human rights and democracy."[112] Relative to the Project, he further stated that "The work of the forensic team is very important because it will be very difficult to bring successful prosecution without bodies and without their identification."

Responsibility for overseeing extradiction and prosecution is held by the former Minister of Justice, Ato Girma Wakjira, as the Chief Special Prosecutor. He is carrying out his duties with the assistance of 20 prosecutors, some of whom are inexperienced and some of whom have long experience in criminal experience but were not connected to the WPE or otherwise linked to PMAC-PDRE excesses.

Decisions on prosecution are overdue and the Government is under increasing pressure from the international community and human rights groups to file cases against those to be charged and release those who will not be charged, whether because of presumed innocence or lack of evidence. In regard to the these pressures on the SPO, the CCEU has undertaken the following activities:

1. supporting the provision of legal experts to the Special Prosecutor's Office (SPO);

2. funding the phased visits of forensic experts from the Argentine contractor Equipo Argentina to review evidence related to SPO prosecutions (initially through a 116e grant (Democracy and Human Rights Fund, Washington, D.C.) and charged with local medical and anthropology students at Addis Ababa University to uncover human rights abuses;

3. working with DANIDA and SIDA funded computer specialists to develop a relational data base that can organize an extremely large number of file documents containing references of multiple official involvement in regard to multiple numbers of people possibly deprived of their legal rights or executed through extra-judicial actions.

Through the CCEU's CA, members of Equipo Argentina, Mercedes Doretti and Anahi Girante, spent time in August 1993 meeting with SPO personnel to discuss experiences in the use of forensic evidence in case prosecution and to formulate terms of reference

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[112]. Africa Link, IV, 1 (1994). See also: George Alagiah, "Ethiopia's pursuit of Former Regime May Spawn Biggest Trial For Crimes Against Hummanity Since Neuremberg," The Guardian (May 23, 1994).

for a more substantive visit by the Equipo team in early 1994. The second phase was in process during the Evaluation Team's visit. Interviews with the SPO and others support the D/G Advisor's view that this team is doing a very good job under in assisting the SPO personnel to find and support forensic evidence drawn from mass graves and other burial sites of victims of extra judicial execution.

On the legal side of the SPO activities, the CCEU CA is providing the services of two persons: Mr. Todd Howland and Mr. Rodolfo Mattarollo. These experienced lawyers are attached directly to the office of the SPO.[113]

Howland and Mattarollo, who has a strong academic background in international human rights law and relevant practical experience in its application, are advising the SPO on the human rights provisions of international law and how to incorporate them into existing domestic civil and criminal codes, as well as a proclamation that can guide eventual prosecution. They also assist in preparing prosecutors on how use international legal instruments, handle sensitive information, and anticipate standard types of defense offered governments during such prosecution.

SIDA and DANIDA have been funding other experts charged with assisting the SPO to introduce micro-computer based systems that can assist prosecutors to organize the large amount of evidence related to the prosecution of large numbers of defendants. Howland, who helped pioneer human rights data bases in his earlier work in El Salvador, aimed at an operating system by the end of March 1994. However, it appears that personality conflicts between computer experts provided by DANIDA and SIDA threatened the viability of the effort and caused the SPO to question his dependence on and use of the emerging data base.[114]

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[113]. Howland's background and activities in Ethiopia are written up in the latest issue of the American Bar Association Journal. "Traveling Human Rights Lawyer," ABA Journal (March 1994), pp. 40-1.

[114]. Interview with Girma Wakjira, the SPO. One newspaper report notes: "The special prosecutor's office...has so far received 250,000 pages of government documents, from death warrants to calculations of the cost of executions...Col. Mengistu's was a vicious but highly bureaucratized system - virtually every decision was noted, and copies sent to superiors." Alagiah, "Ethiopia's pursuit."

b. Judicial Training and Human Rights

Movement toward a rule of law and an independent judiciary began in ernest with a 1992 Proclamation to provide for the establishment of an independent Judicial administration.[115] This reform of the Ministry of Justice was followed by a Proclamation establishing a Judicial Administration Commission, to select and administer judges, an Office of the Central Attorney General,[116] defining the legal profession,[117] and, most importantly, a Proclamation establishing a Central Supreme, High and First Instance Courts independent of the Ministry of Justice.[118]

On the personnel side, many central, regional and wereda judges were removed for such reasons as WPE membership, extra-legal actions, and corruption. To replace them the Ministry of Justice appointed a commission to select 600 people to act as judges within the regional system. Many of these persons have no legal training. Hence, training them in the philosophy of an independent judiciary, the principles of the rule of law, the established court proceeding and regulations, as well as the laws and codes of Ethiopia is extremely important.[119]

Toward this end the initial June 1993 CCEU CA called for the center to:

> "...provide 3 international jurists, with expertise in human rights, who will conduct 7 days of intensive workshops in

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[115]. "A Proclamation to Provide for the Independence of Judicial Administration," Proclamation No. 23 or 1992, Negarit Gazeta, 51st Year, No. 19, August 8, 1992.

[116]. "A Proclamation to Provide for the Establishment of the Office of the Central Attorney General of the Transitional Government of Ethiopia," Proclamation No. 39 of 1992, Negarit Gazeta, 52nd Year, No. 24, January 11, 1993.

[117]. "A Proclamation Regulating to Attorneys," Proclamation No. 74 of 1993," Negarit Gazeta, 53rd Year, No. 5, October 22, 1993.

[118]. "A Proclamation to Amend the Central Government Courts Establishment," Proclamation No. 72 of 1993, 53rd Year, No. 1, October 7, 1993.

[119]. Initial thoughts on lower court training are found in: Steve Morrison, "Training of Oromo Lower Court Judges in Nazret" (Internal USAID Memorandum, Addis Ababa, April 13, 1993).

Ethiopia for new trainee judges who are undergoing training. The workshops will emphasize the protection of human rights as the underpinning of an equitable judicial system and the role of judges in applying international human rights standards."

Unfortunately, activities aimed at this objective by the CCEU, through the EHRPC and Addis Ababa University Law School, have only just begun. The quarterly report of the CCEU notes that progress has been delayed because the Ministry of Justice:

> "...is in the midst of considerable organizational confusion, with many of its responsibilities transferred to other agencies...(so that) a date for the next regional training cycle for new judges has not been established."[120]

As a result the $12,428 budgeted to provide human rights training to lay judges through the MOJ and under the CCEU CA was not spent. To some extent the problem lies with the Project design. There was no Minister of Justice when the Project was designed. When the new Minister was appointed he decided that such training was not a priority and that the MOJ could meet its own training needs without dependence on aid agencies. Another reason is that through the 1992 Proclamation, just described, the Ministry lost control of judicial administration and was assigned the functions of training judges and providing legal draftsmanship support to TGE institutions. A final, and important reason for delay is that the CCEU has not been able to keep an experienced staff member in Ethiopia, particularly since the departure of its major representation and his replacement with a young, personable but inexperienced staff assistant.

However, because of changed circumstances, as of mid-May 1994 the D/G Advisor plans to channel these funds directly to EHRPC if an evolving pilot training program planned for June 1994 goes well. Specifically, opportunities to train exist. The Dean of the Addis Ababa Law School, Ato Ibraham Idris, noted in his interview with a Team member that together with CCEU the EHRPC is currently designing workshops for lay judges that will be focused on human rights and democratization issues. Eventually, it hopes to expand workshops to cover judicial independence, supervision of the judiciary, rights of citizens, public defenders, and legal representation for the poor. As presently designed, with initial funding from DANIDA, Phase I workshops will begin in June in Awasa and Bahir Dar. Phase II will hold workshops in Regions 1 and 4. Depending on the area, workshops will be held in Amharic, Oromiya, Somali, and Tigrinya. If these go well the Project may

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[120]. Report by Dennis King, CCEU's manager, August 9, 1993 and December 27, 1993.

add funds to extend training to other regions. Again, as planned, such funding will go directly to the EHRPC and not through CCEU.

Finally, IHRLG's unsolicited proposal through Merci Corps International (MCI) was funded under the Project for the purpose of reviewing the status of judicial reform, the legal profession, including legal training, and civic organizations involved in the promotion of human rights.[121] The terms of reference for this study were to: (1) review the present state of judicial and legal affairs in Ethiopia; (2) analyze recent laws governing judicial administration, jurisdiction of the courts, and the Law School's curriculum; and (3) give USAID a better idea of where problems existed in the judicial and legal system so it could use its resources more effectively. It is important to note that the Program Description found in Attachment 3 to the MCI CA specifically stated:

> "USAID/Ethiopia has gained concurrence from the Ministry of Justice on the project and will maintain close contact with them throughout, acting as liaison between MCI and MOJ wherever necessary...(the IHRLG) will submit a draft of their document to the USAID/Ethiopia Project Officer for review prior to their leaving the country...The report will be ...officially submitted to USAID/Ethiopia."

The product was intended to be shared with the TGE and other donors, leading to increased support for activities in these areas by the Mission. Unfortunately, the utility of the findings and recommendations contained in the resultant report was negated by the apparent anti-TGE biases of the principal author, Mr. Makau Mutua, and IHRLG's decision to circulate the draft report to the Ministry of Justice and other TGE officials without thorough editing and without prior review by the D/G Advisor or discussions about emerging conclusions with Government officials. Interviews with senior officials demonstrate that they find the report biased against the TGE and its efforts, insensitive to the difficulties they face in rebuilding judicial and legal systems, overly concerned with criticizing systems rather than helping reform them, premature in its conclusion, and marked by misleading analysis.[122] As a result the senior TGE officials who

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[121]. Cooperative Agreement No. 663-0007-A-00-3001-00, dated June 14, 1993, through which 14.68% of the $58,664 expenditure on this study, or $7,510, was expended for administrative overhead to MCI to allow IHRLG to avoid having to take a direct grant from USAID.

[122]. By way of comparison, the President of the Supreme Court, Kemal Kebede, referred to the helpful efforts of Ms. L. Cooper who wrote proposals to assist in training judges and

might have benefitted from an impartial overview of the judiciary and emerging problems, are unable to acknowledge or use the report and IHRLG is no longer welcome in Ethiopia.[123]

The final report was released in April 1994. It includes the critical responses of TGE officials.[124] In this regard, it is worth noting that Mr. Makau published several extracurricular and highly critical articles on the TGE just prior to the release of the IHRLC draft.[125]

A new look at the judicial sector is currently being carried out with SIDA funding. This is a preliminary step toward an emerging large-scale SIDA program for assisting Ethiopia's judiciary. The D/G Advisor notes that at some future time the Project might provide assistance do studies on particular topics.

4. Opportunities and Constraints

Extension of the CCEU CA through the end of 1994 will allow several opportunities to be seized. First, it will allow technical assistance to the SPO to continue through the current and critical phase, although it is doubtful that computers will be used to organize cases and evidence due to the problems discussed above. The work of these legal specialists is valued and should continue, particularly in terms of establishing the legal base for prosecution and the training of prosecutors who will drawn upon it.

The same holds true for the limited additional work CCEU's extended CA can provide to allow Professor Paul and his

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providing equipment that would enhance their performance.

[123]. Interview with Kemal Kebede, President of the Supreme Court.

[124]. International Human Rights Law Group, Ethiopia in Transition: A Report on the Judiciary and the Legal Profession" (Report Prepared by the IHRLG, Washington, D.C., January 1994). The letters include those of the SPO, the Minister of Justice, the IAG, which was criticized in the report for being too close to the TGE, and the widely circulated and angry letter to "Dear Vern," written by an unknown but well connected Ethiopian. A response to these criticisms, by Mr. Reed Brody, Executive Director of IHRLG, prefaces the report and should be considered.

[125]. Makau Mutua, "Democracy's Bid Fades in Ethiopia," Christian Science Monitor (August 18, 1993); and his "Ethiopia: The New Oligarchy," Africa Report (September/October 1993).

associates to assist the EHRPC in developing human rights training materials.

There is some question as to whether it makes good sense to extend the work of Equipo Argentino, which has made considerable progress relative to establish a methodology of forensic discovery and documentation. It has helped build the overall picture for the historical record, but it is doubtful that its findings will significantly affect the prosecutions or togenerate case-specific evidence. The D/G Advisor should consider devoting these resources to the development of judicial or prosecutorial strategies related to SPO cases, judicial training, or the development of a public defender office.

In regard to the latter, there is need for the development of future assistance to the Public Defenders Office. The Team heard discussions on the on this point but no emerging plans were reviewed. Certainly, this is an area where design and assistance should promptly begin.

Finally, substantial opportunities exist for assisting the Addis Ababa University Law School to rebuild its faculty, teaching facilities, and library. At present the Law School is woefully understaffed and its standards well below the level reached in 1972. On the other side of the equation, the best students at the University choose the law school for training, so there is no dearth of talent to be trained in the legal profession. According to the Dean, Ibraham Idris, it will take 10 years and substantial technical cooperation and assistance to achieve rebuild faculty, facilities and library, as well as form the kinds of traveling training workshops that will be needed to strengthen regional juridical and legal systems.

During the interview with the Law School Dean, it was noted that the USAID and the Ford Foundation, among various funding sources, played a role in training faculty, preparing curricula, and strengthening facilities. More such assistance would be warmly welcomed. Clearly, as noted elsewhere in this evaluation, democracy and the economic growth that support it rest on effective and reliable laws and their implementation. Lawyers and courts are an important focus in the multifaceted efforts to build a democratic society and a free market economy.

Media

1. Objectives

The overall objective of the media component in the project is to encourage and support the emergence of an independent media in Ethiopia.[126] The objectives of this substantive area of the Project are:

a. facilitate the policy and legal changes required to convert the state media monopoly into a genuine public corporation;

b. address logistical requirements necessary for an independent media to be established and sustained;

c. support efforts to establish a "media trust" that would solicit financial support (foreign exchange) from aid agencies that would facilitate the importation of printing equipment, newsprint, and other consumables required for publication of newspapers and magazines;

d. assist in the reconfiguring of media programming to meet the needs of linguistically and culturally diverse regions; and

e. design and conduct seminars and workshops involving officials of the Ministry of Information (MOI), members of the Media Committee of the Council, collaborating NGOs, and journalist associations aimed at:

(1). training and skill enhancement; and

(2). building consensus on media policy and plan of action for promoting viable public and private media.

The specific, end-of-project status indicators for this component include:

a. the degree to which training workshops and the attachment of Ethiopian journalists to outside media organizations raise journalist standards and expertise;

b. the degree to which the media symposium contributes to the strengthening of a public corporation approach to the management of state media, the creation of a policy environment (including legal policies and requirements) that encourages the emergence and tolerance of private media, and indigenous initiatives aimed at surmounting shortages of paper, newsprint and equipment; and

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[126]. USAID,"Ethiopia Democracy/Governance Support Project (663-0007)," pp. 45-8; USAID, Back to the Future, pp. 51; USAID, USAID/TGE, "Project Grant Agreement," Annex 1, pp. 6-7.

c. the USAID inputs under the project are expected to result in the following outputs:

(1). symposium defines policy/institutions requirements for transforming state media into public corporation, establishing independent media, and launching an independent media trust;

(2). journalist training workshops enhance quality of reporting and promote greater objectivity; and

(3). attachments of Ethiopian journalists to U.S. media organizations provide effective exposure to professional standards of reporting.

2. Current and Completed Activities

A total of $345,000 is obligated to this Project commitment, of which $91,618 was expended on work by Mr. Robert Becker in March 1993 and a subsequent contract with J.E. Austin Associates for media services. None of the earmarked $5,500 for USIS press training activities has been expended. As of March 31, 1994, $98,174 remained to be spent on this Project component (see Annex VIII for line item details).

The media activities undertaken over the past 20 months differ substantially from the activities foreseen in the project paper. Project activities under this component did not actually begin until a short-term consultant study by Becker in March 1993 and a subsequent contract with J.E. Austin Associates for media services. There has been no symposium as planned and no journalism workshops under the project to date.

Based on discussions with several people, it seems clear that the first D/G Advisor spent considerable time in trying to work with the private and public media leaders to organize one independent journalist association in Ethiopia that the project could then use as a local partner to work with on support for the media. Despite his best efforts and those of other experts, the so-called "private press" set up their own association entitled Ethiopia Free Press Association (EFPA) in March 1993. Following that, the mainly government journalists set up a separate association, the Ethiopian Journalists Association (EJA), in July 1993.

As mentioned, the Mission contracted with J.E. Austin Associates on March 19, 1993, to bring Becker to Ethiopia to "assess the present business and legal environment of the Ethiopian media industry and to begin a series of discussions in

support of a nascent press association and in advocacy on behalf of a more free press in Ethiopia as a precursor to a large-scale program of strengthening the journalism profession in Ethiopia.[127]

This was followed by a $172,592 contract with J.E. Austin, signed on May 3, 1993, to carry out a series of activities over a one year period to strengthen the independent news media in Ethiopia.[128] The Mission approved a sole source waiver for this procurement. The Project activities under this contract were to include:

1. building a press association
2. supporting advocacy
3. media business support
4. journalists seminar (one week)
5. analysis of media laws (through AAU Law School)
6. training lawyers to provide legal services to media
7. media survey
8. media library for journalists association
9. building financial sustainability

Austin Associates were to carry these out through a series of four visits of about two weeks each by: (1) the primary consultant, Becker, and an African consultant; (2) separate staff for the conduct of the media survey and the training seminar; and (3) a grant to the Law School. Becker and Mr. Kabral Blay-Amihere, a Ghanian journalist, carried out the first of the visits in May 1993 and returned again in July 1993.[129] Becker's first visit was under the suspices of the Center for Foreign Journalist. He then "became affiliated" with J.E. Austin Associates, which provided funding for his second visit.

It should be noted that at the Mission's request, Becker has not returned, although he has been keen to continue the planned activities. The rationale is that given the present state of relations between state and non-state media, as well as the absence of a viable independent partner on the Ethiopian side, a continue of the activities suggested by Becker would be premature.

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[127]. Contract 663-0007-0-3932-00. USAID/Ethiopia with J.E. Austin Associates, Inc., March 19, 1993.

[128]. Contract Number 663-0007-3-20024, REDSO/ESA/CON/USAID with J.E. Austin Associates, Inc., May 1, 1993.

[129]. Robert S. Becker wrote three trip reports under the title: Toward Stronger, More Professional News Media in Ethiopia (Field Report to USAID, March 27-April 3, 1993, May 8-22, 1993, July 8-22, 1993, J.E. Austin Associates, Inc., 1993).

In addition, an Austin Associates team carried out two surveys: (1) a reader survey; and (2) a media survey.[130] These were received by the Mission only after Christmas 1993 and have not yet been distributed nor officially accepted. Of these three work products owed the Project by Austin Associates, only the media survey had been received in final form by the project completion date.

Also, with assistance from Austin Associates, the law school just completed a research project which catalogues existing laws affecting news gathering and dissemination. This document is meant to help the journalism community formulate a legislative agenda.

In addition to the Austin Associates contracts, USAID used $5,500 to finance the trip of a consultant under USIS auspices to carry out a successful journalists workshop in February 1994. This was purely a target of opportunity occasion but demonstrated that, with the right trainers and approach, journalists workshops can make an impact and that USIS has the capacity and interest to carry out journalism training activities. A second training workshop on election reporting for both state and non-state journalists, financed under the project through the Fredrich Ebert Stiftung (in collaboration with USIS, SIDA, and the British Embassy) is scheduled to begin May 23, 1994.

3. Assessment of Progress

Several significant and fundamental changes in the overall environment affecting the media have occurred since the project was designed. These have made the media sector largely unclear, shifting, and under attack. A new press law was proclaimed in October 1992 which provided the legal outlines for the rights and responsibilities of a free press in Ethiopia.[131] Following approval of this law, 173 new private papers and

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[130]. J.E. Austin Associates, Inc., "Ethiopian Media Survey Results" (Report Prepared for USAID, J.E. Austin Associates, Inc., 1994).

[131]. "A Proclamation to Provide for the Freedom of the Press," Proclamation No. 34 of 1992, Negarit Gazeta, 52nd Year, No. 8, October 21, 1992. This followed: "A Proclamation to Provide for the Determination of the Application of State Owned Mass Media," Proclamation No.6 of 1991, Negarit Gazeta, 51st Year, No. 1, October 3, 1991.

periodicals have been registered with the government[132]. But there are only about 30 private weekly newspapers and 13 magazines that continual publication[133].

Many of the founders and editors of the new private papers are those dismissed from the government of the previous regime following the installation of the TGE. It is generally agreed among all interviewees that this press sees themselves as the opposition to the government. Beyond this lie conflicting views. Some outside observers argue that the free press is frequently unprofessional, sensational, and carrying out a hearsay vendetta. Others admit to these problems but assert that they are largely due to TGE secretiveness, which limits the information flow, leading to questionable, sometimes sensational, speculation by private press reporters and editors.[134] Most observers also note there is conflict between and among private presses, much of which appears to relate to charges and counter charges as to who is too close to the TGE. In any case, it is clear that some outside actor could help all members of the press and the TGE better understand the importance of accurate information flows and the professional standards related to release, verification, and presentation of information.

As a result of much of this bad press the TGE has periodically arrested and tried a number of journalists, mainly from the private side but also including several government journalists. The Team was told by USIS officials that as of late March 1994 there were are 18 journalists still in jail.[135]

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[132] Interview with Mr. Amare Aregawi, Head of the Ethiopian News Agency.

[133] Interview with Tafari Wossan, Head of WAAG Publications and previously Local Coordinator of J.E. Austin contract activities..

[134]. The EFPJA claims that the free press has exposed corruption and nepotism, as well as provoked discussion and public debates on vital issues related to the economy, urban land lease policy, rural land, status of expropriated urban houses, the constitution, ethnic purges in the public sector, and TGE-Eritera relations. Press Release (Addis Ababa, May 13, 1994).

[135]. The Ethiopian Free Press Journalists Association issued an April 22 1994 press release giving the names, charges, and sentences for 30 journalists and claiming that an additional 13 existed, the names of which have not been released because CID investigations were not complete. EFPJA, "To All Concerned" (Press Release, Addis Ababa, April 22, 1994). Contrary to this statement, the Minister of Justice, in a press conference on April 20th stated that only three journalists of the private

Further, the government is arresting the journalists under the penal code of 1957 which is criminal law instead of civil law. Although the government claims that the arrests are only carrying out the law, it is seen as harassment against political opposition and more generally, the private press. It is difficult to judge because some observers say that the arrested journalists deserve their treatment because of false and misleading articles. Other observers point out that serious journalists have also been arrested and the effect is to hinder the advancement of a responsible, independent private press. Despite this, it is estimated that 3-5 new press organs start each week.[136] On the other hand, new presses frequently go under quickly, largely because they lack the financial base req uired to establish themselves and because their editors and journalists are jailed.

In addition, as mentioned above, there are now three different press associations. The first was established under the PMAC-PDRG and still exists. The second, the EJA, organized in July 1993, includes over 400 dues-paying members[137]. Of these, only 15-20 journalists are from the private sector. According to the President of the EJA, their 400 members represents 90% of all journalists in Ethiopia. The other association, the Ethiopian Free Press Journalists Association (EFPJA), started in March 1993, and has a small membership. This association is not open to government journalists.

Also, earlier USAID and Center for Foreign Journalist (CFJ) ideas about a Press and Training Center are on hold. UNESCO is supposedly planning to fund a resource training center which would be part of the Ministry of Information. The head of the Ethiopian News Agency (ENA) assured the Evaluation Team that the UNESCO-funded center would be open to all journalists and

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press were imprisoned on court decisions, one of whom is detained only because he has not paid his fine. Perhaps the qualification "on court decisions" is the distinguishing factor between the conflicting numbers. The Minister dismissed the Amharic service of the VOA's report that 24 journalists and editors of the private press had been arrested in past months. He said journalists were arrested for printing pornographic press products, interfering with religious affairs, inciting people against the government, and spreading rumors and unfounded information.

[136] Interview with Tafari Wossan.

[137] Interview with Demissie Tsegaye, President of EJA and Editor of Addis Zemen.

broadcasters, whether private or public. This is questioned by the Freidrich Ebert representative. A recent planned project to restructure and modernize the ENA, to be funded by the EEC through the Freidrich Ebert Foundation, fell through because the ENA and Freidrich Ebert could not reach agreement on liberalization terms.

Finally, all interviewees felt that journalism and broadcasting is extremely backward. Very few journalists have any formal journalism training and many of those who do received their training in Eastern Europe. Most working journalists in the private media were formerly employed by the Ministry of Information under the PMAC-PDRG. Further, there is no code of ethics nor facility to judge peers against this code outside of a criminal court of law. The number one need expressed across the board is media training.

In summary, although there is now a new press law, the situation vis-a-vis the press, especially the private press, is more ambiguous than ever. There are no representative, independent journalist associations to work with as partners, the private press seems to have lost an historic opportunity to be a strong countervailing force and instead is unprofessional and focused on only a few issues such as ethnicity and regionalism, and the journalists and broadcasters are poorly trained.

Based on interviews and a review of the documentation, it is clear that there is very little progress in the media area as a result of USAID-funded interventions. None of the original objectives have been met. The Evaluation Team recognizes that difficulty of reaching media objectives is not particular to this Project or due to its particular strategy and approach.

First, the Austin Associates contract states that "all activities are centered around building and strengthening the role of the press association." Since there is no independent and open press association, this makes contract completion very problematic.

Second, four interviewees stated in separate interviews that Becker did not provide the kind of leadership and expertise needed. In their words he was overbearing and did not add any value as a result of his three consultations (one interviewee noted that Becker provided no training and no studies). Contrary to these interviewees, the D/G Advisor notes that Becker contributed to the two surveys and prepared a paper for the Constitutional Symposium.

Third, the media and reader surveys were meant to support media institutions and independent news organizations. However, the surveys have not yet been distributed and therefore have had

no impact whatsoever other than the training of those Ethiopians who worked on the surveys in survey methods.

Finally, it should be noted that the media environment is ever changing and any assistance in this area, much less progress, must be viewed within that context. This is further elaborated in the next section.

4. Opportunities and Constraints

An opportunity now present in the current environment relates to USIS. The USIS Information Officer just arrived last year. He is engaged, interested, speaks Amharic, is organizing media donor coordination, and has shown that USIS can successfully coordinate training course across the public/private spectra of journalists. USIS has the expertise in this area, and on-the-ground people to implement. USIS should be encouraged to plan strategically in order to maximize impact and be in a position to receive USAID funds under the project.

During interviews it was learned that some donors have been discussing the possibility of building a Department of Journalism at Addis Ababa University. To date the University has been unresponsibe. Should such a program emerge, it would be consistent with Project objectives to support the training of some free press writers, for in most cases the independent presses lack the funding to train their staff.

Regionalization

1. Objectives

To assist the TGE in effectively implementing its newly declared decentralization reforms, the USAID Project Documents[138] proposed using expatriate and Ethiopian legislative experts to:

a. assist the newly appointed regional and wereda councils to formulate rules of procedure and operation, giving consideration to such issues as length of sessions, basic parliamentary procedures, committee systems, and

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[138]. USAID, "Ethiopia Democracy/Governance Support Project (663-0007)," pp. 48-50; USAID, Back to the Future, pp. 50-51; USAID, USAID/TGE, "Project Grant Agreement," Annex 1, pp. 8-9.

size and functions of legislative staff, and linguistic alternatives and reporting systems;

b. provide short term training workshops in regional centers for selected members of regional and wereda assemblies, as well as leaders of the principal political parties in the region, on such topics as legislative procedure, policy-making procedures, and administration;

c. strengthen planning and budgetary skills of civil servants working at the regional and wereda levels; and

d. formulate during the Project time period a further project that would, on the basis of identified constraints, assist the TGE in clarification of jurisdictional relationships, strengthening of legislative processes, and building the capacity of regional and wereda civil servants to better serve the newly empowered regions and weredas.

In support of these activities, a large number of pages in the Annex to the PP were devoted to the extant legislation relating to the TGE's decentralization reform and Embassy summaries and political interpretation of initial legislation on the reform.

The expected outputs of the Project component were:

a. drafts of initial rules of procedures for the newly elected regional and local councils; and

b. selected counsellors trained in legislative procedures and capable of carrying out administrative and policy making functions assigned to regional and wereda councils by the decentralization reform.

2. Current and Completed Activities

As shown in Annexes VII and VIII, the D/G Project has, as of March 31, 1994, funded no activities under the regionalization component.[139] Hence, the full $180,000 obligated to this Project component is available for future activities

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[139]. Other offices in the USAID/Ethiopia Mission did undertake studies related to regionalization, most notably: Satish Chandra Mishra, "Public Expenditure Implications of Regional Economic Devolution" (Report Prepared as Part of the Public Expenditure review, USAID/REDSO, Addis Ababa, June 1993).

(Annex VIII). The only aid agency providing any assistance for the TGE's decentralization reform is the UNDP, which, under Govern/Donor Coordination Framework (Annex IX) is responsible for coordinating regional administration.

3. Assessment of Progress

Three assumptions underlying the identification of these objectives appear to be flawed or invalid:

a. The success or failure of the TGE to fulfill its commitment to establish a federal system of government in Ethiopia turns on its ability to get regional and local governments up and running without undue delay.

(This assumption shows little awareness of long established and currently functioning patterns of local government administration and the vested jurisdictional views and operations of line ministries with established field offices).[140]

b. There is general agreement within and between the major parties and senior line ministry civil serants over the constitutional and legal type of decentralization that will be approved, as well as over the division of financial resources between the center and the new regions and weredas.

(This assumption fails to appreciate the debate currently taking place between and among political parties and senior civil servants over the eventual relationship between local government councils and central line ministries charged with policy, regulatory, and service provision functions. It also fails to appreciate problems related to revenue and budgetary allocations).[141]

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[140]. The major studies of Haile Selassie's system are: W.H.E. Howard, Public Administration in Ethiopia: A Study in Retrospect and Prospect (Groningen: J.B.Wolters Press, 1956); John M.Cohen and Peter H. Koehn, Ethiopian Provincial and Municipal Government: Imperial Patterns and Post Revolutionary Changes (East Lansing: African Studies Center, Michigan State University Press, 1980).

[141]. Preliminary but inconclusive analysis of central-regional revenue, budgetary, and expenditure reporting relationships is provided in a 1993 USAID funded study: Satish Chandra Mishra, "Public Expenditure Implications of Regional

c. The design of USAID assistance could draw heavily on USAID experience in assisting local and regional government in Kenya.

(This successful Kenya project, however, was focused on strengthening planning in a deconcentrated local government system, which is a far easier task than building administrative, planning, budgeting, and implementation capacity in a federal system based on devolved powers to regions).[142]

The reasons why these assumptions are problematic is due to: (1) the absence of authoritative research on current patterns of local governance; and (2) how one interprets TGE political statements, policy papers issued by the Office of the Prime Minister, and legal provisions found in Proclamations 7, 11, 33 and 41, all of which will be briefly reviewed.

It is important to begin by noting that a provincial and municipal government system was in place at the time the TGE was established. However, more than a decade of PMAC-PDRG rule had raised questions as to the status of the provincial and municipal governance system established by Haile Selassie and, as noted below, largely sustained by Mengistu's government. Lack of access and research opportunities, compounded by the effects of guerilla war, famine relief, villagization, resettlement, and a decade of ideological party politics, gave aid agencies little confidence that Haile Selassie's deconcentrated system provincial administration, typified by the Italian unintegrated prefectoral system marked by divided administrative and technical control, still prevailed. This was particularly the case because of the changes in the number of provincial units, the use of military officers as unit administrators, and the introduction of hierarchies of urban and rural associations or kebeles.

Economic Devolution" (Report Prepared as Part of the Public Expenditure review, USAID/REDSO, Addis Ababa, June 1993).

[142]. The experience referred to was the Rural Development Project, Phases I and II, and its successor the Resource Management for Rural Development Project, Phases I and II, carried out by HIID under USAID funding from 1977 to 1992. See: John M. Cohen and Richard M. Hook, "Decentralized Development Planning in Kenya," Public Administration and Development, VII, 1 (1986), pp. 77-93; Joel D. Barkan and Michael Chege, "Decentralizing the State: District Focus and the Politics of Reallocation in Kenya," Journal of Modern African Studies, XXVII, 3 (1989), pp. 431-53.

Further, any Project activity in this area is limited by the fact that no systematic, authoritative studies of the current structure and function of regional and municipal government exists. Most provincial studies undertaken during the PMAC-PDRG period were project focused or centered on the effects of particular policies in specific regions. Still, it is important to note, that outside of major long-term war zones, most these studies found that Haile Selassie's deconcentrated provincial and municipal government system continued to function under political and line ministry control.[143] The extent to which this is the case, and the use central ministries will make of it, will be an important variable in the decentralization patterns that eventually emerge.

Initial regionalization reforms emerged in early 1992 when the TGE issued Proclamation No. 7 aimed at "providing for the establishment of national and regional self-governments."[144] It was designed to implement provisions in the Transitional Charter aimed at carrying out the EPRDF's historic objective of establishment of a "federal" system of autonomous regions (sometimes called "states" by those discussing the Charter) based on ethnic identities. Toward this end, the Proclamation divided the country into 12 regions based on ethnic identity. It also established 2 regions that were too diverse to be subdivided by ethnic identity: the municipalities of Addis Ababa and Harar. These were given numbers and names. In 1993, five of these regions (7, 8, 9, 10 and 11) were collapsed into one region: Southern Region. Hence at the time of this evaluation there are 10 regions.[145]

Regions are divided into weredas, which were administrative subdistricts under Haile Selassie's provincial government system, and, subject to minor changes made because of ethnic patterns, appear to still have roughly the same boundaries as they did under his regime. Between the regions and weredas are zones, which also roughly approximate the boundaries of awrajas during

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[143]. See, for example: John M. Cohen and N. Isaksson, Villagization in the Arssi Region of Ethiopia (Uppsala: Swedish University of Agricultural Sciences, Rural Development Studies No. 19, 1987); E. Stommes and Seleshi Sisaye, "The Administration of Agricultural Development Programmes: A Look at the Ethiopian Approach," Agricultural Administration, VI, 3 (1979), pp. 253-28.

[144]. "Proclamation to Provide for the Establishment of National/Regional Self-Government," Proclamation No. 7 of 1992, Negarit Gazeta, 51st Year, No. 2 (January 14, 1992).

[145]. The ten regions are Tigray, Afar, Amhara, Oromiya, Gambella, Benshangui, Somali, Southern Ethiopia, Addis Ababa, and Harar.

the imperial era. To date not all regions have been fully subdivided by zones. USAID and UNDP reports state there are 56 zones and 676 weredas. By way of comparison, in 1973 there were 14 provinces (teklay ghizat), 99 awrajas (cf. zones), 444 weredas, and 1339 miktel wereda (some of which must have been converted or combined into weredas).[146]

But, as noted in the section on "Constitutional Development" the D/G Advior reports that, in regard to the forthcoming Constituent Assembly elections, NEBE states there are 548 constituences, including the 22 special constituencies for designated national minorities, which are intended to ensure that these small groups have some representation. Apparently, some constituency and wereda boundaries are not coterminous or, rather some constituencies contain more than one wereda.

Drawing the boundaries of these government units, particularly weredas, has not been without difficulty, and some remain contested. Disputes are not numerous but appear to be relative localized. The most prominant disputes relate to the boundary between Regions 4 and 5, one area on the border between Amhara and Tigre Regions, and one area along the Amhara-Benishangul boundry.

Boundary disputes were anticipated by the Proclamation, which provided that the TGE would up date the pre-1974 wereda boundaries when the "details of geographical borders of each nation, nationality and people are specifically laid down." Disputes over current boundaries are said to be numerous, which, as noted in the above section on "Election Support," has serious implications for efforts to register voters and candidates or carry out planned elections.

It should be noted that Ethiopia has a long, complex history of regional administration with shifting boundaries and changing patterns for administering them. This history compounds the problem of defining boundaries and developing center-periphery relationships.[147]

It is important to distinguish between administrative and technical jurisdiction. Under Haile Selassie administration was

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[146]. Imperial Ethiopian Government, Statistical Abstract 1964 (Addis Ababa: Central Statistical Office, 1965), pp. 183-206.

[147]. See: G.W.B. Huntingford, The Historical Geography of Ethiopia: From the First Century AD to 1704 (Oxford: Oxford University Press, 1989); Asmelash Beyene, "Some Notes on the Evolution of Regional Administration in Ethiopia," Development Research, IX, 1 (1987).

handled by the Ministries of Interior and Finance while field personnel of line ministries were administratively under Interior's governors but technically under the supervision of their ministry superiors (an unintegrated prefectoral system). The TGE appears to be: (1) transferring most Interior and Finance functions to regional/wereda councils and their executive committees; and (2) placing technical field agents under the administrative supervision of bureaus while leaving technical supervision of their implementation of national policies, regulations, and activities to their line ministry directors.

In regard to the regional councils and governance, the organization that appears to emerge from TGE statements and issued Proclamations has the following characteristics: (1) the head of the elected Council is called either Chairman or President; (2) the Council will be served by an Executive Committee headed by a Secretary charged with overseeing such administrative functions as audits, inspections, personnel, documentation, archives, and public relations; (3) there will be several offices, most notably: judicial, public prosecution, police and security; (4) there will be three support bureaus: public servants administration, planning and economic development, and finance; (5) there will be 4 commissions to monitor the remaining 17 bureaus, which mirror the central line ministries: administration, productivity and construction, economic services, and social services; and (6) personnel in field offices of line ministries are supposed to have been transferred to the bureaus in early 1993. The Evaluation Team received no document that clarified this organizational structure. Apparently there is no comparative study of the extent of implementation and variations in the regions. Hence, in the absence of solid research, there is enough uncertainty over what is emerging that it is impossible to be more specific about structures, functions, and center-region relationships.

The general view of the regionalization situation is summed up in the NDI report on the June 1992 elections, which was funded by the Project:

> "Proclamation 7 establishes the wereda as the basic unit of self-government within each region. Wereda residents are allowed to elect leaders to a wereda council according to democratic principles. To guarantee minority rights, all nationalities, regardless of their numerical size within a wereda, are afforded representation on the wereda council. The council is granted certain powers over legislation, social services and the implementation of central and national/regional government decrees.
>
> "National/regional governments are accorded much broader executive, legislative and judicial powers by Proclamation

7. Nonetheless, the central government remains supreme, particularly in matters of defense, foreign affairs, economic policy, the designation of citizenship, the printing of currency and the building of major communications networks. Moreover, notwithstanding the detailed provisions of Proclamation 7, the TGE intended that the respective powers of the federal and regional governments would be elaborated in a new federal constitution. The newly formed regional governments, therefore, were not expected to immediately adopt regional constitutions or to exercise other prerogatives generally associated with autonomy.

"Rather than mollify the yearnings of various nationality groups for their assumed rights to self-determination, the TGE's attempt to empower various nationalities through Proclamation 7 may have broadened and deepened ethnic discord. In part, these strains arose as a consequence of the slow pace with which administrative reform unfolded, i.e., by election day, some regional boundaries had yet to be clearly drawn. But friction also emerged from the contrary expectations of OLF and EPRDF leaders concerning the authority of national/regional governments. Elements of the OLF had long hoped to establish the independent state of Oromiya and sought an arrangement from the EPRDF similar to the plan for Eritrea. The EPRDF, however, intended regional autonomy only within the context of a unified Ethiopia, with Eritrea representing a unique solution to past colonial injustices." (emphasis added)[148]

This view is reinforced by the fact that a major Government policy statement on regional reforms strongly suggests, with few details, the outline of a devolved federalism along these lines.[149]

The problem with the language in both the NDI summary and the TGE policy statement on regionalization is that it is: (1) insensitive to the complexities of different types of decentralization; (2) careless in its use of heavily freighted terms like "self-determination" and "autonomy;" (3) not based on extensive discussions with experienced public sector personnel charged with overseeing the planning, policy making, financing, and technical implementation of established line ministry

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[148]. NDI, An Evaluation of the June 21, 1992 Elections in Ethiopia, pp. 21-22.

[149]. Regional Affairs Sector, The System of Regional Administration in Ethiopia (Addis Ababa: Prime Minister's Office of the TGE, January 1994).

responsibilities; (4) based on the assumption that wide ranging powers and responsibilities will be transferred to regions and weredas notwithstanding likely objections and modifications by the Ministry of Finance and technical line ministries; (5) fails to distinguish between administrative and technical jurisdictions over field personnel of line ministries; (6) misleading as to the variability in patterns and capacities found in different parts of the country; and (7) not based on any "ground truthing" in a wide range of carefully selected provinces, zones, and weredas.

The significance of these problems is underlined by the findings of Christopher Clapham, who notes that as of 1988: (1) the formal structure of local government in Ethiopia did not change in the years following the revolution, though there was turnover of officials holding administrative government positions under the emperor; (2) line ministries and local governments at provincial and municipal levels was operative throughout the country; (3) leadership ceased to seriously consider regional autonomy, let alone secession, after 1978; and (4) the September 1987 constitution used the term "autonomous regions" but ensured that regions were entirely subordinate to the national government.[150] Clearly, what ever the commitment of the TPLF to its historic objective of "regional autonomy," and what ever statements it makes about future federal structures and functions, the residue of the Haile Selassie and PMAC-PDRG regimes' position on decentralization is going to make it unlikely that the political and legal issues on the form of decentralization expected to emerge from the transition process will be easily resolved much less implemented by government field agents under the technical, if not administrative, jurisdiction of central line ministries. This outcome could change if the TGE moves toward restructuring of central ministries, thereby reducing their powers to shape or alter regionalization reforms.

Beyond this picture, the Evaluation Team found little or no documented information on deeper aspects of field, local, and municipal government, particularly in regard to current patterns and directions of change. Four examples will be given: (1) there are an estimated 200 towns and municipalities with varying powers and legal authority; yet, the current operations of these units is rarely acknowledged, much less discussed, in reports and memorandum on decentralization and regionalization in Ethiopia; (2) there are reports that the TGE is currently in the process of transferring central government personnel to regions, zones, and weredas; yet, there is no data on the numbers, patterns, or effects of such transfer; (3) it is asserted, particularly in the

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[150]. Clapham, transformation and Continuity in Revolutionary Ethiopia, pp. 195-204. It should be noted that Clapham is the only student of governance under the PMAC-PDRG to have spent considerable field time in Ethiopia.

UNDP report, that the new executive committees of the regional councils have no administrative capacities; yet, the old Ministry of Interior and Ministry of Finance administrators, tax officials, budget officers, auditors/accountants, and clerks are probably still in place in many local government jurisdictions and there are no studies supporting suppositions that there is no capacity outside Addis Ababa to provide support for councils and their committees; and (4) there are general statements about decentralization of central ministry headquarters or field staff to regions, zones, and weredas; yet, there are no studies about the form and limitations of such decentralization.

Only one study was found that addressed these kinds of issues. It related to assertions that budget and expenditures are to be transferred to councils without discussion of how this would be done and what problems and constraints were likely to effect the effort. That study, undertaken by USAID's Satish Chandra Mishra, is preliminary.[151] What is important is it shows the kind of research that is greatly needed and it suggests that under emerging legislation the center will dominate the regions.

Clearly civil war has affected local and municipal government in some geographic areas. But since government administrative services and activities are being carried out at the local level in most areas it seems quite likely that some capacity does exist. In sum, there is pressing need to get a better picture on such topics as supervisory jurisdictions, administrative and technical capacities, revenue sources, budgetary systems, allocation and expenditure patterns, and municipal governance, which is why Part IV argues for a research effort under this Project component. Until this is done it will not be possible to evaluate the kinds of boldly asserted but questionable factual statements found in a recent UNDP report on regionalization.[152]

On the other hand, it is possible to review the issues in regionalization by looking at legislation. First, the Regional Affairs Sector of the Prime Minister's Office established an administrative framework for national, regional, and wereda elections. This was done by Proclamation No. 11 of February 1992. The problems related to this framework were discussed above in the section on "Election Support." In this regard, it should be noted that the Regional affairs Sector appears to have

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[151]. Mishra, "Public Expenditure Implications of Regional Economic Devolution."

[152]. Louis A. Picard, "Regionalization in Ethiopia: Preparation of a Strategic Action Plan" (Paper Prepared for the United Nations Development Programme, Management Development Programme, New York, May 3, 1993), pp. 1-20.

limited policy making and administrative authority, that its actions largely reflect decisions taken elsewhere in the TGE by influential political actors.

Second, in the face of numerous questions, the TGE issued two additional Proclamations. The first, Proclamation No. 33 of 1992 attempted to define how revenue would be shared between the central government and regional, zonal, and wereda "self-governments."[153] The second, Proclamation No. 41 of 1993, sought to define the powers and duties of the Central and Regional Executive Organs of the transitional government.[154] Both proclamations will be analyzed shortly.

Soon after the Project was signed, some observers who read this legislation and reflected on its meaning and relation to both TGE policy statements and the inherited system of Haile Selassie and the PMAC-PDRG began to argue that: (1) the debate over the form of decentralization was going to be fierce and prolonged; (2) Proclamations 7, 11, 33 and 41 were inconsistent with each other, statements of different units of the TGE, and with public sector administrative patterns established under Haile Selassie and still on the ground in many areas; (3) formulating and implementing decentralization reforms would take a considerable period of time; (4) elections to regional councils would be flawed and in some regions delayed; (5) development of systems for sharing revenue and budgetary power would be an extremely complex process unlikely to lead to substantial budgetary resources to the regions; (6) the proclamations failed to address the status of municipalities and towns; and, most importantly, (7) a struggle would emerge between TGE political factions arguing for "power to the people" and experienced central civil servants who recognized that development required uniform national policy and skilled administrative and technical implementation leadership.

These questions were compounded by those raised in a paper commissioned from Professor Samuel P. Huntington under the "Constitutional Development" component of the Project. The paper reflected the concerns of aid agencies and embassies over a decentralization reform based on ethnicity, although no pretense

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[153]. "Proclamation to Define the Sharing of revenue Between the Central Government and the National/Regional Self-Governments," Proclamation No. 33 of 1992, Negarit Gazeta, 52nd Year, No. 8 (October 20, 1992).

[154]. "Proclamation to Define the Powers and Duties of the Central and Regional Executive Organs of the Transition Government of Ethiopia," Proclamation No. 41 of 1993, Negarit Gazeta, 52nd Year, No. 26 (January 20, 1993).

was made that the paper was based on analytical insights into the intricacies of the particular Ethiopian political context. One of America's most distinguished comparative political scientists, Huntington pointed out that the combination of party and regional ethnicity was unstable and potentially volatile:

> "...ethnicity is likely to be central to Ethiopian political parties, elections, and politics generally. Attempts to suppress ethnic identifications or to prevent ethnic political appeals are not likely to be successful...Parties and other politically groups will undoubtedly be organized primarily on ethnic lines. Drawing regional boundaries on ethnic lines, however, supplements what is unavoidable with what is undesirable...the combination of ethnic territorial units and ethnic parties cumulative cleavages and can have a disastrous effect on national unity and political stability."[155]

The types of problems spelled out above are recognized in Harbeson's evaluation, which in noting unsatisfactory government performance relative to regionalization, stated that:

> "Lack of communication between the EPRDF and the other (political) parties allows serious misunderstandings and differences of constitutional proportions to fester, endangering the legitimacy of a new constitution ...beginnings of implementation but important details remain to be clarified...The broad outlines include: the redefinition and renaming of regional boundaries to highlight the countries multiethnic character. In political terms the regional governments take on almost federal character, while in economic resource and policy setting terms the regional governments remain clearly subordinate to the central government, although they will acquire broad latitude in the implementation of centrally determined economic policies. In cultural terms, illustrated especially by language policy, the regions are afforded something approaching autonomy."[156]

The concerns of Harbeson and Huntington has been reflected in the political infighting that occurred among groups and parties contending for control over regional and wereda councils. For example, during the period in which this Evaluation was

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[155]. Huntington, "Political Development in Ethiopia," pp. 14-6.

[156]. Harbeson, Ethiopia's Democratic Transition," pp. 31-2.

carried out there was substantial trouble in Region Five.[157] Briefly, on April 6th, at a meeting of the region Five Council in Jijiga, those attending declared the Regional Executive Committee (REC) removed for neglect of duty and financial irregularities. The REC responded that the Council meeting was invalid because many of those attending and voting were "new faces," so that its decisions were illegal and invalid. The result was two groups claiming to head the Regional Council. Much of the argument between the two groups appears centered on questions of whether the capital should be Gode or Jijiga and which clans should have positions of power on the Council. It was further compounded by party disputes over the removal of the President of the Council in early 1994 for expropriation of money from the Council's budget. Among the range of parties involved in this case were the Western Somali Liberation Front, the Ogaden National Liberation Front, the Ethiopian Somali Democratic League, the Western Somali Democratic Party, and Al-Ittihad, an armed Islamic fundamentalist group (the EPRDF had no co-party in the region to represent it). Clearly, politics in every region can get complex and convoluted, making it difficult to carry out programs aimed at building the capacity of regional and wereda councils.

Recognizing that the TGE's decentralization reforms were more problematic than initially thought, the Mission, as expressed in its 1993 Country Strategy Paper, wisely backed off from the initial objectives, chose not to duplicate ongoing efforts by UNDP to address these issues, defered a decision on interventions in this area, and merely provided assistance at the margin, while waiting to see what the structure and function of the emerging regional government system would be.[158] Since, as pointed out in Part II, the Concept Paper gradually set directions for the Project, its recommendations were followed: namely, for the time being the Project would focus on training for local court judges and the provision of equipment required to enhance local court effectiveness. While carrying this activity out through the "Judicial Reform" component of the Project (above), the Mission decided to await the finalization of the Constitutional Commission and the results of a project design study being undertaken by UNDP.[159] The decision of the D/G Advisor and the Mission to follow a limited course of action was a good one.

On the otherhand, the Mission and the Project could have used the professional skills of the D/G Advisor to assist the

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[157]. "Turmoil in Ethiopia's Region Five," Somalia News Update, III, 12 (April 22, 1994).

[158]. USAID, Back to the Future, p. 52.

[159]. Ibid., p. 52.

Government to sort out the difficult political, constitutional, legal, and jurisdictional debates and issues hampering the formulation of a coherent and effective regionalization policy. Perhaps the major missed opportunity was the failure to commission the kind of study recommended in Part VII. Another opportunity might be to support generic management courses for regional council executive committee members, the content of which would be useful what ever the outcome of the debates over the type of decentralization to be implemented.

The UNDP has begun planning a $22.0 million regionalization program on the basis of a consultant report marked by limited awareness of the issues just raised, no appreciatle field inquiry, and questionable assumptions.[160] This UNDP initiative is titled "Management of Economic and Technical Change" (METC).[161] It is focused on building managerial capacity at the regional level through local and external training, supporting regional planning efforts at the centre and in the regions, providing computers, vehicles, office equipment, furniture, communications gear, and other commodities to regions, and providing technical assistance experts to assist regions to carry out the functions UNDP draftsmen believe have been firmly delegated to regions and municipalities.[162] This project proposal is further elaborated by

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[160]. Picard, "Regionalization in Ethiopia." A partial USAID mission critique of this paper's documentation, understanding and proposal is found in: Satish Mishra, "USAID's Possible Contribution to Regional Devolution" (Internal USAID Memorandum to the Deputy Director, Addis Ababa, September 17, 1993.

[161]. UNDP describes the major donor activities in the area of decentralization as the "Programme Planning Framework for Upgrading the Economic and Social Conditions in Ethiopia." Under that frame work it cites four major initiatives: (1) economic recovery (World Bank/IMF); (2) Poverty Alleviation and Social Action/Safety Net (World Bank/UNICEF); (3) economic recovery and reconstruction; and (4) management of economic and technical change in both public and private sectors (UNDP). Under the UNDP initiative there appear to be six programs, one of which is "participatory regional development." "Management of Economic and Technical Change in Both Public and Private Sectors: Annex 2 Sub-Programme on Participatory Regional Development."

[162]. UNDP, "TGE National Programme for Management of Economic and Technical Change (METC)" (Discussion Paper on the Supplementary Funds Requirements for the Ethiopian Regionalization Process, Addis Ababa, n.d.)..

a subsequent UNDP proposal giving greater specificity to the proposed METC tasks[163].

The UNDP is proceeding as if: (1) the TGE's political and bureaucratic intentions are in harmony; (2) there are no disputes within and between the major and opposition parties over the direction of decentralization reforms; (3) there is adequate understanding of current regional and municipal patterns that characterize the country to allow large scale programs to be developed; and (4) it has been determined that wide ranging powers and responsibilities will be transferred to regions and weredas.[164] But the Evaluation Team has concluded that UNDP consulting report, the METC paper, and the pamphlet issued by the Regional Affairs Sector of the Prime Minister's Office do not: (1) reflect the complexities of central ministry-regional policy, administrative, technical, financial, or budgetary relationships; or (2) or show awareness of the difficult to document debate that must be taking place in the center among TGE party officials, powerful central government professionals, and opposition party spokesmen.[165]

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[163]. "Annex 2: Sub-Programme on Participatory Regional Development" published as part of: UNDP, "Management of Economic and Technical Change in Both Public and Private Sectors," (Programme Prepared by UNDP, Addis Ababa, June 1993).

[164]. For example, because it is instructive, the report assumes: "Regions will have responsibility for managing a variety of public enterprises that are now or will be transferred to the regional level. thus regional authorities will play a major role in decisions with regard to privatization and/or the rationalization of public enterprises." Picard, "Regionalization in Ethiopia," p. 10. This is taken as a given despite the fact that the Constitution is still in draft, that political rhetoric is at variance with statements in the Proclamations, a long struggle is obviously about to begin between proponents of central direction of development and forces favoring local autonomy, and the realistic problems involved in managing parastatals and boards of importance to the economy.

[165]. An indicator of this is the fact that the Joint Task Force of senior ministers and aid agencies formulating requests to support regionalization touch only on aid to the police force, the courts and the councils. If it was already decided that the TGE was going to transfer administrative and technical control over line ministry personnel to regional bureaus the assistance suggested in the UNDP report would also have been requested. This suggests that line ministries have no intention of turning technical control of their field agents to regional or wereda councils. Picard, "Regionalization in Ethiopia," p. 11.

To be sure, there are some generic managerial skills desperately needed by regional and wereda presidents, and particularly executive committee members. But the long public administration experience in training local government officials suggests that such skills are best taught using carefully designed situation relevant case materials. In the absense of clear knowledge of existing patterns, much less about how future financing, budgeting, and implementing authority will be distributed, it is very difficult to prepare realistic and meaningful training materials. Hence, contrary to some observers who argue training cannot await the resolution of regionalization issues, the Evaluation Team concludes any training project not grounded on reality, however general the training objectives, is unlikely to produce cost effective results.[166]

In this regard, the Team believes that USAID and other aid agencies should make substantial research investments in the area of provincial and municipal government before proceeding with large-scale aid efforts. Ideally, this should be done jointly with a research institute at Addis Ababa University.

4. Opportunities and Constraints

On the basis of a review of conflicting Government documents, particularly between publications of the Regional Affairs Section of the Prime Minister's Office and Proclamations issued by the TGE, as well as on the basis of discussions with Ethiopian officials and USAID personnel, the Evaluation Team has concluded that the future structure, functions, and financial processes to be introduced under the decentralization reforms are far from resolved. It appears that there are several different political groups within the TGE that have different views about the objectives and structure of the declared regionalization policy. Among other factors, these groups can probably be distinguished on the basis of their: (1) expectations about the possibilities and difficulties of empowering local populations; (2) experience in managing large-scale institutions other than military units; and (3) understanding of the difficulties of formulating policies essential to development and implementing such policies through the preparation of regulations, the provision of basic services to urban and rural populations, and

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[166]. For example, Harbeson contends that: "...(a) the skill levels and organizational capacities at subnational levels are serious enough that (b) certain basic skills training and organizational develiopemnt could usefully be undertaken and that (c) such initiatives need not presume any particular ultimate solution to the regionalization debates." "Comments and Implementation Recommendations," p. 4.

the identification, design, and implementation of sustainable development oriented projects and programs; and (4) appreciation of the complexities of public sector planning processes, revenue generation, budgeting, expenditure, and accounting procedures in line ministries and agencies. Debates and power struggles among these groups, as well as the outcome of the Constitutional Development process, will determine the final TGE position on the form and extent of decentralization after the transition.

What ever position TGE position emerges it will have to deal with the entrenched interests of senior and middle-level administrators and professional or technical experts in the line ministries, agencies, and commissions. Indeed, these bureaucratic interests appear to be already engaged with TGE political groups on the TGE structure and content of the decentralization reform. This engagement is well illustrated by the difference between the vague, conflicting 1994 pamphlet titled The System of Regional Administration in Ethiopia, issued by the Regional Affairs Sector, and the language found in Proclamation No. 7 of 1992 and Proclamation No. 41 of 1993, just to pick two of the products of established ministries and agencies that appear to be seeking to retain the major policy, implementation, and financial powers they held under Haile Selassie and the PMAC-PDRG.

Before turning to this apparent inter-governmental struggle, it might be useful to briefly review the forms decentralization can take, particularly because the Evaluation Team finds the concept and its subtypes used inaccurately in both UNDP and USAID documents. Briefly, most experts distinguish four types of decentralization: (1) deconcentration, or the extension of specified central administrative and technical powers to field agents of the center operating at or below a province or region (eg. the French model of provincial administration); (2) devolution, or the transfer of specified central administrative and technical powers to provincial or sub-provincial units of government, which is usually accompanied with the transfer of specified revenue collection powers (eg the British system of local governance); (3) delegation, or the transfer of specified central administrative and technical powers to relatively independent entities such as parastatals, municipalities, or regional development agencies; and (4) principal-agent, or the contracting of central administrative and technical responsibilities to private or public sector institutions, such as water companies or refuse collection firms.[167] In most

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[167]. The classic literature on these critical distinctions is: James W. Fesler, "Centralization and Decentralization," in International Encyclopedia of the Social Sciences, edited by David L. Sills (New York: Macmillian, 1968), pp. 370-79; Shabbir Cheema and Dennis Rondinelli, Decentralization and Development

countries there is a mix of all four types as well as sub-variations among them, with a dominant pattern centered on one of these types. Finally, these types are fund under unitary, federal, and co-associational state systems.

Under Haile Selassie the predominant pattern was that of deconcentration, but it was characterized by governors and traditional elites holding substantial autonomous powers. Such autonomy was tolerated as long as law and order was maintained and taxes collected. On there other hand, there was no election of the governors. They were appointed by the crown and maintained strong administrative, if not technical, control over central ministry field agents operating in their jurisdictions. This pattern continued under the PMAC-PDRG, though there was some devolution of specified powers to Peasant Associations and other institutions created between 1974 and 1990. But as noted earlier, Clapham, the expert with the most field experience during the past 17 years, concludes that the provincial and municipal systems in place in the later years of the Mengistu regime to be remarkably similar to the systems that functioned under the Emperor.

Hence, the question that needs to be answered is what combination of decentralization forms will mark the reforms that will eventually emerge from internal TGE, Constitutional Commission, Constituent Assembly, and Council of Representatives debates. The Regional Affairs Sector paper suggests that substantial devolution of policy and implementation responsibilities will take place under the regionalization program. The UNDP report accepts with little reflection or research this position. But the two proclamations mentioned above suggest a different, more complex situation.

Briefly, Proclamation No. 41, in describing the powers and duties of ministries, agencies, and commissions, consistently uses clauses suggesting substantial central control of policy and implementation.[168] For example, in regard to the Ministry of

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(London, Sage, 1983); Shabbir Cheema, Dennis Rondinelli, and John Nellis, Decentralization in Developing Countries (Washington, D.C.: World Bank, Staff Working Paper 581, 1984); Dennis A. Rondinelli, et al., "Analyzing Decentralization Policies in Developing countries: A Political-Economy Framework," Development and Change, XX (1989), pp. 57-87; Jerry M. Silverstein, Public Sector Decentralization: Economy, Policy Reform and Sector Investment Programmes (Washington, D.C.: World Bank, Technical Paper No. 188, African Technical Department Series, 1992)

[168]. "A Proclamation to Define the Powers and Duties of the Central and Regional Executive Organs of the Transitional

Health, the Proclamation states, among other things, that the Ministry shall:

> "...formulate the Country's public health policies and strategy and...supervise their implementation; prepare and submit draft laws...on public health and supervise their enforcement; provide technical and professional assistance to hospitals, health centers, clinics and research and training centers; determine and supervise standards to be maintained by health services...operated in the country; determine the qualifications of professionals...at various levels; register and issue certificates of competence to medical practitioners and pharmacists; undertake necessary quarantine controls; prepare and enforce essential drugs' list; control the quality standards of drugs and medical supplies." (emphasis added)[169]

This statement should be compared to the same Proclamation's statement on the powers of the Regional Health Bureaus, which, among various tasks, are charged with:

> "preparing on the basis of the health policy of the country, the health care plan and programme for the people of the region; ensure that professionals engaged in public health services in the region satisfy the prescribed standards;"(Emphasis added)[170]

Proclamation No. 7 reinforces what is suggested by Proclamation 24's allocation of duties to central and regional governments.[171] It consistently uses clauses such as:
(1) "without prejudice to the powers of the center the bureau shall;" (2) "in conformity with central regulations the bureau shall;" or (3) in making policy or implementing activities they should "not conflict with the powers, policies, or regulations of the center." This emerging pattern of central control is further reinforced by Proclamation No. 7's provision that the regional councils are responsible to the center's Council of Representatives and that the activities that regional bureaus wish to carry out must be in accord with central ministry policy, regulations, and implied oversight.

Government of Ethiopia," Proclamation No. 41 of 1993, Negarit Gazeta, 52nd Year, No. 26, January 20, 1993.

[169]. Article 22, Proclamation No. 24, pp. 246-7.

[170]. Ibid., Article 51, pp. 264.

[171]. A Proclamation to Provide for the Establishment of National/Regional Self-Governments," Proclamation No. 7 of 1992, Negarit Gazeta, 51st Year, No. 2, January 14, 1992.

The pattern of regional/wereda subordination to central line ministries that emerges in the above analysis is reinforced by the only study seen by the Evaluation Team that gets below the surface of statements and issues. This study of likely revenue and expenditure patterns under these proclamations and legal notices[172] estimates that at present the approximate relative shares of the center and the regions in: (1) domestic revenue generation will find 14% going to regions and 86% to the center; and (2) expenditure allocations will find: (a) 22% of capital expenditure going to regions and 78% to central ministries and agencies; and (b) 26% of recurrent expenditures going to regions.[173] Further, this study notes that:

> "...in the preparation of the recurrent and the capital budgets the final approving agencies are the central ministries of Finance and Planning and Economic Development rather than the regional councils. The later have the authority to act as first stage filters in the budgetary process only."[174]

Clearly, in terms of resources the center is in the dominant position.

To be sure the language in both these and other key proclamations could be clearer. Legal ambiguities prevail, though the language in the Proclamations is clearer than that in the statements of the Regional Affairs Sector or the UNDP consultant report. What is suggested here is that these proclamations probably represent the efforts of skilled managers and professionals in central institutions seeking to ensure that the devolution of the powers from central ministries to their parallel regional bureaus is limited and guided by central ministry technical control over such matters as policy and regulatory implementation, national program implementation, maintenance nation-wide standards, budgetary processes, and so on.

It is hypothesized that the ultimate decision will be one that places the field agents of the central ministries, agencies,

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[172]. "1984 E.C. Budget Proclamation," Proclamation No. 26, 1992, Negarit Gazeta, 51st Year No. 22, September 7, 1992; "A Proclamation to Define the Sharing of Revenue Between the Central Government and the National/Regional Self Governments," Proclamation No. 33 of 1992, Negarit Gazeta, 52nd Year, No.7, October 20, 1992.

[173]. Mishra, "Public Expenditure Implications of Regional Economic Devolution," pp. 5-7.

[174]. Ibid., p. 5.

and commissions under the administrative control of regional, wereda councils, executive committees, and commissions. It is not by chance that the currently effective legislation, Proclamation No. 24, identifies 20 line ministries that mirror 20 regional and wereda bureaus. In essence, the former central government managers, professionals, and technicians who currently staff central field offices will be transferred to decentralized offices called "bureaus." Further, judging by the language found in Proclamations 7 and 24, it is quite likely that such personnel will be subject to the same division of administrative and technical supervision that hampered the effectiveness of provincial civil servants during the administrations of Haile Selassie and the PMAC-PDRG.

The Evaluation Team found few documents that help to elaborate the task environment in which activities under this Project component might be implemented. Reviewing the few documents on this topic,[175] the Team concludes there is a tendency on the part of UNDP to incorrectly assume that: (1) the provincial and municipal government system established by Haile Selassie after 1942 has generally ceased to exist throughout the country; (2) most public servants still located at regional, wereda, or municipal levels are inexperienced, incompetent, and unable to carry out current government functions associated with their central ministries, agencies, or commissions; (3) few physical structures, equipment, or logistic systems exist for the implementation of central policies or aid agency projects and programs. In this regard, the Team finds the Mission and the D/G Advisor to aware of the problems with such assumptions and interested in investing in the field research required to better understand the subnational task environment for which they are designing development projects.

To be sure, the imperial system of local government has been effected by differing patterns of recruitment, successive ministerial reorganizations, revolutionary initiatives such as peasant associations and their hierarchies, efforts at WPE formation at sub-regional levels, resettlement programmes, and villagization. None the less, there is limited evidence to suggest that the structures, physical facilities, and staffing found in the final years of Haile Selassie's regime still are found in government units outside Addis Ababa. This assertion appears to be supported by donor reports and PhD studies undertaken during the 1974-1994 period, albeit they are usually confined to a particular rural area. The extent to which the

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[175]. Most notably, Picard, "Regionalization in Ethiopia;" Mishra, "Public Expenditure Implications of Regional Economic Devolution;" Regional Affairs Sector. The System of Regional Administration in Ethiopia; UNDP, "Management of Economic and Technical Change in Both Public and Private Sectors: Annex 2."

imperial system survives is obviously dependent on the extent to which civil war, famine, population growth, and transitional government policies have affected different regions. Such changes need to be better documented and understood. Clearly, it is time for careful research on the task environment to be affected by the decentralization reform that emerges and the rural and urban areas where aid agencies are going to make substantial development investments.

The Project could play a major role in assisting aid agencies to understand the current regionalization reform debates and the likely outcome of this struggle. Such a study would do more than assist aid agencies seeking to provide assistance to regionalization efforts. It could also help the TGE think through the range and forms of decentralization, particularly in regard to their financial cost and benefits and developmental advantages and disadvantages.

In particular, using only part of the $180,000 still unspent in that Project line item (see Annexes VII and VIII), the Project could fund the type of research effort recommended in Part VII of this report. This evaluation is not the place to work out the terms of reference for such a study. However, a brief outline of such an activity is spelled out in that Part of this report.

It is important to note that the proposal is this evaluation is different from the one spelled out in the UNDP consulting report, in that it does not assume that the structures and functions of regional and municipal government or the capacity levels of public service personnel working outside the capital city are known. The UNDP proposal notes that recommendations should be in accordance with Government policy on decentralization, something that will not be known until the Constitution is adopted and line ministries and political forces resolve differences over the extent of devolvement that will occur. Moreover, UNDP's proposal also assumes consultants can quickly determine organizational structure in the regions and municipalities and move on to: (1) recommending how the center should manage the periphery; (2) recommending policies and systems relative to tax revenue, budgets, and expenditures; (3) recommending administrative systems and procedures for principal-agent contracts outside government; (4) identifying human resource capacity; and (5) developing training programs to enhance that capacity.[176] This is overly ambitious given the lack of knowledge about the current system, patterns of variability, and the direction the reforms will take it. In this regard it should be noted that task of simply understanding the patterns of provincial and municipal governance, and its variability by

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[176]. Picard, "Regionalisation in Ethiopia," Appendix One, pp. 2-6.

region, proved very difficult for USAID to do during Haile Selassie's era.[177] It is suggested that in the absence of a detailed understanding of existing structures, functions, and patterns, as well as the variability likely to exist among them, the UNDP terms of reference are overly optimistic and premature.

Only on the basis of the type information and analysis produced in the study recommended in Part IV can, for example, UNDP design an effective training program or aid agencies like USAID design and implement sectoral projects in the areas of education, health, water, agriculture, and transport. And only on the basis of the details provided by such research can aid agencies ensure that scarce resource are targeted on appropriate capital, equipment, and training needs.

Civil Society and NGOs

1. Objectives

Strengthening of the various kinds of organizations in the nongovernment sector which have a political or socio-political avocation is not specifically cited as a substantive area of focus in the PP. However, civic associations and certain nongovernmental organizations (political parties, human rights associations, or civic action-oriented NGOs) are explicitly expected to be involved in implementation of Project activities. Moreover, the Mission's Concept Paper includes as a target for the Mission's overall assistance program "NGO's participation in civil society strengthened." This, combined with both the Mission Director's and the U.S. Ambassador's feeling that the Project should, in the future, emphasize more the development of civil society, calls for consideration of Project work with NGOs and associations to date.

It should be noted that Mr. Irvin Hicks, ambassador nominee to Ethiopia, in his April 29, 1994 testimony to the Senate Foreign Relations Ambassadorial Nominations stated:

> "As the democratic process takes shape, I am concerned that too many groups remain outside the political process. President Meles has pledged that the TGE will work to make

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[177]. See, for example: John M. Cohen, "Local Government in Ethiopia: An Analysis of the Problems and Prospects of the Awraja Self Government Proposal, with Particular Emphasis on Rural Change, Local Participation, and Potential Areas of External Assistance" (Consulting Report Prepared for USAID, Addis Ababa, 1974).

wider participation possible -- a pledge that the U.S. intents to make effective, providing those Ethiopians desiring a participatory democracy an opportunity they would do well to seize. If confirmed...I would do my utmost to promote peaceful dialogue among Ethiopians and discourage those who, after thirty years of war and suffering, still appear attracted to violent solutions to Ethiopia's complex problems."

2. Current and Completed Activities

The Project is currently working closely with three U.S. NGOs (IFES, NDI, and CCEU) and, through them, with two local NGOs (A-Bu-Gi-Da and IAG). The later represent two of the three NGO groupings relative to the TGE, with IAG considered supportive of the TGE, A-Bu-Gi-Da neutral to political parties, and the Ad Hoc Peace Committee, which the Project is not working with, being pro-opposition.[178] It should be noted that such characterizations are very tricky in that they tend to blend popular perception and reality as well as may distort more than they clarify. Still these appear to be the perceptions among those the Team interviewed.

Repeating what was discussed in the section on ""Election Support," IFES is providing commodity assistance to the NEBE and contributing to improving its logistic and administrative capacity to run free and fair elections. The test of the utility of this effort will be in the Constituent Assembly elections planned for June 1994. The administrative and logistic failures associated with the June 21, 1992 election for regional councils is well documented so the baseline conditions against which to measure NEBE's effectiveness in using the assistance of IFES and others are available.

In regard to others, GTZ is plans to use former relief trucks destined for privatization under the SAP to distribute election materials on a nation-wide basis. Whether an aid agency should be involved in actual administrative tasks of the NEBE is another issue. In the Evaluation Team's view, USAID's practice of assisting the NEBE to develop systems and logistics, without actually carrying out NEBE functions, is a wise one.

The activities of the NDI since the June 1992 elections have focused on civic education. This shift and some of NDI

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[178]. On the IAG's position see the letter by Abdul Mohammed, Executive Director of IAG, to the Executive Director, IHRLG in: IHRLG, "Ethiopia in Transition," pp. I-5 through I-8.

activities are reviewed in the section of "Election Support," above.

As noted in that section, NDI is no longer working with EFEOA, which appears to have disintegrated after the elections. It's current strategy is to find other similar organizations. At present it is actively developing a partnership with several local NGO, most notably the Ethiopian Congress for Democracy or A-Bu-Gi-Da,[179] an NGO focused on civic education.[180]

So far, despite delays caused by the need to get permission letters from the TGE, the NEBE and the regional councils, NDI has: (1) provided technical assistance to the organization; (2) helped in the development of a short program on "What is Democracy," which has been subsequently held in a variety of regional centers; (3) funded the preparation of leaflets on the same subject in Amharic and Orominya; and (4) facilitated evaluation of the sessions to lead to future improvements. A follow-up to the program is the establishment of local "democracy clubs," which are intended to focus on discussing the rights and duties of voters and the rules of the election process.

The first two were held in late March 1994. A training program for civic NGOs on the general topic of monitoring the democratic process was held in Addis in early May 1994, and was attended by 20 or so individuals from A-Bu-Gi-Da's local clubs. Trainers at this workshop included civic organizers from Romania, South Africa, Kenya, Bulgaria, and the United States.

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[179]. This NGO seeks to promote grassroots education of Ethiopians about democratic governance and human rights. It was established in June 1991 and is not affiliated with any political party. Indeed, it has striven to maintain its neutrality. It has held meetings with various sectors of the population, making particular efforts to include women and student groups. These meetings are typically held at the houses of members and centered on lectures the A-Bu-Gi-Da activities. These are: civic education, human rights and humanitarian law education, democratic leadership, policy training, and development. In 1992 A-Bu-Gi-Da convened a constitutional law symposium focused on the rule of law. It also translated the Universal Declaration of Human Rights into Amharic and widely distributed the copies. It is run by a seven-member executive committee whose members are volunteer professionals and students. The president is Abraham Abebe.

[180]. The following review of NDI activities is based on discussions with Kevin Johnston and Steve Lutterbeck of the National Democratic Institute.

NDI has recently contracted with a U.S. firm to conduct focus group interviews regarding citizens' knowledge and understanding of the rights and responsibilities associated with democracy. The report is not yet available; according to NDI staff, however, a major finding was that people are quite aware of the rights associated with democracy but completely lacking in knowledge of the responsibilities that go along with the rights.

With USAID funding, the CCEU is working in partnership with the IAG to stimulate discussion and debate relating to constitutional and other issues. As noted in the section on "Constitutional Development," by all verbal accounts, the Constitutional Symposium of June, 1993, was a timely and well-organized affair. It generated a greater awareness of different models of constitutional development and kicked off the longer constitutional debate in Ethiopia. The pay-off is not yet visible as the constitution drafting process is still ongoing. As noted earlier, a full report of the symposium has been published and is quite useful. The IAG has also attempted, without much success, to bring opposition groups into the debate.

The Constitutional Commission has sponsored several topic-specific symposia around the country to facilitate such input. According to IAG, women's interest groups have been especially active in efforts to influence the constitutional process and IAG has been coordinating its efforts in support of them. This view is confirmed in a recent newsletter on Constitutional Commission activities distributed to the international community.[181]

As discussed at length in the sections on "Constitutional Development" and "Judicial Reform and Human Rights," the CCEU did attempt to develop a program to support for judicial training through the EHRPC. For a description of this activity, and current EHRPC efforts being undertaken separate from CCEU with DANIDA assistance, see those sections.

As noted in earlier sections, interviews carried out by the Evaluation Team did record comments to the effect that the CCEU provides little direct intellectual input into the activities carried out under its cooperative agreement, complains about procurement and customs clearance obligations for equipment in support of these activities, while taking overheads on the resource flows. This is supported by the fact that CCEU is

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[181] "Women's Issues and the Constitution" stating that "some of the criticisms raised at the recent meeting of Womens Associations held on march 6th 1994...[indicated that] the Commission had not given enough attention to the question of women's equality and how these issues would be framed in the Draft Constitution." TGE, Constitutional Commission Newsletter, p. 11.

currently represented by a very junior staff member.[182] The implications of this problem for the efficient use of project resources is discussed in Part VII.

In this regard, it should be noted that IAG has not reported to CCEU or USAID, and appears to have been careless in the processing of salary payment vouchers for its staff.

In addition, two 116(e) grants are being implemented with local NGOs. These are funded under the Democracy and Human Rights Fund, normally discussed and decided upon by the interagency 116 (e) committee upon which the D/G Advisor and Assistanct sit and administered by Project staff D/G Advisor. One is to the EHRPC for the acquisition of human rights documentation, to be housed in the law school's library, the focus of which is described in the Judicial Reform and Human Rights sub-section, above. The second is for the Tigray Development Association has received funding for holding a judicial reform seminar.[183] Additional 116(e) applications from two more local democracy/peace NGOs are under consideration, most notably: (1) the previously discussed grants A-Bu-Gi-Da; (2) the

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[182]. Dennis King, an experienced manager departed Addis Ababa in early March, leaving management in the hands of Pablo Henderson, who is basically an intern at the CCEU funded by a private corporation grant rather than the Project.

[183]. Importantly the TDA is providing a model for a number of other areas, which are forming development associations. It is important to note that Tigre had a very active development association prior to 1974, led by Ras Mengesha Seyoum when Provincial . Indeed, in a number of areas people participated in rural self-help projects and local improvement associations. Known as meredaja mahaber, these were identified with and bore the name of particular regions or ethnic groups whose interests they sought to promote, either by pressing the area or groups' grievances against the center or motivating the government to provide more public goods such as roads or clinics. Some were highly successful, such as the Alemgna-Walamo Road Construction Association, and others were broken up as being forerunners of regional movements, such as the Metcha Tulama Cooperative Association. See, for example: Fecadu Gadamu, "Ethnic Associations and the Urban/Rural Relationships: With Special Reference to the Alemgana-Walamo Road Construction Association" (Unpublished Ph.D Dissertation, University of London, 1972); John H. Hamer, "Prerequisites and Limitations in the Development of Voluntary Self-Help Associations," Anthropological Quarterly, XLIX, 2 (19976), pp. 110-26; Charles B. Rosen, "Warring With Words: Patterns of Political Activity in a Northern Ethiopian Town (Unpublished Ph.D Dissertation, University of Chicago, 1974).

likely grant to the Society for the Advancement of Human Rights Education; (3) a grant to a not yet identified women's organization to implement a program of women's assertiveness training for AAU freshmen; and (4) a possible grant to a group called Action Professionals' Association for the People, who already have a legal defense fund for women underway and are trying to start one for children.

In the "completed" category is Project funding of NGOs for activities related to the 1992 elections. As noted in the section on "Election Support," above, the AAI led a 70 person U.S. NGO team (including NDI and smaller human rights and civic associations) in monitoring the June, 1992 elections. This resulted in a credible international monitoring effort and to the publication of critical analyses of the electoral process in Ethiopia. AAI's involvement in the electoral/democracy process has not been continued although, as noted above, NDI has deepened its own involvement by focussing on grassroots education efforts in democracy.

3. Assessment of Progress

There are no established benchmarks for assessing progress in this area. This is to be expected since it is not the intent of the Project, as designed, to promote local NGOs/civic associations per se. Rather, the Project's managers have worked with NGOs and civic associations when they can facilitate the achievement of the Project's specific objectives. In this regard, the evaluation question should be: has the Project identified and worked successfully with local NGOs and civics when doing so facilitates achievement of specific Project objectives? However, given the recommendations made in Part VII on the need to make NGO/civic associations an explicit objective of the project, and to facilitate the formulation of indicators whould that recommendation be accepted, the Evaluation Team devised its own indicators for measuring progress:

i. Has the Project identified and successfully negotiated scopes of work with U.S. or local NGOs to participate in Project-funded actions?

ii. Have the NGOs received enough/the right kind of support (both within and outside of the Project) to be able to operate effectively?

iii. Are the Project staff knowledgeable of the universe of local NGOs and associations and aware of the obstacles they face in undertaking

activities which would promote development of the civil society in Ethiopia?

a. Project work with NGOs/Associations

Project support has been predominantly extended to NGOs. A major portion of $3.5 million in Project funding earmarked so far, some $1.7 million (or 48%) has been programmed with or through NGOs. To date two of the four 116(e) grants managed by Project staff have been with local NGOs or civic action associations. As noted above, additional 116 (e) grants to other NGOs or civic associations are likely.

Project staff networking to involve local NGOs and civic action groups is apparently well-started although largely confined to Addis-based groups to date. However, this appears to reflect reality. Confinement to Addis Ababa is largely due to the fact that members of these NGOs lack the spare time and transport capacity to work in the regions. Also, since the NGOs depend on external funding at this point and Addis Ababa is the place to establish and maintain the contacts for such funding.

NDI's Project-funded work as a partner-NGO with a local NGO seems to be working out well although the relationship is still new and the Team had insufficient time to observe the results of the collaboration. Written reports, however, indicate a coherent plan of action which will take advantage of the strengths of both organizations and will provide a nascent civic action group with the necessary means (largely funds but also, reportedly, some new ideas) for doing an effective job of contributing to the development of political culture in Ethiopia.

b. Quality and Adequacy of NGO/Association Support

In other countries in Africa, the liberalization of the political environment has engendered a sudden flowering of NGOs and civic action and interest groups of all types. The flowering in Ethiopia seems to have been relatively modest with the establishment of a maybe a dozen NGOs or associations who have continued to be active players in the democratic transition. In addition, some groups, such as the EFEOA, which early on in the transition played a more active and visible role in the public policy debate seem to have lowered their profiles. In general, then, Ethiopia NGOs and other kinds of associations have not sprung into as vigorous action to take leadership or advocacy roles in the policy debate surrounding the political, and related

economic, transition as seems to have been expected at the outset of the Project.

Three hypotheses were briefly explored with NGO representatives to see what might have accounted for this phenomenon and what USAID might do to remove constraints. The hypotheses included: (1) organizational harassment or over-regulation by the TGE, or what might be termed a hostile operating environment; (2) lack of interest by the populace; (3) financing problems (linked either to external funding agencies or to the NGOs own capacities to request, raise, and/or manage funds); and (4) extremely thin leadership in great need of strengthening.

The Team notes that many NGOs and civic associations are inadequately prepared to take on responsibilities. Even when resources are available, several of the NGOs, particularly those operating in the civic sector, have displayed a marked inability to generate, even with substantial encouragement, either substantive ideas or proposals of even modest quality. In interviews about this matter, the Team on several occasions heard complaints about an increasing number of NGOs primarily interested in rent seeking.

While interviews were too limited in number to come up with any solid conclusions, there appears to be general agreement that funding problems are the most constraining problem for NGOs. Most rely almost entirely on external support. Few are in any way membership organizations. Fund raising opportunities within the country are felt to be highly restricted. Political risk and the confusion currently surrounding the TGE's requirements NGO and association registration are also perceived to be important inhibitors to formation of proactive civic action groups. Some noted that, coincident with the continued refusal of opposition parties to participate in the process, there was a certain disillusionment with the transitional government's commitment to an open process and with the ability of citizens to participate freely in the debates relating to the establishment of a new government system. Views on the level of voters' interest varied. Some noted that economic concerns were a higher priority for rural populations. Others noted the historical legacy of non-debate of and non-participation in political questions. Yet, feed back from A-Bu-Gi-Da's "democracy sessions" has been strongly positive. It is noted that A-Bu-Gi-Da has developed considerably during the first half of 1994 and is beginning to put down local participatory roots. But it appears anomalous in this regard.

The Evaluation Team's conclusion is that local NGOs are in a cautious mode and still highly dependent on outside sources of funding, especially for peace, human rights, democracy kinds of

activities. "Development" NGOs may be emerging from the well-established "relief" NGO category and may eventually complement the more civic action oriented NGOs. But this seems to be a slow process. That is, the outcome of the relatively low level of action is that the rate at which various target groups (voters, community leaders, judges, etc.) are being reached through NGO-sponsored civic education or other kinds of training activities is very low. Finally, it should be noted that donor funding helps local NGOs to withstand possible harassment by local officials, though there is little evidence that this happens to non-oarty affiliated NGOs and civic associations.[184]

c. Project Staff Awareness

The D/G Project staff seems well aware of the universe of NGOs and other civic action organizations, although time spent in personal networking and information exchange has been limited. Outreach to associations, which are less formal and more grassroots-based than NGOs is probably less good. Many of the most active (REST, TDA) are based outside of Addis Ababa. But others, such as some of the womens' associations reportedly participating in the constitutional debate, may be more reachable.

4. Opportunities and Constraints

Current Project constraints to expanding work with NGOs and associations who could strengthen civil society in Ethiopia to some extent echo those discussed above regarding the NGOs/associations themselves: (1) lack of project funding; (2) limited population interest (i.e., not as many active NGOs wanting USAID funds out there to choose as viable partners); and (3) some regulatory constraints, on both USAID and TGE sides. Providing additional funding for the D/G Project would resolve the principal constraint, especially if enough resources were added to permit the selection of a long-term contractor who could handle contracting and granting actions in a consolidated way. Negotiations with MEEC on some sort of umbrella approach to undertaking sub-grants with NGOs would also be helpful. A blanket agreement from MEEC for a number of sub-grants meeting specific criteria would obviate the need for and delays associated with the current signature process and might possibly reduce NGO concerns with excessive TGE regulation and oversight.

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[184]. The veracity of claims is difficult to determine. It appears the Oromo Relief Association has been harassed, but this probably results from its failure to break its link with the OLF.

On the other hand, if the constitutional process (drafting, election of the Constituent Assembly, and debate in that forum) goes as expected, there should be ample new opportunities for debate of critical issues raised by the Constitution and in preparation for the regional and national elections for a permanent government. A reorientation of civic education to deal with regional issues and governance at that level, too, will pose new challenges and could, conceivably lead to the decentralization of some of the national NGOs at that time.

In regard to NGOs and civic action associations, the D/G Advisor should consider funding an activity that trains NGO members in leadership, assists NGOs to improve their organizational design and operation, informs NGO members in proposal writing format and technique, and advises NGO members on standard reporting and accounting practices.

PART V

MONITORING, EVALUATION AND REPORTING

Introduction

Project monitoring, evaluation, and reporting (MER) efforts are, or should be, an integral part of project management.[185] The USAID logical framework (logframe) approach to project design is intended to provide managers a structure for project-level monitoring and evaluation and to suggest the content of reports to be prepared. By routinely monitoring or tracking the delivery of inputs and the accomplishment of outputs, managers can ascertain that the project-provided resources are being expended as planned and are leading to the immediate results (outputs) expected. By regularly monitoring the status of the "objectively verifiable indicators" of Project outputs and comparing them to the Project's purposes, as laid out in the Project logframe, managers can assess the probability that the impacts will be achieved in the anticipated quantities, with expected qualities, and along the timelines expected.

Where it is apparent that reality is diverging from expectations, a periodic evaluation involving re-examination of the logic implicit in the logframe as well as reconsideration of the conditions noted in the "assumptions" column, and perhaps modification of that column through special studies, is warranted. Such an evaluation may, of course, lead to redesign or cancellation of the project.

USAID-supported projects do not, of course, exist as stand-alone activities but, rather, form part of the entire USAID development assistance program in a given country. In recent years, program monitoring, evaluation, and reporting systems have been developed to ensure not only that projects accomplish their own project-specific objectives, but that they contribute to the larger goals associated with USAID presence in that country. A

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[185]. As noted in Part II, one initial comment on an early draft of this report suggested that the Evaluation Team emphasized monitoring and research over such substantive activities as strengthening NGO capacity and working with civic associations. This certainly is not the intention of this evaluation. Harbeson, "Comments and Implementation Recommendations," p. 1.

program logframe performs the same function as the project logframe and a separate program MER process culminates in the annual "Assessment of Program Impact" (API) as well as routine revisions of budget requests, the portfolio of activities, and staffing patterns.

In an ideal world, USAID missions establish their country program objectives first and then determine which assistance activities are likely to be most effective in accomplishing those objectives. Also, ideally, USAID missions are able to realistically project just what level of accomplishment will be associated with the amount of support they are going to be able to provide so as not to "over-promise" on the quality, quantity, and timing of results expected from a given activity or set of activities.

In the real world, of course, things rarely work out this way. In the case of Ethiopia, for example: (1) the D/G Project was designed before the Country Program strategy (with its program logframe) was drafted; (2) the D/G Advisor was changed for reasons completely unrelated to the Mission program or activity; (3) the D/G Project logframe's objectively verifiable indicators were not as specific as they might have been in terms of quality, quantity, and time; (4) the design and presentation of the Project concept in the Project Paper (PP) implicitly ascribes more power to the Project activities to influence political events and organizations in Ethiopia than was probably warranted; and (5) the calendar for action (both for the Project-related events and for the larger process of establishing democratic governance in Ethiopia) began to slip and slide shortly after the initiation began.

The implications of this divergence between expectations and reality are largely presented in Parts III and IV. In this section, the Evaluation Team focuses specifically on how the Project's design and management of its MER responsibilities might be modified to be more effective in both signaling and explaining shifts in the D/G environment in Ethiopia as well as in directing Project actions. This is a particularly important task given Part VII's recommendation that the Project be revised and extended.

In a central sub-section, below, the monitoring and evaluation plans laid out in the PP are reviewed to assess the effectiveness of Project and Mission management in implementing those plans and to track progress. A subsequent sub-section addresses the issues of performance indicator specification for both Project and Program MER. Part IV concludes with a sub-section setting forth recommendations for: (1) revising the objectively verifiable indicators in the Project logframe; (2) developing an action plan for more frequent Program monitoring

and reporting of impact; and (3) undertaking special studies needed to update assumptions in the original logframe.

Tracking Project Progress

The PP's logframe implies, in its specification of objectively verifiable indicators, that the achievement of outputs can be measured by the delivery/receipt of inputs. Thus, for example: (1) "holding public fora in six locations" indicates the "provision of parties, and rural and urban public, with election process information and priority voter concerns identified;" or (2) organizing and holding a symposium on human rights monitoring documentation and advocacy and on revisions to the judicial system was intended to indicate a "widen[ed] public debate on human rights" and lead to the development of an action plan for follow-on activities.

Logframe indicators that the purpose of the Project is being achieved relate directly to the outputs: for example: (1) the capacity of the National Election Council to manage the election process; (2) a National Constitution being drafted, revised, and modified with consultation and consensus; (3) prospects being advanced for establishing an independent judicial system and for establishing a credible Ethiopian human rights council; (4) legal policies and requirements for an independent media are approved; and (5) with regard to regionalization, that initial rules of procedures for the regional legislatures and local councils are implemented.

These logframe indicators can be quite readily faulted for their measurability (eg. "prospects advanced") and for their specificity in terms of quality, quantity, and time. However, they do provide a relatively basic checklist against which Project implementation could be checked from time to time.

Based on discussions with the Project's staff and the contents of the files, it appears that D/G Project monitoring to date has been less formal than was anticipated in the Project Paper monitoring and evaluation plan (Part II). The most regular and comprehensive kinds of monitoring reports have been prepared by REDSO/ESA D/G Advisors at the request of the Mission and the Project's staff, for example: the recent evaluation by John W. Harbeson titled "Ethiopia's Democratic Transition." These have focussed largely on the evolution and performance of the Ethiopian institutions with which the Project is working and the general context of the democratic transition in Ethiopia. These external evaluations appear to have provided the Mission and the Project's managers with a very useful periodic external check on the Project context. Such reports are what Project consultant

Michael Bratton refers to in his paper as "monitoring the political environment."[186] However, they have touched only tangentially on the performance of the U.S. and international institutions providing assistance under the Project. And they have generally not been written in a way that facilitates their use for reporting outside of Ethiopia (although they could be easily edited to be directed to Mission interests). For example, Harbeson's most recent ratings of performance in a number of areas ranging from constitutional development to human rights reporting to civic education, for example, might be usefully packaged to both communicate with a wider audience and serve Project monitoring interests.

Further, monitoring efforts outside of Addis Ababa (apart from the June, 1992 election) have been extremely limited. This has led to a relative paucity of information about progress with such Project concerns as strengthening regional court systems, implementing regionalization, or assessments of the extent to which rural associations and individuals are involved in the transition process. The Addis-bias has not, of course, been intentional but reflects two factors: (1) the fact that most collaborating agencies (both governmental and nongovernmental) are located in Addis Ababa; and (2) the fact that Project management staff have been tied down with office-based administrative tasks.

The discipline of a Mission semi-annual Project Implementation Reporting (PRI) process would help to boost the priority and formality of Project monitoring efforts. Routine monitoring of financial and contractor information is maintained now by the Project Assistant. Further, the D/G Advisor and Assistant have Project level data on Project commitments and expenditures. So there is no danger of overexpending or making other financial mistakes. This is important because as noted elsewhere, the MACS financial reports are far behind, which results in official data, such as that presented in Annex VIII, being inconsistent with current data reported through the Project. Importantly, the current financial data reported by the Project staff (Annex VII) is not complemented with any written comments as to quality, quantity, or timeliness of contractor or grantee performance. Project staff must find a way to link such information to its financial data.

A PIR process would also help to ensure that evaluative information in the reports prepared by various consultants and contractors as part of the individual activities undertaken with Project support is routinely reviewed and lessons extracted. The NDI's evaluation of the June, 1992 election is perhaps the most

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[186]. Bratton, "Proposed Monitoring and Evaluation Framework," p. 8.

comprehensive such report and an excellent example of the utility of such activity evaluations. It specifically focuses on the assistance needs and opportunities for future election support in Ethiopia and provides concrete advice on what donors (USAID) should and should not do in such circumstances.

Measuring Project and Program Impact

USAID/Ethiopia has not yet submitted an API, so no attempts to assess the impact of the Project are available. However, in developing the Concept Paper for the country program as a whole, the Mission staff began to formulate performance indicators for the Democracy/Governance program (in which the D/G Project plays the major role). Two follow-up exercises have further addressed the question of program impact indicators. These are the consultant reports by Michael Bratton, Samuel Tadesse, and others that were carried out under Project funding to address this problem.[187]

Both the Bratton and Tadesse efforts have highlighted the need for more systematic, and perhaps more refined, definition of expected Project, as well as program, impact. They have also raised Mission concerns with its level of manageable interest in the democracy/governance area and the level of association between specific actions (e.g., elections, media performance) and the Mission program.

While these efforts incorporate useful ideas as to ways to measure Project and program impact, it is still not clear that the Project staff have the capacity to implement the suggested schema (even assuming continued REDSO D/G Advisor support). Bratton, in fact, suggests explicitly that USAID should look to either U.S. universities or Ethiopian research institutions to carry out some of the analyses in addition to drawing on reports prepared by Project cooperators or contractors.[188]

Table 8, below, provides an at-a-glance summary of the performance indicators so far (down to the sub-target level) and the implied monitoring and evaluation workload for the D/G Project staff and/or the Mission's program staff. The Table also shows that the development of monitoring and evaluation plans for targets 5 and 6 is barely begun and makes some

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[187]. Ibid,; Reintsma, Settergren and Tadesse, "Program Performance Monitoring and Evaluation Plan."

[188]. Bratton, "Proposed Monitoring and Evaluation Framework," p. 6.

suggestions that can assist the D/G Project's staff to lay the baselines for future MER.

Somewhat surprisingly, neither consultant clarified the relationship (or divergences) between the Project and Program objectives. This seems to the Evaluation Team to be fundamental to the definition of expected impacts as well as to the design of an appropriate Project Management Information System and a Mission D/G Program reporting strategy.

Briefly, the goal of the D/G Project is the same as the Program sub-goal articulated in the Concept Paper: an increasingly stable and democratic Ethiopia, or in the words of the Mission:

> "Our strategy is anchored in the broader assumption that Ethiopia's prospects for stability, economic growth, and general recovery hinge upon concrete progress in liberalizing Ethiopia's historically authoritarian mode of governance. Creation of a political environment that is progressively more accessible, participatory and tolerant is key. Hence, we must employ a strategy approach that is realistic, incremental, flexible and sustained."
>
> "The Embassy and USAID will maintain dialogue with the TGE, political movements and Ethiopian civic organizations, working together to define options (which include outside technical and material support) for improving upon past electoral experience, opening political debate, informing and broadening participation in the constitutional revision process, strengthening the journalistic profession, and assisting civic organizations and efforts to create an autonomous judicial system."[189]

The purpose of the D/G Project is related to, but less ambitious than, the strategic objective for the Mission's D/G program. The strategic objective is more people-oriented in its emphasis on "increased access to and participation in a conciliatory democratic transition process". The Project purpose emphasizes more impersonal assistance to the processes of the democratic transition (the policy options, rules and procedures) and the institutions which are to "support" the democratic transition.

Outputs in the Project are roughly the same as the targets in the Concept Paper, with one notable exception: "NGOs participation in civil society strengthened." This latter objective does not figure in the PP objectives at all. If, as

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[189]. USAID, "Back to the Future" (Summary Handout, Addis Ababa, 1993), p. 2.

noted in Part IV, the Mission and the Embassy feel that the D/G Project should become a major vehicle for accomplishing the strategic objective, this gap needs to be addressed.

The following tables constitute Table 8 and are a summary of the performance indicators and the implied monitoring and evaluation workload for the D/G Project staff and/or the USAID/E program staff.

Objective	Performance Indicators	Mission workload implications (from March, 1994 onward)
Strategic objective: Increased access to and participation in a conciliatory democratic transition process Purpose: To provide assistance in defining policy options, rules and procedures, and in strengthening select institutions, both governmental and nongovernmental, that support Ethiopia's democratic transition	The degree to which Ethiopians themselves remain seriously committed to wide-ranging political and economic reforms	According to the Project Paper, part of the 40% of D/G Advisor time should be spent on monitoring progress toward this strategic objective and the Program goal (an increasingly stable and democratic Ethiopia). Deadline: API preparation, October each year

Target 1: Open and national regional elections organized and held Output 1: National, local, and regional elections held (NEC providing organizational and logistical requirements and civic education efforts providing parties, and rural and urban public, with election process information and identifying priority voter concerns)	Degree of openness of elections (on a scale of I - III) Correctness of elections (on a scale of I - III) And at sub-target level... NEB accomplishes tasks specified in Dec. 1993 election timetable Political parties accomplish tasks specified in NDI training Number and quality of workshops conducted by civic associations Number and effectiveness of election monitors trained Proportion of polling and counting places monitored Assessments of voter political knowledge	D/G Advisor needs to review: NEB Reports which report on election preparations NDI Reports which report on civic education NDI reports on voter political knowledge based on feedback questionnaires from civic ed. sessions NDI (Ron Lister) reports on 1994 focus group results D/G Advisor needs to contract for: broader baseline survey of voter knowledge, stratified by rural and urban election observer reports on both Constituent Assembly and following elections D/G Advisor needs to explore: party training programs (?) and to ensure adequate feedback and reporting measures

Target 2: Open and transparent process leads to adoption of a democratic constitution Output 2: Constitution drafted and debated	Degree of openness and transparency of the constitutional process Democratic constitution adopted And at the sub-target level.... Frequency/quality of press reports on constitutional issues (i.e., in which the constitution is mentioned) Attendance of citizens and level of participation in debates sponsored by civic associations Citizens' political knowledge on constitutional issues Number of constitutional models reviewed Number of rights adopted from the International Declaration on Human Rights Number of new measures guaranteeing separation of powers (cf. to previous national constitutions New provisions for	D/G Project assistant needs to summarize on biweekly basis the frequency and quality of press reports (using WAAG Information Digest and monitoring of English language publications) D/G Advisor to prepare monthly update on "openness and transparency" Contract to be let for analysis of the draft constitution (and debate, revision) with regard to: human rights, separation of powers, provisions for regular elections D/G Advisor needs to review: IAG report on Constitutional Symposium Reports from NDI and collaborating NGOs on training group and focus group feedback on constitutional issues Report analyzing constitutional draft, debate, and revision

Target 3: An independent media established and operational Output 4: Promotion of the independent media	Degree of freedom of expression Presentation by the media of a wide spectrum of views, opinion and news in an objective and professional manner Number and extent of public forums held Quantity and quality of press reports Number of [media] business failures Analysis of accounts of viable media enterprises Assessment of market demand Number of new media institutions formed and registered Number of media programs launched Number of journalist trainees Quality of journalist training Number of journalist trainees deployed (??) Quality of press reports	Project assistant needs to do monthly analysis of press freedom, diversity of views, and quality of reporting based on WAAG and English language press D/G Project Advisor needs to develop plan of action for grant to USIS with regard to activities in support of this objective, including an explicit monitoring plan with both input and impact monitoring. D/G Project needs to ensure that Austin database is returned to Mission in computerized form (complete with data dictionary). Follow-up study on selected firms to be conducted by Ethiopian analysts should be built into LT-TA contract plan.

Target 4. Independent judiciary established and operational. Output 3: Human rights	Improved capacity of central and regional and judicial officials University and NGOs gain capacity to provide analysis, training, and monitoring services related to separation of powers and rule of law Fairness and political neutrality of the judicial recruitment process, performance, and organization of the judicial system Total number of cases prosecuted by the SPO Proportion of successful cases pursued by the SPO Number of judiciary trainees Quality of judiciary training Number of trainees deployed Nature of judicial decisions Number and quality of services provided in this area by the university and NGOs	D/G Project Advisor needs to ensure that Carter Center reports address outcomes as well as process. -- Agreement needs to be reached on specific measures of "capacity" for the university and NGOs. -- Figure out how to report on SPO record after CCEU funds are no longer being used. (Project assistant might be tasked with follow up.) D/G Project should: establish computerized baseline on quantity/ quality of judges at various levels of judicial structure (drawing on the IHRLG report or contracting with analyst/database person) contract (through LTTA contract) to do periodic assessment (every year) of a sample of cases handled in courts, specifically providing for both analysis of workload and case content/disposition applying criteria of "fair" and

Target 6. Improved mechanism for democratic participation in decision-making at regional levels (p. 78) or, per p. 66, Improved regional self-government Output 5. Implementation of federalism, including initial rules of procedure for newly-elected regional and local councils and short-term training on legislative procedure for selected members of new regional assemblies to enhance administrative and policy making functions	Either: Existence of adequate political infrastructure at regional levels or: Central government establishes consistent framework for devolution to regions of constitutional, administrative, and financial powers Regional legislatures establish procedures for democratic self-governance Regional governments evidence capacity for effective program and fiscal management	The monitoring plan for this needs to be developed as part of the process of amending the Project and developing a Long-Term Technical Assistance (LTTA) contract. Baseline studies/institutional analyses should be part of this (to provide basis for comparing the regional governments resulting from the flawed 1992 elections with those which will be elected in late 1994/early 1995). Indicators that regional government and local council members are responsive to local needs and that measure capacity of regional legislatures to perform in democratic way are needed.

Target 5. NGOs participation in civil society strengthened No comparable output in Project at this time Output 6. NGOs legally and increasingly permitted to form and function. Output 7. NGOs increasingly act to assert/defend democratic values. Output 8. Increasing changes in political knowledge, attitudes, and values of targeted beneficiaries.	No. of civic education workshops held Number of workshop participants disaggregated by gender and region Number of officeholder elections Turnover of office holders Establishment of consultative procedures in associations Number of monitoring reports issues on governmental performance and democracy issued by NGOs Number of violations of democratic rights contested by NGOs Number and nature of policy issues advocated	D/G project amendment needs to address relationship with and support for expanding NGO role in civil society. Recommended for project redesign: Analysis of the NGO and "association" universe relating to civil society to establish baseline (numbers, level of financing, objectives, mode of operating, members) Analysis of legal and regulatory environment for NGOs and associations (This might be done with a local contractor and REDSO help. Travel and participation by D/G Project Advisor recommended.) In developing LTTA contract, include responsibility for periodic pulse-taking in the NGO and association community (say, perhaps, picking a panel of such associations to see how their situation changes over time) and periodic updating (say in early 196) of the

Recommendations for Improving Monitoring and Evaluation

There are three basic problems with the Mission's Project monitoring efforts to date:

1. The PP does not provide good guidance for the monitoring process. Essentially, it over-promises on the impact side in such an obvious way that it encourages Project management to simply track input delivery and output accomplishment.
2. The choice of appropriate monitoring indicators to track Project effectiveness and management has not been made.

3. Day-to-day Project management responsibility has been relatively time-consuming. Combined with the fact that the Mission is new and does not have established Project reporting requirements, formal monitoring activities have taken a back seat.

The Mission is working to remedy the second and third problems. The Bratton and Tadesse consultancies began to address the issue of monitoring indicators and suggest alternative measures for assessing the D/G Project's progress and impact to those given in the PP logframe. The Program Office is currently developing a format for semi-annual Project Implementation Reports and the API. Further, the conduct of this evaluation is expected to help.

Nevertheless, more concrete actions need to be taken to improve the quality and timeliness of monitoring, evaluation, and reporting activities both for Project and Program purposes. The PP lays out an ambitious, and exceedingly general, guideline for Project MER. The PP asserts that the:

> "monitoring system must be closely tied to Project-related activities and the evolving priorities of the Ethiopian public and private sectors" and that "as much as 40% of the D/G Project Manager's time will be spent in monitoring activities...at a minimum quarterly meetings between the institutions and the D/G Project Manager [will] occur....these sessions will facilitate a process whereby the methods for measurement of Project achievement, the data sources and the currently proposed indicators can be refined and agreed upon."[190]

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[190]. USAID, "Ethiopia Democracy/Governance Support Project (663-007)," p. 69.

References are made as to in-house and interagency monitoring meetings as well. At the output level, narrative written reports, consultant assessments, field reports, and financial documentation will serve to assess whether training, technical assistance, material support and other inputs have reached the intended beneficiaries, enhanced skills and knowledge, facilitated in the production of procedures, rules, and policies, as intended by the activities.

Three principal recommendations thus seem in order:

1. Develop an explicit plan for MER.

    a. The Tadesse/Bratton reports provide a useful basis for further clarifying the demands for MER. However, some additional, more action-oriented, steps need to be taken to assure implementation.

    b. The Project's D/G Advisor should take a more direct role in specific monitoring and evaluation tasks and must make priority time available to do so. Some of the tasks are noted above. These tasks should be scheduled in an annual work planning session with Mission management.

    c. The Project Assistant should also take on specific monitoring and reporting responsibilities. Tracking "openness" of electoral and constitutional processes and "freedom of expression" can be done in part by analyses of the press. A bi-weekly content analysis of the media could help to develop a track record of progress/regress in these areas.

    d. Ensure that the development of the Project amendment and the Scope of Work for the Long-Term Cooperative Agreement identify and provide funding for specific monitoring and evaluation activities. This agreement will be expected to contract with local and/or U.S. firms to ensure that analyses and databases are available to USAID/Ethiopia for PIR and API preparation. The D/G Advisor should then be able to spend time reviewing sources and drawing conclusions rather than tracking the paperwork needed to let the contracts.

    e. Contracts and agreements already out need to be reviewed to ensure that cooperators and grantees understand reporting requirements and, to the extent possible, include in routine reporting information on the specific points above.

f. The REDSO D/G Advisor, Dr. John W. Harbeson, can continue to be called upon to do periodic assessments of the context for the Project as well as to participate in specific activities, such as assessing civic association capacity, and so on.

2. Think about the issue of the Mission's "manageable interest" concerns during the Project amendment process.

   a. It is the Evaluation Team's observation that these are more serious at the target level than at the strategic objective level. The articulation of the Project's targets and outputs imply that it is USAID's responsibility to bring off free and fair elections, etc. The Team's suggested focussing of the Project objectives might lead to some ideas of ways to articulate targets/outputs in more USAID-associated and less-committing terms. For example: "promote the rule of law" could be articulated as a Program target/theme for the Project with program sub-targets/outputs as "strengthening judicial reform," "supporting constitutional development," and "foster development of sustainable and fair electoral system". Indicators could then provide more definition as to just how far USAID support could go in "promoting the rule of law". To use an example from above, "fair and politically neutral judicial performance" or "total number of SPO cases prosecuted."

   b. In some ways it would be useful to use the strategic objective as the Project purpose, for it is much more measurable and impact-oriented than the current "to provide assistance...that supports Ethiopia's democratic transition." However, to keep things simple bureaucratically, it is probably better to keep the old one.

3. The D/G Project staff needs to write evaluative information down.

   Reporting is an important complement of the monitoring and evaluation function. The written record of the Project to date, however, reflects more the judgement of external analysts than it does the more engaged and involved D/G Project staff. The PIR and API processes should help to encourage at least periodic reflection of the

staff, but it is recommended that other times be specifically programmed for this function as well.

PART VI

USAID FACTORS AFFECTING PERFORMANCE OF PROJECT

Staff Background

It is important to note at the start that the Project has been managed by two different advisors. The first, J. Steven Morrison, assisted in the design, drafting, approval and initial stages of the Project, working for the Mission from January 1992 through mid-1993. In essence he launched the Project. In September 1993 the management of the Project was taken over by Stevens Tucker. During the interim period, management was provided by the Project Assistant, Laura Harvey. Tucker's management has been interrupted by two periods in Washington, D.C.: the first taking up two weeks of December 1993 and the second a full month in early 1994.

Brief profiles of the educational background and experience of the two D/G Advisors suggest they had the qualifications necessary to successfully manage the Project:

J. Stephen Morrison: PhD in Political Science from University of Wisconsin-Madison (1987) with a dissertation on "Developmental Optimism and State Failure in Africa: How to Understand Botswana's Relative Success?;" consulting work to the Congress on such topics as AIDs in Africa, US policy toward South Africa, response to war and humanitarian emergencies in Sudan, Ethiopia, Somalia, Mozambique and Burundi, US policy toward Angola; professional staff member on the Foreign Affairs Subcommittee on Africa, US House of Representatives; consultant to the US Committee for Refugees; consultant to the National Endowment for Democracy, with particular emphasis on prospects for democratic initiatives in Ethiopia and Eritrea.

Stevens P. Tucker: PhD in Political Science from University of California, Berkeley (1991) with a dissertation on "Politics of Regional Development Assistance in the Sahel: An Organizational Approach to the Club du Sahel;" Consultant to Arthur Young, Inc. in Mauritania on issues of policy reform and structural adjustment for USAID; Consultant to USAID on the Agency's Sahel Regional Institutions Projects governing assistance to CILSS and the Club du Sahel; Consultant to USAID on democratization and

governance in Burundi; and Program Manager for the CCEU's African Governance Program.

Laura Harvey: BA in Linguistics at University of Texas, Austin; Librarian at joint World Bank/IMF facilities; Research Staff assistance to Morrison during the 1992 elections; and acting-interim Project manager when Morrison and Tucker were not in Ethiopia.

Clearly, the Mission has been successful in recruiting D/G Advisors well trained in African state and regional organization governance issues. Both Morrison and Tucker also have a solid experiential base in African countries and with USAID. In particular, the Evaluation Team finds Tucker to already have a solid understanding of Ethiopian historical and political-economy issues, detailed knowledge of the history and current activities being carried out by the Project, a number of useful ideas on how to improve both the substantive trust and the effective management of the Project, and, perhaps most importantly, a skilled ability to openly discuss D/G issues with senior Ethiopian Government officials and leaders of political party and civic associations. Certainly, this Project is not hampered, as is often the case, with a manager lacking substantive knowledge or inter-personal skills. On the other hand, if the D/G Advisor were relieved from excessive micro-management tasks, as recommended below, he would be even more knowledgeable and useful to USAID and other aid agency programming.

Staff Expectations

1. The D/G Advisor/Project Manager

The D/G Advisor/Project Manager must wear two difficult hats, that of being a D/G Advisor for the overall USG Mission, including the Ambassador and the USAID Mission, coordinating donor assistance in this area, and knowing enough about what is going on in all sectors/elements related to D/G in Ethiopia to advise. Along with this task, the D/G Project Manager has to manage the D/G Project which is multi-faceted, management intensive because of the changing political opportunities in the task environment, the absence of direct oversight, and limitations of the Mission's monitoring and tracking systems.

Also, the D/G Advisor position is seen within the Mission as mainly the project manager for the D/G Project whereas in the Embassy, the Ambassador sees the D/G Advisor as advisor to him and the country team on specific and general D/G issues, as well as on donor D/G coordinator matters. As the Mission expands its

portfolio, especially into the regions, the Mission should increasingly seek the advice and use the expertise of the D/G Advisor on governmental and political factors related to the Mission program.

In this regard, during an interview with the Evaluation Team, the D/G Advisor estimated that he spent 25% of his time on substantive matters and 75% on procedural matters related to administration of the Project. The Project as designed anticipates the D/G advisor spending at least 60% of his time on substantive issues. Given the background of the D/G advisor, as well as the importance of the substantive matters, the Team concludes that it is essential to change this ratio significantly.

2. D/G Advisor and Project Assistant:

The D/G Advisor and the Project Assistant recognize that their scopes of work and their actual work overlap to a considerable degree. In this regard the Evaluation Team believes that the Project Assistant should be given more specific responsibilities for some/much of the management, paperwork, and Mission documentation tasks so that the D/G Advisor can spend less time on these activities.

3. Quality of Consultants/Experts:

Other than short trips by experts organized by the Mission (Huntington, Paul, Bratton), the Mission has had to be content with consultants and experts brought to Ethiopia by grantees (NDI and CCEU) and the contractor (Austin). As discussed in Part IV, the Team finds the quality of personnel provided under these arrangements to be spotty. The Mission needs to be more vigilant in approving both long-term and short-term technical personnel, even with U.S. NGOs.

Management Issues

1. Small procurement/paperwork/oversight burden: The Project staff have expended considerable administrative time overseeing several large projects, most notably CCEU, NDI, Austin, NEC, and AAI. More importantly, many of the Project's activities have been on a small scale. These smaller projects create administrative burdens, largely in the form of paperwork, follow up,

and oversight. It appears that the smaller activities, usually related to domestic NGOs, have been particularly administrative intensive. It is essential for the project to work with these local organizations, for they can do much to advance the Project's objectives, but it is important to note that they have limited absorptive capacity, which confines appropriate assistance to small grants. Although it is important in the area of D/G to maintain flexibility and be able to respond to immediate targets of opportunity, the price has been increased management burdens. Ways must be found to deal with this problem, for much administrative time has been consumed working out arrangements for small domestic NGOs and civic associations to address targets of opportunity.

2. Unsolicited proposals: All of the major work, and the major contractual/recipient relationships (CCEU, NDI and Austin), came about as a result of unsolicited proposals. The PP stated that the Mission will take the lead in defining basic assistance requirements under Project components (page 53) and called for the issuance of an RFA and competition to find an organization to carry out the several components under a "multi-sectoral cooperative agreement." Further, several additional proposals have been promised, such as from the ABA, Cooper, and Bach, with various commitments of when the proposals will be submitted to the Mission. Again, these are from outside groups determining what they want to do. This approach of using unsolicited proposals for project implementation is labor and management intensive, ad-hoc, less focussed on project objectives and more on disparate activity objectives, and ultimately may provide less flexibility for USAID since the agendas may be different once agreements are signed.

   On the other hand, the Evaluation Team is aware of the time required for the Project to move from RFP to contractor in regard to more proactive initiatives. This constraint, however real, should not prevent the Project managers from setting their own priorities and ensuring they are carried out on a timely basis.

3. Government coordination: A major problem exists because the Project's activities are carried out under the jurisdiction of or for a number of different Government ministries and agencies. The designated signatory for approving these Project activities is MEEC. But it has little technical capacity to evaluate the activities and agreements and those charged with

signing do not know or fully understand the Project. Apparently, MEEC has never refused to sign off on an activity and it has delegated to other signatories the capacity (though not the necessity) to approve project activities on its behalf (e.g. Justice, Information, and the Supreme Court). What delegation has occurred took place at the request of the Mission on the presumption that since it was saddled with the requirement of obtaining a TGE signature for every contracting action, the process would be more smooth if the signatories were more directly involved in areas of project emphasis. However, delegation does not seem to make management any easier. If an extension of the project takes place it is essential to find a way to limit to the extent possible the need for TGE signature. That is, some form of clustered pre-approval of activities is needed, particularly in this type of project where rapid response to targets of opportunity is needed. Under this strategy, it would make sense to end the delegation approach and have Project staff only deal with MEEC. In essence, such an arrangement would allow the Project to be more proactive. A solution to this management constraint will be suggested in Part VII.

4. Periodic and regular reporting on project progress: There are no periodic and regular reports on project progress, both at the output and input levels and the purpose level, since the Project began. There are no PIRs or other implementation tracking documents other than a two page chart showing status of activities but nothing on progress or meeting objectives. It is for this reason that Part IV of this Evaluation is so long, in effect constituting a statement of Project progress. The lack of process documentation is partly a Mission problem since the Mission is only now instituting a PIR review process. However, since the D/G Project responds to a Mission Strategic Objective and progress must be measured, and also since the Project includes a small myriad of somewhat disparate activities, more attention must be given to regular and systematic monitoring of project progress and impact.

5. No work plans, other planning documents: The D/G Project personnel have not completed work plans and it does not appear that systematic work planning is used. In some ways this is a function of the a Project working in a difficult task environment and the short life span of the Project during the transition period. However, more attention should be paid to strategic planning under the Project and under each component,

provided that a process approach allowing flexibility is followed. If the Project Assistant is not familiar with Lotus and other tracking and planning tools, the Mission should train her in those software programs.

6. D/G Project position within the Mission: Right now the D/G Advisor/Project Manager reports to the Deputy Director. This is good in that the D/G Advisor provides services and advice to the Embassy and the Ambassador and having front office management provides closer links to the Embassy. However, the disadvantage may be that the Deputy Director's overall Mission responsibilities preclude the close management and oversight that this type of project requires.

7. Wholesalers or Retailers: It is unclear from project implementation experience to date if USAID project staff are wholesalers or retailers. Clearly, the D/G Advisor and Assistant do not have the time to be retailers with five different components and a myriad of groups, people, interests and agendas involved. Although discrete targets may come up, the Project's implementation mechanisms should be set up to maximize the wholesaling nature of USAID while finding partners, both U.S. and Ethiopians, to be the retailers.

8. Priority Setting: There is need for the D/G Advisor to set priorities among his various roles. It is important that the D/G Advisor take the initiative in defining and maintaining a set of priorities commensurate with his particular skills and proclivities, in consultation with the Mission and advice of the D/G Advisor/REDSO. Moving in this direction would be consistent with recommendations elsewhere that the Project be more proactive. In addition, general USAID experience with the new D/G initiatives in various countries suggests that often the role of a D/G Advisor is not well understood by the Mission, the Embassy, and the donor community. Hence, encouraging the D/G Advisor to define, balance, and maintain his priorities can play an important role in institutionalizing this increasingly central USAID focus area into Mission concerns and activities. Part VII makes suggestions in regard to priorities, but ultimately these must be set and revised by the person closest to the changing democracy and governance task environment.

9. Substantive Responsibility: In regard to recommendations made here and in Part VII, that a LTCA contractor be identified to reduce the management

burden on the D/G Advisor, it is important to stress that the D/G Advisor should maintain substantive responsibility for all project activities, particularly in regard to decisions about the content of human rights, monitoring, civic education, judicial training, and regional capacity building exercises. In regard to research activities recommended in Part VII, the D/G Advisor should apply his knowledge and judgement to the design and supervision of research activities; however, where possible, he should avoid taking on research responsibilities. This is in keeping with the current USAID perspective on this new and evolving position, namely, that D/G Advisors are, first and foremost, to apply research experience to policy and substantive project issues rather more than to conduct research in-house, though that the latter certainly not be excluded.

Coordination and Information Exchange Issues

The U.S. Government played an important role in launching the democratic transition in Ethiopia and has been a steadfast supporter of the TGE efforts to pursue the process. The D/G Project is seen by the U.S. Embassy as an important part of USG capacity to actively support the democratic transition in Ethiopia. Both of these facts contribute to the D/G Advisor having a somewhat greater Embassy coordination role than other USAID project staff as well as to a higher profile role in the international community. The nature of the political development process in Ethiopia, with a substantial crowd of non-governmental interests as well as governmental players, also places a premium on coordinating and information-exchange activities and requires the D/G Advisor to be in an almost constant outreach modality.

Personal networking, attendance at meetings, preparation of briefing materials, and simply note-taking are an important part of the job. The Evaluation Team's impressions of the effectiveness of the D/G Advisor, and, to some extent, Mission management in effective coordination and information exchange are sketchy, based on only a few interviews and attendance at one Governance Donors' Group meeting.

1. Internal U.S. Government

From the Embassy point of view, the D/G Project has been helpful for the USG (as well as the broader donor community) in providing a focal point for information exchange on issues

relating to the transition. The change in Project staff was difficult as so much of the information is gained through personal networking and these take time to establish. During the gap, a couple of opportunities to influence events were apparently lost. The current Advisor, Stevens Tucker, however, has moved quickly to establish a credible presence and is now a valuable supplier of hands-on assistance and advice. If more effectively used by the Ambassador's forthcoming replacement, his training and experience should contribute much to the Embassy's formulation of a longer term strategy for assisting the Government in its efforts to achieve democracy and development.

It should be noted that the Embassy is not likely to get a D/G Officer, particularly given the difficulties it has faced in getting an Economic Officer. This being the case, ways must be found to free up the D/G Advisor from burdensome managerial tasks and facilitate greater use of his expertise by the Embassy.

In this regard there are some questions as to whether the D/G Advisor should or should not be invited to participate in occasional Country Team meetings, along with the Mission Director who is the normal representative. Some felt it would be useful. Others felt that the D/G Advisor simply providing briefing material would be a good substitute. This latter view misses the essential point that communication views on democracy and governance issues must be two way, for the D/G Advisor needs feedback and access to information, particularly to direct rather than filtered back information.

Hence, the Evaluation Team urges full participation by the D/G Advisor, which recognizing that whether this happens depends on the position of the Ambassador and his willingness to assume responsibility for notifying the Mission Director when he thinks the upcoming agendas would benefit from the D/G Advisor participation. In part, this position is reinforced by the successful support the REDSO D/G Advisor gave the American Ambassador to Kenya during the 1992-3 period. It is noted in passing that Ambassador has given thought to possible refocussing of the Project and proposes that civic education and regionalization deserve more attention.

More recently, the D/G Advisor appears to have built good relations with USIS personnel and discussions for a sharing of some of the Project's media activities with USIS over the coming year have gotten underway. This coordination has so far paid off in a highly successful radio broadcast program and will soon provide some short-term expertise in law to the University of Addis Ababa. The Evaluation Team thinks such coordination should be strengthened and recommends in Part VII, below, that the D/G Project actually transfer resources to USIS for the implementation of an 18 month plan of action for the "media

sector" only. The word "only" is used because the Team wants to make it clear that is not recommending the transfer for funding for "rule of law" activities, which other units of USIS are involved in promoting. Such a transfer of activity would facilitate more efficient administration and share some of USAID's project management workload with USIS.

2. Internal USAID Mission

Within USAID, the D/G Advisor's coordination and information role has been more limited to date than it should be in the future. The regionalization of technical ministries will inevitably touch on the general issues, some of which are politically charged, associated with regionalization. The D/G Advisor should, therefore, be involved in the design, review, and implementation of technical projects (health, education, agriculture) and a regular member of the Project Committees when they are established. The D/G Advisor should also consider providing substantive "news and notes" on political development issues which might impinge upon the implementation of other Mission activities. Changes in the press law and developments in the media might, for example, be germane to contraceptive social marketing efforts. Changes in NGO and association registration procedures might be relevant to thinking about organization and function of parent-teacher associations.

During the evaluation the Mission Director noted that she more often focusses on the Project's process rather than substance. Given this pattern, it might be advisable to try to schedule short discussions on a regular basis in which only substantive topics are allowed. This would provide a fine incentive for the D/G Advisor to, however briefly, write down observations and reflections on the status of the democratic transition as well as the performance of the various partners with whom the Project is working.

To make time in the D/G Advisor's schedule for increased networking and advisory services within the Mission, however, will require some shifting of management and supervisory workload. The Team recommend, below, specific measures to accomplish this.

3. External Aid Agency Community

The D/G Advisor is a leading member of the Governance Donors' Group which meets on a monthly or bi-monthly schedule

(depending on the issues). The structure and activities of this Group are presented in Annex IX. While there is a substantial amount of interest in various activities associated with the transition to a system of democratic governance, the Dutch, USAID and Sweden (SIDA) are by far the most active donors with Canada (CIDA), and Germany (the Friedreich Ebert Foundation and GTZ) in the second group. The Group does not, so far, pursue collaborative activities but the regular exchange of information apparently helps all of them to program more effectively. Regular attendance at such meetings is important. For example, the UNDP's absence from the table was striking to the member of the Evaluation Team who attended, particularly because the group was discussing that aid agency's proposal regarding training for regional and local administrations (discussed in Part IV on "Regionalization"). The project was briefly discussed by a UNDP-funded "coordinator" assigned to the MEEC. While the presence of this person was useful in clearing up common donor coordination issues with MEEC itself (since all donors must negotiate agreements through MEEC), it would have been more productive to have had a UNDP representative at the table. It should be noted that there is no evidence that UNDP does not regularly attend meetings and no point is being made here as to any attendance pattern. The point is that attendance at these meetings by the D/G Advisor and other members is very important.

The D/G Advisor also meets informally with a wide range of donor representatives and clearly maintains mutually respectful relationships. Contacts are also maintained, although apparently not as closely, with nongovernmental organizations involved in civic education and the broader development of civil society. This will undoubtedly be an area for more attention in the future as efforts to work more closely with a broader array of NGOs and associations are launched.

The NGO Networking Service, run out of the Inter-Africa Group, might be an intermediary for relatively easy information exchange on such issues, although it is focussed on issues in the Horn of Africa rather than just Ethiopia.

Financial Issues

1. The MACS report has many mistakes: The evaluation team found multiple mistakes on the MACS report, including line items under the wrong project elements (eg, Carter Center under the independent media project element) and commitments showing zero when commitment documents had been signed for some time (eg, the IHRLG report). The Project's management staff should sit down with the Controller's office to correct the deficiencies so that the MACS reports are both consistent with the project

office budget tracking document and are usable by the project officer.

2. Project budget is uneven: The original project budget included $2.5 million for electoral assistance, or fully half of the overall project budget. In addition, project management and evaluation/audit were budgeted at $970,000. This left only $1.5 million for the remaining four components. There was general agreement that, in hindsight, USAID spent too much on the 1992 elections. However, for future programming, sufficient attention should be given to other components such as civic education, rule of law and independence of the judiciary.

Project Extension Design Issues: the Process Model

Since the late 1970s, specialists in project design and management have given a good deal of attention to the distinction between "blueprint" and "process" approaches. Much of this discussion has centered on the design of participatory rural development projects seeking to improve the productivity and well being of the poor majority.[191] It seems clear to the Evaluation Team that democracy and governance projects have much to learn from the literature on process models for project design and management.

To be sure, the Mission staff interviewed note that the project has been flexible and open to opportunities, particularly in its response to unsolicited proposals and different contract groups. This is more a reflection of the Project management in a difficult task environment than it is in regard to the Project's design. Part IV clearly demonstrates that: (1) the direction transition process has been marked by uncertainty and conflicting signals from different sectors of the TGE and the line ministries; (2) the process of political interaction has been contentious and difficult to predict; (3) the Mission and the Embassy have been forced to deal with a steadily changing task environment; (3) important targets of opportunity have emerged that require prompt and flexible response by the D/G Advisor and contractors; (4) areas of assistance have been altered or closed off because of political changes in the task environment; (5)

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[191]. See: David C. Korten, "Community Organization and Rural Development: a Learning Process Approach," Public Administration Review, XL, 5 (1980), pp. 450-511; C. F. Sweet and P. F. Weisel, "Process versus Blueprint Models for Designing Rural Development Projects," in International Development Administration: Implementation Analysis for Development Projects, edited by G. Honadle and R. Klauss (New York: Praeger, 1979), pp. 127-45.

important needs have emerged that were not anticipated in the project design; (6) initial contractors have not had the interests, capacities, contacts, or staying powers anticipated while new organizations have emerged with unexpected strengths and project related capacities; and (7) experience has shown the assumptions underlying some of the project design to have been naive or incorrect.

Given this type of task environment it appears that while the need for flexibility in a task environment marked by uncertainty, opportunity, and risks, the initial Project was over-designed, a common project related problem for aid agencies that distrust the process model, preferring blueprint designs, what ever their performance weaknesses, because of the specificity and control they offer. What flexibility has occurred has been due to the D/G Advisors and the lack of Mission scope of work. reporting, and other activities noted above. In recommending a redesign of the Project as it moves toward an extension, Part VII suggests that this defacto process approach be made explicit. It is recommended that the Project's redesign balance for this extension period shift toward process rather than blueprint principles.

What is needed is a Project extension that avoids over specifying targets in advance and concentrates upon building problem-solving capacity in the government units and civic associations the D/G Project seeks to assist. This calls for a design based on structured flexibility that integrates the blueprint model's planned structuring of action with the process model's flexibility and interactive learning orientation. Such a blend would provide the basis of the programmatic and financial accountability required to obtain support from USAID and the TGE while facilitating the adaptive management to deal with uncertain and changing task environments. In this regard, the Evaluation

Team urges the designers of the Project extension review the studies carried out by the University of Maryland's International Development Management Centre under the USAID funded "Performance Management Project" (Contract 936-5317) and apply them to the redesign of Project.[192]

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[192]. This is largely summarized in: Derick W. Brinkerhoff and Marcus D. Ingle, "Integrating Blueprint and Process: A Structured Flexibility Approach to Development Management," Public Administration and Development, IX (1989), pp. 487-503.

PART VII

EVALUATION AND RECOMMENDATIONS

The following recommendations of the Evaluation Team are based on: (1) the changing task environment assumptions outlined in Part III; (2) the detailed analysis of the objectives, completed and current activities, assessment of progress, and review of opportunities and constraints characterizing all five Project components, as well as for activities in the areas of civic associations and NGOs (IV); (3) the review of monitoring and evaluation issues spelled out in Part V; and (4) the analysis of management issues affecting the performance of both the D/G Advisor and the Project covered in Part VI.

Major Findings

Five major findings underlie the Evaluation Team's recommendations:

1. The Project has made steady progress toward most of its objectives (with the exception of activities in support of regionalization). The anticipated speed of Project activity launching and completion has not been realized. To some extent this is because the original transition calendar envisioned in the Charter has stretched out so significantly. In this regard, the strategic and management flexibility inherent in the Project design has proved useful in this initial period of implementation but it has been costly in terms of D/G Advisor and Mission management time.

2. The provision of D/G assistance to the TGE and its eventual successor will be as important over the next few years as it was when the Project began in 1992. This fact has been emphasized in the Mission's 1993 Concept Paper, which makes democracy and governance a strategic objective (SO), by the new USAID policy priorities which emphasize D/G as an objective of US development assistance, and by the Department of State, which makes D/G its first priority in Africa.

3. Based on changes in the task environment and lessons learned during the first 16 months of Project

implementation, it should be possible to better focus the Project's activities, streamline the management of

its activities, and increase the probability of the Project having a greater impact on Ethiopians' efforts to promote the rule of law and foster the emergence of a democratic civil society concerned with and influential in the setting of national policies and priorities.

4. The D/G Advisor is a valuable resource whose major role should be substantive rather than managerial. The D/G Advisor should increasingly inform work in the Mission's other program areas, the US Country Team strategy deliberations, and the Donor Governance Groups discussions.

5. The Project, as currently operating, is too reactive. While the ability to respond to events and individuals is, to a certain extent, a highly desirable virtue, it is also necessary to be proactive in developing activities in areas which are new and untested and where there are not already individuals and organizations with ideas ready to go. The reactive modality has also exacerbated the managerial burden of the Mission by requiring the Project staff and Mission support staff to design and negotiate contracts and grants for numerous small activities.

6. At the same time, the aforementioned flexibility must be retained. Focus and proactive stature are essential. But so is flexibility. Indeed, it can be argued that of the activities reviewed in Part IV, the reactive ones (e.g. the SPO activity) have been more successful than the proactive ones (e.g. MOJ training of judges). However, it is possible to design flexible proactive interventions and such activities should be sought more aggressively.

7. Given the difficult, constantly changing task environment and the evolving nature of democracy and governance in Ethiopia, as well as the number of activities being undertaken under the Project, greater attention should be given to the development of appropriate MER indicators (Part V) and the formulation of specific priorities by the D/G Advisor.

8. On the substantive side, as suggested in the last section of Part IV, the Project should give greater emphasis to strengthening the capacity of NGOs and

civic associations to facilitate wider knowledge of democratic rules and practices as well as the monitoring and protection of human rights.

Recommendations for Strengthening Project Performance

The major recommendation of the Evaluation Team is that **steps be taken immediately by the Mission to amend the current Project, extending it to the end of September or, preferably, December 1996**, even though it might be easier to manage the Project by fiscal years. The current Project PACD is September 30, 1995.[193] The rationale for this recommendation is based on: the delays in the transition process in Ethiopia; the growing body of evidence from elsewhere that a successful transition does not end with the election of a new government; and the findings noted above with regard to Project management and approach.

Addition of an extension to the Project, to run through 1996, would allow the Mission to better support what appears to be a longer than expected transitional period and a new government that will continue to be faced with needs to: (a) strengthen its electoral systems; (b) reinforce its progress toward a democratic constitution; (c) organize, staff, and train its emerging institutions of regional government; (d) move its ministries and agencies toward a more tolerant approach toward human rights and the media; (e) promote an environment conducive to the emergence of a civil society rich in local associations and NGOs; and (f) possibly build its judicial capacity. A Project extension would also permit the Mission to resolve some of the procedural and management issues which reduce the effectiveness of the Project by establishing the basis for a single institutional contract with an experienced firm or NGO to assume the responsibility for managing activities funded by the Project.

Between now and the time that the amendment becomes effective (if possible, June or July, 1994), it is recommended that the Mission undertake some additional modifications in Project management and approaches to improve performance. These are clustered in the next section as Project extension recommendations. Some suggestions for what might be included in the amendment, and the recommended Project extension, are made in the following section.

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[193]. There are conflicting dates in two documents. The Project Agreement date is September 30, 1995, whereas the Project Authorization and the PP Facesheet show the PACD as May 30, 1995.

Current Project Recommendations

1. General Project Design and Management Recommendations

Table 9 summarizes the Evaluation Team's understanding of the current relationships between Project components, action areas, and implementation agents for Project activities. This is based on the 1992 Project Paper (Annex IV), the 1993 Mission Concept Paper (Annex V), and its wide-ranging review of the project's past and current activities and needs (March 20-31, 1994).

Based on the Team's Part IV review of progress in each of the areas in Table 4, Part II, several recommendations for immediate changes in the Project's design and management are recommended. Taking the steps recommended: (1) would better focus the project and narrow the activities administered by the D/G Project team and the Mission in the short term; (2) be consistent with the extension strategy illustrated by Table 10, presented below.

a. USAID and USIS should agree on a media support strategy that would continue into the proposed Project extension period, and for which USIS would assume principal implementation responsibility. Grant documents which provide USIS with financial resources from the Project should be prepared for implementation as soon as the overall Project amendment goes into effect. Appropriate monitoring and reporting arrangements (geared to USAID's schedule) should be part of the agreement.

b. In order for the D/G Advisor to play an effective role relative to both the Project and the US country team deliberations, it is important to maintain the status of the D/G Advisor Office. Still, it would make sense to have more interaction between the project and the USAID Mission's Program Office, as well as by the Deputy Director (as per the current supervisory arrangement).

c. Pending the outcome of the June 4 Constituent Assembly elections, the IFES grant to the National Election Board might be renewed, as appropriate, to assure

continued support for future election activities: including equipment procurement, commodity purchases, supplies, technical assistance, and funding for international and/or domestic election monitor training and support.

Table 9 here

Table 9: Recommended Pre-Extension Activities

d. The D/G Advisor and the Project Assistant should review their scopes of work in an effort to more clearly delineate their activities and responsibilities and to reflect findings in this evaluation. The Project Assistant's scope of work, for example, should be revised with regard to the media monitoring responsibilities noted in Part IV, above.

(1). In regard to the Long Term Cooperative Agreement (LTCA) described below, the Evaluation argues only for transferring micro-management D/G Advisor activities. Substantive and policy decisions should remain with the Mission and the D/G Advisors, with input from the REDSO D/G Advisor.

(2). The Project Assistant's scope of work, for example, should be revised with regard to the media monitoring responsibilities noted in Part IV, above.

(3). The D/G Advisor should take steps to delegate management responsibilities to the Project Assistant and to free up his own time so that his knowledge and experience can be brought to bear in better understanding the task environment and advising Mission efforts to design programs, the Country Team, and the Donor Strategy Group on substantive democratization and governance matters. The Project Assistant should continue to manage Grants made under 116(e), as well as sit on the 116 (e) committee.

e. Studies on two priority topics should be undertaken. The first, focused on regionalization, should be launched as soon as possible and completed before the end of 1994. The second, focused on the relationships between democracy, development, and governance, is a longer term exercise that would of necessity extend into the Project's extension period. If effectively carried out, these projects would provide information important to the Project developing a proactive program in support of regionalization and broader participation

and more effective governance at that level. These are described in more detail below.

2. Recommended Additional Activities to be Undertaken During in Near-Term

The Evaluation Team recognizes the need for two studies, one to be done in the next six months and the other more carefully designed and carried forward into the extension period recommended below, preferably under the administration of the proposed LTCA contractor. The first is a focus on regionalization and the second on the relationship between economic development and democratization.

In making these two recommendations, the Team refers back to its recommendation in Part VI that the D/G Advisor should set priorities among his various roles and activities. It also recognizes that the proposed research activities will increase the managerial burden on the D/G Advisor as well as demand him to apply his professional knowledge to the exercises. Still, the Team finds both additional activities of sufficient importance to outweigh these previously expressed concerns.

a. Regional, Wereda, and Municipal Government Study

For the D/G Project and other aid agency interventions in support of decentralization reforms to be effectively implemented and sustained, it is essential that they have a detailed understanding of regional, wereda, and municipal government systems. As noted in Part IV, the Evaluation Team finds current aid agency understanding of these systems to be inadequate, misleading, and, in places, incorrect. Hence, the D/G Advisor should design a research activity that is aimed at: (a) describing existing structures and functions of regional and municipal government; (b) analyzing opportunities and constraints that affect the sub-national governance system; (c) reviewing the possible decentralization models that are under discussion with the TGE; and (d) analyzing the advantages and disadvantages of each model vis a vis development objectives, institutional and human resource capacity, revenue and budgetary requirements, conflict of laws between the center and the regions/municipalities and among regions and municipalities. It should be noted that this proposal is different from the one spelled out in the UNDP consulting report, in that it does not

assume that the structures and functions of regional and municipal government or the capacity levels of public service personnel working outside the capital city are known.[194]

(1). Ideally, the study should: (1) focus on three types of regions, zones, and weredas: war-torn (eg. No. 3 -Tigre), transitionally stable (eg No. 4 - Oromiya, Arssi Zone), and remote (eg. No. 7 - Southern Ethiopia Peoples Administrative Region, North Omo Zone); (2) schedule follow up visits six months after the Constitution and the definitive decentralization proclamations are issued; and (3) carry out research on the experience of selected aid agency projects being implemented at regional, zonal, or wereda levels, or in municipalities.

(2). The research study should be focused on: (1) describing the current structure and function of central government ministries, agencies, and commissions operating at the regional, zonal, wereda, and municipality levels; (2) carrying out an inventory of the physical facilities, office equipment, vehicles, supplies, and other resources of different central units at various levels; (3)

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[194]. This proposal notes that recommendations should be in accordance with Government policy on decentralization, something that will not be known until the Constitution is adopted and line ministries and political forces resolve differences over the extent of devolvement that will occur. It also assumes it can quickly determine organizational structure in the regions and municipalities and move on to: (1) recommending how the center should manage the periphery; (2) recommending policies and systems relative to tax revenue, budgets, and expenditures; (3) recommending administrative systems and procedures for principal-agent contracts outside government; (4) identifying human resource capacity; and (5) developing training programs to enhance that capacity. This is overly ambitious given the lack of knowledge about the current system and the direction the reforms will take it. In this regard it should be noted that task of simply understanding the patterns of provincial and municipal governance, and its variability by region, proved very difficult for USAID to do during Haile Selassie's era. See, for example: Cohen, "Local Government in Ethiopia." It is suggested that in the absence of a detailed understanding of existing structures, functions, and patterns, as well as the variability likely to exist among them, the UNDP terms of reference are overly optimistic and premature. Picard, "Regionalisation in Ethiopia," Appendix One, pp. 2-6.

describing the patterns of administrative and technical interaction currently taking place between line officers of central institutions, what ever their level, and the commissions and bureaus established under the regional and wereda councils; (4) analyzing recent patterns involving transfer of line ministry field agents among regions and reviewing just what it means for a "transferee" in terms of administrative and technical jurisdiction over him; (5) describing the patterns of revenue collection, budget formulation, and central government budget allocation taking place between the center and the regions, weredas, and municipalities; (6) reviewing the relationship between planning undertaken by central institutions and by regions, weredas, and municipalities; (7) analyzing the amount of resources subject to the control of decentralized units and the extent to which these units will be dependent on central unit subsidies; (8) reviewing the expected conflicts field administrators, professionals, and technicians are likely to experience under different patterns of decentralization; and (9) determining exactly what data is systematically collected by government units outside Addis Ababa and evaluate it for validity and comparability.[195] Further, in regard to all these tasks, efforts should be made to describe the variability that exists across regions and weredas, as well as among municipalities.

(3). The study should be conducted by an American university research institute or research oriented consulting firm with depth of knowledge about local government systems, such as University of Pittsburgh, HIID, DAI or ART, working in collaboration with the Institute of Development Studies at Addis Ababa University. The initial

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[195]. For example, a detailed study of Arssi found in 1987 that the administrator of Arssi kept the same extensive set of useful, extensive systematic data that was collected by the provincial governor in 1968, independent of the operations of the CADU/ARDU project. Further, the study found substantial similarities between the provincial government system of the last years of Haile Selassie and the system in effect toward the end of the PMAC-PDRG regime: John M. Cohen, Integrated Rural Development: The Ethiopian Experience and the Debate (Uppsala: Scandinavian Institute of African Studies, 1987).

research period, undertaken by a team of 2 Americans and 2 Ethiopians, should be about 3 months, with follow up studies in targeted government units done every 6 months for a two week period by selected members of the original team.

(4). Costs of this research activity could be lowered by hiring a reliable university or consulting firm to work with an Addis Ababa University based Institution, which could lower costs and through the use of student investigators, as was done by the Ford Foundation in 1969 when it funded the first research on the structure and functional performance of provincial and municipal government under Haile Selassie. This research provided the basis for the only detailed study ever taken on this topic in Ethiopia, and reported in Cohen and Koehn's 1980 book Ethiopian Provincial and Municipal Government: Imperial Patterns and Post Revolutionary Changes.

In reviewing an earlier draft of this Evaluation, the REDSO D/G Advisor noted:

> "An alternative to the straight forward research project suggested by the Team might be sponsorship (with other donors) or a series of symposia on regionalization questions supported by expert consultants along the lines of the constitutional symposium. An advantage of such an alternative would be that Ethiopian political, governmental, and NGO leaders could participate themselves in defining and choosing among alternative models which, in the end, they will be obliged to do anyway."[196]

This alternative is not supported for the simple reason that before discussions on alternatives take place it is important to know the current status and capacities of subnational government structures and well as to have a solid understanding of the range of opinions held by different actors on the central issues surrounding decentralized reform. In the absence of such knowledge, the effectiveness of a workshop or symposium would be minimal. Indeed, in the absence of discussion papers based on detailed knowledge of the task environment, the issues, and the opinions of

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[196]. Harbeson, "Comments and Implementation Recommendations," p. 7.

various parties, it is possible such a meeting could set back the process of regionalization. On the other hand, once an adequate knowledge base exists, a second step in the direction of widely participatory workshops would make sense.

b. Democracy, Governance, and Development Study

There is pressing need for the Mission, the Embassy Country Team, and the Donor Coordinating Committee to have a better understanding of the relationship between effective rural based development and the possibility of establishing and sustaining democracy and improved governance in Ethiopia. Prior to the recommended Project extension, the D/G Advisor, working with these groups, should prepare terms of reference for a contractor (research team) charged with carrying out the research described below. In this regard, the Evaluation Team recognizes that a study with the above terms of reference extend beyond the focus and scope of the current Project design and might, if not carefully designed and contracted, increase the managerial burdens on the D/G Advisor. It recognizes that such a study might be better carried out under the Mission's emerging agricultural program, with the D/G Advisor assisting where appropriate. However, given the powerful linkage between economic growth and the emergence of democracy and good governance, the Evaluation Team thinks it essential that the Project take the lead in ensuring that this study is designed and contracted by the end of the year so that it can be carried out and completed early in the Project's extension period.

(1). The paper by Huntington commissioned as part of the Constitutional Development component of the Project raises grave questions as to whether it is possible for any poor under-developed rural based country to achieve establish and sustain a democratic government.[197] In his analysis, Huntington recognizes a poor country can overcome this deep structural constraint if it has: (a) committed leadership; and (b) a well conceived and

[197]. Huntington, "Political Development in Ethiopia: A Peasant-Based Dominant-Party Democracy?" passim.

financed development program aimed it improving the income and well-being of farmers and the urban poor. The example Huntington gives is Ghandi and Nehru efforts to promote democracy and development after 1948.

(2). Given the issues and assumptions reviewed in Parts I-III of this Report, it appears imperative that the D/G Project find ways to better study the relationship between Government-aid agency development initiatives and emerging patterns marking democratization and improved governance.

(3). Initial work on this topic took place shortly after the end of the PMAC-PDRG, which in tern grew out of the World Bank-SIDA efforts to get the Mengistu regime to reverse his support for agrarian socialism and move toward a market based small holder system.[198]

(4). What ever work has been carried out by aid agencies relative to agricultural and rural development since the end of the PMAC-PDRG, it does not appear to have been expressly linked to the economic growth conditions that support the emergence of democratization. What work has been done could provide the basis for launching such studies.[199]

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[198]. This decade long debate is reviewed in: John M. Cohen and N. Isaksson, "Food Production Debates in Revolutionary Ethiopia," World Development, XIII, 12 (1985), pp. 1211-30. This article was the subject of a sustained debate over where or not there was a compromise policy that stood mid-way between the agrarian socialism advocated by the communist left in the PMAC-PDRG and a western style, land owning small-holder system: Siegfried Pausewang, et al., Ethiopia: Options for Rural Development (London: Zed Books Ltd., 1990).

[199]. The importance of land tenure and agricultural development is not a strong component in the documents seen by the Evaluation Team. For example see the schedules of financing by major aid agencies and brief text in: International Development Association, "Emergency Recovery and Reconstruction Project" (Memorandum and Recommendation Prepared for the Executive Directors, Report P-5702-ET, Washington, D.C., March 9, 1992), pp. 10-15; 23-4. One academic study the Team did see is: Solomon Bekure, "Priming the Pump of Economic Growth: A Strategy for Agricultural Development in Ethiopia" (Paper Presented Symposium on Economic Development in Ethiopia During the Transition Period, Africa Hall, Addis Ababa, January 1992).

(5). Available evidence suggests the TGE policy on agricultural and rural development favors: (1) usufruct with long leaseholds and government ownership; (2) unimodal small holder production systems; (3) regional/ethnic determination of land tenure rules based on Government determined range of variations; and (4) partial exchange to free market system in local markets.[200]

(6). Given the above factors, the D/G Advisor should prepare terms of reference for a research team funded by the CAER Project under the leadership of an outstanding macro-economist (eg Michael Roemer or Elliot Berg) and comprised of the best of American's rich hord of Ethiopian specialists (for example: Allan Hoben (Anthropology), Gene Ellis (Agricultural Economics), James Goering (Agricultural Economics), or Charles Humphery (Economics), John Harbeson (Political Economy), Michael Bratton (Local Government/Rural Development), etc.). The TOR of this research team would be to analyze: (1) the current TGE position on agricultural and rural development policy, as set in a larger macro-economic context; (2) the general trends in agricultural production and basic human services that have marked the 1990s; (3) the position of aid agencies on Government policy and potential support for agricultural development; and (4) the likelihood of the above patterns and trends leading to the significant increase in income and standard of living required to build a sustainable rural base for the promotion of democracy and progressive governance.

Again, as with the regionalization study, it might make sense to follow up the final study with a set of commissioned background or discussion papers that could provide the basis for special workshops involving the Government, the private sector, the NGO community, selected civic associations, and aid agencies. But to have such workshops without such a study, or with the use of a few special sectoral studies, such as the one on land tenure funded by the Ford Foundation, would not lead to informed and productive discussion of the relationship between economic development and democracy.

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[200]. For example: Transitional Government of Ethiopia, Ethiopia's Economic Policy During the Transitional Period (Addis Ababa: Government Printer, November 1991), pp 21-6.

Recommendations for Extension of Project

1. Project Design and Management Recommendations

Table 10 represents an overview of the Team's current conception of the Project's transition from current activities to an extension. It is based on the Evaluation Team's recommendation that current contract agents be changed and combined under one umbrella contractor under a LTCA to the extent possible, recognizing that recommendations below argue for separate contracts with NDI, IFES and USIS. Further, the Team recommends that the Mission and D/G Advisor retain substantive and policy supervision over all such contracts. More specifically:

a. The current CCEU activities will terminate per agreement in December 1994 and the activities of that cooperator will be assigned to the post-amendment contractor.

b. The current NDI contract will be extended and the scope of work expanded by mutual agreement to the end of the recommended Project extension (the extended PACD).

c. The pre-extension contract with IFES to carry out activities related to the Project's election component be extended and the scope of work expanded by mutual agreement for an additional year.

d. An inter-agency agreement be entered into with USIS to carry out activities under the Project's media component.

e. All institutional contractors selected will be able, legally, to make small grants to civic associations and related NGOs, perhaps hiring a local firm to handle their quarterly accounting and billing requirements. The rationale for this is that the D/G Advisor currently spends considerable scarce managerial time obtaining TGE signature on PIO/Ts, in general, and grants to unregistered NGOs/Civics, in particular.

The Evaluation Team has a rationale for the proposed extension. It is based on the facts that the legal period for the TGE transition to the GOE has passed, the eventual date for a formal transition is still uncertain, and specialists argue that "effective transition periods" extend well beyond changes in a government's legal status and that the success of longer term transition remains critical to an enabling environment for long term economic development.

Table 10: Pre and Post Extension Activities by Project Activity

To be sure, both the Project and Mission Concept Papers hold that the major objective of the Project is to focus on assisting the TGE during the transition process. The Team agrees with this position. However, by the extension and refocusing represented in Table 10 and the recommendations below, the conversion of the Project to a post-transition document is facilitated. Importantly, this revision would allow the Mission to build on the major lesson learned by USAID about supporting D/G initiatives, namely that the process of Democracy and Governance only begins with the adoption of a constitution and the holding of the first set of elections.[201]

Based on the description and analysis set forth in this Report, the Evaluation Team recommends the following changes in Project design and management:

1. As soon as possible the Project should be extended by amendment from July 1, 1995 to the end of September or preferably December 1996. Further, the Team recommends:

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[201]. This principle is well articulated in: Joel D. Barkan, "Nurturing Democracy in Africa: Thirteen Lessons From the Field" (Paper Prepared for USAID/REDSO/ESA, Nairobi, 1992), p. 4-6. It is also strongly reflected in his statements to the Congress: "Statement to the Senate Committee on Foreign Relations, Subcommittee on International Economic Policy, Trade, Oceans and Environment" (Paper Presented to the US Senate, Washington, D.C., February 22, 1994); "Statement to the House Committee on Foreign Affairs, Subcommittee on Africa" (Paper Presented to the US House of Representatives, Washington, D.C., February 24, 1994).

a. the Cooperative Agreement with CCEU end December 31, 1994, as finalized in the CA Amendment signed off on in April 1994;

b. the Mission extend the grant to NDI from August 31, 1994 through September of December 1996;

c. the Mission prepare an RFP to do a Long Term Cooperative Agreement (LTCA) with an experienced firm or organization that allows the contractor to manage subcontracts or sub-grants in four activity areas, running from, July 1, 1994 through late 1996;

d. the Mission set aside unprogrammed funding to expenditure under the contract currently being negotiated with IFES, which provides technical and commodity assistance required for the long term institutional development and consolidation of the NEBE, with future election monitoring support, if required, being channeled through the centrally-funded AREAF facility, which for the time being is administered by AAI;

e. the Mission provide funding to USIS to organize and carry out media training and other activities based on a strategic annual plan worked out with the D/G Advisor;

f. additional funding be provided for the DG/A position to assure more effective and efficient management of the Project and DG advice through September 31, 1996; and

g. the position of Project Assistant be retained in spite of the proposed LTCA because of: (i) the expanded reporting activities recommended in this Evaluation; (ii) the need of the D/G Advisor for assistance in monitoring the LTCA if he is to play a larger substantive role, as recommended; and (iii) the likelihood of more 116 (e) grants emerging if the Project takes the flexible, proactive approach recommended, particularly in regard to NGOs and civic associations.

2. In regard to funding, the Team finds the Project has approximately $500,000 in uncommitted funding (see Annex VIII) and recommends the contract activities set forth in Point 5, above, be reinforced with the $4,000,000 in new allocations, set forth in Table 11, below, with such additional funding being required as a

result of the heavy front end expenditure of Project funds on monitoring the June 1992 elections.

2. Indicative Types of Additional Activities to be Undertaken During Project Extension

It is not in the terms of reference of the Evaluation Team to identify new Project activities. Also to do so runs contrary to Part V's recommendation that the D/G Advisor use his academic and professional knowledge to determine priorities among Project activities, in consultation with the Mission and advice of the D/G Advisor/REDSO. What follows are suggestions

Contract	Estimated Contract Budget
Cooperative Agreement with US Firm -- October 1, 1994 to September 31, 1996	2,500,000
Funding for USIS -- (MOU) October 1, 1994 to September 31, 1996	500,000
Extension of NDI Grant -- October 1, 1994 to September 31, 1994	500,000
Unprogrammed Funds for Possible Electoral Support -- October 1, 1994 to September 31, 1996	500,000
Expansion of D/GA Office Management Capacity -- October 1, 1994 to September 31, 1996	500,000
TOTAL REQUIRED PROJECT EXTENSION	4,500,000
Estimated Remaining Unallocated Project Funds as of March 31, 1994	500,000*
TOTAL ADDITIONAL FUNDS	4,000,000

Table 11: Recommended Contracts and Funding Level for Project Extension Through September 31, 1996

* = Annex VIII concludes that $1,233,080 is available for programming. However, as pointed out in regard to CCEU activities under Constitutional Development and Judicial Reform and Human Rights, reimbursement for CCEU activities run through USAID's Paris and Nairobi office and have yet to reach the Ethiopia Mission's accounting office. Based on the assumption that $300,000 of CCEU's Constitutional Development line and $110,000 of its Judicial/HR line have been expended as of March 31, 1994, the fact that the entirety of both CCEU lines (including Amendment 2 for $127,000 will be expended by the end of June 1994), as well as the about to be concluded contract with IFES for $230,000, is estimated that approximately $500,000 rather than $1,233,000 remain available for programming. Ministry of Justice or the President of the Supreme Court.

in regard to Project priorities that emerged from the overall Evaluation exercise. They are presented here as suggestions because they illustrate the more pro-active posture the Team recommends be followed, as well as to illustrate the wide range of additional activities that might emerge if the D/G Advisor had the substantive time to study the complexities, needs, and opportunities found in the task environment. Ultimately whatever among these indicative suggestions are use, if any, must be set and revised by the person closest to the changing democracy and governance task environment.

Rule of Law Activity Recommendations

(i). Support Study of Courts and Legal Profession

The D/G Project, as well as other aid agencies and the TGE need a basic document on the court system that can be mutually discussed and used as a basis for Rule of Law support initiatives. The Team recognizes that: (1) there are some useful insights and recommendations in the study produced by the IHRLG;[202] (2) the Mission has decided to bury the document and not discuss it with either the Ministry of Justice or the President of the Supreme Court; and (3) SIDA is about to launch a similar study along the lines of IHRLG. Still, the Project should find ways to draw on the substantial expertise found in the United States as a result of

[202]. International Human Rights Law Group, "Ethiopia in Transition: A Report on the Judiciary and the Legal Profession," pp. 1-45.

USAID and Ford Foundation support of the law school in the 1960s and early 1970s, most notably:Norman Singer of the University of Alabama, Harrison Dunning of the University of California at Davis, James Paul of Rutgers University, Paul Brietzke of Valparaso Law School, Harrison Dunning of University of California, Davis. Making these resources available to SIDA would be a valuable contribution for Sweden lack experience in law related development activities in Ethiopia.

(ii). Consolidation of Laws and Court Regulations Activity

For the interventions aimed at strengthening the Rule of Law it is essential that members of the judiciary and the legal professions have updated sets of documents on the basic laws, regulations, and codes currently in effect. Hence, the D/G Advisor, together with the Addis Ababa Law School, should design and commence a project that institutionalizes a system that publishes and up dates two documents crucial to the Rule of Law: (a) "Consolidated Laws of Ethiopia;" and (b) "Consolidated Judicial Laws" of Ethiopia.

a. Currently, as in the 1942-1965 and the post 1975 period, the Negarit Gazeta is published in ceryl and with no master index. This greatly hampers the effective use of and awareness of public law and regulations.

b. During the 1960s the Ford Foundation funded a Consolidation Project that resulted in the 1972 of the Consolidated Laws of Ethiopia. This proved to be a valuable Government document even after the fall of the Haile Selassie Regime. Today this two volume publication is out of date.

c. The D/G Project, working through the Addis Ababa Law School, should fund a new initiative to prepare and issue a new Consolidated Laws of Ethiopia book that covers all Proclamations, Legal Notices, and other official Negarit Gazeta documents still valid since the 1942-73 and 1974-90 periods and the new documents issued since the establishment of the TGE. The classification system for the 1972 publication is still valid and should be used. The D/G Project could fund

students and faculty charged with up-dating the document and printing a sufficient number of copies for broad national and regional coverage.

d. As part of this effort, the D/G Project should help the Law School launch an annual up-dating system that keeps the consolidated Laws of Ethiopia up-to-date.

e. A particularly important part of such an exercise would be to issue a separate publication on the Consolidated Judicial Regulations of Ethiopia. This would be comprised of Section 17 of the 1972 Consolidated Laws of Ethiopia volume, titled "Courts and Justice.[203] It would cover such topics as: (1) administration of justice; (2) court procedure rules; (3) supreme court procedures rules; (4) registration of advocates; (5) execution of judgment rules; (6) costs and advocates fees rules; (7) court fees rules; (8) public prosecutor rules; (9) local judge rules and regulations; and (10) status of the civil code, commercial come, and penal code.

(iii). Commercial and Civil Code Revision

As noted elsewhere in this evaluation, democracy and good governance does not flourish in situations marked by economic stagnation. As Ethiopia moves toward a freer market and private enterprise, after 17 years of government control of the economy and the effects of the reforms instituted in the early years of the PMAC, it is essential that efforts be made to update the extant Commercial and Civil Codes. These codes were drafted with technical assistance in the late 1950s and early 1960s, largely with the assistance

[203]. As noted in the Judicial Reform section of Part IV, Evaluation Team discussions with both Dean Ibrahim Idris of the Addis Ababa University Law School and Ato Kemal Bedri, President of the Supreme Court, make it clear that what ever the eventual terms of the decentralization reform legislation, the existing court rules issued since 1942, and the extant codes (commercial, civil, and penal) would prevail for at least a decade. The only regional variations are likely to be in regard to personal law (family law, including marriage, divorce, and inheritance). In their view the issue is training new judges not rewriting judicial rules and procedures or conventional law codes.

of French specialists. They are the legal basis required for economic development, for much of the magic of the market depends of predictable and enforceable laws regulating contracts and commercial instruments. Providing assistance to the Law School and related Government ministries could be a vital outcome of an extended Project. In the absence of an interest in redrafting the codes at this time, the reprinting and wide distribution of the existing codes, as well as some training of judges in regard to their content, would facilitate greater confidence in the reliability of commercial interactions.

(iv). Inventory of Central, Regional, and Wereda Court Capacities and Requirements for Effective Administration and Provision of Justice

Before investing in the training of central and regional/wereda judicial training, the construction of court facilities, or the provision of capital equipment and supplies to courts, USAID and other aid agencies need more concrete knowledge about the physical, equipment, and other support problems that will hamper the effective and efficient operation of central, regional, and wereda courts. Too many reports read by the Evaluation Team are long on training, facilities, and equipment and short on actual information about the condition of the courts, the demands placed upon judges, and the equipment and supplies judges need to be effective.

a. The D/G Advisor, together with a local contractor and the Ministry of Justice, should design and implement a study that gathers specific inventory information for all central courts, all regional courts, all high population wereda courts, and a select number of wereda courts in more remote, less populated areas.

b. For each court, the major judicial variables on which information should be gather are: (1) number of cases pending; (2) number of judges in place; (3) number of additional judges requested and time table for their secondment; (4) the general types of cases handled and the percentages of cases for each type; (5) the average time for case completion by type; and (5) backlog faced in terms of numbers of cases and types.

c. For each court, the major infrastructure variables to be rated are: (1) extent and condition of judicial offices, courts, and office equipment; (2) additional judicial offices, courts, and office equipment required for efficient administration of justice; (3) availability of major legal documents judges require to make procedural and substantive legal decisions; (4) technical staff levels required to effectively administer justice as compared to existing staffing levels; (5) levels of reporting equipment, communications facilities, and transport required for the effective administration of justice, as compared to existing levels; and (6) archival and documentation requirements, including the supply of consumables, required to allow the effective administration of justice, as compared to existing conditions.

(v). Enhancement of Lawyer Education at Addis Ababa Law School

Clearly, an effective Rule of Law requires well trained public and private sector lawyers. This means that aid agency funding will be needed to strengthen the Law School. Americans have a responsibility in this area. Throughout the 1960s and early 1970s USAID and the Ford Foundation provided American legal instructors and capital assistance aimed at building a law school on the American model. This heritage has survived the PMAC-PDRG period. The task facing the Dean is to strengthen the Law School toward this long established model.

a. The D/G Advisor, together with the Dean, should find mays to: (1) rebuild library resources, many of which are based on American codes and journals; (2) facilitate short-term training opportunities for faculty, particularly in regard to summary reviews of judicial fields such as torts, contracts, or conflict of law; (3) fund research activities of along the guided lines of the well know Rockefeller AERC programme for African Agricultural Economists; and (4) provide computers for training lawyers in word processing, spread sheets, and relational data base programs.[204]

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[204]. The importance of computer training is well illustrated by the problems the Special Prosecutor Office is having in

b. Ideally, this project could be carried out by an international group with the network and experience to install new CD-ROM computer technology using American code and journal disks; (2) identify, place, and support Law School instructors in short-term external training programs; and (3) manage an AERC program that achieves the professional needs of instructors and strengthens their ties with colleagues at other African law schools. An example of such an organization is the International African Law Society established by Dean James Paul.

c. Clearly, if the TGE and its successor Government continues to pursue market oriented economic development, there will be a high demand for lawyers in the private sector. In this regard, the Evaluation Team does not recommend the topping up of instructor salaries in order to keep the best and brightest in the Law School.

(vi). Judicial Training and Capacity Building

Clearly, an effective Rule of Law, as well as the legal basis for effective contracts and commercial law transactions, requires trained judges. As noted in Part IV, in the section of "Judicial Reform and Human Rights," there is a pressing need to begin training programs aimed at rebuilding and strengthening the capacity of judges serving in regional and wereda courts. The initiatives that have been tentatively launched, albeit in the face of some MOJ resistance, should be supported as well as broadened beyond their initial human rights base. This can best be done in the short term by providing technical assistance for developing appropriate curriculum and training materials, training trainers who can work outside the capital city, and providing transport and other logistic support required to make such an enterprise extensive over the country and effective.

Regionalization Activity Recommendations

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establishing and effectively utilizing a computer based relational data system that organizes the large amount of documentation available for building cases of documentation against former members of the PMAC-PDRG.

(i). Study of Public Expenditure Implications or Regional Economic Devolution

For the emerging constitutional deliberations, as well as for the gradual elaboration of the balance of revenue and budget functions between the center and the periphery, it is essential that the revenue, budgetary, and expenditure implications of different forms of decentralization be projected. Toward this end, using experienced and knowledgeable specialists in revenue and budget issues, it is recommended that:

a. The initial study by USAID/REDSO by Satish Chandra Mishra be expanded and better grounded on more reliable data.

b. The study should be based on a detailed description of the revenue and budget practices currently taking place in a carefully selected sample of regions and weredas. This part of the study should:

(1) cite current regulations on these processes and compare them to actual practices, identifying variability and explaining it; (2) identify inter-regional variations in revenue and expenditure; (3) specify emerging issues in regional revenue and budget patterns; and (4) review implementation capacity in regard to revenue, budget, and expenditure activities.

c. Based on this description, the study should address the following range of topics: (1) public expenditure implications of different types of decentralization; (2) implications of emerging structural adjustment conditions on regional planning priorities; (3) estimates of regional and central revenue flows and budgetary allocations; (4) variations in the composition of regional public expenditure; (5) issues affecting ability to separate the recurrent from the capital budget at the regional level; (6) forecasting regional revenues and projecting regional capital and recurrent expenditure patterns; (7) interregional variations in revenue collection and budgetary allocation; (8) variations in the composition of regional public expenditure; and (9) regional budgetary process and emerging public expenditure concerns.

(ii). Prescriptive Requirements for Decentralized Revenue, Budgetary, and Expenditure Reporting Systems

Once the Constitution is approved and the patterns of decentralization are identified, the new Government will be pressed to move toward establishing compatible tax, budgetary, and expenditure reporting systems. A number of American firms have extensive knowledge about tax modernization, budget rationalization, decentralized budgeting systems, expenditure reporting systems, and so on. It would be extremely useful for the Project to provide a state of the art paper for the Government that describes the options and actions that must be taken to ensure that resources are effectively and efficiently collected, budgeted, and expended. Hence, it is recommended that during the extension period the Project fund a comprehensive study outlining the current strategies for designing systems related to Ethiopia's selected pattern of regionalization

(iii). Fiscal Transfers Study

Project funds could be well spend on a study to assist the TGE, or the new Government after the form and direction of regionalization is more clear, to determine the magnitude and form of fiscal transfers to the regions from the center in the framework of nationally agreed credit and money supply ceilings. This study would also focus on issues relating to regional equity and the possible tradeoffs between efficiency and equity based transfers.

(iv). Technical Assistance to the Regional Planning Bureaus

Working with the MPED and the Regional Affairs Sector of the Prime Minister's Office, or what ever national level planning and administration units are created by the Constitution and subsequent legislation, develop a technical assistance program to assist regional planning bureaus on such topics as: (1) relationship between national sectoral priorities and regional plans; (2) techniques and approaches to regional level planning; (3) elaboration of regional variables (e.g.

topography, climate, population, land and soils, water resources, forestry, commercial minerals, basic human services, socio-economic profile of primary and secondary activities, social and economic infrastructure, welfare patterns, etc.) as a basis for sector specific integrated planning; (4) linking planning priorities to realistic revenue, budget, and expenditure realities; (5) presenting and supporting regional plans at the national level; and (6) linking regional plans to national budgetary processes. This can be done through workshops, development of planning manuals, consulting reports on options for establishing standard regional multi-year planning documents, and so on.

Civil Society Activity Recommendations

(i). Seminar for Selected Leaders of Council of Representatives on Role of Legislators in a Democratic Context

For the COR and its legislative successor to function effectively, the leadership needs to understand the role a legislature can and must play in a democratic context. A high level seminar directed at the nature of legislative leadership, the strategies followed by legislative leaders in other federal systems to listen to the people, formulate positions responsive to the demands of their electorate and civic associations, achieve political goals and resist inappropriate pressures, and so on would be invaluable to the building of a legislature responsive to a civil society. Hence, it is recommended:

a. NDI be charged with organizing a two day seminar on such topics to be held outside Addis Ababa for a two to three day period.

b. The ideal leadership for the seminar would be provided by two men with long ties to Ethiopia: Senator Harris Wofford (Pennsylvania) and former Senator Paul Tsongas (Massachusetts), the former the director of the Peace Corps from 1961-4 and the latter a PCV from the same period.

c. Additional seminar leaders could be provided by highly regarded legislators from India, Nigeria, and Malaysia.

(ii). Establish a Distinguished Speakers Program on Democracy and Governance with Quarterly Public Presentations

Throughout the 1960s and early 1970s one of the most effective ways to stimulate public discussion of critical issues was through the speakers program run by USIS at its piazza auditorium or at the University. For example, a presentation by Professor Clive Gray, of Harvard University and the Imperial Planning Commission, gave a frank speech on emerging drafts of the 1972 land tenure drafts that electrified the audience, led to substantial discussion, and forced the Government press to directly report and discuss the topic in the news. This type of programme should be revived and strengthened through the provision of funds to USIS.[205]

a. USIS reports inadequate funds to bring in distinguished speakers and complaints that they usually compromise on those selected in order to share costs with other USIS missions.[206]

b. The D/G Advisor should use Project extension funds to provide an interagency grant to USIS to organize and run such a series, with the selection of speakers carefully vetted with both the D/G Advisor and the MOI/TGE.

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[205]. This and a number of other information and public debate stimulating activities funded by USAID are set forth in: John M. Cohen, "Foreign Involvement in Land Tenure Reform: The Case of Ethiopia," in International Dimensions of Land Reform, edited by John D. Montgomery (Boulder: Westview Press, 1984), pp. 169-219.

[206]. Interview with Mr. Issac Russell, United States Information Service/Ethiopia. Most speakers are paid for out of Washington, D.C., with the limited USIS budget being used for local per diem and costs. At present USIS has local cost budget of $9,000 for international visitors under the Multi-Regional Program of the Africa Regional Program. Mr. Russell and Mr. Jeremy L. Carper, also of USIS, stated they were interested in designing and managing a distinguished speaker series on D/G topics if it were funded under the Project.

c. As noted earlier, use of USIS for such an activity should be confined solely to media issues and not other Project focus areas.

(iii). Invest in the Expansion of 116 (e) and Project Funding of Promising Local NGOs Committed to Building Civil Awareness of the Rights and Duties of Citizens in a Democracy

The Evaluation Team is discouraged by the fact that initial 1991 predictions that grassroots civic associations would emerge and flourish has failed to materialize. Hence, it is imperative than during the recommended extension, the Project increase its efforts to identify and support promising civic associations and related NGOs.

a. Current examples of promising civic associations include the Tigre Development Association and the Gondar Development Association. Examples of NGOs with potential to support the emergence of a civil society valuing democracy, justice and human rights are IAG, AHCPD, and A-Bu-Gi-Da, whose activities were discussed at length in Part IV of this Report.

b. Under the proposed Project extension, there would be two tracks for supporting such associations: NDI can seize targets of opportunity, where appropriate, and the umbrella institutional contractor can make aggressive efforts to design and oversee 116 (e) grants to such associations and organizations. It is recognized that it is extremely unlikely than an institutional contractor can be given responsibility for 116 (e) grants because they come from an inter-agency fund. Also 116 (e) grants should, as noted above, be administered by the Project Assistant.

c. The D/G Advisor should, early on in the Project extension period, do a careful analysis of the experience of USAID and other aid agency funded civic associations and related NGOs to determine what lessons have been learned about identifying and managing these target groups, so as to prepare guidelines for improving the effectiveness of Project efforts to assist such organizations to achieve their short term goals and move toward long term sustainability.

(iv). Strengthen the Procedural Capacity of Political Parties Relative to Organization and Electoral Procedures

While politically risky, an effective use of Project resources might be directed to strengthening the organizational and procedural capacity of political parties to function effectively between as well as during election campaigns. Here the focus would only be on "politically neutral" management matters. These would include administration of field offices, information systems on members and election related data, management of communications and logistics, principles of public relations and press contacts, and so on. The components of this undertaking could be as simple as the preparation of handbooks on various topics and their translation into the languages adopted by the regions. Or it could be communicated to officials of political parties through professionally run workshops and seminars.

Major Decisions Required of Mission

In sum, the Mission management needs to address the following issues relative to the current Project design and the design of an extension.

1. Whether to support what appears to be a longer than expected transitional period and a government that will be faced with pressing needs, and if so, how to proceed with a Project amendment?

2. Whether to extend the length of the Project, and if so, to what date?

3. Whether to add resources, and, if so, to what level?

4. Which, among the following objectives, should the Project seek to provide assistance to Ethiopia, and in what proportion:

   a. strengthen electoral systems;

   b. institutionalize a democratic political order;

c. build judicial capacity at central and regional levels;

d. organize, staff, and develop effective working relationships with emerging institutions of regional government;

e. develop and institutionalize effective protection (legal and practical) for individual and group rights, including basic human rights and media freedom; and

f. promote an environment conducive to the emergence of a civil society marked by increasing numbers of local associations and NGOs?

5. Whether to make explicit, through the amendment, the refocusing of project lines initiated with the 1993 Mission Concept Paper?

6. Whether to revise the Project's current management and MER processes as recommended by the evaluation?

7. Whether to tolerate some managerial burdens in order to allow the strategic flexibility and responsiveness essential to a D/G project?

8. Whether to adopt the evaluation's recommendations relative to current contractors so as to deal with the management and performance issues rased by the evaluation?

9. Whether to proceed to devolve major managerial responsibilities to a Long Term Cooperative Agreement contractor, and, if so, what process to follow in regard to preparing RFP and identifying the type of contractor sought?

10. Whether to attempt to renegotiate the rules governing need for TGE signature on virtually all Project actions?

11. If an extension is approved, whether any of the indicative directions recommended by the evaluation should be pursued, and, if any, which ones?

ANNEX I

PROJECT TASK ENVIRONMENT: 1991

Source: USAID, Ethiopia Democracy/Governance Support Project (Project Authorization Paper No. 663-0007, USAID Mission, Addis Ababa. May 16, 1992), pp. 8-24.

The National Charter

After the military defeat and final collapse of the Mengistu regime in late May 1991, an surprisingly orderly and broad-based transition began. The success of the July 1991 National Conference that drafted the National Charter (to govern Ethiopia until mid to late 1993) rested, above all, upon the relatively good relations that prevailed at that time among the Ethiopian People's Revolutionary Democratic Front (EPRDF), the Oromo Liberation Front (OLF), and the Eritrean People's Liberation Front (EPLF). Skillful American diplomatic activism during the May London sessions, throughout June, and during the July National Conference, had an important reinforcing influence.

The Charter establishes the Transitional Government of Ethiopia (TGE), comprising the President and Prime Minister's offices, and an ethnically mixed Council of Ministers and Council of Representatives (an interim legislature that presently includes members of 29 political movements). The political core of the TGE is the EPRDF, in tactical alliance with the OLF.

Under the Charter, the TGE is committed to abide by the UN's Universal Declaration on Human Rights; to seek an end to armed conflict (including Ethiopian-supported insurgencies in neighboring lands); to respect the self-determination of Ethiopia's regionally-based nationalities; to establish elected local and regional councils, based on these nationalities; to prepare a draft constitution that will be presented to a Constituent Assembly and will result by the end of 1993 in multi-party national elections and the eventual hand over of power to the majority party or parties in the newly elected national assembly. The TGE also promised to ensure the delivery of relief assistance, the help repair the devastation wrought by years of warfare and drought, and to undo all forced-resettlement schemes.

The National Conference committed the TGE to honor the outcome of an internationally-monitored referendum on Eritrea's status. Until this referendum is held (scheduled for April 1993), the Provisional Government of Eritrea (PGE) will govern Eritrea under EPLF leadership. Important side-bargains include

the PGE's designation of Assab, critically important to Ethiopia's external trade, as a 'free port' through which imports and exports can pass without Eritrean duties or tariffs, and Eritrea's guarantee of twenty percent of the Assab refinery's output, paid in local currency.

Ethiopia's Interim Order and Unfinished Revolution

The process of change begun in mid-1991 calls for the wholesale revamping of the Ethiopian state and political system in hopes of retrenching Ethiopia's historically autocratic center, erecting a decentralized, popularly-elected order around newly drawn, ethnically-based regions, and shifting Ethiopia from a command to a mixed economy. Its starting point was the EPRDF's decision to liquidate the core institutions of the previous order: the Workers Party of Ethiopia (WPE), the security apparatus, and the 450,000 man national army.

Culturally, Ethiopian's interim order represents the overthrow of a state which, beginning with the imperial autocracy of the late nineteenth century, has been dominated principally (through not exclusively) by Amhara elite centered in the Shoan plateau. Politically, the interim order represents the struggle to complete -- indeed to enlarge the reach of -- a social revolution that up to the fall of Mengistu had been decidedly partial and narrow.

The EPRDF's social base -- Tigreans and their Amhara peasant partners from northern Shoa and Wello -- accounts, at most, for 4-5 million people, less than 10% of Ethiopia's total population of 50 million plus. This is a population of relative homogeneity, centered in the barren, hardscrabble north. Its experience of devastating losses, suffered in the successive famines begun in the mid-1980s and abetted by the Mengistu regime's systematic manipulation of international relief and its scorched earth aerial bombing campaigns, inspired a sustained popular revolt. Organized under the tight leadership of the EPRDF, the revolution subsequently received a major boost when in late 1987, an active partnership was forged with the EPLF.

Since mid-1991, with military victory in hand, the EPRDF's immediate imperative, if it is to stabilize its rule, give it ever broader popular legitimacy, and avoid repeating past history in relying upon sheer force to preserve power, has been to reach outside itself and consolidate the participation of segments of Ethiopian society heretofore not part of the EPRDF; hence the conscious, coalitional spirit of the National Conference. To an EPRDF leadership that had originally organized itself along hierarchical (and quite insular) Marxist-Leninist lines, oriented

overwhelmingly towards mobilizing the Tigrean peasantry's military might, this challenge has suddenly presented a new, formidable test of the internal reforms and liberalization that began within the EPRDF in the late 1980s.

Excluded as prospective partners of the EPRDF were those Shoan Amhara (and others, such as Amharized Oromo) identified with the Mengistu regime. Mutual bitterness and mistrust forbid any reconciliation, at least in the intermediate term, between this segment of Ethiopian society (15-20% of its population) and the EPRDF. Instead, the EPRDF has turned principally to the southern half of Ethiopia in hopes of constructing a patchwork coalition that would include, most importantly, the Oromo (approximately 30 to 40%), along with smaller but politically important ethnic groups such as Afars, ethnic Somalis, Gurage, Hadiya, Wolayta, Sidama and Omo.

The incorporation of southern Ethiopia is complex. The South's experience of the Mengistu era was more mixed, and less brutal, than that of the north. During the war, only minor southern liberated zones were established: two OLF-controlled pockets along the eastern and western borders, and eastern fringes disrupted by the Islamic Front for the Liberation of Oromia (IFLO). Thousands of southern soldiers died in service to the Mengistu regime. However, with the exception of the late 1970s/early 1980s border conflicts with Somalia, civilians' direct local experience of war and famine was limited and uneven. The southern peasantry, farming Ethiopia's most fertile and productive zone, initially benefitted substantially from the sweeping mid-1970s land reforms. Over time, however, the popular benefits of these changes were largely squandered, due to excessive forced conscription of southerners and Mengistu regime's progressively greater reliance upon taxation of agriculture to finance the war.

Moreover, grappling with the south brought the EPRDF (now inserted throughout the south as the new national army) face-to-face with endemic instability (especially along the Somali border), pent up frustrations and demands, the disproportionately heavy return of ex-servicemen to the south, suspicion and fear of continued central <u>northern</u> dominance -- in this instance, at the hands of Tigreans -- and the ambiguous, untested and fractured political identity of key groups such as the Oromo and Somali. Popular political sentiment is largely untested or unknown; thus far, political movements have established only limited organizational presences. In this sense, the south is 'up for grabs' in any future electoral competition.

<u>Human Rights</u>

A climate of relative tolerance and debate now exists in Addis ababa. Within the political parameters set forth in the National Charter, Ethiopians can speak without fear of reprisal. Daily protests of various types continue to take place, but under conditions of general calm that offer a sharp contrast to the Mengistu years. Over the Easter holiday, in late April 1992, Orthodox Church ceremonies were broadcast over public media, for the first time in seventeen years. As of mid-1992, over 80 political parties and formed and begun organizing. Those political organizations that are likely to endure the rigors of electoral competition and emerge as major players number roughly one dozen.

EPRDF forces, totalling 100,000 to 120,000, designated as the national army for the transitional period, and responsible for law and order, until new police forces are established, have shown unusual discipline in maintaining order in Addis Ababa. Their presence elsewhere, particularly in the south (discussed later) has proven more problematic.

In the opinion of respected international observers (the International Committee of the Red Cross, Africa Watch and Amnesty International) there has been no serious mistreatment of captured soldiers awaiting demobilization or detainees awaiting screening and possible trial for war crimes. Beginning in early February 1992, the ICRC conducted regular visits to political detainees -- at 'any time, any place, and for any number of visits' -- a form of access the ICRC enjoys in few, if any other countries.

The detainee population now stands at a fraction of what it was in mid-1991. There are thought to be 1,500 - 2,000 at major detention centers, plus an unknown number, likely in the hundreds, held at more remote regional sites. In early February, the TGE issued a proclamation establishing the office of a Special Attorney General, responsible for prosecuting alleged war criminals. Appointments to that office have not been announced, nor has the screening and release of all those detainees who will not be tried been completed. Transparent public action is still awaited in indicting individuals on specific charges and further defining the time frame and legal process for prosecutions.

Regardless of how these complex matters are eventually handled, the overall process is certain to stretch well into 1992, and likely beyond, and to continue to attract substantial attention, internally and externally, Thus far, when compared with Ethiopia's past history of bloody vengeance and the time consumed (and many obstacles encountered) in prosecuting state terrorists in Chile, Argentina and postwar Germany, the TGE's record in processing detainees and laying the groundwork for

trails, though not free of blemishes and ambiguities, has nonetheless been impressive.

The outline of a reformed judicial system, while not yet finalized or formally approved, proposes to concentrate authority in a judicial commission, answerable to the President's Office. The commission that will be comprised of representatives from the Council of Representatives, the Justice Ministry, the Court system, trade unions, and a rejuvenated lawyers' association that will also carry responsibility for reviewing the ethical conduct of judges. Reportedly, all former judges who were WPE members will be relieved. In the coming year, it will be important to observe whether these reforms result in the creation of a sufficiently autonomous and credible judicial system to replace the woefully discredited previous order.

In the confused and ambiguous institutional context of the early days following the national Conference, spates of extrajudicial action occurred which triggered counter-pressures, from Ethiopians, the diplomatic community and other outside observers, to contain these developments and reaffirm clearly the rule of law. From mid 1991 into early 1992, numerous local Peace and Stability Committees rooted out alleged perpetrators of the late 1970s 'Red Terror' local EPRDF commanders exercised a form of frontier justice over common criminals, and Workers Grievance Committees attacked alleged corruption in state corporations (as well as select private entities such as the Hilton Hotel).

There has been no wholesale purge of ministerial bureaucracies. Late in 1991, a systematic replacement of mid and upper level ministerial officials did begin.

Emergency Needs

The TGE has worked openly and cooperatively with UN agencies and non-governmental organizations (NGOs) to resume deliveries to the six to seven million at-risk from severe food shortages to facilitate expert assessments of future needs, and to reconfigure supply routes. Now that the end of war permits more rational, cost-effective means of delivery and, most importantly, the opportunity to reduce, if not end altogether, protracted dependency upon external handouts, it is also working on devising a strategy for converting emergency assistance to developmental purposes.

Nonetheless, Ethiopia's entrenched food dependency will endure well into the future and continue to place enormous demands on the TGE and international donors. In 1991, the national food deficit required $900 million in outside

assistance. According to late 1991 USAID estimates, at least another 600,000 to 750,000 metric tons of emergency relief was required for 1992. That figure has since risen to above 900,000 tons, in light of the drought that afflicts most of southern and eastern Africa. In addition to those Ethiopians living in the most drought-affected northern areas are several other sizeable populations in dire need: 450-500,000 Ethiopians newly returned from Somalia, and now settled, chiefly in camps, along Ethiopia's eastern and southeastern borders; no fewer than 150,000 persons internally displaced by the war, perhaps another 100,000 southerners displaced by inter-ethnic clashes; 450,000 recently demobilized soldiers; approximately 300,000 Somali refugees in the east; and the acute poverty felt by no less then half of Addis Ababa's 2-3 million people.

The Elections Process

As of early 1992, the outlines of Ethiopia's new regional order and the upcoming elections process were set forth. A TGE proclamation defined fourteen new regions (comprised of 12 regions plus two chartered cities, Addis Ababa and Harar), vested with substantial new powers over security, administrative-budgetary, language and other cultural affairs. Regional 'nationalities' who emerged, according to the revised national map, with sizeable population blocs include the Oromo (220 wereda (districts) out of the 600 total), Tigray (62 wereda), Amhara (126, but segregated from Addis Ababa), and Somali (47 wereda). Smaller regional entities include the Wolayta (29 wereda), Kefa (24 wereda), Afar (22 wereda) and Gurage-Hadiya (21 wereda).[207] (see attached map).

A companion proclamation presented plans for a provisional administrative phase, intended to create stable conditions to facilitate the holding of free and fair local and regional elections. Armed groups are to be encamped, interim local police forces are to be established, and snap elections are to be held to establish interim councils at the district and local (kebele) levels, vested with authority over local police.

A third proclamation defined how the National Election Commission (NEC) and affiliated election committees will manage future local and regional elections. Shortly thereafter, the NEC, comprised of 10 members of the Council of Representatives, began organizing regional electoral committees which have lead

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[207] The numbers of wereda cited per region are close estimates. Exact numbers are presently unavailable. In preparing for elections and redrawing regional boundaries, the TGE has frequently had to subdivide existing weredas.

responsibility for monitoring the quick interim elections and subsequent local and regional elections. Local and regional elections are to be held approximately one month after the interim phase is completed.

These several developments stemmed from a political consensus within the President's Office and the Council of Representatives that it was imperative that the interim phase, followed by local and regional elections, be completed before the onset of the rainy season in June: to move beyond EPRDF-OLF bickering; to address the absence of administrative structures across Ethiopia; to allow EPRDF forces to hand over responsibility for local law and order to new, locally elected bodies and thereafter confine themselves to securing major roadways, boundaries and facilities; to avoid any delay beyond one year after the fall of the Mengistu regime (regional elections were originally planned for three months after the July National Conference); to give concrete reality to plans for new regional and local structures, so that leadership at these levels begin to exercise control over their own affairs, carry forward reconstruction plans, and participate in the follow-on phase of drafting a new constitution; and to buoy popular and international confidence in the overall transitional process.

This interim phase was to have begun in early February and to last 40 to 45 days. Its actual start was postponed, however, until mid-April, owing to delays in organizing regional and local electoral committees and, most importantly, difficulties in reaching a final (and durable) agreement between the EPRDF and OLF on the precise terms of the encampment process (discussed in the subsequent section). In Oromo region, success in encampment, 'snap' elections and the appointment of local police, will hinge upon mutual restraint by the OLF and EPRDF, and the effective functioning of the tripartite commissions (EPRDF/OLF/EPLF) which, as agreed to on February 20, are to oversee these interim steps in all 220 Oromo districts.

The interim phase, followed by local and regional elections, are moments of enormous political consequence, laden with uncertainty and risk. Into April, as snap elections unfolded in various regions, the NEC operated with limited resources and had yet to establish functioning district electoral committees in Somali and Afar regions, in no less than half of the Oromo region's 220 wereda, and in the OLF-controlled Asosa zone of the far western Beni-Shangul region. In total, this gap represented close to 200 districts, easily one half of the south's districts. NEC preparation for local and regional elections in early June, scarcely six weeks later, was still at an early point -- in issuing regulations, laying the basis for registration of voters and candidates, and designing and printing ballots for an estimated 33 million Ethiopian voters. In the compressed time

frame that resulted from OLF-EPRDF negotiations and the NEC's slow start, Ethiopia was poised to move rapidly through a succession of complicated, highly sensitive transitions -- encampment, snap elections, local and regional elections -- against a background of persistent conflict in the south, and with little breathing space to allow for adjustment or reconsideration.

If even partially successful, these ambitious plans will bring conditions of greater stability to Ethiopia. They will offer Ethiopians their first genuine experience in competitive electoral politics, lay the political and institutional groundwork necessary to incorporate the southern half of Ethiopia into the transitional experiment and thereby advance the prospects that the National Charter is indeed viable.

Instability and Ethnic Tensions

Traumatized by seventeen years of war and repression that left civil society a wreck, the economy a shambles, and most structures of government discredited, Ethiopians, the vast majority of whom are peasants, are just beginning to grasp the possibility of rebuilding their country. Traditions and culture provide little in the way of guidance or support. Pluralism, democracy, and decentralization are alien abstractions, while the historical, communal grievances of Tigreans, Oromos and other ethnic groups are concrete and alive, as are the apprehensions and uncertainties felt by many Amhara.

The process of change that is now underway has suddenly opened the most profound and contentious questions, whose answers will define Ethiopia's future course. Most immediately, it remains to be seen whether conflicted areas, especially in the south, can be restabilized, and the dominant mode of political discourse altered from armed clashes to civil competition (through the encampment of the armed wings of political movements, the re-establishment of local police and the quick election of provisional administrative bodies). Just behind that hurdle stand several other formidable issues: whether local and regional elections are conducted in a relatively free, fair and competently manner, and whether they nurture popular confidence in the devolution of power to an ethnically-defined, federal system; whether new local and regional entities are democratic in nature, and capable of protecting minority rights and contributing to a new national conception of a unified Ethiopia, with reconstructed central powers; what political and economic relationships will ultimately be struck between Ethiopia and Eritrea; and whether the TGE can sustain international support of

Ethiopia's experiment, particularly with respect to encampment, elections and economic recovery.

Action and debate on these issues began in 1991 in what was already a highly charged political atmosphere, market by considerable ethnic tension, distrust and confusion, complicated further by the wide availability of weapons (roughly half of the 29 movements in the Council of Representatives have armed wings) and the habit that all parties have acquired of regarding themselves primarily as victims of both past and present circumstances.[208]

In an approach which marks a significant break with Ethiopian history, the TGE has consciously attempted to avoid heavy, armed reaction to periodic violent flareups. Though, as events in Oromo region in the first several months of 1992 proved (discussed below), this approach was not always sustainable. Beginning immediately after the National Conference, the TGE experimented with joint liaison teams, organized at the center and dispatched to verify events, consult with local elders and representatives of organized political movements, and devise ad hoc bases for conciliation.

Considering that in many months since the fall of the Mengistu regime there has been no functioning police force, at the same time that Ethiopia has undergone momentous social change, it is a testimony to Ethiopia's underlying cultural character that there have been so relatively few instances of lawlessness. Moreover, reports of instability and conflict, are often unfocused, prone to exaggeration and gross generalizations, and often fail to take adequate account of political initiatives aimed at defusing distant conflicts.

Conflicts tend to be concentrated in the southern half of Ethiopia, especially, though by no means exclusively, in the Oromo and Somali regions (which account, respectively, for 220 and 47 of Ethiopia's 600 districts.) Typically, they pit the armed wings of political movements against one another (e.g. the OLF versus IFLO in the east) and against EPRDF forces. Particularly in the Oromo and Somali regions, instability is compounded by: competition to establish control on the ground, in anticipation of elections; the wide availability of weapons;

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[208] The figures for armed forces of the major movements, as agreed between the TGE and the respective movements, are: the Oromo Liberation Front (OLF, 20,000; the Afar Liberation Front (ALF), 2500; the Benishangul People's Liberation Movement (BPLM), 1500; the Gambela People's Liberation Movement (GPLM), 1200; the Islamic Front for the Liberation of Oromia (IFLO), 1500; the Ogaden National Liberation Front/Western Somali Liberation Front (ONLF/WSLF), 1000.

longstanding inter-communal grievances, often centered on competition for scarce water, land and grazing rights; the collapse of the previous government's military and administrative control, exasperated by the return to the south of a disproportionate share of the 450,000 demobilized soldiers; spill over violence and displaced populations from Somalia; the vitality of smuggling operations along border areas, newly threatened by the entry of EPRDF forces; and common banditry.

In the Somali region, inter-clan rivalries play an important role. In the Oromo region, the same is true of linguistic, religious, geographic and organizational divisions that bedevil the various Oromo movements. In the Oromo region, OLF-EPRDF mistrust, the single most important vector of instability in the south, has been stoked by negative, mirror images of each other's motivations and behavior.

On the OLF's part, there are fears that Tigrean-dominated EPRDF forces enjoy undue political advantages which have been systematically used to prevent the OLF from expanding its presence on the ground. Since the EPRDF functions both as an 'umpire' (the transitional national army) and a political 'player,' it has a strong, unhindered motivation to arm and promote its affiliated Oromo movement, the OPDO (its ranks initially filled with former prisoners-of-war), and to actively repress OLF organizational activities. If further exploited to distort the electoral process, the OLF fears these advantages might ultimately result in continued northern domination of the Oromo people.

Inversely, the EPRDF fears that the OLF lacks the organizational cohesion and discipline necessary to implement cease-fire and encampment agreements, in part a reflection of a worrisome OLF ambivalence towards the National Charter itself. Important segments within the OLF leadership appear to favor secession versus continued incorporation within Ethiopia (what would result in the withdrawal of 30 to 40% of Ethiopia's population, along with the loss of its most productive agricultural areas). The EPRDF is no less bothered by an increasingly harsh OLF rhetoric that encourages ethnic intolerance (directed especially against Amhara settlers) and that casts the OLF as the dominant, legitimate claimant for power in the Oromo region (overlooking the IFLO, OPDO, and several other minor movements). Out of organizational weakness and unproven popular support, the EPRDF fears that, the OLF may deliberately incite violence to forestall or preempt elections, at the same time that it actively recruits and arms new fighters (drawn to a large extent from demobilized ex-servicemen), contrary to the National Charter and subsequent proclamations.

At one level, it would appear that realities in southern Ethiopia strongly favor the OLF and EPRDF eventually reaching a non-violent, negotiated resolution of their differences that will permit the interim phase and local and regional elections to go forward in the Oromo region. Arguably, it should be clear to each side that overwhelming reliance upon force will be grossly self-defeating to all concerned, guaranteed to generate high levels of violence and disorder that give neither side any true victory or hope and that instead undermine Ethiopian and international confidence in the National Charter. It terms of rational, joint self-interest, the EPRDF and OLF -- in their marriage to one another as the two principal partners of the TGE -- enjoy no viable divorce option.

Though future elections may ultimately demonstrate OLF support within a large segment of the Oromo people, such hypothetical strength does not compensate for the OLF's present military and organizational weaknesses. If the OLF were to embark on an armed campaign to 'liberate' Oromia from Ethiopia, it would risk almost certain defeat at the hands of EPRDF forces, as well as risk antagonizing a population profoundly weary of war, whose true political affections are to an important degree either unknown, divided along various lines, or still at an early point of taking shape. Alternately, the EPRDF's military predominance, beyond disciplining and pressuring the OLF, has only limited utility in incorporating the south effectively into a post-Mengistu Ethiopia. Unassured of popular support in the south (where the ODPO is reportedly viewed by many as an alien, EPRDF front), the EPRDF would almost assuredly provoke protracted armed resistance in the Oromo region, were it to attempt to crush the OLF militarily.

As a reflection of these pressures upon the OLF and EPRDF to come to terms with each other politically, in late 1991 and early 1992 they turned increasingly to intensive joint consultations, even as skirmishing with one another continued. In the search for political arrangements to bridge mistrust and heighten mutual confidence that the encampment of fighters and elections can proceed in a fair and competent manner, the EPRDF and OLF also increasingly called upon outside brokers. The EPLF began chairing talks in January which culminated in late February in the Mekelle accord, under which the EPRDF-OLF reaffirmed their commitment to encampment and elections, and the EPLF agreed to head newly-formed tripartite commissions (EPRDF/OLF/EPLF) to oversee encampment and elections in all 220 Oromo districts.

That agreement faltered, however, once discussions shifted in March to the number of OLF fighters to be encamped and the number of OLF camp sites. Mistrust and anger intensified sharply, as the OLF vied initially to win acceptance of a force level of 40,000 to 50,000. Far in excess of the 6,000-8,000

fighters the OLF had under its command in May of 1991, the EPRDF dismissed these claims. Yet even if correct by half or slightly less, (the EPLF proposed a compromise of 15,000), the EPRDF bridled at being asked to ratify force levels which openly confirmed that the OLF had departed from the National Charter in doubling or tripling its forces.

Throughout March and into April negotiations slowed, public rhetoric on both sides increased, and armed conflict intensified. The two sides resumed negotiations in mid-April, aided by the EPLF and the United States, and settled upon a compromise proposal, which calls for 20,000 OLF fighters to be encamped initially in eight camps. Afterwards, prior to local and regional elections, the numbers drop to 15,000 in six camps. Further talks created a fragile consensus on several remaining issues: the precise monitoring methods for OLF camps; the basing of the EPRDF's eight camps and sixty-four garrisons, relative to the siting of OLF camps; controls over weapons; the organization of bodyguards and other security personnel for the OLF and EPRDF; and postponement of snap elections in Oromo region until early May. On April 21, the Council of Representatives approved the agreement. Implementation began immediately, to be completed in less than a week, possibly aided by the addition of international monitors. EPLF-led tripartite committees began their oversight management of OLF camps and preparations for elections in the region's 220 districts.

Amhara Estrangement

Significant tension also exists among those thousands of Amhara and other elite who have lost power and a sizeable share of their class advantage, and who feel they are the object of unjustifiably broad or arbitrary forms of retribution (e.g. the temporary banning of all WPE members from voting or running for office; 'Workers Grievance Committees' assaults upon alleged corruption in state-owned enterprises and ministries). It is unclear how this segment of Ethiopian society, which constitutes a large portion of Ethiopia's skilled talent, with accommodate itself to Ethiopia's evolving realities. This is a population that overall has lost its dominant position in society; that includes thousands who have outright lost their jobs, if not also been detained; that includes many who remain in ministerial and factory positions, alienated from the TGE leadership, uncertain of the future, and subject to allegations of stalling or distorting the implementation of TGE policy; and that includes a large number who simply have not reconciled themselves to the Charter, particularly its commitments to a decentralized order and to honoring Eritrea's eventual referendum.

The Economy

The TGE's attention is also absorbed by an economy that is in shambles, that stands at risk of further deterioration, and that is not terribly familiar to a leadership far more experienced in governing liberated peasant areas and managing an armed insurgency than in reforming a command economy.

To sustain popular confidence in the transition, to contain the very real potential for urban instability, and to provide Ethiopia's economy with the minimal floor necessary for any recovery to begin, required quick action to introduce substantial multilateral bilateral flows. Regrettably, that has only been partially possible.

Per capita income stands at approximately $120, the second lowest in the world. In real terms, GDP fell by 5-6% in 1991. The staggering array of obstacles to future growth include: rapid population growth (estimated at close to 3% per annum); environmental degradation; recurrent drought (virtually every fifth year since 1960); rural landlessness, estimated at 20%, matched by urban poverty that has left 25% of urban dwellers wholly outside the cash or market economy, dependent upon whatever crumbs can be begged, borrowed or stolen; a low state or technological development, particularly in the peasant agricultural sector; a narrow, antiquated industrial base (concentrated in beverages, textiles and agro-processing); the manifold legacy of several decades of war (e.g. damaged health and education infrastructure, and excessive military spending, including the commitment of ministerial and state enterprise resources to the war); and an inherited command approach to the economy that actively repressed the private sector, nationalized major industries, and relied upon pervasive administrative controls which, so long as they remain in place, will only hinder efforts at liberalization and stirring increased production.

The end of war has brought only minor dividends, in budgetary terms. Since mid-1991, military expenditure dropped from 14% to 10% of GDP. International export earnings (principally coffee, and hides and skins) remain weak (at their lowest point since 1974), while much of Ethiopian production flows through smuggling channels, a continued reflection of an overvalued currency and excessive state regulation.[209] Tax revenues have fallen off sharply, in part due to the abandonment of forced agricultural sales to the state, late in the Mengistu

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[209] Coffee exports through official channels totalled only 51,000 metric tons in 1991, an almost 40% decline from 1990. Whereas coffee accounted for 60% of export earnings in 1989, by 1991 that level had slid to 36%.

era. Meager foreign exchange reserves barely cover emergency petroleum imports; all other sectors remain starved of inputs. Coincident with the terminal phase of the war, sizeable external debts came due. The 1991 deficit is thought to exceed 20% of the national budget.

In September 1991, the Council of Representatives opened debate on a draft economic strategy, intended as a first step in moving Ethiopia towards a mixed economy that will increasingly favor the private sector and will emphasize a phased and informed reform process. As part of that exercise, the Council solicited the comments of prominent private Ethiopian individuals and groups.

The TGE's Economic Policy (EP), published in November 1991, calls for increased private sector involvement in trade and production, and greater private sector competition in most areas where the state now dominates but where state monopolies and administrative controls (e.g. over tariffs, pricing, and allocation of scarce resources) are to be systematically retrenched. Banking, insurance, major utilities, and several large state-owned enterprises are to remain under state control. Though the EP admits the need to correct the overvaluation of Ethiopia's currency, the Birr, it leaves unanswered the question of what time frame or sequence of steps might guide a future exchange rate reform program.

Action on the Economic Policy provided the backdrop for extensive TGE consultations with visiting World Bank and USAID missions, and for the conference on Ethiopia's economic future which the Inter Africa Group sponsored in mid-January 1992.

The IAG conference stirred public debate on Ethiopia's most sensitive macroeconomic issues (e.g. exchange rates, privatization, land), created a dialogue that drew together government officials, political leaders, academics and intellectuals, and resulted in a consensus document detailing areas where quick, concrete action was needed to truly advance the economic reform process. Implicit in many of the recommendations was the view that the TGE was proceeding with undue slowness and caution.

In early February, agreement was finally reached in Washington between the TGE and the World Bank on conditions associated with the Emergency Recovery and Reconstruction Project (the ERRP, a 30 month, $600 million multi-donor package). Conditions include: immediate increases in road tariff rates; full deregulation of road tariffs by the end of 1992, and an immediate end to state management of private trucking interests. Final approval of the ERRP, however, hinged on substantial progress in the first round of TGE-World Bank/IMF negotiations,

completed at the end of February, that achieved an initial, broad consensus regarding the main issues to be addressed in a future structural adjustment program. At the heart of those talks were several highly sensitive issues: e.g. devaluation plans; measures to offset the affects of adjustment borne by highly vulnerable groups; reform of the banking system; privatization of state-owned enterprises; and the legal/policy approach towards external and internal investment, labor, contracts, and bankruptcy.

In retrospect, early, optimistic predictions that action on a multi-donor emergency package could proceed swiftly -- with results materializing by the end of 1991 -- were not realized. Instead, World Bank-TGE negotiations dragged into 1992, hampered by differences of opinion over the transport sector conditions associated with the ERRP. Trust between the two sides, whose internal cultures could not have been more divergent, evolved slowly and unevenly, at best. At the same time, TGE frustrations mounted, as did World Bank caution, the latter resulting in the Bank's decision to abandon its original approach to the ERRP and tie final release of the ERRP to prior TGE compromise on the framework for a future structural adjustment agreement.

The ERRP $600 million package will not begin arriving until July, at the earliest, and will include only $400 million in actual new donor commitments, stretched over 30 months. For the TGE, this course of events means that the TGE enters local and regional elections, intended to fortify the popular legitimacy of the National Charter, without the advantage (as originally envisioned) of having first demonstrated its ability to deliver to a popular audience the benefits of the ERRP.

Key challenges

In summary, there is a multitude of challenges whose influence over the transition cannot be underestimated:

(i) a steady proliferation of demands that threatens to overload the capacity of the TGE leadership and induce a 'crisis management' style of decision-making, marked by institutional drift, confusion, and rising frustration. This is only exacerbated by the institutional gap that exists in government, due to the continued estrangement between the TGE and inherited ministries.

(ii) a decimated economy.

(iii) Ethiopia's non-democratic cultural inheritance and rising ethnic tensions, in a context in which plans to create interim conditions of stability and introduce

competitive electoral politics are poised to begin, organized around regions defined according to ethnic 'nationalities'.

(iv) a difficult international environment, in which major powers are distracted by events elsewhere and appear unsure of their post-cold war interests in Ethiopia, and in which multilateral agencies such as the World Bank and the IMF press for tight guarantees of the TGE's commitment to macroeconomic reform, before answering Ethiopia's immediate emergency needs.

(v) an institutional void in the countryside which invites opportunistic banditry and strife among the armed wings of political movement.

These are factors which, if not successfully transcended or resolved through the successful implementation of the National Charter, could push Ethiopia back in the direction of authoritarianism and disorder. Should plans to enhance the administrative stability and security in the countryside and to introduce competitive democratic politics nationwide fail, the costs could be intolerable: the fracturing of Ethiopia politically and territorially; a return to protracted armed conflict; the loss of popular and international confidence in the National Charter and hopes of economic recovery; and an increase in Ethiopia's already considerable emergency humanitarian dependency.

ANNEX II

EVALUATION OF TGE PROGRESS ON DEMOCRACY AND GOVERNANCE ISSUES: 1994

Source: John W. Harbeson, "Ethiopia's Democratic Transition: A Preliminary Assessment" (Executive Summary Memorandum, Nairobi, USAID/REDSO/ESA, February 26, 1994), pp. 1-5.

Ethiopia's progress and commitment toward democratization and accountable, transparent governance is at present Mixed but prospects for more satisfactory progress over the medium to longer term remain and have not been foreclosed. The performance by the Transitional Government and, to some extent, by opposition parties and private groups, has been disappointing, notably in the human rights and party system building areas. But USAID assistance to the Constitutional Commission and the Special Prosecutor's Office has been high quality, well received, and influential in establishing foundations for the democracy and the rule of law over the long term.

There are major needs for, and significant opportunities constructively to influence further progress toward democratization and accountable, transparent governance. At the diplomatic level and with aid programming, the U.S. and other donors should actively pursue these opportunities. Specifically:

Implications for Consultative Group.

The CG should (1) urge mediation and confidence building measures to enable parties to reach something approaching all party consensus on major constitutional issues such as regionalization, (2) urge official support for civic and other NGOs (3) urge improvement in human rights practices, (4) urge mediation and confidence building measures to enable the parties to reach agreement on the rules of the game governing their competition with each other, and (5) urge continued effort to create neutral armed forces and police forces under civilian control.

Implications for AID/W Focus Country Exercises.

Ethiopia should be a focus country because, counterbalancing its mixed record of progress to date, are the establishment of foundations for improvement over the long term and clear opportunities for US assistance to be effective in bringing about

those results. AID's emphasis has been, and should continue to be, upon high level technical assistance.

Implications for Project Amendment

The project should be amended, and funds added, to enable AID to do more to support (1) capacity building for the parties and for regional and sub-regional governments; and (2) creation of an environment for democratic political debate through public opinion surveys, training institutes for government and private media, and support for civic-focused NGOs such as human rights groups. All areas of democratization and improved governmental performance cannot be tackled at once. The TGE, opposition parties, and private groups have implicitly defined a satisfactory set of priorities. Specific comments on progress and commitment in each area, set forth in terms of the evolved priorities, are as follows:

1. High priority/focus subjects

    a. Constitutional Development: Satisfactory. Draft expected in March, 1994

    b. Judicial Governance/Human Rights: Mixed. Good legal framework, unsatisfactory practice in many areas. Special prosecutor work good

    c. Political Parties: Unsatisfactory. Issues of state reformation and party system development conflated, causing serious, potentially dangerous misunderstandings among the parties

    d. Elections: Mixed. Much improved legal framework and TGE-initiative civic education work under way. But time frame may be too short for process to work well.

    e. Media: Unsatisfactory. Responsibility shared by government for suppressing publications and arresting publishers, and by publishers and journalists for squabbling and sometimes unfair competition with each other at expense of strong media sector. Financial resources and markets limited

    f. Regionalism: Unsatisfactory. Critically important area. Creative TGE initiative, but serious misunderstandings and differences among parties remain unmediated and

potentially threaten the future of the post-Mengistu Ethiopian state

2. Medium priority/focus, longer term subjects

   a. Political Culture: Mixed. Civic education initiatives under way; government too closeted, too inclined to suppress publications for embryonic democratic culture to have a chance to flourish

   b. Political Socialization: Satisfactory. Training initiatives under way, more contemplated. Educational policy, particularly at tertiary level, still a question mark

   c. Interest Groups: Good. Encouraging start for birth of independent trade union movement after unbroken history of cooptation by Mengistu and Haile Selassie governments

   d. Executive Governance: Mixed. Ethnic representativeness of bureaucracy a major issue, lack of policy for reformed civil service. But more open, accessible government than before

   e. Security: Satisfactory. After shaky start in period prior to 1992 elections, quiet progress in reconstructing police force, integrating army and establishing civilian control. Armed forces and police chiefs highly regarded.

3. Deferred priority/focus longer term subjects

   a. Civil Society: Satisfactory. Civic NGOs tolerated if not exactly encouraged. Legal limbo of these and other NGOs needs to be addressed.

   b. Legislative Governance: Mixed. Council of Representatives no longer representative and has never been assertive. Constitution likely to provide for more effective representative legislature.

Specific, critical linkages between democratization/improved governance initiatives and policies and progress in areas of socioeconomic development remain to be addressed. After an

encouraging start, TGE progress in following structural adjustment guidelines has slowed. Planning documents not widely circulated or discussed and gloss over key subject areas where there are important tradeoffs between democratization/governance and development initiatives. These include structural adjustment itself, land policy, women in development, and regionalization. Progress in development area as it bears on democratization/governance initiatives is mixed. Problems are complicated by uncertainties at the theoretical level about how interfaces between political and economic transitions can be caused to be mutually supportive and reinforcing.

More detailed assessments in each area center on (1) clarity of governmental intentions and progress in building consensus for them, (2) trends both toward and away from democratization and improved governance, (3) establishment of legal frameworks and practices consistent with, and respectful of them, (4) definable levels of intermediate achievement toward ultimate objectives, and (5) progress with all deliberate speed, avoiding traps of too precipitous as well as too slow progress. See methodological appendix. Analysis of Ethiopian progress in each subject area according to these analytic areas is presented in the following matrices. Brief explanations follow.

Key to Evaluation Table

G=Good	Clear Policy, and broad consensus; mostly positive trend; good framework and practice being installed; good level of achievement toward goal; optimal pace
S=Satisfactory	Generally clear policy, majority consensus; generally positive trends; reasonable if perhaps somewhat flawed framework and practice being installed; satisfactory level of achievement toward goal; generally satisfactory pace
M=Mixed	Policy clarity and consensus uncertain; positive and negative trends in rough balance; achievements uncertain; uncertain positive momentum
U=Unsatisfactory	Flawed, somewhat negative policy directions; minority support for positive policy directions; trends more negative than positive; achievement lacking, some retrogression; momentum, if anything, in negative direction

P=Poor No positive policy, de facto negative policy, no support for positive policy; trends negative; negative achievement; momentum in wrong direction

Subject Area	Clarity/ Consensus	Trends	Framework/ Practice	Achievements	Pace
<u>High Priority</u>					
Constitution	S	S	no date	M	M
Judiciary/Human Rts	G	M	M	M	M
Political Parties	P	U	U	U	P
Elections	M	M	M	M	U
Media	M	U	M	U	U
Regionalization	P	P	M	M	P
<u>Medium Priority</u>					
Political Culture	M	M	M	M	M
Po. Socialization	S	S	M	M	S
Interest Groups	G	G	G	G	G
Executive Governance	U	M	M	M	U
Security	M	S	S	M	S
<u>Deferred Priority</u>					
Civil Society	S	S	M	S	S
Legislative Governance	M	M	M	M	M
<u>OVERALL</u>	M	M	M	M	M

ANNEX III

TERMS OF REFERENCE FOR EVALUATION

Focus

Mid-term evaluation of USAID/Ethiopia's Democracy/Governance Support Project (663-0007).

Background

The political transition on which the Transitional Government of Ethiopia is embarked is both ambitious and risky; it cannot be expected to move forward without periodic challenges. Begun in mid-1991, the transition aims at nothing less than a fundamental reconstruction of the Ethiopian political system. Having dissolved the main institutions of the old order, the TGE has committed itself to create a decentralized, popularly elected government based on newly constituted, ethno-linguistically based jurisdictions. The TGE's strategy, outlined in the Transitional Charter adopted in July 1991, is based on a broad commitment to democratic principles and processes.

Numerous obstacles inhibit the establishment of a new democratic order in Ethiopia and have already slowed down the transition timetable. These include a long historical legacy of centralized authoritarian rule, a recently conducted thirty-year civil war, and fundamental scarcities of human, organizational and material resources. Moreover, opposition groups that have not yet accepted to operate peacefully according to rules of a democratic regime, threaten to disrupt the transition and invite government crackdowns. In the absence of reliable democratic institutions and processes, the future could easily come to resemble the past.

The U.S. Government was actively involved in the 1991 negotiations that brought the war to a close and laid the basis for the TGE. On account of that experience, the TGE looked to the U.S. for assistance in implementing the National Charter and moving to a popularly legitimate, permanent Government of Ethiopia. In designing its program of assistance, USAID/Ethiopia began from the premise that Ethiopia's prospects for stability, economic growth, and general recovery depend to an overwhelming degree upon progress in liberalizing Ethiopia's historically authoritarian mode of governance, such that a progressively more accessible, participatory and tolerant political environment is created. For this reason, USAID/Ethiopia became involved soon after mid-1991 in identifying

areas of greatest need and opportunity for assisting the transition process.

Because Ethiopia's prospects for stability, economic recovery and long-term growth depend intimately on the progressive liberalization of the polity, USAID/Ethiopia has identified "an increasingly stable and democratic Ethiopia" as a strategic objective of its assistance program. In pursuing this objective USAID/Ethiopia has pursued a dual strategy involving sustained dialogue on relevant policy issues and project support in a variety of related areas. The transitional character of the present period magnifies the importance of appropriate and effective external assistance. As a consequence, Mission strategy in the D/G area emphasized early, quick and aggressive engagement and flexibility of response to targets of opportunity as they arise.

USAID/Ethiopia has remained in continuous dialogue with the TGE and non-EPRDF political movements on, among other issues, options (which include outside technical and material support) for improving upon past electoral experience, opening political debate, informing and broadening participation in the constitutional revision process, strengthening the journalist profession, and assisting civic organizations and efforts to create an autonomous judicial system.

In late September, 1992, USAID and the TGE entered an agreement for a two year $5 million Democracy/Governance Support Project designed to provide assistance in six areas. The project is targeted to support (1) the organization and implementation of open national and regional elections; (2) the drafting of a new constitution; (3) judicial reform for the protection of human rights and the institutionalization of the rule of law; (4) the promotion of an independent and responsible media; (5) the strengthening of NGO participation in civil society, and (6) the development of increased capacity for regional self-government.

The September 1992 Democracy/ Governance Support Project Paper called for a mid-term evaluation based on the broader Project framework, examining progress, constraints and issues. For a variety of reasons, the project was long in gestation, and implementation has advanced more quickly in some areas than in others. In light of these delays, the absence of a Democracy/Governance Advisor for a significant portion of 1993, and a change of D/G Advisors in September of 1993, this evaluation is taking place somewhat later than initially envisaged. The present evaluation provides an opportunity both for a review of project structure and implementation to date, and for the initiation of a project redesign, in keeping with the spirit of flexibility and adaptiveness invoked by the project designers, and with the fluidity of the Ethiopian environment.

Since the initial monitoring and evaluation plan was approved, USAID has instituted a requirement that statements of measurement and evaluation in terms of "people level impact" be included for each activity undertaken by field missions at the level of "Strategic Objective". Give the short time frame of the projects existence, it appears unlikely that any "people level impact" can be expected. It should also be recognized that, at best, a $5 million medium-term USAID project can hope to have a minor, positive catalytic effect upon the larger processes of political change now underway. It is, however, expected that the evaluation will be able to provide an assessment of the project's fit with originally stated objectives, suggest ways in which these objectives might be modified (if necessary) to enhance its overall impact at the level of the strategic objective, and identify areas in which project management can be strengthened and/or streamlined.

Team Composition

The Democracy/Governance Support Project mid-term evaluation is to be conducted by a four person team, present in Ethiopia for two weeks, beginning on or about March 20, 1994 and ending on or about April 1, 1994. Additional work days, beyond the team's stay in Ethiopia, to allow for the preparation of the final document, are also budgeted.

The evaluation team should be composed of specialists who, together, meet the following criteria:

a. familiarity with the Ethiopian context, and experience with issues of constitutional design, legal reform and administrative decentralization;

b. broad knowledge of democracy/governance issues, including elections, in the African context, and comparative experience with efforts to address these issues programmatically;

c. experience with USAID project design and implementation mechanisms and practices.

The team leader, in consultation with other team members and the USAID/Ethiopia Democracy/Governance Advisor, will The team will be responsible for establishing an internal division of labor as deemed appropriate, and will be responsible for integrating the discreet individual contributions of other team members into a final report. It is suggested that the member of the team with the strongest project development credentials be tasked with seriously examining existing implementation

mechanisms and procedures with a view to making recommendations on ways in which project functioning can be streamlined.

Evaluation methodologies well adapted to the Democracy/Governance field are in short supply, and the team is encouraged to draw on the depths of its professional experience in suggesting innovative and cost-effective evaluative methodologies as these become apparent. In conducting this assessment, the team is encouraged to refer, as deemed necessary, to the original monitoring and evaluation plan contained in the D/G Support Project Paper, to the evaluation schema developed by Michael Bratton and Stevens Tucker in January 1994, and to the review of the transition period conducted by John Harbeson (REDSO/ESA) during January-February 1994.

The team will provide a summary of its findings before departing the country and will debrief appropriate USAID/E and Embassy personnel. A final report will be presented to USAID/Ethiopia on or before May 10, 1994.

Scope of Work

The team will be collectively responsible for the following tasks:

1. Examining the extent and effectiveness of the project in promoting:

    a. national and regional open elections (taking into account that national elections are currently in the preparation stage);

    b. open and transparent process of drafting and adopting a democratic constitution (due to be released during March-April 1994);

    c. an independent media sector;

    d. an independent judiciary;

    e. NGO participation in civil society;

    f. improved regional self-government capacity;

2. In assessing the extent and effectiveness of project inputs in the aforementioned areas, the evaluation team is to:

    a. determine the appropriateness, effectiveness and coherence of the project's overall strategy;

b. determine whether and to what extent project inputs have been designed and implemented in an effective and cost efficient manner;

c. determine whether and to what extent project inputs were designed to maximize positive impact and to take advantage of complementarities between project elements;

d. determine whether and to what extent USAID management has been effective and efficient in delivering project inputs;

e. determine whether and to what extent USAID-funded contractors have been effective and efficient in implementing project activities;

f. determine whether and to what extent the project has brought about positive changes that would unlikely to have occurred had there been no project inputs;

g. incorporate the substance of the mission's monitoring, evaluation, and reporting plan and other relevant documentation, including TDY reports;

3. Based on 1 and 2 above, the evaluation team is to make appropriate recommendations concerning whether and in what ways to:

a. modify the project strategy;

b. modify the emphasis of the project within the existing foci;

c. modify the structure of the project by adding, reducing or altering project foci to enhance the overall coherence and impact of project interventions or to streamline project management;

d. modify USAID's management practices with respect to the project and USAID contractors;

e. modify the implementation practices of USAID contractors;

4. The evaluation team is to make such other recommendations concerning the project as it deems appropriate.

<u>Logistics and Timing</u>

The mission will take place between March 22 and 31. The Team Leader will debrief the USAID/Mission on the team's interim findings prior to departure, and provide draft recommendations at that time if possible. A final evaluation will be submitted to USAID/Ethiopia on or before 30 May, 1994.

ANNEX IV

1992 PROJECT PAPER AND LOG FRAME

Source: USAID, "Ethiopia Democracy/Governance Support Project (663-0007) (Project Paper Prepared by Ethiopia Mission, May 15, 1992), pp. 2- 4.

ANNEX V

1993 MISSION CONCEPT PAPER

Source: USAID, Concept Paper: Back to the Future (Addis Ababa: Ethiopia Mission, June 10, 1993, pp. 48-52.

DEMOCRACY AND GOVERNANCE

Rationale: The political context in which AID operates in Ethiopia is spelled out in Section II.D. Several additional assumptions have further influenced the formulation of this Strategic Objective:

(i) Expectations must be realistic. The transition under way in Ethiopia is ambitious, risky and difficult to carry forward successfully. Reversing centuries of violent history, authoritarian habit and ethnic hatred, in the space of three years, with limited resources and a narrow social base, is a daunting mandate. Yet Ethiopia's prospects for stability, economic growth, and general recovery hinge to an overwhelming degree upon concrete progress in liberalizing Ethiopia's historically authoritarian mode of governance, such that a progressively more accessible, participatory and tolerant political environment is created. Ultimately, moreover, responsibility for the current transition rests with Ethiopians, not with outside donors; in this sense, the relative success of USAID's role in this area it tied to the degree to which Ethiopians themselves commit seriously to reforming Ethiopia.

(ii) At best, a modest AID program will have a minor, positive catalytic effect upon the larger processes of political change now under way. Resources must be focused and choices made. For this reason, for instance, USAID has chosen not to become engaged in many standard public administration/governance areas, or in the area of labor.

(iii) Progress in implementing the TGE's ambitious program of democratic change is at times certain to be contradictory, uneven and ambiguous. Hence, a strategic approach that is realistic, incremental, flexible and sustained is required.

(iv) This objective is consistent both with the other objectives USAID/Ethiopia is pursuing and with global US foreign policy objectives. USAID's contribution, for instance, to raising literacy levels and strengthening private sector production, will

directly and indirectly contribute to the overall strengthening of Ethiopia's civil society.

(v) This strategic objective is interdependent with US diplomacy towards Ethiopia. It cannot be pursued in isolation.

Under the terms of the 24-30 month transitional National Charter, agreed to in July 1991, the TGE explicitly committed itself to democratic principles and processes. Following on the USG's active involvement in the 1991 negotiations that resulted in the formation of the TGE, the TGE requested USG assistance in implementing the National Charter and moving to a legitimate, permanent Government of Ethiopia. Soon after mid-1991, USAID/Ethiopia began identifying the areas of greatest need and opportunity for assisting the transition process: regional and national elections; revision of the national constitutional; promotion of independent media; judicial reform and promotion of human rights; and regional self-government.

Strategy: The Mission's strategy emphasizes becoming engaged early, quickly and aggressively. In each of the policy areas where USAID is to concentrate its activities, decisive processes of change are already under way -- in which formative debates are unfolding, proclamations are formulated, and implementing actions and popular involvement are set in motion.

Our strategy is linked to several processes that will determine the success or failure of the transition: elections; constitutional revisions; judicial reform and promotion of human rights; creation of an environment for independent media and professional journalists; and creation of effective regional self-government. In all project activities, there are two guiding concerns: (i) helping to build the basic institutions of a democracy through the incremental liberalization of a fundamentally authoritarian inheritance; (ii) increasing participation in civil society and the transition process by citizens and civic organizations.

Other Donors: A Donor Task Force, comprised of ambassadors of the American, British, Dutch, Canadian, Swedish and German governments, and the UN Resident Representative, has thus far chosen to concentrate consultations with the TGE on electoral and judicial matters. These countries and the UN each contributed substantially to the Joint International Observation Group, organized for the June 1992 elections, and supported technical assistance to the National Election Commission (NEC) through a UNDP project. The Task Force is exploring ways to help the Ministry of Justice (MOJ) reconstruct the lower court system. There is strong interest among Task Force members in supporting future media initiatives. Several NGOs have begun journalist training programs. The British, Dutch, Swedish and Norwegian

governments are committed to providing both the Constitutional Commission (CC) with outside technical expertise and material support and the Inter-Africa Group (IAG) with support for its May 1993 constitutional symposium. The Donor Task Force has begun discussions of the material and technical requirements of the regionalization program.

TGE Commitment: The TGE acknowledges that on administrative, political and civic education grounds, there was inadequate preparation by the NEC and the TGE for the June 1992 elections. It has entered discussions with the Task Force on options for reforming and upgrading the NEC and promoting greater political debate and civic education, in advance of any future elections.

Membership on the 29-person CC was finalized in February and inaugurated by President Meles Zenawi on March 1. In the full CC and its different committees, there is significant representation of non-EPRDF parties. On October 21, 1992, the COR issued a press proclamation that legalized private print media, and the Ministry of Information (MOI) abolished its censorship department. A large share of the new independent media are aggressively critical of the TGE. There have been no credible reports of systematic TGE harassment of private media, although some government legal cases against various publications are now before the courts. Regarding the judiciary, the COR issued proclamations outlining steps to revise the judicial system. Implementation has begun and a judicial commission now functions. Several recent cases involving political detainees provide some important evidence that the High Court has successfully challenged the Office of the Special Prosecutor and that the judiciary is indeed acquiring a meaningful degree of autonomy. Since mid-1991, approximately 10 independent civic organizations have been formed that focus on human rights. To date, their activities have not been restrained by government. The TGE has clearly stated that it endorses USAID/Ethiopia working closely with emergent civic organizations on elections, constitutional revision, judicial reform, human rights advocacy, and promotion of the journalistic profession.

Rationale: In the June 1992 elections, and in future elections for a constituent assembly and the creation of a new national government (expected in 1994), the Mission's aim is to promote the competent and politically legitimate administration of elections by the NEC, expanded civic education, and effective international and Ethiopian election observation.

USAID Interventions: $2.5 million in the current D/G Support Project's funds were earmarked for electoral-related activities. Over half of this amount was used to support the June 1992 elections. For the national elections, plans are under way to support the National Democratic Institute's (NDI) one year

program of civic education, election training, and a review of Ethiopia's electoral system. The NDI will be working with an independent Ethiopian organization, the Ethiopia Free Election Observation Group (EFEOG). Additional resources will be required to support the national elections.

Rationale: The Mission's objective is to promote the effective performance of the Constitutional Commission (CC). The aim is to ensure that debate on major issues is open and informed, drawing on Ethiopian and non-Ethiopian expertise. Consultations with the public and civic education programs need to be supported so that the constitution that results has wide legitimacy and incorporates democratic principles (e.g., freedoms of assembly and speech; protection of human rights; an independent judiciary; effective deconcentration of power; a democratic legislature and electoral system).

USAID Interventions: In March 1993, USAID organized and funded visits by three American experts who conducted seminars for the CC and other interested Ethiopians. Starting in mid-1993, USAID will support the Carter Presidential Center's integrated effort to provide the Commission with equipment and additional outside experts, and to sponsor a week long symposium to begin May 17. The symposium seeks to promote public debate and civic education on fundamental constitutional issues, e.g., ethnic federalism, executive powers, the role of the military, electoral and legislative systems, and the role of political parties. In collaboration with the Carter Presidential Center, IAG will launch a one year civic education program.

Rationale: Freedom of the media is essential to establishing a free society. A free media serves to interpret and convey the will of a nation's people to government. Ethiopia's media is still suffering from the remnants of a mentality that restrained expression and its freedom to work. The Mission's objective is to strengthen the journalism profession, in both public and private spheres, to identify and ameliorate constraints upon newly emergent private media, and to enhance the public accountability of state media.

USAID Interventions: The D/G Support Project includes a component to support this target. USAID supports a program to: (i) upgrade journalists' understanding of Ethiopia's legal environment, journalists' ethics, rights and responsibilities; (ii) promote an independent Ethiopian press association; and (iii) conduct a comprehensive sectoral survey of the private media, identify major constraints, and (iv) devise a strategy by which these constraints, including the private media's dependence upon the government's monopoly of printing facilities and scarce inputs, can be overcome.

An exchange program may also be supported between the management of the Ethiopian News Agency (ENA) and a major U.S. news organization. Technical support to the state media centers on comparative experience in creating autonomous public corporation media. Additional funding will be required in this target area, particularly if the D/G Project is to enhance private sector's access to equipment and other scarce inputs, contribute materially to an independent press association, and support expanded training.

Rationale: The Mission's objective is to encourage respect of human rights and the rule of law in Ethiopia. This will require the existence of a credible, independent judiciary and the growth of credible, independent human rights organizations.

USAID Interventions: USAID supports the Carter Presidential Center's proposal to (i) conduct human rights training of lower court judges; and (ii) bring to the Special Prosecutor's Office a forensics expert and commissioners from Chad, Chile and Argentina who presided over similar trials in their respective countries. The International Human Rights Law Group (IHRLG) will review the status of (i) judicial reform; (ii) the legal profession, including legal training; and (iii) civic organizations involved in the promotion of human rights. The IHRLG study will recommend a course of action for USAID, to be shared with the TGE and other donors. The Mission plans to increase support for activities under this target during the planning period.

Rationale: In all our programs, we will emphasize efforts to enhance and facilitate the role NGOs play in strengthening Ethiopian civil society. In Ethiopia, NGOs have figured prominently in responding to relief and emergency needs for more than two decades. The Mission believes that the formidable challenges of realizing Ethiopia's economic growth and social progress will not only depend on effective governance in the public sector, but will also rely upon expansion of a vibrant and broadly representative private sector of nongovernmental organizations. A government seeking to establish a genuine democracy should promote a legislative and regulatory framework that allows this aim to be realized.

USAID Interventions: Project activities will support the Ethiopian Free Election Observation Group, the Inter-Africa Group, and an independent Ethiopian press association. USAID also anticipates support of civic organizations involved in promoting human rights.

In order to monitor the TGE's commitment to strengthening private nongovernmental organizations, USAID will regularly consult NGOs on whether they are encountering particular constraints (legislative or regulatory) to their operations. If

so, USAID will share its concerns directly with government, preferably in coordination with other donors.

Rationale: A central facet of Ethiopia's transition is the TGE's commitment to deconcentrate power to new regional governments. Regionalization remains ambiguous and controversial. While the June 1992 elections created new regional assemblies, continued debate surrounds the definition of ethnic entities. There is uncertainty as to how the regional conception may change as a result of the Constitutional Commission's work. From the perspectives of management, administration, financing and infrastructure, there is concern about the viability of implementing regionalization.

USAID Interventions: The D/G Support Project includes limited funding to support pilot activities under this target. While the Mission is considering providing some support in the form of technical assistance and equipment for new local courts, a clearer course of Mission action will be developed pending the results of a UNDP study, the work of the Constitutional Commission, and further Mission analysis. In general, our intention with regard to this target is to undertake modest, experimental activities of support during the transition period.

ANNEX VI

STATEMENT OF WORK FOR D/G ADVISOR

Extracted from:
Contract No. 613-0007-S-00-3173-00
August 19, 1993
REDSO/ESA/CON

STATEMENT OF WORK: POSITION OF D/GA

USAID/Ethiopia's position of Democratic/Governance Advisor (D/GA) involves a broad range of strategic programmatic and administrative responsibilities in order to deal with the Mission's and Governance assistance program's evolution, amendments and implementation activities. The D/GA will serve as the principal USAID advisor and specialist on all matters pertaining to democracy and governance; specifically, the D/GA shall:

Develop and maintain close contact with a wide variety of individuals, groups and associations involved with the economic reform and democratic political reform processes in Ethiopia (including improved governance), with a focus on non-governmental groups, key governmental ministries and key private sector organizations. Develop and understanding the dynamic of the processes and the tradeoffs between the economic and political reforms. Provide analysis and advice to the Mission as needed.

In order to respond quickly to legitimate requests for assistance, initiate and coordinate the design and development of USAID assistance mechanisms in the Democracy/Governance area (ie. ensure that flexible mechanisms are developed which have a minimal management burden on USAID). This includes both short-term and relatively small requests for assistance during the transitional period as well as later longer-term and more institutional support for priority areas.

Monitor the implementation of the Democracy/Governance activities through site visits and maintaining close contacts with all groups involved. In addition, the D/GA will maintain programmatic, administrative, and financial oversight of project activities to ensure that project objectives are being effectively met within USAID guidelines and regulations. Also, the Contractor will both prepare all requisite USAID documentation and facilitate USAID

documentation clearance reviews and evaluations pertaining to the Democracy and Governance program in Ethiopia.

Coordinate all Democracy and Governance activities funded by USAID in Ethiopia. The Contractor will work closely with the U.S. Embassy personnel and other donor country members in deciding on where USAID resources could be most effective. The D/GA will also make suggestions to other donor countries as to activities that USAID is not in a position to assist with.

Provide reports to USAID management on a quarterly basis. Reports should be both analytical (concerning the transition processes and future USAID assistance) and programmatic (concerning implementation issues and problems).

Supervision and Performance Evaluation

Supervision: The D/GA will be supervised by USAID/Ethiopia's Deputy Director, who will routinely review the D/GA's work for adherence to USAID policies and procedures. Performance of the D/GA will also be reviewed in relation to the Statement of Work above and the general technical and administrative objectives of USAID's Democracy/Governance program.

Degree of Autonomy and Exercise of Judgement: As an experienced professional, the D/GA will assume substantial responsibility for independently planning and carrying out the specific activities, duties and responsibilities described above. Maintenance of comprehensive program files, program tracking, and problem resolution are implicit management functions which will be the responsibility of the D/GA.

Nature, Level, and Purpose of Contacts: The D/GA will work with USAID/Ethiopia officers, with representatives of other donors and the TGE as well as with members of the private sector. An important part of the D/GA job is to consult regularly with this network of people in relation to Democracy Governance objectives and activities.

ANNEX VII

SUMMARY TABLE OF BUDGET COMMITMENTS AND CONTRACTORS (INTERNAL PROJECT RECORDS)

Notes on Line Items

1. See Abbreviations List for Organizations and Terms

2. Personnel Cited and Institution

R. Becker	Consultant JEAA
J. Cohen	Harvard Institute for International Development
M. Bratton	Michigan State University, Department of Government
P. Henze	Rand Corporation
L. Harvey	USAID/DG/Addis Ababa
S. Huntington	Harvard University, Department of Government
J. Paul	Rutgers University Law School
S. Morrison	USAID/DG/Addis Ababa
S. Tucker	USAID/DG/Addis Ababa

ANNEX VIII

CURRENT FINANCIAL POSITION (MACS)

(Past in Annex 5:WH here)

Comments on Budget Table

1. Electoral Support accounted for one-half of the entire project budget Other than the on-going NDI civic education activities, all electoral assistance support was for the June 1992 elections.

2. Out of the remaining $2.5 million in the original budget, over $ 1 million is for project management and evaluation/audit. This leaves only $1.5 million for the remaining four components.

3. The project pipeline is very large. The pipeline is almost $3.5 million, although only $1.5 million of that amount is unearmarked. There are some specific line items that should be followed up on. For example, the MACS reports shows $0 expenditure for the Carter Center cooperative agreement even though they have been implementing activities for almost one year. The same is true for the IHRLG study, the USIS press training and the Bratton MER study.

4. The $252,000 in "other planned activities" line item includes:

Commitment	$US
Carter Center amendment	127,000
Radios for elections	100,000
South Africa trng. conf.	25,000

5. The "Available for Programming" represents the total unearmarked minus the other planned activities. This represents the best guess at remaining funds available for programming under the project. This does not, however, include funds that may become available due to de-commitments and de-earmarks (for example, part of the JE Austin contract).

ANNEX IX

DONOR GOVERNMENT COORDINATION FRAMEWORK AND LIST OF MAJOR AID AGENCY ACTIVITIES

ANNEX X

DOCUMENTS AND PUBLICATIONS

Asmelash Beyene. "Some Notes on the Evolution of Regional Administration in Ethiopia," Development Research, IX, 1 (1987).

Barkan, Joel D. and Michael Chege, "Decentralizing the State: District Focus and the Politics of Reallocation in Kenya," Journal of Modern African Studies, XXVII, 3 (1989), pp. 431-53.

-----. "Nurturing Democracy in Africa: Thirteen Lessons From the Field." Paper Prepared for USAID/REDSO/ESA, Nairobi, 1992.

-----. "Statement to the Senate Committee on Foreign Relations, Subcommittee on International Economic Policy, Trade, Oceans and Environment." Paper Presented to the US Senate, Washington, D.C., February 22, 1994.

-----. "Statement to the House Committee on Foreign Affairs, Subcommittee on Africa." Paper Presented to the US House of Representatives, Washington, D.C., February 24, 1994.

Bratton, Michael. "Proposed Monitoring and Evaluation Framework for USAID/Ethiopia's Democracy/Governance Support Project." Paper Prepared for D/G Project, USAID, Addis Ababa, February 25, 1994.

Brinkerhoff, Derick W. and Marcus D. Ingle, "Integrating Blueprint and Process: A Structured Flexibility Approach to Development Management." Public Administration and Development, IX (1989), pp. 487-503.

Becker, Robert S. Toward Stronger, More Professional News Media in Ethiopia. Field Reports to USAID, March 27-April 3, 1993, May 8-22, 1993, July 8-22, 1993, J.E. Austin Associates, Inc., 1993.

Cheema, Shabbir and Rondinelli, Dennis. Decentralization and Development. London, Sage, 1983.

-----. Dennis Rondinelli, John Nellis and G. Shabbir Cheema. Decentralization in Developing Countries. Washington, D.C.: World Bank, Staff Working Paper 581, 1984.

Clapham, Christopher. Transformation and Continuity in Revolutionary Ethiopia. New York: Cambridge University Press, 1988.

Cohen, John M. and Koehn, Peter H. "Rural and Urban Land Reform in Ethiopia," African Law Studies, 14 (1977), pp. 3-62.

Cohen, John M. and Koehn, Peter H. Ethiopian Provincial and Municipal Government: Imperial Patterns and Post Revolutionary Changes. East Lansing: African Studies Center, Michigan State University Press, 1980.

-----. "Local Government in Ethiopia: An Analysis of the Problems and Prospects of the Awraja Self Government Proposal, with Particular Emphasis on Rural Change, Local Participation, and Potential Areas of External Assistance." Consulting Report Prepared for USAID, Addis Ababa, 1974.

-----. "Foreign Involvement in Land Tenure Reform: The Case of Ethiopia." In International Dimensions of Land Reform, edited by John D. Montgomery. Boulder: Westview Press, 1984, pp. 169-219.

----- and Richard M. Hook. "Decentralized Development Planning in Kenya." Public Administration and Development, VII, 1 (1986), pp. 77-93.

----- and N. Isaksson. Villagization in the Arssi Region of Ethiopia. Uppsala: Swedish University of Agricultural Sciences, Rural Development Studies No. 19, 1987.

---. Integrated Rural Development: The Ethiopian Experience and the Debate. Uppsala: Scandinavian Institute of African Studies, 1987.

----- and N. Isaksson. "Food Production Debates in Revolutionary Ethiopia." World Development, XIII, 12 (1985), pp. 1211-30.

Fecadu Gadamu. "Ethnic Associations and the Urban/Rural Relationships: With Special Reference to the Alemgana-Walamo Road Construction Association." Unpublished Ph.D Dissertation, University of London, 1972.

Fesler, James W., "Centralization and Decentralization," in International Encyclopedia of the Social Sciences, edited by David L. Sills. New York: Macmillian, 1968, pp. 370-79.

Fox, Leslie M. et al, "An Assessment of USAID's Capacity for Rapid Response in Support of African Civil Society." Paper Prepared by Associates in Rural Development for USAID, Democracy and Governance Program, Washington, D.C., January 7, 1994.

Hamer, John H. "Prerequisites and Limitations in the Development of Voluntary Self-Help Associations." Anthropological Quarterly, XLIX, 2 (19976), pp. 110-26.

Harbeson, John W. The Ethiopian Transformation: The Quest for the Post-Imperial State. Boulder: Westview Press, 1988.

-----. "Ethiopia's Democratic Transition: A Preliminary Assessment." Paper Prepared for USAID/REDSO/ESA, Nairobi, February 26, 1994.

-----. "Ethiopia's Democratic Transition: A Preliminary Assessment." Executive Summary Memorandum, Nairobi, USAID/REDSO/ESA, February 26, 1994.

Henze, Paul B. "Marxist Disaster and Cultural Survival in Ethiopia." Problems of Communism, (Nov.-Dec. 1990), pp. 66-80.

-----. "The Ethiopian Revolution: Mythology and History." Northeast African Studies, XII, 2-3 (1990), pp. 1-15.

-----. Ethiopia in 1990 -- the Revolution Unraveling (Santa Monica: RAND Report P-7707, March 1991.

-----. Ethiopia in 1991 -- Peace Through Struggle. Santa Monica: RAND Report P-7743, 1991.

-----. The Defeat of the Derg and the Establishment of New Governments in Ethiopia and Eritrea. Santa Monica: Rand Report P-7766, 1992.

Howard, W.H.E. Public Administration in Ethiopia: A Study in Retrospect and Prospect. Groningen: J.B.Wolters Press, 1956.

Huntingford, G.W.B. The Historical Geography of Ethiopia: From the First Century AD to 1704. Oxford: Oxford University Press, 1989.

Huntington, Samuel P. "Political Development in Ethiopia: A Peasant-Based Dominant-Party Democracy?" Report Prepared for USAID/Ethiopia, Addis Ababa, May 17, 1993.

Imperial Ethiopian Government. Statistical Abstract 1964. Addis Ababa: Central Statistical Office, 1965.
International Development Association."Emergency Recovery and Reconstruction Project." Memorandum and Recommendation Prepared for the Executive Directors, Report P-5702-ET, Washington, D.C., March 9, 1992.

International Human Rights Law Group. "Ethiopia in Transition: A Report on the Judiciary and the Legal Profession." Report Prepared by the IHRLG, Washington, D.C., January 1994.

J.E. Austin Associates, Inc., "Ethiopian Media Survey Results." Report Prepared for USAID, J.E. Austin Associates, Inc., 1994.

Johnston, Kevin, "Summary Notes on NDI Activities and Plans in Ethiopia Under Aid Contract Number 623-0007-G-00-3145." Internal

Memorandum, National Democratic Institute for International Affairs, March 25, 1994.

Keller, Edmond J. Revolutionary Ethiopia: From Empire to People's Republic. Bloomington: Indiana University Press, 1988.

Korten, David C. "Community Organization and Rural Development: a Learning Process Approach." Public Administration Review, XL, 5 (1980), pp. 450-511.

Makau Mutua. Ethiopia in Transition: A Report on the Judiciary and the Legal Profession. Report Prepared by the International Human Rights Law Group, Washington, D.C., January 1994.

Mishra, Satish Chandra. "Public Expenditure Implications of Regional Economic Devolution." Report Prepared as Part of the Public Expenditure review, USAID/REDSO, Addis Ababa, June 1993.

Morrison, Steve. "Training of Oromo Lower Court Judges in Nazret" (Internal USAID Memorandum, Addis Ababa, April 13, 1993.

National Democratic Institute for International Affairs and the African-American Institute and the African-American Institute. An Evaluation of the June 21, 1992 Elections in Ethiopia. Washington, D.C.: NDIIA, 1992.

Pausewang, Siegfried et al. Ethiopia: Options for Rural Development. London: Zed Books Ltd., 1990.

Picard, Louis A. "Regionalization in Ethiopia: Preparation of a Strategic Action Plan." Paper Prepared for the United Nations Development Programme, Management Development Programme, New York, May 3, 1993.

Regional Affairs Sector. The System of Regional Administration in Ethiopia. Addis Ababa: Prime Minister's Office of the TGE, January 1994.

Reintsma, Curt, Susan Settergren and Samuel Tadesse. "Program Performance Monitoring and Evaluation Plan: USAID/Ethiopia." Report Prepared for USAID/Ethiopia, Addis Ababa, March 1993.

Rondinelli, Dennis A., et al. "Analyzing Decentralization Policies in Developing countries: A Political-Economy Framework." Development and Change, XX (1989), pp. 57-87.

Rosen, Charles B. "Warring With Words: Patterns of Political Activity in a Northern Ethiopian Town. Unpublished Ph.D Dissertation, University of Chicago, 1974.

Silverstein, Jerry M. Public Sector Decentralization: Economy, Policy Reform and Sector Investment Programmes. Washington, D.C.: World Bank, Technical Paper No. 188, African Technical Department Series, 1992.

Solomon Bekure. "Priming the Pump of Economic Growth: A Strategy for Agricultural Development in Ethiopia." Paper Presented Symposium on Economic Development in Ethiopia During the Transition Period, Africa Hall, Addis Ababa, January 1992.

Stommes E. and Seleshi Sisaye. "The Administration of Agricultural Development Programmes: A Look at the Ethiopian Approach." Agricultural Administration, VI, 3 (1979), pp. 253-28.

Sweet, C. F. and P. F. Weisel. "Process versus Blueprint Models for Designing Rural Development Projects." In International Develiopment Administration: Implementation Analysis for Development Projects, edited by G. Honadle and R. Klauss. New York: Praeger, 1979, pp. 127-45.

Transitional Government of Ethiopia. Ethiopia's Economic Policy During the Transitional Period. Addis Ababa: Government Printer, November 1991.

USAID. Ethiopia Democracy/Governance Support Project. Project Authorization Paper No. 663-0007, USAID Mission, Addis Ababa. May 16, 1992.

-----. "Project Grant Agreement Between Transitional Government of Ethiopia and the United States of America for 'Ethiopia Democracy/Governance Support Project.'" Annex 1. Project Agreement, Addis Ababa, September 28, 1992.

-----. Back to the Future. Concept Paper, USAID/Ethiopia Mission, Addis Ababa, June 10, 1993.

United Nations Development Programme. "Programme Document: Support to Economic and Financial Management." Paper Prepared by the UNDP Mission, Addis Ababa, n.d.

-----. "Management of Economic and Technical Change in Both Public and Private Sectors: Annex 2 Sub-Programme on Participatory Regional Development." Project Document Prepared by UNDP, Addis Ababa, June 1993.

-----. "TGE National Programme for Management of Economic and Technical Change (METC)." Discussion Paper on the Supplementary Funds Requirements for the Ethiopian Regionalisation Process, Addis Ababa, n.d.

World Bank. Ethiopia's Economy in the 1980s and Framework for Accelerated Growth. Washington, D.C.: Country Operations Division,Eastern Africa Department, Africa Region, Report No. 8062-ET, March 14, 1990.

-----. "Memorandum and Recommendation of the President of the International Development Association to the Executive Directors on a Proposed Credit of SDR 104.9 Million to Ethiopia for an Emergency Recovery and Reconstruction Project." Paper Prepared by the World Bank, Report No. P-5702-ET, March 9, 1992.

ANNEX XI

INDIVIDUALS CONSULTED

Amare Aregawi	Ethiopian News Agency Ministry of Information
Andreas Eshete	Inter Africa Group
Bayne Petros	GPDM - Southern Coalition
Bass, Mark	Ambassador, US Embassy
Barkan, Joel D.	Department of Political Science, University of Iowa, former REDSO D/G Advisor
Bonner, Margaret	Director, USAID Mission/Ethiopia
Carper, Jeremy L.	United States Information Service
Demissie Tsegaye	New Journalists Association Editor, Addis Zemen
Douglas, William	Program Officer, USAID Mission/Ethiopia
Eshete Chole	Economics Association
Girma Wakjira	Chief Special Prosecutor
Ibrahim Idris	Dean, Addis Ababa University Law School Director, Ethiopian Human Rights and Peace Council
Harvey, Laura	D/G Office, USAID Mission/Ethiopia
Henderson, Pablo	Carter Center at Emory University
Howland, Todd	SPO Office
Jakob Haile Mariam	Ad Hoc Committee for Peace and Development
Johnston, Kevin	National Democratic Institute for International Affairs
Lutterbeck, Steve	National Democratic Institute for International Affairs
Kemal Bedri	President of the Supreme Court

Kifle Wodajo	Chairman, Constitutional Commission
Mohamid Jimbari	Regional Bureau Office, Office of the Prime Minister
North, Walter	Deputy Director, USAID Mission/Ethiopia
Olsen, Richard	US Embassy
Russell, Issac	United States Information Service/Ethiopia
Schmidt, Axel	Friedrich Ebert Stiftung
Tafari Wossen	WAAG Communications
Tucker, Stevens	D/G Office, USAID Mission/Ethiopia
Vanessa Badria	Inter-Africa Group
Yacob Haile Mariam	Head Ad Hoc Committee for Peace and Development