Measuring political and economic institutions in Ethiopia: c.1888 –2016

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Abstract

This paper presents the first ever set of indices of political and civil rights and land rights in Ethiopia spanning more than a century. We have extracted information from legal texts and historical records. Then we quantified legislative developments in an attempt to objectively measure de jure political and economic institutions over the existence of the modern Ethiopian state. The results show that political institutions have improved gradually even though there is a tendency of retracting some rights recently. Land rights have never been more extensivethan in the 1960s. The land reform of the late 1970s achieved a more equitable distribution of land at the expense of a shrinking set of rights.

1 Introduction

The chorus of voices testifying to the importance of institutions for economic development has grown significantly over the past two decades (Knack and Keefer (1995), Hall and Jones (1999), Acemoglu and Robinson (2012)). However, the measurement of institutions has been far from consensual. The main challenge emanates from the fact that institutions, as rules of the game, are too intangible to be disentangled from the outcomes they help produce (Glaeser et al, 2004). The subjective measures that are often used to measure institutions tend to conflate rules with outcomes. If we have to treat institutions as ‘humanly devised constraints that structure political, economic and social interactions’¹, it could be misleading to measure institutions using perception-based indicators that are more likely to be dictated by de facto outcomes than initial constraints. In this context, de jure institutions represent constraints better than de facto institutions. It is crucial to note that de jure measures can be far off what is

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actually enforced. And, in most cases, what matters for economic development is the enforcement of existing rules. However, the types of constraints that are in place are part of the social and political process that lead to differential de facto institutions. Therefore, we deem it important that we study de jure institutions as an essential component of the political and economic equilibrium in a given society.

This paper documents the evolution of political and civil rights and land institutions in Ethiopia since the end of the 19th century. It also presents the measurement of political instability since 1970. Since we are focusing on de jure institutions, we base our measurement on legislations that have been enacted by the Ethiopian state. We follow Fedderke et al. (2001) to employ a leximetric approach to code the wealth of qualitative information contained in legal texts. The coding is performed against a set of standardized normative criteria that are informed by the liberal notion of political and economic rights.

Ethiopia’s history as one of only two African nations that were not colonized by a western power allows for a unique vantage point to examine the evolution of institutions in the absence of a colonial past. Given much of the recent literature on institutions and economic development emphasize ‘the colonial origins of comparative development’, the Ethiopian case may provide a quasi-experimental scenario to investigate the causal link between historical institutions and development more rigorously. This paper, combined with similar papers measuring de jure institutions in other African countries, can be instrumental in shedding light on the dynamics of institutional change in developing countries in different historical contexts.

To measure political and civil rights, we start with Bollen’s definition of democracy to adopt the first seven subcomponents: voting rights/franchise, freedom of association, freedom of assembly, freedom of expression, extension of arbitrary executive power, freedom of movement. We then expand the list to include other five subcomponents that have been known to determine the level of liberty and the rule of law in a society: independence of the judiciary and legislature, academic freedom, limit of government secrecy/indemnity, due process of law, and freedom of religion. Our definition of land rights borrows from Honore’s notion of full liberal ownership consisting of seven basic subcomponents in line with the bundle of rights approach: the right to possess, the right to use, the right to manage, the right to capital, the right to security, the incident of transmissibility, and liability to execution. We attempt to measure political instability objectively using headcount statistics on war related fatalities, politically motivated fatalities, and politically motivated detainees.

Different subcomponents of political and land institutions are scored on

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scales ranging from 0-5 to 0-20 depending on the presumed centrality of the subcomponent to the institutional structure. The scoring was dictated by standard gradients adopted at the outset for all indicators. If a certain right is neither recognized nor denied formally, an average score will be given to that particular indicator. Accordingly, since few legislations of any sort had been passed at the beginning of our time-series for Ethiopia, we consider most political and civil rights were neither recognized nor denied. Hence, they are assigned the average score for that particular indicator. In the case of land rights, the Ethiopian kings had used the ‘Law of Kings’, which they adopted from Egypt in the 15th century, to adjudicate on property matters. Therefore, the provisions of the ‘Law of Kings’ in each area of land rights are scored to determine the state of land rights at the beginning of the series. Every new legislative development since the beginning of the series is scored based on whether it expands or restricts a particular right.

Our documentation and analysis show that formal lawmaking took root in Ethiopia slowly with the consolidation of the modern state during the first half of the 20th century. Despite the country have maintained an independent and cohesive polity, at least, since the mid-19th century, a modern state has not emerged in earnest until the first half of the 20th century. This was possibly due to Ethiopia’s geographic location in the midst of a fragmented and colonized region and the corresponding absence of regional political dynamics that have fostered state-building in Europe (Tilly (1992), Herbst (2000)). Following the arrival of modernizing influences through education and diplomacy, the imperial regime attempted to introduce a few liberal institutions both in the political and economic domains towards the end of its tenure. The military regime that put an end to monarchic rule was successful in rectifying the highly unequal distribution of land when it took power in 1974. However, private property rights and political rights took a hit through most of military rule that lasted for 17 years. De jure political and civil rights have improved substantially since the downfall of the military regime in 1991. However, land rights have remained significantly restricted with state ownership of land enshrined in the constitution.

This paper falls in a series of papers aimed at documenting and analyzing the evolution of de jure institutions in Africa over a long period of time. It is the first attempt to quantify political and economic institutions in Ethiopia going back to a time when the state was established in its current form. Although the scope of our study is limited to de jure institutions, the data we have produced can be crucial to form a benchmark against which enforceability and de facto institutions are analyzed. Other researchers can easily replicate, revise or update the data we present in this paper using the data collection template, raw data and scoring criteria we provide as a companion to the paper.

The paper proceeds as follows. Section two presents a historical overview of the political economy of Ethiopia. Section three presents our data on the evolution of political and civil rights. Section four is devoted to exploring political instability in Ethiopia since 1970. Section four presents our data on the evolution of land rights. Section five dwells on a brief synthesis analyzing the
co-movement of political and land rights. Section six concludes.

2 The political economy of modern Ethiopia: a historical overview

Ethiopia, in its current territorial form (except for the secession of Eritrea in 1992) was consolidated around the end of the 19th century when Emperor Menelik II (1889-1913) gained control over much of present day Ethiopia and began building a modern state. The ancient kingdom did not fully embark on the path of modernization until the end of the 19th century, hampered by substantial inertia caused by traditional elites, religious beliefs and isolation from established civilizations. The socioeconomic structure and non-progressive ideas of the ruling elites had for centuries held down the formation of a strong middle class that can carry out the task of modernization in Ethiopia (Teferra, 1990). Political power had always been concentrated in the hands of the Northern and central dynasties ensconced at the center of the patronage network of the landed nobility. For most part of its history, political power in Ethiopia was amalgamated with economic influence emanating from access to land and state resources.

As modernization picks up pace around the turn of the 20th century and through the reign of Emperor Haile Selassie I (1930-1974), a dual economy was born which comprised a commercialized urban core, centered mainly around Addis Ababa, and a pre-capitalist rural periphery (Zewde, 2001). Eventually, this duality contributed to the alienation of those in power from the vast majority of Ethiopians who were still rooted in a traditional economic and sociocultural complex. Regarding the political system of the period, Davis (2008) argues that Haile Selassie I was the pioneer in exercising neopatrimonialism, a practice inherited by the next two regimes in a different guise and context. For the most part of the 20th century, the Ethiopian state was characterized by extreme concentration of power around the ruler, and a minimal degree of independent bureaucratic policymaking.

The renewed effort to bring about socioeconomic transformation after the middle of the 20th century was embodied by the adoption of three consecutive Five Year National Plans. These plans had a certain liberalizing effect. But they were generally ineffective in terms of bringing meaningful socioeconomic development for the rural poor. The extra focus paid to industrialization at the expense of agriculture could not yield substantial reward. Rahmato (2009) argues that loosening attention towards smallholder agriculture and prioritizing mechanization as the principal route to developing the agriculture sector was a move in the wrong direction. According to Rahmato (2009), such an approach to land was ineffective in bringing economic growth and social change to the country in general and to the farming community in particular.

This led to the festering of discontents all around the country which culminated in the 1974 revolution spearheaded by a radical student movement. As formidable as it was in spreading its populist transformation ideology, the stu-
dent movement lacked the organizational base to launch effective change. “The forces that undermined and finally brought down the old order were pathetically unable to propose a viable replacement” (Wgaw, 1979). The military establishment was the only coherent and viable institution that had been built by the Emperor; and it was the strongest one of those who stepped forward to take advantage of the revolution and grab power. The intellectual movement was aggressively side-tracked by the military junta as the line officers who hijacked the revolution consolidated their power by executing many of their internal opponents. The military regime, known as Derg, enacted a series of radical reform measures across the economy as it adopted a socialist ideology officially.

Due to the highly centralized political structure Haile Selassie had installed in the country, from the beginning, the Derg had to contend with ethnic-based guerrilla movements fighting for decentralized governance in most of the peripheral regions of the country. Besides, at least two other nationalistic paramilitary organizations put up a stiff challenge to the military regime. Thus, in the name of restoring unity and order, the government set as a primary objective bringing the country under complete control which eventually launched it on a fully authoritarian trajectory. In due course, the leader of the regime, Mengistu Hailemariam, consolidated personal power through extreme ruthlessness. Thus, the hierarchy-based economic relationship of the imperial regime was replaced by one based on coerced compliance and fear, resulting in an even less politically accountable entity (Davis, 2008).

Though one of the hallmarks of Derg’s tenure was its land reform, it was accompanied by the formation of peasant associations which were created to maintain coercive control over the rural society. The move to deliver social justice through redistribution of resources was overshadowed by the increasing inefficiency of the centralized system as well as the political oppression exercised across the country. The domestic groundswell of disillusionment coincided with the demise of socialist regimes across the globe to finally bring an end to the Derg regime in 1991.

The fall of the Derg regime was followed by the adoption of a transitional charter and the secession of Eritrea. During the transitional period, the Ethiopian Peoples Revolutionary Democratic Front (EPRDF) emerged as the de facto linchpin of the new regime and has gone on to lead the country ever since. The end of the transition period was marked by the promulgation of an ‘ethno-federal’ constitution in 1995. In spite of its official endorsement of capitalism, pluralism and a realigned foreign policy, the EPRDF is considered to have remained a Leninist-structured and controlled party. For instance, Young (1998) argues that the EPRDF not only oversees the public bureaucracy but also has a formative influence over regional parties. Similarly, Abbink (2006) claims that the regime has retained some aspects of its Marxist-Leninist past. He further argues that the regime has become entrenched to the extent that power, ideology and material interests have coagulated into a structure that inhibits democratization.

The state has adopted a series of progressive economic policies to enhance infrastructure investment and social spending since the mid-2000s. As a result, the
economy has grown significantly over the last decade. The rise in growth numbers has been matched by a sizeable improvement in public health conditions and the delivery of basic and higher education. However, the lack of equivalent development in governance institutions appears to have produced rent-seeking problems that threaten to offset the gains from growth in the medium and long runs. Politically, the failure in effectively implementing the federal structure has been bedeviling the legitimacy of the state. Aalen (2002) contends that because the constitution allows for the same party organizations to operate at both federal and regional levels in Ethiopia, it has opened room for the ruling party’s elite to exercise control over both local and national matters, at the expense of provincial autonomy. This appears to contradict with the devolved power structures of a federal system. Although the rational of the federal system sounds noble, the implementation of the elements of the reform-expenditure assignment, revenue assignment, intergovernmental fiscal transfer and subnational borrowing- is flawed (Chanie, 2007).

3 Political and civil rights in Ethiopia

The dynamics of political institutions is often characterized by a punctuated equilibrium. This means, political institutions are defined by extended periods of stasis which are sometimes interrupted by rapid and notable changes. The periods of stasis are likely to coincide with the reign of a particular regime. Table 1 presents the periodization of the political history of Ethiopia since the beginning of the 20th century. The evolution of specific political and civil rights in Ethiopia, which is presented in the following paragraphs, should be taken in conjointly with the periodization of regimes and political landmarks in Table 1. The long reign of the Solomonic dynasty came to an end in 1974 when Haileselassie was deposed by the military junta. Therefore, the political history of 20th century Ethiopia can be described as the final chapter of the ancient monarchy followed by a chaotic period of military rule, civil war and experimentation with democracy.

The modern Ethiopian state took shape towards the beginning of the 20th century. The state started adopting the fixtures of western states as the interaction of the ancient empire with the rest of the world increased through Ethiopians who had travelled abroad and through the influence of European expansion in Africa. Hence, the time before the Italian occupation of 1936-41 can be considered the formative age of the modern Ethiopian state with little formal political institutions. After the brief occupation by Italian forces was over and the crown was restored, Hailesilassie began the task of consolidation in earnest with a series of modernization measures. The aura of invincibility that used to surround the monarchy was shattered when a major coup was attempted in 1960. The aborted coup was followed by a few reform measures. However, the aging regime could not cope up with the demands for reform emanating from a changing society situated in a fast changing world. Therefore, the period between 1960 and 1974 was characterized more by rebellion than reform.
The installation of military rule in 1974 interrupted the slow process of developing liberal political institutions. The country had to take a detour through a bloody and chaotic communist experiment for 17 years until 1991. The downfall of Derg happened around the time when the ‘Third Wave of democratization’ was sweeping across the developing world. Hence, it was not difficult for the new regime to quickly adopt the trappings electoral democracy. However, the democratic experiment has not been without glitches. Following the violent aftermath of a highly contested election in 2005, there has been a notable retreat towards a more authoritarian path.

Figures 1-4 show that basic political rights follow a roughly similar trend of gradual improvement towards the middle of the 20th century, followed by a sharp deterioration around the military takeover and a general improvement since EPRDF came to power. In these and all other indicators of political and civil rights, a score of zero is assigned to the years of Italian occupation since the sovereignty of the state was suspended during that period. The extended process of securing voting rights began with the promulgation of the first constitution in 1931. The franchise was not extended fully until the current constitution was ratified in 1995. In contrast, as Fig 2 shows, the move to secure freedom of association began much earlier with various forms of association already allowed in the 1950s and 1960s. Considering that freedom of expression, shown in Fig 4, reached a much higher level in the 1950s and 1960s than it does today, we can view the middle of the 20th century as the time when modern political institutions started taking root. The finer and more frequent changes in freedom of association indicate the role of organizations in political development and the extent to which regimes use legislation to control the right to organize.

The extent of arbitrary executive power is shown, in Fig 5, to have increased since the emperor consolidated his power in the mid-1950s until the military regime promulgated its short-lived constitution. The 1955 revision of the constitution granted the Emperor supreme power in a way that has set the stage for the practice of legislating despotism in subsequent decades. The shifts in arbitrary executive power coincide with the promulgation, revision or suspension of different constitutions, suggesting that executive authority is often restricted by a constitution at a de jure level. Fig 6 shows that the de jure provisions on the independence of the judiciary or the legislature were challenged at times of transition such as 1974 and 1991. Although it takes a lot more information to ascertain the actual level of independence of the judiciary and the legislature, it can be seen that various regimes have used their constitutions to avow the independence of the two branches of government.

There has not been much legislation explicitly delimiting the extent of government secrecy. The only proclamation that has dealt with the issue of access to information came out in 2008 in the form of the Freedom of Mass Media and Access to Information proclamation. Fig 8 depicts that due process of law attained a higher level in the 1960s than it has today. The anti-terrorism proclamation of 2009 has notably undermined due process of law significantly. Taken together with similar trends in basic political rights such as freedom of association and freedom of expression, the relatively strong state of due process of
law in the 1960s demonstrates that the imperial regime was eventually moving towards securing more political and civil rights.

Overall, Fig 9 displays that de jure political and civil rights have improved over the past century except for the significant deteriorations around the regime transitions in 1974 and 1991. At a de jure level, even the military regime had gradually come to recognizing most rights in its belated constitution. Lately there is a slight decline in overall political and civil rights. Considering the fact that the deterioration happened following the contested elections in 2005, it seems the government decided to adjust de jure institutions to somehow fit the de facto political space it is willing to open up.

4 Political instability in Ethiopia

The measurement of political instability based on objective numbers of fatalities and repressive acts is prone to availability bias due to the disproportionate reporting of such events in recent times. Therefore, we have limited the timespan of the political instability data to 45 years, just in time to capture the instability caused by the 1974 revolution.

Fig 10 shows the one-year moving average of the log of war-related fatalities since 1970. The data is smoothed using the moving average method because the effect of political events in terms of instability would normally last for over a calendar year. Hence, as it is shown in Figures 10-12, the smoothed data paints a general picture regarding the state of political stability every half decade or so. The spikes in the log of war-related fatalities occur during the second half of the 1970s and 1980s, a period marked by a civil war, as well as the early 2000s, which represents the Ethio-Eritrean war. There are a few recent upticks that have been caused by sporadic skirmishes around the eastern and northern borders.

The number of politically motivated deaths follows the same trend as war-related fatalities. Fig 11 shows that the second halves of the 1970s and 1980s saw the highest numbers of politically motivated fatalities. Following the advent of (partial) democracy, the incidence of politically motivated deaths started increasing gradually to have peaked around 2005. That is the time when a highly contested election was followed by violence. Fig 12 shows that the log of politically motivated detainees has spiked recently to a level that is even higher than what was recorded during the military regime. This is partly due to availability bias caused by the rigorous reporting of political repression by international agencies such as Human Rights Watch and Amnesty International in recent times. However, it should still be noted that political detention has significantly increased since the contested elections in 2005.
5 Land rights in Ethiopia

For most of the history of Ethiopia, the inalienable right to land rested with the clan and community. The ‘rist’ system provides possession and use rights on a certain land to the descendants of a given ancestor. This type of tenure was most prevalent in the Northern part of today’s Ethiopia where the ancient empire had reigned over for several centuries. As the empire expanded gradually through war and conquest, various monarchs were able to divide the newly seized territory into private, church and state land. In addition to the above holding rights, the nobility were assigned certain economic rights on land, which entitled them to a portion of the produce of the land in which others held inheritable rights. Land was increasingly becoming private property during the last days of the imperial era until the military regime abolished private ownership of rural land in 1976. Public ownership of land has continued to be the law of the land to date.

Fig 13 shows the evolution of the right to possess beginning in 1888 when land rights were governed by the ‘Law of Kings’. This basic right was undermined only on two occasions throughout the past 128 years since the coronation of Menelik II as emperor. The first occasion was the institution of the land tax law in 1942 which empowered the state to disposes individuals of land for failure to pay tax on it. Right to possess improved again in just seven years’ time when one-third of every holding was rendered exempt from taxation. The second occasion where the right to possess was undermined was the enactment of the urban planning proclamation of 2008 which authorized the state to disposes individuals of urban land against compensation. The right to possess has expanded again in 2011 when the urban lease holding proclamation opened more avenues to possess land. Fig 14 shows that the urban planning proclamation has also affected the right to use. The other piece of legislation that reduced the right to use came in the form of the income tax amendment proclamation of 1967. The potential tax burden that was caused by the proclamation limited the use of land for agricultural activities.

The nationalization of land in 1976 affected the right to manage significantly. While the rights to possess and use are recognized within the public property regime, individuals were not allowed to rent, manage or inherit land save for a limited number of exceptions. Fig 15 shows that the right to manage attained its pre-revolution level only in 2005 when a proclamation expanded the rights of peasants to use and manage their land to the extent of leasing it out to third party investors. However, that class of right was again restricted in some sense by the urban land lease proclamation of 2011. As Fig 16 shows, the decline of the right to capital to zero on the quantitative scale epitomizes the implications of the nationalization of land in 1976. The current constitution also prohibits the sale and exchange of land which makes the cornerstone of its provisions on land.

The right to security is arguably the most consequential component of property rights as far as investment and economic development is concerned. The earliest improvement in the security of land rights came in 1928 when a decree
established the sanctity of ‘rist’ by guaranteeing the holder against expropriation even in the case of crime against the state. As the first major move to formalize the adjudication of land issues in a coherent legal framework, the civil code of 1960 restricted the right to security substantially by allowing ‘competent authorities’ broader latitude for expropriation. Recent years have seen more fluctuation in the right to security as a number of proclamations on land were issued since 2003. The issue of expropriation for public use has been behind much of the fluctuation recently. Given the changes in legislation happened around a time when there was significant economic growth, it appears the state was tweaking the legal framework in an attempt to balance public purpose and the security of individual holdings.

The incidence of transmissibility is closely related to the right to capital since both involve the transfer of ownership for good. Therefore, as Fig 18 shows, incidence of transmissibility was significantly reduced as land was nationalized, and therefore, the right to inherit was substantially restricted. The right to inherit has improved recently with the revision of the land law in 2005. The liability of execution represents the right of others to lay claim on one’s property for debt. Although it is a routine feature of contract enforcement, in the ideal liberal scenario, the liability of execution may be considered an infringement on one’s property right. Accordingly, Fig 19 shows that the recognition of liability to execution as part of the tax proclamation in 1942 reduced tenure security. The security against execution attained its highest level ever, albeit for a brief period, when the current constitution was promulgated.

Overall, it can be seen in Fig 20 that private property rights on land were most extensive in the imperial era when formal legislation was limited and the practice of property accumulation was similar to the frontier lands of the ‘new world’. However, it should be noted that most of the ‘rights’ were actually privileges of the nobility. The lack of legislative activity on land matters prior to the 1940s which is demonstrated by the long flat lines in Figures 13-20 indicates that customary institutions were more dominant than formal institutions in governing land rights until mid-20th century. The set of land rights shrank dramatically with the nationalization of land in 1976. The current regime has tweaked the land law on various occasions while it kept land under state ownership. Generally, land rights today remained more restricted than they were four decades ago.

6 Political and economic developments in modern Ethiopia

Ethiopia has transitioned from absolute monarchy to military dictatorship to partial democracy during the last 42 years. The fundamental social contract has kept changing through those three types of regimes. During the imperial era, the emperor was the sovereign. The political space was regulated according to the will of the emperor. The military regime adopted socialism as a governing
ideology which seems to have transferred sovereignty to the working class. The current constitution recognizes the nations, nationalities and peoples of Ethiopia as sovereign. This implies that the social contract has expanded through time. However, the Ethiopian state has been characterized by contested legitimacy ever since the revolution in 1974 (Sarbo 2009).

During the imperial era, both the political and economic spaces were accessible only to a few. Therefore, many of the de jure institutions were relevant only to those who have access to those spaces. That is part of the reason, as Fig 21 shows, that the correlation between political rights and land rights was the highest during the last decades of the imperial era. The fundamental social change that was caused by the 1974 revolution plunged political and land rights into a very low level for a certain period. In the meantime, the military regime achieved its goal of land redistribution. But it did not turn ownership of land to the people as it professed. It rather kept land property of the state in manner that it can serve as a means of control. Although de jure political rights have recovered eventually, land right remained closely tied to the state.

The current constitution has further expanded the de jure political space. However, much of de facto power has remained in the hand of a single party. This means de facto access to the political space is more restricted than what de jure institutions provide for. There has been a growing tendency to use land as a source of rent even though land remains the property of the state constitutionally. Some of the legislative changes that have been made during the past decade increased the power of the elites to use land as a source of rent. This coincided with the retraction of some political and civil rights towards the second half of the 2000s. The regime have used a double-pronged strategy of regulating access to economic resources and controlling the political space to reconcile the facade of a multiparty system with the reality of a dominant party system.

7 Conclusion

Measuring institutions at de jure level is expected to clear the confusion of constitutional constraints with observed outcomes that bedevils many empirical studies. Although the enforceability of written laws remains critical for political and economic development, it is important to distinguish between the effects of de jure and de facto institutions. In this spirit, the current study has attempted to document and analyze the evolution of political and civil rights and land rights in Ethiopia since the end of the 19th century. We used a leximetric approach to code and quantify mostly qualitative information extracted from legal texts.

The results show that political and civil rights emerged slowly as the nation state was consolidated and the state modernized in the first half of the 20th century. These rights experienced significant downswings due to tumultuous regime transitions in the second half of the last century. Even if the current regime adopted constitutional democracy as a system of government 25 years
ago, political and civil rights remain precarious in Ethiopia. The bundle of land rights had attained a decent level of breadth five decades ago. However, those rights have remained seriously constrained since land was nationalized in 1976.

References


Table 1: The periodization of political regimes and major developments

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<tr>
<td>Regime type</td>
<td>The Solomonic dynasty</td>
<td>Italian occupation</td>
<td>The Solomonic dynasty</td>
<td>Derg’s regime</td>
<td>EPRDF’s regime</td>
<td>Absolute monarchy</td>
<td>Communist dictatorship</td>
<td>Partial democracy</td>
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<tr>
<td>Defining feature</td>
<td>Formative age of modern Ethiopia</td>
<td>Restoration and consolidation</td>
<td>Reform and rebellion</td>
<td>Military rule</td>
<td>Belated effort at institutionalization</td>
<td>Transition</td>
<td>Reluctant liberalization</td>
<td>Retreat to de facto one party state</td>
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Figure 1: The index of voting rights

Figure 2: The index of freedom of association
Figure 3: The index of freedom of assembly

Figure 4: The index of freedom of expression
Figure 5: The extent of arbitrary executive power

Figure 6: The independence of the judiciary and legislature
Figure 7: The index of government secrecy

Figure 8: The index of due process of law
Figure 9: Aggregate index of political and civil rights

Figure 10: War-related fatalities since 1970
Figure 11: Politically motivated deaths since 1970

Figure 12: Political motivated detainees since 1970
Figure 13: The index of the right to possess

Figure 14: The index of the right to use
Figure 15: The index of the right to manage

Figure 16: The index of the right to capital
Figure 17: The index of the right to security

Figure 18: The index of incidence of transmissibility
Figure 19: The index of liability of execution

Figure 20: Aggregate index of land rights
Figure 21: The co-movement of political rights and land rights